



1989

DEVELOPMENT CONTROL CODE

PHYSICAL
PLANNING
DIVISION

A DEVELOPMENT CONTROL CODE FOR LESOTHO

1. INTRODUCTION

1.1

For the purpose of definition it may be relevant to distinguish between a Development Control Code and a Building Code or Regulations. While the latter concerns the structural aspects of individual buildings, a Development Control Code is primarily concerned with the way in which individual buildings relate to the plots on which they are sited as well as to surrounding buildings or a particular built environment. Further, a development Control Code refers solely to new development.

1.2

The Development Control Code relates directly to the Town and Country Planning Act 1980 and the (drafts of the) Development Order and the Use Classes Order 19--. Building Regulations also have implications for this Development Control Code.

What is it? →

1.3

While this Development Control Code is intended to apply first to the Maseru Municipal Planning Area, in conjunction with an outline plan or development plan concurrent with the establishment of the Maseru Municipal Council, it is later envisaged that it will apply to any other Planning Areas as designated by the Minister pursuant to the Town and Country Planning Act 1980 (section 2).

1.4

It is further envisaged that this Development Control Code will not apply to any area so determined by the Minister as subject to special development control regulations. (e.g. the Maseru CBD, traditional villages, etc.)

1.5

The purpose of a Development Control Code is to ensure the orderly, safe, pleasant and compatible development of land in a wide range of urban environments taking into regard essential public health and other utility requirements.

KONZA

Whereas Development Control Code regulations are binding on plot-holders, they are not sufficient to ensure the standard of public infrastructure provision. Planning Standards have therefore been issued to supplement this Development Control Code.

1.8

- o residential (single and multifamily dwellings),
- o commercial,
- o industrial,
- o petrol stations,
- o offices,
- o schools and
- o churches, etc.

This Development Control Code first presents definitions of the terms used in subsequent sections, before providing general and (in some cases) specific regulations for the following land uses:

1.7

area. guidelines will be incorporated in the development plan for such an geographic areas. However, it is envisaged that normally such guidelines to augment this Development Control Code in specific Authority or Councils may wish to establish their own planning policy (draft) General Development Order 19---. Finally, the Planning some developments are defined as permitted development under the of the Planning Authority or Council. It should also be noted that requirements, it is suggested that applicants first seek the advice Development Control Code, without complying with its specific If some development proposals appear to meet the goals of this

1.6

- a) the development plan or outline plan for the area in which development is to occur, including the Development Control Code,
 - b) the procedures for obtaining planning permission set forth in the (draft) Development Order 19--, and
 - c) other development regulations (such as the Building Regulations).
- Persons wishing to develop land within a Planning Area should thus ensure that their proposed development complies with

DEFINITIONS

APARTMENT - self-contained dwelling being part of a building of one or more storeys and sharing a common access with other such dwellings in the same building, (Development Order 19--).

BUILDING - "includes any structure or erection and any part thereof, whether temporary or permanent including any fixture thereto but does not include any plant or machinery comprised in a building", (Town and Country Planning Act 1980, section 3).

BUILDING HEIGHT - the distance from the mean ground level to the highest point of the frame wall or roof of the building in question.
BUILDING ZONE - the area of a plot within which development can take place - defined by lines parallel to the setbacks at appropriate distances.

BUNGALOW - single storey dwelling. Roof - corrugated iron sheets or tiles. Walls - sandstone, brick or concrete blocks and containing more than three habitable rooms (excluding kitchen and/or bathroom). See also OPDAK.

COMMERCIAL - pertaining to the retail sale of goods or services.

DEVELOPMENT - "the carrying out of any building, engineering, or other works or operations, in, on, over or under land, or the making of any material changes in the use of the land or buildings or the subdivisions of land", (Town and Country Planning Act 1980, section 9 (1)).

Note: Any operation defined as 'development' needs planning permission before it can commence.

DOMESTIC STAFF QUARTERS - a dwelling unit used to accommodate domestic staff.

DWELLING-HOUSE - a self-contained dwelling unit, not including a building containing one or more apartments or flats, or an apartment or flat within such a building, (Development Order 19--, section 3 with suggested amendment).

DWELLING UNIT - a room, building or group of rooms or buildings, which is designed for or occupied exclusively by one family doing its cooking therein.

FAMILY - one or more persons occupying a building and maintaining a single common non-profit household including cooking facilities as distinguished from a group occupying a hotel or club.

FENCE - a barrier such as wall, hedge, railing, etc. to prevent intrusion onto the plot.

FLAT - a non self-contained dwelling, normally sharing land and toilet facilities with other flats, usually contiguous within the same piece or parcel of land, see also LI-LINE, (Development Order 19--).

FRONT SETBACK - the shortest setback adjacent to a road.

GARAGE - see STORAGE BUILDING.

GUEST HOME - an extension to the main dwelling unit (and linked both internally and externally by common walling and opening doors) forming an ancillary dwelling unit to the original house and not used as an independent dwelling unit.

HEISI - a rectangular building, constructed from local materials with a thatched roof.

INDUSTRIAL USE - includes any process for or incidental to any of the following purposes: (a) the making of any article or part thereof; or (b) the altering, repairing, ornamenting, finishing, cleaning, washing, packing, canning, or adapting for sale, breaking up or demolition of any article; or (c) without prejudice to the foregoing

paragraphs, the winning, dressing or treatment of any minerals, being a process carried on in the cause of trade or business, (Development Order 19--).

LI-LINE - a rectangular building, normally of concrete blocks or local bricks, comprising dwelling units for rent to individual households. Shared services only. See also FLAT.

MEAN GROUND LEVEL - the median of the highest and lowest natural ground levels along any wall of a building.

OFFICE - includes all covered space used for business purposes (other than the retail sale of goods and services), banks and "premises occupied by an insurance agency, building society or recruiting agency or premises occupied (for office purposes only) for the purpose of car hire or driving instruction but does not include a post office or betting office," (Use Classes Order 19--).

ONE-SIDE ZERO SIDE DWELLING - A building with one of its side setbacks reduced to one metre. Thus any windowless wall of the dwelling may lie at least one metre from the setback.

OPDAK - single storey dwelling, normally of local building materials or concrete blocks, with a double-pitched corrugated iron sheet roof, containing three or less habitable rooms, excluding kitchen and bathroom. See BUNGALOW.

PARKING SPACE - an open or covered unoccupied space used for the parking of vehicles, with easy access to a road.

PLANNING AREA - an area declared by the Minister under the provisions of Section 2 of the Town and Country Planning Act 1980.

PLOT - a parcel of land shown on a land register, or on an official subdivision or described by a legally recorded deed or lease.

PLOT COVERAGE - the total ground floor area of all buildings on a plot expressed as a percentage of the total plot area.

PLOT LINE - those real or imaginary lines which define and delineate the perimeter of the plot.

PLOT RATIO - the area of the total floor space of the building(s) on any particular site divided by the area of the site.

POLATA - a rectangular building with a flat corrugated iron roof and built of local materials or concrete blocks.

REAR SETBACK - the setback or lines opposite the front setback.

RESIDENTIAL - pertaining to the living, sleeping and food cooking of a family.

RONDAVEL - a round building with thatched roof and built from local materials.

ROAD - an access way including its road reserve affording the principal means of traffic circulation within an area or access to abutting property.

ROOF EAVE HEIGHT - the average height at which a perpendicular wall meets the roof (eave). In the case of a mono-pitch or shed roof the lower eave will be used to determine eave heights.

SETBACK - the space measured from and parallel to a plot line required by any part of this code to remain free of structures.

SIDE SETBACK - the line or lines excluding the rear setback, which separate the plot from adjacent plots.

SINGLE FAMILY DETACHED HOUSE - a dwelling standing alone designed for or occupied exclusively by one family.

SINGLE FAMILY SEMI-DETACHED HOUSE - a dwelling designed for or occupied exclusively by one family and sharing one of its side walls with a similar building.

STORAGE BUILDING OR GARAGE - a building without kitchen, bathroom, or toilet facilities designed and used exclusively for the storage of non-living things, not for human habitation.

STRUCTURE - anything constructed or erected.

TEMPORARY - a structure which is built to last for only a period of six months.

TOWN HOUSES (Terrace housing) - dwellings usually containing two or three storeys, occupied exclusively by one family and sharing both of their side walls with a similar building.

WALL - see FENCE.

3. RESIDENTIAL USES

3.1

The regulations outlined in the following are to ensure that the siting and size of residential buildings encourage a healthy, safe and pleasant residential environment. The figures given in the table below illustrate plot sizes and maximum plot coverage.

Table 1. Plot size, maximum plot coverage and dwelling size

Plot size m ²	Maximum plot coverage in %	Max size of dwelling m ²
400	30	120
500	30	150
600	30	180
700	27	190
800	25	200
900	25	225
1 000	25	250

3.2

The primary purpose of plot coverage regulations is to ensure a sufficiently large site area for private outdoor space, for vehicle access and storage, for flower and vegetable cultivation (including the keeping of animals where permitted), as well as for daylighting and air circulation purposes. With regard to larger plots (800 m² to max 1 000 m²), buildings should be sited so as to facilitate later subdivision as part of future densification.

General and specific regulations for site and service housing, bungalows, heisi, opdak, polata, roundavel, one side zero side housing, single-family detached and semi-detached housing as well as townhouses.

These regulations include, first, those regulations which are in common and the reasons for them and second, the exceptions and the reasons for these.

a) Building zone definition

The front setback shall in all cases be a minimum of 5 metres to allow room for the on-site parking of a vehicle, for day-lighting and air circulation purposes, for protection from the spread of fires, for flower and vegetable gardening, for recreational outdoor space and for the maintenance of a feeling of "openness". There should be no exception to this regulation.

The side and rear setbacks shall in all cases be a minimum of 3.5 metres for the same reasons as for front plot lines.

Additional reasons are to provide access for the servicing of pit latrines, bucket latrines and septic tanks or to provide room for the absorption of sewage liquids where necessary, to provide room for the storage and easy removal of rubbish as well as for the keeping of animals (subject to local bye-laws).

The following exceptions will be permitted. In the case of town houses the minimum distance to the side setback will be 0 metres except for the end dwelling of a row where one of the side-setbacks will be 3.5 metres. With regard to semi-detached housing the minimum distance to one side setback will be 0 metres. For a one side zero side dwelling with one windowless wall, one only of the side setbacks can be a minimum of 1 metre. The same applies to a storage building or garage having one windowless wall. In all cases the windowless wall faces the adjoining property.

b)

Structures allowed within the building zone

Only one dwelling unit is allowed per plot. The exception to this is 11-line rental units.

A latrine shall be sited at least 5 metres from the dwelling unit, unless otherwise determined by the health and planning authorities. A garage or storage building shall not exceed 40 m². Any temporary structure erected on the plot shall not exceed 35 m². Any domestic staff quarters shall not exceed 30 m².

With regard to line dwellings, the area for rental purposes shall not exceed the area of the main dwelling. 1 pit latrine or toilet shall be provided per two rental units or part thereof. With regard to a guest home, its total area shall not exceed that of the main dwelling.

c) The distance between buildings on a plot
To prevent the spread of fire, the minimum distance between buildings on a plot shall be 2.5 metres. If inflammable building materials are used, greater distances will be specified by the planning authority.

d) Maximum heights of buildings
The maximum height of any building is two storeys and shall not exceed 6.5 metres above mean ground level at the roof eave height, and 8 metres at any point. Further requirements may be issued by the planning authority to protect the privacy of neighbouring dwelling units. In the case of a one storey building, the height shall not exceed 3.5 metres above mean ground level at the roof eave height and 5 metres at any point.

e) Parking space
A minimum vehicle parking space of 2.75 x 5 metres shall be reserved for each dwelling unit. Easy access (one per plot) to a road recognized by the local authority shall be available.

f) Fences, walls
A fence or wall of 2 metres maximum height may be built on any boundary providing that, in the case of a wall, only the lower 1.25 metres is of solid construction and that the fence or wall does not interfere with the daylighting or air circulation of a neighbouring building. Natural barriers such as hedges which have grown beyond the height of 2 metres, or which deny light or air to neighbouring properties, should be cut back.

A fence or hedge of a maximum height of 3.5 metres is permitted anywhere within the building zone.

a)

Building zone definition

No structure will be permitted within 5 metres of any road reserve. The distance between buildings and the setbacks of a neighbouring plot must equal 150 % of the height of the building where there are windows facing the neighbouring plot. In other cases the minimum distance is equal to 100 % of the height of the building. The distance between any buildings on the plot must be a minimum of 150 % of the height of the highest building if at least one of the buildings has windows on its sides. (In other cases the minimum distance is 3 metres).

The maximum permitted height of any building is three storeys and shall not exceed 11 metres in height from mean ground level. Maximum allowable plot coverage is 40 %.

b)

Structures allowed within the building zone

For each dwelling unit may also be permitted a storage building or garage not exceeding 40 m², and domestic staff quarters not exceeding 30 m². Furthermore, one covered parking space (total 2.75 x 5 m²), with easy access to a road and at a distance of at least 15 metres from any dwelling unit's windows shall be provided. In addition visitor parking space (open) calculated at 1 space per 2 dwelling units shall be provided. For the purpose of calculating dwelling units, domestic staff quarters are not included.

In addition, an area for rubbish bins must be provided on the plot, screened from public view and easily accessible from a road. Outdoor facilities such as children's playareas, washing areas, etc. must be provided.

4. COMMERCIAL USE

4.1

Regulations concerning commercial development should ensure adequate space on the plot for the delivery and storage of goods, the safe access and parking of employee and customer vehicles, and adequate space for the storage and sale of goods or the performance of services.

In addition to the above requirements, which are aimed at creating a pleasant, healthy and viable environment for retail and other commercial activities, it must also be remembered that commercial areas also act as places for friends to meet, for the display of things of public interest and for the presentation of cultural and community events. Commercial areas should therefore be inviting and attractive.

To achieve these aims adequate space on the plot should be reserved for:

- 1) the entrance, exit, parking and unloading of employee, customer and delivery vehicles,
- 2) the storage of goods,
- 3) the retail premises,
- 4) pedestrian and vehicle access to the plot,
- 5) the neat storage of rubbish, and
- 6) the landscaping and visual enhancement of the plot and building.

The following conditions shall be met in all situations. Where a developer feels that the above goals can be achieved in a different manner, the developer shall submit alternative proposals on a detailed drawing to the planning authority for their approval.

The following conditions apply to retail businesses and other commercial developments.

- setbacks from all setbacks shall be agreed upon in consultation with the local authority

So it needs a plan for that approval

4.2

the maximum height of any structure shall not exceed 11 metres. (Buildings of greater height shall be referred to the planning authority).

the maximum permitted plot coverage is 60 %

a truck loading and unloading area with easy and direct access to a road shall be provided on the plot and have a minimum size of 4 x 9 metres.

an adequate area for rubbish bins, screened from public view, shall be reserved on the plot and have easy access to a road. vehicle parking spaces shall be provided at the rate of one parking space per 100 m² total floor area, assuming that public car parks within easy walking distance will provide the balance. If the latter is not the case, the ratio will be two parking spaces per 100 m² total floor area. All parking spaces shall be included within the plot. A parking area shall have easy access to a road. Each parking space shall have a minimum size of 2.75 x 5 metres. Where less than 2 parking spaces per 100 m² total floor area is provided, the local authority may require the developer to pay a parking levy to offset the local authority's costs of providing parking spaces elsewhere than on the plot.

Trees shall be planted and maintained in car parks at a ratio of one tree per four parking spaces. Advice shall be sought from the local planning authority regarding the species of trees to be planted as well as their siting.

So it needs
a plan for
that information

5. INDUSTRIAL USE

The prime consideration with regard to industrial development is the provision of a functional, healthy, safe and economically viable environment which does not adversely affect neighbouring land uses.

To achieve these aims an industrial establishment shall have sufficient space on the plot for

- 1) the loading, unloading and storage of goods,
- 2) the safe access and parking of employee and visitor vehicles,
- 3) the neat storage and disposal of refuse.

In addition sufficient buffer areas outside of the plot may be

required to safeguard against disturbance from noise, smells and visual intrusion (e.g. in the case of "special industries" according to the Use Classes Order 19--).

The following regulations are intended to apply to all forms of industrial activity although modifications may be justifiable in individual cases:

- A 7 metre setback will be required on all road frontages,
- the maximum plot coverage is 50 %,
- on-plot accessways to the rear of the plot shall be at least 7 metres wide,
- the maximum height of any structure is 11 metres,
- side yard setbacks will be determined by the local planning authority having regard to fire-safety requirements, adjacent structures, etc.,
- on-site parking at a ratio of one parking space per 100 m² floor space shall be provided, each parking space having a minimum area of 2.75 x 5 metres, and with easy access to a road,
- a truck loading and unloading area and with easy access to a road shall be provided on the plot, minimum size 4 x 9 metres,
- an adequate area for rubbish bins shall be reserved on the plot and have easy access to a road,

so it needs a junction for a street in the road

6. PETROL STATIONS

- The following regulations refer to the sale of petrol and petroleum products.
- No petrol station should be permitted on a corner site, or on a plot within 50 metres from any two or four-way junction (for traffic safety reasons) or less than 50 metres from the nearest dwelling (fire or explosion risk).
 - Not more than two accessways from the plot to any road will be permitted.
 - Accessways should be sited in a manner which provides for one-way traffic from the entrance to the exit. Accessways should therefore be located at least 30 metres apart. Only where the number of petrol pumps is less than two, can a simpler form of traffic circulation be permitted, and in such cases a combined entrance and exit accessway can be permitted.

Note: The Use Classes Order 19-- makes the following distinction between light industry "in which the process carried on or the machinery installed are such as could be carried on or installed in any residential area without detriment to the amenity of that area...." and special industry including "a process or processes such as tanning, brewing, distilling or the manufacture of chemicals which by reason of offensive smell, danger to the public due to fire, explosion or noxious fumes, or effect on the environment, requires special consideration to be given to its siting".

Where can it be found

- where industrial development abuts to residential land, no structure is to be permitted within 7 metres of the residential area's setback. A 2 metre high solid wall shall be erected by the industrial developer to screen that development from the residential area,
- in exceptional circumstances permission may be granted for one or more dwelling units for security personnel within the industrial area. Extreme care must be given to their siting and the advice of the planning authority shall be sought.

A plan is needed

Where the development is within a commercial centre, parking standards will be determined by the local authority.

four parking spaces for every 100 m² of floor space.

Adequate parking spaces shall be provided on site, corresponding to

9. CHURCHES, ASSEMBLY HALLS, COMMUNITY HALLS, CLUB HOUSES, BARS, etc.

Suitable areas with good vehicular access to tertiary roads serving the school shall be reserved for the purpose of dropping off and picking up pupils. These areas shall be dimensioned to accommodate at least one vehicle per classroom at the same time and be located within the school site.

Adequate parking spaces shall be provided on site corresponding to a minimum of one parking space per staff member.

8. SCHOOLS

A minimum of four parking spaces per 100 m² office space shall be provided on site. Specific on site standards may be required by the local authority in areas designated as commercial centres and where mixed uses (shops/offices) are to be found.

A plan is needed for having that information

7. OFFICES

- The maximum width of any accessway shall be 10 metres.
- The angle between the road and any accessway shall not deviate more than fifteen degrees from the right angle (90 degrees).
- Petrol dispensing pumps shall be sited at a minimum of 5 metres from the road reserve boundary.
- The plot shall be provided with suitable installations to drain oil deposits.
- All petrol filling stations shall also be constructed according to the directions in the fire regulations.