

**MUNICIPALITY OF THE
CITY OF CAPE TOWN:
ZONING SCHEME:
SCHEME REGULATIONS**

March 1993

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These Scheme Regulations are approved in terms of Section 9(2) of the Land Use Planning Ordinance (No 15 of 1985) by the powers vested in the Administrator and as published in Provincial Gazette No 4649 dated 29 June 1990 and further corrected by virtue of publication in Provincial Gazette No 4684 dated 1 March 1991.

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CHAPTER I: INTRODUCTORY

SCHEME REGULATIONS

1. The provisions set forth herein comprise the Scheme Regulations of the Zoning Scheme of the Municipality, which are deemed to be in force in terms of Ordinance 15 of 1985, and shall be read in conjunction with the Register and the Map.

DEFINITIONS

2. In these Scheme Regulations, in the Register, and in any note on the Map, the following words and expressions shall have the meanings hereinafter assigned to them, except where a contrary intention clearly appears from the context -

(A)

"Actual Coverage", in relation to a building, means the area which is covered by such building calculated in the manner hereafter prescribed;

"Actual Floor Area", in relation to a building, means the total floor area of such building, inclusive of the areas covered by walls of such building, calculated in the manner hereafter prescribed;

"area of an erf" means the surveyed area of such erf, taking into account any red-line, prescribed or re-surveyed areas of such erf, but excludes the area of any portion of such erf which -

- (a) has been encroached upon by the use of such portion by the public as a street or part of a street and which in the opinion of the Council continues to be used as a street or part of a street; or
- (b) is zoned as Street Purposes or Public Open Space in terms of these Scheme Regulations; or
- (c) abuts a street, and is in terms of the Scheme or of any conditions imposed under Ordinance 15 of 1985 required to be surrendered to the Council as a condition precedent to the granting of approval of the proposed erection of a building; or
- (d) has been expropriated under any law;

provided that for the purpose of calculating Permissible Floor Area, the area of any portion of such erf which is transferred to the Council for Street Purposes in pursuance of any provision of the Scheme, shall be included in the area of such erf if such portion is transferred to the Council by the owner without further compensation;

"area of a site" means the area of the erf or the total area of the erven comprising the site of a building;

(B)

"balcony" means a floor projecting outside a building at a level higher than that of the ground floor thereof, enclosed only by low walls or railings or by main containing walls of rooms abutting such projecting floor, and includes a roof, if any, over such floor and any pillars supporting such roof;

"basement storey", in relation to a building or a division of a building, means any storey thereof, the ceiling level of which is not more than 1,0 m above the mean level of the ground;

"Block of Flats" means a building which contains three or more Dwelling Units on a site and which is not a Group of Dwelling Houses;

"boundary", in relation to a site or erf, means one of the straight lines separating such site or erf from another site or erf or from a street; provided that where two sites or erven or a site and an erf or a site or erf and a street are separated by a curved or irregular line, the Council may substitute for such line one or more straight lines approximating as closely as possible to the mean position of such curved or irregular line, and such straight lines shall for the purposes of section 8 be deemed boundaries of such site or erf;

"Builder's Store" means a building, not being a Scrap or Salvage Building, which is normally used for the storage or preparation for use of any plant or materials required in building operations, repairs, maintenance, renovation or redecoration;

"building", without in any way limiting its ordinary meaning, includes -

- (a) any roofed structure;
- (b) any external stairs, steps or landings of a building and any gallery, canopy, balcony, stoep, verandah, porch or similar feature of a building;
- (c) any walls or railings enclosing any feature referred to in paragraph (b); and
- (d) any portion of a building;

"Building Line" means a line between which and a street boundary the erection of buildings or structures is wholly or partially prohibited in terms of this Scheme or any law;

"Business Premises" means a building used for business purposes, and includes an office building, a building used for wholesale trade and a laboratory, but does not include a Shop, Service Station, Place of Assembly, Institution, Industrial Building, Special Industrial Building, Workshop, Builder's Store, Scrap or Salvage Building, Restaurant, Show and Exhibition Building or Off-Course Totalisator;

(C)

"canopy" means a cantilevered or suspended roof or slab (not being the floor of a balcony) projecting from a wall of a building;

"Central City Area" means the area defined as such on Plan TPY 5329/1 of the Map;

"City Planner" means the City Planner of the Municipality;

"Cleanette" means a building used as a dry-cleaning works and conforming to the restrictions prescribed for cleanettes in Chapter XI of these Scheme Regulations;

"Clinic" means a building or portion thereof, not being a hospital or nursing home which is used for psychiatric, dental, medical, veterinary or other similar form of consultation, examination or treatment;

"Combined Building" means a building, the several parts of which fall into two or more of the categories referred to in section 14(1);

"common boundary", in relation to a site, means a boundary of such site other than a street boundary;

"Community Residential Building" means an orphanage, a home for the aged, for vagrants, for battered women, or for indigent, handicapped or disabled persons or persons otherwise socially or physically disadvantaged;

"cornice" means a cornice or portion thereof which is not more than 1 m in horizontal width measured inwards from the outer edge thereof;

"Council" means the Council of the Municipality;

(D)

"division", in relation to a building, has the meaning thereto assigned by section 71;

"Double Dwelling House" means a building containing only two Dwelling Units;

"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, and anything appurtenant, accessory and of a nature customarily incidental thereto;

(E)

"eaves" means a portion of a roof projecting beyond the face of a building, including any gutters thereto, provided that such portion is not more than 1 m horizontal width measured inwards from the outer edge thereof;

"elevational plane", in relation to a building or division thereof, means a vertical plane coinciding with a main containing wall of such building or division, touching such building or division at as many points as possible, such that the entire building or division is contained within all such planes; provided that where the configuration of the building or division is so irregular that doubt or uncertainty exists as to the location of the elevational planes thereof, the City Council shall determine their locations in accordance with the intent of the Scheme;

"erection", in relation to a building or structure, includes -

- (a) the alteration, sub-division or conversion of, or addition to, a building or structure, and
 - (b) the re-erection of a building or structure which has been wholly or partly demolished,
- and "erect" has a corresponding meaning;

"erf" means a piece of land -

- (a) registered in the Deeds Registry or in the office of the Surveyor-General as an erf, stand, lot or plot by means of a Title Deed or General Plan; or
- (b) shown as an erf, stand, lot or plot on a valid plan of subdivision approved by any competent authority;
- (c) which is a public place;

"entrance steps and landings" means steps and landings to a building, including any low walls or railings thereto, if such steps and landings are not within the main containing walls of such building and are of one of the following classes -

- (a) Steps and landings which are at or below the ground floor level where the ground floor is above the mean street level at the street boundary at points opposite such steps and landings.
- (b) Steps and landings not more than 1,4 m above the mean street level at the street boundary at points opposite such steps and landings in all other cases:

(F)

"family" means -

- (a) a single person maintaining an independent household, or
- (b) two or more persons related by blood or marriage maintaining a common household, or
- (c) two, three or four unrelated persons maintaining a common household:

and subject to the provisions of section 25, includes not more than five persons lodging or boarding with a family;

"feet" and "square feet", unless the contrary is stated, mean English feet and English square feet;

"first storey" means the first storey, not being a mezzanine storey, above the ground storey, and "second storey", "third storey", etc. have a corresponding meaning;

"floor" includes a flat roof or terrace to which occupants of the building have access;

(G)

"garage" means a building for the housing of motor cars or lorries;

"ground floor" means the floor of the ground storey, and "first floor", "second floor", etc. have a corresponding meaning;

"ground level", in relation to a building, means the finished level of the surface of the ground surrounding and immediately adjoining the building when erected;

"ground storey" of a building or division of a building means the lowest storey (not being a mezzanine storey) which is not a basement storey;

"Group of Dwelling Houses" means a building or a group of buildings comprising three or more Dwelling Units, subdivided or intended to be subdivided in accordance with the provisions of section 90;

(H)

"height" means -

- (a) in relation to a point on a building: the height of such point above the mean level of the ground; and
- (b) in relation to a building or a portion thereof: the height of the highest point of such building or portion above the mean level of the ground; provided that -
 - (i) where the roof of such building or portion is a sloping one the portion thereof which is above the mean level of such roof may be disregarded;
 - (ii) where a parapet or gable extends above the roof level the topmost 1 m of such parapet or gable (measured vertically) may be disregarded, and any part of the remaining portion of such parapet or gable which is above the mean level of such remaining portion may be disregarded;
 - (iii) the topmost 1 m of any parapet at the edge of a terrace or flat roof may be disregarded; and
 - (iv) lift motor rooms, bulkheads over stairs, water tanks, chimneys, turrets, open railings and other like features above the general roof level may be disregarded;

"Hotel" means a hotel or boarding-house, but does not include any Shop, Business Premises or Place of Assembly attached to or adjoining a hotel if such Shop, Business Premises or Place of Assembly are ordinarily accessible to or used by non-residents of such hotel;

(I)

"Industrial Building" means -

- (a) a building in which -
 - (i) any substance or movable article or part of such article is made, manufactured, produced, built, assembled, compiled, printed, processed, treated, adapted, repaired, renovated, rebuilt, altered, ornamented, painted (including spray painting), polished, finished, cleaned, dyed, washed, broken-up, disassembled, sorted, packed or put into a container, chilled, frozen or stored in cold storage;
 - (ii) livestock (including poultry) are slaughtered;
 - (iii) electricity is generated;
 - (iv) photographs, films or tapes are developed or processed;
 - (v) any activity is carried out which is connected with or incidental to any one or more of the activities mentioned in paragraphs (i) to (iv);
- (b) a warehouse, depository or store, other than a store appurtenant, accessory and of a nature customarily incidental to a Shop, Business Premises or other building falling into any other category defined in this section; and
- (c) residential accommodation for a caretaker to an Industrial Building and his family;

but does not include -
- (d) a Public Garage, a Service Station, Special Industrial Building, Builder's Store, Laundrette, Cleanette, Workshop or Scrap or Salvage Building;
- (e) a building used primarily in connection with consultative professional services;
- (f) a building used primarily for teaching and instruction in primary, secondary or tertiary educational institutions;

"Institution" means a hospital, nursing home and a Clinic;

"intersection of streets" means the area of street which is common to such streets and to the imagined prolongations of such streets across one another, together with any area of street forming a splayed corner between such streets; provided that where a street bends in such a way that the centre lines thereof on either side of such bend include an angle of less than 135 degrees the portions of the street on each side of the bend shall be deemed separate streets;

(L)

"Land Use Restriction" has the meaning assigned thereto by Ordinance 15 of 1985;

"lateral boundary" of a site means a common boundary other than a rear boundary;

"Laundrette" means a building used as a laundry and conforming to the restrictions prescribed for laundrettes in Chapter XI of these Scheme Regulations;

"level of the ground" means the ground level;

"low wall or railing", in relation to a stoep, verandah, porch, balcony, terrace, flat roof, stair, steps, landing or similar feature, means an enclosing wall or railing not more than 1,1 m above the floor level of such stoep, verandah, porch or other feature;

(M)

"Map" means "zoning map" as defined in Ordinance 15 of 1985;

"mean level of the ground" means -

- (a) for the purpose of defining which storey of a building or a division thereof is the basement storey, the ground storey and so on: the mean level of the ground immediately abutting such building or division, averaged around the perimeter of such building or division;
- (b) for the purpose of determining the height of a building or portion thereof in order to apply any provision of the Scheme other than one referred to in paragraph (c): the mean level of the ground determined as in paragraph (a); and
- (c) for the purpose of determining the height of a point on a building or a division thereof in order to apply any provision of the Scheme which limits the height of such point in relation to its distance from a boundary: the mean level of the ground immediately abutting that elevational plane of such building or division which contains such point or lies between such point and the boundary concerned, averaged along such elevational plane;

"mezzanine storey" does not include any mezzanine storey or storeys such that the area of such storey or the aggregate area of such storeys exceeds 25% of that of the storey (not being a mezzanine storey) immediately below such mezzanine storey or storeys;

"Municipality" means the Municipality of the City of Cape Town;

(N)

"Nett Floor Area" in relation to a Workshop means the Actual Floor Area used for conducting the activities referred to in paragraphs (a)(i) to (v) of the definition of an "Industrial Building" but excludes any area used for storage purposes, as an office or restroom, or as toilets, change rooms or washrooms or any passage or corridor giving access thereto;

"Nett retail area", in relation to a Supermarket means the floor area in such Supermarket normally accessible to customers, inclusive of floor space occupied by shelves, counters, gondolas, kiosks, refrigerated and other display devices, vending machines, hand baskets, trolleys and the like and which is subject to the control of and is within the limits defined by the cash checkout points;

(O)

"Off-Course Totalisator" means any building or premises, other than a horse racing course, which is used for the laying, taking or settling of bets or any other purpose for which a Totalisator Licence is required in terms of section 11(1) of the Horse Racing and Betting Ordinance, No. 34 of 1968;

"Office Building" means a building other than an Institution comprising offices, consulting rooms, waiting rooms and anything ancillary thereto;

"opposite" has the meaning thereto assigned by section 8;

"Outbuilding" means a building or portion of a building, not being a building or portion falling into any other category referred to in section 14(1), which is appurtenant, accessory and of a nature customarily incidental to any building or portion of a building falling into such other category, and is on the same site as such building or portion of a building;

"Owner" has the meaning thereto assigned by Ordinance 15 of 1985;

(P)

"pergola" means any unroofed horizontal or approximately horizontal grille or framework such that the area in horizontal projection of the solid portions thereof does not exceed 25% of the total area thereof;

"Permissible Coverage", in relation to a site, means an area which may not be exceeded by the Actual Coverage of buildings on such site;

"Permissible Floor Area", in relation to a site, means a floor area which may not be exceeded by the Actual Floor Area of buildings on such site;

"Place of Assembly" means -

- (a) a meeting hall, theatre, cinema, music hall, concert hall, dance hall, or a Show or Exhibition Building;
- (b) a boxing arena, skating rink, billiard saloon, amusement arcade or other building used for indoor sports, games or amusements;
- (c) a building used in connection with outdoor sports or races, including a grandstand, stadium, dressing room and appurtenant accommodation; and
- (d) a non-residential club;

but does not include a Place of Worship, Place of Instruction, Institution or drive-in cinema;

"Place of Instruction" means a school, college, or other educational building and any boarding establishment appurtenant thereto, whether or not on the same site as such school or other building, and a creche, nursery school, monastery, convent, public library, public art gallery, museum or gymnasium;

"Place of Worship" means a building which is a church, chapel, synagogue, mosque, temple or hall used for religious purposes and includes any use accessory thereto on the same site, such as an office, manse, rectory, pastorage, place of religious instruction, Sunday school, madressa or a funeral parlour;

"porch" means a roof (not being the floor of a balcony) projecting or extending from a building for the sole purpose of forming a sheltered approach to an entrance of such building at or below the ground floor thereof, together with any paved area thereunder and any low walls or railings enclosing such paved area and any pillars supporting such roof;

"Public Garage" means a building (not being a Workshop or Service Station) used for the commercial repair or servicing of motor vehicles;

"public place" has the meaning thereto assigned by Ordinance No. 20 of 1974;

(R)

"rear boundary", in relation to a site, means every common boundary thereof which is parallel to, or is within less than 45 degrees of being parallel to, every street boundary of such site, and which does not intersect a street boundary;

"Register" means the register of departures required to be maintained by the Council in terms of section 12 of Ordinance 15 of 1985;

"Residential Building" means a building, other than a Dwelling House, Double Dwelling House, Group of Dwelling Houses, Block of Flats or Outbuilding, which is used for human habitation, and includes a Hotel, a building let in rooms, a residential club, and a Community Residential Building, but does not include an Institution or a Place of Instruction;

"Restaurant" means a Shop in which prepared food is served to five or more seated patrons.

(S)

"Scheme" means the Zoning Scheme of the Municipality;

"Scheme Regulations" has the meaning thereto assigned by Ordinance 15 of 1985;

"Scrap or Salvage Building" means a building used for one or more of the following purposes -

- (a) The storage, depositing or collection of scrap or waste material or articles whose value lies mainly or entirely in that of the material of which they are composed;
- (b) The dismantling of second-hand vehicles or machines for the purpose of recovering spare parts or material therefrom;
- (c) The storage or sale of second-hand pipes, poles, steel sections, wire, timber, tyres, bricks, containers or other articles capable of being left in the open without serious detriment thereto;

"Service Station" means a building for the retail supply of petrol or other liquid fuel to motor vehicles and for carrying out servicing and minor repairs and adjustments to such vehicles;

"Shop" means a building used for retail trade and also a cafe, restaurant, bar, hairdresser's salon, laundrette or cleanette but does not include a Service Station, but when used in Chapter II does not include a Restaurant;

"Show and Exhibition Building" means a building used for exhibitions of trade, industry or agriculture or for fairs or shows;

"site", in relation to a building or structure, means the erf on which such building or structure is erected and any other erven required to be combined with such erf in order that the provisions of the Scheme may be complied with;

"site area" means the area of a site;

"Special Building" means -

- (a) any electricity sub-station, pumping station or other building required in connection with the provision of public services; and
- (b) any building not falling within any other category of building referred to in section 14(1);

"Special Industrial Building" means any building which is used for or in connection with -

- (a) the carrying on of a scheduled process, as defined in section 1 of the Atmospheric Pollution Prevention Act 1965 (Act No. 45 of 1965); or
- (b) the manufacture of explosives, as defined in section 1 of the Explosives Act (Act No. 26 of 1956); or
- (c) any of the industries, businesses or trades referred to in the Offensive Trades Regulations for the City of Cape Town promulgated under Government Notice No. 402 dated 28th February, 1930, as amended;

"stoep" means an uncovered paved area or projecting floor outside and immediately adjoining a building, at or below the level of the ground floor thereof, and includes any low walls or railings enclosing such paved area or floors; provided that for the purpose of this definition an area or floor covered only by features referred to in paragraph (d) of section 36 shall be deemed uncovered;

"storey", without in any way limiting its ordinary meaning, includes -

- (a) all parts of a storey below the ceiling level thereof;
- (b) in the case of a topmost storey, also the roof thereof; and
- (c) in the case of a lowest storey, also any foundation walls or other sub-structure; and
- (d) part of a storey;

provided that in determining the number of storeys in a building, and in determining the designation of a particular storey, the provisions of section 65 shall apply;

"street" means a public street, as defined in Ordinance 20 of 1974 and for the purposes of Chapter II, includes any public parking area owned by or vested in a local authority, but does not include any right-of-way granted after the 31st day of October 1951, for the benefit of the public, where the intention was to give and receive a servitude only and not to pass ownership of the land comprised therein;

"street boundary" means a boundary of an erf which forms the street boundary of a street, provided that -

- (a) where a portion of an erf has been encroached upon by the use of that portion by the public as a street and it is necessary in the opinion of the Council that that portion should continue to be used as a street, the street boundary is the line separating that part of the erf encroached upon from the remainder of the erf; and
- (b) where a portion of an erf is zoned in terms of Chapter II of these Scheme Regulations or reserved or proclaimed under any law for use as a new street or a street widening, the street boundary is the line separating that portion from the remainder of the erf; and
- (c) where land, other than land zoned for Street Purposes or Public Open Space in Chapter II of these Scheme Regulations or under any law, is or is to be used as a street, the street boundary is the boundary of an erf which forms the boundary of such new street; and
- (d) where a portion of an erf abutting a street is in terms of the Scheme required to be surrendered to the Council, as a condition precedent to the granting of approval to the proposed erection of a building, the street boundary is in line between the portion of the erf so to be surrendered and the remainder of the erf;- provided further that where in terms of paragraphs (a) to (d) two or more different positions for the street boundary are prescribed, the street boundary is the line or lines which is or are such that none of such positions is further from the centre-line of the street than such line or lines;

"street frontage", in relation to a site, means each street boundary thereof between points where such street boundaries change direction, provided that where two or more consecutive street boundaries intersect with an included angle or included angles exceeding 135 degrees, so that the angle included between the first and last of such consecutive boundaries also exceeds 135 degrees, such consecutive boundaries shall be deemed to be one street boundary; and any street boundary which is less than 3 m in length may be deemed part of one other street boundary which intersects it;

"street level", in relation to a particular site, means the level of the surface of a constructed street or the proposed level, as prescribed by the Council, of the surface of a street which has not been constructed or is to be reconstructed, such level being taken at the street boundary abutting such site;

"structure", without in any way limiting its ordinary meaning, includes any building, wall, fence, pillar, pergola, steps, landing, terrace, swimming pool, petrol pump or underground tank, and any portion of a structure;

"Sub-zone" means an area of land represented on the Map in a distinctive manner for the purpose of specifying Land Use Restrictions;

"Supermarket" means a shop having a nett retail area of not less than 325 m² in which a range of goods including foodstuffs is offered for sale on a predominantly self service basis except where such foodstuffs are only or predominantly confectionery, sweets, nuts or dried fruits;

(T)

"terrace" means a floor area created on a flat roof over a portion of a storey of a building resulting from the setting back of portion of the storey above such a storey;

"the Ordinance" means the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985);

(U)

"used", in addition to its ordinary meaning, includes "designed or intended to be used";

"Use Zone" means an area of land represented on the Map in a distinctive manner for the purpose of controlling the purposes for which buildings may be erected and used and for which land may be used;

(V)

"verandah" means a covered paved area (not being an area which is part of a yard or a parking area) or projecting floor outside and immediately adjoining a building at or below the level of the ground floor thereof, and includes both such area or floor and the roof or other feature covering it, as well as any low walls or railings enclosing such paved area or floor; provided that for the purposes of this definition an area or floor covered only by features referred to in paragraph (d) of section 36 shall be deemed uncovered;

(W)

"width", in relation to a street, means the shortest distance between street boundaries thereof; provided that for the purposes of this definition the provisions of paragraphs (a) to (d) of the definition of "street boundary" shall be disregarded except where the land referred to in any such paragraph has become vested in the Council;

"Workshop" means a building or portion thereof, the Nett Floor Area of which is not more than 200 m² in extent, in which any one or more of the activities referred to in paragraphs (a)(i) to (v) of the definition of an "Industrial Building" is or are conducted but does not include a Service Station or servicing area ancillary thereto referred to in section 85(6)(b), a laundrette, cleanette, Special Industrial Building, Builder's Store or building to which the provisions of section 22 apply;

(Z)

"zoning" has the meaning thereto assigned by Ordinance 15 of 1985;

"Zoning Scheme" has the meaning thereto assigned by Ordinance 15 of 1985.

Notations on Map

- 3(1) The meanings to be assigned to the various distinctive notations employed on the Map are set out in Plan TPR 8093 of the Map.
- (2) All land zoned or deemed to be zoned in terms of the Map as a Private Open Space Use Zone shall be deemed to be zoned as a Community Facilities Use Zone.

Land not Represented on the Map

4. Any land not represented on the Map and not zoned in terms of the provisions of any zoning scheme which is in force in terms of section 21 of Ordinance 15 of 1985 shall be deemed to fall into an Undetermined Use Zone.

Conflict of laws

- 5 (1) Nothing in the Scheme or in any consent given in terms thereof shall be deemed to detract from any rights the Council possesses by virtue of any servitude, contract or agreement.
- (2) Except where the contrary is specifically stated in the Scheme, nothing in any provision of the Scheme shall be deemed to override or absolve compliance with any other provision of the Scheme.
- (Note: In terms of section 13(1) of Ordinance 15 of 1985, when any provision of a zoning scheme is in conflict with another ordinance or by-laws or regulations made thereunder, such provision shall, subject to the provisions of section 13(2) of the said Ordinance, prevail.

Furthermore, in terms of section 13(2) of Ordinance 15 of 1985 the provisions of any other Ordinance, insofar as they relate to the determination of the boundaries and widths of and to the erection of structures within a specified distance of the boundaries or centre line of roads, shall have preference above the provisions of a zoning scheme except insofar as such a zoning scheme -

- (a) provides for a road width greater than that determined in terms of such other ordinance, or
- (b) requires structures to be at a distance from the boundary or centre line of a road greater than that determined by or in terms of such other ordinance.

Finally, a zoning scheme does not override, supersede or absolve compliance with any restrictive title deed condition.)

Evasion of Intent of Scheme

6. The Council shall refuse its consent to anything requiring such consent which in its opinion constitutes or facilitates an evasion of the intent of the Scheme or of any of its provisions.

Area of Scheme

7. Subject to the provisions of section 21 of Ordinance 15 of 1985 the provisions of these Scheme Regulations shall apply to the whole area of the Municipality.

Method of measuring distances etc.

- 8 (1) Where reference is made or implied in these Scheme Regulations to the distance between a building and a boundary, such distance shall be measured in the following manner -
- (a) Such boundary and all points of such building shall be projected on to a horizontal plane, and all measurements shall be made in such plane.
 - (b) The distance between a point on a building and a boundary shall be measured at right angles to such boundary.
- (2) Where reference is made in these Scheme Regulations to a portion of a boundary "opposite" a building, such portion shall be defined by drawing lines in the manner prescribed in subsection (1), from points on such building, at right angles to such boundary.
- (3) Where reference is made in these Scheme Regulations to the mean level of the ground or of a roof, parapet or other thing, such mean level shall be calculated in accordance with recognised geometrical principles; provided that in any cases where the levels involved are so irregular that calculation in accordance with such principles is impracticable or leads to a result which is not in accordance with the intent of the Scheme, the Council shall determine such mean level in accordance with such intent.

Buildings requiring Council's consent: advertising

9. On receipt of an application for any consent of the Council required in terms of these Scheme Regulations, the Town Clerk shall, before a decision is reached in respect of such application, take such steps as he deems reasonable in the circumstances to obtain comment from any person who, in his opinion, may be adversely affected by the granting of such consent.

Buildings requiring Council's consent: applicable restrictions

- 10 (1) When granting any consent required in terms of these Scheme Regulations, the Council may impose any condition contemplated by section 42 of Ordinance 15 of 1985.
- (2) All documents relating to applications for the consent of the Council required in terms of these Scheme Regulations shall be kept and maintained with the Register.

CHAPTER II: USE ZONING

Use Zones and Sub-zones

- 11 (1) The area of the Municipality to which these Scheme Regulations apply shall be divided into the following Use Zones for the purpose of controlling the use of buildings and land -

Single Dwelling Residential
 Intermediate Residential
 Grouped Dwelling Residential
 General Residential
 Special Business
 General Business
 General Commercial
 General Industrial
 Noxious Industrial
 Show and Exhibition
 Community Facilities
 Public Open Space
 Street Purposes
 Undetermined

(2) The General Residential, General Business and General Commercial Use Zones are further divided into Sub-zones specifying the Land Use Restrictions which are applicable in each Sub-zone.

Public Open Spaces

12. Any piece of land designated on the Map or specified in Schedule 2 of Appendix A as being zoned as or reserved for Public Open Space shall be deemed to be zoned as Public Open Space.

Streets, New Streets, Street Widening, Improvements or Closures

- 13 (1) Any street and any piece of land proclaimed or reserved under any law for a new street or the widening or improvement of any existing street shall be deemed to be zoned as Street Purposes.

(2) Any piece of land which was previously part of a street but has become the property of an abutting owner through prescription shall be deemed to be zoned as Street Purposes; provided that where the Council specifically resolves that such piece of land is no longer required for street purposes such land shall be deemed to fall into the same Use Zone and Sub-zone as those into which the abutting land owned by such owner falls.

- (3) Where any piece of land, other than land referred to in subsection (2), which was previously a street or a public place vested in or owned by the Council, is closed and transferred to an abutting owner, such piece of land shall be deemed to fall into the same Use Zone and Sub-zone as those into which the abutting land owned by such owner falls, provided that –
- (4) (i) where the intended owner of the public place or public street does not own abutting property;
 (ii) where the intended owner owns abutting properties falling into more than one Use Zone;
 (iii) in any other case not provided for herein;

the Council shall determine which zoning shall apply to the property concerned.

Classification of buildings

- 14 (1) Every building shall for the purposes of the Scheme be classified in terms of section 2 into one or more of the following categories -

Block of Flats	Place of Assembly
Builder's Store	Place of Instruction
Business Premises	Place of Worship
Combined Building	Public Garage
Community Residential Building	Residential Building

Double Dwelling House
Dwelling House
Group of Dwelling Houses
Industrial Building
Institution
Off-Course Totalisator
Outbuilding

Restaurant
Scrap or Salvage Building
Service Station
Shop
Show and Exhibition Building
Special Building
Special Industrial Building
Workshop

- (2) Where a building is used for different purposes simultaneously or at different times it shall be deemed to fall into each of the categories concerned.
- (3) Where there is doubt or dispute as to the category into which the use of land or a building falls, such building or land shall be deemed, until the contrary is proved, to fall into such category as the Council shall determine, having regard to the intent of the Scheme.

Permitted uses of land and buildings

15(1) In this section:

"use" in relation to land includes the erection thereon of any structure not being a building.

- (2) No land falling into a Use Zone (whether or not such land is or is not part of the site of a building) 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 or used for a particular purpose on land with the consent of the Council, such land may be used for such purpose with such consent.
- (3) The categories of buildings which -
- may be erected or used; and
 - may be erected or used only with the consent of the Council, in each of the Use Zones specified in Column 1 of the following Table are prescribed in Columns 2 and 3 respectively of this Table -
 -

TABLE : BUILDINGS PERMITTED IN VARIOUS USE ZONES

Use Zone	Buildings Permitted	Buildings permitted only with the consent of Council
1	2	3
Single Dwelling Residential	Dwelling Houses Places of Instruction Places of Worship	Double Dwelling Houses
Intermediate Residential	Double Dwelling Houses Dwelling Houses	Groups of Dwelling Houses Places of Instruction Places of Worship
Grouped Dwellings Residential	Double Dwelling Houses Dwelling Houses Groups of Dwelling Houses	Places of Instruction Places of Worship
General Residential	Blocks of Flats Double Dwelling Houses Dwelling Houses Groups of Dwelling Houses Places of Worship Residential Buildings	Institutions Places of Instruction
Special Business	Blocks of Flats Business Premises Double Dwelling Houses	Builder's Store Off-Course Totalisator Places of Assembly

	Dwelling Houses Groups of Dwelling Houses Institutions Places of Instruction Places of Worship Residential Buildings Shops Workshops, subject to sub-section (4) below	Public Garages Restaurants Service Stations
General Business	Blocks of Flats Business Premises Double Dwelling Houses Dwelling Houses Groups of Dwelling Houses Institutions Places of Worship Residential Buildings Restaurants Shops Workshops, subject to sub-section (4)	Builder's Store Off-Course Totalisator Public Garages Service Stations
General Commercial	Blocks of Flats Builder's Store Business Premises Double Dwelling Houses Dwelling Houses Groups of Dwelling Houses Industrial Buildings Institutions Places of Assembly Places of Instruction Places of Worship Public Garages Residential Buildings Restaurants Shops Workshops	Off-Course Totalisator Scrap or Salvage Buildings Service Stations
General	Builder's Store Industrial Business Premises Public Garages Scrap or Salvage Buildings Workshops	Blocks of Flats Industrial Buildings Double Dwelling Houses Dwelling Houses Groups of Dwelling houses Institutions Off-Course Totalisator Places of Assembly Residential Buildings Restaurants Special Industrial Buildings Service Stations Shops
Community Facilities	None Building	Community Residential Institutions Places of Assembly Places of Instruction
Undetermined	None	Double Dwelling Houses Dwelling Houses

- (4) Except with the consent of the Council, no building which is or is used as a Workshop in which panel beating, sheet metal working, sand blasting, joinery, fitting of exhaust systems to motor vehicles, mechanical engineering, forging, fibreglassing, galvanising or vulcanising activities take place, shall be permitted in a Special or General Business Use Zone.
- (5) Where an area is depicted on the Map as being zoned or reserved for governmental, municipal, educational, ecclesiastical or other specified purposes, such area shall be deemed to fall into a Use Zone in which buildings may, with the consent of Council, be erected and used for such purposes only.

Special Buildings

16. Notwithstanding anything to the contrary contained in these Regulations, Special Buildings may be erected and used in any Use Zone with the consent of the Council.

Restrictions on Special Buildings, buildings in Community Facilities and Show and Exhibition Use Zones and Use Zones referred to in section 15(5)

17. Notwithstanding any consent granted by the Council in terms of section 15(3)(b) or 16, the further consent of the Council shall be required in every subsequent instance where it is proposed to erect a building, which is a Special Building wherever situated or any other building on a site falling into a Community Facilities, Public Open Space, Street Purposes or Show and Exhibition Use Zone.

Prohibited uses of land and buildings

- 18(1) The erection and use of buildings otherwise than as is permitted in terms of sections 15 and 16 are prohibited.
- (2) Notwithstanding anything to the contrary contained in these Scheme Regulations, the erection and use of buildings for the following purposes are prohibited -
 - Drive-in cinemas
 - Fishmeal factories
- (3) The use of any building in such a manner that noxious or offensive gases, as defined in section 1 of the Atmospheric Pollution Prevention Act (Act No. 45 of 1965), are emitted in such quantity as to constitute a nuisance or a danger to the neighbourhood is prohibited.

Combined Building or more than one building on site

19. Subject to the provisions of section 22, the erection and use of each of the several parts of a Combined Building shall comply with the provisions of the Scheme applicable to the erection and use of each of the categories of building comprising the Combined Building.

Outbuildings

- 20(1) For the purposes of this Chapter, an Outbuilding shall be deemed to fall into the same category as the building to which it is an outbuilding.
- (2) Except with the consent of the Council, no person shall use or occupy an Outbuilding before the erection of the building to which it is an Outbuilding.

Building in more than one Use Zone

21. Where different parts of a building are situated in different Use Zones, the erection and use of each such part shall comply with the provisions applicable to the Use Zone into which such part falls.

Subsidiary uses: when permitted

- 22 (1) Notwithstanding the provisions of sections 15 to 19, but subject to the provisions of subsection (2) -
 - (a) part of a Dwelling House, Double Dwelling House or outbuildings thereto may be used by

a resident thereof for -

(i) the conduct of a profession, an art or the trade of tailor, dressmaker, knitter, homebaker or confectioner, typist, computer operator, photographer, manicurist, chiropractor, chiropodist, masseur, hairdresser or barber, beautician, shoemaker, bookbinder, photocopier, signwriter, upholsterer, curtain maker, duplicator, engraver, etcher, leatherworker, milliner, silkscreener, caneworker and potter;

(ii) any other activity in respect of which the consent of the Council has first been obtained. In deciding whether or not to grant its consent, the Council shall have regard to all factors which it considers relevant to each particular case and shall not grant such consent if it is of the opinion that the activity carried on, or to be carried on, in such part of a Dwelling House, Double Dwelling House or outbuildings thereto is or will be detrimental to the residential environment or be a source of nuisance, and

(b) part of a Dwelling Unit, not constituting or being part of a Dwelling House or Double Dwelling House may with the consent of the Council, be used by the resident thereof for any use permitted in terms of paragraph (a).

(2) Any use permitted in terms of subsection (1) shall be subject to the following conditions:

(a) Except with the consent of the Council, no advertising sign or notice other than a single unilluminated sign or notice not projecting over a street and not exceeding 0,2 m² in area which indicates only the name and profession, art, trade or activity of the resident shall be displayed.

(b) Except with the consent of the Council, the resident shall not employ more than two persons in connection with such use, whether or not such persons ordinarily reside on or are employed at such premises.

(c) The Council may limit the Actual Floor Area of any building and the area of the site of such building which may be used for or in connection with such use.

(d) The Council may, if it is of the opinion that any profession, art, trade or activity is being conducted in a manner which is or is likely to be detrimental to the residential environment or a source of nuisance, serve a notice in writing on the person conducting such profession, art, trade or activity calling upon him to -
 (i) comply with instructions set out in such notice, and
 (ii) cease using the premises in question for such profession, art, trade or activity

by a date specified in such notice.

(3) Notwithstanding anything to the contrary in this Chapter -

(a) the erection and use of part of a building in contravention of sections 18 and 19 are permitted in the case of part of a Shop used as an Industrial Building if such part is appurtenant, accessory and of a nature customarily incidental to the trade conducted in such Shop, provided that the Actual Floor Area of the part used as any Industrial Building shall not exceed 50% of the Actual Floor Area of the part so used as a Shop, and

(b) the sale of mineral waters to residents of a Hotel or a residential club in a General Residential Use Zone is permitted; provided that no advertisements in connection therewith shall be publicly displayed.

Timber yards, coal yards, etc.

23 (1) Notwithstanding anything to the contrary contained in this Chapter no land or building in any Use Zone other than a General Commercial, General Industrial or Noxious Industrial Use Zone shall be used as a timber yard, a coal yard or a cartage contractor's business.

(2) Any land used as or in connection with a Builder's Store, a timber yard, a coal yard or a cartage contractor's business, or for any purpose referred to in the definition or "Scrap or Salvage Building" in section 2 shall be screened from view from any street or public place by a wall at least 2 m high.

Use of land for parking purposes

- 24(1) In this section -
 "park" means to keep a vehicle stationary for a period of time greater than is reasonably necessary for the actual loading or unloading of persons or goods, and "parking" has a corresponding meaning.
- (2) No land other than land zoned as Street Purposes or Public Open Space shall be used for parking vehicles in connection with the use of any other land (whether adjacent to such first mentioned land or not) or any building for a particular purpose or as a means of access to or egress from such other land or building, unless such first mentioned land may in terms of section 15 be used for that particular purpose.
- (3) No land falling into a Single Dwelling Residential, Intermediate Residential, Grouped Dwelling Residential, General Residential or Undetermined Use Zone shall be used for parking -
- (a) any vehicle which is designed or adapted solely or principally for -
- (b) (i) the conveyance of persons exceeding fifteen in number;
- (ii) the conveyance of persons or goods and which has a gross vehicle mass as defined in the Road Traffic Ordinance 1966 (Ordinance 21 of 1966) of 3 500 kilograms or more; or
- (iii) agricultural, construction, engineering or industrial purposes; or
- (b) any motor vehicle not mentioned in paragraph (a) unless such vehicle is normally used as a means of personal conveyance by a person residing on or visiting such land.

Letting rooms in Dwelling Units

- 25(1) Nothing in sections 18 or 19 shall be construed as prohibiting the occupation of rooms in a Dwelling Unit by lodgers.
- (2) Where rooms in a Dwelling Unit are occupied by lodgers the following conditions shall be complied with -
- (a) Every such room shall have an entrance inside the Dwelling Unit.
- (b) Such rooms shall not be converted to or used as separate Dwelling Units.
- (c) Not more than 5 lodgers shall be permitted to lodge in any one Dwelling Unit.
- (3) The terms "lodge" and "lodger" shall include "board" and "boarder".

Certain buildings or uses prohibited

26. Notwithstanding anything to the contrary contained in these Scheme Regulations, the erection of any building or structure or the use of any land for a particular purpose is prohibited if in the Council's opinion, having regard to the intent of the Scheme, such erection or use would be likely to involve -
- (a) danger to or serious congestion of vehicular or pedestrian traffic; or
- (b) danger or injury to health; or
- (c) serious detriment to the amenities of any neighbourhood.

CHAPTER III: SUBDIVISION AND COMBINATION OF ERVEN

Number of buildings on an erf or site

- 27(1) Not more than one Dwelling House or Double Dwelling House shall be erected on any site nor shall any combination of such categories of building be erected on any such site.

Subdivision of erven

28. When two or more attached Dwelling Units are subdivided so as to locate each Dwelling Unit on a separate erf, the provisions of section 54 shall be deemed to have been complied with insofar as such Dwelling Units are closer than is permitted to any common boundary created between such Dwelling Units in the process of subdivision.

Combination of erven

29. Where two or more erven are to form the site of a building, or where two or more erven are required, in order that the provisions of the Scheme may be complied with to form the site of a building, such legal steps as may be appropriate in the circumstances shall be taken by the owner of such building as will ensure that such erven cannot be separately sold, leased or otherwise disposed of to any person other than such owner or his successor-in-title.

CHAPTER IV: COVERAGE

Restrictions on Coverage

- 30(1) In this Chapter "portion of a site" means each of those portions of a site in respect of which different Permissible Coverages are specified in section 31.
- (2) The total Actual Coverage of the building or buildings on any site or any portion of a site shall not exceed the Permissible Coverage for that site or portion of a site, as the case may be.
- (3) For the purposes of this Chapter, any Outbuilding to a building shall be deemed to fall into the same category as such building.

Permissible Coverage

- 31(1) The Permissible Coverage for all buildings in Use Zones and Sub-zones to which the provisions of subsections (2) and (3) do not apply shall be 100% of the area of the site or portion thereof.
- (2) The Permissible Coverage for all buildings (other than Places of Worship and buildings to which the provisions of subsection (3) apply) located in Single Dwelling Residential, Intermediate Residential and Grouped Dwelling Residential Use Zones and Sub-zones R1, R2, R3, R4, R5, R6, R7, R8, R9, R11 and R12 of General Residential Use Zones shall be 50%.
- (3) The Permissible Coverage for a Place of Instruction, Dwelling House or Double Dwelling House, located in the Use Zones and Sub-zones referred to in subsection (2) above, shall be as follows:

Area of the site or portion thereof in m ²	Permissible Coverage
0 - 300	85%
more than 300 - 400	75%
more than 400 - 750	65%
more than 750	50%

Outdoor living areas

32. Where a Dwelling House or Double Dwelling House is or is to be erected on a site or portion thereof which is 400 m² in extent or less and the Actual Coverage of such building is or will be in excess of 65% of such site or portion thereof, there shall be provided on such site or portion in respect of such Dwelling House or each such Dwelling Unit one or more private outdoor living areas amounting to not less than 20 m² in extent, at least one of which shall consist of an unobstructed space rendered inaccessible to motor cars and not less than 3 m in diameter.

Combined Building having more than one floor level.

33. In the case of a Combined Building the coverage restrictions applicable to the portions of such building erected on the ground floor shall apply at every floor level above the ground floor.

Apportioning of Actual Coverage in a Combined Building

34. In the case of a Combined Building, half of the Actual Coverage of any feature common to adjoining parts of such building shall be allocated to each part.

Actual Coverage

- 35(1) Except as in section 36 prescribed, Actual Coverage shall include the areas covered by all parts of all buildings on the site concerned, and in particular the areas covered by the following portions of buildings -
- (a) Walls of buildings.
 - (b) Roofs.
 - (c) Stairs, steps and landings (except entrance steps and landings), galleries, passages and similar features, whether internal or external.
 - (d) canopies, verandahs, porches, balconies, terraces and similar features.
- (2) Actual Coverage shall also include the area of every internal courtyard, light well or other uncovered shaft, where the area of such courtyard, light well or shaft does not exceed 10 m².

Exclusions from Actual Coverage

36. The areas covered by the following buildings or portions of buildings shall be disregarded in the calculation of Actual Coverage -
- (a) Buildings or storeys of buildings the ceiling levels of which are below ground level.
 - (b) Stoeps.
 - (c) Entrance steps and landings.
 - (d) Eaves, cornices, chimney breasts, pergolas, flower boxes, water pipes, drain-pipes and minor decorative projections not projecting more than 250 mm from a wall of a building.

CHAPTER V : FLOOR AREA

Deeming provisions: Dwelling Houses and Double Dwelling Houses.

37. For the purposes of this Chapter, a Dwelling House or Double Dwelling House which is erected on the same site as a main building to which the provisions of this Chapter apply, shall be deemed to be a Block of Flats.

Restrictions on Floor Area

38. The Actual Floor Area of the buildings on any site or of any portion of such buildings shall not exceed the Permissible Floor Area for such buildings or portion on such site.

Permissible Floor Area

- 39 (1) Except as hereinafter provided, the Permissible Floor Area for buildings erected on a site situated in a Use Zone and Sub-zone specified in Columns 1 and 2 of the following Table shall be equal to the area of the site multiplied by the factor specified in Column 3 of such Table for such Zone -

TABLE: FACTOR FOR CALCULATION OF PERMISSIBLE FLOOR AREA

Use Zone	Sub-zone	Value of factor
1	2	3
General Residential	R1	2,2
	R2, R9	1,9
	R3, R7, R8	1,2
	R4	0,9
	R5, R6	0,4
	R10	5,6
	R11	0,6
	R12	0,8
Special Business		1,0
General Business, General Commercial	B1, C1	1,2
	B2, C2	3,7
	B3, C3	3,7
	B4, C4	5,6

- (2) The Permissible Floor Area for a building which is a Place of Instruction or a Place of Worship erected on a site situated in a Single Dwelling Residential Use Zone or an Intermediate Residential Use Zone shall be 0,7 times the area of the site.
- (3) The Permissible Floor Area for buildings erected on a site situated in Sub-zone B5 of a General Business Use Zone or Sub-zone C5 of a General Commercial Use Zone shall be equal to the area of the site multiplied by the factor specified for such site on Plan TPX 3756 of the Map.
- (4) The Permissible Floor Area for buildings on a site situated in a General Industrial or a Noxious Industrial Use Zone or in Sub-zone B6 of a General Business Use Zone or Sub-zone C6 of a General Commercial Use Zone shall be unlimited.
- (5) Notwithstanding the provisions of subsections (1) and (3), where the site of a building specified in Column 1 of the following Table does not abut a street of at least the width specified in Column 2, connecting with another street or streets of at least such width and leading to a street of greater width, the factor referred to in subsection (1) or (3) shall be taken as the figure prescribed in

Column 3 of such Table, unless the factor prescribed by the said subsection (1) or (3) is less than such figure -

TABLE: REDUCED PERMISSIBLE FLOOR AREA FACTORS FOR CERTAIN STREETS

Buildings Reduced	Affected		Minimum
	Street Width		Factor
	1	2	3
Place of Assembly	12,5	0,9	
Buildings erected on sites in Sub-zone B4 or B5 of a General Business Use Zone or Sub-zone C4 or C5 of a General Commercial Use Zone	7,8 m	3,4	

Provided that a street which is permanently inaccessible to or unusable by vehicular traffic shall be deemed not to be a street for the purposes of this subsection.

(6) For the purposes of this Chapter only, an Outbuilding to a building shall be deemed to fall into the same category as such building.

Site falling into two or more Use Zones or Sub-zones

40. Where the site of a building falls into two or more Use Zones or Sub-zones -

- (a) the Permissible Floor Area for such building shall be the sum of the Permissible Floor Areas applying to each portion of such site which falls into a different Use Zone or Sub-zone, such Permissible Floor Areas to be determined in accordance with the provisions of section 39 as though each of the said portions constituted a separate site;
- (b) the Actual Floor Area of all the portions of such building which fall into or are deemed to fall into any one category of building listed in section 14(1) shall not exceed the sum of the Permissible Floor Areas for such category of building for only those portions of the site which fall into the Use Zone or Sub-zones in which such category of building may be erected in terms of Chapter II, such Permissible Floor Areas to be determined in accordance with the provisions of section 39 as though each of the said portions of the site constituted a separate site.

Actual Floor Area

41(1) Except as in sections 43 and 44 provided, Actual Floor Area shall include the whole of the floor area of every floor of every building on the site concerned, and in particular shall include the areas of the following portions of buildings -

- (a) Portions covered by walls of buildings.
 - (b) Floors or paved areas which though wholly or partially unenclosed at the sides are covered by a portion of a building, not being a portion referred to in paragraph (d) of section 36.
 - (c) Floors of stairs, steps and landings (not being entrance steps and landings), galleries, passages and similar features, whether internal or external.
 - (d) Floors of verandahs, porches, balconies and similar features.
 - (e) Floors of terraces or flat roofs to which occupants of a building have access.
- (2) Actual Floor Area shall also include, at every floor level concerned, the area of -

- (a) every internal courtyard, light well or other uncovered shaft, where the area of such courtyard, well or shaft does not exceed 10 m²; and
- (b) every lift shaft, stair shaft, pipe duct or other internal floor opening.

Exclusions from Actual Floor Area

42(1) The areas of the following portions of buildings shall be disregarded in the calculation of Actual Floor Area -

- (a) Stoeps.
 - (b) Entrance steps and landings.
 - (c) Garages; provided that for the purposes of this paragraph -
 - (i) no floor area or portion thereof which is inaccessible to a motor car or lorry (as the case may be) of the specifications set out in section 80 and 81 respectively shall be deemed part of a garage;
 - (ii) where a garage is designed for the housing of a single motor car any portion of such garage by which it exceeds 8 m in length or 4 m in width shall not be deemed part of a garage;
 - (iii) where a garage is designed for the housing of a single lorry any portion of such garage by which it exceeds 10 m in length or 5 m in width shall not be deemed part of a garage;
 - (iv) where a garage is designed for communal use by two or more motor cars or lorries, any access or manoeuvring area required in such garage shall be deemed part of such garage; and
 - (v) a floor area used for the display, sale, assembly, dismantling, repair or servicing of motor cars or lorries shall not be deemed a garage.
 - (d) Any covered paved area outside and immediately adjoining a building at or below the ground floor level thereof, where such paved area is part of a forecourt, a yard, an external courtyard, a parking area or a vehicular access or manoeuvring area.
 - (e) Any uncovered flat roof or terrace which is designed and used as a communal recreational area, with access and egress available to all occupants of the building, and is so arranged as not to be capable of being subdivided or allocated for the exclusive use of individual tenants.
 - (f) The area of a lift shaft at the level of a floor which is permanently inaccessible to the lift in such shaft.
 - (g) Any individual air-conditioning duct the area of which exceeds 10 m² measured internally.
 - (h) Any open grid maintenance platform in an air-conditioning duct.
- (2) Where an uncovered flat roof or terrace is designed and used solely as an outdoor recreational area, and is available only to the occupants of a particular Dwelling Unit, and the area thereof together with the area of any uncovered balcony (not being an access gallery or passage) belonging to such Dwelling Unit exceeds 10 m², the uncovered area of such flat roof or terrace and such balcony which is in excess of 10 m², may be excluded in the calculation of Actual Floor Area.
- (3) For the purposes of paragraph (e) of subsection (1) and of subsection (2) an area shall be deemed uncovered if it is covered only by a portion of a building referred to in paragraph (d) of section 36 or by a balcony or canopy which is not less than 4,8 m above the level of the area concerned.

Hotels: Calculation of Actual Floor Area

- 43** (1) Subject to the provisions of subsection (2), in calculating the Actual Floor Area of a Hotel the Actual Floor Area of the following portions of such Hotel shall be disregarded if all the conditions set out in subsection (3) are complied with -
- (a) Rooms of such Hotel used by Hotel residents or visitors as dining rooms, banqueting rooms, bars, restaurants, grill rooms, tea lounges, ballrooms, rooms for games or sports, lounges, sitting rooms, reading rooms, writing rooms and conference rooms.
 - (b) Public foyers and areas comprising public or communal stoeps, verandahs, balconies, terraces or sun decks used by Hotel residents or visitors.
 - (c) Barber shops, hairdressing salons, florist and similar within the Hotel for the exclusive use of Hotel residents.
 - (d) Offices forming part of the Hotel premises, used solely for the administration of management of the Hotel.
 - (e) Kitchens, serveries, sculleries, laundries and similar service facilities forming part of the Hotel premises.
 - (f) Storerooms appurtenant to the Hotel.
 - (g) Staff quarters appurtenant to the Hotel, including corridors, stairs and other means of access within such staff quarters and kitchens, dining rooms, recreation rooms, laundries and other such rooms for the exclusive use of Hotel staff.
- (2) The following rooms and areas are not included in the rooms and areas referred to in paragraphs (a), (b) and (c) of subsection (1) -
- (a) Any room or area other than one specifically referred to in subsection (1).
 - (b) Any room or area which, notwithstanding that it is a room or area referred to in subsection (1), is in the opinion of the Council primarily for the use of persons other than Hotel residents, staff or visitors.
- (3) The conditions to be complied with in order that the provisions of subsection (1) shall apply to a Hotel are the following -
- (a) Such Hotel shall contain not less than 30 bedrooms for residents.
 - (b) Not less than 75% of the total number of bedrooms for residents shall be provided with private bathrooms; a 'private bathroom' shall mean a bathroom exclusive to a bedroom or to a suite of not more than two rooms.

For the purposes of this subsection every habitable room in a suite of rooms shall be deemed to be a bedroom.

Blocks of Flats: Calculation of Actual Floor Area

- 44(1)** Notwithstanding the provisions of section 41 and 42, the Actual Floor Area in square metres of a building or part of a building which is a Block of Flats falling into a Use Zone referred to in the first column of the following Table shall be deemed to be equal to the number of Habitable Rooms in such building or part thereof multiplied by the appropriate factor specified in Column 2 of such Table -

TABLE : FACTORS FOR DETERMINING ACTUAL FLOOR AREA
OF BLOCKS OF FLATS

Zone	Habitable Room Factor
1	2
All Use Zones and Sub-zones except those listed below	34

General Residential R4, R12	30

R5, R6	28

R11	26

- (2) For the purposes of this section -

"Habitable Room" means a bedroom, living room, lounge, dining room, study and any other room which is or is likely to be used for human habitation or recreation or for activities permitted in terms of section 22, but does not include a kitchen or bathroom or a room which is designed and used as a communal facility and access to which is available to all occupants of the building.

Apportioning of Actual Floor Area

45. Where for the purposes of the Scheme it is necessary to calculate the Actual Floor Area separately in respect of any or each of the several parts of a building, and any wall, passage, staircase, foyer or other feature of such building is common to any parts concerned which adjoin, half the Actual Floor Area of such common feature shall be allocated to each of such adjoining parts.

CHAPTER VI: BUILDING LINES

Prescribed Building Lines in certain streets

- 46(1) On any site abutting any street or portion thereof specified in Schedule 4 of Appendix A, no building may be erected in front of the Building Line prescribed for such street or portion in the said Schedule.
- (2) On any site abutting any street or portion thereof specified in Schedule 5 of Appendix A, no building or structure may be erected in front of the Building Line prescribed for such street or portion thereof in the said Schedule.

(Note: In terms of section 13(2) of Ordinance 15 of 1985: "the provisions of any other ordinance, insofar as they relate to the determination of the boundaries and widths of and to the erection of structures within a specified distance of the boundaries or centre line of roads, shall have preference above the provisions of a zoning scheme except insofar as such a zoning scheme -

- (a) provides for a road width greater than that determined in terms of such other ordinance, or
- (b) requires structures to be at a distance from the boundary or centre line of a road greater than that determined by or in terms of such other ordinance.")

Prescribed Building Lines for Dwelling Houses etc.

- 47(1) Except as provided in subsection (2), no building which is a Dwelling House, Double Dwelling House, Group of Dwelling Houses or an Outbuilding to any of the foregoing shall be erected nearer than 4,5 m to any street boundary of the site of such building provided that:
- (a) where a lesser building line is prescribed for the street concerned in Schedule 4 of Appendix A, the distance prescribed in terms of Schedule 4 shall apply;
- (b) the above prohibition shall not apply to the boundary between a site and a street or portion thereof adjacent to such site which street or portion cannot in the opinion of the Council be constructed or is in the form of a service lane, pedestrian way or steps, and such boundary shall, for the purposes of Chapter VII, be deemed to be a common boundary.
- (2) Where the average depth of the site of any building referred to in subsection (1) measured at right angles to a street boundary of such site does not exceed 20 m, such building may be erected

- (3) nearer than 4,5 m but not nearer than 3 m to the street boundary concerned.
 (3) Where the boundaries of a site are so irregular that doubt or uncertainty exists as to the correct value of the average depth of the site, the Council shall define such average depth in accordance with the intent of this section.

Building Lines established or prescribed by regulation

48. The provisions of any municipal regulation in terms of which Building Lines are established or prescribed shall be of no force or effect.

Building Lines for garages on steep sites

- 49(1) Notwithstanding the provisions of sections 46 and 47, a garage may be erected nearer to the street boundary than the distance prescribed by such provisions, if both the following conditions are complied with -

- (a) The height of such garage shall not exceed 3 m.
 (b) The garage shall not be nearer to the street boundary than the distance x calculated from the following formula, or 1,5 m, whichever is the greater, viz -

$$x = 6 \text{ m} - (a + b)$$

where

"a" is the difference in level in metres between the natural ground level at a point on the centre line of the garage and 1,5 m from the street boundary and the mean street level at points opposite such garage.

"b" is the difference in level in metres between the natural ground level at a point on the centre line of the garage and 7,5 m from the street boundary and the mean street level at points opposite such garage.

- (2) In any case where the natural ground levels referred to in subsection (1) (b) are below the mean street level referred to therein the height referred to in subsection (1) (a) may be measured as though the floor level of the garage were the ground level.

Building Lines for canopies to shops

50. Notwithstanding the provisions of sections 46(1) and 47 and subject to the provisions of section 73, a canopy to a shop may project beyond the Building Line provided that

- (a) the portion of the site below such canopy shall not be enclosed except by a low wall or railing; and
 (c) no goods or materials shall be stored, stacked, displayed or offered for sale on such space.

Features permitted in front of Building Line

51. Notwithstanding the provisions of sections 46(1) and 47, the following buildings or portions of a building may be erected nearer to the street boundary than the distance prescribed by such provisions -

- (a) Buildings or portions thereof which in terms of section 36 are disregarded in the calculation of Actual Coverage.
 (b) A porch to a building which is Dwelling House, Double Dwelling House or Group of Dwelling Houses, provided that no such porch shall be nearer than 3 m to the street boundary.
 (c) A porch to a building which is not a Dwelling House, Double Dwelling House, Group of Dwelling Houses or an Outbuilding.
 (d) Subject to the consent of the Council, a carport which is an Outbuilding to a Dwelling House, or Double Dwelling House provided that -
 (i) the width of such carport measured edge to edge of roofing and guttering and parallel to

- the street boundary shall not exceed 6,5 m;
- (ii) the roof of the carport shall be supported by metal or wrought timber posts or brick, concrete or masonry pillars;
 - (iii) the carport shall not be enclosed on any side except by:
 - (aa) a boundary wall or fence;
 - (bb) a wall which forms an external wall of a building;
 - (cc) a wall or fence, not being a wall or fence referred to in subparagraphs (aa) or (bb), which does not exceed 1,25 m in height;
 - (dd) a gate or door;
 - (iv) no gate or door referred to in subparagraph (iii)(dd) shall open over a street;
 - (v) the height of such carport from the floor to the highest point of the roof shall not exceed 2,7 m;
 - (vi) the edges of the roof sheeting shall be neatly trimmed with a fascia board of not less than 150 mm in depth.

CHAPTER VII: HEIGHT AND SPACES ABOUT DWELLING HOUSES, DOUBLE DWELLING HOUSES AND OUTBUILDINGS THERETO

Scope of Chapter

- 52.** Subject to the provisions of section 57, the provisions of this Chapter prescribe the spaces required to be left about Dwelling Houses, Double Dwelling Houses, and Outbuildings thereto.

Maximum height of Dwelling Houses, Double Dwelling Houses and Outbuildings thereto

- 53.** No building which is a Dwelling House or Double Dwelling House or Outbuilding thereto shall exceed three storeys in height.

Common boundary setbacks for Dwelling Houses, Double Dwelling Houses and Outbuildings thereto

- 54(1)** In this section:
"overlooking feature" means any feature facing an unobstructed view of a common boundary which is:
- (a) a window to a room in a building or outbuilding other than a bathroom or toilet, being more than 0,5 m² in area and the lowest portion of which is located less than 1,7 m above the mean level of the floor immediately below such window; and
 - (b) a balcony, terrace, external stairway or other external feature which is not enclosed by opaque materials and to which unobstructed access to persons is possible.
- (2) Except as provided for in subsections (3) and (4) and section 28, no point on any Dwelling House, Double Dwelling House or Outbuilding thereto and no point on any overlooking feature thereof shall be erected on a site having a width or depth specified in Column 1 of the following Table so as to be nearer to any common boundary at the specified heights, than the corresponding distances specified in Columns 2 to 4:

TABLE: COMMON BOUNDARY SETBACKS FOR POINTS ON DWELLING HOUSES, DOUBLE DWELLING HOUSES AND OUTBUILDINGS THERETO

WIDTH OR DEPTH OF AND SECOND STOREY METRES (w)	COMMON BOUNDARY SETBACK IN METRES			
	SITE IN		GROUND STOREY	FIRST
	WITH		WITHOUT	
OF*			OF*	
1	2		3	
4				
0 - 16	0		1	2,5
16 - 24	1/4w minus 3	1/4w minus 3	1/4w minus 1,5	
24 +	3		3	6

* OF denotes "overlooking feature"

- (3) Notwithstanding the provisions of subsection (2), a portion of a Dwelling House, Double Dwelling House or Outbuilding thereto shall, on the ground storey, be permitted to be erected closer to any common boundary than the distances specified in subsection (2): provided that -
- (a) the maximum length of buildings permitted to be erected closer to any common boundary shall not exceed 50% of the length of such boundary or 21 m, whichever is the greater; provided that for the purpose of this paragraph, where two boundaries meet so as to include an angle of 135 degrees or more, such boundaries shall be deemed to constitute a single boundary; and
 - (b) no point on any such portion of a building other than a garage referred to in subsection (4) which exceeds 3,3 m in height shall be nearer to the common boundary concerned than twice the amount by which the height of such point exceeds 3,3 m.
- (4) The provisions of subsection 3(b) shall not apply in the case of a garage -
- (a) the floor level of which is not higher than 150 mm above the mean street level at points opposite such garage; and
 - (b) the height of which, measured as though the floor level thereof were the ground level, does not exceed 3 m.
- (5) Subject to the provisions of section 57, where a Dwelling House or Double Dwelling House is located in any Use Zone other than a Single Dwelling Residential, Intermediate Residential, Grouped Dwelling Residential or Special Business Use Zone, such building shall be deemed to be a main building for the purposes of Chapter VIII insofar as less restrictive setbacks are required in such Chapter for points on such building in the Use Zone and Sub-zone concerned.
- (6) For the purposes of subsection (2), no regard shall be had to any porch and any portions of building which are, in terms of subsections (a), (c) and (d) of section 36 disregarded in the calculation of Actual Coverage, provided that no eaves, cornice or other generally continuous feature shall be disregarded if the effect of doing so would be to reduce any distance prescribed in subsection (2) by more than one third.

Width or depth of site

- 55(1)** For the purposes of section 54 the width or depth of a site shall be taken as the distance between boundaries at points opposite such building.
- (2) Where the boundaries of a site are so irregular that doubt or uncertainty exists as to the correct value of the width or depth of the site, the Council shall define such width or depth in accordance

with the intent of this Chapter.

Dwelling Houses and Double Dwelling Houses in close proximity

- 56(1) No Dwelling House, Double Dwelling House or Outbuilding thereto shall be erected if such building is within 6 m of any building on an adjacent site and within 6 m of any street boundary, measured at right angles to such boundary unless such building is in accordance with sketch plans approved by the Council.
- (2) Where it is proposed to erect a building referred to in subsection (1), sketch plans reflecting the following details shall be submitted for approval by the Council simultaneously with or prior to submission of building plans required to be submitted to the Council in terms of the National Building Regulations and Building Standards Act 103 of 1977 -
- (a) the street elevation of the building which it is proposed to erect including:
- (i) details of all doors and windows;
 - (ii) all architectural features and projections as defined in section 73(1) of these Scheme Regulations;
 - (iii) the materials and colours of all external wall finishes;
 - (iv) the materials and colours of all roof coverings and features;
 - (v) the materials, colours, height and detailing of all street and boundary walls; and
 - (vi) if the Council so requires, plans or photographs of an adjacent building referred to in subsection (1) depicting the details referred to in subparagraphs (i) to (v) above.

Combined building

57. Where a Dwelling House, Double Dwelling House or Outbuilding thereto forms part of a Combined Building, the remainder of which does not fall into any of the foregoing categories, the height and spaces about such building or Outbuilding shall be in conformity with the following provisions -
- (a) Where the whole of such building (other than access stairs thereto) is situated in a storey above the ground storey of such Combined Building, the provisions of Chapter VIII applying to a Block of Flats shall mutatis mutandis apply to such Dwelling House, Double Dwelling House or Outbuilding.
- (b) In any other case the provisions of this Chapter shall apply to such Dwelling House, Double Dwelling House or Outbuilding.

CHAPTER VIII: HEIGHT AND SPACES ABOUT BUILDINGS OTHER THAN DWELLING HOUSES, DOUBLE DWELLING HOUSES, GROUPS OF DWELLING HOUSES AND OUTBUILDINGS THERETO

Definitions and Deeming Provisions

58(1) In this Chapter -

"main building" means a building other than an Outbuilding, Dwelling House, Double Dwelling House, or a Group of Dwelling Houses; and

"Outbuilding", unless otherwise stated, means an Outbuilding to a main building.

- (2) Subject to the provisions of section 50, a main building other than a Place of Worship or a Place of Instruction erected in a Special Business Use Zone shall for the purpose of this Chapter and Chapters VI and VII be deemed to be a Dwelling House.
- (3) Every Outbuilding to a main building erected in a Single Dwelling, Intermediate Residential or Special Business Use Zone shall for the purposes of this Chapter and Chapters VI and VII be deemed to be an Outbuilding to a Dwelling House.

Buildings in Single Dwelling, Intermediate Residential and Special Business Use Zones

59(1) Except as hereinafter provided, no main building which is -

(a) a Place of Worship or a Place of Instruction shall be erected on a site in a Single Dwelling, Intermediate Residential or Special Business Use Zone;

(b) a Place of Assembly shall be erected on a site in a Special Business Use Zones

so that any point on such building is nearer to any boundary of such site than 4,5 m or 3/4 the height of such point, whichever is the greater, and no such building shall have more than three storeys.

(2) No main building or Outbuilding in a Special Business Use Zone shall have more than three storeys.

Buildings in General Residential, General Business and Commercial Use Zones

60 (1) Except as hereinafter provided, no main building or Outbuilding thereto, shall be erected in a General Residential Use Zone on a site falling in a Sub-zone referred to in Column 1 of Table I so that any point on such building is nearer to any street or common boundary of such site than the distance prescribed in Column 2 or 3 as the case may be, of such Table.

(2) Notwithstanding the provisions of subsection (1), a main building or outbuilding thereto may be erected in a General Residential Use Zone on a site falling in a Sub-zone referred to in Column 1 of Table II so that points on such building are nearer to a particular boundary of the site than the distances prescribed for such points in Table I; provided that no point on such main building or Outbuilding shall be nearer to such boundary than the appropriate distance prescribed in Column 2 or 3 of Table II.

(3) No main building and no Outbuilding thereto, shall be erected in a General Business or General Commercial Use Zone on a site falling in a Sub-zone referred to in Column 1 of Table III or IV so that any point on such building or on a particular storey thereof is nearer to any boundary of such site than the appropriate distance prescribed in any of the remaining columns of such Tables.

(4) The Tables referred to in subsections (1), (2) and (3) are the following -

TABLE I: (subsection (1)):

GENERAL RESIDENTIAL USE ZONES: SETBACKS FOR POINTS ON MAIN BUILDINGS AND OUTBUILDINGS THERETO

Use Zone of point and Sub-zone	Setback of point		Setback
	from street boundary	from common boundary	
	1	2	3
General Residential:			
	Beach* Road, Bay ** Road:	streets:	Other
R1	7,5 m	7,5 m or 0,6 h	4,5 m or 0,6 h
	----- All Streets		
R2	7,5 m or 0,6 h		4,5 m or 0,6 h
R3, R4, R7, R8, R9, R11	4,5 m or 0,6 h	4,5 m or 0,6 h	
R5	9 m or h		9 m or h
R6	15 m		15 m
R10	0 m		0 m

- * Beach Road, Sea Point
 ** Bay Road, Mouille Point

TABLE II: (subsection (2)):

GENERAL RESIDENTIAL USE ZONE: ALTERNATIVE SETBACKS
 FOR POINTS ON MAIN BUILDINGS AND OUTBUILDINGS THERETO

Use Zone and Sub-zone	Setback of point from street boundary	Setback of point from common boundary
1	2	3
General Residential:		
	----- Beach* Road, Bay ** Road: -----	----- Other streets: -----
R1	7,5 m	7,5 m or 3 m + 1/4H
	All Streets	4,5 m or 3 m + 1/4H
R2	7,5 m or 3 m + 1/4H	4,5 m or 3 m + 1/4H
R3, R4, R7, R8, R9, R11	4,5 m or 3 m + 1/4H	4,5 m or 3 m + 1/4H
R5		10 m

- * Beach Road, Sea Point
 ** Bay Road, Mouille Point

(subsection (3))

TABLE III:

GENERAL BUSINESS AND GENERAL COMMERCIAL USE ZONES:
 SETBACKS FOR POINTS ON MAIN BUILDINGS AND OUTBUILDINGS
 THERETO FROM STREET BOUNDARY

Setback of point from street boundary

Sub-zone	Ground storey	1st and 2nd storeys	Other storeys
1	2	3	4
B1, C1	0 m	4,5 m	0,6h
B2, C2 B3, C3	0 m	0 m	4,5 m
B4, C4	0 m	0 m	0 m
B5, C5	0 m	0 m	See section 67
B6, C6	0 m	0 m	See section 100

TABLE IV: (subsection (3))

GENERAL BUSINESS AND GENERAL COMMERCIAL USE ZONES:

**REQUIRED SETBACKS FOR POINTS ON MAIN BUILDINGS
AND OUTBUILDINGS THERETO FROM COMMON BOUNDARY**

m from street		Setback of point from common boundary Up to 16 m from street					Over16 Ground storeys
		boundary or Building Line			boundary or Building Line Ground, Other		
Sub-zone		1st 1st and 2nd storeys	2nd storeys	Other storey	Other storey	storey	Ground storeys
1	2	3	4	5	6	7	
B1, C1	0 m	0,6h	0 m	4,5 m	4,5 m	0,6h	
B2, C2 B3, C3	0 m	4,5 m	0 m	0 m	4,5 m	0,6h	
B4, C4 B5, C5	0 m	0 m	0 m	0 m	0 m	0 m	
B6, C6	0 m	0 m	0 m	0 m	0 m	0 m	

(5) In the application of the foregoing tables, except as hereinafter provided, the following provisions shall apply -

- (a) The symbol "h" means the height in metres of the point concerned.
- (b) The symbol "H" means the height in metres of the building concerned.
- (c) The term "setback", in relation to a particular boundary and to a building or a point on a building, means a distance in metres from such boundary nearer than which such building or point (as the case may be) may not be located; provided that -
 - (i) in the case of any setback from a street boundary which is dependant on h or H, such setback shall be measured from the line which would be the street boundary if the provisions of paragraph (d) of the definition of "street boundary" in section 2 were disregarded; and
 - (ii) in the case of any setback from a street boundary which is a boundary of Bay Road, Mouille Point, such setback shall be measured from the line which would be the street boundary if the provisions of paragraphs (b), (c) and (d) of the aforesaid definition of "street boundary" were disregarded.
- (d) Where in terms of any Table two alternative setbacks are prescribed for a particular point or building the greater of such setbacks shall apply; provided that in the case of a setback referred to in proviso (i) to paragraph (c), that setback which requires the point or building to be further from the street boundary shall apply.
- (e) Where reference is made in Table IV to points which are up to or over 16 m from a street boundary or a Building Line the relevant provisions of such Table shall apply to all such points as are not more than 16 m or as are more than 16 m (as the case may be) from any street boundary of the site; provided that where such site is subject to a Building Line restriction, such distance of 16 m shall be measured from such Building Line instead of from the street boundary.

(6) Every storey below the ground storey, other than a storey wholly below the ground level, shall for the purposes of this section be deemed to be the ground storey.

Buildings in Industrial Use Zones

61. Subject to the provisions of other Chapters of these Scheme Regulations, buildings in General Industrial and Noxious Industrial Use Zones may be erected to unlimited height and hard up to all boundaries of a site.

Exemptions for certain Outbuildings

- 62(1) Notwithstanding the provisions of section 60 relating to the required distances of Outbuildings from common boundaries, an Outbuilding may be erected on a site in contravention of such provisions, if the following conditions are satisfied -
- (a) No point on any such Outbuilding which exceeds 3,3 m in height shall be nearer to the boundary concerned than twice the amount by which the height of such point exceeds 3,3 m; provided further that no point on such Outbuilding shall exceed 4,6 m in height.
 - (b) The length of the portion or the aggregate length of all the portions of the site boundary or boundaries abutting on to or opposite any such Outbuilding shall not exceed 50% of the total length of all the common boundaries of the site.
 - (c) No window, door or similar opening (other than an airbrick or a vehicular garage door) shall be constructed in any main containing wall of any such Outbuilding if such wall abuts on to or faces the site boundary concerned.
- (2) The provisions of section 60 relating to the setbacks of buildings from street boundaries shall not apply to any Outbuilding which is a garage if such garage complies with section 49.

Common boundary separating two Use Zones or Sub-zones

63. Where a common boundary of the site of a building separates two Use Zones or Sub-zones in respect of which different setbacks from such boundary for points on the building concerned are required in terms of these Regulations such site shall, for the purpose of calculating such setbacks, be deemed to fall within whichever of the two Use Zones or Sub-zones in respect of which the less onerous setback requirements apply.

Maximum heights of buildings

64. No building within a Use Zone specified in Column 1 of the following Table shall have a greater number of storeys or a greater height than is specified in Column 2 -

TABLE: MAXIMUM HEIGHT OF BUILDINGS IN GENERAL RESIDENTIAL, GENERAL BUSINESS AND GENERAL COMMERCIAL USE ZONES

Maximum number of	Use Zone and Sub-zone storeys or maximum height
1	2
	General Residential:
R1, R2	9 storeys
R3, R4, R7, R8, R9	7 storeys
R5, R6	3 storeys
R11	4 storeys
R10	25 m

General Business, General Commercial:	
B1, B2, B3, C1, C2, C3	7 storeys
B4, C4	25 m

NOTE: R12 See section 66 for

heights applicable
B5, C5 see section 67 for heights applicable
B6, C6 see section 100 for heights applicable.

Numbering and designation of storeys

65. In determining the number of storeys in a building, and in determining the designation of a particular storey, for the purposes of this Chapter or any other Chapter, the following provisions shall apply -
- (a) Basement storeys and mezzanine storeys shall be disregarded in counting the number of storeys.
 - (b) Any storey (not being a basement or mezzanine storey) having a floor-to-ceiling height exceeding 4,8 m shall be taken as two storeys; if exceeding 7,2 m three storeys, and so on; provided that where the floor or ceiling of a storey is not level, or has different levels, the mean level shall be taken.

Special provisions for Sub-zone R12

- 66 (1) Every main building and Outbuilding erected on a site falling in Sub-zone R12 of a General Residential Use Zone shall comply with the following provisions -
- (a) Except as hereinafter provided, no main building or Outbuilding shall be erected so that any point on such main building or Outbuilding is nearer to a boundary of such site than the distance specified in the following Table -

TABLE: REQUIRED SETBACKS FOR SUB-ZONE R12

	Boundary Required setback for points on buildings		Street
	1	2	
boundary	4,5 m		
Seaward boundary	One-third the mean depth of the site from the street boundary to the seaward boundary		
Other boundaries	6 m or 0,5h		

(b) The provisions of subsections (5) and (6) of section 60 shall mutatis mutandis apply to the foregoing Table.

(c) The width of a main building, measured parallel to Victoria Road, shall not exceed one-half the total of the street frontages of such site.

(d) From at least one of the two points where the lateral boundaries of such site meet the street boundary it shall be possible to draw a straight line across such site at an angle of 25 degrees to such lateral boundary, so that no building or structure is erected between such line and such lateral boundary.

(e) No building on such site, other than a building which is not more than 18 m from the street boundary, shall exceed 13 m in height.

(f) The provisions of sections 62 and 70 shall apply to any such building; provided, however, that no building shall be erected -

- (i) nearer the seaward boundary than the distance prescribed in paragraph (a); or
- (ii) so as to contravene paragraph (d).

(2) Notwithstanding the provisions of Chapter VII and section 58, a Dwelling House or Double Dwelling House shall for the purpose of this section be deemed to be a main building.

Special provisions for Sub-zones B5 and C5

- 67(1) Subject to the provisions of subsections (2) and (3), a main building or Outbuilding erected on a site falling within Sub-zone B5 of a General Business Use Zone or Sub-zone C5 of a

General Commercial Use Zone may be erected hard up to any street boundary of such site.

- (2) Except as is provided for in subsections (3) and (4), no point on such building shall have a greater height than -
- (a) 25 m in the case of a site abutting a street not more than 12,5 m wide;
 - (b) twice the width of the street abutting the site in the case where such street is 12,5 m wide or wider but not more than 18,5 m wide; or
 - (c) 37 m in the case of a site abutting a street more than 18,5 m wide.
- (3) Notwithstanding the provisions of subsection (2), points on such building may have a greater height than that specified in such subsection, if every point on such building, the height of which exceeds that specified in such subsection, is set back from the street boundary a distance of not less than one half the difference between the height of such point and the height specified in paragraph (a), (b) or (c) of subsection (2), as the case may be; provided that the height of the building shall in no event exceed 60 m.
- (4) Where a site referred to in subsection (1) abuts two or more streets of different widths the Council may determine that a portion of the site abutting a street referred to in paragraph (a) of subsection (2) shall be deemed to abut a street referred to in paragraph (b) or (c) thereof, or that a portion of the site abutting a street referred to in paragraph (b) shall be deemed to abut a street referred to in paragraph (c), having regard to the intent of this section and the requirements for satisfactory planning of the building.

Alternative setbacks for buildings in Sub-zones B1, B2, B3, C1, C2 and C3

- 68(1) Notwithstanding the provisions of section 60, a main building or an Outbuilding described in Column 1 of the following Table may be erected on a site falling in Sub-zone B1, B2 or B3 of a General Business Use Zone or Sub-zone C1, C2 or C3 of a General Commercial Use Zone so that points on such building are nearer to a particular boundary of the site than the distances prescribed for such points in Tables III and IV of section 60, provided that no point on such main building or Outbuilding shall be nearer to such boundary than the distance prescribed in Column 2 of the following Table for such building and boundary -

TABLE:
BUILDINGS IN CERTAIN GENERAL BUSINESS
AND GENERAL COMMERCIAL USE ZONES: ALTERNATIVE SYSTEM

REQUIRED SETBACKS FOR

Description of building	Setback of building from	site boundaries
1	2	
Main building or Outbuilding thereto		Ground storey: 0 m All other storeys: 4,5 m or 3 m + 1/4H

- (2) In the application of the foregoing Table the provisions of subsections (5) and (6) of section 60 shall apply.

Sites falling into two or more Use Zones or Sub-zones

69. Where the site of a building falls into two Use Zones or Sub-zones, each portion of any building on such site falling within a particular Use Zone or Sub-zone shall comply with the provisions of this Chapter applicable to the erection of a building of the nature in question in such Use Zone or Sub-zone in respect of distances from site boundaries and heights of buildings.

Exemptions for certain portions of buildings

- 70(1) For the purposes of sections 59, 60, 66 and 67, but subject to the provisions of subsection (2), the following portions of a main building or Outbuilding may be disregarded -
- (a) Any portions which in terms of section 36 are disregarded in the calculation of Actual

Coverage.

- (b) Any porch.
- (c) A buttress of a Place of Worship.
- (d) A low wall or railing.
- (e) Any portion of a building which in terms of the definition of "height" of a building in section 2 may be disregarded.
- (f) A portion of a building comprising -
 - (i) a lift well, stairwell, staircase or combination of the foregoing; or
 - (ii) any covered or uncovered passageway giving access from anything referred to in subparagraph (i) to the remainder of the building;

provided that -

- (A) the provisions of this paragraph shall not override the provisions of subsection (2) of section 60;
- (B) a lift well, stairwell, staircase or combination thereof referred to in subparagraph (i) shall not exceed 5,5 m in length measured parallel to the site boundary concerned;
- (C) any passageway referred to in subparagraph (ii) shall be of the minimum width and length required to afford access to the remainder of the building, and shall not be enclosed except by a low wall or railing; and
- (D) a lift well, stairwell, staircase or combination thereof referred to in subparagraph (i) shall not be nearer to a site boundary than the distance specified in the following Table -

TABLE: MINIMUM DISTANCE OF LIFT WELL, STAIRWELL, STAIRCASE OR COMBINATION THEREOF FROM SITE BOUNDARY

Use Zone and Sub-zone	Minimum distance		From
	street	boundary	
	1	2	3
Use Zones and Sub-zones other than those referred to below		4,5 m	4,5 m

General Residential:			
R1, R2		7,5 m	4,5 m
R3, R4, R7, R8, R9, R11		4,5 m	4,5 m
R5		9 m	9 m
R6		15 m	15 m
R10		0 m	0 m
R12		4,5 m	6 m -

General Business or General Commercial:			
B1, B2, B3, C1, C2, C3		4,5 m	4,5 m
B4, B5, C4, C5		0 m	0 m

see section 100 for distances applicable.

NOTE: B6, C6

(2) Notwithstanding the provisions of subsection (1), the following provisions shall apply -

(a) No eaves, cornice or other generally continuous feature shall be disregarded if the effect of so doing would be to reduce any distance or sum of distances prescribed by any of the foregoing sections to less than four-fifths of the prescribed distance.

(b) A means of access at least 1 m wide and 3 m high, not passing through any room or compartment, shall be provided from a street to every unbuild-upon portion of the site of a main building, other than a courtyard within a building.

Divisions of buildings

71(1) In this Chapter a "division" of a building means a portion thereof bounded entirely by one or more external walls and one or more imaginary vertical planes, each of which extends continuously from the ground to the roof of the building.

(2) Where the configuration of the site or the building renders this desirable, having regard to the intent of this Chapter, the Council may require or permit that a building be deemed to be divided into divisions defined by the Council and every such division shall for the purposes of this Chapter be deemed a separate building.

National Building Regulations

72. The provisions of Chapters VI, VII and VIII relating to required spaces about buildings are additional to and not in substitution for the provisions of the National Building Regulations made in terms of the National Building Regulations and Building Standards Act 103 of 1977.

Projections over streets

73(1) In this section "architectural feature" means any eave, cornice, architrave, decorative fin or similar projecting architectural feature, not being a canopy, balcony, verandah, sunblind, awning, sign or signboard;

"kerb-line" means -

(a) in the case of a street which has been constructed the line of demarcation between the carriageway and the footway, and

(b) in the case of a street which has not been constructed, which is to be reconstructed or in which no such line of demarcation is clearly defined on the ground, such line as the Council may define as being the kerb-line;

"level of the footway" means -

(a) in the case of a footway which has been constructed, the level of the back of the footway, and

(b) in the case of a footway which has not been constructed or is to be reconstructed, such level as the Council may define as the intended level of the back of the footway;

provided that for the purposes of subsection 3(d) the foregoing references to the level of the back of the footway shall be deemed to be references to the level of the footway directly below the sunblind or awning concerned;

"projection" in relation to a building, means any canopy, architectural feature, balcony, verandah, awning, sunblind, sign, signboard or similar structure, device or contrivance which projects over or into a street or public place; and

"street" includes any land referred to in paragraph (a), (b), (c) or (d) of the definition of "area of an erf" in section 2.

(2) Every projection over or into a street shall be in accordance with the provisions of and any conditions imposed under section 126 of the Municipal Ordinance 20 of 1974.

(3) No projection specified in Column 1 of the following Table shall project over or into a street to a greater extent than is specified in Columns 2 and 3:

TABLE: PERMITTED PROJECTIONS OVER STREETS

permitted projection projection	Position of lowest part of into street		Maximum
	Street 12 m		Street less wide or
	than 12 m wide wider		3
	1	2	
Less than 2,4 m above level of the footway	nil	nil	
2,4 m or more above level of the footway			
(a) At or below level of first floor	4 m		4 m
(b) At or below level of second floor but above level of first floor		1 m	4 m
(c) Above level of second floor		1 m	2 m

Provided that -

- (a) no projection shall be nearer than 300 mm to the kerb line of a street;
 - (b) a projection which is an architectural feature shall not project more than 250 mm over or into a street;
 - (c) subject to the provisions of paragraph (a) and any by-law governing the erection and display of advertising signs, a projection which is an advertising sign -
 - (i) may be less than 2,4 m above the level of the footway provided such sign does not project more than 50 mm over or into the street; and
 - (ii) may project to a greater extent than is permitted by Column 2 of the foregoing Table over or into a street less than 12 m wide; and
 - (d) subject to the provisions of paragraph (a), a projection which is a sunblind or awning may be less than 2,4 m above the level of the footway and may project to a greater extent than is provided in the foregoing Table if it is so constructed and erected that no part thereof will at any time be less than 2,1 m above the level of the footway or if the only part thereof which is below such height is a loose flap of canvas or other non-rigid material attached to the base of the sunblind or awning and no part of which will at any time be less than 1,9 m above the level of the footway.
- (4) Notwithstanding the provisions of this section:
- (a) no projection shall be erected in any position where in the opinion of the Council it would be likely to cause danger to pedestrian or vehicular traffic; and
 - (b) the Council may refuse to permit any projection which in its opinion would be unsightly or calculated to be detrimental to the appearance of the building or the street or detrimental in any way to any adjacent building.

NOTE: For special requirements in Sub-zone B6 of a General Business Use Zone and Sub-zone C6 of a General Commercial Use Zone refer to the provisions of section 100 relating to the Special Area Roggebaai.

CHAPTER IX: STREET WIDTHS ETC. FOR CERTAIN BUILDINGS

Minimum street widths

- 74(1) No building falling into any of the following categories shall be erected on a site which does not abut a street having a width of 9 m or greater, connecting with another street or streets, of not less than such width and leading to a street of greater width; viz:
- Groups of Dwelling Houses
 - Blocks of Flats
 - Residential Buildings
 - Places of Worship
 - Institutions
 - Places of Assembly
 - Service Stations
 - Combined Buildings, any part of which fall into one of the foregoing categories.
- (2) A street which is permanently inaccessible to or unusable by vehicular traffic shall not be deemed a street for the purposes of subsection (1).

Setting back of site boundaries

- 75(1) No building shall be erected on a site if any portion of a street boundary of such site is less than 8 m from the centre-line of the street or service road on which it abuts, and
- (a) such building is a Block of Flats, Institution, Place of Instruction or Residential Building or is a Combined Building, any part of which falls into one of the said categories; or
 - (b) such site falls wholly or partly into a Community Facilities, General Business, Special Business, General Commercial, General Industrial or Noxious Industrial Use Zone,
- unless sufficient portions of such site to enable such portion of such boundary to be set back to a line, determined by the Council which is parallel to and up to 8 m from the centre-line of such street or service road, are first transferred to the Council or a written undertaking is given by the owner of the property concerned that he will so transfer.
- (2) In this section -
- "Carriageway" means that portion of a service road, whether constructed or not, which is improved, constructed or intended for use by vehicular traffic and does not include any portion of such service road which is improved, constructed or intended for use for parking or loading or as a shoulder or footway;
- "centre-line" in relation to -
- (a) a street which is not a service road, means a line midway between the street boundaries of such street or, where such street boundaries are irregular, a line determined by the Council as approximating as closely as possible the actual centre-line of such street; and
 - (b) a service road, means a line midway between the boundaries of the carriageway of such service road or, where such boundaries are irregular, a line determined by the Council as approximating as closely as possible the actual centre-line of such service road;
- "service road" means a street which -
- (a) is or will be adjacent to but physically separated from another street which latter street -
 - (i) is intended for the use of through traffic, and
 - (ii) is not or will not be directly accessible to vehicular traffic from abutting properties, and
 - (b) provides or is intended to provide vehicular access to such abutting properties.

- (3) In determining the position of the centre-line, any land referred to in paragraph (c) of the definition of "area of an erf" in section 2 shall be disregarded.
- (4) The provisions of this section shall not apply to a street boundary abutting any street or service road which -
- (a) is permanently inaccessible to or unusable by vehicular traffic or has been legally closed, provided that no such street or service road which has been closed and on which buildings have been erected in terms of the foregoing shall be re-opened; or
 - (b) is a cul-de-sac not more than 16 m in length; or
 - (c) is not more than 3,2 m wide; provided, however, that the Council may, in any specific instance, require the boundary of an abutting property to be set back in terms of subsection (1) to such extent as it deems necessary, up to an extent not exceeding 8 m from the centre-line of such street or service road.
- (5) Where a building is erected on a site in a General Business, Special Business, General Commercial, General Industrial or Noxious Industrial Use Zone, and such site abuts any street specified in Schedule 6 of Appendix A, the distance of 8 m prescribed in subsection (1) shall be replaced by such lesser distance as is prescribed in the said Schedule.
- (6) The provisions of this section shall not apply to any site or portion thereof, as the case may be, which falls within Sub-zone B4, B5 or B6 of a General Business Use Zone or Sub-zone C4, C5 or C6 of a General Commercial Use Zone.

CHAPTER X: PARKING, GARAGING AND LOADING AREAS

Parking, garaging and loading areas: when required

76(1) No building falling into any of the following categories shall be erected or used unless the provisions of this Chapter relating to parking, garaging and loading areas are complied with -

(a) Buildings for which parking or garaging areas are or may be required:

Groups of Dwelling Houses
 Blocks of Flats
 Residential Buildings
 Places of Worship
 Public Garages
 Industrial Buildings
 Institutions
 Places of Assembly
 Service Stations
 Special Industrial Buildings
 Workshops
 Combined Buildings, portions of which fall into any of the foregoing categories

(b) Buildings for which loading areas are or may be required:

Shops
 Business Premises
 Industrial Buildings
 Special Industrial Buildings
 Combined Buildings, portions of which fall into any of the foregoing categories

(2) For the purposes of this Chapter -

"access" includes "egress", and "access to" includes "egress from";

"access area" means an area giving access to a parking, garaging or loading area, and includes an area used for manoeuvring of vehicles;

"bay" means a portion of a parking area intended as a parking bay for one vehicle, or a garage or a portion of a garage intended for the garaging or parking of one vehicle, or a portion of a loading area intended for the accommodation of one vehicle, but does not include a lubricating bay or wash bay at a Service Station;

"garaging area" means a garage or an area for parking which is wholly or partly covered;

"loading area" means an uncovered or covered area set aside for the accommodation of vehicles on to which goods or materials are to be loaded or from which they are to be offloaded, and for such loading and offloading; and

"parking area" means an uncovered parking area.

(3) Where an addition is made to an existing building, or where an existing building or its use is so altered as to require a greater extent of parking, garaging or loading areas than that required in terms of this Chapter prior to such alteration, the provisions of this Chapter shall apply only in respect of the increase in such extent required as a result of such addition or alteration, as the case may be.

(4) For the purposes of this subsection "existing" means existing prior to 1st December, 1964.

Extent of parking and garaging areas required

77(1) Provision shall be made on the site of every building falling into a category specified in Column 1 of the following Table for parking or garaging or parking and garaging areas for motor cars to an extent not less than that prescribed in Columns 2 and 3 of such Table -

TABLE: EXTENT OF PARKING AND GARAGING AREAS FOR MOTOR CARS REQUIRED FOR VARIOUS CATEGORIES OF BUILDINGS

Category of building or portion concerned	Total extent of parking and visitors, patrons	Extent of parking area required for garaging areas required for visitors, patrons and occupants	visitors or patrons
1	2	3	
Group of Dwelling Houses	As provided for in section 90	As provided for in section 90	
Houses		Double Dwelling dwelling unit	1 bay for every -
Blocks of Flats	1 bay for every	1 bay for every 4 Dwelling Unit Dwelling Units Licensed Hotel	3 bays for every 1 bay
		5 bedrooms plus 20 bays	
		5 bedrooms plus 20 bays	
Funeral Parlour	15 bays	15 bays	
Hospital or Nursing Home	2 bays for every 3 patients	2 bays for every 3 patients	
Place of Worship other than a Funeral Parlour and Place of Assembly other than a theatre, cinema, music hall or concert hall	1 bay for every 20 occupants up to 160 occupants plus 1 bay for every 12 occupants in excess of 160 occupants up to 400 occupants	1 bay for every 20 occupants up to 160 occupants plus 1 bay for every 12 occupants in excess of 160 occupants up to 400 occupants plus 1 bay for every 8 occupants in excess of 400 occupants	pants plus 1 bay
		for every 8 occupants in excess of 400 occupants	
		for every 8 occupants in excess of 400 occupants	
Category of building or portion concerned	Total extent of parking and	Extent of parking area required for garaging areas required for visitors, patrons and occupants	visitors or patrons
1	2	3	
Theatre, cinema, music hall or concert hall	1 bay for every 8 occupants	1 bay for every 8 occupants	
Service Station	4 bays for every	4 bays for every lubricating bay plus 4 bays for every wash bay, with a minimum of 8 bays	every wash bay, with a minimum
		lubricating bay plus 4 bays for every wash bay, with a minimum of 8 bays	
Public Garage	4 bays for every lubricating bay	-	
		plus 4 bays for every wash bay with a minimum of 8 bays	
Industrial Buildings	One bay for every	25% of the bays	

Category of building or portion concerned	Total extent of parking and	Extent of parking area required for garaging areas required for visitors, patrons and occupants	
1	2	3	
and Special Industrial Buildings erected in General Industrial and Noxious Use Zones	100 m ² of Actual Floor Area of the building or buildings concerned up to an Actual Floor Area	required in terms of Column 2	
	Floor Area in excess of 1 500 m ² with a	of 1 500 m ² plus one bay for every 200 m ² of Actual	
		minimum of 3 bays	
Supermarket	1 bay for every 10 m ² of nett	1 bay for every 10 m ² of nett retail floor area	retail floor area
			visitors or patrons
Residential Building other than a community residential building or a licensed Hotel	3 bays for every 5 bedrooms	1 bay for every 5 bedrooms	
Community Residential Building	5 bedrooms plus	1 bay for every 5 bedrooms 2 bays	1 bay for every
Clinic	3 bays for every	3 bays for every consulting room or examination room	consulting room or examination
Workshop	1 bay for every	50 m ² of Nett Floor Area used for motor vehicle radio, panel beating or exhaust fitting activities with a minimum of two bays	

(2) In the determination of the required extent of parking or garaging in terms of the foregoing Table the following provisions shall apply -

- (a) Where the number of Dwelling Units, bedrooms, occupants or patients is not an exact multiple of the relevant factor specified in the Table, the required number of bays shall be calculated on a pro rata basis; where the result of such calculation involves a fraction, any fraction less than 0,5 shall be disregarded and any fraction equal to or greater than 0,5 shall be taken as 1.
- (b) The number of patients in a hospital or nursing home shall be determined on the following basis.

Nett floor area of bedroom or ward, m ²	to occupy such bedroom or ward	Number of patients deemed
0 - 10,0	1	
10,1 - 20,0	2	
20,1 - 30,0	3	
etc.	etc.	

- (c) Where a Place of Worship or a Place of Assembly is provided with fixed seating the number of occupants shall be taken as the number of seats, and in all other cases it shall be taken as the maximum number of occupants which can lawfully be accommodated by such Place of Worship or Place of Assembly.
- (d) The total extent of parking and garaging areas prescribed in Column 2 of the Table may be made up partly of parking and partly of garaging areas or wholly of parking areas, subject, however, in all cases to compliance with the requirements prescribed in Column 3.
- (3) Except in the case of Service Stations, the provisions of this section shall not apply to the following buildings -
- (a) Any building erected within the Central City area.
- (b) Any building with the exception of a Place of Worship or Place of Assembly erected within a Municipal Housing Scheme on a site zoned for a building of the category concerned.
- (4) Notwithstanding the provisions of subsection (1), where an Institution other than a hospital or nursing home is located in a General Business Use Zone or a General Commercial Use Zone, no parking bays shall be required to be provided.
- (5) Where two or more buildings requiring parking in terms of subsection (1) are located on the same site and the Council is satisfied that they will not be simultaneously utilised at any time, only the building required to be provided with the greater extent of parking areas in terms of subsection (1) shall be required to be provided with parking areas provided that, should such buildings be utilised simultaneously on one or more occasions the full extent of parking areas required in terms of subsection (1) for the buildings concerned shall be provided.

Extent of loading areas required

- 78.** Provision shall be made on the site of every building falling wholly or partly into a category specified in Column 1 of the following Table, erected in Sub-zone B1, B2 or B3 of a General Business Use Zone or Sub-zone C1, C2 or C3 of a General Commercial Use Zone or in a General Industrial or Noxious Industrial Use Zone, having an Actual Floor Area specified in Column 2 of such Table, for loading areas, to an extent not less than that prescribed in Column 3 of such Table; provided that where there is more than one building on a site, or where different parts of a building or buildings on a site are used for different purposes, the required extent of loading area for such building or buildings on such site shall be determined by -
- (a) calculating the total Actual Floor Area of every building or portion of a building used as -
- (i) an Office Building, and
- (ii) Business Premises (other than an Office Building), a Shop, Industrial Building;
- (b) determining the extents of loading areas which would be required in terms of the Table for buildings having Actual Floor Areas respectively equal to those calculated in terms of paragraph (a) for each of subparagraphs (i) and (ii); and
- (c) adding the extents of loading areas so determined for each of subparagraphs (i) and (ii) aforesaid -

TABLE: EXTENT OF LOADING AREAS REQUIRED FOR VARIOUS CATEGORIES OF BUILDINGS IN CERTAIN USE ZONES

Category of building concerned	Actual Floor Area of buildings in m ² (to nearest m ²)	Required extent of loading areas	
1	2		3
Office Building	0 to 5 000		-
	5 001 to 15 000	1 bay	
	15 001 to 30 000	Every additional 30 000 or fraction thereof	2 bays 1 additional bay
Business Premises (other than an Office Building), Shop, Industrial Building, Special Industrial Building	0 to 1 000		-
	1 001 to 2 500		1 bay
	2 501 to 5 000	2 bays	
	5 001 to 10 000	3 bays	
	Every additional 10 000 or fraction thereof	1 additional bay	

NOTE: For special requirements in Sub-zone B6, of a General Business Use Zone and Sub-zone C6 of a General Commercial Use Zone, refer to the provisions of section 100 relating to the Special Area Roggebaai.

Requirements applicable to all parking, garaging and loading areas

- 79(1) Except in the case of a Dwelling House or Double Dwelling House, any proposed parking, garaging or loading areas, whether or not such areas are required in terms of section 77 or 78, and the access areas thereto, shall be shown on building plans submitted to the Council, and the Council shall have the right to approve or disapprove of such plans.
- (2) All parking, garaging, loading and access areas on any site, whether or not such areas are required in terms of section 77 or 78, shall comply with the following requirements -
- (a) Except in the following cases, the layout of any parking or garaging area on a site shall be such that vehicles can readily leave the site without reversing across the footway:
 - (i) Where not more than 8 vehicles are to be accommodated in a parking or garaging area on a site located in a General Industrial or Special Industrial Use Zone, provided that no entrance or exitway across the footway for such parking area or garaging area is within 5 m of any other entrance or exitway across the footway on the same site and that a maximum of 60% of the length of any street boundary of the site is utilised for access or egress ways.
 - (ii) Where not more than 4 vehicles are to be accommodated in a parking or garaging area on a site located in any Use Zone other than a General Industrial or Special Industrial Use Zone.
 - (b) Except in the case of a site of a Dwelling House, Double Dwelling House, Group of Dwelling Houses, Service Station and the site of a building in any General Industrial or Special Industrial Use Zone, entrances and exitways across the footway shall be limited to one each, not exceeding 5 m in width per site, or alternatively, to one combined entrance and exitway, not exceeding 8 m in width, per site; provided that where the total length of the street frontages of a site exceeds 30 m or where a site abuts two different streets, additional entrances and exitways or combined entrance and exitways shall be permitted, provided that no two entrances or exitways, combined entrance and exitways are closer together than 15 m; such additional entrances, exitways or combined entrance and exitways shall not exceed 5 m or 8 m in width respectively.
 - (c) Entrances, exitways and combined entrance and exitways serving a Grouped Dwellings

Site as defined in section 90 shall not be closer together than 5 m.

- (d) Except in the case of a Dwelling House, Double Dwelling House and a Group of Dwelling Houses no crossing over the footway shall be nearer than 9 m to an intersection of streets.
- (e) A suitable wall, fence or similar barrier shall be erected along any street boundary of the site, where necessary, to ensure that vehicles do not cross such boundary elsewhere than at the entrances and exitways prescribed in paragraph (b).
- (f) Notwithstanding the provisions of paragraphs (a) to (d), no crossing over the footway of a street shall be permitted where, in the opinion of the Council, a pedestrian or vehicular traffic hazard would be created.

(3) For any site located within the Central Area as depicted in Plan TPY 5329/1 no parking, garaging or loading areas shall be permitted at street level in any building within 10 metres from the street boundary.

Requirements applicable to compulsory parking and garaging areas.

80. Parking and garaging areas required in terms of section 77 and access areas thereto shall comply with the following requirements -

- (a) every bay shall be at least 2,5 m wide and 5,0 m in length;
- (b) the layout of bays and access areas shall, except with the consent of the Council, conform to the minimum standards depicted on Plan TPZ 8457/1;
- (c) vehicle access areas serving more than 4 motor-cars shall have a minimum clear width of 2,7 m if used for one-way movement, or 5,5 m if used for two-way movement; provided that any such two-way access area which is less than 15 m long and which links a parking or garaging area directly with a street need not be wider than 2,7 m;
- (d) all access areas to parking areas required in pursuance of Column 3 of the Table in subsection (1) of section 77 shall not be covered; all other access areas and all garaging areas shall have a minimum headroom of 2,1 m;
- (e) all bays and access areas shall be suitably graded, shall be surfaced with brick paving, asphalt, concrete or other hard, durable, dustless, surface laid on firm compacted ground, and shall be effectively drained, and the bays shall be marked out in white lines 100 mm wide in approved traffic paint or in a similarly distinctive manner by the use of surfacing materials with contrasting colours. Such surface shall conform to the following minimum specifications -

asphalt surface: 25 mm finished thickness or asphalt macadam on 100 mm finished thickness of well-consolidated gravel or hardcore; and

other surfaces: 100 mm thick or as approved by the Council;
- (f) notice boards shall be erected for the purpose of guiding visitors or patrons to the parking area prescribed by Column 3 of the Table in section 77. Such notice boards shall be of durable material, shall be approximately 2 m above ground level, and shall bear the words "Parking Area for Visitors - Parkeerterrein vir Besoekers" or the words "Parking Area for Patrons - Parkeerterrein vir Klante" as may be appropriate, in clear lettering at least 75 mm high, with a directional arrow; where the parking area is not readily visible from the entrance to the site such notice boards shall bear such additional information as may be necessary to enable visitors or patrons to find the parking area. Particulars of such notice boards, including the materials to be used and their proposed positions, shall be shown on the building plans, and shall be subject to the approval of the Council; and
- (g) in the case of parking and garaging areas required to be provided for Industrial Buildings and Special Industrial Buildings it shall be permissible, notwithstanding anything to the contrary in paragraph (b), for the bays, other than those required in pursuance of Column 3 of the Table in subsection (1) of section 77, to be so arranged that some of such bays cannot be vacated until adjacent bays are vacated.

Requirements applicable to compulsory loading areas

81. All loading areas required in terms of section 78 shall comply with the following requirements -

- (a) every bay required in terms of section 78 shall be at least 7,5 m long and 4,5 m wide;

- (b) the layout of bays and access areas thereto shall be such that they can be entered and left at all times by a motor lorry of the following specifications -
- Overall length 6,4 m
 Overall width 2,4 m
 Distance of rear axle from
 rear of lorry 1,5 m
 Distance of centre of rotation of
 lorry from mid-point of rear axle at
 full lock of steering 7 m
- (c) access areas shall have a minimum clear width of 3 m if used for one-way movement or 6 m if for two-way movement, provided that any such two-way access area which is less than 15 m long and which links a loading area directly with a street need not be wider than 3 m;
- (d) covered loading areas and access areas shall have a minimum headroom of 3,7 m; and
- (e) all loading areas and access areas shall be suitably graded, surfaced, drained and marked out in accordance with the provisions of paragraph (e) of section 80.

Duties of owner

82. The owner of any building for which in terms of section 77 or 78 the provisions of parking, garaging or loading areas is required shall-
- (a) provide, construct and mark out such areas, including access areas, as may be necessary, in accordance with the approved plans and the requirements of this Chapter;
- (b) maintain all such areas in a useable condition and such marking-out in a legible condition at all times;
- (c) ensure that no markings are made on any parking area prescribed by Column 3 of the Table in section 77 which would discourage, interfere with or prevent their use by visitors or patrons;
- (d) ensure that access to any parking area prescribed by Column 3 of the Table in section 77 is kept free and unencumbered at all times and that such parking area is not used for purposes of business or trade or any other purpose than the parking of cars by visitors or patrons;
- (e) ensure that any loading area prescribed by section 78 is kept available as a loading area at all times and is not used for any other purpose; and
- (f) provide and erect the notice boards referred to in section 80, maintain them in a legible condition at all times and ensure that no notice boards are erected which would discourage, interfere with or prevent the use of any parking area prescribed by Column 3 of the Table in section 77 by visitors or patrons.

Combined Building or more than one building on site

83. Subject to the provisions of section 77(5), -
- (i) in the case of a Combined Building, parking, garaging and loading areas shall be provided in respect of the several parts thereof in conformity with the provisions of this Chapter, and the arrangement of such areas shall be such as to ensure that each such area is convenient of access to occupants, visitors or patrons of the parts of the building concerned; and
- (ii) in cases where more than one building is erected on a site the foregoing provisions shall apply mutatis mutandis to the several buildings concerned.

CHAPTER XI: SPECIAL TYPES OF BUILDINGS

Special types of buildings

84. The provisions of this Chapter relating to certain types of buildings shall be in addition to any other provisions applicable to such buildings in terms of any other Chapter.

Service Stations

- 85(1) In this section -

"access way" means a vehicular ingress to or egress from any portion of the site of a Service Station, being a portion where petrol or other liquid fuel is supplied;

"pump" means a fuel pump at a Service Station;

"Service Station" includes the site of any premises where petrol or other liquid fuel for motor vehicles is supplied retail, whether or not servicing, repairs or adjustments are carried out to such vehicles; and

"traffic island" means a raised area in a roadway intended for the physical separation of traffic or for the use of pedestrians or for both.

- (2) No Service Station shall be erected or established on a site unless every street frontage of the site containing one access way is at least 23 m in length, and every street frontage containing two or more access ways is at least 30 m in length; provided that where portion of such site is occupied at ground level by a building other than a Service Station, and such building is less than 8 m from a street boundary, the portion of the street boundary opposite such building shall not be included in the determination of street frontage.
- (3) No access way shall be nearer than 30 m to any of the following -
- (a) an intersection of streets, two or more of which are declared main, trunk or divisional roads in terms of the Roads Ordinance 1976 (Ordinance 19 of 1976), or any other road of like status;
 - (b) any robot, whether existing or intended to be erected; and
 - (c) any intersection of streets where traffic is controlled or is intended to be controlled by a traffic island.
- (4) Access ways shall comply with the following requirements -
- (a) no access way shall be nearer than 6 m to a lateral boundary of the site concerned;
 - (b) no access way shall be nearer than 9 m to an intersection of streets;
 - (c) the width of an access way shall not exceed 8 m;
 - (d) the site of a Service Station shall not have more than two access ways; provided that this number may be exceeded if no two access ways are closer together than 15 m; and
 - (e) a wall at least 102 mm thick and 215 mm high shall be erected along the entire street boundary except at the access ways.
- (5) No pump shall be erected so that the base or island on which such pump stands is less than 3,6 m from the nearest street boundary, such measurement being taken at right angles to such boundary through the central vertical axis of such pump.
- (6) The following provisions shall apply to any Service Station erected or established on a site which is wholly or partly in a Special Business or General Business Use Zone -
- (a) no panel beating, spray painting, retreading of tyres, engineering work or repairs or adjustments other than minor repairs or adjustments shall be carried out at such Service Station;
 - (b) any vehicle servicing area ancillary to such Service Station shall be physically demarcated from the remainder of the Service Station by brick walls 215 mm thick, at least 2 m high and having the minimum area of openings required for reasonable access

to such servicing area. The Actual Floor Area of such servicing area, exclusive of any lubrication or wash bays, shall not exceed 200 m²;

- (c) no Service Station shall be erected or established on any such site if such site is less than 180 m from the site of another Service Station in any such Use Zone on the same side of the street; and
- (d) any part of the site of a Service Station used for the storage of empty containers or any other articles or materials used for or incidental to the conduct of such Service Station (other than articles or materials normally kept on the driveway of a Service Station), or for carrying on any work in connection therewith, shall be screened from view from any street or public place by a wall at least 2 m high.

Laundrettes and Cleanettes

- 86.** In the case of every establishment which is a Laundrette or a Cleanette or a combination of both, erected or established on a site which is wholly or partly in any Special Business or General Business Use Zone, the Actual Floor Area of the portions of such establishment which comprise the shop for receiving and returning clothes, the workshop and the space occupied for storage of clothes, shall not exceed 260 m².

Funeral Parlours

- 87.** No funeral parlour shall be erected on a site which is less than 90 m from an intersection of streets referred to in subsection (3) of section 85.

Putting Courses and Drive-in Restaurants

- 88(1)** In this section -

"putting course" means any land or buildings used for an outdoor miniature golf course; and

"drive-in restaurant" means any land or buildings used for a restaurant or cafe from which food and refreshment are served to patrons who remain seated in motor-cars parked in the vicinity of such restaurant or cafe.

- (2) Notwithstanding anything to the contrary contained in these Scheme Regulations, no putting course or drive-in restaurant shall be established or operated except with the consent of the Council.

Supermarkets

- 89(1)** Where it is intended to erect a new Supermarket or convert existing premises to a Supermarket, building plans shall be submitted to the Council clearly indicating the layout and extent of the nett retail area of the Supermarket defined in section 2.

- (2) No person shall convert any premises or portions thereof to a Supermarket or increase the nett retail area of any existing Supermarket except with the written consent of the Council.

Groups of Dwelling Houses

- 90(1)** In this section -

"Applicant" means the person referred to in subsection (2);

"Grouped Dwellings Site" means the site of one or more Groups of Dwelling Houses together with all Private Areas provided or required in terms of this section to be provided in connection with such Group or Groups of Dwelling Houses;

"Parking Area", "garaging area" and "bay" bear the meanings assigned to them in section 76 (2);

"Portion" means an erf shown on a plan submitted to the Council in terms of subsection 2(b); and

"Private Area" means an erf or Portion which -

- (i) is designated on an approved plan of subdivision or on a plan submitted to the Council in terms of subsection (2)(b) as a private area, private road, private open space or private parking or garaging area; and
 - (ii) is intended for communal use in connection with any Portions shown on a plan submitted to the Council in terms of subsection (2)(b).
- (2) Any person intending to erect a Group of Dwelling Houses shall submit to the Council -
 - (a) building plans drawn in accordance with the National Building Regulations and showing the immediate intended development and the total ultimate intended development of the Grouped Dwellings Site on which such Group of Dwelling Houses is to be erected; and
 - (b) a plan of subdivision showing the subdivision of such Grouped Dwellings Site into separate erven in accordance with the provisions of this section.
- (3) The building plans referred to in subsection 2(a) shall show -
 - (a) the nature and colours of all external wall finishes;
 - (b) the materials and colours of all roof coverings;
 - (c) the treatment of all proposed footpaths, access-ways and other areas around the buildings shown thereon;
 - (d) the position of all proposed fences, channels, drains and other structures (not being buildings);
 - (e) all door and window openings; and
 - (f) the relationship of all proposed common or party walls, external walls, freestanding walls, fences, channels, drains and other structures (not being buildings) to the boundaries of the Grouped Dwelling Site and to the boundaries of the Portions.
- (4) Such building plans shall be accompanied by the written authority of the Applicant and the architect or other person who prepared them for their use in accordance with the provisions of subsection (6).
- (5) The Council shall have the right to approve such building plans or to disapprove them or to approve them subject to such conditions as it may deem fit provided that the Council shall not approve such building plans -
 - (a) if they contravene any provision of the Scheme; and
 - (b) until the subdivision of the Grouped Dwellings Site has been duly approved in accordance with the plan of subdivision referred to in subsection (2)(b) and the laws applicable thereto and subject to a condition that all Private Areas shall be owned by the owners of all Portions in undivided shares.
- (6) The copy of the approved building plans of the Grouped Dwellings development which is retained by the Council shall be made available for inspection or for making copies by any person requiring to inspect or copy such plans in order to comply with the provisions of subsection (9).
- (7) The plan of subdivision referred to in subsection (2)(b) shall -
 - (a) in addition to any requirements prescribed by any other law in relation to plans for the subdivision of land, show the limits of each proposed Dwelling Unit and of each proposed Outbuilding in relation to the boundaries of each Portion; and
 - (b) show all internal roads and communal parking areas, which shall be designated as "Road".

- (8) No Dwelling Unit erected on the Grouped Dwellings Site shall be occupied and no Portion shall be deducted in terms of the approved plan of subdivision thereof until -
- (a) the immediate intended development of the Grouped Dwellings Site and of all Private Areas required in connection therewith is sufficiently complete in the opinion of the Council;
 - (b) a registered land surveyor has certified that the relationship of the boundaries of the Grouped Dwellings Site and of the Portions to the buildings, walls, fences and other things referred to in subsection (3)(f) is in accordance with the approved building plans; and
 - (c) all internal roads and communal parking areas and any services located therein serving such Dwelling Unit or Portion have been laid out and constructed to standards prescribed by the Council.
- (9) No alteration, external addition or other work, whether or not of a structural nature, shall be carried out on any Grouped Dwellings Site or Portion or to any building or structure thereon except in accordance with what is shown on the approved building plans as depicting the total ultimate development of the Grouped Dwellings Site.
- (10) (a) in this subsection unless the context otherwise indicates -
- (i) "boundary" means a boundary, not being a street boundary, of a Portion forming or intended to form the site of a Dwelling Unit; and
 - (ii) two consecutive boundaries which intersect so as to include an angle of 135 degrees or more shall be deemed to constitute a single boundary.
- (b) Without prejudice to the generality of the powers conferred by subsection (5), every Grouped Dwellings Site and Portion shall be developed in accordance with the following requirements and the building plans and plan of subdivision therefor shall be drawn accordingly -
- (i) The number of Dwelling Units on a Grouped Dwelling Site shall be at the discretion of the Council but shall not exceed 40A, where A is the area of such Grouped Dwellings Site in hectares.
 - (ii) Not more than one Dwelling Unit and Outbuildings thereto shall be erected on a Portion and no Dwelling Unit shall be erected on a Private Area.
 - (iii) The provisions of section 54 shall not be applicable to any Portion boundary.
 - (iv) No Dwelling Unit forming part of a Group of Dwelling Houses shall have more than 3 storeys.
 - (v) No building on a Grouped Dwellings Site, other than an Outbuilding complying with the provisions of subsections (3) and (4) of section 54, shall be erected so that any point on such building is nearer to any common boundary of such Grouped Dwellings Site than -
 - (aa) 3 m if such building has one or two storeys, or
 - (bb) 4,5 m if such building has three storeys.
 - (vi) A zero building line shall apply to an internal road designated as "Road" on the plan of subdivision referred to in subsection (2)(b).
 - (vii) A Group of Dwelling Houses erected on a site falling into Sub-zone R5 and R6 of a General Residential Use Zone shall, in respect of any boundary (including a street boundary) of the Grouped Dwellings Site on which such Group of Dwelling Houses is erected, comply with the provisions of Chapter VIII, relating to the minimum distances of buildings from the boundaries of a site as if -
 - (aa) such Group of Dwelling Houses were a Block of Flats erected in such Sub-zone; and
 - (bb) all Outbuildings thereto were Outbuildings to a Block of Flats so erected.
 - (viii) The provisions of sections 31(3) and 32 shall mutatis mutandis apply to every Dwelling Unit as if it were a Dwelling House and every Portion as if it were a site.

- (ix) The areas of all parking bays and access areas thereto which are located within a Portion and of any enclosed service yard contemplated by subsection (10)(b)(x) shall be included in Actual Coverage for the purposes of subsection (10)(b)(vii).
- (x) Each Portion forming or intended to form the site of a Dwelling Unit shall include a service yard enclosed by walls not less than 2 m in height.
- (xi) Not more than one external television or other aerial shall be erected on a Grouped Dwellings Site and every such aerial shall be so designed as to be capable of serving all Dwelling Units on such Grouped Dwellings Site.
- (xii) A garaging or parking area containing at least one bay shall be constructed on each Portion on which a Dwelling Unit is erected. If only one such bay is constructed on any Portion, an additional parking area containing at least one bay for each portion on which only one bay has been provided shall be constructed by the owner of the Grouped Dwellings Site in a position approved by the Council. All garaging and parking areas required by this subparagraph, other than those designated as "Road" on the plan of subdivision referred to in subsection (2)(b), shall comply mutatis mutandis with the provisions of sections 79 and 80.

Container Depots

91(1) In this section -

- "container depot" means land or buildings used for or in connection with the packing, unpacking, cleaning, repairing or storage of bulk containers used for the shipping of goods.
- (2) Notwithstanding anything to the contrary in these Scheme Regulations, a container depot shall not be established or operated in any Use Zone except with the consent of the Council.
- (3) An application to establish a container depot shall be accompanied by plans depicting the manner of stacking containers, the height of stacking, the setbacks of stacking from the boundaries of the site of a container depot, the landscaping, surfacing and drainage of such site, the points of access to such site, the circulation of container vehicles within such site and the routes to be employed by such vehicles travelling to and from such site.

CHAPTER XII: SPECIAL AREAS

Special Areas

92. The provisions of this Chapter shall apply to all sites within the areas specified therein in addition to the general provisions of the Scheme set out elsewhere in these Scheme Regulations, and in the event of any provision of this Chapter and a general provision prescribing different requirements in respect of the same matter the more restrictive provision shall apply unless specifically otherwise provided in the section concerned.

Scenic Drives
 Victoria Road, Clifton (upper side)
 St. James - Clovelly area
 Rondebosch Shopping Precinct
 Victoria Road, Camps Bay
 Camps Bay and Bakoven
 Ysterplaat Aerodrome Environs
 Roggebaai
 Athlone General Commercial Zones
 Land above Boyes Drive, Kalk Bay
 Marina da Gama Extensions 1, 2 and 4
 Portion of Aileen Township at Athlone
 Muizenberg Action Area
 Loader Street Area
 Mitchells Plain
 Urban Conservation Areas
 Sondorp, District Six

Municipal Housing Schemes
 Miscellaneous Properties
 Bakoven, Clifton and Glen Beach Bungalow Areas
 St George's Street Area

Scenic Drives

- 93(1) "Scenic Drive" means any street specified in Schedule 7 of Appendix A.
- (2) Save as provided for in subsection (5) of this section, nothing shall be built, constructed, erected, fixed or placed, whether permanently or temporarily, on land which:
- (a) abuts the lower side of a Scenic Drive, or
 - (b) abuts any land (including any street) owned by or vesting in the Council which abuts the lower side of a Scenic Drive.
- so as to project above the level of the nearest point on the footway of such Scenic Drive.
- (3) No vehicle of whatsoever description shall be parked on any land referred to in paragraphs (a) or (b) of subsection (2) of this section if the floor or ground level of any place used for such parking is not 2 m or more below the level of the nearest point on the footway of such Scenic Drive.
- (4) Except with the consent of the Council, no owner or occupier of any land referred to in paragraphs (a) or (b) of subsection (2) of this section shall grow, or permit the growing of, any vegetation that projects above the level of the nearest point on the footway of such Scenic Drive.
- (5) Fencing, railings, gates and similar structures which:
- (a) do not exceed a maximum height at any point of 1,2 m above the nearest point on the footway of such Scenic Drive;
 - (b) have maximum finished external measurements:
 - (i) of not more than 80 mm in the case of the diameter of any vertical or horizontal cylindrical element; and
 - (ii) not exceeding 80 mm x 80 mm in the case of the cross-sectional measurement of any vertical or horizontal rectangular element;
 - (c) have vertical elements which are not less than 1,5 m from any other such vertical element;
 - (d) have horizontal elements which are not less than 300 mm from any other horizontal element; and
 - (e) have infill material between any horizontal and vertical elements which is of a mesh or mesh-type material or a glass or glass-type material and which:
 - (i) in the case of a mesh or mesh-type material is galvanised and non-plastic coated and is so constructed that the solid portions thereof do not exceed 5% of the total area thereof; and
 - (ii) in the case of a glass-type material is colourless and permits of complete and unhindered vision through same;

may, with the consent of Council and in accordance with plans approved by Council, be built, constructed, erected, fixed or placed above the level of the nearest point on the footway of such Scenic Drive.

Victoria Road, Clifton

94. No building shall be erected on any site abutting Victoria Road, Clifton, on the upper side of the street, if such building would be more than 13 m above the street level of Victoria Road at points opposite such building.

St. James - Clovelly Area

- 95(1) The provisions of this section relate to the whole of that area of the Municipality shown on Plan TPX 1709, sheets 25, 27, 28 and 30, of the Map which lies to the south-west of the line bounding such area in the vicinity of Muizenberg Railway Station, which area is hereinafter referred to as "the area".
- (2) Except as in subsection (7) provided, no building erected on any site within the area shall have more than two storeys.
- (3) The factor for the determination of Permissible Floor Area in terms of Chapter V for sites within the General Business Use Zone in the area is 0,8.
- (4) With the exception of the properties known as "Charfield Private Hotel", "Strathmore Private Hotel" and "Sea Breezes", it shall be permissible to erect a Hotel on the site of any existing Hotel within the portion of the area so described and specified on Plan TPX 1709, sheets 25, 27, 28 and 30, of the Map, notwithstanding that such site falls within a Single Dwelling Residential Use Zone.
- (5) Where a Hotel is erected in accordance with the provisions of subsection (4), the following provisions shall apply -
- (a) The site of such Hotel shall be deemed, subject to the provisions of subsections (2) and (7), to fall into Sub-zone R4 of a General Residential Use Zone.
- (b) Land not forming part of such site which adjoins such site may be added to such site, and any land so added shall be deemed part of such site; provided that -
- (i) no land shall be so added if -
- (A) the Actual Floor Area of the existing Hotel on the existing site is less than the Permissible Floor Area for such site; and
- (B) the existing site is large enough to enable the provision of sufficient uncovered parking area as prescribed by Chapter XI of these Scheme Regulations to any Hotel erected in terms of subsection (4);
- (ii) no more land shall be so added than the minimum amount required to enable -
- (A) the Permissible Floor Area on such site to equal the Actual Floor Area of the existing Hotel; and
- (B) sufficient parking area as aforesaid to be provided; and
- (iii) for the purposes of this paragraph, "Hotel" includes all Outbuildings to an Hotel.
- (6) Within the area so described and specified on Plan TPY 3365A of the Map it shall be permissible to erect a building having more than two but not more than three storeys.

Rondebosch Shopping Precinct

- 96(1) The provisions of this section apply to the area shown on Plan TPY 2317 of the Map, hereinafter referred to as "the precinct", and to two areas bordered pink within the precinct, hereinafter referred to as "the pink areas".
- (2) The pink areas shall fall within a General Business Use Zone, Sub-zone B1, and the remainder of the precinct (excluding areas required for statutory road widening purposes shall be used only as public parking area and for access thereto, as shown on the said Plan TPY 2317; and except as in subsections (4) and (5) provided, the boundaries of the pink areas shall for all purposes be deemed boundaries of sites falling within such areas.
- (3) Notwithstanding the provisions of subsection (2) and the definition of the term "site area" in section 2, the area of any site falling partially in one of the pink areas and partially in the remainder of the precinct shall, for the purpose only of determining the Permissible Floor Area for a building on such site, include the entire area of such site.
- (4) Notwithstanding the provisions of subsection (2), a site falling within the precinct shall, for the purpose only of determining the Permissible Floor Area of a building on such site, be deemed to fall within the Use Zones and Sub-zones shown on Plan TPR 473 of the Map.

- (5) Prior to the erection of any building on any site within the precinct, the owner of such site shall register a servitude against such site in terms of which the public shall have an unrestricted right of access to and over any portion thereof not falling within a pink area for purposes of vehicular or pedestrian traffic, public parking or public open space, as may be required by the Council, the cost of registration of such servitude being borne by the Council.
- (6) Prior to or immediately on completion of the erection of a building referred to in subsection (6), the owner of such building shall grade, construct, surface, drain and mark out such portion of the site as may be required by the Council for public parking, in conformity with such provisions of Chapter X as are applicable, all to the satisfaction of the Council; such owner shall thereafter maintain such portion, in conformity with such provisions, to the satisfaction of the Council.

Victoria Road, Camps Bay

97. No Service Station shall be erected on any site abutting Victoria Road, Camps Bay, which falls within a General Business Use Zone.

Camps Bay and Bakoven

- 98(1) No building within the area of Camps Bay and Bakoven bounded by the municipal boundary to the South and Kloof Road to the North shall exceed three storeys in height.
- (2) No point on the facade of any building within such area shall be more than 10 m above the level of the ground abutting such facade immediately below such point.
- (3) For the purpose of subsection (2) "facade" means a main containing wall of a building, other than a wall of an internal courtyard.
- (4) Notwithstanding the provisions of sub-sections (1) to (3), within the area shown bordered black and designated 'Bakoven Special Area' on Plan TPW 10254 of the map-
 - (a) no building shall exceed two storeys in height; and
 - (b) no point on any structure shall be higher than 6 m above the finished ground level immediately below such point.

Ysterplaat Aerodrome Environs

- 99(1) In terms of Government Air Navigation Regulations, restrictions exist on the heights of buildings and structures in the vicinity of the Ysterplaat Air Force Base. Such restrictions are defined on Plans TPR 8356, TPR 8357, TPR 8358 and TPR 8359 of the Map.
- (2) No building or structure shall be erected within the areas defined on such plans to a greater height than is prescribed for such areas on such plans.

Roggebaai

- 100(1) The following special provisions are applicable to the area of Roggebaai as shown on Plan TPY 7557, which area is hereinafter and in Schedule 9 of Appendix A of these Scheme Regulations referred to as "Roggebaai".
- (2) Notwithstanding the provisions of section 92, in the event of any such special provision and any general provision of the Scheme prescribing different requirements in respect of the same matter the special provision shall prevail, provided that nothing in this subsection contained shall empower the approval of anything in contravention of any provision of the Scheme except as specifically provided for in this section.
- (3) Subject to the provisions of subsection (2) the general provisions of these Scheme Regulations shall apply to Roggebaai.
- (4) The external architectural design, style, colours, facing material, elevational treatment and general appearance of all buildings erected in Roggebaai shall conform to the requirements of the Council.
- (5) The Council may require in addition to such plans as are prescribed in terms of the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977), additional detailed drawings, perspectives and photographic montages in order that the relationship of proposed buildings with adjoining existing or proposed buildings or structures can be properly assessed and

in addition may require a copy of the Deed of Transfer of the property concerned.

- (6) Subject to the provisions of section 15, no building or portion of a building may be used for any purpose other than those specified in paragraph S9/1 of the aforesaid Schedule 9 without the consent of the Council having been obtained and subject to such conditions as the Council may determine; provided that a portion of a building may be used for the parking of motor vehicles in accordance with the provisions of paragraph S9/4 of Schedule 9 of Appendix A.

- (7) For the purpose of this section -

"facade" of a building or portion of a building means a main containing wall of such building or portion other than a wall to an internal courtyard, exclusive of any projections over the street permitted in terms of any other subsection of this section;

"fixed height" of a facade of a building means a precise height which must be reached and not exceeded of all points at the top of such facade;

"top" of a facade means the top edge of a fascia, or the top of the parapet, or such other position as the Council may prescribe having regard to the intent of this section;

"roof storey" means an additional storey which may be permitted to be erected above the fixed height of a facade subject to the conditions as set out hereinafter;

"building restriction line" means a line on Plan TPR 7739, or on the surveyor's diagram of a particular erf, indicating an internal boundary between two or more portions of an erf to which different provisions apply; and

"height zone" means that portion of an erf bounded by building restriction lines or site boundaries, or both, to which a particular fixed height is applicable.

- (8) Where a building is to be erected on a property which is shown on Plan TPR 7739/1 and which bears the reference S9/2 on such Plan the fixed height of every facade of such building shall be relevant height as shown in Column 4 of paragraph S9/2 of the aforesaid Schedule 9, and no portion of a building or structure on the property shall be erected above the fixed height of the facade without the consent of the Council and subject to such conditions as the Council may impose.
- (9) Where, in terms of subsection (8), the Council permits the erection of any water-tanks, air-conditioning plant, transformer rooms, storerooms, caretaker's quarters or any other buildings or structures above the level determined by the fixed height of the facade a roof storey shall be erected above such level and shall comply with the following conditions -
- (a) the height of every point of the roof of the roof storey above such level shall not be less than 2,24 m nor more than 3,96 m, and no building, structure or any portion of such building or structure shall project above the level of the roof storey except machinery rooms required for the lift system of the building;
 - (b) where a roof storey has been erected on any adjoining property the height of any proposed roof storey shall coincide with that on the adjoining property;
 - (c) the roof of the roof storey shall cover the whole of the area of the building below such storey except over any internal light areas in such building;
 - (d) the floor of such roof storey shall not be above the level determined by the fixed height of the facade of the buildings;
 - (e) the exterior walls of the roof storey shall be set back a distance of 2,44 m from all boundaries of the property except that, in the case of a common boundary where the roof storey adjoins or will adjoin a building the fixed height of the facades of which is equal to or greater than that of the building on which such roof storey is erected no setback from the common boundary shall be required;
 - (f) the space within the exterior walls and roof of the roof storey and only such space, may be used for water-tanks, air-conditioning plant, transformer rooms, storerooms, caretaker's quarters, window cleaning and similar plant and equipment and any use for which the building may be used; and
 - (g) the roof storey may not be served by the main lift system of the building.

- (10) Where a building is to be erected on a property which is shown on Plan TPR 7739/1 and which bears the reference S9/3 on such plan, the fixed height of every facade of each portion of such building as falls within a particular height zone shown on such plan shall be the relevant height shown on such plan and specified in Column 4 of paragraph S9/3 of the aforesaid Schedule 9, and no portion of a building or structure shall be erected to a height greater than the fixed height applicable to such height zone.
- (11) Notwithstanding the provisions of subsections (8), (9) and (10) the Council may permit features such as flagpoles, radio or television aerials to project above the level determined by the fixed height of the facade subject to such conditions as the Council may impose.
- (12) Notwithstanding the provisions of section 77(3)(a) of these Scheme Regulations, where a building is to be erected on a property which is shown on Plan TPR 7739 and which bears the reference S9/4 on such Plan, parking or garaging areas for motor cars shall be provided in buildings erected on any such property referred to in Column 3 of paragraph S9/4 of Schedule 9 to an extent not less than that prescribed in Column 4 of the same paragraph S9/4 and the provisions of Chapter X of these Scheme Regulations shall apply mutatis mutandis to such parking or garaging areas.
- (13) No building or land abutting certain streets in Roggebaai as shown on Plan TPR 7739 shall be used for loading or offloading of vehicles standing in such streets, and no vehicular entrances to buildings or land or vehicular footway crossing shall be permitted in any such streets.
- (14) In the case of any building or land to which the provisions of subsection (13) apply adequate on-site loading facilities with access to streets other than those referred to in the said subsection, including separate facilities for various portions of the property if required, shall be provided to the satisfaction of the Council.
- (15) When a building is to be erected on a property shown on Plan TPR 7739/2 and which bears reference S9/5 on such Map, such building and such property shall comply with and be subject to the relevant provisions and servitudes as prescribed in column 4 of paragraph S9/5 of the aforesaid Schedule 9, and also with the following additional provisions -
- (a) Where a property is subject to the servitude conditions of category (i) of paragraph S9/5 the first, second and third storeys of a building shall project over the street and Public Place boundaries to form a pedestrian arcade in accordance with the following provisions -
 - (i) the extent and height of the projection shall conform to the dimensions shown on the detailed Drawings TPX 7773/1 to 7773/3;
 - (ii) the projections shall be supported on cylindrical or polygonal columns, each with an overall diameter of 508 mm, spaced in accordance with the same drawings;
 - (iii) the design and detailing of the projections and all materials and finishings shall conform in all respects with what is shown on the same drawings;
 - (iv) all features of the projections including the jointing of materials, shall line up with the corresponding features of existing adjoining properties to the satisfaction of the Council; and
 - (v) the roofs of the projections shall be level over the whole area thereof, with the exception of any drainage falls which may be necessary.
 - (b) Where a property is subject to the servitude conditions of category (ii) of paragraph S9/5 the whole building at and above the first storey shall project over the Public Place boundaries to form a pedestrian arcade in accordance with the provisions (i) to (iv) as specified in paragraph (a) of this subsection.
 - (c) Where a property is subject to the servitude conditions of categories (i), (ii) or (iii) of paragraph S9/5 no basement shall be permitted to extend under the servitude area except with the consent of the Council and subject to such conditions as the Council may impose, and the portions of the building over or under such servitude area shall be used only for such purposes as the building may be used in terms of paragraph S9/5 of Schedule 9.
 - (d) Where a property is subject to the provisions of categories (iv), (v), (vi), (vii), (viii) or (ix) of paragraph S9/5 the portion of the property to which the servitude applies shall be paved and maintained by the owner of the property to the satisfaction of the Council with respect to materials, levels and any other conditions as the Council may impose.

- (e) The minimum clear height of any pedestrian arcade shall be 3,66 m for any vehicular arcade 7,00 m such clear height to be measured from the highest point of the finished footway or street level within the arcade.
- (16) The external face of every facade of a building or portion of a building erected in Roggebaai shall coincide at every storey except a roof storey with a site boundary or a building restriction line, as the case may be, but architectural features in the form of recesses or projections not exceeding 0,76 m in depth may be permitted with the special consent of the Council and subject to such conditions as the Council may impose; provided that in the case of that portion of a building erected on Erf 165 which falls within a height zone to which a fixed height of 41,45 m is applicable the facades of such portion of such building shall be set back 2,44 m on all faces of such building, except where such building adjoins Erf 164, between the levels determined by fixed heights of 37,49 m and 39,93 m.
- (17) No lightwell, internal courtyard or similar feature shall be permitted to abut the street boundary of a property or the boundary of an arcade unless such feature is suitably screened to the satisfaction of the Council.
- (18) Except in the case of a building on a property which is subject to the provisions of subsection (15)(a), a canopy projection over the footway shall be constructed to every building in accordance with the following provisions -
- (a) the projection of the canopy from the street boundary shall not exceed 3,66 m or such lesser dimension as the Council may prescribe, and no canopy shall project nearer than 610 mm to a vertical plane through the kerb-line, except at splayed street corners, where this dimension may be less than 610 mm but not less than 300 mm;
 - (b) the dimensions, design, materials and finishes of the canopy shall conform to the requirements shown on the detailed drawing numbered TPX 7773;
 - (c) no sunblinds shall be affixed to any building erected on a property which is subject to the provisions of subsection (15)(a) and no sunblind shall be affixed to any canopy unless a suitable recess is provided so that, when retracted, the sunblind fits totally within the recess; and
 - (d) no part of any sunblind shall at any time be less than 2,1 m above the footway.
- (19) In every building in Roggebaai adequate provisions shall be made to the satisfaction of the Council for the installation of an air-conditioning system within the building, and no air-conditioning structure shall be permitted which, in the opinion of the Council will detrimentally affect the appearance of the building, and no window-mounted air-conditioning unit shall be permitted to project more than 25 mm beyond the glass face of the window in which it is mounted and in no case beyond the relevant building restriction line, servitude boundary or site boundary, as the case may be.

Athlone General Commercial Zones

- 101(1)** No Industrial Building shall be erected on an erf within the General Commercial Use Zones shown bordered blue on Sheets 1 and 2 of Plan TPX 2671 of the Map, if the area of such erf exceeds 1 000 m².
- (2) Where an Industrial Building is erected in any Use Zone referred to in subsection (1) so as to be partly on one erf and partly on another erf or on other erven, all such erven shall for the purposes of this section be deemed a single erf.
 - (3) Where in the opinion of the Council two or more Industrial Buildings on adjoining erven are used in such a manner as to constitute a single undertaking, such erven shall for the purposes of this section be deemed a single erf.

Land above Boyes Drive, Kalk Bay

- 102.** Within the area shown bordered yellow and designated "Land generally unsuitable for development" on Sheets 26, 27, 29 and 30 of Plan TPX 1709 of the Map no building shall be erected on any land and no land shall be subdivided unless -
- (a) the owner of such land has satisfied the Council and the Administrator that such erection or subdivision is needed and desirable, that a satisfactory road system is possible and that the cost of providing essential services will not be excessive; or

- (b) it is proposed to erect a building on an erf abutting Boyes Drive, in which event such erf shall be deemed to fall into a Single Dwelling Residential Use Zone.

Marina da Gama Extensions 1, 2 and 4

103(1) In this section "Eastlake Association" means an association composed of the owners of properties in Marina da Gama Extensions 1, 2 and 4 in terms of the conditions of title applicable to such properties.

- (2) The following special provisions shall apply to Marina Da Gama Extensions 1, 2 and 4:
- (a) Before any building may be erected, the person intending to erect such building shall submit to the Council building plans drawn in accordance with the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977) showing the immediate intended development and the total ultimate intended development of the erf on which such building is to be erected.
 - (b) Such building plans shall show the nature and colours of all roof coverings, the nature, colours and finishes of all external walls of buildings, free-standing walls and fences, the positions of all proposed fences, drainage channels, drains and other structures (not being buildings) in relation to the boundaries of the erf on which the building is to be erected.
 - (c) Such building plans shall, prior to their submission to the Council, be submitted to the Eastlake Association for examination, which Association shall furnish its comments to the Council in writing within 30 days. Failing this, the Council shall accept the plans for scrutiny.
 - (d) The Council shall have the right to approve the building plans or to disapprove them or to approve them subject to such conditions as it may deem fit.
 - (e) Before approving, disapproving or approving subject to conditions the building plans in terms of paragraph (d), the Council shall consider any decision of the Eastlake Association relating to such building plan, which decision shall be made in writing and submitted to the Council with such building plan.
 - (f) Except with the written authority of the Council no alteration, addition, rebuilding, renovation, renewal, erection of fences or other work, other than work within a building, and no deviation from or change in the colours of the exterior fabric of any building or of any free-standing wall or fence shown on the approved building plans shall be undertaken or made.
 - (g)
 - (i) A building which is a Group of Dwelling Houses may exceed two storeys in height but shall not exceed three storeys in height;
 - (ii) the provisions of sections 47 and 90 10(iv) shall not apply to a building erected in a Grouped Dwellings Residential Use Zone; and
 - (iii) parking and garaging areas shall be provided on the site of every building which falls in a General Business Use Zone in accordance with the provisions of Chapter X: provided that, notwithstanding the provisions of the said chapter, there shall be provided on every such site a parking area comprising not less than -
 - (aa) one bay for every 20 m² of Actual Floor Area of all Shops erected thereon; and
 - (bb) one bay for every 30 m² of Actual Floor Area of all Business Premises erected thereon.

Portion of Aileen Township at Athlone

104(1) In this section the term "main building" has the meaning assigned to it in section 58.

- (2) The provisions of section 58(2) shall not apply to a main building which is a Shop or Business Premises erected on a site on that portion of Aileen Township at Athlone which is between the new and the old Klipfontein Roads if sufficient portions of such site are surrendered to the Council free and unconditionally prior to such erection to enable every street boundary of such site to be set back to a line parallel to and 9,45 m from the centre-line of the street concerned, such centre-line to be determined in accordance with the provisions of section 75.

- (3) The area of any land surrendered in terms of subsection (2) may be included in the area of the erf concerned for the purposes of calculating Permissible Floor Area.

Muizenberg Action Area

- 105.** Within the area shown bordered brown on Plan TPX 7145 no building shall be erected on any land and no land shall be subdivided pending approval by the Council of a revision of the Zoning Scheme for such area, which revision is presently under consideration by the Council in the form of a report entitled "Muizenberg - an appraisal of the area Lakeside to Clovelly" unless the owner of such land has prepared a plan for the development of such land and the Council has granted its consent for such erection or subdivision in accordance with the plan so prepared.

The Loader Street Area

- 106.** Within the bordered yellow on Plan TPZ 7635 the following provisions shall apply:
- (1) No building shall exceed a height of three storeys, and
 - (2) Notwithstanding the provisions contained in section 31 of these Scheme Regulations, the Permissible Coverage of buildings erected in the area shall be 50% of the area of the site.

Mitchells Plain

- 107(1)** The provision of this section are special provisions, which shall apply to the whole of the area of the Municipality designated as "Mitchells Plain" on Plan TPZ 7976/1 of the Map.
- (2) Notwithstanding the provisions of section 92, in the event of any provision of this section and any general provision of the Scheme prescribing different requirements in respect of the same matter, the provision of this section shall prevail.
 - (3) Any reference in this section to a "Dwelling House" shall be constituted as including all Outbuildings to such Dwelling House.
 - (4) The following provisions shall be applicable to any erf which forms or is intended to form the site of a Dwelling House -
 - (a) the provisions of sections 47, 49 and 51 shall not be applicable;
 - (b) a Dwelling House shall not exceed two storeys in height;
 - (c) no door, window or other opening (other than an air brick) shall be constructed in any external wall of the ground storey of a building if such wall abuts on or is opposite and less than 1,0 m from a common boundary of such erf;
 - (d) no door, window or other opening (other than an air brick) shall be constructed in any external wall of a first storey which abuts on or is opposite and less than 2,5 m from any common boundary of such erf; provided that the aggregate length of all parts of such first storey that abut on or are opposite and less than 2,5 m from any common boundary of such erf shall not exceed 75% of the length of such boundary;
 - (e) no portion of a Dwelling House shall be erected less than 1,0 m from a street boundary of such erf with the exception of:
 - (i) a portion which in terms of section 36 is disregarded in the calculation of Actual Coverage; and
 - (ii) a sunblind, porch, carport or garage; provided that such sunblind, porch, carport or garage shall not be less than 150 mm from such street boundary; provided further that no door of such garage or carport shall project over such street boundary at any time;

- (f) no boundary wall (not being the wall of a building), fence or gate, if erected on or within 1,0 m of a street boundary, shall exceed 1,4 m in height; provided, however, that where the site of a Dwelling House abuts two streets, one of which has a width of not less than 18 m and from which vehicular access to such site is not customarily permitted, a boundary wall or fence not exceeding 1,8 m in height may be erected on such street boundary of such site; and
 - (g) a parking space, measuring at least 5,0 m in length and 2,5 m in width, shall be provided on such erf in accordance with Chapter X of these Scheme Regulations. Such parking space may be contained in a garage or carport.
- (5) The following provisions shall be applicable to every building erected on an erf falling in Sub-zone B1 of a General Business Zone and to every such erf -
- (a) the provisions of Chapter VIII shall not be applicable;
 - (b) no such building shall exceed two storeys in height;
 - (c) the ground storey of such building shall not be used for residential purposes;
 - (d) no portion of the ground storey of such building shall be less than 1,5 m from any street boundary of such erf;
 - (e) where such erf abuts an erf which forms or is intended to form the site of a Dwelling House no portion of the ground storey of such building shall be less than 1,5 m from the common boundary of such erven and no portion of the first storey shall be less than 2,5 m from such common boundary;
 - (f) the portion of such erf between the building and any street boundary shall be paved by the owner in concrete or other material approved and to levels prescribed by the Council. Such paving shall be maintained at all times by the owner to the satisfaction of the Council;
 - (g) all other unbuilt-upon areas on such erf shall be stabilised and maintained by the owner of such erf with suitable horticultural or other ground cover, so as to prevent wind-blown sand, to the satisfaction of the Council;
 - (h) any area of such erf which in the opinion of the Council is or is likely to be used as a yard or outdoor storage area or for any purpose which could create unsightliness shall at all times be screened by the owner from any street or public place by a wall at least 2,0 m in height, and any gate in such wall shall be a solid gate at least 2,0 m in height; and
 - (i) every such erf shall at all times be screened by the owner from any abutting erf which is used or intended to be used for purposes other than business purposes by a wall at least 2,0 m in height erected on the common boundary in materials approved by the Council.
- (6) The following provisions shall apply to any building erected on a site within a General Business Use Zone within the area bounded by Third, First, Fourth and Seventh Avenues, Mitchells Plain and designated on Plan TPX 8201/1 as the Town Centre -
- (a) notwithstanding the provisions of section 18 and section 22(3)(a), an Industrial Building may, with the consent of the Council, be erected and used on any such site. The Council shall not grant its consent if it is of the opinion that the industry carried on or to be carried on in such Industrial Building is or will be detrimental to the business and residential environment of the Town Centre by virtue of its location, any noise, vibration, air pollution or concentration of delivery or other vehicles caused thereby, or the provision of windowless or otherwise objectionable facades or of any other factor which the Council deems it necessary to take into account in any particular case;
 - (b) where a building is erected on a site which is subject to a servitude in favour of the Council and the public, as shown on Plan TPR 8646 of the Map, the whole of the servitude area shall be covered by a portion of such building. Such portion shall take the form of a verandah or balcony or a portion of the first storey or of the first and second storeys of such building. Such portion shall be supported on columns, and the design of such portion shall be to the approval of the Council. Except with the consent of the Council, the height of the underside of such portion, measured above the finished level of the paving of such servitude area, shall be not less than 3 m or more than 4 m. No other structure whatsoever shall be constructed on or under such servitude area; provided, however, that an advertising sign or signs complying with the Council's by-laws thereanent may be painted on or attached to such building within the servitude area;

- (c) notwithstanding the provisions of section 39 and section 64, no building erected on any site located to the north of Symphony Walk, Harmony Square or Lyric Place shall be more than three storeys in height and no building erected on any site located to the south of Symphony Walk, Harmony Square, Lyric Place or Melodie Square shall be more than eight storeys in height;
 - (d) the first and second storeys, if any, of every building shall be erected up to every boundary of the site of such building which is the boundary of a street. The ground storey of every building referred to in paragraph (b) shall be erected up to the inner boundary of the servitude area referred to in such paragraph;
 - (e) any storey above the second storey of any building shall be erected not closer than 8 m to the centre line of any abutting street which is less than 16 m wide opposite such storey or portion of a storey; and
 - (f) except in the case of a Service Station or a Public Garage the provisions of section 77 shall not apply.
- (7) The servitude referred to in subsection (6)(b) shall be paved in materials approved of and constructed to levels determined by the Council.

Urban Conservation Areas

108(1) Within an area listed in the Table hereunder and depicted on the Zoning Map as being an Urban Conservation Area the following provisions shall apply -

- (i) no building or structure other than an internal wall or partition therein shall be demolished or erected unless written application has been made to the Council and the Council has granted its special consent thereto;
 - (ii) no person shall fell, uproot or cause to destroy a mature tree and/or hedgerow without the prior written consent of the Council; and
 - (iii) the Council shall not give its special consent in respect of subparagraphs (i) and (ii) if such demolition, erection, alteration, felling or uprooting or causing to destroy (as the case may be) will be detrimental to the protection and/or maintenance of the architectural, aesthetic and/or historical significance, as the case may be, of the area in which such erection, alteration, felling, uprooting or causing to destroy is proposed.
- (2) The areas listed in Column 1 of the following Table are designated as Urban Conservation Areas as defined in the plans listed in Column 2 of such Table.

TABLE: URBAN CONSERVATION AREAS

AREA	PLAN REFERENCE NUMBER
1	2
Greenmarket Square	TPZ 8246
Riebeeck Square	TPZ 8246
The Lutheran Church Complex in Strand Street	TPZ 8246
Church Square	TPZ 8247
The Grand Parade	TPZ 8247
Stal Plein	TPZ 8247
Wynberg Village	TPZ 8581/1
Upper Table Valley Areas	TPZ 10169/1
Long Street	TPZ 8754
Sea Point, St Bedes and Green Point	TPZ 11293

Sondorp, District Six

109(1) In this section -

"Studio" means a building or portion of a building, on the same site as a Dwelling Unit, which is depicted as a Studio on a plan approved by the Council; and

"trafficked area" means an area, other than a public street, intended for common use for the purposes of

access and parking of vehicular traffic.

- (2) The provisions of this section are special provisions which shall apply to the whole of the area shown bordered yellow on Plan TPY 8644 of the Map, hereinafter call "the site".
- (3) All developments of the site shall be subject to the consent and be to the satisfaction of the Council, and no development shall take place until a plan of subdivision of the site has been approved in terms of the laws applicable to such subdivision.
- (4) Notwithstanding the provisions of section 93, in the event of any provision of this section and any general provisions of the Scheme prescribing different requirements in respect of the same matter, the provisions of this section shall prevail.
- (5) Notwithstanding the provisions of section 31, the Actual Coverage of all building on the site shall not exceed 60% of the site area.
- (6) The site shall be developed with a minimum of 200 Dwelling Units but shall not be developed with more than 300 Dwelling Units.
- (7) Notwithstanding the provisions of section 64, no building erected on the site shall exceed a height of five storeys, and not more than four storeys may be utilised for residential purposes.
- (8) A setback of 4,5 m shall be observed on all boundaries of the site except that, notwithstanding sections 49(1) and 60(4), garages may be erected not closer than 1,5 m to the boundaries of the site.
- (9) Notwithstanding the provisions of Chapters VI, VII and VIII, the following provisions for setbacks of buildings within the site shall prevail -
 - (a) subject to the provisions of subsection (8), no public street or trafficked area shall be nearer than 1,0 m to any point on any building erected on a site;
 - (b) no window, door or any other opening (other than a airbrick) shall be constructed in an external wall of a building if such wall abuts on or is opposite and less than 2,5 m from a common boundary of such site, except where such wall abuts on Public Open Space, provided that no window or door shall project or open over such Public Open Space; and
 - (c) where no window, door or other opening (other than an airbrick) is constructed in an external wall of a building, a zero setback from a common boundary shall be permitted.
- (10) Notwithstanding the provisions of section 15 the erection of Shops is permitted in any ground storey provided that the Actual Floor Area of all buildings on the site which are used as Shops does not exceed 400 m².
- (11) Parking facilities shall be provided on the site on the basis of not less than one covered enclosed garage on the site of each Dwelling Unit, plus one additional parking bay per Dwelling Unit elsewhere on the site to the satisfaction of the Council, and such parking facilities shall be laid out, constructed, landscaped, maintained and lighted to the satisfaction of the Council.
- (12) A minimum of 2 370 m² of Public Open Space shall be provided on the site and plans shall be prepared by a qualified Landscape Architect showing how these areas are to be developed and landscaped to the satisfaction of the Council.
- (13) The Public Open Spaces mentioned in subsection (12) shall be developed by the owner of the site to the satisfaction of the Council, and thereafter they shall be ceded to the Council free of charge.
- (14) The provisions of sections 74 and 75 shall not apply to the site, but all areas depicted on the plan as intended for traffic circulation shall be designed and constructed by the owner of the site to the satisfaction of the Council and thereafter such of the aforesaid areas as are depicted on the plan as public streets shall be ceded to the Council free of charge.
- (15) Studios may be erected and used on the site provided that -
 - (a) the number of Studios shall not exceed 10% of the total number of Dwelling Units on the site;
 - (b) a Studio may be used only as a Place of Instruction, for the conduct of a profession, art, trade or for any other purpose for which Council has granted its consent;
 - (c) no use carried on in a Studio may constitute a factory in terms of section 3 of the Factory, Machinery and Building Work Act of 1941 (Act 22 of 1941);
 - (d) no Studio shall have an Actual Floor Area in excess of 60 m²;

- (e) no advertising sign or notice shall be displayed on any site other than one unilluminated sign or notice on each Studio, not projecting beyond the boundary of the site concerned and not exceeding 0,2 m² in area, indicating only the name and profession or occupation of such occupier;
 - (f) a Studio may be used only by the occupier of the Dwelling Unit on the site on which it has been erected;
 - (g) no occupier of any such site shall employ more than two persons (whether or not such persons are also residents of such Dwelling Unit) in connection with activities carried on by him in such Studio;
 - (h) no activities which are or which in the opinion of the Council are likely to be a source of nuisance, disturbance or annoyance shall be conducted on any site on which a Studio has been erected; and
 - (i) part of a Studio may be used as an Industrial Building only if such part is appurtenant, accessory and of a nature customarily incidental to the activity conducted in such Studio, and provided that the Actual Floor Area of the part so used does not exceed 50% of the Actual Floor Area of the Studio.
- (16) The development of the site in accordance with subsection (6) shall be completed to the satisfaction of the Council within 3 years from the date of approval of the plans.

Municipal Housing Schemes

- 110.** Any proposed uses of land and proposed forms of buildings to be erected within land forming part of a State or Municipal Housing Scheme and shown on a layout plan approved by or submitted to the competent housing authority shall be deemed to be provisions of this Chapter.

Miscellaneous Properties

- 111.** The provisions specified in Schedule 8 of Appendix A are special provisions applicable to the particular pieces of land specified therein; such provisions shall be deemed part of this Chapter.

Bakoven, Clifton and Glen Beach Bungalow Areas

112(1) In this section -

"Bakoven, Clifton and Glen Beach Bungalow Areas" means the areas depicted on Plans TPZ 10557, TPZ 11167 and TPW 10556 respectively.

"boundary vegetation" means any vegetation growing on or within 2 m of any site boundary;

"certificate" for the purpose of subsection (13) means a written statement signed by or on behalf of the Municipality's City Engineer wherein any boundary vegetation or tree damaged, tampered with or removed and the cost of replacing same is set out:

"corrugated" means formed with alternating ridges and troughs so that -

- (a) the vertical distance between the uppermost points on the ridges and the lowest points on the troughs does not exceed 40 mm; and
- (b) the horizontal distances measured between the central axes of the troughs or ridges does not exceed 95 mm;

"drying yards" means any enclosed unroofed area not greater than 20 m²;

"lapped" means composed of horizontally overlapping strips of a width not exceeding 150 mm;

"maximum development envelope" means the parameters of the three dimensional diagram depicted on plans numbered TPZ 11246/1 to TPZ 11246/103 inclusive and TPZ 11731/1 to TPZ 11731/58 inclusive and TPZ 11730/1 to TPZ 11730/14 inclusive but shall exclude any encroachment as noted on such plan;

"pickets" means composed of parallel vertical strips of a width not exceeding 100 mm with a maximum spacing of 75 mm;

"signs" means any sign depicting a name or any information whatever;

"slatted" means composed of parallel vertical strips of a width not exceeding 150 mm;

"tree" means any tree, as depicted on Plans TPZ 11247 and TPZ 11247/1;

"vegetation" without limiting its ordinary meaning includes any hedge or shrub.

(2) The provisions of this section are special provisions which shall apply to the whole of the Bakoven, Clifton and Glen Beach Bungalow Areas.

(3) No point on any structure erected or to be erected on any site shall project or extend beyond the maximum development envelope.

(4) All exterior walls of any buildings to be erected on any site shall have the finished appearance of lapped or slatted timber or be corrugated.

(5) All roofs finishes shall be corrugated except where the Council consents to a slate finish. The minimum pitch of such roof shall be 15° except where this is prevented by the limits of the maximum development envelope.

(6) Any freestanding fence shall -

(a) be slatted or of pickets; and

(b) shall not exceed 1,25 m in height other than in the case of the enclosure of a drying yard which may be erected to a height not exceeding 2,1 m.

(7) Any freestanding wall shall -

(a) be plastered colour painted masonry; and

(b) shall not exceed 1,25 m in height.

(8) No drying yard shall be closer than 3 m from any boundary separating a site from any public passage or public open space or street.

(9) No exterior earth-retaining wall shall exceed 1,25 m in height.

(10) No roof lights, non-masonry chimneys, solar water heaters, satellite signals receiving dishes or any other features shall be located in, on or above the roof of any building or anywhere else on any site except with the consent of the Council.

(11) No sign shall be displayed on a site without the prior written consent of the Council.

(12) No boundary vegetation or tree shall be damaged, tampered with or removed without the prior written consent of the Council.

(13) In the event of any boundary vegetation or tree being damaged, tampered with or removed, the Council may replace such vegetation or tree at the expense of the owner of the site concerned, in which case a certificate shall constitute final proof of such damage, tampering or removal and the cost of such replacement.

(14) No exterior glazing other than that of the clear or frosted type shall be installed in any building on a site.

(15) Any building plan submitted to the Council in respect of a site which will effect alterations of any building thereon shall be accompanied by a certificate from a registered Land Surveyor to the effect that such alteration does not project or extend beyond the maximum development envelope or beyond the cadastral boundaries of the site.

(16) The appearance of any building erected on a site and the height and density of any vegetation shall be in keeping with the general character of the area and to the approval of the Council."

St George's Street Area*

113(1) The provisions of this section shall apply to the whole of the area shown hatched on Plan TPZ 10267.

(2) Where it is proposed to erect a building or portion of a building, the owner shall submit to the Council for its approval a context plan with drawings depicting-

(a) detailed elevations of all street facades, including all fenestration, balconies, colonnades, canopies, signage and embellishments, the materials to be used and the colour, finish and texture

of such materials; and

(b) the relationship between the building concerned and adjacent buildings or portions thereof in regard to facade decoration and the articulation of vertical and horizontal elements, street wall height, and massing of volume.

- (3) Except with the consent of the Council, glass commonly known as 'reflecting glass' shall not be used in the facade of any building.
- (4) The purpose for which that portion of the ground storey of a building which is located within 10 m of any street boundary of the property concerned is used shall not be altered except with the consent of the Council, irrespective of whether such alteration involves the erection of a building.
- (5) Where the consent of the Council referred to in subsection (4) is required, the owner shall submit to the Council for its approval a use plan indicating the purpose for which it is proposed to use such portion, the layout of the pedestrian areas therein and points of access thereto.
- (6) Except with the consent of the Council, that portion of any new building fronting onto a street shall include a projection approved by the Council over such street.
- (7) For the purposes of subsection (6), 'projection' means a colonnade, canopy, balcony, awning or similar overhead weather-protection structure approved by the Council.
- (8) Except with the consent of the Council, not less than 75% of that portion of any new building fronting onto a street shall be erected hard on such street boundary up to a height of 25 m above the mean street level at such boundary.
- (9) Notwithstanding the provisions of section 67(3) of these regulations, no point on any building shall project beyond an imaginary plane extending back at an angle of 50° from an imaginary horizontal line above the St George's Street boundary, which line shall be 25 m above the mean level of the street edge at that boundary.

* as amended P.N. 83/1994

APPENDIX A.

List of Schedules referred to in these Scheme Regulations.

- | | |
|-------------|---|
| Schedule 1: | Maps and Plans comprising the "Map" referred to in section 2. |
| Schedule 2: | Lands zoned as Public Open Spaces and purposes for which zoned. |
| Schedule 3: | New Streets and Street Widenings, Improvements or Closures. |
| Schedule 4: | Building Lines referred to in sections 46(1) and 47(1). |
| Schedule 5: | Building Lines referred to in section 46(2) |
| Schedule 6: | Streets exempted or partly exempted from 8 m boundary setback restriction in Industrial and Commercial Zones imposed by section 75. |
| Schedule 7: | Scenic Drives prescribed by section 92. |
| Schedule 8: | Special Provisions applicable to certain properties. |
| Schedule 9: | Special Provisions applicable to certain properties in Roggebaai. |

MUNICIPALITY OF THE CITY OF CAPE TOWN: ZONING SCHEME :
SCHEME REGULATIONS

These Scheme Regulations are approved in terms of Section 9(2) of the Land Use Planning Ordinance (No 15 of 1985) by the powers vested in the Administrator and as published in Provincial Gazette No 4649 dated 29 June 1990 and further corrected by virtue of publication in Provincial Gazette No 4684 dated 1 March 1991.

