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BREEDE VALLEY MUNICIPALITY ZONING SCHEME BY-LAW

Adopted by Resolution C57/2021 of the Breede Valley Municipal Council

The Breede Valley Municipality hereby publishes the Breede Valley Municipality Zoning Scheme By-Law as set out below in terms of Section 156 of the Constitution of the Republic of South Africa, 1996,
the Breede Valley Municipality, enacts as follows:—

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CHAPTER 1
INTERPRETATION

Definitions

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

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

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

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

"atrium" means a covered courtyard that—
(a) comprises a void within a building that extends for one or more floors in height that contains a floor and roof or ceiling; and
(b) does not contain floors that penetrate into the void;

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

"bar" refer to definition of pub;

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

"basement" means that portion of a building with a ceiling level which does not protrude more than one metre at any point above natural ground level excluding excavations required for access purposes;

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

"boundary wall" means any wall, fence or enclosing structure erected on or directly next to a cadastral property boundary, including entrance gates and doors;

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

"building" without in any way limiting its ordinary meaning, includes—
(a) a roofed structure;
(b) an external stair, step or landing of a building and any gallery, canopy, balcony, stoep, verandah, terrace, porch or similar feature of a building;
(c) a wall or railing enclosing any feature referred to in paragraph *(b)*; and
(d) any other portion of a building;

"building line" means an imaginary line on a land unit, which defines a distance from a specified boundary, within which the erection of buildings or structures are completely or partially prohibited;
"cadastral line" means a line representing the official boundary of a land unit as recorded on a diagram or general plan approved by the Surveyor-General and registered in the Deeds Office;

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

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

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

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

"carriageway crossing", in relation to a motor vehicle carriageway crossing, means an entrance or exit way, or a combined entrance and exit way, from a land unit to a road;

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

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

"Council" means the municipal council of the Municipality;

"coverage" means the area of a land unit that is covered by buildings, expressed as a percentage of the total erf area of the land unit, and includes—

(a) stairs, steps, landings, except entrance landings and steps, galleries, passages and similar features, whether internal or external; and

(b) canopies, verandahs, porches, balconies, terraces and similar features provided that the following portions of buildings must be disregarded in the calculation of coverage, namely—

(i) stoeps less than 1,5m above natural ground level, entrance steps and landings;

(ii) cornices, chimney breasts, pergolas, flower boxes, water pipes, drain pipes and minor decorative features not projecting more than 500 millimetres from the wall of the building;

(iii) eaves not projecting more than 1,0 metres from the wall of the building; and

(iv) a basement, provided that the basement ceiling does not project above the ground level;

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

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

"dwelling unit" means a self-contained, inter-leading group of rooms —
(a) with not more than one kitchen, used for the living accommodation and housing of one family, together with such outbuildings as are ordinarily used with a dwelling unit; and
(b) does not include tourist accommodation or accommodation used as part of a hotel.

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

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

"ecosystem" means a self-sustaining and self-regulating community of organisms and the interaction between the organisms with one another and with their environment;

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

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

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

"erection" in relation to a building or structure includes—
(a) the construction of a new building or structure;
(b) the alteration or conversion of, or addition to, a building or structure; and
(c) the re-construction of a building or structure which has completely or partially been demolished;

"family" means—
(a) one or more individuals occupying a dwelling who are related through marriage or common law, blood relationship, legal adoption, or legal guardianship and no more than 3 unrelated people; or
(b) a group of not more than 5 unrelated persons, including domestic workers or boarders;

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

"floor factor" means the factor, expressed as a proportion of 1, which is prescribed for the calculation of the maximum floor space of a building or buildings permissible on a land unit; being the maximum floor space as a proportion of the total erf area;

"floor space", in relation to any building, means the area of a floor which is covered by a slab, roof or projection; provided that—
(a) any area, including a basement, which is reserved solely for parking or loading of vehicles is excluded;
(b) external entrance steps and landings, a canopy, a stoep and an area required for external fire escapes are excluded;

(c) a projection, including a projection of eaves, and a projection which acts as a sunscreen or an architectural feature, which projection does not exceed 1 metre beyond the exterior wall or similar support, is excluded;

(d) any uncovered internal courtyard, light well or other uncovered shaft which has an area in excess of 10 m² is excluded;

(e) any covered paved area outside and immediately adjoining a building at or below the ground floor level, where such paved area is part of a forecourt, yard, external courtyard, pedestrian walkway, parking area or vehicular access, and which is permanently open to the elements on at least the front or long side, is excluded;

(f) any covered balcony, verandah or terrace which, apart from protective railings, is permanently open to the elements on at least the front or long side, and which does not exceed 2,5 metres in width, is excluded;

(g) subject to paragraph *(h)*, any stairs, stairwells and atriums that are covered by a roof are included;

(h) in the case of multi-level buildings, any stairwells, lift wells, light wells or other wells, and any atrium, are only counted once; and provided further that—

(i) floor space is measured from the outer face of the exterior walls or similar supports of the multi-level building; and

(ii) the total floor space is the sum of the floor space of all the levels of the multi-level building, including that of any basement;

"garage" means a building for the storage of one or more motor vehicles, but does not include a motor repair garage or service station;

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

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

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

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

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

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

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

(a) the height of a structure does not include chimneys, flues, masts or antennae;

(b) elevator motor rooms, satellite dishes, ventilation shafts, water tanks, air conditioning plant and equipment on top of a building are included when determining the height of a structure,; and

(c) the general provisions regarding these aspects in this By-law also apply;

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

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

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

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

"lodger" means a person who utilises lodging services;

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

"maximum floor space" means the greatest total floor space that is allowed for a building or buildings on a land unit, and is calculated by multiplying the floor factor by the area of the land unit or that portion of the land unit that is situated within a particular zone; provided that, where the land unit is situated within two or more zones to which different floor factors apply, the maximum floor space for the whole land unit is the total of the maximum floor space for each zoned portion of the land unit;

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

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

"motor vehicle" means a wheeled vehicle designed or used for propulsion by means of an internal combustion or electrical engine, and includes a motor cycle, trailer or caravan, but excludes a vehicle moving exclusively on rails;

"Municipality" means the Breede Valley Municipality established in terms of section 12 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998), published in the Provincial Notice 492 dated the 4th of September 2000, and where the context so requires, includes—

(a) the Council;
(b) another political structure or a political office bearer of the Municipality, authorised or delegated to perform a function or exercise a power in terms of this By-law;
(c) the Municipal Planning Tribunal, authorised or delegated to perform a function or exercise a power in terms of this By-law;
(d) the Municipal Manager; and
(e) any employee of the Municipality acting in terms of delegated or sub-delegated authority of the Municipality;

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

"natural ground level" means—
(a) the level of the land in its unmodified state; or
(b) when altered with the municipality's approval for the purpose of development, the municipality may approve such altered ground level as the natural ground level, subject to Section 38;

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

"occupant" means any person who occupies a land unit;

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

"outbuilding" means a structure, whether attached or separate from the main building that is normally 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, and any other normal activities in so far as these are usually and reasonably required in the connection with the main building.

"outdoor advertising" means the act or process of notifying, warning, informing, making known or any other act of transferring information in a visible manner and that takes place out of doors;

"overlay zone" means a category of zoning that applies to land or land units in addition to the base zoning and that—
(a) stipulates development parameters or use rights that may be more or less restrictive; and
(b) may include provisions and development parameters relating to—
(i) primary or consent uses;
(ii) subdivision and subdivisional areas;
(iii) development incentives;
(iv) density limitations;
(v) urban form or urban renewal;
(vi) heritage and environmental protection;
(vii) management of urban growth;
(viii) scenic drives; coastline setbacks;
(ix) any other purpose as set out in this zoning scheme;

"package of plans" means the hierarchy of plans specified in terms of this By-law;

"parapet" means a low projection, wall or moulding that finishes the uppermost edge of a building with a flat or low pitched roof;

"parking bay" means an area clearly outlined and demarcated for the parking of one motor vehicle and may be provided in the form of a garage or carport that is accessible for easy and safe vehicle movement;

"pergola" means any unroofed horizontal or approximately horizontal grille or framework and associated vertical support structure and of which the area in the horizontal projection of its solid portions does not exceed 25% of the total area thereof;

"Planning By-law" means the latest Planning By-law adopted by the Municipality.

"planning law" means the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013), Land Use Planning Act, Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985), the Planning By-law or succeeding legislation governing land use planning in the Western Cape, whichever is applicable;

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

"policy plan" means a policy adopted by the Municipality, structure plan, spatial development framework or other policy plan approved in terms of planning law;

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

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

"precinct plan" means a plan, approved by the Municipality, as envisaged in this By-law as a component of a package of plans;

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

"primary use" in relation to property means any land use specified in this By-law as a primary use, being a use that is permitted within a zoning without the need to obtain the Municipality's approval;

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

"provincial road" means a road that is under the jurisdiction of the provincial roads authority;

"pub" means an establishment for the sale of predominantly alcoholic beverages, and sometimes also food, to be consumed on the premises and is also known as a tavern or bar; but excludes— a night club;

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

"refuse room" means a defined screened refuse receptacle from where refuse is collected, usually on a weekly basis;

"registered land surveyor" means a professional land surveyor, registered in terms of the Geomatics Profession Act, 2013 (Act 19 of 2013);

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

"road" includes a public street or a private road;

"road reserve" means the designated area of land that contains a public street or private road (including the road and associated verge) and that may be defined by cadastral boundaries;

"satellite dish antenna" means apparatus fixed to a structure or mounted permanently on the ground and that is capable of receiving or transmitting communications from a satellite;

"scenic drive" means a public street designated as a scenic drive by the Municipality in recognition of the high visual amenity alongside that public street, including background vistas of a mountain, open country, a coastline or a town;

"service yard" means a defined screened area providing utility services including washing line facilities for, amongst others, general residential developments;

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

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

"site development plan" means a dimensioned plan drawn to scale that indicates details of the proposed land development, including the site layout, positioning of buildings and structures, property access, building designs and landscaping;

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

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

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

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

"street boundary" means the boundary between a land unit and a public street or private road;

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

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

"tavern" refer to

definition of pub

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

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

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

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

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

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

"youth hostel" means a place providing affordable accommodation, aimed mainly at young tourists;

"zoning" includes base zoning and overlay zoning;

"zoning scheme" means a land use scheme as defined in section 1 of the Spatial Planning and Land Use Management Act and includes the components referred to in section 4 of this By-Law.

CHAPTER 2
ZONING SCHEME, USE ZONES AND USES

Application of zoning scheme

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

Purpose of zoning scheme

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

Components of zoning scheme

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

Use zones

5.(1) The municipal area is divided into the use zones referred to in column 1 of the table set out in Schedule 1.

(2) The purpose of each use zone is set out in column 1 of the table set out in Schedule 1.

(3) The description of the primary and consent uses applicable to each use zone is set out in Schedule 2.

(4) The location, boundaries and extent of each use zone is depicted on the zoning scheme map.

(5) The primary and consent uses applicable to each use zone are subject to the development parameters specified for the land use applicable to each use zone as set out in Schedule 2.

Zoning scheme map

6.(1) The zoning scheme map depicts—
(a) the zoning of land in accordance with the use zone in which the land is located; and
(b) overlay zones, if applicable to the land.

(2) The official version of the zoning scheme map must be kept on file at the Municipality and is available for inspection during normal office hours.

(3) The official version of the zoning scheme map as approved together with this By-law must be certified by the Municipal Manager.

(4) The official version of the zoning scheme map depicts the status of the current zoning classification of land in the Municipality and may only be amended as provided for in this By-law and the Planning By-law.

(5) The official version of the zoning scheme map is incorporated in and made part of this By-law and publication of this By-law in the *Provincial Gazette* constitutes notice of the approval of the zoning scheme map.

(6) The Municipality must update the zoning scheme map within a reasonable time after use rights have been granted or have lapsed.

(7) The Municipality may keep the zoning scheme map in an electronic format.

(8) The Municipality may provide an extract of the zoning scheme map to members of the public on payment of a fee determined by the Municipality in terms of the Municipality's tariff policy.

Transition to new use zones and savings

7. (1) Upon the date of commencement of this By-law, land that is zoned in terms of the previous zoning scheme is translated or reclassified to one of the use zones referred to in section 5.

(2) Table (*insert reference to table no.)* in Schedule 4*,* Zoning Transition Table, summarises the translation or reclassification of the use zones used in the previous zoning scheme to the use zones used in this By-law.

(3) Despite the translation or reclassification of the use zones used in the previous zoning scheme to the use zones used in this By-law—

(a) any condition of approval or validity period that is applicable to a land unit in terms of the previous zoning scheme applicable immediately before the coming into effect of this By-law, remains applicable and in so far as it determines development parameters that are different from the development parameters applicable in terms of this By-law, it is not to be considered an offence but a lawful non-conforming use;

(b) the Municipality must record any condition of approval referred to in paragraph *(a)* in the register together with any applicable validity period applicable to the zoning in terms of the previous zoning scheme;

(c) a zoning approved in terms of the previous zoning scheme that has been exercised within its validity period, cannot lapse, and is translated or reclassified as determined in this By-law;

(d) a zoning approved in terms of the previous zoning scheme that has not been exercised, lapses after the expiry of the validity period applicable to that zoning in terms of the previous zoning schemes;

(e) in the event of the lapsing of a zoning as contemplated in paragraph *(d),* the land unit reverts back to the use zone applicable to it in terms of the previous zoning scheme, before it was rezoned and is translated or reclassified as determined in Schedule 4.

(f) a building plan application that was formally submitted and accepted –

(i) immediately before the coming into effect of this By-law and which is still being processed; or

(ii) on or after the date of coming into effect of this By-law with the purpose to act on an approval in terms of a previous planning law,

must be assessed in accordance with that approval provided that such building plan application is submitted within 30 months after commencement of this zoning scheme, or within the validity period of said application, whichever is the later date.

(g) any rezoning or consent use application which was submitted prior to the date of coming into effect of this By-law, must be finalized in terms of the previous zoning scheme, and thereafter is translated or reclassified as determined in Schedule 4 and subject to subsection (3), or as determined by the municipality.

Rectification of errors on zoning scheme map

8.(1) If the zoning of a land unit is incorrectly indicated on the zoning scheme map, the owner of an affected land unit may submit an application to the Municipality to correct the error.

(2) An owner contemplated in subsection (1) must apply to the Municipality in the form determined by the Municipality and must—
(a) submit written proof of the lawful land use rights; and
(b) indicate the correct zoning that should be allocated.

(3) The onus of proving that the zoning is incorrectly indicated on the zoning scheme map is on the owner.

(4) The owner is exempted from paying application fees.

(5) If the zoning of a land unit is incorrectly indicated on the zoning scheme map, the Municipality must amend the zoning scheme map to reflect the correct zoning.

(6) If the correct zoning of a land unit cannot be ascertained from the information submitted to the Municipality or the records of the Municipality, the zoning must be determined in terms of the Planning By-law and the zoning as determined must be recorded on the zoning scheme map.

(7) In the event that any person identifies an error on the zoning map; the Municipality must—
(a) inform the owner of the affected land unit of the error;
(b) investigate and indicate the correct zoning that should be allocated;
(c) follow a public participation process;
(d) submit an amended zoning scheme map to the Council for adoption; and
(e) amend the zoning register and map accordingly.

Zoning scheme register

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

Primary uses

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

Consent uses

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

Temporary departures for specific occasions

12.(1) The Municipality must record the relevant information relating to a temporary departure for occasional uses applicable to a land unit in the register.

(2) Approval of a use right as a temporary departure for an occasional use in terms of the Planning By-law must at least be subject to the development parameters applicable to the use right as stipulated in this By-law.

Non-conforming uses

13.(1) A non-conforming use does not constitute an offence in terms of this By-law.

(2) A non-conforming use may continue as long as it remains otherwise lawful.

(3) No additions or extensions to a non-conforming use is permitted.

Deemed zoning of closed public places

14. The zoning of land that was previously a public street or public open space, vested in or owned by the Municipality and that is closed, is determined as follows:

(a) if the land is transferred to an abutting land owner, that portion of the land falls in the same zone as that of the abutting land belonging to the abutting owner; or

(b) the Municipality must determine which zoning applies to the land if—

(i) the land is transferred to an abutting land owner and that owner owns abutting properties falling into more than one zone; or

(ii) in any other case not provided for in this section.

CHAPTER 3
OVERLAY ZONES

Purpose of overlay zones

15.(1) The Municipality may adopt, review or amend overlay zones for specific areas in the Municipality in accordance with section 16 to—

(a) give expression, in a planning context, to the local needs and values of the communities concerned; and

(b) promote particular types of development, urban form, landscape character, environmental features or heritage values.

(2) The Municipality must determine development parameters for each area of an overlay zone.

Procedures for establishing, reviewing or amending overlay zones

16. An overlay zone is adopted, reviewed or amended by the Municipality as an amendment of this By-law in accordance with sections 12 and 13 of the Municipal Systems Act and section 25 of the Land Use Planning Act.

CHAPTER 4
DISTANCES, LEVELS AND BOUNDARIES

Measuring distances and levels

17. The following provisions apply with regard to the method of measuring distances and levels:

(a) when reference is made or implied to the distance between boundaries or between a building and a boundary, this distance must be measured in the following manner:
(i) the boundary or boundaries and all points of the building must be projected onto a horizontal plane, and all measurements must be made in the plane; and
(ii) the distance between a point on a building and a boundary must be measured at right angles to the erf boundary;

(b) when reference is made to a portion of a boundary opposite a building, that portion must be defined by drawing lines in a manner described in paragraph *(a)* from points on the building, at right angles to the boundary;

(c) when reference is made to natural ground level or of a roof wall plate, parapet or other things, the level must be calculated in accordance with recognised geometric principles; and

(d) when the levels involved are so irregular that calculation in accordance with the principles in paragraphs *(a)* to *(c)* is impractical or leads to a result that is not in accordance with the intent of the zoning scheme, the Municipality must determine the level.

Determining boundaries of use zones

18. If uncertainty exists as to the boundaries of use zones, the following parameters apply in the order listed:

(a) boundaries shown as following or approximately following any public street or road must be construed as following the street cadastral boundary;

(b) boundaries shown as following or approximately following any land unit boundary must be construed as following that boundary;

(c) boundaries shown as following or approximately following natural features must be construed as following those features; and

(d) in the event of further uncertainty as to the boundaries of a use zone, the Municipality must make a determination.

CHAPTER 5
ENFORCEMENT

Offences, penalties and enforcement of By-law

19.(1) Subject to section 13, no person may erect or utilise any building or structure or any part thereof—

(a) except for a purpose permitted by this By-law and only in accordance with the applicable development parameters; or

(b) without first obtaining approval from the Municipality in terms of the Planning By-law.

(2) A use not reflected as a primary or consent use for a particular use zone is not permitted in the use zone concerned, unless approved in terms of the Planning By-Law.

(3) Any person who contravenes this section and sections 21 to 50 is guilty of an offence and liable upon conviction to a fine or imprisonment not exceeding a period of 20 years or to both a fine and such imprisonment.

(4) A Municipality must enforce the zoning scheme through the measures for enforcement provided for in the latest Breede Valley Municipal Land Use Planning By-law.

CHAPTER 6
DEVELOPMENT OF LAND

Development parameters applicable to use rights

20.(1) The land use descriptions and development parameters applicable to each primary and consent use right depicted in the table in Schedule 1 are described in Schedule 2.

(2) Development parameters are applicable to use rights only and, notwithstanding the zoning of an erf, a specific use right has the development parameters as listed in Schedule 2, provided that the Municipality may grant a departure from the development parameters in terms of the Planning By-law.

(3) Consent uses listed in Column 3 of Schedule 1 is subject to the following conditions:
- *(a)* when a consent use is granted by the Municipality in a particular zone, the applicable land use must be supplementary to the primary use right allowed under the particular zone; and
- *(b)* when land is intended to be utilised exclusively for a consent use in a particular zone and the consent use is a primary right in another zone, application must be made for rezoning to the zone where the applicable land use is a primary right.

(4) No departure from the land use descriptions or definitions may be granted by the Municipality.

(5) Despite subsections (1) and (2), the Municipality may determine any additional condition of approval in respect of a use right for a specific property as may be required in terms of any other applicable legislation.

CHAPTER 7
GENERAL PROVISIONS

This part contains general provisions and parameters that apply to all zones or to specific zones as may be provided for. It includes matters such as encroachments that may occur within building lines and requirements for site development plans. It refers to hazardous substances, owners' associations, screening, retaining structures, outdoor storage, antennae systems and other municipal by-laws. This part also contains requirements for parking, loading, access and infrastructure. There are also provisions relating to the subdivision of land.

Encroachment of building lines

21.(1) Despite the building line requirements set out in Chapter 6, the following structures or portions of structures may be erected within the prescribed building lines, provided they do not extend beyond the boundaries of a land unit:
- *(a)* boundary walls, screen walls, fences and gates; not exceeding 2,1 metres in height above the natural ground level, excluding where any such wall will result in infilling higher than 0,5 metres above natural ground level;
- *(b)* open and uncovered stoeps that are less than 500 millimetres in height from the natural level of the ground;
- *(c)* entrance steps, landings and entrance porches, excluding *porte cochères;*
- *(d)* a covered entrance or gatehouse that has a roofed area not exceeding 5 m² and a roof height not exceeding 3 metres from the floor to the highest point;
- *(e)* eaves and awnings projecting no more than 1 metre from the wall of a building;
- *(f)* cornices, chimney breasts, flower boxes, water pipes, drain pipes and minor decorative features not projecting more than 500 millimetres from the wall of a building;

(g) swimming pools not closer than 1 metre from any boundary;
(h) a basement, provided that no part of such a basement projects above natural ground level;
(i) a refuse room required by the Municipality in terms of this By-law;
(j) water storage tanks not exceeding the height of the boundary wall.

(2) For the purposes of determining street boundaries, a street centreline setback and site access requirements, the boundary of a pedestrian way or service lane that cannot or will never be used by motor vehicles may be regarded as a common boundary.

Street centreline setback

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

Site development plans

23.(1) In addition to the zones that specifically require a site development plan, the Municipality may require a site development plan in respect of the following development types:
(a) shopping centres or shopping complexes;
(b) business or office park developments;
(c) industrial park developments;
(d) developments in conservation areas;
(e) developments that will be sectionalised;
(f) incremental residential developments; and
(g) major developments where there are concerns relating to urban form, heritage, traffic, the environment or planning.

(2) The Municipality may require the following information to be depicted on a site development plan:
(a) existing bio-physical characteristics of the property;
(b) existing and proposed cadastral boundaries;
(c) the layout of the property, indicating the use of different portions of the property;
(d) the massing, position, use and extent of buildings;
(e) sketch plans and elevations of proposed structures, including information about their external appearance;
(f) cross-sections of the site and buildings on site;
(g) the alignment and general specification of vehicle access, roads, parking areas, loading areas, pedestrian flow and footpaths;
(h) measures of access control to parking areas and reservation of parking areas;
(i) the position and extent of private, public and communal space;
(j) typical details of fencing or walls around the perimeter of the land unit and within the property;
(k) electricity supply and external lighting proposals;
(l) provisions for the supply of water, management of storm water, and disposal of sewage and refuse;
(m) external signage details;
(n) general landscaping proposals, including vegetation to be preserved, removed or to be planted, external paving, and measures for stabilising outdoor areas where applicable;
(o) the phasing of a development;
(p) the proposed development in relation to existing and finished ground levels, including excavation, cut and fill;

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

(3) The Municipality may require that the area covered by a site development plan must extend beyond the site under consideration if, in its opinion, the proposed development will have a wider impact.

(4) The Municipality may determine the extent of the area covered by a site development plan.

(5) An applicant must submit a site development plan to the Municipality if it is required in terms of this zoning scheme before any development on the relevant land unit may commence.

(6) The Municipality may require amendments of detail to the site development plan to address reasonable concerns relating to access, parking, architectural form, urban form, landscaping, environmental management, engineering services or similar concerns.

(7) The following provisions apply with regard to site development plans:
(a) the property must be developed generally in accordance with an approved site development plan;
(b) if the Municipality considers it necessary, a transport or traffic impact statement or assessment may be required in conjunction with a site development plan, the extent of which must be determined by the Municipality, depending on the size of the development;
(c) if the Municipality considers it necessary, a storm water impact assessment or storm water management plan or both may be required in conjunction with a site development plan, the extent of which must be determined by the Municipality, depending on the size of the development;
(d) if the Municipality considers it necessary, a visual impact assessment, which may include a landscape character analysis, may be required in conjunction with a site development plan, the extent of which must be determined by the Municipality, depending on the size of the development; and
(e) an approved site development plan must be considered as setting additional development parameters applicable to the base zone, and any application for amendment must comply with the Municipality's requirements for the amendments.

Hazardous substances

24.(1) Any use or ancillary activity that involves the storage or keeping of hazardous substances that may result in an installation being declared a major hazardous installation in terms of occupational health and safety law is not permitted, unless the owner has submitted a risk management and prevention plan and the Municipality has approved the plan.

(2) The Municipality's approval in terms of subsection (1) above does not exempt the owner from applying for permission in terms of other applicable legislation.

Screening

25. The Municipality may require screening in accordance with the following provisions:

(a) any part of a land unit that is used for the storage or loading of goods must be enclosed with a suitable wall or landscape screening or both; and

(b) any external utility service or equipment that is required for a building must be appropriately screened from view from a public street, and the screening must be integrated with the building in respect of materials, colour, shape and size.

Earth banks and retaining structures

26. Unless the prior approval of the Municipality has been obtained—

(a) no earth bank, retaining structure, column, suspended floor, other device or series of such devices may be constructed that enables the ground floor of a building to be raised more than 0,5 metres above natural ground level, provided that where the raising takes place, the height must still be measured from natural ground level, excluding infill for a driveway;

(b) no earth bank or retaining structure used for holding back earth or loose rock, whether associated with a building or not, may be constructed to a height of more than 2 metres above natural ground level; and

(c) no series of earth banks or retaining structures may be constructed to a cumulative height of more than 2,5 metres above natural ground level, unless an approximately level area of at least 2 metres wide is incorporated between successive embankments or retaining structures for every 2 metres of cumulative height.

Boundary walls

27. In the absence of an approved site development plan, architectural guidelines or relevant policy, the following development parameters apply to boundary walls:

(a) **Height**

The maximum height in all cases is 2,1 metres.

(b) **Permeability**

(i) 60% of a residential street boundary wall must be permeable; and

(ii) 80% of a street boundary wall in other areas must be permeable.

Maintenance of property

28. Property must be properly maintained by the owner or occupier and may not—

(a) be left in a neglected or offensive state, as may be determined by the Municipality;

(b) contain an unsightly accumulation of papers, cartons, garden refuse, rubble or other waste material, as may be determined by the Municipality;

(c) contain an accumulation of motor wrecks or unroadworthy vehicles or used motor parts, unless these are permitted in terms of the primary or consent use applicable in terms of this zoning scheme; and

(d) contain outdoor storage of building material, appliances or similar items unless these—

(i) are permitted in terms of the primary or consent use in terms of this zoning scheme;

(ii) are temporarily being stored for the purpose of construction in accordance with a valid building plan approval; or

(iii) are being stored in conjunction with the holding of a yard or garage sale with a duration of not more than two consecutive days.

Parking of vehicles in residential zones

29. A motor vehicle of an occupant of a dwelling unit and used for commercial activities conducted away from the dwelling unit may be parked on the property where the occupant resides, provided that—

(a) there is adequate space on the property concerned;

(b) no more than one commercial vehicle per dwelling unit may be parked on the property; and

(c) the gross weight of any such commercial vehicle may not exceed 3 500 kg.

Mobile homes and caravans

30.(1) A recreation vehicle, including a mobile home or caravan, may not be used for permanent habitation without the approval of the Municipality, unless the zoning lawfully allows the permanent habitation.

(2) The following additional development parameters apply with regard to mobile homes approved to be placed on a land unit zoned for residential purposes:

(a) the mobile home or caravan must be sited on a foundation slab and properly anchored;

(b) solid perimeter skirting, of material and colour complementary to the mobile home or caravan, must be provided from the bottom of the mobile home to the ground surface;

(c) the roof and exterior siding of the mobile home or caravan must be of a non-reflective material; and

(d) any structural additions must be of materials which, in the opinion of the Municipality, are compatible with the mobile home or caravan.

Rooftop base telecommunication stations and satellite dish antenna systems

31.(1) A rooftop base telecommunication station may not extend more than 3 metres in height above the building that it is attached to without the prior approval of the Municipality.

(2) No rooftop base telecommunication station or transmission tower granted as a consent use in terms of this By-law may be modified or have its radio-frequency emissions altered without prior written approval from the Municipality.

(3) The following provisions apply with regard to decommissioned antennae or rooftop base telecommunication stations:

(a) the owner or operator must remove all decommissioned infrastructure;

(b) if the site has been disturbed, the owner or operator must rehabilitate the site to its original state or to a state acceptable to the Municipality; and

(c) if the owner or operator fails to comply with paragraphs *(a)* or *(b)*, the Municipality may remove that infrastructure, and rehabilitate the site at the expense of the owner or operator.

(4) Any satellite dish antenna with a diameter in excess of 1,5 metres must be placed in a position that minimises the visual impact on the surrounding area, to the satisfaction of the Municipality.

(5) Satellite dish antennas of 1,5 metres in diameter and smaller, and used solely for the purposes of television reception or telecommunication, do not require the Municipality's approval and are excluded from height restrictions.

Geysers and solar panels or similar infrastructure affixed to roofs of buildings

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

Equipment on top of building

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

Parapet walls

34. Parapet walls are restricted to 500 millimetres in height above the finished roof level immediately contiguous to the parapet.

Chimneys

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

Linear infrastructure

36. Telecommunication, electrical transmission lines and pipelines or canals for the transportation of liquids and gasses may be permitted by the Municipality or an organ of state to traverse a land unit, as may be reasonably required by the Municipality or an organ of state in accordance with and subject to expropriation laws, other applicable laws and the registration of the necessary servitudes.

Utilisation of outbuildings

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

Determination of natural ground level

38.(1) The Municipality may request the submission of a registered land surveyor's certificate to determine the natural ground level before any construction activities may commence.

(2) Where the level of the land has been altered with the approval of the municipality—

(a) any grading for the purpose of development must connect evenly with the existing levels of abutting land units; and

(b) the municipality may approve the altered ground level to be the natural ground level.

(3) Where it is not possible to determine the natural ground level due to irregularities or disturbances of the land, the Municipality may—

(a) determine the natural ground level from measurements supplied on a building plan;

(b) deem a level to be the natural ground level based on measurements interpolated from a contour plan, local height benchmark or other information held by the Municipality; or

(c) require the owner or applicant to commission a registered surveyor at the cost of the owner or applicant to measure levels of the ground or interpolate levels, in order to

provide the Municipality with sufficient information to determine the natural ground level for the purpose of administering this By-law.

(4) Where a building site is elevated, filled or extended with excavated or any other material, the natural ground level is not altered unless approved by the Municipality in which case the Municipality must define a ground level for the purposes of administering the height restriction of the building.

Animals kept for commercial purposes

39. Animals may be kept for commercial purposes only on a land unit zoned Agricultural Zone I and Agricultural Zone II.

Hobbies in single and general residential zones

40. When exercising a hobby in all single and general residential zones, the dominant use of the dwelling house or dwelling unit must be for the living accommodation of a single family, provided that—

(a) no portion of the dwelling, may be used for the purposes of a noxious trade, risk activity or sale of alcoholic beverages;

(b) in addition to paragraph *(a)*, the following uses are not classified as hobbies:

(i) activities conforming to the definition of a shop;
(ii) animal care centres;
(iii) butcheries;
(iv) coal and wood merchants;
(v) escort agencies or adult entertainment;
(vi) fishmongers;
(vii) hospitals or clinics;
(viii) house shops;
(ix) taverns;
(x) manufacturing of concrete products;
(xi) motor vehicle repairs;
(xii) panel beating or spray painting;
(xiii) parcel delivery services;
(xiv) places of entertainment;
(xv) places of instruction
(xvi) shooting ranges or shooting instructions;
(xvii) taxi businesses;
(xviii) tow-in services;
(xix) transport contractors;
(xx) undertakers;
(xxi) vehicle rental agencies; and
(xxii) any other activity that in the opinion of the Municipality does not fit in the particular environment or is of a nature that it must be located on a suitably zoned premises;

(c) no goods may publicly be displayed and no external evidence of the hobby may be visible from the street;

(d) no advertising may be displayed;

(e) any public exhibition of hobby items or activities on the residential property must:

(i) be preceded by a written consent from the Municipality; and
(ii) during the public exhibition, temporary parking must be provided on the land unit in accordance with the parking requirements of this By-law and appropriate traffic regulating measures must be put in place;

(f) an activity associated with a hobby may not occupy more than 25% of the total floor area of the dwelling on the property or 60 m², whichever is more restrictive, including storage;

(g) the Municipality may restrict the operating hours relating to the hobby, if the activity proves to be a nuisance to residents in the area; and

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

CHAPTER 8
PARKING AND LOADING

Off-street parking requirements

41.(1) If parking requirements are not stipulated for a particular use, or in terms of a specific condition imposed by the Municipality, parking must be provided at a minimum ratio in accordance with the table entitled "Minimum off-street parking requirements".

(2) The Municipality must determine off-street parking requirements for land uses not stipulated in the table "Minimum off-street parking requirements".

(3) The column in the table titled "Minimum off-street parking requirements" and with heading "Normal Areas" refers to standard requirements that apply to areas where public transport is not being specifically promoted.

(4) The column with heading "PT1 Areas" refers to areas where the use of public transport is to be promoted, but where the Municipality considers the provision of public transport to be inadequate.

(5) If an area has not been specifically designated by the Municipality as a PT1 area, then the parking requirements for Normal areas apply.

(6) Off-street parking space must be provided—

(a) on the property for which parking is required;

(b) subject to the Municipality's approval, in public parking facilities available in the vicinity; or

(c) in accordance with the table below;

(7) Areas designated as "PT1" areas must be indicated on the zoning scheme map.

Minimum off-street parking requirements

Land Use		Normal Areas	PT1 Areas
Dwelling house		2 bays per dwelling Erven <350m²: 1 bay per dwelling Erven < 100m²: Nil per dwelling	1 bay per dwelling
Group housing/Town Housing		2 bays per dwelling unit 0.25 bays/unit for visitors	1 bay per dwelling unit 0.25 bays/unit for visitors
Retirement resort	Dwelling unit	2 bays per dwelling 0.25 bays/unit for visitors	1 bay per dwelling 0.25 bays/unit for visitors
	Home for the aged	O,5 bays per bedroom	0,5 bays per bedroom
	Frail Care	0,5 bays per bed	0,5 bays per bed
Orphanage		O,5 bays per bedroom	0,5 bays per bedroom
Flats		1.25 bays per dwelling 0.5 bays/unit for visitors	1.25 bays per dwelling 0.25 bays/unit for visitors
Boarding house/ Guest House/ Guest Lodge/ Bed and Breakfast Establishment		1 bay per bedroom 2 bays per owner's home / manager's flat 1 bay for visitors/ employees	1 bay per bedroom
Home care facility		1 bay / 2 beds or part thereof (e.g. 2 bays per 3 beds)	1 bay / 2 beds or part thereof (e.g. 2 bays per 3 beds)
Backpackers Lodge		1 bay /3 beds 2 bays / owner's home / manager's flat 1 bay /visitors/ employees	1 bay per 3 beds
Hotel (excluding other facilities, specific ratios apply to each use)		1.25 bays/bedroom	1 bay per bedroom
Hospital (general and private)		1 bay per 4 beds 4 bays per consulting room	1 bay per 4 beds 4 bays per consulting room
Frail care facility		1 bay per 4 beds	1 bay per bed
Clinic/Medical consulting rooms		4 bays per consulting room	4 bays per consulting room
Funeral parlour		4 bays per 100 m² office	2 bays / 100 m² office
Shops / Liquor store / Restaurant / Supermarket		4 bays per 100 m²	2 bays per 100 m²
	High intensity area e.g.: CBD, corridors, supermarket,	6 bays per 100 m²	4 bays per 100 m²
Big box retail / Shopping centres		6/100m² as determined by Council	As determined by Council
Offices		4 bays per 100 m²	2 bays per 100 m²
Home occupation		2 bays per 60 m²	1 bay per 60 m²
House shop / tavern/bar		1 bay per 30 m²	1 bay per 30 m²
Industry / Light industry / Warehouse / Scrap yard/ Builder's yard / Noxious trade / Risk activity		2 bays per 100 m²	2 bays per 100 m²
Industrial hive / Service trade		4 bays per 100 m²	3 bays per 100 m²
Storage facility		1 bay per 100m²	1 bay per 100m²
Service station/ Motor repair garage/ Motor vehicle sales or Vehicle hire premises		Minimum of 6 bays Plus 2 bays per 100 m²	Minimum of 6 bays Plus 2 bays per 100 m²
Open air motor vehicle sales		4 bays per 100 m²	3 bays per 100 m²
Place of assembly/Place of worship/ Place of Entertainment/ Place of leisure/Gambling place		1 bay per 8 seats	1 bay per 8 seats
Motor fitment centre		2 bays per service bay	2 bays per service bay
Sport stadium		1 bay per 4 seats or persons	1 bay per 4 seats or persons

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Land Use	Normal Areas	PT1 Areas
Gymnasium, health club (not part of a shopping centre)	4 bays per 100m²	4 bays per 100m²
Schools	1.5 bay per classroom/office plus stop & drop facility	1.5 bays per classroom/ office plus stop & drop facility
Crèche	1 bay per 10 children plus 1 stop & drop facility	1 bay per 10 children plus 1 stop & drop facility
Library, Museum	2 bays per 100m² GLA	1,5 bays per 100m² GLA
Place of instruction (other than schools/day care centre/ crèche)	1.5 bay per classroom/office plus 1 per 6 students	1.5 bay / classroom/office 1 per 10 students
Conference facility	6 bays per 10 seats	6 bays per 10 seats

Alternative parking supply

42.(1) As an alternative to compliance with the off-street parking requirements in terms of this zoning scheme, an owner may, with the approval of the Municipality—

(a) acquire an area of land sufficient for the permanent parking requirements elsewhere, in a location approved by the Municipality; or

(b) acquire permanent rights to a parking facility or portion of a parking facility elsewhere, in a location approved by the Municipality, and must register a notarial tie or servitude against that land or parking facility to link the properties concerned for the purpose of parking, and the owner must cause the parking concerned to be constructed and maintained in accordance with the Municipality's requirements and approval.

(2) The cost of registration of the notarial tie or servitude referred to in paragraph (1)*(b)* must be borne by the owner.

Combined parking requirements

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

(a) the Municipality is satisfied that the utilisation of the same parking area by the different use types or activities in the zones will not result in a concurrent use of the parking area; and

(b) bays intended for combined uses may not subsequently be reallocated to other uses without the approval of the Municipality.

Site access and exits

44.(1) The Municipality may require compliance with standard municipal or provincial access spacing guidelines.

(2) No access may be closer than 10 metres from an intersection as defined by the prolongation of street boundaries, except for industrial-zoned properties, where the distance must be 15 metres.

(3) The Municipality may restrict or prohibit access if a pedestrian or traffic hazard is created or is likely to be created.

(4) Vehicle entrances and exit ways to and from a property must conform to the following requirements:

(a) motor vehicle carriageway crossings must be limited to one per site per public street or road abutting the site;

(b) despite paragraph *(a)*, where the total length of any street boundary of a site exceeds 30 metres in length, one additional carriageway crossing may be permitted, provided that no two carriageway crossings are closer than 12 metres to each other;

(c) the minimum and maximum widths of motor vehicle carriageway crossings must be in accordance with the table, titled "Width of motor vehicle carriageway crossings"; and

(d) the minimum width of a panhandle access may not be less than 4 metres wide.

Width of motor vehicle carriageway crossings

Type of carriageway crossing	Minimum width	Maximum width
Single entrance or exit way	2,7 metres	4,0 metres
Combined entrance and exit way	5,0 metres	8,0 metres

Parking layout requirements

45.(1) The following parking layout requirements apply unless otherwise stated in this zoning scheme:

(a) parking layout configurations, minimum dimensions and ramps to a parking area must be in accordance with this zoning scheme or an approved site development plan;

(b) the layout of any parking area, except for parking in Single Residential Zone I and Single Residential Zone II, must ensure that vehicles can readily leave the site without reversing across the sidewalk, unless otherwise approved by the Municipality;

(c) a tandem bay accommodating two motor vehicles is regarded as one bay for the purposes of this zoning scheme, except for single residential zones, where a tandem bay is regarded as two bays;

(d) visitor parking bays must be clearly demarcated, readily visible and accessible to visitors, and preferably grouped together;

(e) parking areas must be used for the parking of vehicles which are lawfully allowed on them, and any activity which causes an obstruction for vehicular traffic or pedestrian use of the sidewalk is prohibited;

(f) parking areas must be constructed and maintained in a state suitable for the parking and movement of vehicles;

(g) control of access to and reservation of parking bays or areas is not permitted unless written approval has been obtained from the Municipality, either through an approved site development plan or other written approval; and

(h) despite paragraphs *(a)* to *(g)*, the Municipality may lay down more restrictive requirements related to parking, site access or motor vehicle carriageway crossing, if it considers this to be necessary from a pedestrian or traffic safety point of view.

(2) The Municipality may require an applicant to submit a parking layout plan indicating—

(a) the way in which it is proposed that motor vehicles park;

(b) the means of entrance and exit from parking areas;

(c) landscaping proposals; and

(d) construction details.

Parking for physically disabled

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

(2) In any parking facility serving the public, parking for persons with physical disabilities must be provided in accordance with the table entitled "Physically disabled accessible parking".

Physically disabled accessible parking

Total no of parking bays	Required number of bays accessible to the physically disabled
1–50	1
51–100	2
101–150	3
151–200	4
For every additional 100 bays	1 additional parking bay

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

(4) Parking for persons with physical disabilities must count towards fulfilling off-street parking requirements.

Motorcycle and bicycle parking spaces

47.(1) The Municipality may require that parking be provided for motorcycles and bicycles.

(2) For every 4 motorcycle and 6 bicycle parking spaces provided, a credit of 1 parking bay may be given towards applicable parking requirements, provided that—
(a) the total credit may not exceed 2,5% of the parking bays required;
(b) the minimum dimension for a motorcycle space is 2,2 metres in length and 1 metre in width; and
(c) the minimum dimension for a bicycle space is 2 metres in length and 0,6 metres in width.

(3) Signage, bollards and racks or other devices for storing bicycles and enabling motorcyclists to make use of the motorcycle and bicycle parking spaces must be installed.

Loading requirements

48.(1) Unless the Municipality grants approval to waive this requirement, loading bays must be provided in accordance with the table entitled "Minimum off-street loading bay requirements".

(2) The Municipality may determine off-street loading requirements for uses not stipulated in the table.

(3) The following minimum requirements apply to loading bays:

(a) a loading bay must measure not less than 4,5 metres x 10 metres for perpendicular loading, and 2,5 metres x 12 metres for parallel loading;

(b) no carriageway crossing to be accessed by loading vehicles may be less than 3 metres in width, and no combined entrance and exit way may be less than 6 metres in width; and

(c) covered loading areas must have a minimum headroom of 3,7 metres.

Minimum off-street loading bay requirements

Land use	Floor area (m²)	Number of loading bays
Offices	0–5 000 5 001–15 000 15 001–30 000 Every additional 30 000 or part thereof	0 1 2 1 additional bay
Business premises other than offices, supermarket, industry	0–1 000 1 001–2 500 2 501–5 000 5 001–10 000 Every additional 10 000 or part thereof	0 1 2 3 1 additional bay
Supermarket	0–500 501–1 000 1 001 and greater	1 2 3 x requirements for business premises other than offices, supermarket, industry

CHAPTER 9
REFUSE ROOMS AND SERVICE YARDS

Refuse rooms

49. The Municipality may, for the purposes of collecting refuse, require the owner to install a refuse receptacle on a property and require the refuse receptacle to—

(a) be of sufficient size to accommodate the refuse generated from the property for one week;

(b) be located adjacent to a public street, or in a position which will provide acceptable access to a refuse collection vehicle;

(c) be designed in a manner that is architecturally compatible with the other structures on the property and will screen refuse bins from public view; and

(d) to comply with any other conditions or standard requirements that the Municipality may impose relating to access, health, pollution control, recycling, safety or aesthetics.

Service yards

50.(1) The Municipality may require the owner to install a screened area providing utility services, including washing lines, for residential developments.

(2) The utility services must—

(a) be designed in a manner that is architecturally compatible with the other structures on the property and in the case of refuse bins must be screened from public view; and

(b) comply with any other conditions or standard requirements that the Municipality may impose relating to access, health, pollution control, safety or aesthetics.

CHAPTER 10

SHORT TITLE AND COMMENCEMENT

Short title and commencement

51. This By-Law shall be known as the Breede Valley Municipality Zoning Scheme By-Law and shall come into operation on the date of promulgation in the provincial gazette.

SCHEDULE 1: USE ZONES TABLE

1	2	3
Zoning	**Primary use**	**Consent use**
	AGRICULTURAL ZONES	
Agricultural Zone I (AZI): *The objective of this zone is to promote and protect agriculture on farms as an important economic, environmental and cultural resource. Limited provision is made for non-agricultural uses to provide rural communities in more remote areas with the opportunity to increase the economic potential of their properties, provided these uses do not present a significant negative impact on the primary agricultural resource.*		
	Primary use • Agriculture *"agriculture" means the cultivation of land for raising crops and other plants, including plantations, the keeping and breeding of animals, birds or bees, stud farming, game farming, a riding school or natural veld, and—* *(a) includes—* *(i) the harvesting, cooling, storing, sorting, packing and packaging of agricultural produce grown on that land unit and surrounding or nearby farms;* *(ii) harvesting of natural resources limited to living organisms for delivery to the market;* *(iii) agricultural buildings or infrastructure that are reasonably connected with the main farming activities, including a dwelling house, agricultural worker accommodation and rooftop base telecommunication stations;* *(iv) a camping site limited to a maximum of 10 tent or caravan stands subject to the development parameters applicable to "tourist accommodation", provided further that a consent use must be applied for in the following cases* *(aa) the property is smaller than 1ha;* *(bb) the property is situated within 1km of the high water mark of the sea or a tidal river;* *(cc)more than 10 tent or caravan stands are applied for;* *(v) linear infrastructure;* *(vi) agricultural industry (smaller than 2000m²); and* *(b) does not include aquaculture; an abattoir, a farm shop, an animal care centre, any mining activity, utility services and renewable energy structures for commercial purposes.*	**Consent uses** • Abattoir • Additional dwelling units • Agricultural industry (>2000m²) • Airfield • Animal care centre • Aqua-culture • Camping site • Creche • Farm shop • Farm grave yard • Farmer's market • Freestanding base telecommunication station • Function venue • Guest house • Helicopter landing pad • Intensive horticulture • Intensive animal farming • Off-road trail • Plant nursery • Quarry • Renewable energy structure • Shooting range • Tourist facilities • Utility service

1	2	3
Zoning	**Primary use**	**Consent use**
Agricultural Zone II (AZII): *The objective of this zone is to accommodate larger residential properties, which may be used for limited agriculture, but primarily serve as places of residence for people who seek a rural lifestyle. Such properties are often found close to towns and villages, and new smallholding areas should only be permittted within an acknowledged, demarcated urban area.*		
	Primary use • Smallholding *smallholding" means an extensive landholding, including a dwelling house that is primarily a place of residence on which small scale agricultural activities may take place.*	**Consent uses** • Additional dwelling • Agricultural industry • Animal care centre • Aqua-culture • Farm shop • Freestanding base telecommunication station • Guest house • Plant nursery • Riding school • Rooftop base telecommunication station • Tourist facilities • Utility service
SINGLE RESIDENTIAL ZONES		
Single Residential Zone I (SRZI): *The objective of this zone is to provide for residential development where the predominant type of accommodation is a dwelling house for a single family, where each dwelling has its own land unit, and adequate outdoor space. Limited employment and additional accommodation opportunities are possible as primary or consent uses, provided that the dominant use of the property remains residential, and impacts of employment and additional accommodation uses do not adversely affect the quality and character of the surrounding residential environment.*		
	Primary use • Dwelling house *means a building containing only one dwelling unit, together with such outbuildings as are ordinarily used with a dwelling house, including:* *(a) a storeroom and garaging;* *(c) a braai room;* *(d) renewable energy structures for household purposes;* *(e) letting to lodgers; and* *(f) home child care.*	**Consent uses** • Additional dwelling • Bed and breakfast establishment • Crèche • Guest house • Halfway house • Home care facility • House shop • Self catering facility • Home occupation

1	2	3
Zoning	**Primary use**	**Consent use**
Single Residential Zone II (SRZII) : *The objective of this zone is to provide for upgrading and incremental housing from informal settlements to formal settlements and also to allow formal as well as informal housing types on a single erf. In recognition of the realities of poor and marginalised communities, development management provisions are not restrictive and local employment generation is encouraged within this zone.*		
	Primary uses • Dwelling house • Shelter	**Consent uses** • Halfway house • Home care facility • House shop • Home occupation
GENERAL RESIDENTIAL ZONES		
General Residential Zone I (GRZI): *The objective of this zone is to encourage residential development of a medium density, with a coordinated design, and to accommodate group housing where special attention is given to aesthetics, architectural form and the inter-relationship between components of the group housing scheme. Group housing may be located in single residential areas in places where an increased density is desirable, including along main roads, near local shopping centres and other activity nodes, and also preferably near to public open spaces.*		
	Primary use • Group housing *"group housing" and "group housing scheme" means a group of separate or linked dwelling units where—* *(a) every dwelling unit has a ground floor;* *(b) the units may be cadastrally subdivided;* *(c) the units are planned, designed and built as a harmonious architectural entity in an ordered way; and* *(d) the units are integrated with communal private open spaces, private roads and parking.*	**Consent uses** • Flats • Retirement resort • Sports and recreation centre • Wellness centre
General Residential Zone II (GRZII): *The objective of this zone is to encourage residential development of a greater density than for General Residential Zone II, while retaining the emphasis on design coordination and a modest scale in terms of height. This zone has particular location requirements, including proximity to transport and amenities, and should not be randomly located without due consideration of the availability of open space and community facilities. Town housing may be located in and around central business areas, near high density nodes and along activity axis including railway lines and main traffic routes, where flats are often found.*		
	Primary use • Town housing *means a row or group of linked or attached dwelling units, planned, designed and built as a harmonious architectural entity where every dwelling unit has a ground floor and dwelling units may be cadastrally subdivided.*	**Consent uses** • Flats • Retirement resort

1	2	3
Zoning	**Primary use**	**Consent use**
General Residential Zone III (GRZIII): *The objective of this zone is to promote higher density residential development. The dominant use within this zone must be residential, but limited mixed-use development is possible with the Municipality's consent. This zone has particular location requirements, including proximity to transport and amenities, and should not be randomly located without due consideration of the availability of open space and community facilities.*		
	Primary use • Flats *means a building containing three or more dwelling units of which at least one does not have a ground floor, together with such outbuildings, open space and private roads as are ordinarily associated with flats.*	**Consent uses** • Backpackers' lodge • Boarding house • Convenience shop • Renewable energy structure • Retirement resort • Rooftop base telecommunication station
General Residential Zone IV (GRZIV): *The objective of this zone is to provide a temporary residence for transient guests in an appropriately scaled establishment that may include a small conference/ training facility that also caters for business meetings and where lodging and meals are provided.*		
	Primary use • Guest lodge *means an appropriately scaled establishment that provides temporary residence and meals for transient guests and—* *(a) includes a small conference or training facility and also caters for business meetings, and* *(b) does not include a restaurant or backpackers' lodge.*	**Consent uses** • Backpackers' lodge • Camping site • Restaurant • Tourist facilities • Wellness centre

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1	2	3
Zoning	**Primary use**	**Consent use**
General Residential Zone V (GRZV): *The objective of this zone is to provide a temporary residence for transient guests, where lodging and meals are provided, and may include a restaurant and conference facilities. Outside towns it should only be considered in identified tourism areas or within resorts.*		
	Primary use • Hotel *means a property used as a temporary residence for transient guests, where lodging and meals are provided, and—* *(a) includes—* *(i) restaurants;* *(ii) conference and entertainment facilities and a chapel that are subservient and ancillary to the dominant use of the property as a hotel;* *(iii) premises that are licensed to sell alcoholic beverages for consumption on the property;* *(iv) flats;* *(v) a wellness centre; and* *(vi) a boarding house; and* *(b) does not include—* *(i) a liquor store;* *(ii) a backpackers' lodge;* *(iii) a dwelling house, and* *(iv) a dwelling unit.*	**Consent uses** • Backpackers' lodge • Gambling place • Renewable energy structure • Rooftop base telecommunication station • Shop

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1	2	3
Zoning	**Primary use**	**Consent use**
BUSINESS ZONES		
Business Zone I (BZI): *The objective of this zone is to provide for intensive business and mixed-use development with relatively few restrictions in order to promote urban vitality and economic growth.*		
	Primary use • Business premises *means a property from which business is conducted and—* *(a) includes a shop, restaurant, plant nursery, office, funeral parlour, financial institution and building for similar uses, place of assembly, place of leisure, institution, hotel, conference facility, and multiple parking garage;* *(b) includes also the following land uses above ground floor:* *(i) caretaker's quarters;* *(ii) backpackers' lodge;* *(iii) youth hostel;* *(iv) boarding houses; and* *(c) does not include a place of entertainment, gambling place, motor repair garage, industry, noxious trade, risk activity, adult entertainment, adult services, or adult shop.*	**Consent uses** • Adult entertainment • Adult services • Adult shop • Big Box retail • Car wash • Flats • Freestanding base telecommunication station • Gambling place • Helicopter landing pad • Liquor store • Place of entertainment • Place of instruction • Place of worship • Renewable energy structure • Rooftop base telecommunication station • Supermarket • Transport use • Warehouse

1	2	3
Zoning	**Primary use**	**Consent use**
Business Zone II (BZII): *The objective of this zone is to provide for the retail sale of goods and services to the public.*		
	Primary use • Shop *property used for the retail sale of goods and services to the public, and—* *(a) includes a retail concern where goods that are sold in the concern are manufactured or repaired, a funeral parlour, service trade, and* *(b) does not include a hotel, industry, supermarket, motor repair garage, open air motor vehicle display, service station, restaurant, adult entertainment, adult services, adult shop or a liquor store.*	**Consent uses** • Adult shop • Conference facility • Dwelling house • Flats • Freestanding base telecommunication station • Place of assembly • Place of instruction • Place of leisure • Place of worship • Renewable energy structure • Restaurant • Rooftop base telecommunication station
Business Zone III (BZIII): *The objective of this zone is to provide an intermediate zone that may, if required, act as a buffer or interface between high- and medium-intensity business zones, and residential zones. Retail activities are limited to those which are ancillary to the dominant permitted uses, namely offices In order to protect the amenity of adjacent residential areas, appropriate levels of landscaping and environmental management are required.*		
	Primary use • Offices *means property used for the conducting of an enterprise primarily concerned with administrative, clerical, financial or professional duties, and includes—* *(a) medical consulting rooms;* *(b) a clinic; and* *(c) a tuck shop.*	**Consent uses** • Dwelling house • Flats • Institution • Place of assembly • Place of instruction • Place of leisure • Renewable energy structure • Restaurant • Rooftop base telecommunication station • Shop

1	2	3
Zoning	**Primary use**	**Consent use**
Business Zone IV (BZIV): *The objective of this zone is to provide for large-scale regional retail facilities that exceed the floor area of shops and supermarkets aimed at the local market in general. These facilities may offer a diverse range of products under one roof and supply products to individuals as well as wholesale trade. These facilities may be developed as a power centre. Specific consideration should be given to the locality and placement of these facilities with consideration of their regional significance and accessibility as well as possible impact on existing nodal areas.*		
	Primary use • Big box retail *means large buildings with footprints larger than 2 000 m² per enterprise, where the nature of the retail business is typified by attracting customers with low prices or large selections or both low prices and large selections, with large floor space and high volume sales, and may include a restaurant that is ancillary to the main use*	**Consent uses** • Place of entertainment • Place of leisure • Place of worship • Renewable energy structure • Rooftop base telecommunication station • Shop • Warehouse
Business Zone V (BZV): *The objective of this zone is to provide opportunities in urban areas for service stations, motor repair garages and associated facilities that have specific vehicle access requirements and potential negative impacts on adjoining areas.*		
	Primary use • Service station *means property for the retail supply of fuel, and—* *(a) may include uses including washing of vehicles, a convenience shop and a restaurant; and* *(b) does not include spray-painting, panel beating, motor repair garage, open air motor vehicle display or truck stop.*	**Consent uses** • Motor repair garage • Open air vehicle display • Shop • Truck stop • Truck stop accommodation

1	2	3
Zoning	**Primary use**	**Consent use**
INDUSTRIAL ZONES		
Industrial Zone 1 (IZI): *The objective of this zone is to accommodate industry uses and service trades that may be carried out without nuisance to other properties or the general public. These uses may be located next to business uses and in close proximity to residential areas, and do not present a potential negative impact on the character or amenity of such areas.*		
	Primary use • Light industry *(a) means an industry, not being a hazardous or offensive industry or involving use of hazardous or offensive storage establishment, and where the processes carried on, the transportation involved or the machinery or materials used do not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise;* *(b) involves manufacturing that is less capital-intensive and requires less machinery than other types of manufacturing; and* *(c) includes—* *(i) the manufacturing of consumer products, including electronics and clothing;* *(ii) warehousing;* *(iii) industrial hive;* *(iv) service trade*;	**Consent uses** • Adult entertainment • Adult services • Adult shop • Aqua-culture • Caretaker's quarters • Convenience shop • Liquor store • Office • Open air motor vehicle display • Place of leisure • Place of worship • Renewable energy structure • Restaurant • Rooftop base telecommunication station • Service station • Truck stop • Truck stop accommodation

1	2	3
Zoning	**Primary use**	**Consent use**
Industrial Zone II (IZII): *The objective of this zone is to accommodate all forms of industry, except noxious trade and risk activity, in order to promote the manufacturing sector of the economy. Some allowance is made for non-industrial activities, but these should not compromise the general use of the area zoned for industry. It is accepted that the intensive nature of the industrial activity or the scale of the operation could generate some negative impact on adjacent properties.*		
	Primary use • Industry *means a property used as a factory and in which an article or part of the article is made, manufactured, produced, built, assembled, compiled, printed, ornamented, processed, treated, adapted, repaired, renovated, rebuilt, altered, painted (including spray painting), polished, finished, cleaned, dyed, washed, broken up, disassembled, sorted, packed, chilled, frozen or stored in cold storage; including offices, caretaker's quarters, factory shop or other uses that are subservient and ancillary to the use of the property as a factory; and—* *(a) includes—* *(i) an industrial hive;* *(ii) builder's yard;* *(iii) funeral parlour;* *(iv) service station;* *(v) transport usage;* *(vi) rooftop base telecommunication station; and* *(vii) warehouse and agricultural industry; and* *(b) does not include a noxious trade, scrap yard or risk activity.*	**Consent uses** • Abattoir • Adult entertainment • Adult services • Aqua-culture • Container site • Convenience shop • Crematorium • Free standing base telecommunication station • Helicopter landing pad • Liquor store • Office • Place of entertainment • Place of leisure • Place of worship • Renewable energy structure • Restaurant • Scrap yard • Truck stop • Truck stop accommodation

1	2	3
Zoning	**Primary use**	**Consent use**
Industrial Zone III (IZIII): *The objective of this zone is to provide for industries that are noxious in respect of smell, product, waste or other objectionable consequence of their operation, or carry a high risk in the event of fire or accident. While other uses are permitted with consent, the Municipality must ensure there is sufficient capacity for noxious trade in the limited areas suitable for this zone. A noxious trade should not be located close to residential areas.*		
	Primary use • Noxious trade *means an industry that is offensive, poisonous or a potentially harmful use or activity that, because of the fumes, emissions, smell, vibration, noise, waste products, nature of material used, processes employed, or other cause, is considered by the Municipality to be a potential source of danger, nuisance or offence to the general public or persons in the surrounding area and includes—* *(a) an abattoir;* *(b) a crematorium;* *(c) rooftop base telecommunication station;*	**Consent uses** • Container site • Convenience shop • Free standing base telecommunication station • Helicopter landing pad • Industry • Liquor store • Motor repair garage • Renewable energy structure • Scrap yard • Service station • Transport use
Industrial Zone IV (IZIV): *The objective of this zone is to provide for the use of land for the extraction of minerals and raw materials and, to a limited extent, associated business operations. This zone is intended for operations of a more permanent nature as opposed to temporary, short-term mining or prospecting activities.*		
	Primary use • *Mine*	**Consent uses** • Industry

1	2	3
Zoning	**Primary use**	**Consent use**
COMMUNITY ZONES		
Community Zone I (CZI): *The objective of this zone is to provide for educational facilities of all kinds, but controlled provision is made for other compatible community uses.*		
	Primary use • *Place of instruction* *(a) means a place for education or training at pre-school, school or post-school levels;* *(b) includes a crèche, nursery school, primary school, secondary school, college, university or research institute;* *(c) includes ancillary uses including—* *(i) a boarding hostel,* *(ii) sports and recreation centre,* *(iii) a civic facility for the promotion of knowledge to the community including—* *(aa) a public library,* *(bb) place of worship,* *(cc) public art gallery,* *(dd) museum;* *(ee) place of instruction in sport where the main objective is instruction rather than participation of the public as competitors or spectators; and* *(d) does not include a reformatory or a conference facility.*	**Consent uses** • Conference facility • Freestanding base telecommunication station • Institution • Place of assembly • Rooftop base telecommunication station
Community Zone II (CZII): *The objective of this zone is to provide for places where communities can congregate and worship according to the custom of their specific faith or religion.*		
	Primary use • *Place of worship* *(a) means a church, synagogue, mosque, temple, chapel or other place for practising a faith or religion, provided that a dwelling where the occupants engage in worship does not constitute a place of worship;* *(b) includes ancillary uses such as a religious leader's dwelling, office, crèche, function hall, or place for religious instruction; and* *(c) does not include a funeral parlour, cemetery or crematorium,*	**Consent uses** • Cemetery • Institution • Place of instruction • Rooftop base telecommunication station • Wall of remembrance

1	2	3
Zoning	**Primary use**	**Consent use**
Community Zone III (CZIII): *The objective of this zone is to provide for a wide range of health facilities.*		
	Primary use • Institution *(a) means a property used as a facility that renders services to the community including—* *(i) hospital;* *(ii) clinic;* *(iii) home for the aged, retired, indigent or handicapped, frail care facility;* *(iv) a social facility including a counselling centre, orphanage and rehabilitation centre;* *(v) ancillary accommodation, administrative, tuck shop, health care, training and support services and facilities; and* *(b) does not include a correctional facility.*	**Consent uses** • Rooftop base telecommunication station
RESORT ZONE		
Resort Zone (RZ): *The objective of this zone is to promote tourist and holiday facilities in areas with special environmental or recreational attributes, and to encourage general public access to these facilities. At the same time, care should be exercised to minimise potential negative impacts of development on fragile environments. The guiding principle should be that a resort must not detract from the amenity that attracted the holiday facilities in the first place, nor should it cause a public nuisance for other people living and working in the vicinity. This zone should only be used in exceptional cases and is normally applicable to tourist developments outside established, built-up areas.*		
	Primary use • Tourist accommodation *means a harmoniously designed and built holiday development, used for holiday or recreational purposes, whether in private or public ownership, that—* *(a) consists of a single enterprise that provides overnight accommodation by means of short-term rental or time sharing only;* *(b) may include the provision of a camping site, caravan park, chalets or mobile home park, resort shop, private or public roads; and* *(c) does not include a hotel or wellness centre.*	**Consent uses** • Conference facility • Freestanding base telecommunication station • Function venue • Gambling place • Hotel • Off-road trail • Place of leisure • Rooftop base telecommunication station • Sport and recreation centre • Tourist facilities • Wellness centre

1	2	3
Zoning	**Primary use**	**Consent use**
OPEN SPACE ZONES		
OPEN SPACE ZONE I (OSZI): *The objective of this zone is to provide for active and passive recreational areas on public land, in order to promote recreation, and enhance the aesthetic appearance of an area.*		
	Primary use • *Public open space* *(a) means land, with or without access control —* *(i) owned by the Municipality or other organ of state;* *(ii) not leased out by the Municipality or that other authority on a long-term basis,* *(ii) set aside for the public as an open space for recreation or outdoor sport and designated as public open space; and* *includes a park, playground, public or urban square, picnic area; public garden, nature area and ancillary buildings and infrastructure*	**Consent uses** • Environmental facilities • Informal trading • Tourist facilities • Urban agriculture • Utility service
OPEN SPACE ZONE II (OSZII): *The objective of this zone is to provide for private active and passive recreational areas, in order to promote recreation and enhance the aesthetic appearance of an area.*		
	Primary use • Private open space *(a) means land not designated as public open space and that is used primarily as a private site for sport, play, rest or recreation, or as a park, botanical garden, nature conservation area;* *(a) includes ancillary buildings, infrastructure, and public land that is or will be leased on a long term basis; and* *(b) does not include shops, restaurants and gymnasiums.*	**Consent uses** • Cemetery • Tuck shop • Environmental facilities • Function venue • Informal trading • Plant nursery • Restaurant • Sports and recreation centre • Tourist facilities • Urban agriculture • Utility service

1	2	3
Zoning	**Primary use**	**Consent use**
OPEN SPACE ZONE III (OSZIII): *The objective of this zone is to provide for the conservation of natural resources in areas that have been proclaimed as nature areas (statutory conservation), in order to sustain flora and fauna and protect areas of undeveloped landscape including woodlands, ridges, wetlands and the coastline. A range of consent uses is provided to supplement and support the main objective of this zone.*		
	Primary use • Nature reserve *means a national park or some other nature area that is owned by an organ of state or remains in private ownership and has been declared as a nature reserve or has a similar status in terms of legislation; it consists of an area that is utilised as a game park or reserve for fauna and flora in their natural habitat and—* *(a) includes environmental facilities and worker accommodation; and* *(b) does not include accommodation facilities for tourists or holiday makers.*	**Consent uses** • Conference facility • Freestanding base telecommunication station • Function venue • Rooftop base telecommunication station • Tourist accommodation • Tourist facilities • Tuck shop • Utility service • Wellness centre
TRANSPORT ZONES		
TRANSPORT ZONE I (TZI): *The objective of this zone is to reserve land for transportation systems, excluding public streets, but including all other transport undertakings*		
	Primary use • Transport use *means the use of land, a building or structure for the operation of a service for the transportation of goods (including liquids and gases) or passengers by means of rail, road or pipeline and—* *(a) includes the use of that land, building or structure for the purpose of a harbour, railway station, bus depot or taxi interchange, and a transport undertaking;* *(b) includes a public-private undertaking including a railway station, bus depot, multiple parking garage, taxi rank, public transport interchange, harbour and ancillary purposes; and* *(c) does not include an airport, airfield; or helicopter landing pad.*	**Consent uses** • Air and underground rights • Airfield • Airport • Business premises • Conference facility • Container site • Freestanding base telecommunication station • Helicopter landing pad • Hotel • Industry • Informal trading • Outdoor trading and dining • Rooftop base telecommunication station • Service station • Warehouse

1	2	3
Zoning	**Primary use**	**Consent use**
TRANSPORT ZONE II (TZII): *The objective of this zone is to provide for public streets, whether constructed or still to be constructed, as well as infrastructure associated with public streets. Provision is also made for the temporary use of the land unit for other purposes as may be approved by the Municipality.*		
	Primary use • Public street *means any land, owned by or vesting in the Municipality, indicated on an approved plan, diagram or map as having been set aside as a public thorough way for vehicles and pedestrians and includes—* *(a) open public parking areas;* *(b) sidewalks;* *(c) those parts of a public place that are travelled parts;* *(d) informal trading; and* *(e) appropriate and necessary street furniture and infrastructure, including reticulation networks that does not present any threat to the safety or obstruct or inhibit free movement of pedestrians.*	**Consent uses** • Air and underground rights • Multiple parking garage • Outdoor trading and dining
TRANSPORT ZONE III (TZIII): *The objective of this zone is to provide private roads that is privately owned and does not vest in the Municipality or any other organ of state, for the passage or parking of motor vehicles.*		
	Primary use • Private road *(a) means privately owned land designated as a private road that provides vehicle access to a separate cadastral property or properties;* *(b) includes utility services and ancillary access control infrastructure, including a gatehouse, guardhouse, refuse room and utility room; and* *(c) does not include a driveway on a property, or a servitude right of way over a property as these do not constitute private roads for the purpose of this zoning scheme.*	**Consent uses** • Outdoor trading and dining

1	2	3
Zoning	**Primary use**	**Consent use**
UTILITY ZONE		
UTILITY ZONE (UZ): *The objective of this zone is to reserve land for uses that do not fall into another zoning category and that is normally undertaken by national, provincial and municipal government agencies including utility services and substations. Some flexibility for the use of land and development parameters is provided.*		
	Primary use • Utility service *means a use or infrastructure that is required to provide engineering and associated services for the proper functioning of urban development and—* *(a) includes a water reservoir and purification works, electricity substation, storm water retention facilities, and a waste-water pump station and treatment works, rooftop base telecommunication station and freestanding base telecommunication station; and* *(b) does not include renewable energy structures or transport use; and* *(c) provided that a road is not regarded as a utility service.*	**Consent uses** • Renewable energy structure

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1	2	3
Zoning	**Primary use**	**Consent use**
	AUTHORITY ZONE	
AUTHORITY ZONE (AZ)		
	Primary use • *Authority use* *means a use which is practised by or on behalf of an organ of state and that cannot be classified or defined under other uses in this zoning scheme, and includes a use practised by—* *(a) the national government, including a military centre or installation, police station or correctional facility;* *(b) the provincial government, including a road station or road camp;* *(c) the Municipality, including a fire service or a municipal depot with related uses, including limited accommodation for staff who are required to be on standby for emergencies; and* *(d) a foreign government including an embassy or consulate, but does not include a dwelling house when the dominant use is for living accommodation of foreign diplomatic personnel.*	**Consent uses** • None
	UNDETERMINED ZONE	
UNDETERMINED ZONE (UNZ): *The objective of this zone is to enable the Municipality to defer a decision regarding a specific land use and development management provisions until the circumstances affecting the land unit have been properly investigated; or until the owner of the land makes an application for rezoning; or a zoning determination is made by the Municipality. The objective of this zone is furthermore to create a zone to which land could revert back to when rights under current zonings, other than Single Residential Zone I, were not exercised, especially in cases where changes in the planning context occurred since the current zoning was granted.*		
	Primary use • None	**Consent uses** • None

RECORD OF AMENDMENTS

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SCHEDULE 2

LAND USE DESCRIPTIONS AND DEVELOPMENT PARAMETERS

"ABATTOIR"

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

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

"ADDITIONAL DWELLING UNIT" (RURAL)

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

(a) additional dwelling units can be allowed at a ratio of one additional dwelling unit per 10 ha, calculated on the basis of all additional dwelling units on the agricultural land unit, up to a maximum of five (5) additional dwelling units per agricultural land unit; with the exception of one additional unit that can be allowed in all cases as a consent use, irrespective of the size of the agricultural land unit;

(b) an additional unit may not be erected within 1 km of the high water mark of a tidal river except where a proclaimed township is situated between the additional dwelling unit and the tidal river;

(c) one additional dwelling unit may be erected within the 1km high water mark of a tidal river, provided that the additional dwelling unit is attached to the main house and does not exceed a floor area of 60m²; and

(d) no alienation of additional dwelling units will be permitted whether by cadastral subdivision or sectional title.

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

(a) a dwelling permanently occupied by a person engaged in *bona fide* agricultural activities on the land unit is not regarded as an additional dwelling unit;

(b) the total floor space of an additional dwelling unit including the floor space in all ancillary buildings to the additional dwelling, may not exceed 120 m²; including canopies

(c) an additional dwelling unit must be constructed in a style that is similar to the architecture of the main dwelling house, unless otherwise permitted by the Municipality;

(d) an additional dwelling unit that is a separate structure to a dwelling house may not exceed a height of 6,5 metres to the top of the roof;

(e) an additional dwelling unit that is contained within the same building as a dwelling house must be designed so that the building appears to be a single dwelling house; of which one unit may be on the ground floor and the other unit above;

(f) the existence of an additional dwelling unit may not in itself be sufficient reason for the Municipality to grant an application in terms of the Planning By-law to subdivide the land unit containing the dwelling units; and

"ADDITIONAL DWELLING" (URBAN)

Land use description: *"additional dwelling"* means another dwelling that may, in terms of this By-law, be erected on a land unit where a dwelling house is also permitted; and the additional dwelling may be a separate structure or attached to an outbuilding or may be contained in the same structure as the dwelling house; provided that–

(a) an additional dwelling may only be erected in a use zone where provision has been made in column 2 of the table set out in Schedule 1 for a additional dwelling as a consent use; and

(b) the additional dwelling must remain on the same land unit as the dwelling house and not be alienated separately.

Development parameters:

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

(a) the total floor space of an additional dwelling may not exceed 150 m² including the floor space of all ancillary buildings;

(b) an additional dwelling must be constructed in a style that is similar to the architecture of the main dwelling house;

(c) an additional dwelling that is a separate structure to a dwelling house may not exceed a height of 6,5 metres to the top of the roof;

(d) an additional dwelling that is contained within the same building as a dwelling house must be designed so that the building appears to be a single dwelling house; both units may have a ground floor, or one unit may be on the ground floor and the other unit above;

(e) the existence of an additional dwelling may not in itself be sufficient reason for the Municipality to grant an application in terms of planning law to subdivide the land unit containing the dwelling units; and

(f) the construction of an additional dwelling is subject to the Municipality's municipal services department certifying that adequate services network capacity is available to serve the needs of the additional dwelling.

"ADULT ENTERTAINMENT"

Land use description: "*adult entertainment"*—

(a) means the use of property for adult film theatres or strip clubs where sexually explicit, live or recorded shows are displayed; and

(b) does not include adult services or an adult shop.

Development parameters:

The development parameters applicable to "business premises" apply.

"ADULT SERVICES"

Land use description: *"adult services"*—

(a) means the use of property for massage parlours or escort agencies where sexually orientated personal services are provided, unless the services form part of a medical or therapeutic service provided by a registered medical practitioner or similar registered professional person; and

(b) does not include adult entertainment or an adult shop.

Development parameters:

The development parameters applicable to "business premises" apply.

"ADULT SHOP"

Land use description: "*adult shop"*—

(a) means the use of property for the retail sale of pornographic, sexually explicit or erotic material, whether or not the material is displayed for sale, unless the material

forms part of a medical or therapeutic service provided by a registered medical practitioner or similar registered professional person; and

(b) does not include adult entertainment or adult services.

Development parameters:
The development parameters applicable to "business premises" apply.

"AGRICULTURAL INDUSTRY"

Land use description: "*agricultural industry"*—

(a) means an enterprise for the processing of agricultural products on a farming unit owning to the nature, perishableness and fragility of such agricultural products of which the majority of the products is sourced from that land unit and if not produced on that land unit, then from the land units farmed by the owners of the enterprise with a minority of the products sourced from the surrounding or nearby farms;

(b) includes a winery, dairy, distillery, the bottling of water, a saw mill; and

(c) does not include an abattoir.

Development parameters:
Development parameters applicable to "agriculture" apply.

"**AGRICULTURAL WORKER ACCOMMODATION"**

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

Development parameters:
The development parameters applicable to "agriculture" apply with the following additional development parameters:

(a) the number of units must be reasonably connected to the *bona fide* agricultural activities on the land unit; and

(b) no agricultural worker accommodation may be erected within 1 km of the high water mark of the sea or a tidal river.

"AGRICULTURE"

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

(c) includes—

(i) the harvesting, cooling, storing, sorting, packing and packaging of agricultural produce grown on that land unit and surrounding or nearby farms;

(ii) harvesting of natural resources limited to living organisms for delivery to the market;

(iv) agricultural buildings or infrastructure that are reasonably connected with the main farming activities, including a dwelling house, agricultural worker accommodation and rooftop base telecommunication stations;

(iv) a camping site limited to a maximum of 10 tent or caravan stands subject to the development parameters applicable to "tourist accommodation", provided further that a consent use must be applied for in the following cases

(aa) the property is smaller than 1ha;

(bb) the property is situated within 1km of the high water mark of the sea or a tidal river;

(cc) more than 10 tent or caravan stands are applied for;

(w) linear infrastructure;
(vi) agricultural industry; and

(d) does not include aquaculture; an abattoir, a farm shop, an animal care centre, any mining activity, utility services and renewable energy structures for commercial purposes.

Development parameters:
The following development parameters apply:

(a) **Building lines**
The road or street and common boundary building lines are 30 metres.

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

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

(d) **Farm shop, resort shop**
Where a farm shop and a resort shop are operated from the same property the combined floor area of the farm shop and resort shop may not exceed 100m².

(e) **Agricultural Industry**
In addition to the above parameters the following apply:
(i) the agricultural industry does not exceed a total floor area of 2 000m²; and
(ii) the parking requirements for "industry" apply.

"AIR AND UNDERGROUND RIGHTS"

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

Development parameters:
(a) The Municipality must require a site development plan for air and underground rights.
(b) The site development plan as approved by the Municipality constitutes the development parameters.
(c) The provisions for a site development plan in this By-law apply.
(d) The Municipality may approve a consent use for air or underground rights if—
(i) the consent use does not compromise the intended primary use of the land;
(ii) an agreement defining the extent of rights, time period, compensation, ownership and maintenance obligations relating to the property is

concluded between the parties concerned and is approved by the Municipality;

(iii) a servitude in respect of the air or underground rights is registered over the land concerned; and

(iv) the Municipality is satisfied that structural components, clearance and operational characteristics are sufficient to ensure safe and efficient operation of the street, road or parking.

"AIRFIELD"

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

Development parameters:

(a) The Municipality must require a site development plan for an airfield.

(b) The site development plan as approved by the Municipality constitutes the development parameters.

(c) The provisions for a site development plan in this By-law apply.

"AIRPORT"

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

(a) a restaurant;

(b) car rental facility;

(c) shop; and

(d) hotel.

Development parameters:

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

"ANIMAL CARE CENTRE"

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

(a) boarding kennels; and

(b) pet training centres.

Development parameters:

The development parameters applicable to "agriculture" apply.

"AQUA-CULTURE"

Land use description: *aqua-culture"* means the breeding, for commercial purposes, of water flora or fauna in artificially constructed dams or holding tanks, or suspended from floating supports in natural water bodies.

Development parameters:

The development parameters applicable to "agriculture" apply.

"AUTHORITY USE"

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

(e) the national government, including a military centre or installation, police station or correctional facility;

(f) the provincial government, including a road station or road camp;

(g) the Municipality, including a fire service or a municipal depot with related uses, including limited accommodation for staff who are required to be on standby for emergencies; and

(h) a foreign government including an embassy or consulate, but does not include a dwelling house when the dominant use is for living accommodation of foreign diplomatic personnel.

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

"BACKPACKERS' LODGE"

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

Development parameters:
The development parameters applicable to "guest lodge" apply.

"BED AND BREAKFAST ESTABLISHMENT"

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

(a) in which the owner of the dwelling supplies lodging and meals for compensation to transient guests who have permanent residence elsewhere; and

(b) provided that the dominant use, structure and design of the dwelling house concerned remains for the living accommodation of a single family.

Development parameters:
The development parameters applicable to "dwelling house", and "additional dwelling unit" apply.
The following further parameters apply:

(a) no more than two rooms per land unit may be used for bedroom accommodation for paying guest, and no more than four paying guest per land unit may be supplied with lodging or meals at any time;

(b) the requirement in paragraph *(a)* is also applicable where a land unit contains both a bed and breakfast establishment and rooms that are available for letting to lodgers;

(c) the owner of a bed and breakfast establishment must live on the property and inform the Municipality in writing before the establishment opens for business;

(d) a register of guests must be kept, and completed when rooms are let;

(e) any new structure or alteration to the property related to its use as a "bed and breakfast establishment" must be compatible with the residential character of the area, particularly with regard to the streetscape or rural character on a farm, and must be capable of reverting to use as part of the dwelling house, additional dwelling unit or outbuilding concerned;

(f) no more than three employees may be employed in activities related to the bed and breakfast establishment;

(g) no alcoholic beverages may be served except to resident guests for consumption on the premises;

(h) guest rooms may not be converted to, or used as, separate self-catering dwelling units;

(i) meals may only be supplied to guests who have lodging on the property, employees, and the family residing in the dwelling;

(j) in the absence of a Municipal policy or by-law on outdoor advertising and signage, no advertising sign may be displayed other than a single un-illuminated sign or notice not projecting over a public street and not exceeding 1 m² in area;

(k) no weddings, receptions, conferences, training or similar activities are permitted in a bed and breakfast establishment;

(l) no activities that constitute, or are likely to constitute, a source of public nuisance may be carried out; and

(m) on-site parking must be provided in accordance with the provisions of this By-law; provided that the Municipality may at any stage require additional on-site parking if, in the opinion of the Municipality, the bed and breakfast establishment does not have enough parking.

"BIG BOX RETAIL"

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

Development parameters:

(a) **Coverage**

Coverage must be in accordance with the site development plan approved by the Municipality.

(b) **Floor factor**

The maximum floor factor is 2.

(c) **Height**

(i) The highest point of a building may not exceed 10 metres to the top of the roof.

(ii) The general provisions regarding earth banks and retaining structures in this By-law apply.

(d) **Building lines**

(i) The street building line is at least 10 metres.

(ii) Side and rear building lines are 0 metres or at least 10 metres if the site abuts any single residential zone or general residential zone.

(iii) The general building line encroachments in this By-law apply.

(e) **Parking, access and loading space**

Parking, access and loading space must be provided on the land unit in accordance with this By-law.

(f) **Refuse room**

A refuse room must be provided on the land unit in accordance with this By-law.

"BOARDING HOSTEL"

Land use description: *"hostel"* means a place which provides accommodation in rooms or dormitories for students attending a place of education or tertiary educational institution, and is managed by or on behalf of the particular educational institution with which it is associated and includes communal facilities directly associated with the main use.

Development parameters:

Development parameters applicable to "place of instruction" apply.

"BOARDING HOUSE"

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

(a) includes a building in which rooms are rented for residential purposes, a guest house or guest lodge, a home for the aged, a residential facility for handicapped persons or orphans; and

(b) does not include a hotel, dwelling house, additional dwelling, backpackers' lodge or group house.

Development parameters:

(a) **Coverage**

The maximum coverage is 60%.

(b) **Floor factor**

The floor factor may not exceed 1.

(c) **Height**

(i) The highest point of a building may not exceed 15 metres to the top of the roof.

(ii) The general provisions regarding earth banks and retaining structures in this By-law apply.

(d) **Building lines**

(i) The street building line is at least 5 metres.

(ii) Side and rear building lines are at least 4,5 metres.

(iii) The general building line encroachments in this By-law apply.

(e) **Parking and access**

Parking and access must be provided in accordance with this By-law.

(f) **Screening**

The Municipality may require screening in accordance with this By-law.

(g) **Site development plan**

The Municipality may require a site development plan to be submitted for its approval.

(h) **Open space**

(i) Every boarding house must have access on the land unit to an outdoor living area that may include private or communal open space, but excludes roads, service yards and parking areas.

(ii) An outdoor living area of at least 10% of the total erf area must be provided.

(iii) The outdoor living area(s) must be of reasonable proportions and location, to the satisfaction of the Municipality, to allow for leisure or recreational use by residents, and may include open courtyards within the complex.

(i) **Service yard**

A service yard must be provided on the land unit in accordance with this By-law.

(j) **Refuse room**

A refuse room must be provided on the land unit in accordance with this By-law.

"BUILDER'S YARD"

Land use description: "*builder's yard"* means a property used for the storage of material and equipment that—

(a) is required for or is normally used for construction work;

(b) was obtained from demolitions of structures or excavations of ground; or

(c) is necessary for, or is normally used for land development, including storage of material used for building roads, installing essential services, or for any other construction work, whether for public or private purposes.

Development parameters:

The development parameters applicable to "industry" apply.

"BUSINESS PREMISES"

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

(b) includes a shop, restaurant, plant nursery, office, funeral parlour, financial institution and building for similar uses, place of assembly, place of leisure, institution, hotel, conference facility, and multiple parking garage;

(b) includes also the following land uses above ground floor:
- (i) flats;
- (ii) caretaker's quarters;
- (iii) backpackers' lodge;
- (iv) youth hostel;
- (v) boarding houses; and

(c) does not include a place of entertainment, gambling place, motor repair garage, industry, noxious trade, risk activity, adult entertainment, adult services, or adult shop.

Development parameters:

The following development parameters apply:

(a) **Coverage**

The maximum coverage for all buildings on a land unit is 100%.

(b) **Street centre line setback**

The Municipality may require a street centre line setback, in which case all buildings or structures on a land unit must be set back at least 8 metres from the centre line of the abutting public street or streets.

(c) **Floor factor**

The maximum floor factor on the land unit is 3, but may be departed from if item *(h)* of these development parameters is complied with.

(d) **Height**

- (i) The highest point of a building may not exceed 15 metres to the top of the roof.
- (ii) The general provisions regarding earth banks and retaining structures in this By-law apply.

(e) **Building line**

- (i) The street building line is 0 metres.
- (ii) Side and rear building lines are 0 metres, provided that the Municipality may lay down common building lines in the interest of public health and safety or in order to enforce any other law or right.
- (iii) Minor architectural and sunscreen features may project beyond the street boundary building line, provided that such features do not project more than 250 millimetres beyond the street boundary.

(f) **Hotel floor space concession**

Where it is proposed to erect a hotel of at least 30 bedrooms in terms of this use right, the development parameters applicable to "hotel" apply.

(g) **Canopy or balcony projection**

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

- (i) the canopy or balcony may not project closer than 500 millimetres to a vertical plane through the kerb line or proposed kerb line;
- (ii) no portion of a canopy or balcony projection may be less than 2,8 metres above the pavement;
- (iii) the Municipality may lay down more restrictive requirements relating to the dimensions, design and materials of the canopy or balcony; and
- (iv) the owner must enter into an encroachment agreement with the Municipality.

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

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

(i) **Street corners**
The Municipality may require the owner of a building to be situated at a public street corner, and where the Municipality considers the street corner to be significant, to incorporate in the building architectural features that focus visual interest on the corner and emphasise the importance of pedestrian movement around the corner. The architectural features may include building cut-offs, walkthrough covered arcades, plazas or other elements.

(j) **Parking and access**
(i) Parking and access must be provided on a land unit in accordance with this By-law, except in a case where the Municipality has approved alternative parking supply under section 43.(1).
(ii) Except with the approval of the Municipality, no parking bays at ground floor level on a land unit, either outside or within a building, may be located closer than 10 metres to a street boundary in order to enhance amenity at street level.

(k) **Loading**
Loading bays must be provided on the land unit in accordance with this By-law.

(l) **Screening**
The Municipality may require screening in accordance with this By-law.

(m) **Refuse room**
A refuse room must be provided on the land unit in accordance with this By-law.

"CAMPING SITE"

Land use description: *"camping site"* means land set aside for camping where tents or caravans are used for short term accommodation of transient guests and may include facilities for use by guests including facilities for outdoor food preparation, resort shop, road access for vehicles, picnic facilities, raised platforms on which to set up tents or caravans, ablution facilities, communal scullery and laundry facilities and waste disposal facilities, and does not include permanent tents or caravans.

Development parameters:
The development parameters applicable to "tourist accommodation" apply, provided that a site development plan must be submitted to the Municipality for its approval.

"CARETAKER'S QUARTERS"

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

Development parameters:
As determined by the Municipality.

"**CEMETERY"**

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

(a) includes—
(i) ancillary buildings including an office and chapel;
(ii) a "garden of remembrance" or a "wall of remembrance"; and

(b) does not include a crematorium.

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

"CLINIC"

Land use description: *"clinic"* means a place that has limited facilities and an emphasis on outpatients for the diagnosis and treatment of human illness or the improvement of human health provided that—

(a) a clinic may contain live-in facilities for no more than 20 persons, including patients and staff; and

(b) a clinic may include medical consulting rooms, operating theatres, an outpatients centre, and a wellness centre with ancillary uses.

Development parameters:
The development parameters applicable to "place of instruction" apply.

"CONFERENCE FACILITY"

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

Development parameters:
The development parameters applicable to "business premises" apply.

"CONTAINER SITE"

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

Development parameters:
The development parameters applicable to "industry" apply.

"CONVENIENCE SHOP"

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

Development parameters:

(a) The development parameters applicable to "service station" apply.

(b) When approved as a consent use in another zone, the development parameters applicable to "shop" apply.

"CORRECTIONAL FACILITY"

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

Development parameters:
Development parameters applicable to "authority use" apply.

"CRÈCHE"

Land use description: *"crèche"* means the use of a portion of a dwelling house or outbuildings by the occupant to provide day care, pre-school, play group or after-school care services for children.

Development parameters:

(a) The services provided must primarily be day care and educational, and not medical services.

(b) The services may not operate outside the hours 6:00 to 18:00.

(c) The dominant use of the dwelling house must remain for the living accommodation of a single family.

(d) Not more than 20 children may be registered at a time, or on the property at any time.

(e) In the absence of a Municipal policy or by-law on outdoor advertising and signage, no advertising sign may be displayed other than a single un-illuminated sign or notice not projecting over a public street and not exceeding 1 m² in area;

(f) Parking and access must be provided in accordance with this By-law.

"CREMATORIUM"

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

(a) ancillary facilities such as a chapel and offices; and

(b) a "garden of remembrance" or a "wall of remembrance".

Development parameters:

Development parameters applicable to "industry" apply.

"DWELLING HOUSE"

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

(a) a storeroom and garaging;

(b) a braai room;

(c) renewable energy structures for household purposes;

(d) letting to lodgers; and

(e) home child care.

Development parameters:

(a) **Height**

(i) The height of a dwelling house may not exceed 6 metres to the wall plate in all cases, and 8,5 metres to the ridge of the roof in the case of a pitched roof.

(ii) The general provisions regarding earth banks and retaining structures in this By-law apply.

(b) **Coverage and building lines**

(i) Building lines are at least the distance indicated in the table entitled "Coverage and building lines" from the relevant erf boundary:

Coverage and building lines

Erf size	Coverage	Building lines		
		Street	Side	Rear
Less than or equal to 250 m²	80%	1 metre	1 metre	1,5 metres
Greater than 250 m², but not exceeding 500 m²	65%	3 metres	1,5 metres	1,5 metres
Greater than 500 m², but not exceeding 1 000 m²	60%	4 metres	2 metres	2 metres
Greater than 1 000 m²	50%	5 metres	3 metres	3 metres

(ii) The general building line encroachments in this By-law apply.

(iii) The Municipality may permit a relaxation of the lateral and/or rear building lines in the case of a dwelling house in Single Residential Zone I, provided that an adequate means of access, at least 1 metre wide, is provided from a street to every un-built open portion of the property.

(c) **Window and door placement**

Any portion of a building that contains an external window or door facing onto a common boundary must—

(i) be set back at least 1,5 metres from the boundary; and

(ii) the portion of building to be set back from the boundary must include the door or window, together with the additional length of wall that is required to make up a total minimum length of 3 metres.

(d) **Garages, carports and outbuildings**

(i) A garage, carport and outbuildings are permitted within the common boundary building line provided that the garage and carport do not—

(aa) extend higher than 3,5 metres to the top of the roof;

(bb) contain more than a double garage façade; and

(cc) exceed a length and width of 6,5 metres.

(ii) For land units of 650 m² and less, a garage or carport is permitted up to 1,5 metres from the street boundary provided the garage or carport—

(aa) is not higher than 3,5 metres to the top of the roof;

(bb) does not contain more than a double garage façade; and

(cc) does not exceed a length and width of 6,5 metres.

(iii) For land units exceeding 650 m², a garage or carport may not be closer than 5 metres from the street boundary, notwithstanding the street building line.

(iv) Despite subparagraphs (ii) and (iii), a garage or carport may be erected within the street boundary building line if, in the opinion of the Municipality, compliance with the street boundary building line is not practical due to steep slopes of the ground between the road and the property concerned. The Municipality must determine the street boundary building line in such a case.

(e) **Parking and access**

(i) Parking and access must be provided on the land unit in accordance with this By-law.

(ii) Where a dwelling unit is occupied by unrelated persons as defined in paragraph *(b)* of the definition of "family" in section 1, provision must be made for parking in accordance with the parking requirements for a boarding house.

(f) **Garaging**

Garaging for up to four vehicles is permitted.

"ENVIRONMENTAL FACILITIES"

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

Development parameters:

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

"FACTORY"

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

Development parameters:
The development parameters applicable to "industry" apply.

"FACTORY SHOP"

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

Development parameters:
The development parameters applicable to "industry" apply.
The occupant of an industry may operate a factory shop provided that—
(a) the total floor space devoted to the sale of goods may not exceed 10% of the total floor space of all the buildings on the land unit; and
(b) any goods that are offered for sale but have not been manufactured on the property, must be directly connected with the goods that are manufactured on the property.

"FARM GRAVE YARD"

Land use description: *"farm grave yard"* means a place for the burial of human or domestic animal remains situated on a property zoned "Agricultural Zone I", which is managed by the land owner where only the land owner's family members and farm workers formerly employed by the land owner may be buried, and- includes
(a) A garden of remembrance; and
(b) does not include a crematorium.

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

"FARM SHOP"

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

Development parameters:
The development parameters applicable to "agriculture" apply.

"FARMERS' MARKET"

Land use description:
(a) "*farmers' market*" means a predominantly fresh food market where farmers and food producers sell, directly to consumers, farm-origin and associated value-added specialty foods and plant products including—
(i) primary food products;
(ii) seafood, game and foraged foods;
(iii) value-added foods;
(iv) speciality food products;
(v) garden inputs; and
(vi) small livestock;

(b) A farmers'market–
(i) operates regularly within a community;

(ii) is located at a focal public location that provides a suitable environment for farmers to conduct trade;

(iii) typically consists of booths, tables or stands, outdoors or indoors, where farmers sell farm produce, meats, and sometimes prepared foods and beverages; and

(iv) may include:

(aa) a subservient component of stalls for the sale of locally produced handmade crafts and arts; and

(bb) live family entertainment, outdoor recreation activities and children's play area.

Development parameters:

The development parameters applicable to "agriculture", apply, together with the following additional parameters:

(a) the Municipality may stipulate conditions with regard to the layout, building design, open space, landscaping, parking, access and environmental management; and

(b) the development must occur in accordance with an approved site development plan.

"FLATS"

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

Development parameters:

(a) **Coverage**

The maximum coverage is 60%.

(b) **Floor factor**

The floor factor may not exceed 1.

(c) **Height**

(i) The highest point of a building may not exceed 15 metres to the top of the roof.

(ii) The general provisions regarding earth banks and retaining structures in this By-law apply.

(d) **Building lines**

(i) The street building line is at least 5 metres.

(ii) Side and rear building lines are at least 4,5 metres.

(iii) The general building line encroachments in this By-law apply.

(e) **Parking and access**

Parking and access must be provided in accordance with this By-law.

(f) **Screening**

The Municipality may require screening in accordance with this By-law.

(g) **Site development plan**

The Municipality may require a site development plan to be submitted for its approval.

(h) **Institution, place of instruction and place of assembly**

The development parameters that apply to "institution", "place of instruction" and "place of assembly" apply to this use; provided that where the institution, place of instruction or place of assembly is situated within a building which is also used for flats or a boarding house, then the coverage, height and building line requirements for the flats or boarding house apply.

(i) **Open space**

(i) Every block of flats must have access on the land unit to an outdoor living area, including private or communal open space, but excludes roads, service yards and parking areas.

(ii) An outdoor living area of at least 10% of the total erf area must be provided and the outdoor living area(s) must be of reasonable proportions and location to allow for leisure or recreational use by residents, and may include open courtyards within the complex.

(j) **Service yard**

A service yard must be provided on the land unit in accordance with this By-law.

(k) **Refuse room**

A refuse room must be provided on the land unit in accordance with this By-law.

(l) **Flats as a consent use in a group housing scheme**

The following conditions apply to flats as a consent use right in this zone:

(i) the flats must form an integrated part of a group housing site and must comply with the development parameters for "group housing";

(ii) the total floor space of flats may not exceed 40% of the total floor space of all buildings on the group housing site; and

(iii) the open space requirement for dwelling units in a group housing site applies.

"FREESTANDING BASE TELECOMMUNICATION STATION"

Land use description: *"freestanding base telecommunication station"* means a freestanding support structure on land or anchored to land and used for telecommunication infrastructure to transmit or receive electronic communication signals, and may include access roads to the structure.

Development parameters:

The development parameters applicable to "utility service" apply.

"FUNCTION VENUE"

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

Development parameters:

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

"FUNERAL PARLOUR"

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

(a) includes facilities for ancillary administrative and religious functions; and

(b) does not include a crematorium.

Development parameters:

The development parameters applicable to "shop" and "industry" apply.

"GAMBLING PLACE"

Land use description: *"gambling place"* means a place where betting and gambling may be undertaken in accordance with a license issued under the relevant Act, and includes premises for totalisators, electronic payout devices and limited payout gambling machines.

Development parameters:

The following development parameters apply:

(a) The development parameters applicable to "business premises" apply.

(b) The Municipality may require a site development plan to be submitted for its approval in accordance with this By-law.

"GARDEN OF REMEMBRANCE"

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

Development parameters:
The development parameters applicable to "cemetery" and "crematorium" apply.

"GROUP HOUSING"

Land use description: *"group housing"* and *"group housing scheme"* means a group of separate or linked dwelling units where—

(a) every dwelling unit has a ground floor;
(b) the units may be cadastrally subdivided;
(c) the units are planned, designed and built as a harmonious architectural entity in an ordered way; and
(d) the units are integrated with communal private open spaces, private roads and parking.

Development parameters:

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

(b) **Density**
The maximum gross density on a group housing site is 35 dwelling units per hectare.

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

(d) **Open space**
Within a group housing site, outdoor space of at least 50 m² per dwelling unit must be provided and the outdoor space may include private or communal open space or any functional outdoor space that is inaccessible to motor vehicles, but excludes roads, service yards and parking areas.

(e) **Building lines along the perimeter of a group housing site**
The following building lines apply along the perimeter of a group housing site:
(i) a street boundary building line of 5 metres applies where the group housing site abuts an external public street;
(ii) side and rear boundary building lines are 3 metres along the perimeter of the group housing site; and
(iii) the general building line encroachments in this By-law apply.

(f) **Building lines within a group housing site**
The following building lines apply within a group housing site:
(i) street boundary building lines on internal roads are 2 metres; provided that any garage door facing the road must be set back at least 5 metres from the kerb of such internal road; and
(ii) if no common boundaries or firewalls are applicable, the minimum side and rear boundary building lines will be 1m within the group housing site for fire-fighting purposes or infrastructure, in which case the common boundary building lines must be determined by the Municipality.

(g) **Parking and access**
(i) Parking and access must be provided in accordance with the requirements of this By-law.

(ii) Parking may be provided in the form of communal parking.

(g) **Site development plan**
A site development plan of the proposed group housing scheme must be submitted to the Municipality for its approval, and, if approved, the development of the group housing site must be in accordance with the approved site development plan.

(h) **Service yard**
Service yard(s) must be provided on the land unit in accordance with this By-law.

(i) **Refuse room**
A refuse room must be provided on the land unit in accordance with this By-law.

"GUEST HOUSE"

Land use description: *"guest house"* means a dwelling house or additional dwelling unit that is used for the purpose of supplying lodging and meals to transient guests for compensation, in an establishment that exceeds the restrictions of a bed and breakfast establishment (more than 2 guest rooms or 4 guests), and—

(a) includes business meetings or training sessions by and for guests on the property for up to 12 persons; and

(b) does not include agricultural workers' accommodation.

Development parameters:
The development parameters applicable to "dwelling house" and "additional dwelling unit" apply.
The following further parameters apply:

(a) the Municipality may require a site development plan to be submitted for a proposed guest house and the guest house may not open for business until the plan is approved;

(b) the owner of a proposed guest house establishment must live on the property and must have consent use approval from the Municipality before the guest house establishment may open for business;

(c) any new structure or alteration to the property related to its use as a guest house must be compatible with the residential character of the area, particularly with regard to the streetscape, and must be capable of reverting to use as part of the dwelling house, additional dwelling unit or outbuilding concerned;

(d) no more than 6 rooms per land unit may be used for bedroom accommodation for paying guests or lodgers, and no more than 12 paying guests or lodgers may be supplied with lodging or meals at any time;

(e) the requirement in paragraph *(d)* is also applicable where a land unit contains both a guest house and rooms which are available for letting to lodgers;

(f) no alcoholic beverages may be served except to resident guests for consumption on the premises;

(g) guest rooms may not be converted to, or used as, separate self-catering dwelling units;

(h) meals may only be supplied to guests or lodgers who have lodging on the property, employees, and the family residing in the dwelling;

(i) in the absence of a Municipal policy or by-law on outdoor advertising and signage, no advertising sign may be displayed other than a single un-illuminated sign or notice not projecting over a public street and not exceeding 1 m² in area;

(k) no weddings, receptions, conferences, training or any similar activities are permitted in a guest house;

(l) no activities that constitute, or are likely to constitute, a source of public nuisance may be carried out; and

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

"GUEST LODGE"

Land use description: *"guest lodge"* means an appropriately scaled establishment that provides temporary residence and meals for transient guests and—

(a) includes a small conference or training facility and also caters for business meetings, and

(b) does not include a restaurant or backpackers' lodge.

Development parameters:

(a) **Coverage**

The maximum coverage is 60%.

(b) **Floor factor**

The floor factor may not exceed 1.

(c) **Height**

(i) The highest point of a building may not exceed 8,5 metres from natural ground level to the top of the roof.

(ii) The general provisions regarding earth banks and retaining structures in this By-law apply.

(d) **Building lines**

(i) The street building line is at least 5 metres.

(ii) Side and rear building lines are at least 4,5 metres.

(iii) The general building line encroachments in this By-law apply.

(e) **Parking and access**

Parking and access must be provided in accordance with this By-law.

(f) **Screening**

The Municipality may require screening in accordance with this By-law.

(g) **Site development plan**

The Municipality may require a site development plan to be submitted for its approval.

(h) **Open space**

(i) Every guest lodge must have access to an outdoor living area on the land unit, and the outdoor living area may include private or communal open space, but excludes roads, service yards and parking areas.

(ii) An outdoor living area of at least 10% of the total erf area must be provided; the outdoor living area(s) must be of reasonable proportions and location to allow for leisure or recreational use by guests and lodgers, and may include open courtyards within the complex.

(i) **Service yard**

A service yard must be provided on the land unit in accordance with this By-law.

(j) **Refuse room**

A refuse room must be provided on the land unit in accordance with this By-law.

(k) A register of guests and lodgers must be kept, and completed when rooms are let.

(l) No more than 20 rooms per land unit may be used for bedroom accommodation for paying guests or lodgers, and no more than 40 paying guests or lodgers may be supplied with lodging or meals at any time.

(m) No alcoholic beverages may be served except to resident guests for consumption on the premises.

(n) Guest rooms may not be converted to, or used as, separate self-catering dwelling units.

(o) Meals may only be supplied to guests or lodgers who have lodging on the property, employees, and the family residing in the guest lodge.

(p) In the absence of a Municipal policy or by-law on outdoor advertising and signage, no advertising sign may be displayed other than a single un-illuminated sign or notice not projecting over a public street and not exceeding 1 m² in area.

"HALFWAY HOUSE"

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

Development parameters:
The development parameters applicable to "dwelling house" apply.

"HARVESTING OF NATURAL RESOURCES"

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

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

Development parameters:
The development parameters applicable to "agriculture" apply.

"HELICOPTER LANDING PAD"

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

Development parameters:
As determined by the Municipality.

"HOME CARE FACILITY"

Land use description: ***"****home care facility"* means the use of a dwelling house, or a portion thereof to provide permanent or temporary accommodation and care for the retired, or elderly persons in need of frail care, or people in need of health care to recuperate from a medical condition or procedure, provided that —

(a) the scale of the dwelling house shall not exceed that of a normal dwelling unit which would ordinarily accommodate one family;
(b) the primary use of the property shall remain a residence for the operator;
(c) no more than 6 persons and three bedrooms be used for such facility; and
(d) the operator of the enterprise shall permanently reside on the property.

Development parameters:

(a) The development parameters applicable to the primary use apply.
(b) The Municipality must require a site development plan for a home care facility.
(c) In the absence of a Municipal policy or by-law on outdoor advertising and signage, no advertising sign may be displayed other than a single un-illuminated sign or notice not projecting over a public street and not exceeding 0,2m² in area.

"HOME CHILD CARE"

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

Development parameters:

(a) The dominant use of the property must be for accommodation of a single family.
(b) The owner of the home child care activity must live on the property.

(c) Any new structure or alteration to the property to accommodate an additional use right must be compatible with the residential character of the area, particularly with regard to the streetscape, and must be capable of reverting to use as part of the dwelling house, outbuilding, or shelter concerned.

(d) No more than 3 employees may be engaged by the owner for the home child care activity.

(e) No more than 6 children may be enrolled at the home child care facility at a time.

(f) The home child care services must primarily be day care or educational, not medical.

(g) The home child care services may not operate outside the hours 6:00 to 18:00 from Monday to Friday, and from 8:00 to 13:00 on Saturday. No home child care services are permitted on public holidays or Sundays.

(h) Areas for indoor play space and outdoor play space must be provided in accordance with any health requirement or a policy plan as might be approved by the Municipality from time to time, and outdoor play space must be fenced off from any public street or neighbouring property by a 1,8 metre-high fence or wall.

(i) In the absence of a Municipal policy or by-law on outdoor advertising and signage, no advertising sign may be displayed other than a single un-illuminated sign or notice not projecting over a public street and not exceeding 0,2m² in area.

(j) At least one off-street parking bay must be provided, plus one additional parking bay which is suitable for drop off and collection of children. The Municipality may at any stage require additional on-site parking where, in the opinion of the Municipality, the home child care service does not have enough parking for its operations.

"HOME FOR THE AGED"

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

(a) includes–

(i) outbuildings as are normally used therewith; and

(ii) a frail care facility; and

(b) does not include –

(i) a dwelling house;

(ii) a hotel;

(iii) a bed and breakfast establishment; or

(iv) flats.

Development parameters:

The development parameters applicable to "boarding house", apply.

"HOME OCCUPATION"

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

Development parameters

(a) The dominant use of the property must be for accommodation of a single family.

(b) The proprietor of the home occupation concerned must live on the property.

(c) Any new structure or alteration to the property to accommodate a home occupation must be compatible with the residential character of the area, particularly with regard to the streetscape, and must be capable of reverting to use as part of the dwelling house, or outbuilding concerned.

(d) Not more than three employees may be engaged by the occupant in the home occupation concerned.

(e) No home occupation may include a noxious trade, risk activity, adult entertainment, adult services, adult shop, sale of alcoholic beverages, motor repair garage, funeral parlour or activities that are likely to generate a public nuisance, including but not limited to panel beating and spray painting, auto electrician, builder's yard, welding works or joinery.

(f) No goods for sale may be publicly displayed and no external evidence of the home occupation may be visible from a public street, except for an advertising sign in accordance with paragraph *(g)*.

(g) In the absence of a Municipal policy or by-law on outdoor advertising and signage, no advertising sign may be displayed other than a single un-illuminated sign or notice not projecting over a public street and not exceeding 0,2 m² in area.

(h) A "place of instruction" may be operated as a home occupation, provided that no more than six students may be accommodated at any given time.

(i) No activities that constitute or are likely to constitute a source of public nuisance, or generate waste material that may be harmful to the area or requires special waste removal processes, may be carried out.

(j) Off-street parking must be provided at a ratio of 1 parking bay per 25 m² area used for home occupation. The Municipality may at any stage require additional on-site parking where, in the opinion of the Municipality, there is not enough parking for the home occupation concerned.

(k) The total area used for all home occupation activity on a land unit, including storage, may not consist of more than 25% of the total floor area of the dwelling units on the land unit or 60 m², whichever is smaller.

(l) The storage of all goods and equipment connected with the home occupation concerned must be inside a building or screened from neighbours and the public street.

(m) Not more than two vehicles may be used in connection with a home occupation, and no one vehicle may exceed 3 500 kg in gross weight.

(n) The hours of operation of a home occupation may not extend beyond 8:00 to 18:00 from Monday to Friday, and 8:00 to 13:00 on Saturday. No home occupation operations are permitted on public holidays or Sundays.

(o) The Municipality may, at any stage, call for a cessation of the home occupation activity or impose conditions in order to minimise any potential nuisance to surrounding neighbours or the general public.

(p) When "home occupation" is approved as a consent use right in any zone, the development parameters of "home occupation" apply over and above the development parameters of the relevant land use allowed as a primary right in the zone.

(q) In order to exercise the consent use right under paragraph *(o)*, the owner must obtain the written consent, where applicable, of the relevant owners' association or Body Corporate, or all the owners within a housing scheme if the owners' association or Body Corporate is not functioning.

"HOSPITAL"

Land use description: *"hospital"* means a place for the diagnosis and treatment of human illness, with integrated facilities including operating theatres and live-in accommodation for patients and may include—

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

Development parameters:
The development parameters applicable to "place of instruction" apply.

"HOTEL"

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

(a) includes—
- (i) restaurants;
- (ii) conference and entertainment facilities and a chapel that are subservient and ancillary to the dominant use of the property as a hotel;
- (iii) premises that are licensed to sell alcoholic beverages for consumption on the property;
- (iv) flats;
- (v) a wellness centre; and
- (vi) a boarding house; and

(b) does not include—
- (i) a liquor store;
- (ii) a backpackers' lodge;
- (iii) a dwelling house, and
- (iv) a dwelling unit.

Development parameters:

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

(a) Where it is proposed to erect a hotel of at least 30 bedrooms within this zone, the following portions of the hotel must be disregarded when calculating the total floor space of the building:
- (i) rooms that are used by residents and visitors as dining rooms, banqueting rooms, bars, restaurants, ballrooms, rooms for games and sports, lounges, sitting rooms, reading rooms, writing rooms and conference rooms;
- (ii) public foyers and areas comprising public or communal stoeps, verandahs, balconies, terraces or sun decks used by hotel residents or visitors;
- (iii) barber shops, hairdressing salons, florists and similar enterprises within the hotel for the exclusive use of hotel residents;
- (iv) offices forming part of the hotel premises, used solely for the administration and management of the hotel;
- (v) kitchens, sculleries, laundries and similar service facilities forming part of the hotel premises;
- (vi) storerooms appurtenant to the hotel; and
- (vii) staff quarters appurtenant to the hotel, including corridors, stairs and other means of access within such staff quarters, including all kitchens, dining rooms, recreation rooms, laundries and other similar rooms for the exclusive use of staff.

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

"HOUSE SHOP"

Land use description: *"house shop"* means the conducting of a retail trade from a dwelling house, shelter or outbuilding by one or more occupants who must reside on the property; provided that the dominant use of the property must remain for the living accommodation of the occupants.

Development parameters:

(a) Development parameters applicable to "dwelling house" and "shelter" apply.

(b) On-site parking must be provided in accordance with the provisions of this By-law.

(c) Any new structure or alteration to the property to accommodate the "house shop" must be reconcilable with the residential character of the area, particularly with regard to the streetscape, and must be capable of reverting to use as part of the "dwelling house", or "shelter".

(d) In the absence of a Municipal policy or by-law on house shops, the total area used for a house shop must be indicated on a site development plan and shall not exceed 25 m² or 50% of the total floor space of the dwelling units on the land unit, whichever is smaller.

"INDUSTRIAL HIVE"

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

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

Development parameters

The development parameters applicable to "light industry" apply.

"INDUSTRY"

Land use description: *"industry"* means a property used as a factory and in which an article or part of the article is made, manufactured, produced, built, assembled, compiled, printed, ornamented, processed, treated, adapted, repaired, renovated, rebuilt, altered, painted (including spray painting), polished, finished, cleaned, dyed, washed, broken up, disassembled, sorted, packed, chilled, frozen or stored in cold storage; including offices, caretaker's quarters, factory shop or other uses that are subservient and ancillary to the use of the property as a factory; and—

(a) includes—
- (i) an industrial hive;
- (ii) builder's yard;
- (iii) funeral parlour;
- (iv) service station;
- (v) transport usage;
- (vi) rooftop base telecommunication station; and
- (vii) warehouse and agricultural industry; and

(b) does not include a noxious trade, scrap yard or risk activity.

Development parameters:

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

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

(c) **Street boundary building line**
The street boundary building line is 0 metres, with a street centreline setback of at least 8 metres.

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

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

(f) **Parking and access**
Parking and access must be provided on the land unit in accordance with this By-law.

(g) **Loading**
Loading bays must be provided on the land unit in accordance with this By-law.

(h) **Screening**
The Municipality may require screening in accordance with this By-law.

(i) **Hazardous substances**
Despite the fact that an activity constitutes a primary use right in terms of this zone, no activity or use that includes the on-site storage of hazardous substances may be permitted unless a risk management and prevention plan has been submitted to the Municipality for its approval. The risk management and prevention plan must include guidelines approved by the Municipality to prevent or minimise danger to the environment or humans from a particular activity or series of activities, and to deal with the consequences of any dangerous event involving the hazardous substances.

(j) **Industrial hive**
The same development management provisions that apply to an industrial hive under "light industry" apply to an industrial hive in this zone.

(k) **Site development plan**
The Municipality may require a site development plan to be submitted for its approval in accordance with this By-law.

(l) **Refuse room**
A refuse room must be provided on the land unit in accordance with this By-law.

"INFORMAL TRADING"

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

Development parameters:
As determined by the Municipality.

"INSTITUTION"

Land use description: *"institution"*—

(a) means a property used as a facility that renders services to the community including—
- (i) hospital;
- (ii) clinic;
- (iii) home for the aged, retired, indigent or handicapped, frail care facility;
- (iv) a social facility including a counselling centre, orphanage and rehabilitation centre;
- (v) ancillary accommodation, administrative, tuck shop, health care, training and support services and facilities; and

(b) does not include a correctional facility.

Development parameters:
Development parameters applicable to "place of instruction" apply.

"INTENSIVE ANIMAL FARMING"

Land use description: *"intensive animal farming"*—

(a) means the breeding, feeding and keeping, on an intensive basis, of animals or poultry confined to buildings, or structures; and

(b) does not include the breeding, feeding and keeping of wildlife.

Development parameters:
Development parameters applicable to "agriculture" apply.

"INTENSIVE HORTICULTURE"

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

(a) the culture of plants under a roof or in greenhouses; and

(b) the sale of self-produced plants on a property.

Development parameters:
Development parameters applicable to "agriculture" apply.

"LIGHT INDUSTRY"

Land use description: *"light industry"*—

(a) means an industry, not being a hazardous or offensive industry or involving use of hazardous or offensive storage establishment, and where the processes carried on, the transportation involved or the machinery or materials used do not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise;

(b) involves manufacturing that is less capital-intensive and requires less machinery than other types of manufacturing; and

(c) includes—

(i) the manufacturing of consumer products, including electronics and clothing;

(ii) warehousing;

(iii) industrial hive;

(iv) service trade;

Development parameters

(a) **Floor factor**
The maximum floor factor on the land unit is 1,5.

(b) **Coverage**
The maximum coverage for all buildings on a land unit is 75%.

(c) **Height**

(i) No building may exceed a height of eight metres.

(ii) The general provisions regarding earth banks and retaining structures in this By-law apply.

(d) **Street building line**
The street building line is at least 5 metres.

(e) **Side building line**
The side building line is at least 3 metres.

(f) **Rear building line**
The rear building line is at least 3 metres.

(g) **Boundary walls**

Where a land unit has a common boundary with another land unit that is not zoned for industrial purposes, the Municipality may require a 1.8 metre-high wall to be erected to the satisfaction of the Municipality, along the common boundary.

(h) **Parking and access**

Parking and access must be provided in accordance with this By-law.

(i) **Loading bays**

Loading bays must be provided in accordance with this By-law.

(j) **Screening**

The Municipality may require screening in accordance with this By-law.

(k) **Refuse room**

A refuse room must be provided on the land unit in accordance with this By-law.

(l) **Hazardous substances**

No activity which includes storage of on-site hazardous substances may be permitted unless a risk management and prevention plan has been submitted to the Municipality for its approval. The risk management and prevention plan must include guidelines approved by the Municipality to prevent or minimise danger to the environment or humans from a particular activity or series of activities, and to deal with the consequences of any dangerous event involving the hazardous substances.

(m) **Site development plan**

A site development plan must be submitted to the Municipality for its approval.

(n) **Industrial hive**

The following additional development parameters apply for an industrial hive, namely:

(i) the design principles which are reflected in the definition of "industrial hive" must be closely followed and implemented;

(ii) special attention must be given to aesthetics, architectural coordination, urban design and landscaping; and

(iii) the Municipality may impose conditions specifying limits on the mix of retail and manufacturing activities, and the industrial hive may not allocate more than 50% of the total floor space to retail activities, shops or associated uses.

"LIQUOR STORE"

Land use description: "*liquor store"* means an establishment where the dominant use is the retail sale of alcoholic beverages, for consumption off the property.

Development parameters:

The development parameters applicable to "shop" apply.

"MEDICAL CONSULTING ROOMS"

Land use description: *"medical consulting rooms"* means an office or offices and ancillary rooms used by a registered medical professional for human medical or medical-related consultation, where the office is not attached to a hospital or clinic.

Development parameters:

The development parameters applicable to "office" apply.

"MINE"

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

Development parameters:

The following development management provisions apply:

(a) the owner must comply with national and provincial statutory requirements applicable to mining;

(b) any application to rezone land to Industrial Zone IV must contain an explanation of the measures that will be implemented to address safety and environmental concerns that may be imposed as conditions of approval by the Municipality, including—

(i) control of drainage, sedimentation and erosion;

(ii) preservation of surface and substance water;

(iii) preservation of topsoil;

(iv) provision for restoration and the re-use of the site;

(v) provision for noise and visual buffering;

(vi) accommodation of heavy traffic and vehicles on roadways; and

(vii) a phased programme for rehabilitation; and

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

"MOBILE HOME"

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

Development parameters:
As determined by the Municipality.

"MOTOR REPAIR GARAGE"

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

Development parameters:
The development parameters applicable to "shop" apply. The following additional development parameters apply:

(a) a site development plan must be submitted to the Municipality for its approval;

(b) any part of the property of a motor repair garage that is used for the repair of motor vehicles, the storage of inoperable motor vehicles or parts of motor vehicles, empty containers including oil drums and packing cases, or any other scrap, must be enclosed with a solid screen wall at least 2 metres high, or contained in a building; and

(c) any motor repair garage that supplies fuel must comply with the following access requirements:

(i) the width of motor vehicle carriageway crossings over the street boundary, whether one-way or two-way, may not exceed 8 metres;

(ii) a wall, at least 100 millimetres thick and 350 millimetres high, must be erected on the street boundary between different motor vehicle carriageway crossings, and the wall must continue along the boundary unless the property is otherwise enclosed;

(iii) the motor vehicle carriageway crossings must be limited to two per site unless the total length of a street boundary exceeds 30 metres, in which case one additional motor vehicle carriageway crossing may be permitted;

(iv) at the point where it crosses the street boundary, a motor vehicle carriageway crossing may not be closer than:

(aa) 30 metres to the intersection of a provincial road and with any other road of a similar status;

(bb) 30 metres to the nearest point of an intersection where traffic is controlled, or is proposed to be controlled, by a traffic signal or traffic island;

(cc) 10 metres from the corner of an intersection not described in items *(aa)* and *(bb)*, if the intersection is not splayed, or 5 metres from the point where the splay meets the road boundary if the intersection is splayed; and

(dd) 1,5 metres from a side boundary; and

(v) no fuel pump may be erected so that the base or island on which the pump stands is less than 3,5 metres from the nearest street boundary.

"MULTIPLE PARKING GARAGE"

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

Development parameters

Development parameters applicable to "business premises" apply.

"NATURE CONSERVATION AREA"

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

Development parameters:

(a) The Municipality may require an environmental conservation plan to be submitted for its approval.

(b) The Municipality must determine the land use restrictions and the development parameters for the property based on the objectives of this zoning, the particular circumstances of the property and, where applicable, in accordance with an approved environmental management plan.

(c) One dwelling house is allowed if no dwelling house exists on another portion of the land unit zoned for agriculture purposes or if the full extent of the land unit is zoned Open Space III.

(d) When a consent use to provide tourist facilities in a "nature conservation area" is approved, it is subject to conditions imposed by the Municipality with regard to layout, landscaping and building design.

(e) A site development plan must be submitted to the Municipality for its approval, clearly indicating the position of all structures, services and internal roads.

"NATURE RESERVE"

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

(a) includes environmental facilities and worker accommodation; and

(b) does not include accommodation facilities for tourists or holiday makers.

Development parameters:

(a) An environmental management plan must submitted to the Municipality, SANParks or CapeNature for their approval or to all of them for approval.

(b) SANParks or CapeNature or both must, in consultation with the Municipality, determine the land use restrictions and the development parameters for the property

based on the objectives of this zoning, the particular circumstances of the property, and in accordance with an approved environmental management plan.

(c) When consent uses to provide tourist facilities or tourist accommodation in a "nature reserve" are approved, conditions must be imposed with regard to density, layout, landscaping, and building design.

(d) A site development plan must be submitted to the Municipality for its approval, clearly indicating the position of all structures, stands, services and internal roads.

"NOXIOUS TRADE"

Land use description: "*noxious trade*" means an industry that is offensive, poisonous or a potentially harmful use or activity that, because of the fumes, emissions, smell, vibration, noise, waste products, nature of material used, processes employed, or other cause, is considered by the Municipality to be a potential source of danger, nuisance or offence to the general public or persons in the surrounding area and includes—

(a) an abattoir;

(b) a crematorium;

(c) rooftop base telecommunication station.

Development parameters

The following development parameters apply:

(a) **Floor factor**

The maximum floor factor on the land unit is 2.

(b) **Coverage**

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

(c) **Height**

(i) No height restriction applies to buildings used for a noxious trade, risk activity or manufacturing in this zone.

(ii) Buildings not used for noxious trade, risk activity or manufacturing purposes may not exceed a height of 18 metres to the top of the roof.

(iii) The general provisions regarding earth banks and retaining structures in this By-law apply.

(iv) The highest point of shipping or transport containers, when stored or stacked outside a building connected with a noxious trade, may not exceed 15 metres above average ground level.

(d) **Building lines**

(i) The street boundary building line is at least 5 metres.

(ii) The side and rear boundary building lines are at least 5 metres.

(e) **Parking and access**

Parking and access must be provided on the land unit in accordance with this By-law.

(f) **Loading**

Loading bays must be provided on the land unit in accordance with this By-law.

(g) **Screening**

The Municipality may require screening on the land unit in accordance with this By-law.

(h) **Boundary walls**

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

(i) **Hazardous substances**

Despite the fact that an activity constitutes a primary use right in terms of this zone, no activity or use that includes the on-site storage of hazardous substances is permitted unless a risk management and prevention plan has been submitted to the Municipality for its approval. The risk management and prevention plan must include

guidelines approved by the Municipality to prevent or minimise danger to the environment or humans from a particular activity or series of activities, and to deal with the consequences of any dangerous event involving the hazardous substances.

(j) **Refuse room**
A refuse room must be provided on the land unit in accordance with this By-law.

(k) **Site development plan**
The Municipality may require a site development plan to be submitted for its approval.

"OCCASIONAL USE"

Land use description: *"occasional use"* means a temporary departure granted by the Municipality for a specific occasion or event including—

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

Development parameters:
The following development parameters apply:

(a) the applicant must provide parking and toilet facilities to the satisfaction of the Municipality.
(b) the temporary activities may not extend for a continuous period of more than 30 days;
(c) despite paragraph *(b),* the Municipality may determine a longer period for a builder's yard; and
(d) the Municipality may withdraw the approval by written notice to the applicant if any condition of approval is not complied with or if, in the opinion of the Municipality, the occasional use concerned creates a public nuisance.

"OFFICE"

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

(a) medical consulting rooms;
(b) a clinic; and
(c) a tuck shop.

Development parameters
The following development parameters apply:

(a) **Floor factor**
The floor factor may not exceed 1.

(b) **Coverage**
Coverage may not exceed 60%

(c) **Street centre line setback**
The municipality may require that all buildings or structures on the land unit are set back at least 6,5 metres from the centre line of the abutting street or streets.

(d) **Height**
(i) The highest point of a building may not exceed 11 metres from average ground level to the top of the roof.
(ii) The general provisions regarding earth banks and retaining structures in this By-law apply.

(e) **Building lines**
(i) The street building line is at least 5 metres.

(ii) The side and rear building lines are at least 3 metres.

(iii) Despite subparagraph (ii), the side building lines for properties smaller than 650 m² must be 0 metres for the first 12 metres measured perpendicular from street boundary; 0 metres for 60% of total remaining linear distance along all side and rear boundaries around the land unit; and 3 metres for the remainder.

(iv) The general building line encroachments in this By-law apply.

(f) **Garages and carports**

(i) A garage or carport is permitted within the common boundary building line provided the garage or carport—

(aa) does not exceed 3,5 metres to the top of the roof; and

(bb) does not contain more than a double garage façade with a maximum width of 6,5 metres.

(ii) For land units exceeding 650 m², a garage or carport may not be closer than 5 metres from the street boundary, notwithstanding the street building line.

(g) **Parking and access**

Parking and access must be provided on the land unit in accordance with this By-law, except in a case where the Municipality has approved alternative parking supply under section 43.(1).

(h) **Loading**

Loading bays must be provided on the land unit in accordance with this By-law.

(i) **Screening**

The Municipality may require screening in accordance with this By-law.

(j) **Canopy or balcony projection**

Canopy and balcony projections for "business premises" apply.

(k) **Refuse room**

The Municipality may require a refuse room to be provided on the land unit in accordance with this By-law.

"OFF-ROAD TRAIL"

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

(a) includes buildings and facilities normally required for the administration and maintenance of the trail; and

(b) does not include tourist accommodation or tourist facilities.

Development parameters:

The development parameters applicable to "agriculture" apply.

"OPEN AIR MOTOR VEHICLE DISPLAY"

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

Development parameters:

The development parameters of "shop", apply.

"OUTDOOR TRADING AND DINING"

Land use description: *"outdoor trading and dining"* means the regular and daily use of land in an outdoor setting for the selling of goods and food, and includes outdoor dining and seating, and where such activities typically takes place in the open air, and/or from temporary structures such as stalls, tents or caravans, and may also take place in permanent open structures which provide protection from the elements whilst in an open-air setting.

Development parameters:

(a) The Municipality must require a site development plan for outdoor trading and dining.

(b) The site development plan as approved by the Municipality constitutes the development parameters.

(c) The provisions for a site development plan in this By-law apply.

"PLACE OF ASSEMBLY"

Land use description: *"place of assembly"*—

(a) means a place that has a civic function to serve the social and community needs of an area, may attract people in relatively large numbers and is not used predominantly for a commercial enterprise;

(b) includes a civic hall, concert hall, gymnasium, sport stadium, and club house; and

(c) does not include a place of entertainment, or conference facility.

Development parameters:

Development parameters applicable to "place of instruction" apply.

"PLACE OF ENTERTAINMENT"

Land use description: *"place of entertainment"* means a place used predominantly for commercial entertainment and may include a bar, stage for live music, one or more dance floor areas, a DJ booth, and which may attract relatively large numbers of people, operate outside normal business hours or generate noise from music or revelry on a regular basis, including—

(a) a nightclub;

(b) disco;

(c) dance club;

(d) club; and

(e) a place of leisure

Development parameters:

The following development parameters apply:

(a) As determined by the Municipality.

(b) The Municipality may require a site development plan to be submitted for its approval in accordance with this By-law.

"PLACE OF INSTRUCTION":

Land use description: *"place of instruction"*—

(a) means a place for education or training at pre-school, school or post-school levels;

(b) includes a crèche, nursery school, primary school, secondary school, college, university or research institute;

(c) includes ancillary uses including—

(i) a boarding hostel,

(ii) sports and recreation centre,

(iii) a civic facility for the promotion of knowledge to the community including—

(aa) a public library,

(bb) place of worship,

(cc) public art gallery,

(dd) museum;

(ee) place of instruction in sport where the main objective is instruction rather than participation of the public as competitors or spectators; and

(c) does not include a reformatory or a conference facility.

Development parameters:

(a) **Floor factor**

The maximum floor factor is 1,2.

(b) **Coverage**

The maximum coverage is 60%.

(c) **Height**

(i) The highest point of a building to the top of the roof may not exceed 12 metres, provided that there is no height limit for a bell tower, steeple, minaret or similar architectural feature designed to accentuate the significance of a building.

(ii) The general provisions regarding earth banks and retaining structures in this By-law apply.

(d) **Building lines**

(i) The street building line is at least 5 metres.

(ii) Side and rear building lines are at least 5 metres.

(iii) The general building line encroachments in this By-law apply.

(e) **Parking and access**

Parking and access must be provided on the land unit in accordance with this By-law.

(f) **Loading bays**

Loading bays must be provided on the land unit in accordance with this By-law.

(g) **Screening**

The Municipality may require screening in accordance with this By-law.

(h) **Noise mitigation**

The Municipality may require the owner to install noise mitigation measures if excessive noise is created or likely to be created.

(i) **Refuse room**

A refuse room must be provided on the land unit in accordance with this By-law.

"PLACE OF LEISURE"

Land use description: *"place of leisure"* means a place used predominantly for commercial leisure activities that may attract relatively large numbers of people, operate outside normal business hours or generate noise from such activities on a regular basis, including—

(a) a cinema;
(b) theatre;
(c) amusement park/ centre;
(d) dance hall;
(e) ball room hall;
(f) gymnasium;
(g) sport centre;
(h) skating rink;
(i) pool room;
(j) pub; and
(k) a sports and recreation centre.

Development parameters:

The following development parameters apply:

(a) As determined by the Municipality.

(b) The Municipality may require a site development plan to be submitted for its approval in accordance with this By-law.

"PLACE OF WORSHIP"

Land use description: *"place of worship"*—

(a) means a church, synagogue, mosque, temple, chapel or other place for practising a faith or religion, provided that a dwelling where the occupants engage in worship does not constitute a place of worship;
(b) includes ancillary uses such as a religious leader's dwelling, office, crèche, function hall, or place for religious instruction; and
(c) does not include a funeral parlour, cemetery or crematorium,

Development parameters:
Development parameters applicable to "place of instruction" apply.

"PLANT NURSERY"

Land use description: *"plant nursery"* means a property used for one or more of the following uses as a commercial enterprise:
(a) cultivation of plants;
(*b)* sale of plants; and
(c) sale of gardening products and gardening equipment.

Development parameters:
Development parameters applicable to "agriculture" apply.

"PRIVATE OPEN SPACE"

Land use description: "*private open space"*—
(a) means land not designated as public open space and that is used primarily as a private site for sport, play, rest or recreation, or as a park, botanical garden, nature conservation area;
(c) includes ancillary buildings, infrastructure, and public land that is or will be leased on a long term basis; and
(d) does not include shops, restaurants and gymnasiums.

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

"PRIVATE PARKING"

Land use description: *"private parking"* means property reserved exclusively for parking purposes and that is not normally accessible to the general public.

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

"PRIVATE ROAD"

Land use description: *"private road"*—
(d) means privately owned land designated as a private road that provides vehicle access to a separate cadastral property or properties;
(e) includes utility services and ancillary access control infrastructure, including a gatehouse, guardhouse, refuse room and utility room; and
(f) does not include a driveway on a property, or a servitude right of way over a property as these do not constitute private roads for the purpose of this zoning scheme.

Development parameters:
As determined by the Municipality.

"prospecting"

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

Development parameters:
As determined by the Municipality.

"public open space"

Land use description: *"public open space"*—
(b) means land, with or without access control —
(i) owned by the Municipality or other organ of state;
(ii) not leased out by the Municipality or that other authority on a long-term basis,
(ii) set aside for the public as an open space for recreation or outdoor sport and designated as public open space; and
(c) includes a park, playground, public or urban square, picnic area; public garden, nature area and ancillary buildings and infrastructure.

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

"PUBLIC PARKING"

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

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

"PUBLIC STREET"

Land use description: *"public street"* means any land, owned by or vesting in the Municipality, indicated on an approved plan, diagram or map as having been set aside as a public thorough way for vehicles and pedestrians and includes—
f) open public parking areas;
g) sidewalks;
h) those parts of a public place that are travelled parts;
i) informal trading; and
(j) appropriate and necessary street furniture and infrastructure, including reticulation networks that does not present any threat to the safety or obstruct or inhibit free movement of pedestrians.

Development parameters:
A site development plan must be submitted to the Municipality for its approval. The site development plan as approved constitutes the development parameters for the public street.

"QUARRY"

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

Development parameters:

(a) Development parameters applicable to "agriculture" together with additional parameters determined by the Municipality apply.

(b) If a quarry is approved as a consent use in Agricultural Zone I, the consent may only be granted for the number of years equal to the expected lifetime of the quarry concerned.

(c) The owner must comply with national and provincial statutory requirements applicable to mining.

(d) Any application to rezone land to Industrial Zone IV must set out the measures that will be implemented to address safety and environmental concerns including—

(i) control of drainage, sedimentation and erosion;
(ii) preservation of surface and substance water;
(iii) preservation of topsoil;
(iv) provision for restoration and the re-use of the site;
(v) provision for noise and visual buffering;
(vi) accommodation of heavy traffic and vehicles on roadways; and
(vii) a phased programme for rehabilitation.

(e) The Municipality may impose the measures to address safety and environmental concerns as conditions of approval.

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

"REHABILITATION CENTRE"

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

Development parameters:

Development parameters applicable to "place of instruction" apply.

"RENEWABLE ENERGY STRUCTURE"

Land use description: "*renewable energy structure*"—

(a) means any wind turbine, solar energy generating apparatus, including solar photo-voltaic and concentrated solar thermal, hydro turbines or bio mass facility or any grouping thereof, that captures and converts wind, solar radiation or bio mass into energy for commercial gain; and

(b) includes any appurtenant structure necessary for, or directly associated with, generation of renewable energy, or any test facility or structure that may lead to the generation of energy on a commercial basis, excluding electrical grid connections.

Development parameters:

(a) **Height**

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

(b) **Setback**

In the case of a wind turbine the setback is—

(i) a distance equal to 1,5 times the overall blade tip height of the turbine, measured from the nearest residential, commercial or critical agricultural structures including animal housing, outbuildings, store rooms,

excluding structures such as water troughs, feed dispensers, and windmills;

(ii) a distance of 100m from the cadastral boundary of the land unit, unless the renewable energy structure straddles two or more cadastral boundaries, in which case no setback applies;

(iii) a distance of 100m from any public road or private or public right of way, unless it provides access to the turbine;

(iv) a distance of 100m from any electrical infrastructure; and

(v) a distance of 1000m from towns, settlements or urban areas.

(c) **Site development plan**

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

(ii) The site must be surveyed and the exact delineation of the construction footprint must be shown in the site development plan.

(iii) To the extent necessary, any relevant measures contained in these regulations must be incorporated into the site development plan submitted to the Municipality for approval.

(d) **Land clearing, soil erosion and habitat impact**

(i) The clearing of natural vegetation is limited to that which is necessary for the construction, operation and maintenance of the renewable energy structure as regulated by applicable environmental legislation.

(ii) Wind turbines, solar structures, access roads and other infrastructure must be located to minimise damage to natural vegetation, water courses and wetlands.

(iii) All land cleared that does not form part of the footprint of a renewable energy structure must be rehabilitated according to a rehabilitation plan for the land concerned, approved by the Municipality.

(iv) Constructing or operating the renewable energy structure may not cause soil erosion, and any high-risk erosion areas must be rehabilitated by the operator, to the satisfaction of the Municipality.

(v) The applicant must prove, to the satisfaction of the Municipality, that planning for the renewable energy structure concerned has taken into account and mitigated the risk of all impacts on, and necessary distances that should be maintained from, wetlands, water bodies, threatened ecosystems, mountains, ridges, hills, coastal buffers, settlements, telecommunication towers, transmission towers and power lines.

(vi) The applicant must provide exact coordinates relevant to land clearing, soil erosion and habitat impact to assist the Municipality to evaluate the risk of possible negative environmental impacts of the renewable energy structure concerned.

(e) **Noise, air quality and nuisance**

The renewable energy structure may not exceed a noise limit of 45 dB(A) during the night and 55 dB(A) during the day at the nearest dwelling.

(f) **Finishing, colour and design**

(i) A wind turbine structure must be treated with a neutral, non-reflective exterior colour and designed to blend in with the surrounding natural environment, to the satisfaction of the Municipality.

(ii) A solar structure must minimise any adverse effects related to its reflective surfaces and must be designed and built in a way that mitigates this impact, as required by the Municipality.

(g) **Appurtenant structures**

(i) All appurtenant structures to a renewable energy structure prescribed by the Municipality concerning bulk, height, yard sizes, building lines, open space, parking and building coverage requirements are subject to applicable by-laws.

(ii) Appurtenant structures, including equipment shelters, storage facilities, transformers and sub-stations must be architecturally compatible with the receiving environment as required by the Municipality, and contained within a renewable energy structure site development plan submitted for approval by the Municipality.

(iii) Appurtenant structures may only be used for the storage of equipment or other uses directly related to the operation of the particular facility that they are associated with.

(iv) Appurtenant structures must be screened from view by indigenous vegetation or be joined and clustered to minimise adverse visual impacts.

(h) **Lighting**

(i) A renewable energy structure or any part of such a structure may only be lit for safety and operational purposes and the lighting must be appropriately screened from abutting land units.

(ii) A renewable energy structure must comply with the lighting air safety requirements of the South African Civil Aviation Authority in terms of the Civil Aviation Act, 2009 (Act 13 of 2009).

(i) **Signage and advertising**

Signs on renewable energy structures must comply with the laws regulating signage and be limited to signage necessary to—

(i) identify the operator;

(ii) provide 24-hour emergency contact numbers; and

(iii) provide warning of any dangers associated with the structure.

No commercial advertising, including advertising for the provider or operator, may be displayed on any renewable energy structure.

(j) **Maintenance**

The owner is responsible for maintaining a renewable energy structure in good condition, including any access road, unless deemed a public way, and for paying the cost of repairing any damage resulting from construction or operation. Maintenance includes—

(i) painting;

(ii) structural repairs;

(iii) rehabilitation measures; and

(iv) the upkeep of security and safety measures.

(k) **Modification**

Any modification to a renewable energy structure, excluding inconsequential *in situ* technical improvements, made after approval and that is not in accordance with the approval and conditions of approval, requires authorisation from the Municipality within the parameters of these regulations by means of—

(ii) the amendment of approved conditions;

(iii) a new consent use approval;

(iv) amendment of the approved site development plan; or

(v) amendment of the approved building plan.

(l) **Decommissioning**

(i) Any renewable energy structure and associated infrastructure that has reached the end of its productive life or has been abandoned, including buildings, cables and roads, must be removed by the owner.

(ii) A renewable energy structure is considered abandoned when the structure fails to continuously operate for more than two years.

(iii) When a renewable energy structure is scheduled to be decommissioned or operations have been discontinued or it has been abandoned, the land owner must, by registered mail, notify the Municipality within 30 days after the operation ceased, and of plans for removal of the structure and infrastructure referred to in subparagraph (i).

(iv) The owner is responsible for the removal of the structure in all its parts, within 150 days after the date of discontinued operation, or as agreed upon by the Municipality after submission of a plan for decommissioning. The Municipality may grant an extension of the deadline for removing the structure and its parts. The land must then be rehabilitated by the owner, to the satisfaction of the Municipality, to the condition prescribed in the approved environmental management plan and the approved decommissioning plan.

(v) Decommissioning must include—

(aa) the removal of all renewable energy structures and appurtenant structures, including equipment, bases, foundations, security barriers and transmission lines directly related to the renewable energy;

(bb) disposal of all solid and hazardous waste in accordance with provincial and local waste disposal regulations; and

(cc) the stabilisation and re-vegetation of the site with indigenous vegetation to minimise erosion.

(vi) The Municipality may, in order to minimise erosion and disruption to natural vegetation and habitats, grant permission to the owner to depart from the decommissioning plan in respect of removing landscaping, underground foundations or other underground components, provided these do not cause any pollution.

(vii) Before the construction of the renewable energy structure commences, the owner must make financial provision or an alternative reasonable arrangement, to the satisfaction of the Municipality, for protection against failure by the owner to comply with the obligations in terms of this By-law and in the event of the owner being unable to fulfil the necessary financial obligations for the rehabilitation or management of the negative environmental impact of decommissioning or of abandonment.

(viii) If the owner fails to remove the structure or its parts in accordance with the requirements of these regulations within 150 days of abandonment or the date of decommissioning or an approved extension date, the Municipality may enter the property and remove the structure and its parts, and recover all removal costs incurred from the owner.

(ix) If the owner fails to meet the requirements of subitem (i), the Municipality may, after written notice to the owner, use all or part of the financial provision or other provision referred to in subitem (vii) to rehabilitate or manage the negative environmental impact concerned, or to remove the facility.

"RESORT SHOP"

Land use description: *"resort shop"* means a shop that provides for the daily needs of transient guest of a holiday resort or camping site.

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

"RESTAURANT"

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

Development parameters:
Development parameters applicable to "business premises" apply.

"RETIREMENT RESORT"

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

(a) each dwelling unit must be occupied by a retiree or pensioner or by a family of which at least one member is a retiree or pensioner; and

(b) a full spectrum of frail care and other facilities reasonably associated with a retirement resort may be provided at a retirement resort.

Development parameters:
Development parameters applicable to the primary use apply.

"RIDING SCHOOL"

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

Development parameters:
Development parameters as applicable to "agriculture" apply.

"RISK ACTIVITY"

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

Development parameters:
Development parameters applicable to "agriculture" apply.

"ROOFTOP BASE TELECOMMUNICATION STATION"

Land use description: *"rooftop base telecommunication station"* means a support structure attached to the roof, side or any part of a building and used to accommodate telecommunication infrastructure for the transmitting or receiving of electronic communication signals.

Development parameters:
The general provisions of section 31 of this By-law apply.

"SCRAP YARD"

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

(a) storing, depositing or collecting of junk, scrap material or articles that have value depending mainly or entirely on the material used during their manufacture;

(b) the dismantling of second-hand vehicles or machines to recover components or material; and

(c) the storage or sale of second-hand parts, poles, steel, wire, lumber yards, tyres, bricks, containers or other articles suited to being left in the open.

Development parameters:
Development parameters applicable to "industry" apply.

"SERVICE STATION"

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

(a) may include uses including washing of vehicles, a convenience shop and a restaurant; and

(b) does not include spray-painting, panel beating, motor repair garage, open air motor vehicle display or truck stop.

Development parameters:

The development parameters applicable to "shop" apply. The following additional development parameters apply:

(a) A site development plan must be submitted to the Municipality for its approval. The site development plan must at least address matters pertaining to vehicle access, risk management of fuel pumps and fuel storage areas, screening and minimising any visual intrusion or operational disturbance with adjoining properties.

(b) Any part of the property of a service station that is used for the repair of motor vehicles, the storage of inoperable motor vehicles or parts of motor vehicles, empty containers including oil drums and packing cases, or any other scrap, must be enclosed by a solid screen wall at least 2 metres high, or contained within a building.

(c) Any service station must comply with the following access requirements:

(i) the width of motor vehicle carriageway crossings over the street boundary, whether one-way or two-way, may not exceed 8 metres;

(ii) a wall, at least 100 millimetres thick and 350 millimetres high, must be erected on the street boundary between different motor vehicle carriageway crossings, and the wall must continue along the boundary unless the property is otherwise enclosed;

(iii) the motor vehicle carriageway crossings must be limited to two per site unless the total length of a street boundary exceeds 30 metres, in which case one additional motor vehicle carriageway crossing may be permitted; and

(iv) at the point where it crosses the street boundary, a motor vehicle carriageway crossing may not be closer than—

(aa) 30 metres to the intersection of a provincial road and with any other road of a similar status;

(bb) 30 metres to the nearest point of an intersection where traffic is controlled, or is proposed to be controlled, by a traffic signal or traffic island;

(cc) 10 metres from the corner of an intersection not referred to in subitems *(aa)* or *(bb)* if such intersection is not splayed, or 5 metres from the point where the splay meets the road boundary if such intersection is splayed; and

(dd) 1,5 metres from a side boundary.

(d) No fuel pump may be erected so that the base or island on which the pump stands is less than 3,5 metres from the nearest street boundary.

"SERVICE TRADE"

Land use description: *"service trade"* means an enterprise—

(a) primarily involved in the rendering of a service for the local community including the repair of household appliances or the supply of household services;

(b) not likely to be a source of disturbance to surrounding properties;

(c) that employs at most 10 people;

(d) not likely, in the event of fire, to cause extremely rapid combustion, give rise to poisonous fumes or cause explosions;

(e) that includes laundry, bakery, dairy depot, and similar types of uses; and

(f) that does not include an abattoir, brick-making site, builder's yard, sewage works, service station, open air motor vehicle display or motor repair garage.

Development parameters
The development parameters applicable to "shop" apply.

"SHELTER"

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

(a) renewable solar energy structures for household purposes;
(f) home occupation;
(g) a bed and breakfast establishment; and
(h) home child care.

Development parameters:

(a) It is the sole responsibility of the occupant or owner of the shelter to ensure the structural, habitability, fire resistance or other standards of a shelter.
(b) The Municipality may instruct any occupant or owner of a shelter to take action to remedy a public safety, health or fire risk.
(c) The dominant use of the unit must remain residential.
(d) No noxious trade, risk activity, adult entertainment, adult services or adult shop is permitted in a shelter.
(e) No activities may be carried out in a shelter that constitute or are likely to constitute a source of nuisance, including the use of equipment that generates excessive noise, or any activity that results in the generation of dust, fumes, smoke, or waste material that could be detrimental to health, or requires special waste removal processes.
(f) The Municipality may, at any stage, call for a cessation of the land use or activity, or impose conditions in order to minimise any potential nuisance to surrounding neighbours or the general public.
(g) **Coverage**
The maximum coverage of 80%..
(h) **Height**
A shelter structure may not exceed a height of 6 meters.
(i) **Building lines**
(i) Side building lines are at least 1 metre on one side or 1,5 metres in the case where the shelter has windows or doors.
(ii) If a midblock sewage system is present, a rear building line of up to 2 metres may be required by the Municipality.
(iii) The street building line is 1 metre, if required by the Municipality.

"SHOOTING RANGE"

Land use description: *"shooting range"* means an enclosed indoor facility or demarcated outdoor area designed, built or constructed and utilised by a person as a firing range with targets for the usual, regular, and primary activity of controlled firearm practice, shooting competitions, or firearm training on a commercial basis, and—

(a) may be restricted to certain types of arms, handguns or rifles, or can specialize in certain shooting sports;

(b) must be constructed or designed in such a way, or where the improvements, size, geography, and vegetation of the area are such that any misdirected shot, that can reasonably be expected to be fired towards the targets, would not reasonably be expected to leave the range or otherwise pose a threat to live or property; and

(c) may include ancillary activities, buildings and structures.

Development parameters:

(a) The Municipality must require a site development plan for a shooting range.

(b) The site development plan as approved by the Municipality constitutes the development parameters.

(c) The provisions for a site development plan in this By-law apply.

"SHOP"

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

(a) includes a retail concern where goods that are sold in the concern are manufactured or repaired, a funeral parlour, service trade; and

(b) does not include a hotel, industry, supermarket, motor repair garage, open air motor vehicle display, service station, restaurant, adult entertainment, adult services, adult shop or a liquor store.

Development parameters:

The following development parameters apply:

(a) **Floor factor**

The maximum floor factor on the land unit is 1.

(b) **Coverage**

The maximum coverage of all buildings on a land unit is 75%.

(c) **Height**

(i) The maximum height of a building is 12 metres to the top of the roof.

(ii) The general provisions regarding earth banks and retaining structures in this By-law apply.

(d) **Street centreline setback**

The Municipality may require a street centreline setback, in which case all buildings or structures on the land unit must be set back 8 metres from the centre line of the abutting public street or streets.

(e) **Street boundary building line**

The street boundary building line is 0 metres, subject to the following conditions:

(i) the street centreline setback restriction in subparagraph *(d)*;

(ii) minor architectural and sunscreen features may project beyond the street boundary building line provided that such features do not project more than 250 millimetres beyond the street boundary; and

(iii) for service stations, the street boundary building line is 5 metres subject to the general building line encroachments in this By-law.

(f) **Side and rear boundary building lines**

The side and rear boundary building lines are 0 metres.

(g) **Canopy projection**

The Municipality may approve a canopy projection over the street boundary in accordance with the following conditions:

(i) the canopy may not project nearer than 500 millimetres to a vertical plane through the kerb line or proposed kerb line;

(ii) no portion of a canopy projection may be less than 2,8 metres above the pavement;

(iii) the Municipality may lay down more restrictive requirements relating to the dimensions, design and materials of the canopy; and

(iv) the owner must enter into an encroachment agreement with the Municipality in the case of a canopy projection.

(h) **Street corners**

(i) The Municipality may require the owner of a building to be situated at a public street corner, and where the Municipality considers the street corner to be significant, to incorporate in the building, architectural features that focus visual interest on the corner and emphasise the importance of pedestrian movement around the corner. The architectural features may include building cut-offs, walk-through covered arcades, plazas or other elements.

(j) **Parking and access**

Parking and access must be provided on the land unit in accordance with this By-law, except in a case where the Municipality has approved alternative parking supply under subsection 42.(1).

(k) **Loading**

Loading bays must be provided on the land unit in accordance with this By-law.

(l) **Screening**

The Municipality may require screening in accordance with this By-law.

(m) **Repair or manufacturing concern in a shop**

The floor space relating to any manufacturing or repair concern in a shop may not comprise more than 40% of the floor space of the shop.

(n) **Refuse room**

The Municipality may require a refuse room to be provided on the land unit in accordance with this By-law.

(o) When a shop is approved as a consent use in Business Zone V, the total floor space of the shop or shops may not exceed 5% of the floor space of the building.

"SMALLHOLDING"

Land use description: *"smallholding"* means an extensive landholding, including a dwelling house that is primarily a place of residence on which small scale agricultural activities may take place.

Development parameters:

Development parameters applicable to "agriculture" apply, except that the following building lines apply:

(a) 10 metres from any boundary in respect of properties smaller than 2 hectares;

(b) 20 metres from any boundary in respect of properties smaller than 4 hectares; and

(c) 30 metres from any boundary in respect of properties larger than 4 hectares.

"sports and recreation centre"

Land use description: *"sports and recreation centre"* means an outdoor or indoor sports and recreation facility which may be public or privately owned and which may include sports grounds and fields, golf courses, a sports stadium, as well as ancillary and subservient facilities and amenities like a clubhouse with a restaurant and shop, gymnasium, ablution facilities, stores, and related administrative buildings.

Development parameters:

(a) The Municipality must require a site development plan for a sports and recreation centre.

(b) The site development plan as approved by the Municipality constitutes the development parameters.

(c) The provisions for a site development plan in this By-law apply.

"SUPERMARKET"

Land use description: *"supermarket"* means a shop having a total floor space in excess of 400 m², where a range of goods, including foodstuff and household goods, is offered for sale on a predominantly self-service basis.

Development parameters:

Development parameters applicable to "shop" apply.

"TELECOMMUNICATION INFRASTRUCTURE"

Land use description: *"telecommunication infrastructure"*—

(a) means any part of the infrastructure of a telecommunication network for radio or wireless communication;

(b) includes voice, data and video telecommunications, including antennae, any support structure, equipment room, radio equipment or optical communications equipment (laser or infra-red);

(c) includes ancillary structures needed for the operation of telecommunication infrastructure; and

(d) does not include fibre optic installations and point-to-point copper (cable) installation and rooftop base telecommunication stations.

Development parameters:

As determined by the Municipality.

"TOURIST ACCOMMODATION"

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

(a) consists of a single enterprise that provides overnight accommodation by means of short-term rental or time sharing only;

(b) may include the provision of a camping site, caravan park, chalets or mobile home park, resort shop, private or public roads; and

(c) does not include a hotel or wellness centre.

Development parameters:

(a) When land is rezoned to Resort Zone, the Municipality must impose conditions with regard to density, layout, landscaping, and building design.

(b) A site development plan must be submitted to the Municipality for its approval, clearly indicating the position of all structures, stands, services and internal roads.

(c) Provided that if a hotel or wellness centre is approved as a consent use within Resort Zone the following additional conditions apply:

(i) rooms may not be alienated by means of sectional title;

(ii) the hotel may not accommodate more than 50% of the number of accommodation units;
(iii) the architectural design of the hotel or wellness centre must conform to that of the rest of the resort; and
(iv) the maximum height for the hotel or wellness centre is 6 metres to the wall plate in all cases and 8,5 metres to the top of the roof in the case of a pitched roof.

"TOURIST FACILITIES"

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

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

Development parameters:
Development parameters applicable to "agriculture" apply.

"TOWN HOUSING"

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

Development parameters:
The development parameters of "group housing" apply, provided that:

(a) **Density**
The maximum gross density on a town housing site is 60 dwelling units/hectare.
(b) **Open space**
The open space requirements for group housing do not apply to town housing.
(c) **Coverage**
The maximum coverage for all buildings on a land unit is 60%.
(d) **Height**
The height of dwelling units may not exceed 6 metres to the wall plate in all cases, and 8,5 metres to the ridge of the roof in the case of a pitched roof.

"TRANSPORT USE"

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

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

Development parameters:
Development parameters applicable to "business premises" apply.

"TRUCK STOP"

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

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

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

(a) the Municipality must require a site development plan to be submitted for its approval; and

(b) the site development plan must at least address matters pertaining to vehicle access, placement of overnight parking and ablution facilities or rest rooms, screening and minimising any visual intrusion or operational disturbance to adjoining properties.

"TRUCK STOP ACCOMMODATION"

Land use description: "*truck stop accommodation*" means overnight accommodation by means of short term rental that specifically caters for the needs of truck drivers and may include rooms, ablution facilities, basic food preparation facilities and communal areas for relaxation and is ancillary to a truck stop.

Development parameters:

(a) The Municipality must require a site development plan to be submitted for its approval.

(b) The height of the accommodation facility may not exceed 6,5 metres to the top of the roof.

"TUCK SHOP"

Land use description: *"tuck shop"* means a small retail concern that stocks a range of snacks, food, candy, soft drinks, tobacco products, newspapers and magazines and serves the needs of the public who frequent the premises.

Development parameters:

(a) A tuck shop may not exceed 25m².

(b) The Municipality may require a site development plan to be submitted for its approval.

"URBAN AGRICULTURE"

Land use description: *"urban agriculture"* means the cultivation of crops, on relatively small areas within the urban area or edge, for own consumption or sale in neighbouring markets; provided that cultivation of a garden by an occupant is not regarded as urban agriculture for the purpose of this By-law.

Development parameters:
As determined by the Municipality.

"UTILITY SERVICE"

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

(a) includes a water reservoir and purification works, electricity substation, storm water retention facilities, and a waste-water pump station and treatment works, rooftop base telecommunication station and freestanding base telecommunication station; and

(b) does not include renewable energy structures or transport use; and

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

Development parameters:
As determined by the Municipality.

"WALL OF REMEMBRANCE"

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

Development parameters:
Development parameters applicable to "cemetery" and "crematorium" apply.

"WAREHOUSE"

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

(a) includes property used for business of a predominantly wholesale nature, and

(b) does not include property used for business of a predominantly retail nature.

Development parameters:
Development parameters applicable to "industry" apply.

"WELLNESS CENTRE"

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

(a) facilities like saunas, pools, steam rooms, gymnasiums, treatment rooms, relaxation areas and whirlpools; and

(b) the provision of meals to guests.

Development parameters:
Development parameters applicable to "tourist accommodation" apply.

"WINERY"

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

Development parameters:
Development parameters applicable to "agriculture" apply.

SCHEDULE 3

OVERLAY ZONES APPROVED IN TERMS OF SECTION 16

1. SUBDIVISIONAL AREA OVERLAY ZONE

1.1. General purpose of Subdivisional Area Overlay Zone

The subdivisional area overlay (SAO) zoning designates land for future subdivision with development rights by providing development directives through specific conditions as approved in terms of this By-law. The SAO zoning confirms the principle of development and acceptance of future subdivision of land; but not the detailed layout that will be determined when an actual application for subdivision is approved.

1.2. Use of the property

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

1.3. Development parameters

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

(a) density requirements;

(b) main land uses and the extent of the uses; and

(c) a detailed phasing plan or a framework including—

(i) main transport routes;

(ii) main land uses;

(iii) bulk infrastructure;

(iv) requirements of organs of state;

(v) public open space requirements; and

(vi) physical development constraints.

2. SPECIAL PLANNING AREA OVERLAY ZONE

2.1. General purpose of special planning area overlay zone

The general purpose of the special planning overlay zone is to provide for a package of plans mechanism to plan and manage the development of large or strategic urban development areas with a greater degree of flexibility. The package of plans mechanism is a phased process of negotiation, planning and approvals, where appropriate levels of planning detail are approved together with conditions for those approvals.

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

2.2. Use of the property

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

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

2.3. Development parameters

2.3.1 The Municipality must require a package of plans as set out in section 2.3.4 of Schedule 3 to be submitted for areas zoned as special planning area overlay zones.

2.3.2 The applicant must, during pre-application discussions with the Municipality, ascertain whether a package of plans procedure has to be followed.

2.3.3 The development parameters of the lowest order package of plans as contemplated in section 2.3.2 of Schedule 3 and as approved by the Municipality are the development parameters of the special planning overlay zone applicable to the property concerned.

2.3.4 The package of plans consists of all of the following components that are listed in a hierarchy from higher-order to lower-order plans, and the lower-order plans must be in compliance with the higher-order plan:

(a) **Contextual framework**

(i) The contextual framework lays down broad land use policy for the development and the surrounding area.

(ii) It may include principles or heads of agreement summarising the general obligations of the Municipality and the developer in relation to the development.

(iii) The contextual framework may be prepared by the Municipality, or by a land owner or development agency under supervision of the Municipality, and may not be in conflict with a spatial development framework or structure plan approved by the Municipality.

(b) **Development framework**

(i) The development framework must identify overall policy, broad goals, and principles for development within the development.

(ii) The development framework must identify the range of uses, general spatial distribution of uses, major transport and pedestrian linkages, infrastructure and any limits to development within the development, including but not limited to density and floor space.

(c) **Precinct plans**

(i) Precinct plans apply to specific areas within the development framework that have common features, functional relationships or phasing requirements.

(ii) There may be several precinct plans that make up a development area.

(iii) A precinct plan must describe in more detail the development objectives and intentions for a specific area in the development, as well as principles for urban form, land use, pedestrian links, traffic movement, floor space and environmental management.

(d) **Subdivision plans**

(i) Subdivision plans, if required, must be processed in terms of planning law to establish new cadastral boundaries and to facilitate the transfer of land units.

(ii) Subdivision plans may be approved at any stage after the development framework has been approved, and the provisions of section 16.2 apply to such plans.

(e) **Site development plans**

(i) Site development plans depict more detailed design and development provisions for one or more land units within a development.

(ii) These provisions may include details relating to land use, floor space, building lines, height, parking requirements, municipal services and landscaping, as well as details relating to the position and appearance of buildings, open space, pedestrian links and traffic movement.

(iii) A site development plan may be required before or after a subdivision plan, and must provide for the information as required for a site development plan in terms of this By-law.

(f) **Building plans**

(i) Building plans contain detailed specifications as required by the National Building Regulations.

(ii) Building work may only commence once building plans have been approved by the Municipality.

2.3.5 The Municipality may require all or only some of the components of the package of plans to be applied in respect of a particular development.

2.3.6 The Municipality may require that the area covered by a contextual framework must extend beyond the land under consideration if, in its opinion, the proposed development will have a wider impact, and the Municipality may determine the extent of that area.

2.3.7 In approving a special planning area overlay zone, the Municipality must determine the total floor space or density permitted within the development as a condition of approval.

2.3.8 The allocation of floor space must take into account the carrying capacity of internal and external infrastructure including roads and utility services, and any urban design principles approved by the Municipality as part of a rezoning or contextual framework.

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

2.3.10 When a special planning area overlay zone and a package of plans is required in terms of this By-law, the relevant components must be submitted to the Municipality for its approval before any development on a land unit can commence, provided that—

(a) the development may not be refused if it is consistent with the development parameters of a base zone, overlay zone, or condition of approval; and

(b) the Municipality may require amendments to the detail of the site development plan to address reasonable concerns relating to access, parking, architectural form, urban form, landscaping, environmental management, engineering services or similar concerns.

2.3.11 The general provisions contained in this By-law apply with regard to site development plans.

SCHEDULE 4

ZONING TRANSITION TABLE

WORCESTER SECTION 7 SCHEME REGULATIONS

Section 7 Zoning Scheme		BVM DRAFT Zoning Scheme By-Law 2019	
Zoning	**Primary use**	**Zoning**	**Primary use**
AGRICULTURAL ZONES			
Agricultural zone I	Agriculture	Agricultural Zone I	Agriculture
Agricultural zone II	Agricultural industry	Agricultural Zone II	Smallholding
RESIDENTIAL ZONES			
Residential zone I	Dwelling-house	Single Residential Zone I	Dwelling house
		Single residential Zone II	Dwelling house, Shelter
Residential zone II	Group house	General Residential Zone I	Group Housing
Residential zone III	Town house	General Residential Zone II	Town Housing
Residential zone IV	Flats	General Residential Zone III	Flats
Residential zone V	Residential building	General Residential Zone IV	Guest Lodge
		General residential Zone V	Hotel
BUSINESS ZONES			
Business zone I	Business premises	Business Zone I	Business Premises
Business zone II	Shop	Business Zone II	Shop
Business zone III	Offices	Business Zone III	Offices
Business zone IV	Warehouse	Business Zone IV	Big Box retail (larger than 2000m²)
Business zone V	Service station	Business Zone V	Service Station

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INDUSTRIAL ZONES			
		Industrial Zone I	Light industry
Industrial zone I	Industry	Industrial Zone II	Industry
Industrial zone II	Noxious trade	Industrial Zone III	Noxious trade
Industrial zone III	Mining	Industrial Zone IV	Mine
COMMUNITY ZONES			
Institutional zone I	Place of instruction	Community Zone I	Place of Instruction
Institutional zone II	House of Worship	Community Zone II	Place of Worship
Institutional zone III	Institution	Community Zone III	Institution
REZORT ZONE(S)			
Resort zone I	Holiday accommodation	Resort Zone	Tourist Accommodation
Resort zone II	Holiday housing		
OPEN SPACES ZONES			
Open space zone I	Public open space	Open Space Zone I	Public Open Space
Open space zone II	Private open space	Open Space Zone II	Private Open Space
Open space zone III	Nature reserve	Open Space III	Nature reserve
TRANSPORT ZONES			
Transport zone I	Transport usage	Transport Zone I	Transport use
Transport zone II	Public road	Transport Zone II	Public Street
		Transport Zone III	Private road
Transport zone III	Public parking	remove	
UTILITY ZONE			
		Utility Zone	Utility services (reservoir, substation etc)

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AUTHORITY ZONE			
Authority zone I	Authority usage	Authority Zone	Authority use (organs of state - correctional facility)
SPECIAL ZONE			
Special zone	Special usage	No provision made	
UNDETERMINED ZONE			

SECTION 8 SCHEME REGULATIONS
(RAWSONVILLE, DE DOORNS AND TOUWSRIVER)

Section 8 Zoning Scheme		BVM DRAFT Zoning Scheme By-Law 2019	
Zoning	**Primary use**	**Zoning**	**Primary use**
AGRICULTURAL ZONES			
Agricultural zone I	Agriculture	Agricultural Zone I	Agricultur e
Agricultural zone II	Agricultural industry	Agricultural Zone II	Smallholding
RESIDENTIAL ZONES			
Residential zone I	Dwelling-house	Single Residential Zone I	Dwelling house
Informal residential zone	Dwelling house, Shelter	Single residential Zone II	Dwelling house
Residential zone II	Group house	General Residential Zone I	Group Housing
Residential zone III	Town house	General Residential Zone II	Town Housing
Residential zone IV	Flats	General Residential Zone III	Flats
Residential zone V	Residential building	General Residential Zone IV	Guest Lodge
		General residential Zone V	Hotel
BUSINESS ZONES			
Business zone I	Business premises	Business Zone I	Business Premises
Business zone II	Shop	Business Zone II	Shop
Business zone III	Offices	Business Zone III	Offices
Business zone IV	Warehouse	Business Zone IV	Big Box retail (larger than 2000m²)
Business zone V	Service station	Business Zone V	Service Station

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INDUSTRIAL ZONES			
		Industrial Zone I	Light industry
Industrial zone I	Industry	Industrial Zone II	Industry
Industrial zone II	Noxious trade	Industrial Zone III	Noxious trade
Industrial zone III	Mining	Industrial Zone IV	Mine
COMMUNITY ZONES			
Institutional zone I	Place of instruction	Community Zone I	Place of Instruction
Institutional zone II	House of Worship	Community Zone II	Place of Worship
Institutional zone III	Institution	Community Zone III	Institution
REZORT ZONE(S)			
Resort zone I	Holiday accommodation	Resort Zone	Tourist Accommodation
Resort zone II	Holiday housing	remove	
OPEN SPACES ZONES			
Open space zone I	Public open space	Open Space Zone I	Public Open Space
Open space zone II	Private open space	Open Space Zone II	Private Open Space
Open space zone III	Nature reserve	Open Space III	Nature reserve
TRANSPORT ZONES			
Transport zone I	Transport usage	Transport Zone I	Transport use
Transport zone II	Public road	Transport Zone II	Public Street
		Transport Zone III	Private road
Transport zone III	Public parking		
UTILITY ZONE			
		Utility Zone	Utility services (reservoir, substation etc)
AUTHORITY ZONE			
Authority zone I	Authority usage	Authority Zone	Authority use (organs of state - correctional facility)
SPECIAL ZONE			
Special zone	Special usage	No provision made	
UNDETERMINED ZONE			
Undetermined zone	None	Undetermined zone	None

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ZWELETEMBA SCHEME REGULATIONS

Town Planning Scheme of Zweletemba		BVM DRAFT Zoning Scheme By-Law 2019	
Zoning	**Primary use**	**Zoning**	**Primary use**
RESIDENTIAL ZONES			
Residential zone I	Residential units	Single Residential Zone I	Dwelling house
	Town Houses	General Residential Zone I	Town Housing
Residential zone II	Residential units	Single Residential Zone I	Dwelling house
	Town Houses	General Residential Zone II	Town Housing
	General residential buildings	General Residential Zone III	Flats
		General Residential Zone IV	Guest Lodge
Residential Zone III	Dwelling house, Shelters	Single residential Zone II	Dwelling house, Shelter
BUSINESS ZONES			
Business	Businesses	Business Zone I	Business Premises
		Business Zone II	Shop
		Business Zone IV	Offices
		Business Zone V	Big Box retail (larger than 2000m²)
	Service station (Consent use)	Business Zone VI	Service Station
	General residential buildings	See General residential zones above	
	Hotels	General residential Zone V	Hotel
INDUSTRIAL ZONES			
Industrial	Industries, Services stations, Service trades	Industrial Zone II	Industry
COMMUNITY ZONES			
Institutional zone I	Place of instruction	Community Zone I	Place of Instruction
Institutional zone II	Places of worship	Community Zone II	Place of Worship
Institutional zone III	Community facilities	Community Zone III	Institution
SERVICE ZONE			
Services	Public services	Utility Zone	Utility services (reservoir, substation etc)
OPEN SPACES ZONES			
Open space zone I	Open spaces	Open Space Zone I	Public Open Space
Open space zone II	Sportsgrounds	Open Space Zone II	Private Open Space

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TRANSPORT ZONES			
Street	Streets	Transport Zone II	Public Street
Parking	Parking	Transport Zone I	Transport use
SPECIAL ZONE			
Special	Special purposes	No provision made	
UNDETERMINED ZONE			
Undetermined zone	None	Undetermined zone	None

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SCHEDULE 5

TOWN PLANNING AND ZONING SCHEMES REPEALED BY SECTION 33(4) OF THE LAND USE PLANNING ACT, 2014

Title of scheme
Worcester Section 7 Zoning Scheme Regulations
Section 8 Zoning Scheme Regulations
Town Planning Scheme of Zweletemba

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