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GENERAL NOTICE

NOTICE 92 OF 1999

LAND USE PLANNING ORDINANCE, 1985

(ORDINANCE 15 OF 1985)

JEFFREY'S BAY MUNICIPALITY:

ZONING SCHEME:

REPLACEMENT OF SCHEME REGULATIONS

The Premier of the Province of the Eastern Cape has resolved in terms of Section 9(2) of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985), that the Jeffrey's Bay Zoning Scheme Regulations be replaced by the following Regulations:

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ANNEXURE 1 : MARINA MARTINIQUE

PART I - GENERAL

1.1 TITLE

These Regulations shall be known as the Jeffreys Bay Zoning Scheme Regulations.

1.2 SCHEME AREA

The Zoning Scheme applies to the area within the scheme boundary as indicated on the zoning map, but excludes the area designated in terms of the Natives (Urban areas) Consolidation Act, 1945 (Act 25 of 1945), and which is deemed to be a development area in terms of the Black Communities Act, 1984 (Act 4 of 1984).

1.3 SCHEME MAP

A Scheme Map shall be kept in the office of the Chief Town Planner and in such other offices as the Council may direct and shall be available for inspection during normal office hours.

The zoning for each erf in the scheme area shall be indicated on the scheme map, ordinarily in use zones for groups of erven and shall be identified by means of either a colour or monochrome notation.

1.4 ERF REGISTER

Notwithstanding the fact that the zoning for erven in the scheme area is indicated on the Scheme Map, the Council shall cause to be kept a register of all erven in the said area in which shall be recorded details of the zoning and any other relevant information in respect of each erf and if there should be any uncertainty on the identification of the zoning of an erf according to the scheme map, the evidence of the erf register shall be deemed to be correct.

1.5 SCHEME OPEN FOR INSPECTION

The Council shall allow any person during office hours to inspect this Scheme and the Map at the offices of the Council.

1.6 CONFLICT OF LAWS

- 1.6.1 (a) When any provision of this Zoning Scheme is in conflict with another ordinance or by-laws or regulations made thereunder, the said provision shall, subject to the provisions of regulation 1.6.1(b) prevail.

(b) The provision of any other ordinance, in so far 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 in so far as such a zoning scheme :

(i) provides for a road width greater than that determined by or in terms of such other ordinance; or

(ii) 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.

1.6.2 The provisions of the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977) and Act 21 of 1940, in so far as they require buildings to be erected at a greater distance from the boundaries of an erf than is required in terms of these regulations, shall have preference above the provisions of the Zoning Scheme.

1.6.3 Nothing in these regulations shall be construed as permitting any person to do anything which is in conflict with the conditions registered against the Title Deed of the land.

1.7 PERMISSION PRIOR TO APPROVAL OF THE SCHEME

1.7.1 Any consent, departure, floor space index or density restriction approved in respect of a specific erf in terms of any law or scheme withdrawn or amended in terms of this Scheme shall continue to apply in respect of that particular erf.

1.7.2 Nothing in this Scheme shall prevent the erection of a building or the carrying out of works in accordance with the terms of any permission granted by the Council prior to the promulgation of these regulations.

1.7.3 The Council may require that when a building is extended or altered, that the affected building on the site be brought into line with the land use restrictions contained in these regulations, with the by-laws of the Council, and with any other laws which are applicable.

1.8 ANNEXURES TO THE SCHEME

1.8.1 Land within any specific area which is depicted on the Scheme Map in terms of regulation 4.44 and described as a Special Zone, shall receive a number, e.g. "Annexure 1" and shall in addition to the provisions of the Scheme, be entitled to that use and further be subject to the special conditions as contained in the relevant annexure.

1.8.2 The instructions, stipulations and constrictions contained in such annexure will take priority over any conflicting regulation of the Zoning Scheme. Where no discrepancies exist, the general stipulations, definitions and provisions of the Scheme will also apply to the relevant annexure.

1.8.3 Annexure 1 to this Zoning Scheme will be the regulations promulgated on 11 October 1991 (Provincial Notice 722/1991) for Marina Martinique.

PART II - DEFINITIONS

2. DEFINITIONS

In these regulations, unless inconsistent with the context -

"accommodation establishment" (*verblysonderneming*) means a building, excluding a hotel, hostel or guest house, which consists of a number of rooms which can be individually let or occupied;

"additional dwelling unit" (*addisionele wooneenheid*) means a dwelling unit which is erected on an erf zoned agriculture or single residential and on which a dwelling house already exists or is in the process of being erected. Provided that the dwelling unit:

- (a) may be attached to or separate from the dwelling house;
- (b) must in the opinion of the Council be able to function totally independent of the dwelling house; and
- (c) must be physically separated or in the opinion of the Council be able to be separated from the dwelling house;

"advertise" (*adverteer*) has the meaning assigned thereto in the Ordinance;

"agricultural industry" (*landboumywerheid*) means an enterprise or concern for the processing of agricultural products on a farming unit owing to the nature, perishableness and fragility of such agricultural products and includes farm pack stores;

"agricultural land" (*landbougrond*) means land used for farming purposes, including forestry;

"agriculture" (*landbou*) means the cultivation of land for crops and plants or the breeding of animals, or the operation of a game farm on an extensive basis on the natural veld or land, and includes only such activities and buildings as are reasonably connected with the main farming activities of the farm, but does not include the consent uses applicable to agriculture zoning;

"authority usage" (*owerheidsgebruik*) means a use which is practiced by a public authority and of which the locality factors are such that it cannot be classified or defined under other uses specified in these regulations, and includes uses practiced by:

- (a) the National or Provincial Government, such as military training centres and installations, telecommunication facilities, police stations and jails; and
- (b) a local authority, such as fire services, sewage farms, dumping grounds, reservoirs, composting installations and water purification works and include public tourist facilities and public parking where designated;

"basement" (*kelder*) means any storey with a floor level at least 2 m lower than the ground level associated with the building;

"block of flats" (*woonstelblok*) means a building which consists of a complex of flats;

"bottle-store" (*drankwinkel*) means a shop in which mainly alcoholic beverages are sold in the retail trade and includes an off-sales facility which is under the same management as a licensed hotel;

"building line" (*boulyn*) means the distance from an erf boundary within which no building or structure excluding, a boundary wall, pergola or fence may be erected;

"common boundary" (*gemeenskaplike grens*) means every boundary of an erf, excluding a street boundary;

"Council" (*Raad*) means the Jeffreys Bay Transitional Council or its successors;

"coverage" (*dekking*) means the total percentage of the area of an erf which may be covered by buildings, measured over the outside walls or support and covered by a roof or projection, provided that the area covered by a maximum eaves projection of 1 m shall be excluded for the purpose of determining the maximum permissible coverage. Provided that:

(a) the following are to be included in coverage:

- (i) External staircases;
- (ii) fire escapes;
- (iii) electrical substations for the exclusive use of the development;
- ~~(iv)~~ (iv) motor car ramps, the undersides of which are more than 1,5 m above the ground level;
- (v) canopies and permanent awnings projecting more than 1 m beyond the building;
- (vi) canopies over fuel pumps at filling stations/service stations/public garages; and
- (vii) arcade passageways, i.e. any covered walkway providing public access, with shops along one or both sides which are roofed but not built over;

(b) the following are to be excluded from coverage;

- (i) The area covered by a maximum eaves projection of 1 m;
- (ii) unroofed verandas, terraces and patios;
- (iii) motor car ramps, the undersides of which are 1,5 m or less above the ground level of such ramps;
- (iv) basements;
- (v) unroofed entrance steps and landings;
- (vi) minor decorative projections which project not more than 0,3 m from the wall of such building;
- (vii) canopies for pedestrian protection on the ground floor of shopping centres;

(viii) driveways covered by canopies, whether cantilevered or not, for public protection from the elements relating to hotels, flats and public buildings and includes a portè-cochère; and

(ix) covered refuse bin storage areas;

"crèche" (bewaarskool) means any building or site which is maintained or is used, whether for profit or otherwise, for the reception, protection and temporary care of children away from their parents, but does not include a hostel, institution or any place of instruction;

"day-care centre" (dagsorgsentrum) means a building which is used for human habitation by the owner or occupier but which is also maintained or is used, whether for profit or otherwise, for the reception, protection and temporary or partial care of not more than 15 children away from their parents, but does not include a hostel, institution or any educational institution;

"departure" (afwyking) means an altered land use restriction or a use right granted in terms of Section 15 of the Ordinance and as further defined in section 2 of the Ordinance;

"dwelling" or "dwelling house" (woning of woonhuis) means a detached building containing only one dwelling unit;

"dwelling unit" (wooneenheid) means a self-contained interleading complex of rooms with not more than one kitchen, and which in the opinion of the Council is utilised or intended to be utilised as a complete residence and accommodation for a person or a single family only, together with the outbuildings usually associated with such a unit;

"erf" (erf) means a land unit within the scheme area, which is registered with a distinct number in the office of Surveyor-General, and the title of which is registered or is capable of being registered separately in the deeds office and includes a farm, small holding or plot;

"farmstall" (padstal) means a building or structure which does not exceed 100m² in floor space, including storage facilities, where a farmer sells goods, whether to his own employees or to the general public;

"flat" (woonstel) means a dwelling unit in a block of flats;

"floor factor" (vloerfaktor) means the factor (expressed as a proportion of 1) which is prescribed for the calculation of the maximum floor space of a building or buildings permissible on an erf, it is the maximum floor space as a proportion of the net erf area;

"floor space" (vloeroppervlakte) in relation to a building or structure, means the area covered by a roof, slab or projection, excluding a projection not exceeding 1 m over an exterior wall or support. Floor space shall be measured from the outer face of the exterior walls or supports of such building or structure, and where a building or structure consists of more than one storey, the total floor space for the purposes of the definition of "maximum floor space" shall be the sum of the floor space of all the

storeys, including that of basements. Provided that the following shall not be included in determining total floor space:

- (a) any floor areas, including basement storeys, reserved exclusively for the parking of vehicles;
- (b) any balconies, terraces, stairs, stair-wells, communal foyers and communal passages, irrespective of the fact that they are covered by a roof; and ✓
- (c) areas for lift motors and other electronic equipment necessary for the proper functioning of the building;

"funeral parlour" (*begrafnisonderneming*) means a building or portion of land used for the purpose of funeral management and is inclusive of services ordinarily ancillary to funeral management, retail facilities for sale or display of commodities required for cemetery purposes, a public reception venue or a mortuary, but excludes a monumental mason, coffin assembly or crematorium;

"general residential building" (*algemene woongebou*) means a building which consists of a number of dwelling units or rooms which can be let or owned separately and includes a block of flats, an accommodation establishment, a group house, a town house, a retirement village and a home for aged persons, but does not include any hostel, institution or dwelling house;

"gross parking space" (*bruto parkeerruimte*) means an area which incorporates one parking bay together with the necessary maneuvering and landscaping space which is required for one parking bay;

"ground level" (*grondvlak*) means the average level between the highest and the lowest natural ground levels abutting the building;

"ground storey" (*grondverdieping*) means the lowest storey, excluding a basement storey, above the ground level or a floor having its entrance directly accessible from the ground level by means of a ramp, stairway or similar structure;

"group housing" (*groepbehuising*) means a group of separate and/or linked dwelling units which is planned, designed and built as a harmonious architectural entity with a medium density character and of which every dwelling unit has a ground floor;

"group housing erf" (*groepbehuisingserf*) means a subdivided portion of a group housing site, approved for the erection of a dwelling unit as part of a group housing scheme, which has been or may be transferred to an individual owner;

"group housing site" (*groepbehuisingsperseel*) means a portion of land in a group housing zone on which a group housing scheme has been or is to be erected;

"guest house" (*gastehuis*) means a dwelling unit, managed by a resident owner or a resident agent, which may supply tourist accommodation and meals for resident guests. Provided that:

- (a) not more than six individual bedrooms or suites may be utilised or marketed by means of short term renting (being a period of not more than 3 months within one calendar year);
- (b) the building may, in terms of the Liquor Act, 1989 (Act 27 of 1989), be licensed only for the purposes of on site consumption and subject to any conditions or restrictions which the Council may impose; and

(c) a licensed hotel, hostel and accommodation establishment are not included in the definition;

"height" (*hoogte*) in relation to a building means the height specified in these regulations, of any point of such building, above the natural ground level and directly below such point;

"holiday accommodation" (*vakansie-akkommodasie*) means a harmoniously designed and built holiday development in a unique natural environment with an informal clustered layout which may include the provision of a camping site, mobile homes or dwelling units, whether in private or public ownership, which comprises a single enterprise and which shall only be marketed by means of short-term renting or time sharing, but does not include a hotel or motel.;

"holiday housing" (*vakansie huisvesting*) means a harmoniously designed and built holiday development with an informal clustered layout which may include the provision of a camping site, mobile homes or dwelling units, and where the housing may be rented out or may be separately alienated by means of time sharing, sectional title division, the selling of block shares or the subdivision of the property on condition that a home owners' association as contemplated in Section 29 of the Ordinance be established, but does not include a hotel or motel;

"home-enterprise" (*tuisonderneming*) means an activity which is carried out in or from a dwelling house on an erf where the dominant use is and remains residential and is subject to the following provisions:

- (a) Does not include an industry, shop or a noxious industry;
- (b) the display of any notice, sign or goods must be to the satisfaction of the Council;
- (c) creates no interference with radio or television reception in the immediate vicinity of the dwelling unit;
- (d) occupies no more than 33,3% of the floor area of the buildings on the erf;
- (e) does not involve the regular parking or storing on the premises of any vehicle used for the transporting of goods, materials or passengers for hire or reward, other than the vehicle required for the personal use of the resident in connection with the home-enterprise;
- (f) does not create a volume of traffic inconsistent with the level of traffic on the street on which the dwelling unit is located;
- (g) the occupant shall be entitled to be assisted by not more than 2 persons who are not resident on the property; and
- (h) includes a point of sale as defined in regulation 2;

"hospital" (*hospitaal*) means a purpose built and equipped building which is used exclusively for the medical treatment and care of sick people, but excludes a sanitarium;

"hostel" (*koshuis*) means a residential building for students or for scholars at a private, provincial or government school or college;

"hothouse" (*plantweekhuis*) means an appropriately designed and equipped structure which is used exclusively for the cultivation of plants and crops;

"industry" (*nywerheid*) means the use of land as a factory within the meaning of relevant other legislation controlling the use of land for a factory and may include other activities incidental and subordinate to the main use such as offices, caretakers accommodation and employee restaurants, but does not include a noxious industry or activity;

"institution" (*inrigting*) means a building or portion of a building utilised or intended to be utilised as a social or welfare institution including the administration thereof and includes a nursing home or

clinic; whether private or public, but does not include any hospital, sanitarium, clinic or institution for the treatment of infectious or contagious diseases or for the detention or treatment of persons who are mentally handicapped or ill;

"lateral boundary" (*sygrens*) means every common boundary of an erf, excluding a rear boundary;

"licensed hotel" (*gelisensieerde hotel*) means a purpose built building in which lodging, meals and beverages are provided, which is readily accessible to the public and complies with the requirements of a hotel in terms of the Hotels Act, 1965 (Act 70 of 1965), but does not include an off-sales facility or bottle store;

"licensed restaurant" (*gelisensieerde restaurant*) means a shop in which mainly prepared food and refreshments are sold and served and which is licensed in terms of the Liquor Act, 1977 (Act 87 of 1977), as amended from time to time;

"light industry" (*ligte nywerheid*) means a factory or workshop in which any power driven unit has a capacity not exceeding 4 kW, and all units together a total capacity not exceeding 23 kW;

"maximum floor space" (*maksimum-vloeroppervlakte*) means the total floor space which is permissible for a building or buildings with all its or their storeys on a site, which area is calculated by multiplying the floor factor by the nett area of the erf;

"medical use" (*mediese gebruik*) means the professional activities of members of the medical profession;

"motor showroom" (*motorvoertuigvertoonkamer*) means a building or property used solely for the display and sales of motor vehicles and excludes a shop;

"motor vehicle" (*motorvoertuig*) means a vehicle designed or intended for propulsion by other than human or animal power, and includes a motor cycle and a trailer or caravan but excludes a vehicle moving exclusively on rails;

"nett erf area" (*netto erfoppervlakte*) means the total area of an erf, excluding all land zoned public open space, public road, public parking, and authority use or land included in a setback;

"noxious use" (*hinderbedryf*) means:

- (a) An offensive use or any other use which constitutes a nuisance as envisaged in regulations promulgated from time to time in terms of section 33 and 34 of the Health Act, 1977 (Act 63 of 1977), read with paragraphs (f) and (g) of the definition of "nuisance" in section 1 of the said act;
- (b) the operation of a scheduled process, as defined in section 1 of the Air Pollution Prevention Act, 1965 (Act 45 of 1965); and
- (c) the manufacture of explosives, as defined in section 1 of the Explosives Act, 1956 (Act 26 of 1956);

"nursery" (*kwekery*) means a property or part thereof which is utilised for the propagation and sale of plants and gardening products and includes a shop utilised exclusively for the sale of gardening products and which does not exceed 100m² in floor space;

"occupier" (*oklupeerder*) in relation to a building, structure or site, means the person, legal personality or instance which actually occupies it and which is entitled to occupation or the person, legal personality or instance which effectively controls or manages it and includes the agent or legal representative of such occupier;

"office building" (*kantoorgebou*) means a building containing offices for administrative, professional or commercial purposes, including a bank, stock exchange or similar undertaking, but does not include a Place of Assembly, institution, shop, filling or service station, public garage, factory or any industrial building;

"offices" (*kantore*) means a room or set of rooms or a building utilised for the performance of an administrative, professional, financial or similar function but excludes a shop;

"ordinance" (*ordomansie*) means the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985), as amended from time to time;

"outbuilding" (*buitegebou*) means a building, whether separate from or attached to the main unit, utilised or intended to be utilised as a motor vehicle garage, storage space or as a laundry in so far as these uses are usually and reasonably required in connection with the main unit and may include an outside room which is not an additional dwelling unit;

"parking bay" (*parkeerplek of staanplek*) means the space provided for the parking of a motor vehicle which is accessible and designed to the satisfaction of the Council;

"parking garage" (*parkeergarage*) means a building provided for the parking of motor vehicles and which is accessible and designed to the satisfaction of the Council;

"pedestrian lane" (*voetgangerhof*) means an open space between buildings on an erf, intended for use by pedestrians, without any structural impediment except fountains, sculptures or other facilities approved by the Council;

"place of assembly" (*vergaderplek*) means a site or building or portion of a site or building utilised or intended to be utilised for gatherings, entertainment, recreation, sport or exhibitions, and includes a billiard saloon and an amusement arcade and also includes a training centre for more than five persons at a time but does not include a place of worship, an institution, a pub/tavern, place of instruction, a private open space or a restaurant;

"place of entertainment" (*vermaaklikheidsplek*) means a theatre, a cinema, a dance hall, an amusement park, a sports centre, a billiard-room, a skating rink or a similar use;

"place of recreation" (*ontspanningsplek*) means a sports field, amusement park or similar use intended for communal recreation, mainly in the open air;

"place of instruction" (*onderrigplek*) means a school, college, technical institute, academy, lecture hall, cloister, public library, art gallery, museum, gymnasium, crèche or any other similar use regarded by the Council as of an educational nature, but excludes a university, reformatory, industrial school or a school for the mentally handicapped;

"place of worship" (*bedehuis*) means a chapel, church, mosque, synagogue, temple or other place utilised primarily for the practice of a religion and includes any building in connection therewith;

"point of sale" (*verkoopspunt*) means a space or a counter in a building or on an erf, for which the Council approved a home-enterprise, where produce manufactured on such erf or directly related to an activity on the erf is sold to the public, provided that such sales shall be secondary to the residential use of the property;

"private open space" (*privaat oopruimte*) means land reserved for the purposes of sport, playing, resting or other forms of recreation, the access and admittance being controlled and reserved by a private individual or agency;

"private parking area" (*privaat parkeergebied*) means a private site which is reserved exclusively for the parking of vehicles and which is under the control of a private individual or agency;

"professional uses" (*professionele gebruike*) means those types of uses that would normally and reasonably be associated with the term "professional", for example medical practitioners, dentists, architects, engineers, lawyers etc., and performance of a service, as distinct from trading, is one of the distinguishing factors, and subject to the provisions of regulation 3.6;

"pub/tavern" (*kroeg/taverne*) means a shop in which mainly alcoholic beverages are sold or are attainable, exclusively for on-site consumption;

"public garage" (*openbare garage*) means a building, including the site, for an undertaking which offers a complete range of services for motor vehicles, including panel beating, blacksmithing, spray painting, body building and a shop;

"public open space" or **"public place"** (*publieke oopruimte of publieke plek*) means a park, public garden, square, sports field, childrens' playground, amusement park, place of recreation, beach area or any similar amenity, in respect of which the ownership as such vests in the local authority and includes land referred to in terms of Section 28 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985);

"public parking area" (*openbare parkeergebied*) means a municipal site which does not fall within the boundaries of a public street and which is reserved for the benefit of the general public exclusively for the parking of vehicles;

"public street" (*openbare pad*) has the meaning assigned thereto in the Ordinance;

"rear boundary" (*agtergrens*) means every common boundary of an erf which is parallel to, or is within less than 45° of being parallel to, every street boundary of such erf and which does not link up with a street boundary thereof;

"resident" (*bewoner*) in relation to a building, structure or site, means the person who occupies such site and physically resides on it;

"resort shop" (*oordwinkel*) means a shop which does not exceed 100 m² in floor space, including storage space;

"retirement village" (*aftree-oord*) means a group housing or town housing scheme or general residential building which conforms to the following additional conditions:

- (a) Each dwelling unit shall only be occupied by a retired person or by a family of whom at least one member is a retired person;

- (b) a full spectrum of care and other recreational facilities shall be provided to the satisfaction of the Council;
- (c) development rules other than those applicable in a group housing zone may in respect of a retirement village be determined by the Council; and
- (d) as defined in Section 1 of the Housing Development Schemes for Retired Persons Act, 1988 (Act 65 of 1988);

"scheme map" (*skemakaart*) means the map referred to in regulation 1.3;

"setback" (*terugset*) means the line delimiting the area measured from the centre line of a particular street, within which no building or other structure, including a boundary fence, may be erected.

"service station" (*diensstasie*) means a building in which motor vehicles, fuel and accessories are sold and in which repairs may be effected and includes a shop, but excludes panel beating, spray painting, body building and blacksmithing;

"shelter" (*skuiling*) means a unit of accommodation, constructed of any material whatsoever, which does not comply with the standards of durability intended by the National Building Regulations, as applicable to the area of jurisdiction of the Council and includes any land use complying with regulation 4.41.2;

"shop" (*winkel*) means a site or building, or portion of a site or building, utilised or intended to be utilised for the operation of a retail business, and includes a licensed restaurant and a workshop on the same premises, which is connected with and incidental and subordinate to the retail business, but does not include a service or filling station, bottle store, pub/tavern, public garage or industry;

"sign" (*teken*) means any surface, structure or device having on it any visible representation of a work, letter, figure, sign, symbol or colour publicly displayed in any manner whatsoever for the purpose of advertising or giving information regarding, or of attracting the public to, any place, person, performance, exhibition, entertainment or activity, or any article or merchandise whatsoever;

"special business" (*spesiale besigheid*) means a site or building or structure on or in which business is conducted and includes shops, offices, financial institutions or restaurants or sites, buildings or structures for similar uses, but does not include places of assembly, institutions, public garages, industries or noxious uses;

"special usage" (*spesiale gebruik*) means a use which is such, or in respect of which the land use restrictions are such, that provision is not made therefore in these scheme regulations, and which is defined in detail by means of conditions of approval or by means of provisions applicable to the special zone;

"storey" (*verdieping*) means a single level of a building, excluding a basement storey, which does not exceed a height of 4 meters, measured from finished floor level to finished floor level or to the ceiling in the case of the top storey, and includes a roof-space utilised or intended to be utilised for the purpose of habitation;

"street boundary" (*straatgrens*) means the boundary, as surveyed or proclaimed, between an erf and the adjoining street;

"subdivisional area" (*onderverdelingsgebied*) means land contemplated by section 22(1)(a) of the Ordinance which has been rezoned to a subdivisional area in terms of section 14(4), 16 or 18 and is subject to:

- (a) A density requirement;
- (b) the conditions and stipulations contained in these regulations;
- (c) the planning stipulations of any applicable structure plan; and
- (d) any other conditions determined by the council at the time of the approval of the rezoning;

"supermarket" (*supermark*) means a shop with a net retail floor space of not less than 350m², which is utilised for sales on a basis of self service;

"tavern" (*taverne*) see definition for pub/taverne;

"tenement dwelling" (*ryhuise*) means a building consisting of three or more single-storied residential units, each with its own entrance to the street;

"tidal lagoon" (*getymeer*) means any lagoon in which the rise and fall of the water level takes place as a result of the tides;

"tidal river" (*getyrivier*) means that section of any river in which the rise and fall of the water level takes place as a result of the tides;

"tourist facilities" (*toeriste fasiliteite*) means amenities for tourists such as lecture rooms, restaurants, gift shops, swimming pools, tennis courts and rest rooms but does not include overnight accommodation;

"town housing" (*dorpbehuising*) means a row or group of separate and/or linked dwelling units which are planned, designed and built as a harmonious architectural entity with a high density character and of which every dwelling unit has a ground floor;

"town housing erf" (*dorpbehuisingserf*) means a subdivided portion of a town housing site, approved for the erection of a dwelling unit as part of a town housing scheme, which has been or may be transferred to an individual owner;

"town housing site" (*dorpbehuisingsperseel*) means a portion of land in a group housing zone on which a town housing scheme has been or is to be erected;

"transport usage" (*vervoergebruik*) means a transport undertaking based on the provision of a transport service and includes public as well as private undertakings;

"use zone" (*gebruiksone*) - see definition for "zone";

"use zoning" (*gebruiksonering*) - see definition for "zoning";

"warehouse" (*pakhuis*) means a building used for the storage of goods, or as a depot for a wholesale business, or as a place for the storage of commercial material, in so far as such a building does not fall within the scope of a shop;

"workshop" (*werkwinkel*) means a building or portion of a building which does not exceed 200 m² in nett floor area and in which any one or more of the activities referred to in definition of "industry" is or are conducted, but does not include a public garage, service station and noxious use;

"zone" or **"use zone"** (*sone of gebruiksone*) means an area consisting of one or more erven and for which a specific land use or uses is demarcated on the scheme map; and

"zoning" or **"use zoning"** (*sonering of gebruiksonering*) with reference to an erf, means the reservation of that erf for a specific use or uses.

PART III - USE OF LAND AND BUILDINGS

3.1. ERECTION OF BUILDINGS AND UTILISATION OF LAND IN SPECIFIC USE ZONES

Table A indicates the purposes for which land may be utilised in the various zones:

Column 1: Zoning

Indicates the various zones applicable to erven in the scheme area.

Column 2: Primary Uses

Indicates the purposes for which land may be used and or buildings may be erected and used under the zoning, depicted in column 1.

Column 3: Secondary Uses

Indicates the purposes for which land may be used and buildings may be erected and used under the zoning, depicted in column 1, only with the consent of the Council in terms of regulation 3.2.5.

Column 4: Consent Uses

Indicates the purposes for which land may be used and buildings may be erected and used under the zoning, depicted in column 1, only with the consent of the Council in terms of regulation 3.2.6.

Column 5: Monochrome Notation

Indicates the monochrome notation that must be used on the Scheme Map to identify the relevant zoning, depicted in column 1.

Column 6: Colour Notation

Indicates the colour notation that must be used on the Scheme Map to identify the relevant zoning, depicted in column 1.

Any use not reflected in columns 2, 3 or 4 shall, subject to any provisions to the contrary in the Ordinance and these regulations, not be permitted in the zone concerned. The primary uses, secondary uses and consent uses are subject to the development parameters, depicted in Part 4 of the Zoning Scheme.

3.2 APPLICATION FOR A SECONDARY USE OR CONSENT OF THE COUNCIL

3.2.1 Where application is made for a secondary use or the consent of the Council for the erection and use of a building and/or the use of land, in a use zone where such a building may be erected and used and/or land may be used as a secondary use or with the consent of the Council, the Council may grant or refuse its consent and shall be entitled to impose:

- (a) Such conditions as it may deem fit in regard to the erection and/or use of such buildings and/or the use of land.
- (b) Contributions for the installation of external services and construction of roads and parking areas.
- (c) Contributions for the provision of open space.

3.2.2 In this regulation the expression "the erection and use" of a building or land for a particular use includes the conversion of the building for that use, whether or not it involves any structural alteration.

3.2.3 The rights granted in terms of a secondary use or consent use shall lapse if such rights are not exercised within a period of 2 years from date of written notification to the applicant.

3.2.4 Subject to regulation 3.2.2, the rights granted shall automatically lapse if such rights are not exercised for a continuous period of 15 months.

3.2.5 Should any of the conditions of approval of a secondary or consent use be contravened, the Council may instruct that the activity be stopped or that the contravention be rectified with the continuation of the activity, but subject to any restrictive conditions that the Council may impose.

3.2.6 Application procedure for a secondary use.

- (a) Any owner of land applying to the Council for its permission to use a building and/or land for a secondary use shall:
 - (i) Submit an application in writing to the Council.
 - (ii) Pay such application fees as may be levied by the Council.
 - (iii) Provide such information as may be required by the Council.
 - (iv) Provide written consent from neighbouring property owners as deemed fit by Council.

(b) The Council may refuse, approve, or partially approve the application subject to such conditions as it may deem fit and shall notify the applicant of its decision in writing.

(c) The approval of an application shall be effective from the date of the written notification from the Council.

3.2.7 Application procedure for the consent of the Council:

- (a) An owner of land intending to apply to the Council for consent for the erection and use of a building, or the use of land in any use zones, either partially or wholly for any purpose which

requires the consent of the Council, shall upon submission of such application:

- (i) Publish an advertisement in a newspaper circulating in the area, giving notice of his/her intention to make such application and shall lodge with the Council proof of such publication together with the application.
- (ii) Serve written notice of the proposal, either by registered post or by hand, on the adjoining/affected property owners, whether the property is developed or not, provided that where the written notice is served by hand, a copy of the notice so served shall be signed by the adjoining/affected owner and acknowledging that he/she has received the notice and shall be lodged with the Council in proof of such service.
- (iii) Submit the application in writing to the Council.
- (iv) Submit such information as may be required by Council.
- (iv) Pay such fees as may be levied by the Council.
- (b) The notices mentioned in regulations 3.2.6(a)(i) and 3.2.6(a)(ii) shall contain the name and address of the applicant and shall state that any objections or representations in connection with such consent shall be submitted in writing simultaneously to the Council and the applicant within 21 days of the date of the notice in the newspaper and/or receipt of the written notice.
- (c) The Council shall take into consideration any objections and representations received within the said period of 21 days and shall notify the applicant and any person from whom an objection or representation was received of its decision.
- (d) For any amendment to conditions imposed with a consent granted in terms of these regulations, the procedures set out in regulations 3.2.6(a) to 3.2.6(c) shall apply.

* 3.3 DEPARTURES

The Council, may, in terms of section 15(1)(b) of the Ordinance, grant or refuse an application for a departure, or in terms of section 15(5) of the Ordinance, determine an extended period, after which such departure shall lapse; provided that, where the council authorises the utilisation of land on a temporary basis as contemplated in section 15(1)(a)(ii) of the Ordinance, such concession shall be granted for a period not exceeding five years.

3.4 TEMPORARY USE OF LAND

Any owner of land may upon written application to, and with the written permission of the Council, use any land in any use zone temporarily for any purpose.

The Council may refuse such an application or approve it, subject to any conditions it may deem fit, provided that an approval in terms of this regulation shall at all times be subject to the following:

- 3.4.1 No building or structure of a permanent nature, which in the opinion of the Council, would hamper the use of the land in terms of the zoning in the Scheme, may be erected on the land.

3.4.2 The Council is entitled to withdraw the permission given in terms of this regulation by giving at least one calendar month's written notice to the owner of the land, should the land in respect of which approval was given, be abused or if the use of the land for the approved purpose is, in the opinion of the Council, detrimental to the amenity of the area and causes any interference with the amenities of the neighbourhood, upon which such interference shall be assessed at the discretion of the Council in terms of, inter alia, noise, smell, dust, fumes, vehicular and pedestrian traffic or other visible effects of a non-residential land use.

3.4.3 Any approval in terms of this regulation shall apply for a maximum period of 3 uninterrupted calendar months only.

3.5 BUILDINGS USED FOR MORE THAN ONE PURPOSE

Where a building is used, or a proposed building is designed for more than one use, it shall for the purpose of regulation 5.7 be deemed to be used or designed particularly for each of these uses, but for the purpose of other provisions of this part of the Scheme, it shall be deemed to be used or designed for the predominant use thereof. The Council may or shall, if the person in control of the building applies for a declaration to that effect, decide and notify in writing what the predominant use will be.

3.6 PRACTICE OF A PROFESSION OR OCCUPATION FROM A DWELLING OR DWELLING HOUSE

3.6.1 Without prejudice to any of the powers of the Council, in terms of any other law, or to the provisions contained elsewhere in this Scheme, nothing shall be construed as prohibiting or restricting, or empowering the Council to prohibit or restrict the practice, subject to compliance with any other laws, by not more than one occupant of a dwelling unit or residential building of a profession or occupation which does not involve any of the following:

- (a) The use of the building as an industry, shop, noxious industry or home enterprise;
- (b) the public display or sale of goods whether in a window or otherwise;
- (c) the display of any notice or sign other than a notice or sign ordinarily displayed on a dwelling unit or indicating the name and profession or occupation of the occupant;
- (d) creates no interference with radio or television reception in the immediate vicinity of the dwelling unit;
- (e) occupies no more than 33,3% of the floor area of the buildings on the erf, is clearly secondary to the use of the dwelling unit for dwelling purposes and does not change the residential character of the dwelling unit or erf in any manner when seen from the outside of the property;
- (f) does not involve the regular parking or storing on the premises of any vehicle used for the transporting of goods, materials or passengers for hire or reward, other than the vehicle required for the personal use of the resident in connection with the practice of his profession or occupation; and
- (g) does not create a volume of traffic inconsistent with the level of traffic on the street on which the dwelling unit is located;

Provided that such occupant shall be entitled to be assisted by not more than 2 persons who are not resident on the property in the practice of such professional occupation; provided further that this regulation shall not apply where its application will be in conflict with any other legislation.

- 3.6.2 The Council shall, by notice served on the resident, have the right to impose conditions in addition to those contained in regulation 3.6.1, if, in its sole discretion, it deems the imposition of such additional conditions to be necessary.
- 3.6.3 Any non-compliance with any condition contained in regulation 3.6.1 or imposed in terms of regulation 3.6.2 shall constitute a contravention of these regulations.
- 3.6.4 The owner shall notify the Council in writing of his intention to use the property concerned in terms of this regulation and when such use has or will be terminated.

3.7 CONDITIONS APPLICABLE TO ALL PROPERTIES

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

- 3.7.1 The positioning of buildings, including outbuildings erected on the property, as well as access to and exits from the property, shall be to the satisfaction of the Council.
- 3.7.2 The main building, which shall be a completed building and not one partially erected and to be completed at a later date, shall be erected simultaneously with or before the outbuildings, provided that the Council may relax this requirement in writing subject to any condition it may deem fit.
- 3.7.3 The loading or off-loading of goods shall take place within the boundaries of the erven to the satisfaction of the Council unless the Council has made provision for loading facilities in the street reserve, provided that this condition shall not apply to properties accommodating one or two dwelling units only.
- 3.7.4 A screen wall shall be erected if required by and to the satisfaction of the Council, the extent, material, design, height, position and maintenance of which shall also be to the satisfaction of the Council.
- 3.7.5 If the property is fenced or enclosed in some other way, the extent, material, design, height, position and maintenance of such enclosure shall be to the satisfaction of the Council.
- 3.7.6 The registered owner shall be responsible for the maintenance of the entire development of the property, provided that, if the Council is of the opinion that the property or any part of the development is not maintained in a satisfactory manner, the Council shall be entitled to undertake such maintenance at the expense of the registered owner which expense shall be paid to the Council on demand.
- 3.7.7 Evaluation of all buildings shall conform to a good standard of architecture and shall be to the satisfaction of the Council.
- 3.7.8 The internal roads and/or driveways on the erf shall be constructed and maintained by the owner to the satisfaction of the Council.
- 3.7.9 Any part of a site not utilised for building or parking purposes shall within six months from the date on which the buildings are completed or on which the site is first used for the approved use, be landscaped at the owners cost to the satisfaction of the Council, and shall thereafter be maintained to the satisfaction of the Council at the cost of the owner.

- 3.7.10 No goods or materials whatsoever shall be stored or stacked to such a height or in such a manner that it is visible from outside the property, unless prior written approval from the Council is granted.

3.8 SITE DEVELOPMENT PLANS

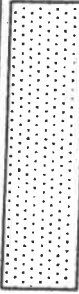
The following further conditions shall apply to all erven in all use zones:

A site development plan, compiled to a scale of 1:500 or any other scale as may be approved by the Council, shall be submitted for approval to the Council and no building shall be erected on the site until such site development plan and building plans in accordance with the site development plan, have been approved by the Council. The entire development of the erf shall be in accordance with the approved site development plan, provided that:

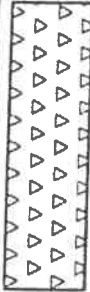
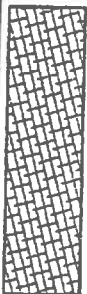
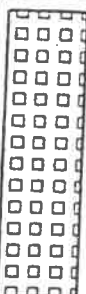
- (a) The plan may be amended from time to time with the approval of the Council.
- (b) The Council may exempt the owner from submission of all or certain provisions contained within this regulation.
- (c) The site development plan shall indicate at least the following:
 - (i) The location and height of all buildings and structures.
 - (ii) A landscape plan that indicates the type and position of existing trees, trees to be retained, landscaped areas and recreational areas.
 - (iii) Vehicular and pedestrian entrances to and exits from the site and all buildings.
 - (iv) Proposed subdivision lines, if the erf is to be subdivided.
 - (v) Building lines and all existing and proposed servitudes.
 - (vi) Treatment of all storm water in relation to the site as well as flood lines where applicable.
 - (vii) Parking, loading and unloading areas.
 - (viii) Vehicular and pedestrian circulation.
 - (ix) Elevation of all buildings and structures as well as materials and finishes to be used.
 - (x) The phasing of the development, if it is envisaged that the total development will not take place simultaneously.
 - (xi) The position of all structures on adjacent sites.
 - (xii) Proposals for site boundaries including fences, walls or other edge proposals.
 - (xiii) A land use schedule which specifies the zoning of the property, applicable controls and controls used for the development.
 - (xiv) A certificate by a registered architect if required by the Council.

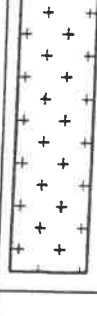
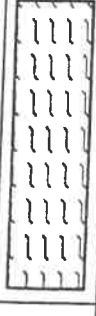
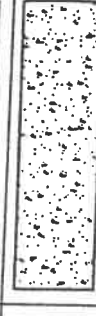
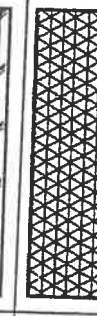
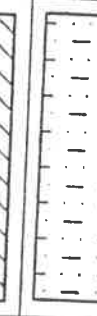
- (xv) A contour map indicating 0,5 meter contour intervals.
- (xvi) Any other requirement deemed necessary by Council.

TABLE A : LAND USE RIGHTS IN THE VARIOUS ZONES

COLUMN 1 ZONING	COLUMN 2 PRIMARY USE	COLUMN 3 SECONDARY USE	COLUMN 4 CONSENT USES	COLUMN 5 MONOCHROME NOTATION	COLUMN 6 COLOUR NOTATION
Agriculture	Agriculture	Additional Dwelling Unit Nursery	Farmstall Agricultural Industry Tourist Facilities Guest House Day-care Centre None		Yellow Green outline
Single Residential A	Shelter Dwelling	None	None		Yellow with Black dots
Single Residential B	Dwelling House	Additional Dwelling Unit Home-enterprise Day-care Centre Hot House	Crèche Guest House Place of Worship Place of Assembly Place of Instruction Medical Uses Nursery		Yellow
Group Housing	Group Housing	Day-care Centre	Retirement Village Town Housing Crèche Place of Worship Place of Assembly Medical Uses Place of Instruction Nursery Guest House		Orange
General Residential	General Residential Buildings	Place of Worship Place of Assembly	Licensed Hotel Medical Uses Place of Entertainment Place of Instruction Nursery Retirement Village		Orange with Black hatching

PRIMARY USE SECONDARY USE CONTENT USE

Offices	Offices	Place of Worship Place of Assembly General Residential Building Nursery	Licensed Restaurant Licensed Hotel Place of Entertainment Place of Instruction		Dark Blue with Black hatching
Restricted Business	Shops Offices	Place of Worship Place of Assembly Place of Instruction Institution General Residential Buildings	Licensed Hotel Bottle Store Pub / Tavern Funeral Parlour Service Station Motor Showroom Warehouse Workshop Place of Entertainment Supermarket Hospital		Dark Blue with Black crossline hatching
Special Business	Special Business Warehouse Service Station Licensed Hotel	General Residential Buildings Place of Assembly Place of Worship Place of Entertainment Place of Instruction None	Uses other than those mentioned in columns 2 and 3 excluding noxious uses.		Dark Blue
General Industrial	Industries Service Station Public Garage Warehouse Special Business Transport Usage	None	Uses other than those mentioned in columns 2 and 3 excluding Noxious Uses.		Purple
Noxious Industrial	Noxious Use Industries Special Business	None	None		Purple with Black hatching
Educational	Place of Instruction	Place of Assembly Place of Worship	Any development which is related to Place of Instruction		Grey

Institution	Institution Place of Worship Place of Assembly Place of Instruction	Place of Assembly Dwelling House	Hospital Sanitarium Clinic or institution for the treatment of infectious or contagious diseases or for the detention of treatment of persons who are mentally handicapped or ill.		Grey with Black hatching
Public Open Space	Public Opens Space	None	None		Light Green
Private Open Space	Private Open Space	None	Special Usage		Light Green with Black hatching
Resort	Holiday Accommodation	None	Resort Shop Tourist Facilities Hotel Holiday Housing None		Pink
Public Road	Public Street Transport Usage	None	None		White
Public Parking	Public Parking	None	Any development which is related to Public Parking None		Dark Brown
Authority	Authority Usage	None	None		Light Red
Special	Special Usage	None	None		Cyan with Black dashed outline
Undetermined	None	None	None		Purple outline

PART IV : DEVELOPMENT PARAMETERS

4.1 INTRODUCTION

- 4.1.1 This part of the regulations defines the development parameters and land use restrictions applicable to each use right, depicted in Table A. No parameters or land use restrictions are attached to a specific zoning and will change according to the use rights allowed in the zoning.
- 4.1.2 Land use restrictions are applicable to use rights only and notwithstanding the zoning of an erf, a specific use right will always have the same parameters and land use restrictions as listed in this part of the regulations, provided that the Council may grant a departure from this regulation as contemplated in regulation 3.3.
- 4.1.3 Notwithstanding regulations 4.1.1 and 4.1.2, the Council may determine other conditions with regard to any specific property which Council may lawfully do in terms of relevant legislation.

4.2 ADDITIONAL DWELLING UNIT

4.2.1 Definition

"additional dwelling unit" (*addisionele wooneenheid*) means a dwelling unit which is erected on an erf zoned agriculture or single residential and on which a dwelling house already exists or is in the process of being erected. Provided that the dwelling unit:

- (a) may be attached to or separate from the dwelling house;
- (b) must in the opinion of the Council be able to function totally independent of the dwelling house; and
- (c) must be physically separated or in the opinion of the Council be able to be separated from the dwelling house.

4.2.2 Land use restrictions

- (a) *Coverage* : together with all other buildings, 50 %
- (b) *Total floor space* : 120 m²
- (c) *Height* : 8,5 m
- (d) *Parking* : 1 parking bay / additional dwelling unit
- (e) the erf shall not be cadastrally subdivided ; and
- (f) the additional dwelling unit shall conform to the primary dwelling unit as far as the design and use of material are concerned.

(g) *Additional dwelling units in the agricultural zone*

Additional dwelling units may be erected with a density of one unit per 10 ha up to a maximum of five additional units per land unit, provided that one additional unit will be allowed in all cases.

4.3 AGRICULTURAL INDUSTRY

4.3.1 Definition

"agricultural industry" (landboumywerheid) means an enterprise or concern for the processing of agricultural products on a farming unit owing to the nature, perishableness and fragility of such agricultural products and includes farm pack stores.

4.3.2 Land use restrictions

- (a) With the use of the land or a building for an agricultural industry, the Council may prescribe any special conditions in respect of permissible uses, parking and loading requirements, access, fencing and aesthetic treatment so that the development will have the minimum impact on the environment.
- (b) *Parking* : at least one parking bay per 200 m² of the total floor space.
- (c) For the purpose of loading and unloading vehicles, at least two loading bays shall be provided for every 500 m² or part thereof of the area used for the industry.

4.4 AGRICULTURE

4.4.1 Definition

"agriculture" (landbou) means the cultivation of land for crops and plants or the breeding of animals, or the operation of a game farm on an extensive basis on the natural veld or land, and includes only such activities and buildings as are reasonably connected with the main farming activities of the farm, but does not include the consent uses applicable to agriculture zoning.

4.4.2 Land use restrictions

- (a) *Building lines* : 30m from all boundaries
- (b) *Parking* : as required by Council

4.5 AUTHORITY USAGE

4.5.1 Definition

"authority usage" (owerheidsgebruik) means a use which is practised by a public authority and of which the locality factors are such that it cannot be classified or defined under other uses specified in these regulations, and includes uses practised by:

- (a) the National or Provincial Government, such as military training centres and installations, telecommunication facilities, police stations and jails; and
- (b) a local authority, such as fire services, sewage farms, dumping grounds, reservoirs, composting installations and water purification works and include public tourist facilities and public parking where designated.

4.5.2 Land use restrictions

To be determined through negotiations with the Council.

4.6 BOTTLE STORE

4.6.1 Definition

"bottle-store" (drankwinkel) means a shop in which mainly alcoholic beverages are sold in the retail trade and includes an off-sales facility which is under the same management as a licensed hotel.

4.6.2 Land use restrictions

The land use restrictions applicable to a shop (refer to regulation 4.42) will apply if a bottle store is allowed in the restricted business zone and the land use restrictions applicable to special business (refer to regulation 4.43) will apply if allowed in the special business zone.

4.7 CRÈCHE

4.7.1 Definition

"crèche" (bewaarskool) means any building or site which is maintained or is used, whether for profit or otherwise, for the reception, protection and temporary care of children away from their parents, but does not include a hostel, institution or any place of instruction.

4.7.2 Land use restrictions

- (a) The land use restrictions applicable to "dwelling house" (refer to regulation 4.10) will apply to this use right, provided that:
- (b) *Parking* : 1 parking bay / classroom or office

4.8 DAY CARE CENTRE

4.8.1 Definition

"day-care centre" (dagsorgsentrum) means a building which is used for human habitation by the owner or occupier but which is also maintained or is used, whether for profit or otherwise, for the reception, protection and temporary or partial care of not more than 15 children away from their parents, but does not include a hostel, institution or any educational institution.

4.8.2 Land use restrictions

- (a) The land use restrictions applicable to "dwelling house" (refer to regulation 4.10) will apply to this use right, provided that:
- (b) *Parking* : 1 parking bay / classroom or office

4.9 DWELLING *Single Res A*

4.9.1 Definitions

"dwelling" or "dwelling house" (*woning of woonhuis*) means a detached building containing only one dwelling unit.

"dwelling unit" (*wooneenheid*) means a self-contained interleading complex of rooms with not more than one kitchen, and which in the opinion of the Council is utilised or intended to be utilised as a complete residence and accommodation for a person or a single family only, together with the outbuildings usually associated with such a unit.

4.9.2 Land use restrictions

(a) *Building lines:*

(i) *Street building line*

2 m, provided that there shall be no restriction in respect of a garage with a roll-up door.

(ii) *Lateral and rear building line:*

m from
shall be
provided further
system is provided, a rear
may be required by

1 m on one boundary, provided that, where a building may be erected lawfully less than 1 a lateral boundary, no doors or windows permitted in the wall concerned; that if a midblock sewage building line of up to 2 m Council.

(b) *Coverage* : 80 %

(c) *Height* : 8.5m

(d) *Parking* : nil

(e) Notwithstanding any provisions to the contrary in these regulations any occupier of any unit of accommodation may utilise such unit for any social, educational, religious, occupational or business purposes, subject to the following conditions:

- (i) The dominant use of the property shall remain residential;
- (ii) the use concerned shall not be disturbing to neighbours; and
- (iii) the use concerned shall not interfere with the amenity of the direct neighbourhood.

(f) Land zoned for public road purposes may be utilised for business purposes (informal pavement trading) without the erection of any permanent structures, provided that the

council may terminate such utilisation if in its opinion interference with pedestrian or vehicular movement, or with the amenity of the neighbourhood, is caused.

- (g) If anybody with a direct interest is of the opinion that any condition referred to in regulations 4.9.2 (e) and (f) is contravened, such person may lodge a written complaint with the Council requesting action in terms of section 39(1) (b) of the Ordinance.
- (h) The Council must consider a complaint mentioned in regulation 4.9.2(g) and, if in the opinion of the Council a condition mentioned in regulations 4.9.2 (e) or (f) is contravened, such Council must act in terms of section 39(1) (b) of the Ordinance, either by instructing that the activity be stopped or that the contravention be rectified with the continuation of the activity, but subject to any restrictive conditions that the Council may impose.

4.10 DWELLING HOUSE *Single Res B*

4.10.1 Definitions

"dwelling" or "dwelling house" (*woning of woonhuis*) means a detached building containing only one dwelling unit.

"dwelling unit" (*wooneenheid*) means a self-contained interleading complex of rooms with not more than one kitchen, and which in the opinion of the Council is utilised or intended to be utilised as a complete residence and accommodation for a person or a single family only, together with the outbuildings usually associated with such a unit.

4.10.2 Land use restrictions

(a) Building lines:

The building lines are as follows:-

Erf Area (m ²)	Building Lines (m)		
	Street Boundary	Lateral Boundary	Rear Boundary
0 - 500	3	1.5	2.5
501 - and greater	4.5	1.5	3

Provided that corner stands less than 700m² in extent, street building lines will be at least 3m

- (b) Coverage : 50 %
- (c) Height : 8.5 m
- (d) Parking : 1 parking bay / dwelling unit

4.11 FARMSTALL**4.11.1 Definition**

"farmstall" (padstal) means a building or structure which does not exceed 100m² in floor space, including storage facilities, where a farmer sells goods, whether to his own employees or to the general public.

4.11.2 Land use restrictions

- (a) *Building lines* : 30m from all boundaries
- (b) *Parking* : 4 parking bays / 100m² floor space

4.12 GENERAL RESIDENTIAL BUILDINGS

REFER TO COUNCIL RESOLUTION 13/05/IPD12
DATED 29 MAY 2013.

4.12.1 Definition

"general residential building" (algemene woongebou) means a building which consists of a number of dwelling units or rooms which can be let or owned separately and includes a block of flats, an accommodation establishment, a group house, a town house, a retirement village and a home for aged persons, but does not include any hostel, institution or dwelling house.

4.12.2 Land use restrictions

- (a) *Building lines*:
- (i) Street building line : 8 m
 - (ii) Lateral and rear building line : 4 m or half the height of the building which ever is the greater.
- (b) *Floor Factor* : 1.0
- (c) *Coverage* : 40%
- (d) *Height* : 11m
- (e) *Parking* : 1,25 parking bays / dwelling unit

4.13 GROUP HOUSING**4.13.1 Definition**

"group housing" (groepbehuising) means a group of separate and/or linked dwelling units which is planned, designed and built as a harmonious architectural entity with a medium density character and of which every dwelling unit has a ground floor.

4.13.2 Land use restrictions

- (a) *Building lines*:
- (i) As prescribed for "dwelling house" (refer to regulation 4.10)

13/05/IPD12 **"GENERAL RESIDENTIAL" FOR SELF-CATERING HOLIDAY-ACCOMMODATION ESTABLISHMENT**

Councillor P. Kota informed the Committee that the Spatial Development Plan is currently being reviewed.

Resolved: (29 May 2013)

- i) That the Council adopt the following usage under the zoning of "General Residential" / "Residential Zone V" which will specifically make provision for self catering holiday/accommodation establishments.

- Jeffreys Bay Zoning Scheme Regulations, 1999:
"General Residential" - for Self Catering Holiday - Accommodation Establishments
- Section 8 Zoning Scheme Regulations, 1988:
"Residential V" - Residential building for Self Catering Holiday - Accommodation Establishments

- ii) That the following development parameters be applicable to said zonings:

Jeffreys Bay Zoning Scheme Regulations:

Building lines:

- Street building line : 5 m
- Lateral building line : 2m
- Rear building line : 3 m

Coverage : 80%

Height : 8,5 m

Parking : 1 parking bay per self-catering unit

Number of self-catering units: To Council's discretion up to a maximum of 12 (including Manager's Unit)

Section 8 Zoning Scheme Regulations:

Building lines:

- Street building line : 5 m
- Lateral building line : 2m
- Rear building line : 3 m

Coverage : 80%

Height : At most two storeys

Parking : 1 parking bay per self-catering unit
Number of self-catering units: To Council's discretion up to a maximum of 12 (including Manager's Unit)

- iii) That this zoning be promulgated and incorporated into the applicable Zoning Scheme Regulations.

(ii) Notwithstanding regulations 4.13.2(a)(i) the following provisions shall apply:

- (1) Despite the lateral building line, adequate lateral building lines may be required for fire-fighting purposes and a 3m lateral building line shall apply where a group housing zone abuts another zone; and
- (2) despite the rear building line, adequate rear building lines may be required for fire-fighting purposes, and a 3m rear building line shall apply where a group housing zone abuts another zone. Outbuildings, with the approval of Council, may be erected within the 3m building line.

(b) *Height* : 8,5 m

(c) *Parking* : 2 parking bays / dwelling unit

(d) *Density* : As prescribed by the Council, up a to maximum of 25 dwelling units per gross hectare.

(e) *Common open space:*

- (i) A minimum of 40m² per dwelling unit shall be provided and in this context "Common open space" means public or private open space, excluding roads, service yards, private outdoor spaces and undevelopable land steeper than 1:5 and/or below the 1:50 years flood line of a river or a stream.

(ii) Notwithstanding regulation 4.13.2 (e)(i), the Council may relax the required provision of common open space if:

- (1) Public open space is provided to its satisfaction in the immediate vicinity of the group housing scheme; and
- (2) internal street reserves are planned and can be used to its satisfaction as part of the open space system.

(f) *Private outdoor space:*

- (i) Private outdoor space, having a total area of at least 40% of the ground floor area of the dwelling unit concerned, excluding garages and carports, shall be provided to the satisfaction of the Council for every group housing erf, provided that the private outdoor space shall be out of sight of anyone else than the occupants of the dwelling unit concerned.
- (ii) For the purposes of this subsection, "private outdoor space" means the area adjoining any given dwelling unit in a group or town housing scheme which is reserved for the exclusive use of the occupants of the dwelling unit concerned and intended to be used for private outdoor living and recreation and the drying of laundry, storing of a rubbish bin and other household store and service functions.

(g) *Aesthetics:*

- (i) The objectives reflected in the definition of "group housing" shall be closely followed and implemented in the design.

- (ii) A site development plan, as contemplated in regulation 3.8, shall be submitted for approval for every new group or town housing scheme, to the satisfaction of the Council, before any building plans are approved or any building operations commence.
- (iii) The Council may require that a garden and environmental plan, for the whole group housing scheme, be submitted for approval and subsequent implementation.
- (h) *Street width:* The minimum street width shall be 7 m for private streets and 10 m for public streets.

4.14 GUEST HOUSE

4.14.1 Definition

"guest house" (gastehuis) means a dwelling unit, managed by a resident owner or a resident agent, which may supply tourist accommodation and meals for resident guests. Provided that:

- (a) not more than six individual bedrooms or suites may be utilised or marketed by means of short term renting (being a period of not more than 3 months within one calendar year);
- (b) the building may, in terms of the Liquor Act, 1989 (Act 27 of 1989), be licensed only for the purposes of on site consumption and subject to any conditions or restrictions which the Council may impose; and
- (c) a licensed hotel, hostel and accommodation establishment are not included in the definition.

4.14.2 Land use restrictions

- (a) The land use restrictions applicable to "dwelling house" (regulation 4.10) apply to this use right, provided that:
- (b) *Parking* : 0,7 parking bays / room or suite

4.15 HOLIDAY ACCOMMODATION

4.15.1 Definition

"holiday accommodation" (vakansie-akkommodasie) means a harmoniously designed and built holiday development in a unique natural environment with an informal clustered layout which may include the provision of a camping site, mobile homes or dwelling units, whether in private or public ownership, which comprises a single enterprise and which shall only be marketed by means of short-term renting or time sharing, but does not include a hotel or motel.

4.15.2 Land use restrictions

- (a) The parameters of the existing lawful development shall apply as land use restrictions, with regard to land which is deemed to be zoned for resort purposes, with effect from the date of commencement of the regulations.

- (b) Conditions with regard to density, layout, parking, landscaping, building design, etcetera, and a layout plan shall be approved by and filed with the Council, clearly indicating the position of all structures, stands and internal roads.

4.16 HOLIDAY HOUSING

4.16.1 Definition

"holiday housing" (vakansie huisvesting) means a harmoniously designed and built holiday development with an informal clustered layout which may include the provision of a camping site, mobile homes or dwelling units, and where the housing may be rented out or may be separately alienated by means of time sharing, sectional title division, the selling of block shares or the subdivision of the property on condition that a home owners' association as contemplated in Section 29 of the Ordinance be established, but does not include a hotel or motel.

4.16.2 Land use restrictions

- (a) The land use restrictions applicable to "holiday accommodation" (regulation 4.15) apply to this use right.

4.17 HOME-ENTERPRISE

4.17.1 Definition

"home-enterprise" (tuisonderneming) means an activity which is carried out in or from a dwelling house on an erf where the dominant use is and remains residential and is subject to the following provisions:

- (a) Does not include an industry, shop or a noxious industry;
- (b) the display of any notice, sign or goods must be to the satisfaction of the Council;
- (c) creates no interference with radio or television reception in the immediate vicinity of the dwelling unit;
- (d) occupies no more than 33,3% of the floor area of the buildings on the erf;
- (e) does not involve the regular parking or storing on the premises of any vehicle used for the transporting of goods, materials or passengers for hire or reward, other than the vehicle required for the personal use of the resident in connection with the home-enterprise;
- (f) does not create a volume of traffic inconsistent with the level of traffic on the street on which the dwelling unit is located;
- (g) the occupant shall be entitled to be assisted by not more than 2 persons who are not resident on the property; and
- (h) includes a point of sale as defined in regulation 2.

4.17.2 Land use restrictions

- (a) The land use restrictions applicable to "dwelling house" (regulation 4.10) apply to this use right, provided that:
- (b) *Parking* : 4 parking bays / 100m² floor space

4.18 HOSPITAL**4.18.1 Definition**

"hospital" (hospitaal) means a purpose built and equipped building which is used exclusively for the medical treatment and care of sick people, but excludes a sanitarium.

4.18.2 Land use restrictions

(a) The land use restrictions applicable to "institution" (regulation 4.21) apply to this use right, provided that:

(b) *Parking* : 1 parking bay / bed

4.19 HOT HOUSE**4.19.1 Definition**

"hothouse" (plantkweekhuis) means an appropriately designed and equipped structure which is used exclusively for the cultivation of plants and crops.

4.19.2 Land use restrictions

- (a) Maximum permissible size: 18 m²;
- (b) maximum permissible height: 2,4 m;
- (c) erection must be within the building lines applicable to the specific erf and shall not be visible from the street;
- (d) the cooling or heating apparatus used, may not cause any disturbance and the Council may revoke this permission if it constitutes a nuisance in the neighbourhood;
- (e) utilisation may only be for non-commercial purposes; and
- (f) material and the structure used to be approved by Council.

4.20 INDUSTRIES**4.20.1 Definition**

"industry" (nywerheid) means the use of land as a factory within the meaning of relevant other legislation controlling the use of land for a factory and may include other activities incidental and subordinate to the main use such as offices, caretakers accommodation and employee restaurants, but does not include a noxious industry or activity.

4.20.2 Land use restrictions

(a) *Building lines:*

- (i) Street building line : 3m
- (ii) Lateral and rear building lines : zero, subject to regulation 5.8

(b) *Coverage* : 75 %

- (c) *Floor Factor* : 1.5
- (d) *Height* : 11m
- (e) *Parking* : 1 parking bay / 100 m² floor space

4.20.3 Additional provisions

(a) *Building lines:*

- (i) Where an industry bounds on any residential or business erf, a lateral building line of 3 m shall apply to the industry, with reference to the boundaries abutting the residential and business erven.
- (ii) Where servitudes for municipal services exist along lateral and rear boundaries, these will form the lateral and rear building lines.

(b) *Loading and unloading:*

- (i) For the purpose of loading and unloading vehicles the following spaces shall be provided:

Total floor space of building	Required loading and unloading area
0 - 2500 m ²	1 bay
2501 - 5000 m ²	2 bays
5001 - 10000 m ²	3 bays
Every additional 10 000 m ² or portion thereof	1 additional bay

- (ii) No loading bay shall be less than 24 m² in area, nor shall its length be less than 6 m, nor its width be less than 3 m.
- (iii) The location, design, access to and egress from the loading bays shall be to the satisfaction of the Council and all such bays shall be demarcated "Loading and unloading only".
- (iv) Neither the owner nor any occupant of a building shall permit any vehicle transporting goods to and from the building to be loaded, unloaded or fueled in the street, except in designated bays.
- (v) The provisions of this regulation may be relaxed or waived by the Council where its application is not considered to be practicable by reason of the nature or situation of the erf.

4.21 INSTITUTION

4.21.1 Definition

"institution" (inrigting) means a building or portion of a building utilised or intended to be utilised as a social or welfare institution including the administration thereof and includes a nursing home

or clinic, whether private or public, but does not include any hospital, sanitarium, clinic or institution for the treatment of infectious or contagious diseases or for the detention or treatment of persons who are mentally handicapped or ill.

4.21.2 Land use restrictions

(a) *Building lines:*

- (i) Street building line : at least 9 m
- (ii) Lateral and rear building lines : at least 9 m

(b) *Coverage* : at most 50 %

(c) *Height* : 11m

(d) *Parking* : as required by Council

4.22 LICENSED HOTEL

4.22.1 Definition

"licensed hotel" (*gelisensieerde hotel*) means a purpose built building in which lodging, meals and beverages are provided, which is readily accessible to the public and complies with the requirements of a hotel in terms of the Hotels Act, 1965 (Act 70 of 1965), but does not include an off-sales facility or bottle store.

4.22.2 Land use restrictions

(a) *Building lines:*

- (i) Street building line : at least 8 m
- (ii) Lateral and rear building line : 4 m or half the height of the building whichever is the greater.

(b) *Floor Factor* : 1.0

(c) *Coverage* : 40%

(d) *Height* : 11m

(e) *Parking* : 0,7 parking bays / room or suite

4.23 LICENSED RESTAURANT

4.23.1 Definition

"licensed restaurant" (*gelisensieerde restaurant*) means a shop in which mainly prepared food and refreshments are sold and served and which is licensed in terms of the Liquor Act, 1977 (Act 87 of 1977), as amended from time to time.

4.23.2 Land use restrictions

(a) The land use restrictions applicable to "shop" (regulation 4.42) apply to this use right, provided that:

(b) *Parking* : 4 parking bays / 100m² of public accessible areas

4.24 MEDICAL USES**4.24.1 Definition**

"medical use" (*mediese gebruik*) means the professional activities of members of the medical profession.

4.24.2 Land use restrictions

(a) The land use restrictions applicable to "dwelling house" (regulation 4.10.2) apply to this use right, provided that:

(b) *Parking* : 4 parking bays / 100m² floor space.

4.25 NOXIOUS USE**4.25.1 Definition**

"noxious use" (*hinderbedryf*) means:

- (a) An offensive use or any other use which constitutes a nuisance as envisaged in regulations promulgated from time to time in terms of section 33 and 34 of the Health Act, 1977 (Act 63 of 1977), read with paragraphs (f) and (g) of the definition of "nuisance" in section 1 of the said Act;
- (b) the operation of a scheduled process, as defined in section 1 of the Air Pollution Prevention Act, 1965 (Act 45 of 1965); and
- (c) the manufacture of explosives, as defined in section 1 of the Explosives Act, 1956 (Act 26 of 1956).

4.25.2 Land use restrictions

(a) *Building lines*:

- (i) Street building line : 3m
- (ii) Lateral and rear building lines : zero, subject to regulation 4.25.3

(b) *Coverage* : 75 %

(c) *Floor Factor* : 1.5

(d) *Height* : 11m

(e) *Parking* : 1 parking bay / 100 m² floor space

4.25.3 Additional provisions

(a) *Building lines:*

- (i) Where a noxious use bounds on any residential or business erf, a lateral building line of 3 m shall apply to the noxious use, with reference to the boundaries abutting the residential and business erven.
- (ii) Where servitude reserves for municipal services exist along lateral and rear boundaries, these will form the lateral and rear building lines.

(b) *Loading and unloading:*

- (i) For the purpose of loading and unloading vehicles, the following spaces shall be provided:

Total floor space of building	Required loading and unloading area
0 - 2500 m ²	1 bay
2501 - 5000 m ²	2 bays
5001 - 10000 m ²	3 bays
Every additional 10 000 m ² or portion thereof	1 additional bay

- (ii) No loading bay shall be less than 24 m² in area, nor shall its length be less than 6 m, nor its width be less than 3 m.
- (iii) The location, design, access to and egress from the loading bays shall be to the satisfaction of the Council and all such bays shall be demarcated "Loading and unloading only".
- (iv) Neither the owner nor any occupant of a building shall permit any vehicle transporting goods to and from the building to be loaded, unloaded or fueled in the street, except in designated bays.
- (v) The provisions of this regulation may be relaxed or waived by the Council where its application is not considered to be practicable by reason of the nature or situation of the erf.

4.26 NURSERY

4.26.1 Definition

"*nursery*" (*kwekery*) means a property or part thereof which is utilised for the propagation and sale of plants and gardening products and includes a shop utilised exclusively for the sale of gardening products and which does not exceed 100m² in floor space.

4.26.2 Land use restrictions

- (a) The land use restrictions applicable to a "dwelling house" (regulation 4.10) are also applicable to a "nursery", provided that:
- (b) *Parking* : 1 parking bay / 200m² nursery plus 4 parking bays / 100m² floor space in respect of any shop

4.27 OFFICES**4.27.1 Definition**

"offices" (*kantore*) means a room or set of rooms or a building utilised for the performance of an administrative, professional, financial or similar function but excludes a shop.

4.27.2 Land use restrictions

- (a) *Building lines*:
- (i) Street building line : at least 4,5 m
 - (ii) Lateral and rear building lines : at least 3 m , or half the height of the building, if abutting on a property zoned residential, whichever is single the greater.
- (b) *Height* : 8,5m
- (c) *Parking*:
- (i) General offices : 2.5 parking bays / 100m² floor space
 - (ii) Banks, building societies, post offices and other public trading offices: 4 parking bays / 100 m² floor space
- (d) *Coverage* : 50 %
- (e) *Floor Factor* : 1,0

4.28 PLACE OF ASSEMBLY**4.28.1 Definition**

"place of assembly" (*vergaderplek*) means a site or building or portion of a site or building utilised or intended to be utilised for gatherings, entertainment, recreation, sport or exhibitions, and includes a billiard saloon and an amusement arcade and also includes a training centre for more than five persons at a time but does not include a place of worship, an institution, a pub/tavern, place of instruction, a private open space or a restaurant.

4.28.2 Land use restrictions

- (a) *Building lines*:
- (i) Street building line : at least 9 m
 - (ii) Lateral and rear building lines : at least 9 m

- (b) Coverage : 50 %
- (c) Height : 11m
- (d) Parking : 1 parking bay for every 4 seats or 20 parking bays / 100m² floor space

4.29 PLACE OF ENTERTAINMENT

4.29.1 Definition

"place of entertainment" (*vermaaklikheidsplek*) means a theatre, a cinema, a dance hall, an amusement park, a sports centre, a billiard-room, a skating rink or a similar use.

4.29.2 Land use restrictions

- (a) The land use restrictions applicable to "shop" (regulation 4.42) apply to this use right, provided that:
- (b) Parking : (i) Cinemas and theatres within shopping centre: 1 parking bay for every 10 seats.
(ii) Isolated cinema or theatre: 1 parking bay for every 5 seats.
(iii) Any other place of entertainment: as required by Council.

4.30 PLACE OF INSTRUCTION

4.30.1 Definition

"place of instruction" (*onderrigplek*) means a school, college, technical institute, academy, lecture hall, cloister, public library, art gallery, museum, gymnasium, crèche or any other similar use regarded by the Council as of an educational nature, but excludes a university, reformatory, industrial school or a school for the mentally handicapped.

4.30.2 Land use restrictions

- (a) Building lines:
- (i) Street building line : at least 9 m
- (ii) Lateral and rear building lines : at least 9 m
- (b) Coverage : 50 %
- (c) Height : 11m
- (d) Parking : 1 parking bay / classroom or office

4.31 PLACE OF WORSHIP

4.31.1 Definition

"place of worship" (bedehuis) means a chapel, church, mosque, synagogue, temple or other place utilised primarily for the practice of a religion and includes any building in connection therewith.

4.31.2 Land use restrictions

(a) *Building lines:*

- (i) Street building line : at least 9 m
- (ii) Lateral and rear building lines : at least 9 m

(b) *Coverage* : at most 50 %

(c) *Height* : 11 m excluding church tower

(d) *Parking* : 1 parking bay for every 8 seats

4.32 PRIVATE OPEN SPACE

4.32.1 Definition

"private open space" (privaat oopruimte) means land reserved for the purposes of sport, playing, resting or other forms of recreation, the access and admittance being controlled and reserved by a private individual or agency.

4.32.2 Land use restrictions

- (a) No building or structure shall be erected or use practiced, except if same is compatible with "private open space", as defined in regulation 2.
- (b) The council shall in each case, depending on unique circumstances, stipulate land use restrictions and additional conditions.

4.33 PUB / TAVERN

4.33.1 Definition

"pub/tavern" (kroeg/taverne) means a shop in which mainly alcoholic beverages are sold or are attainable, exclusively for on-site consumption.

4.33.2 Land use restrictions

- (a) The land use restrictions applicable to "shop" (regulation 4.42) apply to this use right, provided that:
- (b) *Parking* : 4 parking bays / 100m² of public accessible areas

4.34 PUBLIC GARAGE

4.34.1 Definition

"public garage" (openbare garage) means a building, including the site, for an undertaking which offers a complete range of services for motor vehicles, including panel beating, blacksmithing, spray painting, body building and a shop.

4.34.2 Land use restrictions

(a) *Building lines:*

- (i) Street building line: zero, provided that a 3,5m building line shall apply if fuel pumps are to be erected.
- (ii) Lateral and rear building lines: zero; provided that the Council may lay down lateral building lines in the interest of public health or in order to enforce any law or right.

(b) *Floor factor* : 0,5

(c) *Coverage* : 30%

(d) *Parking* : 4 parking bays / working bay plus 2 parking bays / 100m² stores & sales areas

(e) *Height* : 11m

4.35 PUBLIC OPEN SPACE

4.35.1 Definition

"public open space" or "public place" (publieke oopruimte of publieke plek) means a park, public garden, square, sports field, childrens' playground, amusement park, place of recreation, beach area or any similar amenity, in respect of which the ownership as such vests in the local authority and includes land referred to in terms of Section 28 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985).

4.35.2 Land use restrictions

- (a) No building or structure shall be erected or use practiced except if same is compatible with "public open space", as defined in regulation 2.
- (b) The council shall in each case, depending on unique circumstances, stipulate land use restrictions and additional conditions.

4.36 PUBLIC PARKING**4.36.1 Definition**

"public parking area" (*openbare parkeergebied*) means a municipal site which does not fall within the boundaries of a public street and which is reserved for the benefit of the general public exclusively for the parking of vehicles.

4.36.2 Land use restrictions

No structure or building shall be erected, or use practiced, except if same is compatible with "public parking", as defined in regulation 2.

4.37 PUBLIC STREET**4.37.1 Definition**

"public street" (*openbare pad*) has the meaning assigned thereto in the Ordinance.

4.37.2 Land use restrictions

No structure or building shall be erected or use practiced, except if same is compatible with "public street", as defined in regulation 2.

4.38 RESORT SHOP**4.38.1 Definition**

"resort shop" (*oordwinkel*) means a shop which does not exceed 100 m² in floor space, including storage space.

4.38.2 Land use restrictions

(a) The land use restrictions applicable to "holiday accommodation" (regulation 4.15) apply to this use right, provided that:

(b) *Parking* : as required by Council

4.39 RETIREMENT VILLAGE**4.39.1 Definition**

"retirement village" (*afstree-oord*) means a group housing or town housing scheme or general residential building which conforms to the following additional conditions:

(a) Each dwelling unit shall only be occupied by a retired person or by a family of whom at least one member is a retired person;

- (b) a full spectrum of care and other recreational facilities shall be provided to the satisfaction of the Council;
- (c) development rules other than those applicable in a group housing zone may in respect of a retirement village be determined by the Council; and
- (d) as defined in Section 1 of the Housing Development Schemes for Retired Persons Act, 1988 (Act 65 of 1988).

4.39.2 Land use restrictions

The land use restrictions applicable to "group housing" or "town housing" respectively, would apply to a retirement village, as the case may be.

4.40 SERVICE STATION

4.40.1 Definition

"*service station*" (*diensstasie*) means a building in which motor vehicles, fuel and accessories are sold and in which repairs may be effected and includes a shop, but excludes panel beating, spray painting, body building and blacksmithing.

4.40.2 Land use restrictions

(a) *Building lines:*

- (i) Street building line: 3.5m.
- (ii) Lateral and rear building lines: zero, provided that the Council may determine lateral and/or building lines in the interest of public health or in order to enforce any law or right.

(b) *Floor factor* : 1,5

(c) *Coverage* : 75%

(d) *Parking* : 1 parking bay / 100m² floor space

4.41 SHELTER

4.41.1 Definition

"*shelter*" (*skuiling*) means a unit of accommodation, constructed of any material whatsoever, which does not comply with the standards of durability intended by the National Building Regulations, as applicable to the area of jurisdiction of the Council and includes any land use complying with regulation 4.41.2.

4.41.2 Land use restrictions

(a) *Building lines:*

- (i) Street building line: 2 m, provided that there shall be no restriction in respect of a garage with a roll-up door.
- (ii) Lateral and rear building line: 1 m on one boundary, provided that, where a building is erected less than 1 m from a lateral boundary, no doors or windows shall be permitted in the wall concerned; provided further that if a midblock sewage system is provided, a rear building line of up to 2 m may be required by Council.

(b) *Coverage* : 80 %

(c) *Height* : 8.5m

(d) *Parking* : nil

(e) Notwithstanding any provisions to the contrary in the Zoning Scheme, any occupier of any unit of accommodation may utilise such unit for any social, educational, religious, occupational or business purposes, subject to the following conditions:

- (i) The dominant use of the property shall remain residential;
- (ii) the use concerned shall not be disturbing to neighbours; and
- (iii) the use concerned shall not interfere with the amenity of the direct neighbourhood.

(f) Land zoned for street purposes may be utilised for business purposes (informal pavement trading) without the erection of any permanent structures, provided that the Council may terminate such utilisation, if, in its opinion, interference with pedestrian or vehicular movement, or with the amenity of the neighbourhood, is caused.

(g) If anyone with a direct interest is of the opinion that any condition referred to in regulations 4.41.2(e) and 4.41.2(f) is contravened, such person may lodge a written complaint with the Council requesting action in terms of section 39(1) (b) of the Ordinance.

(h) The Council must consider a complaint mentioned in regulation 4.41.2 (g) and, if in the opinion of the Council, a condition mentioned in regulations 4.41.2 (e) or 4.41.2(f) is contravened, such Council must act in terms of section 39(1) (b) of the Ordinance, either by instructing that the activity be stopped or that the contravention be rectified with the continuation of the activity, but subject to any restrictive conditions that the Council may impose.

4.42 SHOP

4.42.1 Definition

"shop" (winkel) means a site or building, or portion of a site or building, utilised or intended to be utilised for the operation of a retail business, and includes a licensed restaurant and a workshop on the same premises, which is connected with and incidental and subordinate to the retail business, but does not include a service or filling station, bottle store, pub/tavern, public garage or industry.

4.42.2 Land use restrictions**(a) Building lines:**

- (i) Street building line : at least 4,5 m
- (ii) Lateral and rear building lines : at least 3 m, or half the height of the building if abutting a residential zone, whichever is the greater

(b) Coverage : 50 %

(c) Floor Factor : 1.0

(d) Height : 8,5 m

(e) Parking : 4 parking bays / 100m² floor space

(f) Loading & Unloading: The Council may stipulate the provision of additional space for loading or unloading of goods if the particular nature or extent of development contemplated for that erf should, in the opinion of the Council, justify such a step.

4.43 SPECIAL BUSINESS**4.43.1 Definition**

"special business" (*spesiale besigheid*) means a site or building or structure on or in which business is conducted and includes shops, offices, financial institutions or restaurants or sites, buildings or structures for similar uses, but does not include places of assembly, institutions, public garages, industries or noxious uses.

4.43.2 Land use restrictions**(a) Building lines:**

- (i) Street building line : zero
- (ii) Lateral and rear building lines : zero, provided that the Council may determine lateral and/or rear building lines in the interest of public health or in order to enforce any law or right.

(b) Coverage : 80 %

(c) Floor Factor : 3.0

(d) Height : 11 m

(e) Parking : 4 parking bays / 100m² floor space

(f) Basements : The building line restrictions need not be complied with in so far as basements are concerned.

- (g) *Projections* : Projections, excluding advertising signs, approved by the Council in accordance with the provisions of any other law over streets and building lines, shall be limited to minor architectural features and one cantilevered one canopy to within 0,5 m of the pavement edge, provided that no portion of a projection shall be less than 3 m above the pavement and there shall be no access from the building to the canopy.
- (f) *Loading & Unloading* : The Council may stipulate the provision of additional space for lading or unloading of goods if the particular nature or extent of development contemplated for that erf should, in the opinion of the Council, justify such a step.

4.44 SPECIAL USAGE

4.44.1 Definition

"special usage" (*spesiale gebruik*) means a use which is such, or in respect of which the land use restrictions are such, that provision is not made therefore in these scheme regulations, and which is defined in detail by means of conditions of approval or by means of provisions applicable to the special zone.

4.44.2 Land use restrictions

If special factors justify the creation of a new zone on the zoning map for a site or sites, without justifying the creation of a new zone in the scheme regulations, such site shall be zoned as a special zone on the zoning map. Every such portion of land which has been zoned as such and in respect of which the land use restrictions differ from those of other land which has been zoned as such, shall be given a separate number on the zoning map. A special zone may consist of different portions of land, provided the land use restrictions are the same. Each special zone, in respect of which the land use restrictions differ from those of other special zones, shall be given a separate number (from 1 onwards), and each number with the accompanying land use restrictions shall be described as a separate special zone in an annexure to these scheme regulations.

4.45 SUPERMARKET

4.45.1 Definition

"supermarket" (*supermark*) means a shop with a net retail floor space of not less than 350m², which is utilised for sales on a basis of self service.

4.45.2 Land use restrictions

- (a) *Building lines*:
- | | | |
|--------------------------------------|---|----------------|
| (i) Street building line | : | at least 4,5 m |
| (ii) Lateral and rear building lines | : | at least 3 m |
- (b) *Coverage* : 80 %
- (c) *Floor Factor* : 1.0
- (d) *Height* : 11m
- (e) *Parking* : 6 parking bays / 100m² floor space

4.46 TOURIST FACILITIES

4.46.1 Definition

"tourist facilities" (*toeriste fasiliteite*) means amenities for tourists such as lecture rooms, restaurants, gift shops, swimming pools, tennis courts and rest rooms but does not include overnight accommodation.

4.46.2 Land use restrictions

The land use restrictions applicable to tourist facilities will be determined by the Council for each individual application.

4.47 TOWN HOUSING

4.47.1 Definition

"town housing" (*dorpbehuising*) means a row or group of separate and/or linked dwelling units which are planned, designed and built as a harmonious architectural entity with a high density character and of which every dwelling unit has a ground floor.

4.47.2 Land use restrictions

(a) *Building lines:*

- (i) As prescribed for "dwelling house" (refer to regulation 4.10)
- (ii) Notwithstanding regulation 4.47.2 (a) (i):

- (1) Despite the lateral building line, adequate lateral building lines may be required for fire-fighting purposes, and a 3m lateral building line shall apply where a group housing zone abuts another zone.
- (2) Despite the rear building line, adequate rear building lines may be required for fire-fighting purposes, and a 3m rear building line shall apply where a group housing zone abuts another zone. Outbuildings, with the approval of Council, may be erected within the 3m building line. Neighbours' consent must also be obtained.

(b) *Height* : 8,5 m

(c) *Parking* : 2 parking bays / dwelling unit

(d) *Density* : As prescribed by the Council, up to a maximum of 50 dwelling units per gross hectare.

(e) *Common open space:*

- (i) A minimum of 40m² per dwelling unit shall be provided and in this context "Open Space" means public or private open space, excluding roads, service yards, private outdoor spaces and undevelopable land steeper than 1:5 and/or below the 1:50 years flood line of a river or a stream.

- (ii) Notwithstanding regulation 4.49.2(e)(i), the Council may relax the required provision of common open space if:
- (1) Public open space is provided to its satisfaction in the immediate vicinity of the town housing scheme; and
 - (2) internal street reserves are planned and can be used to its satisfaction as part of the open space system.
- (f) *Private outdoor space:*
- (i) Private outdoor space, having a total area of at least 40% of the ground floor area of the dwelling unit concerned, excluding garages and carports, shall be provided to the satisfaction of the Council for every town housing erf, provided that the private outdoor space shall be out of sight of anyone else than the occupants of the dwelling unit concerned.
 - (ii) For the purposes of this subsection, "private outdoor space" means the area adjoining any given dwelling unit in a town housing scheme, which is reserved for the exclusive use of the occupants of the dwelling unit concerned and intended to be used for private outdoor living and recreation and the drying of laundry, storing of a rubbish bin and other household store and service functions.
- (g) *Aesthetics:*
- (i) The objectives reflected in the definition of "town housing" shall be closely followed and implemented in the design.
 - (ii) A site development plan, as contemplated in regulation 3.8 shall be submitted for approval for every new town housing scheme to the satisfaction of the Council before any building plans are approved or any building operations commence.
 - (iii) The Council may require that a garden and environmental plan for the whole town housing scheme, be submitted for approval and subsequent implementation.
- (h) *Street width:* The minimum street width shall be 7 m for private streets and 10 m for public streets.

4.48 TRANSPORT USAGE

4.48.1 Definition

"*transport usage*" (*vervoergebruik*) means a transport undertaking based on the provision of a transport service and includes public as well as private undertakings.

4.48.2 Land use restrictions

- (a) *Floor factor* : 1,0
- (b) *Coverage* : 75%

(c) *Height* : 11 m

(d) *Building lines* :

- (i) Street building line : 3m
- (ii) Lateral and rear building lines : zero, except where a transport usage abuts another use, in which case the lateral and/or rear building line of the latter land use shall also apply to the transport usage.

(e) *Parking* : As prescribed by Council

4.49 WAREHOUSE

4.49.1 Definition

"warehouse" (*pakhuis*) means a building used for the storage of goods, or as a depot for a wholesale business, or as a place for the storage of commercial material, in so far as such a building does not fall within the scope of a shop.

4.49.2 Land use restriction

(a) *Building lines*:

- (i) Street building line : 3m
- (ii) Lateral and rear building lines : zero, subject to Regulation 4.49.3

(b) *Coverage* : 75 %

(c) *Floor Factor* : 1.5

(d) *Parking* : 1 parking bay / 100m² floor space

4.49.3 Additional provisions

(a) *Building lines*:

- (i) Where a warehouse bounds on any residential or business erf, a lateral and/or rear building line of 3 m shall apply to the warehouse, with reference to the boundaries abutting the residential and business erven.
- (ii) Where servitudes for municipal services exist along lateral and rear boundaries, these will form the side and rear building lines.

(b) *Loading and unloading:*

- (i) For the purpose of loading and unloading vehicles, the following spaces shall be provided:

Total floor space of building	Required loading and unloading area
0 - 2500 m ²	1 bay
2501 - 5000 m ²	2 bays
5001 - 10000 m ²	3 bays
Every additional 10 000 m ² or portion thereof	1 additional bay

- (ii) No loading bay shall be less than 24 m² in area, nor shall its length be less than 6 m, nor its width be less than 3 m.
- (iii) The location, design, access to and egress from the loading bays shall be to the satisfaction of the Council and all such bays shall be demarcated "Loading and unloading only".
- (iv) Neither the owner nor any occupant of a building shall permit any vehicle transporting goods to and from the building to be loaded, unloaded or fueled in the street, except in designated bays.
- (v) The provisions of this regulation may be relaxed or waived by the Council where its application is not considered to be practicable by reason of the nature or situation of the erf.

4.50 **WORKSHOP**4.50.1 **Definition**

"*workshop*" (*werkwinkel*) means a building or portion of a building which does not exceed 200 m² in nett floor area and in which any one or more of the activities referred to in definition of "industry" is or are conducted, but does not include a public garage, service station and noxious use.

4.50.2 **Land use restrictions**(a) *Building lines:*

- (i) Street building line : at least 4,5 m
- (ii) Lateral and rear building lines : at least 3 m

(b) *Coverage* : 50 %

(c) *Floor Factor* : at least 1.0

(d) *Height* : 8,5 m

(e) *Parking* : 1 parking bay / 100m² floor space

(f) *Loading &
Unloading*

The Council may stipulate the provision of additional space for loading or unloading of goods if the particular nature or extent of development contemplated for that erf should, in the opinion of the Council, justify such a step.

TABLE B: MINIMUM OFF-STREET PARKING REQUIREMENTS

LAND USE	PARKING BAYS REQUIRED
Additional Dwelling Unit	1 parking bay / additional dwelling unit
Agricultural Industry	1 parking bay / 200m ² floor space
Agriculture	as required by Council
Authority Usage	as required by Council
Bottle Store	4 parking bays / 100m ² floor space
Crèche	1 parking bay / classroom or office
Day Care Centre	1 parking bay / classroom or office
Dwelling	nil
Dwelling House:	1 parking bay
Farmstall	4 parking bays / 100m ² floor space
General Residential Buildings	1,25 parking bays / dwelling unit
Group Housing	2 parking bays / dwelling unit
Guest House	0,7 parking bays / room or suite
Holiday Accommodation	as required by Council
Holiday Housing	as required by Council
Home-enterprise	4 parking bays / 100m ² floor space
Hospital	1 parking bay / bed
Hot House	nil
Industries	1 parking bay / 100 m ² floor space
Institution	as required by Council
Licensed Hotel	0,7 parking bays / room or suite
Licensed Restaurant	4 parking bays / 100 m ² of public accessible areas
Medical Uses	4 parking bays / 100m ² floor space
Noxious Use	1 parking bay / 100 m ² floor space
Nursery	1 parking bay / 200m ² nursery plus 4 parking bays / 100 m ² floor space in respect of any shop
Offices (a) General Offices (b) Banks, building societies, post offices and other public trading offices	2.5 parking bays / 100m ² floor space 4 parking bays / 100m ² floor space
Place of Assembly	1 parking bay for every 4 seats or 20 parking bays / 100m ² floor space
Place of Entertainment (a) cinemas and theaters within shopping centre (b) isolated cinema or theatre	as required by Council, provided that: 1 parking bay for every 10 seats 1 parking bay for every 5 seats
Place of Instruction	1 parking bay / classroom or office
Place of Worship	1 parking bay for every 8 seats
Private Open Space	as required by Council
Pub / Tavern	4 parking bays / 100 m ² of public accessible areas
Public Garage	4 parking bays / working bay plus 2 parking bays / 100m ² stores & sales area
Resort Shop	as required by Council
Retirement Village	2 parking bays / dwelling unit
Service Station	1 parking bay / 100 m ² floor space

Shelter	nil
Shop	4 parking bays / 100m ² floor space
Special Business	4 parking bays / 100m ² floor space
Special Usage	as required by Council
Supermarket	6 parking bays / 100m ² floor space
Tourist Facilities	as required by Council
Town Housing	2 parking bays / dwelling unit
Transport Usage	as required by Council
Warehouse	1 parking bay / 100 m ² floor space
Workshop	1 parking bay / 100 m ² floor space

PART V - MISCELLANEOUS

5.1 SUBDIVISIONS

- 5.1.1 The Council may grant or refuse an application for the subdivision of land in terms of section 25(1) of the Ordinance within, and subject to the conditions applicable to a subdivisional area, as well as an application for the subdivision of land involving no change in zoning.
- 5.1.2 Whenever a council has granted a subdivision in terms of section 25(1) of the Ordinance, it may act in terms of section 30 of the Ordinance.
- 5.1.3 In the process of the creation of new streets in any subdivision in terms of these regulations, the general principles in regard to layout, street intersections and gradients, as set out in the document "Guidelines for the Provision of Engineering Services in Residential Townships", published by the former Department of Community Development and as amended from time to time, shall be complied with.
- 5.1.4 The granting of an application for subdivision in terms of section 25(1) of the Ordinance, with a view to permitting two or more attached dwelling units to be held under separate title, shall be subject to the following conditions which shall be complied with before the issuing of a written authority by the Council as contemplated by section 31(1) of the Ordinance:
- (a) where restoration or improvement is considered necessary by the council, the buildings shall be fully restored or improved to its satisfaction; and
 - (b) where considered necessary by the council, one parking bay shall be provided and constructed to the satisfaction of the council on each of the land units.
- 5.1.5 Subsequent to the granting of a subdivision in terms of section 25(1) of the Ordinance, with a view to permitting two or more attached dwelling units to be held under separate title, the person who at any time is the owner of any land unit directly involved in the subdivision shall:
- (a) maintain such part of any retaining wall, roof, pipe, gutter, wiring or other structure or thing as is common to such land unit and any other land unit;
 - (b) maintain every part of such wall, roof, pipe, gutter, wiring or other structure of thing which is on or traverses such land unit;
 - (c) permit access to such land unit for the purposes of maintaining, cleaning, renovating, repairing, renewing, altering and adding to any wall, roof, pipe, gutter, wiring, or structure or thing, and shall not do anything which will prevent or hinder any such access or work from being done; and
 - (d) not make alterations or additions to or demolish any part of the buildings erected on such land unit, including boundary walls and fences, or change the exterior colour scheme or materials of such buildings without the written consent of the council, or permit the exterior of the buildings to deteriorate and become untidy or dirty.
- 5.1.6 Subsequent to the granting of a subdivision in terms of section 25(1) of the Ordinance, the person who at any time is the owner of any land unit directly involved in the subdivision, shall be

required, without compensation:

- (a) to allow gas mains, electricity, telephone and television cables and/or wires, main and/or other waterpipes and foul sewers and stormwater pipes, ditches or channels of any other land unit or units to be conveyed across the land unit concerned, and surface installations such as mini-substations, meter kiosks and service pillars to be installed thereon, if considered necessary by the Council and in such manner and position as may from time to time be reasonably required; this shall include the right of access to the land unit at any reasonable time for the purpose of constructing, altering, removing or inspecting any works connected with the above; and
- (b) to receive such material or permit such excavation on the land unit as may be required to allow use of the full width of an abutting street and provide a safe and proper slope to its bank necessitated by differences between the level of the street as finally constructed and the level of the land unit, unless he/she elects to build retaining walls to the satisfaction of and within a period to be determined by the Council.

5.1.7 In terms of section 31(2) of the Ordinance, the Council may permit a building or structure to be erected on a land unit forming part of a subdivision which has not been confirmed.

5.2 ADVERTISEMENTS AND HOARDINGS

5.2.1 No advertising hoarding may be erected and no advertisement may be displayed without the permission of the Council, provided that the Council's permission, given in terms of this regulation, shall in no way be deemed to constitute an exemption from any other legislation relating to the erection and display of advertising hoardings and advertisements.

5.2.2 The Council may impose such conditions as it may deem fit in regard to the erection and use of such hoarding or advertisement, provided that consideration shall be given, inter alia, to whether the proposed advertising hoarding or the display of the proposed advertisement is likely to cause injury or offense to the amenities of the neighbourhood.

5.2.3 Subject to the provisions of this regulation the Council may authorise the display of any particular type of advertisement, subject to any conditions pertaining to the place, manner, or period of the display of the advertisement.

5.3 CONTROL OF ENVIRONMENTAL AREAS

5.3.1 The Council may, by notice in the press, declare any part of the area, which in its opinion is of special historic, architectural, aesthetic or environmental interest or merit to be an Environmental Area.

5.3.2 In declaring any area to be an Environmental Area, the Council may impose such requirements as it deems necessary to protect any building, use or feature within such Environmental Area, whether man-made or natural, and no such building, use or feature shall be erected, demolished or altered without the consent of the Council, provided that the Council may require the owner to advertise his intentions and may specify the method and form such advertisement shall take.

5.3.3 In granting its consent in terms of regulation 5.3.2, the Council may impose such conditions as it deems fit, relating to alteration, demolition and maintenance.

- 5.3.4 Before declaring any area to be an Environmental Area, the Council shall advertise its intention to do so. Any person who has any interest in such area may object or submit recommendations in respect of the proposed declaration and the Council shall take such objections and recommendations into account in reaching a decision.

5.4 CONDITIONS IMPOSED ARE BINDING

Where permission is granted in terms of this Scheme for the erection of any building or the execution of any works, or the use of any building or land for any particular purpose, or the execution of anything else in terms of this Scheme, and conditions are imposed, such conditions shall have the same force or effect as if they were part of this Scheme.

5.5 SERVICE OF NOTICES AND DOCUMENTS

The provisions of Section 211 of the Municipal Ordinance 1974 (Ordinance 20 of 1974) shall *mutatis mutandis* apply to these regulations.

5.6 USE OF LAND BY THE COUNCIL

- 5.6.1 Land owned by the Council may be used for any other purpose approved by the Premier or for purposes which the Council is empowered to acquire land and which is not contrary to the provisions of this Scheme.
- 5.6.2 The provisions of regulation 5.6.1 are not applicable to the following use zones:
- (a) Private Open Space;
 - (b) Public Open Space;
 - (c) Public Parking; and
 - (d) Public Road.
- 5.6.3 Nothing contained in this Scheme shall operate to prevent the Council from erecting, maintaining or using any building, or constructing any work or using any land in the area for any purpose permitted under any other law.

5.7 PARKING

5.7.1 Provision of Parking Space

- (a) The owner of an erf shall, on the erection of a building, provide on his erf at his own cost sufficient parking spaces, the minimum number of which shall be in accordance with the standards provided in Part V of these regulations and which is summarised in Table B.
- (b) In the event of the owner being unable to provide the on-site parking required in regulation 5.7.1(a) on account of topographic or other physical constraints, the Council may require such owner to:

- (i) Pay to the Council a financial contribution in lieu thereof, which shall be deposited in a capital parking fund out of which running costs shall not be recovered, the amount of which is to be calculated on the following basis:

$$25P(V+C)$$

Where:

"P" represents the number of parking bays that the owner is required to provide, but which he is unable to provide;

"V" represents the estimated market value at the time the contribution is to be paid, of the land on which the parking should have been provided, expressed in Rands per square metre; and

"C" represents the costs per m² of constructing a single parking bay, as determined by the Council at its sole discretion from time to time.

- (ii) Provide the number of parking bays required in regulations 5.7.1(a) or 5.7.1(b) on another erf in the vicinity of the erf to be developed, subject to:
- (1) the two erven being notarially tied to prevent either being alienated independently of the other; and
 - (2) the other erf being appropriately zoned.
- (c) The parking spaces, provided in terms of this regulation, shall not be used for any purpose other than for parking of motor vehicles in working order.
- (d) The Council may require the owner of an erf to provide, on the erection of a building, a lesser number of parking spaces than is required in terms of regulation 5.7.1(a) in which event the owner of the erf shall pay to the Council a financial contribution calculated in terms of regulation 5.7.1(b) for the number of parking spaces by which his obligation in terms of regulation 5.7.1(a) is reduced.

5.7.2

Design of Parking Areas

- (a) Any parking space provided in terms of regulation 5.7.1 need not necessarily be under cover, but if forming part of an area not built upon, shall be constructed with such material as may be allowed by the Council in its sole discretion and provided with an entrance from or exit to a street upon which the building abuts. Furthermore, the whole of such area shall be satisfactorily maintained and, if required by Council, marked out for the parking of motor vehicles and designed in such a manner that any individual vehicle can conveniently be parked or removed without distributing other parked vehicles, unless provision is made and maintained for mechanical or manual parking by the building proprietors. Such provision of on-site parking facilities shall be to the satisfaction of the Council which may at its discretion require the provision of more than one vehicle entrance and exit to such parking garage or parking area.
- (b) The design standards provided by the Department of Transport shall be applied.

5.8 RELAXATION OF BUILDING LINES

5.8.1 The Council may approve the erection of a building or structure which exceeds a building line provided that :

- (a) no doors or windows are permitted in any wall of such building fronting onto the lateral boundary when such building is closer than 1 m to the lateral boundary; and
- (b) the provision of any access way of at least one 1 m wide, other than through a building from a street, to every vacant portion of the land unit concerned, other than a court yard.

5.8.2 Application procedure for a building line relaxation

- (a) Any owner of land applying to the Council for its permission to relax a building line shall:
 - (i) Submit an application in writing to the Council;
 - (ii) pay such application fees as may be levied by the Council;
 - (iii) provide such information as may be required by the Council; and
 - (iv) provide information from neighbours as deemed fit by Council.
- (b) The Council may refuse, approve, or partially approve the application subject to such conditions as it may deem fit and shall notify the applicant of its decision in writing.

ANNEXURE 1

MARINA MARTINIQUE

"BYLAE 1

MARINA MARTINIQUE

SKEMAREGULASIES

S1.1 INHOUD

Hierdie bylaag bevat spesiale soneringsvoorskrifte en regulasies wat van toepassing is op daardie gebied soos in blou omlyning op die Soneringskema-kaart aangedui en wat die inskripsie "Bylae 1" dra. Die bylaag bestaan uit hierdie regulasies sowel as 'n gepaardgaande kaart, beide gemerk "Bylae 1".

S1.2 VOORRANG

Die voorskrifte, voorwaardes en beperkings wat in hierdie bylaag vervat is, sal voorrang bo enige teenstrydige bepaling van die Jeffreysbaai Soneringskema geniet. Waar geen teenstrydigheid bestaan nie, geld die algemene bepalings, definisies en voorskrifte van die Jeffreysbaai Soneringskema eweneens in die Bylae 1-gebied.

S1.3 WOORDBEPALINGS

Tensy uit die samehang anders blyk, het die onderstaande woorde die volgende betekenisse:

"AGTERGRENS" van 'n perseel of erf beteken elke grens daarvan (uitgesonderd 'n straatgrens) wat parallel of binne 45° van parallel aan elke straatgrens van sodanige perseel of erf is en wat nie by 'n straatgrens aansluit nie;

"BLOK WOONSTELLE" beteken 'n gebou wat twee of meer wooneenhede bevat;

"BOOTHERSTELWERF" beteken 'n terrein in die marinasentrum wat as 'n herstelplek vir klein bote bedryf word, en dit sluit 'n openbare garage en winkel in wat verband hou met/mariene ingenieurswerk en waarby die verkoop, herstel en instandhouding van klein bote en verwante toerusting ook ingesluit is, asook die

"ANNEXURE 1

MARINA MARTINIQUE

ZONING REGULATIONS

S1.1 CONTENTS

This annexure contains special zoning provisions pertaining to the area as outlined in blue on the Zoning Scheme map and bearing the inscription "Annexure 1". The annexure consists of these regulations as well as the incidental map, both marked as "Annexure 1".

S1.2 PRIORITY

The instructions, stipulations and restrictions contained in this annexure will take priority over any conflicting regulation of the Jeffrey's Bay Zoning Scheme. Where no discrepancies exist, the general stipulations, definitions and provisions of the Jeffrey's Bay Zoning Scheme will also apply to the area of Annexure 1.

S1.3 DEFINITIONS

Unless the context otherwise indicates, the undermentioned words shall have the following meanings:

"ACCESS STREET" means a street which gives access to different sites in Annexure 1, notwithstanding whether it is situated on private land and subject to access control;

"BOAT REPAIR YARD" means a site at the marina centre used for the repair of small boats. It includes a public garage and shop related to marine engineering work; the sale, repair and maintenance of small boats and related equipment, as well as the sale of parts, fittings and the provision of fuel to boats with the specific exclusion of any of the mentioned services to motor vehicles;

"BLOCKS OF FLATS" means a building containing two or more dwelling units;

verkoop van onderdele en toebehore en die voorsiening van brandstof aan bote met die spesifieke uitsluiting van enige van die voormelde dienste vir motorvoertuie;

"**BUITEGEBOU**" beteken 'n bykomende en enkelverdieping-struktuur en ontwerp om gebruik te word vir die huisvesting van bediendes, die stalling van motorvoertuie en vir opbergingsdoeleindes wat gewoonlik en redelikerwys in verband met die hoofstruktuur nodig is;

"**DEKKINGSOPPERVLAKTE**" beteken die totale persentasie van die oppervlakte van 'n terrein wat beslaan mag word deur geboue gemeet oor die buitemure en oordek deur 'n dak of uitstek met dien verstande dat die oppervlakte wat gedeel word deur 'n maksimum dakoorhang van 1 m uitgesluit word by die berekening van die maksimum toelaatbare dekkingsoppervlakte;

"**DORPBEHUISING**" beteken 'n ry of groep gekoppelde en/of aaneengeskakelde wooneenhede wat beplan, ontwerp en gebou is as 'n harmonieuse argitektoniese eenheid; sodanige wooneenhede kan kadastraal onderverdeel word indien die oorspronklike aansoek die vorm van sodanige onderverdeling aandui;

"**DORPBEHUISINGSPERSEEL**" beteken een of meer grondeenhede waarop 'n dorpbehuiskema opgerig is of opgerig staan te word;

"**DORPSHUIS**" beteken 'n wooneenheid wat deel vorm van 'n dorpbehuiskema;

"**GEBOU**" omvat bo en behalwe die betekenis daaraan toegewys in paragrafe (a) en (b) van artikel 1 van Ordonnansie Nr. 18 van 1976, enige struktuur of oprigting wat ook al, afgesien van die aard of grootte daarvan;

"**GELISENSEERDE HOTEL**" beteken 'n gebou wat ontwerp is om te voldoen aan die vereistes van 'n hotel soos bepaal in die Drankwet, Nr. 87 van 1977, soos gewysig, en omvat persele vir die buiterverkoop van drank; dit kan ook winkels insluit wat tot die Raad se tevredenheid hoofsaaklik daarop ingestel is om in die behoeftes van die inwoners van die gebou te voorsien;

"**GRENSMUUR OF HEINING**" beteken 'n muur of heining wat op die erfrens gebou of opgerig word en wat nie hoër is as 1,5 meter nie, waar sodanige erf aan 'n straat en/of openbare oopruimte grens en wat geleë is in die enkelwoningone;

"**GROEPBEHUISING**" beteken 'n groep aparte en/of gekoppelde en/of aaneengeskakelde enkelwoninge op kleiner as konvensionele erwe, en wat beplan, ontwerp en gebou is as 'n harmonieuse argitektoniese eenheid met 'n enkelwoningkarakter. Die konsep maak individuele eienaarskap, wat volg op kadastrale onderverdeling van erwe wat kleiner is as die konvensionele enkelwoningperseel moontlik;

"**GROEPBEHUISINGSONE**" beteken grond wat formeel vir sodanige gebruik gesoneer is. Sodanige sonering moet egter nie vertolk word as sou dit latere kadastrale onderverdeling impliseer nie;

"**GROEPERF**" beteken 'n gedeelte grond in 'n groepperseel wat goedgekeur is vir die oprigting van 'n enkelwoning as deel van 'n groepperseelkema;

"**GROEPERSEEL**" beteken 'n gedeelte grond in 'n groepperseelkema wat onderverdeelbaar is in 'n aantal groeppersele met of sonder openbare of private straat en/of oopruimte;

"**GROND**" omvat grond bedek met water en enige reg in of oor grond. Enige verwysing na grond word beperk tot grond in die regsgebied van die Munisipaliteit van Jeffreysbaai;

"**GRONDVERDIEPING**" beteken die laagste verdieping van 'n gebou wat nie 'n kelderverdieping is nie;

"**HUISEIENAARSVERENIGING**" beteken 'n huiseienaarsvereniging soos bedoel by artikel 29(1) van die Ordonnansie op Grondgebruikbeplanning (Nr. 15 van 1985) en wat ten opsigte van Bylae 1-gebied ingestel is;

"**BOUNDARY WALL OR FENCE**" means a wall or fence which is or is to be erected on the erf boundary and which does not exceed 1,5 m in height where such erf abuts on a street and/or public open space and situated in the single residential zone;

"**BUILDING**" means in addition to the meaning assigned thereto in paragraphs (a) and (b) of section 1 of Ordinance No 18 of 1976, any structure or erection whatsoever irrespective of its nature or size;

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

any floor area, including basement area which is to be used solely by the occupiers of residential accommodation on the site for garaging or parking purposes, and the area covered by the projection of eaves shall be excluded, but

all balconies, terraces, verandahs or stairs above the floor level of the ground floor whether or not they are covered by any roof, slab or other covering, shall be included;

"**BUSINESS PREMISES**" means a building used or intended to be used as shops and/or offices and includes a bank, professional chambers, doctors' surgeries, stock or produce exchange and buildings designed for similar uses, but does not include a place of assembly, an institution, public garage, industrial building or noxious industrial building;

"**CANAL BOUNDARY**" means the common boundary of a site or land unit with a canal or mooring place in Annexure 1;

"**COUNCIL**" means the Municipality of Jeffrey's Bay;

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

"**DWELLING-HOUSE**" means a building containing only one dwelling unit;

"**DWELLING UNIT**" means a self-contained interlocking group of rooms used only for the living accommodation and housing of a single family together with such outbuildings as are ordinarily used therewith;

"**ERECTION**" in relation to a building includes —

the alteration, subdivision or conversion of, or addition to a building, and

the re-erection or repair of a building which has been completely or partially destroyed or demolished, and "erect" has a corresponding meaning;

"**GROUND FLOOR**" means the lowest floor of a building not being a basement;

"**GROUP HOUSING**" means a group of separate and/or linked and/or attached single dwellings on smaller than conventional erven, and planned, designed and built as a harmonious architectural entity with a single-dwelling character. The concept enables individual ownership, stemming from cadastral subdivision of erven smaller than the conventional single residential site;

"**GROUP HOUSING ZONE**" means land that has been formally zoned for such use. Such zoning should, however, not be interpreted as implying later cadastral subdivision;

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

"INTERNE-STRAAT" beteken 'n straat binne die omvang van 'n erf se kadastrale grense, wat toegang gee tot afsonderlike strukture of parkeerareas op sodanige erf;

"KAART" beteken die kaart of plan waarop die bepalings insake dorpsaanleg wat op die oomblik van krag is, aangetoon word;

"KANAAALGRENS" beteken die gemeenskaplike grens van 'n perseel of grondeenheid en 'n kanaal of vasmeerplek in die Bylae 1-gebied;

"MAKSIMUM VLOEROPPERVLAKTE" beteken die faktor in hierdie regulasies voorgeskryf vir 'n gespesifiseerde sone vermenigvuldig met die netto oppervlakte van die terrein of met die netto oppervlakte van die gedeelte van die terrein wat binne die sone geleë is waarop die faktor van toepassing is; met dien verstande dat, waar 'n terrein geleë is binne twee of meer sones waarop verskillende faktore van toepassing is, die maksimum vloeroppervlakte vir die hele terrein die totaal is van die maksimum vloeroppervlakte vir elke gedeelte van sodanige perseel wat binne die betrokke sone geleë is;

"MOTORVOERTUIG" beteken 'n voertuig wat ontwerp of bedoel is om deur ander krag as mense- of dierekrag voortgedryf te word en omvat 'n motorfiets en 'n sleepwa of karavaan, maar omvat nie 'n voertuig wat uitsluitend op spoorstawe loop nie;

"ONDERVERDELINGSGBIED" beteken grond by artikel 22(i)(a) van die Ordonnansie op Grondgebruikbeplanning (Nr. 15 van 1985) beoog, wat ingevolge artikel 16 van gemelde Ordonnansie tot 'n onderverdelingsgebied hersonereer is;

"ONDERWYSPLEK" beteken 'n skool, kollege, tegniese instituut, akademie, lesingsaal of ander onderwysentrum en omvat 'n koshuis wat daarby behoort, 'n monnikelooster, nonneklooster, openbare biblioteek, kunsgalery of museum, gimnasium, kinderbewoorskool, maar omvat nie 'n gebou wat geheel en al of hoofsaaklik as 'n gesertifiseerde verbeteringsgestig of nywerheidskool of as 'n skool vir geestelike gebrekkige kinders gebruik word of beoog is om gebruik te word nie;

"OPENBARE BEDEHUIS" beteken 'n kerk, sinagoge, kapel of ander plek vir openbare godsdiensoefening en omvat enige gebou in verband daarmee maar omvat nie lykbesorgingslokale met inbegrip van kapelle wat deel daarvan uitmaak nie;

"OPENBARE GARAGE" beteken 'n handelsbesigheid of saak ten opsigte waarvan 'n lisensie vereis word ingevolge Item 27 van die Eerste Bylae van die Ordonnansie op Registrasie en Lisensiering van Besighede (Nr. 15 van 1953, soos gewysig) en omvat die besigheid of beroep om motorvoertuie teen betaling of vergoeding van brandstof te voorsien;

"OPENBARE PLEK" of "OPENBARE OOPRUIMTE" beteken enige grond wat gebruik word of in hierdie skema afgesonder word vir gebruik deur die publiek as 'n oopruimte, park, tuin, speelterrein, ontspanningsterrein of plein;

Omvat "OPRIGTING" met betrekking tot 'n gebou;

die verandering, onderverdeling of omskepping van, of toevoeging tot 'n gebou, en die heroprigting of herstel van 'n gebou wat geheel en al of gedeeltelik vernietig of gesloop is, en

het "OPRIG" 'n ooreenstemmende betekenis;

"PARKEERPLEK" beteken 'n geteerde of geplaveide of andersins permanente oppervlakte met 'n minimum afmeting van 5,5 m x 2,5 m wat afgebaken en toeganklik is vir die parkering van 'n motorvoertuig;

"PARKEERTERREIN" beteken grond of 'n gebou of deel daarvan wat vir inwoners van die vervangingskerngebied en/of hul gaste en/of die algemene publiek toeganklik is vir parkeerdoeleindes, hetsy toegang beheer word en aan die betaling van 'n fooi onderhewig is en waarvan die uitleg vooraf deur die Raad goedgekeur is;

"PRIVATE OOPRUIMTE" beteken enige grond wat in hierdie skema afgesonder word vir gebruik as 'n private terrein vir sport,

"GROUP ERF" means a portion of land in a group site approved for the erection of a single dwelling as part of a group housing scheme;

"HOME-OWNERS' ASSOCIATION" means a home-owners' association as set out in terms of section 29(1) of the Land Use Ordinance (No 15, 1985) and being constituted in respect of the area included under Annexure 1;

"INTERNAL STREET" means a street within the cadastral boundaries of a site, which provides access to individual structures or parking areas on such site;

"LAND" includes land covered with water and any right in or over land. Any reference to land is limited to land in the Municipality of Jeffrey's Bay;

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

"LICENSED HOTEL" means a building designed to comply with the requirements of a hotel as laid down in the Liquor Act, No 87 of 1977, as amended, and includes premises for an off-sales facility; it may also include shops which to the satisfaction of the Council will mainly provide in the needs of the inhabitants of the building;

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

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

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

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

"PARKING AREA" means land or a building or part thereof that is accessible to inhabitants of the substitution scheme area and/or their guests and/or the general public for parking purposes, whether entrance to it is controlled and subject to payment of a fee, and of which the lay-out has been approved by the Council;

"PARKING BAY" means an area that is paved or tarred or has a permanent surface of some other nature, measuring not less than 5,5 m x 2,5 m and which is demarcated and accessible for the parking of a motor vehicle;

"PLACE OF ASSEMBLY" means —

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

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

a billiard saloon or skating rink;

a non-residential club, or

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

"PLACE OF INSTRUCTION" means a school, college, technical institute, academy, lecture hall, or other educational centre, and includes a hostel appertaining thereto, a monastery, convent, public library, art gallery, museum, gymnasium, crèche, but does not include a building used or intended to be used wholly or principally

speel-, rus- en ontspanningsdoeleindes of as 'n siertuin of lushof;

"PROFESSIONELE GEBRUIK" beteken daardie tipe gebruik wat normaalweg en redelikerwys geassosieer word met beroepslui soos geneeshere, tandartse, argitekte, ingenieurs en stadsbeplanners, waar dienslewering, in teenstelling met handeldryf, een van die onderskeidende faktore is;

"RAAD" beteken die Munisipale Raad van Jeffreysbaai;

"SAKEPERSEEL" beteken 'n gebou wat gebruik word of beoog is om gebruik te word as winkels en/of kantore en omvat 'n bank, professionele kantore, spreekkamers van geneeshere, effekte- of produktebeurse en geboue vir dergelike gebruike, maar omvat nie 'n vergader- of vermaaklikheidsplek, 'n inrigtingsgebou, openbare garage, nywerheidsgebou of hinderbedryfsgeboue nie;

"SONE" beteken 'n gedeelte van die gebied wat op 'n duidelike wyse op die kaart aangetoon word ten einde die bepalings aan te dui wat by hierdie skema op die oprigting en gebruik van geboue en die gebruik van grond opgelê word;

"STRAAT" het die betekenis wat by artikel 2 van Ordonnansie Nr. 20 van 1974 daaraan geheg word;

"STRAATGRENS" beteken die grens van 'n perseel of erf wat die grens van 'n straat of toegangstraat is met dien verstande dat waar 'n gedeelte van 'n perseel of erf wat kragtens die dorpsaanlegskema of enige ander wet vir die doel van 'n nuwe straat of vir 'n straatverbreding gereserveer is, is die straatgrens van die grens van sodanige voorgestelde nuwe straat of voorgestelde straatverbreding;

"SYGRENS" van 'n perseel of erf beteken 'n grens uitgesonderd 'n straatgrens of 'n agtergrens;

"TERREIN" beteken die oppervlakte van die erf min enige grond wat vir paddoeleindes nodig is;

"TOEGANGSTRATE" beteken strate wat toegang tot die verskillende persele in die Bylae 1-gebied verleen, hetsy dit op privaat grond geleë en aan toegangsbeheer onderhewig is;

"VERGADERPLEK" beteken —

'n openbare saal, saal vir gesellige byeenkomste, teater, bioskoop, musieksaal, konsertsaal, danssaal, vertoonsaal;

'n sportterrein of vermaaklikheidspark, sportplek of dergelike ondernemings wat by betaling van 'n toegangsgeld vir die publiek toeganklik is;

'n biljartsaal of skaatsbaan;

'n nie-woonklub;

enige ander plek waar die publiek byeenkom insluitende 'n lykbesorgingslokaal, ongeag of dit vir winsdoeleindes gebruik word of nie, wat nie onder die omskrywings van openbare bedehuis, onderwysplek of inrigtingsgebou ressorteer nie;

"VLOEROPPERVLAKTE" beteken die totale oppervlakte van alle verdiepings van alle geboue wat met 'n dak, blad of uitstek van enige sodanige gebou oordek word; sodanige vloeroppervlakte word gemeet vanaf die buite-oppervlakte van die mure van enige sodanige gebou maar mag in geen geval die "maksimum vloeroppervlakte" soos hierin omskryf, oorskryf nie; met dien verstande dat by die vasstelling van die maksimum toelaatbare vloeroppervlakte van enige gebou —

enige vloerruimte, insluitende die vloerruimte van enige kelderverdieping wat uitsluitend deur die bewoners van woon-akkommodasie op die perseel vir die stalling en parkering van voertuie gebruik word en die oppervlakte wat deur die uitstek van die dakoorhang oordek word, uitgesluit word, en alle balkonne, terrasse, verandas of trappe bokant die vloerhoogte van die grondverdieping, ongeag of dit met 'n dak, blad of ander bedekking oordek is of nie, ingesluit word;

"VOERTUIGBERGPLEK" beteken 'n enkelverdiepingstruktuur wat vir die berging van motorvoertuie en bote gebruik word en wat redelikerwys ten opsigte van die Bylae 1-gebied benodig word;

"WINKEL" beteken 'n gebou —

vir die uitoefening van 'n kleinhandelsaak, of

as a certified reformatory or industrial school, or as a school for mentally defective children;

"PLACE OF PUBLIC WORSHIP" means a church, synagogue, chapel or other place of public devotion, and includes any building incidental thereto but excludes funeral parlours, including any chapel forming part thereof;

"PRIVATE OPEN SPACE" means any land reserved in this scheme for use as a private ground for sports, play, rest and recreation or as an ornamental garden or pleasure ground;

"PROFESSIONAL USAGE" means such types of uses as are normally and reasonably associated with professional people such as doctors, dentists, architects, engineers and town planners, where the rendering of a service, as against the carrying on of a business, is one of the distinguishing factors;

"PUBLIC GARAGE" means a trade or business in respect of which a licence is required in terms of Item 27 of the First Schedule to the Registration and Licensing of Businesses Ordinance (No. 15 of 1953, as amended), and shall include the trade or business of fuelling motor vehicles for payment or reward;

"PUBLIC PLACE" or "PUBLIC OPEN SPACE" means any land used or reserved in this scheme for use by the public as an open space, park, garden, playground, recreation ground, or square;

"REAR BOUNDARY" of a site or erf means every boundary thereof (other than a street boundary), which is parallel to, or is within 45° of being parallel to every street boundary of such site or erf, and which does not intersect a street boundary;

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

"SHOP" means a building —

for the purpose of carrying on a retail trade, or

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

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

"SITE" means the area of the erf less any land required for road purposes;

"STREET" shall have the meaning assigned thereto by section 2 of Ordinance No. 20 of 1974;

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

"SUBDIVISIONAL AREA" means an area of land contemplated by section 22(1)(a) of the Land-Use Planning Ordinance (No. 15 of 1985) which in terms of section 16 of the said Ordinance is zoned as a subdivisional area;

"TOWN HOUSE" means a dwelling unit which forms part of a town housing scheme;

vir die uitoefening van 'n kleinhandelsaak en die herstel en vervaardiging van goedere wat in sodanige saak verkoop word, mits sodanige herstel of vervaardiging nie 'n fabriek binne die betekenis van die *Wet op Fabriek Nr. 22 van 1941*, uitmaak nie en omvat 'n kleinwassery en 'n kleindroogskoonmaakery maar nie enige ander nywerheidsgebou of 'n openbare garage nie;

"WOONEENHEID" beteken 'n selfstandige verbinde groep kamers slegs vir die woonakkommodasie en huisvesting van 'n enkelgesin tesame met sodanige buitegeboue as wat normaalweg daarmee gebruik word;

"WOONGEBOU" beteken 'n gebou (uitgesonderd 'n woonhuis of blok woonstelle) vir bewoning deur mense, tesame met die buitegeboue wat gewoonlik daarmee gebruik word en omvat deelhuise, losieshuise, hotelle, woonklubs en koshuise, maar omvat nie 'n gebou wat, hetsy by wyse van insluiting of uitsluiting, in die omskrywings van "onderwysplek" en "inrigtingsgebou" vermeld word nie;

"WOONHUIS" beteken 'n gebou wat slegs een wooneenheid bevat.

S1.4 GEBRUIK VAN GROND IN AANGEWEESE GEBRUIKSONES

Die grond wat op die soneringskaart van Bylae 1 deur die kleure onderskei word soos uiteengesit in kolom (1) van Tabel S1.B1, is vir die doeleindes gesoneer soos uiteengesit in kolom (2) en mag nie vir enige ander doel wat ook al gebruik word nie.

Tabel S1.B1

(1) Aanwysings op soneringsplan van grond wat gesoneer is	(2) Gebruiksones
Pienk	Algemene Woonsone I
Oranje met swart arsering	Algemene Woonsone II
Ligte Geel	Enkelwoningsone (Hoogtesone 1)
Donkergeel	Enkelwoningsone (Hoogtesone 2)
Donkerblou met kruis arsering	Marinasentrum
Geelgroen	Private Oopruimte
Blougroen	Private Oopruimte (Waterweë)
Ongekleurd (Blanko)	Onbepaalde sone
Gebied deur swart vaste lyn omlyn en met notasie "Onderverdelingsgebied"	Onderverdelingsgebied
Grys	Toegangstrate
Grys met "P" ingeskryf	Parkering
Ligbruin	Strate

S1.5 OPRIGTING EN GEBRUIK VAN GEBOUE IN AANGEWEESE GEBRUIKSONES

Die erwe in die gebied waarop Bylae 1 van toepassing is, mag ooreenkomstig die bepalings van kl. 5.3 van die Jeffreysbaai Soneringskema alleenlik vir die volgende doeleindes aangewend word.

Tabel S1.B2

(1) Gebruiksones	(2) Doeleindes waarvoor geboue opgerig en gebruik mag word	(3) Doeleindes waarvoor geboue alleenlik met die spesiale toestemming van die raad opgerig en gebruik mag word
Enkelwoningsone (Hoogtesone 1 en 2)	(Primêre gebruike) Woonhuise	(Vergunningsgebruike) Openbare bedehuise Onderwysplekke
Algemene Woonsone I	Dorpshuise Sakepersone (slegs op Erwe 1020 en 1107 en onderworpe aan kl. S1.6.2 (v))	Groepsbehuising Onderwysplekke
Algemene Woonsone II	Blokke woonstelle; Gelisensieerde hotelle en woongeboue waarin sake vir die	Openbare bedehuise Onderwysplekke Vergaderplekke

"TOWN HOUSING" means a row or group of linked and or attached dwelling units which is planned, designed and built as a harmonious architectural entity; the dwelling units may be cadastrally subdivided if the original application indicates the form of such subdivision;

"TOWN HOUSING SITE" means one or more than one land units on which a town housing scheme has been or is to be erected;

"VEHICLE STORAGE PLACE" means a single storey structure which is used for the storing of motor vehicles and boats and which is reasonably required in conjunction with the Annexure 1 area;

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

S1.4 USE OF LAND IN DESIGNATED ZONES

The land identified on the zoning map of Annexure 1 by the colour notation as set out in column (1) of Table S1.B1, is zoned for the respective purposes as indicated in column (2) and shall not be used for any other purpose whatsoever.

Table S1.B1

(1) Notation on zoning map of land zoned	(2) Use zones
Pink	General Residential Zone I
Orange with black hatching	General Residential Zone II
Pale yellow	Single Residential Zone (Height Zone 1)
Dark yellow	Single Residential Zone (Height Zone 2)
Dark blue with cross hatching	Marina Centre
Yellow-green	Private Open Space
Blue-green	Private Open Space (Waterways)
Uncoloured (Blanko)	Undetermined zone
Area bounded by thick black line with notation "Subdivisional Area"	Subdivisional area
Grey	Access streets
Grey with "P" inscribed	Parking
Light brown	Streets

S1.5 ERECTION AND USE OF BUILDINGS IN DESIGNATED USE ZONES

The sites in the area to which Annexure 1 is applicable, may in accordance with the stipulations of Cl. 5.3 of the Jeffrey's Bay Zoning Scheme be used only for the following purposes.

Table S1.B2

(1) Use zone	(2) Purposes for which buildings may be erected and used	(3) Purposes for which buildings may be erected and used only with the special consent of the council
Single residential zone (Height zones 1 & 2)	(Primary uses) Dwelling house	(Consent uses) Place of public worship Place of instruction
General Residential I	Townhouses Business premises (only on Erven 1020 and 1107 and subject to Cl. S1.6.2 (v))	Group housing Place of instruction
General Residential Zone II	Blocks of flats; Licensed hotels and residential buildings but	Place of public worship Place of instruction Place of assembly

Marinasentrum	buiteverbruik van drank nie bedryf word nie Sakepersele Vergaderplekke Onderwysplekke Dorps huise Blokke woonstelle Booierstelwerf kanale en aanleplekke vir kleinbote	Gelisensieerde hotel. Woongebou	Marina Centre	excluding off-sales facilities Business premises Place of assembly Place of instruction Townhouses Blocks of flats Boat repair yard Canals and small boat moorings	Licensed hotel Residential building
Private oopruiimte	Private oopruiimte	Voertuigbergplek	Private open space	Private open space	Vehicle storage place
Private oopruiimte (waterweë)	Kanale en aanleplekke vir kleinbote	—	Private open space (waterways)	Canals and small boat moorings	—
Onbepaalde sone	Alleenlik bestaande gebruike	—	Undetermined Subdivisional area	Only existing uses	—
Onderverdelings- gebied	—	—	Access Streets	Private road	—
Toegangstrate	Private pad	—	Parking	Parking purposes	—
Parkering	Parkeerdoeleindes	—	Streets	Public road	—
Strate	Openbare pad	—			

S1.6 DIGTHEIDSBEHEER

Die volgende bepalings is in die betrokke sones van toepassing:

S1.6.1 ENKELWONINGSONE

- i) Kleurnotasie : liggeel (Hoogtesone 1);
donkergeel (Hoogtesone 2);
Primêre gebruik : woonhuis
Vergunningsgebruike : openbare bedehuis
onderwysplek

ii) Grondgebruikbeperkings:

- Dekking : Hoogstens 50%
Hoogte : Hoogtesone 1: Hoogstens een verdieping
Hoogtesone 2: Hoogstens twee verdiepings
Boulyne : Straatgrens : minstens 3 m, maar onder-
(Hoogtesone 1) worpe aan subklousule iii).
Sygrens : minstens 1,5 m op die een
sygrens en een meter op die
alternatiewe sygrens, maar
onderworpe aan subklousule
iii).
Agtergrens : minstens 2 m, maar onder-
worpe aan subklousule iii).
Kanaalgrens : minstens 5 m, maar onder-
worpe aan subklousule iv).
Parkering : minstens 2 parkeerplekke op
die erf (motorhuise ingesluit).
Boulyne : Straatgrens : minstens 3 m maar onder-
(Hoogtesone 2) worpe aan subklousule iii).
Sygrens : minstens 2,5 m op die een
sygrens en 2 m op die alter-
natiewe sygrens, maar on-
derworpe aan subklousules iii)
en v).
Agtergrens : minstens 2 m, maar onder-
worpe aan subklousule iii) en
v).
Kanaalgrens : minstens 5 m, maar onder-
worpe aan subklousule iv).
Parkering : minstens 2 parkeerplekke op
die erf (motorhuise ingesluit).

iii) Ongeag subklousule ii)

- (a) kan 'n dakoorhang die voorgeskrewe boulyne met
hoogstens 0,5 m oorskry, en
(b) kan die Raad die oprigting van 'n buitegebou wat 'n
kantboulyn of 'n agterboulyn oorskry, goedkeur, onder-
worpe daaraan —
• dat aan die straatboulyn voldoen word;
• dat sodanige gebou nie 'n hoogte van een verdieping
mag oorskry nie;
• dat geen deure of vensters in enige muur van sodanige
gebou wat op die betrokke agter- of kantgrens front,
toegelaat mag word nie, en
• dat 'n ander toegangsweg as deur 'n gebou, minstens
1 m breed, van 'n straat na elke ander onbeboude
gedeelte van die betrokke grondeenheid buiten 'n
binnehof, voorsien word.

S1.6 DENSITY CONTROL

The following stipulations are applicable to the relevant zones:

S1.6.1 SINGLE RESIDENTIAL ZONE

- i) Colour notation : pale yellow (Height zone 1);
dark yellow (Height zone 2);
Primary use : dwelling-house
Consent use : place of public worship
place of instruction

ii) Land use restrictions:

- Coverage : At most 50%
Height : Height zone 1 : At most one storey.
Height zone 2 : At most two storeys.
Building lines : Street boundary : at least 3 m, but sub-
(Height zone 1) ject to subclause iii).
Side boundary : at least 1,5 m on the
one side boundary and
1,0 m on the alterna-
tive one, but subject to
subclause iii).
Rear boundary : at least 2 m, subject to
subclause iii).
Canal boundary : at least 5 m subject to
subclause iv).
Parking : at least 2 parking bays
on the site (garages in-
cluded).
Building lines: : Street boundary : at least 3 m but sub-
(Height zone 2) ject to subclause iii).
Side boundary : at least 2,5 m on the
one boundary and
2,0 m on the alternate
boundary, subject to
subclause iii) and v).
Rear boundary : at least 2 m, subject to
subclause iii) and v).
Canal boundary : at least 5 m, but subject
to subclause iv).
Parking : at least 2 parking bays
on the site (garages in-
cluded).

iii) Notwithstanding subclause ii)

- (a) an eaves projection may exceed the prescribed street or
side building line by at most 0,5 m and
(b) the Council may approve the erection of an outbuild-
ing which exceeds a side or rear building line, subject
to —
• compliance with the street building line;
• the said building not exceeding a height of one
storey;
• no doors or windows being permitted in any wall of
such building which fronts onto the relevant side or
rear boundary, and
• the provisions of an access way, other than through a
building and at least 1 m wide, from a street to every
vacant portion of the relevant land unit other than a
courtyard.

iv) Ongeag subklousule ii) kan die volgende toegewings ten opsigte van die boulyn aan die kanaalgrens van 'n perseel met die toestemming en volgens die uitsluitlike diskresie van die Raad gemaak word:

- (a) ten opsigte van geboue (anders as plaveisels en kantelbalkdekke) kan toegelaat word dat dit nader as die voorgeskrewe 5 m aan die kanaalgrens gebou word, mits
 - daar geen ondergrondse dienste in die 5 m boubeperkingsgebied geleë is nie;
 - die geboufondamente deur 'n professionele ingenieur ontwerp word;
 - geen gebou in ieder geval nader as 2 meter aan die kanaalgrens opgerig sal word nie.
- (b) ten opsigte van plaveisels en kantelbalkdekke alleenlik kan toegelaat word dat dit tot op die kanaalgrens gebou word mits
 - dit geen fondamente in die gebied tussen die toepaslike boulyn en die kanaalgrens vereis nie;
 - dit nie onderdak is nie;
 - die onderkant van kantelbalkdekke minstens 0,3 m bo die afgewerkte grondhoogte en rand van die kanaal is en aan alle kante oop is;
 - alle ondergrondse dienste steeds toeganklik sal wees;
 - die kantelbalkdekke deur 'n professionele ingenieur of waar toepaslik deur 'n geregistreerde argitek ontwerp word;
 - die Huiseienaarsvereniging en die Raad gevrywaar word van enige aanspreeklikheid vir skade wat mag ontstaan as gevolg van die aanwesigheid van dienste (met inbegrip van die kanaal) en/of die instandhouding of herstel van sodanige dienste.

v) Ongeag subklousule (ii) is die boulynbepalings in hoogtesone 2 nie van toepassing op waterfrontpersele of persele direk aangrensend aan waterfrontpersele nie. In die geval van voormelde persele, is die boulynbepalings vir hoogtesone 1 van toepassing.

iv) Notwithstanding subclause ii) the following concession may be granted with the approval and at the discretion of the Council concerning the building line on the canal boundary of a site:

- (a) buildings (other than paving and cantilevered decks) may be allowed to be built closer than the required 5 m to the canal boundary, if
 - there are no underground services within the 5 m building restriction area;
 - the foundations of the buildings are designed by a professional engineer;
 - no building is in any event erected closer than 2 m to the canal boundary.
- (b) paving and cantilevered decks only, may be allowed to be built on the canal boundary if
 - they do not require any foundations in the area between the applicable building line and the canal boundary;
 - it is not covered by a roof;
 - the underside of the cantilevered deck is raised at least 0,3 m above the finished ground level of the land and the top of the canal and it is open on all sides;
 - all underground services are still accessible;
 - the cantilevered decks are designed by a professional engineer or where applicable by a registered architect;
 - the Home-owner's Association and the Council is indemnified from any responsibility in respect of damage that may result from the presence of any services (including the canal) and/or the upkeep or repair of such services.

v) Notwithstanding subclause (ii) the building line restrictions in height zone 2 are not applicable to waterfront sites or sites directly bordering waterfront sites. In the case of the aforementioned sites, building line restrictions for height zone 1 are applicable.

S1.6.2 ALGEMENE WOONSONE I

- i) Kleurnotasie : Pienk
- Primêre gebruike : Dorps huis
- Sakepersele (slegs op Erwe 1107 en 1020 ooreenkomstig subklousule v)).
- Vergunningsgebruike : Groepsbehuising
- Onderwysplek

ii) Grondgebruikbeperkings:

Digtheid : 'n maksimum van 50 eenhede per bruto hektaar

Dekking : hoogstens 50%

Hoogte : hoogstens drie verdiepings (onderworpe aan klousule S1.7)

- Boulyne : Toegangstraatgrens : 6 m
- Internestraatgrens : nul meter, onderworpe aan subklousule iii)(a)
- Kant- en agtergrens : nul meter, onderworpe aan subklousule iii)(b)
- Kanaalgrens : Erwe 1107, 1111 en 1115 minstens 5 meter. Alle ander erwe minstens 2 meter op voorwaarde dat die fondamente van enige gebou wat nader as 5 meter aan die kanaalgrens opgerig word, deur 'n professionele ingenieur ontwerp sal word.

Parkering : minstens 1,5 parkeerplekke per dorps huis, welke parkering in die vorm van gemeenskaplike parkering vir die betrokke dorpsbehuiskema voorsien en gereserveer kan word.

iii) Verdere boulynevereistes

- (a) Ondanks die nul meter interne-straatboulyn kan 'n interne-straatboulyn van 2 m vereis word vir veilige verkeersbeweging of om ander redes soos byvoorbeeld ontwikkeling in die omgewing, en moet 'n inrit 'n afmeting van minstens 5,5 m x 2,5 m hê sodat 'n groot motor gerieflik daarop kan parkeer.

S1.6.2 GENERAL RESIDENTIAL ZONE I

- i) Colour notation : Pink
- Primary uses : Townhouses
- Business premises (only on Erven 1107 and 1020 according to subclause v)).
- Consent uses : Group housing
- Place of instruction

ii) Land use restrictions:

- Density : a maximum of 50 units per gross hectare
- Coverage : at most 50%
- Height : at most three storeys (subject to clause S1.7)
- Building lines : Access road boundary : 6 m
- Internal street boundary: zero, subject to sub-clause iii)(a)
- Side and rear boundaries: zero, subject to sub-clause iii)(b)
- Canal boundary : Erven 1107, 1111 and 1115, at least 5 metres; all other sites at least 2 metres provided that the foundations of any building to be erected nearer than 5 metres to the canal boundary, be designed by a professional engineer.

Parking : at least 1,5 parking bays per townhouse, which parking may be provided and reserved in the form of communal parking for the townhouse scheme.

iii) Additional building line requirements

- (a) Notwithstanding the zero meter internal street building line, a 2 m internal street building line may be required for safe traffic movement or for other reasons, such as development in the vicinity, and any driveway shall have dimensions of at least 5,5 m x 2,5 m in order for a large motor car to be parked on it with ease.

- (b) Ondanks die nul meter kantboulyn kan toereikende kantboulyne vereis word vir brandbestrydingsdoeleindes, en geld 'n kantboulyn van 4 m waar 'n algemene woonsone 1 aan 'n ander sone grens.

iv) Toeweging t.o.v. kanaalboulyn:

Met die goedkeuring en volgens die uitsluitlike diskresie van die Raad, kan die volgende toewegings ten opsigte van die boulyn aan die kanaalgrens van 'n perseel gemaak word:

- (a) plaveisels en kantelbalkdekke kan tot op die kanaalgrens toegelaat word, mits
- dit geen fondamente in die toepaslike boubeperringsgebied het nie;
 - dit nie onderdak is nie;
 - die onderkant van kantelbalkdekke minstens 0,3 m bo die afgewerkte grondhoogte en rand van die kanaal is en aan alle kante oop is;
 - alle ondergrondse dienste steeds toeganklik sal wees;
 - die kantelbalkdekke deur 'n professionele ingenieur of waar toepaslik deur 'n geregistreerde argitek ontwerp is;
 - die Huiseienaarsvereniging en die Raad gevrywaar word van enige aanspreeklikheid vir skade wat mag ontstaan as gevolg van die aanwesigheid van dienste (met inbegrip van die kanaal) en/of die instandhouding of herstel van sodanige dienste.

- (b) waar toepaslike voorsorg gemaak is by die konstruksie van 'n kanaalmuur in bewapende beton, kan die gebou tot op die kanaalgrens gebou word, mits die fondamente en algemene struktuur van die gebou deur 'n professionele ingenieur ontwerp is.

v) Sakepersele:

Die geboue op Erwe 1020 en 1107 mag sakepersele insluit met 'n maksimum verhuurbare vloeroppervlakte van 500 en 300 vk.m onderskeidelik. Sodanige sakepersele sal origns aan dieselfde grondgebruikbeperkings onderhewig wees as dorpshuise in dié sone met dien verstande dat parkering verskaf sal word teen 30 m² vir elke 60 m² van die bruto vloer ruimte van dié deel van die gebou wat vir sakepersele toegewys is (vide kl. 8.4.6 van die skemaregulasies).

S1.6.3 ALGEMENE WOONSONE II

- i) Kleurnotasie : oranje met swart arsering
Primêre gebruike : blokke woonstelle; gelisensieerde hotelle en woongeboue waarin sake vir die buiteverbruik van drank nie bedryf word nie.
- Vergunningsgebruike : openbare bedehuis; onderwysplek; vergaderplek.

ii) Grondgebruikbeperkings:

- Maksimum vloeroppervlakte : hoogstens 1,2
Dekking : hoogstens 40%
Hoogte : hoogstens vier verdiepings (onderworpe aan klousule S1.7)

- Boulyne : Straatgrens : minstens 6 m
Kant- en agtergrens : minstens 4 m of helfte van die hoogte van die gebou, wat ookal die grootste is, onderworpe aan subklousule iii).

- Kanaalgrens : 2 meter op grondvlak en nul meter op die opeenvolgende verdiepings, op voorwaarde dat die algemene struktuur van die gebou deur 'n professionele ingenieur ontwerp sal word.

- Parkering : (a) vir blokke woonstelle: minstens 1,25 parkeerplekke per woonstel; 25% van die berekende aantal parkeerplekke of meer indien vereis deur die Raad, moet nie oordek op die perseel voorsien word en laasge-

- (b) Notwithstanding the zero side building line, adequate side building lines may be required for fire fighting purposes and a side building line of 4 m will apply in the case where a general residential zone 1 borders upon another zone.

iv) Concessions concerning the canal building line:

The following concessions concerning the building line on the canal boundaries of a site may be granted with the approval and at the Council's entire discretion:

- (a) paving and cantilevered decks may be allowed up to the canal boundary if
- there are no foundations in the relevant restriction area;
 - it is not covered by a roof;
 - the underside of the cantilevered deck is raised at least 0,3 m above the finished ground level of land and the side of the canal and it is open on all sides;
 - all underground services are still accessible;
 - the cantilevered decks are designed by a professional engineer or, where applicable, by a registered architect;
 - the Home-owner's Association and Council is indemnified from any responsibility in respect of damages that may result from the presence of any services (including the canal) and/or the upkeep or repair of such services.

- (b) where suitable precautions have been taken for the construction of the canal wall, a building may be built up to the canal boundary, provided that the foundations and general structure of the building is designed by a professional engineer.

v) Business premises:

The buildings on Erven 1107 and 1020 may include business premises with a maximum gross leasable floor space of 300 and 500 m² respectively. Such business premises shall otherwise be subject to the same land use restrictions as applicable to townhouses in this zone, with the understanding that 30 m² of parking shall be provided for every 60 m² of the gross floor area of that part of the building that is designated for business premises (vide cl. 8.4.6 of zoning scheme regulations).

S1.6.3 GENERAL RESIDENTIAL ZONE II

- i) Colour notation : orange with black hatching
Primary uses : blocks of flats, licensed hotels and residential buildings where the off-sales of liquor is not practiced.
- Consent uses : place of public worship; place of instruction; place of assembly.

ii) Land use restrictions:

- Maximum floor area : at most 1,2
Coverage : at most 40%
Height : at most 4 storeys subject to clause S1.7.

Building

- lines : Street boundary : at least 6 m
Side and rear boundary : at least 4 m or half the height of the building, whichever is the greater, subject to subclause iii).

- Canal boundary : 2 m on ground level and zero on the consecutive storeys provided that the general structure of the building is designed by a professional engineer.

- Parking : (a) for blocks of flats: at least 1,25 parking bays per flat; 25% of the required parking bays, or more, if so required by the Council, shall be provided uncovered on the site and the latter shall be clearly demarcated

noemde moet duidelik afgebaken en paslik deur middel van 'n kennisgewingbord tot genoë van die raad aangedui word vir die uitsluitlike gebruik van besoekers.
(b) vir gelisensieerde hotel en woongeboue: minstens 0,7 parkeerplek per slaapkamer plus 'n verdere twintig parkeerplekke wat nie oordek is nie, moet op die perseel voorsien word en laasgenoemde moet duidelik afgebaken en paslik deur middel van 'n kennisgewingbord tot genoë van die raad aangedui word vir gebruik deur besoekers wat nie betalende gaste is nie.

and clearly indicated by means of a notice board for the exclusive use of visitors.
(b) For licensed hotel and residential buildings: at least 0,7 parking bays per bedroom plus twenty additional uncovered parking bays and the latter shall be provided on the site and shall be clearly demarcated and properly indicated by means of a notice board to the satisfaction of the Council for visitors that are not paying guests.

iii) Ongeag subklousule ii) —

- (a) kan die raad die oprigting van 'n buitegebou wat 'n kantboulyn oorskry, goedkeur, onderworpe daaraan:
 - (i) dat aan die straatboulyn voldoen word;
 - (ii) dat sodanige buitegebou nie 'n hoogte van een verdieping mag oorskry nie;
 - (iii) dat geen deure of vensters in enige muur van sodanige buitegebou wat op die betrokke kantgrens front, toegelaat mag word nie, en
 - (iv) dat 'n ander toegangsweg as deur 'n gebou, minstens 1 m breed, van 'n straat na elke ander onbeboude gedeelte van die betrokke grondeenheid anders as 'n binnehof, voorsien word.
- (b) geld die volgende addisionele parkeervereiste ten opsigte van professionele gebruik in hierdie sone: drie parkeerplekke per beroepspersoon, waarvan minstens twee parkeerplekke per beroepspersoon gereserveer moet word vir pasiënte of kliënte. Hierdie parkeerplekke moet duidelik aangedui en geteer of geplavei word tot genoë van die Raad.

iii) Notwithstanding subclause ii) —

- (a) the Council may approve the erection of an outbuilding encroaching over the side building line, subject to:
 - (i) compliance with the street building line;
 - (ii) such buildings not exceeding one storey;
 - (iii) no doors or windows being permitted in any wall of such outbuilding which fronts onto the relevant side boundary, and
 - (iv) the provision of an access way, other than through a building and at least 1 m wide, from a street to every vacant portion of the relevant land unit other than a courtyard, and
- (b) the following additional parking requirements shall be applicable with regard to professional usage in this zone: three parking bays per professional person of which at least two parking bays per professional person shall be reserved for patients and/or clients. These parking bays shall be clearly indicated and tarred or paved to the full satisfaction of the Council.

S1.6.4 MARINASENTRUM

- i) Kleurnotasie : donkerblou met kruisarsering;
- Primêre gebruike : sakepersele; vergaderplek; onderwysplek; dorps huise; blokke woonstelle; bootherstelwerf; kanale en aanleplekke vir klein bote.
- Vergunningsgebruike : gelisensieerde hotel; woongeboue.

ii) Grondgebruikbeperkings

Die maksimum vloeroppervlakte, maksimum dekking, maksimum hoogte van geboue, boulyne, parkeervereistes en gebruiksamestelling van die sentrum sal deur die Raad bepaal word ooreenkomstig 'n ontwikkelingsplan wat deur die ontwikkelaar opgestel en deur die Raad goedgekeur moet word. Sodanige ontwikkelingsplan moet aan hedendaagse beplanningsvereistes vir 'n marinasentrum voldoen en moet ook die estetiese voorkoms van geboue en die landskapering van die terrein volledig uiteensit soos omskryf in subklousule iii).

iii) Ontwikkelingsplanne

Alvorens enige grondwerke of landskapwerk op enige gedeelte van die perseel van die marinasentrum gedoen word, of enige gebou, omheining of struktuur van water aard ookal opgerig word, sal ontwikkelingsplanne, tekeninge en spesifikasies vir goedkeuring by die Raad ingedien word, met inbegrip van:

- (a) 'n perseeluitlegplan met mates wat die voorgestelde grondhellings, geboue en ander strukture, gelandskapte gebiede, paaie, parkeerterreine, ingange en uitgange, heinings, tekens, kanale en aanleplekke en alle ander verbeterings insluitende ondergrondse dienste aantoon;
- (b) aansigte met mates, insluitende aansigte van geboue, strukture, heinings, tekens en ander bybehore;
- (c) 'n skedule van alle eksterne materiale, afwerkings en kleurskemas;

S1.6.4 MARINA CENTRE ZONE

- i) Colour notation : dark blue with cross hatching;
- Primary usage : business premises; place of assembly; place of instruction; townhouses, blocks of flats; boat repair shop; canals and small boat moorings.
- Consent uses : licensed hotel; residential buildings.

ii) Land use restrictions

The maximum floor area, maximum coverage, maximum height of buildings, building lines, parking provision and land use combinations of the centre shall be determined by the Council in accordance with a development plan submitted by the developer and approved by Council. Such a development plan shall comply with modern planning principles for a marina centre and illustrate fully the aesthetic appearance of buildings and the landscaping of the site in detail as described in subclause iii).

iii) Development plans:

Prior to the commencement of any earthworks or landscaping on any part of the marina centre site or the erection of any building, fence, or structure of any kind whatsoever, development plans, drawings and specifications shall be submitted for approval by the Council, inclusive of the following:

- (a) a site development plan indicating the dimensions of the proposed site, land gradients, buildings and other structures, landscaped areas, roads and parking areas, entrances and exits, fences, signage, canals and boat mooring places as well as all other improvements, including underground services;
- (b) elevations with dimensions, including aspects of buildings, structures, fences, signage and other furnishings;
- (c) a schedule of all the external materials, finishes and colour schemes;

- (d) 'n landskapplan wat 'n beskrywing gee van die ligging en tipes van plantmateriaal, die ontwerp van grondwerke, plaveisel, straatmeublement en ander bybehorende strukture.

Die Raad mag die voormelde ontwikkelingsplanne goedkeur of afkeur en mag enige wysigings aan die uitleg, materiale, afwerkings of kleurskemas gelas soos hy dit vanduit 'n estetiese oogpunt en/of ter wille van die funksionele koördinering en algemene bevaligheid en doeltreffendheid van die ontwikkeling mag nodig ag. Die Raad mag by die verlening van sy goedkeuring ook sodanige voorwaardes neerlê as wat hy mag goed ag.

Indien die sentrum in afsonderlike erwe verdeel word, sal dit 'n voorwaarde wees dat 'n ontwikkelingsplan vir elke erf opgestel moet word en dat die geheel deur 'n meesterplan vir die totale sentrum gekoördineer sal word, alles tot die algehele tevredenheid van die Raad.

S1.6.5 PRIVATE OOPRUIMTE

- i) Kleurnotasie : geelgroen;
Primêre gebruike : private oopruimte (vide kl. 1.27 van die skemaregulasies).
Vergunningsgebruike : voertuigbergplek.
ii) Grondgebruikbeperkings:
Die gebruik van die verskillende persele en geriewe in hierdie sone sal onderhewig wees aan die toepaslike regulasies en beheer van die Raad.

S1.6.6 PRIVATE OOPRUIMTE (WATERWEE)

- i) Kleurnotasie : blougroen;
Primêre gebruike : kanale en aanlêplekke vir kleinbote.
ii) Grondgebruikbeperkings:
Die gebruik van die verskillende persele en geriewe in hierdie sone sal onderhewig wees aan die toepaslike regulasies en beheer van die Raad.

S1.6.7 ONBEPAAALDE SONE

- i) Kleurnotasie : ongekleurd (Blanko);
Primêre gebruike : slegs die reeds bestaande gebruike sal in hierdie sone toegelaat word.
Ten einde die persele in hierdie sone vir enige bepaalde alternatiewe doel te gebruik sal dit eers hersoneer word.

S1.6.8 ONDERVERDELINGSGBIED

- i) Kleurnotasie : gebied deur vaste, swart lyn omlyn en met notasie "Onderverdelingsgebied";
Grondgebruik : die persele in hierdie sone maak deel uit van die gebied wat ingevolge Art. 16(1) van die Ordonnansie op Grondgebruikbeplanning (Nr. 15 van 1985) as 'n onderverdelingsgebied goedgekeur is. Hierdie goedkeuring is vervat in die Provinsiale Sekretaris se brief AF. 48/1/112 van 11 November 1987 en die toekomstige onderverdeling daarvan is onderhewig aan die voorwaardes wat in gemelde brief vervat is.

S1.7 HOOGTEBEPERKING IN ALGEMENE WOONSONE I EN II

Waar die grondvloer van 'n gebou hoofsaaklik vir die parkering van voertuie gebruik word, behalwe vir ontvangslokale, ingange na trappe en hysbakke, opsigterskamers, stoor- en masjienkamers, mag so 'n vloer uitgesluit word by die bepaling van die toelaatbare hoogte van die gebou.

Torings en ander sier-elemente wat deel uitmaak van 'n gebou in hierdie sone, kan ook met die Raad se toestemming die toelaatbare hoogte oorskry.

S1.8 ESTETIESE BEHEER

Die eksterne voorkoms van alle geboue of strukture wat in die Bylae

- (d) a landscape plan giving a description of the locality and types of plant material, the design of earthworks, paving, street furniture and other appurtenant structures.

The Council may approve or reject the above-mentioned development plans and may instruct changes to be effected to the lay-out, materials, finishes or colour schemes as may be deemed necessary from an aesthetic viewpoint and/or from the functional co-ordination as well as the general amenity and efficiency of the development. The Council may lay down such conditions as may be deemed necessary upon approval of the site development plan.

If the centre is to be subdivided into different erven, it shall be a condition that site development plans shall be drawn up for each separate erf and that these shall be co-ordinated by a master plan prepared for the total centre, all to the satisfaction of the Council.

S1.6.5 PRIVATE OPEN SPACE ZONE

- i) Colour notation : yellow-green;
Primary uses : private open spaces (vide cl. 1.27 of the zoning scheme regulations).
Consent uses : vehicle storage place.
ii) Land use restrictions:
The use of the different sites and amenities in this zone shall be subject to the relevant regulations and control of the Council.

S1.6.6 PRIVATE OPEN SPACE ZONE (WATERWAYS)

- i) Colour notation : blue-green;
Primary uses : canals and moorings for small boats.
ii) Land use restrictions:
The use of the different sites and amenities in this zone shall be subject to the relevant regulations and controls of the Council.

S1.6.7 UNDETERMINED ZONE

- i) Colour notation : uncoloured (Blanko);
Primary uses : only existing uses shall be allowed in this zone.
The use of sites in this zone for any other purpose, shall be subject to the necessary rezoning.

S1.6.8 SUBDIVISIONAL AREA

- i) Colour notation : area bounded by thick black line with notation "Subdivisional Area";
Land use : sites in this zone are part of the area that is approved in terms of section 16(1) of the Land Use Planning Ordinance (15/1985) as a subdivisional area. This approval is included in letter AF.48/1/112, of the Provincial Secretary, dated 11 November 1987 and any further subdivisions will be subject to the conditions contained in the aforementioned letter.

S1.7 HEIGHT RESTRICTIONS IN GENERAL RESIDENTIAL ZONE I AND II

Where most of the ground floor of a building is used for parking of vehicles, except for entrance hallways, entrances to staircases and lifts, caretaker's rooms, storage and machine rooms, such floors may be excluded from the determinations of the permitted height of a building.

Towers and other ornamental elements that are part of a building in this zone, may exceed the permissible height in this zone with the consent of the Council.

S1.8 AESTHETIC CONTROL

The external appearance of all buildings and structures to be

1-gebied opgerig sal word, sal aan die ontwerpvoorskrifte en vereistes van die Huiiseienaarsvereniging voldoen. Tekeninge, bouplanne en ander tersaaklike inligting wat ingevolge klousule 9.2 van die Soneringskema of enige ander bywette of regulasies van die Raad vir goedkeuring aan die Raad voorgelê moet word, sal eers vir goedkeuring op estetiese en ander gronde ingevolge hulle grondwet aan die Huiiseienaarsvereniging voorgelê word.

S1.9 VERGUNNINGSGEBRUIKE

Wanneer die Raad toestemming verleen vir die gebruik van 'n perseel of grondeenheid vir enige doeleinde waarvoor dit ingevolge klousule S1.5 alleenlik met die Raad se spesiale toestemming aangewend mag word, kan die Raad sodanige gebruiksbeperkings ten opsigte van sodanige gebruik neerlê as wat hy goed dink."

erected in the Annexure 1 area, shall comply with the design prescriptions and requirements of the Home-owner's Association. Drawings, building plans and other relevant information required for the approval of the Council in terms of clause 9.2 of the Zoning Scheme or any other by-laws and regulations of the Council shall first be submitted to the Homeowners' Association for consideration on aesthetic and other grounds, in accordance with its constitution.

S1.9 CONSENT USES

When the Council grants consent for the use of a site or portion of land for any purpose for which it may, in terms of clause S1.5 be used only with the special permission of the Council, the Council may impose such restrictions on such use of the land as may be deemed necessary."

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ORDONNANSIE OP GRONDGEBRUIKBEPLANNING, 1985
(ORDONNANSIE 15 VAN 1985)

MUNISIPALITEIT JEFFREYSBAAI:

SONERINGSKEMA:

WYSIGING VAN SKEMAREGULASIES

Ingevolge artikel 9(2) van die Ordonnansie op Grondgebruikbeplanning, 1985 (Ordonnansie 15 van 1985), wysig die Administrateur hierby die Munisipaliteit Jeffreysbaai se skemaregulasies soos volg:

1. Klousule S1.3, deur die volgende woordomskrywing na "Maksimum vloerooppervlakte" in te voeg:

"MOTORHOF beteken 'n toegangstraat wat ontwerp is as 'n kort doodloopstraat wat toegang na nie meer as agt woonerwe bied nie."

2. In klousule S1.5, deur die volgende onder kolom 2 en (3) van Tabel S1.B2 regoor "Marinasentrum" te voeg:

Onder kolom 2 : Openbare bedehuis
Onder kolom 3 : Openbare garage

3. Klousule S1.6.1, op die volgende wyses:

- 3.1 In subklousule S1.6.1 (ii) deur die volgende na "Hoogstens een verdieping" onder Hoogtesone 1 in te voeg:

"maar onderworpe aan subklousules (vi) en (vii)."

- 3.2 In subklousule (iii) deur:

- die volgende nuwe subklousule (a) in te voeg:

"(a) geen gebou behalwe grensmure en heinings mag binne enige geregistreerde servituutgebiede opgerig word nie;"

- die hernoem van bestaande subklousules (a) en (b) om (b) en (c) te word;

- die toevoeging van die volgende subklousule (d) wat soos volg lees:

"(d) onderworpe aan die nakoming van subklousule (a), kan die Raad die oprigting van 'n buitegebou goedkeur wat die straatboulyn oorskry onderhewig daaraan dat

- sodanige straat nie 'n motorhof is nie;
- die gedeelte van die buitegebou wat die straatboulyn oorskry slegs vir die doeleindes van die stalling van motorvoertuie of bote gebruik sal word en dat die lengte daarvan, soos parallel met, of langs die straatgrens gemeet, nie 7 meter mag oorskry nie;
- geen dakoorhang of enige ander gedeelte van die struktuur die straatreserwe mag oorskry nie;
- geen deur in sodanige buitegebou mag na die straat front nie;
- enige venster wat na die straat front, van die nie-oopmaak tipe sal wees en van ondeursigtige glas voorsien sal word;
- voldoende, nie-oordekte parkering vir minstens een motorvoertuig op die erf voorsien sal word; sodanige parkering mag op die oprit voor die motorhuis voorsien word;
- die terugset van die hoofgebou vanaf die straatgrens 6 meter sal wees;
- indien hierdie vergunning toegestaan word t.o.v. buitegeboue op aanliggende erwe, sal dit daaraan onderhewig wees dat die motorhuiseure in dieselfde rigting wys (d.i. die motorhuise mag nie rug-aan-rug geplaas word nie).

LAND USE PLANNING ORDINANCE, 1985
(ORDINANCE 15 OF 1985)

JEFFREY'S BAY MUNICIPALITY:

ZONING SCHEME:

AMENDMENT OF SCHEME REGULATIONS

In terms of section 9(2) of the Land Use Ordinance, 1985 (Ordinance 15 of 1985), the Administrator hereby amends the scheme regulations of the Jeffrey's Bay Municipality as follows:

1. Clause S1.3 to be amended by the insertion of the following paragraph after the definition of "Maximum Bulk":

"MOTOR COURT means an access street which is designed as a short cul de sac and which gives access to not more than eight residential erven."

2. By the amendment of Clause S1.5, Table S1.B2, by the insertion opposite "Marina Centre" where it appears under column 1, of the following:

Under column 2 : Place of Public Worship
Under column 3 : Public Garage

3. Clause S1.6.1 to be amended as follows:

- 3.1 In subclause (ii), by the insertion of the words

"but subject to subclause (vi) and (vii)".

after the words "At most one storey" where these appear opposite Height zone 1.

- 3.2 In subclaus (iii), by the:

- insertion of a new subclause (a) which reads as follows:

"(a) no building except boundary walls and fences shall be erected within the area of any registered servitude;"

- renumbering of existing subclauses (a) and (b) to become (b) and (c).

- insertion of the following subclause (d):

"(d) subject to compliance with subclause (a), the Council may approve the erection of an outbuilding which exceeds the street building line provided

- such street does not constitute a motor court;
- that the portion of the outbuilding which exceeds the street building line shall be used only for the garaging of motor vehicles or boats and that its length, as measured along or parallel to the street boundary shall not exceed 7 metre;
- no eaves overhang or any other part of the structure shall encroach onto the street;
- no door in such outbuilding shall face the street;
- any window facing the street shall be non-opening and shall be glazed in obscure glass;
- adequate, uncovered parking for at least one motor vehicle shall be provided on the site; such parking may be situated in the driveway in front of the garage;
- the main building on the erf shall be set back 6 metre from the street boundary;
- if this concession is allowed with regard to outbuildings on adjacent erven, then it shall be subject to the garage doors facing the same way (i.e. the garages shall not be located back-to-back).

3.3 Deur die toevoeging van die volgende subklousules (vi) en (vii) na klousule S1.6.1 (v):

"S1.6.1 (vi) Nieteenstaande die vereistes van subklousule (ii) kan die Raad toelaat dat gedeeltes van 'n woonhuis in Hoogtesone 1 'n dubbelverdiepingstruktuur mag wees, onderhewig aan die volgende:

- *die eerste vloer se oppervlakte mag nie 20% van die grondvloeroppervlakte van die woonhuis plus buitegeboue oorskry nie;*
- *die eerste vloer moet voldoen aan 'n 6 meter straatboulyn en sal in die algemeen van toepassing wees op daardie gedeelte van die huis wat verder van die straatgrens geleë is;*
- *die hoogte van die gebou soos gemeet vanaf die afgewerkte vloervlak op die grondvloer tot die nok van die dak, mag onder geen omstandigheid 8 meter oorskry nie, behalwe in die geval van toerings en ornamentele strukture;*
- *die plasing van vensters en balkonne op die eerste vloer moet sodanig wees dat dit na die mening van die Raad nie die privaatheid van enige direk-aanliggende eiendom onredelik mag beïnvloed nie;*
- *die skriftelike toestemming van die geregistreerde eienaar van enige aanliggende erf moet vooraf verkry word.*

S1.6.1 (vii) Nieteenstaande die bepalinge van subklousule (ii) en as 'n alternatief tot die bepalinge van subklousule (vi), kan die Raad toelaat dat 'n woonhuis in Hoogtesone 1 'n dubbelverdieping-struktuur mag wees onderhewig daaraan dat:

- *'n straatboulyn van 6 meter gehandhaaf sal word;*
- *die maksimum dekking nie 40% oorskry nie;*
- *die hoogte van die gebou soos gemeet vanaf die afgewerkte vloervlak op die grondvloer tot die nok van die dak, onder geen omstandigheid 8 meter sal oorskry nie behalwe in die geval van toerings en ornamentele strukture;*
- *die plasing van vensters en balkonne op die eerste vloer sodanig sal wees dat dit na die mening van die Raad nie die privaatheid van enige direk-aanliggende eiendom onredelik mag beïnvloed nie;*
- *die skriftelike toestemming van die geregistreerde eienaar van enige aanliggende erf vooraf verkry sal word."*

3.3 By the addition of the following new subclauses (vi) and (vii) after clause S1.6.1 (v):

"S1.6.1 (vi) Notwithstanding subclause (ii) the Council may allow portions of a dwelling house in Height Zone 1 to be a double-storeyed structure provided:

- *the first floor area shall not exceed 20% of the ground floor area of the dwelling house plus outbuildings;*
- *the first floor shall comply with a 6 metre street building line and shall generally be restricted to that part of the house which is the more remote from the street boundary;*
- *the height of the building as measured from the finished floor level of the ground floor to the apex of the roof, shall under no circumstances exceed 8 metre, except in the event of towers and ornamental features;*
- *the location of windows and balconies on the first floor shall not, in the opinion of Council, be such that the privacy of any directly adjacent property is unreasonably affected;*
- *the written consent of the registered owner of any adjoining erf shall be obtained.*

S1.6.1 (vii) Notwithstanding subclause (ii) and as an alternative to the provisions of subclause (vi), the Council may allow a dwelling house in Height Zone 1 to be a double-storeyed structure provided:

- *a street building line of 6 metre shall be complied with;*
- *maximum coverage on such erf shall be 40%;*
- *the height of the building as measured from the finished floor level of the ground floor to the apex of the roof, shall under no circumstances exceed 8 metre, except in the event of towers and ornamental features;*
- *the location of windows and balconies on the first floor shall not, in the opinion of the Council, be such that the privacy of any directly adjacent property is unreasonably affected;*
- *the written consent of the registered owner of any adjoining erf shall be obtained."*