PART III

SPACE ABOUT BUILDINGS, DENSITY CONTROL, ETC.
18. **BUILDING LINES.**

(1) Save as is otherwise provided in this clause, no part of any building shall be erected within 7.5 metres of the street line, provided however that this sub-clause shall not apply:

- **07/02/1977**
  - (a) in the General Business (Central Area) zone;
  - (b) in General Residential 5 zones;
  - (c) in the areas reserved for Government or Municipal purposes which are situated to the south of Old Fort Road in the CDPP area;

- **31/03/1980**
  - (d) in Special Shopping zones where the minimum building line shall be 3.0 m, provided that the City Engineer may require any building to be set back from the street line by such greater amount as he considers would result in an improvement in the siting of the parking facilities required in terms of Clause 12;

- **24/10/1983**
  - (e) in the General Business 2, 3 or 4 zones; provided that in respect of the General Business 2 Zone, having frontage to Brickfield Road, no part of any building shall be erected closer to the street line than 5 metres

(2) Notwithstanding the provisions of sub-clauses (1) and (3) hereof:

- **08/12/1989**
  - (a) where existing buildings in any area are sited more than 7.5 metres from the street line, the Council may require any new building or additions to an existing building to be set back at a distance greater than 7.5 metres from the street line;

(3) On any site in any area zoned for residential purposes other than in a General Residential 5 zone:

- **08/12/1989**
  - (a) Deleted
  - (b) in the case of petrol service stations, the Council may require any new buildings or additions to an existing building to be set back at a distance greater than 7.5 metres from the street line and may permit any underground tanks to be constructed within less than 7.5 metres of the said street line;
  - (c) in the case of a swimming pool, the building line shall not be less than one metre.

1/77; 2/80; 5/83; 5/89; 7/97; 02/04
building line if provision is made within the curtilage of the site for the parking of motor vehicles to the satisfaction of the City Engineer; provided that no buildings shall be erected closer to the street line than 3 metres.

02/12/1974  (4) In general shopping Zones situated in the CDPP area, no part of any building shall be erected closer to the street line than 3 metres and in General Shopping zones in other areas, that portion of the building which is designed and intended to be used for shopping purposes may be erected in advance of the 7,5 metre building line but shall not be erected closer to the street line than 3 metres; provided that notwithstanding the provisions of sub-clause (1) hereof, the City Engineer may require any building in any such zone to be set back from the street line by such greater amount as he considers would result in an improvement in the siting of the parking facilities required in terms of Clause 12; provided further that there shall be no building line requirements in respect of the General Shopping zone in the Point Lanes area.

07/09/1976  (5) Sub-clause (1) shall not apply in industrial zones or Harbour zone but no part of any building in any such zone shall be erected closer to the street line than:-

27/09/1976  (a) 5 metres in respect of Edwin Swales V.C. Drive, Inanda Road, Jan Smuts Highway, North Coast Road, Sea Cow Lake Road, South Coast Road, Sarnia Road south of the Umbilo River, Sparks Road and Umgeni Road except between Argyle Road and Churchill Road where no building line shall apply and between Walter Gilbert Road and Athlone Drive where the provision of sub-clause (b) hereof shall apply;

16/02/1981  (b) 3 metres in respect of Sarnia Road north of the Umbilo River, Umbilo Road, Umgeni Road between Walter Gilbert Road and Athlone Drive;

17/02/2004 (c) 7,5 metres on any portion of a road abutting a site zoned for industrial or harbour purposes, other than Stamford Hill Road and Churchill Road and a road listed in (a) or (b) above, where the land on the opposite side of such portion of road is zoned for residential purposes; provided that in the discretion of the Council, this provision shall also apply where such land so situated is reserved or is zoned for use for a purpose such as for open space, shopping, educational or any other purpose which, in the opinion of the Council, is complementary to the development or use of any residential use zone and which is intended primarily for use by and the benefit of the residents thereof;

21/04/1975 provided that where the land in advance of the building line is not used for parking purposes it shall be laid out and maintained to the City Engineer’s satisfaction.

7/74; 4/75; 4/76; 5/76; 2/80; 1/81; 02/04
(6) Notwithstanding the aforesaid provisions of this clause no building or portion of a building shall be erected:

07/02/1977 (a) outside the limits of that portion of the subdivision enclosed by means of a broken red line as shown on the map unless development is proposed in terms of sub-clause 21(3)(a) in which case the remaining provisions of this clause shall apply.

21/09/1987

17/02/2004 (b) on any subdivision in Brickfield Road General Business 2 Zone outside that part of the area thereof enclosed by the broken red line shown on Plan No. 1819.740A, and any part of any such subdivision falling outside such area be horticulturally treated to the City Engineer's satisfaction and not used for any other purposes whatsoever when such subdivision is developed or redeveloped or used for General Business 2 purposes, and the levels of such part of the subdivision shall not be altered in any way without the City Engineer's approval.

27/05/2015 Notwithstanding the provisions of the aforementioned, in respect of the Rem. of Portion 4 of Erf 577 Brickfield situated at 202 Felix Dlamini Road, such required space shall be 2.0 metres, provided that such space is used solely for the provision of parking, including a single storey structure for such parking

04/04/1977 (c) within 15 metres of the Outer Ring Road, or 7.5 metres of Main Road 448 provided that this provision may be relaxed with the approval of the Provincial Roads Engineer whereupon the aforesaid provisions of this clause shall come into effect.

02/12/1974 (d) adjacent to a freeway unless any part thereof fronting onto such freeway which is above the level of the roadway observes the building line prescribed in terms of this clause or a building line of 3 metres whichever is the greater. Such building line shall be measured from the freeway formation as determined by the City Engineer.

08/12/1989 (7) Deleted

15/11/1982 (8) (a) The Council may, by special consent, relax the requirements of this clause to such extent as it may decide if it is satisfied that no interference with the amenities of the neighbourhood, existing or as contemplated by the Scheme, will result, and that on account of:

(i) the location of the subdivision in relation to streets and other subdivisions in the immediate neighbourhood; or

(ii) the levels of the subdivision or the adjoining land; or

(iii) the shape or size of the subdivision; or

(iv) the siting of buildings in existence on or in the vicinity of the subdivision; or

08/12/1989
(v) the acquisition of portion of the subdivision by the Council for street improvements,

the development of the subdivision in accordance with the building line requirements of this clause would be unreasonably difficult or would be less harmonious with adjoining properties than would be the case if the building line requirements were relaxed.

15/11/1982 (b) Notwithstanding the provisions of paragraph (a), the Council may, in Special Residential, Maisonette, Extended Residential, Duplex and General Residential 1, 2, 3 or 4 use zones, exempt an applicant from applying for special consent and relax the requirements of this clause to such extent as it may decide if it is satisfied that no interference with the amenities of the neighbourhood existing or as contemplated by this Scheme will result; provided that the prior written consent of the registered owner of each adjoining property with street frontages contiguous to the site and such other properties as the Council may direct, has first been obtained.

07/05/1984
08/12/1989
18/07/1994

(9) Notwithstanding the provisions of this clause, where as a result of the Council acquiring portion of a site for street improvement purposes, it is necessary or desirable to alter or extend buildings on such site because of such acquisition the Council may authorise such alterations or extensions notwithstanding that they will be in advance of the building line.

18/07/1994 (10) For the purpose of this clause:-

(a) "building line" means the line fixed by this clause in relation to the street line in advance of which no buildings may be erected save as provided in this clause; and

(b) "Street line" means the common boundary of the subdivision and the street, existing or as proposed in terms of Clauses 3 or 5.