

ZONING SCHEME REGULATIONS

25 June 2015



**Oudtshoorn Municipality
Western Cape Province**

Note: Regulations prepared in terms of Section 7 of the Land Use Planning Ordinance 15 of 1985 - for adoption as a Zoning Scheme By-Law in term Western Cape Land Use Planning Act, 2014 (Act 3 of 2014).

PROPOSED STANDARD DRAFT ZONING SCHEME BY-LAW

To regulate and control municipal zoning.

ARRANGEMENT OF SECTIONS AND SCHEDULES

CHAPTER 1

INTERPRETATION

Sections

1. Definitions

CHAPTER 2

ZONING SCHEME, USE ZONES, USES AND ZONINGS

2. Application of zoning scheme
3. Purpose of zoning scheme
4. Components of the zoning scheme
5. Use zones
6. Zoning scheme map
7. Preparation and approval of new zoning scheme map
8. Rectification of errors on zoning scheme map
9. Zoning scheme register
10. Status of zoning scheme
11. Zoning versus ownership
12. Primary uses
13. Consent uses
14. Departures
15. Occasional uses
16. Non-conforming uses
17. Deemed zonings of closed public places

CHAPTER 3

OVERLAY ZONES

18. Purpose of overlay zones
19. Procedures for establishing overlay zones

CHAPTER 4

DISTANCES, LEVELS AND BOUNDARIES

20. Measuring distances and levels
21. Determining boundaries of use zones

CHAPTER 5**ENFORCEMENT**

22. Offences, penalties and enforcement of By-law

CHAPTER 6**DEVELOPMENT OF LAND**

23. Development parameters applicable to use rights

CHAPTER 7**GENERAL PROVISIONS**

24. Encroachment of building lines
25. Street centreline setback
26. Site development plans
27. Hazardous substances
28. Screening
29. Earth banks and retaining structures
30. Boundary walls
31. Maintenance of property
32. Placement of vehicles in residential zones
33. Mobile homes and caravans
34. Rooftop base telecommunication and satellite dish antenna systems
35. Geysers and solar panels or similar infrastructure affixed to the roof of a building
36. Equipment on top of building
37. Parapet walls
38. Chimneys
39. Flood prone areas
40. Electronic or mechanical playing devices
41. Utilisation of outbuildings
42. Determination of natural ground level
43. Animals in single and general residential zones
44. Hobbies in single and general residential zones

CHAPTER 8**PARKING AND LOADING**

45. Off-street parking requirements
46. Alternative parking supply
47. Combined parking requirements
48. Site access and exits
49. Parking layout requirements
50. Parking for the physically disabled
51. Motorcycle and bicycle parking spaces
52. Loading requirements

CHAPTER 9

REFUSE ROOMS AND SERVICE YARDS

- 53. Refuse rooms
- 54. Service yards

SCHEDULE 1

USE ZONES TABLE

SCHEDULE 2

LAND USE DESCRIPTIONS AND DEVELOPMENT PARAMETERS

SCHEDULE 3

OVERLAY ZONES APPROVED IN TERMS OF SECTION 19

- 1. Subdivisional area overlay zone
- 2. Special planning area overlay zone

CHAPTER 1 INTERPRETATION

Definitions

1. In this by-law, unless the context indicates otherwise, any word or expression to which a meaning has been assigned in the Western Cape Land Use Planning Act, 2014 (Act 3 of 2014) has the meaning assigned to it in that Act and—

“**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;

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

“**applicant**” means a person who makes application in terms of the Planning By-law;

“**atrium**” means a covered courtyard that—

- (a) comprises a void within a building that extends for one or more floors in height which contains a floor and roof or ceiling; and
- (b) does not contain floors that penetrate into the void;

“**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 containing walls of rooms abutting the projecting floor, and may include a roof over the projecting floor and pillars supporting the roof;

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

“**basement**” means that part of a building of which the finished floor level is at least two metres below, and the ceiling not more than one metre above, a height halfway between the highest and lowest natural ground level immediately contiguous to the building;

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

“**boundary wall**” means any wall, fence or enclosing structure erected on or directly 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;

“**braai room**” means a room which is part of the main dwelling or outbuildings and is used primarily for entertainment purposes and where food and drinks may be prepared, but excludes a kitchen;

“**building**” without in any way limiting its ordinary meaning, includes—

- (a) a roofed structure;
- (b) an external stair, step or landing of a building and a gallery, canopy, balcony, stoep, verandah, terrace, porch or similar feature of a building;
- (c) a wall or railing enclosing any feature referred to in paragraph (b); and
- (d) any other portion of a building; and
- (e) a retaining wall or infilling higher than 0,5 metres;

“**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;

“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;

“canopy” means a cantilevered or suspended roof, slab or covering projecting from the wall of a building, excluding the floor of a balcony;

“CapeNature” means the Western Cape Nature Conservation Board established in terms of the Western Cape Nature Conservation Board Act, 1998 (Act 15 of 1998);

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

“carport” means a structure for the storage of one or more vehicles that is covered by a roof, provided that not more than two sides may be permanently enclosed;

“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;

“commercial”, in relation to a use right, means a use right for the express purpose of making a profit with no or limited social or charitable objectives;

“common boundary”, in relation to a property, means a boundary common with the adjoining property other than a street boundary;

“coverage” means the total area of a land unit that may be covered by buildings, expressed as a percentage of the net erf area of the land unit, and includes—

- (a) walls and buildings;
- (b) solid roofs;
- (c) stairs, steps, landings, except entrance landings and steps, galleries, passages and similar features, whether internal or external; and
- (d) canopies, verandahs, porches, balconies, terraces and similar features provided that the following portions of buildings must be disregarded in the calculation of coverage, namely—
 - (i) stoeps, entrance steps and landings;
 - (ii) cornices, chimney breasts, pergolas, flower boxes, water pipes, drain pipes and minor decorative features not projecting more than 500 millimetres from the wall of the building;
 - (iii) eaves not projecting more than 1,0 metres from the wall of the building; and
 - (iv) a basement, provided that the basement ceiling does not project above the ground level;

“deemed zoning” means the zoning of a land unit which the Municipality deems it to have in circumstances where no formal zoning determination or rezoning was previously done;

“dwelling unit” means a self-contained, inter-leading group of rooms or a compound building configuration designed in accordance with a particular style approved by the Municipality—

- (a) with not more than one kitchen, used for the living accommodation and housing of one family, together with such outbuildings as are ordinarily used with such a dwelling unit; and
- (b) does not include domestic staff quarters, or tourist accommodation or accommodation used as part of a hotel;

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

“earth bank” means land that is shaped to hold back earth or loose rock;

“ecosystem” means a self-sustaining and self-regulating community of organisms and the interaction between the 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 any game or for recreational or amusement purposes or where the operator or player is entitled to a limited pay out as determined by law and the operation involves the payment of consideration by insertion of a coin, token coin, disc or another manner of payment;

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

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

“environmental management plan” means a plan that documents the management of site preparation, construction or operations affecting an environmental resource or an environmentally significant place, its environmental values or management requirements, or both;

“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;

“family” means—

- (a) one or more individuals occupying a dwelling who are related through marriage or common law, blood relationship, legal adoption, or legal guardianship and unrelated domestic workers and boarders; or
- (b) a group of not more than 5 unrelated persons including domestic workers or boarders;

“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 the maximum floor space of a building or buildings permissible on a land unit; being the maximum floor space as a proportion of the net erf area;

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

- (a) any area, including a basement, which is reserved solely for parking or loading of vehicles is excluded;
- (b) external entrance steps and landings, a canopy, a stoep and an area required for external fire escapes are excluded;
- (c) 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 metre beyond the exterior wall or similar support, is excluded;
- (d) any uncovered internal courtyard, light well or other uncovered shaft which has an area in excess of 10 m² is excluded;
- (e) 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, is excluded;
- (f) 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 metres in width, is excluded;
- (g) subject to paragraph (h), any stairs, stairwells and atriums that are covered by a roof are included;
- (h) in the case of multi-level buildings, any stairwells, lift wells, light wells or other wells, and any atrium, are only counted once; and provided further that—
- (i) floor space is measured from the outer face of the exterior walls or similar supports of the multi-level building; and
 - (ii) the total floor space is the sum of the floor space of all the levels of the multi-level building, including that of any basement;

“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;

“GLA” means gross leasable area being the total floor space designed for, or capable of, occupancy or control by tenants, measured from the centre line of the joint partitions to the inside finished surface of the outside walls, but excludes public toilets, internal walkways, lift shafts, service ducts, interior parking and loading bays;

“greenhouse” means a structure with the sides primarily made of a transparent material such as glass, perspex or plastic for the purpose of growing of 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:

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

“hazardous substance” has the same meaning as “grouped hazardous substance” as defined in section 1 of the Hazardous Substances Act, 1973 (Act 15 of 1973);

“height” of a structure means a vertical dimension of the structure from the natural ground level to the wall plate or, in the case of a pitched roof, the ridge of the roof or the highest point of a building, measured in metres, provided that—

- (a) the height of a structure does not include chimneys, flues, masts or antennae;
- (b) elevator motor rooms, satellite dishes, ventilation shafts, water tanks, air conditioning plant and equipment on top of a building are included when determining the height of a structure, unless enclosed within the roof or hidden behind parapet walls not exceeding 2 metres in height; and
- (c) the general provisions regarding these aspects in this by-law also apply;

“kitchen” means a room or part of a room equipped for preparing and cooking meals and excludes a braai room, food and drink preparation area or bar facilities in an entertainment area;

“Land Use Planning Act” means the Western Cape Land Use Planning Act, 2014 (Act 3 of 2014);

“landscaping” means the placement of plants, contoured features, water features, paving, street furniture and other soft and hard elements for the purposes of enhancing the aesthetic appeal, environmental management, amenity and value of a property;

“loading bay” means an area which is clearly demarcated for the loading and off-loading of goods from commercial vehicles, and which has vehicular access to a public street to the satisfaction of the Municipality;

“lodger” means a person who utilises lodging services;

“lodging” means the provision of bedroom accommodation or, in the case of a backpackers’ lodge, bed accommodation that is made available on payment of a charge or fee, and includes the services ordinarily related to such accommodation;

“maximum floor space” means the greatest total floor space that 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 is the total of the maximum floor space for each zoned portion of the land unit;

“mineral” means a substance, whether in solid, liquid or gaseous form, occurring naturally in or on the earth or under water and which was formed by or subjected to a geological process, and includes sand, stone, rock, gravel, clay, soil and any material occurring in residue stockpiles or in residue deposits, but excludes—

- (a) water, other than water taken from land or sea for the extraction of any mineral from such water;
- (b) petroleum; or
- (c) peat;

“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 excludes a vehicle moving exclusively on rails;

“Municipality” means the Municipality of (*insert name*) established by Establishment Notice No. (*insert number*) of (*insert date*) issued in terms of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998), and any employee of the Municipality acting in terms of delegated or sub-delegated authority of the Municipality;

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

“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 in terms of the National Ports Act, 2005 (Act 12 of 2005);

“natural ground level” means the level of the land in its unmodified state, or in a state which has been graded, with the Municipality’s approval, for the purposes of development, subject to Section 42;

“noise level” means a reading on an integrated impulse sound level meter taken in accordance with accepted scientific principles as described in GN 579 of July 2010: Model Air Quality Management By-law to be adopted or adapted as a by-law by municipalities in terms of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000);

“non-conforming use” means an existing land use that was lawful in terms of a previous zoning scheme but that does not comply with this zoning scheme;

“occasional use” in relation to a departure, means a right to utilise land for a purpose granted on a temporary basis for a specific occasion or event;

“occupant” means any person who occupies a land unit;

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

“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, 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 that—

- (a) stipulates development parameters or use rights in addition to the base zoning requirements, which may be more or less restrictive; and
- (b) may include provisions and development parameters relating to primary uses, or consent uses, provisions in the base zone, subdivision and subdivisional areas, development incentives, density limitations, urban form, urban renewal, heritage and environmental protection, management of the urban edge, scenic drives or local areas, coastline setbacks (where coastlines are involved) or any other purpose, as set out in this zoning scheme;

“owner” in relation to land, means—

- (a) the person or entity in whose name the land is registered in a deeds registry in terms of the Deeds Registries Act, 1937 (Act 47 of 1937) or in whom the ownership of the land vests;
- (b) the holder of a registered servitude right or registered lease;
- (c) any successor in title of the owner; and
- (d) a person authorised by a power of attorney to act on behalf of the owner;

“package of plans” means the hierarchy of plans specified in terms of this zoning scheme;

“parapet” means a low projection, wall 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 metres x 2,5 metres for perpendicular or angled parking and 6 metres x 2,5 metres for parallel parking, which is clearly identified and demarcated for the parking of one motor vehicle and may be provided in the form of a garage or carport, 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 its solid portions does not exceed 25% of the total area;

“Planning By-law” means the Planning By-law adopted by the Municipality on.....;

“planning law” means the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013), Land Use Planning Act, Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985), the Planning

By-law or succeeding legislation governing land use planning in the Western Cape, whichever is applicable;

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

“**policy plan**” means a policy adopted by the Municipality, structure plan, spatial development framework or other policy plan 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 the building, and includes any paved area underneath such a roof, and any low walls or railings enclosing that paved area, and any pillars supporting such a roof;

“**port**” means a port as defined in section 1 of the National Ports Act, 2005 (Act 12 of 2005);

“**precinct plan**” means a plan, approved by the Municipality, as envisaged in this zoning scheme as a component of a package of plans;

“**premises**” means any shop or restaurant within a building that is not linked in any manner or way with another shop or restaurant in the same building;

“**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 within a zoning without the need to obtain the Municipality’s approval;

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

“**provincial road**” means a road that is under the jurisdiction of the provincial roads authority;

“**protected area**” means a protected area as defined in section 1 of the National Environmental Management: Protected Areas Act, 2003 (Act 57 of 2003);

“**pub**” means an establishment for the sale of predominantly alcoholic beverages, and sometimes also food, to be consumed on the premises and is also known as a tavern or bar;

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

“**public place**” means any open or enclosed place, park, street, road or thoroughfare or other similar area of land shown on a general plan or diagram that is for use by the general public and is owned by, or vests in the ownership of, a municipality, and includes a public open space and a servitude for any similar purpose in favour of the general public;

“**public street**” means any land indicated on an approved plan, diagram or map as having been set aside as a public thorough way for vehicles and pedestrians, of which ownership as such vests in the Municipality in terms of the relevant Planning Law, or in terms of any other law;

“**quarrying**” means the excavation of dimension stone, rock, construction aggregate, riprap, sand gravel or slate from the ground in an open-pit mine manner to produce building materials and dimension stone;

“**refuse room**” means a defined screened refuse receptacle from where refuse is collected from time to time, usually on a weekly basis;

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

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

“road” includes a public street or a 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;

“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 the Municipality in recognition of the high visual amenity alongside that public street, including background vistas of a mountain, open country, a coastline or a town;

“service yard” means a defined screened area providing utility services for, amongst others, general residential developments which include facilities such as washing lines;

“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;

“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 that shows details of the proposed development including the site layout, positioning of buildings and structures, property access, building designs and landscaping;

“spatial development framework” refers to a provincial spatial development framework, a provincial regional spatial development framework, or a municipal spatial development framework or municipal local spatial development framework;

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

“storey” means that portion of a building between the surface of any floor and the surface of the next floor above; or, if there is no floor above the ceiling, then up to the ceiling; provided that, unless the contrary appears clearly from the provisions of this by-law—

- (a) a basement does not constitute a storey;
- (b) a roof, or dome which forms part of a roof, does not constitute a separate storey unless the space within the roof or dome is designed for, or used for, human occupation or other living or entertainment purposes, in which case it is deemed to be a storey;
- (c) the utilisation of an open roof area does not constitute a separate storey; however, should any means of coverage or fixtures such as a Jacuzzi, swimming pool or built-in braai be added to the roof of a building in a single residential zone, such area is regarded as an additional storey;
- (d) any storey which is greater than 4 metres, measured from the finished floor level to the finished floor level of the storey above, or to the ceiling in the case of a top storey, but equal to or less than 6 metres in height is, for the purpose of the height measurement, regarded as

two storeys, and every additional 4 metres in height or portion thereof, is regarded as an additional storey; and

- (e) in counting the number of storeys of a building, the ground floor is the first storey and the next floor above is the second storey;

“storm water” means water resulting from natural processes, the precipitation or accumulation of such water, and includes groundwater and spring water ordinarily conveyed by the storm water system, as well as sea water within estuaries, but excludes water in a drinking-water or waste-water reticulation system;

“storm water 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 or disposal of storm water;

“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 may be regarded as a common boundary for the purpose of determining building lines, a 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 or underground tank, any building ancillary to service infrastructure provision, and any portion of a structure;

“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 that portion;

“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;

“urban edge” means a demarcated line which is designated as an urban edge in terms of an approved policy, which may follow cadastral boundaries or not;

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

“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 of such a building, and includes both the covered area or floor and the roof or other feature covering it, as well as any low walls or railings enclosing the covered area or floor;

“wall plate” means the lowest point of a longitudinal member, bar, rafter, beam, truss, bracket, pillar, post, structure or any other similar device, as determined by the Municipality, which supports a roof;

“youth hostel” means a place providing cheap accommodation, aimed mainly at young tourists;

“zoning” includes base zoning and overlay zoning;

“zoning scheme of the Municipality” means the components referred to in section 4 adopted by the Municipality for the regulation of land use.

CHAPTER 2 ZONING SCHEME, USE ZONES AND USES

Application of zoning scheme

2. The zoning scheme applies to the entire municipal area.

Purpose of zoning scheme

3. The purpose of the zoning scheme is to—
 - (a) give effect to the municipal spatial development framework;
 - (b) make provision for orderly development and the welfare of the community; and
 - (c) determine use rights and development parameters, with due consideration of the principles referred to in the Land Use Planning Act.

Components of zoning scheme

4. The zoning scheme consists of the following components:
 - (a) this by-law;
 - (b) the zoning scheme map; and
 - (c) the register.

Use zones

- 5.(1) The municipal area is divided in the use zones referred to in column 1 of the table set out in Schedule 1.
- (2) The purpose of each use zone is set out in column 1 of the table set out in Schedule 1.
- (3) The description of the primary and consent uses applicable to each use zone is set out in Schedule 2.
- (4) The location, boundaries and extent of each use zone is depicted on the zoning scheme map.
- (5) The primary and consent uses applicable to each use zone are subject to the development parameters specified for that use zone as set out in Schedule 2.

Zoning scheme map

- 6.(1) The zoning scheme map depicts—
 - (a) the zoning of land in accordance with the use zone in which the land is located; and
 - (b) overlay zones, if applicable to the land.
- (2) The Municipality must update the zoning scheme map within a reasonable time after use rights have been granted or have lapsed.
- (3) The Municipality may keep the zoning scheme map in an electronic format.
- (4) The Municipality may provide an extract of the zoning map to members of the public on payment of a fee determined by the Municipality in terms of the Municipality's tariff policy.

Preparation and approval of new zoning scheme map

7. (1) The Municipality must give notice of a draft zoning scheme map.
- (2) The notice must be published in newspapers with general circulation in the area concerned in at least two of the official languages of the Province most widely spoken in the municipal area and must—
 - (a) invite persons interested in, or affected by, the draft zoning scheme map to submit written comments within a period of not less than 30 days from the date on which the notice was given;
 - (b) state the name and contact details of the person to whom the comments must be addressed and where the draft zoning scheme map can be obtained; and
 - (c) state that any person who is unable to write may, during the Municipality's office hours, attend at any address stated in the notice where a named staff member of the Municipality will assist that person to transcribe that person's comments.
- (3) A zoning scheme map may be approved by the Municipality with or without amendments.
- (4) A zoning scheme map takes effect when notice of its approval is published in the *Provincial Gazette* or on a future date as may be determined in the notice.
- (5) Subsequent amendments to the map to reflect additional use rights granted or use rights that have lapsed are not published in the *Provincial Gazette*.

Rectification of errors on zoning scheme map

- 8.(1) If the zoning of a land unit is incorrectly indicated on the zoning map or wrongly converted from a zoning map of a former zoning scheme, the owner of an affected land unit may submit an application to the Municipality to correct the error.
- (2) An owner contemplated in subsection (1) must apply to the Municipality in the form determined by the Municipality and must—
 - (a) submit written proof of the lawful land use rights; and
 - (b) indicate the suitable zoning which should be allocated.
- (3) The onus of proving that the zoning is incorrectly indicated on the zoning scheme map is on the owner.
- (4) The owner is exempted from paying application fees and from liability for the costs of public participation.
- (5) If the Municipality approves the application, the Municipality must amend the zoning map.
- (6) The Municipality may refuse an application to correct the zoning map if the owner fails to submit written proof of the lawful use rights.
- (7) The Municipality may correct a zoning map if it finds an error on the map after—
 - (a) notifying the owner in writing of its intention to correct the wrong conversion or error;
 - (b) inviting the owner to make representations within a specified period in respect of the proposed correction of the errors on the zoning map; and
 - (c) considering any representations received from the owner.
- (8) If the Municipality corrects the zoning map, it may only amend the map to show the correct zoning of the property.

Zoning scheme register

9. The Municipality—
- (a) must record all departures, consent uses or other permissions granted and non-conforming uses in the register;
 - (b) may keep the register from the date of commencement of the zoning scheme in an electronic format; and
 - (c) must make the register available to members of the public for viewing.

Status of zoning scheme

10. Nothing in this by-law overrides a restrictive condition.

Zoning versus ownership

- 11.(1) Notations on the zoning map are intended to indicate zonings and not land ownership.
- (2) Land of which the ownership vests in a public authority may only be included in the authority zone if it is utilised for a purpose for which no other zone set out in Schedule 1 is appropriate.
 - (3) If any other zone in Schedule 1 is appropriate, the land must be zoned for that purpose, whether or not it is owned by a public authority.

Primary uses

12. Primary uses of land permitted in each use zone, without the Municipality's consent, are listed in the corresponding part of column 2 of the table set out in Schedule 1.

Consent uses

13. Consent uses of land permitted in each use zone, with the Municipality's prior consent in terms of its Planning By-law, is listed in the corresponding part of column 3 of the table set out in Schedule 1.

Departures

14. The Municipality must record the relevant information relating to departures applicable to a land unit in the register.

Occasional uses

- 15.(1) The Municipality must record the relevant information relating to occasional uses applicable to a land unit in the register.
- (2) Approval of a use right as an occasional use in terms of the Planning By-law must at least be subject to the development parameters applicable to the use right as stipulated in this by-law.

Non-conforming uses

- 16.(1) A non-conforming use does not constitute an offence in terms of this by-law.
- (2) A non-conforming use may continue as long as it remains otherwise lawful.

Deemed zoning of closed public places

17. The zoning of land that was previously a public street or public open space, vested in or owned by the Municipality and that is closed, is determined as follows:
- (a) if the land is transferred to an abutting land owner, that portion of the land falls in the same zone as that of the abutting land belonging to the abutting owner; or
 - (b) the Municipality must determine which zoning applies to the land if—
 - (i) the land is transferred to an abutting land owner and that owner owns abutting properties falling into more than one zone; or
 - (ii) in any other case not provided for in this section.

CHAPTER 3 OVERLAY ZONES

Purpose of overlay zones

- 18.(1) The Municipality may adopt, review or amend overlay zones for specific areas in the Municipality in accordance with the procedures stipulated in [section 19](#) to—
- (a) give expression, in a planning context, to the local needs and values of the communities concerned; and
 - (b) promote particular types of development, urban form, landscape character, environmental features or heritage values.
- (2) The Municipality must determine development parameters for each area of an overlay zone.

Procedures for establishing overlay zones

19. An overlay zone is adopted, reviewed or amended by the Municipality as an amendment of this by-law in accordance with sections 12 and 13 of the Municipal Systems Act, 2000 (Act 32 of 2000) and section 25 of the Western Cape Land Use Planning Act, 2014 (Act 3 of 2014).

CHAPTER 4 DISTANCES, LEVELS AND BOUNDARIES

Measuring distances and levels

20. The following provisions apply with regard to the method of measuring distances and levels:
- (a) when reference is made or implied to the distance between boundaries or between a building and a boundary, this distance must be measured in the following manner:
 - (i) the boundary or boundaries and all points of the building must be projected onto a horizontal plane, and all measures must be made in the plane; and
 - (ii) the distance between a point on a building and a boundary must be measured at right angles to the erf boundary;
 - (b) when reference is made to a portion of a boundary opposite a building, that portion must be defined by drawing lines in a manner described in paragraph (a) from points on the building, at right angles to the boundary;
 - (c) when reference is made to natural ground level or of a roof wall plate, parapet or other things, the level must be calculated in accordance with recognised geometric principles; or
 - (d) when the levels involved are so irregular that calculation in accordance with the principles in paragraphs (a) to (c) is impractical or leads to a result which is not in accordance with the intent of the zoning scheme, the Municipality must determine the level.

Determining boundaries of use zones

- 21.** If uncertainty exists as to the boundaries of use zones, the following parameters apply in the order listed:
- (a) boundaries shown as following or approximately following any public street or road must be construed as following the street cadastral boundary;
 - (b) boundaries shown as following or approximately following any land unit boundary must be construed as following that boundary;
 - (c) boundaries shown as following or approximately following natural features must be construed as following those features; and
 - (d) in the event of further uncertainty as to the boundaries of a use zone, the Municipality must make a determination.

CHAPTER 5 ENFORCEMENT

Offences, penalties and enforcement of By-law

- 22.(1)** Subject to section 16, no person may erect any building or structure or any part thereof—
- (a) except for a purpose permitted by this by-law and only in accordance with the applicable development parameters; or
 - (b) without first obtaining approval from the Municipality in terms of the Planning By-law.
- (2) A use not reflected as a primary or consent use for a particular use zone is not permitted in the use zone concerned, unless approved in terms of the Planning By-Law.
- (3) A person who contravenes this section and sections 25 to 54 is guilty of an offence and liable upon conviction to a fine or imprisonment not exceeding a period of 20 years or to both a fine and such imprisonment.
- (4) A Municipality must enforce the zoning scheme through the measures for enforcement provided for in the Planning By-law.

CHAPTER 6 DEVELOPMENT OF LAND

Development parameters applicable to use rights

- 23.(1)** The land use descriptions and development parameters applicable to each primary and consent use right depicted in the table in Schedule 1 are described in Schedule 2.
- (2) No parameters are attached to a specific zoning and parameters will be in accordance with the use rights, whether a primary or consent use right, allowed in the zoning.
- (3) Development parameters are applicable to use rights only and, notwithstanding the zoning of an erf, a specific use right will always have the same development parameters as listed in Schedule 2, provided that the Municipality may grant a departure from the development parameters in terms of the Planning By-law.
- (4) Consent uses, as listed in Column 3 of Schedule 1, shall be subject to the following conditions:
- (a) when a consent use is granted in a particular zone, the applicable land use must be supplementary to the primary use right allowed under the particular zone; and
 - (b) when it is intended to apply exclusively for a consent use in a particular zone which is a primary right in another zone, application must be made for rezoning to the zone where the applicable land use is a primary right.

- (5) No departure from the land use descriptions or definitions may be granted.
- (6) Notwithstanding subsections (1) and (2), the Municipality may determine additional conditions with regard to any specific property which the Municipality may lawfully do in terms of relevant legislation.

CHAPTER 7 GENERAL PROVISIONS

This part contains general provisions and parameters that apply to all zones or to specific zones as may be provided for. 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 municipal by-laws. This part also contains requirements for parking, loading, access and infrastructure. There are also provisions relating to the subdivision of land.

Encroachment of building lines

- 24.** Notwithstanding the building line requirements set out in Chapter 6, the following structures or portions of structures may be erected within the prescribed building lines, provided they do not extend beyond the boundaries of a land unit:
- (a) boundary walls, fences and gates;
 - (b) open and uncovered stoeps that are less than 500 millimetres in height from the natural level of the ground;
 - (c) entrance steps, landings and entrance porches, excluding *porte cochères*;
 - (d) a covered entrance or gatehouse that has a roofed area not exceeding 5 m² and a roof height not exceeding 3 metres from the floor to the highest point;
 - (e) eaves and awnings projecting no more than 1 metre from the wall of a building;
 - (f) cornices, chimney breasts, flower boxes, water pipes, drain pipes and minor decorative features not projecting more than 500 millimetres from the wall of a building;
 - (g) screen-walls not exceeding 2,1 metres in height above the natural ground level abutting such wall;
 - (h) swimming pools not closer than 1 metre from any boundary;
 - (i) a basement, provided that no part of such a basement projects above natural ground level; and
 - (j) a refuse room required by the Municipality in terms of this by-law.

Street centreline setback

- 25.** The portion of a land unit falling within a street centreline setback area is excluded for the purpose of determining coverage and maximum floor space, unless the owner transfers the portion concerned to the Municipality free of charge. In such case, the portion must be included for the purpose of determining coverage or maximum floor space on a land unit.

Site development plans

- 26.(1)** In addition to the zones that specifically require a site development plan, the Municipality may require a site development plan in respect of the following development types:
- (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;
 - (f) incremental residential developments; and

- (g) major developments where there are concerns relating to urban form, heritage, traffic or planning.
- (2) The Municipality 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;
 - (i) typical details of fencing or walls around the perimeter of the land unit and within the property;
 - (j) electricity supply and external lighting proposals;
 - (k) provisions for the supply of water, management of storm water, and disposal of sewage and refuse;
 - (l) external signage details;
 - (m) general landscaping proposals, including vegetation to be preserved, removed or to be planted, external paving, and measures for stabilising outdoor areas where applicable;
 - (n) the phasing of a development;
 - (o) the proposed development in relation to existing and finished ground levels, including excavation, cut and fill;
 - (p) statistical information about the extent of the proposed development, floor area allocations and parking supply;
 - (q) relationship of the proposed development to the quality, safety and amenity of the surrounding public environment;
 - (r) relationship of the proposed development to adjacent sites, especially with respect to access, overshadowing and scale;
 - (s) illustrations in a three-dimensional form depicting visual impacts of the proposed development on the site and in relation to surrounding buildings; and
 - (t) any other details as may reasonably be required by the Municipality.
- (3) The Municipality may require that the area covered by a site development plan must extend beyond the site under consideration if, in its opinion, the proposed development will have a wide impact.
- (4) The Municipality may determine the extent of the area covered by a site development plan.
- (5) An applicant must submit a site development plan to the Municipality if it is required in terms of this zoning scheme before any development on the relevant land unit may commence.
- (6) A site development plan may not be rejected if it is consistent with the development parameters of a base zone, overlay zone or condition of approval.
- (7) The Municipality may require amendments of detail to the site development plan to address reasonable concerns relating to access, parking, architectural form, urban form, landscaping, environmental management, engineering services or similar concerns.
- (8) The following provisions apply with regard to site development plans:
- (a) the property must be developed generally in accordance with an approved site development plan;

- (b) if the Municipality considers it necessary, a transport or traffic impact statement or assessment may be required in conjunction with a site development plan, the extent of which must be determined by the Municipality, depending on the size of the development;
- (c) if the Municipality considers it necessary, a storm water impact assessment or storm water management plan or both may be required in conjunction with a site development plan, the extent of which must be determined by the Municipality, depending on the size of the development; and
- (d) an approved site development plan must be considered as setting additional development parameters applicable to the base zone, and any application for amendment must comply with the Municipality's requirements for the amendments.

Hazardous substances

- 27.(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 the owner has submitted a risk management and prevention plan and the Municipality has given its approval to the plan.
- (2) The Municipality's approval in terms of subsection (1) above does not exempt the owner from applying for permission in terms of other relevant legislation.

Screening

28. The Municipality may require screening in accordance with the following provisions:
- (a) any part of a land unit which is used for the storage or loading of goods must be enclosed with a suitable wall or landscape screening or both; and
 - (b) any external utility service or equipment which is required for a building must be appropriately screened from view from a public street, and the screening must be integrated with the building in terms of materials, colour, shape and size.

Earth banks and retaining structures

29. Unless the prior approval of the Municipality has been obtained—
- (a) no earth bank, retaining structure, column, suspended floor, other device or series of such devices may be constructed that enables the ground floor of a building to be raised more than 0,5 metres above natural ground level, provided that where the raising takes place, the height must still be measured from natural ground level, excluding infill for a driveway;
 - (b) no earth bank or retaining structure used for holding back earth or loose rock, whether associated with a building or not, may be constructed to a height of more than 2 metres above natural ground level; and
 - (c) no series of earth banks or retaining structures may be constructed to a cumulative height of more than 2,5 metres above natural ground level, unless an approximately level area of at least 2 metres wide is incorporated between successive embankments or retaining structures for every 2 metres of cumulative height.

Boundary walls

30. The following development parameters apply to boundary walls:
- (a) **Height**
The maximum height in all cases is 2,1 metres.
 - (b) **Permeability**
 - (i) 60% of a residential street boundary wall must be permeable; and
 - (ii) 80% of a street boundary wall in other areas must be permeable.

Maintenance of property

- 31.** Property must be properly maintained by the owner or occupier and may not—
- (a) be left in a neglected or offensive state, as may be determined by the Municipality;
 - (b) contain an unsightly accumulation of papers, cartons, garden refuse, rubble or other waste material, as may be determined by the Municipality;
 - (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—
 - (i) form part of a primary or consent use in terms of this zoning scheme;
 - (ii) are temporarily being stored for the purpose of construction in accordance with a valid building plan approval; or
 - (iii) are being stored in conjunction with the holding of a yard or garage sale with a duration of not more than two consecutive days.

Placement of vehicles in residential zones

- 32.** A motor vehicle of 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—
- (a) there is adequate space on the property concerned;
 - (b) no more than one commercial vehicle per dwelling unit may be parked on the property; and
 - (c) the gross weight of any such commercial vehicle may not exceed 3 500 kg.

Mobile homes and caravans

- 33.(1)** A recreation vehicle, including a mobile home, camp trailer or caravan, may not be used for permanent habitation without the approval of the Municipality, unless the zoning lawfully allows such activity.
- (2) The following additional development parameters apply with regard to mobile homes approved to be placed on a land unit zoned for residential purposes:
- (a) the mobile home or caravan must be sited on a foundation slab and properly anchored;
 - (b) solid perimeter skirting, of material and colour complementary to the mobile home or caravan, must 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 must be of a non-reflective material; and
 - (d) any structural additions must be of materials which, in the opinion of the Municipality, are compatible with the mobile home or caravan.

Rooftop base telecommunication stations and satellite dish antenna systems

- 34.**(1) A rooftop base telecommunication station may not extend more than 3 metres in height above the building that it is attached to without the prior approval of the Municipality.
- (2) No rooftop base telecommunication station or transmission tower granted consent use in terms of this by-law may be modified or have its radio-frequency emissions altered without prior written approval from the Municipality.
- (3) The following provisions apply with regard to decommissioned antennae or rooftop base telecommunication stations:
- (a) the owner or operator must remove all decommissioned infrastructure;
 - (b) if the site has been disturbed, the owner or operator must rehabilitate the site to its original state or to a state acceptable to the Municipality; and
 - (c) if the owner or operator fails to comply with paragraphs (a) or (b), the Municipality may remove that infrastructure, and rehabilitate the site at the expense of the owner or operator.
- (4) Any satellite dish antenna with a diameter in excess of 1,5 metres must be placed in a position that minimises the visual impact on the surrounding area, to the satisfaction of the Municipality.
- (5) Satellite dish antennas of 1,5 metres in diameter and smaller, and used solely for the purposes of television reception or telecommunication, do not require the Municipality's approval and are excluded from height restrictions.

Geysers and solar panels or similar infrastructure affixed to the roof of a building

- 35.** Any external geysers and associated equipment or solar panels or similar infrastructure affixed to the roof of a building may not at any point be more than 1,5 metres above the roof surface, measured perpendicularly from that surface.

Equipment on top of building

- 36.** No elevator motor rooms, satellite dishes, ventilation shafts, water tanks, air conditioning plants or other equipment on top of a flat roofed building may exceed a height of 2 metres above the wall plate.

Parapet walls

- 37.**(1) No parapet wall may exceed 300 millimetres in height above the wall plate except where roof equipment as described under section 36 is hidden behind such parapet walls, and then only if it does not exceed 2 metres in height, to the satisfaction of the Municipality.
- (2) In the case of flats and non-residential buildings, the 2 metre height limit under subsection (1) is considered to form part of the top storey.

Chimneys

- 38.** Chimneys may not extend higher than 1 metre above the wall plate in the case of a flat-roofed dwelling house or dwelling unit, and not extend higher than 1 metre from the top of the roof in the case of a pitched roof.

Flood-prone areas

- 39.** Development in flood-prone areas must have regard to the Municipality's policy on flood-prone areas and any relevant legislation.

Electronic or mechanical playing devices

- 40.(1)** A maximum of 5 electronic or mechanical playing devices are permitted within a building in a zone with primary uses for a business premises, hotel or place of assembly, but excluding house shops.
- (2) If the floor space of a building on a property zoned for the purpose of a business premises, hotel or place of assembly exceeds 5 000 m², more than 5 electronic or mechanical playing devices are permitted, provided that—
- (a) not more than 5 of those devices may be permitted on a particular premises within that building; and
 - (b) the Municipality may limit the number of premises in that building where such devices are permitted in order to mitigate their impact on the surrounding uses, be they internal or external to the building or property.

Utilisation of outbuildings

- 41.** No outbuilding may be utilised for any purpose other than the purpose submitted in the building plans and approved by the Municipality, and an outbuilding may not be utilised until the main buildings are completed or occupied, unless approved by the Municipality.

Determination of natural ground level

- 42.** In determining the natural ground level—
- (a) any grading for the purpose of development must connect evenly with the existing levels of abutting land units;
 - (b) where land is excavated, the excavated level is deemed to be the natural level of the ground;
 - (c) where it is not possible to determine the natural level of the ground due to irregularities or disturbances of the land, the Municipality will, for the purpose of administering the scheme regulations, determine the average level between the highest and the lowest natural ground levels abutting the building, or by an alternative method determined by the Municipality;
 - (d) where land is excavated and the excavated material is used to extend and/or elevate a building site (cut and fill), the Municipality shall define a level for the purposes of administering the scheme regulations; and
 - (e) the Municipality may request the submission of a land surveyor's certificate to determine natural ground level before any construction activities may commence.

Animals in single and general residential zones

- 43.(1)** No animals may be kept for commercial purposes on a land unit in single or general residential zones.
- (2) Horses and donkeys may be kept for the personal use of the owner or occupier of a property and his or her dependants provided that—
- (a) no horses or donkeys may be kept on a land unit unless the Municipality is satisfied that the environment is conducive for such a purpose, including the availability of suitable land in the vicinity for grazing and exercising;
 - (b) an application for an annual permit to keep horses or donkeys must be submitted by the applicant and may be approved or refused by the Municipality;
 - (c) a permit may not be renewed if the neighbours or persons residing in the area have justifiable and substantial complaints relating to the applicant keeping horses or donkeys in the area;
 - (d) the applicant must submit to the Municipality, for its prior approval, plans of stables and must construct the stables in accordance with the Municipality's requirements; and

- (e) stables must be properly maintained and manure must be handled to the Municipality's satisfaction so as not to cause any public nuisance.
- (3) Poultry, rabbits and other small animals may be raised for domestic, non-commercial use in residential areas, subject to any by-law relating to the keeping of poultry and animals.
- (4) No person may keep on any land unit cattle, sheep, goats, pigs, indigenous mammals or other wild animals without the permission of the Municipality, notwithstanding whether the animal is kept for commercial or domestic purposes.

Hobbies in single and general residential zones

- 44.** When exercising a hobby in all single and general residential zones, the dominant use of the dwelling house or dwelling unit must be for the living accommodation of a single family, provided that—
- (a) no portion of the dwelling, may be used for the purposes of a noxious trade, risk activity or sale of alcoholic beverages;
 - (b) in addition to paragraph (a), the following uses are not classified as hobbies:
 - (i) activities conforming to the definition of a shop;
 - (ii) undertakers;
 - (iii) animal hostels;
 - (iv) escort agencies or adult entertainment businesses;
 - (v) tow-in services;
 - (vi) places of entertainment;
 - (vii) hospitals or clinics;
 - (viii) places of instruction for more than 9 people;
 - (ix) motor vehicle repairs;
 - (x) panel beating or spray painting;
 - (xi) parcel delivery services;
 - (xii) shooting ranges or shooting instruction;
 - (xiii) butcheries;
 - (xiv) taxi businesses;
 - (xv) fishmongers;
 - (xvi) vehicle rental agencies;
 - (xvii) manufacturing of concrete products;
 - (xviii) transport contractors;
 - (xix) house shops;
 - (xx) house taverns;
 - (xxi) coal and wood merchants; or
 - (xxii) any other industry which, in the opinion of the Municipality, does not fit in the particular environment or is of such nature that it must be located on a suitably zoned premises;
 - (c) no goods may publicly be displayed and no external evidence of the hobby may be visible from the street;
 - (d) no advertising may be displayed;
 - (e) any public exhibition of hobby items or activities on the residential property must:
 - (i) be preceded by a written consent from the Municipality; and
 - (ii) during such an event, temporary parking must be provided on the land unit in accordance with the parking requirements of this Bylaw and appropriate traffic regulating measures must be put in place;
 - (f) an activity associated with a hobby may not occupy more than 25% of the total floor area of the dwelling on the property or 60 m², including storage;
 - (g) the Municipality may restrict the operating hours relating to the hobby, if the activity proves to be a nuisance to residents in the area; and

- (h) any new structure, or alteration to the existing dwelling or outbuilding, must conform to the residential character of the area concerned.

CHAPTER 8 PARKING AND LOADING

Off-street parking requirements

45. If parking requirements are not stipulated for a particular use, or in terms of a specific condition imposed by the Municipality, parking must be provided at a minimum ratio in accordance with the table entitled “Minimum off-street parking requirements”—
- (a) the Municipality must determine off-street parking requirements for land uses not stipulated in the table “Minimum off-street parking requirements”;
 - (b) the second column in the table “Minimum off-street parking requirements” refers to requirements that apply to areas with standard parking needs, or if public transport is not specifically promoted or available; and
 - (c) off-street parking space must be provided—
 - (i) on the property for which parking is required;
 - (ii) subject to the Municipality’s approval, in public parking facilities available in the vicinity; or
 - (iii) in accordance with the table “Minimum off-street parking requirements”..

Minimum off-street parking requirements

Land use	Standard areas
Main dwelling house (Single Residential Zone I)	2 bays per dwelling unit (1 bay per dwelling for erven <350 m ²)
Double dwelling house	2 bays per dwelling unit
Main dwelling house (Single Residential Zone III)	1 bay per dwelling unit (Nil per dwelling for erven <100 m ²)
Second dwelling	1 bay per 2 nd dwelling unit
Group house dwelling	1,75 bays per dwelling unit, plus 0,25 bays per dwelling unit for visitors
Town house dwelling	1,75 bays 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
Bed and breakfast establishment	1 additional bay per guest room
Boarding house, guest house	1,25 bays per bedroom
Backpackers’ lodge	1 bay per 6 beds
Hotel	0,75 bays per bedroom, plus 20 bays if licensed
Retirement home, orphanage	0,5 bays per bedroom
Crèche	1 bay per 10 children, plus stop and drop facility
School	1 bay per classroom or office, plus stop and drop facility
Place of instruction (post-school level)	0,4 bays per student, plus 1 bay per classroom or office
Library, museum	2 bays 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
Sport stadium	1 bay per 4 seats or persons
Recreation, sports complex	1 bay per 8 seats or persons
Gymnasium, health club	10 bays per 100 m ² GLA

Land use	Standard areas
Hospital (general and private)	1 bay per bed, plus 3 bays per consulting room
Clinic, medical consulting rooms	4 bays per consulting room
Service trade	4 bays per 100 m ² GLA
Shops (excluding supermarket)	4 bays per 100 m ² GLA
Supermarket, shopping centre	6 bays per 100 m ² GLA
Restaurant	2 bays per 25 m ² GLA
Offices	4 bays per 100 m ² GLA
Conference centre	6 bays per 10 seats
Motor showroom and service centre	3 bays per 100 m ² GLA
Open air motor vehicle display	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
Motor fitment centre	2 bays per service bay
Light industry	2 bays per 100 m ² GLA
Industry	2 bays per 100 m ² GLA
Industrial hive	2 bays per 100 m ² GLA
Warehouse, storage building	1 bay per 100 m ² GLA

Alternative parking supply

- 46.(1) As an alternative to compliance with the off-street parking requirements in terms of this zoning scheme, an owner may, with the approval of the Municipality—
- (a) acquire an area of land sufficient for the permanent parking requirements elsewhere, in a location approved by the Municipality; or
 - (b) acquire permanent rights to a parking facility or portion of a parking facility elsewhere, in a location approved by the Municipality, and must register a notarial tie or servitude against that land or parking facility to link the properties concerned for the purpose of parking, and the owner must cause the parking concerned to be constructed and maintained in accordance with the Municipality's requirements and approval.
- (2) The cost of registration of the notarial tie or servitude referred to in paragraph (1)(b) must be borne by the owner.

Combined parking requirements

47. If two or more uses combine to share a common parking area, the Municipality may approve parking requirements that provide less than the quantum of the parking required for individual uses provided that—
- (a) the Municipality 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 the Municipality.

Site access and exits

- 48.(1) The Municipality may require compliance with standard municipal or provincial access spacing guidelines.
- (2) No access may be closer than 10 metres from an intersection as defined by the prolongation of street boundaries, except for industrial-zoned properties, where the distance may be 15 metres.

- (3) The Municipality may restrict or prohibit access if a pedestrian or traffic hazard is created or is likely to be created.
- (4) Vehicle entrances and exit ways to and from property must conform to the following requirements:
 - (a) motor vehicle carriageway crossings may be limited to one per site per public street or road abutting the site;
 - (b) despite paragraph (a), if the total length of any street boundary of a site exceeds 30 metres, one additional carriageway crossing may be permitted, provided that no two carriageway crossings may be closer than 12 metres to each other; and
 - (c) the minimum and maximum widths of motor vehicle carriageway crossings must be in accordance with the table entitled “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 metres	4,0 metres
Combined entrance and exit way	5,0 metres	8,0 metres

Parking layout requirements

- 49.(1) The following parking layout requirements apply unless otherwise stated in this zoning scheme:
 - (a) parking layout configurations, minimum dimensions and ramps to a parking area must be in accordance with this zoning scheme or an approved site development plan;
 - (b) the layout of any parking area, except for parking in Single Residential Zone I, Single Residential Zone III and General Residential Zone I, must ensure that vehicles can readily leave the site without reversing across the sidewalk, unless otherwise approved by the Municipality;
 - (c) a tandem bay accommodating two motor vehicles is regarded as one bay for the purposes of this zoning scheme, except for single residential zones, where a tandem bay is regarded as two bays;
 - (d) visitor parking bays must be clearly demarcated, readily visible and accessible to visitors, and preferably grouped together;
 - (e) parking areas must 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 must be constructed and maintained in a state suitable for the parking and movement of vehicles; and
 - (g) despite paragraphs (a) to (f), the Municipality may lay down more restrictive requirements related to parking, site access or motor vehicle carriageway crossing, if it considers this to be necessary from a pedestrian or traffic safety point of view.
- (2) The Municipality may require an applicant to submit a parking layout plan indicating—
 - (a) the way in which it is proposed that motor vehicles park;
 - (b) the means of entrance and exit from parking areas;
 - (c) landscaping proposals; and
 - (d) construction details.
- (3) The Municipality may approve or refuse the parking layout plan and impose conditions of approval.

Parking for the physically disabled

- 50.(1) The Municipality may require parking suitable for use by persons with physical disabilities to be provided on any land unit in order to ensure easy and convenient access for such persons to services and facilities generally open to the public and to residential uses.

- (2) In any parking facility serving the public, parking for persons with physical disabilities must be provided in accordance with the table entitled “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

- (3) Parking for the physically disabled must comply with the following requirements:
- (a) parking bays must be a minimum of 3,7 metres in width and 5 metres in length;
 - (b) parking and access aisles must be level;
 - (c) parking bays must be located as near as possible to accessible building or site entrances, and must be located to provide convenient access to kerb ramps;
 - (d) each parking bay reserved for physically disabled persons must be marked on the parking surface with the international symbol for disabled accessibility;
 - (e) additional signage indicating the parking bay as reserved for exclusive use by persons with physical disabilities may be required by the Municipality; and
 - (f) if five or fewer parking bays are provided, at least one bay must be 4 metres wide and marked to provide a parking bay of 2,5 metres with an access aisle of 1,5 metres, but the bay need not be reserved exclusively for persons with physical disabilities.
- (4) Parking for persons with physical disabilities must count towards fulfilling off-street parking requirements.

Motorcycle and bicycle parking spaces

- 51.(1) The Municipality may require that parking be provided for motorcycles and bicycles.
- (2) For every 4 motorcycle and 6 bicycle parking spaces provided, a credit of 1 parking bay may be given towards applicable parking requirements, provided that—
- (a) the total credit may not exceed 2,5% of the parking bays required;
 - (b) the minimum dimension for a motorcycle space is 2,2 metres in length and 1 metre in width; and
 - (c) the minimum dimension for a bicycle space is 2 metres in length and 0,6 metres in width.
- (3) Signage, bollards and racks or other devices for storing bicycles and enabling motorcyclists to make use of such bays must be installed.

Loading requirements

- 52.(1) Unless the Municipality grants approval to waive this requirement, loading bays must be provided in accordance with the table entitled “Minimum off-street loading bay requirements”.
- (2) The Municipality may determine off-street loading requirements for uses not stipulated in the table.
- (3) The following minimum requirements apply to loading bays:
- (a) a loading bay must measure not less than 4,5 metres x 10 metres for perpendicular loading, and 2,5 metres x 12 metres for parallel loading;

- (b) no carriageway crossing to be accessed by loading vehicles may be less than 3 metres in width, and no combined entrance and exit way may be less than 6 metres in width; and
- (c) covered loading areas must have a minimum headroom of 3,7 metres.

Minimum off-street loading bay requirements

Land use	Floor area (m ²)	Number of loading bays
Offices	0–5 000	0
	5 001–15 000	1
	15 001–30 000	2
	Every additional 30 000 or part thereof	1 additional bay
Business premises other than offices, supermarket, industry	0–1 000	0
	1 001–2 500	1
	2 501–5 000	2
	5 001–10 000	3
	Every additional 10 000 or part thereof	1 additional bay
Supermarket	0–500	1
	501–1 000	2
	1 001 and greater	3 x requirements for business premises other than offices, supermarket, industry

CHAPTER 9 REFUSE ROOMS AND SERVICE YARDS

Refuse rooms

53. The Municipality may, for the purposes of collecting refuse, require the owner to install a refuse receptacle on a property which—
- is of sufficient size to accommodate the refuse generated from the property for one week;
 - is located adjacent to a public street, or in a position which will provide acceptable access to a refuse collection vehicle;
 - is designed in a manner that is architecturally compatible with the other structures on the property and will screen refuse bins from public view; and
 - comply with any other conditions or standard requirements that the Municipality may impose relating to access, health, pollution control, safety or aesthetics.

Service yards

54. The Municipality may require the owner to install a screened area providing utility services like washing lines for residential developments, which—
- is designed in a manner that is architecturally compatible with the other structures on the property and will screen refuse bins from public view; and
 - complies with any other conditions or standard requirements that the Municipality may impose relating to access, health, pollution control, safety or aesthetics.

SCHEDULE 1
USE ZONES TABLE

1	2	3
Zoning	Primary use	Consent use
AGRICULTURAL ZONES		
Agricultural Zone I (AZI)		
<p><i>The objective of this zone is to promote and protect agriculture on large farms as an important economic, environmental and cultural resource. Limited provision is made for non-agricultural uses to provide rural communities in more remote areas with the opportunity to increase the economic potential of their properties, provided these uses do not present a significant negative impact on the primary agricultural resource.</i></p>	<p>Primary use</p> <ul style="list-style-type: none"> • Agriculture 	<p>Consent uses</p> <ul style="list-style-type: none"> • Abattoir • Additional dwelling units • Agricultural industry • Airfield • Animal care centre • Aqua-culture • Farm shop • Freestanding base telecommunication station • Function venue • Guest house • Off road trail • Plant nursery • Quarry • Renewable energy structure • Tourist facilities • Utility service
Agricultural Zone II (AZII)		
<p><i>The objective of this zone is to accommodate larger residential properties, which may be used for limited agriculture, but primarily serve as places of residence for people who seek a rural lifestyle. Such properties are often found close to towns and villages, and new smallholding areas should only be permitted within an acknowledged, demarcated urban area.</i></p>	<p>Primary use</p> <ul style="list-style-type: none"> • Smallholding 	<p>Consent uses</p> <ul style="list-style-type: none"> • Agriculture industry • Animal care centre • Aqua-culture • Farm shop • Freestanding base telecommunication station • Guest house • Intensive animal farming • Intensive horticulture • Plant nursery • Quarry • Renewable energy structure • Riding school • Rooftop base telecommunication station • Second dwelling unit • Tourist facilities • Utility service

1	2	3
Zoning	Primary use	Consent use
Agriculture Zone III (AZIII)		
<p><i>The purpose of this zone is to support the government's rural land development programme and provide for the establishment of worker accommodation outside conventional towns. This will help to address the accommodation needs of workers and their dependants in rural areas such as farms, forestry and conservation areas. Provision is made for complementary consent uses that will improve the amenity of the settlement or supplement the economic base for residents.</i></p>	<p>Primary use</p> <ul style="list-style-type: none"> • Agricultural worker accommodation 	<p>Consent uses</p> <ul style="list-style-type: none"> • Crèche • Freestanding base telecommunication station • Rooftop base telecommunication station
SINGLE RESIDENTIAL ZONES		
Single Residential Zone I (SRZI)		
<p><i>The objective of this zone is to provide for residential development where the predominant type of accommodation is a dwelling house for a single family, where each dwelling has its own land unit, and adequate outdoor space. Limited employment and additional accommodation opportunities are possible as primary or consent uses, provided that the dominant use of the property remains residential, and impacts of such uses do not adversely affect the quality and character of the surrounding residential environment.</i></p>	<p>Primary use</p> <ul style="list-style-type: none"> • Dwelling house 	<p>Consent uses</p> <ul style="list-style-type: none"> • Crèche • Guest house • Halfway house • House shop • Second dwelling unit

1	2	3
Zoning	Primary use	Consent use
Single Residential Zone II (SRZII)		
<p><i>The objective of this zone is to provide a high degree of flexibility for low- to medium-density residential projects which have integrated site and design features, and which require individual design solutions and individually tailored development control provisions. This zone should not accommodate a resort, but is particularly suitable for residential estates that are governed by a property owners' association, with access control and coordinated design requirements (such as golf estates, equestrian estates and residential marinas).</i></p>	<p>Primary use</p> <ul style="list-style-type: none"> • Estate housing 	<p>Consent uses</p> <ul style="list-style-type: none"> • Home occupation • Rooftop base telecommunication station
Single Residential Zone III (SRZIII)		
<p><i>The objective of this zone is to provide for upgrading and incremental housing from informal settlements to formal settlements and also to allow formal as well as informal housing types on a single erf. In recognition of the realities of poor and marginalised communities, development management provisions are not restrictive and local employment generation is encouraged within this zone.</i></p>	<p>Primary use</p> <ul style="list-style-type: none"> • Shelter 	<p>Consent uses</p> <ul style="list-style-type: none"> • Halfway house • House shop

1	2	3
Zoning	Primary use	Consent use
GENERAL RESIDENTIAL ZONES		
General Residential Zone I (GRZI)		
<p><i>The objective of this zone is to facilitate low intensity densification in designated areas, which will not have an adverse effect on the character of the existing built area and may contribute to the optimal utilisation of land and infrastructure. The residential development consists of two dwelling units in a single structure, each of which may accommodate a single family. Individual ownership of the units will be allowed through a sectional title scheme. Architecturally, the dwelling units will be uniform and will be developed to the same scale and extent.</i></p>	<p>Primary use</p> <ul style="list-style-type: none"> • Double dwelling house 	<p>Consent uses</p> <ul style="list-style-type: none"> • Home occupation
General Residential Zone II (GRZII)		
<p><i>The objective of this zone is to encourage residential development of a medium density, with a coordinated design, and to accommodate group housing where special attention is given to aesthetics, architectural form and the inter-relationship between components of the group housing scheme. Group housing may be located in single residential areas in places where an increased density is desirable, including along main roads, near local shopping centres and other activity nodes, and also preferably near to public open spaces.</i></p>	<p>Primary use</p> <ul style="list-style-type: none"> • Group housing 	<p>Consent uses</p> <ul style="list-style-type: none"> • Flats • Home occupation • Retirement resort

1	2	3
Zoning	Primary use	Consent use
General Residential Zone III (GRZIII)		
<p><i>The objective of this zone is to encourage residential development of a greater density than for General Residential Zone II, while retaining the emphasis on design coordination and a modest scale in terms of height. This zone has particular location requirements, such as proximity to transport and amenities, and should not be randomly located without due consideration of the availability of open space and community facilities. Town housing may be located in and around central business areas, near high density nodes and along activity axis such as railway lines and main traffic routes, where flats are often found.</i></p>	<p>Primary use</p> <ul style="list-style-type: none"> • Town housing 	<p>Consent uses</p> <ul style="list-style-type: none"> • Flats • Home occupation • Retirement resort
General Residential Zone IV (GRZIV)		
<p><i>The objective of this zone is to promote higher density residential development. The dominant use within this zone must be residential, but limited mixed-use development is possible with the Municipality's consent. This zone has particular location requirements, such as proximity to transport and amenities, and should not be randomly located without due consideration of the availability of open space and community facilities.</i></p>	<p>Primary use</p> <ul style="list-style-type: none"> • Flats 	<p>Consent uses</p> <ul style="list-style-type: none"> • Backpackers' lodge • Boarding house • Convenience shop • Home occupation • Renewable energy structure • Retirement resort • Rooftop base telecommunication station •
General Residential Zone V (GRZV)		
<p><i>The objective of this zone is to provide a temporary residence for transient guests in an appropriately scaled establishment where lodging and meals are provided and which may include a small conference/training facility that also caters for business meetings.</i></p>	<p>Primary use</p> <ul style="list-style-type: none"> • Guest lodge 	<p>Consent uses</p> <ul style="list-style-type: none"> • Backpackers' lodge • Restaurant

1	2	3
Zoning	Primary use	Consent use
General Residential Zone VI (GRZVI)		
<p><i>The objective of this zone is to provide a temporary residence for transient guests, where lodging and meals are provided, and may include a restaurant and conference facilities. Outside towns it should only be considered in identified tourism areas or within resorts.</i></p>	<p>Primary use</p> <ul style="list-style-type: none"> • Hotel 	<p>Consent uses</p> <ul style="list-style-type: none"> • Backpackers' lodge • Renewable energy structure • Rooftop base telecommunication station • Shop
BUSINESS ZONES		
Business Zone I (BZI)		
<p><i>The objective of this zone is to provide for intensive business and mixed-use development with relatively few restrictions in order to promote urban vitality and economic growth.</i></p>	<p>Primary use</p> <ul style="list-style-type: none"> • Business premises 	<p>Consent uses</p> <ul style="list-style-type: none"> • Adult entertainment • Adult services • Adult shop • Freestanding base telecommunication station • Helicopter landing pad • Motor repair garage • Place of entertainment • Renewable energy structure • Transport use • Warehouse
Business Zone II (BZII)		
<p><i>The objective of this zone is to provide for the retail sale of goods and services to the public.</i></p>	<p>Primary use</p> <ul style="list-style-type: none"> • Shop 	<p>Consent uses</p> <ul style="list-style-type: none"> • Adult shop • Conference facility • Flats • Freestanding base telecommunication station • Liquor store • Place of assembly • Place of entertainment • Place of instruction • Renewable energy structure • Restaurant • Rooftop base telecommunication station • Service station • Supermarket

1	2	3
Zoning	Primary use	Consent use
Business Zone III (BZIII)		
<p><i>The objective of this zone is to provide for low intensity commercial and mixed-use development, which serves local neighbourhood needs for convenience goods and personal services. Such development should be limited in scale and nature and capable of integration into the adjacent residential neighbourhood, without adversely affecting the amenity of the residential neighbourhood. While mixed use development is encouraged, care must be taken not to compromise business operations.</i></p>	<p>Primary use</p> <ul style="list-style-type: none"> • Neighbourhood shop 	<p>Consent uses</p> <ul style="list-style-type: none"> • Flats • Liquor store • Restaurant • Service trade • Supermarket
Business Zone IV (BZIV)		
<p><i>The objective of this zone is to provide an intermediate zone, which can, if required, act as a buffer or interface between high- and medium-intensity business zones, and residential zones. Retail activities are limited to those which are ancillary to the dominant permitted uses, namely offices and flats. In order to protect the amenity of adjacent residential areas, appropriate levels of landscaping and environmental management are required.</i></p>	<p>Primary use</p> <ul style="list-style-type: none"> • Offices 	<p>Consent uses</p> <ul style="list-style-type: none"> • Flats • Institution • Place of assembly • Place of entertainment • Place of instruction • Renewable energy structure • Restaurant • Rooftop base telecommunication station • Shop • Supermarket

1	2	3
Zoning	Primary use	Consent use
Business Zone V (BZV)		
<p><i>The objective of this zone is to provide for large-scale regional retail facilities that exceed the floor area of shops and supermarkets aimed at the local market in general. These facilities may offer a diverse range of products under one roof and supply products to individuals as well as wholesale trade. Such facilities may be developed as a power centre. Specific consideration should be given to the locality and placement of these facilities with consideration of their regional significance and accessibility as well as possible impact on existing nodal areas.</i></p>	<p>Primary uses</p> <ul style="list-style-type: none"> • Big box retail 	<p>Consent uses</p> <ul style="list-style-type: none"> • Place of entertainment • Renewable energy structure • Rooftop base telecommunication station • Shop • Warehouse
Business Zone VI (BZVI)		
<p><i>The objective of this zone is to provide opportunities in urban areas for petrol filling stations, service stations, motor repair garages and associated facilities which have specific vehicle access requirements and potential negative impacts on adjoining areas.</i></p>	<p>Primary uses</p> <ul style="list-style-type: none"> • Service station 	<p>Consent uses</p> <ul style="list-style-type: none"> • Motor repair garage • Shop • Truck stop
INDUSTRIAL ZONES		
Industrial Zone 1 (IZI)		
<p><i>The objective of this zone is to accommodate industry uses and service trades that may be carried out without nuisance to other properties or the general public. Such uses may be located next to business uses and in close proximity to residential areas, and do not present a potential negative impact on the character or amenity of such areas.</i></p>	<p>Primary use</p> <ul style="list-style-type: none"> • Light industry 	<p>Consent uses</p> <ul style="list-style-type: none"> • Adult entertainment • Adult services • Adult shop • Aqua-culture • Caretakers' quarters • Convenience shop • Liquor store • Office • Place of entertainment • Renewable energy structure • Truck stop

1	2	3
Zoning	Primary use	Consent use
Industrial Zone II (IZII)		
<p><i>The objective of this zone is to accommodate 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.</i></p>	<p>Primary uses</p> <ul style="list-style-type: none"> • Industry 	<p>Consent uses</p> <ul style="list-style-type: none"> • Abattoir • Adult entertainment • Adult services • Aqua-culture • Container site • Convenience shop • Crematorium • Helicopter landing pad • Liquor store • Office • Place of entertainment • Renewable energy structure • Restaurant • Scrap yard • Truck stop
Industrial Zone III (IZIII)		
<p><i>The objective of this zone is to provide 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 consent, the Municipality must ensure there is sufficient capacity for noxious trade in the limited areas suitable for this zone. A noxious trade should not be located close to residential areas.</i></p>	<p>Primary uses</p> <ul style="list-style-type: none"> • Noxious trade 	<p>Consent uses</p> <ul style="list-style-type: none"> • Container site • Convenience shop • Helicopter landing pad • Industry • Liquor store • Motor repair garage • Renewable energy structure • Scrap yard • Service station • Transport use
Industrial Zone IV (IZIV)		
<p><i>The objective of this zone is to provide for the use of land for the extraction of minerals and raw materials and, to a limited extent, associated business operations. This zone is intended for operations of a more permanent nature as opposed to temporary, short-term mining or prospecting activities.</i></p>	<p>Primary uses</p> <ul style="list-style-type: none"> • Mine 	<p>Consent uses</p> <ul style="list-style-type: none"> • Industry

1	2	3
Zoning	Primary use	Consent use
COMMUNITY ZONES		
Community Zone I (CZI)		
<i>The objective of this zone is to provide for educational facilities of all kinds, but controlled provision is made for other compatible community uses.</i>	Primary uses <ul style="list-style-type: none"> • Place of instruction 	Consent uses <ul style="list-style-type: none"> • Conference facility • Freestanding base telecommunication station • Institution • Place of assembly • Rooftop base telecommunication station
Community Zone II (CZII)		
<i>The objective of this zone is to provide for places where communities can congregate and worship according to the custom of their specific faith or religion.</i>	Primary uses <ul style="list-style-type: none"> • Place of worship 	Consent uses <ul style="list-style-type: none"> • Cemetery • Garden of remembrance • Institution • Place of instruction • Rooftop base telecommunication station • Wall of remembrance
Community Zone III (CZIII)		
<i>The objective of this zone is to provide for a wide range of institutional uses including facilities for health, education and worship.</i>	Primary uses <ul style="list-style-type: none"> • Institution 	Consent uses <ul style="list-style-type: none"> • Correctional facility • Rooftop base telecommunication station

1	2	3
Zoning	Primary use	Consent use
RESORT ZONES		
Resort Zone I (RZI)		
<p><i>The objective of this zone is to promote tourist and holiday facilities in areas with special environmental or recreational attributes, and to encourage general public access to these facilities. At the same time, care should be exercised to minimise potential negative impacts of development on fragile environments. The guiding principle should be that a resort must not detract from the amenity that attracted the holiday facilities in the first place, nor should it cause a public nuisance for other people living and working in the vicinity. This zone should only be used in exceptional cases and is normally applicable to tourist developments outside established, built-up areas.</i></p>	<p>Primary uses</p> <ul style="list-style-type: none"> • Tourist accommodation 	<p>Consent uses</p> <ul style="list-style-type: none"> • Hotel • Tourist facilities • Wellness centre
Resort Zone II (RZII)		
<p><i>The objective of this zone is to reserve a zoning for existing resorts situated outside the urban edge, approved in terms of Section 8 of the Land Use Planning Ordinance, 1985 under the “Resort II” zoning.</i></p>	<p>Primary uses</p> <ul style="list-style-type: none"> • Holiday housing 	<p>Consent uses</p> <ul style="list-style-type: none"> • Hotel • Tourist facilities • Wellness centre
Resort Zone III (RZIII)		
<p><i>The purpose of this zone is to provide an incentive for restricted eco-housing development rights with the specific condition that properties of high biodiversity value and/ or critical ecological support areas, as defined in terms of provincial guidelines, are consolidated and given formal conservation status.</i></p>	<p>Primary uses</p> <ul style="list-style-type: none"> • Eco-housing 	<p>Consent uses</p> <ul style="list-style-type: none"> • Environmental management facilities • Off-road trail • Tourist facilities

1	2	3
Zoning	Primary use	Consent use
OPEN SPACE ZONES		
OPEN SPACE ZONE I (OSZI)		
<p><i>The objective of this zone is to provide for active and passive recreational areas on public land, in order to promote recreation, and enhance the aesthetic appearance of an area.</i></p>	<p>Primary uses</p> <ul style="list-style-type: none"> • Public open space 	<p>Consent uses</p> <ul style="list-style-type: none"> • Air and underground rights • Cemetery • Environmental facilities • Informal trading • Tourist facilities • Urban agriculture • Utility service
OPEN SPACE ZONE II (OSZII)		
<p><i>The objective of this zone is to provide for active and passive recreational areas on private land, in order to promote recreation and enhance the aesthetic appearance of an area.</i></p>	<p>Primary uses</p> <ul style="list-style-type: none"> • Private open space 	<p>Consent uses</p> <ul style="list-style-type: none"> • Cemetery • Environmental facilities • Informal trading • Plant nursery • Tourist facilities • Urban agriculture • Utility service
OPEN SPACE ZONE III (OSZIII)		
<p><i>The objective of this zone is to provide for the conservation of natural resources in areas that have not been proclaimed as nature areas (non-statutory conservation), in order to sustain flora and fauna and protect areas of undeveloped landscape including woodlands, ridges, wetlands and the coastline. A range of consent uses is provided to supplement and support the main objective of this zone.</i></p>	<p>Primary uses</p> <ul style="list-style-type: none"> • Nature conservation area 	<p>Consent uses</p> <ul style="list-style-type: none"> • Environmental facilities • Harvesting of natural resources • Tourist facilities • Utility service
OPEN SPACE ZONE IV (OSZIV)		
<p><i>The objective of this zone is to provide for the conservation of natural resources in areas that have been proclaimed as nature areas (statutory conservation), in order to sustain flora and fauna and protect areas of undeveloped landscape including woodlands, ridges, wetlands and the coastline. A range of consent uses is provided to supplement and support the main objective of this zone.</i></p>	<p>Primary uses</p> <ul style="list-style-type: none"> • Nature reserve 	<p>Consent uses</p> <ul style="list-style-type: none"> • Tourist accommodation • Tourist facilities • Utility service

1	2	3
Zoning	Primary use	Consent use
TRANSPORT AND UTILITY ZONES		
TRANSPORT ZONE I (TUZI)		
<p><i>The objective of this zone is to reserve land for transportation systems, excluding public streets, but including all other transport undertakings such as airports, heliports, harbours, railway lines, bus depots, taxi ranks, cable car stations, and modal interchanges.</i></p>	<p>Primary uses</p> <ul style="list-style-type: none"> • Transport use 	<p>Consent uses</p> <ul style="list-style-type: none"> • Air and underground rights • Airfield • Airport • Business premises • Conference facility • Container site • Helicopter landing pad • Hotel • Industry • Informal trading • Motor repair garage • Service station • Warehouse
TRANSPORT ZONE II (TUZII)		
<p><i>The objective of this zone is to provide for public streets, whether constructed or still to be constructed, as well as infrastructure associated with such streets. Provision is also made for the temporary use of the land unit for other purposes as may be approved by the Municipality.</i></p>	<p>Primary uses</p> <ul style="list-style-type: none"> • Public street 	<p>Consent uses</p> <ul style="list-style-type: none"> • Air and underground rights • Informal trading • Multiple parking garage
TRANSPORT ZONE III (TUZIII)		
<p><i>The objective of this zone is to provide private roads for the passage or parking of motor vehicles, which is privately owned and does not vest in the Municipality or any other public authority.</i></p>	<p>Primary uses</p> <ul style="list-style-type: none"> • Private road 	<p>Consent uses</p> <ul style="list-style-type: none"> • None
UTILITY ZONE (TUZIV)		
<p><i>The objective of this zone is to reserve land for uses normally undertaken by central, provincial and municipal government agencies as well as land for utility services such as electrical substations, and which do not fall into another zoning category. Some flexibility for the use of land and development parameters is provided.</i></p>	<p>Primary uses</p> <ul style="list-style-type: none"> • Utility service 	<p>Consent uses</p> <p>Authority use</p>

1	2	3
Zoning	Primary use	Consent use
UNDETERMINED ZONE		
UNDETERMINED USE ZONE (USZI)		
<p><i>The objective of this zone is to enable the Municipality to defer a decision regarding a specific land use and development management provisions until the circumstances affecting the land unit have been properly investigated; or until the owner of the land makes an application for rezoning; or a zoning determination is made by the Municipality. The objective of this zone is furthermore to create a zone to which land could revert back to when rights under current zonings, other than Single Residential Zone I, were not exercised, especially in cases where changes in the planning context occurred since the current zoning was granted.</i></p>	<p>Primary uses</p> <ul style="list-style-type: none"> • None 	<p>Consent uses</p> <ul style="list-style-type: none"> • None

RECORD OF AMENDMENTS

PAGE DESCRIPTION OR NUMBER	DATE OF LATEST ISSUE

SCHEDULE 2

LAND USE DESCRIPTIONS AND DEVELOPMENT PARAMETERS

“abattoir”

Land use description: “*abattoir*” is a place where animals are slaughtered and prepared for distribution to butchery shops and food markets.

Development parameters:

The development parameters applicable to “industry” apply, as well as those applicable to “agricultural industry” when an abattoir is located on a farm.

“additional dwelling unit”

Land use description: “*additional dwelling unit*” is a dwelling unit that may be erected on an agricultural land unit with the consent of the Municipality, in addition to a primary dwelling house or agricultural worker accommodation for *bona fide* agricultural workers, or both, provided that—

- (a) one additional unit can be allowed in all cases as a consent use, irrespective of the size of the agricultural land unit;
- (b) further additional dwelling units can be allowed at a ratio of one additional dwelling unit per 10 ha, calculated on the basis of all additional dwelling units on the agricultural land unit, up to a maximum of five (5) additional dwelling units per agricultural land unit;
- (c) an additional unit may not be erected within 1 km of the high water mark of the sea or a tidal river; and
- (d) additional dwelling units may not be alienated separately.

Development parameters:

The development parameters applicable to “agriculture” apply, together with the following additional development parameters for “additional dwelling units”. Additional dwelling units may be erected with the consent of Municipality provided that—

- (a) a dwelling for a person engaged in *bona fide* agricultural activities on the land unit and which is permanently occupied by that person is not regarded as an additional dwelling unit;
- (b) the total floor space of an additional dwelling may not exceed 175 m², which includes the floor space in all ancillary buildings;
- (c) an additional dwelling must be constructed in a style that is similar to the architecture of the main dwelling house, unless otherwise permitted by the Municipality;
- (d) an additional dwelling that is a separate structure to a dwelling house may not exceed a height of 6,5 metres;
- (e) an additional dwelling that is contained within the same building as a dwelling house must be designed so that the building appears to be a single dwelling house; provided that both units may have a ground floor, or one unit may be on the ground floor and the other unit above;
- (f) the existence of an additional dwelling may not in itself be sufficient reason for the Municipality to grant an application in terms of the Planning By-law to subdivide the land unit containing the dwelling units; and
- (g) the Municipality must certify that services are available for the construction of an additional dwelling.

“adult entertainment”

Land use description: “*adult entertainment*” —

- (a) means the use of property for adult film theatres or strip clubs where sexually explicit, live or recorded shows are displayed; and
- (b) does not include adult services or an adult shop.

Development parameters:

The development parameters applicable to “business premises” apply.

“adult services”**Land use description:** “*adult services*”—

- (a) means the use of property for massage parlours or escort agencies where sexually orientated personal services are provided, unless the services form part of a medical or therapeutic service provided by a registered medical practitioner or similar registered professional person; and
- (b) does not include adult entertainment or an adult shop.

Development parameters:

The development parameters applicable to “business premises” apply.

“adult shop”**Land use description:** “*adult shop*”—

- (a) means the use of property 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; and
- (b) does not include adult entertainment or adult services.

Development parameters:

The development parameters applicable to “business premises” apply.

“agricultural industry”**Land use description:** “*agricultural industry*”—

- (a) means an enterprise for the processing of agricultural products from a localised area in close proximity to the land unit if the agricultural products are grown or produced, and if processing in that proximity is necessary due to the nature, perishability and fragility of the agricultural products;
- (b) includes a winery, dairy, distillery, packing store, the bottling of spring water, an abattoir and a saw mill; and
- (c) does not include a service trade.

Development parameters:

The development parameters applicable to “agriculture” apply. The municipality may approve a consent use application for an “agricultural industry” on land in an agricultural zone, provided that—

- (a) the agricultural industry is subservient or related to the dominant agricultural use of the property and does not exceed a total floor area of 2 000 m²;
- (b) the agricultural industry does not adversely affect the agricultural potential of the property;
- (c) the parking requirements for “industry” apply;
- (d) the area allocated for purposes of an agricultural industry is clearly identified on a land survey diagram or site development plan; and
- (e) the applicant provides sufficient proof to satisfy the Municipality that the industry must be located in the rural area rather than in an industrial area of a town.

“agricultural worker accommodation”

Land use description: “*agricultural worker accommodation*” means accommodation provided for *bona fide* agricultural workers, including accommodation for labourers and farm managers, as determined by the Municipality based on the extent of the *bona fide* agricultural activities on the land unit and includes—

- (a) worker accommodation outside conventional towns to support the government’s rural land development programme; and
- (b) a bed and breakfast establishment, home child care, home occupation, and house shop for agri-villages out of town.

Development parameters:

The development parameters applicable to “agriculture” apply with the following additional development parameters:

- (a) the number of units must be reasonably connected to the *bona fide* agricultural activities on the land unit; and
- (b) no agricultural worker accommodation may be erected within 1 km of the high water mark of the sea or a tidal river.

“agriculture”

Land use description: “*agriculture*” means the cultivation of land for raising crops and other plants, including plantations, the keeping and breeding of animals, birds or bees, stud farming, game farming, intensive horticulture; intensive animal farming; a riding school or natural veld, and—

- (a) includes—
 - (i) incidental activities;
 - (ii) agricultural buildings or infrastructure that are reasonably connected with the main farming activities, including a dwelling house, agricultural worker accommodation and rooftop base telecommunication stations;
 - (iii) the harvesting and packing of agricultural produce grown on the property including harvesting of natural resources, which are limited to living organisms, for delivery to the market; and
- (b) does not include aquaculture; an abattoir, a farm shop, an agricultural industry, an animal care centre, any mining activity, and renewable energy structures for commercial purposes.

Development parameters:

The following development parameters apply:

(a) Building lines

The road or street and common boundary building lines are 30 metres.

(b) Height

- (i) The height of a dwelling house may not exceed 6 metres from the base to the wall plate in all cases and 8,5 metres to the ridge of the roof in the case of a pitched roof.
- (ii) Agricultural buildings other than dwelling houses may not exceed a height of 15 metres to the top of the roof.
- (iii) Earth banks and retaining structures which in the opinion of Municipality are associated with *bona fide* agricultural activities are exempt from the general provisions in this regard in this by-law.

“air and underground rights”

Land use description: “*air and underground rights*” means any use right that may be approved by the Municipality for the development of a defined space above or below a public street, open space, railway line or a public street, open space, railway line or any other land utilised for transport purposes.

Development parameters:

- (a) The Municipality must require a site development plan for air and underground rights.
- (b) The site development plan as approved by the Municipality constitutes the development parameters.
- (c) The provisions for a site development plan in this by-law apply.
- (d) The Municipality may approve a consent use for air or underground rights if—
 - (i) the consent use does not compromise the intended primary use of the land;
 - (ii) 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 the Municipality;

- (iii) a servitude in respect of the air or underground rights is registered over the land concerned; and
- (iv) the Municipality is satisfied that structural components, clearance and operational characteristics are sufficient to ensure safe and efficient operation of the street, road or parking.

“airfield”

Land use description: “*airfield*” means runways and associated buildings for the take-off and landing of light aircraft.

Development parameters:

The development parameters applicable to “transport use” apply.

“airport”

Land use description: “*airport*” means a complex comprising aircraft runways and associated buildings for the take-off and landing of civilian aircraft and facilities for the handling and storage of air freight and includes land uses ancillary to airports, and includes—

- (a) a restaurant;
- (b) car rental facility;
- (c) shop; and
- (d) hotel.

Development parameters:

The development parameters applicable to “transport use” and “business premises” apply, provided that a site development plan must be submitted to the Municipality for its approval.

“animal care centre”

Land use description: “*animal care centre*” means a place for the care of pets and animals, operated on either a commercial or a welfare basis, and includes—

- (a) boarding kennels; and
- (b) pet training centres.

Development parameters:

The development parameters applicable to “agriculture” apply.

“aqua-culture”

Land use description: “*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.

Development parameters:

The development parameters applicable to “agriculture” apply.

“authority use”

Land use description: “*authority use*” means a use which is practised by or on behalf of a public authority and that cannot be classified or defined under other uses in this zoning scheme, and includes a use practised by—

- (a) the national government, including a military centre or installation, police station or correctional facility;
- (b) the provincial government, including a road station or road camp;
- (c) the Municipality, including a fire service or a municipal depot with related uses, including limited accommodation for staff who are required to be on standby for emergencies; or
- (d) a foreign government including an embassy or consulate, but does not include a dwelling house when the dominant use is for living accommodation of foreign diplomatic personnel.

Development parameters:

The development parameters and additional provisions as approved by the Municipality according to the site development plan apply to every site, use and type of building.

“backpackers’ lodge”

Land use description: “*backpackers’ lodge*” means a building where lodging for backpackers is provided per bed and not per bedroom, and includes a youth hostel.

Development parameters:

The development parameters applicable to “guest lodge” apply.

“bed and breakfast establishment”

Land use description: “*bed and breakfast establishment*” means a dwelling house, second dwelling or additional dwelling unit—

- (a) in which the owner of the dwelling supplies lodging and meals for compensation to transient guests who have permanent residence elsewhere; and
- (b) provided that the dominant use, structure and design of the dwelling house concerned remains for the living accommodation of a single family.

Development parameters:

The development parameters applicable to “dwelling house”, “second dwelling” and “additional dwelling unit” apply.

The following further parameters apply:

- (a) the owner of a bed and breakfast establishment must live on the property and inform the Municipality in writing before the establishment opens for business;
- (b) a register of guests and lodgers must be kept, and completed when rooms are let, and the register must be produced for inspection on request by an authorised municipal official;
- (c) any new structure or alteration to the property related to its use as a “bed and breakfast establishment” must be compatible with the residential character of the area, particularly with regard to the streetscape or rural character on a farm, and must be capable of reverting to use as part of the dwelling house, second dwelling, additional dwelling unit or outbuilding concerned;
- (d) no more than three employees may be employed in activities related to the bed and breakfast establishment;
- (e) no more than two rooms per land unit may be used for bedroom accommodation for paying guests or lodgers, and no more than four paying guests or lodgers may be supplied with lodging or meals at any time;
- (f) the requirement in paragraph (e) is also applicable where a land unit contains both a bed and breakfast establishment and rooms which are available for letting to lodgers;
- (g) no alcoholic beverages may be sold except to resident guests for consumption on the premises with meals;
- (h) guest rooms may not be converted to, or used as, separate self-catering dwelling units;
- (i) meals may only be supplied to guests or lodgers who have lodging on the property, employees, and the family residing in the dwelling;
- (j) no advertising sign may be displayed except a single un-illuminated sign or notice not projecting over a public street in accordance with the Municipality’s policy or by-law on outdoor advertising and signage, and the size of the sign may not exceed 1 m² in area;
- (k) (l) no weddings, receptions, conferences, training or similar activities are permitted in a bed and breakfast establishment;
- (l) (m) no activities may be carried out which constitute, or are likely to constitute, a source of public nuisance; and
- (m) on-site parking must be provided in accordance with the provisions of this by-law; provided that the Municipality may at any stage require additional on-site parking if, in the opinion of the Municipality, the bed and breakfast establishment does not have enough parking.

“big box retail”

Land use description: “*big box retail*” means large buildings with footprints larger than 2 000 m² per enterprise, where the nature of the retail business is typified by attracting customers with low prices or large selections or both low prices and large selections, with large floor space and high volume sales, which may include a restaurant which is ancillary to the main use.

Development parameters:

- (a) **Coverage**
Coverage must be in accordance with the site development plan that has been approved by the Municipality.
- (b) **Floor factor**
The maximum floor factor is 2.
- (c) **Height**
 - (i) The highest point of a building may not exceed 10 metres to the top of the roof.
 - (ii) The general provisions regarding earth banks and retaining structures in this by-law apply.
- (d) **Building lines**
 - (i) The street building line is at least 10 metres.
 - (ii) Side and rear building lines are 0 metres or at least 10 metres if the site abuts any single residential zone or general residential zone.
 - (iii) The general building line encroachments in this by-law apply.
- (e) **Parking and access**
Parking and access must be provided on the land unit in accordance with this by-law.
- (f) **Refuse room**
A refuse room must be provided on the land unit in accordance with this by-law.

“boarding house”

Land use description: “*boarding house*” means a building where lodging is provided, and includes ancillary cooking, dining and communal facilities for the use of lodgers, together with such outbuildings as are normally used in connection with a boarding house; and—

- (a) includes a building in which rooms are rented for residential purposes, a guest house or lodge, a home for the aged, a residential facility for handicapped persons or orphans; and
- (b) does not include a hotel, dwelling house, second dwelling, backpackers’ lodge or group house.

Development parameters:

- (a) **Coverage**
The maximum coverage is 60%.
- (b) **Floor factor**
The floor factor may not exceed 1.
- (c) **Height**
 - (i) The highest point of a building may not exceed 15 metres to the top of the roof.
 - (ii) The general provisions regarding earth banks and retaining structures in this by-law apply.
- (d) **Building lines**
 - (i) The street building line is at least 5 metres.
 - (ii) Side and rear building lines are at least 4,5 metres.
 - (iii) The general building line encroachments in this by-law apply.
- (e) **Parking and access**
Parking and access must be provided in accordance with this by-law.
- (f) **Screening**
The Municipality may require screening in accordance with this by-law.
- (g) **Site development plan**
The Municipality may require a site development plan to be submitted for its approval.

- (h) **Open space**
- (i) Every boarding house must have access to an outdoor living area on the land unit, which may include private, or communal open space, but excludes roads, service yards and parking areas.
 - (ii) An outdoor living area of at least 10% of the net erf area must be provided.
 - (iii) Such outdoor living area(s) must be of reasonable proportions and location, to the satisfaction of the Municipality, to allow for leisure or recreational use by residents, and may include open courtyards within the complex.
- (i) **Service yard**
A service yard must be provided on the land unit in accordance with this by-law.
- (j) **Refuse room**
A refuse room must be provided on the land unit in accordance with this by-law.

“builder’s yard”

Land use description: “*builder’s yard*” means a property used for the storage of material and equipment which—

- (a) is required for or is normally used for construction work;
- (b) was obtained from demolitions of structures or excavations of ground; or
- (c) 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.

Development parameters:

The development parameters applicable to “industry” apply.

“business premises”

Land use description: “*business premises*” means a property from which business is conducted and—

- (a) includes a shop, big box retail, supermarket, restaurant, sale of alcoholic beverages, plant nursery, office, funeral parlour, financial institution and building for similar uses, place of assembly, institution, flats, backpackers’ lodge, youth hostel as well as boarding houses above ground floor level, hotel, hospital, conference facility, rooftop base telecommunication station and multiple parking garage; and
- (b) does not include a place of entertainment, motor repair garage, industry, noxious trade, risk activity, adult entertainment business, adult services or adult shop.

Development parameters:

The following development parameters apply:

- (a) **Coverage**
The maximum coverage for all buildings on a land unit is 100%.
- (b) **Street centre line setback**
The Municipality may require a street centre line setback, in which case all buildings or structures on a land unit must be set back at least 8 metres from the centre line of the abutting public street or streets.
- (c) **Floor factor**
The maximum floor factor on the land unit is 3, which may be departed from if subsection (i) is complied with.
- (d) **Height**
 - (i) The highest point of a building may not exceed 15 metres to the top of the roof.
 - (ii) The general provisions regarding earth banks and retaining structures in this by-law apply.
- (e) **Building line**
 - (i) The street building line is 0 metres.

- (ii) Side and rear building lines are 0 metres, provided that the Municipality may lay down common building lines in the interest of public health and safety or in order to enforce any other law or right.
- (iii) Minor architectural and sunscreen features may project beyond the street boundary building line, provided that such features do not project more than 250 millimetres beyond the street boundary.
- (f) **Residential incentive in respect of this By-law**
- (g) **Hotel floor space concession**
Where it is proposed to erect a hotel of at least 30 bedrooms in terms of this use right, the development parameters applicable to “hotel” apply.
- (h) **Canopy or balcony projection**
The Municipality 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 may not project closer than 500 millimetres to a vertical plane through the kerb line or proposed kerb line;
 - (ii) no portion of a canopy or balcony projection may be less than 2,8 metres above the pavement;
 - (iii) the Municipality may lay down more restrictive requirements relating to the dimensions, design and materials of the canopy or balcony; and
 - (iv) the owner must enter into an encroachment agreement with the Municipality and register a servitude area in the case of a balcony projection.
- (i) **Public pedestrian footway along street boundary**
If the owner provides a public pedestrian footway of at least 3 metres 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 footway.
- (j) **Street corners**
The Municipality may require that the owner of a building which is to be situated at a public street corner, and which the Municipality considers to be significant, must incorporate in the building architectural features which focus visual interest on the corner, and which emphasise the importance of pedestrian movement around the corner. Such features may include building cut-offs, walkthrough covered arcades, plazas or other elements.
- (k) **Parking and access**
 - (i) Parking and access must be provided on a land unit in accordance with this by-law, except in a case where the Municipality has approved alternative parking supply under subsection 46.(1).
 - (ii) Except with the approval of the Municipality, no parking bays at ground floor level on a land unit, either outside or within a building, may be located closer than 10 metres to a street boundary in order to enhance amenity at street level.
- (l) **Loading**
Loading bays must be provided on the land unit in accordance with this by-law.
- (m) **Screening**
The Municipality may require screening in accordance with this by-law.
- (n) **Refuse room**
A refuse room must be provided on the land unit in accordance with this by-law.

“camping site”

Land use description: “*camping site*” means a property on which tents or caravans are used for accommodation for visitors, and includes ablution, cooking, and other facilities for the use of such visitors.

Development parameters:

The development parameters applicable to “tourist accommodation” apply.

“caretaker’s quarters”

Land use description: “*caretaker’s quarters*” means an outbuilding of not more than 60 m² in total floor area, including sanitary and cooking facilities, which is used for the accommodation of a caretaker employed at an industrial site where operation of the industry requires that somebody is on the land unit at all hours.

Development parameters:

As determined by the Municipality.

“cemetery”

Land use description: “*cemetery*” means a place for the burial of human or domestic animal remains, and—

- (a) includes—
 - (i) ancillary buildings such as an office and chapel; and
 - (ii) a “garden of remembrance” or a “wall of remembrance”; and
- (b) does not include a crematorium.

Development parameters:

The development parameters applicable to “public open space” apply in the case of publicly owned land, and the parameters applicable to “private open space” apply in the case of land in private ownership.

“clinic”

Land use description: “*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) a clinic may contain live-in facilities for no more than 20 persons, including patients and staff; and
- (b) a clinic may include medical consulting rooms, operating theatres, an outpatients centre, and a wellness centre with ancillary uses.

Development parameters:

The development parameters applicable to “place of instruction” apply.

“conference facility”

Land use description: “*conference facility*” means a place where information is presented and ideas or information exchanged among groups of people or delegates, and includes the supply of meals to delegates.

Development parameters:

The development parameters applicable to “business premises” apply.

“container site”

Land use description: “*container site*” means property used for the storage of shipping or transport containers.

Development parameters:

The development parameters applicable to “industry” apply.

“convenience shop”

Land use description: “*convenience shop*” means a small shop that is open long hours and that typically stocks a range of everyday items such as groceries, snack foods, candy, toiletries, soft drinks, tobacco products, newspapers and magazines.

Development parameters:

- (a) The development parameters applicable to “service station” apply.
- (b) When approved as a consent use in another zone, the development parameters applicable to “shop” apply.

“correctional facility”

Land use description: “*correctional facility*” means a place where persons are housed and trained on instruction of a court of law and includes a reformatory, place of detention; industrial school and prison.

Development parameters:

Development parameters applicable to “authority use” apply.

“crèche”

Land use description: “*crèche*” means the use of a portion of a dwelling house or outbuildings by the occupant to provide day care, pre-school, play group or after-school care services for children, provided that no more than 20 children may be registered at a time, or on the property at any time.

Development parameters:

- (a) The services provided must primarily be day care and educational, and not medical services.
- (b) The services may not operate outside the hours 6:00 to 18:00.
- (c) The dominant use of the dwelling house must remain for the living accommodation of a single family.
- (d) Child care services for six children or less are subject to the development parameters applicable to “home child care”, and child care services for more than 20 children are subject to the development parameters applicable to “place of instruction”.

“crematorium”

Land use description: “*crematorium*” means a place for incinerating corpses in a furnace, and includes—

- (a) ancillary facilities such as a chapel and offices; and
- (b) a “garden of remembrance” or a “wall of remembrance”.

Development parameters:

Development parameters applicable to “industry” apply.

“domestic staff quarters”

Land use description: “*domestic staff quarters*” means an outbuilding with sanitary facilities which is used for the accommodation of domestic staff employed at the dwelling house concerned, excluding a kitchen.

Development parameters:

- (a) The development parameters applicable to “dwelling house” apply.
- (b) The floor space of domestic staff quarters may not exceed 40 m².

“double dwelling house”

Land use description: “*double dwelling house*” means—

- (a) a building designed as a single architectural entity that appears as a single dwelling house, containing two dwelling units on one land unit;
- (b) includes domestic staff quarters for each dwelling unit; and
- (c) does not include second dwelling units.

Development parameters:

- (a) **Coverage**
The coverage may not exceed 50%.

- (b) **Floor space**
There may not be more than 10% difference in the floor space of the two dwelling units and the total floor space of each of the two units may not exceed 250 m² per unit.
- (c) **Height**
- (i) The height of a double dwelling house may not exceed 6 metres from the base to the wall plate in all cases, and 8,5 metres to the ridge of the roof in the case of a pitched roof.
 - (ii) The general provisions regarding earth banks and retaining structures in this by-law apply.
- (d) **Building lines:**
- (i) The street building line is at least 4 metres.
 - (ii) The side building line is at least 3 metres.
 - (iii) The rear building line is at least 2 metres.
 - (iv) The general building line encroachments in this by-law apply.
- (e) **Window and door placement**
Any portion of a building which contains an external window or door facing onto a common boundary must—
- (i) be set back at least 1,5 metres from such boundary; and
 - (ii) the portion of building to be set back from the boundary must include the door or window, together with the additional length of wall as is required to make up a total minimum length of 3 metres.
- (f) **Garages, carports and outbuildings**
- (i) A garage, carport and outbuildings are permitted within the common boundary building line provided that the garage and carport do not—
 - (aa) extend higher than 3,5 metres from the base level to the top of the roof;
 - (bb) contain more than a double garage façade; and
 - (cc) exceed a width of 6,5 metres.
 - (ii) For land units of 650 m² and less, a garage or carport is permitted up to 1,5 metres from the street boundary provided the garage or carport—
 - (aa) is not higher than 3,5 metres from the base level to the top of the roof;
 - (bb) does not contain more than a double garage façade; and
 - (cc) does not exceed a width of 6,5 metres.
 - (iii) For land units exceeding 650 m², a garage or carport may not be closer than 5 metres from the street boundary, notwithstanding the street building line.
 - (iv) Notwithstanding subparagraphs (ii) and (iii), a garage or carport may be erected within the street boundary building line if, in the opinion of the Municipality, compliance with the street boundary building line is not practical due to steep slopes of the ground between the road and the property concerned. The Municipality must determine the street boundary building line in such a case.
- (g) **Parking and access**
Parking and access must be provided in accordance with the site access and parking layout requirements of this by-law, both dwelling units must obtain vehicle access from and to a street, and at least one garage per dwelling unit must be provided for parking purposes, limited to a maximum of two garages per dwelling unit.
- (h) **Refuse room and/or service yard**
The Municipality may require a refuse room and/or service yard to be provided on the land unit(s) concerned, in accordance with this by-law.
- (i) **Connection**
The two units must be connected by means of a communal wall of the dwelling, and connected garages, outside laps and braai areas may not be used to satisfy this requirement.

“dwelling house”

Land use description: “*dwelling house*” means a building containing only one dwelling unit, together with such outbuildings as are ordinarily used with a dwelling house, including:

- (a) domestic staff quarters, storeroom, and garaging;
- (b) a second dwelling unit or additional dwelling, with a floor area which does not exceed 60 m²;
- (c) a braai room;
- (d) renewable energy structures for household purposes;
- (e) home occupation;
- (f) a bed and breakfast establishment; and
- (g) home child care.

Development parameters:

- (a) **Height**
 - (i) The height of a dwelling house may not exceed 6 metres from the base to the wall plate in all cases, and 8,5 metres to the ridge of the roof in the case of a pitched roof.
 - (ii) The general provisions regarding earth banks and retaining structures in this by-law apply.
- (b) **Coverage and building lines**
 - (i) Building lines are at least the distance indicated in the table entitled “Coverage and building lines” from the relevant erf boundary:

Coverage and building lines

Erf size	Coverage	Building lines		
		Street	Side	Rear
Less than or equal to 250 m ²	70%	1 metre	1 metre	1,5 metres
Greater than 250 m ² , but not exceeding 500 m ²	60%	3 metres	1,5 metres	1,5 metres
Greater than 500 m ² , but not exceeding 1 000 m ²	50%	4 metres	2 metres	2 metres
Greater than 1 000 m ²	500 m ² or 40%, whichever is greater	5 metres	3 metres	3 metres

- (ii) The general building line encroachments in this by-law apply.
- (c) **Single Residential Zone III**
In the case of a “dwelling house” in Single Residential Zone III, the development parameters pertaining to coverage, height and building lines of “shelter” apply.
- (d) **Window and door placement**
Any portion of a building which contains an external window or door facing onto a common boundary must—
 - (i) be set back at least 1,5 metres from such boundary; and
 - (ii) the portion of building to be set back from the boundary must include the door or window, together with the additional length of wall that is required to make up a total minimum length of 3 metres.
- (e) **Garages, carports and outbuildings**
 - (i) A garage, carport and outbuildings are permitted within the common boundary building line provided that the garage and carport do not—
 - (aa) extend higher than 3,5 metres from the base level to the top of the roof;
 - (bb) contain more than a double garage façade; and
 - (cc) exceed a width of 6,5 metres.

- (ii) For land units of 650 m² and less, a garage or carport is permitted up to 1,5 metres from the street boundary provided the garage or carport—
 - (aa) is not higher than 3,5 metres from the base level to the top of the roof;
 - (bb) does not contain more than a double garage façade; and
 - (cc) does not exceed a width of 6,5 metres.
 - (iii) For land units exceeding 650 m², a garage or carport may not be closer than 5 metres from the street boundary, notwithstanding the street building line.
 - (iv) Notwithstanding subparagraphs (ii) and (iii), a garage or carport may be erected within the street boundary building line if, in the opinion of the Municipality, compliance with the street boundary building line is not practical due to steep slopes of the ground between the road and the property concerned. The Municipality must determine the street boundary building line in such a case.
- (f) **Parking and access**
Parking and access must be provided on the land unit in accordance with this by-law.
- (g) **Garaging**
Garaging for up to four vehicles is permitted.

“eco-housing”

Land use description: “*eco-housing*” means the granting of restricted development rights for alienable housing to incentivise the consolidation of rural properties of high biodiversity value and their incorporation into a conservation estate, and includes private roads.

Development parameters:

- (a) **Height**
The highest point of a building may not exceed 6,5 metres to the top of the roof.
- (b) **Floor space**
The floor space may not exceed 175 m², unless an existing legitimate house, built prior to the lodgement of an eco-housing application, is being converted into an eco-house, in which case the unit envelope may not be greater than the extent to which the unit envelope of the existing legitimate house already exceeds 175 m².
- (c) **Building lines**
The building lines are at least 30 metres on all sides.
- (d) The maximum permissible number of eco-housing units equals 1,5 times the number of cadastral land units to be consolidated, provided that more than 90% of the land to be consolidated is of such high biodiversity status that CapeNature proclaims it as a nature reserve or officially enters into a stewardship agreement in respect of such land.
- (e) Alternatively, the maximum permissible number of eco-housing units equals the total extent (in hectares) of land to be consolidated times the number of cadastral land units divided by 1 000; provided that—
 - (i) more than 50% of the land to be consolidated is of such high biodiversity status that CapeNature proclaims it as a nature reserve or officially enters into a stewardship agreement in respect of such land;
 - (ii) all the portions of land to be consolidated contain conservation-worthy land; and
 - (iii) the said conservation-worthy land is contiguous across all the cadastral land units to be consolidated.
- (f) Although recently subdivided cadastral land units may be consolidated for the purposes of the nature reserve, those cadastral land units, to be included in the calculation of number of eco-housing dwelling units to be awarded, must each have been registered in the Deeds Registry for a minimum of 10 years.
- (g) No cadastral land unit to be consolidated may be included in the calculation of the number of eco-housing dwelling units to be awarded should such cadastral land unit be smaller than 1 ha; nevertheless, such a smaller cadastral land unit may still form part of the proposed consolidated cadastral land unit itself.

- (h) The linkage of separate cadastral portions by notarial deed is not regarded as consolidation for the purpose of the calculation of number of eco-housing dwelling units to be awarded.
- (i) A very large single farm, where conservation-worthy land of at least 10 000 ha can be conserved, being of such high biodiversity status that CapeNature proclaims it a nature reserve or officially enters into a stewardship agreement in respect of such land, may also be used for eco-housing, as a compromise for the benefit of conservation for these purposes, even though consolidation will not take place in such instance.
- (j) Where a farm contains a portion of land of high conservation value, this portion of land may be subdivided from the farm for the purpose of establishing eco-housing units, using the formula described in paragraph (e). If such a subdivision would result in the remainder of the farm not constituting a viable unit on its own, it must be consolidated with adjoining farm land to ensure agricultural viability, or, alternatively, it must be included in the agreed-upon natural area if so accepted by the Municipality and CapeNature. Otherwise, it must be adjacent to an established protected area or corridor that is in the process of being established by CapeNature and must be managed together with such protected area or corridor.
- (k) Eco-housing may be alienated by means of sectional title.
- (l) The approval of an eco-housing development is subject to the adherence of the developer with an appropriate architectural design manual to the satisfaction of the Municipality.
- (m) Rezoning land for “eco-housing” purposes is subject to the Municipality approving a site development plan that clearly indicates the position of all structures, stands, services and internal roads, and the Municipality must lay down conditions with regard to density, layout, landscaping and building design on such land.

“environmental facilities”

Land use description: “*environmental facilities*” means facilities for the management, study, interpretation, education, and public appreciation of a predominantly natural area or heritage site and may include hiking trails, but does not include tourist facilities or tourist accommodation.

Development parameters:

The Municipality must determine the land use restrictions and the development parameters for the property based on the objectives of this zoning and the specific circumstances including adherence with an approved environmental management plan, where applicable.

“estate housing”

Land use description: “*estate housing*” means residential housing in a residential estate with access control which have integrated site and design features which are governed by a owners’ association such as golf estates, equestrian estates, eco estates and residential marinas, and includes—

- (a) a dwelling house;
- (b) group houses;
- (c) town houses;
- (d) flats;
- (e) a retirement resort;
- (f) a hotel;
- (g) a restaurant;
- (h) a resort shop;
- (i) private open space;
- (j) private roads; and
- (k) parking.

Development parameters:

- (a) The Municipality may stipulate conditions with regard to the use of buildings and land, density, height, coverage, layout, building design, open space, landscaping, parking, access and environmental management.

- (b) The applicant must submit the following documents and obtain the Municipality’s approval for:
 - (i) a site development plan;
 - (ii) a constitution for a owners’ association;
 - (iii) architectural guidelines and a proposed system of architectural control; and
 - (iv) an environmental management plan.
- (c) The land must be developed
 - (i) in accordance with the site development plan, architectural guidelines and environmental management plan as approved by the Municipality; and
 - (ii) to the satisfaction of the Municipality.

“factory”

Land use description: “*factory*” means property containing an industrial assembly plant used for the manufacture of goods.

Development parameters:

The development parameters applicable to “industry” apply.

“factory shop”

Land use description: “*factory shop*” means property used for the retail sale of goods that are completely or predominantly manufactured in a factory on the property concerned and may include a shop.

Development parameters:

The development parameters applicable to “industry” apply.

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

- (a) the total floor space devoted to the sale of goods may not exceed 10% 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.

“farm shop”

Land use description: “*farm shop*” means a building or structure located on a farm, which does not exceed 100 m² in floor space, including storage facilities, where the farmer sells produce grown on the farm and other goods to the general public.

Development parameters:

The development parameters applicable to “agriculture” apply.

“flats”

Land use description: “*flats*” means a building containing three or more dwelling units of which at least one does not have a ground floor, together with such outbuildings, open space and private roads as are ordinarily associated with flats.

Development parameters:

- (a) **Coverage**
The maximum coverage is 60%.
- (b) **Floor factor**
The floor factor may not exceed 1.
- (c) **Height**
 - (i) The highest point of a building may not exceed 15 metres to the top of the roof.
 - (ii) The general provisions regarding earth banks and retaining structures in this by-law apply.
- (d) **Building lines**
 - (i) The street building line is at least 5 metres.

- (ii) Side and rear building lines are at least 4,5 metres.
- (iii) The general building line encroachments in this by-law apply.
- (e) **Parking and access**
Parking and access must be provided in accordance with this by-law.
- (f) **Screening**
The Municipality may require screening in accordance with this by-law.
- (g) **Site development plan**
The Municipality may require a site development plan to be submitted for its approval. b
- (h) **Institution, place of instruction and place of assembly**
The development parameters that apply to “institution”, “place of instruction” and “place of assembly” apply to this use; 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 apply.
- (i) **Open space**
 - (i) Every block of flats must have access to an outdoor living area on the land unit, which may include private, or communal open space, but excludes roads, service yards and parking area.
 - (ii) A outdoor living area of at least 10% of the net erf area must be provided; such outdoor living area(s) must be of reasonable proportions and location to allow for leisure or recreational use by residents, and may include open courtyards within the complex.
- (j) **Service yard**
A service yard must be provided on the land unit in accordance with this by-law.
- (k) **Refuse room**
A refuse room must be provided on the land unit in accordance with this by-law.
- (l) **Flats as a consent use in a group housing scheme**
The following conditions apply to flats as a consent use right in this zone:
 - (i) the flats must form an integrated part of a group housing site and must comply with the development parameters for “group housing”;
 - (ii) the total floor space of flats may not exceed 40% of the total floor space of all buildings on the group housing site; and
 - (iii) the open space requirement for dwelling units in a group housing site applies.

“freestanding base telecommunication station”

Land use description: “*freestanding base telecommunication station*” means a freestanding support structure on land or anchored to land and used for telecommunication infrastructure to transmit or receive electronic communication signals, and may include an access road to such facility.

Development parameters:

The development parameters applicable to “utility service” apply.

“function venue”

Land use description: “*function venue*” means a building or structure used for functions, weddings and expos on what is mainly a rural property.

Development parameters:

Development parameters applicable to “agriculture” apply on a rural property, together with the limitation that any function venue in a rural area may not exceed a total floor space of 500 m², which includes all components of the venue.

“funeral parlour”

Land use description: “*funeral parlour*” means property where the dead are prepared for burial or cremation and—

- (a) includes facilities for ancillary administrative and religious functions; and
- (b) does not include a crematorium.

Development parameters:

The development parameters applicable to “shop” and “industry” apply.

“garden of remembrance”

Land use description: “*garden of remembrance*” is a section of a cemetery or crematorium set aside for the erection of memorial plaques or structures, placing or scattering of ashes.

Development parameters:

The development parameters applicable to “cemetery” and “crematorium” apply.

“group housing”

Land use description: “*group housing*” and “*group housing scheme*” means a group of separate or linked dwelling units where every dwelling unit has a ground floor, which units may be cadastrally subdivided but are planned, designed and built as a harmonious architectural entity in an ordered way and integrated with communal private open spaces, private roads and parking.

Development parameters:

(a) **Design principles**

All buildings and structures must be planned, designed and built as a harmonious architectural entity and special attention must be given to aesthetics, architectural coordination, urban design and landscaping.

(b) **Density**

The maximum gross density on a group housing site is 35 dwelling units per hectare.

(c) **Height**

- (i) The height of dwelling units may not exceed 6 metres from the base to the wall plate in all cases, and 8,5 metres to the ridge of the roof in the case of a pitched roof.
- (ii) The general provisions regarding earth banks and retaining structures in this by-law apply.

(d) **Open space**

Within a group housing site, outdoor space of at least 50 m² per dwelling unit must be provided, which may include private or communal open space or any functional outdoor space which is inaccessible to 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) a street boundary building line of 5 metres applies where the group housing site abuts an external public street;
- (ii) side and rear boundary building lines are 3 metres along the perimeter of the group housing site; and
- (iii) the general building line encroachments in this By-law apply.

(f) **Building lines within a group housing site**

The following building lines apply within a group housing site:

- (i) street boundary building lines on internal roads are 0 metres; provided that any garage door facing the road must be set back at least 5 metres from the kerb of such internal road; and
- (ii) side and rear boundary building lines within the group housing site are 0 metres, unless the Municipality requires a building line for fire-fighting purposes, in which case the common boundary building lines must be determined by the Municipality.

- (g) **Parking and access**
 - (i) Parking and access must be provided in accordance with the requirements of this By-law.
 - (ii) Parking may be provided in the form of communal parking.
- (h) **Site development plan**
A site development plan of the proposed group housing scheme must be submitted to the Municipality for its approval, and, if approved, the development of the group housing site must be substantially in accordance with the approved site development plan.
- (i) **Service yard**
Service yard(s) must be provided on the land unit in accordance with this by-law.
- (j) **Refuse room**
A refuse room must be provided on the land unit in accordance with this by-law.

“guest house”

Land use description: “*guest house*” means a dwelling house, second dwelling or additional dwelling unit 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 (more than 2 guestrooms or 4 guests), and—

- (a) includes business meetings or training sessions by and for guests on the property for up to 12 persons; and
- (b) does not include agricultural workers’ accommodation.

Development parameters:

The development parameters applicable to “dwelling house”, “second dwelling” and “additional dwelling unit” apply.

The following further parameters apply:

- (a) the Municipality may require a site development plan to be submitted for a proposed guest house and the guest house may not open for business until such plan is approved;
- (b) the owner of a proposed guest house must live on the property and must get consent use approval from the Municipality before the guest house establishment may open for business;
- (c) a register of guests and lodgers must be kept, and completed when rooms are let, and the register must be produced for inspection on request by an authorised municipal official;
- (d) any new structure or alteration to the property related to its use as a guest house must be compatible with the residential character of the area, particularly with regard to the streetscape, and must be capable of reverting to use as part of the dwelling house, second dwelling, additional dwelling unit or outbuilding concerned;
- (e) no more than 6 rooms per land unit may be used for bedroom accommodation for paying guests or lodgers, and no more than 12 paying guests or lodgers may be supplied with lodging or meals at any time;
- (f) the requirement in paragraph (e) is also applicable where a land unit contains both a guest house and rooms which are available for letting to lodgers;
- (g) no alcoholic beverages may be sold except to resident guests for consumption on the premises with meals;
- (h) guest rooms may not be converted to, or used as, separate self-catering dwelling units;
- (i) meals may only be supplied to guests or lodgers who have lodging on the property, employees, and the family residing in the dwelling;
- (j) no advertising sign may be displayed other than a single un-illuminated sign or notice not projecting over a public street in accordance with the Municipality’s policy or by-law on outdoor advertising and signage, and the sign may not exceed 1 m² in area;
- (k) no weddings, receptions, conferences, training or any similar activities are permitted in a guest house;
- (l) no activities may be carried out which constitute, or are likely to constitute, a source of public nuisance; and

- (m) on-site parking must be provided in accordance with the provisions of this by-law, provided that the Municipality may at any stage require additional on-site parking if, in the opinion of the Municipality, the guest house does not have enough parking.

“guest lodge”

Land use description: “*guest lodge*” means an appropriately scaled establishment which provides temporary residence for transient guests lodging and meals are provided and—

- (a) includes a small conference/ training facility and also caters for business meetings, and
 (b) does not include a restaurant or backpackers’ lodge.

Development parameters:

- (a) **Coverage**
 The maximum coverage is 60%.
- (b) **Floor factor**
 The floor factor may not exceed 1.
- (c) **Height**
 (i) The highest point of a building may not exceed 8,5 metres from natural ground level to the top of the roof.
 (ii) The general provisions regarding earth banks and retaining structures in this by-law apply.
- (d) **Building lines**
 (i) The street building line is at least 5 metres.
 (ii) Side and rear building lines are at least 4,5 metres.
 (iii) The general building line encroachments in this by-law apply.
- (e) **Parking and access**
 Parking and access must be provided in accordance with this by-law.
- (f) **Screening**
 The Municipality may require screening in accordance with this by-law.
- (g) **Site development plan**
 The Municipality may require a site development plan to be submitted for its approval. b
- (h) **Open space**
 (i) Every guest house must have access to an outdoor living area on the land unit, which may include private or communal open space, but excludes roads, service yards and parking areas.
 (ii) An outdoor living area of at least 10% of the net erf area must be provided; such outdoor living area(s) must be of reasonable proportions and location to allow for leisure or recreational use by guests and lodgers, and may include open courtyards within the complex.
- (i) **Service yard**
 A service yard must be provided on the land unit in accordance with this by-law.
- (j) **Refuse room**
 A refuse room must be provided on the land unit in accordance with this by-law.
- (k) The owner of the guest house must live on the property.
- (l) A register of guests and lodgers must be kept, and completed when rooms are let, and the register must be produced for inspection on request by an authorised municipal official.
- (m) No more than 20 rooms per land unit may be used for bedroom accommodation for paying guests or lodgers, and no more than 40 paying guests or lodgers may be supplied with lodging or meals at any time.
- (n) No alcoholic beverages may be sold except to resident guests for consumption on the premises with meals.
- (o) Guest rooms may not be converted to, or used as, separate self-catering dwelling units.
- (p) Meals may only be supplied to guests or lodgers who have lodging on the property, employees, and the family residing in the dwelling.

- (q) No advertising sign may be displayed other than a single un-illuminated sign or notice not projecting over a public street in accordance with the Municipality's policy or by-law on outdoor advertising and signage, and the sign may not exceed 1 m² in area.

“halfway house”

Land use description: “*halfway house*” means a facility that provides temporary accommodation for persons who have completed a formal treatment programme for substance abuse, but does not include inpatient treatment or similar facilities.

Development parameters:

The development parameters applicable to “dwelling house” apply.

“harvesting of natural resources”

Land use description: “*harvesting of natural resources*” means the gathering of flora or fauna (living organisms) within a conservation-worthy area for sale or use by a person or agency other than a recognised environmental agency, provided that the harvesting—

- (a) is sustainable;
- (b) does not deplete the resources below acceptable levels;
- (c) is not detrimental to the ecosystem; and
- (d) is in accordance with any applicable law.

Development parameters:

The development parameters applicable to “agriculture” apply.

“helicopter landing pad”

Land use description: “*helicopter landing pad*” means any portion of land, building, structure or part thereof which is demarcated for the purposes of landing or take-off of helicopters or vertical lift-off aircraft.

Development parameters:

As determined by the Municipality.

“holiday housing”

Land use description: “*holiday housing*” means a harmoniously designed and built holiday development with an informal clustered layout with private roads which—

- (a) includes—
 - (i) the provision of a camping site;
 - (ii) mobile homes;
 - (iii) dwelling units;
 - (iv) a resort shop;
 - (v) housing which may be rented out or may be separately alienated by means of time-share, sectional title division, the selling of block shares or the subdivision of the property on condition that a property owners' association is established or the holiday housing falls under the control of a body corporate; and
- (b) does not include a wellness centre or hotel.

Development parameters:

- (a) The parameters of the existing lawful development must apply as land use restrictions with regard to land which is deemed to be zoned as Resort Zone II with effect from the date of commencement of the Land Use Planning Act.
- (b) When the land is rezoned to Resort Zone II, conditions must be laid down with regard to density, layout, landscaping and building design, and a site development plan must be submitted to the Municipality for its approval, clearly indicating the position of all structures, stands, services and internal roads.

“home child care”

Land use description: “*home child care*” means the use of a portion of a dwelling house or its outbuildings by the occupant to provide day care, after school care or instruction for a limited number of infants or children.

Development parameters:

- (a) The dominant use of the property must be for accommodation of a single family.
- (b) The owner of the home child care activity must live on the property.
- (c) Any new structure or alteration to the property to accommodate an additional use right must be compatible with the residential character of the area, particularly with regard to the streetscape, and must be capable of reverting to use as part of the dwelling house, second dwelling or outbuilding concerned.
- (d) No more than 3 employees may be engaged by the owner for the home child care activity.
- (e) No more than 6 children may be enrolled at the home child care facility at a time.
- (f) The home child care services must primarily be day care or educational, not medical.
- (g) The home child care services may not operate outside the hours 7:00 to 18:00 from Monday to Friday, and from 8:00 to 13:00 on Saturday. No home child care services are permitted on public holidays or Sundays.
- (h) Areas for indoor play space and outdoor play space must be provided in accordance with any health requirement or a policy plan as might be approved by the Municipality from time to time, and outdoor play space must be fenced off from any public street or neighbouring property by a 1,8 metre-high fence or wall.
- (i) No advertising sign may be displayed, other than a single un-illuminated sign or notice, not projecting over a public street, and the sign may not exceed 0,5 m² in area.
- (j) At least one off-street parking bay must be provided, plus one additional parking bay which is suitable for drop off and collect their children, unless the Municipality’s approval is obtained to waive this requirement. The Municipality may at any stage require additional on-site parking where, in the opinion of the Municipality, the home child care service does not have enough parking for its operations.

“home occupation”

Land use description: “*home occupation*” means the practising of an occupation or the conducting of an enterprise by one or more occupants who reside on the property, provided that the dominant use of the property concerned must remain for the living accommodation of the occupants and home occupation does not include a house shop.

Development parameters

- (a) The dominant use of the property must be for accommodation of a single family.
- (b) The proprietor of the home occupation concerned must live on the property.
- (c) Any new structure or alteration to the property to accommodate a home occupation must be compatible with the residential character of the area, particularly with regard to the streetscape, and must be capable of reverting to use as part of the dwelling house, second dwelling or outbuilding concerned.
- (d) Not more than three employees may be engaged by the occupant in the home occupation concerned.
- (e) No home occupation may 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, builder’s yard, welding works or joinery.
- (f) No goods for sale may be publicly displayed and no external evidence of the home occupation may be visible from a public street, except for an advertising sign in accordance with paragraph (g).
- (g) No advertising sign may be displayed other than a single, un-illuminated sign or notice not projecting over a public street in accordance with the Municipality’s outdoor advertising and signage by-law, and the sign may not exceed 0,2 m² in area.

- (h) No activities may 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.
- (i) Off-street parking must be provided at a ratio of 1 parking bay per 25 m² area used for home occupation, unless the Municipality's approval is obtained to waive this requirement. The Municipality may at any stage require additional on-site parking where, in the opinion of the Municipality, there is not enough parking for the home occupation concerned.
- (j) The total area used for all home occupation activity on a land unit, including storage, may not consist of more than 25% of the total floor area of the dwelling units on the land unit or 50 m², whichever is smaller.
- (k) The storage of all goods and equipment connected with the home occupation concerned must be inside a building or screened from neighbours and the public street.
- (l) Not more than two vehicles may be used in connection with a home occupation, and no one vehicle may exceed 3 500 kg in gross weight.
- (m) The hours of operation of a home occupation may not extend beyond 8:00 to 17:30 from Monday to Friday, and 8:00 to 13:00 on Saturday. No home occupation operations are permitted on public holidays or Sundays.
- (n) The Municipality 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.
- (o) When "home occupation" is approved as a consent use right in any zone, the development parameters of "home occupation" apply over and above the development parameters of the relevant land use allowed as a primary right in the zone.
- (p) In order to exercise the consent use right under paragraph (o), the owner must obtain the written consent, where applicable, of the relevant owners' association or Body Corporate, or all the owners within a housing scheme if the owners' association or Body Corporate is not functioning.

“hospital”

Land use description: “*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 may include—

- (a) a clinic;
- (b) medical consulting rooms;
- (c) a pharmacy;
- (d) a restaurant; and
- (e) a shop.

Development parameters:

The development parameters applicable to “place of instruction” apply.

“hotel”

Land use description: “*hotel*” means a property used as a temporary residence for transient guests, where lodging and meals are provided, and—

- (a) includes—
 - (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;
 - (iii) premises which are licensed to sell alcoholic beverages for consumption on the property;
 - (iv) wellness centre; and
 - (v) boarding house; and
- (b) does not include—
 - (i) a liquor store;
 - (ii) a backpackers' lodge;

- (iii) a dwelling house, or
- (iv) a dwelling unit.

Development parameters:

The development parameters applicable to “business premises” apply with the following concession:

- (a) Where it is proposed to erect a hotel of at least 30 bedrooms within this zone, the following portions of such hotel must 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; and
 - (vii) staff quarters appurtenant to the hotel, including corridors, stairs and other means of access within such staff quarters, including all kitchens, dining rooms, recreation rooms, laundries and other such rooms for the exclusive use of staff.
- (b) If, in the opinion of the Municipality, a room is primarily for the use of persons other than hotel residents, staff or visitors, the room must be included in the floor space calculation of the building notwithstanding that it may be referred to in paragraph (a)(i) to (vii), and any rooms which are not specifically referred to in paragraph (a)(i) to (vii) must also be included in the floor space calculation of the building.

“house shop”

Land use description: “*house shop*” means the conducting of a retail trade from a dwelling house, second dwelling, shelter or outbuilding by one or more occupants who must reside on the property; provided that the dominant use of the property must remain for the living accommodation of the occupants and that the area occupied by the house shop retail trade does not exceed 25% of the floor space of the dwelling house.

Development parameters:

Development parameters applicable to “dwelling house”, “second dwelling” and “shelter” apply.

“house tavern”

Land use description: “*house tavern*” means—

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

Development parameters:

Development parameters applicable to “dwelling house”, “second dwelling” and “shelter” apply.

Note: This zoning scheme does not make provision for a “house tavern” as a primary or consent use right in any use zone and existing legal enterprises may only be allowed as a non-conforming use.

“industrial hive”

Land use description: “*industrial hive*” means a complex of uniformly designed buildings, containing a mix of retail and manufacturing activities, and arranged in an orderly manner around common spaces, which may include—

- (a) common parking and access;
- (b) light industry;
- (c) service trade;
- (d) storage facilities;
- (e) service station;
- (f) restaurant; and
- (g) open air motor vehicle display.

Development parameters

The development parameters applicable to “light industry” apply.

“industry”

Land use description: “*industry*” means a property 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, factory shop or other uses which are subservient and ancillary to the use of the property as a factory; and—

- (a) includes—
 - (i) an industrial hive;
 - (ii) funeral parlour;
 - (iii) service station;
 - (iv) transport usage;
 - (v) rooftop base telecommunication station;
 - (vi) freestanding base telecommunication station;
 - (vii) warehouse and agricultural industry; and
- (b) does not include a noxious trade, scrap yard or risk activity.

Development parameters:**(a) Floor factor and coverage**

- (i) The floor factor may not exceed 1,5.
- (ii) The maximum coverage is 75%.

(b) Height

- (i) The highest point of a building may not exceed 18 metres from the base to the top of the roof.
- (ii) The highest point of a stack of shipping or transport containers stored outside a building may not exceed 15 metres above average ground level.
- (iii) The general provisions regarding earth banks and retaining structures in this by-law apply.

(c) Street boundary building line

The street boundary building line is 0 metres, with a street centreline setback of at least 8 metres.

(d) Side and rear boundary building lines

Side and rear boundary building lines are 0 metres, provided that the Municipality may lay down side and rear building lines of up to 3 metres in the interest of public health and/or safety.

(e) Boundary walls

Where a land unit has a common boundary with another land unit that is not zoned Industrial Zone II or Industrial Zone III, the Municipality may require a 1,8 metre-high wall to be erected, to the satisfaction of the Municipality, along the common boundary.

- (f) **Parking and access**
Parking and access must be provided on the land unit in accordance with this By-law.
- (g) **Loading**
Loading bays must be provided on the land unit in accordance with this By-law.
- (h) **Screening**
The Municipality may require screening in accordance with this By-law.
- (i) **Hazardous substances**
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 may be permitted unless a risk management and prevention plan has been submitted to the Municipality for its approval. Such a risk management and prevention plan must include guidelines approved by the Municipality to prevent or minimise danger to the environment or humans from a particular activity or series of activities, and to deal with the consequences of any dangerous event involving such hazardous substances.
- (j) **Industrial hive**
The same development management provisions which apply to an industrial hive under “light industry” apply to an industrial hive in this zone.
- (k) **Site development plan**
The Municipality may require a site development plan to be submitted for its approval in accordance with this by-law.
- (l) **Refuse room**
A refuse room must be provided on the land unit in accordance with this by-law.

“informal trading”

Land use description: “*informal trading*” means the legal selling of products in areas demarcated by the Municipality specifically for these purposes, including markets and other areas demarcated in accordance with the Municipality’s informal trading by-law.

Development parameters:

As determined by the Municipality.

“institution”

Land use description: “*institution*” means a property used as a facility that renders services to the community—

- (a) including—
- (i) hospital;
 - (ii) clinic;
 - (iii) home for the aged, retired, indigent or handicapped;
 - (iv) a social facility such as a counselling centre, orphanage and rehabilitation centre; and includes:
 - (v) ancillary accommodation, administrative, health care, training and support services and facilities; and
- (b) does not include a correctional facility.

Development parameters:

Development parameters applicable to “place of instruction” apply.

“intensive animal farming”

Land use description: “*intensive animal farming*” means—

- (a) the breeding, feeding and keeping, on an intensive basis, of animals or poultry confined to buildings, or structures; and
- (b) does not include the breeding, feeding and keeping of wildlife.

Development parameters:

Development parameters applicable to “agriculture” apply.

“intensive horticulture”

Land use description: “*intensive horticulture*” means the culture of plants on an intensive scale, including:

- (a) the culture of plants under a roof or in greenhouses; and
- (b) the sale of self-produced plants on a property.

Development parameters:

Development parameters applicable to “agriculture” apply.

“light industry”

Land use description: “*light industry*” means—

- (a) an industry, not being a hazardous or offensive industry or involving use of hazardous or offensive storage establishment, in which the processes carried on, the transportation involved or the machinery or materials used do not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise;
- (b) involves manufacturing that is less capital-intensive and requires less machinery than other types of manufacturing; and
- (c) includes—
 - (i) the manufacturing of consumer products, including electronics and clothing;
 - (ii) warehousing;
 - (iii) industrial hive;
 - (iv) service trade;
 - (v) service station;
 - (vi) restaurant; and
 - (vii) open air motor vehicle display.

Development parameters

- (a) **Floor factor**
The maximum floor factor on the land unit is 1,5.
- (b) **Coverage**
The maximum coverage for all buildings on a land unit is 75%.
- (c) **Height**
 - (i) No building may exceed a height of two storeys.
 - (ii) The general provisions regarding earth banks and retaining structures in this by-law apply.
- (d) **Street building line**
The street building line is at least 5 metres.
- (e) **Side building line**
The side building line is at least 3 metres.
- (f) **Rear building line**
The rear building line is at least 3 metres.
- (g) **Boundary walls**
Where a land unit has a common boundary with another land unit which is not zoned for industrial purposes, the Municipality may require a 1.8 metre-high wall to be erected along the boundary. The quality and finishing of the wall must be
- (h) **Parking and access**
Parking and access must be provided in accordance with this by-law.
- (i) **Loading bays**
Loading bays must be provided in accordance with this by-law.
- (j) **Screening**
The Municipality may require any part of the land unit, which is used for storage or the loading of goods to be enclosed with a brick or concrete screen, of which the quality and finishing must be

- (k) **Refuse room**
A refuse room must be provided on the land unit in accordance with this by-law.
- (l) **Hazardous substances**
No activity which includes storage of on-site hazardous substances may be permitted unless a risk management and prevention plan has been submitted to the Municipality for its approval. Such a risk management and prevention plan must include guidelines approved by the Municipality to prevent or minimise danger to the environment or humans from a particular activity or series of activities, and to deal with the consequences of any dangerous event involving such hazardous substances.
- (m) **Site development plan**
A site development plan must be submitted to the Municipality for its approval.
- (n) **Industrial hive**
The following additional development parameters apply for an industrial hive, namely:
- (i) the design principles which are reflected in the definition of “industrial hive” must be closely followed and implemented;
 - (ii) special attention must be given to aesthetics, architectural coordination, urban design and landscaping; and
 - (iii) the Municipality may impose conditions specifying limits on the mix of retail and manufacturing activities, and the industrial hive may not allocate more than 50% of the total floor space to retail activities, shops or associated uses.

“liquor store”

Land use description: “*liquor store*” means a premises used for the sale or offering for sale to the public of drinks capable of intoxicating a consumer.

Development parameters:

The development parameters applicable to “shop” apply.

“medical consulting rooms”

Land use description: “*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.

Development parameters:

The development parameters applicable to “office” apply.

“mine”

Land use description: “*mine*” means mine as defined in the Mineral and Petroleum Resources Development Act, 2002 (Act 28 of 2002) and includes extracting gas for market production purposes.

Development parameters:

The following development management provisions apply:

- (a) The owner must comply with national and provincial statutory requirements applicable to mining.
- (b) Any application to rezone land to Industrial Zone IV must contain an explanation of the measures that will be implemented to address safety and environmental concerns which may be imposed as conditions of approval by the Municipality, including but not limited to:
 - (i) control of drainage, sedimentation and erosion;
 - (ii) preservation of surface and substance water;
 - (iii) preservation of topsoil;
 - (iv) provision for restoration and the re-use of the site;
 - (v) provision for noise and visual buffering;
 - (vi) accommodation of heavy traffic and vehicles on roadways; and
 - (vii) a phased programme for rehabilitation.

- (c) A site development plan must be submitted to the Municipality for its approval.

“mobile home”

Land use description: “*mobile home*” means a transportable structure which is designed so that it can be used as a permanent dwelling and which has the necessary service connections for a permanent dwelling.

Development parameters:

As determined by the Municipality.

“motor repair garage”

Land use description: “*motor repair garage*” means a commercial enterprise where motor vehicles are provided with fuel or major services including engine overhauling, spray-painting, panel beating, black-smithery, exhaust fitment, shock absorber fitment or body work, and includes a service station.

Development parameters:

The development parameters applicable to “shop” apply. The following additional development parameters apply:

- (a) A site development plan must be submitted to the Municipality for its approval.
- (b) Any part of the property of a motor repair garage 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, must be enclosed with a solid screen wall at least 2 metres high, or contained in a building.
- (c) Any motor repair garage that supplies fuel must comply with the following access requirements:
- (i) the width of motor vehicle carriageway crossings over the street boundary, whether one-way or two-way, may not exceed 8 metres;
 - (ii) a wall, at least 100 millimetres thick and 350 millimetres high, must be erected on the street boundary between different motor vehicle carriageway crossings, and such a wall must continue along such boundary unless the property is otherwise enclosed;
 - (iii) the motor vehicle carriageway crossings must be limited to two per site unless the total length of a street boundary exceeds 30 metres, 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 may not be closer than:
 - (aa) 30 metres to the intersection of a provincial road and with any other road of a similar status;
 - (bb) 30 metres to the nearest point of an intersection where traffic is controlled, or is proposed to be controlled, by a traffic signal or traffic island;
 - (cc) 10 metres from the corner of an intersection not described in items (aa) and (bb), if such intersection is not splayed, or 5 metres from the point where the splay meets the road boundary if such intersection is splayed; and
 - (dd) 1,5 metres from a side boundary; and
 - (v) no fuel pump shall be erected so that the base or island on which the pump stands is less than 3,5 metres from the nearest street boundary.

“multiple parking garage”

Land use description: “*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.

Development parameters

Development parameters applicable to “business premises” apply.

“nature conservation area”

Land use description: “*nature conservation area*” means the use and management of land with the objective of preserving the natural biophysical characteristics of that land, such as the fauna and flora, but does not include tourist facilities, tourist accommodation or agriculture.

Development parameters:

- (a) The Municipality may require an environmental conservation plan to be submitted for its approval.
- (b) The Municipality must determine the land use restrictions and the development parameters for the property based on the objectives of this zoning, the particular circumstances of the property and, where applicable, in accordance with an approved environmental management plan.
- (c) One dwelling house is allowed if no dwelling house exists on another portion of the land unit zoned for agriculture purposes or if the full extent of the land unit is zoned Open Space III.
- (d) When a consent use to provide tourist facilities in a “nature conservation area” is approved, it is subject to conditions laid down by the Municipality with regard to layout, landscaping and building design.
- (e) A site development plan must be submitted to the Municipality for its approval, clearly indicating the position of all structures, services and internal roads.

“nature reserve”

Land use description: “*nature reserve*” means a national park or some other nature area which is in the ownership of a public authority or remains in private ownership and has been declared as a nature reserve or has a similar status in terms of legislation; it consists of an area which is utilised as a game park or reserve for fauna and flora in their natural habitat that—

- (a) includes environmental facilities and worker accommodation; and
- (b) does not include accommodation facilities for tourists or holiday makers.

Development parameters:

- (a) An environmental management plan must be submitted to the Municipality, SANParks and/ or CapeNature for their approval.
- (b) SANParks and/ or CapeNature must, in consultation with the Municipality, determine the land use restrictions and the development parameters for the property based on the objectives of this zoning, the particular circumstances of the property, and in accordance with an approved environmental management plan.
- (c) When consent use(s) to provide tourist facilities and(or) tourist accommodation in a “nature reserve” are approved, conditions must be laid down with regard to density, layout, landscaping, and building design.
- (d) A site development plan must be submitted to the Municipality for its approval, clearly indicating the position of all structures, stands, services and internal roads.

“neighbourhood shop”

Land use description: “*neighbourhood shop*” means a property used for the retail sale, principally, of convenience goods to the public and providing service almost exclusively to the inhabitants of a specific neighbourhood and its surrounding area, and includes—

- (a) laundrette, hair salon, medical practitioner and clinic; and
- (b) does not include a liquor store; shop, supermarket; service trade; or office.

Development parameters

The development parameters applicable to “shop” apply.

Despite the zero side and rear building lines, a 3-metre side or rear building line applies where a land unit zoned Business Zone III abuts on a residential zone.

“noxious trade”

Land use description: “*noxious trade*” means an industry which is offensive, poisonous or potentially harmful 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 the Municipality to be a potential source of danger, nuisance or offence to the general public or persons in the surrounding area and includes—

- (a) an abattoir; and
- (b) a crematorium.

Development parameters

The following development parameters apply:

- (a) **Floor factor**
The maximum floor factor on the land unit is 2.
- (b) **Coverage**
The maximum coverage for all buildings on the land unit is 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 may not exceed a height of 18 metres to the top of the roof.
 - (iii) The general provisions regarding earth banks and retaining structures in this by-law apply.
 - (iv) The highest point of shipping or transport containers, when stored or stacked outside a building connected with a noxious trade, may not exceed 15 metres above average ground level.
- (d) **Building lines**
 - (i) The street boundary building line is at least 5 metres.
 - (ii) The side and rear boundary building lines are at least 5 metres.
- (e) **Parking and access**
Parking and access must be provided on the land unit in accordance with this by-law.
- (f) **Loading**
Loading bays must be provided on the land unit in accordance with this by-law.
- (g) **Screening**
The Municipality may require screening on the land unit in accordance with this by-law.
- (h) **Boundary walls**
Where a land unit has a common boundary with another land unit that is not zoned Industrial Zone II or Industrial Zone III, the Municipality may require a 1,8 metre-high wall to be erected along the common boundary, of which the quality and finishing must be to the satisfaction of the Municipality.
- (i) **Hazardous substances**
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 is permitted unless a risk management and prevention plan has been submitted to the Municipality for its approval. Such a risk management and prevention plan must include guidelines approved by the Municipality to prevent or minimise danger to the environment or humans from a particular activity or series of activities, and to deal with the consequences of any dangerous event involving such hazardous substances.
- (j) **Refuse room**
A refuse room must be provided on the land unit in accordance with this by-law.
- (k) **Site development plan**
The Municipality may require a site development plan to be submitted for its approval.

“occasional use”

Land use description: “*occasional use*” means a temporary departure granted for a specific occasion or event by the Municipality that includes—

- (a) craft markets;
- (b) circuses;
- (c) religious gatherings;
- (d) film shoots;
- (e) builder’s yards;
- (f) seasonal camping sites; and
- (g) other outdoor events.

Development parameters:

The following development parameters apply:

- (a) The applicant must provide parking and toilet facilities to the satisfaction of the Municipality.
- (b) The temporary activities may not extend for a continuous period of more than seven days.
- (c) Notwithstanding paragraph (b) the Municipality may determine a longer period for a builder’s yard.
- (d) The approval may be withdrawn by written notice to the applicant if any condition of approval is not be complied with or if, in the opinion of the Municipality, the occasional use concerned creates a public nuisance.

“office”

Land use description: “*office*” means property used for the conducting of an enterprise primarily concerned with administrative, clerical, financial or professional duties, and includes—

- (a) medical consulting rooms; and
- (b) a clinic.

Development parameters

The following development parameters apply:

- (a) **Floor factor**
The floor factor may not exceed 1.
- (b) **Coverage**
Coverage may not exceed 60%
- (c) **Street centre line setback**
The municipality may require that all buildings or structures on the land unit are set back at least 6,5 metres from the centre line of the abutting street or streets.
- (d) **Height**
 - (i) The highest point of a building may not exceed 11 metres from average ground level to the top of the roof.
 - (ii) The general provisions regarding earth banks and retaining structures in this by-law apply.
- (e) **Building lines**
 - (i) The street building line is at least 5 metres.
 - (ii) The side and rear building lines are at least 3 metres.
 - (iii) Notwithstanding subparagraph (ii), the side building lines for properties smaller than 650 m² must be 0 metres for the first 12 metres measured perpendicular from street boundary; 0 metres for 60% of total remaining linear distance along all side and rear boundaries around the land unit; and 3 metres for the remainder.
 - (iv) The general building line encroachments in this by-law apply.
- (f) **Garages and carports**
 - (i) A garage or carport is permitted within the common boundary building line provided the garage or carport—
 - (aa) does not exceed 3,5 metres from base level to the top of the roof; and

- (bb) does not contain more than a double garage façade with a maximum width of 6,5 metres.
 - (ii) For land units of 650 m² and less, a garage or carport is permitted up to 1,5 metres from the street boundary provided the garage or carport:
 - (aa) does not exceed 3,5 metres from base level to the top of the roof; and
 - (bb) does not contain more than a double garage facade with a maximum width of 6,5 metres.
 - (iii) For land units exceeding 650 m², a garage or carport may not be closer than 5 metres from the street boundary, notwithstanding the street building line.
- (g) **Parking and access**
Parking and access must be provided on the land unit in accordance with this by-law, except in a case where the Municipality has approved alternative parking supply under subsection 46.(1).
- (h) **Loading**
Loading bays must be provided on the land unit in accordance with this by-law.
- (i) **Screening**
The Municipality may require screening in accordance with this by-law.
- (j) **Canopy or balcony projection**
Canopy and balcony projections for “business premises” apply.
- (k) **Refuse room**
The Municipality may require a refuse room to be provided on the land unit in accordance with this by-law.

“off-road trail”

Land use description: “*off-road trail*” means a series of roads, tracks and routes designed for recreational use—

- (a) and includes buildings and facilities normally required for the administration and maintenance of the trail; and
- (b) does not include holiday accommodation; or tourist facilities.

Development parameters:

The development parameters applicable to “agriculture” apply.

“place of assembly”

Land use description: “*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—

- (a) including a civic hall, concert hall, indoor sports centre, gymnasium, sport stadium, and club house; and
- (b) does not include a place of entertainment, or conference facility.

Development parameters:

Development parameters applicable to “place of instruction” apply.

“place of entertainment”

Land use description: “*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, ball room hall, gymnasium, sport centre, skating rink, pool room, pub, facility for betting, electronic or mechanical playing devices, gambling hall and nightclub.

Development parameters:

Development parameters applicable to “business premises” apply.

“place of instruction”:

Land use description: “*place of instruction*” means a place for education or training at pre-school, school or post-school levels—

- (a) including a crèche; nursery school, primary school, secondary school, college, university or 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, place of worship, public art gallery, or museum; or a place of instruction in sport where the main objective is instruction rather than participation of the public as competitors or spectators; and
- (b) does not include a reformatory or commercial conference facility.

Development parameters:

- (a) **Floor factor**
The maximum floor factor is 1,2.
- (b) **Coverage**
The maximum coverage is 60%.
- (c) **Height**
 - (i) The highest point of a building from the base to the top of the roof may not exceed 12 metres, 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) The general provisions regarding earth banks and retaining structures in this by-law apply.
- (d) **Building lines**
 - (i) The street building line is at least 5 metres.
 - (ii) Side and rear building lines are at least 5 metres.
 - (iii) The general building line encroachments in this by-law apply.
- (e) **Parking and access**
Parking and access must be provided on the land unit in accordance with this By-law.
- (f) **Loading bays**
Loading bays must be provided on the land unit in accordance with this By-law.
- (g) **Screening**
The Municipality may require screening in accordance with this By-law.
- (h) **Noise mitigation**
The Municipality may require the owner to install noise mitigation measures if excessive noise is created or likely to be created.
- (i) **Refuse room**
A refuse room must be provided on the land unit in accordance with this by-law.

“place of worship”

Land use description: “*place of worship*” means a church, synagogue, mosque, temple, chapel or other place for practising a faith or religion, and includes—

- (a) ancillary uses such as a religious leader’s dwelling, office, function hall, or place for religious instruction; and
- (b) does not include a funeral parlour, cemetery or crematorium, provided that a dwelling where the occupants engage in worship does not constitute a place of worship.

Development parameters:

Development parameters applicable to “place of instruction” apply.

“plant nursery”

Land use description: “*plant nursery*” means a property which is used for the cultivation and sale of plants, gardening products and gardening equipment as a commercial enterprise.

Development parameters:

Development parameters applicable to “agriculture” apply.

“private open space”

Land use description: “*private open space*” means land not designated as public open space which is used primarily as a private site for sport, play, rest or recreation, or as a park or nature conservation area and includes—

- (a) ancillary buildings, infrastructure, and public land which is or will be leased on a long term basis; and
- (b) does not include shops, restaurants and gymnasiums.

Development parameters:

The following development parameters apply:

- (a) The Municipality must require a site development plan to be submitted for its approval.
- (b) The site development plan as approved by the Municipality constitutes the development parameters for a primary use, if applicable, and a consent use.

“private parking”

Land use description: “*private parking*” means property which is reserved exclusively for parking purposes, where the parking is not normally accessible to the general public.

Development parameters:

A site development plan must be submitted to the Municipality for its approval. The site development plan as approved constitutes the development parameters for such private parking.

“private road”

Land use description: “*private road*” means privately owned land which provides vehicle access to a separate cadastral property or properties and which is designated as private road; and—

- (a) includes utility services and ancillary access control infrastructure, including a gatehouse, guardhouse, refuse room and utility room; and
- (b) does not include a driveway on a property, or a servitude right of way over a property as these do not constitute private roads for the purpose of this zoning scheme.

Development parameters:

As determined by the Municipality.

“prospecting”

Land use description: “*prospecting*” means the first stage of physical search for minerals, fossils, precious metals or mineral specimens and may be granted as a temporary departure from this by-law by the Municipality since it does not constitute a primary, consent or occasional use right in terms of this by-law.

Development parameters:

As determined by the Municipality.

“public open space”

Land use description: “*public open space*” means land which is designated as public open space, under the ownership of the Municipality or other public authority, and which is not leased nor will be leased on a long-term basis, 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 and infrastructure.

Development parameters:

The following development parameters apply:

- (a) The Municipality must require a site development plan to be submitted for its approval.
- (b) The site development plan as approved by the Municipality constitutes the development parameters for a primary use, if applicable, and a consent use.

“public parking”

Land use description: “*public parking*” means property that is accessible to the general public for parking purposes with or without a fee and/or access control.

Development parameters:

A site development plan must be submitted to the Municipality for its approval. The site development plan as approved constitutes the development parameters for such private parking.

“quarry”

Land use description: “*quarry*” means a place from which dimension stone, rock, construction aggregate, riprap, sand gravel or slate is excavated from the ground. A quarry is a type of open-pit mine that produces building materials and dimension stone.

Development parameters:

- (a) Development parameters applicable to “agriculture” together with additional parameters determined by the Municipality apply.
- (b) If a quarry is approved as a consent use in Agricultural Zone I, the consent may only be granted for the number of years equal to the expected lifetime of the quarry concerned.
- (c) The owner must comply with national and provincial statutory requirements applicable to mining.
- (d) Any application to rezone land to Industrial Zone IV must contain an explanation of the measures that will be implemented to address safety and environmental concerns which may be imposed as conditions of approval by the Municipality, including but not limited to:
 - (i) control of drainage, sedimentation and erosion;
 - (ii) preservation of surface and substance water;
 - (iii) preservation of topsoil;
 - (iv) provision for restoration and the re-use of the site;
 - (v) provision for noise and visual buffering;
 - (vi) accommodation of heavy traffic and vehicles on roadways; and
 - (vii) a phased programme for rehabilitation.
- (e) A site development plan must be submitted to the Municipality for its approval.

“rehabilitation centre”

Land use description: “*rehabilitation centre*” means a facility providing treatment for substance abuse.

Development parameters:

Development parameters applicable to “place of instruction” apply.

“renewable energy structure”

Land use description: “*renewable energy structure*” means any wind turbine or solar voltaic apparatus, or grouping of such equipment, which captures and converts wind or solar radiation into energy for commercial gain irrespective of whether it feeds onto an electricity grid or not, and includes any appurtenant structure necessary for, or directly associated with, generation of renewable energy, or any test facility or structure which may lead to the generation of energy on a commercial basis.

Development parameters:

- (a) **Height**
 - (i) The maximum height of a wind turbine is 200 metres, measured from the mean ground level of the footprint of each structure to the highest point of the blade.
 - (ii) The height of a structure for solar energy generation is technology-dependent.
 - (iii) The height of buildings may not exceed 8,5 metres from natural ground level to the top of the roof.

(b) Setback

Setbacks are required for safety reasons and no deviations are permitted. In the case of a wind turbine, the setback is a distance equal to 1,5 times the overall blade tip height of the turbine, measured from—

- (i) the nearest residential, commercial or critical agricultural structures such as animal housing, outbuildings, store rooms, excluding structures such as water troughs, feed dispensers, and windmills;
- (ii) the cadastral boundary of the land unit, unless the renewable energy structure straddles two or more cadastral boundaries;
- (iii) any public road or private or public right of way, unless it provides access to the turbine; and
- (iv) any electrical infrastructure.

(c) Site development plan

- (i) A site development plan must be submitted to the Municipality for its approval.
- (ii) The site must be surveyed and the exact delineation of the construction footprint must be shown in the site development plan.
- (iii) To the extent necessary, any relevant measures contained in these regulations must be incorporated into the site development plan submitted to the Municipality for approval.

(d) Initial measure in the event of failure

- (i) As a condition of consent use approval, the **owner** must make financial provision, to the satisfaction of the Municipality, for protection against failure at any time after site construction has started for the rehabilitation or management of negative environmental impact of decommissioning or of abandonment in the event of the **owner** being unable to fulfil necessary financial obligations.
- (ii) If the **owner** fails to meet the requirements of subparagraph (i), the Municipality may, after written notice to the owner, use all or part of the financial provision referred to in subparagraph (i) to rehabilitate or manage the negative environmental impact concerned, or to remove the facility.

(e) Visual and environmental impact

Negative visual and environmental impacts must be minimised to the satisfaction of the Municipality.

(f) Land clearing, soil erosion and habitat impact

- (i) The clearing of natural vegetation is limited to that which is necessary for the construction, operation and maintenance of the renewable energy structure as regulated by applicable environmental legislation.
- (ii) Wind turbines, solar structures, access roads and other infrastructure must be located to minimise damage to natural vegetation, water courses and wetlands.
- (iii) All land cleared which does not form part of the footprint of a renewable energy structure must be rehabilitated according to a rehabilitation plan for the land concerned, approved by the Municipality.
- (iv) Constructing or operating the renewable energy structure may not cause soil erosion, and any high-risk erosion areas must be rehabilitated by the operator, to the satisfaction of the Municipality.
- (v) The **applicant** must prove, to the satisfaction of the Municipality, that planning for the renewable energy structure concerned has taken into account and mitigated the risk of all impacts in respect of, and necessary distances which should be maintained from, wetlands, water bodies, threatened ecosystems, mountains, ridges, hills, coastal buffers, settlements, telecommunication towers, transmission towers and power lines.
- (vi) The **applicant** must provide exact coordinates relevant to land clearing, soil erosion and habitat impact to assist the Municipality to evaluate the risk of possible negative environmental impacts of the renewable energy structure concerned.

- (g) **Noise, air quality and nuisance**
The development must be compliant with regulations controlling pollution, including—
- (i) the National Environmental Management Act, 1998 (Act 107 of 1998);
 - (ii) provincial regulations in force; and
 - (iii) municipal by-laws.
- (h) **Finishing, colour and design**
- (i) A wind turbine structure must be treated with a neutral, non-reflective exterior colour designed to blend in with the surrounding natural environment, to the satisfaction of the Municipality.
 - (ii) A solar structure must minimise any adverse effects related to its reflective surfaces and must be designed and built in a way that mitigates this impact, as required by the Municipality.
- (i) **Appurtenant structures**
- (i) All appurtenant structures to a renewable energy structure prescribed by the Municipality concerning bulk, height, yard sizes, building lines, open space, parking and building coverage requirements are subject to applicable by-laws.
 - (ii) Appurtenant structures, including, but not limited to, equipment shelters, storage facilities, transformers and sub-stations must be architecturally compatible with the receiving environment as required by the Municipality, and contained within a renewable energy structure site development plan submitted for approval by the Municipality.
 - (iii) Appurtenant structures may only be used for the storage of equipment or other uses directly related to the operation of the particular facility with which they are associated.
 - (iv) Appurtenant structures must be screened from view by indigenous vegetation and/or located in an underground vault, or be joined and clustered to minimise adverse visual impacts.
- (j) **Lighting**
- (i) A renewable energy structure or any part of such a structure may only be lit for safety and operational purposes and the lighting must be appropriately screened from abutting land units.
 - (ii) A renewable energy structure must comply with the lighting air safety requirements of the South African Civil Aviation Authority in terms of the Civil Aviation Act, 2009 (Act 13 of 2009).
- (k) **Signage and advertising**
Signs on renewable energy structures must comply with national and local signage regulations and be limited to signage necessary to—
- (i) identify the operator;
 - (ii) provide 24-hour emergency contact numbers; and
 - (iii) provide warning of any dangers associated with the structure.
- No commercial advertising, including advertising for the provider or operator, may be displayed on any renewable energy structure.
- (l) **Maintenance**
The owner is responsible for maintaining a renewable energy structure in good condition, including any access road, unless deemed a public way, and for paying the cost of repairing any damage resulting from construction or operation. Maintenance must include, but is not limited to—
- (i) painting;
 - (ii) structural repairs;
 - (iii) rehabilitation measures; and
 - (iv) the upkeep of security and safety measures.
- (m) **Modification**
Any modification to a renewable energy structure, excluding inconsequential *in situ* technical improvements, made after approval and which is not largely in accordance with

the approval, requires authorisation from the Municipality within the parameters of these regulations by means of—

- (i) a departure from the approval;
- (ii) the amendment of approved conditions;
- (iii) a new consent use approval;
- (iv) amendment of the approved site development plan; or
- (v) amendment of the approved building plan.

(n) **Decommissioning**

- (i) Any renewable energy structure and associated infrastructure which has reached the end of its productive life or has been abandoned, including buildings, power lines, cables and roads, must be removed by the operator.
- (ii) When a renewable energy structure is scheduled to be decommissioned or operations have been discontinued or it has been abandoned, the land owner must, by registered mail, notify the Municipality within 30 days after the operation ceased, and of plans for removal of the structure and infrastructure referred to in subparagraph (i).
- (iii) The owner is responsible for the removal of the structure in all its parts, within 150 days after the date of discontinued operation, or as agreed upon by the Municipality after submission of a plan for decommissioning. The Municipality may, for reasons which are justifiable in its opinion, grant an extension of the deadline for removing the structure and its parts. The land must then be rehabilitated, to the satisfaction of the Municipality, to the condition prescribed in the approved environmental management plan and the approved decommissioning plan.
- (iv) Decommissioning must include, inter alia—
 - (aa) the removal of all wind turbines, solar voltaic structures and appurtenant structures, including equipment, bases, foundations, security barriers and transmission lines;
 - (bb) disposal of all solid and hazardous waste in accordance with provincial and local waste disposal regulations; and
 - (cc) the stabilisation and re-vegetation of the site to minimise erosion.
- (v) The Municipality may, in order to minimise erosion and disruption to natural vegetation and habitats, grant permission to the owner to depart from the decommissioning plan in respect of removing landscaping, underground foundations or other underground components, provided these do not cause any pollution.
- (vi) If the owner fails to remove the structure or its parts in accordance with the requirements of these regulations within 150 days of abandonment or the date of decommissioning or an approved extension date, the Municipality may enter the property and remove the structure and its parts, and to recover all removal costs incurred from the **owner**.

(o) **Abandonment**

Unless the **owner** can prove otherwise, a renewable energy structure will be deemed to have been abandoned if such structure has failed to continuously operate for more than three years, or when part or all of the structure has been certified by the Municipality and the competent authority in terms of the relevant environmental legislation as a hazard and no remedial action has been undertaken.

“resort shop”

Land use description: “*resort shop*” means a shop that provides for the daily needs of the inhabitants of a holiday resort or residential estate which may include a retirement resort.

Development parameters:

The floor space of a resort shop may not exceed 100 m².

“restaurant”

Land use description: “*restaurant*” means a commercial establishment where meals and liquid refreshments are prepared or served or prepared and served to paying customers primarily for consumption on the property, and may include licensed provision of alcoholic beverages for consumption on the property, and the option for customers to purchase food for consumption off the property.

Development parameters:

Development parameters as applicable to “business premises” apply.

“retirement resort”

Land use description: “*retirement resort*” means estate housing, flats, group housing or town housing that conforms to the following additional conditions:

- (a) each dwelling unit must be occupied by a retiree or pensioner or by a family of which at least one member is a retiree or pensioner; and
- (b) a full spectrum of frail care and other facilities reasonably associated with a retirement resort may be provided at such a retirement resort.

Development parameters:

Development parameters applicable to “estate housing” apply.

“riding school”

Land use description: “*riding school*” means a place or undertaking for the leasing of horses and riding instructions against payment, and includes the care and stabling of the horses.

Development parameters:

Development parameters as applicable to “agriculture” apply.

“risk activity”

Land use description: “*risk activity*” means an undertaking where the material handled or the process carried out is liable to cause extremely rapid combustion, 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.

Development parameters:

Development parameters applicable to “agriculture” apply.

“rooftop base telecommunication station”

Land use description: “*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.

Development parameters:

The general provisions of section 34 of this by-law apply.

“scrap yard”

Land use description: “*scrap yard*” means a property which is utilised for one or more of the following purposes:

- (a) storing, depositing or collecting of junk or scrap material or articles the value of which depend mainly or entirely on the material used during their manufacture;
- (b) the dismantling of second-hand vehicles or machines to recover components or material; and
- (c) the storage or sale of second-hand parts, poles, steel, wire, lumber yards, tyres, bricks, containers or other articles which are suited to being left in the open.

Development parameters:

Development parameters applicable to “industry” apply.

“second dwelling”

Land use description: “*second dwelling*” means another dwelling unit which may, in terms of this by-law, 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 the second dwelling must remain on the same land unit as the dwelling house and not be alienated separately.

Development parameters:

The development parameters applicable to “dwelling house” apply, together with the following additional parameters:

- (a) The total floor space of a second dwelling unit may not exceed 150 m², which includes the floor space of all ancillary buildings.
- (b) A second dwelling must be constructed in a style that is similar to the architecture of the main dwelling house.
- (c) A second dwelling that is a separate structure to a dwelling house may not exceed a height of 6 metres from the base to the top of the roof.
- (d) A second dwelling may not be alienated by means of sectional title within any type of single residential zone.
- (e) A second dwelling that is contained within the same building as a dwelling house must be designed so that the building appears to be 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.
- (f) The existence of a second dwelling may not in itself be sufficient reason for the Municipality to grant an application in terms of planning law to subdivide the land unit containing the dwelling units.
- (g) The construction of a second dwelling may be subject to the Municipality’s municipal services department certifying that adequate services network capacity is available to serve the needs of the second dwelling.

“service station”

Land use description: “*service station*” means property for the retail supply of fuel, and—

- (a) includes washing of vehicles, a convenience shop and a restaurant; and
- (b) does not include spray-painting, panel beating, motor repair garage or truck stop.

Development parameters:

The development parameters applicable to “shop” apply. The following additional development parameters apply:

- (a) A site development plan must be submitted to the Municipality for its approval. The site development plan must at least address matters pertaining to vehicle access, risk management of fuel pumps and fuel storage areas, screening and minimising any visual intrusion or operational disturbance with adjoining properties.
- (b) 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 including oil drums and packing cases, or any other scrap, must be enclosed by a solid screen wall at least 2 metres high, or contained within a building.
- (c) Any service station must comply with the following access requirements:
 - (i) the width of motor vehicle carriageway crossings over the street boundary, whether one-way or two-way, may not exceed 8 metres;
 - (ii) a wall, at least 100 millimetres thick and 350 millimetres high, must be erected on the street boundary between different motor vehicle carriageway crossings, and the wall must continue along the boundary unless the property is otherwise enclosed;

- (iii) the motor vehicle carriageway crossings must be limited to two per site unless the total length of a street boundary exceeds 30 metres, 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 may not be closer than—
 - (aa) 30 metres to the intersection of a provincial road and with any other road of a similar status;
 - (bb) 30 metres to the nearest point of an intersection where traffic is controlled, or is proposed to be controlled, by a traffic signal or traffic island;
 - (cc) 10 metres from the corner of an intersection not referred to in items (aa) or (bb) if such intersection is not splayed, or 5 metres from the point where the splay meets the road boundary if such intersection is splayed; and
 - (dd) 1,5 metres from a side boundary.
- (d) No fuel pump may be erected so that the base or island on which the pump stands is less than 3,5 metres from the nearest street boundary.

“service trade”

Land use description: “*service trade*” means an enterprise which is—

- (a) primarily involved in the rendering of a service for the local community including the repair of household appliances or the supply of household services;
- (b) not likely to be a source of disturbance to surrounding properties;
- (c) employs at most 10 people;
- (d) not likely, in the event of fire, to cause extremely rapid combustion, give rise to poisonous fumes or cause explosions;
- (e) includes laundry, bakery, dairy depot, and similar types of uses; and
- (f) does not include an abattoir, brick-making site, builder’s yard, sewage works, service station or motor repair garage.

Development parameters

The development parameters applicable to “shop” apply.

“shelter”

Land use description: “*shelter*” means a unit of accommodation, intended for human occupation with such outbuildings as are ordinarily used with a dwelling unit, constructed of any material whatsoever, even though such material may not comply with the standards of durability intended by the National Building Regulations; and includes—

- (a) a dwelling house;
- (b) a second dwelling unit;
- (c) domestic staff quarters;
- (d) a storeroom;
- (e) garaging;
- (f) renewable energy structures for household purposes;
- (g) home occupation;
- (h) a bed and breakfast establishment; and
- (i) home child care.

Development parameters:

- (a) It is the sole responsibility of the occupant or owner of the shelter to ensure the structural, habitability, fire resistance or other standards of a shelter.
- (b) The Municipality may instruct any occupant or owner of a shelter to take action to remedy a public safety, health or fire risk.
- (c) The dominant use of the unit must remain residential.

- (d) No noxious trade, risk activity, adult entertainment business, adult services or adult shop is permitted in a shelter.
- (e) No activities may be carried out in a shelter 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.
- (f) The Municipality 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.
- (g) **Coverage**
There is no restriction on coverage.
- (h) **Height**
A shelter structure may not exceed two storeys and its height is restricted to 8,5 metres from the base to the top of the shelter.
- (i) **Building lines**
 - (i) Side building lines are at least 1 metre on one side or 1,5 metres in the case where the shelter has windows or doors.
 - (ii) If a midblock sewage system is present, a rear building line of up to 2 metres may be required by the Municipality.
 - (iii) The street building line is 1 metre, if required by the Municipality.

“shop”

Land use description: “shop” means property used for the retail sale of goods and services to the public, and—

- (a) includes a retail concern where goods which are sold in such a concern are manufactured or repaired, a funeral parlour, service trade, clinic and the sale of motor vehicles; and
- (b) does not include a hotel, industry, supermarket, motor repair garage, service station, restaurant, adult entertainment business, adult services, adult shop or sale of alcoholic beverages.

Development parameters:

The following development parameters apply:

- (a) **Floor factor**
The maximum floor factor on the land unit is 1.
- (b) **Coverage**
The maximum coverage of all buildings on a land unit is 75%.
- (c) **Height**
 - (i) The maximum height of a building is 12 metres to the top of the roof.
 - (ii) The general provisions regarding earth banks and retaining structures in this by-law apply.
- (d) **Street centreline setback**
The Municipality may require a street centreline setback, in which case all buildings or structures on the land unit must be set back 8 metres from the centre line of the abutting public street or streets.
- (e) **Street boundary building line**
The street boundary building line is 0 metres, subject to the following conditions:
 - (i) the street centreline setback restriction in subparagraph (d);
 - (ii) minor architectural and sunscreen features may project beyond the street boundary building line provided that such features do not project more than 250 millimetres beyond the street boundary; and
 - (iii) for service stations, the street boundary building line is 5 metres subject to the general building line encroachments in this by-law.
- (f) **Side and rear boundary building lines**
The side and rear boundary building lines are 0 metres.

- (g) **Canopy projection**
The Municipality may approve a canopy projection over the street boundary in accordance with the following conditions:
- (i) The canopy may not project nearer than 500 metres to a vertical plane through the kerb line or proposed kerb line.
 - (ii) No portion of a canopy projection may be less than 2,8 metres above the pavement.
 - (iii) The Municipality may lay down more restrictive requirements relating to the dimensions, design and materials of the canopy.
 - (iv) The owner must enter into an encroachment agreement with the Municipality in the case of a canopy projection.
- (h) **Street corners**
The Municipality may require that the owner of a building which is to be situated at a public street corner, and which the Municipality considers to be significant, must incorporate in the building architectural features which focus visual interest on the corner, and which emphasise the importance of pedestrian movement around the corner; and such features may include building cut-offs, walk-through covered arcades, plazas or other elements.
- (i) **Parking and access**
Parking and access must be provided on the land unit in accordance with this by-law, except in a case where the Municipality has approved alternative parking supply under subsection 46.(1).
- (j) **Loading**
Loading bays must be provided on the land unit in accordance with this by-law.
- (k) **Screening**
The Municipality may require screening in accordance with this by-law.
- (l) **Repair or manufacturing concern in a shop**
The floor space relating to any manufacturing or repair concern in a shop may not comprise more than 40% of the floor space of the shop.
- (m) **Refuse room**
The Municipality may require a refuse room to be provided on the land unit in accordance with this by-law.
- (n) When a shop is approved as a consent use in Business Zone V, the total floor space of the shop or shops may not exceed 5% of the floor space of the building.

“smallholding”

Land use description: “*smallholding*” means an extensive landholding on which small-scale agricultural activities may take place, but are primarily places of residence and include a dwelling house.

Development parameters:

- (a) Development parameters applicable to “agriculture” apply, except for building lines which are 10 metres from any boundary.
- (b) Any newly created smallholding areas must be situated within the urban edge of a town.

“supermarket”

Land use description: “*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, is offered for sale on a predominantly self-service basis.

Development parameters:

Development parameters applicable to “shop” apply.

“telecommunication infrastructure”

Land use description: “*telecommunication infrastructure*” means any part of the infrastructure of a telecommunication network for radio or wireless communication—

- (a) including voice, data and video telecommunications, which may include antennae; and any support structure, equipment room, radio equipment or optical communications equipment (laser or 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; and
- (b) does not include fibre optic installations and point-to-point copper (cable) installation and rooftop base telecommunication stations.

Development parameters:

As determined by the Municipality.

“tourist accommodation”

Land use description: “*tourist accommodation*” means a harmoniously designed and built holiday development, used for holiday or recreational purposes, whether in private or public ownership, that—

- (a) consists of a single enterprise that provides overnight accommodation by means of short-term rental or time sharing only;
- (b) may include the provision of a camping site, caravan park, chalets or mobile home park, resort shop, private or public roads; and
- (c) does not include a hotel or wellness centre.

Development parameters:

- (a) The parameters of the existing lawful development apply as land use restrictions with regard to land which is deemed to be zoned as a resort zone with effect from the date of commencement of the Land Use Planning Act.
- (b) When land is rezoned to Resort Zone I, the Municipality must lay down conditions with regard to density, layout, landscaping, and building design.
- (c) A site development plan must be submitted to the Municipality for its approval, clearly indicating the position of all structures, stands, services and internal roads.
- (d) Provided that if a hotel or wellness centre is approved as a consent use within Resort Zone I, the following additional conditions apply:
 - (i) Rooms may not be alienated by means of sectional title.
 - (ii) The hotel or wellness centre may not accommodate more than 50% of the number of accommodation units.
 - (iii) The architectural design of the hotel or wellness centre must conform to that of the rest of the resort.
 - (iv) The maximum height for the hotel or wellness centre is 6 metres from the base to the wall plate in all cases and 8,5 metres to the top of the roof in the case of a pitched roof.

“tourist facilities”

Land use description: “*tourist facilities*” means amenities for tourists or visitors and—

- (a) includes lecture rooms, restaurants, gift shops, restrooms and recreational facilities; and
- (b) does not include an off-road trail, a hotel, wellness centre; or tourist accommodation.

Development parameters:

Development parameters applicable to “agriculture” apply.

“town housing”

Land use description: “*town housing*” means a row or group of linked or attached dwelling units, planned, designed and built as a harmonious architectural entity of which every dwelling unit has a ground floor and which dwelling units may be cadastrally subdivided.

Development parameters:

The development parameters of “group housing” apply, provided that:

- (a) **Density**
The maximum gross density on a town housing site is 60 dwelling units/hectare.
- (b) **Open space**
The open space requirements for group housing do not apply to town housing.
- (c) **Coverage**
The maximum coverage for all buildings on a land unit is 60%.

“transport use”

Land use description: “*transport use*” means the use of land, a building or structure for the operation of a service for the transportation of goods (including liquids and gases) or passengers by means of rail, road, sea or pipeline and—

- (a) includes the use of that land, building or structure for the purpose of a harbour, railway station, bus depot or taxi interchange, and a transport undertaking; and
- (b) includes a public-private undertaking including a railway station, bus depot, multiple parking garage, taxi rank, public transport interchange, harbour and ancillary purposes; and
- (c) does not include an airport, airfield; or helicopter landing pad.

Development parameters:

Development parameters applicable to “business premises” apply.

“truck stop”

Land use description: “*truck stop*” means a facility with direct access from a freeway, inner city road or major transport route which—

- (a) provides a range of rest, service and fuelling facilities for heavy duty, long haul vehicles and trucks, and
- (b) does not include accommodation.

Development parameters:

Development parameters are determined by the Municipality by means of conditions of approval for a truck stop as a consent use, provided that—

- (a) the Municipality must require a site development plan to be submitted for its approval; and
- (b) the site development plan must at least address matters pertaining to vehicle access, placement of overnight parking and ablution facilities/rest rooms, screening and minimising any visual intrusion or operational disturbance to adjoining properties.

“urban agriculture”

Land use description: “*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 is not regarded as urban agriculture for the purpose of this zoning scheme.

Development parameters:

As determined by the Municipality.

“utility service”

Land use description: “*utility service*” means a use or infrastructure that is required to provide engineering and associated services for the proper functioning of urban development and—

- (a) includes a water reservoir and purification works, electricity substation and transmission lines, storm water retention facilities, and a waste-water pump station and treatment works, rooftop base telecommunication station and freestanding base telecommunication station; and
- (b) does not include renewable energy structures or transport use; and

- (c) provided that a road is not regarded as a utility service.

Development parameters:

As determined by the Municipality.

“wall of remembrance”

Land use description: “*wall of remembrance*” is a wall in a cemetery or crematorium section provided for the placement of inscribed tablets commemorating deceased persons.

Development parameters:

Development parameters applicable to “cemetery” and “crematorium” apply.

“warehouse”

Land use description: “*warehouse*” means a building used primarily for the storage of goods, except those that are offensive or dangerous and—

- (a) includes property used for business of a predominantly wholesale nature, and
(b) does not include property used for business of a predominantly retail nature.

Development parameters:

Development parameters applicable to “industry” apply.

“wellness centre”

Land use description: “*wellness centre*” means a business which provides a variety of services for the purpose of improving health, beauty and relaxation through personal care treatments such as massages, rehabilitation, exercise programmes, diet, instruction on wellness, life coaching, and facials which includes—

- (a) facilities like saunas, pools, steam rooms, gymnasiums, treatment rooms, relaxation areas and whirlpools;
(b) accommodation where guests may reside; and
(c) the provision of meals to guests.

Development parameters:

Development parameters applicable to “tourist accommodation” apply.

“winery”

Land use description: “*winery*” means a place where wine is made, and may include a selling point to the general public and wine-tasting area.

Development parameters:

Development parameters applicable to “agriculture” apply.

SCHEDULE 3

OVERLAY ZONES APPROVED IN TERMS OF SECTION 19

1. SUBDIVISIONAL AREA OVERLAY ZONE

1.1. General purpose of Subdivisional Area Overlay Zone

The subdivisional area overlay (SAO) zoning designates land for future subdivision with development rights by providing development directives through specific conditions as approved in terms of this By-law. The SAO zoning 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.

1.2. Use of the property

- 1.2.1 Land zoned as a subdivisional area may be subdivided as contemplated in the Municipal Planning By-Law.

1.3. Development parameters

- 1.3.1 When a property is rezoned to a subdivisional area, the conditions of approval imposed in terms of the Municipal Planning By-law will apply.

- 1.3.2 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) the Municipality may approve extensions to existing lawful development if these are ancillary to the existing, lawful uses; and
- (b) once a subdivision is confirmed, all future development on the subdivision concerned must comply with the development rules of the base zoning on the confirmed land units, any overlay zonings which may be applicable, and any conditions imposed in terms of this By-law.

- 1.3.3 When the municipality approves a subdivisional area overlay zone, it must impose conditions making provision for at least—

- (a) density requirements;
- (b) main land uses and the extent of such uses; and
- (c) a detailed phasing plan or a framework including—
 - (i) main transport routes;
 - (ii) main land uses;
 - (iii) bulk infrastructure;
 - (iv) requirements of organs of state;
 - (v) public open space requirements; and
 - (vi) physical development constraints.

2. SPECIAL PLANNING AREA OVERLAY ZONE

2.1. General purpose of special planning area overlay zone

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 which also provides for a greater degree of flexibility. The package of plans mechanism is a phased process of negotiation, planning and approvals, where appropriate levels of planning detail are approved together with conditions for those approvals.

A special planning area overlay zone is generally created in respect of an application which involves a mixed use development proposal or where the development does not generally comply with the development parameters of the applicable land uses of this zoning scheme.

2.2. Use of the property

- 2.2.1 Primary uses are as stipulated in the conditions of approval imposed in terms of the Municipal Planning By-Law.
- 2.2.2 Consent uses are as stipulated in the conditions of approval imposed in terms of the Municipal Planning By-Law.

2.3. Development parameters

- 2.3.1 The Municipality must require a package of plans as set out in section 2.3.4 of Schedule 3 to be submitted for areas zoned as special planning area overlay zones.
- 2.3.2 The applicant must, during pre-application discussions with the Municipality, ascertain whether a package of plans procedure has to be followed.
- 2.3.3 The development parameters of the lowest order package of plans as contemplated in section 2.3.2 of Schedule 3 and as approved by the Municipality are the development parameters of the special planning overlay zone applicable to the property concerned.
- 2.3.4 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 plan:
 - (a) **Contextual framework**
 - (i) The contextual framework lays down broad land use policy for the development and the surrounding area.
 - (ii) It may include principles or heads of agreement summarising the general obligations of the Municipality and the developer in relation to the development.
 - (iii) The contextual framework may be prepared by the Municipality, or by a land owner or development agency under supervision of the Municipality, and may not be in conflict with a spatial development framework or structure plan approved by the Municipality.
 - (b) **Development framework**
 - (i) The development framework must identify overall policy, broad goals, and principles for development within the development.
 - (ii) The development framework must 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**
 - (i) Precinct plans apply to specific areas within the development framework that have common features, functional relationships or phasing requirements.
 - (ii) There may be several precinct plans that make up a development area.
 - (iii) 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 form, land use, pedestrian links, traffic movement, floor space and environmental management.
 - (d) **Subdivision plans**
 - (i) Subdivision plans, if required, must be processed in terms of planning law to establish new cadastral boundaries and to facilitate the transfer of land units.
 - (ii) Subdivision plans may be approved at any stage after the development framework has been approved, and the provisions of section 18.2 apply to such plans.

(e) Site development plans

- (i) Site development plans depict more detailed design and development provisions for one or more land units within a development.
- (ii) 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.
- (iii) A site development plan may be required before or after a subdivision plan, and must provide for the information as required for a site development plan in terms of this by-law.

(f) Building plans

- (i) Building plans contain detailed specifications as required by the National Building Regulations.
- (ii) Building work may only commence once building plans have been approved by the Municipality.

- 2.3.5 The Municipality may require all or only some of the components of the package of plans to be applied in respect of a particular development.
- 2.3.6 The Municipality may require that the area covered by a contextual framework must extend beyond the land under consideration if, in its opinion, the proposed development will have a wider impact, and the Municipality may determine the extent of that area.
- 2.3.7 In approving a package of plans, the Municipality must determine the total floor space or density permitted within the development which must be imposed as a condition of approval.
- 2.3.8 The allocation of floor space must take into account the carrying capacity of internal and external infrastructure including roads and utility services, and any urban design principles approved by the Municipality as part of a rezoning or contextual framework.
- 2.3.9 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 must be allocated to individual subdivisions or site development plans.
- 2.3.10 When a special planning area overlay zone and a package of plans is required in terms of this zoning scheme, the relevant components must be submitted to the Municipality for its approval before any development on a land unit can commence, provided that—
- (a) the development may not be refused if it is consistent with the development parameters of a base zone, overlay zone, or condition of approval; and
 - (b) the Municipality may require amendments of detail to the site development plan to address reasonable concerns relating to access, parking, architectural form, urban form, landscaping, environmental management, engineering services or similar concerns.
- 2.3.11 The general provisions contained in this zoning scheme apply with regard to site development plans.