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**To regulate and control municipal zoning.**

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## Chapter 1 Interpretation

### Definitions

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

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

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

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

“**atrium**” means a covered courtyard that:  
comprises a void within a building that extends for one or more floors in height that contains a floor and roof or ceiling; and  
does not contain floors that penetrate 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;

“**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 above natural ground level at any point, which may not be used as habitable space, and excludes 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 roofed structure;
- an external stair, step or landing of a building and a gallery, canopy, balcony, stoep, verandah, terrace, porch or similar feature of a building;
- a wall or railing enclosing any feature referred to in paragraph (b);
- 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 structures, expressed as a percentage of the total erf area of the land unit, excluding eaves and overhangs extending up to 1 metre beyond an exterior wall of a building or structure;
- “**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, group of linked rooms designed to function as a single entity 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;
- “**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—  
the construction of a new building or structure;  
the alteration or conversion of, or addition to, a building or structure; and  
the re-construction of a building or structure which has completely or partially been demolished.

**“fence”** means any fence, together with any gate or any contrivance forming part or serving the purpose of such a gate, erected as a boundary between any erven, lots or stands within the municipal area, and includes a fence which is not erected on a boundary, such as a garden fence or a freestanding wall on an erf, lot or stand;

**“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:

any area, including a basement, which is reserved solely for parking or loading of vehicles is excluded;

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;

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

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;

**“habitable room”** means a room used or designed, erected, adapted or intended to be used by persons for sleeping in, living in, the preparation or consumption of food or drink, the transaction of business, the rendering of professional services, the manufacture, processing or sale of goods, the performance of work, the gathering together of persons or for recreational purposes;

**“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”** means the vertical dimension of a structure from the natural ground level to the highest point of such structure, measured in metres, provided that:

the height of a structure does not include chimneys, flues, masts, satellite dishes or antennae; elevator motor rooms, ventilation shafts, water tanks, air conditioning plant and equipment on top of a structure are included when determining the height of a structure; and 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;

**“lagoon boundary”** means the lagoon, river or sea boundary determined as a straight-line boundary by the Surveyor General for that boundary adjacent to the high-water mark as during normal spring tide;

**“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:

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

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

**“Municipality”** means the municipality of Knysna (WC048) established by Establishment Notice in Provincial Gazette P.N. 204/2000 of 22 September 2000 issued in terms of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998), and where the context so requires, includes:

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

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

**“natural ground level”** means:

- the level of the land in its unmodified state; or
- 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 39;

**“non-conforming use”** means an existing land use that was lawful in terms of previous zoning regulations but that does not comply with this 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, but does not include a second dwelling;

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

**“overlay zone”** means a category of zoning that applies to land or land unit in addition to the base zoning and that:

stipulates development parameters or use rights that may be more or less restrictive; and may include provisions and development parameters relating to:

- primary or consent uses;
- subdivision and subdivisional areas;



- development incentives;
- density limitations;
- urban form or urban renewal;
- heritage and environmental protection;
- management of the urban edge;
- scenic drives;
- coastline setbacks;
- 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 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;

**“Planning By-law”** means the Knysna Municipality By-law on Municipal Land Use Planning, as adopted by the Municipality and revisions thereto;

**“planning law”** means the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013), Land Use Planning Act (Act 3 of 2014), 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;

**“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 (Act 3 of 2014);

**“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 land**” means land of which the ownership is vested in an organ of state;

“**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 structure, object, or other device by means of which an advertisement or notice may be physically displayed;

“**site development plan**” means a dimensioned plan drawn to scale that indicates details of the proposed land development, including but not limited to the site layout, positioning of buildings and structures, property access, building designs and landscaping;

“**spatial development framework**” refers to a provincial spatial development framework, or a municipal spatial development framework or local spatial development framework;

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

“**storey**” means that portion of a building between the surface of any floor and the surface of the next floor above; or, if there is no floor above the ceiling, then up to the ceiling; provided that, unless the contrary appears clearly from the provisions of this By-law:

- a basement does not constitute a storey;
- a roof, or dome forming part of a roof, does not constitute a separate storey unless the space within the roof or dome is designed for, or used for, human occupation or other living or entertainment purposes, in which case it is deemed to be a storey;

- the utilisation of an open roof area does not constitute a separate storey; however, should any means of coverage or fixtures for outdoor living and entertainment purposes be added to the roof of a building, the area is regarded as an additional storey;
- any storey greater than 4 metres, measured from the finished floor level to the finished floor level of the storey above, or to the ceiling in the case of a top storey, but up to 6 metres in height is, for the purpose of the height measurement, regarded as two storeys, and every additional 4 metres in height or portion thereof, is regarded as an additional storey; and
- in counting the number of storeys of a building, the ground floor is the first storey and the next floor above is the second storey;

**“storm water”** means water resulting from natural processes, the precipitation or accumulation of 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;

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

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

**“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;

**“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 (Act 16 of 2015) 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 (Act 3 of 2014).

### **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, and all properties within the area of jurisdiction of the Municipality shall be allocated a use zone on the approved zoning map.
  - (2) A land unit may be zoned:
    - (a) with a single base zone that applies to the entire land unit; or
    - (b) with a split-zoning, where one base zone applies to a portion of the land unit and one or more other base zones apply to other portions of the land unit; and
    - (c) with one or more overlay zones over and above the base zone(s).
  - (3) The objective statements set out in column 1 of the use zones table contained in Schedule 1 are explanatory guidelines only and are not part of the bylaw regulations.
  - (4) The description of the primary and consent uses applicable to each use zone is set out in Schedule 2.
  - (5) The location, boundaries and extent of each use zone is depicted on the zoning scheme map. In the event of a land unit having been allocated a split zoning, the approximate position of the zonings will be indicated on the zoning map;
  - (6) 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) Upon the commencement of this By-law, updates to the official version of the zoning scheme map as approved together with this By-law must be certified by the Municipal Manager periodically as determined by the Municipality.
- (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**

#### **7.**

- (1) Upon the date of commencement of this By-law, land that is zoned in terms of a previous zoning scheme is translated or reclassified to one of the use zones referred to in section 5.
- (2) The Transition Table in Schedule 4 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) Notwithstanding the translation or reclassification of the use zones used in the previous zoning schemes 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 considered; 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 application which was submitted prior to the date of coming into effect of this By-law, must be finalised 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 apply 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) In the event that the Municipality identifies an error on the zoning map; the Municipality must:
  - (a) inform the owner of the affected land unit of the error; and
  - (b) request the owner within 30 days from the date on which he or she received the notice, to notify the Municipality in writing if he or she disputes the intended rectification and to:
    - (i) submit written proof of the lawful land use rights; and
    - (ii) indicate the correct zoning that should be allocated.
- (6) In the event that any person other than the owner of the affected land unit identifies an error on the zoning map, the Municipality must:
  - (a) inform the owner of the affected land unit of the error;
  - (b) investigate the matter and follow a public participation process if required;
  - (c) amend the zoning register and map accordingly.
- (7) 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.
- (8) 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.

## 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, unless such additions or extensions are lawfully provided for in terms of an existing approval and conditions thereto.

### **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 below 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.
  - (c) stipulate development parameters for special developments that was previously approved and that does not comply with the provisions of any land use category in this By-law.
- (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 to 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, 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, a land surveyor's report determining an acceptable ground level must be confirmed by the Municipality.

#### **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 & Enforcement of By-Law**

19. (1) Subject to section 13, no person may erect any building or structure or any part thereof:
- (a) except for a purpose permitted by this By-law and only in accordance with the applicable development parameters; or
  - (b) without first obtaining approval from the Municipality in terms of the Knysna Municipality Bylaw on Municipal Land Use Planning.
- (2) A use not reflected as a primary or consent use for a particular use zone is not permitted in the use zone concerned, unless approved in terms of the Planning By-Law.
- (3) A person who contravenes this section and sections 21 to 51 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 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 are 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) Notwithstanding 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**

#### **Encroachment of Building Lines**

#### **21.**

- (1) Notwithstanding the building line requirements set out in this By-law, 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 and do not constitute an unreasonable nuisance to the neighbouring property owners:
  - (a) boundary walls, screen walls, fences and gates;
  - (b) open and uncovered stoeps and decks that are less than 500 millimetres in height above 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 m<sup>2</sup> 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 0,5 metres from the wall of a building;
  - (g) swimming pools not closer than 1 metre from any boundary or higher than 0,5 metres;
  - (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) (a) Garages, carports and outbuildings are permitted within side and rear boundary building line provided that the structures do not:
  - (i) extend higher than 3,5 metres to the top of the roof;
  - (ii) contain more than a double garage façade;

- (iii) exceed a width of 6,5 metres; and
    - (iv) have doors or windows facing the side or rear boundary concerned.
  - (b) For land units of 650 m<sup>2</sup> and less, a garage or carport is permitted up to 1,5 metres from the street boundary provided the garage or carport:
    - (i) is not higher than 3,5 metres to the top of the roof;
    - (ii) does not contain more than a double garage façade; and
    - (iii) does not exceed a width of 6,5 metres.
  - (c) For land units exceeding 650 m<sup>2</sup>, a garage or carport may not be closer than 4,5 metres from the street boundary, notwithstanding the street building line;
  - (d) Notwithstanding sub-items (b) and (c), 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.
- (3) For the purposes of determining street boundaries 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.

### Lagoon Boundary Building Lines

22. Building lines on land with a lagoon boundary will be 5 metres for all residential use zones and 10 metres for all other use zones.

### Site Development Plans

#### 23.

- (1) In addition to the use 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;
  - (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 & Retaining Structures**

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

- (a) 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
- (b) 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 & Fences**

27. Notwithstanding Council's By-Law on Fences and Fencing, the following development parameters on boundary walls and fences shall apply:

- (a) a fence or boundary wall on lateral or rear boundaries of premises may not exceed more than 2,1 metres in height from ground level;
- (b) a fence within 4,5 metres of a street boundary may not exceed more than 1,8 metres in height from ground level, provided that it will not interfere with sight lines of vehicles entering or leaving the property, or passing traffic;

### **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 Commercial 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 & Caravans**

#### **30.**

- (1) A recreation vehicle, including a mobile home, camp trailer or caravan, may not be used for permanent habitation without the approval of the Municipality, unless the zoning lawfully allows 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 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 provided that it does not exceed the maximum height restrictions of the use zone.

### **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 provided that the height restriction of that use zone is not exceeded by this addition.

### **Equipment On Top Of Buildings**

33. No elevator motor rooms, satellite dishes, ventilation shafts, water tanks, air conditioning plants, or other equipment on top of a roof may exceed the maximum height of the use zone.

### **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 Utility Services**

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.

### **Outdoor Advertising And Signage**

37. Outdoor signage and advertising may only be displayed in accordance with the Municipality's Outdoor Advertising and Signage By-Law.

### **Utilisation Of Outbuildings**

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

### **Determination Of Natural Ground Level**

#### **39.**

- (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**

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

#### **Hobbies In Single And General Residential Zones**

41. 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) house taverns;
  - (x) manufacturing of concrete products;
  - (xi) motor vehicle repairs for commercial purposes;
  - (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 industry 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 advertising may be displayed;
- (d) 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;
- (e) an activity associated with a hobby may not occupy more than 25% of the total floor area of the dwelling on the property or 60m<sup>2</sup> whichever is more restrictive, including storage;
- (f) 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
- (g) 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**  
**On-Site Parking Requirements**

42. (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 on-site parking requirements*”.
- (2) The Municipality must determine on-site parking requirements for land uses not stipulated in the table “*Minimum parking requirements*”.
- (3) Off-street On-site 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;

**MINIMUM ON-SITE PARKING REQUIREMENTS**

Land Use		Minimum Requirements
Dwelling house		2 bays per dwelling Erven <350m <sup>2</sup> : 1 bay per dwelling Erven < 100m <sup>2</sup> : Nil per dwelling
Second dwelling unit		1 additional bay
Group housing/Town Housing		2 bays per dwelling unit plus 0.25 bays/unit for visitors
Retirement resort	Dwelling unit	2 bays per unit plus 0.25 bays/unit for visitors
	Home for the aged	0,5 bays per bedroom
	Frail Care	0,5 bays per bed
Flats		1.75 bays per unit plus 0.25 bays/unit for visitors
Boarding house/ Guest House/ Guest Lodge/ Bed and Breakfast Establishment		1 bay per bedroom plus 1 bay per owner’s home / manager’s flat
Backpackers Lodge		1 bay /3 beds plus 2 bays / owner’s home or manager’s flat
Business premises/ Shops / Offices / Restaurant		4 bays per 100 m <sup>2</sup> GLA
Hotel (excluding other facilities, specific ratios apply to each use)		1.25 bays/bedroom
Service station/ Motor repair garage/ Motor vehicle sales or Vehicle hire premises		4 per repair bay with minimum of 8 bays plus 4 bays per 100 m <sup>2</sup> GLA
Open air motor vehicle sales		4 bays per 100 m <sup>2</sup> GLA
Home occupation		2 bays additional bays per 60 m <sup>2</sup> GLA



Land Use	Minimum Requirements
House shop / tavern	1 additional bay per 25 m <sup>2</sup> GLA
Funeral parlour	1 bay per 4 seats and 4 bays per 100 m <sup>2</sup> office GLA
Gymnasium, health club (not part of a business premise)	10 bays per 100m <sup>2</sup> GLA
Place of entertainment & gambling place	1 bay per 8 seats
Industry / Light industry / Warehouse / Scrap yard/ Builder's yard / Noxious trade / Risk activity	2 bays per 100 m <sup>2</sup> GLA
Industrial hive / Service trade	4 bays per 100 m <sup>2</sup> GLA
Hospital (general and private)	1 bay per bed and 4 bays per consulting room
Frail care facility	1 bay per bed
Clinic/Medical consulting rooms	4 bays per consulting room
Rehabilitation Centres	0,5 bays per bed
Orphanage	0,5 bays per bedroom
Home care facility	0,5 bays per bed
Schools	1.5 bay per classroom/office plus stop & drop facility
Crèche	1 bay per 10 children plus 1 stop & drop facility
Place of instruction (other than schools/day care centre/ crèche)	1.5 bay per classroom/office plus 1 per 6 students
Place of assembly/Place of worship/	1 bay per 8 seats
Sport stadium	1 bay per 4 seats or persons
Library, Museum	2 bays per 100m <sup>2</sup> GLA
Conference facility	8 bays per 10 seats

### Alternative Parking Supply

43. (1) As an alternative to compliance with the on-site parking requirements in terms of this By-law, 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

44. 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

45. (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) notwithstanding 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 and 3 metres wide in single residential zones.

### 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

46. (1) The following parking layout requirements apply unless otherwise stated in this zoning scheme:
- (a) parking layout configurations, minimum dimensions and ramps to a parking area must be in accordance with this zoning scheme or an approved site development plan;

- (b) the layout of any parking area, except for parking in Single Residential Zone I, Single Residential Zone II and General Residential Zone I, must ensure that vehicles can readily leave the site without reversing across the sidewalk, unless otherwise approved by the Municipality;
- (c) a tandem bay accommodating two motor vehicles is regarded as one bay for the purposes of this zoning scheme, except for single residential zones, where a tandem bay is regarded as two bays;
- (d) visitor parking bays must be clearly demarcated, readily visible and accessible to visitors, and preferably grouped together;
- (e) parking areas must be used for the parking of vehicles which are lawfully allowed on them, and any activity which causes an obstruction for vehicular traffic or pedestrian use of the sidewalk is prohibited;
- (f) parking areas must be constructed and maintained in a state suitable for the parking and movement of vehicles;
- (g) control of access to and reservation of parking bays 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) notwithstanding 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) position of parking bays and manoeuvring space;
- (b) the means of entrance and exit from parking areas;
- (c) landscaping proposals; and
- (d) construction details.

#### **Parking For Physically Disabled**

47. (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**

<b>Total no of parking bays</b>	<b>Required number of bays accessible to the physically disabled</b>
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 on-site parking requirements.

#### Motorcycle And Bicycle Parking Spaces

48. (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

49. (1) Unless the Municipality grants approval to waive this requirement, loading bays must be provided in accordance with the table entitled "*Minimum on-site loading bay requirements*".
- (2) The Municipality may determine on-site 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 ON-SITE LOADING BAY REQUIREMENTS

Land use	Floor area (m <sup>2</sup> )	Number of loading bays
Business premises, shops and industry	0–1 000	0
	1 001–2 500	1
	2 501–5 000	2
	5 001–10 000	3
	Every additional 10 000 or part thereof	1 additional bay

## **Chapter 9**

### **Refuse Rooms And Service Yards**

#### **Refuse Rooms**

- 50.** 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**

- 51.** (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 of 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**

### **Revocation of Previous By-laws**

#### **52. Repeal of By-laws**

The provisions of any by-laws previously promulgated by the Municipality or by any of the disestablished Municipalities now incorporated in the Municipality, are hereby repealed as far as they relate to matters provided for in this by-law, and insofar as it has been made applicable to the Municipality by the authorisation for the execution of powers and functions in terms of section 84(3) of the Local Government: Municipal Structures Act, Act 117 of 1998.

**SCHEDULE 1  
USE ZONES TABLE**

1	2	3
Zoning	Primary use	Consent use
<b>AGRICULTURAL ZONES</b>		
Agricultural Zone I (AI)		
<p><i>The objective of this zone is to promote and protect agriculture on farms as an important economic, environmental and cultural resource. Limited provision is made for non-agricultural uses to provide rural communities in more remote areas with the opportunity to increase the economic potential of their properties, provided these uses do not present a significant negative impact on the primary agricultural resource.</i></p>	<p><b>Agriculture</b></p>	<p>Abattoir Additional dwelling units Agricultural industry (&gt;2000m<sup>2</sup> floor space) Airfield Animal care centre Aqua-culture Camping site Farm graveyard Farm shop Freestanding base telecommunication station Function venue Guest house Guest Lodge Helicopter landing pad Off road trail Plant nursery Quarry Renewable energy structure Service trades Shooting range Tourist facilities Utility service</p>
Agricultural Zone II (AII)		
<p><i>The objective of this zone is to accommodate larger residential properties, which may be used for limited agriculture, but primarily serve as places of residence for people who seek a rural lifestyle. Such properties are often found close to towns and villages, and new smallholding areas should only be permitted within an acknowledged, demarcated urban area.</i></p>	<p><b>Smallholding</b></p>	<p>Additional Dwellings Agriculture industry (excluding a sawmill) Animal care centre Aqua-culture Farmer's market Farm Shop Freestanding base telecommunication station Guest house Guest lodge Intensive animal farming Intensive horticulture Plant nursery Renewable energy structure Riding school Rooftop base telecommunication station Tourist facilities Utility service</p>

1	2	3
Zoning	Primary use	Consent use
Agricultural Zone III (AIII)		
<p><i>The purpose of this zone is to support the government's rural land development programme and provide for the establishment of worker accommodation outside conventional towns. This will help to address the accommodation needs of workers and their dependants in rural areas such as farms, forestry and conservation areas. Provision is made for complementary uses that will improve the amenity of the settlement or supplement the economic base for residents.</i></p>	<b>Agri-village</b>	Freestanding base telecommunication station Rooftop base telecommunication station
<b>SINGLE RESIDENTIAL ZONES</b>		
Single Residential Zone I (SRI)		
<p><i>The objective of this zone is to provide for residential development where the predominant type of accommodation is a dwelling house for a single family, where each dwelling has its own land unit, and adequate outdoor space. Limited employment and additional accommodation opportunities are possible as primary or consent uses, provided that the dominant use of the property remains residential, and impacts of employment and additional accommodation uses do not adversely affect the quality and character of the surrounding residential environment.</i></p>	<b>Dwelling house</b>	Crèche Guest house (>2 rooms) Home care facility House shop Second dwelling unit >60m <sup>2</sup>
Single Residential Zone II (SRII)		
<p><i>The objective of this zone is to provide for upgrading and incremental housing from informal settlements to formal settlements and also to allow formal as well as informal housing types on a single erf. In recognition of the realities of poor and marginalised communities, development management provisions are not restrictive and local employment generation is encouraged within this zone.</i></p>	<b>Dwelling house Shelters</b>	Crèche Guest house (>2rooms) Home care facility House shop Second dwelling unit (>60m)

1	2	3
Zoning	Primary use	Consent use
<b>GENERAL RESIDENTIAL ZONES</b>		
General Residential Zone I (GRI)		
<p><i>The objective of this zone is to encourage residential development of a medium density, with a coordinated design, and to accommodate group housing where special attention is given to aesthetics, architectural form and the inter-relationship between components of the group housing scheme. Group housing may be located in single residential areas in places where an increased density is desirable, including along main roads, near local shopping centres and other activity nodes, and also preferably near to public open spaces.</i></p>	<b>Group housing</b>	Flats Home occupation Retirement resort Sports and recreation centre Wellness centre
General Residential Zone II (GRII)		
<p><i>The objective of this zone is to encourage residential development of a greater density than for General Residential Zone I, while retaining the emphasis on design coordination and a modest scale in terms of height. This zone has preferred 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 corridors.</i></p>	<b>Town housing</b>	Flats Home occupation Retirement resort
General Residential Zone III (GRIII)		
<p><i>The objective of this zone is to promote higher density residential development. The dominant use within this zone must be residential, but limited mixed-use development is possible with the Municipality's consent. This zone has preferred 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.</i></p>	<b>Flats</b>	Backpackers' lodge Boarding house Convenience shop Dwelling house Home occupation Office Renewable energy structure Retirement resort Rooftop base telecommunication station



1	2	3
Zoning	Primary use	Consent use
<b>General Residential Zone IV (GRIV)</b>		
<i>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.</i>	<b>Guest lodge</b>	Backpackers' lodge Restaurant
<b>General Residential Zone V (GRV)</b>		
<i>The objective of this zone is to provide a temporary residence for transient guests, where lodging and meals are provided, and may include a restaurant and conference facilities. Outside towns it should only be considered in identified tourism areas or within resorts.</i>	<b>Hotel</b>	Backpackers' lodge Gambling place Renewable energy structure Rooftop base telecommunication station Shop
<b>BUSINESS ZONES</b>		
<b>Business Zone I (BI)</b>		
<i>The objective of this zone is to provide for intensive business and mixed-use development with relatively few restrictions in order to promote urban vitality and economic growth. This zone refers mainly to business activity in the central business district.</i>	<b>Business premises</b>	Adult entertainment Adult services Adult shop Flats on ground floor Freestanding base telecommunication station Gambling place Helicopter landing pad Motor repair garage Open air motor vehicle display Place of entertainment Place of worship Renewable energy structure Transport use Warehouse

1	2	3
Zoning	Primary use	Consent use
<b>Business Zone II (BII)</b>		
<p><i>The objective of this zone is to provide for the retail sale of goods and services to the public. This zone mainly refers to business activities outside the central business node.</i></p>	<p><b>Shop Office</b></p>	<p>Adult shop Conference facility Dwelling house Flats on ground floor Freestanding base telecommunication station Institution Liquor store Open air motor vehicle display Place of assembly Place of entertainment Place of instruction Place of worship Renewable energy structure Restaurant Rooftop base telecommunication station Service station</p>
<b>Business Zone III (BIII)</b>		
<p><i>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.</i></p>	<p><b>Service station</b></p>	<p>Motor repair garage Open air vehicle display Shop Truck stop Truck stop accommodation</p>
<b>INDUSTRIAL ZONES</b>		
<b>Industrial Zone 1 (I1)</b>		
<p><i>The objective of this zone is to accommodate industry uses and service trades that may be carried out without nuisance to other properties or the general public. 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.</i></p>	<p><b>Light industry</b></p>	<p>Adult Entertainment Adult services Adult shop Aqua-culture Caretaker's quarters Convenience shop Liquor store Place of entertainment Place of worship Renewable energy structure Rooftop base telecommunication station Truck stop</p>

1 Zoning	2 Primary use	3 Consent use
<b>Industrial Zone II (III)</b>		
<p><i>The objective of this zone is to accommodate all forms of industry, except noxious trade and risk activity, in order to promote the manufacturing sector of the economy. Some allowance is made for non-industrial activities, but these should not compromise the general use of the area zoned for industry. It is accepted that the intensive nature of the industrial activity or the scale of the operation could generate some negative impact on adjacent properties.</i></p>	<b>Industry</b>	Abattoir Adult entertainment Adult services Aqua-culture Container site Convenience shop Crematorium Helicopter landing pad Liquor store Place of entertainment Place of Worship Renewable energy structure Restaurant Scrap yard Truck stop
<b>Industrial Zone III (III)</b>		
<p><i>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.</i></p>	<b>Noxious trade</b>	Container site Convenience shop Helicopter landing pad Industry Liquor store Motor repair garage Renewable energy structure Scrap yard Service station Transport use
<b>Industrial Zone IV (IIV)</b>		
<p><i>The objective of this zone is to provide for the use of land for the extraction of minerals and raw materials and, to a limited extent, associated business operations. This zone is intended for operations of a more permanent nature as opposed to temporary, short-term mining or prospecting activities.</i></p>	<b>Mine</b>	Industry
<b>COMMUNITY ZONES</b>		
<b>Community Zone I (CI)</b>		
<p><i>The objective of this zone is to provide for educational facilities of all kinds, but controlled provision is made for other compatible community uses.</i></p>	<b>Place of instruction</b>	Conference facility Freestanding base telecommunication station Institution Outdoor trading and dining Rooftop base telecommunication station

1	2	3
Zoning	Primary use	Consent use
<b>Community Zone II (CII)</b>		
<i>The objective of this zone is to provide for places where communities can congregate and worship according to the custom of their specific faith or religion.</i>	<b>Place of worship</b>	Cemetery Institution Place of instruction Rooftop base telecommunication station
<b>Community Zone III (CIII)</b>		
<i>The objective of this zone is to provide for a wide range of institutional uses including facilities for health.</i>	<b>Institution</b>	Correctional facility Rooftop base telecommunication station
<b>RESORT ZONES</b>		
<b>Resort Zone (R)</b>		
<i>The objective of this zone is to promote tourist and holiday facilities in areas with special environmental or recreational attributes, and to encourage general public access to these facilities. At the same time, care should be exercised to minimise potential negative impacts of development on fragile environments. The guiding principle should be that a resort must not detract from the amenity that attracted the holiday facilities in the first place, nor should it cause a public nuisance for other people living and working in the vicinity. This zone should only be used in exceptional cases and is normally applicable to tourist developments outside established, built-up areas.</i>	<b>Tourist accommodation</b>	Freestanding base telecommunication station Function venue Guest Lodge Hotel Off-road trail Outdoor trading and dining Rooftop base telecommunication station Tourist facilities Wellness centre
<b>OPEN SPACE ZONES</b>		
<b>Open Space Zone I (OSI)</b>		
<i>The objective of this zone is to provide for active and passive recreational areas on public land, in order to promote recreation, and enhance the aesthetic appearance of an area.</i>	<b>Public open space</b>	Air and underground rights Cemetery Environmental facilities Informal trading Outdoor trading and dining Tourist facilities Urban agriculture Utility service

1	2	3
Zoning	Primary use	Consent use
<b>Open Space Zone II (OSII)</b>		
<p><i>The objective of this zone is to provide for active and passive recreational areas on private land, in order to promote recreation and enhance the aesthetic appearance of an area.</i></p>	<p><b>Private open space</b></p>	<p>Cemetery Environmental facilities Informal trading Outdoor trading and dining Plant nursery Restaurant Sports and recreation centre Tourist facilities Urban agriculture Utility service</p>
<b>Open Space Zone III (OSIII)</b>		
<p><i>The objective of this zone is to provide for the conservation of natural resources in areas that have not been proclaimed as nature areas (non-statutory conservation), in order to sustain flora and fauna and protect areas of undeveloped landscape including woodlands, ridges, wetlands and the coastline. A range of consent uses is provided to supplement and support the main objective of this zone.</i></p>	<p><b>Nature conservation area</b></p>	<p>Conference facilities Environmental facilities Freestanding base telecommunication station Function venue Harvesting of natural resources Rooftop base telecommunication station Tourist accommodation Tourist facilities Tuck shop Utility service Wellness centre</p>
<b>Open Space Zone IV (OSIV)</b>		
<p><i>The objective of this zone is to provide for the conservation of natural resources in areas that have been proclaimed as nature areas (statutory conservation), in order to sustain flora and fauna and protect areas of undeveloped landscape including woodlands, ridges, wetlands and the coastline. A range of consent uses is provided to supplement and support the main objective of this zone.</i></p>	<p><b>Nature reserve</b></p>	<p>Conference facility Freestanding base telecommunication station Function venue Rooftop base telecommunication station Tourist accommodation Tourist facilities Utility service</p>

1	2	3
Zoning	Primary use	Consent use
<b>TRANSPORT AND UTILITY ZONES</b>		
Transport Zone I (TUI)		
<p><i>The objective of this zone is to reserve land for transportation systems, excluding public streets, but including all other transport undertakings.</i></p>	<b>Transport use</b>	Air and underground rights Airfield Airport Business premises Conference facility Container site Helicopter landing pad Hotel Industry Informal trading Motor repair garage Outdoor trading and dining Service station Warehouse
Transport Zone II (TUII)		
<p><i>The objective of this zone is to provide for public streets, whether constructed or still to be constructed, as well as infrastructure associated with public streets. Provision is also made for the temporary use of the land unit for other purposes as may be approved by the Municipality.</i></p>	<b>Public street</b>	Air and underground rights Outdoor trading and dining Multiple parking garage
Transport Zone III (TUIII)		
<p><i>The objective of this zone is to provide private roads that is privately owned and does not vest in the Municipality or any other an organ of state, for the passage or parking of motor vehicles.</i></p>	<b>Private road</b>	Outdoor trading and dining
Utility Zone (TUIV)		
<p><i>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.</i></p>	<b>Utility service</b>	Renewable energy structures

1	2	3
Zoning	Primary use	Consent use
<b>Authority Zone (AZ)</b>		
<i>The objective of this zone is to accommodate 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</i>	<b>Authority use</b>	None
<b>UNDETERMINED ZONE</b>		
Undetermined Use Zone (USI)		
<i>The objective of this zone is to enable the Municipality to defer a decision regarding a specific land use and development management provisions until the circumstances affecting the land unit have been properly investigated; or until the owner of the land makes an application for rezoning; or a zoning determination is made by the Municipality. The objective of this zone is furthermore to create a zone to which land could revert back to when rights under current zonings, other than Single Residential Zone I, were not exercised, especially in cases where changes in the planning context occurred since the current zoning was granted</i>	<b>Existing Buildings</b>	None

## 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”

**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) the number of additional dwellings can be permitted in the following ratio:

Area of land unit	Number of unit/s
Smaller than 10ha	1
Between 10ha and 20ha	2
Between 20ha and 30ha	3
Between 30ha and 40ha	4
More than 40ha	5

- (b) an additional dwelling unit may not be erected within 1 km of the high-water mark of the sea or a tidal river except where a proclaimed township is situated between the additional dwelling unit and the sea or tidal river;
- (c) one additional dwelling unit may be erected within the 1km high water mark of the sea or a tidal river, provided that the additional dwelling unit is attached to the main house and does not exceed a floor area of 60m<sup>2</sup>; 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 including the floor space in all ancillary buildings to the additional dwelling, may not exceed 175 m<sup>2</sup>;
- (c) an additional dwelling must be constructed in a style that is similar to the architecture of the main dwelling house, unless otherwise permitted by the Municipality;
- (d) an additional dwelling that is contained within the same building as a dwelling house must be designed so that the building appears to be a single dwelling house; provided that both units may have a ground floor, or one unit may be on the ground floor and the other unit above;
- (e) the existence of an additional dwelling may not in itself be sufficient reason for the Municipality to grant an application in terms of the Planning By-law to subdivide the land unit containing the dwelling units; and



- (f) the Municipality must certify that services are available for the construction of an 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 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, brewery, the bottling of water, a sawmill; and
- (c) does not include an abattoir.

**Development parameters:**

Development parameters applicable to “*agriculture*” or “*smallholding*” 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, intensive horticulture; intensive animal 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, barns, agricultural worker accommodation;
  - (iv) rooftop base telecommunication stations;
  - (v) linear infrastructure;
  - (vi) agricultural industry;
- (b) and does not include aquaculture, an abattoir, a farm graveyard 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) Dwelling houses may not exceed 8.5 metres above natural ground level directly below a given point of the building with a maximum of 2 storeys; provided that a departure from the 2 storey limit may be considered due to the slope of the site; provided further that the 8.5 metres restriction is maintained and that the additional storey is added to the building on the lower side of the slope;
  - (ii) Agricultural buildings other than dwelling houses may not exceed a height of 15 metres from natural ground level.
  - (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**

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 100m<sup>2</sup>.

(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 000m<sup>2</sup>; and
- (ii) the parking requirements for “*industry*” apply.

**“agri-village”**

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

**Development parameters:**

- (a) The Municipality must require a site development plan for an agri-village.
- (b) The site development plan as approved by the Municipality constitutes the development parameters.
- (c) The provisions for a site development plan in this By-law apply.

**“air and underground rights”**

**Land use description:** “*air and underground rights*” means any use right that may be approved by the Municipality for the development of a defined space above or below a public street, open space, railway line or 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, landing, loading, refuelling and parking 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 “*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 a 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.

**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 second dwelling or additional dwelling unit:

- (a) in which the owner or manager of the dwelling supplies lodging and meals for compensation to transient guests who have permanent residence elsewhere; and
- (b) provided that the dominant use, structure and design of the dwelling house concerned remains for the living accommodation of a single family.

**Development parameters:**

The development parameters applicable to “*dwelling house*”, “*second dwelling*” and “*additional dwelling unit*” apply.

The following further parameters apply:

- (a) not more than two rooms per land unit may be used for bedroom accommodation for paying guest, and not 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 or manager 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, and the register must be produced for inspection on request by an authorised municipal official;
- (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, second dwelling, additional dwelling unit or outbuilding concerned;
- (f) no alcoholic beverages may be sold except to resident guests for consumption on the premises with meals;
- (g) guest rooms may not be converted to, or used as, separate self-catering dwelling units;
- (h) meals may only be supplied to guests who have lodging on the property, employees, and the family residing in the dwelling;
- (i) no weddings, receptions, conferences, training or similar activities are permitted in a bed and breakfast establishment;
- (j) no activities that constitute, or are likely to constitute, a source of public nuisance may be carried out; and
- (k) 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.

**“boarding hostel”**

**Land use description:** “*boarding hostel*” means a place which provides accommodation in rooms or dormitories for students attending a place of instruction 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, second dwelling, backpackers’ lodge or group house.

**Development parameters:**

- (a) **Coverage**  
The maximum coverage is 60%.
- (b) **Floor factor**  
The floor factor may not exceed 1.
- (c) **Height**
  - (i) The highest point of a building may not exceed 12 metres.
  - (ii) The general provisions regarding earth banks and retaining structures in this By-law apply.

**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.
- (d) **Parking and access**  
Parking and access must be provided in accordance with this By-law.
- (e) **Screening**  
The Municipality may require screening in accordance with this By-law.
- (f) **Site development plan**  
The Municipality may require a site development plan to be submitted for its approval.
- (g) **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 net 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.
- (h) **Service yard**  
A service yard 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.

**“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:

- (a) includes a shop, supermarket, restaurant, sale of alcoholic beverages, plant nursery, office, funeral parlour, financial institution and building for similar uses, place of assembly, institution, place of instruction, hotel, hospital, conference facility, indoor sport and recreation centre, 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;
  - (vi) rooftop base telecommunication station and
- (c) does not include a gambling place, place of entertainment, motor repair garage, industry, noxious trade, risk activity, adult entertainment, adult services, or adult shop.

**Development parameters:**

The following development parameters apply:

- (a) **Coverage**  
The maximum coverage for all buildings on a land unit is 100%.
- (b) **Floor factor**  
The maximum floor factor on the land unit is 3.
- (c) **Height**
  - (i) The highest point of a building may not exceed 12 metres;
  - (ii) The general provisions regarding earth banks and retaining structures in this By-law apply.
- (d) **Building line**
  - (i) The street building line is 0 metres.
  - (ii) Side and rear building lines are 0 metre, provided that the Municipality may lay down more restrictive 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.
- (e) **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.
- (f) **Canopy or balcony projection**  
The Municipality may require, and may approve, a canopy or balcony projection over the street boundary in accordance with the following conditions:
  - (i) the canopy or balcony may not project closer than 500 millimetres to a vertical plane through the kerb line or proposed kerb line;
  - (ii) no portion of a canopy or balcony projection may be less than 2,8 metres above the pavement;
  - (iii) the Municipality may lay down more restrictive requirements relating to the dimensions, design and materials of the canopy or balcony; and
  - (iv) the owner must enter into an encroachment agreement with the Municipality and register a servitude area in the case of a balcony projection.



- (g) **Street corners**  
The Municipality may require the owner of a building situated at a public street corner, and where the Municipality considers the street corner to be significant, to add architectural features to create 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.
- (h) **Parking and access**  
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).
- (i) **Loading**  
Loading bays must be provided on the land unit 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.

#### **“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, but does not include permanent tents, such as tented camps, 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 m<sup>2</sup> 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:**

Development parameters of the primary use apply.

#### **“cemetery”**

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

- (a) may include:
  - (i) facilities for ancillary administrative and religious rites;
  - (ii) a “*garden 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 outpatient’s 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 only.

**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 if approved as a consent use in the Business III zone;
- (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) 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) facilities for ancillary administrative and religious functions; and
- (b) a “*garden 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 second dwelling or additional dwelling, with a floor area which does not exceed 60 m<sup>2</sup>; provided that application for consent use must be submitted if the second dwelling or additional dwelling is larger than 60m<sup>2</sup>;
- (c) a braai room;
- (d) renewable energy structures for household purposes;
- (e) home occupation;
- (f) letting to lodgers;
- (g) a bed and breakfast establishment; and
- (h) home childcare.

**Development parameters:**

- (a) Height
  - (i) at most 8.5 metres above natural ground level directly below a given point of the building with a maximum of 2 storeys; provided that a departure from the 2 storey limit may be considered due to the slope of the site; provided further that the 8.5 metre restriction is maintained and that the additional storey is added to the building on the lower side of the slope.
  - (ii) The general provisions regarding earth banks and retaining structures in this By-law apply.
- (b) Coverage and building lines
  - (i) Building lines and coverage are indicated in the table entitled “*Coverage and building lines*”:

**COVERAGE AND BUILDING LINES**

Erf size	Coverage	Building lines		
		Street	Side	Rear
Less than or equal to 250 m <sup>2</sup>	80%	1 metre	1 metre	1,5 metres
Greater than 250 m <sup>2</sup> , but not exceeding 500 m <sup>2</sup>	65%	3 metres	1,5 metres	1,5 metres
Greater than 500 m <sup>2</sup>	50%	4,5 metres	2 metres	2 metres

- (ii) 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) **Built form**

Notwithstanding the provisions of Section 20(4), the municipality may consider a departure from the built form of a dwelling unit where environmental considerations justify the fragmentation of the dwelling, provided that the structure still functions as an entity that serves the accommodation requirements of a single dwelling unit.

(d) **Single Residential Zone II**

In the case of a “*dwelling house*” in Single Residential Zone II:

- (i) the development parameters pertaining to coverage, height and building lines of “*shelter*” apply, and
- (ii) notwithstanding paragraph (d)(i) above, and in the case of a government subsidized housing site, a 0,0 metre building line on the common boundary may apply, for the purposes of row housing, if required by the Municipality;
- (iii) where more than four dwelling units are attached to each other, the Municipality may require a common boundary building line of 1,0 metre between a row of four attached dwelling units and any adjacent dwelling unit.

(e) **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.

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

- (i) Garaging for up to four vehicles is permitted.
- (ii) A garage, carport and outbuildings are permitted within the common boundary building lines, subject to the provisions of Section 21(2) of this By-law.

(g) **Parking and access**

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

**“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 the base 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.

**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.

**“farm shop”**

**Land use description:** “*farm shop*” means a building or structure not exceeding 100 m<sup>2</sup> 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:
  - (a) operates regularly within a community;
  - (b) is located at a focal public location that provides a suitable environment for farmers to conduct trade;
  - (c) typically consists of booths, tables or stands, outdoors or indoors, where farmers sell farm produce, meats, and sometimes prepared foods and beverages; and
  - (d) 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 12 metres;
  - (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 net 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:**

As determined by the Municipality.

**“function venue”**

**Land use description:** “*function venue*” means a building or structure used for functions, weddings and expositions 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 m<sup>2</sup>.

**“funeral parlour”**

**Land use description:** “*funeral parlour*” means property where the dead are prepared for burial, viewing or cremation and:

- (a) includes facilities for ancillary administrative and religious rites; and
- (b) does not include a crematorium.

**Development parameters:**

The development parameters applicable to the primary use of the base zone 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.

**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*” or “*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 8,5 metres.

(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 m<sup>2</sup> 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, and excludes service yards.

**(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**

(i) street boundary building lines on internal roads are 0 metres; provided that any garage door facing the road must be set back at least 5 metres from the kerb of such internal road; and

(ii) side and rear boundary building lines within the group housing site are 0 metres, unless the Municipality requires a building line for fire-fighting purposes, in which case the common boundary building lines must be determined by the Municipality.

**(g) Parking and access**

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

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

**(h) Site development plan**

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

**(i) Service yard**

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

**(j) Refuse room**

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

**“guest house”**

**Land use description:** “*guest house*” means a dwelling house, second dwelling, or additional dwelling unit 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*”, “*second dwelling*” and “*additional dwelling unit*” apply, together with the following additional parameters:

- (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/manager 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) a register of guests and lodgers must be kept and completed when rooms are let, and the register must be produced for inspection on request by an authorised municipal official;
- (d) any new structure or alteration to the property related to its use as a guest house must be compatible with the residential character of the area, particularly with regard to the streetscape, and must be capable of reverting to use as part of the dwelling house, second dwelling, additional dwelling unit or outbuilding concerned;
- (e) 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;
- (f) the requirement in paragraph (e) is also applicable where a land unit contains both a guest house and rooms which are available for letting to lodgers;
- (g) no alcoholic beverages may be sold except to resident guests for consumption on the premises with meals;
- (h) guest rooms may not be converted to, or used as, separate self-catering dwelling units;
- (i) meals may only be supplied to guests or lodgers who have lodging on the property, employees, and the family residing in the dwelling;
- (j) no weddings, receptions, conferences, training or any similar activities are permitted in a guest house;
- (k) no activities that constitute, or are likely to constitute, a source of public nuisance may be carried out; and
- (l) on-site parking must be provided in accordance with the provisions of this By-law, provided that the Municipality may at any stage require additional on-site parking if, in the opinion of the Municipality, the guest house does not have enough parking.

**“guest lodge”**

**Land use description:** “*guest lodge*” means an appropriately scaled establishment that provides temporary residence for transient guests lodging and meals are provided 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.
  - (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 net 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) Not more than 20 rooms per land unit may be used for bedroom accommodation for paying guests or lodgers, and no more than 40 paying guests or lodgers may be supplied with lodging or meals at any time.

(l) No alcoholic beverages may be sold except to resident guests for consumption on the premises with meals.

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

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

**“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 second dwelling, 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 or second dwelling 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.

**“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:**

The following development parameters shall apply:

- (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. Any new structure or alteration to the property to accommodate an additional use right must be compatible with the residential character of the area, particularly with regard to the streetscape, and must be capable of reverting to use as part of the dwelling house, second dwelling, outbuilding, or shelter concerned.
- (c) Not more than 3 employees may be engaged by the owner for the home child care activity.
- (d) Not more than 6 children may be enrolled at the home child care facility at a time. The home child care services must primarily be day care or educational, not medical.
- (e) 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.
- (f) 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. At least one on-site 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 provide 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 the elderly and includes:

- (a) outbuildings as are normally used therewith;
- (b) a frail care facility; and
- (c) 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:**

The following development parameters apply:

- (a) The dominant use of the property must be for accommodation of a single family;
- (b) The proprietor of the home occupation concerned must live on the property;
- (c) Any new structure or alteration to the property to accommodate a home occupation must be compatible with the residential character of the area, particularly with regard to the

- streetscape, and must be capable of reverting to use as part of the dwelling house, second dwelling or outbuilding concerned;
- (d) Not more than three employees may be engaged by the occupant in the home occupation concerned;
  - (e) No home occupation may include a noxious trade, risk activity, adult entertainment, adult services, adult shop, sale of alcoholic beverages, motor repair garage, funeral parlour or activities that are likely to generate a public nuisance, including but not limited to panel beating and spray painting, auto electrician, builder's yard, welding works or joinery;
  - (f) No goods for sale may be publicly displayed and no external evidence of the home occupation may be visible from a public street, except for an advertising sign in accordance the Municipality's Outdoor advertising and Signage By-Law;
  - (g) 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;
  - (h) On-site parking must be provided at a ratio of 1 parking bay per 25 m<sup>2</sup> 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;
  - (i) The total area used for all home occupation activity on a land unit, including storage, may not consist of more than 25% of the total floor area of the dwelling units on the land unit or 50 m<sup>2</sup>, whichever is smaller;
  - (j) 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;
  - (k) 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;
  - (l) The hours of operation of a home occupation may not extend beyond 8:00 to 17:30 from Monday to Friday, and 8:00 to 13:00 on Saturday. No home occupation operations are permitted on public holidays or Sundays;
  - (m) 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;
  - (n) 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;
  - (o) In order to exercise the consent use right under paragraph (n), 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;
- (e) a shop; and
- (f) staff accommodation

#### **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 and self-catering units;
  - (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.

**"house shop"**

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

**Development parameters:**

- (a) Development parameters applicable to "*dwelling house*", "*second dwelling*" and "*shelter*" apply.
- (b) 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*", "*second dwelling*" or "*shelter*".

**"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;
  - (vii) freestanding base telecommunication station; and
  - (viii) 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 16 metres.
  - (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.
- (d) Side and rear boundary building lines  
Side and rear boundary building lines are 0 metres, provided that the Municipality may impose 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 zoned for Industrial purposes 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, subject to Section 27 of this By-Law.
- (f) Parking and access  
Parking and access must be provided on the land unit in accordance with this By-law.
- (g) Loading  
Loading bays must be provided on the land unit in accordance with this By-law.
- (h) Screening  
The Municipality may require screening in accordance with this By-law.
- (i) Hazardous substances  
Notwithstanding the fact that an activity constitutes a primary use right in terms of this zone, no activity or use 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 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;
  - (iv) a social facility including a counselling centre, orphanage and rehabilitation centre; and
  - (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 that is not hazardous or offensive and does not involve the use or storage of hazardous or offensive materials or substances, and where the processes carried on, or the transportation involved, do not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise;
- (b) involves manufacturing that is less capital-intensive and requires less machinery than other types of manufacturing; and
- (c) includes:
  - (i) the manufacturing of consumer products, including electronics and clothing;
  - (ii) warehousing;
  - (iii) industrial hive;
  - (iv) service trade;
  - (v) service station;
  - (vi) restaurant; and
  - (vii) open air motor vehicle display.

**Development parameters**

- (a) Floor factor  
The maximum floor factor on the land unit is 1,5.
- (b) Coverage  
The maximum coverage for all buildings on a land unit is 75%.
- (c) Height
  - (i) The highest point of a building may not exceed 8,5 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 the primary use of the zoning category 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 “*service station*” 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:**

The following development parameters apply:

- (a) The Municipality may require an environmental management 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 or tourist accommodation 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:**

The following development parameters apply:

- (a) An environmental management plan must be 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; and
- (b) a crematorium.
- (c) rooftop base telecommunication station; and
- (d) freestanding 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 16 metres;
  - (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 does not have an industrial zoning, the Municipality may require a 1,8 metre-high wall, of the quality and with finishing to the satisfaction of the Municipality, to be erected along the common boundary, subject to Section 27 of this By-law.

**(i) Hazardous substances**

Notwithstanding the fact that an activity constitutes a primary use right in terms of this zone, no activity or use 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) notwithstanding 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; and
- (b) a clinic

**Development parameters:**

The following development parameters apply:

- (a) Floor factor, coverage and building lines for offices are in terms of the table below:

Zoning Category	Floor Factor	Coverage	Height	Building Lines		
				Street	Side	Rear
<b>Business Zone I</b>	3	100%	12 m	0 m	0 m	0 m
<b>Business Zone II</b>	1	80%	8,5 m	4,5 m	0 m	0 m

- (b) The general building line encroachments in this By-law apply;
- (c) Where this zone is bordering a residential zone the building line required in the applicable residential zone shall apply on both sides of the common boundary between this zone and the residential zone.
- (d) **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).
- (e) **Screening**  
The Municipality may require screening in accordance with this By-law.
- (f) **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 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 a commercial conference facility.

**Development parameters:**

Development parameters applicable to “*place of instruction*” apply.



**“place of entertainment”**

**Land use description:** “*place of entertainment*” means:

- (a) 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, or;
- (b) 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:
  - (i) a cinema;
  - (ii) theatre; and
  - (iii) amusement park or 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 instruction”:**

**Land use description:** “*place of instruction*” means a place for education or training at pre-school, school or post-school levels, and:

- (a) includes a crèche, nursery school, primary school, secondary school, college, university or research institute;
- (b) 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;
    - (ff) place of assembly, and
- (c) does not include a reformatory.

**Development parameters:**

- (a) **Floor factor**  
The maximum floor factor is 1,2.
- (b) **Coverage**  
The maximum coverage is 60%.
- (c) **Height**
  - (i) The highest point of a building may not exceed 8,5 metres from natural ground level, provided that there is no height limit for a bell tower, steeple, minaret or similar architectural feature designed to accentuate the significance of a building.
  - (ii) The general provisions regarding earth banks and retaining structures in this By-law apply.
- (d) **Building lines**
  - (i) The street building line is at least 5 metres.
  - (ii) Side and rear building lines are at least 5 metres.
  - (iii) The general building line encroachments in this By-law apply.

- (e) **Parking and access**  
Parking and access must be provided on the land unit in accordance with this By-law.
- (f) **Loading bays**  
Loading bays must be provided on the land unit in accordance with this By-law.
- (g) **Screening**  
The Municipality may require screening in accordance with this By-law.
- (h) **Noise mitigation**  
The Municipality may require the owner to install noise mitigation measures if excessive noise is created or likely to be created.
- (i) **Refuse room**  
A refuse room must be provided on the land unit in accordance with this By-law.

**“place of worship”**

**Land use description:** “*place of worship*” means a church, synagogue, mosque, temple, chapel or other place for practising a faith or religion, provided that a dwelling where the occupants engage in worship does not constitute a place of worship, and:

- (a) includes ancillary uses such as a religious leader’s dwelling, office, crèche function hall, place of assembly or place for religious instruction; and
- (b) 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*” 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 or nature conservation area, and:

- (a) includes ancillary buildings, infrastructure, private roads, private parking and public land that is or will be leased on a long-term basis; and
- (b) does not include shops, restaurants and commercial or enclosed gymnasiums.

**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.

**“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:**

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.

**“private road/ street”**

**Land use description:** “*private road/street*” means privately owned land designated as a private road that provides vehicle access to a separate cadastral property or properties, and:

- (a) includes utility services and ancillary access control infrastructure, including a gatehouse, guardhouse, refuse room and utility room; and
- (b) does not include a driveway on a property, or a servitude right of way over a property as these do not constitute private roads for the purpose of this zoning scheme.

**Development parameters:**

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 .

**“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*”:

- (a) means land, with or without access control:
  - (i) owned by the Municipality or other an organ of state;
  - (ii) not leased out by the Municipality or that other authority on a long-term basis,
  - (iii) set aside for the public as an open space for recreation or outdoor sport and designated as public open space; and
- (b) 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) 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.

**“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:**

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.

**“public road/street”**

**Land use description:** “*public road/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.

**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.

**“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:**

Development parameters applicable to “*agriculture*” together with additional parameters determined by the Municipality apply. The following additional parameters apply:

- (a) 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.
- (b) The owner must comply with national and provincial statutory requirements applicable to mining.
- (c) 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.
- (d) The Municipality may impose the measures to address safety and environmental concerns as conditions of approval;
- (e) A site development plan must be submitted to the Municipality for its approval.

**“rehabilitation centre”**

**Land use description:** “*rehabilitation centre*” means a facility providing treatment for substance abuse.

**Development parameters:**

Development parameters applicable to “*place of instruction*” apply.

**“renewable energy structure”**

**Land use description:** “*renewable energy structure*”:

- (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:**

The following development parameters apply:

- (a) The Municipality must require a detailed site development plan to address reasonable concerns relating to access, parking, architectural form, urban form, landscaping, environmental management, public health and safety, engineering services or similar concerns;
- (b) The site development plan as approved by the Municipality constitutes the development parameters;
- (c) The Municipality must require an Environmental Management Plan that documents the management of site preparation, operational phase and decommissioning.

**“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 m<sup>2</sup> and all other parameters of the primary use apply.

**“restaurant”**

**Land use description:** “*restaurant*” means a commercial establishment where meals and liquid refreshments are prepared and/or served to paying customers primarily for consumption on the property, and may include licensed provision of alcoholic beverages for consumption on the property, and the option for customers to purchase food for consumption off the property.

**Development parameters:**

Development parameters applicable to “*business premises*” apply, or where restaurant has been granted as a consent use, the development parameters of the primary use in the zone will 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 the 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 “*industry*” 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.

**“second dwelling”**

**Land use description:** “*second 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 second dwelling may be a separate structure or attached to an outbuilding or may be contained in the same structure as the dwelling house; provided that:

- (a) a second 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 second dwelling unit as a consent use; and
- (b) the second dwelling must remain on the same land unit as the dwelling house and not be alienated separately.

**Development parameters:**

The development parameters applicable to “*dwelling house*” apply, together with the following additional parameters:

- (a) the total floor space of a second dwelling may not exceed 150 m<sup>2</sup> including the floor space of all ancillary buildings;
- (b) a second dwelling must be constructed in a style that is similar to the architecture of the main dwelling house;
- (c) a second dwelling that is a separate structure to a dwelling house may not exceed a height of 6,5 metres;
- (d) a second dwelling that is contained within the same building as a dwelling house must be designed so that the building appears to be a single dwelling house;
- (e) both units may have a ground floor, or one unit may be on the ground floor and the other unit above;
- (f) the existence of a second dwelling may not in itself be sufficient reason for the Municipality to grant an application in terms of planning law to subdivide the land unit containing the dwelling units; and
- (g) the construction of a second dwelling is subject to the Municipality’s municipal services department certifying that adequate services network capacity is available to serve the needs of the second dwelling.

**“service station”**

**Land use description:** “*service station*” means property for the retail supply of fuel, and:

- (a) 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 displays or truck stop.

**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) **Building lines**  
(i) The street boundary building line is 5 metres, subject to the general building line encroachments in this By-law.  
(ii) The side and rear boundary building lines are 2 metres.  
(iii) 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.
- (e) **Parking and access**  
(i) 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 43(1).  
(ii) the width of motor vehicle carriageway crossings over the street boundary, whether one-way or two-way, may not exceed 8 metres;  
(iii) 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;  
(iv) 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  
(v) 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 sub-items (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.
- (f) **Loading**  
Loading bays must be provided on the land unit in accordance with this By-law.
- (g) **Screening**  
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.
- (h) **Refuse room**  
The Municipality may require a refuse room to be provided on the land unit in accordance with this By-law.
- (i) **Site development**  
(i) A site development plan must be submitted to the Municipality for its approval;  
(ii) 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.



**“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) not likely, in the event of fire, to cause extremely rapid combustion, give rise to poisonous fumes or cause explosions;
- (d) that includes laundry, bakery, dairy depot, and similar types of uses; and
- (e) 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 energy structures for household purposes;
- (b) home occupation;

**Development parameters:**

The following development parameters apply:

- (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**  
There is no restriction on coverage.
- (h) **Height**  
A shelter structure may not exceed two storeys and its height is restricted to 8,5 metres to the top of the shelter.
- (i) **Building lines**
  - (i) Side building lines are at least 1 metre on one side or 1,5 metres in the case where the shelter has windows or doors.
  - (ii) If a midblock sewage system is present, a rear building line of up to 2 metres may be required by the Municipality.
  - (iii) The street building line is 1 metre, if required by the Municipality.

**“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 life or property; and
- (c) may include ancillary activities, buildings and structures.

**Development parameters:**

The following development parameters apply:

- (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, ancillary sale of alcoholic beverages, flats above ground floor, service trade, clinic and the sale of motor vehicles; and
- (b) does not include a hotel, industry, supermarket, motor repair garage, open air motor vehicle display, service station, restaurant, adult entertainment, adult services, adult shop or a liquor store.

**Development parameters:**

The following development parameters apply:

- (a) Floor factor, coverage, height and building lines are in terms of the table below:

Zoning Category	Floor Factor	Coverage	Height	Building Lines		
				Street	Side	Rear
<b>Business Zone I</b>	3	100%	12 m	0 m	0 m	0 m
<b>Business Zone II</b>	1	80%	8,5 m	4,5 m	0 m	0 m

- (b) Where this zone is bordering a residential zone the building line required in the applicable residential zone shall apply on both sides of the common boundary between this zone and the residential zone;
- (c) **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, walk-through covered arcades, plazas or other elements.

- (d) **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 43(1).
- (e) **Loading**  
Loading bays must be provided on the land unit in accordance with this By-law.
- (f) **Screening**  
The Municipality may require screening in accordance with this By-law.
- (g) **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.
- (h) **Refuse room**  
The Municipality may require a refuse room to be provided on the land unit in accordance with this By-law.

#### **“smallholding”**

**Land use description:** “*smallholding*” means an extensive landholding, 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:**

The following development parameters apply:

- (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.

#### **“telecommunication infrastructure”**

**Land use description:** “*telecommunication infrastructure*” means any part of the infrastructure of a telecommunication network for radio or wireless communication, and:

- (a) includes voice, data and video telecommunications, including antennae, any support structure, equipment room, radio equipment or optical communications equipment (laser or infra-red);
  - (b) includes ancillary structures needed for the operation of telecommunication infrastructure;
- and
- (c) 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, guest lodge or wellness centre.

**Development parameters:**

The following development parameters apply:

- (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, guest lodge 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 or guest lodge 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 8.5 metres from natural ground level.

**“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 per hectare.
- (b) **Open space**  
The open space requirements for group housing do not apply to town housing.
- (c) **Coverage**  
The maximum coverage for all buildings on a land unit is 60%.

**“transport use”**

**Land use description:** “*transport use*” means the use of land, a building or structure for the operation of a service for the transportation of goods (including liquids and gases) or passengers by means of rail, road, sea or pipeline and:

- (a) includes the use of that land, building or structure for the purpose of a harbour, railway station, bus depot or taxi interchange, rooftop base telecommunication station 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:**

The following development parameters apply:

- (a) The Municipality must require a site development plan to be submitted for its approval; and
- (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:**

The following development parameters apply:

- (a) A tuck shop may not exceed 25m<sup>2</sup>;
- (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.

**“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 produced 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 Zones**

##### **1.1. General purpose of Subdivisional Area Overlay Zones**

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 subdivisional area overlay 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**

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

##### **1.3. Development parameters**

When the municipality approves a subdivisional area overlay zone, it must impose conditions making provision for at least:

- (a) density requirements;
- (b) main land uses and the extent of 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: Thesen Island**

##### **2.1 Description of Thesen Island Overlay Zone**

A special planning area overlay zone has been established in respect the Thesen Island development. This area involves a unique marina development that does not comply with the development parameters of the applicable land uses of this zoning scheme.

The Thesen Island development consists of two distinct areas. The residential component is situated on the eastern side of the Island behind the security gate and is a homogeneous private residential area with no access to the general public, whereas the commercial area is a mixed-use area situated on the western side of the island and is open to the public.

To create a specific character and sense of place, the development is subject to specific design criteria described in approved architectural manuals and urban regulation plans for each phase of the development. In addition, approved site plans for each erf, with specific parameters for each site, determines the development envelope of each property.

The extent of the Thesen Island Overlay zone is depicted on the zoning map.

##### **2.2. Use of the property**

- 2.2.1 Primary uses are as stipulated in the conditions of approval imposed in terms of the relevant planning legislation and are in line with the base zone for each respective property in the overlay zone.



- 2.2.2 Consent Uses and Departures are as stipulated in the conditions of approval imposed in terms of the relevant planning legislation.

### **2.3 Development Parameters**

- 2.3.1 The development parameters as contained in the conditions of approval relating to the Thesen Islands development, as well as the applicable site- and or precinct regulation plans pertaining to the respective erven in the overlay zone shall apply instead of the development parameters of the base zone, and shall be regarded as the overlay development parameters in terms of this By-law.

## **3. Urban Conservation Area Overlay Zone**

### **3.1 General purpose of the Urban Conservation Overlay Zone**

The purpose of the conservation zone is to retain the unique character of the aesthetical sensitive areas of Knysna by the preservation of:

- (i) existing buildings, other structures or land of historical, aesthetic or architectural significance;
- (ii) existing building lines; and
- (iii) existing trees which are conservation worthy.

The objectives will be achieved through:

- (i) The establishment of an Aesthetic Committee dealing with applications and matters within the Conservation Area; and
- (ii) The control of building design and building lines in the case of new buildings on erven not built upon and also in the case of existing buildings to be replaced, altered or extended.

The extent of the overlay zone is depicted on the zoning map.

### **3.2 Development parameters in the conservation zone**

No specific pre-determined development parameters shall apply in the conservation zone. The aesthetic committee shall consider the building plans of any building operation and as to the requirements needed for such building operation to comply with the objectives of the conservation area as stipulated in sub-section 3.1 above. The guidelines which the Aesthetic Committee shall apply do not form part of the scheme regulations and can be amended by the Municipality, if so required or if so recommended by the Aesthetic Committee.

## **4. Special Planning Area Overlay Zone: Noetzie**

### **4.1 General Purpose of Noetzie Overlay Zone**

A special planning area overlay zone has been created in respect of the former Noetzie Transitional Local Council area. The purpose of the Noetzie Overlay Zone is to give recognition to the uniqueness and importance of Noetzie's natural environment, the need for a precautionary approach in land use management, and restrictions on further development. The extent of the overlay zone is depicted on the zoning map.

### **4.2 Use Zones**

The land use description, consent uses, and development parameters set out below will override the land use description, consent uses and development parameters of the base zone.

#### 4.2.1 SINGLE RESIDENTIAL ZONE I

**Primary Use:**

Single Residential 1 properties may be used for the purpose of erecting one dwelling unit with associated out buildings. The individual development of each of the properties must contribute to the overall appearance as identified in the Design Parameters set out in par 4.3 below.

**Consent Use:**

Bed and Breakfast establishment with not have more than four bedrooms (eight beds) for the purpose of offering overnight accommodation.

**Occupational Practice and Other Rights:**

- (a) Without prejudice to any powers of the Council under any other law, nothing in a Zoning Scheme contained shall be construed as prohibiting or restricting, or enabling the Council to prohibit or restrict, the following:
- (i) The letting, subject to the council's regulations relating to Bed & Breakfast establishments, boarding houses and hostels, by any occupant of a dwelling unit or any part of such dwelling house;
  - (ii) The occasional utilization of a place of public worship, place of instruction, or institution as a hall for social functions; or
  - (iii) The utilization of a portion of a dwelling unit for purposes of occupational practice
- (b) The following conditions shall apply where a portion of the dwelling unit is utilized for purposes of occupational practice:
- (i) Such a dwelling house, flat or residential building or any part thereof shall not be used for purposes of a shop, business premises, an industry or a noxious trade;
  - (ii) No goods for sale shall be publicly displayed;
  - (iii) No advertising sign shall be displayed other than an un-illuminated sign or notice not projecting over a street and not exceeding 2 000cm<sup>2</sup> in area and indicating only the name and profession or occupation of the occupant; and
  - (iv) No activities shall be carried on which are or are likely to be a source of disturbance or nuisance to occupants of other dwelling units or portions thereof.

**Development Parameters:**

- (a) **Coverage**  
Including garage and outbuildings, shall not exceed 35% of the area of the erf.
- (b) **Front building line**  
At least 5 metres.
- (c) **Rear building line**  
At least 1 metre.
- (d) **Side building line**  
At least 1,5 metres.
- (e) **Parking**
- (i) Parking shall be provided either on-site or off-site subject to agreement with surrounding land-owners according to Council's requirements as they may be laid down from time to time.
  - (ii) Parking shall be provided at the ratio of one bay for two beds in Bed & Breakfast establishments. These bays shall be provided either on or off site.

**Additional Provisions:**

- (a) The parameters of the existing lawful development shall apply as land use restrictions where departures from those land use restrictions occur on land deemed to be zoned as Single Residential I, with effect from date of commencement of the By-law.

- (b) A site development plan shall be approved by and filed with the local authority clearly indicating:
- (i) The location of buildings on the erf;
  - (ii) building design;
  - (iii) building materials;
  - (iv) services including design parameters and location of septic tank;
  - (v) roadways and parking where applicable;
  - (vi) boundary walls and fences;
  - (vii) landscaping;
  - (viii) for all new buildings and additions and alterations to existing buildings.
- (c) When new buildings are constructed only that land area required for the building footprint and plus a 3m clearance for construction should be cleared of indigenous vegetation.
- (d) All residential sites shall be cleared by hand according to the approved site development plan. No site works should be embarked upon prior to approval of site development plan and building plans.
- (e) The calculation of bedrooms for Bed & Breakfast establishments shall include all bedrooms on the property.
- (f) A Homeowners Association must be established to which membership by the owners of all the properties is compulsory.

#### 4.2.2 Open Space Zone III

Primary use : Nature Conservation  
 Consent use : None

#### 4.2.3 TRANSPORT ZONE II

Primary use : Public road  
 Consent use : None

#### Development Parameters:

- (a) No structure shall be erected or use practiced except such as is compatible with “*public road*” as defined.
- (b) Roads and landscaping to be governed by urban design guidelines for the Headland Precinct.

#### 4.2.4 AUTHORITY ZONE

Primary use : Authority usage including staff accommodation, information centre, public toilets.  
 Consent : None

#### 4.2.5 UNDETERMINED ZONE

Primary use : Existing buildings, existing infrastructure, and access roads only.  
 Consent use : None

#### Additional Provisions:

- (a) Undetermined Zone shall only be considered for rezoning to the following use zone:
  - (i) Open Space Zone III (only primary use and no consent uses)
  - (ii) Resort Zone (only primary use and no consent uses)

- (b) With the rezoning of land to Resort Zone, the local authority shall lay down conditions with regard to density, layout, landscaping, building design, etcetera, at such time as application for the development is made.
- (c) A site development plan shall be approved by and filed with the local authority, clearly indicating the following:
- (i) The location of buildings on the property
  - (ii) Density;
  - (iii) Building design;
  - (iv) Building materials;
  - (v) Services including design parameters and location and method of sewage disposal;
  - (vi) Roadways and parking where applicable;
  - (vii) Boundary walls and fences;
  - (viii) Landscaping;
  - (ix) For all new buildings and additions and alterations to existing buildings.
- (d) Any development proposals in this area must be preceded by an environmental impact study by a competent professional who must be independent from the developer although such developer may fund all or part of the work.

#### 4.3 DESIGN PARAMETERS

The overlay zone area shall be divided into three precincts for the purpose of Urban Design Guidelines, namely the Headland, the Beach and the River, as shown on the Urban Design Precinct Map.

- (i) Headland – unobtrusive, single storey, contemporary Cape;
- (ii) Beach – stone castellated buildings/Millwood corrugated iron houses;
- (iii) River – rustic; hidden away, unobtrusive buildings.

Retaining walls, rainwater tanks, carports, and other infrastructure are also governed by these guidelines.

NO	ELEMENT	HEADLAND	BEACH	RIVER
1.	<b>Appearance</b>			
1.1	Style and character	Contemporary Cape, drawing from elements of existing building	(i) "castle", castellated parapets, etc. (ii) "Millwood" house	Rustic lodge/hide very unobtrusive
1.2	Heights	One storey	One-two storey(s)	One-two storey(s) (still foundations as appropriate)
2.	<b>Colours/Materials</b>			
2.1	Walls	Dark greens and browns-drawing from existing building and picking up indigenous vegetation colours.	Terrace walls on Millwood houses-stone otherwise corrugated iron, <i>profiled sheet metal and/or shiplap boarding</i> - light coloured walls-other styles-stone and brick.	Dark colours-greens and browns, varnished wood. Sands, greens that tie in with the natural colours.

2.2	Openings and trims(barge boards, door and window mullions and architraves, columns, balustrades, other decorative elements)	Contrasting colours but which are still sensitive to the local natural colours.	Contrasting colours but which are still sensitive to the local natural colours.	Contrasting colours but which are still sensitive to the local natural colours.
2.3	Roofs	Dark greens, browns or black	Dark greens, browns or black	Dark greens, browns or black
3.	<b>Roofs</b>			
3.1	Shape	Double pitched	Double (Millwood) or single pitched (flat)	Double pitched
4.	<b>Landscaping</b>	Indigenous	Indigenous	Indigenous
5.	<b>Roads</b>	Shall have a rural quality with no precast concrete kerbs or channels, etc.	Shall have a rural quality with no precast kerbs or channels, etc.	Shall have a rural quality with no precast concrete kerbs or channels, etc.

#### 4.4 Carports

Subject to the council's approval, a carport which will exceed a street or side building line may be erected subject to the following conditions except where due to local constraints adhering to such conditions is not possible:

- (a) The width of the carport, measured parallel to the street boundary, shall not be more than 6 metres.
- (b) The carport shall be supported by metal, wooden, brick or cement poles or pillars. These poles or pillars may have a maximum measurement of 350 mm horizontal gauge (or 350mm diameter in the case of piping), and at most four poles or pillars may be provided on one side of the carport
- (c) No walls, except boundary walls, shall be constructed to enclose the carport.
- (d) The height of the carport, measured from the floor to the top of the roof, shall not exceed 3 metres.
- (e) The sides of the roof shall be neatly finished with fascia not exceeding a depth of 250mm.
- (f) The façade of the carport shall not be closer than 300mm to the street boundary.
- (g) No gates which open onto the roadway shall be permitted.
- (h) Standard provision shall be made for the collection and run-off of rainwater from the carport.
- (i) Written confirmation from adjoining owner(s), if a side building line will be exceeded, and the owner(s) of both adjoining land units if a street building line will be exceeded, to the effect that they have no objection against the proposed carport shall be obtained.

#### 4.5 COMMERCIAL ACTIVITY

No commercial activity other than that pertaining to the operation of Bed and Breakfast establishments, holiday business concessions and holiday accommodation shall be permitted.

## SCHEDULE 4 TRANSITION TABLES

TRANSITION TABLE KNYSNA MUNICIPALITY						
AGRICULTURAL ZONES						
	KNYSNA	SEDFIELD	SECTION 8	NOETZIE	PROPOSED KNYSNA INTEGRATED SCHEME	COMMENTS
<b>Primary Right</b>	Agricultural zone Agriculture	Agricultural zone Agriculture and Agricultural buildings	Agriculture Zone 1 Agriculture		Agricultural Zone I Agriculture	All existing Agricultural Zones to be converted to Agriculture 1. The new definition of "Agriculture" includes "Agricultural Industries".
			Agriculture Zone 2 Agricultural Industry			
<b>Primary Use</b>					Agricultural Zone II Smallholdings	This is a new zoning category. All farm portions previously situated in areas demarcated for small holding purposes in the old KWP Guide Plan, will be converted to this zone as well as properties that have been rezoned to Special Zone: Rural Residential.
					Agricultural Zone III Agri-Village	This is a new zoning category. None of the old Agricultural categories can translate to this zone.

SINGLE RESIDENTIAL ZONES						
	KNYSNA	SEDFIELD	SECTION 8	NOETZIE	PROPOSED KNYSNA INTEGRATED SCHEME	COMMENTS
<b>Primary right</b>	Single Residential Zone Dwelling houses Home industries	Single Residential Zone One Dwelling House, Place of Instruction	Residential 1 Dwelling House		Single Residential I Dwelling House	All Single Residential Erven in Knysna and Sedgfield and Residential I erven in Section 8 Scheme will be converted to the Single Residential I zone.
<b>Primary Right</b>	Informal Residential Zone Shelters Dwelling houses	Informal Residential Zone Shelters Dwelling houses	Informal Residential Zone Shelters Dwelling houses		Single Residential II Dwelling house, Shelter	All Informal Residential Erven to be converted to Single Residential II
GENERAL RESIDENTIAL ZONES						
	KNYSNA	SEDFIELD	SECTION 8	NOETZIE	PROPOSED KNYSNA INTEGRATED SCHEME	COMMENTS
<b>Primary Right</b>	Group Housing Zone Group housing	Group Housing Zone Group housing	Residential 2 Group Housing		General Residential I Group housing	All Group Housing and Residential 2 zonings to be converted to this zone. Where communal open spaces and private roads are on separate erven, these will be converted to a suitable Open Space II or Transport Zone III.



<b>Primary Right</b>			<b>Residential 3</b> Town Houses	<b>General Residential II</b> Town Houses	Town Houses in Residential III will be converted to this zone.
<b>Primary Right</b>		<b>Special Residential</b> Special Dwellings Public Housing			No zone in new scheme for these categories, and will be converted to Single Residential I, General Residential I or II with consent if needed, provided that the parameters of existing lawful development shall apply.
<b>Primary Right</b>	Blocks of flats, Licensed hotels, Residential buildings	<b>General Residential</b> Block of Flats, Licenced Hotel, Dwelling houses other residential buildings.	<b>Residential 4</b> Flats	<b>General Residential III</b> Flats	General Residential properties approved for flats or residential buildings will be converted to General Residential IV.
<b>Primary Right</b>	Hotel and Guest Houses under General Residential	<b>General Residential</b> Hotel and Guest Houses under General Residential	<b>Residential 5</b> Residential Buildings (Guest Houses, Lodges and Hotels, Boarding Houses)	<b>General Residential IV</b> Guest Lodge	All tourist accommodation establishments that were previously approved under General Residential Zone or Residential V in Section 8 will be converted to General Residential V.

		General Residential			General Residential V	
					Hotel	Hotels with more than 30 rooms could be converted to this zone, if they are not already zone for Business purposes.
BUSINESS ZONES						
	KNYSNA	SEDGEFIELD	SECTION 8	NOETZIE	PROPOSED KNYSNA INTEGRATED SCHEME	COMMENTS
	Business Zone	Business Zone	Business 1		Business 1	
Primary Right	Business premises Licensed hotels Flats above ground floor Residential buildings Warehouses	Business Buildings General residential buildings Hotels Flats above ground floor	Business Premises		Business premises	All Business and Business I zoning to be converted to this zone
	Local Business Zone	Local Business Zone	Business 2		Business Zone II	
Primary Right	Shops Flats (above the ground floor only)	Shops and flats above ground floor	Shop		Shops and Office	All Local Business and Business II zones to be converted to this zone, with consent where necessary.
			Business 3			
Primary Right			Offices			This zone will be combined with Business II



	Noxious Trade Zone	Offensive Trade Zone	Industrial Zone 2	Industrial Zone III	
<b>Primary Right</b>	Offensive Trade Building	Offensive Trade Building	Noxious Trade	Noxious Trade	
<b>Primary Right</b>			Industrial Zone 3	Industrial Zone VI	
			Mining	Mine Quarry	
<b>COMMUNITY ZONES</b>					
	<b>KNYSNA</b>	<b>SEDGEFIELD</b>	<b>SECTION 8</b>	<b>NOETZIE</b>	<b>PROPOSED KNYSNA INTEGRATED SCHEME</b>
	Educational Zone	LAND RESERVATION FOR SPECIAL PURPOSE: Educational Zone	Institutional 1		Community Zone I
<b>Primary Right</b>			Place of Instruction		Place of Instruction
	<b>Institutional Zone</b>	<b>Worship Zone</b>	<b>Institutional 2</b>		<b>Community Zone II</b>
<b>Primary Right</b>	Place of worship Institutional Buildings	Places of worship	House of Worship		Place of worship

	Institutional 3		Institutional 3	Community Zone III	
<b>Primary Right</b>	Institution		Institution	Institution	Institutional buildings previously approved as Consent Uses or Special Zones will be converted to Community Zone III.
<b>RESORT ZONE</b>					
	<b>KNYSNA</b>	<b>SEDGEFIELD</b>	<b>SECTION 8</b>	<b>PROPOSED KNYSNA INTEGRATED SCHEME</b>	<b>COMMENTS</b>
<b>Primary Right</b>			<b>Resort zone 1</b> Holiday Accommodation	<b>Resort Zone</b> Tourist accommodation	
<b>Primary Right</b>	<b>Resort Zone</b> Holiday Housing		<b>Resort zone 2</b> Holiday Housing	<b>No zone for this category</b>	Resort Zone II developments that are residential in nature and within the Urban Edge will be converted to Residential I or II, depending on the scale and nature of the development.  Resort II developments that are situated in Nature Areas will be converted to Resort Zone as non-conforming uses or to Nature Conservation areas, with consent for dwelling units, provided that the parameters of existing lawful development shall apply, including the right to alienate units.

OPEN SPACE ZONES						
	KNYSNA	SEDFIELD LAND RESERVATION FOR SPECIAL PURPOSE: Public Open Space	SECTION 8	NOETZIE	PROPOSED KNYSNA INTEGRATED SCHEME	COMMENTS
<b>Primary Right</b>	Public Open Space		Open Space 1 Public Open Space		Open Space Zone I Public open space	
<b>Primary Right</b>	Private Open Space	LAND RESERVATION FOR SPECIAL PURPOSE: Private Open Space	Open Space 2 Private Open Space		Open Space Zone II Private open space	
<b>Primary Right</b>			Open Space 3 Nature Reserve	Open Space I Nature Reserve	Open Space Zone III Nature conservation area	
					Open Space Zone IV Nature reserve	This is a new zone and all state- and privately owned promulgated Nature Reserves will be converted to this zone.

TRANSPORT ZONES						
	KNYSNA	SEDFIELD	SECTION 8	NOETZIE	PROPOSED KNYSNA INTEGRATED SCHEME	COMMENTS
	Transport Zone		Transport zone 1		Transport Zone I	
<b>Primary right</b>	Transport Undertakings		Transport Usage		Transport use	
	Street Zone	LAND RESERVATION FOR SPECIAL PURPOSE: Street Zone	Transport zone 2	Transport I	Transport Zone II	
<b>Primary right</b>	Streets	Public Street	Public Road	Public Road	Public Road	Public Parking is included in the definition of public streets. All existing SANRAL proclaimed Road Reserves will be zoned for Transport II, the future alignment of the N2 will be retained a zoning from before proclamation.
	Parking Zone	LAND RESERVATION FOR SPECIAL PURPOSE: Parking Zone	Transport zone 3			
<b>Primary Right</b>	Public or Private Parking	Parking	Public Parking			
					Transport Zone III	
<b>Primary Right</b>					Private road	Private streets in road reserves to be converted to this zone.
AUTHORITY AND UTILITY ZONES						
	KNYSNA	SEDFIELD	SECTION 8	NOETZIE	PROPOSED KNYSNA INTEGRATED SCHEME	COMMENTS
	Public Authority Zone	LAND RESERVATION FOR SPECIAL PURPOSE: Local Authority Zone and Government	Authority Zone	Authority Zone	Authority Zone	
<b>Primary Right</b>	Authority Usage		Authority Usage	Authority Usage		The Authority Zone is not included in Kynsna DRAFT but has been included in the latest provincial model scheme. It was agreed that this zone should be included in the revised scheme for local authority and government services not infrastructure related.



CEMETERY ZONE	LAND RESERVATION FOR SPECIAL PURPOSE: CEMETERY	SECTION 8	NOETZIE	PROPOSED KNYSNA INTEGRATED SCHEME	COMMENTS
Cemetery	Cemetery			Utility Zone	To be Converted to Private or Public open Space with Consent for Cemetery.
				Utility service	Land previously zoned for Local Authority or Government purposes and used for utility services such as substations or reservoirs will be converted to this zone.
<b>Primary Right</b>					
SPECIAL ZONE					
KNYSNA	SEDFIELD	SECTION 8	NOETZIE	PROPOSED KNYSNA INTEGRATED SCHEME	COMMENTS
Special Zone	Special Zone	Special Zone		No category for this zone	
Various specific uses where every use has its own set of development parameters.	Special Purpose	Special Usage			Special Zoned properties to be converted to the closest matching use zone, with consents if required.
<b>Primary Right</b>					
UNDETERMINED ZONE					
KNYSNA	SEDFIELD	SECTION 8	NOETZIE	PROPOSED KNYSNA INTEGRATED SCHEME	COMMENTS
Undetermined Zone	Undetermined Zone	Undetermined Zone	Undetermined Zone	UNDETERMINED ZONE	
Existing uses and buildings only	Existing uses and buildings only	None	Existing Buildings Only	Existing Buildings	
<b>Primary Right</b>					

SUBDIVISIONAL AREA				
Primary Right	Subdivisional Area	Subdivisional Area	Subdivisional Area	Subdivisional Area
				Land that has been rezoned to Sub divisional area will retain the original base zone, with an additional subdivisional area overlay zone, until such time as the subdivision has been implemented.

- Consent uses previously granted will be converted to a nearest match;
- Temporary use Departures that has been granted for Guest Houses will be converted to a consent use under Agriculture and Single Residential Zones;



