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REGULATIONS OF THE REGIONAL OUTLINE PLANNING SCHEME LYDDA DISTRICT.

1. These regulations shall form part of the Outline Regional Planning Scheme for the Lydda District regional town planning area, the limits of which coincide with the administrative district thereof, and shall be read as one with the approved plan of the scheme.

PART I - INTERPRETATION OF TERMS.

2. In these regulations unless the context otherwise requires:-

"Building line" means the line indicated on the plan beyond which no building, structure or work (excluding boundary fences) shall extend towards the particular road;

"District Commission" means the Lydda District Building and Town Planning Commission as constituted under section 3 of the Town Planning Ordinance, 1936;

"Domestic building" means a dwelling house, or an office building or a shop or any other building not being an outbuilding, a public building or an industrial building;

"Industrial building" means a warehouse, factory, laundry, brewery, distillery, iron foundry and all similar buildings classified for such uses in Schedule 'B' (Trade and Industries) hereto;

"Local Commission" means the Regional Building and Town Planning Commission for the Lydda District Regional Town Planning Area, as constituted under section 7 of the Town Planning Ordinance, 1936;

"Outbuilding" in the agricultural zone shall include all structures used for general agricultural, gardening and farming purposes. In the development zone an outbuilding shall mean a washhouse, garage or store not exceeding 25 square metres in area;

"Owner" means the person for the time being receiving the rent of land or premises in connection with which the word is used, whether on his own account or as an agent or trustee for any other person or who would, so receive the same if such lands and/or premises were leased at a rent;

"Public building" means a building used or constructed or adapted to be used, either ordinarily or occasionally, as a church, chapel, mosque, synagogue or other place of public worship, or as a hospital, almshouse, college, school (not being merely a dwelling house so used) theatre, cinema, public hall, public concert room, public ball-room, public lecture room, or public exhibition room, or as a public place of assembly for persons admitted thereto, by tickets or otherwise, or used or constructed or adapted to be used, either ordinarily or occasionally for any other public purpose;

"Plan" means plan No. RPL/17/40 of the scheme governing these regulations.

"Sub-Division plan" means any plan for the division of land submitted to the Land Registry for registration purposes only, and not being a town planning scheme;

"Zone" means a portion of any area shown on the approved plan by distinctive colouring, hatching or edging for the purpose of indicating the use or restrictions prescribed therefor.

PART II - ROADS (Coloured red on the plan).

Powers of Director of Public Works.

3. At any time after this scheme shall have come into force the Director of Public Works or his representative, in connection with the roads indicated red on the plan and contained in the schedule of roads and revised from time to time under the Roads (Widths and Alignments) Ordinance, may:-

(a) enter upon lands to make surveys for such roads or drainage lines;

(b) enter upon lands to clean wadis, drains, etc., if their condition is such as to be a contributory factor to the flooding of such roads;

(c) enter upon lands to make drains if he considers it necessary to facilitate the proper drainage of any such road;

(d) call upon owners of lands adjacent to such roads to take adequate steps to prevent water flowing from their property on to a scheduled road in an uncontrolled manner;

(e) call upon owners to submit for approval drawings showing any works required to give access from their properties to any such road, culverts, etc;

(f) carry out any of the works referred to in (e) above if he considers it necessary in order to protect such road or incidental works;

(g) close any such road wholly or partially in order to facilitate the execution of repairs or new construction;

(h) prevent the erection of hoardings, signposts, etc., within such road except with his approval;

(i) cut down or trim trees, hedges, etc., which lie within or overhang any such scheduled road;

(j) call upon owners of land abutting on any such road to construct fences between their property and the road;

(k) prevent the removal of soil and other materials from any road unless authorised by him.

Cross roads.

4. The construction, formation or layout of any means of access to or from the roads marked red on the plan are prohibited save with the special consent of the Director of Public Works or his representative, such consent to be obtained in writing before any work is commenced.

Culverts for storm water.

5. Any connection by road between private land and any of the roads indicated in red on the plan shall be subject to the approval of the Director of Public Works and adequate provision for dealing with storm water must be made. Culverts of the size and design approved by the Director of Public Works must be constructed before permits for the connection are issued.

PART III - ROADS (Coloured dotted red on the plan).

Powers of District Commissioner.

6. At any time after this scheme has come into force the District Commissioner Lydda District may undertake the construction of all or any of the roads indicated in dotted red on the plan and added to by public notification in the Gazette from time to time. For this purpose he shall have all the powers contained in Part II of these regulations delegated by the Local Commission to the Director of Public Works in respect of his roads..

Minimum width of roads.

7. The minimum width of roads in the agricultural zone connecting villages and settlements shall be 10 metres with a 5 metre building line on either side.

PART IV - BUILDING LINES AND SETBACKS.

Building lines in the agricultural zone.

8. The minimum distance from the front of the building to the boundary of the road shall be as fixed on the plan of the scheme, or as indicated on any scheme approved subsequently by the District Commission;

provided that the minimum requirements as set down in the schedule to the Widths and Alignments of Roads Ordinance are observed, the Local Commission may waive the minimum building lines, on any of the roads indicated in the plan if plots abutting the road are of such a shape or size that buildings allowed within this zone cannot be constructed on the proscribed building line.

Building lines in all other zones.

9. The distance from the front of the building to the boundary of the road within all other zones shall be fixed in any scheme approved by the District Commission from time to time and shall not in any case be less than the proscribed minimum in the schedule of the Widths and Alignments of Roads Ordinance for that road unless the prior approval of the Director of Public Works had been obtained in each case.

Setbacks in agricultural zone.

10. In the agricultural zone the unobstructed distance to be left between buildings used for domestic, industrial and other purposes and the boundaries of the adjoining plots shall be not less than five metres.

Setbacks in all other zones.

11. In all other zones the setbacks for domestic, commercial and other buildings shall be as proscribed by the District Commission from time to time in approved detailed and parcellation schemes.

PART V - DRAINAGE AND SEWERAGE.

- Drainage.** 12. The drainage of any land to be utilised for building activities shall be suitably treated before building operations are commenced. If in the opinion of the Local Commission the nature and situation of any land falling within the scheme requires special treatment it shall be competent for the Local Commission to include additional requirements in any town planning scheme before building permits are issued.
- Sewerage.** 13. Every building constructed after the final approval of this scheme shall be drained in a manner approved by the public health authority.
- General health.** 14. Prior to the development of any land included within this scheme the Local Commission may require the promoters of any scheme to comply with the specific requirements of the public health authority with regard to antimalarial measures before building permits are issued.
- Prevention of pollution of water.** 15. The Local Commission may in collaboration with the public health authority restrict or prohibit building in the vicinity of springs or wells in order to prevent the pollution of water.

PART VI - ZONING.

- Antiquities Ordinance.** 16. The following zones shall be set aside in this outline scheme for the specific uses contained in this part and are indicated by distinct colour notation on the approved plan; provided that nothing contained in this scheme shall prejudice in any way the provisions of section 18 of the Antiquities Ordinance.
17. Only one building apart from an outbuilding shall be erected on an unsubdivided plot and all land to be used for building development shall be included within detailed or parcellation schemes and submitted for the approval of the District Commission prior to the registration of new titles.
18. No building shall be erected in any zone which is designed for a use other than that permitted for that zone.

NATURE RESERVE.

- Extent of zone.** 19. For the purposes of this scheme the nature reserve zone shall include all lands to be preserved in their natural state at the time of the final approval of the scheme and shall include closed forest areas and such additional areas which by reason of their situation are required to be so reserved for the proper conservation of the forest areas to which they are adjacent. Provided the approval of the District Commission is obtained the following buildings may be erected within this zone:-

- (a) domestic buildings required by the owner of a plot for his own use;
- (b) buildings incidental to the agricultural, horticultural or sylvan use of the land;
- (c) buildings incidental to the use of the land for recreation or pleasure;

and further provided that nothing in this section shall prejudice the provisions of the Forest Ordinance, the Flooding and Soil Erosion (Prevention) Ordinance or any other Ordinance affecting these lands, and that any building proposed to be erected in this zone shall be subject to the specific approval of the Conservator of Forests.

#### AGRICULTURAL ZONE.

20. The following buildings may be erected within the agricultural zone:-

- (a) buildings designed and used for agricultural, gardening and general farming purposes including the dwelling house of the farmer;
- (b) shelters for watchmen;
- (c) buildings and installations required for the supply of water and electricity including power houses;
- (d) domestic buildings and public buildings with the specific consent of the District Commission;
- (e) industrial buildings with the specific consent of the District Commission;
- (f) buildings connected with the manufacture and storage of petrol, paraffin, explosives, mineral oil, asphalt, bitumen, cement and similar materials which require special sites and the specific approval of the District Commission;
- (g) buildings forming part of a properly controlled development scheme and subject to any conditions approved by the District Commission from time to time as to such development.

#### DEVELOPMENT ZONE.

21. The detailed planning of the various areas zoned on the plan for development shall be interpreted in detailed and parcellation schemes prepared in accordance with the provisions of sections 14 and 20 of the Town Planning Ordinance, 1936, and approved by the District Commission from time to time and always provided that within village areas demarcated with a diagrammatic circle on the plan and coloured orange, approval may be given for the issue of building permits which are in conformity with the building byelaws for these areas.

#### BEACH RESERVE.

22. The following buildings may be erected within this zone:-

- (a) bathing establishments;

(b) kiosks subject to specific design and constructed of suitable material;

(c) buildings for recreation and pleasure with the specific approval of the District Commission;

provided that certain industrial buildings may be permitted on special sites specifically approved by the District Commission, at least 150m. from the sea.

**Contraventions:**

23. In any zone in which the erection of a building designed for a particular purpose is not permitted, the use of a building for that purpose shall be a contravention of the scheme; provided that nothing in this section shall prevent a building (the erection of which was begun before the date of enactment of this scheme) from being used for the purpose for which it was designed to be used, or was used, on that date.

**Sites falling within two zones.**

24. Sites or plots that fall within two or more zones may be considered as falling within that zone that imposes less restrictions as regards use and building restrictions, provided that the plot is of the minimum size permitted in that zone.

**Use other than prescribed.**

25. Nothing in this scheme shall be deemed to prevent any land or building which at the date of enactment of this scheme, is put to any use, or which has been approved for any use other than that allowed in the zone in which the land or building is situated, from continuing in such use provided that:-

(a) unless the present non-conforming use is changed to a use allowed in the zone in which the property is situated, no alteration, renewals or repairs shall be allowed which shall exceed an aggregate amount equal to half the value of the building at the date of the enactment of this scheme;

(b) the present non-conforming use shall not be changed to another non-conforming use;

(c) with the change of owner or occupancy the continuance of the present non-conforming use shall be prohibited.

**PART VII - BUILDING CONTROL.**

**Construction of new buildings.**

26. No new buildings shall be erected within the area of this scheme unless such building conforms, as regards size, use, percentage to be built on, height and setbacks, to the provisions of this scheme and no addition shall be made to any existing building unless such building when so added to conforms to the same provisions.

27. MINIMUM SIZE OF PLOTS.

(a) DEVELOPMENT ZONE. The minimum size of any plot subdivided subsequent to the final approval of this scheme in the development zone shall be 1000 sq.m. but plots having a shop frontage or set aside for commercial uses, or included in properly controlled workers housing schemes, may be exempted from this restriction. The size of such plots shall be fixed in detailed or parcellation schemes approved by the District Commission from time to time.

(b) AGRICULTURAL ZONE. The minimum size of plots in the agricultural zone shall be fixed from time to time bearing in mind the situation and nature of the land affected and the uses to which it is intended to be put by the person applying for parcellation, always provided that for residential or industrial development such plots shall be not less than 1000 sq.m. in area: and further provided that the frontage of such plots shall be not less than 25 metres.

(c) BEACH RESERVE. No subdivision of land shall be permitted in the beach reserve without the consent of the District Commission.

(d) NATURE RESERVE. The minimum size of any plot in the nature reserve on which a building may be allowed in accordance with section 19 of part VI shall be not less than 1000 sq.m. in area.

(a) UNDERSIZED PLOTS. Where the size of an existing plot is less than the minimum allowed in that zone, it shall be competent for the Local Commission to refuse to issue a building permit unless the plot is increased by combination with land of adjoining owners so that it is of the requisite size and shape required under this scheme.

Provided that in special cases under this section where undersized plots exist prior to the final approval of this scheme, the District Commission may permit the erection of a building on the plot in question if the building conforms to the building percentage, height, use and setbacks of the regulations of the zone within which it is situated.

28. MAXIMUM SIZE OF BUILDINGS.

The following maximum sizes of buildings given in detail in Schedule A, attached hereto, for the various zones indicated in the plan shall be observed:-

(a) DEVELOPMENT ZONE. In the development zone domestic buildings shall not exceed 150 sq.m. or 15% of the minimum plot size of 1000 sq.m. One outbuilding of a maximum size of 25 sq.m. may be permitted when used as a garage, washhouse or store. The sizes of all other buildings shall be subject to the regulations of approved detailed and parcellation schemes for the area concerned.

(b) AGRICULTURAL ZONE. In the agricultural zone where buildings are erected for domestic purposes, they shall not exceed 150 sq.m. in area and shall conform as to height,

setbacks, etc., in accordance with Schedule A hereto. Buildings erected in this zone for industrial purposes following the approval of the District Commission shall not exceed 40% of the total area of the plot which shall be 1000 sq.m. minimum area for domestic, industrial or other buildings.

(c) BEACH RESERVE. In the beach reserve sizes of buildings shall be subject to the special approval of the District Commission in conformity with the uses given in section 22 of these regulations.

(d) NATURE RESERVE. Where permitted with the specific approval of the District Commission and provided that such activities shall not prejudice the provisions of the Flooding and Soil Erosion (Prevention) Ordinance, 1941, the Forests Ordinance, etc., one domestic building of a maximum size of 150 sq.m. may be erected in the zone on an unsubdivided plot not less than 1000 sq.m. in size.

Outbuildings.

29. An outbuilding not exceeding 25 square metres in area may be permitted if erected in connection with a domestic building in any zone. Where, however, such outbuildings are used for farming appurtenances, packing sheds, cattle sheds, etc., the maximum size of such buildings shall be fixed from time to time by the Local Commission in relation to use, number, size of plot and other material conditions.

Building restrictions in beach reserve.

30. In the beach reserve no buildings shall be erected closer than a distance of approximately 150 metres from high water mark or less where topography permits: provided that any development within this reserve shall be subject to the special consent of the District Commission and shall be limited to recreation, bathing and similar purposes normally connected with the enjoyment of the beach as a public amenity.

Height of building.

31. (a) No domestic building in any zone shall exceed two storeys in height or 9 metres above the mean ground level, but public buildings and industrial buildings for which the District Commission shall have given permission for a greater height may be exempted from the provisions of this section.

(b) In commercial areas of the development zone three storeys with a maximum height of 11 metres may be permitted.

Water tanks.

32. In all zones where pitched roofs are constructed the water tanks must be located within the roofs and where flat-roofed buildings are constructed the water tanks must be suitably enclosed with low parapet walls so as not to be externally visible.

Prevention of damp.

33. Where the ground in any part of the area of this scheme is of a waterlogged nature, no building shall be allowed, unless adequate arrangements to the satisfaction of the public health authority are made to prevent the rising of moisture into the building.



PART VIII - PUBLIC OPEN SPACES.

Public open spaces.

34. The Local Commission may where necessary require promoters of all schemes to set aside not less than 25% of their land for public open spaces and roads in accordance with the provisions of section 27 of the Town Planning Ordinance, 1936.

Private open spaces.

35. The Local Commission may demarcate on any scheme submitted to them, for approval land to be set aside for use as a private open space.

PART IX - MISCELLANEOUS.

Consent of Local Commission to be in writing.

36. In all cases where the consent of the Local Commission is required to be given under this scheme, such consent shall be in writing, and shall be either under the hand of some person duly authorised to act or under the seal of the Local Commission.

Betterment tax.

37. Betterment tax may be collected in accordance with the relevant provisions of the Town Planning Ordinance, 1936, from all owners within the area of the scheme who in the opinion of the District Commission will benefit in any way by the opening of new roads, widening or construction of roads, provision of sewers, drains and the laying out of open spaces and public gardens.

Open spaces, etc., excluded.

38. No portion of a water course, private or public open space indicated on the plan may be added to the curtilage of any building plot to increase the area of such plot to the required minimum in that particular zone.

Approval of Commissions necessary.

39. All parcellations of land for building development within this regional area shall be subject to the approval of the Local and District Commissions and no issue of new titles shall be undertaken which does not conform to these regulations and the provisions of the Land Transfer Amendment Ordinance published in Palestine Gazette No. 862 of 2nd February, 1939.

Survey plans to conform to scheme.

40. All parcellations of land for building development within this regional area shall be subject to the approval of the Local and District Commissions and no plan shall be passed by the Director of Surveys unless he has satisfied himself that it conforms to these regulations.

Subdivision plans.

41. Where the Local Commission are of the opinion that the preparation of a detailed scheme for any area is not immediately necessary, they may approve subdivision plans in respect of such areas subject to any conditions as may be laid down by the District Commission from time to time.

Approved schemes.

42. Notwithstanding anything contained in these regulations, all lands specifically indicated in the plan as covered by approved schemes shall be subject to the provisions of the relevant scheme.