

MONTE CRISTO ECO-ESTATE

ARCHITECTURAL RULES

Revision 5



REVISIONS

The amended Architectural Guidelines and Building Rules were approved during a Special General Meeting held on 14 May 2016 and confirmed at the Annual General meeting in May 2016.

Revision 1:

1. Amended on 20 September 2017 and approved by the Management Committee.
2. Terminology changes were included to align the Architectural Guidelines and Building Rules to the new Code of Conduct for Building Service Providers (April 2018).

Revision 2:

1. A new Constitution was approved by the Mossel Bay Municipality on 12 June 2018 and all cross references to the new constitution were made.
2. The Monte Christo Eco Estate Association of the 2002 constitution was amended to the Monte Christo Eco Estate Home Owners Association (HOA).
3. Amendment in paragraph 4.6.3 (addition of *shade cloth* car port).
4. Added new paragraph 4.6.4 with new content.
5. Paragraph 6 (Table 1):
 - 5.1 Remove *Clinkers* from acceptable to not acceptable
 - 5.2 Remove *Domed roofs* from acceptable to not acceptable
 - 5.3 Add flat roofs (with conditions) as acceptable
 - 5.4 Add *White* as not acceptable for colour of external walls.

Revision 2 approved by the Management Committee on 12 June 2018.

Revision 3:

1. Amendment of paragraph 4.6.1 to allow more than one vehicle access point to corner erven.
2. Inclusion of paragraph 4.18.3 that requires the construction of boundary walls, on the side and rear boundaries.
3. The inclusion of paragraph 4.18.6 to prohibit the construction of boundary walls using precast retaining wall blocks, as well as to regulate excavations on the building site.
4. Amendment of paragraph 5.2: Remove *planes* preferred to exclusions.
5. Paragraph 6 (Table 1): Boundary walls, internal walls, and enclosures:
 - 5.1 Add: *on both sides* as acceptable;
 - 5.2 Add: *Bagged brickwork (painted/unpainted)* as unacceptable.

Revision 3 approved by the Management Committee on 09 July 2019.

Revision 4:

- 1 The amendment of clause 4.15.1 (Installation of Rainwater tanks) in order to regulate the colour thereof.
- 2 Addition of clause 11.2 to regulate any deviations from the approved building plan.

Revision 4 approved by the Management Committee on 13 November 2019.

Revision 5:

- 1 The Title of the Architectural Guidelines and Building Rules is changed to "Architectural Rules"
- 2 Deleted clauses 9, 10 and 11.
- 3 Incorporated clauses 9, 10 and 11 into the *Monte Christo Eco Estate Rules Regulating Building Activities*.

Revision 5 approved by the Management Committee on 6 December 2019.

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1. INTERPRETATION

Unless the context clearly indicates a contrary intention, an expression which denotes a natural person, includes an artificial person and vice versa:

The following expressions shall bear the same meaning assigned to them below and cognate expressions bear corresponding meaning:

- 1.1 “**Aesthetics sub-committee**” is established in terms of clause 22 of the constitution and implements architectural guidelines and building rules.
- 1.2 “**Communal areas**” are those parts of the Estate, such as roads, parks, sidewalks, main road, erven, nature reserve, as well as the improvements thereof, which are the communal property of the members of the HOA, and which can be changed by members of the HOA.
- 1.3 “**Dwelling**”: means the house and/or all outbuildings and any other building work on an erf, including all fixtures of a permanent nature.
- 1.4 “**Estate manager**” means any natural or judicial person appointed by the HOA that it considers suitable to achieve the objectives of the HOA.
- 1.5 “**Management Committee**”: means the Committee established in terms of Clause 6.1 of the Constitution.
- 1.6 “**Owner**”: is the registered Owner of an Erf as registered by the relevant Deeds Office.
- 1.7 “**Service provider**” means any person and/or entity carrying out development and building service on the estate and shall include but is not restricted to building contractors, project managers, building material suppliers, developers, owner builders. This definition of service provider is not exhaustive and where the interpretation of the paragraph warrants, shall also include employees, agents, casual workers and sub-contractors of the said service provider that might be appointed for carrying out development and building services on the estate.
- 1.8 “**The Home Owners Association**” is The Monte Christo Eco-Estate Home Owners Association (HOA) established in terms of section 29 of the Land Use Planning Ordinance No. 15 of 1985. In terms of clause 9 of the Constitution of the HOA the affairs of the HOA will be managed and controlled by a Management Committee.

- 1.9 **“The Rules”** means the *Architectural Rules* and the *Conduct Rules for Owners and Residents* established respectively in terms of clauses 22 and 23 of the Constitution of the HOA.

2. INTRODUCTION

- 2.1 The mission of the HOA is to create an environment in which the natural beauty of the surroundings is enhanced by the architecture and landscaping, allowing for the residents to feel secure and to enjoy tranquility and a sense of openness.
- 2.2 The objective is to achieve an interesting range of mutually compatible house designs within the flexibility afforded by the approved architectural styles, whilst avoiding the monotonous uniformity experienced in many housing schemes.
- 2.3 It is not intended to, unreasonably, constrain building design, nor to establish a ‘language’ or architectural style, but rather a methodology for architects and draughtsmen, which will be to the benefit of the residents, and ultimately the general ambience of the area.
- 2.4 In order to achieve a harmonious and aesthetically pleasing environment, certain architectural rules are hereby offered.
- 2.5 All new buildings to be erected, alterations or additions to existing buildings, have to be approved by the Aesthetics sub-committee of the HOA.
- 2.6 The Aesthetics sub-committee, established in terms of clause 22 of the Constitution, shall be entitled to refuse the approval of any building plan(s) for any dwelling, which in their sole opinion and discretion, would detract from the aesthetic appearance of, or reduce the value of other existing houses on the estate. The HOA and/or its Management Committee or other sub-committees, shall not incur any liability to any person or instance, in doing so.
- 2.7 The Aesthetics sub-committee shall furnish reasons for such rejection of the said building plans.
- 2.8 In the event of a dispute, the building plans will be referred to the Management Committee whose decision will be final.

3. AESTHETICS SUB-COMMITTEE

- 3.1 The Aesthetics sub-committee shall consist of not less than three persons, of which;
 - 3.1.1 One will be a member of the Management Committee, the other will be the Estate Manager, and
 - 3.1.2 Such other person(s), nominated for his/her/their expertise for this purpose, by the members of the Management Committee.
- 3.2 The main objective of the Aesthetics sub-committee shall be to evaluate all building plans submitted for approval and to make a decision in terms of the acceptability thereof in view of the objectives contained in 2.1 to 2.4 above, with particular reference to the aesthetic qualities of the buildings intended to be erected.
- 3.3 The rules, process applicable, and fees payable shall be set out from time to time by the Management Committee.
- 3.4 The responsibility for the final approval of building plans, shall at all times vest in the relevant local authority, provided however that plans may only be submitted to the local authority after evaluation and approval thereof by the Aesthetics sub-committee.

4. DEVELOPMENT RULES

The aim of the design rules for buildings is to achieve practical accommodation on predominantly gentle steep slopes, some of which are with sea views mainly to the south.

Fragmented plan forms will enhance view and orientation whilst giving visual form and scale.

All owners shall ensure that the following control measures are respected and maintained:

- the right of privacy of surrounding property owners;
- the views from surrounding residences;
- the obligation to adhere to the conditions of approval of the Management Committee;
- the obligation to provide an architectural harmonious development; and
- that an articulate street façade be created in order to avoid a wall of buildings, which will enhance views and privacy.

Factors such as views, privacy and orientation for enough sunlight must be considered in placing structures on erven. Dominant wind and rain directions should also be taken into account when placing and orienting houses. Consideration must be given to privacy when placing the yard- and entertainment areas.

4.1 Building lines

All habitable structures, including verandas, must be confined within the prescribed building lines.

- 4.1.1 Erven will be subject to a frontal (street) building line of a minimum of 4,5 meters;
- 4.1.2 Side (lateral) spaces are subject to a minimum of 2 meters building line; and
- 4.1.3 Rear building lines are subject to a minimum of 3 meters.

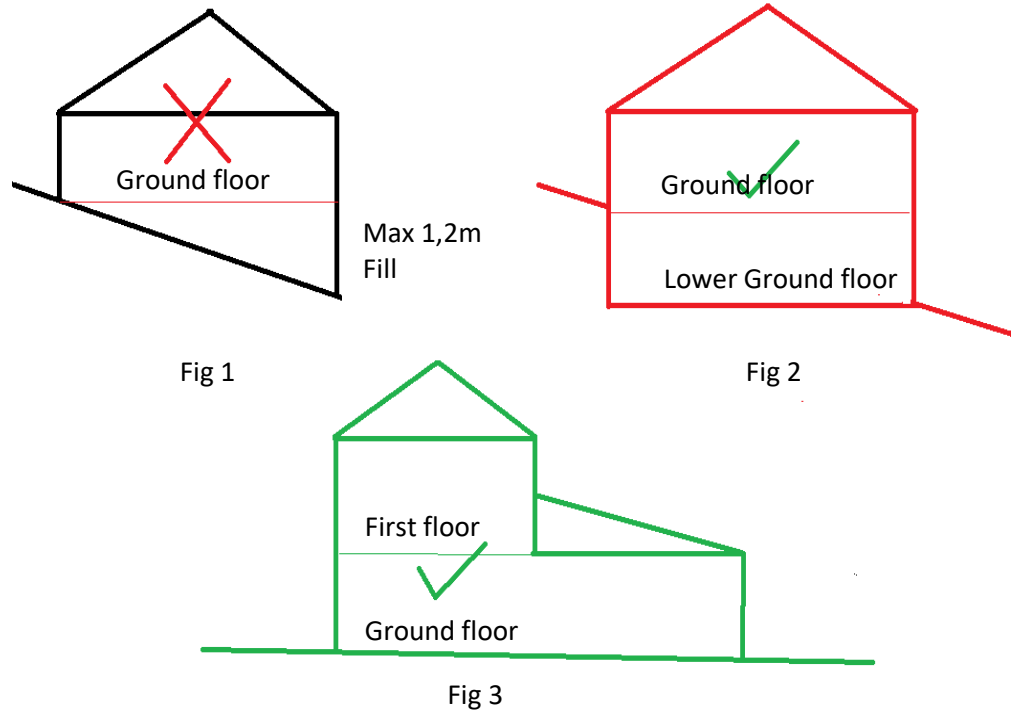
4.2 Relaxation of building lines

Owners and Architects must take cognisance of the limited size of erven in the Monte Christo Echo Estate and should therefore plan and design the dwelling to avoid applications for relaxation of the building lines.

4.3 Coverage

- 4.3.1 The maximum coverage and floor area ratio (FAR) of any building, must comply with Section Eight (8) of the Mossel Bay Municipality's Town Planning and Zoning Scheme applicable to the conditions of approval of the Monte Christo Eco Estate development. The minimum residence area prescribed on the estate is 200 square meters, inclusive of garages and covered patio's.
- 4.3.2 The minimum residence area prescribed in the group housing development on the estate is 140 square meters, inclusive of garages and covered patios.

- 4.3.3 Width restriction The width of the first floor on the transverse axis of a property in the direction of the view may only be 50% (refer to Fig 3 below). Siting of the building must not affect the view of neighbours from adjacent erven unreasonably. Due consideration is to be given to the location and elevation of structures, thus affording the adjacent erven, optimum view and privacy.



4.4 Building height restrictions and landscaping

- 4.4.1 Full-height double-storey houses will be permitted.
- 4.4.2 Double-storey houses should not exceed 8.5 meters in height, measured from any point on the roof to the natural ground level directly below that point.
- 4.4.3 Double-storeys must not exceed 50% of the total floor area of the ground floor, as stipulated in 4.3.3 above. (Also see Coverage 4.3.1).
- 4.4.4 Loft rooms and basements will be allowed.
- 4.4.5 Structures and levels of structures must follow the shape of the landscape to avoid excessively high foundations. Buildings must sit in the landscape and not on top of the landscape. A maximum of 1,2 metres high foundation walls are allowed (See fig1).

4.5 Outbuildings

- 4.5.1 No second dwelling, detached from the main house, will be permitted. If a second dwelling is considered it:
 - (a) should not contain more than one bedroom;
 - (b) must be inter-leading to the rest of the house (excluding the garage);
 - (c) must be approved by the Aesthetics sub-committee; and
 - (d) must be approved by the municipality and the appropriate fees paid.
- 4.5.2 No outbuilding will be allowed including Wendy houses.
- 4.5.3 Chimneys, fireplaces and braais are to be designed and constructed to match the character of the house.

4.6 Vehicle access/garages/carports

- 4.6.1 Vehicular access to any erf shall be limited to one per site per public street or road abutting the site;
- 4.6.2 It is required that at least two visitor's parking bays be provided on an erf, in addition to the main garages.
- 4.6.3 No temporary, prefabricated or shade-net carports will be permitted.
- 4.6.4 Flat roofed car ports, directly connected to the main dwelling, can be erected but must comply with the prescribed specifications as determined by the Aesthetic sub-committee. Furthermore, the roof covering shall comply with the requirements of paragraph 6, be the same colour as the roof of the main dwelling and be screened from neighbouring properties by a suitable fascia board. No structure will be allowed if it encroaches over the building line.

4.7 Site clearing/preparation

No excessive cut and fill will be permitted unless the natural state of the terrain is such, that it is preventative of a reasonable construction.

4.8 Waste pipe/down pipes

Down pipes and waste pipes are to be unobtrusive and should be concealed as far as reasonably possible. Any structure higher than 1 meter must be concealed and no visible plumbing from the street front is allowed.

4.9 Lighting

Outside lights on an erf and/or building must be low-key and unobtrusive to neighbours.

4.10 Lettering and numbering

Lettering or numbering must not be less than 200mm in height and must be aesthetically pleasing and non-offensive.

4.11 Refuse

Refuse areas must be screened off within enclosing yard walls

4.12 External aerials and wiring

- 4.12.1 Television aerials and satellite dishes must be as unobtrusive possible.
- 4.12.2 No overhead external wiring will be permitted.

4.13 Sewerage

- 4.13.1 All sewer pipes are to be constructed in accordance with local authority requirements, and the connections to the mains are to be in accordance with the local authority specifications.
- 4.13.2 All sewer pipes are to be unobtrusive and should be concealed as far as reasonably possible.

4.14 Water

Water connections shall be carried out by an approved plumber to the full specifications of the local authority and this will be for the owner's account.

4.15 Rainwater runoff

- 4.15.1 Installation of tanks (excluding green-coloured) for the collection and storage of rainwater is encouraged to preserve water. It is, however, important that the tanks should be concealed or be underground. The position, as well as the colour, of the tank must be indicated on the plan for approval by the Aesthetics sub-committee.
- 4.15.2 No concentration of water runoff onto roads, which causes erosion, will be permitted and it must be taken into consideration with the gradient of the driveways given the steep nature of the estate.

4.16 Electricity

An approved electrician must carry out all electricity connections.

4.17 Verges

The road verges immediately outside the boundaries will be the responsibility of the erf owner, as far as maintenance is concerned, including grass cutting.

4.18 Boundary walls, internal walls and fences (see also paragraph 6)

- 4.18.1 The use of these structures must be aesthetically pleasing and be designed to enhance the build form.
- 4.18.2 Walling on the street frontage is not recommended but will be considered by the Aesthetics sub-committee and must be indicated on the plan. The style will be subject to the approval thereof by the Aesthetics sub-committee and all boundary walls must be indicated on the plan together with finishes and specifications.
- 4.18.3 It is required that boundary walls, with a minimum height of 1,5 meters be erected on the side and rear boundaries.
- 4.18.4 Internal boundaries are not to exceed 1,8 meters high measured from average natural ground level.
- 4.18.5 Kitchen yard walls may not exceed 1,8 meters in height, measured from yard floor level.
- 4.18.6 Boundary walls may not be constructed of precast retaining wall blocks. In cases where the building site needs to be excavated the excavation may not encroach nearer than 1 meter from the boundary line.

4.19 Paving and driveways that will be permitted are

- Brick paving;
- Exposed aggregate concrete paving;
- Cobbles;
- Natural stone chip with edging;
- Pebble paving;

such that the layout of the driveway shall not make the verges impassable and no structures may exceed the boundaries of the adjacent property.

4.20 Burglar bars

- 4.20.1 Burglar bars must be of a simple rectangular design and placed internally and, if possible, should line up with window mullions.
- 4.20.2 Must be purpose-made to suit the proportions of the windows and style of the building in general.

4.21 Service facilities and plumbing elements

- 4.21.1 Gas cylinders, refuse bins, compost piles and clotheslines, should be screened off so as not to be visible from neighbouring dwellings.
- 4.21.2 Prominent plumbing elements are to be avoided and should be concealed either in the walls or behind external screens, whilst breather valves are to be used instead of vent stacks.
- 4.21.3 Visible solar panels are allowed but reservoirs must be concealed.

5 LANDSCAPE ELEMENTS

5.1 Compulsory

- 5.1.1 It is compulsory for the owner of an erf to plant at least four trees on such erf within 12 months of the occupation certificate date.
- 5.1.2 Two of the trees are to be planted on the pavement in front of the erf and the other, on the erf.
- 5.1.3 The trees to be planted should, when fully grown, not be less than 1.5 meters in height and shall adhere to the criteria stipulated in paragraph 5.2 below.
- 5.1.4 The owner may purchase the trees and hand it to the Management Committee to plant it where it deems fit.

5.2 Trees, shrubs and ground covers

Preferred

- 5.2.1 indigenous plant species;
- 5.2.2 accepted imports, oaks, olives, palm trees; and
- 5.2.3 creepers such as dwarf bougainvillea and wisteria

Exclusions

- 5.2.4 restricted aliens and invasive species, in particular pine trees, saligna trees, jacaranda trees, planes, or wattle trees.

6. MATERIAL SPECIFICATIONS

The Management Committee does not wish to impose any specific architectural style.

The table below indicates, in general terms, the elements, material and colours considered acceptable at Monte Christo Eco-Estate and those that will not be allowed.

TABLE 1: MATERIAL SPECIFICATIONS

Item	Acceptable	Not acceptable
External Walls	<ul style="list-style-type: none"> • Plaster & paint on both sides • Selected face brick Grade 1 SABS (NFX) (Sample of brick and supplier's description must be supplied) • Natural stone • Cladding bricks may be used for features. (Sample must be supplied and reason for use must be motivated by owner and approved by Aesthetics sub-committee) 	<ul style="list-style-type: none"> • Clinker bricks • Unpainted blocks • Scalloped plaster (Spanish) • Multi-use material • Precast or pre-fabricated • Bagged brickwork (painted/unpainted) • Brickwork (painted/unpainted) • Timber or fibre cement
Wall colours	<ul style="list-style-type: none"> • Earthy shades (sample supplied by owner and approved by Aesthetics sub-committee) 	<ul style="list-style-type: none"> • Bright colours (including white)
Roofs	<ul style="list-style-type: none"> • Double pitched • Mono pitched • Hipped • Max 45° degree pitch • Min 18° degree pitch • Flat concrete roofs • Flat roofs provided that the roof is obscured by a suitable parapet/facia board • Roof type should be consistent 	<ul style="list-style-type: none"> • Domed roofs

Item	Acceptable	Not acceptable
Roof finish	<ul style="list-style-type: none"> • Natural thatch • Shingles • Natural slate • Fibre cement slate • Corrugated type roof Profiles (e.g. Chromadek/Kliploc/ Brown Built/Alu-Zinc) • Concrete roof tiles • Clay tiles • Flat concrete roofs with pebbles 	<ul style="list-style-type: none"> • Galvanized • Asbestos • IBR • Flat sheets (ALL the above painted/unpainted) • Reflective sheeting • White, metallic / reflective colours • Shade-net
Boundary walls, internal walls, and enclosures	<ul style="list-style-type: none"> • Plastered and painted on both sides • Face brick Grade 1 SABS (NFX) (sample supplied) Motivated by owner and approved by Aesthetics sub-committee • Galvanised and epoxy-coated steel palisades • Clearvue/Betafence (Charcoal only) • Fibre cement (Nutec) 	<ul style="list-style-type: none"> • Vibracrete, pre-cast walling • Clinker bricks • Unpainted blocks • Bagged brickwork (painted/unpainted) • Precast retaining wall blocks • Corrugated sheet metal • Razor wire • Electrical fences on the walls of dwelling inside the estate • Timber • Wire mesh
Levels	<ul style="list-style-type: none"> • Double storey maximum 8.5 meters • Loft rooms within permitted height 	<ul style="list-style-type: none"> • Multi-storey
Landscaping	<ul style="list-style-type: none"> • Only indigenous species as per list 	<ul style="list-style-type: none"> • Exotic invasive species • Obnoxious weeds / plants
Windows	<ul style="list-style-type: none"> • Timber (Swartland-Cape Culture/similar) • Anodised aluminium • Epoxy aluminum • UPVC • Shutters 	<ul style="list-style-type: none"> • Steel

Item	Acceptable	Not acceptable
Doors and frames	<ul style="list-style-type: none"> • Timber (Swartland-Cape Culture/similar) • Anodised aluminium • Epoxy aluminium • UPVC 	<ul style="list-style-type: none"> • Steel
Garage doors	<ul style="list-style-type: none"> • Timber • Epoxy aluminium • Alu-Zinc • Fibre glass 	<ul style="list-style-type: none"> • Steel
Balustrades	<ul style="list-style-type: none"> • Galvanised and epoxy coated steel • Anodised/epoxy-coated aluminium • Stainless steel • Glass • Suitable hardwood timber as approved by the Aesthetics sub-committee 	<ul style="list-style-type: none"> • Any corrosive material • Steel panels • Untreated/unpainted timber
Pergolas	<ul style="list-style-type: none"> • Timber (to be specified on plan and approved by Aesthetics sub-committee) • Concrete • Simple and decorative 	<ul style="list-style-type: none"> • Steel • Any corrosive material

7. SUBMISSION OF BUILDING PLANS

- 7.1 On submitting a plan for approval the applicant shall pay a deposit (which includes building plan fees and registration fee) that shall be determined by the Management Committee from time to time.
- 7.2 The purpose of the deposit (included in the application fee) is to cover the cost of rehabilitating public sidewalks, roads, open spaces, parklands and adjoining erven and shall include but is not limited to the following:
- Replanting of grass or trees damaged by building activities.
 - Removal of rubble or rubbish left on the sidewalks or adjoining erven.
 - Repairs to any damaged street fixtures, streetlights, litter bins, benches in open areas, etc.
 - Repairs to any damaged electrical and telephone boxes or any manhole covers.
 - Repairs to any damaged kerb or storm water drains on the street side.
 - Repairs to any damaged paving and concrete spilt on paved surface and not cleaned up properly.
 - Repairs to water irrigation pipes or damaged sprinklers.
 - Repairs to any cable or pipes damaged by excavation activities.
- 7.3 The deposit shall also be applied to cover the cost caused by non-compliance of the building plans and regulations.
- 7.4 Twenty five percent (25%) of the said deposit is not refundable and shall be utilised as a fee for maintaining infrastructure that is used by contractors, subcontractors and delivery vehicles in general.
- 7.5 If the owner fails to rectify any damage, the Management Committee shall apply the deposit for that purpose. If the damage exceeds the deposit, the homeowner will be responsible for the payment of additional costs involved.
- 7.6 The deposit will only be refunded on written notice from the owner that the project has been cancelled or on completion of the building works, subject to inspection of the property by the Management Committee and rectification of any damages by the owner or his or her representative.

- 7.7 Additional fees shall be charged in the event of any complications or contradictions in terms of the design manual which will necessitate additional debate or investigation. The fee shall be in accordance with current Architectural Institute time tariffs. The applicant must be notified of any contentious elements, which could result in a debate or investigation.

8. APPROVAL OF BUILDING PLANS

- 8.1 Four sets of building plans, or electronically in PDF format, which indicate the information listed below must be submitted to the Aesthetics sub-committee;
- 8.2 Information to be submitted:
- 8.2.1 Site plan with contours.
 - 8.2.2 All floor plans must show construction levels.
 - 8.2.3 Elevation plans north to south–east to west through the building showing the lowest and highest points of the whole erf as well as the street level.
 - 8.2.4 Where excavations have to be done the plans must show all the retaining walls to secure the neighbours' properties. The excavation may not encroach nearer than 1 meter from the boundary line.
 - 8.2.5 Plans showing the driveway as well as distance and levels from road to garage.
 - 8.2.6 All elevations.
 - 8.2.7 Building height restriction indicated by a parallel contour line of 8.5 meter above natural contours.
 - 8.2.8 Material to be used according to architectural guidelines.
 - 8.2.9 Plans or photos to indicate that the view from the neighbouring properties shall not be affected by the intended building. In the event of undeveloped neighbouring properties, care must be taken to allow the least obstruction of its view.
 - 8.2.10 Beacon certificate not older than one year by a registered surveyor.
 - 8.2.11 Contour plan not older than one year by a registered surveyor.
- 8.3 Applications for approval of plans in terms of these rules shall be lodged at the office of the managing agent, Status-Mark Property Management, or posted by registered mail to the Management Committee of Monte Christo Eco Estate, P O Box 567 Mossel Bay 6500.
- 8.4 Payment of the application fee must be made via a direct deposit, or Electronic Funds Transfer, into Monte Christo Eco Estate HOA account.

- 8.5 The Aesthetics sub-committee shall approve or reject an application in writing within 14 days after lodgment and payment of the application fee.

--END--