

## SCHEDULE 2

OVERSTRAND MUNICIPALITY LAND USE SCHEME, 2020

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## DEFINITIONS

In this land use scheme:

**A**

“**abattoir**” means a place where livestock or poultry is slaughtered and processed for the distribution thereof to butcher shops and food markets and is subject to any applicable health requirements;

“**additional dwelling units**” means dwelling(s) in the Agriculture Zone 1 which are not required for the accommodation of bona fide persons involved in the agricultural practice on the property concerned;

“**additional use rights**” means the use of the property for purposes that are of an associated social and civic nature of the primary or consent use in Community Zone 1 and Authority Zone 1, where such uses are not the primary function of the social or civic institution concerned, but are to the benefit of the institution concerned or the community they serve;

“**adult entertainment business**” means an establishment where for any form of consideration, erotic apparatus, films, photographs, books, magazines and live performances are hired, sold or occur which are characterised by an emphasis on the display or description of pornographic and/or sexual activities. “Adult entertainment business” includes a massage parlour or escort agency where massages or manipulations of the human body are administered for the purpose of obtaining erotic response;

“**advertise**” in relation to making known a matter referred to in this land use scheme means one or more of the methods of making known, as determined by the Municipal Manager or his delegate, as the most suitable method to reach as many people as possible who may have an interest in or are directly affected by the matter, including:

- (i) serving a notice; or
- (ii) displaying a notice board on a land unit; or

- (iii) publishing a notice in the press; or
- (iv) holding public meetings; or
- (v) hosting radio broadcasts; or
- (vi) constituting and implementing consultative forums; or
- (vii) entering into social compact whether before or after the submission of an application, and “advertising” has a corresponding meaning;

**“advertisement”**, when used in the context of outdoor advertising, means any visible representation of a word, symbol, name, letter, figure or object; an abbreviation of a word or name; or any sign, symbol or light which is not intended solely for illumination or warning against danger or identification of the name and street address of the property;

**“Advertising on Roads and Ribbon Development Act”** means the Advertising on Roads and Ribbon Development Act, 1940 (Act 21 of 1940);

**“agricultural industry”** means an enterprise for the processing of agricultural related products on or close to the land unit where these agricultural products, whether land- or marine-based (such as aquaculture), are grown, harvested and raised where processing in such proximity is necessary due to the nature, perishability and fragility of such agricultural products or promotion of tourism related activities, and includes, inter alia, dairies, wineries, distilleries, olive processing facilities, breweries and other facilities required for the processing of agricultural products where produce packed is not produced on the land unit but does not include service trades;

**“agriculture”** means the cultivation of land for crops and plants, including plantations, the keeping and breeding of animals, beekeeping, bird farming or the operation of a game farm, may comprise natural veld and includes only such activities and buildings as are reasonably connected to the main farming activities such as residential accommodation for the farmer, farm manager and farm labourers and the packing of agricultural produce grown on the property but excludes intensive horticulture, intensive animal farming, agricultural industry, and a farm shop;

**“agri-village”** means a private settlement of limited extent, established and managed as a legal entity in a rural or agricultural area, specifically developed for the bona fide accommodation of the local rural community of the farms, forestry and conservation enterprises situated in the area;

**“animals”** include livestock such as any cattle, sheep, goats, horses, mules, donkeys, rabbits and wild animals;

**“animal care centre”** means a place for the care of pets and other animals, operated on either a commercial or welfare basis, and includes a boarding kennel(s), a commercial kennel(s), pet training, a pound and a crematorium for animals;

**“animal park”** means a land unit or land units or a portion of a land unit where animals (domestic or otherwise) are kept in a controlled environment primarily for display to the general public for educational and tourism purposes but does not include a game farm;

**“applicant”** means a person referred to in Section 16 (2) of the Overstrand Municipality By-Law on Land Use Planning, who makes an application to the Municipality as contemplated in that section;

**“aquaculture”** means the cultivation and breeding of water flora and fauna and the harvesting thereof for commercial purposes under the following controlled circumstances:

- (i) in artificially built dams or holding tanks; or
- (ii) suspended from floating supports;

**“atrium”**, which consists of a floor and a roof or ceiling, means a covered courtyard comprising a void within a building that extends for one or more floors in height but does not contain floors that penetrate into the void;

**“attic room”** means an area/room in the roof of a building;

**“authority use”** means a use which is practised by or on behalf of a public authority and characteristics of which are such that it cannot be classified or defined under other uses in this land use scheme and includes, but is not limited to, a use practised by:

- (i) the National Government (as defined in the Constitution), including but not limited to, a military training centre and installation, a police station and a prison;
- (ii) the Provincial Government (as defined in the Constitution), including but not limited to a road station and road camp; and
- (iii) Local Government (as defined in the Constitution), including but not limited to fire services and a municipal depots, with related uses or any use necessary to provide mandated services (including limited accommodation for staff who are required for standby emergencies, municipal offices, clinics, libraries and any other associated use(s) approved by the Municipality);

**“average ground level”** means the average of the highest and lowest existing ground level immediately abutting the outer perimeter of a building, and the Municipality may:

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

## **B**

**“backpackers”** means an accommodation facility that provides communal facilities and may offer a range of alternative sleeping arrangements, including dormitories;

**“balcony”** means a floor projecting outside a building at a level higher than that of the ground floor, enclosed only by low walls or railings or by the main containing walls of rooms abutting such projecting floor, and may include a roof over such floor and pillars supporting such roof, in which event it will be included in the calculation of the coverage applicable to the land unit;

**“bar”** primarily means an enterprise for the sale and consumption of alcoholic beverages to customers on the premises where age restriction applies and may include the provision of meals and a place of entertainment but does not include the sale of alcoholic beverages for off-site consumption (In this context “pub” and “tavern” have the same meaning);

**“base level”** of a building means an imaginary plane drawn horizontally at the average ground level of the building or vertical division (for the purpose of an uncovered stoep and/or deck, a separate base level will be applicable);

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

**“basement”** means that space in a building between the floor and ceiling which is partly or completely below the average ground level, provided that a basement shall be deemed to be a storey for the purpose of the measurement of height where any portion extends more than 1,0 m above the lowest level of the ground immediately contiguous to the building;

**“boat yard”** means a property or portion of a property which is used for the display, storage, construction or repair of motorised and non-motorised watercraft;

**“bottle store”** means an establishment where the main purpose is the retail sale of alcoholic beverages for off-site consumption;

**“boundary”** in relation to a land unit means one of the cadastral lines shared by such land unit with any other land unit or with a public street/road/open space, etc.;

**“brewery”** means a place where beer or wine is made and may include a selling point to the general public; tasting and the provision of light meals, (which is subservient to the main use) but does not include a distillery, restaurant and/or pub;

**“builder’s yard”** means a land unit which is used for the storage of material and equipment which:

- (i) is required or normally used for construction work;
- (ii) was obtained from the demolition of structures or excavations of land;
- (iii) is necessary for, or are normally used; for land development such as storage of material used for building roads or installing essential services or for any other construction work (e.g. sand or bricks), whether for public or private purposes; and
- (iv) includes the administrative component of such undertaking but excludes any accommodation other than a caretaker’s accommodation;

**“building”**, in addition to its ordinary meaning, includes:

- (i) any structure with or without a roof;
- (ii) any gallery, canopy, balcony, stoep, verandah, porch or similar feature of a building;
- (iii) any walls or railings enclosing any feature referred to in (ii); and
- (iv) any other portion of a building;

**“building line”** means an imaginary line on a land unit which defines a distance from a specified cadastral line within which the erection of buildings and structures are prohibited, except with Municipal approval;

**“building platform”** means a defined and demarcated area or areas on a land unit, beyond the boundaries of which no building may be erected;

**“bulk”** has the same meaning as floor space;

**“business premises”** means a property from which business or services are conducted and includes a shop, a supermarket, a restaurant, the sale of alcoholic beverages, a plant nursery, offices, service trade, a financial institution and building for similar uses and the sale of any small and big items but excludes a place of assembly, a place of entertainment, an institution, a service station, a motor repair garage, an industry, an industrial hive, a noxious trade, a risk activity, an adult entertainment business or a bottle store;

## C

**“cadastral line”** means a line representing the official boundary of a land unit as registered in the Deeds Office or which is shown as a record on a diagram or general plan approved by the Surveyor General;

**“camping site”** means a property or part thereof on which tents or caravans are used for the short-term accommodation of visitors and holiday makers and includes ablution, cooking and other associated facilities for the use by such visitors, infrastructure related to the operation of the camping site and may include accommodation facilities for the owner, manager and staff, with the consent of the Municipality;

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

**“caravan”** means a mobile vehicle which has been equipped or converted for living and sleeping purposes;

**“caretaker’s accommodation”** means accommodation relating to security and maintenance purposes;

**“carport”** means a building or structure (covered or uncovered) with two open sides, primarily used for the housing of motor vehicles and/or trailers and boats;

**“car wash”** means any structure or structures where vehicles are washed and/or valeted;

**“cemetery”** means a place where deceased are buried and may include buildings that are necessary for the administrative and clerical uses associated therewith but does not include a crematorium;

**“clinic”** means an institution where members of the public are given medical treatment or medically related advice and may include a medical centre, an outpatients’ centre and a wellness centre with associated uses, provided that a clinic shall not contain live-in facilities for more than thirty persons, including patients and staff;

**“combined building line”** means a side building line provision that permits a structure close to or on the property boundary but requires that the sum of the two side building lines on either side of a common boundary adds up to a minimum distance;

**“commencement date”** means the date on which this land use scheme came into operation;

**“commercial kennel”** means commercial kennel services for dogs, cats and other pets and includes commercial breeding or boarding kennels, veterinary practices and dog training centres;

**“community facilities”** means a property or place that provides for a range of social uses and functions directed at serving educational, religious, welfare, health, and generally the needs of a community;

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

**“consent”** means special permission granted by the Municipality after due consideration of all relevant facts and after following the prescribed legal process in

terms of which a specific type of land use or activity is permitted, in addition to the primary uses applicable to the property concerned;

**“consent use”** means a land use permitted in terms of a particular zoning with the approval of a Municipality;

**“conservation use”** means the use or maintenance of land in its natural state or rehabilitation to its natural state, with the objective of preserving the biophysical and heritage characteristics of that land, including flora and fauna on the land, and includes associated infrastructure required for such use, such as roads, pathways, water reservoirs and underground infrastructure;

**“consolidation”** means the process of preparing a diagram for approval by the Surveyor General from two or more diagrams (which represent at least two contiguous representing several pieces of land), which has been prepared for the purpose of obtaining a certificate of consolidated title thereto from the Registrar of Deeds, and "consolidate" has the same meaning;

**“coverage”** means the total area or percentage of area of a land unit which may be covered by buildings and/or covered by a roof, provided that the following portions of buildings shall be disregarded in the calculation of coverage:

- (i) entrance steps and landings less than 1 m<sup>2</sup>;
- (ii) retractable awnings;
- (iii) chimneys, pergolas, flower boxes, water pipes, drain pipes not projecting more than 500 mm from the wall of the building;
- (iv) eaves not projecting more than 1,0 m; and
- (v) minor decorative features not projecting more than 250 mm;

**“crèche”** means the use of a portion of a dwelling house or outbuildings by the occupant to provide day care, pre-school, play group or after school care services for a limited number of children, provided that the primary use of the property shall prevail, subject to the applicable legislation;

“**crematorium**” means a building where the deceased are reduced to ash and includes facilities for associated religious and administrative functions;

## D

“**dairy**” means a building for the storage, processing and distribution of milk and related products and includes an agricultural building where cows or other animals are milked;

“**day care centre**” means a facility for the day care of young children in the absence of their parents and may provide care for more children than are permitted in a crèche, subject to any applicable legislation, provided that the primary use of the property shall prevail;

“**departure**” has the meaning assigned to it by Planning Law;

“**develop land**” means to prepare and develop land for occupation or utilisation, inter alia by filling up, excavating, draining or levelling areas; the removal of vegetation; the installation of engineering services; the subdivision of land; or the erection, alteration or extension of buildings and structures on land, and “development of land” and “developing land” have a corresponding meaning;

“**development framework**” means a plan and supporting documentation which reflect the overall policy, broad goals and principles for a proposed development within a specified planning area and includes the broad development and environmental considerations, including the natural and heritage components of the site. It identifies the range of uses, general spatial distribution of uses, major linkages and any limits to the development of the land units concerned, including but not limited to defining the density and maximum floor space;

“**development parameter**” means a rule, restriction, provision or requirement in terms of this land use scheme which sets out the permissible extent of use or development of a property to which it relates;

**“distillery”** means a place where hard liquor is distilled and may include a selling point to the general public, tasting facilities and the provision of light meals, which is subservient to the main use, but does not include a restaurant and/or pub;

**“dominant use”** means the primary or consent and other lawful uses permitted on the property;

**“dwelling house”** means a self-contained, inter-leading group of rooms used for the accommodation and housing of a single family (together with adequate sanitary facilities and a kitchen and such outbuildings as are ordinarily used therewith), provided further that a dwelling house may not have more than two kitchens;

**“dwelling unit”** means a unit containing one or more inter-leading rooms with adequate sanitary facilities and a kitchen, used for the accommodation and housing of a single family, and may be included in or separate from the main building on the property;

## E

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

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

**“energy renewable structures”** means any wind turbine or solar voltaic apparatus or grouping thereof which captures and converts wind or solar radiation into energy, irrespective of whether it feeds onto the national electricity grid or not, and includes any appurtenant structure or any test facility or structure which may lead to the generation of energy on a private or commercial basis;

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

**“environment”** means the aggregate of surrounding objects, conditions and influences that affect the life and habits of humans or any other organism or collection of organisms;

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

**“environmental facilities”** means facilities for the management, study, interpretation, education and public appreciation of a predominantly natural area or heritage site and include accommodation of staff, support services and associated infrastructure;

**“environmental impact assessment”** means a report as stipulated in terms of applicable environmental legislation concerning the impact on the environment of specified proposed activities or any other studies required by the Municipality;

**“environmental management plan”** means a report concerning the impact of specified or, proposed activities and monitoring measures on the environment in order to guide the implementation of a proposal, ongoing maintenance after implementation and sustainable utilisation of the resources on the land unit and shall include:

- (i) a description of any construction works to be implemented;
- (ii) an explanation of the responsibilities and obligations of role players;
- (iii) mitigation measures of potential impacts;
- (iv) rehabilitation of the property after any construction work;
- (v) provisions for financing rehabilitation works;
- (vi) provisions for monitoring, auditing and amending the environmental management plan; and
- (vii) provisions for dispute resolution and penalties;

**“erection”** (“erect” has a corresponding meaning) in relation to a building or structure includes:

- (i) the building of a new building or structure;
- (ii) the alteration, conservation, renovation or addition to a building or structure;  
and
- (iii) the re-construction of a building or structure which has completely or partially been demolished;

**“erf”** has the same meaning as land unit;

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

- (i) in its unmodified/natural state; or
- (ii) as established from a plan containing contours lodged with an official agency such as the Municipality or government department, which, in the Municipality’s opinion, depicts the existing level of the ground at or before the commencement date; or
- (iii) in a state which has been graded with the Municipality’s approval for the purpose of development; or
- (iv) as determined by the Municipality, if in its opinion it is not possible to ascertain the existing level of the ground due to irregularities or disturbances of the land, and the Municipality may require the owner or applicant to commission a registered land surveyor to measure levels of the ground or interpolate levels in order to provide the Municipality with sufficient information so that it can determine the most appropriate existing ground level for the purpose of administering this land use scheme;

**“existing use”** means the use or uses which, in the opinion of the Municipality, is or are practised lawfully on the land unit, structure, building or part thereof;

## F

“**farm shop/stall**” means a building, located on a farm, where a farmer sells produce and other goods to the general public;

“**fertiliser plant**” means the production, packaging and storing of fertiliser (organic, synthetic or bio fertiliser) not produced on the farm and includes dry licks and mineral blocks;

“**flats**” means a building containing two or more dwelling units, together with such outbuildings as are ordinarily associated therewith;

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

“**floor area**” means the area, measured in square meters, taken up by a building or part thereof and covered by a roof, slab or projection and shall be measured from the external faces of the external walls or similar support. The total floor area of a building which consists of 1 (one) or more storeys shall include all storeys, basements and balconies but shall exclude garages and carports;

“**floor factor**” means a factor (expressed as a numerical factor) which is prescribed for the calculation of the maximum floor space of a building or buildings permissible on a land unit, and if the floor factor is known, the maximum permissible floor space can be calculated by multiplying the floor factor by the area of the land unit;

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

- (i) any area, including a basement, which is reserved solely for the parking or loading of vehicles shall be excluded;
- (ii) external entrance steps and landings, any stoep and any area required for external fire escapes shall be excluded;

- (iii) a projection of eaves and a projection which acts as a sunscreen or an architectural feature which does not exceed 1,0 m beyond the exterior wall or similar support shall be excluded;
- (iv) any common pedestrian thoroughfare which is covered by a roof and which provides access through a building from a parking, public street or an open space to some other parking, public street or open space and which is accessible to the general public during normal business hours shall be excluded;
- (v) any covered area outside and immediately adjoining a building at or below the ground floor level, where such paved area is part of a forecourt, yard, external courtyard, pedestrian walkway, parking area or vehicular access and which is permanently open to the elements on at least the front or the side(s) shall be excluded;
- (vi) subject to clause (vii), any stairs, stairwells and atriums that are covered by a roof shall be included;
- (vii) in the case of multi-level buildings, any stairwells, lift wells, light wells or other wells and any atrium shall only be counted once; and
- (viii) floor space shall be measured from the outer face of the exterior walls or similar supports of such building, and where the building consists of more than one level, the total floor space shall be the sum of the floor space of all levels, including that of basements;

**“funeral parlour”** means property or premises where the deceased are prepared for burial or cremation and includes facilities for associated administrative and religious functions;

## **G**

**“garage”** means a building for the storage of one or more vehicles, which does not include a motor repair garage or service station but may include a workspace for the owner’s hobby;

**“gazebo”** means a lightweight, freestanding, open-sided structure or pavilion for use in the garden, usually as a sunshade, and includes any built structure covered by a roof or thatched or retractable awing;

**“greenhouse”** means a structure predominantly made of transparent material, such as glass, Perspex, shaded cloth or plastic for the purpose of cultivating plants under controlled environmental conditions;

**“gross density”** means a measure of the number of dwelling units in a specified area, and is calculated, for the purposes of this land use scheme, as follows:

Gross density of dwelling units per hectare	$\frac{\text{Total number of dwelling units in a specified area}}{\text{Extent of the specified area in hectares}}$
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**“gross leasable area”** means the area of a building designed for or capable of occupancy and control by owners or tenants, measured from the centre line of the joint partitions to the inside finished surface of the outside walls, and shall exclude the following:

- (i) all exclusions from the definition of floor space;
- (ii) toilets;
- (iii) lift shafts, service ducts and vertical penetrations of floors; and
- (iv) lift motor rooms and rooms for other mechanical equipment required for the proper functioning of the building;

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

**“guest house”** means a dwelling house or second dwelling unit which is used for the purpose of lodging transient guests for compensation; may provide meals for guests; is occupied by the owner or occupant or manager of the property, may include associated facilities which are only for the use of the bona fide guests and are not

accessible to the general public but does not include a hotel, guest rooms, residential building or boarding house;

**“guest rooms”** means a limited number of rooms forming part of a dwelling house that are let to transient guests or lodgers, provided that the dominant use of the dwelling house/unit concerned shall remain the accommodation of a single family;

## H

**“harbour usage”** means a building, structure(s) or areas for the docking, launching and mooring of boats and yachts, and includes supplementary and associated uses such as shops, boat yards, boat houses, boat repair facilities, slip ways, dry docks, harbour offices, fuelling facilities, warehouses, piers, naval infrastructure and utilities, and cranes;

**“harvesting of natural resources”** means the gathering of flora and/or fauna for sale to or use by a person or agency other than a recognised environmental agency, provided that such harvesting:

- (i) is sustainable;
- (ii) does not cause the resources to be utilised below acceptable levels; and
- (iii) is not detrimental to the eco-system;

**“heavy vehicle service station”** means a facility for vehicles above 3500 kg and associated uses that includes the retail supply of fuel, oil, tyres or spares, general repairs, exhaust fitment, washing of vehicles and a shop of which the floor area does not exceed 50% of the total floor space of all buildings on the land unit but does not include spray painting, panel beating, blacksmithing or body work;

**“height”** of a building or structure means no point on any building or structure shall exceed the maximum height prescribed in the development parameters, measured from the base level to the top of the structure directly above that point in meters, excluding general encroachments as stipulated in Chapter 16;

**“hobby”** means an activity done regularly in one's leisure time for pleasure, excluding activities creating noise, health and nuisance and not related to a commercial venture;

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

- (i) consists of a single enterprise in which accommodation is supplied on a temporary basis and or by means of time-sharing only;
- (ii) may include the provision of a camping site, mobile home park and dwelling units;
- (iii) may also accommodate a restaurant and/or shop; indoor and outdoor recreation facilities for the use of paying lodgers and occupants of the establishment but excludes a hotel or conference centre;

**“holiday housing”** means dwelling units, mobile homes or camping sites that are harmoniously designed and built for holiday or recreational purposes and which may be separately alienated by means of sectional title division, fractional title, the selling of share blocks or the subdivision of property;

**“home occupation”** means the practising of a non-residential use conducted from a dwelling provided that the dominant use of the dwelling concerned shall remain the accommodation of a single family, provided that the use and property complies with the requirements contained in this land use scheme for home occupation;

**“hospital”** means a place, in public or private ownership, for the diagnosis and treatment of human illness, with integrated facilities such as operating theatres, laboratories, pharmacies, cafeterias, kiosks and live-in accommodation for patients and includes clinic and medical consulting rooms and such accommodation which is required for the temporary housing of staff;

**“hotel”** means a property used for transient guests, where lodging and meals are provided, and may include:

- (i) a restaurant or restaurants;

- (ii) associated conference and entertainment facilities that are subservient and ancillary to the dominant use of the property as a hotel; and
- (iii) premises which are licensed to sell alcoholic beverages for consumption on the property but does not include an off-sales facility;

**“house shop”** means the conducting of a retail trade from a dwelling house or outbuilding by the operator of the enterprise who shall reside on the premises, provided that the dominant use of the property concerned shall remain the accommodation of a single family;

**“household pet”** means a pet kept primarily for a person's company and/or relaxation and/or protection, restricted to dogs; cats; racing pigeons; hamsters; mice; rats; canaries; budgies; parakeets; parrots and other talking birds; snakes; spiders; fish; and scorpions but excludes wild animals in its widest sense; farm animals; livestock in its widest sense; laboratory animals; and animals bred or kept or captured for commercial purposes. The list may not be exhaustive. “Pet” will have the same meaning. The keeping of household pets will be subject to compliance with the applicable noise and health legislation and may not have a detrimental impact on the amenity of the area;



**“industrial café”** means an enterprise that provides food and non-alcoholic beverages for sale to the public in an industrial zone;

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

**“informal trading”** means the selling of products in areas demarcated or leased by the Municipality for such purposes;

**“institution”** means a property used as a social, health or welfare facility or for the administration thereof and includes a hospital; special needs school; clinic; homes for the aged, indigent or handicapped; and a reformatory or place of detention, whether of commercial or charitable nature, but does not include a jail;

**“intensive animal farming”** means breeding, feeding and keeping of animals and birds on an intensive basis and includes feedlots and poultry batteries;

**“intensive horticulture”** means the cultivation of plants and indigenous flora on an intensive scale, where plants are cultivated under a roof or on open land or in greenhouse(s) and includes the sale of self-produced plants from the land;

**“inter-leading”** means the inter-accessibility of two or more habitable rooms or habitable spaces (excluding via bathrooms, garages, store rooms and bedrooms);

## J

**“jail”** means the same as prison and gaol;

## K

**“kennel”** means a facility that is used for the temporary accommodation, housing and care of animals;

**“kiosk”** means a small, permanent or temporary structure from which items such as newspapers, food and drinks are sold to the public;

**“kitchen”** means a room or a part of a room equipped for the preparation and cooking of meals;

## L

**“land”** means a tract of ground capable of being owned as a property and includes land covered by water;

**“land unit”** means a portion of land registered in the Deeds Registry or shown on a valid plan of subdivision approved by the Municipality or other competent authority as an erf, stand, lot or plot and includes servitudes and leased areas.

**“land use”** means the purpose for which land is or may be utilised lawfully in terms of a zoning scheme or in terms of any other approval, permit or consent issued by a competent authority, and includes any conditions related to the land use;

**“land use scheme”** has the same meaning as zoning scheme;

**“Land Use Planning Act”** means the Land Use Planning Act No. 3 of 2014, (as amended);

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

**“lapa”** means a partially fenced or thatched enclosure used for outdoor meals and informal social gatherings;

**“non-conforming use”** means an existing land use that was being utilised lawfully in terms of a previous zoning scheme for a purpose that does not comply with an existing land use scheme;

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

**“lodge”** has the same meaning as “hotel” and is located in a natural area such as nature reserves and farms;

**“lodging”** means bedroom accommodation which is available for payment and the services ordinarily related to such accommodation, and “lodger” has a corresponding meaning;

## M

“**main road**” means a public street that is defined as a main road in terms of Section 4 of the Roads Ordinance, 1976 (Ordinance No. 19 of 1976), or as amended;

“**market**” means an outdoor venue for the sale of fresh produce, food and beverages, crafts, art and manufactured goods to the public;

“**maximum floor space**” means the greatest total floor space which is allowed for a building or buildings on a land unit and is calculated by multiplying the floor factor by the area of the land unit or that portion of the land unit which is situated within a particular zone, provided that:

- (i) where a land unit has more than one primary use or departure or consent use and the uses are combined, then the highest permissible floor factor is the average of the floor factors of the different primary uses and the consent or departure uses; and
- (ii) where a land unit is situated within two or more zones to which different floor factors apply, the maximum floor space for the whole land unit shall be the total of the maximum floor space for each portion of the land unit;

“**medical centre**” includes a laboratory, a pharmacy, medical consulting rooms and offices;

“**medical consulting rooms**” means an office or offices and associated rooms utilised by a registered medical professional for human medical related consultation, where such office is not attached to a hospital or clinic;

“**mine**” has the same meaning as stipulated in the Mineral and Petroleum Resources Development Act No. 28 of 2002, or as amended;

“**mining**” means an enterprise which practices the extraction of raw materials, whether by means of surface or underground methods, and includes but is not limited to prospecting and the removal of stone, sand, clay, kaolin, ores, minerals, gas and precious stones;

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

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

**“motor vehicle”** means a vehicle designed or used for propulsion by other than human or animal power and includes a motor cycle, a trailer or a caravan but does not include a vehicle moving exclusively on rails;

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

**“multi-purpose centre”** means a building utilised and designed for the purpose of accommodating a range of compatible institutional and community services permitted in the CO1 zone, provided that the Municipality’s consent is required to include any of the consent uses as part of the multi-purpose centre;

**“Municipal Manager”** means the person, and includes the department head, charged with the responsibility to administer this land use scheme;

## **N**

**“National Building Act”** means the National Building Regulations and Building Standards Act No. 103 of 1977, or as amended;

**“nature reserve”** means a national park or environmental conservation area, whether in public or private ownership, that has been declared or registered as a nature reserve in terms of legislation for the purpose of conserving and managing wild life, flora and fauna in a predominantly natural habitat; it includes conservation use but does not include tourist facilities or tourist accommodation;

**“non-conforming use”** means an existing land use that was being utilised lawfully in terms of a previous zoning scheme for a purpose that does not comply with an existing land use scheme;

**“noxious trade”** means poisonous or potentially harmful trade, use or activity which, because of fumes, emissions, odours, vibrations, noise, waste products, nature of materials used, processes employed or other causes, is considered by the Municipality to be a potential source of danger or health risk to the general public or persons in the surrounding area. “noxious industry” has the same meaning;

**O**

**“occasional use”** means the use of a property for short-term activities, which includes but is not limited to craft markets, public meetings, festivals, religious gatherings, fund raising projects, garage sales, bazaars, shows and film shoots;

**“occupant”** means any person who inhabits a building, structure or land, or any person who is in charge of it or manages it, and includes the agent of any person absent from the area or whose whereabouts are unknown;

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

**“organ of state”** means an “organ of state” as defined in Section 239 of the Constitution of the Republic of South Africa, 1996;

**“outbuilding”** means a structure, whether attached or separate from the main building, which is ancillary and subservient to the main building on a land unit and includes a building designed to be used for the garaging of motor vehicles, for storage purposes and any normal activities in so far as these are usually and reasonably required in the connection with the main dwelling as well as the accommodation of recreational activities such as a pool room, braai room, lapa and gazebo and the practising of hobbies (which may not cause a nuisance and/or disturbance and/or noise and/or damage to a neighbouring property or properties or premises);

outbuildings are primary uses under each zoning except in open space zones where the Municipality may permit outbuildings should it be deemed necessary;

**“overlay zone”** or **“overlay zoning”** means a category of zoning applicable to a particular land unit or area, which:

- (i) stipulates development parameters for a land unit or area, in addition to the underlying zoning or base zone requirements;
- (ii) may include further development parameters in a particular area or zone which may be more or less restrictive than for land units which are not covered by the overlay zoning;

**“owner”** in relation to property means a person or entity in whose name the property is registered in the deeds registry;

**“owners’ association”** means an association as contemplated in Planning Law for the administration of common property and common interests of property owners, membership of which is compulsory for all owners of property for which it is established;

## P

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

**“parking area”** means a practical parking layout approved by the Municipality;

**“parking bay”** means an area measuring no less than 5,0 m × 2,5 m for a perpendicular or angled parking and 6,0 m × 2,5 m for parallel parking which is clearly outlined and demarcated for parking of one motor vehicle and which is accessible to the satisfaction of the Municipality;

**“pergola”** means any unroofed horizontal or approximately horizontal grille or framework and associated vertical support structure;

**“pet”** has the same meaning as household pet;

**“place of assembly”** means a public hall, a hall for social functions, a music hall, an exhibition hall, a club house, a town hall or a civic centre which is not directly related to a commercial undertaking and excludes a place of entertainment;

**“place of entertainment”** means a place used for commercial entertainment which may attract large numbers of people, operates outside normal business hours or generates noise from music or revelry on a regular basis and includes a cinema, a theatre, an amusement park, a dance hall or a night club and gambling and live music;

**“place of instruction”** means a place for education at pre-school, school or post-school levels (including a day care centre, a crèche, a farm school, a nursery school, a primary school, a secondary school, a college, a lecture hall, a university, a research institute, an environmental research or other educational centre) and associated uses such as boarding hostels or a civic facility for the promotion of knowledge to the community such as a convent, a monastery, a public library, a public art gallery or museum or a place of instruction in sport or other physical discipline where the main objective is instruction (as opposed to participation by the public sector as competitors or spectators) but excludes a reformatory, industrial school, commercial conference facility, institution, health centre or in-house business training centre;

**“place of worship”** means a place of public religious devotion and includes any building incidental thereto and a pastorage or dwelling unit ancillary thereto but does not include a funeral parlour;

**“Planning Law”** means the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015; Land Use Planning Act No. 3 of 2014 and the Spatial Land Use Management Act No. 16 of 2013 or succeeding legislation which governs the preparation and administration of Municipal planning including all related planning in Local, Provincial and National Government;

**“plant nursery”** means a property or part thereof which is utilised primarily for the propagation and sale of plants and sale of gardening products;

**“poultry”** means fowls, ducks, Muscovy ducks, geese, turkeys, pigeons, peacocks and domestic guinea-fowl;

**“precinct plan”** means a plan that applies to a defined local area within a development framework area that has common features or functional relationships, describes particular objectives and intensions for a particular precinct and includes principles for urban design, land use, movement and strategic implementation;

**“primary use”** in relation to land or buildings means any use specified in this land use scheme as a primary use, meaning that it is a use that is permitted without the need to first obtain the Municipality’s consent;

**“private open space”** means land which is in private ownership, used primarily for outdoor sports, play, rest or recreation or as a park area or nature area, and includes associated buildings, infrastructure and uses and may include an indoor or outdoor swimming pool and facilities, with the consent of the Municipality;

**“private road”** means privately owned land which provides vehicular access to a separate land unit or land units and which is designated as private road or private street on an approved general plan, diagram or approved plan of subdivision; it may include ancillary access control infrastructure such as a gatehouse, guardhouse, refuse room and utility room, but does not include a driveway on a property or a servitude;

**“public road”** means any highway, road, thoroughfare, lane, footpath, sidewalk, alley, passage, bridge or any other place of a similar nature or any portion thereof serving as a public right of way which is registered in the name of the State or local authority and includes a public street;

**“public open space”** means land which is in public ownership, used primarily for outdoor sports, play, rest or recreation or as a park area or nature area, and includes associated buildings, infrastructure and uses;

**Q**

**R**

**“recreational facilities”** means the use of land to practice a particular sport or combination of sports and general recreation and includes a clubhouse and associated infrastructure and buildings, indoor and outdoor swimming pools and associated infrastructure, and a shooting and driving range but does not include any building or structure that is used for business or any other use not aligned to or dependant on the sport concerned;

**“register”** means the record held by the Municipality in connection to all departures, lawful non-conforming uses, certification uses, consent uses, site development plans, conditions relating to use rights or special zone development parameters;

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

**“residential building”** means a building where lodging is provided for human habitation, together with such outbuildings ordinarily used therewith, where facilities are shared, restricted to boarding houses and old age homes;

**“restaurant”** means a licensed business in which mainly meals and beverages are primarily sold to seated patrons and includes the on-site consumption of liquor but does not include premises used exclusively as a bar, a pub or tavern;

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

**“retirement village”** means a development for the purposes of accommodating retired persons and associated facilities and conforms to the following conditions:

- (i) other than staff accommodation, each dwelling unit shall be occupied by at least one person and must comply with the applicable legislation;
- (ii) a range of care and other facilities shall be provided to the satisfaction of the Municipality; and
- (iii) additional development management provisions may be determined by the Municipality in respect of a retirement village;

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

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

**“risk industry”** means an undertaking where material handled or the process carried out is liable to cause combustion with extreme rapidity and 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;

**“road”** includes a public and private road;

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

**“roof”** means a waterproof covering, excluding shade ports;

**“room”** means a part or division of a building enclosed by walls, floor, roof and ceiling;

## S

**“sale of alcoholic beverages”** means the sale or offering for sale of drinks capable of producing intoxication in a consumer and may include bars, pubs and taverns;

**“scheme area”** means the jurisdictional area of the Overstrand Municipality Land Use Scheme;

**“scrap yard”** means a property which is utilised for one or more of the following purposes (subject to the provisions of Chapter 16.10):

- (i) storage, depositing or collecting of junk or scrap material or articles for purposes of recycling;
- (ii) the dismantling of vehicles, machines or other articles to recover components or materials;

**“second dwelling unit”** means a dwelling unit which may, in terms of this land use scheme, be erected on a land unit where a dwelling house is permitted, and such second dwelling unit may be a separate structure or may be contained in the same structure as the dwelling house, provided that:

- (i) the second dwelling unit must be situated on the same land unit;
- (ii) the second dwelling unit shall comply with the requirements specified in this land use scheme;
- (iii) the Municipality may require the payment of a bulk services levy or such other levy as it may determine when permitting the erection of a second dwelling unit;
- (iv) where a wendy house or outbuilding is used for accommodation purposes, such wendy house or outbuilding shall be considered a second dwelling unit for the purpose of this scheme;

**“Sectional Titles Act”** means the Sectional Titles Act, 1986 (Act 95 of 1986), or as amended;

**“sectoral framework”** means a broad policy plan and supporting documentation for a specified planning area and the surrounding area. It may include principles and broad heads of agreement summarising the general obligations of the Municipality, the owner of property and/or developer of land in relation to the specified planning area. A contextual framework is prepared by the Municipality, land owner or development agency under the supervision of the Municipality;

**“self-catering accommodation”** means sole occupancy unit(s) for transient guests, consisting of one or more rooms and self-contained public areas, e.g. kitchen, dining area and lounge;

**“service agreement”** means a written agreement which is concluded between a property developer and/or owner and the Municipality in terms of which the respective responsibilities of the two parties for the planning, design, provision, installation, financing and maintenance of internal and external infrastructure or engineering

services and the standard of such infrastructure or services are determined, which agreement is also applicable to any successor(s) in title of the developer;

**“service station”** means a property for the retail supply of fuel and includes trading in motor vehicles, oil, tyres or motor spares, general motor repairs to motor vehicles, exhaust fitment, washing of vehicles, and a shop of which the floor area does not exceed 50% of the total floor space of all buildings on the land unit but does not include spray painting, panel beating, blacksmithery or body work;

**“service trade”** means an enterprise which:

- (i) is primarily involved in the rendering of a service to the local community such as the repair of household and electrical appliances or the supply of household services;
- (ii) is not likely to be a source of disturbance to surrounding properties;
- (iii) is not likely, in the event of fire, to cause excessive combustion, resulting in noxious fumes or explosions;
- (iv) includes a builder’s yard and allied trades, fitment centre for tyres, shock absorbers or exhausts systems and similar types of uses;
- (v) excludes an abattoir, brick yard, sewage works and service station;

**“servitude”** means a registered personal or registered/unregistered praedial right that grants or restricts use over a property or part thereof for specific purposes;

**“setback”** means a line on property delimiting the area measured from the centre line of a road within which no building or other structure, including a boundary fence, may be constructed;

**“shelter”** means an informal structure or wendy house intended for human accommodation, irrespective of whether the material used does not comply with the standards of durability as intended by the National Building Regulations;

**“shop”** means a property or part of a property used for the retail sale of goods, items and services to the public, including a retail concern where goods which are sold are

manufactured and repaired, provided that the floor space relating to such manufacture or repair shall not exceed 50% of the floor space of the shop; it excludes an industry, service trade, motor repair garage, service station, adult entertainment business or sale of alcoholic beverages, and if such uses are included on the property, they shall be regarded as separate uses subject to such separate development parameters as may be determined by the Municipality;

**“single family”** (a) one person maintaining an independent household; or

(b) two or more persons related by blood, marriage or civil union maintaining a common household; or

(c) not more than five unrelated persons without dependants maintaining a common household; but does not exclude up to six foster children, or dependants under legal guardianship as part of a household;

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

**“single storey”** means that no vertical division of the building or part thereof will exceed 5,5 m from the base level to the top of the structure;

**“site development plan”** means a scaled and dimensioned plan which indicates details of proposed development and may include the following:

- (i) existing biophysical characteristics of the property;
- (ii) existing and proposed cadastral boundaries;
- (iii) the layout of the property indicating the use of different portions of the property;
- (iv) the position, use and extent of buildings;
- (v) architectural and landscape design guidelines;

- (vi) sketch plans and elevations of proposed structures, including information about their external appearance;
- (vii) cross sections of the site and buildings on site;
- (viii) the alignment and general specifications of vehicle access, roads, parking areas, loading areas and pedestrian footpaths;
- (ix) the position and extent of private, public and communal open spaces;
- (x) typical details of fencing or walls around the perimeter of the land unit and within the property;
- (xi) electricity supply and external lighting proposals;
- (xii) provisions for the management of stormwater and disposal of sewage and refuse;
- (xiii) water supply;
- (xiv) external signage details;
- (xv) general landscaping proposals, including vegetation to be preserved, vegetation to be removed, vegetation to be planted, external paving and measures for stabilising outdoor areas where applicable;
- (xvi) the phasing of the development;
- (xvii) the proposed development in relation to existing and finished ground levels, including excavation, cut and fill;
- (xviii) statistical information about the extent of the proposed development, floor area allocations and parking supply;
- (xix) any other details as may reasonably be required by the Municipality such as co-ordinates;

**“slope”** means the degree of variation of a surface from the horizontal, usually expressed as a ratio and calculated for the purpose of this land use scheme as follows:

Horizontal

Slope = 1            Vertical  
in                      distance

**“special usage”** means a use which is such or in respect of which land use parameters are such that it is not otherwise provided for or permitted in this land use scheme but which is deemed desirable in a specific location and in respect of which specific land use parameters are set out in detail through the provisions of a Special Zone;

**“staff quarters”** means a building, whether attached or detached from the main unit, for the sole purpose of the housing of staff and where the Municipality may request proof of necessity of staff quarters;

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

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

- (i) a basement does not constitute a storey;
- (ii) a roof or dome which forms part of a roof shall not constitute a separate storey, unless the space within the roof or dome is designed for or used for human habitation, in which case it will be deemed to be a storey;
- (iii) any storey which is greater than 3,0 m but equal to or less than 6,0 m in height shall, for the purposes of the height measurement, be deemed to be two storeys and every additional 3,0 m in height, or a portion thereof, shall be deemed to be a storey;
- (iv) where the floor or ceiling of a storey is not level or has different levels, the average level shall be taken;

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

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

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

**“street”** in the context of the development parameters pertaining to street building lines, setbacks, street boundaries, street corners or off-street parking, site access or loading requirements includes a private road and a public road;

**“street boundary”** means the boundary which separates a land unit and a public road or private road, provided that the boundary of a pedestrian way or service lane that, in the opinion of the Municipality, is not and never will be used by motor vehicles, shall be deemed to be a common boundary for the purpose of determining building lines, street centreline setback and site access requirements;

**“structure”** means the same as **“building”** (i.e. anything built by man);

**“subdivision”** means the act of dividing land, whether improved or unimproved, into two or more portions;

**“subdivisional area”** means a land unit or land units zoned in a manner permitting subdivision as contemplated in Planning Law and which has been made subject to:

- (i) a use determination;
- (ii) a density determination;
- (iii) relevant conditions and stipulations contained in this land use scheme;

(iv) the planning stipulations of any applicable legislation and/or planning documents;

(v) any other conditions laid down at the time of the approval for the rezoning;

**“subdivision(al) plan”** means a plan which depicts the relative location of proposed land units on a land unit that is to be subdivided;

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

**“supermarket”** means a shop in which a range of goods and items (including foodstuff and household goods) are offered for sale on a predominantly self-service basis;

**“sustainable development”** means development that meets the needs of the present generation without compromising the ability of future generations to meet their own needs

## T

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

**“this land use scheme”** means the land use scheme of the Overstrand Municipality;

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

**“tourist accommodation”** means the letting of rooms or individual unit(s) (including a dwelling house/unit) on a temporary basis to transient guests where a daily or weekly tariff is applicable and includes a guest house, backpackers establishment, camp sites, and associated amenities, provided that the use complies with the requirements of any other relevant legislation;

**“tourist facilities”** means amenities for tourists or visitors such as lecture rooms, restaurants, picnic areas, gift shops, cafés, restrooms, recreational facilities, animal parks (domestic or otherwise) but does not include a hotel or overnight facilities;

**“townhouse”** means a dwelling unit which forms part of a town housing scheme;

**“town house site”** means one or more land units on which a town housing scheme has been or is to be erected;

**“town housing”** and **“town housing scheme”** mean a row or group of linked, attached or detached dwelling units which are designed and built as a harmonious architectural entity of which every dwelling unit has a ground floor; such dwelling units may be cadastrally subdivided or be sold individually in some other manner;

**“transmission apparatus”** means any land- and roof-based support structure and associated infrastructure that is used for the transmission and/or reception of electromagnetic waves and includes telecommunication, cellular telecommunication, radio, television and satellite transmission that is used for commercial purposes;

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

**“transport use”** means a transport undertaking based on the provision of a transport service and includes a public or private undertaking such as (but not limited to) an airport, a railway station, a bus depot or bus terminus, a taxi rank, a public transport interchange and a harbour and associated uses, including communications, transport, accommodation and facilities, sheds, container depots, workshops, offices and directly related shops;

## **U**

**“urban agriculture”** means the cultivation of crops and/or keeping of animals and poultry (which may be sold in neighbouring markets) on relatively small demarcated areas within urban areas, provided that cultivation of a garden by an occupant shall

not be regarded as urban agriculture for the purposes of control in terms of this land use scheme;

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

**“use right”** in relation to a land unit means the right to utilise the land in accordance with its zoning, including any lawful approval for a departure, consent use, condition of approval or any other approval granted in respect of the rights to utilise the land;

**“use zone”** means that part of the scheme which has been shown on the zoning map by means of a specific notation, bordering or symbol or any other distinguishing manner in order to identify the permitted land use;

**“utilisation”** in relation to land means the lawful use of land for the purpose or for the improvement of land as prescribed and “utilise” has a corresponding meaning;

**“utility service”** means a use or infrastructure that is required to provide engineering and associated services for the proper functioning of urban development and includes a water reservoir and purification works, electricity substations and transmission lines, waste water pump stations and treatment works, energy renewable infrastructure such as wind turbines and solar panels, whether above or below ground or water, and may include such sustainable service delivery technology as the Municipality may approve but does not include road or transport use;

## V

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

**“vertical division”** of a building means a portion of the building with multiple floor levels that is clearly distinguishable as a logical vertical component from the other portions of the building, and where a building is divided in vertical divisions, then every

such division shall have a separate base level, with a minimum difference in floor level of one meter, for the purpose of administrating this land use scheme;

**“veterinary practice”** means an enterprise where sick animals are treated and hospitalised and the science of animal illness studied;

## W

**“warehouse”** means a building primarily used for the storage of goods and includes a property used for a business of predominantly wholesale nature or where a service trade is conducted but does not include a business of a predominantly retail nature;

**“waste disposal site”** means a place where household, commercial and industrial waste is stored, salvaged, treated or disposed of in a lawful manner and includes a sanitary infill site;

**“wellness centre”** means a place where health-related treatments and services such as meditation, massage, beauty treatments and exercise regimes, including yoga, are provided for the general health and wellbeing of clients; it includes a health spa, retreat and the provision of meals to clients but does not include accommodation facilities or provide for medical treatment of patients;

**“wendy house”** means a wooden structure used primarily for the storage of goods and may be regarded as an outbuilding, provided that:

- (i) when it exceeds 10 m<sup>2</sup> in extent, building plans must be submitted to the Municipality for consideration;
- (ii) where it is used for accommodation purposes, as permitted in this land use scheme, it is considered to be a second dwelling unit on the land unit concerned;

**“winery”** means a place where wine is made and may include a selling point to the general public, tasting facilities and the provision of light meals but does not include a distillery and restaurant;

“**workshop**” means a building or a part of a building where articles are produced, repaired, restored and assembled but does not include a noxious trade, abattoir, brickyard, sewerage works, service station, motor repair garage, industry or agricultural industry but may include a service trade;

X

Y

Z

“**zone**”, when used as a noun, means land that has been designated for a particular zoning, irrespective of whether it consists of one or more properties or a portion of a property;

“**zone**”, when used as a verb in relation to land, means to designate the land for a particular zoning;

“**zoning**”, when used as a noun, means the category of directives regulating the development of land and setting out the purpose for which the land may be used, as determined by this land use scheme;

“**zoning map**” means an approved map or maps indicating the land units within the Municipality’s area of jurisdiction and applicable zoning and overlay zones as contemplated in section 1.2.2;

“**zoning scheme**” means the law for the zoning of land which has been approved in terms of Planning Law, consisting of Overstrand Municipality Land Use Scheme regulations and a register, with or without a map as contemplated in Chapter 1;

“**zoo**” has the same meaning as “animal park”.

## **PART 1: ADMINISTRATION**

## **CHAPTER 1: INTRODUCTION**

### **1.1 APPLICATION OF THE LAND USE SCHEME**

#### **Commencement and validity**

- 1.1.1 This document applies to the area of jurisdiction of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2020, or as amended, with effect from the date of publication in the Provincial Gazette.
- 1.1.2 If any provision in this land use scheme is struck down as invalid by a court of law, such provision shall be severed from the land use scheme but shall not affect the validity of the remaining provisions.

### **1.2 GENERAL PURPOSE OF THE LAND USE SCHEME**

#### **Purpose of the scheme**

- 1.2.1 The general purposes of the land use scheme are:
- a) to promote and implement the applicable planning and development principles as adopted by the relevant national, provincial and municipal spheres of government from time to time; and
  - b) to determine land use rights, provide control over use rights, manage urban growth and development, and manage conservation of the natural and cultural environment in order to:
    - (i) achieve co-ordinated and harmonious development in a way that will most effectively promote public health, safety, good order, amenities, convenience and general welfare of the community of the municipal area;
    - (ii) promote integrated and sustainable development;

- (iii) promote sound environmental management and, where appropriate, conservation of natural and cultural resources;
- (iv) enhance the quality of the built environment;
- (v) promote a mutually supportive mix of land uses managed in an orderly manner;
- (vi) promote employment and the opportunity for affordable and accessible housing in appropriate places;
- (vii) guide urban growth and contain urban sprawl; and
- (viii) manage and control the functioning and appearance of the natural and built environment.

1.2.2 A land use scheme must contain and make provision for at least:

- a) the zoning of land
- b) development parameters of zoning categories
- c) register reflecting all applications approved in terms of the Overstand Municipality Planning By-Law
- d) zoning maps reflecting land units and applicable approvals or lapsing of approvals

## **CHAPTER 2: REQUIREMENTS RELATING TO APPLICATIONS**

### **2.1 SUBMISSION OF APPLICATIONS**

#### **Submission of applications**

2.1.1 In addition to the requirements stipulated in any other law, the following requirements relate to applications submitted in terms of this land use scheme.

a) Applicants shall ensure that applications submitted to the Municipality are:

- (i) clearly and legibly written or typed and explained in plain language;
- (ii) fully completed, properly motivated, in the required format and accompanied by the fees and other documents as required by the Municipality from time to time; and
- (iii) accompanied by a conveyance's certificate, if required by the Municipal Manager, relating to the existence of restrictive title deed conditions or servitudes.

### **2.2 ADDITIONAL REQUIREMENTS RELATING TO PUBLIC PARTICIPATION**

#### **Advertisements and / or notifications**

2.2.1 Advertising of all applications shall take place in accordance with the requirements of applicable Planning Law, applicable legislation and the Municipality's advertising policy, as approved by the Municipality from time to time.

### **2.3 VALIDITY OF INFORMATION**

#### **Validity of information**

2.3.1 Any information in connection with this land use scheme that is given by an official to a person making enquiries shall only be valid if it is in writing, signed by the official

with the delegated power of the Municipality, and if such information is not in conflict with the provisions of this land use scheme, the zoning map, an approval granted by the Municipality or any applicable legislation.

- 2.3.2 At all relevant times when considering the furnishing of the information referred to in clause 2.3.1, the provisions of the Promotion of Access to Information Act will apply, as amended.

## **CHAPTER 3: ZONING AND THE USE OF PROPERTY**

### **3.1 USE ZONES**

#### **Use zones**

- 3.1.1 All properties within the municipal area shall be allocated a zone, as listed in this land use scheme, for the purpose of managing land use, the use of buildings and the extent of development.
- 3.1.2 A land unit may be zoned:
- a) with a single base zone that applies to the entire land unit; or
  - b) with a split-zoning where one base zone applies to a portion of the land unit and one or more other base zones apply to other defined portions of the land unit, provided that where a split-zoning is envisaged, the applicant must submit a plan prepared by a suitably qualified land surveyor, clearly identifying the area of each base zone concerned, to the satisfaction of the Municipality; and
  - c) in addition to the above, with one or more overlay zones which may be more restrictive or permissive in terms of its specifications than the base zones.
- 3.1.3 The Municipal Manager shall ensure that the zoning of all properties within the municipal area is determined and depicted on the zoning map and/or recorded in the register.
- 3.1.4 Property with a particular zoning is subject to the provisions specified for that zone in this document.
- 3.1.5 In addition to the provisions specified in a particular zone, the general provisions stipulated in this document shall apply to all zones, and the provisions of any applicable overlay zone shall also apply to the land units concerned.
- 3.1.6 All property owners within the urban edge (as indicated in the applicable SDF) are limited to the keeping of household pets as defined. The keeping of household pets

is subject to any applicable legislation, by-law and/or policy relating to household pets. Excluding agricultural zoned properties.

### **Bulk zones**

- 3.1.7 Certain use zones make provision for different bulk zones that distinguish between different building forms or intensity of land use through different development parameters. In order to change or relax the development parameters applicable to a property regulated by a bulk zone, the following must be submitted and approved and the Municipality may determine which method shall be used:
- a) an application for a departure from the development parameters or bulk zone; or
  - b) an application for a rezoning to another use zone.

## **3.2 CATEGORIES OF USES**

### **Primary uses**

- 3.2.1 The use of a property for any purposes specified as a primary use in this land use scheme for that property is permitted without the consent of the Municipality, provided that such use conforms to the provisions specified in the particular zone, overlay zone (where applicable) and definitions in this land use scheme.

### **Additional use rights**

- 3.2.2 An activity or use described as an “Additional use right” in a particular zone is a primary use in that zone, provided that any conditions specified for such activity or use are adhered to. In this scheme, additional use rights are only applicable to Authority Zone 1 and Community Zone 1.

### **Uses not permitted**

- 3.2.3 Subject to any provisions to the contrary in the Land Use Scheme and/or any statutory condition of title, property may not be used for any purpose without the approval of the Municipality.

### **Special uses**

3.2.4 A special use may be permitted in the Special Zone with the consent of the Municipality.

### **Occasional uses**

3.2.5 The occasional use conforms to the Municipality's by-law and relevant policy document, provided that the approval does not absolve the applicant from compliance with any other relevant legislation.

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

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

### **Uses shown on building plans**

3.2.7 A building plan may not be considered and approved in terms of the National Building Regulations and Building Standards Act No. 103 of 1977, or as amended, where the uses indicated on the property or within the proposed building or structures are in contradiction with this land use scheme or any other legislation.

## **CHAPTER 4: INTERPRETATION**

### **4.1 INTERPRETATION**

#### **Rules for interpretation**

4.1.1 The following rules of interpretation shall apply:

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

## **Methods of measuring distances, levels and heights**

4.1.2 The following provisions apply with regard to measuring distances, levels or heights:

- a) If required by the Municipality, the owner or applicant shall appoint a registered surveyor to supply or verify information necessary for the Municipality to make a decision about compliance with distances or heights required in terms of this land use scheme.
- b) Where reference is made or implied to the distance between boundaries or between a building and a boundary, this distance shall be measured in the following manner:
  - (i) The boundary or boundaries and all points of the building shall be projected onto a horizontal plane, and all measurements shall be made in such a plane.
  - (ii) The distance between a point on a building and a boundary shall be measured at the shortest distance between the point and the boundary.
- c) Where reference is made to a portion of a boundary “opposite” a building, such portion shall be defined by drawing lines in a manner described in clause (b), from points on such building, at right angles to such boundary.
- d) Where reference is made to a distance, ground level or height of a point on a building or other measurement, then such distance, level or height shall be calculated in accordance with the land use scheme. In any case where the distance, level or height involved is so irregular that calculation in accordance with these principles is impractical or leads to a result which is clearly not in accordance with the intent of the land use scheme, the Municipality shall determine the distance, level or height concerned for the purpose of administering this scheme.

## **Interpretation of boundaries**

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

- a) Boundaries shown as following or approximately following any public street or road shall be construed as following the street or road cadastral boundary.
- b) Boundaries shown as following or approximately following any land unit boundary shall be construed as following such cadastral boundary.
- c) Boundaries shown as following or approximately following natural features shall be construed as following such features.
- d) In the event of further uncertainty as to the boundaries of a use zone, the Municipality shall make a determination or may appoint a registered land surveyor of his choice to determine the boundaries at the cost of the land owner.

#### **Interpretation of category of use and zoning**

4.1.4 The Municipality shall determine the category of use or zoning, and its decision shall be final unless the contrary is proven, where:

- a) there is uncertainty or dispute about zoning categories;
- b) there is conflict between the provisions of a zoning map, this land use scheme and the register; and
- c) there is uncertainty or dispute about the zoning of property.

#### **Architectural guidelines**

4.1.5 Architectural Guidelines approved prior to the promulgation of the Overstrand Municipality Zoning Scheme 2013, or as amended, shall prevail unless otherwise determined.

## **PART 2: USE ZONES**

### **CHAPTER 5: AGRICULTURAL AND RURAL ZONES**

#### **5.1 AGRICULTURE ZONE 1: AGRICULTURE (AGR1)**

##### **Use of the property**

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

- a) Primary uses are agriculture, crèche, dwelling house, guest rooms and home occupation.
- b) Consent uses are additional dwelling units, agricultural industry, animal care centre, aquaculture, day care centre, farm shop/stall, fertiliser plant, guest house, hotel, institution, intensive animal farming, intensive horticulture, lodge, mining, place of assembly, place of entertainment, place of instruction, plant nursery, riding stables, service trade, tourist accommodation, tourist facilities, transmission apparatus, utility services, wellness centre and 4x4 trail.

##### **Development parameters**

5.1.2 The following parameters apply:

- a) Floor space

The total floor space of all buildings on the land unit may not exceed 5 000 m<sup>2</sup>, provided that the Municipality may relax this requirement if it is satisfied that such buildings are required for bona fide farming activities on the land unit.

- b) Building lines

- (i) The street and common boundary building lines are determined in accordance with the area of the land unit as specified in the table below.
- (ii) The general building line exemptions in 16.1 apply.

Area of land unit	Street boundary building line	Common boundary building lines
Greater than 10 ha	30,0 m	30,0 m
≤10 ha and ≥1 ha	10,0 m	10,0 m
< 1 ha	4,0 m	4,0 m

c) Height

The maximum height of a building, measured from the base level to the top of the structure, is 8,0 m, provided that agricultural buildings other than dwelling units shall not exceed a height of 12,0 m, measured from the base level to the top of the structure, and where the Municipality is satisfied that a greater height is necessary for the agricultural function of the building, it may permit such greater height.

d) Parking

Parking and access shall be provided on the land unit in accordance with Chapter 17.1.

**Additional dwelling units**

5.1.3 The provisions of Chapter 16.10 apply.

**Farm shop/stall**

5.1.4 The provisions of Chapter 16.10 apply.

**Agricultural industry**

5.1.5 The provisions of Chapter 16.10 apply.

**Guest rooms**

5.1.6 The provisions of Chapter 16.10 apply.

**Guest house**

5.1.7 The provisions of Chapter 16.10 apply.

**Day care centre**

5.1.8 The provisions of Chapter 16.10 apply.

**Home occupation**

5.1.9 The provisions of Chapter 16.10 apply.

**Transmission apparatus**

5.1.10 The provisions of Chapter 16.10 apply.

**Site development plan**

5.1.11 The Municipality may require that a site development plan be submitted for approval in accordance with Chapter 16.3.

## 5.2 RURAL ZONE 1: AGRICULTURAL SMALL HOLDINGS (R1)

### Use of the property

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

- a) **Primary uses** are: agriculture, crèche, dwelling house, guest rooms and home occupation.
- b) **Consent uses** are: agricultural industry, animal care centre, aquaculture, conservation use, day care centre, farm shop/stall, intensive animal farming, intensive horticulture, place of assembly, place of entertainment, place of instruction, plant nursery, recreational facilities, riding stables, second dwelling unit, tourist accommodation, tourist facilities, transmission apparatus and utility services.

### Development parameters

5.2.2 The following parameters apply:

- a) Floor space

The total floor space of all buildings on the land unit may not exceed 2 000 m<sup>2</sup>, provided that the Municipality may relax this requirement if it is satisfied that such buildings are required for bona fide farming activities on the land unit.

- b) Coverage

The maximum coverage for all buildings on the land unit is 25%.

- c) Building lines

- (i) The building lines shall be 10,0 m;
- (ii) Where the configuration of the land unit is of such a nature that alternative building lines need to be considered, the Municipality may approve such alternative building lines to permit the use of the property as defined in this zone, provided that where Rural Zone 1 abuts an

urban area, the building lines of the adjacent property shall apply along the shared boundary; and

- (iii) The general building line exemptions in 16.1 shall apply.

d) Height

- (i) The maximum height of a building, measured from the base level to the top of the structure, is 8,0 m;
- (ii) Agricultural buildings other than dwelling units shall not exceed a height of 10,0 m, measured from the base level to the top of the structure, provided that where the Municipality is satisfied that a greater height is necessary for the agricultural function of the building, it may permit such greater height.

e) Parking

Parking and access shall be provided on the land unit in accordance with Chapter 17.1.

**Minimum subdivision size**

5.2.3 The provisions of Chapter 16.10 apply.

**Second dwelling unit**

5.2.4 The provisions of Chapter 16.10 apply.

**Farm shop/stall**

5.2.5 The provisions of Chapter 16.10 apply.

**Agricultural industry**

5.2.6 The provisions of Chapter 16.10 apply.

**Guest rooms**

5.2.7 The provisions of Chapter 16.10 apply.

### **Day care centre**

5.2.8 The provisions of Chapter 16.10 apply.

### **Home occupation**

5.2.9 The provisions of Chapter 16.10 apply.

### **Transmission apparatus**

5.2.10 The provisions of Chapter 16.10 apply.

### **Site development plan**

5.2.11 The Municipality may require that a site development plan be submitted for approval in accordance with Chapter 16.3.

## 5.3 RURAL ZONE 2: CONSERVATION USAGE (R2)

### Use of the property

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

- a) **Primary uses** are: conservation use, dwelling house, guest rooms and home occupation.
- b) **Consent uses** are: agriculture, aquaculture, day care centre, harvesting of natural resources, intensive animal farming, intensive horticulture, place of assembly, place of entertainment, place of instruction, plant nursery, recreational facilities, second dwelling unit, tourist accommodation, tourist facilities, transmission apparatus, and utility services.

### Development parameters

5.3.2 The following development parameters apply:

- a) Floor space

The total floor space of all buildings on the land unit may not exceed 800 m<sup>2</sup>, provided that the Municipality may relax this requirement if it is satisfied that such accommodation is required for bona fide conservation and/or farming activities on the land unit.

- b) Coverage

The maximum coverage for all buildings on the land unit is 25%.

- c) Building lines

- (i) The building lines shall be 10,0 m.
- (ii) Where the configuration of the land unit is of such a nature that alternative building lines need to be considered, the Municipality may approve such alternative building lines to permit the use of the property as defined in this zone, provided that where Rural Zone 2 abuts an

urban area, the building lines of the adjacent property shall apply along the shared boundary.

(iii) The general building line exemptions in 16.1 shall apply.

d) Height

(i) The maximum height of a building, measured from the base level to the top of the structure, is 8,0 m.

(ii) Where the Municipality is satisfied that a greater height is necessary for the agricultural function of the building, it may permit such greater height.

e) Parking

Parking and access shall be provided on the land unit in accordance with Chapter 17.1.

**Minimum subdivision size**

5.3.3 The provisions of Chapter 16.10 apply.

**Second dwelling unit**

5.3.4 The provisions of Chapter 16.10 apply.

**Guest rooms**

5.3.5 The provisions of Chapter 16.10 apply.

**Day care centre**

5.3.6 The provisions of Chapter 16.10 apply.

**Home occupation**

5.3.7 The provisions of Chapter 16.10 apply.

**Transmission apparatus**

5.3.8 The provisions of Chapter 16.10 apply

**Site development plan**

5.3.9 The Municipality may require that a site development plan be submitted for approval in accordance with 16.3.

## 5.4 RURAL ZONE 3: AGRI-VILLAGE (R3)

### Use of the property

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

- a) **Primary uses** are agriculture, crèche, dwelling house, town housing, home occupation, private open space, private road and second dwelling unit.
- b) **Consent uses** are agricultural industry, clinic, community facility, day care centre, farm shop/stall, guest house, house shop, intensive animal farming, intensive horticulture, market, place of assembly, place of instruction, plant nursery, restaurant, retirement village, shelter, shop, tourist accommodation, tourist facility, transmission apparatus, utility service and any other ancillary use determined by the Municipality.

### Development parameters

5.4.2 The following parameters apply:

a) Density

The maximum gross density in this zone is 50 units per hectare.

b) Coverage

The maximum coverage for all buildings on the land unit is 50%.

c) Height

- (i) The maximum height of a building, measured from the base level to the top of the structures, is 8,0 m.
- (ii) Where the Municipality is satisfied that a greater height is necessary for the agricultural function of a building, it may permit such greater height.

d) Building lines

The following building lines apply:

- (i) The street building line is 2,0 m.

- (ii) The side building line is 1,0 m unless dwellings are linked, in which case no more than 4 dwellings shall be linked without a break of 3,0 m between buildings.
- (iii) The rear building line is 2,0 m, provided that the Municipality may require a 3,0 m combined building line between structures for reasons of health and safety.

e) Open space

Within an agri-village site, private outdoor space of at least 50 m<sup>2</sup> per dwelling unit must be provided.

f) Parking and access

Parking and access shall be provided on the land unit in accordance with Chapter 17.1.

g) Additional requirements

The following additional requirements apply in this zone:

- (i) The property must be developed, owned and managed by a legally constituted institution, which may include a trust, Section 21 company or owners' association, and may represent a partnership between farmer(s), farm workers and a government authority.
- (ii) Occupation of housing shall be restricted to rural workers and their dependants, or retired rural workers and their dependants.
- (iii) Security of tenure shall be offered by way of a trust, a Section 21 company, owners' association or sectional title.
- (iv) Engineering services must be provided to the satisfaction of the Municipality.

**Second dwelling unit**

5.4.3 The provisions of Chapter 16.10 apply.

### **Farm shop/stall**

5.4.4 The provisions of Chapter 16.10 apply.

### **Agricultural industry**

5.4.5 The provisions of Chapter 16.10 apply.

### **Guest rooms**

5.4.6 The provisions of Chapter 16.10 apply.

### **Day care centre**

5.4.7 The provisions of Chapter 16.10 apply.

### **Home occupation**

5.4.8 The provisions of Chapter 16.10 apply.

### **House shop**

5.4.9 The provisions of Chapter 16.10 apply.

### **Transmission Apparatus**

5.4.10 The provisions of Chapter 16.10 apply

### **Site development plan**

5.4.11 The Municipality may require that a site development plan be submitted for approval in accordance Chapter with 16.3.

## CHAPTER 6: RESIDENTIAL ZONES

### 6.1 RESIDENTIAL ZONE 1: SINGLE RESIDENTIAL (SR1)

#### Use of the property

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

- a) **Primary uses** are: crèche, dwelling house, guest rooms, home occupation, second dwelling unit and self-catering.
- b) **Consent uses** are: day care centre, green house, guest house, house shop, institution, place of instruction, place of worship, residential building and intensive horticulture.

#### Development parameters

6.1.2 The following parameters apply:

- a) Coverage

The maximum coverage for all buildings on the land unit is determined in accordance with the net erf area, as listed in the table below:

Net erf area	Maximum coverage
Less than 150 m <sup>2</sup>	80%
Less than 400 m <sup>2</sup>	65%
400 m <sup>2</sup> and greater	50%

- b) Building lines

- (i) Street building line

The street building line is determined in accordance with the net erf area, as listed in the table below:

Net erf area	Street building line
Less than 150 m <sup>2</sup>	1,0 m
Less than 400 m <sup>2</sup>	2,0 m
400 m <sup>2</sup> and greater	4,0 m

Where a garage obtains direct access off the street, a 4,0 m building line applies.

The street building line of erven of 400 m<sup>2</sup> and greater is 4,0 m, provided that:

- an erf with an average depth of 20,0 m or less has a 3,0 m street building line;

(ii) Side and rear building line

The side and rear building lines are determined in accordance with the net erf area, as listed in the table below:

Net erf area	Side and rear building lines
Less than 150 m <sup>2</sup>	At least 1,0 m one side and 0 m on the other side. Rear = 1,0 m.
Up to 400 m <sup>2</sup>	1,0 m
Greater than 400 m <sup>2</sup>	2,0 m

(iii) The general building line exemptions of 16.1 apply.

c) Height

- (i) The maximum height of a building measured from the base level to the top of the structure is 8,0 m.

d) Garages and carports

Garages and carports may be constructed within building lines in accordance with Chapter 16.1.2.

e) Parking

Parking and access shall be provided on the land unit in accordance with Chapter 17.1.

**Subdivision and density standards**

6.1.3 The provisions of Chapter 16.10 apply.

**Second dwelling unit**

6.1.4 The provisions of Chapter 16.10 apply.

**Self-catering**

6.1.5 The provisions of Chapter 16.10 apply.

**Guest rooms**

6.1.6 The provisions of Chapter 16.10 apply.

**Day care centre**

6.1.7 The provisions of Chapter 16.10 apply.

**Home occupation**

6.1.8 The provisions of Chapter 16.10 apply.

**House shop**

6.1.9 The provisions of Chapter 16.10 apply.

**Sectional title**

6.1.10 No portion of a property zoned for single residential use may be alienated in terms of the Sectional Title Act, or as amended.

## 6.2 GENERAL RESIDENTIAL ZONE 1: TOWN HOUSING (GR1)

### Use of the property

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

- a) **Primary uses** are: town housing, private road and private open space.
- b) **Consent uses** are: crèche, day care centre, dwelling house in accordance with 6.1.2, flats, green house, home occupation, residential building, retirement village and tourist accommodation.

### Development parameters

6.2.2 The following parameters apply:

a) Density

- (i) The maximum gross density in this zone is 35 units per hectare.
- (ii) A minimum erf size of 3000 m<sup>2</sup> is applicable for densification.

b) Coverage

The maximum coverage for all buildings on the land unit is 65%.

c) Height

The maximum height of a building, measured from the base level to the top of the structure, is 8,0 m.

d) Building lines on the perimeter of a town housing development

- (i) The building line on the perimeter of the property is 3,0 m.
- (ii) The general building line exemptions of 16.1 apply.

e) Building lines within the town housing development

The following building lines apply within a town housing site:

- (i) The street building lines on internal roads are 1,0 m, provided that garages must be set back at least 5,0 m from the road kerb.

- (ii) The lateral and rear building line is 1,0 m.
- (iii) A garage may be constructed at 0 m on one internal side boundary and 0 m on the internal rear boundary, provided that the building does not occupy more than 50% of such internal side or rear boundary.
- (iv) The general building line exemptions of 16.1 apply.

f) Parking

- (i) Parking and access shall be provided on the land unit in accordance with 17.1.
- (ii) Parking may be provided at the town house concerned, form part of a communal parking, or be a combination of the two.

g) Internal roads

The minimum internal road reserve width is 8,0 m, provided that the Municipality may require a greater road reserve width where it is of the opinion that the vehicular use or length of the road requires a greater road reserve width.

**Flats within a town housing development**

6.2.3 The following development parameters apply:

- a) Flats must form an integrated component of the town housing development, and the development parameters for town housing apply, provided that:
  - (i) the total floor area of flats shall not exceed 40% of the total floor space of all buildings on the town housing site; and
  - (ii) the open space requirements for dwelling units in a town housing site apply.

**Day care centre**

6.2.4 The provisions of Chapter 16.10 apply.

### **Home occupation**

6.2.5 The provisions of Chapter 16.10 apply.

### **Site development plans**

6.2.6 The Municipality may require that a site development plan be submitted for approval in accordance with 16.3.

### **Open space provision**

6.2.7 The following requirements to the satisfaction of the Municipality is applicable:

Communal open space of at least 10% of the whole property must be provided as outdoor recreational/garden area as one functional space.

## 6.3 GENERAL RESIDENTIAL ZONE 2: TOWN HOUSING (GR2)

### Use of the property

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

- a) **Primary uses** are: town housing, private open space and private road.
- b) **Consent uses** are crèche, day care centre, dwelling house in accordance with 6.1.2, flats, green house, home occupation, residential building, retirement village and tourist accommodation.

### Development parameters

6.3.2 The following development parameters apply:

a) Density

- (i) The maximum gross density in this zone is 50 units a hectare.
- (ii) A minimum erf size of 3000 m<sup>2</sup> is applicable for densification.

b) Coverage

The maximum coverage for all buildings on the land unit is 65%.

c) Height

The maximum height of a building (other than flats), measured from the base level to the top of the structure, is 8,0 m, provided that the maximum height for flats, measured from the base level to the top of the structure, is 9,0 m.

d) Building lines on the perimeter of a town housing development

- (i) The building line on the perimeter of the property is 3,0 m, and
- (ii) The general building line exemptions of 16.1 apply.

e) Building lines within the town housing site

The following building lines apply within a town housing site:

- (i) The street building lines on internal roads are 1,0 m, provided that garages must be set back at least 5,0 m from the road kerb;
  - (ii) The lateral and rear building line is 1,0 m;
  - (iii) A garage may be constructed at 0 m on one internal side boundary and 0 m on the internal rear boundary, provided that the building does not occupy more than 50% of such internal side or rear boundary; and
  - (iv) The general building line exemptions of 16.1 apply.
- f) (f) Parking
- (i) Parking and access shall be provided on the land unit in accordance with 17.1; and
  - (ii) Parking may be provided at the group house concerned, or form part of a communal parking or a combination of the two.
- g) Internal roads

The minimum internal road reserve width is 8,0 m, provided that the Municipality may require a greater road reserve width where it is of the opinion that the vehicular use or length of the road requires a greater road reserve width.

### **Flats within a town housing development**

6.3.3 The following development parameters apply:

- a) Flats, if provided, must form an integrated component of the town housing development, and the development parameters for town housing apply, provided that;
  - 1. the total floor area of flats shall not exceed 60% of the total floor space of all buildings on the town housing site; and
  - 2. the open space requirements for town housing units in a town housing site apply.

### **Day care centre**

6.3.4 The provisions of Chapter 16.10 apply.

### **Home occupation**

6.3.5 The provisions of Chapter 16.10 apply.

### **Site development plans**

6.3.6 The Municipality may require that a site development plan be submitted for approval in accordance with 16.3.

### **Open space provision**

6.3.7 The following requirement to the satisfaction of the Municipality is applicable:  
Communal open space of at least 10% of the whole property must be provided as outdoor recreational/garden areas as one functional space.

## 6.4 GENERAL RESIDENTIAL ZONE 3: FLATS (GR3 and GR4)

### Use of the property

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

- a) **Primary uses** are: flats and town house in accordance with 6.3.2 and residential buildings.
- b) **Consent uses** are: crèche, day care centre, home occupation, hotel, institution, place of assembly, place of instruction, place of worship, retirement village, tourist accommodation and transmission apparatus.

### Development parameters

6.4.2 The following development parameters apply:

- a) Density

A minimum erf size of 3000 m<sup>2</sup> is applicable for densification.

- b) Floor factor and coverage

The maximum floor factor and coverage is determined in accordance with bulk zone, as specified in the table below:

Bulk Zone	Floor factor	Coverage
Bulk Zone 1 (GR3)	3	100%
Bulk Zone 2 (GR4)	1.5	80%

- c) Height

The maximum height of a building, measured from the base level to the top of the structure, is determined in accordance with the bulk zone as specified in the table below:

Bulk Zone	Height	Storeys
Bulk Zone 1 (GR3)	12,5 m	4
Bulk Zone 2 (GR4)	9,0 m	3

d) Setback

- (i) The Municipality may require an 8,0 m setback from the centreline of the abutting street, provided that the Municipality may permit stoeps to be located within the setback line.
- (ii) The general provisions of 16.2 apply.

e) Building lines

- (i) The street building line is 4,0 m.
- (ii) The side building line is 4,5 m, provided that where a fourth storey is provided, the Municipality may require the fourth storey to be set back 6,0 m from the property boundary.
- (iii) The rear building line is 3,0 m, provided that where a fourth storey is provided, the Municipality may require the fourth storey to be set back 6,0 m from the property boundary.
- (iv) The general building line exemptions of 16.1 apply.

f) Open space

- (i) Every block of flats, residential building or hotel in this zone must have access to an outdoor living area and will provide communal open space but excludes parking, service yards and roads.
- (ii) Communal open space of at least 10% of the whole property must be provided as outdoor recreational/garden areas as one functional space.

g) Parking

Parking and access shall be provided on the land unit in accordance with 17.1.

h) Screening

Screening must be provided in accordance with 16.7.

**Home occupation**

6.4.3 The provisions of Chapter 16.10 apply.

**Transmission apparatus**

6.4.4 The provisions of Chapter 16.10 apply

**Site development plan**

6.4.5 The Municipality may require that a site development plan be submitted for approval in accordance with 16.3.

## 6.5 LESS FORMAL DEVELOPMENT ZONE: (LFD)

### Use of the property

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

- a) **Primary uses** are: crèche, dwelling house, guest rooms, home occupation, private road, private open space, second dwelling unit and shelter.
- b) **Consent uses** are: authority use, clinic, day care centre, flats, house shop, institution, place of assembly, place of instruction, place of worship, residential building, service trade, urban agriculture, utility service and a bottle store.

### Development parameters

6.5.2 The following development parameters apply:

- a) Coverage

The maximum coverage of all structures on the land unit is 80%.

- b) Building lines

The following building lines apply where the less formal settlement has occurred or is intended to occur in terms of an approved layout or cadastral plan:

- (i) the street building line is 1,0 m;
- (ii) it is at least 1,0 m one side and 0 m on the other side; and
- (iii) the rear building line is 1,0 m, provided that:
- (iv) the Municipality may require a 2,0 m building line where a mid-block sewer system is installed or planned to be installed.

- c) Spaces between buildings and roads

The following spaces must be provided between buildings and roads, where the settlement has not occurred or is not intended to occur in terms of an approved layout or cadastral plan:

- (i) Every building shall be set back at least 1,0 m from the edge of a road or thoroughfare;
- (ii) No building shall be erected closer than 1,0 m to an adjacent building;
- (iii) Where 4 dwelling units or shelters are attached to one another, the Municipality may require a space of 2,0 m between such dwellings or shelters and any other building or shelter on the property concerned or any adjacent property, and
- (iv) The site boundary line is 3,0 m from the property boundary along the perimeter of the site, as determined by the Municipality.

d) Height

- (i) The maximum height measured from the base level to the top of the structure is 8,0 m.

e) Parking and loading

The provisions of 17.1 do not apply and parking must be provided in accordance with the following table:

Use of the property	Parking standard
Dwelling unit	As required by the Municipality
Second dwelling unit, home occupation	As required by the Municipality
Other primary or consent uses	As required by the Municipality

**Second dwelling unit**

6.5.3 The provisions of Chapter 16.10 apply.

**Guest rooms**

6.5.4 The provisions of Chapter 16.10 apply.

### **Day care centre**

6.5.5 The provisions of Chapter 16.10 apply.

### **Home occupation**

6.5.6 The provisions of Chapter 16.10 apply.

### **House shop**

6.5.7 The provisions of Chapter 16.10 apply.

### **Constructed road or road reserve or land identified for roads**

6.5.8 No building shall be erected on land which has been constructed as a road, set aside as a road reserve or has been identified by the Municipality as a future road.

### **Land reserved or identified for bulk services**

6.5.9 No building shall be erected on land that is reserved, is identified for bulk services in a registered servitude or otherwise, or accommodates bulk services.

### **Land used or identified for firebreaks**

6.5.10 No building or structure may be erected on land which has been set aside or identified by the Municipality as a firebreak.

### **Approval of building plans**

6.5.11 Notwithstanding the fact that individual land units may not have been created or transferred to individual beneficiaries, the Municipality may approve building plans in terms of the National Building Act, subject to the requirements of the Act, for a building relating to a primary or consent use, with the exception of a shelter, provided that the Municipality is satisfied that:

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

## CHAPTER 7: BUSINESS ZONES

### 7.1 BUSINESS ZONE 1 & 2: GENERAL BUSINESS (B1 and B2)

#### Use of the property

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

- a) **Primary uses** are: business premises, caretaker's accommodation, conference facility, flats (above ground floor), guest house, hotel, place of assembly, place of instruction and self-catering.
- b) **Consent uses** are: adult entertainment business, bottle store, crematorium, dwelling unit, flats (on ground floor), funeral parlour, institution, motor repair garage, place of entertainment, recreational facilities, residential building, second dwelling unit, service station, transmission apparatus (subject to the provisions of Chapter 16.10), transport use, utility services, warehouse and service trade.

#### Development parameters

7.1.2 The following development parameters apply:

- a) Floor factor and coverage

The maximum floor factor and coverage is indicated in the table below:

Sub-zone	Floor Factor	Coverage
Bulk Zone 1 (B1)	3	100%
Bulk Zone 2 (B2)	1.5	80%

- b) Setback

- (i) The Municipality may require that all buildings and structures on the property are set back at least 6,5 m from the centre line of the street.
- (ii) Where special circumstances exist, the Municipality may require a wider setback.

(iii) The general provisions of 16.2 apply.

c) Building lines

(i) The street building line is 0 m, subject to:

- the setback restriction if required by the Municipality in terms of 7.1.2(b); and
- the enclosed part of a building from the fourth storey must be set back 4,5 m.

(ii) The side building line is 0 m, subject to:

- without the consent of the Municipality, the building or portion erected on the property boundary may have no windows, doors, ventilation or other openings in any wall on such boundary; and
- where a property zoned Business Zone 1 and 2 abuts a residential or community zone, the building line is 3,0 m.

(iii) The rear building line is 0 m, subject to:

- the building or portion erected on the property boundary may have no windows, doors, ventilation or other openings in any wall on such boundary; and
- where a property zoned Business Zone 1 and 2 abuts a residential or community zone, the building line is 3,0 m.

(iv) The Municipality may impose more restrictive building lines in the interests of public health and safety.

(v) The general building line exemptions in 16.1 apply.

d) Height

(i) The maximum height of a building, measured from the base level to the top of the structure, is determined in accordance with the bulk zone as specified in the table below:

Bulk Zone	Height	Storeys
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Bulk Zone 1 (B1)	14,0 m	4
Bulk Zone 2 (B2)	10,5 m	3

e) Window and door placement

- (i) Where a 0 m building line applies and where a wall of a building is erected 1,0 m or less from the side or rear building line, no door or window shall be permitted in the wall concerned.
- (ii) Any portion of the building which contains a door or window onto a side or rear boundary shall be placed at least 1,5 m away from such boundary. The portion of the building that is required to be set back shall include the door or window, together with such additional length of wall, as is required to make up a total of 3,0 m.

f) Canopies and projections

- (iii) The Municipality may require or permit a canopy or projection over the street boundary, provided that:
  - the canopy or projection shall not project nearer than 500 mm to a vertical plane through the kerb line or proposed kerb line;
  - no portion of the canopy or projection shall be less than 2,8 m above the pavement; and
  - the owner shall enter into an encroachment agreement with the Municipality in the case of a canopy projection.

g) Parking and access

Parking and access shall be provided on the land unit in accordance with 17.1.

h) Loading bays

Loading bays must be provided on the land unit in accordance with 17.2.

i) Screening

Screening must be provided in accordance with 16.7.

**Service station**

7.1.3 The development parameters of 7.3 apply to a service station in this zone.

**Site development plan**

7.1.4 The Municipality may require that a site development plan be submitted for approval in accordance with 16.3.

## 7.2 BUSINESS ZONE 3: LOCAL BUSINESS (B3)

### Use of the property

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

- a) **Primary uses** are: shops, dwelling unit (above ground floor) in accordance with 6.3.2, flats (above ground floor), offices, restaurant, caretaker's accommodation and self-catering.
- b) **Consent uses** are: bottle store, business premises, clinic, conference facility, dwelling unit (on ground floor) in accordance with 6.3.2, flats (on ground floor), town housing in accordance with 6.3.2, tourist accommodation, hotel, institution, place of assembly, place of entertainment, place of instruction, place of worship, recreational facilities, residential building, sale of alcoholic beverages, service station, service trade and transmission apparatus (subject to the provisions of Chapter 16.10).

### Development parameters

7.2.2 The following development parameters apply:

a) Coverage

The maximum coverage for all buildings on the land unit is 75%.

b) Floor factor

The maximum floor factor is 1.5.

c) Height

- (i) The maximum height of a building, measured from the base level to the top of the structure, is 8,5 m.
- (ii) The maximum number of storeys is 2.

d) Setback

- (i) The Municipality may require that all buildings and structures on the property are set back at least 6,5 m from the centre line of the street.
- (ii) Where special circumstances exist, the Municipality may require a greater setback.
- (iii) The general provisions of 16.2 apply.

e) Building lines

- (i) the street building line is 0 m, provided that a 5,0 m building line applies where fuel pumps are erected;
- (ii) the side building line is 0 m, provided that where any Business Zone 3 abuts another zone, the side building line is 3,0 m;
- (iii) the rear building line is 3,0 m, provided that where any Business Zone 3 abuts another zone, the rear building line is 3,0 m; and
- (iv) provided that the Municipality may require more restrictive building lines in the interests of public health or safety or the environment or in order to enforce any applicable law or right; and
- (v) the building line exemptions in 16.1 apply.

f) Window and door placement

- (i) Where a 0 m building line applies and where a wall of a building is erected 1,0 m or less from the side or rear building line, no door or window shall be permitted in the wall concerned.
- (ii) Any portion of the building which contains a door or window onto a side or rear boundary shall be at least 1,5 m away from such boundary.

g) Parking and access

Parking and access shall be provided on the land unit in accordance with 17.1.

h) Loading bays

Loading bays must be provided on the land unit in accordance with 17.2.

i) Screening

(i) The Municipality may require screening in accordance with 16.7.

(ii) Where a Business Zone 3 abuts a residential zone, the Municipality may require a suitable wall of no less than 1,8 m in height to be erected on the common boundary.

**Service station**

7.2.3 The development parameters of 7.3 apply.

**Site development plan**

7.2.4 The Municipality may require that a site development plan be submitted for approval in accordance with 16.3.

## 7.3 BUSINESS ZONE 4: SERVICE STATION (B4)

### Use of the property

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

- a) **Primary uses** are: service station and caretaker's accommodation.
- b) **Consent uses** are: heavy vehicle service station, motor repair garage, multiple parking garage, restaurant, transmission apparatus (subject to the provisions of Chapter 16.10), transport use and utility service.

### Development parameters

7.3.2 The following development parameters apply:

- a) Floor factor

The maximum floor factor is 1.

- b) Coverage

The maximum coverage for all buildings on the land unit is 75%.

- c) Setback

- (i) The Municipality may require that all buildings and structures are set back 8,0 m from the centre line of the abutting public street or streets.

- (ii) The provisions of 16.2 apply.

- d) Height

- (i) The maximum height of a building, measured from the base level to the top of the structure, is 8,5 m.

- e) Building lines

- (i) The street building line is 5,0 m.

- (ii) The side building line is 0 m, provided that when a property zoned Business Zone 4 abuts a residential or community zone, the side building line is 3,0 m.
- (iii) The rear building line is 0 m, provided that when a property zoned Business Zone 4 abuts a residential or community zone, the rear building line is 3,0 m.
- (iv) The Municipality may impose more restrictive building lines in the interests of public health and safety.
- (v) The provisions of 16.1 apply.

f) Parking

Parking and access shall be provided on the land unit in accordance with 17.1.

g) Loading bays

Loading bays must be provided on the land unit in accordance with 17.2.

h) Site access requirements

- (i) The width of the vehicular access and exit ways to and from the site shall not be more than 10,0 m where it crosses the street boundary.
- (ii) A wall, at least 100 mm thick and 200 mm high, must be erected on the street boundary or where applicable on the setback line between different vehicle access and exit ways on the site. The wall must continue along such boundary unless the property is otherwise enclosed.
- (iii) The vehicular access or exit way crossings are restricted to two per site unless the total length of a street boundary exceeds 30,0 m, in which case one additional vehicular access or exit will be permitted.
- (iv) At the point where it crosses the street boundary, a vehicular access or exit way shall not be closer than:

- 30,0 m to the intersection of an arterial road with any other road of a similar status;
- 30,0 m to the nearest point of an intersection where traffic is controlled or is proposed to be controlled by a traffic signal or traffic island;
- 10,0 m from the corner of an intersection if such intersection is not splayed, or 5,0 m from the point where the splay meets the road boundary if such intersection is splayed; and
- 1,5 m from a side boundary.

i) Storage

Any part of the premises of a service station which is used for the storage purposes of empty containers such as oil drums or packing cases or other scrap shall be enclosed with a suitable brick wall of at least 2,0 m high or contained in a building, to the satisfaction of the Municipality.

j) Screening

Screening must be provided in accordance with 16.7.

**Site development plan**

7.3.3 The Municipality may require that a site development plan be submitted for approval in accordance with 16.3.

## CHAPTER 8: INDUSTRIAL ZONES

### 8.1 INDUSTRIAL ZONE 1: GENERAL INDUSTRY (IND 1)

#### Use of the property

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

- a) **Primary uses** are: industry, agricultural industry, builder's yard, caretaker's accommodation, factory shop, funeral parlour, heavy vehicle service station, industrial café (subject to the provisions of Chapter 16.10), motor repair garage, service trade, service station, transmission apparatus (subject to the provisions of Chapter 16.10), transport use, utility services, warehouse and workshop.
- b) **Consent uses** are: abattoir, adult entertainment business, aquaculture, business premises, crematorium, dwelling unit, mining, noxious trade, place of assembly, place of entertainment, place of instruction, recreational facilities, restaurant, sale of alcoholic beverages and scrap yard.

#### Development parameters

8.1.2 The following development parameters apply in this zone.

- a) Floor factor

The maximum floor factor on the land unit shall not exceed 2.

- b) Coverage

The maximum coverage for all buildings on the land unit shall not exceed 75%.

- c) Height

The maximum height of any building measured from the base level to the top of the structure is 12,0 m, provided that where a structure of greater height is required for the industrial function of the property, the Municipality may grant approval for such greater height.

d) Building lines

- (i) The street building line shall be 5,0 m.
- (ii) The side and rear building line shall be 0 m.
- (iii) Where a land unit abuts a zone that is not an industry zone, the building lines of the particular zone, whichever is the greater, shall apply.
- (iv) Notwithstanding the above, the Municipality may stipulate greater building lines for considerations of public health and safety, fire control and in order to enforce any law or right.
- (v) The general building line exemptions in 16.1 apply.

e) Setback

- (i) A setback of 8,0 m from the centreline of the road applies.
- (ii) Notwithstanding the above, the Municipality may stipulate a setback for considerations of public health and safety, fire control and in order to enforce any law or right.
- (iii) The provisions of 16.2 apply.

f) Boundary walls

A wall of 2,1 m high must be erected where a land unit has a common boundary with another land unit that is not zoned General Industry (IND1) or Risk Industry (IND2) or when hazardous substances are stored on site.

g) Parking and access

Parking and access shall be provided on the land unit in accordance with 17.1.

h) Loading bays

Loading bays must be provided in accordance with 17.2.

i) Screening

Screening must be provided in accordance with 16.7.

### **Factory shop**

8.1.3 The provisions of Chapter 16.10 apply.

### **Service station**

8.1.4 The provisions of Chapter 16.10 apply.

### **Environmental considerations**

8.1.5 An environmental study and/or environmental management plan may be required by the Municipality for its consideration and approval in accordance with 16.4.

8.1.6 No activity that includes the storage of on-site hazardous substances shall be permitted unless a risk management and prevention plan has been approved by the Municipality.

8.1.7 The Municipality may impose conditions of approval to mitigate the environmental impact of industrial activities on adjacent properties for considerations of public health and safety, fire control and in order to enforce any law or right.

### **Site development plans**

8.1.8 The Municipality may require that a site development plan be submitted for approval in accordance with 16.3.

### **Scrapyard development parameters**

8.1.9 The provisions of Chapter 16.10 apply.

### **Caretaker's dwelling**

8.1.10 The provisions of Chapter 16.10 apply.

### **Office space**

8.1.11 The provisions of Chapter 16.10 apply.

## **8.2 INDUSTRIAL ZONE 2: NOXIOUS & RISK INDUSTRY (IND 2)**

## **Use of the property**

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

- a) **Primary uses** are: caretaker's accommodation, factory shop, noxious trade, risk industry and transmission apparatus (subject to the provisions of Chapter 16.10).
- b) **Consent uses** are: aquaculture, industry, mining, scrap yard, service trade, shop, transport use, utility service and waste disposal site.

## **Development parameters**

8.2.2 The following development parameters apply:

- a) Floor factor

The maximum floor factor shall not exceed 2.

- b) Coverage

The maximum coverage for all buildings on the land unit shall not exceed 75%.

- c) Height

- (i) No height restriction applies to noxious industry, risk activity and industry, provided that any other building on the land unit shall not exceed 12,0 m, measured from the base level to the top of the structure.
- (ii) Notwithstanding the above, where a structure of greater height is required for the industrial function of the property, the Municipality may grant approval for such greater height.
- (iii) The general provisions of 16.7 apply.

- d) Building lines

- (i) The street building line shall be 7,5 m.
- (ii) The side and rear building line shall be 5,0 m.

- (iii) Notwithstanding the above, the Municipality may stipulate greater building lines for considerations of public health and safety, fire control and in order to enforce any law or right.
- (iv) The general building line exemptions in 16.1 apply.

e) Setback

- (i) A setback of 8,0 m from the centreline of the road applies.
- (ii) Notwithstanding the above, the Municipality may stipulate a greater setback for considerations of public health and safety, fire control and in order to enforce any law or right.
- (iii) The provisions in 16.2 apply.

**Boundary walls**

A wall of up to 2,1 m high must be erected where a land unit has a common boundary with another land unit that is not zoned General Industry (IND 1) or Risk Industry (IND 2) or when hazardous substances are stored on site.

f) Parking and access

Parking and access shall be provided on the land unit in accordance with 17.1.

g) Loading bays

Loading bays shall be provided on the land unit in accordance with 17.2.

h) Screening

Screening must be provided in accordance with 16.7.

**Service station**

8.2.3 The development parameters in 7.3.2 apply.

**Factory shop**

8.2.4 The provisions of Chapter 16.10 apply.

### **Environmental impact**

- 8.2.5 An environmental study and/or environmental management plan may be required by the Municipality for its consideration.
- 8.2.6 No activity that includes the on-site storage of hazardous substances shall be permitted unless a risk management and prevention plan has been approved by the Municipality.
- 8.2.7 The Municipality may impose additional conditions of approval to mitigate the environmental impact of industrial activities on adjacent properties.

### **Site development plans**

- 8.2.8 The Municipality may require that a site development plan be submitted for approval in accordance with 16.3.

### **Office space**

- 8.2.9 The provisions of Chapter 16.10 apply.

## CHAPTER 9: COMMUNITY ZONES

### 9.1 COMMUNITY ZONE 1: COMMUNITY FACILITIES (CO1)

#### Use of the property

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

- a) **Primary uses** are: clinic, crèche, day care centre, multi-purpose centre, place of assembly, place of instruction and place of worship.
- b) **Consent uses** are: dwelling units, cemetery, conference facility, dwelling house, hospital, institution, recreational facilities, residential building, transmission apparatus (subject to the provisions of Chapter 16.10) and urban agriculture.
- c) **Additional uses:** A property in this zone may occasionally be used for fundraising or social functions, provided that:
  - (i) such functions are incidental and subsidiary to the uses permitted in this zone;
  - (ii) such functions do not, in the Municipality's opinion, generate excessive or prolonged disturbance, including noise, traffic or other public nuisance; and
  - (iii) all relevant policies and by-laws must be adhered to.

#### Development parameters

9.1.2 The following development parameters apply in this zone, provided that the development parameters for a dwelling house are determined by the development parameters that apply to the Single Residential Zone (SR1):

- a) Floor factor
  - (i) The floor factor on the land unit shall not exceed 1.2, provided that
  - (ii) The floor factor for a hospital is 2.

b) Coverage

The maximum coverage for all buildings on the land unit shall not exceed 60%.

c) Height

The maximum height of any building is 10,5 m, measured from the base level to the top of the structure, provided that there is a 14,0 m height limit for a bell tower, steeple, minaret or similar architectural feature to accentuate the significance of a building.

d) Building lines

- (i) All building lines shall be 5,0 m.
- (ii) The general building line exemptions of 16.1 apply.

e) Setback

- (i) A setback of 8,0 m, measured from the centreline of the street, applies and must be provided.
- (ii) The provisions in 16.2 apply.

f) Parking

Parking and access shall be provided on the land unit in accordance with 17.1.

g) Loading bays

Loading bays shall be provided on the land unit in accordance with 17.2.

h) Screening

Screening must be provided in accordance with 16.7.

**Dwelling units**

9.1.3 The following development parameters apply to dwelling units:

- a) The height of a dwelling unit which does not form part of a residential building, measured from the base level to the top of the structure, is 8,0 m.

- b) Dwelling units shall be for the bona fide accommodation of employees of the community facility concerned.
- c) The dwelling units shall remain on the same cadastral unit as the community facility concerned.
- d) The additional dwelling units shall be developed as a harmoniously designed entity.

**Site development plans**

- 9.1.4 The Municipality may require that a site development plan be submitted for approval in accordance with 16.3.

**Landscape master plans**

- 9.1.5 The Municipality may require a landscape master plan to be submitted for approval in accordance with 16.4.

## CHAPTER 10: AUTHORITY AND UTILITY ZONES

### 10.1 AUTHORITY ZONE: AUTHORITY USAGE (AU)

#### Use of the property

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

- a) **Primary uses** are: authority use and additional use rights in accordance with 3.2.5.
- b) **Consent uses** are: cemetery, informal trading (subject to the provisions of Chapter 16.10), transmission apparatus (subject to the provisions of Chapter 16.10), utility service and any other uses determined by the Municipality.
- c) **Additional use:** A property in this zone may occasionally be used for fundraising or social functions, provided that:
  - (i) such functions are incidental and subsidiary to the uses permitted in this zone;
  - (ii) such functions do not, in the Municipality's opinion, generate excessive or prolonged disturbance, including noise, traffic or other public nuisance; and
  - (iii) all relevant policies and by-laws are adhered to.

#### Development parameters

10.1.2 The following development parameters apply:

- a) No structure shall be erected nor property used in this zone unless it is considered by the Municipality to be compatible or associated with the primary or consent use.
- b) The Municipality may require and approve a site development plan submitted in terms of 16.3 and/or an environmental management plan submitted in terms of 16.4.

- c) Prior to the approval of any building plan or engineering services plan, the Municipality shall determine the development parameters that apply to this zone when:
- (i) approving the zoning of a property to this zone; or
  - (ii) considering any site development plan or environmental management plan.

## 10.2 UTILITY ZONE: UTILITY SERVICES (UT)

### Use of the property

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

- a) **Primary use** is: utility service.
- b) **Consent uses** are: authority use, cemetery, crematorium, informal trading (subject to the provisions of Chapter 16.10), transmission apparatus (subject to the provisions of Chapter 16.10) and any other associated uses determined by the Municipality.

### Development parameters

10.2.2 The following development parameters apply:

- a) No structure shall be erected nor property used in this zone unless it is considered by the Municipality to be compatible or associated with the permitted or consent use.
- b) The Municipality may require and approve a site development plan submitted in terms of 16.3 and/or an environmental management plan submitted in terms of 16.4.
- c) The Municipality shall determine the development parameters that apply to this zone:
  - (i) when approving the zoning of any property to this zone;
  - (ii) when considering any site development plan or environmental management plan; or
  - (iii) prior to the approval of any building plan or engineering services plan.

## CHAPTER 11: CHAPTER 11: TRANSPORT ZONES

### 11.1 TRANSPORT ZONE 1: TRANSPORT USAGE (TR1)

#### Use of the property

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

- a) **Primary uses** are: multiple parking garage, transport use and utility service.
- b) **Consent uses** are: informal trading (subject to the provisions of Chapter 16.10), motor repair garage, service station, shops, transmission apparatus (subject to the provisions of Chapter 16.10) or any other use approved by the Municipality, provided that:
  - (i) such other use does not detract from the transport use as the predominant use; and
  - (ii) the property shall be rezoned if the other use constitutes a significant and permanent change from the primary use and if this land use scheme provides a more suitable alternative.

#### Development parameters

11.1.2 The following development parameters apply:

a) Coverage

The maximum coverage for all buildings on the land unit is 80%.

b) Floor factor

The maximum floor factor is 2.5.

c) Height

- (i) The maximum height of any building, measured from the base level to the top of the structure, is 10,0 m.

d) Setback

- (i) The Municipality may require that all buildings and structures on the property are set back at least 6,5 m from the centre line of the street.
- (ii) Where special circumstances exist, the Municipality may require a wider setback.
- (iii) The provisions of 16.2 apply.

e) Building lines

- (i) The street building line is 0 m, provided that a 3,5 m building line applies where fuel pumps are erected.
- (ii) The side building line is 0 m, provided that where any Transport Zone 1 abuts a residential zone, the side building line is 3,0 m.
- (iii) The rear building line is 0 m, provided that where any Transport Zone 1 abuts a residential zone, the rear building line is 3,0 m.
- (iv) The Municipality may require building lines in the interests of public health or safety or the environment or in order to enforce any applicable law or right.
- (v) The building line exemptions in 16.1 apply.

f) Parking and access

Parking and access shall be provided on the land unit in accordance with Chapter 17.1.

g) Loading bays

Loading bays must be provided on the land unit in accordance with Chapter 17.2.

h) Screening

- (i) The Municipality may require screening in accordance with 16.7.
- (ii) Where a Transport Zone 1 abuts a residential zone, a suitable wall of no less than 1,8 m must be erected.

### **Informal business**

11.1.3 The provisions of Chapter 16.10 apply.

### **Service station**

11.1.4 The development parameters of 7.3 apply.

### **Site development plan**

11.1.5 The Municipality may require that a site development plan be submitted for approval in accordance with 16.3.

## 11.2 TRANSPORT ZONE 2: ROAD AND PARKING (TR2 A & B)

### Use of the property

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

- a) **TR2 A primary uses** are: private parking and private road.
- b) **TR2 B primary uses** are: public road and public parking.
- c) **Consent uses** are informal trading (subject to the provisions of Chapter 16.10), transmission apparatus (subject to the provisions of Chapter 16.10) or any other uses determined by the Municipality, provided that:
  - (i) such other use does not detract from the transport use as the predominant use; and
  - (ii) the property shall be rezoned if the other use constitutes a significant and permanent change from the primary use and if this land use scheme provides a more suitable alternative.

### Development parameters

11.2.2 The following development parameters apply:

- a) Deemed zoning

Any public road and/or street or any portion of land indicated as a public road on an approved subdivision plan that has not lapsed shall be deemed to be zoned as Transport Zone 2 B: Public Road.

- b) Construction and deposit of materials

Except when written permission was acquired from the Municipality and requirements of the Municipality adhered to, no person may:

- (i) construct a private crossing, bridge or culvert onto or across a public street;
- (ii) construct or lay a sidewalk on a public street;

- (iii) construct a verandah, stoep, wall, steps or other projection in or over a public street; or
- (iv) deposit or leave any goods, articles, building materials or waste in a public street, other than for a reasonable period of time during the course of loading, off-loading or removal of these goods, articles, building materials or waste.

### **Informal business**

11.2.3 The provisions of Chapter 16.10 apply.

### **Site development plan**

11.2.4 The Municipality may require that a site development plan be submitted for approval in accordance with 16.3.

## 11.3 TRANSPORT ZONE 3: HARBOUR ZONE (TR3)

### Use of the property

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

- a) **Primary use** is: harbour use.
- b) **Consent uses** are: aquaculture, business premises, conference facilities, flats, holiday accommodation, hotel, industry, informal trading (subject to the provisions of Chapter 16.10), institution, markets, multiple parking garage, offices, place of assembly, place of entertainment, place of worship, recreational facility, restaurant, sale of alcoholic beverages, service station, tourist accommodation, tourist facility, transport use, town housing, utility service and transmission apparatus (subject to the provisions of Chapter 16.10), provided that the Municipality may approve any other use associated with waterfront development where:
  - (i) such other use does not detract from the harbour use as a dominant use of the development; and
  - (ii) the property shall be rezoned if the other use constitutes a significant and permanent change from the primary use and if this land use scheme provides a more suitable alternative.

### Development parameters

#### Harbour usage

11.3.2 The Municipality may require and approve a site development plan in terms of 16.3 or an environmental management plan in terms of 16.4.

11.3.3 The Municipality must determine the development parameters applicable to a land unit when, prior to the approval of any building plans or engineering services:

- a) the zoning of a land unit to this zone is approved;
- b) any environmental impact report is considered;

- c) any environmental management plan is considered; and
- d) any site development plan is approved.

11.3.4 Structures/buildings may be erected with the written consent of the Municipality, should the Municipality deem it necessary, provided that the Municipality may impose conditions relating to design, architecture and developments parameters.

### **Consent uses**

11.3.5 Other than for town housing and informal trading, the following development parameters apply to all consent uses in this zone:

a) Coverage

The maximum coverage for all buildings on the land unit is 75%.

b) Floor factor

The maximum floor factor is 1.5.

c) Height

- (i) The maximum height of a building, measured from the base level to the top of the structure, is 11,0 m.

d) Setback

- (i) The Municipality may require that all buildings and structures on the property are set back at least 6,5 m from the centre line of the street.
- (ii) Where special circumstances exist, the Municipality may require a wider setback.
- (iii) The general provisions of Chapter 16.2 apply.

e) Building lines

- (i) The street building line is 0 m, provided that a 3,5 m building line applies where fuel pumps are erected.

- (ii) The side building line is 0 m, provided that where any Transport Zone 3 abuts another zone, the side building line is 3,0 m.
- (iii) The rear building line is 3,0 m, provided that where any Transport Zone 3 abuts another zone, the rear building line is 4,5 m.
- (iv) The Municipality may require more restrictive building lines in the interests of public health or safety or the environment or in order to enforce any applicable law or right.
- (v) The building line exemptions in Chapter 16.1 apply.

f) Parking and access

Parking and access shall be provided on the land unit in accordance with Chapter 17.1.

g) Loading bays

Loading bays must be provided on the land unit in accordance with Chapter 17.2.

h) Screening

- (i) The Municipality may require screening in accordance with Chapter 16.7.
- (ii) Where a Harbour Zone abuts a residential zone, a suitable wall of no less than 1,8 m must be erected.

**Town housing**

11.3.6 The development parameters in 6.3.2 apply.

**Informal trading**

11.3.7 The provisions of Chapter 16.10 apply.

**Site development plan**

11.3.8 The Municipality may require that a site development plan be submitted for approval in accordance with 16.3.

## CHAPTER 12: OPEN SPACE AND NATURE ZONES

### 12.1 OPEN SPACE ZONE 1: NATURE RESERVE (OS1)

#### Use of the property

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

- a) **Primary uses** are: nature reserve and conservation use.
- b) **Consent uses** are: dwelling units, environmental facilities, transmission apparatus (subject to the provisions of Chapter 16.10), tourist accommodation, tourist facilities, utility service and any other related uses permitted by the Municipality.

#### Development parameters

12.1.2 The following development parameters apply:

- a) A site development plan must be submitted in terms of 16.3 to the satisfaction of the Municipality.
- b) The Municipality may require an environmental study and/or environmental management plan in terms of 16.4.
- c) Prior to the approval of any building plans or engineering services, the Municipality must determine the development parameters applicable to a land unit when:
  - (i) the zoning of a land unit to this zone is approved;
  - (ii) any environmental impact report is considered;
  - (iii) any environmental management plan is considered; and
  - (iv) any site development plan is approved.
- d) Structures/buildings may be erected with the written consent of the Municipality, should the Municipality deem it necessary, provided that the Municipality may impose conditions relating to design, architecture and development parameters.

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

### Use of the property

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

- a) **Primary use** is: public open space.
- b) **Consent uses** are: cemetery, environmental facilities, informal trading (subject to the provisions of Chapter 16.10), recreational facilities, tourist facilities, transmission apparatus (subject to the provisions of Chapter 16.10), urban agriculture, utility service, any other related uses permitted by the Municipality.

### Development parameters

12.2.2 The following development parameters apply:

- a) A site development plan must be submitted in terms of 16.3 to the satisfaction of the Municipality.
- b) The Municipality may require an environmental study and/or environmental management plan in terms of 16.4.
- c) Prior to the approval of any building plans or engineering services, the Municipality must determine the development parameters that apply when:
  - (i) the zoning of a land unit to this zone is approved;
  - (ii) any environmental impact report is considered;
  - (iii) any environmental management plan is considered; and
  - (iv) any site development plan is approved.
- d) No structure shall be erected or use practised except such as is compatible with “public open space” as defined.
- e) Structures/buildings may be erected with the written consent of the Municipality, should the Municipality deem it necessary, provided that the Municipality may impose conditions relating to design, architecture and developments parameters.

## 12.3 OPEN SPACE ZONE 3: PRIVATE OPEN SPACE (OS3)

### Use of the property

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

- a) **Primary use** is: private open space.
- b) **Consent uses** are: cemetery, environmental facilities, recreational facilities, tourist accommodation, tourist facilities, transmission apparatus (subject to the provisions of Chapter 16.10), urban agriculture, utility services and any other related uses permitted by the Municipality.

### Development parameters

12.3.2 The following development parameters apply:

- a) A site development plan must be submitted in terms of 16.3 to the satisfaction of the Municipality.
- b) The Municipality may require an environmental study and/or environmental management plan in terms of 16.4.
- c) Prior to the approval of any building plans or engineering services, the Municipality must determine the development parameters that apply when:
  - (i) the zoning of a land unit to this zone is approved;
  - (ii) any environmental impact report is considered;
  - (iii) any environmental management plan is considered; and
  - (iv) any site development plan is approved.
- d) No structure shall be erected or use practised except such as is compatible with the "private open space" as defined.
- e) Structures/buildings may be erected with the written consent of the Municipality, should the Municipality deem it necessary, provided that the Municipality may impose conditions relating to design, architecture and development parameters.

## CHAPTER 13: RESORT ZONE

### 13.1 RESORT ZONE: HOLIDAY RESORTS (RZ)

#### Use of the property

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

- a) **Primary uses** are: conservation use, holiday accommodation, private open space, private road and tourist accommodation.
- b) **Consent uses** are: additional dwelling units, conference facilities, holiday housing, hotel, place of assembly, place of entertainment, recreational facilities, restaurant, transmission apparatus (subject to the provisions of Chapter 16.10), tourist facilities or any other uses determined by the Municipality.

#### Development parameters

13.1.2 The following development parameters apply:

- a) Prior to the approval of any building or engineering services plan, the Municipality shall stipulate development parameters with regard to density, height, coverage, layout, building design, landscaping, parking, access, signage and the use of the property when:
  - (i) the zoning of a land unit to this zone is approved;
  - (ii) any environmental impact report is considered;
  - (iii) any environmental management plan is considered; and
  - (iv) any site development plan and landscape master plan is approved.
- b) A site development plan must be submitted to the Municipality for approval in accordance with 16.3.
- c) A landscape master plan and environmental management plan shall be submitted to the Municipality and approved in terms of the provisions stipulated in 16.4.

- d) The Municipality shall stipulate the required services and other infrastructure required to service the resort.

#### **Identification of zoned area**

13.1.3 The Municipality may approve a resort zoning on a portion of a land unit if it is satisfied that the proposed use or activity is desirable, provided that:

- a) the area affected by the activity is clearly identified on a survey diagram or other plan prepared by a suitably qualified person to the Municipality's satisfaction and endorsed by the Municipality; and
- b) the area thus identified is clearly marked on the zoning map.

#### **Holiday housing**

13.1.4 The following additional development parameters apply to holiday housing:

- a) Holiday housing shall not comprise more than 50% or a lesser percentage (as determined by the Municipality) of the units provided on the property concerned.
- b) Height applicable to be applied in this zone shall be determined by the Municipality but is restricted to a maximum of two storeys.
- c) A home owner's association shall be established and the home owners association's constitution submitted to the Municipality for approval, where holiday housing is provided.

#### **Additional dwelling units**

13.1.5 The Municipality may approve additional dwelling units, provided that:

- a) the Municipality is satisfied that additional dwelling units are for the normal accommodation of employees of the resort who are active in the normal resort practice conducted on the property;
- b) these units are designed as an integral part of the resort; and
- c) these units are subject to the development parameters as determined by the Municipality.

### **Site development plan**

13.1.6 The Municipality may require that a site development plan is submitted for approval in accordance with 16.3.

### **Environmental management plan**

13.1.7 The Municipality may require that an environmental management plan is submitted in accordance with 16.4.

## **CHAPTER 14: OTHER ZONES**

### **14.1 SUBDIVISIONAL AREA ZONE (SA)**

#### **Development parameters**

14.1.1 The following development parameters apply:

- a) The zoning of a land unit as Subdivisional Area shall not exempt an owner from compliance with the provisions of relevant planning laws which govern the subdivision of land.
- b) The density requirement and other conditions which are laid down at the time of approval of the rezoning to Subdivisional Area shall apply and such conditions may include, but are not limited to, requirements for a development framework, environmental study and/or environmental management plan, transport impact assessment, landscape master plan, precinct plan and/or site development plan.
- c) Any plan of subdivision submitted for a land unit that is zoned Subdivisional Area shall stipulate the intended zoning of each proposed subdivision or land portion, include a legend with a colour scheme and zoning in accordance with the land use scheme, be properly numbered and may include retention of the Subdivisional Area Zone for specified land portions to be further subdivided and developed at later stages, provided that the Municipality may request such additional information as it deems necessary to be included in the plan of subdivision.
- d) At the confirmation of a subdivision for property which has been zoned as Subdivisional Area, the zoning provisions approved by the Municipality as conditions of the subdivision approval shall be deemed to be a substitution scheme.

## 14.2 SPECIAL ZONE (SZ)

### Use of the property

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

- a) **Primary use:** none.
- b) **Consent uses** are: special usage, which means any other use determined by the Municipality when approving a Special Zone and which is not catered for under a primary or consent use contained in the scheme.

### Development parameters

14.2.2 The Municipality shall determine the development parameters when the use of land is approved, provided that:

- a) special factors justify the creation of special development parameters for a property, without justifying the creation of a new zone in this scheme;
- b) when granting an application for a Special Zone, the Municipality must determine development parameters with regard to maximum floor space, coverage, height, building lines, parking, density, layout and the use of the property;
- c) the Municipality may determine the development parameters in accordance with a Special Zone Annexure or Special Zone Site Development Plan; and
- d) Special Zone Annexures and Special Zone Site Development Plans must be adopted and may be amended by the Municipality in terms of the Municipality's resolution and do not require the formal amendment of this land use scheme.

### Special Zone Annexure

14.2.3 When the Municipality employs the Special Zone Annexure method of development management, the Municipality must:

- a) identify the area concerned on the zoning map by way of a separate number and stipulate the development parameters that apply for the area as a separate Special Zone in an annexure to this land use scheme;
- b) give each Special Zone, where the development parameters are unique, a separate number, and each number with the accompanying development parameters must be recorded as a separate Special Zone in the annexure to the land use scheme; and
- c) compile a list of Special Zone Annexures established in terms of this land use scheme and record these in Annexure B.

### **Special Zone site development plans**

14.2.4 When the Municipality employs the Special Zone Site Development Plan method of development management, the Municipality must:

- a) identify the area concerned on the zoning map by way of a separate number and require a site development plan to be submitted in accordance with 16.3;
- b) register the reference number of the site development plan approved by the Municipality; and
- c) compile a list of special zone site development plans established in terms of this land use scheme and record these in Annexure B.

### **Landscape master plan**

14.2.5 The Municipality may require a landscape master plan to be submitted in accordance with 16.3.

### **Environmental management plan**

14.2.6 The Municipality may require an environmental management plan to be submitted in accordance with 16.4.

## 14.3 UNDETERMINED ZONE (U)

### Use of the property

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

- a) **Primary uses** are limited to only lawful uses existing at the operative date of this land use scheme.
- b) **Consent uses:** none.

### Development parameters

14.3.2 No change of an existing use or expansion of an existing building or structure is permitted.

### No rezoning to this zone permitted

14.3.3 No rezoning of any property to this zone is permitted after the operative date of this land use scheme.

14.3.4 If additional uses or development rights are required, a rezoning application to another, more appropriate zone in terms of this land use scheme must be processed.

### Reconstruction of destroyed property

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

## **PART 3: OVERLAY ZONES**

## **CHAPTER 15: GENERAL RULES FOR OVERLAY ZONES**

### **15.1 PROCEDURES FOR OVERLAY ZONES**

#### **Adoption or amendment of overlay zones**

15.1.1 The Municipality may prepare, approve, amend or repeal overlay zones for specific areas in order to:

- a) give expression to the local needs and values of the communities concerned in a planning context;
- b) promote sustainable development and respond to current urban or conservation realities in a particular area; and
- c) respond to particular types of development, urban form, landscape character or environmental features, provided that the Municipality is satisfied that the above-mentioned objectives are appropriate for the area concerned and that the fulfilment of these objectives does not detract from the Municipality's ability to serve the needs of the municipal area as a whole.

15.1.2 If the Council intends to adopt, amend or repeal an overlay zone, the Municipal Manager shall:

- a) cause the proposed adoption, amendment or repeal to be advertised in accordance with the public consultation policy of the Municipality, affording interested parties the opportunity to submit written comments or objections to the Municipal Manager within a period of not less than thirty days from the date of such advertisement;
- b) obtain the relevant comment of any organ of state which, in his or her opinion, has an interest in the overlay zone concerned;
- c) submit the proposed overlay zone, amendment or repeal and all relevant documentation to the Municipality for consideration and a decision;

- d) notify all persons who submitted comments relating to the adoption, amendment or repeal of the overlay zone within the prescribed period of the Municipality's decision; and
- e) make known the adoption, amendment or repeal by publication of a notice in the press, confirming at which municipal office the relevant documentation may be inspected by interested parties.

### **Identification and numbering**

15.1.3 The Municipality shall approve a distinctive name and number for each overlay zone and any sub-zone when adopting such overlay zone or sub-zone.

15.1.4 The Municipality shall indicate the area of an overlay zone on the zoning map and:

- a) shall record the existence of a overlay zone in Annexure C to this land use scheme, with reference to where any detailed provisions of the overlay zone may be found; and
- b) shall record the detailed provisions of the overlay zone in a separate Appendix document with a cross reference in that document to the annexure concerned.

## **15.2 STATUS OF OVERLAY ZONES**

### **Status of overlay zones**

15.2.1 An overlay zone applies in addition to the base zone (or underlying zoning) of the properties to which it relates and may vary the development parameters relating to these properties.

15.2.2 The provisions of an overlay zone may be more restrictive or more permissive than the provisions applicable to the base zone of the property concerned.

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

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

## **PART 4: GENERAL PROVISIONS**

## **CHAPTER 16: GENERAL PROVISIONS APPLICABLE TO ALL ZONES**

### **16.1 GENERAL ENCROACHMENTS**

#### **Encroachment of building lines permitted**

16.1.1 The following additional development parameters apply with regard to encroachment of building lines:

#### **General encroachments permitted**

- a) Notwithstanding the building line requirements set out in Part 2, the following structures or portions of structures may be erected over the prescribed building lines, provided that they do not extend beyond the boundaries of the land unit:
- (i) boundary walls, retaining walls, screen walls, fences and gates not exceeding 2,1 m in height above the existing ground level abutting such wall;
  - (ii) open and uncovered stoeps, pools and filling lower than 1,0 m above the existing ground level;
  - (iii) entrance steps, landings and entrance porches lower than 1,0 m above the existing ground level;
  - (iv) a covered and uncovered pedestrian entrance or gatehouse constructed on the street boundary and has a footprint and/or roof area not exceeding 5,0 m<sup>2</sup> and a height not exceeding 3,0 m from natural ground level to the highest point of the structure;
  - (v) eaves, awnings and canopies projecting no more than 1,0 m from the wall of the building;
  - (vi) chimney breasts, flower boxes, water pipes and drain pipes not projecting more than 500 mm from the wall of the building;
  - (vii) minor decorative features not projecting more than 250 mm from the wall of the building;

- (viii) swimming pools, if closer than 1,0 m from the erf boundary, an engineering certificate is required;
- (ix) pool pumps/pump houses not exceeding 1,0 m above existing ground level;
- (x) a refuse room that has a footprint not exceeding 5 m<sup>2</sup> and, if covered, a roof height not exceeding 3,0 m or as required by the Municipality in terms of 17.4;
- (xi) built braais up to a maximum of 1,0 m in height above the existing ground level, with the consent of affected neighbours;
- (xii) water tanks and gas bottle storage enclosures not exceeding 2,1 m in height and screened behind a boundary wall/screen to the same height; and
- (xiii) any encroachment or structure which causes additional impact will be subject to compliance with the applicable policy or legislation.

#### **Encroachment of height restriction permitted**

b) The following structures or portions of structures may encroach upon the height restriction, provided that:

- (i) chimney(s), excluding cowl(s), TV antennas and satellite dishes are no more than 1,0 m above the height restrictions;
- (ii) a chimney that encroach upon the height restriction may not be more than 1,0 m in width; and
- (iii) the erection of energy renewable structures (solar panels, wind turbines, etc.) above the height restriction may not exceed 1,0 m in height and 1,0 m in width.

### **Encroachment of side and rear building lines permitted**

c) The Municipality may approve the construction of a structure used for the housing of vehicles that encroaches onto the side and rear building lines, provided that:

- (i) written consent from the immediate neighbours is obtained;
- (ii) no building that encroaches the building line may be higher than 3,5 m above the existing ground level on the common boundary, provided that the height may increase at a 40 degree angle away from such boundary;
- (iii) the length and width of the structure does not exceed one third of the lateral and rear boundary concerned or 9,0 m, whichever is the most restrictive (except in cases as prescribed in point (iv) below);
- (iv) where the lateral/rear boundary of the property is less than 19,5 m in width, the structure will have a maximum width of 6,5 m on the rear boundary;
- (v) no doors and windows shall be permitted in any wall closer than 1,0 m to the rear or side boundary;
- (vi) a 1,0 m wide access may be required to the satisfaction of the Fire Department;
- (vii) no runoff of rainwater from a roof shall be discharged directly onto adjoining properties;
- (viii) the garage/carport shall be included in the calculation of coverage on the land unit; and
- (ix) the Municipality is satisfied that the structure does not pose a fire hazard and is constructed of appropriate material to its satisfaction.

Should any of the above-mentioned not be complied with, an application will be applicable.

### **Encroachment of the street building line**

- d) Upon an application, the Municipality will also take the following principles into account:
- (i) if, in its opinion, the architectural effect of the building line relaxation will enhance the appearance of a street;
  - (ii) if, in its opinion, there are special circumstances, motivated to its satisfaction by the property owner, such as the topography of the site;
  - (iii) all other buildings and outbuildings are to comply with the street building line applicable within the zone concerned; and
  - (iv) in the case of a garage or carport, 16.1.2 will apply.

### **Garages and carports within street building lines**

#### 16.1.2

- a) Upon an application, the Municipality will also take the following principles into account:
- (i) The Municipality may permit the construction of a garage over a street building line if, in the Municipality's opinion, the garage cannot reasonably be sited at the prescribed distance due to the slope of the land unit or for other reasons provided.
  - (ii) The height of such garage from the natural ground level to the top of the structure does not exceed 4,5 m.
  - (iii) The front elevation of the garage may not be closer than 5,0 m to the road kerb or surface.
- b) The Municipality may permit the construction of a carport over the street building line, provided that:
- (i) the width of such carport shall not exceed 6,5 m;
  - (ii) the roof of the carport shall be supported by a metal or timber post or brick, concrete or masonry pillars;

(iii) the carport shall not be enclosed on any side, except by:

- a boundary fence or wall;
- a wall which forms the external wall of a building; or
- a security or automated gate.

the height of such carport, measured from the natural ground level to the highest point of the structure over the building line, may not exceed 3,0 m on the street boundary, but the height may increase at a 40 degree angle away from such boundary (roof).

## **16.2 SETBACKS**

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

## **16.3 SITE DEVELOPMENT PLANS**

16.3.1 The Municipality may require a site development plan to be submitted to its satisfaction for any land unit, provided that:

- a) the site development plan shall not be unreasonably refused if it is consistent with the development parameters approved in terms of a base zone, overlay zone or rezoning approval; but
- b) the Municipality may require amendments of detail to the site development plan to address reasonable concerns relating to access, parking, architectural form, urban design, landscaping, environmental management, engineering services or similar concerns; and
- c) the Municipality may cause the site development plan to be advertised where it is of the opinion that advertisement of the proposed development is in the public interest.

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

- a) A site development plan shall show the details referred to in the definition of “site development plan” unless the Municipality agrees to waive certain requirements.
- b) If the Municipality considers it necessary, a transport impact assessment may be required in conjunction with a site development plan, the extent of which shall be determined by the Municipality, depending on the magnitude of the development.

- c) If the Municipality considers it necessary, a stormwater management assessment and management plan may be required in conjunction with a site development plan, the extent of which shall be determined by the Municipality, depending on the magnitude of the development.
- d) The Municipality may approve a site development plan which is submitted for its approval, or may require amendments before it is approved, or may refuse it.
- e) In circumstances where a site development plan is required in terms of this land use scheme, no application for building plan approval in terms of the National Building Act shall be granted by the Municipality unless a site development plan has first been approved.
- f) The property shall be developed generally in accordance with the site development plan as approved by the Municipality and to the satisfaction of the Municipality.
- g) Application may be submitted to the Municipality for amendment of an approved site development plan.
- h) The Municipality shall process an application to approve or amend a site development plan in accordance with its policy for transparency, public consultation and administration of such applications.
- i) When approving a site development plan or amendment to a site development plan, the Municipality may impose conditions of approval.

## **16.4 ENVIRONMENTAL MANAGEMENT PLANS**

16.4.1 The following provisions shall apply with regard to environmental management plans:

- a) An environmental management plan shall contain the information specified in the definition of “environmental management plan” unless the Municipality agrees to waive certain requirements.

- b) An environmental management plan must be compiled by a suitably qualified or registered environmental specialist.
- c) The Municipality may approve an environmental management plan which is submitted for its approval, or may require amendments before it is approved, or may refuse it.
- d) If an environmental management plan is required in terms of this land use scheme, no site works are permitted and no application for subdivision of land, transfer of land units or building plan approval in terms of the National Building Act shall be granted by the Municipality until it has first approved an environmental management plan.
- e) The property shall be developed and managed generally in accordance with the environmental management plan as approved by the Municipality and to the satisfaction of the Municipality.
- f) Application may be submitted to the Municipality for amendment of an approved environmental management plan.
- g) The Municipality shall process an application to approve or amend an approved environmental management plan in accordance with its policy for transparency, public consultation and administration of such applications.
- h) When approving an environmental management plan or amendment to an environmental management plan, the Municipality may impose conditions of approval.

## **16.5 OWNERS' ASSOCIATION OR BODY CORPORATE**

16.5.1 If the Municipality requires an owners' association to be established for any development, either an owners' association in terms of the Planning Law or a body corporate in terms of the Sectional Titles Act may satisfy this requirement.

## **16.6 BOUNDARY WALLS**

16.6.1 Without the prior written permission of the Municipality, no boundary wall or fence shall exceed 2,1 m in height above the existing ground level abutting such wall or fence (unless other heights are required by Fire Regulations), provided that where the ground levels on opposite sides of the wall or fence are unequal, the height of the wall or fence shall be measured from the higher of the two levels.

16.6.2 Only electric fencing will be allowed above the 2,1 m height restriction, subject to a maximum height of 0,5 m.

## **16.7 SCREENING**

16.7.1 The Municipality may require screening in accordance with the following:

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

## **16.8 AESTHETICS AND MAINTENANCE OF PROPERTY AND PLACEMENT OF VEHICLES**

### **Maintenance of property**

16.8.1 Property shall be properly maintained by the owner or occupant, and aesthetics of the property must generally be in keeping with the surrounding area. The property shall not be left in a neglected or offensive state and shall not:

- a) contain an unsightly accumulation of papers, cartons, garden refuse rubble and/or other waste material;

- b) contain an accumulation of motor wrecks or used motor parts unless these are part of a primary or consent use in terms of this land use scheme; or
- c) contain outdoor storage of building material, appliances or similar items unless these are:
  - (i) part of a primary or consent use in terms of this land use scheme;
  - (ii) being temporarily stored for the purpose of construction in accordance with a valid building plan approval; or
  - (iii) in conjunction with a yard or garage sale with a duration of not more than two consecutive days.

### **Placement of vehicles in residential zones**

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

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

### **Mobile homes**

16.8.3 The following development parameters shall apply with regard to mobile homes placed on a land unit zoned for resort purposes:

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

## **16.9 OTHER MUNICIPAL BY-LAWS, POLICIES AND DEVELOPMENT CONTROLS**

### **Compliance with by-laws**

16.9.1 The provisions of this land use scheme do not detract from compliance with any other Municipal by-laws.

### **Title deed restrictions**

16.9.2 Both the title deed restrictions and land use scheme parameters are applicable. The most restrictive applies.

### **Conditions of approval**

16.9.3 If the Municipality imposes a condition of approval that is more restrictive than the land use scheme, the development controls contained in the approval take precedence over the land use scheme, and these must be included in the register.

## **16.10 GENERAL DEVELOPMENT PARAMETERS**

### **Additional dwelling units**

16.10.1 The Municipality may approve additional dwelling units in Agricultural Zone I, provided that:

- a) the additional dwelling units shall remain on the same cadastral boundary as the primary dwelling unit;
- b) the number of additional dwelling units shall not exceed the 1 unit per 10,0 ha, up to a maximum of 5 additional dwelling units per land unit;
- c) One additional dwelling unit will also be considered for land units less than 10,0 ha;

- d) no additional dwelling units may be erected within 100 m of the high water mark on the coast, other than where additional dwelling units are provided as an integral part of an existing farmstead with special consent of the Municipality;
- e) the total floor area of the dwelling is limited to 250 m<sup>2</sup>; and
- f) no sectional title or alienation of units.

### **Agricultural industry**

16.10.2 The Municipality may approve an agricultural industry if it is satisfied that the proposed use or activity is desirable, provided that:

- a) the area affected by the agricultural industry must be clearly identified on a land survey diagram or other plan prepared by a suitably qualified person to the Municipality's satisfaction and endorsed by the Municipality; and
- b) the following development parameters apply:
  - (i) a site development plan must be submitted to the Municipality's satisfaction in terms of 16.3 for all new development or extensions within an area determined in terms of (a) above; and
  - (ii) parking and access shall be provided on the identified portion in terms of Chapter 17, provided that the Municipality may require additional parking and loading requirements in response to the operational requirements of a particular agricultural industry.

### **Caretaker's accommodation**

16.10.3 The following provisions shall apply where a portion of an industrial or business structure is used for the purposes of housing a caretaker:

- a) A caretaker's accommodation may not exceed 80 m<sup>2</sup>, and
- b) A caretaker's accommodation may only be utilised in connection with the industrial or business property.

## **Crèche**

16.10.4 The following provisions shall apply where a portion of the property is used by the occupant of the property for the purposes of a crèche:

- a) No more than 5 children are permitted at any one time;
- b) A register of children must be kept and completed, and the register must be produced for inspection on the request of the Municipality;
- c) The services shall be primary crèche or educational and not medical;
- d) The hours of operation shall be restricted to 06h00 to 18h00 from Mondays to Fridays and from 06h00 to 13h00 on Saturdays;
- e) The proprietor of the crèche shall reside on the property;
- f) Land use will not be transferrable;
- g) No more than two assistants may be employed at the crèche, and

The minimum indoor and outdoor play space shall be provided according to applicable legislation.

## **Day care centre (applicable to Residential Zone 1)**

16.10.5 The following provisions shall apply where a day-care centre is operated on a Residential Zone 1 property:

- a) A maximum of 30 children/babies are permitted subject to compliance with the minimum indoor and outdoor play space according to applicable legislation;
- b) The day care centre must be compliant with all the applicable relevant legislation;
- c) A minimum of 1 parking bay per teacher and a pick-up-and-go facility must be provided to the satisfaction of the engineering services;
- d) Applicable tariffs in accordance with the Municipal budget;

- e) A register of children must be kept and completed, and the register must be produced for inspection on the request of the Municipality;
- f) The hours of operation shall be restricted to 06h00 to 18h00 from Mondays to Fridays and from 06h00 to 13h00 on Saturdays, and

The proprietor of the day care centre shall reside on the property.

### **Factory shop**

16.10.6 The occupant of an industrial property or portion thereof may operate a shop for the sale of goods which have been completely or partially manufactured on the property, and such other goods as the Municipality may permit, provided that:

- (i) the total floor space of the property or portion thereof devoted to the sale of goods shall not exceed 10% of the total floor space of all buildings on the land unit; and
- (ii) such other goods that are offered for sale but have not been manufactured on the property are related to the goods that are manufactured on the property.

### **Farm shop/stall**

16.10.7 The Municipality may approve a farm shop, provided that:

- a) the maximum floor area of the farm shop/stall shall not exceed 300 m<sup>2</sup>;
- b) the maximum height does not exceed a single storey, measured from the base level to the top of the structure;
- c) sufficient parking is provided to the satisfaction of the Municipality; and
- d) the access requirements of the relevant road authority must be complied with.

### **Guest house (only applicable in Residential Zone 1)**

16.10.8 The following provisions shall apply where a dwelling house or a second dwelling is used for a guest house:

- a) The manager and/or owner shall reside in the main or second dwelling (excluding outbuildings) on the property;
- b) A maximum of 5 bedrooms (10 persons) per property may be used for paying transient guests;
- c) Guest rooms may not be converted to or used as separate dwelling units.
- d) Meals may also be provided to bona fide guests on the property;
- e) The residential character must be retained;
- f) Subject to obtaining a liquor licence, alcoholic beverages may only be sold to resident guests for consumption with meals on site;
- g) Home occupation will not be permitted on the same property as a guest house.
- h) A place of entertainment shall not be permitted;
- i) No more than 3 staff members shall be employed in support of the establishment at any given time;
- j) No advertising sign shall be displayed without the written approval of the Municipality other than a single, un-illuminated sign or notice affixed to the building or boundary wall or fence, and such sign must be in line with the Overstrand Signage By-Law at any given time.
- k) No activities constituting a source of public nuisance shall be carried out;
- l) No disturbance from loud music and other sources are allowed after 22:00;
- m) The minimum parking provisions as listed in section 17.1.3 shall apply;
- n) Occupation shall be subject to the submission of a site plan (for record purposes) demonstrating compliance with the requirements pertaining to guest rooms, and
- o) No cooking facilities or prep bowl may be provided in the guest room.

## **Guest rooms**

16.10.9 The following provisions shall apply where a portion of a property is used for the purposes of guest rooms or where rooms are let by an occupant of that property to paying guests or lodgers:

- a) Guest rooms shall be subject to the submission of a site plan (for record purposes) demonstrating compliance with the applicable provisions;
- b) Guest rooms will be limited to the main dwelling;
- c) A maximum of 2 bedrooms (5 persons) per property may be used for paying transient guests or lodgers;
- d) Guest rooms may not be converted to or used as separate dwelling units;
- e) Meals shall only be supplied by the landowner or manager to transient guests or lodgers who are staying on the property;
- f) No advertising sign shall be displayed without the written approval of the Municipality other than a single, un-illuminated sign or notice affixed to the building or boundary wall or fence, and such sign must be in line with the Overstrand Signage By-Law;
- g) One on-site parking bay shall be provided per guest room, subject to the submission of a parking layout, and
- h) No cooking facilities or prep bowl may be provided in the guest room.

## **Home occupation**

16.10.10 (1) Home occupation will be restricted to the following non-residential categories:

- a) office type work (administration);
- b) professional/clerical;

- c) custom sewing, fabric crafts and baking;
- d) creation of visual arts, excluding cabinet maker, recycling and welding;
- e) personal services such as a barber, hairdresser, beautician and masseuse; and
- f) sales and services over the internet/phone.

(2) General development parameters for home occupation:

- a) The proprietor of the home occupation must permanently reside in the dwelling;
- b) The total area used for a home occupation, including storage area required for the use, shall not exceed 25% or 50 m<sup>2</sup> (whichever is most restrictive) of the total floor area of the building from which it is to be conducted;
- c) No more than 3 persons in total shall be engaged in home occupation activities on the property, including the occupants or the occupant and any assistants;
- d) Home occupation shall be conducted completely indoors;
- e) The storage of products, goods, or supplies connected to the home occupation shall be inside a building;
- f) No more than one vehicle, not exceeding 3 500 kg in gross weight, shall be utilised for the home occupation;
- g) The hours of operation are restricted to 07h30 to 17h30 on Mondays to Fridays and 07h30 to 13h00 on Saturdays;
- h) On-site parking must be provided to the satisfaction of the Municipality, provided that at least two on-site parking bays are provided in addition to the normal parking required;

- i) The exercise of home occupation shall be subject to the submission of a site plan (for record purposes) demonstrating compliance with the requirements pertaining to home occupation and land use parameters;
- j) A conveyancing certificate shall be submitted, demonstrating there is no title deed restrictions that restrict the home occupation;
- k) The use shall also comply with all environmental and nuisance control regulations;
- l) The exterior of the building and the lot shall not be changed in such a way as to decrease its residential appearance, except for permitted parking spaces;
- m) The use shall not involve the storage or use of hazardous, flammable or explosive substances, other than types and amounts commonly found in a dwelling. The use shall not involve the use or storage of toxic substances;
- n) The Municipality may impose additional conditions in order to minimise any potential public nuisance;
- o) Occupation shall be subject to the submission of a site plan for record purposes, demonstrating compliance with the requirements, and
- p) Only one un-illuminated sign shall be permitted, which shall be fixed to the building or boundary wall or fence, and such sign shall be in line with the Overstrand by-law relating to outdoor advertising and signage.

(3) Home occupation in Residential Zone 2 and 3: Additional parameters

- a) no more than two persons, including the proprietor, may be employed within a dwelling unit;
- b) only the occupant may be involved in the activities of the home occupation;
- c) parking provisions will apply;

- d) where a home occupation is conducted from a flat, no more than one person shall be engaged in the home occupation activities within the dwelling unit; and
- e) the necessary approval of the HOA/Body Corporate must be obtained.

### **House shop**

16.10.11 The following provisions shall apply where a portion of a dwelling house or outbuilding is used for the purposes of a house shop by one or more occupants of a property:

- a) The maximum floor area that is used for the purposes of a house shop shall not exceed 30,0 m<sup>2</sup> or 25% of the floor area of the all the buildings on the property, the most restrictive will be applicable;
- b) No more than three persons, including the occupant or occupants of the dwelling unit, are permitted to be engaged in retail activities on the property, other than with the consent of the Municipality;
- c) No portion of the house shop shall be used for the purposes of noxious trade, risk activity, sale of alcoholic beverages, place of entertainment or gambling purposes;
- d) The operator of the enterprise shall permanently reside on the premises;
- e) No products, goods or supplies connected to the house shop may be stored on the property outside a building;
- f) Any structure or alteration to the existing structure must conform to the residential character of the area concerned and all the relevant legislation;
- g) Only one un-illuminated sign shall be permitted, which shall be fixed to the building or boundary wall or fence, and such sign shall be in line with the Overstrand by-law relating to outdoor advertising and signage;

- h) The hours of operation and trading shall be restricted to 06h00 to 21h00 from Mondays to Fridays and from 06h00 to 21h00 on Saturdays and does not include public holidays or Sundays, or such trading hours as permitted by the Municipality;
- i) On-site parking shall be provided to the satisfaction of the Municipality;
- j) Permission to operate a house shop is granted to a particular operator and is not transferable;
- k) No more than one vehicle, not exceeding 3 500 kg gross weight, shall be utilised for the house shop;
- l) Permission may only be granted for a period determined by the Municipality, and
- m) No subletting is permitted.

#### **Industrial café**

16.10.12 An industrial café may not exceed 100 m<sup>2</sup>.

#### **Informal trading**

16.10.13 Informal trading is permitted on land as demarcated or leased by the Municipality for such purposes, provided that:

- (a) there is no interference with pedestrian or vehicular movement, the amenity of the neighbourhood, or with any Municipal utility service;
- (b) a site plan demonstrating compliance with the requirements pertaining to land use parameters;
- (c) there is, in the Municipality's opinion, no threat to public health or safety, and
- (d) the overnight storage of products on the land is only allowed in an approved structure, if prior approval is obtained from the Municipality.

#### **Minimum subdivision size**

16.10.14 The following development parameters apply:

- a) No new subdivision or any remainder to be zoned Rural Zone 1 and 2 shall be less than 5,0 ha if no minimum subdivision size is specified on the zoning map, and
- b) Where the Municipality has specified a minimum subdivision size, as indicated on the zoning map in terms of an overlay zone for the area concerned and read together with the SDF and related documents, that minimum subdivision size applies.

### **Office space**

16.10.15 The following provisions shall apply where a portion of an industrial structure is used for the purposes of an office by the occupant(s) of a property:

- a) The total floor area of the office space shall not exceed 25% of the floor area of the structures on the site, and
- b) An office may only be utilised in connection with the use of the industrial property.

### **Scrapyard and recycling**

16.10.16 A scrapyard must have boundary walls of a minimum of 2,1 m in height, and the Municipality may require a wall height in excess of 2,1 m where it is deemed necessary for the public interest.

16.10.17 A Operational Management Plan must be submitted for approval which addresses noise, odour, visual impact and hours of operation, but not limited to.

16.10.18 No scrap and/or recyclable material may be stored or recycled outside the boundary of the erf.

16.10.19 The erf must be neat at all times.

### **Second dwelling unit**

16.10.20 The following additional development parameters apply to a second dwelling unit:

- a) The total floor area (footprint) of the second dwelling unit shall not exceed 120 m<sup>2</sup>;
- b) A second dwelling unit may be contained within the same building as a primary dwelling unit and may be either on the ground or first floor;
- c) A second dwelling unit may not be separately alienated in terms of the Sectional Title Act;
- d) Parking must be provided on the property as per Chapter 17, Section 17.1.3, to the satisfaction of the Municipality, and
- e) A second dwelling must be located within the applicable building lines.

### **Self-catering accommodation**

16.10.21 The following provisions shall apply where a portion of the property is used for the purposes of self-catering accommodation:

- a) It shall be utilised for single family occupation;
- b) Self-catering shall be restricted to either the main dwelling or the second dwelling unit, if a second dwelling unit exists on the property (but not both);
- c) Self-catering will not be permitted if there is a home occupation or guest rooms;
- d) No activities constituting a source of nuisance shall be carried out, and
- e) The Municipality may impose additional conditions in order to minimise any potential public nuisance.

### **Subdivision and density standards**

16.10.22 The following subdivision and density provisions apply:

- (a) Minimum subdivision area

Council may specify the minimum size of a subdivisional area in terms of an overlay zone and/or policy and may prescribe the minimum size of subdivided portions to be achieved in such zone.

(b) Maximum density

Council may specify a maximum density for a land unit in terms of an overlay zone

**Transmission Apparatus:**

16.10.23 Applications for the installation of Transmission Apparatus (TA) shall, to the satisfaction of the Municipality, incorporate the following:

- (a) Site Development Plan which clearly illustrates the proposal in the context of the existing landscape and receiving environment, with reference to application guidelines as may be incorporated in the application form;
- (b) Transmission Apparatus Infrastructure Plan (indicating but not limited to the following, namely dimensioned plans showing detail of TA, graphic illustration of the proposed facility, elevation details, proposed materials and colours, screening or fencing);
- (c) Site Development Plan and Transmission Apparatus Infrastructure Plan to be accompanied by a report detailing the motivation for the selected site, how the siting and design of the facility responds to the SDP;
- (d) Motivation report to be accompanied by relevant proof pertaining to need and desirability (demand & technical requirements);
- (e) Application to satisfactorily demonstrate to the AO / MPT that all alternatives to the site itself have been explored within a 1km radius of the subject property;
- (f) Minimum of two alternative sites and design options to be considered;

- (g) Zoning and land use map to accompany application, that shall also indicate all areas of heritage or environmental significance, if applicable;
- (h) Visual Impact Assessment prepared by a suitably qualified professional, if required by the municipality, that shall incorporate mitigation measures limiting visual impact;
- (i) Landscaping plan to accompany application, if required by the municipality, and
- (j) Statement demonstrating that the installation complies with the applicable health and safety standards.

## **CHAPTER 17: PARKING, LOADING AND INFRASTRUCTURE**

### **17.1 PARKING REQUIREMENTS**

#### **Off-street parking requirements**

17.1.1 The following off-street parking requirements apply, unless otherwise stated in this land use scheme:

- a) In cases where parking requirements are not stipulated for a particular use, or in terms of a specific condition imposed by the Municipality, parking shall be provided at a minimum ratio in accordance with the table titled “Minimum off-street parking requirements” (see below).
- b) The Municipality shall determine off-street parking requirements for land uses not stipulated in the table “Minimum off-street parking requirements”.
- c) Off-street parking shall be provided:
  - (i) on the property for which the parking is required;
  - (ii) subject to the Municipality’s approval, in public parking facilities available in the vicinity; or
  - (iii) in accordance with 17.1.2. and applicable policies.

#### **Alternative parking provision**

17.1.2 As an alternative to compliance with the off-street parking requirements in terms of this land use scheme, an owner may, with the approval of the Municipality:

- a) acquire an area of land sufficient for the permanent parking requirements elsewhere in a position approved by the Municipality;
- b) acquire permanent rights to a parking facility or portion of a parking facility elsewhere in a position approved by the Municipality and shall register a notarial deed of servitude against such land or parking facility to link the properties concerned for the purpose of parking, and the owner shall cause the parking

concerned to be constructed and maintained at his cost to the satisfaction of the Municipality, and the cost of registration of the servitude shall be borne by the owner;

- c) pay the Municipality the amount to the value of the parking to be provided in accordance with the zoning concerned, together with the construction cost, in cases where the provision of parking is precluded in terms of other legislation or site specific constraints or a contribution is made to an approved Municipal parking fund or project for the provision of parking.

17.1.3 For the purpose of determining the value of a parking bay, a minimum area of 25 m<sup>2</sup> will be utilised.

#### **Combined parking requirements**

17.1.4 Where two or more land uses share a common parking area, the Municipality may reduce the amount of parking required for the independent uses, provided that:

- a) the Municipality is satisfied that the utilisation of the same parking area by different activities is not concurrent; and
- b) bays intended for combined use may not subsequently be reallocated to selected uses without the approval of the Municipality.

## MINIMUM OFF-STREET PARKING REQUIREMENTS

Land use	Standard areas
Dwelling house	Two on-site parking bays per dwelling unit, provided that on erven less than 400 m <sup>2</sup> , only 1 on-site parking bay needs to be provided
Second dwelling	One bay
Group dwelling/town housing	One bay per dwelling unit plus 1 bay per dwelling for visitors
Flats	1.5 bays per 1 bedroom dwelling unit  Two bays per two and more bedroom dwelling units
Guest house	Two bays per establishment (owner/manager)  One bay per bedroom; two persons accommodated  Additional parking may be required for any additional facilities to the satisfaction of the Municipality
Hotel	One bay per bedroom plus an additional 6 parking bays per 100 m <sup>2</sup> <b>of public access areas</b>  Additional parking may be required for any additional facilities to the satisfaction of the Municipality
Retirement home	1.25 per bedroom plus 0.25 bays per frail-care bed

Crèche, day care centre	One bay per 10 children plus stop-and-drop facility where a day care centre makes provision for more than 30 children or determined by the Municipality	
School	One bay per classroom or office plus a stop-and-drop facility	
Place of instruction (tertiary education facility)	0.5 bays per student plus 1 bay per classroom or office	
Residential building	Two bays per establishment (owner/manager)  One bay per guest room  Additional parking may be required for any additional facilities to the satisfaction of the Municipality	
Place of assembly/entertainment/funeral parlour	One bay per four seats	
Recreation/sport	One bay per four seats or persons	
Hospital/clinic (general and private)	One bay per bed plus four bays per consulting room	
Medical consulting rooms	Four bays per 100 m <sup>2</sup> GLA*	
Conference centre	One bay per four seats	
Place of worship	One bay per six seats	
Supermarket/shopping centre	Local business	Four bays per 100m <sup>2</sup> GLA
	General business	Six bays per 100m <sup>2</sup> GLA

Shops/restaurants	Local business	Four bays per 100m <sup>2</sup> GLA
	General business	Four bays per 100m <sup>2</sup> GLA
Offices	Local business	Four bays per 100m <sup>2</sup> GLA
	General business	Four bays per 100m <sup>2</sup> GLA

\*GLA means gross leasable area

### MINIMUM OFF-STREET PARKING REQUIREMENTS (CONT.)

Land use	Standard areas
Motor showroom	Two bays per 100 m <sup>2</sup> GLA* and one bay per 100 m <sup>2</sup> outdoor display area
Motor repair garage/service station/service centre	One bay per service bay plus two bays per 100 m <sup>2</sup> GLA up to 500 m <sup>2</sup> , thereafter one per 100 m <sup>2</sup> GLA
Motor fitment centre	One bay per service bay plus two bays per 100 m <sup>2</sup> GLA up to 500 m <sup>2</sup> , thereafter one per 100 m <sup>2</sup> GLA
Car wash	Four bays per wash bay plus two bays per 100 m <sup>2</sup> GLA (for office component)
Industry	Two bays per 100 m <sup>2</sup> GLA up to 500 m <sup>2</sup> , thereafter one per 100 m <sup>2</sup> GLA
Warehouse/storage	Two bays per 100 m <sup>2</sup> GLA up to 500 m <sup>2</sup> , thereafter one per 100 m <sup>2</sup> GLA
Self-storage units	One bay per 100 m <sup>2</sup> GLA

\*GLA means gross leasable area

17.1.5 The following minimum requirements shall apply to parking bays:

To the requirements of the Parking Policy, as amended, and the requirements of the Engineering Department:

- a) a parking bay shall measure a minimum of 2,5 m in width and a minimum of 5,0 m in length for perpendicular or angled parking and 6,0 m x 2,5 m for parallel parking;
- b) covered parking areas shall have minimum headroom of 2,3 m;
- c) on-site parking shall remain accessible for customers during business hours.

**Parking for the disabled**

17.1.6 Other than in the single residential zones, parking that is capable of being used by physically disabled persons must be provided on any land unit to ensure easy and convenient access for physically disabled persons to services and facilities generally open and accessible to the public and to residential uses.

17.1.7 In any parking facility serving the public, parking for physically disabled persons shall be provided in accordance with the following table:

**PHYSICALLY DISABLED ACCESSIBLE PARKING (AS PER PART OF SANS 10400-S)**

Total no. of parking bays	Required number of bays accessible to the physically disabled
General requirement	At least one parking bay per 25 parking bays, or part thereof
At rehabilitation and medical facilities	20% of the parking bays shall be provided for the parking of vehicles used by persons with disabilities

17.1.8 Parking for the physically disabled shall comply with the following requirements:

- a) Parking bays shall be in accordance with SANS 10400-S, as amended.
- b) Parking and access aisles shall be level.
- c) Parking bays shall be located as near as possible to accessible buildings or site entrances and shall be located to provide convenient access to curb ramps.
- d) Each parking bay reserved for physically disabled persons shall be marked on the parking surface with the International Symbol of Accessibility.
- e) Additional signage indicating the parking bay as reserved for the exclusive use by physically disabled persons may be required by the Municipality.
- f) Where five or less parking bays are provided, at least one bay shall be 3,5 m wide and marked to provide a parking bay of 2,5 m with an access aisle of 1,0 m, but the bay does not need to be reserved exclusively for physically disabled persons.

17.1.9 Physically disabled accessible parking provided in terms of this section shall count towards fulfilling off-street parking requirements.

### **Motorcycle and bicycle spaces**

17.1.10 The Municipality may require that parking is provided for motorcycles and bicycles.

17.1.11 For every four motorcycle and six bicycle parking spaces provided, a credit of one parking bay may be given towards the parking requirements, provided that:

- a) the total credit shall not exceed 2.5% of the parking bays required;
- b) the minimum dimension for a motorcycle space shall be 2,2 m in length and 1,0 m in width; and
- c) the minimum dimension for a bicycle space shall be 2,0 m in length and 0,6 m in width.

17.1.12 Signage, bollards and racks or other devices for storing bicycles and motorcycles shall be installed to the satisfaction of the Municipality.

### **Parking layout plan**

17.1.13 The Municipality may require the submission of a parking layout plan indicating the intended way in which motor vehicles shall park, the means of entrance and exit, and landscaping proposals.

17.1.14 The Municipality may approve or disapprove the parking layout plan and impose conditions of approval.

## **17.2 LOADING BAYS**

### **Loading bays**

17.2.1 The minimum off-street loading must be provided to the satisfaction of the Engineering Department.

## **17.3. INFRASTRUCTURE AND AVAILABILITY OF SERVICES**

17.3.1 Engineering services installed by an owner or developer shall comply with the minimum standards for the provision of engineering services as laid down by the Municipality from time to time.

## **17.4 REFUSE ROOMS**

17.4.1 The Municipality may, for the purposes of collecting refuse, require the owner to install a refuse receptacle on the land unit which shall:

- a) be of sufficient size to accommodate the refuse generated from the land unit for one week;
- b) be located adjacent to a public street or, at the Municipality's discretion, in a position which will provide acceptable access to a refuse collection vehicle;
- c) be designed in a manner that is architecturally compatible with the surrounding structures and screen refuse bins from public view; and

- d) comply with any other reasonable condition the Municipality may impose relating to access, health, pollution control, safety or aesthetics.

17.4.2 The Municipality may require an owner of property to provide an embayment for refuse removal vehicles to its satisfaction.

17.4.3 The construction of a refuse area may require the following:

- a) a boundary wall height of a minimum 2,1 m;
- b) a door with a width of 1,2 m;
- c) the door must be solid;
- d) the area must have a tap and floor level gully;
- e) the gully must drain to the sewer and not the stormwater system or road;
- f) stormwater generated outside of the refuse area may not drain into the gully; and
- g) no hazardous waste may enter the main sewer system.

If the refuse area is roofed or if the storage area is in a room or basement within the building, adequate ventilation must be provided.

17.4.4 The following ratios may be used when determining the size of a refuse area:

Offices	0,5 m <sup>2</sup> per 100 m <sup>2</sup>
Industrial	1,0 m <sup>2</sup> per 100 m <sup>2</sup>
Shops/restaurants	2,0 m <sup>2</sup> per 100 m <sup>2</sup>
Group housing/general residential	0,5 m <sup>2</sup> per 100 m <sup>2</sup>

17.4.5 Any deviation from the requirements may only be allowed with approval of the Engineering Department.

## **CHAPTER 18: SUBDIVISION OF LAND**

### **18.1 SUBDIVISION OF LAND**

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

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

#### **Subdivision of residential properties**

- 18.1.2 Subdivision in an area will generally be allowed if it is consistent with the planning policies and the average size and density of surrounding residential properties are being considered.

## **CHAPTER 19: GENERAL PROVISIONS APPLICABLE TO ANNEXURES**

### **19.1 ANNEXURES**

The Annexures shall be maintained and updated by the Municipality.

## **ANNEXURE A: NOTATION ON ZONING MAP**

The determination of bulk zones for the Hermanus, Gansbaai and Kleinmond areas as indicated on the zoning maps (refer to Annexure A).

Zoning Maps have been compiled for the overall Overstrand Municipal Area Individual Zoning Maps have been compiled for each town / settlement (outlined in red), namely: Rooi-Els, Pringle Bay, Betty's Bay, Kleinmond, Fisherhaven, Hawston, Hermanus West, Hermanus Central, Hermanus East, Stanford, Gansbaai, Pearly Beach, and Rural Areas. Refer to Annexure A and the Overstrand Municipal Website:

<https://www.overstrand.gov.za/en/documents/town-planning/advertisements-2/september-2019-by-law-zoning-scheme-and-overlay-zones/proposed-revisions-to-existing-documents/zoning-maps-1>.

### **DISCLAIMER:**

The Overstrand Municipality does not guarantee the accuracy of the information supplied through the Zoning Maps. Persons who rely on the information provided do so entirely at their own risk. The Overstrand Municipality will not be liable for any claims whatsoever, whether for damage or otherwise, which may arise as a result of inaccuracies in the information supplied. The user is responsible to verify the information supplied, before making any decisions or taking any actions based on the information. Zoning can be verified by means of an official Zoning Certificate which can be obtained from the Overstrand Municipality: Town Planning Department.

The Zoning Maps provided on hard copy or in electronic format (PDF) are not continuously updated. The Overstrand Municipality' GIS system contains the master copy of the Zoning Maps which is maintained and updated continuously.

# ANNEXURE A: Bulk Zones and Zoning Maps

## 1. Bulk Zones





## 2. Zoning Map Areas



## ANNEXURE B: LIST OF SPECIAL ZONES

NAME OF SPECIAL ZONE	DEFINITION OF SPECIAL USE	REFERENCE NUMBER (IF APPLICABLE)
Benguela Cove	-	
Bosplasia	-	
Driehoek Onrus	-	
Farms 215/0,	-	
Farm 641/8,	-	
Farms 688/1,	-	
Farm 692/7,	-	
Farm 698/1,	-	
Farm 703/14	-	
Farm 720/0	-	
Farm 919	-	
Gansbaai(Grootbos)	-	
Hemel-en-Aarde Village	-	
Kleinmond Harbour	-	
Redevelopment Area	-	
Mtimkhulu Village	-	
Volmoed	-	

## ANNEXURE C: LIST OF OVERLAY ZONES

NAME OF OVERLAY ZONE	NUMBER OF OVERLAY ZONE	REFERENCE NUMBER (IF APPLICABLE)
Environmental Management Overlay Zone  Heritage Protection Overlay Zone  Including - Stanford Heritage Overlay Zone	ANNEXURE C: EMOZ  ANNEXURE C: HPOZ	

Overlay Zone Maps Have been compiled for the overall Overstrand Municipal Area. Where applicable, individual Overlay Zone Maps have been compiled for each town / settlement (outlined in red), namely: Rooi-Els, Pringle Bay, Betty’s Bay, Kleinmond, Fisherhaven, Hawston, Hermanus West, Hermanus Central, Hermanus East, Stanford, Gansbaai, Pearly Beach, and Rural Areas. Refer to Annexure C and the Overstrand Municipal Website:

<https://www.overstrand.gov.za/en/documents/town-planning/advertisements-2/existing-documents/draft-documents>.

## ANNEXURE C: Overlay Zone Maps

