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SAMARIA DISTRICT

OUTLINE REGIONAL PLANNING SCHEME

MODIFICATION 1946

Palestine Gazette No. 1644 29.I.1948

שר המושבות והיישובים
בירושלים

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SAMARIA DISTRICT OUTLINE REGIONAL PLANNING SCHEME(MODIFICATION) 1946.SCHEME NO.PART I. GENERAL.Citation &
application.

1. This scheme may be cited as the Samaria District Outline Regional Planning Scheme (Modification) 1946, and shall apply to the Samaria District Regional Planning Area as declared by the High Commissioner by an Order dated 30.8.41 published in Gazette No. 1129 of 4.9.41 at 1447.

Plan of the
scheme.

2. The plan of the scheme, hereinafter referred to as "the plan" is plan No. TP/542/45, attached hereto and forming an integral part of the scheme duly signed by the Chairman of the District Commission and His Excellency the High Commissioner and on which the roads, zones etc. are indicated by distinct colour notation. The boundaries of any particular zone shown on the plan shall be interpreted from time to time in detailed and parcellation schemes for the areas concerned submitted to and approved by the District Commission.

3. This scheme modifies and suspends the Samaria District Regional Outline Planning Scheme as approved by the High Commissioner by an order published in Gazette No. 1185 of 9.4.42 at page 635 and shall be read in lieu thereof.

PART II. INTERPRETATION OF TERMS.

4. In this scheme, unless the context otherwise requires:-

Building line.

(1) "Building line" means a line in relation to any road or proposed road beyond which no house may project.

Certificate of
subdivision.

(2) "Certificate of subdivision" means a certificate placed on a plan, illustrating a division of a piece of land into two or more pieces of land required for purposes of land registration and covered by a town planning scheme.

Chairman.

(3) "Chairman" means the Chairman of the District or the Local Commission respectively and includes the Acting Chairman.

Curtilage.

(4) "Curtilage" means the area of land within the boundaries of a plot, and includes the area of land under any building therein.

District
Commission.

(5) "District Commission" means the Samaria District Building and Town Planning Commission.

Dwelling
house.

(6) "Dwelling house" means a house built for and not used for any purpose other than, habitation.

Engineer.

(7) "Engineer" means the Asst. Town Planning Superintendent of the Department of Town Planning or his duly authorised representative.

Health
Authority.

(8) "Health Authority" means the Director of Medical Services or his representative.

Height of
house.

(9) "Height of house" means the vertical distance measured from the crown of the road, or, where there is no such road, from the ground immediately in front of the

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House.

(10) "House" means any construction enclosing a space by means of a roof or roofs and walls or columns.

Industrial building.

(11) "Industrial building" means ^{any} building used or constructed or adapted to be used, as a warehouse, factory, workshop, laundry, brewery, distillery, cold storage establishment, or iron foundry and any other building used or constructed or adapted to be used for any use permitted in any industrial zone provided for by an authorised scheme applicable thereto.

Local Commission.

(12) "Local Commission" means the Regional Building and Planning Commission for the Samaria District Regional Planning Area.

Ordinance.

(13) "Ordinance" means the Town Planning Ordinance, 1936, or any ordinance amending it or substituted therefor.

Outbuilding.

(14) "Outbuilding" means in the agricultural zone, any structures used for any agriculture horticultural or farming purpose and in the development zone any ware-house, garage or store not exceeding 30 square metres in area.

Owner.

(15) "Owner" in relation to any land or building means the registered or reputed owner thereof, any co-owner, mutawalli of waqf, or lessee holding under a lease registered in the Land Registry, and, in the event of his absence or of difficulty in establishing his identity or whereabouts, includes the person for the time being receiving the rents or profits from such land or building or who would receive such rents or profits from such land or building were it leased at a rent, and any person paying any rates or taxes in respect of such trustee for any other person, 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 this 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;

(16) "Plot" means an area of land which has been approved as a building plot in a parcellation scheme, or upon which the erection of a house has been authorised by the Local Commission.

Public building.

(17) "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, theatre, cinema, public exhibition room, public concert room, public ballroom, public lecture room, public place of assembly or for any other public purpose.

(18) "Road" means any highway, street, lane, pathway, alley stairway, carriageway, footway, square, place or bridge, whether private or public, whether thoroughfare or not, and whether existing or proposed in any scheme and includes all berms, channels, ditches, stormwater drains, culverts, sidewalks, traffic islands, roadside trees and hedges, retaining walls, fences, barriers and railings.

to which lands and buildings in such area may be put, and the regulations prescribed therefore under the scheme.

Other terms. (21) All other terms shall have the meaning assigned to them in the Ordinance.

PART III. NOTATION ON THE PLAN.

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

<u>Notation employed on the plan</u>	<u>Meaning assigned to notation.</u>
Areas edged by thick blue line	Boundary of scheme.
Areas coloured in full red	Roads to which Part IV(A) apply.
Areas coloured in dotted red	Roads to which Part IV(B) apply.
Black figure in northern quarter of circle	Number of road.
Red figure in eastern and western quarters of circle	Front building line.
Red figure in southern quarter of circle	Width of road.
Areas left white and hatched green	Agricultural zone.
Areas coloured green and cross-hatched dark green	Nature reserves (including Government forest areas)
Areas coloured orange and edged green	Development zone including villages and settlements.
Areas edged brown	State Domain.
Areas coloured green and hatched brown	Beach zone.
Areas edged by thin blue line.	Town Planning areas excluded from the scheme.

PART IV(A) - ROADS (COLOURED IN FULL RED ON THE PLAN).

Powers of Director of Public Works or his representative.

6. The Director of Public Works or his representative may at any time undertake the construction and repair of all roads coloured in full red on the plan, and
- enter upon any land to clean any wadi, drain or channel if the condition of wadi, drain or channel is such that in his opinion it may be a contributory factor to the flooding of such roads;
 - enter upon any land to make drains if he considers it necessary to do so in order to facilitate the proper drainage of such road;
 - enter upon any land to make a survey for such road or any drainage line;
 - call upon owners of lands adjacent to such roads to take

From the land to such road.

- (f) carry out any of the works referred to in paragraph (a) above if he considers it necessary to do so 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 constructions;
- (h) cut down or trim any tree, hedge, bush or shrub, which lies within, or overhangs such roads;
- (i) call upon owners of land abutting on such road to construct fences between their land and such road;
- (j) No person shall plough any track or pathway, or remove soil, stones or other materials from any road coloured in full red on the plan, or erect any advertising signs, hoarding or other similar structure within such roads, unless authorised by him in writing.

PART IV(B). ROADS (COLOURED DOTTED RED ON THE PLAN)

Powers of Chairman of Local Commission.

7. The Chairman of the Local Commission may undertake the construction of all or any of the roads coloured in dotted red on the plan and added to by inclusion in any detailed schemes and in connection with any such road he shall have all the powers conferred upon the Director of Public Works by Part IV(A) of the scheme, in connection with any road coloured in full red on the plan.

PART IV(C). WIDTH OF ROADS.

Minimum width of certain roads in agricultural zone.

8. The minimum width of roads in the agricultural zone connecting villages and settlements shall be as fixed by the District Commission Samaria and the building lines shall be double their width.

PART V. DRAINAGE AND SANITATION.

Right of way.

9. The Local Commission may, with the consent of the District Commission, reserve any land necessary for the passage of storm water, irrigation channels and drainage, and no building shall be constructed on any land so reserved.

Special treatment before building operations.

10. All building plots shall be suitably drained before building operations commence. The Local Commission may require an owner of a building plot to treat his land in a special manner before building operation commence if in their opinion is necessary to do so.

Prohibition of building in the vicinity of springs or wells.

11. The Local Commission may, after consulting the Health Authority restrict or prohibit building in the vicinity of springs or wells in order to prevent the pollution of water.

Drainage of courtyards.

12. All courtyards shall be properly drained to prevent flooding to the satisfaction of the Health Authority.

PART VI. ZONING.

A. Use of Lands & Buildings.

Schedule of Uses in respect of the zone in which it is situated;

Unless otherwise provided for by a detailed scheme.

Number of houses on a plot.

14. One house only may be erected on any undivided piece of land.

Provided that the Local Commission may permit the erection on any such piece of land of more than one house used for farming or similar purposes.

Shops, work shops, trades and industries.

15. No shop or workshop may be opened, and no trade or industry may be carried on save on a site which has been approved for such a purpose in the development zone by the Local Commission and in the agricultural zone by the District Commission.

Plots falling within several zones.

16. Plots situated in several zones shall be considered as situated in the zone wherein there are the least restrictions. The exact boundaries of the various zones shall be determined in detailed schemes.

SCHEDULE OF USES.

<u>Zone</u>	<u>Uses</u>
I. Development Zone including villages and settlements (coloured orange and edged green on plan)	<ol style="list-style-type: none">1. Dwelling houses2. Garages for private cars3. Recreation grounds4. Private clubs5. Public buildings.6. Hotels7. Shops with the consent of the Health Authority.8. Farm building9. Building and installations requiring for supply of water and electricity including power houses.10. Other buildings approved by the District Commission.
II. Agricultural Zone (left white and hatched green on plan)	<ol style="list-style-type: none">1. Farming, gardening, nurseries and green houses.2. Industries with the approval of the District Commission.3. Recreation buildings.4. Stables and cattlesheds5. Poultry houses6. Dwelling houses7. Shelters for watchmen8. Buildings and installations requiring for the supply of water and electricity including power houses.9. Buildings forming part of a properly controlled development scheme and subject to any conditions approved by the District Commission from time to time.10. Other buildings approved by the District Commission.
III. Beach Zone (coloured orange and hatched green on plan.	<ol style="list-style-type: none">1. Bathing establishments and buildings for recreation and pleasure with specific approval of the District Commission.2. Other buildings approved by the District Commission in detailed schemes.

iv. nature reserve
(including Govern-
ment Forest areas)
(coloured light green,
edged and cross-hatched
dark green on plan)

3. Specific approval of the Commission is obtained:

1. Domestic buildings required by the owner for his own use.
2. Buildings incidental to the agricultural, horticultural or sylvan use of the land.
3. Buildings incidental to the use of the land for recreation or pleasure;

Provided that no building shall be erected in this zone without the specific approval of the Conservator of Forests, nothing herein shall prejudice or be incompatible with the provisions of the Forest Ordinance, the Flooding and Soil Erosion (Prevention) Ordinance, or any other Ordinance applicable to land in this zone.

B. Building Plots, Houses & Outbuildings.

Minimum setbacks

17. No house shall be permitted in any of the several zones set out in the first column of the Zoning Table on any plot the curtilage of which is less than that set out in the second column of the Zoning Table opposite the respective zone:

Provided that where the area of a plot is less than the minimum curtilage set out in the Zoning Table for the respective zone, the Local Commission with the consent of the District Commission may give permission to build thereon on condition that the building density, height and setbacks conform to the provisions of the scheme for the respective zone.

Maximum area house.

18. No house shall be permitted in any of the several zones set out in the 1st column of the Zoning Table, save to such a maximum area as is set out in the third column of the Zoning Table opposite the respective zone.

(2) No account shall be taken of any excess in thickness of external walling over 30 centimetres.

Outbuildings.

19. Outbuildings may be permitted as indicated in the fourth column of the Zoning Table.

Area and height of living room.

20. No newly constructed living room shall be less than ten square metres in area and not less than 3.00 metres in height.

Floor covering.

21. The floor of all habitable rooms shall be stone paved, tiled or otherwise suitably finished to the satisfaction of the Health Authority and shall be at least 20 cm. above ground level.

Window space.

22. 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 must be provided to the satisfaction of the Health Authority.

Minimum
frontage of
new plots.

Front, side
and rear
setbacks.

Minimum
width of
boundary
walls at
junction
of roads.

Maximum
height of
houses.

Minimum
width of
houses.

23. No plot shall, on or after the date of coming into force of the scheme, be constituted in any of the several zones set out in the first column of the zoning table with a frontage less than that set out in the seventh column of the Zoning Table opposite the respective zone.

24. The front, side and rear setbacks shall be as indicated in the eighth column of the Zoning Table:

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.

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

D. Heights of Houses.

26. No house shall be erected in any of the several zones set out in the first column of the Zoning Table to a height greater than that set out in the fifth column of the Zoning Table opposite the respective zone.

27. No house shall be erected in any of the several zones set out in the first column of the Zoning Table to a height less than that set out in the sixth column of the Zoning Table opposite the respective zone.

F. Design and External Appearance of Building Etc.

28. It shall be competent for the District Commission to exercise full control over -

- (a) the design and appearance of buildings; and
- (b) the preservation of existing buildings and buildings and objects of architectural, historical or other interest and places of natural interest or beauty in order to protect existing amenities.

For the purposes of this paragraph, the District Commission may constitute from time to time a Designs' Committee composed of such members as they may deem fit.

29. The Local Commission with the approval of the District Commission may require the removal of corrugated iron, timber, tin and other temporary structure after giving one month's notice, in writing to the owner thereof and in case the owner fails to comply with the terms of the notice given to him the Chairman of the Local Commission may carry out the necessary works and recover the cost thereof from the owner concerned.

30. No windows, doors or any other openings shall be made in any outbuilding onto adjacent properties.

31. The Local Commission with the approval of the District Commission may require the planting of trees in approved positions by private owners after giving one month's notice, in writing to the owner thereof and in case the owner fails to comply with the terms of the notice given to him the Chairman of the Local Commission may carry out the necessary works and recover the cost thereof from the owner concerned.

PART VII. SPECIAL POWERS.

32. It shall be competent for the Local Commission to authorise, to such extent as they deem necessary to remove any danger, the repair or alteration of a building which, in their opinion, is in urgent need of repair or alteration due to its dangerous or unstable condition, and any repair or alteration so authorised shall be carried out in accordance with the instructions of a qualified Engineer appointed by the Chairman of the District Commission.

33. The District Commission, shall have power to grant 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.

34. Subject to the provisions of the Ordinance, the District Commission and/or the Local Commission may delegate any of the powers conferred upon them by this scheme to the Chairman of the respective Commission or to the Engineer or to a committee for the purpose of carrying out the objects of this scheme.

35. It shall be competent for the Local Commission with the approval of the District Commission to require the repair, alteration or removal of any building kept in unsanitary conditions as specified by the Health Authority after giving one month's notice in writing to the owner thereof and in

Power of Dis-
-ct Commis-
-on.

removal of
corrugated
iron
structures.

Openings in
outbuildings.

Tree
planting.

Dangerous
Buildings.

Relaxations.

Delegation
of powers.

Unsanitary
buildings.

PART VIII. MISCELLANEOUS.

Beach Zone.

36. (a) No sub-division of land shall be permitted in the beach without the consent of the District Commission.

(b) The size of buildings in beach and the use to which they may be put, shall be subject to the special approval of the District Commission.

(c) In a similar manner the use to which such building may be put must always receive the approval of the District Commission.

Nature reserve.

37. Nature reserves shall include all lands to be preserved in their natural state at the time of the coming into force of the scheme, and all closed forest areas and such additional areas are by reason of their situation are considered necessary by the Local Commission for the proper conservation of the forest areas which adjoin them.

Land of water-logged nature.

38. Where any land is of a water logged nature, no building shall be erected thereon unless adequate arrangements to the satisfaction of the health authority are made to prevent the rising of moisture into the building.

Consent of Local Commission in writing.

39. 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 wither under the hand of some person duly authorised to act on behalf of the Commission for the Chairman of the Local Commission.

Private open spaces.

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

Certificate of sub-division.

41. Where the Local Commission with the approval of the District Commission are of the opinion that the preparation of a detailed 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 sub-division stating that there is no objection to the proposed sub-division for registration purposes only.

Industrial Buildings.

42. (1) Industrial buildings may be sited in the development or agricultural zone if the site thereof is approved by the District Commission.

(2) Every application to the District Commission for approval of the site of an industrial building shall be made through the Local Commission, and the District Commission may grant such approval subject to such conditions as to size of plot, size of building, height, drainage and other relevant matters as they consider necessary in all the circumstances of the case.

Housing schemes in agricultural zone.

43. The District Commission may approve housing schemes in the agricultural zone if such schemes conform generally to the standards of zoning and density in development zones and are promoted by companies or public bodies which, in the opinion of the District Commission, are able to execute them.

44. No building permit in respect of any site scheduled under section 18 of the Antiquities Ordinance shall be issued without the prior approval of the Director of Antiquities. The issue of any building permit shall in no way prejudice the provisions of Section 18 or any other section of the Antiquities Ordinance.

45. The issue of building permits will in no way prejudice section 10 of the Government Railways Ordinance, 1936, as amended by the Government Railways (Amendment) Ordinance, 1941;

46. No building will be permitted under existing electric lines. No building or projection from a building (balcony, etc.) shall be erected at a distance of less than 2 m. from a vertical line drawn to the earth from the nearest extreme wire of the electric line if the line is a Low Tension Line, or at a distance of less than 3 m. if the line is a 22 KV. H.T. Line, or at a distance of less than 5 m. if the line is a 66 KV. H.T. Line.

SARARIA REGIONAL
OUTLINE

1944

25th

December 1945

Roy Hume

TOWN AND COUNTRY PLANNING ACT 1936.
SARARIA REGIONAL PLANNING AREA

OUTLINE SCHEME NO. 1

I hereby give authority to put the above scheme into force and order that a copy of the contents of this authority be published in the Gazette.

1948

High Commissioner

SARARIA REGIONAL PLANNING AREA, 1936.

OUTLINE SCHEME NO. 1

The District Council at its meeting held on ... resolved to put the above scheme into force.

Roy Hume

Chairman
District Building
Planning Commission

Zoning Table.

Zone as shown on plan	Minimum curtilage of plot in square metres	Maximum area of plot which may be built upon	Outbuilding	Minimum height of house	Minimum height of new plot	Minimum setback in metres		
						Front	Side	Rear
Agricultural Zone	As fixed from time to time by the Local Commission bearing in mind the situation and nature of the land affected and the use to which it is intended to be put provided that, for residential and industrial purposes such plots shall not be less than 1,000 m ² in area	15% or 180 m ² whichever is the less for residential purposes. For industrial purposes as approved by the District Commission.	As approved by the Local Commission	2 storeys. No part of a building for residential purposes to exceed 8 m. For industrial purposes as approved by the District Commission.	25 m if for residential purposes. For industrial purposes as approved by District Commission.	10	30	10
Nature Reserves Development Zone (including villages and Settlements)	AS	approved by	the District Commission	and the Conservator of Forests				
a) In built-up area of village	500 m ² or as existing at the date of the coming into force of this scheme, or as provided for in a detailed scheme	50% or 150 m ² whichever is the less	no outbuildings permitted	Twice the width of the road on which the house abuts, or 8 metres, whichever is the less.	As approved by the Local Commission	3 m	3	4
In any other area	1,000 m ² , or as existing, at the date of the coming into force of this scheme, or as provided for in a detailed scheme.	15% or 180 m ² whichever is the less for residential purposes, or as provided for in a detailed scheme.	Outbuilding 30 m ² or as approved by the Local Commission or as provided in a detailed scheme.	As approved by the Local Commission	20 m ² , as existing or as approved in detailed schemes	3 m	5	5

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Handwritten signature or initials.