

Drakenstein, South Africa

## Zoning Scheme

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# Drakenstein South Africa

## Zoning Scheme By-law, 2018

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**Commenced on 28 September 2018**

*[This is the version of this document from 28 September 2018  
and includes any amendments published up to 28 June 2024.]*

Drakenstein Municipality, by virtue of the powers vested in it by section 156(2) of the Constitution of the Republic of South Africa as amended, read together with section 13 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) as amended, has made the By-law set out below:

### Chapter 1 Definitions

#### 1. Definitions

**"abattoir"** means a place where animals are slaughtered and may include preparation and packaging for distribution to shops and markets;

**"adult services"** is a shop where goods of a pornographic or erotic nature is sold, or a place of entertainment where services, events, shows or films of a sexually explicit nature take place or are shown, and includes, but is not limited to strip clubs, adult shops, massage parlours, or escort agencies;

**"agricultural building"** means any building normally erected and used in direct connection with the farming operations on an agricultural enterprise and includes sheds, packing sheds, stores and cold stores for unprocessed produce, but excludes abattoirs, agricultural processing buildings, employee housing or any of the consent uses in the Agriculture Zone;

**"agricultural processing"** means an industry for the processing of agricultural products that are primarily produced on the agricultural enterprise concerned, and includes the storage of the processed product and where the agricultural processing activity is subservient to the dominant agricultural use on the property and there is a rational relationship between the processing and the produce of the agricultural enterprise and units in the immediate vicinity of the property; and may include a winery, wine cellar with associated tasting facilities, distillery, cheese making industry, dairy, fruit ripening plant and food processing factory, but excludes the extraction of resources such as bottling of water and sand mining;

**"agricultural enterprise"** means a farming enterprise which is conducted on one or more agricultural land units as a single business;

**"agriculture"** means the cultivation of land for raising of crops or other plants, including plantations, and covered crop cultivation areas; and/or the keeping and breeding of animals, birds or bees, stud farming, game farming, riding schools and includes horticulture and uncultivated veld, but excludes intensive animal farming;

**"airport"** means a complex comprising of one or more aircraft runways and associated buildings for the use by civilian aircraft and may include facilities for the handling and storage of airfreight and ancillary uses including a shop;

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

**"animal care facility"** means any facility used for the keeping of animals for humane purposes or safe keeping, and includes animal shelters and commercial kennels and may also include ancillary veterinarian services;

**"apartment building"** means a building containing three or more dwelling units together with such outbuildings, open space and roads and parking ordinarily associated with apartments;

**"aquaculture"** means intensive animal farming for the breeding of water flora or fauna in artificially constructed dams or holding tanks, or suspended from floating supports in natural water bodies;

**"balcony"** means a floor projecting outside a building at a level higher than that of the ground floor, which is intended as outdoor space for occupants of a building; it is enclosed only by low walls or railings or by main containing walls of rooms abutting such projecting floor and may include a roof, if any, over such floor and pillars supporting such roof;

**"basement"** means any storey or division of a storey with a ceiling level that does not protrude more than 1m at any point above existing ground level;

**"base level"** of a building or structure means the mean level between the highest and lowest point of the natural ground level of the site immediately adjacent to the building or structure; provided that where a basement has been constructed, the base level is the floor level of the slab covering the basement;

**"base zone"** means the zone that determines the lawful land use and development rules for a land unit before the application of additional parameters or rules of an overlay zone;

**"big box retail"** means a single retail business with a floor area of more than 2000m<sup>2</sup>;

**"boundary wall"** means a wall or fence erected on a land unit which serves as a division between properties including public and private streets, whether it is erected on or next to the property boundary, and includes any gate, or pillar or any contrivance forming part of the said wall;

**"business"** means any enterprise for commercial and/or professional services and/or retail uses such as, but not limited to shops, offices, financial institutions, big box retail, postal agencies, gambling venues, wellness centres, restaurants, supermarkets, shopping centres, medical consulting rooms which are not in a clinic or hospital, conference facilities, commercial gymnasiums, veterinary services, plant nursery, tavern, liquor outlet, funeral parlours and adult services, but in a particular zone excludes any business use that is a consent use or requires the technical approval or permission in terms of the Scheme or from neighbours, or that is prohibited in that zone; provided that all businesses which were lawfully conducted or approved (in accordance with Planning Law or on a building plan) at the commencement of the Scheme, shall remain lawful businesses in terms of the Scheme;

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

- (i) any structure, whether of a temporary or permanent nature irrespective of the materials used in the erection thereof;
- (ii) any roofed structure;
- (iii) any external stairs providing access between different floors, balcony, stoep, veranda, porch or similar feature of a building;
- (iv) any walls or railings enclosing any feature referred to in subsection iii);
- (v) any wall, swimming bath, swimming pool, fireplace, reservoir or bridge or any other structure connected therewith;
- (vi) any air conditioning unit, pump, fuel, water or other tank, or any structure used in connection therewith;

**"building line"** means an imaginary line on a land unit, which defines a distance from a specified boundary, within which the erection of buildings above or below ground are prohibited; provided that where a road reserve is not defined by cadastral boundaries, the reserve width as specified by the

competent authority or applicable legislation will become the boundary from which the distance of a building line is to be measured;

**"cemetery"** means a place where the remains of the deceased are buried, stored or retained and commemorated and includes memorial parks and memorial structures and may include buildings that are necessary for the administrative and clerical uses associated therewith but does not include a crematorium;

**"club house"** means a place of assembly usually associated with sports facilities used by a sports club or group for social, recreational or sporting facilities for members of the club or association, and includes changing rooms, pro-shop, restaurant or licensed provision of alcoholic beverages for consumption on the property, but may not also be a liquor outlet;

**"commercial"** combined with a use, such as 'commercial gymnasium' or used in relation to the terms such as 'commercial gain' or 'commercial nature' means an enterprise where services, goods or entertainment is sold or rendered for compensation, is undertaken with the intent of making a profit, and where there is no or little social or charitable objectives;

**"commercial gymnasium"** is a business where people pay to make use of specialised equipment to exercise and may include swimming pools, changing facilities, the sale of refreshments for users of the facility and areas for fitness training classes;

**"community care facility"** means a community facility where a range of social and welfare services may be provided to members of a community and includes legal advice offices which exclusively offer pro-bono legal advice, counselling rooms, resource centres, soup kitchens and day clinics, but does not include overnight or accommodation facilities, or a place of instruction;

**"community residential"** means long-term accommodation or overnight care facilities for people in need of special care, other than hospitalisation, and includes an orphanage, old-age home, medical recovery and care facility, hospice, halfway house, hostel and includes ancillary services for in-house residents such as medical or frail care, counselling and communal recreation facilities, but excludes a retirement village, hotels, and medical consulting rooms, facilities or services for non-residents;

**"conference facility"** means a business where information is presented to, or ideas and information exchanged among groups of people, and includes the supply of meals to attendees;

**"conservation"** means the protection and management of natural resources aimed at long-term sustainability and includes ancillary facilities related to the main use;

**"container depot"** means a site or facility used for the storage of shipping or transport containers;

**"correctional facility"** means a place where people are incarcerated, accommodated and/or given instruction and/or rehabilitation following a court order and includes a reformatory, place of detention and prison;

**"coverage"** means the total area of a land unit that may be covered by buildings with a roof, slab or projection expressed in square meters or as a percentage of the area of the land unit;

**"crematorium"** means a place for the incineration of corpses in a furnace and includes buildings that are necessary for the administrative and clerical uses associated therewith;

**"crop cover"** means any netting, plastic or glass material or other protective cover that is applied over a support structure constructed from wood, metal or any other similar material, on a permanent or semi-permanent basis to improve the yield and quality of agricultural or horticultural crops, plants or flowers and includes poly-tunnels;

**"development charges"** means a once-off bulk infrastructure access fee levied by the Municipality on an applicant, developer or landowner in terms of its relevant statutory powers in respect of a development which will result in an intensification of land use and an increase in the use of or need for bulk municipal utility services infrastructure, and may include any required social infrastructure;

**"dwelling house"** means a building consisting of one dwelling unit, together with outbuildings usually associated with a dwelling house including a garage, braai facilities and a garden shed, and second

dwelling house has the same meaning except that it refers to the second such dwelling unit on the same land unit;

**"dwelling unit"** means a group of interrelated rooms and ancillary facilities for the accommodation of a single household and can be a dwelling house, second dwelling house, third dwelling unit, employee housing or a dwelling unit in an apartment building or a group housing scheme;

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

**"energy generation"** means a facility where electricity on a large scale for distribution into the national grid, is generated and includes the use of non-renewable and renewable energy sources and use waste material to generate such energy, as well as the ancillary infrastructure and buildings such as substations, step-down and storage facilities exceeding 25m<sup>2</sup>, but excludes linear utility services;

**"employee housing"** means a dwelling unit provided for employees by an employer which is ancillary and subservient to the primary activity on the property, includes accommodation for labourers, caretakers and supervisory staff, provided that the employee housing is for the accommodation of one household only, of which at least one household member is employed on the property, is located on the same land unit on which the employment activity takes place, and may not be sold separately;

**"event"** see occasional use;

**"floor area"** in relation to any building means the area of a floor which is covered by a roof, slab or projection and 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 area shall be the sum of the floor area of all the levels, including that of basements. Any stairs, stairwells, lift wells and atriums that are covered by a roof shall only be counted once on its ground floor. The following shall be excluded:

- (i) any area, including a basement, which is reserved solely for circulation, parking or loading of vehicles which are ordinarily associated with and which serves the land use on the property or in the particular building, provided that a commercial parking garage or additional parking in excess of the parking for land use inside the building are not excluded;
- (ii) any area required for fire escapes regardless of the number of storeys, which are unroofed, open to the air and external to the main facade of the building and used solely for emergency purposes;
- (iii) any projection or balcony including a projection of eaves, a canopy and a projection which acts as a sunscreen or an architectural feature which protrudes outside the facade of the building and remain open to the elements;
- (iv) any unroofed internal courtyard, light well or other uncovered shaft;

**"freestanding mast"** means a freestanding support structure on land or anchored to land and used for telecommunication infrastructure to transmit or receive electronic communication signals, and may include access roads to the structure;

**"freight transport facility"** means a facility for vehicles used for transportation of goods and the associated administrative facilities and includes a truck depot, and truck stop, but does not include a container depot;

**"function venue"** means a building or structure used for functions, weddings, receptions or exhibitions;

**"fuel retail"** means a facility where fuel is sold to the public and may include ancillary uses such as public ablution facilities, a car wash, a shop and a restaurant, but excludes vehicle repairs, sales, and servicing;

**"funeral parlour"** means a business enterprise which arranges burials and includes the sale of goods associated with burials but excludes a mortuary, the preparation of bodies for burials or cremation and a place of assembly;

**"gambling"** means any business which entails the wagering of money or something of value on an event with an uncertain outcome with the primary intent of winning money and/or material goods and includes totalisators (totes) and gambling machines;

**"gate house"** means a roofed structure located at the entrance to a property used for the controlling of access to the property;

**"green infrastructure"** means man-made or natural green corridors, wetlands, biological corridors or stormwater management facilities which are required because of development, to protect biodiversity, ensure links between biodiversity sites, or any other such purpose which has the effect of improving climate resilience;

**"gross leasable area (GLA)"** means the total floor area designed for or capable of occupancy by tenants for their exclusive use, including storage areas which are leased, but excludes internal parking and loading bays and vehicular circulation areas and communal spaces which are used by more than one tenant, such as communal passages, toilets, kitchens, entrance lobbies, lift shafts, stairwells, service ducts, service areas and vertical penetration of floors and also excludes all spaces which are used exclusively by employees who fulfil their work function in another space which is already included in the calculation of GLA, such as staff canteens, staff change rooms;

**"group housing"** means a group of four or more separate and/or linked dwelling units, where the development is planned and designed as a harmonious architectural entity which may have a low, medium or high-density character and where dwelling units may be on one cadastral entity, cadastrally subdivided or sold separately through sectional title and may include buildings or land used for ancillary administrative or recreational purposes, and may also be group housing for retired persons in which case ancillary medical care services may be included;

**"health care facility"** means a facility where human medical diagnosis, care, treatment, services and procedures are administered, such as a clinic, hospital, medical or substance abuse rehabilitation facility, and may include one or more of associated land uses such as medical consulting rooms, pathologists' rooms, operating theatres, pharmacy, pathologist laboratories, trauma and emergency units;

**"height"** of a building or structure means the vertical dimension measured in meters from one specified level to another specified level;

**"helipad"** means any portion of land, building or structure or part thereof which has been demarcated and approved by the Civil Aviation Authority for the purposes of landing or taking off of helicopters or associated vertical lift-off aircraft;

**"heliport"** means a complex comprising of structures for the landing or taking off of civilian helicopters or associated vertical lift-off aircraft and associated buildings and ancillary uses including a shop;

**"hotel"** means a commercial residential establishment, with its primary source of business being the supply of visitors' accommodation and meals for paying guests on a short-term basis and may include ancillary facilities ordinarily associated with a hotel such as restaurants, taverns, and wellness centre that may be used by guests accommodated in the hotel as well as the general public, but may not include a liquor outlet; and may consist of one or a group of buildings that are operated as one entity;

**"hostel"** means residential establishment in a custom built or converted building other than a dwelling house or dwelling unit, where lodging accommodation is provided in rooms against payment, and where communal facilities are shared, with or without the provision of meals, such as student accommodation, school hostels, staff hostels and commercial boarding houses;

**"household"** means one or more persons who occupy a dwelling unit on a permanent basis and who share the ancillary facilities in a dwelling unit under the control of a member of the household who accepts responsibility for the occupational affairs of the household without the objective of financial gain;

**"house shop"** means the use of a portion of dwelling house or outbuildings for the sale of convenience goods to the public in a structure or portion of building on the premises that allow for the serving of goods to customers directly from the street;

**"incremental house base structure"** means a structure that forms the basis of a dwelling unit intended to be completed over time and typically includes (but is not limited to) a floor, wall, and connections to utility services and building plans for the base structure and future to-be-completed dwelling unit must be approved by the Municipality;

**"indoor sport"** means any form of physical exercise or sporting activity taking place in a roofed structure, and may include uses ancillary to such a use including a shop but excludes a commercial gymnasium;

**"industry"** means a place, which in the Municipality's opinion, is used as a factory and in which produce, a product, article or part of such article is made, manufactured, produced, built, assembled, compiled, printed, decorated, processed, treated, adapted, repaired, renovated, rebuilt, altered, painted, spray-painted, polished, finished, cleaned, dyed, washed, broken up, disassembled, sorted, packed, containerised, cooked, prepared, chilled, frozen or stored in cold storage, and can also be a brewery, distillery or wine related industry, and includes any use which is ancillary and subservient to the aforementioned activities mentioned for example an office, employee housing, shop, but does not include a noxious industry;

**"informal trading"** means the legal selling of products in outdoor areas which may be from temporary structures, in accordance with the Municipality's informal trading by-law;

**"intensive animal farming"** means a concentrated, confined animal keeping or growing operation, for production of meat, milk, eggs, or other animal products, located in open air pens, structures or buildings wherein the animals are provided with externally sourced feed and where the concentration of animals in a confined area has the potential to cause a public nuisance or health hazard, and includes enterprises such as aqua-culture, battery chicken farming and piggeries;

**"kitchen"** means a room or part of a room equipped for preparing and cooking meals and excludes a braai room, drinks preparation area (for example domestic bar facilities in a *bona fide* home entertainment area);

**"liquor outlet"** means a shop where alcoholic beverages are sold for off-site consumption;

**"light industry"** means a place where the same activities as described in 'industry' is undertaken but which in the opinion of the Municipality is of such a limited scale and nature that the impact can be considered of a light industrial nature due to it having no external impact on the amenity of the neighbourhood. The floor area of anyone light industrial building or unit may not exceed 2000m<sup>2</sup> and transportation of materials or products do not involve the use of articulated trucks. The machinery, processes or materials used do not cause any external noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;

**"lodging accommodation"** means the provision of accommodation against payment, in rooms in a dwelling house, where communal facilities such as a kitchen and lounge is shared by residents, and where paying lodgers rent rooms on an individual basis on a medium (monthly) to long-term (annual) basis, typically for a period of longer than 30 days, with or without the provision of meals and lodger has a corresponding meaning;

**"medical care services"** means specialised medical services or facilities provided in community residential buildings, community care facilities or other such accommodation establishments facilities, and includes frail care;

**"military facility"** means a place or property used for the storage or development of military equipment, or the stationing and training of military personnel on a large scale, and provided that where the use of a property by the military is confined to a use defined elsewhere in this Scheme, such as offices or a health care facility, the parameters applicable to that use will apply;

**"mortuary"** means a place where corpses are kept, stored, examined, laid out or prepared for identification, burial or cremation and may also include an ancillary place of assembly and/or funeral parlour;

**"museum"** means a place used for displaying and/or conserving art, and artefacts of a social, engineering, scientific or historic nature, which are not offered for sale, and may include an ancillary restaurant and shop to serve patrons of the museum;

**"Municipal By-law"** means the Drakenstein Municipal Land Use Planning By-Law;

**"Municipality"** means the Drakenstein Municipality established by Establishment Notice No. 488 of 2000 issued in terms of the Local Government: Municipal Structures Act 1998 (Act 117 of 1998) and where the context so requires includes the Council; another political structure or political office bearer of the Municipality authorised or delegated to perform a function or exercise power in terms of this Scheme; the Tribunal, authorised or delegated to perform a function or exercise a power in terms of this Scheme; the Municipal Manager; or any employee of the Municipality acting in terms of delegated or sub-delegated authority of the Municipality;

**"monument"** means a structure or object erected to preserve the memory of a person, event or cultural resource, and may with the Municipality's permission include the interment of human remains;

**"National Building Regulations"** means the National Building Regulations and Standards Act, 1977 (Act of 103 of 1977);

**"natural level of the ground"** means the level of the land surface on a land unit in its unmodified state prior to development, or in a state which has been graded, with the Municipality's permission, for the purposes of development, provided that where land has been excavated around the external facade of the building, the excavated level is regarded as the natural ground level and where it is not possible to determine the natural level of the ground due to irregularities or disturbances of the land, the level shall be determined by the Municipality; and 'natural ground level' has the same meaning;

**"non-motorised transport"** means any public facilities which support non-motorised modes of transport, such as walking, bicycling, skating, or wheelchair travel, and may include dedicated lanes, parking and storage facilities, rental kiosks or other associated facilities, but excludes visitors' facilities such as mountain trails or recreational facilities;

**"noxious industry"** means a place where an offensive, poisonous or potentially harmful trade, use or activity which, because of fumes, emissions, dust, smell, vibration, noise, waste products, nature of material used, processes employed, or other cause, is deemed by the Municipality to be a potential source of danger, nuisance or offence to the general public or persons in the surrounding area;

**"occasional use"** is the use of land for an event which involves the gathering of people (indoors and/or outdoors) which are extraordinary to the normal permitted or approved uses in the zone or for another occasional activity or event which is not ordinarily permitted in the zone, on an intermittent basis, either at regular intervals or not, such as music festivals, filming, promotional events, intermittent outdoor markets or intermittent sporting events;

**"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 which may be public or privately owned and which is set aside for open space, such as a park, garden, vegetable garden, square, river or stream and may include private roads as well as ancillary structures for management and maintenance of such open spaces;

**"outdoor sport"** means active recreational or sporting activities or physical exercise (whether organised or on an individual basis) that takes place outdoors and include the ancillary facilities required for such activities such as sports fields, skate board parks, paths, outdoor equipment, courses, and change rooms, but does not include stadiums and club houses;

**"overlooking feature"** means any structural or architectural feature on the first floor or higher, that will provide a view onto an abutting property and may include a window with a sill height lower than 1.7m, door or balcony;

**"passenger transport facility"** means all infrastructure, buildings or structures required for providing a service for the mass transport of people by means of buses, trains, mini-buses or any other similar means of transport and includes staging areas, bus stations, train stations, bus stops, transport interchanges and all ancillary facilities such as maintenance areas, offices for the administration and management of the facility, shops, restaurants and ablution facilities which serve the people using these facilities as well as employee housing;

**"parapet"** a low protective wall along the edge of a roof or balcony;

**"parking garage"** means a structure or part of a building used for the parking of vehicles on a short-term commercial basis which exceeds the normal parking provision required for the activities on the property;

**"permanent resident"** means the registered owner of a property who resides in that property on a full-time basis or a tenant who has entered into a lease contract with the registered owner and who permanently resides at the premises; provided that in the case of a tenant wanting to embark on visitors accommodation or lodging accommodation activities, the resident tenant who is the head of household shall have entered into a lease contract which is valid for at least one year from the date of commencement of the activity in question;

**"place of assembly"** means the use of facilities for the gathering of groups of people for religious, social and community needs, and facilities may include buildings used for practicing religion, community hall, club house, sport stadium, function venue and indoor sports centre which offer facilities for spectating, and may include licensed provision of alcoholic beverages for consumption on the property;

**"place of entertainment"** means a place used predominantly for commercial entertainment where patrons may participate in the activities or observe performances or gather for entertainment purposes, such as a night club, tavern, cinema, theatre, amusement arcade and may include licensed provision of alcoholic beverages for consumption on the property gambling activities and adult services;

**"place of instruction"** means any form of daily care, tuition or instruction of people, and includes colleges, schools, day-care centres, creches, early childhood development centres, after-school care, instruction in physical exercise and training, skills training, arts and crafts classes, additional and further education tuition, libraries and computer resource centres, but excludes a commercial gymnasium;

**"Planning Law"** means the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013), or the Western Cape Land Use Planning Act, 2014 (Act 3 of 2014), or the Drakenstein Municipal Land Use Planning By-Law, whichever is applicable in the context, and may also include former planning law such as the Land Use Planning Ordinance, 1985 (No 15 of 1985) and Townships Ordinance, 1934 (No. 33 of 1934) if these were lawfully enacted at the time when a decision was made in terms of this legislation;

**"plant nursery"** means a place where plants and associated gardening equipment and other ancillary goods for use in gardens are offered for sale either in buildings or under a roof, or in hot-houses or poly-tunnels, and includes the cultivation of said plants on the same premises;

**"poly-tunnel"** see crop cover;

**"porte cochère"** means a covered entrance large enough for vehicles to pass through, typically opening into a courtyard or a porch where vehicles stop for passengers to get out of the vehicle;

**"private road"** means a gravel, paved or surfaced road which is used by vehicles and/or pedestrians, which may be on the same property as the land uses it serves, or may be a separate cadastral entity, or a right of way servitude, and which is privately owned and does not vest in the Municipality or other public road authority;

**"proclaimed road"** is a road proclaimed by the competent authority in terms of the Roads Ordinance No 19 of 1976. Or any subsequent legislation as a provincial road;

**"public institution"** means a facility that provides non-commercial services to the general public and includes museums, monuments, public galleries, courts, police station, government offices which provide services to the public;

**"public road"** means a gravel, paved or surfaced road which may be a separate cadastral entity, a registered right of way servitude, or exist by means of other legislation, and which is set aside to provide for vehicular access and movement, and which vest in or is owned by the Municipality or another public road or transport authority, and may also include on-street parking;

**"public transport infrastructure"** see passenger transport facility;

**"recycling facility"** means a facility where used materials and goods of any nature are collected, dismantled, sorted, cleaned and processed for re-use and includes a vehicle scrapyards;

**"renewable energy generation"** means the generation of energy by means of any wind turbine, solar energy generating apparatus, including solar photo-voltaic and concentrated solar thermal, hydro turbines or bio-mass facility or any grouping thereof, that captures and converts wind, solar radiation or bio-mass into energy for commercial gain; and includes any appurtenant structure necessary for, or directly associated with, generation of renewable energy, or any test facility or structure that may lead to the generation of energy on a commercial basis, but excludes the infrastructure to connect to the electrical grid;

**"restaurant"** means a commercial establishment where meals and beverages are prepared and served to paying customers primarily for consumption on the property and may include licensed provision of alcoholic beverages for consumption on the property, and the option for customers to purchase food prepared on the premises for consumption off the property;

**"retail business"** means a business involving the sale of goods to customers, and may include businesses which sell goods over the internet for delivery to customers;

**"road"** means either a public or private road, regardless of ownership;

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

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

**"Scheme"** means the zoning scheme of the Drakenstein Municipality as defined in section 1 of the Western Cape Land Use Planning Act, 2014 (Act 3 of 2014), and includes the components referred to in section 24, and is the same as a 'land use scheme' as defined in section 1 of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013);

**"service depot"** means premises for storage, maintenance, and rental of equipment, materials and vehicles used in the building and construction industry such as equipment rental, road maintenance depots, earth moving operations;

**"shelter"** means an informal dwelling unit or outbuildings, constructed of any material whatsoever, even though such material or construction does not comply with the standards of durability intended by the National Building Regulations, and may include inter-leading or separate rooms for lodgers or transient guests as an additional use in accordance with the parameters of the zone, provided that sufficient communal ablution facilities are provided for such rooms;

**"shop"** means a place for the operation of a retail business where customers visit the premises to purchase goods or where goods are displayed for customers to view before purchasing, including all associated storage of goods sold or displayed on the premises, and may include an area which does not exceed 50% of the total floor area of the premises for the manufacturing, packaging and repairing of articles which are sold in the same premises, provided that these activities do not cause any traffic nuisance, emissions, smells, dust or noise pollution;

**"spatial development framework"** means the Municipality's spatial development framework approved in terms of Planning Law;

**"special use"** a use which is not provided for in any of the definitions of land uses in this Scheme;

**"tavern"** means a place of entertainment where the primary business is the sale of alcoholic beverages exclusively for on-site consumption and may include the serving of meals, provided that all taverns which were lawfully approved in accordance with Planning Law or on a building plan, at the commencement of the Scheme, shall remain lawful taverns in terms of the Scheme;

**"top of roof"** in the case of a pitched roof is the highest point on the roof measured to the outer roof covering;

**"urban edge"** means the demarcated line which in an approved spatial development framework or similar approved municipal policy document, defines the outer limits of urban areas and separates urban areas from rural areas;

**"urban horticulture"** means the cultivation of crops in areas within the urban edge or in urban areas, for own consumption or sale, provided that for the purposes of this Scheme, the cultivation of a garden by the occupant of a land unit in an urban area shall not be regarded as urban horticulture;

**"utility plant"** includes aboveground public or private infrastructure which is not a linear service which take up a land area exceeding 5mx5m which is required for generation, processing or storage of bulk and other municipal water, sewerage, electricity, gas, or solid waste and includes dams, water purification, electricity generation, sewerage plants, gas or energy storage facilities, large electrical substations, solid waste disposal sites or any other such similar infrastructure sites which serve the Municipal area or a part thereof;

**"utility services"** means underground or aboveground public or private linear infrastructure, installed in the process of developing land, for the provision of municipal and other services such as water, sewerage, electricity, gas, roads, stormwater drainage systems and telecommunication and other similar electronic communication cables, including related aboveground substations and pump stations and other installations not exceeding a land area of 5mx5m, but excludes all uses listed under the definition of 'utility plant';

**"vehicle depot"** means premises used for the non-public storing of vehicles, trucks or buses, and may include dispatching, maintenance, service and fuelling areas for the stored vehicles that are ancillary to the vehicle depot but excludes temporary storage area of construction vehicles whilst construction is in progress, and the permanent storage of agricultural vehicles on Agriculture zone for vehicles associated with that farm unit shall not be classified as a vehicle depot;

**"vehicle sales"** means a business which involves the sale and/or storage of vehicles, whether new or pre-owned and may include a subservient service for the servicing of vehicles;

**"vehicle services"** means a business which provides for the servicing, maintenance, repair, alteration of vehicle and the fitment of parts to vehicles;

**"visitors' accommodation"** means the provision of overnight accommodation for paying guests on a short-term basis (where the same guests stay for periods typically less than 30 days) and includes examples such as self-catering dwelling units, bed and breakfast facilities, guest house, guest lodge, backpackers' accommodation, camping and includes ancillary facilities to serve such resident guests only, but excludes an hotel;

**"visitors' facility"** means a facility or amenities for visitors such as a restaurant, shop, farm stall, outdoor market, restroom, recreational facilities, function venue, information centre, conference facility, 4x4-, mountain bike-, cycle- and hiking trails, abseiling and rock climbing routes, picnic facility, wellness centre, wine tasting and -sales or other visitor attractions related to the land unit, but excludes visitors' accommodation, hotels or any land use which requires permission, technical approval or is a consent use in that zone;

**"wall plate"** means the highest point on a building where the roof trusses are affixed to the supporting walls of the external facade, and in the case of a roof structure which does not require a wall plate, or in the case of a flat or concrete roof, the line where the highest point of the outermost roof cover material intersects with the supporting walls of the facade;

**"warehouse"** means a place used for the storage and distribution of goods, or a distribution business for goods that are exclusively sold over the internet, including ancillary uses such as offices, and is also a building in which storage units are rented out on an individual basis, but excludes the retailing of goods in a shop where goods are on display;

**"wellness centre"** means a business enterprise where health and beauty treatments are offered, and may with the Municipality's permission include additional facilities such as live-in accommodation for patrons;

## Chapter 2

### Jurisdiction and scheme application process

#### 2. Area of jurisdiction

- (1) As from the date of the notice of adoption published in the *Provincial Gazette*, this Scheme applies to the Drakenstein Municipal area (WC023) including Saron, where the Rural Areas Act, 1987 (Act 9 of 1987) applied and where no zoning scheme was previously adopted.

#### 3. Composition of zoning scheme

- (1) The Drakenstein Municipal Zoning Scheme consists of this By-law, the zoning register kept by the Municipality to record decisions made in terms of this By-law and any zoning maps that have been prepared in accordance with section 4.

#### 4. Zoning map

- (1) The Municipality must create a zoning map or maps to indicate the application of this Scheme to land units within the municipal area and shall approve the map together with this Scheme.
- (2) In preparing the zoning map the Municipality shall take account of:
  - (a) zoning maps and approvals that form part of any previous zoning schemes together with the conversion table in Schedule 2;
  - (b) approved land use rights, and;
  - (c) existing lawful use of land.
- (3) The new zoning map shall indicate:
  - (a) the zone(s) that applies(y) to each land unit shown on the zoning map, and;
  - (b) any areas where special development parameters apply by virtue of overlay zones.
- (4) The zoning map shall be updated by the Municipality on an ongoing basis to capture all rezoning's, subdivisions and lapsed rezoning's and subdivisions;
- (5) In the event that zoning has been wrongly allocated on the zoning map or wrongly converted from a former zoning map, or if the Municipality failed to accurately capture the zoning of a property for whatever reason, the owner of the property may submit to the Municipality a request to correct the zoning map.
- (6) The request in sub-section 5 must be accompanied by documentary proof of the lawful property rights, upon which the Municipality shall make a determination and amend the zoning map accordingly should an error be confirmed.
- (7) The Municipality shall of its own accord, correct the zoning map should an error come to its attention.
  - (a) In such an event, the Municipality shall inform the owner of the property accordingly, furnish him with reasons and documentary proof of the error and invite comments from the owner within 30 days of the date of the notification.
  - (b) Once all information including the owner's comments has been considered, the zoning map shall be amended if necessary to reflect the correct zoning of the property.

## 5. Interpretation

- (1) The following rules of interpretation shall apply when implementing this Scheme:
  - (a) after the commencement of this Scheme, any words in this Scheme, annotations used on the zoning map and register, words and expressions used in planning reports and any conditions of approval imposed after the commencement date shall have the meanings assigned to them in accordance with the definitions contained in section 1 of the Scheme except where a different meaning is clear from the context or an application is concluded with in terms of a previous scheme, in which case that scheme's definitions will prevail;
  - (b) with regards to conditions of approval imposed prior to the commencement of this Scheme, terms describing land use, shall, for the purposes of interpretation, retain their meaning as was effective under the previous legislation. For all other aspects, the meaning of this Scheme shall prevail;
  - (c) interpretation of words not defined in this Scheme will have the meanings assigned to them in the latest "Oxford English Dictionary" published by Oxford University Press, except where a different meaning in the Municipality's opinion is clear from the context;
  - (d) headings may be considered when interpreting the sections;
  - (e) the masculine gender includes the feminine and neuter, and vice versa and the singular includes the plural unless otherwise indicated by the context;
  - (f) if there is any conflict between the English version and any other translation, the English version will prevail;
  - (g) whenever reference is made to a law, ordinance, by-law or regulation, the reference applies to all substitutions, amendments, and additions of the said law, ordinance, by-law or regulation;
  - (h) whenever reference is made to the use of a building, the reference applies also to the erection of a building, to the use of part of the building and to the use of the land unit or part thereof, whether a building is erected or not;
  - (i) the terms "must" and "shall" are mandatory, and the term "may" is not mandatory;
  - (j) the Municipality's interpretation shall prevail unless the contrary meaning is proven;
  - (k) any text included in bold and italics at the start of a chapter may be used for interpretation and to inform decisions in terms of the Scheme, but do not form part of the By-law itself.

## 6. Severance, other legislation, and by-laws

- (1) If any provision in this Scheme is struck down as invalid by a court of law, such provision shall be severed from the zoning scheme, and shall not affect the validity of the remaining provisions.
- (2) Where this Scheme is in conflict with national or provincial legislation, the provision of such legislation shall prevail, except where the provisions are a local competency, as mandated by the National Constitution.
- (3) Where this Scheme prescribes parameters or conditions which differ from other legislation or by-laws, the most restrictive parameters shall prevail.

## 7. Transitional arrangements for existing schemes and approvals

- (1) Any application in terms of the Planning Law or in terms of a former zoning scheme submitted prior to the implementation of this Scheme and which is still in process at the date of commencement of this Scheme, will be assessed and finalised within the provisions of such former

zoning scheme, unless the applicant has informed the Municipality in writing of the withdrawal of the application.

- (2) A building plan will be assessed and finalised within the approval granted (applying the land use restrictions or provisions of the applicable zone in the former zoning scheme), where:
  - (a) A building plan application was formally submitted before commencement of this Scheme, and did not contravene the provisions of the former zoning scheme at the time of submission, or
  - (b) A building plan application is formally submitted after commencement of this Scheme with the express purpose to act on a valid approval granted for any application in terms of planning law or any other application in terms of a former zoning scheme, provided that such building plan application is submitted within 30 months after commencement of this Scheme, or within the validity period of said application, whichever is the later date.
- (3) Buildings used and constructed in accordance with an approved building plan which was already approved prior to the commencement of this Scheme or which are subsequently constructed in accordance with a prior or subsequently approved building plan and which is or was lawful because of a previous scheme or approval, will not be considered to be contravening this Scheme but will be a lawful non-conforming use.
- (4) Where a rezoning or consent use application was approved prior to commencement of this Scheme but has not yet been acted on, or where a rezoning was approved as contemplated in this section 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 or consent use in accordance with this Scheme as determined by the Municipality, where such an approval is acted on.
- (5) Where any approval in terms of Planning Law or any other application in terms of a former zoning scheme has been lawfully acted on and it contravenes any provision in this Scheme, it will, for the purposes of this Scheme, not be considered to be an offence but a lawful non-conforming use.
- (6) A consent use will be deemed to have been granted for any existing land use which was a primary right in terms of a previous scheme, and which was approved on a building plan and lawfully utilised, but which is now only permitted as a consent use in terms of the provisions of the applicable zone in this Scheme. Any addition to the land use after the commencement of the Scheme will require an application for a further consent use.
- (7) Where the provisions pertaining to maximum floor area, height, and parking of this Scheme are more onerous or restrictive than a former scheme, the owner may, for a period of five years from the date of commencement of the Scheme, continue to implement the particular more permissive parameter of a former scheme to any building plan or application in terms of this Scheme. In all other respects, the provisions of this Scheme will prevail.
- (8) If a building envelope is extended or the land use inside a building is altered after the date on which this Scheme comes into effect, the provisions of this Scheme shall only apply to such alterations and extensions.

## 8. Deemed zoning

- (1) Any portion of land designated on an approved General Plan or Surveyor General Diagram as 'public place' and which in the Municipality's opinion serves the function of open space shall be deemed to be zoned as Open Space Zone, and should the Municipality discover that the zoning map does not reflect the zoning in this manner, the zoning map shall be amended accordingly.
- (2) Any portion of land indicated on an approved General Plan or Surveyor General Diagram as 'public road' or 'public street', or any other land which in the Municipality's opinion serves the function of a public road, public street or public parking area, or is reserved under any other law for a public street or public parking shall be deemed to be zoned Transport Zone.

- (3) Any portion of land set aside to be used as a private road or private open space shall be deemed to be zoned as "Transport Zone or Open Space Zone, as may be applicable when such land is subdivided from the parent property, and the zoning map shall be updated accordingly.
- (4) Where land zoned Open Space Zone or Transport Zone is changed due to the amendment, cancellation or withdrawal of a subdivision plan or general plan or SG diagram prior to the first transfer having been affected, the Municipality shall determine the appropriate zoning for such land unit and the land shall be deemed to be zoned accordingly. Once transfer of the first land unit has taken place, the land shall be rezoned as is required in Planning Law.
- (5) All land subject to the provisions of 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.
- (6) Where an agreement has been entered into between the Municipality and the South African 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, provisions, and conditions contained within such agreement shall prevail over the Transport Zone.
- (7) Where land owned by the South African Transport Services or any of its divisions has been lawfully rezoned for any other use, such land will retain its zoning and shall be allocated the corresponding zoning in terms of this Scheme on the Municipality's zoning map, and all provisions of this Scheme shall apply.
- (8) Any portion of land which has been declared a National, Provincial or Local Authority protected area in terms of the National Environment Management: Protected Areas Act, 2003 (Act 57 of 2003) is deemed to be zoned Natural Environmental zone.

## 9. Consolidation of land

- (1) When two or more individual land units are consolidated, building lines, coverage and other provisions which previously applied to individual land units, shall not remain in force over those former land units, but shall apply to the consolidated land unit in accordance with this Scheme.
- (2) The Municipality may impose additional development rules where two or more individual land units are consolidated, and the application for consolidation would, in the Municipality's opinion:
  - (a) substantially alter the character of the area, with negative consequences, as a direct result of the size of the consolidated land unit, or
  - (b) include a larger surface area of building, larger massing of building structure, or reduction of space between built elements, than would have been possible prior to consolidation due to the building lines, floor space or coverage provisions that formerly applied to the individual land units in terms of this Scheme.
- (3) The additional development rules referred to above may:
  - (a) relate to the massing, spacing, and position of buildings on the consolidated land unit, and
  - (b) be more restrictive than the development rules that would normally apply to the consolidated land unit in terms of this Scheme, but may not be more restrictive than the development rules which applied to the former individual land units, prior to consolidation, unless the land is rezoned.
- (4) If consolidation of erven results in intensification of land use, additional development charges shall be levied on a property.

## 10. Evasion of intent of the scheme

- (1) It is unlawful for a building plan or any other application in terms of the Scheme to evade the intent of the Scheme, and the Municipality may refuse such an application if the plan or application facilitates or constitutes the evasion of the intent of this Scheme or any of its provisions.

## 11. Methodology of measuring and rounding off

- (1) The Municipality may require an applicant or owner to appoint a registered land surveyor, at the owner/applicant's cost, to supply and verify information necessary for the Municipality to make decisions about, or ensure compliance with, distances or levels in terms of this Scheme. This information may be required at any stage of the application, building plan submission or construction process, or prior to an occupation certificate being issued in terms of the National Building Regulations.
- (2) The distance between a building and a boundary shall be measured along the shortest distance between a point on the building and the boundary measured on the same horizontal plane.
- (3) Where reference is made to the boundary opposite a point or building, that portion of the boundary is defined by drawing lines from the point on the building at right angles to the boundary.
- (4) Where reference is made to the existing ground level or the natural level of ground such level shall be calculated in accordance with recognised geometric principles.
- (5) Where it is not possible to measure a height, distance or level due to irregularities which make the application of geometric principles impractical or inconsistent with the intent of the Scheme, the Municipality shall determine the distance, level or height for purposes of administering the Scheme, taking into consideration the overall intent of the Scheme.
- (6) If a calculation of a requirement results in a fraction, and where such a fraction applies to a number of whole units which cannot be provided in fractions (e.g. dwelling units, parking bays, bedrooms and so forth) then the result of the calculation will be rounded up or down as follows: when the calculation results in a fraction which is less than 0,5 the number shall be rounded down, and where the fraction is 0,5 or more, the number shall be rounded up.

## 12. Land use tables in zones

- (1) The land use tables for each zone in this Scheme, set out the primary and additional land uses which may be conducted on a land unit in that zone, as well as which uses are permitted, require technical approval or neighbours' permission or are consent uses.
- (2) The land use table also identifies prohibited uses which may not be undertaken in that zone. (Refer to section 16).
  - (a) Row 2 of the land use table shows primary land uses, which are land uses which may be conducted from the whole land unit, and where more than one primary land use is listed, one or any combination of primary land uses may be conducted, unless specific limitations on the scale or number of different primary land uses are imposed in the particular zone.
  - (b) Row 3 of the land use table shows additional land uses, which may be undertaken in conjunction with a primary land use as a subservient use to the primary land use. At least one of the primary uses must be conducted on the land unit in order to also conduct an additional use.
  - (c) Column 2 of the land use table shows the permitted land uses which may be undertaken with no further approvals from the Municipality.
  - (d) Column 3 of the land use table shows the land uses which require technical approval from the Municipality in terms of section 13 of this Scheme before they may be conducted from the land unit.
  - (e) Column 4 of the land use table shows the land uses for which neighbours' permission will be required in terms of section 14 before the land uses are deemed to have been granted by the Municipality.

- (f) Column 5 of the land use table shows the land uses which may only be conducted as consent uses, which application is made in terms of the Planning By-law, subject to all procedures as described in terms of that By-law. (Also refer to section 15).
- (g) Column 6 of the land use table lists the land uses which are prohibited in terms of section 16 and which may not be conducted from a property.

### 13. Technical approval

- (1) Where a land use falls in the "Technical Approval" column of a land use table in a zone, it may only be exercised once the Municipality has approved a site development plan.
- (2) Where provision is made for a land use or development parameter to be permitted with technical approval, the following application process shall apply:
  - (a) An application shall submit to the Municipality by the owner or the property or the person wishing to conduct the activity, with the property owner's written permission, on the prescribed form, together with such documentation that the Municipality may prescribe, including all relevant details of the proposal for which a technical approval is required;
  - (b) A site development plan shall accompany the application for a technical approval unless the Municipality has waived the need for a site development plan;
  - (c) The Municipality shall circulate the site development plan to the relevant departments for their comment and, upon receiving such comment, will forward same to the applicant for incorporation in the plan;
  - (d) Once all departmental comments have been satisfactorily incorporated and the plan amended where required, the Municipality shall decide on the technical approval;
  - (e) The applicant may respond to departmental comments by amending the site development plan or motivate why incorporation of a specific requirement is not possible or legally required;
  - (f) A technical approval application may only be refused if it does not adhere to the parameters of this Scheme, or is not permitted in terms of other applicable law, or conflicts with other adopted regulations or standards, or is likely to lead to development which is hazardous or unsafe for occupants of the land unit or the general public;
  - (g) The Municipality will retain a copy of all documentation, including the site development plan, for their record and capture the approval in the zoning register;
  - (h) The applicant may agree to the imposition of conditions, or amendments to the plan, in order to address compliance or concerns and facilitate the approval, provided that these must be put in writing and agreed to by all the relevant departments;
- (3) If the applicant is unable to obtain the agreement of all internal Municipal departments, the applicant may submit an application for rezoning, consent use, a departure or permission in terms of the Scheme, as the case may be, if this would resolve the conflict, upon which the official application process in terms of Planning Law will apply, including the right to appeal.
- (4) There is no right of appeal against a refusal of a technical approval.

### 14. Neighbours' permission

- (1) Where land use falls in the "Neighbours' permission" column of the land use table in a zone, or where provided for elsewhere in the Scheme, the use may be exercised if the written permission of the affected neighbours has been obtained, in which case the Municipality's permission is deemed to have been granted.

- (2) Where provision is made in the Scheme for a land use or specific development requirement to be permitted with the neighbours' permission, the following application process shall apply:
  - (a) The applicant shall submit to the Municipality an application, on the prescribed form, together with such documentation and plans that the Municipality may prescribe;
  - (b) The Municipality shall evaluate which neighbours are affected by the proposal and return the application to the applicant, together with instructions on how to proceed with obtaining said neighbours' permission;
  - (c) The applicant shall then obtain the necessary signatures from the identified neighbours signifying their permission is granted, and if all signatures are thus obtained, the applicant shall submit the documentation to the Municipality, upon which the approval is deemed to have been granted and the Municipality will provide the applicant with written proof of such permission being granted to their satisfaction;
  - (d) The Municipality shall retain a copy of all documentation for their record and capture the permission in the zoning register;
  - (e) If the applicant does not obtain written permission from all the identified neighbours, or do not submit the required completed documentation to the Municipality's satisfaction, the permission is deemed not to have been granted;
  - (f) The applicant may agree to the imposition of conditions or amendments to the plan, whichever is appropriate, in order to obtain the necessary neighbours' permission, provided that these must be put in writing and be signed by all the parties so identified by the Municipality, in order for the revised proposal to be deemed to be granted;
- (3) If the applicant is unable to obtain written permission from all identified neighbours, the applicant may submit an application for a consent use, or a departure, as the case may be, upon which official notification to neighbours will be made in terms of the Planning Law and parties who have not provided their permission, will be given an opportunity to comment on the application in terms of Planning Law. In the event of this process being followed, the application process as set out in Planning Law shall apply, including giving the right of appeal to any persons who may have a right to appeal against a decision.
- (4) The Municipality will, in its sole discretion, determine which neighbours are likely to be affected by a proposal for which neighbours' permission is required and written agreement from all the identified neighbours will be obtained prior to the approval being deemed to be granted.

## 15. Consent uses

- (1) Consent use applications are made in terms of the Planning By-law.
- (2) Where the land use rights and development extent of a consent use are approved on a site development plan, the approval of such a consent will be limited to the extent shown on the approved site development plan and any expansion of land uses or buildings beyond that shown on the site development plan, will require a further consent use application.

## 16. Prohibited uses and uses not mentioned in a zone

- (1) The Municipality may not allow any use that is indicated as prohibited in a zone through the approval of a temporary departure or consent for special use, as the case may be.
- (2) Where an application is made for a land use not mentioned in the specific zone, such use could be considered through the approval of a temporary departure or consent for a special use, as the case may be, provided that the application satisfies the criteria for assessment of applications as set out in the Planning Law.

## 17. Permission in terms of this scheme or conditions of approval

- (1) An owner of land may apply for permission where such provision is made in the Scheme, or where a condition of approval requires such further permission to be obtained.
- (2) The following application process shall be followed to obtain such permission:
  - (a) The applicant shall submit to the Municipality an application, on the prescribed form, together with such documentation and, if required, site development plan, as the Municipality may prescribe;
  - (b) The Municipality shall evaluate whether any parties are adversely affected by the proposal and if so, cause a notice to be served, as provided for in the Planning By-law;
  - (c) The Municipality will, in its sole discretion, determine whether any party is adversely affected by an application. Where a permission or approval is required in terms of a condition of approval, the Municipality shall only notify objectors to the original application if the application substantially deviates from what was originally approved.
  - (d) A person may respond to a notice contemplated in this section, as provided for in the Planning By-law, and an applicant shall have a right to reply in a similar manner as contemplated in the By-law;
  - (e) An assessment, recommendation, and conditions of an application shall be in writing, and a decision shall be made by an authorised employee within 60 days reckoned from either the submission date, the closing date of comment period, or date when a reply was submitted as, as the case may be, and the application may be approved in whole, or in part, or refused or varied;
  - (f) The Municipality shall notify the applicant, and any other party who may have commented on the application, of the decision within 14 days of the decision being made;
  - (g) Errors and omissions in an approval may be corrected in a similar manner as contemplated in the Planning By-law;
  - (h) The decision is final and there is no right of further appeal;
  - (i) The Municipality will retain a copy of all documentation and site development plans, as the case may be, for their record and capture the permission in the zoning register.

## 18. Site development plan

- (1) The requirement for a site development plan to accompany an application for a change in land use rights is specified in each zone.
- (2) Where a site development plan is required in terms of the Scheme for any consent use application, additional use, neighbours' permission or other permission in terms of the Scheme, a condition will be imposed once approved, to the effect that the site development plan shall become the development parameters for such approval.
- (3) The Municipality may, upon application by the owner, amend an approved site development plan and the same application process applicable to the original application shall apply to an application to amend the site development plan, provided that notification may be waived if the amendment will not have a material adverse impact on any other person or the public, or the site development is generally in accordance with the original approval.
- (4) The Municipality may, prior to approving a site development plan, request adjustments to the plan to ensure compliance with the provisions and intent of the Scheme or any other regulations, standards or legal requirement, or health, safety or other relevant technical requirements of the Municipality provided that the Municipality must approve a site development plan if it is consistent

with the requirements of the Scheme and if all permissions and approvals specified in the Scheme has been dealt with.

- (5) To this end, the Municipality may determine what information is relevant for a particular application type, may adopt guidelines in this regard to assist applicants, and may request some, or all of the information below depending on the details of the development, or any relevant additional information it deems necessary:
- (a) existing contours, rivers or streams and trees or landscaping on the site;
  - (b) existing orchards, vineyards, grazing or any other existing agricultural land use;
  - (c) existing critical bio-diversity areas, natural veld or other vegetated areas;
  - (d) any information contained in an approved environmental management framework pertaining to the property;
  - (e) the position, extent, and use of existing buildings, and other features, including indicating what is to be retained and demolished/removed;
  - (f) all existing historic buildings and structures and other heritage resources;
  - (g) the position, use and extent of all proposed new buildings;
  - (h) elevations and cross sections of the new development;
  - (i) the alignment and general specification of proposed vehicle access, roads, parking areas, pedestrian footpaths, cycle lanes, public transport stops, including facilities which require to be provided in adjacent public and private roads;
  - (j) typical details of proposed fencing or walls around the perimeter of the land unit;
  - (k) provisions for the disposal of stormwater, sewage and refuse which result from the proposals;
  - (l) provisions for water supply;
  - (m) external lighting proposals;
  - (n) external signage proposals;
  - (o) the position and extent of proposed private, public and communal space, general landscaping proposals including trees to be preserved, removed or planted, external paving, and measures for stabilising outdoor areas where applicable;
  - (p) the proposed phasing of the development;
  - (q) the proposed development in relation to existing and finished ground levels, including excavation, cut and fill;
  - (r) all relevant information about the extent of the proposed development, floor area allocations and parking supply to illustrate compliance with the development parameters of this Scheme;
  - (s) the Municipality shall indicate upon request by an applicant whether a site development plan may be un-scaled, hand drawn, drawn on an aerial photo or whether plans require to be dimensioned and to scale; this shall be determined by the complexity of the application and the need for scaled drawings to inform the particular application at hand (e.g. to determine extent of departures);
  - (t) any other details as may reasonably be required by the Municipality.
- (6) The Municipality may also accept, solely in their own discretion and to their own satisfaction, illustrations, plans or drawings which are drawn by hand, which may not necessarily be drawn-to-

scale, especially in cases where accuracy and scale is of lesser importance, and in informal areas where owners are unable to afford professional drafting services.

## **19. Owners' associations and other laws**

- (1) An approval in terms of this Scheme will not obviate the need to obtain permission, consent or any permit required in terms of any other law.
- (2) Where a home owners' association, property owners' associations or body corporate is in operation, any application in terms of Planning Law must be accompanied by the association's comment unless the rules of the association make explicit provision for such application to be submitted without the said approval of the association concerned.
- (3) Where any other law or approval in terms of another law prescribes conditions to be adhered to or requirements to be met, the owner or operator shall comply with all such conditions, and in all cases, the most restrictive of conditions shall be adhered to.

## **20. Lapsing of permission**

- (1) Any permission granted in terms of this Scheme will lapse after five years, or a shorter period as the Municipality may determine if the activity has not commenced.
- (2) In this section, commencement means that the land or buildings are utilised in accordance with the permission, or a building plan has been approved to allow for the utilisation of the permission and construction to implement such an approved building plan has commenced.

## **21. Environmental construction management plans**

- (1) An environmental construction management plan:
  - (a) may be required by the Municipality, in its sole discretion, to be submitted together with a building plan for its approval if construction activities may have, in the opinion of the Municipality:
    - (i) an adverse impact on the natural and/or built environment or neighbours; or
    - (ii) on-site or adjacent trees or vegetation require protection during the site preparation or construction phase; or
    - (iii) heritage resources require protection during the site preparation or construction phase; or
    - (iv) any other related matter which requires management during the site preparation or construction phase and which is not adequately dealt with by means of the provisions of the National Building Regulations.
  - (b) may be imposed as a condition when the Municipality considers an application in terms of the Planning By-law or this Scheme.
- (2) The Municipality may adopt a policy to direct when a construction environmental management plan may be requested.
- (3) The construction environmental management plan and building plan may be submitted simultaneously for the Municipality's consideration and may be approved simultaneously.
- (4) The Municipality may specify requirements in relation to the qualifications of the specialist who will prepare, implement and oversee the construction environmental management plan.
- (5) After considering the construction environmental management plan, the Municipality must either:
  - (a) approve the construction environmental management plan, with or without conditions;
  - (b) or require amendments to the environmental management plan to be re-submitted;

- (c) or refuse the plan.
- (6) The Municipality has the right to impose additional requirements for mitigation after it has granted its approval in terms of this section if in its opinion the original required measures are not adequate to mitigate impacts.
- (7) It is an offence for any person to develop, construct or use land without an approved construction environmental management plan, where one is required, or develop, construct or use land contrary to an approved construction environmental management plan.
- (8) No parties require to be notified of the Municipality's intention to consider or approve a construction management plan, and the Municipality's decision is final. There is no right of appeal.

## 22. Visual impact assessments

- (1) A visual impact assessment:
  - (a) shall be required where this Scheme specifies such an assessment to be submitted;
  - (b) may be required information to accompany an application in terms of the Planning Law or this Scheme;
  - (c) may be imposed as a condition when the Municipality considers an application in terms of the Planning Law, prior to which a building plan will not be approved.
- (2) A visual impact assessment must be undertaken by a suitably qualified specialist, to the Municipality's satisfaction, and shall contain sufficient information to enable the Municipality to make a decision and impose appropriate conditions to mitigate the impact of the proposed development.
- (3) The Municipality shall assess all relevant aspects of the proposed development, including, but not limited to building height, bulk and the siting of the building and/or structure, proposed design, facade and composition, material, colour, texture, architectural treatment and appearance of the outer elements as well as any element of such building or structure visible to the public, such as parking, outdoor lighting, landscaping, signage and grading.
- (4) The Municipality may determine what information is relevant to a particular visual impact assessment and may request all or any of the following information:
  - (a) description of the affected environment;
  - (b) identification and response to issues;
  - (c) identification of alternatives;
  - (d) identification of opportunities and constraints;
  - (e) prediction of and assessing of impacts; and
  - (f) mitigatory measures.
- (5) A visual impact assessment informs either a planning application in terms of the Scheme, or a land use application in terms of the Planning By-law, or a building plan in terms of the National Building Regulations, and the Municipality shall either decide on the planning application, in which case appropriate conditions shall be imposed, or will decide on the building plan which incorporates the recommendations of the visual impact assessment.
- (6) When a visual impact assessment informs a building plan, no parties require to be notified of the municipality's intention to consider or approve a visual impact assessment, and the Municipality's decision is final. There is no right of appeal.

## **Chapter 3**

### **General development parameters & parking**

#### **23. General parameters applicable to all zones**

- (1) This Chapter sets out development parameters for land use and land development that are applicable to all land units in the Drakenstein Municipality; in addition to the parameters set out for each land use zone.
- (2) The Municipality will determine the applicability of these general parameters to a particular property depending on the type of development proposal, the base zone and any other information related to the property which may apply in the particular case.
- (3) Where the Municipality has adopted a policy regarding an aspect of land use management, such policy will inform Municipal decisions made in terms of this Scheme where applicable.

#### **24. Access requirements**

- (1) Vehicular and pedestrian access to a property shall be to the satisfaction of the Municipality and, where applicable, to the satisfaction of the Provincial Roads Engineer.

#### **25. Ancillary uses**

- (1) Land uses which are ancillary to the lawful land use may, in the sole opinion of the Municipality, be allowed to be included on a land unit, unless such uses are indicated in the land use table as requiring permission or a consent use in that applicable zone, or being prohibited in that zone, in which case the requirements pertaining to such permission or consent use shall apply, or a rezoning shall be required.
- (2) The Municipality may not allow a land use as an ancillary use if believes that permitting such use will evade the intent of the Scheme.

#### **26. Boundary walls and fences**

- (1) The maximum height of a boundary wall or fence on the street boundary is 1,8m.
- (2) At least 40% of a boundary wall or fence on a street boundary must be visually permeable, and gates, entrance structures and buildings situated on the street boundary will be included in the calculation of the requirement.
- (3) The maximum height of a boundary wall or fence on a common boundary is 2,1m.
- (4) If a land unit is a corner property, or is abutted by more than one street, the Municipality may, for the purposes of applying the boundary wall requirements, deem one or more street boundaries to be common boundaries to ensure that a property can be walled sufficiently to provide for privacy, provided that a minimum of one street boundary will comply with the street boundary requirements.
- (5) Solid portions of a wall shall not interfere with sight lines of vehicles entering or leaving a property or passing traffic.
- (6) Where a common boundary abuts a land unit zoned Open Space Zone, the Municipality may require that at least 40% of the boundary wall or fence on such a common boundary is visually permeable. The height of boundary walls and boundary fences shall be measured from the level of the pavement and in the absence of a pavement, from the natural level of the ground outside the property immediately adjacent to such wall or fence. If the ground level slopes longitudinally along the length of the wall, then its height at each end of the slope shall not exceed the permitted height and when the wall/fence is stepped, such stepping shall be in a series of even steps between piers

(where necessary). The deviation from this section shall be at the discretion of the Municipality provided that such deviation shall not be more than 15% of the permitted height.

- (7) The height of additional security precautions such as spikes, electrical fencing/wiring, and such like is restricted to 400mm above the height of a wall or fence and shall be to the Municipality's satisfaction.
- (8) Electrical fencing shall comply with any Municipal guidelines on electrical security fence installations, the Electrical Machinery Regulations, the Occupational Health and Safety Act and any other applicable legislation.

## 27. Building height

- (1) Unless otherwise prescribed in an approval or condition, the height of buildings or structures shall be measured from the base level, immediately adjacent to the building, to the highest point of the wall plate.
- (2) A pitched roof may extend a maximum of 2m above the highest point of the wall plate.
- (3) A roof parapet wall may extend a maximum of 1m above the wall plate.
- (4) Chimneys and smoke stacks may exceed the maximum height indicated in the zone.
- (5) Stairs and stairwells which provide access to a flat roof, and elevator overruns and motor rooms may not exceed 2,5m in height above the wall plate.
- (6) In approvals which limit the number of storeys rather than indicating the maximum height above wall plate level, a storey may not exceed 4m measured from floor below to the underside of the floor above, or ceiling where there is a roof above.

## 28. Building lines

- (1) Notwithstanding the building lines prescribed in this Scheme, a 5m building line is required where the street boundary abuts a proclaimed road.
- (2) Notwithstanding the building lines prescribed in this Scheme, the Municipality may require buildings to be set back from underground services along common boundary lines or services servitudes;
- (3) In the event of applying for a departure from a common boundary building line, the Municipality may require a servitude for the protection of any utility services along land unit boundaries, should a departure be granted;
- (4) Notwithstanding the building lines prescribed in this Scheme, the regulations promulgated in terms of the National Building Regulations may require greater building setbacks from common boundaries for fire safety or other purposes, in which case such greater setbacks will prevail over this Scheme;
- (5) Notwithstanding the building lines prescribed in this Scheme, the following structures or portions of structures may be erected within the prescribed building line<sup>2</sup>, provided they do not extend beyond the boundaries of the land unit:
  - (a) boundary walls, fences (which may straddle a common boundary with the permission of the affected neighbour);
  - (b) gates and doors (which may not open over a cadastral boundary);
  - (c) open uncovered stoeps that are less than 500mm above the natural level of the ground;
  - (d) entrance steps, landings, and entrance porches, excluding porte cocheres;
  - (e) an entrance structure or gatehouse;

- (f) eaves, awnings, and sunscreens projecting no more than 1 m from the wall of a building;
  - (g) cornices, chimney breasts, flower boxes, water pipes, drain pipes and minor decorative features not projecting more than 500mm from the wall of a building;
  - (h) screen-walls not exceeding 2,1m in height above the natural ground level abutting such wall;
  - (i) swimming pools not closer than 1m from any boundary;
  - (j) electrical substations and refuse storage rooms not exceeding 5mx5m and 2,4m high are not subject to street building line requirements and shall be placed and constructed to the satisfaction of the Municipality;
  - (k) a basement and access ramp to a basement provided that no part of such a basement projects above natural ground level;
  - (l) water storage tanks not exceeding the height of the boundary wall.
- (6) Any other building, structure or equipment not mentioned in subsection (5), which area associated with or attached to the building or related to the operations of the building, such as braais, tool or storage sheds, pool pumps, air conditioner units, water tanks exceeding the height of boundary wall, extractor vents or electrical substations may be constructed outside of the building line restrictions on the common boundaries, with neighbours' permission and the provisions of section 14 shall apply.

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<sup>2</sup> This provision does not exempt an owner from complying with the provisions of section 17 of the Roads Ordinance Act (No 19 of 1976) which requires approval of all structures within 5 meters of a proclaimed road, or from complying with section 9 of the Advertising on Roads and Ribbon Development Act (No 21 of 1940) which prohibits any structures being erected within 95 meters from the centerline of a restricted proclaimed road without approval. In both cases approval should be obtained from Provincial Department of Transport and Public Works.

## **29. Decommissioning of various installations and land uses**

- (1) The owners of land, where crop covers, renewable energy infrastructure, telecommunication antennae masts and other similar infrastructure, noxious industry or mining was undertaken, shall be responsible for the rehabilitation, decommissioning and reparation of any damage to the environment.
- (2) The Municipality may impose conditions prior to construction commencing relating to rehabilitation, decommissioning and repair of any environmental damage and may require that the owner makes financial provision up front for such rehabilitation, decommissioning and repair, to the satisfaction of the Municipality.
- (3) In all instances, whether financial provisions were put in place or not, the owner remains financially responsible for any rehabilitation, decommissioning and repair to the environment, should the costs of rehabilitation, decommissioning or repair, exceeds the financial provision made.
- (4) If the facility is abandoned, or, if the owner fails to rehabilitate, decommission or repair, as the case may be as contemplated above, the Municipality may, after written notice to the owner, use all or part of the financial provision to rehabilitate, decommission or repair the environmental, or to remove the facility and may recover such or any related additional costs from the owner.

## **30. Development charges**

- (1) The Municipality may impose development charges for any intensification of existing land use in line with the Municipality's Development Charges Policy, where such development may have the

effect of increasing the burden on external utility services. Charges may apply (but are not limited to the following instances):

- (a) Second, third and employee dwelling units;
  - (b) any additional uses in a dwelling house, second or third dwelling unit;
  - (c) any new development where the development extent exceeds the primary rights which existed on the property before the adoption of this Scheme;
  - (d) any new development where existing or new development cause an additional impact on utility services and specifically where the proposed development exceeds the floor area which was permitted in terms of the previous zoning schemes applicable to that property;
  - (e) where consolidation was undertaken which resulted in the indirect intensification of land use which results in an increase in demand for utility services;
  - (f) any consent use which results in an increase in demand for utility services;
  - (g) any other development which triggers the imposition of the charge as set out in the Municipality's policy dealing with development charges.
- (2) In each base zone, the threshold above which development charges may be levied for any permitted or additional uses are set out and the levies shall be calculated upon submission of a building plan and shall be payable prior to building plan approval.

### **31. Door and window openings, gutters and roof eaves**

- (1) Unless servitudes have been registered on an abutting property in favour of the subject property:
- (a) no door, or window which opens, is permitted in a wall facing a common boundary closer than 1m to the common boundary;
  - (b) windows which cannot open, or glass bricks may be allowed in walls within one meter of the common boundary but in any event not closer than 0,5m from the common boundary. This provision is subject to the applicable building and fire regulations which may impose more restrictive requirements.
- (2) Unless servitudes have been registered on an abutting property in favour of the subject property, no eave or gutter may protrude over a common boundary.
- (3) No door or window (including garage doors and gates) may open over a common or street boundary.

### **32. Dwelling house in all zones: use and leasing**

- (1) Notwithstanding the zoning of a property, where a dwelling house is lawfully constructed on a land unit and approved as such on a building plan in any zone in this Scheme, the land uses and development parameters of the Conventional Housing zone will apply to that property until such time as a building plan is approved for alternative primary land uses permitted in the relevant zone in this Scheme.
- (2) On any property where a dwelling house is lawfully constructed, new development or land uses, including additional uses which are permitted in the Conventional Housing zone may be undertaken, subject to the parameters in the Conventional Housing Zone and permission or consent use may also be granted by the Municipality in terms of that zone.
- (3) Nothing in this Scheme shall be construed to prohibit the leasing of a dwelling house to a household as defined for them to use as their *bona fide* permanent residence.
- (4) The short-term lease of an entire dwelling unit or leasing of a dwelling as rooms to transient guests, where the owner does not permanently reside on the property, is classified as visitors' accommodation, which will only be permitted in the appropriate zones, subject to the parameters of the particular zone or with appropriate approvals as are required in this Scheme.

### 33. Entrance porches and gate houses

- (1) Notwithstanding the height restrictions on boundary walls and fences in this Scheme, a covered entrance porch which forms part of a street boundary wall may be enclosed on up to three sides, and a gate house, which may be open or enclosed on all four sides, may be constructed on the street boundary of the land unit.
- (2) A covered entrance porch or gate house may exceed the height restriction of boundary walls and fences, but may not exceed a height of 2,8m.
- (3) The floor area of a covered entrance porch is restricted to 2m<sup>2</sup> except on land units exceeding 1500m<sup>2</sup>, where an entrance porch may not exceed 10m<sup>2</sup>.
- (4) A gate house is allowed on land units exceeding 1 500m<sup>2</sup>, provided that:
  - (a) A gate house shall have floor area of no less than 5m<sup>2</sup> And no more than 10m<sup>2</sup>.
  - (b) The Municipality may require a gate house to be set back from the street boundary, to its satisfaction, to facilitate safe access to the property or safe sight distances to enter a public road.

### 34. Freestanding mast

- (1) Any freestanding mast for telecommunication purposes shall comply with the parameters in this section.
- (2) The mast of a freestanding mast installation may not extend more than 30m in height above the natural ground level.
- (3) The height of any structures and buildings associated with a freestanding mast installation (excluding the mast itself) may not exceed 4m unless permission is granted by the Municipality in terms of this Scheme.
- (4) The Municipality may require appropriate context-specific screening or other measures to mitigate the impact of a freestanding mast and its ancillary structures and buildings.
- (5) The Municipality may request that a pre-electromagnetic radiation test be commissioned.

### 35. Loading bays

- (1) The parameters for on-site loading facilities are set out below:
  - (a) for supermarkets and shopping centres 1 loading bay/500m<sup>2</sup> GLA;
  - (b) in Industrial Zone, all loading of goods shall take place on the premises and the owner shall supply sufficient loading space to ensure this requirement is met. The minimum requirement for loading shall be 1 bay per 250m<sup>2</sup> GLA, plus 1 bay for every 1000m<sup>2</sup> GLA thereafter;provided that where on-street loading bays are available the Municipality may relax these requirements at its discretion.
- (2) Loading and offloading bays in public streets are to be used for short-term loading facilities for shops and all other loading associated with a particular land use shall take place on the land unit concerned and sufficient provision shall be made on the land unit to the Municipality's satisfaction.

### 36. Mobile homes and caravans

- (1) A recreation vehicle, such as a caravan or mobile home, may not be used for permanent habitation by the residents or visitors on a land unit for more than 60 days during any 12-month period unless the Municipality has granted its permission in terms of the Scheme, subject to conditions they may impose.

- (2) A recreational vehicle may not be used for an additional use.

### **37. Motorcycle, bicycle and other non-motorised transport provision**

- (1) The Municipality may require that parking for motorcycles and/or bicycles be provided in lieu of normal parking bays on any property and the Municipality may adopt a policy with regards to the compulsory nature of such non-motorised transport parking provision.
- (2) Dimensions, position, and layout of these parking bays shall be to the Municipality's satisfaction.
- (3) An owner may of their own accord provide unlimited bicycle and/or motorcycle bays over and above the normal vehicle parking bay requirement set out in Table A.
- (4) The Municipality may agree that an owner can provide bicycle and/or motorcycle bays in lieu of parking bays in which case the Municipality shall determine the maximum number of parking bays which may be replaced by bicycle and/or motorcycle bays and all such parking shall be to the Municipality's satisfaction.
- (5) Should motorcycle or bicycle parking be provided in lieu of normal parking, the following shall apply:
  - (a) four motorcycle spaces shall count towards one parking bay; or
  - (b) six bicycle spaces shall count towards one parking bay.
- (6) These bays shall be clearly marked, easily accessible to users and allow bicycles to be locked.
- (7) In the event that an owner does not provide the required bicycle and/or motorcycle bays or ceases to make such facilities available to users as set out in the conditions, the normal parking requirements applicable to the development shall be complied with.
- (8) The Municipality may require that an owner provides bicycle routes or pedestrian pavements adjacent to a development at his cost as part of the developer's responsibility when a site is extensively re-developed and may require that such works be completed prior to the issuing of an occupancy certificate for the building.

### **38. Occasional use**

- (1) One occasional use activity or event is allowed on a land unit in any use zone within one calendar year as a permitted additional use, and for which no further approval of the Municipality is required, provided that the following conditions are adhered to:
  - (a) land uses listed in the column for prohibited uses are not permitted;
  - (b) the event may not take place outside the hours of 8:00 am and 22:00 pm;
  - (c) the event may not exceed 500 attendees including all staff, performers, and vendors;
  - (d) the activity may not involve amplified sound;
  - (e) off-street parking shall be provided on the property concerned or on a property within walking distance thereof and specifically leased for the event. Off-street parking shall be provided at a ratio of at least 1 bay per 4 attendees including staff, and attendees shall be directed to such parking;
  - (f) the event organiser shall provide sufficient portable ablution facilities as may be required to serve the number of people attending;
  - (g) the event may not take place for more than three consecutive days;
  - (h) the event organiser shall ensure clearing of the event is completed within 24 hours of the end of the event;

- (2) This clause does not grant exemption from other legal requirements.
- (3) If an occasional use takes place more frequently or does not comply with any of the conditions in subsection (1) the activity is not permitted and can only be undertaken once an additional consent use is approved by the Municipality. Such an application for consent use shall be submitted in terms of Planning Law and shall be made in good time to allow the consent application process to be concluded in terms of the Planning By-law.
- (4) Where consent use is granted, the frequency and duration of occasional uses or recurring occasional uses on a land unit are limited as set out below<sup>3</sup>:
  - (a) an occasional use may only take place for a maximum of five days per month;
  - (b) the duration of anyone occasional use event may not exceed three consecutive days;
  - (c) an occasional use may not take place more than once a week.
- (5) Where consent use is applied for, the Municipality may waive the notification process for a consent use if it is satisfied that the impacts of the particular occasional use (especially, but not limited to, traffic and noise) will not extend beyond the boundaries of the subject property.
- (6) Where consent use is applied for, and where the occasional use is likely to have impacts beyond the boundaries of the land unit, and in all cases where an occasional use will involve the use of amplified sound, the application will be subject to the serving of notices as required in terms of Planning Law.
- (7) A consent use application for occasional use must be accompanied by the sufficient information, to the Municipality's satisfaction, which may include all or some of the following:
  - (a) the time and duration of the event, including time needed for preparation (set up) and clearing;
  - (b) the maximum number of people that will be involved in or attend the occasional use or event including all staff, artists, vendors or participants;
  - (c) the parking to be provided, access locations and proposed access control and traffic marshalling;
  - (d) the intended use of musical instruments, amplified sound, public announcement systems, equipment that generates noise or identification of any other likely disturbances, including any measures to mitigate such impacts;
  - (e) arrangements for refuse removal;
  - (f) a management plan that addresses at least traffic management, parking, noise, dust (if applicable), or any other nuisance likely to be caused, the provision of ablution facilities, cleansing, and provision for emergency services;
  - (g) any additional information that the Municipality deems needed to adequately assess the application.
- (8) In addition to the above information, the Municipality may require a site development plan to be submitted with an application for consent use which shows the location of parking, the event area, position of stages, sound equipment and any other information which may have relevance to the application.
- (9) The Municipality may impose conditions to mitigate the impact of the occasional use when approving an application for consent use, including, but not limited to, conditions relating to the duration and frequency of the event, erection, and removal of temporary structures, cleansing, hours of operation, traffic management, and any other matter.

- (10) The operator of the occasional use and the owner of the land unit shall be jointly responsible for adherence to all conditions of the Municipal consent, as well obtaining all other permits, approvals or permissions which may be required.
- (11) The Municipality may withdraw its consent use approval for an occasional use upon complaints from affected parties or if the conditions of the approval are, in its sole opinion, not adhered to.
- (12) The Municipality may formulate additional policies to inform decisions for consent use for occasional uses.

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<sup>3</sup> The undertaking of occasional uses on a continuous basis to the extent that it becomes the primary use on the property is not permitted in this Scheme. If the primary activity on a property is to be regular events which is taking place frequently enough to be regarded by the Municipality, in their sole opinion, as a permanent land use, then the activity should be classified according to one of the land use categories and an application for consent use and/or rezoning, as the case may be, must be lodged with the Municipality.

### **39. Outdoor storage of vehicles and other goods**

- (1) The following provisions shall apply in all zones for the outdoor storage and parking of vehicles:
  - (a) motor vehicles (such as bakkies, taxis, and mini-bus taxis) owned by the occupant of a dwelling house, and used for commercial activities conducted away from the dwelling house, may be parked on the property concerned, provided that:
    - (i) no more than two commercial vehicles shall be parked on any land unit with a dwelling house;
    - (ii) the gross weight of any such commercial vehicle shall not exceed 3500kg;
    - (iii) no goods or passengers may be loaded or offloaded at the residential property on a regular basis;
  - (b) no area visible from a public street shall be used for the outdoor storage of inoperable vehicles;
  - (c) no area visible from a public street shall be used for the outdoor storage of building material, appliances, boats, rubbish, rubble, garden refuse or similar items except:
    - (i) when being temporarily stored for construction purposes in accordance with a valid building plan approval; or
    - (ii) in conjunction with a yard or garage sale with a duration of not more than two consecutive days; or
    - (iii) with the Municipality's permission.

### **40. Panhandle properties**

- (1) No buildings shall be constructed on the panhandle portion of a property which provides access to the property.
- (2) Common boundary building lines apply to the portion of the property which does not form part of the panhandle.
- (3) The panhandle portion of a panhandle property must be:
  - (a) not less than 3,5m wide for its entire length for a property with a Conventional Housing zoning;

- (b) in other zones, sufficiently wide to accommodate two-way traffic if the Municipality determines it to be necessary, given the volume of traffic;
- (c) disregarded for the purposes of calculating coverage.

#### **41. Parking: disabled and universal access**

- (1) A site development plan or building plan shall incorporate and be consistent with the requirements of the National Building Regulations and any Municipal policy applicable at the time in relation to the provision of parking that is capable of use by physically disabled persons and universal access and it remains the owners' responsibility to ensure compliance with these regulations and the Municipality's policy.

#### **42. Parking: on-site provision requirements**

- (1) On-site parking requirements for any new development are set out in Table A and shall apply to all new buildings or portions of new buildings or new land uses approved on building plans after the commencement of this Scheme.
- (2) The parking standard indicated in Table A applies to each land use, notwithstanding the base zone, unless otherwise indicated.
- (3) On-site parking shall be provided -:
  - (a) on the same land unit where the activity or building is located for which the parking is required; or
  - (b) in a public parking facility to be provided by the developer near the site, to the Municipality's satisfaction and subject further to any conditions it may impose in this regard; or
  - (c) on another land unit, in which case the land on which such parking is provided shall be located to the Municipality's satisfaction and shall be notarially tied with the subject property in accordance with this Scheme.
- (4) Where an addition is made to an existing building, or where an existing building or its land use is altered, the required parking shall be calculated by only taking account of the additional gross leasable area, or new land uses, as the case may be, and any parking shortfall on land use which existed at the commencement of the Scheme is regarded as a non-conforming use.
- (5) If the Municipality approves a departure from minimum parking requirement stipulated in this Scheme, it may impose a condition which requires payment of a levy in lieu of the shortfall of the number of bays, on the basis that public parking or roads may be utilised for parking of vehicles connected to the activity.
- (6) Except in Conventional Housing Zone, no more than an additional 10% of the total number of bays required on a property in terms of this Scheme may be provided on the property.
- (7) Apart from the provision for two commercial vehicles not exceeding 3500kg to be parked on a residential zoned property in connection with the resident's work or business related activities as provided for in section 0(2)(6), all parking of vehicles on a property shall only be serving land uses which are lawfully permitted on the property.
- (8) Except in the case of dwelling houses, tandem parking bays count as one bay.
- (9) Parking areas shall be constructed, adequately signposted, demarcated and maintained to the Municipality's satisfaction.
- (10) Parking layout, circulation and dimensions shall be to the Municipality's satisfaction. Minimum parking bay dimensions are recommended to be 2,5m wide by 5m long. The Municipality may require that bays are wider to ensure they are accessible especially in cases where they are adjacent to solid walls and support columns or where narrow aisle widths require wider bays.

- (11) All parking bays required in terms of this Scheme shall remain accessible for use as parking and may not be otherwise used or encroached upon.
- (12) Notwithstanding subsection (1) and (6), when approving a rezoning, consent use or departure application in terms of the Planning Law, the Municipality may impose conditions which require more or less parking than stipulated in this section and may also impose parking requirements for land uses not stipulated in Table A.
- (13) Where two or more uses combine to share a common parking area, parking requirements may be reduced with the Municipality's permission and the applicant of a planning application or building plan may submit a motivation prepared by a suitably qualified person in support of shared parking together with such application or building plan. Such an application shall be for technical approval for reduced parking, shall be accompanied by a site development plan and a motivation, and shall be solely at the Municipality's discretion.
- (14) Shared parking may not be allocated to individual users on an exclusive use basis or sold by sectional title to individual unit holders.

#### 43. Parking: visitors

- (1) The following parameters shall apply to visitors' parking required in terms of this Scheme:
  - (a) visitors' parking as required by this Scheme shall be clearly demarcated, readily visible, and accessible to visitors with suitable signage to direct visitors to such parking;
  - (b) visitors' parking shall not be sold via sectional title for exclusive use nor shall it be leased or allocated for the exclusive use of a person, other than visitors.

#### 44. Public transport embayments

- (1) The Municipality may require the provision of a bus or mini-bus embayment in a suitable position in the public street, by the operator of any new business, lodging or visitors' accommodation establishment, hotel to their satisfaction, and the cost of such construction shall be for the owner's account.

#### 45. Prospecting and mining

- (1) Prospecting and mining may only be allowed through a temporary departure and as permitted by the Planning Law and the maximum period of such departure shall be the life expectancy of the mine.
- (2) Conditions relating to the rehabilitation and decommissioning of the mine and time frames attached thereto shall be imposed at the time of approval.
- (3) In cases where mines were approved prior to the commencement of this Scheme, and where no provision was made in the conditions for decommissioning and rehabilitation, the Municipality may, after informing the owner of its intentions to do so, impose suitable conditions prior to the mine closing down, where it deems necessary to protect the environment and facilitate suitable rehabilitation of a site used for mining.

| Table A: Off-street parking requirements |                |                                          |
|------------------------------------------|----------------|------------------------------------------|
| Land Use Category                        | Normal parking | Additional parking reserved for visitors |
| <b>Residential</b>                       |                |                                          |

|                                                             |                                                                                                                                                                                                                                                                                                                    |                         |
|-------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|
| <b>Visitors' and lodging accommodation:</b>                 | 1 bay/2 persons accommodated (or alternatively 1 bay/2 single beds and 1 bay /2 double bed) and 1 bay employee                                                                                                                                                                                                     |                         |
| <b>Community residential building:</b>                      |                                                                                                                                                                                                                                                                                                                    |                         |
| Normal provision                                            | 0,3 bay/persons accommodated                                                                                                                                                                                                                                                                                       |                         |
| Associated with tertiary institution                        | 0,3 bay/ persons accommodated                                                                                                                                                                                                                                                                                      |                         |
| Associated with school                                      | 4 bays & facilities for stop and drop                                                                                                                                                                                                                                                                              |                         |
| <b>Dwelling house:</b>                                      | 1 bay / dwelling unit                                                                                                                                                                                                                                                                                              |                         |
| <b>Second and third dwelling unit &gt;30m<sup>2</sup> :</b> | 1 bay / dwelling unit                                                                                                                                                                                                                                                                                              |                         |
| <b>Apartments</b>                                           | 1 bay / dwelling unit                                                                                                                                                                                                                                                                                              | 0,5 bay / dwelling unit |
| <b>Group house:</b>                                         | 1 bay /dwelling unit                                                                                                                                                                                                                                                                                               | 0,5 bay / unit          |
| <b>Hotel:</b>                                               | 0,7 bays/ 2 persons accommodated (or alternatively 0,7 bays/2 single beds or 0,7 bay/ double bed plus 0,5 bays/ employee plus, additional parking for as required for additional facilities accessed by non-guests as required elsewhere in the Scheme (e.g. office, restaurant, conference, wellness centre etc.) |                         |
| <b>Business and Office</b>                                  |                                                                                                                                                                                                                                                                                                                    |                         |
| <b>Business premises:</b>                                   | 4 bays / 100m <sup>2</sup> Gross Leasable Area                                                                                                                                                                                                                                                                     |                         |
| <b>Commercial gymnasium:</b>                                | 6 bays / 100m <sup>2</sup> Gross Leasable Area                                                                                                                                                                                                                                                                     |                         |

|                                                                                      |                                                                                                                                           |  |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------|--|
| <b>Conference facility:</b>                                                          | 0,25 bay / seat                                                                                                                           |  |
| <b>Vehicles sales:</b> Light vehicles                                                | 3 bays / 100m <sup>2</sup> Gross Leasable Area                                                                                            |  |
| <b>Vehicles sales:</b> Medium and heavy vehicles                                     | 1 bay / Gross Leasable Area with a min of 6 bays plus 1 bay / 800m <sup>2</sup> Gross Leasable Area for heavy vehicles: Minimum 1 bay     |  |
| <b>Vehicle services Offices:</b>                                                     | 4 bays per service bay plus 4 bays / 100m <sup>2</sup> Gross Leasable Area: Minimum 8 bays 4 bays / 100m <sup>2</sup> Gross Leasable Area |  |
| <b>Place of entertainment:</b>                                                       |                                                                                                                                           |  |
| General                                                                              | 4 bays / 100m <sup>2</sup> Gross Leasable Area                                                                                            |  |
| Cinemas and theatres<br>- in shopping centre<br>- standalone facility outside centre | 0,25 bay / persons seated or standing<br><br>0,5 bay / persons seated or standing                                                         |  |
| <b>Plant nursery</b>                                                                 | 1 bay / 100m <sup>2</sup> Gross Leasable Area (total indoor and outdoor sales area)                                                       |  |
| <b>Restaurants</b>                                                                   | 8 bays / 100m <sup>2</sup> Gross Leasable Area (total indoor and outdoor seating area)                                                    |  |
| <b>Fuel retail</b>                                                                   | 1 bay / service bay plus 2 bays/100m <sup>2</sup> Gross Leasable Area                                                                     |  |
| <b>Shops:</b><br>up to and including 1500m <sup>2</sup> >1500m <sup>2</sup>          | 4 bays / 100m <sup>2</sup> Gross Leasable Area<br><br>6 bays / 100m <sup>2</sup> Gross Leasable Area                                      |  |
| <b>Industrial</b>                                                                    |                                                                                                                                           |  |
| <b>Industry</b>                                                                      | 1,5 bays / 100m <sup>2</sup> Gross Leasable Area                                                                                          |  |
| <b>Warehouse, Abattoir</b>                                                           | 1 bay / 100m <sup>2</sup> Gross Leasable Area                                                                                             |  |

|                                                                         |                                                                                                                                               |                  |
|-------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------|------------------|
| <b>Recycling facility</b>                                               | 1 bay / 100m <sup>2</sup> Gross Leasable Area                                                                                                 |                  |
| <b>Community facilities and medical</b>                                 |                                                                                                                                               |                  |
| <b>Medical consulting rooms</b>                                         | 6 bays / 100m <sup>2</sup> Gross Leasable Area                                                                                                |                  |
| <b>Clinics and hospitals</b>                                            | 1 bay /person admitted (or per single bed) plus 3 bays/ consulting room                                                                       |                  |
| <b>Community care</b>                                                   | 1 bay per employee (or alternatively 1 bay/ classroom, office or other space capable of occupation by a staff member.)                        |                  |
| <b>Place of instruction other than a school or tertiary institution</b> | 1 bay /4 students; plus 1 bay per employee (or alternatively 1 bay/ classroom, office or other space capable of occupation by a staff member) |                  |
| <b>Pre-primary (ECD), primary and secondary schools</b>                 | 1 bay / classroom & stop and drop facilities                                                                                                  |                  |
| <b>Tertiary educational institution</b>                                 | 1 bay / lecture room                                                                                                                          | 0,5 bay /student |
| <b>Place of assembly and indoor sport:</b>                              | 0,25 bay / seated or standing or 20 bays / 100m <sup>2</sup> Gross Leasable Area                                                              |                  |
| <b>Public institution (e.g. library, museum)</b>                        | 2 bays / 100m <sup>2</sup> Gross Leasable Area                                                                                                |                  |

#### 46. Resource conservation and efficiency

- (1) When granting any new use rights in terms of this Scheme, the Municipality may require measures to improve resource conservation and efficiency, including, but not limited to rainwater harvesting, grey water recycling, waste recycling, renewable energy use for domestic, business, industrial and agricultural uses, and any other such similar sustainable practices.
- (2) The Municipality may demarcate different areas where measures to achieve resource conservation or more efficient use, will apply, and shall consider the economic feasibility and practical application of newly built versus retrospectively fitting such measures, before imposing these conditions.

(3) These may include:

- (a) the installation of rainwater and/or grey water recycling in new buildings or major refurbishments where building plans are approved after the commencement of this Scheme;
- (b) that water conservation measures and technologies be indicated on building plans approved after the commencement of this Scheme;
- (c) the installation of photovoltaic panels or other appropriate renewable energy technologies for heating and/or reducing electrical demand where building plans are approved after the commencement of this Scheme;
- (d) any other initiatives or programmes which may promote sustainable use of resources and services.

#### **47. Retaining walls, earth banks or raising ground level**

(1) Unless the permission of the Municipality has been obtained:

- (a) no earth bank, retaining structure, column, suspended floor, other device or series of such devices may be constructed that enables the ground floor of a building to be raised more than 1m above existing ground level, provided that where the raising takes place and where a maximum height in meters for a building is stipulated, the height must 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, may be constructed to a height of more than 2,5m above existing ground level; and
- (c) no series of earth banks or retaining structures may be constructed to a cumulative height of more than 2,5m above existing ground level unless an approximately level area of at least 1m wide is incorporated between successive embankments or retaining structures for every 2,5m of cumulative height

#### **48. Rooftop base stations and antennae**

- (1) A rooftop base station and antennae for telecommunication attached to a building in any use zone shall comply with the parameters in this section.
- (2) The antennae associated with a rooftop base station may not extend more than 3 meters in height above the part of the building that it is attached unless permission of the Municipality has been obtained.
- (3) All supporting equipment (whether installed in cabinets or shelters or inside the building) which are ordinarily attached to the antennae, shall be accommodated within the envelope of the building itself or inside its roof structure and shall not be visible from a public street unless permission has been granted by the Municipality.
- (4) The Municipality may request that a pre-electromagnetic radiation test be commissioned.

#### **49. Satellite dish antennae**

- (1) Satellite dish antennas of 1,5m in diameter and smaller, and used solely for the purposes of television reception or telecommunication on the property concerned, do not require the Municipality's approval and are excluded from height restrictions.
- (2) Any satellite dish antenna with a diameter more than 1,5m requires permission from the Municipality, must be placed in a position that minimises the visual and other impacts on the surrounding area and must comply with building parameters in the zone.

## 50. Sectional title

- (1) Portions of properties used or zoned for the following purposes may be registered separately by sectional title:
  - (a) Conventional Housing Zone: provided that on an existing conventional residential property only two dwelling units may be sectionalised for residential purposes, and no more than two residential sections and common property may be created. Each residential section shall have at least one parking bay which has with pedestrian access to the dwelling unit (either direct, via a servitude or via common property) with vehicular access either from a public street, a right of way access servitude (private road), or common property;
  - (b) Business premises;
  - (c) Hotel;
  - (d) Apartment building;
  - (e) Group housing;
  - (f) Industry;
  - (g) Light industry;
  - (h) Freestanding mast;
  - (i) Office.

## 51. Screening of visual impacts

- (1) The Municipality may require visual 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 or landscape screening or both;
  - (b) any utility service or equipment which is required for a building and attached externally shall be appropriately screened from view from a public street or common boundary;
  - (c) any building, structure or wall which contains no window and/or door openings may require to be screened by means of landscaping, planting or other screening measures to soften the visual impact of the blank appearance of the structure.
- (2) The Municipality may require of its own accord, or upon request from an abutting affected landowner, that a common boundary wall or other suitable screen be erected in instances where business or industrial zoned properties abut residential, community, open space, or any other use zone and has an adverse impact on the adjacent property.

## 52. Shipping containers, wooden houses, and tented structures

- (1) The use of shipping containers, wooden houses, tented and other similar portable structures for permanent habitation and occupation (for any use including storage) is not permitted in a position where the said structure is visible from a public road or public open space unless specifically provided for in the zone or with the permission of the Municipality.
- (2) All such structures, whether temporary or permanent, when used for habitation or storage, are regarded as buildings in terms of this Scheme, shall be compliant with the development rules of the particular zone and require approved building plans.

### **53. Solar and wind energy generation**

- (1) The installation of apparatus on roofs to generate solar energy for anyon-site consumption is permitted in any zone in this Scheme, provided that the Municipality may regulate the visual appearance of such apparatus in accordance with the provisions of the Scheme.
- (2) Installation of wind power generation apparatus on roofs for on-site use only is permitted with the permission of the neighbours.
- (3) Excess electricity generated by such apparatus may be fed into the electricity network, subject to relevant legislation, provided that energy generation apparatus continues to serve the land uses on the property, it does not adversely affect the continued primary permitted use of the property and does not have an adverse impact on the surrounding land uses or character of the area.
- (4) The Municipality may limit the scale of such solar and wind energy apparatus on any land unit to ensure that it primarily serves the energy needs of the land unit concerned and does not have an adverse impact on the character of the area or neighbouring properties.
- (5) The Municipality may grant permission for the erection of freestanding solar and wind apparatus which are not attached to the roofs of buildings to generate solar energy for anyon-site use, subject to the same conditions as above.
- (6) This section does not enable renewable energy generation which sole purpose is to feed into the national grid. The appropriate application shall be required depending on the property's zoning.

### **54. Special use**

- (1) Any land use which is not described in one of the land use definitions or provided for in this Scheme may be granted as a "special" consent use, provided that the land use is compatible with the purpose of the base zone, taking into consideration the characteristics of the special use itself and nature of uses which would ordinarily be permitted in the zone.
- (2) If there is incongruence between the intended special use and the primary uses of the base zone, a rezoning to an appropriate base zone must be undertaken prior to or at the same time as the consent use application.
- (3) An approval for special consent use shall be included in the zoning register.

### **55. Steep slopes and ridgelines outside urban edge**

- (1) No new buildings except fences, outside the urban edge as indicated in an approved Spatial Development Framework, are permitted on properties where the slopes are steeper than 1:4, except with the permission of the Municipality.
- (2) No new buildings or structures except fences, outside the urban edge as indicated in an approved Spatial Development Framework, are permitted on or protruding above ridgelines except with the permission of the Municipality.
- (3) Such permission may be granted after due consideration of the visual impact of the proposed building or structure, together with any infrastructure which serves the development or gives access to it, and the Municipality may impose conditions to mitigate adverse impacts.

### **56. Structures or equipment on top of or attached to building**

- (1) On a pitched roof, external geysers, solar panels, or other equipment affixed to the roof of a building may not at any point extend more than 2m above the roof surface, measured vertically from that surface; provided that it may protrude more than 0,5m above the roof ridge.
- (2) On a flat roof, external geysers, solar panels, or other equipment affixed to the roof or any other features such as ventilation shafts, water tanks, air conditioning plants, units and ducts or other

equipment on top of the roof may not exceed a height of 2,5m above the wall plate and must be set back at least 3m from the edges of the building.

- (3) Notwithstanding subsection (2), rooftop base station masts may be a height of 3 meters provided that it must be set back at least 3m from the edges of buildings (refer to section 48).
- (4) The Municipality may require screening for any equipment or structures on top or attached to a building.

## **57. Traffic studies**

- (1) The Municipality may require that a traffic impact study be undertaken by an owner or developer when a rezoning, subdivision, consolidation or consent use application is submitted and the thresholds in subsection (2) are met or exceeded.
- (2) The Municipality may at building plan submission require that a traffic impact study be undertaken in any instance where intended development constitutes a redevelopment or intensification of land use within the parameters of the zone, where the thresholds set out in subsection (3) are met or exceeded, notwithstanding that proposed development may be in accordance with the zone.
- (3) The following are the thresholds for traffic studies to be undertaken. Trip generation rates to be based on applicable South African Trip data manual or any suitable trip rate agreed to by the relevant municipal department:
  - (a) When less than 50 additional peak hour trips are generated, no study is required;
  - (b) When 50 or more additional peak hour trips are generated, but less than 150 trips, then a limited traffic impact statement may be required by the Municipality;
  - (c) When 150 or more additional peak hour trips are generated then a full-scale traffic impact assessment may be required by the Municipality.

## **58. Urban horticulture**

- (1) Nothing in this Scheme prohibits the use of land in any use zone for small-scale urban horticulture, provided that the extent and nature of the activity will remain compatible with the primary land uses in that zone, in the sole opinion of the Municipality.
- (2) The use of pesticides, fertilisers, equipment, machinery, and trucks will take account of the abutting land uses surrounding it and will not cause a nuisance or adverse impact on existing rights of neighbours.
- (3) Crop cover for urban horticulture may only be permitted with the Municipality's technical approval and may not exceed the height of the boundary wall, except with neighbours' permission.
- (4) Should the activity pose a health risk or cause undue public nuisance, the Municipality may issue a compliance notice, impose conditions, or require the activity to cease.

## **59. Utility services**

- (1) Underground linear utility services for water, sewerage, electricity and telecommunication cables, above ground transmission lines and substations, pump stations and switching stations which are associated with this linear infrastructure may be installed in any use zone, except where indicated that it is a consent use, provided that any above ground infrastructure will not exceed 4m in height and the area occupied by such infrastructure, whether a separate land unit or not, does not exceed 25m<sup>2</sup>.
- (2) If the above land area required for utility infrastructure is exceeded, the required portion, or the whole land unit, as the case may be, shall be rezoned Utility zone.
- (3) No buildings (except buildings associated with the particular service) may be constructed over utility services unless the Municipality has granted permission.

- (4) No concentrated rainwater may be discharged onto an abutting neighbour's property directly from a roof or gutter unless such neighbour has granted consent, and in the event of any new building work, granted permission for a suitable servitude to be registered.

## **Chapter 4**

### **Mixed-use zone**

*The purpose of this zone is to make provision for the following:*

- *the greatest mix of business, residential, tourist and community uses in central business nodes, at strategic nodes, and along activity streets;*
- *the greatest intensity of development;*
- *the improvement of traditional central business areas and increasing its competitiveness; and*
- *improved feasibility of public and non-motorised transport, by allowing a high intensity of land use.*

#### **60. Zone name and designation**

- (1) The Mixed-use Zone may be referred to by the code (MU) and must be indicated on the zoning map in blue (Colour code 38, 109, 252).

#### **61. Land use in this zone**

- (1) The following use restrictions apply to property in this zone:

| Primary | Permitted                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Technical approval                                                                  | Neighbours' permission | Consent                                                                                                                                                                                                                                                                         | Prohibited                                                                                                             |
|---------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------|
|         | <ul style="list-style-type: none"> <li>• Apartment building</li> <li>• Business ≤ 2000m<sup>2</sup></li> <li>• Community care facility</li> <li>• Community residential</li> <li>• Conference facility</li> <li>• Dwelling house</li> <li>• Function venue</li> <li>• Group housing</li> <li>• Healthcare facility</li> <li>• Hostel</li> <li>• Hotel</li> <li>• Indoor sport</li> <li>• Informal trading</li> <li>• Liquor outlet</li> <li>• Lodging accommodation</li> <li>• Mortuary</li> <li>• Outdoor sport</li> <li>• Place of assembly</li> <li>• Place of entertainment</li> <li>• Place of instruction</li> <li>• Public institution</li> <li>• Second dwelling house</li> <li>• Third dwelling unit</li> <li>• Vehicle sales</li> <li>• Vehicle</li> </ul> | <ul style="list-style-type: none"> <li>• Business &gt; 2000m<sup>2</sup></li> </ul> | None                   | <ul style="list-style-type: none"> <li>• Big box retail</li> <li>• Fuel retail</li> <li>• Light Industry &lt;2000m<sup>2</sup></li> <li>• Parking garage</li> <li>• Passenger transport facility (whole site)</li> <li>• Special use Warehouse &lt;2000m<sup>2</sup></li> </ul> | <ul style="list-style-type: none"> <li>• Noxious industry</li> <li>• Risk industry</li> <li>• Utility plant</li> </ul> |

- (2) One or more of any of the permitted uses may be conducted on a land unit zoned for Mixed Use at the same time.
- (3) For a property developed with a dwelling house, (and where applicable, second dwelling house and third dwelling unit) in this zone, the same development and land use parameters contained in the Conventional Housing Zone apply, which means the additional uses permitted in a dwelling house and second dwelling house in Conventional Housing Zone are also permitted as additional uses in dwelling houses and second dwelling houses in this zone, except where otherwise indicated in the table above.

## **62. Business premises**

- (1) The floor space of anyone business entity may not exceed 2000m<sup>2</sup> without the technical approval of the Municipality.
- (2) An application as contemplated in subsection (1) above must be accompanied by a site development plan.
- (3) When granting its consent for business premises with a floor space of more than 2000m<sup>2</sup>, the Municipality must ensure that such building is designed to accommodate more than one business entity and that the scale of the building and its interface with public spaces are not detrimental to the character of the area.
- (4) A business may prepare, manufacture and/or package food, beverages or goods which are sold or consumed on the premises. Such preparation, manufacturing, storage and/or packaging shall not exceed 50% of the floor area of the premises concerned.
- (5) A retail or personal services business may include a workshop on a portion of the premises where household appliances, electronic devices, clothes and household goods are stored, manufactured, repaired and serviced. Such an area may not exceed 50% of the area of the shop.

## **63. Informal trading**

- (1) Informal trading may be conducted from property in this zone provided that such trading does not impact on pedestrian and vehicle circulation and parking provision as required by this Scheme, and that adequate services are provided to ensure that trading complies with Municipal standards.

## **64. Occasional use**

- (1) Only one occasional use is permitted as an additional use in anyone calendar year.
- (2) Consent shall be obtained for any further occasional uses in a year.
- (3) Occasional use of a property for the purposes of events which are not normally conducted from the property shall comply with the general parameters set out in section 38.

## **65. Building development parameters in this zone**

- (1) The following building restrictions shall apply in this zone:

|                                                                                 | <b>Street<br/>building lines)</b> | <b>Common<br/>boundary<br/>building lines</b> | <b>Maximum<br/>coverage</b> | <b>Maximum<br/>height incl roof</b> |
|---------------------------------------------------------------------------------|-----------------------------------|-----------------------------------------------|-----------------------------|-------------------------------------|
| <b>For properties<br/>abutting MU,<br/>IND and U zones</b>                      | 0m                                | 0m                                            | 100%                        | 20m                                 |
| <b>For properties<br/>abutting zones<br/>other than MU,<br/>IND and U zones</b> | 0m                                | 4,5m                                          | 100%                        | 20m                                 |

- (2) Except with the permission of the Municipality, parking may not be positioned within 10m of the street boundary of a property in this zone to encourage activation of the street edge;
- (3) When approving building plans for structures in this zone, the Municipality must ensure the creation of active edges and facades to buildings facing onto designated activity streets or nodes as identified in an approved Spatial Development Framework. Such requirements may include the placement of building edges on or close to the street boundary (build-to lines), the use of openings and visually permeable windows on ground floor facades, balconies and terraces on first floors to ensure visual surveillance, stipulation of the nature of ground floor land uses, the placement of parking and vehicle circulation spaces behind buildings and landscaping and boundary wall treatment and detailing.
- (4) The Municipality may formulate a policy about the creation of active edges and facades and enforce the policy in terms of this provision.
- (5) Notwithstanding the street building line, the Municipality may permit a projection of the building over the street boundary subject to the following conditions:
  - (a) the projection may not be closer than 500mm to the kerb of the road;
  - (b) the ground floor level below the projection shall be used exclusively as a public pedestrian way, with or without a colonnade;
  - (c) the projection shall provide at least 2,8m clearance above the level of the pavement; and
  - (d) the owner must enter into an encroachment agreement with the Municipality.
- (6) No overlooking features are permitted on the common boundaries in this zone unless such features are setback at least 4,5m from the common boundary.
- (7) For an existing dwelling house in this zone, the same building development parameters as set out in Conventional Housing zone shall apply

## 66. General parameters and parking

- (1) The general parameters, including parking requirements, as set out in Chapter 3, apply to this zone, insofar as they are applicable to the for permitted and additional uses and any other development on property in question, and shall be complied with, unless a departure has been granted otherwise.

**67. Development charges in this zone**

- (1) The Municipality may impose development charges for any additional permitted use or consent use application.
- (2) A development charge is payable in terms of section 30 in instances where a building plan is submitted to utilise intensified primary development rights which came into operation as a result of this Scheme.
- (3) The Municipality shall, prior to approval of such a building plan, determine the extent of such additional rights utilised on the building plan, and calculate the required levy, which shall be paid by the land owner prior to the approval of said building plan.
- (4) The Municipality shall consider imposing development charges for any development in this zone that exceeds a floor factor of 3,0.

## **Chapter 5**

### **Industrial zone**

*The purpose of this zone is to make provision for:*

- *sufficient land to be retained for general manufacturing and large-scale industrial and warehousing purposes and for any activity exercised in connection therewith or addition thereto;*
- *the location of industrial uses in areas where negative impacts of such uses can be limited to the industrial area and its environs;*
- *certain large-scale retail activities which are not appropriate in the historical centre of towns;*
- *shops and restaurants of a limited scale, which is aimed at serving the surrounding workforce and clients;*
- *certain non-industrial uses, which are never the less compatible with the primary purpose of this zone.*

**68. Zone name and designation**

- (1) The Industrial Zone may be referred to by the code (IND) and must be indicated on the zoning map in purple (Colour code 183, 80, 217.).

**69. Land use in this zone**

- (1) The following use restrictions apply to property in this zone:

|                   | Permitted                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Technical approval                                                   | Neighbours' permission | Consent                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Prohibited |
|-------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------|------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|
| <b>Primary</b>    | <ul style="list-style-type: none"> <li>• Animal care facility</li> <li>• Freestanding mast</li> <li>• Freight transport facility</li> <li>• Fuel retail</li> <li>• Industry</li> <li>• Informal trading</li> <li>• Light industry</li> <li>• Mortuary</li> <li>• Passenger transport facility</li> <li>• Restaurant &lt; 500m<sup>2</sup></li> <li>• Service depot</li> <li>• Shop &lt; 500m<sup>2</sup></li> <li>• Vehicles sales</li> <li>• Vehicle services</li> <li>• Warehouse</li> </ul> | None                                                                 | None                   | <ul style="list-style-type: none"> <li>• Abattoir</li> <li>• Adult services</li> <li>• Big-box retail</li> <li>• Container depot</li> <li>• Crematorium</li> <li>• Energy generation</li> <li>• Function venue</li> <li>• Freestanding masts (abutting CH or MUH)</li> <li>• Indoor sport</li> <li>• Intensive animal farming</li> <li>• Noxious industry</li> <li>• Parking garage</li> <li>• Place of assembly</li> <li>• Place of entertainment</li> <li>• Recycling facility</li> <li>• Renewable energy generation</li> <li>• Risk industry</li> <li>• Shop &gt; 500m<sup>2</sup></li> <li>• Special use</li> <li>• Utility plant</li> <li>• Vehicle depot</li> </ul> | None       |
| <b>Additional</b> | <ul style="list-style-type: none"> <li>• Employee housing (1</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                        | <ul style="list-style-type: none"> <li>• Further employee</li> </ul> | None                   | <ul style="list-style-type: none"> <li>• Occasional use (&gt;1x)</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |            |

- (2) Where a shop is provided on a property used for industrial purposes which is not a convenience shop or restaurant as indicated above, only goods that are stored or manufactured on the land unit may be sold. The floor area of such a shop shall not exceed 25% of the floor area of the industrial uses on a land unit or 500m<sup>2</sup> whichever is the smallest.
- (3) The Municipality may grant consent for a shop to exceed a floor area of 500m<sup>2</sup> and shall when considering such applications give due consideration to the need to provide industrial land in the municipality and not inhibit industry by approving land uses which could negatively impact on the industrial potential of land.

#### **71. Employee housing**

- (1) No more than one dwelling unit for employee housing shall be permitted on any land unit used for industry or warehousing, except with permission granted by the Municipality for enterprises where it is necessary for the operational functioning of the industry to have additional employees accommodated on the property.
- (2) The floor area of an employee housing dwelling unit shall not exceed 120m<sup>2</sup>.
- (3) The dwelling unit shall be occupied by only one household as defined.
- (4) One of the occupants must be employed in connection with the main activity on the site.

#### **72. Freestanding masts**

- (1) Freestanding masts are permitted in this zone provided they comply with the General parameters set out in section 34.
- (2) Notwithstanding subsection (1), consent is required for a freestanding mast on a property zoned Industrial Zone, which abuts a property which is zoned Conventional Housing Zone or Mixed-Use Housing Zone.

#### **73. Vehicle sales**

- (1) All vehicles being sold from a vehicle sales enterprise shall always be stored on the premises concerned, together with the required parking bays for customers.

#### **74. Occasional use**

- (1) Only one occasional use is permitted as an additional use in anyone calendar year.
- (2) Consent shall be obtained for any further occasional uses in a year.
- (3) Occasional use of a property for the purposes of events which are not normally conducted from the property, shall comply with the general parameters set out in Section 38

#### **75. Building development parameters in this zone**

- (1) The following building restrictions shall apply within this zone:

|                                                                                 | <b>Street<br/>building lines)</b> | <b>Common<br/>boundary<br/>building lines</b> | <b>Maximum<br/>coverage</b> | <b>Maximum<br/>height incl roof</b> |
|---------------------------------------------------------------------------------|-----------------------------------|-----------------------------------------------|-----------------------------|-------------------------------------|
| <b>For properties<br/>abutting MU,<br/>IND and U zones</b>                      | 0m                                | 0m                                            | 75%                         | 21m                                 |
| <b>For properties<br/>abutting zones<br/>other than MU,<br/>IND and U zones</b> | 0m                                | 4,5m                                          | 75%                         | 11m                                 |

- (2) Provision must be made for on-site delivery, queuing and turning of vehicles to the satisfaction of the Municipality.
- (3) When approving building plans or consent uses in this zone, the Municipality may stipulate requirements for the landscaping and screening of a property or parts thereof, which may include requirements for landscaping on land units abutting the property.

## **76. General parameters and parking**

- (1) The general parameters, including parking requirements, as set out in Chapter 3, apply to this zone, insofar as they are applicable to the permitted and additional uses and any other development on the property in question, and shall be complied with, unless a departure has been granted otherwise.

## **77. Development charges in this zone**

- (1) The Municipality may impose development charges for additional permitted use or any consent use application.
- (2) A development charge is payable in terms of section 30 in instances where a building plan is submitted to utilise intensified primary development rights which came into operation as a result of this Scheme.
- (3) The Municipality shall, prior to approval of such a building plan, determine the extent of such additional rights utilised on the building plan, and calculate the required levy, which shall be paid by the landowner prior to the approval of said building plan.
- (4) The Municipality shall consider imposing development charges for any development in this zone that exceeds a floor factor of 2,0 in the former Mbekweni zoning scheme area, and 1,5 anywhere else in the municipal area.

## **Chapter 6**

### **Utility zone**

*The purpose of this zone is to make provision for the use of land for the provision and protection of any infrastructure services for the general public, whether in public or private ownership.*

#### **78. Zone name and designation**

- (1) The Utility Zone may be referred to by the code (U) and must be indicated on the zoning map in red (Colour code 255, 0, 0).

#### **79. Land use in this zone**

- (1) The following use restrictions apply to property in this zone:

|                   | Permitted                                                                                                                                                                                    | Technical approval                                                                                       | Neighbours' permission | Consent                                                                                                                                                                                                                                                                                                                                                            | Prohibited                                                          |
|-------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------|------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------|
| <b>Primary</b>    | <ul style="list-style-type: none"> <li>• Existing land use</li> <li>• Green infrastructure</li> <li>• Utility services</li> </ul>                                                            | None                                                                                                     | None                   | <ul style="list-style-type: none"> <li>• Abattoir</li> <li>• Animal care facility</li> <li>• Correctional facility</li> <li>• Energy generation</li> <li>• Freestanding mast</li> <li>• Military facility</li> <li>• Recycling facility</li> <li>• Renewable energy generation</li> <li>• Service depot</li> <li>• Special use</li> <li>• Utility plant</li> </ul> | <ul style="list-style-type: none"> <li>• Sectional title</li> </ul> |
| <b>Additional</b> | <ul style="list-style-type: none"> <li>• Employee housing</li> <li>• Non-motorised transport</li> <li>• Occasional use (x1)</li> <li>• Open space</li> <li>• Rooftop base station</li> </ul> | <ul style="list-style-type: none"> <li>• Further employee housing</li> <li>• Informal trading</li> </ul> | None                   | <ul style="list-style-type: none"> <li>• Occasional use (&gt;1x)</li> </ul>                                                                                                                                                                                                                                                                                        |                                                                     |

- (2) Permitted uses in this zone are limited to current uses; new or further primary uses will require a consent use application to be made prior to the activity commencing.
- (3) More than one primary land use may be conducted from the property.

**80. Existing lawful land uses is a primary permitted land use**

- (1) In this zone, notwithstanding section 7(6), any existing lawful land use which appears in the consent column is considered to be a primary permitted use and land may be used and developed accordingly without obtaining first the Municipality's consent first for further development.

**81. Employee housing**

- (1) No more than dwelling unit for one employee housing shall be permitted on any land unit, except with permission granted by the Municipality where it is necessary for the operational functioning of the facility to have additional employees accommodated on the property.
- (2) The floor area of an employee housing dwelling unit shall not exceed 120m<sup>2</sup>.
- (3) The employee dwelling unit shall be occupied by one household only as defined.
- (4) One of the occupants must be employed in connection with the main activity on the site.

**82. Occasional use**

- (1) Only one occasional use is permitted as an additional use in anyone calendar year.
- (2) Consent shall be obtained for any further occasional uses in a year.
- (3) Occasional use of a property for the purposes of events which are not normally conducted from the property shall comply with the general parameters set out in section 38.

**83. Building development parameters in this zone**

- (1) The following building restrictions shall apply within this zone:

| Street building lines | Common boundary building lines | Maximum coverage | Maximum height incl roof |
|-----------------------|--------------------------------|------------------|--------------------------|
| 5m                    | 5m                             | 60%              | 8m                       |

- (2) When approving building plans or consent uses in this zone, the Municipality may stipulate requirements for the landscaping and screening of a property or parts thereof, which may include requirements for landscaping on land units abutting the property.

**84. Site development plan**

- (1) A site development plan may be required by the Municipality for consent uses on the site.

**85. General parameters and parking**

- (1) The general parameters, including parking requirements, as set out in Chapter 3, apply to this zone, insofar as they are applicable to the for permitted and additional uses and any other development on the property in question, and shall be complied with, unless a departure has been granted otherwise.

**86. Development charges in this zone**

- (1) Refer to Section 30.

## Chapter 7

### Transport zone

*The purpose of this zone is to make provision for:*

- *roads, whether private or public, as indicated on a general plan or diagram, whether or not constructed, and roads which may not be cadastrally defined, but which are public roads by virtue of their use or other legislation;*
- *Public areas for parking of motor vehicles that are operational. Such parking may be provided in buildings or in open parking areas in order to address the need for on - or off-street parking in an area, with or without the payment of a fee;*
- *facilities for public transport services and commercial uses ancillary to such facilities;*
- *opportunities for additional uses and occasional uses on land units zoned for transport purposes.*

#### **87. Zone name and designation**

- (1) The Transport Zone may be referred to by the code (T) and must be indicated on the zoning map in pale grey (Colour code 255,255,255).

#### **88. Land use in this zone**

- (1) The following use restrictions apply to property in this zone:

|                   | Permitted                                                                                                                                                                                            | Technical approval                                                                                       | Neighbours' permission | Consent                                                                                                                                                                                                                                                                                             | Prohibited                                                                                                        |
|-------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------|------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------|
| <b>Primary</b>    | <ul style="list-style-type: none"> <li>• Non-motorised transport</li> <li>• Passenger transport facilities (infrastructure and structures)</li> <li>• Private road</li> <li>• Public road</li> </ul> | <ul style="list-style-type: none"> <li>• Railway lines</li> <li>• Surface parking</li> </ul>             | None                   | <ul style="list-style-type: none"> <li>• Airport</li> <li>• Container depot</li> <li>• Freestanding mast</li> <li>• Freight transport facilities</li> <li>• Fuel retail</li> <li>• Helipad</li> <li>• Heliport</li> <li>• Parking garage</li> <li>• Special use</li> <li>• Vehicle depot</li> </ul> | <ul style="list-style-type: none"> <li>• Adult services</li> <li>• Gambling</li> <li>• Sectional title</li> </ul> |
| <b>Additional</b> | <ul style="list-style-type: none"> <li>• Employee housing</li> <li>• Occasional use (x1)</li> <li>• Open space</li> <li>• Rooftop base station</li> <li>• Utility services</li> </ul>                | <ul style="list-style-type: none"> <li>• Further employee housing</li> <li>• Informal trading</li> </ul> | None                   | <ul style="list-style-type: none"> <li>• Occasional use (&gt;1x)</li> </ul>                                                                                                                                                                                                                         |                                                                                                                   |

- (2) One or more of the abovementioned uses are permitted on any land unit at the same time.
- (3) The Municipality may indicate new proposed streets, widening and closing of streets for information purposes on the zoning map.
- (4) The original zoning of the affected properties will remain in place until the new street or widening has been proclaimed in terms of the relevant legislation and the required rezoning has become effective.

## 89. Employee housing

- (1) No more than one dwelling unit for employee housing shall be permitted on any land unit, except with permission granted by the Municipality where it is necessary for the operational functioning of the facility to have additional employees accommodated on the property.

- (2) The floor area of an employee housing dwelling unit shall not exceed 120m<sup>2</sup>.
- (3) The dwelling unit shall only be occupied by one household as defined.
- (4) One of the occupants must be employed in connection with the main activity on the site.

#### **90. Sidewalks and business outdoor**

- (1) Pedestrian sidewalks may not be obstructed by signboards or any other object which may impede the flow of pedestrians. If objects cause such obstruction the Municipality shall immediately issue a compliance notice and the responsible party shall comply with such notice forthwith by removing the object or objects.
- (2) The Municipality may grant its permission for sidewalks or portions of land units in this zone that is not required for the primary use to be used for occasional uses, informal trading, and on a more permanent basis for outdoor businesses, provided that the flow for pedestrians or other primary uses are not impeded by these uses.
- (3) The Municipality may allow projections above ground level over sidewalks where a road abuts a Mixed-use Zone, provided that such projection must have a clearance of at least 2,8m above the level of the sidewalk and must be set back at least 500mm from the kerb with the road.

#### **91. Passenger transport facilities**

- (1) Linear passenger transport facilities and open structures (which are not an enclosed building) are permitted as a primary right in this zone.
- (2) All facilities which entail the construction of enclosed buildings, including bus stations, new train stations, and taxi ranks require the submission of a technical site development plan.

#### **92. Non-motorised transport facilities**

- (1) All non-motorised transport facilities which are open to the elements are permitted in this zone as a primary right, including ancillary buildings, kiosks, and structures.

#### **93. Deeming of private roads**

- (1) When approving a subdivision where no other change of zoning is required other than the creation of one internal private road, rezoning to Subdivisional Area Zone is not required, and the private road will be deemed Transport Zone upon confirmation of the subdivision.

#### **94. Occasional use**

- (1) Only one occasional use is permitted as an additional use in anyone calendar year.
- (2) Consent shall be obtained for any further occasional uses in a year.
- (3) Occasional use of a property for the purposes of events which are not normally conducted from the property shall comply with the general parameters set out in section 38.

#### **95. Building development parameters in this zone**

- (1) The following building restrictions shall apply within this zone:

| Street building lines | Common boundary building lines | Maximum coverage | Maximum height incl roof |
|-----------------------|--------------------------------|------------------|--------------------------|
| 5m                    | 5m                             | 60%              | 8m                       |

- (2) When approving building plans or consent uses in this zone, the Municipality may stipulate requirements for the landscaping and screening of a property or parts thereof, which may include requirements for landscaping on land units abutting the property.

## 96. Site development plan

- (1) A site development plan shall be required by the Municipality for any use in this zone requiring a technical site development plan or consent use.
- (2) If trading areas in this zone are demarcated in terms of the Municipality's Informal Trading Policy, Outdoor Trading Policy or any other similar policy or by-law, a site development plan is not required for this activity.

## 97. General parameters and parking

- (1) The general parameters, including parking requirements, as set out in Chapter 3, apply to this zone, insofar as they are applicable to the for permitted and additional uses and any other development on the property in question, and shall be complied with, unless a departure has been granted otherwise.

## 98. Development charges in this zone

- (1) The Municipality may impose development charges for any consent use applications granted and for any ancillary business or industrial uses.

# Chapter 8

## Neighbourhood business zone

*The purpose of this zone is to make provision for:*

- lower order commercial and community uses to serve the surrounding community that will not impact negatively on the amenity of the surrounding residential area;
- lower intensity business development outside central business nodes and activity streets;
- occasional uses and informal trading serving the surrounding area;
- residential opportunities in the form of apartments.

## 99. Zone name and designation

- (1) The Neighbourhood Business Zone may be referred to by the code (NB) and must be indicated on the zoning map in pale powder blue (Colour code 135, 174, 250).

## 100. Land use in this zone

- (1) The following use restrictions apply to property in this zone:

|                   | Permitted                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Technical approval                                                                                                  | Neighbours' permission | Consent                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Prohibited                                                                                                                                       |
|-------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------|------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Primary</b>    | <ul style="list-style-type: none"> <li>• Apartment building</li> <li>• Business &lt;2000m<sup>2</sup></li> <li>• Community care facility</li> <li>• Community residential</li> <li>• Dwelling house</li> <li>• Indoor sport</li> <li>• Lodging accommodation</li> <li>• Place of assembly</li> <li>• Place of instruction</li> <li>• Public institution</li> <li>• Second dwelling house</li> <li>• Third dwelling unit</li> <li>• Vehicle sales</li> <li>• Visitors' accommodation</li> </ul> | None                                                                                                                | None                   | <ul style="list-style-type: none"> <li>• Adult services</li> <li>• Business &gt;2000m<sup>2</sup></li> <li>• Conference facility</li> <li>• Freestanding mast</li> <li>• Fuel retail</li> <li>• Function venue</li> <li>• Gambling</li> <li>• Healthcare facility</li> <li>• Hostel</li> <li>• Hotel</li> <li>• Mortuary</li> <li>• Outdoor sport</li> <li>• Place of entertainment</li> <li>• Special use</li> <li>• Vehicle services</li> <li>• Warehouse</li> </ul> | <ul style="list-style-type: none"> <li>• Big box retail</li> <li>• Noxious industry</li> <li>• Risk industry</li> <li>• Utility plant</li> </ul> |
| <b>Additional</b> | <ul style="list-style-type: none"> <li>• House shop</li> <li>• Informal trading</li> <li>• Non-motorised transport</li> <li>• Occasional use (1x)</li> <li>• Open space</li> <li>• Utility services</li> </ul>                                                                                                                                                                                                                                                                                 | <ul style="list-style-type: none"> <li>• Passenger transport facilities</li> <li>• Roof top base station</li> </ul> | None                   | <ul style="list-style-type: none"> <li>• Occasional use (&gt;1x)</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                            | None                                                                                                                                             |

- (3) For a property developed with a dwelling house, (and where applicable, second dwelling house and third dwelling unit) in this zone, the same development and land use parameters contained in the Conventional Housing Zone apply, which means the additional uses permitted in a dwelling house and second dwelling house in Conventional Housing Zone are also permitted as additional uses in dwelling houses and second dwelling houses in this zone., except where otherwise indicated in the table above.

### 101. Business premises

- (1) Anyone business enterprise may not have a floor area exceeding 2000m<sup>2</sup> unless the municipality has granted its consent.
- (2) When granting a consent use for business buildings with a floor area exceeding 2000m<sup>2</sup>, the Municipality will ensure that such premises are able to accommodate more than one business entity and that the scale of the building and its interface with public spaces are not detrimental to the character of the area.
- (3) A business may prepare, manufacture and/or package food, beverages and goods which are sold or consumed on the premises. The area used for such preparation, manufacturing, storage and/or packaging shall not exceed 50% of the floor area of the premises concerned.
- (4) A shop may include a workshop on a portion of the premises where household appliances, electronic devices, clothes and household goods are manufactured, repaired and serviced. Such an area may not exceed 50% of the floor area of the shop.

### 102. Informal trading

- (1) Informal trading is permitted provided that such trading does not impact on pedestrian and vehicle circulation and parking provision and that adequate services are provided to ensure that trading complies with Municipal standards.

### 103. Occasional use

- (1) Only one occasional use is permitted as an additional use in anyone calendar year.
- (2) Consent shall be obtained for any further occasional uses in a year.
- (3) Occasional use of a property for the purposes of events which are not normally conducted from the property shall comply with the general parameters set out in section 38.

### 104. Building development parameters in this zone

- (1) The following building restrictions shall apply within this zone:

|                                                 | Street building lines | Common boundary building lines | Maximum coverage | Maximum height incl roof |
|-------------------------------------------------|-----------------------|--------------------------------|------------------|--------------------------|
| For properties abutting NB, MU, IND and U zones | 0m                    | 0m                             | 80%              | 11m                      |

|                                                                         |    |      |     |    |
|-------------------------------------------------------------------------|----|------|-----|----|
| <b>For properties abutting zones other than NB, MU, IND and U zones</b> | 0m | 4,5m | 80% | 8m |
|-------------------------------------------------------------------------|----|------|-----|----|

- (2) Except with the permission of the Municipality, parking may not be positioned within 10m of the street boundary of a property in this zone to encourage activation of the street edge;
- (3) When approving building plans for structures in this zone, the Municipality must ensure the creation of active edges and facades to buildings facing onto designated activity streets or nodes or similar areas as indicated in an approved Spatial Development Framework. Such requirements may include enforcement of the placement of building edges on or close to the street boundary (build-to lines), the use of openings and visually permeable windows on ground floor facades, balconies and terraces, stipulation of the nature of ground floor uses, the placement of parking and vehicle circulation spaces behind buildings and landscaping and boundary wall treatment and detailing.
- (4) The Municipality may formulate a policy about the creation of active edges and facades and enforce the policy in terms of this provision.
- (5) For a dwelling house in this zone, the same building development parameters as set out in Conventional Housing zone shall apply.

#### 105. General parameters and parking

- (1) The general parameters, including parking, as set out in Chapter 3, apply to this zone, insofar as they are applicable to the development or property in question, and shall be complied with, unless a departure has been granted otherwise.

#### 106. Development charges in this zone

- (1) The Municipality may impose development charges for any additional permitted use or consent use application.
- (2) A development charge is payable in terms of section 30 in instances where a building plan is submitted to utilise intensified primary development rights which came into operation as a result of this Scheme.
- (3) The Municipality shall, prior to approval of such a building plan, determine the extent of such additional rights utilised on the building plan, and calculate the required levy, which shall be paid by the land owner prior to the approval of said building plan.
- (4) The Municipality shall consider imposing development charges for any development in this zone that exceeds a floor factor of 1,5.

## Chapter 9

### Multi-unit housing zone

*The purpose of this zone is to make provision for:*

- *development of medium and high-density multi-unit residential development of a range of housing types, such as dwelling houses, group-, semi-detached- or row houses;*
- *high-density residential development, such as apartments;*
- *group housing development of medium or high density with a uniform group character and shared private services and access, which can either be subdivided or on one cadastral erf;*
- *other multi-unit residential land uses such as student and tourism accommodation and other forms of residential accommodation.*

#### 107. Zone name and designation

- (1) The Multi-Unit Housing Zone may be referred to by the code (MUH) and must be indicated on the zoning map in orange (Colour code 255, 102,0).

#### 108. Land use in this zone

- (1) The following use restrictions apply to property in this zone:

|                   | Permitted                                                                                                                                                                                                                                                                                                        | Technical approval                                                                                                                                     | Neighbours' permission                                                                                              | Consent                                                                                                                                                         | Prohibited                                                                                                                                                                                                                                                  |
|-------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Primary</b>    | <ul style="list-style-type: none"> <li>• Apartment building</li> <li>• Community residential</li> <li>• Dwelling house</li> <li>• Group housing</li> <li>• Hostel</li> <li>• Lodging accommodation</li> <li>• Second dwelling house</li> <li>• Third dwelling unit</li> <li>• Visitors' accommodation</li> </ul> | None                                                                                                                                                   | <ul style="list-style-type: none"> <li>• Non-habitable structures outside common boundary building lines</li> </ul> | <ul style="list-style-type: none"> <li>• Hotel</li> <li>• Office</li> <li>• Place of assembly</li> <li>• Place of instruction</li> <li>• Special use</li> </ul> | <ul style="list-style-type: none"> <li>• Abattoir</li> <li>• Adult services</li> <li>• Gambling</li> <li>• Liquor outlet</li> <li>• Mortuary</li> <li>• Noxious industries</li> <li>• Risk industries</li> <li>• Tavern</li> <li>• Utility plant</li> </ul> |
| <b>Additional</b> | <ul style="list-style-type: none"> <li>• Occasional use (x1)</li> <li>• Open space</li> <li>• Private road</li> <li>• Restaurant (on ground on activity street)</li> <li>• Shop (on ground on activity street)</li> <li>• Utility services</li> </ul>                                                            | <ul style="list-style-type: none"> <li>• Ancillary medical care services</li> <li>• Non-motorised transport</li> <li>• Rooftop base station</li> </ul> | None                                                                                                                | <ul style="list-style-type: none"> <li>• Additional uses in Group houses</li> <li>• House shop</li> <li>• Occasional use (&gt;1x)</li> </ul>                    |                                                                                                                                                                                                                                                             |

### 109. Dwelling house, group housing, and apartment dwelling units

- (1) Each dwelling unit or dwelling house shall only be occupied by a household as defined, and/or be utilised in accordance with the provisions of the Scheme or conditions of an approval.
- (2) For a property developed with a dwelling house (and where applicable, second dwelling house and third dwelling unit) in this zone, the same development and land use parameters contained in the Conventional Housing Zone apply, which means the additional uses permitted in a dwelling house and second dwelling house in Conventional Housing Zone are also permitted as additional uses in

dwelling houses and second dwelling houses in this zone., except where otherwise indicated in the table above.

#### **110. Shops and restaurants on the ground floor**

- (1) Shops and restaurants on the ground floor of buildings in this zone may only be allowed as an additional use, over and above the residential uses, on properties where the property faces onto an activity corridor, -street or -node in an approved Spatial Development Framework and shall face onto and be accessed from such a street boundary which is an activity corridor or street or node.
- (2) A shop and/or restaurant on the ground floor of buildings in this zone may occupy no more than 25% or 100m<sup>2</sup> of the ground floor space, whichever is the lesser.
- (3) The hours of operation of shops and restaurants on the ground floor shall be limited to between 6:00 and 22:00.

#### **111. Medical care services**

- (1) An apartment building, community residential building or group housing complex may include ancillary medical care services for the residents which may be amongst others aged, indigent, abused, handicapped or orphaned, provided that the service may only be extended to *bona fide* residents of the residential facility and remains subservient to the primary residential use of the property.

#### **112. Group housing**

- (1) Group housing developments shall be accompanied by architectural guidelines or typical unit plans and elevations.
- (2) More than one group house may be constructed on a cadastral entity and may be subdivided at the same time or at a later stage.
- (3) No additional uses are permitted from dwelling units in Group Housing, except as a consent use.
- (4) The maximum density for a group housing development in this zone is 35du/ha.

#### **113. Occasional use**

- (1) Only one occasional use is permitted as an additional use in anyone calendar year.
- (2) Consent shall be obtained for any further occasional uses in a year.
- (3) Occasional use of a property for the purposes of events which are not normally conducted from the property shall comply with the general parameters set out in section 38.

#### **114. Building development parameters in this zone**

- (1) The following building restrictions shall apply within this zone:

|                                                             | <b>Street building lines</b> | <b>Common boundary building lines</b> | <b>Maximum coverage</b> | <b>Maximum height incl roof</b> |
|-------------------------------------------------------------|------------------------------|---------------------------------------|-------------------------|---------------------------------|
| <b>All buildings up to a point 10m above base level</b>     | 5m                           | 5m                                    | 75%                     | 24m                             |
| <b>Buildings or portions exceeding 10m above base level</b> | 7m                           | 7m                                    |                         |                                 |
| <b>Group housing</b>                                        | External: 3m<br>Internal: 0m | External: 3m<br>Internal: 0m          | 75%                     | 12m                             |

- (2) An external building line referred to in subsection (1) above in this a building line on a common or street boundary which has another external land owner abutting it, whilst an internal building line is along a common or street boundary which is along a proposed subdivision boundary which is internal to the land unit under consideration.
- (3) When approving building plans for buildings in this zone, the Municipality must ensure that the design allows for visual surveillance of designated activity streets or nodes as indicated in an approved Development Framework. Such requirements may include the placement of building edges on or close to the street boundary (build-to lines), the use of openings and visually permeable windows on ground floor, balconies and terraces on first floors, stipulation of the nature of ground floor uses, the placement of parking and vehicle circulation spaces behind buildings and landscaping and boundary wall treatment and detailing.
- (4) The Municipality may formulate a policy about the creation of active edges and facades and enforce the policy in terms of this provision.
- (5) Any other permanent structures which are used not for human occupation may be constructed outside of the building line restrictions on the common boundaries, with the written permission of owners of the affected abutting properties.

## 115. Recreational and outdoor space and service yards

- (1) Outdoor space including private outdoor space in a group housing development shall be provided at a rate of at least 25m<sup>2</sup> Per dwelling unit. this outdoor space may be provided in any combination of private and/or communal open space, provided that each dwelling unit has at the minimum a private outdoor space measuring 2mx5m. the municipality may, at its discretion, reduce this requirement provided that sufficient public open space and recreational area exists near the property.
- (2) For properties accommodating apartments, lodging accommodation, and community residential buildings, communal outdoor space shall be provided at a rate of at least 10% of the area of the land unit, and that such outdoor space shall not be used for vehicles and shall be landscaped to the Municipality's satisfaction and reserved for recreation purposes for residents. The Municipality may, at its discretion, reduce this provision provided that sufficient landscaping is provided on site to address the interface with streets and sufficient outdoor or open space is available in proximity of the site for recreation purposes.

- (3) A service yard shall be provided to the Municipality's satisfaction in a group housing scheme or apartment building either for each dwelling unit or on a communal basis.
- (4) If required by the Municipality, an enclosed refuse area shall be provided in a position accessible from a public street to the satisfaction of the Municipality.

#### **116. General parameters and parking**

- (1) The general parameters, including parking requirements, as set out in Chapter 3, apply to this zone, insofar as they are applicable to the permitted and additional uses and any other development on the property in question, and shall be complied with, unless a departure has been granted otherwise.

#### **117. Development charges in this zone**

- (1) The Municipality may impose development charges for additional permitted use or any consent use application.
- (2) A development charge is payable in terms of section 30 in instances where a building plan is submitted to utilise intensified primary development rights which came into operation because of this Scheme.
- (3) The Municipality shall, prior to approval of such a building plan, determine the extent of such additional rights utilised on the building plan, and calculate the required levy, which shall be paid by the land owner prior to the approval of said building plan.
- (4) The Municipality shall consider imposing development charges for any development in this zone that exceeds a floor factor of 0,75 or group housing exceeding 35 dwelling units per hectare.

### **Chapter 10 Conventional housing zone**

*The purpose of this zone is to make provision for:*

- the use of land for the purposes of predominantly lower density conventional housing;*
- the welfare and safety of the occupants of dwelling houses within a neighbourhood by limiting uses which are likely to give rise to a public nuisance or impact adversely on residents' health, safety, and welfare;*
- preserving a lower density character to certain residential areas whilst promoting moderate densification in line with the principles of the Spatial Development Framework;*
- controlled opportunities for home employment and income generation through activities which are compatible with and ancillary to residential uses;*
- moderate densification through additional dwellings of a similar built form and character.*

#### **118. Zone name and designation**

- (1) The Conventional Housing Zone may be referred to by the code (CH) and must be indicated on the zoning map in Yellow (Colour code 255,255,0).

#### **119. Land use in this zone**

- (1) The following use restrictions apply to property in this zone:

|                   | Permitted                                                                                                                                                                                                                                                                                                                                                                                                                     | Technical approval                                             | Neighbours' permission                                                                                                                                      | Consent                                                                                                                                                                                                                                                                                                                                                                                             | Prohibited                                                                                                                                                                                                                                                                                                    |
|-------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Primary</b>    | <ul style="list-style-type: none"> <li>• Dwelling house</li> <li>• Second dwelling house</li> <li>• Third dwelling unit <math>\leq 30\text{m}^2</math></li> </ul>                                                                                                                                                                                                                                                             | <ul style="list-style-type: none"> <li>• None</li> </ul>       | <ul style="list-style-type: none"> <li>• Non-habitable structures outside common boundary building lines</li> </ul>                                         | <ul style="list-style-type: none"> <li>• Community care facility</li> <li>• Community residential (no resident operator)</li> <li>• Group housing</li> <li>• Lodging accommodation (no resident operator)</li> <li>• Monument</li> <li>• Museum</li> <li>• Special use</li> <li>• Third dwelling <math>&gt;30\text{m}^2</math></li> <li>• Visitors' accommodation (no resident operator)</li> </ul> | <ul style="list-style-type: none"> <li>• Abattoir</li> <li>• Adult services</li> <li>• Freestanding mast</li> <li>• Gambling</li> <li>• Liquor outlet</li> <li>• Mortuary</li> <li>• Noxious industry</li> <li>• Risk Industry</li> <li>• Tavern</li> <li>• Utility plant</li> <li>• Vehicle sales</li> </ul> |
| <b>Additional</b> | <ul style="list-style-type: none"> <li>• Occasional use (x1)</li> <li>• Open space</li> <li>• Utility services</li> <li>• Urban horticulture</li> <li>• From Operator occupied dwelling/ second dwelling house: <ul style="list-style-type: none"> <li>o Business</li> <li>o Community residential</li> <li>o Lodging accommodation</li> <li>o Place of instruction</li> <li>o Visitors' accommodation</li> </ul> </li> </ul> | <ul style="list-style-type: none"> <li>• Crop cover</li> </ul> | <ul style="list-style-type: none"> <li>• Additional uses which generate noise, involve vehicle repairs or take place outdoors</li> <li>• Shelter</li> </ul> | <ul style="list-style-type: none"> <li>• House shop</li> <li>• Occasional use (<math>&gt;1\text{x}</math>)</li> <li>• Additional use that exceeds the threshold stipulated in this chapter.</li> <li>• Rooftop base station</li> </ul>                                                                                                                                                              |                                                                                                                                                                                                                                                                                                               |

- (2) One second dwelling house is also permitted on the property, either in the same building as the main dwelling house or as a separate building.
- (3) A third dwelling unit not exceeding 30m<sup>2</sup> is furthermore permitted, to be included in either the main or second dwelling house or outbuilding, or as a stand-alone building.
- (4) A third dwelling unit exceeding 30m<sup>2</sup> is a consent use application and may only be conducted once approved by the municipality.
- (5) In total, no more than three dwelling units are permitted on any land unit zoned for Conventional Housing.
- (6) When three dwelling units are erected on one land unit, these should be configured in such a way that they have the appearance of two or more buildings or divisions and be designed in a uniform architectural style, unless the Municipality has granted its permission for one building to contain all three dwelling units.
- (7) Outbuildings which are ordinarily used in connection with the dwelling houses, such as parking garage, storerooms and the like are permitted on the land unit and may be separate to the dwelling houses or provided in the same building.
- (8) Each dwelling unit on a land unit zoned Conventional Housing Zone shall not be occupied by more than one household except insofar it may be used for additional uses as provided in this zone.
- (9) Notwithstanding subsection (9) above and other provisions in this Chapter, the Municipality's permission will be required to accommodate more than 10 people in total on a land unit in this zone.
- (10) A shelter in this zone may be allowed in the place of a second or third dwelling unit, as the case may be, with the permission of the neighbours abutting and opposite the property, as well as any other land owners that will in sole opinion of the Municipality, be affected by the erection of a shelter.
- (11) A shelter shall comply with all other use and building parameters as prescribed for a dwelling house in this zone.

## 121. Additional uses where operator must reside on premises

- (1) The following additional uses may be conducted from a dwelling house or second dwelling house, only where the operator of the business is a *bona fide* permanent resident of the property:
  - (a) business (also see section 122);
  - (b) community residential (also see section 123);
  - (c) lodging accommodation (also see section 123);
  - (d) place of instruction (also see section 122);
  - (e) visitors' accommodation (also see section 123).
- (2) The activity may only be conducted from a dwelling house or second dwelling house on the property.
- (3) The activity may continue when the operator goes on holiday, provided that additional use activities will not continue for a period exceeding two weeks unless a resident manager is appointed to supervise the activities and may in any event not proceed without the *bona fide* operator's presence for more than one continuous month.
- (4) An operator of an additional use may either use a portion of the dwelling house in which he permanently resides or a portion of, or the entire second dwelling house or third dwelling unit for such additional use, on condition that all other parameters in this Scheme are adhered to. If the additional use is conducted from the same dwelling in which the operator resides, a household

(other than the operator's household) may be accommodated in the other dwelling unit(s) on the land unit.

- (5) Where the additional use entails the use of power tools, amplified sound, activities in unroofed outside spaces, or any activity involving the maintenance, repair or alteration of vehicles, the prior written permission of neighbours are required.
- (6) No more than two commercial vehicles not exceeding 3500kg each, used in connection with the additional use and may be stored on the land unit.
- (7) The operator of any additional use may employ one additional person, which is not resident on the land unit, to assist with the operation of the additional use.
- (8) Where an operator wishes to conduct an additional use which exceeds the area limitation, hours of operation, or number of people specified in this section, the Municipality may grant permission for alternative parameters for the particular use, provided that due notice is served to anyone whose rights or legitimate expectations may be affected by such permission.
- (9) Additional uses may not cause a public nuisance or affect the health, welfare, safety or rights of occupants or neighbours, including but not limited unreasonable noise, emissions, odours and traffic.
- (10) Residents who believe that an additional use causes a public nuisance or affect their health, welfare, safety or rights, may lodge a complaint with the Municipality, who shall investigate the matter in terms of the provisions of the Planning Law.
- (11) Where an additional use causes a public nuisance, or affects the health, welfare, safety or rights residents, in the sole opinion of the Municipality, the Municipality may serve a compliance notice in terms of the Planning Law, or an order to cease the additional use.

## **122. Instruction and business as additional use**

- (1) Only one additional use for instruction or business may be conducted from the land unit at any given time.
- (2) The parameters below apply to additional business use:
  - (a) The total floor area occupied by a business, including storage of goods, may not exceed 30% of the total floor area of buildings on the land unit up to a maximum area of 50m<sup>2</sup>.
  - (b) The nature of any alterations to the dwelling house(s) to accommodate additional uses must be such that the building can at any time revert to its use as a normal dwelling house and the residential character of the property shall be retained to the satisfaction of the Municipality.
  - (c) No goods related to the additional use may be displayed in view of public streets or public spaces.
  - (d) Signage in relation to the additional use shall be restricted to a single un-illuminated sign or notice not exceeding 2 000cm<sup>2</sup> in area which may not project over a road.
  - (e) The hours of operation of any additional use, other than visitor's or lodging accommodation, shall be restricted to between 07:00 and 17:00 daily; except where the use entails a place of instruction for under-aged children, in which case the hours are restricted to between 06:00 to 18:00.
  - (f) Where an additional use is a place of instruction, no more than 6 people including residents on the property partaking in the instruction, may be instructed on the property at any given time.

**123. Visitors', lodging and community residential accommodation as additional use**

- (1) The following use parameters apply to visitors', lodging and/or community residential accommodation in a dwelling house, second dwelling house or 3rd dwelling unit the Conventional Housing Zone:
  - (a) A maximum of 5 bedrooms in total on a land unit zoned for Conventional Housing Zone, accommodating not more than two persons per room, may be used for visitors', lodging and/or community residential accommodation.
  - (b) No alterations to the dwelling house(s) are permitted to accommodate visitors', lodging and/or community residential accommodation, which in the opinion of the Municipality, are such that the dwelling house(s) will not be able to revert back to use as a dwelling house by a single household.
  - (c) Meals, beverages and any other services may only be served to *bona fide* visitors or lodgers.
  - (d) The Municipality may require the screening of outdoor communal areas and overlooking features from adjacent properties.
  - (e) Double rooms used for accommodation shall have a minimum floor area of 14m<sup>2</sup>.
  - (f) Single rooms used for accommodation shall have a minimum floor area of 6m<sup>2</sup>.
  - (g) No cooking of meals shall be permitted in individual bedrooms or any common area except in an area designated on an approved building plan as the kitchen or braai area associated with the dwelling house or dwelling unit concerned.
  - (h) At least one bathroom with a washbasin, toilet and bath or shower shall be provided for every five guests, in addition to ablution facilities for the primary occupants on the property.
- (2) Visitors', lodging and/or community residential accommodation as an additional use in this zone may not consist of camping and may also not include a conference facility, gym or wellness centre.

**124. Visitors', lodging and community accommodation as a consent use**

- (1) In this zone, a land unit may not be used exclusively for visitors', lodging or community residential accommodation, without a permanent resident also living on the property, unless a consent use application was first granted by the Municipality.
- (2) The following provisions shall apply when a consent use is granted:
  - (a) No alterations to the dwelling house, second dwelling house or third dwelling unit, as the case may be, are permitted to accommodate visitors', lodging or community residential accommodation, which, in the opinion of the Municipality, prevent the buildings to revert back to be used as a dwelling house, second dwelling or third dwelling unit, as the case may be, and the scale of the buildings shall remain for the accommodation of a household in each unit.
  - (b) The Municipality shall impose a condition limiting the number of bedrooms and occupants which are permitted at any given time on the property, which may not exceed the number of rooms that would ordinarily have been approved in the three permitted dwelling houses on a property in this zone and taking into consideration the available on-site parking.
  - (c) On-site parking shall be provided for all visitors or lodgers, to the Municipality's satisfaction.
  - (d) The registered owner of the property or the operator of the facility shall designate in writing a person who will take responsibility for the management of the accommodation and shall provide the Municipality and abutting neighbours with the person's contact details.

- (e) All other rules, except those pertaining to the number of rooms and lodgers, set out in Section 123 above shall apply where visitors', lodging or community residential accommodation is conducted exclusively from the property.

### 125. Group housing as a consent use

- (1) Group housing in this zone may only be conducted with the Municipality's consent.
- (2) Group housing developments shall be accompanied by architectural guidelines or typical unit plans and elevations.
- (3) More than one group house may be constructed on a cadastral entity.
- (4) A site with group houses may also be subdivided at the same time or at a later stage with the approval of a subdivision application in terms of Planning Law.
- (5) The minimum and maximum density for a group housing development in this zone will be stipulated by the Municipality when granting the consent use approval and shall be inserted as a condition.
- (6) No additional uses are permitted from dwelling units in Group Housing, except as a consent use.
- (7) The requirements for recreational and outdoor space and service yards as set out in the Multi-Unit Housing zone shall apply to group housing developments in this zone.

### 126. Occasional use

- (1) Only one occasional use is permitted as an additional use in anyone calendar year.
- (2) Consent shall be obtained for any further occasional uses in a year.
- (3) Notwithstanding the provisions in section 38, the number of attendees at an occasional use activity in this zone may not exceed 100 and the use, shall in all other respects comply with the general parameters set out in section 38.

### 127. Building development parameters in this zone

- (1) The following building restrictions shall apply within this zone:

| Area of land unit                      | Street building lines | Common boundary building lines   | Maximum coverage | Maximum height incl roof |
|----------------------------------------|-----------------------|----------------------------------|------------------|--------------------------|
| Up to 250m <sup>2</sup>                | 1m                    | 1m on one & 0m on two boundaries | 70%              | 8m                       |
| 251m <sup>2</sup> to 500m <sup>2</sup> | 2m                    | 1.5m                             | 60%              |                          |
| >500m <sup>2</sup>                     | 4.5m                  | 1.5m                             | 50%              |                          |
| Garages and carports                   | 0m                    | 0m                               | n/a              | 4m                       |

- (2) Garages and carports which are closer than 4,5m to the street boundary or 1,5m to the common boundary, shall not have garage doors or other closures that open towards or over the said boundary, and shall have automated doors or gates, unless the Municipality permits otherwise;
- (3) The width of the garage measured parallel to the street boundary shall not exceed 6,5m, and the height shall not exceed 4m;
- (4) A balcony or terrace, whether projecting from the face of the building or whether positioned on the roof of a building below, or a window or door on first-floor level, may not be located within the common boundary building line or closer than 1m from the common boundary whichever is the most restrictive.

## **128. General parameters and parking**

- (1) The general parameters, including parking requirements, as set out in Chapter 3, apply to this zone, insofar as they are applicable to the permitted and additional uses and any other development on the property in question, and shall be complied with, unless a departure has been granted otherwise.

## **129. Development charges in this zone**

- (1) The Municipality may impose development charges for additional permitted use or any consent use application.
- (2) A development charge is payable in terms of section 30 in instances where a building plan is submitted to utilise intensified primary development rights which came into operation because of this Scheme.
- (3) The Municipality shall, prior to approval of such a building plan, determine the extent of such additional rights utilised on the building plan, and calculate the required levy, which shall be paid by the landowner prior to the approval of said building plan.
- (4) The Municipality shall consider imposing development charges for any development in this zone that exceeds one dwelling unit per land unit.

## **Chapter 11 Community use zone**

*The purpose of this zone is to make provision for:*

- *a wide range of community and welfare purposes including places of instruction, and places of assembly which include religious gatherings; and*
- *ancillary uses such as administrative offices, residential uses, libraries, school hostels, recreational and sports facilities and any other uses and buildings that are ordinarily associated with the particular facility.*

## **130. Zone name and designation**

- (1) The Community Use Zone may be referred to by the code (CU) and must be indicated on the zoning map in cyan (Colour code 153,255,237).

## **131. Land use in this zone**

- (1) The following use restrictions apply to property in this zone:

|                   | Permitted                                                                                                                                                                                                                                                                                                                                                        | Technical approval                                                                                                                       | Neighbours' permission | Consent                                                                                                                                                                                                              | Prohibited                                                                                                                                                                                                                                       |
|-------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------|------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Primary</b>    | <ul style="list-style-type: none"> <li>• Community care facility</li> <li>• Community residential</li> <li>• Healthcare facility</li> <li>• Hostel</li> <li>• Indoor sport</li> <li>• Lodging accommodation</li> <li>• Open space</li> <li>• Outdoor sport</li> <li>• Place of assembly</li> <li>• Place of instruction</li> <li>• Public institution</li> </ul> | For any significant change in existing land use                                                                                          | None                   | <ul style="list-style-type: none"> <li>• Cemetery</li> <li>• Correctional facility</li> <li>• Mortuary</li> <li>• Special use</li> </ul>                                                                             | <ul style="list-style-type: none"> <li>• Abattoir</li> <li>• Adult services</li> <li>• Gambling</li> <li>• Liquor outlet</li> <li>• Noxious industries</li> <li>• Risk industries</li> <li>• Sectional title</li> <li>• Utility plant</li> </ul> |
| <b>Additional</b> | <ul style="list-style-type: none"> <li>• Club house</li> <li>• Employee housing</li> <li>• Green infrastructure</li> <li>• Non-motorised transport</li> <li>• Occasional use (x1)</li> <li>• Restaurant</li> <li>• Shop</li> <li>• Utility services</li> <li>• Urban horticulture</li> </ul>                                                                     | <ul style="list-style-type: none"> <li>• Further employee housing</li> <li>• Informal trading</li> <li>• Rooftop base station</li> </ul> | None                   | <ul style="list-style-type: none"> <li>• Club house, assembly, restaurant, (with liquor license)</li> <li>• Freestanding mast</li> <li>• Helipad</li> <li>• House shop</li> <li>• Occasional use (&gt;1x)</li> </ul> |                                                                                                                                                                                                                                                  |

- (2) The land use rights permitted in this zone does not include the right to transmit amplified sound. Approval to transmit amplified sound will require permission under the relevant legislation and/or by-law.

**132. Employee housing and hostels**

- (1) No more than one dwelling unit for employee housing shall be permitted on a property in this zone, except with permission granted by the Municipality where it is necessary for the operational functioning of the facility to have additional employees accommodated on the property.
- (2) The floor area of an employee dwelling unit on a property zoned for Community Use Zone shall not exceed 120m<sup>2</sup>.
- (3) An employee dwelling unit shall be occupied by only one household as defined.
- (4) One of the occupants must be employed in connection with the main activity on the site or the house must be ancillary to the primary use on the property.
- (5) A hostel associated with or ancillary to a community facility is permitted in this zone, whether it is on the same land unit or not.

**133. Place of assembly, shops, restaurants or club houses**

- (1) A shop, club house, and/or restaurant in this zone must be related to or serve the patrons of the primary activity on the property.
- (2) The total floor area of a shop, club house, and/or restaurant may not exceed 25% of the floor area of the building, to a maximum of 250m<sup>2</sup>.
- (3) Any use that includes the sale of liquor for consumption on the property is a consent use, and the Municipality may prescribe more restrictive building and land use parameters to mitigate the impacts on the amenity of the surrounding area, including, but not limited to the hours of operations and the number of occupants.

**134. Occasional use**

- (1) Only one occasional use is permitted as an additional use in anyone calendar year.
- (2) Consent shall be obtained for any further occasional uses in a year.
- (3) Occasional use of a property for the purposes of events which are not normally conducted from the property shall comply with the general parameters set out in section 38.

**135. Building development parameters in this zone**

- (1) The following building restrictions shall apply to buildings within this zone:

| Size of land unit   | Street building lines | Common boundary building lines | Maximum coverage                                                 | Maximum height incl roof |
|---------------------|-----------------------|--------------------------------|------------------------------------------------------------------|--------------------------|
| <2000m <sup>2</sup> | 5m                    | 5m                             | 50%                                                              | 8m                       |
| ≥2000m <sup>2</sup> | 5m                    | 5m                             | 1000m <sup>2</sup> plus 30% of area exceeding 2000m <sup>2</sup> | 8m                       |

- (2) Church steeples, minarets, and similar architectural features may exceed the maximum height prescribed in this zone at the discretion of the Municipality, provided that the Municipality is satisfied that such additional height is not intended to evade the intention of the Scheme.

### 136. Refuse areas

- (1) A refuse area shall be provided to the Municipality's satisfaction.

### 137. Site development plan

- (1) A site development plan shall be required by the Municipality for any building plan, land use application, or significant change in the permitted primary use for a property in this zone.
- (2) If trading areas in this zone are demarcated in terms of the Municipality's Informal Trading Policy or By-law, a site development plan is not required for this activity.

### 138. General parameters and parking

- (1) The general parameters, including parking requirements, as set out in Chapter 3, apply to this zone, insofar as they are applicable to the for permitted and additional uses and any other development on the property in question, and shall be complied with, unless a departure has been granted otherwise.

### 139. Development charges

- (1) The Municipality may impose development charges for additional permitted use or any consent use application.
- (2) A development charge is payable in terms of section 30 in instances where a building plan is submitted to utilise intensified primary development rights which came into operation because of this Scheme.
- (3) The Municipality shall, prior to approval of such a building plan, determine the extent of such additional rights utilised on the building plan, and calculate the required levy, which shall be paid by the landowner prior to the approval of said building plan.

## Chapter 12

### Open space zone

*The purpose of this zone is to make provision for:*

- *active or passive recreational spaces;*
- *open and landscaped spaces which contribute to the sense of place or visual amenity of an area;*
- *open space which accommodates riverine corridors, stormwater detention areas or fulfil other ecosystem services.*

#### **140. Zone name and designation**

- (1) The Open Space Zone may be referred to by the code (OS) and must be indicated on the zoning map in pale green (Colour code 153, 255, 0).

#### **141. Land use in this zone**

- (1) The following use restrictions apply to property in this zone:

|                   | Permitted                                                                                                                                                                | Technical approval                                                                                                                                                                        | Neighbours' permission | Consent                                                                                                                                                                                                                                                                                                      | Prohibited                                                                                                                                                                                                                                                                        |
|-------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Primary</b>    | <ul style="list-style-type: none"> <li>• Conservation</li> <li>• Green infrastructure</li> <li>• Monument</li> <li>• Open space</li> <li>• Urban horticulture</li> </ul> | <ul style="list-style-type: none"> <li>• Outdoor sport</li> </ul>                                                                                                                         | None                   | <ul style="list-style-type: none"> <li>• Cemetery</li> <li>• Community care facility</li> <li>• Conference facility</li> <li>• Hotel</li> <li>• Indoor sports facilities</li> <li>• Public Institutions</li> <li>• Special use</li> <li>• Visitors' accommodation</li> <li>• Visitors' facilities</li> </ul> | <ul style="list-style-type: none"> <li>• Adult services</li> <li>• Container depot</li> <li>• Gambling</li> <li>• Group housing</li> <li>• Noxious industries</li> <li>• Parking garage</li> <li>• Risk industries</li> <li>• Sectional title</li> <li>• Utility plant</li> </ul> |
| <b>Additional</b> | <ul style="list-style-type: none"> <li>• Non-motorised transport</li> <li>• Occasional use (x1)</li> <li>• Utility Services</li> </ul>                                   | <ul style="list-style-type: none"> <li>• Crop cover</li> <li>• Employee housing</li> <li>• Informal trading</li> <li>• Place of Assembly</li> <li>• Restaurant</li> <li>• Shop</li> </ul> | None                   | <ul style="list-style-type: none"> <li>• Freestanding mast</li> <li>• Further employee housing</li> <li>• Helipad</li> <li>• Occasional use (&gt;1x)</li> <li>• Rooftop base station</li> </ul>                                                                                                              |                                                                                                                                                                                                                                                                                   |

#### 142. Site development plan

- (1) A site development plan may be required by the Municipality for any primary use on the property.
- (2) A site development plan shall be submitted for additional uses prior to the commencement of an activity and the Municipality will ensure that any additional use does not impact negatively on the primary uses in this zone.
- (3) If trading areas in this zone are demarcated in terms of the Municipality's Informal Trading Policy or By-law, a site development plan is not required for this activity.

**143. Employee housing**

- (1) No more than one dwelling unit for employee housing shall be permitted on a property in this zone, except with permission granted by the Municipality where it is necessary for the operational functioning of the facility to have additional employees accommodated on the property.
- (2) The floor area of an employee dwelling unit on a property zoned for Community Use Zone shall not exceed 120m<sup>2</sup>.
- (3) An employee dwelling unit shall be occupied by only one household as defined.
- (4) One of the occupants must be employed in connection with the main activity on the site or the house must be ancillary to the primary use on the property.

**144. Occasional use**

- (1) Only one occasional use is permitted as an additional use in anyone calendar year.
- (2) Consent shall be obtained for any further occasional uses in a year.
- (3) Occasional use of a property for the purposes of events which are not normally conducted from the property, shall comply with the general parameters set out in section 38.

**145. Building development parameters in this zone**

- (1) The following building restrictions shall apply within this zone:

| Building            | Street building lines | Common boundary building lines | Maximum height | Maximum floor area |
|---------------------|-----------------------|--------------------------------|----------------|--------------------|
| Employee housing    | 10m                   | 10m                            | 5m             | 120m <sup>2</sup>  |
| All other buildings |                       |                                |                | 500m <sup>2</sup>  |

**146. Boundary walls and fences**

- (1) Notwithstanding the requirements set out in section 26 of this Scheme, only fencing will be allowed in this zone which shall be at least 80% visually permeable.

**147. General parameters and parking**

- (1) The general parameters, including parking requirements, as set out in Chapter 3, apply to this zone, insofar as they are applicable to the permitted and additional uses, and any other development on property in question, and shall be complied with, unless a departure has been granted otherwise.

**148. Development charges in this zone**

- (1) The Municipality may impose development charges for additional technical approval or any consent use application.

- (2) A development charge is payable in terms of section 30 in instances where a building plan is submitted to utilise intensified primary development rights which came into operation as a result of this Scheme.
- (3) The Municipality shall, prior to approval of such a building plan, determine the extent of such additional rights utilised on the building plan, and calculate the required levy, which shall be paid by the land owner prior to the approval of said building plan.

## **Chapter 13**

### **Agriculture zone**

*The purpose of this zone is to make provision for:*

- *use of land for purposes of bona fide agricultural production;*
- *buildings and structures which may be erected for reasonable and normal agricultural purposes;*
- *a range of ancillary and subservient uses which may take place on agricultural land units, either as additional rights or as consent uses and which provides for more intensive agricultural use, agricultural industry or agri-tourism with the objective of creating variety, ensuring sustainability and providing diversified income to landowners, without adversely impacting on the primary use of the land for agricultural production.*

#### **149. Zone name and designation**

- (1) The Agriculture Zone may be referred to by the code (A) and must be indicated on the zoning map in mid green (Colour code 188, 235, 188).

#### **150. Land use in this zone**

- (1) The following use restrictions apply to property in this zone:

|         | Permitted                                                                                                                                                                                                                 | Technical approval | Consent                                                                                                                               | Prohibited                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|---------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|---------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Primary | <ul style="list-style-type: none"> <li>• Agricultural buildings</li> <li>• Agriculture</li> <li>• Conservation</li> <li>• Dwelling house</li> <li>• Employee housing (1 unit)</li> <li>• Second dwelling house</li> </ul> | None               | <ul style="list-style-type: none"> <li>• Animal care facilities</li> <li>• Intensive animal farming</li> <li>• Special use</li> </ul> | <ul style="list-style-type: none"> <li>• Airport</li> <li>• Apartment building</li> <li>• Commercial gymnasium</li> <li>• Container depot</li> <li>• Freight transport facility</li> <li>• Fuel retail</li> <li>• Funeral parlour</li> <li>• Group housing</li> <li>• Healthcare facility</li> <li>• Heliport</li> <li>• Hotel</li> <li>• Hostel</li> <li>• Industry</li> <li>• Light industry</li> <li>• Liquor outlet</li> <li>• Military facility</li> <li>• Mortuary</li> <li>• Noxious industry</li> <li>• Parking garage</li> <li>• Place of instruction &gt;250m<sup>2</sup></li> <li>• Risk industry</li> <li>• Sectional title</li> <li>• Utility plant</li> <li>• Vehicle depot</li> <li>• Vehicle sales</li> <li>• Vehicle services</li> </ul> |

|                   |                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |  |
|-------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| <b>Additional</b> | <ul style="list-style-type: none"> <li>• Green infrastructure</li> <li>• Open space</li> <li>• Occasional use (x1)</li> <li>• From Operator occupied dwelling/second dwelling or employee housing</li> <li>o Business</li> <li>o Visitors' accommodation</li> <li>o Lodging accommodation</li> <li>o Community residential</li> </ul> | <ul style="list-style-type: none"> <li>• Abattoir threshold</li> <li>• Agricultural building &gt; 2000m<sup>2</sup></li> <li>• Agricultural processing &lt; 2000m<sup>2</sup></li> <li>• Crop cover</li> <li>• Employee housing (&gt;1 unit)</li> <li>• Monument</li> <li>• Museum</li> <li>• Non-motorised transport</li> <li>• Place of instruction &lt;250m<sup>2</sup></li> <li>• Plant nursery</li> <li>• Utility services</li> <li>• Visitors' accommodation &lt;</li> <li>• Visitors' facilities</li> <li>• From operator occupied dwelling unit:</li> <li>o House shop</li> </ul> | <ul style="list-style-type: none"> <li>• Abattoir threshold</li> <li>• Agricultural processing &gt; 2000m<sup>2</sup></li> <li>• Additional use exceeding the parameters in this zone</li> <li>• Conference facility</li> <li>• Dwelling units (max 4 additional)</li> <li>• Freestanding mast</li> <li>• Function venue</li> <li>• Helipad</li> <li>• Occasional use (&lt;1x)</li> <li>• Renewable energy generation</li> <li>• Rooftop base station</li> <li>• Service depot</li> <li>• Visitors' accommodation threshold</li> <li>• Visitors facilities &gt; threshold</li> <li>• Wellness centre</li> </ul> |  |
|-------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|

### 151. Site development plan for agricultural enterprise

- (1) After the commencement of this Scheme, and prior to the erection of any new buildings or alterations to existing buildings or the conversion of any existing buildings to a new land use, or together with a planning application, a site development plan for the agricultural enterprise shall be submitted to the Municipality to indicate the existing legal land uses on the property and, if proposed, the intended new buildings or land use.
- (2) A site development plan for an agricultural enterprise must identify primary, additional, consent uses and departures already approved, and also show new buildings or planning approvals for which an application is being made, as the case may be.

- (3) A farm site development plan may indicate new envisaged permitted buildings which may be intended for future construction and a clear distinction shall be made between existing and future proposed buildings.
- (4) When assessing a site development plan for an agricultural enterprise in terms of subsection (1) above, the Municipality may require amendments to the positioning and nature of proposed new buildings, structures and landscaping to address health, safety, environmental and visual impacts, but may not refuse primary permitted rights.
- (5) Once a site development plan for an agricultural unit is approved, the Municipality shall record the approval in the zoning register and retain a copy of the plan in their records.
- (6) A site development plan for an agricultural enterprise may only be refused if the land uses shown are not permitted or compliant with the Scheme or are not lawful.
- (7) If the site development plan contains any aspect for which technical approval, permission or consent use is required, the necessary application shall be made in accordance with this Scheme and/or the Planning By-law prior to approval of the said plan.

#### **152. Dwelling house, second dwelling house, additional dwellings, employee housing**

- (1) Notwithstanding the provisions of section 32 of this Scheme, no more than one dwelling house, one-second dwelling and one *bona fide* employee housing shall be permitted on any agricultural land unit as a primary right.
- (2) The Municipality may grant a consent use for additional dwelling units on land units exceeding 20ha in size and one unit per every 10ha exceeding 20ha in size may be approved, up to a maximum of four additional dwellings units.
- (3) The Municipality may not grant a departure or its consent for further additional dwelling units, other than provided for in subsection (2) above.
- (4) Each dwelling house, second dwelling or additional dwelling unit may be occupied by no more than one household as defined or may be used in a manner permitted for additional uses or consent uses if approved.
- (5) A dwelling and second dwelling may not exceed a floor area, including outbuildings and garages, of 500m<sup>2</sup> each whilst any additional dwelling is limited to a floor area of 120m<sup>2</sup> each.
- (6) Additional employee housing may be provided for *bona fide* employees of the agricultural enterprise upon submission of a technical approval application together with satisfactory proof that the units are to be used for *bona fide* employees on the farm unit.
- (7) At least one of the occupants of the employee housing dwelling unit must be permanently employed in connection with the agricultural activities on the agricultural enterprise concerned.
- (8) Employee housing is limited to a floor area of 120m<sup>2</sup> each.

#### **153. Additional uses and consent uses**

- (1) The additional uses which are permitted in a dwelling house, second dwelling house, additional dwelling or employee dwelling in this zone shall be subject to the same parameters as are set out in sections 121, 122. And 123 of the conventional housing zone, where applicable, except that on a land unit in agriculture Zone, the maximum number of bedrooms for visitors shall be 7 per land unit, and maximum number of visitors accommodated as such shall be 14 per land unit, as is set out in section 157(5), regardless of whether the operator resides there not.
- (2) If the operator resides permanently in the dwelling-house concerned the use is considered permitted additional use, whilst if the operator is not a resident in the dwelling house, the Municipality's technical approval is required for visitors' accommodation.

- (3) Once an existing dwelling house, second dwelling, additional dwelling, employee housing or other non-residential agricultural building is converted for an additional use or a consent use, no further building plan approvals will be granted for the construction of similar dwellings or agricultural buildings, unless the Municipality is satisfied that the expansion of non-agricultural uses and subsequent need for additional structures will not impact negatively on the primary agricultural function of the property.
- (4) When considering an application for consent use, the Municipality shall only approve consent uses which are related to or serve the surrounding agricultural or rural community. Any consent use which does not serve the surrounding agricultural or rural community (such as for example certain types of service depots) shall not be approved. The Municipality shall also consider imposing conditions linking the activity to specific operations to ensure ongoing adherence to these objectives.

#### **154. Agricultural buildings**

- (1) Agricultural buildings which are directly related to the agricultural production on an agricultural enterprise may be erected, provided that where the floor area of one building exceeds 2 000m<sup>2</sup>, a site development plan shall be submitted to the Municipality for technical approval prior to submission of a building plan.
- (2) When granting consent for agricultural buildings exceeding 2 000m<sup>2</sup> Floor area, the municipality shall consider whether the buildings are associated with the agricultural activity on the land unit itself and may impose conditions which require that land units be notarially tied to the processing facility should it serve more than one land unit.

#### **155. Agricultural processing**

- (1) Agricultural processing facilities up to and including 2 000m<sup>2</sup>. In total, may be erected on an agriculture Zone land unit, provided that technical approval shall be obtained prior to submission of a building plan and a site development plan shall accompany the application.
- (2) Agricultural processing facilities exceeding a total floor area of 2 000m<sup>2</sup>. Shall require the approval of a consent use application.
- (3) At least 50% of the produce which is processed in an agricultural processing facility must be produced on the land unit concerned or on a group of land units managed as one agricultural enterprise.
- (4) The Municipality may require information about produce, yields and production capacity to confirm that the scale of the proposed agricultural processing building is commensurate with the farming activities on the land unit or agricultural enterprise concerned.
- (5) Agricultural processing shall remain subservient to agricultural production on the agricultural enterprise.
- (6) An agricultural processing facility may not be subdivided, alienated via a registered lease, nor sold via sectional title.
- (7) When granting consent for agricultural processing facilities exceeding 2 000m<sup>2</sup> floor area, where produce is processed from more than one agricultural land unit, the municipality may impose conditions which require that land units be notarially tied to the processing facility.

#### **156. Abattoirs**

- (1) An abattoir is allowed as an additional use with technical approval, provided that only animals reared on the agricultural enterprise may be slaughtered by the owners of the farm, subject to the following thresholds: more than 50 birds or 6 units of reptiles, game or red meat is slaughtered per day.

- (2) An abattoir exceeding the above threshold or where any of the animals slaughtered are reared on other agricultural enterprises will require the approval of a consent use application.

### **157. Visitors' facilities, plant nursery, and visitors' accommodation**

- (1) Visitors' facilities and related uses in this zone may only be undertaken as an additional use with technical approval on an agricultural enterprise where the primary use of the property remains agricultural production. The visitors' facilities shall always remain subservient to the primary agricultural activities and shall not interfere with the agricultural land uses on the property.
- (2) If the land unit ceases to be used for agricultural activities, the Municipality may instruct the owner to cease operation of the visitors' facilities.
- (3) Visitors' facilities may not have an adverse impact, such as, but not limited to, noise, traffic congestion, pollution, emissions or the gathering of large numbers of people, on surrounding properties, nor may the visitors' facilities have an adverse impact on any *bona fide* agricultural activities on the agricultural enterprise itself or on neighbouring properties.
- (4) Notwithstanding that such activities may be listed as additional primary rights, in the event that the Municipality is of the opinion that an activity has an adverse impact as described in subsection (3), it reserves the right to impose any conditions it deems fit in order to mitigate adverse impacts or instruct the owner that the activity must cease and the Municipality shall issue a compliance notice in accordance with the Municipal Planning By-law.
- (5) Visitors' accommodation in the Agriculture Zone may not exceed 7 bedrooms or 14 people per land unit.
- (6) Notwithstanding the definition of visitors' facilities, in this zone a function venue, conference facility or wellness centre shall require the Municipality's consent.
- (7) The total floor area for all buildings used for visitors' facilities, visitors' accommodation and a plant nursery may not exceed 5% per hectare of the land unit up to a maximum of 1500m<sup>2</sup>.
- (8) Where an owner wishes to conduct an additional use which exceeds the area limitation, or number of people specified in this section, the activity shall be a consent use.

### **158. Place of instruction**

- (1) A place of instruction is an additional use which requires technical approval in this zone.
- (2) The total floor area of place of instruction facilities on an agricultural enterprise may not exceed 250m<sup>2</sup> and only one such facility may be provided per agricultural enterprise.
- (3) Instruction may only be provided for residents on the agricultural enterprise and their immediate families.
- (4) A place of instruction in this zone may also include a place of assembly for use of residents on the agricultural enterprise, subject to the overall floor area limitation for a place of instruction.

### **159. Crop covers**

- (1) Crop cover of any kind may only be permitted with the technical approval of the Municipality.
- (2) When considering a technical approval application for crop covers the Municipality shall have due regard for the primary agricultural rights, whilst also considering the importance of the cultural landscape, sense of place and visual impacts which contribute to the local economy.
- (3) In considering an application for technical approval the Municipality must seek to implement, through appropriate conditions, mitigatory measures which can address the possible adverse visual impacts, without adversely affecting the food production potential on an agricultural enterprise.

- (4) The Municipality may request that a visual impact assessment accompany a technical approval application for crop cover.
- (5) The Municipality may serve a compliance notice in terms of the provisions of the Planning Law if the mitigation measures imposed as conditions are not implemented to its satisfaction.
- (6) The Municipality may adopt a policy to indicate areas where a technical approval for crop covers will not be required, or not be approved, as the case may be.

#### **160. Occasional use**

- (1) Only one occasional use is permitted as an additional use in anyone calendar year.
- (2) Consent shall be obtained for any further occasional uses in a year.
- (3) Occasional use of a property for the purposes of events which are not normally conducted from the property shall comply with the general parameters set out in section 38.

#### **161. Building development parameters in this zone**

- (1) The following building restrictions shall apply within this zone:

|                                                                        | <b>Street<br/>building lines</b> | <b>Common<br/>boundary<br/>building lines</b> | <b>Maximum<br/>height</b> | <b>Maximum<br/>floor area</b> |
|------------------------------------------------------------------------|----------------------------------|-----------------------------------------------|---------------------------|-------------------------------|
| <b>Agricultural<br/>building</b>                                       | 5m                               | 3m                                            | 12m                       | 2000m <sup>2</sup>            |
| <b>Dwelling house<br/>&amp; second<br/>dwelling</b>                    | 5m                               | 3m                                            | 8m                        | 500m <sup>2</sup> each        |
| <b>Employee<br/>housing</b>                                            | 5m                               | 5m                                            | 8m                        | 120m <sup>2</sup>             |
| <b>All other<br/>structures</b>                                        | 5m                               | 3m                                            | 8m                        |                               |
| <b>Crop covers</b>                                                     | 25m                              | 5m                                            |                           |                               |
| <b>Land and<br/>structures used<br/>for the keeping<br/>of animals</b> | 5m                               | 30m                                           | 5m                        |                               |
| <b>Abutting<br/>another zone</b>                                       | 5m                               | 30m                                           | As above                  |                               |

- (2) Notwithstanding the building lines specified above the Municipality will determine the setback of abattoirs in this zone.
- (3) Notwithstanding the above, the Municipality may determine the appropriate position of any new buildings in this zone when considering the Site Development Plan required as part of such an application.
- (4) Where a public road has not been cadastrally demarcated, the Municipality may use the fence along such road, or the edge of the outside edge of the road itself (whichever is the most restrictive in the sole opinion of the Municipality) as the line from which to measure the building line.

## 162. Site development plan

- (1) A site development plan for an agricultural enterprise shall be required before any new buildings may be approved on a building plan.
- (2) All technical approval applications shall require a site development plan.
- (3) A site development plan shall be required for a consent use application and once approved, shall become the development parameters for such use once approved.

**163. Boundary walls and fences**

- (1) Notwithstanding the requirements set out in section 26 of this Scheme, only fencing will be allowed in this zone which shall be at least 80% visually permeable.

**164. General parameters and parking**

- (1) The general parameters, including parking requirements, as set out in Chapter 3, apply to this zone, insofar as they are applicable to the permitted and additional uses and any other development on the property in question, and shall be complied with, unless a departure has been granted otherwise.

**165. Development charges in this zone**

- (1) The Municipality may impose development charges for any additional permitted use, technical approval, consent use application in this Scheme.
- (2) A development charge is payable in terms of section 30 in instances where a building plan is submitted to utilise intensified primary development rights which came into operation as a result of this Scheme.
- (3) The Municipality shall, prior to approval of such a building plan, determine the extent of such additional rights utilised on the building plan, and calculate the required levy, which shall be paid by the landowner prior to the approval of said building plan.

## **Chapter 14**

### **Natural environment zone**

*The purpose of this zone is to make provision for:*

- *the protection of the natural environment, whether the land has been proclaimed for conservation purposes in terms of the relevant legislation, or not;*
- *the controlled utilisation of such areas for recreation purposes.*

**166. Zone name and designation**

- (1) The Natural Environment Zone may be referred to by the code (NE) and must be indicated on the zoning map in dark forest green (Colour code 0, 153,51).

**167. Land use in this zone**

- (1) The following use restrictions apply to property in this zone:

|                   | Permitted                                                                                               | Technical approval                                                             | Neighbours' permission | Consent                                                                                                                                                                                                                                                                                                                                       | Prohibited                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|-------------------|---------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------|------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Primary</b>    | <ul style="list-style-type: none"> <li>• Conservation</li> <li>• Open space</li> </ul>                  |                                                                                |                        | <ul style="list-style-type: none"> <li>• Special use</li> </ul>                                                                                                                                                                                                                                                                               | <ul style="list-style-type: none"> <li>• Abattoir</li> <li>• Adult services</li> </ul>                                                                                                                                                                                                                                                                                                                                                                          |
| <b>Additional</b> | <ul style="list-style-type: none"> <li>• Green infrastructure</li> <li>• Occasional use (x1)</li> </ul> | <ul style="list-style-type: none"> <li>• Monument</li> <li>• Museum</li> </ul> |                        | <ul style="list-style-type: none"> <li>• Dwelling house</li> <li>• Employee housing</li> <li>• Freestanding mast</li> <li>• Helipad</li> <li>• Occasional use (&gt;1x)</li> <li>• Place of assembly</li> <li>• Rooftop base station</li> <li>• Utility services</li> <li>• Visitors' accommodation</li> <li>• Visitors' facilities</li> </ul> | <ul style="list-style-type: none"> <li>• Business</li> <li>• Container depot</li> <li>• Freight transport facility</li> <li>• Fuel retail</li> <li>• Hotel</li> <li>• Hostel</li> <li>• Industry</li> <li>• Light industry</li> <li>• Liquor outlet</li> <li>• Mortuary</li> <li>• Noxious industry</li> <li>• Risk industry</li> <li>• Sectional title</li> <li>• Tavern</li> <li>• Vehicle services</li> <li>• Vehicles sales</li> <li>• Warehouse</li> </ul> |

- (2) Any combination of the above-mentioned uses may be permitted on a land unit.
- (3) Notwithstanding the land use restrictions set out in the table above the Municipality may, on rezoning a property to Natural Environment zone, consider preserving some of the rights that applied under the previous zoning, subject to technical approval.

**168. Employee housing in this zone**

- (1) The floor area of an employee dwelling unit on a property zoned for Natural Environment use shall not exceed 120m<sup>2</sup>.
- (2) An employee dwelling unit shall be occupied by only one household as defined.
- (3) One of the occupants must be employed in connection with the main activity on the site or the house must be ancillary to the primary use on the property.

**169. Visitors' facilities in this zone**

- (1) Visitors' facilities provided in this zone must, in the opinion of the Municipality, be directly related to the natural resources present on the land unit.
- (2) Visitors' facilities permitted as an additional use shall exclude all activities involving motorised vehicles, including cars, trucks, go-carts, motorcycles, quad bikes, drones, planes, helicopters, boats, jet-skis, unless the permission of the Municipality has been obtained.

**170. Occasional use**

- (1) Only one occasional use is permitted as an additional use in anyone calendar year.
- (2) Consent shall be obtained for any further occasional uses in a year.
- (3) Occasional use of a property for the purposes of events which are not normally conducted from the property shall comply with the general parameters set out in section 38.

**171. Building development parameters in this zone**

- (1) The following building restrictions shall apply within this zone:

| Street building lines | Common boundary building lines | Maximum coverage and floor area           | Maximum height |
|-----------------------|--------------------------------|-------------------------------------------|----------------|
| 5m                    | 5m                             | 500m <sup>2</sup> or as restricted in SDP | 5m             |

- (2) The floor area of any single building in this zone shall not exceed 120m<sup>2</sup> and the combined coverage and floor area of all buildings on a land unit shall not exceed 500m<sup>2</sup>, without the permission of the Municipality.

**172. Site development plan**

- (1) All technical approval applications and consent use applications shall be accompanied by a site development plan (SDP).
- (2) The Municipality may prescribe a material and colour palette for buildings and structures in this zone.

**173. Boundary walls and fences**

- (1) Notwithstanding the requirements set out in section 26 of this Scheme, only fencing will be allowed in this zone which shall be at least 80% visually permeable.

**174. General parameters and parking**

- (1) The general parameters, including parking requirements, as set out in Chapter 3, apply to this zone, insofar as they are applicable to the for permitted and additional uses, and any other development on the property in question, and shall be complied with, unless a departure has been granted otherwise.

**175. Development charges in this zone**

- (1) The Municipality may impose development charges for additional permitted use, technical approval or any consent use application.
- (2) A development charge is payable in terms of section 30 in instances where a building plan is submitted to utilise intensified primary development rights which came into operation as a result of this Scheme.

The Municipality shall, prior to approval of such a building plan, determine the extent of such additional rights utilised on the building plan, and calculate the required levy, which shall be paid by the landowner prior to the approval of said building plan.

## Chapter 15

### Limited use zone

*The purpose of this zone is to make provision for the following:*

- *properties previously zoned 'undetermined' or other abolished zones in previous schemes which cannot be appropriately converted to a new use zone;*
- *existing lawful land uses in such zones to continue, but no new land uses shall be permitted, and properties must be rezoned to the appropriate use zone in order to permit new land uses;*
- *progressively phasing out the zone;*
- *no new rezoning to Limited Use Zone shall be permitted.*

**176. Zone name and designation**

- (1) The Limited Use Zone may be referred to by the code (LU) and must be indicated on the zoning map in brown (Colour code 153, 102, 51).

**177. Land use in this zone**

|                | Permitted                                                                                                | Technical approval | Neighbours' permission | Consent | Prohibited                                                                                                      |
|----------------|----------------------------------------------------------------------------------------------------------|--------------------|------------------------|---------|-----------------------------------------------------------------------------------------------------------------|
| <b>Primary</b> | <ul style="list-style-type: none"> <li>• Limited to existing lawful uses at commencement date</li> </ul> | None               | None                   | None    | <ul style="list-style-type: none"> <li>• New development without rezoning</li> <li>• Sectional title</li> </ul> |

- (1) No alteration to an existing land use or an existing building shall be permitted in Limited Use Zone.
- (2) No rezoning to Limited Use Zone shall be permitted after the commencement date.

- (3) Should additional uses or development rights be sought in this zone, a rezoning application to an appropriate use zone in terms of this Scheme must be made in terms of Planning Law.

#### **178. Occasional use**

- (1) Only one occasional use is permitted as an additional use in anyone calendar year.
- (2) Consent shall be obtained for any further occasional uses in a year.
- (3) Occasional use of a property for the purposes of events which are not normally conducted from the property, shall comply with the general parameters set out in section 38.

#### **179. Boundary walls and fences**

- (1) Notwithstanding the requirements set out in section 26 of this Scheme, only fencing will be allowed in this zone which shall be at least 80% visually permeable.

#### **180. Destruction of existing building**

- (1) Buildings which have by accident been partially or completely destroyed may be reconstructed in accordance with lawful development rights which existed at the commencement date, provided that building plans for such reconstruction are approved within 12 months from the date of the accidental destruction.
- (2) Where a rezoning application is made from this zone to any other zone, for the sole purpose of regularising the zoning and no additional rights are sought, development contributions will not be payable.

#### **181. General parameters including parking**

- (1) The general parameters, including parking requirements, as set out in Chapter 3, apply to this zone, insofar as they are applicable to the permitted and additional uses, and any other development on the property in question, and shall be complied with, unless a departure has been granted otherwise.

### **Chapter 16 Subdivisional area zone**

*The purpose of this zone is to make provision for the following:*

- *the designation of land for future subdivision with development rights by providing development directives through specific conditions as approved in terms of the Planning Law.*
- *confirmation of 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.*

#### **182. Zone name and designation**

- (1) The Subdivisional Area Zone may be referred to by the code (SA) and must be indicated on the zoning map in purple double line hatching (Code I91, 195, 254).

#### **183. Land use in this zone**

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

- (2) Any existing use or development on a property which is lawful at the time that the property is rezoned to Subdivisional Area may continue for as long as the Subdivisional Area zoning remains in place, provided that:
- (a) the Municipality may approve additional uses and extensions to existing lawful development if these are ancillary to the existing, lawful uses; and
  - (b) once a subdivision is confirmed, all future development on the subdivision concerned shall comply with the development rules of the base zoning on the confirmed land units, any overlay zonings which may be applicable, and any conditions imposed in terms of the Planning Law.

#### **184. Development parameters**

- (1) When the Municipality approves a rezoning to subdivisional area, it must impose conditions making provision for at least the following, but not limited to:
- (a) maximum density or number of units approved;
  - (b) main land uses and the extent of the uses approved;
  - (c) requirements of organs of state;
  - (d) public open space requirements.
- (2) If necessitated by the complexity of the proposed development, a development framework may be approved by the Municipality at the same time as rezoning to subdivisional area, which framework may contain all or some of the following information:
- (a) physical development constraints and opportunities;
  - (b) main circulation routes, access points, public or private roads;
  - (c) land uses, density and development extent;
  - (d) bulk infrastructure;
  - (e) landscape framework;
  - (f) phasing plan.

### **Chapter 17**

#### **Provisions in respect of overlay zones**

#### **185. Requirements for preparing an overlay zoning**

- (1) The following requirements shall be taken into consideration when preparing an overlay zone, and an overlay zone shall be informed by:
- (a) the development principles contained in the Spatial Planning and Land Use Management Act (no 16 of 2013), the Western Cape Land Use Planning Act (no 3 of 2014) and the Municipality's Planning By-Law;
  - (b) the Municipality's planning vision and principles as set out in its Integrated Development Plan and Spatial Development Framework;
  - (c) any detailed policies adopted by the Municipality which may inform the preparation of overlay zone parameters, provisions or areas to be designated.

**186. Identification and numbering**

- (1) The Municipality shall approve a distinctive name and number for each overlay zoning when adopting such overlay zoning.

**187. Status of overlay zoning**

- (1) An overlay zoning applies to land which the Municipality has designated by notice in the Provincial Gazette as having that overlay zoning.
- (2) An overlay zone may vary the development rules or use rights relating to an area or land unit or may set new development rules or use rights.
- (3) The provisions of an overlay zoning may be more restrictive or more permissive than the provisions applicable to the base zoning of the property concerned or may set specific development rules for an area or land unit.
- (4) All development and land use parameters in the base zone apply in full in an overlay zone except if, and to the extent that it is specifically varied in the overlay zone.
- (5) A specific parameter in an overlay zone will always override the same parameter in a base zone, unless an overlay zone is silent on the matter, in which case the parameters in the base zone which are not addressed in the overlay zone, remain applicable.
- (6) The Municipality may grant departures from the development rules or restrictions or provisions of any overlay zone by following the departure procedures set out in the Municipal Planning By-Law.
- (7) An overlay zone may contain general provisions or specific provisions and the designation must indicate which provisions apply to a land unit or area.
- (8) The provisions of more than one overlay zone may apply to a land unit or area.

**188. Development rules in overlay zones**

- (1) The development rules of an overlay zone may apply to specific land units or to all land units in a specified area.
- (2) The Municipality may, on its own initiative, amend, replace or delete the overlay zone map, or development rules for an overlay zone by amendment of this zoning scheme, or delete an overlay zone in its entirety.

**189. Process to designate a new overlay area for an existing overlay zone**

- (1) The Municipality may, after following a scheme amendment notice procedure contemplated in the Municipal Planning By-Law, and after considering the objections, comments or representations received, designate an area identified on a map to one or more of the Overlay Zones contained in this Scheme.
- (2) The designation of certain areas to an Overlay Zone shall be informed by the Municipality's Spatial Development Framework, or any other more detailed studies or policies the Municipality has adopted.
- (3) Unless otherwise stated in the Overlay Zone itself, an owner of land cannot apply for a rezoning to an Overlay Zone. The zone is designated by the Municipality and is based on common characteristics of an area, or common development or land use management objectives.
- (4) More than one area can be designated for a specific type of Overlay Zone.
- (5) The Overlay Zone map shall contain a unique name and number for the area and shall be listed in the appropriate table of the particular Overlay Zone.

- (6) Once approved, the designation and applicable parameters and provisions, together with a map of the designated property or area, or the relevant amendments, shall be published in the *Provincial Gazette*.

#### **190. Process to create a new overlay zone**

- (1) The Municipality may, after following a scheme amendment notice procedure contemplated in the Municipal Planning By-Law, and after considering the objections, comments or representations received, create a new type of Overlay Zone by amending the Zoning Scheme.
- (2) The new Overlay Zone shall contain the intended provisions, revised parameters or additional or more permissive development controls the Municipality wishes to apply to certain areas to promote their development objectives.
- (3) The Municipality may, at the same time, identify one or more areas to which such new Overlay Zone will apply, although it is not necessary to immediately identify and designate applicable areas.
- (4) Once approved, the revised Scheme, and any accompanying maps if areas are designated, shall be published in the *Provincial Gazette*.

### **Chapter 18**

#### **Local economic development overlay zone**

*The purpose of a Local Economic Development Overlay zone is to designate certain areas (as identified in the Spatial Development Framework) where additional businesses should be permitted from home in order to promote a greater economic flexibility and diversity of formal and informal business uses, to particularly address the needs of poor and vulnerable communities.*

#### **191. Zone name and Designation**

- (1) The Local Economic Overlay Zone may be referred to by the code (LEDO) and must be indicated on the zoning map in blue colour outline and transparent blue fill (Colour code 0, 0, 255).

#### **192. Areas designated as Local Economic Overlay zone areas**

- (1) The Municipality has designated certain areas as a Local Economic Development Overlay zone, and these are listed in the table in section 196.

#### **193. Land use in this overlay zone**

- (1) In these Overlay Zone areas, the following land uses are allowed over and above what is already allowed on land units with a Conventional Housing or Multi-Unit Housing base zone:

|                   | Permitted       | Technical approval | Neighbours' permission                                                                | Consent                                                                                                                                                     | Prohibited                                                               |
|-------------------|-----------------|--------------------|---------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------|
| <b>Primary</b>    | As in base zone | As in base zone    | As in base zone                                                                       | As in base zone, plus: <ul style="list-style-type: none"> <li>• Apartment building</li> <li>• Business</li> <li>• Community residential building</li> </ul> | As in base zone, removing Liquor outlet and tavern from prohibited list. |
| <b>Additional</b> | As in base zone | As in base zone    | As in base zone, plus: <ul style="list-style-type: none"> <li>• House shop</li> </ul> | As in base zone, plus: <ul style="list-style-type: none"> <li>• Liquor outlet</li> <li>• Tavern</li> </ul>                                                  |                                                                          |

#### 194. House shops

- (1) A house shop is permitted as an additional use with neighbours' permission.
- (2) The following conditions shall be adhered to:
  - (a) The floor area of a house shop shall not exceed 30m<sup>2</sup> or 25% of the total coverage of the property, whichever is the lesser.
  - (b) All new or additional structures, to accommodate a house shop, whether temporary or permanent are subject to building plan approval and the design shall illustrate due cognisance of the residential character of the area.
  - (c) The serving counter of the house shop must be set back at least 1,5m from the street boundary to allow sufficient space for customers and the pavement may not be obstructed with any goods or clients.
  - (d) The activity should be of such a limited nature that the operator shall employ no more than two persons at any given time to assist in the running of the house shop.
  - (e) The hours of operation shall be limited between 07:00 to 21:00.
  - (f) The following shall not be permitted in a house shop: sale of fireworks; sale or storage of gas or flammable fuel or gas/fuel containers, gambling, vending machines, games machines, video games, pool tables or the sale of alcoholic beverages.
  - (g) The house shop operator and employees shall have access to ablution and hand-washing facilities on the land unit.
  - (h) Permission to operate a house shop applies to a particular land unit and is not transferable to another land unit.

- (i) Only one un-illuminated sign, which shall be affixed to the wall of the dwelling or outbuilding, which may not exceed 2000cm<sup>2</sup> in area may be allowed. No illuminated, mobile, freestanding-, or protruding signs shall be allowed.
- (j) Approval for the operation of a house shop shall be linked to the specific property as well as the house shop operator and may only be deemed to have been granted if the registered owner (if different from the operator) has granted the operator a Power of Attorney make said application for neighbours' permission.
- (k) A house shop may not be operated as a co-operative.
- (l) Any deviation of the standard conditions for the operation of a house shop can only be considered upon application for the Municipality's consent.

### 195. Taverns as a consent use

- (1) In addition to the consent uses permitted in a Conventional Housing or Multi-Unit Housing base zone, a tavern is a consent use in this Overlay Zone, and may only be operated with the written consent of the Municipality in a Local Economic Development Overlay zone area, subject to the following conditions:
  - (a) the total area used for the tavern on the property, including storage, shall not consist of more than 40% of the total floor area of the dwelling unit(s) on the property;
  - (b) in addition to the tavern, the property must contain a dwelling house, which must be occupied by the proprietor or manager of the house tavern; and
  - (c) the tavern must be accommodated in a permanent structure and must have ablution facilities for patrons which are separate from the dwelling house;
  - (d) the applicant must take adequate measures to the satisfaction of Municipality to mitigate the following potential negative impacts:
    - (i) visual impact;
    - (ii) impact of built form;
    - (iii) impact on privacy of surrounding properties; and
    - (iv) noise;
  - (e) the applicant must make adequate provision to the satisfaction of Municipality of the following:
    - (i) parking and loading;
    - (ii) disposal of garbage; and
    - (iii) ablution facilities;
  - (f) provision must be made for all goods connected with the tavern to be stored inside a building or screened from the neighbours and the street;
  - (g) the Municipality may restrict the maximum number of patrons and number of staff related to the tavern;
  - (h) the Municipality may require structural alterations to the property for fire or health reasons and to ensure that the impact of the tavern on neighbouring uses is minimised;
  - (i) the following uses are not permitted in a tavern except if specifically approved in writing as part of the consent use approval an included in the conditions of approval: vending machines, gambling machines, video games, pool tables, amusement centre and discotheque;

- (j) a liquor license shall be obtained from the Western Cape Provincial Liquor Board in terms of the relevant legislation within a reasonable period from the granting of the consent. In the event of the liquor license being not issued within 18 months, or if refused, withdrawn or suspended, the Municipality's approval for the consent use of the tavern shall automatically lapse;
- (k) consent to operate a tavern applies to a particular land unit, and is not transferable to another land unit;
- (l) no external evidence of the tavern may be visible from the street, except for one un-illuminated sign, which shall be affixed to the wall of the dwelling or outbuilding, which may not exceed 2000cm<sup>2</sup> in area and such sign shall indicate only the name of the owner, and name of the business;
- (m) no tavern may be authorized or established where its proximity to community uses, such as schools, places of worship, old age homes, creches, public open spaces, hospitals, clinics, libraries, is likely, in the opinion of Municipality, to have a negative impact on the facility;
- (n) trading may only be conducted during the operating hours specified by the Municipality.

#### 196. Designated Local Economic Development areas

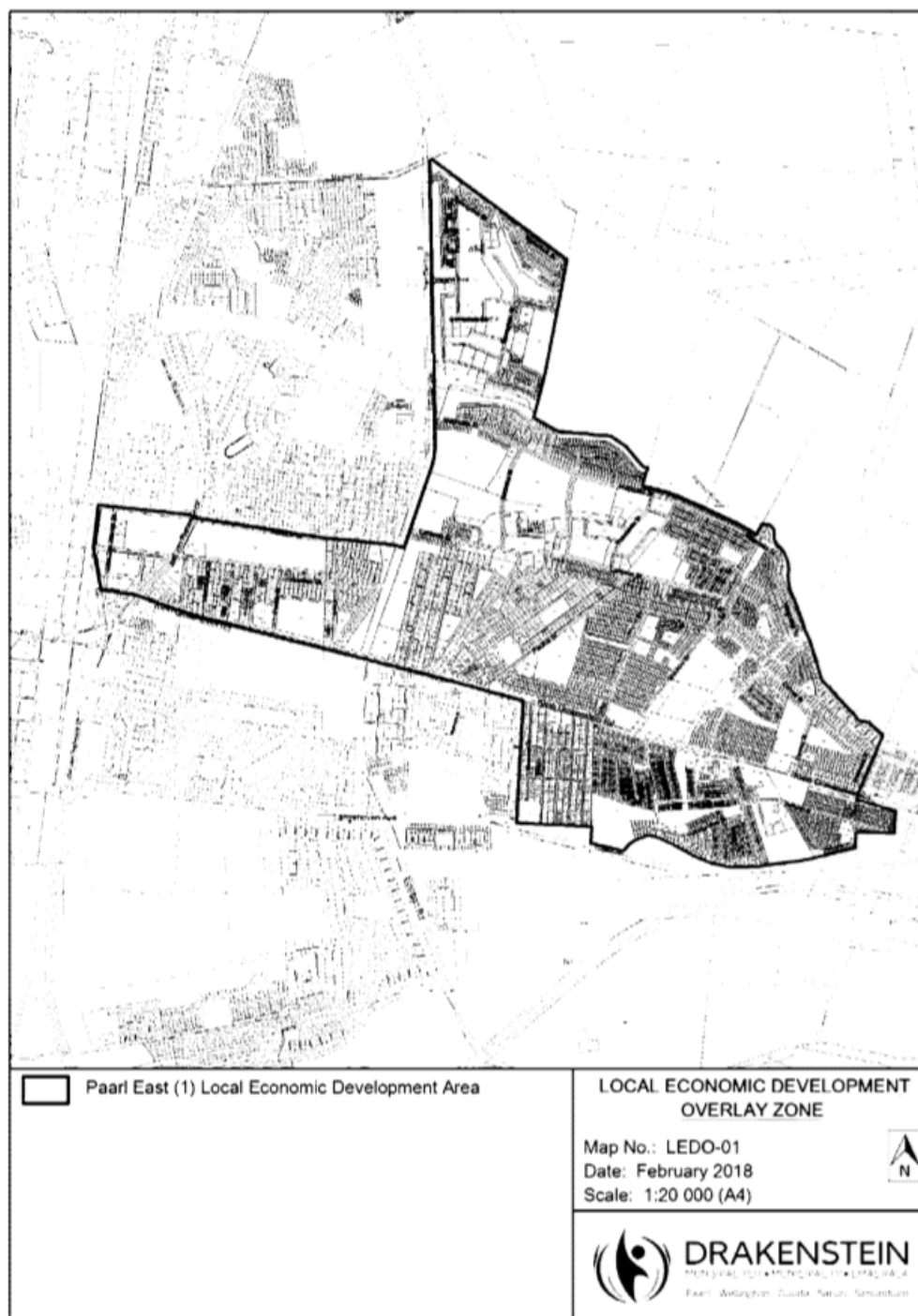
- (1) The Municipality has designated the following areas as Local Economic Development Overlay zone areas:

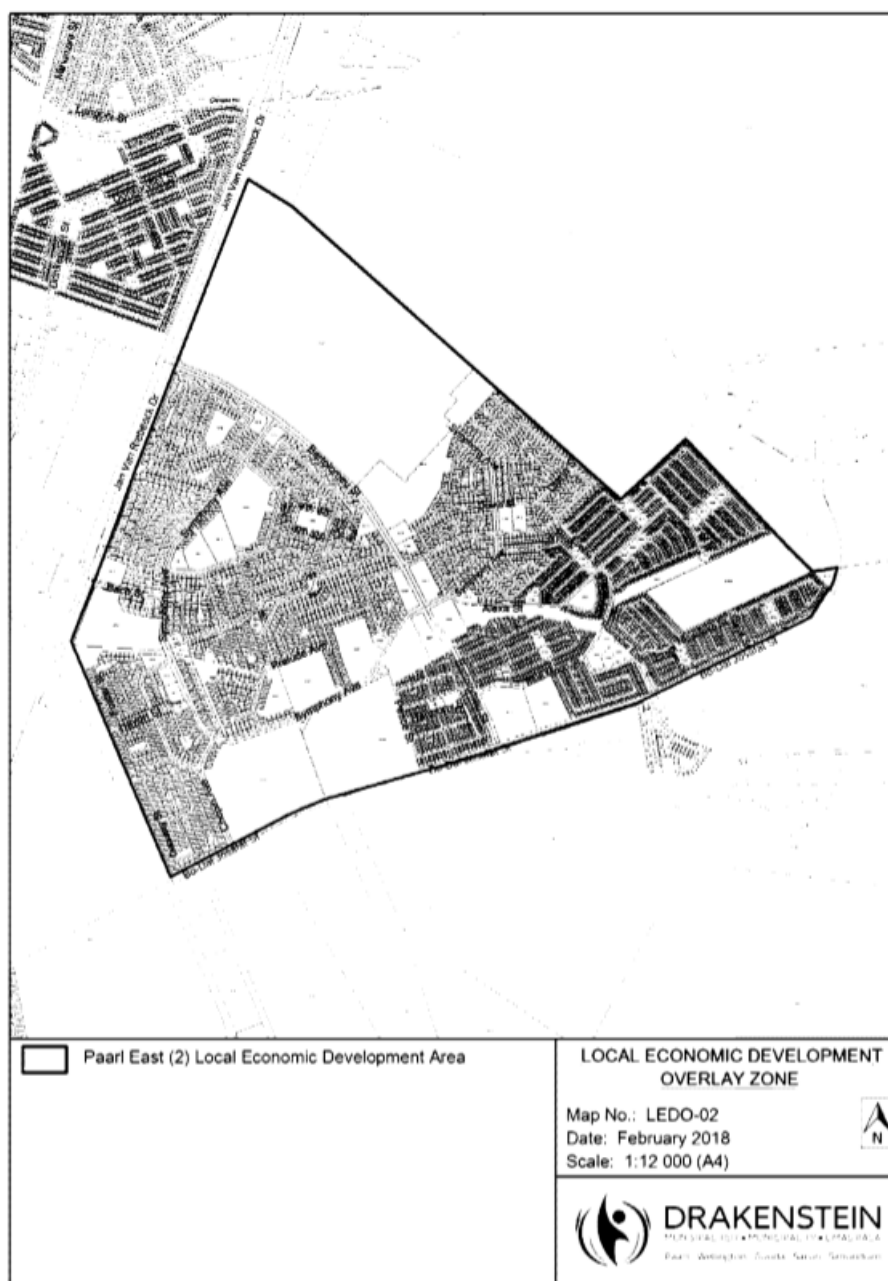
| Column 1       | Column 2    |
|----------------|-------------|
| Area Name      | Plan number |
| Paarl East (1) | LEDO-01     |
| Paarl East (2) | LEDO-02     |
| Wellington     | LEDO-03     |
| Mbekweni       | LEDO-04     |
| Van Wyksvlei   | LEDO-05     |
| Hermon         | LEDO-06     |
| Gouda          | LEDO-07     |
| Saron          | LEDO-08     |

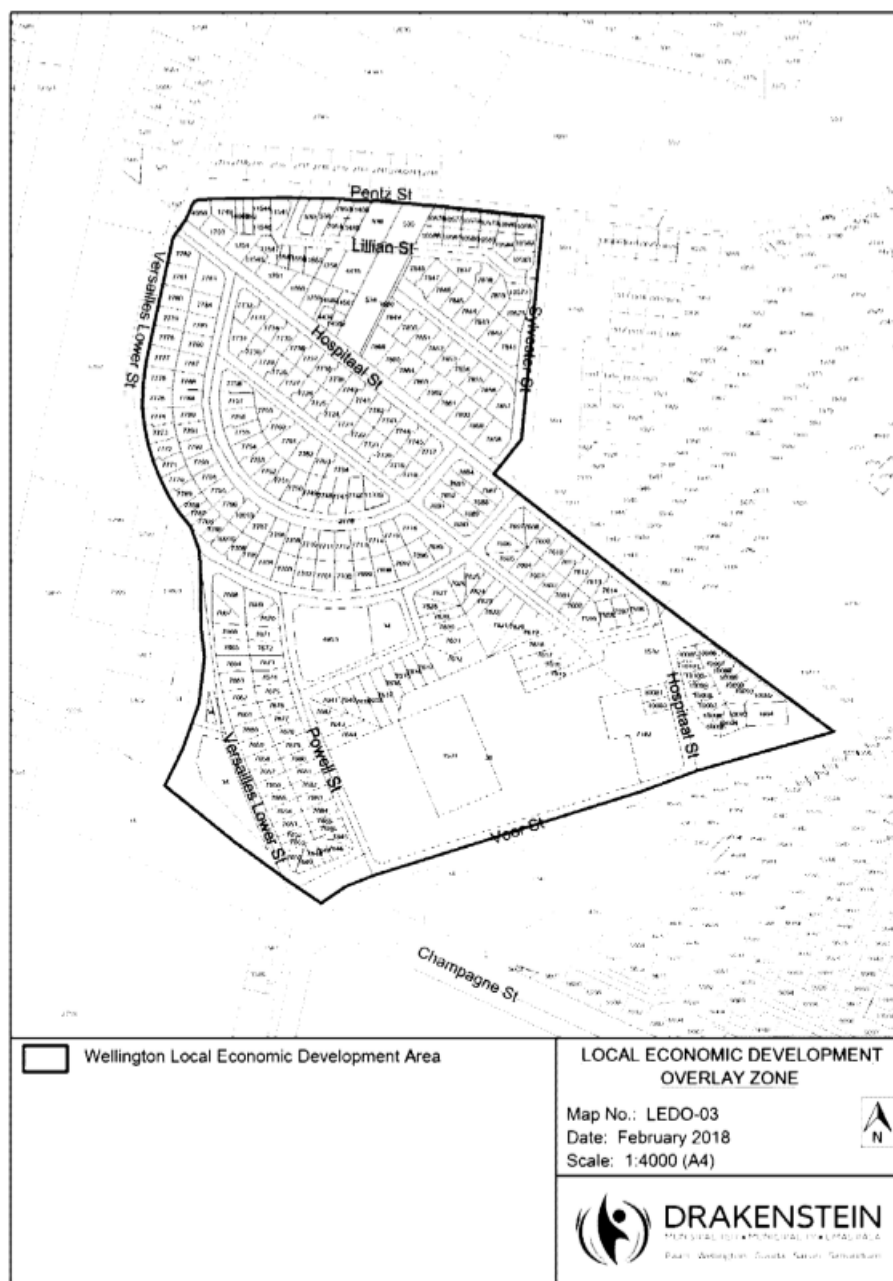
- (2) Where there is any dispute about the extent of a Local Economic Development Overlay zone or whether a property is included in the area, the Municipality will make the determination.

**197. General parameters including parking**

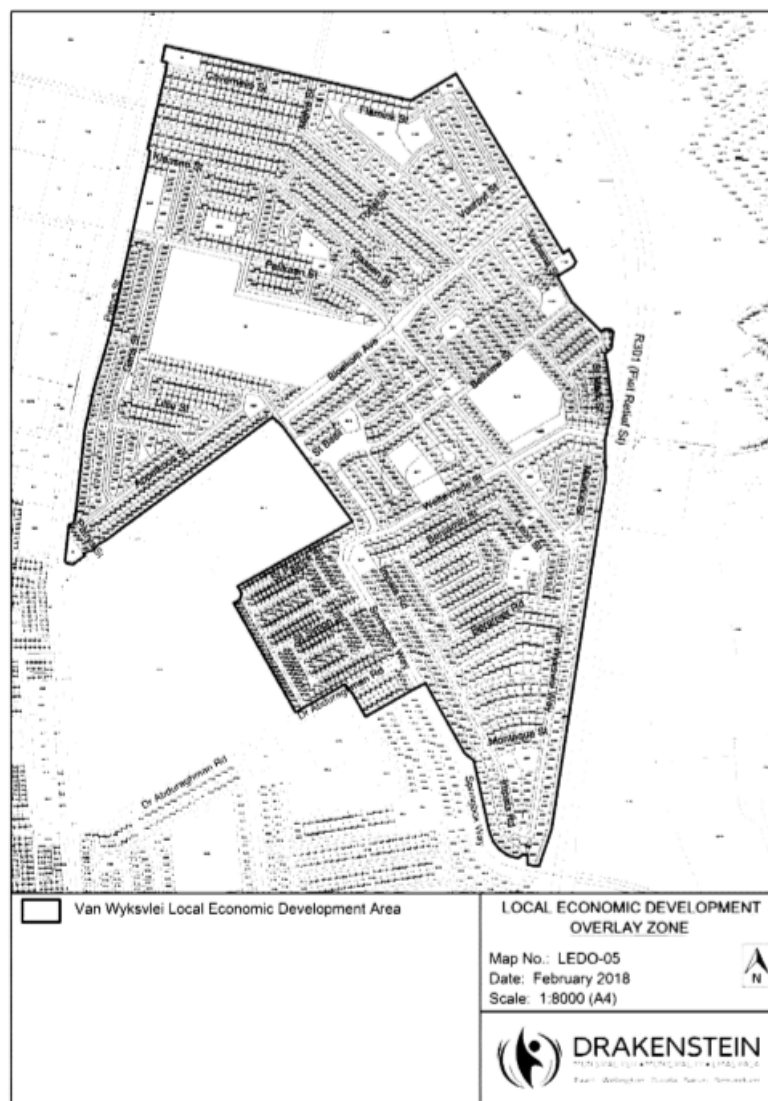
- (1) The general parameters, including parking, as set out in Chapter 3, apply to this zone, insofar as they are applicable to the property in question, the zoning, or proposed development, and shall be complied with, unless a departure has been granted otherwise.

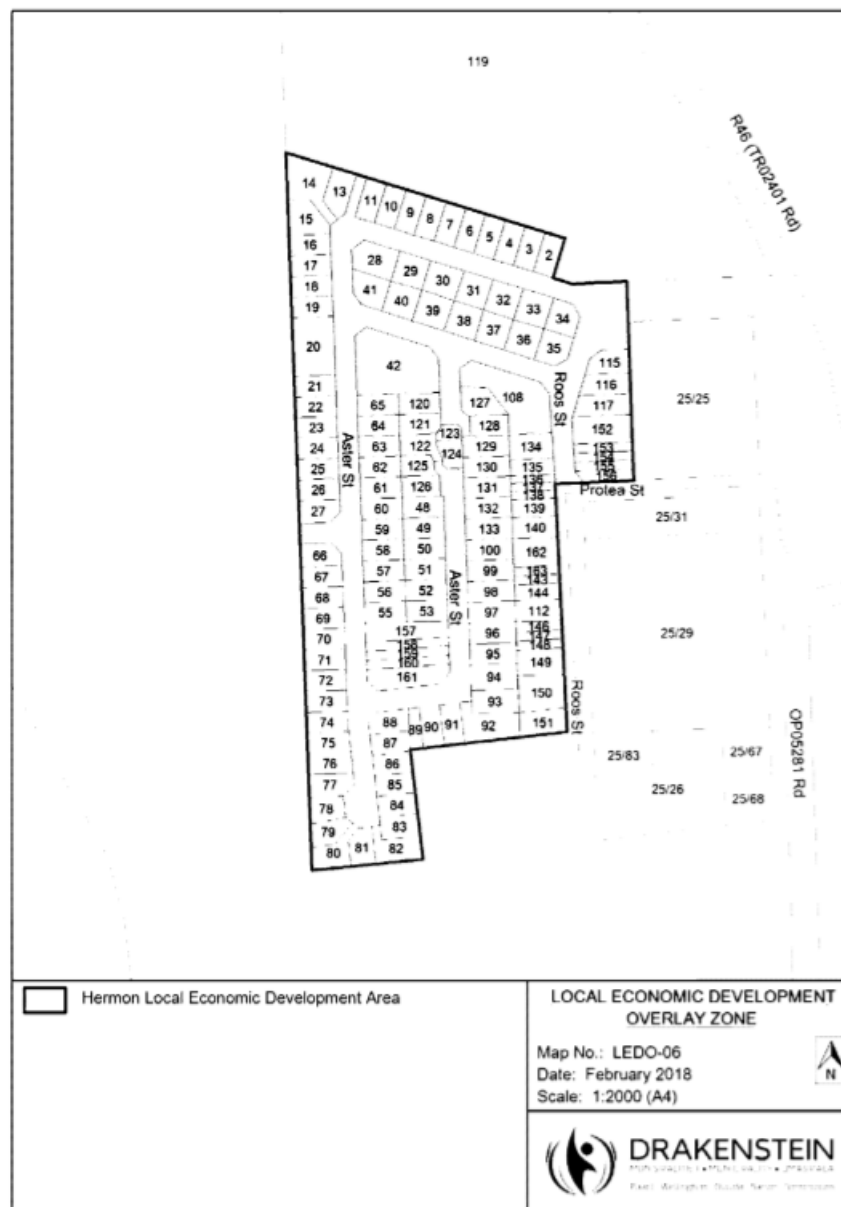


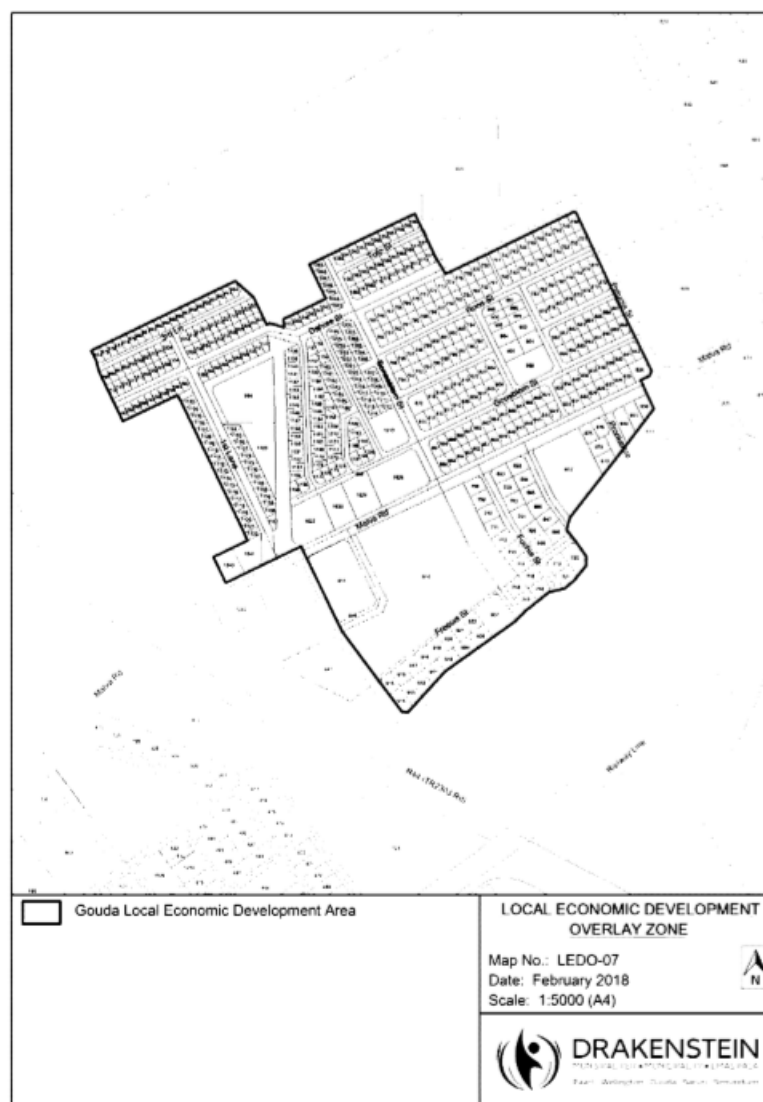


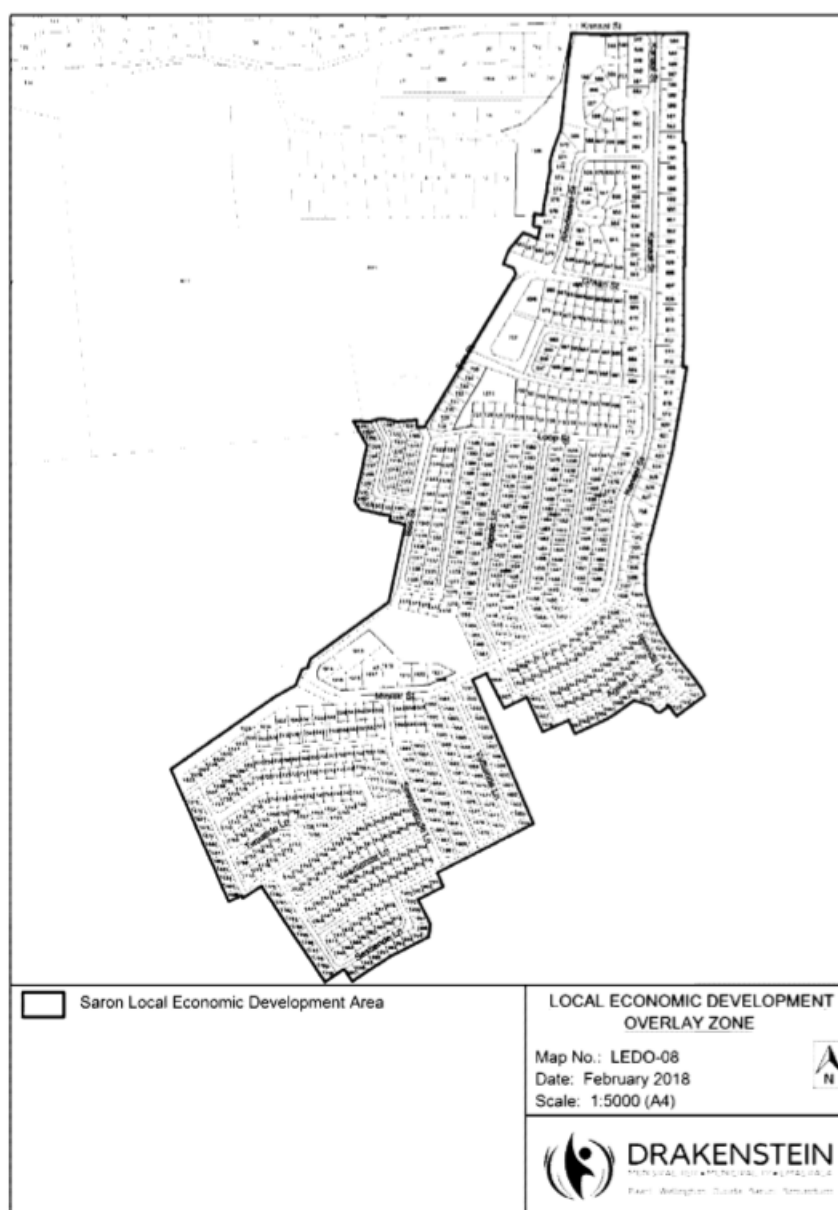












## Chapter 19

### Incremental housing overlay zone

*The purpose of this zone is to make provision for:*

- *the use of land for informal housing until such time as the built structures are formalised;*
- *settlement of people in an informal manner for emergency purposes;*
- *incremental upgrading of informal settlements;*
- *where conditions so dictate, to accommodate persons residing in areas where financial constraints require less stringent land use management and building development management provisions;*
- *increased economic and social opportunities;*
- *the exemption by the competent authority from the National Building Regulations.*

#### 198. Zone name and designation

- (1) The Incremental Housing Overlay Zone may be referred to by the code (IHO) and must be indicated on the zoning map in dusty pink colour outline and transparent dusty pink fill. (Colour code 219, 112, 219)

#### 199. Areas designated as incremental housing areas and rezoning

- (1) The Municipality has designated certain areas as Incremental Housing Overlay zones, and these are listed in the table in section (2).
- (2) The Municipality may, in future, designate any land as an incremental housing area without going through a rezoning process provided that:
  - (a) an emergency situation exists; and
  - (b) the area has been identified for residential development in an approved Spatial Development Framework, and
  - (c) the owner of the subject property and owners of the abutting properties have been notified and have been given a reasonable opportunity to respond.
- (3) When it is not an emergency, land may be rezoned to this Overlay zone in accordance with the application processes set out in Planning Law.

#### 200. Land use within this zone

- (1) Notwithstanding provisions in the base zone, the following land uses apply to all land in this overlay zone, regardless of the base zone:

|  | Permitted | Technical approval | Neighbours' permission | Consent | Prohibited |
|--|-----------|--------------------|------------------------|---------|------------|
|  |           |                    |                        |         |            |

|                   |                                                                                                                                                                                                                                                                                                                                                              |      |      |                                                                                                                                                                                                                                                                         |      |
|-------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| <b>Primary</b>    | <ul style="list-style-type: none"> <li>• Additional shelter</li> <li>• Dwelling house</li> <li>• Incremental house base structure</li> <li>• Informal trading</li> <li>• Private road</li> <li>• Public road</li> <li>• Shelter</li> <li>• Utility services</li> </ul>                                                                                       | None | None | <ul style="list-style-type: none"> <li>• Apartment buildings</li> <li>• Business</li> <li>• Community care facility</li> <li>• Community residential</li> <li>• Liquor outlet</li> <li>• Place of assembly</li> <li>• Place of instruction</li> <li>• Tavern</li> </ul> | None |
| <b>Additional</b> | <ul style="list-style-type: none"> <li>• In structure where operator resides:               <ul style="list-style-type: none"> <li>o Business</li> <li>o Community residential</li> <li>o House shop</li> <li>o Lodging accommodation</li> <li>o Place of assembly</li> <li>o Place of instruction</li> <li>o Visitors' accommodation</li> </ul> </li> </ul> | None | None | None                                                                                                                                                                                                                                                                    | None |

- (2) The permitted primary and additional uses may be allowed on a land unit within any base zone.
- (3) The consent uses listed above may not be granted for permanent buildings on land units which are zoned Agriculture, Natural Environment, Limited Use or Open Space Zone.
- (4) Notwithstanding that land uses are expressed in the singular, multiple land uses and more than one building or structure for the same land use are permitted on the same land unit in areas where no subdivision has been approved to establish a formal township.

## 201. Shelters, additional shelters and incremental house base structures in already subdivided developments

- (1) No more than three structures suitable for the accommodation of three families shall be permitted on any land unit in this overlay zone on properties which have already been subdivided for

development purposes unless the property is zoned for Multi-Unit Housing, in which case the parameters and densities of that zone will apply.

- (2) Shelters, or partially walled and/or partially roofed structures, may contain formal water, electricity, and sewer supply connections or sanitary fixtures, which are linked to municipal utility services networks, as may be permitted by the Municipality.
- (3) Each shelter shall be occupied by only one household as defined and/or be utilised for an additional and/or consent use as permitted in this zone.

## **202. Shelters on any land**

- (1) No shelter in this zone shall be approved on a building plan and no shelter shall require to comply with the National Building Regulations.
- (2) It shall be the sole responsibility of the owner or occupant of a shelter to ensure the structural stability, safety and fire resistance of a shelter.
- (3) The Municipality may prepare guidelines regarding aspects such as improving structural stability, safety, fire resistance and avoiding of flooding and advise owners or occupants of shelters in this regard.
- (4) The Municipality may instruct an owner of a shelter to rectify a public health, safety, and fire risk and such owner shall rectify such risk forthwith upon receiving such compliance notice.

## **203. Additional uses**

- (1) An occupant of a shelter may use the property for any of the additional uses listed above, provided that the specific use is not a consent use as listed in section 200(1), subject to the parameters set out in this section.
- (2) A site development plan shall not be required for any additional uses in this zone.
- (3) The operator of an additional use activity shall reside in the shelter from which the additional use activity is conducted, and the dominant use of the shelter must remain the operator's residence.
- (4) Apart from an additional shelter and lodging establishment combined, only one other additional use may be conducted from the property at any given time in the case of a subdivided residential land unit.
- (5) The hours of operation of any additional use shall be restricted to between 07:00 and 17:00 daily; except where the use entails a place of instruction in a shelter, in which case the hours are restricted to between 06:00 and 18:00. The hours of operation for a house shop shall be limited between 07:00 and 21:00.
- (6) On subdivided or demarcated residential land units, no more than one vehicle not exceeding 3500kg may be used in connection with the activity and may be stored on the property. In all other cases, the Municipality may limit the number of vehicles which may park on the land unit, in its sole discretion.
- (7) The floor area of all additional uses in a shelter may not exceed 45% of the floor area of the shelters up to a maximum of 45m<sup>2</sup>.
- (8) Where lodging accommodation is provided in this zone, the operator shall ensure that lodgers have access to suitable ablution facilities at all times.
- (9) On subdivided or demarcated residential land units a maximum of four bedrooms accommodating a maximum of 8 lodgers may be used for lodging accommodation.
- (10) Anyone instruction activity accommodated in anyone shelter may only serve 6 people at a time, including any children of the resident household who also receive instruction.

- (11) For a house shop in this zone, the following further parameters shall apply:
- (a) the serving counter of the house shop must be set back at least 1,5m from any street boundary or future designated street to allow sufficient space for customers and the pavement or pedestrian walkways may not be obstructed with any goods or clients;
  - (b) the activity should be of such a limited nature that the operator shall employ no more than two persons to assist with the running of the house shop at any given time;
  - (c) the maximum floor area for a house shop (including storage but excluding a toilet) shall not exceed the lesser of 30% of the floor area of the shelter or 30m<sup>2</sup>;
  - (d) the following shall not be permitted in a house shop: sale of fireworks; sale or storage of gas or flammable fuel or gas/fuel containers, gambling, vending machines, games machines, video games, pool tables or the sale of alcoholic beverages.
- (12) Where an operator wishes to conduct an additional use, which exceeds the area limitation, hours of operation, or number of people specified in this section, the Municipality may grant permission for alternative parameters for the particular use, provided that due notice is served to anyone whose rights or legitimate expectations may be affected by such permission.
- (13) Additional uses may not cause a public nuisance or affect the health, welfare, safety or rights of occupants and neighbours, including but not limited unreasonable noise, emissions, odours, and traffic.
- (14) People who believe that an additional use causes a public nuisance or affect their health, welfare, safety or rights may lodge a complaint with the Municipality, who shall investigate the matter in terms of the provisions of the Planning Law.
- (15) Where an additional use does cause a public nuisance or has an effect on the health, welfare, safety or rights residents, in the sole opinion of the Municipality, the Municipality may serve a compliance notice in terms of the Planning Law, or an order to cease the additional use.

## 204. Taverns

- (1) All taverns which were lawfully approved on a building plan at the commencement of this Scheme will continue to be lawful as if consent use was granted.
- (2) Any alteration to the extent of an existing lawful tavern (outside or inside a building) may only be approved upon following a consent use application as set out in the Municipal Planning By-law.
- (3) The following parameters are applicable to taverns in this zone and information in this regard must be provided in the application for the consent use:
- (a) the total area used for the tavern, including storage, shall not consist of more than 40% of the total floor area of the shelter or 30m<sup>2</sup>, whichever is the lesser;
  - (b) in addition to the tavern, the shelter or property in the case of a subdivided residential erf, must contain a dwelling house, which must be occupied by the proprietor or manager of the tavern; and
  - (c) the applicant must take adequate measures to the satisfaction of Municipality to mitigate any negative impacts;
  - (d) the applicant must make adequate provision to the satisfaction of Municipality for parking and loading, disposal of waste and ablution facilities;
  - (e) provision must be made for all goods connected with the tavern to be stored inside a shelter or structure or screened from the neighbours and the street;
  - (f) the following uses are not permitted in a tavern except if specifically approved in writing as part of the consent use approval an included in the conditions of approval:

vending machines, gambling machines, video games, pool tables, amusement centre and discotheque;

- (g) a liquor license shall be obtained from the Western Cape Provincial Liquor Board in terms of the relevant legislation within a reasonable period of time from the granting of the consent. In the event of the liquor license is not issued within 18 months, refused, withdrawn or suspended, the Municipality's approval of the consent for the tavern shall automatically lapse;
  - (h) no external evidence of the tavern may be visible from the street, except for one un-illuminated sign, which shall be affixed to the wall of the dwelling or outbuilding, which may not exceed 2 000cm<sup>2</sup> in area and such sign shall indicate only the name of the owner, name of the business, and nature of the retail trade;
- (4) No tavern may be authorized or established where its proximity to community uses, such as schools, places of worship, old age homes, creches, public open spaces, hospitals, clinics, libraries, is likely to have a negative impact on the facility in the opinion of Municipality.
  - (5) Consent use to operate a tavern applies to a particular land unit or premises and is not transferable to another land unit or premises.
  - (6) Trading may only be conducted during the operating hours specified by the Municipality.
  - (7) The Municipality may restrict the maximum number of patrons and number of staff related to the house tavern.
  - (8) The Municipality may require structural alterations to the property for fire or health reasons and to ensure that the impact of the tavern on neighbouring uses is minimised.

## 205. Building parameters applicable to incremental housing areas

|                                                                   | Street building lines or future streets as per SDP | Common boundary building lines            | Coverage                                                   | Height |
|-------------------------------------------------------------------|----------------------------------------------------|-------------------------------------------|------------------------------------------------------------|--------|
| <b>Dwelling units on land subdivided for residential purposes</b> | 1m                                                 | 1m on one boundary & 0m on two boundaries | 70%                                                        | 8m     |
| <b>Dwelling units on un-subdivided land</b>                       | 1m                                                 | 1m all around the structure               | 100m <sup>2</sup>                                          | 8m     |
| <b>Garages and carports</b>                                       | 0m                                                 | 1m all round                              | Subject to overall 70% or 80m <sup>2</sup> whichever apply | 4m     |

- (1) Where an un-subdivided land unit is zoned for Incremental Housing purposes and accommodates more than two shelters, the Municipality may demarcate and approve an overall block layout for a predetermined area on a site development plan which takes account of future movement routes and emergency access lanes and other required land uses.

- (2) Within these demarcated blocks, occupiers may be permitted by the Municipality to erect shelters on an ad hoc basis or according to pre-determined positions, if so indicated on the site development plan.
- (3) The Municipality may require structures and shelters to be moved when they are erected within areas indicated for circulation, access, services or for fire safety purposes.
- (4) The following additional parameters apply in respect of building lines:
  - (a) Where a shelter is constructed against or next to a solid wall which sufficiently addresses fire safety issues to the Municipality's satisfaction, the common boundary building line may be reduced to 0m;
  - (b) Notwithstanding the building lines in this section, the Municipality may require a common boundary building line for the protection of any utility services provided along land unit boundaries;
- (5) The general development parameters as set out in this Scheme, shall, where applicable, be complied with, provided that the Municipality may waive the application of general development parameters where it is not in the interest of the informal nature of this zone to enforce such parameters.

#### **206. Building plan approval in incremental housing overlay zones**

- (1) In the event of emergency housing, informal settlements or incremental upgrade areas where a subdivision plan for the formal subdivision into a township has not yet been approved, the Municipality may approve building plans for buildings in terms of the National Building Regulations, provided that the Municipality is satisfied that:
  - (a) The person constructing the building has permission of the owner of the land;
  - (b) The proposed building is acceptable as a permanent structure both in terms of position and land use, taking into consideration any plans to incrementally upgrade the area.
  - (c) The Municipality is in a position to provide basic service connections to the building, as may be required.
- (2) Incremental house base structures may only be erected with approved building plans. Such plans shall indicate the subsequent additions to the base structure to complete the dwelling unit and no further building plan submission will be required to complete the dwelling unit, provided that the dwelling unit is completed according to the approved building plan.

#### **207. Areas identified as fire breaks and roads**

- (1) No building or shelter shall be constructed in areas which has been identified by the Municipality and set aside for a future road or fire break on a site development plan, notwithstanding that a subdivision plan has not been formally approved.

#### **208. Utility services and infrastructure**

- (1) Utility services and other municipal infrastructure may be installed, constructed and provided notwithstanding that a formal subdivision plan has not been approved by the Municipality.

#### **209. Parameters for boundary walls and fences**

- (1) The general development parameters relating to boundary walls and fences do not apply in this zone.

**210. Site development plan**

- (1) The Municipality or an owner may prepare a site development plan for the incremental upgrade of an informal area and this site development plan shall serve as a guide for the incremental construction and installation of structures, shelters, buildings, roads, utility services, fire breaks and the like, until such time as a formal subdivision plan is approved.
- (2) A site development plan may be required for a consent use application and once approved, shall become the development parameters for such use once approved.

**211. Designated incremental housing overlay zone areas**

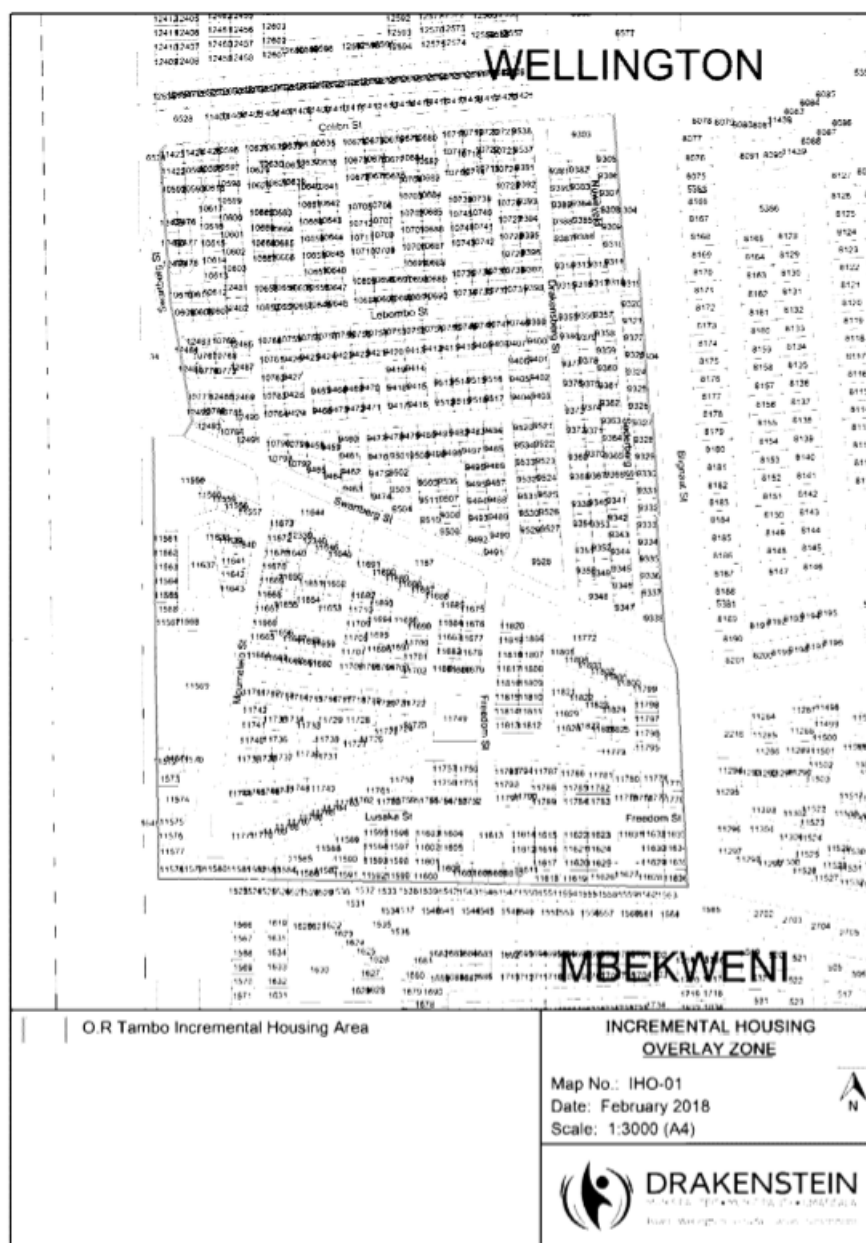
- (1) The Municipality has designated the following areas as incremental housing areas:

| Column 1  | Column 2    |
|-----------|-------------|
| Area Name | Plan number |
| O.R Tambo | IHO-01      |

- (2) Where there is any dispute about the extent of an Incremental Housing Overlay zone or whether a property is included in the area, the Municipality will make the determination.

**212. General parameters including parking**

- (1) The general parameters, including parking, as set out in Chapter 3, apply to this zone, insofar as they are applicable to the property in question, the zoning, or proposed development, and shall be complied with, unless a departure has been granted otherwise.



## Chapter 20

### Special character protected area overlay zone

*The purpose of this zone is to:*

- *guide development to protect and enhance the character of demarcated area, which has special historical, social, cultural or architectural value;*
- *to mitigate possible adverse impacts a development or alteration may have on the significance of such an area;*
- *to not reduce existing development rights or to hinder development but rather to mitigate impacts of possible developments and re-arrange existing development rights to take cognisance of the significance of an area.*

#### 213. Zone name and designation

- (1) The Special Character Protected Area Overlay zone may be referred to by the code (SCPAO) and must be indicated on the zoning map in purple colour outline and transparent orange fill (Colour code 255, 126,0) areas designated as Special Character Protected Areas and assessment criteria.
- (2) The Municipality has designated certain areas as Special Character Protected Areas as indicated in the table in section 219. The areas listed in Column 1 and as defined in the plans listed in Column 2 of the following table are designated as Special Character Protected Area overlay areas.
- (3) The Municipality may adopt a Special Character Protected Area Policy in which the character statements, character-forming elements and aspects, and decision-making criteria for each area are set out and these informants and guidelines will guide decision-making on an application for the permission of the Municipality in terms of section.

#### 214. Applications in special character protected area overlay zone

- (1) No building, structure or landscape element, which may include trees, boundary fences, and walls, shall be demolished, altered, extended or erected without the Municipality's permission in terms of this chapter of the Scheme.
- (2) Furthermore, the Municipality's permission in terms of this chapter of the Scheme is also required for any subdivision, rezoning, consent use, departure or consolidation which is submitted in terms of Planning Law, regardless of whether the application results in buildings being demolished, altered, extended or erected.
- (3) The Municipality's consent is required for vehicle sales and vehicle services in this overlay zone.
- (4) The Municipality may, should it be deemed necessary, request that such application is accompanied by appropriate research into a building or place's history and that an analysis of space-related, spatial and/or aesthetic qualities is presented to explain or motivate the proposals and to demonstrate the impacts on the character and significance of the area and, where necessary, what measures are required to mitigate such impacts;
- (5) The Municipality shall not grant its permission if such demolition, alteration, extension or erection, as the case may be, will have an impact that will be detrimental to the character and significance of the area as may described in adopted policy;
- (6) When granting such permission, the Municipality may impose such conditions which, in its opinion, are necessary to protect the character or significance of the area in question.

**215. Land use**

- (1) The primary, additional and consent uses together with all related land use parameters as set out in the base zone, apply in this overlay zone, except for the following:
  - (a) Notwithstanding the provisions of the base zone, inside the demarcated area fuel retail, vehicle services and vehicle sales are consent uses.

**216. Building development parameters in this overlay zone**

- (1) The building development parameters of the base zone apply in this overlay zone, provided that the Municipality may prescribe more or less restrictive building lines, or build-to lines, or restrict the height of a building when granting permission in terms of this overlay zone and these will be deemed to be departures or conditions as the case may be which shall be complied with.

**217. Protected area advisory committee**

- (1) The Municipality may establish an advisory committee (which may consist of one or more delegated sub-committees if required) who may either deal with certain areas or certain types of applications; to make recommendations on an application in terms of section 214 prior to the Municipality making a decision.
- (2) The Municipality shall by ordinary Council resolution prescribe rules and procedures for such committee(s).
- (3) Upon receipt of an application for permission in terms of this section of the Scheme, the Municipality will refer such application as determined by the rules to the committee for a recommendation.
- (4) The committee shall consider the application and submit their recommendation within the period prescribed by Planning Law.
- (5) The committee may forward recommendations which may include conditions to be imposed or recommendations on how the proposal should be amended to improve the compliance with character statement and assessment criteria in the Policy.

**218. Visual impact assessment**

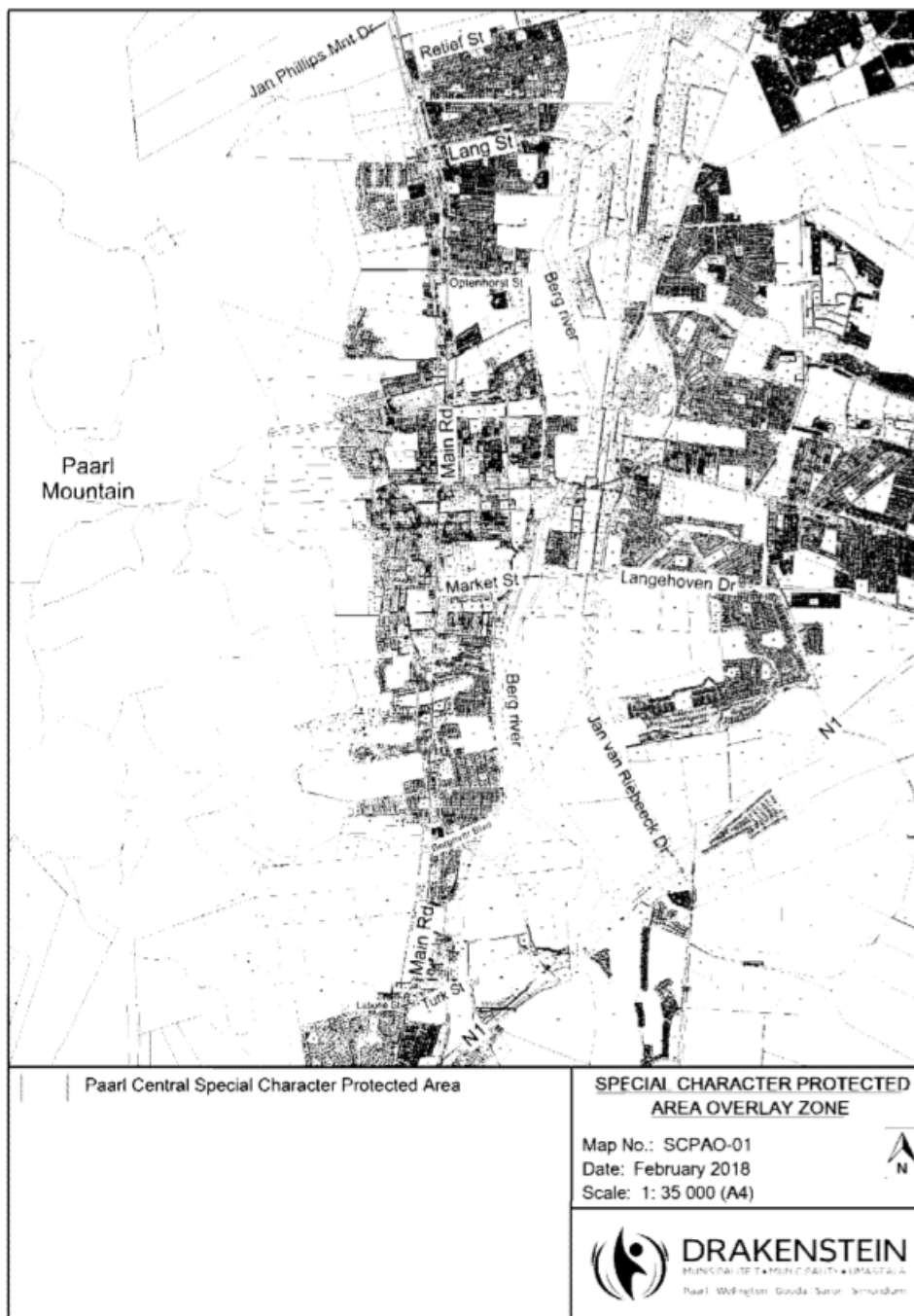
- (1) A visual impact assessment may be required by the Municipality for any development in this zone.

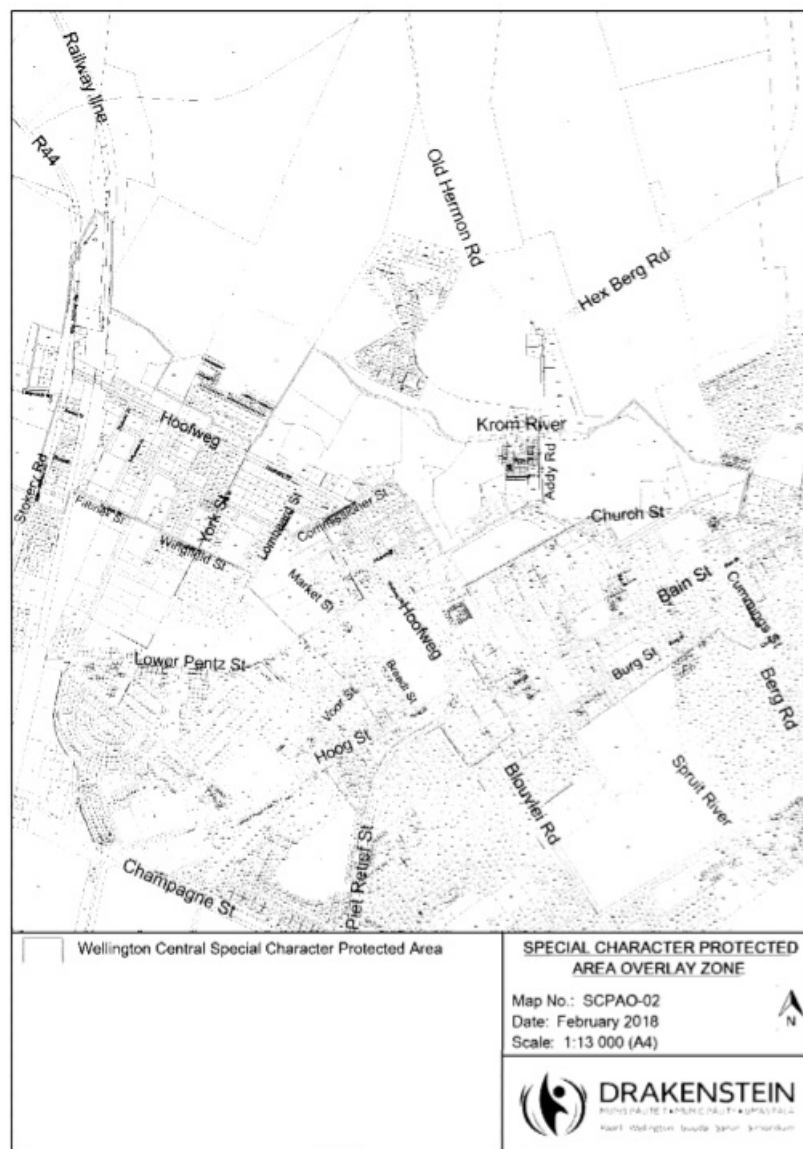
**219. Designated special character protected overlay zone areas**

- (1) The Municipality has designated the following areas as Special Character Protected Areas:

| Column 1           | Column 2    |
|--------------------|-------------|
| Area Name          | Plan number |
| Paarl Central      | SCPAO-01    |
| Wellington Central | SCPAO-02    |

- (2) Where there is any dispute about the extent of a Special Character Protected Area Overlay zone or whether a property is included in the area, the Municipality will make the determination.





## Chapter 21

### Scenic route overlay zone

*The purpose of this overlay zone is to:*

- *protect, conserve and enhance the visual environment and scenic resources adjacent to important tourist and transport routes, as identified in an approved Spatial Development Framework, and which contribute to the unique sense of place for residents and visitors;*
- *to assess the impact of buildings and structures, including fences, gates and gatehouses, berms, access roads, parking, crop cover, signage and telecommunication structures immediately abutting these roads in order to identify possible adverse impacts and implement measures which may mitigate such impacts;*
- *not to reduce existing development rights or to hinder development but rather to allow input in terms of the position and design of buildings and structures to reduce impacts on the scenic routes which are important for the character of the cultural landscape and which in turn are important economic drivers in the Municipality.*

#### 220. Zone name and designation

- (1) The Scenic Routes Overlay Zone shall be depicted on the zoning map in green lines (Code 35,142,35).

#### 221. Areas designated as scenic routes overlay zones

- (1) The roads designated as scenic routes are listed in the table in section 230.
- (2) Unless otherwise stated or indicated on the plans, the demarcated Scenic Routes area of control consist of 200m. Either side of the road, measured from the centre line of the gravel or tarred road surface. the maps clearly indicate where a scenic route area of control applies to one side of the road only.
- (3) Should there be any dispute about the extent of the applicability of a Scenic Route area of control, the Municipality will determine the final extent and its determination is final.

#### 222. Land use in this overlay zone

- (1) The primary, additional and consent uses together with all related land use parameters as set out in the base zone, apply in this overlay zone.

#### 223. Building development parameters in this overlay zone

- (1) The building development parameters as set out in the applicable base zone apply in this overlay zone, provided that the Municipality may prescribe more or less restrictive building line, height or floor area parameters when granting permission in terms of this overlay zone and may also prescribe additional landscaping and screening for any development and these will be deemed to be departures or conditions as the case may be.

#### 224. Application in a scenic route overlay zone area

- (1) The Municipality's permission is required for any new building and/or structure to be constructed within the demarcated Scenic Routes Area Overlay zone which may include, but are not limited to, the following:
  - (a) all buildings, structures;
  - (b) crop covers, greenhouses or poly-tunnels, or any other covering for agricultural crops;
  - (c) refuse rooms;

- (d) solid boundary walls, solid fencing, gatehouses or berms;
- (e) parking lots and access roads;
- (f) telecommunication structures, above-ground utility services, and plant;
- (g) signage, excluding unilluminated signs not exceeding 2 000cm<sup>2</sup>;
- (h) removal, felling, lopping, topping or otherwise damaging any mature tree (other than removal of alien vegetation in line with an approved alien vegetation clearing management plan or other approved environmental management plan approved in terms of other legislation, dangerous branches or trees, and *bona fide* agricultural pruning, maintenance, and re-planting of orchards);
- (i) alteration or removal of any historical landscape features including mature hedges and avenues of mature trees.

## **225. Site development plan**

- (1) A site development plan may be required by the Municipality for any development in this zone.

## **226. Visual impact assessment**

- (1) A visual impact assessment may be required by the Municipality for any development in this zone.

## **227. Consideration of applications in terms of this chapter**

- (1) When considering an application for permission in terms of this chapter, the Municipality shall consider the visual impact of the development proposal and shall impose conditions which mitigate the visual impact, including positioning, landscaping, and screening of the building.
- (2) Where an application is to develop in accordance with existing development rights, the Municipality shall endeavour to permit such development in accordance with existing rights with or without mitigation measures, as the case may be.
- (3) Where an application is made for a rezoning, subdivision, consent use, technical approval, departure, consolidation or permission in terms of the Scheme, the Municipality shall refuse an application if the proposal will have a serious negative visual impact or be detrimental to the visual environment.
- (4) In considering applications in terms of this chapter, the Municipality may consider any or all of the following:
  - (a) building height, mass and positioning of the building and/or structure;
  - (b) design, facade, and composition;
  - (c) parking;
  - (d) material, colour, texture, architectural treatment and appearance of the outer elements as well as any element of such building or structure visible to the public;
  - (e) outdoor lighting;
  - (f) landscaping and grading.
- (5) When granting its permission in terms of the Scheme, the Municipality may do so subject to conditions it deems necessary to mitigate impact or to protect and promote the visual environment and scenic quality of the area in general.
- (6) The Municipality may adopt by ordinary resolution, rules or more detailed policy guidelines to provide a more detailed guide for decision-making in terms of this overlay zone.

## 228. Signage

- (1) All signs or billboards along a scenic route must comply with the approved Drakenstein Municipality Advertising Signage Policy or By-law if so adopted, and in this zone, when making a decision, the Municipality shall also take into consideration the impact on the visual environment and scenic quality of the area and may impose stricter requirements than set out in other policies or by-laws.

## 229. Activities exempted

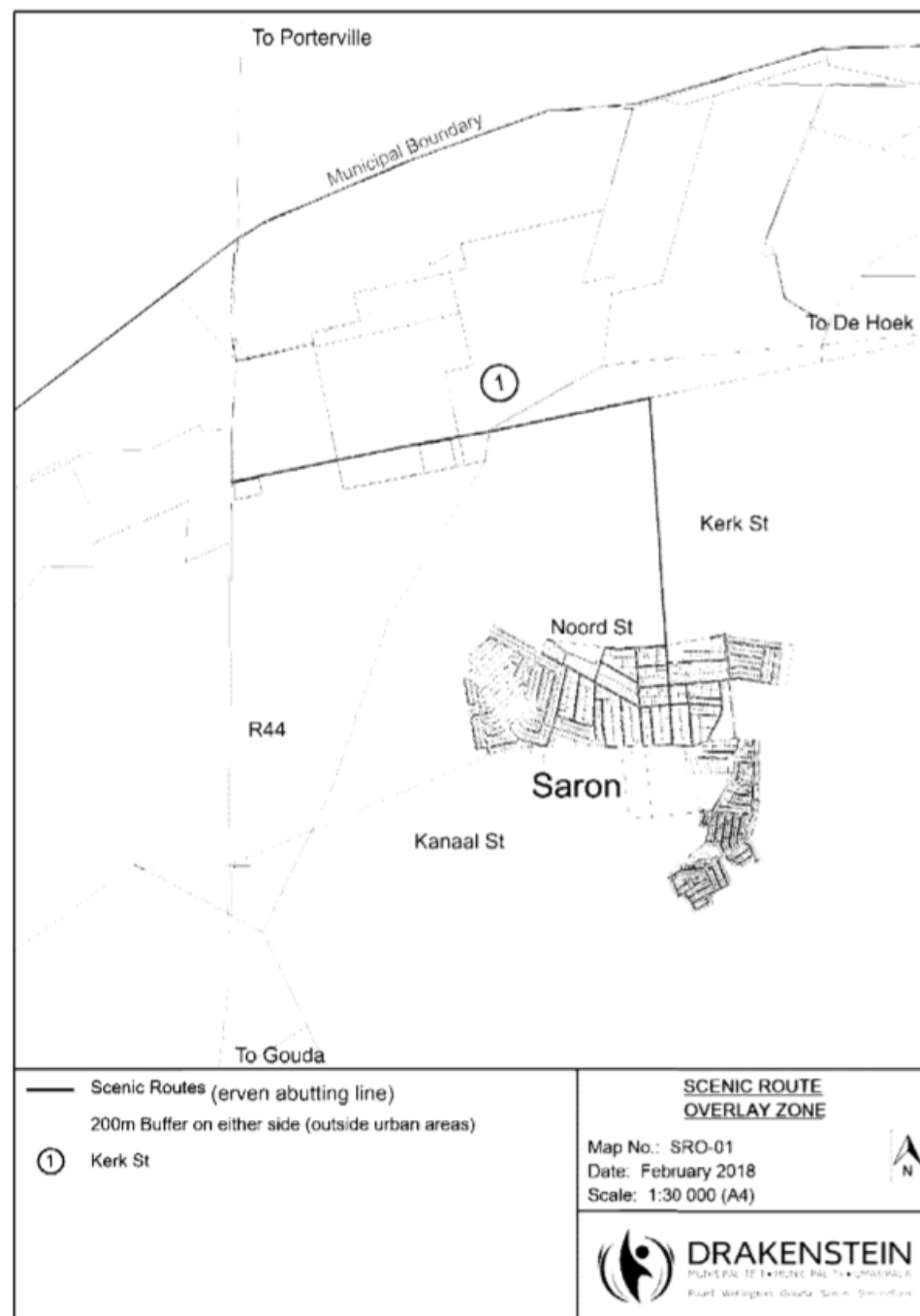
- (1) The following activities and structures are exempt from applying for permission in terms of this section:
  - (a) general maintenance of existing buildings and structures where the building footprint is not altered;
  - (b) any internal alterations to buildings;
  - (c) any new buildings and structures that will not be visible from any position along the scenic route and is fully screened from view for more than 200m on either side of the scenic route by either existing topography, trees, landscaping or buildings.
  - (d) replacement of an existing fence with a new painted wire or steel palisade fence which is at least 80% visually permeable.
  - (e) Any other activities as decided by a Council resolution and published in the *Provincial Gazette*.

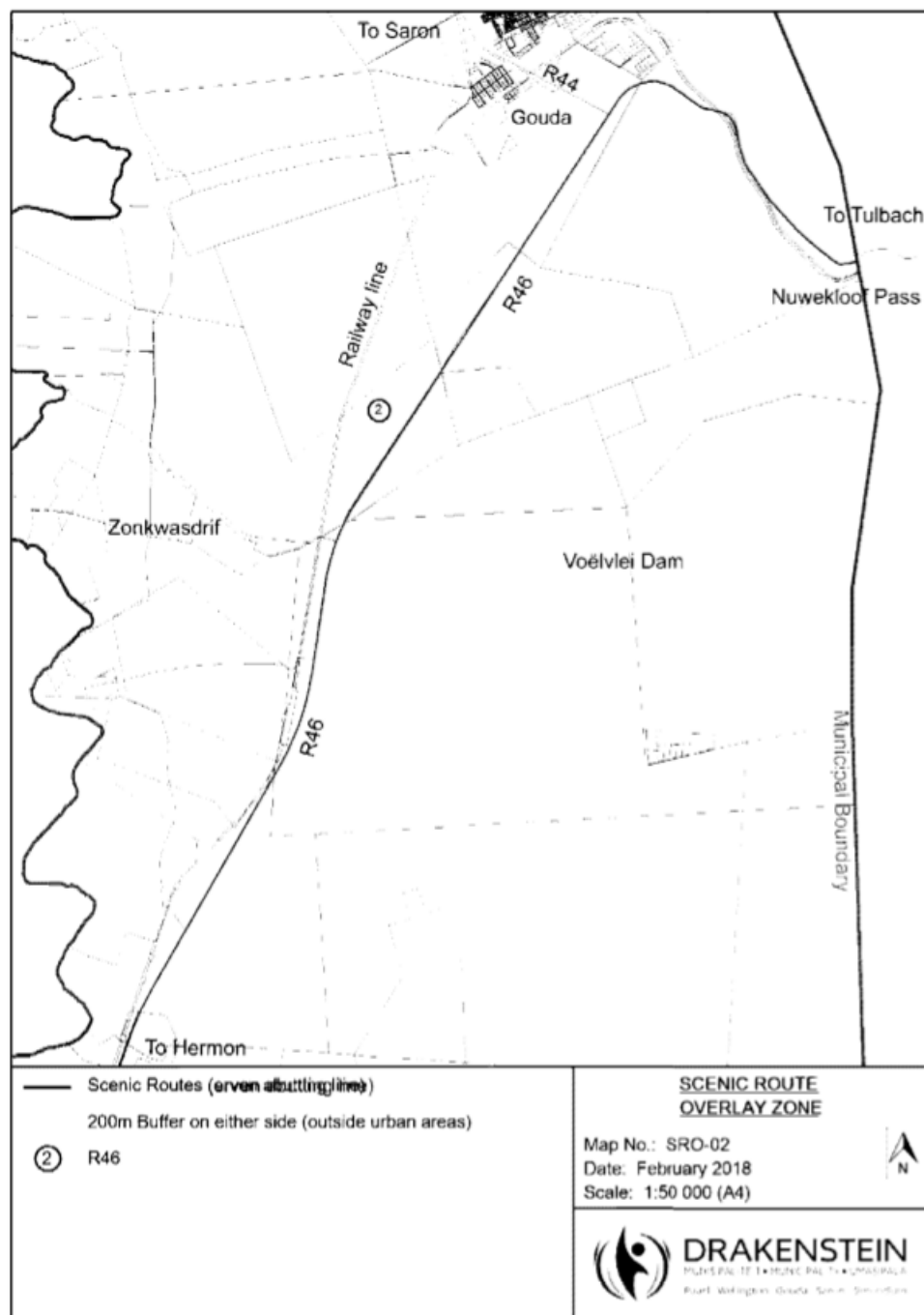
## 230. Designated scenic routes overlay zone areas

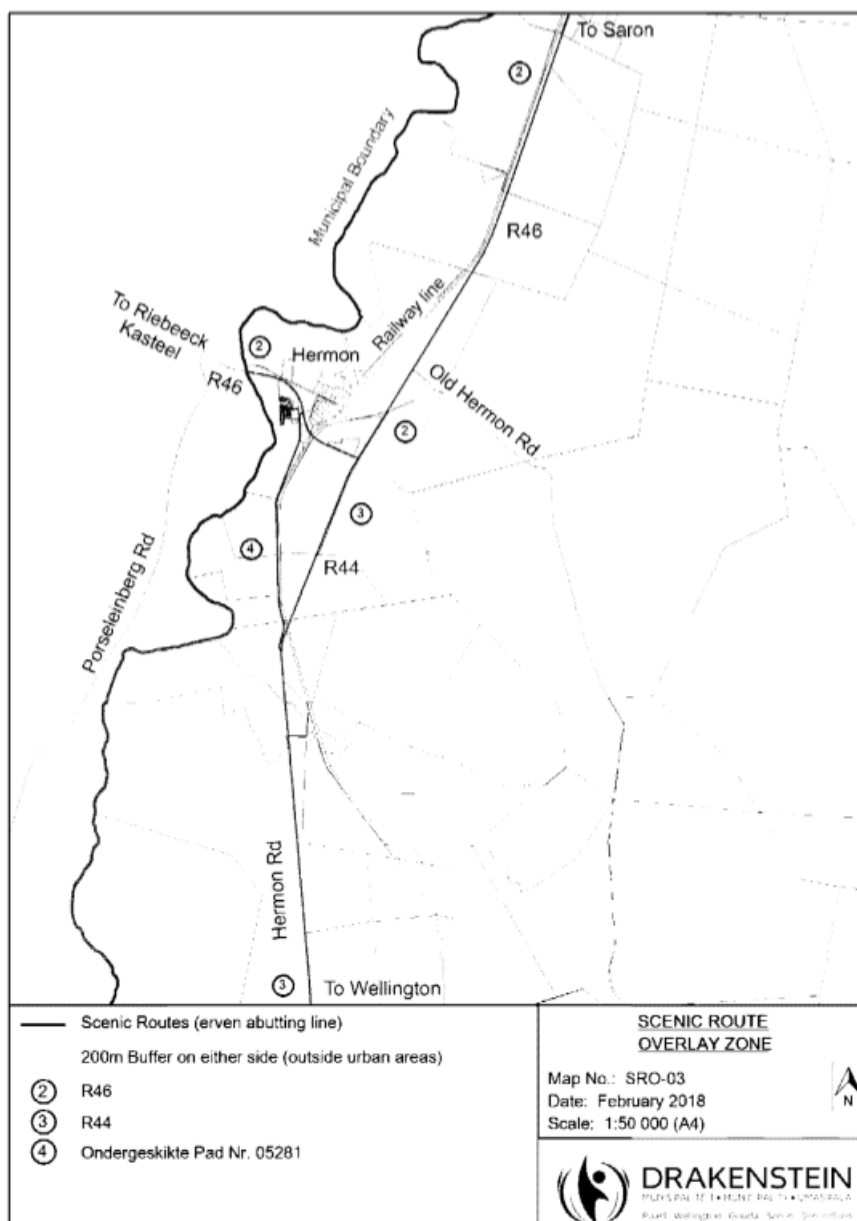
- (1) The Municipality has designated the following areas as scenic routes:

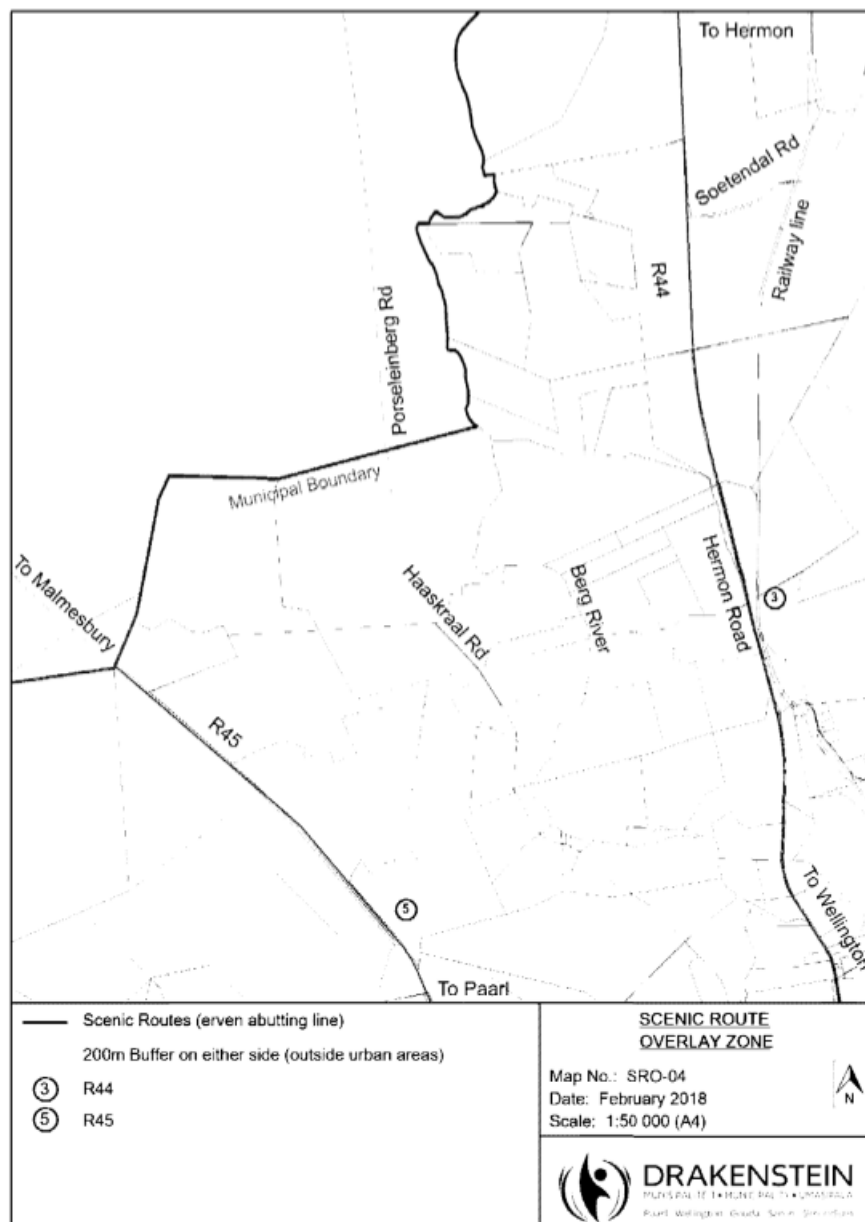
| Column 1                    | Column 2                               |
|-----------------------------|----------------------------------------|
| Area Name                   | Plan number                            |
| Kerk Street                 | SRO-01                                 |
| R46                         | SRO-02; SRO-03                         |
| R44                         | SRO-03; SRO-04; SRO-05; SRO-06 SRO-08  |
| Ondergeskikte Pad Nr. 05281 | SRO-03                                 |
| R45                         | SRO-04; SRO-05; SRO-06; SRO-09; SRO-10 |
| Brakfontein Road            | SRO-05; SRO-06                         |
| Lady Loch Road              | SRO-06                                 |

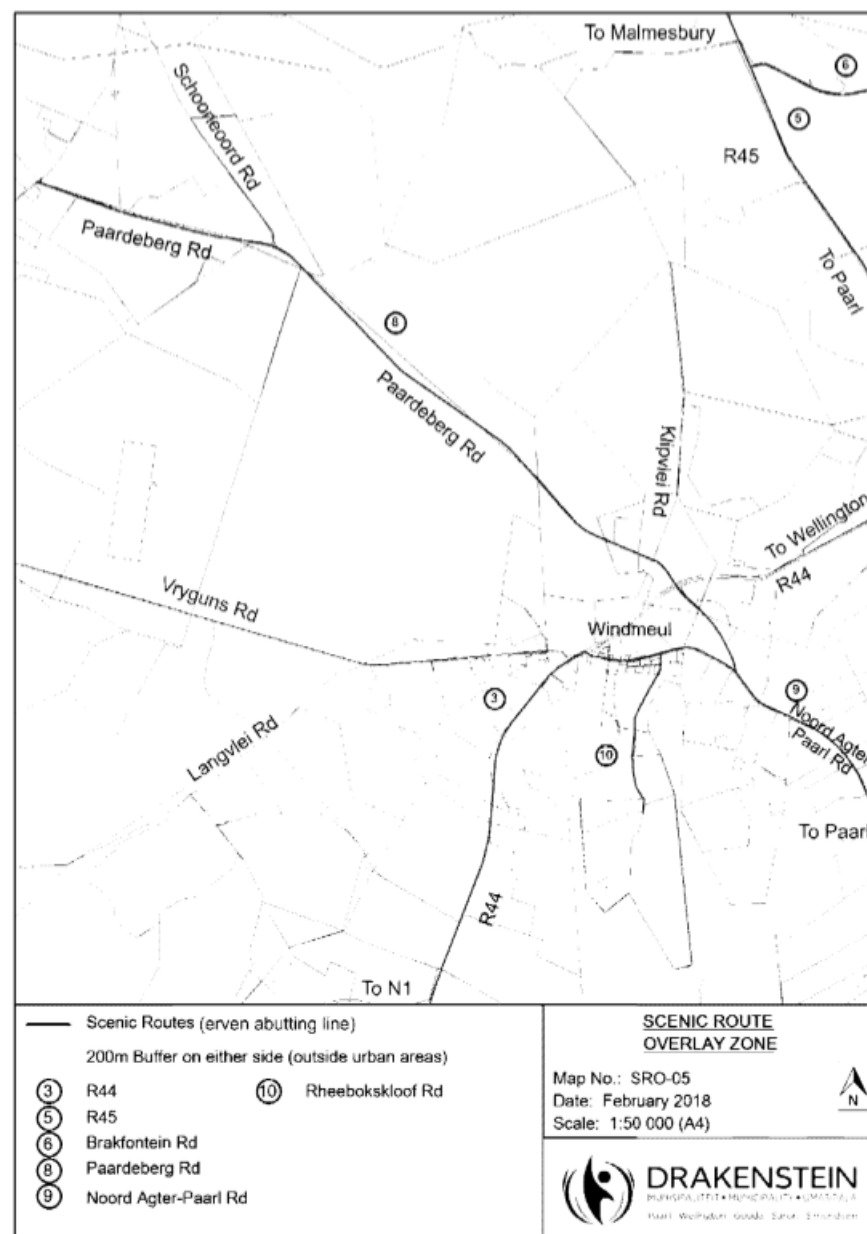
|                                       |                        |
|---------------------------------------|------------------------|
| Paardeberg Road                       | SRO-05                 |
| Noord Agter- Paarl Road               | SRO-05                 |
| Rheeboksloof Road                     | SRO-05                 |
| Jan van Riebeek Drive                 | SRO-06; SRO-09         |
| Berg/Blouvtlei Road (Perdeskoen Road) | SRO-06; SRO-07         |
| R301/Bain's Kloof                     | SRO-06; SRO-07         |
| Roggeland Road                        | SRO-06; SRO-07; SRO-09 |
| Swawelstert Road                      | SRO-06; SRO-09         |
| Bo-Dal Josafat Road                   | SRO-06                 |
| Suid Agter - Paarl Road               | SRO-08; SRO-10         |
| Eenzaamheid Road                      | SRO-08                 |
| Protea Road                           | SRO-08                 |
| Klapmuts - Simondium Road             | SRO-08; SRO-10         |
| Sonstraal Road                        | SRO-09                 |
| Drakenstein Road                      | SRO-09                 |
| Watergat Road                         | SRO-10                 |
| R301                                  | SRO-10                 |

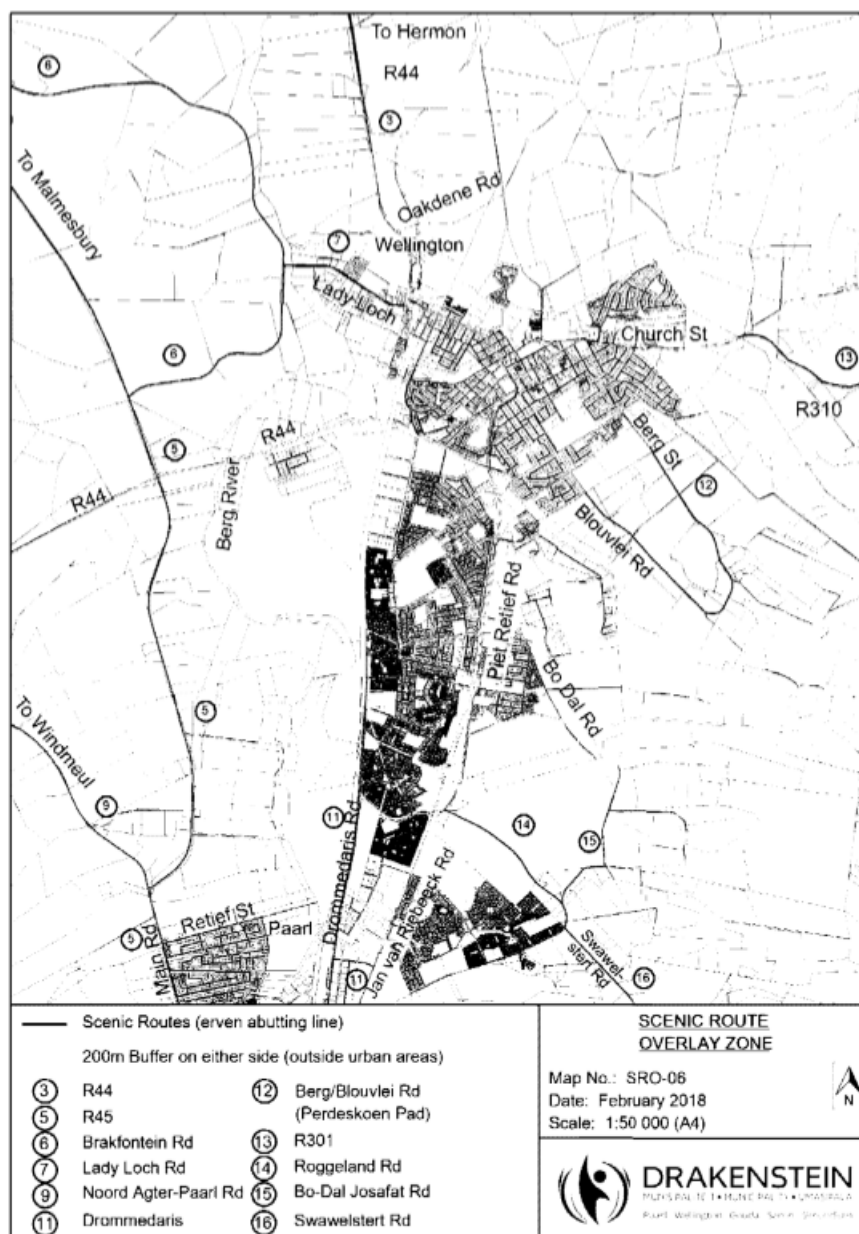


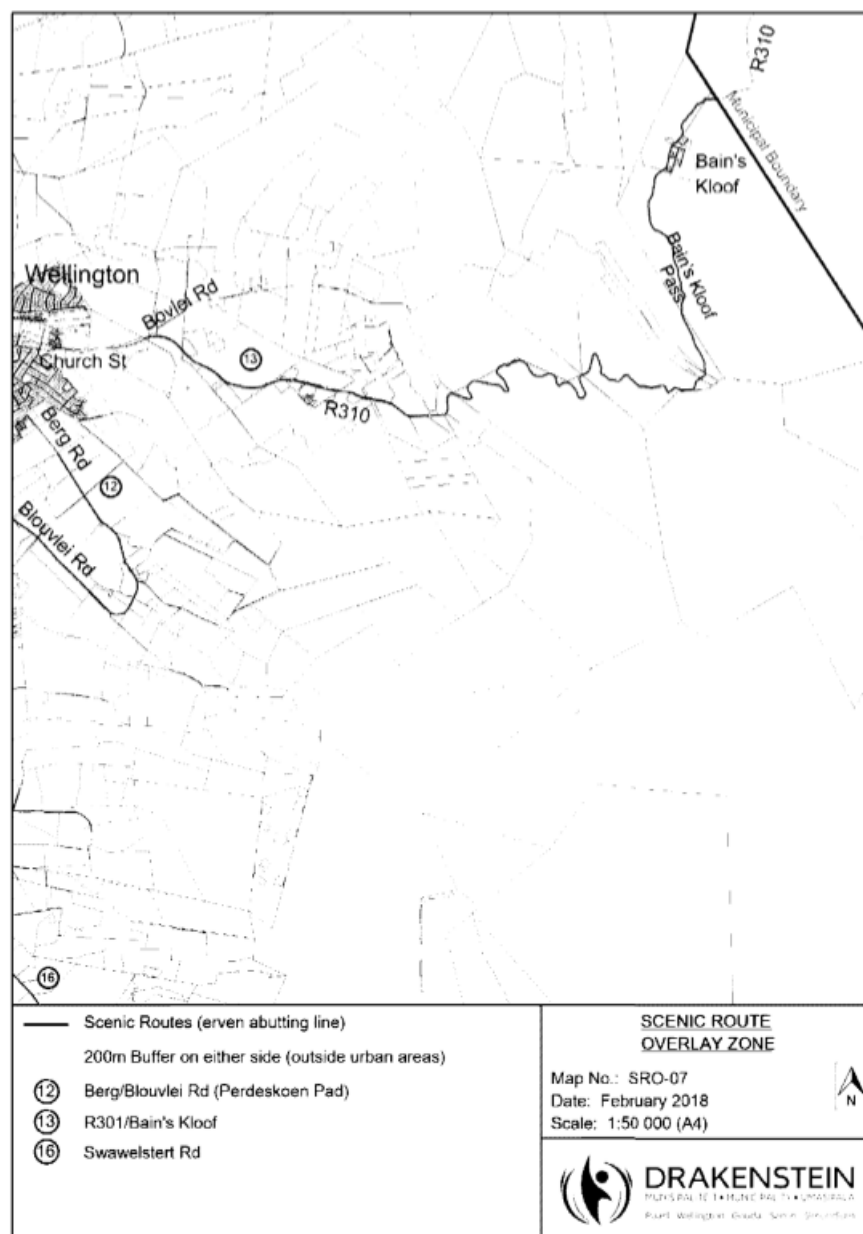


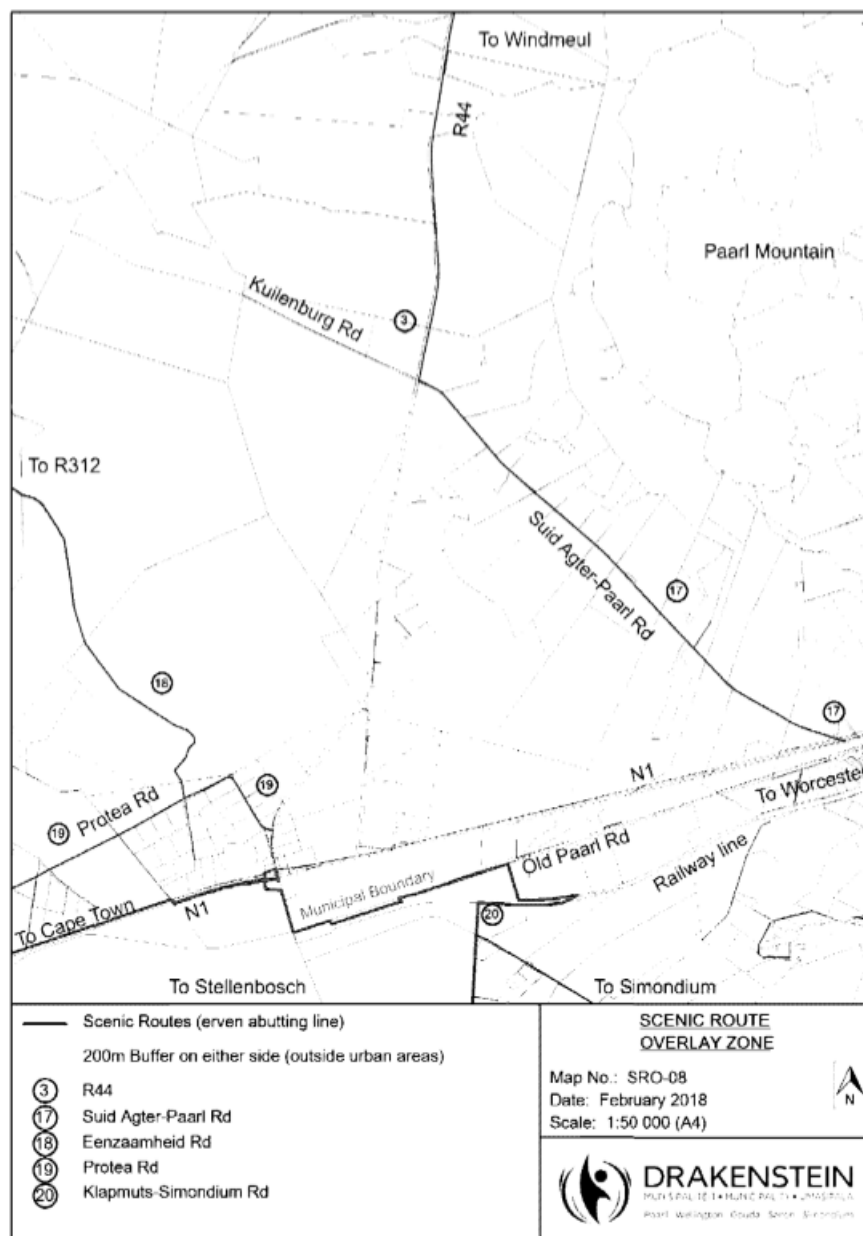


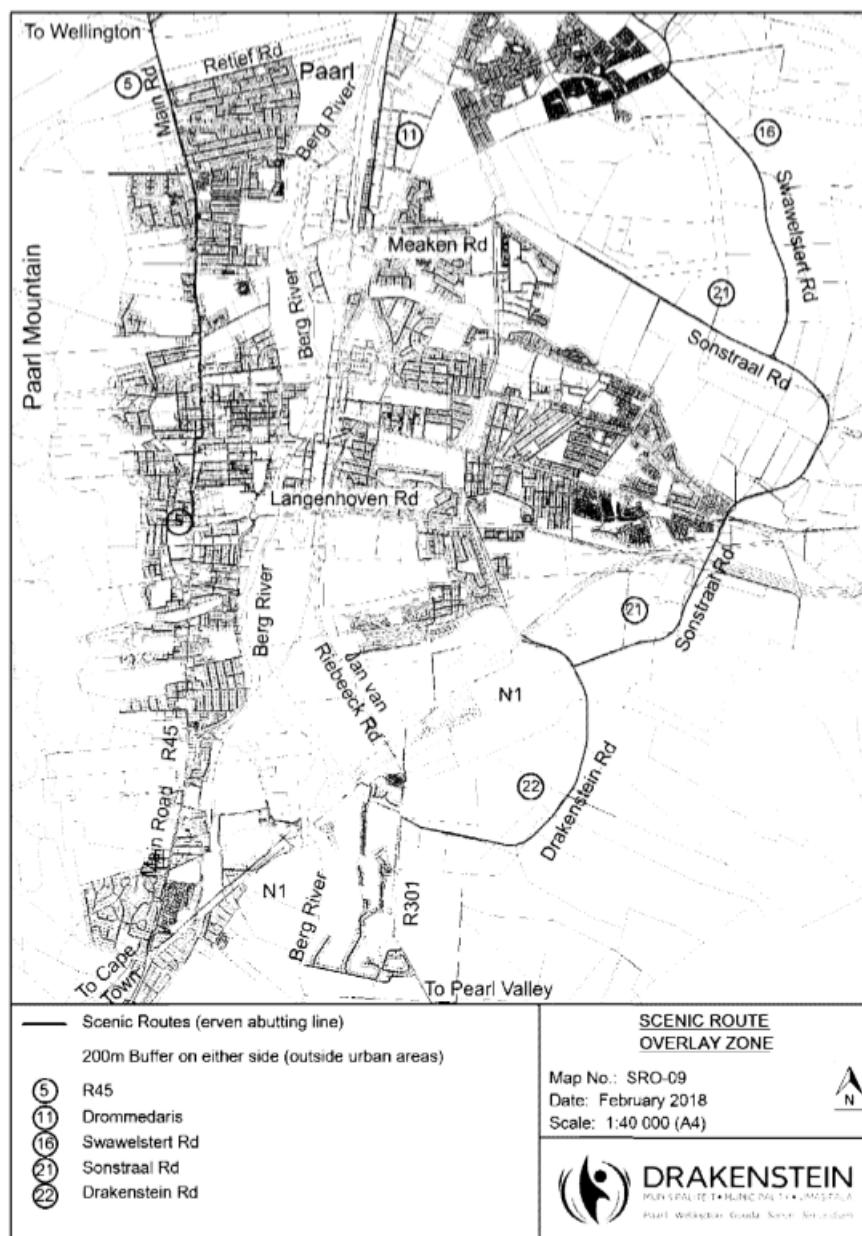


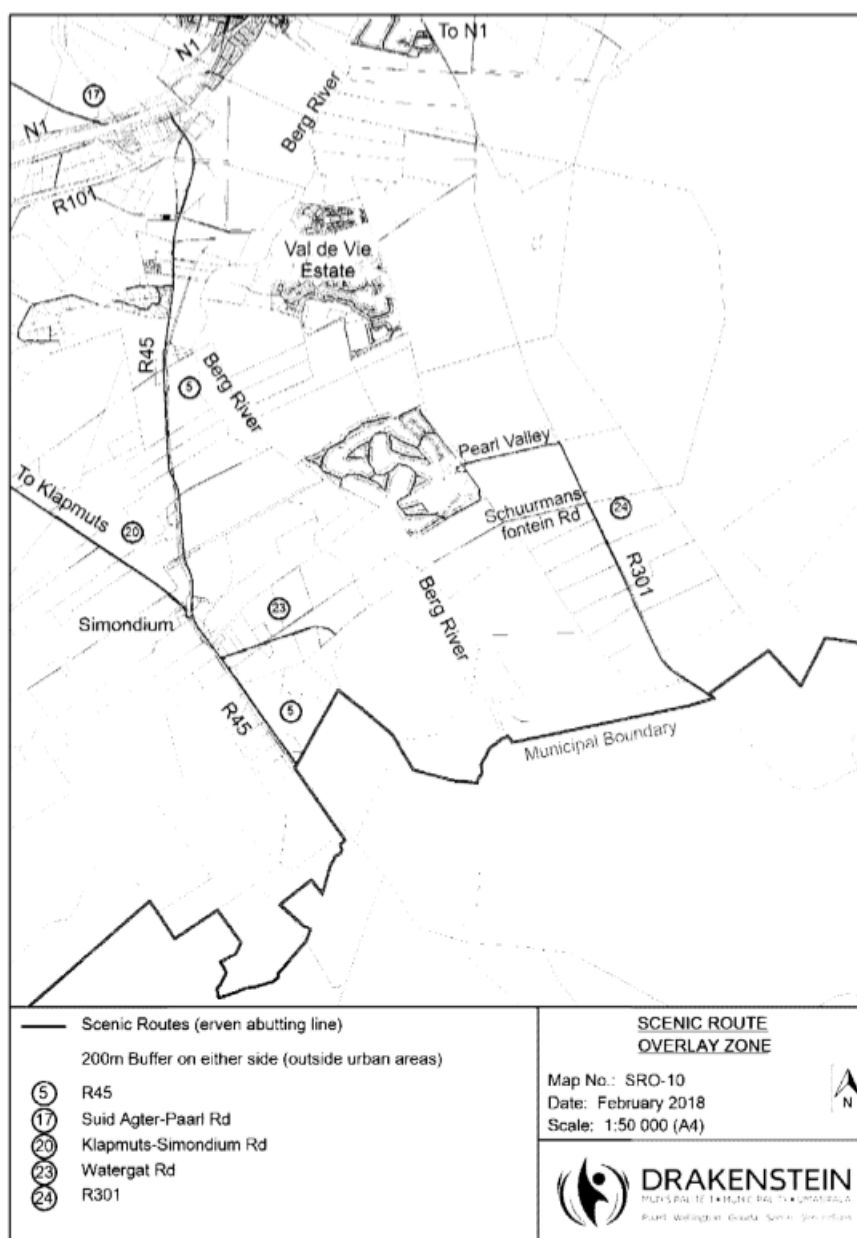












## Chapter 22

### Road widening overlay zone

The purpose of the Road Widening Overlay zone is to provide:

- the Municipality and property owners with a regulated mechanism to identify land proclaimed for future road widening in terms of legislation and to reach an agreement on the future need and status of such a proclaimed road widening, some of which may no longer be required in future; and
- to provide landowners with a mechanism to retain their original development rights when having to forfeit land to a road widening scheme.

#### 231. Zone name and designation

- (1) The Road Widening Overlay zone may be referred to by the code (RWO).

**232. Roads designated for road widening**

- (1) The roads along which road widening apply are listed in the table in section 235 below.

**233. Use of land proclaimed for road widening**

- (1) No landowner may use or develop land proclaimed for road widening which is part of his property, in such a manner that it cannot, in the opinion of the Municipality, be used for the widening of the abutting road in future, unless the Municipality has granted permission that such land is no longer required for road widening purposes, in which case the said Road Widening Overlay zone shall no longer apply to said land unit or land units.
- (2) If an owner intends to develop a property which is affected by road widening, the owner may approach the Municipality prior to submitting a planning application or building plan, for a decision on whether the road widening scheme will be continued, or not.
- (3) Should a decision be made by the Municipality to abandon a particular road widening scheme, the road widening portion of the land shall be deemed to be zoned the same zoning as the balance of the property, and the development proposals may proceed on the whole property, including the portion of land which form part of the abandoned road scheme.
- (4) Where a decision was made by the Municipality to abandon a road widening scheme, the decision takes immediate effect, and development proposals may proceed even though the decision has not yet been published in the *Provincial Gazette*.
- (5) The Municipality shall publish an annual revision of the Scheme containing at least the revised Road Widening Table indicating all amendments that are made to this Overlay zone by adding or removing certain properties in the preceding year.
- (6) An application or building plan, as the case may be, may proceed once the decision is made to amend Overlay zone map and does not have to be held back until the revised table is published.
- (7) The Municipality shall record the decision to add or remove a property from the Road Widening Overlay Zone in the zoning register.

**234. Transfer of land proclaimed for road widening to the municipality**

- (1) Where the Municipality decides that land proclaimed for road widening is needed for such purposes, and the owner undertakes to transfer the said land portion to the Municipality free of charge, the development parameters of the base zone will be applied to the property as if the road widening is not required, so as to allow the landowner to retain the original development rights on the land unit, provided that a building may not exceed the road widening line.
- (2) The Municipality shall impose the necessary conditions with the approval of any application in terms of Planning Law or ensure that transfer of the said land portion takes place prior to or simultaneously with building plan approval to ensure said transfer of land takes place and may also grant permission for a relaxation of the applicable height parameter to should it be necessary to enable the permitted floor area on the reduced land unit area.
- (3) Should the owner not agree to transfer said land so required free of charge, the development parameters pertaining to building lines, coverage, floor area, as the case may be, will apply to the remainder of the property, once the portion required for road widening has been subtracted.

**235. Schedule of roads subject to road widening overlay zone**

- (1) The following roads are designated for Road Widening:

No Locality Applicable Road Widening

| No | Locality                                             | Applicable road widening                                                                                                                                                                                     |
|----|------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1  | Abattoir Street                                      | Widening to 19m, on south side, from Harold Street to Van der Stel Street. Balance to be widened to 19m on Council property, where necessary.                                                                |
| 2  | Alberts Street Extension                             | New 12,5m link road between Ambagsvallei and Alberts Streets.                                                                                                                                                |
| 3  | Alphorex Street                                      | Widening to 19m from Main Street to High Level Road.                                                                                                                                                         |
| 4  | Ambagsvallei Street (West of Jan van Riebeeck Drive) | Widening to 19m on south side.                                                                                                                                                                               |
| 5  | Auret Street                                         | Widening to 12,5m at lower end.                                                                                                                                                                              |
| 6  | Barbarossa Street                                    | Widening to 12,5m.                                                                                                                                                                                           |
| 7  | Barker Street                                        | Widening to 12,5m.                                                                                                                                                                                           |
| 8  | Basson Street                                        | Widening to 12,5m.                                                                                                                                                                                           |
| 9  | Berg Street                                          | Widening, where necessary, to 12,5m at east end.                                                                                                                                                             |
| 10 | Berg River Boulevard                                 | Widen existing and create new streets as follows: <ul style="list-style-type: none"> <li>• From Main to Hospital Street 31,5m.</li> <li>• From Hospital to Lang Street 30m (Proclaimed Main Road)</li> </ul> |
| 11 | Berg River Street                                    | Widening to 14m on west side.                                                                                                                                                                                |
| 12 | Bernhardi Street                                     | New 16m wide road between Bernhardi and Market Streets.                                                                                                                                                      |
| 13 | Bethel Street                                        | Widening to 19m between Fabriek and Main Streets.                                                                                                                                                            |
| 14 | Blake Street                                         | Widening to 12,5m on north side over Council property.                                                                                                                                                       |

|    |                   |                                                                                                                                        |  |
|----|-------------------|----------------------------------------------------------------------------------------------------------------------------------------|--|
| 15 | Boegoe Street     | Widening to 12,5m on east side when township s established.                                                                            |  |
| 16 | Bond Street       | Widening to 12,5m.                                                                                                                     |  |
| 17 | Boom Street       | Widening to 12,5m on west side, when township is established.                                                                          |  |
| 18 | Bosman Street     | Widening to 19m.                                                                                                                       |  |
| 19 | Botha Street      | Widening to 12,5m on south side between Main and Napier Streets.                                                                       |  |
| 20 | Breda Street      | Widening to 19m south of Lady Grey Street and 16m north of Lady Grey Street.                                                           |  |
| 21 | Brug Street       | Widening to 16m on north side when farm Vredenburg is subdivided and on south over western section.                                    |  |
| 22 | Cecilia Street    | Widening to 30m from Berg River<br>Boulevard to National Road (Proclaimed Main Road)<br>Remainder to become cul-de-sac at western end. |  |
| 23 | Commercial Street | Widening to 12,5m when rebuilding takes place.                                                                                         |  |
| 24 | Constantia Street | Widening to 16m on west side, where necessary, and when township is established.                                                       |  |
| 25 | Crystal Street    | Reinstate to original width of 14m and reclaim land encroached upon.                                                                   |  |
| 26 | Derksen Street    | Widening to 16m where street abuts sites on which flats are to be erected - otherwise to 12,5m.                                        |  |
| 27 | Desmore Street    | Widening to 12,5m.                                                                                                                     |  |
| 28 | Distillery Street | Widening to 14m on west side.                                                                                                          |  |

|    |                   |                                                                                                 |  |
|----|-------------------|-------------------------------------------------------------------------------------------------|--|
| 29 | Distillery Street | Widening along western boundary to line up with western boundary of Eiland Street.              |  |
| 30 | Dorp Street       | Widening to minimum of 12,5m over short lengths.                                                |  |
| 31 | Du Plessis Street | Widening to 12,5m on east side, between Plein and Navarre Streets.                              |  |
| 32 | Durr Street       | Widening to 12,5m where necessary between Mill Street and High Level Road.                      |  |
| 33 | Du Toit Street    | Widening to 16m where street abuts sites on which flats are to be erected - otherwise to 12,5m. |  |
| 34 | Dwars Street      | Widening to 12,5m when subdivision takes place.                                                 |  |
| 35 | Eiland Street     | Widening to 16m.                                                                                |  |
| 36 | Enslin Street     | Widening to 16m between Main Street and new High Level Road.                                    |  |
| 37 | Eskdale Street    | Widening to 16m where necessary and when subdivision takes place.<br><br>New 16m road to south. |  |
| 38 | Evans Street      | Widening to 12,5m.                                                                              |  |

|    |                   |                                                                                                                           |  |
|----|-------------------|---------------------------------------------------------------------------------------------------------------------------|--|
| 39 | Fabriek Street    | Widening to 19m, between Lady Grey and Bethel Streets; remainder to be widened to 16m.                                    |  |
| 40 | Foxglove Street   | Widening of lower section to 12,5m.                                                                                       |  |
| 41 | Frater Street     | Widening of section to 19m.                                                                                               |  |
| 42 | Gabbema Doordrift | Reserve width of 16m for new road.                                                                                        |  |
| 43 | Grawe Street      | Widening to 12,5m.                                                                                                        |  |
| 44 | Grebe Street      | Widening to 12,5m.                                                                                                        |  |
| 45 | Hartford Street   | Widening to 30m. (Proclaimed Main Road)                                                                                   |  |
| 46 | Hermitage Street  | Widening to 12,5m.                                                                                                        |  |
| 47 | High Street       | Widening to 12,5m on west side.                                                                                           |  |
| 48 | Hillside Road     | Widening to 12,5m.                                                                                                        |  |
| 49 | Hospital Street   | Widening to 25m.                                                                                                          |  |
| 50 | Hout Street       | Widening to 14m, from Main to Orange Streets; remainder to Non Pareille Street (High Level Road), to be widened to 12,5m. |  |
| 51 | Huguenot By-Pass  | New road 30m wide from Lady Grey Street to Hugos River Bridge (Proclaimed Main Road).                                     |  |

|    |                        |                                                                                                                                            |  |
|----|------------------------|--------------------------------------------------------------------------------------------------------------------------------------------|--|
| 52 | Jan Steyn Street       | Widening to 16m on west side between Kerk and School Streets.                                                                              |  |
| 53 | Jan van Riebeeck Drive | Widening to 30m (Proclaimed Main Road) except for length between Lady Grey Street and Klein Drakenstein Road, where widening is to be 19m. |  |
| 54 | Jones Street           | Widening to 19m.                                                                                                                           |  |
| 55 | Kerk Street            | Widening to minimum of 12,5m when area is subdivided.                                                                                      |  |
| 56 | Klein Drakenstein Road | Widening to 30m (Proclaimed Main Road)                                                                                                     |  |
| 57 | Klein Reservoir Street | Widening to 12,5m where necessary.                                                                                                         |  |
| 58 | Kohler Street          | Widening to 19m between Railway Line and Cecilia Street.                                                                                   |  |
| 59 | Kolbe Street           | Widening to 16m when road becomes available for public use.                                                                                |  |
| 60 | Koning Street          | Widening to 16m.                                                                                                                           |  |
| 61 | Kweek Street           | Widening to 12,5m on north side.                                                                                                           |  |
| 62 | Laborie Street         | New 16m road extension to High Level Road when Picardie AA@ is subdivided.                                                                 |  |

|    |                    |                                                                                                                                                                                                                                                                                  |  |
|----|--------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| 63 | Lady Grey Street   | <p>Widening to 30m between Main Street and Berg River.</p> <p>Widening to 30m between Berg River and Railway Bridge.</p> <p>Widening to 30m between Railway Bridge and Jan van Riebeeck Drive (Proclaimed Main Road).</p> <p>6 Widening to 14m between Main and Mill Streets</p> |  |
| 64 | Lang Street        | Widening to 30m between Berg River and Main Street and 19m between Main Street and High Level Road                                                                                                                                                                               |  |
| 65 | Langenhoven Avenue | Widening to 31,5m from Jan van Riebeeck Drive to intersection with National Road (Proclaimed Main Road)                                                                                                                                                                          |  |
| 66 | Loop Street        | Widening to 12,5m.                                                                                                                                                                                                                                                               |  |
| 67 | Main Street        | Widening to 30m (Proclaimed Main Road)                                                                                                                                                                                                                                           |  |
| 68 | Malan Street       | Widening to 12,5m on north side.                                                                                                                                                                                                                                                 |  |
| 69 | Malherbe Street    | Widening to 16m where street abuts sites on which flats are to be erected - otherwise to 12,5m.                                                                                                                                                                                  |  |

|    |                                     |                                                                                                                                      |  |
|----|-------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------|--|
| 70 | Manus Fortuin Street and extensions | Widening to 12,5m and new 12,5m link between Manus Fortuin and Kolbe Streets.                                                        |  |
| 71 | Market Street                       | Widening to 30m between Main Street and Berg River and to 31,5m between Berg River and Jan van Riebeeck Drive (Proclaimed Main Road) |  |
| 72 | Meaker Street                       | 25m wide road from Jan van Riebeeck Drive to Van der Stel Street.                                                                    |  |
| 73 | Merten Street and Gericke Street    | Widening to 12,5m.                                                                                                                   |  |
| 74 | Mill Street                         | Widening to 16m.                                                                                                                     |  |
| 75 | Moll Street                         | Widening to 16m when land is subdivided.                                                                                             |  |
| 76 | Moni Street                         | Widening to 12,5m on south side between Textile and Eiland Streets.                                                                  |  |
| 77 | Muscadel and Frans Streets          | Widening to 12,5m between Burbank and Ambagsvallei Streets.                                                                          |  |
| 78 | Nantes Street                       | Widening to 12,5m where necessary between Mill and Commercial Streets and 19m between Commercial and Main Streets.                   |  |
| 79 | Napier Street                       | Widening to 12,5m between Plein and Malan Streets.                                                                                   |  |

|    |                                 |                                                                                                                                        |  |
|----|---------------------------------|----------------------------------------------------------------------------------------------------------------------------------------|--|
| 80 | New Street                      | Widening to 13m.                                                                                                                       |  |
| 81 | New Street                      | Widening to 12,5m between Breda Street and Berg River Boulevard.                                                                       |  |
| 82 | Newman Street                   | Widening to 12,5m on south side between Van der Stel and Field Streets.                                                                |  |
| 83 | Oosbosch and Meaker Streets     | 25m road between Berg River and New By-Pass (Van der Stel Street extension)                                                            |  |
| 84 | Optenhorst and Oosbosch Streets | New road 32m wide from Main Street to Westhoven Street and from there 31,49m wide up to Jan van Riebeeck Drive. (Proclaimed Main Road) |  |
| 85 | Orange Street                   | Widening to 12,5m where necessary.                                                                                                     |  |
| 86 | Pastorie Avenue                 | Widening to 19m.                                                                                                                       |  |
| 87 | Patriot Street                  | Widening to 9,5m between Main Street and First Avenue; remainder to be widened to 12,5m                                                |  |
| 89 | Paulus Street                   | Widening to 16m on east side.                                                                                                          |  |
| 90 | Picardie Street                 | Widening to 12,5m.                                                                                                                     |  |
| 91 | Pine Street                     | Widening to 30m equally on both sides.                                                                                                 |  |
| 92 | Plantasie Street                | Widening to 12,5m.                                                                                                                     |  |

|     |                      |                                                                                               |  |
|-----|----------------------|-----------------------------------------------------------------------------------------------|--|
| 93  | Plein Street         | Widening to 16m west of Main Street, where necessary and 19m between Main and Berlyn Streets. |  |
| 94  | Pontac Street        | Widening to 12,5m.                                                                            |  |
| 95  | Prins Street         | Widening to 12,5m.                                                                            |  |
| 96  | Prins Fortuin Street | Widening to 12,5m.                                                                            |  |
| 97  | Reitz Street         | Widening to 16m when subdivision takes place.                                                 |  |
| 98  | Retief Street        | Widening to 16m when subdivision takes place.                                                 |  |
| 99  | Roodeberg Avenue     | New 19m street linking Concordia and Cecilia Streets.                                         |  |
| 100 | Rosaki Street        | Widening to 12,5m.                                                                            |  |
| 101 | Rosary Street        | Widening to 16m north of La Moderne Street and new 16m road extending to Municipal Boundary.  |  |
| 102 | Rose Street          | Widening to 16m.                                                                              |  |
| 103 | Sanddrift Street     | Widening to 16m and new 16m link road to Berlyn Street.                                       |  |
| 104 | Santa Rosa Street    | Widening to 12,5m from Klein Drakenstein Road to Unnamed Road                                 |  |

|     |                                                        |                                                                                                 |  |
|-----|--------------------------------------------------------|-------------------------------------------------------------------------------------------------|--|
| 105 | Second Avenue                                          | Widening to 12,5m at Market Street end and new 12,5m extension to Templier Street.              |  |
| 106 | South Street                                           | Widening to 14m                                                                                 |  |
| 107 | Station Street                                         | Widening to 16m                                                                                 |  |
| 108 | Stirling Street and Stirling Street East               | Widening to 10m on southern side.                                                               |  |
| 109 | Sultana Street                                         | New 14m road to Koning Street when township develops.                                           |  |
| 110 | Tabak Street                                           | Widening to 30m to Pine Street and to 19m from Pine Street to the National Road Service Road.   |  |
| 111 | Templier Street                                        | Widening to 9,5m.                                                                               |  |
| 112 | Textile Street                                         | Widening to 9,5m.                                                                               |  |
| 113 | Thom Street                                            | Widening to 16m where street abuts sites on which flats are to be erected - otherwise to 12,5m. |  |
| 114 | Treurnich Street                                       | Widening to 19m                                                                                 |  |
| 115 | Turk Street                                            | Widening to 19m                                                                                 |  |
| 116 | Unnamed New Road, east of Frater Street                | New 16m road surrounding Industrial Area east of Frater Street.                                 |  |
| 117 | Unnamed New Road between Road No. 15 and National Road | New 16m road.                                                                                   |  |

|     |                                                                                                               |                                                                                                        |  |
|-----|---------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------|--|
| 118 | Unnamed New Road from Berg River Boulevard along river bank to east of Nancy and Goede Moed to Cecilia Street | New 19m road.                                                                                          |  |
| 119 | Unnamed New Road between Jan Hofmeyr Street and Klein Drakenstein Road                                        | New 25m road                                                                                           |  |
| 120 | Van der Lingen Street                                                                                         | Widening to 16m                                                                                        |  |
| 121 | Van der Stel Street and extensions                                                                            | Widening to minimum of 31,5m and new extensions from Klein Drakenstein Road to Jan van Riebeeck Drive. |  |
| 122 | Vercueil Street                                                                                               | Widening to 9,5m.                                                                                      |  |
| 123 | Victoria Street                                                                                               | Widening to 12,5m.                                                                                     |  |
| 124 | Vlei Street                                                                                                   | Widening to 12,5m.                                                                                     |  |
| 125 | Voigt Street                                                                                                  | Widening to 12,5m.                                                                                     |  |
| 127 | Waterkant Street                                                                                              | Widening to 12,5m from New Street to Castle Street.                                                    |  |
| 128 | Weiss Street                                                                                                  | Widening to 12,5m on south side.                                                                       |  |
| 129 | Wemmershoek Road                                                                                              | Widening to 30m.                                                                                       |  |
| 130 | Zeederberg Square (road around)                                                                               | Widening to 12,5m                                                                                      |  |
| 131 | Zeederberg Street                                                                                             | Widening to 12,5m                                                                                      |  |
| 132 | Zion Street                                                                                                   | Widening to 12,5m                                                                                      |  |

|     |                          |                         |  |
|-----|--------------------------|-------------------------|--|
| 133 | South of Richmond Avenue | New 13m wide cul-de-sac |  |
|-----|--------------------------|-------------------------|--|

### 236. Enforcement

- (1) Enforcement of this Zoning Scheme shall be undertaken in accordance with the Drakenstein Municipal Land Use Planning By-law.

### 237. Repeal

- (1) The zoning schemes listed in schedule 1 are repealed.

### 238. Short title and commencement

- (1) This by-law is called the Drakenstein Municipality Zoning Scheme By-law, 2018.
- (2) This by-law comes into operation on the date of publication in the *Provincial Gazette*.

## Schedule 1

### Zoning schemes repealed by this By-law

| Zoning Schemes repealed by adoption of new scheme      |                                                                                                                |
|--------------------------------------------------------|----------------------------------------------------------------------------------------------------------------|
| Paarl Zoning Scheme and all subsequent amendments      | Section 7(2) of the Land Use Planning Ordinance, 1985. (Ordinance 15 of 1985)                                  |
| Wellington Zoning Scheme and all subsequent amendments | Section 7(2) of the Land Use Planning Ordinance, amendments 1985 (Ordinance 15 of 1985)                        |
| Section 8 Zoning Scheme and all subsequent Area        | Land Use Planning Ordinance, 1985 (Ordinance 15 of amendments as applicable to the Drakenstein Municipal 1985) |
| Mbekweni Town Planning Scheme                          | Black Communities Development Act, 1984 (Act 4 of 1984.)                                                       |

## Schedule 2

### Conversion of zoning on repealed zoning maps

- (1) In the column on the left the zoning of the repealed zoning scheme is indicated.
- (2) In the column on the right the proposed new zoning in terms of this Scheme is indicated.
- (3) In cases where a suitable corresponding zone does not exist in the new scheme, the zoning was manually converted based on the lawful existing land use.

| Repealed Paarl zoning scheme zones                                        | Drakenstein Municipality zoning-scheme 2018                                                                                                             |
|---------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------|
| Single Dwelling Residential                                               | Conventional Housing Zone; or<br>Agriculture Zone (Paarl Farms)                                                                                         |
| Group Housing                                                             | Conventional Housing Zone, or<br>Transport Zone, or<br>Open Space Zone                                                                                  |
| General Residential<br>• Subzone A<br>• Subzone B<br>Informal Residential | Multi-unit Housing Zone<br>(Group housing developments same as Group Housing above)                                                                     |
| Informal Residential                                                      | Conventional Housing Zone                                                                                                                               |
| Special Business                                                          | Manual allocation based SDF intensification area:<br>• Mixed-use Zone; or<br>• Neighbourhood Business Zone                                              |
| General Business                                                          | Manual allocation based on SDF intensification area:<br>• Mixed-use Zone; or<br>• Neighbourhood Business Zone                                           |
| Resort Zone I                                                             | Manual allocation<br>• Agriculture Zone; or<br>• Open Space Zone; or<br>• Limited Use Zone; or<br>• Neighbourhood Business Zone; or<br>• Mixed-use Zone |
| Resort Zone II                                                            | Manual allocation<br>• Conventional Housing Zone; or<br>• Limited Use Zone<br>• Transport Zone<br>• Open Space Zone                                     |

| Repealed Paarl zoning scheme zones | Drakenstein Municipality zoning-scheme 2018                                                                                                                        |
|------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Special Civic                      | Multi-unit Housing Zone                                                                                                                                            |
| General Commercial                 | Manual allocation based on SDF intensification area: <ul style="list-style-type: none"> <li>• Mixed-use Zone; or</li> <li>• Neighbourhood Business Zone</li> </ul> |
| Industrial                         | Industrial Zone                                                                                                                                                    |
| Agriculture                        | Agriculture Zone                                                                                                                                                   |
| Undetermined                       | Limited Use Zone                                                                                                                                                   |
| Education                          | Community Use Zone                                                                                                                                                 |
| Government                         | Manual allocation                                                                                                                                                  |
| Municipal Purposes                 | Manual allocation                                                                                                                                                  |
| Parking                            | Transport Zone                                                                                                                                                     |
| Public Worship                     | Community Use Zone                                                                                                                                                 |
| South African Railway Special Zone | Transport Zone<br>Manual allocation                                                                                                                                |
| Subdivisional Area                 | Manual allocation                                                                                                                                                  |
| Street Closure                     | Transport Zone                                                                                                                                                     |
| Redevelopment Area                 | Manual allocation                                                                                                                                                  |
| Public and Private Open Space      | Open Space Zone; or                                                                                                                                                |
| New Streets and Street Widening    | Transport Zone (public parking areas)<br>Retain base zone of main erf                                                                                              |
| Street                             | Transport Zone                                                                                                                                                     |
| Unknown                            | Limited Use Zone                                                                                                                                                   |
| Undetermined                       | Limited Use Zone                                                                                                                                                   |

| Section 8                              |                                                                                                       |
|----------------------------------------|-------------------------------------------------------------------------------------------------------|
| Repealed Section 8 zoning scheme zones | Drakenstein Municipality zoning scheme 2018                                                           |
| Agricultural 1                         | Agriculture Zone                                                                                      |
| Agricultural II                        | Limited Use Zone                                                                                      |
| Residential 1                          | Community Use Zone                                                                                    |
| Residential II                         | Conventional Housing Zone<br>Transport Zone<br>Open Space Zone                                        |
| Residential III                        | Conventional Housing Zone<br>Transport Zone<br>Open Space Zone                                        |
| Residential IV                         | Multi-unit Housing Zone<br>Group housing same as Res III                                              |
| Residential V                          | Manual allocation<br>• Multi-Unit Housing Zone; or<br>• Open Space Zone Group housing same as Res III |
| Informal Residential                   | Conventional Housing Zone                                                                             |
| Business 1                             | Neighbourhood Business Zone                                                                           |
| Business II                            | Neighbourhood Business Zone                                                                           |
| Business III                           | Neighbourhood Business Zone                                                                           |
| Business IV                            | Manual allocation:<br>• Mixed-use<br>• Industrial Zone; or<br>• Neighbourhood Business Zone           |

|                   |                                                                                                                                                                                                                                                              |
|-------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Business V        | Manual allocation <ul style="list-style-type: none"> <li>• Mixed-use Zone; or</li> <li>• Industrial Zone; or</li> <li>• Neighbourhood Business Zone</li> </ul>                                                                                               |
| Industrial 1      | Industrial Zone                                                                                                                                                                                                                                              |
| Industrial II     | Industrial Zone                                                                                                                                                                                                                                              |
| Institutional I   | Community Use Zone                                                                                                                                                                                                                                           |
| Institutional II  | Community Use Zone                                                                                                                                                                                                                                           |
| Institutional III | Community Use Zone                                                                                                                                                                                                                                           |
| Resort Zone 1     | Manual allocation <ul style="list-style-type: none"> <li>• Agriculture Zone; or</li> <li>• Open Space Zone; or</li> <li>• Transport Zone; or</li> <li>• Limited use Zone; or</li> <li>• Neighbourhood Business Zone; or</li> <li>• Mixed-use Zone</li> </ul> |
| Resort Zone II    | Manual allocation                                                                                                                                                                                                                                            |
| Open space 1      | <ul style="list-style-type: none"> <li>• Conventional Housing Zone; or</li> <li>• Limited Use Zone; or</li> <li>• Open Space Zone; or</li> <li>• Transport Zone Open Space Zone;</li> </ul> or Transport Zone (public parking areas)                         |
| Open space II     | Open Space Zone                                                                                                                                                                                                                                              |
| Open space II     | Transport Zone (public parking areas)                                                                                                                                                                                                                        |
|                   | Natural Environment Zone                                                                                                                                                                                                                                     |
|                   | Transport Zone (public parking areas)                                                                                                                                                                                                                        |
| Transport 1       | Transport Zone                                                                                                                                                                                                                                               |
| Transport II      | Transport Zone                                                                                                                                                                                                                                               |
| Transport III     | Transport Zone                                                                                                                                                                                                                                               |

|                    |                   |
|--------------------|-------------------|
| Special            | Manual allocation |
| Undetermined       | Limited Use Zone  |
| Authority          | Manual allocation |
| Subdivisional Area | Manual allocation |
| Unknown            | Limited Use Zone  |

| Wellington                                           |                                                                                                                                |
|------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------|
| Repealed Wellington zoning scheme zones              | Drakenstein Municipality zoning scheme 2018                                                                                    |
| Agriculture Zone<br>Single Dwelling Residential Zone | Agriculture Zone<br>Conventional Housing Zone                                                                                  |
| General Residential Zone<br>Group Housing Zone       | Multi-unit Housing Zone<br>Conventional Housing Zone; or<br>Transport Zone; or<br>Open Space Zone<br>Conventional Housing Zone |
| Informal Residential<br>Business Zone                | Manual allocation SDF<br>• Mixed-use Zone; or<br>• Neighbourhood Business Zone                                                 |
| Industrial Zone<br>Undetermined Zone<br>Cemetery     | Industrial Zone<br>Limited Use Zone<br>Open Space Zone                                                                         |
| Education<br>Government                              | Community Use Zone<br>Manual allocation                                                                                        |
| Local Authority<br>Public Open Space                 | Manual allocation<br>Open Space Zone;<br>or Transport Zone (public parking areas)                                              |

|                |                |
|----------------|----------------|
| Public Parking | Transport Zone |
|----------------|----------------|

| <b>Mbekweni</b>                                         |                                                                                                                                      |
|---------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------|
| <b>Repealed Mbekweni town planning conditions zones</b> | <b>Drakenstein Municipality zoning scheme 2018</b>                                                                                   |
| Residential 1                                           | Conventional Housing Zone                                                                                                            |
| Residential II<br>Business                              | Multi-unit Housing Zone; or<br>Conventional Housing Zone; or<br>Transport zone; or<br>Open Space Zone<br>Neighbourhood Business Zone |
| Industrial                                              | Industrial Zone                                                                                                                      |
| Institutional 1<br>Institutional II                     | Community Use Zone<br>Community Use Zone                                                                                             |
| Institutional III<br>Services                           | Community Use Zone<br>Utility Zone                                                                                                   |
| Open space 1                                            | Open Space Zone; or<br>Transport Zone (public parking areas)                                                                         |
| Open space II                                           | Open Space Zone<br>Transport Zone (public parking areas)                                                                             |
| Street                                                  | Transport Zone                                                                                                                       |
| Parking                                                 | Transport Zone                                                                                                                       |
| Special                                                 | Manual allocation                                                                                                                    |
| Undetermined                                            | Limited Use Zone                                                                                                                     |
| Unknown                                                 | Limited Use Zone                                                                                                                     |

| <b>Saron</b>                                    |                                                     |                                                                                       |
|-------------------------------------------------|-----------------------------------------------------|---------------------------------------------------------------------------------------|
| <b>Land use survey -<br/>no previous zoning</b> | <b>Deemed Section 8 zoning</b>                      | <b>Drakenstein<br/>Municipality zoning</b>                                            |
| Residential<br>Informal Residential<br>Business | Residential 1<br>Informal Residential<br>Business 1 | Conventional Housing Zone<br>Conventional Housing Zone<br>Neighbourhood Business Zone |
| Worship<br>Open Space/Recreation                | Institutional II<br>Open space 1                    | Community Use Zone<br>Open Space Zone;<br>Transport Zone (public parking<br>areas)    |
| Agriculture                                     | Agricultural 1                                      | Agriculture Zone                                                                      |
| Education                                       | Institutional 1                                     | Community Use Zone                                                                    |
| Utility<br>Vacant/no land use                   | Authority<br>Residential 1                          | Utility Zone<br>Conventional Housing Zone                                             |

### Schedule 3

#### Key to Overlay Zone maps

- (1) The plans in this schedule is a key to Overlay Zone maps and does not form part of the By-law.
- (2) The plans contained in each Overlay Zone shall solely be used for determination of inclusion into an Overlay Zone area.

