

## **UPDATED TOWN PLANNING SCHEME CLAUSES INDEX**

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## **PART ONE - INTRODUCTION AND INTERPRETATIONS**

- 1.1 **TITLE** - This Scheme shall be known as the Pietermaritzburg Town Planning Scheme.
- 1.2 **DATE OF ADOPTION** - 25 February 2015
- 1.3 **INTERPRETATIONS - GENERAL**
- 1.3.1 Administrator (Premier) means the Administrator (premier) of the Province of Natal (KwaZulu-Natal) acting upon the advice and with the consent of the Executive Committee (Minister) of the said Province.
- 1.3.1 Appeal means an appeal to the Appeals Board in the manner provided for in Section 67*ter* of the Ordinance and an appeal to the Appeals Tribunal as provided for in section 113 of the KwaZulu Natal Planning and Development Act.
- 1.3.2 Appeals Board means the KwaZulu-Natal Planning and Development Appeal Tribunal constituted in terms of the KwaZulu-Natal Planning and Development Act, 2008.
- 1.3.3 Area of Scheme means the urban component of the Msunduzi Municipality.
- 1.3.4 Bylaws means the bylaws, orders or regulations, Municipal Regulations for the time being in force in the area, including the National Building Regulations.
- 1.3.5 Bulk Zone means the area of Land, notwithstanding the Land use zoning, indicated by an appropriate coloured border on the Town Planning Scheme map (Plan TPX 1/1B) wherein a particular range of bulk, coverage and height controls apply.
- 1.3.6 Building unless the context otherwise clearly indicates, means any Building or structure or erection or alteration or addition to an Existing Building, structure or erection above, below or at ground level but shall not include boundary walls, fences or garden ornamentations, not higher than 1,8m above the natural ground level at any one point.

\* These Clauses became operable as per the resolution from the Full Council held on.25 February 2015.

- 1.3.7 Building Line means a line parallel to a street boundary and distance therefrom.
- 1.3.8 Central City Area means the area shown on Plan TPX 1/1.
- 1.3.9 Council's Consent means approval given by the Council to any application made to it under Section 67 of the Ordinance.
- 1.3.10 Council means the Council of The Msunduzi Municipality.
- 1.3.11 Development means the carrying out of Building, engineering, mining or other operations in, on, over or under Land, or the making of any material change in the use of any Buildings or Land and includes the demolition of any Building or structure.
- 1.3.12 Density Zone and Density Zoning Map means respectively, the area of Land (in square metres) required for each Dwelling and attendant Frontage (in metres), and the map (TPR G/56F) depicting the delimitation of the various areas and Frontages.
- 1.3.13 Effective Date Means the date upon which the municipality resolved to prepare the scheme in terms of Chapter 2 of the KwaZulu-Natal Planning and Development Act, 2008 that date being 25 February 2015...

Effective Date	Reference to Part of Municipal Area	Proclamation/Notice defining part of Municipal area
1.8.1952	Borough and Raisethorpe	No. 39 of 1950
8.8.1959	Allandale	No. 87 of 1958
15.5.1961	Newholme	No. 37 of 1960
15.5.1961	Raisethorpe School	No. 50 of 1960
6.5.1965	Imbali (excised)	No. 36 of 1964
27.8.1968	Greater Northdale and Dunveria respectively of 1968	Nos 62 and 63
11.8.1972	Ptn 4 of Farm Bishopstowe (Eastwood)	No. 123 of 1974
1.8.1952	Ptn 142 of A-G Lots (excised) (Eastwood)	No. 46 of 1985

Effective Date	Reference to Part of Municipal Area	Proclamation/Notice defining part of Municipal area
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16.1.1986	Erf 26, 27 New England	No. 46 of 1985
10.1.1986	Ptns of 35 of Shortts Retreat No. 128	No. 46 of 1985
11.8.1972	Ptn 4 of Lot No. 1515 Jesmond Dene	No. 41 of 1972
25.7.1973	Area to North and East of of Borough (Parts of Dunveria and Copes Folly)	Notice dated 28.4.88
25.7.1973	Surrey Farm	Notice dated 11.5.89
25.7.1973	Erf 30 and 31	No. 108 of 1984
1.8.1952	Subs of Lots A-G (excised)	No. 60 of 1989
6.7.1993	Ptns of 37 of Shortts Retreat No. 1208	No. 5 of 1993
1.9.1994	Erf 781 Pietermaritzburg (excised)	No. 27 of 1994
14.01.1988	All areas within the TLC area	No. 167 of 1995
10.03.2015 February 2015	Sobantu and Greater Edendale	Witness Notice dated 10

- 1.3.14 Erf means any piece of land registered in the deeds registry as an Erf, lot, plot, stand or farm and includes a portion of an Erf, lot, plot or stand.
- 1.3.15 Existing Building / Existing Work means, respectively -
- 1.3.15.1 a Building and / or work erected, constructed or carried out before the Effective Date.
- 1.3.15.2 a Building and / or work erected, constructed, or carried out in pursuance of a valid approval granted before the Effective Date.
- 1.3.15.3 a Building and / or work begun before the Effective Date and completed or carried out in accordance with permission granted by the Council.
- 1.3.15.4 a Building and / or work erected, constructed or carried out in accordance with permission granted by the Council pending the preparation and adoption of the Scheme.
- 1.3.16 Existing means, in relation to any Buildings or Land, and subject to the provision of Clause 1.3.16.2, a continuous use of that Building or Land for the same purpose or a purpose of substantially similar character as that for which it was being used on the Effective Date and which in the opinion of the Council is not more detrimental to the amenities of the area in which it is situated and includes a use approved by the Council pending the preparation and adoption of the Scheme.

- 1.3.16.1 Subject to the provision of Clause 1.3.17.2 where authority to erect a Building was obtained prior to the Effective Date or where a Building was in course of construction at the Effective Date, that Building may be completed and its use may be continued for the purpose for which it was designed including any conditions which may have been imposed by the Council.
- 1.3.16.2 If the existing use of any Building or Land is discontinued after the Effective Date for a continuous period exceeding 18 months, such existing use shall be deemed to have lapsed.
- 1.3.17 Existing Erf means an Erf existing at the Effective Date or a Erf approved by the Council before the adoption of this Scheme and which approval is not deemed to have lapsed under Section 18(6) of Ordinance No. 14 of 1936, as amended.
- 1.3.18 Frontage means that portion of the boundary of an Erf which along its length abuts on and communicates directly with a street which is a public place as defined in the approval of the Council granted in terms of Ordinance No 14 of 1936, as amended.
- 1.3.19 Planning and Development Act Planning and Development Act (PDA) means the KwaZulu Natal Planning and Development Act, 2008 (Act 6 of 2008).
- 1.3.20 Land includes land covered by water and any right in or over land. Any reference to land is limited to land in the Scheme area.
- 1.3.21 Land Use Zone means an area of Land, indicated by an appropriate colour on the Town Planning Scheme maps whereon the use is limited in accordance with the appropriate land use schedules contained in Part Two of the Scheme.
- 1.3.22 Ordinance means the Town Planning Ordinance No. 27 of 1949, as amended.
- 1.3.23 Owner in relation to any Building, structure or Land, means and includes -
- 1.3.23.1 the person in whose name the title to such Building, structure or Land is registered; or
- 1.3.23.2 if such person is dead, insolvent, mentally disordered or defective, a minor or under any mental disability, the person in whom the administration of that person's estate is vested, whether as executor, guardian or in any other capacity whatsoever ; or
- 1.3.23.3 if the premises are under lease, the registration whereof is in law necessary for the validity of such lease, the lessee. When any Owner as herein defined is absent from the area or his

whereabouts unknown, the expression “Owner” includes the agent of such owner or any person receiving or entitled to receive, rent in respect of the premises.

- 1.3.24     Overlays            an Overlay applies, in addition to the underlying zone or base zone of the properties to which it relates, and may vary the development rules relating to a particular area or land unit, or may set new development rules.
- 1.3.25     Premier                 means the Premier of the Province of KwaZulu-Natal acting upon the advice and with the consent of the Minister of the said Province.
- 1.3.25     Publish                 means to publish in the manner contemplated in Sections 67*bis* of the Ordinance and Item 6 (1) of Schedule 1 of the KwaZulu-Natal Planning and Development Act, as the case may be, as determined by the Council.
- 1.3.26     Rear Space               means the space between the rear boundary of an Erf and the elevation for the full height of a Building facing the rear boundary. For the purposes hereof, a rear boundary shall mean that boundary which is approximately parallel to and further from a street boundary and does not meet a street boundary. Provided that in any case of doubt, the Council shall determine which is a rear boundary.
- 1.3.27     Regulations             means an appendix to the Clauses, which shall be read in conjunction therewith, to include any matter which the Council considers necessary to assist in the administration and carrying into effect of the Scheme. Such regulations shall only become effective upon adoption thereof as part of the Scheme.
- 1.3.28     Reservation             means an area of Land set aside for new roads or the widening or other improvement of existing roads, or for purposes of recreation or for parks and other open spaces, aerodromes, the parking of vehicles and other matters generally of a public nature.
- 1.3.29     Schedule                means a list or other collection of information which is of a non-statutory nature, which is intended to assist in the interpretation and implementation of the Scheme Clauses. Such schedules may be added to the Scheme Clauses by resolution of the Council.
- 1.3.30     Side Space              means the space between the side boundary of an Erf and the elevation for the full height of a Building facing the side boundary. For the purposes hereof, a side boundary shall mean that boundary or those boundaries as the case may be, which meet a street boundary and any other boundary which is neither a street boundary nor a rear boundary.

- 1.3.31 Site means an area of Land, being an Erf which is zoned for a particular purpose, or a portion of an Erf which is zoned for a particular purpose, or two or more contiguous **Erven** which area zoned for the same purpose which accommodates, or is to accommodate, a Development.
- 1.3.32 Special Consent means an application to the Council, made in terms of Section *67bis* of the Ordinance.
- 1.3.33 Town Planning Scheme Maps means the maps forming part of the Scheme as advertised and adopted by Council.

#### 1.4 AREA OF SCHEME

The area covered by the Scheme is shown on the Town Planning Scheme Maps and covers the area under the jurisdiction of the Council, as scheduled under Clause 1.3.13 hereof.

#### 1.5 RESPONSIBLE AUTHORITY

The Council shall be the authority responsible for enforcing and carrying into effect the provisions of the Scheme.

#### 1.6 INTERPRETATION - USE OF LAND AND BUILDINGS

- 1.6.1 “Agricultural Building” means a Building or part of a Building designed for use in connection with, and which would ordinarily be incidental to, or reasonably necessary in connection with, the use of the Site of that Building as Agricultural Land, and includes an ancillary Dwelling.
- 1.6.2 “Agricultural Land” means arable, meadow, or pasture land, market gardens, poultry farms, nursery gardens and Land used for the purpose of breeding or keeping domestic animals, poultry or bees, or agriculture.
- 1.6.3 “Bed and Breakfast”
- 1.6.4 “Boarding House” means a Building providing lodging to persons not comprising a family, with or without meals, for more than three (3), but not more than fourteen (14) persons, and shall include -
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  -
- 1.6.5 “Business Premises” means a Building or part of a Building designed for use as an office other than a Specialised Office, or other business purpose, but does not include a Place of Instruction or a Place of Public Entertainment, or any Building mentioned by way of inclusion or exclusion, in the definition of Institution or a Building used or designed for use as a Shop, Public Garage, Parking Garage, Light Industrial Building, Industrial Building or Noxious Industrial Building.
- 1.6.6 “Caravan Park” means an area of Land provided, to the satisfaction of the Council, with ablution and sanitary facilities and with or without a communal kitchen, constructed of permanent materials, arranged for the accommodation of caravans which are used for temporary Dwellings, and provided also with permanent water points, approved refuse receptacles and

containing within the curtilage a sufficient open space for recreational purpose and includes incidental commercial use. The design and layout standards shall conform to the South African Bureau of Standards Code of Practice for Caravan Parks.

- 1.6.7 “Car Wash” means land or buildings used for the washing, polishing and cleaning of motor vehicles.
- 1.6.8 “Dwelling” means a coherent suite of rooms used, or designed for use, as residential accommodation for a single family and shall -
- (i) in respect of Sites within Density Zones allowing 20 units/ha and greater, comprise not more than six (6) habitable rooms, save with the Special Consent of the Council, and shall in any event, include not more than one (1) kitchen, which may be in addition to the allowable number of habitable rooms;
  - (ii) in respect of Sites within Density Zones allowing 15 units/ha and less, comprise not more than ten (10) habitable rooms, save with the Special Consent of the Council and shall in any event include not more than one (1) kitchen, which may be in addition to the allowable number habitable rooms.
- 1.6.9 “Dwelling Unit” means an interconnected suite of rooms including one kitchen, designed for occupation normally by a household and may include such outbuildings as are ordinarily incidental thereto. A flat, cluster unit and duplex dwelling may also constitute a dwelling unit.
- 1.6.10 “Extractive Industry” Means any activity, premises, building and/or land upon which the process of extracting, mining, winning or quarrying of raw materials from the ground is undertaken, including gravel, sand and stone and includes buildings and crushing plant used in connection with such process, but excludes the processing of such minerals by means of smelting, etc., which would be classified under “Industry-High Impact” and crushing of products which are not mined on site.
- 1.6.11 “Flat” means a suite of rooms not being a single Dwelling or semi-detached house, contained in a Building having one or more floors.

## 1.6.12 “Home Activity”

means an activity or use in, or in conjunction with a Dwelling or Residential Building, or a structure erected on the Site of an existing Dwelling or Residential Building which -

1. shall be limited to the owner of the property, who shall reside thereon, provided that the Council may in exceptional circumstances, and if it is satisfied that the prime use of the Dwelling as a residence will in no way be prejudiced, permit the activity to be conducted by a person other than the owner;
2. shall not involve work on more than four motor vehicles provided that the Council may in exceptional circumstances and if it is satisfied that the prime use of the dwelling as a residence and the amenities of the neighbourhood will not be prejudiced, permit work to take place on more than four motor vehicles;

3. shall not involve the parking of any vehicle with a tare mass exceeding 2000kg, being parked on or adjacent to the site;
4. shall not involve the regular congregation of more than five persons on the site nor the employment of more than three persons on the site;
5. shall not involve any activity or work between the hours of 18h00 and 06h30, except with the specific approval of the Council;
6. shall not occupy a floor area greater than 10% of the total area of the site subject to this not being in excess of 25% of the floor area of the dwelling but shall not, in any event exceed 50m<sup>2</sup>, save with the Special Consent of the Council;
7. shall not involve the erection of a sign larger than 600mm by 450mm, indicating the nature of the activity. Such sign shall be of a material and shall utilise a style and size of lettering which will complement the residential character of the dwelling, and which shall be placed on the main wall of the Building and shall be in compliance with the Signs Bylaws;
8. shall not produce a noise level exceeding 7db above the ambient noise level, measured at any point on the property boundary;
9. shall not generate traffic sufficient to warrant the provision of additional parking;
10. shall not involve the quoting of any residential address in any advertisement of the activity;
11. shall not involve any major storage of goods or items associated with the activity on or adjacent to the site;
12. shall in the case of the keeping of livestock, be subject to the requirements of the Health and other Bylaws;

13. shall in the case of the establishment of a childminder/playschool -
- i) generally, shall be operated by one person only, who shall reside on the property, although an assistant may be employed at the discretion of the Council;
  - ii) shall be limited to the accommodation and care of not more than twelve children, other than those of the applicant; and
  - iii) shall be limited to operate between the hours of 07h00 and 17h30.

1.6.13 “Home Business”

means the conduct of an occupational activity in a Dwelling or Residential Building which -

1. shall be limited to the Owner of the property, who shall reside thereon, provided that the Council may in exceptional circumstances, and if it is satisfied that the prime use of the Dwelling as a residence will in no way be prejudiced, permit the activity to be conducted by a person other than the Owner.
2. shall not involve work on motor vehicles ;
3. shall not involve the regular parking of more than two motor vehicles with a tare mass exceeding 2000kg, on or adjacent to the Site at any one time, and such parking to be located to the rear of the Dwelling, where possible;
4. shall not involve the regular congregation of more than five persons on the Site nor the employment of more than three persons on the Site;
5. shall not produce a noise level exceeding 7db above the ambient noise level, measured at any point on the property boundary;
6. shall not utilise machinery other than electrically- driven or hand machinery, provided that no single machine shall be rated at more than 1,5kW ;
7. shall not involve any activity or work between the hours of 21h00 and 06h00 , except with the specific approval of the Council ;

8. shall not occupy a floor area greater than 10% of the total area of the Site subject to this not being in excess of 25% of the floor area of the Dwelling but shall not, in any event, exceed 50m<sup>2</sup>;
9. shall not involve the erection of a sign larger than 600mm by 450mm, indicating the nature of the activity. Such sign shall be of a material and shall utilise a style and size of lettering which will complement the residential character of the Dwelling, and which shall be placed on the main wall of the Building and shall be in compliance with the Signs Bylaws.
- 1.6.14 “Industrial Building” means a factory or Building used as a factory, as defined in Section 3 of the Factories, Machinery and Building Work Act of 1941.
- 1.6.15 “Informal Trading” means an area in which small-scale economic activity is permitted, provided that each operator occupies a space of not more than 30m<sup>2</sup> in extent. Provided further that no specific town planning controls shall be applicable, except those deemed necessary by the Council.
- 1.6.16 “Institution” means a Building used or designed for use as a public or charitable institution, hospital, nursing home, sanatorium or dispensary, whether public or private, but does not include Buildings designed wholly or principally for any of the following uses
- 1.6.12.1 a hospital, sanatorium, dispensary or clinic for the treatment of infectious or contagious diseases;
- 1.6.12.2 a certified institution, certified house, or approved home for mental defectives ;
- 1.6.12.3 a mental hospital;
- 1.6.12.4 a public assistance institution;
- 1.6.12.5 a retirement centre, developed by private person or persons.
- 1.6.17 “Light Industrial Building” means an industrial Building in which no solid fuel is used in connection with any industrial process, and in which the only power-driven machinery used is driven by electricity, no single motor being rated at more than 7,5kW,

Provided that –

- 1.6.17.1 A warehouse shall be included in this definition;
- 1.6.17.2 A workshop on the same premises as, and incidental to the conduct of a retail business shall not be considered as a Light Industrial use ; and
- 1.6.17.3 A retail Shop on the same Site as and for the sale of articles manufactured or assembled on the Site, or incidental to such articles manufactured or assembled on the Site of a Light Industrial Building shall be considered as part of such Light Industrial Building.
- 1.6.18 “Medium-Density Housing” means a group of two or more Dwellings contained in a Building not exceeding two Storeys in height, which has been designed as a harmonious entity together with such Outbuildings as are ordinarily used therewith. The individual units may be attached or detached.
- 1.6.19 “Motor Salesroom” means a Building or part of a Building other than a Parking Garage, used or designed for the sale and exchange of motor vehicles by way of trade or for the purpose of gain and shall include Land associated with such uses together with the sale of spares and items ancillary and incidental to the motor trade, but shall specifically exclude a Petroleum Filling Station.
- 1.6.20 “Motor Workshop” means a Building or part of a Building , other than a Parking Garage, used or designed for the purpose of the storage or repair (including panel beating and spray painting) of motor vehicles, or for any one or more of these uses, by way of trade or for the purposes of gain, but shall specifically exclude a Petroleum Filling Station, but may include the sale of spares and items ancillary and incidental to the motor trade.
- 1.6.21 “Noxious Industrial” means a Building or part of a Building designed or

## Building”

used for the purpose of carrying on an offensive trade, such as, blood boiling, tallow melting, fat melting or extracting, soap boiling, tripe boiling or cleaning, skin storing, bone storing, fell-mongering, skin curing, blood drying, gut scraping, leather dressing, tanning, glue making, size making, charcoal burning, manure making, manure and fertilizer storing, parchment making, malt making, yeast making, cement works, coke ovens, salt glazing, sintering of sulphur bearing materials, viscose works, smelting ores and minerals, calcining, puddling and rolling of iron and other metals, conversion of pig-iron into wrought iron, reheating, annealing, hardening, forging, converting and carburising iron and other metals, works for the production of, or which employ, carbon bisulphide, cyanogen or its compounds, hot pitch or bitumen, pulverised fuel pyridine, liquid or gaseous sulphur dioxide, sulphur chlorides, works for the production of amyl acetate, aromatic esters, butyric acid, caramel, enamelled wire, glass, hexamine, iodoform, lampblack, B-naphthol, resin products, salicylic acid, sulphonated organic compounds, sulphur dyes, ultramarine, zinc chloride, and zinc oxide, and any trade not included herein but which is mentioned in the Natal Offensive Trades Regulations. Where the activities are subject to the National Environmental Management: Waste Act, 2008 (Act 59 of 2008), or the National Environmental Management: Air Quality Act, 2004 (Act 39 of 2004), or succeeding legislation or where the materials being handled meet the definition of „Dangerous Goods”, in terms of the South African National Standards No. 10234, supplement 2008: 1.00’s designated “List of classification and labelling of chemicals in accordance with the Globally Harmonized System (GHS)” published by Standards South Africa, or any industrial activity, which in the opinion of the Municipality, may be deemed harmful or noisome.

Provided that upon the production of a certificate by the Medical Officer of Health that the process which it is proposed to employ in the conduct of any of the afore going industries, or factories, will eliminate nuisance or danger to health in neighbouring premises arising from -

- (a) vapour or effluvia,

- (b) fluids or liquid waste matters to be discharged from the premises, and if Land treatment of such matters is proposed the nature, slope and area of the land, and its position in relation to Dwellings, streams and water-courses,
- (c) solid waste matters,

the Council may grant its Special Consent to the erection and use of Noxious Industrial Buildings in the Light Industrial and General Industrial zones.

1.6.22 “Outbuilding”

means a Building attached to or separate from a Dwelling and ancillary to a Dwelling and may -

- (i) in respect of Sites within Density Zones allowing 20 units/ha and more, comprise domestic garages for not more than two (2) motor cars and servant's room with toilet and bathroom facilities and with the Special Consent of the Council, other domestic rooms;
- (ii) in respect of Sites within Density Zones allowing 15 units/ha and less, comprise domestic garages for not more than four (4) motor cars, two (2) servant's rooms with toilet and bathroom facilities and with Special Consent of the Council, other domestic rooms.

Provided that the floor area of the Outbuilding shall not exceed 30% of that of the Dwelling to which it is ancillary, save with the Special Consent of the Council.

Provided further that, if the owners of the properties adjoining the Site in question, as well as any other owners whom the Council may determine, give their consent in writing to such Outbuilding, the Council may waive the Special Consent Procedure.

1.6.23 “Park Home Estate”

means an area of Land laid out with adequate roads and essential services and open space and communal facilities which may include incidental commercial use, intended for the accommodation of factory-assembled self-contained Dwellings each unit of which can be transported from the factory to the destination in not more than two

sections and which, when placed in position, is ready for occupation once the essential services have been connected.

- 1.6.24 “Parking Garage” means a Building or part of a Building used or designed for the purpose of parking, washing and servicing of motor vehicles but does not include a Building any part of which is designed for use as a workshop for the repair of motor vehicles or for the sale of petrol, oil and accessories.
- 1.6.25 “Parking Lot” means Land utilised for the parking of motor vehicles at the ground level only. Provided that no Buildings shall be erected other than an open sided roof structure.
- 1.6.26 “Petroleum Filling Station” means a Building or part of a Building used or designed for the sale only of petroleum, oil and other fuels and lubricants and accessories used in connection with motor vehicles, and includes an office and storeroom for use in connection therewith, together with facilities for the washing and servicing of motor vehicles which do not require the attention of more than one qualified mechanic or other artisan and a tearoom with retiring rooms. Provided that a Restaurant and/or a Shop, with a combined floor area of 150m<sup>2</sup> may be provided on the same site.
- 1.6.27 “Place of Instruction” means a Building or part of a Building used or designed as a school, college, technical institution, academy, lecture hall, or other educational centre, and includes a monastery, convent, public library, art gallery, museum, gymnasium, crèche, playschool, child minder, but does not include a Building designed for the use wholly or principally, as a certified reformatory, or industrial school, or as a school for mentally defective children.
- 1.6.28 “Place of Public Entertainment” means any of the places specified hereunder to which members of the public has access -
- 1.6.28.1 a theatre, cinema, music hall or concert hall;
- 1.6.28.2 a dance hall; tavern; night club; bar premises licensed to sell on-site consumption of liquor; and may provide eating facilities.
- 1.6.28.3 an hall for exhibitions whether of agriculture, trade or industry or otherwise;

- 1.6.28.4 a public hall being a Building or portion of a Building not used or intended to be used exclusively for any one of the specific purposes set out under 1.6.24.1, 1.6.24.2 and 1.6.24.3 above, but used generally for several of such purposes on occasions as and when required;
- 1.6.28.5 a skating rink;
- 1.6.28.6 a billiard saloon;
- 1.6.28.7 a Building used or designed for use for the purpose of a racecourse or race track for animals or vehicles;
- 1.6.28.8 a Building used or designed to be used for the purpose of a sports ground, where an admission charge is made ;
- 1.6.28.9 a Building used or designed to be used for the purpose of an amusement park;
- 1.6.28.10 any other place used or designed to be used for public entertainment or amusement but shall not include drive-in-cinema, which shall be deemed to be a Special Building.
- 1.6.29 “Place of Worship” means a Building or part of a Building used or designed for use as a church, chapel, oratory, meeting-house, synagogue, temple, mosque or other place of public devotion, and includes a Building for use as a sunday school, and an institute or other Building designed for purposes of social intercourse and recreation, within the same Site as, and associated with any of the foregoing Buildings, but does not include a funeral chapel which shall be deemed to be a Special Building.
- 1.6.30 “Public Garage” means a Building, or part of a Building other than a Parking Garage, used or designed for the purpose of the sale, exchange, storage repair and fuelling of motor vehicles, or for any one or more of these uses, by way of trade or for the purposes of gain, and includes restaurants and limited retail trade facilities.
- 1.6.31 “Public Office” means an office Building for Local, Provincial or Central Government purposes and includes an administrative office, local authority office, town hall, government office, court house, police station, post office and Buildings ordinarily

ancillary thereto.

- 1.6.32 “Residential Building” means a Building or part of a Building other than a Dwelling or Flat, designed for use for human habitation, together with such Outbuildings as are ordinarily used therewith, and includes blocks of tenements, apartment houses, hotels, 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 Institution.
- 1.6.33 “Restaurant” means a Building or part of a Building used for the purpose of the provision of foodstuffs which may include the provision of malt, wines and spirits, to customers for consumption on the premises only.
- 1.6.34 “Self-contained Residential Unit” means a Building utilised for habitable residential purposes and which shall comply with the following requirements -
- (i) the unit shall be for the accommodation of not more than 2 persons who shall be aged parents of the owner or, in exceptional circumstances satisfactory to the Council, other members of the owner's family;
  - (ii) the unit shall comprise not more than one bedroom, a lounge/dining room, a kitchen and a bathroom/ toilet;
  - (iii) except in special circumstances satisfactory to the Council, the unit shall not be accessible from within a Dwelling or Outbuilding to which it may be attached;
  - (iv) the total floor area of the unit shall not exceed 25% of the total coverage of the Dwelling on the Site, save with the Special Consent of the Council.

Provided further that, if the owners of the properties adjoining the site in question, as well as any other owners and/or organisations whom the Council may determine, give their consent in writing to a unit in excess of 25% of the total coverage of the dwelling on the site, the Council may waive the Special Consent procedure.

- 1.6.35 “Service Industrial Building” means an Industrial Building wherein the activity conducted caters specifically for the local customer, and includes a building contractor business, electrical contractor business, baker and laundry business and similar activities.
- 1.6.36 “Service Workshop” means a Service Industrial Building wherein not more than five persons are employed and dealing only with the repair and servicing of domestic appliances, but does not include an electrical contractor business.
- 1.6.37 “Shop” means a Building or part of a Building used or designed for the purpose of carrying on retail trade, not being a Noxious Industrial Building, a Petroleum Filling Station, or Parking Garage, or Public Garage and includes an Industrial Building on the same premises and ordinarily incidental to the conduct of the retail business thereon.
- 1.6.38 “Social Hall” means a Building used or designed to be used for social meetings, gatherings and recreation and includes a non-residential club but does not include a Place of Public Entertainment, provided on clause 1.6.28.2
- 1.6.38.1 the occasional use, being the use of not more than eighteen days in any one year, (ending on the 31st December) of a social hall for any purpose of public entertainment or amusement shall not for the purpose of this scheme be deemed to constitute a Place of Public Entertainment as defined,
- 1.6.38.2 nothing in the foregoing clause 1.6.34.1, shall affect the provisions of any other law relating to the use of premises for the purpose of public entertainment.
- 1.6.39 “Special Building” means a Building or part of a Building used or designed for any use other than one of the uses specifically defined herein, and shall include a funeral chapel, undertaker, drive-in cinema, roadside cafeteria, off-course totalisator and beerhall.
- 1.6.40 “Specialised Office” means a room or suite of rooms used for transacting business other than that of a retail or wholesale nature and shall include a consulting room or rooms for a professional or similar person or organisation, or any room or rooms where administrative work is carried out. The

storage or display of goods whether for sale or not shall not be included in this definition.

#### 1.7 USE OF LAND OR BUILDING FOR MORE THAN ONE PURPOSE

Where a Building is used, or a proposed Building is designed, for more than one purpose, it shall be treated for the purpose of this Clause as being used or designed partly for each of those purposes, but where the several purposes cannot be clearly defined, it shall be treated as being used or designed for its predominant use, and the Council may, if the person having control of, or proposing to erect the Building, makes application for the purpose, decide which is the predominant use. The Council shall give notice of any decision under this clause to the applicant, and the person so notified, if aggrieved, may Appeal.

#### 1.8 EXISTING USE RIGHTS

Notwithstanding the Land Use Zoning and the relevant Clause, an Existing Use shall be permitted to remain and to be continued, subject to the following limitations:

- 1.8.1 The total internal floor area of the Building shall be permitted to be increased, as an expressly permitted use, by not more than one-eighth (1/8) of the total internal floor area existing before the first such increase since the Effective Date.
- 1.8.2 The Council may, upon application having been made to it for its Special Consent, approve of additions to the Building, or may approve of the entire replacement of the Building, such additions or new Building being in conformity with the provisions of the Scheme, provided it is satisfied that the proposed additions or new Building will not be more detrimental to the amenities of the neighbourhood.
- 1.8.3 The Council may, upon application having been made to it for its Special Consent, approve of the establishment of a use which is not in conformity with the Land Use Zoning and the appropriate clause to replace, or be in addition to, an Existing Use which is not in conformity with the Scheme, provided it is satisfied that the new or additional use, as the case may be, will not be more detrimental to the amenities of the neighbourhood.
- 1.8.4 Any person who has submitted an application or has lodged objections under the previous clauses 1.8.2 and 1.8.3, and who is aggrieved by the Council's decision in the matter, may Appeal.

#### 1.9 TRANSITIONAL USE RIGHTS

Any consent, permission or approval granted in terms of the provisions of a Town Planning Scheme in force for the erection or use of buildings or for the use of land, or any rights legally exercised in terms of such "Scheme", shall be deemed to be a consent, permission or approval in terms of the provisions of this "Scheme": Provided that any such consent, permission or approval shall continue to be of force subject to the provisions of the KwaZulu-Natal Planning and Development Act, 2008 (6 of 2008) to the extent that the same may be in conflict with this "Scheme".

Where any application is on the date of commencement of this "Scheme" pending before the Local Authority in terms of a "Scheme" substituted by this "Scheme", it shall be dealt with as if this "Scheme" has not been promulgated and be finalised accordingly.

Save that alterations or additions to existing buildings shall be carried out in compliance with the provisions of this “Scheme”, existing buildings shall not be affected by the provisions of this “Scheme”. For the purposes of this clause, should a building in the opinion of the “Municipality” be substantially altered, such buildings shall be subject to the provisions of this “Scheme”.

Should an existing building be built across Erf boundaries, any changes to that building shall require that a consolidation first be approved and registered prior to the approval of any alterations or additions to the building(s).

## **PART TWO - ERECTION AND/OR USE OF BUILDINGS AND USE OF LAND**

### **GENERAL**

- 2.1 The nature, extent and location of the various Use Zones is indicated on the Use Zoning maps of the Scheme, and reference to the appropriate Clause in this part of the Scheme specifies the Development or uses of Land or the erection or uses of Buildings which, under the provisions of the Scheme are -
- 2.1.1 expressly permissible;
  - 2.1.2 expressly prohibited; or
  - 2.1.3 neither expressly permissible nor expressly prohibited, but may be permitted by Special Consent.
- 2.2 Where the Development or uses of Land or the erection or uses of Buildings may be permitted by Special Consent, any applicant or any person who has objected thereto, who is aggrieved by the decision of the Council, may Appeal, as provided for in Section 67*ter* of the Ordinance.

### **CALCULATION OF BULK, COVERAGE AND HEIGHT**

- 2.3 The provisions of this clause regulate the Bulk, Coverage and height of Buildings and shall be subject to any other provisions of this Scheme. For the purposes of the Scheme, the following words shall have the meanings hereunder assigned to them unless the context indicates otherwise.
- 2.3.1 “Bulk” in relation to a Building means the total floor area, including all Floor levels. In calculating such total Floor area the thickness of all walls shall be included.
  - 2.3.2 “Bulk Factor” in relation to a Building means the figure arrived at by dividing the Bulk of a Building by the zoned area of the Land and including the area of servitudes which may be reserved for another purpose, upon which the Building exists or is to exist.
  - 2.3.3 “Coverage” in relation to a Building means the area of the Land which the Building covers as represented by the area of any horizontal cross-section of that Building.  
  
Provided that any roofed-over pedestrian concourse or mall, or unroofed cantilevered canopy or unroofed balcony shall be excluded from such coverage.

Provided further that in the case of an open-sided structure, coverage shall be taken as the area contained within the outer limits of the upright supporting columns thereof.

- 2.3.4 “Coverage Factor” in relation to a Building, means the figure arrived at by dividing the Coverage of a Building by the zoned area of the Land and including the area of servitudes which may be reserved for another purpose, upon which the building exists or is to exist.
- 2.3.5 “Storey” or “Floor” means each of the horizontal sections of a Building, one above the other, having a Floor but shall not for the purpose of calculating the number of Storeys in a Building be deemed to include the following-
- (i) a mezzanine Storey unless the total area of the Floor of the mezzanine Storey is more than twenty per cent (20%) of the area of the Floor of the Storey immediately beneath it;
  - (ii) any Storey the Floor of which is more than 2m below the mean level of the ground immediately surrounding the Building and contiguous to the base of its external walls;
  - (iii) any Storey consisting solely of lift motor rooms, water storage tanks, electricity sub-station or transformer rooms, ornamental towers and other similar architectural features.
- 2.4 No Building shall be erected, altered or extended so as to -
- 2.4.1 exceed the Bulk Factor applicable to that Building specified in the appropriate Table applicable to the particular Use Zone;
  - 2.4.2 exceed at any level the Coverage Factor applicable to that Building, specified in the appropriate Table applicable to the particular Use Zone;
  - 2.4.3 exceed the number of Storeys or height specified in the appropriate Clause applicable to the particular Use Zone;
  - 2.4.4 exceed the number of Dwellings specified in the appropriate Clause applicable to the particular Use Zone.

- 2.5 For the purpose of determining the Bulk Factor and Coverage Factor of any Building the following provisions shall apply -
- 2.5.1 Where two or more Buildings exist, or are to be erected on any one subdivision of Land, the total Floor area and Coverage of those Buildings, shall be taken into account.
- 2.5.2 The Bulk and Coverage of any existing Building or Buildings on any one subdivision of Land shall be added to the Bulk and Coverage of any new Buildings, alteration or extension to be erected on the Land, unless the existing Building or Buildings are to be demolished as a consequence of such Building work;
- 2.5.3 In the case of a Building designed or used for more than one purpose, the Bulk Factor applicable to the whole Building shall be the mean of the Bulk Factors applicable to each use which occupies more than 25% of the Floor area of the Building. Provided that in no case shall any portion of the Building designed or used for a particular use be permitted to exceed in Bulk the maximum for that use prescribed in the appropriate Clause in respect of the Site concerned;
- 2.5.4 In the case of a Building designed or used for more than one purpose, and where a Dwelling is, or Dwellings are, accommodated in that Building, the overall Bulk Factor applicable to the major use, other than residential, prescribed in the appropriate Clause in respect of the Site concerned shall apply, provided that the Floor area of any use shall not exceed the maximum area permitted, or number of Dwellings prescribed in the appropriate Clauses.
- 2.5.5 The said provisions of Clauses 2.5.3 and 2.5.4 hereof shall apply *mutatis mutandis* to and in respect of the Coverage and the Coverage Factor of any Building at any one Floor level.
- 2.5.6 In calculating the Bulk of any Building no account shall be taken of :
- 2.5.6.1 the area of the Floor of any part of a Building, which Floor is more than 2m below the mean level of the ground immediately surrounding the Building and contiguous to the base of its external walls;
- 2.5.6.2 the Floor area of any lift motor rooms, water storage tanks, lift wells, electricity sub-station or transformer rooms, external stairs, external access passages, canopies, towers, turrets, spires, belfries, or other such architectural features;
- 2.5.6.3 the area of any mezzanine Floor unless the total area of such mezzanine Floor is more than twenty per cent (20%) of the area of the Floor of the Storey immediately beneath it;
- 2.5.6.4 the area of any Floor or portion thereof used for the parking of vehicles, except in the case of a Building used and designed for use as a Parking or Public Garage;
- 2.5.6.5 the Floor area of any pedestrian concourse within a shopping precinct to the extent that it does not exceed 20% of the reckonable Bulk of the Building.

2.5.7 In calculating the height of a Building or structure :

- 2.5.7.1 no part of a Building or structure shall project above or beyond a line drawn towards the Land containing the Building or structure at an angle of  $60^{\circ}$  to the horizontal from any point on that street boundary which is opposite the street boundary of the Land concerned, such line being aligned so as to be at right angles to the street boundary of the Land concerned;
- 2.5.7.2 if a Building or structure occupies a Site at the corner of two intersecting streets of unequal widths, that part of the Building extending for a distance of 15m back from the corner into the narrower street is regarded, for the purposes of this Clause, as fronting on a street equal in width to the wider street;
- 2.5.7.3 for the purposes of this Clause any street having a surveyed width of less than 4,5m shall be regarded as having a width of 4,5m.

**PART THREE - USE OF LAND AND BUILDINGS IN THE VARIOUS USE ZONES,  
AND ALLIED MATTERS**

**3.1 SPECIAL RESIDENTIAL ZONE**

- 3.1.1 In addition to the general provisions of the Scheme, the following shall apply exclusively to the Special Residential zone -
- 3.1.2 Use of Land and Buildings
- 3.1.2.1 Reference to Map - coloured pale red / brown.
- 3.1.2.2 Expressly Permissible Development or Uses of Land or Uses of Buildings-
- 1.6.6 Dwelling
- 1.6.18 Outbuilding
- 3.1.2.3 Development or Uses of Land or Uses of Buildings Permitted by Special Consent -
- 1.6.1 Agricultural Building
- 1.6.2 Agricultural Land
- 1.6.3 Boarding House
- 1.6.8 Home Activity, subject to the provisions of Clause 3.1.3.1.
- 1.6.9 Home Business
- 1.6.12 Institution
- 1.6.14 Medium-Density Housing, subject to the provisions of Clause 3.1.3.2.
- 1.6.19 Park Home Estate
- 1.6.23 Place of Instruction
- 1.6.25 Place of Worship
- 1.6.30 Self-contained Residential Unit, subject to the provisions of Clause 3.1.3.1
- 1.6.34 Social Hall
- 1.6.35 Special Building, subject to the provisions of Clause 3.1.3.3.
- 3.1.2.4 Expressly Prohibited Development or Uses of Land or Uses of

## Buildings -

All Development or uses of Land or uses of Buildings not under Clauses 3.1.2.2 and 3.1.2.3 hereof.

## 3.1.3 Provisos to Clause 3.1.2.3 -

3.1.3.1 Provided the written consent of all abutting Owners and any other Owners the Council may determine is obtained, the Council may waive the Special Consent procedure. Provided further that the minimum Lot size whereon a Self-contained Residential Unit may be established, shall be 650m<sup>2</sup>, save with the Special Consent of the Council.

3.1.3.2 Provided the written consent of all abutting Owners and any other Owners the Council may determine, is obtained, the Council may waive the Special Consent procedure provided where not more than three Dwellings are to be established. Provided further that where more than three Dwellings are to be established, the requirements of Appendix 1 of the Scheme shall also apply. Provided further that the maximum Coverage permitted shall be 1/3.

3.1.3.3 The Council shall not approve any Special Building in the Special Residential zone wherein any trade, business, sale, storage or display of goods is involved, whether or not a trade licence is required.

## 3.1.4 Density Control

3.1.4.1 The maximum number of Dwellings per hectare which may be permitted shall be dependent upon the zoned area of the Site upon which such Dwellings are erected, but shall not exceed the number per hectare, to the first whole number, as provided for in the following Table and subject to the Council's Special Consent. Provided that in the event of three or less Dwellings being established on a single subdivision, the Special Consent procedures may be waived if the written consent of all contiguous Owners and other such Owners the Council may determine, are submitted to the Council.

DENSITY ZONE No	MAP REF TPR G/56F	UNITS / HECTARE
1	Colour	55
2	Violet	45
3	Yellow	30
4	Dark Green	25
5	Pale Green	20
6	Pale Red /	15
7	Brown Brown	10
8	Orange	7

3.1.4.2 The maximum Coverage permitted on any Site in the Special Residential zone shall be 1/2 (50%); except in areas as specified in schedule 1 and 2, where the coverage will be as per table A and E of these schedules.

3.1.4.3 The maximum Bulk Factor for all other uses shall be 1/2.

3.1.4.4 The maximum height permitted on any Site in the Special Residential zone shall be 2 Storeys, save with the Special Consent of the Council and except in areas as specified in schedule 1 and 2, where the height will be as per table C and E of these schedules.

### 3.1.5 Building Lines, Side and Rear Spaces

3.1.5.1 Generally, all Buildings and structures (including swimming pools), shall observe a Building Line of at least 6m in Density Zones 1 - 4 and at least 7m in Density Zones 5 - 7 (see Table under Clause 3.1.4.1).

3.1.5.2 The Council may grant its Special Consent for the erection of a Building or structures (including a swimming pool) in front of the Building Line. Any person wishing to make an application for relaxation shall proceed in the manner provided for in Appendix 9 to the Scheme.

3.1.5.3 Generally, all Buildings and structures (including swimming pools), shall observe a Side Space of at least 1,5m in all Density Zones. In areas specified in schedule 1 and 2, side space as set out in table B and E of these schedules will be applicable.

- 3.1.5.4 Generally, all Dwellings shall observe a Rear Space of at least 3m in all Density Zones. In areas specified in schedule 1 and 2, rear space as set out in table B and E of these schedules will be applicable.
- 3.1.5.5 Generally, all free-standing Buildings and structures other than Dwellings shall observe a Rear Space of at least 1,5m in all Density Zones.
- 3.1.5.6 The foregoing Side Space and Rear Space requirements shall not over-rule the requirements of the National Building Regulations and any greater Side Space or Rear Space which may be required in terms thereof, shall be observed.
- 3.1.5.7 For the purposes of establishing Side Spaces and Rear Spaces in terms of this clause, the eaves of any Building or structure shall not overhang the Side Space and Rear Space by more than 500mm, excepting that when a greater eaves overhang is provided, the required Side Space or Rear Space as the case may be, shall be increased by the amount the eaves overhang exceeds 500mm.
- 3.1.5.8 The Council may grant its Special Consent for relaxation of the Side Space and Rear Space requirements. Any person wishing to make an application for relaxation shall proceed in the manner provided for in Appendix 9 to the Scheme.
- 3.1.6 Sub-division of Existing Dwelling Houses
- The Council may grant its Special Consent for the subdivision of a Dwelling built not less than ten (10) years prior to the date of application into not more than two Dwellings notwithstanding the Density provisions of the Scheme, subject to -
- 3.1.6.1 The Building being made to comply with the relevant provisions of the National Building Regulations;
- 3.1.6.2 Each portion to be used as a separate unit being self-contained and sealed off from communication with the remainder of the Building except for the main entrance;
- 3.1.6.3 Generally, no additional rooms will be permitted, other than one additional kitchen, bathrooms and toilets.
- 3.1.7 Minimum Site Areas / Frontages
- 3.1.7.1 Generally no Dwelling shall be erected on any Site which has a smaller area, Frontage and mean width than is required in terms of Clauses 6.2.1 and 6.2.4. Provided in exceptional circumstances the Council may permit the erection of a Dwelling on an existing Lot not complying with those minima, if the applicant satisfies the Council that, having regard to the situation of the Site in question, its shape, extent and other features and the provisions of this Scheme, that the erection of a

Dwelling thereon would not in the circumstances be detrimental to or prejudicially affect any neighbouring properties.

3.1.7.2 In the case of an Existing Site having no frontage, other than as provided for in Clauses 6.5 and 6.6, the Council may permit the erection of a Dwelling thereon provided that a right-of-way servitude is registered in the Deeds Registry in favour of such property. Such servitude shall not be cancelled nor altered in any way without the consent of the Council and a clause to that effect shall be embodied in the relevant servitude document. The Council shall not consent to such cancellation or alteration unless it is satisfied that alternative means of access are available.

3.1.7.3 minimum Site areas, Frontages and mean widths for non-residential uses shall be in accordance with Clause 6.3.

### 3.1.8 Provision of On-site Parking

3.1.8.1 At least one on-site parking space shall be provided for each Dwelling other than a Self-contained Residential Unit, save with the Special Consent of the Council.

3.1.8.2 On-site parking requirements for any other uses shall be in accordance with the requirements for those uses, as provided for elsewhere in the Scheme.

3.1.8.3 The technical requirements for on-site parking shall be in accordance with Appendix 2 to the Scheme.

3.1.8.4 In areas specified in schedule 1 and 2, parking and loading provisions as set out in table D and E of the attached schedules will be applicable.

### 3.2 INTERMEDIATE RESIDENTIAL ZONE

3.2.1 In addition to the general provisions of the Scheme, the following shall apply exclusively to the Intermediate Residential zone.

#### 3.2.2 Use of Land and Buildings

3.2.2.1 Reference to Map - diagonal hatched pale red / brown.

3.2.2.2 Expressly Permissible Development or Uses of Land or Uses of Buildings -

1.6.6 Dwelling

1.6.14 Medium-Density Housing subject to the provisions of Appendix 1

1.6.18 Outbuilding

3.2.2.3 Development or Uses of Land or Uses of Buildings Permitted by Special Consent -

1.6.1 Agricultural Building

1.6.2 Agricultural Land

1.6.3 Boarding House

1.6.8 Home Activity, subject to the provisions of Clause 3.2.3.1

1.6.9 Home Business

1.6.12 Institution

1.6.19 Park Home Estate

1.6.23 Place of Instruction

1.6.25 Place of Worship

1.6.30 Self-contained Residential Unit subject to the provisions of Clause 3.2.3.1

1.6.34 Social Hall

1.6.35 Special Buildings, subject to the provisions of Clause 3.2.3.2

3.2.2.4 Expressly Prohibited Development or Uses of Land or Uses of Buildings.

All Development or uses of Land or uses of Buildings not under Clauses 3.2.2.2 and 3.2.2.3 hereof.

3.2.3 Provisos to Clause 3.2.2.3 -

3.2.3.1 Provided the written consent of all abutting Owners and any other Owners the Council may determine, is obtained, the Council may waive the Special Consent procedure. Provided further that a Self-contained Residential Unit may only be established, if the Site is occupied by a single Dwelling.

3.2.3.2 The Council shall not approve any Special Building in the Intermediate Residential zone wherein any trade, business, sale, storage or display of goods is involved, whether or not a trade licence is required.

3.2.4 Density and Height Control

TYPE OF BUILDING OR USE OF LAND	MAX BULK FACTOR OR MAX UNITS/HECTARE	MAX COVERAGE FACTOR	MAX HEIGHT
Dwellings	20 units/hectare	1/3	2 Storeys
All other uses	1/2	1/2	2 Storeys *

\* Height limit for Places of Worship controlled by 60° light angle (Clause 2.5.7)

Provided that where Medium-density Housing is to be established on a Site where there is a Dwelling existing at the time, that Dwelling shall be taken into account when determining the number of Dwellings which may be permitted on the Site. Provided if that Dwelling is sub-divided or is to be sub-divided into more than one Dwelling, that number of units shall be taken into account when determining the number of Dwellings which may be permitted on the Site.

3.2.5 Building Lines, Side and Rear Spaces

3.2.5.1 Generally, all Buildings and structures (including swimming pools), shall observe a Building Line of at least 7m.

3.2.5.2 The Council may grant its Special Consent for the erection of a Building or structure (including a swimming pool) in front of the Building Line. Any person wishing to make application for relaxation shall proceed in the manner provided for in Appendix 9 to the Scheme.

- 3.2.5.3 All new Dwellings comprising a Medium density Housing development, shall observe a Side Space and a Rear Space of not less than 4,5m, there being no provision for the relaxation hereof.
- 3.2.5.4 Outbuildings and other structures not being Dwellings, shall observe a Side Space and a Rear Space of not less than 1,5m, subject to the provisions of Clause 3.2.5.7.
- 3.2.5.5 The foregoing Side Space and Rear Space requirements shall not over-rule the requirements of the National Building Regulations and any greater Side Space or Rear Space which may be required in terms thereof shall be observed.
- 3.2.5.6 For the purposes of establishing Side Spaces and Rear Spaces in terms of this Clause, the eaves of any Buildings or structure shall not overhang the Side Space and Rear Space by more than 500mm, excepting that when a greater eaves overhang is provided, the required Side Space or Rear Space as the case may be, shall be increased by the amount the eaves overhang exceeds 500mm.
- 3.2.5.7 The Council may grant its Special Consent for relaxation of the Side Space and Rear Space requirements for Outbuildings and other structures not being Dwellings. Any person wishing to make application for relaxation shall proceed in the manner provided for in Appendix 9 to the Scheme.
- 3.2.5.8 The Council may grant its Special Consent for eaves of width greater than 500mm, in respect of any Dwelling comprising a Medium-density Housing development. Any person wishing to make application for relaxation shall proceed in the manner provided for in Appendix 9 to the Scheme.
- 3.2.5.9 The foregoing requirements shall not apply to a Dwelling existing on the Site at the time, and which is to be incorporated into the Medium-density Housing development.
- 3.2.6 Minimum Site Areas / Frontages
- 3.2.6.1 Minimum Site areas, Frontages and mean widths for Medium-density Housing shall be in accordance with Clauses 6.2.2 and 6.2.4.
- 3.2.6.2 Minimum Site areas, Frontages and mean widths for other uses shall be in accordance with Clauses 6.2.1 and 6.3, as the case may be.
- 3.2.7 Design Requirements for Medium-Density Housing

All Medium-density Housing development in the Intermediate Residential zones shall observe the specific requirements contained in Appendix 1 to the Scheme.

### 3.2.8 Provision of On-site Parking

3.2.8.1 The following on-site parking shall be provided for Medium-density Housing -

Two car parking spaces for every Dwelling at least one of which shall be under cover. In addition, two car parking spaces for visitors shall be provided for every three Dwellings. Such on-site parking shall be located behind the Building Line and free of the Side Space and Rear Space, save with the Consent of the Council, provided that the Council may impose conditions relating to screening, landscaping, *etc.*

3.2.8.2 On-site parking requirements for any other uses shall be in accordance with the requirements for those uses, as provided for elsewhere in the Scheme.

3.2.8.3 The technical requirements for on-site parking shall be in accordance with Appendix 2 to the Scheme.

### 3.3 GENERAL RESIDENTIAL ZONE

3.3.1 In addition to the general provisions of the Scheme, the following shall apply exclusively to the General Residential zone.

#### 3.3.2 Use of Land and Buildings

3.3.2.1 Reference to Map - coloured mid-brown.

3.3.2.2 Expressly Permissible Development or Uses of Land or Uses of Buildings -

1.6.3 Boarding House

1.6.6 Dwelling

1.6.7 Flat

1.6.14 Medium-density Housing

1.6.18 Outbuilding

1.6.28 Residential Building

3.3.2.3 Development or Uses of Land or Uses of Buildings Permitted by Special Consent -

1.6.1 Agricultural Building

1.6.2 Agricultural Land

1.6.8 Home Activity, subject to the provisions of Clause 3.3.3.1

1.6.9 Home Business

1.6.12 Institution

1.6.19 Park Home Estate

1.6.21 Parking Lot

1.6.23 Place of Instruction

1.6.25 Place of Worship

1.6.30 Self-contained Residential Unit, subject to the provisions of Clause 3.3.3.1

1.6.34 Social Hall

1.6.35 Special Building, subject to the provisions of Clause 3.3.3.2

3.3.2.4 Expressly Prohibited Development or Uses of Land or Uses of Buildings -

All Development or uses of Land or uses of Buildings not under Clauses 3.1.2.2 and 3.1.2.3 hereof.

3.3.3 Provisos to Clause 3.3.2.3 -

3.3.3.1 Provided the written consent of all abutting Owners and any other Owners the Council may determine, is obtained, the Council may waive the Special Consent procedure. Provided further that a Self-contained Residential Unit may only be established if the Site is occupied by a single Dwelling.

3.3.3.2 The Council shall not approve any Special Building in the General Residential zone wherein any trade, business, sale, storage or display of goods is involved, whether or not a trade licence is required.

3.3.4 Density and Height Control:

3.3.4.1 Bulk Zone Two  
Bulk Zone Three (Central City Area)

TYPE OF BUILDING OR USE OF LAND	MAX BULK FACTOR OR MAX UNITS/HECTARE	MAX COVERAGE FACTOR	MAX HEIGHT
Dwellings (flats)	175 uph	1/3	Controlled by 60°
Residential Buildings	2/3	1/3	light angle
All other uses	1 1/2	3/4	(Clause 2.5.7)

## 3.3.4.2 Bulk Zone Three (Outside Central City Area)

TYPE OF BUILDING OR USE OF LAND	MAX BULK FACTOR OR MAX UNITS/HECTARE	MAX COVERAGE FACTOR	MAX HEIGHT
Dwellings (flats)	80 uph	1/3	Controlled by 60° light angle (Clause 2.5.7)
Residential Buildings	2/3	1/3	3 Storeys
All other uses	1	1/2	3 Storeys *

\* Height limit for Places of Worship controlled by 60° light angle (Clause 2.5.7).

## 3.3.5 Building Lines, Side and Rear Spaces

3.3.5.1 Generally, all Buildings and structures (including swimming pools), shall observe a Building Line of at least 7m.

3.3.5.2 The Council may grant its Special Consent for the erection of a Building or structure (including a swimming pool) in front of the Building Line. Any person wishing to make application for relaxation shall proceed in the manner provided for in Appendix 9 to the Scheme.

3.3.5.3 All new Buildings accommodating or comprising Residential Buildings, or Flats, shall observe a Side Space of not less than 3m within the Central City Area, and not less than 4,5m outside the Central City Area, there being no provision for the relaxation hereof. Provided that this space shall be increased by 1,5m for each additional Storey above three Storeys, for the full height of the building, above three Storeys. Provided further that, in the case of the Council having granted its Special Consent for relaxation of the minimum mean width, as provided for in Clause 3.3.6.2, the Side Spaces may be relaxed by an amount, the sum of which does not exceed the relaxation of mean width.

3.3.5.4 All new Buildings accommodating or comprising Residential Buildings, or Flats, shall observe a Rear Space of not less than 5m within the Central City Area, and not less than 9m outside the Central City Area, there being no provision for the relaxation hereof. Provided that this space shall be increased by 1,5 m for each additional Storey above three Storeys, for the full height of the Building, above three Storeys.

3.3.5.5 Outbuildings and other structures including single, detached Dwellings, not being a Building accommodating or comprising Residential Buildings or Flats, shall observe a Side Space and a Rear Space of not less than 1,5m.

3.3.5.6 The foregoing Side Space and Rear Space requirements shall

not over-rule the requirements of the National Building Regulations and any greater Side Space or Rear Space which may be required in terms thereof, shall be observed.

- 3.3.5.7 For the purposes of establishing Side Spaces and Rear Spaces in terms of this clause, the eaves of any Building or structure shall not overhang the Side Space and Rear Space by more than 500mm, excepting that when a greater eaves overhang is provided, the required Side Space or Rear Space as the case may be, shall be increased by the amount the eaves overhang exceeds 500mm.
- 3.3.5.8 The Council may grant its Special Consent for eaves of width greater than 500mm in respect of any Building accommodating or comprising Dwellings, Residential Buildings or Flats. Provided that if the written concurrence of the Owner of the property which shares a common boundary is lodged with the Council, the Council may waive the Special Consent procedure.
- 3.3.5.9 The Council may grant its Special Consent for relaxation of the Side Space and Rear Space requirements, in respect of Outbuildings and structures including single detached Dwellings not being Residential Buildings or Flats. Any person wishing to make application for relaxation shall proceed in the manner provided for in Appendix 9 to the Scheme.
- 3.3.5.10 The Council may grant its Special Consent for eaves of width greater than 500mm, in respect of any Dwelling comprising a Medium-density Housing development. Provided that if the written concurrence of the Owner of the property which shares a common boundary is lodged with the Council, the Council may waive the Special Consent procedure.
- 3.3.5.11 Side and Rear Spaces for any use not specified herein shall be provided in accordance with the requirements for those uses where they appear elsewhere in the Scheme.

### 3.3.6 Minimum Site Areas / Frontages

- 3.3.6.1 Minimum Site areas, Frontages and mean widths for Flats and Residential Buildings shall be in accordance with Clauses 6.2.3 and 6.2.4.
- 3.3.6.2 Minimum Site areas, Frontages and mean widths for other uses shall be in accordance with Clauses 6.2.1 and 6.3, as the case may be.
- 3.3.6.3 The Council may grant its Special Consent where it is of the opinion, having regard to the location of the Site, its shape and other characteristics, the nature of the neighbourhood and the location of existing Buildings, that the Site concerned is suitable for the erection of Flats, to a relaxation of the above

minimum requirements, by an amount not greater than 10% of the minimum specified area and/or Frontage, as the case may be.

### 3.3.7 Provision of On-site Parking

3.3.7.1 The following on-site parking shall be provided for Flats :

One parking space for every Flat. Such on-site parking shall be located behind the Building Line and free of the Side Space and Rear Space, save with the Consent of the Council, provided that the Council may impose conditions relating to screening, landscaping, etc.

3.3.7.2 The following on-site parking shall be provided for Residential Buildings, other than Flats and hotels :

One parking space for every 2 habitable rooms. Such on-site parking shall be located behind the Building Line and free of the Side Space and Rear Space, save with the Consent of the Council, provided that the Council may impose conditions relating to screening, landscaping, etc.

3.3.7.2 The following on-site parking shall be provided for hotels :

One parking space for every habitable room and, in addition to the foregoing, a further fifteen parking spaces in the case of an hotel having public bars. Such on-site parking shall be located behind the Building Line and free of the Side Space and Rear Space, save with the Consent of the Council, provided that the Council may also impose conditions relating to screening, landscaping, etc.

3.3.7.3 On-site parking for any use not specified herein shall be provided in accordance with the requirements for those uses where they appear elsewhere in the Scheme.

3.3.7.4 The technical requirements for on-site parking shall be in accordance with Appendix 2 to the Scheme.

### 3.4 OFFICE ZONE

3.4.1 In addition to the general provisions of the Scheme, the following shall apply exclusively to the Office zone.

#### 3.4.2 Use of Land and Buildings

3.4.2.1 Reference to Map - coloured mid-brown with horizontal black hatch

3.4.2.2 Expressly Permissible Development or Uses of Land or Uses of Buildings -

1.6.3 Boarding House

1.6.6 Dwelling

1.6.7 Flat

1.6.8 Home Activity

1.6.9 Home Business

1.6.18 Outbuilding

1.6.28 Residential Building

1.6.36 Specialised Office

3.4.2.3 Development or Uses of Land or Uses of Buildings Permitted by Special Consent -

1.6.12 Institution

1.6.14 Medium-density Housing, subject to the requirements of Appendix 1 to the Scheme

1.6.20 Parking Garage

1.6.21 Parking Lot

1.6.23 Place of Instruction

1.6.25 Place of Worship

1.6.27 Public Office

1.6.29 Restaurant

1.6.30 Self-contained residential unit, subject to the provisions of Clause 3.4.3.1

1.6.34 Social Hall

1.6.35 Special Building, subject to the provisions of Clause 3.4.3.2

3.4.2.4 Expressly Prohibited Development or Uses of Land or Uses of Buildings -

All Development or uses of Land or uses of Buildings not under Clauses 3.4.2.2 and 3.4.2.3 hereof.

3.4.3 Provisos to Clause 3.4.2.3 -

3.4.3.1 Provided the written Consent of all abutting Owners and any other Owners the Council may determine, is obtained, the Council may waive the Special Consent procedure. Provided further that such unit may only be established if the Site is occupied by a single Dwelling.

3.4.3.2 The Council shall not approve any Special Building in the Office zone wherein any trade, business, sale, storage or display of goods is involved, whether or not a trade licence is required.

3.4.4 Density and Height Control

3.4.4.1 Bulk Zone Two

Bulk Zone Three (Central City Area)

TYPE OF BUILDING OR USE OF LAND	MAX BULK FACTOR OR MAX UNITS/HECTARE	MAX COVERAGE FACTOR	MAX HEIGHT
Dwellings (flats)	175 uph	1/3	Controlled by 60°
Residential Buildings	1	1/2	light angle
All other uses	1 1/2	3/4	(Clause 2.5.7)

## 3.4.4.2 Bulk Zone Three (Outside Central City Area)

TYPE OF BUILDING OR USE OF LAND	MAX BULK FACTOR OR MAX UNITS/HECTARE	MAX COVERAGE FACTOR	MAX HEIGHT
Dwellings (flats)	80 uph	1/3	Controlled by 60° light angle (Clause 2.5.7)
Residential Buildings	1/2	1/2	3 Storeys
All other uses	1	1/2	3 Storeys

## 3.4.5 Building Lines, Side and Rear Spaces

3.4.5.1 Generally, all Buildings and structures associated therewith shall observe a Building Line of at least 7m.

3.4.5.2 The Council may grant Special Consent for the erection of a Building or structure in front of the Building Line. Any person wishing to make an application for relaxation shall proceed in the manner provided for in Appendix 9 to the Scheme.

3.4.5.3 There shall, in respect of Buildings, or portions of Buildings, accommodating or comprising Specialised Offices be no specified minimum Side Space or Rear Space which shall, however, be determined in terms of the National Building Regulations.

3.4.5.4 Side and Rear spaces for any use not specified herein shall be provided in accordance with the requirements for those uses where they appear elsewhere in the Scheme.

## 3.4.6 Minimum Site Areas / Frontages

3.4.6.1 Minimum Site areas, Frontages and mean widths for Offices and other non-residential uses shall be in accordance with Clause 6.3.

3.4.6.2 Minimum Site areas, Frontages and mean widths for residential uses, shall be in accordance with Clauses 6.2.1 and 6.2.2, 6.2.3 and 6.2.4, as the case may be.

## 3.4.7 Provision of On-site Parking

3.4.7.1 The following on-site parking shall be provided for Offices :

1. One car parking space for every 25m<sup>2</sup> of nett office space, other than offices wherein medical or dental practitioners are to be accommodated.

2. One car parking space for every 15m<sup>2</sup> of nett office space wherein medical or dental practitioners are to be accommodated. Such on-site parking shall be located behind the Building Line, save with the Consent of the Council, provided that the Council may impose conditions relating to screening, landscaping, etc.

3.4.7.2 On-site parking requirements for any other uses shall be in accordance with the requirements for those uses, as provided for elsewhere in the Scheme.

3.4.7.3 The technical requirements for on-site parking shall be in accordance with Appendix 2 to the Scheme.

### 3.4.8 Signage

No advertisement notice or sign shall be permanently erected in this zone, other than a brass plate or board, not exceeding 450mm by 600mm in size, affixed to the Building, in accordance with the relevant Bylaws, save with the Special Consent of the Council.

### 3.5 TRANSITIONAL (OFFICE) ZONE

- 3.5.1 In addition to the general provisions of the Scheme, the following shall apply exclusively to the Transitional (Office) zone.
- 3.5.2 Use of Land and Buildings
- 3.5.2.1 Reference to Map - coloured mid-brown with cross black hatch
- 3.5.2.2 Expressly Permissible Development or Uses of Land or Uses of Buildings -
- 1.6.3 Boarding House
- 1.6.6 Dwelling
- 1.6.7 Flat
- 1.6.8 Home Activity
- 1.6.9 Home Business
- 1.6.18 Outbuilding
- 1.6.28 Residential Building
- 3.5.2.3 Development or Uses of Land or Uses of Buildings Permitted by Special Consent -
- 1.6.35 Special Building, subject to the provisions of Clause 3.5.3.2
- 1.6.36 Specialised Office
- 3.5.2.4 Expressly Prohibited Development or Uses of Land or Uses of Buildings -
- All Development or uses of Land or uses of Buildings not under Clauses 3.5.2.2 and 3.5.2.3 hereof.
- 3.5.3 Provisos to Clause 3.5.2.3 -
- 3.5.3.1 Provided the written consent of all abutting Owners and any other Owners the Council may determine, is obtained, the Council may waive the Special Consent procedure. Provided further that such unit may only be established if the Site is occupied by a single Dwelling.

- 3.5.3.2 The Council shall not approve any Special Building in the Transitional (Office) zone wherein any trade, business, sale, storage or display of goods is involved, whether or not a trade licence is required.

### 3.5.4 Density and Height Control

#### 3.5.4.1 Bulk Zone Two

##### Bulk Zone Three (Central City Area)

TYPE OF BUILDING OR USE OF LAND	MAX BULK FACTOR OR MAX UNITS/HECTARE	MAX COVERAGE FACTOR	MAX HEIGHT
Dwellings (flats)	175 uph	1/3	Controlled by 60°
Residential Buildings	1	1/2	light angle
All other uses	1 1/2	3/4	(Clause 2.5.7)

#### 3.5.4.2 Bulk Zone Three (Outside Central City Area)

TYPE OF BUILDING OR USE OF LAND	MAX BULK FACTOR OR MAX UNITS/HECTARE	MAX COVERAGE FACTOR	MAX HEIGHT
Dwellings (flats)	80 uph	1/3	3 Storeys
Residential Buildings	1/2	1/2	3 Storeys
All other uses	1	1/2	*Controlled by 60° light angle (Clause 2.5.7)

### 3.5.5 Building Lines, Side and Rear Spaces

- 3.5.5.1 Generally, all Buildings and structures associated therewith shall observe a Building Line of at least 7m.

- 3.5.5.2 The Council may grant Special Consent for the erection of a Building or structure in front of the Building Line. Any person wishing to make an application for relaxation shall proceed in the manner provided for in Appendix 9 to the Scheme.

3.5.5.3 There shall, in respect of Buildings, or portions of Buildings, accommodating or comprising Specialised Offices be no specified minimum Side Space or Rear Space which shall, however, be determined in terms of the National Building Regulations.

3.5.5.4 Side and Rear spaces for any use not specified herein shall be provided in accordance with the requirements for those uses where they appear elsewhere in the Scheme.

### 3.5.6 Minimum Site Areas / Frontages

3.5.6.1 Minimum Site areas, Frontages and mean widths for Offices and other non-residential uses shall be in accordance with Clause 6.3.

3.5.6.2 Minimum Site areas, Frontages and mean widths for residential uses, shall be in accordance with Clauses 6.2.1 and 6.2.2, 6.2.3 and 6.2.4, as the case may be.

### 3.5.7 Provision of On-site Parking

3.5.7.1 The following on-site parking shall be provided for Offices :

1. One car parking space for every 25m<sup>2</sup> of nett office space, other than offices wherein medical or dental practitioners are to be accommodated.
2. One car parking space for every 15m<sup>2</sup> of nett office space wherein medical or dental practitioners are to be accommodated.

Such on-site parking shall be located behind the Building Line, save with the Consent of the Council, provided that the Council may impose conditions relating to screening, landscaping, etc.

3.5.7.2 On-site parking requirements for any other uses shall be in accordance with the requirements for those uses, as provided for elsewhere in the Scheme.

3.5.7.3 The technical requirements for on-site parking shall be in accordance with Appendix 2 to the Scheme.

### 3.5.8 Signage

No advertisement notice or sign shall be permanently erected in this zone, other than a brass plate or board, not exceeding 450 mm by 600 mm in size, affixed to the building, in accordance with the relevant Bylaws, save with the Special Consent of the Council.

### 3.6 LIMITED BUSINESS ZONE

3.6.1 In addition to the general provisions of the Scheme, the following shall apply exclusively to the Limited Business zone.

#### 3.6.2 Use of Land and Buildings

3.6.2.1 Reference to Map - coloured light blue with diagonal black hatch

3.6.2.2 Expressly Permissible Development or Uses of Land or Uses of Buildings-

1.6.4 Business Premises

1.6.6 Dwelling

1.6.7 Flat

1.6.27 Public Office

1.6.28 Residential Building

1.6.29 Restaurant

1.6.33 Shop

1.6.36 Specialised Office

3.6.2.3 Development or Uses of Land or Uses of Buildings Permitted by Special Consent -

1.6.1 Agricultural Building

1.6.3 Boarding House

1.6.8 Home Activity, subject to the provisions of Clause 3.1.3.1

1.6.9 Home Business, subject to the provisions of Clause 3.1.3.1

1.6.12 Institution

1.6.20 Parking Garage

1.6.21 Parking Lot

1.6.22 Petroleum Filling Station

1.6.23 Place of Instruction

1.6.24 Place of Public Entertainment

1.6.25 Place of Worship

1.6.26 Public Garage

1.6.34 Social Hall

1.6.35 Special Building.

3.6.2.4 Expressly Prohibited Development or Uses of Land or Uses of Buildings -

All Development or uses of Land or uses of Buildings not under Clauses 3.6.2.2 and 3.6.2.3 hereof.

3.6.3 Density and Height Control

3.6.3.1 Bulk Zone Two and Bulk Zone Three (Central City Area)

TYPE OF BUILDING OR USE OF LAND	MAX BULK FACTOR OR MAX UNITS/HECTARE	MAX COVERAGE FACTOR	MAX HEIGHT
Dwellings (flats)	175 uph	1/3	Controlled by 60° light angle (Clause 2.5.7)
Residential Buildings	1/2	1/2	3 Storeys
All other uses	1	1/2	3 Storeys

3.6.3.2 Bulk Zone Three (Outside Central City Area)

TYPE OF BUILDING OR USE OF LAND	MAX BULK FACTOR OR MAX UNITS/HECTARE	MAX COVERAGE FACTOR	MAX HEIGHT
Dwellings (flats)	80 uph	1/3	Controlled by 60° light angle (Clause 2.5.7)
Residential Buildings	1/2	1/2	3 Storeys
All other uses	1	1/2	3 Storeys *

3.6.3.3 In areas specified in schedule 1 and 2, the coverage will be as per table B and E and height as per table C and E the attached schedules.

3.6.4 Building Lines, Side and Rear Spaces

3.6.4.1 Generally, all Buildings and structures associated therewith

shall observe a Building Line of at least 6m.

- 3.6.4.2 The Council may grant Special Consent for the erection of a Building or structure in front of the building line. Any person wishing to make an application for relaxation shall proceed in the manner provided for in Appendix 9 to the Scheme.
- 3.6.4.3 There shall, in respect of Buildings, or portions of Buildings, accommodating or comprising Business Premises, Specialised Offices and any other non-residential uses, be no specified minimum Side Space or Rear Space which shall, however, be determined in terms of the National Building Regulations.
- 3.6.4.4 All new Buildings, or portions of Buildings, accommodating or comprising Dwellings, Residential Building or Flats, shall observe a Side Space and a Rear Space as provided for in accordance with the requirements for those uses where they appear elsewhere in the Scheme, including any limitations on relaxation of those requirements.
- 3.6.4.5 Side and Rear Spaces for any use not specified herein shall be provided in accordance with the requirements for those uses where they appear elsewhere in the Scheme.
- 3.6.4.5 Side and rear spaces for the areas as specified in Schedule 1 and 2, shall be in accordance with table A and E of the attached schedule.
- 3.6.5 Minimum Site Areas / Frontages
- 3.6.5.1 Minimum Site areas, Frontages and mean widths for business and other non-residential uses shall be in accordance with Clause 6.3.
- 3.6.5.2 Minimum Site areas, Frontages and mean widths for residential uses, shall be in accordance with Clauses 6.2.1 and 6.2.2, 6.2.3 and 6.2.4, as the case may be.
- 3.6.6 Provision of On-site Parking
- 3.6.6.1 The following on-site parking shall be provided for Business Premises, Offices and Shops -
- 1,2m<sup>2</sup> of gross parking area per 1m<sup>2</sup> of gross floor area, other than the floor area of any use for which on-site parking must be provided in accordance with the requirements for those uses where they appear elsewhere in the Scheme.
- 3.6.6.2 On-site parking requirements for any other uses shall be in accordance with the requirements for those uses, as provided for elsewhere in the Scheme.
- 3.6.6.3 The technical requirements for on-site parking shall be in accordance with Appendix 2 to the Scheme.

- 3.6.6.4 In areas specified in schedule 1 and 2, parking and loading provisions as set out in table D and E of these schedules will be applicable.

### 3.7 GENERAL ZONE

- 3.7.1 In addition to the general provisions of the Scheme, the following shall apply exclusively to the General zone.
- 3.7.2 Use of Land and Buildings
- 3.7.2.1 Reference to Map - coloured light blue with horizontal black hatch.
- 3.7.2.2 Expressly Permissible Development or Uses of Land or Uses of Buildings -
- 1.6.4 Business Premises
  - 1.6.6 Dwelling
  - 1.6.7 Flat
  - 1.6.13 Light Industrial Building
  - 1.6.15 Motor Salesroom
  - 1.6.16 Motor Workshop
  - 1.6.18 Outbuilding
  - 1.6.27 Public Office
  - 1.6.28 Residential Building
  - 1.6.29 Restaurant
  - 1.6.31 Service Industrial Building
  - 1.6.32 Service Workshop
  - 1.6.33 Shop
  - 1.6.36 Specialised Office
- 3.7.2.3 Development or Uses of Land or Uses of Buildings Permitted by Special Consent (subject to Clause 3.7.3) -
- 1.6.1 Agricultural Building
  - 1.6.3 Boarding House

- 1.6.8 Home Activity, subject to the requirements of Clause 3.1.3.1
- 1.6.9 Home Business, subject to the requirements of Clause 3.1.3.1
- 1.6.10 Industrial Building
- 1.6.12 Institution
- 1.6.20 Parking Garage
- 1.6.21 Parking Lot
- 1.6.22 Petroleum Filling Station
- 1.6.23 Place of Instruction
- 1.6.24 Place of Public Entertainment
- 1.6.25 Place of Worship
- 1.6.26 Public Garage
- 1.6.27 Public Office
- 1.6.34 Social Hall
- 1.6.35 Special Building

3.7.2.4 Expressly Prohibited Development or Uses of Land or Uses of Buildings -

All Development or uses of Land or uses of Buildings not under Clauses 3.7.2.2 and 3.7.2.3 hereof.

3.7.3 Proviso to Clause 3.7.2.3

3.7.3.1 Non-business uses shall be limited to the first Floor and above, of any Building.

## 3.7.4 Density and Height Control

## Bulk Zone Two and Bulk Zone Three (Central City Area)

TYPE OF BUILDING OR USE OF LAND	MAX BULK FACTOR OR MAX UNITS/HECTARE	MAX COVERAGE FACTOR	MAX HEIGHT
Dwellings (flats)	175 uph	1/3	Controlled by 60° light angle (Clause 2.5.7)
Residential Buildings	1	1/2	3 Storeys
All other uses	1 1/2	3/4	3 Storeys

## 3.7.5 Building Lines, Side and Rear Spaces

3.7.5.1 Generally, all Buildings and structures associated therewith shall observe a Building Line of at least 6m.

3.7.5.2 The Council may grant its Special Consent for the erection of a Building or structure in front of the Building Line. Any person wishing to make an application for relaxation shall proceed in the manner provided for in Appendix 9 to the Scheme.

3.7.5.3 There shall, in respect of Buildings, or portions of Buildings, accommodating or comprising Business Premises, Specialised Offices and any other non-residential uses, be no specified minimum Side Space or Rear Space which shall, however, be determined in terms of the National Building Regulations.

3.7.5.4 All new Buildings, or portions of Buildings, accommodating or comprising Dwellings, Residential Building or Flats, shall observe a Side Space and a Rear Space as provided for in accordance with the requirements for those uses where they appear elsewhere in the Scheme, including any limitations on relaxation of those requirements.

3.7.5.5 Side and Rear Spaces for any use not specified herein shall be provided in accordance with the requirements for those uses where they appear elsewhere in the Scheme.

## 3.7.6 Minimum Site Areas / Frontages

3.7.6.1 Minimum Site areas, Frontages and mean widths for all non-residential uses shall be in accordance with Clause 6.3.

3.7.6.2 Minimum Site areas, Frontages and mean widths for residential uses, shall be in accordance with Clauses 6.2.1, 6.2.2, 6.2.3 and 6.2.4, as the case may be.

### 3.7.7 Provision of On-site Parking

3.7.7.1 The following on-site parking shall be provided for Light Industrial Buildings, Motor Workshops, Public Garages, Service Industrial Buildings, Service Workshops and Special Buildings -

A parking area equal to 15% of the total floor area of the main Building or Buildings, or equal to 10% of the Site area, save with the Special Consent of the Council.

3.7.7.2 On-site parking requirements for any other uses shall be in accordance with the requirements for those uses, as provided for elsewhere in the Scheme.

3.7.7.3 The technical requirements for on-site parking shall be in accordance with Appendix 2 to the Scheme.

### 3.8 GENERAL BUSINESS ZONE (Bulk Zones One, Two and Three)

3.8.1 In addition to the general provisions of the Scheme, the following shall apply exclusively to the General Business zone. Provided that, where any Site faces on to the City Centre Zone, all plans for new building work/alterations to buildings, shall also be submitted to the City Centre Committee.

#### 3.8.2 Use of Land and Buildings

3.8.2.1 Reference to Map - coloured dark blue

3.8.2.2 Expressly Permissible Development or Uses of Land or Uses of Buildings-

1.6.4 Business Premises

1.6.6 Dwelling

1.6.7 Flat

1.6.18 Outbuilding

1.6.23 Place of Instruction

1.6.27 Public Office

1.6.28 Residential Building

1.6.29 Restaurant

1.6.32 Service Workshop

1.6.33 Shop

1.6.34 Social Hall

1.6.36 Specialised Office

3.8.2.3 Development or Uses of Land or Uses of Buildings Permitted by Special Consent -

1.6.1 Agricultural Building

1.6.8 Home Activity, subject to the provisions of Clause 3.1.3.1

1.6.9 Home Business, subject to the provisions of Clause 3.1.3.1

1.6.10 Industrial Building

1.6.12 Institution

1.6.13 Light Industrial Building

1.6.15 Motor Salesroom

1.6.16 Motor Workshop

1.6.20 Parking Garage

1.6.21 Parking Lot

1.6.22 Petroleum Filling Station

1.6.24 Place of Public Entertainment

1.6.25 Place of Worship

1.6.26 Public Garage

1.6.31 Service Industrial Building

1.6.34 Social Hall

1.6.35 Special Building.

3.8.2.4 Expressly Prohibited Development or Uses of Land or Uses of Buildings -

All Development or uses of Land or uses of Buildings not under Clauses 3.8.2.2 and 3.8.2.3 hereof.

3.8.3 Density and Height Control

3.8.3.1 Bulk Zone One

TYPE OF BUILDING OR USE OF LAND	MAX BULK FACTOR OR MAX UNITS/HECTARE	MAX COVERAGE FACTOR	MAX HEIGHT
Dwellings (flats)	220 uph	1/2	Controlled by 60°
Residential Buildings	2	1/2	light angle
All other uses	4	1	(Clause 2.5.7)

## 3.8.3.2 Bulk Zone Two

TYPE OF BUILDING OR USE OF LAND	MAX BULK FACTOR OR MAX UNITS/HECTARE	MAX COVERAGE FACTOR	MAX HEIGHT
Dwellings (flats)	175 uph	1/3	Controlled by 60°
Residential Buildings	1 1/2	1/2	light angle
All other uses	3	4/5	(Clause 2.5.7)

## 3.8.3.3 Bulk Zone Three

TYPE OF BUILDING OR USE OF LAND	MAX BULK FACTOR OR MAX UNITS/HECTARE	MAX COVERAGE FACTOR	MAX HEIGHT
Dwellings (flats)	80 uph	1/3	Controlled by 60°
Residential Buildings	1	1/2	light angle
All other uses	1 1/2	3/4	(Clause 2.5.7)

## 3.8.4 Building Lines, Side and Rear Spaces

- 3.8.4.1 Generally, all Buildings and structures associated therewith shall observe a Building line of at least 6m.
- 3.8.4.2 The Council may grant Special Consent for the erection of a Building or structure in front of the Building Line. Any person wishing to make an application for relaxation shall proceed in the manner provided for in Appendix 9 to the Scheme.
- 3.8.4.3 There shall be, in respect of Business Premises, Shops, Specialised Offices and other non-residential uses, no specified Side Space or Rear Space, which shall be determined in terms of the National Building Regulations.
- 3.8.4.4 All new Buildings, or portions of Buildings, accommodating or comprising Dwellings, Residential Building or Flats, shall observe a Side Space and a Rear Space as provided for in accordance with the requirements for those uses where they appear elsewhere in the Scheme, including any limitations on relaxation of those requirements.
- 3.8.4.5 Side and Rear Spaces for any use not specified herein shall be provided in accordance with the requirements for those uses where they appear elsewhere in the Scheme.

### 3.8.5 Minimum Site Areas / Frontages

- 3.8.5.1 Minimum Site areas, Frontages and mean widths for all non-residential uses shall be in accordance with Clause 6.3.
- 3.8.6.2 Minimum Site areas, Frontages and mean widths for residential uses, shall be in accordance with Clauses 6.2.1, 6.2.2, 6.2.3 and 6.2.4, as the case may be.

### 3.8.6 Provision of On-site Parking / Loading

3.8.6.1 There shall be, in respect of Business Premises, Shops and other non-residential uses, including Restaurants, within the Central City Area and in Raisethorpe between Mysore Road/ Allandale Drive and Mosque Road/Baijoo Road, no specified on-site parking requirement.

3.8.6.2 The following on-site parking requirements for non-residential uses shall apply elsewhere in this zone -

Use of Land/Buildings	Minimum Number of Parking Bays to be provided
Specialised Offices, other than medical/dental practices	1 per 40m <sup>2</sup> of nett Office space
Banks and building societies	1 per 25m <sup>2</sup> of nett space
Shops, medical/dental practice	1 per 15m <sup>2</sup> of nett space
Private hospitals	1 per bed, in addition to parking required for any consulting rooms.

Provided that the Council may grant its Special Consent for the partial or total relaxation of the foregoing requirement, if it is clear that provision cannot reasonably be made on Site.

- 3.8.6.3 Any person who provides on-site parking in terms of the foregoing Clause 3.8.6.2 may, with the Consent of the Council, be permitted an increased Bulk in respect of that Site, by an amount equal to the total area of the parking area to be established, provided that such increase shall be limited to not more than 1/4 of the maximum Bulk which would normally be permitted on the Site
- 3.8.6.4 Any person who is aggrieved by a decision of the Council, made under Clauses 3.8.6.2 and 3.8.6.3, may Appeal.
- 3.8.6.5 On-site parking requirements for any other uses shall be in accordance with the requirements for those uses, as provided for elsewhere in the Scheme.

- 3.8.6.6 The technical requirements for on-site parking shall be in accordance with Appendix 2 to the Scheme.
- 3.8.6.7 Whether or not on-site parking is required in terms of this or any other clause, any person proposing to erect any Building which will front or abut on any street, or proposed street, and is intended to be used for the purposes of business or industry, shall give not less than forty-two (42) days notice thereof to the Council before commencing to erect the Building.
- Any application to the Council for Consent to, or approval of, the erection of a Building intended to be used for purposes of business or industry, or the submission to the Council of plans, specifications or other particulars for approval under any other provisions of this Scheme or under the By-laws shall be sufficient notice of the proposal for the purposes of this Clause.
- 3.8.6.8 For the purpose of preventing obstruction to traffic on any street or proposed street on which the proposed building would front or abut, the Council may within forty-two (42) days of the receipt of the notice referred to in sub-clause 3.8.6.7 of this Clause, require the person to submit for its approval proposals for securing, so far as is reasonably practicable, the provision of suitable and sufficient accommodation within the Site for any loading, unloading or fuelling of vehicles which are likely to be habitually involved in connection with the use of the Building.
- 3.8.6.9 If the Council requires proposals to be submitted under this Clause, or if the person submits proposals together with the notice referred to in sub-clause 3.8.6.7 of this Clause, the Council shall either approve the proposals with or without modification or disapprove them within a period of two months from the date of submission of the proposals. The Building Owner, if aggrieved by the decision of the Council, may Appeal.
- 3.8.6.10 No Owner or occupier of the Building in respect of which proposals under this Clause have been required shall undertake or knowingly permit the habitual loading or unloading or fuelling of vehicles otherwise than in accordance with the approved proposals, or unless such requirements have been withdrawn by the Council.

### 3.8.7 Restricted Vehicular Access and On-site Parking

Notwithstanding the provisions of Clause 3.8.6 –

- 3.8.7.1 In the portion of Bulk Zone One between West Street and Commercial Road and between East Street and Retief Street,

no new vehicular access shall be provided to any Site, nor shall any provision be made in any Site or Building Development for the parking thereon or therein of any vehicle, without the Special Consent of the Council first having been obtained.

3.8.7.2 Before granting its Special Consent the Council shall satisfy itself that the street is capable of accommodating the extra traffic and will not cause undue hazard to pedestrian and vehicular traffic. In granting its Special Consent, the Council may impose, inter alia, conditions limiting the number and size of vehicles to be accommodated on the Site.

### 3.8.8 Rear Access Lanes

3.8.8.1 The rear access lanes indicated on Plan TPX 1/504B shall not be deemed to be streets for the purposes of the subdivision of Land.

3.8.8.2 The Council may, upon application being made for its Special Consent, permit a Building, including display windows to front on to a rear access lane.

3.8.8.3 If such Special Consent is granted, the Council may require any new Building to be set back from the boundary of the rear access lane reserve. The area between such boundary and the building shall be hardened to the satisfaction of the Council.

3.8.8.4 Notwithstanding the provisions of this Clause where, in the opinion of the Council, circumstances exist which would render impracticable the establishment of a rear access lane as shown on the scheme map, the Council may, at its discretion, amend the position, alignment and dimensions of such lane in relation to the boundary or boundaries of the Erf or Erfs concerned, to an extent not exceeding 6m in any dimension or direction.

3.8.8.5 Where, in the opinion of the Council, the intent or purpose or operation of such rear access lanes would not be unduly hindered, the Council may, notwithstanding any other, provisions of the Scheme regulating the height of Buildings, authorise the erection of corridors connecting opposing Buildings across such rear access lanes, above the first Floor level, provided that such connecting corridors shall allow a clearance of at least 4,5m above the rear access lane at that point.

### 3.9 CITY CENTRE ZONE

- 3.9.1 In addition to the general provisions of the Scheme, the following shall apply exclusively to the City Centre Zone.
- 3.9.2 General
- 3.9.2.1 No work, including the erection of a Building or structural alteration to a Building, exterior painting of a Building, or the erection or establishment of any sign, shall be executed within the City Centre Zone, without the prior Consent of the Council having first been obtained therefor.
- 3.9.2.2 All signs within the area bounded by Loop Street, Pietermaritz Street, Chapel Street and Commercial Road, shall observe such guidelines as may be established by the Council.
- 3.9.2.3 Where any Building or structure is to be erected or established, or any major addition is to be made thereto, adjoining a Site which contains a Building or other item which has been listed in terms of Clause 7.2 of the Scheme, the Council may require such Building, structure or addition to be set back from the street boundary or the indicated road widening line notwithstanding any other provision of the Scheme. Such setting back may be required to improve or enhance the setting of the listed Building or item. Any person aggrieved by the Council's decision under this Clause may make further application for the Council's Special Consent, for the establishment of the proposed Building or structure closer to the street boundary than previously decided by the Council. Any person aggrieved by the Council's decision on such application, may Appeal.
- 3.9.2.4 Any person aggrieved by any decision of the Council made in terms of any Regulation as made under the provisions of the Scheme which regulates the design or external appearance of Buildings, may Appeal.
- 3.9.2.5 In any case where the Council is authorised to make regulations in terms of Clauses 3.9.3, 3.9.4, 3.9.5 or 3.9.6, it shall make such regulations in the form of an Appendix in accordance with the provisions of Clause 8.14.
- 3.9.3 General Business 1 Sub-zone
- 3.9.3.1 Use of Land and Buildings -

- 3.9.3.1.1 Reference to Map - coloured mid-blue
- 3.9.3.1.2 Expressly Permissible Development or Uses of Land or Uses of Buildings-
  - 1.6.4 Business Premises
  - 1.6.6 Dwelling
  - 1.6.7 Flat
  - 1.6.18 Outbuilding
  - 1.6.23 Place of Instruction
  - 1.6.27 Public Office
  - 1.6.28 Residential Building
  - 1.6.29 Restaurant
  - 1.6.32 Service Workshop
  - 1.6.33 Shop
  - 1.6.34 Social Hall
  - 1.6.36 Specialised Office
- 3.9.3.1.3 Development or Uses of Land or Uses of Buildings Permitted by Special Consent -
  - 1.6.1 Agricultural Building
  - 1.6.8 Home Activity, subject to the provisions of Clause 3.1.3.1
  - 1.6.9 Home Business, subject to the provisions of Clause 3.1.3.1
  - 1.6.12 Institution
  - 1.6.13 Light Industrial Building
  - 1.6.15 Motor Salesroom
  - 1.6.16 Motor Workshop
  - 1.6.20 Parking Garage
  - 1.6.21 Parking Lot
  - 1.6.22 Petroleum Filling Station

1.6.24 Place of Public Entertainment

1.6.25 Place of Worship

1.6.31 Service Industrial Building

1.6.32 Service Workshop

1.6.34 Social Hall

1.6.35 Special Building

3.9.3.1.4 Expressly Prohibited Development or Uses of Land or Uses of Buildings-

All Development or uses of Land or uses of Buildings not under Clauses 3.9.3.1.2 and 3.9.3.1.3 hereof.

3.9.3.2 Density and Height Control

TYPE OF BUILDING OR USE OF LAND	MAX BULK FACTOR OR MAX UNITS/HECTARE	MAX COVERAGE FACTOR	MAX HEIGHT
Dwellings (flats)	220 uph	1/2	Controlled by 60°
Residential Buildings	2	1/2	light angle
All other uses	4	1	(Clause 2.5.7)

3.9.3.3 Building Lines, Canopies, Side and Rear Spaces and Other Items

3.9.3.3.1 Building Lines, Setbacks, Canopy Levels

Generally, all Buildings and structures within this Zone shall be established on the street boundary or the indicated road widening line, as the case may be.

3.9.3.3.2 The Council may make Regulations relating to the establishment of canopies to Buildings fronting on Church Street, whereby such canopies shall be established at specified levels, measured to the underside of the fascia thereof, above a given datum.

3.9.3.3.3 The Council may make Regulations relating to the preservation of any particular features, such as trees, while not detracting from the development potential of the Site concerned.

- 3.9.3.4 Minimum Site Areas / Frontages
- 3.9.3.4.1 Minimum Site areas, Frontages and mean widths for all non-residential uses shall be in accordance with Clause 6.3.
- 3.9.3.4.2 Minimum Site areas, Frontages and mean widths for residential uses, shall be in accordance with Clauses 6.2.1, 6.2.2, 6.2.3 and 6.2.4, as the case may be.
- 3.9.3.5 Vehicular Access, Parking and Loading
- 3.9.3.5.1 Generally, there shall be no statutory on-site parking requirement for any use established in this Zone.
- 3.9.3.5.2 Save with the Special Consent of the Council, no vehicular access shall be permitted to any Site with frontage to Church Street ; Printing Office Street between Church Street and Drury Lane ; Timber Street ; Longmarket Street and Buchanan Street between Longmarket Street and Carbineer Street. Provided that the Council may, from time to time, make Regulations relating to the provision of emergency vehicular access ; goods servicing for Shops during off-peak periods ; special parking/ stopping areas for elderly and incapacitated persons ; and servicing of banks by security vehicles.
- 3.9.3.5.3 Furthermore, any person wishing to provide on-site parking or any vehicular access elsewhere in this use-zone shall seek the Council's Consent therefor.
- 3.9.3.6 Rear Access Lanes
- 3.9.3.6.1 The rear access lanes indicated on the scheme map shall not be deemed to be streets for the purposes of the sub-division of Land.
- 3.9.3.6.2 The Council may, upon application being made for its Special Consent, permit a Building, including display windows to front on to a rear access lane.
- 3.9.3.6.3 If such Special Consent is granted, the Council may require any new Building to be set back from the boundary of the rear access lane reserve. The area between such boundary and the building shall be hardened to the satisfaction of the Council.

- 3.9.3.6.4 Notwithstanding the provisions of this Clause where, in the opinion of the Council, circumstances exist which would render impracticable the establishment of a rear access lane as shown on the scheme map the Council may, at its discretion, amend the position, alignment and dimensions of such lane in relation to the boundary or boundaries of the Lot or Lots concerned, to an extent not exceeding 6m in any dimension or direction.
- 3.9.3.6.5 Where, in the opinion of the Council, the intent or purpose or operation of such rear access lanes would not be unduly hindered the Council may, notwithstanding any other provisions of the Scheme regulating the height of Buildings, authorise the erection of corridors connecting opposing Buildings across such rear access lanes, above the first Floor level, provided that such connecting corridors shall allow a clearance of at least 4,5m above the rear access lane at that point.

## 3.9.4 Civic Centre Sub-zone :

## A 3.9.4.1 Use of Land and Buildings - SECTION A (Refer to Plan TPX 1/137E) -

A 3.9.4.1.1 Reference to Map - coloured pale blue

A 3.9.4.1.2 Expressly Permissible Development or Uses of Land or Uses of Buildings -

1.6.27 Public Office

A 3.9.4.1.3 Development or Uses of Land or Uses of Buildings Permitted by Special Consent -

1.6.4 Business Premises

1.6.7 Flat

1.6.15 Motor Salesroom

1.6.20 Parking Garage

1.6.21 Parking Lot

1.6.23 Place of Instruction

1.6.24 Place of Public Entertainment

1.6.25 Place of Worship

1.6.28 Residential Building

1.6.29 Restaurant

1.6.33 Shop

1.6.34 Social Hall

1.6.35 Special Building

1.6.36 Specialised Office

A 3.9.4.1.4 Expressly Prohibited Development or Uses of Land or Uses of Buildings -

All Development or uses of Land or uses of Buildings not under Clauses A 3.9.4.1.2 and A 3.9.4.1.3 hereof.

## A 3.9.4.2 Density and Height Control

TYPE OF BUILDING OR USE OF LAND	MAX BULK FACTOR OR MAX UNITS/HECTARE	MAX COVERAGE FACTOR	MAX HEIGHT
Dwellings (flats)	220 uph	1/2	Controlled by 60°
Residential Buildings	2	1/2	light angle
All other uses	4 1/2	1	(Clause 2.5.7)

## A 3.9.4.3 Height, Canopies and Setbacks (Refer Plan TPX 1/152G)

A 3.9.4.3.1 The height limitations specified in this Clause shall be measured from the relevant datum level prescribed on Plan TPX 1/152G, in respect of the particular Site concerned, to the top of any parapet at the underside of the eaves of the roof of the Building.

A 3.9.4.3.2 The maximum permissible height of Buildings shall be 34 m and, save with the Consent of the Council, Buildings shall be at least 22m in height.

## A 3.9.4.4 Building Sites and Space about Buildings

A 3.9.4.4.1 The extent of the Site of any Building to be erected, its Frontage to a street, and its overall dimensions, shall be such as will promote the Scheme prepared in respect of this zone, as depicted on Plan TPX 1/137E or any amendment thereto.

A 3.9.4.4.2 No Side or Rear Space shall be required to be left about Buildings, other than in respect of Dwellings, Flats and Residential Buildings, except as required by the National Building Regulations.

A 3.9.4.4.3 Side and Rear Spaces for Dwellings, Flats and Residential Buildings shall be provided in accordance with the requirements for those uses where they appear elsewhere in the Scheme.

## A 3.9.4.5 Design and External Appearance of Buildings, Structures, Street Furniture, Planting and Pavements

A 3.9.4.5.1 The external appearance of all Buildings, structures and other works erected in the Civic Centre Sub-zone, including the size, proportions, materials, colour and design of all visible elements of such Building structures and works, and of anything applied or attached to the canopy, or to the exterior of a Building above canopy level and the design and materials of all gardens, pavements, ornamental features, statues and street furniture, shall be subject to the Consent of the Council.

A 3.9.4.5.2 Any person intending to erect a Building or alter the external appearance of a Building, or apply or attach anything to the canopy or the exterior of a Building above canopy level in the Civic Centre Sub-zone and any person intending to erect any ornamental features, statues, street furniture or structures, or plant any gardens or lay any pavement or execute any other work in this sub-zone which is visible from any place to which the public has access, shall furnish the Council (in addition to any plans or particulars required in terms of any other law with drawings or other sufficient indication of the external appearance of the proposed Building or addition or alteration to the Building or other work, including such description of the materials to be used as may be necessary for that purpose.

A 3.9.4.5.3 The Council shall consider all applications, together with the necessary documents required in terms of this Clause, and no person shall commence the erection of any such Building until the particulars referred to in this Clause have been approved with or without conditions by the Council or in the case of any Appeal until such Appeal has been finally determined.

A 3.9.4.6 Parking, Loading and Unloading of Vehicles

A 3.9.4.6.1 No person shall erect, extend, add to or alter any Building or change the use of a Building in the Civic Centre Sub-zone unless parking spaces not less in number than prescribed in the ensuing Table are provided on the Site concerned, for the parking of motor vehicles of persons employed at or occupying the premises and unless facilities approved by the

Council for the loading and unloading of vehicles are provided on the Site.

Provided that -

- (i) The Council may Consent to any two or more Owners, including the Council, combining in order to provide any parking space required in terms of this sub-clause if it is satisfied that suitable agreements binding on their successors-in-title have been entered into between the parties.
- (ii) Ingress to and egress from all parking and loading areas shall be to the satisfaction of the Council, save that no such ingress and egress shall be permitted direct to or from Longmarket Street, Church Street, Boshoff Street or Commercial Road, unless the Council is satisfied that the Site could not otherwise be properly developed and that no undue traffic hazards would result therefrom.

A 3.9.4.6.2 The technical requirements for on-site parking shall be in accordance with Appendix 2 to the Scheme.

A 3.9.4.6.3 In the case of the addition or extension to any Building existing prior to the introduction of this Clause, the said provisions shall apply to such addition or extension only.

USE OF LAND OR BUILDINGS	MINIMUM NUMBER OF PARKING SPACES TO BE PROVIDED
Residential Buildings other than Flats	2 for every 3 bedrooms, provided that in the case of hotels with public bars an additional 15 spaces shall be provided.
Flats	Two for every three Flats
Specialised Offices, including banking halls	One for every 65m <sup>2</sup> of floor space excluding staircases, lifts, landings, entrance foyer, lavatories and machinery rooms, but including corridors.
Shops, Business Premises (excluding Specialised Offices, Banking Halls)	One space per 7,5m of Frontage to a street, or arcade of 25m or longer or one space per 200m <sup>2</sup> of floor area excluding staff toilets and staff rest rooms, rooms used solely for dead storage and lift and machinery rooms, whichever is the lesser.

The Council may also require on-site parking to be provided at its discretion in cases of the use of Land or Buildings which may be permitted with the Special Consent of the

Council.

- B 3.9.4.1 Use of Land and Buildings - SECTION B (Refer to Plan TPX1/137E)
- B 3.9.4.1.1 Reference to Map - coloured pale blue.
- B 3.9.4.1.2 Expressly Permissible Development or Uses of Land or Uses of Buildings -
- 1.6.4 Business Premises
  - 1.6.20 Parking Garage
  - 1.6.27 Public Office
  - 1.6.29 Restaurant
  - 1.6.33 Shop
  - 1.6.36 Specialised Office
- B 3.9.4.1.3 Development or Uses of Land or Uses of Buildings Permitted by Special Consent -
- 1.6.7 Flat
  - 1.6.8 Home Activity, subject to the provisions of Clause 3.1.3.1
  - 1.6.9 Home Business, subject to the provisions of Clause 3.1.3.1
  - 1.6.12 Institution
  - 1.6.15 Motor Salesroom
  - 1.6.18 Outbuilding
  - 1.6.21 Parking Lot
  - 1.6.23 Place of Instruction
  - 1.6.24 Place of Public Entertainment
  - 1.6.25 Place of Worship
  - 1.6.28 Residential Building
  - 1.6.34 Social Hall
  - 1.6.35 Special Building

B 3.9.4.1.4 Expressly Prohibited Development or Uses of Land or Uses of Buildings -

All Development or uses of Land or uses of Buildings not under Clauses B 3.9.4.1.2 and B 3.9.4.1.3 hereof.

B 3.9.4.2 Density and Height Control

TYPE OF BUILDING OR USE OF LAND	MAX BULK FACTOR OR MAX UNITS/HECTARE	MAX COVERAGE FACTOR	MAX HEIGHT
Dwellings (flats)	220 uph	1/2	Controlled by 60°
Residential Buildings	2	1/2	light angle
All other uses	4 1/2	1	(Clause 2.5.7)

B 3.9.4.3 Height, Canopies and Setbacks (Refer Plan TPX 1/152G)

B 3.9.4.3.1 The height limitations specified in this Clause shall be measured from the relevant datum level prescribed on Plan TPX 1/152G, in respect of the particular Site concerned, to the top of any parapet at the underside of the eaves of the roof of the Building.

B 3.9.4.3.2 The maximum permissible height of Buildings shall be 34m and, save with the consent of the Council, Buildings shall be at least 22m in height.

B 3.9.4.3.3 In addition to the foregoing, any Development on a Site fronting on to Church Street or Longmarket Street shall be contained below a vertical angle of 40° originating at ground level on the existing street boundary on the opposite side of the street.

B 3.9.4.3.4 All Buildings in Section B shall have a canopy extending from such Building, over the sidewalk at a height measured to the underside of the fascia thereof, equal to the height prescribed on Plan TPX 1/152G, in respect of the particular Site, but in no instance less than 3m above the sidewalk for the maximum distance permitted in terms of the Council's By-laws.

B 3.9.4.3.5 The following provisions shall apply in respect of the location of external walls, or portions thereof, fronting on to all streets in this Sub-zone

- (i) All Buildings at the ground level shall be built on the street boundary or other line specifically indicated in the Scheme, save with the Consent of the Council.
- (ii) The external wall shall, at a height of 22m, be set back at least 6m from the vertical plane of any lower portion thereof.
- (iii) Any setback, other than as allowed for in (ii) above, shall be at a height of 7,5m and shall be at least 6m from the vertical plane of any lower portion thereof.

#### B 3.9.4.4 Building Sites and Space about Buildings

B 3.9.4.4.1 The extent of the Site of any Building to be erected, its frontage to a street, and its overall dimensions, shall be such as will promote the Scheme prepared in respect of this zone, and as depicted on Plan TPX 1/137E or any amendment thereto.

B 3.9.4.4.2 No Side or Rear Space shall be required to be left about Buildings, other than in respect of Dwellings, Flats and Residential Buildings, except as required by the National Building Regulations.

B 3.9.4.4.3 Side and Rear Spaces for Dwellings, Flats and Residential Buildings shall be provided in accordance with the requirements for those uses where they appear elsewhere in the Scheme.

#### B 3.9.4.5 Design and External Appearance of Buildings, Structures, Street Furniture, Planting and Pavements

B 3.9.4.5.1 The external appearance of all Buildings, structures and other works erected in the Civic Centre Sub-zone, including the size, proportions, materials, colour and design of all visible elements of such Building structures and works, and of anything applied or attached to the canopy, or to the exterior of a Building above canopy level and the design and materials of all gardens, pavements,

ornamental features, statues and street furniture, shall be subject to the Consent of the Council.

B 3.9.4.5.2 Any person intending to erect a Building or alter the external appearance of a Building, or apply or attach anything to the canopy or the exterior of a Building above canopy level in the Civic Centre Sub-zone and any person intending to erect any ornamental features, statues, street furniture or structures, or plant any gardens or lay any pavement or execute any other work in this sub-zone which is visible from any place to which the public has access, shall furnish the Council (in addition to any plans or particulars required in terms of any other law) with drawings or other sufficient indication of the external appearance of the proposed Building or addition or alteration to the Building or other work, including such description of the materials to be used as may be necessary for that purpose.

B 3.9.4.5.3 The Council shall refer all applications, together with the necessary documents required in terms of this Clause, to the City Centre Committee for comment. The Committee shall advise the Council timeously, and no person shall commence the erection of any such Building until the particulars referred to in this Clause have been approved with or without conditions by the Council, nor is the case of any Appeal until such appeal has been finally determined.

#### B 3.9.4.6 Parking, Loading and Unloading of Vehicles

B 3.9.4.6.1 No person shall erect, extend, add to or alter any Building or change the use of a Building in the Civic Centre Sub-zone unless parking spaces not less in number than prescribed in the ensuing Table are provided on the Site concerned, for the parking of motor vehicles of persons employed at or occupying the premises and unless facilities approved by the Council for the loading and unloading of vehicles are provided on the Site.

Provided that -

- (i) The Council may Consent to any two or more Owners, including the Council, combining in order to provide any parking space required in terms of this sub-clause if it is satisfied that suitable

agreements binding on their successors- in-title have been entered into between the parties.

- (ii) Ingress to and egress from all parking and loading areas shall be to the satisfaction of the Council save that no such ingress and egress shall be permitted direct to or from Longmarket Street, Church Street, Boshoff Street or Commercial Road, unless the Council is satisfied that the Site could not otherwise be properly developed and that no undue traffic hazards would result therefrom.

B 3.9.4.6.2 The technical requirements for on-site parking shall be in accordance with Appendix 2 of the Scheme.

B 3.9.4.6.3 In the case of the addition or extension to any Building existing prior to the introduction of this Clause, the said provisions shall apply to such addition or extension only.

USE OF LAND OR BUILDINGS	MINIMUM NUMBER OF PARKING SPACES TO BE PROVIDED
Residential Buildings other than Flats	2 for every 3 bedrooms, provided that in the case of hotels with public bars an additional 15 spaces shall be provided.
Flats	Two for every three Flats
Specialised Offices, including banking halls	One for every 65m <sup>2</sup> of Floor space excluding staircases, lifts, landings, entrance foyer, lavatories and machinery rooms, but including corridors.
Shops, Business Premises (excluding Specialised halls)	One space per 7,5m of Frontage to a street, or arcade of 25m or Offices, banking space or one space per 200m <sup>2</sup> of Floor area excluding staff toilets and staff rest rooms, rooms used solely for dead storage and lift and machinery rooms, whichever is the lesser.

The Council may also require on-site parking to be provided at its discretion in cases of the use of Land or Buildings which may be permitted with the Special Consent of the Council.

- C 3.9.4.1 Use of Land and Buildings - SECTION C (Refer to Plan TPX1/137E)
- C 3.9.4.1.1 Reference to Map - coloured pale blue.
- C 3.9.4.1.2 Expressly Permissible Development or Uses of Land or Uses of Buildings -
- 1.6.4 Business Premises
  - 1.6.27 Public Office
  - 1.6.29 Restaurant
  - 1.6.33 Shop
  - 1.6.36 Specialised Office
- C 3.9.4.1.3 Development or Uses of Land or Uses of Buildings Permitted by Special Consent -
- 1.6.7 Flats
  - 1.6.8 Home Activity, subject to the provisions of Clause 3.1.3.1
  - 1.6.9 Home Business, subject to the provisions of Clause 3.1.3.1
  - 1.6.12 Institution
  - 1.6.15 Motor Salesroom
  - 1.6.18 Outbuilding
  - 1.6.20 Parking Garage
  - 1.6.21 Parking Lot
  - 1.6.23 Place of Instruction
  - 1.6.24 Place of Public Entertainment
  - 1.6.25 Place of Worship
  - 1.6.28 Residential Building
  - 1.6.34 Social Hall
  - 1.6.35 Special Building

C 3.9.4.1.4 Expressly Prohibited Development or Uses of Land or Uses of Buildings -

All Development or uses of Land or uses of Buildings not under Clauses C 3.9.4.1.2 and C 3.9.4.1.3 hereof.

C 3.9.4.2 Density and Height Control

TYPE OF BUILDING OR USE OF LAND	MAX BULK FACTOR OR MAX UNITS/HECTARE	MAX COVERAGE FACTOR	MAX HEIGHT
Dwellings (flats)	220 uph	1/2	Controlled by 60°
Residential Buildings	2	1/2	light angle
All other uses	4	1	(Clause 2.5.7)

C 3.9.4.3 Height, Canopies and Setbacks (Refer Plan TPX 1/152G)

- C 3.9.4.3.1 The height limitations specified in this Clause shall be measured from the relevant datum level prescribed on Plan TPX 1/152G, in respect of the particular Site concerned, to the top of any parapet at the underside of the eaves of the roof of the building.
- C 3.9.4.3.2 The maximum permissible height of Buildings shall be 34m and, save with the Consent of the Council, Buildings shall be at least 22m in height.
- C 3.9.4.3.3 In addition to the foregoing, any development on a Site fronting on to Church Street or Longmarket Street shall be contained below a vertical angle of 40% originating at ground level on the existing street boundary on the opposite side of the street.
- C 3.9.4.3.4 All Buildings in Section C shall have a canopy extending from such Building, over the sidewalk at a height measured to the underside of the fascia thereof, equal to the height prescribed on Plan TPX 1/152G, in respect of the particular Site, but in no instance less than 3m above the sidewalk for the maximum distance permitted in terms of the Council's By-laws.

C 3.9.4.3.5 The following provisions shall apply in respect of the location of external walls, or portions thereof, fronting on to all streets in this Section-

- (i) All Buildings at the ground level shall be built on the street boundary or other line specifically indicated in the Scheme, save with the Consent of the Council.
- (ii) The external walls shall, at a height of 22m, be set back at least 6m from the vertical plane of any lower portion thereof.
- (iii) Any setback, other than as allowed for in (ii) above, shall be at a height of 7,5m and shall be at least 6m from the vertical plane of any lower portion thereof.

#### C 3.9.4.4 Building Sites and Space about Buildings

C 3.9.4.4.1 The extent of the Site of any Building to be erected, its Frontage to a street, and its overall dimensions, shall be such as will promote the Scheme prepared in respect of this zone, and as depicted on Plan TPX 1/137E or any amendment thereto.

C 3.9.4.4.2 No Side or Rear Space shall be required to be left about Buildings, other than in respect of Dwellings, Flats and Residential Buildings, except as required by the National Building Regulations.

C 3.9.4.4.3 Side and Rear Spaces for Dwellings, Flats and Residential Buildings shall be provided in accordance with the requirements for those uses where they appear elsewhere in the Scheme.

#### C 3.9.4.5 Design and External Appearance of Buildings, Structures, Street Furniture, Planting and Pavements

C 3.9.4.5.1 The external appearance of all Buildings, structures and other works erected in the Civic Centre Sub-zone, including the size, proportions, materials, colour and design of all visible elements of such Building structures and works and of anything applied or attached to the canopy, or to the exterior of a building above canopy level and the design and materials of all gardens, pavements,

ornamental features, statues and street furniture, shall be subject to the Consent of the Council.

C 3.9.4.5.2 Any person intending to erect a Building or alter the external appearance of a Building, or apply or attach anything to the canopy or the exterior of a Building above canopy level in the Civic Centre Sub-zone and any person intending to erect any ornamental feature, statues, street furniture or structures, or plant any gardens or lay any pavement or execute any other work in this sub-zone which is visible from any place to which the public has access, shall furnish the Council (in addition to any plans or particulars required in terms of any other law) with drawings or other sufficient indication of the external appearance of the proposed Building or addition or alteration to the Building or other work, including such description of the materials to be used as may be necessary for that purpose.

C 3.9.4.5.3 The Council shall refer all applications, together with the necessary documents required in terms of this Clause, and no person shall commence the erection of any such Building until the particulars referred to in this Clause have been approved with or without conditions by the Council, nor in the case of any Appeal until such Appeal has been finally determined.

#### C 3.9.4.6 Parking, Loading and Unloading of Vehicles

C 3.9.4.6.1 No person shall erect, extend, add to or alter any Building or change the use of a Building in the Civic Centre Sub-zone unless parking spaces not less in number than prescribed in the ensuing Table are provided on the Site concerned, for the parking of motor vehicles of persons employed at or occupying the premises and unless facilities approved by the Council for the loading and unloading of vehicles are provided on the Site -

Provided that -

- (i) The Council may Consent to any two or more Owners, including the Council, combining in order to provide any parking space required in terms of this sub-clause if it is satisfied that suitable agreements binding on their successors- in-title have been entered into between the parties.

- (ii) Ingress to and egress from all parking and loading areas shall be to the satisfaction of the Council save that no such ingress and egress shall be permitted direct to or from Longmarket Street, Church Street, Boshoff Street or Commercial Road, unless the Council is satisfied that the Site could not otherwise be properly developed and that no undue traffic hazards would result therefrom.

C 3.9.4.6.2 The technical requirements for on-site parking shall be in accordance with Appendix 2 to the Scheme.

C 3.9.4.6.3 In the case of the addition or extension to any Building existing prior to the introduction of this Clause, the said provisions shall apply to such addition or extension only.

USE OF LAND OR BUILDINGS	MINIMUM NUMBER OF PARKING SPACES TO BE PROVIDED
Residential Buildings other than Flats	2 for every 3 bedrooms, provided that in the case of hotels with public bars an additional 15 spaces shall be provided.
Flats	Two for every three Flats
Specialised Offices, including banking halls	One for every 65m <sup>2</sup> of Floor space excluding staircases, lifts, landings, entrance foyer, lavatories and machinery rooms, but including corridors.
Shops, Business Premises (excluding Specialised Offices, banking halls)	One space per 7,5m of Frontage to a street, or arcade of 25m or longer or one space per 200m <sup>2</sup> of Floor area excluding staff toilets and staff rest rooms, rooms used solely for dead storage and lift and machinery rooms, whichever is the lesser.

The Council may also require on-site parking to be provided at its discretion in cases of the use of Land or Buildings which may be permitted with the Special Consent of the Council.

### 3.9.5 Pedestrian / Malls Sub-Zone

#### 3.9.5.1 Use of Land and Buildings

3.9.5.1.1 Reference to Map - coloured maroon

3.9.5.1.2 As and when necessary the Council shall take the necessary steps in terms of the Local Authorities Ordinance No. 25 of 1974 to close such public streets and places as may be necessary to give effect to the pedestrianisation scheme.

3.9.5.1.3 No Building or structure shall be erected within the sub-zone at the ground level. Provided that the Council may, upon application being made to it for its Special Consent, permit a pedestrian link over the sub-zone, excepting Church Street, provided a ground clearance of at least 4,5m is provided or other general clearances determined by the Council or the roofing over of the sub-zone, excepting Church Street, provided a ground clearance of at least 10m is provided, and subject also to the requirements of the Municipal By-laws; or other general clearances determined by the Council.

3.9.5.1.4 The Council may, by Special Consent, allow an outdoor Restaurant or cafe, pavement stall or display area.

3.9.5.1.5 Where any portion of a Site, the remainder of which is zoned General Business I is included in this sub-zone the area of such portion shall be included in the area of the Site, for the purposes of computing the appropriate Bulk or residential density permitted.

3.9.5.1.6 The Council may, from time to time, make Regulations as provided for in Clause 8.14 relating to the provision of emergency vehicular access, goods servicing for Shops during off-peak periods, special parking/stopping areas for elderly and incapacitated persons and servicing of banks by security vehicles.

3.9.5.1.7 The Council may from time to time, make Regulations as provided for in Clause 8.14 relating to the floorscape to be established within the sub-zone, canopy levels and Building facades abutting the sub-zone, as well as any such related matters which the Council

deems necessary and desirable for the achievement of coherent development.

### 3.9.6 Lanes Area Sub-Zone

#### 3.9.6.1 Use of Land and Buildings

3.9.6.1.1 Reference to Map - coloured pale yellow

3.9.6.1.2 Expressly Permissible Development or Uses of Land or Uses of Buildings-

Nil

3.9.6.1.3 Development or Uses of Land or Uses of Buildings Permitted by Special Consent -

1.6.4 Business Premises

1.6.7 Flat

1.6.8 Home Activity, subject to the provisions of Clause 3.1.3.1

1.6.9 Home Business, subject to the provisions of Clause 3.1.3.1

1.6.12 Institution

1.6.18 Outbuilding

1.6.23 Place of Instruction

1.6.24 Place of Public Entertainment

1.6.25 Place of Public Worship

1.6.27 Public Office

1.6.28 Residential Building

1.6.29 Restaurant

1.6.33 Shop

1.6.34 Social Hall

1.6.35 Special Building

1.6.36 Specialised Office

3.9.6.1.4 Expressly Prohibited Development or Uses of Land or Uses of Buildings -

All Development or uses of Land or uses of Buildings not under Clause 3.9.6.1.3 hereof.

3.9.6.2 Density and Height Control

TYPE OF BUILDING OR USE OF LAND	MAX BULK FACTOR OR MAX UNITS/HECTARE	MAX COVERAGE FACTOR	MAX HEIGHT
Dwellings (flats)	220 uph	1	Refer to Clause 3.9.6.3
Residential Buildings	2	1	Refer to Clause 3.9.6.3
All other uses	2	1	Refer to Clause 3.9.6.3

3.9.6.3 Height Control

3.9.6.3.1 Where any new Building, or additions or alterations to any Building, abuts any lane or public way within this Sub-zone, the maximum permitted height shall be 2 Storeys, provided that in no case shall the height exceed 10m.

3.9.6.3.2 The Council may, upon application being made to it for its Special Consent, permit the establishment of towers, turrets, spires or other similar architectural features, in excess of the specified maximum height, provided it is satisfied that such features are desirable or necessary to enhance the general facade and character of the lane concerned.

3.9.6.3.3 Where any Building abuts either Church Street or Longmarket Street, such Building shall not project or extend above a vertical angle of 60° originating at ground level on the existing street boundary on the opposite side of the street.

3.9.6.3.4 Where any Building abuts either Church Street or Longmarket Street, and any lane or public way within this sub-zone, the maximum permitted heights shall be determined in accordance with Clause 2.5.7 of the Scheme, read in conjunction with this Clause.

### 3.9.6.4 Building Lines, Side and Rear Spaces

3.9.6.4.1 Generally, all Buildings and structures associated therewith shall observe a Building Line of at least 4 m. Provided that the Council may grant its Consent to the relaxation of the Building Line on account of the shape or extent of the Site, the existence of other Buildings in front of the Building Line, or other circumstances. Provided further, that should it deem it to be desirable, the Council may require an applicant in this matter to apply for the Special Consent of the Council.

3.9.6.4.2 There shall be, in respect of Business Premises, Shops, Specialised Offices and other non-residential uses, no specified Side Space or Rear Space, which shall be determined in terms of the National Building Regulations.

3.9.6.4.3 All new Buildings, or portions of Buildings, accommodating or comprising Dwellings, Residential Buildings or Flats, shall observe a Side Space and a Rear Space as provided for in accordance with the requirements for those uses where they appear elsewhere in the Scheme, including any limitations on relaxation of those requirements.

3.9.6.4.4 Side and rear spaces for any use not specified herein shall be provided in accordance with the requirements for those uses where they appear elsewhere in the Scheme.

### 3.9.6.5 Minimum Site Areas / Frontages

Save with the Special Consent of the Council, the minimum Site area shall be 350m<sup>2</sup> and the minimum frontage and mean width thereof shall be 11m.

### 3.9.6.6 Provision of On-site Parking

No new vehicular access shall be provided to any Site, nor shall any provision be made within any Site or Building development for the parking thereon or therein of any motor vehicle, without the Special Consent of the Council first having been obtained. Before granting its Special Consent the Council shall satisfy itself that the particular street on to which the Site fronts is capable of accommodating the additional traffic and that no undue hazard to pedestrian and vehicular traffic will be caused. In granting any such Special Consent the Council may impose, inter alia, conditions limiting the number and size of vehicles to be accommodated

on the Site.

### 3.10 LIGHT INDUSTRIAL ZONE

3.10.1 In addition to the general provisions of the Scheme, the following shall apply exclusively to the Light Industrial zone.

#### 3.10.2 Use of Land and Buildings

3.10.2.1 Reference to Map - coloured mauve

3.10.2.2 Expressly Permissible Development or Uses of Land or Uses of Buildings-

1.6.13 Light Industrial Building

1.6.15 Motor Salesroom

1.6.16 Motor Workshop

1.6.31 Service Industrial Building

1.6.32 Service Workshop

3.10.2.3 Development or Uses of Land or Uses of Buildings Permitted by Special Consent -

1.6.3 Boarding House

1.6.4 Business Premises

1.6.6 Dwelling

1.6.7 Flat

1.6.8 Home Activity, subject to the provisions of Clause 3.1.3.1

1.6.9 Home Business, subject to the provisions of Clause 3.1.3.1

1.6.10 Industrial Building

1.6.12 Institution

1.6.18 Outbuilding

1.6.20 Parking Garage

1.6.21 Parking Lot

1.6.22 Petroleum Filling Station

1.6.23 Place of Instruction

1.6.24 Place of Public Entertainment

1.6.26 Public Garage

1.6.27 Public Office

1.6.28 Residential Building

1.6.29 Restaurant

1.6.30 Self-contained Residential Unit

1.6.33 Shop

1.6.34 Social Hall

1.6.35 Special Building

1.6.36 Specialised Office

3.10.2.4 Expressly Prohibited Development or Uses of Land or Uses of Buildings -

All development or uses of Land or uses of Buildings not under Clauses 3.10.2.2 and 3.10.2.3 hereof.

3.10.3 Density and Height Control

3.10.3.1 Bulk Zone Two

Bulk Zone Three (Central City Area)

TYPE OF BUILDING OR USE OF LAND	MAX BULK FACTOR OR MAX UNITS/HECTARE	MAX COVERAGE FACTOR	MAX HEIGHT
Dwellings (flats)	175 uph	1/3	Controlled by 60°
Residential Buildings	1 1/2	1/2	light angle
All other uses	3	3/4	(Clause 2.5.7)

## 3.10.3.2 Bulk Zone Three (Outside Central City Area)

TYPE OF BUILDING OR USE OF LAND	MAX BULK FACTOR OR MAX UNITS/HECTARE	MAX COVERAGE FACTOR	MAX HEIGHT
Dwellings (flats)	80 uph	1/3	3 Storeys
Residential Buildings	1	1/2	3 Storeys
All other uses	1 1/2	3/4	3 Storeys

3.10.3.3 In areas as specified in Schedule 1 and 2, the coverage will be as per table B and E of these Schedules and height in terms of table C and E.

## 3.10.4 Building Lines, Side and Rear Spaces

3.10.4.1 Generally, all Buildings and structures associated therewith shall observe a Building Line of at least 4m. Provided that the Council may grant its Special Consent to the relaxation of the Building Line. Any person wishing to make an application for relaxation shall proceed in the manner provided for in Appendix 9 to the Scheme.

3.10.4.2 There shall be, in respect of Light Industrial Buildings, and other Buildings or portions of Buildings not being Dwellings, Residential Buildings or Flats, no specified Side Space or Rear Space, which shall be determined in terms of the National Building Regulations.

3.10.4.3 All new Buildings, or portions of Buildings, accommodating or comprising Dwellings, Residential Buildings or Flats, shall observe a Side Space and a Rear Space as provided for in accordance with the requirements for those uses where they appear elsewhere in the Scheme, including any limitations on relaxation of those requirements.

3.10.4.4 Side and Rear Spaces for any use not specified herein shall be provided in accordance with the requirements for those uses where they appear elsewhere in the Scheme.

3.10.4.5 Side and rear spaces for areas as specified in schedule 1 and 2, shall be in accordance to table A and E of the attached schedules.

## 3.10.5 Minimum Site Areas / Frontages

3.10.5.1 Minimum Site areas, Frontages and mean widths for all non-residential uses shall be in accordance with Clause 6.3.

- 3.10.5.2 Minimum Site areas, Frontages and mean widths for residential uses, shall be in accordance with Clauses 6.2.1, 6.2.2, 6.2.3 and 6.2.4, as the case may be.

### 3.10.6 Provision of On-site Parking

- 3.10.6.1 The following on-site parking shall be provided for Industrial Buildings, Light Industrial Buildings, Motor Workshops, Service Industrial Buildings and Service Workshops -

A gross area equal to 15% of the total Floor area of the main Building or Buildings, or equal to 10% of the Site area, whichever is the greater.

Provided that the Council may grant its Special Consent for relaxation hereof, in respect of a Site within the Central City Area.

- 3.10.6.2 On-site parking requirements for any other uses shall be in accordance with the requirements for those uses, as provided for elsewhere in the Scheme.
- 3.10.6.3 The technical requirements for on-site parking shall be in accordance with Appendix 2 to the Scheme.
- 3.10.6.4 In areas specified in Schedule 1 and 2, parking and loading provisions as set out in table D and E of the attached schedules will be applicable.

### 3.11 GENERAL INDUSTRIAL ZONE

3.11.1 In addition to the general provisions of the Scheme, the following shall apply exclusively to the General Industrial zone.

#### 3.11.2 Use of Land and Buildings

3.11.2.1 Reference to Map - coloured purple

3.11.2.2 Expressly Permissible Development or Uses of Land or Uses of Buildings -

1.6.10 Industrial Building

1.6.13 Light Industrial Building

1.6.15 Motor Salesroom

1.6.16 Motor Workshop

1.6.31 Service Industrial Building

1.6.32 Service Workshop

3.11.2.3 Development or Uses of Land or Uses of Buildings Permitted by Special Consent -

1.6.3 Boarding House

1.6.4 Business Premises

1.6.6 Dwelling

1.6.7 Flat

1.6.8 Home Activity, subject to the provisions of Clause 3.1.3.1

1.6.9 Home Business, subject to the provisions of Clause 3.1.3.1

1.6.12 Institution

1.6.17 Noxious Industrial Building

1.6.18 Outbuilding

1.6.20 Parking Garage

1.6.21 Parking Lot

1.6.22 Petroleum Filling Station

1.6.23 Place of Instruction

1.6.24 Place of Public Entertainment

1.6.25 Place of Worship

1.6.26 Public Garage

1.6.28 Residential Building

1.6.29 Restaurant

1.6.33 Shop

1.6.34 Social Hall

1.6.35 Special Building

3.11.2.4 Expressly Prohibited Development or Uses of Land or Uses of Buildings -

All Development or uses of Land or uses of Buildings not under Clauses 3.11.2.2 and 3.11.2.3 hereof.

3.11.3 Density and Height Control

TYPE OF BUILDING OR USE OF LAND	MAX BULK FACTOR OR MAX UNITS/HECTARE	MAX COVERAGE FACTOR	MAX HEIGHT
Industrial Building	Not specified	9/10	Controlled by 60° light angle (Clause 2.5.7)
Dwellings (flats)	80 uph	1/3	3 Storeys
Residential Buildings	1	1/2	3 Storeys
All other uses	1 1/2	3/4	3 Storeys

3.11.3.1 In areas as specified in schedule 1 and 2, the coverage will be as per table B and E of the attached schedules and height in terms of table C and E.

3.11.4 Building Lines, Side and Rear Spaces

3.11.4.1 Generally, all Buildings and structures associated therewith shall observe a Building Line of at least 7m. Provided that the Council may grant its Special Consent to the relaxation of the Building Line. Any person wishing to make an application for relaxation shall proceed in the manner provided for in Appendix 9 to the Scheme.

- 3.11.4.2 There shall be, in respect of General Industrial Buildings, or other Buildings or portions of Buildings not being Dwellings, Residential Buildings or Flats, no specified Side Space or Rear Space which shall be determined in terms of the National Building Regulations.
- 3.11.4.3 All new Buildings, or portions of Buildings, accommodating or comprising Dwellings, Residential Buildings or Flats, shall observe a Side Space and a Rear Space as provided for in accordance with the requirements for those uses where they appear elsewhere in the Scheme, including any limitations on relaxation of those requirements.
- 3.11.4.4 Side and Rear Spaces for any use not specified herein shall be provided in accordance with the requirements for those uses where they appear elsewhere in the Scheme.
- 3.11.4.5 Side and rear spaces for areas as specified in Schedule 1 and 2, shall be in accordance to table A and E of the attached schedules.
- 3.11.5 Minimum Site Areas / Frontages
- 3.11.5.1 Minimum Site areas, Frontages and mean widths for all non-residential uses shall be in accordance with Clause 6.3.
- 3.11.5.2 Minimum Site areas, Frontages and mean widths for residential uses shall be in accordance with Clauses 6.2.1, 6.2.2, 6.2.3 and 6.2.4, as the case may be.
- 3.11.6 Provision of On-site Parking
- 3.11.6.1 The following on-site parking shall be provided for Industrial Buildings, Light Industrial Buildings, Motor Workshops, Service Industrial Buildings and Service Workshops -
- A gross area equal to 15% of the total Floor area of the main Building or Buildings, or equal to 10% of the Site area, whichever is the greater.
- Provided that the City Council may grant its Special Consent for relaxation hereof, in respect of a Site within the Central City Area.
- 3.11.6.2 On-site parking requirements for any other uses shall be in accordance with the requirements for those uses, as provided for elsewhere in the Scheme.
- 3.11.6.3 The technical requirements for on-site parking shall be in accordance with Appendix 2 to the Scheme.
- 3.11.6.4 In areas specified in Schedule 1 and 2, parking and loading

provisions as set out in table D and E of the attached Schedules will be applicable.

### 3.12 GARAGE ZONE (Bulk Zones One, Two and Three)

3.12.1 In addition to the general provisions of the Scheme, the following shall apply exclusively to the Garage zone.

#### 3.12.2 Use of Land and Buildings

3.12.2.1 Reference to Map - Black dotted border around original / alternative zone colour

3.12.2.2 Expressly Permissible Development or Uses of Land or Uses of Buildings -

1.6.26 Public Garage or expressly permissible Development or uses of Land or uses of Building, in terms of the original / alternative use zone

3.12.2.3 Development or Uses of Land or Uses of Buildings Permitted by Special Consent -

Those uses permitted by Special Consent in respect of the alternative Use Zoning, only if a Public Garage is not established.

3.12.2.4 Expressly Prohibited Development or Uses of Land or Uses of Buildings -

All Development or uses of Land or uses of Buildings not under Clauses 3.12.2.2 and 3.12.2.3 hereof.

#### 3.12.3 Density and Height Control

##### 3.12.3.1 Bulk Zone One and City Centre Zone

TYPE OF BUILDING OR USE OF LAND	MAX BULK FACTOR OR MAX UNITS/HECTARE	MAX COVERAGE FACTOR	MAX HEIGHT
Dwellings (flats)	220 uph	1/2	Controlled by 60°
Residential Buildings	2	1/3	light angle
All other uses	4	1	(Clause 2.5.7)

## 3.12.3.2 Bulk Zone Two

## Bulk Zone Three (Central City Area)

TYPE OF BUILDING OR USE OF LAND	MAX BULK FACTOR OR MAX UNITS/HECTARE	MAX COVERAGE FACTOR	MAX HEIGHT
Dwellings (flats)	175 uph	1/3	Controlled by 60°
Residential Buildings	1 1/2	1/2	light angle
All other uses	3	1	(Clause 2.5.7)

## 3.12.3.3 Bulk Zone Three (Outside Central City Area)

TYPE OF BUILDING OR USE OF LAND	MAX BULK FACTOR OR MAX UNITS/HECTARE	MAX COVERAGE FACTOR	MAX HEIGHT
Dwellings (flats)	80 uph	1/3	3 Storeys
Residential Buildings	1	1/2	3 Storeys
All other uses	1 1/2	3/4	3 Storeys

3.12.3.4 In areas specified in Schedule 1 and 2, the coverage will be as per table B and E of the attached Schedules and height in terms of table C and E

## 3.12.4 Building Lines, Side and Rear Spaces

3.12.4.1 Generally, all Buildings and structures associated therewith shall observe a Building Line of at least 6m.

3.12.4.2 The Council may grant Special Consent for the erection of a Building or structure in front of the Building Line. Any person wishing to make an application for relaxation shall proceed in the manner provided for in Appendix 9 to the Scheme.

3.12.4.3 There shall be, in respect of Public Garages and other Buildings or portions of Buildings not being Dwellings, Residential Buildings or Flats, no specified Side Space or Rear Space, which shall be determined in terms of the National Building Regulations.

3.12.4.4 All new Buildings, or portions of Buildings, accommodating

or comprising Dwellings, Residential Building or Flats, shall observe a Side Space and a Rear Space as provided for in accordance with the requirements for those uses where they appear elsewhere in the Scheme, including any limitations on relaxation of those requirements.

- 3.12.4.5 Side and Rear Spaces for any use not specified herein shall be provided in accordance with the requirements for those uses where they appear elsewhere in the Scheme.
- 3.12.4.6 Side and rear space for all areas as specified in Schedule 1 and 2, shall be in accordance to table A and E of the attached Schedules.
- 3.12.5 Minimum Site Areas / Frontages
  - 3.12.5.1 Minimum Site areas, Frontages and mean widths for all non-residential uses shall be in accordance with Clause 6.3.
  - 3.12.5.2 Minimum Site areas, Frontages and mean widths for residential uses, shall be in accordance with Clauses 6.2.1, 6.2.2, 6.2.3 and 6.2.4, as the case may be.
- 3.12.6 Provision of On-site Parking
  - 3.12.6.1 The following on-site parking shall be provided for Public Garages :
    - 4 parking spaces per working bay, in addition to 1 parking space per 50m<sup>2</sup> of spares and sales area.
  - 3.12.6.2 On-site parking requirements for any other uses shall be in accordance with the requirements for those uses, as provided for elsewhere in the Scheme.
  - 3.12.6.3 The technical requirements for on-site parking shall be in accordance with Appendix 2 to the Scheme.
  - 3.12.6.4 In areas specified in Schedule 1 and 2, parking and loading provisions as set out in table D and E of the attached Schedules will be applicable.

13 CAR PARK ZONE

- 3.13.1 In addition to the general provisions of the Scheme, the following shall apply exclusively to the Car Park zone.
- 3.13.2 Use of Land and Buildings
- 3.13.2.1 Reference to Map - Dark red border with the letters 'CP'
- 3.13.2.2 Expressly Permissible Development or Uses of Land or Uses of Buildings -
- 1.6.4 Business Premises, subject to Clause 3.13.3.1
- 1.6.20 Parking Garage
- 1.6.22 Petroleum filling station, subject to Clause 3.13.3.2
- 1.6.33 Shop, subject to Clause 3.13.3.1
- 3.13.2.3 Development or Uses of Land or Uses of Buildings Permitted by Special Consent -
- 1.6.4 Business Premises, exceeding the limitations of Clause 3.13.3.1
- 1.6.7 Flats, designed as an integral part of a Parking Garage
- 1.6.10 Industrial Building
- 1.6.13 Light Industrial Buildings
- 1.6.15 Motor Salesroom
- 1.6.16 Motor Workshop
- 1.6.21 Parking Lot
- 1.6.22 Petroleum filling station, exceeding the limitations of Clause 3.13.3.2
- 1.6.24 Place of Public Entertainment
- 1.6.26 Public Garage
- 1.6.29 Restaurant
- 1.6.31 Service industrial building
- 1.6.32 Service Workshop
- 1.6.33 Shop, exceeding the limitations of Clause 3.13.3.1
- 1.6.35 Special building

## 1.6.36 Specialised office

## 3.13.2.4 Expressly Prohibited Development or Uses of Land or Uses of Buildings -

All Development or uses of Land or uses of Buildings not under Clauses 3.13.2.2 and 3.13.2.3 hereof.

## 3.13.3 Provisos to Clause 3.13.2.2 -

3.13.3.1 Not more than 1/4 of the maximum Bulk may, as an expressly permitted use, be occupied by Business Premises, Shops or other non-parking uses.

3.13.3.2 A Petroleum Filling Station may be established, as an expressly permitted use, only in conjunction with, and as an integral part of, a multi-storey Parking Garage.

## 3.13.4 Density and Height Control

## 3.13.4.1 Bulk Zone One and City Centre Zone

TYPE OF BUILDING OR USE OF LAND	MAX BULK FACTOR OR MAX UNITS/HECTARE	MAX COVERAGE FACTOR	MAX HEIGHT
Dwellings (flats)	220 uph	1/2	Controlled by 60°
Residential Buildings	2	1/2	light angle
All other uses	4 6, in respect of Car Park Nos 5, 7 and 8, per Plan TPY 1/475	1	(Clause 2.5.7)

## 3.13.4.2 Bulk Zone Two (City Central Area)

TYPE OF BUILDING OR USE OF LAND	MAX BULK FACTOR OR MAX UNITS/HECTARE	MAX COVERAGE FACTOR	MAX HEIGHT
Dwellings (flats)	175 uph	1/3	Controlled by 60°
Residential Buildings	1 1/2	1/2	light angle
All other uses	3	4/5	(Clause 2.5.7)

## 3.13.4.3 Bulk Zone Three (Outside Central City Area)

TYPE OF BUILDING OR USE OF LAND	MAX BULK FACTOR OR MAX UNITS/HECTARE	MAX COVERAGE FACTOR	MAX HEIGHT
Dwellings (flats)	80 uph	1/3	3 Storeys
Residential Buildings	1	1/2	3 Storeys
All other uses	1 1/2	3/4	4 Storeys

### 3.13.5 Building Lines, Side and Rear Spaces

3.13.5.1 Generally, all Buildings and structures shall observe a Building Line of at least 6 m. Provided that the Council may grant its Special Consent to the relaxation of the Building Line. Any person wishing to make an application for relaxation shall proceed in the manner provided for in Appendix 9 to the Scheme.

3.13.5.2 In addition to any other requirements of the Scheme, the design requirements for Parking Garages, as contained in Appendix 2 to the Scheme, shall be observed.

3.13.5.3 There shall be, in respect of Parking Garages or other Buildings or portions of Buildings not being Dwellings, Residential Buildings or Flats, no specified Side Space or Rear Space, which shall be determined in terms of the National Building Regulations.

3.13.5.3 All new Buildings, or portions of Buildings, accommodating or comprising Dwellings, Residential Building or Flats, shall observe a Side Space and a Rear Space as provided for in

accordance with the requirements for those uses where they appear elsewhere in the Scheme, including any limitations on relaxation of those requirements.

3.13.5.4 Side and Rear Spaces for any use not specified herein shall be provided in accordance with the requirements for those uses where they appear elsewhere in the Scheme.

### 3.13.6 Minimum Site Areas / Frontages

3.13.6.1 Minimum Site areas, Frontages and mean widths for all non-residential uses shall be in accordance with Clause 6.3.

3.13.6.2 Minimum Site areas, Frontages and mean widths for residential uses, shall be in accordance with Clauses 6.2.1 and 6.2.2, 6.2,3 and 6.2.4, as the case may be.

### 3.13.7 Design Requirements

In addition to any other requirements of the Scheme, the design requirements for Parking Garages, as contained in Appendix 2 to the Scheme, shall be observed.

### 3.14 INSTITUTIONAL ZONE

3.14.1 In addition to the general provisions of the Scheme, the following shall apply exclusively to the Institutional zone.

#### 3.14.2 Use of Land and Buildings

3.14.2.1 Reference to Map - Coloured Dark Brown

3.14.2.2 Expressly Permissible Development or Uses of Land or Uses of Buildings -

1.6.6 Dwelling

1.6.12 Institution

1.6.23 Place of Instruction

1.6.25 Place of Worship

1.6.34 Social Hall

3.14.2.3 Development or Uses of Land or Uses of Buildings Permitted by Special Consent -

1.6.3 Boarding House

1.6.6 Dwelling

1.6.18 Outbuilding

1.6.28 Residential building

1.6.35 Special Building, subject to the provisions of Clause 3.3.3.2

3.14.2.4 Expressly Prohibited Development or Uses of Land or Uses of Buildings -

All Development or uses of Land or uses of Buildings not under Clauses 3.14.2.2 and 3.14.2.3 hereof.

## 3.14.3 Density and Height Control

TYPE OF BUILDING OR USE OF LAND	MAX BULK FACTOR OR MAX UNITS/HECTARE	MAX COVERAGE FACTOR	MAX HEIGHT
Dwellings (flats)	Refer Clause 3.1.4.1	1/3	Controlled by 60°
Residential Buildings	1	1/2	light angle
All other uses	1	1/2	(Clause 2.5.7)

3.14.3.1 In areas specified in Schedule 1 and 2, the coverage will be as per table B and E of the attached Schedules and height in terms of table C and E

## 3.14.4 Building Lines, Side and Rear Spaces

3.14.4.1 Generally, all Buildings and structures (including swimming pools), shall observe a Building Line of at least 7m.

3.14.4.2 The Council may grant Special Consent for the erection of a Building or structure in front of the Building Line. Any person wishing to make an application for relaxation shall proceed in the manner provided for in Appendix 9 to the Scheme.

3.14.4.3 All new Buildings accommodating or comprising Residential Buildings, Institutions or Flats, shall observe a Side Space of not less than 3m within the Central City Area, and not less than 4,5m outside the Central City Area, there being no provision for the relaxation hereof.

3.14.4.4 All new Buildings accommodating or comprising Residential Buildings, Institutions or Flats, shall observe a Rear Space of not less than 5m within the Central City Area, and not less than 9m outside the Central City Area, there being no provision for the relaxation hereof.

3.14.4.5 Outbuildings and other structures including single, detached Dwellings, not being a Building accommodating or comprising Residential Buildings, Institutions or Flats, shall observe a Side Space and a Rear Space of not less than 1,5m. Any person wishing to make application for relaxation shall proceed in the manner provided for in Appendix 9 to the Scheme.

3.14.4.6 The foregoing Side Space and Rear Space requirements shall not over-rule the requirements of the National Building Regulations and any greater Side Space or Rear Space which may be required in terms thereof, shall be observed.

- 3.14.4.7 For the purposes of establishing Side Spaces and Rear Spaces in terms of this Clause, the eaves of any Building or structure shall not overhang the Side Space and Rear Space by more than 500mm, excepting that when a greater eaves overhang is provided, the required Side Space or Rear Space as the case may be, shall be increased by the amount the eaves overhang exceeds 500mm.
- 3.14.4.8 The Council may grant Special Consent for eaves of width greater than 500mm in respect of any Building accommodating or comprising Dwellings, Residential Buildings or Flats. Provided that if the written concurrence of the Owner of the property which shares a common boundary is lodged with the Council, the Council may waive the Special Consent procedure.
- 3.14.4.9 The Council may grant its Special Consent for relaxation of the Side Space and Rear Space requirements, in respect of Outbuildings and structures including single, detached Dwellings not being Residential Buildings or Flats, if it is satisfied that this will not be detrimental to the amenities of the adjoining residential properties, subject always to the requirements of the National Building Regulations. Provided that, if the written consent of abutting Owners and those Owners which the Council may determine as being affected by any such relaxation is lodged with the Council, the Council may waive the Special Consent procedure.
- 3.14.4.10 Side and rear space for all areas as specified in Schedule 1 and 2, shall be in accordance to table A and E of the attached Schedules.
- 3.14.5 Minimum Site Areas / Frontages
- 3.14.5.1 Minimum Site areas, Frontages and mean widths for all uses shall be in accordance with Clauses 6.2.1 and 6.3, as the case may be.
- 3.14.6 Provision of On-site Parking
- 3.14.6.1 The following on-site parking shall be provided for Institutional uses :
- One car parking space for every three habitable rooms.
- 3.14.6.2 On-site parking requirements for any other uses shall be in accordance with the requirements for those uses, as provided for elsewhere in the Scheme.
- 3.14.6.3 The technical requirements for on-site parking shall be in accordance with Appendix 2 to the Scheme.

3.14.6.4

In areas specified in Schedule 1 and 2, parking and loading provisions as set out in table D and E of the attached Schedules will be applicable.

### 3.15 RELIGIOUS PURPOSES/PUBLIC WORSHIP ZONE

3.15.1 In addition to the general provisions of the Scheme, the following shall apply exclusively to the Religious Purposes/Public Worship zone.

#### 3.15.2 Use of Land and Buildings

3.15.2.1 Reference to Map - Letter 'W' on uncoloured Site

3.15.2.2 Expressly Permissible Development or Uses of Land or Uses of Buildings -

1.6.6 Dwelling, subject to the provisions of Clause 3.15.3

1.6.12 Institution

1.6.23 Place of Instruction

1.6.25 Place of Worship

1.6.34 Social Hall

3.15.2.3 Development or Uses of Land or Uses of Buildings Permitted by Special Consent -

1.6.3 Boarding House

1.6.6 Dwelling, other than that provided for in Clause 3.15.3

1.6.18 Outbuilding

1.6.24 Place of Public Entertainment

1.6.28 Residential building

1.6.35 Special Building, subject to the provisions of Clause 3.3.3.2

3.15.2.4 Expressly Prohibited Development or Uses of Land or Uses of Buildings -

All Development or uses of Land or uses of Buildings not under Clauses 3.15.2.2 and 3.15.2.3 hereof.

3.15.3 Proviso to Clause 3.14.2.2 -

Not more than one Dwelling occupied in conjunction with a Place of Worship, may be established as an expressly permitted use in the Religious Purposes/Public Worship zone.

## 3.15.4 Density and Height Control

TYPE OF BUILDING OR USE OF LAND	MAX BULK FACTOR OR MAX UNITS/HECTARE	MAX COVERAGE FACTOR	MAX HEIGHT
Dwellings (flats)	Refer Clause 3.1.4.1	1/3	Controlled by 60°
Residential Buildings	1	1/2	light angle
All other uses	1	1/2	(Clause 2.5.7)*

\* No specified height limit for Place of Worship.

3.15.4.1 In areas specified in Schedule 1 and 2, the coverage will be as per table B and E of the attached Schedules and height in terms of table C and E

## 3.15.5 Building Lines, Side and Rear Spaces

- 3.15.5.1 Generally, all Buildings and structures (including swimming pools), shall observe a Building Line of at least 7m.
- 3.15.5.2 The Council may grant Special Consent for the erection of a Building or structure in front of the Building Line. Any person wishing to make an application for relaxation shall proceed in the manner provided for in Appendix 9 to the Scheme.
- 3.15.5.3 All new Buildings accommodating or comprising Places of Worship, shall observe a Side Space of not less than 3m within the Central City Area, and not less than 4,5m outside the Central City Area, there being no provision for the relaxation hereof.
- 3.15.5.4 All new Buildings accommodating or comprising Places of Worship, shall observe a Rear Space of not less than 5m within the Central City Area, and not less than 9m outside the Central City Area, there being no provision for the relaxation hereof.
- 3.15.5.5 Outbuildings and other structures including single, detached Dwellings, not being a Building accommodating or comprising Residential Buildings, Institutions or Flats, shall observe a Side Space and a Rear Space of not less than 1,5m. Any person wishing to make application for relaxation shall

proceed in the manner provided for in Appendix 9 to the Scheme.

- 3.15.5.6 The foregoing Side Space and Rear Space requirements shall not over-rule the requirements of the National Building Regulations and any greater Side Space or Rear Space which may be required in terms thereof, shall be observed.
- 3.15.5.7 For the purposes of establishing Side Spaces and Rear Spaces in terms of this Clause, the eaves of any Building or structure shall not overhang the Side Space and Rear Space by more than 500mm, excepting that when a greater eaves overhang is provided, the required Side Space or Rear Space as the case may be, shall be increased by the amount the eaves overhang exceeds 500mm.
- 3.15.5.8 The Council may grant Special Consent for eaves of width greater than 500mm in respect of any Building accommodating or comprising Dwellings, Residential Buildings or Flats. Provided that if the written concurrence of the Owner of the property which shares a common boundary is lodged with the Council, the Council may waive the Special Consent procedure.
- 3.15.5.9 The Council may grant its Special Consent for relaxation of the Side Space and Rear Space requirements, in respect of Outbuildings and structures including single, detached Dwellings not being Residential Buildings or Flats, if it is satisfied that this will not be detrimental to the amenities of the adjoining residential properties, subject always to the requirements of the National Building Regulations. Provided that, if the written consent of abutting Owners and those Owners which the Council may determine as being affected by any such relaxation is lodged with the Council, the Council may waive the Special Consent procedure.
- 3.15.5.10 Side and rear space for all areas as specified in Schedule 1 and 2, shall be in accordance to table A and E of the attached Schedules.

### 3.15.6 Minimum Site Areas / Frontages

Minimum Site areas, Frontages and mean widths for all uses shall be in accordance with Clauses 6.2.1 and 6.3, as the case may be.

### 3.15.7 Provision of On-site Parking

- 3.15.7.1 The following on-site parking shall be provided for Places of Worship :

One car parking space for every 15m<sup>2</sup> of nett building area used by the congregation. Provided that the Council may

grant its Special Consent for the partial or total relaxation of the parking requirement.

- 3.15.7.2 On-site parking requirements for any other uses shall be in accordance with the requirements for those uses, as provided for elsewhere in the Scheme.
- 3.15.7.3 The technical requirements for on-site parking shall be in accordance with Appendix 2 to the Scheme.
- 3.15.7.4 In areas specified in Schedule 1 and 2, parking and loading provisions as set out in table D and E of the attached Schedules will be applicable.

### 3.16 EDUCATIONAL ZONE

3.16.1 In addition to the general provisions of the Scheme, the following shall apply exclusively to the Educational zone.

#### 3.16.2 Use of Land and Buildings

3.16.2.1 Reference to Map - Coloured Dark Green with Red Border.

3.16.2.2 Expressly Permissible Development or Uses of Land or Uses of Buildings -

1.6.23 Place of Instruction

1.6.25 Place of Worship

1.6.34 Social Hall

3.16.2.3 Development or Uses of Land or Uses of Buildings permitted by Special Consent -

1.6.6 Dwellings

1.6.12 Institution

1.6.18 Outbuilding

1.6.24 Place of Public Entertainment

1.6.28 Residential Building

1.6.35 Special Building, subject to the provisions of Clause 3.1.3.3

3.16.2.4 Expressly Prohibited Development or Uses of Land or Uses of Buildings -

All Development or uses of Land or uses of Buildings not under Clauses 3.16.2.2 and 3.16.2.3 hereof.

#### 3.16.3 Density and Height Control

## 3.16.3.1 Bulk Zones Two and Three (City Central Area)

TYPE OF BUILDING OR USE OF LAND	MAX BULK FACTOR OR MAX UNITS/HECTARE	MAX COVERAGE FACTOR	MAX HEIGHT
Dwellings (flats)	175 uph	1/3	Controlled by 60°
Residential Buildings	1	1/2	light angle
All other uses	1 1/2	3/4	(Clause 2.5.7)

## 3.16.3.2 Bulk Zone Three (Outside Central City Area)

TYPE OF BUILDING OR USE OF LAND	MAX BULK FACTOR OR MAX UNITS/HECTARE	MAX COVERAGE FACTOR	MAX HEIGHT
Dwellings (flats)	80 uph	1/3	3 Storeys
Residential Buildings	1	1/2	3 Storeys
All other uses	1 1/2	3/4	3 Storeys

3.16.3.3 In areas specified in Schedule 1 and 2, the coverage will be as per table B and E of the attached Schedules and height in terms of table C and E

## 3.16.4 Building Lines, Side and Rear Spaces

3.16.4.1 Generally, all Buildings and structures (including swimming pools), shall observe a Building Line of at least 7m.

3.16.4.2 The Council may grant Special Consent for the erection of a Building or structure (including swimming pools) in front of the Building Line. Any person wishing to make application for relaxation shall proceed in the manner provided for in Appendix 9 to the Scheme.

3.16.4.3 All new Buildings accommodating or comprising Residential Buildings, Institutions, or Flats, shall observe a Side Space of not less than 3m within the Central City Area, and not less than 4,5m outside the Central City Area, there being no provision for the relaxation hereof.

3.16.4.4 All new Buildings accommodating or comprising Residential Buildings, Institutions, or Flats, shall observe a Rear Space of not less than 5m within the Central City Area, and not less than 9m outside the Central City Area, there being no provision for the relaxation hereof.

- 3.16.4.5 Outbuildings and other structures including single detached Dwellings not being a Building accommodating or comprising Residential Buildings, Institutions or Flats, shall observe a Side Space and a Rear Space of not less than 1,5m. Any person wishing to make application for relaxation shall proceed in the manner provided for in Appendix 9 to the Scheme.
- 3.16.4.6 The foregoing Side Space and Rear Space requirements shall not over-rule the requirements of the National Building Regulations and any greater Side Space or Rear Space which may be required in terms thereof, shall be observed.
- 3.16.4.7 For the purposes of establishing Side Spaces and Rear Spaces in terms of this Clause, the eaves of any Building or structure shall not overhang the Side Space and Rear Space by more than 500mm, excepting that when a greater eaves overhang is provided, the required Side Space or Rear Space as the case may be, shall be increased by the amount the eaves overhang exceeds 500mm.
- 3.16.4.8 The Council may grant Special Consent for eaves of width greater than 500mm in respect of any Building accommodating or comprising Dwellings, Residential Buildings or Flats. Provided that if the written concurrence of the Owner of the property which shares a common boundary is lodged with the Council, the Council may waive the Special Consent procedure.
- 3.16.4.9 The Council may grant its Special Consent for relaxation of the Side Space and Rear Space requirements, in respect of Outbuildings and structures including single detached Dwellings not being Residential Buildings or Flats, if it is satisfied that this will not be detrimental to the amenities of the adjoining residential properties, subject always to the requirements of the National Building Regulations. Provided that, if the written consent of abutting Owners and those Owners which the Council may determine as being affected by any such relaxation is lodged with the Council, the Council may waive the Special Consent procedure.
- 3.16.4.10 Side and Rear Spaces for any use not specified herein shall be provided in accordance with the requirements for those uses where they appear elsewhere in the Scheme.
- 3.16.4.11 Side and rear space for all areas as specified in Schedule 1 and 2, shall be in accordance to table A and E of the attached Schedules.
- 3.16.5 Minimum Site Areas / Frontages
- 3.16.5.1 Save with the Consent of the Council, the minimum Site area for an infant school shall be 1 hectare, a lower primary school

shall be 1,5 hectares, a higher primary school shall be 2 hectares; and the minimum Site area for a secondary school, college and university shall be 4 hectares.

3.16.5.2 Minimum Site areas, Frontages and mean widths for other uses, shall be in accordance with Clauses 6.2 and 6.3, as the case may be.

### 3.16.6 Provision of On-site Parking

3.16.6.1 The following on-site parking shall be provided for an infant school, primary school and secondary school :

one car parking space per classroom and office, in addition to a loading / off-loading area, to the satisfaction of the Council.

3.16.6.2 The following on-site parking shall be provided for a college

one car parking space for every four students and members of staff

3.16.6.3 The following on-site parking shall be provided for a university :

one car parking space for every three students and members of staff

3.16.6.4 On-site parking for any use not specified herein shall be provided in accordance with the requirements for those uses where they appear elsewhere in the Scheme.

3.16.6.5 The technical requirements for on-site parking shall be in accordance with Appendix 2 to the Scheme.

3.16.6.6 In areas specified in Schedule 1 and 2, parking and loading provisions as set out in table D and E of the attached Schedules will be applicable.

### 3.17 AGRICULTURAL ZONE

3.17.1 In addition to the general provisions of the Scheme, the following shall apply exclusively to the Agricultural zone.

#### 3.17.2 Use of Land and Buildings

3.17.2.1 Reference to Map - Coloured Pale Green

3.17.2.2 Expressly Permissible Development or Uses of Land or Uses of Buildings -

1.6.1 Agricultural Building

1.6.2 Agricultural Land

1.6.6 Dwelling unit (one unit only, notwithstanding Clause 3.17.3.1)

1.6.18 Outbuilding

3.17.2.3 Development or Uses of Land or Uses of Buildings permitted by Special Consent

1.6.5 Caravan Park

1.6.6 Dwelling unit, other than as provided for in Clause 3.17.2.2

1.6.8 Home activity

1.6.9 Home business

1.6.12 Institution

1.6.18 Outbuilding

1.6.19 Park Home Estate

1.6.23 Place of Instruction

1.6.25 Place of Worship

1.6.28 Residential building

1.6.30 Self-contained Residential unit

1.6.34 Social Hall

1.6.35 Special Building, subject to the provisions of Clause 3.1.3.3.

3.17.2.4 Expressly Prohibited Development or Uses of Land or Uses of Buildings -

All Development or uses of Land or uses of Buildings not under Clauses 3.17.2.2 and 3.17.2.3 hereof.

3.17.3 Density and Height Control (Bulk Zones Two and Three)

3.17.3.1 The maximum number of Dwellings per hectare which may be permitted shall be dependent upon the zoned area of the Site upon which such Dwellings are erected, but shall not exceed the number per hectare, to the first whole number, as provided for in the Table below and subject to the Council's Special Consent. Provided that in the event of three or less Dwellings being established on a single subdivision, the Special Consent procedures may be waived if the written consent of all contiguous Owners and other such Owners the Council may determine, are submitted to the Council.

DENSITY ZONE No	MAP REFERENCE TPR G/56F	UNITS/HECTARE
1	Add Colour	55
2	Violet	45
3	Yellow	30
4	Dark Green	25
5	Pale Green	20
6	Pale Red-Brown	15
7	Brown	10
8	Orange	7

3.17.3.2 The maximum Coverage permitted on any Site in the Undetermined zone shall be 1/2.

3.17.3.3 The maximum Bulk Factor for all uses shall be 1/2.

3.17.3.4 The maximum height permitted on any Site in the Undetermined zone shall be 2 Storeys, save with the Special Consent of the Council.

3.17.3.5 In areas specified in Schedule 1 and 2, the coverage will be as per table B and E of the attached Schedules and height in terms of table C and E

3.17.4 Building Lines, Side and Rear Spaces

3.17.4.1 Generally, all Buildings and structures (including swimming pools), shall observe a Building Line of at least 6m in Density zones 1 - 4 and at least 7m in Density zones 5 - 7.

3.17.4.2 The Council may grant its Special Consent for the erection of

a Building or structure (including a swimming pool) in front of the Building Line. Any person wishing to make an application for relaxation shall proceed in the manner provided for in Appendix 9 to the Scheme.

- 3.17.4.3 Generally, all Buildings and structures (including swimming pools), shall observe a Side Space of at least 1,5m in all Density zones.
  - 3.17.4.4 Generally, all Dwellings shall observe a Rear Space of at least 3m in all Density zones.
  - 3.17.4.5 Generally, all free-standing Buildings and structures other than Dwellings, shall observe a Rear Space of at least 1,5m in all Density zones.
  - 3.17.4.6 The foregoing Side Space and Rear Space requirements shall not over-rule the requirements of the National Building Regulations and any greater Side Space or Rear Space which may be required in terms thereof, shall be observed.
  - 3.17.4.7 For the purposes of establishing Side Spaces and Rear Spaces in terms of this Clause, the eaves of any Building or structure shall not overhang the Side Space and Rear Space by more than 500mm, excepting that when a greater eaves overhang is provided, the required Side Space or Rear Space as the case may be, shall be increased by the amount the eaves overhang exceeds 500mm.
  - 3.17.4.8 The Council may grant its Special Consent for relaxation of the Side Space and Rear Space requirements. Any person wishing to make an application for relaxation shall proceed in the manner provided for in Appendix 9 to the Scheme.
  - 3.17.4.9 Side and rear space for all areas as specified in Schedule 1 and 2, shall be in accordance to table A and E of the attached Schedules.
- 3.17.5 Minimum Site Areas / Frontages
- 3.17.5.1 Generally no Dwelling shall be erected on any Site which has a smaller area, Frontage and mean width than is required in terms of Clauses 6.2.1 and 6.2.4. Provided in exceptional circumstances the Council may permit the erection of a Dwelling on an existing lot not complying with those minima, if the applicant satisfies the Council that, having regard to the situation of the Site in question, its shape, extent and other features and the provision of this Scheme, that the erection of a Dwelling thereon would not in the circumstances be detrimental to or prejudicially affect any neighbouring properties.

3.17.5.2 In the case of an Existing Site having no Frontage, other than as provided for in Clauses 6.5 and 6.6, the Council may permit the erection of a Dwelling thereon provided that a right-of-way servitude is registered in the Deeds Registry in favour of such property. Such servitude shall not be cancelled nor altered in any way without the Consent of the Council and a clause to that effect shall be embodied in the relevant servitude document. The Council shall not consent to such cancellation or alteration unless it is satisfied that alternative means of access are available.

### 3.17.6 Provision of On-site Parking

3.17.6.1 On-site parking requirements for any other uses shall be in accordance with the requirements for those uses, as provided for elsewhere in the Scheme.

3.17.6.2 The technical requirements for on-site parking shall be in accordance with Appendix 2 to the Scheme.

3.17.6.3 In areas specified in Schedule 1 and 2, parking and loading provisions as set out in table D and E of the attached Schedules will be applicable.

3.18 UNDETERMINED ZONE

3.18.1 In addition to the general provisions of the Scheme, the following shall apply exclusively to the Undetermined zone.

## 3.18.2 Use of Land and Buildings

3.18.2.1 Reference to Map - Coloured Pale Brown

3.18.2.2 Expressly Permissible Development or Uses of Land or Uses of Buildings -

Nil

3.18.2.3 Development or Uses of Land or Uses of Buildings permitted by Special Consent

1.6.1 Agricultural Building

1.6.2 Agricultural Land

1.6.6 Dwelling unit

1.6.8 Home activity

1.6.9 Home business

1.6.12 Institution

1.6.18 Outbuilding

1.6.19 Park Home Estate

1.6.23 Place of Instruction

1.6.25 Place of Worship

1.6.28 Residential building

1.6.30 Self-contained Residential unit

1.6.34 Social Hall

1.6.35 Special Building, subject to the provisions of Clause 3.1.3.3.

3.18.2.4 Expressly Prohibited Development or Uses of Land or Uses of Buildings -

All Development or uses of Land or uses of Buildings not under Clause 3.18.2.3 hereof.

### 3.18.3 Density and Height Control (Bulk Zones Two and Three)

- 3.18.3.1 The maximum number of Dwellings per hectare which may be permitted shall be dependent upon the zoned area of the Site upon which such Dwellings are erected, but shall not exceed the number per hectare, to the first whole number, as provided for in the Table below and subject to the Council's Special Consent. Provided that in the event of three or less Dwellings being established on a single subdivision, the Special Consent procedures may be waived if the written consent of all contiguous Owners and other such Owners the Council may determine, are submitted to the Council.

DENSITY ZONE No	MAP REFERENCE TPR G/56F	UNITS/HECTARE
1	Violet	45
2	Yellow	30
3	Dark Green	25
4	Pale Green	20
5	Pale Red-Brown	15
6	Brown	10
7	Orange	7

- 3.18.3.2 The maximum Coverage permitted on any Site in the undetermined zone shall be 1/2.
- 3.18.3.3 The maximum Bulk Factor for all uses shall be 1/2.
- 3.18.3.4 The maximum height permitted on any Site in the Undetermined zone shall be 2 Storeys, save with the Special Consent of the Council.

### 3.18.4 Building Lines, Side and Rear Spaces

- 3.18.4.1 Generally, all Buildings and structures (including swimming pools), shall observe a Building Line of at least 6m in Density zones 1 - 4 and at least 7m in Density zones 5 - 7.
- 3.18.4.2 The Council may grant its Special Consent for the erection of a Building or structure (including a swimming pool) in front of the Building Line. Any person wishing to make an application for relaxation shall proceed in the manner provided for in Appendix 9 to the Scheme.
- 3.18.4.3 Generally, all Buildings and structures (including swimming pools), shall observe a Side Space of at least 1,5m in all Density zones.

- 3.18.4.4 Generally, all Dwellings shall observe a Rear Space of at least 3m in all Density zones.
- 3.18.4.5 Generally, all free-standing Buildings and structures other than Dwellings, shall observe a Rear Space of at least 1,5m in all Density zones.
- 3.18.4.6 The foregoing Side Space and Rear Space requirements shall not over-rule the requirements of the National Building Regulations and any greater Side Space or Rear Space which may be required in terms thereof, shall be observed.
- 3.18.4.7 For the purposes of establishing Side Spaces and Rear Spaces in terms of this Clause, the eaves of any Building or structure shall not overhang the Side Space and Rear Space by more than 500mm, excepting that when a greater eaves overhang is provided, the required Side Space or Rear Space as the case may be, shall be increased by the amount the eaves overhang exceeds 500mm.
- 3.18.4.8 The Council may grant its Special Consent for relaxation of the Side Space and Rear Space requirements. Any person wishing to make an application for relaxation shall proceed in the manner provided for in Appendix 9 to the Scheme.
- 3.18.5 Minimum Site Areas / Frontages
- 3.18.5.1 Generally no Dwelling shall be erected on any Site which has a smaller area, Frontage and mean width than is required in terms of Clauses 6.2.1 and 6.2.4. Provided in exceptional circumstances the Council may permit the erection of a Dwelling on an existing lot not complying with those minima, if the applicant satisfies the Council that, having regard to the situation of the Site in question, its shape, extent and other features and the provision of this Scheme, that the erection of a Dwelling thereon would not in the circumstances be detrimental to or prejudicially affect any neighbouring properties.
- 3.17.5.2 In the case of an Existing Site having no Frontage, other than as provided for in Clauses 6.5 and 6.6, the Council may permit the erection of a Dwelling thereon provided that right-of-way servitude is registered in the Deeds Registry in favour of such property. Such servitude shall not be cancelled nor altered in any way without the Consent of the Council and a clause to that effect shall be embodied in the relevant servitude document. The Council shall not consent to such cancellation or alteration unless it is satisfied that alternative means of access are available.

### 3.18.6 Provision of On-site Parking

- 3.18.6.1 On-site parking requirements for any other uses shall be in accordance with the requirements for those uses, as provided for elsewhere in the Scheme.
- 3.18.6.2 The technical requirements for on-site parking shall be in accordance with Appendix 2 to the Scheme.

### 3.19 SPECIAL AREA ZONES

#### 3.19.1 Special Area 1

- 3.19.1.1 In addition to the general provisions of the Scheme, the following shall apply exclusively to the Special Area 1 zone.
- 3.19.1.2 Use of Land and Buildings
- 3.19.1.2.1 Reference to Map - Cross-hatched black, being Erf 992, 993, 994, 995, 1146, 1169, 1170, 1179, 1198, 1217, 1634, 1656, 1675 and 1858 Pietermaritzburg, off Woodhouse and Alice Grange Road : Hayfields.
- 3.19.1.2.2 Expressly Permissible Development or Uses of Land or Uses of Buildings -
- 1.6.1 Agricultural Buildings (including stabling for horses and other animals)
- 1.6.2 Agricultural Land
- 1.6.6 Dwelling
- 1.6.12 Institutions
- 1.6.14 Medium Density Housing
- 1.6.18 Outbuilding
- Provided that the disposition of Buildings and uses on the Site shall be in accordance with Plan TPX 20/86E.
- 3.19.1.2.3 Development or Uses of Land or uses of Buildings Permitted by Special Consent -
- 1.6.23 Place of Instruction
- 1.6.35 Special Building, subject to the provisions of Clause 3.1.3.3
- 3.19.1.2.4 Expressly Prohibited Development or uses of Land or Uses of Buildings -
- All Development or uses of Land or uses of Buildings not under Clauses 3.19.1.2.2 and 3.19.1.2.3 hereof.

## 3.19.1.3 Density and Height Control

TYPE OF BUILDING OR USE OF LAND	MAX BULK FACTOR OR MAX UNITS/HECTARE	MAX COVERAGE FACTOR	MAX HEIGHT
Dwellings	15 uph	1/2	3 Storeys
Residential Buildings	1/2	1/2	3 Storeys
All other uses	1/2	1/2	3 Storeys

## 3.19.1.4 Building Lines, Side and Rear Spaces

- 3.19.1.4.1 Generally, all Buildings and structures (including swimming pools), shall observe a Building Line of at least 7m.
- 3.19.1.4.2 The Council may grant Special Consent for the erection of a Building or structure (including a swimming pool) in front of the Building Line. Any person wishing to make application for relaxation shall proceed in the manner provided for in Appendix 9 to the Scheme.
- 3.19.1.4.3 Generally, all Buildings and structures (including swimming pools), shall observe a side space of at least 1,5m.
- 3.19.1.4.4 Generally, all Dwellings shall observe a Rear Space of at least 3m if appropriate.
- 3.19.1.4.5 The foregoing Side Space and Rear Space requirements shall not over-rule the requirements of the National Building Regulations and any greater Side Space or Rear Space which may be required in terms thereof, shall be observed.
- 3.19.1.4.6 For the purposes of establishing Side Spaces and Rear Spaces in terms of this clause, the eaves of any Building or structure shall not overhang the Side Space and Rear Space by more than 500mm, excepting that when a greater eaves overhang is provided, the required Side Space or Rear Space as the case may be, shall be increased by the amount the eaves overhang exceeds 500mm.

3.19.1.4.7 The Council may grant Special Consent for relaxation of the Side Space and Rear Space requirements. Any person wishing to make an application for relaxation shall proceed in the manner provided for in Appendix 9 to the Scheme.

3.19.1.5 Minimum Site Areas / Frontages

Subdivisions to be utilised for residential purposes must contain an area of not less than 650m<sup>2</sup> with a mean width of 17m and a minimum frontage of 4m.

3.19.1.6 Provision of On-site Parking

3.19.1.6.1 On-site parking requirements for all other uses shall be in accordance with the requirements for those uses, as provided for elsewhere in the Scheme.

3.19.1.6.2 The technical requirements for on-site parking shall be in accordance with Appendix 2 to the Scheme.

### 3.19.2 Special Area 2

3.19.2.1 In addition to the general provisions of the Scheme, the following shall apply exclusively to the Special Area 2 zone.

#### 3.19.2.2 Use of Land and Buildings

3.19.2.2.1 Reference to Map - cross-hatched black, being Rem of 1 of Erf 1012, being 10 Durban Road Scottsville

3.19.2.2.2 Expressly Permissible Development or Uses of Land or Uses of Buildings -

1.6.6 Dwelling

1.6.26 Public Garage

1.6.29 Restaurant

1.6.33 Shop, subject to the provisions of Clause 3.19.2.3

3.19.2.2.3 Development or Uses of Land or Uses of Buildings Permitted by Special Consent -

1.6.24 Place of Public Entertainment

3.19.2.2.4 Expressly Prohibited Development or uses of Land or Uses of Buildings -

All Development or uses of Land or uses of Buildings not under Clauses 3.19.2.2.2 and 3.19.2.2.3 hereof.

#### 3.19.2.3 Proviso to 3.19.2.2.2 -

The Shop shall be limited to a caravan and camping display area and ancillary sales, subject to -

1. The total Building area not exceeding 300m<sup>2</sup>.
2. On-site parking being provided for not less than 20 cars, to the satisfaction of the Council.
3. Vehicular ingress and egress to the satisfaction of the Council and
4. Landscaping of the Site, to the satisfaction of the Council.

## 3.19.2.4 Density and Height Control

TYPE OF BUILDING OR USE OF LAND	MAX BULK FACTOR OR MAX UNITS/HECTARE	MAX COVERAGE FACTOR	MAX HEIGHT
Dwellings	15 uph	1/2	3 Storeys
All other uses	1/2	1/2	3 Storeys

## 3.19.2.5 Building Lines, Side and Rear Spaces

3.19.2.5.1 Generally, all Buildings and structures (including swimming pools), shall observe a Building Line of at least 7m.

3.19.2.5.2 The Council may grant its Special Consent for the erection of a Building or structure (including a swimming pool) in front of the Building Line. Any person wishing to make an application for relaxation shall proceed in the manner provided for in Appendix 9 to the Scheme.

3.19.2.5.3 Generally, all Buildings and structures (including swimming pools), shall observe a Side Space of at least 1,5m.

3.19.2.5.4 Generally, all Buildings and structures (including swimming pools), shall observe a Rear Space of at least 3m.

3.19.2.5.5 The foregoing Side Space and Rear Space requirements shall not over-rule the requirements of the National Building Regulations and any greater Side Space or Rear Space which may be required in terms thereof, shall be observed.

3.19.2.5.6 For the purposes of establishing Side Spaces and Rear Spaces in terms of this clause, the eaves of any Building or structure shall not overhang the Side Space and Rear Space by more than 500mm, excepting that when a greater eaves overhang is provided, the required Side Space or Rear Space as the case may be, shall be increased by the amount the eaves overhang exceeds 500mm.

3.19.2.5.7 The Council may grant Special Consent for relaxation of the Side Space and Rear Space requirements. Any person wishing to make an application for relaxation shall proceed in the manner provided for in Appendix 9 to the Scheme.

3.19.2.6 Minimum Site Areas / Frontages

Subdivisions to be utilised for residential purposes must contain an area of not less than 650m<sup>2</sup>, with a mean width of 17m and a minimum Frontage of 4m.

3.19.2.7 Provision of On-site Parking

3.19.2.7.1 On-site parking requirements for any other uses shall be in accordance with the requirements for those uses, as provided for elsewhere in the Scheme.

3.19.2.7.2 The technical requirements for on-site parking shall be in accordance with Appendix 2 to the Scheme.

3.19.3 Special Area 3

3.19.3.1 In addition to the general provisions of the Scheme, the following shall apply exclusively to the Special Area 3 zone.

## 3.19.3.2 Use of Land and Buildings

3.19.3.2.1 Reference to Map - Cross-hatched black, being Rem and Ptn 1 of Erf 1482 Pietermaritzburg, being 2 Leinster Road : Scottsville

3.19.3.2.2 Expressly Permissible Development or uses of Land or Uses of Buildings -

1.6.24 Place of Public Entertainment

1.6.34 Social Hall

3.19.3.2.3 Development or Uses of Land or uses of Buildings Permitted by Special Consent -

1.6.6 Dwelling

1.6.12 Institution

1.6.23 Place of Instruction

1.6.25 Place of Worship

1.6.28 Residential Building

3.19.3.2.4 Expressly Prohibited Development or uses of Land or Uses of Buildings -

All Development or uses of Land or uses of Buildings not under Clauses 3.19.3.2.2 and 3.19.3.2.3 hereof.

## 3.19.3.3 Density and Height Control

TYPE OF BUILDING OR USE OF LAND	MAX BULK FACTOR OR MAX UNITS/HECTARE	MAX COVERAGE FACTOR	MAX HEIGHT
Dwellings	15 uph	1/2	3 Storeys
All other uses	1/2	1/2	3 Storeys

### 3.19.3.4 Building Lines, Side and Rear Spaces

- 3.19.3.4.1 Generally, all Buildings and structures (including swimming pools), shall observe a Building Line of at least 7m.
- 3.19.3.4.2 The Council may grant Special Consent for the erection of a Building or structure (including a swimming pool) in front of the Building Line. Any person wishing to make application for relaxation shall proceed in the manner provided for in Appendix 9 to the Scheme.
- 3.19.3.4.3 Generally, all Buildings and structures (including swimming pools), shall observe a Side Space of at least 1,5m.
- 3.19.3.4.4 Generally, all Buildings and structures (including swimming pools), shall observe a Rear Space of at least 3m.
- 3.19.3.4.5 The foregoing Side Space and Rear Space requirements shall not over-rule the requirements of the National Building Regulations and any greater Side Space or Rear Space which may be required in terms thereof, shall be observed.
- 3.19.3.4.6 For the purposes of establishing Side Spaces and Rear Spaces in terms of this clause, the eaves of any Building or structure shall not overhang the Side Space and Rear Space by more than 500mm, excepting that when a greater eaves overhang is provided, the required Side Space or Rear Space as the case may be, shall be increased by the amount the eaves overhang exceeds 500mm.
- 3.19.3.4.7 The Council may grant Special Consent for relaxation of the Side Space and Rear Space requirements. Any person wishing to make an application for relaxation shall proceed in the manner provided for in Appendix 9 to the Scheme.

### 3.19.3.5 Minimum Site Areas / Frontages

The Land shall not be subdivided without the Consent of the Council.

### 3.19.3.6 Provision of On-site Parking

3.19.3.6.1 The following on-site parking shall be provided for Places of Public Entertainment -

one car parking space for every five seats.

3.19.3.6.2 The following on-site parking shall be provided for Social Halls -

one car parking space for every 5m<sup>2</sup> of nett hall space.

3.19.3.6.3 On-site parking requirements for any other uses shall be in accordance with the requirements for those uses, as provided for elsewhere in the Scheme.

3.19.3.6.4 The technical requirements for on-site parking shall be in accordance with Appendix 2 to the Scheme.

3.19.4 Special Area 4

3.19.4.1 In addition to the general provisions of the Scheme, the following shall apply exclusively to the Special Area 4 zone.

3.19.4.2 Use of Land and Buildings

Reference to Map - Cross-hatched Black, being the area of land shown on Plan TPY 2/265 (lower Howick Road).

(Refer to 3.3 (General Residential zone - Bulk zone 3) for all controls applicable to this zone, excepting height. The maximum allowable height in this zone is four Storeys).

3.19.5 Special Area 5

- 3.19.5.1 In addition to the general provisions of the Scheme, the following shall apply exclusively to the Special Area 5 zone.
- 3.19.5.2 Use of Land and Buildings
- 3.19.5.2.1 Reference to Map - Cross- hatched black, being Erf 1363 Pietermaritzburg, being 1 Beaumont Road : Blackridge
- 3.19.5.2.2 Expressly Permissible Development or Uses of Land or Uses of Buildings -
- 1.6.6 Dwelling
- 1.6.14 Medium-density housing, subject to proviso 3.19.5.3
- 3.19.5.2.3 Development or Uses of Land or Uses of Buildings Permitted by Special Consent -
- Nil
- 3.19.5.2.4 Expressly Prohibited Development or Uses of Land or Uses of Buildings -
- All Development or uses of Land or uses of Buildings not under Clauses 3.19.5.2.2 and 3.19.5.2.3 hereof.
- 3.19.5.3 Proviso to 3.19.5.2.2 -
- 3.19.5.3.1 Not more than 14 Dwellings, not exceeding two Storeys in height, shall be permitted.
- 3.19.5.3.2 No Dwelling or Medium-density Housing, other than the existing Dwelling (whether altered or not), shall be located closer than 25m to the southern boundary thereof.
- 3.19.5.3.3 The maximum Coverage of the Site shall not exceed 15% of the Site area.
- 3.19.5.3.4 The internal loop road shall be not less than 7m wide and shall allow one way traffic circulation only. That road shall be constructed by the developer, to the satisfaction of the Council.
- 3.19.5.3.5 Satisfactory arrangements shall be made to drain stormwater from the Site, to the satisfaction of the Council.

3.19.5.3.6 Plans and specifications, prepared by registered civil engineers with appropriate experience, in respect of internal roads, sewerage and stormwater drainage, shall be submitted to and approved by the Council, before any construction is commenced.

3.19.5.3.7 Adequate street lighting shall be provided, to the satisfaction of the Council.

3.19.5.4 In addition to the foregoing, the specific provisions applicable to the Intermediate Residential zone (3.2) shall apply in this zone. Provided that, where there is a conflict, the provisions applicable to this zone shall apply.

3.19.6 Special Area 6

3.19.6.1 In addition to the general provisions of the Scheme, the following shall apply exclusively to the Special Area 6 zone.

3.19.6.2 Use of Land and Buildings

3.19.6.2.1 Reference to Map - Cross-hatched black, being Ptns 11 - 19 (of 10) and Rem, of Erf 1193 Pietermaritzburg, being 77 Allerton Road : Chase Valley.

(Refer to 3.2 (Intermediate Residential zone) for controls applicable to this zone, excepting residential density. The maximum residential density in this zone is 10 units per hectare, calculated to the nearest whole number).

3.19.7 Special Area 7

3.19.7.1 In addition to the general provisions of the Scheme, the following shall apply exclusively to the Special Area 7 zone.

## 3.19.7.2 Use of Land and Buildings

3.19.7.2.1 Reference to Map - Cross-hatched black, being Portions 2, 3 and 4 of Erf 2948 and Erf 2956, of Pietermaritzburg, at the corner of Fleet Street and Bulwer Street

3.19.7.2.2 Expressly Permissible Development or Uses of Land or Uses of Buildings-

1.6.4 Business Premises

1.6.6 Dwelling

1.6.7 Flat

1.6.13 Light Industrial Building (restricted to a warehouse)

1.6.18 Outbuilding

1.6.23 Place of Instruction

1.6.27 Public Office

1.6.28 Residential Building.

1.6.29 Restaurant

1.6.32 Service Workshop

1.6.33 Shop

1.6.34 Social Hall

1.6.36 Specialised Office

3.19.7.2.3 Development or Uses of Land or Uses of Buildings Permitted by Special Consent -

1.6.8 Home Activity, subject to the provisions of Clause 3.1.3.1

1.6.9 Home Business, subject to the provisions of Clause 3.1.3.1

1.6.12 Institution

1.6.13 Light Industrial Building (other than a warehouse)

1.6.20 Parking Garage

1.6.21 Parking Lot

1.6.24 Place of Public Entertainment

1.6.25 Place of Worship

1.6.31 Service Industrial Building

3.19.7.2.4 Expressly Prohibited Development or Uses of Land or Uses of Buildings -

All Development or uses of Land or uses of Buildings not under Clauses 3.19.7.2.2 and 3.19.7.2.3 hereof.

### 3.19.7.3 Density and Height Control

TYPE OF BUILDING OR USE OF LAND	MAX BULK FACTOR OR MAX UNITS/HECTARE	MAX COVERAGE FACTOR	MAX HEIGHT
Dwellings (flats)	80 uph	1/2	3 Storeys
Residential Buildings	1	1/2	3 Storeys
All other uses	1 1/2	3/4	3 Storeys

### 3.19.7.4 Building Lines, Side and Rear Spaces

3.19.7.4.1 The Building line along Bulwer and Fleet Streets shall be 2,9m and nil respectively in relation to the existing Buildings, whilst any new Buildings and structures associated therewith shall generally observe a Building line of at least 6m.

3.19.7.4.2 The Council may grant Special Consent for the erection of a Building or structure in front of the Building Line. Any person wishing to make an application for relaxation shall proceed in the manner provided for in Appendix 9 to the Scheme.

3.19.7.4.3 There shall be no specified Side Space or Rear Space for non residential uses, which shall be determined in terms of the provisions of the National Building Regulations.

3.19.7.4.4 The Side Space along the western boundary shall be 0,25m in relation to the Flats contained within the existing Buildings, whilst any new Residential Building or Flats, shall generally observe a Side Space and a Rear Space of 3m and 5m, respectively and be subject to the limitations on the relaxation of such Spaces as provided for within the General Residential Zone.

3.19.7.5 Minimum Site Areas / Frontages

Portions 2, 3 and 4 of Erf 2948 and Erf 2956 all of Pietermaritzburg shall be consolidated and shall not be subdivided further without the Consent of the Council.

3.19.7.6 Provision of On-site Parking / Loading

3.19.7.6.1 The following on-site parking shall be provided -

Flats - One car parking space for every Flat.

3.19.7.6.2 On-site parking requirements for any other uses shall be in accordance with the requirements for those uses, as provided elsewhere in the Scheme.

3.19.7.6.3 The technical requirements for on-site parking shall be in accordance with Appendix 2 to the Scheme.

3.19.7.6.4 On-site parking shall be located behind the Building Line, save with the Consent of the Council, provided that the Council may impose conditions relating to screening, landscaping, etc.

3.19.8 Special Area 8

- 3.19.8.1 In addition to the general provisions of the Scheme, the following shall apply exclusively to the Special Area 8 zone.
- 3.19.8.2 Use of Land and Buildings
- 3.19.8.2.1 Reference to Map - Cross-hatched black, being Rem of 10 of Erf 2306 Pietermaritzburg, being 63 Pietermaritz Street : City.
- 3.19.8.2.2 Expressly permissible Development or Uses of Land or Uses of Buildings-
- 1.6.35 Special Building subject to Proviso 3.19.8.3.
- 3.19.8.2.3 Development or Uses of Land or Uses of Buildings Permitted by Special Consent -
- 1.6.6 Dwelling
- 1.6.12 Institution
- 1.6.23 Place of Instruction
- 1.6.25 Place of Worship
- 1.6.28 Residential Building
- 1.6.34 Social Hall
- 3.19.8.2.4 Expressly prohibited Development or Uses of Land or Uses of Buildings-
- All Development or uses of Land or uses of Buildings not under Clauses 3.19.8.2.2 and 3.19.8.2.3 hereof.
- 3.19.8.3 Proviso to 3.19.8.2.2 -
- A Special Building shall be for mentally handicapped adults, with a protective workshop, to be accommodated within the Buildings existing on the Site on 1 December 1976, provided that the Council may approve of internal alterations and / or additions not exceeding 1/8 of the Floor area existing on 1 December 1976.

## 3.19.8.4 Density and Height Control

TYPE OF BUILDING OR USE OF LAND	MAX BULK FACTOR OR MAX UNITS/HECTARE	MAX COVERAGE FACTOR	MAX HEIGHT
Dwellings (flats)	80 uph	1/3	3 Storeys
Residential Buildings	1	1/2	3 Storeys
All other uses	1/2	1/2	Controlled by 60° light angle (Clause 2.5.7)

## 3.19.8.5 Building Lines, Side and Rear Spaces

- 3.19.8.5.1 Generally, all Buildings and structures (including swimming pools), shall observe a Building Line of at least 7m.
- 3.19.8.5.2 The Council may grant its Special Consent for the erection of a Building or structure (including a swimming pool) in front of the Building Line. Any person wishing to make application for relaxation shall proceed in the manner provided for in Appendix 9 to the Scheme.
- 3.19.8.5.3 All new Buildings accommodating or comprising Residential Buildings, or Flats, shall observe a Side Space of not less than 3m, there being no provision for the relaxation hereof. Provided that this space shall be increased by 1,5m for each additional Storey above three Storeys, for the full height of the Building, above three Storeys.
- 3.19.8.5.4 All new Buildings accommodating or comprising Residential Buildings, or Flats, shall observe a Rear Space of not less than 5m, there being no provision for the relaxation hereof. Provided that this space shall be increased by 1,5m for each additional Storey above three Storeys, for the full height of the Building, above three Storeys.

- 3.19.8.5.5 Outbuildings and other structures including single detached Dwellings, not being a Building accommodating or comprising Residential Buildings, Places of Instruction, or Flats, shall observe a Side Space and a Rear Space of not less than 1,5m.
- 3.19.8.5.6 The foregoing Side Space and Rear Space requirements shall not over-rule the requirements of the National Building Regulations and any greater Side Space or Rear Space which may be required in terms thereof, shall be observed.
- 3.19.8.5.7 Side and Rear Spaces for any use not specified herein shall be provided in accordance with the requirements for those uses where they appear elsewhere in the Scheme.
- 3.19.8.5.8 For the purposes of establishing Side Spaces and Rear Spaces in terms of this Clause, the eaves of any Building or structure shall not overhang the Side Space and Rear Space by more than 500mm, excepting that when a greater eaves overhang is provided, the required Side Space or Rear Space as the case may be, shall be increased by the amount the eaves overhang exceeds 500mm.
- 3.19.8.5.9 The Council may grant Special Consent for eaves of width greater than 500mm in respect of any Building accommodating or comprising Dwellings, Residential Buildings or Flats, provided that if the written concurrence of the Owner of the property which shares a common boundary is lodged with the Council, the Council may waive the Special Consent procedure.
- 3.19.8.5.10 The Council may grant Special Consent for relaxation of the Side Space and Rear Space requirements, in respect of Outbuildings and structures including single detached Dwellings not being Residential Buildings or Flats. Any person wishing to make application for relaxation shall proceed in the manner provided for in Appendix 9 to the Scheme.

### 3.19.8.6 Minimum Site Areas / Frontages

The Site shall not be subdivided without the Consent of the

Council.

3.19.8.7

Provision of On-site Parking

3.19.8.7.1 The following on-site parking shall be required for Residential Buildings, other than Flats and Hotels -

One parking space for every 2 habitable rooms. Such on-site parking shall be located behind the Building Line and free of the Side Space and Rear Space, save with the Consent of the Council. Provided that the Council may then impose conditions relating to screening, landscaping, etc.

3.19.8.7.2 The following on-site parking shall be provided for Hotels -

One parking space for every habitable room and, in addition to the foregoing, a further fifteen parking spaces in the case of hotels having public bars. Such on-site parking shall be located behind the Building Line and free of the Side Space and Rear Space, save with the Consent of the Council, provided that the Council may impose conditions relating to screening, landscaping, etc.

3.19.8.7.3 On-site parking requirements for any other uses shall be in accordance with the requirements for those uses, as provided for elsewhere in the Scheme.

3.19.8.7.4 The technical requirements for on-site parking shall be in accordance with Appendix 2 to the Scheme.

3.19.9 Special Area 9

- 3.19.9.1 In addition to the general provisions of the Scheme, the following shall apply exclusively to the Special Area 9 zone.
- 3.19.9.2 Use of Land and Buildings
- 3.19.9.2.1 Reference to Map - cross-hatched black, being Portion 3 of Erf 454 Raisethorpe, at the corner of Bangalore Road and Mysore Road: Raisethorpe
- 3.19.9.2.2 Expressly Permissible Development or Uses of Land or Uses of Buildings -
- 1.6.7 Flats
- 1.6.22 Petroleum Filling Station
- subject to these uses being substantially in accordance with Drawings Nos 4985SK 1A and 4985SK 2A, prepared by Franklin Garland and Gibson.
- 3.19.9.2.3 Development or Uses of Land or Uses of Buildings Permitted by Special Consent -
- Nil
- 3.19.9.2.4 Expressly Prohibited Development or uses of Land or Uses of Buildings -
- All Development or uses of Land or uses of Buildings not under Clause 3.19.9.2.2.
- 3.19.9.3 Density and Height Control
- Refer Drawings Nos 4985SK 1A and 4985SK 2A, prepared by Franklin Garland and Gibson.
- 3.19.9.4 Building Lines, Side and Rear Spaces
- Refer Drawings Nos 4985SK 1A and 4985SK 2A, prepared by Franklin Garland and Gibson.
- 3.19.9.5 Minimum Site Areas / Frontages
- The site shall not be subdivided without the consent of the Council.

3.19.9.6 Provision of On-site Parking

Refer Drawings Nos 4985SK 1A and 4985SK 2A,  
prepared by Franklin Garland and Gibson.

3.19.10 Special Area 10

- 3.19.10.1 In addition to the general provisions of the Scheme, the following shall apply exclusively to the Special Area 10 zone.
- 3.19.10.2 Use of Land and Buildings
- 3.19.10.2.1 Reference to Map - Cross-hatched black, being Ptn 1 of Erf 1772 Pietermaritzburg, being 65 Trelawney Road : Masons Mill
- 3.19.10.2.2 Expressly Permissible Development or uses of Land or Uses of Buildings -
- 1.6.6 Dwelling subject to proviso 3.19.10.3.1.
- 1.6.36 Specialised Office, subject to proviso 3.19.10.3.2
- 1.6.27 Public Office, subject to proviso 3.19.10.3.2
- 3.19.10.2.3 Development or Uses of Land or uses of Buildings Permitted by Special Consent -
- Nil
- 3.19.10.2.4 Expressly Prohibited Development or uses of Land or Uses of Buildings -
- All development or uses of Land or uses of Buildings not under Clause 3.19.10.2.2.
- 3.19.10.3 Proviso to 3.19.10.2 -
- 3.19.10.3.1 This shall be restricted to the main house only
- 3.19.10.3.2 Specialised Offices and Public Offices may be established in the existing 'Sans Souci' residence, subject to the following conditions -
1. All work carried out in or on the Buildings shall be to the mutual satisfaction of the Council and the National Monuments Council.
  2. Only one non-illuminated sign, not larger than 1m x 0,6m in extent, other than signage affixed to the Building, may be erected.

3. No precast concrete fencing shall be permitted on the Site.
4. On-site parking shall be provided in accordance of the Scheme, namely 1 bay per 25 m<sup>2</sup> to the satisfaction of the Council.
5. Parking areas shall be properly graded and drained and shall be surfaced with material such as Beton Grass Slab, or similar. Tarmacadam shall not be permitted.
6. A landscaping plan with the specific purpose of preserving the views from the house and of providing adequate screening of the parking area(s), shall be submitted and approved by the Council.
7. Any external security lighting shall be provided from ground level and internal security shall be by electronic devices, not burglar bars.
8. No external alterations to the Building shall be made.
9. Internal subdivision of the house shall be limited to dry wall or other removable partitioning and no new internal doors shall be permitted, other than in the dry wall or removable partitioning.
10. All internal woodwork shall be preserved.

#### 3.19.10.4 Density Control

- 3.19.10.4.1 The maximum height of any Building shall be two Storeys.

- 3.19.10.4.2 Side and rear Spaces in respect of any subdivision to be occupied by a dwelling in this zone shall be determined in accordance Clauses 3.1.5.3 to 3.1.5.4 to 3.1.5.4 of the Scheme. The coverage of the site shall be restricted to a maximum coverage of 1 800 m<sup>2</sup> of building area; except with the Special Consent of Council.
- 3.19.10.4.3 The maximum floor area of any Specialised Office and/or Public Office use shall be restricted to 1 800m<sup>2</sup> , provided that Council may by Special Consent, consider an application for any additional increase in such Office area provided that the approval of National Monuments Council is first obtained.

3.19.11 Special Area 11

- 3.19.11.1 In addition to the general provisions of the Scheme, the following shall apply exclusively to the Special Area 11 zone.
- 3.19.11.2 Use of Land and Buildings
- 3.19.11.2.1 Reference to Map - Cross-hatched black, being Rem of Erf 440, a portion of Rem of Erf 1913, Rem of 1 of Erf 430 and Ptn 2 of Erf 430, Pietermaritzburg, being the Scottsville Racecourse
- 3.19.11.2.2 Expressly Permissible Development or uses of Land or Uses of Buildings -
- 1.6.28 Residential Building, subject to Proviso 3.19.11.3
- 1.6.35 Special Building subject to Proviso 3.19.11.3
- 3.19.11.2.3 Development or Uses of Land or uses of Buildings Permitted by Special Consent -
- Nil
- 3.19.11.2.4 Expressly Prohibited Development or uses of Land or Uses of Buildings -
- All development or uses of Land or uses of Buildings not under Clause 3.19.11.2.2.
- 3.19.11.3 Proviso to 3.19.11.2.2 -
- 3.19.11.3.1 The Residential Building shall be limited to an hotel of not less than 3 - star grading with not more than 160 rooms, a conference room providing not more than 350 seating spaces, smaller conference rooms, family entertainment centre, restaurants and fast food outlets.
- 3.19.11.3.2 The Special Buildings shall be limited to Buildings and structures ordinarily associated with a racecourse, including an off-course totalisator, casino, science educational facility, equestrian and cultural museums and multi-purpose sport fields which may not be under floodlights and the ablution facilities of the science educational facility shall be shared with the said sports field.

3.19.11.3.3 The disposition of development on the site shall be substantially in accordance with Plan 7410/TRPC/A1 or any amendment approved by Council upon a successful application in terms of the procedures contained in the said Ordinance.

3.19.11.4 Density and Height Control

Density : The overall permissible density of all buildings on the site shall not exceed that as shown on Plan 7410/TRPC/A1.

Height : A maximum of a 4 storey height restriction shall apply.

3.19.11.5 Building Lines, Side and Rear Spaces

3.19.11.5.1 Generally, all Buildings and structures (including swimming pools), shall observe a Building Line of at least 7m.

3.19.11.5.2 The Council may grant its Special Consent for the erection of a Building or structure (including a swimming pool) in front of the Building Line. Any person wishing to make application for relaxation shall proceed in the manner provided for in Appendix 9 to the Scheme.

3.19.11.5.3 Generally, all Buildings and structures (including swimming pools), shall observe a Side Space of at least 1,5m.

3.19.11.5.4 Generally, all Buildings or structures shall observe a Rear Space of at least 3m.

3.19.11.5.5 The foregoing Side Space and Rear Space requirements shall not over-rule the requirements of the National Building Regulations and any greater Side Space or Rear Space which may be required in terms thereof, shall be observed.

3.19.11.5.6 For the purposes of establishing Side Spaces and Rear Spaces in terms of this clause, the eaves of any Building or structure shall not overhang the Side Space and Rear Space by more than 500mm, excepting that when a

greater eaves overhang is provided, the required Side Space or Rear Space as the case may be, shall be increased by the amount the eaves overhang exceeds 500mm.

3.19.11.5.7 The Council may grant Special Consent for relaxation of the Side Space and Rear Space requirements. Any person wishing to make an application for relaxation shall proceed in the manner provided for in Appendix 9 to the Scheme.

### 3.19.11.6 Provision of On-site Parking

3.19.11.6.1 On-site parking shall be provided to the satisfaction of the Council.

3.19.11.6.2 The technical requirements for on-site parking shall be in accordance with Appendix 2 to the Scheme.

### 3.19.11.7 Landscaping

A landscaping plan which shall be substantially in accordance with the details contained on the preliminary landscape drawing No 99/01 dated 6/12/99 shall be prepared and submitted to the Council prior to the approval of Building Plans. The requirements of this plan shall be implemented by the applicant to the satisfaction of the Council in accordance with an implementation programme approved by the Council.

### 3.19.11.8 Architectural style of new buildings

The Architectural style of all new buildings, the disposition of which is shown on Plan 7410/TRPC/A1, shall be substantially in accordance with that of the existing buildings on the site.

### 3.19.11.9 Road improvements and Parking

The developer shall design and construct all road improvements and parking as determined by the Council, at the developer's expense, in order to ensure compliance with the requirements of the Town Planning Scheme.

### 3.19.11.10 Residents' Liaison Committee

There shall be established a Residents' Liaison Committee which Committee shall be consulted by both the Council and Developer on an ongoing basis to ensure adherence to the conditions applicable to this zone.

3.19.11.11 Casino Licence

In the event of a Casino in respect of this site-

1. not being awarded, in terms of the KwaZulu Natal Gambling Act No 10 of 1996, to the applicant ;
2. having been awarded, such award being withdrawn or forfeited for any reason whatsoever, the amendment shall be deemed to have been rescinded, so that the town planning controls applicable to this property shall revert to those which applied immediately prior to 18 November 1998.

3.19.12 Special Area 12

3.19.12.1 In addition to the general provisions of the Scheme, the following shall apply exclusively to the Special Area 12 zone.

## 3.19.12.2 Use of Land and Buildings

3.19.12.2.1 Reference to Map - Cross-hatched black, being Rem of 3 of Erf 1493 Pietermaritzburg, being 18 Connaught Road : Scottsville

(Refer to 3.3 (General Residential zone) for all controls applicable to this zone, excepting that the following shall be included under 3.3.2.2 thereof -

1. Notwithstanding the provisions of the General Residential zone, an Office, museum and storage space only shall be permitted within the Buildings existing on the Site at the date of adoption, for the exclusive use of the Comrades Marathon Association for as long as those Buildings remain.
2. Not more than 6 persons shall be employed (including a resident caretaker who shall reside either within the existing main Building or within the existing Out-building).
3. No extensions to the existing Buildings or additional Buildings will be permitted other than those structures which are indicated on the submitted Building Plan No 2066/86 which may, in any event, only be approved with the Special Consent of the Council, provided that on-site parking shall be provided in terms of Office zone requirements, such parking to be constructed and located to the satisfaction of the Council having regard to the historical and architectural merits of the existing Building.
4. No registrations for the Comrades Marathon, nor any function or event which in the opinion of the Council is likely to be injurious to the amenity of the General Residential zone shall be held on the Site.

3.19.13 Special Area 13

3.19.13.1 In addition to the general provisions of the Scheme, the following shall apply to the Special Area 13 Zone

3.19.13.2 Use of Land and Buildings

3.19.13.2.1 Reference to Map - Cross-hatched black, being Ptn 4, Ptn 18 (of 6) and Rem, of Erf 1942 Pietermaritzburg, being 20 Connaught Road, Scottsville

3.19.13.2.2 Expressly permissible development or uses of land or uses of buildings-

1. Notwithstanding the provisions of the "General Residential" zone, administrative offices shall be permitted within the existing dwelling (main building)/site as indicated in Plan „B“ at the date of adoption, for the exclusive use of the Comrades Marathon Association for as long as this building remains.
2. The existing outbuildings shall be used for storage purposes associated with the office activities on the site, as indicated on Plan „B“
3. No extensions to the existing buildings or additional buildings will be permitted on the site and all on-site parking requirements shall be located on the adjacent property, Rem of 3 of Lot 1943 Pietermaritzburg, being 18 Connaught Road ; Scottsville.
4. Not more than 5 persons shall be in permanent employment of the site.
5. No signage shall be permitted on the site.
6. Ptn 4, Ptn 18 (of 6) and Rem, of Erf 1942 PMB (18 Connaught Road) shall be tied by means of a Notarial Deed in Restraint of Free Alienation.
7. No registrations for the Comrades Marathon, nor any function or event which in the opinion of the City Council is likely to be injurious to the amenity of the General Residential zone, shall be held on the site.

3.19.14 Special Area14

3.19.14.1 In addition to the general provisions of the Scheme, the following shall apply exclusively to the Special Area 14 zone.

## 3.19.14.2 Use of Land and Buildings

3.19.14.2.1 Reference to Map - Cross-hatched black, being portion of Erf 1556 Pietermaritzburg, off Armitage Road (Bird Sanctuary site): Athlone.

3.19.14.2.2 Expressly permissible Development or Uses of Land or Uses of Buildings (all subject to Proviso 3.19.14.3) -

1.6.4 Business Premises

1.6.11 Informal Trading

1.6.15 Motor Salesroom

1.6.16 Motor Workshop (excluding panel beating, spray painting and chassis straightening)

1.6.23 Place of Instruction

1.6.27 Public Office

1.6.28 Residential Building, limited to an hotel

1.6.29 Restaurant

1.6.33 Shop

1.6.35 Special building, limited to a Building or structure necessary to accommodate sporting/ recreational activities acceptable to the Council

1.6.36 Specialised Office

3.19.14.2.3 Development or Uses of Land or Uses of Buildings Permitted by Special Consent -

1.6.21 Parking Lot

1.6.22 Petroleum Filling Station

1.6.31 Service Industrial Building

1.6.32 Service Workshop

3.19.14.2.4 Expressly prohibited Development or Uses of Land or Uses of Buildings-

All Development or uses of Land or uses of Buildings not under Clauses 3.19.14.2.2 and 3.19.14.2.3 hereof.

3.19.14.3 Proviso to 3.19.14.2.2 -

All development shall be in accordance with-

1. design guidelines attached to the Conditions of Sale and any subsequent sale agreement in respect of this property;
2. a site development plan which shall be submitted to and approved by Council prior to the submission of building plans and which shall have regard to the following -
  - coarse-grain development;
  - vehicle orientated land uses;
  - high road visibility;
  - bold imagery;
  - landscaping;
  - environmental management;
  - traffic management; and
  - parking, density and height controls applicable to this zone.
3. the total shop floor area applicable to this zone shall be limited to 3200m<sup>2</sup>, which total floor area shall be distributed amongst two areas only, being Portions 17 (of 7) and 44 of Erf 1556 Pietermaritzburg

## 3.19.14.4 Density and Height Control

Maximum Floor Area	32 000m <sup>2</sup>
Maximum Site Coverage	26 500m <sup>2</sup>
Maximum Height	3 storeys

## 3.19.14.5 Building Lines, Side and Rear Spaces

3.19.14.5.1 Generally, all Buildings and structures (including swimming pools), shall observe a Building Line of at least 7m, and subject to any requirements which may be imposed by the SA National Roads Agency.

3.19.14.5.2 The Council may grant its Special Consent for the erection of a Building or structure (including a swimming pool) in front of the Building Line. Any person wishing to make application for relaxation shall proceed in the manner provided for in Appendix 9 to the Scheme.

3.19.14.5.3 All new Buildings and Structures shall observe a Side Space or not less than 4,5m there being no provision for the relaxation hereof.

## 3.19.14.6 Minimum Site Areas / Frontages

The Site shall not be subdivided without the Consent of the Council.

## 3.19.14.7 Provision of On-site Parking

The following on-site parking shall be provided-

LAND USE	MINIMUM NUMBER OF CAR PARKING SPACES
1.6.15 Motor Salesroom	2 per 100m <sup>2</sup> of total floor area
1.6.22 Petroleum Filling Station	5 per 100m <sup>2</sup> of total floor area (excluding pump island canopy)
1.6.23 Place of Instruction	1 per classroom, plus 1 per office, plus loading/off-loading area to be agreed with the Responsible Authority
1.6.27 Public Office	3 per 100m <sup>2</sup> of total floor area
1.6.28 Residential Building	1 per bedroom, plus 10 per 100m <sup>2</sup> of public accessible area (restaurants, bars, conference rooms, etc)

LAND USE	MINIMUM NUMBER OF CAR PARKING SPACES
1.6.29 Restaurant	20 per 100m <sup>2</sup> of total floor area
1..6.33 Shop	5 per 100m <sup>2</sup> of total floor area
1.6.35 Special Building	2,5 per 100m <sup>2</sup> of total floor area
1.6.36 Specialised Office	2,5 per 100m <sup>2</sup> of total floor area/5 per 100m <sup>2</sup> for medical offices

The requirements given in the above table must be read in conjunction with the Department of Transport Parking Standards (Second Edition) document (ref. PG 3/85) dated November 1985. The requirements in that document must be employed for all standards not quoted above.

The Council may, upon receipt of a fully motivated application, and if it considers that there are special and extenuating circumstances, grant its consent to a specified relaxation of the requirements contained in the above table.

#### 3.19.14.8 Traffic Management

The developer shall be responsible for the construction of the roadworks contained in Fig 4 of the Traffic Impact Report dated September 1999, compiled by BCP Engineers. The phasing of these roadworks to be subject of a separate agreement between the Council and the Developer.

#### 3.19.14.9 Other Legislation

The Developer shall be entirely responsible for ensuring compliance with any other applicable legislation (*eg* Environmental Conservation Act, Water Act, South African Roads Act, *etc*)

3.19.15 Special Area 15

- 3.19.15.1 In addition to the general provisions of the Scheme, the following shall apply exclusively to the Special Area 15 zone.
- 3.19.15.2 Use of Land and Buildings
- 3.19.15.2.1 Reference to Map - cross hatched black, being Erf60 Lincoln Meade, being 276 Murray Road: Lincoln Meade.
- 3.19.15.2.2 Expressly Permitted development or Uses of Land or Uses of Buildings-
- Accommodation units, not exceeding 25 in number, a dormitory, a mini-conference centre, a restaurant-cum-shop for residents only, located in the restored Victorian building, a manager's residence and sundry ancillary buildings and facilities, including camping facilities, limited farming activities, subject to the approval and requirements of the Medical Officer of Health.
- 1.6.13 Medium-Density Housing subject to Proviso 3.19.15.3
- 1.6.17 Outbuilding
- 3.19.15.2.3 Development or Uses of Land or uses of Buildings Permitted by Special Consent-
- 1.6.8 Home Activity, subject to the provisions of Clause 3.2.3.1.
- 1.6.9
- 1.6.29 Self-contained Residential Unit subject to the provisions of Clause 3.2.3.1
- 3.19.15.2.4 Expressly Prohibited Development or Uses of Land or Uses of Buildings -
- All other development or Uses of Land or Uses of Buildings.
- 3.19.15.3 Proviso to Clause 3.19.15.2.2
- The maximum number of Dwellings, inclusive of the Accommodation units, existing manager's residence and any converted existing buildings, shall not exceed 110.

## 3.19.15.4 Density and Height Control

TYPE OF BUILDING OR USE OF LAND	MAX No OF UNITS	MAX COVERAGE FACTOR	MAX HEIGHT
Dwellings (inclusive of the accommodation units, existing manager's residence and any converted existing buildings)	110	1/3	2 Storeys

## 3.19.15.5 Building Lines, Side and Rear Spaces

- 3.19.15.5.1 Generally, all Buildings and structures (including swimming pools), shall observe a Building Line of at least 7 m.
- 3.19.15.5.2 The Council may grant its Special Consent for the erection of a Building or structure (including a swimming pool) in front of the Building Line. Any person wishing to make application for relaxation shall proceed in the manner provided for in Appendix 10 to the Scheme.
- 3.19.15.5.3 All new Dwellings comprising a Medium density Housing development, shall observe a Side Space and a Rear Space of not less than 4,5 m, there being no provision for the relaxation hereof: with the exception of the existing laundry to be converted into a Dwelling, which may observe a Side Space of not less than 2,5m.
- 3.19.15.5.4 Outbuildings and other structures not being Dwellings, shall observe a Side Space and a Rear Space of not less than 1,5 m, subject to the provisions of Clause 3.17.17.5.7.
- 3.19.15.5.5 The foregoing Side Space and Rear Space requirements shall not over-rule the requirements of the National Building Regulations and any greater Side Space or Rear Space which may be required in terms thereof shall be observed.

- 3.19.15.5.6 For the purposes of establishing Side Spaces and Rear Spaces in terms of this Clause, the eaves of any Buildings or structure shall not overhang the Side Space and Rear Space by more than 500 mm, excepting that when a greater eaves overhang is provided, the required Side Space or Rear Space as the case may be, shall be increased by the amount the eaves overhang exceeds 500 mm.
- 3.19.15.5.7 The Council may grant its Special Consent for relaxation of the Side. Space and Rear Space requirements for Outbuildings and other structures not being Dwellings. Any person wishing to make application for relaxation shall proceed in the manner provided for in Appendix 10 to the Scheme.
- 3.19.15.5.8 The Council may grant its Special Consent for eaves of width greater than 500 mm, in respect of any Dwelling comprising a Medium-density Housing development. Any person wishing to make application for relaxation shall proceed in the manner provided for in Appendix 10 to the Scheme

3.19.15.6 Minimum Site Areas / Frontages

The consolidated site may not be sub-divided without the Consent of the Council

3.19.15.7 Provision of on-site Parking

- 3.19.15.7.1 The following on-site parking shall be provided for Medium-density Housing:

Two car parking spaces for every Dwelling at least one of which shall be under cover. In addition, two car parking spaces for visitors shall be provided for every three Dwellings. Such on-site parking shall be located behind the Building Line and free of the Side Space and Rear Space save with the Consent of the Council, provided that the Council may impose conditions relating to screening, landscaping, etc.

- 3.17.17.7.2 On-site parking requirements for any other uses shall be in accordance with the requirements for those uses, as provided for elsewhere in the Scheme

- 3.17.17.7.3 The technical requirements for on-site parking shall be in accordance with Appendix 2 to the Scheme

3.19.16 Special Area 16

3.19.16.1 In addition to the general provisions of the Scheme, the following shall apply exclusively to the Special Area 16 zone.

3.19.16.2 Use of Land and Buildings

Reference to Map - Cross-hatched Black, being Rem of 3 of Erf 92 Pietermaritzburg, being 445 Town Bush Road: Montrose

(Refer to 3.2 (Intermediate Residential zone - Bulk zone 3) for all controls applicable to this zone, excepting that a maximum of 9 units may be built)

3.19.17 Special Area 17

3.19.17.1 In addition to the general provisions of the Scheme, the following shall apply exclusively to the Special Area 17 zone.

## 3.19.17.2 Use of Land and Buildings

3.19.17.2.1 Reference to Map - Cross-hatched black, being Portion of Erf 1531 Pietermaritzburg, off Town Bush Road, as indicated on plan TPY 6/677.

3.19.17.2.2 Expressly Permissible Development or Uses of Land or Uses of Buildings -

Garden Centre, including associated retail sales, subject to -

- 1 access and parking requirements to the satisfaction of the Council;
2. open space areas being landscaped and maintained to the satisfaction of the Council;
3. signage/displays being to the satisfaction of the Council;
4. all structures on the land being to the satisfaction of the Council; and
5. the existing watercourse being maintained in its natural state, to the satisfaction of the Council.

3.19.17.2.3 Development or Uses of Land or uses of Buildings Permitted by Special Consent -

Nil

3.19.17.2.4 Expressly Prohibited Development or Uses of Land or uses of Buildings -

All other uses

## 3.19.17.3 Density and Height Control

TYPE OF BUILDING OR USE OF LAND	MAX BULK FACTOR OR MAX UNITS/HECTARE	MAX COVERAGE FACTOR	MAX HEIGHT
All uses	1/5	1/5	1 Storey

## 3.19.17.4 Building Lines, Side and Rear Spaces

Refer to Plan TPY6/677 for building limitations.

## 3.19.17.5 Minimum Site Areas / Frontages

The Site shall not be subdivided without the Consent of the Council.

## 3.19.17.6 Provision of On-site Parking

At least 150 car parking bays shall be provided, the layout and vehicular access arrangements being to the satisfaction of the Council. Provided that the council may also require the provision of loading/un-loading facilities separate from the parking.

3.19.18 Special Area 18

- 3.19.18.1 In addition to the general provisions of the Scheme, the following shall apply exclusively to the Special Area 18 zone.
- 3.19.18.2 Use of Land and Buildings
- 3.19.18.2.1 Reference to Map - Cross-hatched black, being a portion of Ptn 75 and Ptn 54, of Erf 1866 Pietermaritzburg, off Troon Terrace, Chase Valley.
- 3.19.18.2.2 Expressly permissible Development or Uses of Land or Uses of Buildings
- 3.19.18.2.3 Subject to the specific controls listed below the controls in Clause 3.2 (Intermediate Residential Zone) shall also be applicable.
- 3.19.18.2.4 Specific Controls
- 3.19.18.2.4.1 Development shall be broadly in accordance with Map 6, attached to the application by Messrs Integrated Planning Services dated January 1992 provided that the maximum number of residential units shall be 24.
- 3.19.18.2.4.2 That a condition of the approval of the development shall be all roads within development be at least 6m wide, except that the accessway on to Troon Terrace shall be not less than 9m wide.
- 3.19.18.2.4.3 The area designated No 7 on Map 4 of the application shall be rehabilitated and maintained as a nature conservation area under the direction of the Municipal Parks Department subject to no direct costs accruing to the Council

#### 3.19.18.2.4.4 Landscaping

Prior to the commencement of development on the Site a landscape plan shall be approved by the Manager : Parks and Recreation and the City Planner. Such plan shall indicate, *inter alia*, which existing indigenous plants shall be maintained and a phasing programme of the implementation of the plan. The general themes of the landscaping shall be to make provision for the establishment of indigenous plants and to blend buildings with the landscape.

#### 3.19.18.2.4.5 Street lighting

The form of lighting in common areas shall be subject to the approval of the City Planner.

#### 3.19.18.2.4.6 Building Colours

The colour of Buildings will be subject to the approval of the City Planner.

3.19.19 Special Area 19

- 3.19.19.1 In addition to the general provisions of the Scheme, the following shall apply exclusively to the Special Area 19 zone.
- 3.19.19.2 Use of Land and Buildings
- 3.19.19.2.1 Reference to Map - Cross-hatched black, being Erf 244 (now Erf 3358) Pietermaritzburg, being 771 Town Bush Road as shown on Plan TPY 6/743.
- 3.19.19.2.2 Expressly permissible Development or Uses of Land or Uses of Buildings (all uses subject to Proviso 3.19.19.3.1
- 1.6.6 Dwelling
- 1.6.12 Institution (Limited to a creche/Childminder Daycare Centre for not more than 50 children)
- 1.6.14 Medium Density Housing
- 3.19.19.2.3 Development or Uses of Land or Uses of Buildings Permitted by Special Consent -
- Nil
- 3.19.19.2.4 Expressly prohibited Development or Uses of Land or Uses of Buildings-
- All Development or uses of Land or uses of Buildings not under Clauses 3.19.19.2.2.
- 3.19.19.3 Proviso to 3.19.19 2.2
- 3.19.19.3.1 The disposition of the principle elements of the development shall be in accordance with a site development plan to be approved by the Council, prior to the submission of building plans and embodying the constraints and limitations specified herein, and in accordance with the „planning proposal“ drawing „Fig 2“ attached as Annexure „B2“.
- 3.19.19.3.2 The removal of rubble from the site or the use of rubble as fill on the site shall be monitored by the Chief Building Inspector. Where rubble is removed from the site the applicant shall present the wayleaves from the Municipality Waste Disposal site prior to approval of the building plans.

- 3.19.19.3.3 A full hydrological study shall be undertaken by a firm of Consulting Civil Engineers who specialise in hydrology to ascertain the impact that the stormwater run-off, created by the development, will have on existing downstream development.
- 3.19.19.3.4 The applicant's consulting engineer is required to submit working drawings on all internal roads and stormwater drainage (including the Feature Pond) within the site and from the adjoining property, Erf 450.
- 3.19.19.3.5 The watercourse (stream) traversing the site and Erf 450 must not be interfered with as external run-off could be problematic.
- 3.19.19.3.6 A 5m public right-of-way servitude, along the stream bank (in favour of the Council), shall be negotiated between the applicant and the Council.
- 3.19.19.3.7 The applicant shall liaise with Umgeni Water in respect of the Board's pipeline that traverses the site.
- 3.19.19.3.8 The applicant shall indicate on the Site Development Plan what the intended use of the undeveloped 4 ha of land will be.

#### 3.19.19.4 Density and Height Control

TYPE OF BUILDING OR USE OF LAND	MAX BULK FACTOR OR MAX UNITS/HA	MAX COVERAGE FACTOR	MAX HEIGHT
Dwellings Medium-Density housing	10uph	1/3	2 Storeys

#### 3.19.19.5 Building Lines, Side and Rear Spaces

A building line of not less than 7m shall apply.

#### 3.19.19.6 Minimum Site Area/Frontages

The site shall not be subdivided without the consent of the Council

#### 3.19.19.7 Provision of On-site Parking

3.19.19.7.1 On-site parking shall be provided in accordance with Clause 3.2.8.1 of the Scheme.

- 3.19.19.7.2 The technical requirements for on-site parking shall be in accordance with Appendix 2 to the Scheme, and further, that the parking areas shall be suitable landscaped, to the satisfaction of the Council.

3.19.20 Special Area 20

- 3.19.20.1 In addition to the general provisions of the Scheme, the following shall apply exclusively to the Special Area 20 zone.
- 3.19.20.2 Use of Land and Buildings
- 3.19.20.2.1 Reference to Map - Cross-hatched black, being Erf 926 Pietermaritzburg, off Worlds View Road: Worlds View as shown on Plan TPY 5/744.
- 3.19.20.2.2 Expressly permissible Development or Uses of Land or Uses of Buildings (all uses subject to Proviso 3.19.20.3.1
- 1.6.6 Dwelling
- 1.6.14 Medium Density Housing
- 1.6.35 Special Building limited to Broadcasting and ancillary uses
- 3.19.20.2.3 Development or Uses of Land or Uses of Buildings Permitted by Special Consent -
- Nil
- 3.19.20.2.4 Expressly prohibited Development or Uses of Land or Uses of Buildings-
- All Development or uses of Land or uses of Buildings not under Clauses 3.19.20.2.2.
- 3.19.20.3 Proviso to 3.19.20.2.2-
- 3.19.20.3.1 The disposition of the principle elements of the development shall be in accordance with a development plan approved by the Council and embodying the constraints and limitations specified herein.
- 3.19.20.3.2 The removal of rubble from the site or the use of rubble as fill on the site shall be monitored by the Chief Building Inspector. Where rubble is removed from the site the applicant shall present the weighbridge receipts from the Municipality Waste Disposal site prior to approval of the building plans.

- 3.19.20.3.3 A height restriction of 1 storey to minimize visual impact shall apply and appropriate building and roofing materials shall be selected to visually blend in with the natural environment to the satisfaction of the City Planner.
- 3.19.20.3.4 The applicant shall provide an 11m access way either as a Public Road or right-of-way servitude for private access to link up with Worlds View Road to the applicant's expense and also to the satisfaction of the City Engineer. The applicant's consulting engineer is required to submit working drawings on all access roads and stormwater drainage within the site and linkages to Worlds View Road.
- 3.19.20.3.5 No waterborne sewers are available to the site and septic tanks will be approved subject to successful percolation tests to the satisfaction of the City Engineer.
- 3.19.20.3.6 The existing trees (and possible rare species) on the site, worthy of conservation, shall be retained or alternatively handed over to the Council for relocation to the adjacent conservation area.
- 3.19.20.3.7 The north facing slope below the site are highly erodible and therefore stormwater drainage shall be directed away from these slopes towards the western boundary.
- 3.19.20.3.8 The applicant shall landscape the eastern boundary of the site within the 10m building line in order to minimise the visual impact on the skyline.

#### 3.19.20.4 Density and Height Control

TYPE OF BUILDING OR USE OF LAND	MAX BULK FACTOR OR MAX UNITS/HECTARE	MAX COVERAGE FACTOR	MAX HEIGHT
Dwellings Medium density housing	10uph	1/3	1 Storey

3.19.20.5 Building Lines, Side and Rear Spaces

A building line of not less than 10m shall apply along the eastern boundary of the Ptns 1, 2, 3 and the Rem of Erf 926, as shown on the plan TPY 5/744.

3.19.20.6 Minimum Site Area/Frontages

The site, as indicated on Plan TPY 5/744, shall not be subdivided

3.19.20.7 Provision of On-site Parking

3.19.20.7.1 On-site parking shall be provided in accordance with Clause 3.2.8.1 of the Scheme.

3.19.20.7.2 The technical requirements for on-site parking shall be in accordance with Appendix 2 to the Scheme, and further, that the parking areas shall be suitable landscaped, to the satisfaction of the Council.

3.19.21 Special Area 21

3.19.21.1 In addition to the general provisions of the Scheme, the following shall apply exclusively to the Special Area 21 zone.

## 3.19.21.2 Use of Land and Buildings

Reference to Map - Cross-hatched black, being a part of Portion 1 of Erf 3126 PMB, off Prince Alfred Street: City

(Refer to 3.10 (Light Industrial zone) for all controls applicable to this zone, excepting that 3.10.2.2 shall be subject to the following -

1. Use of the site shall be limited to a motor vehicle testing ground;
2. Buildings and structures shall be limited to those essential for the operation of the motor vehicle testing ground.

### 3.19.22 Special Area 22

3.19.22.1 In addition to the general provisions of the Scheme, the following shall apply exclusively to the Special Area 22 zone.

#### 3.19.22.2 Use of Land and Buildings

Reference to Map - Cross-hatched black, being Erf 2062 PMB, being 2 - 10 Chapel Street and 140 - 150 Victoria Road

(Refer to 3.10 (Light Industrial zone) for all controls applicable to this zone, excepting that 3.10.2.2 shall be subject to the following -

- a) Development plans for the site shall be substantially in accordance with the submitted sketch plan drawing No 863.
- b) No spray painting or panel beating shall be carried out on the site, nor shall any scrap or derelict vehicles be parked or stored on the site.
- c) Ingress to and egress from the site shall be limited to one in Chapel Street and one in Victoria Road and to the satisfaction of the City Engineer.
- d) All machines used on the site to be operated only within enclosures to ensure that the noise emission measurements on the boundaries of the site do not exceed 80 decibels of such other standard, as the Medical Officer of health may determine from time to time.
- e) The subdivisions forming the above site shall be consolidated.
- f) A building line of 4,5m shall apply to Chapel Street and Victoria Road.

3.19.23 Special Area 23

- 3.19.23.1 In addition to the general provisions of the Scheme, the following shall apply exclusively to the Special Area 23 zone.
- 3.19.23.2 Use of Land and Buildings
- 3.19.23.2.1 Reference to Map - Cross-hatched black, being a portion of Erf 321 Pietermaritzburg, off Howick Road : Athlone as shown on Plan TPY 2/736 (Redlands).
- 3.19.23.2.2 Expressly permissible Development or Uses of Land or Uses of Buildings (all uses subject to Proviso 3.19.23.2.1)
- 1.6.6 Dwelling
- 1.6.7 Flat
- 1.6.12 Institution
- 1.6.14 Medium Density Housing
- 1.6.28 Residential Building
- 1.6.36 Specialised Office
- 3.19.23.2.3 Development or Uses of Land or Uses of Buildings Permitted by Special Consent -
- Nil
- 3.19.23.2.4 Expressly prohibited Development or Uses of Land or Uses of Buildings-
- All Development or uses of Land or uses of Buildings not under Clauses 3.19.25.2.2.
- 3.19.23.3 Proviso to 3.19.23.2.2-
- 3.19.23.3.1 The disposition of the principal elements of the development shall be in accordance with a development plan approved by the Council and embodying the constraints and limitations specified herein, in accordance with the „planning proposal“ drawings contained in the applicant’s document dated March 1994 from Monte J. Rosenberg.

## 3.19.23.4 Density and Height Control

USE	SITE ALLOCATION (ha)	COVERAGE	BULK	MAX HEIGHT
Specialised Offices/ Institution	2,8	4/10	1/2	3 Storeys
Residential Building, Flat Medium Density Housing	2,8	4/10	1/2	3 Storeys
Private Open Space	1,3	-	-	-

## 3.19.23.5 Building Lines, Side and Rear Spaces

A building line of not less than 7m shall apply.

## 3.19.23.6 Minimum Site Area/Frontages

The site shall not be subdivided without the consent of the Council.

## 3.19.23.7 Provision of On-site Parking

3.19.23.7.1 On-site parking shall be provided at a rate of 6 parking bays per 100m<sup>2</sup> of gross Institutional and Specialised Office Floor area.

3.19.23.7.2 On-site parking requirements for any other uses shall be in accordance with the requirements for those uses, as provided for elsewhere in the Scheme.

3.19.23.7.3 The technical requirements for on-site parking shall be in accordance with Appendix 2 to the Scheme, and further, that the parking areas shall be suitably landscaped to the satisfaction of the Council.

## 3.19.23.8 Signage

A signage policy in respect of the site and all buildings thereon, shall be submitted to and approved by the Council before any individual signs may be approved.

3.19.24 Special Area 24

- 3.19.24.1 In addition to the general provisions of the Scheme, the following shall apply exclusively to the Special Area 24 zone.
- 3.19.24.2 Use of Land and Buildings
- 3.19.24.2.1 Reference to Map - cross-hatched black, being portions of Erf 222, 486, 487, 780 and 1265 Pietermaritzburg, off Prince Alfred Street : City
- 3.19.24.2.2 Expressly Permissible Development or Uses of Land or Uses of Buildings (all uses subject to Proviso 3.19.24.3.1) -  
  
Restaurant/Floating Pub, Gymnasium, Hotel, Office Park, subject to proviso 3.19.24.3
- 3.19.24.2.3 Development or Uses of Land or Uses of Buildings Permitted by Special Consent -  
  
Nil
- 3.19.24.2.4 Expressly Prohibited Development or uses of Land or Uses of Buildings -  
  
All Development or uses of Land or uses of Buildings not under Clauses 3.19.24.2.2 and 3.19.24.2.3.
- 3.19.24.3 Proviso to 3.19.24.2.2 -
- 3.19.24.3.1 The disposition of the principle elements of the development shall be in accordance with the drawings „Camps Drift : Pietermaritzburg, Modified Development Proposal“ prepared by FGG Architects, dated 12 December 1994.
- 3.19.24.3.2 A full hydrological study being undertaken by a firm of Consulting Civil Engineers who specialise in hydrology, with specific reference to flood protection measures.

## 3.19.24.4 Density and Height Control

TYPE OF BUILDING OR USE OF LAND	MAX. FLOOR AREA	MAX. COVERAGE	MAX HEIGHT
Residential	3000m <sup>2</sup>	3000m <sup>2</sup>	3 Storeys
Office	3000m <sup>2</sup>	3000m <sup>2</sup>	3 Storeys
Gymnasium	2000m <sup>2</sup>	2000m <sup>2</sup>	3 Storeys
Restaurant/ Floating Pub	500m <sup>2</sup>	500m <sup>2</sup>	2 Storeys

## 3.19.24.5 Building Lines, Side and Rear Spaces

A building line of not less than 7m shall apply.

## 3.19.24.6 Minimum Site Areas / Frontages

The site shall not be subdivided without the consent of the Council.

## 3.19.24.7 Provision of On-site Parking

3.19.24.7.1 On-site parking for residential use shall be provided in accordance with Clauses 3.3.7.1, 3.3.7.2 and 3.3.7.3, as the case may be.

3.19.24.7.2 On-site parking for offices shall be provided in accordance with Clause 3.4.7.1.

3.19.24.7.3 On-site parking for the gymnasium shall be provided on the basis of 1m<sup>2</sup> of nett parking space for every 1m<sup>2</sup> of gross.

3.19.24.7.4 On-site parking for the restaurant/floating pub shall be provided in accordance with Clause 3.19.24.7.2.

3.19.24.7.5 The technical requirements for on-site parking shall be in accordance with Appendix 2 to the Scheme, and further, that the parking areas shall be suitably landscaped to the satisfaction of the Council.

3.19.25 Special Area 25

- 3.19.25.1 In addition to the general provisions of the Scheme, the following shall apply exclusively to the Special Area 25 zone.
- 3.19.25.2 Use of Land and Buildings
- 3.19.25.2.1 Reference to Map - Cross-hatched black, fronting Boom Street, between Chapel and Commercial Road
- 3.19.25.2.2 Expressly permissible Development or Uses of Land or Uses of Buildings (all uses subject to Proviso 3.19.25.2.1)
- 1.6.3 Boarding House
- 1.6.6 Dwelling
- 1.6.7 Flat
- 1.6.8 Home Activity
- 1.6.9 Home Business
- 1.6.18 Outbuilding
- 1.6.28 Residential Building
- 1.6.30 Self-contained residential unit
- 1.6.36 Specialised Office, subject to Clause 3.19.25.3.1
- 3.19.25.2.3 Development or Uses of Land or Uses of Buildings Permitted by Special Consent -
- 1.6.12 Institution
- 1.6.14 Medium-density Housing, subject to the requirements of Appendix 1 to the Scheme
- 1.6.20 Parking Garage
- 1.6.21 Parking Lot
- 3.19.25.2.4 Expressly prohibited Development or Uses of Land or Uses of Buildings-
- All Development or uses of Land or uses of Buildings not under Clauses 3.19.25.2.2. and 3.19.25.2.3 hereof.

## 3.19.25.3

## Proviso to 3.19.25.2.2-

3.19.25.3.1 Specialised Offices which may be established in this zone shall be limited to occupation by accountants, auditors, attorneys, anaesthetists, quality surveyors, town planners, civil-, mechanical-, structural- and electrical engineers and other similar activities acceptable to the Council.

## 3.19.25.4

## Density and Height Control

## 3.19.25.4.1

TYPE OF BUILDING OR USE OF LAND	MAX BULK FACTOR OR MAX UNITS/HECTARE	MAX COVERAGE	MAX HEIGHT
Dwellings (Flats)	155uph	1/3	3 Storeys
All other uses	1	1/2	3 Storeys

3.19.25.4.2 Notwithstanding the maximum allowable bulk and coverage permitted in terms of Clause 3.19.25.4.1, not more than 25% of the existing floor area of any existing building not, at the time of the adoption of this amendment, being lawfully used for Specialised Offices, may be utilised for Specialised Office use, save with the Special Consent of the Council.

3.19.25.4.3 The maximum allowable bulk and coverage permitted in terms of Clause 3.19.25.4.1 shall, in respect of new building developments to be occupied by Specialised Offices shall be related to the areas cross-hatched black on Plan TPY 1/745.

3.19.25.4.4 In respect of new building developments on the sites hatched black on Plan TPY 1/745, not less than 50% of the total allowable floor area, related to the area of the sites so indicated, shall be occupied by residential use, save with the Special Consent of the Council.

## 3.19.25.5

## Building Lines, Side and Rear Spaces.

3.19.25.5.1 Generally, all Buildings and structures (including swimming pools), shall observe a Building Line of at least 7m.

3.19.25.5.2 The Council may grant its Special Consent for the erection of a Building or structure in front of the Building Line. Any person wishing to make application for relaxation shall proceed in the manner provided for in Appendix 9 to the Scheme.

3.19.25.5.3 There shall, in respect of Buildings, or portions of Buildings, accommodating or comprising Specialised Offices be no specified minimum Side Space or Rear Space except as may be determine in terms of the National Building Regulations.

3.19.25.5.4 Side and Rear Spaces for any use not specified herein shall be provided in accordance with the requirements for those uses where they appear elsewhere in the Scheme.

#### 3.19.25.6 Minimum Site Areas/Frontages

3.19.25.6.1 Minimum Site areas, Frontages and mean widths for Offices and other non-residential uses shall be in accordance with Clause 6.3.

3.19.25.6.2 Minimum Site areas, Frontages and mean widths for residential uses, shall be in accordance with Clauses 6.2.1 and 6.2.2, 6.2.3 and 6.2.4, as the case may be.

3.19.25.6.3 Except with the Special Consent of Council, there shall be no consolidation, where any such consolidation will result in the creation of an Erf in excess of 3000m<sup>2</sup> in extent.

#### 3.19.25.7 Provision of On-site Parking

3.19.25.7.1 The following on-site parking shall be required for Offices-

One parking space for every 25m<sup>2</sup> of nett office space, other than offices wherein medical or dental practitioners are to be accommodated.

One car parking space for every 15m<sup>2</sup> of nett office space wherein medical or dental practitioners are to be accommodated.

Such on-site parking shall be located behind the Building Line, save with the Consent of the Council, provided that the Council may impose conditions relating to screening landscaping, *etc.*

3.19.25.7.2 On -site parking requirements for any other uses shall be in accordance with the requirements for those uses, as provided for elsewhere in the Scheme.

3.19.25.7.3 The technical requirements for on-site parking shall be in accordance with Appendix 2 to the Scheme.

### 3.19.25.8 Signage

No advertisement notice or sign shall be permanently erected in this zone, other than a brass plate or board, not exceeding 450mm x 600mm in size, affixed to the building, in accordance with the relevant Bylaws, save with the Special Consent of the Council.

### 3.19.25.9 External Appearance of Buildings

The character, design and external appearance of buildings, including the materials used in their constructions, shall be subject to the approval of the Council.

In considering any application, the Council shall take into account whether or not the building will be injurious to the amenities of the Boom Street streetscape by reason of its external appearance or the materials it is proposed to use.

Any person intending to alter extend or erect a building shall submit drawings to the local authority in accordance with the requirements of Clause 7.1.

## **SCHEDULE OF PROPERTIES ZONED “SPECIAL AREA 25”**

<b>STREET ADDRESS</b>	<b>PROPERTY DESCRIPTION</b>
166 Boom St	Rem of Erf 2217 PMB
167 Boom St	Rem of 1 of Erf 2117 PMB
169 Boom St	Ptn 7 (of 1) of Erf 2117 PMB
173 Boom St	Rem of 6 of Erf 2117 PMB
177 Boom St	Rem of 5 of Erf 2117 PMB
178 Boom St	Sub 2 of Erf 2217 PMB

<b>STREET ADDRESS</b>	<b>PROPERTY DESCRIPTION</b>
180 Boom St	Ptn 8 (of 2) of Erf 2218 PMB
181 Boom St	Rem of Erf 2118 PMB
182 Boom St	Erf 10 (of 9) of Erf 2218 PMB
183 Boom St	Ptn 5 of Erf 2118 PMB
184 Boom St	Ptn 11 (of 9) of Erf 2218 PMB
185 Boom St	Rem of 1 of Erf 2219 PMB
190 Boom St	Rem of Erf 2219 PMB
191 Boom St	Ptn 2 of Erf 2119 PMB
193 Boom St	Rem of Erf 2119 PMB
195 Boom St	Ptn 3 of Erf 2119 PMB
199 Boom St	Rem of Erf 2120 PMB
200 Boom St	Ptn 6 of Erf 2220 PMB
201 Boom St	Ptn 4 (of 2) of Erf 2120 PMB
202 Boom St	Ptn 7 of Erf 2220 PMB
203 Boom St	Ptn 7 (of 2) of Erf 2120 PMB
206 Boom St	Rem of Erf 2220 PMB
208 Boom St	Rem of 3 of Erf 2220 PMB
208A Boom St	Erf 2257 PMB
208B Boom St	Ptn 10 (of 3) of Erf 2220 PMB
210 Boom St	Rem of 12 of Erf 2221 PMB
213 Boom St	Erf 2171 PMB
215 Boom St	Rem of 2 and Ptn 8 (of 1), of Erf 2121 PMB
218 Boom St	Ptn 4 of Erf 2221 PMB
220 Boom St	Ptn 3 (of 1) of Erf 2222 PMB
221 Boom St	Ptn 5 (of 2) of Erf 2122 PMB
223 Boom St	Rem of 2 of Erf 2122 PMB
224 Boom St	Rem of 1 of Erf 2222 PMB

STREET ADDRESS	PROPERTY DESCRIPTION
227 Boom St	Rem of Erf 2122 PMB
229 Boom St	Rem of Erf 2123 PMB
230 Boom St	Rem of Erf 2223 PMB
231 Boom St	Ptn 5 of Erf 2123 PMB
232/4 Boom St	Ptns 7 (of 1) and 8 (of 2), of Erf2223 PMB
238 Boom St	Erf 2269 PMB
239 Boom St	Ptn 3 of Erf 2123 PMB
240 Boom St	Ptn 9 (of 2) of Erf 2224 PMB
241 Boom St	Ptn 1 of Erf 2124 PMB
247 Boom St	Ptn 9 of Erf 2124 PMB
Off Boom St	Rem of Erf 2124 PMB
Off Berg St	A portion of Erf 2268 PMB
239 Berg St	Ptn 7 of Erf 2224 PMB
52 Commercial Road	A portion of Erf 2177 PMB
4 Stranack St	Ptn 14 (of 12) of Erf 2221 PMB
5 Stranack St	Ptns 11 (of 4) and 6 (of 1), of Erf 2221 PMB
7 Stranack St	Ptns 5 (of 4) and 6 (of 4), of Erf 2221, and Ptns 4 (1) and 5 (of 1), of Erf 2222, PMB

3.19.26 Special Area 26

3.19.26.1 In addition to the general provisions of the Scheme, the following shall apply exclusively to the Special Area 26 zone.

## 3.19.26.2 Use of Land and Buildings

3.19.26.2.1 Reference to Map - Cross-hatched black, being Erf 1521, 3070 and 3071 Pietermaritzburg, being 1 and 11 Wigford Road and 8 Trent Road : Masons Mill.

3.19.26.2.2 Expressly permissible Development or Uses of Land or Uses of Buildings-

1.6.4 Business Premises, to include a taxi business

1.6.10 Industrial Building

1.6.11 Informal Trading

1.6.13 Light Industrial Building

1.6.15 Motor Salesroom

1.6.16 Motor Workshop

1.6.22 Petroleum Filling Station

1.6.24 Place of Public Entertainment

1.6.26 Public Garage

1.6.27 Public Office

1.6.28 Residential Building

1.6.29 Restaurant

1.6.31 Service Industrial Building

1.6.32 Service Workshop

1.6.33 Shop

1.6.35 Special Building

1.6.35 Specialised Office

3.19.26.2.3 Development or Uses of Land or Uses of Buildings Permitted by Special Consent -

Nil

3.19.26.2.4 Expressly prohibited Development or Uses of Land or Uses of Buildings-

All Development or uses of Land or uses of Buildings not under Clauses 3.19.26.2.2. and 3.19.26.2.3 hereof.

### 3.19.26.3 Density and Height Control

TYPE OF BUILDING OR USE OF LAND	MAX. BULK FACTOR OR MAX COVERAGE	MAX. UNITS/ HECTARE	MAX HEIGHT FACTOR
All uses	Building limitations determined by Drawing SK003 Rev A, dated Sept 97	n/a	3 Storeys

### 3.19.26.4 Building Lines, Side and Rear Space

3.19.26.4.1 Generally, all Buildings and structures, shall observe a Building Line of at least 7m.

3.19.26.4.2 The Council may grant Special Consent for the erection of Building or structure in front of the Building Line. Any person wishing to make application for relaxation shall proceed in the manner provided for in Appendix 9 to the Scheme.

3.19.26.4.3 All Buildings and structures shall observe a Side Space and Rear Space, as required elsewhere in the Scheme, for that particular use.

### 3.19.26.5 Minimum Site Areas / Frontages

The Site shall not be subdivided without the Consent of the Council, having regard also to the requirements of Clause 6.1.4.

3.19.26.6 Provision of On-site Parking

On-site parking shall not be provided for not less than 530 cars, generally as indicated on Dwg SK 300 Rev. A.

3.19.26.7 Traffic Management

The costs of access/road improvements, including traffic signals, shall be borne by the owner and/or applicant and/or developer, as the case may be, to the satisfaction of the Council, the final arrangements being resolved upon the submission of building plans for the project.

3.19.26.8 Landscaping

The site, including the parking areas, shall be landscaped and the cost thereof borne, by the owner and/or applicant and/or developer, as the case may be, to the satisfaction of the Council.

3.19.27 Special Area 27

- 3.19.27.1 In addition to the general provisions of the Scheme, the following shall apply exclusively to the Special Area 27 zone.
- 3.19.27.2 Use of Land and Buildings
- 3.19.27.2.1 Reference to Map - Cross- hatched black, being Erf 3226 Pietermaritzburg, being 191 Morcom Road : Blackridge
- 3.19.27.2.2 Expressly Permissible Development or Uses of Land or Uses of Buildings -
- 1.6.6 Dwelling, limited to the existing dwelling only
- 1.6.35 Special Building, subject to proviso 3.19.27.3
- 3.19.27.2.3 Development or Uses of Land or Uses of Buildings Permitted by Special Consent -
- Nil
- 3.19.27.2.4 Expressly Prohibited Development or Uses of Land or Uses of Buildings -
- All Development or uses of Land or uses of Buildings not under Clauses 3.19.27.2.2 and 3.19.27.2.3 hereof.
- 3.19.27.3 Proviso to 3.19.27.2.2 -
- 3.19.27.3.1 The Special Building shall be limited to a facility for the raising (within the indoor ponds only), processing and packaging of fish.
- 3.19.27.3.2 There shall be proper, off-site disposal of any waste, to the satisfaction of Council.
- 3.19.27.3.3 Full compliance with the National Building Regulations.
- 3.19.27.4 Density and Height Control
- Limited to existing buildings and structures on the site.
- 3.19.27.5 Building Lines, Side and Rear Spaces
- Limited to existing buildings and structures on the site.
- 3.19.27.6 Minimum Site Areas/Frontages
- The site shall not be sub-divided without the approval of the Council.

3.19.27.7 Provision of On-site Parking

On-site parking shall be provided to the satisfaction of the Council and shall be indicated on plans required in terms of the National Building Regulations.

3.19.28 Special Area 28

3.19.28.1 In addition to the general provisions of the Scheme, the following shall apply exclusively to the Special Area 28 zone.

## 3.19.28.2 Use of Land and Buildings

3.19.28.2.1 Reference to Map - cross-hatched black, being a part of Rem of Erf 1291 Pietermaritzburg, and a part of Rem of Townlands, at the corner of Old Greytown Road and Ottos Bluff Road: Woodlands

3.19.28.2.2 Expressly Permissible Development or uses of Land or Uses of Buildings -

1.6.11 Informal Trading

1.6.22 Petroleum Filling Station

1.6.29 Restaurant

1.6.33 Shop

3.19.28.2.3 Development or Uses of Land or Uses of Buildings Permitted by Special Consent -

1.6.13 Light Industrial Building

1.6.16 Motor Workshop

1.6.23 Place of Instruction, limited to a creche and/or child minder

1.6.31 Service Industrial Building

1.6.32 Service Workshop

3.19.28.2.4 Expressly Prohibited Development or Uses of Land or Uses of Buildings -

All Development or uses of Land or uses of Buildings not under Clause 3.19.28.2.2 hereof.

## 3.19.28.3 Density and Height Control

TYPE OF BUILDING OR USE OF LAND	MAX FLOOR AREA	MAX SITE COVERAGE	MAX HEIGHT
Petroleum Filling Station	450m <sup>2</sup>	450m <sup>2</sup>	1 Storey
All other uses	6000m <sup>2</sup>	6000m <sup>2</sup>	2 Storeys

- 3.19.28.4 Building Lines, Side and Rear Spaces
- 3.19.28.4.1 Generally, all Buildings and structures shall observe a Building Line of at least 10m on Ottos Bluff Roads and 15m on Old Greytown Road, with the exception of the Petroleum Filling Station which may be positioned on a lesser building line, at the discretion of the Council.
- 3.19.28.4.2 The Council may grant its Special Consent for the erection of a Building, other than a Petroleum Filling Station, or structure in front of the Building Line. Any person wishing to make application for relaxation shall proceed in the manner provided for in Appendix 9 to the Scheme.
- 3.19.28.4.3 There shall be, in respect of all uses, no specified Side Space or Rear Space, which shall be determined in terms of the National Building Regulations.
- 3.19.28.5 Minimum Site Areas / Frontages
- 3.19.28.5.1 All properties must be initially consolidated.
- 3.19.28.5.2 No subsequent subdivision shall be permitted without the consent of the Council.
- 3.19.28.6 Provision of On-site Parking
- 3.19.28.6.1 On-site parking shall be provided on the basis of 1,2m<sup>2</sup> of gross parking for every 1m<sup>2</sup> of gross Floor area, other than the Floor area of any use for which on-site parking must be provided in accordance with the requirements for those uses where they appear elsewhere in the Scheme.
- 3.19.28.6.2 On-site parking requirements for any other uses shall be in accordance with the requirements for those uses, as provided for elsewhere in the Scheme.
- 3.19.28.6.3 The technical requirements for on-site parking shall be in accordance with Appendix 2 to the Scheme.
- 3.19.28.7 Landscaping
- Landscaping shall be undertaken as an integral part of the development of the site, to the satisfaction of the Council, and in accordance with the recommendations contained in the Environmental Scoping Report dated October 1999, by Environmental Assessments cc.

3.19.28.8 Environmental Management

The developer shall, as an integral part of the development of the site, give effect, to the satisfaction of the Council, to the recommendations contained in the Environmental Scoping Report dated October 1999, by Environmental Assessments cc.

3.19.28.9 Stormwater and Solid Waste Management

Stormwater and Solid Waste Management measures shall be undertaken as integral part of the development of the site, to the satisfaction of the Council, and in accordance with the recommendations contained in the Environmental Scoping Report dated October 1999, by Environmental Assessments cc.

3.19.28.10 Traffic Management

Access shall only be permitted at the intersection of the Old and New Greytown Roads, with improvements to and signalisation of this intersection being carried out to the satisfaction of the Council, with all costs being borne by the developer.

3.19.28.11 Site Development Plan

3.19.28.11.1 A site development plan, which takes account of any services that are not relocated, shall be submitted to and approved by the Council, prior to the submission of formal building plans.

3.19.28.11.2 The site development plan shall include building elevations, having regard to the recommendations contained in the Environmental Scoping Report dated October 1999, by Environmental Assessments cc.

3.19.28.12 Other Legislation

The developer shall be entirely responsible for ensuring compliance with any other applicable legislation (*eg* Environment Conservation Act, Water Act)

3.19.29 Special Area 29 (To be read in conjunction with DFA Judgement 2007/1221-11.03.08)

- 3.19 29.1 In addition to the general provisions of the Scheme the following shall apply exclusively to the Special Area 29 zone (Business Park, Restaurant and Garden Centre).
- 3.19 29.2 Use of Land and Buildings
- 3.19.29.2.1 Reference to map - cross-hatched black, being a Portion of Erf 9147 Pietermaritzburg as depicted on Layout Plan P2246A03 (as amended), being a portion of the Royal Agricultural Showgrounds, adjacent to Hyslop and Chatterton Roads : Athlone
- 3.19.29.2.2 Expressly permissible development or uses of land or uses of buildings -
- 1.6.4 Business Premises
- 1.6.15 Motor Salesroom
- 1.6.16 Motor Workshop - restricted to being ancillary to the Motor Salesroom and **excluding** panel beating, spray painting and major engine and chassis overhauls, and in compliance with the Council's Trade and Effluent Bylaws and any other relevant legislation.
- 1.6.27 Public Office
- 1.6.28 Residential Building
- 1.6.29 Restaurant
- 1.6.33 Shop
- 1.6.36 Specialised Office
- And any buildings or structures normally ancillary to any of the above.
- 3.19.29.2.3 Development or uses of land or uses of buildings permitted by Special Consent subject to Proviso 3.19.29.3-
- 1.6.21 Parking Lot
- 1.6.23 Place of Instruction
- 1.6.24 Place of Public Entertainment
- 1.6.25 Place of Worship
- 1.6.34 Social Hall
- 1.6.35 Special Building

- 3.19.29.2.4 Expressly prohibited development or uses of land or uses of buildings -  
All development or uses of land or uses of buildings not under Clauses 3.19.29.2.2 and 3.19.29.2.3 hereof
- 3.19.29.3 Proviso to 3.19.29.2.2 and 3.19.29.2.3 -  
The disposition of development shall be limited to and generally, in accordance with Plan P2246A03, or an amendment approved by the Council.
- 3.19.29.4 Density and Height Control  
Development parameters as per Plan P2246A03 (as amended).  
Maximum Bulk – 9 500 m<sup>2</sup>  
Maximum Height - 3 storeys
- 3.19.29.5 Building Lines, Side and Rear Spaces  
A building line of 7m shall apply along Chatterton and Hyslop Roads. No side and rear spaces are specified.
- 3.19.29.6 Minimum site Areas/Frontages  
The land shall not be subdivided without the express consent of the Council.
- 3.19.29.7 Provision of On-site parking, Loading and Associated Matters
- 3.19.29.7.1 The following on-site parking shall be provided -
- a) one car parking space for every 25m<sup>2</sup> of nett office space other than offices wherein medical or dental practitioners are to be accommodated;
  - b) one car parking space for every 15m<sup>2</sup> of nett office space wherein medical or dental practitioners are to be accommodated;
  - c) one car parking space for every 4 seats for premises used for restaurant purposes;
  - d) one car parking space for every 15m<sup>2</sup> of nett shop space;
  - e) on-site parking requirements for any other uses shall be in accordance with the requirements for those uses, as provided elsewhere in the Scheme.

3.19.29.7.2 The technical requirements for on-site parking shall be in accordance with Appendix 2 to the Scheme.

3.19.29.8 Landscaping

Appropriate landscaping shall be undertaken in each of the designated areas shown in Plan P2246A03 (as amended), and shall be shown on a site development plan to be submitted for approval prior to the submission of any building plans.

3.19.29.9 Signage

A signage policy for the site, or parts thereof, shall be submitted to and approved by the Council.

3.19.29.10 Road Improvements

The developer shall, at his cost, implement road improvements required, to the satisfaction of the Council.

3.19.29.11 Site Development Plan

3.19.29.11.1 A site development plan shall be submitted and approved by the Council, prior to the submission of formal building plans. That Site Development Plan shall, *inter alia*, address the following specific issues, to the satisfaction of the Council -

- a) A traffic study pertaining to all proposed uses;
- b) A hydrologist's report, to determine the impact of the proposed development on the existing stormwater system and an appropriate design and implementation of on-site stormwater detention measures as part of the development, if required by the hydrologist report;
- c) The development to make provision to either accommodate the existing service mains or these must be relocated at the developer's expense.

3.19.29.11.2 In the event of the developer wishing to submit separate site development plans for different elements of the development, such site development plans must be accompanied by an overall development framework for the entire site.

3.19.29.11.3 Such site development plans shall, *inter alia*, provide details of the landscaping, signage and road improvements, contemplated in 3.19.29.8, 3.19.29.9 and 3.19.29.10 hereof.

- 3.19.29.11.4 In the case of Portion A of the Zone, the Site Layout Plan Reference Number PIE649BP Map 5 dated 5 September 2007 prepared by Udidi from EPA Architects drawing Reference 07084 DFA Application-02, the Traffic Study prepared by BCP Engineers dated May 2007 and the Services Agreement, all of which formed part of the Tribunal approval, shall be deemed to meet the requirements for a Site Development Plan.

3.19.30 Special Area 30 (nb DFA Tribunal decision)

3.19.30.1 In addition to the general provisions of the Scheme, the following shall apply exclusively to the Special Area 30 zone.

3.19.30.2 Use of Land and Buildings

3.19.30.2.1 Reference to Map -cross-hatched black, being Parts of Erven 194, 298, and 4346, Pietermaritzburg, and part of Rem of Townlands being the Collegians Club/Woodburn Rugby Stadium, off Boshoff Street : Scottsville.

3.19.30.2.2 Expressly Permissible Development or uses of Land or Uses of Buildings -

1.6.4 Business Premises, subject to Proviso 3.19.30.3.1

1.6.28 Residential Building including Flats but excluding an Hotel, subject to Proviso 3.19.30.3.4.

1.6.29 Restaurant, subject to Proviso 3.19.30.3.1

1.6.33 Shop, subject to Proviso 3.19.30.3.1

1.6.36 Specialised Office, subject to Proviso 3.19.30.3.2

3.19.30.2.3 Development or Uses of Land or Uses of Buildings Permitted by Special Consent -

1.6.15 Motor Saleroom, subject to Proviso 3.19.30.3.3

1.6.16 Motor Workshop (ancillary to a Motor Saleroom and excluding panel beating, spray painting and engine and chassis overhauls)

1.6.24 Place of Public Entertainment, subject to Proviso 3.19.30.3.1.

1.6.28 Residential Building including Flats and an Hotel, subject to Proviso 3.19.30.3.4.

3.19.30.2.4 Expressly Prohibited Development or Uses of Land or Uses of Buildings -

All Development or uses of Land or uses of Buildings not under Clause 3.19.30.2.2 hereof.

## 3.19.30.3

## Provisos -

- 3.19.30.3.1 The total floor area to be occupied by Business Premises, Motor Showroom and ancillary Motor Workshop, Restaurants and Shops, shall not exceed 13 000m<sup>2</sup>.
- 3.19.30.3.2 The total floor area to be occupied by Specialised Offices, shall not exceed 7 500m<sup>2</sup>.
- 3.19.30.3.3 In the event of motor salesrooms and an ancillary Motor Workshop replacing the retail centre indicated on the proposed concept plan attached as Annexure „D“, the area thereof shall not exceed a total floor area of 8000m<sup>2</sup>.
- 3.19.30.3.4 The total floor area for the residential development, shall not exceed 11 000m<sup>2</sup>.
- 3.19.30.3.5 The development of the site shall be generally in accordance with the plan submitted and attached as Annexure „D“. Provided that a site development plan which shall not be inconsistent with the above mentioned plan, indicating the final positioning and extent of the various components and elements of the overall development, shall be submitted to and approved by the Council, prior to the submission of building plans. Provided further that the site development plan may also indicate possible subdivisions of the development.

## 3.19.30.4

## Density and Height Control

TYPE OF BUILDING OR USE OF LAND	MAX FLOOR AREA OR MAX No. OF UNITS	MAX SITE COVERAGE	MAX HEIGHT
Residential units	11 000 m <sup>2</sup>	Per site development plan	3 Storeys
Specialised Offices	7 500m <sup>2</sup>	Per site development plan	1 Storey
Business Premises (Including Motor Showroom and ancillary Motor Workshop)	13 000 m <sup>2</sup>	Per site development plan	1 Storey
Motor Showroom	8 000 m <sup>2</sup>	Per site development plan	1 Storey

3.19.30.5 Building Lines, Side and Rear Spaces

Refer to the approved site development plan for building lines and distances to other site boundaries.

3.19.30.6 Minimum Site Areas / Frontages

3.19.30.6.1 The parcels of land on either side of Boshoff Street shall be initially consolidated. Provided that the Council may allow the subdivision of the site in a manner not inconsistent with the approved site development plan.

3.19.30.7 Provision of On-site Parking

3.19.30.7.1 The following on-site parking shall be provided for Business Premises and Shops -

1,2m<sup>2</sup> of gross parking for every 1m<sup>2</sup> of gross Floor area, other than the Floor area of any use for which on-site parking must be provided in accordance with the requirements for those uses where they appear elsewhere in the Scheme.

3.19.30.7.2 The following on-site parking shall be provided for the residential component -

1 bays for every unit, in addition to 2 conveniently located visitor bays for every 5 units.

3.19.30.7.3 The following on-site parking shall be provided for Specialised Offices -

1 bay for every 25m<sup>2</sup> of nett office space, other than office space occupied by medical or dental practitioners;

1 bay for every 15m<sup>2</sup> of nett office space occupied by medical or dental practitioners.

3.19.30.7.4 On-site parking requirements for any other uses shall be in accordance with the requirements for those uses, as provided for elsewhere in the Scheme.

3.19.30.7.5 The technical requirements for on-site parking shall be in accordance with Appendix 2 to the Scheme.

3.19.30.8 Landscaping

Landscaping shall be undertaken as an integral part of the development of the site, and shall be indicated on the approved site development plan.

## 3.19.30.9 Environmental Management

The developer shall, as an integral part of the development of the site, give effect to the requirements of the Department of Agriculture and Environmental Affairs.

## 3.19.30.10 Traffic Management

3.19.30.10.1 The developer shall give effect, to the recommendations contained in the traffic study dated October 1999 by Africon Consulting.

3.19.30.10.2 A single point of access only shall be permitted between the site and Boshoff Street, the location thereof to be agreed to by the City Engineer.

## 3.19.30.11 Hydrology Report

3.19.30.11.1 A full hydrological impact assessment must be carried out by competent Professional Engineers early in the design stages of the project and must take into account the interests of upstream and downstream property owners.

3.19.30.11.2 The study shall indicate where and how the generated runoff can be detained on site through the use of parking areas, sportsgrounds *etc* thus ensuring that the post-development runoff does not exceed the pre-development runoff.

## 3.19.30.12 Site Development Plan

3.19.30.12.1 A site development plan shall be submitted and approved by the Council.

3.19.30.12.2 In the event of the developer wishing to submit separate site development plans for different elements of the development, such site development plans must be accompanied by an overall development framework for the entire site.

3.19.30.12.3 Such site development plans shall, *inter alia*, provide details of the landscaping, environmental management and traffic management requirements contemplated in 3.19.30.8, 3.19.30.9 and 3.19.30.10 hereof.

## 3.19.30.13 Other Legislation

The developer shall be entirely responsible for ensuring compliance with any other applicable legislation (*eg* Environment Conservation Act, Water Act)

3.19.31 Special Area 31

- 3.19.31.1 In addition to the general provisions of the Scheme, the following shall apply exclusively to the Special Area 31 zone.
- 3.19.31.2 Use of Land and Buildings
- 3.19.31.2.1 Reference to Map - cross-hatched black, Erf 10143 Pietermaritzburg (being a consolidation of Portions 38 – 43, 79 – 98 & proposed Portion A all of Erf 1352 Pietermaritzburg and the Remainder of Erf 9169 Pietermaritzburg), off Sanctuary Road (Liberty Midlands Mall & Lifestyle Centre): Chase Valley.
- 3.19.31.2.2 Expressly Permissible Development or uses of Land or Uses of Buildings -
- 1.6.4 Business Premises, subject to Proviso 3.19.31.3.1
  - 1.6.12 Institution, subject to Proviso 3.19.31.3.1
  - 1.6.14 Medium-density Housing, subject to Proviso 3.19.31.3.2
  - 1.6.15 Motor Saleroom, subject to Proviso 3.19.31.3.1
  - 1.6.16 Motor Workshop, subject to Proviso 3.19.31.3.1
  - 1.6.20 Parking Garage
  - 1.6.21 Parking Lot
  - 1.6.22 Petroleum Filling Station
  - 1.6.24 Place of Public Entertainment, subject to Proviso 3.19.31.3.1
  - 1.6.25 Place of Worship, subject to Proviso 3.19.31.3.2
  - 1.6.27 Public Office, limited to a Post Office and subject to Proviso 3.19.31.3.4
  - 1.6.28 Residential Building, subject to Proviso 3.19.31.3.2
  - 1.6.29 Restaurant, subject to Proviso 3.19.31.3.1
  - 1.6.31 Service Industrial Building, subject to Proviso 3.19.31.3.1
  - 1.6.32 Service Workshop, subject to Proviso 3.19.31.3.1
  - 1.6.33 Shop, subject to Proviso 3.19.31.3.1

- 1.6.36 Specialised Office, subject to Proviso 3.19.31.3.4
- 4.1 Private Open Space and Conservation Area Reservations
- 3.19.31.2.3 Development or Uses of Land or Uses of Buildings Permitted by Special Consent -
- 1.6.27 Public Office, and subject to Proviso 3.19.31.3.4
- 3.19.31.2.4 Expressly Prohibited Development or Uses of Land or Uses of Buildings -
- All Development or uses of Land or uses of Buildings not under Clause 3.19.31.2.2 hereof.
- 3.19.31.3 Provisos -
- 3.19.31.3.1 The total floor area to be occupied by Business Premises, Institutions, Motor Salesrooms/ Showrooms/Workshops, Service Industrial Buildings, Service Workshops, Restaurants, Places of Public Entertainment and Shops, shall not exceed 88 500m<sup>2</sup>.
- 3.19.31.3.2 A Place of Worship shall be limited to the area of the residential component.
- 3.19.31.3.3 The establishment of a Place of Public Entertainment, which shall be accommodated within the total floor area of 88 500m<sup>2</sup>, shall be subject to the prior submission and approval by the Council, of a site development plan indicating the positioning and extent thereof.
- 3.19.31.3.4 The total floor area to be occupied by Specialised Offices, shall not exceed 6 500m<sup>2</sup>.
- 3.19.31.3.5 The total floor area of the apartment-house for the caretaker and the store-rooms together shall not exceed 150m<sup>2</sup>.

## 3.19.31.4 Density and Height Control

TYPE OF BUILDING OR USE OF LAND	MAX FLOOR AREA OR MAX No. OF UNITS	MAX SITE COVERAGE	MAX HEIGHT
Residential Building	5 000m <sup>2</sup>	1 550m <sup>2</sup>	3 Storeys (Caretaker apartment house and storeroom above the 3 <sup>rd</sup> Storey)
Specialised Office and Public Office	6 500m <sup>2</sup>	5 500m <sup>2</sup>	2 Storeys
All other uses	88 500m <sup>2</sup>	95 000m <sup>2</sup>	2 Storeys

## 3.19.31.5 Building Lines, Side and Rear Spaces

- 3.19.31.5.1 Generally, all Buildings and structures shall observe a Building Line of at least 7m, or any such building lines which may be required in terms of other relevant legislation.
- 3.19.31.5.2 The Council may grant its Special Consent for the erection of a Building or structure in front of the Building Line. Any person wishing to make application for relaxation shall proceed in the manner provided for in Appendix 9 to the Scheme.
- 3.19.31.5.3 There shall be, in respect of Business Premises, Shops, Specialised Office, Public offices and other non-residential uses, no specified Side Space or Rear Space, which shall be determined in terms of the National Building Regulations.
- 3.19.31.5.4 All new Buildings, or portions of Buildings, accommodating or comprising residential units, shall observe a Side Space and a Rear Space of not less than 4,5m, there being no provision for the relaxation thereof.
- 3.19.31.5.5 Side and Rear Space for any use not specified herein shall be provided in accordance with the requirements for those uses where they appear elsewhere in the Scheme.

- 3.19.31.6 Minimum Site Areas / Frontages
- 3.19.31.6.1 All properties must be initially consolidated and the developer must, at their cost, rectify the position regarding the 3,05m reserve from the top of either stream bank, in favour of the Council.
- 3.19.31.6.2 A separate subdivision bounded by the N3 Freeway and the watercourse, may be created to accommodate the retail and allied components.
- 3.19.31.6.3 A separate subdivision of not less than 1,5ha, to accommodate the office component, may be permitted.
- 3.19.31.6.4 A separate subdivision of not less than 4ha, to accommodate the residential component, may be permitted.
- 3.19.31.6.5 Any remaining areas (*e.g.* recreation areas, watercourses) shall remain in private ownership, and any sub-division thereof shall be subject to the consent of the Council.
- 3.19.31.7 Provision of On-site Parking, Loading and Associated Matters
- 3.19.31.7.1 The following on-site parking shall be provided for Business Premises, Offices and Shops -
- 1,2m<sup>2</sup> of gross parking for every 1m<sup>2</sup> of gross Floor area, other than the Floor area of any use for which on-site parking must be provided in accordance with the requirements for those uses where they appear elsewhere in the Scheme.
- 3.19.31.7.2 The following on-site parking shall be provided for the Residential Building –
- One parking bay shall be provided for each hotel suite and for the caretaker’s apartment-house within the “Residential Building”
- 3.19.31.7.3 The following on-site parking shall be provided for Specialised Offices -
- 1 bay for every 25m<sup>2</sup> of nett office space, other than office space occupied by medical or dental practitioners;
- 1 bay for every 15m<sup>2</sup> of nett office space occupied by medical or dental practitioners.
- 3.19.31.7.4 A total of 55 parking bays shall be provided for the exclusive use of public transport vehicles.
- 3.19.31.7.5 Shopper trolley parking areas shall be provided throughout the car parking areas, to the satisfaction of the Council.

3.19.31.7.6 Loading/unloading provision shall be made in accordance with the Department of Transport document “Guidelines for Off-street Loading Facilities”.

3.19.31.7.7 On-site parking requirements for any other uses shall be in accordance with the requirements for those uses, as provided for elsewhere in the Scheme.

3.19.31.7.8 The technical requirements for on-site parking shall be in accordance with Appendix 2 to the Scheme.

### 3.19.31.8 Landscaping

Landscaping shall be undertaken as an integral part of the development of the site, in accordance with the „Landscape Design Strategy“ (Para 10) contained in the report dated August 2000, by Environmental Design Partnership (Pty) Ltd and the requirements of the Conservation and Environment Unit.

### 3.19.31.9 Environmental Management

The developer shall, as an integral part of the development of the site, give effect to the recommendations contained in Para 9. of the report dated August 2000, by Environmental Design Partnership (Pty) Ltd and shall adhere to the memorandum of agreement entered into with Council to rehabilitate a portion of the Remainder of Erf 10 000 Pietermaritzburg as indicated on Plan MS/23C/2007 an area of 27.9ha in extent and the requirements of the Lifestyle Centre Environmental Management Programme (DAEARD Ref. No. DC 22/0064/09)

### 3.19.31.10 Traffic Management

3.19.31.10. The developer shall give effect, to the terms and conditions of the Traffic Report entitled “Extension of Liberty Midlands Mall Phase 3 Traffic Impact Report May 2009” to the satisfaction of Council, together with any formal undertakings as may have been agreed to with Council.

### 3.19.31.11 Site Development Plan

3.19.31.11.1 All development shall generally in accordance with Site Development Plan dated November 2011, Ref. J10-722-1 000\_REV-F\_01, prepared by Bentel & Associates and Impendulo Design Architects or any amendments thereto approval City Council.

### 3.19.31.12 Other Legislation

The developer shall be entirely responsible for ensuring compliance with any other applicable legislation (*e.g.* Environment Conservation Act, Water Act)

3.19 32 Special Area 32

- 3.19 32.1 In addition to the general provisions of the Scheme the following shall apply exclusively to Special Area 32.
- 3.19 32.2 Use of Land and Buildings
- 3.19 32.2.1 Reference to map - Cross-hatched black, being Erf 9176 Pietermaritzburg, being being 61 Villiers Drive : Clarendon.
- 3.19.32.2.2 Expressly permissible development or uses of land or uses of buildings -
- 1.6.6 Dwelling
- 1.6.7 Flat
- 1.6.12 Institution
- 1.6.18 Outbuilding
- 1.6.23 Place of Instruction
- 1.6.25 Place of Worship
- 1.6.34 Social Hall
- 1.6.36 Specialised Office
- 3.19.32.2.3 Development or uses of land or uses of buildings permitted by Special Consent -
- 1.6.3 Boarding House
- 1.6.27 Public Office
- 1.6.28 Residential Building
- 1.6.29 Restaurant - subject to Proviso 3.19.32.3.1
- 1.6.35 Special Building, subject to Proviso 3.19.32.3.2
- 3.19.32.2.4 Expressly prohibited development or uses of land or uses of buildings -
- All development or uses of land or uses of buildings not under Clauses 3.19.32.2.2 and 3.19.32.2.3 hereof
- 3.19.32.3 Provisos to 3.19.32.2.3 -
- 3.19.32.3.1 The Restaurant shall not be used to host major functions such as wedding receptions, large parties and the like and shall not close later than 10.30 pm.

3.19.32.3.2 The Council shall not approve any Special Building wherein any trade, business, sale, storage or display of goods is involved, whether or not a trade licence is required.

3.19.32.4 Density and Height Control

3.19.32.4.1 The maximum Floor Area for all uses, other than covered parking, shall be 7 000m<sup>2</sup>.

3.19.32.4.2 The maximum Coverage for all uses shall be 1/2.

3.19.32.4.3 The maximum height permitted shall be 2 Storeys, save with the Special Consent of the Council.

3.19.32.5 Building Lines, Side and Rear Spaces

3.19.32.5.1 All Buildings and structures (including swimming pools), shall observe a Building Line of 7m save with the Council's Special Consent.

3.19.32.5.2 All Buildings and structures shall observe a Side Space of 4,5m save with the Council's Special Consent.

3.19.32.5.4 All Buildings and structures, shall observe a Rear Space of 9m save with the Council's Special Consent.

3.19.32.5.5 The foregoing Side Space and Rear Space requirements shall not over-rule the requirements of the National Building Regulations and be also subject to the provisions of clauses 3.1.5.7 and 3.1.5.8 of the Scheme.

3.19.32.6 Subdivision of Existing Dwelling Houses

The provisions of clause 3.1.6 of the Scheme shall apply.

3.19.32.7 Minimum site Areas/Frontages

The site shall not be subdivided without the Consent of the Council.

3.19.32.8 Provision of On-site parking, Loading and Associated Matters

3.19.32.8.1 The following on-site parking shall be provided -

1. Institutional uses :

One car parking space for every three habitable rooms.

2. Offices :

One car parking space for every 25m<sup>2</sup> of nett office space, other than offices wherein medical or

dental practitioners are to be accommodated.

One car parking space for every 15m<sup>2</sup> of nett office space wherein medical or dental practitioners are to be accommodated.

3.19.32.8.2 On-site parking requirements for any other uses shall be in accordance with the requirements for those uses, as provided elsewhere in the Scheme.

3.19.32.8.3 The technical requirements for on-site parking shall be in accordance with Appendix 2 to the Scheme.

3.19.32.8.4 On-site parking shall be located behind the Building Line, save with the Consent of the Council, provided that the Council may impose conditions relating to screening, landscaping, *etc.*

3.19.32.8 Landscaping

The current landscaping shall be retained whilst additional screen planting may be specified as part of the approval of any building plan.

3.19.32.9 Signage

Advertising signage shall be limited to that specified in the Scheme.

3.19 33 Special Area 33

- 3.19 33.1 In addition to the general provisions of the Scheme the following shall apply exclusively to Special Area 32.
- 3.19 33.2 Use of Land and Buildings
- 3.19 33.2.1 Reference to map - Cross-hatched black, being Erven 9194, 9196, 9197, 9198 and 9199 all of Pietermaritzburg and Ptns 460 and 461 of Erf 1531 Pietermaritzburg (Victoria Country Club Estate), being off Peter Brown Drive and Sir Percy Spender Road : Montrose.
- 3.19.33.2.2 Expressly permissible development or uses of land or uses of buildings -
- 1.6.6 Dwelling
- 1.6.7 Flat
- 1.6.14 Medium Density Housing
- 1.6.18 Outbuilding
- 1.6.28 Residential Building
- 1.6.36 Specialised Office
- 3.19.33.2.3 Development or uses of land or uses of buildings permitted by Special Consent -
- Nil
- 3.19.33.2.4 Expressly prohibited development or uses of land or uses of buildings -
- All development or uses of land or uses of buildings not under Clauses 3.19.32.2.2 and 3.19.32.2.3 hereof
- 3.19.33.3 Provisos to 3.19.33.2.3 -
- 3.19.33.3.1 The disposition of the principal elements of the development shall in accordance with the Development Plan No. TP 1389 dated 16 April 2004, or an amendment approved by the Council.
- 3.19.33.3.2 Land uses within the various elements of the development shall be as follows :
1. Village 1 - Dwelling  
- Medium Density Housing
  2. Village 2 - Dwelling  
- Medium Density Housing
  3. Village 3 - Dwelling  
- Medium Density Housing

4. Village 4 - Dwelling  
- Medium Density Housing

5. Village 5

In the special residential designated area

- Dwelling

In the intermediate residential designated area

- Dwelling  
- Medium Density Housing

In the general residential designated area

- Dwelling  
- Medium Density Housing  
- Flats  
- Residential Building

In the office park designated area

- Dwelling  
- Flats  
- Specialised Office,  
provided that Council  
may by Special Consent  
permit ancillary office  
related uses such as  
beauty salons,  
hairdressers, florists,  
pharmacies, theatre  
booking agents,  
laundrettes, restaurants,  
an hotel, and the like up  
to a maximum floor area  
of 6000 m<sup>2</sup>.

- 3.19.33.3.3 Notwithstanding anything to the contrary contained in these Clauses, within this Special Area zone, since access to any property will be from a private road, the provisions of Clause 6.5 and 6.6 shall not apply:

## 3.19.33.4 Density, Building and Height Control

1. Village 1	Site Area	24 000 m <sup>2</sup>
	Maximum gross residential density	15 uph
	Minimum subdivision size	n/a
	Maximum floor area ratio	0,5
	Maximum coverage	50 %
	Maximum height	3 storeys

2. Village 2	Site Area	36 500 m <sup>2</sup>
	Maximum gross residential density	10 uph
	Minimum subdivision size	450 m <sup>2</sup>
	Maximum floor area ratio Subject to Proviso 3.19.33.5	0,5
	Maximum coverage	50 %
	Maximum height Subject to Proviso 3.19.33.5	2 storeys

3. Village 3	Site Area	215 000 m <sup>2</sup>
	Maximum gross residential density	10 uph
	Minimum subdivision size	750 m <sup>2</sup>
	Maximum floor area ratio	0,5
	Maximum coverage	50 %
	Maximum height	2 storeys

4. Village 4	Site Area	86 500 m <sup>2</sup>
	Maximum gross residential density	10 uph
	Minimum subdivision size	750 m <sup>2</sup>
	Maximum floor area ratio	0,5
	Maximum coverage	50 %
	Maximum height	2 storeys

5. Village 5	Site Area	
	- special residential	66 000 m <sup>2</sup>
	- intermediate residential	34 000 m <sup>2</sup>
	- general residential	24 000 m <sup>2</sup>
	- office	121 000 m <sup>2</sup>
	Maximum net density for the special residential designated area	10 uph
	Maximum net density for the intermediate residential designated area	20 uph
	Maximum net density for the general residential designated area	60 uph
	Maximum residential floor area ratio	0,5
	Maximum office floor area ratio	0,25
	Maximum residential coverage	50 %
	Maximum office coverage	25 %
	Maximum height	
	- special residential	2 storeys
	- intermediate residential	2 storeys
	- general residential	3 storeys
	- office	3 storeys

## 3.19.33.5

## Provisos to 3.19.33.4 -

3.19.33.5.1 Notwithstanding anything to the contrary contained in these Clauses, the maximum height of a dwelling in respect of Erven 9202 to 9212 in Village 2 shall be 3 Storeys.

3.19.33.5.2 Notwithstanding anything to the contrary contained in these Clauses, the maximum floor area ration in respect of Erven 9202 to 9213 in Village 2 shall be 0,7.

### 3.19.33.6 Building Lines, Side and Rear Spaces

3.19.33.6.1 A Building Line of not less than 7metres shall apply in respect of any public road. This building line may only be relaxed in terms of the other provisions of the Scheme.

3.19.33.6.2 A Building Line of 5metres shall apply in respect of any private road, although this requirement may be relaxed provided that both the adjoining land owners and the relevant Homeowners Association/s provide prior written consent thereto.

3.19.33.6.3 A Side and Rear Space requirement of 2 metres shall apply, provided that this Side and Rear Space requirement shall not apply in respect of dwelling unit cartilages. The Side and Rear Space requirements may be relaxed provided that both the adjoining land owners and the relevant Homeowners Association/s provide prior written consent thereto and provide further that this Side or Rear Space requirement is not required for the provision of any services.

3.19.33.6.4 In respect of any office designated properties which abut residential designated properties, a 4.5 metre Side and Rear Space requirement shall apply in relation to any common boundaries, provided that may be relaxed to not less than 2 metres with the prior written consent of the affected landowners.

### 3.19.33.7 Minimum site Areas/Frontages

The site shall not be subdivided without the Consent of the Council.

### 3.19.33.8 Provision of On-site parking

3.19.33.8.1 On-site parking shall be provided at a ratio of 1 parking bay per 40 m<sup>2</sup> of total floor area for professional offices, at a ratio of 1 parking bay per 25 m<sup>2</sup> of total floor area for medical offices, at a ratio of 1 m<sup>2</sup> of parking per 1 m<sup>2</sup> of total floor area for any shop use and 1 parking bay for every bedroom for an hotel.

3.19.33.8.2 On-site parking requirements for any other uses shall be in accordance with the requirements for those uses, as provided elsewhere in the Scheme.

3.19.33.8.3 The technical requirements for on-site parking shall be in accordance with Appendix 2 to the Scheme, and further that the parking areas shall be suitably landscaped to the satisfaction of the Council.

3.19.33.9 Provision of Services

The provision of services to and within the development shall be in accordance with a Services Agreement entered into between the developer and the Council.

3.19.33.10 Signage

Signage shall comply with the relevant Municipal Bylaws.

3.19.33.11 Protection and Maintenance of „No Build Zones“

The indicative „no build zones“ as depicted in Village 5 on the Proposed Layout Plan No. TP 1389PA dated 16 April 2004-Plan 8 Rev 2, shall be adjusted to accommodate the actual position of water courses or open space corridors and shall be surveyed for incorporation into the title deeds as environmental „no build zones“ for protection and maintenance purposes. Notwithstanding anything to the contrary contained in these Clauses, the floor area ratios for each property so affected by these „no build zones“ shall be calculated on the gross area of the Erf.

3.19.34 Special Area 34 (1 & 3 Riverton Road)

- 3.19.25.1 In addition to the general provisions of the Scheme, the following shall apply exclusively to the Special Area 34 zone.
- 3.19.34.2 Use of Land and Buildings
- 3.19.34.2.1 Reference to Map - Cross-hatched black, being Portion 2 (of 1) of Erf 194, the Remainder of 14 of Erf 340 and Portion 14 of Erf 567 all of Pietermaritzburg, being 1 and 3 Riverton Road : Scottsville.
- 3.19.34.2.2 Expressly permissible Development or Uses of Land or Uses of Buildings
- 1.6.6 Dwelling
- 1.6.28 Residential Building subject to Proviso 3.19.34.3
- 1.6.36 Specialised Office, subject to Proviso 3.19.34.3
- 3.19.34.2.3 Expressly prohibited Development or Uses of Land or Uses of Buildings-
- All Development or uses of Land or uses of Buildings not under Clause 3.19.34.2.2.
- 3.19.34.3 Provisos to 3.19.34.2.2-
- 3.19.34.3.1 The Residential Building shall be limited to a bed-and-breakfast establishment comprising not more than 8 bedrooms and ancillary domestic Outbuilding, contained within the existing buildings, originally approved as a Dwelling and ancillary Outbuilding, on Portion 5 of Erf 343 Pietermaritzburg.
- 3.19.34.3.2 The Specialised Office shall be limited to a dental practice and associated dental workshop, as indicated on the drawings DENT 01/P01 and DENT 01/P02, dated August 2003, prepared by Tennant and Tennant cc Architects.

## 3.19.34.4 Density and Height Control

## 3.19.34.4.1

TYPE OF BUILDING OR USE OF LAND	MAX BULK FACTOR OR MAX UNITS/HECTARE	MAX COVERAGE	MAX HEIGHT
Dwelling	Existing buildings, on Portion 2 (of 1) of Erf 194 PMB.	Existing buildings, on Portion 2 (of 1) of Erf 194 PMB	1 Storey
Residential Building All other uses	8 bedrooms within the existing building, on Portion 5 of Erf 343 PMB.	Existing building, on Portion 5 of Erf 343 PMB	2 Storeys
Specialised Office	920 m <sup>2</sup>	600 m <sup>2</sup>	2 Storeys

## 3.19.34.5 Building Lines, Side and Rear Spaces.

3.19.34.5.1 All new Buildings and structures shall observe a Building Line of at least 7m, there being no provision for the relaxation thereof.

3.19.34.5.2 All new Buildings and structures shall observe a Side Space of at least 3m, there being no provision for the relaxation thereof.

## 3.19.34.6 Minimum Site Areas/Frontages

All existing Portions shall be consolidated prior to any development taking place and the consolidated erf shall not be further sub-divided.

## 3.19.34.7 Provision of On-site Parking

3.19.34.7.1 No less than 2 parking bays shall be provided for the main Dwelling.

3.19.34.7.2 No less than 18 conveniently located parking bays shall be provided for the bed-and-breakfast establishment.

3.19.34.7.3 No less than 35 conveniently located parking bays shall be provided for the Specialised Office component.

3.19.34.8 Traffic Management

Access arrangements and on-site traffic circulation shall be to the satisfaction of the Council.

3.19.34.9 Landscaping

The site shall be appropriately landscaped, particularly along the interface with residential development along Riverton Road, to the satisfaction of the Council.

3.19.35 Special Area 35

- 3.19.35.1 In addition to the general provisions of the Scheme the following shall apply exclusively to Special Area ( ).
- 3.19.35.2 Use of Land and Buildings
- 3.19.35.2.1 Reference to map - cross-hatched black, being Erf 196 Raisethorpe, being 595 Old Greytown Road : Raisethorpe.
- 3.19.35.2.2 Expressly permissible development or uses of land or uses of buildings -
- 1.6.11 Institution - limited to a private 122 bed hospital and ancillary facilities, including operating theatres, recovery area, store rooms, pharmacy, and facilities for staff and visitors.
- 3.19.35.2.3 Development or uses of land or uses of buildings permitted by Special Consent -
- Nil
- 3.19.35.2.4 Expressly prohibited development or uses of land or uses of buildings -
- All development or uses of land or uses of buildings not under Clauses 3.19.35.2.2 and 3.19.35.2.3 hereof
- 3.19.35.3 Density and Height Control
- 3.19.35.3.1 The maximum Bulk shall be 5 500 m<sup>2</sup>.
- 3.19.35.3.2 The maximum Coverage, other than covered parking, shall be 3000 m<sup>2</sup>.

3.19.35.3.3 The maximum height permitted shall be 4 Storeys,

TYPE OF BUILDING OR USE OF LAND	MAX BULK FACTOR OR MAX UNITS/HECTARE	MAX COVERAGE	MAX HEIGHT
Institution	5 500 m <sup>2</sup>	3 000 m <sup>2</sup>	4 Storey

### 3.19.35.4 Building Lines, Side and Rear Spaces

3.19.35.4.1 All Buildings and structures (including swimming pools), shall observe a 15 metre „no building servitude“ along Old Greytown Road and a Building Line of 6 metres along Ramdeen and Bangalore Roads. The latter may be relaxed with Council’s Special Consent.

3.19.35.4.2 The Side Space shall be determined in accordance with the provisions of the National Building Regulations.

### 3.19.35.5 Minimum site Areas/Frontages

The site shall not be subdivided.

### 3.19.35.6 Provision of On-site parking, Loading and Associated Matters

3.19.35.6.1 A total of 57 on-site parking bays shall be provided.

3.19.35.6.2 The technical requirements for on-site parking shall be in accordance with Appendix 2 to the Scheme.

### 3.19.35.7 Landscaping

Additional screen planting may be specified as part of the approval of any building plan.

### 3.19.35.8 Signage

Advertising signage shall be limited to that specified in the Scheme.

### 3.19.35.9 Access

Entry and exit from the premises shall be via Chota Motala. All traffic flow mitigation measures shall be in accordance with a traffic management plan prepared by an experienced traffic engineer, which shall be designed and approved by Council [Transportation Planning Department] and implemented at the applicant’s expense.

3.19.36 Special Area 36

3.19.36.1 In addition to the general provisions of the Scheme, the following shall apply exclusively to the Special Area 36 zone.

## 3.19.36.2 Use of Land and Buildings

3.19.36.2.1 Reference to Map - cross-hatched black, being Portions 1 and 5 of the Farm Leliefontein No 1175 (Almond Bank), being off Main Road 120

3.19.36.2.2 Expressly Permissible Development or uses of Land or Uses of Buildings -

1.6.1 Agricultural Building

1.6.2 Agricultural Land

1.6.6 Dwelling

1.6.18 Outbuilding

1.6.29 Restaurant

1.6.33 Shop

1.6.34 Social Hall

1.6.36 Specialised Office

3.19.36.2.3 Development or Uses of Land or Uses of Buildings Permitted by Special Consent -

1.6.8 Home Activity

1.6.9 Home Business

3.19.36.2.4 Expressly Prohibited Development or Uses of Land or Uses of Buildings -

All Development or uses of Land or uses of Buildings not under Clause 3.19.36.2.2 hereof.

## 3.19.36.3 Density and Height Control

TYPE OF BUILDING OR USE OF LAND	DENSITY	MAX BULK FACTOR	MAX SITE COVERAGE	MAX HEIGHT
All uses	4 units per ha	$\frac{1}{2}$	$\frac{3}{4}$	2 Storeys

## 3.19.36.4 Building Lines, Side and Rear Spaces

Erven 1 to 105

- 3.19.36.4.1 The frontage of all Buildings and structures shall be sited at least 7m from the boundary facing a private road, of metres shall apply in respect of any public road, save with the written consent of the Home Owners' Association.
- 3.19.33.4.2 All Buildings and structures (including Swimming Pools) shall observe a Side Space of 5metres, save with the written consent of the Home Owners' Association.
- 3.19.33.4.3 All Buildings and structures (including Swimming Pools) shall observe a Rear Space of 5metres, save with the written consent of the Home Owners' Association.
- 3.19.36.4.4 The foregoing Building Line, Side and Rear Space requirements shall not over-rule the requirements of the National Building Regulations and any greater Side and Rear Space which may be required in terms thereof, shall be observed.

## 3.19.36.5 Minimum Site Areas / Frontages

No further subdivision shall be permitted without the written authority of the Home Owners' Association and the Municipality.

## 3.19.36.6 Provision of On-site Parking

LAND USE	ON SITE PARKING REQUIRMENTS
Dwelling	1 car parking space per Dwelling
Specialised Offices, Shops, Social Hall	1.2 m <sup>2</sup> of gross parking area per 1 m <sup>2</sup> of gross floor area

3.19.37 Special Area 37

- 3.19.37.1 In addition to the general provisions of the Scheme, the following shall apply exclusively to the Special Area 37 zone.
- 3.19.37.2 Use of Land and Buildings
- 3.19.37.2.1 Reference to Map - cross-hatched black, being Erf 519 Raisethorpe, being 528 Chota Motala Road : Raisethorpe.
- 3.19.37.2.2 Expressly Permissible Development or uses of Land or Uses of Buildings -
- 1.6.4 Business Premises
  - 1.6.7 Flat (except on the ground floor)
  - 1.6.20 Parking Garage
  - 1.6.23 Place of Instruction
  - 1.6.27 Public Office
  - 1.6.28 Residential Building (except on the ground floor)
  - 1.6.29 Restaurant
  - 1.6.32 Service Workshop
  - 1.6.33 Shop
  - 1.6.36 Specialised Office
- 3.19.37.2.3 Development or Uses of Land or Uses of Buildings Permitted by Special Consent -
- 1.6.8 Home Activity
  - 1.6.9 Home Business
  - 1.6.12 Institution
  - 1.6.15 Motor Salesroom
  - 1.6.16 Motor Workshop
  - 1.6.24 Place of Public Entertainment
  - 1.6.25 Place of Worship
  - 1.6.35 Special Building

### 3.19.37.2.4 Expressly Prohibited Development or Uses of Land or Uses of Buildings -

All Development or uses of Land or uses of Buildings not under Clauses 3.19.37.2.2 and 3.19.37.2.3 hereof.

### 3.19.37.4 Density and Height Control

TYPE OF BUILDING OR USE OF LAND	MAX BULK FACTOR OR MAX UNITS/HECTARE	MAX SITE COVERAGE	MAX HEIGHT
Residential Buildings Flats	1	½	Controlled by 60°  light angle (Clause 2.5.7)
All other uses	1½	¾	

### 3.19.37.5 Building Lines, Side and Rear Spaces

3.19.37.5.1 Generally, all Buildings and structures (including swimming pools) shall observe a Building Line of at least 6m.

3.19.37.5.2 The Council may grant its Special Consent for the erection of a Building or structure (including swimming pools) in front of the Building Line. Any person wishing to make application for relaxation shall proceed in the manner provided for in Appendix 9 to the Scheme.

3.19.37.5.3 There shall be, in respect of Business Premises, Shops, Specialised Offices and other non-residential uses, no specified Side Space or Rear Space, which shall be determined in terms of the National Building Regulations.

3.19.37.5.4 All new Buildings, or portions of Buildings, accommodating or comprising Dwellings, Residential Building or Flats, shall observe a Side Space and a Rear Space as provided for in accordance with the requirements for those uses where they appear elsewhere in the Scheme, including any limitations on the relaxation of those requirements.

3.19.37.5.5 Side and Rear Space for any use not specified herein shall be provided for in accordance with the requirements for those uses where they appear elsewhere in the Scheme.

- 3.19.37.6 Minimum Site Areas / Frontages
- 3.19.37.6.1 The minimum site areas, Frontages and Mean Widths for offices and other non-residential uses shall be in accordance with Clause 6.3.
- 3.19.37.6.2 The minimum site areas, Frontages and Mean Widths for residential uses shall be in accordance with Clauses 6.2.1; 6.2.2; 6.2.3 and 6.2.4, as they case may be.
- 3.19.37.7 Provision of On-site Parking, Loading and Associated Matters
- 3.19.37.7.1 There shall be, in respect of Business Premises, Shops, Specialised Offices and other non-residential uses, no specified on-site parking requirement.
- 3.19.37.7.2 On-site parking requirements for any other uses shall be in accordance with the requirements for those uses, as provided for elsewhere in the Scheme.
- 3.19.37.7.3 The Council may, upon receipt of a fully motivated application, and if it considers that there are special and extenuating circumstances, grant its consent to a specified relaxation of the requirements set out above.
- 3.19.37.7.4 The technical requirements for on-site parking shall be in accordance with Appendix 2 to the Scheme.
- 3.19.37.7.5 Ingress and egress from the site, parking and the movement of delivery vehicles shall be provided to the satisfaction of Council.

3.19.38 Special Area 38

3.19.38.1 In addition to the general provisions of the Scheme the following shall apply exclusively to the Special Area 38 zone

3.19.38.2 Use of Land and Buildings

3.19.38.2.1 Reference to map – cross-hatched black, being Portion 2 of Erf 3044 Pietermaritzburg and Erf 20 Hayfields as depicted on Drawing No. L/901 Revision A situated on the corner of New England Road and Hesketh Drive.

3.19.38.2.2 Expressly permissible development or uses of land or uses of buildings –

1.6.14 Medium Density Housing

1.6.18 Outbuilding

1.6.28 Residential Building – restricted to a Hotel and any buildings or structures normally ancillary to any of the above.

3.19.38.2.3 Development or uses of land or uses of buildings permitted by Special Consent

1.6.8 Home Activity

1.6.9 Home Business

3.19.38.2.4 Expressly prohibited development or uses of land or uses of buildings –

All development or uses of land or uses of buildings not under Clauses 3.19.40. 2.2 and 3.19. 40.2.3 hereof.

3.19.38.3 Proviso to 3.19.38.3.2

3.19.38.3.1 The disposition of development shall be limited to and generally in accordance with Drawing No. L/901 Revision A, or an amendment approved by the Council.

3.19.38.4 Density and Height Control

TYPE OF BUILDING OR USE OF LAND	MAX BULK FACTOR OR MAX UNITS/HECTARE	MAX COVERAGE FACTOR	MAX HEIGHT
Dwellings	20 uph	1/3	2 Storeys
Residential Building	2/3	1/3	3 Storeys

#### 3.19.38.5 Building Lines, Side and Rear Spaces

Except for the gate house which shall have a nil building line, a Building Line of 7.5m shall apply along the road frontages, save with Council's Special Consent. A Side and Rear Space of 4,5m shall apply save with Council's Special Consent.

#### 3.19.38.6 Minimum site areas / frontages

The disposition of development shall be limited to and generally in accordance with Drawing No. L/901 Revision A. The land shall not be further subdivided without the express consent of Council.

#### 3.19.38.7 Provision of On-site parking, Loading and Associated Matters

3.19.40.7.1 The following on-site parking shall be provided –

- Two parking spaces for every dwelling.
- 0.67 (2 bays per 3 rooms) car parking space for every Hotel room
- On-site parking requirements for any other uses shall be in accordance with the requirements for those uses, as provided elsewhere in the Scheme.

3.19.38.7.2 The technical requirements for on-site parking shall be in accordance with Appendix 2 to the Scheme.

#### 3.19.38.8 Landscaping

Appropriate landscaping shall be undertaken and maintained in accordance with the Environmental Authorisation and to the satisfaction of the Council.

#### 3.19.38.9 Signage

A signage policy for the site, or parts thereof, shall be submitted to and approved by the Council.

3.19.38.10 Environmental Management Plan

The approved Environmental Management Plan (EMP) shall be adhered to.

### 3.19.0 Special Area 39

- 3.19.39.1 In addition to the general provisions of the Scheme, the following shall apply exclusively to the Special Area 39 zone.
- 3.19.39.2 Use of Land and Buildings
- 3.19.39.2.1 Reference to Map – Cross – hatched black, being the Rem of Ptn 282 (of 169), Ptn 302 ( of 282) and the Rem of Ptn 169 all of Erf 1913 Pietermaritzburg, being 19, 21 and 25 Connaught Road : Scottsville
- 3.19.39.2.2 Refer to Clause 3.3 (General Residential Zone) for all controls applicable to this zone, expect with respect to the following-
1. A business Premises and /or Specialised Office shall be permitted within the existing main Buildings and Outbuildings, and any alteration=s approved by Amafa AkwaZulu Natal and the Council, for as long as the Buildings, deemed by Amafa AkwaZulu – Natal to be worthy of conservation, remain.
  2. The provisions of Clause 3.4.4.2, 3.4.5, and 3.4.7(Office Zone) shall be applicable to a Specialised Office use expect with respect to the Building Lines (clause 3.4.5.1) which shall be determined as being the distance between the existing main Buildings and Outbuildings and the frontages of the constituent properties.
  3. The provisions of Clause 3.4.6 shall not be applicable with the proviso that the constituent properties shall not be subdivided further.
  4. On-site parking shall be locate, constructed and landscaped to the satisfaction of Amafa Akwa Zulu-Natal and the Council and have regard to the historical and architectural merits of the existing main Buildings.
- 3.19.39.3 Signage
- Advertising signage shall be limited to the specified in Clause 3.4.8 (Office Zone) and have regard to the historical and architectural merits of the existing main Buildings.

3.19.40 Special Area 40

- 3.19.40.1 In addition to the general provisions of the Scheme the following shall apply exclusively to Special Area 40.
- 3.19.40.2 Use of Land and Buildings
- 3.19.40.2.1 Reference to map - Cross-hatched black, being the Remainder of Ptn 27, Ptn 14 (of 9), and Ptn 28 (of 27) all of Erf 233 Pietermaritzburg, being 4 and 6 Gough Road and 11 Hyslop Road, : Athlone.
- 3.19.40.2.2 Expressly permissible development or uses of land or uses of buildings -
- 1.6.4 Business Premises, subject to Clause 3.19.40.3.1
- 1.6.6 Dwelling
- 1.6.18 Outbuilding
- 1.6.33 Shop, subject to Clause 3.19.40.3.1 and Clause 3.19.40.3.3
- 1.6.36 Specialised Office subject to Clause 3.19.40.3.1
- 3.19.40.2.3 Expressly prohibited development or uses of land or uses of buildings -
- All development or uses of land or uses of buildings not under Clauses 3.19.40.2.2 hereof
- 3.19.40.3 Provisos to 3.19.40.2.3 -
- 3.19.40.3.1 A Business Premises, Shop and Specialised Office shall be permitted within the existing main Buildings and Outbuildings, and any alterations and additions approved by Amafa AkwaZulu-Natali and the Council, for as long as the Buildings deemed by Amafa AkwaZulu-Natali to be worthy of conservation remain.
- 3.19.40.3.2 A Shop shall be limited to :
- (i) tailoring and the retailing of home décor and clothing, that is ancillary to the beauty salon, within the existing main Building located on the Remainder of Erf 233 Pietermaritzburg, being 4 Gough Road, and
- (ii) the retailing of home décor, furniture and art within the existing main Building located on Portion 28 (of 27) of Erf 233 Pietermaritzburg, being 11 Hyslop Road.

## 3.19.40.4 Density and Height Control

TYPE OF BUILDING OR USE OF LAND	MAX BULK FACTOR OR MAX UNITS/HECTARE	MAX COVERAGE	MAX HEIGHT
Dwellings	10uph	1/2	2 Storeys
All other uses	1	1/2	2 Storeys - save with the Special Consent of Council.

## 3.19.40.5 Building Lines, Side and Rear Spaces

- 3.19.40.5.1 All Buildings and structures shall observe a Building Line determined as being the distance between the existing main Buildings and Outbuildings and the frontages of the erven along Gough and Hyslop Roads.
- 3.19.40.5.2 All Buildings and structures shall observe a Building Line of 3.0 metres in respect of the common property, save with the written consent of the Owners' Association.
- 3.19.40.5.3 All new Buildings and structures, including additions, shall observe a Side Space of 1,5 metres save with the Council's Special Consent. Any person wishing to make an application for relaxation shall proceed in the manner provided for in Appendix 9 to the Scheme.
- 3.19.40.5.4 All new Buildings and structures, including additions, shall observe a Rear Space of 3,0 metres save with the Council's Special Consent. Any person wishing to make an application for relaxation shall proceed in the manner provided for in Appendix 9 to the Scheme.
- 3.19.40.5.5 The foregoing Side Space and Rear Space requirements shall not over-rule the requirements of the National Building Regulations and be also subject to the provisions of clause 3.1.5.7.

- 3.19.40.6 Minimum site Areas/Frontages
- 3.19.40.6.1 Portions of the properties constituting Special Area 40 shall be subdivided and consolidated to form a common property.
- 3.19.40.6.2 The common property shall provide access to the properties constituting Special Area () and on-site parking and shall have a Frontage to a public street and a mean width determined by Council.
- 3.19.40.6.3 The individual subdivisions and common property shall be registered in the Deeds Office under separate title with the common property being registered in the name of an Owner's Association with perpetual succession.
- 3.19. 40.6.4 The Owners' Association shall be responsible in perpetuity for the maintenance of the common property in a clean, tidy and serviceable condition, to the satisfaction of the Council and shall take all steps to ensure that no part of such common property shall become a public street or public place for which the Council may be required to accept responsibility, without the express consent of the Council.
- 3.19.40.6.5 The Owners' Association shall be responsible for all dealings with the Council for the purposes of complying with the obligations imposed in terms of the provisions of Clause 3.19.40.6.4 and the levying of rates in respect of the common property. The affairs of such Owners' Association shall be regulated by a Memorandum and Articles of Association or founding statement, as the case may be, which shall have been approved by the Council before the common property may be registered under a certificate of consolidated title.
- 3.19.40.6.6 Membership of the Owners' Association shall be exclusive to and compulsory for the Owners of the subdivisions located within the boundaries of Special Area 40 who shall, at their expense, cause all deeds, servitudes and the like that may be required to be registered in the Deeds Office, to be so registered, whether in favour of the Council or otherwise.
- 3.19.40.6.7 The constituent properties shall not be subdivided further without the consent of the Council

3.19.40.6.8 The approval of any subdivision shall also be subject to any conditions that may be imposed by the Council in terms of Section 18 of Ordinance No 14 of 1936 or the provisions of Chapter 3 of the KZN Provincial Planning and Development Act (No 6 of 2008).

### 3.19.40.7 Provision of On-site parking, Loading and Associated Matters

3.19.40.7.1 The following on-site parking shall be provided -

1. Business Premises and Shop :

One car parking space for every 25 m<sup>2</sup> of net floor space occupied by a Business Premises and Shop.

2. Dwelling :

Two car parking spaces per Dwelling Unit

3. Specialised Office :

One car parking space for every 25m<sup>2</sup> of nett office space, other than offices wherein medical or dental practitioners are to be accommodated.

One car parking space for every 15m<sup>2</sup> of nett office space wherein medical or dental practitioners are to be accommodated.

3.19.40.7.2 The technical requirements for on-site parking shall be in accordance with Appendix 2 to the Scheme.

3.19.40.7.3 On-site parking shall be located, constructed and landscaped to the satisfaction of Amafa AkwaZulu-Natali and the Council and have regard to the historical and architectural merits of the existing main Buildings.

3.19.40.7.4 A servitude shall be registered in favour of a constituent property in respect of any required on-site parking that is located within the boundaries of the common property.

### 3.19.40.8 Signage

Advertising signage shall be limited to that specified in the Council's By-Laws and have regard to the historical and architectural merits of the existing main Buildings.

3.19.41 Special Area 41

- 3.19.41.1 In addition to the general provisions of the Scheme the following shall apply exclusively to Special Area 41.
- 3.19.41.2 Use of Land and Buildings
- 3.19.41.2.1 Reference to map - Cross-hatched black, being the Remainder of 16 (of 4), the Remainder of 3 and the Remainder of 5 (of 4) and the Remainder of 7 (of 3) all of Erf 233 Pietermaritzburg, being 19, 21 and 23 Hyslop Road, : Athlone.
- 3.19.41.2.2 Expressly permissible development or uses of land or uses of buildings -
- 1.6.4 Business Premises, subject to Clause 3.19.41.3.1
- 1.6.6 Dwelling
- 1.6.18 Outbuilding
- 1.6.33 Shop, subject to Clause 3.19.41.3.1 and Clause 3.19.41.3.3
- 1.6.36 Specialised Office subject to Clause 3.19.41.3.1
- 3.19.41.2.3 Expressly prohibited development or uses of land or uses of Buildings -
- All development or uses of land or uses of Buildings not under Clauses 3.19.41.2.2 hereof
- 3.19.41.3 Provisos to 3.19.41.2.3 -
- 3.19.41.3.1 A Business Premises, Shop and Specialised Office shall be permitted within the existing main Buildings and Outbuildings, and any alterations, additions and new Buildings approved by Amafa Akwazulu-Natali and the Council, for as long as the Buildings deemed by Amafa Akwazulu-Natali to be worthy of conservation, remain.
- 3.19.41.3.2 A Shop shall be limited to :
- (iii) the retailing of clothing, that is ancillary to the hairdresser and beauty salon, within the existing main Building located on the Remainder of 7 (of 3) of Erf 233 Pietermaritzburg, being 23 Hyslop Road, and

- (iv) the retailing of art supplies, paper and stationery within the existing main Building located on the Remainder of 3 and the Remainder of 5 (of 4) of Erf 233 Pietermaritzburg, being 21 Hyslop Road.

#### 3.19.41.4 Density and Height Control

TYPE OF BUILDING OR USE OF LAND	MAX BULK FACTOR OR MAX UNITS/HECTARE	MAX COVERAGE	MAX HEIGHT
Dwellings	10uph	1/2	2 Storeys
All other uses	1	1/2	2 Storeys - save with the Special Consent of Council.

#### 3.19.41.5 Building Lines, Side and Rear Spaces

- 3.19.41.5.1 All Buildings and structures shall observe a Building Line of 3.0 metres in respect of the common property, save with the written consent of the Owners' Association. The foregoing shall not over-rule the requirement of a 6.0 metre Building Line along Hyslop Road.
- 3.19.41.5.2 All new Buildings and structures, including additions, shall observe a Side Space of 1,5 metres save with the Council's Special Consent. Any person wishing to make an application for relaxation shall proceed in the manner provided for in Appendix 9 to the Scheme.
- 3.19.41.5.3 All new Buildings and structures, including additions, shall observe a Rear Space of 3,0 metres save with the Council's Special Consent. Any person wishing to make an application for relaxation shall proceed in the manner provided for in Appendix 9 to the Scheme.
- 3.19.41.5.4 The foregoing Side Space and Rear Space requirements shall not over-rule the requirements of the National Building Regulations and be also subject to the provisions of clause 3.1.5.7.

- 3.19.41.6 Minimum site Areas/Frontages
- 3.19.41.6.1 Portions of the properties constituting Special Area 41 shall be subdivided and consolidated to form a common property.
- 3.19.41.6.2 The common property shall provide access to the properties constituting Special Area 41 and on-site parking and shall have a Frontage to a public street and a mean width determined by Council.
- 3.19.41.6.3 The individual subdivisions and common property shall be registered in the Deeds Office under separate title with the common property being registered in the name of an Owner's Association with perpetual succession.
- 3.19.41.6.4 The Owners' Association shall be responsible in perpetuity for the maintenance of the common property in a clean, tidy and serviceable condition, to the satisfaction of the Council and shall take all steps to ensure that no part of such common property shall become a public street or public place for which the Council may be required to accept responsibility, without the express consent of the Council.
- 3.19.41.6.5 The Owners' Association shall be responsible for all dealings with the Council in regard to the levying of rates and the rendering of Municipal services to the scheme and for the purposes of complying with the obligations imposed in terms of the provisions of Clause 3.19.41.6.4. The affairs of such Owners' Association shall be regulated by a Memorandum and Articles of Association or Founding statement, as the case may be, which shall have been approved by the Council before the common property may be registered under a certificate of consolidated title.
- 3.19.41.6.6 Membership of the Owners' Association shall be exclusive to and compulsory for the Owners of the subdivisions located within the boundaries of Special Area 41 who shall, at their expense, cause all deeds, servitudes and the like that may be required to be registered in the Deeds Office, to be so registered, whether in favour of the Council or otherwise.
- 3.19.41.6.7 The constituent properties shall not be subdivided further without the consent of the Council.

3.19.41.6.8 The approval of any subdivision shall also be subject to any conditions that may be imposed by the Council in terms of Section 18 of Ordinance No 14 of 1936 or the provisions of Chapter 3 of the KZN Provincial Planning and Development Act (No 6 of 2008).

### 3.19.41.7 Provision of On-site parking, Loading and Associated Matters

3.19.41.7.1 The following on-site parking shall be provided -

1. Business Premises and Shop :

One car parking space for every 25 m<sup>2</sup> of net floor space occupied by a Business Premises and Shop.

4. Dwelling :

Two car parking spaces per Dwelling Unit

5. Specialised Office :

One car parking space for every 25m<sup>2</sup> of nett office space, other than offices wherein medical or dental practitioners are to be accommodated.

One car parking space for every 15m<sup>2</sup> of nett office space wherein medical or dental practitioners are to be accommodated.

3.19.41.7.2 The technical requirements for on-site parking shall be in accordance with Appendix 2 to the Scheme.

3.19.41.7.3 On-site parking shall be located, constructed and landscaped to the satisfaction of Amafa Akwazulu-Natali and the Council and have regard to the historical and architectural merits of the existing main Buildings.

3.19.41.7.4 A servitude shall be registered in favour of a constituent property in respect of any required on-site parking that is located within the boundaries of the common property.

### 3.19.41.8 Signage

Advertising signage shall be limited to that specified in the Council's By-Laws and have regard to the historical and architectural merits of the existing main Buildings.

**3.19.42** Special Area 42 (Rita Light Industrial Park ) ( *nb DFA Tribunal decision*)

3.19.42.1 In addition to the general provisions of the Scheme, the following shall apply exclusively to the Special Area 42 zone also known as Rita Light Industrial Park)

3.19.42.2 Use of land and Buildings

3.19.38.2.1 Reference to Map - cross – hatched black, being Portion 300 (of 268) of the Farm Vaalkop & Dadelfontontein Nr. 885, FT), OFF the R102

3.19.42.2.2 Development or uses of Land will be in accordance with Layout 1228.00.AA.02A002 and Uses of Buildings will be as per Table 3.19.42.1 below-

**Table:** Land Use for Special Area 42 (Light Industrial Park) as depicted on Layout 1228.00AA.02A002

LAND USE ZONES for Area 42 (Rita Light Industrial Park)				
1	2	3	4	5
Portion Numbers	Use Zone	Expressly Permissible Development or Uses of Land or Uses of Buildings	Development or Uses of Building Permitted by Special Consent -	Expressly Prohibited Development or Uses of Land or USES OF Buildings-
Portions 865-877,879, 884,885 and 886	Light Industrial Zone	1.6.13 Light Industrial Building 1.6.15 Motor Salesroom 1.6.16 Motor Workshop 1.6.31 Services Industrial Building 1.6.32 Service Workshop	1.6.3 Boarding House 1.6.4 Business Premises 1.6.6 Dwelling 1.6.7 Flat 1.6.8 Home Activity , subject to the provisions of Clause 3.1.3.1 1.6.9 Home Business, subject to the provision of Clause 3.1.3.1 1.6.10 Industrial 1.6.12 Institution 1.6.18 Outbuilding 1.6.20 Parking Garage 1.6.21 Parking Lot 1.6.22 Petroleum Filling Station subject to proviso 3.19. 42 3.1	Buildings and land uses not included in Columns 3 and 4

<b>LAND USE ZONES for SPECIAL area 42 (Rita Light Industrial Park)</b>				
<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
<b>Portion Numbers</b>	<b>Use Zone</b>	<b>Expressly Permissible Development or uses of Land or Uses of Buildings</b>	<b>Development or Uses of Buildings Permitted by Special Consent-</b>	<b>Expressly Prohibited Development or Uses of Buildings-</b>
<b>Portions 865-877,879, 884,885 and 886</b>	<b>Light Industrial Zone</b>	1.6.13 Light Industrial Building 1.6.15 Motor Salesroom 1.6.16 Motor Workshop 1.6.31 Service Industrial Building 1.6.32 Service Workshop	1.6.3 Boarding House 1.6.4 Business Premises 1.6.6 Dwelling 1.6.7 Flat 1.6.8 Home Activity, subject to the provisions of Clause 3.1.3.1 1.6.10 Industrial Building 1.6.12 Institution 1.6.18 Outbuilding 1.6.20 Parking Garage 1.6.21 Parking Lot 1.6.22 Petroleum Filling Station subject to proviso 3.19.42.3.1	Buildings and land uses not included in Columns 3 and 4

<b>LAND USE ZONES for Special Area 42 (Rita Light Industrial Park)</b>				
<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
<b>Portion Numbers</b>	<b>Use Zone</b>	<b>Expressly Permissible Development or uses of LAND OR Uses of Buildings</b>	<b>Development or Uses of Land of Buildings Permitted by Special Consent-</b>	<b>Expressly Prohibited Development or Uses of Land or Uses of Buildings-</b>
			1.6.23 Place of Instruction 1.6.24 Place of Public Entertainment 1.6.26 Public Garage 1.6.27 Public Office 1.6.28 Residential Building 1.6.29 Restaurant	

			1.6.30 Self-Contained Residential Unit 1.6.33 Shop 1.6.34 Social Hall 1.6.35 Special Building 1.6.36 Specialised Office	
<b>Portion 883</b>	<b>General Business Zone</b>	1.6.4 Business Premises 1.6.6 Dwelling 1.6.7 Flat 1.6.18 Outbuilding 1.6.23 Place of Instruction 1.6.27 Public Office 1.6.29 Restaurant 1.6.32 Service Workshop 1.6.33 Shop 1.6.34 Social Hall 1.6.36 Specialised Office	1.6.1 Agricultural Building 1.6.8 Home Activity, subject to the provisions of Clause 3.1.3.1 1.6.10 Industrial Building 1.6.12 Institution 1.6.13 Light Industrial Building 1.6.15 Motor Workshop 1.6.20 Parking Garage 1.6.21 Parking Lot 1.6.22 Petroleum Filling Station subject to proviso 3.19.42.3.1 1.6.25 Place of Worship 1.6.26 Public Garage 1.6.31 Service Industrial Building 1.6.34 Social Hall 1.6.35 Special Building	Building and Land uses not included in Columns 3 and 4
<b>Portions 878,881 and 888</b>	<b>Conservation Area</b>	Land reserved for Conservation Area shall not be utilised for any for any activity nor shall any work be permitted, unless specifically authorised by the Council to further the aims of conserving the Land. Provided that the Council may	None	Buildings and land uses not included in Clause 3 and 4

		take such steps, including the control and / or prohibition of entry, as it may deem fit, to secure the		
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<b>LAND USE ZONES for Special Area 42 (Rita Light Industrial Park)</b>				
1	2	3	4	5
<b>Portion Numbers</b>	<b>Use Zone</b>	<b>Expressly Permissible Development or uses of Land or Uses of Buildings</b>	<b>Development or Uses of Land or Uses of Buildings Permitted by Special Consent</b>	<b>Expressly Prohibited Development or Uses of Land or Uses of Buildings-</b>
		Preservation and enhancement of the area concerned.		
<b>Portion 882</b>	<b>Passive Public Open Space</b>	Land reserved for Passive Public Open Space may be utilised by the general public for recreational purposes, other than formal or organised sporting activities and no Building or structures may be erected, save those Public Buildings or structures which may be required by the Council to further the public uses of the Land	None	Building and land uses not included in Columns 3 and 4
<b>Portions 880 and 887</b>	<b>Municipal Purposes</b>	Sewerage Treatment Works and reservoir	None	Buildings and land uses not included in Columns 3 and 4

## 3.19.42.3

Provisions –

3.19. 42.3.1 Subject to Environmental authorisation being granted by the KZN Department of Agriculture, Environmental Affairs and Rural Development.

3.19. 42.3.2

## 3.19.42.4

## Density and Height Control

<b>DENSITY and HEIGHT CONTROLS</b>			
<b>Erf Numbers</b>	<b>Density Zone</b>	<b>Additional Controls</b>	<b>Maximum permitted Floor Area Ratio: Coverage :Height</b>
<b>Portions 865-877,879,884,885 and 886</b>	<b>Light Industrial Zone</b>	1. Minimum lot area of 3000m <sup>2</sup> . 2. The following on –site parking shall be provided for Industrial Buildings, Light Industrial Buildings and Service Workshops- A gross area to 15% of the total Floor area of the main Building or Buildings, or equal to 10% of the Site area, whichever is the greater.	N/A : 75% : 3
<b>Portion 883</b>	<b>General Business Zone</b>	1. Minimum lot area of 500 m <sup>2</sup>	
<b>Portions 878,881 and 887</b>	<b>Conservation Area</b>	1. Land reserved for Conservation Areas shall not be utilised for any activity nor shall any work be permitted, unless specifically authorised by the Council to further the aims of conserving the Land Provided that the Council may take such steps, including the control and / or prohibition of entry, as it may deem fit, to secure the preservation and enhancement of the area concerned. 2. Save with the Special Consent of the Council, no person shall erect a Building or execute works, or make excavations on or otherwise use Land reserved hereunder other than Buildings works or excavation required for, or incidental to the purpose for which the Land is reserved.	N/A
<b>Portion 882</b>	<b>Passive Public Open Space</b>	1. Land uses for Passive Public Open Space may be utilised by the general	N/A

		<p>public for recreational purposes, other than formal or organised sporting activities and no Buildings or structures may be erected, save the Public Buildings or structures which may be required by the Council to further the public use of the Land.</p> <p>2. Save with the Special Consent of the Council, no person shall erect a Building or execute works, or make excavations on or otherwise use Land reserved hereunder other than Buildings, works or excavation required for or incidental to the purpose for which the Land is reserved.</p>	
<b>Portion 880 and 887</b>	<b>Municipal Purpose</b>	<p>1. Save with the Special Consent of the Council, no person shall erect a Building or execute works, or make excavations on or otherwise use Land reserved hereunder other than Buildings , works or excavation required for , or incidental to the purpose for which the Land is reserved.</p>	N/A
<b>Portions 889,890, 891 and 892</b>	<b>Roads</b>	<p>1. Proposed reservations for New Roads</p>	N/A

- 3.19.42.5 Building Line, Side and Rear Space
- 3.19.42.5.1 Generally, all Buildings and structures shall observe a Building Line of at least 7m, or any such building lines which may be required in terms of other relevant legislation.
- 3.19.42.5.2 The Council may grant its Special Consent for the erection of a Building or Structure in front of the Building Line.

Any person wishing to make application for relaxation shall proceed in the manner provided for in Appendix 9 to the Scheme.

3.19.42.5.3 Portion 865,866,867.887and 888 are subject to a 20m rear space with open parking and access roads provided between 10 and 20m from the National Road Reserve boundary with the area between 10 and 10m from the National Road Reserve Boundary shall remain clear for other services owners.

3.19.42.5.4 Side and Rear Space for any use not specified herein shall be provided in accordance with the requirements for those uses where they appear elsewhere in the Scheme.

### 3.19.42.6 Minimum Site Areas / Frontages

3.19.42.6.1 The subdivision of Portion 300 (of 268) of the Farm Vaalkop and Dadelfontein No 885, FT will be done in accordance with layout Plan 1228.00.AA.02A002 version 1.2

3.19.42.6.2 Over and above the subdivisions as set out on Layout Plan 1228.00.AA.02A002 version 1.2 no further subdivisions may be done without the Consent of the Council, having regard also to the requirements of Clause 6.1.4

### 3.19.42.7 Provision of On-site Parking, Loading and Associated Matters.

3.19.42.7.1 On-site parking requirements for any other uses shall be in accordance with the requirements for those uses, as provided for elsewhere in the Scheme.

3.19.42.7.2 The technical requirements for on-site parking shall be in accordance with Appendix 2 to the Scheme.

### 3.19.42.8 Landscaping

3.19.42.8.1 Prior to the commencement of developed on the Site a landscape plan shall be approved by the Manager: Parks and Recreation and the City Planner. Such plan shall indicate a phasing programme of the implementation of the plan. The general themes of the landscaping shall be to make provision for the establishment of indigenous plants and to blend buildings with the landscaping.

3.19.42.8.1 The Landscape Standards should ensure a coherent relationship between the overall Open Space/ Conservation area and the individual development sites. These standards must set the parameters for the selection and planting of indigenous shrubs and trees on the individual

properties.

3.19.42.10 Architectural style

Prior to the development of any light industrial portions, a Basic Architectural Code/ Property Development Code needs to be developed. This code should as far as possible limit visual impact of the development. The Code must dictate explicit elements of all structures, and carefully arrange these in a coherent and carefully arrange theses in a coherent formal interrelationship. The objective of Rita Light Industrial Park Architectural development material should be a constructive attempt to achieve a coherent and pleasing overall architectural character, which is consistent with the surrounding setting.

3.19.42.11 Traffic Management

The developer shall give effect, to the satisfaction of the Council, to the Road Network Improvements indicated in the Traffic Impact Report dated November 2008, by Bigen Africa Services (PTY) Ltd.

3.19.42.12 Site Development Plan

3.19.42.12.1 A site development plan shall be submitted and approved for a portion by the Council, prior to the submission of formal building plans.

3.19.42.12.2 In the event of the developer wishing to submit separate site development plans for different elements of the development, such site development plans must be accompanied by an overall development framework for the entire site.

3.19.42.12.3 Such site development plans shall, *inter alia*, provide details of the landscaping, environmental management and traffic management requirements contemplated in 3.19.42.8, 3.19.42.9 and 3.19.42.11 hereof.

3.19.42.13 Other Legislation

The developer shall be entirely responsible for ensuring compliance with any other applicable legislation (e.g. National Environmental Management: Waste Act, 2008 (Act No 59 of 2008), Water Act)

## Special Area 43

- 3.19.43.1 In addition to the general provisions of the Scheme, the following shall apply exclusively to the Special Area 43 Zone
- 3.19.43.2 Use of Land and Buildings
- 3.19.43.2.1 Reference to Map – Cross –hatched black , being a proposed consolidation of Portions 1,2,3 & 4 of Erf 1113, Portion 4 (of 1) and the Remainder of Portion 1 of Erf 1135 and Portions 1 & 2 of Erf 1160, all of Pietermaritzburg , corner of Mills Circle and Blackburrow Road, Hayfields ( to be designated as Erf 10174, Pietermaritzburg)
- 3.19.43.2.2. Expressly permissible Development or Uses of Land or Uses of Buildings (all subject to Provision 3.19.14.3)-
- 1.6.4 Business Premises  
1.6.33 Shop
- 3.19.43.2.3. Development or Uses of Land or Uses of Buildings Permitted by Special Consent –  
1.6.36 Specialised Office
- 3.19.43.2.4. Expressly prohibited Development or Uses of Land or Uses of Buildings –  
All Development or uses of LAND OR USES OF Buildings not under Clause 3.19.38.2.2. and 3.19.38.2.3. hereof.
- 3.19.43.3 Proviso 3.19.38.2.2. –  
All development shall be substantially in accordance with –  
3.19.38.3.1. The Floor Layout Plan dated February 2011 and Site Plan dated March 2011  
3.19.38.3.2. The total **floor area** applicable to this zone shall be limited to 6000 square metres.
- 3.19.43.4 Special Conditions-
- 3.19.43.4.1 Acting on the advice of a professional engineer, and in Consultation with the municipality, the developer of Erf 10174 shall increase the pipe size of the existing easren storm water pipe from the edge of the development to its exit to the stream.
- 3.19.43.4.2. The development of Erf 10174 shall lay permeable paving wherever possible over the parking area, allowing rain water to percolate into the soil as it is currently the case.
- 3.19.43.4.3. Simultaneously with the registration of the consolidation referred to in 3.19.38.2.1. above the developer of Erf 10174 shall create and register, in favour of the Municipality, 3,00 meter wide sewer servitudes over Erf 10174, along the eastern and south –eastern boundaries of Erf 10174, and 2,00 metres away from the common boundaries with Portion 5 of Erf 1113

Pietermaritzburg [i.e. alongside the planter servitude referred to in 3.19.38.4.6. below] , in order to link up with the existing sewer servitude over Portion 3 of Erf 1160 Pietermaritzburg.

- 3.19.43.4.4 The developer of Erf 10174 shall re-route the existing municipal sewer main to within the sewer servitude indicated above in 3.19.43.4.3.
- 3.19.43.4.5. The street perimeter of Erf 10174 should be fenced or walled, wherever possible, by the developer of Erf 10174 before the development on Erf 10174 is opened to the public.  
Acting on the advice of a professional engineer an appropriate, aesthetically pleasing and structurally stable 2,40 metre high wall shall be erected, by the developer of Erf 10174, along the common boundaries between Erf 10174 and Portion 5 of Erf 1113 & Portion 3 of Erf 1160, all Pietermaritzburg. The wall must be designed and erected in consultation with and to the satisfaction of the owners of such adjacent properties. Such erection must take place prior to any other work on site.
- 3.19.43.4.6 Simultaneously with the registration of the consolidation referred to in 3.19.38.2.1 above, the developer of Erf 10174 shall create and register, in favour of the Municipality, a 2,00 meter wide planter servitude over Erf 10174, along the common boundaries with Portion 5 of Erf 1113 and Portion 3 of Erf 1160, all Pietermaritzburg. Acting on the advice of a professional horticulturist, foliage and / or trees shall be planted, by the developer of Erf 10174, along the full length of the planter servitude to screen off Erf 10174 from the adjacent properties. Such planting should take place after the erection of the 2,40m high wall referred to in 3.19.38.4.5. above and prior to any other work on site, and the developer shall ensure that the planted foliage/ trees are protected and natured during the construction stage of the project and thereafter. The obligation to protect and nature the foliage/ trees must be entrenched in any and all future lease / sale agreements between the developer of Erf 10174 and future tenants / owners of Erf 10174.
- 3.19.43.4.7. In conjunction with the municipality, the developer of Erf 10174 shall effect all the road works in Mills Circle and Blackburrow Roads as depicted in the draft engineer's drawing number: WO1.PZB.000200/GAO1, including the layby's and new synchronised traffic signalisation in Blackburrow Road. These works shall be completed before the development on Erf 10174 is opened to the public.
- 3.19.43.4.8 In conjunction with the municipality, the developer of Erf 10174 shall erect a physical median on Blackburrow Road, to prevent taxis and other vehicles from affecting U-turns. This work shall be completed before the development of Erf 10174 is opened to the public.
- 3.19.43.4.9 In conjunction with the Municipality , and after the expiry of the requisite notice period (which notice is to be initiated forthwith

by the municipality,) the developer of Erf 10174 shall erect a physical barriers across Mills Circle West, Along the prolongation of the common boundary between Erf 10174 and Portion 3 of Erf 1160; in such a manner that motor vehicles will not be able to proceed beyond such barrier the developer, in conjunction with the municipality, shall construct a turning circle or turning device large enough to facilitate the turning of municipal refuse removal vehicles. The barrier and the turning circle / device must be erected/ constructed and completed before the development on Erf 10174 is occupied by the retailer.

3.19.43.4.10 The developer must apply for and obtain all the usual clearance certificates pertaining to a development of this nature.

3.19.43.4.11 Apart from the usual requirements, an occupation certificate may not be issued by the Municipality unless all the above conditions have been fully complied with.

3.19.43.5 Density and Height Control

Maximum Floor Area 6000 sq m

Maximum Site Coverage 6000 sq m

Maximum Height 2 Storeys

3.19.43.6 Building Lines, Side and Rea Spaces

3.19.43.6.1. General, all Buildings and structures, shall observe a Building Line of at least 7 metres and 30 meters from the National Road Reserve boundary unless South African National Road Agency consents to relaxation.

3.19.43.6.2. The Council may grant its Special Consent for the erection of a Building structure in front of the Building Line. Any person wishing to make application for relaxation shall proceed in the manner provided for in Appendix 9 to the Scheme.

3.19.43.6.3 All new buildings structures shall observe a Side Space of not less than 8 metres.

3.19.43.7 Minimum Site Areas / Frontages

The Site shall not be subdivided without the Consent of the Council.

3.19.43.8 Provision of On- Site Parking

The following on-site parking shall be provided.

LAND USE	MINIMUM NUMBER IF CAR PARKING SPACES
1.6.33 Shop	5 per 100 sq m of total floor area
1.6.36 Special Office	2,5 per 100 sq of total floor area . 5 per 100 sq m for medical offices

The requirements given in the above table must be read in conjunction with the Department of Transport Parking Standards (Second Edition) document (ref. PG 3/85) dated November 1985. The requirements in that document must be employed for all standards not quoted above.

On- site parking requirements for ant other uses shall be in accordance with their requirements for

those uses, as provided for elsewhere in the Scheme.

3.19.43.9 Traffic Management

3.19.43.9.1. The developer shall be responsible for the traffic improvements recommended in Section 7 of the Traffic Impact Report dated August 2010, complied by SSI Engineers and Environmental Consultants.

3.19.43.9.2 The Developer shall introduce specific measures to restrict heavy vehicles from driving around Mills Circle. Access and exit should be in accordance with the site development plan.

3.19.43.9.3 The Developer shall, at his own cost, implement required improvements on the site, to the satisfaction of the Council:

- I. Lay-bys should be listed on Blackburrow Road
- II. A Pedestrian crossing should be provided opposite the lay-by's
- III. The proposed new signalised traffic intersection should be synchronised with the existing signalised intersection.
- IV. A physical median should be erected on Blackburrow Road to prevent taxis and other vehicles from effecting U-turns.

3.19.43.10 Services

3.19.43.10.1 Development shall be in accordance with Roads conditions which constitute that:

- I. Increase the pipe size of the existing eastern storm water pipe from the edge of the development to its exit to the stream.
- II. Permeable paving over a large of the parking area, allowing rain water to percolate into the soil as it currently the case.
- III. Installing an attenuation tank at the back of the development to remove any peak flow that may still occur before discharge to existing storm water system.

3.19.43.10.2 Application to disconnect meters shall be submitted at the time of Construction.

3.19.43.10.3 Re-routing of the Municipal sewer main and creation and registration of 3 meter servitude within Erf 10174 Pietermaritzburg, shall be done prior to any commencement.

3.19.43.11 Landscaping

The developer should ensure that removed street trees are replaced with indigenous trees.

3.19.43.12 Other Legislation

The Developer shall be entirely responsible for ensuring compliance with any other applicable legislation (e.g. Environmental Conservation Act, Water Act, South African Roads Act, etc)

3.20 SPECIAL BUSINESS AREA ZONES

3.20.1 Special Business Area 1

NOW ZONED “LIMITED BUSINESS”, WITH THE APPROVAL OF FORMAL BUILDING PLANS BEING SUBJECT TO THE FOLLOWING CONDITIONS, IMPOSED IN TERMS OF COUNCIL’S POWERS UNDER SECTION 67 (4) OF THE TOWN PLANNING ORDINANCE (ORDINANCE NO 27 OF 1949, AS AMENDED)-

- 1 The disposition of development on the site shall be generally in accordance with Plan 93/05-100, or any amendment approved by the City Council;
- 2 All interfaces between the development of the “Limited Business” zone, Clayton Avenue and all adjoining “Special Residential” sites shall be appropriately screened to the satisfaction of the City Council;
- 3 The site shall be suitably landscaped in accordance with a landscape plan to the satisfaction of the City Council;
- 4 A solid, architecturally pleasing face brick wall will be built from the entrance point to the Hayfields Centre in Blackburrow Road, closest to Clayton Avenue extending up Clayton Avenue and will integrate the already existing Bougainvillea hedge;
- 5 The Bougainvillea hedge shall be retained. The residents of Clayton Avenue will, however, have a choice of either continuing the wall to replace the hedge, or retaining the hedge. The decision will be that of the Clayton Avenue residents;
- 6 The wall referred to in points 4 and 5 above shall be 2,4m high from ground level and must be built prior to the demolition of the existing residential properties;
- 7 In respect of the Specialised Medical Facility to be developed on a portion of Ptns 30 and 147 of Erf 730 PMB, as depicted on Site Layout Plan No 93/05-100, this building shall be restricted to a single storey building immediately adjacent to residential properties and its design shall be subject to the satisfaction of the City Council;
- 8 In respect of the Specialised Medical Facility, a building line of 6m and a side space of 4,5m shall apply;
- 9 A Landscape Consultant must be appointed to advise on all landscaping aspects including the planting of shrubbery on the perimeter of the site adjoining Clayton Avenue and incorporating the landscaping of the wall. This shall be subject to the satisfaction of the City Council;
- 10 The maintenance of the gardens and the hedge will be the

responsibility on the owner/s of the Centre;

- 11 Suitable walls between the “Limited Business” zone and the “Special Residential” zone must be constructed at a minimum height of 2,4m to the satisfaction of the City Council;
- 12 The owners of the centre must provide surfaced pedestrian footpaths along the Blackburrow Road frontage towards Cleland Road and along Cleland Road towards the new Medical Facility and where accesses have been re-positioned or closed off. This shall be to the satisfaction of the City Engineer and all costs are to be borne by the developer;
- 13 All traffic related and parking requirements shall be subject to the satisfaction of the Council.

3.20.2 Special Business Area 2

3.20.2.1 In addition to the general provisions of the Scheme, the following shall apply exclusively to the Special Business Area 2 zone.

## 3.20.2.2 Use of Land and Buildings

3.20.2.2.1 Reference to Map - bordered pale blue, being Ptn 246 of Erf 1913 PMB, being the Nedbank Plaza, corner of Durban Road and King Edward Avenue : Scottsville.

3.20.2.2.2 Expressly Permissible Development or uses of Land or Uses of Land or Uses of Buildings -

1.6.4 Business Premises, subject to proviso 3.20.2.3

1.6.7 Flat, subject to proviso 3.20.2.3

1.6.33 Shop, subject to proviso 3.20.2.3

3.20.2.2.3 Development or Uses of Land or Uses of Buildings Permitted by Special Consent-

1.6.20 Parking Garage

1.6.22 Petroleum Filling Station

1.6.24 Place of Public Entertainment

1.6.35 Special Building

3.20.2.2.4 Expressly Prohibited Development or uses of Land or Uses of Buildings-

All Development or uses of Land or Uses of Buildings not under Clauses 3.20.2.2.2 and 3.20.2.2.3 hereof.

3.20.2.3 Proviso to 3.20.2.2.2-

The Site shall be developed in accordance with Plan TPX 12/239, dated July 1969, or any amendment approved by the Council.

## 3.20.2.4 Density and Height Control

TYPE OF BUILDING OR USE OF LAND	MAX BULK FACTOR OR MAX UNITS/HECTARE	MAX COVERAGE FACTOR	MAX HEIGHT
Dwellings (flats)	80uph	-	Controlled by 60° light angle
All other uses	1	-	(Clause 2.5.7)

3.20.2.5 Building Lines, Side and Rear Spaces

(Refer to Plan TPX 12/239 for Building limitations).

3.20.2.6 Minimum Site Areas / Frontages

The Site shall not be subdivided without the Consent of the Council.

3.20.2.7 On-site parking shall be provided in accordance with Plan TPX 12/239, to the satisfaction of the Council.

### 3.20.3 Special Business Area 3

- 3.20.3.1 In addition to the general provisions of the Scheme, the following shall apply exclusively to the Special Business Area 3 zone.
- 3.20.3.2 Use of Land and Buildings
- 3.20.3.2.1 Reference to Map - bordered pale blue, being Ptn 15 and Rem ,of Erf 411 PMB, being the Southgate Centre, Trelawney Road : Bisley
- 3.20.3.2.2 Expressly Permissible Development or Uses of Land or Uses of Buildings -
- 1.6.22 Petroleum Filling Station subject to Proviso 3.20.3.3.1
- 1.6.33 Shop, subject to proviso 3.20.3.3.2
- 3.20.3.2.3 Development or Uses of Land or uses of Buildings Permitted by Special Consent -
- Nil
- 3.20.3.2.4 Expressly Prohibited Development or Uses of Land or Uses of Buildings -
- All other Development or uses of Land or uses of Buildings.
- 3.20.3.3 Proviso to 3.20.3.2.2 -
- 3.20.3.3.1 The Petroleum Filling Station shall not occupy more than 1000m<sup>2</sup> of Site area. Vehicular access thereto shall be shared with that for the shopping centre which shall be not closer than 20m from the intersection of Trelawney Road and Richmond Road.
- 3.20.3.3.2 The total gross Floor area of shopping shall not exceed 5000m<sup>2</sup>. Loading for the Shops shall be to the satisfaction of the Council.
- 3.20.3.4 Density and Height Control
- Bulk and Coverage controlled in terms of provisos 3.20.3.3.1 and 3.20.3.3.2. No height specification.
- 3.20.3.5 Building Lines, Side and Rear Spaces
- Building Lines of at least 40m from Trelawney Road and 40m from Richmond Road, in respect of Shops, and 7m for the Petroleum Filling Station, shall be observed.
- 3.20.3.6 Minimum Site Areas / Frontages
- The Site shall not be subdivided without the Consent of the Council.

3.20.3.7 Provision of On-site Parking

At least 300 car parking bays shall be provided, the layout thereof being to the satisfaction of the Council.

3.20.4 Special Business Area 4

3.20.4.1 In addition to the general provisions of the Scheme, the following shall apply exclusively to the Special Business Area 4 zone.

## 3.20.4.2 Use of Land and Buildings

3.20.4.2.1 Reference to Map - black border with pale blue cross hatch, being Erf 8 Lincoln Meade, at the corner of Grimthorpe Avenue and Dunsby Avenue: Lincoln Meade

3.20.4.2.2 Expressly permissible Development or Uses of Land or Uses of Buildings-

1.6.33 Shop

3.20.4.2.3 Development or Uses of Land or Uses of Buildings Permitted by Special Consent -

Nil

3.20.4.2.4 Expressly prohibited Development or Uses of Land or Uses of Buildings-

All Development or uses of Land or uses of Buildings not under Clauses 3.20.4.2.2 and 3.20.4.2.3

## 3.20.4.3 Density and Height Control

TYPE OF BUILDING OR USE OF LAND	MAX BULK FACTOR OR MAX UNITS/HECTARE	MAX COVERAGE FACTOR	MAX HEIGHT
All uses	1	1/2	1 storey

## 3.20.4.4 Building Lines, Side and Rear Spaces

3.20.4.4.1 Generally, all Buildings and structures associated therewith shall observe a Building Line of at least 6m.

3.20.4.4.2 The Council may grant Special Consent for the erection of a Building or structure in front of the building line. Any person wishing to make an application for relaxation shall proceed in the manner provided for in Appendix 9 to the Scheme.

3.20.4.4.3 There shall, be no specified minimum Side Space or Rear Space which shall, however, be determined in terms of the National Building Regulations.

3.20.4.5 Minimum Site Areas / Frontages

Minimum Site areas, Frontages and mean widths shall be in accordance with Clause 6.3.

3.20.4.6 Provision of On-site Parking

Parking on the basis of 3m<sup>2</sup> of parking for every 1m<sup>2</sup> of retail shopping area shall be provided, in addition to loading facilities, to the satisfaction of the Council.

### 3.20.5 Special Business Area 5

3.20.5.1 In addition to the general provisions of the Scheme, the following shall apply exclusively to the Special Business Area 5 zone.

#### 3.20.5.2 Use of Land and Buildings

3.20.5.2.1 Reference to Map - black border with pale blue cross hatch, being Portion 5 of Erf 89 Pietermaritzburg, being 210 Ohrtmann Road: Mountain Rise

3.20.5.2.2 Expressly permissible Development or Uses of Land or Uses of Buildings-

1.6.29 Restaurant

1.6.33 Shop

3.20.5.2.3 Development or Uses of Land or Uses of Buildings Permitted by Special Consent -

1.6.11 Informal Trading Area

1.6.24 Place of Public Entertainment

1.6.36 Specialised Offices

3.20.5.2.4 Expressly prohibited Development or Uses of Land or Uses of Buildings-

All Development or uses of Land or uses of Buildings not under Clauses 3.20.5.2.2 and 3.20.5.2.3

#### 3.20.5.3 Density and Height Control

TYPE OF BUILDING OR USE OF LAND	MAX BULK FACTOR OR MAX UNITS/HECTARE	MAX COVERAGE FACTOR	MAX HEIGHT
Dwellings (Flats)	155 uph	1/3	Controlled by 60°
All other uses	20000m <sup>2</sup>	3/4	light angle (Clause 2.5.7)

#### 3.20.5.4 Building Lines, Side and Rear Spaces

3.20.5.4.1 Generally, all Buildings and structures associated therewith shall observe a Building line of at least 7m.

- 3.20.5.4.2 The Council may grant Special Consent for the erection of a Building or structure in front of the Building Line. Any person wishing to make an application for relaxation shall proceed in the manner provided for in Appendix 9 to the Scheme.
- 3.20.5.4.3 There shall be, in respect of Business Premises, Shops, Specialised Offices and other non-residential uses, no specified Side Space or Rear Space, which shall be determined in terms of the National Building Regulations.
- 3.20.5.5 Minimum Site Areas / Frontages
- The site shall not be sub-divided without the Special Consent of the Council.
- 3.20.5.6 Provision of On-site Parking / Loading
- 3.20.5.6.1 The following on-site parking shall be provided for all uses -
- 1,5m<sup>2</sup> of gross parking area for every 1m<sup>2</sup> of gross leasable floor area.
- 3.20.5.6.2 On-site parking requirements for any other uses shall be in accordance with the requirements for those uses, as provided for elsewhere in the Scheme.
- 3.20.5.6.3 The technical requirements for on-site parking shall be in accordance with Appendix 2 to the scheme.
- 3.20.5.6.4 The parking layout and traffic management shall be in accordance with drawing „Fig 10', prepared by BCP Engineers.
- 3.20.5.7 Design Requirements
- The layout shall be substantially in accordance with Drawing SK 04 and accompanying perspective, dated April 1992, prepared by UWE Potter, Architect.

### 3.20.6 Special Business Area 6

- 3.20.6.1 In addition to the general provisions of the Scheme, the following shall apply exclusively to the Special Business Area 6 zone.
- 3.20.6.2 Use of Land and Buildings
- 3.20.6.2.1 Reference to Map - bordered pale blue, being Portions of Erfs 2549 and 2551 PMB, on Longmarket Street between Knipe Street and Williams Street : City, as shown on Plan TPY 1/526
- 3.20.6.2.2 Expressly Permissible Development or uses of Land or Uses of Buildings -
- 1.6.4 Business Premises, subject to Proviso 3.20.6.3
- 1.6.6 Dwelling
- 1.6.7 Flats
- 1.6.18 Outbuilding
- 1.6.27 Public Office
- 1.6.28 Residential Building
- 1.6.29 Restaurant
- 1.6.33 Service Workshop
- 1.6.33 Shop, subject to Proviso 3.20.6.3
- 1.6.34 Social Hall
- 1.6.36 Specialised Office, subject to Proviso 3.20.6.3
- 3.20.6.2.3 Development or Uses of Land or Uses of Buildings Permitted by Special Consent -
- 1.6.8 Home Activity, subject to the provisions of Clause 3.1.3.1
- 1.6.9 Home Business, subject to the provisions of Clause 3.1.3.1
- 1.6.12 Institution
- 1.6.13 Light Industrial Building, subject to Proviso 3.20.6.3

- 1.6.15 Motor Salesroom, subject to Proviso 3.20.6.3
- 1.6.16 Motor Workshop, subject to Proviso 3.20.6.3
- 1.6.20 Parking Garage
- 1.6.21 Parking Lot
- 1.6.22 Petroleum Filling Station
- 1.6.23 Place of Instruction
- 1.6.24 Place of Public Entertainment, subject to Proviso 3.20.6.3
- 1.6.25 Place of Worship
- 1.6.26 Public Garage
- 1.6.31 Service Industrial Building, subject to Proviso 3.20.6.3
- 1.6.33 Service Workshop
- 1.6.34 Social Hall
- 1.6.35 Special Building, subject to Proviso 3.20.6.3

3.20.6.2.4 Expressly Prohibited Development or Uses of Land or Uses of Buildings -

All Development or uses of Land or uses of Buildings not under Clauses 3.20.6.2.2 and 3.20.6.2.3 hereof.

3.20.6.3 Proviso to 3.20.6.2.2 -

The uses mentioned shall be limited to the ground Floor, provided further that at least an equal area of residential accommodation shall be provided if any of these uses are established.

## 3.20.6.4 Density and Height Control

TYPE OF BUILDING OR USE OF LAND	MAX BULK FACTOR OR MAX UNITS/HECTARE	MAX COVERAGE FACTOR	MAX HEIGHT
Dwellings (flats)	155 uph	1/3	Controlled by 60°
Residential Buildings	1/2	1/2	light angle
All other uses	1	1/2	(Clause 2.5.7)

## 3.20.6.5 Building Lines, Side and Rear Spaces

3.20.6.5.1 Generally, all Buildings and structures (including swimming pools), shall observe a Building Line of at least 6m.

3.20.6.5.2 The Council may grant its Special Consent for the erection of a Building or structure in front of the Building Line. Any person wishing to make application for relaxation shall proceed in the manner provided for in Appendix 9 to the Scheme.

3.20.6.5.3 There shall be, in respect of Business Premises, Shops, Specialised Offices and other non-residential uses, no specified Side Space or Rear Space, which shall be determined in terms of the National Building Regulations.

3.20.6.5.4 All new Buildings, or portions of Buildings, accommodating or comprising Dwellings, Residential Buildings or Flats, shall observe a Side Space and a Rear Space as provided for in accordance with the requirements for those uses where they appear elsewhere in the Scheme, including any limitations on relaxation of those requirements.

3.20.6.5.5 Side and Rear Space for any use not specified herein shall be provided in accordance with the requirements for those uses where they appear elsewhere in the Scheme.

## 3.20.6.6 Minimum Site Areas / Frontages

3.20.6.6.1 Minimum Site areas, Frontages and mean widths for all non-residential uses shall be in accordance with Clause 6.3.1.

3.20.6.6.2 Minimum Site areas, Frontages and mean widths for residential uses, shall be in accordance with Clauses 6.2.1 and 6.2.2, 6.2.3 and 6.2.4, as the case may be.

3.20.6.7 Provision of On-site Parking

3.20.6.7.1 The following on-site parking shall be provided for Business Premises, Offices and Shops -

1m<sup>2</sup>of gross parking for every 1m<sup>2</sup>of gross Floor area, other than the Floor area of any use for which on-site parking must be provided in accordance with the requirements for those uses where they appear elsewhere in the Scheme.

3.20.6.7.2 On-site parking requirements for any other uses shall be in accordance with the requirements for those uses, as provided for elsewhere in the Scheme.

3.20.6.7.3 The technical requirements for on-site parking shall be in accordance with Appendix 2 to the Scheme.

3.20.7 Special Business Area 7

- 3.20.7.1 In addition to the general provisions of the Scheme, the following shall apply exclusively to the Special Business Area 7 zone.
- 3.20.7.2 Use of Land and Buildings
- 3.20.7.2.1 Reference to Map - bordered pale blue, being Ptns of Erfs 2536, 2537, 2538, 2539 and 2572, PMB, in Longmarket Street between Boshoff Street and Garfield Street : City, as shown on Plan TPY 1/585 B.
- 3.20.7.2.2 Expressly Permissible Development or Uses of Land or Uses of Buildings -
- 1.6.4 Business Premises, subject to Proviso 3.20.7.3.1
- 1.6.20 Parking Garage, subject to proviso 3.20.7.3.3.
- 1.6.21 Parking Lot
- 1.6.22 Petroleum Filling Station subject to proviso 3.20.7.3.4
- 1.6.24 Place of Public Entertainment, subject to proviso 3.20.7.3.1 and 3.20.7.3.2
- 1.6.29 Restaurant, subject to proviso 3.20.7.3.1
- 1.6.33 Shop, subject to proviso 3.20.7.3.1
- 1.6.36 Specialised Office, subject to Proviso 3.20.7.3.1
- 3.20.7.2.3 Development or Uses of Land or Uses of Buildings Permitted by Special Consent -
- Nil
- 3.20.7.2.4 Expressly Prohibited Development or Uses of Land or Uses of Buildings -
- All Development or uses of Land or uses of Buildings not under Clause 3.20.7.2.2

## 3.20.7.3 Proviso to 3.20.7.2.2 -

3.20.7.3.1 The disposition of the principle elements of the Development shall be in accordance with a plan approved by the Council and embodying the constraints and limitations specified herein, in accordance with the submitted Plan UE - 00 - P005.

The two existing Dwellings at 381 and 385 Longmarket Street shall be retained and refurbished, to the satisfaction of the Council.

The design and finish of Buildings, on the Longmarket Street frontage in particular, shall be in sympathy with the character of the area.

3.20.7.3.2 The Place of Public Entertainment shall be limited to a cinema.

3.20.7.3.3 The maximum permitted gross floor area of the multi-storey Parking Garage, shall not exceed 20 000m<sup>2</sup> provided that no Parking Garage with a gross Floor area of less than 15000m<sup>2</sup> shall be built, save with the Special Consent of the Council.

3.20.7.3.4 A Petroleum Filling Station may only be established in conjunction with, and as an integral part of, a multi-storey Parking Garage.

## 3.20.7.4 Density and Height Control

TYPE OF BUILDING OR USE OF LAND	MAX BULK FACTOR OR MAX UNITS/HECTARE	MAX COVERAGE FACTOR	MAX HEIGHT
Shops (including restaurant and cinema)	15 000 m <sup>2</sup>	15 000 m <sup>2</sup>	Controlled by 60°
Specialised Offices	5 500 m <sup>2</sup>	5 500 m <sup>2</sup>	light angle
Parking Garage (including Petroleum Filling station)	20 000 m <sup>2</sup>	1/2	(Clause 2.5.7)

- 3.20.7.5 Building Lines, Side and Rear Spaces
- 3.20.7.5.1 All Building Development on the Site shall be set back at least 6m from the Longmarket Street frontage and the area between any buildings and / or hardened parking area, shall be landscaped, to the satisfaction of the Council.
- 3.20.7.5.2 There shall, in respect of Buildings, or portions of Buildings, accommodating or comprising Business Premises, Specialised Offices and any other non-residential uses, be no specified minimum Side Space or Rear Space which shall, however, be determined in terms of the National Building Regulations.
- 3.20.7.5.3 The various subdivisions constituting the “Special Business Area” shall be consolidated prior to any Development or use being implemented and no part of the Site may be subdivided or disposed of in any way, or developed separately, without the Special Consent of the Council.
- 3.20.7.6 Provision of On-site Parking
- 3.20.7.6.1 On-site parking shall be provided at a ratio of 6 parking bays per 100m<sup>2</sup> of gross shopping Floor area.
- 3.20.7.6.2 On-site parking requirements for any other uses shall be in accordance with the requirements for those uses, as provided for elsewhere in the Scheme.
- 3.20.7.6.3 The technical requirements for on-site parking shall be in accordance with Appendix 2 to the Scheme, and further, that the parking areas shall be suitably landscaped, to the satisfaction of the Council.

3.20.8 Special Business Area 8

3.20.8.1 In addition to the general provisions of the Scheme, the following shall apply exclusively to the Special Business Area 8 zone.

3.20.8.2 Use of Land and Buildings

3.20.8.2.1 Reference to Map - bordered pale blue, being Ptn 4, Ptn 8 (of 5) and Rem of 5, of Erf 2224, Ptn 13 (of 7) and Ptn 15 of Erf 2225, PMB, being 244 - 250 Boom Street and 60 Commercial Road : City.

3.20.8.2.2 Expressly permissible Development or Uses of Land or Uses of Buildings-

1.6.7 Flat

1.6.29 Restaurant

1.6.33 Shop

1.6.36 Specialised Office

all subject to proviso 3.20.8.3

3.20.8.2.3 Development or Uses of Land or Uses of Buildings Permitted by Special Consent -

Nil

3.20.8.2.4 Expressly prohibited Development or Uses of Land of Uses of Buildings-

All Development or uses of Land or uses of Buildings not under Clauses 3.20.8.2.2 and 3.20.8.2.3 hereof.

3.20.8.3 Proviso to 3.20.8.2.2 -

All sites shall be consolidated, or a Notarial Deed in Restraint of Free Alienation, being registered in respect of all the sites, prior to any development or redevelopment taking place.

## 3.20.8.4 Density and Height Control

TYPE OF BUILDING OR USE OF LAND	MAX BULK FACTOR OR MAX UNITS/HECTARE	MAX COVERAGE FACTOR	MAX HEIGHT
Dwellings (flats)	155 uph	1/3	Controlled by 60°
All other uses	11/2	3/4	light angle (Clause 2.5.7)

## 3.20.8.5 Building Lines, Side and Rear Spaces

3.20.8.5.1 Generally, all Buildings and structures (including swimming pools), shall observe a Building Line of at least 6m.

3.20.8.5.2 The Council may grant its Special Consent for the erection of a Building or structure in front of the Building Line. Any person wishing to make application for relaxation shall proceed in the manner provided for in Appendix 9 to the Scheme.

3.20.8.5.2 There shall be, in respect of Shops, Specialised Offices and other non-residential uses, no specified Side Space or Rear Space, which shall be determined in terms of the National Building Regulations.

3.20.8.5.3 All new Buildings, or portions of Buildings, accommodating or comprising Dwellings, Residential Buildings or Flats, shall observe a Side Space and a Rear Space as provided for in accordance with the requirements for those uses where they appear elsewhere in the Scheme, including any limitations on relaxation of those requirements.

3.20.8.5.4 Side and Rear Space for any use not specified herein shall be provided in accordance with the requirements for those uses where they appear elsewhere in the Scheme.

## 3.20.8.6 Minimum Site Areas / Frontages

The site shall not be sub-divided or, as the case may be, nor shall the Notarial Deed specified in Clause 3.20.8.3, be altered in any way.

- 3.20.8.7 Provision of On-site Parking
- 3.20.8.7.1 On-site parking for Restaurants and Shops shall be provided on the basis of 1m<sup>2</sup> of parking for every 1,5m<sup>2</sup> of gross floor area;
  - 3.20.8.7.2 On-site parking for Specialised Offices shall be provided on the basis of 1m<sup>2</sup> of parking for every 1m<sup>2</sup> of nett floor area;
  - 3.20.8.7.3 On-site parking requirements for any other uses shall be in accordance with the requirements for those uses, as provided for elsewhere in the Scheme.
  - 3.20.8.7.4 Access to the parking area shall be off Boom Street only and the parking area shall be graded, surfaced and landscaped, to the satisfaction of the Council;
  - 3.20.8.7.5 The technical requirements for on-site parking shall be in accordance with Appendix 2 to the Scheme.

3.20.9 Special Business Area 9

3.20.9.1 In addition to the general provisions of the Scheme, the following shall apply exclusively to the Special Area 9 zone.

## 3.20.9.2 Use of Land and Buildings

3.20.9.2.1 Reference to Map - outlined in black, being a portion of Rem of Townlands, adjacent to Debi Place : Northdale as indicated on plan TPY 9/678.

3.20.9.2.2 Expressly permissible Development or Uses of Land or Uses of Buildings-

1.6.11 Informal trading area

1.6.21 Parking Lot

3.20.9.2.3 Development or Uses of Land or Uses of Buildings Permitted by Special Consent -

Nil

3.20.9.2.4 Expressly prohibited Development or Uses of Land of Uses of Buildings-

All other uses

## 3.20.9.3 Density and Height Control

TYPE OF BUILDING OR USE OF LAND	MAX. BULK FACTOR	MAX. COVERAGE FACTOR	MAX HEIGHT
All uses	1/2	1/2	1 Storey

## 3.20.9.4 Building Lines, Side and Rear Spaces

3.20.9.4.1 A Building Line of not less than 4m shall apply, there being no provision for the relaxation thereof.

3.20.9.4.2 Side and Rear Spaces shall be as required in terms of the National Building Regulations.

## 3.20.9.5 Minimum Site Areas/ Frontages

The Site shall not be subdivided without the Consent of the Council.

3.20.9.6 Provision of On-site Parking / Loading

In addition to the parking area indicated on Plan TPY 9/678, the Council may require the provision of loading/unloading facilities on the site.

3.20.10 Special Business Area 10

## 3.20.10.1 Use of Land and Buildings

Reference to Map - cross-hatched black, being Ptns 17, 72 (of 17), 18, 19, 20, 21, 22 (Of 22), 23 and 24 and 24, of Erf 3105 PMB, off Mayors Walk : Prestbury.

(Refer to 3.8 (General Business zone - Bulk Zone Three) for all controls applicable to this zone). Provided, however, that the following special conditions will apply to this zone.

- 1 No redevelopment shall take place nor any non-residential uses established within this zone unless and until all the properties listed above have either been consolidated or have been tied by a National Deed in Restraint of Free Alienation.
- 2 Development within this zone shall be generally in accordance with Plan PIE 317.8 which is contained in document PIE 317.1 dated December 1989, submitted by Monte J Rosenberg Incorporated, or any modification thereto, approved by the Council.
- 3 Not less than 100 parking bays, together with loading/unloading facilities , shall be provided, the arrangement thereof being to the satisfaction of the Council.

3.20.11 Special Business Area11

3.20.11.1 In addition to the general provisions of the Scheme, the following shall apply exclusively to the Special Business Area 11 zone.

## 3.20.11.2 Use of Land and Buildings

3.20.11.2.1 Reference to Map - bordered pale blue, being Ptn 383 of Erf 1913 PMB, being 50 Durban Road : Scottsville.

3.20.11.2.2 Expressly permissible Development or Uses of Land or Uses of Buildings-

1.6.4 Business Premises

1.6.23 Place of Instruction  
Restricted to a "Gymnasium"

1.6.24 Place of Public Entertainment

1.6.29 Restaurant

1.6.33 Shop

2. 1.6.23 Place of Instruction  
2.6.33

3.20.11.2.3 Development or Uses of Land or Uses of Buildings Permitted by Special Consent -

Nil

3.20.11.2.4 Expressly prohibited Development or Uses of Land or Uses of Buildings-

All Development or uses of Land or uses of Buildings not under Clauses 3.20.11.2.2.

## 3.20.11.3 Density and Height Control

TYPE OF BUILDING OR USE OF LAND	MAX BULK FACTOR OR MAX FLOOR AREA	MAX COVERAGE	MAX HEIGHT
All other uses	6 000m <sup>2</sup>	4 500m <sup>2</sup>	13m above *mean ground level

\* For the purposes hereof, the mean ground level shall be taken to be 644m above

MSL.

- 3.20.11.4 Building Lines, Side and Rear Spaces  
Refer to Plan 1402 230, prepared by Michael Todd Architects,  
for building limitations.
- 3.20.11.5 Minimum Site Areas / Frontages  
The site may not be subdivided
- 3.20.11.6 Provision of On-site Parking/Loading
  - 3.20.11.6.1 The following on-site parking shall be  
provided for Business Premises and Shops-

1m<sup>2</sup>of gross parking area for every 1m<sup>2</sup> of gross floor area.

- 3.20.11.6.2 The following on-site parking shall be provided for Restaurants-

One parking bay for every four seating spaces or part thereof

- 3.20.11.6.3 The following on-site parking shall be provided for Places of Public Entertainment-

One parking space for every 10 seating spaces or part thereof

- 3.20.11.6.4 The technical requirements for on-site parking shall be in accordance with Appendix 2 to the Scheme.

3.20.11.7 Traffic Management

Access and internal vehicular circulation arrangements shall be to the satisfaction of the Council.

3.20.11.8 Landscaping

- 3.20.11.8.1 Landscaping shall be provided to the satisfaction of the Council.

- 3.20.11.8.2 The existing trees on the site shall be retained wherever possible.

3.20.11.9 Design Requirements

- 3.20.11.9.1. The interface between the site and the adjoining uses along Coronation Road and Connaught Road, shall be suitably treated through the use of landscaping, screening, building setbacks, elevational techniques, selective architectural finishes and designs elements, to the satisfaction of the Council.

- 3.20.11.9.2 Airconditioning and refrigeration units shall be located informally within the development itself, away from the Coronation Road and Connaught Road frontages.

### 3.20.12 Special Business Area12

- 3.20.12.1 In addition to the general provisions of the Scheme, the following shall apply exclusively to the Special Area 12 zone.
- 3.20.12.2 Use of Land and Buildings
- 3.20.12.2.1 Reference to Map - bordered pale blue, being Erf 3346 PMB, off Edendale Road (Masons Mill Bus Depot) : Masons Mill, as shown on Plan TPY 14/710
- 3.20.12.2.2 Expressly permissible Development or Uses of Land or Uses of Buildings-
- 1.6.4 Business Premises
  - 1.6.15 Motor Salesroom
  - 1.6.16 Motor Workshop
  - 1.6.22 Petroleum Filling Station
  - 1.6.24 Place of Public Entertainment
  - 1.6.26 Public Garage
  - 1.6.29 Restaurant
  - 1.6.31 Service Industrial Building
  - 1.6.33 Shop
  - 1.6.36 Specialised Office
- 3.20.12.2.3 Development or Uses of Land or Uses of Buildings Permitted by Special Consent -
- Nil
- 3.20.12.2.4 Expressly prohibited Development or Uses of Land or Uses of Buildings-
- All Development or uses of Land or uses of Buildings not under Clause 3.20.12.2.2.
- 3.20.12.4 Density and Height Control

TYPE OF BUILDING OR USE OF LAND	MAX BULK FACTOR OR MAX UNITS/HECTARE	MAX COVERAGE FACTOR	MAX HEIGHT
All other uses	-	-	2 Storey

## 3.20.12.4

## Building Lines, Side and Rear Spaces

A Side and rear Space of 5 m and front Building Line of 7.5 m shall apply to the site.

## 3.20.12.5

## Minimum Site Areas / Frontages

The subdivision shall be permitted without the consent of the Council

## 3.20.12.6

## Provision of On-site Parking/Loading

3.20.12.6.1 4 parking bays per 100 m<sup>2</sup> of gross Floor Area

3.20.12.6.2 The technical requirements for on-site parking shall be in accordance with Appendix 2 to the Scheme, and further, that the parking areas shall be suitably landscaped, to the satisfaction of the Council.

3.20.13 Special Business Area13

- 3.20.13.1 In addition to the general provisions of the Scheme, the following shall apply exclusively to the Special Business Area 13 zone.
- 3.20.13.2 Use of Land and Buildings
- 3.20.13.2.1 Reference to Map - bordered pale blue, being  
 Erf 3273  
 Erf 1261  
 Part of Ptn 6 of Erf 199  
 Part of Ptn 5 of Erf 199  
 Part of Ptn 2 of Erf 199  
 Part of Ptn 3 of 1) of Erf 201  
 Part of Ptn 4(of 1) of Erf 201  
 Rem of 5(of 1) of Erf 201  
 Rem of 1 of Erf 201  
 Ptn 8(of 1) of Erf 201  
 Part of Rem of Erf 201  
 Part of Rem of 2 of Erf 253  
 Part of Ptn 2 of Erf 254  
 Part of Erf 368  
 Part of Ptn 4 of Erf 510  
 Ptn 3 of Erf 510  
 Part of Rem of Erf 929  
 Rem of 1 of Erf 1343  
 Ptn 2 of Erf 1343  
 Rem of Erf 1343, Pietermaritzburg  
 Rem of Townlands  
 A Part of the existing road reserves of Fitzsimmons Road and Willow Road, and the whole road reserve of Gumtree Road, including Ptn 6 (of 1) of Erf 201, Ptn 3 and Ptn 4 of Erf 199, Pietermaritzburg, Bounded by the N3, Church Street, the Dorpspruit and Manning Avenue: City
- 3.20.13.2.2 Expressly permissible Development or Uses of Land or Uses of Buildings-
- 1.6.4 Business Premises
- 1.6.7 Flats
- 1.6.22 Petroleum Filling Station, subject to Proviso 3.20.13.3
- 1.6.24 Place of Public Entertainment
- 1.6.28 Residential Building
- 1.6.29 Restaurant

## 1.6.33 Shop

3.20.13.2.3 Development or Uses of Land or Uses of Buildings Permitted by Special Consent -

## 1.6.36 Specialised Office

3.20.13.2.4 Expressly prohibited Development or Uses of Land or Uses of Buildings-

All Development or uses of Land or uses of Buildings not under Clauses 3.20.13.2.2 and 3.20.13.3 hereof.

3.20.13.3 The Petrol Filling Station may not be built until such time that substantial work on the shopping centre has been commenced and the location thereof shall, in any event, be to the satisfaction of the City Planner.

## 3.20.13.4 Density and Height Control

TYPE OF BUILDING OR USE OF LAND	MAX BULK FACTOR OR MAX UNITS/HECTARE	MAX COVERAGE FACTOR	MAX HEIGHT
Dwellings (flats)	80uph	1/3	Controlled by 60° light angle (Clause 2.5.7)
Residential Buildings	1	1/2	
All other uses	11/2	85/100	

## 3.20.13.5 Building Lines, Side and Rear Spaces

Refer to Drawing Project 2358 dated June 1996 by Bentel Abrahamson and Partners, for general building layout limitations.

## 3.20.13.6 Minimum Site Areas / Frontages

The site shall be consolidated, and may not be further subdivided

### 3.20.13.7 Provision of On-site Parking/Loading

3.20.13.7.1 The following on-site parking shall be provided for Business Premises, Shops and Specialised Offices-

1,2m<sup>2</sup> of gross parking area for every 1m<sup>2</sup> of gross floor area, other than the floor area of any use for which on-site parking must be provided in accordance with the requirements for those uses where they appear elsewhere in the Scheme.

3.20.13.7.2 The following on-site parking shall be provided for Flats-

One parking bay for every flat

3.20.13.7.3 The following on-site parking shall be provided for Residential Buildings (other than Flats and Hotels)-

One parking space for every 2 habitable rooms.

3.20.13.7.4 The following on-site parking shall be provided for Hotels-

One parking space for every habitable room and, in addition to the foregoing, a further fifteen parking spaces in the case of an hotel having a public bar.

3.20.13.7.5 On-site parking for any use not specified herein shall be provided in accordance with the requirements for those uses where they appear elsewhere in the Scheme.

3.20.13.7.6 The technical requirements for on-site parking shall be in accordance with Appendix 2 to the Scheme.

### 3.20.13.8 Traffic Management

All costs of access/road improvements, including traffic signalisation, shall be borne by the applicant and carried out to the satisfaction of the Council, the final arrangements being resolved upon submission of the building plans for the project.

3.20.13.9 Landscaping

The upgrading and landscaping of the adjacent Dorpspruit Open Space System shall be undertaken by the applicant at his cost, to the satisfaction of the Council. The site, including the parking areas, shall be landscaped to the satisfaction of the Council.

3.20.13.10 Design Requirements

The interface between the site and the existing residential sites to the east, shall be suitably treated through the use of screening, landscaping and building setback techniques, to the satisfaction of the Council.

### 3.20 14 Special Business Area 14

- 3.20.14.1 In addition to the general provisions of the Scheme the following shall apply exclusively to Special Business Area 14 Zone
- 3.20.14 .2 Use of Land and Buildings
- 3.20.14.2.1 Reference to map - shaded pale blue, being Rem of Erf 454 Raisethorpe, being 50 Simeon Road: Raisethorpe
- (Refer to 3.6 [Limited Business - Bulk Zone Three] for all controls applicable to this zone. Provided, however the following shall apply to this zone).
- 3.20.14.2.2 Expressly permissible development or uses of land or uses of buildings -
- 1.6.4 Business Premises, subject to Clause 3.20.14.3
- 1.6.29 Restaurant, subject to Clause 3.20.14.3
- 1.6.33 Shop, subject to Clause 3.20.14.3
- 3.20.14.2.3 Development or uses of land or uses of buildings permitted by Special Consent -
- Nil
- 3.20.14.2.4 Expressly prohibited development or uses of land or uses of buildings -
- All development or uses of land or uses of buildings not under Clause 3.20.14.2.2 hereof
- 3.20.14.3 Provisos to 3.20.14.2.2 -
- 3.20.14.3.1 The disposition of the elements of the development shall be generally in accordance with the „planning proposal“ drawings contained in the applicant’s document dated June 1998, or any modification approved by the Council.
- 3.20.14.3.2 Vehicular access to the site shall be from Simeon Road only, to the satisfaction of the Council.

- 3.20.14.3.3 A continuous wall/fence shall be erected to the satisfaction of the Council along the site frontages to Mysore Road and Simeon Road, except at the agreed point of access off Simeon Road.

3.20.15 Special Business Area 15

3.20.15.1 In addition to the general provisions of the Scheme, the following shall apply exclusively to the Special Business Area 15 zone.

## 3.20.15.2 Use of Land and Buildings

3.20.15.2.1 Reference to Map - Cross-hatched black, being Rem of Erf 734 PMB, being 40 Durban Road : Scottsville.

3.20.15.2.2 Expressly permissible Development or Uses of Land or Uses of Buildings-

1.6.29 Restaurant, subject to proviso 3.20.15.3

3.20.15.2.3 Development or Uses of Land or Uses of Buildings Permitted by Special Consent -

Nil

3.20.15.2.4 Expressly prohibited Development or Uses of Land or Uses of Buildings-

All Development or uses of Land or uses of Buildings not under Clauses 3.20.15.2.2 and 3.20.15.2.3 hereof.

## 3.20.15.3 Proviso to 3.20.15.2.2

The Restaurant facilities shall be limited to the existing dwelling on Rem of Erf 734 PMB, being 40 Durban Road, provided that the City Council may allow minor additions to that Building as may be necessary.

## 3.20.15.4 Density and Height Control

TYPE OF BUILDING OR USE OF LAND	MAX BULK FACTOR	MAX COVERAGE FACTOR	MAX HEIGHT
Restaurant	1	1/2	1 Storey

## 3.20.15.5 Building Lines, Side and Rear Spaces

3.20.15.5.1 Generally, all Buildings and structures (including swimming pools), shall observe a Building Line of at least 7m.

- 3.20.15.5.2 The Council may grant Special Consent for the erection of a Building or structure (including a swimming pool) in front of the Building Line. Any person wishing to make application for relaxation shall proceed in the manner provided for in Appendix 9 to the Scheme.
- 3.20.15.5.3 All Buildings and structures shall observe a Side Space of not less than 4,5m. The Council may grant its Special Consent for relaxation of the side space requirements. Any person wishing to make an application for relaxation shall proceed in the manner provided for in Appendix 9 to the scheme.
- 3.20.15.6 Minimum Site Areas / Frontages
- The site be site shall not be subdivided without the Consent of the Council
- 3.20.15.7 Provision of On-site Parking/Loading
- The following on-site parking shall be provided-
- A minimum of 21 parking bays shall be provided on the site.
- 3.20.15.8 General Provisions
- 3.20.15.8.1 The residential appearance of the house is to be retained
- 3.20.15.8.2 A verandah may be added to the house to a maximum of 3,0m wide.
- 3.20.15.8.3 No vehicular or pedestrian access shall be permitted off Durban Road.
- 3.20.15.8.4 Vehicular access shall be restricted to Coronation Road and shall be in accordance with the requirements of the Chief Transportation Engineer.
- 3.20.15.8.5 An appropriate boundary screen wall shall be erected around the property t the satisfaction of the City Planner.
- 3.20.15.8.6 The service yard and Staff areas shall be suitably screened to the satisfaction of the City Planner.
- 3.20.15.8.7 All signage shall be in accordance with the requirements of the City Planner.
- 3.20.15.8.8 All service and delivery vehicles and/or operation are to be restricted to the hours between 08:00 and 17:00
- 3.20.15.8.9 All clientele are to vacate the premises by 23h30

3.20.16 Special Business Area 16

- 3.20.16.1 In addition to the general provisions of the Scheme, the following shall apply exclusively to the Special Business Area 16 zone.
- 3.20.16.2 Use of Land and Buildings
- 3.20.16.2.1 Reference to Map - bordered pale blue, being Rem of Erf 732 PMB, being 44 Durban Road : Scottsville.
- 3.20.16.2.2 Expressly Permissible Development or uses of Land or Uses of Buildings, subject to provisos under 3.20.16.3 -
- 1.6.29 Restaurant, limited to the building on the site, existing as at 26 August 1996 and as indicated on Building Plan 1537/95, together with the verandah area indicated on Building Plan 974/2000.
- 3.20.16.2.3 Development or Uses of Land or Uses of Buildings Permitted by Special Consent-
- Nil
- 3.20.16.2.4 Expressly Prohibited Development or Uses of Land or Uses of Buildings -
- All Development or uses of Land or uses of Buildings not under Clause 3.20.16.2.2 hereof.
- 3.20.16.3 Provisos -
- 3.20.16.3.1 A site layout plan indicating the revised seating and on site parking arrangements shall be submitted to the Council for approval.
- 3.20.16.3.2 No live bands or disco-type music shall be permitted.
- 3.20.16.3.3 The owner of the property and proprietor of the restaurant shall be jointly responsible for ensuring that the provisions of all relevant By-laws, regulations and other statutes, particularly those relating to noise, nuisance, disturbance and drunkenness and licentious conduct are fully complied with, in particular the provisions of the Council's General By-laws, the Regulations under the Environment Conservation Act, and the Liquor Act No 27 of 1989, as amended.

3.20.16.3.1 Closing times as follows shall be strictly adhered to -

Sunday to Thursday nights: 24h00 (midnight)

Friday/Saturday nights: 01h00 (1.00am)

Provided that these closing hours may, after consultation with the neighbouring property owners, be varied by the Council, and provided further that it is accepted that on special occasions (such as during the Christmas period, St Patrick's Day, the Currie Cup final, World Cup Final, etc), some latitude can be applied regarding these closing times, on condition that this proviso is not abused.

3.20.16.4 Density and Height Control

As per Building Plans 1537/95 and 974/2000, as approved.

3.20.16.5 Building Lines, Side and Rear Spaces

As per Building Plans 1537/95 and 974/2000, as approved.

3.20.16.6 Minimum Site Areas / Frontages

The site shall not be subdivided.

3.20.16.7 Provision of On-site Parking and Traffic Management

3.20.16.7.1 The following on-site parking shall be provided for the restaurant use -

1 parking bay for every 4 seating spaces

3.20.16.7.2 The technical requirements for on-site parking shall be in accordance with Appendix 2 to the Scheme.

3.20.16.7.3 The parking layout and traffic management shall be in accordance with the site layout plan, as approved.

3.20.17 Special Business Area 17

3.20.17.1 In addition to the general provisions of the Scheme, the following shall apply exclusively to the Special Business Area 17 zone.

## 3.20.17.2 Use of Land and Buildings

3.20.17.2.1 Reference to Map - black border with pale blue cross hatch, being Ptns 113 (of 109), 213 (of 109), 327 (of 111), 288 (of 87) and 340, of Erf 1913 PMB, being 60 Durban Road- Scottsville.

3.20.17.2.2 Expressly permissible Development or Uses of Land or Uses of Buildings-

1.6.4 Business Premises

1.6.29 Restaurant

1.6.33 Shop

1.6.36 Specialised Office

3.20.17.2.3 Development or Uses of Land or Uses of Buildings Permitted by Special Consent -

Nil

3.20.17.2.4 Expressly prohibited Development or Uses of Land or Uses of Buildings-

All Development or uses of Land or uses of Buildings not under Clause 3.20.17.2.2

3.20.17.3 The disposition of the principle elements of the development shall be substantially in accordance with Plan 96/38 - SK002

## 3.20.17.4 Density and Height Control

TYPE OF BUILDING OR USE OF LAND	MAX BULK FACTOR OR MAX UNITS/HECTARE	MAX COVERAGE FACTOR	MAX HEIGHT
All uses	1	1/2	2 storeys, provided that any buildings adjoining the boundary of Ptn 88 of Erf 1913 shall be restricted to a single storey

## 3.20.17.5 Building Lines, Side and Rear Spaces

3.20.17.5.1 Except as indicated on Plan 96/38 SK002 all buildings and structures shall observe a building line of at least 6m.

- 3.20.17.5.2 The Council may grant its Special Consent for the erection of a building or structure in front of the building line. Any person wishing to make such application for relaxation shall proceed in the manner provided for in Appendix 9 to the scheme.
- 3.20.17.5.3 Side and Rear Space
- There shall be no specified side space or rear space. In respect of the development adjoining Ptn 88 of Erf 1913, development shall take place on the boundary.
- 3.20.17.6 Minimum Site Area / Frontages
- All existing Subdivisions shall be consolidated prior to any development taking place
- 3.20.17.7 Provision of On-site Parking/Loading
- 3.20.17.7.1 On-site parking shall be clearly demarcated on the building plans submitted.
- 3.20.17.7.2 The following on-site parking shall be provided for Business Premises and Shops - 1,2m<sup>2</sup> of gross parking area for every 1m<sup>2</sup> of gross floor area.
- 3.20.17.7.3 The following on-site parking shall be provided for a Restaurant - One parking bay for every four seating spaces or part thereof.
- 3.20.17.7.4 The following on-site parking shall be provided for Specialised Offices - One parking bay for every 100m<sup>2</sup> floor area.
- 3.20.17.7.5 The technical requirements for on-site parking shall be in accordance with Appendix 2 to the Scheme.
- 3.20.17.7.6 On-site loading to be provided to the satisfaction of the Council shall be demarcated on the building plan and on the ground.
- 3.20.17.8 Traffic Management
- 3.20.17.8.1 Council's requirements, at the developer's cost, shall be indicated on the submitted building plans.
- 3.20.17.8.2 Provision of a median island (600mm wide) shall be made in Durban Road along the site frontage.
- 3.20.17.8.3 Provision shall be made for right-turning vehicles from Durban Road into Milner Road.
- 3.20.17.8.4 The developer shall widen Milner Road in agreement with and to the satisfaction of the City Engineer

3.20.17.9 Design Requirements

3.20.17.9.1 The design layout, access arrangements, building line arrangements and parking layout shall be in accordance with Plan 96/38 - SK002

3.20.17.9.2 The interface between Sub 88 and the development must be carefully treated such that the developer shall erect a suitable screen wall along the site boundary, adjacent to Sub 88 and no restaurant use shall be located in the development close to this boundary.

3.20.17.10 Landscaping

3.20.17.10.1 The site shall be appropriately landscaped so as to enhance the development and ensure a suitable interface for the adjacent residential developments.

### 3.20.18 Special Business Area18

3.20.18.1 In addition to the general provisions of the Scheme, the following shall apply exclusively to the Special Business Area 18 zone

#### 3.20.18.2 Use of Land and Buildings

3.20.18.2.1 Reference to Map - shaded pale blue, being Portions 14,19 and 20 of Erf 176, Rem of Erf 3816 and Erf 9662 of PMB, being the Cascades Centre off McCarthy Drive and Town Bush Road : Chase Valley

3.20.18.2.2 Expressly permissible Development or Uses of Land or Uses of Buildings subject to proviso 3.20.18.3 -

1.6.4 Business Premises

1.6.23 Place of Instruction

1.6.27 Public Office

1.6.29 Restaurant

1.6.33 Shop

1.6.36 Specialised Office

3.20.18.2.3 Development or Uses of Land or Uses of Buildings Permitted by Special Consent, subject to proviso 3.20.18.3 -

1.6.12 Institution

1.6.20 Parking Garage

1.6.22 Petrol Filling Station

1.6.24 Place of Public Entertainment

1.6.25 Place of Worship

1.6.34 Social Hall

3.20.18.2.4 Expressly prohibited Development or Uses of Land or Uses of Buildings-

All Development or uses of Land or uses of Buildings not under Clauses 3.20.18.2.2 and 3.20.18.2.3 hereof.

#### 3.20.18.3 Proviso to 3.20.18.2.2 and 3.20.18.2.3

The disposition of development on the site shall be generally in accordance with Plan Plan CAS 100/01 dated January 2005, or any amendment approved by the Council after compliance with the procedures as laid down by the Town Planning Ordinance No 27 of 1949.

- 3.20.18.4 Density and Height Control
- 3.20.18.4.1 The permissible gross leasable area of all buildings on the site shall not exceed 40 000m<sup>2</sup> and the maximum site coverage shall not exceed 50%.
- 3.20.18.4.2 The height of buildings on the site shall not exceed 3 storeys.
- 3.20.18.5 Building Lines, Side and Rear Space
- 3.20.18.5.1 Generally, all Buildings and structures associated therewith shall observe a Building Line of at least 7m.
- 3.20.18.5.2 The Council may grant Special Consent for erection of a Building or structure in front of the building line. Any person wishing to make an application for relaxation shall proceed in the manner provided for in Appendix 9 to the Scheme.
- 3.20.18.5.3 There shall, in respect of Buildings, or portions of Buildings, accommodating or comprising Business Premises, Specialised Offices and any other non-residential uses, be no specified minimum Side Space or Rear Space which shall, however, be determined in terms of the National Building Regulations.
- 3.20.18.5.4 Side and Rear Spaces for any use specified herein shall be provided in accordance with the requirements for those uses where they appear elsewhere in the Scheme.
- 3.20.18.6 Minimum Site Areas / Frontages
- 3.20.18.6.1 All properties shall be initially consolidated.
- 3.20.18.6.2 Minimum Site areas, Frontages and mean widths for business and other non-residential uses shall be in accordance with Clause 6.3.
- 3.20.18.6.3 The land shall not be subdivided save with the consent of the Council and such subdivision shall comply with the requirements of Clause 6.1.4
- 3.20.18.7 Provision of On-site Parking/Loading
- 3.20.18.7.1 The following on-site parking shall be provided for Business Premises, Offices and Shops-
- 1,2m<sup>2</sup> of gross parking for every for every 1m<sup>2</sup> of gross floor area, other than the floor area of any use for which on-site parking must be provided in accordance with the requirements for those uses where they appear elsewhere in the Scheme.

- 3.20.18.7.2 The following on-site parking shall be provided for Specialised Offices-
- 1 bay for every 25m<sup>2</sup> of nett office space, other than office space occupied by medical or dental practitioners;
- 1 bay for every 15m<sup>2</sup> of nett office space occupied by medical or dental practitioners.
- 3.20.18.7.3 On-site parking requirements for any other uses shall be in accordance with the requirements for those uses, as provided for elsewhere in the Scheme.
- 3.20.18.7.4 The technical requirements for on-site parking shall be in accordance with Appendix 2 to the Scheme.
- 3.20.18.8 Environmental Management
- 3.20.18.8.1 The developer shall submit a detailed landscape plan for approval by the Council prior to the submission of building plans.
- 3.20.18.8.2 The developer shall submit a detailed specialist (by a professional engineer) geotechnical and hydrological assessments to the satisfaction of the Council, which shall take place prior to commencement of any site works or development on the site. The study shall incorporate measures to prevent direct discharge of stormwater runoff into the Town Bush Stream. The study shall also indicate the effects of developments downstream and provide solutions on how to minimise these effects.
- 3.20.18.8.3 The Council shall retain ownership of the Town Bush Stream and a stream reserve of no less than 5m from the top of the bank of the stream on either side of the stream shall be provided it being noted that if, for any reason the stream is realigned or canalised or increased in size as a result of increased runoff, the stream reserve will always be measured from the top of the banks of the stream.
- 3.20.18.8.4 A Design Working group comprising the developer's professional representatives and the relevant Council Officials, shall meet when necessary to resolve issues relating to the anticipated environmental impacts and the appropriate design solutions.
- 3.20.18.8.5 The developer shall comply with the recommendations proposed in the Environmental Assessment Report, as detailed on item 2.6 of the City Planner's report, reference CP:1/6/2484, dated 13 August 1999.
- 3.20.18.8.6 The developer shall submit a Waste Management Plan to the satisfaction of the Council.

3.20.18.9 Traffic Management

Transportation/Traffic Management requirements shall be implemented in accordance with Annexure C1 attached to the City Planner's report, reference CP: 1/6/2484, dated 13 August 1999.

3.20.18.10 Other Legislation

The developer shall be entirely responsible for ensuring compliance with any other applicable legislation (e.g. Environment Conservation Act, Water Act).

### 3.20.19 Special Business Area 19

3.20.19.1 In addition to the general provisions of the Scheme the following shall apply exclusively to Special Business Area 19.

#### 3.20.19.2 Use of Land and Buildings

3.20.19.2.1 Reference to map - shaded pale blue, being Portion 10 of Erf 396 Pietermaritzburg, being 80 Roberts Road : Athlone as depicted on Map 4 dated May 2000.

3.20.19.2.2 Expressly permissible development or uses of land or uses of buildings -

1.6.6 Dwelling

1.6.18 Outbuilding.

1.6.24 Place of Public Entertainment - subject to Proviso 3.20.19.3.5

1.6.29 Restaurant - subject to Provisos 3.20.19.3.1,2,3,4 and 8

3.20.19.2.3 Development or uses of land or uses of buildings permitted by Special Consent -

1.6.3 Boarding House

1.6.8 Home Activity, subject to the provisions of Clause 3.20.19 3.10.

1.6.9 Home Business

1.6.12 Institution

1.6.14 Medium-density Housing, subject to the provisions of Clause 3.20.19 3.11.

1.6.23 Place of Instruction

1.6.25 Place of Worship

1.6.30 Self-contained Residential Unit, subject to the provisions of Clause 3.20.19.3.10.

1.6.34 Social Hall

3.20.19.2.4 Expressly prohibited development or uses of land or uses of buildings -

All development or uses of land or uses of buildings not under Clause 3.20.19.2.2 hereof

## 3.20.19.3 Provisos to 3.20.19.2.2 -

- 3.20.19.3.1 The disposition of development shall be limited to and be generally in accordance with that shown on Map 4 dated May 2000, or an amendment approved by the Council, with the Restaurant use being limited to being operated from within the main Dwelling.
- 3.20.19.3.2 The Restaurant seating area shall be limited to the 47m<sup>2</sup> dining area shown on Map 4.
- 3.20.19.3.3 The Restaurant shall not close later than 20h30.
- 3.20.19.3.4 The Restaurant shall not be used to host major functions such as wedding receptions, large parties and the like.
- 3.20.19.3.5 The Place of Public Entertainment shall be restricted to providing live entertainment such as musical, theatrical, comic and poetry recital performances which are ancillary to the dining activity and confined to being provided from within the main Dwelling.
- 3.20.19.3.6 Use of the 30m<sup>2</sup> display area shown on Map 4 shall be limited to the display of artwork.
- 3.20.19.3.7 The current facade of the main Dwelling shall be retained and the building shall not be altered in a manner which would prevent it from being converted back to a Dwelling.
- 3.20.19.3.8 The Restaurant use shall be restricted to being conducted by the present owner and staff shall remain resident on the property.
- 3.20.19.3.9 A building plan for a change of use shall be submitted in terms of the National Building Regulations and the applicant shall comply with all the requirements to which the approval of the plan may be subject.
- 3.20.19.3.10 Provided the written consent of all abutting Owners and any other Owners the Council may determine is obtained, the Council may waive the Special Consent procedure.
- 3.20.19.3.11 Provided the written consent of all abutting Owners and any other Owners the Council may determine, is obtained, the Council may waive the Special Consent procedure provided where not more than three Dwellings are to be established. Provided further that where more than three Dwellings are to be established, the requirements of Appendix 1 of the Scheme shall also apply. Provided further that the maximum Coverage permitted shall be 1/3.

#### 3.20.19.4 Density and Height Control

- 3.20.19.4.1 The maximum number of Dwellings per hectare which may be permitted shall be dependent upon the zoned area of the Erf, but shall not exceed 10 units per hectare calculated to the first whole number and subject to the Council's Special Consent. Provided that in the event of three or less Dwellings being established on the Erf, the Special Consent procedure may be waived if the written consent of all contiguous Owners and other such Owners the Council may determine, are submitted to the Council.
- 3.20.19.4.2 The maximum Coverage and Bulk Factor for all uses shall be 1/2.
- 3.20.19.4.3 The maximum height permitted shall be 2 Storeys, save with the Special Consent of the Council.

#### 3.20.19.5 Building Lines, Side and Rear Spaces

- 3.20.19.5.1 All Buildings and structures (including swimming pools), shall observe a Building Line of 7m, save with the Council's Special Consent.
- 3.20.19.5.2 All Buildings and structures (including swimming pools), shall observe a Side Space of 1,5m save with the Council's Special Consent.
- 3.20.19.5.4 All Dwellings and other free-standing Buildings and structures shall observe a Rear Space of 3m and 1,5m respectively, save with the Council's Special Consent.
- 3.20.19.5.5 The foregoing Side Space and Rear Space requirements shall not over-rule the requirements of the National Building Regulations and be also subject to the provisions of clauses 3.1.5.7 and 3.1.5.8 of the Scheme.

#### 3.20.19.6 Subdivision of Existing Dwelling Houses

The provisions of clause 3.1.6 of the Scheme shall apply.

#### 3.20.19.7 Minimum site Areas/Frontages

The provisions of clause 3.1.7 of the Scheme shall apply.

#### 3.20.19.8 Provision of On-site parking, Loading and Associated Matters

- 3.20.19.8.1 Not less than ten (10) parking bays shall be provided for the Restaurant.
- 3.20.19.8.2 One (1) car parking space shall be provided for each Dwelling.
- 3.20.19.8.3 On-site parking requirements for any other uses shall be in accordance with the requirements for those uses, as provided elsewhere in the Scheme.

3.20.19.8.4 The technical requirements for on-site parking shall be in accordance with Appendix 2 to the Scheme.

3.20.19.9 Landscaping

The current landscaping shall be retained, whilst additional screen planting of the parking area may be specified as part of the approval of the building plan.

3.20.19.10 Signage

Advertising signage shall be limited to that specified in the Scheme, as it relates to the "Special Residential" zone.

3.20.20 Special Business Area 20

3.20.20.1 In addition to the general provisions of the Scheme, the following shall apply exclusively to the Special Business Area 20 zone.

## 3.20.20.2 Use of Land and Buildings

3.20.20.2.1 Reference to Map - shaded pale blue, being that 2500m<sup>2</sup> portion of Erf 752 PMB, shown on plan number 2183A/SK03 dated 23 November 2001, drawn by DeLeeu Cather Emtateni (1Durban Road)

3.20.20.2.2 Expressly permissible Development or Uses of Land or Uses of Buildings-

1.6.22 Petroleum Filling Station, but -

excluding facilities for the washing and servicing of motor vehicles which do not require the attention of more than one qualified mechanic or artisan and a tearoom with retiring rooms; and including Restaurant, and Shop, subject to the provisions of Clause 3.20.20.3.

3.20.20.2.3 Development or Uses of Land or Uses of Buildings Permitted by Special Consent -

Nil

3.20.20.2.4 Expressly prohibited Development or Uses of Land or Uses of Buildings-

All Development or uses of Land or uses of Buildings not under Clauses 3.21.20.2.2.

3.20.20.3 Proviso to 3.20.20.2.2

The Shop shall not exceed a floor area of 150m<sup>2</sup>

3.20.20.4 Landscaping of the site shall be to the satisfaction of Council and in accordance with plan number 2183A/SK03 dated 23 November 2001, drawn by DeLeeu Cather Emtateni.

3.20.20.5 Density and Height Control

TYPE OF BUILDING OR USE OF LAND	MAX BULK	MAX COVERAGE	MAX HEIGHT
Petroleum Filling Station	310m <sup>2</sup>	820m <sup>2</sup>	1 Storey

3.20.20.6 Building Lines, Side and Rear Spaces

These shall be derived from and be in accordance with the buildings as shown on plan number 2183A/SK03 dated 23 November 2001, drawn by DeLeeu Cather Emtateni, as determined by the local authority.

### 3.20.20.7 Minimum Site Areas / Frontages

The minimum site area is 2500m<sup>2</sup>, and minimum frontage shall be as derived from plan number 2183A/SK03 dated 23 November 2001, drawn by DeLeeu Cather Emtateni, as determined by the local authority.

### 3.20.20.8 Provision of On-site Parking/Loading

A minimum of 7 on-site parking bays shall be provided for the Restaurant and Shop.

3.20.20.9 Plan number 2183A/SK03 dated 23 November 2001, drawn by DeLeeu Cather Emtateni, comprises part of the town planning scheme and appears, in reduced form, under this clause.

In addition, the site shall not be used for any of the uses given in clause 3.20.20.2 until the applicant/developer has, as he at the hearing undertook to do should the Commission so require:

1. designed and constructed a tarmac road of appropriate specification, to permit heavy duty buses to egress (*ie* limited to one-way traffic as and when such need arises, given the high volumes of vehicular traffic to which certain functions at the stadium give rise) from the pedestrian entrance to the Errol Mantle Building, up the south-eastern boundary of the parent property, past the existing house, past point B and then to point C, both shown on Plan number 2183A/SK03 dated 23 November 2001 drawn by DeLeeu Cather Emtateni, and to the satisfaction of The Msunduzi Council;
2. Provided the 5 and 8 parking bays (which bays, not being part of the Petroleum Filling Station site, shall be reserved for the exclusive use of the residents, guests and patrons of the YMCA and the facilities it provides, and shall have the necessary signage and management to ensure that reservation) shown on Plan number 2183A/SK03 dated 23 November 2001 drawn by DeLeeu Cather Emtateni, and to the satisfaction of The Msunduzi Council.

### 3.20.21 Special Business Area 21

3.20.21.1 In addition to the general provisions of the Scheme, the following shall apply exclusively to the Special Business Area 21 zone.

#### 3.20.21.2 Use of Land and Buildings

3.20.21.2.1 Reference to Map - shaded pale blue, being Portions 14, 15 and 16, of Erf 1556 Pietermaritzburg, off Chatterton Road and Armitage Road (Barloworld): Athlone

3.20.21.2.2 Expressly permissible Development or Uses of Land or Uses of Buildings-

1.6.15 Motor Salesroom

1.6.16 Motor Workshop

3.20.21.2.3 Development or Uses of Land or Uses of Buildings Permitted by Special Consent -

Nil

3.20.21.2.4 Expressly prohibited Development or Uses of Land or Uses of Buildings-

All Development or uses of Land or uses of Buildings not under Clause 3.20.21.2.2.

#### 3.20.21.3 Density and Height Control

TYPE OF BUILDING OR USE OF LAND	MAX TOTAL FLOOR AREA	MAX COVERAGE	MAX HEIGHT
All uses	14000m <sup>2</sup> , subject to the provisos below	1/2, in respect of each portion	2 Storeys

Provisos Max. total floor areas in respect of each site shall be as follows -

Portion 14 4800m<sup>2</sup>

Portion 15 4900m<sup>2</sup>

Portion 16 4300m<sup>2</sup>

The maximum floor area shall be calculated in accordance with the provisions of clause 2.5.6 of the scheme.

#### 3.20.21.4 Building Lines, Side and Rear Spaces

3.20.21.4.1 Generally, all Buildings and structures associated therewith shall observe a Building Line of at least 6m.

- 3.20.21.4.2 The Council may grant Special Consent for the erection of a Building or structure in front of the building line. Any person wishing to make an application for relaxation shall proceed in the manner provided for in Appendix 9 to the Scheme.
- 3.20.21.4.3 There shall, be no specified minimum Side Space or Rear Space which shall, however, be determined in terms of the National Building Regulations.
- 3.20.21.5 Minimum Site Areas / Frontages
- The Site shall not be further sub-divided.
- 3.20.21.6 Provision of On-site Parking
- At least 2 bays shall be provided on each site for each 100m<sup>2</sup> of total floor area, to the satisfaction of the Council.
- 3.20.21.7 Traffic Management
- The developer shall be responsible for the construction of the roadworks contained in Fig 3 (Access Plan of the Traffic Impact Report dated May 2002, compiled by BCP Engineers)
- 3.20.21.8 Design Requirements
- Development shall be in accordance with -
- design guidelines attached to the Conditions of Sale, and any subsequent sale agreement, in respect of this property;
  - a site development plan per the plan prepared by Boogertman Krige Architects, attached to the application.
- 3.20.21.9 Other Legislation
- The developer shall be entirely responsible for ensuring compliance with any other applicable legislation (e.g. Environment Conservation Act, Water Act).

3.20.22 Special Business Area 22

3.20.22.1 In addition to the general provisions of the Scheme, the following shall apply exclusively to the Special Business Area 22 zone.

3.20.22.2 Use of Land and Buildings

3.20.22.2.1 Reference to Map-shaded pale blue, being Portion 38 of Erf 1556 Pietermaritzburg, off Chatterton Road. : Athlone

3.20.22.2.2 Expressly permissible Development Uses of Land or Uses of Buildings

1.6.4 Business Premises

1.6.15 Motor Salesroom

1.6.29 Restaurant

1.6.33 Shop

1.6.36 Specialised Office

3.20.22.2.3 Development or Uses of Land or Buildings Permitted by Special Consent:-

Nil

3.20.22.2.4 Expressly prohibited Development or Uses of Land or Uses of Buildings:-

All Development or uses of Land or Uses of Buildings not under Clause 3.18.21.2.2

3.20.22.3 Density and Height Control

TYPE OF BUILDING OR USE OF LAND	MAX TOTAL FLOOR AREA	MAX COVERAGE	MAX HEIGHT
All uses	11 000m <sup>2</sup>	Per site development plan M150/07/DEV.PLAN	2 Storey

3.20.22.4 Building Lines, Side and Rear Spaces

3.20.22.4.1 Generally, all Buildings and structures associated therewith shall observe a Building of at least 6m.

3.20.22.4.2 The Council may grant Special Consent for the erection of a Building or structure in front of the building line. Any person wishing to make an application for the relaxation shall proceed in the manner provided for in Appendix 10 of the Scheme.

3.20.22.4.3 There shall be no specified minimum Side Space or Rear Space which shall, however, be determined in terms of the National Building Regulations.

#### 3.20.22.5 Minimum Site Areas/Frontages

The site shall not be further sub-divided.

#### 3.20.22.6 Provisions of On-site Parking/Loading

3.20.22.6.1 A minimum of 492 on-site parking bays shall be provided.

3.20.22.6.2 Imposition of the following range of parking ratios in relation to the development on the application site, i.e. 2, 5 bays per 100m<sup>2</sup> of the floor area for Specialised Office, 5 bays per 100m<sup>2</sup> of the floor area for Motor Salesroom.

3.20.22.6.2 Loading facilities for all Shops shall be provided to the satisfaction of the Council

#### 3.20.22.7 Traffic Management

Transportation/Traffic management requirements shall be implemented in accordance with the Traffic report compiled by BCP Engineers (Pty) Ltd, Project Number 1518-A dated September 2002.

#### 3.20.22.8 Design Requirements

The development shall be in accordance with the revised Site Development Plan, M150/07/DEV.PLAN

#### 3.20.22.9 Other Legislation

The developer shall be entirely responsible for ensuring compliance with any other applicable legislation (e.g. Environment Conservation Act, Water Act).

3.20.23 Special Business Area 23

3.20.23.1 In addition to the general provisions of the Scheme, the following shall apply exclusively to the Special Business Area 23 zone.

3.20.23.2 Use of Land and Buildings

3.20.23.2.1 Reference to Map-shaded pale blue, being Remainder of Erf 396 Pietermaritzburg, being 86 Roberts Road. : Clarendon

3.20.23.2.2 Expressly permissible Development Uses of Land or Uses of Buildings

1.6.4 Business Premises

1.6.5 Dwelling

1.6.8 Home Activity, subject to the provisions of Clause 3.20.19.3.10

1.6.9 Home Business

1.6.36 Specialised Office

3.20.23.2.3 Development or Uses of Land or Buildings Permitted by Special Consent:-

1.6.33 Shop

3.20.23.2.4 Expressly prohibited Development or Uses of Land or Uses of Buildings:-

All Development or uses of Land or Uses of Buildings not under Clause 3.20.23.2.2 and 3.20.23.2.3 hereof

3.20.23.2.5 Provisos to Clause 3.20.23.2.2 and 3.20.23.2.3

3.20.23.2.5.1 The current façade of the main Dwelling shall be retained.

3.20.23.2.5.2 The site shall be landscaped to the satisfaction of the Municipality.

3.20.23.2.5.3 An advertising signage shall be limited to that specified in the Scheme and shall be to the satisfaction of the Municipality.

3.20.23.2.5.4 The only shopping permitted shall be related to the sale of medical related products i.e. pharmacy.

3.20.23.2.5.5 A building plan for a change of use shall be submitted in terms of the National Building Regulations and the applicant shall comply with all the requirements to which approval of the plan may be subject.

3.20.23.2.6 **Density and Height Control**

3.20.23.2.6.1 The maximum Coverage and Bulk Factor for all uses shall be ½.

3.20.23.2.6.2 The maximum height permitted shall be 2 Storey's, save with the Special Consent of the Council.

3.20.23.2.7 **Building Lines, Side and rear Spaces**

3.20.23.2.7.1 All Buildings and structures (including swimming pools), shall observe a Building Line of 7 m save with the Council's Special Consent.

3.20.23.2.7.2 All Buildings and structures (including swimming pools), shall observe a Side Space of 1,5 m save with the Council's Special Consent.

3.20.23.2.7.3 All Buildings and other free-standing Buildings and structures shall observe a Rear Space of 3m and 1,5m respectively, save with the Council's Special Consent.

3.20.23.2.7.4 The foregoing Side Space and Rear Space requirements shall not over-rule the requirements of the National Building Regulations and be also subject to the provisions of Clauses 3.1.5.7 and 3.1.5.8 of the Scheme.

3.20.23.2.8 **Provision of On-site parking, Loading and Associated Matters**

3.20.23.2.8.1 On-site parking requirements for all uses shall be in accordance with the requirements for those uses, as provided elsewhere in the Scheme.

3.20.23.2.8.2 The technical requirements for On-site parking shall be in accordance with Appendix 2 to the Scheme.

**3.20.24 Special Business Area 24**

3.20.24.1 In addition to the general provisions of the Scheme, the following shall apply exclusively to the Special Business Area 24 zone.

3.20.24.2 Use of Land and Buildings

3.20.24.2.1 Reference to Map-shaded pale blue, being Portion 20 of Erf 473 Pietermaritzburg, being 94 Roberts Road. : Clarendon

3.20.24.2.2 Expressly permissible Development Uses of Land or Uses of Buildings

1.6.4 Business Premises

1.6.6 Dwelling

1.6.8 Home Activity, subject to the provisions of Clause 3.20.19.3.10

1.6.9 Home Business

1.6.36 Specialised Office

3.20.24.2.3 Development or Uses of Land or Buildings Permitted by Special Consent:-

Nil

3.20.24.2.4 Expressly prohibited Development or Uses of Land or Uses of Buildings:-

All Development or uses of Land or Uses of Buildings not under Clause 3.20.24.2.2 hereof

3.20.24.2.5 Provisos to Clause 3.20.24.2.2

3.20.24.2.5.1 The current façade of the main Dwelling shall be retained.

3.20.24.2.5.2 The site shall be landscaped to the satisfaction of the Municipality.

3.20.24.2.5.3 An advertising signage shall be limited to that specified in the Scheme and shall be to the satisfaction of the Municipality.

3.20.24.2.5.4 The only shopping permitted shall be related to the sale of medical related products i.e. pharmacy.

3.20.24.2.5.5 A building plan for a change of use shall be submitted in terms of the National Building

Regulations and the applicant shall comply with all the requirements to which approval of the plan may be subject.

3.20.24.2.6 **Density and Height Control**

3.20.24.2.6.1 The maximum Coverage and Bulk Factor for all uses shall be  $\frac{1}{2}$ .

3.20.24.2.6.2 The maximum height permitted shall be 2 Storey's, save with the Special Consent of the Council.

3.20.24.2.7 **Building Lines, Side and rear Spaces**

3.20.24.2.7.1 All Buildings and structures (including swimming pools), shall observe a Building Line of 7 m save with the Council's Special Consent.

3.20.24.2.7.2 All Buildings and structures (including swimming pools), shall observe a Side Space of 1,5 m save with the Council's Special Consent.

3.20.24.2.7.3 All Buildings and other free-standing Buildings and structures shall observe a Rear Space of 3m and 1,5m respectively, save with the Council's Special Consent.

3.20.24.2.7.4 The foregoing Side Space and Rear Space requirements shall not over-rule the requirements of the National Building Regulations and be also subject to the provisions of Clauses 3.1.5.7 and 3.1.5.8 of the Scheme.

3.20.24.2.8 **Provision of On-site parking, Loading and Associated Matters**

3.20.24.2.8.1 On-site parking requirements for all uses shall be in accordance with the requirements for those uses, as provided elsewhere in the Scheme.

3.20.24.2.8.2 The technical requirements for On-site parking shall be in accordance with Appendix 2 to the Scheme.

**3.20.25 Special Business Area 25**

- 3.20.25.1 In addition to the general provisions of the Scheme, the following shall apply exclusively to the Special Business Area 25 zone.
- 3.20.25.2 Use of Land and Buildings
- 3.20.25.2.1 Reference to Map-shaded pale blue, being Portion 21 (of 9) of Erf 396 Pietermaritzburg, being 90 Roberts Road. : Clarendon
- 3.20.25.2.2 Expressly permissible Development Uses of Land or Uses of Buildings
- 1.6.4 Business Premises
- 1.6.6 Dwelling
- 1.6.8 Home Activity, subject to the provisions of Clause 3.20.19.3.10
- 1.6.9 Home Business
- 1.6.18 Outbuilding
- 1.6.36 Specialised Office
- 3.20.25.2.3 Development or Uses of Land or Buildings Permitted by Special Consent:-
- Nil
- 3.20.25.2.4 Expressly prohibited Development or Uses of Land or Uses of Buildings:-
- All Development or uses of Land or Uses of Buildings not under Clause 3.20.25.2.2 hereof
- 3.20.25.2.5 Provisos to Clause 3.20.25.2.2
- 3.20.25.2.5.1 The current façade of the main Dwelling shall be retained.
- 3.20.25.2.5.2 The site shall be landscaped to the satisfaction of the Municipality.
- 3.20.25.2.5.3 An advertising signage shall be limited to that specified in the Scheme and shall be to the satisfaction of the Municipality.
- 3.20.25.2.5.4 The only shopping permitted shall be related to the sale of medical related products i.e. pharmacy.

3.20.25.2.5.5 A building plan for a change of use shall be submitted in terms of the National Building Regulations and the applicant shall comply with all the requirements to which approval of the plan may be subject.

3.20.25.2.6 **Density and Height Control**

3.20.25.2.6.1 The maximum Coverage and Bulk Factor for all uses shall be  $\frac{1}{2}$ .

3.20.25.2.6.2 The maximum height permitted shall be 2 Storey's, save with the Special Consent of the Council.

3.20.25.2.7 **Building Lines, Side and rear Spaces**

3.20.25.2.7.1 All Buildings and structures (including swimming pools), shall observe a Building Line of 7 m save with the Council's Special Consent.

3.20.25.2.7.2 All Buildings and structures (including swimming pools), shall observe a Side Space of 1,5 m save with the Council's Special Consent.

3.20.25.2.7.3 All Buildings and other free-standing Buildings and structures shall observe a Rear Space of 3m and 1,5m respectively, save with the Council's Special Consent.

3.20.25.2.7.4 The foregoing Side Space and Rear Space requirements shall not over-rule the requirements of the National Building Regulations and be also subject to the provisions of Clauses 3.1.5.7 and 3.1.5.8 of the Scheme.

3.20.25.2.8 **Provision of On-site parking, Loading and Associated Matters**

3.20.25.2.8.1 On-site parking requirements for all uses shall be in accordance with the requirements for those uses, as provided elsewhere in the Scheme.

3.20.25.2.8.2 The technical requirements for On-site parking shall be in accordance with Appendix 2 to the Scheme.

### **3.20.26 Special Business Area 26**

3.20.26.1 In addition to the general provisions of the Scheme, the following shall apply exclusively to the Special Business area 26 zone.

#### **3.20.26.2 USE OF LAND AND BUILDINGS**

3.20.26.2.1 Reference to map-shaded pale blue, being Portion 22 (of 9) of Erf 396 Pietermaritzburg, being 88 Roberts Road: Clarendon.

3.20.26.2.2 Expressly permissible development or uses of land or uses of buildings

1.6.4 Business Premises

1.6.6 Dwelling

1.6.9 Home Business

1.6.18 Outbuilding

1.6.36 Specialised Office

3.20.26.2.3 Expressly prohibited development or uses of land or uses of buildings

All development or uses of land or uses of buildings not under Clause 3.20.26.2.2 hereof

#### **3.20.26.3 Proviso's to Clause 3.20.26.2.2**

3.20.26.3.1 The current façade of the main dwelling shall be retained.

3.20.26.3.2 The site shall be landscaped to the satisfaction of the Municipality.

3.20.26.3.3 Any advertising signage shall be limited to that specified in the Scheme and shall be to the satisfaction of the Municipality.

3.20.26.3.4 The only shopping permitted shall be related to the sale of hair salon products.

3.20.26.3.5 A building plan for a change of use shall be submitted in terms of the National Building Regulations and the applicant shall comply with all the requirements to which the approval of the plan may be subject.

3.20.26.4 **Density and Height Control**

3.20.26.4.1 The maximum Coverage shall be ½.

3.20.26.4.2 The maximum height permitted shall be 2 Storey's, save with the Special Consent of the Council.

3.20.26.5 **Building Lines, Side and rear Spaces**

3.20.26.5.1 All Buildings and structures (including swimming pools), shall observe a Building Line of 7 m, save with Council's Special Consent.

3.20.26.5.2 All Buildings and structures (including swimming pools), shall observe a Side Space of 1, 5 m save with Council's Special Consent.

3.20.26.5.3 All Dwellings and other free-standing Buildings and structures shall observe a rear Space of 3m, save with the Council's Special Consent.

3.20.26.5.4 The foregoing Side Space and rear Space requirements shall not over-rule the requirements of the National Building regulations and be also subject to the provisions of Clauses 3.1.5.7 and 3.1.5.8 of the Scheme.

3.20.26.6 **Provision of On-site parking, Loading and Associated Matters**

3.20.26.6.1 On-site parking requirements for all uses shall be in accordance with the requirements for those uses, as provided elsewhere in the Scheme.

3.20.26.6.2 The technical requirements for on-site parking shall be in accordance with Appendix 2 to the Scheme.

**PART FOUR:RESERVATION OF LAND AND ASSOCIATED MATTERS**

- 4.1 The several pieces of Land specified in Column 1 of the Table hereunder are reserved for the purposes indicated in Column 2 thereof and, except as hereinafter provided, shall not be used for any other purpose whatsoever, except for Municipal Purposes.

## RESERVATION OF LAND

RESERVATION OF LAND	
Indication on Town Planning Scheme Maps	Purpose for which land is reserved
Coloured Maroon	New public roads and streets and widening of existing roads and streets
Coloured Light Green	Active Public Open Space
Coloured Light Green with a Dark Green border	Passive Public Open Space
Coloured Jade Green with a Black border	Conservation Area
Coloured Dark Green	Private Open Space
Coloured Jade Green	Afforestation and Commonage
Coloured Orange	Municipal Purposes
Coloured Grey	Railway Purposes
Coloured Red	Government Purposes
Coloured Pale Yellow	Cemeteries

- 4.2 Save with the Special Consent of the Council, no person shall erect a Building or execute works, or make excavations on or otherwise use Land reserved hereunder other than Buildings, works or excavation required for, or incidental to, the purpose for which the Land is reserved.  
 Provided that any such Land may continue to be used for the purpose for which it was used on the Effective Date.  
 Provided further, that nothing herein contained shall be deemed to absolve any person from due compliance with the provisions of the Council's By-laws/Regulations.
- 4.3 Save as provided in Clause 4.2 no person shall spoil or waste Land reserved hereunder or otherwise use such Land so as to destroy or impair its use for the purpose for which it is reserved.  
 Provided that the Council may Consent to the deposit on such Land of waste materials or refuse.
- 4.4 In giving its Consent under this Clause, the Council may impose such conditions as it thinks fit.
- 4.5 Nothing in this Clause shall be construed as prohibiting the reasonable fencing of the Land.
- 4.6 The streets specified in the first item of the foregoing Table shall not be deemed to be public streets until they or any portion of them are so declared by the Council, or are taken over by the Council in terms of Section 23 or Section 24 of Ordinance No 14 of 1936, as amended and nothing in this Clause shall be construed as affecting the rights and powers of the Council under any other law, in relation to the making up of roads and the construction of drainage works.

- 4.7 Land reserved for Active Public Open Space may be utilised by the general public for sports fields and facilities, with any Public Buildings which are normally ancillary thereto, as well as Public Buildings utilised for any sport or recreational activities.
- 4.8 Land reserved for Passive Public Open Space may be utilised by the general public for recreational purposes, other than formal or organised sporting activities and no Buildings or structures may be erected, save those Public Buildings or structures which may be required by the Council to further the public use of the Land.
- 4.9 Land reserved for Conservation Areas shall not be utilised for any activity nor shall any work be permitted, unless specifically authorised by the Council to further the aims of conserving the Land. Provided that the Council may take such steps, including the control and / or prohibition of entry, as it may deem fit, to secure the preservation and enhancement of the area concerned.
- 4.10 Where the Council has acquired, either by agreement or expropriation, any Land (together with Buildings, structures or other erections thereon) reserved under Clause 6 hereof, it may execute thereon such works as in the opinion of the Council, may be required for, or incidental to the purpose for which the Land is reserved or for Municipal Purposes.
- 4.11 Roads or streets to be closed are indicated on the Scheme Maps by a narrow red cross-hatch. Such closures shall not be effective until the requirements of the Local Authorities Ordinance have been fulfilled. Provided that nothing contained in Part Four of the Scheme shall derogate from the powers conferred on the Council by the said Local Authorities Ordinance.
- 4.12 Where Land in private ownership is reserved for any purpose under Part IV of the Scheme, the Council's obligations therein shall be limited to that set out in Sections 67 *sept* and *oct* of the Ordinance.

**PART FIVE SAVING FOR SPECIAL PURPOSES**

- 5.1 Without prejudice to any powers of the Council derived from any other law, or to the remainder of this Scheme, nothing in the provisions of this Scheme shall be construed as prohibiting or restricting, or enabling the Council to prohibit or restrict -
- 5.1.1 The use of Land or the erection of Buildings for the purposes of a sports or recreation ground, not being a sports or recreation ground ordinarily open to the public on the payment of a charge.
  - 5.1.2 The letting by an occupant of a Dwelling of any portion of such Dwelling otherwise than as a separate tenement or Boarding House.
  - 5.1.3 The occasional use of a Place of Public Worship, Place of Instruction or Institution, as a Place of Public Entertainment or Social Hall.
- 5.2 Nothing in the foregoing provisions of this part of the Scheme shall operate to prohibit or restrict the Council from giving its Consent to :-
- 5.2.1 the winning of minerals by underground working, or the winning of minerals by surface working;
  - 5.2.2 letting any Land in the area for the purpose of grazing animals.

## **PART SIX SUBDIVISION OF LAND**

### **6.1 General Restrictions in Respect of the Subdivision of Land**

- 6.1.1 No subdivision of any Land shall be made without the Consent of the Council, provided that nothing in this Clause contained shall prevent the Owner of any Land from carrying out the subdivision of such Land in terms of any consent given by the Council under Ordinance No 14 of 1936, or any other law, unless such consent is deemed to have lapsed in terms of Section 18 (6) of Ordinance No 14 of 1936, as amended.
- 6.1.2 Subject to the provisions of sub-clauses 6.1.3 and 6.1.7 hereof, the Council shall not consent to any subdivision which does not comply with the minimum requirements specified in Table under Clause 6.2.1 for the Density Zone wherein the Land concerned is situated. Nor shall the Council Consent to any subdivision which will result in residential densities in excess of those permitted in terms of the Table under Clause 6.2.1 for the Density Zone wherein the Land concerned is situated, or reduce the Side and Rear Space of any Building to less than the minimum established in terms of the appropriate requirements for the particular Building.
- 6.1.3 Nothing in this Clause shall prevent the Council from consenting to :-
- 6.1.3.1 The subdivision of an Existing Lot or piece of Land for the purpose other than providing a Site for a Dwelling provided that such subdivision will not reduce the Site of any existing Dwelling to less than 90 % of the minimum area for subdivision, specified in the Table under Clause 6.2.1 for the Density Zone wherein the land concerned is situated, nor reduce the Side and Rear Space of any Building to less than the minimum established in terms of the appropriate requirements for the particular Building.
- 6.1.3.2 The subdivision of an Existing Lot in order to facilitate the execution of public works, provided the minimum area of the subdivision not required for such public works shall be not less than 65 % of the minimum area specified in the Table under Clause 6.2.1 for the Density Zone wherein the Land concerned is situated, provided that this dispensation shall not apply in Density Zone 1.
- 6.1.3.3 In addition to its powers under Clause 6.1,7, the subdivision of an Existing Lot to create one or more subdivisions each not less than 65 % of the minimum area specified in the Table under Clause 6.2.1. Provided that the density requirements specified in the Table and related to the Lot before subdivision, are not exceeded. This proviso shall not apply in respect of Density Zone 1.
- 6.1.4 The Council shall not consent to the subdivision of any Land if such subdivision would result in the specified Bulk and Coverage for the particular Building in that Use Zone being contravened.
- 6.1.5 The Council may impose conditions in regard to matters arising out of, or incidental to, or connected with such subdivision.
- 6.1.6 Any person aggrieved by a decision of the Council under this Clause, may Appeal.
- 6.1.7 The Council may also in addition to its powers under Clause 6.1.3.3, consent to Frontages, mean widths and areas less than those specified in the Table under Clause 6.2.1, provided that :-

6.1.7.1 The relaxation of area and width in respect of any one subdivision shall not exceed 10% of the area and width specified in the Table. Provided that, in the case of a number of subdivisions being created, this relaxation shall only apply to one of those subdivisions.

6.1.7.2 No Frontage shall be less than that permitted under Clause 6.2.4.

6.1.7.3 No relaxation of mean widths shall be permitted in Density Zones 1 and 2.

6.1.8 Except as provided for in Clauses 6.5 and 6.6, the Council shall not consent to any subdivision which will result in the creation of any piece of Land not having access to a public street.

## 6.2 Additional Restrictions in Respect of the Subdivision of Land for Residential Purposes

6.2.1 The minimum requirements contained in the Table under Clause 6.1 shall apply in respect of the subdivision of Land for Special Residential purposes, subject to the provisions of Clauses 6.1.1, 6.1.2, 6.1.7 and 6.2.4

DENSITY ZONE No	MAP REF. TPR G/56F	MINIMUM AREA FOR SUBDIVISION	MINIMUM FRONTAGE OR MEAN WIDTH
1	Violet	220m <sup>2</sup>	10m
2	Yellow	325m <sup>2</sup>	11m
3	Dark Green	400m <sup>2</sup>	13m
4	Pale Green	500m <sup>2</sup>	15m
5	Pink	650m <sup>2</sup>	17m
6	Brown	1 000m <sup>2</sup>	20m
7	Orange	1 500m <sup>2</sup>	25m

6.2.2 Subject to the provisions of Clause 6.2.4, the following shall be the minimum requirements for the subdivision of Land for Intermediate Residential purposes -

Minimum Area	3 000m <sup>2</sup>
Minimum Mean Width	20m
Minimum Frontage	20m

6.2.3 Subject to the provisions of Clause 6.2.4, the following shall be the minimum requirements for the subdivision of Land for General Residential purposes -

Minimum Area	1 000m <sup>2</sup>
Minimum Mean Width	20m
Minimum Frontage	20m

6.2.4 The Council may approve Frontages of not less than 4m, 6m and 9m, for “Special Residential”, “Intermediate Residential” and “General Residential” purposes, respectively.

### 6.3 Additional Restrictions in Respect of the Subdivision of Land for Purposes other than Residential

6.3.1 Generally, the following shall be the minimum requirements for the subdivision of Land for purposes other than Residential -

Provided that the Council may consent to lesser areas and frontages, as provided for herein, and lesser widths if it is satisfied that the shape and situation of the proposed subdivisions would not be detrimental to the amenities of the area and would not result in such subdivisions being unsuitable for the use concerned.

USE/ZONE	MINIMUM AREA	MINIMUM FRONTAGE OR MEAN WIDTH
Office	1 000m <sup>2</sup>	20m
Limited Business	1 000m <sup>2</sup>	20m
All other Business/General	500m <sup>2</sup>	15m
All Industrial uses (Central	1 000m <sup>2</sup>	20m
All Industrial uses (Remainder of Area)	3 000m <sup>2</sup>	25m
Religious Purposes/Public Worship	1 000m <sup>2</sup>	25m

6.3.2 In the case of the subdivision of Land for uses other than residential which are not specifically mentioned herein, the Council may consent to subdivisions with areas, Frontages and widths as it may determine, having regard to the nature of the area concerned, the shape and situation of the proposed subdivisions and the avoidance of conditions which in the opinion of the Council would be detrimental to the amenities of the area or would result in such subdivisions being unsuitable for the use proposed.

### 6.4 Subdivision of Land by Double Parcellation

The Council may consent to the subdivision of Land by “double parcellation,” subject to the following conditions -

6.4.1 In the case of a piece of Land within the Special Residential Zone or to be used for Dwellings, there shall be an access strip not less than 4m wide at any point. Provided that if more than 3 Dwellings are to be established on a single subdivision the access strip shall be not less than 6m wide at any point.

6.4.2 In the case of a piece of Land within the Intermediate Residential zone or to be used for Medium-density Housing, there shall be an access strip not less than 6m wide at any point.

- 6.4.3 In the case of a piece of Land within the General Residential zone or to be used for Flats, there shall be an access strip not less than 9m wide at any point. Provided that if in any case the Council considers it necessary in view of the shape of the subdivision, slope of the Land, or other matter, it may require an access strip of greater width.
- 6.4.4 In the case of a piece of Land within any use-zone or to be used for any purpose other than the use-zone or purposes mentioned in sub-clauses 6.4.1, 6.4.2, or 6.4.3, there shall be an access strip not less than 9m wide at any point, save with the Special Consent of the Council. Provided, however that if in any case the Council considers it necessary in view of the shape of the subdivision, slope of the land, or other matter, it may require an access strip of greater width.
- 6.4.5 Generally, the access strip shall not exceed 70m in length, save with the Special Consent of the Council.
- 6.4.6 Not more than two access strips shall abut one another.
- 6.4.7 Where any access strip is not straight along its entire length the Council shall satisfy itself that adequate vehicular access may be provided, and for this purpose the Council may require an increased width for the access strip concerned and/or may require splay corners where the access strip changes direction. The provisions of this Clause notwithstanding, the Council may refuse its Consent to any subdivision for which an access strip which is straight along its entire length cannot be provided.
- 6.4.8 The subdivision created by “double parcellation” shall be of sufficient area to contain within its boundaries a figure having an area (excluding the access strip) and mean width (excluding the access strip) not less than that required for normal subdivision within the relevant density zone in terms of the Table under Clause 6.2.1 hereof.
- 6.4.9 Generally, Buildings and other structures on a double parcellation Site shall not be erected or established within a distance less than the Building Line applicable to that subdivision, from any common boundary which is opposite the street boundary of the adjoining Site. Provided that the Council may relax that distance if the written consent of the Owner of the adjoining Site concerned is first obtained by the applicant. Provided further that if the written consent of the Owner of the adjoining Site concerned cannot be obtained, the Special Consent of the Council shall be sought for such relaxation.

## 6.5 Subdivision of Land (Development Scheme) without Access to a Street

Council may consent to the subdivision of Land on which there are existing or proposed free standing Buildings or Buildings in a continuous block, forming part of either a Medium-density Housing scheme or other similar such scheme, subject to the following conditions:-

- 6.5.1 The applicant shall submit for the Council's approval a layout plan to a scale of 1 : 500 or any other scale acceptable to the Council, showing the position of all existing and proposed Buildings, structures, all internal streets, parking areas both covered and uncovered, pathways, screen walls to clothes drying areas, etc.

- 6.5.2 The minimum distance between Buildings shall be in accordance with the National Building Regulations. In the case of Buildings in a continuous block, each unit shall be separated by a firewall, in conformity with the requirements of the National Building Regulations.
- 6.5.3 In the case of Medium-density Housing, every free-standing Dwelling, or Dwelling in a continuous block, which is to be alienated shall have attached to it a curtilage not less than 150m<sup>2</sup> in area.
- 6.5.4 There shall be no Building Line to the internal streets within the Site. However, the Council shall be satisfied that all parking spaces are located in relation to roadways so as to ensure that traffic to and from such roadways will not be impeded and no hazards will be created. A Building Line as laid down for the Density Zone in which the Site is located shall be observed in respect of all Buildings on any Site which fronts on to a public street.
- 6.5.5 The overall Development may be completed in stages provided such stages are indicated on the layout plan.
- 6.5.6 The Building unit subdivisions shall be registered in the Deeds Office under separate title, each with an individual undivided share in the common property in the scheme, consisting of roadways, open spaces and the like, not forming part of any of the proposed Building unit subdivisions, subject to the condition that no such Building unit subdivision shall, without the Consent of the Council, be alienated in any manner separately from its undivided share in the common property.
- 6.5.7 The owners of the subdivisions shall be jointly responsible in perpetuity for the maintenance in a clean, tidy and serviceable condition to the satisfaction of the Council of the common property referred to in Clause 6.5.6 and shall take all steps necessary to ensure that no part of such common property shall become public streets or public places for which the Council may be required to accept responsibility, without the express Consent of the Council.
- 6.5.8 For the purpose of all dealings with the Council in regard to the levying of rates and the rendering of Municipal services to a Medium-density Housing scheme for the purposes of complying with the obligations imposed upon them in Clause 6.5.7, the owners of the subdivision shall establish an Owners' Association, with perpetual succession, to administer and maintain the said common property and deal with any other matter pertaining to the scheme which is of common interest to its members. The affairs of such Owners' Association shall be regulated by a Memorandum and Articles of Association or Founding Statement as the case may be which shall have been approved by the Council before any transfer of a subdivision may be registered.
- 6.5.9 For the purpose of the foregoing paragraph "Owners' Association" means a company registered in terms of the Companies Act No 61 of 1973, as amended, or at the discretion of the Council, a Close Corporation registered in terms of the Close Corporation Act No 69 of 1984, membership of which shall be exclusive to and compulsory for the Owners of the subdivisions in the Medium-density Housing scheme or other similar such scheme referred to in this Clause.

- 6.5.10 For the purposes of this Clause, the Owners of the subdivisions shall, at their expense, cause all deeds, servitudes and the like that may be required to be registered in the Deeds Office, to be so registered, whether in favour of the Council or otherwise.
- 6.5.11 The approval of any scheme in terms of this Clause shall be subject also to any conditions that may be imposed by the Council in terms of Section 18 of Ordinance No 14 of 1936, in regard to the subdivision of land.
- 6.5.12 No transfer of any subdivision in a scheme approved under this Clause shall be permitted unless a Building has been erected thereon and an occupation certificate has been issued in respect of such Building in terms of the National Building Regulations. Provided that the Council may require that no Dwelling or other Building shall be transferred or separately registered before the whole Site of the Medium-density Housing or other such Scheme, or such portion as the Council may specify, has been developed to the satisfaction of the Council. Provided further that this Clause shall not affect any rights of preference conferred by any mortgage bond registered over the property, nor a mortgagee's right to cause the property to be sold in execution and in any such circumstances the Council shall be deemed to have waived the requirements of this Clause, the subsequent purchaser, however, becoming bound by the same.

#### 6.6 Subdivision of Land for Residential Purposes, without Individual Access to a Street

The Council may Consent to the subdivision of Land, into not more than ten subdivisions where the resulting subdivisions do not have individual access to a public street, subject to the following conditions -

- 6.6.1 The applicant shall submit for the Council's approval, a layout plan to a Scale of 1 : 500 or any other scale acceptable to the Council, as provided for in Section 18 of Ordinance No 14 of 1936, showing the individual subdivisions as well as the common property.
- 6.6.2 The common property shall have the primary function of accommodating a roadway providing vehicular access to the individual subdivisions and that common property shall have Frontage to a public street, and a mean width of not less than 6m where not more than five such subdivisions are involved, and a Frontage to a public street and a mean width of not less than 9m where not more than ten subdivisions are involved.
- 6.6.3 The individual subdivisions shall observe the requirements of Clause 6.1 (General Restrictions in Respect of the Subdivision of Land), except Clause 6.1.8, and Clause 6.2 (Subdivision of Land for Residential Purposes).
- 6.6.4 For the purposes of this Clause only, any reference to minimum Frontage, other than in respect of the provisions of Sub-clause 6.6.2, shall mean Frontage to the common property or to a street.
- 6.6.5 Building Lines, as required in terms of the Scheme, shall be observed where individual subdivisions abut either a street or common property.
- 6.6.6 All other cadastral boundaries are to be considered as such for the purposes of determining Side and Rear Spaces.

- 6.6.7 The individual subdivisions shall be registered in the Deeds Office under separate title, each with an individual undivided share in the common property in the layout, subject to the condition that no such subdivision shall, without the express Consent of the Council, be alienated in any manner separately from its undivided share in the common property.
- 6.6.8 The Owners of the subdivisions shall be jointly responsible in perpetuity for the maintenance of the common property in a clean, tidy and serviceable condition, to the satisfaction of the Council and shall take all steps to ensure that no part of such common property shall become a public street or public place for which the Council may be required to accept responsibility, without the express consent of the Council.
- 6.6.9 For the purposes of all dealings with the Council in regard to the levying of rates and the rendering of Municipal services to the scheme and for the purposes of complying with the obligations imposed upon them in Clause 6.6.8, the Owners of the subdivision shall establish an Owners' Association, with perpetual succession, to administer and maintain the said common property and deal with any other matter pertaining to the scheme which is of common interest to its members. The affairs of such Owners' Association shall be regulated by a Memorandum and Articles of Association or Founding statement, as the case may be, which shall have been approved by the Council before any transfer of a subdivision may be registered.
- 6.6.10 For the purpose of the foregoing paragraph "Owners' Association" means a company registered in terms of the Companies Act No 61 of 1973, as amended, or at the discretion of the Council, a Close Corporation registered in terms of the Close Corporation Act No 69 of 1984, membership of which shall be exclusive to and compulsory for the Owners of the subdivisions in the scheme referred to in this Clause.
- 6.6.11 For the purposes of this Clause, the Owners of the subdivisions shall, at their expense, cause all deeds, servitudes and the like that may be required to be registered in the Deeds Office, to be so registered, whether in favour of the Council or otherwise.
- 6.6.12 The approval of any scheme in terms of this Clause shall be subject also to any conditions that may be imposed by the Council in terms of Section 18 of Ordinance No 14 of 1936, in regard to the subdivision of land.

## **PART SEVEN GENERAL AMENITY AND CONVENIENCE**

### **7.1 Plans indicating External Appearance of Building to be submitted**

7.1.1 A person intending to erect a Building in any Use Zone (in this Clause referred to as a “building owner”) shall furnish the Council (in addition to any plans and particulars required to be submitted under the bylaws) with drawings or other sufficient indication of the external appearance of the proposed Building, including such description of the materials to be used in its construction as may be necessary for that purpose (all of which are hereafter in this Clause referred to as the “particulars”).

The drawings shall be on suitable and durable material on a scale of not less than 1 : 100 except that, where the buildings are so extensive as to render a smaller scale necessary, the drawings may be to a Scale of 1 : 200.

7.1.2 The Council shall, within forty-two days from the date of submission to it of particulars under this Clause :

7.1.2.1 approve the particulars; or

7.1.2.2 if it considers that, having regard to the character of the locality or of the Building erected or proposed to be erected therein the Building would disfigure the locality by reason of its external appearance, disapprove the particulars and shall give notice of its decision to the building owner and if it disapproves, of the reason for its decision.

7.1.3 The building owner, if aggrieved by the decision of the Council, may Appeal and the grounds of his appeal may include the ground that compliance with the Council's decision would involve an increase in the cost of the Building, which would be unreasonable, having regard to the character of the locality and of neighbouring Buildings.

7.1.4 No person shall commence the erection of a Building until such time as the particulars hereinbefore referred to have been approved by the Council.

### **7.2 Buildings and Items of Historic or Architectural Interest or Merit**

7.2.1 The Council may list any Building or portion of a Building, structure or other item, including any curtilage which may be attached thereto, which it considers to be of historic or architectural interest or merit sufficient to justify the preservation thereof as contemplated in this Clause.

7.2.2 Before acting in terms of Clause 7.2.1 the Council shall first comply with the requirements of Section 47*bis* of the Ordinance.

7.2.3 The Council shall, at the request of the Owner of any property, take the necessary steps as provided for in Clause 7.2.1 upon payment in advance by he said Owner of the costs involved in proceeding with the necessary steps and the giving by him of an undertaking to pay any further costs that may be incurred by the Council in connection therewith.

- 7.2.4 The Council may itself, or at the request of the Owner concerned, delete the listing of any Building or portion of a Building, structure or other item, including any curtilages which may be attached thereto, in accordance with the requirements of Section 47*bis* of the Ordinance.
- 7.2.5 Whenever any Building or portion of a Building, structure or other item, including any curtilages which may be attached thereto, has been listed in terms of this Clause no demolition or alteration thereof or addition thereto shall be commenced and no construction work shall be executed within the curtilages of the Site thereof until the Special Consent of the Council thereto has been obtained.
- 7.2.6 Whenever necessary, the Council shall provide for financial and other adjustment relating to the listing or de-listing of Buildings, structures or items, by Regulations made in terms of Clause 8.13 (Regulations) of the Scheme.
- 7.2.7 The property and other descriptions of all listed Buildings, structures or items, together with any other information relevant thereto, shall be inscribed in Appendix 9 to this Scheme.
- 7.2.8 Any applicant or objector in respect of any application for the Special Consent of the Council in terms of Clause 7.2.5 hereof, who is aggrieved by the decision of the Council, may Appeal.

### 7.3 Transfer of Building Bulk

- 7.3.1 Whenever a Building, structure or other item, or part thereof, has been listed in terms of Clause 7.2 and the effect thereof is that any portion of the Bulk applicable to the Site thereof is rendered unusable on that Site, the Council may, upon application to it for Special Consent, agree to the transfer of the Bulk so rendered unusable on that Site, to another Site or other Sites within the same Bulk Zone, provided that -
- 7.3.1.1 The Council may attach conditions to such Special Consent as it may deem necessary or desirable.
- 7.3.1.2 No transfer of Bulk to another Site shall have the effect of increasing the Bulk on that Site by more than 25 % of the maximum permitted for the use concerned in the Zone concerned.
- 7.3.2 To enable it to come to its decision in terms of Clause 7.3.1, the Council may require the applicant to furnish it with any information or motivation it may require.
- 7.3.3 In the event of the deletion in whole or in part, including the relaxation of a Bulk limitation, of the listing of any Building, structure or other thing, or part thereof, in respect of which a Bulk quota applicable to the listed Site has been transferred to another Site, the said transfer of Bulk shall remain in force and effect, notwithstanding the deletion of the listing. Nothing in this Clause shall, however, prevent the transfer of Bulk from another Site, when permissible in terms of this Clause, to the Site of the delisted Building, structure or other thing.

- 7.3.4 In any case of extreme hardship, where an Owner of a listed property has been unable to dispose of unusable Bulk within the same Bulk Zone, or where the Owner of a delisted property has been unable to re-acquire Bulk within the same Bulk Zone, the Council may authorise the disposal or re-acquisition of the Bulk concerned to a property to an extent greater than the limit provided for in Clause 7.3.1.2, to or from a property outside the Bulk Zone or from a non-listed property within the Zone, as the case may be.
- 7.3.5 All transfers of Bulk authorised by the Council in terms of this Clause shall be inscribed in Appendix 8 to the Scheme so as to constitute a permanent record of the Bulk limits or rights available to the Sites concerned, whether listed, delisted, disposing or receiving.
- 7.3.6 Any person aggrieved by any decision of the Council made in terms of this Clause, may Appeal.

#### 7.4 Control of Demolition of all Buildings

- 7.4.1 For the purpose of ensuring the preservation of Buildings not listed in terms of Clause 7.2 which may be of architectural, historic or artistic interest, no person shall demolish any such unlisted Building without the consent of the Council.
- 7.4.2 Any person requiring the consent of the Council in terms of Clause 7.4.1 shall make application in writing for the same, and in support of such application shall provide such information concerning the Building in question and the measures for its demolition as the Council may require.
- 7.4.3 In any case where the Council is of the opinion that the Building concerned is not of such architectural, historic or artistic interest as justifies its preservation, it may approve of its demolition.
- 7.4.4 In any case where the Council is of the opinion that the Building concerned may be of such architectural, historic or artistic interest as justifies its preservation it may refuse to approve of its demolition provided the applicant may thereupon make application for the Special Consent of the Council to such demolition.
- 7.4.5 The Council may refuse, or it may grant, its Special Consent to any application made in terms of the proviso to Clause 7.4.4 and it may make its Special Consent subject to conditions, provided such conditions shall not require the applicant to do more than preserve, restore or reconstruct such parts of the Building as the Council may see fit, or make records and plans of the Building or allow the Council to make such records and plans.
- 7.4.6 The Council shall give notice of any decision made under Clause 7.4.5 to the applicant and any objector and any such person aggrieved by such decision, may Appeal.

## 7.5 Advertisements and Hoardings

- 7.5.1 No advertisement hoardings shall be erected, or advertisements displayed, without the consent of the Council. Provided that the consent of the Council granted under this Clause shall not in any way be taken to excuse compliance with the Bylaws of the Council, if any, relating to the erection and display of advertisement hoardings and advertisements.
- 7.5.2 If an application is made to Council under this Clause the Council shall be entitled to impose such conditions as it may deem fit governing the erection and use of such hoarding or advertisement, provided that consideration shall be given to the question whether the proposed hoarding or the display of the proposed advertisement is likely to cause injury to the amenities of the neighbourhood.
- 7.5.3 No consent shall be given for the erection of any such hoarding or advertisement, and no such hoarding or advertisement shall be erected in Use Zones 3.1, 3.2 or 3.3 provided that the provisions of this Clause shall not apply to a brass plate or board, not exceeding 600mm x 450mm in size, affixed to the fence or entrance door or gate of a Dwelling and in the case of a Residential Building, to the wall of the entrance hall or the entrance door of a Flat, or to the display of an advertisement relating solely to an entertainment, meeting, auction or sale to be held upon or in relation to the premises upon which such advertisement is displayed, provided that the advertisement does not contain letters, figures, or advertising emblems or devices exceeding 150mm in height and does not exceed a height of 3,5m from the ground.
- 7.5.4 The Council may, subject to the provisions of this Clause, authorise the display of any particular class of advertisement either unconditionally or subject to conditions in respect of the position or manner in which the advertisement may be displayed.

## **PART EIGHT MISCELLANEOUS**

### 8.1 Permission granted before approval of Scheme

The Council may, in its discretion, permit in accordance with the terms of a permission granted pending the preparation and approval of the Scheme, the erection of a Building or the carrying out of works for which permission was granted but which has not been commenced before the date of approval of the Scheme.

### 8.2 Binding Force of Conditions Imposed

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

### 8.3 Appropriation of Land for Other Uses

Land belonging to the Council for the purpose of this Scheme (other than Land reserved under Part Four of the Scheme), and not required for any of those purposes, may be appropriated for any other purpose approved by the Administrator, for which the Council is authorised to acquire Land, and which is not inconsistent with the provisions of the Scheme.

### 8.4 Making of Applications and Lodging of Plans

8.4.1 Ordinary application under the National Building Regulations, Council's Bylaws and Regulations governing the erection and use of Buildings, the subdivision of Land, and the issue of licences, shall be sufficient notice for the purpose of administering the Scheme provided that the Council may call upon persons making such applications to furnish any additional information or plans it deems necessary to enable it to carry out the intention of the Scheme.

8.4.2 The Council may call upon the Owner of any Building which it is proposed to alter or to put to new use, whether wholly or partly, to carry out a fresh survey thereof, such survey shall provide sufficient information for Council to decide whether or not the provisions of the Scheme will be complied with.

8.4.3 The procedures for the making of applications for rezoning and for Special Consent shall be as provided for in Section 47*bis* and Section 67*bis* of the Ordinance, respectively.

### 8.5 Entry and Inspection of Premises

8.5.1 The Council shall have the power by its duly authorised officers and without prior notice to the Owner or occupier of any premises within the area to enter into and upon such premises at any reasonable time for the purpose of any inspection which the Council may deem necessary or desirable for the purposes of the Scheme.

8.5.2 No person shall in any way hinder, obstruct or interfere with any duly authorised officer, of the Council or cause or in any way, so far as he has any authority permit such officer to be hindered permit such officer to be hindered, obstructed or interfered with in the exercise of the powers hereby granted.

## 8.6 Contravention of Scheme

Any person who commits or knowingly permits a contravention of any of the provisions of this Scheme, or of any of the requirements of any order or notice issued or conditions imposed under the provisions of this Scheme, shall be deemed to have contravened the provisions of this Scheme and shall be liable for action by the Council terms of Section 77 of the Ordinance.

## 8.7 Record of Permissions and Conditions

The Council shall keep, so as to be available for inspection at all reasonable times by any person interested, a record of approvals, Consents, Special Consents, authorities or permissions granted by it, or on Appeal from its decision under any provisions of this Scheme, and of any conditions imposed or agreed between the Council and the applicant in connection therewith, as required by Section 67*quin* of the Ordinance.

## 8.8 Inspection of Scheme

The Council shall permit any person to inspect, during normal office hours, the Scheme documents deposited in the offices of the Council.

## 8.9 Service of Notices

8.9.1 Any notice, order or other documents required or authorised to be served under this Scheme may be signed by the Town Clerk or other official duly endorsed thereto, and may be served by delivery of a copy thereof by registered post to the addressee in one or other of the following manners -

8.9.1.1 to the addressee personally, or to his duly authorised agent; or

8.9.1.2 if the service cannot be effected in terms of the preceding paragraph, at his place of residence or place of business or employment, to some person apparently not less than sixteen (16) years of age and apparently residing at or employed there; or

8.9.1.3 if there is no such person on the premises as is mentioned in the preceding paragraph, by fixing such order, notice or other document, on some conspicuous part of the premises, and by dispatching such order, notice or document by prepaid registered post in an envelope on which is written his last known address, which may be his last known abode, place of business or employment or post office box number; or

8.9.1.4 if such person to be served has chosen a *domicilium citandi* at the domicile so chosen.

8.9.2 Where any service is effected in accordance with Clause 8.9.1.3, such service shall be deemed to have been effected at the time when the letter containing such order, notice or other document would have been delivered in the ordinary course of post and, in proving such service it shall be sufficient to prove that the order, notice or other document was properly addressed and registered.

8.9.3 Any order, notice or other document by this Scheme required to be given to the Owner or occupier of any particular premises, may be addressed by the description of the “Owner” or “Occupier” of such premises, in respect of which the order, notice or other document is given, without further name or description.

#### 8.10 Saving for powers of Council

Nothing in this Scheme shall operate to prevent the Council erecting, maintaining or using any Building or work, or land in any part of the area for the purpose of any undertaking which it may be empowered to carry out under any other law.

#### 8.11 Conflict of Scheme and Conditions of Title

Nothing in the provisions of this Scheme shall be construed as permitting or enabling the Council to permit the erection or use of any Building, or the use of any Land, for a purpose which is prohibited under any conditions of title under which any land may be held.

#### 8.12 Conflict with Bylaws, etc

Any Bylaw or Regulation made by the Council in terms of powers lawfully conferred upon it, which is in conflict with any of the provisions of the Scheme, shall in so far as such conflict is concerned, be of no effect. Provided that, where the Scheme is in conflict with the National Building Regulations, the latter shall apply.

#### 8.13 Regulations

8.13.1 The Council may from time to time, make Regulations with respect to :

8.13.1.1 general conditions relating to services and other design criteria, in the case of, *inter alia*, Medium-density Housing development;

8.13.1.2 any other matter or matters which the Council considers necessary for the effective administration and carrying into effect of the Scheme.

8.13.2 Such Regulations shall be in the form of an appendix to the Clauses and shall be read in conjunction therewith. Such Regulations shall only become effective upon adoption thereof as part of the Scheme, in accordance with Section 47*bis* of the Ordinance.

#### 8.14 Schedules

8.14.1 The Council may, from time to time, append schedules to the Scheme with respect to -

8.14.1.1 Details of *ad hoc* amendments to the Scheme.

8.14.1.2 Details of other amendments to the Scheme.

8.14.1.3 Various procedures, *eg* for rezoning, Special Consents, Appeals, contained in other legislation (*eg* the Town Planning Ordinance)

8.14.1.4 Details of delegations of authority by the Council.

8.14.1.5 Any other item or matter which the Council considers necessary to assist in the administration of the Scheme.

8.14.2 Such schedules shall not be of statutory nature and may be added to either by specific resolution of the Council or arising from a formal decision of the Council on a specific matter or item.

18.15 Short Title

This Scheme shall be known as the Pietermaritzburg Town Planning Scheme.

**MEDIUM DENSITY HOUSING -  
GENERAL CONDITIONS AND DESIGN CRITERIA**

1. On any Site 3000m<sup>2</sup> or larger in extent within any zone where Medium-density Housing may be established by Special Consent, the maximum number of Dwellings which may be permitted shall be dependent upon the gross area so zoned, but shall not exceed the number of units per hectare provided for in the Table in Clause 3.1.4.1, raised to the next whole number.
2. In considering any Special Consent application for the establishment of Medium-density Housing, the Council shall-
  - 2.1 have regard to the aesthetic desirability of Medium-density Housing as against conventional single Dwelling Development, bearing in mind the general character of the locality;
  - 2.2 have regard to the physical suitability of the Site (slope, basic soil type, surface drainage, *etc*);
  - 2.3 have regard to the availability of services such as sewerage, water and electricity and the cost to the Council of any necessary augmentation and extension of existing services to accommodate any such Medium-density Housing development;
  - 2.4 have regard to the established residential density in the vicinity of the particular Site.
3. In any Medium-density Housing development, provision shall be made for satisfactory access for fire tenders, refuse removal vehicles, commercial vehicles and the like, to the satisfaction of the Council. Furthermore, all parking spaces be so located to the satisfaction of the Council, in relation to roadways that traffic to and from such roadways will not be impeded and that no hazard will be created.
4. All internal services such as roads, stormwater drainage, kerbing and channelling, sewerage, water and electricity will be the responsibility of the developer, all at his own cost. This shall apply to initial capital costs as well as subsequent maintenance. Design standards for internal services shall be submitted for the approval of the Council.
5. In approving any Medium-density Housing development, the Council shall require the developer to indicate the extent and disposition of both common open ground, as well as individual private open spaces attached to each Dwelling unit.

**APPENDIX 2****ESSENTIAL DESIGN CRITERIA FOR PARKING GARAGES  
AND ON-SITE PARKING GENERALLY**

The following must be read in conjunction with the Department of Transport Parking Standards (Second Edition) document (ref. PG 3/85) dated November 1985, that document being hereby acknowledged -

1. The minimum size for a parking space shall be 2,5m x 5m. However, when angle parking is employed, the space widths shall be increased to 2,9m and 3,5m for 60° and 40° respectively.
2. Vertical clearances, slope of floors and ramp characteristics shall be in accordance with paragraph 3.5 of the above document.
3. The internal layout and arrangement of a Parking Garage shall be such that vehicles exit the Site in a forward direction, from a level area at least 6m in length, which shall be at the same level as the street.
4. There shall, in respect of a Parking Garage or Parking Lot, be an area at the level of the entrance point and before the admission control point, sufficient to accommodate at least 4 vehicles or 1% of the total potential capacity, whichever is the greater.
5. Generally, any on-site parking shall be arranged to ensure that vehicles leave the Site in a forward direction.

**SCHEDULE OF AMENDMENTS RELATING TO INDIVIDUAL PROPERTIES**

<b>NO.</b>	<b>DATE ADOPTED</b>	<b>PROPERTY DESCRIPTION</b>	<b>STREET NUMBER</b>	<b>DETAILS OF AMENDMENT</b>
1	31.07.86	Rem of 4 of Erf 2221 PMB	218 Boom Street	Allow Specialised Offices in the existing Dwelling, only for as long as the Dwelling remains, and subject to the provision of on-site parking as required for Specialised Offices in the Office Zone.
2	14.04.87	Ptn 18 (of 1) of Erf 2737, Ptn 20 (of 2) of Erf 2737 and Ptn 19 (of 3) of Erf 2737 PMB	370 Loop Street	Allow Specialised Offices only for as long as the Dwelling remains, subject to on-site parking being provided in terms of the requirements for the Office Zone and subject further to the Site being landscaped to the satisfaction of the Council, with as much of the existing vegetation as possible being retained.
3	18.05.87	Ptn 11 (of 3) of Erf 2407 and Ptn 10 (of 9) of Erf 2407 PMB	72 Pietermaritz Street	Allow Specialised Offices in the existing Building, only for as long as that Building remains.
4	18.05.87	Ptn 13 (of 3) of Erf 2407 and Ptn 12 (of 9) of Erf 2407 PMB	74 Pietermaritz Street	Allow Specialised Offices in the existing Building, only for as long as that Building remains.
5	18.05.87	Sub 8 of 2 of Lot 2407, Rem of 3 of Lot 2407 and Sub 5 of 1 of Lot 2408	78 Pietermaritz Street	In addition to the uses permitted in terms of the General Residential zoning Specialised Offices may be established in the existing Building, only for as long as that Building remains.
6	18.05.87	Rem of 1 of Erf 2408 PMB	80 Pietermaritz Street	Allow Specialised Offices in the existing Building, only for as long as that Building remains.
7	18.05.87	Rem of Erf 2408 PMB	88 Pietermaritz Street	Allow specialised Offices in the existing Building, only for as long as that Building remains.
8	18.05.87	Ptns 13 (of 2) and 14, of Erf 2409, PMB	92 Pietermaritz Street	Allow Specialised Offices in the existing Building, only for as long as that Building

				remains.
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<b>NO.</b>	<b>DATE ADOPTED</b>	<b>PROPERTY DESCRIPTION</b>	<b>STREET NUMBER</b>	<b>DETAILS OF AMENDMENT</b>
9	18.05.87	Rem and Rem of 2, of Erf 2409, PMB	94 Pietermaritz Street	Allow Specialised Offices in the existing Building, only for as long as that Building remains.
10	18.05.87	Ptn 5 (of 4) of Erf 2409, and Ptn 13 (of 8) of Erf 2410, PMB	96 Pietermaritz Street	Allow Specialised Offices in the existing Building, only for as long as that Building remains.
11	18.05.87	Rem of 8 of Erf 2410 PMB	98 Pietermaritz Street	Allow Specialised Offices in the existing Building, only for as long as that Building remains.
12	18.05.87	Ptn 21 of Erf 2410 PMB	4 Raven Street	Allow Specialised Offices in the existing Building, only for as long as that Building remains.
13	18.05.87	Ptn 9 of Erf 2410 PMB	6 Raven Street	Allow Specialised Offices in the existing Building, only for as long as that Building remains.
14	31-03-88	Ptn 192 of Erf 1913 PMB	88 St. Patricks Road	Allow sub-division, with a minimum Frontage / Mean Width of not less than 15m.
15	14.06.88	Ptn 14 (of 1) of Erf 252 PMB	1 and 1A Queen Street	Deletion of the on-site parking requirements.
16	29.07.88	Ptn 251 of Erf 1531 PMB	110 Frances Staniland Road	Allow reduced Rear space for Medium-density Housing.
17	31.01.89	Ptn 4 (of 1) of Erf 1518 PMB	66 Syringa Road	Allow subdivision of this property, generally in accordance with Plan No.10221 dated March 1988, submitted by Tarboton, Holder, Ross & Partners.

NO.	DATE ADOPTED	PROPERTY DESCRIPTION	STREET NUMBER	DETAILS OF AMENDMENT
18	21.08.89	Ptn 11 (of 9) and Ptn 12, of Erf 2223 PMB	236 and 238 Boom Street	<p>In addition to the uses permitted in terms of the General Residential zoning, Specialised Offices limited to occupation by accountants, auditors, attorneys, anaesthetists, architects, quantity surveyors, town planners and civil engineers, may be established on the properties subject to the following specific conditions:</p> <p>The Dwelling shall be restored in the manner and utilising the materials and finishes indicated on the City Engineer's Department drawing No. A209/1.</p> <p>On-site parking, to the satisfaction of the Council shall be provided behind the line of the rear of the existing main Building on 238 Boom Street.</p> <p>Vehicular access shall be limited to the existing Frontage of Ptn 12 (of 3) of Erf 2223 Pietermaritzburg and the treatment of the entrance shall be to the satisfaction of the Council.</p> <p>Signage shall be limited to a single brass plate, not exceeding 450mm x 600mm, affixed to the front wall of the Dwelling at 238 Boom Street.</p>
19	14.09.89	Erf 2262 PMB	107 Berg Street	Allow reduced Rear Space for Medium-density Housing to not less than 4,2m.
20	15.01.90	Erf 1146 PMB	18 Alice Grange Road	Allow residential accommodation [not more than 45 single rooms] and auxiliary facilities and uses, generally in accordance with the sketch plans submitted by A C



NO.	DATE ADOPTED	PROPERTY DESCRIPTION	STREET NUMBER	DETAILS OF AMENDMENT
21	23.02.90	Ptn 1 of Erf 2778 and Ptn 1 of Erf 2779 PMB	Old Merchiston Hostel, Prince Alfred Street	<p>Allow the following uses/activities, for the duration of the present lease of the Land, and limited to the existing Buildings on the Site - Specialised Offices, limited to medically related activities occupying a Floor area not greater than 125m<sup>2</sup>;</p> <p>Institutions limited to service clubs and organisations such as the Cerebral Palsy Association.</p> <p>Provided further that at least 30 car parking spaces shall be provided on Site and of that total number shall be reserved for the Specialised Offices as required by Clause 3.4.7 of the Scheme.</p>
22	23.07.90	Ptn 19 (of 10), Ptn 17 (of 16), Rem of 16 and Ptn 1, of Erf 2319 PMB	191 Pietermaritz Street	Allow coverage of not more than 9/10 at the first floor level, provided maximum height of two floors is observed.
23	12.11.90	PTNS 5 (of 3) and 4 ([of 2), and Rem of 1, of Erf 2539 PMB	391/7 Longmarket Street	Allow an autolot 31.12.95 and shops/offices in the existing dwelling houses, subject to vehicular access to the satisfaction of the City Engineer
24	12.11.90	Rem of 3 (of 1), Rem of 1 and Rem of 4 (of 2) of Erf 2711 PMB	118 Loop Street :	Allow a dental practice, for as long as the existing building is maintained to the satisfaction of the Council.
25	14.01.91	Ptn 5 of Erf 433 PMB	47 York Avenue :	Allow marginally reduced Side and Rear Spaces for Medium-density Housing.
26	0.06.91	Erf 1169 PMB	24 Alice Grange Road	Allow residential accommodation [not more than 45 single rooms] and auxiliary facilities and uses, generally in accordance with the sketch plans submitted by AC Dowdall Design Development

NO.	DATE ADOPTED	PROPERTY DESCRIPTION	STREET NUMBER	DETAILS OF AMENDMENT
27	10.06.91	Erf 2561 PMB	170 Church Street	Allow second vehicular access onto Longmarket Street
28	10.06.91	Ptn 24 of Erf 1147 Pietermaritzburg	6 Windsor Avenue	<p>Allow an office activity, subject to the following limitations :</p> <p>conducting of the activity shall be limited to the Africa Evangelical Fellowship only</p> <p>approval for the extended use of the premises is specific to the Africa Evangelical Fellowship and will remain in effect only for as long as it is used by that organisation for the approved use;</p> <p>the activity shall not involve the regular parking of more than three [3] motor vehicles on or adjacent to the site at any one time. In any event, no vehicle with a tare weight exceeding 2000 kg shall be parked on or adjacent on or adjacent to the site. Generally, any parking on the site shall be of the dwelling located to the rear of the dwelling.</p> <p>the activity shall not involve the regular congregation of more than six [6] persons on the site nor shall more than three [3] persons be employed</p> <p>the activity shall not produce a noise level exceeding 7 decibels above the ambient noise level, measured at any point on the property boundary;</p> <p>no activity or work in connection with the activity shall be conducted on or adjoining the property between the hours of 6:00pm and 6:00am;</p>

<b>NO.</b>	<b>DATE ADOPTED</b>	<b>PROPERTY DESCRIPTION</b>	<b>STREET NUMBER</b>	<b>DETAILS OF AMENDMENT</b>
28 (Cont)	10.06.91	Ptn 24 of Erf 1147 Pietermaritzburg	6 Windsor Avenue	any additional building development which may be required for the activity will be made by way of extending the existing dwelling. The extension will be designed so that it will form an integral part of the dwelling unit in the event that the activity is ceased
29	24.06-91	Rem of Erf 2852 PMB	223 Boshoff Street	Allow a general dealer related to an interior design/decorating consultancy.
30	22.07.91	Ptn 19 (of 10) of Erf 318 PMB	9 Bissett Road:	Allow reduced Side Space, for Medium-density Housing of not less than 4m.
31	22.07.91	Ptn 7 of Erf 2549 PMB	493 Longmarket Street	Allow storage/warehousing, subject to the adjoining site being available for loading/off loading. The maximum bulk and coverage factors shall be 1,1 and 61/100 respectively.
32	11.11.91	Ptn 59 of Erf 1995 PMB	60 Marwick Road	Allow reduced side space for medium-density housing of not less than 4,2m on the south-western boundary of the property.
33	11.11.91	Rem of 2 and Ptn 9 of Erf 2546 PMB	179 Retief Street	Allow, development subject to the following limitations --  Maximum coverage factor - 4/5 Maximum bulk factor - 1,5 On-site parking requirements dele
34	25.11.91	Ptn 43 of Erf 174 PMB	46-49 Morcom Road	Allow side-space in respect of medium-density housing
35	03.02.92	Ptns 179 and 180, (of 135) of 117 A-G Lots	327 Old Howick Road	Allow, an unlicensed restaurant may be established, generally in accordance with Drawing BAT/SK 1 dated April 1989, subject to the retention of the existing Voortrekker Cottage on the site.

<b>NO.</b>	<b>DATE ADOPTED</b>	<b>PROPERTY DESCRIPTION</b>	<b>STREET NUMBER</b>	<b>DETAILS OF AMENDMENT</b>
36	13.04.92	Ptn 10 of Erf 2224 PMB	245 Berg Street	Limit use of the property for residential purposes [Flats].
37	11.05.92	Ptns of Erf 2606 PMB	201 West/63 Loop Streets	Allow sub-division not in accordance with the Town Planning Scheme.
38	08.06.92	Ptn 7 (of 1) and Rem of 3, of Erf 2539 PMB	12/20 Murphy Street	Allow a large shop, offices and warehouse
39	07.09.92	Ptn 3 (of 1) and Ptn 4 (of 2), of Erf 2219 PMB	195 Berg Street	Limit use of the property for residential purposes [Flats].
40	07.09.92	Erf 2832 PMB	19 Killarney Terrace	Limit use of the property for residential purposes [Flats]
44	21.09.92	Ptn 4 of Erf 2841 PMB	281 Burger Street	Limit use of the property to residential [Flats].
45	26.10.92	Ptns 1 and 2, of Erf 1656 PMB	219 and 223 Woodhouse Road	Allow properties to be developed for residential accommodation [not more than 60 people] and auxiliary facilities and uses, generally in accordance with the sketch plans submitted by A C Dowdall Design Development, subject to such servicing requirements as determined by the City Engineer [Works] and City Engineer [Planning].
46	25.01.93	Ptn 13 of Erf 2223 PMB	231 Berg Street [Kemsley Flats]	Limit uses of the property to residential purposes [Flats].
		Rem (of 4) and Rem (of 5), of Erf 2316 PMB	160 Berg Street [Penworth Flats]	Limit uses of the property to residential purposes [Flats].
		Ptn 6 of Erf 2219 PMB	191 Berg Street [Mabdon Court]	Limit uses of the property to residential purposes [Flats]
		Ptn 14 of Erf 2324 PMB	240 Berg Street, [Wedmore Flats]	Limit uses of the property to residential purposes [Flats]
		Rem (of 2) and Ptn 6 (of 2), of Erf 2782 and Ptn 5 (of 3) of Erf 2783, PMB	274 Burger Street [Dunco Flats]	Limit uses of the property to residential purposes [Flats]

<b>NO.</b>	<b>DATE ADOPTED</b>	<b>PROPERTY DESCRIPTION</b>	<b>STREET NUMBER</b>	<b>DETAILS OF AMENDMENT</b>
47	25.01.93	Rem of Erf 2317 PMB	178 Berg Street [Kempton Flats]	Limit uses of the property to residential purposes [Flats]
48	12.10.92	Ptn 2 (of 1) of Erf 728 PMB	207 Sweetwaters Road	Allow reduced side and rear spaces to be not less than 3,80m
49	22.3.93	Ptns 4 and 20, of Erf 580 PMB	39 Allerton Road	Allow subdivision of land without public street access
50	5.3.93	Ptns 49, 194, 228 and a portion of Ptn 21 all of the farm New England No.1462	off Murray Road	Limit the use of land in the "Special Residential" zone
51	26.4.93Ptn	Ptn 2 (of 1) of Erf 2347 PMB	478 Berg Street	Relax side space and erect flats on ground floor
52	24.5.93	Rem of 2 of Erf 2653 PMB	538 Longmarket Street	Allow a coverage factor in excess of 1/3
53	28.6.93	Ptn 122 (of 70) of Erf 1531 PMB	74 Frances Staniland Road	Allow subdivisions below minimum lot size
54	24.5.93	Ptn 153 of Erf 60 Ockerts Kraal	8-10 Skoda Place	Allow reduced side spaces
55	9.8.93	Section 1, Ptn 35 (of 31) of Erf 474 PMB	130 Roberts Road	Allow a Nil side space
56	20.9.93	Erfs 367 and 927 PMB	335 Parker Road	Allow subdivision of land without access to a public street
57	6.9.93	Rem of 12 of Erf 2729 and Rem of Erf 2730 PMB	41 Henrietta Street [Mono Court]	Limit the use of a site in the "Office" zone
58	23.8.93	Rem of Erf 2784 PMB	280 Burger Street	Allow subdivision of land without access to a public street
59	6.12.93	Ptn 13 of Erf 2035 PMB	14 Boshoff Street	Allow 100% coverage factor
60	6.12.93	Rem of Erf 2237 PMB	370 Boom Street	Allow a garden nursery in "General Residential" zone
61	22.11.93	Ptn 6 of Erf 3259 PMB	3 Pepper Place, 4 Lindup Road	Allow a 2m side space [western boundary]
62	6.12.93	A portion of Erf 1254 PMB	Off Cherry Road [Happy Valley Flats]	Allow reduced side and rear spaces to facilitate the subdivision of land

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63	17.1.94	Rem (of 4), Ptn 5, Ptn 6 and Rem, of Erf 2536 and Ptn 7 (of 4) and Ptn 8, of Erf 2536 PMB	361 and 365 Longmarket Street, [Lyall Court]	Allow commercial uses of ground floor
64	6.12.93	Ptn 173 of Erf 60 Ockerts Kraal	57 Ivy Road/2 Iris Road	Allow a 2,2m side space along the North-Eastern boundary
65	6.12.93	Ptn of 27 of Erf 233 PMB	4 Gough Road	Allow a subdivision of 650m in Density Zone 6
66	6.12.93	Ptn 80 of Erf 1573 PMB	28 Fuller Road (Delft)	Allow coverage in excess of 1/3 and to allow a nil side space to allow awnings and carport
67	17.1.94	Ptn 5 of Erf 2551 PMB	22 Thomas Street	Allow Specialised Offices without a residential component
68	7.3.94	Erf 1179 PMB	216 Woodhouse Road	Allow a Residential Accommodation Complex
69	11.4.94	Prop Erf of 30 (of 11) of Erf 494 PMB	25 Hutchinson Road	Allow a subdivision some 50m <sup>2</sup> less than minimum required
70	24.6.94	Ptn 1 of Erf 2460 PMB	150 Pietermaritz Street [The Oliver's]	Limit the use of site in "General Business" zone
71	31.10.94	Ptn of Erf 453 Raisethorpe	104 Baijoo Road	Relaxation of rear space from 9m to nil and to allow a Residential Density in excess of normal, provided that no further development be permitted on Rem of Erf 453 Raisethorpe, being 532 Old Greytown Road
72	31.10.94	Rem of 2 (of 1) of Erf 348 PMB	27 Hillside Road	Allow subdivision of land less than required, and without access to a public road
73	31.10.94	Erf 992 PMB	31 Alice Grange Road	Allow residential complex, with associated facilities
74	29.11.94	Erf 3045 PMB	101 New England Road	Allow a shop in area zoned "Garage"
75	15.12.94	Ptn 13 of Erf 2792 PMB	17/19 Doig Street	Allow a subdivision less than requirement and site in excess of ½
76	15.12.94	Rem of Erf 431 PMB	535 Chase Valley Road	Allow relaxation of 4,5m side space

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<b>NO.</b>	<b>DATE ADOPTED</b>	<b>PROPERTY DESCRIPTION</b>	<b>STREET NUMBER</b>	<b>DETAILS OF AMENDMENT</b>
77	29.9.94	Ptn 16 of Erf 2618 PMB	183 Loop Street	Limit the uses permitted to "General Residential"
78	31.10.94	Erf 2959 PMB	320 Loop Street (St. Annes)	Relax statutory side space from 3m to 2,4m along north-east boundary
79	31.10.94	Ptn 14 (of 3) of Erf 2729, Rem of Erf 2730 and Rem of 13 of Erf 2729 PMB	301 Burger Street and 47 Henrietta Street [City Royal Hotel]	Allow excess bulk and site coverage
80	31.10.94	Rem of Ptn 154 (of 22) of Shortts Retreat No.1208	21 Claveshay Road	Allow an infringement of the 4,5m side space
81	31.10.94	Rem of Erfs 993, 994,995, Ptn 1 of Erf 994, and Erf1179 PMB	19, 25, 11 and 21 Alice Grange Road and 210 Woodhouse Road	Allow Residential Accommodation Complexes
82	29.11.94	Prop Ptn of Rem of Erf 1104, PMB	23 Waverleydale Road	Allow the subdivision of a property without access to a public street
83	27.02.95	Rem of Erf 2015 PMB	149 Greyling Street	Allow conditional use of existing dwelling as "Specialised Offices", business premises or "Light Industrial" building
84	15.12.94	PtnsSubs 49, 194, 228 and portion of Rem of Ptn 21 of New England No.1462	Off Murray Road, Lincoln Meade	Remove development restrictions imposed in terms of earlier "Appendix 4" amendment
85	29.02.95	Rem of 1 of Erf 1012 PMB	10 Durban Road	Allow a shop
86	31.10.95	Ptn 1 of Erf 2005 PMB	58 Victoria Road	Allow limited Specialised Office Use within a portion of the existing dwelling
87	24.08.95	Ptn 226 of Erf 1 PMB	451 Bombay Road	Allow relaxation of side space from 4,5m to 3,5m
88	17.08.95	Ptns 205 (of 75) and 172 (of 2), of Erf 1887 PMB	95 Railway Street	Allow storage of vehicles on property
89	17.08.95	Erf 2801 PMB	245 and 247 Retief Street	Allow subdivision of an "Institutional" site resulting in a side space of 1,5m

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90	17.08.95	Rem of Erf 1015 PMB	8 Inyoni Place	Allow relaxation of the minimum area requirement for Intermediate Residential from 3000m <sup>2</sup> to 2932m <sup>2</sup> and to permit one extra unit
91	12.09.95	Rem of Erf 904 Pietermaritzburg	141 Alexandra Road	Allow nil side space along the southern boundary
92	16.10.95	Rem of Erf 2641, a part of Portion 1 and Portion 3, of Erf 2642, PMB	418/426 Longmarket Street, 421 Loop Street	Permit offices, restaurant, residential accommodation and parking
93	12.09.95	Rem of Ptn 1 of Erf 412 PMB	36 Kitchener Road	Allow relaxation of side space on the western boundary from 4,5m to 2,8m
94	14.11.95	Rem of Ptn 178 (of 17) of Shortts Retreat No 1208	67 Haworth Road	Restrict use to Special Residential purposes/waive the special condition contained in Clause 3.17.7.2
95	24.08.95	Erf 321 PMB	Off Howick Road (Redlands)	Allow subdivision of a portion of the property
96	17.08.95	Rem of 4 of Erf 2115 PMB	158 Greyling Street	Permit the conducting of a Training Centre (Domestic Sewing) with limited retailing of goods/ items produced on site
97	14.11.95	Ptns 14 and 16 (of 1) of Erf 474 PMB	122 Roberts Road	Permit a subdivision less than 1000m <sup>2</sup> in area
98	19.10.95	Ptn 86 of Erf 281 PMB	Hampstead Park, 13-15 New Scotland Road	Relax side space from 4,5m to 4m
99	10.10.95	Erf 3772 PMB	437 Alexandra Road	Relax the building line along the southern boundary from 4,5m to 2,85m
100	14.11.95	Erf 2060 PMB	286 Victoria Road	Allow an increase in coverage from 75% to 87% and relax the parking requirement
101	23.11.95	Ptn 75 of Erf 1291 PMB	6 Mountain Rise Drive	Allow subdivision less than the required min area of 1000m <sup>2</sup>
102	19.10.95	Rem of Erf 2787 PMB	321 Prince Alfred Street	Allow Specialised Offices on a General Residential property

<b>NO.</b>	<b>DATE ADOPTED</b>	<b>PROPERTY DESCRIPTION</b>	<b>STREET NUMBER</b>	<b>DETAILS OF AMENDMENT</b>
103	23.11.95	Ptn 764 (of 319) of Lot 5 No 1519	Unit 6, 17 Scorpio Drive	Relax rear space from 4,5m to 1,67m to allow double storey development
104	07.12.95	Rem of Erf 30 Raisethorpe	630 Old Greytown Road	Allow use of the ground floor of a dwelling for doctor's consulting rooms/tailor business
105	12.03.96	Rem of Erf 2753 PMB	529/535 Burger Street	Permit an extra unit to be built with a floor area of 120m <sup>2</sup>
106	14.04.96	Ptn 16 of Erf 2325 PMB	96-100 Commercial Road	Allow a subdivision which would result in the Rem and the Ptn being overcovered
107	07.12.95	Ptn 43 of Erf 804 PMB	7 Fairfield Avenue	Allow a subdivision of 650m <sup>2</sup> notwithstanding the required minimum of 1000m <sup>2</sup>
108	07.12.95	Ptn 41 (of 3) of Erf 287 PMB	100 Topham Road	Allow the construction of an additional four dwelling units
109	15.04.96	Erf 239 Raisethorpe	673 Old Greytown Road	Relax the on-site parking requirement
110	15.04.96	Ptn 332 of Erf 1531 PMB	Caldecot Place, off Craigie Drive	Permit the relaxation of the side space from 4,5m to 1,5m
111	13.02.96	Rem of Erf 2928 PMB	278 Prince Alfred Street	Allow "Specialised Offices" on a "General Residential" site
112	13.02.96	Ptn 4 of Erf 2307 PMB	71 Pietermaritz Street	Allow relaxations of side and rear spaces from 3m to nil and from 5m to 3m, respectively
113	12.03.96	Ptn 11 of Erf 837 PMB	42 Howick Road	Allow a subdivision of 768m <sup>2</sup> notwithstanding the required minimum of 1000m <sup>2</sup>
114	14.05.96	Ptn 2 of Erf 1770 PMB	42 Oakleigh Avenue	Permit a subdivision the nett area of which will be less than the minimum area of 1500m <sup>2</sup>
115	22.02.96	Rem of Erf 734 PMB	40 Durban Road	Allow variation of condition applicable to Special Business Area 13, to allow for the demolition of the existing building and the erection of a restaurant, generally in accordance with plan No 1562/95

<b>NO.</b>	<b>DATE ADOPTED</b>	<b>PROPERTY DESCRIPTION</b>	<b>STREET NUMBER</b>	<b>DETAILS OF AMENDMENT</b>
116	10.06.96	Rem of 100 of Erf 295 PMB	2 Bridge Road	Permit the regularisation of existing parking lot usage
117	10.06.96	Ptn 12 (of 9) of Erf 29 PMB	11 Grimthorpe Avenue	Allow relaxation of the side space from 4,5m to 3m
118	10.06.96	Ptn 75 of Erf 1866 PMB	off Troon Terrace	Permit Portions to be transferred without a building having to be built thereon
119	21.08.96	Rem, Rem (of 7) and Ptn 8 (of 7) of Erf 2313 PMB	135 Pietermaritz Street	Allow Department of Correctional Services to use this property as an Administration Office
120	03.10.96	Ptn 1 of Erf 2642 PMB	421 Loop Street	Allow the erection of a residential building
121	15.01.97	a) Rem of 2 of Erf 2403 and Ptn 8 (of 3) of Erf 2404 PMB b) Rem of 3 (of 1) of Erf 2404 and Ptn 9 (of 2) of Erf 2403 PMB	a) 40 Pietermaritz Street b) 42 Pietermaritz Street	Allow a Specialised Office usage in a "General Residential" zone Allow a "Specialised Office" usage in a "General Residential" zone
122	04.12.96	Ptn 49 of Erf 1113 PMB	65 Blackburrow Road	Allow a higher density in order to allow an extra dwelling unit
123	16.10.96	Ptn 13 (of 2) of Erf 2447 PMB	474 Pietermaritz Street	Allow the conversion of upper floors to flats
124	20.08.96	Ptn 3 and Rem of 8, of Erf 2225 PMB	78 Commercial Road	Allow additional 10m <sup>2</sup> site coverage on "General Business" property
125	24.10.96	Erf 1197 Copesville	34 Sarge Road	Allow the utilisation of a dwelling for a medical practice
126	35402	Ptn 324 of Lot 5 No 1519	205 Helston Rd	Allow 6 units
127	15.01.97	Ptn 39 of Erf 1497 PMB	9 Margaret McFie Place	Allow a subdivision of less than 1500m <sup>2</sup> in Density Zone 7
128	10.02.97	Ptn 3 of Erf 432 PMB	27 Hosking Road	Allow a subdivision, the nett area of which will be less than the minimum area of 1000m <sup>2</sup>

	<b>DATE ADOPTED</b>	<b>PROPERTY DESCRIPTION</b>	<b>STREET NUMBER</b>	<b>DETAILS OF AMENDMENT</b>
129	16.04.97	Ptns 5 of 3, 4 of 2 and Rem of 2 (of 1), of Erf 2539 PMB	391 and 397 Longmarket Street	Permit a motor salesroom
130	18.03.97	Ptn 7 (of 1) of Erf 2718 PMB	180 Loop Street	Allow a restricted commercial use
131	16.04.97	Ptn 2365 (of 234) of the Farm Belfast No 14040	19 Sadien Grove	Allow portion of a "Special Residential" property to be used for a shop
132	04.06.97	Erf 3045 PMB	101 New England Road	Allow increased floor area of previously approved shopping facilities
133	23.07.97	Ptn 44 of Erf 804 PMB	9 Fairfield Avenue	Allow a subdivision, the nett area of which will be less than the minimum area of 1000m <sup>2</sup>
134	08.10.97	Erf 15 Lincoln Meade	117 Grimthorpe Avenue	Permit a restaurant (conditional)
135	21.01.98	Ptn 9 of Erf 2115 PMB	38 Chapel Street	Allow specialised office/business use
136	29.10.99	Rem of Erf 2747 PMB	472 Loop Street	Allow the property to be used for a funeral parlour and associated activities subject to certain conditions and limitations
137	21.01.98	A portion of Rem of Erf 354 of New England No 1462	off Rogers Avenue	Permit the development of a Retirement Village and associated Private Medical Centre
138	08.10.97	Erf 285 Raisethorpe	68 Delhi Road	Allow a "Place of Worship" with a reduced side space of 1,5m subject to conditions and limitations
139	21.01.98	Ptn 24 of Erf 1262 PMB	16 Oaklands Road	Allowt an existing dwelling to be converted into three self-contained units
140	04.03.98	Ptn 77 (of 72) of Erf 17 PMB	341 Alexandra Road	Allow a relaxation of the side space to 4,15m in respect of the southern boundary

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141	21.01.98	A portion of Rem of Erf 3381 PMB	406 Chase Valley Road	Permit the subdivision of land with a right of way access to public street
142	21.01.98	Portions of Rem and Ptn 2, of Erf 2217, Ptn 8 (of 2) of Erf 2218, and a portion of Erf 2268 PMB	178/184 Boom Street	Allow portions to be utilised for parking purposes
143	18.02.98	Ptn 2 (of 1) of Erf 2789 PMB	340 Burger Street	Limit the use to "Residential" and to permit a double-parcellation subdivision which does not comply with Scheme
144	21.10.98	Erf 3380 PMB	11 Evans Road	Allow a subdivision which is smaller than that specified in the Scheme
145	.1.4.98	Ptn 11 of Erf 1606 PMB	11 Otter Park, 51 Warwick Road	Allow relaxation of 4,5m side space to not less than 4.0m
146	29.07.98	Ptns 70 and 77, (of 6) of Erf 493 PMB	31 Golf Road	Permit the YWCA to establish a residential building complex
147	19.08.98	Erf 1374 PMB	587 Church Street	Allow motor salesroom
148	29.07.98	Ptn 9 (of 2) of Erf 2703 PMB	35 Burger Street	Allow catering business
149	29.07.98	Ptn 10 of Erf 566 PMB	9 New England Road	Allow security firm
150	29.07.98	Ptns 10 and 15, of Erf 540 PMB	6 Surrey Road	Allow guest house, bed-and-breakfast
151	29.07.98	Ptn 10 of Erf 1052 PMB	48 Brookby Crescent	Allow sub-division below required minimum
152	02.09.98	Ptn 17 (of 7) of Erf 37 PMB	317 Alexandra Road	Allow bed-and-breakfast
153	02.09.98	Rem of Erf 277 Shortts Retreat	25a Acacia Road	Allow sub-division below required minimum
154	21.10.98	Ptn 252 of Erf 1531 PMB	29 Anne Stafford Dr	Allow reduced side space
155	36088	Ptn 2 of Erf 2149 PMB	493 Boom Str	Home business larger than permitted

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156	21.10.98	Ptn 10 of Erf 2642 PMB	421 Loop Street	Allow reduced side space
157	18.11.98	Ptn 764 (of 319) of Lot 5 No 1519	12 Roshin Heights	Allow double storey development
158	18.11.98	Rem of 4 of Erf 2115 PMB	158 Greyling Street	Allow specialised offices
159	02.12.98	Ptn 12 of Erf 1383 PMB	57 Bangalore Road	Allow additional bulk and site coverage
160	02.12.98	Ptn 4 of Erf 1383 PMB	17 Debi Place	Allow additional bulk and site coverage
161	03.02.99	Ptn 16 of Erf 453 PMB	2 Melborne Avenue	Allow interior decorating business
162	31.03.99	Ptn 33 of Erf 318 PMB	2-4 Jesmond Road	Allow place of instruction
163	28.04.99	Rem of Erf 2716 PMB	217 Chapel Street	Limit use to residential
164	28.04.99	Ptn 45 of Erf 1918 PMB	5 Coventry Place	Limit use to worship
165	09.06.99	Erf 3100 PMB	3 Leinster Rd	Allow priory, relax rear space
166	23.06.99	Ptn 24 of Erf 1916 PMB	40 Tanner Rd	Allow sub-division less than the required minimum
167	23.06.99	Ptn 14 of Erf 2456 PMB	565 Church Street	Allow conversion to flats
168	05.11.99	Rem of 1 of Erf 2408 PMB	80 Pietermaritz Street	Allow relaxation of side and rear spaces
169	08.12.99	Ptn 6 (of 1) of Erf 2539 PMB	398 Church Street	Allow additional site coverage
170	08.12.99	Rem of 6 of Erf 2029 PMB	290 Victoria Road	Allow additional site coverage
171	26.01.00	Ptn 3 of Erf 500, Ptn 3 of Erf 501 PMB	13 Alexandra Road	Allow restaurant and other uses
172	23.02.00	Ptn 20 of Erf 2555, Ptn 16 (of 17) of Erf 2556 PMB	166 East Street	Allow additional floor area

<b>NO.</b>	<b>DATE ADOPTED</b>	<b>PROPERTY DESCRIPTION</b>	<b>STREET NUMBER</b>	<b>DETAILS OF AMENDMENT</b>
173	08.03.00	Rem of 1 of Erf 2640, Erf 2667 PMB	400-402 Longmarket Street	Limit use to residential
174	22.03.00	Ptn 3 of Erf 2301 PMB	16-18 Berg Street	Allow sub-division of existing dwelling
175	22.03.00	Erf 1809 PMB	726 Town bush Road	Allow more than 10 ptns without individual access
176	05.04.00	Ptn 5 of Erf 1119 PMB	26 Chase Valley Road	Allow sub-division less than required minimum
177	17.05.00	Rem of 9, 15 (of 13) of Erf 2615 PMB	200 Chapel Street	Allow place of worship, relax side and rear spaces
178	07.06.00	Erf 3684 PMB	429a Alexandra Road	Allow a residential building
179	19.04.00	Ptn 111 of Erf 1887 PMB	55 Railway Street	Allow sub-division for residential use
180	06.04.00	Ptn 43 of Erf 1539 PMB	19 Eagle Road	Allow second dwelling
181	19.04.00	Erf 1933 PMB	367 Commercial Road	Allow reduced side space
182	21.06.00	Erf 51	100 Balhambra Way	Allow additional site coverage, reduced side space
183	21.06.00	Ptn 39 of Erf 1291 PMB	15 Oaklands Road	Allow an extended residential building
184	23.08.00	Ptn 15 (of 10) of Erf 233 PMB	10 Gough Road	Allow an interior decorating business
185	23.08.00	Ptn 21 of Erf 2233 PMB	334 Boom Street	Allow sub-division and increased site coverage to 75 %
186	29.11.00	Ptn 3 of Erf 2642 PMB	426 Longmarket Str	Allow restaurant
187	05.06.01	Rem of Erf 30 Raisethorpe	632 Old Greytown Road	Allow Place of Public Entertainment
188	16.05.01	Ptn 81 (of 78) of Erf 3098 PMB	20-22 Sunwood Place	Allow relaxation of side space

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189	16.05.01	Ptn 14 and 15 of Erf 1383 PMB	25 Debi Place	Allow increased site coverage
190	13.06.01	Erf 2746 PMB	467 Burger Str	Allow security business
191	13.06.01	Ptn 37 of Erf 3198 PMB	21 Albert Oliff Road	Allow second dwelling
192	21.08.01	Ptn 7 (of 2) of Erf 2145 PMB	13 Retief Street	Allow increased site coverage
193	16.01.02	Rem of Erf 469 PMB	29 Milliken Road	Allow sub-division with ROW
194	30.01.02	Ptn 3 of Erf 249 Raisethorpe	737 Old Grey town Road	Allow medical office and pharmacy
195	24.04.02	Rem and Ptn 5 (of 2) of Erf 2315 PMB	102/4 Chapel St	Allow carwash
196	24.04.02	Ptn 89 of Erf 1866 PMB	18 A Old Tom Morris Lane	Allow sub. utilising ROW
197	15.05.02	Ptn 10(of 2) of Erf 82 PMB	20 Rosedale Rd	Allow manf of concrete blocks
198	24.07.02	Ptn 52 (of 26) of Erf 75 PMB	110 Rosedale Rd	Allow sub. less than 650m <sup>2</sup>
199	25.09.02	Ptn 3087 of Erf 252 Pmb	170 Jupiter Road	Allow relaxation of side and rear spaces
200	25.09.02	Ptn 7 of Erf 2544 Pmb	443 Longmarket St	Allow increased site coverage to 54 % and relaxation of parking
201	11.09.02	Ptn 14 of Erf 2781 PMB	cnr Commercial Rd/Burger St	Restrict use to restaurant
202	27.11.02	Ptn 64(of 63) of Erf 207 PMB	39 Cordwalles Rd	Allow 2 residential subdivisions
203	14.05.03	Ptn 380 of Erf 1203 PMB	80 Bangalore Rd	Allow additional coverage and reduced side space
204	29.10.03	Rem of Erf 2015 PMB	149 Greyling St	Allow Flats on subdivision of 550 m <sup>2</sup>
207	29.10.03	Ptn 21 of Erf 1113 PMB	16 Mills Circle	Allow two subdivisions less than 1 000 m <sup>2</sup>

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208	12.11.03	Ptn 1 of Erf 3680 PMB	6 Parker Rd	Allow guest house, health and beauty clinic and Place of Public Entertainment
209	29.11.03	Ptn 3 of Erf 835 PMB	155 Roberts Rd	Allow a subdivision less than 1 000 m <sup>2</sup>
210	24.02.04	Ptn 21 of Erf 1383 PMB	25 Debi Place	Allow increased bulk from 920 m <sup>2</sup> to 1652 m <sup>2</sup>
211	24.02.04	Ptn 8 (of 4) of Erf 1894 PMB	7 Winston Rd	Allow carpentry workshop
212	03.05.04	Ptn 11 (of 8) of Erf 2654 PMB	547 Loop St	Allow relaxation of side space
213	22.07.04	Erf 60 Lincoln Meade	276 Murray Rd	Allow relaxation of side space
214	18.11.04	Rem of Erf 1388 PMB	10a Mills Circle	Allow two Dwellings on property
215	18.11.04	Ptn 2 of Erf 228 Cleland	Off Ivy Road	Allow relaxation of side space to 4.08 m
216	24.02.05	Ptn 2 of Erf 2790 PMB	256 Boshoff St	Allow existing building to be utilised as a Specialised Office
217	13.10.05	Lot 10 Dunveria	10 Tulip Rd	Allow relaxation of rear space to 2.03 m
218	20.01.06	Ptns 1 and 2 of Erf 576 New England	Off Dunsby Rd and Rogers Ave	Allow up to 300 subdivisions off a private road (Mkhamba Gardens)
219	23.06.06	Rem of Erf 317 Raisethorpe	764 Chota Motala Rd	Allow relaxation of rear space to 3.8 and 1.9 m
220	02.06.06	Ptns of Panorama Gardens, Surrey Park & Bishopstowe	Off Chief Mhlabunzima (Baynes Drift) Rd	Allow more than 10 subdivisions off a private road (Beacon Hill)
221	06.07.06	Ptn 2 of Erf 847 PMB	23 Carbis Rd	Permit a tea garden in Special Residential zone
222	23.10.06	Erf 412 of the Farm New England	38 Lyngary Rd	Allow relaxation of rear space to 1.2 m
223	16.11.06	Erf 201 Shortts Retreat	118 Murray Rd	Allow medium density housing development

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224	16.11.06	Erf 9667 PMB	433 Langalibele St	Allow increased coverage
225	12.04.07	Ptn 4 (of 1) of Erf 3022 PMB	Montgomery Drive	Allow the bulk of a filling station to increase to 200m <sup>2</sup>
226	19.07.07	Ptn 4 of Erf 858, PMB	41 Morcom Rd	Allow relaxation of side and rear space to 2 and 4.5 m resp.
227	16.08.07	Ptn 12 of Erf 2713 PMB	134 Jabu Ndlovu St	Allow an office
228	20.08.07	Ptn 7 (of 10 of Erf 92 PMB	459 Town Bush Rd	Allow a veterinary practice in Special Residential zone
229	17.10.07	Ptn 10 of Erf 1983 PMB	21 Croft Rd	Allow relaxation of side space to 1 and 1.5 m
230	16.11.07	Erf 764 Northdale	17 Scorpio Drive	Allow relaxation of side and rear space
231	20.03.08	Erf 449 and 450 PMB	Town Bush Road	Allow subdivision of land without access to a public street
232	20.03.08	Erf 1963 PMB	296 Bulwer St	Allow Office use
233	20.03.08	Erf 1963 PMB	251 Bulwer St	Allow Office use
234	20.03.08	Ptn 52 of Erf 1113 PMB	35 to 37 Blackburrow Rd	Restrict height to 2 Storeys
235	20.03.08	Ptn 411 (of 354) of the farm New England No. 1462	32 Lyngary Rd	Allow relaxation of side space
236	20.03.08	Ptn 5 of Erf 2757 PMB	21 Prince Alfred St	Allow Office use
237	05.06.08	Erf 148 PMB	4 to 6 Seymour Rd	Allow relaxation of side space
238	04.09.08	Ptn 2 (of 1) of Erf 359, Ptn 3 (of 1) of Erf 357 and Ptn 2 (of 1) of Erf 358	All situated Off Braid St	Permit Office Use
239	21.05.09	Ptn 35 of Erf 3005	5 Waller Place	Permit a subdivision of a property in density zone 7 from minimum Erf size of 1 500 m <sup>2</sup> to 1 158 m <sup>2</sup>
239	21.05.09	Rem of Ptn 10 of Erf 1913	87 Alan Paton Drive	Permit Office use within a "Special Residential" zone
240	04.06.09	Ptn D (of 70) of Erf 3381	406 Chase Valley	Allow a subdivision to have access via a Right of Way Servitude
241	20.08.09	Rem of Erf 710	57 New England	Allow the existing "Dwelling"

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			Rd	to be used for hair studio
242	10.12.09	Ptn 5 of Erf 2605	55 Jabu Ndlovu St	Establish an "Office" in a "General Residential" zone
243	22.04.10	Rem of Ptn 165 of Erf 1913	5 Connaught Rd	Establish "Office" on a property zoned "General Residential"
244	17.06.10	Erf 2929	293 Bulwer St	Establish an "Office" on a property zoned "Special Residential"
245	21.10.10	Rem of Erf 2789	347 Prince Alfred St	Allow relaxation of 5 metres Rear Space to 4,70 metres and 4,69 respectively
246	21.10.10	Erf 261 Newholmes	126 Newholmes Way	Relax side space from 4,50 metres to 1,2 metres
247	30.08.11	Portion 14 of Erf 2332 Pietermaritzburg	322 Berg Street	Increase coverage from 75% to 100% and relax the parking requirements and building line to nil
248	30.08.11	Portion 9 of Erf 503, being Unit 10	75 Kitchener Road	Relax the building line from 4.5 m to 3.09 metres
249	14.12.11	Rem of Ptn 12 of Erf 2724, Ptn 4 (of 2) of Erf 2725, Ptn 10 of Erf 2725 and Rem of Erf 2725	250 Jabu Ndlovu Street	Increase bulk zone from Zone 3 to Bulk Zone 1 and permit a nil Building Line along the length of the property bounded by Chief Albert Luthuli and Jabu Ndlovu Streets.
250	12.12.2012	Sub 1624 (of 1592)	The Farm Northdale No. 14914 198 Newhomes Way	To increase the maximum bulk factor / maximum units per hectare from 3.4 to 4 units; to relax building lines along Pansy Road from 7m to 6m; to relax building lines along Newholmes Way from 7m to 4.5; and to relax both side building lines from 4.5 to 1.5.
251	10.01.13	Ptn 5 of Erf 250 Raisethorpe	745 Chota Motala Road	Relaxation of the side space
252	09.04.13	Erf 2005 Edendale	2005 Mbulazi Road	Allow a Side Space of 1.6m, a Building Line of 1.8 m, reduce parking bays to 30 bays and allow 60% coverage.
253	24.04.13	Erven 89,371,381 and 397 Plessislaer	Off Selby Msimang Road	Restricting Edendale Hospital to a District and Regional Hospital functions such as those related to treating of communicable diseases and psychiatric wards specially those excluded from

NO.	DATE ADOPTED	PROPERTY DESCRIPTION	STREET NUMBER	DETAILS OF AMENDMENT
				Institutional use, and the establishment of a pharmacy and tuck-shop for the servicing of the hospital.
254	13.05.14	Remainder of Erf 2538 PMB only,	No. 385 Langalibalele Street City Central	To allow a "Junior Primary School" as an expressly permissible use within the Special Area 7 Zone
255	12.08.14	Portion 2 and 3 of Erf 2730 and Portion of Erf 2731 all of Pietermaritzburg	310 Jabu Ndlovu Street	Development shall be undertaken in accordance with requirements of the City Centre Zone-Civic Centre Subzone: Section A as set out in clause 3.9.4 of the Pietermaritzburg Town Planning Scheme.
256	04/03/10	Portion 14 of Erf 2332 PMB	322 Berg Street	Appendix 3 Amendment to increase the permitted coverage from 75% to 100%, to relax the parking requirements and building line to nil in respect of
257	14/03/10	PORTION 3 OF ERF 2839 PIETERMARITZBURG	250 Jabu Ndlovu Street	Appendix 3
258	14/03/10	PORTION 3 OF ERF 2839 PIETERMARITZBURG	14 JABU NDLOVU STREET (LOOP STREET): UPPER CITY AREA	APPENDIX 3 AMENDMENT TO ESTABLISH AN "OFFICE" ON A PROPERTY ZONED "GENERAL RESIDENTIAL"
259	04/04/11	Portion 9 of Erf 503 PMB	Erf 503 being Unit No. 10 Five Acres	Appendix 3 amendment to relax the building lines from 4.5m to 3,09m
255	12/04/11	16 Old Howick Road Wembley	Portion 7 of Erf 697 PMB	Appendix 3 amendment to establish a Professional Office use in a Special Residential zone
256	04.04.11		Portion 6 (of !()) of Erf 382 PMB	Appendix 3 amendment to to the Town PlanningScheme to permit Office use within a General Residential zone
251	30/08/11	on Remainder of Portion	250 Jabu Ndlovu Street	Appendix 3 amendment to permit a Nil

		12 of Erf 2724, Portion 4 (of 2) of Erf 2725, Portion 10 of Erf 2725		building line along the length of the property boundary with Chief Albert Luthuli Street
252	28/06/12	Portion 5 of Erf 250 Raisethiorpe Township	745 Chota Motala Road	Appendix 3 amendment to relax side space
253	19/07/12	Portions 7 (of 4) and 8 of Erf 2536 Pietermaritzburg	361 and 365 Langalibalele Street	Appendix 3 application to establish a "Motor Salesroom"
254	02/02/14	432 Langalibalele Street	of Erf 2643 Pietermaritzburg	an Appendix 3 Amendment to allow a "Motor Sales Room" and a "Motor Workshop"

**USE OF HOTELS FOR CERTAIN PURPOSES**

1. The Council may permit any one or more of the following shops or activities, viz. :

Hairdressing salons;  
Book Shops or Newsagents;  
Florists;  
Curio Shops;  
Theatre Booking Agents;

to be established -

1.1 in any hotel which has been classified and graded under Categories A, B or C of the Second Schedule to Government Notice No 583 of 1966, or any amendment thereof made in terms of Section 71 bis (3) of the Liquor Act, 1928, or which according to the nature of the accommodation and service provided therein, and its situation is in the opinion of the Council, likely to be classified and graded as such;

1.2 By Special Consent in any hotel other than those referred to in 1.1 above;

provided that no external advertising of any Shop or activity shall be permitted and access thereto shall be gained only from within the hotel.

2. The Council may, by Special Consent, if it is of the opinion that there will be no interference with the amenities of the neighbourhood, authorise, in terms of this Scheme, the establishment of an “off sales establishment” or a bottle store in any licensed hotel premises.

**NOISE CONTROL WHERE INDUSTRIAL USE ABUTS  
RESIDENTIAL USE**

Notwithstanding anything contained in this Scheme, but subject to the provisions of the Council's Bylaws relating to public nuisances, wherever any Residential Use Zone abuts any Industrial or General Use Zones, the noise level from any premises in the Industrial or General Use Zone, measured at the common boundary (whether a cadastral boundary or not) between the two Use Zones shall not exceed 80 decibels. Provided that the Council may relax this provision upon consideration of an application for Special Consent made to it *mutatis mutandis*, to such extent and on such conditions as it may see fit in the circumstances concerned.

**RELAXATION OF MAXIMUM HEIGHT PROVISIONS**

1. Notwithstanding any provision of this Scheme regulating or restricting the height of any Building, the Council may upon application to it grant its Special Consent to the erection of a Building, other than a Building containing Flats in Bulk Zone 2 or 3, exceeding any such prescribed maximum height subject to the following conditions -
  - 1.1 For each additional Storey above the maximum height applicable to the Building concerned, the minimum Building Line as set out in the appropriate Clause shall be increased by 1,5m provided that the Building Line setback shall apply only above the third Storey above pavement level of the Building concerned.
2. Notwithstanding the provisions of the relevant Clauses there shall, in the case of a Residential Building, Institution or Place of Instruction, be provided and maintained within the curtilage the following minimum open spaces appertaining exclusively to such Building and contiguous thereto -
  - 2.1 a Side Space of 3,5m in width for the first two Storeys in height of the Building plus an additional 1,5m for every Storey thereafter. The said Side Space shall be provided on each side of the Building not regulated by the relevant Building Line or the Rear Space as hereinafter prescribed; and
  - 2.2 a Rear Space 7,5m in width for the first two Storeys in height of the Building plus an additional 1,5m for every Storey thereafter. The said Side and Rear Spaces shall be and remain open and unbuilt upon and shall extend for the full length of the side or as the case may be the rear of the Building.

**LAND SUBJECT TO FLOODING**

1. Notwithstanding anything contained elsewhere in this Scheme, where any Land or portion thereof is or is likely to be subject to flooding by floodwaters from any stream, river or other source, the Council may prohibit the erection of any Building or Buildings thereon or on any part thereof, or may prohibit the subdivision of the Land for Building purposes, or may permit such erection or subdivision subject to such conditions as it may consider necessary in the interests of health, safety and general welfare.
2. The Council shall for the aforesaid purposes, and having regard to the proposals before it, take into consideration such information as is available concerning the flooding on the Land concerned, the situation, shape, slope and other characteristics of the Land and its accessibility from the public street in time of flood.

Any person aggrieved by any decision of the Council in terms hereof may Appeal.

3. Whenever any Building is permitted to be erected on Land which is subject to flooding by floodwaters from any stream, river or other source, the following provisions shall apply -
  - 3.1 The ground floor of the Building shall be so constructed that it is raised to a height of at least 300mm above the maximum known flood level on such Land, and such floor shall be a concrete floor. No basements or cellars for any use whatsoever will be allowed.
  - 3.2 For the purpose of this paragraph, the maximum known flood level means the maximum known level reached by floodwaters on the Land on which the Building is to be erected, as ascertained from records kept by the Council, which records may be inspected by any interested party.

Where the Land is subject to flooding but the maximum flood level is not known or readily ascertainable from such records, the said floor level shall be raised to a minimum height approved by the Council. In approving such minimum height, the Council shall have regard to the situation, slope and other characteristics of the Land concerned, the information available concerning the flooding on such land, and such other matters as may enable it to determine a minimum height of floor which in its opinion and having regard to such provisions, may reasonably be capable of ensuring the safety of the occupier or occupiers of the Building in the event of flooding on the Land.

- 3.3 If any opening is provided in the external walls whereby flood waters may enter beneath such floor, there shall be provided at ground level in the external walls and in internal floor supporting walls, access openings free of all obstruction, capable of effectively allowing any water so entering to escape and drain from beneath such Building.

The ground surrounding such Building shall not be filled or built upon in any manner so as to impede or obstruct the flow of water escaping or draining from such Building, as aforesaid,

- 3.4 The openings of all external sanitary fittings and W.C. squat pans shall be at least 300mm above the said maximum known flood level or the said minimum height approved by Council as the case may be.
4. No approval or permission granted by the Council in terms hereof shall render the Council liable in respect of any flooding of the Land or Buildings concerned.

LISTED BUILDINGS

No.	PROPERTY DESCRIPTION	DESCRIPTION OF BUILDING STRUCTURE	DETAILS OF BULK TRANSFER	REMARKS
1	Ptn 1 of Erf 1772 PMB, being 65 Trelawney Road	Whole building		
2	Rem of 6 (of 1) of Erf 2314 and Ptn 7 of Erf 2315, PMB, being 151 Pietermaritz Street	Whole building		
3	Rem of 1 of Erf 2313 PMB, being 131 Pietermaritz Street	Whole building		
4	Rem of Ptn 5 of Erf 2621 PMB, being 212 Longmarket Street	Whole building		
5	Ptn 9 (of 1) of Erf 2785 PMB, being 212 Longmarket Street	Whole building		
6	Ptn 11 (of 9) of Erf 2615 PMB, being 202 Chapel Street	Whole building		
7	Rem of Erf 461 PMB, being 36 Buckingham Avenue	Whole building		
8	Rem of 3 of Erf 1943 PMB, being 18 Connaught Road	Whole building		
9	Rem of Erf 348 PMB, being 5 Hillside Road	Whole Building		
10	Rem of Erf 2928 PMB, being 278 Prince Alfred Street	Whole Building		
11	Ptn 1 of Erf 3017 PMB, being 148 Loop Street	Whole Building		
12	Ptn 4 of Erf 2402 PMB, being 4 McCallum Street	Whole Building		
13	Ptn 1 and Ptn 8 (of 2), of Erf 2420 PMB, being 207 Church Street	Whole Building		

No.	PROPERTY DESCRIPTION	DESCRIPTION OF BUILDING STRUCTURE	DETAILS OF BULK TRANSFER	REMARKS
14	Ptn 6 (of 1) of Erf 2641 PMB, being 412 Longmarket Street	Whole Building		
15	Ptn 3 and Rem of 1, of Erf 2718 PMB, being 181 Burger Street [Kelvin]	Whole Building		
16	Ptn 2 of Erf 2564 PMB, being 15 Theatre Lane [Harwin's Arcade]	Whole Building		
17	Ptn 13 and Ptn 3, of Erf 2714 PMB, being 7 Leighton Street	Whole Building		
18	Erf 2833 PMB, being 11 Leighton Street	Whole Building		
19	Ptn 11(of 1) of Erf 2714 PMB, being 13 Leighton Street	Whole Building		
20	Ptn 3 of Erf 2713 PMB, being 14 Leighton Street	Whole Building		
21	Ptn 15 of Erf 2714 PMB, being 17 Leighton Street	Whole Building		
22	Ptn 4 of Erf 2713 PMB, being 20 Leighton Street	Whole Building		
23	Rem of 6 of Erf 2713 PMB, being 26 Leighton Street	Whole Building		
24	Ptn 14 of Erf 2713 PMB, being 30 Leighton Street	Whole Building		
25	Rem of Erf 2642 PMB, being 428 Longmarket Street [House Ripkin]	Whole Building		
26	Ptn 6 of Erf 2612 PMB, being 123 Loop Street	Whole Building		
27	Ptn 21 of Erf 2313 PMB, being 134 Berg Street	Whole Building		
28	Ptn 10 of Erf 2312 PMB, being 10 Deanery Lane	Whole Building		

No.	PROPERTY DESCRIPTION	DESCRIPTION OF BUILDING STRUCTURE	DETAILS OF BULK TRANSFER	REMARKS
29	Ptn 19 (of 2) and Ptn 20 (of 4), of Erf 2313 PMB, being 11 Deanery Lane	Whole Building		
30	Ptn 5 of Erf 2312 PMB, being 12 Deanery Lane	Whole Building		
31	Ptn 16 (of 2) and Ptn 17 (of 4), of Erf 2313 PMB, being 13 Deanery Lane	Whole Building		
32	Ptn 6 of Erf 2312 Pmb, being 14 Deanery Lane	Whole Building		
33	Ptn 15 9(of 2) and Ptn 18 (of 4) of Erf 2313 PMB, being 15 Deanery Lane	Whole Building		
34	Ptn 9 (of 5) and Ptn 10 (of 6) of Erf 2313 PMB, being 15A Deanery Lane	Whole Building		
35	Ptn 7 of Erf 2312 PMB, being 16 Deanery Lane	Whole Building		
36	Ptn 14 of Erf 2313 PMB, being 17 Deanery Lane	Whole Building		
37	Ptn 11 (of 1) and Ptn 3 (of 2) of Erf 2313 PMB, being 21 Deanery Lane	Whole Building		
38	Ptn 20 (of 12) of Erf 2729 and Ptn 6 (of 1) of Erf 2730 PMB, being 39/19A Henrietta Street	Whole Building		
39	Ptn 1 of Erf 1622 PMB, being 231 Old Howick Road ["Ketelfontein"]	Whole Building		
40	Ptn 23 (of 4) of Erf 2522 PMB, being 11 Carlyle Arcade	Whole Building		
41	Ptn 5 (of 1) of Erf 2314 PMB, being 49 Pietermaritz Street	Whole Building		
42	Rem of 1 of Erf 2787 PMB, being 326 Burger Street	Whole Building		

No.	PROPERTY DESCRIPTION	DESCRIPTION OF BUILDING STRUCTURE	DETAILS OF BULK TRANSFER	REMARKS
43	Rem of 2 of Erf 2701 PMB, being 11 Burger Street	Whole Building		
44	Erf 1963 PMB, being 296 Bulwer Street	Whole Building		
45	Rem of 5 of Erf 2612 PMB, being 121 Loop Street	Whole Building		
46	Ptn 1 of Erf 2668 PMB, being 25 Loop Street	Whole Building		
47	Erf 1966 PMB, being 46 Braid Street	Whole Building		
48	Rem of 1 of Erf 2935 PMB, being 359 Bulwer Street	Whole Building		
49	Ptn 14 (of 12) of Erf 2221 PMB, being 4 Stranack Street	Whole Building		
50	Rem of 4 of Erf 2221 PMB, being 218 Boom Street	Whole Building		
51	Rem of 1 of Erf 2798 PMB, being 431 Prince Alfred Street	Whole Building		
52	Rem of 2 of Erf 2742 PMB, being 420 Loop Street	Whole Building		
53	Ptn 1 of Erf 2602 PMB, being 11 Loop Street	Whole Building		
54	Ptn 5 of Erf 2627 PMB, being 270 Longmarket Street	Whole Building		
55	Ptn 5 of Erf 2719 PMB, being 190 Loop Street	Whole Building		
56	Ptn 5 of Erf 2935 PMB, being 350 Prince Alfred Street	Whole Building		
57	Ptn 31 (of 6) of Erf 2523 PMB, being 27 Chancery Lane	Whole Building		

No.	PROPERTY DESCRIPTION	DESCRIPTION OF BUILDING STRUCTURE	DETAILS OF BULK TRANSFER	REMARKS
58	Ptn 2 of Erf 2930 PMB, being 311 Bulwer Street	Whole Building		
59	Ptn 1 of Erf 3014 PMB, being 122 Loop Street	Whole Building		
60	Ptn 7 of Erf 2718 PMB, being 180 Loop Street	Whole Building		
61	Lot 2164 PMB, being 12 Oxford Street	Whole Building		
62	Ptn 1 of Erf 2622 PMB, being 218 Longmarket Street	Whole Building		
63	A portion of Erf 1887, Rem of Erf 534 and Ptn 13 of Erf 534 PMB, being the City Electrical Engineer's stores and workshops, Havelock Road	Whole Building		
64	Ptn 7 of Erf 2714 PMB, being 15 Leighton Street	Whole building		
65	Ptn 7 (of 4) of Erf 2618 PMB, being 180 Longmarket Street [Mc Auslin's Chambers]	Whole building		
66	Rem of 5 of Erf 2790 PMB, being 352 Burger Street	Whole building		
67	Ptn 3 of Erf 2813 PMB, being 366 Burger Street	Whole building		
68	Ptns 7 and 8 (of 1), of Erf 2409 PMB, being 91 - 99A Church Street	Whole building		
69	Rem of Erf 254 PMB, being 189 East Street [Soofie Mosque]	Whole building		
70	Ptn 11 (of 9) of Erf 2715 PMB, being 151 Burger Street	Whole building		

71	Erf 2832 PMB, being 19 Killarney Terrace [Strathallan]	Whole building		
72	Ptn 33 (of 7) of Erf 2523 PMB, being 2 Change Lane [Hoskings Chambers]	Whole building		
73	Rem of 3 of Erf 2206 PMB, being 63 West Street	Whole building		
74	Ptn 12 of Erf 2713 PMB, being 134 Loop Street	Whole building		
75	Rem of (6 of 4) of Erf 2620 PMB, being 204 Longmarket Street	Whole building		
76	Ptn 6 of Erf 2520 PMB, being 201 Longmarket Street	Whole building		
77	Rem of Erf 2523 PMB, being 230 Church Street [Gray's Inn]	Whole building		
78	Rem of 2 of Erf 92 PMB, being 485 Town Bush Valley Road	Whole building		
79	Ptns 856 and 857 of Erf 785 Northdale, being 386/8 Bombay Road	Cork Oak Tree		
80	Rutland Road, King Edward Avenue, Park Drive	Tramway Tracks		
81	Rem of Erf 2814 PMB, being 280 Loop Street	Whole building		
82	Rem of Erf 25 PMB, [Alexandra Park]	Bandstand		
83	Rem of Erf 25 PMB, [Alexandra Park]	Mc Farlane Bridge		
84	Rem of Erf 25 PMB [Alexandra Park]	Pavilion Building		
85	Erf 11 (of 1) of Erf 2312 PMB, being 8 Deanery Lane	Whole building		
86	Rem of Erf 2122 PMB, being 227 Boom Street	Whole building		

No.	PROPERTY DESCRIPTION	DESCRIPTION OF BUILDING STRUCTURE	DETAILS OF BULK TRANSFER	REMARKS
87	Rem of 16, Ptns 1, 17 ([of 16) and 19 (of 10), of Erf 2319 PMB, being 191 Pietermaritz Street	Double storey building		
88	Rem of 4 of Erf 2934 PMB, being 340 Prince Alfred Street	Whole building		
89	Ptn 3 (of 1) of Erf 2329 PMB, being 295 Pietermaritz Street	Double storey office building		
90	Ptn 17 (of 2) of Erf 54 PMB, being 308 Alexandra Road	Whole building		
91	Rem of 15, Rem of 16 and Ptn 17 (of 16) of Erf 2207 PMB, being 15 Walker Street	Whole building		
92	Rem of 2 of Erf 564 PMB, being 9 Lewis Road	Whole building		
93	Rem of Erf 2747 PMB, being 472 Loop Street	Whole building		
94	Ptns 11 (of 5) and 4, of Erf 2601 PMB, being 193 Pine Street	Whole building		
95	Ptn 2 of Erf 1940 PMB, being 8 New England Road	Whole building		
96	Rem of 10 of Erf 1824 PMB, being 149 Howick Road	Whole building		
97	Rem of Erf 1052 PMB, being 9 Morcom Road	Whole building		
98	Ptn 3 of Erf 2472 PMB, being 146 Pietermaritz Street	Whole building		
99	Ptn 5 of Erf 2306 PMB, being 101 West Street	Whole building		

No.	PROPERTY DESCRIPTION	DESCRIPTION OF BUILDING STRUCTURE	DETAILS OF BULK TRANSFER	REMARKS
100	Ptn 4 (of 3), Rem of 1, Rem of 3 and Ptn 17 (of 1), of Erf 2428 PMB, being 285 Church Street: [Henwoods Building]	Whole building		
101	Ptn 15 of Erf 804 PMB, being 5 Kenwyn Avenue:	Whole building		
102	Ptn 4 of Erf 2201 PMB, being 63 Pine Street	Whole building		
103	A portion of Rem and Ptn 3 (of 2), of Erf 2622 and a portion of Erf 2623, PMB, being 231 Loop Street	Pair of Trichelia Emetica Trees		
104	Erfs 1688 and 1689 PMB, and a portion of Rem of Townlands on and adjoining 91-99 Jesmond Road	Group of Acacia Sieberiana Trees		
105	Road Reserve adjoining Ptn 33 of Erf 1825 PMB, being 46 Lindup Road	Group of Trees		
106	A portion of Rem of Townlands in vicinity of intersection of Villiers Drive and Roberts Road	Acacia Sieberiana var Woodii Tree		
107	Ptn 2 of Erf 115 PMB, being 16 Yalta Road	Whole Building		
108	Ptn 3 of Erf 576 and Ptn 3 of Erf 526, being 74 Uplands Road	Whole Building		
109	Rem of Erf 2638 PMB, being 380 Longmarket Street	Whole Building		
110	Ptn 3 of Erf 2839 PMB, being 14 Loop Street	Whole Building		
111	A portion of Ptn 381 of Erf 1913 PMB, being 139-201 King Edward Avenue and off Milner Road	Main buildings		

No.	PROPERTY DESCRIPTION	DESCRIPTION OF BUILDING STRUCTURE	DETAILS OF BULK TRANSFER	REMARKS
112	Rem of Erf 1266 PMB, being 70 Tanner Road	Whole building		
113	Ptn 118 of Erf 1913 PMB, being 24 King Edward Avenue	Brick Boundary Wall		
114	Ptn 2 of Erf 2702 PMB, being 25 Burger Street	Whole Property		
115	Ptn 7 of Erf 2839 PMB, being 12 Shepstone Avenue	Whole Property		
116	Ptn 13 of 9 of Erf 2702 and Ptn 7 of Erf 2703 PMB, being 13 Shepstone Avenue	Whole Property		
117	Ptn 10 of 4 of Erf 2702 PMB, being 14 Shepstone Avenue	Whole Property		
118	Rem of 4 of Erf 2702 PMB, being 18 Shepstone Avenue	Whole Property		
119	Ptn 14 (of 3) of Erf 2702 PMB, being 22 Shepstone Avenue	Whole Property		
120	Rem of 3 of Erf 2702 PMB, being 26 Shepstone Avenue	Whole Property		
121	Ptn 44 (of 43) of Erf 545 PMB, being 55 Oribi Road	Whole Property		
122	Erf 2269 PMB, being 236/238 Boom Street	Whole Property		
123	Ptn 2 of Erf 2164 PMB, being 14 Oxford Street	Whole Property		
124	Lot 1779 PMB, being the Italian Prisoner of War Church, Epworth Road	Whole Property		

No.	PROPERTY DESCRIPTION	DESCRIPTION OF BUILDING STRUCTURE	DETAILS OF BULK TRANSFER	REMARKS
125	Erf 2564 PMB, being 10 Timber Street (Harwins Arcade)	Whole Property		
126	Rem of 9 and Ptn 8, of Erf 2416 PMB, being 133 Chapel Street	Whole Property		
127	Ptn 1 of Erf 2741 PMB, being 410 Loop Street	Whole Property		

**RELAXATION OF BUILDING LINES, SIDE SPACES, REAR SPACES**

1. Where provision is made in the Scheme for relaxation of Building Lines and/or Side Spaces and/or Rear Spaces, any person seeking such relaxation shall apply for the Council's Special Consent. Provided that, if the Owners of the properties adjoining the Site in question, as well as any other Owners whom the Council may determine, give their consent in writing to the particular relaxation or relaxations, the Council may waive the Special Consent procedure.
2. In making application for relaxation the applicant shall satisfy the Council that Development of the Site so as to comply with the specified Building Line and/or Side Space and/or Rear Space, would not be practicable on account of -
  1. The levels and/or slope of the Site;
  2. The presence and location of underground services which cannot be readily re-located;
  3. The internal layout and/or location of an existing Building which is to extended;
  4. Any other special circumstance or conditions.

Provided further, that the Council shall also have regard to other Buildings in the vicinity which have been built in front of the Building Line.

**APPENDIX 10****10.1 DEVELOPMENT CONTROLS FOR GREATER EDENDALE AND SOBANTU**

10.1.1. In addition to the general provisions of the Scheme, the following shall apply exclusively to the Sobantu Area and below mentioned land uses.

TYPE OF BUILDING OR USE OF LAND	MAX BULK FACTOR OR MAX UNITS/HECTARE	MAX COVERAGE FACTOR	MAX HEIGHT
Residential		60%	2 storeys
Business		70%	3 Storeys
Industrial		70%	3 storeys
Community facility		70 %	3 Storeys
Public Open Space		To the satisfaction of the responsible authority	
All other uses		As per scheme requirements	As per scheme requirements

10.1.1.2. The maximum coverage permitted on any site for Residential use, shall be 60% and for Business, industrial, community facility shall be 70% as specified in the above table 10.1.1, except in all other uses not specified herein shall .The coverage for the Public open space shall be to the satisfaction of the responsible authority as indicated in the above table 10.1.1

10.1.1.3. Buildings shall not exceed the coverage specified herewith: Provided that on written application the responsible authority may grant consent for a maximum of 10% additional coverage.

10.1.1.4. The maximum height permitted on any residential use shall be 2 Storeys and for business, industrial and community facility shall be 3 Storeys, save with the Special Consent of the Council.

10.1.1.5. The number of storeys contemplated in this paragraph shall include the storey at ground level but shall not include basement storeys that are below ground level.

### 10.1.2. Building Lines, Side and Rear Spaces

- 10.1.2.1. Generally, all Buildings and structures (including Residential, Business, industrial, community facility and Public open space ), shall observe a Building Line of at least 3m and at least 1m in for other buildings or other uses not specified in the above table .
- 10.1.2.2. The Council may grant its Special Consent for the erection of a Building or structures (including Residential, Business, industrial, community facility) in front of the Building Line. Any person wishing to make an application for relaxation shall proceed in the manner provided for in Appendix 9 to the Scheme
- 10.1.2.3. Generally, all Buildings and structures (including Residential, Business, industrial, community facility) and all other uses, shall observe a Side Space of at least 1m.
- 10.1.2.4. Generally, all the above uses mentioned in the table under Clause 10.1.1, shall observe a Rear Space of at least 1m.
- 10.1.2.5. On receipt of a written application, the responsible authority may permit the erection of a building within the side or rear space, the application which will be valid for the life of the building concerned.
- 10.1.2.6. No building other than boundary walls, fences or temporary buildings that are required in connection with building operations being conducted on the property shall be erected without a space, free of any building or structure, between it and one of the side boundaries and also between the building and the rear boundary of the property.

### 10.1.3. Provision of On-site Parking

- 10.1.3.1. At least one on-site parking space shall be provided for each Dwelling Unit, save with the Special Consent of the Council.
- 10.1.3.2. On-site parking requirements for any other uses shall be in accordance with the requirements for those uses, as provided for elsewhere in the Scheme.
- 10.1.3.3. On- site parking for residential buildings less than 2000m<sup>2</sup> shall have no minimum parking requirements and for residential buildings more than 2000m<sup>2</sup> shall observe 1 parking space per dwelling unit
- 10.1.3.4 On- site parking for shops less than 2000m<sup>2</sup> shall have no minimum parking requirements and for shops with more than 2000m<sup>2</sup> to 2 999m<sup>2</sup> shall observe 3 parking spaces per 100 m<sup>2</sup> of shopping floor area, and shops with a site extent of 3000m<sup>2</sup> and over shall observe 4 parking spaces per 100 m<sup>2</sup> of shopping floor area.
- 10.1.3.5. On- site parking for offices less than 2000m<sup>2</sup> shall have no minimum parking requirements and for offices with more than 2000m<sup>2</sup> shall observe parking spaces per 100 m<sup>2</sup> of office floor area.
- 10.1.3.6. On- site parking for an industry and a business with less than 2000m<sup>2</sup> shall have no minimum parking requirements and for an industry and a business with more than 2000m<sup>2</sup> shall observe 1 parking space per 100 m<sup>2</sup> of floor area.

## 10.2. DEVELOPMENT CONTROLS FOR GREATER EDENDALE

10.2.1. In addition to the general provisions of the Scheme, the following shall apply exclusively to the Greater Edendale Area and below mentioned land uses.

TYPE OF BUILDING OR USE OF LAND	MAX BULK FACTOR OR MAX UNITS/HECTARE	MAX COVERAGE FACTOR	MAX HEIGHT
Residential		60%	3 storeys
Place of instruction		60%	3 storeys
Places of public worship		60%	3 storeys
Social Halls		60%	3 storeys
Sport and recreational purposes		60%	3 storeys
institutions		60%	3 Storeys
All other uses		80%	3 storeys

10.2.1.1. The maximum coverage permitted on any site for Residential use, place of instruction, place of public worship, social halls, sport and recreational purposes and institutions shall be 60% as specified in the above table 10.2.1, except in all other uses not specified herein shall be 80%.

10.2.1.2. No buildings shall be erected so as to contain a number of storeys, other than a basement, in excess of three.

### 10.2.2. Building Lines, Side and Rear Spaces

10.2.2.1. Generally, all Buildings and structures (including residential, places of instruction, places of public worship, social halls, sport and recreational purposes and institutions), shall observe a Building Line of at least 3m and at least 1m for other buildings or other uses not specified in the above table.

10.2.2.2. The Council may grant its Special Consent for the erection of a Building or structures (including places of instruction, places of public worship, social halls, sport and recreational purposes and institutions) in front of the Building Line. Any person wishing to make an application for relaxation shall proceed in the manner provided for in Appendix 9 to the Scheme

10.2.2.3 Generally, all Buildings and structures (including residential, places of instruction, places of public worship, social halls, sport and recreational purposes and institutions) and all other uses, shall observe a Side Space of at least 1m.

10.2.2.4. Generally, all the above uses mentioned in the table under Clause 10.2.1, shall observe a Rear Space of at least 1m in all Density Zones.

### 10.2.3. Provision of On-site Parking

- 10.2.3.1. At least one on-site parking space shall be provided for each Dwelling Unit, save with the Special Consent of the Council.
- 10.2.3.2. On-site parking requirements for shops, banks, building societies, medical consulting room and restaurants less than 500m<sup>2</sup> shall be nil.
- 10.2.3.3. On-site parking Shops, banks, building societies, medical consulting room and restaurants which have a site extent of 500m<sup>2</sup> up to 2999m<sup>2</sup> shall have a minimum parking of three spaces per 100 m<sup>2</sup> of floor area and minimum loading area/space of one space per 100 m<sup>2</sup> of floor area
- 10.2.3.4. On-site parking for all the above mentioned uses with an extent of 3000m<sup>2</sup> and over shall have a minimum parking of four spaces per 100 m<sup>2</sup> of floor area and minimum loading area/space of one space per 100 m<sup>2</sup> of floor area.
- 10.2.3.5. All other uses for business purposes other than those to which (10.2.3.2 and 10.2.3.4) apply shall have a minimum parking space of two spaces per 100m<sup>2</sup> of floor area.
- 10.2.3.6. All industrial uses shall have one parking space per 100m<sup>2</sup> of floor area and minimum loading space/area of one space per 1000m<sup>2</sup>.
- 10.2.3.7. On-site parking requirements for Social halls, places of worship, sports and recreational purposes and any other uses not mentioned above shall be in accordance with the requirements for those uses, as provided for elsewhere in the Scheme.