

PART IIIBUILDING RESTRICTIONS AND USE OF LAND11. Buildings used for more than one purpose

- (1) Where a building is used, or proposed building is designed for more than one use it shall for the purpose of clauses 12, 18 and 25 hereof be deemed to be used or designed partially for each of those uses, but for the purposes of other provisions of this part of the scheme it shall be deemed to be used or designed for the predominant use thereof and the local authority may, and shall, if the person in control of the building or who intends to erect such building, applies for that purpose, decide what the predominant use will be.
- A1.
- (2) the local authority shall notify the applicant of its decision in terms of subclause (1).

12. Erection and use of buildings and/or use of land *page 59*

Table E, attached hereto as Appendix III, indicates the purposes

- for which land may be used and/or on which buildings may be erected and used'
- for which land may be used and/or on which buildings may be erected and used with the special consent of the local authority only;
- for which land may not be used and/or on which buildings may not be erected and used.

Provided that:

- (1) this clause does not prohibit the erection of access structures (other than entrance halls and entrance passages), pergolas, garden ornaments, garden walls and hedges;

A1. Amended by Administrator's correction notice 944/23.7.1980

- (2) an agricultural building or buildings normally used in connection with a market garden or nursery, may be erected on any land owned by the same owner: Provided that such buildings may only be erected and used subject to the provisions of clause 19(1) where such land is less than 8 ha in extent, except in the case of agricultural holdings established in terms of the Agricultural Holdings (Transvaal) Registration Act, 1919, (Act 22 of 1919) or land zoned agricultural in terms of this scheme;
- (3) the conduct of a picnic or pleasure resort may be permitted on any farm portion with the consent of the local authority subject to clause 19(1) hereof: Provided that such consent shall not permit business premises, shops or places of amusement, but may permit a tearoom, swimming pool or dance hall;
- A1. (4) the conduct of drive-in theatres with the consent of the Administrator or of a general dealer's business, tearoom, dairy shop, butcher's shop, public garage, film studios or the manufacture of clay products, horse riding stables, dog kennels and recreational purposes on any farm land or land outside an approved township may be permitted subject to clause 19(1) hereof.
- (5) in the townships of Sandown, Wierda Valley, Atholl, Atholl Extension 1 and Edenburg and Strathavon, Morningside and Hyde Park Agricultural Holdings, and portion 3 of portion 41 Zandfontein 41 IR, dairies, horse stables, dog kennels, veterinary hospitals, building for the use of veterinary surgeons, poultry farms, nursery and market gardens may be permitted with the consent of the local authority, except where conditions of subdivision prohibit such use;
- (6) no person shall use any building or portion thereof, or cause or permit the use of such building for any other purpose than that for which it was erected, unless such building is altered for the proposed new use and the consent of the local authority in respect of such new use is obtained;
- (7) no building for use or occupation, other than buildings for occupation by domestic servants, may be erected in any use zone without the consent of the local authority subject to clause 19(1) hereof: Provided further that a building to be occupied by domestic servants shall not be erected in any use zone in a position and to a design which would probably interfere with the amenities of the area;

- (8) where application is made to the local authority in terms of clause 19(1) hereof for its consent for the erection and use of a building in a use zone where such building may be erected and used with the consent of the local authority only, it may grant or refuse its consent and in granting its consent, it shall be entitled to impose such conditions as it may deem fit in regard to the erection and use of such buildings:

Provided further that consideration shall be given to the question of whether the use for which the building is intended or designed is likely to cause injury to the amenity of the neighbourhood including, without prejudice to the generality of the foregoing, in the case of an industrial building, injury due to the emission of smoke, fumes, dust, noise or smell: Provided further that in this subclause the expression "the erection and use" of a building for a particular use includes the conversion of the building for that use, whether or not involving structural alterations;

- (9) nothing herein contained shall be deemed to exempt or excuse compliance with any of the local authority's by-laws not inconsistent herewith;
- (10) the roads in use zone 32 shall not be deemed to be public roads until they or any portion of them fall within any township which may be established on the land traversed by such roads or until they are proclaimed as public roads, or become vested in the local authority for that purpose in terms of any law.

13. Conditions applicable to all erven

The following conditions shall apply to all erven and/or properties in the area:

- (1) Except with the written consent of the local authority and subject to such conditions as it may impose:
- (a) neither the owner, nor any other person may, except for the purpose of preparing the erf for building purposes, excavate any material thereon;
- (b) neither the owner, nor any other person may sink wells or boreholes on the erf or draw any underground water therefrom;
- (c) neither the owner, nor any person may for whatsoever purpose manufacture or permit the manufacture of tiles, earthenware pipes or other articles of similar nature on the property: Provided that this condition shall not apply to erven in use zones 10,11 and 12.

NB. Clause (11) deleted notice 296/1990 dated 5.12.1990

- (2) Where, in the opinion of the local authority, it is impracticable for stormwater to be drained from higher lying erven direct to a public street, the owner of the erf shall be obliged to accept and/or permit the passage over the erf of such stormwater:

Provided that the owner of any higher lying erf, the stormwater from which is discharged over any lower lying erf, shall be liable to pay a proportionate share of the cost of any pipeline or drain which the owner of such lower lying erf may find necessary to lay in order to drain stormwater over his property.

- (3) The siting of buildings, including outbuildings erected on the property, as well as access to and exits from the property shall be to the satisfaction of the local authority.
- (4) The main building, which shall be a completed building and not one partially erected and to be completed at a later date, shall be erected simultaneously with or before the outbuildings.
- (5) The loading or off-loading of goods shall take place within the boundaries of the erven to the satisfaction of the local authority unless the local authority has made provision for loading facilities in the street reserve: Provided that this condition shall not apply to properties accommodating one dwelling unit only.
- (6) No material or goods whatsoever may be placed or stored in the building restriction area adjacent to any existing street or street widening boundary of the erf and such portion may not be used for any other purpose save for the laying out and maintenance of lawns, gardens, parking or access roads: Provided that if a screen wall is required on such boundary this requirement may be relaxed with the written consent of the local authority and subject to such conditions as the local authority may impose.
- (7) A screen wall shall be erected if required by and to the satisfaction of the local authority, the extent, material, design, height, position and maintenance of which shall also be to the satisfaction of the local authority: Provided that this condition shall not apply to erven in use zones 1 and 2 (where they accommodate one dwelling unit only) and 20.
- (8) If the property is fenced or enclosed in some other way, the extent, material, design, height, position and maintenance of such fence or enclosure shall be to the satisfaction of the local authority.

- (9) The registered owner shall be responsible for the maintenance of the entire development on the property: Provided that if the local authority is of the opinion that the property or any part of the development is not maintained in a satisfactory manner, the local authority shall be entitled to undertake such maintenance at the expense of the registered owner which expense shall be paid to the local authority on demand.
- (11) The elevational treatment of all buildings shall conform to a good standard of architecture and shall be to the satisfaction of the local authority.
- (12) The internal roads on the erf shall be constructed and maintained by the registered owner to the satisfaction of the local authority: Provided that this condition shall not apply to use zone 1.
- (13) Those parts of the site not utilised for building or parking purposes shall within six months from the date on which the building(s) is (are) completed or on which the site is first used for the approved use be landscaped at the owner's cost to the satisfaction of the local authority and shall thereafter be maintained to the satisfaction of the local authority at the cost of the owner: Provided that this condition shall not apply to use zone 1.
- (14) No landing or take-off or maintenance of a helicopter, except emergency landings and occasional landings (the latter of which shall in any event not exceed two landings during a period of twelve months) shall be made or carried out on or from any land in any use zone without the special consent of the local authority: Provided that the local authority 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 use of the land and/or erection and/or use of buildings thereon for the aforementioned purposes: Provided further that this provision shall not apply to land owned and/or controlled by the local authority.

(NB: With the approval of this document clause 10 was deleted by the Administrator)

- (15) For the purpose of the preceding sub-clause "emergency landing" shall include any landing made in consequence of any mechanical or other malfunction or failure or lack of fuel, or in consequence of any circumstances relating to weather conditions whereby continued flight is, in the opinion of the operator dangerous or hazardous, or any landing made in consequence of any disaster whether natural or otherwise including civil unrest, or any landing made to safeguard human life or for transport of any ill or injured person to a hospital or other place for medical treatment or any landing by any helicopter operated by the SADF or any law enforcement agency in the execution of its duties.

14. The following conditions shall apply to all erven in use zone 2:

- (1) A site development plan, compiled to a scale of 1:500 or to any other scale as may be approved by the local authority, shall be submitted for approval to the local authority before the submission of any building plans. No buildings shall be erected on the erf until such site development plan has been approved by the local authority, and the entire development of the erf shall be in accordance with the approved development plan: Provided that, with the written consent of the local authority, the plan may be amended from time to time: Provided further that such development plan shall indicate at least the following:
- (a) the siting and height of all buildings and structures as well as the number of dwelling units per ha;
  - (b) open spaces, children's playing areas (if they are contemplated in the proposed development) as well as site landscaping;
  - (c) entrances to and exits from the erf, and any proposed subdivision thereof;
  - (d) if the erf is to be subdivided, the proposed subdivisional lines;
  - (e) access to buildings and parking areas;
  - (f) building restriction areas (if any);
  - (g) parking areas and, if required by the local authority, the vehicular and pedestrian traffic systems;
  - (h) the elevational treatment of all buildings and structures; and

- (i) if it is envisaged that the total development of the erf is not to take place simultaneously, the grouping of the dwelling units and the programming for the development thereof, shall be clearly indicated on the plan.
  - (2) Subject to the provisions of section 84 of the ordinance, but notwithstanding any other provision contained in this scheme, the local authority may agree to the subdivision of the erf where such subdivision is in accordance with the provisions of the approved subdivision proposals as indicated on the approved site development plan applicable to the erf.
  - (4) Where a site development plan submitted to the local authority for approval shows subdivision proposals, the applicant shall submit written proof as to whether the subdivision proposals are acceptable to the Director of Local Government where such an application for subdivision is subject to the Administrator's approval in terms of the Ordinance.
15. In use zones 3 and 4, where development takes place at a density of -
- (1) not more than 20 dwelling units per ha, the provisions of clause 14 shall apply; and
  - (2) more than 20 dwelling units per ha, the following conditions shall apply:
    - (a) the registered owner of the erf shall provide to the satisfaction of the local authority at least 250m<sup>2</sup>, of the area of the erf in a single portion as common beneficial open space: Provided that such portion may include paved areas and lawns but shall exclude parking areas and driveways: Provided further that such registered owner shall provide playground equipment on the erf on the basis of the needs of the occupants to the satisfaction of the local authority; and

(b) a site development plan, compiled to a scale of 1:500 or to any other scale as may be approved by the local authority, shall be submitted for approval to the local authority before the submission of any building plans. No buildings shall be erected on the erf until such site development plan has been approved by the local authority and the entire development on the erf shall be in accordance with the approved development plan: Provided that with the written consent of the local authority, the plan may be amended from time to time: Provided further that such development plan shall indicate at least the following:

- (i) the siting, height, floor area, floor area ratio and coverage of buildings and the number of dwelling units;
- (ii) children's play areas and landscaping and, where required by the local authority, open spaces;
- (iii) entrances to and exits from the erf, internal roads and parking areas;
- (iv) access to buildings and parking areas;
- (v) building restriction areas (if any);
- (vi) parking areas and, if required by the local authority, vehicular and pedestrian traffic systems;
- (vii) the elevational treatment of all buildings and structures; and
- (viii) if the erf is to be subdivided, the proposed subdivisional lines.

16. In use zones 5, 6, 7 and 8 no goods or materials whatsoever shall be stored or stacked to such a height or in such a manner that it is visible from outside the property.

17. (1) The following conditions shall apply to erven used for public garages:

- (a) Screen walls, the extent, material, design, height and siting of which shall be to the satisfaction of the local authority, shall be erected and the maintenance thereof shall also be to the satisfaction of the local authority;
- (b) No material whatsoever shall be stored or stacked to a height greater than that of the screen walls;



(c) No repair to vehicles or equipment whatsoever shall be carried out and no material or equipment whatsoever shall be stored or stacked outside the garage building except where such space is screened off to the satisfaction of the local authority: Provided that fuel pumps and/or oil and fuel installations may be located outside the building to the satisfaction of the local authority; and

(d) The registered owner shall provide public conveniences on the site to the satisfaction of the local authority.

(2) Conditions (1)(a), (b) and (c) may be relaxed by the local authority in respect of erven with public garage rights where they are situated in and/or adjacent to and/or surrounded by use zones 10, 11 and 12.

#### 18. Parking

Effective and paved parking for motor cars together with the necessary manoeuvring space shall be provided to the satisfaction of the local authority for the various uses as follows:

TABLE F

| USES                                 | MINIMUM PARKING REQUIREMENT   |
|--------------------------------------|---|
| Residential 2                        | (i) One covered parking space per dwelling unit<br>(ii) One open parking space per dwelling unit if required by the local authority   |
| Residential 3 and 4 excluding hotels | (i) One covered parking space per dwelling unit with two or less habitable rooms.<br>(ii) One covered and one open parking space per dwelling unit with three or more habitable rooms.<br>(iii) One open parking space per every two dwelling units for visitors' parking |
| Shops                                | Six parking spaces per 100m <sup>2</sup> gross leasable shopping area.  |

|  |   |
|--|---|
| Dwelling units to a density of more than 20 dwelling units per hectare in all use zones excluding residential 2, 3 and 4 | <p>(i) One covered parking space per dwelling unit with two or less habitable rooms.</p> <p>(ii) One covered and one open parking space per dwelling unit with three or more habitable rooms.</p> <p>(iii) One open parking space per every two dwelling units for visitors' parking.</p> |
| Dwelling units to a density of 20 dwelling units or less per hectare in all use zones excluding residential 1,2,3 and 4  | <p>(i) One covered parking space per dwelling unit.</p> <p>(ii) One open parking space per dwelling unit if required by the local authority.</p>  |
| Industrial   | One parking space per 100m <sup>2</sup> industrial floor area.  |
| Commercial and business, excluding offices   | One parking space per 100m <sup>2</sup> floor area.   |
| Offices<br><br>A1  | 4 parking spaces per 100m <sup>2</sup> office floor area: Provided that in respect of financial institutions, medical consulting rooms and veterinary clinics, the requirement shall be six parking spaces per 100m <sup>2</sup> .  |
| Places of public worship   | One parking space per three seats for churches  |
| Places of amusement  | One parking space per four seats for places of amusement  |
| Places of refreshment<br>A2  | One parking space per 3 seats   |
| Hotels   | <p>(i) One parking space per bedroom or suite</p> <p>(ii) Six parking spaces per 100m<sup>2</sup> of public area</p>  |

Handwritten notes and diagrams at the bottom of the page, including the word "SCHEDULE" and a diagram of a rectangular area with internal lines.

|                |  |
|----------------|--|
| Public garages | Workshops: Six parking spaces per 100m <sup>2</sup> floor area.<br>Lubricating, washing and tune-up bays: Four parking spaces per bay.<br>Storage, sale of spare parts and showrooms: Two parking spaces per 100m <sup>2</sup> floor area. |
|----------------|--|

A1 Amended by Administrator on 17.7.1989

A2 Approved on 21.2.1990 (AS 1362)

Provided that:

- (1) the local authority may upon receipt of a written application relax or waive the requirements in Table F in the following circumstances:
  - (a) upon the local authority being satisfied that sufficient parking space already exists in the vicinity of the site; and
  - (b) in the event of the owner or two or more owners having provided combined parking accommodation as required in terms of this clause on an alternative site approved by the local authority;
- (2) the owner of the building in respect of which parking has been provided in terms of this clause shall maintain such parking in a proper manner to the satisfaction of the local authority; and
- (3) the charging of fees for the hiring of parking provided in terms of this clause shall not be regarded as a business.

#### 19. Advertisement and objections

- (1) Any person intending to apply to the local authority for consent for the erection and use of a building, or the use of land in any use zones either partially or wholly for any purpose which requires the consent of the local authority, shall prior to submitting such application -
  - (a) Publish at his own expense, once a week and at least 7 days apart, for two consecutive weeks both in English, in an English daily newspaper, and in Afrikaans, in an Afrikaans daily newspaper, each circulating in the area, a notice of such application. The advertisements in both the English and Afrikaans newspapers shall appear on the same day.

- (b) Post and maintain a similar notice in a conspicuous position on each separate portion of such land or building to which such consent applies, for a period of not less than twenty-eight (28) consecutive days calculated from the date of the first notice in the newspapers mentioned in (a) above.
  - (c) Notify by registered post, the registered owners of all properties, lying wholly or partially within a distance of 100 metres from any boundary of the application site, with copies of the notice referred to in (a) above.
  - (d) Submit a copy of the draft application to the Council.
- (2) The notices mentioned
- (a) In (1)(a) and (1)(b) shall contain the name and address of the applicant and shall state that any objections or representations in connection with such consent, shall be submitted in writing simultaneously to the local authority and the applicant within twenty-eight (28) days from the date of the first notice in the newspaper.
  - (b) In (1)(b) shall not be smaller than 594mm by 420mm and any letter shall be at least 6mm in height.
- (3) The applicant shall simultaneously with the submission of the application to the local authority submit an affidavit that such notice was posted and maintained and that registered letters as set out in (1)(c) were posted.
- (4) The local authority shall take into consideration any objections and representations received within the said period of twenty-eight (28) days and shall notify the applicant and any person from whom any objections or representations were received of its decision.
- (5) The decision of the local authority shall not take effect until the expiration of twenty-eight (28) days from the date on which the applicant is notified thereof, or if an appeal has been noted in terms of the provisions of the Ordinance, until such appeal has been disposed of.
- (6) The provision of (5) above does not apply if no objection to the application was received as contemplated in (4).

- (7) For any amendment to conditions imposed with a consent granted in terms of this clause, the procedures set out in (1) to (3) above shall apply.

20. Saving for certain purposes

Without prejudice to any of the powers of the local authority in terms of any act, or to the provisions contained in the remainder of this scheme, nothing contained in the preceding provisions of this part of this scheme shall be construed as prohibiting or restricting the following, or empowering the local authority to prohibit or restrict the following:

- (1) the winning of minerals by underground working or by surface working, or the erection of any buildings or the carrying out of any work which is incidental thereto on land which is not included in a proclaimed township or an agricultural holding;
- (2) the letting, subject to the by-laws relating to the letting of rooms and boarding houses, by an occupant of a dwelling unit or portion thereof otherwise than as a separate dwelling;
- (3) the occasional use of a place of public worship, a place of instruction or an institution, as a place of amusement or social hall;
- (4) the practice, subject to compliance with the by-laws, by any occupant of a dwelling unit or residential building of a profession or occupation which does not involve either of the following:
  - (a) the use of a building as an industry or a noxious industry; or
  - (b) the public display of goods whether in a window or otherwise; or
  - (c) the display of any notice or sign other than a notice or sign ordinarily displayed on a dwelling unit to indicate the name and profession or occupation of the occupant; or
  - (d) an interference with the amenities of the neighbourhood:

NB. Substitution of existing provisions in Clause 19 A.S. 1688 with above were approved on 22.1.1992

Provided that such occupant shall be entitled to employ not more than two persons to assist in the practice of such profession or occupation: Provided further that this sub-clause shall not apply in respect of the practice of any profession or occupation in respect of which a licence is required in terms of the provisions of the Licences Ordinance, 1974 (Ordinance 19 of 1974) or any amendment or substitution thereof or any other law.



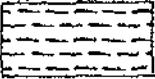

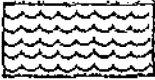

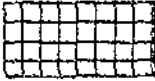


## 21. Density




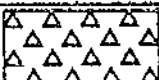



### Number of dwelling units which may be erected and subdivisions

No dwelling unit shall be erected in such a manner that the number of dwelling units on an erf exceeds the number given in Table G in respect of the density zone in which the erf is situated; and no dwelling shall be erected on a site, the area of which is smaller than that prescribed in such table in respect of the density zone in which the site is situated.

TABLE G

*B. SERIES*

| Notation on map<br>(1)  | Number of dwelling units per erf<br>(2) | Minimum area of site in square metres required per dwelling unit<br>(3) |
|---|---|---|
|  | 1                                       | -   |
|  | 1                                       | 100   |
|  | 1                                       | 200   |
|  | 1                                       | 300   |
|  | 1                                       | 400   |
|  | 1                                       | 500   |
|  | 1                                       | 700   |
|  | 1                                       | 1 000   |
|  | 1                                       | 1 250   |

|   |   |       |
|---|---|-------|
|  | 1 | 1 500 |
|  | 1 | 2 000 |
|  | 1 | 2 500 |
|  | 1 | 3 000 |
|  | 1 | 4 000 |
|  | 1 | 6 000 |
|  | 1 | 8 000 |

A.1 Provided that:

- (1) The local authority may relax the minimum area of a site required in terms of Column 3, Table G, by not more than one per cent (1%).
- (2) subdivision in Bryanston, Kelvin and Buccleuch Townships and in Linbro Park and Modderfontein Agricultural Holdings, including any excluded holdings within these agricultural holdings, shall be approved only if the building to be erected on the land can be connected to a sewerage system, or the underground condition of each subdivision is of such a nature that the local authority is satisfied that all sewage and waste water could safely be disposed of underground on each of the subdivisions;
- (3) in areas where, according to Table G, only one dwelling unit per erf is permitted with no minimum area prescribed for the site of a dwelling unit, the local authority may consent to the subdivision of an erf only if the coverage in Table H is not exceeded and on condition that the number of portions created out of any erf as a result of the consolidation of two or more existing erven, shall not exceed the number of erven consolidated and the size of any portion (including the remainder) created, shall not be less than 90% of the size obtained by dividing the size of the consolidated erf with the number of portions created by the subdivision;

- (4) no additional dwelling unit shall be erected on any land without the consent of the local authority, unless the portion upon which the additional unit is to be erected is registered separately; and
- (5) the minimum area provided for in column (3) of Table Ga, attached hereto as Appendix IV, shall apply to the properties indicated in column (1) of Table Ga.

A.2. (6) (A) In the townships Atholl, Inanda and Illovo the following conditions shall be applicable to all erven below 1 980m<sup>2</sup> in extent (area excluding the panhandle portion of the erf):

- (i) The total coverage inclusive of outbuildings shall not exceed 25% of the total area of the erf.
- (ii) The height of all buildings shall not exceed one storey.

(B) Provided that the restrictions set out in (A) above may be relaxed with the written approval of the local authority.

(7) Notwithstanding any contrary provision contained in this scheme in terms whereof only one dwelling unit per erf may be erected, a further dwelling unit may, subject to the approval of the local authority be erected on any such erf, agricultural holding or farm portion on which one dwelling is in existence or is being erected in terms of the provisions of this scheme, subject to the following conditions:

(a) (aa) The area of such dwelling unit shall not exceed 110m<sup>2</sup> measured over the outside of the walls, or in a case where part of an existing two or more storey house is partly converted into a dwelling unit, such area shall not exceed 110m<sup>2</sup> or the area of one existing storey of such a house, whichever is the larger.

A.1

(bb) The local authority may grant approval for the area of such dwelling unit to exceed that set out in (aa) above where the buildings on the erf were in existence on 1 January 1980.

A.1. Substituted by Administrator's correction notice 944/dated 23.7.1980

A.2. Amended by notice No. 121/89 dated 18.2.1989.

A.1. Amended by notice No. 1146/89 dated 12.7.1989.



- (b) A minimum of one off-street motor-car parking bay shall be provided on the erf to serve the exclusive needs of the dwelling unit.
- (c) The design of the dwelling unit including any garage or carport associated therewith, as well as the location thereof, ingress to and egress from the erf and parking arrangements shall be architecturally and harmoniously related to the dwelling house, to the satisfaction of the local authority.
- (d) Prior to the submission of building plans, a site development plan indicating the full extent of the proposed development shall be submitted. Such plan shall indicate at least the following:
  - (aa) Points of ingress to and egress from the erf, internal driveways and parking;
  - (bb) All existing and/or proposed development, including buildings, garden walls, pools, tennis courts and other structures;
  - (cc) The location of existing/proposed sewer lines and water mains;
  - (dd) Access to buildings;
  - (ee) The height of all buildings;
  - (ff) The elevational treatment of all buildings and structures (existing and proposed); and
  - (gg) Side and rear spaces.

When considering this plan the local authority shall be satisfied that the proposed development will not be detrimental to the harmonious development of the erf, and furthermore that it will have no detrimental effect on residential amenity within the locality, especially the overlooking of outdoor living and garden areas on neighbouring properties.

- (e) The local authority may either grant or withhold its approval and may impose any conditions as it deems fit.
- (f) The provision of essential services shall be to the satisfaction of the local authority.
- (g) The local authority may relax any of the conditions contained in this sub-clause where the buildings on a particular erf, agricultural holding or farm portion were in existence prior to the coming into operation of the proposed Amendment Scheme: provided that such buildings shall comply with the provision of the local

- authority's Building By-laws and the National Building Regulations : provided further that application for such relaxation shall be made within a period of six months calculated from the date of coming into operation of this amendment scheme.
- A.1.
- (h) For the purpose of this sub-clause "dwelling unit" means a suite of rooms which includes a bathroom and a kitchen designed for occupation by a single family.

22. Minimum street frontage for properties in use zones 1, 2, 3 and 4

The local authority shall not consent to any subdivision which would result in a piece of land upon which a building has been or will be erected having a street frontage of less than 4 metres.

23. Allowance for splayed corners, streets and servitudes of thoroughfare

- (1) In calculating the area of a corner site, the area of the portion thereof which was cut off as a result of a splay in terms of clause 8, shall for the purpose of Table G be included in the area of the site.
- (2) In calculating the area of any site bounding on a new street or right-of-way created by the establishment of a township or the subdivision of an erf or erven, the area of such new street or right-of-way may be included in the area of the site for the purpose of Table G: Provided that the area permitted to be included in the area of the site shall not exceed 10% of the minimum area required in terms of Table G.

24. Portions of land physically separated

If, upon the subdivision of any land, part of the land will be physically separated from the rest of the land by the execution, or proposed execution, of public works, and provided such part is not less than 75% of the minimum area prescribed in column (3) of Table G for such land, the part thus separated may be regarded as an existing erf.

25. Building area (coverage), height and floor area ratio

Table H indicates the height in storeys, the coverage and the floor area ratio (FAR) or number of dwelling units per hectare, according to height zone. The appropriate height zone is indicated by means of the notation, as in column (2) of Table H, on the B series of the map.

(1) Restriction on height of buildings

No building shall exceed the number of storeys indicated in column (3) of Table H: Provided that-

- (a) the local authority may increase the number of storeys prescribed in any height zone by one storey if the local authority is satisfied that the applicant has furnished sufficient proof that a greater height is necessary and/or desirable as a result of the topography and locality of the site;
- (b) for the purpose of this clause, basement storeys shall not be included in the height, provided that the floor area ratio as prescribed in the scheme is not exceeded;
- (c) if at least 75% of the ground floor is used for parking, such floor shall not be regarded as a storey for the purposes of this clause;
- (d) any chimney, ornamental turret, turret-like protrusion or similar architectural feature or lift motor room or room for the storage of mechanical equipment shall not be taken into account; and
- (e) the height in use zone 11 may exceed the height in column (3) of Table H with the written consent of the local authority.

(2) Limitation of floor area ratio or number of units per hectare

- (a) No building with a greater floor area ratio than that indicated in Table H may be erected.
- (b) The number of dwelling units, as indicated in Table H, may not be exceeded.

(3) Limitation on the coverage of buildings

No building shall be erected in such a manner than the coverage takes up a greater portion of the property than that prescribed in Table H: Provided that -

- (a) in the following cases a verandah and/or balcony shall not be included in the coverage, namely:
  - (i) where the verandah and/or balcony is not enclosed; and

- (ii) where the verandah and/or balcony is enclosed by a parapet of not more than one and a half metres in height or by a wire mesh screen;
- (b) all structures not covered by a roof, as well as swimming pools, tennis courts, garden ornaments, access structures (other than entrance passages and entrance halls), boundary fences, garden walls, garden fences and pergolas shall not be included in the coverage;
- (c) in calculating the area of a corner site, the portion thereof covered by a splay in terms of clause 8 shall be included in the area of the site for the purposes of Table H; and
- (d) for the purpose of this clause the space taken up by dormer windows, parapets, pitched roofs or other similar protrusions not projecting more than 0,76 metre above the floor level, as well as the space taken up by chimneys, shall be regarded as empty space in measuring the area of any floor above ground floor level.
- (e) in all use zones, excluding use zone 1, the area covered by private garages erected on the site of a residential building and/or dwelling unit, for the benefit of the inhabitants of such residential building or dwelling unit to an extent of not exceeding 20% of the area of the site, shall not be included in the coverage; and
- (f) in all use zones, excluding use zone 1, the area covered by servants' quarters erected on the site of a residential building and/or dwelling unit, and used in conjunction with such residential building or dwelling unit, to an extent of not exceeding 10% of the area of the site, shall not be included in the coverage.

26. Exterior appearance of buildings

Submission of plans and details

- (1) A person, referred to in this clause as the "owner of a building", who intends erecting a building in any use zone shall, in addition to any plans and details required to be submitted in terms of the by-laws, provide the local authority by means of drawings or other satisfactory descriptions, details of the exterior appearance of the proposed building, including such descriptions as may be deemed necessary for this purpose and of the building materials to be used for the erection of the building, which is hereinafter referred to as "the details".

The drawings shall be made upon suitable and durable material to a scale of at least 1:100, save that, if the building is sufficiently extensive to render a smaller scale necessary, the scale shall be 1:200 or such other scale acceptable to the local authority.

- (2) The local authority shall, within thirty days after the submission of the details in terms of this clause:
- (a) approve the details; or
  - (b) if, after inspecting the nature of the area in which the building is, or will be, erected, it is of the opinion that the building will, on the grounds of its exterior appearance, spoil the area, disapprove the details;

and notify the owner of the building of its decision, and if it disapproves the details, furnish the reasons for its decision.



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| <p> <u>sity</u><br/> Area Ratio<br/> ferent<br/> Zones,<br/> Uses<br/> Use Zones<br/> t<br/> ied, the<br/> Area<br/> is<br/> able to<br/> es except<br/> ntial 2<br/> (5) </p> | <p> Number of<br/> dwelling<br/> units per<br/> ha for<br/> Resident<br/> ial 2<br/> only<br/> <br/> <br/> <br/> <br/> <br/> <br/> <br/> <br/> (6) </p> |
|  |   |

|   |             |      |   |
|---|-------------|------|---|
| 1 | H1<br>***** | A1 4 | Residential buildings,<br>institutions and dwelling units<br>in all use zones excluding use<br>zones 1 and 2:<br>(a) Single storey 50%<br>(b) Two storeys 40%<br>(c) Three storeys 30%<br>(d) Four storeys 30%<br>Dwelling units in use zones<br>1 & 2<br>(a) Single storeys 40%<br>(b) Two storeys 30%<br>(c) Three storeys 20%<br>Other buildings not mentioned<br>above: 60% |
| 2 | H2<br>***** | 2    | Residential buildings and<br>institutions:<br>(a) Single storey 40%<br>(b) Two storeys 30%<br>Dwelling units:<br>(a) Single storey 40%<br>(b) Two storeys 30%<br>Other buildings not mentioned<br>above: 60%  |



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|----|--------------|---|----|-----|
| 3  | H3<br>*****  | 2 |    |     |
| 4  | H4<br>*****  | 2 | 30 | 0   |
| 5  | H5<br>*****  | 2 | 30 | 0   |
| 6  | H6<br>*****  | 3 | 40 | 0   |
| 7  | H7<br>*****  | 2 | 30 | 0   |
| 8  | H8<br>*****  | 2 | 40 | 0   |
| 9  | H9<br>*****  | 2 | 60 | 1,  |
| 10 | H10<br>***** | 2 | 60 | 1,  |
| 11 | H11<br>***** | 3 | 70 | 1,4 |

Al. Amended by Administrator's correction notice 944/23.7.1980

NO FAR IF HEIGHT ZONE IS 0 to 3.

for (200) 2.  
d/u 25 ha.

|     |    |
|-----|----|
|     | 10 |
| ,4  | 15 |
| ,5  | 20 |
| ,6  |    |
| ,35 | 25 |
| 8   | 30 |
| 0   |    |
| 2   |    |
| 4   |    |

40