22. **HEIGHT.**

(1) No building within the zones set forth in the left-hand column of Table C below shall exceed the number of storeys prescribed in respect of such zones in the right-hand column:-

**TABLE C.**

<table>
<thead>
<tr>
<th>Use Zone</th>
<th>Number of Storeys</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Special Residential, Maisonette, Duplex, Extended Residential, Minor Shopping or Special Shopping use zone</td>
<td>2</td>
</tr>
<tr>
<td>(b) Petrol Service Station use zone</td>
<td>2</td>
</tr>
<tr>
<td>(c) Educational 1 or Institutional 1 use zone</td>
<td>3</td>
</tr>
<tr>
<td>(d) Office</td>
<td>2</td>
</tr>
<tr>
<td>(e) Felix Dlamini Activity Precinct Zone</td>
<td>5</td>
</tr>
</tbody>
</table>

* 18/04/1977
✓23/09/2009
Ω03/06/2010

provided that the Council if it is satisfied that no interference with the amenities of the neighbourhood, existing or as contemplated by the Scheme, will result and there will be no increase in the permissible floor area, may:-

19/08/1997
28/08/1997
23/09/2009
30/10/2013

(aa)(i) in the case of a zone referred to in (a), (b) or (d) above, authorise on a sloping site the erection of a building three storeys in height if such building has at no point more than two storeys in a vertical line;

(aa)(ii) in the case of a zone referred to in (d), the Head : Development Planning Environment and Management may, by discretion authorise a building in excess of two storeys in height.

(bb) by special consent:-

08/12/1989
19/08/1997
28/08/1997

(i) in the case of a zone referred to in (a) or (b) above, authorise on a sloping site the erection of a building which is more than three storeys in height if such building will at no point have more than two storeys in a vertical line or the erection of a building which is three storeys in height; provided that the Council may exempt an applicant from applying for special consent; provided further, that the prior written consent of the registered owner of each adjoining property and such other properties as the Council may direct, has first been obtained.

(ii) in the case of a zone referred to in (c) above, authorise the erection of a building more than three storeys in height.

23/09/2009

(iii) in the case of a zone referred to in (d) above, authorize on a sloping site the erection of a building which is 3 storeys in height; provided that the council may exempt an applicant from applying for special consent; provided further, that the prior written consent of the registered owner of each adjoining property and such other property as the council may direct has first been obtained.
<table>
<thead>
<tr>
<th>Date</th>
<th>Paragraph</th>
<th>Provisions</th>
</tr>
</thead>
<tbody>
<tr>
<td>01/07/1974</td>
<td>(2)</td>
<td>Notwithstanding anything contained in sub-clauses (1) and (4) hereof, in Duplex General Residential, General Shopping and Industrial zones and as contemplated in the Institutional 2 zone, no portion of any building on any site shall project above the height above mean sea level indicated upon the map in relation to that site.</td>
</tr>
<tr>
<td>25/11/2008</td>
<td></td>
<td></td>
</tr>
<tr>
<td>20/07/1987</td>
<td>(3)</td>
<td>No part of any building on a site in a General Business (Central Area), General Shopping in the CDPP or Point Lanes areas, General 5, Educational 3 or Cultural and Entertainment zone or on the site reserved for Government or Municipal purposes situated on Sea View horizontal which the site upon which the building is situated has frontage; provided that City Council may by special consent authorise a lift motor room or lift tower, an electricity transformer and meter room, a mechanical ventilation or air-conditioning plant room, a water tank and any architectural or structural feature of the building to project above the 59° angle line.</td>
</tr>
<tr>
<td>02/12/1974</td>
<td>(b)</td>
<td>In the case of any building on a corner site fronting onto streets of different widths, the line referred to in paragraph (a) hereof, shall be drawn as aforesaid provided that in respect of the first 30 metres of the frontage along the narrower street, measured from the street corner, the said line shall be drawn as if the width of such narrower street was that of the wider street.</td>
</tr>
<tr>
<td></td>
<td>(c)</td>
<td>The provisions of paragraph (a) and (b) hereof shall not apply: -</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(i) to that part of a building having frontage to a vehicular street which, from a height of 15.0 metres or less above street level, is set back for its full remaining height a distance not less than 5.0 metres from any building line, or where there is no building line from the boundary of any road reserve (existing or as contemplated in terms of this Scheme) to which the building will have frontage provided that every such setback shall, unless the City Engineer otherwise directs, extend over the whole length of such frontage;</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(ii) to that portion of a building which fronts a non-vehicular street to the extent that compliance with such provisions along any frontage to a vehicular street is not affected;</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(iii) where the Council has agreed to the encroachment of a building above any street, existing or as contemplated in terms of this Scheme, to such portion of such building and, if the encroachment is to the full width of such street, to such portion of any building directly facing the encroaching building on the opposite side of such street, as the Council in its absolute discretion may determine;</td>
</tr>
<tr>
<td></td>
<td></td>
<td>provided that no such building may, without the special consent of the Council be built to a height which exceeds 110 metres.</td>
</tr>
</tbody>
</table>
For the purpose of this sub-clause:

(i) no street shall be regarded as being less than 9.0 metres, or more than 30.0 metres wide; and

(ii) the street level shall be deemed to be the mean pavement level adjacent to the building concerned.

The maximum height permitted for development in the General Business 3 zone shall not be greater than 6 storeys and in the General Business 4 zone shall not be greater than 5 storeys, provided that the City Engineer may authorise a lift motor room or lift tower, and electricity transformer and meter room, a mechanical ventilation, or air-conditioning plantroom, a water tank and any architectural or structural feature of the building to project above the heights permitted under this clause.

Subject to the provisions of Clause 5, no building in any Industrial zone or Harbour zone or General Business 2 zone shall exceed 25 metres in height above ground level; provided that in the industrial zones:

(i) situated to the north of Sea Cow Lake Road and east of the railway line which runs from the Umgeni River to Avoca Station via Briardene, Greenwood Park and Red Hill Stations;

(ii) situated on the eastern side of North Coast Road north of Delville Road;

(iii) Deleted

(iv) the Watervalpark area;

(v) on the western side of the railway line and extending from approximately opposite Henley Road to Edwin Swales V.C. Drive at Sarnia Road;

(vi) with frontage to Fleetside Road, Ironstone Road or Headland Avenue;

(vii) situated in the area bounded by the Umhlatuzana River, Umhlatuzana Road, the new main railway line and the Outer Ring Road; and

(viii) situated in the Chatsworth Town Centre Area,

no building shall exceed 15 metres in height above ground level; provided further that in the General Business 2 Zone having frontage to Brickfield Road no building shall exceed 15 metres in height above ground level.

Notwithstanding the provisions of (a) hereof, the Council may authorise the erection of a building of a greater height if it is satisfied that such greater height will not result in detriment to the amenities of the area and:

1/78; 9/77; 1/79; 5/83; 2/91; 1/92; 4/95; 02/04
(i) such greater height is necessary having regard to the particular industrial processes which it is proposed to carry out on the site; or

(ii) such greater height is reasonable having regard to the topography of the site; or

(iii) in the Harbour zone or in an Industrial zone where the height limit is 25 metres, such greater height is required exclusively for the provision of offices incidental to the use of the building for industrial purposes, provided that the coverage of such offices does not exceed 20% of the area of the subdivision as contemplated in clause 21(4)(a) hereof.

(5) For the purposes of sub-clause (4) hereof, ground level shall mean natural ground level or ground level at the time that the application for authority to erect a building is made, whichever is the lower.

30/09/1975
15/12/1978
18/07/1994
26/04/1999
29/04/1999

(6) The Beach Zone:

The objectives of the following controls applicable to the Beach zone are:-

(i) to preserve the open character of the Beach zone;

(ii) to retain as far as possible existing sea and beachfront views for pedestrians and motorists on Snell Parade, Marine Parade and Erskine Terrace and for the occupants of buildings having frontage to the aforementioned roads;

(iii) to allow for appropriate small scale buildings or structures which would enhance the amenity of the area;

(iv) to permit appropriate, well-designed development in areas where views are non-existent or irrevocably compromised by existing non-conforming buildings or structures or well-established vegetation;

(v) to provide a basis for assessment of applications for development having an impact on views in the Beach zone.

(A) Except in the case of buildings or structures erected solely for the purpose of navigational aid, or in accordance with the development plan for part of the Beach Zone as shown on Plan No. 1829.746, no part of any building or structure within the Beach zone shall if it is situated:-

(i) in the Bluff and Merewent areas, exceed a height of 12m above mean sea level; or
(ii) to the north of the southern bank of the Umgeni River or between the North Pier and the prolongation of the southern boundary of Bell Street exceed a height of 9m above mean sea level; or

(iii) between the prolongation of the southern boundary of Bell Street and the southern bank of the Umgeni River, project above a straight line drawn at right angles to the general line of the beach and passing from a point one metre above the level of the ground along the line AB of Plan No. 1849.398 to a point at mean sea level on the line CD on the said plan; provided that the Council may relax the requirement relating to the line AB if the roof of a proposed building will be not higher than the level with the sidewalk of Erskine Terrace, the Upper Marine Parade or Snell Parade and the public will have unrestricted direct pedestrian access to such roofed area from the sidewalks of the aforesaid streets in which case the Council may regard the line AB as being sited along the eastern edge of such roof;

provided that the Council may in respect of sub-paragraphs (i), (ii) and (iii) hereof and having regard to the amenities and general character of the Beach zone as a recreational area and the amenities of other zones in the vicinity:

(aa) except in the area lying between the line of prolongation of the northern boundary of Smith Street and a line parallel to and 200 metres south of the prolongation of the northern boundary of Molyneux Road, by special consent permit buildings or structures to be erected to a greater height than that stipulated in sub-paragraphs (i), (ii) and (iii) hereof provided that they are so designed as to be wholly contained above the heights referred to in sub-paragraphs (i) or (ii) hereof or above the inclined line referred to in sub-paragraph (iii) hereof within an imaginary vertical cylinder having a maximum diameter of 9 metres and a maximum height of 9 metres provided further that such buildings or structures shall not be erected closer to one another than 200 metres;

(bb) require any such building or structure to be constructed to a lesser height; and
permit masts, poles or towers of a decorative or
functional nature provided that they are not designed to
be occupied nor are subsequently occupied and
provided further that they do not exceed a height of
50 metres above mean sea level;

provided, further, and notwithstanding the provisions of sub-
paragraph (A)(iii) hereof, the Council may, by special consent,
authorise the erection of a building or structure to a greater
height than that stipulated in sub-paragraph (A)(iii) if it is
satisfied that such greater height will not unduly interfere with
the amenities of the area provided that:- if the Council considers
that the proposed building or structure will be so situated in
relation to any existing building or structure or established
vegetation that there will be no additional adverse visual impact,
or if the Council considers that the proposed building or
structure will have an insignificant or minor visual impact and
such building or structure would provide a useful public amenity,
the Council may exempt the applicant from applying for special
consent and may authorise the erection of such building or
structure.

the Beach zone for the purposes of this sub-clause shall
include:-

31/07/2000
(i) Deleted.
(ii) the land between the Snell Parade and the Beach zone
    at the Blue Lagoon;
(iii) the beach within that part of the Harbour zone which lies
     between the North Pier and the extended line of
     Camperdown Road;
(iv) the beach north of the Umgeni River.

20/07/1987 (7) The height control of any building to be erected in an Institutional 3
zone shall be that applicable to the adjoining residential zone or where
no residential zone adjoins, that applicable to the adjoining use zone.
In the case of more than one such zone adjoining the property, the
height control applicable to the zone providing for the lesser density
shall apply, provided that the Council may authorise, by special
consent, the height control applicable to the zone prescribing the
higher density to be applied if it can be shown to the satisfaction of the
Council that having regard to the topography of the site the proposed
form of development will be in harmony with the scale and character of
surrounding developments and with the amenities of the
neighbourhood.

28/07/2017 (8) The height control of any building to be erected within an Intermediate
Residential Zone shall be 4 storeys, provided that the Head : Development Planning, Environment and Management may by special
consent authorise a 5 storey building, by reason of one or more of the
following :-

5/87; 5/00; 05/17
(i) Such greater height is reasonable having regard to the topography of the site, or

(ii) The form of development proposed will in the opinion of the Head: Development Planning, Environment and Management, be in keeping with the existing character, scale and form of development surrounding the neighbourhood, or

(iii) Such height is necessary having regard to the particular type of development proposed, or

(iv) The site is constrained by its size, slope, presence of other restraining factors such as servitudes, or road widening.

Taking into account factors i) to iv) above, the Head: Development Planning, Environment and Management may exempt an applicant from applying for special consent provided further the prior written consent of the registered owner of each and every adjoining property and such other as the Head: Development Planning Environment and Management may direct has first been obtained.