

TOWN PLANNING SCHEME REGULATIONS

FOR

WILDERNESS

MAY 1984

(REVISED 1998)

WILDERNESS DISTRICT COUNCIL
LAND USE PLANNING ORDINANCE 1985
(ORDINANCE 15 OF 1985)

AMENDMENT OF SCHEME REGULATIONS

The Premier has, in terms of section 9(2) of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) amended the Scheme Regulations of Wilderness with effect from 1 May 1997:

ANNEXURE

1. That the words "guest house with 1-4 guest rooms" as a concept was be included under:
 - single residential zone (old Wilderness area);
 - residential zone 1 and agricultural zone 1 (Wilderness Heights, Hoekswil, Touwstroom en Kluiskraai) with the following extra land use restrictions:
 - 1.1 Parking: One parking bay per guest room and two parking bays for owner/drivers must be provided on site.
2. That guest houses with 5-16 guest rooms must apply for rezoning as:
 - general residential uses (Old Wilderness area);
 - "residential zone V (Wilderness Heights, Hoekswil, Touwstroom en Kluiskraai)";
3. That the words "guest house with 5-16 guest rooms" be included in the above-mentioned zones as a primary land use, with the following land use restrictions applicable:

Building lines: The same as single residential zone (old Wilderness) and residential zone 1 and agricultural zone 1 (Wilderness Heights, Hoekswil, Touwstroom en Kluiskraai).

Height restriction: Two storeys (ground floor and one floor above).

Parking: One parking bay per guest room and two parking bays for owner/drivers must be provided on site.
4. That the definitions "guest house" and "guest room" be determined as follows and be included in the definition of the relevant Scheme Regulations:

"Guest house" means a dwelling house/residential building used for bed and breakfast accommodation by means of short term letting of guest rooms to travellers or holidaymakers and can only be utilised as a dwellinghouse when the guest house land use is restricted.

"Guest room" means a room, with the exception of the rooms occupied by the owner/drivers, which was furnished to be used by travellers or holidaymakers by means of short term letting on a bed and breakfast basis.

20 May 1997

LS754

WILDERNIS DISTRIKSRaad:
ORDONNANSIE OP GRONDGERUIEREGULERING, 1985
(ORDONNANSIE 15 VAN 1985)

WYSIGING VAN SKEMA-REGULASIE

Die Premier het ingevolge artikel 9(2) van die Ordonnansie op Grondgeruiregulering, 1985 (Ordonnansie 15 van 1985) die Skema-regulasie van Wilderness, met ingang van 2 Mei 1997, gewysig:

BYLAAS

1. Dat die woorde "gasthuis met 1-4 gastkamers" as vertaling van geboude ingevoeg word onder:
 - enkelwoningone (ou Wildernessgebied);
 - residensiële zone 1 en landbouzone 1 (Wildernishoogte, Hoekswil, Touwstroom en Kluiskraai) met die volgende ekstra grondgebruiksbeperkings, naamlik:
 - 1.1 Parkering: Een parkeerplek per gastkamer en twee parkeerplekke vir die eienaars moet op terrein voorsien word.
2. Dat gasteenhuse met 5-16 gasteenhuse moet aansoek doen vir heroorsig as:
 - algemene residensiële zone (ou Wildernessgebied);
 - residensiële zone V (Wildernishoogte, Hoekswil, Touwstroom en Kluiskraai).
3. Die woorde "gasthuis met 5-16 gastkamers" moet ingevoeg word by landbou zone 1 as 'n primêre gebruik met die volgende beperkings van ontwerp:

Boulyne: Dieselfde as wat in enkelwoningone (ou Wildernessgebied) en residensiële zone 1 en landbouzone 1 (Wildernishoogte, Hoekswil, Touwstroom en Kluiskraai).

Hoogtebeperkings: Twee verdiepings (grondverdieping en een verdieping daerboven).

Parkering: Een parkeerplek per gastkamer en twee parkeerplekke vir die eienaars/dryers moet op terrein voorsien word.
4. Die definisie "gasthuis" en "gastkamer" is as volg bepaal en moet by die woordeboektoewysing van die oorspronklike Skema-regulasie ingevoeg word:

"Gasthuis" beteken 'n woonhuis/woongebou wat gebruik word vir bed en ontbyt akkommodasie in gestruurde deur korttermyn verhuur van die gasteenhuse aan reisigers of vakansiegangers en meer woorde as woonhuis gebruik kan word indien die bedryf gebruik word.

"Gastkamer" beteken 'n kamer met die uitsondering van kamers wat deur die eienaars/renters bewoos word, wat uitsluitlik is om gebruik te word deur reisigers of vakansiegangers deur middel van korttermyn verhuur op 'n bed en ontbyt grondslag.

20 Mei 1997

LS754

TOWN PLANNING SCHEME REGULATIONS

CONTENTS

CLAUSE

1. Definitions
2. General
 - 2.1 Area of Scheme
 - 2.2 Reservation of land (Table "A" - indication on map of uses for which land is reserved)
 - 2.3 Use of reserved land
 - 2.4 Use of land and erection and use of buildings in specified use zones (Tables "B.1 and B.2" - Use Zones, permitted uses and special consents)
- 2.5 Advertisement of intended application for special consent
- 2.6 Saving for special purposes
- 2.7 Purpose of Zoning
- 2.8 Components of the Town Planning Scheme
3. Planning Control
 - 3.1 Agricultural zone
 - 3.2 Single residential zone
 - 3.3 General residential zone
 - 3.4 Special residential zone
 - 3.5 Group Housing zone
 - 3.6 Business zone
 - 3.7 Local business zone
 - 3.8 Commercial zone
 - 3.9 Light Industrial zone
 - 3.10 Industrial zone
 - 3.11 Noxious Industry zone
 - 3.12 Motor garage zone
 - 3.13 Worship zone

- 4. Diverse
- 4.1 Aantal geboue per erf.
- 4.2 Uitsaaiing van geboue.
- 4.3 Oplaat- en afsaaiing.
- 4.4 Gebruik van buitegeboue voor voltooiing van hoofgebou.
- 4.5 Raad se pligte onder skema.
- 4.6 Bediening van dokumente.
- 4.7 Goedgekeurde Dorpe.
- 4.8 Spesiale ontsparingsfasiliteite: Spesiale voorskrifte.
- 5. Spesiale sones op die skema

1. DEFINITIONS

In these regulations

"agricultural building" means a building used or intended to be used in connection with, and which would ordinarily be incidental to, or reasonably necessary in connection with, the use of the site of that building as agricultural land and includes a dwelling-house;

"basement" means that portion of a building the finished floor level of which is at least 2 m below a level halfway between the highest and lowest natural ground levels immediately contiguous to the building;

"block of flats" means a building containing two or more dwelling units;

"building" means in addition to the meaning assigned thereto in paragraphs (a) and (b) of section 2 (xv) of Ordinance 18 of 1976, any structure or erection whatsoever irrespective of its nature or size;

"bulk" means the factor (expressed as a ratio of 1) which is prescribed for the calculation of the maximum floor area as a ratio of the net size or that portion of the net size where the bulk applies;

"business building" means a building used or intended to be used as shops and/or offices and includes banks, professional chambers, doctors' surgeries, stock or produce exchanges, restaurants and buildings designed for similar uses, but does not include places of, assembly, places of amusement, institutional buildings, public garages, service stations, industrial buildings or noxious industrial buildings;

"common area" means land which is intended for the common ownership and for common use of owners of group erven in a group site (or sites) and may include private roads which provide access to all or certain of the group erven;

"council" means the local authority to the area of jurisdiction of which these regulations apply;

"coverage" means the total percentage area of site that may be covered by building, measured over the outside walls and covered by a roof or projection provided that the area covered by a maximum eaves projection of 1 m shall be excluded for the purpose of determining the maximum permissible coverage;

"dwelling-house" means a building containing only one dwelling unit;

"dwelling unit" means a self-contained interreading group of rooms with not more than one kitchen used for the living accommodation and housing of a single family together with such outbuildings as are ordinarily used therewith provided that a maximum of two rooms which are not interreading with the dwelling unit and ~~do not interreading with the dwelling unit~~ and do not include a kitchen, are permissible;

"erect" corresponds with the meaning of "erection";

"erection" with regard to a building -

- (a) the alteration, subdivision or conversion of or addition to a building, and
- (b) the reconstruction or repair of a building which has been ~~totally or partially destroyed or demolished~~.

"floor area" means, with relation to any building or structure, the area which is covered by a roof, slab or projection, excluding a projection not exceeding 760 mm over and outside wall, if such a wall exists, provided that the area which is covered by a canopy or projection on the street side of a business building in the business zone and local business zone will not be considered as floor area - floor area is measured from the outside surface of the walls of a building and where a building has more than one floor, the total floor area will be the total of the floor area of all the floors, including basements;

"ground floor" means the lowest floor of a building not being a basement;

"group housing" means a group of separate and/or linked and/or attached individual dwellings on smaller than conventional even, and planned, designed and built as a harmonious architectural entity with a medium-density character and with structures which may vary between single- and double storeys;

"group erf" means a portion of land in a group site approved for the erection of a dwelling unit as part of a group housing scheme;

"group site" means a portion of land in a group housing zone which can be subdivided into a number of group even with or without public or private street and/or open space;

"guest house" means a dwelling house/residential building used for bed and breakfast accommodation by means of short term letting of guest rooms to travellers or holidaymakers and can only be utilised as a dwelling-house when the guest house land use is exterminated;

"guest room" means a room, with the exception of the rooms occupied by the owner/agent which was furnished to be used by travellers or holidaymakers by means of short term letting on a bed and breakfast basis;

"home-owners' association" means an association with jurisdiction registered in terms of the Companies Act, No. 61 of 1973, membership of which shall be compulsory for all owners of group housing even in the group site (or sites) for which it was established'

"industrial building" means a building, other than a noxious industry building, used or intended to be used as a factory within the meaning of the Factories Act, No. 22 of 1941, and includes any office, caretaker's quarters, or other building the use of which is incidental to, and such as would ordinarily be incidental to, or reasonably necessary in connection with the use of such factory on the same site;

"institutional building" means a building or portion of a building used or intended to be used as a charitable institution and/or the administration thereof, and includes a hospital, clinic or dispensary, whether private or public used in connection therewith, but does not include -

- (a) a hospital, sanatorium, dispensary or clinic for the treatment of infectious or contagious diseases;
- (b) premises licensed under Act No. 18 of 1973 for the detention of mentally handicapped persons, or
- (c) a psychiatric hospital;

"water covered land" means any land over which this town planning scheme applies;

"lateral boundary" of a site or an erf means a boundary other than a street boundary or a rear boundary;

"licensed hotel" means a building designed to comply with the requirements of a hotel as laid down in the Liquor Act No. 30 of 1928, as amended, and includes premises for off-sales of liquor;

"light industrial building" means an industrial building in which the only power-driven machinery is driven by electricity, no single motor being rated at more than 5 kW with a total maximum of 25 kW for all motors;

"map" means the map or plan indicating the town planning provisions in force at the time;

"maximum floor area" means the greatest total floor area which is allowed for a building or buildings with all its floors on a site; such floor area is calculated by multiplying the bulk with the net-area of a site or that portion of a site which is situated within the affected zone, provided that where a site is situated within two or more zones to which different bulk apply the maximum bulk for the whole site shall be the total of the maximum bulk for each portion of the site, and provided that for the purpose of determining the floor area of any building -

- (a) any floor space, including basement areas which is reserved solely for the parking of vehicles shall be excluded, and
- (b) any balconies, terraces, stairs, stairwells, verandahs, common entrances and common passages whether or not covered by a roof, shall be included, except in the case of a general residential building on a general residential site where it shall be excluded;

"motor vehicle" means any vehicle designed or intended for propulsion by other than human or animal power and includes a motor cycle and a trailer or caravan but does not include a vehicle moving exclusively on rails;

"net erf size" means the total area of an erf excluding all land zoned for public purposes;

"noxious industry building" means a building used or intended to be used for the purpose of carrying on an offensive or other trade as envisaged in regulations which are promulgated from time to time in terms of clauses 33 and 34 of the Public Health Act 1977 (Act No. 63 of 1977), read with paragraphs (f) and (g) of the definition of "nuisance" in Section 1 of the aforesaid act;

"nursery" means a place where plants are cultivated and sold to the public;

"occupier" in relation to any building, structure or land means and includes any person which physically occupies such building, structure or land;

"open space" corresponds with the meaning of "public place";

"outbulking" means a structure either attached to or separate from the main structure and designed to be used only for the housing of servants, the garaging of motor vehicles and for storage purposes, provided that only the housing of servants, the garaging of motor vehicles and storage purposes, and not the housing of servants, the

housing of motor vehicles and storage purposes, and not the housing of servants, the structure shall be permitted;

"parking bay" means an area with minimum dimension of 5.5 m by 2.5 m which is clearly outlined and demarcated for the parking of one motor vehicle, and which is accessible to the satisfaction of the local authority;

"place of assembly" means -

(a) a public hall, social hall, theatre, cinema, music hall, concert hall, dance hall, exhibition hall;

(b) a sports ground, amusement park, sports arena or similar undertakings open to the public on payment of an entrance charge;

(c) a billiard saloon or skating rink;

(d) a non-residential club, or

(e) any other place of public assembly (including a funeral parlour) whether used for purpose of gain or not, which does not fall within the scope of the definitions of place of public worship, place of instruction, or institutional building;

"place of instruction" means a school, college, technical institute, academy, lecture hall, or other educational centre, and includes a hostel appertaining thereto, a cloister, public library, art gallery, museum, gymnasium and crèche, but does not include a building used or intended to be used wholly or principally as a certified reformatory or industrial school, or as a school for mentally handicapped persons;

"private open space" means any land which has been set aside under this scheme for the use of a private site for sports, play, rest and recreational purposes or as a fancy garden or pleasure garden, if the land is under the control of a private person or concern;

"professional building" means a building utilized or intended to be used for the professional use of members of the professions which will normally and reasonably be included under the definition of "professional use" where it appears in these definitions;

"professional use" means those type of uses which are normally and reasonably associated with the concept "professional", e.g. doctors, dentists, architects, engineers, etc., - rendering of services, as against practising a business, is one of the distinguishing factors;

"public garage" means trade or business in respect of which a licence is required in terms of Item 27 of the First Schedule to the Registration and Licensing of Businesses (Ordinance 15 of 1953, as amended) and shall include the trade or business of fuelling motor vehicles for payment or reward;

"public housing" means dwelling units which are erected with funds made available by the Community Development Board;

"public house of worship" means a church, synagogue, mosque, chapel or other place of religious practice, and includes any building in connection therewith, but does not include funeral parlours or chapels which does not form part of it;

"public place" means any land which is used or set aside in this scheme for use by the public as an open space, park, garden, playing site, recreational site, plain or sports grounds which are under direct control of the Council;

"rear boundary" of a site or erf means every boundary thereof (other than a street

boundary), which is parallel to, or is within 45° of being parallel to every street boundary of such site or erf, and which does not intersect a street boundary.

"register" means the document required to be prepared in terms of clause 4.4;

"regulations" means the written addendum to the map in terms of which town planning control must be exercised;

"resident" - in relation to any buildings, structure or land means and includes any person habitually physically residing in or upon such building, structure or land;

"residential building" means a building (other than a dwelling-house, block of flats or licensed hotel) for human habitation, together with such outbuildings as are ordinarily used therewith and includes tenements, boarding houses, hostels and residential clubs, but does not include any building mentioned whether by way of inclusion or exclusion in the definitions of "place of instruction" and "institutional building";

"second dwelling unit" means a group of interheating rooms with not more than one kitchen used only for living accommodation and housing of a single family;

"service station" means a building or part of a building or site which is designed for the use for all or any of the following purposes, namely the provision of fuel, oil, tyres and other motor vehicle accessories and the repair of motor vehicles, but does not include panel beating, engineering and spray painting;

"shop" means a building for the purpose of carrying on a retail trade and includes a laundrette, dry cleanette and a retail trade where goods which are sold in such a trade, are manufactured and/or repaired, provided that the floor area related to such manufacturing and/or repairs, occupies not more than 50% of the retail trade floor area related to the sale of the goods which are manufactured and/or repaired but does not include any other business constituting a factory within the meaning of the Factories Act No. 22 of 1941, and also does not include a public garage;

"site" means the area of the erf less any land required for public purposes;

"special dwelling" means a dwelling house which complies with the specifications laid down in clause 3.4 of these regulations;

"special recreation facility" means an outdoor recreation facility which is chiefly aimed at providing informal and non-organised recreation by the general public, and of which the most important feature is that it requires specialised structures and equipment, that the land use requirement thereof is not excessive, that it requires minimal development and that the public who utilizes the facility does so outside of any buildings there may be on the site, and that it includes a drive-in restaurant, putting course, golf driving range and outdoor skating rink but excludes a drive-in cinema;

"street" shall have the meaning assigned thereto by section 2 of Ordinance 18 of 1976;

"street boundary" means the boundary of an erf or site which forms the boundary of a street, provided that where a portion of an erf or site is reserved in terms of the town planning scheme or any other law for use as a new street or a street widening, the street boundary of the site or erf is the boundary of such proposed new street or proposed street widening;

"transportation firm" means a business of which the functions are provision of a transportation service for reward to other instances;

"warehouse" means a building for the storage of goods and the transaction of wholesale business related to such goods, and

"zone" means a portion of the area shown on the map in distinctive manner for the purpose of indicating the restrictions imposed by this scheme on the erection and use of buildings and use of buildings and the use of land.

2. GENERAL

2.1 Area of Scheme

The area to which this scheme applies is the whole area of jurisdiction of the local authority to which area of jurisdiction these regulations apply. The extent of the scheme is shown on the map with a dark blue outline 5 mm in width.

2.2

Reservation of Land for Government, Local Authority and Public Purposes

The land specified by colour on the zoning map in column (1) of Table "A" is reserved for use for the respective purposes indicated in column (4) of Table "A" and except as hereinafter provided, shall not be used for any other purpose whatsoever.

TABLE A

1 NOTATION ON MAP	2 BASE COLOUR (INK)	3 BASE COLOUR (PENCIL)	4 USES FOR WHICH LAND IS RESERVED
Red	Red 2	426	Street-widening and planned streets
White with red hatching	Red 2	426	Street closure (use of land to be indicated after closure)
Green	Green 1	464	Public open space
Light green	Yellow-green 1	469	Private open space
Light green with black hatching	Yellow-green 1	469	Cemetery
Pink	Red-brown 1.3	629	Local Authority
Orange-red	Red 1	617	Government
Turquoise with dark blue outline	Blue-green 1.2	457	Education
White with blue-purple outline	Blue-purple 1.2	437	Railway
Brown	Brown 1.2	480	Public Parking
Light brown	Brown 1.3	487	Street

The ink base colours are in accordance with the Windsor-Newton series and the pencil base colours are in accordance with the Faber-Castell series. Any other series may be used provided the colours are the same. All hatching must be done at an angle of 45° ON THE EDGE OF THE MAP, except in the case of street closures, where the hatching must be done at an angle of 45° on the affected street. All outlines must be 2 mm in width.

2.3 Use of Reserved Land

- 2.3.1 Save with the consent of the Council and the Administrator no person shall erect a building, or execute works, or make excavations on land reserved under clause 2 hereof other than buildings, works, or excavations required for or incidental to the purpose for which the land is reserved, provided that nothing herein contained shall be deemed to absolve any person from due compliance with the provisions of the Council's regulations in so far as they are not in conflict herewith.
- 2.3.2 Save as provided in subclause 2.3.1 no person shall spoil or waste land reserved under clause 2.2 hereof so as to destroy or impair its use for the purpose for which it waste materials or refuse.
- 2.3.3 in giving its consent under this clause the Council may impose such conditions as it thinks fit.
- 2.3.4 Subject to the provisions of any other law, nothing in this clause shall be construed as prohibiting the reasonable fencing of the land.
- 2.3.5 Any buildings erected on land reserved under Table 'A' shall comply in all respects with the provisions of the scheme relating to that type of building.
- 2.4 Use of Land in specified use zones
- 2.4.1 The land specified by colour on the zoning map in column (1) of Table B.1 is zoned for the respective purposes indicated in column (4) of Table B.1 and shall not be used for any other purpose whatsoever.

TABLE B.1

1 NOTATION ON MAP	2 BASE COLOUR (INK)	3 BASE COLOUR (PENCIL)	4 USE ZONES
White with olive green outline	Green-brown 2.2	467	Agricultural zone
Yellow	Yellow 1.1	407	Single residential zone
Orange	Orange 1	415	General residential zone
Yellow with black hatching	Yellow 1.1	407	Special residential zone
Orange with black hatching	Orange 1	415	Group housing zone
Blue	Blue 2.2	443	Business zone
Blue with black hatching	Blue 2.2	443	Local business zone
White with red-purple hatching	Red-purple 1.2	434	Commercial zone
Red-purple	Red-purple 1.2	434	Light industrial zone
Red-purple with black hatching	Red-purple 1.2	434	Industrial zone
Red-purple with black check-pattern hatching	Red-purple 1.2	434	Noxious Industry zone
Blue-purple	Blue-purple 1.2	436	Motor Garage zone
Aquamarine	Green 2.1	463	Worship zone
White with black hatching	-	-	Conservation zone
Grey	Grey 1.2	496	Special zone
White with dark brown outline	Brown 1.1	476	Undetermined zone

The ink base colours are in accordance with the Windsor-Newton series and the pencil base colours are in accordance with the Faber-Castell series. Any other series may be used provided the colours are the same. All hatching must be done at an angle of 45° ON THE EDGE OF THE MAP, except in the case of street closures, where the hatching must be done at an angle of 45° on the affected street.

All outlines must be 2 mm in width.

2.4.2

Erection and Use of Buildings in specified use zones

The purpose for which buildings may be erected or used or may be erected and/or used only with the special consent of the Council, in each of the Use Zones specified in Table "B.2" are shown in columns (2) and (3) of that Table, respectively. Any use not reflected in columns (2) and (3) may not be permitted in the relative zone. No land shall be used for a purpose for which a building may not be erected or used on such land, provided that where a building may be erected and used for a particular purpose on land with the special consent of the Council, such land may be used for such purpose with such special consent.

TABLE B.2

USE ZONE	1	2	3
		BUILDINGS AND USES PERMITTED	BUILDINGS AND USES PERMITTED WITH THE SPECIAL CONSENT OF THE COUNCIL
Agricultural zone		Agricultural buildings	A second dwelling house per erf Nurseries
Single residential zone		Dwelling houses	Places of instruction Medical practitioners Guest houses with 1-4 guest rooms
General residential zone		Blocks of flats Dwelling houses Licensed hotels which do not conduct off-sales establishments Residential buildings which do not conduct off-sales establishments Guest houses with 5-16 guest rooms	Places of instruction Institutional buildings Professional buildings Special dwellings Group housing Places of assembly
Special residential zone		Special dwellings Public housing	Places of instruction Dwelling houses Blocks of flats of which all the dwelling units are on the ground floor
Group housing zone		Group housing	Places of instruction Dwelling houses
Business zone		Business buildings Licensed hotels Blocks of flats (above the ground floor only) Residential buildings (above the ground floor only)	Places of instruction Institutional buildings Places of assembly Special recreational facilities

TABLE CONTINUES

Local business zone/...

	1	16	2	3
Local business zone			Shops Blocks of flats (above the ground floor only)	Dwelling houses Blocks of flats Special dwellings Group housing Special recreational facilities
Commercial zone			Warehouses Business buildings	Light industrial buildings Special recreational facilities
Light industrial zone			Light industrial buildings Warehouses	Transportation firms
Industrial zone			Industrial buildings Light industrial buildings Warehouses Transportation undertakings Public Garages	
Noxious Industry			Offensive Trade Buildings Public Garages	Industrial buildings Light industrial buildings Transportation firms
Motor Garage			Service stations	Public garages
Worship zone			Places of Public worship	Places of instruction Places of assembly
Conservation zone			As described in clause 3.14	-
Special zone			As described in clause 5.0	-
Undetermined zone			Existing buildings and uses only	-

It must be noted that the buildings and uses permitted in terms of table B.2 or which may be approved with the special consent of the Council, may be subject to exemptions, departures, restrictions or conditions which may make the right attached to an erf higher or lower than may appear from the notation on the map.

In such cases the relevant information relating to an erf must be recorded in the register which will be kept for this purpose (see clause 4.5).

2.4.3 Imposed Conditions

Where permission to erect any building or execute any works or to use any building or land for any particular purpose or to do any other act or thing, is granted under this scheme and conditions have been imposed, such conditions shall have the same force and effect as if they were part of this scheme.

2.4.4 Application for special consent

Subject to the provisions of clause 2.5 of these Regulations, the Council may, where application is made to the Council for its consent to the erection and use of a building in a zone in which a building of the type proposed may be erected and used only with the Council's special consent, the Council may give or withhold its consent and shall in giving its consent be entitled to impose such conditions as it may deem fit governing the erection or use of such building. In considering such applications regard should be given to the question whether the use for which the building is intended or designed is likely to cause injury to the amenity of the neighbourhood including (in the case of an industrial building) injury due to the emission of smoke, fumes, dust, noise or smell.

2.4.5 Compliance with regulations

Nothing herein contained shall be deemed to exempt or excuse compliance with any of the Council's regulations.

2.5 Advertisement of intended application for special consent

2.5.1

Any person intending to make application to the Council for its consent to the erection and use of a building or to the use of land whether wholly or partially for any purpose requiring the Council's special consent, shall before making such application, publish at his own expense once a week for two consecutive weeks, in English and Afrikaans newspapers circulating in each case in the area, a notice of his intention to make such application, and shall post and maintain conspicuously for fourteen (14) days such notice on some part of the building or land, and shall with such application, lodge with the Council proof of such publication and posting. The notice shall state that any person having any objections to the erection and use of the proposed building or to the proposed use of the land may lodge such objection with the Council and also with the applicant in writing within fourteen (14) days after the date of the last advertisement, and shall further state where the plans, if any, may be inspected.

2.5.2

The Council shall take into consideration any objection received within the said period of fourteen (14) days and shall notify the applicant and the persons, if any, from whom objections were received of its decision.

2.5.3

Any decision of the Council given in terms of this section shall be by special resolution of the Council as defined in Ordinance 18 of 1976, as amended.

2.6 Saving for Special Purposes

Without prejudice to any powers of the Council derived from any other law, nothing in this scheme shall be construed as prohibiting or restricting the following or enabling the Council to prohibit or restrict the following:-

- 2.6.1 The letting, subject to the Council's regulations relating to lodging and boarding-houses, by any occupier of a dwelling-house, of any part of the house, excluding a tenement.
- 2.6.2 The occasional use of a place of public worship, institutional building or institution as a place of amusement or social hall.
- 2.6.3 The use by any resident of a dwelling-house, flat or residential building or of any portion thereof as a medical doctor's or a dentist's surgery, consulting and waiting rooms, as well as a veterinary's consulting room for the purpose of treating only domestic animals (household pets), provided the resident himself is the user.
- 2.6.4 The use of part of a dwelling-house, flat or residential building by a resident therein for the conduct by himself of a profession or occupation, provided that -
- 2.6.4.1 such dwelling-house, flat or residential building or any portion thereof shall not be used as a shop, business premises, light industrial building, industrial building or offensive trade building;
- 2.6.4.2 no goods shall be publicly displayed;
- 2.6.4.3 no advertising sign or notice shall be displayed other than an unilluminated sign or notice, not projecting over a street and not exceeding 2 000 cm² in area, indicating only the name and profession or occupation of the resident;
- 2.6.4.4 no activities shall be carried on which are likely to be a source of nuisance, disturbance, or annoyance to residents of other dwelling-houses, flats or residential buildings or portions thereof.

2.7 Purpose of zoning

It must be noted that the colour notations on the map intends planned uses only and not ownership of land. Publicly owned uses only and not ownership of land. Publicly owned land must only be shown as "Government" or "Local authority" if the present or planned use is such that no other zone in table A or B applies. If any zone in tables A or B does apply the land must be zoned for that purpose notwithstanding the fact that the land is owned by the government or the local authority.

2.8 Components of the Town Planning Scheme

This town planning scheme consists of three components: the Map, the Regulations and the Register. These three terms are described in the Definitions.

3 PLANNING CONTROL

The following restrictions shall apply in the relative zones:-

3.1 Agricultural Zone

No building or any portion thereof except boundary walls or fences may be erected in this zone nearer than 33 m from any boundary of the site.

3.2 Single Residential Zone

3.2.1 Dwelling-houses

3.2.1.1 Building Lines

No building or any portion thereof except boundary walls and fences shall be erected on a site nearer than -

3.2.1.1.1 5 m to any street boundary; or

3.2.1.1.2 2 m to the lateral boundaries and the rear boundary or half the height of the building measured from a level halfway between the highest and lowest natural levels of the ground immediately contiguous to the building and a point halfway between the wall plate and the ridge in the case of a pitched roof and to the top of the parapet or cornice in the case of a flat roof, whichever is the greater, provided that the eaves overhang may not be nearer than 1.25 m to the lateral boundaries and the rear boundary.

3.2.1.2 Relaxation of Building Lines

Notwithstanding these building lines but subject to the consent of the affected adjoining owners first being obtained in writing, the Council may permit a relaxation of the lateral and/or rear building lines in the case of a dwelling-house, provided that the Council shall ensure that -

3.2.1.2.1 a means of access at least 1 m wide other than through a building shall be provided from a street to every unbuilt upon portion of the site of a dwelling other than a courtyard within a building;

3.2.1.2.2 no windows are inserted in any wall of a dwelling which is less than 1.5 m away from any lateral and/or rear boundaries;

3.2.1.3 Outbuildings

Notwithstanding these building lines but subject to the Council's consent, an outbuilding used solely for the housing of motor vehicles may be erected within such side and rear spaces and any other outbuilding may be erected within the rear space and side space for a distance of 11 m measure from the rear boundary of the site or in the case of corner sites, from the point furthest from the streets abutting the site, provided that the 11 m restriction can be relaxed by the Council after the adjoining or affected owners' consent has been obtained in writing and subject further to the street building line being complied with. No outbuilding erected in terms of this clause may exceed a height of one story.

3 PLANNING CONTROL

The following restrictions shall apply in the relative zones:-

3.1 Agricultural Zone

No building or any portion thereof except boundary walls or fences may be erected in this zone nearer than 33 m from any boundary of the site.

3.2 Single Residential Zone

3.2.1 Dwelling-houses

3.2.1.1 Building Lines

No building or any portion thereof except boundary walls and fences shall be erected on a site nearer than -

3.2.1.1.1 5 m to any street boundary; or

3.2.1.1.2 2 m to the lateral boundaries and the rear boundary or half the height of the building measured from a level halfway between the highest and lowest natural levels of the ground immediately contiguous to the building and a point halfway between the wall plate and the ridge in the case of a pitched roof and to the top of the parapet or cornice in the case of a flat roof, whichever is the greater, provided that the eaves overhang may not be nearer than 1,25 m to the lateral boundaries and the rear boundary.

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3.2.1.2.1 a means of access at least 1 m wide other than through a building shall be provided from a street to every unbuilt upon portion of the site of a dwelling other than a courtyard within a building;

3.2.1.2.2 no windows are inserted in any wall of a dwelling which is less than 1,5 m away from any lateral and/or rear boundaries;

3.2.1.3 Outbuildings

Notwithstanding these building lines but subject to the Council's consent, an outbuilding used solely for the housing of motor vehicles may be erected within such side and rear spaces and any other outbuilding may be erected within the rear space and side space for a distance of 11 m measure from the rear boundary of the site or in the case of corner sites, from the point furthest from the streets abutting the site, provided that the 11 m restriction can be relaxed by the Council after the adjoining or affected owners' consent has been obtained in writing and subject further to the street building line being complied with. No outbuilding erected in terms of this clause may exceed a height of one story.

boundary of a site than the distance laid down for dwelling-houses, if no windows or doors are inserted in any wall facing such boundary.

3.2.2 Places of Instruction

Except for boundary walls and fences no building erected or used for these purposes may be nearer than 10 m from any boundary of the site.

3.2.3 Medical Practitioners

Above and beyond the provisions of clause 2.6.3 medical practitioners (not dentists) may establish consulting rooms, with the special consent of Council even if they do not reside on the site, on condition that -

- 3.2.3.1 approval for only one medical practitioner per single residential site may be given, and
- 3.2.3.2 the Council satisfies itself that no offence or inconvenience will be caused to the surrounding residents.

3.2.4 Guest Houses

3.2.4.1 Building lines

The same as single residential zone (old Wilderness) and residential zone 1 and agricultural zone 1 (Wilderness Heights, Hoekwil, Touwsratten and Kleinkrantz).

3.2.4.2 Height restriction

Two storeys (ground floor and one floor above).

3.2.4.3 Parking

One parking bay per guest room and two parking bays for owner/agent must be provided on site.

3.2.5 Second Dwelling Units

3.2.5.1

The Council may in terms of subsections (1)(b) and (5) of section 15 of the Ordinance respectively grant or refuse an application for a departure, or determine an extended period after which such departure shall lapse' provided that, where the Council authorises the utilisation of land on a temporary basis as contemplated by section 15(1)(a)(ii), such concession shall be granted for a maximum period of five years, with the exception of a departure for which a permit is required in terms of section 6B of Act 88 of 1967, in which case the concession may be granted for such number of years as is related to the expected lifetime of the mine concerned.

3.2.5.2

The Council may, in respect of any land unit on which there is the right to erect one dwelling house, grant an application for a departure in terms of section 15(1)(a)(i) of the Ordinance for the erection of a second dwelling unit, subject to the following conditions:

3.2.5.2.1

Except in the case of farms and small-holdings, the total floor space of the second dwelling unit shall not exceed 120 m².

Notwithstanding the provisions of regulation 3.2.5.2.1, the total floor space of all of the buildings on a land unit shall not exceed 66% of the

area of the land unit concerned.

3.2.5.2.3 The building lines applicable to the second dwelling unit shall be the same as those applicable to outbuildings, as laid down in the Council's zoning scheme.

3.2.6 Coverage

Maximum coverage for all buildings in this zone shall be 40%.

3.2.7 Height

The height in this zone shall not exceed 2 storeys. A level of a building used solely for the garaging of motor vehicles shall not be regarded as a storey. Basements are not taken into account for the purposes of this clause.

3.3

General Residential Zone

The restrictions applying to flats, licensed hotels, residential and institutional buildings in this zone shall be -

	Blocks of flats	Licensed hotels	Other residential buildings, institutional buildings and places of assembly	Professional buildings	Guest houses with 5 - 16 guestrooms
3.3.1	<u>Minimum size of site</u>	1 000m ²	4 000m ²	2 000m ²	None
3.3.2	<u>Maximum coverage</u>	25%	25%	25%	50%
3.3.3	<u>Maximum bulk</u>	0.50	0.50	0.50	0.50
					None

3.3.4 Spaces about buildings

3.3.4.1 No building or structure, except boundary walls and fences, shall be erected nearer than 8 m from any street boundary of the site or the new street boundary provided for in clause 3.3.7.2, whichever is the more restrictive on the site or erf.

3.3.4.2 Lateral space: 4,5 m or half the height of the building, whichever is the greater.

3.3.4.3 Rear space: 4,5 m or half the height of the building, whichever is the greater.

3.3.4.4 Outbuildings:

Outbuildings with the consent of the Council may be erected in the lateral and rear spaces for a distance of 11 m reckoned from the street boundary or in the case of corner sites, from the point furthest from the streets abutting the site, provided that the 11 m restriction can be relaxed by the Council after the adjoining or affected owners'

consent has been obtained in writing and subject further to the street building line being complied with.

- 3.3.4.5 An outbuilding may only be erected nearer to any lateral or rear boundary of a site than the distance laid down for the main building if no windows or doors are inserted in any wall facing such boundary.

- 3.3.5 Height

No building in this zone shall exceed a height of two storeys. Basements are not taken into account for the purposes of this clause.

- 3.3.6 Parking

- 3.3.6.1 30 m² (one gross parking space) for every dwelling unit (flat) or in the case of hotels, boarding-houses, and other dwellings, for every two bedrooms. In addition to the parking area and parking spaces described above a further 30 m² (one gross parking space) for every four dwelling units (flats) or every five bedrooms in the case of hotels, boarding-houses and other dwellings, and 600 m² (20 gross parking spaces) for a licensed hotel, shall be provided uncovered on the site, clearly demarcated, for use by visitors by means of a notice board to the satisfaction of the council.

- 3.3.6.2 In the case of professional buildings at least 180 m² (6 gross parking places) per practising professional shall be provided on the site, of which 90 m² (3 gross parking spaces) per practising professional shall be clearly demarcated for use by visitors (clients, patients, etc.).

- 3.3.6.3 The requirements set out in clause 3.6.7 are applicable to places of assembly in this zone.

- 3.3.7 Street widths

No building may be erected in this zone on any site unless -

- 3.3.7.1 the site abuts a street of at least 13 m in width which street shall be connected by a street or streets of not less than 16 m in width, and

- 3.3.7.2 all street boundary walls or fences of the site are erected at a distance of not less than 8 m from the centre line of the abutting street or streets and the land between such boundary walls or fences and the legal street boundary is made up as part of such street. The portion(s) of the site falling within 8 m of the centre line of the abutting street(s) shall be excluded for the purpose of determining the coverage and bulk on the remainder of the site, provided, however, that if the owner transfers the said portion(s) of the site to the Council free of compensation, such portion(s) may be included for the purpose of determining the permissible bulk on the remainder of the site. The Council shall pay the cost of survey and transfer.

- 3.3.8 Places of instruction

With the exception of boundary walls and fences no building erected or used for this purpose may be nearer than 10 m from any boundary of the site.

- 3.3.9 Dwelling Houses, Special Dwellings and Group Housing

The restrictions to which dwelling houses in the single residential zone, special dwellings in the special residential zone and group housing in the group housing zone

are subject to, are applicable in this zone, provided that certain group housing standards may be relaxed as set out in clause 3.3.11.

3.3.10 Professional Buildings

3.3.10.1 No one shall be permitted to reside on the site with the exception of a caretaker (who may not be one of the professionals practising on the site). The above does not apply to persons who are permitted to practise in their homes in terms of clauses 2.6.3 and 2.6.4.

3.3.10.2 The provisions of clauses 2.6.4.1 to 2.6.4.4 shall be applicable to all professional uses in this zone.

3.3.11 Guesthouses (5 - 16 Guestrooms)

3.3.11.1 Building lines

The same as single residential zone (old Wilderness) and residential zone I and agricultural zone I (Wilderness Heights, Hoekwil, Tourwraaien and Kleinkratz).

3.3.11.2 Height restriction

Two storeys (ground floor and one floor above).

3.3.11.3 Parking

One parking bay per guest room and two parking bays for owner/agent must be provided on site.

3.3.12 Relaxations in respect of Group Housing

The Council may apply the following relaxations of standards in the case of group housing developments in this zone:

3.3.12.1 Density

The maximum density is 40 units per gross hectare (where gross hectare is the area of the group site in hectare).

3.3.12.2 Open Space

This requirement may be disregarded should the provision of open space be considered unreasonable for the reason that the group housing density is lower than the general residential density.

3.4 Special Residential Zone

3.4.1 In this zone dwelling houses may be erected which comply with the specifications as laid down for dwelling houses in the single residential zone, provided that:

3.4.1.1 The street building line may be nil except where there is one or more opening (with the exception of doors, ventilators and windows of which the lower edges are higher than the top edge of a door) and excepting as required for the safe movement of traffic or for other reasons such as development in the area in which the minimum bunding line shall be 2 m (these provisions do not affect existing statutory building lines of which note must be taken or in respect of which the necessary departures must be

obtained).

3.4.1.2 The lateral building lines and rear building lines are nil except where the special residential zone borders another zone, in which case the lateral building lines and rear buildings lines shall be 1,5 m should the adjacent zone be public open space, single residential zone or group housing zone and 3 m if the adjacent zone is any other zone than public open space, single residential zone or group housing zone.

3.4.1.3 There shall be no doors or windows in the walls which are nearer than 1 m to the erf boundary.

3.4.2 Area of Erf

The minimum area of an erf shall be 400 m² in the case of a special dwelling which has common walls with low other special dwellings, 450 m² in the case of a special dwelling which has a common wall with one other special dwelling, and 500 m² in the case of a special dwelling which has no common wall with any other special dwelling.

3.4.3 Parking

Off street parking for at least two motor vehicles per erf shall be provided.

3.4.4 Street Width

The minimum street width shall be 13 m.

3.4.5 Public open space

A minimum of 80 m² per dwelling unit or 10% of the gross area of the development (whichever is the greater) shall be provided.

3.4.6 Blocks of Flats

Dwelling units in blocks of flats which have been permitted in the special residential zone with the special consent of the Council, shall all be on the ground level provided that they may comprise more than one storey.

3.4.7 Places of Instruction

With the exception of boundary walls and fences, no building erected for this purpose may be nearer than 10 m from any boundary of the site.

3.4.8 Public Housing

The specification of this zone may be departed from in the case of public housing, as may be agreed upon from case to case by the Administrator, the Council and the Department of Community Development.

3.5 Group Housing Zone

3.5.1 The objectives which are reflected in the definition of group housing (as contained in the definition) must be carefully implemented.

3.5.2 Density

The maximum density shall be 30 units per gross hectare or a 4:1 ratio in relation to

the surrounding single residential density, whichever is the lower. Should a group site originally have been planned as such and open space and/or road is thus already provided on an adequate basis and does not need to be deducted from the site, the maximum density shall be 40 units per gross hectare subject to the above 4:1 ratio.

Please note: Gross hectare is the area of the group site in hectare.

3.5.3 Open space

A minimum of 60 m² per dwelling unit shall be provided and in this context the term "open space" means public and common open space excluding roads, service yards and private outdoor spaces. This requirement falls away (partially or in full) -

3.5.3.1 in cases where public open space has been suitably provided (partially or in full) in the vicinity, to the satisfaction of the Administrator with a view to group housing on the particular site.

3.5.3.2 in cases where it may be impractical to provide open space (or to provide all the open space required) in which event a cash endowment to be determined by the Administrator may be paid in lieu of the required open space (or the shortfall).

3.5.4 Service Yard and Private Outdoor Space

A group erf and buildings thereon shall be designed to provide a service yard of adequate area to the satisfaction of the local authority. In addition to the service yard a private outdoor space being in total at least 40% of the gross floor area must be provided on each group erf to the satisfaction of the local authority, provided that the private outdoor space comprises at least one usable area (outside a building) of at least 50 m² (exclusive of parking areas) and has in shape a ratio not exceeding 2:1. The service yard must be enclosed by a wall or walls (or other structure or structures of suitable material) of at least 2 m high for the purpose of screening it from public and private view. In special cases, as may be determined by well-founded considerations based on architectural design, a reduction of the 50 m² minimum standard may be considered by the Administrator.

3.5.5 Street building lines

Street building lines may be zero except where there are one or more openings (apart from doors, ventilators and windows of which the lower sides are higher than the top of a door) and except as may be required for safe traffic movement or for other reasons such as nearby development, in which case the minimum building line must be 2 m. These provisions do not affect existing statutory building lines which shall be duly observed or in respect of which the necessary relaxations must be obtained.

3.5.6 Side and rear building lines

No side and rear building lines need be provided other than those that may be required for fire fighting purposes, or unless a group erf abuts on another zone. In the latter case the side and rear building lines shall be 3 m except where the abutting zone is a public place, a single residential zone or a special residential zone in which case the side and rear building lines shall be 1,5 m.

3.5.7 Height of buildings

The maximum permissible height of buildings shall be 6 m measured from the mean ground level of the building to the top of the parapet or cornice in the case of a flat roof,

or to a point midway between the eaves and the ridge in the case of a pitched roof. Basements are not taken into account for the purposes of this clause.

3.5.8 Storeroom

A storeroom with a minimum internal floor area of 2 m² shall be provided on each group erf unless a lock-up garage is provided on the erf.

3.5.9 Parking

Off-street parking for at least two motor vehicles per group erf shall be provided on the group site, except in very exceptional cases where a standard of one parking place per group erf may be considered that the group site and the adjacent street were planned accordingly in advance. Lock-up garages shall be excluded from the calculations for the purpose of determining the areas of the service yard and outdoor space.

3.5.10 Roads

The minimum road width for private roads shall be 7 m and for public roads 10 m. In special cases, depending on architectural design, a minimum width of 8 m may be considered in the case of public roads with limited vehicular use (culs-de-sac, crescents and loops), provided the following limits are not exceeded if the street width is less than 10 m:-

3.5.10.1 Culs-de-sac of less than 10 m in width

Maximum length: 70m

Maximum units to be served: 10

3.5.10.2 Crescents and loops of less than 10 m in width

Maximum length: 100m

Maximum units to be served: 16

3.5.11 Joint Services

The provision of joint services with regard to different group erven, in order to save on services with regard to different group erven, in order to save on service costs, is permissible, but separate metres shall be provided where applicable.

3.5.12 Television antennae and radio aerials

Attention is invited to the council's regulations in this regards.

3.5.13 Aesthetics and Environmental Care

Where paving, landscaping, other treatment (such as the provision of public open space outside of the site in respect of which application is made or additional open space within the site in respect of which application is made) or other aesthetic requirements are considered necessary to make the site suitable for group housing, this may be required by the authorities and such requirements shall be executed to their satisfaction at the expense of the owner.

3.5.14 Places of instruction

With the exception of boundary walls and fences no building which is erected or used

for this purpose may be nearer than 10 m from any boundary of the site.

3.6 Business Zone

3.6.1 Coverage

In this zone the area at the respective floor levels of all the buildings on any site in relation to the site area shall not exceed the following percentages:-

Blocks of flats and residential buildings above business buildings	40%
All other permissible buildings	100%

3.6.2 Maximum Bulk

No building in this zone shall exceed a bulk factor of 1.5 of which not more than 0.75 may be utilized for residential accommodation above the ground floor.

3.6.3 Building Lines

3.6.3.1 Street Boundaries

3.6.3.1.1 Subject to the provisions of section 17 of Ordinance No 19 of 1976, as amended, flats above the ground floor and business premises may be erected on the street boundary.

3.6.3.1.2 All other buildings shall be set back 4.5 m from the street boundary.

3.6.3.2 Lateral Boundaries

3.6.3.2.1 Buildings on the ground floor may be erected on the lateral boundaries of an erf subject to clause 3.6.3.4.2.

3.6.3.2.2 Flats and residential buildings above the ground floor may be erected the lateral boundaries of an erf for a maximum distance of 12.5 m measured from the lateral boundary or the street building line, whichever applies in terms of clause 3.6.3.1 and is the greater, from the lateral boundary subject to clause 3.6.3.4.2.

3.6.3.3 Rear Boundaries

3.6.3.3.1 Buildings on the ground floor may be erected on the rear boundary of an erf subject to clause 3.6.3.4.2.

3.6.3.3.2 Flats and residential buildings above the ground floor shall not be erected nearer than 4.5 m or ½ height of the building, measured from the top of the ground floor, whichever is the greater, to the rear boundary of an erf.

3.6.3.4 Further Restrictions

3.6.3.4.1 A building or portion of a building may only be erected on the lateral or rear boundary of a property if no windows, doors or ventilation openings are inserted in any wall on such boundary.

3.6.3.4.2 In the event of the common boundary between two erven forming the boundary between the same and residential zones, the side or rear space, as the case may be, applicable to the latter shall apply on both sides of the boundary in so far as it is more

restrictive.

3.6.4 Basements

Subject to the provisions of section 17 of Ordinance No. 19 of 1976, as amended, the building line provisions need not be complied with in so far as basements are concerned.

3.6.5 Projections

In this zone projections, excluding advertising signs approved by the Council in accordance with the provisions of any other laws, over streets and building lines shall be limited to minor architectural features and one cantilevered open canopy to withing 0,5 m of the pavement edge, provided no portion of a projection shall be less than 3 m above the pavement and there shall be no access from the building to the canopy.

3.6.6 Provisions for On Site Parking (For loading and off-loading facilities see clause 4.3)

3.6.6.1 In this zone minimum provision shall be made on the site to the Council's satisfaction for parking and garaging at all times or as it may please the Council of vehicles of the owner and the general public, on the following basis:-

3.6.6.1.1 Business Buildings

30 m² (one gross parking space) for every 60 m² of the total floor area of that portion of the building which is not devoted to permitted uses other than business use.

3.6.6.1.2 Blocks of Flats and Residential Buildings

30 m² (one gross parking space) for each dwelling unit (flat) or, in the case of hotels, boarding houses and other residential buildings, for every 2 bedrooms. In addition to the parking area and parking spaces described above, 30 m² (one gross parking space) for every four dwelling units (flats) or every five bedrooms in the case of hotels, boarding houses and other residential buildings and 600 m² (20 gross parking spaces) for a licensed hotel, shall be provided uncovered on the site and clearly demarcated and suitably sign-posted to the Council's satisfaction for use by visitors.

3.6.6.1.3 Places of Assembly

A minimum area shall be provided on the basis of 30 m² (one gross parking space) for every 8 seats provided in the building subject to a minimum of 450 m² (15 gross parking spaces) for each funeral parlour which has a chapel. Funeral parlours without a chapel shall provide parking space on the same basis as a business building. (Clause 3.6.6.1.1)

3.6.6.2 Further Parking and Site Access Requirements

3.6.6.2.1 The vehicular access/exit ways shall be restricted to not more than one each per site per street abutting the site.

3.6.6.2.2 The vehicular access/exit ways to the site shall be restricted to a maximum total width of 6 m where they cross the street boundary.

3.6.6.2.3 No vehicular crossing over the pavement shall be located nearer than 5 m to any street corner (i.e. the point of intersection of two street boundaries).

- 3.6.6.2.4 Such parking areas shall be properly constructed to the satisfaction of the Council.
- 3.6.6.2.5 Such parking areas shall be used exclusively for the parking of vehicles lawfully gaining access thereto and shall not be used for trading purposes or any other purpose.
- 3.6.6.2.6 The manner in which it is intended that vehicles shall park or stand on such parking area and the means of gaining access and exit shall be shown on a plan to be submitted to the Council which may approve, disapprove or impose such conditions as it may deem fit. The Council may impose more restrictive requirements than those of subclause 3.6.6.2 if considered necessary from any traffic point of view.

3.6.6.3 Parking Alternatives

- 3.6.6.3.1 As an alternative to the provisions of Clause 3.6.6.1.1, the owner may, with the consent of the Council, where it is of the opinion that it is undesirable or impractical from a planning point of view to provide the required parking area on the site, acquire the prescribed area of land for the parking facilities elsewhere in a position approved by the Council provided he registers a notarial deed against such land to the effect that the Council and the public shall have a free access thereto for the purpose of parking, and the owner shall be bound to level this land and surface and maintain it to the satisfaction of the Council; the cost of registration of the servitude to be borne by the Council.

- 3.6.6.3.2 As an alternative to Clause 3.6.6.3.1, the owner may, with the consent of the Council, pay a cash sum to the Council, equal to the estimated market value per square metre of the land on which the building is erected, multiplied by the area of the land which is required to be provided in terms of Clause 3.6.6.1.1, in which event the Council shall itself acquire the necessary land for such parking purposes.

3.6.7 Places of Assembly

Where a building or portion of a building is to be used as a place of assembly, there shall be provided for such place of assembly, there shall be provided for such place of assembly a foyer with a minimum area of 1 m² in respect of every 16 seats and a minimum frontage of 1 m in respect of every 100 seats in the building licensed by the Council.

3.6.8 Non-conforming Premises

Before a registration certificate or licence of the Council is issued in respect of any premises for which there is no current licence at the date of coming into operation of these provisions, or when additions or alterations are made to any building in this zone, all the buildings on the site as well as the premises itself shall be made to comply with the provisions of the scheme, the regulations of the Council and any other laws which may be applicable.

3.6.9 Combined Buildings

In the case of combined buildings in business zones, the provisions shall be calculated in respect of each floor for the use to which such floor is to be put, and the sum of the provisions so arrived at applied to the whole building. Where it is intended to use an, one floor of a building for more than one use, the more restrictive provision shall apply.

3.6.10 Flats and Residential Buildings

Flats and residential buildings, other than licenced hotels, in this zone may only be

erected above the ground floor.

3.6.11 Blocks of Flats

The restrictions applicable to blocks of flats in the general residential zone are applicable in this zone.

3.6.12 Dry Cleanettes and Laundrettes

Dry cleanettes and laundrettes may be established in this zone provided that they comply with the following provisions:

3.6.12.1 The floor area of the shop for receiving and returning clothes, the workshop and the space used for the clothes-racks together shall not exceed 275 m².

3.6.12.2 The minimum distance between the boundaries of any two dry cleanettes or laundrettes, unless situated on opposite sides of a street, shall be 60 m.

3.6.12.3 Only gas, electricity or fluorinating paraffin shall be used for the production of steam or hot water.

3.6.12.4 The solution used in the cleaning process shall be non-inflammable.

3.6.12.5 The combined capacity of the dry cleaning machines that may be installed shall not exceed 20 kg dry weight of clothing or other articles per cleaning operation per half hour cycle.

3.6.12.6 The combined capacity of the washing machines that may be installed shall not exceed 27 kg dry weight of clothing or other articles per washing operation.

3.6.12.7 In any establishment comprising either a dry cleanette or a laundrette or a combination of both, the maximum personnel shall be 12.

3.6.12.8 Each individual application for the establishment of a laundrette or a dry cleanette in this zone shall be submitted to the Council for its special consent and the Council shall be furnished with full information as to the maximum and minimum capacities of the machines to be operated, the number of employees and floor space to be occupied.

3.6.12.9 If the Council is of the opinion that the site of a proposed dry cleanette or laundrette is unsuitable on the grounds of possible nuisance, danger to public health, etc, it shall submit the application, together with its views and recommendations and the reasons therefor to the Administrator whose decision shall be final.

3.6.13 Funeral Parlours with Chapels

The following additional provisions shall apply:-

3.6.13.1 For the purpose of these provisions, "Intersection" and "traffic island" shall have the meanings assigned thereto in P.N.871 of 19 October 1973, referred to in clause 3.12 relating to public garages.

3.6.13.2 No funeral parlour with a chapel shall be permitted on a site abutting a street of less than 13 m in width.

3.6.13.3.1 the intersection of a declared road, proclaimed road, prospective main road, or any other street to which the provisions of section 2 (xiv) of the Divisional Council's Ordinance, 1976 (Ordinance No 18 of 1976) apply with any other street of like status;

3.6.13.3.2 any robot whether existing or provided for in the town planning scheme,

3.6.13.3.3 any intersection where traffic is controlled, or is proposed to be controlled in terms of the town planning scheme, by a traffic island.

3.6.14 Height

No building in this zone shall exceed a height of 2 storeys. Basements are not taken into account for the purpose of this clause.

3.6.15 Institutional Buildings

The restrictions applicable in the general residential zone shall apply to institutional buildings in this zone.

3.6.16 Special Recreation facilities

Special recreation facilities in this zone shall comply with the provisions set out in clause 4.8.

3.7 Local Business Zone

The restrictions applying to business premises in the business zone, dwelling-houses in the single residential zone, blocks of flats in the general residential zone, special dwellings in the special residential zone, group housing in the group housing zone and special recreation facilities as set out in clause 4.8 shall apply in this zone, provided that -

3.7.1 no erf shall form a site of both a residential and business use except in the case of flats above the ground floor;

3.7.2 not more than one floor of business premises and one floor of flats shall be erected on a site in this zone;

3.7.3 no building in this zone shall be permitted to exceed a height of two floors;

3.7.4 no building in this zone shall exceed a maximum bulk of 1,50;

3.7.5 where a local business zone abuts a residential zone, the building line in the local business zone shall be the same as if it were a single residential zone.

3.8 Commercial Zone

3.8.1 The provisions applicable in the business zone shall apply to business premises and warehouses in this zone, provided that;

3.8.1.1 the maximum bulk shall be 2,0

3.8.1.2 no residential use except for a caretaker's dwelling shall be permitted.

3.8.2 Light Industrial Buildings and Warehouses

The provisions applicable in the light industrial zone shall be applicable to light industrial buildings and warehouses in this zone.

3.8.3 Special Recreation Facilities

Special recreation facilities in this zone shall comply with the provisions set out in clause 4.8.

3.9 Light Industrial zone

The restrictions applicable to light industrial buildings, warehouses and transportation firms in this zone shall be:

3.9.1 Loading and Unloading

For the purpose of loading and unloading vehicles there shall be provided on the site a bay or bays to the Council's satisfaction, in accordance with Table "C" hereunder.

Table "C"

<u>Gross floor area of building (to the nearest m²)</u>	<u>Required loading and unloading area</u>
0 - 2 500 m ²	1 bay
2 501 - 5 000 m ²	2 bays
5 001 - 10 000 m ²	3 bays
Every additional 10 000 m ² or portion thereof	1 additional area

Such bays shall have vehicular access (which shall be to the satisfaction of the Council and shall not be less than 5 m wide and, if carried through a building, not less than 3 m in height) to a street.

3.9.2 Parking

For the purpose of on-site parking, the Council, in the case of each industry established, shall apply one of the following requirements that in the Council's opinion would relate best to the particular industry being established:-

3.9.2.1

Number of parking bays to be provided on the site, based upon the gross floor area of the building

30 m² (1 gross parking bay) for every 100 m² of floor area up to 1 500 m²

30 m² (1 gross parking bay) for every 200 m² of floor area in excess of 1 500 m²

25% of the bays shall be set aside and sign-posted for use by visitors.

3.9.2.2 Number of parking bays to be provided on the site based upon the total number of estimated employees (Bantu excluded) in terms of the Factories Act No. 22 of 1941, as amended

Up to 25 employees 30 m² (1 gross parking bay)
for every 4 persons or part thereof

Thereafter, for the next 25 persons 30 m² (1 gross parking bay) for every 5 persons or part thereof

Thereafter, for the next 50 persons 30 m² (1 gross parking bay) for every 10 persons or part thereof

Thereafter, for any further number of persons employed 30 m² (1 gross parking bay) for every 25 persons or part thereof

3.9.3 Street widths and building lines

3.9.3.1 All street boundary walls or fences of the site shall be erected at a distance of not less than 8 m from the centre line of the abutting street or streets and the land between such boundary walls or fences and the legal street boundary shall be made up as part of such street. The portion(s) of the site falling within 8 m of the centre line of abutting street(s) shall be excluded for the purpose of determining the coverage on the remainder of the site, provided, however, that if the owner transfers the said portion(s) of the site to the Council free of compensation such portion(s) may be included for the purpose of determining the permitted coverage on the remainder of the site. The Council shall pay the cost of survey and transfer.

3.9.3.2 No building or any portion thereof, except boundary walls and fences, shall be erected nearer than 3 m from any street boundary of the site or the new street boundary in the preceding subclause 3.9.3.1, whichever is the more restrictive on the site.

3.9.3.3 Where the boundary of a site forms the common boundary between this zone and any residential or business zone, the relevant building lines applicable in such residential or business zone shall apply on both sides of such common boundary.

3.9.4 Height
No building in this zone shall exceed a height of two storeys. Basement storeys are not taken into account for purposes of this clause.

3.10 Industrial Zone
3.10.1 The provisions applicable in the light Industrial zone shall be applicable in this zone to all buildings except public garages with the exception of the height restriction.
3.10.2 The provisions set out in clause 3.12 shall apply to public garages in this zone.

3.11 Noxious Industry Zone
The provisions applicable in the light Industrial zone shall be applicable in this zone to all buildings except public garages, height the exception of the height restriction.

- 3.11.2 The provisions set out in clause 3.12 shall apply to public garages in this zone.
- 3.12 Motor Garage Zone
- 3.12.1 Only service stations and public garages that comply with the definition of "service stations" and "public garage" in clause 1, and which have been approved in terms of the Regulations relating to service stations (P.N. 623 of 1970) and public garages (P.N. 871 of 19 October 1973 as amended) are permitted in this zone.
- 3.12.2 Building lines
- 3.12.2.1 Street boundaries No building shall be erected nearer than 3 m from any street boundary.
- 3.12.2.2 Lateral and rear boundaries The restrictions applicable in the light industrial zone shall be applicable in this zone.
- 3.12.2.3 Height No building in this zone shall exceed a height of two storeys. Basements are not taken into account for the purposes of this clause.
- 3.13 Worship Zone
- 3.13.1 The restrictions applicable to places of public worship places of instruction and places of assembly, in this zone are as follows:
- 3.13.1.1 Maximum coverage of 50%.
- 3.13.1.2 Building lines on all boundaries are 10 m.
- 3.13.1.3 On-site parking shall be provided with a minimum requirement of 30 m² (1 gross parking bay) for every 8 seats which are provided in all buildings on the site.
- 3.14 Conservation Zone
- In this zone no buildings may be erected, or uses permitted, which do not comply with regulations as accepted by the Council and approved by the Administrator after reference thereof to the National Monuments Council for its comments. If such regulations are approved, they are added to this clause and become part of these regulations.
- 3.15 Special Zone
- If special factors justify the creation of a new zone on the zoning map for a site or sites without justifying the creation of a new zone in the regulations such site shall be zoned as a special zone on the zoning map. Every such portion of land which has been zoned as a special zone and of which the parameters differ from other land which has been zoned as special zones, shall be given a separate number on the zoning map. A subzone of the special zone may consist of more than one portion of land provided the parameters are the same. Each special zone of which the parameters differ from other special zones is given a separate number (from 1 and further) and each number with accompanying parameters is dealt with as a separate subclause of clause 5 of these regulations.

3.16 Undetermined Zone

In this zone no person shall erect a building or alter, add to or extend an existing

building nor shall he use any existing building or land for a purpose for which, or in a manner in which, it was not used on the day these regulations came into operation, viz.....

4.0 MISCELLANEOUS

4.1 Number of Buildings per Erf

Except in the case of places of instruction no erf shall form the site of more than one building together with such outbuildings as are permitted under the scheme, provided that a second dwelling house per erf in the agricultural zone may be permitted with the special consent of the Council.

4.2 External Appearance of Buildings

Any person intending to erect any building shall furnish the Council for its consideration, if it so requires, (In addition to any plans and particulars required to be submitted under any of the Council's regulations) with drawings or other sufficient indication of the external appearance of the proposed building, including such description of the materials to be used for that purpose. The drawings shall be upon suitable and durable material to a scale of 1:100 except that where the building is so extensive as to render a smaller scale necessary, the drawings may be to a scale of 1:200. The Council may require such alteration to the external appearance and building materials as it may deem necessary.

4.3 Loading and Off-Loading Facilities

4.3.1

Except in the light industrial, industrial and noxious industry zone for the purpose of preventing obstruction of traffic on any street or proposed street on which the proposed building would front or abut the Council may require the owner to submit for its approval proposals for securing, accommodation within the site for any activities regarding the loading, unloading or fuelling of vehicles which are likely to be habitually involved in connection with the use of the building.

4.3.2

No owner or occupier of the building in respect of which proposals under this clause have been required shall undertake or knowingly permit the habitual loading or unloading or fuelling of vehicles otherwise than in accordance with approved proposals.

4.4

Use of Outbuildings

No outbuildings may be used for any purpose other than that for which the plans have been approved by the Council and no such outbuilding may be used until the main buildings are completed or occupied.

4.5

Council's duties under this scheme

4.5.1

The Council shall keep a record of approvals, consents, authorities or permissions granted by it, or on appeal from its decision under any provisions of this scheme, and of any conditions imposed or agreed between the Council or approved or imposed by the Administrator and of refusals by the Council or the Administrator and the name of the applicant in connection therewith.

4.5.2

The register shall consist of a list of the relevant erf numbers, in numerical order, with the information required in terms of clause 4.5.1, opposite each erf number.

4.5.3

The Council shall permit any person to inspect at any reasonable time the scheme, the map and the register deposited in the offices of the Council, provided that any information given in respect of the scheme to any person shall only be valid if it is

writing and signed by the official duly authorised thereto by the Council.

4.6 Service of Documents

The provisions of section 211 of Ordinance No. 20 of 1974, as amended, shall Mutatis mutandis apply to the scheme.

4.7 Approved Townships

4.7.1 Notwithstanding the foregoing provisions, the conditions relating to use, building lines and maximum coverage and height imposed by the Administrator in the approval of townships, shall apply in so far as such conditions are more restrictive than the provisions of the town planning scheme.

4.7.2 The layout plan of a township approved by the Administrator subsequent to the coming into operation of these provisions, shall form part of the town planning scheme and the mag, regulations and register shall be amended accordingly in terms of the provisions of Ordinance No. 33 of 1934.

4.8 Special Recreational Facilities: Special Provisions

4.8.1 No special recreational facilities shall be established or operated except in accordance with the provisions of this clause.

4.8.2 No special recreational facilities and the necessary parking area shall be permitted on a site abutting a road of less than 13 m in width. No vehicular entrance/exist for these undertakings shall be nearer than 100 m from an intersection as defined in P.N. 871/1973 referred to in Clause 3.12, where two proclaimed roads meet or where traffic is controlled by robots or traffic islands.

4.8.3 Provision shall be made on the site of every putting course for a parking area on the basis of 80 m² (3 gross parking bays) for every 2 holes in a putting course, and in the case of other special recreational facilities where competitors leave their motor vehicles to make use of the facility, 30 m² (1 gross parking bay) shall be provided for every 4 persons which may use the facility at maximum capacity. Where a drive-in restaurant is adjacent to another special recreational facility and the parking areas for the two undertakings are not clearly separated, 1 500 m² (50 gross parking bays) shall be provided for the drive-in restaurant in addition to the parking facilities prescribed for the other special recreational facility. The provisions of Clause 3.6.6.2 shall be applicable, Mutatis mutandis, to any parking area required in terms of this clause.

4.8.4 The boundary of a special recreational facility which may reasonably be expected to arouse public interest (even by of passers-by) shall be set back at least 3 m from the statutory boundary of any street abutting the facility to provide suitable standing room for spectators off the street and pavement.

4.8.5 Sanitary facilities shall be provided on the site of every special recreational facility, as prescribed by the Medical Officer of Health and shall be located in positions approved by the Council.

4.8.6 Where the Council deems it necessary in the interests of amenity, the site of every special recreational facility shall be screened and landscaped in a manner prescribed by the Council.

4.8.7 A special recreational facility shall not be operated later than such closing hour as the Council may prescribe.

dat enige inligting wat in verband met die skema aan erigiemand verstrekk word, alleenlik geldig is indien dit skriftelik is en onderteken is deur die beampte wat behoortik deur die Raad daartoe gemaagt is.

4.6 Bediening van dokumente

Die bepallings van artikel 211 van Ordonnansie no. 20 van 1974, soos gewysig, is mutatis mutandis op hierdie skema van toepassing.

4.7 Goedgekeurde dorpa

4.7.1 Ondanks die voorafgaande bepallings, is die voorwaardes ten opsigte van gebruiksneg, boulyne en maksimum-dekking en -hoogte wat deur die Administrateur opgele is by die goedkeuring van dorpe van krag vir sover sodanige voorwaardes meer beperkend is as die bepallings van die dorpsaanlegskema.

4.7.2 Die uitlegplan van 'n dorp wat deur die Administrateur goedgekeur is na Inwerkingtreding van hierdie bepallings, moet deel gemaak word van die dorpsaanlegskema en die kaart, regulasies en register moet ooreenkomstiglik gewysig word ingevolge die voorskryte van Ordonnansie 33/1934.

4.8 Spesiale Ontspanningsfasiliteite: Spesiale Voorskrytte

4.8.1 Geen spesiale ontspanningsfasiliteite mag opgeing of gevestig word tensy daar aan die bepallings van hierdie klousule voldoen word nie.

4.8.2 Geen spesiale ontspanningsfasiliteit en die vereiste parkeergebied mag toegelaat word op 'n perseel wat langs 'n pad geleë is wat mlinder as 13 m wyd is nie. Geen voertuigtoegang/uitgang vir hierdie ondernemings mag nader wees as 100 m vanaf 'n kruising, soos omskryf in PK 87/1973 waarna verwys word in klousule 3.12, waar twee geproklameerde paaie ontmoet of waar verkeer deur verkeersligte of 'n verkeersseiland beheer word nie.

4.8.3 Voorsteking moet op die perseel van elke setbaan gemaak word vir 'n parkeergebied op die grondslag van 90 m² (3 bruto parkeerplekke) vir elke 2 putjies in die setbaan, en in die geval van ander spesiale ontspanningsfasiliteite waar deelnemers hul motors verlaat om die fasiliteit te benut moet 30 m² (1 bruto parkeerplek) voorsien word vir elke 4 persone aan 'n ander spesiale ontspanningsfasiliteit geleë is en die parkeergebiede van die twee ondernemings nie duidelik geskei is nie, moet 1 500 m² (50 bruto parkeerplekke) vir die inrestaurant voorsien word addisioneel tot die vereiste vir die ander spesiale ontspanningsfasiliteit. Die bepallings van klousule 3.6.6.2 is mutatis mutandis van toepassing op enige parkeergebied wat ingevolge hierdie subklousule voorsien moet word.

4.8.4 Die grens van 'n spesiale ontspanningsfasiliteit wat redelikerwys verweg kan word om toeskouerbelangstelling (self slags van verbygangers) op te wek, moet ten minste 3 m teruggeplaas word vanaf die statutêre grens ten einde voldoende staanruimte vir toeskouers weg van die straat en sypadjie te verseker.

4.8.5 Sanitêre geriewe moet voorsien word op die terrein van elke spesiale ontspanningsfasiliteit, soos vereis deur die Mediese Gesondheidsbeampte, en moet geplaas word in posities deur die Raad goedgekeur.

4.9.6 Wanneer die Raad van ter wane van bevaligheld nodig ag, moet die terrein van elke spesiale

ontspanningsfasiliteit afgeskerm en uitgelê word op 'n wyse wat deur die Raad voorgeskryf word.

4.8.7 'n Spesiale ontspanningsfasiliteit mag nie later in werking bly as die tye deur die Raad goedgekeur nie.

4.8.8 Alle geboue en strukture opgeëng op die terrein van 'n spesiale ontspanningsfasiliteit moet in alle opsigte voldoen aan die bepalings vervat in die dorpaanlegskema vir die sone waarin hulle geleë is.

4.8.9 Enige kildprekerstelsel by 'n spesiale ontspanningsfasiliteit moet te alle tye so gebruik word dat die Raad tevrede is dat geen oortas van water aard ook al, aan bewoners van nabygeleë eiendomme veroorsaak word nie.

4.8.10 Bykomstig tot die advertering vir die doeleindes van die Raad se spesiale toestemming vir die voorgestelde oprigting van 'n spesiale ontspanningsfasiliteit, moet die aandrang van omliggende eiensars skriftelik op die adverteensias gevestig word.

4.8.11 Vir die doeleindes om te bepaal of 'n spesifieke fasiliteit beskou kan word as 'n spesiale ontspanningsfasiliteit vir die doeleindes van hierdie Regulasies, sal die Raad gemagtig wees om die bedoelings van die definisie te interpreteer en te implementeer.

5. SPECIAL ZONES ON THE SCHEME MAP

The special zones created in terms of Clause 3.15 of these regulations and the specifications for every such zone are as follows:-

5.1 Number 1

This zone shall only be used for the provision of change rooms, ablution facilities and parking for the general public.

5.2 Number 2

All areas which in terms of Act 39 of 1975 (Lake Areas Development Act) fall under the jurisdiction of the National Parks Board of Trustees, are included in this zone.

5.3 Number 3

Development in this zone shall comply with the requirements as set out by the Provincial Administration in files AF.395/3/78 and AF.395/1/419 with special reference to low density development.

5.4 Number 4

Development in this zone shall comply with the requirements as shown on plan F.395/1/187-"B" in the Provincial Administration File AF.395/1/187.

Number

NSR1 Eff 1767

Special Zone

30/10/91