



BRITS
TOWN PLANNING SCHEME

1/1958

C O N T E N T S

	<u>Clause</u>	<u>Page</u>
<u>PART I</u>		
<u>GENERAL</u>		
Arrangement of Scheme	1	1
Interpretation	2	1
Area of Scheme	3	3
Responsible Authority	4	3
Use of Annexures	4(bis)	3
<u>PART II</u>		
<u>RESERVATION OF LAND</u>		
Reservation of land	5	3
Buildings etc., not to be erected on reserved land ...	6	4
Acquisition of land	7	5
<u>PART III</u>		
<u>STREETS AND BUILDING LINES</u>		
<u>Streets</u>		
Prevention of obstruction to view at corners and bends	8	5
Closing or diversion of streets	9	6
<u>Building Lines</u>		
Building lines in new townships	10	5
Building lines in existing townships	11	6
Observance of building lines	12	6
<u>PART IV</u>		
<u>BUILDING RESTRICTIONS AND USE OF LAND</u>		
Interpretation	13	7
Buildings used for more than one purpose	14	11
<u>ERECTION AND USE OF BUILDINGS AND USE OF LAND</u>		
Erection and use of buildings and use of land	15	11
Use of land	16	15
Advertisement and appeal in certain cases	17	16
Saving for special purposes	18	16
<u>DENSITY</u>		
Number of dwelling houses which may be erected	19	17
<u>BULK OF BUILDINGS</u>		
Limitation of bulk of buildings	20	19
<u>EXTERNAL APPEARANCE AND ARCHITECTURAL GROUPING OF BUILDINGS</u>		
Architectural grouping and submission of drawings and		20

"Land" includes land covered with water and any right in or over land. Any reference to land is limited to land in the area.

"Map" means the map marked "Map No. 3" as defined in Regulation No. 20 of the regulations promulgated under Administrator's Notice No. 393 dated 10 October, 1945, and as amended from time to time by any approved amending scheme.

"Material date" means the 17th day of February, 1950.

"Occupier" in relation to any building, structure or land means and includes:

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

"Ordinance" means the Townships and Town Planning Ordinance No. 11 of 1931, together with any amendments thereof.

"Owner" in relation to any building, structure or land means and includes:-

- (a) the person in whose name the title to such building, structure or land is registered, and includes the holder of the stand licence; and
- (b) if such person or holder is dead, insolvent, mentally disordered or defective, a minor, or under any legal disability, the person in whom the administration of that person's or holder's estate is vested, whether an executor, guardian or in any other capacity whatever;
- (c) if the premises are under lease, the registration whereof is in law necessary for the validity of such lease, the lessee.

When an owner as herein defined is absent from the area or his whereabouts is unknown, the expression "owner" includes an agent of such owner or any person receiving, or entitled to receive, rent in respect of the premises.

"Private Open Space" means any land reserved for use as a private ground for sports, play, rest and recreation, or as an ornamental garden or pleasure ground.

"Public Open Space" means any land used or reserved for use by the public as an open space, park, garden, play-ground, recreation ground or square.

"Regulations" means the regulations made by the Administrator under Section 59 of the Ordinance and for the time being in force in the Municipality.

"Street" or "Road" includes the whole or part of any street, road, bridge, subway, tunnel, avenue, drive, lane, sanitary lane, or thoroughfare shown on the general plan of a township or in respect of which the public has acquired a prescriptive

"The erection of a building" includes the structural alteration of, or the making of any addition, to a building.

AREA OF SCHEME

3. The area to which this Scheme applies shall consist of the area which lies within the inner edge of the boundary line coloured dark blue on the map.

RESPONSIBLE AUTHORITY

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

USE OF ANNEXURES

4. (bis) (1/9)

Any property situate in any use zone; shall, where applicable in addition to the provisions of the Scheme, be entitled to the uses, and be further subject to the special conditions and restrictions, and be in accordance with the layout as indicated on the Annexure to the Map.

The number of the relevant Annexure sheet shall be inscribed in green within or next to the figure of the property depicted on Map No. 3.

PART II : RESERVATION OF LAND

RESERVATION OF LAND

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

TABLE "A"

Indicated on Map of Land
1. Reserved

Uses for which Land
2. is reserved

Part I

Coloured Red and numbered 1 to 9 inclusive and 17 to 25 inclusive. (1/1)

New streets and widening of existing streets.

Part II

Hatched dark green and numbered 10 to 15 inclusive.

Public Open Space.

Part III

Broad and narrow hatched dark green and numbered 16.

Private Open Space.

BUILDINGS ETC. NOT
TO BE ERECTED ON
RESERVED LAND

6. (a) Save with the consent of the Council, no person shall develop or erect a building or execute works, or make excavations on land reserved under Clause 5 hereof, other than developments, buildings, works or excavations 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 being lawfully used on the date when the Scheme came into operation.

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 in so far as they are not in conflict herewith.

- (b) Save as provided by Sub-clause (a) no person shall spoil or waste land reserved under Clause 5 hereof so as to destroy or impair its use for the purpose for which it is reserved.

Provided that the Council may consent to the deposit such land of any waste materials or refuse.

- (c) In giving its consent under this Clause, the Council may impose such conditions as it deems fit.

- (d) Nothing in this Clause shall be construed as prohibiting the reasonable fencing of the land.

- (e) The owner of any proposed new township within the area shall provide as public open space the following minimum portion of the township area:-

<u>Density Zone</u>	<u>Percentage of Area</u>
1000 m ² per dwelling house	3

Industrial Townships

In industrial townships : 3% of the Area of Industrial Erven.

provided that the Board may in its discretion waive or modify these requirements and that the Administrator may require the owner to make a payment in money in lieu of land.

- (f) The new streets specified in Clause 5, Table "A" Part I, shall not be deemed to be public streets until they, or any portion of them, fall within any township which may be established on the land traversed by such streets, or they proclaimed as public roads, or become vested in the Council for that purpose under any law.

ACQUISITION OF LAND

- 7. Where the Council has acquired, either by agreement or expropriation, any land (together with buildings, structure or other erections thereon) reserved under Clause 5 hereof, it may execute thereon such work as, in the opinion of the Council may be required for or be incidental to the purpose for which the land is reserved or for Municipal purposes.

PART III : STREETS AND BUILDING LINES

PREVENTION OF OBSTRUCTION TO VIEW AT CORNERS AND BENDS

- 8. (1) Where the Council is satisfied that in the interests of safety any obstruction to the visibility at a corner or bend in a road ought to be regulated, it may serve upon the owner and occupier of the land a notice imposing restrictions in regard to the height or the position of the obstruction and the notice shall state the requirements of the Council and be accompanied by a plan showing the land to which the notice relates.
- (2) The restrictions imposed by a notice served under this clause shall take effect upon the service of the notice and shall remain in force until the notice is withdrawn by the Council.
- (3) A breach of any restriction imposed under this Clause shall be a contravention of the Scheme.
- (4) Any person aggrieved by a notice served under sub-clause (1) of this clause may appeal.

CLOSING OR DIVERSION OF STREETS

- 9. The Council may permanently close or divert any street, provided that the Council shall, in the exercise of such power, be subject to the provisions of the Local Government Ordinance No. 17 of 1939, or any amendment thereof.

BUILDING LINES

BUILDING LINES IN NEW TOWNSHIPS

- 10. (a) In any township established after the coming into operation of this Scheme there shall be Building Lines on all the streets and such building lines shall be at a distance from the boundary of the street of not less than the distance set out in Table "B".

TABLE "B"

In zones where the minimum area of site per dwelling is

<u>Density</u>	<u>Minimum Building Line</u>
2 000 m ² or less	5,096 m
More than 2 000 m ²	9,144 m

Provided that in a general business zone the street shall be widened to an additional width of 7,61 m, in excess of the normal street width, to form a parking bay and the buildings may be permitted up to such widened street boundary.

(b) Buildings in Special Industrial, Particular Industrial and General Industrial Zones shall be set back to a minimum building line of 9 m from the street boundary.

(c) Buildings in Hotel and Theatre zones shall be set back to a minimum line of 16 m from the street boundary.

Provided further that the building line may be reduced at the discretion of the Council where an erf has street fronts on more than one street.

BUILDING LINES
IN EXISTING
TOWNSHIPS



11.

In any street existing at the date in which this scheme comes into operation, for which no building line is shown on the Map the minimum building line shall be:-

- (i) For inside erven in townships 6 m and for corner erven 6 m on the shorter street frontage and 3 m from the boundaries on the return frontages.
- (ii) In General Business Zones the minimum building line shall be: 8 m from the fronting street.
- (iii) In Hotel and Theatre Zones the minimum building line shall be 16 m.

OBSERVANCE OF
BUILDING
LINES

12.

(a) Where a building line for any street or proposed street is shown on the map, or is fixed under Clauses 10 and 11 (1/3) hereof, no building other than boundary walls or fences or temporary structures erected in connection with building operations, or buildings permitted in pursuance of Sub-Clauses (a) of Clause 6 hereof, shall, thereafter, be erected on the land between the building line and the street boundary.

Provided that the Council may, if it thinks fit, permit the erection of a building in front of the building line, if, on account of the levels of the site, or of adjoining land, or the proximity of buildings already in front of the building line, or on other special circumstances, compliance with the building line would interfere with the development of the site.

(b) Where shops, business premises and (if permitted) industrial buildings, erected in a general business zone, conform to a building line shown on the map or fixed under Clauses 10 and 11 (1/3) hereof, no goods, merchandise, wares or other obstructions shall be placed, deposited, kept or displayed on the area between the street boundary and any such building line.

PART IV

BUILDING RESTRICTION AND USE OF LAND

INTERPRETATION 13. In this part of the Scheme, except where the context otherwise requires, or it is otherwise expressly provided, the following words and expressions have the respective meanings hereby assigned to them:-

"Agricultural Building" shall mean 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 a dwelling house.

"Agricultural Land" means land as defined in Section 4 of the Local Authorities Rating Ordinance 1933, or any amendment thereof.

"Building" shall include a structure or erection in Clauses 15 to 18 (1/3) inclusive, but not elsewhere in this part of the Scheme.

"Business Premises" means a building designed for use as an office, or for other business purposes, but does not include a place of instruction or place of amusement, a warehouse, or building mentioned, whether by way of inclusion or exclusion, in the definition of "institution" or a building designed for use as a shop, public garage, parking garage, industrial building, or noxious industrial building.

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"Domestic Industrial Building" means a building designed for use as a domestic industrial building such as a bakery, laundry, dry cleaning, boot repairing, builder's yard, coal and firewood store and warehouse, and other buildings deemed by the Council as domestic industrial buildings.

"Dwelling-house" means a house designed for use as a dwelling for a single family, together with such outbuildings as are ordinarily used therewith.

"Existing Building" and "existing work" means respectively a building or work erected, constructed or carried out before the date of the approval of the Scheme, and include also a building or work:-

- (i) erected, constructed or carried out in pursuance of a contract made before the said date; or
- (ii) begun before, but completed after, the said date; or
- (iii) erected, constructed or carried out in accordance with the terms of any permission granted by the Council pending the preparation and approval of the Scheme.

"Existing Erf" means any erf, as defined in the Townships and Town Planning Ordinance No. 11 of 1931 and includes any portion of an erf the subdivision of which was approved by the Council before the material date.

"Existing Use" means, in relation to any building or land a continuous use of that building or land for the purpose for which it was being lawfully used, before the scheme was proclaimed or in the case of a newly erected building erected before such date, which has not been used before that date a continuous use for any purpose for which it was designed including in any case, any use of a building or land permitted by the Council pending the preparation and approval of this Scheme:-

Provided that:-

- (i) the discontinuance of the existing use of a building at any time after the approval of the scheme for a period exceeding fifteen months shall be deemed to interrupt the continuous use;
- (ii) where, on the date of approval of this scheme, a person who was using any land for the purpose of mining, quarrying, the digging of clay, gravel or sand, or the deposit of waste materials or refuse or any other purpose of a similar nature, was entitled also to use neighbouring land, whether before or after the date of the approval of this scheme, shall be deemed to be an existing use.

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"Flat" means any suite of rooms, not being a single dwelling house designed for use by a single family, contained in one building having a common entrance.

"Funeral Parlour" means a building designed for the reception of human corpses prior to disposal and may include a funeral chapel and workshop for the manufacture of coffins and funeral furniture.

"Hotel" means a building licensed under the Liquor Act 1926.

"Industrial Building" means a building, other than a special or noxious industrial building, designed for use as a factory within the meaning of the Factories, Machinery and Building Work Act No. 22 of 1941 and any amendments thereof, or for use in connection with the operation of any machinery, mine or works as defined in the Mines and Works Act No. 12 of 1911 and any amendments thereof, and includes any office or any

other building within the same site the use of which is incidental to or would ordinarily be incidental to or reasonably necessary in connection with the use of such factory or building used in connection with the operation of any machinery, mine or works as defined above, and for the use of persons employed on the site, restaurants and recreational buildings.

"Industrial Township" means a duly proclaimed township established on land zoned for industrial purposes.

"Institution" means a building designed for use as public or charitable institution, hospital, nursing home, sanatorium, clinic or dispensary, whether public or private, but does not include buildings designed wholly or principally for any of the following uses, namely, as:-

- (i) a hospital, sanatorium, dispensary, or clinic for the treatment of infectious or contagious diseases;
- (ii) an institution, or home for mental defectives;
- (iii) a mental hospital;
- (iv) a public assistance institution.

"Maisonettes" means a building containing on more than one floor two or more suites of rooms designed for use as a dwelling for a single family, each suite of rooms having an external entrance.

"Noxious Industrial Building" means a building designed or used for the purpose of carrying on an offensive trade as set out in Section 95(1) of the Local Government Ordinance 1939 with any additions thereto in terms of such Ordinance.

Provided that:-

- (i) where the Council with the sanction of the Administrator in terms of Section 95(1) of the Local Government Ordinance, 1939, adds to the list of noxious trades in terms of that Ordinance, such additions shall also be deemed to be included in the above definition;
- (ii) upon the production of a certificate by the Medical Officer of Health, in consultation with the Inspector of Factories, that the process it is proposed to employ in the conduct of any of the foregoing industrial 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 or water courses;

(c) solid waste matters;

The Council may consent to the erection and use of buildings for such industries in Use Zone VII Table "C".

"Parking Garage" means a building designed for the purpose of parking motor vehicles, and for the sale of petrol, oil and accessories, but does not include a building, any part of which is designed for use as a workshop for the repair of motor vehicles.

"Place of Amusement" includes inter alia a building designed for use as a public hall, concert hall, billiard saloon, sports arena, skating rink, or dance hall, or for the purpose of exhibitions of trade or industry.

"Place of Instruction" means a building designed for use as a school college, technical institute, academy, lecture hall or other educational centre and includes a hostel appertaining thereto, a monastery, convent, public library, art gallery, museum, gymnasium, but does not include a building designed for use wholly or principally as a reformatory or industrial school or as a school for mentally defective children.

"Place of Public Worship" means a building designed for use as a church, chapel, oratory, meeting house, synagogue, or other place of public devotion and includes a building designed 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 shall not include a funeral chapel.

"Professional Chambers" means a building other than business premises, designed for use as Medical Consulting, Legal, Architectural and other professional Chambers.

"Public Garage" means a building other than a parking Garage, designed for the purpose of the storage, sale, repair and fuelling of motor vehicles, or for any one or more of these uses, by way of trade or for purposes of gain.

"Residential Building" means a building, other than a dwelling-house, designed for use for human habitation, together with such out-buildings as are ordinarily used therewith and includes blocks of flats, tenements, maisonettes, boarding-houses, 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".

"Shop" means a building designed for the purpose of carrying on retail trade; not being a noxious industrial building or parking or public garage, and includes an industrial building and domestic industrial building on the same premises and ordinarily incidental to the conduct of the retail business thereon.

"Site" in relation to a building includes the area of any offices, out-buildings, yard, court or garden occupied or intended to be occupied therewith.

"Social Hall" means a building designed to be used for social meetings, gatherings and recreation, and includes a masonic temple and a non-residential club, but does not include a "place of amusement".

"Special building" means a building designed for any use other than one of the uses for which the buildings herein defined are designed.

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"Tenement" means a building containing rooms, each separately occupied as a dwelling.

"Theatre" means a building designed for the public performance of drama and plays whether animate or inanimate and includes music halls, opera houses, cinemas.

"Zone" means a portion of the area shown on the Map by distinctive colouring, hatching or edging, or in some other distinctive manner for the purpose of indicating the restrictions imposed by this part of the Scheme on the erection and use of buildings or the use of land; and the terms "density zone", "use zone" and "height zone" means zones indicating restrictions as to density, use and height of buildings respectively.

BUILDINGS USED FOR MORE THAN ONE PURPOSE

14. (a) Where a building is used, or a proposed building is designed, for more than one use it shall be treated for the purpose of Clauses 15 and 20 hereof, as being used or designed partly for each of those uses, but for the purpose of the other provisions of this part of the Scheme, it shall be treated as being used or designed for its predominant use, and the Council may, and shall, if the person having control of, or proposing to erect, the building makes an application for that purpose, decide what is the predominant use. (1/3)
- (b) The Council shall give notice of any decision under this Clause to the applicant, and the person so notified, aggrieved by the decision, may appeal.

ERECTION AND USE OF BUILDINGS AND USE OF LAND

ERECTION AND USE OF BUILDINGS AND USE OF LAND

15. (a) The purposes -
- (i) for which buildings may be erected or used;
 - (ii) for which buildings may be erected or used only with the consent of the Council;
 - (iii) for which buildings may not be erected or used;

TABLE "C"

(1)	(2)	(3)	(4)	(5)
Use Zone	Reference to map	Purpose for which buildings may be erected or used.	Purpose for which buildings may be erected or used only with the consent of the Council.	Purpose for which buildings may not be erected or used.
I.				
Special Residential.	Coloured density colour.	Dwelling houses.	Places of Public Worship, Places of Instruction, Social Halls, Institutions, Special Buildings.	Other uses not under columns 3 and 4.
II.				
General Residential.	Hatched Orange over density colour.	Dwelling houses, Residential Buildings.	Places of Public Worship, Places of Instruction, Social Halls, Institutions, Special Buildings, Parking Garages, Restaurants & Tea Gardens, Hotels.	Other uses not under Columns 3 and 4.
I. business.	Hatched Black diagonally over density colour.	Shops, dwelling houses, Business premises, Professional chambers.	Residential Buildings, Places of Public Worship, Places of Instruction, Social Halls, Public Garages, Parking Garages, Hotels, (Domestic industrial Buildings) Theatres, Special Buildings, Buildings for the trade of frying fish or cooking of food or for the sale of animals or birds.	Other uses not under Columns 3 and 4.
IV.				
Particular Business.	Hatched black diagonally al-	Funeral Parlours.	Dwelling houses. Other uses not	

(2)

(3)

(9)

(1)	(2)	(3)	(4)	(5)
V. Hotels	Hatched black horizontally over density colour.	Hotels, dwelling houses.	Residential Buildings, Places of Public Worship, Places of Instruction, Social Halls, Places of Amusement, Special Buildings.	Other uses under column 3 and 4.
VI. Theatres	Hatched black vertically over density colour.	Theatres dwelling houses.	Residential buildings, Business Premises (restricted to the sale of food and drinks) Places of Public Worship, Places of Instruction, Social Halls, Places of Amusement, Special buildings.	Other uses under column 3 and 4.
VII Industrial	Hatched purple diagonally.	Industrial buildings, Domestic Industrial Buildings.	Places of Instruction, Business Premises, Shops, Public Garages, Parking Garages, Noxious Industrial Buildings for the production of or which employ pulverized fuel, Special Buildings, Dwelling houses.	Other uses under column 3 and 4.
VIII Particular Industry.	Hatched purple horizontally alternate full and broken lines.	Monumental works.	Dwelling houses, places of public Worship, Special buildings.	Other uses under column 3 and 4.
IX Special Industrial.	Cross hatched Purple.	Noxious Industrial Buildings.	Other Uses not in columns 3 and 5.	Dwelling Residential buildings.
X Institutional	Hatched blue diagonally over density colour.	Institutions, Places of Public Worship, Places of Instruction, Social Halls.	Dwelling houses, Residential Buildings, Special Buildings.	Other uses under column 3 and 4.

(1)	(2)	(3)	(4)	(5)
XI Educational	Cross-hatched blue and orange over density colour.	Places of Instruction, Social Halls, Places of Public Worship.	Dwelling houses, Residential buildings, Institutions, Special Buildings.	Other uses under column 3 and 4.
XII Civic	Cross-hatched blue.	Government and Municipal purposes.	Business Premises, Professional chambers, Places of Public Worship, Dwelling houses, Special Buildings.	Other uses under column 3 and 4.
XIII Agricultural	Hatched brown (broad lines) diagonally.	Agricultural buildings, Buildings for sale of fresh produce.	Special Buildings	Other uses under column 3 and 4.
XIV Special	Hatched black in broad and narrow lines.	1. Primindia Township Ext. 17. (i) Erf No. 107 - shops dwelling houses, business premises, Professional chambers. (1/7) 2. Primindia Ext. 22 Erven 200, 201 & 202.	Domestic industrial, vulcanising works, Public Garage.	Other uses under column 3 and 4.

Provided that:-

- (a) a lawfully existing building, or a lawfully existing work, which is not in conformity with the provisions of this Scheme relating to the erection and use of buildings and use of land, may be maintained and may be used of land, existing use, and subject to the provisions of this scheme, other than those relating to the erection and use of land, it may be altered, extended, or rebuilt upon the same site for the particular trade, business, industry, or purpose for which it is then being used.
- (b) No person shall use, or cause or allow to be used, any building or portion thereof for a use other than that for which it has been erected, unless such buildings have been altered for any such proposed new use, and any necessary consent of the Council has been obtained therefore.
- (c) No building for use or occupation...

servants, shall be erected in any use zone without the consent of the Council.

Provided that buildings for occupation by Non-European domestic servants shall not be erected in any use zone in a position which would be likely to cause injury to the amenities of the neighbourhood.

(d) In respect of any land not included in a township the Townships Board may after reference to the Council upon application being made for the establishment of a township, permit the allocation of an erf or erven for general residential purposes and an erf or erven for general business purposes, and an erf or erven for other purposes in such positions and to such an extent and subject to such conditions as it may think fit.

(e) Subject to the provisions of Clause 17 hereof, where application is made to the Council for its consent to the erection and use of a building in a use zone in which a building of the type proposed may be erected and use only with the Council's consent, the Council may give or withhold its consent and shall, in giving consent, be entitled to impose such conditions as it may deem fit governing the erection or use of such building.

Provided that consideration shall be given to the question whether the use for which the building is intended or designed is likely to cause injury to the amenity of the neighbourhood, including without generality to that foregoing, in the case of an industrial building injury due to the emission of smoke or fumes, or of dust, noise or smell.

(f) Any person, if aggrieved by the decision of the Council or the imposition of any condition under the preceding Sub-clause, may appeal.

(g) In this Clause the expression "the erection and use" of a building for a particular use includes the covering of the building, whether or not involving the structural alteration thereof, to that use.

(h) Nothing herein contained shall be deemed to exempt or excuse compliance with any of the Council's by-laws or regulations inconsistent herewith.

USE OF LAND

16.

(a) The use of land comprised in a use zone, whether form the site of a building or not, for a purpose for which in that zone a building may not be erected and used, may be erected and used only with the consent of the Council, shall not be commenced without the consent of the Council, provided that an existing use of land may be continued.

(b) No land comprised in any use zone shall be used for the purpose of refuse-tipping, a motor graveyard, a scrap metal yard, sewage-disposal or cemeteries or any purpose that may interfere with the amenities of the neighbourhood, without the consent of the Council and subject to such conditions as may be imposed by the Council.

- (c) Subject to the provisions of the next succeeding Clause with respect to application for special uses, if an application is made to the Council, for its consent to the use of land for a purpose for which its consent is required, the Council shall notify the applicant of its decision, and the applicant, if aggrieved by the decision, may appeal.

ADVERTISEMENT AND
APPEAL IN CERTAIN
CASES

1/19. 17. (a) Any person intending to make application to the Council for its consent to the erection and use of a building or for the use of land in any use zone, shall post and maintain such notices as prescribed in terms of Regulation 35 of the Town Planning and Township Regulation promulgated under Administrator's Notice No. 977 dated 31 December 1965 as amended.

(b) The Council shall take into consideration any objection received within the said period of fourteen days and shall notify the applicant and the persons, if any, from whom objections were received of its decision, and the applicant and any of the persons aforesaid, if aggrieved by the decision, may appeal.

(c) The decision of the Council shall not take effect until the expiration of twenty-eight (28) days from the date which the applicant and the objectors, if any, are notified thereof or, if an appeal has been made under the provisions of this Clause, until such appeal is disposed of.

SAVING FOR SPECIAL PURPOSES

18. Without prejudice to any powers of the Council derived from law, or to the remainder of this Scheme, nothing in the foregoing provisions of this part of the Scheme shall be construed as prohibiting or restricting or enabling the Council to prohibit or restrict:-

(a) the winning of minerals by underground working, or the winning of minerals by surface working, as regards any land not included in established townships;

(b) the use of land or the erection of buildings required for the purpose of a sports or recreation ground, not being a sports or recreation ground, ordinarily open to the public on payment of a charge;

(c) the letting, subject to the by-laws relating to lodgings and boarding-houses, by any occupant of a dwelling house of any part of the house otherwise than as a separate tenement;

(d) the occasional use of a place of public worship, place of instruction, or institution as a place of amusement or social hall;

- (e) the practice, subject to the compliance with the by-laws of the Council, by any occupant of a dwelling house or residential building of a profession or occupation which does not involve either:-
- (i) the use of the building as a domestic industrial or industrial building or noxious industrial building;
 - (ii) the public display of goods, whether in a window or otherwise; or
 - (iii) the exhibition of any notice or sign other than a notice or sign ordinarily exhibited on dwelling houses to indicate the name and profession or occupation of the occupant; or
 - (iv) an interference with the amenities of the neighbourhood;
- (f) the erection or use of structure for the purpose of advertising subject to the provisions of clause 25, (1/3).

DENSITY

NUMBER OF DWELLING HOUSES WHICH MAY BE ERECTED

19.

- (a) No dwelling house shall be so erected that the number of dwelling houses on an existing erf exceeds the number specified in Table "D" for the density zone in which the existing erf is situated, nor shall any dwelling house be erected on a site having an area less than that specified in the said Table for the density zone in which the site is situated.
- (b) (i) No consolidation of any land shall be made without the consent of the Council and no sub-division of any land shall be made without the consent of the Council except in cases in which, by law, the consent of the Administrator to such sub-division is required.
- (ii) The Council shall not, in those areas in which in terms of Table "D" only one dwelling house per existing erf is allowed, consent to any sub-division of an existing erf provided, however, that the Council may consent to such a sub-division subject to the condition that any portion thereby created (including the remainder) which is smaller in extent than 50% of the area of the existing erf shall not be used as the site of a dwelling house and provided further that any such sub-division shall not cause the coverage, permitted under this Scheme, to be exceeded.
- (iii) The Council shall not, in those areas in which in terms of Table "D" a minimum area of site is required per dwelling house, consent to any sub-division of land whereby any portion (including the remainder) of such land shall have an area of less than such minimum.

The Council may, however, consent to the sub-division of land into portions smaller than such minima, provided that no such smaller portion shall be used as the site of a dwelling house except in the case of an existing erf built upon prior to the material date in which case the Council may permit a sub-division having an area not more than 10% below the said minimum for use as a site for a dwelling house, if as a result thereof the sub-division boundary will more nearly conform to a straight line, provided that any such division shall not cause the coverage permitted under this Scheme to be exceeded.

- (iv) The Council shall not consent to any sub-division resulting in any portion of land upon which a dwelling house exists or upon which it is intended to erect a dwelling house having a street frontage of less than 17 m, provided that this frontage may be reduced to less than 15 m in the case of erven already built up or of existing erven having a frontage of 30 m or more.
- (v) Any person, if aggrieved by the decision of the Council or the imposition of any condition under the preceding sub-clause, may appeal.

TABLE "D"

(1) Locality of Area	(2) Reference on Map Coloured	(3) Number of dwelling houses allowed per existing erf.	(4) Minimum area of site in m ² required per dwelling house
Brits Township and Extensions	Pink	...	1 000m ²
Brits Township and Extensions	Yellow	1	...
<u>UNDEVELOPED LAND</u>			
Roodekopjes No. 32	Pink	...	1 000m ²
Roodekopjes No. 427, J.G.	Burnt sienna	...	500m ² (1/5)

Provided that

- (i) In calculating the area of a corner site the area of the portion thereof cut off by the splay shall be included in the area of the site for the purposes of the above table.
- (ii) Nothing in this Clause shall prevent the erection of a ...

(iii) No block of flats, tenements or mainsonnette shall be erected on any site having an area of less than 1000 m².

BULK OF BUILDINGS

LIMITATION OF BULK OF BUILDINGS

20. No building shall be erected so that the structure above mean ground level shall exceed the volume specified in Column 3, nor shall the height or the coverage exceed the maxima stipulated in Columns 4 and 5 respectively in Table "E" of this Clause.

TABLE "E"

Bulk Zone No.	Reference on Map	Maximum Bulk of Building Permitted above Mean Ground Level		Maximum height of Building	Maximum of site which may be built upon
		Type of Building	Maximum Bulk		
1.	Street frontage edged ORANGE	<i>General</i> Dwelling Houses blocks of flats	1/3 area of site x 16 m	20m <i>6 storeys</i>	50%
		Residential buildings other than Blocks of flats; Places of Instruction Institutions Hotels	1/2 Area of site x 16 m	20m <i>6 storeys</i>	66%
		Other buildings	1/2 Area of site x 17m <i>5.1</i>	20m <i>6 storeys</i>	85%
2.	Use Zone only	<i>General</i> Dwelling Houses	1/3 Area of site x 9 m <i>4</i>	12m <i>4 storeys</i>	50%
		Places of Instruction; Institutions	1/2 Area of site x 11 m	15 m <i>5 storeys</i>	66%
		Other buildings except Industrial buildings	1/2 Area of site x 11 m	15m <i>5 storeys</i>	66%
		Domestic, Industrial buildings; Industrial buildings; Noxious Industrial buildings	Not controlled	Not controlled	50%

Gen. Building without APs

Provided

- (a) The Council may in its discretion permit the erection of a caretakers flat, or residential quarters for Non-European domestic servants employed on the site, on the roof of the building in addition to the maximum provision of Table "E".
- (b) For the purpose of this Clause:-
 - (i) account shall not be taken of parapets, chimneys or ornamental towers, turrets or any other such architectural features;
 - (ii) in determining the height of a building with a roof other than a flat roof, the height shall be measured from the mean level of the ground at the base of the building to a point half-way between the eaves and the highest point of the roof;
- (c) Where a proposed building is designed for more than one use, the maximum bulk of the building in respect of each use shall comply proportionately to the provisions of Table "E" in such a way that none of those provisions are exceeded separately or collectively.
- (d) In calculating the area of a site in a Township existing at the material date, any part of the site which is required to provide a splayed corner, an access road or a loading lane shall be included for the purpose of calculating the area of the site.
- (e) For the purpose of this Clause:-
 - (i) a building includes fire escapes and all outbuildings on the site;
 - (ii) a dwelling-house includes a building designed externally in the form of a dwelling-house though intended as a dwelling-house for more than one family;
 - (iii) an institution includes institutions of the kind mentioned by way of inclusion in the definition of "Institution" in Clause 13. (1/3)
- (f) Where parking of motor vehicles is designed to take place in the building, above mean ground level, the Council may in its discretion permit an increase in the permissible bulk of the building equivalent to the bulk of the building to be used exclusively for parking.

EXTERNAL APPEARANCE AND ARCHITECTURAL GROUPING OF BUILDINGS

ARCHITECTURAL
GROUPING AND
SUBMISSION
OF DRAWINGS
AND PARTICULARS

external appearance, design, grouping and materials to be used shall harmonize throughout the sections of the streets mentioned in Table "F".

TABLE "F"

(1) STREET	(2) SECTION OF STREET
Murray Avenue	Between Harrington and Kerk Streets.
Ludorf Street	Between Koch and Grous Streets.
Van Velden Street	Between erven nos. 396 and 611 and between erven nos. 459 and 611, all inclusive.
Kerk Street	Erven Nos. 636 to 642 inclusive.

Provided that any person aggrieved by the decision of the Council may appeal.

22. (a) In addition to the provisions of Clause 21 (1/3) or person (in this Clause referred to as the "building owner" intending to erect a building in any zone shall furnish the Council (in addition to any plans and particulars required to be submitted under the by-laws) 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 upon suitable and durable material to a scale of not less than one inch to every 8 English feet except that, where the building is so extensive as to render a smaller scale necessary, the drawings may be to a scale of one inch to every 16 English feet.

- (b) The Council shall, within forty-two days from the submission to it of particulars under this clause:-

- (i) approve the particulars; or
- (ii) if it considers that, having regard to the character of the locality or of the buildings 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 reasons for its decision.

- (c) Within twenty-eight days after receiving notice of the decision of the Council, the building owner, if aggrieved by that decision, may appeal, and the grounds of his appeal 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 the neighbouring buildings.
- (d) No person shall commence the erection of any building or such time as the particulars hereinafore referred to have been approved by the Council, or by the Board of appeal.

PART V : GENERAL AMENITY AND CONVENIENCE

INTERPRE-
TATION

23. In this part of the Scheme, unless the context otherwise requires, or it is otherwise expressly provided the following words and expressions have the respective meanings hereby assigned to them:-

"Private Open Space" means land reserved for use as a private open space.

"Public Open Space" includes land which is, at the date on which this Scheme comes into operation, a playing field belonging to a Local Authority and land reserved under Clause 5 hereof for use as a public open space or playing field.

REMOVAL OF
INJURIOUS
CONDITIONS
OF PRIVATE
GARDENS ETC.

24. (a) Where the amenity of any Use Zone or of any public open space or private open space is injured by the condition of any garden, curtilage or private open space in the area of which the Council may serve a notice on the owner or occupier of the premises on which the injurious condition exists, requiring him, within such period, not being less than twenty-eight days from the date of service of the notice to take such action as may be necessary to abate the injury and the said notice may specify the measures to be taken to abate the injury.
- (b) Any person on whom a notice is served under this Clause, may appeal.

ADVERTISE-
MENTS AND
HOARDINGS.

25. (a) No advertisement hoarding 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 by-laws of the Council if any, relating to the erection and display of advertisement hoardings and advertisements.

- (b) If an application is made to the Council for its consent under this Clause, the Council shall be entitled to impose such conditions as it may deem fit governing the erection and use of any 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.

- (c) 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 I and II. Provided that the provisions of this sub-clause shall not apply to a brass plate or board, not exceeding 30 cm by 45 cm in size, affixed to the fence or entrance door or gate of a dwelling house, and in the case of a residential building, to the wall of entrance hall, or the entrance door of a flat, or the display of an advertisement relating solely to an entertainment, meeting, auction or sale to be held upon which advertisement is displayed provided that the advertisement does not contain letters, figures or advertising emblems or devices exceeding 15 cm in height and does not exceed a height of 30cm from the ground.

- (d) 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, or the period during which, the advertisement may be displayed.

PROVISIONS
OF LOADING
ACCOMMODATION

26. (a) A person (in this Clause referred to as a "building owner") proposing to erect in the area a building which will front or abut on any street, or proposed street, and is intended to be used for purposes of business or industry shall give not less than twenty days notice thereof to the Council before commencing to erect the building. An 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 provision of this scheme, or under the by-laws shall be sufficient notice of the proposal for the purpose of this Clause.

- (b) For the purpose of preventing obstruction of traffic on any street or proposed street on which the proposed building would front or abut, the Council may, within twenty eight days (28) of the receipt of the notice referred to in Sub-Clause (a) of this Clause require the building owner to submit for its approval proposals for securing, so far as is reasonably practicable the provision for suitable accommodation within the site for any loading or unloading of goods to be carried by road or rail.

habitually involved in connection with the use of the building.

- (c) If the Council requires proposals to be submitted under this Clause, or if the building owner submits proposals together with the notice referred to in Sub-Clause (a) of this Clause, the Council shall either approve the proposals, with or without modification, or disapprove them, within a period of three months from the submission of the proposals. The building owner, if aggrieved by the decision of the Council, may appeal
- (d) No owner or occupier of the building in respect of which proposals under this Clause have been required shall un- take or knowingly permit the habitual loading or unloading or fuelling of vehicles otherwise than in accordance with approved proposals, or unless such requirement has been withdrawn by the Council.

PARKING OF VEHICLES INCIDENTAL TO A BUILDING 27.

- (a) Notwithstanding any provisions of any other part of this Scheme, a person proposing to erect a building other than a dwelling house or add to an existing building other than a dwelling house additions equal to or over 50% of the total floor space of the premises existing before the approval of the Scheme, shall provide and maintain, sufficient space for parking of all vehicles incidental to the use of that building.
- (b) The space to be maintained for the occupants of the building whether owners, tenants, sub-tenants, employees or other occupiers shall be referred to as "Garage Facilities".
- (c) The space to be set aside for short time parking, whether for shoppers, business people or visitors may be in the form of an open space kept fit for parking and further be referred to as "Parking Facilities".
- (d) The garage and parking facilities required shall be according to the scale laid down in Table "G" and shall include the actual stall or bay with manoeuvring space and shall not be used for any other purpose whatsoever except with the permission of the Council.

TABLE "G"

TYPE OF BUILDINGS	GARAGE FACILITIES ONE PARKING SPACE FOR EACH	PARKING FACILITIES ONE PARKING SPACE FOR EACH
Retail trade	60m ² of floor area	400 40 m ² of floor area

TYPE OF BUILDING	GARAGE FACILITIES ONE PARKING SPACE FOR EACH	PARKING FACILITIES: ONE PARKING SPACE FOR EACH
Office and Professional Chambers	60 m ² of floor area	40 m ² of floor area
Restaurants	60 m ² of floor area	40 m ² of floor area
Boarding Houses	Of the first 20 guest rooms or suites and 4 above 20	---
Hotels and Clubs with dance halls and enter- tainment rooms	Of the first 20 guest rooms or suites and 4 above 20	15 m ² of bar and lounge areas open to the public
Hotels and Clubs with- out dance halls and entertainment rooms	Of the first 20 guest rooms or suites and 4 above 20	20 m ² of bar and lounge areas open to the public
Churches, Theatres, Re- creational Establishments Concerts Halls, etc.	---	6 Seats
Multi family dwellings	Dwelling unit	---

Provided that, in the case of retail trade premises, offices, professional chambers and Restaurants the floor areas of corridors, passages, kitchens, staircases, store rooms, light shafts, Non-European domestic quarters, cloakrooms, change rooms, etc. shall not be included as floor areas for the purpose of these calculations.

Provided further that the council may relax wholly or partly this Clause, in cases where extreme hardship would be placed upon the developer by the whole or partial imposition of this Clause or where the development is in a locality in which the type of persons using the buildings controlled by this Clause would be unlikely to use motor vehicles to the extent anticipated by this Clause.

PART IV
MISCELLANEOUS

PERMISSION
GRANTED BEFORE
APPROVAL OF SCHEME

20.

The Council may, in its discretion, permit, in accordance with the terms of a permission granted pending the preparation or the completion of a scheme of development on the

but which has not been commenced before the date of the approval of the Scheme.

BINDING FORCE
OF CONDITIONS
IMPOSED 29.

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 this scheme.

TIME LIMIT
FOR APPROVALS
AND CONSENTS 30.

Any approvals or consents given under the provisions of any part of this Scheme may be granted for a specified period from the date of approval or consent.

APPROPRIA-
TION OF LAND
FOR OTHER
USES 31.

Land belonging to the Council for the purposes of this Scheme (other than land reserved under Part II 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.

ENTRY AND IN-
SPECTION OF
PREMISES 32.

- (a) The Council shall have power, by its duly authorised officers, and after giving not less than forty-eight hours notice to the owner or occupier of any premises within the area, to enter into and upon such premises at any time between the hours of nine in the forenoon and four in the afternoon, for the purpose of any inspection which the Council may deem necessary or desirable for the purposes of this Scheme.
- (b) No person shall in any way hinder, obstruct or interfere with any duly authorised officer of the Council, or cause or, so far as he has any authority, permit such officer to be hindered, obstructed or interfered with, in the exercise of the powers hereby granted.

CONTRAVENTION
OF SCHEME 33.

Any person who commits, or knowingly permits a contravention of any of the provisions of this Scheme, or 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 the Scheme.

APPEALS

34. Where provision is made in this Scheme for an appeal from a decision of the Council, the appeal shall be to the Board.
- (a) If the decision is one which the Council is required to give upon the application of any person or upon the submission by any person of plans or proposals, and appeals in addition, lie against a refusal of the Council to give, or unreasonable delay on its part in giving, a decision, as if it were an appeal against a decision of the Council
 - (b) Written notice of appeal shall be given to the Board and to the Council. If the appeal is against a decision of the Council, the notice shall be given within twenty eight (28) days from the date of the service on the applicant of the notice of the Council's decision.
 - (c) The Board may, on the application of any person desiring to appeal to it, extend by not more than twenty-eight (28) days the time for making the appeal specified in the last preceding paragraph whether or not the time specified for making the appeal has expired.

RECORD OF PERMISSIONS AND CONDITIONS 35.

The Council shall keep, so as to be available for inspection at all reasonable times by any person interested, a record of approvals, consents, authorities or permissions granted by it, or an appeal from its decision under any provision of this Scheme, and of any conditions imposed or agreed between the Council and the applicant in connection therewith.

INSPECTION OF SCHEME

36. The Council shall permit any person to inspect, at any reasonable time, the Scheme and the map deposited in the office of the Council.

SERVICE OF NOTICES

37. (a) Any order, notice or other document required or authorised to be served under this Scheme, may be signed by the Town Clerk or other official duly authorised thereto and may be served by delivery of a copy thereof in one or other of the following manners:-
- (i) to the said persons personally, or to his duly authorised agent; or
 - (ii) if service cannot be effected in terms of the preceding paragraph, at his residence or place of business or employment, to some person apparently not less than sixteen years of age and apparently residing at or employed there; or
 - (iii) if there is no such person on the premises as is mentioned in the preceding paragraph by fixing any such order, notice or other document on some conspicuous part of the premises, and by dispatching such order, notice or other document by prepaid registered post.

tered 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

(iv) if such a person to be served has chosen a domicilium citandi, at the domicile so chosen.

(b) Where any service is effected in accordance with the provisions of paragraph (iii) of the preceding sub-clause such service shall be deemed to have been effected at the time when the letter containing such order, notice or 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.

(c) 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 "owner" or "occupier" of such premises, in respect of which the order, notice or other document is given, without further name or description.

SAVING FOR
POWERS OF
THE COUNCIL 38.

Nothing in this Scheme shall operate to prevent the Council erecting, maintaining or using any building or work, or land any part of the area for the purpose of any undertaking which may be empowered to carry out under any law.

CONFLICT OF
SCHEME AND
TOWNSHIP
CONDITIONS 39.

No consent of the Council given under the provisions of this Scheme shall be construed as conferring upon any person the right to use any land or to erect or use any building thereon in any manner or for any purpose which is prohibited in any condition registered against the title deed of the land or imposed in respect of the land under any law relating to the establishment of townships.

SHORT
TITLE

40. This Scheme shall be known as the Brits Town Planning Scheme No. 1, 1958.