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17/6/21

HAIFA DISTRICT REGIONAL PLANNING SCHEME NO. 25.
called: HETZEI BAH & ARAB AL FUJARA SCHEME.

- A. LOCATION: HETZEI BAH & ARAB AL FUJARA LANDS.
- B. AREA OF THE SCHEME: 8,060, 971 dunams.
- C. OWNERS OF THE LAND INCLUDED IN THE SCHEME: Registered owners of land within the boundaries of the scheme. (Registration Blocks 10001 - 10009 and 10012-10016).

D. BOUNDED:

- On the North:- **Nahr Hadera.**
- On the East:- **Nahr Hadera.**
- On the South:- **Hadera and Arab An Bufeint lands.**
- On the West:- **Western side of existing road along the sea shore.**

DISTRICT BUILDING AND TOWN PLANNING COMMISSION HAIFA DISTRICT
District Serial No. of Scheme 25/35
District No. 22/525

E. INTERPRETATION OF TERMS.

AMENITY - means any condition or privilege promoting the appearance of the area and the health, safety and convenience of the inhabitants.

ABUTTING OWNER - means the owner of land or premises part of the boundary of which is either in or in contact with the road, or any person gaining access from the road through a court or passage to his premises and who benefits directly by the road.

BUILDING LINE - means the line prescribed on this scheme beyond which no building, structure or work excluding boundary walls, fences and authorised projections, underground cisterns, cesspits and retaining walls, shall be extended towards the road to which the building line is prescribed.

DISTRICT COMMISSION - means the Haifa District Building & 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.

FARMING APPURTENANCE - means and includes structures used for agricultural, gardening and farming purposes such as a shed, packing shed, cowshed, stable, hen-house, nursery and green house.

INDUSTRIAL BUILDING - means a warehouse, factory, laundry, brewery, distillery, iron foundry and all similar buildings classified for such use in the schedule of Trade and Industries of any approved town planning scheme.

LOCAL COMMISSION - means the Regional Building and Town Planning Commission for the Haifa District Regional Town Planning Area, as constituted under section 7 of the Town Planning Ordinance, 1936.

OUTBUILDING - in the agricultural zone shall include structures used for agricultural, gardening and farming purposes such as a shed, packing shed, cowshed, stable, hen-house, nursery and green house. In the development zone, however, an outbuilding shall only be considered to mean a washhouse, garage or store and shall not exceed twenty 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, work-house, college, school (not being merely a dwelling house so used)

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theatre, 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 the plan of the scheme accompanying these regulations and on which the roads, zones, etc., are indicated by distinct colour notation. The exact boundaries of any particular zone shall be interpreted by the District Commission and in accordance with any detailed or parcellation scheme which may be approved from time to time.

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 the area shown on the approved plan by distinctive colouring, hatching or edging for the purpose of indicating the use or restrictions prescribed therefor.

F. ROADS. A. ROADS (Coloured brown on the plan).

1. Powers of the Director of Public Works.

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 brown on the plan and contained in the schedule of roads and revised from time to time under the Roads (Widths & 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 or remote from such roads to take adequate steps to prevent water flooding from their premises on to a scheduled road reserve 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, culvert, etc;
- (f) carry out any of the works referred to in (e) above if he considers it necessary in order to protect such roads 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 reserve other than with his approval;
- (i) cut down or trim trees, hedges, etc., which lie within or overhand any such scheduled road reserve;
- (j) call upon owners of land adjacent to any such road to construct fences between their property and the road;
- (k) prevent the removal of soil and other materials by unauthorised persons from within any such road reserve.

2. Grass Roads.

The construction, formation or layout of any means of access to or from the roads marked brown 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.

3. Culverts for Storm Water.

No connection shall be made between private land and any of the roads indicated in brown on the plan unless the approval of the Director of Public Works has been obtained and adequate provisions made for dealing with storm water. Culverts of the size and design approved by the Director of Public Works must be constructed before permits for the connection are issued.

B - ROADS (Coloured red on the plan).

Powers of District Commissioner.

At any time after this scheme shall have come into force the District Commissioner may undertake the construction of roads indicated 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 'A' above delegated by the District Commission to the Director of Public Works.

C. ROADS AND PUBLIC OPEN SPACES.

1. Roads and Building Lines. All roads coloured brown and red on the plan of this scheme form part of and in all respect be subject to the provisions of this scheme and shall have the widths and building lines shown on the plan.
2. Building Restrictions. No building shall be erected or any other work done upon any land coloured red on the approved plan which, for the purpose of enabling road work to be executed, would require to be removed, pulled down or altered, except with the consent of the Local Commission and upon such terms or conditions with regard to such removal, pulling down or alteration or otherwise, as the Local Commission may require.
3. Acquisition of Property. At any time after this scheme shall have come into force, the Local Commission may for the purpose of the construction of the roads or public open spaces, proceed to acquire by private treaty or by expropriation:-
 - (a) any land shown on the plan as intended to form the sites of proposed roads and widenings and
 - (b) any building destined for demolition under the scheme and
 - (c) any land shown on the plan as destined for public open spaces.
4. Diversion and stopping up of roads. The Local Commission is empowered under this scheme to divert or stop up any road or pathway and declare all public rights to cease as from the date on which a new road or pathway is constructed in lieu of the diverted or stopped up road or pathway and such diversion or stopping up of a road or pathway shall not affect the rights of the Local Commission or of any other persons or bodies in sewers, watermains, wires or other works lying on or under such road or pathway.
5. Roads constructed by owners. Interested owners are empowered to construct roads and may begin such construction before the Local Commission is ready to construct them provided they obtain first, in writing, the consent of the Local Commission and subject to any conditions laid down by the Commission.
6. Corners of Road Junctions. Corners of road junctions shall be constructed in such a manner as to obtain a curve with minimum radius of eight metres on the fence of the plot concerned.
7. Widenings. Sites for widenings shall in all cases be subject to the same rules as if they were new roads.

G. COST OF SCHEME.

The Local Commission may carry out the construction of any road or public open space approved under this scheme and it shall be lawful for the Local Commission to charge the cost of construction of the road or open space or part thereof to the abutting owners or frontagers and to make arrangements for the collection of the cost of construction provided that:-

- (a) the cost of construction of a road be equitably apportioned among the abutting owners and frontagers half in proportion to the length of their frontages and the remaining half in proportion to the area of their plots. Provided that unless specially declared no land more than fifty metres distant from the road shall be taken into account for the purpose of calculating the area;
- (b) the cost of construction of public open spaces shall be apportioned between the owners of the land comprised in the scheme in proportion to the area owned by them provided that the owners of land abutting on the public open spaces to be constructed shall pay a double share;
- (c) no owner or frontager shall be called upon to pay his share for the construction of a public open space or footways to a road before the properties liable for fifty one per centum of the total cost have been built upon or he has built upon his land whichever shall first occur;
- (d) the method of collection and period during which the cost is apportioned between the owners and frontagers shall be fixed at the discretion of the Local Commission.

H. ZONING.

1. Uses allowed in each Zone. No building shall be erected in any of the several zones coloured on the plan and referred to hereinafter which is designed for any other use than is allowed for that zone. All lands coloured orange on the plan indicate the Residential Zone, those coloured purple edged and cross hatched purple, the Industrial Zone and those edged and hatched dark green, the Agricultural Zone. Shop frontages are indicated by a purple edge.

2. Nothing contained in this scheme shall prejudice in any way the provisions of section 18 of the Antiquities Ordinance.

3. Only one building apart from three outbuildings 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 land registration.

4. No building shall be erected in any of the zones given below which is designed for another use than that permitted for that zone.

A. AGRICULTURAL ZONE. The following building may be erected within this 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.
- (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.

B. RESIDENTIAL ZONE.

- (a) Dwelling houses.
- (b) Private clubs, social and recreational.
- (c) Public buildings as authorized by the Local Commission.
- (d) Parks, playgrounds and recreation buildings.
- (e) Offices of professional men and artists.
- (f) Farming appurtenances.
- (g) Customary home occupation confined to members of one family.
- (h) Accessory uses, customary or incidental to the above uses.
- (i) Private Garages.
- (j) Shops authorized by the District Commission with trades and industries as authorized by the Local Commission.
- (k) Apartment houses with special consent of the Local Commission.
- (l) Hotels and lodging houses.

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C. SHOP FRONTAGES.

- (a) All as above
- (b) Shops and business premises.
- (c) Workshops and public garages.
- (d) Small industries employing a limited power driven plant of not more than five horse-power subject to the special approval by the Local Commission.

D. INDUSTRIAL ZONE.

- (a) Industries using unlimited horse power driven machinery.
- (b) Business premises and shops.
- (c) Dwelling houses subject to the special approval of the Local Commission.

Contraventions.

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.

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.

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, renewal or repair shall be allowed which shall from the enactment of this scheme, 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 occupancy the continuance of the present non-conforming use shall be prohibited.

BUILDING CONTROL.

Construction of new buildings. No new building shall be erected within the area of this scheme unless such buildings conform, as regards curtilage, use, percentage to be built upon, 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.

Curtilage. No minimum curtilage is fixed for plots to be used only for the erection of water reservoirs or buildings and installations for electricity.

- (a) The minimum curtilage of any plot subdivided subsequent to the final approval of this scheme in the residential zone shall be 1000 m²
- (b) The minimum curtilage of any one plot in the Agricultural Zone shall be 2000 sq. metres.
- (c) The minimum curtilage of plots having a shop frontage shall be 1000 sq. metres.
- (d) The minimum curtilage of any one plot in the Industrial Zone shall be 1000 sq. metres.
- (e) Where the curtilage of an existing plot is less than the minimum allowed in the zone it shall be competent for the Local Commission to refuse to issue a building permit unless the plot is increased in size by combination with land of adjoining owners so that it is of the requisite size and shape required under this scheme.

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(f) In special cases where the District Commission are of opinion that action under (e) is impracticable, a building permit may be issued for the erection of a building on an undersized plot always provided that the size of such building shall conform to the standard maximum permissible building percentage and that the use of such building shall be in accordance with this scheme.

Percentage. The total area of existing buildings and buildings to be built on one plot (excluding outbuildings) shall not exceed 15% of the curtilage, provided that the Local Commission may authorise the increase of the percentage of the built-on area up to 40% in cases where the buildings are used for trades or industries or as a public building.

Outbuildings. The total area of outbuildings on one plot shall not exceed 150 sq. metres.

Buildings having shop frontages. Buildings having a shop frontage shall have the front facade on the building line except where the Local Commission may otherwise authorise.

Size of buildings. The following maximum sizes of domestic buildings in the various zones indicated in the Scheme shall be observed.

(a) Nature Reserve. Where permitted with the express approval of the District Commission and subject to any additional condition one domestic building of a maximum size of 150 m² may be erected in the nature reserve on an unsubdivided plot not less than 1000m² curtilage.

(b) Agricultural Zone. Buildings erected in the agricultural zone shall conform to the size given under "Zoning" of these Regulations and in addition shall not exceed 150m² in size where such buildings are intended for domestic purposes. In the case of buildings erected in this zone for industrial purposes, the approval of the District Commission shall be required in each case, always provided that such buildings shall not exceed 40% of the total area of the plot which shall be 1000m² minimum area for domestic, industrial or other buildings.

Height of Buildings.

(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 residential zone three storeys with a maximum height of 11 metres may be permitted.

Water Tanks. In all zones water tanks must be located within the building and must not be placed on the top of the flat roof. In domestic buildings with pitched roofs they must be located inside the roof.

Prevention of Damp. 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.

SETBACKS.

(a) The clear distance to be left between buildings used for dwelling purposes and the boundary of the adjoining plot on the two sides shall be not less than 5 metres.

(b) The clear distance to be left between buildings within a commercial or shopping zone or an industrial zone and the boundary of the adjoining plot on the two sides shall be not less than 3 metres.

(c) Continuous buildings may be permitted with the special approval of the District Commission in commercial and industrial zones provided adequate entrance is available in the rear of such buildings.

(d) The clear distance between the house and the rear boundary shall not be less than 6 metres.

(e) The provisions of this section shall not apply to outbuildings and the setbacks for such buildings shall be fixed by the Local Commission at their own discretion.

(f) On irregular shaped plots and corner plots the setbacks prescribed in section (a) and (d) above may be reduced at the discretion of the Local Commission.

K. OPEN SPACES AND NATURE RESERVE.

1. Private Open Space. All lands coloured green and edged dark green on the plan are hereby declared to be private open spaces and no development shall take place thereon without the special approval of the District Commission. No portion of a wadi or private 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.
2. Proposed Public Open Spaces. All lands coloured green and hatched dark green on the plan are hereby declared to be public open spaces and should be used as sites of playgrounds or recreation grounds or squares or gardens. These lands may be vested in the name of the owners for the time being but shall be handed over to the Local Commission or to the Local Authority for the area concerned at the request of the District Commission when so required. No building whatsoever shall be erected on these lands.
3. Nature Reserve. All lands coloured green, edged and crossed hatched dark green on the plan of this scheme are hereby declared to be nature reserves and shall include all lands to be preserved in their natural state at the time of the enactment of this scheme and shall include closed forest areas and such additional areas which by reason of the nature of their location are eminently suitable for afforestation. The following buildings may be erected within this reserve:-
 - (a) Domestic buildings erected by the owner of the plot for his own use.
 - (b) Buildings incidental to the use of the land for recreation or pleasure.
 - (c) Buildings incidental to the agricultural, horticultural or sylvan use of the land.
 - (d) Buildings as may be approved by the District Commission from time to time.

Always provided that nothing in this section shall prejudice the provisions of any other Ordinance affecting these lands and further provided that any building proposed to be erected in this zone shall be subject to the specific approval of the Conservator of Forests.

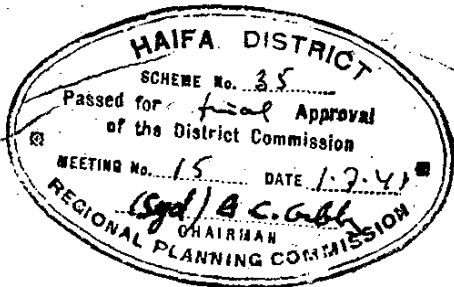
L. MISCELLANEOUS.

1. Drainage. 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.
2. Sewerage. Every building constructed after the final approval of this scheme shall drain into an approved sewerage system or into separate and properly constructed septic tanks and percolating pits approved by the Public Health Authority.
3. General Health. 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 antimalaria measures before building permits are issued.
4. Prevention of Pollution of Water. The Local Commission may in collaboration with the Public Health Authority restrict or prohibit building in the neighbourhood of springs or wells in order to prevent the pollution of water.
5. Layout of Pipe Lines. Any person supplying water by means of water pipes shall submit to the Local Commission for approval the plan for the layout of these pipes.
6. Sites for Public Buildings. Only public buildings may be erected on plots coloured yellow edged and hatched brown on the plan.

7. Preservation of Trees. If at any time the Local Commission having regard to the amenity of any part of this scheme, is of the opinion that any growing trees or group of trees ought to be preserved, the Local Commission may register the tree or group of trees, and shall thereupon notify the owner or occupier of the land upon which the tree or group of trees is growing that the tree or group of trees has been registered and the register of trees so made shall be open to inspection by persons interested at all reasonable times. No person shall cut down or wilfully destroy any tree registered by the Local Commission under the preceding paragraph except with the consent of the Local Commission or upon grant of an appeal against the Local Commission to give their consent, or where the tree has become dangerous.
8. Boundary Fences. (a) It shall be competent for the Local Commission to order the owners of abutting lands to erect or remove boundary fences along a constructed road for the purpose of securing the safety of traffic and to regulate by such order the height and type of fence, boundary walls, hedges, trees or shrubs or other obstructions required to be erected between the building line and the road line where such does not conflict with any by-law made by statutory Local Authority (Local Council).
(b) Any owner so ordered shall within the prescribed time, not less than two months in case of erection and not less than one month in case of removal, erect the boundary fence or remove such obstructions as specified in the order, and if not erected or removed within that period, the Local Commission may issue an order for their erection or removal at the cost of the owners, provided that no proceedings in respect of any contravention of this section shall be taken until fourteen days after the notice of intention so to do has been given to the persons in default.
9. Electric Lines. All electric distribution lines shall be located, where possible, within the road lines, and in consultation with the Local Commission. No building will be permitted by the Local Commission within a reasonable distance from any electric line if the building owner will not undertake the necessary measures for the safety of all concerned.
10. Subdivision Plans. The Local Commission may approve subdivision plans, in conformity with the provisions of this scheme, in respect of any lands included within the boundaries of this scheme.
11. Betterment Tax. Betterment tax may be collected in accordance with section 32 and 33 of the amended Town Planning Ordinance, 1936, from all owners within the area of this scheme who will benefit directly or indirectly by the opening of new roads, widening or construction of roads, sewers or drains, and the laying out of the open spaces and public gardens.
12. Consent of Local Commission to be in Writing. 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.
13. Special Provisions. No amendment to the conditions and regulations of this scheme shall be legal unless authorised in writing by the District Commission.
14. (a) If at any time any land reserved for any purpose under this scheme is not required or not likely to be required for that purpose, the District Commission may on the application of the Local Commission by order declare the land no longer to be so reserved and thereafter the provisions of the reservation shall not apply to the land, but the land shall be subject to the other provisions of this scheme as if it were included in such zone or zones as may be specified in the order.
(b) Before making an order under this section the District Com-

mission may, if it thinks fit, require the Local Commission to serve a notice of their application for the order upon such owners as may, in the opinion of the District Commission, be affected.

15. Previously Approved Schemes. All provisions of previously approved schemes included within the area of this scheme shall apply to them, subject to any amendment made under this scheme.



HAIFA DISTRICT
TOWN PLANNING COMMISSION

Meeting No. 50 Date 5-8-41

FINALLY APPROVED SCHEME

Betterment Tax may be recovered in respect of this scheme in accordance with the provisions of section 32 of the Town Planning Ordinance, 1936.

A. Kendall *W.H. ...*
Adviser Chairman

HAIFA DISTRICT
TOWN PLANNING COMMISSION

PROVISIONAL APPROVAL.

Scheme No. 35 Passed for Publication at the 50 meeting of the Commission held on 11-2-41

Betterment Tax may be recovered in respect of this scheme in accordance with the provisions of section 32 of the Town Planning Ordinance, 1936.

A. Kendall *W.H. ...*
Adviser Chairman