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City of Cape Town Zoning Scheme (CTZS)

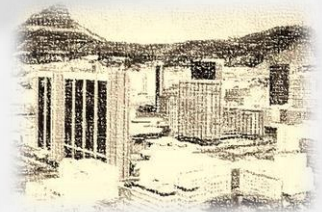


Presentation to SAPOA

30 July 2013

**Planning and Building Development Management Department
(PBDM)**

“Determining the future today”





Presenter:

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Manager: Development Policies, Processes and
Legislation

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or

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Objective of this presentation

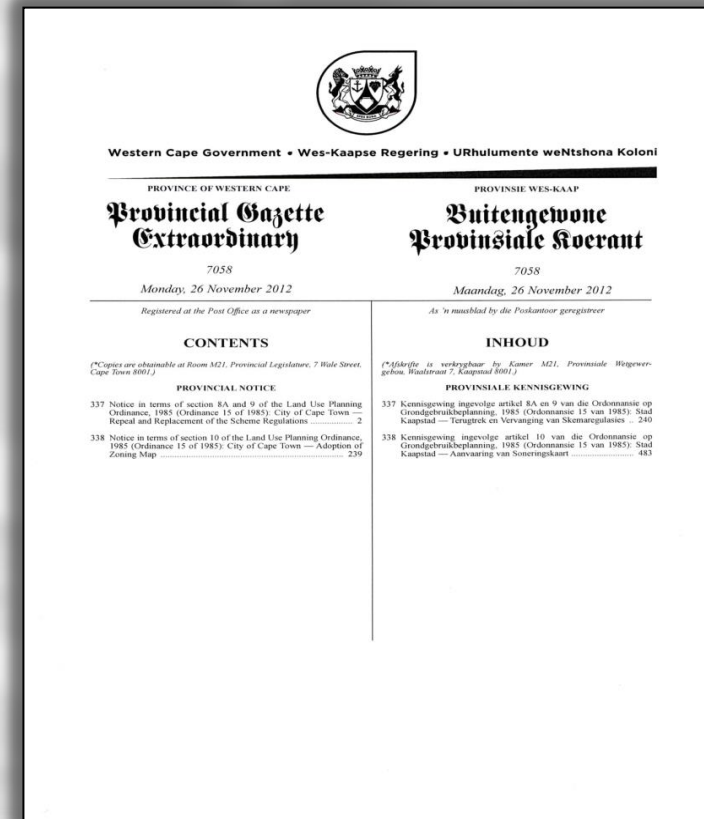
- To provide SAPOA members with an update on the implementation of the new Cape Town Zoning Scheme and to highlight and clarify some of the key concepts and issues raised by interested parties

Purpose of the new CTZS

- Exactly the same as former zoning schemes
- To determine the zoning/use rights of land and set the controls over use rights (“form”) and utilisation (“function”) of land
- The controls (now referred to as **development rules** and **use of property**) and instruments of controls have been changed

Promulgation

- Provincial Notice: **P.N. 337/2012** dated **26 November 2012**
- Effective date: **1 March 2012**
- **Corrections made (P.N. 56/2013):**
 - DIVCO scheme added to list of schemes to be repealed as noted in schedule A
 - Numbering in Appendix doc
 - Map LAO/9(i) and (ii) added
 - GR2-6 guest house primary use
 - Industry in loading bay requirements



The following clauses have been suspended

- Clause **3.3.10 (a)**: Provisions that deem Transnet and PRASA land to be Transport Zone 1
- Clause **3.3.14**: To provide City with heritage powers in terms of NHRA
- Clause **2.6.1**: Right of Appeal on decisions taken in terms of CTZS

Delegations

- Council approved in February 2013 amendments to the System of Delegations to provide for the CTZS powers
- Existing delegations to be retained as parts (GB 3-7 and MU 2-3) of old schemes will remain in force for at least next 10 years
- City Manager's powers delegated to Director PBDM
- Director PBDM sub-delegate planning powers to officials

Heritage Exemptions

- HPOZ under clause 3.1 (c) authorises Council to exempt certain activities from the requirements of the heritage provisions
- Council approved exemptions February 2013

Section 3.1.(b) exemptions: Exemption 3 applies for now

Exemption		Activities exempted from having to obtain Council's approval	
Exemption 3	Exemption 2	Exemption 1	<p>The following Landscaping activities are exempt:</p> <ul style="list-style-type: none"> • Day to day gardening and garden maintenance that does not involve the removal of mature trees or hedges, or change in topography of the landscape, or the erection, demolition or removal of walls, fences, structures or features. • Continuance of planting and farming activities which does not change the character or topography of a place. This does not include the erection of permanent or temporary structures.
			<p>The following Minor Maintenance activities are exempt:</p> <ul style="list-style-type: none"> • Re-painting or re-decorating (including changes in paint colour but not including painting of natural stone, unpainted metal, face-brick, ceramic, or unpainted wood, or similar such unpainted surface); • Replacement of roof covering using identical material, treatment and form; • Minor maintenance that does not involve: changes in material, form, or type of finish, removal of original joinery, features or fittings, or such which have been part of the structure for over 60 years.
			<p>The following Internal Alterations activities are exempt:</p> <ul style="list-style-type: none"> • Internal construction, removal, alteration or demolition that is not visible from outside a structure. (This exemption does not include internal construction across window, door or other openings which may be seen from outside the structure, or alterations that compromise the structural integrity of a structure).
	Exemption 4	<p>The following activities are exempt:</p> <p>All activities authorised for a place, site or area in terms of and in accordance with a Heritage Management Plan approved by the City.</p>	

Part I: Administration

Chapter	2	Application and Approval Procedures
Paragraph	2.1	Requirements relating to applications – submission of applications and transitional arrangements (continue)

Transitional Arrangements

- All applications accepted and in process shall be finalised to provisions of former zoning scheme except if applicant withdraws application
- Rezoning approval not yet acted upon, including when a substitution scheme applies, shall be deemed to be allocated with a corresponding zone in the new zoning scheme
- **Building plans in process prior to commencement date (or submitted thereafter) may be completed to provisions in old zoning scheme or a planning approval granted to old zoning scheme, provided that it is finalised within 30 months after commencement date (planning permission still valid)**
- **An owner of land zoned GB 3-7 and/or MU 2-3 may for a period of 10 years after commencement of the new zoning scheme decide to submit building plans to provisions of a former zoning scheme or the new scheme. No departures to former zoning scheme available to owner in such case. No extension of the 10 year period**

Staff circular: Further Transitional Arrangements (has lapsed on 28 Febr.)

- Excerpt from letter to Cape Institute of Architects:
- *“In summary (and set out in the attached process flow), the steps and arrangements are thus as follow:*
 - *7 January to 28 February 2013 (inclusive) – sketch plan submissions (including payment) accepted for the purposes of “saving” or locking in arrangements under section 2.1.4(a).*
 - *Immediately after such applications are received, it will be pended by marking it out for client amendments and issuing an ‘amendment letter’ requesting full plan submission prior to and not later than 1 June 2013.*
 - *Applicant has an additional 3 month period (until 31 May 2013) to complete the design and make full plan submission and pay consequent full fees (on same application number).*
 - *Where such completed plan submission is accepted, the case is converted to a full building plan application and processing will commence in the normal way.*
 - *On 1 June 2013, all sketch plan applications submitted between 7 January and 28 February 2013, and which have still not been converted to a full building plan application, will be closed and applicants notified in writing.”*

Monitoring impact and continuous improvement

- Internal: Work group discussions, learning and sharing sessions, “on the job” training, staff circulars and Q&A portal
- External: CTZS Practice Notes Work Group (City officials, CIA and SAACPP members), various presentations to interested parties and feedback from developers, property owners and consultants
- Next round of amendments to CTZS
Aug/Sept 2013

Meeting the drafting objectives

Objective	
Single Zoning Scheme	✓
Equal opportunities	✓
More certainty and predictability	✓
Greater basket of rights and flexibility	✓
Administrative efficiencies (25% less perm. depart.)	✓
Closer linkage to policy environment	✓
Considered needs of I&AP's	✓

Relationship between CTZS and LG:MPRA

- Rates differentiation when determining value: Use of the property or permitted use of property or geographical area
- **Permitted use** as defined in Act refers to restrictions as provided for in a zoning scheme and therefore makes the link to CTZS
- City Rates Policy however determines that City levies rates on “**use of the property**” by determining “**market value**”
- “**Market value**” includes value of **improvements** or **use of the property** which is **consistent with or in contravention of permitted use of property**

Refresher on the Content of the CTZS Documents

Main document and Appendix

- General Overview
- Part I: Administration
- Part II: Base Zone Categories
- Part III: Overlay Zone Categories
- Part IV: General Provisions
- Part V: Annexures
- Appendix Document: Overlay Zones

Note: “Look and Feel” of the CTZS very similar to former zoning schemes.
Number of new tools and mechanisms introduced.

Zoning Categories and Base Zones

Zoning Categories	• Base Zones
Single Residential Zones	<ul style="list-style-type: none"> • Single Residential Zone 1: Conventional Housing (SR1) • Single Residential Zone 2: Incremental Housing (SR2)
General Residential Zones	<ul style="list-style-type: none"> • General Residential Sub-zone 1: Group Housing (GR1) • General Residential: Sub-zones GR2 – GR6
Community Zones	<ul style="list-style-type: none"> • Community Zone 1: Local (CO1) • Community Zone 2: Regional (CO2)
Local Business Zones	<ul style="list-style-type: none"> • Local Business Zone 1: Intermediate Business (LB1) • Local Business Zone 2: Local Business (LB2)
General Business and Mixed Use Zones	<ul style="list-style-type: none"> • General Business: Sub-zones GB1 – GB7 • Mixed Use Sub-zones: MU1 – MU3
Industrial Zones	<ul style="list-style-type: none"> • General Industry Sub-zones: GI1 – GI2 • Risk Industry Zone (RI)
Utility, Transport and National Port Zones	<ul style="list-style-type: none"> • Utility Zone (UT) • Transport Zone 1: Transport Use (TR1) • Transport Zone 2: Public Road and Public Parking (TR2) • National Port Zone (NP)
Open Space Zones	<ul style="list-style-type: none"> • Open Space Zone 1: Environmental Conservation (OS1) • Open Space Zone 2: Public Open Space (OS2) • Open Space Zone 3: Special Open Space (OS3)
Agricultural, Rural and Limited Use Zone	<ul style="list-style-type: none"> • Agricultural Zone (AG) • Rural Zone (RU) • Limited Use Zone (LU)
9	35 (was 425)

Summary of Zones: Chapter 4

Summary of zones and development rules

- Table A in the CTZS document contains a summary for each base zone with respect to land uses and development rules
- In the event of a difference between Table A and Part II, the provisions in Part II shall prevail

Excerpt from Table A

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Table A: Use zones and development rule

TABLE A: USE ZONES AND DEVELOPMENT RULES

SINGLE RESIDENTIAL ZONES	MAXIMUM FLOOR SPACE	FLOOR FACTOR	MAXIMUM HEIGHT ABOVE THE BASE LEVEL		BUILDING LINES		STREET CENTRE-LINE SETBACK	OTHER PROVISIONS
			To Wallplate	To Top Of Roof	Street Boundary Building Line	Common Boundary Building Lines		
SINGLE RESIDENTIAL ZONE 1: CONVENTIONAL HOUSING (SR1) PRIMARY USES Dwelling house, private road. Additional use rights. ADDITIONAL USE RIGHTS Home occupation or Bed and breakfast establishment or Home child care. CONSENT USES Utility services, Place of instruction, Place of worship, House Shop, Institution, Guest house, Rooftop base telecommunication station, wind turbine infrastructure, Open space, Urban Agriculture, Second dwelling, Halfway house.	Land unit > 650 m ² = 1500m ² maximum floor space Refer to 5.1.2(b)	> 2000m ² : n/a 2000-1000 m ² : n/a 1000-651m ² : n/a 650-351m ² : 1,0 350-201m ² : 1,0 <200m ² : 1,0 Refer to 5.1.2(a)	9,0 m 9,0 m 9,0 m 8,0 m 8,0 m 8,0 m Refer to 5.1.2(c)	11,0 m 11,0 m 11,0 m 10,0 m 10,0 m 10,0 m Refer to 5.1.2(c)	6,0 m 4,5 m 3,5 m 3,5 m 3,5 m 1,0 m Refer to 5.1.2(d) & (e)	6,0 m 3,0 m 3,0 m 0 m (12,0 m from street and 60%) and 3,0 m 0 m (12,0 m from street and 60%) and 3,0 m 0 m (12,0 m from street and 60%) and 3,0 m 0 m (12,0 m from street and 60%) and 3,0 m Refer to 5.1.2(d) & (e)	N/A	Window and door placements. Garages, carports & outbuildings. Parking and access. Additional use rights. Home occupation, Bed and breakfast establishment. Home child care.
SINGLE RESIDENTIAL ZONE 2: INCREMENTAL HOUSING (SR2) PRIMARY USES Dwelling house, Second dwelling, Utility service, Private road, Urban agriculture, Open space, Additional use rights. ADDITIONAL USE RIGHTS Shelter, House shop, Home occupation, Bed and breakfast establishment, Home child care, Informal	N/A	1,0 Refer to 5.2.2(a)	6,0 m dwelling units 8,0 m other buildings Refer to 5.2.2(b)	8,0 m dwelling units 10,0 m other buildings	1,0 m Refer to 5.2.2 (c) & (d)	0 for 60% of the total linear distance along all common boundaries around the land unit and 1,5 m for the remainder 2,5 m between shelters & other	N/A	Parking and access, House shop, Shelter, Informal trading, Land constructed or identified for roads, Land used or identified for firebreaks, Flood-prone areas, Approval of building

How to read a zone

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Single Residential Zone 1: Conventional Housing (SR1)

CHAPTER 5: SINGLE RESIDENTIAL ZONES

The single residential zones are designed to provide locations for predominantly single-family dwelling houses in low to medium density neighbourhoods, with a safe and pleasant living environment. There are controlled opportunities for home employment, additional dwellings and low intensity mixed use development on a single residential property. In recognition of the different socio-economic circumstances of the city there are two single residential zones, one for conventional housing and one for incremental housing (where upgrading of informal settlements is encouraged).

5.1 SINGLE RESIDENTIAL ZONE 1: CONVENTIONAL HOUSING (SR1)

Purpose

The SR1 zone provides for predominantly single family dwelling houses and additional use rights in low to medium density residential neighbourhoods, whether these incorporate small or large erven. Limited employment and additional accommodation opportunities are possible as primary or consent uses, provided that the impacts of such uses do not adversely affect the surrounding residential environment.

Use of the Property

5.1.1 The following use restrictions apply to property in this zone:

- (a) **Primary uses** are: dwelling house, private road, additional use rights as specified in (b).
- (b) **Additional use rights**, which may be used by the occupant of a property are: home occupation, bed and breakfast establishment, home child care, subject to the following conditions:
 - (i) only one of the activities listed as additional use rights shall be conducted on any land unit as a primary use, and if more than one such activity is required, Council's approval shall be obtained;
 - (ii) the dominant use of the property shall be for accommodation of a single family;
 - (iii) the proprietor of the activity concerned shall live on the property;
 - (iv) the conditions stipulated in 5.1.3, 5.1.4, or 5.1.5, whichever is applicable, shall be adhered to;
 - (v) any new structure or alteration to the property to accommodate an additional use right shall be compatible with the residential character of the area, particularly with regard to the streetscape, and shall be capable of reverting to use as part of the dwelling house, second dwelling or outbuilding concerned; and
 - (vi) no more than three employees shall be engaged by the occupant in the activity concerned.
- (c) **Consent uses** are: utility service, place of instruction, place of worship, house shop, institution, guest house, rooftop base telecommunication station, wind turbine infrastructure, open space, urban agriculture, second dwelling, halfway house.

Development Rules

5.1.2 The following development rules apply:

- (a) **Floor factor**
The maximum floor factor is determined in accordance with the area of the land unit as shown in the following "Table of Floor Factor, Floor Space, Height, and Building Lines" in Single Residential Zone 1".
- (b) **Floor Space**

City of Cape Town Zoning Scheme

→ Zoning Category

→ Purpose Statement for Zoning Category
(not part of the Law)

→ Base- and Sub-Zones and
abbreviation

→ Purpose Statement for Base Zone (not
part of the Law)

→ List of Permitted Uses (no approval
required)

→ List of Additional Uses (no approval
required subject to compliance with
conditions as set out in Development
rules)

→ List of Consent Uses for which Council
approval is required

→ Development Rules that determines the
permissible extent of use of the base
zone

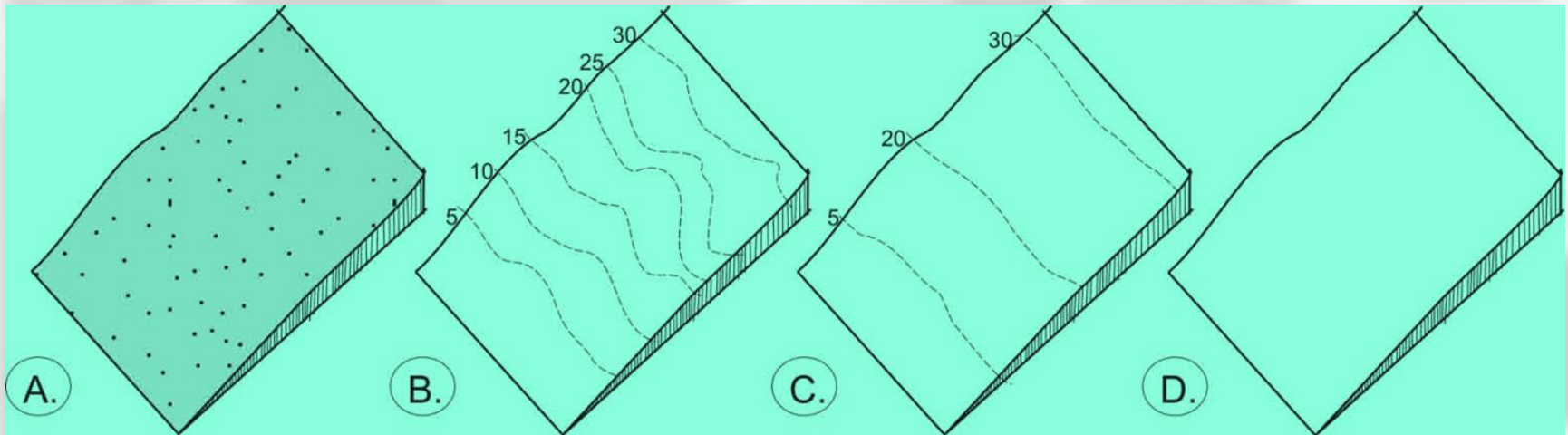
Note: Key words and concept have been defined. General provisions or an Overlay Zone may also impact on the use of land

The background of the slide is a faded, grayscale aerial photograph of a city street grid. A prominent black rounded rectangle is centered on the slide, containing white text. On the far left edge, there is a vertical bar with segments of green, blue, and red.

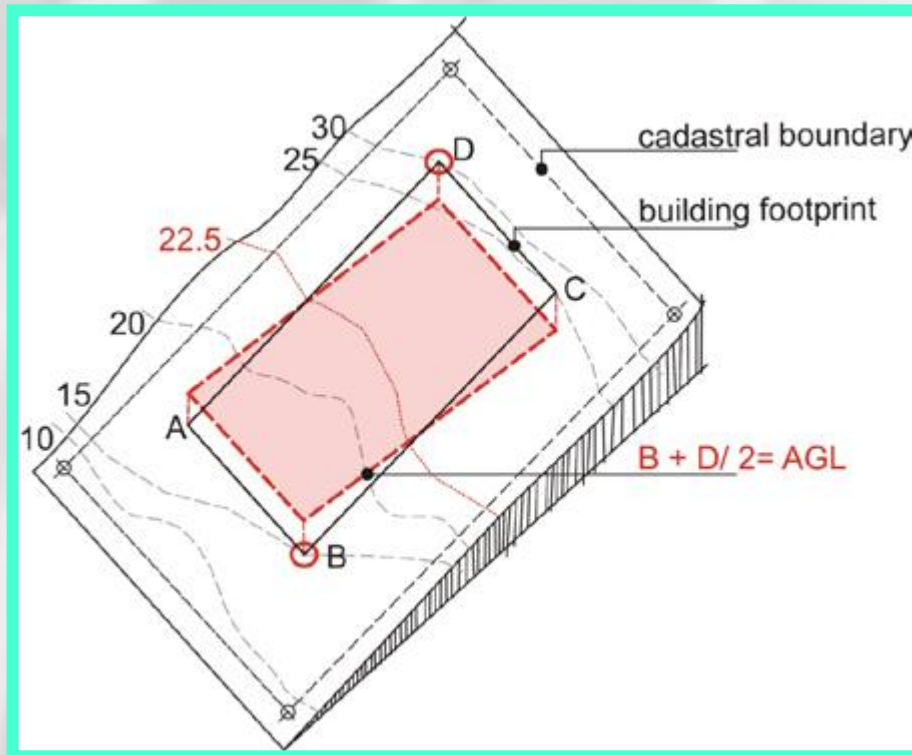
Clarification of a number of key Concepts and Definitions

There are four ways to determine **'existing ground level' (EGL):**

- A. The surface of unmodified land in its 'natural' state, before the land surface has been modified in any way or building has occurred
- B. The levels indicated on an official contour plan
- C. The surface level of the land after its preparation and grading in terms of a Council-approved development plan
- D. The surface levels as determined by Council, based on measurement by a registered surveyor

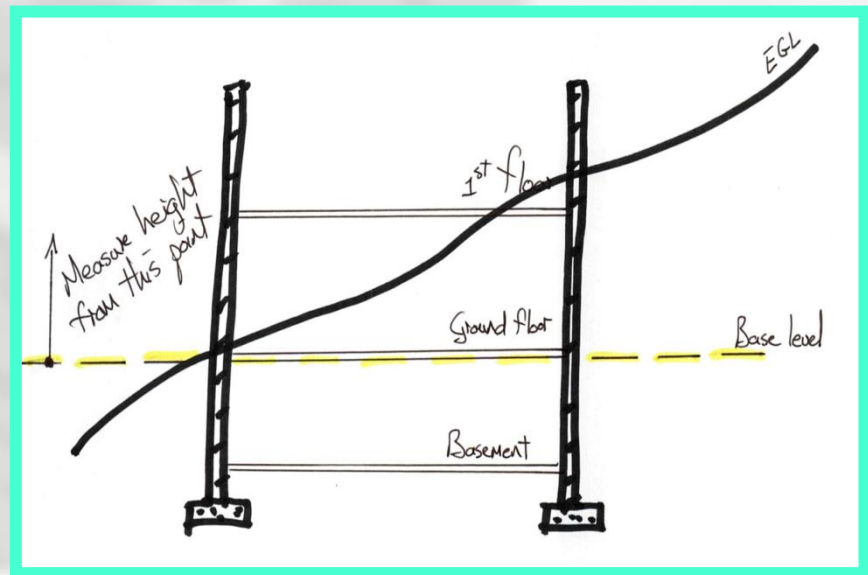
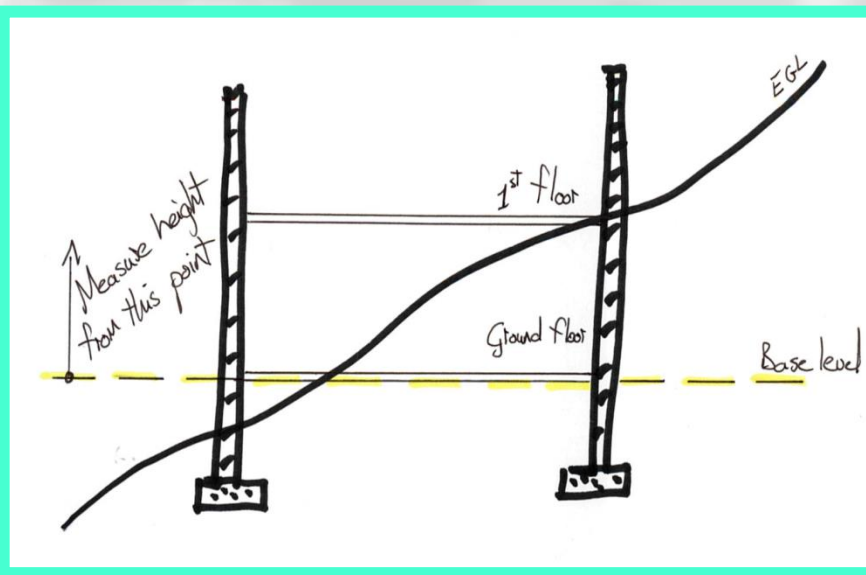
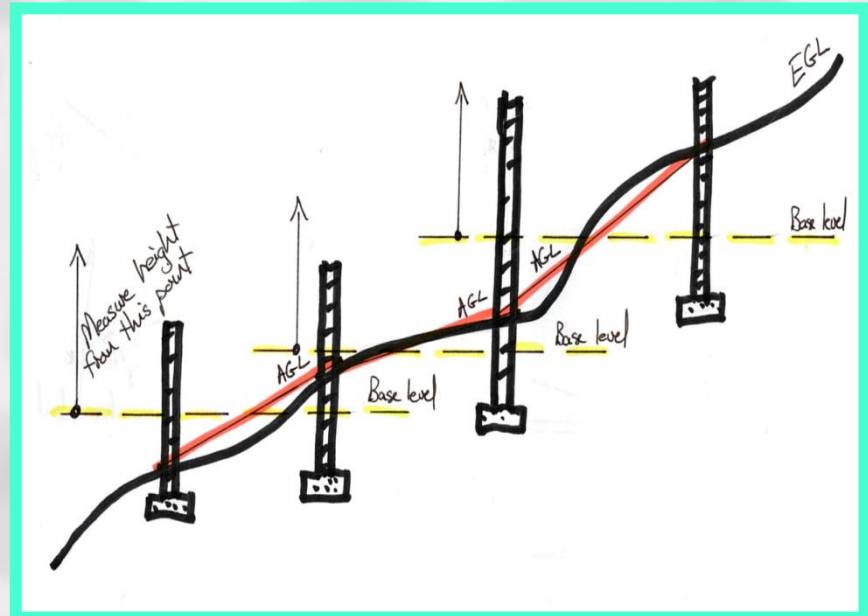
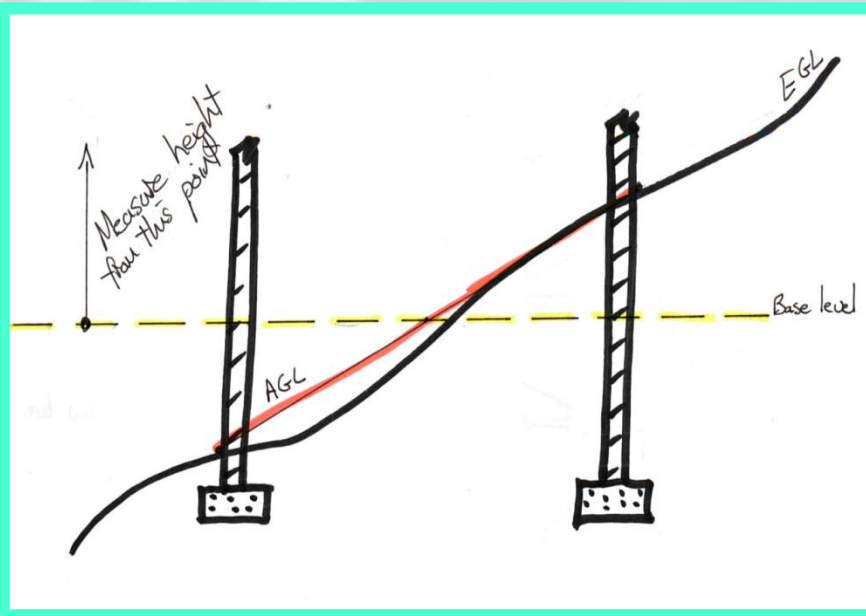


The **base level** is an imaginary horizontal level of a building or portion thereof, drawn at the average ground level (AGL) of a vertical division of the building.



- B** = the lowest point where the building meets the land
- D** = the highest point where the building meets the land

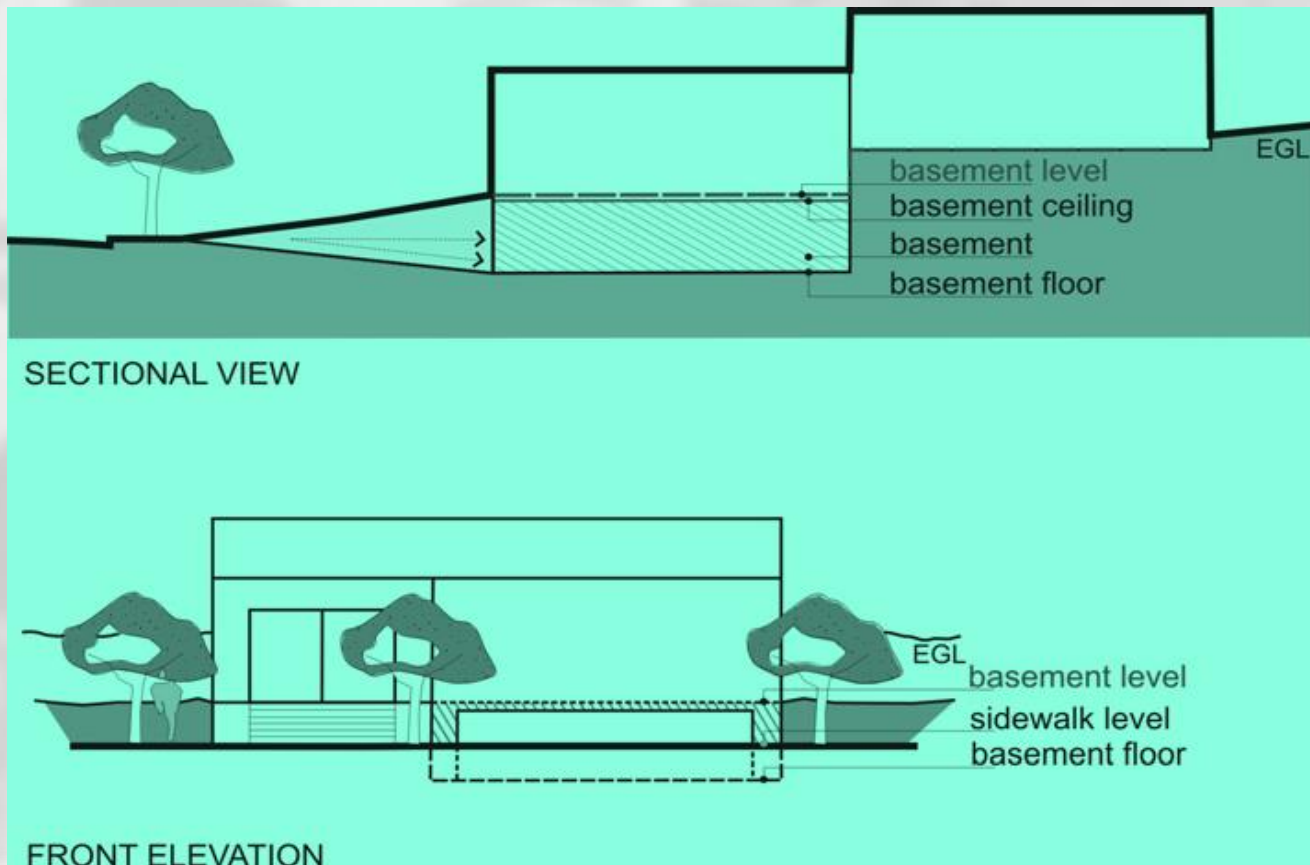
"Base Level" variations (typical practice notes)



A **basement** is a portion of a building that is:

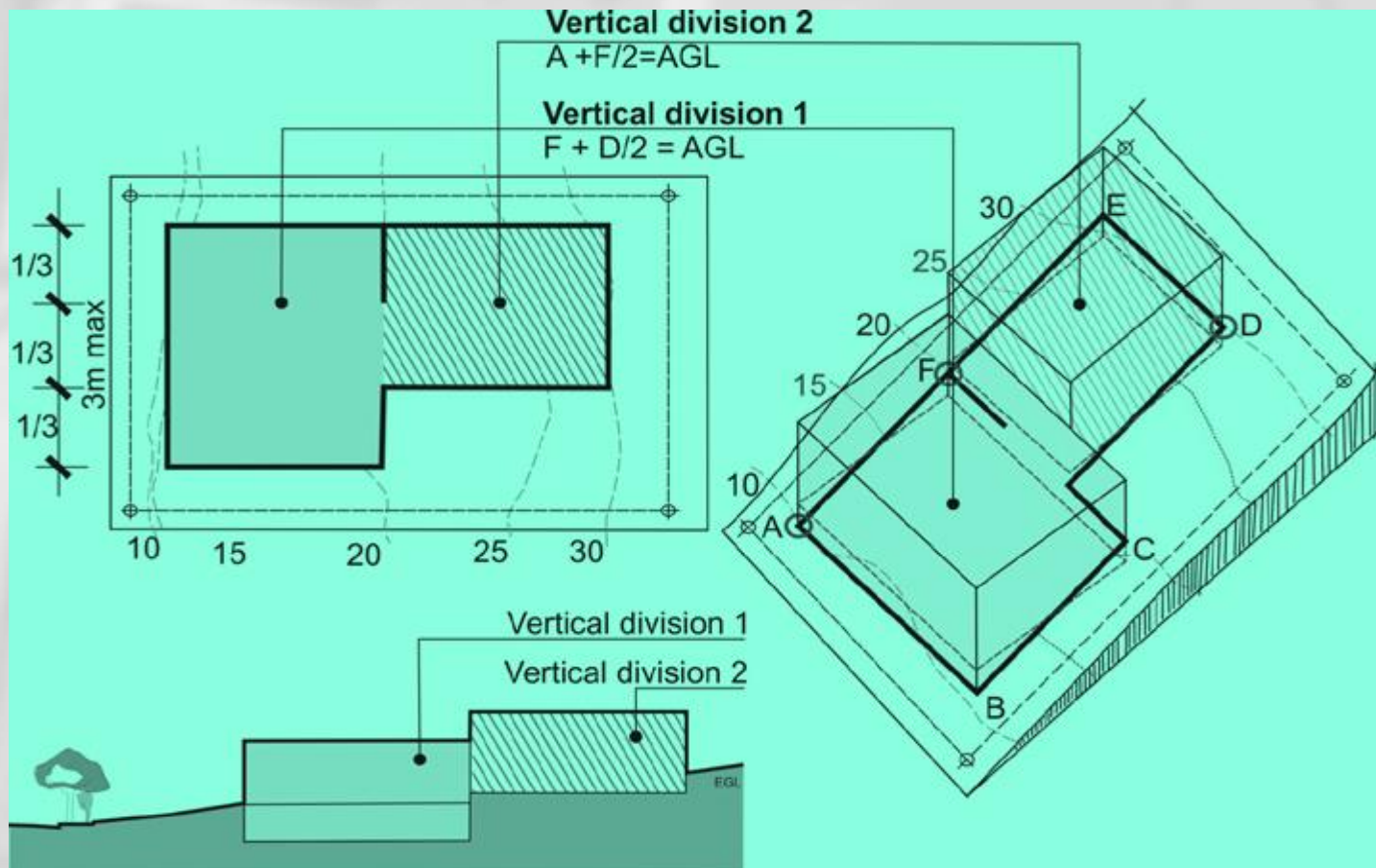
- not intended as habitable space; and
- completely below the existing ground level (EGL).

The floor and ceiling are included in the definition of a basement. Vehicular access from a road to the basement may be provided, as long as this access occurs level with the basement, or at a downward angle.



Vertical division is a clearly identifiable vertical (three-dimensional) portion of a building. It is bounded by external and internal walls. Any opening in an internal wall between divisions may not exceed 3 m or a third of the wall's horizontal width, whichever is the greater.

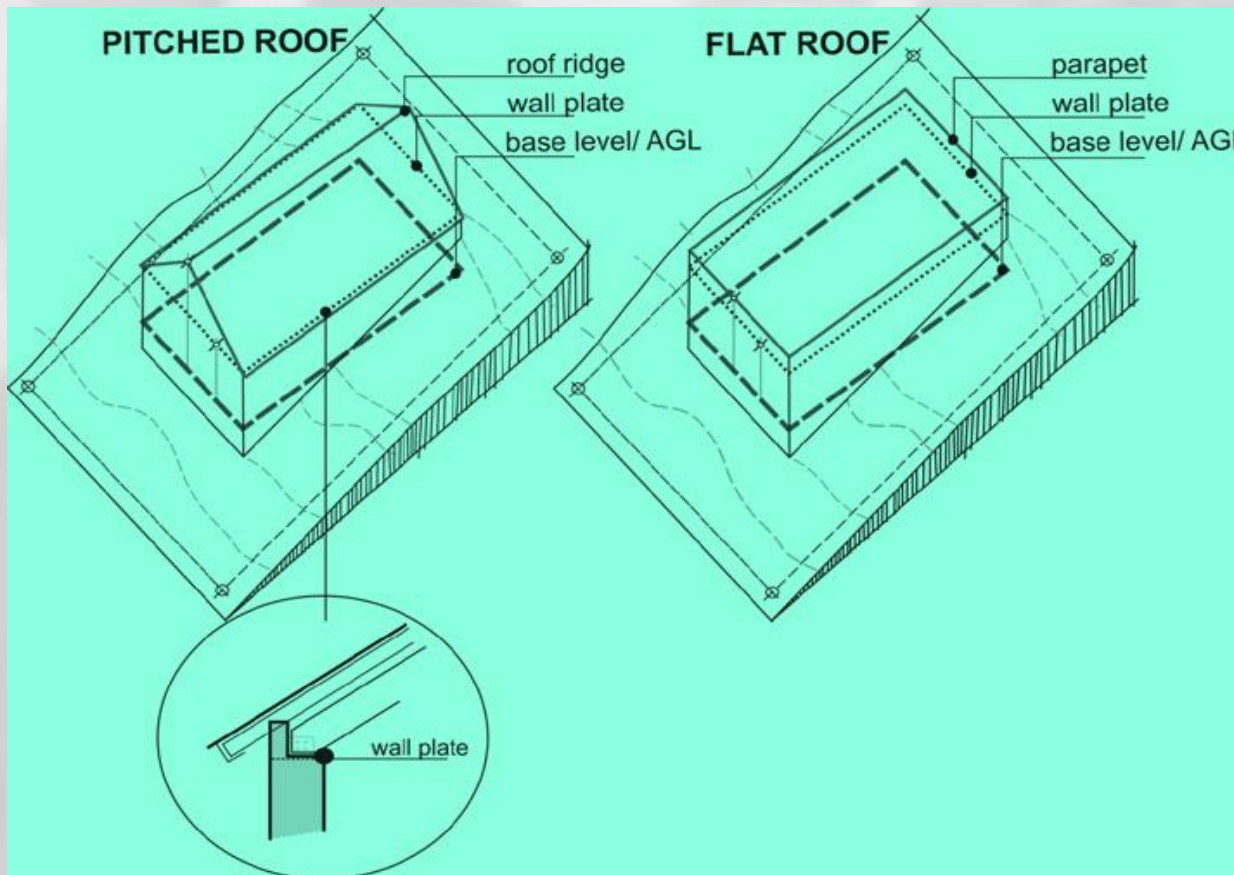
Every vertical division of a building has its own base level and average ground level. (AGL).



The **height** of a building refers to its vertical dimension in metres. The development rules specific to zones outline maximum measurements from the base level to either the wall plate or top of the roof of a building.

Wall plate refers to the lowest longitudinal roof member, truss, bracket, pillar, post, structure or similar device that supports the building roof.

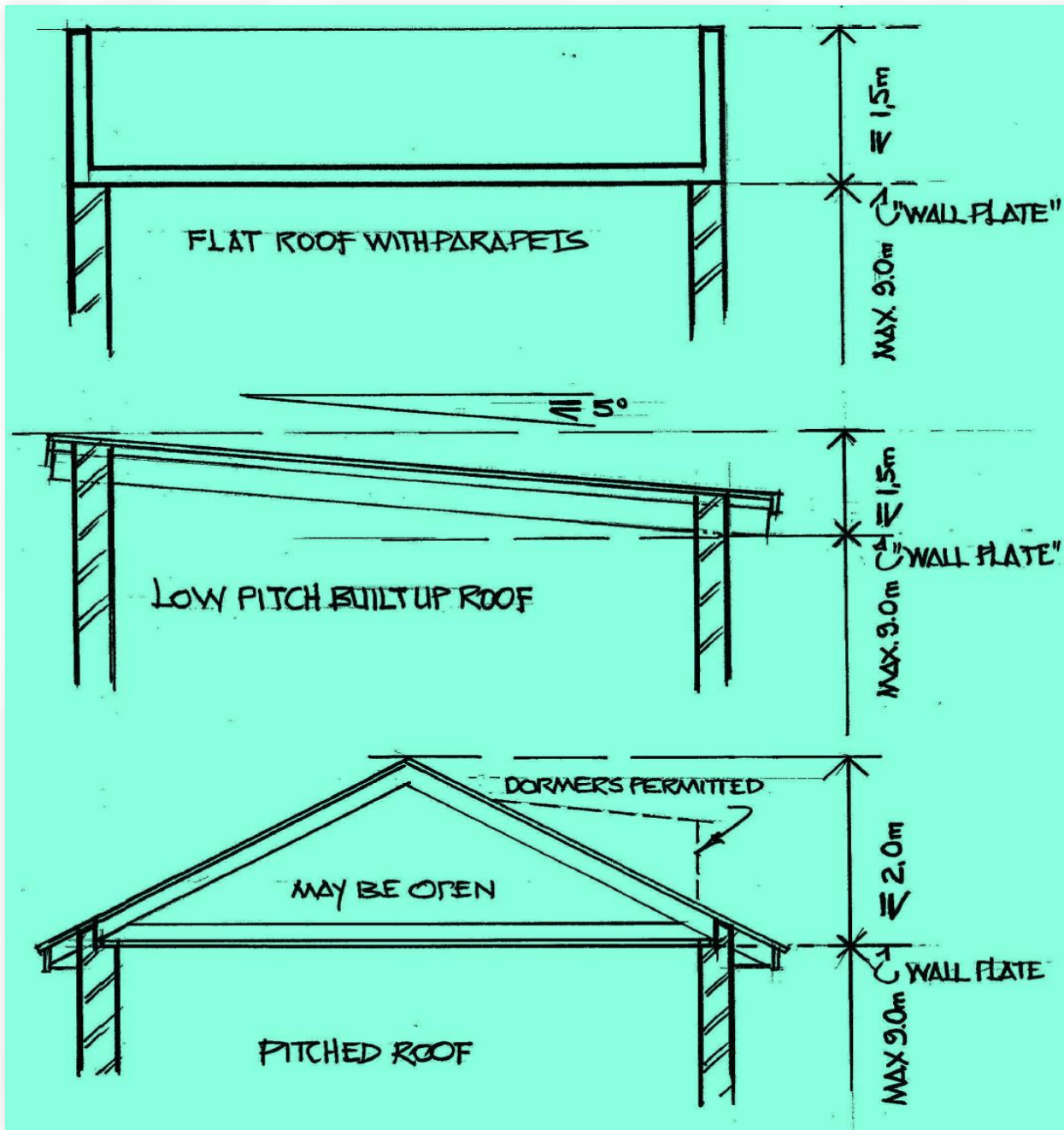
Top of the roof is the top of the roof ridge in the case of pitched roofs, or the top of the parapet in cases where a parapet extends above the roof.



Exclusions from height are as follows:

- Chimneys
- Flues
- Masts
- Antennae
- Satellite dishes (not exceeding 1,5 m in diameter)
- External geysers and associated equipment

These excluded elements may however not protrude more than 1,5m above the top of the roof.



Sketch as part of a practice note to clarify "wall plate" in the height definition

House on stilts – not permitted

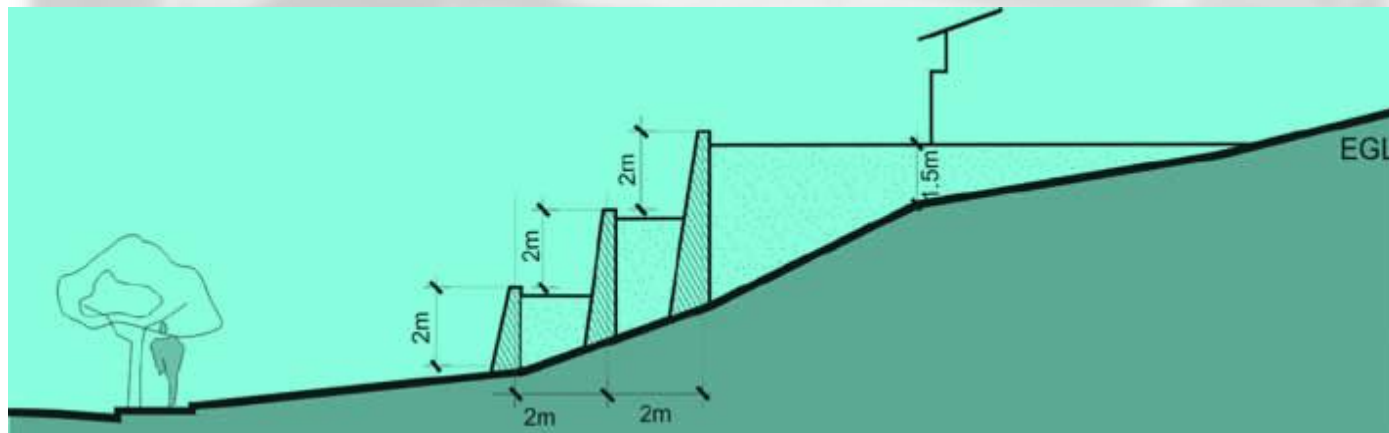
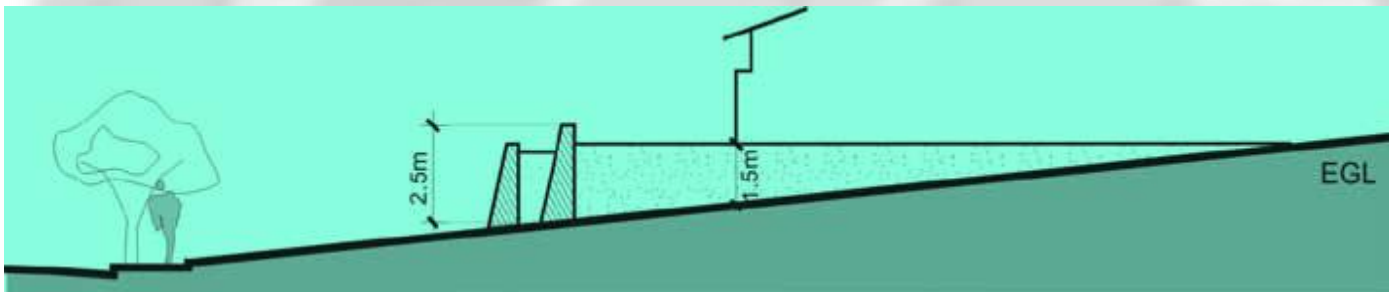
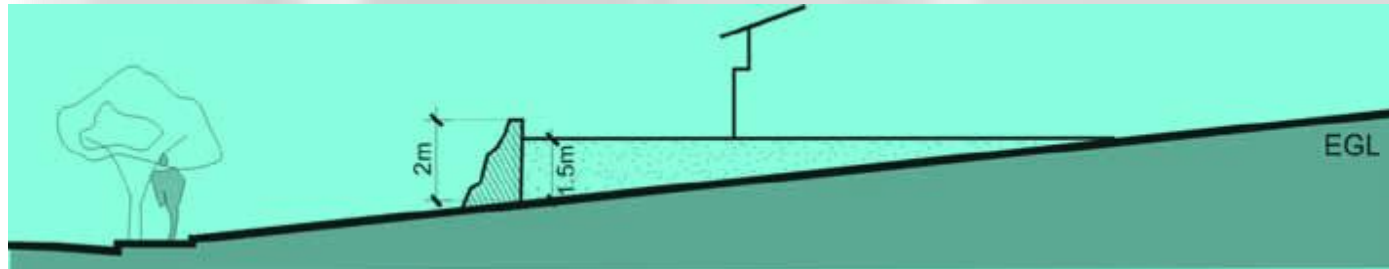
CTZS

Introductory Training



Earth banks refer to land shaped to hold back or contain soil or loose rocks.

Retaining structures refer to walls or structures built to hold back or contain soil or loose rocks.



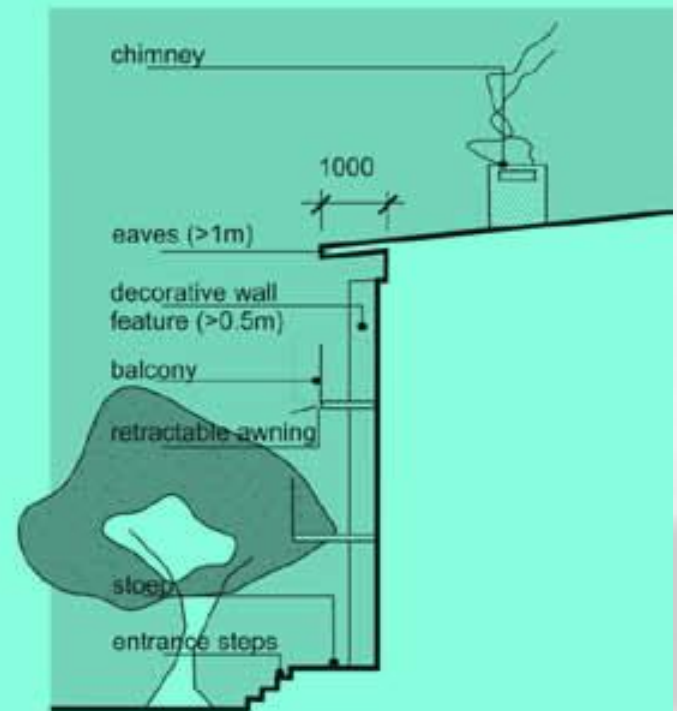
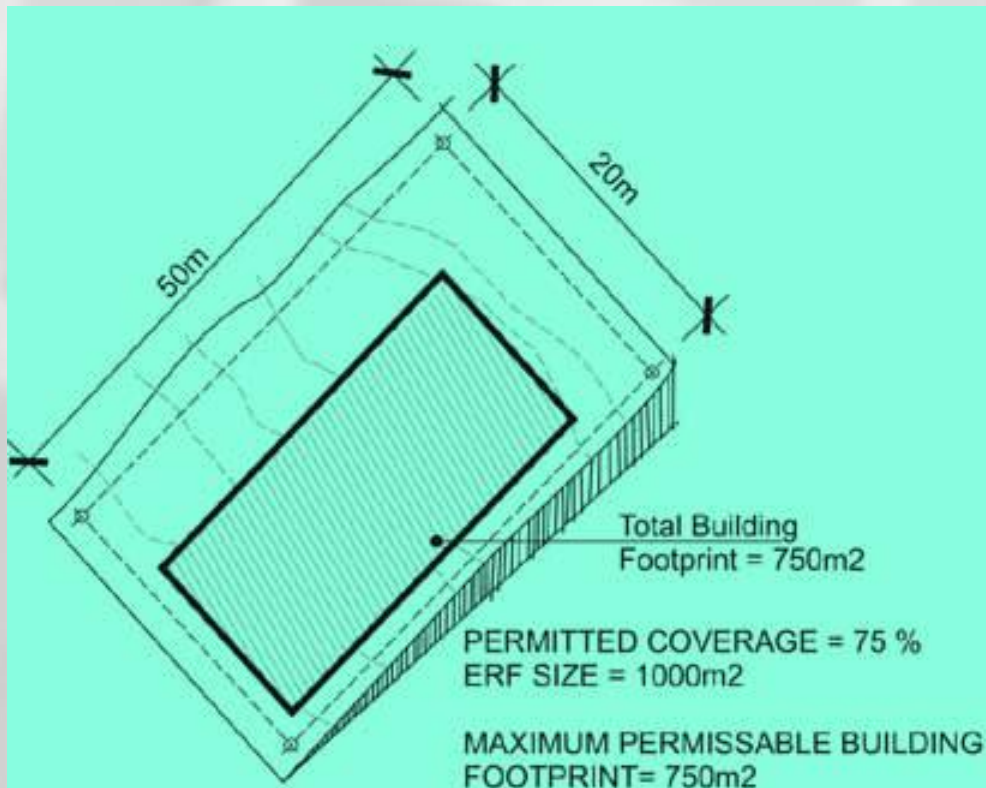
The rules for earth banks and retaining structures are as follows:

- The maximum height of earth banks and retaining structures, measured from existing ground level (EGL), is 2 m.
- A series of earth banks and retaining structures are allowed, as long as the cumulative height of these does not exceed 2,5 m above EGL. This may be deviated from as long as an approximate level area of 2 m is provided between successive banks or structures for every 2 m of cumulative height.

Earth banks, retaining structures, columns and other devices (including suspended floors) may be used to raise the ground floor of a building to a maximum of 1,5 m above EGL. In these cases, however, height is still measured from EGL.

Coverage refers to the portion of the erf or land unit that may be covered by buildings. For example, if the coverage ratio is 75% and the erf size 1 000 m², 750 m² may be covered by buildings. Coverage includes all roofed areas, but excludes the following:

- Stoeps, entrance steps and landings
- Open balconies and retractable awnings
- Cornices, chimney breasts, pergolas, flower boxes, water pipes, drain pipes and minor decorative features not projecting more than 500 mm from the wall of the building
- Eaves not projecting more than 1,0 m from the wall of the building
- A basement, provided that the finished level of the top of the basement roof slab does not project above the existing ground level (EGL)

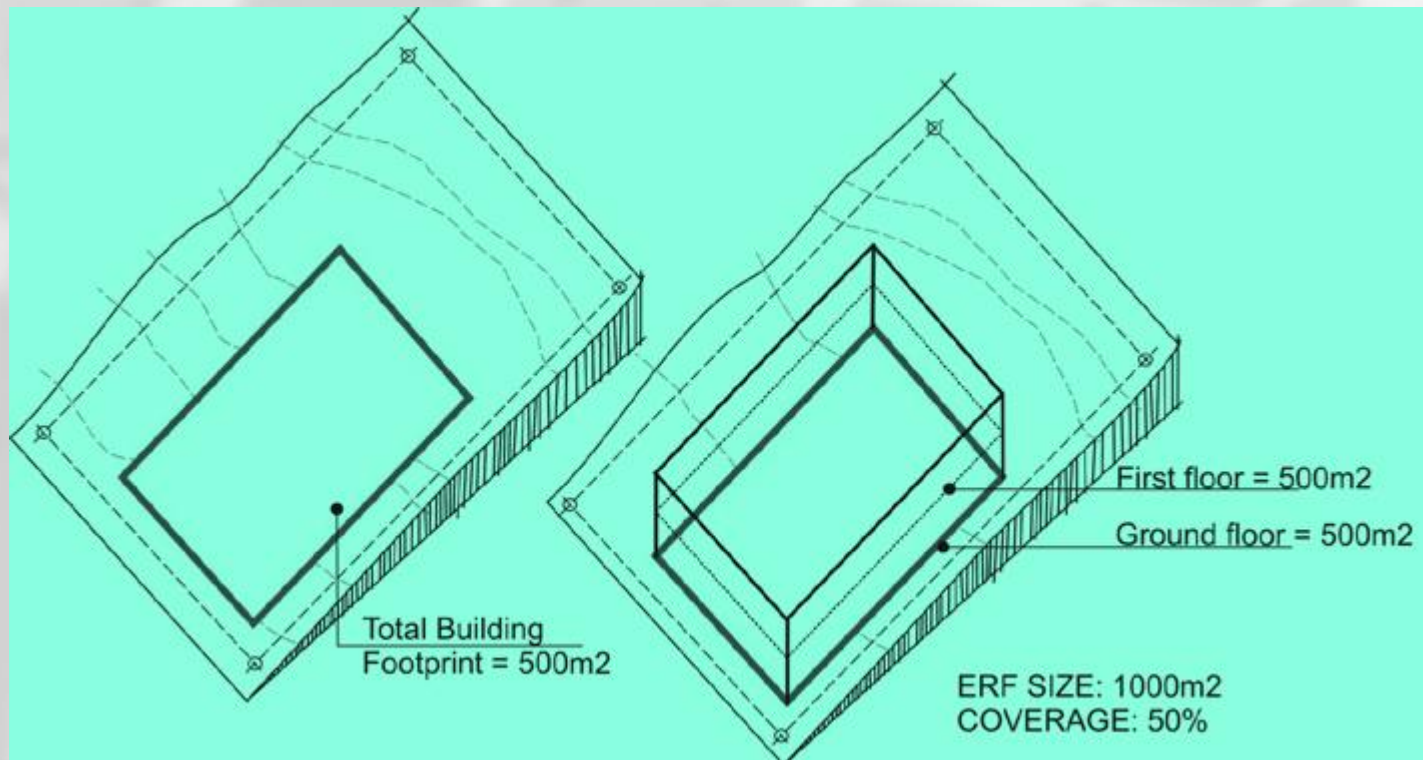


Floor space means the area of a floor covered by a slab, roof or projection. Floor space excludes the following:

- Any area reserved exclusively for parking or loading of vehicles, including a basement
- External stoeps, entrance steps, canopies and landings
- Any area required for external fire escapes
- Any projection, including eaves, sunscreens or architectural feature, as long as the projecting does not exceed 1,0 m from the exterior wall of the building or similar support
- Any uncovered internal courtyard, light well or uncovered shaft with an area larger than 10 m²
- Any uncovered paved area outside and immediately adjoining a building at or below the ground floor level, where such paved area is part of a forecourt, yard, external courtyard, pedestrian walkway, parking area or vehicular access that is exposed to the elements on at least the front or long side
- Any covered balcony, veranda or terrace that (apart from protective railings) is exposed to the elements on at least the front or long side, and does not exceed 2,5 m in width.

Apart from main building portions, floor space includes stairs, stairwells and atriums covered by a roof.

In the case of multi-level buildings: • stairwells, lift wells, light wells or other wells as well as any atrium are counted once; and • floor space is measured from the outer face of the exterior walls or similar supports of the building.



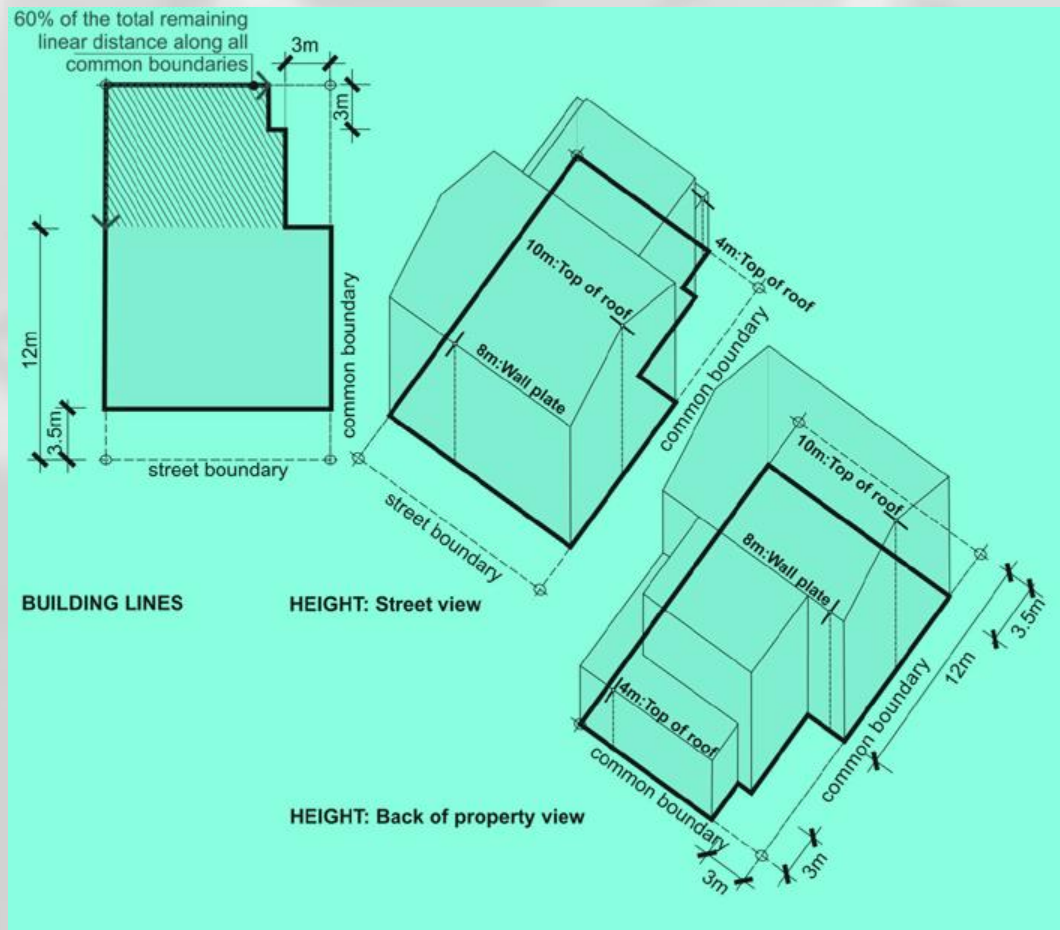
Single Residential Zone 1 (SR1): Conventional housing, erven 650 m² and smaller

The general development rules for building lines and height in this zone are as follows:

- A 3,5 m street building line
- A 0 m common boundary building line for the first 12 m, measured perpendicularly from the street boundary
- A 0 m common boundary building line for 60% of the remainder of all common boundaries around the land unit
- A 3 m common boundary building line for what remains after the 60%
- A maximum height above base level of 8,0 m to wall plate, or 10 m to top of roof
- A maximum height above base level to top of roof of 4 m if the building is within 3 m of the common boundary in the area beyond the first 12 m, measured perpendicularly from the street boundary

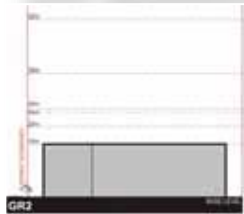
Note:

These illustrations do not indicate an ideal building layout or form,

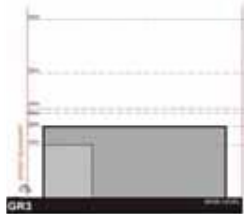


Sub-urban development typology converted to Perimeter Block Urbanism

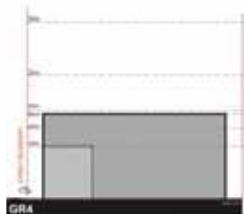




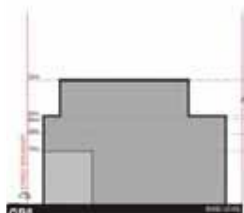
GR 2



GR 3



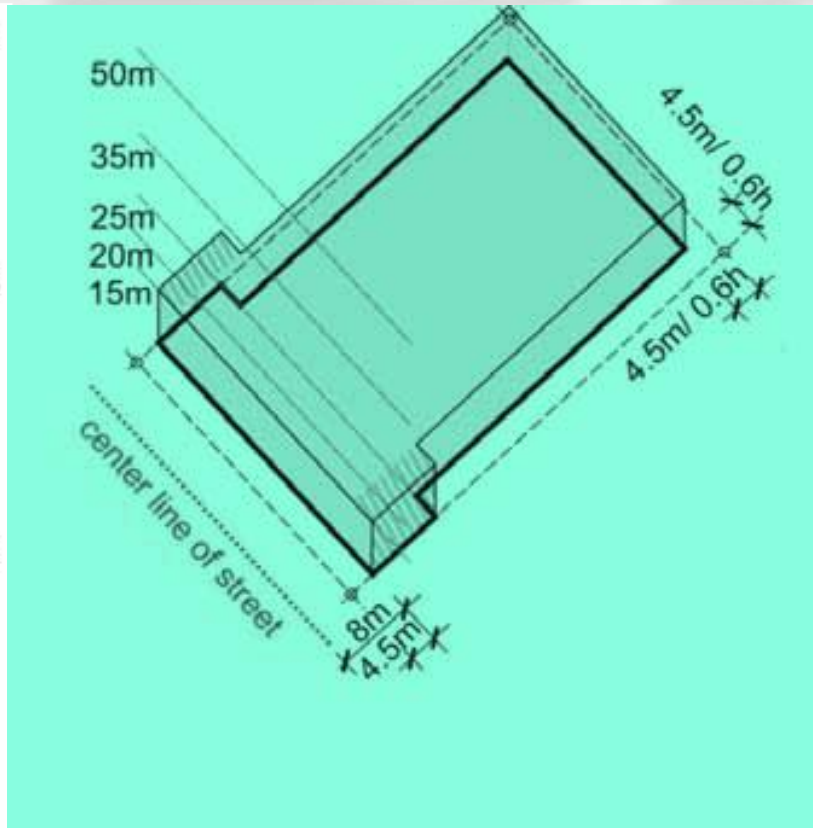
GR 4



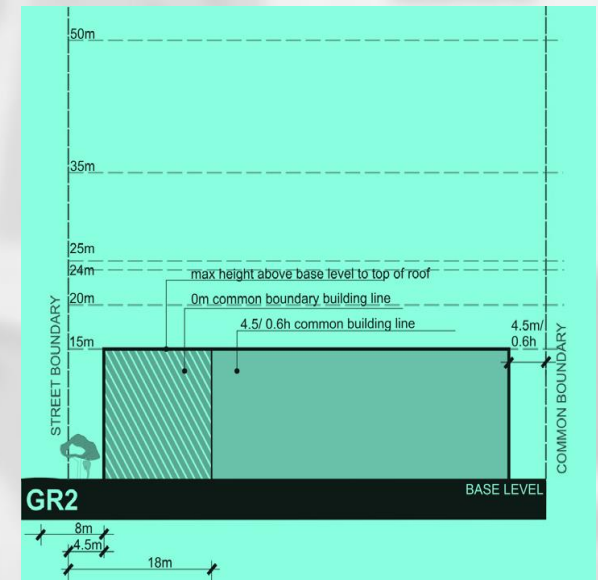
GR 5

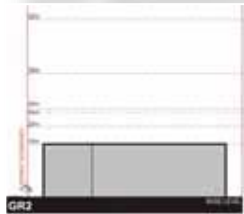


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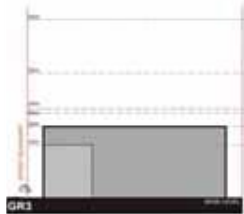


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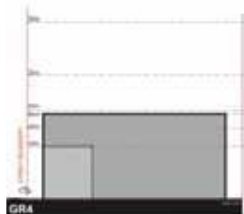




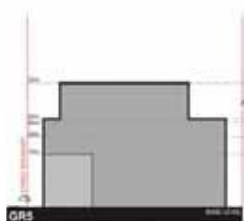
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GR 3



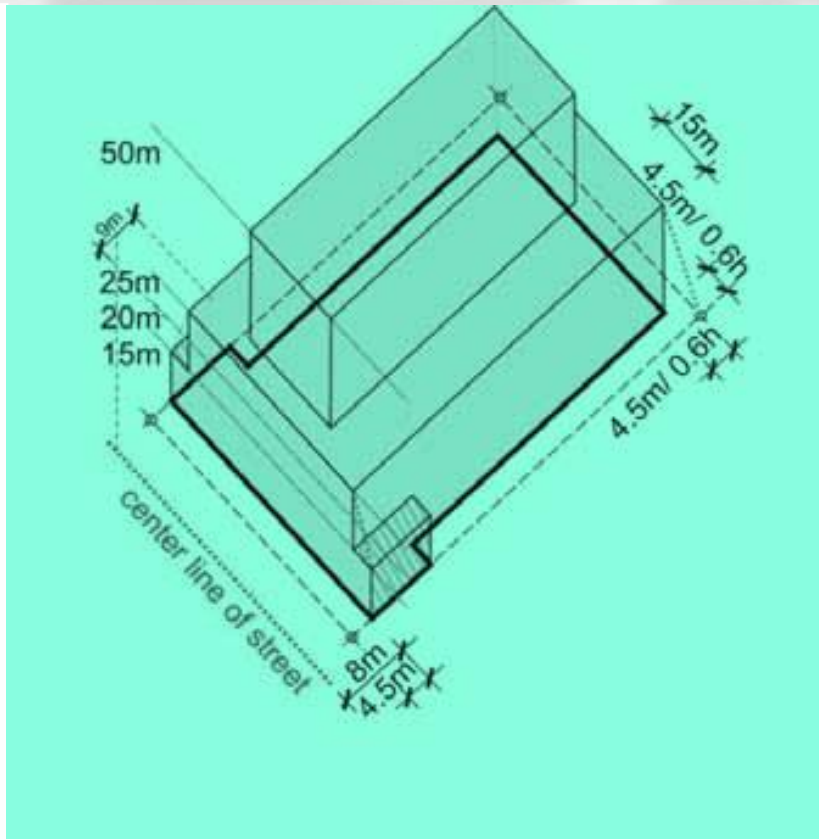
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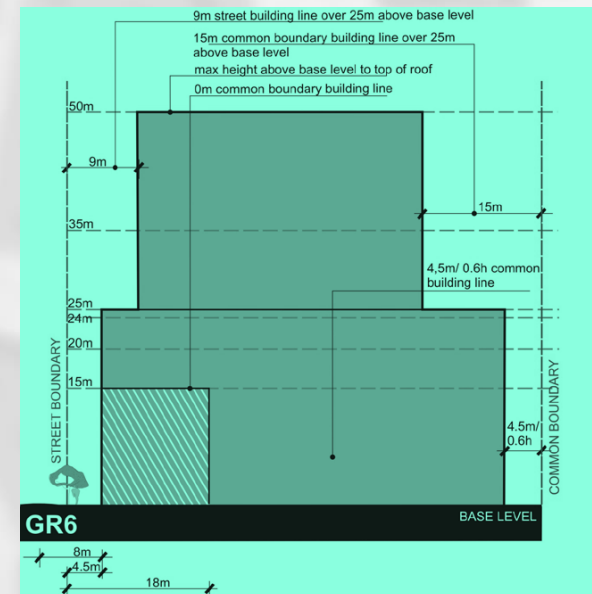
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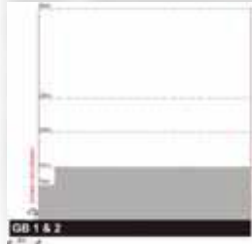


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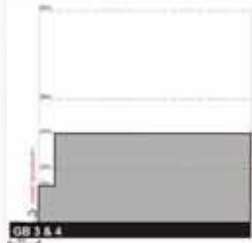


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GB 3 & 4



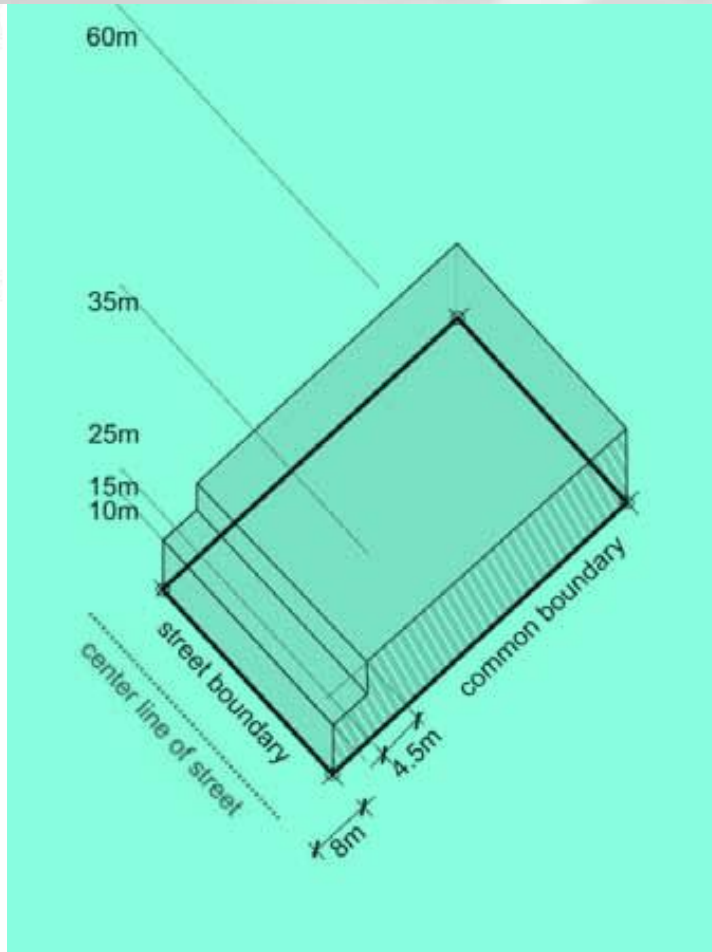
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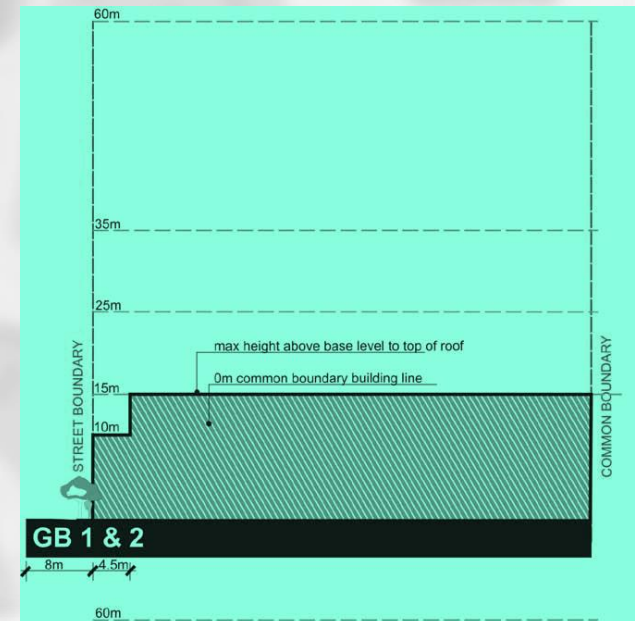
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GB1&2





GB 1 & 2



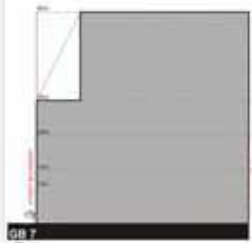
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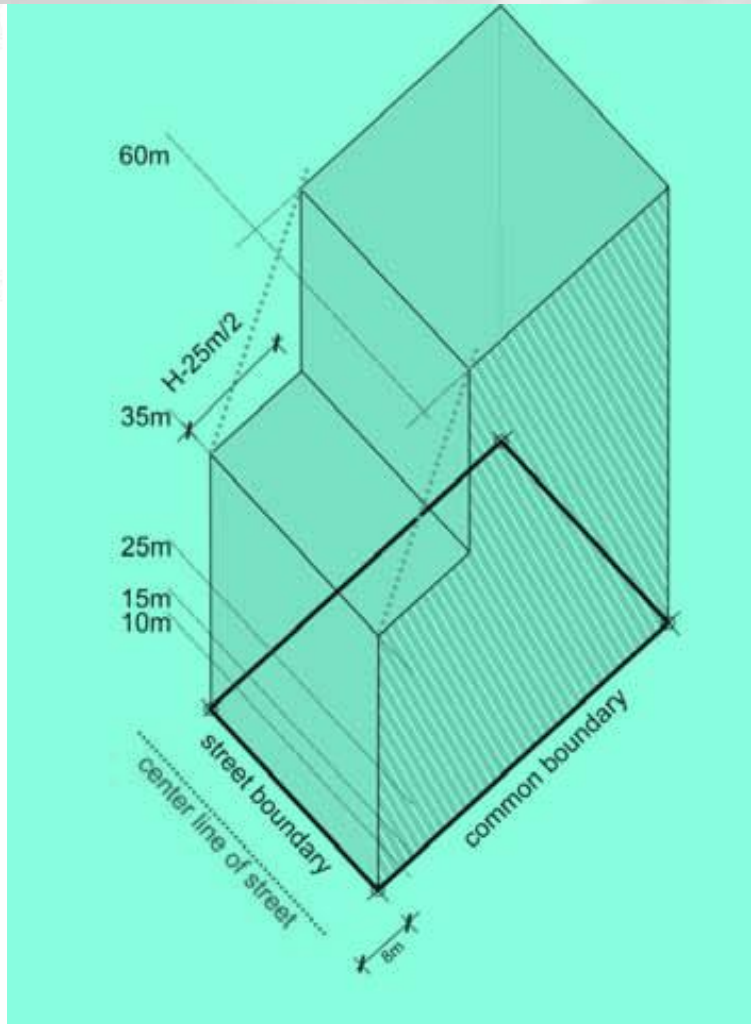
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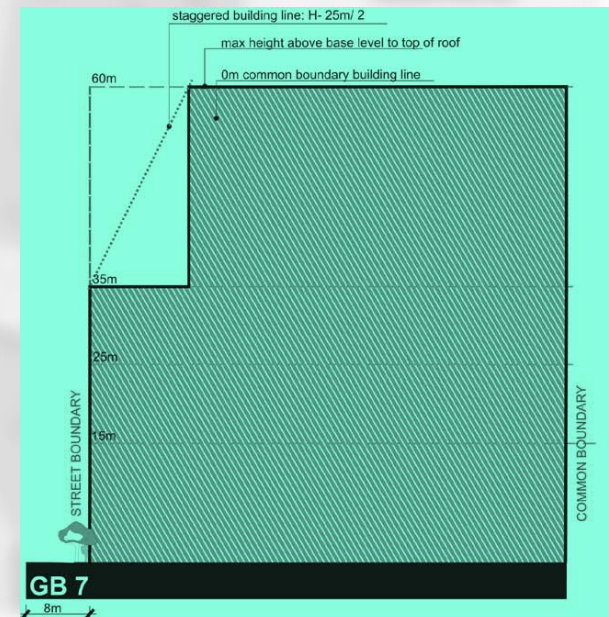
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GB 7



GB7



New thinking and approach must be adopted when assessing applications for permanent departures from the development rules provided for in the new CTZS or imposing alternative rules/conditions when approving applications.

“i.e. future decisions should not compromise urban typology as promoted by the CTZS “

Part IV: General Provisions (Purpose: applies to all zones or to specific zones as may be provided for in the general provision)

Chapter	18	General Provisions
Paragraph	18.11	Package of Plans

Purpose

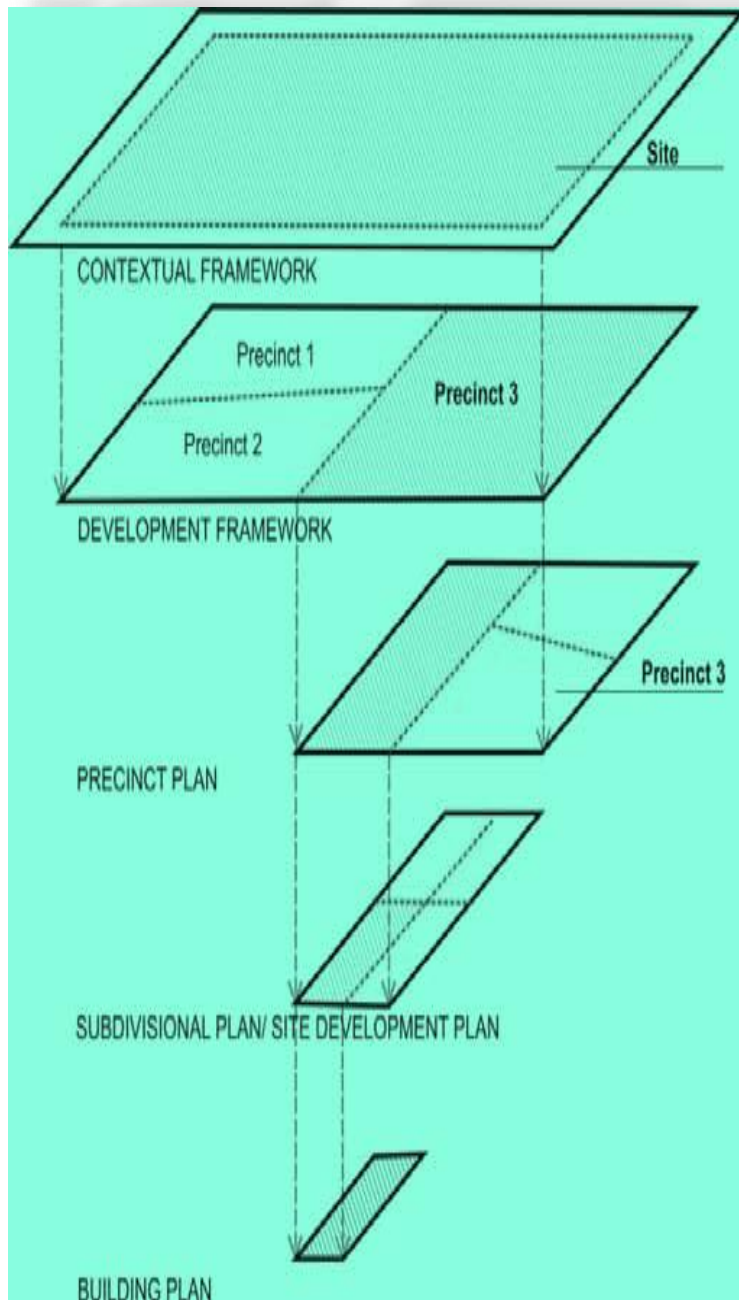
- To plan and manage large or strategic urban development areas, which will be referred to as Special Planning Areas (SPA)

When may it be required

- GR2-GR6, CO2, GB, MU, GI, RI and Subdivisional Area Overlay Zone

Further provisions

- Council may require that the SPA extends beyond the land under consideration if the development will have a wider impact
- Council shall determine floor space or density and must impose it as a condition
- Floor space shall take into account available Introductory and external services capacity
- Floor space may remain as “floating floor space” assigned to plans to a level of precinct plans but permitted floor space shall be allocated to individual subdivisions or site development plans
- Approval of package of plans is required before the development may proceed provided that Council may not refuse the application if it is consistent with the development rules and conditions of approval



The **Package of Plans** provides a mechanism for planning, approving and developing large strategic areas in a hierarchical manner, where lower-order plans must comply with higher-order plans. It is a multi-tiered process where agreement is reached on matters of principle first, creating certainty among stakeholders on broad issues, roles and obligations prior to detailed planning.

A Package of Plans may be required in respect of developments based on any of the following zones:

- General Residential Subzones GR2 to GR6;
- Community Zone 2: Regional;
- General Business Subzones;
- Mixed-use Subzones;
- Risk Industry Zone; and
- Subdivision Area Overlay Zone.

Components of the Package of Plans are as follows:

- **Contextual framework:** This comprises a broad policy for the development area and surrounds, how this is informed by Council's spatial development framework, and the principles and heads of agreement between Council and the developer
- **Development framework:** This comprises the overall policy, principles and physical arrangement of the development area, how it is to be serviced, how access and transport will be arranged, and so forth.
- **Precinct plans:** These comprise more detailed development intentions for a specific part of the development area. A development framework will normally consist of a number of precincts, delineated for common features, phasing requirements, and the like.
- **Subdivision plans:** These comprise new cadastral boundaries for land units.
- **Site development plans:** These comprise scaled and dimensioned proposals for one or more land units within a precinct.
- **Building plans:** These comprise a submission for building development on a land unit in terms of the National Building Regulations and Standards Act.

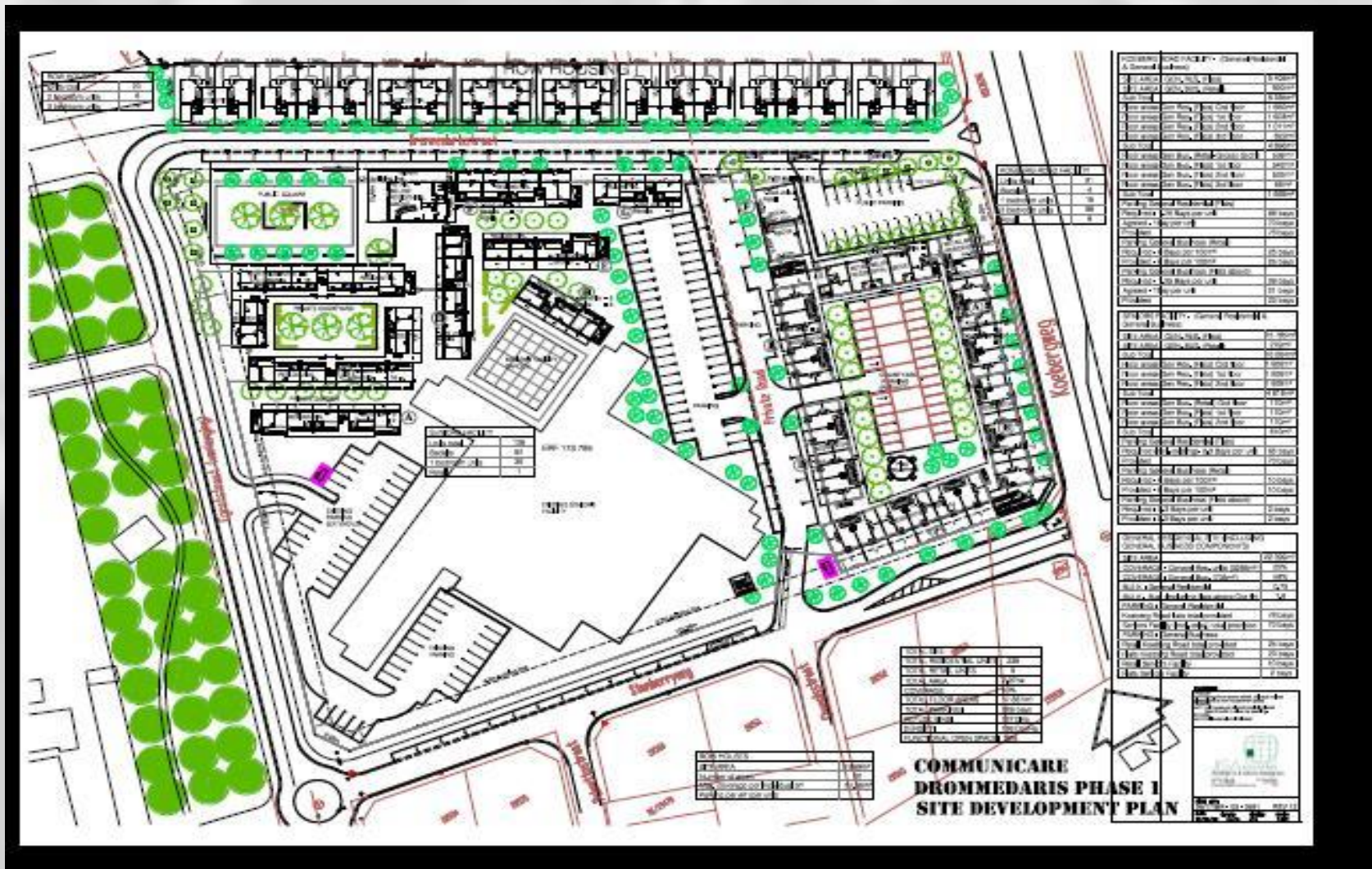
Part IV: General Provisions (Purpose: applies to all zones or to specific zones as may be provided for in the general provision)

Chapter	18	General Provisions
Paragraph	18.3	Site Development Plans

Site Development Plans (SDP's)

- Council may now require SDP's for the following land uses: shopping centres, business and office parks, industrial parks, developments in conservation areas, developments that will be sectionalised and major developments where there are urban design, heritage, traffic or planning concerns
- **Council may require information on SDP's such as: location of buildings on the site, land uses, sketches of buildings, vehicle access, parking and loading areas, external signage, landscaping, phasing of development, statistical information on parking and floor areas, relationship with surrounding developments, etc.**
- Council may in specific instances where impacts are wider than the site, require that an SDP extend beyond the site boundary
- When SDP's are required it must be approved by Council but shall not be refused if consistent with applicable development rules and conditions of approval
- Property shall be developed generally in accordance with a SDP
- Traffic or storm water impact assessments may be required
- Building plans may not be approved where SDP's are required unless SDP is approved
- SDP sets additional development rules and may be amended after an application is received

Site Development Plan (SDP)



Site Development Plan



MARKET SQUARE PERSPECTIVE

**COMMUNICARE
DROMMEDARIS**

STREET ELEVATIONS

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Part III: Overlay Zone Categories

Chapter	14	General Provisions for Overlay Zones
	14.1	Requirements and Procedures for Overlay Zones

Requirements to prepare an Overlay Zone

- Council or an owner of land may prepare (and submit to Council) an Overlay Zone
- The preparation of an Overlay Zone must take into consideration (and be informed by) the principles and objectives set in applicable laws and policies
- The preparation of an Overlay Zone may not detract from Council's ability to serve the needs of the municipality as a whole – not to create exclusions or mini zoning schemes

Adoption, Replacement, Amendment or Recommending Overlay Zones

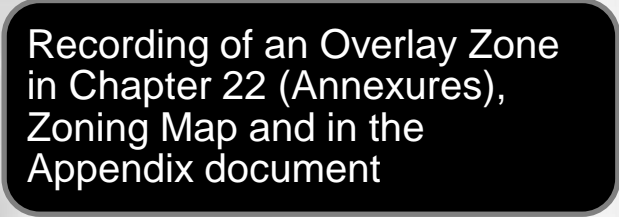
- Council may approve Overlay Zones in Chapter 15 by following rezoning procedures
- Overlay Zones in Chapters 16 and 17 follows procedures as set for amending zoning schemes – Relevant Provincial MEC currently competent authority
- Provisions in Overlay Zones can be departed from by following departure procedures

Part III: Overlay Zone Categories

Chapter	14	General Provisions for Overlay Zones
	14.2	Status of Overlay Zones

Status

- Applies in addition to a base zone and may vary the development rules or use rights of the base zone or set new or additional rules or use rights
- Provisions in an Overlay Zone may be more or less restrictive than the provisions in a base zone
- **Where there is conflict the more restrictive provision shall apply**
- May apply to a land unit or land units, an area or the City as a whole
- The provision of more than one Overlay Zone may apply



Part IV: General Provisions (Purpose: applies to all zones or to specific zones as may be provided for in the general provision)

Chapter	19	Parking, Loading and Infrastructure
Paragraph	19.1	Conventional Parking Requirements

Off-street Parking Requirements

- Off-street parking to be provided in accordance with Table titled “Minimum Off-street Parking Requirements”
- “Standard Areas” refer to the parking requirements in areas where public transport is not promoted and also applies as default
- “PT 1 and PT 2 Areas” applies to areas where public transport is promoted and such areas must be identified on a Council approved plan
- Overlay Zones may be developed to set different standards
- Off-street parking shall be provided on the property or with Council’s approval in public parking facilities or the owner may with the approval of Council acquire land for parking purposes elsewhere in a position approved by Council, in which case a notarial tie or servitude must be registered to link the properties concerned

Minimum Off-Street Parking Requirements

Land Use	Standard Areas	PT1 Areas	PT2 Areas
Main dwelling house (SR 1 Zone)	2 bays per dwelling unit (1 bay per dwelling for erven < than 350 m ²)	1 bay per dwelling unit	Nil
Main dwelling house (SR 2 Zone)	1 bay per dwelling unit (Nil per dwelling for erven < than 100 m ²)	Nil	Nil
Second dwelling	1 bay per 2 nd dwelling	1 bay per 2 nd dwelling	1 bay per 2 nd dwelling
Group dwelling	1.75 bays per dwelling unit plus 0.25 bays per dwelling unit for visitors	1 bay per dwelling unit plus 0.25 bays per dwelling unit for visitors	0.75 bay per dwelling unit plus 0.25 bays per dwelling unit for visitors
Flats	1.75 bays per dwelling unit plus 0.25 bays per dwelling unit for visitors	1 bay per dwelling unit plus 0.25 bays per dwelling unit for visitors	0.75 bays per dwelling unit plus 0.25 bays per dwelling unit for visitors
Bed & breakfast establishment	1 additional bay per guest room	1 additional bay per guest room	Nil
Boarding house, Guest house	1,25 bays per bedroom	0,75 bays per bedroom	0,5 bays per bedroom
Backpackers lodge	1 bay per 6 beds	1 bay per 8 beds	1 bay per 10 beds
Hotel	0.75 bay per bedroom plus 20 bays if licensed	0.75 bays per bedroom plus 20 bays if licensed	0.5 bays per bedroom plus 10 bays if licensed
Retirement home, Orphanage	0,5 bays per bedroom	0,3 bays per bedroom	0,2 bays per bedroom
Crèche	1 bay per 10 children plus stop & drop facility	1 bay per 10 children	1 bay per 30 children

Minimum Off-Street Parking Requirements

Land Use	Standard Areas	PT1 Areas	PT2 Areas
School	1 bay per classroom or office, plus stop & drop facility	1 bay per classroom or office, plus stop & drop facility	1 bay per classroom plus stop & drop facility
Place of instruction (post school level)	0,4 bays per student plus 1 bay per classroom or office	0,4 bays per student plus 1 bay per classroom or office	1 bay per classroom or office
Library, Museum	2 bays per 100 m ² GLA	1.5 bays per 100 m ² GLA	1 bay per 100 m ² GLA
Place of assembly, Place of worship, Place of entertainment, Funeral parlour	1 bay per 6 seats or persons calculated at 1,4 m ² floor area = 1 person	1 bay per 8 seats or persons calculated at 1,4 m ² floor area = 1 person	1 bay per 10 seats or persons calculated at 1,4 m ² floor area = 1 person
Sport Stadium	1 bay per 4 seats or persons (or as per transport management plan)	3 bays per 20 seats or persons (or as per transport management plan)	3 bays per 40 seats or persons (or as per transport management plan)
Recreation, sports complex	1 bay per 8 seats or persons	1 bay per 10 seats or persons	1 bay per 15 seats or persons
Gymnasium, Health club	10 bays per 100m ² GLA	8 bays per 100m ² GLA	6 bays per 100m ² GLA
Hospital (general and private)	1 bay per bed plus 3 bays per consulting room	1 bay per bed plus 2 bays per consulting room	1 bay per bed
Clinic, Medical consulting rooms	4 bays per consulting room	3 bays per consulting room	2 bays per consulting room

Minimum Off-Street Parking Requirements

Land Use	Standard Areas	PT1 Areas	PT2 Areas
Shops (excluding supermarket)	4 bays per 100 m ² GLA	2 bays per 100 m ² GLA	1 bay per 100 m ² GLA
Supermarket, Shopping centre	6 bays per 100 m ² GLA	4 bays per 100 m ² GLA	2 bays per 100 m ² GLA
Restaurant	2 bays per 25 m ² GLA	1 bay per 25 m ² GLA	1 bay per 25 m ² GLA
Offices	4 bays per 100 m ² GLA	2,5 bays per 100 m ² GLA	1 bay per 100 m ² GLA
Conference centre	6 bays per 10 seats	4 bays per 10 seats	2 bays per 10 seats
Motor showroom and service centre	3 bays per 100 m ² GLA	3 bays per 100 m ² GLA	3 bays per 100 m ² GLA
Motor repair garage, service station	4 bays per service bay plus 4 bays per 100 m ² GLA, minimum 8 bays	4 bays per service bay plus 4 bays per 100 m ² GLA, minimum 8 bays	4 bays per service bay
Motor fitment centre	2 bays per service bay	2 bays per service bay	1 bay per service bay
Industry	2 bays per 100 m ² GLA	1.5 bays per 100 m ² GLA	1 bay per 100 m ² GLA
Warehouse, Storage building	1 bay per 100 m ² GLA	1 bay per 100 m ² GLA	1 bay per 100 m ² GLA

Combined parking requirements

- Where two or more uses combine to share a common parking area Council may approve less than the sum of parking required provided that utilisation does not occur at the same time and such bays are not reallocated to other uses

Part IV: General Provisions (Purpose: applies to all zones or to specific zones as may be provided for in the general provision)

Chapter	21	Interpretation and Definitions
Paragraph	21.1	Interpretation (continue)

Methods of Measuring Distances, Heights and Levels

- Council may require owner or applicant to appoint registered surveyor to verify compliance with distances, areas or levels
- Distances to be projected on horizontal plane and distances from boundary to building measured at shortest distance
- Post construction deviations on height restrictions up to 300mm not an offense and if any doubt on height then Council may require the owner to appoint registered surveyor to certify height
- Calculations to be in accordance with recognised geometric principles and if impractical to apply such principle Council shall determine the distance, level or height

Part IV: General Provisions (Purpose: applies to all zones or to specific zones as may be provided for in the general provision)

Chapter	21	Interpretation and Definitions
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Paragraph	21.1	Interpretation
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Interpretation of boundaries

- If a boundary is shown to following a street, land unit or natural feature it shall be construed to following such feature and if uncertain then Council shall determine

Interpretation of Category of Use and Zoning

- Where there is uncertainty or dispute Council shall determine the use or zoning

Evasion of intent of the Zoning Scheme

- Council may refuse an application if it considers such application to be an evasion of the intent of the zoning scheme or any of its provisions



Questions and Answers?

Questions can be submitted to lums@capetown.gov.za

Thank you!

