

CITY OF CAPE TOWN

ZONING SCHEME REGULATIONS



A COMPONENT OF THE POLICY-DRIVEN
LAND USE MANAGEMENT SYSTEM



PREAMBLE

WHEREAS section 156(1) of the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996) confers on municipalities the executive authority and right to administer local government matters listed in Schedules 4B and 5B to the Constitution; and

WHEREAS Part B of Schedule 4 to the Constitution of the Republic of South Africa lists municipal planning as a local government matter; and

WHEREAS section 156(2) of the Constitution empowers municipalities to make and administer laws for the effective administration of matters that it has the right to administer;

NOW THEREFORE the City of Cape Town has adopted, and the relevant Provincial Minister of the Provincial Government of the Western Cape has approved, these zoning scheme regulations in terms of section 9(2) of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985).

NOTICE OF ADOPTION

Notice of the approval of the zoning scheme was published in Provincial Gazette No. 7058 dated 26 November 2012. Subsequent amendments to the zoning scheme will also be published in the Provincial Gazette and recorded in the 'Record of Amendments' overleaf.

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

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

*Head: Land Use Management
Department: Planning & Building Development Management
City of Cape Town
PO Box 16548
Vlaeberg 8001*

E-mail: lums@capetown.gov.za

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GENERAL OVERVIEW

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

APPLICABLE LAW

This zoning scheme was approved by the competent authority in terms of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985), and was implemented on the date of publication in the Provincial Gazette. There are a number of other laws that have a direct or indirect impact on the functioning of this zoning scheme, including (but not limited to) the following:

- Constitution of the Republic of South Africa, 1996 (Act 108 of 1996)
- Advertising on Roads and Ribbon Development Act, 1940 (Act 21 of 1940)
- Business Act, 1991 (Act 71 of 1991)
- Hazardous Substances Act, 1973 (Act 15 of 1973)
- Less Formal Township Establishment Act, 1991 (Act 113 of 1991)
- Local Government: Municipal Systems Act, 2000 (Act 32 of 2000)
- National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977)
- National Environmental Management Act, 1998 (Act 107 of 1998)
- National Environmental Management: Protected Areas Act, 2003 (Act 57 of 2003)
- National Heritage Resources Act, 1999 (Act 25 of 1999)
- National Port Act, 2005 (Act 12 of 2005)
- Occupational Health and Safety Act, 1993 (Act 85 of 1993)
- All relevant City of Cape Town by-laws

WHAT IS ZONING?

Zoning is a method of development management that designates property for a particular development or use category or zone. Within each zone there are provisions and rules setting out the purposes for which property may be used, and the manner in which it may be developed. These rules (which include both rights and obligations for property owners) apply to land, buildings and structures.

Zoning is different to the spatial development frameworks, structure plans and policy plans associated with forward planning to guide developers and decision-makers. 'Forward plans' involve planning guidelines for medium- and long-term development and conservation, but do not allocate or take away rights. Forward plans include strategies for environmental, economic, spatial, social and infrastructure development, and are important guidelines for Council and the general public.

Zoning has a more precise application as the legal statement of rights and obligations for property, although other laws may also apply. Zoning should work in conjunction with (and be linked to) policy plans and other tools in the land use management system, to enable Council to manage land and development in the city.

This zoning scheme introduces new planning techniques such as the overlay zoning category, whereby policy guidelines can be translated to development rules after following a prescribed process. In this document, chapters on zones or zoning categories are preceded by a statement describing the purpose of the zone, and this purpose is generally aligned with the purpose of this zoning scheme and relevant planning legislation.

PRACTICAL HINTS

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

THE POLICY-DRIVEN LAND USE MANAGEMENT SYSTEM

In order to fulfil its obligation towards sustainable development, the municipality must promote economic and social development, as well as conservation of the natural and cultural environment. This requires a pro-active approach to ensure sustainable land use and development, to accommodate economic growth for the needs of a growing population, and to protect areas of natural and cultural significance. This pro-active approach will be assisted by undertaking developmentally-orientated planning in conjunction with environmental and heritage assessments for the medium and long term. Development and decision-making is managed within the framework of approved plans and policies that balance the need for development and the need for conservation.

It is important that decision-making on planning matters is based on sound planning policies, and therefore decision-making in connection with this zoning scheme should be supported by proper and appropriate policies, procedures and standards. Such a decision-making framework should further be framed within a suitable and user-friendly land use management system. The basic guidelines for a land use management system were therefore included in the City's Spatial Development Framework that was approved in terms of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) (MSA) and planning law. These Zoning Scheme Regulations, without detracting from its lawful purpose, is considered a component of such a system.

In consideration of the above it is evident that the MSA promotes a stronger link between spatial plans (forward planning) and the regulatory environment. However, the MSA does not prescribe procedures or requirements in this regard; nor does it provide any direction on how this should be achieved. In the development of this zoning scheme the City recognised this shortcoming, and developed the Overlay Zoning provisions as the mechanism to provide such a link between the policy environment and the regulatory environment. The procedures for the introduction and approval of overlay zones are set out in the regulations and require that new overlay zones must be informed by policy plans.

TYPES OF PLANS AND POLICIES

Various types of plans, strategies and policies with different levels of detail and areas of application are components of the planning system. A list of these, with a brief explanation of each, is set out below:

- *Integrated development plan, among other things:*
 - *refers to a spatial development framework and land use management system;*
 - *aligns the resources and capacity of the municipality with implementation programmes; and*
 - *provides a policy framework and planning input for annual budgets.*
- *Spatial development frameworks and plans consist of strategies, guidelines and development goals, indicating spatial implications and proposals for an integrated development plan.*
- *Structure plans adopted in terms of planning law explain, in the form of maps and policy guidelines, the future planning intention for the areas to which they relate.*
- *Sectoral plans are written strategies or plans dealing mainly with one of the sectors or particular subjects that form part of an integrated development plan.*
- *Detailed urban design, heritage resource, urban renewal or environmental site- or activity-management plans depict detailed proposals and management principles for local areas.*
- *Policy plans are written strategies, criteria or guidelines that provide the framework for decisions made in terms of this zoning scheme.*

These various plans are important for guiding Council in its decision-making. They provide the planning framework within which decisions are taken in the municipal sphere, they provide Council with the tools to handle a wide range of planning issues, and they influence the manner in which Council allocates financial resources for development. It should however be noted that these plans shall not confer or take away any right in respect of land. Only zoning schemes confer rights in respect of land as stipulated in the base zones and overlay zones.

TYPES OF APPLICATIONS

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

- *Rezoning application is required to obtain approval for a change of land use rights to permit a land use not allowed in terms of the current zoning for a particular land unit.*
- *Departure application is required to obtain:*
 - *changes to the zoning provisions or development rules which set out the permitted extent of development on a land unit (such as building lines or coverage), without rezoning the land unit; or*
 - *permission for a temporary use right that is not otherwise provided for in the zone concerned.*
- *Consent use application is required to obtain approval for a land use listed as a 'consent use' in the applicable zone.*
- *Subdivision application is required to create two or more land units capable of being registered in the Deeds Registry.*
- *Authorisation in terms of the National Environment Management Act is required to obtain an environmental authorisation for activities governed by the provisions of that Act.*
- *Approval is required for specified activities in terms of the National Heritage Resources Act, including demolition and changes to buildings over 60 years old.*
- *Removal or amendment of restrictive title conditions is required where there is a conflict between title deed conditions and an application under planning law or this zoning scheme.*

- *Amendment of condition of approval is needed to change a condition or conditions imposed by Council in terms of planning law or this zoning scheme.*
- *Approval or amendment of a plan (such as a site development plan, precinct plan, structure plan or development framework) is required in order to obtain approval for an application submitted under planning law or this zoning scheme, which is subject to such plan and where it is not permitted in terms of such plan currently.*
- *Other applications may be required to obtain Council's approval for a range of matters provided for in this zoning scheme (such as approval to use property for certain temporary activities).*
- *Building plan approval is required, in terms of the National Building Regulations and Building Standards Act, before construction of buildings is permitted. Council will not approve building plans that do not comply with the zoning scheme.*

The requirements for applications are generally dealt with in planning law, but supplementary procedures are contained in Chapter 2 of this zoning scheme. The fact that property may be used for a specific purpose in terms of zoning or that an approval has been granted, under planning law or this zoning scheme, does not exempt an owner from obtaining such other authorisations, permits, licences or approvals as may be required in terms of other legislation. National legislation may also affect the application of the zoning scheme on particular properties: for example, national legislation dealing with the management or development of protected areas prevails over the provisions of this zoning scheme.

DECISION-MAKING STRUCTURES

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

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

PLANNING, DEVELOPMENT AND ENVIRONMENTAL MANAGEMENT PRINCIPLES

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

PART I:

ADMINISTRATION

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

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

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

CHAPTER 1:

INTRODUCTION OF THE ZONING SCHEME

1.1 APPLICATION OF THE ZONING SCHEME

Commencement and validity

- 1.1.1 As from the commencement date as published in the Provincial Gazette, these zoning scheme regulations apply to all the land under the jurisdiction of the City of Cape Town, including land lawfully assigned to or reclaimed by the City of Cape Town. These zoning scheme regulations do not apply to protected areas where all aspects of the management of the protected area and activities within it are regulated by:
- the provisions of the National Environmental Management: Protected Areas Act, 2003 (Act 57 of 2003); and/or
 - the National Environmental Management Biodiversity Act, 2004 (Act 10 of 2004);
 - regulations under these Acts; and
 - approved management plans implemented by the management authority in such areas, which areas are specifically indicated on the approved zoning map.
- 1.1.2 If any provision in this zoning scheme is struck down as invalid by a court of law, such provision shall be severed from the zoning scheme, but shall not affect the validity of the remaining provisions.
- 1.1.3 Where these zoning scheme regulations are in conflict with national or provincial legislation, the provisions of such legislation shall prevail, save where such regulations are a local authority competency, as mandated by the National Constitution.
- 1.1.4 If the zoning scheme regulations are in conflict with a by-law or any other subordinate legislation, these regulations shall prevail.

Components of the zoning scheme

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

1.2 GENERAL PURPOSE OF THE ZONING SCHEME

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

CHAPTER 2:

APPLICATION AND APPROVAL PROCEDURES

2.1 REQUIREMENTS RELATING TO APPLICATIONS

Submission of applications

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

Transitional arrangements

- 2.1.2 Any application made and accepted in terms of a former zoning scheme which is still in process at the commencement date shall be assessed and finalised in terms of such former zoning scheme regulations, except where it has been withdrawn by the applicant in writing.
- 2.1.3 Where a rezoning application or substitution scheme was approved prior to the commencement of this zoning scheme but has not yet been acted on, or where a rezoning or substitution scheme was approved as contemplated in section 2.1.2 within the provisions of a former zoning scheme after the commencement of this scheme, the affected land unit/s in such approval shall be deemed to be allocated with a corresponding zone in accordance with this zoning scheme, where such an approval is acted on.
- 2.1.4 Where a building plan application was formally submitted and accepted:
- (a) before commencement of this zoning scheme and which is still being processed; or
 - (b) after commencement of this zoning scheme, with the express purpose to act on a valid approval granted for any application in terms of planning law or in terms of a former zoning scheme;
- such building plan will be assessed and finalised within the approval granted and the land use restrictions or provisions of the applicable zone in the former zoning scheme, provided that it is finalised within 30 months after the commencement date, and when implemented will not be considered to be a contravention of this zoning scheme but rather a lawful non-conforming use.
- 2.1.5 Where any approval in terms of planning law or a former zoning scheme has been acted on and constitutes a contravention of any provision in a zone in this zoning scheme, for the purposes of this zoning scheme it will not be considered to be an offence but a lawful non-conforming use.
- 2.1.6 (a) An owner of land whose land on the commencement date is zoned as General Business: Subzone GB3 to GB7 and/or Mixed Use Subzone MU2 and MU3 may, for a period of 10 years from the commencement date, decide to apply the provisions of this zoning scheme or the provisions that applied to the relevant zone in the former zoning scheme.

- (b) Where an owner of land decides to apply the provisions of a former zone within the aforementioned period, all the provisions applicable to such zone shall apply.
- (c) Contravention of this zoning scheme in the circumstances in subsection 2.1.6(a) and (b) above shall not be considered an offence, but a lawful non-conforming use.

2.1.7 The 10 year period referred to in section 2.1.6 above shall under no circumstances be extended.

2.2 ADDITIONAL REQUIREMENTS RELATING TO PUBLIC CONSULTATION

Advertising an application in terms of this zoning scheme

2.2.1 The City Manager shall cause an application submitted in terms of the zoning scheme to be advertised if, in his or her opinion, any person may be adversely affected by the proposed development. The public participation procedures for departure applications as stipulated in planning law shall mutatis mutandis apply for the purposes of advertising in terms of this regulation.

Petitions

- 2.2.2 (a) In addition to requirements stipulated in any other law, all objections submitted in the form of a petition shall clearly indicate:
- (i) the full name and physical address of each signatory;
 - (ii) the full name, postal address, telephone number and facsimile number or email address of one person to whom further communication relating to the application may be directed; provided that where such information is not made available, Council shall direct further communication only to the first person who signed such petition and whose address is known; and
 - (iii) a summary of the objection on each page of the petition containing signatures of petitioners.
- (b) Any written notification by Council to the petitioners shall be regarded as sufficient if such notification is sent to the person contemplated in subsection 2.2.2(a)(ii) above.
- (c) Any petition that does not comply with the above requirements will not be considered and processed as a valid objection.

2.3 DECISION-MAKING

Procedures for decision-making

- 2.3.1 Council may approve or refuse an application submitted in terms of this zoning scheme, and may impose conditions on any approval.
- 2.3.2 An approval in terms of section 2.3.1 shall lapse if the land concerned has not been utilised or the approval exercised within 2 years after the date on which it was granted, provided that Council may grant an extension of such time where requested in writing before the approval lapsed.
- 2.3.3 Council may limit the approval of a consent use application to one or more of the uses included within the definition of the consent use concerned.
- 2.3.4 Council shall, when considering an application for approval in terms of this zoning scheme, take into account the following:
- (a) the general purpose of this zoning scheme;
 - (b) principles and policies established for such applications by national, provincial and municipal spheres of government;
 - (c) any comments or objections received on or before the closing date in response to an advertisement of the application;
 - (d) comments received from other organs of state;
 - (e) any response received from the applicant to objections or comments;

- (f) any approved development framework or plan, structure plan, policy plan or sectoral plan that applies to the application or area concerned; and
- (g) any existing rights.

2.3.5 Council shall not refuse an application on the basis of trade competition.

2.3.6 Any approval granted in terms of this zoning scheme shall only be valid if it is in writing and signed by an official with the necessary delegated power.

2.3.7 An application for Council's approval shall not exempt the applicant from compliance with the requirements of any other applicable law.

2.4 CONDITIONS OF APPROVAL

Conditions of approval

2.4.1 Council may impose further conditions or waive or amend a condition after an approval has been granted and after consultation with the owner of the land concerned.

2.4.2 An owner of land may apply to waive or amend any condition after approval has been granted in terms of this zoning scheme.

2.4.3 Where an application is submitted to waive or amend conditions of approval imposed, the City Manager shall advertise such application and the provisions of section 2.2.1 shall mutatis mutandis apply for the purposes of advertising.

Conditions applicable to an approved consent use

2.4.4 (a) When a consent use is approved, the following general conditions shall apply:

- (i) If such consent use as listed in a specific zone is a primary use in another zone, it shall be subject to the most restrictive development rules operating in such other zone; and
- (ii) If such consent use as listed in a zone is not a primary use in another zone, it shall be subject to the development rules in that zone.

(b) Notwithstanding subsection 2.4.4(a), Council may impose further conditions including:

- (i) limiting a consent use for a specified period of time;
- (ii) requiring that a consent use does not adversely affect the potential use of that property for its primary uses in terms of this zoning scheme;

2.5 VALIDITY OF INFORMATION

Validity of information

2.5.1 Any information in connection with this zoning scheme, given by an official to a person making enquiries, shall only be valid if it is:

- (a) in writing;
- (b) signed by the official with delegated power; and
- (c) not in conflict with the provisions of these zoning scheme regulations, the zoning map, or an approval granted by Council.

2.6 APPEALS

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

2.7 ZONING MAP

- 2.7.1 In the event that a zoning has been wrongly allocated on the zoning map or wrongly converted from a zoning map associated with a former zoning scheme, the owner of an affected property may submit an application to Council to correct such error, subject to the following provisions:
- (a) The applicant must submit documentary proof of the error and/or proof of the lawful land use rights;
 - (b) The applicant must apply for a suitable zoning to be allocated to the property;
 - (c) The application will be subject to section 2.1, 2.2 and 2.3; and
 - (d) The applicant will be exempted from paying application fees where the application is submitted:
 - (i) within 24 months following the commencement date; or
 - (ii) within 24 months after any approval was granted subsequent to commencement.
- 2.7.2 Council shall consider an application submitted in terms of section 2.7.1 and shall amend its zoning map accordingly where approval is granted.
- 2.7.3 Council shall refuse an application to correct an error on the zoning map if documentary proof of an error and/or proof of the lawful land use rights is not available or has not been submitted by the applicant.
- 2.7.4 If a zoning that has been wrongly allocated on the zoning map, or wrongly converted from a zoning map associated with a former zoning scheme, comes to the attention of Council in any other way, and Council is satisfied that a wrong allocation or wrong conversion has taken place, Council shall:
- (a) notify the owner in writing of its intention to correct the wrong conversion or error;
 - (b) invite the owner to make any representations within a specified period in respect of the proposed correction of the errors on the zoning map; and
 - (c) consider any representations in accordance with subsection 2.7.4(b) and shall amend its zoning map in accordance with the correct allocation of the property in question.

2.8 ENFORCEMENT

Call for cessation of land use activity

- 2.8.1 Council may call for cessation of a land use activity by serving a written notice on the owner or person conducting such activity requiring:
- (a) compliance with instructions set out in such notice; and
 - (b) cessation of use of the premises in question for such land use activity by a date specified in such notice.

Compliance with conditions relating to [additional use rights](#)

- 2.8.2 Council may issue a notice calling for compliance with additional conditions or for the ceasing of specific activities, by a specific date, where an [additional use right](#) is being, or may be, conducted in a manner that is:
- (a) detrimental to the general purpose of the zoning scheme;
 - (b) detrimental to the purpose of the zone; or
 - (c) causing a nuisance.

CHAPTER 3: ZONING AND USE OF PROPERTY

3.1 ZONES

Zones

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

Subzones

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

3.2 CATEGORIES OF USES

USES PERMITTED

Primary uses

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

Additional use rights

- 3.2.2 An activity or use described as an **additional use right** in a particular zone is permitted in that zone without the approval of Council, provided that any condition or further provisions specified for such activity or use are adhered to.

Ancillary uses

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

Lawful non-conforming uses

- 3.2.4 A lawful non-conforming use is a permitted use and shall not constitute an offence in terms of this zoning scheme, provided that:
- (a) No structural alterations are made to a building, structure or part thereof which is considered to be a lawful non-conforming use without Council's approval.
 - (b) Any building or structure or part thereof that benefits from a lawful non-conforming use may be routinely repaired or replaced when damaged by accident or natural causes, subject thereto that such building or structure remains within its original building envelope.

USES PERMITTED ONLY WITH COUNCIL'S APPROVAL

Consent uses

- 3.2.5 A consent use as listed under a base zone in this zoning scheme is permitted only if Council grants its approval for such consent use.

Occasional uses

- 3.2.6 The occasional use of a property for temporary events (including craft markets, circuses, public meetings, religious gatherings, film shoots or other events) may be permitted with Council's approval, even though these events are not in accordance with the use rights of the property concerned, provided that:
- (a) the occasional use will not have a significant negative impact on surrounding areas, or on the natural and cultural environment;
 - (b) the occasional use is genuinely of a temporary and short term nature, and may not occur for more than 5 days per month or more days as may be allowed by Council; and
 - (c) the occasional use conforms with Council's policies.
- 3.2.7 (a) Approval in terms of section 3.2.6 above may be granted subject to, but not limited to, the following conditions:
- (i) the amount of parking and the number of ablution facilities required;
 - (ii) the maximum duration or occurrence of the occasional use.
- (b) Council may issue a notice calling for compliance with conditions or for the ceasing of the occasional use by a specific date, where:
- (i) conditions of approval are not met; or
 - (ii) where a public nuisance is caused.

Special use

- 3.2.8 A special use is a use not defined or provided for in this zoning scheme, and may be so classified and permitted in any zone with the approval of Council.
- 3.2.9 All special uses so approved shall be listed in Annexure A.

USES NOT PERMITTED

- 3.2.10 Subject to any provisions to the contrary in planning law, property subject to this zoning scheme shall not be used for any purpose which is not specified in this zoning scheme.

3.3 DEEMED ZONING

Public open space and public streets

- 3.3.1 Any portion of land designated on the zoning map or specified on a General Plan of a registered township as public open space shall be deemed to be zoned as Open Space Zone 2: Public Open Space.
- 3.3.2 All public roads and public streets referred to in this zoning scheme are roads proclaimed in terms of the Roads Ordinance, 1976 (Ordinance 19 of 1976) or roads or streets established in terms of the former Municipal Ordinance, 1974 (Ordinance 20 of 1974) or any equivalent current municipal by-law and/or national legislation, unless they are specifically excluded.
- 3.3.3 Any public road and public street and any portion of land proclaimed or reserved under any law as public road or public street or the widening or improvement of any such existing public road or street or specified on a General Plan of a registered township as public road or public street, shall be deemed to be zoned as Transport Zone 2: Public Street and Public Parking.
- 3.3.4 Where a proclamation or reservation in terms of section 3.3.3 or part thereof is withdrawn or cancelled, Council shall determine a zone and/or subzone for a land unit which was subject to such proclamation or reservation, whereafter the land unit concerned shall be deemed to be zoned in accordance with such determination, provided that:
- (a) the City Manager shall notify the affected land owner; and
 - (b) Council shall consider any representations received in terms of subsection 3.3.4(a) above prior to making such determination.
- 3.3.5 Notwithstanding the provisions in section 3.3.4, where only a part of a land unit was deemed Transport Zone 2: Public Street and Public Parking, such part which was subject to a proclamation or reservation shall be deemed to fall into the same zone and/or subzone as that of the rest of the land unit.
- 3.3.6 Where a proclamation or reservation is withdrawn or cancelled as contemplated in section 3.3.4 and 3.3.5, such withdrawal or cancellation, including deeming, shall only apply to the land referred to in the relevant resolution, or notice of withdrawal or cancellation.
- 3.3.7 Any portion of land which was previously part of a public street but has become the property of an abutting owner through prescription shall be deemed to be zoned as Transport Zone 2: Public Street and Public Parking; provided that where Council specifically resolves that such portion of land is no longer required for public street purposes, such land shall be deemed to fall into the same zone and subzone as that of the abutting land belonging to such owner.
- 3.3.8 Where any portion of land (other than land referred to in section 3.3.4) which was previously a public street or public open space vested in or owned by Council, is closed and transferred to an abutting owner, such portion of land shall be deemed to fall into the same zone and subzone as that of the abutting land belonging to such owner provided that:
- (a) where the intended owner of the public street or public open space does not own the abutting property, or
 - (b) where the intended owner owns abutting properties falling into more than one zone, or
 - (c) in any other case not provided for herein, Council shall determine which zone shall apply to the property concerned.
- 3.3.9 Where the zone and/or subzone of a land unit or part thereof is deemed under section 3.3 of this zoning scheme, Council shall record such deemed zone and/or subzone on the zoning map.

Land subject to the provisions of section 13 of the Legal Succession of the South African Transport Services Act, 1989 (Act 9 of 1989)

- 3.3.10 (a) All land subject to section 13 of the Legal Succession of the South African Transport Services Act, 1989 (Act 9 of 1989) is deemed to be zoned Transport Zone 1: Transport Use (TR1).
- (b) Where an agreement has been entered into between Council and the South African Transport Services or any of its divisions or its successors in title in terms of the Legal Succession of the South African Transport Services Act, 1989 (Act 9 of 1989) or preceding legislation, the provisions and conditions contained within such agreement shall prevail over the provisions of the TR1 zone.
- 3.3.11 (a) The conditions contained in an agreement referred to in section 3.3.10 are deemed to be development rules.
- (b) If these development rules are to be altered, this must be done by means of a departure in terms of planning law.
- (c) Where additional land use rights are applied for, this must be done by means of rezoning in terms of planning law.
- 3.3.12 Where land that is owned by the former South African Transport Services or any of its divisions or successors in title has been lawfully zoned to any zone other than Transport Zone 1: Transport Use (TR1), such land will be deemed to retain its zone and be allocated with an corresponding zone in terms of this zoning scheme on the Council's zoning map.

Land subject to the National Environmental Management: Protected Areas Act, 2003 (Act 57 of 2003)

- 3.3.13 Where a proclamation or reservation of land or portion of land as a protected area in terms of the National Environmental Management: Protected Areas Act, 2003 (Act 57 of 2003) is withdrawn or cancelled:
- (a) the City Manager shall notify the affected land owner;
- (b) the Council shall consider any comments received; and
- (c) the Council shall determine a zone and/or subzone for such land in accordance with its utilisation, whereafter the land concerned shall be deemed to be zoned in accordance with such determination.

Land deemed as a heritage area in accordance with heritage legislation

- 3.3.14 All Heritage Protection Overlay Zones as listed in Annexure F shall be deemed to be heritage areas in accordance with heritage legislation.

Special provisions

- 3.3.15 At the commencement date, any special zone, special area, schedule or special provision listed in Annexure B shall be considered to be a provision of this zoning scheme.

CHAPTER 4: SUMMARY OF ZONES

4.1 SUMMARY OF ZONES AND DEVELOPMENT RULES

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

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Table A: Summary of the zones and development rules

SINGLE RESIDENTIAL ZONES	LAND UNIT AREA (m ²)	FLOOR FACTOR	MAXIMUM FLOOR SPACE	MAXIMUM HEIGHT ABOVE BASE LEVEL		BUILDING LINES		STREET CENTRELINE SETBACK	OTHER PROVISIONS
				To wallplate	To top of roof	Street boundary	Common boundaries		
SINGLE RESIDENTIAL ZONE 1: CONVENTIONAL HOUSING (SR1) PRIMARY USES Dwelling house, private road and additional use rights ADDITIONAL USE RIGHTS Home occupation or bed and breakfast establishment or home child care CONSENT USES Second dwelling, utility services, place of instruction, place of worship, house shop, institution, guest house, rooftop base telecommunication station, wind turbine infrastructure, open space, urban agriculture and halfway house	>2 000	N/a	1 500 m ²	9,0 m	11,0 m	6,0 m	6,0 m	N/a	Window and door placement Garages, carports and outbuildings Parking and access Additional use rights – home occupation, bed and breakfast establishment and home child care
	>1 000 up to 2 000	N/a	1 500 m ²	9,0 m	11,0 m	4,5 m	3,0 m		
	>650 up to 1 000	N/a	1 500 m ²	9,0 m	11,0 m	3,5 m	3,0 m		
	>350 up to 650	1,0	N/a	8,0 m	10,0 m	3,5 m	0,0 m (12,0 m from street and 60%) and 3,0 m rest		
	>200 up to 350	1,0	N/a	8,0 m	10,0 m	3,5 m	0,0 m (12,0 m from street and 60%) and 3,0 m rest		
	≤200	1,0	N/a	8,0 m	10,0 m	1,0 m	0,0 m (12,0 m from street and 60%) and 3,0 m rest		
		Refer to section 5.1.2(a)	Refer to section 5.1.2(b)	Refer to section 5.1.2(c)	Refer to section 5.1.2(c)	Refer to section 5.1.2(d) & (e)	Refer to section 5.1.2(d) & (e)		
SINGLE RESIDENTIAL ZONE 2: INCREMENTAL HOUSING (SR2) PRIMARY USES Dwelling house, second dwelling, utility service, private road, urban agriculture, open space and additional use rights ADDITIONAL USE RIGHTS Shelter, house shop, home occupation, bed and breakfast establishment, home child care, informal trading and any educational, religious, occupational or business purpose subject to conditions CONSENT USES Group housing, boarding house, place of worship, institution, clinic, place of assembly, place of instruction, office, restaurant, guest house, place of entertainment, service trade, authority use, rooftop base telecommunication station, wind turbine infrastructure, halfway house		1,0	N/a	6,0 m dwelling units; 8,0 m other buildings	8,0 m dwelling units; 10,0 m other buildings	Formal township: 1,0 m No formal township: 1,0 m	Formal township: 0,0 m for 60% and 1,0 m for remainder; 2,5 m between shelters and other buildings No formal township: 3,0 m on perimeter; 2,5 m between shelters and other buildings	N/a	Parking and access House shop Shelter Informal trading Land constructed as or identified for roads Land used as or identified for firebreaks Approval of building plans
		Refer to section 5.2.2(a)		Refer to section 5.2.2(b)	Refer to section 5.2.2(b)	Refer to section 5.2.2(c) & (d)	Refer to section 5.2.2(c) & (d)		



GENERAL RESIDENTIAL ZONES	SUBZONE	DENSITY	COVERAGE	MAXIMUM HEIGHT ABOVE BASE LEVEL		BUILDING LINES		STREET CENTRELINE SETBACK	OTHER PROVISIONS
				To wallplate	To top of roof	Street boundary	Common boundaries		
<p>GENERAL RESIDENTIAL SUBZONE 1: GROUP HOUSING (GR1)</p> <p>PRIMARY USES Dwelling house, group housing, private road, open space and additional use rights</p> <p>ADDITIONAL USE RIGHTS Flats and home occupation, subject to restriction</p> <p>CONSENT USES Utility services, home child care and rooftop base telecommunication station</p>	GR1	35 du/ha	N/a	8,0 m	10,0 m	5,0 m external public street	3,0 m external boundaries	N/a	<p>Design principles</p> <p>Open space</p> <p>Parking and access</p> <p>Site development plan</p> <p>Flats and home occupation as additional use right</p> <p>Dwelling house outside group scheme</p>
<p>GENERAL RESIDENTIAL SUBZONES (GR2–GR6)</p> <p>PRIMARY USES Dwelling house, second dwelling, group housing, boarding house, flats, private road and open space</p> <p>CONSENT USES Utility service, place of instruction, place of worship, institution, hospital, place of assembly, home occupation, shop, hotel, conference facility, guest house and rooftop base telecommunication station</p>		FLOOR FACTOR		To top of roof					
	GR2	1,0	60%	15,0 m	4,5 m	4,5 m or 0,6 H (0,0 m up to 15,0 m height for 18,0 m from street)	8,0 m	<p>Parking and access</p> <p>Screening</p> <p>Wind mitigation</p>	
	GR3	1,0	60%	20,0 m	4,5 m	4,5 m or 0,6 H (0,0 m up to 15,0 m height for 18,0 m from street)	8,0 m	<p>Dwelling house and second dwelling</p> <p>Group housing</p>	
	GR4	1,5	60%	24,0 m	4,5 m	4,5 m or 0,6 H (0,0 m up to 15,0 m height for 18,0 m from street)	8,0 m	<p>Institution, place of instruction and place of assembly</p> <p>Shop</p>	
	GR5	2,5	60%	35,0 m	4,5 m; 9 m above 25 m height	4,5 m or 0,6 H (0,0 m up to 15,0 m height for 18,0 m from street); 15,0 m above 25,0 m height	8,0 m		
	GR6	5,0	60%	50,0 m	4,5 m; 9 m above 25 m height	4,5 m or 0,6 H (0,0 m up to 15,0 m height for 18,0 m from street); 15,0 m above 25,0 m height	8,0 m		
		Refer to section 6.2.2(b)	Refer to section 6.2.2(a)	Refer to section 6.2.2(c)		Refer to section 6.2.2(e)	Refer to section 6.2.2(e)	Refer to section 6.2.2(d)	



COMMUNITY ZONES	FLOOR FACTOR	COVERAGE	MAXIMUM HEIGHT ABOVE BASE LEVEL	BUILDING LINES		STREET CENTRELINE SETBACK	OTHER PROVISIONS
			To top of roof	Street boundary	Common boundaries		
<p>COMMUNITY ZONE 1: LOCAL (CO1)</p> <p>PRIMARY USES Place of instruction, place of worship, clinic, rooftop base telecommunication station and open space</p> <p>CONSENT USES Institution, hospital, place of assembly, cemetery, freestanding base telecommunication station and urban agriculture</p>	0,8	60%	12,0 m	5,0 m	5,0 m	N/a	<p>Parking and access</p> <p>Loading</p> <p>Screening</p> <p>Noise mitigation</p>
<p>COMMUNITY ZONE 2: REGIONAL (CO2)</p> <p>PRIMARY USES Institution, hospital, place of instruction, place of worship, place of assembly, rooftop base telecommunication station and open space</p> <p>CONSENT USES Boarding house, conference facility, cemetery, crematorium, funeral parlour, freestanding base telecommunication station, wind turbine infrastructure and urban agriculture</p>	2,0	60%	18,0 m	5,0 m	5,0 m	N/a	<p>Parking and access</p> <p>Loading</p> <p>Screening</p> <p>Noise mitigation</p>

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PART V

LOCAL BUSINESS ZONES	LAND UNIT AREA (m ²)	FLOOR FACTOR	COVERAGE	MAXIMUM HEIGHT ABOVE BASE LEVEL		BUILDING LINES		STREET CENTRELINE SETBACK	OTHER PROVISIONS
				To wallplate	To top of roof	Street boundary	Common boundaries		
LOCAL BUSINESS ZONE 1: INTERMEDIATE BUSINESS (LB1) PRIMARY USES Office, dwelling house, boarding house, utility services, flats and additional use rights ADDITIONAL USE RIGHTS Second dwelling and home occupation or house shop or bed and breakfast establishment or home child care CONSENT USES place of instruction, place of worship, institution, clinic, place of assembly, guest house, shop, Informal trading, service trade, rooftop base telecommunication station, wind turbine infrastructure and halfway house	>1 000	1,0	N/a	9,0 m	11,0 m	3,5 m	3,0 m	N/a	Garages and carports Parking and access Loading Screening Home occupation, bed & breakfast establishment and home child care Second dwelling House shop
	>650 up to 1 000	1,0		9,0 m	11,0 m	3,5 m	3,0 m		
	>350 up to 650	1,0		8,0 m	10,0 m	3,5 m	0,0 m (12,0 m from street and 60%) and 3,0 m rest		
	>200 up to 350	1,0		8,0 m	10,0 m	3,5 m	0,0 m (12,0 m from street and 60%) and 3,0 m rest		
	≤200	1,0		8,0 m	10,0 m	1,0 m	0,0 m (12,0 m from street and 60%) and 3,0 m rest		
LOCAL BUSINESS ZONE 2: LOCAL BUSINESS (LB2) PRIMARY USES Shop, office, dwelling house, second dwelling, bed and breakfast establishment, boarding house, flats, place of instruction, place of worship, institution, clinic, guest house, service trade, utility service, rooftop base telecommunication station, private road and open space CONSENT USES place of assembly, Informal trading, restaurant, sale of alcoholic beverages, funeral parlour, place of entertainment, adult shop, business premises, supermarket, plant nursery, hotel, conference facility, motor repair garage, service station, authority use, freestanding base telecommunication station, wind turbine infrastructure, transport use and multiple parking garage		1,0	75%	To top of roof		0,0 m		8,0 m	Canopy projection Street corners Parking and access Loading Screening service station and motor repair garage Informal trading
	Refer to section 8.2.2(a)	Refer to section 8.2.2(b)	Refer to section 8.2.2(c)	12,0 m		Refer to section 8.2.2(e) & (f)		Refer to section 8.2.2(d)	

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GENERAL BUSINESS AND MIXED USE ZONES	SUBZONE	FLOOR FACTOR	COVERAGE	MAXIMUM HEIGHT ABOVE BASE LEVEL	BUILDING LINES		STREET CENTRELINE SETBACK	OTHER PROVISIONS
					Street boundary	Common boundaries		
GENERAL BUSINESS SUBZONES (GB1–GB7) PRIMARY USES Business premises, dwelling house, second dwelling, boarding house, flats, place of instruction, place of worship, institution, hospital, place of assembly, place of entertainment, hotel, conference facility, service trade, authority use, utility service, rooftop base telecommunication station, multiple parking garage, private road and open space CONSENT USES Adult shop, adult entertainment business, adult services, informal trading, expo-centre, motor repair garage, warehouse, freestanding base telecommunication station, wind turbine infrastructure, transport use, helicopter landing pad and service station	GB1	1,5	100%	15,0 m	0,0 m up to 10,0 m height; 4,5 m above 10,0 m	0,0 m	8,0 m	Residential incentive in respect of GB7 Hotel floor space concession
	GB2	2,0	100%	15,0 m	0,0 m up to 10,0 m height; 4,5 m above 10,0 m	0,0 m	8,0 m	Canopy or balcony projection
	GB3	2,0	100%	25,0 m	0,0 m up to 10,0 m height; 4,5 m above 10,0 m	0,0 m	8,0 m	Public pedestrian footway along street boundary Street corners
	GB4	3,0	100%	25,0 m	0,0 m up to 10,0 m height; 4,5 m above 10,0 m	0,0 m	8,0 m	Parking and access Loading Screening
	GB5	4,0	100%	25,0 m	0,0 m	0,0 m	8,0 m	Wind mitigation Service station and motor repair garage
	GB6	6,0	100%	38,0 m	0,0 m up to 25,0 m height; ½ (H-25 m) above 25,0 m	0,0 m	8,0 m	Informal trading
	GB7	12,0	100%	60,0 m	0,0 m up to 38,0 m height; ½ (H-38 m) above 38,0 m	0,0 m	8,0 m	
		Refer to section 9.1.2(c)	Refer to section 9.1.2(a)	Refer to section 9.1.2(d)	Refer to section 9.1.2(e)	Refer to section 9.1.2(e)	Refer to section 9.1.2(b)	
MIXED-USE SUBZONES (MU1–MU3) PRIMARY USES Business premises, industry, dwelling house, second dwelling, boarding house, flats, place of instruction, place of worship, institution, hospital, place of assembly, place of entertainment, hotel, conference facility, authority use, utility service, rooftop base telecommunication station, transport use, multiple parking garage, private road and open space CONSENT USES Adult shop, adult entertainment business, adult services, informal trading expo centre, scrap yard, freestanding base telecommunication station, wind turbine infrastructure, helicopter landing pad, service station and motor repair garage	MU1	1,5	75%	15,0 m	0,0 m up to 10,0 m height; 4,5 m above 10,0 m		8,0 m	Canopy or balcony projection
	MU2	4,0	100%	25,0 m	0,0 m up to 10,0 m height; 4,5 m above 10,0 m		8,0 m	Parking and access Loading
	MU3	6,0	100%	38,0 m	0,0 m up to 25,0 m height; ½ (H-25 m) above 25,0 m		8,0 m	Screening Service station and motor repair garage
			Refer to section 9.2.2(a)	Refer to section 9.2.2(a)	Refer to section 9.2.2(a)	Refer to section 9.2.2(c)		Refer to section 9.2.2(b)

INDUSTRIAL ZONES	SUBZONE	FLOOR FACTOR	COVERAGE	MAXIMUM HEIGHT ABOVE BASE LEVEL	BUILDING LINES		STREET CENTRELINE SETBACK	OTHER PROVISIONS
					Street boundary	Common boundaries		
GENERAL INDUSTRY SUBZONES (GI1–GI2)	GI 1	1,5	75%	18,0 m	5,0 m	3,0 m	N/a	Boundary walls Parking and access Loading Screening Hazardous substances Service station and motor repair garage Factory shop Adult shop Informal trading
	GI 2	4,0	75%	18,0 m, but no restriction in respect of manufacturing buildings	5,0 m	3,0 m		
PRIMARY USES Industry, restaurant, service station, motor repair garage, funeral parlour, scrap yard, authority use, utility service, crematorium, rooftop base telecommunication station, freestanding base telecommunication station, transport use, multiple parking garage, agricultural industry, private road, open space and additional use rights		Refer to section 10.1.2(a)	Refer to section 10.1.2(a)	Refer to section 10.1.2(b)	Refer to section 10.1.2(c)	Refer to section 10.1.2(d)		
ADDITIONAL USE RIGHTS Factory shop and adult shop								
CONSENT USES Abattoir, place of worship, institution, clinic, place of assembly, adult entertainment business, adult services, aqua-culture, Informal trading, shop, office, sale of alcoholic beverages, place of entertainment, helicopter landing pad, wind turbine infrastructure and container site								
RISK INDUSTRY ZONE (RI)		2,0	75%	18,0 m, but no restriction in respect of noxious trade, risk activity or manufacturing buildings	5,0 m	5,0 m	N/a	Parking and access Loading Screening Boundary walls Hazardous substances Service station and motor repair garage Factory shop Informal trading
PRIMARY USE Noxious trade, risk activity, crematorium, rooftop base telecommunication station, freestanding base telecommunication station, private road, open space and additional use rights		Refer to section 10.2.2(a)	Refer to section 10.2.2(b)	Refer to section 10.2.2(c)	Refer to section 10.2.2(d)	Refer to section 10.2.2(d)		
ADDITIONAL USE RIGHTS Factory shop								
CONSENT USE Shop, restaurant, Informal trading, service station, motor repair garage, industry, scrap yard, abattoir, authority use, utility service, helicopter landing pad, wind turbine infrastructure, container site, transport use and multiple parking garage								

UTILITY, TRANSPORT AND NATIONAL PORT ZONES	FLOOR FACTOR	COVERAGE	MAXIMUM HEIGHT ABOVE BASE LEVEL	BUILDING LINES		STREET CENTRELINE SETBACK	OTHER PROVISIONS
				Street boundary	Common boundaries		
<p>UTILITY ZONE (UT)</p> <p>PRIMARY USES Utility service, authority use, rooftop base telecommunication station and freestanding base telecommunication station</p> <p>CONSENT USES Cemetery, informal trading, funeral parlour, crematorium, urban agriculture, airport, wind turbine infrastructure and helicopter landing pad</p>	As determined by a site development plan (Refer to section 11.1.2)						
<p>TRANSPORT ZONE 1: TRANSPORT USE (TR1)</p> <p>PRIMARY USES Transport use, multiple parking garage, utility service, warehouse, rooftop base telecommunication station and container site</p> <p>CONSENT USES Business premises, flats, place of assembly, place of entertainment, hotel, conference facility, service station, motor repair garage, service trade, freestanding base telecommunication station, wind turbine infrastructure, airport, helicopter landing pad, informal trading, industry and air and underground rights</p>	2,0	75%	15,0 m for stacked shipping containers 18,0 m for any other building	0,0 m	3,0 m	N/a	<p>Parking and access</p> <p>Service station and motor repair garage</p> <p>Informal trading</p> <p>Air and underground rights</p>
<p>TRANSPORT ZONE 2: PUBLIC ROAD AND PUBLIC PARKING (TR2)</p> <p>PRIMARY USES Public street, public road and utility service</p> <p>CONSENT USES Multiple parking garage, informal trading, wind turbine infrastructure and air and underground rights</p>	Refer to section 11.2.2(a)	Refer to section 11.2.2(b)	Refer to section 11.2.2(c)	Refer to section 11.2.2(d)	Refer to section 11.2.2(d)		<p>Deemed zoning</p> <p>Construction and deposit of materials</p> <p>Air and underground rights</p> <p>Proposed public street, street widening and street closure</p> <p>Informal trading</p>
<p>NATIONAL PORT ZONE (NPZ)</p> <p>PRIMARY USES Land uses as set out in an approved Port development framework plan</p> <p>CONSENT USES None</p>	As determined by an approved Port development framework plan (Refer to section 11.4.3)						<p>Deemed zoning</p> <p>Deemed zoning of land transferred to National Ports Authority</p>

OPEN SPACE ZONES	FLOOR FACTOR	COVERAGE	MAXIMUM HEIGHT ABOVE BASE LEVEL	BUILDING LINES		STREET CENTRELINE SETBACK	OTHER PROVISIONS
				Street boundary	Common boundaries		
<p>OPEN SPACE ZONE 1: ENVIRONMENTAL CONSERVATION (OS1)</p> <p>PRIMARY USES Environmental conservation use</p> <p>CONSENT USES Harvesting of natural resources, environmental facilities, tourist accommodation, tourist facilities, utility service, rooftop base telecommunication station, freestanding base telecommunication station, wind turbine infrastructure and cultural and social ceremonies</p>				As determined by a site development plan (Refer to section 12.1.2)			
<p>OPEN SPACE ZONE 2: PUBLIC OPEN SPACE (OS2)</p> <p>PRIMARY USES Public open space and environmental conservation use</p> <p>CONSENT USES Environmental facilities, tourist facilities, utility service, cemetery, rooftop base telecommunication station, freestanding base telecommunication station, wind turbine infrastructure, cultural and social ceremonies, urban agriculture, informal trading harvesting of natural resources and air and underground rights</p>				As determined by a site development plan (Refer to section 12.2.2)		<p>Deemed zoning</p> <p>Construction and deposit of material</p> <p>Air and underground rights</p> <p>Informal trading</p>	
<p>OPEN SPACE ZONE 3: SPECIAL OPEN SPACE (OS3)</p> <p>PRIMARY USES Open space, private road and environmental conservation use</p> <p>CONSENT USES Environmental facilities, tourist facilities, place of instruction, place of assembly, place of entertainment, plant nursery, utility service, cemetery, rooftop base telecommunication station, freestanding base telecommunication station, wind turbine infrastructure, cultural and social ceremonies, urban agriculture, informal trading and harvesting of natural resources</p>				As determined by a site development plan (Refer to section 12.3.2)		<p>Approval of consent uses</p> <p>Informal trading</p>	

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AGRICULTURAL, RURAL AND LIMITED USE ZONES	MAXIMUM FLOOR SPACE	COVERAGE	MAXIMUM HEIGHT ABOVE BASE LEVEL		BUILDING LINES		STREET CENTRELINE SETBACK	OTHER PROVISIONS
			To wallplate	To top of roof	Street boundary	Common boundaries		
<p>AGRICULTURAL ZONE (AG)</p> <p>PRIMARY USES Agriculture, intensive horticulture, dwelling house, riding stables, environmental conservation use, environmental facilities, rooftop base telecommunication station and additional use rights</p> <p>ADDITIONAL USE RIGHTS Second dwelling and home occupation or bed and breakfast establishment or home child care</p> <p>CONSENT USES Additional dwelling units, guest house, hotel, tourist accommodation, tourist facilities, intensive animal farming, harvesting of natural resources, mine, utility service, freestanding base telecommunication station, wind turbine infrastructure, aqua-culture, animal care centre, farm shop and agriculture industry</p>	<p>1 500 m² for all dwelling units</p> <p>100 m² for farm shop</p> <p>Refer to section 13.1.2(a)</p>	N/a	9,0 m for dwelling house	11,0 m for dwelling house	> 20 ha: 30,0 m	> 20 ha: 30,0 m	N/a	<p>Parking</p> <p>Minimum subdivision size</p> <p>Agricultural industry</p> <p>Second dwelling and additional dwelling units</p>
<p>RURAL ZONE (RU)</p> <p>PRIMARY USES Dwelling house, agriculture and additional use rights</p> <p>ADDITIONAL USE RIGHTS Second dwelling and home occupation or bed and breakfast establishment or home child care</p> <p>CONSENT USES Guest house, tourist accommodation, tourist facilities, harvesting of natural resources, mine, rooftop base telecommunication station, freestanding base telecommunication station, wind turbine infrastructure, aqua-culture, intensive animal farming, intensive horticulture, riding stables, animal care centre, farm shop and agricultural industry</p>	<p>1 500 m² for all buildings</p> <p>100 m² for farm shop</p> <p>Refer to section 13.2.2(a)</p>	40%	9,0 m	11,0 m	10,0 m	5,0 m	N/a	<p>Parking</p> <p>Minimum subdivision size</p> <p>Agricultural industry</p> <p>Second dwelling</p>
<p>LIMITED USE ZONE (LU)</p> <p>PRIMARY USES Only existing lawful uses</p> <p>CONSENT USES None</p>	Refer to section 13.3.2						<p>No rezoning</p> <p>Reconstruction of destroyed property</p>	

OVERLAY ZONES	FLOOR FACTOR	COVERAGE	MAXIMUM HEIGHT ABOVE BASE LEVEL		BUILDING LINES		STREET CENTRELINE SETBACK	OTHER PROVISIONS
			To wallplate	To top of roof	Street boundary	Common boundaries		
<p>SUBDIVISIONAL AREA OVERLAY ZONE (SAO)</p> <p>USE RIGHTS Refer to section 15.1.1</p>								
<p>INCENTIVE OVERLAY ZONE (ICO)</p> <p>USE RIGHTS Refer to section 16.1.2</p>								
<p>DENSITY OVERLAY ZONE (DO)</p> <p>USE RIGHTS Refer to section 16.2.2</p>								
<p>HERITAGE PROTECTION OVERLAY ZONE (HPO)</p> <p>USE RIGHTS Refer to section 17.1.5</p>								
<p>ENVIRONMENTAL MANAGEMENT OVERLAY ZONE (EMO)</p> <p>USE RIGHTS Refer to section 17.2.3</p>								
<p>URBAN EDGE OVERLAY ZONE (UEO)</p> <p>USE RIGHTS Refer to section 17.3.3</p>								
<p>SCENIC DRIVE OVERLAY ZONE (SDO)</p> <p>USE RIGHTS Refer to section 17.4.3</p>								
<p>LOCAL AREA OVERLAY ZONE (LAO)</p> <p>USE RIGHTS Refer to section 17.5.3</p>								

1	2	3	4	PART I								
5	6	7	8	9	10	11	12	13	PART II			
14	15	16	17	PART III								
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PART II:

ZONING CATEGORIES, BASE ZONES AND DEVELOPMENT RULES

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

CHAPTER 5:

SINGLE RESIDENTIAL ZONES

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

5.1 SINGLE RESIDENTIAL ZONE 1: CONVENTIONAL HOUSING (SR1)

Purpose

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

Use of the property

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

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

Development rules

5.1.2 The following development rules apply:

- (a) **Floor factor**
The maximum floor factor is determined in accordance with the area of the land unit as shown in the following 'Table of floor factor, floor space, height and building lines in Single Residential Zone 1'.
- (b) **Floor space**
The maximum floor space, if applicable, to all buildings on a land unit is determined in accordance with the following 'Table of floor factor, floor space, height and building lines in Single Residential Zone 1'.

(c) Height

- (i) The maximum height of a building, measured from the base level to the wallplate and top of the roof, shall be determined in accordance with the area of the land unit as shown in the following 'Table of floor factor, floor space, height and building lines in Single Residential Zone 1';
- (ii) Where a building is permitted in this zone within 3 m of a common boundary, the height will be limited to 4 m measured from base level to top of roof.
- (iii) Notwithstanding the provisions in subsection (c)(ii), within the first 12 m along a common boundary measured perpendicular from the street boundary line and where a building is not set back from such common boundary, the height is determined in accordance with the 'Table of floor factor, floor space, height and building lines in Single Residential Zone 1';
- (iv) Earth banks and retaining structures are subject to section 18.6.

(d) Building lines

The street and common boundary building lines are determined in accordance with the area of the land unit as shown in the 'Table of floor factor, floor space, height and building lines in Single Residential Zone 1', subject to:

- (i) the general building line encroachments in section 18.1;
- (ii) where more than four dwelling units are attached to each other, Council may require a common boundary building line of 1 m between a batch of four attached dwelling units and any adjacent dwelling unit; and
- (iii) further restrictions stipulated in subsections (e) and (f) as applicable.

Table of floor factor, floor space, height and building lines in Single Residential Zone 1

LAND UNIT AREA (M ²)	FLOOR FACTOR	MAXIMUM FLOOR SPACE	MAXIMUM HEIGHT ABOVE BASE LEVEL		STREET BOUNDARY BUILDING LINE	COMMON BOUNDARY BUILDING LINE
			To wall-plate	To top of roof		
>2 000	N/a	1 500 m ²	9,0 m	11,0 m	6,0 m	6,0 m
>1 000 up to 2 000	N/a	1 500 m ²	9,0 m	11,0 m	4,5 m	3,0 m
>650 up to 1 000	N/a	1 500 m ²	9,0 m	11,0 m	3,5 m	3,0 m
>350 up to 650	1,0	N/a	8,0 m	10,0 m	3,5 m	0,0 m for first 12,0 m measured perpendicular from street boundary and 0,0 m for 60% of total remaining linear distance along all common boundaries around land unit and 3,0 m for remainder, subject to subsection d(iii).
>200 up to 350	1,0	N/a	8,0 m	10,0 m	3,5 m	0,0 m for first 12,0 m measured perpendicular from street boundary and 0,0 m for 60% of total remaining linear distance along all common boundaries around land unit and 3,0 m for remainder; subject to subsection d(ii) and d(iii).
≤200	1,0	N/a	8,0 m	10,0 m	1,0 m	0,0 m for first 12,0 m measured perpendicular from street boundary and 0,0 m for 60% of total remaining linear distance along all common boundaries around land unit and 3,0 m for remainder; subject to subsection d(ii) and d(iii).

(e) Window and door placement

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

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

(f) Garages, carports and outbuildings

- (i) A garage, carport and outbuildings are permitted within the common boundary building line provided that the garage and carport do not:
 - (aa) extend higher than 3,5 m from base level to top of roof;
 - (bb) contain more than a double garage façade; and
 - (cc) exceed a width of 6,5 m.

- (ii) For land units of 650 m² and less, a garage or carport is permitted up to 1,5 m from the street boundary provided the garage or carport:
 - (aa) is not higher than 3,5 m from base level to top of roof;
 - (bb) does not contain more than a double garage façade; and
 - (cc) does not exceed a width of 6,5 m.
 - (iii) For land units exceeding 650 m², a garage or carport shall not be closer than 5 m from the street boundary, notwithstanding the street building line.
 - (iv) Notwithstanding subsection (f)(ii) and (iii), a garage or carport may be erected within the street boundary building line if, in the opinion of Council, compliance with the street boundary building line will not be practical due to steep slopes of the ground between the road and the property concerned. Council will determine the street boundary building line in such a case.
- (g) **Parking and access**
 Parking and access shall be provided on the land unit in accordance with Chapter 19.

Home occupation

- 5.1.3 In addition to subsection 5.1.1(b), the following conditions shall apply where a portion of property is used for purposes of home occupation:
- (a) No home occupation shall include a noxious trade, risk activity, adult entertainment business, adult services, adult shop, sale of alcoholic beverages, motor repair garage, funeral parlour or activities that are likely to generate a public nuisance, including but not limited to panel beating and spray painting, auto electrician, builders yard, welding works, joinery;
 - (b) Only goods which have been produced or assembled in the home occupation may be sold from the property;
 - (c) No goods for sale shall be publicly displayed and no external evidence of the home occupation shall be visible from a public street, except for an advertising sign in accordance with subsection (d);
 - (d) No advertising sign shall be displayed other than a single, un-illuminated sign or notice not projecting over a public street in accordance with Council's Outdoor Advertising and Signage by-law, and such sign shall not exceed 0,2 m² in area;
 - (e) No activities shall be carried out which constitute or are likely to constitute a source of public nuisance, or generate waste material which may be harmful to the area or which requires special waste removal processes;
 - (f) Off-street parking shall be provided at a ratio of 1 parking bay per 25 m² area used for home occupation unless Council's approval is obtained to waive this requirement. Council may at any stage require additional on-site parking where parking is not sufficient;
 - (g) The total area used for all home occupation activity on a land unit, including storage, shall not consist of more than 25% of the total floor space of the dwelling units on the land unit or 50 m², whichever is the lesser area;
 - (h) The storage of all goods and equipment connected with the home occupation shall be inside a building or screened from neighbours and the public street;
 - (i) Not more than two vehicles may be used in connection with a home occupation, and no one vehicle shall exceed 3 500 kg gross weight;
 - (j) The hours of operation shall not extend beyond 08:00 to 17:30 on Mondays to Fridays, and from 08:00 to 13:00 on Saturdays, and shall not include public holidays or Sundays; and
 - (k) Council may, at any stage, call for a cessation of the home occupation activity or impose conditions in order to minimise any potential nuisance to surrounding neighbours or the general public.

Bed and breakfast establishment

- 5.1.4 In addition to subsection 5.1.1(b), the following conditions shall apply where a portion of property is used as a bed and breakfast establishment, or where rooms are let to lodgers:
- (a) No more than 3 rooms per land unit shall be used for bedroom accommodation for paying guests or lodgers, and no more than 6 paying guests or lodgers shall be supplied with lodging or meals at any time;

- (b) No alcoholic beverages shall be sold except to resident guests for consumption on the premises with meals;
- (c) Guest rooms shall not be converted to, or used as, separate self-catering dwelling units;
- (d) Meals may only be supplied to guests or lodgers who have lodging on the property, employees, and the family residing in the dwelling;
- (e) No advertising sign shall be displayed other than a single un-illuminated sign or notice not projecting over a public street in accordance with Council's Outdoor Advertising and Signage by-law, and such sign shall not exceed 0,5 m² in area;
- (f) Weddings, receptions, conferences, training or any similar activities are not permitted from a bed and breakfast establishment;
- (g) No activities shall be carried out which constitute, or are likely to constitute, a source of public nuisance; and
- (h) On-site parking shall be provided in accordance with the provisions of Chapter 19, provided that Council may at any stage require additional on-site parking if, in its opinion, the parking is not sufficient.

Home child care

- 5.1.5 In addition to subsection 5.1.1(b), the following conditions shall apply where a portion of property is used for home child care:
- (a) No more than 6 children shall be enrolled at the home child care facility at any time;
 - (b) Services shall be primarily day care or educational and not medical;
 - (c) Services shall not operate outside the hours of 07:00 to 18:00 on Mondays to Fridays, and from 08:00 to 13:00 on Saturdays, and shall not include public holidays or Sundays;
 - (d) Indoor and outdoor play space shall be provided in accordance with any health requirement or a policy plan as might be approved by Council from time to time, and outdoor play space shall be fenced off from any public street;
 - (e) No advertising sign shall be displayed, other than a single un-illuminated sign or notice in accordance with Council's Outdoor Advertising and Signage by-law, not projecting over a public street, and such sign shall not exceed 0,5 m² in area; and
 - (f) At least one off-street parking bay shall be provided, plus one additional parking bay which is suitable for the use of parents to drop off or collect their children, unless Council's approval is obtained to waive this requirement. Council may at any stage require additional on-site parking where parking is not sufficient.

5.2 SINGLE RESIDENTIAL ZONE 2: INCREMENTAL HOUSING (SR2)

Purpose

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

Use of the property

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

- (a) **Primary uses** are dwelling house, second dwelling, utility service, private road, urban agriculture, open space and additional use rights as specified in subsection (b).
- (b) **Additional use rights** which may be exercised by the occupant of any unit of accommodation are shelter, house shop, home occupation, bed and breakfast establishment, home child care, informal trading and any educational, religious, occupational or business purpose, provided that:
 - (i) The dominant use of the unit shall remain residential;
 - (ii) No noxious trade, risk activity, adult entertainment business, adult services or adult shop are permitted;
 - (iii) No activities shall be carried out which constitute or are likely to constitute a source of nuisance, including the use of equipment that generates excessive noise, or any activity which results in the generation of dust, fumes, smoke, or waste material which could be detrimental to health, or which requires special waste removal processes;
 - (iv) Council may, at any stage, call for a cessation of the land use or activity, or impose conditions in order to minimise any potential nuisance to surrounding neighbours or the general public; and
 - (v) The development rules stipulated in section 5.1.3, 5.1.4, 5.1.5, 5.2.3, 5.2.4 and 5.2.5, whichever is applicable, shall be adhered to.
- (c) **Consent uses** are group housing, boarding house, place of worship, institution, clinic, place of assembly, place of instruction, office, restaurant, guest house, place of entertainment, service trade, authority use, rooftop base telecommunication station, wind turbine infrastructure and halfway house.
- (d) **Multiple uses and buildings where no formal township exists**
Notwithstanding that primary uses, additional use rights and consent uses in this zone may be expressed in the singular, more than one such use is permitted where
 - (i) no formal township has been established legally; or
 - (ii) it is not possible to identify individual land units.

Development rules

5.2.2 The following development rules apply:

- (a) **Floor factor**
The maximum floor factor for all buildings on a property is 1,0.
- (b) **Height**
 - (i) The maximum height of a building, measured from base level to the wallplate, shall be 6 m for dwelling units and 8 m for all other buildings;
 - (ii) The maximum height of a building, measured from base level to the top of the roof, shall be 8 m for dwelling units and 10 m for all other buildings.
 - (iii) Earth banks and retaining structures are subject to section 18.6.
- (c) **Building lines where a formal township exists**
The following building lines apply to buildings, including shelters, on land units zoned SR2 that have been subdivided in a formal township and where the subdivision has been confirmed in terms of planning law or other relevant law:

- (i) Street boundary building line: 1 m;
 - (ii) Common boundary building line: 0 m for 60% of the total linear distance along all common boundaries around the land unit and 1 m for the remainder, provided that:
 - (aa) where more than 4 dwelling units are attached to each other, Council may require a common boundary building line of 1 m between a batch of 4 attached dwelling units and any adjacent dwelling unit, and
 - (bb) no doors or windows shall be erected in a wall that is less than 1 m from a common boundary.
 - (iii) No more than 2 shelters shall be attached to each other without a space of at least 2,5 m between such shelters and any other building or shelter on the land unit, or on any adjacent land unit; and
 - (iv) The general building line encroachments in section 18.1 also apply.
- (d) **Building lines where no formal township exists**
The following building lines apply to buildings, including shelters, on a property that has not been subdivided as part of a formal township:
- (i) Street boundary building line: Every building or shelter shall be set back at least 1 m from a street, road or the edge of a temporary road or thoroughfare, as determined by Council;
 - (ii) Common boundary building line: 3 m on the perimeter of the property as determined by Council;
 - (iii) Where more than 4 dwelling units or shelters are attached to each other Council may require a space of 2,5 m between such dwellings or shelters and any other building or shelter on the property concerned or any adjacent property; and
 - (iv) The general building line encroachments in section 18.1 also apply.
- (e) **Parking and access**
- (i) Parking shall be provided on a property in accordance with the following 'Table of parking requirement in Single Residential Zone 2':

Table of parking requirement in Single Residential Zone 2

USE OF PROPERTY	PARKING REQUIREMENT
Shelter	None
Dwelling house	One bay, if required by Council (None on erven <100 m ²)
Second dwelling, home occupation	None
Other primary or consent uses	As required by Council

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

House shop

5.2.3 The following conditions apply to a house shop:

- (a) The extent and position of the retail component shall be clearly defined on a plan, and excluding any toilet or change room, shall not exceed 40 m² or 40% of the total floor space of the dwelling, whichever is the lesser area;
- (b) In addition to the house shop, the property shall contain a dwelling which shall be occupied by the proprietor of the house shop;
- (c) Any new structure, or alteration to the existing dwelling house, second dwelling or outbuilding, shall conform to the residential character of the area;
- (d) No more than three persons in total shall be engaged in retail activities on the property, including the occupant or occupants and any assistants;
- (e) Only one un-illuminated sign is permitted in accordance with Council's Outdoor Advertising and Signage by-law, which shall be affixed to the wall of the house shop or boundary wall, and shall not exceed 0,5 m² in area;
- (f) The following are not permitted in a house shop: sale of alcoholic beverages, storage or sale of fireworks, storage of gas for sale, sale of gas containers, vending machines, gaming machines, video games or pool tables;
- (g) The area used for a house shop may not open directly onto a bedroom or toilet, and no goods which will be sold from the house shop may be stored in a bedroom or toilet;

- (h) No animals are permitted in the area used for a house shop;
- (i) The house shop shall be adequately ventilated and illuminated, and if perishable food is sold, Council may require refrigeration to be provided;
- (j) The house shop shall not operate outside the hours of 07:00 to 21:00 on Mondays to Saturdays and 08:00 to 13:00 on public holidays or Sundays; and
- (k) Not more than one vehicle may be used in connection with a house shop and shall not exceed 3 500 kg gross weight, including delivery vehicles.

Shelter

5.2.4 The following conditions apply to a shelter:

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

Informal trading

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

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

Land constructed as or identified for roads

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

Land used as or identified for firebreaks

5.2.7 No building or shelter shall be erected on land which has been used, identified or demarcated by Council as a firebreak on a site development plan approved by Council.

Approval of building plans

5.2.8 Notwithstanding the fact that individual land units may not have been created or transferred to individuals, Council may approve building plans in terms of the National Building Act for a building relating to a primary use or consent use, except a shelter, provided Council is satisfied that:

- (a) the proposed building is acceptable as a permanent structure in terms of location and use, taking into account any plans to upgrade the area; and
- (b) the applicant has permission from the owner of the land to erect the building.

CHAPTER 6:

GENERAL RESIDENTIAL ZONES

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

6.1 GENERAL RESIDENTIAL SUBZONE 1: GROUP HOUSING (GR1)

Purpose

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

Use of the property

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

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

Development rules for group housing

6.1.2 The following development rules apply to group housing:

- (a) **Design principles**
All buildings and structures shall be planned, designed and built as a harmonious architectural entity and special attention shall be given to aesthetics, architectural co-ordination, urban design and landscaping.
- (b) **Density**
The maximum gross density on a group housing site shall be 35 dwelling units per hectare.
- (c) **Height**
 - (i) The maximum height of a building, measured from base level to the top of the wallplate, shall be 8 m, and to the top of the roof shall be 10 m.
 - (ii) Earth banks and retaining structures are subject to section 18.6.
- (d) **Open space**
Within a group housing site, outdoor space of at least 50 m² per dwelling unit shall be provided, which may include private or communal open space or any functional outdoor space which is inaccessible for motor vehicles, but excludes roads, service yards and parking areas.
- (e) **Building lines along the perimeter of a group housing site**
The following building lines apply along the perimeter of a group housing site:
 - (i) A street boundary building line of 5 m applies where the group housing site abuts an external public street.
 - (ii) Common boundary building lines of 3 m applies along the perimeter of the group housing site.
 - (iii) The general building line encroachments in section 18.1 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 m; provided that any garage door facing the road shall be set back at least 5 m from the kerb of such internal road.
- (ii) Common boundary building lines within the group housing site are 0 m unless Council requires a building line for fire-fighting purposes, in which case the common boundary building lines shall be 3 m.
- (iii) The general building line encroachments in section 18.1 apply.

(g) Parking and access

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

Site development plan

6.1.3 A site development plan of the proposed group housing scheme shall be submitted to Council for approval as provided for in section 18.3, whereafter the development of the group housing site shall be substantially in accordance with the approved site development plan.

Flats as an Additional use right in a group housing scheme

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

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

Home occupation as an Additional use right in a group housing scheme

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

- (a) The owner shall obtain the written consent of the relevant Owners' Association or all the owners within such group housing scheme if the Owners' Association is not functioning; and
- (b) The provisions of section 5.1.3 shall apply.

Development rules for a dwelling house outside a group housing scheme

6.1.6 A dwelling house that does not form part of a group housing scheme is exempt from the development rules for group housing.

6.1.7 The following conditions apply to a dwelling house that does not form part of a group housing scheme:

- (a) A **second dwelling** is permitted subject to the provisions for a second dwelling in Local Business Zone 1;
- (b) **Additional use rights** and consent uses applicable to a dwelling house in Single Residential Zone 1 shall also apply to a dwelling house in this zone;
- (c) The development rules for even greater than 350 m² and not exceeding 500 m² as stipulated in the 'Table of coverage, height, floor space and building lines in Single Residential Zone 1' in section 5.1.2 shall apply;
- (d) Parking and access shall be provided on the land unit in accordance with Chapter 19; and
- (e) The requirements for garages and carports in Single Residential Zone 1 shall apply.

6.2 GENERAL RESIDENTIAL SUBZONES GR2, GR3, GR4, GR5 & GR6

Purpose

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

Use of the property

6.2.1 The following use restrictions apply to property in these subzones:

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

Development rules for [flats](#), [boarding houses](#) and [hotels](#)

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

- (a) **Coverage**
The maximum coverage for all buildings on the land unit in each subzone is determined in accordance with the following 'Table of coverage, height and floor factor in General Residential Subzones GR2-GR6'.
- (b) **Floor factor**
The maximum floor factor for all buildings on the land unit in each subzone shall be determined in accordance with the following 'Table of coverage, height and floor factor in General Residential Subzones GR2-GR6'.
- (c) **Height**
 - (i) The maximum height of a building, measured from the base level to the top of the roof, shall be determined in accordance with the following 'Table of coverage, height and floor factor in General Residential Subzones GR2-GR6'.
 - (ii) Earth banks and retaining structures are subject to [section 18.6](#).

Table of coverage, height and floor factor in General Residential Subzones GR2-GR6

SUBZONE	COVERAGE	FLOOR FACTOR	MAXIMUM HEIGHT ABOVE BASE LEVEL TO TOP OF ROOF
GR2	60%	1,0	15,0 m
GR3	60%	1,0	20,0 m
GR4	60%	1,5	24,0 m
GR5	60%	2,5	35,0 m
GR6	60%	5,0	50,0 m

- (d) **Street centreline setback**
Council may require a street centreline setback, in which case:
 - (i) any flats, boarding houses or hotels shall be set back 8 m from the centre line of the abutting public street or streets; and
 - (ii) the provisions of [section 18.2](#) shall apply.

(e) Building lines

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

Table of building lines in General Residential Subzones GR2-GR6

SUBZONE	STREET BOUNDARY BUILDING LINE		COMMON BOUNDARY BUILDING LINE	
	Points up to 25,0 m above base level	Points over 25,0 m above base level	Points up to 25,0 m above base level	Points over 25,0 m above base level
GR2	4,5 m	N/a	4,5 m or 0,6 H (0,0 m up to 15,0 m in height where intersecting a street boundary, for a distance of 18,0 m measured perpendicular from such street boundary)	N/a
GR3				
GR4				
GR5	4,5 m	9,0 m	4,5 m or 0,6 H (0,0 m up to 15,0 m in height where intersecting a street boundary, for a distance of 18,0 m measured perpendicular from such street boundary)	15,0 m (0,0 m up to 15,0 m in height where intersecting a street boundary, for a distance of 18,0 m measured perpendicular from such street boundary)
GR6				

(f) Parking and access

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

(g) Screening

Council may require screening in accordance with section 18.5.

(h) Wind mitigation

Council may:

- (i) require an assessment of how wind will affect the proposed building and its surroundings; and
- (ii) impose conditions to mitigate adverse wind effects.

Dwelling house and second dwelling

6.2.3 The [additional use rights](#), consent uses and development rules for dwelling house in Single Residential Zone 1 and second dwelling in Local Business Zone 1 respectively shall apply to a dwelling house and second dwelling in this zone.

Group housing

6.2.4 The [additional use rights](#) and development rules for group housing in General Residential Zone 1 shall apply to group housing in this zone.

Institution, place of instruction and place of assembly

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

Shops

- 6.2.6 Council may grant its approval for a shop or shops to be provided within the ground floor of a block of flats; provided that:
- (a) a policy plan for the area in which such property is situated makes provision for mixed or commercial uses; and
 - (b) the gross leasable area of the shops does not exceed 1 000 m², or 25% of the floor space of the ground floor, whichever is the lesser.

1 | 2 | 3 | 4 | PART I

5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | PART II

14 | 15 | 16 | 17 | PART III

18 | 19 | 20 | 21 | PART IV

A | B | C | D | E | F | G | H | I | J | K | PART V

CHAPTER 7:

COMMUNITY ZONES

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

7.1 COMMUNITY ZONE 1: LOCAL (CO1)

Purpose

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

Use of the property

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

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

Development rules

7.1.2 The following development rules apply:

- (a) **Floor factor**
The floor factor on a land unit shall not exceed 0,8.
- (b) **Coverage**
The coverage for all buildings on a land unit shall not exceed 60%.
- (c) **Height**
 - (i) The maximum height of a building, measured from base level to the top of the roof, is 12 m, provided that there is no height limit for a bell tower, steeple, minaret or similar architectural feature designed to accentuate the significance of a building.
 - (ii) Earth banks and retaining structures are subject to [section 18.6](#).
- (d) **Street boundary building line**
The street boundary building line is 5 m, subject to the general building line encroachments in [section 18.1](#).
- (e) **Common boundary building line**
Common boundary building lines are 5 m, subject to the general building line encroachments in [section 18.1](#).
- (f) **Parking and access**
Parking and access shall be provided on the land unit in accordance with [Chapter 19](#).
- (g) **Loading**
Loading bays shall be provided on the land unit in accordance with [section 19.4](#).
- (h) **Screening**
Council may require screening in accordance with [section 18.5](#).
- (i) **Noise mitigation**
Council may require the owner to implement noise mitigation measures if excessive noise is created or likely to be created.

7.2 COMMUNITY ZONE 2: REGIONAL (CO2)

Purpose

The CO2 zone provides for a full range of institutional and community needs, which can be of a local or regional scale, and includes health and welfare as well as religious and educational services.

Use of the property

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

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

Development rules

7.2.2 The following development rules apply:

- (a) **Floor factor**
The floor factor on a land unit shall not exceed 2,0.
- (b) **Coverage**
The coverage for all buildings on a land unit shall not exceed 60%.
- (c) **Height**
 - (i) The maximum height of a building, measured from base level to the top of the roof, shall be 18 m, provided that there is no height limit for a bell tower, steeple, minaret or similar architectural feature designed to accentuate the significance of a building.
 - (ii) Earth banks and retaining structures are subject to section 18.6.
- (d) **Street boundary building line**
The street boundary building line is 5 m, subject to the general building line encroachments in section 18.1.
- (e) **Common boundary building line**
Common boundary building lines are 5 m, subject to the general building line encroachments in section 18.1.
- (f) **Parking and access**
Parking on and access to a property shall be provided in accordance with the provisions of Chapter 19.
- (g) **Loading**
Loading bays shall be provided on a land unit in accordance with section 19.4.
- (h) **Screening**
Council may require screening in accordance with section 18.5.
- (i) **Noise mitigation**
Council may require the owner to implement noise mitigation measures if excessive noise is created or likely to be created.

CHAPTER 8:

LOCAL BUSINESS ZONES

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

8.1 LOCAL BUSINESS ZONE 1: INTERMEDIATE BUSINESS (LB1)

Purpose

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

Use of the property

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

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

Development rules

8.1.2 The following development rules apply:

- (a) **Floor factor**
The maximum floor factor is determined in accordance with the area of the land unit as shown in the following 'Table of floor factor, height and building lines in Local Business Zone 1'.
- (b) **Height**
 - (i) The maximum height of a building, measured from base level to the top of the wallplate and to the top of the roof, shall be determined in accordance with the area of the land unit as shown in the following 'Table of floor factor, height and building lines in Local Business Zone 1'.
 - (ii) Where a building is permitted in this zone within 3 m of a common boundary, the height will be limited to 4 m measured from base level to the top of the roof.
 - (iii) Notwithstanding the provisions in subsection (ii), within the first 12 m along a common boundary measured perpendicular from the street boundary line and where a building is not set back from such common boundary, the height is determined in accordance with the 'Table of floor factor, floor space, height, and building lines in Single Residential Zone 1'.
 - (iv) Earth banks and retaining structures are subject to section 18.6.
- (c) **Building lines**
The street and common boundary building lines are determined in accordance with the area of the land unit as shown in the following 'Table of floor factor, height and building lines in Local Business Zone 1', subject to:
 - (i) the general building line encroachments in section 18.1; and
 - (ii) provisions relating to garages and carports as stipulated in subsection (d).

Table of floor factor, height and building lines in Local Business Zone 1

LAND UNIT AREA (M ²)	FLOOR FACTOR	MAXIMUM HEIGHT ABOVE BASE LEVEL		STREET BOUNDARY BUILDING LINE	COMMON BOUNDARY BUILDING LINE
		To wallplate	To top of roof		
>1 000	1,0	9,0 m	11,0 m	3,5 m	3,0 m
>650 up to 1 000	1,0	9,0 m	11,0 m	3,5 m	3,0 m
>350 up to 650	1,0	8,0 m	10,0 m	3,5 m	0,0 m for first 12,0 m measured perpendicular from street boundary and 0,0 m for 60% of total remaining linear distance along all common boundaries around land unit and 3,0 m for remainder, subject to subsection d(iii).
>200 up to 350	1,0	8,0 m	10,0 m	3,5 m	0,0 m for first 12,0 m measured perpendicular from street boundary and 0,0 m for 60% of total remaining linear distance along all common boundaries around land unit and 3,0 m for remainder; subject to subsection d(ii) and d(iii).
≤200	1,0	8,0 m	10,0 m	1,0 m	0,0 m for first 12,0 m measured perpendicular from street boundary and 0,0 m for 60% of total remaining linear distance along all common boundaries around land unit and 3,0 m for remainder; subject to subsection d(ii) and d(iii).

(d) Garages and carports

- (i) A garage or carport is permitted within the common boundary building line provided the garage or carport:
 - (aa) does not extend higher than 3,5 m from base level to the top of the roof; and
 - (bb) does not contain more than a double garage façade with a maximum width of 6,5 m.
- (ii) For land units of 650 m² and less, a garage or carport is permitted up to 1,5 m from the street boundary provided the garage or carport:
 - (aa) is not higher than 3,5 m from base level to the top of the roof; and
 - (bb) does not contain more than a double garage facade with a maximum width of 6,5 m.
- (iii) For land units exceeding 650 m², a garage or carport shall not be closer than 5 m from the street boundary, notwithstanding the street building line.

(e) Parking and access

Parking and access shall be provided on a land unit in accordance with Chapter 19.

(f) Loading

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

(g) Screening

Council may require screening in accordance with section 18.5.

Home occupation, bed and breakfast establishment and home child care

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

Second dwelling

- 8.1.4 The following conditions shall apply to a second dwelling:

- (a) Total floor space of a second dwelling may not exceed the total floor space of the main dwelling unit without the approval of Council. The floor space of ancillary buildings is excluded from this provision;
- (b) A second dwelling shall be constructed in a style that is similar to the architecture of the main dwelling house;
- (c) A second dwelling that is a separate structure to a main dwelling house shall not exceed a height of 6 m measured from base level to the wall plate and 8 m to the top of the roof;
- (d) A second dwelling that is contained within the same building as a main dwelling house shall be designed so that the building appears as a single dwelling house; both units may have a ground floor, or one unit may be on the ground floor and the other unit above;

- (e) The existence of a second dwelling shall not in itself be sufficient reason for Council to grant an application in terms of planning law to subdivide the land unit containing the dwelling units;
- (f) The construction of a second dwelling shall be subject to Council's municipal services departments certifying that capacity is available on the services network in the specific area; and
- (g) Prior to the submission and approval of a building plan for a second dwelling, all property owners that abut or share a common boundary or erf peg with the subject property must be notified of the intention to construct the second dwelling and give their written consent. In the event that such written consent is not obtained the owner will have to apply for Council's approval to erect a second dwelling.

House shop

8.1.5 The following conditions apply to a house shop:

- (a) The extent and position of the retail component shall be clearly defined on a building plan, and excluding any toilet or change room, shall not exceed 40 m² or 40% of the total floor space of the dwelling, whichever is the lesser area;
- (b) In addition to the house shop, the property shall contain a dwelling which shall be occupied by the proprietor of the house shop;
- (c) Any new structure, or alteration to the existing dwelling house, second dwelling or outbuilding, shall conform to the residential character of the area;
- (d) No more than three persons in total shall be engaged in retail activities on the property, including the occupant or occupants and any assistants;
- (e) Only one un-illuminated sign is permitted in accordance with Council's Outdoor Advertising and Signage by-law, which shall be affixed to the wall of the house shop or boundary wall, and shall not exceed 0,5 m² in area;
- (f) The following are not permitted in a house shop unless the approval of Council is obtained: sale of alcoholic beverages, storage or sale of fireworks, storage or sale of gas and gas containers, vending machines, gaming machines, video games or pool tables;
- (g) The area used for a house shop may not open directly onto a bedroom or toilet, and no goods which will be sold from the house shop may be stored in a bedroom or toilet;
- (h) No animals are permitted in the area used for a house shop;
- (i) The house shop shall be adequately ventilated and illuminated, and if perishable food is sold, Council may require refrigeration to be provided;
- (j) The house shop shall not operate outside the hours of 07:00 to 21:00 on Mondays to Saturdays and 08:00 to 13:00 on public holidays or Sundays; and
- (k) No more than one vehicle may be used in connection with a house shop and such vehicle shall not exceed 3 500 kg gross weight, including delivery vehicles.

8.2 LOCAL BUSINESS ZONE 2: LOCAL BUSINESS (LB2)

Purpose

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

Use of the property

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

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

Development rules

8.2.2 The following development rules apply:

- (a) **Floor factor**
The floor factor on a land unit shall not exceed 1,0.
- (b) **Coverage**
The coverage for all buildings on a land unit shall not exceed 75%.
- (c) **Height**
 - (i) The maximum height of a building, measured from base level to the top of the roof, shall be 12 m.
 - (ii) Earth banks and retaining structures are subject to section 18.6.
- (d) **Street centreline setback**
Council may require a street centreline setback, in which case:
 - (i) all buildings or structures on the land unit shall be set back 8,0 m from the centre line of the abutting public street or streets; and
 - (ii) the provisions of section 18.2 shall apply.
- (e) **Street boundary building line**
The street boundary building line is 0 m, subject to:
 - (i) the street centreline setback restriction;
 - (ii) minor architectural and sunscreen features may project beyond the street boundary building line provided that such features do not project more than 250 mm beyond the street boundary; and
 - (iii) for service stations the street boundary building line is 5 m subject to the general building line encroachments in section 18.1.
- (f) **Common boundary building line**
The common boundary building lines are 0 m.
- (g) **Canopy projection**
Council may approve a canopy projection over the street boundary in accordance with the following conditions:
 - (i) The canopy shall not project nearer than 500 mm to a vertical plane through the kerb line or proposed kerb line;
 - (ii) No portion of a canopy projection shall be less than 2,8 m above the pavement;
 - (iii) Council may lay down more restrictive requirements relating to the dimensions, design and materials of the canopy; and
 - (iv) The owner shall enter into an encroachment agreement with Council.

(h) Street corners

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

(i) Parking and access

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

(j) Loading

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

(k) Screening

Council may require screening in accordance with section 18.5.

Service station and motor repair garage

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

- (a) Any part of the property of a service station or 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, shall be enclosed with a solid screen wall at least 2 m high, or contained in a building;
- (b) Any service station or motor repair garage that supplies fuel shall comply with the following access requirements:
 - (i) The width of motor vehicle carriageway crossings over the street boundary, whether one-way or two-way, shall not exceed 8 m;
 - (ii) A wall, at least 100 mm thick and 350 mm high, shall be erected on the street boundary between different motor vehicle carriageway crossings, and the wall shall continue along such boundary unless the property is otherwise enclosed;
 - (iii) The motor vehicle carriageway crossings shall be limited to two per site unless the total length of a street boundary exceeds 30 m, in which case one additional motor vehicle carriageway crossing may be permitted;
 - (iv) At the point where it crosses the street boundary, a motor vehicle carriageway crossing shall not be closer than:
 - (aa) 30 m to the intersection of a metropolitan road and with any other road of a like status;
 - (bb) 30 m to the nearest point of an intersection where traffic is controlled, or is proposed to be controlled, by a traffic signal or traffic island;
 - (cc) 10 m from the corner of an intersection not referred to above, if such intersection is not splayed, or 5 m from the point where the splay meets the street boundary if such intersection is splayed;
 - (dd) 1,5 m from a side boundary;
 - (v) No fuel pump shall be erected so that the base or island on which the pump stands is less than 3,5 m from the nearest street boundary.

Informal trading

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

CHAPTER 9:

GENERAL BUSINESS AND MIXED USE ZONES

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

9.1 GENERAL BUSINESS SUBZONES GB1, GB2, GB3, GB4, GB5, GB6 & GB7

Purpose

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

Use of the property

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

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

Development rules

9.1.2 The following development rules apply:

- (a) **Coverage**
The maximum coverage for all buildings on a land unit is 100%.
- (b) **Street centreline setback**
Council may require a street centreline setback, in which case:
 - (i) all buildings or structures on a land unit shall be set back 8 m from the centre line of the abutting public street or streets; and
 - (ii) the provisions of section 18.2 shall apply.
- (c) **Floor factor**
The maximum floor factor on a land unit shall be determined in accordance with the following 'Table of height and floor factor in General Business Zones' subject to subsections (f), (g) and (h), which provide concessions in line with specific development initiatives that Council encourages.
- (d) **Height**
 - (i) The maximum height of a building, measured from the base level to the top of the roof, shall be determined in accordance with the following 'Table of height and floor factor in General Business Zones'.
 - (ii) Earth banks and retaining structures are subject to section 18.6.

Table of height and floor factor in General Business Zone

SUBZONE	MAXIMUM HEIGHT ABOVE BASE LEVEL TO TOP OF ROOF	FLOOR FACTOR
GB1	15,0 m	1,5
GB2	15,0 m	2,0
GB3	25,0 m	2,0
GB4	25,0 m	3,0
GB5	25,0 m	4,0
GB6	38,0 m	6,0
GB7	60,0 m	12,0

(e) **Building lines**

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

Table of building lines in General Business Zones

SUB-ZONE	STREET BUILDING LINE AND COMMON BUILDING LINE			
	Points on a building above base level			
	up to 10,0 m	over 10,0 m and up to 25,0 m	over 25,0 m and up to 38,0 m	over 38,0 m
GB1	0,0 m	4,5 m (0,0 m for common boundary)	N/a	N/a
GB2				
GB3				
GB4				
GB5	0,0 m	0,0 m	N/a	N/a
GB6	0,0 m	0,0 m	(H minus 25,0 m) divided by 2 (0,0 m for common boundary)	N/a
GB7	0,0 m	0,0 m	0,0 m	(H minus 38,0 m) divided by 2 (0,0 m for common boundary)

(f) **Residential incentive in respect of GB7**

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

(g) **Hotel floor space concession**

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

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

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

(h) **Canopy or balcony projection**

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

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

(i) **Public pedestrian footway along street boundary**

If the owner provides a public pedestrian footway of at least 3 m wide on the land unit, next to a building situated alongside the street boundary, with a canopy and pavement that ties in with the street pavement, and which is accessible to the public at all times, then in recognition of the urban design contribution to the street environment, the maximum floor space of the building may be increased by twice the area of the public pedestrian footway.

(j) **Street corners**

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

(k) **Parking and access**

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

(l) **Loading**

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

(m) **Screening**

Council may require screening in accordance with section 18.5.

(n) **Wind mitigation**

Council may:

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

Service station and motor repair garage

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

Informal trading

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

9.2 MIXED USE SUBZONES MU1, MU2 & MU3

Purpose

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

Use of the property

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

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

Development rules

9.2.2 The following development rules apply:

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

Table of floor factor, coverage and height in Mixed Use Zones

Subzone	Floor factor	Coverage	Maximum height above base level to top of roof
MU1	1,5	75%	15,0 m
MU2	4,0	100%	25,0 m
MU3	6,0	100%	38,0 m

- (b) **Street centreline setback**
Council may require a street centreline setback, in which case:
 - (i) all buildings or structures on the land unit shall be set back 8 m from the centre line of the abutting public street or streets; and
 - (ii) the provisions of section 18.2 shall apply.
- (c) **Building lines**
 - (i) No building shall be erected so that any point on the building is nearer to a street or common boundary than the distance specified in the following 'Table of building lines in Mixed Use Zones', where the symbol 'H' means the height in metres of a point above base level.
 - (ii) Minor architectural and sunscreen features may project beyond the street boundary building line provided that such features do not project more than 250 mm beyond the street boundary;

Table of building lines in Mixed Use Zones

SUB-ZONE	STREET BUILDING LINE AND COMMON BUILDING LINE		
	Points on a building above base level		
	up to 10,0m	over 10,0 m and up to 25,0 m	over 25,0 m and up to 38,0 m
MU1	0,0 m	4,5 m	N/a
MU2	0,0 m	4,5 m	N/a
MU3	0,0 m	0,0 m	(H minus 25,0 m) divided by 2

(d) Canopy or balcony projection

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

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

(e) Parking and access

- (i) Parking on and access to a land unit shall be provided in accordance with Chapter 19.
- (ii) In order to enhance the amenity of the street level, no parking bays shall be located closer than 10 m to the street boundary at ground floor level on the land unit either outside or within a building, without the approval of Council.

(f) Loading

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

(g) Screening

Council may require screening in accordance with section 18.5.

Service station and motor repair garage

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

Informal trading

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

CHAPTER 10:

INDUSTRIAL ZONES

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

10.1 GENERAL INDUSTRY SUBZONES GI1 & GI2

Purpose

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

Use of the property

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

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

Development rules

10.1.2 The following development rules apply:

- (a) **Floor factor and coverage**
Floor factor and coverage shall be determined in accordance with the following 'Table of floor factor and coverage in General Industrial Zones'.

Table of floor factor and coverage in General Industrial Zones

SUBZONE	FLOOR FACTOR	COVERAGE
GI1	1,5	75%
GI2	4,0	75%

- (b) **Height**
 - (i) The maximum height of a building in General Industry Subzone GI1 shall be 18 m measured from base level to the top of the roof;
 - (ii) No height restriction applies to buildings used for manufacturing purposes in General Industry Subzone GI2;
 - (iii) Any building in General Industry Subzone GI2 that is not used for manufacturing purposes shall not exceed a height of 18 m measured from the base level to the top of the roof;

- (iv) Earth banks and retaining structures are subject to section 18.6; and
 - (v) Shipping or transport containers, when stored or stacked outside a building, may not extend higher than 15 m above average ground level.
- (c) **Street boundary building line**
The street boundary building line is 5 m, subject to the general building line encroachments in section 18.1.
- (d) **Common boundary building line**
The common boundary building line is 3 m, subject to the general building line encroachments in section 18.1.
- (e) **Boundary walls**
Where a land unit has a common boundary with another land unit that is not zoned General Industry or Risk Industry, Council may require a 1,8 m high wall to be erected, to its satisfaction, along the common boundary.
- (f) **Parking and access**
Parking and access shall be provided on the land unit in accordance with Chapter 19.
- (g) **Loading**
Loading bays shall be provided on the land unit in accordance with section 19.4.
- (h) **Screening**
Council may require screening in accordance with section 18.5.

Hazardous substances

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

Service station and motor repair garage

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

Factory shop

- 10.1.5 The occupant of an industry may operate a factory shop provided that:
- (a) the total floor space devoted to the sale of goods shall not exceed 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.

Adult shop

- 10.1.6 The following development rules shall apply to an adult shop:
- (a) An adult shop shall not be located within 100 m of an existing adult shop, adult entertainment or adult services premises;
 - (b) The street front and entrance shall be discreet and unobtrusive, and no pornographic, sexually explicit or erotic material shall be visible from outside the premises;
 - (c) Outdoor signage must comply with Council's Outdoor Advertising and Signage by-law; and
 - (d) No form of public address or sound amplification shall be audible from outside the premises.

Informal trading

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

10.2 RISK INDUSTRY ZONE (RI)

Purpose

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

Use of the property

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

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

Development rules

10.2.2 The following development rules apply:

- (a) **Floor factor**
The floor factor on a land unit shall not exceed 2,0.
- (b) **Coverage**
The coverage for all buildings on a land unit shall not exceed 75%.
- (c) **Height**
 - (i) No height restriction applies to buildings used for a noxious trade, risk activity or manufacturing in this zone;
 - (ii) Buildings not used for noxious trade, risk activity or manufacturing purposes shall not exceed a height of 18 m measured from the base level to the top of the roof;
 - (iii) Earth banks and retaining structures are subject to section 18.6; and
 - (iv) Shipping or transport containers, when stored or stacked outside a building, may not be higher than 15 m above average ground level.
- (d) **Building lines**
 - (i) The street boundary building line is 5 m;
 - (ii) The common boundary building lines are 5 m; and
 - (iii) The general building line encroachments in section 18.1 shall apply.
- (e) **Parking and access**
Parking on and access to a land unit shall be provided in accordance with Chapter 19.
- (f) **Loading**
Loading bays shall be provided on the land unit in accordance with section 19.4.
- (g) **Screening**
Council may require screening in accordance with section 18.5.
- (h) **Boundary walls**
Where a land unit has a common boundary with another land unit that is not zoned General Industry or Risk Industry, Council may require a 1,8 m high wall to be erected, to its satisfaction, along the common boundary.

Hazardous substances

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

Service station and motor repair garage

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

Factory shop

- 10.2.5 The occupant of an industry may operate a factory shop, provided that:
- (a) the total floor space devoted to the sale of goods shall not exceed 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.

Informal trading

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

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CHAPTER 11:

UTILITY, TRANSPORT AND NATIONAL PORT ZONES

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

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

The National Port Zone has been included to provide for the provisions contained in the National Ports Act, 2005 (Act 12 of 1005).

11.1 UTILITY ZONE (UT)

Purpose

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

Use of the property

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

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

Development rules

11.1.2 The following development rules apply:

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

11.2 TRANSPORT ZONE 1: TRANSPORT USE (TR1)

Purpose

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

Use of the property

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

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

Development rules

11.2.2 The following development rules apply:

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

Service station and motor repair garage

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

Informal trading

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

Air and underground rights

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

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

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

Purpose

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

Use of the property

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

- (a) **Primary uses** are [public street](#), [public road](#) and [utility service](#).
- (b) **Consent uses** are [informal trading](#), [multiple parking garage](#), [wind turbine infrastructure](#) and [air and underground rights](#).

Development rules

11.3.2 The following development rules apply:

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

Construction and deposit of materials

11.3.3 No person shall:

- (a) construct a private crossing, bridge or culvert onto, under or across a public street;
- (b) construct or lay a sidewalk on a public street;
- (c) construct a verandah, stoep, wall, steps or other projection in or over a public street;
- (d) deposit or leave any goods, articles, building materials or waste in a public street or road reserve other than for a reasonable period during the course of loading, off-loading or removal thereof, except in accordance with and after Council has given its approval.

Air and underground rights

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

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

Proposed public street, street widening and street closure

11.3.5 Council may indicate on the zoning map:

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

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

Informal trading

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

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11.4 NATIONAL PORT ZONE (NP)

Purpose

The NP zone is provided as a zone in which land use within a national port is controlled by an approved port development framework plan.

Use of the property

11.4.1 The purposes for which land may be used in this zone and any possible land use restrictions thereon are as set out in the Port development framework plan, drafted in accordance with the provisions of the National Ports Act, 2005 (Act 12 of 2005).

Development rules

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

Port development framework plan

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

Deemed zoning of land transferred to National Ports Authority

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

CHAPTER 12:

OPEN SPACE ZONES

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

12.1 OPEN SPACE ZONE 1: ENVIRONMENTAL CONSERVATION (OS1)

Purpose

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

Use of the property

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

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

Development rules

12.1.2 The following development rules apply:

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

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

Purpose

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

Use of the property

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

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

Development rules

12.2.2 The following development rules apply:

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

Construction and deposit of materials

12.2.3 No person shall:

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

Air and underground rights

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

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

Informal trading

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

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

Purpose

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

Use of the property

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

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

Development rules

12.3.2 The following development rules apply:

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

Approval of consent uses

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

Informal trading

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

CHAPTER 13:

AGRICULTURAL, RURAL AND LIMITED USE ZONES

Agricultural land should generally be protected from developments that render the land less suitable for agriculture, or detract from its aesthetic and cultural value. Aside from sustaining a valuable economic sector, agricultural land can help to promote stability of the urban edge, conserve naturally sensitive areas and maintain rural characteristics which are valued by the community. Unnecessary subdivision of farms should be avoided and economically viable units must be maintained. Agricultural activities should not be subject to unreasonable limitations because the economic viability of the agricultural sector is important.

Complementary activities to conventional agriculture can assist with the viability of the sector, and to this end, compatible uses are permitted as consent uses, provided the latter do not detract from agriculture as the main farming activity. Where non-agricultural uses are permitted, such uses should form an integral part of the agricultural undertaking. A distinction is made between large farms which are zoned AG and smallholdings zoned as RU zone, which can accommodate a range of peri-urban activities.

*A transitional mechanism, the **LU** zone, deals with land that was zoned as undetermined in previous zoning schemes, and limits development to existing lawful uses only.*

13.1 AGRICULTURAL ZONE (AG)

Purpose

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

Use of the property

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

- (a) **Primary uses** are [agriculture](#), [intensive horticulture](#), [dwelling house](#), [riding stables](#), [environmental conservation use](#), [environmental facilities](#), [rooftop base telecommunication station](#) and [additional use rights](#) as listed in subsection (b).
- (b) **Additional use rights**, which may be exercised by the occupant of a property as a primary use are [second dwelling](#) and [home occupation](#), or [bed and breakfast establishment](#), or [home child care](#), subject to:
 - (i) only one of the activities listed as [additional use rights](#) shall be conducted from any land unit, provided this does not apply to a second dwelling, and if more than one such activity is required, Council's approval shall be obtained;
 - (ii) the proprietor of the activity concerned shall live on the property; and
 - (iii) the development rules stipulated in section 5.1.3, 5.1.4 or 5.1.5, whichever is applicable, shall be adhered to.
- (c) **Consent uses** are [additional dwelling units](#), [guest house](#), [hotel](#), [tourist accommodation](#), [tourist facilities](#), [intensive animal farming](#), [harvesting of natural resources](#), [mine](#), [utility service](#), [freestanding base telecommunication station](#), [wind turbine infrastructure](#), [aquaculture](#), [animal care centre](#), [farm shop](#) and [agricultural industry](#).

Development rules

13.1.2 The following development rules apply:

- (a) [Floor space](#)

- (i) The total floor space of all dwelling units on the land unit, including accommodation for bona fide agricultural workers employed on the property, shall not exceed 1 500 m²; provided that with the approval of Council this requirement may be relaxed if such accommodation is required for persons who are genuinely engaged for their livelihood in agricultural activities on the land unit;
 - (ii) Any farm shop shall not exceed a floor space of 100 m².
- (b) **Building lines**
- (i) The street and common boundary building lines are determined in accordance with the area of the land unit, as shown in the following 'Table of building lines in Agricultural Zone'.
 - (ii) The general building line encroachments in section 18.1 shall apply.

Table of building lines in Agricultural Zone

LAND UNIT AREA	STREET BOUNDARY BUILDING LINE	COMMON BOUNDARY BUILDING LINE
>20 ha	30,0 m	30,0 m
≤20 ha	15,0 m	15,0 m

- (c) **Parking**
Parking and access shall be provided on the land unit in accordance with Chapter 19.
- (d) **Height**
- (i) The maximum height of a dwelling house, measured from the base level to the top of the wallplate, shall be 9 m and to the top of the roof shall be 11 m.
 - (ii) Agricultural buildings other than the dwelling houses shall not exceed a height of 12 m measured from the base level to the top of the roof.
 - (iii) Earth banks and retaining structures which in the opinion of Council are associated with bona fide agricultural activities are exempt from the requirements of section 18.6.
- (e) **Minimum subdivision size**
No new subdivision or any remainder that is zoned and intended to remain zoned Agriculture shall be less than:
- (i) the minimum subdivision size specified in terms of an approved local area overlay zone, or
 - (ii) 20 ha if no such overlay zone exists, unless the new subdivision or remainder concerned is consolidated with a property zoned Agriculture, so as to make up a consolidated land unit of at least the minimum required subdivision size and provided that compliance with this requirement does not limit the Council's powers to refuse a subdivision application that it considers to be undesirable.

Agricultural industry

- 13.1.3 Council may approve a consent use application for an agricultural industry provided:
- (a) it is satisfied as to the desirability of the agricultural industry on the land unit in question;
 - (b) the agricultural industry is subservient and related to the dominant agricultural use of the property;
 - (c) the agricultural industry does not adversely affect the agricultural potential of the property; and
 - (d) the area allocated for purposes of an agricultural industry shall be clearly identified on a land survey diagram.

Second dwelling and additional dwelling units

- 13.1.4 One second dwelling shall be permitted as an **additional use right**, and **additional dwelling** units may be erected with the approval of Council, provided that:
- (a) the density of additional dwelling units plus any second dwelling unit does not exceed 1 unit per 10 ha;
 - (b) no more than 5 units comprising additional dwelling units plus any second dwelling shall be permitted on a land unit;
 - (c) a dwelling for a person engaged in bona fide agricultural activities on the land unit and permanently occupied by such person shall not be regarded as a second dwelling or additional dwelling unit; and
 - (d) the development rules in section 8.1.4 shall apply to second dwellings and additional dwelling units in this zone.

13.2 RURAL ZONE (RU)

Purpose

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

Use of the property

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

- (a) **Primary uses** are [dwelling house](#), [agriculture](#) and [additional use rights](#) as listed in subsection (b).
- (b) **Additional use rights**, which may be exercised by the occupant of a property as a primary use are [second dwelling](#) and [home occupation](#), or [bed and breakfast establishment](#), or [home child care](#), subject to:
 - (i) only one of the activities listed as [additional use rights](#) shall be conducted from any land unit as a primary use, provided this does not apply to a second dwelling, and if more than one such activity is required, Council's approval shall be obtained;
 - (ii) the proprietor of the activity concerned shall live on the property; and
 - (iii) the conditions stipulated in [section 5.1.3](#), [5.1.4](#) or [5.1.5](#), whichever is applicable, shall be adhered to.
- (c) **Consent uses** are [guest house](#), [tourist accommodation](#), [tourist facilities](#), [harvesting of natural resources](#), [mine](#), [rooftop base telecommunication station](#), [freestanding base telecommunication station](#), [wind turbine infrastructure](#), [aquaculture](#), [intensive animal farming](#), [intensive horticulture](#), [riding stables](#), [animal care centre](#), [farm shop](#) and [agricultural industry](#).

Development rules

13.2.2 The following development rules apply:

- (a) **Floor space**
 - (i) The total floor space of all buildings on a land unit shall not exceed 1 500 m².
 - (ii) Any farm shop shall not exceed a floor space of 100 m².
- (b) **Coverage**
The coverage for all buildings on a land unit shall not exceed 40%.
- (c) **Building lines**
 - (i) The street boundary building line is 10 m.
 - (ii) The common boundary building line is 5 m.
 - (iii) The general building line encroachments in [section 18.1](#) shall apply.
- (d) **Parking**
Parking and access shall be provided on the land unit in accordance with [Chapter 19](#).
- (e) **Height**
 - (i) The maximum height of a building, measured from base level to the wallplate, shall be 9 m, and to the top of the roof shall be 11 m.
 - (ii) Earth banks and retaining structures are subject to [section 18.6](#).

Minimum subdivision size

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

- (a) the minimum subdivision size specified in terms of an approved overlay zone; or
- (b) 2 ha if no such overlay zone exists, unless the new subdivision or remainder concerned is consolidated with a property zoned Rural, so as to make up a consolidated land unit of at least the minimum required subdivision size, provided that compliance with this requirement does not limit Council's powers to refuse a subdivision application that it considers to be undesirable.

Agricultural industry

- 13.2.4 Council may approve a consent use application for an agricultural industry provided:
- (a) it is satisfied as to the desirability of the agricultural industry on the land unit in question; and
 - (b) the area allocated for purposes of an agricultural industry shall be clearly identified on a land survey diagram.

Second dwelling

- 13.2.5 The development rules in section 8.1.4 apply, provided that a dwelling unit for persons engaged in bone fide agricultural activities on the land unit shall not be regarded as a second dwelling.

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13.3 LIMITED USE ZONE (LU)

Purpose

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

Use of the property

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

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

Development rules

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

No rezoning to this zone permitted

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

Reconstruction of destroyed property

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

PART III: OVERLAY ZONE CATEGORIES

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

The Overlay zoning category incorporates a number of overlay zones which can be divided into three general types, namely overlay zones that provide development directives, overlay zones that provide strategic incentives or density targets, and overlay zones incorporating specific management mechanisms.

An overlay zone will apply in addition to the base zone of a property. An overlay zone may only be introduced if it complies with the requirements set out in this scheme, and may not be introduced for the purposes of promoting, causing or facilitating social exclusion and separation.

CHAPTER 14:

GENERAL PROVISIONS IN RESPECT OF OVERLAY ZONES

This chapter deals with procedures to prepare, adopt, replace, amend or recommend overlay zones and sets out the legal status of an overlay zone.

14.1 REQUIREMENTS AND PROCEDURES FOR OVERLAY ZONES

Requirements for preparing an overlay zone

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

Adoption, replacement, amendment or recommending overlay zones

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

Designation by Council of a Heritage Protection Overlay zone

- 14.1.8 Council may, after consultation with an owner or owners of land concerned and after consideration of representations received, designate by approval in terms of this zoning scheme and by notice in the Provincial Gazette any heritage place it considers in terms of its heritage strategy to be conservation-worthy as a Heritage Protection Overlay zone, and apply either the general provisions set out in section 3.1 or the specific provisions in section 3.2 of the Appendix document.

Identification and numbering

- 14.1.9 Council shall approve a distinctive name and number for each overlay zone when adopting such overlay zone.
- 14.1.10 Council may indicate the area of an overlay zone on the zoning map, and:
- (a) shall record the existence of an overlay zone adopted in terms of Chapters 16 and 17 in the relevant annexure at the back of this zoning scheme;
 - (b) shall record the detailed provisions of each overlay zone adopted in terms of Chapters 16 and 17 in a separate appendix, with a reference to the relevant name and number of the overlay zone concerned, within 30 days after a final decision is made or the amendment is promulgated, whichever is the case.

14.2 STATUS OF OVERLAY ZONES

- 14.2.1 An overlay zone applies in addition to the base zone or base zones of the properties to which it relates, and may vary the development rules or use rights relating to a particular area or land unit, or may set new development rules or use rights.
- 14.2.2 The provisions of an overlay zone may be more restrictive or more permissive than the provisions applicable to the base zone of the property concerned, or may set specific development rules for a particular area or land unit.
- 14.2.3 If the provisions of an overlay zone are different to, or in conflict with, the provisions of a base zone, the more restrictive provisions shall apply, unless stated otherwise in the overlay zone concerned.
- 14.2.4 The provisions of an overlay zone do not in any way detract from any obligations in terms of national and provincial legislation.
- 14.2.5 The provisions of an overlay zone may apply to a land unit or land units, an area, or to the city as a whole, as may be stipulated in the adoption of such an overlay zone.
- 14.2.6 The provisions of more than one overlay zone may apply to a land unit or area.

CHAPTER 15:

OVERLAY ZONES PROVIDING SPECIFIC DEVELOPMENT DIRECTIVES

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

15.1 SUBDIVISIONAL AREA OVERLAY ZONE (SAO)

Purpose

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

Use of the property

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

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

Development rules

15.1.2 Land zoned as a Subdivisional Area may be subdivided as contemplated in planning law, subject to the provisions and procedures of planning law.

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

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

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

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

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CHAPTER 16:

OVERLAY ZONES PROVIDING STRATEGIC DEVELOPMENT DIRECTIVES

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

16.1 INCENTIVE OVERLAY ZONE (ICO)

Purpose

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

Designating an Incentive Overlay zone

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

Use of the property

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

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

Development rules

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

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

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

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

16.2 DENSITY OVERLAY ZONE (DO)

Purpose

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

Designating a Density Overlay zone

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

Use of the property

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

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

Development rules

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

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

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

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

CHAPTER 17:

OVERLAY ZONES FOR SPECIFIC MANAGEMENT MECHANISMS

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

17.1 HERITAGE PROTECTION OVERLAY ZONE (HPO)

Purpose

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

Designating a Heritage Protection Overlay zone

- 17.1.1 The following heritage places are deemed to be Heritage Protection Overlay zones and shall be subject to the provisions of this overlay zone:
- any heritage place that has been entered into the register of heritage resources maintained by the provincial heritage resources authority in accordance with heritage legislation;
 - any heritage place that has been designated a heritage area in accordance with heritage legislation; and
 - any heritage place or resource as recorded in section 17.1.3.
- 17.1.2 Notwithstanding section 17.1.1 and subject to the provisions of section 14.1.8, Council may designate any heritage place that it considers to be conservation-worthy in terms of its approved heritage strategy as a Heritage Protection Overlay zone, and such heritage place shall be subject to the provisions of this overlay zone.
- 17.1.3 Council shall record all Heritage Protection Overlay zones in Annexure F, which may include heritage places or categories of heritage resources mapped on a digital inventory in terms of the City's heritage strategies.
- 17.1.4 The provisions of section 14.1 and 14.2 shall apply.

Use of the property

- 17.1.5 The following land use restrictions apply to property in this zone:
- Primary uses** are as stipulated in the base zone.
 - Additional use rights** are as stipulated in the base zone.
 - Consent uses** are as stipulated in the base zone, or any use approved by Council as an incentive in terms of section 17.1.7.

Development rules

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

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

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

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

1	2	3	4	PART I								
5	6	7	8	9	10	11	12	13	PART II			
14	15	16	17	PART III								
18	19	20	21	PART IV								
A	B	C	D	E	F	G	H	I	J	K	PART V	

17.2 ENVIRONMENTAL MANAGEMENT OVERLAY ZONE (EMO)

Purpose

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

Designating an Environmental Management Overlay zone

17.2.1 Council may designate an area to be an Environmental Management Overlay zone in accordance with a policy plan or strategy approved by Council, and Council shall record the designation in Annexure G.

17.2.2 The provisions of section 14.1 and 14.2 shall apply.

Use of the property

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

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

Development rules

17.2.4 In addition to the development rules that apply to the base zone, the provisions of the relevant Environmental Management Overlay zone, as adopted and recorded in terms of section 14.1, shall apply.

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

- (a) it considers such use to be desirable or justified in order to provide the owner with an incentive to preserve the environmental resource, and
- (b) Council may require cessation of the consent use right if the environmental resource is not properly maintained and protected to Council's satisfaction, in which case the provisions of section 2.8.1 shall apply.

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

17.3 URBAN EDGE OVERLAY ZONE (UEO)

Purpose

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

Designating an Urban Edge Overlay zone

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

17.3.2 The provisions of section 14.1 and 14.2 shall apply.

Use of the property

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

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

Development rules

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

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

17.4 SCENIC DRIVE OVERLAY ZONE (SDO)

Purpose

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

Designating a Scenic Drive Overlay zone

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

17.4.2 The provisions of section 14.1 and 14.2 shall apply.

Use of the property

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

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

Development rules

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

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

17.5 LOCAL AREA OVERLAY ZONE (LAO)

Purpose

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

Designating a Local Area Overlay zone

17.5.1 Subject to the provisions of Chapter 14, Council may designate an area to be a Local Area Overlay zone if a policy plan proposing local area development rules has been adopted, and Council shall record the designation in Annexure 1.

17.5.2 The provisions of section 14.1 and 14.2 shall apply.

Use of the property

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

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

Development rules

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

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

This part contains general provisions and rules 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 also deals with hazardous substances, owners' associations, screening, retaining structures, outdoor storage, antenna systems and other Council by-laws. This part also contains requirements for parking, loading, access and infrastructure. There are also provisions relating to the subdivision of land.

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

PART IV: **GENERAL PROVISIONS**

CHAPTER 18:

GENERAL PROVISIONS

18.1 BUILDING LINES

Encroachment of building lines

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

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

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

18.2 STREET CENTRELINE SETBACK

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

18.3 SITE DEVELOPMENT PLANS

18.3.1 In addition to the zones that specifically require a site development plan, Council may require a site development plan in respect of the following development types:

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

- 18.3.2 Council may require some or all of the following information for a site development plan:
- (a) existing bio-physical characteristics of the property;
 - (b) existing and proposed cadastral boundaries;
 - (c) the layout of the property, indicating the use of different portions thereof;
 - (d) the massing, position, use and extent of buildings;
 - (e) sketch plans and elevations of proposed structures, including information about external finishes;
 - (f) cross-sections of the site and buildings on site;
 - (g) the alignment and general specification of vehicle access, roads, parking areas, loading areas, pedestrian flow and footpaths;
 - (h) the position and extent of private, public and communal space;
 - (i) typical details of fencing or walls around the perimeter of the land unit and within the property;
 - (j) electricity supply and external lighting proposals;
 - (k) provisions for the supply of water, management of stormwater, and disposal of sewage and refuse;
 - (l) external signage details;
 - (m) general landscaping proposals, including vegetation to be preserved, removed or to be planted, external paving, and measures for stabilising outdoor areas where applicable;
 - (n) the phasing of a development;
 - (o) the proposed development in relation to existing and finished ground levels, including excavation, cut and fill;
 - (p) statistical information about the extent of the proposed development, floor space allocations and parking supply;
 - (q) relationship of the proposed development to the quality, safety and amenity of the surrounding public environment;
 - (r) relationship of the proposed development to adjacent sites, especially with respect to access, overshadowing and scale;
 - (s) illustrations in a three-dimensional form depicting visual impacts of the proposed development on the site and in relation to surrounding buildings; and
 - (t) any other details as may reasonably be required by Council.
- 18.3.3 Council may require that the area covered by a site development plan shall extend beyond the site under consideration if, in its opinion, the proposed development will have a wide impact. Council may determine the extent of such area.
- 18.3.4
- (a) When required in terms of this zoning scheme, a site development plan shall be submitted to Council for its approval before any development on a land unit may commence.
 - (b) A site development plan shall not be refused if it is consistent with the development rules of a base zone, overlay zone, or condition of approval.
 - (c) Council 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.
- 18.3.5 The following provisions shall apply with regard to site development plans:
- (a) Developed of the property shall be generally in accordance with an approved site development plan;
 - (b) If Council 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 shall be determined by Council depending on the magnitude of the development;
 - (c) If Council considers it necessary, a stormwater impact assessment and/or stormwater management plan may be required in conjunction with a site development plan, the extent of which shall be determined by Council depending on the magnitude of the development;
 - (d) In circumstances where a site development plan is required in terms of this zoning scheme, no application for building plan approval in terms of the National Building Act shall be granted by Council, unless a site development plan has first been approved; and
 - (e) An approved site development plan shall be considered as setting additional development rules applicable to the base zone, and any application for amendment shall comply with Council's requirements for such amendments.

18.4 HAZARDOUS SUBSTANCE

- 18.4.1 Any use or ancillary activity that involves the storage or keeping of hazardous substances that may result in an installation being declared a major hazardous installation in terms of occupational health and safety law is not permitted, unless a risk management and prevention plan has been submitted by the owner, and Council has given approval thereto.
- 18.4.2 Council's approval in terms of section 18.4.1 above does not exempt the owner from applying for permission in terms of other relevant legislation.

18.5 SCREENING

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

18.6 EARTH BANKS AND RETAINING STRUCTURES

- 18.6.1 Without the approval of Council:
- (a) no earth bank, retaining structure, column, suspended floor, other device or series of such devices shall be constructed that enables a ground floor of a building to be raised more than 1,5 m above existing ground level, provided that where such raising takes place, the height thereof shall still be measured from existing ground level;
 - (b) no earth bank or retaining structure used for holding back earth or loose rock, whether associated with a building or not, shall be constructed to a height of more than 2 m above existing ground level; and
 - (c) no series of earth banks or retaining structures shall be constructed to a cumulative height of more than 2,5 m above existing ground level, unless an approximately level area of at least 2 m wide is incorporated between successive embankments or retaining structures for every 2 m of cumulative height.

18.7 MAINTENANCE OF PROPERTY AND PARKING OF VEHICLES

Maintenance of property

- 18.7.1 Property shall be properly maintained by the owner or occupier and shall not:
- (a) be left in a neglected or offensive state, as may be determined by the Council;
 - (b) contain an unsightly accumulation of papers, cartons, garden refuse, rubble and/or other waste material, as may be determined by the Council;
 - (c) contain an accumulation of motor wrecks or un-roadworthy vehicles or used motor parts, unless these are part of a primary or consent use in terms of this zoning scheme;
 - (d) contain outdoor storage of building material, appliances or similar items unless these are:
 - (i) forming part of a primary or consent use in terms of this zoning scheme;
 - (ii) being temporarily stored for the purpose of construction in accordance with a valid building plan approval for the property; or
 - (iii) 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 in residential zones

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

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

Mobile homes and caravans

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

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

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

18.8 BASE TELECOMMUNICATION STATIONS, ANTENNA SYSTEMS, EXTERNAL GEYSERS AND SOLAR PANELS

Base telecommunication station as a primary or consent use

18.8.1 A rooftop or [freestanding base telecommunication station](#) which may be erected as a primary or consent use in terms of this zoning scheme, shall be subject to any relevant requirements of the National Environmental Management Act.

18.8.2 A rooftop base telecommunication station may not extend more than 3 m in height above the part of the building that it is attached to without the prior approval of Council.

18.8.3 A [freestanding base telecommunication station](#) is not subject to the development rules pertaining to height in the applicable base zone insofar as it does not exceed a maximum height of 25 m.

Decommissioned antennas or base telecommunication stations

18.8.4 The following provisions shall apply with regard to decommissioned antennas or base telecommunication stations:

- (a) The owner or operator shall remove all decommissioned infrastructure;
- (b) Where the site has been disturbed, the owner or operator shall rehabilitate the site to its original state or to a state acceptable to Council;
- (c) Where the owner or operator fails to comply with subsection (a) or (b) above within a period of 90 days from the decommissioning, Council may remove such infrastructure, and rehabilitate the site at the cost of the owner or operator.

Satellite dish antenna systems

- 18.8.5 Any satellite dish antenna with a diameter in excess of 1,5 m shall be placed in a position that minimises the visual impact on the surrounding area to the satisfaction of Council.
- 18.8.6 Any satellite dish antenna of 1,5 m in diameter and smaller, and used solely for the purposes of television reception or telecommunication, will not require Council's approval and is excluded for the purposes of height measurement.

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

- 18.8.7 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 m above the roof surface, measured perpendicularly from such surface.

18.9 FLOOD-PRONE AREAS

- 18.9.1 Development in flood-prone areas shall have regard to Council's policy on flood-prone areas.

18.10 ELECTRONIC OR MECHANICAL PLAYING DEVICES

- 18.10.1 A maximum of 5 electronic or mechanical playing devices are permitted within a building in a zone with primary uses for a business premises, hotel or place of assembly, but excluding house shops.
- 18.10.2 Where the floor space of a building on a property zoned for the purpose as set out in section 18.10.1 exceeds 5 000 m², more than 5 electronic or mechanical playing devices are permitted, provided that:
- Not more than 5 such devices shall be permitted on a particular premises within such a building; and
 - The Council may limit the number of such premises in a building where such devices are permitted in order to mitigate their impact on the surrounding uses, be they internal or external to the building or property.

18.11 PACKAGE OF PLANS

- 18.11.1 The general purpose of a package of plans is to provide for a mechanism to plan and manage the development of large or strategic urban development areas. It is a phased process of negotiation, planning and approvals, whereby increasing levels of planning detail are approved together with conditions for such approvals. Areas where the package of plans approach are used will be generally referred to as Special Planning Areas (SPA), and must be recorded in Annexure C.
- 18.11.2 Council may require a package of plans to be submitted for approval in respect of the following base zones and overlay zone:
- General Residential Subzones GR2-GR6;
 - Community Zone 2: Regional;
 - General Business Subzones;
 - Mixed Use Subzones;
 - General Industry Subzones;
 - Risk Industry Zone; and
 - Subdivisional Area Overlay Zone.
- 18.11.3 A package of plans consists of the following components that are listed in a hierarchy from higher-order to lower-order plans, and the lower-order plans must be in compliance with the higher-order plans. Council may decide that all or only some of the components of the package of plans are required in respect of a particular development.

(a) Contextual framework:

A contextual framework lays down broad land use policy for the development and the surrounding area. It may include principles or heads of agreement summarising the general obligations of Council and the developer in relation to the development. The contextual framework may be prepared by Council, or by a land owner or development agency under supervision of Council, and may not be in conflict with a spatial development framework or structure plan approved by Council.

(b) Development framework:

A development framework identifies overall policy, broad goals, and principles for development within the development. The development framework identifies the range of uses, general spatial distribution of uses, major transport and pedestrian linkages, infrastructure and any limits within the development, including but not limited to density and floor space.

(c) Precinct plans:

Precinct plans apply to specific areas within the development framework that have common features, functional relationships or phasing requirements. There may be several precinct plans that make up a development. A precinct plan describes 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:

Subdivision plans, if required, are processed in terms of planning law to establish new cadastral boundaries and to facilitate the transfer of land units. Subdivision plans may be approved at any stage after the development framework has been approved, and the provisions of section 18.11.5 shall apply.

(e) Site development plans:

Site development plans depict more detailed design and development provisions for one or more land units within a development. These provisions may include, but are not limited to, details relating to land use, floor space, building lines, height, parking requirements, municipal services and landscaping, as well as details relating to the position and appearance of buildings, open space, pedestrian links and traffic movement. A site development plan may be required before or after a subdivision plan, and should provide for the information as required in section 18.3.2.

(f) Building plans:

Building plans contain detailed specifications as required by the National Building Act, and once approved by Council, authorise building work to be performed.

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

18.11.5 In approving any component of a package of plans, Council shall determine the total floor space or density permitted within the development which must be imposed as a condition of approval.

18.11.6 The allocation of floor space shall take into account the carrying capacity of internal and external infrastructure including but not limited to roads and utility services, and any urban design principles approved by Council as part of a rezoning or contextual framework.

18.11.7 The approved floor space may remain as 'floating floor space' assigned to the overall development for later allocation, or may be assigned to particular precincts or properties when a precinct plan is approved; and in either case shall be allocated in individual subdivisions or site development plans.

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

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

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

CHAPTER 19:

PARKING, LOADING AND INFRASTRUCTURE

19.1 CONVENTIONAL PARKING REQUIREMENTS

Off-street parking requirements

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

- (a) In cases where parking requirements are not stipulated for a particular use, or in terms of a specific condition imposed by Council, parking shall be provided at a minimum ratio in accordance with the table titled 'Minimum off-street parking requirements'. Where the requirements in this table contradict each other, the most restrictive parking requirement shall apply. Council shall 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 headed 'Standard areas' refers to requirements that apply to areas with standard parking needs, or where public transport is not specifically promoted or available. The column headed 'PT1 areas' refers to areas where the use of public transport is promoted, but where Council considers the provision of public transport inadequate or where the use of motor vehicles is limited. The column headed 'PT2 areas' refers to areas where the use of public transport is promoted and Council considers the provision of public transport good, or where the use of motor vehicles is very limited.
- (c) Council may approve and shall maintain a plan or plans which indicate the areas it deems to be PT1 and PT2 areas. Such plans shall be recorded in Annexure K and may be amended from time to time upon approval by Council as required.
- (d) If an area has not been specifically identified by Council as a PT1 or PT2 area, then the parking requirements for standard areas shall apply.
- (e) Through the provisions of Chapter 14, Council may develop overlay zones to set maximum parking requirements for specific areas and/or determine different parking requirements for specific areas, depending on motor vehicle usage or ownership.
- (f) Off-street parking space shall be provided:
 - (i) on the property for which parking is required;
 - (ii) subject to Council's approval, in public parking facilities available in the vicinity; or
 - (iii) in accordance with section 19.1.2 below.

Alternative parking supply

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

- (a) acquire an area of land sufficient for the relevant parking requirements elsewhere, in a location approved by Council; or
- (b) acquire permanent rights to a parking facility or portion of a parking facility elsewhere, in a location approved by Council and shall register a notarial tie or servitude against such land or parking facility to link the properties concerned for the purpose of parking, and the owner shall cause the parking concerned to be constructed and maintained in accordance with Council's approval. The cost of registration of the notarial tie or servitude shall be borne by the owner.

Minimum off-street parking requirements

LAND USE	STANDARD AREAS	PT1 AREAS	PT2 AREAS
Main dwelling house (SR1 Zone)	2 bays per dwelling unit (1 bay per dwelling for erven < 350 m ²)	1 bay per dwelling unit	Nil
Main dwelling house (SR2 Zone)	1 bay per dwelling unit (Nil per dwelling for erven < 100 m ²)	Nil	Nil
Second dwelling	1 bay per 2 nd dwelling unit	1 bay per 2 nd dwelling unit	1 bay per 2 nd dwelling unit
Group dwelling	1,75 bays per dwelling unit, plus 0,25 bays per dwelling unit for visitors	1 bay per dwelling unit, plus 0,25 bays per dwelling unit for visitors	0,75 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	1 bay per dwelling unit, plus 0,25 bays per dwelling unit for visitors	0,75 bays per dwelling unit, plus 0,25 bays per dwelling unit for visitors
Bed & breakfast establishment	1 additional bay per guest room	1 additional bay per guest room	Nil
boarding house, guest house	1,25 bays per bedroom	0,75 bays per bedroom	0,5 bays per bedroom
Backpackers lodge	1 bay per 6 beds	1 bay per 8 beds	1 bay per 10 beds
Hotel	0,75 bays per bedroom, plus 20 bays if licensed	0,75 bays per bedroom, plus 20 bays if licensed	0,5 bays per bedroom, plus 10 bays if licensed
Retirement home, orphanage	0,5 bays per bedroom	0,3 bays per bedroom	0,2 bays per bedroom
Crèche	1 bay per 10 children, plus stop & drop facility	1 bay per 10 children	1 bay per 30 children
School	1 bay per classroom and office, plus stop & drop facility	1 bay per classroom and office, plus stop & drop facility	1 bay per classroom, plus stop & drop facility
Place of instruction (post-school level)	0,4 bays per student, plus 1 bay per classroom and office	0,4 bays per student, plus 1 bay per classroom and office	1 bay per classroom and office
Library, museum	2 bays per 100 m ² GLA	1,5 bays per 100 m ² GLA	1 bay per 100 m ² GLA
Place of assembly, place of worship, place of entertainment, funeral parlour	1 bay per 6 seats or persons, calculated at 1,4 m ² floor space = 1 person	1 bay per 8 seats or persons, calculated at 1,4 m ² floor space = 1 person	1 bay per 10 seats or persons, calculated at 1,4 m ² floor space = 1 person
Sport stadium	1 bay per 4 seats or persons (or as per transport management plan)	3 bays per 20 seats or persons (or as per transport management plan)	3 bays per 40 seats or persons (or as per transport management plan)
Recreation or sports complex	1 bay per 8 seats or persons	1 bay per 10 seats or persons	1 bay per 15 seats or persons
Gymnasium, health club	10 bays per 100 m ² GLA	8 bays per 100 m ² GLA	6 bays per 100 m ² GLA
Hospital (general and private)	1 bay per bed, plus 3 bays per consulting room	1 bay per bed, plus 2 bays per consulting room	1 bay per bed
Clinic, medical consulting rooms	4 bays per consulting room	3 bays per consulting room	2 bays per consulting room
Shops (excluding supermarket)	4 bays per 100 m ² GLA	2 bays per 100 m ² GLA	1 bay per 100 m ² GLA
Supermarket, shopping centre	6 bays per 100 m ² GLA	4 bays per 100 m ² GLA	2 bays per 100 m ² GLA
Restaurant	2 bays per 25 m ² GLA	1 bay per 25 m ² GLA	1 bay per 25 m ² GLA
Offices	4 bays per 100 m ² GLA	2,5 bays per 100 m ² GLA	1 bay per 100 m ² GLA
Conference centre	6 bays per 10 seats	4 bays per 10 seats	2 bays per 10 seats
Motor showroom	3 bays per 100 m ² GLA	3 bays per 100 m ² GLA	3 bays per 100 m ² GLA
Motor repair garage, service station	4 bays per service bay, plus 4 bays per 100 m ² GLA, minimum 8 bays	4 bays per service bay, plus 4 bays per 100 m ² GLA, minimum 8 bays	4 bays per service bay
Motor fitment centre	2 bays per service bay	2 bays per service bay	1 bay per service bay
Industry	2 bays per 100 m ² GLA	1,5 bays per 100 m ² GLA	1 bay per 100 m ² GLA
Warehouse, storage building	1 bay per 100 m ² GLA	1 bay per 100 m ² GLA	1 bay per 100 m ² GLA

Combined parking requirements

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

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

19.2 SITE ACCESS AND PARKING LAYOUT REQUIREMENTS

Site access and exits

19.2.1 The following site access requirements shall apply:

- (a) Council may require compliance with standard municipal or provincial access spacing guidelines;
- (b) No access shall be closer than 10 m from an intersection as defined by the prolongation of street boundaries; except for industrial-zoned properties, where the distance shall be 15 m; and
- (c) Council may restrict or prohibit access if a pedestrian or traffic hazard is created or is likely to be created.

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

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

Width of motor vehicle carriageway crossings

TYPE OF CARRIAGEWAY CROSSING	MINIMUM WIDTH	MAXIMUM WIDTH
Single entrance or exit way	2,7 m	4,0 m
Combined entrance and exit way	5,0 m	8,0 m

Parking layout requirements

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

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

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

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

19.3 UNCONVENTIONAL PARKING REQUIREMENTS

Parking for the physically disabled

- 19.3.1 Council may require parking that is capable of use by 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.
- 19.3.2 In any parking facility serving the public, parking for persons with physical disabilities shall be provided in accordance with the following table, titled '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 or part thereof	1 additional parking bay

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

Motorcycle and bicycle parking spaces

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

19.4 LOADING

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

Minimum off-street loading bay requirements

LAND USE	FLOOR SPACE (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 requirement in row 2

19.4.2 The following minimum requirements shall apply to loading bays:

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

19.5 REFUSE ROOMS

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

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

CHAPTER 20: SUBDIVISION OF LAND

20.1 SUBDIVISION OF LAND

Deemed approval for building line and coverage departures

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

Subdivision of a property with consent use rights or a temporary land use departure

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

CHAPTER 21:

INTERPRETATION AND DEFINITIONS

21.1 INTERPRETATION

Rules for interpretation

21.1.1 The following rules for interpretation shall apply:

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

Methods of measuring distances, heights and levels

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

- (a) If required by Council, the owner or applicant shall appoint a registered surveyor to supply or verify information necessary for Council to make a decision about compliance with distances or levels required in terms of this zoning scheme.
- (b) Where reference is made or implied to the distance between boundaries or between a building and a boundary, this distance shall be measured in the following manner:
 - (i) The boundary or boundaries and all points of the building shall be projected onto a horizontal plane, and all measurements shall be made 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 subsection (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, Council 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 Council at or before the commencement date or any data set so determined by Council. In any case where the distance, level or height involved is so irregular that calculation in accordance with these principles is impractical or leads to a result which is clearly not in accordance with the intent of the zoning scheme, Council shall determine the distance, level or height concerned for the purpose of administering this zoning scheme.

Interpretation of boundaries

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

Interpretation of category of use and zoning

- 21.1.4 In the event that there is:
- (a) uncertainty or dispute about zoning categories;
 - (b) conflict between the provisions of a zoning map, these zoning scheme regulations and the register; or
 - (c) uncertainty or dispute about the zoning of property, Council, after giving due consideration to any relevant representations, shall determine the category of use or zoning, and its decision shall be final.

Evasion of intent of the zoning scheme

- 21.1.5 Council may refuse any application in terms of the zoning scheme or planning law if it considers such application to constitute or facilitate an evasion of the intent of this zoning scheme or any of its provisions.

21.2 DEFINITIONS

- 21.2.1 In this zoning scheme:

- A** ‘**abattoir**’ means a place where animals are slaughtered and prepared for distribution to butchery shops, supermarkets and food markets;
- ‘**additional dwelling unit**’ means a dwelling unit that may be erected with the approval of Council in an Agricultural zone, in addition to a [second dwelling](#), [dwelling](#) or residential accommodation for bona fide agricultural workers;
- ‘**additional use right**’ means a land use specified in this zoning scheme as an activity or use that is permitted in a zone, provided that any conditions or further provisions specified for such activity or use are complied with;
- ‘**adult entertainment**’ means property used for adult film theatres or strip clubs where sexually explicit, live or recorded shows are displayed, but does not include adult services or an adult shop;

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

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

'advertise' has the same meaning as in planning law;

'advertisement', when used in the context of outdoor advertising, has the same meaning as assigned to it in terms of Council's Outdoor Advertising & Signage by-law;

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

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

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

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

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

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

'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 or entity that makes an application in terms of the planning law or this zoning scheme;

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

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

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

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

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

'average ground level' means the average of the highest and lowest existing ground levels immediately abutting the external elevational plane or wall cutting into the ground of a building or vertical division of a building, and Council 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 Council; 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 Council with sufficient information so that it can determine the average ground level for the purpose of administering this zoning scheme;

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

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

'base level' of a building means an imaginary plane drawn horizontally at the [average ground level](#) of the building, or vertical division of the building, is at the bottom of the ground floor and is directly above or on top of the ceiling of any basement;

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

'basement' means that space in a building between a floor and ceiling, including such floor or ceiling, which is not intended as habitable space and which is completely below the existing ground level and remains underground, except that it may include vehicular access from a road, provided that such access may only be obtained at a downward or level angle;

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

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

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

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

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

'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) any roofed structure;
- (b) any external stairs, steps or landings of a building and any gallery, canopy, balcony, stoep, verandah, porch or similar feature of a building;
- (c) any walls or railings enclosing any feature referred to in subsection (b) above; 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 cadastral boundary, within which the erection of buildings or structures are completely or partially prohibited;



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

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

- (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;

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

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

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

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

'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 an abutting road;

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

'City Manager' means the municipal manager of the Council as provided for in section 82 of the Municipal Structures Act or an official acting under delegated powers from the City Manager;

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

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

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

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

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

'confirm' in relation to a subdivision means 'to confirm' as contemplated in planning law, and 'confirmation' has a corresponding meaning;

'consent use' means a land use specified in a zone or subzone in this zoning scheme as a consent use which is permitted in terms of the provisions of a particular zone only with the approval of Council;

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

'contextual framework' means a plan or written strategy approved by Council as envisaged in section 18.11.3(a);

'Council' means the Municipality of Cape Town as a Municipal Council established in terms of section 12 of the Municipal Structures Act;

'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;
- (d) eaves not projecting more than 1 m from the wall of the building;
- (e) a basement, provided that the finished level of the top of the basement roof slab does not project above the existing ground level;

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

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

D **'departure'** has the meaning assigned to it in planning law;

'development framework' means a plan and/or written document approved by the competent authority in terms of planning law, and may form part of a package of plans;

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

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

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

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

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

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

E **'eaves'** means a portion of a roof projecting beyond the face of a building, including any gutters;

'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 such organisms with one another and with their environment;

'electronic or mechanical playing devices' means any electronic or mechanical or similar devices which are designed or used for the purpose of playing of any game or for recreational or amusement purposes or where the operator or player is entitled to a limited payout as determined by law and the operation involves the payment of any valuable consideration either by insertion of a coin, token coin, disc or another manner;

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

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

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

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

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

'environmental site- or activity management plan' means a plan that documents the management of site preparation, construction and/or operations affecting an environmental resource or an environmentally significant place, its environmental values and management requirements, or both.

'equipment room' means a building or a part thereof to accommodate communication equipment associated with telecommunication infrastructure. This can be a separate building used exclusively for the equipment, or it can be a container or a room within a building.

'erection' in relation to a building or structure includes:

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

'erf' has the same meaning as **'land unit'**;

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

- (a) in its unmodified state, 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 Council's approval, for the purpose of development; or
- (d) as determined by Council, if in its opinion it is not possible to ascertain the existing level of the ground due to irregularities or disturbances of the land; and
Council may require the owner or applicant to commission a registered 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 Council with sufficient information so that it can determine the most appropriate existing ground level for the purpose of administering this zoning scheme;

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

F **'factory'** means property containing an industrial manufacturing plant used for the manufacture of goods;

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

'family' means:

- (a) one person maintaining an independent household; or
- (b) two or more persons related by blood, marriage or civil union maintaining a common household; or
- (c) not more than five unrelated persons without dependants maintaining a common household; but does not exclude up to six foster children, or dependants under legal guardianship as part of a household;

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

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

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

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

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

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

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

- (a) any area, including a **basement**, which is reserved solely for parking or loading of vehicles shall be excluded;

- (b) external entrance steps and landings, any canopy, any stoep and any area required for external fire escapes shall be excluded;
- (c) a projection including a projection of eaves, and a projection which acts as a sunscreen or an architectural feature, which projection does not exceed 1 m beyond the exterior wall or similar support, shall be excluded;
- (d) any uncovered internal courtyard, lightwell or other uncovered shaft which has an area in excess of 10 m² shall be excluded;
- (e) any covered paved area outside and immediately adjoining a building at or below the ground floor level, where such paved area is part of a forecourt, yard, external courtyard, pedestrian walkway, parking area or vehicular access, and which is permanently open to the elements on at least the front or long side, shall be excluded;
- (f) any covered balcony, verandah or terrace which, apart from protective railings, is permanently open to the elements on at least the front or long side, and which does not exceed 2,5 m in width, shall be excluded;
- (g) subject to subsection (h) below, any stairs, stairwells and atriums that are covered by a roof shall be included;
- (h) in the case of multi-level buildings, any stairwells, liftwells, lightwells or other wells, and any atrium, shall only be counted once; and provided further that:
 floor space shall be measured from the outer face of the exterior walls or similar supports of such building, and where the building consists of more than one level, the total floor space shall be the sum of the floor space of all the levels, including that of basements;

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

'freestanding base telecommunication station' means a freestanding support structure on land or anchored to land and used to accommodate telecommunication infrastructure for the transmitting or receiving of electronic communication signals, and may include an access road to such facility;

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

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

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

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

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

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

'ground floor' means the lowest floor of a building that is not a basement and is positioned on the base level of a building or vertical division;

'ground level': see **'average ground level'** and **'existing ground level'**;

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

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

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



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

H **'habitable space'** means space used, designed, adapted or intended to be used by persons for sleeping in, living in, preparation or consumption of food or drink, transaction of business, rendering of any services, manufacturing, processing or sale of goods, performance of work, gathering together of persons or for recreational purposes;

'halfway house' means a facility that provides temporary accommodation for residents who have completed a formal treatment programme for substance abuse, but excludes inpatient treatment or similar facilities;

'harvesting of natural resources' means the gathering of flora and/or fauna within a conservation-worthy area for sale or use by a person or agency other than a recognised environmental agency; provided that such harvesting:

- (a) is sustainable;
- (b) does not deplete the resources below acceptable levels; and
- (c) is not detrimental to the ecosystem;

'hazardous substance' or **'hazardous substances'** has the same meaning as the definition of 'grouped hazardous substance' in 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 zone, measured in metres; provided that chimneys, flues, masts, antennas, satellite dishes not exceeding 1,5 m in diameter and external geysers with associated equipment not protruding more than 1,5 m above the top of the roof shall not be counted for the purpose of height control;

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

'heritage area' has the same meaning as described in section 31 of the National Heritage Resources Act;

'heritage management plan' means a plan that documents a heritage resource, its heritage values and management requirements. Such a heritage management plan must be subject to public consultation and approved by Council before it may be implemented;

'heritage legislation' means the National Heritage Resources Act;

'heritage place' means a property, site, area, region, structure, group of structures, open space, public square, street, park, field or natural feature that is worthy of conservation due to its heritage value;

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

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

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

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

'horticulture': see 'intensive horticulture';

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

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

- (a) a [restaurant](#) or restaurants;
- (b) conference and entertainment facilities that are subservient and ancillary to the dominant use of the property as a hotel; and
- (c) premises which are licensed to sell alcoholic beverages for consumption on the property; but does not include an off-sales facility, [dwelling house](#) or [dwelling unit](#);



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

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

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

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

'integrated development plan' or **'IDP'** means a plan envisaged in terms of section 25 of the Municipal Systems Act;

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

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

J

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

L **'land'** means a tract of ground capable of being owned as property and includes land covered with water;

'land unit' means a portion of land registered in the Deeds Registry, or shown on a valid plan of subdivision approved by Council or other competent authority, as an erf, farm, stand, lot or plot;

'land use' means the name of the use rights listed in this zoning scheme, and can be a collective description for one or a number of land use activities and ancillary uses;

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

'lawful non-conforming use' means an existing use of property, including buildings or structures thereon and the use thereof, that was lawful before the commencement date of this zoning scheme, but which does not conform to the use or development rules stipulated in this zoning scheme;

'Less Formal Township Establishment Act' means the Less Formal Township Establishment Act, 1991 (Act 113 of 1991);

'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 Council;

'lodging' means bedroom (or bed, in the case of a backpackers lodge) accommodation which is made available for payment, and the services ordinarily related to such accommodation, and 'lodger' has a corresponding meaning;

M **'maximum floor space'** means the greatest total **floor space** 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 shall be the total of the maximum floor space for each zoned portion of the land unit;

'medical consulting rooms' means an office or offices and ancillary rooms used by a registered medical professional for human medical or medical-related consultation, where such office is not attached to a hospital or clinic;

‘metropolitan road’ means any public street or road declared by Council as a road of metropolitan significance in terms of a schedule of such roads published and shown on a plan, as may be amended by Council from time to time;

‘mine’ has the same meaning as stipulated in the Mineral and Petroleum Resources Development Act, 2002 (Act 28 of 2002) and include prospecting or prospecting related activities;

‘mobile home’ means a transportable structure with the necessary service connections, which is designed so that it can be used as a permanent dwelling;

‘motor repair garage’ means a commercial enterprise where motor vehicles are provided with fuel and/or major services such as engine overhauling, spray-painting, panel beating, black-smithery, exhaust fitment, shock absorber fitment or body work, and includes a service station;

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

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

‘municipality’ has the same meaning as ‘Council’;

‘Municipal Systems Act’ means the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000);

N **‘National Constitution’** means the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996);

‘National Building Act’ means the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977);

‘National Heritage Resources Act’ means the National Heritage Resources Act, 1999 (Act 25 of 1999);

‘National Environmental Management Act’ means the National Environmental Management Act, 1998 (Act 107 of 1998);

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

‘natural ground level’: see **‘average ground level’** or **‘existing ground level’**;

‘noise level’ means a reading on an integrated impulse sound level meter taken in accordance with accepted scientific principles, as described in Noise Control Regulations promulgated in terms section 25 of the Environment Conservation Act, 1989 (Act 73 of 1989) and published in PN 627/1998 in Provincial Gazette 5309 of 20 November 1998, or any such subsequent superceding regulations or legislation;

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

O **‘occupant’** means any person who physically inhabits a property;

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

‘office’ means property used for the conducting of an enterprise primarily concerned with administrative, clerical, financial or professional duties, and includes [medical consulting rooms](#);

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

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

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

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

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

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

'owner' in relation to property, means the person or entity in whose name that property is registered in a deeds registry, or to whom that property has vested in terms of planning law, and may include the holder of a registered servitude right or registered lease, and any successor in title;

P **'package of plans'** means the hierarchy of plans specified in terms of the provisions in section 18.11 of this zoning scheme, and applies to areas generally referred to as Special planning areas;

'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 m by 2,5 m for perpendicular or angled parking and 6 m by 2,5 m 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 the solid portions thereof does not exceed 25% of the total area thereof;

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

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

'place of instruction' means a place for education or training at pre-school, school or post-school levels, 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, public art gallery or museum; or a place of instruction in sport where the main objective is instruction as opposed to participation by the public as either competitors or spectators; but excludes a reformatory, commercial conference facility, gymnasium and in-house business training centre;

'place of worship' means a church, synagogue, mosque, temple, chapel or other place for practising a faith or religion, and includes ancillary uses such as a religious leader's dwelling, office or place for religious instruction; but 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;

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

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

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

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

'policy plan' means a policy adopted by Council, or structure plan, spatial development framework or other plan as approved in terms of planning law;

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

'port' has the same meaning as in the National Ports Act, 2005 (Act 12 of 2005);

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

'precinct plan' means a plan, approved by Council, as envisaged in section 18.11.3(c) of this zoning scheme;

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

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

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

'private open space': see **'open space'**;

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

'protected area' has the same meaning as assigned to it in terms of the National Environmental Management: Protected Areas Act, 2003 (Act 57 of 2003);

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

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

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

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

'public road' means any highway, thoroughfare, lane, footpath, sidewalk, alley, passage, bridge or any other place of a similar nature or any portion thereof serving as a public right of way, whether for vehicles or pedestrians, established or proclaimed in terms of the former Municipal Ordinance, 1974 (Ordinance 20 of 1974) or any equivalent current municipal by-law and/or national legislation and includes a public street;

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

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'register' means the record held by Council in connection with all departures, consent uses and conditions imposed in terms of planning law;

'registered surveyor' means someone who is registered in terms of the Professional and Technical Surveyors' Act, 1984 (Act 40 of 1984) as either a professional land surveyor, a professional surveyor or a surveyor;

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

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

'rezoning' means the change of zoning in relation to a particular land unit or units or portion of a land unit, in terms of planning law;



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

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

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

'road' includes a public street, a public road and a private road;

'road reserve' means the designated area of land that contains or are able to contain a public street or private road, including the road and associated verge, which land may or may not be defined by cadastral boundaries;

'rooftop base telecommunication station' means a support structure attached to the roof, side or any other part of a building and used to accommodate telecommunication infrastructure for the transmitting or receiving of electronic communication signals;

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

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

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

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

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

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

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

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

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

'service trade' means an enterprise which:

- (a) is primarily involved in the rendering of a service for the local community, such as the repair of household and electrical appliances or the supply of household services;
- (b) is not likely to be a source of disturbance to surrounding properties;
- (c) employs at most 10 people;
- (d) is not likely, in the event of fire, to cause excessive combustion, give rise to poisonous fumes or cause explosions; and
may include a builder's yard and allied trades, fitment centre for tyres, shock absorbers or exhausts, and similar types of uses; but does not include an abattoir, brick-making site, sewage works, service station or motor repair garage;

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



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

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

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

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

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

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

- (a) a basement does not constitute a storey;
- (b) a roof, or dome which forms part of a roof, shall not constitute a separate storey unless the space within the roof or dome is designed for or used for human occupation, in which case it is counted as a storey;
- (c) any storey which is greater than 4,8 m but equal to or less than 7,2 m in height shall, for the purposes of the height measurement, be counted as two storeys, and every additional 4,8 m in height or portion thereof, shall be counted as an additional storey; and
- (d) 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;

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

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

'street': see 'public street';

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

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

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

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

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

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

'subdivisional area' means a land unit or land units zoned in a manner permitting subdivision as contemplated in planning law and this zoning scheme;

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

'substitution scheme' means a zoning map or development rules which replace, in terms of planning law, any other zoning map or portion thereof, or which replace the Subdivisional Area zoning allocated in terms of planning law;

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

T **'terrace'** means an area to which occupants or users of a building have access, created on a flat roof over a portion of the building, resulting from the setting back of part of the building above such portion;

'telecommunication infrastructure' means any part of the infrastructure of a telecommunication network for radio/wireless communication, including voice, data and video telecommunications, which may include antennas; 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. Fibre optic installations and point-to-point copper (cable) installations are excluded from this definition;

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

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

'total floor space' of a building means the sum of the floor space of all the levels therein, including basements;

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

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

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

'Townships Ordinance' means the Townships Ordinance, 1934 (Ordinance 33 of 1934) and includes all regulations made in terms thereof;

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

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

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

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

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

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

'use right', in relation to property, means the right to utilise that property for activities and buildings and structures in accordance with its zoning and/or overlay zone, including any lawful departure therefrom, and any lawful non-conforming use;

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

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

'vertical division' of a building means a portion of the building bounded by external and/or internal walls, with or without openings, which portion is clearly identifiable as a logical vertical component from other portions of the building, provided that any opening in an internal wall separating divisions may not exceed 3 m or a third of its horizontal width, whichever is the greatest; Council may deem that a building is divided into vertical divisions, where every such division shall have a separate base level for the purpose of administering this zoning scheme;

W 'wallplate' means the lowest point of a longitudinal member, truss, bracket, pillar, post, structure or any other similar device as determined by Council, supporting a roof;

'warehouse' means a building used primarily for the storage of goods, except those that are offensive or dangerous, and includes property used for business of a predominantly wholesale nature, but does not include property used for business of a predominantly retail nature;

'watercourse' means:

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

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

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

X

Y

Z 'zone', when used as a noun, has the same meaning as assigned to it in planning law;

'zone', when used as a verb in relation to property, has the same meaning as assigned to it in planning law;

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

'zoning', when used as a noun, has the same meaning as assigned to it in planning law;

'zoning scheme' has the same meaning as assigned to it in planning law; and

'zoning map' has the same meaning as assigned to it in planning law.

1	2	3	4	PART I								
5	6	7	8	9	10	11	12	13	PART II			
14	15	16	17	PART III								
18	19	20	21	PART IV								
A	B	C	D	E	F	G	H	I	J	K	PART V	

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

PART V: **ANNEXURES**

CHAPTER 22: GENERAL PROVISIONS APPLICABLE TO ANNEXURES

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

Council may only amend or add to these annexures after a rezoning has been approved as contemplated in terms of section 14.1.5, or the lapsing of such rezoning approval, or where the zoning scheme has been amended in terms of planning law.

1 | 2 | 3 | 4 | PART I

5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | PART II

14 | 15 | 16 | 17 | PART III

18 | 19 | 20 | 21 | PART IV

A | B | C | D | E | F | G | H | I | J | K | PART V

ANNEXURE A

LIST OF SPECIAL USES IN TERMS OF SECTION 3.2.8

SPECIAL USE NAME	SPECIAL USE DEFINITION	REFERENCE NUMBER (If applicable)

1	PART I
2	
3	
4	
5	PART II
6	
7	
8	
9	
10	
11	
12	
13	
14	PART III
15	
16	
17	
18	PART IV
19	
20	
21	
A	PART V
B	
C	
D	
E	
F	
G	
H	
I	
J	
K	

ANNEXURE C

LIST OF SPECIAL PLANNING AREAS IN TERMS OF SECTION 18.11.1

SPECIAL PLANNING AREA NAME	SPECIAL PLANNING AREA NUMBER	REFERENCE NUMBER (If applicable)
Cape Town Film Studios (Dreamworld) Special planning area		

NOTE: Special Planning Areas may be indicated on the zoning map by the code SPA followed by the number of the Special planning area concerned.



ANNEXURE D

LIST OF INCENTIVE OVERLAY ZONES IN TERMS OF SECTION 16.1.1

INCENTIVE OVERLAY ZONE NAME	OVERLAY ZONE NUMBER	REFERENCE NUMBER (If applicable)

NOTE: Incentive Overlay zones may be indicated on the zoning map by the code IO followed by the number of the Intensity Overlay zone concerned.



ANNEXURE E

LIST OF DENSITY OVERLAY ZONES IN TERMS OF SECTION 16.2.1

DENSITY OVERLAY ZONE NAME	OVERLAY ZONE NUMBER	REFERENCE NUMBER (If applicable)
Koeberg Restriction Area	DO/1	

NOTE: Density Overlay zones may be indicated on the zoning map by the code DO followed by the number of the Intensity Overlay zone concerned.



