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PROVINCIAL NOTICE

The following Provincial Notice is published for general information.

ADV. B. GERBER,
DIRECTOR-GENERAL

Provincial Legislature Building,
Wale Street,
Cape Town.

PROVINSIALE KENNISGEWING

Die volgende Provinsiale Kennisgewing word vir algemene inligting gepubliseer.

ADV. B. GERBER,
DIREKTEUR-GENERAAL

Provinsiale Wetgewer-gebou,
Waalstraat,
Kaapstad.

ISAZISO SEPHONDO

Esi saziso silandelayo sipapashelwe ukunika ulwazi ngokubanzi.

ADV. B. GERBER,
UMLAWULI-JIKELELE

ISakhiwo sePhondo,
Wale Street,
eKapa.

P.N. 239/2016

17 June 2016

BERGRIVIER MUNICIPALITY**INTEGRATED ZONING SCHEME BY-LAW**

Under the provisions of section 156 of the Constitution of the Republic of South Africa, 1996 the Bergrivier Municipality enacts as follows:–

ZONING SCHEME BY-LAW

To regulate and control municipal zoning.

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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;

“**average ground level**” means the average of the highest and lowest existing ground levels immediately abutting the external elevational plane or wall cutting into the ground of a building or vertical division of a building, and the Municipality may:

- (a) determine the average ground level from measurements supplied on a building plan; or
- (b) deem a level to be the average ground level based on measurements interpolated from a contour plan, local height benchmark or other information held by the Municipality; or
- (c) require the owner or applicant to commission a registered surveyor to measure levels of the ground or interpolate levels, in order to provide the Municipality with sufficient information so that it can determine the average ground level for the purpose of administering this By-law;

“**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 level**” of a building means an imaginary plane drawn horizontally at the average ground level of the building, or vertical division of the building;

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

“**basement**” means that space in a building between a floor and ceiling, including such floor or ceiling, which is protruding not more than 1,5m above any point on the existing ground level;

“**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;

“**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 area of such land unit, and shall include all roofed areas; provided that the following portions of buildings shall be disregarded in the calculation of coverage:

- (a) stoeps, entrance steps and landings;
- (b) open balconies and retractable awnings;
- (c) cornices, chimney breasts, pergolas, flower boxes, water pipes, drain pipes and minor decorative features not projecting more than 500 mm from the wall of the building; eaves not projecting more than 1 m from the wall of the building;
- (d) a basement, provided that the finished level of the top of the basement roof slab does not project above the existing 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;

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

“dwelling unit” means a self-contained, inter-leading group of rooms 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, as per the requirements of the relevant National Environmental Legislation;

“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;

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

- (a) in its unmodified state, before any building had been erected or alterations in levels had been made thereon; or
- (b) as established from a plan indicating the contours of the land lodged with and accepted by an official agency such as the municipality or a government department, which depicts the existing level of the ground at or before the commencement date; or
- (c) in a state which has been graded, with the Municipality’s approval, for the purpose of development; or
- (d) as determined by the Municipality, if in its opinion it is not possible to ascertain the existing level of the ground due to irregularities or disturbances of the land; and the Municipality may require the owner or applicant to commission a registered surveyor to measure levels of the ground or interpolate levels, which shall be tied to the National Control Network, or where this is not possible, to provide at least two durable reference marks suitably located, in order to provide the Municipality with sufficient information so that it can determine the most appropriate existing ground level for the purpose of administrating this By-law;

“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. If the floor factor is known, the maximum permissible floor space can be calculated by multiplying the floor factor by the area of the land unit;

$$\text{Maximum floor space} = (\text{Floor factor}) \times (\text{Area of the land unit})$$

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

- (a) any basement or part of a basement not intended as habitable space shall be excluded;
- (b) any area which is reserved solely for parking or loading of vehicles shall be excluded;
- (c) external entrance steps and landings, a canopy, a stoep and an area required for external fire escapes are excluded;
- (d) 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;
- (e) any uncovered internal courtyard, light well or other uncovered shaft which has an area in excess of 10 m² is excluded;
- (f) 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;
- (g) 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;
- (h) subject to paragraph (i), any stairs, stairwells and atriums that are covered by a roof are included;
- (i) 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 and shall exclude the following:

- (a) areas reasonably used in connection with the cleaning, maintenance and care of the building, excluding dwelling units for caretakers, supervisors, cleaners or maintenance staff;

“**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;

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

“**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 building means a vertical dimension from a specified level to another specified level, as set out in the development rules of a zoning/land use category, measured in metres; provided that chimneys (maximum horizontal dimension of 1.5m), flues (maximum horizontal dimension of 1m), lift shafts (maximum horizontal dimension of 2.5; maximum vertical dimension of 3m), masts and antennas shall not be counted for the purposes of height control;

“**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 or area;

“**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; or
- (b) petroleum.

“**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 Bergrivier Municipality, established by Establishment Notice 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);

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

“**noise level**” means a reading on an integrated impulse sound level meter taken in accordance with accepted scientific principles as described in applicable legislation;

“**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 legally inhabits 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 outdoors;

“**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 the provisions of this zoning scheme, and applies to areas generally referred to as Special Planning Area Overlay Zones;

“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;

“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;

“porte cochère” means a covered entrance large enough for vehicles to pass through, typically opening into a courtyard or a porch where vehicles stop to set down passengers;

“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;

“previous zoning regulations” means zoning scheme or town planning scheme referred to in section 33 (1) or (2) of the Land Use Planning Act;

“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 nuisance” means any act, omission or condition which, in Council’s opinion is offensive, injurious or dangerous to health, materially interferes with the ordinary comfort, convenience, peace or quiet of the public, or which adversely affects the safety of the public, having regard to the reasonableness of the activities in question in the area concerned, and the impacts which result from these activities;

“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;

“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) or in terms of the new Geomatics Profession Act, 2013 (Act 19 of 2013) when it comes into effect;

“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;

“**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 or plan, 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;

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

“**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;

“**watercourse**” means –

- (a) a river or spring;
- (b) a natural channel or depression in which water flows regularly or intermittently;
- (c) a wetland, lake or dam into which, or from which, water flows; and
- (d) any collection of water which the Minister may, by notice in the Gazette, declare to be a watercourse as defined in the National Water Act, 1998 (Act No. 36 of 1998) and a reference to a watercourse includes, where relevant, its bed and banks; (National Environmental Management Act, 1998 (Act 107 of 1998))

“**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) enable 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.

Transition to new use zones and savings

- 7. (1) Upon the effective date of this By-law, land that is zoned in terms of the previous zoning regulations is translated or reclassified to one of the use zones referred to in section 5.
- (2) Translation or reclassification of the use zones used in previous zoning regulations to the use zones used in this By-law was done primarily by determining the closest match for each corresponding use zone. In individual cases where existing land use or other characteristics rendered the aforementioned match not suitable, individual assessments were undertaken to determine the appropriate new use zone.
- (3) Despite the translation or reclassification of the use zones used in the previous zoning regulations to the use zones used in this By-law—
 - (a) any condition of approval or validity period that is applicable to a land unit in terms of the previous zoning regulations immediately before the coming into effect of this By-law, remain applicable and is incorporated into this By-law in so far as it determines development rules or restrictions that are different from the development rules or restrictions applicable in terms of this By-law;

- (b) the Municipality must record any development rule, condition and parameter referred to in paragraph (a) together with any applicable validity period applicable to the zoning in terms of the previous zoning regulations;
- (c) a zoning that has been exercised prior to coming into effect of this By-law, cannot lapse, and is translated or reclassified as determined in this By-law;
- (d) a zoning approved in terms of the previous zoning regulations that has not been exercised immediately before the coming into effect of this By-law, lapses after the expiry of the validity period applicable to that zoning in terms of the previous zoning regulations and is translated or reclassified as determined in this By-law; and
- (e) in the event of the lapsing of a zoning as contemplated in paragraph (d), the land unit reverts back to the use zone applicable to it in terms of the previous regulations, before it was rezoned and is translated or reclassified as outlined in subsection (2).

Rectification of errors on zoning scheme map

- 8.(1) If the zoning of a land unit is incorrectly indicated on the zoning map, 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 zoning of a land unit is incorrectly indicated on the zoning map, the Municipality must record the correct zoning on the zoning map.
- (6) If the correct zoning of a land unit cannot be ascertained from the information submitted to the Municipality or the records of the Municipality, a zoning determination in terms of the By-law on Municipal Land Use Planning should be processed and the outcome of such determination must be recorded on the zoning scheme map.

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.

Primary uses

10. 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

11. 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.

Occasional uses

- 12.(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

- 13.(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

14. 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**

- 15.(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, reviewing or amending overlay zones

16. 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 Land Use Planning Act.

**CHAPTER 4
DISTANCES, HEIGHTS, LEVELS AND BOUNDARIES****Measuring distances, height and levels**

17. **Methods of measuring distances, height and levels**
The following provisions apply with regard to measuring distances, levels or height:
- (a) If required by the Municipality, the owner or applicant shall appoint a registered surveyor to supply or verify information necessary for the Municipality to make a decision about compliance with distances or levels required in terms of this by-law.

- (b) Where reference is made or implied to the distance between boundaries or between a building and a boundary, this distance shall be measured in the following manner:
 - (i) The boundary or boundaries and all points of the building shall be projected onto a horizontal plane, and all measurements shall be made on such a plane; and
 - (ii) The distance between a point on a building and a boundary shall be measured at the shortest distance between the point and the boundary.
- (c) Where reference is made to a portion of a boundary 'opposite a building', such portion shall be defined by drawing lines in the manner described in paragraph (b) from points on such building, at right angles to such boundary.
- (d) Any post-construction deviation from a height restriction that does not exceed 300 mm will not be considered a contravention of the provisions of this zoning scheme, provided that this deviation provision does not apply for the purposes of making an application.
- (e) If there is doubt about the height of a building or structure, the Municipality may require the owner to appoint a registered surveyor to:
 - (i) certify the actual height of the building or structure in accordance with the provisions of this zoning scheme;
 - (ii) certify if a building or structure is in contravention of the provisions of this zoning scheme; and
 - (iii) certify that all structures on the property comply with the height restrictions applicable to the property.
- (f) Where reference is made to a distance, ground level, height of a point on a building or other measurement, then such distance, level or height shall be calculated in accordance with recognised geometric principles, and for the purposes of determining contours, from any data set held by the Municipality at or before the commencement date or any data set so determined by the Municipality. In any case where the distance, level or height involved is so irregular that calculation in accordance with these principles is impractical or leads to a result which is clearly not in accordance with the intent of the By-law, the Municipality shall determine the distance, level or height concerned for the purpose of administering this By-law.

Determining boundaries of use zones

18. 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 this By-law

- 19.(1) Subject to section 19, 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 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

- 20.(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) 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.
- (3) 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 utilise land 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.
- (4) No departure from the land use descriptions or definitions may be granted.
- (5) 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

- 21.(1) 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.
- (2) For the purposes of determining street boundaries a street centreline setback and site access requirements 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.
- (3) No application for departure of a side building line is required if the abutting neighbour gives written consent for the encroachment of the relevant building line.

Street centreline setback

22. 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

- 23.(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;
 - (g) major developments where there are concerns relating to urban form, heritage, traffic or planning; and
 - (h) any other development type that the Municipality may deem applicable/relevant.
- (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) any measures of access control to and reservation of parking spaces/areas;
 - (i) the position and extent of private, public and communal space;
 - (j) typical details of fencing or walls around the perimeter of the land unit and within the property;
 - (k) electricity supply and external lighting proposals;
 - (l) provisions for the supply of water, management of storm water, and disposal of sewage and refuse;
 - (m) external signage details;
 - (n) general landscaping proposals, including vegetation to be preserved, removed or to be planted, external paving, and measures for stabilising outdoor areas where applicable;
 - (o) the phasing of a development;
 - (p) the proposed development in relation to existing and finished ground levels, including excavation, cut and fill;

- (q) statistical information about the extent of the proposed development, floor area allocations and parking supply;
 - (r) relationship of the proposed development to the quality, safety and amenity of the surrounding public environment;
 - (s) relationship of the proposed development to adjacent sites, especially with respect to access, overshadowing and scale;
 - (t) illustrations in a three-dimensional form depicting visual impacts of the proposed development on the site and in relation to surrounding buildings; and
 - (u) any other details as may reasonably be required by 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) 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.
- (7) 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;
 - (d) if the Municipality considers it necessary, a visual impact assessment, which may include a landscape character analysis, 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
 - (e) 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

- 24.(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

25. 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

26. 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; and
- (b) earth banks and/or retaining structures will be dependent on complying with engineering specifications and building plan approval by the Municipality.

Boundary walls

27. In the absence of an approved site development plan, architectural guidelines or relevant policy, 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

28. Property must be properly maintained by the owner or occupier and may not—
- (a) Contain an unsightly accumulation of papers, cartons, garden refuse, rubble or other waste material, as may be determined by the Municipality;
- (b) 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;
- (c) 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.

Parking of vehicles and water crafts in residential zones

29. 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;
- (c) the gross weight of any such commercial vehicle may not exceed 3 500 kg; and
- (d) the parking space provided for a water craft may not exceed 8m (± 26ft) in width and 15m (± 59ft) in length.

Mobile homes and caravans

- 30.(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; and
 - (c) 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

- 31.(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

32. 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

33. 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

- 34(1) Parapet walls are restricted to 500 millimetres in height above the finished roof level immediately contiguous to the parapet except in the case where roof equipment as described under height is hidden behind parapet walls, not exceeding 2 metres in height, which is 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

35. Chimneys may not extend higher than 1 metre above the highest point of the roof of a dwelling house or dwelling unit.

Telecommunication and Electrical Transmission Lines

36. Any land unit, irrespective of its zoning, as a primary right, may allow telecommunication and electrical transmission lines to traverse it, as may be reasonably required by the municipality or a public authority.

Electronic or mechanical playing devices

37. Electronic or mechanical playing devices are permitted in accordance with the applicable legislation and approved municipal policy.

Utilisation of outbuildings

38. 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.

Animals in urban areas

39. No animals may be kept for commercial purposes on a land unit.

Hobbies in single and general residential zones

40. 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) undertaker;
 - (iii) animal care centres;
 - (iv) escort agencies or adult entertainment;
 - (v) tow-in services;
 - (vi) places of entertainment;
 - (vii) hospitals or clinics;
 - (viii) places of instruction;
 - (ix) motor vehicle repairs;
 - (x) panel beating or spray painting;
 - (xi) parcel delivery services;
 - (xii) shooting ranges or shooting instructions;
 - (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;

- (xxii) the training, breeding and/or coop facilities for homing pigeons; or
- (xxiii) 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 By-law 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

41. 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)	1 bay per dwelling unit
Double dwelling house	1 bay per dwelling unit
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 additional bay per guest room
Backpackers’ lodge	1 bay per 6 beds
Hotel	0.75 bays per bedroom, plus 20 bays if licensed

Land use	Standard areas
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)	0,5 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 8 seats or persons, calculated at 1,4 m ² floor area = 1 person
Sport stadium	1 bay per 8 seats or persons
Recreation, sports complex	1 bay per 8 seats or persons
Gymnasium, health club	3 bays per 100 m ² GLA
Hospital (general and private)	1 bay per bed, plus 1 bay per consulting room
Clinic, medical consulting rooms	2 bays per consulting room
Service trade	3 bays per 100 m ² GLA
Shops (excluding supermarket)	3 bays per 100 m ² GLA
Supermarket, shopping centre	3 bays per 100 m ² GLA
Restaurant	3 bays per 100 m ² GLA
Offices	3bays per 100 m ² GLA
Conference centre	1 bay per 8 seats
Motor showroom and service centre	2 bays per 100 m ² GLA
Open air motor vehicle display	2 bays per 100 m ² GLA
Motor repair garage, service station	4 bays per service bay, minimum 8 bays
Motor fitment centre	2 bays per service bay
Light industry	1 bay per 200m ² GLA
Industry	1 bay per 200m ² GLA
Industrial hive	1 bay per 200m ² GLA
Warehouse, storage building	1 bay per 200m ² GLA

Alternative parking supply

- 42.(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

43. 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

- 44.(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 a property must conform to the following requirements:
 - (a) motor vehicle carriageway crossings must be limited to one per site per public street or road abutting the site;
 - (b) notwithstanding paragraph (a) above, where the total length of any street boundary of a site exceeds 30 metres, in length, one additional carriageway crossing may be permitted, provided that no two carriageway crossings are closer than 12 metres to each other;
 - (c) the minimum and maximum widths of motor vehicle carriageway crossings must be in accordance with the table titled “Width of motor vehicle carriageway crossings”; and
 - (d) the minimum width of a panhandle access may not be less than 4 metres wide.

Width of motor vehicle carriageway crossings

Type of carriageway crossing	Minimum width	Maximum width
Single entrance or exit way	2,7 metres	6 metres
Combined entrance and exit way	5 metres	10 metres

Parking layout requirements

- 45.(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 II 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;
 - (g) control of access to and reservation of parking bays and / or areas is not permitted unless written approval has been obtained from the Municipality; either through an approved site development plan or other written approval; and
 - (h) despite paragraphs (a) to (g), 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;
 - (d) construction details; and
 - (e) any other information that the Municipality deems necessary relevant to the provision of parking.
- (3) The Municipality may approve or refuse the parking layout plan and impose conditions of approval.

Parking for the physically disabled

- 46.(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

- 47.(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

- 48.(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 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;
 - 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
 - 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

49. 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

50. 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 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 • Farm shop • Function venue • Guest house • Bed & Breakfast • Plant nursery 	<p>Consent uses</p> <ul style="list-style-type: none"> • Additional dwelling units • Airfield • Animal care centre • Aqua-culture • Farm Shop • Freestanding base telecommunication station • Off road trail • Quarry • Renewable energy structure • Tourist facilities • Utility service • Crèche • Farmers' Market
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 • Farm shop • Guest house • Bed & Breakfast • Plant nursery • Riding school • Second dwelling unit 	<p>Consent uses</p> <ul style="list-style-type: none"> • Agriculture industry • Animal care centre • Aqua-culture • Freestanding base telecommunication station • Intensive animal farming • Intensive horticulture • Quarry • Renewable energy structure • Rooftop base telecommunication station • Tourist facilities • Utility service • Crèche • Farmers' market

Agriculture Zone III (AZIII)		
<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.</i>	Primary use <ul style="list-style-type: none"> • Agri-village 	Consent uses <ul style="list-style-type: none"> • Freestanding base telecommunication station • Rooftop base telecommunication station
SINGLE RESIDENTIAL ZONES		
Single Residential Zone I (SRZI)		
<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>	Primary use <ul style="list-style-type: none"> • Dwelling house 	Consent uses <ul style="list-style-type: none"> • Crèche • Guest house • Halfway house • Second dwelling unit
Single Residential Zone II (SRZII)		
<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>	Primary use <ul style="list-style-type: none"> • Shelter • Dwelling house 	Consent uses <ul style="list-style-type: none"> • House Shop

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

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 • Backpackers lodge 	<p>Consent uses</p> <ul style="list-style-type: none"> • Restaurant

General Residential Zone VI (GRZVI)		
<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>	Primary use <ul style="list-style-type: none"> • Hotel 	Consent uses <ul style="list-style-type: none"> • Backpackers' lodge • Renewable energy structure • Rooftop base telecommunication station • Shop
BUSINESS ZONES		
Business Zone I (BZI)		
<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>	Primary use <ul style="list-style-type: none"> • Business premises 	Consent uses <ul style="list-style-type: none"> • Adult entertainment • Adult services • Adult shop • Freestanding base telecommunication station • Helicopter landing pad • Motor repair garage • Open air motor vehicle display • Place of entertainment • Renewable energy structure • Transport use • Warehouse • Service trade
Business Zone II (BZII)		
<i>The objective of this zone is to provide for the retail sale of goods and services to the public.</i>	Primary use <ul style="list-style-type: none"> • Shop 	Consent uses <ul style="list-style-type: none"> • Conference facility • Flats • Freestanding base telecommunication station • Liquor store • Open air motor vehicle display • Place of assembly • Place of entertainment • Place of instruction • Renewable energy structure • Restaurant • Rooftop base telecommunication station • Service station • Supermarket • Office • Plant nursery

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
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 • Shop 	<p>Consent uses</p> <ul style="list-style-type: none"> • Place of entertainment • Renewable energy • Structure • Rooftop base telecommunication station • Warehouse

Business Zone VI (BZVI)		
<i>The objective of this zone is to provide opportunities in urban areas for service stations, motor repair garages and associated facilities which have specific vehicle access requirements and potential negative impacts on adjoining areas.</i>	Primary uses <ul style="list-style-type: none"> • Service station 	Consent uses <ul style="list-style-type: none"> • Motor repair garage • Shop • Truck stop
INDUSTRIAL ZONES		
Industrial Zone 1 (IZI)		
<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>	Primary use <ul style="list-style-type: none"> • Light industry 	Consent uses <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 • Funeral parlour
Industrial Zone II (IZII)		
<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>	Primary uses <ul style="list-style-type: none"> • Industry 	Consent uses <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)		
<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>	Primary uses <ul style="list-style-type: none"> • Noxious trade 	Consent uses <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)		
<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>	Primary uses <ul style="list-style-type: none"> • Mine • Industry 	Consent uses
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 • Garden of remembrance • Wall of remembrance • Crèche 	Consent uses <ul style="list-style-type: none"> • Cemetery • Institution • Place of instruction • Rooftop base telecommunication station
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

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 • Function venue
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. Furthermore, to provide for new resort development which will be required to consist of at least a 50% Resort Zone I component or more. This is to ensure that a public resort function is incorporated in developments within this zoning category.</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
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)		
<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>	Primary uses <ul style="list-style-type: none"> • Private open space 	Consent uses <ul style="list-style-type: none"> • Cemetery • Environmental facilities • Informal trading • Plant nursery • Tourist facilities • Urban agriculture • Utility service
OPEN SPACE ZONE III (OSZIII)		
<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>	Primary uses <ul style="list-style-type: none"> • Nature conservation area 	Consent uses <ul style="list-style-type: none"> • Environmental facilities • Harvesting of natural resources • Tourist facilities • Utility service
OPEN SPACE ZONE IV (OSZIV)		
<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>	Primary uses <ul style="list-style-type: none"> • Nature reserve 	Consent uses <ul style="list-style-type: none"> • Tourist accommodation • Tourist facilities • Utility service • Conference Facility • Function Venue
TRANSPORT AND UTILITY ZONES		
TRANSPORT ZONE I (TUZI)		
<i>The objective of this zone is to reserve land for transportation systems, excluding public streets, but including all other transport undertakings.</i>	Primary uses <ul style="list-style-type: none"> • Transport use 	Consent uses <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)		
<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>	Primary uses <ul style="list-style-type: none"> • Public street 	Consent uses <ul style="list-style-type: none"> • Air and underground rights • Informal trading • Multiple parking garage
TRANSPORT ZONE III (TUZIII)		
<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>	Primary uses <ul style="list-style-type: none"> • Private road 	Consent uses
AUTHORITY ZONE (AUZI)		
<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>	Primary uses <ul style="list-style-type: none"> • Authority use • Utility service 	Consent uses
UNDETERMINED ZONE		
UNDETERMINED USE ZONE (USZI)		
<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>	Primary uses <ul style="list-style-type: none"> • None 	Consent uses <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, and in the case where it is located on a farm, those applicable to “agricultural industry” apply for an abattoir.

“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 except where a proclaimed township is situated between the additional dwelling unit and the sea or tidal river;
- (d) one additional dwelling unit may be erected within the 1km high water mark of the sea or a tidal river, provided that the additional dwelling unit is attached to the main house and does not exceed a floor area of 60m²; and
- (e) 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) The height of a dwelling house and additional dwelling 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;
- (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

“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, 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 does not adversely affect the agricultural potential of the property; and
- (b) the area allocated for purposes of an agricultural industry is clearly identified on a land survey diagram or site development plan.

“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.

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 as determined in consultation with the Department of Agriculture; and
- (b) no agricultural worker accommodation may be erected within 1 km of the high water mark of the sea or water course (as defined by the National Environmental Management Act, 1998 (Act 107 of 1998)).

“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) the harvesting, packing, cooling, storing, sorting, and packaging of agricultural produce grown on that land unit and surrounding or nearby farms;
 - (ii) harvesting of natural resources, which are limited to living organisms, for delivery to the market;
 - (iii) agricultural buildings or infrastructure that are reasonably connected with the main farming activities, including a dwelling house, agricultural worker accommodation, packing stores and rooftop base telecommunication stations;
 - (iv) telecommunication and electricity transmission lines; and
 - (v) agricultural industry;
- (b) does not include aquaculture; an abattoir, a farm shop, 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 and additional dwelling 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.

(c) Site development plan

For any development in this zone, including any part of the land not zoned Agriculture, a site development plan must be submitted to the Municipality for its approval taking specific cognisance of visual impact given the size and scale of the agricultural buildings and facilities and their location in a rural landscape, and in their proximity to tourist routes.

“agri-village”

Land use description: “*agri-village*” means a private settlement of restricted size established and managed by a legal institution that is situated within an agricultural area and where residence is restricted to bona fide agri-workers and their dependents of the farms involved in the development. Security of tenure does not include freehold but can include a Trust, Communal Property Association or Sectional Title. The development of agri-villages represents a partnership between farmer, agri-worker and state.

Development parameters:

- (a) The Municipality must require a site development plan for an agri-village.
- (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.

“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:

- (a) The Municipality must require a site development plan for an airfield.
- (b) The site development plan as approved by the Municipality constitutes the development parameters applicable to “transport use”.
- (c) The provisions for a site development plan in this by-law 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;
- (b) pet training centres; and
- (c) veterinary related services.

Development parameters:

- (a) The development parameters applicable to “agriculture” apply; and
- (b) The Municipality will determine the development parameters in other land use areas.

“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) no more than two rooms per land unit may be used for bedroom accommodation for paying guests, and no more than four paying guests per land unit may be supplied with lodging or meals at any time;
- (b) the requirement in paragraph (a) is also applicable where a land unit contains both a bed and breakfast establishment and rooms which are available for letting to lodgers;
- (c) 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;
- (d) 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;
- (e) no more than three employees may be employed in activities related to the bed and breakfast establishment;
- (f) no alcoholic beverages may be sold except to resident guests for consumption on the premises with meals;
- (g) guest rooms may not be converted to, or used as, separate self-catering dwelling units;

- (h) meals may only be supplied to guests who have lodging on the property, employees, and the family residing in the dwelling;
- (i) 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;
- (j) no weddings, receptions, conferences, training or similar activities are permitted in a bed and breakfast establishment;
- (k) no activities may be carried out which constitute, or are likely to constitute, a source of public nuisance;
- (l) 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; and
- (m) Registration with the local Tourism Board is compulsory.

“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 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, access and loading**
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 communal cooking, dining and other 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 guest 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, two electronic or mechanical playing devices, plant nursery, office, funeral parlour, financial institution and building for similar uses, place of assembly, institution, hotel, hospital, conference facility, rooftop base telecommunication station and multiple parking garage;
- (b) includes also the following land uses above ground floor only:
 - (i) flats,
 - (ii) caretaker’s quarters,
 - (iii) backpackers lodge,
 - (iv) youth hostel, as well as
 - (v) boarding houses; and
- (c) does not include a place of entertainment, motor repair garage, industry, noxious trade, risk activity, adult entertainment, 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 (h) 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) **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.
- (g) **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.
- (h) **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.
- (i) **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.
- (j) **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 42.(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.

- (k) **Loading**
Loading bays must be provided on the land unit in accordance with this by-law.
- (l) **Screening**
The Municipality may require screening in accordance with this by-law.
- (m) **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 land set aside for camping where tents or caravans are used for accommodation of guests and which may include facilities for use of such visitors and features amenities such as facilities for outdoor food preparation, a small convenience store, road access for vehicles, picnic facilities, raised platforms on which to set up tents or caravans, ablution facilities, communal scullery and laundry facilities and waste disposal facilities.

Development parameters:

The development parameters applicable to “tourist accommodation” apply provided that a site development plan must be submitted to the Municipality for its approval.

“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 or business premises where the operation 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;
 - (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, as well as a function venue.

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 retail concern 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 building or the 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.

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) Not more than 20 children may be registered at a time, or on the property at any time.
- (e) Parking and access must be provided in accordance with this by-law.
- (f) Registration with the Department of Social Services is compulsory.

“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.

“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; and
- (c) does not include second dwelling units.

Development parameters:

- (a) **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.
- (b) **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.
- (c) **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	2 metres
Greater than 250 m ²	50%	3 metres	2 metres	2 metres

- (ii) The general building line encroachments in this by-law apply.
- (d) **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) 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.
- (e) **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.
- (f) **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.
- (g) **Connection**
The two units must be connected by means of a communal wall of the dwelling, and connected garages, outside lapas 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) a 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) letting to lodgers;

- (g) a bed and breakfast establishment; and
- (h) 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	2 metres
Greater than 250 m ²	50%	3 metres	2 metres	2 metres

- (ii) The general building line encroachments in this by-law apply including the provision that no application for departure of a side building line is required if the abutting neighbour gives written consent for the encroachment of the relevant building line.
- (c) **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.
- (d) **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) 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.
- (e) **Parking and access**
- (i) Parking and access must be provided on the land unit in accordance with this by-law.
 - (ii) Where a dwelling unit is occupied by unrelated persons as defined in (b) in the definition of “family”, provision must be made for parking in accordance with the parking requirements for a boarding house.
- (f) **Garaging**
Garaging for up to four vehicles is permitted.

“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.

“factory”

Land use description: “*factory*” means property used for the assembly and 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.

“farmers’ market”

Land use description: “farmers' market” means a predominantly fresh food market where farmers and food producers can sell farm-origin and associated value-added specialty foods and plant products directly to consumers which –

- (a) operates regularly within a community;
- (b) is located at a focal public location that provides a suitable environment for farmers to conduct trade;
- (c) typically consists of booths, tables or stands, outdoors or indoors, where farmers sell farm produce, meats, and sometimes prepared foods and beverages; and
- (d) includes –
 - (i) primary food products;
 - (ii) seafood, game and foraged foods;
 - (iii) value-added foods;
 - (iv) speciality food products;
 - (v) garden inputs; and
 - (vi) small livestock;

and may include:

- (a) a subservient component of stalls for the sale of locally produced handmade crafts and arts;
- (b) live family entertainment, outdoor recreation activities and children's play area.

Development parameters:

The development parameters applicable to "agriculture", apply.

The following further parameters apply:

- (a) The Municipality may stipulate conditions with regard to the layout, building design, open space, landscaping, parking, access and environmental management;
- (b) The development may only occur in accordance with an approved site development plan.

"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.
- (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 any access roads 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, conference facilities 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 guest rooms 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;

- (c) 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;
- (d) 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;
- (e) the requirement in paragraph (d) is also applicable where a land unit contains both a guest house and rooms which are available for letting to lodgers;
- (f) no alcoholic beverages may be sold except to resident guests for consumption on the premises with meals;
- (g) meals may only be supplied to guests or lodgers who have lodging on the property, employees, and the family residing in the dwelling;
- (h) 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;
- (i) no activities may be carried out which constitute, or are likely to constitute, a source of public nuisance;
- (j) 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; and
- (k) Registration with the local Tourism Board is compulsory.

“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 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.
- (h) **Open space**
 - (i) Every guest lodge 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) 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.
- (l) No alcoholic beverages may be sold except to resident guests for consumption on the premises with meals.
- (m) 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 and/or persons who require protection and/or social support.

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.
- (c) This land use will only be allowed in conjunction with a Resort Zone 1 component consisting of at least 50% or more of the total amount of accommodation units provided.

“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 1 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.
- (k) Registration with the Department of Social Services is compulsory.

“home for the aged”

Land use description: “home for the aged” means a building where permanent lodging is provided, with or without meals, to persons who are 50 years of age or older and –

- (a) includes –
 - (i) dwelling house;
 - (ii) such outbuildings as are normally used therewith;
 - (iii) frail care facility;

- (b) does not include –
 - (i) hotel;
 - (ii) bed and breakfast establishment; or
 - (iii) flats.

Development parameters:

The development parameters applicable to “boarding house”, apply.

“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, 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. 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 subservient 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 entertainment facilities and a chapel 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.

“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) shop; 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;
 - (viii) agricultural industry;
 - (iv) builders yard; 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 15 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) shop; 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 8,5 m.
 - (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 to the satisfaction of the Municipality along the common boundary.
- (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 screening 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) **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 an establishment where the dominant use is the retail sale of alcoholic beverages, for the consumption off the property.

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 supermarket or service trade.

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 buildings in this zone may exceed a height of 15metres.
 - (ii) The general provisions regarding earth banks and retaining structures in this By-law apply.
 - (iii) 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 by the Municipality for a specific occasion or event 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 8,5 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 0 metres.
 - (ii) The side and rear building lines are at least 0 metres.
 - (iii) 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.
 - (iv) The general building line encroachments in this By-law apply.

- (f) **Garages and carports**
A garage or carport must not exceed 3,5 metres from base level to the top of the roof.
- (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 42.(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 tourist accommodation; or tourist facilities.

Development parameters:

The development parameters applicable to “agriculture” apply.

“open air motor vehicle display”

Land use description: “open air motor vehicle display” means the display of motor vehicles for the purpose of trading under open air where such area does not form part of a covered showroom and where shade cloth shall not be construed as a permanent method of covering.

Development parameters:

The development parameters of “shop”, 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 conference facility; and
- (b) does not include a place of entertainment.

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 and includes-

- (a) a cinema;
- (b) theatre;
- (c) amusement park;
- (d) dance hall;
- (e) ball room hall;
- (f) gymnasium;

- (g) sport centre;
- (h) skating rink;
- (i) pool room;
- (j) pub;
- (k) facility for betting;
- (l) electronic or mechanical playing devices;
- (m) gambling hall; and
- (n) 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; or a conference facility; and
- (b) does not include a reformatory.

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 8.5 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 a crèche; 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/or sale of plants, gardening products and gardening equipment as a commercial enterprise.

Development parameters:

Development parameters applicable to “agriculture” apply in Agriculture Zones, while development parameters applicable to “business” apply in Business Zones.

“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 and restaurants.

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.

“public street”

Land use description: “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; and includes —

- (a) open public parking areas;
- (b) sidewalks;
- (c) those parts of a public place that are travelled parts;
- (d) informal trading ; and
- (e) appropriate and necessary street furniture and infrastructure, including reticulation networks, which does not present any threat to the safety or obstruct or inhibit free movement of pedestrians.

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 public street.

“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, solar energy generating apparatus (including solar photo-voltaic and concentrated solar thermal), hydro turbines or bio mass facility or any grouping thereof, that captures and converts wind, solar radiation or bio mass into energy for commercial 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, excluding the electrical grid connections.

Development parameters:

(a) **Height**

- (i) The maximum height of a renewable energy structure is technology dependent.
- (ii) The height of buildings may not exceed 8,5 metres from natural ground level to the top of the roof.

(b) **Setback**

In the case of a wind turbine, the setback is a distance equal to 1,5 times the overall height of the turbine, measured from the average ground level to the highest blade tip, and then the setback is 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) a distance of 100m from the cadastral boundary of the land unit, unless the renewable energy structure straddles two or more cadastral boundaries, in which setback related to the straddled cadastral boundaries does not apply;
- (iii) a distance of 100m from any public road or private or public right of way, unless it provides access to the turbine;
- (iv) a distance of 100m from any electrical infrastructure; and
- (v) a distance of 1000m from towns, settlements or urban areas.

(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) **Visual and environmental impact**

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

- (e) **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.
- (f) **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.
- (g) **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.
- (h) **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.
- (i) **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).

- (j) **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.
- (k) **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.
- (l) **Modification**
Any modification to a renewable energy structure, excluding inconsequential *in situ* technical improvements, made after approval and which is not in accordance with the approval and its conditions, requires authorisation from the Municipality within the parameters of these regulations by means of—
- (i) the amendment of approved conditions;
 - (ii) a new consent use approval;
 - (iii) amendment of the approved site development plan; or
 - (iv) amendment of the approved building plan.
- (m) **Decommissioning**
- (i) Any renewable energy structure and associated infrastructure which has reached the end of its productive life or has been abandoned, including buildings, cables and roads, must be removed by the owner.
 - (ii) A renewable energy structure is considered abandoned when the structure fails to continuously operate for more than two years.
 - (iii) 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).
 - (iv) 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.
 - (v) Decommissioning must include, inter alia—
 - (aa) the removal of all renewable energy structures and appurtenant structures, including equipment, bases, foundations, security barriers and transmission lines directly related with the renewable energy.
 - (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 with indigenous vegetation to minimise erosion.
 - (vi) 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.

- (vii) Prior to the construction of the renewable energy structure commences, the owner must make financial provision or an alternative reasonable arrangement, 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.
- (viii) 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.
- (ix) 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 or other provision referred to in subparagraph (vii) to rehabilitate or manage the negative environmental impact or to remove the facility.

(n) **Urban Areas**

No renewable energy structure shall be permitted within an urban area, other than solar voltaic energy generating apparatus.

“resort shop”

Land use description: “*resort shop*” means a shop that provides for the daily needs of the inhabitants of a holiday resort 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 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 of the applicable general residential zones 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 of the applicable agricultural zone 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 “noxious trade” 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 31 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 does not detract from 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) include uses such as washing of vehicles, a convenience shop and a restaurant; and
 (b) does not include spray-painting, panel beating, motor repair garage, open air motor vehicle display 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 service station must comply with the following access requirement:
 (i) the width of motor vehicle carriageway crossings over the street boundary, whether one-way or two-way, may not exceed 8 metres.

“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, open air motor vehicle display 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) residential purposes;
 (b) a storeroom;
 (c) garaging;
 (d) renewable energy structures for household purposes; and
 (e) home occupation.

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, 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, open air motor vehicle display, service station, adult entertainment business, adult services or adult shop.

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 8,5 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 millimeters 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 42.(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.

“smallholding”

Land use description: “*smallholding*” means an extensive landholding of between 1 hectare and 5 hectares in extent 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 larger than 400 m² and up to 3000m², 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; and
- (b) may include the provision of a camping site, caravan park, chalets or mobile home park, and resort shop, private or public roads; and

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, farmers’ market 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 and/or 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, 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 in agricultural areas and “industry” apply in industrial areas.

SCHEDULE 3

OVERLAY ZONES APPROVED IN TERMS OF SECTION 16

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

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

1.3. Development parameters

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. 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 15(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.