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# Citrusdal Town Planning Scheme

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Aerial Photograph of Citrusdal 1942

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## DEFINITIONS

1. In this scheme

**“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 includes a dwelling-house;

**“Basement”** means that portion of a building the finished floor level of which is at least 6 feet (1.83m) 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 1 of Ordinance No. 15 of 1952, any structure or erection whatsoever irrespective of its nature or size;

**“Bulk”** means the total area of all floors of all buildings, which area is covered by a roof, slab or projection from any such building; such area shall be measured from the external surfaces of the walls of any such building but shall not in any event exceed the “maximum bulk” as herein defined; provided that for the purpose of determining the bulk of any building-

- (a) any floor area, including basement area which is to be used solely by the occupiers of residential accommodation on the site for garaging or parking purposes, and the area covered by the projection of eaves shall be excluded, but
- (b) all balconies, terraces, verandahs or stairs above the floor level of the ground floor whether or not they covered by any roof, slab or other covering, shall be included.

**“Business premises”** means a building used or intended to be used as shops and/or offices and includes a bank, professional chambers, doctors’ surgeries, stock or produce exchange and buildings designed for similar uses, but does not include a place of assembly or amusement, an institution, service station, public garage, industrial building or noxious industrial building;

**“Council”** means the Municipal Council of Citrusdal;

**“Coverage”** means the total percentage area of site that may be covered by buildings, measured over the outside walls and covered by a roof or projection provided that the area covered by a maximum eaves projection of 2 feet 6 inches (0.76m) shall be excluded for the purpose of determining the maximum permissible coverage;

**“Drive-in restaurant”** means any land or buildings used for a restaurant or café from which food and refreshments are served to patrons who remain seated in motor-cars parked in the vicinity of such restaurant or café;

**“Dwelling-house”** means a building containing only one dwelling unit;

**“Dwelling unit”** means a self-contained interleading group of rooms used only for the living accommodation and housing of a single family together with such outbuildings as are ordinarily used therewith;

**“Erection”** in relation to a building includes-

- (a) the alteration, subdivision or conversion of, or addition to a building, and
- (b) the re-erection or repair of a building which has been completely or partially destroyed or demolished, and “erect” has a corresponding meaning;

**“Feet”** means English feet unless specified in these restrictions as Cape Feet;

**“Ground floor”** means the lowest floor of a building not being a basement;

**“Industrial building”** means a building, other than a noxious industrial 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 infection or contagious diseases; or
- (b) premises licensed under Act No. 38 of 1916 for the detention of mentally disordered persons; or
- (c) a mental hospital;

**“Lateral boundary”** of a site or an erf means a boundary other than a street boundary or a rear boundary;

**“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 horsepower with a total maximum of 30 horsepower for all motors per site.

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

**“Map”** means the map or plan indicating the town planning provisions in force at the time;

**“Maximum bulk”** means the factor prescribed in these regulations for a specified zone multiplied by the nett area of the site, or by the nett area of that portion of the site, which falls within the zone to which such factor applies; provided that where a site falls within two or more zones to which different factors apply the maximum bulk for the whole site shall be the total of the maximum bulk for each portion of such site as falls within the zone concerned.

**“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;

**“Noxious industrial building”** means a building used or intended to be used for the purpose of carrying on an offensive trade such as set out in Government Notice No. 1606 of 1934, with any additions made thereto in terms of the Public Health Act No. 36 of 1919, and any amendments thereto;

**“Occupier”** in relation to any building, structure or land means and includes-

Any person in actual occupation of, or legally entitled to occupy such building, structure or land, or any person having the charge or management thereof and includes the agent of any person absent from the area or whose whereabouts is unknown;

**“Outbuilding”** means a subsidiary and single storeyed structure used or intended to be used for the housing of servants, the garaging of motor vehicles and for storage purposes, ordinarily and reasonably required in conjunction with the main structure;

**“Place of assembly”** means-

- (a) a public hall, social hall, theatre, cinema, music hall, concert hall, dance hall, exhibition hall;
- (b) a sports ground or 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;
- (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 monastery, convent,

public library, art gallery, museum, gymnasium, 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 defective children;

**“Place of public worship”** means a church, synagogue, chapel or other place of public devotion, and includes any building incidental thereto but excludes funeral parlours, including any chapel forming part thereof;

**“Private open space”** means any land reserved in this scheme for use as a private ground for sports, play, rest and recreation or as an ornamental garden or pleasure ground;

**“Public garage”** shall mean a trade or business in respect of which a licence referred to in Item 15 of the Second Schedule to the Licences Consolidation Act, 1925, (Act No. 32 of 1925) is required and shall include the trade or business of fuelling motor vehicles for payment or reward;

**“Public place”** or **“public open space”** means any land used or reserved in this scheme for use by the public as an open space, park, garden, playground, recreation ground, or square;

**“Putting course”** means any land or buildings used for an outdoor miniature golf course;

**“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;

**“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, residential clubs and hostels, but does not include any building mentioned whether by way of inclusion or exclusion in the definitions of “place of instruction” and “institutional building”;

**“Shop”** means a building—

- a) for the purpose of carrying on a retail trade, or
- b) for the purpose of carrying on a retail trade and repairing or manufacturing goods sold in such trade, provided such repair or manufacture does not constitute a factory within the meaning of the Factories Act, No. 22 of 1941,

and includes a laundrette and a dry cleanette but does not include any other industrial building or a public garage;

**“Site”** means the area of the erf less any land required for road purposes;

**“Street”** shall have the meaning thereto assigned by Section 2 of the Ordinance No. 19 of 1951;

“**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 is the boundary of such proposed new street or proposed street widening;

“**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 a distinctive manner for the purpose of indicating the restrictions imposed by this scheme on the creation and use of buildings and the use of land.

**AREA OF SCHEME**

2. The area to which this scheme applies shall be the Municipality of Citrusdal.

**RESERVATION OF LAND**

3. The several pieces of land specified in Column (1) of Table “A” are reserved for use for the respective purposes indicated in Column (2) of Table “A” and except as hereinafter provided, shall not be used for any other purpose whatsoever.

**TABLE “A”**

(1)	(2)
Indication on map of lands reserved:	Uses for which lands are reserved:
(a) Dark red.	New streets and proposed street widening.
(b) Hatched dark red.	Street closures – use of land to be determined after closure.
(c) Dark green.	Public place or public open space.
(d) Yellow green.	Private open space.
(e) Light yellow green with “CEM” superimposed.	Cemetery purposes.
(f) Red brown with “LA” superimposed.	Local authority purposes.
(g) Red.	Government purposes.
(h) Light blue with “E” superimposed.	Educational purposes.
(i) Blue purple.	Railway purposes.
(j) Light brown with “P” superimposed.	Public parking purposes.
(k) Light brown.	Existing streets.

4. (1) Save with the consent of the Council and the administrator no person shall erect a building, or execute works, or make excavation on land reserved under Clause 3 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) Save as provided in sub-clause (1) no person shall spoil or waste land reserved under Clause 3 hereof so as to destroy or impair its use for the purpose for which it is reserved. Provided that the Council may consent to the deposit on such land of waste material or refuse.
- (3) In giving its consent under this Clause the Council may impose such conditions as it thinks fit.
- (4) Subject to the provisions of any other law, nothing in this Clause shall be construed as prohibiting the reasonable fencing of the land.
- (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.

#### **ERECTION AND USE OF BUILDINGS**

5. (1) 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" are shown in columns (2) and (3) of the 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"**

(1) Zone:	(2) Purposes for which buildings may be erected and used:	(3) Purposes for which buildings may be erected and used only with the special consent of the Council:
(a) Agricultural.	Agricultural buildings subject to only one dwelling per erf.	Putting courses.
(b) Single Residential.	Dwelling-houses, places of instruction.	Place of public worship.
(c) General Residential.	Blocks of flats, place of instruction, hotels and residential buildings which do not conduct off-sales establishments.	Places of public worship, in institutional buildings.

<b>(d)</b> Business.	Blocks of flats and residential buildings above ground floor, business premises, licenced hotels, places of assembly.	Public garages, places of instruction, putting courses and drive-in restaurants.
<b>(e)</b> Minor Business.	Blocks of flats above the ground floor, shops and dwelling-houses.	Putting courses and drive-in restaurants.
<b>(f)</b> Light Industrial.	Warehouses.	Light industrial buildings, public garages, putting courses and drive-in restaurants.
<b>(g)</b> Industrial.	Industrial building, warehouses, public garages.	Putting courses and drive-in restaurants.
<b>(h)</b> Undetermined.	Existing uses only.	

**(2)** Subject to the provisions of Clause 6 hereof where any 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 shall 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 or fumes, or dust, noise or smell.

**(3)** Nothing herein contained shall be deemed to exempt or excuse compliance with any of the Council's Regulations.

#### **ADVERTISEMENT AND APPEAL IN CERTAIN CASES**

**6. (1)** Any person intending to make an application to the Council for its consent to the erection and use of a building or to the use of land in Zones (b), (c) and (d) in Table "B" whether wholly or partially for any purpose requiring the Council's special consent, shall before making such application, publish at his own expenses 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 years (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 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)** The Council shall take into consideration any objections 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.

(3) Any decision of the Council given in terms of this section shall be by special resolution of the Council as defined in Ordinance No. 19 of 1951, as amended.

#### **SAVING FOR SPECIAL PURPOSES**

7. Without prejudice to any powers of the Council derived from any other law, nothing in this scheme shall be construed as prohibiting or restricting or enabling the Council to prohibit or restrict—
- (a) the letting, subject to the Council's Regulations relating to lodging and boarding-houses, by any occupant of a dwelling-house, of any part of the house otherwise than as a tenement;
  - (b) the occasional use of a place of public worship, place of instruction or institution as a place of amusement or social hall;
  - (c) The use by any occupant of a dwelling-house, flat or residential building or of any portion thereof as a doctor's surgery, consulting and waiting rooms.

#### **DENSITY CONTROL**

8. The following restrictions shall apply in the relative zones:-

**(A) Agricultural Zone:**

No building or any portion thereof except boundary walls or fences, may be erected in this zone nearer than 100 Cape feet from any boundary of the site.

**(B) Single Residential Zone:**

**(I) Dwelling-houses:**

- (a) No building or any portion thereof except boundary walls and fences shall be erected on a site nearer than-
  - (i) 15 Cape feet (4.72m) to any street boundary;
  - (ii) 10 feet (3.08m) to the rear boundary;
  - (iii) if the frontage of an erf exceeds 70 Cape feet (22.04m) in length, 8 feet (2.44m) to any lateral boundary provided that the aggregate side space shall be not less than 20 feet (6.1m);
  - (iv) if the frontage of an erf is between 60 and 70 Cape feet (18.89m and 22.04m) in length, 5 feet (1.52m) to any lateral boundary provided that the aggregate side space shall be not less than 16 feet (4.88m);
  - (v) if the frontage of an erf is less than 60 Cape feet (18.89m) in length, 3 feet (0.91m) to any lateral boundary provided that the aggregate side space shall be not less than 12 feet (3.66m) and further that no windows are inserted in any wall which is less than 5 feet (1.52m) from any lateral boundary.

**(b) (i)** 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 of the same height may be erected within the rear space and side space for a distance of 35 feet (10.67m) measured from the rear boundary of the site.

**(ii)** an outbuilding in terms of sub-paragraph (i) may only be erected nearer to a lateral or rear 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.

**(II) Places of instruction, places of public worship:**

Except for boundary walls and fences no building erected or used for these purposes may be nearer than 30 feet (9.14m) from any boundary of the site.

**Parking. (III) Places of public worship:**

The requirements in respect of minimum on-site parking prescribed for places of assembly in the business zone shall be complied with.

**(IV)** Maximum coverage for all buildings in this zone shall be 50%.

**(C) General Residential Zone:**

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

	Block of Flats.	Licensed Hotels.	Other residential and institutional buildings.
<b>(a)</b> Minimum size of site	10 000 Cape square feet (991.34m <sup>2</sup> )	40 000 Cape square feet (3965.36m <sup>2</sup> )	20 000 Cape square feet (1982.68m <sup>2</sup> )
<b>(b)</b> Maximum coverage	25%	25%	25%

**(c) Spaces about buildings-**

**(i)** No building or structure, except boundary walls and fences, shall be erected nearer than 25 Cape feet (7.87m) from any street boundary (vide definition of “street boundary”) of the site or the new street boundary provided for in Clause 8 (C) (g) (ii), whichever is the more restrictive on the site or erf.

**(ii)** Lateral space - 15 feet (4.57m) or ¾ (three quarters) the height of the building, whichever is the greater.

**(iii)** Rear space - 15 feet (4.57m) or ¾ (three quarters) the height of the building, whichever is the greater.

Provided that outbuildings with the consent of the Council may be erected in the lateral and rear spaces for a distance of 35 feet (10.67m) reckoned from the rear boundary, or in the case of corner sites, from the point furthest from the streets abutting the site, on condition that 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.

	Block of Flats.	Licensed Hotels.	Other residential and Institutional buildings.
(d) Maximum bulk	0.75%	0.75%	0.75%
(e) No building in this zone shall exceed a height of three storeys.			
<b>Parking.</b> (f) The requirements in respect of minimum onsite parking prescribed for flats and residential buildings in the business zone shall be complied with in all respects.			
(g) No building may be erected in this zone on any site unless-			
(i) the site abuts a street of at least 40 Cape feet (12.59m) in width which street shall be connected by a street or streets of not less than 40 Cape feet (12.59m) in width to a street of greater width, and			
(ii) all street boundary walls or fences of the site are created at a distance of not less than 25 Cape feet (7.87m) 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.			
(h) The provisions prescribed for places of instruction and public worship in the single residential zone, including the provision of on-site parking, shall apply to such buildings in this zone.			

**(D) Business Zone:**

**(I) Coverage:**

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

<u>Purpose:</u>	<u>Coverage:</u>
Blocks of flats and residential buildings above the ground floor	50%
Licensed hotels	80%
Business premises	80%
Service stations	80%
Places of assembly	80%

**(II) Maximum height:**

No building in this zone shall exceed a height of three storeys.

**(III) Building lines:**

**(a) Street boundaries:**

- (i) Subject to the provisions of section 146 of Ordinance No. 15 of 1952, as amended, business premises and flats above the ground floor may be erected on the street boundary (vide definition of "street boundary"),

(ii) All other buildings shall be set back 15 Cape feet (4.72m) from the street boundary.

**(b) Lateral boundaries:**

(i) Buildings on the ground floor may be erected on the lateral boundary of an erf. (vide (e)),

(ii) Buildings above the ground floor may be erected on the lateral boundary of an erf for a maximum distance of 40 feet (12.19m) measured from the street boundary or the street building line, whichever apply in terms of sub-paragraph (a), and thereafter shall be set back 15 feet (4.57m) from the lateral boundary, (vide (e)).

**(c) Rear boundaries:**

(i) Buildings on the ground floor may be erected on the rear boundary of an erf, (vide (e)),

(ii) Buildings above the ground floor shall not be erected nearer than 15 feet (4.57m) from the rear boundary of an erf.

(d) 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 ventilations openings are inserted in any wall on such boundary.

(e) In the event of the common boundary between two erven forming the boundary between this zone and a residential zone, 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.

**(IV) Basements:**

Subject to the provisions of section 146 of Ordinance No. 15 of 1952, as amended, the building line provisions need not be complied with in so far as basements are concerned.

**(V) 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 within 2 feet (0.61m) of the pavement edge, provided no portion of any projection shall be less than 10 feet (3.05m) above the pavement and there shall be no access from the building to the canopy.

**Parking.**

**(VI) Provisions for on-site parking:** (For loading and off-loading facilities see Clause 11).

(a) In this zone minimum provision shall be made on the site for parking and garaging vehicles on the following basis:

**(i) Business premises (including shops):**

300 square feet (27.87m<sup>2</sup>) for every 600 square feet (55.74m<sup>2</sup>) of the floor area of that portion of the building devoted to these uses.

**(ii) Blocks of flats and residential buildings:**

One parking bay for each dwelling unit (flat) or in the case of hotels, boarding houses and residential buildings, each 2 bedrooms, plus an additional twenty bays in the case of a licensed hotel. Of the parking bays so prescribed, one bay for every four dwelling units or every five bedrooms in case of hotels, boarding houses and residential buildings and the 20 additional parking bays prescribed for a licensed hotel shall be provided uncovered on the site and clearly demarcated and suitably sign-posted to the Council's satisfaction for the use by visitors to the premises.

**(iii) Places of assembly:**

A minimum area shall be provided on the basis of one parking bay for every twenty seats provided in the building subject to a minimum of 15 parking bays for each funeral parlour.

**(iv) Public garages:**

1200 square feet (111.48m<sup>2</sup>), exclusive of showroom and workshop areas for every grease bay or wash bay.

- (b)** No parking area in the case of the general residential zones to which these provisions also apply by virtue of Clause 8(C)(f) shall be laid out within 15 feet (4.57m) of a street boundary (vide definition of street boundary).
- (c)** The vehicular access/exit ways to the site shall be restricted not more than one each per site per street abutting the site, provided that in the case of public garages the provisions of Clause 8(D)(ix) shall apply.
- (d)** The vehicular access/exit ways to the site shall be restricted to a maximum width of 20 feet (6.1m) where they cross the street boundary, provided that in the case of public garages the provisions of Clause 8(D)(ix) shall apply.
- (e)** No vehicular crossing over the pavement shall be located nearer than 15 feet (4.57m) to any street corner (i.e. the point of intersection of two street boundaries) provided that in the case of public garages, the provisions of Clause 8(D)(ix) shall apply where more restrictive than the provisions of this sub-clause.
- (f)** Such parking areas shall be properly constructed to the satisfaction of the Council.
- (g)** Such parking areas shall be used exclusively for the parking or standing of vehicles lawfully coming thereon and shall not be used for trading purposes or any other purpose.
- (h)** The manner in which it is intended that vehicles shall park or stand on such parking areas 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 re-

strictive requirements than those of sub-clause (b) to (g) if considered necessary from any traffic point of view.

(i) (i) As an alternative to the provisions of paragraph (D)(VI)(a)(i), 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.

(ii) As an alternative to (e)(i), the owner may, with the consent of the Council, pay a cash sum to the Council, equal to the rateable valuation per square foot (0.0929m<sup>2</sup>) 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 paragraph (D)(VI)(a)(i), in which event the Council shall itself acquire the necessary land for such parking purposes.

**(VII) 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 a foyer with a minimum area of two and a third (2.667) square feet (0.247741m<sup>2</sup>) per seat for one quarter of the total seating capacity and a minimum frontage of 3 feet (0.91m) for each 100 seat in the building licensed by the Council.

**(VIII) 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 force of these provisions, or when additions or alterations are made to any building in this zone, all the buildings on the site shall be made to comply with the provisions of the scheme, the regulations of the Council and any other laws which may be applicable.

**(IX) Public garages:**

The following additional provisions shall apply:

(a) For the purpose of these provisions-

“**intersectional**” means the area embraced within the prolongation of the lateral boundaries of two public roads which join each other at, or approximately at right angles, or the area within which traffic travelling on different roads joining at any other angle may come into conflict;

“**road boundary**” means the boundary of the width of any road fixed by or any under any law;

**“traffic island”** means any raised area in a roadway intended for the physical separation of traffic or for the exclusive use of pedestrians, or for both; all other words and expressions (including the word “erect”) shall, except where the context indicates otherwise, have the meaning assigned thereto in section 1 of the Divisional Councils Ordinance, 1952 (Ordinance No. 15 of 1952).

- (b)** Notwithstanding any other provisions of the town-planning scheme no person shall erect a public garage which does not conform to the requirements hereafter set forth, except where the local authority and good cause shown and with approval of the Administrator, authorities otherwise.
- (c)** No engineering work which causes objectionable noise or in the course of which obnoxious or harmful gases, fumes or odours are released, no spray-painting and no panel beating, shall be carried on at a public garage unless such garage is situated on land which may be used for industrial purposes.
- (d)** No motor vehicle fuel pump shall be erected within 12 feet (3.66m) of the road boundary measured from the nearest edge of the base or island on which the pump is erected, and no pumps for the supply of motor vehicle fuel to the public shall be erected on any site with a continuous road frontage of less than 100 Cape feet (31.49m).
- (e)** The vehicular access and exit ways to and from motor vehicle fuel pumps shall where they cross the road boundary be not more than 30 feet (9.14m) wide and a wall at least 4½ (4.5) inches (0.1143m) thick and 9 inches (0.2286m) high shall be erected on the road boundary abutting the site between the points of access and exit. The wall shall be continued along such boundary unless the site is otherwise enclosed. The vehicular access and exit ways to and from motor vehicle fuel pumps at a public garage shall be restricted to one each for every 100 Cape feet (31.49m) of the road frontage along which they are erected.
- (f)** The vehicular access and exit ways to and from motor vehicle fuel pumps, where they cross the road boundary, shall be not less than 100 Cape feet (31.49m) from-
  - (i)** the intersection of a declared road, proclaimed road, perspective main road or any other road to which the provisions of section 146 of the Divisional Councils Ordinance, 1952 (Ordinance No. 15 of 1952) apply, with any other road of like status;
  - (ii)** any road whether existing or provided for in the town-planning scheme;
  - (iii)** any intersection where traffic is controlled, or is proposed to be controlled in terms of the town-planning scheme by a traffic island.
- (g)** Any part of the site of a public garage which is used for the storage of disused motor vehicles or parts of motor vehicles, any other scrap whatsoever,

or empty containers, such as oil drums and packing cases, or for the assembly, repair, painting or dismantling of motor vehicles shall, unless it is enclosed by buildings at least 7 feet (2.13m) high, be enclosed with a wall at least 7 feet (2.13m) high.

**(X) Combined buildings:**

In the case of combined buildings, 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 any one floor of a building for more than one use, the more restrictive provision shall apply.

**(XI) Blocks of flats and residential buildings:**

Flats and residential buildings, other than licensed hotels in this zone may only be erected above the ground floor.

**(XII) Dry cleanettes and laundrettes:**

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

- (a)** 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 2,750 square feet (255.48m<sup>2</sup>).
- (b)** The minimum distance between the boundaries of any two dry cleanettes or laundrettes, unless situated on opposite sides of a street, shall be 200 feet (60.96m).
- (c)** Only gas, electricity or illuminating paraffin shall be used for the production of steam or hot water.
- (d)** The solution used in the cleaning process shall be non-inflammable.
- (e)** The combined capacity of the dry cleaning machines that may be installed shall not exceed 42 lbs. (19.05kg) dry weight of clothing or other articles per cleaning operation per half hour cycle.
- (f)** The combined capacity of the washing machines that may be installed shall not exceed 60 lbs. (27.22kg) dry weight of clothing or other articles per washing operation.
- (g)** In any establishment comprising either a dry cleanette or laundrette or a combination of both, the maximum personnel shall be 12.
- (h)** 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.
- (i)** 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 pub-

lic health, etc., it shall submit the application, together with its view and recommendations and the reasons therefor to the Administrator whose decision shall be final.

**(XIII) Funeral parlours with chapels:**

The following additional provisions shall apply:

- (a)** For the purpose of these provisions, “intersection” and “traffic island” shall have the meanings assigned thereto in paragraphs (D)(VIII), relating to public garages.
- (b)** No funeral parlour with a chapel shall be permitted on a site abutting a street of less than 40 Cape feet (12.59m) in width.
- (c)** No funeral parlour with a chapel shall be permitted nearer than 300 Cape feet (94.46m) from-
  - (i)** the intersection of a declared road, proclaimed road, prospective main road, or any other street to which the provisions of section 146 of the Divisional Council Ordinance, 1952 (Ordinance No. 15 of 1952) apply with any other street of like status;
  - (ii)** any robot whether existing or provided for in this town-planning scheme; and
  - (iii)** any intersection where traffic is controlled, or is proposed to be controlled in terms of the town planning scheme, by a traffic island.

**(E) Minor Business Zone:**

The restrictions applying to shops and flats in the business zone and dwelling-houses in the single residential zone shall apply in this zone, provided-

- (a)** no erf shall form the site of both a dwelling-house and a flat, and
- (b)** not more than one floor of business premises and one floor of flats shall be erected on a site in this zone.

**(F) Light Industrial and Industrial Zones:**

- (I)** The maximum coverage in this zone shall be 75%.
- (II)** For the purpose of loading or unloading vehicles there shall be left on the site a space or spaces amounting to not less than-
  - (a)** 20% of the total floor area of the building; or
  - (b)** 25% of the area of the site,whichever is the lesser and the linear dimensions of such space or spaces shall be such that the shortest distance measured at right angles between any two sides thereof is in no case less than 25 feet (7.62m). Such space or spaces shall have vehicular access to a street, which shall be to the satisfaction of the Council and shall not be less than 15 feet (4.57m) wide, and, if carried through a building, not less than 10 feet (3.05m) in height.
- (III)** All street boundary walls or fences of the site shall be erected at a distance of not less than 25 Cape feet (7.87m) 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.

**(IV)** No building or any portion thereof, except boundary walls and fences, shall be erected nearer than 10 feet (3.05m) from any street boundary of the site (vide definition of "street boundary") or the new street boundary in the preceding sub-clause III, whichever is the more restrictive on the site.

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

**(VI)** No building in the light industrial zone shall exceed a height of three storeys.

**(G) Undetermined Zone:**

In this zone no person shall erect a building or alter, add to or extend an existing building nor shall be use any existing building or land for a purpose for which, or in a manner in which, it was not used on the day of 30<sup>th</sup> November, 1967, without the consent of the Council and the Administrator.

**MISCELLANEOUS**

**NUMBER OF BUILDING PER ERF**

9. 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.

**EXTERNAL APPEARANCE OF BUILDINGS**

10. 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 on the materials to be used for that purpose. The drawings shall be upon suitable and durable material to a scale of not less than 1 inch (0.0254m) to every 8 feet (2.44m) except that where the building is as extensive as to render a smaller scale necessary, the drawings may be to a scale of 1 inch (0.0254m) to every 16 feet (4.88m). The Council may require such alteration of the external appearance and building materials as it may seem necessary.

**LOADING AND OFF-LOADING FACILITIES**

11. **(1)** Except in the light industrial and industrial zones 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, to the satisfaction of the Council, suitable and sufficient accommodation within the site for any loading, unloading, or fuelling of vehicles which are likely to be habitually involved in connection with the use of the building.

(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.

#### **USE OF OUTBUILDINGS PRIOR TO COMPLETION OF MAIN BUILDING**

12. No outbuildings may be used for any purposes 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.

#### **PROCEDURE**

13. (1) 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, the conditions shall have the same force and effect as if they were part of this scheme.
- (2) The Council shall keep, so as to be available for inspection at all reasonable times by any person interested a record of approvals, consent, 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 or refusals by the Council or the Administrator and the applicant in connection therewith.
- (3) The Council shall permit any person to inspect at any reasonable time the scheme and map deposited in the offices of the Council, provided that any information given in regard to the scheme to any person shall only be valid if it is in writing and signed by the official duly authorised thereto by the Council.
- (4) The provisions of sections 260 of Ordinance No. 19 of 1951, as amended, shall *mutatis mutandis* apply to this scheme.

#### **APPROVED TOWNSHIPS**

14. (1) Notwithstanding the foregoing provisions, the conditions relating to use, maximum coverage and height and building lines 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.
- (2) The layout plan of a township approved by the Administrator subsequent to the coming into operation of these provisions, shall from part of the town planning scheme and the map shall be amended accordingly.

#### **PUTTING COURSES AND DRIVE-IN RESTAURANTS: SPECIAL PROVISIONS**

15. (1) No putting course or drive-in restaurant shall be established or operated except in accordance with the provisions of this clause.

**(2)** No putting course of drive-in restaurant and the necessary parking area shall be permitted on a site abutting a road of less than 40 Cape feet (12.59m) in width. No vehicular entrance/exit for these undertakings shall be nearer than 300 feet (91.44m) from an intersection as defined in clause 8(D)(IX)(a) where two proclaimed roads meet or where traffic is controlled by robots or traffic island.

**(3)** Provision shall be made on the site of every putting course for a parking area on the basis of 3 parking bays to every 2 holes in a putting course, provided that where a putting course is adjacent to a drive-in restaurant and the parking area for the two undertakings are not clearly separated, 50 parking bays must be provided for the drive-in restaurant in addition to the parking facilities prescribed for the putting course. The provisions of clauses 8(D)(VI)(b) to (h) shall be applicable, *mutatis mutandis*, to any parking area required in terms of this clause.

**(4)** The boundary of a putting course shall be set back at least 10 feet (3.05m) from the statutory boundary of any street abutting the course to provide suitable standing room for spectators off the street and pavement.

**(5)** Sanitary facilities shall be provided on the site of every putting course and drive-in restaurant to an extent prescribed by the Medical Officer of Health and shall be located in positions approved by the Council.

**(6)** Where the Council deems it necessary in the interests of amenity, the site of every putting course and/or drive-in restaurant shall be screened and landscaped in a manner prescribed by the Council.

**(7)** A putting course shall not be operated later than such closing hour as the Council may prescribe.

**(8)** Any buildings or structures erected on the site of a putting course and/or a drive-in restaurant shall fully comply with the provisions stipulated in the town planning scheme for the zone in which the site is located.

**(9)** Any public address or sound system at a putt-putt course and/or a drive-in restaurant shall at all times be operated in such a manner that the Council is satisfied that no nuisance whatsoever is caused to the occupants of nearby properties.

**(10)** In addition to the advertising of the proposed establishment of a putting course and/or a drive-in restaurant for the purpose of the Council's special consent, the notice of surrounding owners shall be drawn in writing to the aforesaid advertisement.