



CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

DIRECTORATE : STRATEGY AND PLANNING

DEPARTMENT: PLANNING AND BUILDING DEVELOPMENT MANAGEMENT

LAND USE MANAGEMENT

CITY OF CAPE TOWN ZONING SCHEME REGULATIONS

A COMPONENT OF THE POLICY-DRIVEN LAND USE MANAGEMENT SYSTEM

Final Draft

March 2010

PREAMBLE:

Section 156(1) of the National Constitution (Act 108 of 1996) confers on municipalities the executive authority and right to administer municipal planning.

Section 156(2) of the National Constitution empowers municipalities to make and administer laws for effective municipal planning.

NOW THEREFORE it is confirmed that the City of Cape Town recommends to the relevant Provincial Minister of the Provincial Government Western Cape to approve the zoning scheme regulations in terms of Section 9(2) of the Land Use Planning Ordinance no.15 of 1985.

NOTICE OF ADOPTION

Notice of the adoption of the zoning scheme was published in Provincial Gazette No. ----- dated ----- . Subsequent amendments to the zoning scheme will also be published in the Provincial Gazette and recorded in the "Record of Amendments" overleaf.

In this document, notes and guidelines are printed in italics, while text printed in normal type constitutes the legal provisions of the zoning scheme.

Written suggestions regarding improvements to the zoning scheme may be forwarded to:

Head: Land Use Management

Department: Planning and Building Development Management

City of Cape Town

P.O. Box 16548

Vlaeberg 8001

E-mail: lums@capetown.gov.za

RECORD OF AMENDMENTS

This document is subject to amendment and such amendments must be recorded in the table below.

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Appendix Overlay Zones

The Appendix of Overlay Zones forms part of this zoning scheme, which is a separate document to this part of the zoning scheme.

GENERAL OVERVIEW

Please note that this explanation under "General Overview" is for information only and has no legal status. This document contains zoning scheme regulations which are part of the municipality's land use management system. These provisions include development rights and obligations relating to property, and are generally stated in the form of "development rules". Practical hints are included in this general overview in order to assist users. If further clarification is required, the reader may contact the Department of Planning and Building Development Management of the City of Cape Town.

APPLICABLE LAW

This zoning scheme will be approved by the competent authority in terms of the Land Use Planning Ordinance, No. 15 of 1985, and will be implemented on the date of publication in the Provincial Gazette. There are a number of other laws that have a direct or indirect impact on the functioning of this zoning scheme, including but not limited to the following:

- *Advertising on Roads and Ribbon Development Act, 1940 (Act 21 of 1940)*
- *Business Act, 1991 (Act 71 of 1991)*
- *Constitution of the Republic of South Africa, 1996 (Act 108 of 1996)*
- *Hazardous Substances Act, 1973 (Act 15 of 1973)*
- *Less Formal Township Establishment Act, 1991 (Act 115 of 1991)*
- *Local Government: Municipal Systems Act, 2000 (Act 32 of 2000)*
- *National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977)*
- *National Environmental Management Act, 1998 (Act 107 of 1998)*
- *National Environmental Management: Protected Areas Act, 2003 (Act 57 of 2003)*
- *National Heritage Resources Act, 1999 (Act 25 of 1999)*
- *Occupational Health and Safety Act, 1993 (Act 85 of 1993)*
- *National Port Act, 12 of 2005*

WHAT IS ZONING?

Zoning is a method of development management that designates property for a particular development or use category or zone. Within each zone there are provisions and rules setting out the purposes for which property may be used, and the manner in which it may be developed. These rules which include both rights and obligations for property owners, apply to land, buildings and structures. Zoning is different to the spatial development frameworks, structure plans and policy plans associated with forward planning to guide developers and decision makers. "Forward plans" involve planning guidelines for medium and long term development and conservation, but do not allocate or take away rights. Forward plans include strategies for environmental, economic, spatial, social and infrastructure development, and are important guidelines for Council and the general public. Zoning has a more precise application as the legal statement of rights and obligations for property, although other laws may also apply. Zoning should work in conjunction with, and be linked to, policy plans and other tools in the land use management system to enable Council to manage land and development in the city. This zoning scheme introduces new planning techniques such as the overlay zoning category whereby policy guidelines can be translated to development rules after following a prescribed process. In this document chapters on zones or zoning categories are preceded by a statement describing the

purpose of the zone, and this purpose is generally aligned with the purpose of this zoning scheme and relevant planning legislation.

PRACTICAL HINTS

- *If you are uncertain about the meaning of any word or phrase, please refer to Chapter 21 which contains definitions of important words and phrases used in this zoning scheme.*
- *Table A in Chapter 4 provides a summary of the various zones and development rules that apply in each zone. You can use this table as a quick reference, but for accuracy you need to refer to the detailed development rules in the relevant chapter relating to the zone. In the case of a conflict between Table A and the relevant chapter, the detailed development rules of the relevant chapter shall prevail.*
- *The top right hand corner of each page indicates the subject dealt with on that page, so that you can find your way around the document more easily. The bottom right hand corner indicates the date on which the page was issued. When amendments are produced, they will be listed in a "Record of Amendments" maintained by the municipality. You will be able to check if you have the latest update by checking the amendment record of the municipality, against the page numbers and page dates of your copy of the zoning scheme.*
- *All properties within the municipal area have been allocated a zone. A property is subject to the development rules specified in this zoning scheme for the applicable zone, as well as the general rules and provisions which apply to all zones. If you want to establish the zoning of a property you may inspect the zoning map or obtain a zoning extract or certificate from the Department of Planning and Building Development Management.*
- *If you want to establish what the primary use rights or consent use rights are for a property, you need to identify the zoning of that property and the relevant chapter in this zoning scheme. You may then turn to the chapter indicated and read the development rules which will apply to the property. Generally speaking one is not permitted to use property for any purpose not specifically allowed in terms of the zoning of the property concerned.*
- *You may find that your property is affected by other legislation, apart from zoning, such as environmental or heritage regulations, traffic impact limitations, agricultural requirements or title deed restrictions. You may also find that you need a license, such as a business license or a liquor licence. For advice on these matters, please contact the Department of Planning and Building Development Management.*
- *You may apply for an approval (such as for rezoning, departure or consent use), in which case you need to make an application to the Council. You are advised to have a pre-application consultation with the responsible municipal official before you finalise or submit your application. This pre-application consultation could occur by way of telephone, a meeting or exchange of correspondence, and will help to clarify which regulations and policies are likely to affect your application.*
- *If you are dissatisfied with a decision taken by Council, you may have a right of appeal under national or provincial legislation. Information about appeals can be obtained from the Department of Planning and Building Development Management and will be stipulated in the letter of decision.*
- *Please participate in municipal policy-making by submitting your written input when planning is undertaken and especially when overlay zones, development frameworks or sectoral plans are prepared. Effective planning depends to a large extent on public participation in the planning process, and you are encouraged to make an input when the opportunity presents itself.*

THE POLICY-DRIVEN LAND USE MANAGEMENT SYSTEM

National and provincial legislation govern the way that planning and development is administered and regulated, and all municipal planning and decision-making must be consistent with this legislation. In order to fulfil its obligation towards sustainable development, the municipality must promote economic and social development, as well as conservation of the natural and cultural environment. This requires a pro-active approach to ensure sustainable land use and development, to accommodate economic growth for the needs of a growing population, and to protect areas of natural and cultural significance. This pro-active approach will be assisted by undertaking developmentally-orientated planning in conjunction with environmental and heritage assessments for the medium and long term. Development and decision-making is managed within the framework of approved plans and policies that balance the need for development and the need for conservation. It is important that decision making on planning matters is based on sound planning policies, and therefore decision making in connection with this zoning scheme should be supported by policy plans. The basic guidelines or objectives for the City of Cape Town's land use management system are contained in various spatial development frameworks that have been approved in terms of the Municipal Systems Act and Planning Law. The Zoning Scheme Regulations are part of such a system.

TYPES OF PLANS AND POLICIES

Various types of plans, strategies and policies with different levels of detail and areas of application are components of the planning system, including the following:

- (a) **Integrated development plan**, which amongst other things:
 - (i) refer to a spatial development framework and land use management system;
 - (ii) aligns the resources and capacity of the municipality with implementation programmes;
 - (iii) Provides a policy framework and planning input for annual budgets.
- (b) **Spatial development frameworks and plans** consist of strategies, guidelines and development goals, indicating spatial implications and proposals for an integrated development plan.
- (c) **Sectoral plans** are written strategies or plans dealing mainly with one of the sectors or particular subjects that form part of an integrated development plan.
- (d) **Structure plans** adopted in terms of the Planning Ordinance, explain in the form of maps and policy guidelines, the future planning intention for the areas to which they relate.
- (e) **Zoning maps** identify the permitted use of property, thereby encouraging certain land uses and restricting others in a particular area.
- (f) **Detailed Urban Design, Heritage Resource, Urban Renewal or Environmental Management Plans** depict detailed proposals and management principles for local areas.
- (g) **Policy Plans** are written strategies, criteria or guidelines that provide the framework for decisions made in terms of this zoning scheme.

The various plans are important to guide Council in its decision-making. They provide the planning framework within which decisions are taken in the municipal sphere, they provide Council with the tools to handle a wide range of planning issues, and they influence the manner in which Council

allocates financial resources for development. Zoning is therefore just one part of the planning system.

TYPES OF APPLICATIONS

An owner of property may submit any one or more of the following types of applications relating to development. These applications are not necessarily made in terms of Planning Law or the zoning scheme, but are mentioned here for the sake of completeness. These applications may involve a public consultation process.

- (a) **Rezoning** application is required to obtain approval for a change of use rights to permit a land use not allowed in terms of the current zoning for a particular land unit.*
- (b) **Departure** application is required to obtain :*
 - (i) changes to the zoning provisions or development rules which set out the permitted extent of development on a land unit (such as building lines or coverage), without rezoning the land unit; or*
 - (ii) permission for a temporary use right that is not otherwise provided for in the zone concerned.*
- (c) **Consent use** application is required to obtain approval for a land use listed as a "consent use" in the applicable zone.*
- (d) **Subdivision** application is required to create two or more land units, capable of being registered in the Deeds Registry.*
- (e) **Authorisation** in terms of the National Environment Management Act is required to obtain an environmental permit for activities governed by the provisions of that Act.*
- (f) **Approval** is required for specified activities in terms of the National Heritage Resources Act, including demolition and changes to buildings over 60 years old.*
- (g) **Removal or amendment of restrictive title conditions** is required where there is a conflict between title deed conditions and an application under the Planning Law or this zoning scheme.*
- (h) **Amendment of condition of approval** is needed to change a condition or conditions imposed by Council in terms of Planning Law or this zoning scheme.*
- (j) **Approval or amendment of a plan** (such as a site development plan, precinct plan, structure plan /or development framework) is required in order to obtain approval for an application submitted under Planning Law or this zoning scheme, which is subject to such plan.*
- (k) **Other applications** may be required to obtain Council's approval for a range of matters provided for in this zoning scheme (such as approval to use property for certain temporary activities).*
- (l) **Building plan approval** in terms of the National Building Regulations and Building Standards Act, is required before construction of buildings is permitted, and Council will not approve building plans that do not comply with the zoning scheme.*

The requirements for applications are generally dealt with in Planning Law, but supplementary procedures are contained in Chapter 2 of this zoning scheme. The fact that property may be used for a specific purpose in terms of zoning or that an approval has been granted under Planning Law or this zoning scheme, does not exempt an owner from obtaining such other authorizations, permits, licences or approvals as may be required in terms of other legislation. National Legislation may also affect the application of the zoning scheme on particular properties. For

example national legislation dealing with the management or development of protected areas prevails over the provisions of this zoning scheme.

DECISION MAKING STRUCTURES

Council consists of municipal councillors who form part of the political structure, and officials who advise the councillors and execute the decisions of Council. All decisions in the municipal sphere are taken by either Council, a committee of councillors or municipal officials to whom Council has sub-delegated authority in terms of its approved system of delegations. A person aggrieved by a decision of Council may have a right of appeal. Provision exists for certain municipal decisions to be subject to an internal appeal in terms of the Municipal Systems Act, and in particular circumstances an appeal may also be lodged with the Minister in terms of Planning Law.

The highest ranking municipal official is the Municipal Manager, and in order to promote an efficient administration the other municipal officials have been organised into a number of directorates, one of which is charged with responsibility for planning and environmental management matters. All applications under Planning Law or this zoning scheme are submitted to the relevant municipal department for investigation, and a departmental report is normally tabled before Council (or committee, councillor or authorised official, depending on the extent of delegation), after which a decision is made.

PLANNING, DEVELOPMENT AND ENVIRONMENTAL MANAGEMENT PRINCIPLES

Municipal decision makers must take into consideration general principles and provincial policies adopted in terms of Planning Law, as well as principles applicable in terms of national legislation, when an application is evaluated, or a decision made relating to municipal planning and development. Council may adopt supplementary municipal principles and policies relating to planning, conservation and development, and should take into consideration such principles when an application is evaluated or when a decision is made in terms of this zoning scheme.

PART I

ADMINISTRATION

Chapter 1 contains introductory information, including the date when the zoning scheme became operative and the area to which it relates. The components of the zoning scheme and general purposes of zoning are described.

Chapter 2 deals with certain procedures and requirements relating to applications, decisions, conditions of approval, transitional provisions and methods of correcting errors on zoning maps.

Chapter 3 deals with general principles relating to the zoning and use of property, describing the difference between primary uses and consent uses. It also makes reference to uses not permitted and describes how temporary land uses should be dealt with.

CHAPTER 1: INTRODUCTION OF THE ZONING SCHEME

1.1 APPLICATION OF THE ZONING SCHEME

Commencement and Validity

- 1.1.1 As from the date that notice of adoption is published in the Government Gazette, these zoning scheme regulations apply to all the land under the jurisdiction of the City of Cape Town, including land lawfully assigned to or reclaimed by the City of Cape Town, but do not apply to land registered as a "protected area" in terms of the National Environmental Management: Protected Areas Act, No. 57 of 2003.
- 1.1.2 If any provision in this zoning scheme is struck down as invalid by a court of law, such provision shall be severed from the zoning scheme, but shall not affect the validity of the remaining provisions.
- 1.1.3 Where these zoning scheme regulations are in conflict with national or provincial legislation, the provisions of such legislation shall prevail save where such provisions are a local authority competency, as mandated by the National Constitution.
- 1.1.4 If the zoning scheme regulations are in conflict with a by-law or any other subordinate legislation, these regulations shall prevail.

Components of the Zoning Scheme

- 1.1.5 The zoning scheme consists of the regulations, which include the regulations in the Appendix, the zoning map or maps which indicate zoning of property, and a register or record of all approved departures, consent uses and conditions.

1.2 GENERAL PURPOSES OF THIS ZONING SCHEME

- 1.2.1 The general purpose of this zoning scheme is to determine use rights and to provide for control over use rights and over the utilisation of land in the area of jurisdiction of the City of Cape Town as described in 1.1.1.

CHAPTER 2: APPLICATION AND APPROVAL PROCEDURES

2.1 REQUIREMENTS RELATING TO APPLICATIONS
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Submission of applications

- 2.1.1 In addition to the requirements stipulated in any other law, the following requirements relate to applications submitted in terms of this zoning scheme.
- (a) Applicants shall ensure that applications submitted to the municipality are:
 - (i) clearly and legibly written or typed, and explained in plain language;
 - (ii) fully completed and properly motivated, in the format and accompanied by the fees and other documents as required by the municipal manager from time to time;
 - (iii) accompanied by a conveyancer's certificate or title deed, if required by the municipal manager, relating to the existence of restrictive title conditions or otherwise.
 - (b) The municipal manager shall, within fourteen days from date of receipt of an application, notify the applicant in writing of any aspects that require additional information or documentation, if any.
 - (c) If additional information is required, the date on which the application is resubmitted with the additional information to the satisfaction of the municipal manager, shall be the date of application.
 - (d) Additional information must be submitted within 60 days of the date of the written request or such extended date as approved by the municipal manager. In the event that the applicant fails to comply with this requirement, Council may refuse the application.

Transitional arrangements

- 2.1.2 Any application submitted prior to the implementation of this zoning scheme in terms of any of the former zoning scheme regulations will be assessed and finalised within the provisions of such zoning scheme regulations, except if the applicant has in writing informed Council that he or she withdraws such application.
- 2.1.3 Where the lawful utilisation of land at the commencement of this zoning scheme does not comply with the zones of this zoning scheme, including the approval of an application under 2.1.2, such utilisation shall be deemed not to constitute an offence in terms of Planning Law.

2.2 ADDITIONAL REQUIREMENTS RELATING TO PUBLIC CONSULTATION
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Advertising and application for approval in terms of this zoning scheme

- 2.2.1 The municipal manager shall cause an application submitted for an approval in terms of the zoning scheme to be advertised if, in his or her opinion, any person may be adversely affected by the proposed development. The public participation procedures for departure applications as stipulated in the Planning Law shall mutatis mutandis apply for the purposes of advertising in terms of this regulation.
- 2.2.2 In exercising discretion in terms of 2.2.1, the municipal manager shall take into account Council's advertising policy, as approved from time to time.

Petitions

- 2.2.3 In addition to requirements stipulated in any other law, the following requirements relate to objections submitted in the form of a petition.
- (a) All petitions shall clearly indicate:
 - (i) the full name and physical address of each signatory;
 - (ii) the full name, postal address, telephone number and facsimile number of one person to whom further communication relating to the application may be directed; provided that where such information is not made available, Council shall direct further communication only to the first person who signed such petition and whose address is known; and
 - (iii) each page of a petition containing the signature of a petitioner shall contain a summary of the objection.
 - (b) Any written notification by Council to the petitioners shall be regarded as sufficient if such notification is sent to the person contemplated in (a)(ii) above.
 - (c) Any petition that does not comply with the above requirements will not be considered and processed as a valid objection.

2.3 APPROVAL

Procedures for approval

- 2.3.1 Council may approve or refuse an application submitted in terms of this zoning scheme, and may impose conditions on any approval.
- 2.3.2 An application approved in terms of section 2.3.1 shall lapse if the land concerned has not been utilised or the approval executed within two years after the date on which the approval was granted, provided that Council may grant an extension of such time if requested to do so in writing before the application has lapsed.
- 2.3.3 Council may limit the approval of a consent use application to one or more of the uses included within the definition of the consent use concerned.
- 2.3.4 Council shall, when considering an application for approval in terms of this zoning scheme, take into account the following:
 - (a) the general purpose of this zoning scheme
 - (b) principles and policies established for such applications by national, provincial and municipal spheres of government;
 - (c) any objections received on or before the closing date in response to an advertisement of the application, as well as comments received from other organs of state;
 - (d) any response received from the applicant to objections or comments;
 - (e) any approved integrated development framework, structure plan, policy plan or sectoral plan that applies to the application or area concerned;
 but shall not refuse an application solely on the basis of trade competition.
- 2.3.5 Any consent or approval granted in terms of this zoning scheme shall only be valid if it is in writing and signed by an official provided with the necessary delegated power.

2.4 CONDITIONS OF APPROVAL

Conditions of Approval

- 2.4.1 Council may impose conditions of approval for an application approved in terms of this zoning scheme, and it may, in addition to any other conditions, impose conditions that mitigate the potential impact of such approval including the imposition of further conditions after an approval has been granted.
- 2.4.2 Where Council acts in terms of 2.4.1 to impose further conditions of approval to minimise the impact of a land use activity, a notice in writing must be served on the land owner or person conducting such activity:
- (a) advising that Council intends to impose further conditions, and
 - (b) stipulating the further conditions to be imposed and the date on which these conditions will become operational.

Conditions applicable to an approved consent use

- 2.4.3 When a consent use is approved, the following conditions shall apply:
- (a) If such consent use as listed in a zone is a primary use in another zone, it shall be subject to the most restrictive development rules operating in such other zone; and
 - (b) If such consent use as listed in a zone is not a primary use in another zone, it shall be subject to the same development rules.
- Notwithstanding (a) and (b), the Council may impose further conditions including:
- (i) limiting a consent use for a specified period of time;
 - (ii) requiring that a consent use does not adversely affect the potential use of that property for its primary uses in terms of this zoning scheme;

2.5 VALIDITY OF INFORMATION

Validity of information

- 2.5.1 Any information in connection with this zoning scheme, that is given by an official to a person making enquiries, shall only be valid if it is in writing, signed by the official with delegated power, and if such information is not in conflict with the provisions of these zoning scheme regulations, the zoning map, or an approval granted by Council.

2.6 APPEALS

- 2.6.1 An applicant or a person who has objected to an application, may submit an appeal against a decision relating to the application in terms of this zoning scheme, and the appeal procedures as stipulated in Planning Law will mutatis mutandis apply for processing appeals submitted in terms of this regulation.

2.7 ERRORS ON THE ZONING MAPS

- 2.7.1 In the event that a zoning has been wrongly allocated on the zoning map or wrongly converted from a former zoning map associated with a former zoning scheme, the owner of an affected property may submit an application to Council to correct such error, subject to the following provisions:

- (a) The applicant must be able to submit documentary proof of an error and/or proof of the lawful land use rights;
 - (b) The applicant must apply for a suitable zoning to be allocated to the property;
 - (c) The procedures in 2.1, 2.2 and 2.3 shall mutatis mutandis apply; and
 - (d) The applicant will be exempted from the payment of any application fee if such application is submitted within 24 months after the commencement date of the zoning scheme or within 24 months after an approval was granted.
- 2.7.2 Council shall consider an application submitted in terms of 2.7.1 and if such application is approved, shall amend its zoning maps in accordance with the approval.
- 2.7.3 Council shall refuse an application to correct an error on the zoning map if documentary proof of an error and/or proof of the lawful land use rights is not available or has not been submitted by the owner.
- 2.7.4 If the fact that a zoning has been wrongly allocated on the zoning map, or wrongly converted from a former zoning map associated with a former zoning scheme, comes to the attention of Council in any other way, and Council is satisfied that such wrong allocation or wrong conversion has taken place, Council shall :
- (a) Notify the owner accordingly in writing, indicating the reasons as to why the zoning allocation has to be corrected;
 - (b) Request the owner to make any representations that he sees fit in respect of the correction of the errors on the zoning map, within a specified period;
 - (c) If Council is satisfied after considering such representations that it has documentary proof of the error and/or proof of the lawful land use rights, it shall amend its zoning maps in accordance with the correct allocation of the property in question.

2.8 ENFORCEMENT

Call for cessation of land use activity

- 2.8.1 Where Council may, in terms of this zoning scheme, call for cessation of a land use activity, a notice in writing must be served on the owner or person conducting such activity requiring:
- (a) compliance with instructions set out in such notice, and
 - (b) cessation of use of the premises in question for such land use activity by a date specified in such notice.

Compliance with conditions relating to additional use rights

- 2.8.2 If, in the Council's opinion, any additional use right is being conducted in a manner which is, or is likely to be, detrimental to the general purpose of this zoning scheme, the purpose of the zone or a source of public nuisance, Council may serve a notice in writing to the person conducting such additional use requiring:
- (a) compliance with additional conditions in order to minimise or avoid any detrimental consequences of the use concerned, or
 - (b) that specified activities are discontinued by the date specified in such notice.

CHAPTER 3: ZONING AND USE OF PROPERTY

3.1 ZONES

Zones

- 3.1.1 All properties within the area of jurisdiction of the City of Cape Town shall be allocated a zone, as listed in Part II of this zoning scheme, and all properties that were zoned in terms of a former zoning scheme are now deemed to be zoned, as determined by Council, in terms of this zoning scheme.
- 3.1.2 A land unit may be zoned:
- (a) with a single base zone that applies to the entire land unit; or
 - (b) with a split-zoning where one base zone applies to a portion of the land unit and one or more other base zones apply to other portions of the land unit; and
 - (c) with one or more overlay zones over and above the base zone(s).
- 3.1.3 The municipal manager shall ensure that the zonings of all properties within the municipal area are determined and depicted on the zoning map and, where appropriate, recorded in the register.
- 3.1.4 Property situated within a particular zone, is subject to the provisions specified for that zone under Part II of this zoning scheme.
- 3.1.5 In addition to the provisions of Part II, the general provisions of Part IV shall apply in all zones, and the provisions of any applicable overlay zone in terms of Part III shall apply to the land units concerned.

Sub-zones

- 3.1.6 Certain zones have been divided into sub-zones that distinguish between different building forms through different development rules. In order to change or relax the development rules applicable to property regulated by a sub-zone, either:
- (a) an application for departure from the development rules, or
 - (b) an application for rezoning to another sub-zone or another zone
- must be submitted and approved.
- 3.1.7 A rezoning application must be submitted if the change contemplated in 3.1.6 is equivalent to or greater than the permitted floor space or height of the next most intensive sub-zone.

3.2 CATEGORIES OF USES

USES PERMITTED:

Primary Uses

- 3.2.1 The use of property for any purpose specified as a primary use in the zone of that property is permitted without the approval of Council.

Additional Use Rights

- 3.2.2 An activity or use described as an "Additional Use Right" in a particular zone is permitted in that zone, provided that any conditions or further provisions specified for such activity or use are adhered to.

Ancillary Uses

3.2.3 An ancillary use is permitted where a primary use, approved consent use or other lawful use is exercised.

USES PERMITTED ONLY WITH COUNCIL'S APPROVAL:

Consent Uses

3.2.4 The use of property for any purpose specified as a consent use in the zone of that property is permitted only if Council grants its approval for such consent use.

Occasional Uses

3.2.5 The occasional use of a property for temporary events including craft markets, circuses, public meetings, religious gatherings, film shoots or other events may be permitted with Council's approval, even though these events are not in accordance with the use rights of the property concerned, provided that:

- (a) the occasional use will not have a significant negative impact on surrounding areas, or on the natural and cultural environment;
- (b) the occasional use is genuinely of a temporary and short term nature, and may not occur for more than five days per month or more days as may be allowed by Council,; and
- (c) the occasional use conforms with Council's policies, where such policies exist.

3.2.6 Any approval granted under 3.2.5 shall be subject to such conditions as Council may impose, which may include, but are not limited to, the following:

- (a) that the applicant provides parking and toilet facilities to Council's satisfaction;
- (b) that such occasional use does not extend beyond the hours of operation or duration in terms of days as determined by Council;
- (c) that such approval may be withdrawn by written notice to the applicant, if in the opinion of Council, any condition of approval is not complied with or if a public nuisance is created.

Special Use

3.2.7 A special use may be permitted in any zone with the consent of Council.

3.2.8 The classification of any use as a special use shall be listed in Annexure A.

Lawful Non Conforming Uses

3.2.9 A lawful non-conforming use shall not constitute an offence in terms of this zoning scheme, except that

3.2.9.1 No external or structural alterations including any changes to the external appearance shall be made to a building or structure or part thereof which is considered to be a lawful non conforming use, without Council's approval.

3.2.9.2 Any building or structure or part thereof that is subject to a lawful non conforming use may be routinely replaced when damaged by accident or natural causes subject thereto that such building or structure remains on its original footprint, will be similar in architectural style before it was damaged and the use is not changed.

USES NOT PERMITTED

3.2.10 Subject to any provisions to the contrary in Planning Law, property shall not be used for any purpose which is not specified in this zoning scheme.

3.3 DEEMED ZONING

Public Open Space and Public Streets

- 3.3.1 Any portion of land designated on the zoning map or specified on a General Plan of a registered township as Public Open Space, shall be deemed to be zoned as Open Space Zone 2: Public Open Space.
- 3.3.2 All public roads and streets referred to in this zoning scheme also includes roads proclaimed in terms of the Roads Ordinance unless specifically excluded.
- 3.3.3 Any street and any portion of land proclaimed or reserved under any law for public street or the widening or improvement of any existing public street or specified on a General Plan of a registered township as public street, shall be deemed to be zoned as Transport Zone 2: Public Street and Public Parking.
- 3.3.4 Any portion of land which was previously part of a public street but has become the property of an abutting owner through prescription, shall be deemed to be zoned as Transport Zone 2: Public Street and Public Parking; provided that where Council specifically resolves that such portion of land is no longer required for public street purposes, such land shall be deemed to fall into the same zone and sub-zone as that of the abutting land belonging to such owner.
- 3.3.5 Where any portion of land, other than land referred to in 3.3.4, which was previously a public street or public open space vested in or owned by Council, is closed and transferred to an abutting owner, such portion of land shall be deemed to fall into the same zone and sub-zone as that of the abutting land belonging to such owner, provided that:
 - (a) where the intended owner of the public street or public open space does not own the abutting property, or
 - (b) where the intended owner owns abutting properties falling into more than one zone, or
 - (c) in any other case not provided for herein,
 Council shall determine which zone shall apply to the property concerned.

Deemed Zoning of Land subject to the Provisions of Section 13 of the Legal Succession of the South African Transport Services Act, No 9 of 1989

- 3.3.6 All land subject to the provisions of section 13 of the Legal Succession of the South African Transport Services Act, No. 9 of 1989, is deemed to be zoned Transport Zone 1: Transport Use (TR1) except where an agreement has been entered into between Council and the South African Transport Services or any of its divisions or its successors in title, in which case the provisions and conditions contained within such agreement shall prevail over the provisions of the TR1 zone.
- 3.3.7 The provisions and conditions contained in an agreement referred to in 3.3.6 are deemed to be development rules and if these development rules are to be altered, this must be done by means of a departure in terms of Planning Law, or if the land use is altered this must be done by means of a rezoning application in terms of Planning Law.
- 3.3.8 Where land that is owned by the South African Transport Services or any of its divisions or successors in title has been lawfully zoned to any zone other than Transport Zone 1: Transport Use (TR1), such land will be deemed to retain its zone and be allocated with an appropriate zone in terms of this zoning scheme on the Council's zoning map.

Deemed Conditions

- 3.3.9 At the commencement date any special zone, special area, schedule or special provision listed in Annexure B, shall not be treated as a provision of this zoning scheme, but shall be deemed to be a condition of approval granted under Planning Law, and for the purposes of amendment or administration, the provisions of Planning Law relating to such conditions shall mutatis mutandis apply.

CHAPTER 4: SUMMARY OF ZONES

4.1 SUMMARY OF ZONES AND DEVELOPMENT RULES

- 4.1.1 Table A overleaf contains a summary of the zones and development rules contained in this zoning scheme. This table is provided for ease of reference, but the detailed development rules are contained in Part II of this document. In the event of a difference between Table A and Part II, the provisions of Part II shall prevail.

PART II

ZONING CATEGORIES, BASE ZONES AND DEVELOPMENT RULES

This part describes the various zoning categories, base zones and their respective provisions. It sets out the development rules that apply to each zone, including primary and consent uses. Zoning categories are grouped into chapters according to similarity of use rights and intensity of development. The chapters are in turn divided into sections, with each zone being dealt with as a section, and as many of the applicable development rules as possible are contained in the section concerned. General rules and definitions that apply to all zones and the zoning scheme in general, are contained in Part IV.

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, second dwellings 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, second dwelling, home child care, subject to the following conditions:
 - (i) except for a second dwelling 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, 5.1.5, or 5.1.6, 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, institution, guest house, rooftop base telecommunication station, wind turbine infrastructure, open space, urban agriculture.

Development Rules

5.1.2 The following development rules apply:

- (a) **Coverage**
The maximum coverage is determined in accordance with the area of the land unit as shown in the following "Table of Coverage, Height, Floor Space and Building Lines in Single Residential Zone 1".
- (b) **Floor Space**
The maximum floor space, if applicable, to all buildings on a land unit shall be determined in accordance with the following "Table of Coverage, Height, Floor Space and Building Lines in Single Residential Zone 1".

(c) Height

- (i) The maximum height of a building, measured from the base level to the wallplate and top of the roof, shall be determined in accordance with the area of the land unit as shown in the following "Table of Coverage, Height, Floor Space and Building Lines in Single Residential Zone 1".
- (ii) Earth banks and retaining structures are subject to 18.6.

(d) Building Lines

The street and common boundary building lines are determined in accordance with the area of the land unit as shown in the "Table of Coverage, Height, Floor Space and Building Lines in Single Residential Zone 1", subject to:

- (i) the general building line encroachments in 18.1;
- (ii) where a property smaller than 350 m² abuts a property larger than 350 m², the smaller property shall have a common boundary building line of 1,5 m along the total length of its boundary with the larger property;
- (iii) no more than four dwelling units shall be attached to each other, and a common boundary building line of 1,0 m shall apply between a batch of four attached dwelling units and any adjacent dwelling unit, and
- (iv) further restrictions are stipulated in (e) and (f) as applicable.

**Table of Coverage, Height, Floor Space and Building Lines
in Single Residential Zone 1**

Area of land unit m ²	Coverage	Maximum floor space	Maximum height above the base level		Street boundary building line	Common boundary building line
			To wall-plate	To top of roof		
Greater than 2000	40 %	1500m ²	9,0 m	11,0 m	6,0 m	6,0 m
Greater than 1000 and not exceeding 2000	50 %	1500m ²	9,0 m	11,0 m	4,5 m	3,0 m
Greater than 500 and not exceeding 1000	50 %	1200m ²	9,0 m	11,0 m	3,5 m	1,5 m
Greater than 350 and not exceeding 500	60 %	Not applicable	6,0 m	8,0 m	3,5 m	Zero for 30% of the total linear distance along all common boundaries around the land unit and 1,5 m for the remainder, subject to d(iii).
Greater than 200 and not exceeding 350	75 %	Not applicable	6,0 m	8,0 m	3,5 m	Zero for 60% of the total linear distance along all common boundaries around the land unit and 1,5 m for the remainder; subject to d(ii) and d(iii).
Less than or equal to 200	80 %	Not applicable	6,0 m	8,0 m	1,0 m	

(e) Window and Door Placement

Any portion of a building which contains an external window or door facing onto a common boundary shall:

- (i) be placed a distance of at least 1,5 m away from such boundary; and
- (ii) the portion of building required to be placed back from the boundary shall include the door or window, together with such additional length of wall as is required to make up a total minimum length of 3,0 m.

(f) Garages, Carports and Outbuildings

- (i) A garage, carport and outbuildings are permitted within the common boundary building line provided the garage, carport and outbuildings:
 - do not extend higher than 3,5 m from the base level to top of roof;
 - do not contain more than a double garage façade and
 - do not exceed a width of 6.5 m.
- (ii) For land units of 500 m² and less, a garage or carport is permitted up to 1,5 m from the street boundary provided the garage or carport:
 - is not higher than 3,5 m from the base level to top of roof;
 - does not contain more than a double garage façade and
 - does not exceed a width of 6.5 m.
- (iii) For land units exceeding 500 m², a garage or carport shall not be closer than 5,0 m from the street boundary, notwithstanding the street building line.
- (iv) Notwithstanding (ii) and (iii), a garage or carport may be erected within the street boundary building line if, in the opinion of Council, compliance with the street boundary building line will not be practical due to steep slopes of the ground between the road and the property concerned.

(g) Parking and Access

Parking and access shall be provided on the land unit in accordance with chapter 19.

Second Dwelling

5.1.3 The following conditions shall apply to a second dwelling:

- (a) Total floor space of a second dwelling may not exceed the total floor space of the main dwelling unit, without the approval of Council, provided that the floor space of ancillary buildings is excluded from this provision;
- (b) A second dwelling shall be constructed in a style that is complementary to the architecture of the main dwelling house;
- (c) A second dwelling that is a separate structure to a dwelling house shall not exceed a height of 6,0 m measured from the base level to the top of the façade and 8,0 m to the top of the roof;
- (d) A second dwelling that is contained within the same building as a dwelling house shall be designed so that the building appears as a single dwelling house; both units may have a ground floor, or one unit may be on the ground floor and the other unit above;
- (e) The existence of a second dwelling shall not in itself be sufficient reason for Council to grant an application in terms of the Planning Law to subdivide the land unit containing the dwelling units; and
- (f) A second dwelling will only be permitted if Council's relevant municipal services department has certified that utility services, such as water, stormwater, sewerage, electricity and roads, are available to the area in which such second dwelling is to be constructed.

Home Occupation

5.1.4 In addition to 5.1.1(b), the following conditions shall apply where a portion of property is used for purposes of home occupation:

- (a) No home occupation shall include a noxious trade, risk activity, adult entertainment business, adult services, adult shop, sale of alcoholic beverages, motor repair garage, funeral parlour or activities that are likely to generate a public nuisance, including but not limited to panel beating and spray painting, auto electrician, builders yard, welding works, joinery;
- (b) Only goods which have been produced or assembled in the home occupation may be sold from the property;
- (c) No goods for sale shall be publicly displayed and no external evidence of the home occupation shall be visible from a public street, except for an advertising sign in accordance with clause (d);
- (d) No advertising sign shall be displayed other than a single un-illuminated sign or notice not projecting over a public street in accordance with Council's Outdoor Advertising and Signage By-Law, and such sign shall not exceed 0,2 m² in area;
- (e) No activities shall be carried out which constitute or are likely to constitute a source of public nuisance, or generate waste material which may be harmful to the area or which requires special waste removal processes;
- (f) Off-street parking shall be provided at a ratio of 1 parking bay per 25,0 m² area used for home occupation unless Council's approval is obtained to waive this requirement, and Council may at any stage require additional on-site parking if, in its opinion, the parking is not sufficient;
- (g) The total area used for all home occupation activity on a land unit, including storage, shall not consist of more than 25% of the total floor area of the dwelling units on the land unit or 50,0 m², whichever is the lesser area;
- (h) The storage of all goods and equipment connected with the home occupation, shall be inside a building or screened from neighbours and public street;
- (j) Not more than two vehicles may be used in connection with a home occupation and no one vehicle shall exceed 3 500 kg. gross weight;
- (k) The hours of operation shall not extend beyond 08h00 to 17h30 on Mondays to Fridays, and from 08h00 to 13h00 on Saturdays, and shall not include public holidays or Sundays; and
- (l) Council may, at any stage, call for a cessation of the home occupation activity or impose conditions in order to minimise any potential nuisance to surrounding neighbours or the general public.

Bed and Breakfast Establishment

5.1.5 In addition to 5.1.1(b), the following conditions shall apply where a portion of property is used as a bed and breakfast establishment, or where rooms are let to lodgers:

- (a) No more than three rooms per land unit shall be used for bedroom accommodation for paying guests or lodgers, and no more than six paying guests or lodgers shall be supplied with lodging or meals at any time;
- (b) No alcoholic beverages shall be sold unless a liquor license has been obtained, and alcoholic beverages may only be sold to resident guests for consumption on the premises with meals;
- (c) Guest rooms shall not be converted to, or used as, separate self-catering dwelling units,;
- (d) Meals may only be supplied to guests or lodgers who have lodging on the property, employees and bona fide residents;
- (e) No advertising sign shall be displayed other than a single un-illuminated sign or notice not projecting over a public street in accordance with Council's Outdoor Advertising and Signage By-Law, and such sign shall not exceed 0,2 m² in area;

- (f) Weddings, receptions, conferences, training or any similar activities are not permitted from a bed and breakfast establishment;
- (g) No activities shall be carried out which constitute, or are likely to constitute, a source of public nuisance; and
- (h) On-site parking shall be provided in accordance with the provisions of Chapter 19, provided that Council may at any stage require additional on-site parking if, in its opinion, the parking is not sufficient.

Home Child Care

- 5.1.6 In addition to 5.1.1(b) the following conditions shall apply where a portion of property is used for home child care:
- (a) No more than 6 children shall be enrolled at the home child care facility at a time;
 - (b) The services shall be primarily day care or educational and not medical;
 - (c) The services shall not operate outside the hours of 07h00 to 18h00 on Mondays to Fridays, and from 08h00 to 13h00 on Saturdays, and shall not include public holidays or Sundays;
 - (d) Areas for indoor play space and outdoor play space shall be provided in accordance with any health requirement or a policy plan as might be approved by Council from time to time, and outdoor play space shall be fenced off from any public street;
 - (e) No advertising sign shall be displayed, other than a single un-illuminated sign or notice, not projecting over a public street, and such sign shall not exceed 0,2 m² in area; and
 - (f) At least one off-street parking bay shall be provided, plus one additional parking bay which is suitable for the use of parents to drop off or collect their children, unless Council's approval is obtained to waive this requirement, and Council may at any stage require additional on-site parking if, in its opinion, the parking is not sufficient.

5.2 SINGLE RESIDENTIAL ZONE 2 : INCREMENTAL HOUSING (SR2)

Purpose

*The **SR2** zone facilitates upgrading and incremental housing from an informal settlement to a formal settlement. **SR2** may apply to individual land units or to blocks containing an informal settlement. In recognition of the realities of poor and marginalized communities, development rules are not very restrictive and local employment generation is encouraged within this zone. Once upgrading of an area has reached an appropriate stage, as determined by Council, it is contemplated that the area may be rezoned to **SR1** or another appropriate zone. All properties previously zoned as Informal Residential Zone are converted to SR2.*

Use of the Property

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

- (a) **Primary uses** are: dwelling house, second dwelling, utility service, private road, urban agriculture, open space, additional use rights as specified in (b).
- (b) **Additional use rights** which may be used by the occupant of any unit of accommodation are: shelter, house shop, home occupation, bed and breakfast establishment, home child care, informal trading, any educational, religious, occupational or business purpose, provided that:
 - (i) The dominant use of the unit shall remain residential;
 - (ii) No noxious trade, risk activity, adult entertainment business, adult services or adult shop are permitted;
 - (iii) No activities shall be carried out which constitute or are likely to constitute a source of nuisance, including the use of equipment that generates excessive noise, or any activity which results in the generation of dust, fumes, smoke, or waste material which could be detrimental to health, or which requires special waste removal processes;
 - (iv) Council may, at any stage, call for a cessation of the land use or activity, or impose conditions in order to minimise any potential nuisance to surrounding neighbours or the general public; and
 - (v) The development rules stipulated in 5.1.4, 5.1.5, 5.1.6, 5.2.3, 5.2.4 and 5.2.5, whichever is applicable, shall be adhered to.
- (c) **Consent uses** are: group housing, boarding house, place of worship, institution, clinic, place of assembly, place of instruction, office, restaurant, guest house, place of entertainment, service trade, authority use, rooftop base telecommunication station, wind turbine infrastructure.
- (d) **Multiple uses and buildings where no formal township exists**
Notwithstanding that primary uses, additional use rights and consent uses in this zone may be expressed in the singular, more than one such use is permitted where no formal township exists and it is not possible to identify individual land units.

Development Rules

5.2.2 The following development rules apply:

- (a) **Coverage**

The maximum coverage for all buildings on a property, as defined by Council, is 80%.

(b) Height

- (i) The maximum height of a building, measured from the base level to the top of the wall plate shall be 6,0 m for dwelling units and 8,0 m for all other buildings, and to the top of the roof shall be 8,0 m for dwelling units and 10,0 m for all other buildings.
- (ii) Earth banks and retaining structures are subject to 18.6.

(c) Building lines for a Formal Township

The following building lines apply to buildings, including shelters on land units zoned SR2 that have been subdivided in a formal township and where the subdivision has been confirmed in terms of Planning Law or other relevant law:

- (i) Street boundary building line: 1,0 m;
- (ii) Common boundary building line: Zero for 60% of the total linear distance along all common boundaries around the land unit and 1,5 m for the remainder, provided that:
 - no more than four dwelling units shall be attached to each other, and a common boundary building line of 1,0 m shall apply between a batch of four attached dwelling units and any adjacent dwelling unit, and
 - no doors or windows shall be erected in a wall that is less than 1,5 m from a common boundary.
- (iii) No more than two shelters shall be attached to each other without a space of at least 2,5 m between such shelters and any other building or shelter on the land unit, or on any adjacent land unit; and
- (iv) The general building line encroachments in 18.1 also apply.

(d) Building lines where no Formal Township exists

The following building lines apply to buildings, including shelters, on a property that has not been subdivided in a formal township:

- (i) Street boundary building line: Every building or shelter shall be set back at least 1,0 m from a street, road or the edge of a temporary road or thoroughfare, as defined by Council;
- (ii) Common boundary building line: 3,0 m on the perimeter of the property as defined by Council;
- (iii) Not more than 4 dwellings or shelters shall be attached to each other without a space of 2,5 m between such dwellings or shelters and any other building or shelter on the property concerned or on any adjacent property; and
- (iv) The general building line encroachments in 18.1 also apply.

(e) Parking and Access

- (i) Parking shall be provided on a property, as defined by Council, in accordance with the following "Table of Parking in Single Residential Zone 2":

Table of Parking in Single Residential Zone 2

Use of Property	Parking Standard
Shelter.	No parking required.
Dwelling house.	One parking bay, if required by Council.
Second dwelling, home occupation.	No parking required.
Other primary or consent uses.	As required by Council.

- (ii) The provisions of chapter 19, which relate to parking and access do not apply in this zone.

House Shop

5.2.3 The following conditions apply to a house shop:

- (a) The extent and position of the retail component shall be clearly defined on a plan, and excluding any toilet or change room, shall not exceed 40 m² or 40% of the total floor space of the dwelling, whichever is the lesser area;
- (b) In addition to the house shop, the property shall contain a dwelling which shall be occupied by the proprietor of the house shop;
- (c) Any new structure, or alteration to the existing dwelling house, second dwelling or outbuilding, shall conform to the residential character of the area;
- (d) No more than three persons in total shall be engaged in retail activities on the property, including the occupant or occupants and any assistants;
- (e) Only one un-illuminated sign is permitted, which shall be affixed to the wall of the house shop or boundary wall, and shall not exceed 0,5 m² in area;
- (f) The following are not permitted in a house shop: sale of alcoholic beverages, storage or sale of fireworks, storage of gas for sale, sale of gas containers, vending machines, gaming machines, video games or pool tables;
- (g) The area used for a house shop may not open directly onto a bedroom or toilet, and no goods which will be sold from the house shop may be stored in a bedroom or toilet;
- (h) No animals are permitted in the area used for a house shop;
- (j) The house shop shall be adequately ventilated and illuminated, and if perishable food is sold, Council may require refrigeration to be provided;
- (k) The house shop shall not operate outside the hours of 07h00 to 21h00 on Mondays to Saturdays and 08h00 to 13h00 on public holidays or Sundays; and
- (l) Not more than one vehicle may be used in connection with a house shop and shall not exceed 3 500 kg. gross weight, including delivery vehicles;

Shelter

5.2.4 The following conditions apply to a shelter:

- (a) It shall be the sole responsibility of the occupant or owner of the shelter to ensure the structural, habitability, fire resistance or other standards of a shelter; and
- (b) Any occupant or owner of a shelter who is instructed by Council to take action to remedy a public safety, health or fire risk, and who fails to do so, shall be guilty of an offence in terms of planning law.

Informal Trading

5.2.5 Informal trading is permitted on land which has been set aside as a road reserve or identified by Council as a future road reserve provided that:

- (a) no permanent structures are erected on the land;
- (b) there is no interference with pedestrian or vehicular movement, or with any Council utility services; and
- (c) there is, in Council's opinion, no threat to public health or safety.

Land Constructed or Identified for Roads

5.2.6 No building or shelter shall be erected on land which has been constructed as a road or identified by Council as a future road.

Land Used or Identified for Firebreaks

- 5.2.7 No building or shelter shall be erected on land which has been constructed, identified or demarcated by Council as a firebreak.

Approval of Building Plans

- 5.2.8 Notwithstanding the fact that individual land units may not have been created or transferred to individual beneficiaries, Council may approve building plans in terms of the National Building Act, subject to the requirements of that Act, for a building relating to a primary use or consent use except a shelter, provided Council is satisfied that:
- (a) the proposed building is acceptable as a permanent structure in terms of location and use, taking into account any plans to upgrade the area; and
 - (b) the applicant has permission from the owner of the land to erect the building.

CHAPTER 6: GENERAL RESIDENTIAL ZONES

The general residential zones are designed to provide a healthy, safe, and pleasant environment for urban living at higher densities, in order to promote efficient urban development, manage the pressure of urban growth and reduce urban sprawl. Different zones and sub-zones permit different levels of development intensity, particularly relating to height and floor space. Within these zones there are controlled opportunities for home employment and low intensity mixed use development.

6.1 GENERAL RESIDENTIAL SUB-ZONE 1 : GROUP HOUSING (GR1)

Purpose

*The **GR1** zone encourages group housing, which is a medium density form of residential development, where attention is given to aesthetics, architectural form and the inter-relationship between different components of the development. Opportunities are included for low-rise flats within a group housing project. GR1 also accommodates dwelling houses that are not part of a group housing scheme.*

Use of the Property

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

- (a) **Primary uses** are: dwelling house, group housing, private road, open space, additional use rights as specified in (b).
- (b) **Additional use rights** are: flats subject to the development rules in 6.1.4 and home occupation subject to 6.1.5.
- (c) **Consent uses** are: utility service, home child care, rooftop base telecommunication station.

Development Rules for Group Housing

6.1.2 The following development rules apply to group housing:

- (a) **Design Principles**
All buildings and structures shall be planned, designed and built as a harmonious architectural entity and special attention shall be given to aesthetics, architectural co-ordination, urban design and landscaping.
- (b) **Density**
The maximum gross density shall be 30 dwelling units per hectare on a group housing site.
- (c) **Height**
 - (i) The maximum height of a building, measured from the base level to the top of the wallplate shall be 8,0 m, and to the top of the roof shall be 10,0 m.
 - (ii) Earth banks and retaining structures are subject to 18.6.
- (d) **Open Space**
Within a group housing site, outdoor space of at least 50 m² per dwelling unit shall be provided, which may include private or communal open space or any functional outdoor space which is inaccessible for motor vehicles, but excludes roads, service yards and parking areas.

(e) Building Lines along the Perimeter of a Group Housing site

The following building lines apply along the perimeter of a group housing site:

- (i) Street boundary building line:
A street boundary building line of 5,0 m applies where the group housing site abuts an external public street.
- (ii) Common boundary building lines:
The common boundary building lines are 3,0 m along the perimeter of the group housing site.
- (iii) The general building line encroachments in 18.1 apply.

(f) Building Lines within the Group Housing site

The following building lines apply within a group housing site:

- (i) Street boundary building lines on internal roads are zero; provided that any garage door facing the road shall be set back at least 5,0 m from the road kerb;
- (ii) Common boundary building lines within the group housing site are zero unless Council requires a building line for fire fighting purposes, in which case the common boundary building lines shall be 3,0 m;
- (iii) The general building line encroachments in 18.1 apply.

(g) Parking and Access

- (i) Parking and access shall be provided in accordance with chapter 19.
- (ii) Parking may be provided at the group houses concerned, or part of the required parking at some of the group houses and the remainder in the form of communal parking, or the entire requirement may be provided in the form of communal parking.

Site Development Plan

6.1.3 A site development plan of the proposed group housing scheme shall be submitted to Council in terms of 18.3, Council's approval shall be obtained, and the development of the group housing site shall be generally in accordance with the approved site development plan.

Flats as an Additional Use Right in a Group Housing Scheme

6.1.4 The following conditions apply to flats as an additional use right in this zone:

- (a) The flats shall form an integrated part of the group housing site and shall comply with the development rules for group housing;
- (b) The total floor space of flats shall not exceed 40% of the total floor space of all buildings on the group housing site; and
- (c) The open space requirement for dwelling units in a group housing site shall apply.

Home Occupation

6.1.5 The following conditions apply to home occupation as an additional use right in this zone:

- (a) The owner shall obtain the comment of the relevant Owners' Association or all the owners within such group housing scheme if the Owners' Association is not functioning; and
- (b) The provisions of 5.1.4 shall apply.

Development Rules for a Dwelling House Outside a Group Housing Scheme

- 6.1.6 A dwelling house, that does not form part of a group housing scheme, is exempt from the development rules for group housing.
- 6.1.7 The following conditions apply to a dwelling house that does not form part of a group housing scheme:
- (a) A second dwelling is permitted subject to the provisions for second dwelling in Single Residential Zone 1;
 - (b) Additional use rights applicable to a dwelling house in Single Residential Zone 1 shall also apply to a dwelling house in this zone;
 - (c) The development rules for erven greater than 350,0 m and not exceeding 500,0 m as stipulated in the "Table of Coverage, Height, Floor Space and Building Lines in Single Residential Zone 1" in 5.1.2 shall apply;
 - (d) Parking and access shall be provided on the land unit in accordance with Chapter 19; and
 - (e) The requirements for garages and carports in Single Residential Zone 1 shall apply.

6.2 GENERAL RESIDENTIAL: SUB-ZONES GR2, GR3, GR4, GR5, GR6

Purpose

*The **GR** zones promote higher density residential development including blocks of flats. Different development rules apply to different sub zones, particularly with regard to height and floor space, in order to accommodate variations of built form. **GR2** accommodates flats of relatively low height and floor space, **GR3** and **GR4** cater for flats of medium height and floor space while **GR5** and **GR6** accommodate higher rise flats. The dominant use is intended to be residential, but limited mixed-use development is possible.*

Use of the Property

6.2.1 The following use restrictions apply to property in General Residential Sub-Zones GR2, GR3, GR4, GR5 and GR6:

- (a) **Primary uses** subject to (c) are: dwelling house, second dwelling, group housing, boarding house, flats, guest house, private road, open space.
- (b) **Consent uses** subject to (c) are: utility service, place of instruction, place of worship, institution, hospital, place of assembly, home occupation, shops, hotel, conference facility, rooftop base telecommunication station.
- (c) Notwithstanding the primary and consent uses specified in (a) and (b), if the only vehicle access to the property is from an adjacent road reserve that is less than 9,0 m wide, no building is permitted other than a dwelling house or second dwelling.

Development Rules for Flats, Boarding Houses and Hotels

6.2.2 The following development rules apply to flats, boarding houses and hotels.

(a) **Coverage**

The coverage for all buildings on the land unit in each sub zone is determined in accordance with the following "Table of Coverage, Height and Floor Factors in General Residential Sub Zones GR2-GR6".

(b) **Floor Factor**

The maximum floor factor for all buildings on the land unit in each sub-zone shall be determined in accordance with the following "Table of Coverage, Height and Floor Factors in General Residential Sub Zones GR2-GR6".

(c) **Height**

- (i) The maximum height of a building, measured from the base level to the top of the roof, shall be determined in accordance with the following "Table of Coverage, Height and Floor Factors in General Residential Sub Zones GR2 – GR6".
- (ii) Earth banks and retaining structures are subject to 18.6.

Table of Coverage, Height and Floor Factors in General Residential Sub Zones GR2-GR6

Sub-zone	Coverage	Floor factor	Maximum height above the base level to top of roof
GR2	50%	1,0	15,0 m
GR3	50%	1,0	20,0 m
GR4	50%	1,5	24,0 m
GR5	50%	2.5	35,0 m
GR6	50%	5,0	50,0 m

(d) **Street Centreline Setback**

Council may require a street centreline setback, in which case:

- (i) any flats, boarding houses or hotels shall be setback 8,0 m from the centre line of the abutting public street or streets; and
- (ii) the provisions of 18.2 shall apply.

(e) **Building Lines**

- (i) No building shall be erected so that any point on the building is nearer to a street boundary or a common boundary than the distance specified in the following "Table of Building Lines in General Residential Sub Zones GR2-GR6", provided that:
 - the symbol "H" means the height in metres of the point concerned above the base level, and
 - where two alternative building lines are prescribed, the greater of the two building lines shall apply.
- (ii) An outbuilding is permitted within the common boundary building line provided the outbuilding is not higher than 3,5 m from the base level of the outbuilding to the top of roof.
- (iii) The general building line encroachments in 18.1 apply.

Table of Building Lines in General Residential Sub Zones GR2-GR6

Sub Zone	Street Boundary Building Lines		Common Boundary Building Lines	
	For points up to 25,0 m above base level	For points over 25,0 m above base level	For points up to 25,0 m above base level	For points over 25,0 m above base level
GR2	4,5 m or 0.6H	N/A	4,5 m or 0.6H	N/A
GR3	4,5 m or 0.6H	N/A	4,5 m or 0.6H	N/A
GR4	4,5 m or 0.6H	N/A	4,5 m or 0.6H	N/A
GR5	4,5 m or 0.6H	15,0 m	4,5 m or 0.6H	15,0 m
GR6	4,5 m or 0.6H	15,0 m	4,5 m or 0.6H	15,0 m

(f) **Parking and Access**

Parking and access shall be provided on the land unit in accordance with chapter 19.

(g) **Screening**

Council may require screening in accordance with 18.5.

(h) **Wind Mitigation**

Council may:

- (i) require an assessment of how wind will affect the proposed building and its local surroundings; and
- (ii) impose conditions to mitigate adverse wind effects and ensure implementation of mitigation measures by the owner.

Dwelling House, Second Dwelling

6.2.3 The development rules for dwelling house and second dwelling in Single Residential Zone 1 shall apply to a dwelling house and second dwelling in this zone.

Group Housing

6.2.4 The development rules for group housing in General Residential Zone 1 shall apply to group housing in this zone.

Institution, Place of Instruction, Place of Assembly

6.2.5 The development rules which apply to an institution, place of instruction and place of assembly in 7.1.2 shall apply for these use types in this zone; provided that where the institution, place of instruction or place of assembly is situated within a building which is also used for flats or a boarding house, then the coverage, height and building line requirements for the flats or boarding house shall apply.

Shops

6.2.6 Council may grant its approval for a shop or shops to be incorporated within the ground floor of a block of flats; provided that:

- (a) a policy plan for the area in which such property is situated makes provision for mixed or commercial uses; and
- (b) the gross leasable area of the shops does not exceed 1000,0 m², or 25% of the floor space of the ground floor, whichever is the lesser.

CHAPTER 7: COMMUNITY ZONES

The Community zones are intended for social uses directed at community needs such as educational, religious, welfare or health services. Community buildings are important social and urban design focal points, and prominent architectural forms should be encouraged. There are two community zones, with CO1 serving predominantly local community needs, and CO2 which caters for a wider community and potentially a greater intensity of development.

7.1 COMMUNITY ZONE 1: LOCAL (CO1)

Purpose

*The **CO1** zone provides for local educational, worship and health needs as primary uses, but allowance is made for Council to approve other community needs which may have a greater impact.*

Use of the Property

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

- (a) **Primary uses** are: place of instruction, place of worship, clinic, rooftop base telecommunication station, open space.
- (b) **Consent uses** are: institution, hospital, place of assembly, cemetery, freestanding base telecommunication station, urban agriculture.

Development Rules

7.1.2 The following development rules apply:

- (a) **Floor factor**
The floor factor on the land unit shall not exceed 0,8.
- (b) **Coverage**
The coverage for all buildings on the land unit shall not exceed 60%.
- (c) **Height**
 - (i) The maximum height of a building, measured from the base level to the top of the roof, shall be 12,0 m, provided that there is no height limit for a bell tower, steeple, minaret or similar architectural feature designed to accentuate the significance of a building.
 - (ii) Earth banks and retaining structures are subject to 18.6.
- (d) **Street Boundary Building Line**
The street boundary building line is 5,0 m, subject to the general building line encroachments in 18.1.
- (e) **Common Boundary Building Line**
Common boundary building lines are 5,0 m, subject to the general building line encroachments in 18.1.

(f) **Parking and Access**

Parking and access shall be provided on the land unit in accordance with chapter 19.

(g) **Loading**

Loading bays shall be provided on the land unit in accordance with 19.4.

(h) **Screening**

Council may require screening in accordance with 18.5.

(j) **Noise Mitigation**

Council may require the owner to install noise mitigation measures if excessive noise is created or likely to be created.

7.2 COMMUNITY ZONE 2: REGIONAL (C02)

Purpose

*The **C02** zone provides for a full range of institutional and community needs, which can be of a local or regional scale, and include health and welfare as well as religious and educational services.*

Use of the Property

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

- (a) **Primary uses** are: institution, hospital, place of instruction, place of worship, place of assembly, rooftop base telecommunication station, open space.
- (b) **Consent uses** are: boarding house, conference facility, cemetery, crematorium, funeral parlour, freestanding base telecommunication station, wind turbine infrastructure, urban agriculture.

Development Rules

7.2.2 The following development rules apply:

- (a) **Floor Factor**
The floor factor shall not exceed 2.0.
- (b) **Coverage**
The coverage for all buildings on the land unit shall not exceed 60%.
- (c) **Height**
 - (i) The maximum height of a building, measured from the base level to the top of the roof, shall be 18,0 m, provided that there is no height limit for a bell tower, steeple, minaret or similar architectural feature designed to accentuate the significance of a building.
 - (ii) Earth banks and retaining structures are subject to 18.6.
- (d) **Street Boundary Building Line**
The street boundary building line is 5,0 m, subject to the general building line encroachments in 18.1.
- (e) **Common Boundary Building Line**
Common boundary building lines are 5,0 m, subject to the general building line encroachments in 18.1.
- (f) **Parking and Access**
Parking and access shall be provided in accordance with the provisions of chapter 19.
- (g) **Loading**
Loading bays shall be provided on the land unit in accordance with 19.4.
- (h) **Screening**
Council may require screening in accordance with 18.5.

(j) **Noise Mitigation**

Council may require the owner to install noise mitigation measures if excessive noise is created or likely to be created.

CHAPTER 8: LOCAL BUSINESS ZONES

Intermediate Business Zone (LB1) creates a suitable interface between business districts and adjacent residential areas, where low impact offices and associated uses are permitted, but where higher impact retail uses are controlled. Local Business Zone 2 is appropriate for local neighbourhood shops, and allows for a range of compatible land uses.

8.1 LOCAL BUSINESS ZONE 1: INTERMEDIATE BUSINESS (LB1)

Purpose

*The **LB1** zone provides an intermediate zone, which can act as a buffer or interface between general business zones or other high intensity non-residential uses, and residential areas. The dominant uses should be for residential, office and associated purposes, but limited retail activities are possible with Council's approval.*

Use of the Property

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

- (a) **Primary uses** are: office, dwelling house, boarding house, utility service, flats, additional use rights as specified in (b).
- (b) **Additional use rights** which may be used by the occupant of a dwelling house are second dwelling, home occupation or house shop or bed and breakfast establishment or home child care subject to the development rules of 8.1.3, 8.1.4 or 8.1.5, whichever is applicable.
- (c) **Consent uses** are: place of instruction, place of worship, institution, clinic, place of assembly, guest house, shop, informal trading, service trade, rooftop base telecommunication station, wind turbine infrastructure.

Development Rules

8.1.2 The following development rules apply:

- (a) **Floor Factor**
The floor factor shall not exceed 0,8.
- (b) **Coverage**
The maximum coverage is determined in accordance with the area of the land unit as shown in the following "Table of Coverage, Height and Building Lines in Local Business Zone 1".
- (c) **Height**
 - (i) The maximum height of a building, measured from the base level to the top of the wallplate and to the top of the roof, shall be determined in accordance with the area of the land unit as shown in the following "Table of Coverage, Height and Building Lines in Local Business Zone 1".
 - (ii) Earth banks and retaining structures are subject to 18.6.

(d) Building Lines

The street and common boundary building lines are determined in accordance with the area of the land unit as shown in the following "Table of Coverage, Height and Building Lines in Local Business Zone 1", subject to:

- (i) the general building line encroachments in 18.1;
- (ii) where a property smaller than 350 m² abuts a property larger than 350 m², the smaller property shall have a common boundary building line of 1,5 m along the total length of its boundary with the larger property; and
- (iii) provisions relating to garages and carports as stipulated in (e).

**Table of Coverage, Height and Building Lines
in Local Business Zone 1**

Area of land unit m ²	Coverage	Maximum height above the base level		Street boundary building line	Common boundary building line
		To wallplate	To top of roof		
Greater than 1000	50 %	9,0 m	11,0 m	3,5 m	3,0 m
Greater than 500 and not exceeding 1000	50 %	9,0 m	11,0 m	3,5 m	1,5 m
Greater than 350 and not exceeding 500	60 %	6,0 m	8,0 m	3,5 m	Zero for 30% of the linear distance along all common boundaries around the land unit and 1,5 m for the remainder.
Greater than 200 and not exceeding 350	75 %	6,0 m	8,0 m	3,5 m	Zero for 60% of the linear distance along all common boundaries around the land unit and 1,5 m for the remainder, subject to (d) (ii).
Less than or equal to 200	80 %	6,0 m	8,0 m	1,0 m	

(e) Garages and Carports

- (i) A garage or carport is permitted within the common boundary building line provided the garage or carport:
 - does not extend higher than 3,5 m from the base level to top of roof; and
 - does not contain more than a double garage façade with a maximum width of 6,5 m.
- (ii) For land units of 500 m² and less, a garage or carport is permitted up to 1,5 m from the street boundary provided the garage or carport:
 - is not higher than 3,5 m from the base level to top of roof; and
 - does not contain more than a double garage façade with a maximum width of 6.5 m.
- (iii) For land units exceeding 500 m², a garage or carport shall not be closer than 5,0 m from the street boundary, notwithstanding the street building line.

(f) Parking and Access

Parking, and access shall be provided on the land unit in accordance with chapter 19.

(g) **Loading**

Loading bays shall be provided on the land unit in accordance with 19.4.

(h) **Screening**

Council may require screening in accordance with 18.5.

Home occupation, Bed and breakfast establishment, Home child care,

8.1.3 The conditions for a home occupation, bed and breakfast establishment and home child care in this zone shall be the same as those of Single Residential Zone 1.

Second Dwelling

8.1.4 The conditions for a second dwelling in this zone shall be the same as those of Single Residential Zone 1.

House Shop

8.1.5 The following conditions apply to a house shop:

- (a) The extent and position of the retail component shall be clearly defined on a plan, and excluding any toilet or change room, shall not exceed 40 m² or 40% of the total floor space of the dwelling, whichever is the lesser area;
- (b) In addition to the house shop, the property shall contain a dwelling which shall be occupied by the proprietor of the house shop;
- (c) No more than three persons in total shall be engaged in retail activities on the property, including the occupant or occupants and any assistants;
- (d) Only one un-illuminated sign is permitted, which shall be affixed to the wall of the house shop or boundary wall, and shall not exceed 0,5 m² in area;
- (e) The following are not permitted in a house shop unless the approval of Council is obtained: sale of alcoholic beverages, storage or sale of fireworks, storage or sale of gas and gas containers, vending machines, gaming machines, video games or pool tables;
- (f) The area used for a house shop may not open directly onto a bedroom or toilet, and no goods which will be sold from the house shop may be stored in a bedroom or toilet;
- (g) No animals are permitted in the area used for a house shop;
- (h) The house shop shall be adequately ventilated and illuminated, and if perishable food is sold, Council may require refrigeration to be provided.
- (j) The house shop shall not operate outside the hours of 07h00 to 21h00 on Mondays to Saturdays and 08h00 to 13h00 on public holidays or Sundays; and
- (k) Not more than one vehicle may be used in connection with a house shop and shall not exceed 3 500 kg. gross weight, including delivery vehicles;

8.2 LOCAL BUSINESS ZONE 2 : LOCAL BUSINESS (LB2)

Purpose

*The **LB2** zone provides for low intensity commercial and mixed use development which serves local needs for convenience goods and personal services. Limitations are placed on the scale of such development so that it is capable of integration into the adjacent residential neighbourhood, without adversely affecting the amenity of the neighbourhood.*

Use of the Property

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

- (a) **Primary uses** are: shop, office, dwelling house, second dwelling, boarding house, flats, place of instruction, place of worship, institution, clinic, guest house, service trade, utility service, rooftop base telecommunication station, private road, open space.
- (b) **Consent uses** are: place of assembly, informal trading, restaurant, sale of alcoholic beverages, funeral parlour, place of entertainment, adult shop, business premises, supermarket, plant nursery, hotel, conference facility, motor repair garage, service station, authority use, freestanding base telecommunication station, wind turbine infrastructure transport use, multiple parking garage.

Development rules

8.2.2 The following development rules apply:

- (a) **Floor Factor**
The floor factor on the land unit shall not exceed 1,0.
- (b) **Coverage**
The coverage for all buildings on the land unit shall not exceed 75%.
- (c) **Height**
 - (i) The maximum height of a building, measured from the base level to the top of the roof shall be 12,0 m.
 - (ii) Earth banks and retaining structures are subject to 18.6.
- (d) **Street Centreline Setback**
Council may require a street centreline setback, in which case:
 - (i) all buildings or structures on the land unit shall be setback 8,0 m from the centre line of the abutting public street or streets; and
 - (ii) the provisions of 18.2 shall apply.
- (e) **Street Boundary Building Line**
The street boundary building line is zero subject to:
 - (i) the street centreline setback restriction;
 - (ii) minor architectural and sun screen features may project beyond the street boundary building line provided that such features do not project more than 250 mm beyond the street boundary; and
 - (iii) for service stations the street boundary building line is 5,0 m subject to the general building line encroachments in 18.1.

(f) **Common Boundary Building Line**

The common boundary building lines are zero.

(g) **Canopy Projection**

Council may require, and may approve, a canopy projection over the street boundary in accordance with the following conditions:

- (i) The canopy shall not project nearer than 500 mm to a vertical plane through the kerb line or proposed kerb line;
- (ii) No portion of a canopy projection shall be less than 2,8 m above the pavement;
- (iii) Council may lay down more restrictive requirements relating to the dimensions, design and materials of the canopy; and
- (iv) The owner shall enter into an encroachment agreement with Council in the case of a canopy projection.

(h) **Street Corners**

Council may require that the owner of a building which is to be situated at a public street corner and which Council considers to be significant, shall incorporate in the building architectural features which focus visual interest on the corner, and which emphasize the importance of pedestrian movement around the corner; and such features may include building cut-offs, walkthrough covered arcades, plazas or other elements.

(j) **Parking and Access**

Parking and access shall be provided on the land unit in accordance with chapter 19.

(k) **Loading**

Loading bays shall be provided on the land unit in accordance with 19.4.

(l) **Screening**

Council may require screening in accordance with 18.5.

Additional Development Rules for a Service Station and Motor Repair Garage

8.2.3 The following additional development rules apply to a service station and motor repair garage:

- (a) Any part of the property of a service station which is used for the repair of motor vehicles, the storage of inoperable motor vehicles or parts of motor vehicles, empty containers such as oil drums and packing cases, or any other scrap, shall be enclosed with a solid screen wall, to the satisfaction of Council, at least 2,0 m high, or contained in a building;
- (b) Any service station or motor repair garage that supplies fuel shall comply with the following access requirements:
 - (i) The width of motor vehicle carriageway crossings over the street boundary, whether one way or two way, shall not exceed 8.0 m;
 - (ii) A wall, at least 100 mm thick and 200 mm high, shall be erected on the street boundary between different motor vehicle carriageway crossings, and the wall shall continue along such boundary unless the property is otherwise enclosed;

- (iii) The motor vehicle carriageway crossings shall be limited to two per site unless the total length of a street boundary exceeds 30,0 m, in which case one additional motor vehicle carriageway crossing may be permitted;
- (iv) At the point where it crosses the street boundary, a motor vehicle carriageway crossing shall not be closer than:
 - 30,0 m to the intersection of a metropolitan road and with any other road of a like status;
 - 30,0 m to the nearest point of an intersection where traffic is controlled, or is proposed to be controlled, by a traffic signal or traffic island;
 - 10,0 m from the corner of an intersection not referred to above, if such intersection is not splayed, or 5,0 m from the point where the splay meets the road boundary if such intersection is splayed;
 - 1,5 m from a side boundary;
- (v) No fuel pump shall be erected so that the base or island on which the pump stands is less than 3,5 m from the nearest street boundary.

Informal Trading

- 8.2.4 Informal trading shall only be permitted on sites demarcated for informal trading in terms of Council's by-law on informal trading.

CHAPTER 9: GENERAL BUSINESS AND MIXED ZONES

The general business zones are designed to promote economic development in business districts and development corridors, and include a wide range of land uses such as business, residential and community uses, although industrial development is restricted. By contrast, the mixed zones are suitable for completely mixed areas in terms of land use, including industrial, business and residential development. Such mixed zones need to be applied with care to ensure that conflict between residential and industrial development is minimised.

9.1 GENERAL BUSINESS: SUB-ZONES GB1, GB2, GB3, GB4, GB5, GB6, GB7

Purpose

*The **GB** zones provide for general business activity and mixed-use development of a medium to high intensity. Different development rules apply to the different sub-zones of **GB1 - GB7**, particularly with regard to permitted height and floor space, in order to accommodate variations of built form within the city. Very few restrictions relate to use because the aim is to encourage a range of uses, but industry is not permitted.*

Use of the Property

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

- (a) **Primary uses** are: business premises, dwelling house, second dwelling, boarding house, flats, place of instruction, place of worship, institution, hospital, place of assembly, place of entertainment, hotel, conference facility, service trade, authority use, utility service, rooftop base telecommunication station, multiple parking garage, private road, open space, additional use rights as specified in (b).
- (b) **Additional use rights** are: adult shop subject to the provisions of 9.1.4.
- (c) **Consent uses** are: adult entertainment business, adult services, funeral parlour, informal trading, expo-centre, motor repair garage, warehouse, freestanding base telecommunication station, wind turbine infrastructure, transport use, helicopter landing pad, service station.

Development Rules

9.1.2 The following development rules apply:

- (a) **Coverage**
The maximum coverage for all buildings on the land unit is 100%.
- (b) **Street Centreline Setback**
Council may require a street centreline setback, in which case:
 - (i) all buildings or structures on the land unit shall be setback 8,0 m from the centre line of the abutting public street or streets; and
 - (ii) the provisions of 18.2 shall apply.
- (c) **Floor Factor**
The maximum floor factor on the land unit shall be determined in accordance with the following "Table of Height and Floor Factors in General Business Zones" subject to clauses (f), (g) and (h) which provide concessions in response to specified development initiatives that the Council aims to encourage.

(d) Height

- (i) The maximum height of a building, measured from the base level to the top of the roof, shall be determined in accordance with the following "Table of Height and Floor Factor in General Business Zones".
- (ii) Earth banks and retaining structures are subject to 18.6.

Table of Height and Floor Factors in General Business Zones

Sub zone	Maximum height above base level to top of roof	Floor factor
GB1	15,0 m	1,5
GB2	15,0 m	2,0
GB3	25,0 m	2,0
GB4	25,0 m	3,0
GB5	25,0 m	4,0
GB6	35,0 m	6,0
GB7	60,0 m	12,0

(e) Building Line

- (i) No building shall be erected so that any point on the building is nearer to a street or common boundary than the distance specified in the following "Table of Building Lines in General Business Zones", where the symbol "H" means the height in metres of the point concerned above the base level.
- (ii) Minor architectural and sun screen features may project beyond the street boundary building line provided that such features do not project more than 250 mm beyond the street boundary.
- (iii) The general building line exemption in 18.1 shall apply.

Table of Building Lines in General Business Zones

Sub zone	Street Building Lines and Common Building Lines			
	For all points on a building above base level			
	up to 10,0 m	over 10,0 m and up to 25,0 m	over 25,0 m and up to 35,0 m	over 35,0 m
GB1	0 m	4,5 m	N/A	N/A
GB2	0 m	4,5 m	N/A	N/A
GB3	0 m	4,5 m	N/A	N/A
GB4	0 m	4,5 m	N/A	N/A
GB5	0 m	0 m	N/A	N/A
GB6	0 m	0 m	(H minus 25,0m) divided by 2	N/A
GB7	0 m	0 m	0 m	(H minus 35,0m) divided by 2

(f) Residential incentive for GB7

The floor factor of land that is zoned GB7 may be increased by 30% provided that at least 30% of the floor space of buildings erected thereon is developed and remains in use as flats.

(g) Hotel floor space concessions

Where it is proposed to erect a hotel of at least 30 bedrooms within these sub zones, the following portions of such hotel shall be disregarded when calculating the total floor space of the building:

- (i) Rooms which are used by residents and visitors as dining rooms, banqueting rooms, bars, restaurants, ballrooms, rooms for games and sports, lounges, sitting rooms, reading rooms, writing rooms and conference rooms;
- (ii) Public foyers and areas comprising public or communal stoeps, verandahs, balconies, terraces or sun decks used by hotel residents or visitors;
- (iii) Barber shops, hairdressing salons, florists and similar enterprises within the hotel for the exclusive use of hotel residents;
- (iv) Offices forming part of the hotel premises, used solely for the administration and management of the hotel;
- (v) Kitchens, sculleries, laundries and similar service facilities forming part of the hotel premises;
- (vi) Storerooms appurtenant to the hotel;
- (vii) Staff quarters appurtenant to the hotel, including corridors, stairs and other means of access within such staff quarters, including all appurtenant kitchens, dining rooms, recreation rooms, laundries and other such rooms for the exclusive use of staff.

If, in the opinion of Council, a room is primarily for the use of persons other than hotel residents, staff or visitors, such room shall be included in the floor space calculation of the building notwithstanding that it may be referred to in (i) to (vii), and any rooms which are not specifically referred to in subsections (i) to (vii) above shall also be included in floor space calculation of the building.

(h) Canopy or Balcony Projection

Council may require, and may approve, a canopy or balcony projection over the street boundary in accordance with the following conditions:

- (i) The canopy or balcony shall not project nearer than 500 mm to a vertical plane through the kerb line or proposed kerb line;
- (ii) No portion of a canopy or balcony projection shall be less than 2,8 m above the pavement;
- (iii) Council may lay down more restrictive requirements relating to the dimensions, design and materials of the canopy or balcony; and
- (iv) The owner shall enter into an encroachment agreement with Council and register a servitude area in the case of a balcony projection.

(j) Public Pedestrian Way along the Street Boundary

If the owner provides a public pedestrian way of at least 3,0 m wide on the land unit, next to a building situated alongside the street boundary, with a canopy and pavement that ties in with the street pavement, and which is accessible to the public at all times, then in recognition of the urban design contribution to the street environment, the

maximum floor space of the building may be increased by twice the area of the public pedestrian way.

(k) **Street Corners**

Council may require that the owner of a building which is to be situated at a public street corner and which Council considers to be significant, shall incorporate in the building architectural features which focus visual interest on the corner, and which emphasize the importance of pedestrian movement around the corner; and such features may include building cut-offs, walkthrough covered arcades, plazas or other elements.

(l) **Parking and Access**

- (i) Parking and access shall be provided on the land unit in accordance with chapter 19.
- (ii) Except with the approval of Council, no parking bays at ground floor level on the land unit, either outside or within a building, shall be located closer than 10,0 m to the street boundary, in order to enhance the amenity of the street level.

(m) **Loading**

Loading bays shall be provided on the land unit in accordance with 19.4.

(n) **Screening**

Council may require screening in accordance with 18.5.

(o) **Wind Mitigation**

Council may:

- (i) require an assessment of how wind will affect the proposed building and its local surroundings; and
- (ii) impose conditions to mitigate adverse wind effects and ensure implementation of mitigation measures by the owner.

Service Station, Motor Repair Garage

9.1.3 The development rules applicable to a service station and motor repair garage in Local Business Zone 2 shall also apply to a service station and motor repair garage in this zone.

Adult Shop

9.1.4 The following development rules shall apply to an adult shop:

- (a) An adult shop shall not be located within a shopping centre larger than 2500 m² or within 100,0 m walking distance of an existing adult shop, adult entertainment or adult services premises;
- (b) The street front and entrance shall be discrete and unobtrusive, and no pornographic, sexually explicit or erotic material shall be visible from outside the premises;
- (c) Outdoor signage must comply with any relevant Council by-law or policy plan and shall be minimal;
- (d) No form of public address or sound amplification shall be audible from outside the premises.

Informal Trading

- 9.1.5 Informal trading shall only be permitted on sites demarcated for informal trading in terms of Council's by-law on informal trading.

9.2 MIXED USE SUB ZONES : MU1, MU2 AND MU3

Purpose

The **MU** zones accommodate a mixture of business, appropriate industrial and residential development. These zones are particularly suitable at the interface between general business and industrial zones. Certain uses that could have a negative impact on the surrounding area require the approval of Council. Different development rules apply to the different sub-zones of **MU1**, **MU2** and **MU3**, particularly with regard to permitted height and floor space.

Use of the Property

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

- (a) **Primary uses** are: business premises, industry, dwelling house, second dwelling, boarding house, flats, place of instruction, place of worship, institution, hospital, place of assembly, place of entertainment, hotel, conference facility, authority use, utility service, rooftop base telecommunication station, transport use, multiple parking garage, private road, open space, additional use rights specified in (b).
- (b) **Additional use rights** are: adult shop subject to the provisions of 9.2.4.
- (c) **Consent uses** are: adult entertainment business, adult services, funeral parlour, informal trading, expo-centre, scrap yard, freestanding base telecommunication station, wind turbine infrastructure, helicopter landing pad, service station, motor repair garage.

Development Rules

9.2.2 The following development rules apply:

- (a) **Floor Factor, Coverage and Height**
 - (i) The maximum floor factor and coverage for all buildings on the land unit shall be determined in accordance with the following "Table of Floor Factor, Coverage and Height in Mixed Use Zones".
 - (ii) The maximum height of a building, measured from the base level to the top of the roof, shall be determined in accordance with the following "Table of Floor Factor, Coverage and Height in Mixed Use Zones".
 - (iii) Earth banks and retaining structures are subject to 18.6.

Table of Floor Factor, Coverage and Height in Mixed Use Zones

Sub-zone	Floor Factor	Coverage	Maximum height above base level to top of roof
MU1 - moderate intensity	1,5	75%	15,0 m
MU2 - medium intensity	4,0	100%	25,0 m
MU3 - high intensity	6,0	100%	35,0 m

- (b) **Street Centreline Setback**

Council may require a street centreline setback, in which case:

- (i) all buildings or structures on the land unit shall be setback 8,0 m from the centre line of the abutting public street or streets; and
- (ii) the provisions of 18.2 shall apply.

(c) Building Lines

- (i) No building shall be erected so that any point on the building is nearer to a street or common boundary than the distance specified in the following "Table of Building Lines in Mixed Use Zones", where the symbol "H" means the height in metres of the point concerned above the base level.
- (ii) Minor architectural and sun screen features may project beyond the street boundary building line provided that such features do not project more than 250 mm beyond the street boundary;

Table of Building Lines in Mixed Use Zones

Sub zone	Street Building Lines and Common Building Lines		
	For all points on a building above base level		
	up to 10,0 m	over 10,0 m and up to 25,0 m	over 25,0 m and up to 35,0 m
MU1	0 m	4,5 m	N/A
MU2	0 m	4,5 m	N/A
MU3	0 m	0 m	(H minus 25,0m) divided by 2

(d) Canopy or Balcony Projection

Council may require and may approve, a canopy or balcony projection over the street boundary in accordance with, but not limited to, the following conditions:

- (i) The canopy or balcony shall not project nearer than 500 mm to a vertical plane through the kerb line or proposed kerb line;
- (ii) No portion of a canopy or balcony projection shall be less than 2,8 m above the pavement;
- (iii) Council may lay down more restrictive requirements relating to the dimensions, design and materials of the canopy or balcony; and
- (iv) The owner shall enter into an encroachment agreement with Council and register a servitude area in the case of a balcony projection.

(e) Parking and Access

- (i) Parking and access shall be provided on the land unit in accordance with chapter 19.
- (ii) Except with the approval of Council, no parking bays at ground floor level on the land unit, either outside or within a building, shall be located closer than 10,0 m to the street boundary, in order to enhance the amenity of the street level.

(f) Loading

Loading bays shall be provided on the land unit in accordance with 19.4.

(g) Screening

Council may require screening in accordance with 18.5.

Service Station, Motor Repair Garage

9.2.3 The development rules applicable to a service station and motor repair garage in Local Business Zone 2 shall also apply to a service station and motor repair garage in this zone.

Adult Shop

9.2.4 The development rules applicable to an adult shop in the General Business Zone shall also apply to an adult shop in this zone.

Informal Trading

9.2.5 Informal trading shall only be permitted on sites demarcated for informal trading in terms of Council's by-law on informal trading.

CHAPTER 10: INDUSTRIAL ZONES

The industrial zones are designed to accommodate manufacturing and related processes, ranging from general industrial uses which may have some impact on surrounding areas, to hazardous or noxious uses which have a potentially high impact and must be carefully managed. Industrial development has particular requirements for road and waste infrastructure, and industrial zoned land should generally be reserved for industrial purposes to optimise this infrastructure and mitigate potential impacts. In the General Industrial Zone two different sub-zones accommodate variations of built form, and opportunities are provided for consent uses associated with industrial areas, such as factory shops. A specific zone is provided for noxious and risk industries.

10.1 GENERAL INDUSTRY SUB-ZONES: GI1 AND GI2

Purpose

*The **GI** zone accommodates all forms of industry, except noxious trade and risk activity, in order to promote the manufacturing sector of the economy. Some allowance is made for non-industrial activities, but these should not compromise the general use of the area zoned for industry. It is accepted that the intensive nature of the industrial activity or the scale of the operation could generate some negative impact on adjacent properties.*

Use of the Property

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

- (a) **Primary uses** are: industry, restaurant, service station, motor repair garage, funeral parlour, scrap yard, abattoir, authority use, utility service, crematorium, rooftop base telecommunication station, freestanding base telecommunication station, transport use, multiple parking garage, agricultural industry, private road, open space, additional use rights as stipulated in (b).
- (b) **Additional use rights** are: factory shop, adult shop, subject to the provisions of 10.1.5 or 10.1.6, whichever is applicable.
- (c) **Consent uses** are: place of worship, institution, clinic, place of assembly, adult entertainment business, adult services, informal trading, shop, office, sale of alcoholic beverages, place of entertainment, helicopter landing pad, wind turbine infrastructure, container site.

Hazardous Substances

10.1.2 Notwithstanding the fact that an activity constitutes a primary use right in terms of this zone, no activity or use which includes the on-site storage of hazardous substances shall be permitted unless a risk management and prevention plan has been submitted and Council has given approval thereto.

Development Rules

10.1.3 The following development rules apply:

- (a) **Floor Factor and Coverage**

Floor factor and coverage shall be determined in accordance with the following "Table of Floor Factor and Coverage in General Industrial Zones".

Table of Floor Factor and Coverage in General Industrial Zones

Sub-zone	Floor factor	Coverage
GI1 – medium intensity	1,5	75%
GI2 – high intensity	4,0	75%

(b) Height

- (i) The maximum height of a building in General Industry Sub-Zone **GI1** shall be 18,0 m measured from the base level to the top of the roof;
- (ii) No height restriction applies to buildings used for manufacturing purposes in General Industry Sub-Zone **GI2**;
- (iii) Any building in General Industry Sub-Zone **GI2** that is not used for manufacturing purposes shall not exceed a height of 18,0 m measured from the base level to the top of the roof;
- (iv) Earth banks and retaining structures are subject to 18.6; and
- (v) Shipping or transport containers, when stored or stacked outside a building, may not extend higher than 15,0 m above average ground level.

(c) Street Boundary Building Line

The street boundary building line is 5,0 m subject to the general building line encroachments in 18.1.

(d) Common Boundary Building Line

- (i) No building shall be constructed closer than 3,0 m to a common boundary.
- (ii) The general building line encroachments in 18.1 shall apply.

(e) Boundary Walls

Where a land unit has a common boundary with another land unit that is not zoned General Industry or Risk Industry, Council may require a 1,8 m high wall to be erected along the common boundary to its satisfaction.

(f) Parking and Access

Parking and access shall be provided on the land unit in accordance with chapter 19.

(g) Loading

Loading bays shall be provided on the land unit in accordance with 19.4.

(h) Screening

Council may require screening in accordance with 18.5.

Service Station, Motor Repair Garage

10.1.4 The development rules applicable to a service station and motor repair garage in Local Business Zone 2 shall also apply to a service station and motor repair garage in this zone.

Factory Shop

10.1.5 The occupant of an industry may operate a factory shop provided that:

- (a) the total floor space devoted to the sale of goods shall not exceed ten percent of the total floor space of all the buildings on the land unit; and
- (b) any goods that are offered for sale but have not been manufactured on the property, must be directly connected with the goods that are manufactured on the property.

Adult Shop

10.1.6 The development rules applicable to an adult shop in the General Business Zone shall also apply to an adult shop in this zone.

Informal Trading

10.1.7 Informal trading shall only be permitted on sites demarcated for informal trading in terms of Council's by-law on informal trading.

10.2 RISK INDUSTRY ZONE (RI)

Purpose

*The **RI** zone provides for those industries which are noxious in terms of smell, product, waste or other objectionable consequence of their operation, or which carry a high risk in the event of fire or accident. While other uses are permitted with approval, Council should not compromise the capacity of the RI zone to accommodate noxious trade and risk activities.*

Use of the Property

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

- (a) **Primary uses** are: noxious trade, risk activity, crematorium, rooftop base telecommunication station, freestanding base telecommunication station, private road, open space, additional use rights as specified in (b).
- (b) **Additional use rights** are: factory shop subject to the provisions of 10.2.5.
- (c) **Consent uses** are: shop, informal trading, service station, motor repair garage, industry, scrap yard, abattoir, authority use, utility service, wind turbine infrastructure, helicopter landing pad, container site, transport use, multiple parking garage.

Hazardous Substances

10.2.2 Notwithstanding the fact that an activity constitutes a primary use right in terms of this zone, no activity or use which includes the on-site storage of hazardous substances shall be permitted unless a risk management and prevention plan has been submitted and Council has given approval thereto.

Development Rules

10.2.3 The following development rules apply:

- (a) **Floor factor**
The floor factor on the land unit shall not exceed 2,0.
- (b) **Coverage**
The coverage for all buildings on the land unit shall not exceed 75%.
- (c) **Height**
 - (i) No height restriction applies to buildings used for a noxious trade, risk activity or manufacturing in this zone;
 - (ii) Buildings not used for noxious trade, risk activity or manufacturing purposes shall not exceed a height of 18,0 m measured from the base level to the top of the roof;
 - (iii) Earth banks and retaining structures are subject to 18.6, and
 - (iv) Shipping or transport containers, when stored or stacked outside a building, may not be higher than 15,0 m above average ground level.
- (d) **Building Lines**
 - (i) The street boundary building line is 5,0 m;
 - (ii) The common boundary building lines are 5,0 m;
 - (iii) The general building line encroachments in 18.1 shall apply.

(e) **Parking and Access**

Parking and access shall be provided on the land unit in accordance with chapter 19.

(f) **Loading**

Loading bays shall be provided on the land unit in accordance with 19.4.

(g) **Screening**

Council may require screening in accordance with 18.5.

(h) **Boundary Walls**

Where a land unit has a common boundary with another land unit that is not zoned General Industry or Risk Industry, Council may require a 1,8 m high wall to be erected along the common boundary to its satisfaction.

Service Station, Motor Repair Garage

10.2.4 The development rules applicable to a service station and motor repair garage in Local Business Zone 2 shall also apply to a service station and motor repair garage in this zone.

Factory Shop

10.2.5 The occupant of an industry may operate a factory shop, provided that:

- (a) the total floor space devoted to the sale of goods shall not exceed ten percent of the total floor space of all the buildings on the land unit; and
- (b) any goods that are offered for sale but have not been manufactured on the property, must be directly connected with the goods that are manufactured on the property.

Informal Trading

10.2.6 Informal trading shall only be permitted on sites demarcated for informal trading in terms of Council's by-law on informal trading.

CHAPTER 11: UTILITY, TRANSPORT AND NATIONAL PORT ZONES

Government facilities, whether national, provincial or municipal, should be zoned according to their use, not ownership. For example municipal offices should be zoned an appropriate business zone. However certain government activities cannot be classified into other zones, and can be included in the Utility zone. This zone also accommodates uses and infrastructure required for utility services that are not necessarily owned by a public authority.

Transport zones are designed to facilitate efficient operation of the various transport systems. There is a close relationship between transportation and development, and appropriate development can help to promote public transport. Provision is made for controlled mixed-use development in certain transportation zones, provided the operation of the transport system is not compromised. Many transport systems run along defined corridors and levels, and there are opportunities for air rights and underground rights, whereby appropriate development can be constructed at a different level to the transport system without compromising the operation of the system.

The National Port Zone has been included to provide for the provisions contained in the National Ports Act.

11.1 UTILITY ZONE (UT)

Purpose

*The **UT** zone provides for utility services such as electrical substations and water reservoirs, which may be supplied by a municipal, government or private agency; and makes provision for government or authority uses, such as prisons and military bases, that are not covered by another use or zoning category.*

Use of the Property

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

- (a) **Primary uses** are: utility service, authority use, rooftop base telecommunication station, freestanding base telecommunication station.
- (b) **Consent uses** are: cemetery, informal trading, funeral parlour, crematorium, urban agriculture, airport, wind turbine infrastructure, helicopter landing pad.

Development Rules

11.1.2 The following development rules apply:

- (a) Council may require a site development plan for a primary use, and shall require a site development plan for a consent use application.
- (b) The site development plan as approved by Council shall constitute the development rules for a primary use if applicable, and a consent use.
- (c) The provisions for a site development plan in 18.3 shall apply.

11.2 TRANSPORT ZONE 1: TRANSPORT USE (TR1)

Purpose

*The **TR1** zone provides for transportation systems, excluding public roads and public streets, but including all other transport undertakings which serve the public such as airports, harbours, railway lines, bus- railway- and other depots associated with public transport uses, public transport terminuses, ranks or holding areas, and cable car stations. Provision is made to approve other uses that can help to support the transport undertaking.*

Use of the Property

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

- (a) **Primary uses** are: transport use, multiple parking garage, utility service, warehouse, rooftop base telecommunication station, container site.
- (b) **Consent uses** are: business premises, flats, place of assembly, place of entertainment, hotel, conference facility, service station, motor repair garage, service trade, freestanding base telecommunication station, wind turbine infrastructure, airport, helicopter landing pad, informal trading, industry, air rights or underground rights provided that:
 - (i) such consent uses do not detract from transport use as the dominant use; and
 - (ii) if, in the opinion of Council, a consent use application constitutes a significant and permanent change to the property from the intended primary use, Council may require a rezoning application instead.

Development Rules

11.2.2 The following development rules apply:

- (a) **Floor Factor**
The floor factor on the land unit shall not exceed 2,0.
- (b) **Coverage**
The coverage for all buildings on the land unit shall not exceed 75%.
- (c) **Height**
 - (i) The maximum height of a building shall be 18,0 m measured from the base level to the top of the roof;
 - (ii) Earth banks and retaining structures are subject to 18.6; and
 - (iii) Shipping or transport containers when stored or stacked outside a building, may not extend higher than 15,0 m above average ground level.
- (d) **Building Lines**
 - (i) The street boundary building line is 0 m.
 - (ii) The common boundary building lines are 3,0 m.
 - (iii) The general building line encroachments in 18.1 shall apply.
- (e) **Parking and Access**
Parking and access shall be provided on the land unit in accordance with chapter 19.

Service Station, Motor Repair Garage

11.2.3 The development rules applicable to a service station and motor repair garage in Local Business Zone 2 shall also apply to a service station and motor repair garage in this zone.

Informal Trading

11.2.4 Informal trading shall only be permitted on sites demarcated for informal trading in terms of Council's by-law on informal trading.

Air Rights or Underground Rights

11.2.5 Council may approve a consent use for air or underground rights provided that:

- (a) Council is satisfied that structural components, clearance and operational characteristics are sufficient to ensure safe and efficient operation of the street, road or parking;
- (b) such consent use does not compromise the intended primary use of the land;
- (c) an agreement defining the extent of rights, time period, compensation, ownership and maintenance obligations relating to the property is concluded between the parties concerned and is approved by Council;
- (d) a servitude in respect of the air or underground rights is registered over the concerned land; and
- (e) a site development plan is submitted to Council's satisfaction in terms of 18.3.

11.3 TRANSPORT ZONE 2: PUBLIC ROAD AND PUBLIC PARKING (TR2)**Purpose**

*The **TR2** Zone provides for public streets and roads, whether constructed or still to be constructed, as well as premises for the public parking of operable motor vehicles. Such parking may be provided in buildings or open parking areas, with or without the payment of a fee, in order to address the need for off-site parking. On-site parking for a permitted activity in any zone is considered to be an associated use and is not a separate use category that requires separate zoning or approval.*

Use of the Property

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

- (a) **Primary uses** are: public street, utility service.
- (b) **Consent uses** are: informal trading, multiple parking garage, wind turbine infrastructure, air rights or underground rights.

Development Rules

11.3.2 The following development rules apply:

- (a) Council may require a site development plan for a primary use, and shall require a site development plan for a consent use application.
- (b) The site development plan as approved by Council shall constitute the development rules for a primary use if applicable, and a consent use.
- (c) The provisions for a site development plan in 18.3 shall apply.

Construction and Deposit of Materials

11.3.3 No person shall:

- (a) construct a private crossing, bridge or culvert onto or across a public street;
- (b) construct or lay a sidewalk on a public street;
- (c) construct a verandah, stoep, wall, steps or other projection in or over a public street;
- (d) deposit or leave any goods, articles, building materials or waste in a public street other than for a reasonable period during the course of loading, off-loading or removal thereof;

except in accordance with and after Council has given its approval.

Air Rights or Underground Rights

11.3.4 Council may approve a consent use for air or underground rights provided that:

- (a) Council is satisfied that structural components, clearance and operational characteristics are sufficient to ensure safe and efficient operation of the street, road or parking;
- (b) such consent use does not compromise the intended primary use of the land;
- (c) an agreement defining the extent of rights, time period, compensation, ownership and maintenance obligations relating to the property is concluded between the parties concerned and is approved by Council;
- (d) a servitude in respect of the air or underground rights is registered over the concerned land; and
- (e) a site development plan is submitted to Council's satisfaction in terms of 18.3.

Proposed Public Street, Street Widening and Street Closure

11.3.5 Council may indicate on the zoning map:

- (a) new public streets which it proposes to establish;
- (b) public streets which it proposes to widen;
- (c) public streets which it proposes to close.

11.3.6 Any indications referred to in 11.3.5 are intended for the information of the public, and to assist Council in achieving its planning and development objectives. The base zoning of the property in question does not change until the new public street, widening or closure has been approved in terms of relevant legislation, and any further legal procedures relating to rezoning have been complied with.

Informal Trading

11.3.7 Informal trading shall only be permitted on sites demarcated for informal trading in terms of Council's by-law on informal trading.

11.4 NATIONAL PORT ZONE (NPZ)

Purpose

*The **NPZ** zone is identified in this scheme and is a zone in which land use and control of land use within a national port is controlled by an approved port development framework plan.*

Use of the Property

11.4.1 The purposes for which land may be used in this zone and any possible land use restrictions will be as set out in the port development framework plan to be drafted in accordance with the provisions of the National Ports Act No 12 of 2005.

Development Rules

11.4.2 Development rules as contained in an approved port development framework plan.

Port Development Framework Plan

11.4.3 This zone will only apply where an approved port development framework plan exists which reflects the National Ports Authority's policy for port development and control of land use within such port.

Deemed Zoning of land transferred to the National Ports Authority

11.4.4 All land that is zoned Transport Zone 1: Transport Use (TR1) and transferred to the National Ports Authority is deemed to be zoned National Ports Zone (NPZ) and therefore subject to the provisions of this zone.

CHAPTER 12: OPEN SPACE ZONES

Different types of open space fulfil different functions. Certain open spaces have particular importance as nature, cultural heritage or environmental areas and a separate zone facilitates the management of these areas. Within this zone provision is made for the development of amenities to meet the needs of tourists and visitors. Other open spaces have a more active role in addressing the sporting and recreation needs of the community. Public open space has an important status because of its contribution to the recreation needs of the general public, and the difficulty of replacing public open space once lost. The zoning scheme also recognises special areas of open space that are not designated as public open space, but may be privately owned.

12.1 OPEN SPACE ZONE 1: ENVIRONMENTAL CONSERVATION (OS1)

Purpose

*The **OS1** zone provides for the conservation of environmental resources, although cultural heritage resources may also be included. Provision is made for limited, low impact uses associated with conservation, such as environmental education, associated infrastructure and facilities for tourists with the approval of Council.*

Use of the Property

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

- (a) **Primary uses** are: environmental conservation use.
- (b) **Consent uses** are: harvesting of natural resources, environmental facilities, tourist accommodation, tourist facilities, utility service, rooftop base telecommunication station, freestanding base telecommunication station, wind turbine infrastructure, cultural and social ceremonies.

Development Rules

12.1.2 The following development rules apply:

- (a) Council may require a site development plan for a primary use, and shall require a site development plan for a consent use application, as well as any dwelling house which may be erected as a consequence of rights granted in terms of Planning Law.
- (b) The site development plan as approved by Council shall constitute the development rules for a primary use if applicable, and a consent use.
- (c) The provisions for a site development plan in 18.3 shall apply.

12.2 OPEN SPACE ZONE 2: PUBLIC OPEN SPACE (OS2)**Purpose**

*The **OS2** zone provides for active and passive recreational areas on public land, as well as protection of landscape and heritage areas including woodlands, ridges, watercourses, wetlands and the coastline. It is important to recognise the interests of the general public for access to and preservation of public open space.*

Use of the Property

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

- (a) **Primary uses** are: public open space, environmental conservation use.
- (b) **Consent uses** are: environmental facilities, tourist facilities, utility service, cemetery, rooftop base telecommunication station, freestanding base telecommunication station, wind turbine infrastructure, cultural and social ceremonies, urban agriculture, informal trading, harvesting of natural resources, air or underground rights.

Development Rules

12.2.2 The following development rules apply:

- (a) Council may require a site development plan for a primary use, and shall require a site development plan for a consent use application.
- (b) The site development plan as approved by Council shall constitute the development rules for a primary use if applicable, and a consent use.
- (c) The provisions for a site development plan in 18.3 shall apply.

Construction and Deposit of Materials

12.2.3 No person shall:

- (a) construct a private crossing, bridge or culvert onto or across a public open space;
- (b) construct or lay a sidewalk on a public open space;
- (c) construct a verandah, stoep, wall, steps or other projection in or over a public open space; or
- (d) deposit or leave any goods, articles, building materials or waste in a public open space; except in accordance with and after Council has given its approval.

Air Rights or Underground Rights

12.2.4 Council may approve a consent use for air or underground rights if:

- (a) such consent use does not compromise the intended primary use of the land;
- (b) an agreement defining the extent of rights, time period, compensation, ownership and maintenance obligations relating to the property is concluded between the parties concerned and is approved by Council;
- (c) a servitude in respect of the air or underground rights is registered over the concerned land; and
- (d) a site development plan is submitted to Council's satisfaction in terms of 18.3.

Informal Trading

12.2.5 Informal trading shall only be permitted on sites demarcated for informal trading in terms of Council's by-law on informal trading

12.3 OPEN SPACE ZONE 3: SPECIAL OPEN SPACE (OS3)**Purpose**

The **OS3** zone provides for active or passive recreation and open spaces on land that is not designated as public open space. This land may be owned by private or public bodies, but does not have the status of public open space which requires particular protection. The **OS3** zone is appropriate for relatively large areas where open space has special characteristics that require a separate zone to ensure that the purpose and function of the open space is maintained. Many other zones allow for open spaces as primary, consent or ancillary uses and such open spaces do not need to be zoned as **OS3**. However some land uses such as golf courses, parklands and landscape areas can benefit from this zone which provides limitations on development, but also allows a range of consent uses to cater for leisure needs and uses compatible with open spaces.

Use of the Property

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

- (a) **Primary uses** are: open space, environmental conservation use.
- (b) **Consent uses** are: environmental facilities, tourist facilities, place of instruction, place of assembly, place of entertainment, plant nursery, utility service, cemetery, rooftop base telecommunication station, freestanding base telecommunication station, wind turbine infrastructure, cultural and social ceremonies, urban agriculture, informal trading, harvesting of natural resources.

Development Rules

12.3.2 The following development rules apply:

- (a) Council may require a site development plan for a primary use, and shall require a site development plan for a consent use application.
- (b) The site development plan as approved by Council shall constitute the development rules for a primary use if applicable, and a consent use.
- (c) The provisions for a site development plan in 18.3 shall apply.

Approval of Consent Uses

12.3.3 Council may only approve a consent use if such use does not compromise the use of land for its primary purpose as open space.

Informal Trading

12.3.4 Informal trading shall only be permitted on sites demarcated for informal trading in terms of Council's by-law on informal trading

CHAPTER 13: AGRICULTURAL, RURAL AND LIMITED USE ZONES

*Agricultural land should generally be protected from developments that render the land less suitable for agriculture, or detract from its aesthetic and cultural value. Aside from sustaining a valuable economic resource, agricultural land can help to promote stability of the urban edge, conserve naturally sensitive areas and maintain rural characteristics which are valued by the community. Unnecessary subdivision of farms should be avoided and economically viable units must be maintained. Agricultural activities should not be subject to unreasonable limitations because the economic viability of the agricultural sector is important. Complementary activities to conventional agriculture can assist with the viability of the sector, and to this end, compatible uses are provided as consent uses. Where non-agricultural uses are permitted, such uses should form an integral part of the agricultural undertaking. A distinction is made between large farms which are zoned AG and smallholdings, **RU** zone, which can accommodate a range of peri-urban activities. A transitional mechanism, the **LU** zone, deals with land that was zoned as undetermined in previous zoning schemes, and limits development to existing lawful uses only.*

13.1 AGRICULTURAL ZONE (AG)

Purpose

*The **AG** zone promotes and protects agriculture on farms as an important economic, environmental and cultural resource. Limited provision is made for non-agricultural uses to provide owners with an opportunity to increase the economic potential of their properties, without causing a significant negative impact on the primary agricultural resource.*

Use of the Property

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

- (a) **Primary uses** are: agriculture, intensive horticulture, dwelling house, riding stables, environmental conservation use, environmental facilities, rooftop base telecommunication station, additional use rights as stipulated in (b).
- (b) **Additional use rights**, which may be used by the occupant of a property as a primary use are: second dwelling, or home occupation, or bed and breakfast establishment, or home child care, subject to:
 - (i) only one of the activities listed as additional use rights shall be conducted from any land unit as a primary use, and if more than one such activity is required, Council's approval shall be obtained;
 - (ii) the proprietor of the activity concerned shall live on the property; and
 - (iii) the development rules stipulated in 5.1.3, 5.1.4, 5.1.5, or 5.1.6, whichever is applicable, shall be adhered to.
- (c) **Consent uses** are: additional dwelling units, guest-house, hotel, tourist accommodation, tourist facilities, intensive animal farming, harvesting of natural resources, mine, utility service, freestanding base telecommunication station, wind turbine infrastructure, aqua-culture, animal care centre, farm shop, agricultural industry.

Development Rules

13.1.2 The following development rules apply:

- (a) **Floor Space**

- (i) The total floor space of all dwelling units on the land unit, including accommodation for bona fide agricultural workers employed on the property, shall not exceed 1 500 m²; provided that with the approval of Council this requirement may be relaxed if such accommodation is required for persons who are genuinely engaged for their livelihood in agricultural activities on the land unit;
- (ii) Any farm shop shall not exceed a floor space of 100 m².

(b) Building Lines

- (i) The street and common boundary building lines are determined in accordance with the area of the land unit as shown in the following "Table of Building Lines in Agricultural Zone".
- (ii) The general building line encroachments in section 18.1 shall apply.

Table of Building Lines in Agricultural Zone

Area of land unit	Street boundary building line	Common boundary building line
Greater than 20 ha	30,0 m	30,0 m
Less than or equal to 20 ha	15,0 m	15,0 m

(c) Parking

Parking and access shall be provided on the land unit in accordance with chapter 19.

(d) Height

- (i) The maximum height of a dwelling house, measured from the base level to the top of the wallplate shall be 9,0 m and to the top of the roof shall be 11,0 m.
- (ii) Agricultural buildings other than the dwelling houses shall not exceed a height of 12,0 m measured from the base level to the top of the roof.
- (iii) Earth banks and retaining structures which, in the opinion of Council are associated with bona fide agricultural activities, are exempt from the requirements of 18.6.

(e) Minimum Subdivision Size

No new subdivision or any remainder, that is zoned and intended to remain zoned Agriculture, shall be less than:

- (i) the minimum subdivision size specified in terms of an approved local area overlay zone, or
- (ii) 20,0 ha if no such overlay zone exists, unless the new subdivision or remainder concerned is consolidated with a property zoned Agriculture, so as to make up a consolidated land unit of at least the minimum required subdivision size and provided that compliance with this requirement does not limit the Council's powers to refuse a subdivision application that it considers to be undesirable.

Agricultural Industry

13.1.3 Council may approve a consent use application for an agricultural industry provided:

- (a) it is satisfied as to the desirability of the agricultural industry on the land unit in question;
- (b) the agricultural industry is subservient and related to the dominant agricultural use of the property;
- (c) the agricultural industry does not adversely affect the agricultural potential of the property; and

- (d) the area allocated for purposes of an agricultural industry shall be clearly identified on a land survey diagram.

Second Dwelling and Additional Dwelling Units

- 13.1.4 One second dwelling shall be permitted as an additional use right, and additional dwelling units may be erected with the consent of Council, provided that:
- (a) the density of additional dwelling units plus any second dwelling unit does not exceed 1 unit per 10 ha;
 - (b) no more than 5 units, comprising additional dwelling units plus any second dwelling, shall be permitted on the land unit;
 - (c) a dwelling for a person engaged in bona fide agricultural activities on the land unit shall not be regarded as a second dwelling or additional dwelling unit, and
 - (d) the development rules of 5.1.3 shall apply to second dwellings and additional dwelling units in this zone.

13.2 RURAL ZONE (RU)

Purpose

*The **RU** zone accommodates smaller rural properties that may be used for agriculture, but may also be occupied as places of residence by people who seek a country lifestyle, and who view agriculture as a secondary reason for occupying their property. Such properties may occur inside or outside a recognised urban edge.*

Use of the Property

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

- (a) **Primary uses** are: dwelling house, agriculture, additional use rights as stipulated in (b).
- (b) **Additional use rights**, which may be used by the occupant of a property as a primary use, are: second dwelling, or home occupation, or bed and breakfast establishment, or home child care, subject to:
 - (i) only one of the activities listed as additional use rights shall be conducted from any land unit as a primary use, and if more than one such activity is required, Council's approval shall be obtained;
 - (ii) the proprietor of the activity concerned shall live on the property; and
 - (iii) the conditions stipulated in 5.1.3, 5.1.4, 5.1.5, or 5.1.6, whichever is applicable, shall be adhered to.
- (c) **Consent uses** are: guest house, tourist accommodation, tourist facilities, harvesting of natural resources, mine, rooftop base telecommunication station, freestanding base telecommunication station, wind turbine infrastructure, aqua-culture, intensive animal farming, intensive horticulture, riding stables, animal care centre, farm shop, agricultural industry.

Development Rules

13.2.2 The following development rules apply:

- (a) **Floor Space**
 - (i) The total floor space of all buildings on the land unit shall not exceed 1500 m².
 - (ii) Any farm shop shall not exceed a floor space of 100 m².
- (b) **Coverage**

The coverage for all buildings on the land unit shall not exceed 40%.
- (c) **Building Lines**
 - (i) The street boundary building line is 10,0 m.
 - (ii) The common boundary building line is 5,0 m.
 - (iii) The general building line encroachments in 18.1 shall apply.
- (d) **Parking**

Parking and access shall be provided on the land unit in accordance with chapter 19.

(e) Height

- (i) The maximum height of a building, measured from the base level to the top of the wallplate shall be 9,0 m and to the top of the roof shall be 11,0 m.
- (ii) Earth banks and retaining structures are subject to 18.6.

Minimum Subdivision Size

13.2.3 No new subdivision or any remainder, that is zoned and intended to remain zoned Rural, shall be less than:

- (a) the minimum subdivision size specified in terms of an approved overlay zone, or
- (b) 2,0 ha if no such overlay zone exists;

unless the new subdivision or remainder concerned is consolidated with a property zoned Rural, so as to make up a consolidated land unit of at least the minimum required subdivision size; provided that compliance with this requirement does not limit Council's powers to refuse a subdivision application that it considers to be undesirable.

Agricultural Industry

13.2.4 Council may approve a consent use application for an agricultural industry provided:

- (a) it is satisfied as to the desirability of the agricultural industry on the land unit in question; and
- (b) the area allocated for purposes of an agricultural industry shall be clearly identified on a land survey diagram.

Second Dwelling

13.2.5 The development rules of 5.1.3 apply, provided that a dwelling unit for persons engaged in bona fide agricultural activities on the land unit shall not be regarded as a second dwelling.

13.3 LIMITED USE ZONE 1: (LU)

Purpose

*The **LU** zone is a transitional mechanism to deal with land that was zoned as undetermined in previous zoning schemes. Existing lawful uses may continue, but no other uses are permitted. The aim is to progressively phase this zone out and so no property should be rezoned to this zone. Any development that requires additional use rights beyond the existing limited use shall require rezoning from **LU** to another more appropriate zone.*

Use of the Property

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

- (a) **Primary uses** are limited to lawful uses existing at the operative date.
- (b) **Consent uses** are: none.

Development Rules

13.3.2 No change of an existing use or alteration of the external structure of an existing building or structure is permitted.

No Rezoning to this Zone Permitted

13.3.3 No rezoning of any property to this zone is permitted after the operative date, and if additional uses or development rights are required, a rezoning application to another more appropriate zone in terms of this zoning scheme must be processed.

Reconstruction of Destroyed Property

13.3.4 Property that has been partially or completely destroyed by accidental causes may be reconstructed in accordance with the development rights that existed at the operative date, provided that building plans for such reconstruction are approved within 12 months from the date of the accidental destruction.

PART III

OVERLAY ZONING CATEGORY

The Overlay Zone provides a mechanism for land use management whereby Council may give effect to specific guidelines contained in a spatial development framework or policy plan. These guidelines could promote development, require the limitation or set additional land use types, stipulate more or less restrictive development rules, or identify specific development rules. The Overlay Zone provides a mechanism to elevate specific policy guidelines as approved by Council, to land use regulations.

The Overlay Zoning category incorporates a number of overlay zones which can be divided into three general types, namely overlay zones that provide Development Directives, overlay zones that provide Strategic Incentives or Intensity targets, and overlay zones for Specific Management mechanisms.

An Overlay Zone will apply in addition to the base zone of a property. An Overlay Zone may only be imposed if it complies with the requirements set out in this scheme, and may not promote, cause or facilitate social exclusion and separation.

CHAPTER 14: GENERAL PROVISIONS FOR OVERLAY ZONES

This chapter deals with procedures to prepare, adopt, replace, amend or recommend Overlay zones and gives legal status to an Overlay Zone..

14.1 REQUIREMENTS AND PROCEDURES FOR OVERLAY ZONES

Requirements to prepare an Overlay Zone:

- 14.1.1 Council may prepare any overlay zone as provided for in this zoning scheme.
- 14.1.2 The owner of land may prepare and submit to Council for its consideration, an application for one or more of the overlay zones providing development directives as contained in Chapter 15 for such land.
- 14.1.3 Preparation of an overlay zone shall take into consideration the following requirements where applicable:
- (a) the principles contained in Planning Law;
 - (b) the Council's planning vision and principles as set out in the Integrated Development Plan;
 - (c) desired spatial form, including but not limited to the development of public and private land, infrastructure investment, utilisation of space, spatial reconstruction, location and nature of development, urban edge, scenic routes, areas of strategic intervention, mitigation of development impacts;
 - (d) the principles as set out in a spatial development framework or a policy plan;
 - (e) environmental and heritage protection and conservation;
 - (f) the principles of co-operative governance and the duties and objectives of local government as set out in the Municipal Systems Act and the National Constitution.
- 14.1.4 An overlay zone must not detract from Council's ability to serve the needs of the municipal area as a whole.

Adoption, Replacement, Amendment or Recommending Overlay Zones

- 14.1.5 Council may adopt, replace, amend or recommend overlay zones that provide for development directives as contained in chapter 15, by following the rezoning procedures stipulated in Planning Law.
- 14.1.6 Council may recommend to the competent authority the adoption, replacement or amendment of overlay zones that provide for strategic incentives or specific management mechanisms as stipulated in chapters 16 and 17, by following the procedures for amending and replacing zoning schemes as stipulated in Planning Law.
- 14.1.7 Council may grant departures from the development rules or restrictions or provisions of any overlay zone by following the departure procedures stipulated in Planning Law.

Designation by Council of a Heritage Place

- 14.1.8 Council may after consultation with an owner/s of the land concerned and after consideration of objections received designate by approval in terms of this zoning scheme and by notice in

the Provincial Gazette any heritage place it considers in terms of its heritage strategy and policy to be conservation-worthy as a Heritage Protection Overlay Zone and apply either the General Provisions set out in 3.1 or Specific Provisions in 3.2 of the Appendix document.

Identification and numbering

14.1.9 Council shall approve a distinctive name and number for each overlay zone when adopting such overlay zone.

14.1.10 Council may indicate the area of an overlay zone on the zoning map and:

- (a) shall record the existence of an overlay zone adopted in terms of chapters 16 and 17 in the relevant annexure at the back of this zoning scheme;
- (b) shall record the detailed provisions of each overlay zone adopted in terms of chapters 16 and 17 in a separate Appendix, with a reference to the relevant name and number of the overlay zone concerned, within 30 days after a final decision is made or the amendment is promulgated whichever is the case.

14.2 STATUS OF OVERLAY ZONES

14.2.1 An overlay zone applies in addition to the underlying zone or base zone of the properties to which it relates, and may vary the development rules or use rights relating to a particular area or land unit, or may set new development rules or use rights.

14.2.2 The provisions of an overlay zone may be more restrictive or more permissive than the provisions applicable to the base zone of the property concerned, or may set specific development rules for a particular area or land unit.

14.2.3 If the provisions of an overlay zone are different to, or in conflict with, the provisions of a base zone, the more restrictive provisions shall apply, unless stated otherwise in the overlay zone concerned.

14.2.4 The provisions of an overlay zone do not in any way detract from any obligations in terms of national and provincial legislation.

14.2.5 The provisions of an overlay zone may apply to a land unit or land units, an area or to the city as a whole, as may be stipulated in the adoption of such overlay zone.

14.2.6 The provisions of more than one overlay zone may apply to a land unit or area.

CHAPTER 15: OVERLAY ZONES PROVIDING SPECIFIC DEVELOPMENT DIRECTIVES

The overlay zones in this chapter establish an approach to rezone land with specific development directives and requirements for more detailed planning prior to implementation. The process involving subdivisional area provides a mechanism for land reservation and development management, subject to directives for subsequent detailed planning, subdivision and development.

15.1 SUBDIVISIONAL AREA OVERLAY ZONE (SAO)

Purpose

The **SAO** zone designates land for future subdivision with development rights by providing development directives through specific conditions as approved in terms of Planning Law. The **SAO** zone confirms the principle of development and acceptance of future subdivision of land, but not the detailed layout which will be determined when an actual application for subdivision is approved. The **SAO** zone does not detract from the rezoning to subdivisional area as stipulated in Planning Law but gives effect to such stipulations through the provisions of this zoning scheme. The **SAO** zone may or may not be used in conjunction with the Special Panning Area overlay zone.

Use of the Property

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

- (a) **Primary uses** are: as stipulated in the conditions of approval imposed in terms of Planning Law.
- (b) **Additional use rights** are: as stipulated in the conditions of approval imposed in terms of Planning Law and 15.1.5.
- (c) **Consent uses** are: as stipulated in the conditions of approval imposed in terms of Planning Law.

Development Rules

15.1.2 Land zoned as Subdivisional Area may be subdivided as contemplated by Planning Law subject to the provisions and procedures of the Planning Law.

15.1.3 Conditions of approval for rezoning to Subdivisional Area should take into account, but are not limited to, the following:

- (a) requirements of an applicable structure plan or development framework;
- (b) impact assessments for environment, heritage resources, transport or hazardous installations;
- (c) physical development constraints or opportunities;
- (d) provision of services;
- (e) development density or floor space limitations;
- (f) open space requirements, and
- (g) requirements of government institutions.

15.1.4 The conditions of approval imposed in terms of Planning Law when the property is rezoned to Subdivisional Area shall apply.

- 15.1.5 Any existing use or development on a property which is lawful at the time that the property is rezoned to Subdivisional Area may continue as long as the Subdivisional Area zoning remains in place, provided that:
- (a) Council may approve additional uses and extensions to existing lawful development if these are ancillary to the existing, lawful uses; and
 - (b) once a deemed substitution scheme and new base zone is applied to a subdivision in terms of 15.1.6, all future development on the subdivision concerned shall comply with the development rules of the base zone, any overlay zones which may be applicable and any conditions imposed in term of Planning Law.
- 15.1.6 The following provisions apply when a subdivision is submitted for approval in terms of the Planning Law, for land that is zoned Subdivisional Area:
- (a) The plan of subdivision shall indicate the zoning for each of the proposed subdivided units in accordance with this zoning scheme; the remainder of the land, if any, may retain the zoning of Subdivisional Area.
 - (b) At the confirmation of a subdivision of land zoned as Subdivisional Area, the zone or zones as indicated on the endorsed plan of subdivision shall be deemed to be a substitution scheme as provided for in Planning Law, and therefore replace the former Subdivisional Area zone on the land concerned with a new base zone or zones.

CHAPTER 16: OVERLAY ZONES PROVIDING STRATEGIC DEVELOPMENT DIRECTIVES

These overlay zones provide a means to designate strategic measures for land development, such as development incentives in order to stimulate growth, redirect development or prescribe the density of development. These overlay zones should promote Council's planning principles, strategies and development goals as identified in the Integrated Development Plan (IDP) or spatial plans.

16.1 INCENTIVE OVERLAY ZONE (ICO)

Purpose

ICO provides a mechanism to designate development incentive measures to land in order to promote development priorities and strategies as may be identified in the integrated development plan or spatial plans approved by Council. The development incentive measures may include, but are not limited to, bonuses or concessions relating to parking, height, floor space, coverage and density. Such bonuses could involve an increase in the floor space or density otherwise permitted in terms of this zoning scheme.

Designation of an Incentive Overlay Zone

16.1.1 Subject to the provisions of Chapter 14, Council may designate an area to be an Incentive overlay zone if a policy plan proposing development incentives has been adopted and Council shall record the designation in Annexure D.

Use of the Property

16.1.2 The following land use restrictions apply to property in this zone:

- (a) **Primary uses** are: as stipulated in the base zone
- (b) **Additional use rights** are: as stipulated in the base zone.
- (c) **Consent uses** are: as stipulated in the base zone.

Development Rules

16.1.3 Council may apply development incentive measures in terms of this overlay zone provided that:

- (a) the provisions of 14.1 and 14.2 shall apply;
- (b) the detailed provisions of any Incentive overlay zone shall be consistent with a policy plan or the Integrated Development Plan as approved by Council.

16.1.4 In addition to the development rules that apply to the base zone, the provisions of the relevant Incentive Overlay Zone, as adopted and recorded in terms of 14.1, shall apply.

16.1.5 Any development rules in terms of an approved Incentive Overlay Zone that exceed, or are more restrictive than, the limitations of a base zone, shall be deemed to be approved departures from the provisions of the base zone.

16.2 DENSITY OVERLAY ZONE (DTO)***Purpose***

ITO provides a mechanism to designate development density measures to land in order to establish development priorities and strategies as may be identified in the IDP or spatial plans approved by Council. The development density measures may include the setting of specific minimum or maximum development densities given the availability of invested infrastructure or lack of available infrastructure, and may also include incentive measures to encourage and support development priorities and strategies.

Designation of an Density Overlay Zone

16.2.1 Subject to the provisions of Chapter 14, Council may designate an area to be an Density Overlay Zone if a policy plan proposing development intensity measures has been adopted and Council shall record the designation in Annexure E.

Use of the Property

16.2.2 The following land use restrictions apply to property in this zone:

- (a) **Primary uses** are: as stipulated in the base zone
- (b) **Additional use rights** are: as stipulated in the base zone.
- (c) **Consent uses** are: as stipulated in the base zone.

Development Rules

16.2.3 Council may apply development intensity measures in terms of this overlay zone provided that:

- (a) the provisions of 14.1 and 14.2 shall apply;
- (b) the detailed provisions of any Intensity overlay zone shall be consistent with a policy plan or the Integrated Development Plan as approved by Council.

16.2.4 In addition to the development rules that apply to the base zone, the provisions of the relevant Density Overlay Zone, as adopted and recorded in terms of 14.1, shall apply.

16.2.5 Any development rules in terms of an approved Density Overlay Zone that exceed, or are more restrictive than, the limitations of a base zone, shall be deemed to be approved departures from the provisions of the base zone.

CHAPTER 17: OVERLAY ZONES FOR SPECIFIC MANAGEMENT MECHANISMS

These overlay zones provide mechanisms to designate either city-wide or localised development management rules to deal with specific concerns, over and above the provisions of a base zone. These overlay zones should be applied to promote Council's planning principles, goals, objectives and strategies as may be identified in the approved IDP, IMEP strategies or spatial plans.

17.1 HERITAGE PROTECTION OVERLAY ZONE (HPO)

Purpose

*The **HPO** makes provision for the protection of heritage places entered on the heritage register maintained by the provincial heritage resources authority and for the protection of heritage areas as provided for in terms of the heritage legislation. It also provides a mechanism for the protection of places the Council considers to be conservation-worthy in terms of its heritage strategies and policies. The **HPO** enables the designation of such places and heritage areas on the zoning map.*

Designation of a Heritage Protection Overlay Zone

17.1.1 The following heritage places are deemed to be Heritage Protections Overlay Zones and shall be subject to the provisions of this overlay zone:

- (a) any heritage place that has been entered on to the heritage register of heritage resources maintained by the provincial heritage resources authority in accordance with the heritage legislation;
- (b) any heritage place that has been designated a heritage area in accordance with the heritage legislation.

17.1.2 Notwithstanding 17.1.1 and subject to the provisions of 14.1.8 , Council may designate any heritage place that it considers in terms of its heritage strategy or policy to be conservation-worthy as a Heritage Protection Overlay Zone, and such heritage place shall be subject to the provisions of this overlay zone.

17.1.3 Council shall record all Heritage Protection Overlay Zones in Annexure F.

17.1.4 The provisions of 14.1 and 14.2 shall apply.

Use of the Property

17.1.5 The following land use restrictions apply to property in this zone:

- (a) **Primary uses** are: as stipulated in the base zone.
- (b) **Additional use rights** are: as stipulated in the base zone.
- (c) **Consent uses** are: as stipulated in the base zone, any use approved by Council as an incentive in terms of 17.1.6.

Development Rules

17.1.6 In addition to the development rules that apply to the base zone the provisions of the relevant Heritage Protection Overlay Zone as adopted and recorded in terms of 14.1 shall, where applicable, apply.

17.1.7 Council may approve any use as a consent use in terms of this overlay zone provided that:

- (a) such use is consistent with the uses determined to be appropriate in terms of a Council approved Heritage Management Plan in order to provide the owner with an incentive to preserve the heritage resource, and
- (d) Council may require cessation of the consent use right if the heritage resource is not maintained and protected to the requirements stipulated in the Council approved Heritage Management Plan for the property or as agreed between Council and the owner, in which case the provisions of 2.8.1 shall apply.

17.1.8 Any development rules in terms of an approved Heritage Protection Overlay Zone that exceed, or are more restrictive than, the limitations of a base zone, shall be deemed to be approved departures from the provisions of the base zone.

17.2 ENVIRONMENTAL MANAGEMENT OVERLAY ZONE (EMO)***Explanation***

*The **EMO** makes provision for the protection and management of the special natural and environmental characteristics of environmentally sensitive places and areas, or that are worthy of protection in accordance with the Council's environmental management frameworks. in order to ensure that development responds sensitively to these characteristics, that impacts are mitigated and to promote sustainable development, for the benefit of the general population, including tourists. The **EMO** also enables the designation of such environmentally sensitive places or areas on the zoning map.*

Designation of an Environmental Management Overlay Zone

- 17.2.1 Council may compile a schedule of significant environmental resources, including environmentally sensitive places and areas, which fall within its area of jurisdiction, or indicate these resources in the environmental management framework (EMF) of a district spatial plan, and any environmental resource listed in a schedule or EMF that has been approved by Council shall, after public consultation as stipulated in 14.1, be deemed to be zoned with the Environmental Management Overlay Zone, and shall be subject to the provisions of this overlay zone.
- 17.2.2 Notwithstanding 17.2.1 and subject to the provisions of Chapter 14, Council may designate an area to be an Environmental Management Overlay Zone in accordance with:
- (a) An Environmental Implementation Plan or Environmental Management Plan that has been formally adopted.
 - (b) a policy plan or strategy approved by Council
- and Council shall record the designation in Annexure H.

- 17.2.3 The provisions of 14.1 and 14.2 shall apply.

Use of the Property

- 17.2.4 The following land use restrictions apply to property in this zone:

- (a) **Primary uses** are: as stipulated in the base zone.
- (b) **Additional use rights** are: as stipulated in the base zone.
- (c) **Consent uses** are: as stipulated in the base zone.

Development Rules

- 17.2.5 In addition to the development rules that apply to the base zone, the provisions of the relevant Environmental Management Overlay Zone, as adopted and recorded in terms of 14.1, shall apply.
- 17.2.6 Council may approve any appropriate use as a consent use in terms of this overlay zone provided that:
- (a) it considers such use to be desirable or justified in order to provide the owner with an incentive to preserve the environmental resource, and

- (b) Council may require cessation of the consent use right if the environmental resource is not properly maintained and protected to Council's satisfaction, in which case the provisions of 2.8.1 shall apply.

17.2.7 Any development rules in terms of an approved Environmental Management Overlay Zone that exceed, or are more restrictive than, the limitations of a base zone, shall be deemed to be approved departures from the provisions of the base zone.

17.3 URBAN EDGE OVERLAY ZONE (UEO)

Explanation

*The **UEO** zone guides development at the urban edge area in order to achieve a sensitive transition between urban and rural or conservation areas, to contain urban sprawl and to protect valuable natural and agricultural resources adjacent to urban development.*

Designation of the Urban Edge Overlay Zone

17.3.1 Council may designate an area to be an Urban Edge overlay zone if a policy plan proposing urban edge development rules has been adopted for such area, and Council shall record the designation in Annexure H.

17.3.2 The provisions of 14.1 and 14.2 shall apply.

Use of the Property

17.3.3 The following land use restrictions apply to property in this zone:

- (a) **Primary uses** are: as stipulated in the base zone.
- (b) **Additional use rights** are: as stipulated in the base zone.
- (c) **Consent uses** are: as stipulated in the base zone.

Development Rules

17.3.4 In addition to the development rules that apply to the base zone, the provisions of the relevant Urban Edge Management overlay zone, as adopted and recorded in terms of 14.1, shall apply.

17.3.5 Any development rules in terms of an approved Urban Edge overlay zone that exceed, or are more restrictive than, the limitations of a base zone, shall be deemed to be approved departures from the provisions of the base zone.

17.4 SCENIC DRIVE OVERLAY ZONE (SDO)***Explanation***

*The **SDO** zone protects the natural and cultural landscape along important tourist and transport routes, to enhance the scenic experience of travellers and promote the tourism potential of the city.*

Designation of a Scenic Drive Overlay Zone

17.4.1 Council may designate an area to be a Scenic Drive overlay zone if a policy plan proposing scenic drive development rules has been adopted for such area, and Council shall record the designation in Annexure I.

17.4.2 The provisions of 14.1 and 14.2 shall apply.

Use of the Property

17.4.3 The following land use restrictions apply to property in this zone:

- (a) **Primary uses** are: as stipulated in the base zone.
- (b) **Additional use rights** are: as stipulated in the base zone.
- (c) **Consent uses** are: as stipulated in the base zone.

Development Rules

17.4.4 In addition to the development rules that apply to the base zone, the provisions of the relevant Scenic Drive overlay zone, as adopted and recorded in terms of 14.1, shall apply.

17.4.5 Any development rules in terms of an approved Scenic Drive overlay zone that exceed, or are more restrictive than, the limitations of a base zone, shall be deemed to be approved departures from the provisions of the base zone.

17.5 LOCAL AREA OVERLAY ZONE (LAO)

Explanation

*The **LAO** zone provides opportunities for Council to apply specific local development rules that reflect local circumstances. The LAO zone can provide Council with mechanisms to determine local provisions to encourage development in support of the local economy, or special management provisions to encourage appropriate development in response to local, cultural, urban design or landscape circumstances. It is important to recognise that the LAO zone is a tool to be applied by the Council in the interests of the city, and local interests needs to be balanced against the interests of the general community.*

Designation of a Local Area Overlay Zone

17.5.1 Subject to the provisions of Chapter 14, Council may designate an area to be a Local Area overlay zone if a policy plan proposing local area development rules has been adopted, and Council shall record the designation in Annexure J.

17.5.2 The provisions of 14.1 and 14.2 shall apply.

Use of the Property

17.5.3 The following land use restrictions apply to property in this zone:

- (a) **Primary uses** are: as stipulated in the base zone.
- (b) **Additional use rights** are: as stipulated in the base zone.
- (c) **Consent uses** are: as stipulated in the base zone.

Development Rules

17.5.4 In addition to the development rules that apply to the base zone, the provisions of the relevant Local Area overlay zone, as adopted and recorded in terms of 14.1, shall apply.

17.5.5 Any development rules in terms of an approved Local Area overlay zone that exceed, or are more restrictive than, the limitations of a base zone, shall be deemed to be approved departures from the provisions of the base zone.

PART IV

GENERAL PROVISIONS

This part contains general provisions and rules that apply to all zones or to specific zones as may be provided for in the general provision. It includes matters such as encroachments that may occur within building lines and requirements for site development plans. It refers to hazardous substances, owners' associations, screening, retaining structures, outdoor storage, antennae systems and other Council by-laws. This part also contains requirements for parking, loading, access and infrastructure. There are provisions relating to the subdivision and consolidation of land.

A most important component of Part IV is the chapter that deals with interpretation and definitions. The meaning of words used in this zoning scheme, and methods for resolving differences of interpretation, are explained in this chapter.

CHAPTER 18: GENERAL PROVISIONS

18.1 BUILDING LINES

Encroachment of Building Lines

18.1.1 The following additional development rules apply with regard to encroachment of building lines:

- (a) Notwithstanding the building line requirements set out in Part II and the provisions in the Roads Ordinance, the following structures or portions of structures may be erected within the prescribed building lines, provided they do not extend beyond the boundaries of the land unit:
 - (i) boundary walls, fences and gates;
 - (ii) open and uncovered stoeps;
 - (iii) entrance steps, landings and entrance porches;
 - (iv) a covered entrance or gatehouse that has a roofed area not exceeding 5,0 m² and a roof height not exceeding 3,0 m from floor to highest point;
 - (v) eaves and awnings projecting no more than 1,0 m from the wall of the building;
 - (vi) cornices, chimney breasts, flower boxes, water pipes, drain pipes and minor decorative features not projecting more than 500 mm from the wall of the building;
 - (vii) screen-walls not exceeding 2,1 m in height above the existing ground level abutting such wall;
 - (viii) swimming pools not closer than 1,0 m from any boundary;
 - (ix) a basement; provided that any part of the basement does not project above the existing ground level;
 - (x) a refuse room required by Council in terms of 19.5.

18.1.2 A building line of 5,0 m shall apply to any boundary adjacent to a declared metropolitan road, unless otherwise agreed by Council.

18.2 STREET CENTRELINE SETBACK

18.2.1 The portions of any land unit falling within a street centreline setback area shall be excluded for the purpose of determining coverage and maximum floor space, unless the owner transfers the portion concerned to Council free of any charge. In that case the portion shall be included for the purpose of determining the coverage or maximum floor space on the land unit.

18.3 SITE DEVELOPMENT PLANS

18.3.1 In addition to the zones that specifically require a site development plan, Council may require a site development plan for the following developments:

- (a) shopping centres and shopping complexes;
- (b) business and office park developments;
- (c) industrial park developments;
- (d) developments in conservation areas;
- (e) developments that will be sectionalised; and
- (e) major developments where there are concerns relating to urban design, heritage, traffic or planning.

18.3.2 Council may require some or all of the following information for a site development plan:

- (a) existing bio-physical characteristics of the property;
- (b) existing and proposed cadastral boundaries;
- (c) the layout of the property indicating the use of different portions of the property;
- (d) the massing, position, use and extent of buildings;
- (e) sketch plans and elevations of proposed structures including information about their external appearance;
- (f) cross sections of the site and buildings on site;
- (g) the alignment and general specification of vehicle access, roads, parking areas loading areas, pedestrian flow and footpaths;
- (h) the position and extent of private, public and communal space;
- (j) typical details of fencing or walls around the perimeter of the land unit and within the property;
- (k) electricity supply and external lighting proposals;
- (l) provisions for the supply of water, management of stormwater, and disposal of sewage and refuse;
- (m) external signage details;
- (n) general landscaping proposals including vegetation to be preserved, vegetation to be removed, vegetation to be planted, external paving, and measures for stabilising outdoor areas where applicable;
- (o) the phasing of the development;
- (p) the proposed development in relation to existing and finished ground levels, including excavation, cut and fill;
- (q) statistical information about the extent of the proposed development, floor area allocations and parking supply;
- (r) relationship of the proposed development to the quality, safety and amenity of the surrounding public environment;
- (s) relationship of the proposed development to adjacent sites, especially with respect to access, overshadowing and scale;
- (t) illustrations in a 3-dimensional form depicting visual impacts of the proposed development on the site and in relation to surrounding buildings; and
- (u) any other details as may reasonably be required by Council.

18.3.3 Council may require that the area covered by a site development plan shall extend beyond the site under consideration if, in its opinion, the proposed development will have a wide impact, and Council may determine the extent of such area .

18.3.4 When required in terms of this zoning scheme, a site development plan shall be submitted to Council for its approval before any development on a land unit can commence, provided that:

- (a) development shall not be refused if it is consistent with the development rules of a base zone, overlay zone, or condition of approval; but
- (b) Council may require amendments of detail to the site development plan to address reasonable concerns relating to access, parking, architectural form, urban design, landscaping, environmental management, engineering services or similar concerns.

18.3.5 The following provisions shall apply with regard to site development plans:

- (a) The property shall be developed generally in accordance with an approved site development plan;
- (b) If Council considers it necessary, a transport impact statement may be required in conjunction with a site development plan, the extent of which shall be determined by Council depending on the magnitude of the development;

- (c) If Council considers it necessary, a stormwater impact assessment and/or stormwater management plan may be required in conjunction with a site development plan, the extent of which shall be determined by Council depending on the magnitude of the development;
- (d) In circumstances where a site development plan is required in terms of this zoning scheme, no application for building plan approval in terms of the National Building Act shall be granted by Council, unless a site development plan has first been approved; and
- (e) An approved site development plan shall be considered as setting additional development rules applicable to the base zone and any application for amendment shall comply with Council's requirements for such amendments.

18.4 HAZARDOUS SUBSTANCE

18.4.1 Any use or ancillary activity that involves the storage or keeping of hazardous substances that may result in an installation being declared a major hazardous installation in terms of occupational health and safety law is not permitted, unless a risk management and prevention plan has been submitted by the owner, and Council has given approval thereto.

18.4.2 Council's approval in terms of 18.4.1 does not exempt the owner from applying for permission in terms of other relevant legislation.

18.5 SCREENING

18.5.1 Council may require screening in accordance with the following provisions:

- (a) Any part of the land unit which is used for the storage or loading of goods, shall be enclosed with a suitable wall and/or landscape screening;
- (b) Any external utility service or equipment which is required for a building, shall be appropriately screened from view from a public street, and such screening shall be integrated with the building in terms of materials, colour, shape and size, and shall be to Council's satisfaction.

18.6 BOUNDARY WALLS, EARTH BANKS AND RETAINING STRUCTURES

18.6.1 Boundary walls and fences shall comply with the following requirements:

- (a) In the case of a building that is not located on land zoned General Industry or Risk Industry:
 - (i) the maximum height of a boundary wall or fence shall be 1,8 m alongside a street boundary and 2,1 m alongside a common boundary where there is no electrified fencing,
 - (ii) the maximum height of a boundary wall or fence shall be 2.25 m alongside a street boundary and 2.55 m alongside a common boundary where electrified fencing or additional security features are affixed on top of the boundary wall or fence, and
 - (iii) at least 40% of the surface area of the street boundary wall, excluding gates, must be visually permeable, unless Council's approval is obtained to waive this requirement;
- (b) In the case of a building located on land zoned General Industry or Risk Industry, no boundary wall or fence shall exceed 2,4 m in height or 2,85 m where electrified fencing or additional security features are affixed on top of the boundary wall or fence;

- (c) The height of a boundary wall or fence shall be measured from the existing ground level abutting such wall or fence, provided that where the ground levels on opposite sides of a wall or fence are unequal, the height shall be measured from the higher of the two levels;
- (d) Electrified or additional security features erected on top of a boundary wall or fence shall not be tilted toward the outside of the property.

18.6.2 Without the approval of Council:

- (a) no earth bank, retaining structure, column, suspended floor, other device or series of such devices, shall be constructed that enables a ground floor of a building to be raised more than 1,5 m above existing ground level;
- (b) no earth bank or retaining structure used for holding back earth or loose rock, whether associated with a building or not, shall be constructed to a height of more than 2,0 m above existing ground level;
- (c) no series of earth banks or retaining structures shall be constructed to a cumulative height of more than 2,5 m above existing ground level, unless an approximately level area of at least 2,0 m wide is incorporated between successive embankments or retaining structures for every 2,0 m of cumulative height.

18.7 MAINTENANCE OF PROPERTY AND PLACEMENT OF VEHICLES

Maintenance of Property

18.7.1 Property shall be properly maintained by the owner or occupier and shall not:

- (a) be left in a neglected or offensive state,
- (b) contain an unsightly accumulation of papers, cartons, garden refuse, rubble and/or other waste material,
- (c) contain an accumulation of motor wrecks or un-roadworthy vehicles or used motor parts, unless these are part of a primary or consent use in terms of this zoning scheme,
- (d) contain outdoor storage of building material, appliances or similar items unless these are:
 - (i) part of a primary or consent use in terms of this zoning scheme,
 - (ii) being temporarily stored for the purpose of construction in accordance with a valid building plan approval,
 - (iii) in conjunction with a yard or garage sale with a duration of not more than two consecutive days.

Placement of Vehicles in Residential Zones

18.7.2 The following development rules apply to the placement of vehicles in the Single Residential Zones and General Residential Zones:

- (a) A motor vehicle owned by an occupant of a dwelling unit and used for commercial activities conducted away from the dwelling unit, may be parked on the property where the occupant resides provided that:
 - (i) there is adequate space on the property concerned,
 - (ii) no more than one commercial vehicle per dwelling unit shall be parked on the property, and
 - (iii) the gross weight of any such commercial vehicle shall not exceed 3 500 kg.

Mobile Homes and Caravans

18.7.3 A recreation vehicle, such as a mobile home or caravan, may not be used for permanent habitation without the approval of Council except if the zone lawfully allows such activity

18.7.4 The following additional development rules shall apply with regard to mobile homes approved to be placed on a land unit zoned for residential purposes:

- (a) The mobile home or caravan shall be sited on a foundation slab and properly anchored;
- (b) Solid perimeter skirting, of material and colour complementary to the mobile home or caravan, shall be provided from the bottom of the mobile home to the ground surface;
- (c) The roof and exterior siding of the mobile home or caravan shall be of a non-reflective material; and
- (d) Any structural additions shall be of materials which, in the opinion of Council, are compatible with the mobile home or caravan.

18.8 ANTENNAE SYSTEMS

Rooftop base telecommunication station as a Primary Use

18.8.1 A rooftop base telecommunication station which may be erected as a primary use in terms of this zoning scheme shall be subject to any relevant requirements of the National Environmental Management Act.

Application for Council's Approval

18.8.2 No rooftop base telecommunication station or freestanding base telecommunication station listed as a consent use in terms of this zoning scheme may be erected, modified or have its radio-frequency emissions altered without the approval of Council.

18.8.3 An application for Council's approval shall not exempt the applicant from compliance with the requirements of the National Environmental Management Act.

Decommissioned antennae

18.8.4 The following provisions shall apply with regard to decommissioned antennae:

- (a) The owner or operator of the antenna system shall remove all infrastructure relating to the antenna system.
- (b) Where the site has been disturbed the owner or operator of the antenna system shall rehabilitate the site to its original state or to a state acceptable to Council.
- (c) Where the owner or operator fails to comply with (a) or (b) above, Council may remove the antenna system and related infrastructure, and rehabilitate the site at the cost of the owner or operator.

Satellite dish antenna systems

18.8.5 Any satellite dish antenna that has a dish with a diameter in excess of 1,5 m shall be placed in a position that minimises the visual impact on the surrounding area to the satisfaction of Council.

18.8.6 Any satellite dish antenna smaller than 1,5m and used solely for the purposes of television reception for residential purposes will not require Council's approval.

18.9 FLOOD PRONE AREAS

18.9.1 Development in flood-prone areas shall be subject to Council's policy on flood prone areas.

18.10 ELECTRONIC OR MECHANICAL PLAYING DEVICES

- 18.10.1 Electronic or mechanical playing devices up to a maximum of 5 such devices are permitted in a zone with the primary uses of a business premises, shop, hotel and place of assembly. Where more than 5 electronic or mechanical playing devices are grouped together on a premises it will be considered to be a place of entertainment.

18.11 ROOFTOP BASE TELECOMMUNICATION STATION

- 18.11.1 A Rooftop Base Telecommunication Station may not extend more than 3m in height above the part of the building that it is attached to without the prior approval of Council.

18.12 PACKAGE OF PLANS

- 18.12.1 The general purpose of a Package of Plans is to provide for a mechanism to plan and manage the development of large or strategic urban development areas. It is a staged process of negotiation, planning and approvals, whereby appropriate levels of planning detail are approved together with conditions for such approvals. Areas where the package of plans approach are used will be generally referred to as Special Planning Areas (SPA) and must be recorded in Annexure C.
- 18.12.2 Council may require a Package of Plans to be submitted for approval for the following base zones and overlay zone:
- (a) General Residential Sub-zones: GR2-GR6;
 - (b) Community Zone 2: Regional
 - (c) General Business;
 - (d) Mixed Use Sub-Zones;
 - (e) General Industry Sub-Zones;
 - (f) Risk Industry Zone; and
 - (g) Subdivisional Area Overlay Zone.
- 18.12.3 The Package of Plans consists of the following components that are listed in a hierarchy from higher order to lower order plans, and the lower order plans must be in compliance with the higher order plans. Council may decide that all or only some of the components are required for the Package of Plans.
- (a) Contextual Framework
The Contextual Framework lays down broad land use policy for the development and the surrounding area. It may include principles or heads of agreement summarising the general obligations of Council and the developer in relation to the development. The Contextual Framework may be prepared by Council, or by a land owner or development agency under supervision of Council, and may not be in conflict with a spatial development framework or structure plan approved by Council.
 - (b) Development Framework
The Development Framework shall identify overall policy, broad goals and principles for development within the development. The Development Framework shall identify the range of uses, general spatial distribution of uses, major transport and pedestrian linkages, infrastructure and any limits to development within the development, including but not limited to density and floor space.

- (c) Precinct Plans
Precinct plans apply to specific areas within the Development Framework that have common features, functional relationships or phasing requirements. There may be several Precinct Plans that make up a development area. A Precinct Plan must describe in more detail the development objectives and intentions for a specific area in the development, as well as principles for urban design, land use, pedestrian links, traffic movement, floor space and environmental management.
- (d) Subdivision Plans
Subdivision Plans, if required, shall be processed in terms of Planning Law to establish new cadastral boundaries and facilitate the transfer of land units. Subdivision Plans may be approved at any stage after the Development Framework has been approved, and the provisions of 18.12.5 shall apply.
- (e) Site Development Plans
Site Development Plans depict more detailed design and development provisions for one or more land units within the development. These provisions may include, but are not limited to, details relating to land use, floor space, building lines, height, parking requirements, municipal services and landscaping as well as details relating to the position and appearance of buildings, open space, pedestrian links and traffic movement. A Site Development Plan may be required before or after a Subdivision Plan and should provide for the information as required in 18.3.2.
- (e) Building Plans
Building Plans contain detailed specifications as required by the National Building Regulations and Standards Act, and once approved by Council, authorise building work to be performed.

18.12.4 Council may require that the area covered by a contextual framework shall extend beyond the land under consideration if, in its opinion, the proposed development will have a wider impact, and Council may determine the extent of such area.

18.12.5 In approving the Package of Plans Council shall determine the total floor space or density permitted within the development which must be imposed as a condition of approval.

18.12.6 The allocation of floor space shall take into account the carrying capacity of internal and external infrastructure including roads and utility services, and any urban design principles approved by Council as part of a rezoning or contextual framework.

18.12.7 The approved floor space may remain as "floating floor space" assigned to the overall development for later allocation, or may be assigned to particular precincts when a Precinct Plan is approved, and in either case shall be allocated to individual subdivisions or site development plans.

18.12.8 When a Package of Plans are required in terms of this zoning scheme, the relevant components shall be submitted to Council for its approval before any development on a land unit can commence, provided that:

- (a) The development shall not be refused if it is consistent with the development rules of a base zone, overlay zone, or condition of approval; but
- (b) Council may require amendments of detail to the site development plan to address reasonable concerns relating to access, parking, architectural form, urban design, landscaping, environmental management, engineering services or similar concerns.

18.12.9 The provisions as contained in 18.3 shall apply with regard to site development plans.

CHAPTER 19: PARKING, LOADING AND INFRASTRUCTURE

19.1 CONVENTIONAL PARKING REQUIREMENTS

19.1.1 The following parking requirements shall apply unless otherwise stated in this zoning scheme.

Off-street Parking Requirements

- (a) In cases where parking requirements are not stipulated for a particular use, or in terms of a specific condition imposed by Council, parking shall be provided at a minimum ratio in accordance with the following Table titled "Minimum Off-Street Parking Requirements". Council shall determine off-street parking requirements for land uses not stipulated in the table "Minimum Off-Street Parking Requirements":
- (b) The column which is headed "Standard Areas", refers to standard requirements that apply to areas with standard parking needs or where public transport is not being specifically promoted. The column which is headed "PT1 Areas" refers to areas where the use of public transport is to be promoted, but where Council considers the provision of public transport to be inadequate or where the use of motor vehicles is limited. The column which is headed "PT2 Areas" refers to areas where the use of public transport is to be promoted and Council considers the provision of public transport good, or where the use of motor vehicles is very limited.
- (c) Council shall maintain a plan or plans which indicate the areas it deems to be PT1 and PT2 areas. Such plans shall be recorded in Annexure K, and may be amended from time to time by Council as required.
- (d) If an area has not been specifically identified by Council as a PT1 or PT2 area, then the parking requirements for Standard Areas shall apply.
- (e) Council may through the provisions of Chapter 14 develop overlay zones to set maximum parking requirements for specific areas and/or determine different parking requirements for specific areas depending on motor vehicle ownership subject thereto that the process to develop such overlay zones must be informed by an approved policy plan,
- (f) Off-street parking shall be provided:
 - (i) on the property for which the parking is required, or
 - (ii) subject to Council's approval, in public parking facilities available in the vicinity, or
 - (iii) in accordance with 19.1.2.

Alternative Parking Supply

19.1.2 As an alternative to compliance with the off-street parking requirements in terms of this zoning scheme, an owner may with the approval of Council:

- (a) acquire an area of land sufficient for the permanent parking requirements elsewhere in a position approved by Council; or
- (b) acquire permanent rights to a parking facility or portion of a parking facility elsewhere in a position approved by Council;

and shall register a notarial tie or servitude against such land or parking facility to link the properties concerned for the purpose of parking, and the owner shall cause the parking concerned to be constructed and maintained in accordance with Council's approval. The cost of registration of the notarial tie or servitude shall be borne by the owner.

Minimum Off-Street Parking Requirements*GLA means gross leasable area*

Land Use	Standard Areas	PT1 Areas	PT2 Areas
Dwelling house (SR 1 Zone)	2 bays per dwelling unit	1 bay per dwelling unit	Nil
Dwelling house (SR 2 Zone)	1 bay per dwelling unit	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
Creche	1 bay per 10 children plus stop & drop facility	1 bay per 10 children	1 bay per 30 children
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

Table continued overleaf.

Minimum Off-street Parking Requirements (Continued)

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
Industrial hive	4 bays per 100 m ² GLA	4 bays per 100 m ² GLA	2 bays 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

19.1.3 Where two or more uses combine to share a common parking area, Council may approve parking requirements that are less than the sum of the parking required for individual uses provided that:

- (a) Council is satisfied that the utilisation of the same parking area by the different use types or activities in the zones will not result in a concurrent use of the parking area; and
- (b) bays intended for combined uses may not subsequently be reallocated to other uses, without the approval of Council.

19.2 SITE ACCESS AND PARKING LAYOUT REQUIREMENTS**Site Access**

19.2.1 The following site access requirements shall apply:

- (a) Council may require compliance with standard municipal or provincial access spacing guidelines.
- (b) No access shall be closer than 10,0 m from an intersection as defined by the prolongation of street boundaries.
- (c) Council may restrict or prohibit access if, in its opinion, a pedestrian or traffic hazard is created or likely to be created.

Requirements for Parking Layout and Site Access

19.2.2 Vehicle entrances and exit ways to and from property shall conform to the following requirements:

- (a) Motor vehicle carriageway crossings shall be limited to one per site per public street or road abutting the site.
- (b) Notwithstanding (a) above, where the total length of any street boundary of a site exceeds 30,0 m in length, one additional carriageway crossing may be permitted, provided that no two carriageway crossings are closer than 12,0 m to each other.
- (c) The minimum and maximum widths of motor vehicle carriageway crossings shall be in accordance with the following table "Width of Motor Vehicle Carriageway Crossings".

Width of Motor Vehicle Carriageway Crossings

Type of Carriageway Crossing	Minimum Width	Maximum Width
Single entrance or exit way	2,7 m	4,0 m
Combined entrance and exit way	5,0 m	8,0 m

Parking Layout Requirements

19.2.3 The following parking layout requirements shall apply unless otherwise stated in this zoning scheme:

- (a) Parking layout configurations, minimum dimensions and ramps to a parking area shall be in accordance with the provisions of this zoning scheme or an approved site development plan.
- (b) The layout of any parking area, except for parking in SR1 and SR2, shall ensure that vehicles can readily leave the site without reversing across the footway, unless approved by Council.
- (c) A tandem bay accommodating 2 motor vehicles shall be regarded as 1 bay for the purposes of this zoning scheme, except for single residential zones where a tandem bay shall be regarded as 2 bays.
- (d) Visitor parking bays shall be clearly demarcated, readily visible and accessible to visitors and preferably grouped together.
- (e) Parking areas shall be used for the parking of vehicles which are lawfully allowed on them, and any activity which causes an obstruction for vehicular traffic or pedestrian use of the sidewalk is prohibited.
- (f) Parking areas shall be constructed and maintained in a state suitable for the parking and movement of vehicles.
- (g) Notwithstanding (a) – (f) above, Council may lay down more restrictive requirements in connection with parking, site access or motor vehicle carriageway crossing, if considered necessary from a pedestrian or traffic safety point of view.

Parking Layout Plan

19.2.4 Council may require a parking layout plan to be submitted, indicating the way in which it is intended that motor vehicles shall park, the means of entrance and exit, landscaping proposals and construction details.

19.2.5 Council may approve or refuse the parking layout plan and impose conditions of approval.

19.3 UNCONVENTIONAL PARKING REQUIREMENTS

Parking for the Physically Disabled

- 19.3.1 Council may require parking that is capable of use by a physically disabled person, to be provided on any land unit, in order to ensure easy and convenient access for physically disabled persons to services and facilities generally open to the public and to residential uses.
- 19.3.2 In any parking facility serving the public, parking for physically disabled persons shall be provided in accordance with the following table "Physically Disabled Accessible Parking".

Physically Disabled Accessible Parking

Total no of parking bays	Required number of bays accessible to the physically disabled
1-50	1
51-100	2
101-150	3
151-200	4
For every additional 100 bays	1 additional parking bay

- 19.3.3 Parking for the physically disabled shall comply with the following requirements:
- Parking bays shall be a minimum of 4,0 m in width and 5,0 m in length;
 - Parking and access aisles shall be level;
 - Parking bays shall be located as near as possible to accessible building or site entrances and shall be located to provide convenient access to kerb ramps;
 - Each parking bay reserved for physically disabled persons shall be marked on the parking surface with the International Symbol of Accessibility;
 - Additional signage indicating the parking bay as reserved for exclusive use by physically disabled persons may be required by Council;
 - Where five or less parking bays are provided, at least one bay shall be 4,0 m wide and marked to provide a parking bay of 2,5 m with an access aisle 1,5 m, but the bay need not be reserved exclusively for physically disabled persons.
- 19.3.4 Physically disabled accessible parking provided in terms of this section shall count toward fulfilling off-street parking requirements.

Motorcycle and Bicycle Spaces

- 19.3.5 Council may require that parking be provided for motorcycles and bicycles.
- 19.3.6 For every four motorcycle and six bicycle parking spaces provided, a credit of one parking bay may be given towards the parking requirements; provided that:
- the total credit shall not exceed 2,5% of the parking bays required;
 - the minimum dimension for a motorcycle space shall be 2,2 m in length and 1,0 m in width; and
 - the minimum dimension for a bicycle space shall be 2,0 m in length and 0,6 m in width.
- 19.3.7 Signage, bollards and racks, or other devices for storing the bicycles and motorcycles shall be installed.

19.4 LOADING

19.4.1 Unless Council grants approval to waive this requirement, loading bays shall be provided in accordance with the following table titled "Minimum Off-Street Loading Requirements". Council may determine off-street loading requirements for uses not stipulated in the table.

19.4.2 The following minimum requirements shall apply to loading bays:

- (a) A loading bay shall measure not less than 4,5 m x 10,0 m for perpendicular loading and 2,5 m x 12,0 m for parallel loading.
- (b) No entrance or exit way to be used for loading shall be less than 3,0 m in width and no combined entrance and exit way shall be less than 6,0 m in width.
- (c) Covered loading areas shall have a minimum headroom of 3,7 m.

Minimum Off-Street Loading Requirements

Row No	Land Use	Floor Area (m ²)	No. of Loading Bays
1	Offices	0 – 5000	0
		5001 – 15000	1
		15001 – 30000	2
		Every additional 30000 or part thereof	1 additional bay
2	Business premises other than offices & supermarket, Industry	0 – 1000	0
		1001 – 2500	1
		2501 – 5000	2
		5001 – 10000	3
		Every additional 10000 or part thereof	1 additional bay
3	Supermarket	0 – 500	1
		501 – 1000	2
		1001 and greater	3 x the requirement specified in row 2

19.5 REFUSE ROOM

19.5.1 Council may, for the purposes of collecting refuse, require the owner to install a refuse receptacle on a property which shall:

- (a) be of sufficient size to accommodate the refuse generated from the property for one week;
- (b) be located adjacent to a public street or, in a position which will provide acceptable access to a refuse collection vehicle;
- (c) be designed in a manner that is architecturally compatible with the other structures on the property and screen refuse bins from public view; and
- (d) comply with any other condition, or standard requirements that Council may impose relating to access, health, pollution control, safety or aesthetics.

CHAPTER 20: SUBDIVISION OF LAND

20.1 SUBDIVISION OF LAND

Deemed Approval for Building Line and Coverage Departures

20.1.1 When Council grants approval for the subdivision of property containing one or more existing approved structures, so as to locate different structures on separate land units, Council's approval is deemed to have been granted for any building line or coverage departure that arises from the approved subdivision, provided that future structures shall comply with the requirements of this zoning scheme.

Subdivision of a Property with Consent Use Rights or a Temporary Land Use Departure

20.1.2 If a property that has been granted a consent use right or temporary land use departure is subsequently subdivided, the consent use right or temporary land use departure shall apply to only one of the subdivided portions, unless Council states otherwise by means of a condition of the subdivision.

CHAPTER 21: INTERPRETATION AND DEFINITIONS

21.1 INTERPRETATION

Rules for interpretation

21.1.1 The following rules of interpretation shall apply:

- (a) In this zoning scheme, annexures, appendixes, registers, any note on the zoning map and in any condition imposed in terms of this zoning scheme, the words and expressions shall have the meanings assigned to them in accordance with the definitions contained in 21.2, except where a contrary interpretation is clear from the context. Interpretation of words not defined in this chapter will have the meanings assigned to them in the "New Shorter Oxford English Dictionary" published by Oxford University Press, except where a contrary interpretation is clear from the context.
- (b) Headings contained in this zoning scheme shall be used for reference purposes, but shall not be construed to govern, limit or modify the meaning or intent of any provision of the zoning scheme.
- (c) The masculine gender includes the feminine and neuter, and visa versa, and the singular includes the plural, unless the context in the zoning scheme indicates otherwise.
- (d) Whenever reference is made to a law, ordinance or by-law, the reference applies to all succeeding legislation, substitutions, amendments and additions of that law, ordinance or by-law.
- (e) Whenever reference is made to the use of a building, land unit or property, the reference applies also to the erection of a building, to the use of part of a building and to the use of a land unit, whether a building is erected on the land unit or not.
- (f) It is understood that the terms "must" and "shall" are mandatory, and the term "may" is not mandatory, unless the context clearly indicates otherwise.
- (g) Council's interpretation of the text shall prevail unless the contrary is proven.

Methods of Measuring Distances, Heights and Levels

21.1.2 The following provisions apply with regard to measuring distances, levels or height:

- (a) If required by Council, the owner or applicant shall appoint a registered land surveyor to supply or verify information necessary for Council to make a decision about compliance with distances or levels required in terms of this zoning scheme.
- (b) Where reference is made or implied to the distance between boundaries or between a building and a boundary, this distance shall be measured in the following manner:
 - (i) The boundary or boundaries and all points of the building shall be projected onto a horizontal plane, and all measurements shall be made in such a plane;
 - (ii) The distance between a point on a building and a boundary shall be measured at the shortest distance between the point and the boundary.
- (c) Where reference is made to a portion of a boundary "opposite" a building, such portion shall be defined by drawing lines in a manner described in clause (b) from points on such building, at right angles to such boundary.
- (d) Any deviation from a height restriction that does not exceed 250 mm, will not be considered a contravention of the provisions of this zoning scheme;
- (e) If there is doubt about the height a building or structure, Council may require the owner to appoint a registered land surveyor to:
 - (i) certify the actual height of the building or structure in accordance with the provisions of this zoning scheme,

- (ii) certify if a building or structure is in contravention of the provisions of this zoning scheme,
 - (iii) certify that all structures on the property comply with the height restrictions applicable to the property.
- (f) Where reference is made to a distance, ground level, height of a point on a building or other measurement, then such distance, level or height shall be calculated in accordance with recognised geometric principles. In any case where the distance, level or height involved is so irregular that calculation in accordance with these principles is impractical or leads to a result which is clearly not in accordance with the intent of the zoning scheme, Council shall determine the distance, level or height concerned for the purpose of administering this scheme.

Interpretation of Boundaries

21.1.3 Where uncertainty exists as to the boundaries of zones, the following rules apply in the order listed:

- (a) Boundaries shown as following or approximately following any public street or road shall be construed as following the street or road cadastral boundary.
- (b) Boundaries shown as following or approximately following any land unit boundary shall be construed as following such boundary.
- (c) Boundaries shown as following or approximately following natural features shall be construed as following such features.
- (d) In the event of further uncertainty as to the boundaries of a zone, Council shall make a determination.

Interpretation of Category of Use and Zoning

21.1.4 In the event that there is:

- (a) uncertainty or dispute about zoning categories,
- (b) conflict between the provisions of a zoning map, this zoning scheme and the register, or
- (c) uncertainty or dispute about the zoning of property,

Council, after giving due consideration to any relevant representations, shall determine the category of use or zoning, and its decision shall be final.

Evasion of Intent of the Zoning Scheme

21.1.5 Council shall refuse any application in terms of the zoning scheme if it considers such application to constitute or facilitates an evasion of the intent of the zoning scheme or any of its provisions.

21.2 DEFINITIONS:

21.2.1 In this zoning scheme:

- A. "abattoir"** means a place where animals are slaughtered and prepared for distribution to butchery shops and food markets;

"additional dwelling unit" means a dwelling unit that may be erected with the consent of Council in the Agricultural Zone, in addition to a second dwelling, dwelling or residential accommodation for bona fide agricultural workers;

"adult entertainment" means property used for adult film theatres or strip clubs where sexually explicit, live or recorded shows are displayed, but does not include adult services or adult shop;

"adult services" means property used for massage parlours or escort agencies where sexually orientated personal services are provided, unless such services form part of a medical or therapeutic service provided by a registered medical practitioner or similar registered professional person, but does not include adult entertainment or adult shop;

"adult shop" means property used for the retail sale of pornographic, sexually explicit or erotic material, whether or not such material is displayed for sale, unless such material forms part of a medical or therapeutic service provided by a registered medical practitioner or similar registered professional person, but does not include adult entertainment or adult services;

"advertise", has the same meaning as in Planning Law;

"advertisement" when used in the context of outdoor advertising, has the same meaning as assigned to it in terms of the Outdoor Advertising Bylaw;

"agricultural industry" means an enterprise for the processing of agricultural products on or close to the land unit where these agricultural products are grown, and where processing in such proximity is necessary due to the nature, perishability and fragility of such agricultural products, and includes a winery and distillery but does not include a service trade;

"agriculture" means the cultivation of land for crops and plants, the keeping and breeding of animals, beekeeping, or the operation of a game farm, and includes such activities and buildings as are reasonably connected with the main farming activities such as residential accommodation for the farmer, farm manager and farm labourers, the packing of agricultural produce grown on the property for delivery to the market and a plant nursery; but excludes intensive horticulture, intensive animal farming, farm shop, harvesting of natural resources and agricultural industry;

"air and underground rights" means the development of a defined space above or below a public street, open space, railway line or another transport usage, and the allocation of use rights for such purpose, which may include any use with the approval of Council;

"airport" means a complex comprising aircraft runways and associated buildings for the take-off and landing of civil aircraft, as well as facilities for the handling and storage of air freight;

"ancillary" means a land use, purpose, building, structure or activity which is directly related to, and subservient to, the lawful dominant use of the property;

"animal care centre" means a place for the care of pets and animals, operated on either a commercial or welfare basis and includes boarding kennels, and pet training centres;

"antenna" means any system of wires, poles, rods, reflective surface or similar devices, used to **transmit or receive electronic communication signals** or electro-magnetic waves;

"applicant" means a person or entity that makes an application in terms of the Planning Law or this zoning scheme;

"approval" means permission granted by Council, after due consideration of all relevant facts and after following the relevant application procedure as set out in this zoning scheme, and includes permission for a specific type of land use or activity in addition to the primary use rights applicable to the property concerned, or any other approval as required in the zoning scheme;

"aqua-culture" means the breeding, for commercial purposes, of water flora or fauna in artificially constructed dams or holding tanks, or suspended from floating supports in natural water bodies;

"atrium" means a covered courtyard comprising a void within a building that extends for one or more floors in height, but does not contain floors that penetrate into the void. An atrium contains a floor and a roof or ceiling;

"authority use" means a use which is practised by or on behalf of a public authority, and the characteristics of which are such that it cannot be classified or defined under other uses in this zoning scheme, and includes a use practised by:

- (i) the State, such as a military centre and installation, police station or prison;
- (ii) the Provincial Government, such as a road station or road camp;
- (iii) Council, such as fire services or municipal depot with related uses (including limited accommodation for staff who are required to be on standby for emergencies);
- (iv) a foreign government such as an embassy or consulate, but does not include a dwelling house where the dominant use is for living accommodation of foreign diplomatic personnel.

"average ground level" means the average of the highest and lowest existing ground levels immediately abutting the outer perimeter of a building or vertical division of a building, and Council may:

- (i) determine the average ground level from measurements supplied on a building plan, or
- (ii) deem a level to be the average ground level based on measurements interpolated from a contour plan, local height bench mark or other information held by Council, or
- (iii) require the owner or applicant to commission a registered land surveyor to measure levels of the ground or interpolate levels, in order to provide Council with sufficient information so that it can determine the average ground level for the purpose of administering this zoning scheme;

- B. **"backpackers lodge"** has the same meaning as **"boarding house"** except that lodging is provided per bed and not per bedroom;

"balcony" means a floor projecting outside a building at a level higher than that of the ground floor, enclosed only by low walls or railings or by main containing walls of rooms abutting such projecting floor, and may include a roof over such floor and pillars supporting such roof;

"base level" of a building means an imaginary plane drawn horizontally at the average ground level of the building or vertical division of the building;

"base zone" means that zone which determines the lawful land use and development rules for a land unit in terms of this zoning scheme, before the application of any overlay zone;

"basement" means that space in a building between a floor and ceiling which is partly or completely below the existing ground level; provided that any part of such space that extends more than 1,0 m above the existing ground level, or that is visible for more than 1,0 m below the existing ground level or access from any road to such basement can not be obtained at a downward angle, shall not be regarded as a basement;

"bed and breakfast establishment" means a dwelling house or second dwelling in which the owner of the dwelling supplies lodging and meals for compensation to transient guests who have permanent residence elsewhere; provided that:

- (i) the dominant use of the dwelling house concerned shall remain for the living accommodation of a single family; and
- (ii) the property complies with the requirements contained in this zoning scheme for a bed and breakfast establishment;

"boarding house" means a building where lodging is provided, and may incorporate cooking, dining and communal facilities for the use of lodgers, together with such outbuildings as are normally used therewith; and includes a building in which rooms are rented for residential purposes, youth hostel, backpackers' lodge, guest house and residential club; but does not include a hotel, dwelling house, second dwelling or group house;

"boundary" in relation to a land unit means one or more of the cadastral lines separating such land unit from another land unit or from a road reserve;

"boundary wall" means any wall, fence or enclosing structure erected on or next to a cadastral property boundary and any other structure, including security devices, such as spikes, barbed wire, razor wire or electric fences affixed to or on top of a boundary wall;

"building" without in any way limiting its ordinary meaning, includes:

- (i) any roofed structure;
- (ii) any external stairs, steps or landings of a building and any gallery, canopy, balcony, stoep, verandah, porch or similar feature of a building;
- (iii) any walls or railings enclosing any feature referred to in (ii); and
- (iv) any other portion of a building;

"building line" means an imaginary line on a land unit, which defines a distance from a specified boundary, within which the erection of buildings or structures are completely or partially prohibited;

"business premises" means a property from which business is conducted and includes a shop, supermarket, restaurant, sale of alcoholic beverages, plant nursery, office, service trade, funeral parlour, financial institution and building for similar uses, but does not include a place of assembly, place of entertainment, institution, motor repair garage, industry, noxious trade, risk activity, adult entertainment business, adult services or adult shop;

"builder's yard" means a property used for the storage of material and equipment which:

- (i) is required for or is normally used for construction work,
- (ii) was obtained from demolitions of structures or excavations of ground, or
- (iii) is necessary for or is normally used for land development, such as storage of material used for building roads, installing essential services, or for any other construction work, whether for public or private purposes;

C. "cadastral line" means a line representing the official boundary of a land unit as recorded on a diagram or general plan approved by the Surveyor General and registered in the Deeds Office;

"camping site" means a property in which tents or caravans are used for accommodation for visitors, and includes ablution, cooking and other facilities for the use of such visitors;

"canopy" means a cantilevered or suspended roof, slab or covering (not being the floor or a balcony) projecting from the wall of a building;

"caravan" means a vehicle which has been equipped or converted for living and sleeping purposes and which can be readily moved;

"carriageway crossing" in relation to a motor vehicle carriageway crossing, means an entrance or exit way, or a combined entrance and exit way, from a land unit to a road.

"cellular telecommunication infrastructure" means, but is not limited to, any one or more of the following:

- (i) antenna support structure including any solid or lattice structure, mast pole, monopole, guyed tower, lattice tower, freestanding tower or other structure designed and primarily used to support antenna;
- (ii) antenna structure including any system of wires, poles, rods or similar devices, used for the transmission or reception of electromagnetic waves, attached to a building or a mast, and includes cabling between the equipment room and the antenna;
- (iii) base station site including the land, antenna support structure, and all associated infrastructure such as antenna, microwave dish, equipment room and access road;
- (iv) equipment room including a structure to house cellular telecommunication equipment associated with an antenna support structure and/or antenna; which may be a separate building used exclusively for the equipment, or a container, or a room or rooms within a building with another predominant use;
- (v) microwave or satellite dish including any device incorporating a reflective surface that is solid, open mesh, or bar configured that is the shape of a shallow dish, cone, horn or other, and is used to transmit and/or receive electromagnetic waves;

"cell phone base station" means the cellular telecommunication infrastructure of one or more service providers located on a property to provide cellular telecommunication services to the general public;

"cemetery" means a place for the burial of human remains, and may include ancillary buildings such as an office and chapel, but does not include a crematorium;

"clinic" means a place for the diagnosis and treatment of human illness or the improvement of human health, which has limited facilities and an emphasis on outpatients, provided that a clinic may contain live-in facilities for no more than twenty persons, including patients and staff; a clinic may include medical consulting rooms, operating theatre, outpatients' centre and a wellness centre with ancillary uses;

"commencement date" means the date on which this zoning scheme came into operation;

"commercial" combined with a use, such as commercial entertainment, commercial conference facility etc. means an enterprise that is run with the express purpose of making a profit and where there are no or limited social or charitable objectives;

"common boundary" in relation to a land unit means a boundary that is common with an adjoining land unit other than a street boundary;

"conference facility" means a place of commercial nature where information is presented and ideas exchanged among groups of people or delegates whose normal place of work is elsewhere, and may include overnight accommodation and the supply of meals to delegates;

"confirm" in relation to a subdivision means "to confirm" as contemplated in the Planning Law, and **"confirmation"** has a corresponding meaning;

"consent use" means a land use specified in this zoning scheme as a consent use, being a use that is permitted in terms of the provisions of a particular zone, only with the approval of Council;

"container site" means property used for the storage of shipping or transport containers;

"contextual framework" means a plan or written strategy approved by Council as envisaged in 15.2.6;

"Council" means a Municipal Council referred to in Section 157(1) of the Constitution of the Republic of South Africa;

"coverage" means the total area of a land unit that may be covered by buildings, expressed as a percentage of the area of such land unit, and shall include all roofed areas; provided that the following portions of buildings shall be disregarded in the calculation of coverage:

- (i) stoeps, entrance steps and landings;
- (ii) open balconies, retractable awnings;
- (iii) 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;
- (iv) eaves not projecting more than 1,0 m from the wall of the building;
- (v) a basement; provided that the finished level of the top of the basement roof slab does not project above the existing ground level;

"crematorium" means a place for incinerating corpses in a furnace, and includes ancillary facilities such as a chapel and offices;

"cultural and social ceremonies" means the practice of cultural and social ceremonies by any person belonging to a cultural, religious or linguistic community provided that such ceremonies are lawful;

D. "departure" has the meaning assigned to it in the Planning Law;

“development framework” means a plan and/or written document approved by Council in terms of Planning Law;

“development rule” means a rule, restriction, provision, or requirement in terms of this zoning scheme, which sets out the permissible extent of use or development of a property to which it relates and has the same meaning as land use restrictions in Planning Law;

“display” in relation to a sign, without in any way limiting its ordinary meaning, includes the erection of any structure for the support of such sign;

“domestic staff quarters” means an outbuilding of not more than 50 m² including sanitary and cooking facilities, and used for the accommodation of domestic staff employed at the dwelling house concerned;

“dominant use” means the predominant or major use of a property, and may consist of primary uses, consent uses or other lawful uses permitted on the property;

“dwelling house” means a building containing only one dwelling unit, together with such outbuildings as are ordinarily used with a dwelling house, including domestic staff quarters;

“dwelling unit” means a self-contained interleading group of rooms, with not more than one kitchen, used for the living accommodation and housing of one family, together with such outbuildings as are ordinarily used therewith, but does not include domestic staff quarters, or tourist accommodation or accommodation used as part of a hotel;

E. “eaves” means a portion of a roof projecting beyond the face of a building, including any gutters;

“eco-system” means a self-sustaining and self-regulating community of organisms and the interaction between such organisms with one another and with their environment;

“electronic or mechanical playing devices” means any electronic or mechanical or similar devices which are designed or used for the purpose of playing of any game or for recreational or amusement purposes and the operation involves the payment of any valuable consideration either by insertion of a coin, token coin, disc or an other manner;

“encroachment agreement” means an agreement between an owner and Council relating to the projection of portions of a building or structure from the owner’s property onto or over Council’s property;

“engineering services” means infrastructure for the provision of water, electricity, sewerage, stormwater management, streets, roads and pedestrian walkways, including all related services and equipment;

“entrance steps and landings” means steps and landings to a building, including any low walls and railings, if such steps and landings are not within the main containing walls of the building;

“environmental conservation use” means the use or maintenance of land in a substantially natural state with the object of preserving the biophysical and heritage characteristics of that land (as well as flora and fauna living on the land); and includes associated infrastructure required for such use;

“environmental facilities” means facilities for the management, study, interpretation, education, and public appreciation of a predominantly natural area or heritage site; and includes accommodation for staff, support services and associated infrastructure but does not include tourist facilities or tourist accommodation;

“environmental impact assessment” has the same meaning as in the National Environmental Management Act;

“environmental management plan” means an environmental management plan as contemplated in the National Environmental Management Act;

“equipment room” means a building to accommodate communication equipment associated with Telecommunication Infrastructure. This can be a separate building used exclusively for the equipment or it can be a container or a room within a building.

“erection” in relation to a building or structure includes:

- (a) the construction of a new building or structure;
- (b) the alteration or conversion of, or addition to, a building or structure; and
- (c) the re-construction of a building or structure which has completely or partially been demolished;

and “erect” has a corresponding meaning;

“erf” has the same meaning as land unit;

“existing ground level” means the level of the land surface on a land unit:

- (a) in its unmodified state; or
- (b) as established from a plan lodged with an official agency such as the municipality or a government department, which depicts the existing level of the ground at or before the commencement date; or
- (c) in a state which has been graded, with Council’s approval, for the purpose of development; or
- (d) as determined by Council, if in its opinion it is not possible to ascertain the existing level of the ground due to irregularities or disturbances of the land, and

Council may require the owner or applicant to commission a registered land surveyor to measure levels of the ground or interpolate levels, in order to provide Council with sufficient information so that it can determine the most appropriate existing ground level for the purpose of administering this zoning scheme;

“expo-centre” means a place for large exhibitions, particularly of a commercial nature where products are displayed to promote trade, or a place for large conventions; and includes a conference facility;

F. “factory” means property containing an industrial assembly plant used for the manufacture of goods;

“factory shop” means property used for the retail sale of goods to the public, in which the goods concerned have been completely or predominantly manufactured in a factory on the property concerned;

“family” means:

- (i) one person maintaining an independent household; or
- (ii) two or more persons related by blood or marriage maintaining a common household; or

(iii) not more than five unrelated persons maintaining a common household;

"farm shop" means a building, located on a farm, where the farmer sells produce grown on the farm and other goods, to the general public;

"flats" means a building containing three or more dwelling units, together with such outbuildings as are ordinarily associated therewith; provided further that in those zones where flats are permissible, a building with less than three dwelling units shall also be permissible in a building approved for flats or purposes other than for flats;

"flood" means a general and temporary condition of partial or complete inundation of land from the overflow of a body of water;

"flood-prone area" means any land area susceptible to being inundated by water from any source;

"floor" means the inner, lower surface of a room, garage or basement and includes a terrace or atrium to which the occupants of a building have access;

"floor factor" means the factor (expressed as a proportion of 1) which is prescribed for the calculation of maximum floor space of a building or buildings permissible on a land unit. If the floor factor is known, the maximum permissible floor space can be calculated by multiplying the floor factor by the area of the land unit;

"floor space" in relation to any building means the area of a floor which is covered by a slab, roof or projection; provided that:

- (i) any area, including a basement, which is reserved solely for parking or loading of vehicles, shall be excluded;
- (ii) external entrance steps and landings, any canopy, any stoep and any area required for external fire escapes shall be excluded;
- (iii) a projection including a projection of eaves, and a projection which acts as a sunscreen or an architectural feature, which projection does not exceed 1,0 m beyond the exterior wall or similar support, shall be excluded;
- (iv) any uncovered internal courtyard, lightwell or other uncovered shaft which has an area in excess of 10 m² shall be excluded;
- (v) any covered 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, and which is permanently open to the elements on at least the front or long side, shall be excluded;
- (vi) any covered balcony, verandah or terrace which, apart from protective railings, is permanently open to the elements on at least the front or long side, and which does not exceed 2,5 m in width, shall be excluded;
- (vii) subject to clause (viii), any stairs, stairwells and atriums that are covered by a roof shall be included;
- (viii) in the case of multi-level buildings, any stairwells, liftwells, lightwells or other wells, and any atrium, shall only be counted once; and provided further that:

floor space shall be measured from the outer face of the exterior walls or similar supports of such building, and where the building consists of more than one level, the total floor space shall be the sum of the floor space of all the levels, including that of basements;

"funeral parlour" means property where the dead are prepared for burial or cremation and includes facilities for ancillary administrative and religious functions but does not include a crematorium;

“Freestanding Base Telecommunication Station” means a freestanding support structure on land or anchored to land and used to accommodate Telecommunication Infrastructure for the transmitting or receiving of electronic communication signals and may include an access road to such facility;

G. “garage” means a building for the storage of one or more motor vehicles, and includes a carport but does not include a motor repair garage or service station;

“greenhouse” means a structure with the sides primarily made of a transparent material such as glass, perspex or plastic for the purpose of growing delicate plants or hastening growth of plants under controlled environmental conditions;

“gross density” means a measure of the number of dwelling units in a specified area, and is calculated as follows:

$$\text{Gross density of dwelling units per hectare} = \frac{\text{Total number of dwelling units in a specified area}}{\text{Extent of the specified area in hectares}}$$

“gross leasable area” means the area of a building designed for, or capable of, occupancy and control by tenants, measured from the centre line of the joint partitions to the inside finished surface of the outside walls, and shall exclude the following:

- (i) all exclusions from the definition of floor space;
- (ii) toilets,
- (iii) lift shafts, service ducts, vertical penetrations of floors,
- (iv) lift motor rooms and rooms for other mechanical equipment required for the proper functioning of the building;
- (v) areas reasonably used in connection with the cleaning, maintenance and care of the building, excluding dwelling units for caretakers, supervisors, cleaners or maintenance staff;
- (vi) interior parking and loading bays;

“ground floor” means the lowest floor of a building that is not a basement;

“ground level” see **“average ground level”** and **“existing ground level”**;

“group house” means a dwelling unit which forms part of a group housing scheme;

“group housing” and **“group housing scheme”** means a group of separate and/or linked dwelling units, planned, designed and built as a harmonious architectural entity and integrated with open space in an ordered way; and such dwelling units may be cadastrally subdivided;

“group housing site” means one or more land units on which a group housing scheme may be erected;

“guest house” means a dwelling house or second dwelling which is used for the purpose of supplying lodging and meals to transient guests for compensation, in an establishment which exceeds the restrictions of a bed and breakfast establishment, and may include business meetings or training sessions by guests on the property;

- H. "harvesting of natural resources"** means the gathering of flora and/or fauna within a conservation-worthy area for sale or use by a person or agency other than a recognised environmental agency; provided that such harvesting:
- (i) is sustainable;
 - (ii) does not deplete the resources below acceptable levels; and
 - (iii) is not detrimental to the eco-system;

"hazardous substance" has the same meaning as the definition of "grouped hazardous substance" in the Hazardous Substances Act No 15 of 1973;

"height" of a building means a vertical dimension from a specified level to another specified level measured in metres; provided that chimneys, flues, masts and antennae shall not be counted for the purpose of height control;

"helicopter landing pad" means any portion of land, building, structure or part thereof which has been demarcated for the purposes of landing or take-off of helicopters or vertical lift-off aircraft;

"heritage area" has the same meaning as described in the Heritage Resources Act;

"Heritage Management Plan" means a plan approved by Council that documents a heritage resource, its heritage values and management requirements. Such a Heritage Management Plan must be subject to public consultation and approved by the Council before it may be implemented in terms of the Heritage Protection Overlay Zone.

"heritage legislation" means the National Heritage Resources Act;

"heritage place" has the same meaning as "place" as defined in the Heritage Resources Act;

"heritage register" has the same meaning as defined in the Heritage Resources Act;

"heritage resource" has the same meaning as defined in the Heritage Resources Act;

"home occupation" means the practicing of an occupation or the conducting of an enterprise from a dwelling house, second dwelling, dwelling unit or outbuilding by one or more occupants who reside on the property; provided that the dominant use of the property concerned shall remain for living accommodation of the occupants, and the property complies with the requirements contained in this zoning scheme for a home occupation; home occupation does not include a house shop;

"home child care" means the use of portion of a dwelling house or outbuildings by the occupant to provide day care, after school care or instruction for a limited number of infants or children;

"horticulture" see **"intensive horticulture"**;

"hospital" means a place for the diagnosis and treatment of human illness, with integrated facilities such as operating theatres and live-in accommodation for patients; and includes a clinic and medical consulting rooms;

"hotel" means a property used as a temporary residence for transient guests, where lodging and meals are provided, and may include:

- (i) a restaurant or restaurants;
- (ii) conference and entertainment facilities that are subservient and ancillary to the dominant use of the property as a hotel; and
- (iii) premises which are licensed to sell alcoholic beverages for consumption on the property; ,

but does not include an off-sales facility, dwelling house or dwelling unit;

"house shop" means the conducting of a retail trade from a dwelling house, second dwelling or outbuilding by one or more occupants who shall reside on the property; provided that the dominant use of the property shall remain for living accommodation of the occupants;

"house tavern" means an enterprise for the sale of alcoholic beverages (and may include on-site consumption), where such enterprise is conducted from a dwelling house, second dwelling or outbuilding, by one or more occupants who shall reside on the property; provided that the dominant use of the property concerned shall remain for living accommodation of the occupants; house tavern does not include a distribution depot or any form of manufacturing of alcoholic beverages;

- I. "industry"** means a property is used as a factory and in which an article or part of such article is made, manufactured, produced, built, assembled, compiled, printed, ornamented, processed, treated, adapted, repaired, renovated, rebuilt, altered, painted (including spray painting), polished, finished, cleaned, dyed, washed, broken up, disassembled, sorted, packed, chilled, frozen or stored in cold storage; including offices, caretaker's quarters or other uses which are subservient and ancillary to the use of the property as a factory; and includes a warehouse but does not include a noxious trade or risk activity;

"informal trading" means the legal selling of products in areas demarcated by Council specifically for these purposes, such as markets and other demarcated areas;

"institution" means a property used as a welfare facility such as home for the aged, retirement home, indigent or handicapped; or a social facility such as a counselling centre, orphanages or reformatory; and includes ancillary administrative, health care and support services for these facilities; but does not include a hospital, clinic or prison;

"integrated development framework" has the same meaning as in the Municipal Systems Act;

"integrated development plan" means a plan envisaged in section 25 of the Municipal Systems Act;

"intensive animal farming" means the breeding, feeding and keeping of animals or poultry on an intensive basis but excludes the breeding, feeding and keeping of wildlife;

"intensive horticulture" means the culture of plants on an intensive scale, including the culture of plants under a roof or in greenhouses, as well as the sale of self-produced plants on a property;

J.

- K. "kitchen"** means a room or part of a room equipped for preparing and cooking meals;

- L. "land"** means a tract of ground capable of being owned as property and includes land covered with water;
- "land unit"** means a portion of land registered in the Deeds Registry, or shown on a valid plan of subdivision approved by Council or other competent authority, as an erf, stand, lot or plot;
- "land use"** means the name of the use rights listed in this zoning scheme and can be a collective description for one or a number of land use activities and ancillary uses;
- "landscaping"** means the placement of plants, contoured features, water features, paving, street furniture and other soft and hard elements, for the purposes of enhancing aesthetic appeal, environmental management, amenity and value of a property;
- "lawful non-conforming use"** means an existing use of property that was lawful before the commencement date, but which does not conform to the use or development rules stipulated in this zoning scheme;
- "Less Formal Township Establishment Act"** means the Less Formal Township Establishment Act, 1991 (Act 115 of 1991);
- "loading bay"** means an area which is clearly demarcated for loading and off-loading of goods from commercial vehicles, and which has vehicular access to a public street to the satisfaction of Council;
- "lodging"** means bedroom (or bed in the case of a backpackers lodge) accommodation which is made available for payment, and the services ordinarily related to such accommodation, and lodger has a corresponding meaning;
- M. "maximum floor space"** means the greatest total floor space which is allowed for a building or buildings on a land unit, and is calculated by multiplying the floor factor by the area of the land unit or that portion of the land unit which is situated within a particular zone; provided that where the land unit is situated within two or more zones to which different floor factors apply, the maximum floor space for the whole land unit shall be the total of the maximum floor space for each zoned portion of the land unit;
- "medical consulting rooms"** means an office or offices and ancillary rooms used by a registered medical professional for human medical or medical related consultation, where such office is not attached to a hospital or clinic;
- "metropolitan road"** means any public street or road declared by Council as a road of metropolitan significance in terms of a schedule of such roads as published and shown on a plan, as may be amended by Council from time to time;
- "mine"** has the same meaning as stipulated in the Mineral and Petroleum Resources Development Act No 28 of 2002;
- "mobile home"** means a transportable structure with the necessary service connections, which is designed so that it can be used as a permanent dwelling;
- "motor repair garage"** means a commercial enterprise where motor vehicles are provided with fuel and/or major services such as engine overhauling, spray-painting, panel beating,

black-smithery, exhaust fitment, shock absorber fitment or body work, and includes a service station;

“motor vehicle” means a wheeled vehicle designed or used for propulsion by means of an internal combustion or electrical engine, and includes a motor cycle, trailer or caravan, but does not include a vehicle moving exclusively on rails;

“multiple parking garage” means a place, excluding a road, street and on-site parking associated with a primary or consent use, that is used for parking of motor vehicles by the public, with or without a fee, and may include parking within a building;

“municipality” has the same meaning as Council;

“municipal manager” means the municipal manager of the Council, or an official, acting under delegated powers;

“Municipal Systems Act” means the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000);

N. “National Constitution” means the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996);

“National Building Act” means the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977);

“National Heritage Resources Act” means the National Heritage Resources Act, 1999 (Act 25 of 1999);

“National Environmental Management Act” means the National Environmental Management Act, 1998 (Act 107 of 1998);

“National Ports Authority” means an authority that could either be a business unit or division within Transnet or a public company or enterprise created through the provisions of the National Ports Act, Act 12 of 2005;

“natural ground level” see **“average ground level”** or **“existing ground level”**;

“noise level” means a reading on an integrated impulse sound level meter taken in accordance with accepted scientific principles, as described in Noise Control Regulations promulgated in terms of the National Environmental Management Act;

“noxious trade” means an offensive, poisonous or potentially harmful trade, use or activity which, because of fumes, emissions, smell, vibration, noise, waste products, nature of material used, processes employed, or other cause, is considered by Council to be a potential source of danger, nuisance or offence to the general public or persons in the surrounding area;

O. “occupant” means any person who physically inhabits a property;

“occupational health and safety law” means the Occupational Health and Safety Act, 1993 (Act 85 of 1993) or municipal bylaws governing occupational health and safety, whichever is applicable;

"office" means property used for the conducting of an enterprise primarily concerned with administrative, clerical, financial or professional duties, and includes medical consulting rooms;

"open space" means land, not designated as public open space or not deemed to be an ancillary use, which is used primarily as a site for outdoor sports, play, rest or recreation, or as a park or nature area; and includes ancillary buildings, infrastructure and uses, but excludes shops, restaurants and gymnasiums;

"organ of state" means an "organ of state" as defined in section 239 of the National Constitution;

"outbuilding" means a structure, whether attached or separate from the main building, which is normally ancillary and subservient to the main building on a land unit, and includes a building which is designed to be used for the garaging of motor vehicles, and any other normal activities in so far as these are usually and reasonably required in the connection with the main building; as well as domestic staff quarters in the case of a dwelling house, but does not include a second dwelling;

"outdoor advertising" means the act or process of notifying, warning, informing, making known or any other act of transferring information in a visible manner and which takes place out of doors;

"overlay zone" means a category of zoning applicable to a particular area or land unit which:

- (i) stipulates development rules and/or use rights in addition to the underlying zone or base zone requirements, which may be more or less restrictive;
- (ii) may include provisions and development rules relating to primary uses, additional uses or consent uses, provisions in the underlying base zone, subdivision and subdivisional areas, special planning areas, development incentives, density limitations, urban form, urban renewal, heritage and environmental protection, management of the urban edge, scenic drives or local areas, or any other purpose, as set out in this zoning scheme or regulations promulgated in terms of the Municipal Systems Act;

and "overlay zoning" has a corresponding meaning;

"owner" in relation to property, means the person or entity in whose name that property is registered in a deeds registry, and may include the holder of a registered servitude right or registered lease, and any successor in title;

P. "package of plans" means the hierarchy of plans specified in terms of the provisions in 18.12 of this zoning scheme and generally referred to as Special Planning Areas;

"parapet" means a low projection or moulding which finishes the uppermost edge of a building with a flat or low pitched roof;

"parking bay" means an area measuring not less than 5,0 m x 2,5 m for perpendicular or angled parking and 6,0 m x 2,5 m for parallel parking, which is clearly outlined and demarcated for the parking of one motor vehicle and which is accessible for easy and safe vehicle movement;

"pergola" means any unroofed horizontal or approximately horizontal grille or framework and associated vertical support structure, such that the area in the horizontal projection of the solid portions thereof does not exceed 25 % of the total area thereof;

"place of assembly" means a place which has a civic function to serve the social and community needs of an area, which may attract people in relatively large numbers and which is not predominantly a commercial enterprise; including a civic hall, concert hall, indoor sports centre, sport stadium and club house, but does not include a place of entertainment or conference facility;

"place of entertainment" means a place used predominantly for commercial entertainment which may attract relatively large numbers of people, operate outside normal business hours or generate noise from music or revelry on a regular basis; including a cinema, theatre, amusement park, dance hall, gymnasium, totalisator or facility for betting, gambling hall and nightclub;

"place of instruction" means a place for education at pre-school, school or post school levels, including a crèche, nursery school, primary school, secondary school, college, university, research institute and ancillary uses such as boarding hostels; or a civic facility for the promotion of knowledge to the community such as a public library, public art gallery, museum; or a place of instruction in sport where the main objective is instruction as opposed to participation by the public as either competitors or spectators; but excludes a reformatory, commercial conference facility, gymnasium or in-house business training centre;

"place of worship" means a church, synagogue, mosque, temple, chapel or other place for practicing a faith or religion, and includes ancillary uses such as a religious leader's dwelling, office and place for religious instruction but does not include a funeral parlour, cemetery, crematorium, provided that a dwelling where the occupants engage in worship does not constitute a place of worship;

"Planning Law" means the Townships Ordinance, the Planning Ordinance; the Planning Act or succeeding legislation governing the preparation and administration of zoning schemes in the Western Cape, whichever is applicable;

"Planning Ordinance" means the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) of the Western Cape Province and includes regulations made thereunder;

"plant nursery" means a property which is used for the cultivation and sale of plants, gardening products and gardening equipment as a commercial enterprise;

"plaza" means an urban open space or square, primarily designed for outdoor use by pedestrians;

"policy plan" means a policy adopted by Council or structure plan, spatial development framework or other plan as approved in terms of Planning Law;

"porch" means a roof (not being the floor of a balcony) projecting from the outside of a building above a doorway, and forming a covered entrance to such building, and includes any paved area thereunder and any low walls or railings enclosing such paved area and any pillars supporting such roof;

"port" has the same meaning as in the National Ports Act, Act 12 of 2005;

“port development framework plan” means a plan prepared and approved by the National Ports Authority, in consultation with the affected municipality, that reflects the policy for the port development and the land use and development rules within such port;

“precinct plan” means a plan, approved by Council, as envisaged in 15.2.6 of this zoning scheme;

“primary use” in relation to property means any land use specified in this zoning scheme as a primary use, being a use that is permitted without the need first to obtain Council’s approval;

“private road” means privately owned land which provides vehicle access to a separate cadastral property or properties and which is designated as private road; it includes ancillary access control infrastructure such as a gatehouse, guardhouse, refuse room and utility room, but a driveway on a property and a servitude right of way over a property do not constitute private roads for the purpose of this zoning scheme;

“private open space” see **“open space”**;

“property” means land together with any improvements or buildings on the land;

“protected area” has the same meaning as assigned to it in terms of the National Environmental Management: Protected Areas Act, No. 57 of 2003;

“public authority” means a state department, local authority or other organ of state;

“public nuisance” means any act, omission or condition which, in Council’s opinion is offensive, injurious or dangerous to health, materially interferes with the ordinary comfort, convenience, peace or quiet of the public, or which adversely affects the safety of the public, having regard to

- (i) the reasonableness of the activities in question in the area concerned, and the impacts which result from these activities; and
- (ii) the ambient noise level of the area concerned;

“public open space” means land which is designated as public open space, under the ownership of Council or other public authority, with or without access control, and which is set aside for the public as an open space for recreation or outdoor sport; including a park, playground, public or urban square, picnic area, public garden, nature area, and includes ancillary buildings, infrastructure and uses;

“public street” means any land indicated on an approved general plan, diagram or map as having been set aside as a public right of way, whether for vehicles or pedestrians or public or urban squares, of which the ownership as such vests in the municipality in terms of the Planning Act or in terms of any other law;

Q.

R. “register” means the record held by Council in connection with all departures, consent uses, site development plans, conditions relating to use rights or special zone development rules;

“registered land surveyor” means a professional land surveyor or professional surveyor, registered as such in terms of the Professional and Technical Surveyors’ Act 40 of 1984;

“retaining structure” means a wall or structure constructed so as to hold back earth or loose rock;

“restaurant” means a commercial establishment where meals and liquid refreshments are prepared and/or served to paying customers primarily for consumption on the property, and may include licensed provision of alcoholic beverages for consumption on the property; but does not exclude the option for some customers to purchase food for consumption off the property;

“rezoning” means the change of zoning in relation to a particular land unit or units or portion of a land unit in terms of Planning Law;

“riding stables” means a commercial enterprise for the stabling of horses and includes riding instruction, the care and hiring of such horses;

“risk activity” means an undertaking where the material handled or the process carried out is liable to cause combustion with extreme rapidity, give rise to poisonous fumes, or cause explosion, and includes major hazardous installations and activities involving dangerous and hazardous substances that are controlled in terms of national legislation;

“risk management and prevention plan” means a plan, programme or strategy, developed in accordance with guidelines approved by Council, to prevent or minimise danger to the environment or humans from a particular activity or series of activities, and to deal with the consequences should any dangerous event occur.

“road” includes a public street and private road;

“road reserve” means the designated area of land that contains a public street or private road (including the road and associated verge), which land may or may not be defined by cadastral boundaries;

“Rooftop Base Telecommunication Station” means a support structure attached to the roof, side or any part of a building and used to accommodate Telecommunication Infrastructure for the transmitting or receiving of electronic communication signals;

S. “sale of alcoholic beverages” means the sale or offering for sale to the public, of drinks capable of producing intoxication in a consumer;

“satellite dish antenna” means apparatus fixed to a structure or mounted permanently on the ground, that is capable of receiving or transmitting communications from a satellite;

“scenic drive” means a public street which is designated as a scenic drive by Council in recognition of the high visual amenity alongside that public street including background vistas of mountain, open country, coastline or city;

“scrapyard” means a property which is utilised for one or more of the following purposes:

- (i) storing, depositing or collecting of junk or scrap material or articles the value of which depend mainly or entirely on the material used in the manufacture thereof;
- (ii) the dismantling of second hand vehicles or machines to recover components or material, and

- (iii) the storing or sale of second hand parts, poles, steel, wire, lumber yards, tyres, bricks, containers or other articles which are suitable to be left in the open;

"second dwelling" means another dwelling unit which may, in terms of this zoning scheme, be erected on a land unit where a dwelling house is also permitted, and such second dwelling may be a separate structure or attached to an outbuilding or may be contained in the same structure as the dwelling house; provided that:

- (i) the second dwelling shall remain on the same land unit as the dwelling house;
- (ii) the second dwelling shall comply with the requirements specified in this zoning scheme;

"sectoral plan" means any written strategy or plan which deals mainly with one of the sectors or elements or particular subjects that form part of an integrated development framework and which may be an economic, land reform, environmental, housing, water, service or transport, plan;

"service station" means property for the retail supply of fuel, and includes trading in motor vehicles, oil, tyres or motor spares, general repairs to motor vehicles, exhaust fitment, shock absorber fitment, washing of vehicles, and an ancillary shop; but does not include spray-painting, panel beating or body work;

"service trade" means an enterprise which is:

- (i) primarily involved in the rendering of a service for the local community such as the repair of household and electrical appliances or the supply of household services; and
- (ii) not likely to be a source of disturbance to surrounding properties; and
- (iii) employs at most 10 people;
- (iv) not liable, in the event of fire, to cause excessive combustion, give rise to poisonous fumes or cause explosions; and
- (v) inclusive of a builder's yard and allied trades, fitment centre for tyres, shocks or exhausts, and similar types of uses; but

does not include an abattoir, brick-making site, sewage works, service station or motor repair garage;

"shelter" means a unit of accommodation intended for human occupation, constructed of any material whatsoever, even though such material may not comply with the standards of durability intended by the National Building Regulations and National Building Act;

"shipping or transport container" means a large, weatherproof container used for the transport of goods by sea, rail or road, that is usually stored in the open when not in use;

"shop" or "shops" means property used for the retail sale of goods and services to the public, and includes a retail concern where goods which are sold in such a concern are manufactured or repaired; provided that the floor space relating to such manufacture or repair shall not comprise more than 40% of the floor space of the shop; "shop" does not include an industry, service trade, motor repair garage, service station, restaurant, adult entertainment business, adult services, adult shop or sale of alcoholic beverages ;

"sign" means any sign, sign-writing, mural, graphic design, signboard, screen, blind, boarding or other device by means of which an advertisement or notice is physically displayed, and includes any advertisement or object, structure or device which is in itself an advertisement or which is used to display an advertisement;

"site development plan" means a scaled and dimensioned plan which shows development details such as, but not limited to, site layout, positioning of buildings and structures, property access, building designs and landscaping of the proposed development;

"stoep" means an uncovered paved area or projecting floor outside and immediately adjoining a building, at or below the level of the ground floor thereof, and includes any low walls or railings enclosing such paved areas or floors;

"storey" means that portion of a building included between the surface of any floor and the surface of the next floor above, or if there is no floor above the ceiling; provided that:

- (i) a basement does not constitute a storey;
- (ii) a roof, or dome which forms part of a roof, shall not constitute a separate storey unless the space within the roof or dome is designed for, or used for, human occupation, in which case it is counted as a storey;
- (iii) any storey which is greater than 4,8 m but equal to or less than 7,2 m in height, shall for the purposes of the height measurement, be counted as two storeys, and every additional 4,8 m in height or portion thereof, shall be counted as an additional storey; and
- (iv) in counting the number of storeys of a building, the ground floor is one storey and the next floor above is the second storey;

"stormwater" means water resulting from natural processes, precipitation and/or the accumulation thereof, and includes groundwater and springwater ordinarily conveyed by the stormwater system, as well as sea water within estuaries, but excludes water in a drinking-water or waste-water reticulation system;

"stormwater system" means constructed and natural facilities, including pipes, culverts and water courses, used or required for the management, collection, conveyance, temporary storage, control, monitoring, treatment, use and disposal of stormwater;

"street boundary" means the boundary between a land unit and a public street or private road; provided that the boundary of a pedestrian way or service lane that cannot or will never be used by motor vehicles, shall be deemed to be a common boundary for the purpose of determining building lines, street centreline setback and site access requirements.

"street centreline setback" means the line delimiting the area measured from the centre line of a particular public street, within which no building or other structure, including a boundary fence, may be erected;

"structure" without in any way limiting its ordinary meaning, includes any building, shelter, wall, fence, pillar, tower, pergola, steps, landing, terrace, sign, ornamental architectural feature, swimming pool, fuel pump and underground tank, any building ancillary to service infrastructure provision and any portion of a structure;

"structure plan" means a policy plan in terms of section 4(6) or 4(10) of the Planning Ordinance or any subsequent Planning Law;

"subdivide", in relation to a land unit, means to subdivide the land unit whether by means of:

- (i) survey;
- (ii) the allocation, with view to a separate registration of land units, of undivided portions thereof in any manner; or
- (iii) the preparation thereof for such subdivision;

"subdivisional area" means a land unit or land units zoned in a manner permitting subdivision as contemplated in Planning Law and this zoning scheme;

"subdivision plan" means a plan which depicts the relative location of proposed land units on a land unit that is to be subdivided;

"substitution scheme" means a zoning map or development rules which replace, in terms of Planning Law, any other zoning map or portion thereof, or which replace the Subdivisional Area Zoning allocated in terms of Planning Law;

"supermarket" means a shop having a total floor space in excess of 400 m², in which a range of goods, including foodstuff and household goods, are offered for sale on a predominantly self service basis;

T. **"terrace"** means an area to which occupants of a building have access, created on a flat roof over a portion of the building, resulting from the setting back of part of the building above such portion;

"telecommunication infrastructure" means any part of the infrastructure of a telecommunication network for radio / wireless communication, including voice, data and video telecommunications which may include antennae; any support structure; equipment room; radio equipment; and optical communications equipment (laser and infra-red) provided by cellular network operators and any other telecommunication provider as well as all ancillary structures needed for the operation of Telecommunication Infrastructure. Fibre Optic installations and Point to Point copper (cable) installations are excluded from this definition;

"this zoning scheme" means the zoning scheme of the Municipality of Cape Town as approved;

"top of the roof" for the purpose of height control means the top of the roof ridge in the case of a pitched roof, or the top of the parapet where a parapet extends above the roof;

"total floor space" of a building means the sum of the floor space of all the levels of a particular building, including basements;

"tourist accommodation" means a harmoniously designed and built development, used for holiday or recreational purposes, whether in private or public ownership, which:

- (i) consists of a single enterprise in which overnight accommodation is supplied by means of short term rental or time sharing only;
- (ii) may include the provision of a camping site, mobile home park and dwelling units; but
- (iii) does not include a hotel;

"tourist facilities" means amenities for tourists or visitors such as lecture rooms, restaurants, gift shops, restrooms and recreational facilities, but does not include a hotel or tourist accommodation;

"Townships Ordinance" means the Townships Ordinance, 1934 (Ordinance 33 of 1934) and includes all regulations made thereunder;

“transport impact statement” means a study of the transport impact generated by a proposed development on the existing and planned road system, and recommendation of mitigating measures required as a result of the impact;

“transport management plan” means a document or plan specifying how the transport requirements will be accommodated in terms of all modes of transport (such as but not limited to public transport, private transport, cycling and walking) and how the parking requirements will be accommodated both on site and off site including what services associated with parking will be required;

“transport use” means the use of land, a building or structure for the operation of a public service for the transportation of goods (including liquids and gases) or passengers by means of rail, road, sea or pipeline including the use of such land, building or structure for the purpose of a harbour, railway station, bus depot, taxi interchange, a transport undertaking based on the provision of a transport service and includes a public private undertaking such as a railway station, bus depot, taxi rank, public transport interchange, harbour and ancillary purposes, but does not include an airport or helicopter landing pad;

U **“urban agriculture”** means the cultivation of crops, on relatively small areas within the urban area or edge, for own consumption or sale in neighbouring markets; provided that cultivation of a garden by an occupant shall not be regarded as urban agriculture for the purpose of this zoning scheme;

“urban edge” means a demarcated line which is designated as an urban edge by Council, which may follow cadastral boundaries or not;

“used” in addition to its ordinary meaning includes designed or intended to be used;

“use right” in relation to property, means the right to utilise that property in accordance with its zoning including any lawful departure therefrom;

“utility service” means a use or infrastructure that is required to provide engineering and associated services for the proper functioning of urban development and includes a water reservoir and purification works, electricity substation and transmission lines, storm water retention facilities, waste water pump station and treatment works, but does not include road, wind turbine infrastructure or transport use;

V **“verandah”** means a covered area (not being an area which is part of a yard or parking area) or projecting floor outside and immediately adjoining a building at or below the level of the ground floor thereof, and includes both such area or floor and the roof or other feature covering it, as well as any low walls or railings enclosing such paved area or floor;

“vertical division” of a building means a portion of the building bounded by external and/or internal walls, with or without openings, which portion is clearly identifiable as a logical vertical component from other portions of the building; and Council may deem that a building is divided into vertical divisions where every such division shall have a separate base level for the purpose of administering this zoning scheme;

W **“wallplate”** means the lowest longitudinal member, truss or bracket supporting a roof;

“warehouse” means a building used primarily for the storage of goods, except those that are offensive or dangerous, and includes property used for business of a predominantly

wholesale nature, but does not include property used for business of a predominantly retail nature;

"watercourse" means:

- (i) a river, stream, channel or canal in which water flows regularly or intermittently,
- (ii) a vlei, wetland, dam, or lake into which or from which water flows, and includes the bed and banks of a watercourse;

"winery" means a place where wine is made and may include a selling point to the general public and wine-tasting area;

"wind turbine infrastructure" means a device that converts energy from the wind to electricity that may or may not be linked to a electricity providers grid or network and comprises a rotor (propeller), a generator, a tower and any infrastructure in support thereof;

X.

Y.

Z. "zone or zone" when used as a noun, has the same meaning assigned to it in Planning Law;

"zone" when used as a verb in relation to property, has the same meaning assigned to it in Planning Law;

"zone" means that part of the zoning scheme, which has been shown on the zoning map by means of a specific notation or bordering or any other distinguishing manner, in order to identify the permitted use and development parameters of property;

"zoning", when used as a noun, has the same meaning assigned to it in Planning Law;

"zoning scheme" has the same meaning assigned to it in Planning Law; and

"zoning map" has the same meaning assigned to it in Planning Law.

PART V***ANNEXURES***

Annexures contain additional information supporting the administration of the zoning scheme, and include lists of all approved overlay zones, as well as other information of relevance. Not included is an annexure of Subdivisional Area overlay zones because of the potential number and the temporary nature of these zones.

CHAPTER 22: GENERAL PROVISIONS APPLICABLE TO ANNEXURES

The Annexures shall be maintained and updated by Council after a final rezoning decision is made or zoning scheme amendment has been promulgated in terms of Planning Law. The Annexures must also be available to the general public for inspection.

Council may only amend or add to these Annexures after a rezoning has been approved as contemplated in terms of 15.1.2, or the lapsing of such rezoning, or the zoning scheme has been amended in terms of Planning Law.

ANNEXURE A
LIST OF SPECIAL USES IN TERMS OF 3.2.8

NAME OF THE SPECIAL USE	DEFINITION OF THE SPECIAL USE	REFERENCE NUMBER (IF APPLICABLE)

ANNEXURE B
**LIST OF FORMER SPECIAL ZONES, SPECIAL AREAS AND SPECIAL PROVISIONS THAT
 SHALL BE DEEMED TO BE CONDITIONS OF APPROVAL IN TERMS OF PLANNING LAW**

NAME OF THE FORMER ZONING SCHEME BY WHICH THE SPECIAL ZONE, SPECIAL AREA OR SPECIAL PROVISION WAS ESTABLISHED	NAME OF THE SPECIAL ZONE, SPECIAL AREA OR SPECIAL PROVISION
1. Municipality of the City of Cape Town Zoning Scheme 2. Pinelands Zoning Scheme	Rondebosch Shopping Precinct Schedule 8 : Special Provisions Applicable to certain properties Special Zone A: Howard Place Special Zone B : Mutual park

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ANNEXURE C
LIST OF SPECIAL PLANNING AREA 18.12.1

NAME OF THE SPECIAL PLANNING AREA	NUMBER FOR SPECIAL PLANNING AREA	REFERENCE NUMBER
1. Cape Town Film Studios Special Planning Area - Dreamworld		

NOTE: The Special Planning Area overlay zone may be indicated on the zoning map by the code SPAO followed by the number of the Special Planning Area concerned.

ANNEXURE D
LIST OF INCENTIVE OVERLAY ZONES IN TERMS OF 16.1.1

NAME OF THE INCENTIVE OVERLAY ZONE	NUMBER FOR THE INCENTIVE OVERLAY ZONE PROVISIONS	REFERENCE

NOTE: The Incentive overlay zone may be indicated on the zoning map by the code ICO followed by the number of the Intensity overlay zone concerned.

ANNEXURE E
LIST OF DENSITY OVERLAY ZONES IN TERMS OF 16.2.1

NAME OF THE DENSITY OVERLAY ZONE	NUMBER FOR THE DENSITY OVERLAY ZONE PROVISIONS	REFERENCE
Koeberg Restriction Area		DOZ/1

NOTE: The Intensity overlay zone may be indicated on the zoning map by the code ITO followed by the number of Intensity overlay zone concerned.

ANNEXURE F
LIST OF HERITAGE PROTECTION OVERLAY ZONES IN TERMS OF 17.1.2

NAME OF THE HERITAGE RESOURCE OVERLAY ZONE	NUMBER OF THE HERITAGE PROTECTION OVERLAY ZONE	REFERENCE (IF APPLICABLE)
Mowbray Station		HPO/1/1
Mowbray: Mowbray-Rosebank		HPO/1/1
Mowbray: Little Mowbray		HPO/1/1
Rondebosch: Upper Rondebosch		HPO/1/2
Rondebosch: Belmont Road		HPO/1/2
Rondebosch: Silwood		HPO/1/3
Rondebosch: St Michael's		HPO/1/4
Rondebosch: Lower Rouwkoop Road		HPO/1/4
Rondebosch: Westerford		HPO/1/4
Rondebosch: Kelvin		HPO/1/4
Wynberg Village		HPO/1/5
Muizenberg: Muizenberg Village		HPO/1/6
Muizenberg: Atlantic/Beach Road		HPO/1/6
Muizenberg: Royal/Beach Road		HPO/1/6
Muizenberg: Muizenberg-St James-Kalk Bay		HPO/1/7
Simon's Special Architectural Zone		HPO1/8
Sea Point, St Bedes and Green Point		HPO/2/1
Loader Street		HPO/2/2
Central City		HPO/2/3
Wandel Street		HPO/2/3
Maynard Street		HPO/2/3
Upper Table Valley Areas		HPO/2/4
Upper Table Valley Area (Vredehoek)		HPO/2/5
Chapel Street		HPO/2/6
Victoria Road		HPO/2/6
Queens Road		HPO/2/6
Chester/Coronation Street		HPO/2/6
Roodebloem Road		HPO/2/6
Albert Road		HPO/2/7
Cavendish Square		HPO/2/7
Regent Street		HPO/2/7
Salt River		HPO/2/7
Upper Observatory		HPO/2/8
Lower Observatory		HPO/2/8
Pinelands		HPO/2/9

NOTE: The Heritage Protection Overlay Zones may be indicated on the zoning map by the code HPO followed by the number of the Heritage Protection Overlay Zone concerned.

ANNEXURE G
LIST OF ENVIRONMENTAL MANAGEMENT OVERLAY ZONES IN TERMS OF 17.2.1

NAME OF THE ENVIRONMENTAL MANAGEMENT OVERLAY ZONE	NUMBER OF THE ENVIRONMENTAL MANAGEMENT OVERLAY ZONE	REFERENCE (IF APPLICABLE)

NOTE: The Environmental Management Overlay Zones may be indicated on the zoning map by the code EMO followed by the number of the Environmental Resource Overlay Zone concerned.

ANNEXURE H
LIST OF URBAN EDGE OVERLAY ZONES IN TERMS OF 17.3.1

NAME OF THE URBAN EDGE OVERLAY ZONE	NUMBER FOR URBAN EDGE OVERLAY ZONES	REFERENCE (IF APPLICABLE)

NOTE: The Urban Edge Overlay Zones may be indicated on the zoning map by the code UEO followed by the number of the Urban Edge Overlay Zone concerned.

ANNEXURE I
LIST OF SCENIC DRIVE OVERLAY ZONES ANNEXURES IN TERMS OF 17.4.1

NAME OF THE SCENIC DRIVE OVERLAY ZONE	NUMBER OF THE SCENIC DRIVE OVERLAY ZONE	REFERENCE (IF APPLICABLE)
1. Victoria Road through Oudekraal		SDO/1/1
2. Chapmans Peak Drive		SDO/1/2
3,4 Kommetjie – Scarborough Main Road		SDO/1/3
5. Millers Point Road		SDO/1/4
6. Ou Kaapse Weg		SDO/1/5
7. Simonstown Red Hill Road		SDO/1/6
8. Muizenberg: Boyes Drive		SDO/1/7
9. Victoria Road through Sea Point, Clifton, Camps Bay and Bakoven		SDO/2/1
10. Camps Bay Drive from Fulham Road to Kloof Nek		SDO/2/1
11. Kloof Road through the Glen, Camps Bay		SDO/2/1
12. Kloof Nek Road through Bantry Bay and Clifton from the southern boundary of Mount Florida Estate Bantry Bay and Camps Bay		SDO/2/1
13. High Level Road from the traffic circle at the top of Strand Street to, and including, the Old Vault on Wessels Estate in Green Point		SDO/2/2
14. Ocean View Drive between Ben Nevis and Glengariff Roads and between Rhina and Firdale Roads		SDO/2/2
15. De Waal Drive		SDO/2/3

NOTE: The Scenic Drive Overlay Zones may be indicated on the zoning map by the code SDO followed by the number of the Scenic Drive Overlay Zone concerned.

ANNEXURE J
LIST OF LOCAL AREA OVERLAY ZONES IN TERMS OF 17.5.1

TITLE OF THE BY-LAW	DATE OF PROMULGATION	REFERENCE NUMBER (IF APPLICABLE)
1. Strand Beachfront Local Area		LAO/1
2. Harfield Village Local Area		LAO/2
3. Constantia – Tokai Local Area		LAO/3
4.1 Cape Town CBD Area		LAO/4
4.2 St Georges Street Sub Area		LAO/4(i)-(ii)-(iii)
5.1 Bakoven, Clifton and Glen Beach Local Area		LAO/5(i)-(ii)
5.2 Victoria Road, Clifton		LAO/5(iii)
6. St. James – Clovelly		LAO/6
7. Land above Boyes Drive, Kalk Bay		LAO/7
8. Marina da Gama		LAO/8
9. Camps Bay and Bakoven		LAO/9

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NOTE: The Scenic Drive Overlay Zones may be indicated on the zoning map by the code SDO followed by the number of the Scenic Drive Overlay Zone concerned.

ANNEXURE K
LIST OF PLANS IDENTIFYING PT1 AND PT2 AREAS IN TERMS OF 19.1.1

DESCRIPTION OF AREA	DATE OF ADOPTION	REFERENCE NUMBER