

Called : FARSH EL IRAQ Detailed Scheme

TPH/180

DISTRICT BUILDING AND PLANNING COMMISSION	
HAIFA DISTRICT	
Serial No. of Scheme	132
District File No.	271/761

SCHEDULE

PART I. - GENERAL.

1. This scheme may be cited as the Haifa District Regional Planning Scheme No. 122..... called FARSH EL IRAQ Detailed Scheme..... and shall apply to that part of Tireh village as is defined by the blue line on the plan attached hereto which shall form an integral part of the scheme in respect of all matters contained therein.

Citation and Application

The following details concern the land included in the scheme:-

- (a) Area of the scheme:- 264,798 m.sq.
- (b) Owners of the land included in the scheme:- Ibrahim Sahyoun & Partners.
- (c) Bounded:-
  - On the north: By Wady Amer.
  - on the east: By-- Approved T.P1. Scheme No. 181 called Givat Israel.
  - on the south: By.. Lands owned by heirs of Mohd. el Darbas, Kassem Hassun, of Tireh Hassan Fahed Abbas el Zeidan. of Tireh
  - on the west: By.. the road to Tireh.

2. The purpose of the scheme is to provide for the development of the area concerned in accordance with the relevant sections of the Town Planning Ordinance by zoning and reservation of land for different purposes such as: Dwelling, public open spaces, roads & public buildings & shops.

Purpose of the Scheme

PART II. - INTERPRETATION OF TERMS.

In the scheme unless the context otherwise requires:-

- "Approved finished level" in relation to the ground of a plot means the finished level of the ground as shown on the plan attached to, and forming part of, a building permit issued in respect of such plot; Approved finished level
- "Certificate of sub-division" means a certificate placed on a plan illustrating a parcellation of land into two or more plots required for purposes of registration and covered by this scheme; Certificate of sub-division
- "Building line" means a line in relation to any road or proposed road beyond which no house may project; Building line
- "Chairman" means the respective chairman of the District or the Local Commission and includes the Acting Chairman; Chairman
- "Construction of road" means the execution of all or any of the work necessary or incidental to the opening and laying of a road; Construction of road
- "Curtilage" means the area of land within the boundaries of a plot and includes the area of land under any building therein; Curtilage

"District Commission" means the District Building and Town Planning Commission;	District Commission
"Dwelling house" means a house built for, and not used for any purpose other than that of habitation;	Dwelling House
"Engineer" means the Assistant Town Planning Superintendent of the Department of Town Planning.	Engineer
"Habitable room" means a room constructed or adapted to be inhabited or in which some person passes the night or which is used as a room and which shall have a floor area of not less than 10 sqm.	Habitable room
"Height of house", means the height of a house measured from the approved finished level of the ground to the top of the parapet on the roof, or, where there is no parapet, to the level of the top of the external wall or to the eaves of the roof;	Height of house
"House" means any construction enclosing a space by means of a roof or roofs and walls or columns but shall not include an outbuilding;	House
"Local Commission" means the Local Building and Town Planning Commission for Haifa Regional Planning Area.	Local Commission
"Ordinance" means the Town Planning Ordinance, 1921, or the Town Planning Ordinance, 1936, or any Ordinance amending either of those Ordinances or substituted therefor;	Ordinance Cap.142 No. 28 of 1936
"Outbuilding" means any construction enclosing a space by means of a roof and walls and used as a garage, stable, shed or store or farm building.	Outbuilding
"Owner" in relation to any land or building, means the registered or reputed owner thereof, and, in the event of his absence or of difficulty in establishing his identity or whereabouts, includes the person or persons for the time being receiving the rent or profit from such land or building, or who would receive such rent, and any person paying Government taxes in respect of such land or building, whether on his own account or as agent or trustee for any other person or persons, and where, after a written request by the Local Commission, the occupier fails to furnish the name and address of the owner, includes such occupier; it also includes the holder of a building or other permit issued under the Ordinance, in respect of such land or building, and where there is no such holder or where such holder cannot be discovered, includes the architect, builder and any contractor and all persons and their agents actually executing or responsible for the execution of the building or other operation for which a permit was issued or required, but not any workman in the employ of such person or persons;	Owner
"Parcellation scheme" means any parcellation scheme which has been or may be put into force under the Ordinance;	Parcellation Scheme
"Permissible area", in relation to a house, means the maximum area upon which the house may be built in accordance with the provisions of this scheme.	Permissible Area
"Plot" means an area of land which has been approved as a building plot in the parcellation scheme, or upon which the erection of a house was authorized by the Local Commission;	Plot
"Road" means any highway, street, lane, pathway, alley, stairway, passageway, carriageway, footway, square, place or bridge, whether private or public, whether a thoroughfare or not, whether existing or proposed in any town planning scheme, and includes all berms, channels, ditches, stormwater drains, culverts, sidewalks, traffic islands, road-side trees and hedges, retaining walls, fences, barriers and railings;	Road
"Road line" means the line defining the side limits of a road.	Road line
"Setback" means the distance from any building to the boundary of the plot upon which the building is erected, or is to be erected, to the road line of the road on which the plot abuts;	Setback

"Shop" means a house or part thereof in which a retail trade is carried on, but does not include a workshop;  
 "Special site" means a site approved from time to time under this scheme for any of the uses set out in the Schedule of Uses in respect of "Special sites";  
 "Width of road" means the distance between road lines measured perpendicularly to the centre of the road;  
 "Zone" means an area of land shown on the plan by distinctive colouring, hatching or edging, or a combination thereof, for the purpose of indicating the use to which lands and buildings in such area may be put and the regulations prescribed therefor under this scheme.

Shop  
 Special site  
 Width of road  
 Zone

### PART III. - NOTATION OF THE PLAN.

The following notations employed on the plan have the meanings hereunder respectively assigned to them:

Notations employed on the plan	Meanings assigned to notation
Areas coloured orange	Residential zone
Areas coloured yellow and edged and hatched dark brown	Sites for public buildings
Areas coloured light brown	Existing roads
Areas coloured red	Proposed roads and widenings
Areas coloured yellow and edged brown	Site for car park
Areas coloured orange and hatched purple	Sites with shop frontage
Areas coloured light green and hatched dark green	Proposed public open spaces
Black figure in quarter of circle	Number of road
Red figure in quarter of circle on sides of No. of road	Front building line in metres
Red figure in quarter of circle beneath No. road	Width of road in metres
Areas within dark blue line	Area to which this scheme applies.

### PART IV - ROADS.

The site of roads and their widths shall be as shown on the plan provided that additional sites for roads may be provided for in a parcellation scheme.

- Sites  
 and width of  
 roads
- Construction  
 of roads
- Diversion  
 and  
 stopping  
 up of roads.  
 Land no  
 longer  
 required
2. (a) The Local Commission shall be competent to construct any road and to execute upon adjoining lands all or any of the works incidental to such construction.
  - (b) 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 Commission and subject to any conditions laid down by them.
  3. The Local Commission shall have powers to divert or stop any existing road and declare all public rights of passage over such road to cease as from the date of diversion or stopping up.
  4. The Local Commission shall have powers to dispose of any land no longer required for a road and arrange for the registration thereof in the name of any adjoining owner.

5. (a) The Local Commission shall have power to order the owners of lands abutting on a constructed road to erect on such lands boundary walls of fences, and to prescribe the height, materials and manner of construction of such walls resp. fences, the planting or trimming of hedges, shrubs and trees, and the erection or removal of any obstruction to the view between the building line and the road line.

Fences,  
Hedges,  
Trees &  
obstructions.

(b) Any owner on whom an order under this paragraph is served shall, within the period prescribed in such order, erect such wall resp. fence resp. remove such obstruction and otherwise comply with the terms of the order; and if such owner fails to comply with the terms of such order within the period prescribed in such order, the Local Commission may cause the works prescribed by such order to be carried out and recover the expenses thereof from such owner.

PART V. - DRAINAGE.

The Local Commission may, with the consent of the District Commission, reserve any land necessary for the passage of stormwater resp. foul water drainage, and no building shall be constructed upon any land so reserved.

Right of way.

2. All building plots in this scheme shall be suitably drained before building operations commence. The Local Commission may require any building owner of a building plot to treat his land in a special manner before building operations commence if in their opinion this is necessary.

Special treatment before building operations. Prohibition of building in the vicinity of springs. Existing courtyard.

3. The Local Commission may, after consulting the Director of Medical Services or his representative, restrict or prohibit building in the vicinity of springs or wells in order to prevent the pollution of water.

4. All courtyards shall be properly drained to prevent flooding to the satisfaction of the Director of Medical Services or his representative.

PART VI. - ZONING.

A. Use of lands and buildings.

1. No land situated in any zone shown on the plan shall be put to any use other than a use set out in the Schedule of Uses in respect of the zone in which it situated.

Use of lands and buildings.

Provided that a parcellation scheme may provide that any land in a residential zone shall be a private open space, public open space or recreation ground.

2. One house only may be erected on any plot in any zone; provided that the Local Commission may permit the erection of one or more houses on one plot where used for farming or similar purposes.

No. of house on a plot

3. No shop and workshop may be opened, and no trade and industry may be carried on, save on a site which has been approved for such purposes in this scheme or, exceptionally, by the Local Commission.

Shops, workshops, trade, industries

SCHEDULE OF USES.

Zone.	Uses.
Residential Zones	1. Dwelling houses. 2. Garages for private cars. 3. Recreation grounds. 4. Private clubs. 5. Buildings for public worship. 6. Education buildings. 7. Hotels. 8. Shops provided that their use is a use set out in the appendix hereto under the heading Residential Zone.

9. Seed nurseries, green houses, tool houses and seed stores.
10. Stable and cattle sheds.
11. Poultry houses.
12. Buildings and installations required for the supply of water and electricity.
13. Other buildings approved by the District Commission.

- II. Public open spaces & Recreation grounds.
1. Public gardens.
  2. Sports and recreation grounds.
  3. Buildings incidental to the above with the approval of the District Commission.

#### APPENDIX.

#### Residential Zone.

1. Shops for dairy produce, vegetables, fruit, bread, meat, groceries, confectionary or other articles for human consumption.
2. Barbers.
3. Stationary and book sellers.
4. Boot makers and repair shops.
5. Tailors.
6. Cafés and restaurants.

#### B. Building plots, houses and outbuildings.

- No houses shall be permitted on any plot the curtilage of which is less than 1000 sq.m. Minimum curtilage.
- Provided that, where the area of a plot is less than the minimum curtilage the Local Commission with the consent of the District Commission, may give permission to build there on condition that the building density, height and setbacks conform to the provisions of the scheme.
2. (a) No houses shall be permitted of more than 150 sq.m. built up area. Maximum percentage of houses.
- (b) No account shall be taken of any excess in thickness of external walling over 40 centimetres.
3. Outbuildings shall only be permitted of no more than 100 sq.m. area unless otherwise approved by the Local Commission. Outbuildings.
4. No newly constructed living room shall be less than 10 sq.m. in floor area and less than 2.80 metres in height measured internally from the floor to the highest part of the ceiling. Size and height of living room.
5. The floor of all habitable rooms shall be stone paved, tiled or otherwise suitably finished to the satisfaction of the Director of Medical Services or his representative and shall be at least 20 cm. above ground level. Floor covering
6. Every habitable room shall have window space, giving direct access to the open air, of an area not less than one-eighth of the floor area of the room. In addition, means of cross ventilation shall be provided to the satisfaction of the Director of Medical Services or his representative. Window space.
7. Notwithstanding anything contained in the above provisions no house or outbuilding shall be constructed in the commercial zone except in conformity with an architectural design approved by the Local Commission. Commercial zone

## C. Setbacks.

The front, side and rear setbacks shall be as indicated in the plan or 5 m in front and sides except on Road No.2 where the resp. side setbacks may be 3.00 m only, - and 6 m at the rear.

Front, side & rear setbacks.

Provided that where the Local Commission is of the opinion that the size and shape of any plot are such as to justify a relaxation of the setbacks of a house on such plot, the Local Commission, may grant such relaxation.

2. No wall of a house or boundary wall of the junction of two roads shall project beyond the arc tangential to the road lines, having tangent points not less than 8 metres from the intersecting of the two road lines, and such arc shall be the road line.

Wells of houses & boundary walls & junction of roads.

## D. Height of buildings.

1. No building shall be erected in any zone to a greater height than two storeys or 8.0 m, except towers and other structures which may be erected on the roof above these heights.

Maximum

2. No house shall be erected to a height less than 3.0 m.

Minimum height of houses.

3. The height of every tower or other structure above the level of the footway shall not exceed five fourth of the maximum permissible height of the building on which such tower or other structure is erected.

## E. Design and External Appearance of Building.

The external walls of all houses and out-buildings shall be constructed of or be faced with such materials as approved by the Engineer.

External walls.

2. The Local Commission may require the planting of trees in approved position by private owners.

Trees planting.

## F. Additional provisions for certain sites.

Only buildings to be used as water cistern and towers, places for public worship, hospitals, educational institutions, places for public assembly, non commercial communal buildings may be erected, on sites indicated on the plan as sites for public buildings. 10% only of the area of a site for public buildings may be built upon.

Sites for public buildings

2. Only vehicles and machinery may be parked on the site indicated on the plan as car park and only buildings incidental therewith such as shelters, oil pumping station may be erected thereon.

Car parks.

## PART VII. - SPECIAL POWERS.

The Local Commission shall have power to attache to any permit for any work or use of any land or building such conditions as they consider necessary to prevent any nuisance arising from noise, vibration, faulty ventilation, faulty lighting, disposal of trade waste or any other nuisance which may be occasioned to the neighbourhood by reason of such work or uses.

Prevention of nuisance.

2. The Local Commission shall have power to grant Relaxation a relaxation of any restriction imposed by this scheme on the use of any land or building or any other restriction contained in this scheme, after considering the effects of such relaxation on the adjoining properties;

Provided that no such relaxation shall be granted by the Local Commission without the approval of the District Commission for any matter for which the approval of the District Commission is required.

3. Subject to the provisions of the Town Planning Ordinance, 1936, the District Commission and the Local Commission may delegate any of the powers conferred upon them by the scheme to the Chairman of the respective commission or to the Engineer or to a committee or to a village council where such exists for the purpose of carrying out the object of this scheme. Delegation of Power

#### PART VIII. - MISCELLANEOUS.

The Local Commission shall have power to incur such costs necessary for the preparation of any detailed scheme or parcellation scheme in furtherance of, or to give effect to, this scheme, and if they incur such costs the Local Commission shall have power to recover them from the owners of the lands to which such detailed scheme or parcellation scheme applies in proportion to the areas of the lands to which such scheme applies respectively owned by such owners. Recovery of costs

2. Where the Local Commission are of the opinion that the preparation of a parcellation scheme for any area is not immediately necessary, they may approve the sub-division of land into two or more parcels and for this purpose shall place on the plan a signed certificate of subdivision stating that there is no objection to the proposed subdivision for registration purposes only. Certificate of sub-division

3. The issue of building permits in any of the zones referred to in this scheme shall in no way prejudice the provisions of section 13 of the Antiquities Ordinance. Antiquities Ordinance

4. No building will be permitted under existing electric lines and no building or projection from a building (balcony etc.) shall be erected at a distance of less than 3 metres from a vertical line drawn to the earth from the nearest existing wire of the electric line, if the line is a 22 KV.H.T. line, or at a distance of less than 2 metres, if the line is a low tension line. Buildings in the vicinity of electric lines.

5. 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. Consent of Local Commission in writing

#### IX. BUILDING PERMITS.

No building permit shall be issued in respect of any building to be erected within the area of this scheme before all roads included therein are constructed."

**TOWN PLANNING ORDINANCE, 1936.**  
 Dist. *Regional* TOWN PLANNING AREA.  
*Detailed* SCHEME No. 122

The District Commission, at its...*102<sup>nd</sup>*...  
 meeting held on the...*7<sup>th</sup>*... day of *Jan.* 19*47*.  
 resolved to deposit the above scheme.

*Paul H. Threl*  
 Town Planning Adviser.

*A. J. Fair*  
 Chairman  
 Haifa District Building  
 and Town Planning Commission.

**TOWN PLANNING ORDINANCE, 1936.**  
 Dist. *Regional* TOWN PLANNING AREA.  
*Detailed* SCHEME No. 122

The District Commission, at its...*109<sup>th</sup>*...  
 meeting held on...*5<sup>th</sup>*... day of *Aug.* 19*47*.  
 resolved to grant authority to put the above  
 scheme into force.

*Paul H. Threl*  
 Town Planning Adviser.

*A. J. Fair*  
 Chairman  
 Haifa District Building  
 and Town Planning Commission.

UNBIDDING AND...  
 ...  
 ...