

OVERSTRAND MUNICIPALITY LAND USE SCHEME, 2019

GENERAL EXPLANATORY NOTE:

[] Words in bold and in square brackets indicate deletions from the existing enactment.

_____ Words with a solid line indicate insertions in the existing enactment.

To amend the provisions in Overstrand Municipality Zoning Scheme, 2013

BE IT ENACTED by the Council of the Overstrand Municipality as follows:

By amending the Index as follows:

[2.2 APPLICATION FOR A CONSENT USE

2.3 APPLICATION FOR THE CONSOLIDATION OF LAND UNITS

2.5 DECISIONS

2.6 CONDITIONS OF APPROVAL

2.8 APPEALS

4.1 SUMMARY OF USE ZONES AND DEVELOPMENT RULES]

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[19.1] 4.1 INTERPRETATION

16.1 GENERAL ENCROACHMENTS **[ENCROACHMENT OF BUILDING LINES]**

16.6 BOUNDARY WALLS **[EARTH BANKS AND RETAINING STRUCTURES]**

16.8 AESTHETICS AND MAINTENANCE OF PROPERTY AND PLACEMENT OF VEHICLES

16.10 GENERAL DEVELOPMENT PARAMETERS

CHAPTER **[20] 19:** GENERAL PROVISIONS APPLICABLE TO ANNEXURES

19.1 **[20.1] ANNEXURES**

By amending the definitions as follows:

A

“additional dwelling units” means dwellings in the Agriculture Zone 1, which are not required for the accommodation of bona fide persons involved in the agricultural practice on the property concerned; **[and additional dwelling units may be used for long or short term accommodation purposes;]**

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

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

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

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

[“associated”, when used in the context of an associated use or purpose, means use, purpose, building or activity which is normally ancillary and subservient to the lawful primary use of the property;]

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

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

- (i) The [State]National Government (as defined in the Constitution) including but not limited to, [such as] a military training centre and installation, a police station and a prison;
- (ii) The Provincial Government (as defined in the Constitution) including but not limited to, [such as] a road station and road camp;
- (ii) [The] Local Government (as defined in the Constitution) including but not limited to [, such as] fire services and municipal depots with related uses or any use necessary to provide mandated services (including limited accommodation for staff who are

required for standby emergencies, municipal offices, clinics, **[library]** libraries and any other associated use(s) approved by **[Council]** the municipality;

“**average ground level**” means the average of the highest and lowest existing ground level immediately abutting the outer perimeter of a building and **[Council]** the municipality may:

- (i) Determine the average ground level from measurements supplied on a building plan; or
- (ii) Deem a level to be the average ground level from the contour plan, local height bench mark or other information held by **[Council]** the municipality; or
- (iii) Require the owner or applicant to commission a registered land surveyor to measure levels of the ground or interpolate levels, in order to provide **[Council]** the municipality with sufficient information so that it can determine the average ground level for the purposes of this land use [zoning] scheme;

B

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

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

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

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

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

- (i) Is required or normally used for construction work;
- (ii) Was obtained from the demolition[s] of structures or excavations of **[ground] land**;
- (iii) Is necessary for, or is normally used; for land development, such as storage of material used for building roads, for installing essential services, or for any other construction work (e.g. sand or bricks), whether for public or private purposes; and
- (iv) **[It]** includes the administrative component of such undertaking but **[does not include] excludes** any accommodation, other than a caretaker’s accommodation;

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

C

“**camping site**” means a property or part thereof on which tents and/or caravans are used for the short term accommodation of visitors and holiday makers, and includes ablution, cooking and other associated facilities for the use by [of] such visitors, [and] infrastructure

related to the operation of the camping site, and may include accommodation facilities for the owner, manager and staff with the **[permission] consent** of **[Council] the municipality**;

“**carport**” means a building or structure**[, which is]** (covered or uncovered) with two open sides, primarily used for the housing of motor vehicle’s and / or trailers and boats;

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

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

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

“**consent use**” means the secondary use right that is permitted in terms of the provisions pertaining to a particular zone, subject to **[only with]** the consent of **[the Council] the municipality**;

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

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

- (iv) Eaves not projecting more than 1,0 m **[from the wall of the building over the building line];**
- (v) Minor decorative features not projecting more than 250 mm. **[A portion of a buiding where the ceiling is at ground level or lower.]**

“**crèche**” means the use of a portion of a dwelling house or outbuildings by the occupant to provide day care, pre-school, play group or after school care services for a limited number of children provided that the primary use of the property shall prevail, subject to the applicable legislation; **[means a facility for the day care of young children in the absence of their parents, and may provide care for more children than are permitted in a day care centre, subject to any applicable legislation of the Department of Education, provided that the primary use of the property shall prevail;]**

D

“**dairy**” means a building for the storage, processing and distribution of milk and related products, and **[but does not]** includes an agricultural building where cows or other animals are milked;

“**day-care centre**” means a facility for the day-care of young children in the absence of their parents, and may provide care for more children than are permitted in a crèche, subject to any applicable legislation, provided that the primary use of the property shall prevail; **[means the use of a portion of a dwelling house or outbuildings by the occupant to provide day care, pre-school, play group or after school care services for a limited number of children provided that the primary use of the property shall prevail;]**

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

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

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

E

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

“environmental impact assessment” means a report as stipulated in terms of applicable environmental legislation concerning the impact on the environment of specified proposed activities, or any other studies required by **[Council] the municipality** and includes heritage issues;

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

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

- (i) the building of a new building or structure;
- (ii) the alteration, or conservation, or renovation, or addition to, a building or structure; and
- (iii) the **[re-erection] re-construction** of a building or structure which has completely or partially been demolished;
[and “erect” has a corresponding meaning;]

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

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

it can determine the most appropriate existing ground level for the purpose of administering this land use [zoning] scheme;

“**existing use**” means the use or uses which, in the opinion of **[Council]** the municipality, is or are practiced lawfully on the land unit, structure or building or part thereof;

F

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

“**flats**” means a building containing two [three] or more dwelling units, together with such outbuildings as are ordinarily associated therewith, **[provided that in those zones where flats are permissible, less than three dwelling units shall also be permitted];**

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

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

- (iii) a projection of eaves and a projection which **[projection]** acts as a sunscreen or an architectural feature which does not exceed 1,0 m beyond the exterior wall or similar support shall be excluded;
- (iv) any common pedestrian thoroughfare which is covered by a roof and which provides access through a building **[concerned]** from a parking, public street or an open space to some other parking, public street or open space and which is accessible to the general public during normal business hours shall be excluded;
- (vii) in the case of multi-level buildings, any stairwells, lift wells, light wells or other wells and any atrium shall only be counted once; and
- (viii) **[and provided further that]** floor space shall be measured from the outer face of the exterior walls or similar supports of such building, and where the building consists of more than one level, the total floor space shall be the sum of the floor space of all levels, including that of basements;

G

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

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

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

“**guest house**” means a dwelling house, or second dwelling unit which is used for the purpose of **[temporary]** lodging of transient guests **[or logders]** on compensation; and may provide [the provision of] meals for guests; **[visitors or tourists]**, **[and]** is occupied by the owner or occupant, or manager of the property, and **[may include an in-house cash bar]**

and restaurant, provided that these] may include associated facilities which are only for the use of the bona fide guests **[or lodgers and may not be]** and not accessible to the general public, but does not include a hotel, guest rooms, residential building or boarding house;

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

H

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

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

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

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

- (i) Consists of a single enterprise in which accommodation is supplied **[by means of short term renting]** on a temporary basis and or by means of time sharing only;
- (ii) May include the provision of a camping site, mobile home park and dwelling units;
- (iii) May also accommodate a restaurant, and/or shop; **[and]** indoor and outdoor recreation facilities for the use of paying lodgers and occupants of the establishment; but
- (iv) **[Does not include]** excludes a hotel or conference centre;

“home occupation” means the practising of **[an occupation, profession, art or trade or the conducting of an enterprise, which includes an estate agency, from a dwelling unit by one or more of the occupants of a dwelling unit; provided that the dominant use of the dwelling concerned shall remain for the living accommodation of a single family, and the property complies with the requirements contained in this zoning scheme for a home occupation; but does not include adult entertainment]** a non-residential use conducted from a dwelling provided that the dominant use of the dwelling concerned shall remain the accommodation of a single family, provided that the use and property complies with the requirements contained in this land use [zoning] scheme for home occupation;

“hotel” means a property used **[as a temporary residence]** for transient guests, where lodging and meals are provided, and may include;...

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

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

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

“informal trading” means the selling of products in areas demarcated or leased by **[Council]** the municipality for such purposes [specifically for those purposes, such as markets and other demarcated areas];

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

L

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

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

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

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

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

M

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

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

“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 the parking of motor vehicles by the public, with or without payment of a fee, and may include parking within a building but

excludes parking on a road, or a street and on-site parking associated with a primary or consent use;

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

N

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

O

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

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

“**outbuilding**” means a structure, whether attached or separate from the main building, which is ancillary and subservient to the main building on a land unit, and includes a building **[which is]** designed to be **[normally]** used for the garaging of motor vehicles, for storage purposes and any normal activities in so far as these are usually and reasonably required in the connection with the main dwelling, **[and includes]** as well as the accommodation of recreational activities such as a pool room, braai room; lapa, gazebo and the practicing of hobbies (which may not cause a nuisance and/or disturbance and / or noise and / or damage to a neighbouring property or properties or premises) **[but does not include a dwelling unit]** and outbuildings are primary uses under each zoning except open space zones, where **[Council]** the municipality may permit outbuildings should it be deemed necessary;

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

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

P

“**parking area**” means a practical parking layout approved by **[Council]** the municipality;

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

“Planning Law” means the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015; Land Use Planning Act, No 3 of 2014 and the Spatial Land Use Management Act, No 16 of 2013 or succeeding legislation which governs the preparation and administration of municipal planning including all related planning in Local, Provincial and National Government [the Western Cape or South Africa, whichever is applicable];

“Poultry” means fowls, ducks, muscovy ducks, geese, turkeys, pigeons, peacocks and domestic guinea-fowl

["primary natural area” means **land which contains natural resources that are considered important for the well being of human and natural communities, by Council and comprise protected natural land, and “virgin land” as defined in environmental legislation, in either public or private ownership, as well as land earmarked for inclusion in such area; excluding agriculture activities, other than the sustainable harvesting of natural products;]**

“primary use” in relation to land or buildings means any use specified in this land use [zoning] scheme as a primary use, being a use that is permitted without the need to first obtain **[Council]** the municipality’s consent;

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

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

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

R

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

“register” means the record held by **[Council]** the municipality in connection of all departures, certification uses, consent uses, site development plans, conditions relating to use rights or special zone development parameters;

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

“residential building” means a building where lodging is provided for human habitation, together with such outbuildings as are ordinarily used therewith **[and]**, limited to, boarding houses, **[backpackers (hostels),]** and old age homes **[, and or]** where facilities are shared;

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

- (i) Other than staff accommodation, each dwelling unit shall be occupied by at least one person **[who is 50 years or older or as amended]** and must comply with the applicable legislation;
- (ii) A range of care and other facilities shall be provided to the satisfaction of **[Council]** the municipality;
- (v) Additional development management provisions may be determined by **[Council]** the municipality in respect of a retirement village;

“roof” means a water proof covering, excluding shade ports;

[“rooftop base station” means a cell phone base station where antennae are attached to the roof or side of an existing building; provided that any antennae support structure or equipment room that is not part of the building does not extend more than 2,5 m in height above the top of the building;]

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

S

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

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

- (i) storage, depositing or collecting of junk or scrap material or articles for purposes of recycling;
- (ii) the dismantling of vehicles, machines or other articles to recover components or materials;
- (i) **[Storing, depositing or collecting of junk or scrap material or articles the value of which depends mainly or entirely on the material used in the manufacture thereof;**
- (ii) **The dismantling of second hand vehicles or machines to recover components or material; and**
- (iii) **The storing or sale of second hand parts, poles, steel, wire, lumber, tyres, bricks, containers or other articles which are suitable to be left out in the open without any serious damage being incurred; and includes blast furnaces for melting and moulding of metals;**
- (iv) **Subject to the provisions of section 8.1.9 and 8.1.10]**

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

- (i) The second dwelling unit must be situated [shall remain] on the same land unit;
- (ii) The second dwelling unit shall comply with the requirements specified in this land use [zoning] scheme;

- (iii) **[Council]** The municipality may require the payment of a bulk services levy or such other levy as it may determine when permitting the erection of a second dwelling unit;
- (iv) Where a wendy house, **[shelter]** or outbuilding is used for accommodation purposes, such wendy house **[shelter]** or outbuilding shall be considered a second dwelling unit for the purpose of this scheme;

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

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

“**service agreement**” means a written agreement which is concluded between a property developer and / or owner and **[Council]** the municipality, in terms of which the respective responsibilities of the two parties for the planning, design, provision, installation, financing and maintenance of internal and external infrastructure or engineering services and the standard of such infrastructure or services are determined; which agreement is also applicable to any successor~~[/](s)~~ in title of the developer;

“**service trade**” means an enterprise which **[is]**:

- (iii) is not **[liable]**likely, in the event of fire, **[to cause]** to cause excessive combustion, **[give]**resulting in **[poisonous]**noxious fumes or **[cause]** explosions; and
- (iv) includes a builder’s yard and allied trades, fitment centre for tyres, shock absorbers or exhausts systems, and similar types of uses; but
- (v) excludes **[Does not include]** an abattoir, **[brick-making site]** brick yard, sewage works and service station **[or motor repair garage;]**

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

“**shop**” means a property or part of a property used for the retail sale of goods, items and services to the public, including a retail concern where goods which are sold are manufactured and repaired; provided that the floor space relating to such manufacture or repair shall not exceed 50% of the floor space of the shop; “shop” does not include an industry, service trade, motor repair garage, service station, adult entertainment business or sale of alcoholic beverages, and if such uses are included on the property they shall be regarded as separate uses subject to such separate development parameters **[rules]** as may be determined by **[Council]** the municipality;

“**single family**” means a household which may consist of:

- a single parent with or without children; or
- a married or unmarried couple with or without children and / or dependents; or,
- a legal guardian of a child / children,

[means a household, all the members of which are placed under the guidance of a single family head provided that with the exception of unmarried children every member of the household shall be a dependant by commonlaw of the said family head. No more than two unrelated or independent persons who earn and receive an independent income and who maintain a common household.]

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

(xix) Any other details as may reasonably be required by **[Council]** the municipality such as co-ordinates;

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

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

“**structure**” has the same meaning as “building” (i.e. Anything built by man); [without in any way limiting its ordinary meaning, includes any building, shelter, wall, fence, pillar, pergola, steps, landing, surfaced or covered driveway, terrace, sign, ornamental architectural feature, swimming pool, fuel pump and underground tank, and any portion of a structure;]

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

- (i) A use determination;
 - (ii) A density determination;
 - (iii) Relevant conditions and stipulations contained in this land use [zoning] scheme;
 - (iv) The planning stipulations of any applicable legislation and or planning documents;
- and
- (v) Any other conditions laid down at the time of the approval for the rezoning;

T

“**this land use [zoning] scheme**” means the land use [zoning] scheme of the Overstrand municipality;

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

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

U

“**urban agriculture**” means the cultivation of crops and or keeping of animals and poultry (which may be sold in neighbouring markets), on relatively small demarcated areas within urban areas **[, for sale in neighbouring markets,]** provided that cultivation of a garden by an occupant shall not be regarded as urban agriculture for the purposes of control in terms of this land use [zoning] scheme;

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

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

V

“vertical division” of a building means a portion of the building with multiple floor levels that is clearly distinguishable as a logical vertical component from the other portions of the building, and where a building is divided in vertical divisions, then every such division shall have a separate base level, with a minimum difference in floor level of one meter, for the purpose of administrating this land use scheme;

[of a building means a portion of the building bounded by external and or internal walls, with or without openings, which portion is clearly identifiable as a logical vertical component from the other portions of the building, and Council may deem that a building is divided in vertical divisions where every such division shall have a separate base level for the purpose of administrating this zoning scheme;]

W

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

- (i) When it exceeds 10 m² in **[size]** extent, building plans must be submitted to **[Council]** the municipality for consideration;

Z

“zoning map” means an approved map or maps **[showing]** indicating the land units within **[Council]** the municipality’s area of jurisdiction and applicable zoning and Overlay Zones;

By amending PART 1: CHAPTER 1 as follows:

- 1.1.1 This document forms part of the land use [zoning] scheme of the Overstrand Municipality, and applies to the area of jurisdiction of the Overstrand Municipality with effect from the date **[that notice of adoption] of [is] publication [published]** in the Provincial Gazette.
- 1.1.3 The land use [zoning] scheme consists of the rules contained in this document, the zoning map or maps which indicate the zoning of property, and the record of all approved departures, special consents and conditions as per the Land Use Register.

By amending and renumbering PART 1: CHAPTER 2 as follows:

Submission of applications

- 2.1.1 In addition to the requirements stipulated in any other law, the following requirements relate to applications submitted in terms of this land use [zoning] scheme.
- (a) Applicants shall ensure that applications submitted to the Municipality are:
- (i) Clearly and legibly written or typed and explained in plain language;
 - (ii) Fully completed and properly motivated, in the required format and accompanied by the fees and other documents as required by **[Council] the municipality** from time to time; and ...
- [(b) The Municipal Manager or his delegate shall, within fourteen calendar days from the date of receipt of an application, notify the applicant in writing of any aspects that require additional information or documentation, if any.**
- (c) If additional information is required, the date on which the application is resubmitted with the additional information to the satisfaction of the Municipal Manager or delegate shall be the date of the application.]**

[2.2 APPLICATION FOR A CONSENT USE]

[Application for a consent use]

- 2.2.1 **[The owner of a property may apply to the Council to use the property concerned, for the purposes of a consent use that is permitted in a particular zone with the Council's consent;**
- 2.2.2 **Where the Council is of the opinion that any land owner may have an interest in the application, the Council may first advertise the application concerned, and the provisions of 2.4 will apply.**
- 2.2.3 **The Council may grant or refuse its consent and the provisions of 2.4 will apply.**

Conditions applicable to consent uses

- 2.2.4 **Any consent use in a primary zone shall be subject to the development parameters of that zone and to the particular restrictions provided for a particular use in the zone concerned, unless special land use restrictions apply in respect thereof; and**

2.2.4 The Council may impose other conditions with regard to the specific property concerned.]

[2.3 APPLICATION FOR THE CONSOLIDATION OF LAND UNITS]

[Application for the consolidation of two or more properties]

2.3.1 [No person shall from the commencement of these regulations consolidate any land except in accordance with an application granted under 2.3.6 by the Council.

2.3.2 An owner of land may apply in writing to the Municipal Manager for the granting of approval to consolidate land.

2.3.3 The Municipal Manager may:

- (a) Require that the application be advertised if, in the opinion of the Municipal Manager, the proposed consolidation may adversely affect the character of the area or the interests that any person has in land; and**
- (b) Request the comment of any person or entity that in the opinion of the Municipal Manager has an interest in the application.**

2.3.4 If the Municipal Manager acted in terms of 2.3.3 he or she shall submit copies of the objections or comments received to the applicant for comment.

2.3.5 The Municipal Manager shall submit the application and all relevant documents to the Council for consideration.

2.3.6 The Council may grant or refuse an application under 2.3.2; provided that such an application may only be refused on the basis of its effect on existing rights concerned or to preserve the built form and character of the surrounding area.

2.3.7 When the Council grants an application for consolidation it:

- (a) May do so subject to such conditions as it deems fit;**
- (b) Shall notify the applicant and the Surveyor-General concerned of the Council's decision and where applicable furnish them with a copy of the conditions imposed by the Council.]**

2.2 ADDITIONAL REQUIREMENTS RELATING TO PUBLIC PARTICIPATION

Advertisements

2.2.1 Advertising of all applications shall take place in accordance with the requirements of applicable planning law, applicable legislation and **[Council] the municipality's advertising policy, as approved by **[Council]** the municipality from time to time.**

[Petitions

2.4.2 In addition to requirements stipulated in any other law, the following requirements relate to objections submitted in the form of a petition.

- (a) All petitions shall clearly indicate:**

- (i) The full name, national identity number and physical address of each signatory;
 - (ii) The full name, postal address, telephone number and facsimile of no more than two specified persons to whom further communication relating to the application may be directed; provided that where such information is not made available, the Council shall direct further communication only to the first person who signed such petition and whose address is known; and only the first objector will be recorded as the legal objector; and
 - (iii) Each page of a petition containing the signature of a petitioner shall contain at least a summary of the objection.
- (b) Any written notification by the Council to petitioners shall be regarded as sufficient if such notification is sent to the persons contemplated in 2.4.2(a) (ii) above.
 - (c) Any petition that does not comply with the above requirements will not be considered and processed as valid objection.
 - (d) Any petition submitted in terms of 2.4.1 establishes a single right of appeal with respect to decisions taken in terms of this land use scheme.]

[2.5 DECISIONS]

[Procedures for decisions]

2.5.1 Council may approve or refuse an application submitted in terms of this land use scheme, and may impose conditions on approval.

2.5.2 The Council shall, when considering an application in terms of this land use scheme, take into account, but not limited to the following:

- (a) The general purpose of the land use scheme;
- (b) Principles and policies established for such applications in terms of relevant legislation by national, provincial and municipal spheres of government, as may be amended from time to time;
- (c) Any objections received on or before the closing date in response to an advertisement of the application, as well as comments received from other organs of state;
- (d) Any response received from the applicant to objections and comments;
- (e) Any approved integrated development plan, spatial development framework or sectoral plan that applies to the application or area concerned;

Provided that Council shall not refuse any application solely on the basis of trade competition.]

[2.6 CONDITIONS OF APPROVAL]

2.6.1 The Council may impose conditions of approval for applications submitted in terms of this land use scheme, including approval for a consent use, and such conditions may include provisions not contained in this land use scheme but which are consistent with the general purposes of the land use scheme and requirements of the Planning Law, or any other requirements deriving from the circumstantial factors surrounding the application.

- 2.6.2 If the Council grants its consent in terms of this land use scheme it may, in addition to any other conditions, impose conditions of approval that:
- (a) Limit the consent use for a specific period of time;
 - (b) Limit the consent use to a specific activity described in the definition of the use in this land use scheme;
 - (c) Require that a consent use does not adversely affect the potential of the property to be used for its primary uses in terms of this land use scheme.
- 2.6.3 If Council grants its consent in terms of this land use scheme, it may require that a copy of the approved general plan or section plan be submitted to Council, prior to clearance certificates being issued for the purpose of transfer.]

2.3 [2.7] VALIDITY OF INFORMATION

- 2.3.1 Any information in connection with this land use [zoning] scheme, that is given by an official to a person making enquiries, shall only be valid if it is in writing, signed by the official with the delegated power of **[Council]** the municipality, and if such information is not in conflict with the provisions of this land use [zoning] scheme, the zoning map, or an approval granted by **[Council]** the municipality, or any applicable legislation.
- 2.3.2 At all relevant times when considering the furnishing of the information referred to in clause **[2.7.1]** 2.3.1, the provisions of the Promotion of Access to Information Act will apply, **[or]** as amended.

[2.8 APPEALS]

[Appeals]

- 2.8.1 An applicant or person who has objected to an application may submit an appeal against a decision relating to the application in terms of this land use scheme, and the appeal procedures as stipulated in Planning Law will *mutatis mutandis* apply for processing appeals submitted in terms of this regulation.
- 2.8.2 An objection submitted in the form of a petition establishes a single right of appeal and will be considered and processed as a single appeal.]

2.4 [2.9] ERRORS ON ZONING MAPS

- 2.4.1 In the event that a zoning has been wrongly allocated on the zoning map or wrongly converted from a former zoning map associated with a former land use [zoning] scheme, the owner of the property, or the municipality, after consultation with the owner, may submit an application to **[Council]** the municipality to correct such error, subject to the following provisions:
- (a) The applicant must submit material proof of an error and proof of the lawful land use rights;
 - (b) The applicant must propose a suitable zoning to be allocated to the property;
 - (c) The application procedures in accordance with the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 as amended will apply; and
 - (d) The applicant will be exempted from the payment of any application fee.
- 2.4.2 **[Council]** The municipality shall consider an application submitted in terms of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 [2.9.1] and if

such application is approved, shall amend its zoning maps in accordance with the approval.

By amending PART 1: CHAPTER 3 as follows:

3.1.2 (b) With a split-zoning where one base zone applies to a portion of the land unit and one or more other base zones apply to other defined portions of the land unit, provided that where a split-zoning is envisaged the applicant must submit a plan prepared by a suitably qualified land surveyor, clearly identifying the area of each base zone concerned, to the satisfaction of **[Council]** the municipality; and

3.1.6 All property owners, within the urban edge (as indicated in the applicable SDF, are limited to the keeping of household pets as defined. The keeping of household pets is subject to any applicable legislation, By-Law and or policy relating to household pets.

Bulk zones

[3.1.6] 3.1.7 Certain use zones make provision for different bulk zones that distinguish between different building forms or intensity of land use, through different development parameters [rules]. In order to change or relax the development parameters [rules] applicable to a property regulated by a bulk zone, the following must be submitted and approved and the municipality may determine which method shall be used:

- (a) an application for a departure from the development parameters [rules] or bulk zone; or
- (b) an application for a rezoning to another use zone; **[must be submitted and approved, and Council the municipality may determine which method shall be used.]**

3.2 CATEGORIES OF USES

Primary uses

3.2.1 The use of a property for any purposes specified as a primary use in this land use [zoning] scheme for that property is permitted without the consent of **[Council]** the municipality, provided that such use conforms to the provisions specified in the particular zone, overlay zone where applicable and definitions in this land use [zoning] scheme.

[Consent uses

3.2.2 **The use of a property for any purposes specified as a consent use in this land use scheme for that property is permitted only if the Council grants its prior written consent.**

3.2.3 **The Council may grant or refuse an application for a consent use.**

3.2.4 **The Council may limit its approval of a consent use application to one or more uses included within the definition of the consent use.]**

Additional use rights

3.2.2 [3.2.5] An activity or use described as an “Additional Use Right” in a particular zone is a primary use in that zone, provided that any conditions specified for such activity or use are adhered to. In this scheme additional use rights are only applicable to Authority Zone 1 and Community Zone 1 **[and the Less Formal Development Zone]**.

Uses not permitted

[3.2.6] 3.2.3 Subject to any provisions to the contrary in the Land Use Scheme [Planning Law] and or any condition of title, property may not be used for any purpose without the approval of the municipality.**[which is not specified in this land use scheme.]**

[3.2.7] A property shall only be used for the purposes set out in the primary or consent use provisions for a particular zone.]

Special uses

3.2.4 [3.2.8] A special use may be permitted in the Special Zone with the consent of the **[Council]** municipality.

Occasional uses

[3.2.10] 3.2.5 The occasional use conforms **[with]to** the **[Council]** municipality's By-law [policy, if such policy exists;] provided that the approval does not absolve the applicant from compliance with any other relevant legislation.

[3.2.11] 3.2.6 Approval granted under **[3.2.10] 3.2.5** shall be subject to such conditions as the **[Council]** municipality may impose, which may include, but are not limited to, the following:

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

Uses shown on building plans

[3.2.13] 3.2.7 A building plan may not be considered and approved in terms of the National Building Regulations and Building Standards Act No 103 of 1977, or as amended, where the uses indicated on the property or within the proposed building or structures are in contradiction with this land use [zoning] scheme, or any other legislation.

[3.2.14] **[If any building plan is approved showing uses on a property, such uses are not considered to have been approved in terms of this land use scheme.]**

[3.2.15] [A lawful non-conforming use shall not constitute an offence in terms of this land use scheme.]

By amending and renumbering PART 1: Chapter 4 as follows:

4.1 [SUMMARY OF USE ZONES AND DEVELOPMENT RULES

4.1.1 Table A overleaf contains a summary of the zones and development rules contained in this land use scheme. This table is provided for ease of reference, but the detailed development rules are contained in Part 2 of this document. In the event of a difference between Table A and Part 2, the provisions of Part 2 shall prevail.]

4.1 INTERPRETATION

Rules for interpretation

4.1.1 The following rules of interpretation shall apply:

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

Methods of measuring distances, levels and heights

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

- a) If required by the municipality, the owner or applicant shall appoint a registered surveyor to supply or verify information necessary for the

municipality to make a decision about compliance with distances or heights required in terms of this land use scheme.

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

Interpretation of boundaries

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

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

Interpretation of category of use and zoning

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

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

c) there is uncertainty or dispute about the zoning of property.

Architectural guidelines

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

By amending and renumbering PART 2: Chapter 5 as follows:

CHAPTER 5: AGRICULTURAL AND RURAL ZONES

5.1 AGRICULTURE ZONE 1: AGRICULTURE (AGR1)

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

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

Development parameters [rules]

5.1.2 The following parameters [rules] apply:

(a) **Floor space**

The total floor space of all buildings on the land unit, may not exceed 5 000m²; provided that **[Council]** the municipality may relax this requirement if it is satisfied that such buildings are required for bona fide farming activities on the land unit.

(c) **Height**

- (i) The maximum height of a building, measured from the base level to the top of the structure **[roof]** is 8,0 m, provided that;
- (ii) Agricultural buildings other than dwelling units shall not exceed a height of 12,0 m measured from the base level to the top of the structure **[roof]**; and where **[Council]** the municipality is satisfied that a greater height is necessary for the agricultural function of the building, it may permit such greater height; and

[Additional dwelling units]

5.1.1 The Council may approve additional dwelling units in Agricultural Zone I provided that:

- (a) The additional dwelling units shall remain on the same cadastral units as the primary dwelling unit;
- (b) The number of additional dwelling units shall not exceed the 1 unit per 10,0 ha, up to a maximum of five additional dwelling units per land unit, and
- (c) No additional dwelling units may be erected within 100 m of the high water mark on the coast, other than where additional dwelling units are provided as an integral part of an existing farmstead or with the special consent of Council.

Farm shop/stall

5.1.2 The Council may approve a farm shop provided that:

- (a) The maximum floor area is 300m²;
- (b) The maximum height does not exceed 8,0 m, measured from the base level to the top of the roof;
- (c) Sufficient parking is provided to the satisfaction of Council; and
- (d) The access requirements of the relevant roads authority must be complied with.

Agricultural industry

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

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

Guest rooms

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

- (a) No more than two rooms per property shall be used for the bedroom accommodation for paying guests or lodgers, and no more than 5 guests or lodgers shall be supplied with lodging or meals at any one time;
- (b) Guest rooms may not be converted to, or used as, separate dwelling units, and there shall be no cooking facilities in the guest rooms, apart from a kettle;
- (c) Meals shall only be supplied by the landowner or manager to guests or lodgers who are staying on the property;
- (d) No advertising sign shall be displayed without the written approval of Council other than a single un-illuminated sign or notice affixed to the

- building or boundary wall or fence, and such sign must be in line with the Overstrand Signage By-Law; and
- (e) One on-site parking bay shall be provided per guest room.

Day care centre

5.1.5 The following provisions shall apply where a portion of the property is used by the occupant of the property for the purposes of a day care centre:

- (a) No more than 5 children are permitted at any one time;
- (b) A register of children must be kept, and completed, and the register must be produced for inspection on the request of Council;
- (c) The services shall be primary day care or educational and not medical;
- (d) The hours of operation shall be restricted to 07h00 and 18h00 from Mondays to Friday and from 07h00 to 13h00 on Saturdays;
- (e) The proprietor of the day care centre shall reside on the property;
- (f) No more than two assistants may be employed at the day care centre; and
- (g) The minimum indoor and outdoor play space shall be provided as follows:

Indoor Play Space	Outdoor Play Space
1,5 m ² per child	2,0 m ² per child

Home occupation

5.1.6 The following provisions shall apply where a portion of the property is used for the purposes of home occupation:

- (a) The dominant use of the dwelling house or dwelling unit shall be for the living accommodation of a single family;
- (b) The total area used for a home occupation shall not exceed 25% of the total floor area of the buildings on the property;
- (c) No more than 5 persons in total shall be engaged in home occupation activities on the property, including the occupants or the occupant and any assistants;
- (d) No portion of such dwelling, and no home occupation shall be used for the purposes of noxious trade, risk activity or sale of alcoholic beverages;
- (e) No advertising sign shall be displayed without the written consent of the Council other than a single un-illuminated sign or notices affixed to the building or boundary wall or fence, and such sign must be in line with the Overstrand by-law relating to outdoor advertising and signage;
- (f) The storage of products, goods, or supplies connected to the home occupation shall be inside a building or screened from neighbours and public streets;
- (g) The hours of operation are restricted to 07h30 and 17h30 Monday to Friday and 7h30 to 13h00 on Saturdays;
- (h) On site parking must be provided to the satisfaction of Council, provided that at least two on site parking bays are provided;
- (i) No more than one vehicle, not exceeding 3 500 kg gross weight, shall be utilised for the home occupation; and
- (j) The Council may impose additional conditions in order to minimise any potential public nuisance.]

Additional dwelling units

5.1.3 The provisions of Chapter 16.10 apply.

Farm shop/stall

5.1.4 The provisions of Chapter 16.10 apply.

Agricultural industry

5.1.5 The provisions of Chapter 16.10 apply.

Guest rooms

5.1.6 The provisions of Chapter 16.10 apply.

Guest house

5.1.7 The provisions of Chapter 16.10 apply.

Day care centre

5.1.8 The provisions of Chapter 16.10 apply.

Home occupation

5.1.9 The provisions of Chapter 16.10 apply.

Transmission apparatus

5.1.10 The provisions of Chapter 16.10 apply.

Site development plan

5.1.11 [5.1.9] [Council] The municipality may require that a site development plan be submitted for approval in accordance with Chapter 16.3.

[RURAL ZONES]

RURAL ZONE 1: AGRICULTURAL SMALL HOLDINGS (R1)

Use of the property

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

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

Development parameters [rules]

5.2.2 The following parameters [rules] apply:

(a) **Floor space**

The total floor space of all buildings on the land unit[,may], may not exceed 2 000m²; provided that **[Council]** the municipality may relax this requirement if it is satisfied that such buildings are required for **[genuine]** bona fide farming activities on the land unit.

(c) **Building lines**

(ii) Where the configuration of the land unit, is of such a nature that alternative building lines need to be considered, **[Council]** the municipality may approve such alternative building lines to permit the use of the property as defined in this zone, provided that where Rural Zone 1 abuts an urban area the building lines of the adjacent property shall apply along the shared boundary; and

(d) **Height**

(i) The maximum height of a building, measured from the base level to the top of the structure **[roof]** is 8,0 m;

(ii) Agricultural buildings other than dwelling units shall not exceed a height of 10,0 m measured from the base level to the top of the structure **[roof]**; provided that where **[Council]** the municipality is satisfied that a greater height is necessary for the agricultural function of the building, it may permit such greater height; and

Minimum subdivision size

5.2.3 The provisions of Chapter 16.10 apply.

[The following development rules apply:

(a) **No new subdivision or any remainder to be zoned Rural Zone 1 shall be less than:**

(i) **5,0 ha, if no minimum subdivision size is specified on the zoning map; or**

(ii) **Where Council has specified a minimum subdivision size, as indicated on the zoning map in terms of an overlay zone for the area concerned, that minimum subdivision size applies.]**

Second dwelling unit

5.2.4 The provisions of Chapter 16.10 apply.

[The following development rules apply to a second dwelling unit:

(a) **The floor area of the second dwelling unit shall not exceed 250 m² in area;**

- (b) **A second dwelling unit shall be constructed in a similar architectural style and with external material, finishes and colour similar to the primary dwelling unit;**
- (c) **A second dwelling unit may be contained within the same building as a primary dwelling unit and may be either on the ground or first floor; and**
- (d) **A second dwelling unit may not be separately alienated in terms of the Sectional Title Act.]**

Farm shop/stall

5.2.5 The provisions of Chapter 16.10 apply.

[The provisions of 5.1.4 apply.]

Agricultural industry

5.2.6 The provisions of Chapter 16.10 apply.

[The provisions of 5.1.5 apply.]

Guest rooms

5.2.7 The provisions of Chapter 16.10 apply.

[The provisions of 5.1.6 apply.]

Day care centre

5.2.8 The provisions of Chapter 16.10 apply.

[The provisions of 5.1.7 apply.]

Home occupation

5.2.9 The provisions of Chapter 16.10 apply.

[The provisions of 5.1.8 apply.]

Transmission apparatus

5.1.10 The provisions of Chapter 16.10 apply.

Site development plan

5.2.11 **[Council]** The municipality may require that a site development plan be submitted for approval in accordance with Chapter 16.3.

RURAL ZONE 2 : CONSERVATION USAGE (R2)

Use of the property

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

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

Development parameters

5.3.2 The following development parameters **[rules]** apply:

(a) **Floor space**

The total floor space of all buildings on the land unit may not exceed 800m²; provided that **[Council]** the municipality may relax this requirement if it is satisfied that such accommodation is required for bona fide conservation and / or farming activities on the land unit.

(c) **Building lines**

- (ii) Where the configuration of the land unit, is of such a nature that alternative building lines need to be considered, **[Council]** the municipality may approve such alternative building lines to permit the use of the property as defined in this zone, provided that where Rural Zone 2 abuts an urban area the building lines of the adjacent property shall apply along the shared boundary; and

(d) **Height**

- (i) The maximum height of a building, measured from the base level to the top of the structure **[roof]** is 8,0 m; **[provided that]**;
- (ii) Where **[Council]** the municipality is satisfied that a greater height is necessary for the agricultural function of the building, it may permit such greater height; **[and]**

Minimum subdivision size

5.3.3 The provisions of Chapter 16.10. apply

[The following development rules apply:

- (a) No new subdivision or any remainder to be zoned Rural Zone 2 shall be less than:**

- (i) 5,0 ha, if no minimum subdivision size is specified on the zoning map;
or
- (ii) Where Council has specified a minimum subdivision size, as indicated on the zoning map in terms of an overlay zone for the area concerned, that minimum subdivision size applies.]

Second dwelling unit

5.3.4 The provisions of Chapter 16.10. apply

[The provisions of 5.2.4 apply.]

Guest rooms

5.3.5 The provisions of Chapter 16.10. apply

[The provisions of 5.1.6 apply.]

Day care centre

5.3.6 The provisions of Chapter 16.10. apply

[The provisions of 5.1.7 apply.]

Home occupation

5.3.7 The provisions of Chapter 16.10. apply

[The provisions of 5.1.8 apply.]

Transmission apparatus

5.3.8 The provisions of Chapter 16.10 apply

Site development plan

5.3.9 **[5.3.8][Council]** The municipality may require that a site development plan be submitted for approval in accordance with 16.3.

5.4 RURAL ZONE 3: AGRI-VILLAGE (R3)

Use of the property

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

- (a) **Primary uses** are: agriculture, crèche, dwelling house, town housing, home occupation, **[day care centre,**]private open space, private road, second dwelling unit;

- (b) **Consent uses** are: agricultural industry, clinic, community facility, day care centre, **[crèche,]** farm shop / stall, guest house, house shop, intensive animal farming, intensive horticulture, market, place of assembly, place of instruction, plant nursery, restaurant, retirement village, **[rooftop base,]** shelter, shop, tourist accommodation, tourist facility, transmission apparatus **[tower]**, and utility services.

Development parameters [rules]

5.4.2 The following parameters [rules] apply:

(c) **Height**

- (i) The maximum height of a building, measured from the base level to the top of the structure **[roof]** 8,0 m; **[provided that]**
- (ii) Where **[Council]** the municipality is satisfied that a greater height is necessary for the agricultural function of a building, it may permit such greater height; **[and]**

(d) **Building lines**

- (iv) **[Council]** the Municipality may require a 3,0 m combined building line between structures for reasons of health and safety.

(g) **Additional requirements**

The following additional requirements apply in this zone:

- (iv) Engineering services must be provided to the satisfaction of **[Council]** the municipality.

Second dwelling unit

5.4.3 The provisions of Chapter 16.10 apply.

[The provisions of 5.2.4 apply, provided that:

- (a) **Where a wendy house or shelter is utilised for accommodation uses, such wendy house or shelter shall be regarded as a second dwelling unit; and**
- (b) **A second dwelling unit may not exceed 120 m².]**

Farm shop/stall

5.4.4 The provisions of Chapter 16.10 apply.

[The provisions of 5.1.4 apply.]

Agricultural industry

5.4.5 The provisions of Chapter 16.10 apply.

[The provisions of 5.1.5 apply.]

Guest rooms

5.4.6 The provisions of Chapter 16.10 apply.

[The provisions of 5.1.6 apply.]

Day care centre

5.4.7 The provisions of Chapter 16.10 apply.

[The provisions of 5.1.7 apply.]

Home occupation

5.4.8 **[5.4.7]** The provisions of Chapter 16.10 apply.

[The provisions of 5.1.8 apply, provided that:

- (a) No more than 5 persons in total shall be engaged in home occupation activities in a dwelling unit, including occupants or the occupant and any assistants; and**
- (b) On site parking shall be provided to the satisfaction of Council.]**

House shop

5.4.9 The provisions of Chapter 16.10 apply

[The following provisions shall apply where a portion of a dwelling unit or outbuilding is used

for the purposes of a house shop, by one or more occupants of a property:

- (a) The maximum floor area of that portion of a dwelling unit or second dwelling unit that is used for the purposes of a house shop shall not exceed 30,0m² or 25% of the floor area of the dwelling unit, whichever is the most restrictive;**
- (b) No more than 3 persons, including the occupant or occupants of the dwelling unit, are permitted to be engaged in retail activities on the property, other than with the consent of Council;**
- (c) No portion of the house shop shall be used for the purposes of noxious trade, risk activity, sale of alcoholic beverages, place of entertainment or gambling purposes;**
- (d) No products, goods, or supplies connected to the house shop may be stored on the property outside a building;**
- (e) Any new structure or alteration to the existing structure must conform to the residential character of the area concerned;**
- (f) Only one un-illuminated sign, shall be permitted, which shall be fixed to the building or boundary wall or fence, and such sign shall be in line with the Overstrand by-law relating to outdoor advertising and signage;**
- (g) The hours of operation and trading shall be restricted to 8h00 to 17h00 from Monday to Friday and from 8h00 to 13h00 on Saturday, and does not include public holidays or Sundays, or such trading hours as permitted by Council;**
- (h) On site parking shall be provided to the satisfaction of Council;**
- (i) Permission to operate a house shop is granted to a particular operator and is not transferable**
- (j) No more than one vehicle, not exceeding 3 500 kg gross weight shall be utilised for the house shop; and**

(k) Permission may only be granted for a fixed period, not exceeding 5 years and may on application, be extended by the Council, for a period determined by the Council.]

Transmission apparatus

5.4.10 The provisions of Chapter 16.10 apply

Site development plan

5.4.11 **[Council]** The municipality may require that a site development plan be submitted for approval in accordance Chapter with 16.3.

By amending and renumbering PART 2: Chapter 6 as follows:

16.1 RESIDENTIAL ZONE 1: SINGLE RESIDENTIAL (SR1)

Use of the property

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

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

Development parameters [rules]

6.1.2 The following parameters [rules] apply:

(a) **Coverage**

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

Net erf area	Maximum coverage
<u>Less than 150m²</u>	<u>80%</u>

(b) **Building lines**

- (i) Street building line
The street building line is determined in accordance with the net erf area as listed in the table below:

Net erf area	Street building line
<u>Less than 150m²</u>	<u>1,0 m</u>

- Where a garage obtains direct access off the street, a 4,0 m building line applies.
- The street building line of erven of 400 m² and greater is 4,0 m, provided that:
 - erf with an average depth of 20,0 m or less has a 3,0 m street building line.

[provided that erven of 400m² and greater:

- **An erf with an average depth of 20,0 m or less has a 3,0 m street building line; and**
- **where a garage obtains direct access off the street a 4,0 m building line applies.]**

(ii) Side and rear building line

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

Net erf area	Side and rear building lines
<u>Less than 150 m²</u>	<u>At least 1,0 m one side and 0 m on the other side. Rear = 1,0 m.</u>

c) Height

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

Subdivision and density standards

6.1.3 The provisions of Chapter 16.10 apply.

[(a) Minimum subdivision area

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

[(b) Maximum density

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

Second dwelling unit

6.1.4 The provisions of Chapter 16.10 apply.

[The provisions of 5.2.4 apply; provided that:

- (a) The total floor area of the second dwelling units shall not exceed 120m²;**
- (b) The same development rules apply as for the primary dwelling unit;**
- (c) One on-site parking bay must be provided to the satisfaction of Council; and**
- (d) Confirmation of the availability of services shall be obtained from the Director of Infrastructure and Planning or his successor in title.]**

Self-catering

6.1.5 The provisions of Chapter 16.10 apply.

Guest rooms

6.1.6 The provisions of Chapter 16.10 apply.

[6.1.5 The provisions of 5.1.6 apply.]

Day- care centre

6.1.7 The provisions of Chapter 16.10 apply.

[The provisions of 5.1.7 apply, provided that:

- (a) No more than 3 persons in total shall be engaged in the day care centre activities on the property, including the occupants or occupant and any assistants.]**

Home occupation

6.1.8 The provisions of Chapter 16.10 apply.

[6.1.7 The provisions of 5.1.8 apply, provided that:

- (a) No more than 3 persons in total shall be engaged in the home occupation activities on the property, including the occupants or occupant and any assistants; and**
- (b) On site parking must be provided to the satisfaction of Council, provided that at least one on-site parking bay is provided.]**

House shop

6.1.9 The provisions of Chapter 16.10 apply.

[6.1.8 The provisions of 5.4.9 apply.]

Sectional title

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

6.2 GENERAL RESIDENTIAL ZONE 1: TOWN HOUSING (GR1)

Use of the property

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

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

Development parameters [rules]

6.2.2 The following parameters [rules] apply:

(a) **Density**

- (i) The maximum gross density in this zone is 35 units a hectare.
- (ii) A minimum erf size of 3000m² is applicable for densification

(b) **Coverage**

The maximum coverage for all buildings on the land unit is **[50]65%**.

(c) **Height**

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

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

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

[The following building lines apply on the perimeter of a town housing site:

- (i) The street building line is 5,0 m;**
- (ii) The side building line is 3,0 m;**
- (iii) The rear building line is 3,0 m; and**
- (iv) The general building line exemptions of 16.1 apply.]**

(g) **Internal roads**

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

Day-care centre

6.2.4 The provisions of Chapter 16.10 apply.

[The provisions of 5.1.7 apply.]

Home occupation

6.2.5 The provisions of Chapter 16.10 apply.

[The provisions of 5.1.8 apply, provided that in this zone:

- (a) No more than two persons, including the proprietor may be employed within a dwelling unit;**
- (b) The required parking provision does not apply; and**
- (c) Where a home occupation is conducted from a flat, no more than 2 persons in total shall be engaged in the home occupation activities within the dwelling unit, including occupants or occupant and assistants.]**

Site development plans

6.2.6 **[Council]** the municipality may require that a site development plan be submitted for approval in accordance with 16.3.

Open Space Provision

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

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

6.3 GENERAL RESIDENTIAL ZONE 2: TOWN HOUSING (GR2)

Use of the property

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

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

Development parameters [rules]

6.3.2 The following development parameters [rules] apply:

- (a) **Density**
 - (i) The maximum gross density in this zone is 50 units a hectare.
 - (ii) A minimum erf size of 3000m² is applicable for densification.
- (c) **Height**

The maximum height of a building (other than flats), measured from the base level to the top of the structure **[roof]**, is 8,0 m, provided that the maximum height for flats, measured from the base level to the top of the structure **[roof]**, is 9,0 m.
- (d) **Building lines on the perimeter of a town housing development**
 - (i) The building line on the perimeter of the property is 3,0 m.
 - (ii) The general building line exemptions of 16.1 apply.
- (g) **Internal roads**

The minimum internal road reserve width is 8,0 m; provided that **[Council]** the municipality may require a greater road reserve width, where it is of the

opinion that the vehicular use or length of the road requires a greater road reserve width.

Day-care centre

6.3.4 The provisions of Chapter 16.10 apply.

[The provisions of 5.1.7 apply.]

Home occupation

6.3.5 The provisions of Chapter 16.10 apply.

[The provisions of 5.1.8 apply, provided that:

(a) No more than two persons, including the proprietor may be employed within a dwelling unit;

(b) The required parking provision does not apply; and

(c) Where a home occupation is conducted from a flat, no more than 2 persons in total shall be engaged in the home occupation activities within the dwelling unit, including occupants or occupant and assistants.]

Site development plans

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

Open Space Provision

6.3.7 The following requirements to the satisfaction of the municipality is applicable:

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

6.3 GENERAL RESIDENTIAL ZONE 3: FLATS (GR3 and GR4)

Use of the property

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

- (b) **Consent Uses** are: crèche, day care centre, home occupation, hotel, institution, place of assembly, place of instruction, place of worship, retirement village, tourist accommodation, and transmission apparatus [tower].

Development parameters [rules]

6.4.2 The following development parameters **[rules]** apply:

- (a) Density

A minimum erf size of 3000m² is applicable for densification

(b)[a] Floor factor and coverage

(c) [b] Height

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

(d) [c] **Setback**

- (i) The **[Council]** municipality may require an 8,0 m setback from the centreline of the abutting street, provided that **[Council]** the municipality may permit stoeps to be located within the setback line; and

(e) [d] **Building lines**

- (ii) The side building line is 4,5 m, provided that where a fourth storey is provided, **[Council]** the Municipality may require the fourth storey to be set back 6,0 m from the property boundary;
- (iii) The rear building line is 3,0 m provided that where a fourth storey is provided, **[Council]** the Municipality may require the fourth storey to be set back 6,0 m from the property boundary; and

(f) **Open space**

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

Home occupation

6.4.3 The provisions of Chapter 16.10 apply.

[Where a home occupation is conducted from a flat no more than 2 persons in total shall be engaged in the home occupation activities within the dwelling unit, including occupants or occupant and assistants.]

Transmission apparatus

6.4.4 The provisions of Chapter 16.10 apply

Site development plan

6.4.5 **[6.4.4][Council]** The municipality may require that a site development plan be submitted for approval in accordance with 16.3.

6.5 LESS FORMAL DEVELOPMENT ZONE: (LFD)

Use of the property

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

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

Development parameters [rules]

6.5.2 The following development parameters [rules] apply:

(b) **Building lines**

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

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

(c) **Spaces between buildings and roads**

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

- (i) Every building shall be set back at least **[2,0 m] 1,0 m** from the edge of a road or thoroughfare;
 - (ii) No building shall be erected closer than **[2,0 m] 1,0 m** to an adjacent building;
 - (iii) Where 4 dwelling units or shelters are attached to each other, the municipality may require a space of 2,0 m between such dwellings or shelters and any other building or shelter on the property concerned or any adjacent property, and
 - (iv) Site boundary line: 3,0 m from the property boundary along the perimeter of the site as determined by the municipality.
- [[iii) An uninterrupted space of at least 1,5 m shall be kept open from the front side of every dwelling to the rear side of every dwelling, unless dwellings are linked together, in which case no more than 4 dwellings shall be linked without a break of 3,0 m between buildings.]**

(d) **Height**

The maximum height measured from the base level to the top of the structure [roof] is 8,0 m

(e) **Parking and loading**

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

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

Second dwelling unit

6.5.3 The provisions of Chapter 16.10 apply.

[The provisions of 5.2.4 apply, provided that:

(a) Where a wendy house or shelter is utilised for accommodation purposes, such wendy house or shelter shall be regarded as a second dwelling unit; and

(b) A second dwelling unit may not exceed 120m².]

Guest rooms

6.5.4 The provisions of Chapter 16.10 apply.

[The provisions of 5.1.6 apply.]

Day -care centre

6.5.5 The provisions of Chapter 16.10 apply.

[The provisions of 5.1.7 apply.]

Home occupation

6.5.6 The provisions of Chapter 16.10 apply.

[The provisions of 5.1.8 apply, provided that the parking requirements are in accordance with 6.5.2(e).]

House shop

6.5.7 The provisions of Chapter 16.10 apply.

Constructed road or road reserve or land identified for roads

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

[Informal trading]

6.5.10 **[Informal trading is permitted on land which has been set aside as a road reserve or identified by the [Council] municipality as a future road reserve provided that:**

- (a) **No permanent structures are to be erected on the land;**
- (b) **There is no interference with pedestrian or vehicular movement, the amenity of the neighbourhood, or with any [Council] municipality utility service; and**
- (c) **There is, in the [Council] municipality's opinion, no threat to public health or safety.]**

Land used or identified for firebreaks

6.5.10 No building or structure may be erected on land which has been set aside or identified by the **[Council]** municipality as a firebreak.

Approval of building plans

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

By amending and renumbering PART 2: Chapter 7 as follows:

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

Use of the property

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

- (a) **Primary uses** are: business premises, conference facility, flats (above ground floor), guest house, hotel, place of assembly, place of instruction, **[rooftop base station] and self-catering;**
- (b) **[Informal trading],** transmission **[tower] apparatus** (subject to the provisions of Chapter 16.10)

Development parameters [rules]

7.1.2 The following development parameters [rules] apply:

(b) Setback

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

(c) Building lines

- (i) The street building line is 0 m subject to:
 - the setback restriction if required by **[Council] the municipality** in terms of 7.1.2(b); and
- (ii) The side building line is 0 m but [subject to]:
 - without the consent of the municipality, the building or portion erected on the property boundary may have no windows, doors, ventilation or other openings in any wall on such boundary, **[without the consent of Council];** and
- (iv) The **[Council] municipality** may impose more restrictive building lines in the interests of public health and safety; and

(d) Height

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

(f) Canopies and projections

- (i) The **[Council] municipality** may require, or permit a canopy or projection over the street boundary, provided that:
- (iv) The owner shall enter into an encroachment agreement with **[Council] the municipality** in the case of a canopy projection.

Site development plan

7.1.4 **[Council]** The municipality may require that a site development plan be submitted for approval in accordance with 16.3.

7.2 BUSINESS ZONE 3: LOCAL BUSINESS (B3)

Use of the property

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

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

Development parameters [rules]

7.2.2 The following development parameters [rules] apply:

- (c) **Height**
 - (i) The maximum height of a building, measured from the base level to the top of the structure [**roof**], is 8,5 m.
- (d) **Setback**
 - (i) **[Council]** The municipality may require that all buildings and structures on the property are set back at least 6,5 m from the centre line of the street;
 - (ii) Where special circumstances exist, **[Council]** the municipality may require a greater setback; and
- (e) **Building lines**
 - (i) The street building line is 0 m; provided that a [**3,5**] 5,0 m building line applies where fuel pumps are erected;
 - (iii) The rear building line is 3,0 m; provided that where any Business Zone 3 abuts another zone, the rear building line is 3,0 [**4,5**] m;
 - (iv) Provided that **[Council]** the municipality may require more restrictive building lines in the interests of public health or safety or the environment or in order to enforce any applicable law or right; and

(i) **Screening**

- (i) The **[Council]** municipality may require screening in accordance with 16.7; and
- (ii) Where a Business Zone 3 abuts a residential zone, **[Council]** the municipality may require a suitable wall of no less than 1,8m in height to be erected on the common boundary.

[Informal trading

7.2.3 **Informal trading shall only be permitted in the area indicated on a plan submitted to and approved by Council.]**

Site development plan

7.2.4 **[7.2.5]** **[Council]** the municipality may require that a site development plan be submitted for approval in accordance with 16.3.

7.3 BUSINESS ZONE 4: SERVICE STATION (B4)

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

Development parameters [rules]

7.3.2 The following development parameters **[rules]** apply:

(c) **Setback**

- (i) The **[Council]** municipality may require that all buildings and structures are set back 8,0 m from the centre line of the abutting public street or streets; and
- (ii) The provisions of 16.2 apply.

(d) **Height**

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

(e) **Building lines**

- (iv) The **[Council]** Municipality may impose more restrictive building lines in the interests of public health and safety; and...

(i) **Storage**

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

Site development plan

7.3.3 **[Council]** The municipality may require that a site development plan be submitted for approval in accordance with 16.3.

Amending and renumbering PART 2: CHAPTER 8 as follows:

8.1 INDUSTRIAL ZONE 1: GENERAL INDUSTRY (IND 1)

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

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

Development parameters [rules]

8.1.2 The following development parameters [rules] apply in this zone.

- (c) **Height**
 - (i) The maximum height of any building measured from the base level to the top of the structure **[roof]** is 12,0 m, provided that;
 - (ii) Where a structure of greater height is required for the industrial function of the property, **[Council]** the municipality may grant approval for such greater height; and
- (d) **Building lines**
 - (ii) The side and rear building line shall be **[2,0] 0** m;
 - (iv) Notwithstanding the above, **[Council]** the municipality may stipulate greater building lines for considerations of public health and safety, fire control and in order to enforce any law or right; and...
- (e) **Setback**
 - (ii) Notwithstanding the above **[Council]** the municipality may stipulate a setback for considerations of public health and safety, fire control and in order to enforce any law or right; and
- f) **Boundary walls**

A wall of 2,1 **[5,0]** m high must be erected where a land unit has a common boundary with another land unit that is not zoned General Industry (IND1) or Risk Industry (IND2) or when hazardous substances are stored on site.

Factory shop

8.1.3 The provisions of Chapter 16.10 apply.

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

- (i) The total floor space of the property or portion thereof may be devoted to the sale of goods shall not exceed 10% of the total floor space of all buildings on the land unit;
and**
- (ii) Such other goods that are offered for sale, but have not been manufactured on the property, are connected with the goods that are manufactured on the property.]**

Service station

8.1.4 The provisions of Chapter 16.10 apply.

[The development rules in 7.3.2 apply.]

Environmental considerations

8.1.5 An environmental study and/or environmental management plan may be required by **[Council]** the municipality for its consideration and approval in accordance with 16.4.

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

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

Site development plans

8.1.8 **[Council]** the municipality may require that a site development plan be submitted for approval in accordance with 16.3.

Scrapyard Development parameters

8.1.9 The provisions of Chapter 16.10 apply.

Caretaker's Dwelling

8.1.10 The provisions of Chapter 16.10 apply.

Office space

8.1.11 The provisions of Chapter 16.10 apply.

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

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

- (a) Primary uses are: care taker's accommodation, factory shop, noxious trade, **[rooftop base station]** risk industry and, transmission [tower] apparatus (subject to the provisions of Chapter 16.10);
- (b) Consent uses are: aquaculture, industry, **[informal trading]**, mining, scrap yard, service trade, shop, transport use, utility service and waste disposal site.

Development parameters [rules]

8.2.2 The following development parameters [rules] apply:

- (c) **Height**
 - (i) No height restriction applies to noxious industry, risk activity and industry, provided that any other building on the land unit shall not exceed 12,0 m measured from the base level to the top of the structure [roof];
 - (ii) Notwithstanding the above, where a structure of greater height is required for the industrial function of the property, **[Council]** the municipality may grant approval for such greater height; and
- (d) **Building lines**
 - (iii) Notwithstanding the above, **[Council]** the municipality may stipulate greater building lines for considerations of public health and safety, fire control and in order to enforce any law or right; and
- (e) **Setback**
 - (i) A setback of 8,0 m from the centreline of the road applies;
 - (ii) Notwithstanding the above, the **[Council]** municipality may stipulate a greater setback for considerations of public health and safety, fire control and in order to enforce any law or right; and

Service station

8.2.3 The development parameters [rules] in 7.3.2 apply.

Factory shop

8.2.4 The provisions of Chapter 16.10 apply.

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

- (i) The total floor space of the property or portion thereof that may be devoted to the sale of goods shall not exceed 10% of the total floor space of all buildings on the land unit; and**

(ii) Such other goods that are offered for sale but have not been manufactured on the property are connected with the goods that are manufactured on the property.]

Environmental impact

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

Site development plans

- 8.2.8 **[Council]** The municipality may require that a site development plan be submitted for approval in accordance with 16.3.

Office space

- 8.2.9 The provisions of Chapter 16.10 apply.

By amending PART 2: CHAPTER 9 as follows:

9.1 COMMUNITY ZONE 1: COMMUNITY FACILITIES (CO1)

Use of the property

- 9.1.1 The following use restrictions apply to property in this zone:
- b) **Consent uses are:** dwelling units, cemetery, conference facility, dwelling house, hospital, institution, recreational facilities, residential building, **[rooftop base station]** transmission **[tower]** apparatus (subject to the provisions of Chapter 16.10) and urban agriculture.
 - (c) **Additional use:** A property in this zone may occasionally be used for fundraising or social functions provided that:
 - (i) Such functions are incidental and subsidiary to the uses permitted in this zone;
 - (ii) Such functions do not, in the **[Council]** Municipality's opinion, generate excessive or prolonged disturbance including noise, traffic or other public nuisance; and

Development parameters [rules]

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

(c) Height

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

Dwelling units

9.1.3 The following development parameters [rules] apply to dwelling units:

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

Site development plans

- 9.1.4 **[Council]** The municipality may require that a site development plan be submitted for approval in accordance with 16.3.

Landscape master plans

- 9.1.5 **[Council]** The municipality may require a landscape master plan to be submitted for approval in accordance with 16.4.

By amending PART 2: CHAPTER 10 as follows:

10.1 AUTHORITY ZONE: AUTHORITY USAGE (AU)

Use of the property

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

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

Development parameters [rules]

10.1.2 The following development parameters [rules] apply:

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

10.2 UTILITY ZONE: UTILITY SERVICES (UT)

Use of the property

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

- (a) **Primary use** is: utility service;
- (b) **Consent uses** are: authority use, cemetery, crematorium, informal trading (subject to the provisions of Chapter 16.10), transmission **[tower]** apparatus (subject to the provisions of Chapter 16.10) **[rooftop base station]** and any other associated use determined by **[Council]** the municipality.

Development parameters [rules]

10.2.2 The following development parameters **[rules]** apply:

- (a) No structure shall be erected nor property used in this zone, unless it is considered by **[Council]** the municipality to be compatible or associated with the permitted or consent use;
- (b) **[Council]** The municipality may require and approve a site development plan submitted in terms of 16.3 and/or an environmental management plan submitted in terms of 16.4; and
- (c) **[Council]** The municipality shall determine the development parameters **[rules]** that apply to this zone **[when]: ...**

By amending PART 2: CHAPTER 11 as follows:

11.1 TRANSPORT ZONE 1: TRANSPORT USAGE (TR1)

Use of the property

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

- (a) **Primary uses** are: multiple parking garage, transport use **[rooftop base station]** and utility service;
- (b) **Consent uses** are: informal trading, motor repair garage, service station, shops, transmission **[tower]** apparatus (subject to the provisions of Chapter 16.10) or, any other use approved by the **[Council]** municipality, provided that:...

Development parameters [rules]

11.1.2 The following development parameters **[rules]** apply:

- (d) **Setback**
 - (i) **[Council]** The municipality may require that all buildings and structures on the property are set back at least 6,5 m from the centre line of the street;
 - (ii) Where special circumstances exist, the **[Council]** municipality may require a wider setback; and

(e) **Building lines**

- (iv) Provided that **[Council]** the municipality may require building lines in the interests of public health or safety or the environment or in order to enforce any applicable law or right; and

(h) **Screening**

- (i) The **[Council]** municipality may require screening in accordance with 16.7; and

Informal trading

11.1.3 The provisions of Chapter 16.10 apply.

[Informal trading shall only be permitted on sites demarcated for informal trading in terms of a diagram prepared by a suitably qualified land surveyor submitted to the Council for approval, or in line with Council's by-law on informal trading.]

Site development plan

11.1.5 **[Council]** The municipality may require that a site development plan be submitted for approval in accordance with 16.3.

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

Use of the property

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

(a) TR2 A Primary uses are: private parking, private road, **[public road, public parking;]**

[(a)] (b) TR2 B Primary uses are: public road and, public parking;

[(b)] (c) Consent uses are: informal trading, **[rooftop base station]** transmission **[tower]** apparatus (subject to the provisions of Chapter 16.10), any other uses determine by **[Council]** the municipality provided that:

Development parameters [rules]

11.2.2 The following development parameters [rules] apply:

(a) **Deemed zoning**

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

(b) **Construction and deposit of materials**

Except with written consent of the Municipality and adherence to its requirements;

- (iv) Deposit or leave any goods, articles, building materials or waste in a public street other than for a reasonable period of time during the course of loading, off-loading or removal **[thereof]** of these goods, articles, building materials or waste;

[Except in accordance with the written permission and requirements of the municipality.]

Informal trading

11.2.3 The provisions of Chapter 16.10 apply.

[Informal trading shall only be permitted on sites demarcated for informal trading in terms of a diagram prepared by a suitably qualified land surveyor submitted to the Council for approval, or in line with Council's by-law on informal trading.]

Site development plan

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

11.3 TRANSPORT ZONE 3: HARBOUR ZONE (TR3)

Use of the property

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

- (b) **Consent uses** are: aquaculture, business premises, conference facilities, flats, holiday accommodation, hotel, industry, informal trading, institution, markets, multiple parking garage, offices, place of assembly, place of entertainment, place of worship, recreational facility, restaurant, **[rooftop base station]** sale of alcoholic beverages, service station, tourist accommodation, tourist facility, transport use, town housing, utility service, transmission **[tower]** apparatus (subject to the provisions of Chapter 16.10), provided that **[Council]** the municipality may approve any other use associated with waterfront development where:

- (ii) The property shall be rezoned if the other use constitutes a significant and permanent change from the primary use, and if this land use **[zoning]** scheme provides a more suitable alternative.

Development parameters [rules]:

[The following development parameters apply:]

Harbour usage

11.3.2 The **[Council]** municipality may require and approve a site development plan in terms of 16.3, or an environmental management plan in terms of 16.4.

11.3.3 The **[Council]** municipality must determine the development parameters **[rules]** applicable to a land unit when, prior to the approval of any building plans or engineering services:

- (a) The zoning of a land unit to this zone is approved;
- (b) Any environmental impact report is considered;
- (c) Any environmental management plan is considered;
- (d) Any site development plan is approved; and
- (e) **[Prior to the approval of any building plans or engineering services.]**

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

Consent uses

(b) Height

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

(d) Setback

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

(e) Building lines

- (iv) Provided that **[Council]** the municipality may require more restrictive building lines in the interests of public health or safety or the environment or in order to enforce any applicable law or right; and

(h) Screening

- (i) The **[Council]** municipality may require screening, in accordance with Chapter 16.7; and

Consent uses

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

Town housing

11.3.6 The development parameters **[rules]** in 6.3.2 apply.

Informal trading

11.3.7 The provisions of Chapter 16.10 apply.

[Informal trading shall only be permitted on sites demarcated for informal trading in terms of a diagram prepared by a suitably qualified land surveyor submitted to the Council for approval, or in line with Council's by-law on informal trading.]

Site development plan

11.3.9 **[Council]** The Municipality may require that a site development plan be submitted for approval in accordance with 16.3.

By amending PART 2: CHAPTER 12 as follows:

12.1 OPEN SPACE ZONE 1: NATURE RESERVE (OS1)

Use of the property

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

- (a) **Primary use[is]** are: nature reserve and conservation use;
- (b) **Consent uses** are: dwelling units, environmental facilities, **[rooftop base station]** transmission **[tower]** apparatus (subject to the provisions of Chapter 16.10), tourist accommodation, tourist facilities, utility service and any other related use permitted by **[Council]** the municipality.

Development parameters **[rules]**

12.1.2 The following development parameters **[rules]** apply:

- (a) A site development plan must be submitted in terms of 16.3 to the satisfaction of **[Council]** the municipality;
- (b) **[Council]** The municipality may require an environmental study and/or environmental management plan in terms of 16.4;
- (c) Prior to the approval of any building plans or engineering services **[Council]** the municipality must determine the development parameters **[rules]** applicable to a land unit, when:
 - (v) **[Prior to the approval of any building plans or engineering services; and]**
- (d) Structures / buildings may be erected with the written consent of **[Council]** the municipality, should **[Council]** the municipality deem it necessary, provided that **[Council]** the municipality may impose conditions relating to design, architecture, and developments parameters.

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

Use of the property

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

- (b) **Consent uses** are: cemetery, environmental facilities, informal trading (subject to the provisions of Chapter 16.10), recreational facilities, **[rooftop base station]** tourist facilities, transmission apparatus (subject to the provisions of Chapter 16.10) **[tower]**, urban agriculture, utility service, any other related use permitted by **[Council]** the municipality.

Development parameters **[rules]**

12.2.2 The following development parameters **[rules]** apply:

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

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

Use of the property

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

- (b) **Consent uses** are: cemetery, environmental facilities, recreational facilities, **[rooftop base station]** tourist accommodation, tourist facilities, transmission apparatus (subject to the provisions of Chapter 16.10) **[tower]**, urban agriculture, utility service, any other related use permitted by **[Council]** the municipality.

Development parameters **[rules]**

12.3.2 The following development parameters **[rules]** apply:

- (a) A site development plan must be submitted in terms of 16.3 to the satisfaction of **[Council]** the municipality;

- (b) The **[Council]** municipality may require an environmental study and/or environmental management plan in terms of 16.4;
- (c) Prior to the approval of any building plans or engineering services **[Council]** the municipality must determine the development parameters **[rules]** applicable to a land unit, when:
 - (v) **[Prior to the approval of any building plans or engineering services; and]**
- (d) No structure shall be erected or use practiced except such as is compatible with the “private open space” as defined; and
- (e) Structures / buildings may be erected with the written consent of **[Council]** the municipality, should **[Council]** the municipality deem it necessary, provided that **[Council]** the municipality may impose conditions relating to design, architecture and development parameters **[rules]**.

By amending PART 2: CHAPTER 13 as follows:

13.1 RESORT ZONE: HOLIDAY RESORTS (RZ)

Use of the property

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

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

Development parameters [rules]

13.1.2 The following development parameters **[rules]**:

- (a) Prior to the approval of any building plans or engineering services **[Council]** the Municipality must determine the development parameters **[rules]** applicable to a land unit, when:
 - (v) **[Prior to the approval of any building plans or engineering services; and]**
- (b) A site development plan must be submitted to the **[Council]** municipality for approval in accordance with 16.3;
- (c) A landscape master plan and environmental management plan shall be submitted to the **[Council]** municipality and approved in terms of provision stipulated in 16.4; and
- (d) The **[Council]** municipality shall stipulate the required services and other infrastructure required to service the resort.

Identification of zoned area

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

- (a) The area affected by the activity must be clearly identified on a survey diagram or other plan prepared by a suitably qualified person to **[Council]** the municipality's satisfaction, and endorsed by **[Council]** the municipality; and
- (b) The area thus identified **[shall be]** is clearly marked on the zoning map.

Holiday housing

13.1.4 The following additional development parameters apply to holiday housing:

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

Additional dwelling units

13.1.5 **[Council]** the municipality may approve additional dwelling units; provided that:

- (a) **[Council]** the municipality is satisfied that additional dwelling units are for the normal accommodation of employees of the resort who are active in the normal resort practice conducted on the property;
- (c) Be subject to the development parameters **[rules]** as determined by **[Council]** the municipality.

Site development plan

13.1.6 **[Council]** The Municipality may require that a site development plan be submitted for approval in accordance with 16.3

Environmental management plan

13.1.7 **[Council]** The municipality may require an environmental management plan to be submitted in accordance with 16.4.

By amending PART 2: Chapter 14 as follows:

CHAPTER 14: OTHER [SPECIAL] ZONES

14.1 SUBDIVISIONAL AREA ZONE (SA)

Development parameters [rules]

14.1.1 The following development parameters [rules] apply:

- (c) Any plan of subdivision submitted for a land unit that is zoned Subdivisional Area, shall stipulate the intended zoning of each proposed subdivision, or land portion, include a legend with a colour scheme and zoning in accordance with the land use [zoning] scheme, be properly numbered and may include retention of the Subdivisional Area Zone for specified land portions to be further subdivided and developed at later stages, provided that **[Council]** the municipality may request such additional information as it deems necessary to be included in the plan of subdivision; and
- (d) At the confirmation of a subdivision for property which has been zoned as Subdivisional Area, the zoning provisions approved by **[Council]** the municipality as conditions of the subdivision approval, shall be deemed to be a substitution scheme.

14.2 SPECIAL ZONE (SZ)

Use of the property

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

- (b) **Consent uses** are: special usage, which means any other use determined by **[Council]** the municipality when approving a Special Zone and which is not catered for under a primary or consent use contained in the scheme.

Development parameters [rules]

14.2.2 The **[Council]** municipality shall determine the development parameters [rules] when the use of land is approved, provided that:

- (b) When granting an application for a Special Zone, the **[Council]** municipality must determine development parameters [rules] with regard to maximum floor space, coverage, height, building lines, parking, density, layout and the use of the property;
- (c) The **[Council]** municipality may determine the development parameters [rules] in accordance with a Special Zone Annexure or Special Zone Site Development Plan; and
- (d) Special Zone annexures and Special Zone site development plans must be adopted and may be amended by the **[Council]** municipality in terms of **[Council]** the Municipality's resolution, and do not require the formal amendment of this land use [zoning] scheme.

Special zone annexure

14.2.3 When **[Council]** the municipality employs the Special Zone annexure method of development management, **[Council]** the municipality must:

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

Special zone site development plans

14.2.4 When **[Council]** the municipality employs the Special Zone site development plan method of development management, **[Council]** the municipality must:

- (b) Register the reference number of the site development plan approved by **[Council]** the municipality; and;
- (c) Compile a list of special zone site development plans established in terms of this land use **[zoning]** scheme and record these in Annexure B.

Landscape master plan

14.2.5 **[Council]** The municipality may require a landscape master plan to be submitted in accordance with 16.3.

Environmental management plan

14.2.6 **[Council]** The municipality may require an environmental management plan to be submitted in accordance with 16.4.

By amending PART 3, CHAPTER 15 as follows:

Adoption or amendment of overlay zones

- 15.1.1 The **[Council]** municipality may prepare, approve, amend or repeal overlay zones for specific areas in order to:
- (b) Respond to particular types of development, urban form, landscape character or environmental features, provided that the **[Council]** municipality is satisfied the abovementioned objectives are appropriate for the area concerned, and the fulfillment of these objectives does not detract from **[Council]** the municipality's ability to serve the needs of the municipal area as a whole.
- 15.1.2 If the Council **[municipality]** intends to adopt, amend or repeal an overlay zone, the Municipal Manager shall:
- (a) Cause the proposed adoption, amendment or repeal to be advertised in accordance with the public consultation policy of the **[Council]** municipality, affording interested parties the opportunity to submit written comments or objections to the Municipal Manager within a period of not less than thirty days from the date of such advertisement;
 - (d) Submit the proposed overlay zone, amendment or repeal , and all relevant documentation to the **[Council]** municipality for consideration and a decision;
 - (e) Notify all persons who submitted comments relating to the adoption, amendment or repeal of the overlay zone within the prescribed period, of the **[Council]** municipality's decision; and

Identification and numbering

- 15.1.3 The **[Council]** municipality shall approve a distinctive name and number for each overlay zone and any sub-zone, when adopting such overlay zone or sub-zone.
- 15.1.4 The **[Council]** municipality shall indicate the area of an overlay zone on the zoning map and:
- (a) Shall record the existence of an overlay zone in Annexure C to this land use [zoning] scheme, with reference to where any detailed provisions of the overlay zone may be found; and

By amending and renumbering PART 4, CHAPTER 16 as follows:

16.1 GENERAL ENCROACHMENTS [ENCROACHMENT OF BUILDING LINES]

16.1.1 Encroachment of building lines permitted [General encroachments]

- (a) Notwithstanding the building line requirements set out in Part 2, the following structures or portions of structures may, **[provided they do not extend beyond the boundaries of the land unit]**, be erected over the prescribed building lines, provided that they do not extend beyond the boundaries of the land unit:
- (ii) open and uncovered stoeps, pools and filling lower than 1,0 m above the existing ground level;
 - (vi) **[Cornices]** chimney breasts, flower boxes, water pipes and drain pipes **[and minor decorative features]** not projecting more than 500 mm from the wall of the building;
 - (vii) minor decorative features not projecting more than 250 mm from the wall of the building;
 - (viii) swimming pools, if closer than 1,0 m from the erf boundary, an engineering certificate is required;
 - (ix) pool pumps/pump houses not exceeding 1,0 m above existing ground level;
 - (x) **[ix]** a refuse room that has a footprint not exceeding 5 m² and, if covered, a roof height not exceeding 3,0 m or as required by the **[Council]** municipality in terms of 17.4;
 - (xi) **[x]** built braais up to a maximum of 1,0 m in height above the existing ground level, with the consent of affected neighbours;
 - (xii) water tanks and gas bottle storage enclosures not exceeding 2,1 m in height and screened behind a boundary wall/screen to the same height; and
 - (xiii) any encroachment or structure which causes additional impact will be subject to compliance with the applicable policy or legislation.

Encroachment of height restriction permitted

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

Encroachment of side and rear building lines permitted

- (c) **[b]** The **[Council]** municipality may approve the **[erection of an outbuilding, which]** construction of a structure used for the housing of vehicles, that encroaches onto **[into]** the side and rear building lines, provided that:
- (i) Written consent of the immediate neighbours is obtained **[no building exceeds the height of one storey];**

- (ii) No building **[wall on]** that encroaches the building line may be higher than 3,5 m above the existing ground level on the common boundary provided that the height may increase at a 40 degree angle away from such boundary;
- (iii) The length and width of the structure does not exceed one third of the lateral and rear boundary concerned or 9,0 m, whichever is the most restrictive (except in cases as prescribed in point iv below);
- (iv) Where the lateral / rear boundary of the property is less than 19,5 m in width the structure will have a maximum width of 6,5 m on the rear boundary;
- (v) No doors and windows shall be permitted in any wall closer than 1,0 m to the rear or side boundary;
A 1,0 m access may be required to the satisfaction of the Fire Department; **[In the event of a property being accessed via a private street an access way of at least 1,0 m shall be provided from the private street to every vacant portion of the land unit concerned other than a courtyard;]**
- (vi) No runoff of rainwater from a roof shall be discharged directly onto adjoining properties;
- (vii) The garage / carport **[outbuilding]** shall be included in the calculation of coverage on the land unit;
- (viii) The **[Council]** municipality is satisfied that the structure does not pose a fire hazard and is constructed of appropriate material to its satisfaction;
[(x) Where the written consent of the immediate neighbours is obtained the Council need not advertise the application further.]

Encroachment of the street building line

- (c) Upon an application, the following general principles will be considered by the Municipality: **[The Council may relax the street building line under the following circumstances:]**
[(i) In the case of a garage or carport subject to 16.1.2;]
 - (i) **[(ii)]** if, in its opinion, the architectural effect of the building line relaxation will enhance the appearance of a street;
 - (ii) **[(iii)]** if, in its opinion, there are special circumstances, motivated to its satisfaction by the property owner, such as the topography of the site;
 - (iii) all other buildings and outbuildings are to comply with the street building line applicable within the zone concerned; and
 - (iv) in the case of a garage or carport, 16.1.2 will apply.

Garages and carports within street building lines

- 16.1.2 (a) Upon an application the following development parameters [rules] will be considered:
- (i) The **[Council]** municipality may permit the construction of a garage over a street building line, if in the **[Council]** municipality's opinion, the garage cannot reasonably be sited at the prescribed distance due to the slope of the land unit, or for other reasons provided;

(b) **[A carport may be erected on the street boundary]** The **[Council] municipality may permit the construction of a carport over the street building line** provided that:

- (i) The width of such carport shall not exceed 6,5 m;
- (ii) The roof of the carport shall be supported by metal or timber post or brick, concrete or masonry pillars;
- (iii) The carport shall not be enclosed on any side except by:
 - a boundary fence or wall;
 - wall which forms the external wall of a building; or
 - security or automated gate.

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

[The edges of the roof sheeting must be trimmed with a fascia board not less than 150 mm in width.]

16.2 SETBACKS

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

16.3 SITE DEVELOPMENT PLANS

16.3.1 The **[Council] municipality** may require a site development plan to be submitted to its satisfaction for any land unit provided that:

- (b) The **[Council] municipality** may require amendments of detail to the site development plan to address reasonable concerns relating to access, parking, architectural form, urban design, landscaping, environmental management, engineering services or similar concerns, and
- (c) **[Council]** The municipality may cause the site development plan to be advertised, where it is of the opinion that advertisement of the proposed development is in the public interest.

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

- (a) A site development plan shall show the details referred to in the definition of "site development plan", unless the **[Council] municipality** agrees to waive certain requirements;
- (b) If the **[Council] municipality** considers it necessary, a transport impact assessment may be required in conjunction with a site development plan, the extent of which shall be determined by the **[Council] municipality** depending on the magnitude of the development;
- (c) If the **[Council] municipality** considers it necessary, a storm water management assessment and management plan may be required in conjunction with a site development plan, the extent of which shall be determined by the **[Council] municipality** depending on the magnitude of the development;
- (d) The **[Council] municipality** may approve a site development plan which is submitted for its approval, or may require amendments before it is approved, or may refuse it.
- (e) In circumstances where a site development plan is required in terms of this land use [zoning] scheme, no application for building plan approval in terms

- of the National Building Act, shall be granted by the **[Council] municipality**, unless a site development plan has first been approved;
- (f) The property shall be developed generally in accordance with the site development plan as approved by the **[Council] municipality**, and to the satisfaction of the **[Council] municipality**;
 - (g) Application may be submitted to the **[Council] municipality** for amendment of an approved site development plan;
 - (h) The **[Council] municipality** shall process an application to approve or amend a site development plan in accordance with its policy for transparency, public consultation and administration of such applications; and
 - (i) When approving a site development plan or amendment to a site development plan, the **[Council] municipality** may impose conditions of approval.

16.4 ENVIRONMENTAL MANAGEMENT PLANS

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

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

16.5 OWNERS' ASSOCIATION OR BODY CORPORATE

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

[16.5.2 In addition to the requirements of any other law, the following provisions shall apply to an owners' association or body corporate in terms of this land use scheme.

- (a) **Every owner of property in a development, to which the owners' association or body corporate applies, shall be a member of the owners' association or body corporate;**

- (b) The owners' association or body corporate shall maintain all common property owned by the owners' association or body corporate including private roads, private utility services and infrastructure, private open spaces and perimeter fences;
- (c) The owners' association or body corporate shall be responsible for control and adherence to the design requirements approved in terms of its constitution or articles of association; and
- (d) The constitution or management and conduct rules must clearly define the responsibilities and requirements of the home owner's association or body corporate with respect to building plan submission, deviations from approved development guidelines and development parameters, the need for endorsement of the home owner's association or board of trustees on any application submitted to Council by a property owner within the development concerned, provided that:
 - (i) Nothing in this provision will preclude the Council from advertising an application submitted, in respect of which Council is of the opinion that it is in the interests of the public and that an endorsement by the body corporate or the board of trustees as the case may be does not compel Council to approve an application.]

16.6 BOUNDARY WALLS [EARTH BANKS AND RETAINING STRUCTURES]

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

16.6.2 Only electric fencing will be allowed above the 2.1 m height restriction, subject to a maximum height of 0,5 m.

[Without the prior written consent of the Council:

- (a) No earth bank, retaining structure, column, suspended floor, other device or series of such devices, shall be constructed that enables a ground floor of a building to be raised more than 1,5 m above the base level;
- (b) No earth bank or retaining structure used for holding back earth or loose rock, whether associated with a building or not, shall be constructed to a height of more than 1,5 m above the base level; and
- (c) No series of earth banks or retaining structures shall be constructed to a cumulative height of more than 1,5 m above the base level, unless an approximately level area of at least 3,0 m wide is incorporated between successive embankments or retaining structures for every 1,5 m of cumulative height.]

16.7 SCREENING

16.7.1 The **[Council]** municipality may require screening in accordance with the following:

- (b) Any external utility service or equipment which is required for a building shall be appropriately screened from view from a public street, and such screening shall be integrated with the building in terms of materials, colour, shape and size, and shall be to the **[Council]** municipality's satisfaction.

16.8 AESTHETICS AND MAINTENANCE OF PROPERTY AND PLACEMENT OF VEHICLES

Maintenance of property

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

- (b) Contain an accumulation of motor wrecks or used motor parts, unless these are part of a primary or consent use in terms of this land use [zoning] scheme; or
- (c) Contain outdoor storage of building material, appliances or similar items unless these are:
 - (i) Part of a primary or consent use in terms of this land use [zoning] scheme;

Placement of vehicles in residential zones

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

- (b) Placement of private motor vehicles shall not exceed more than five, inside a garage or on the property, including motor vehicles used for recreational purposes. [A recreation vehicle, such as a caravan, may not be used for habitation by the occupant or guests for more than 60 days during any 12-month period.]

Mobile homes

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

- (a) The mobile home shall be sited on a foundation slab and anchored to the **[Council]** municipality's satisfaction;
- (d) Any structural additions shall be of materials which, in the opinion of the **[Council]** municipality, are compatible with the mobile home.

16.9 OTHER [COUNCIL] MUNICIPAL BY-LAWS, POLICIES AND DEVELOPMENT CONTROLS

Compliance with by-laws

16.9.1 The provisions of this land use [zoning] scheme do not detract from compliance with any other **[Council]** municipality by-laws.

Conditions of approval

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

Keeping of animals

16.9.4 The keeping of animals is restricted to household pets by property owners, within the urban edge as indicated in the applicable SDF (excluding agricultural zoned properties).

By adding PART 4, CHAPTER 16, Section 16.10 (subject to change to alphabetical order), as follows;

16. 10 GENERAL DEVELOPMENT PARAMETERS

Additional dwelling units

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

- (a) The additional dwelling units shall remain on the same cadastral boundary as the primary dwelling unit;
- (b) The number of additional dwelling units shall not exceed the 1 unit per 10,0 ha, up to a maximum of five additional dwelling units per land unit;
- (c) One additional dwelling unit will also be considered for land units less than 10,0 ha.
- (d) No additional dwelling units may be erected within 100 m of the high water mark on the coast, other than where additional dwelling units are provided as an integral part of an existing farmstead or with the special consent of the municipality and
- (e) The total floor area of the dwelling is limited to 250m².

Farm shop / stall

16.10.2 The municipality may approve a farm shop provided that:

- (a) The maximum floor area of the farm shop / stall shall not exceed 300m²;
- (b) The maximum height does not exceed single storey, measured from the base level to the top of the structure;
- (c) Sufficient parking is provided to the satisfaction of Municipality; and
- (d) The access requirements of the relevant roads authority must be complied with.

Agricultural industry

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

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

Guest Rooms

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

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

Self-catering accommodation

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

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

Crèche [Day-care centre]

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

- (a) No more than 5 children are permitted at any one time;
- (b) A register of children must be kept, and completed, and the register must be produced for inspection on the request of the municipality;
- (c) The services shall be primary crèche or educational and not medical;
- (d) The hours of operation shall be restricted to 06h00 and 18h00 from Mondays to Friday and from 06h00 to 13h00 on Saturdays;
- (e) The proprietor of the crèche shall reside on the property;
- (f) No more than two assistants may be employed at the crèche; and
- (g) The minimum indoor and outdoor play space shall be provided according to applicable legislation;

Day-care centre [Crèche (Early Childhood Centres)]

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

- (a) a maximum of 30 children / babies subject to compliance with the minimum indoor and outdoor play space according to applicable legislation;
- (b) compliant with all the applicable relevant legislation;
- (c) a minimum of 1 parking bay per teacher and a pick up and go facility must be provided to the satisfaction of the engineering services;
- (d) applicable tariffs as per the Municipal budget
- (e) the land use rights will not be transferable;
- (f) A register of children must be kept, and completed, and the register must be produced for inspection on the request of the Municipality;
- (g) The hours of operation shall be restricted to 06h00 and 18h00 from Mondays to Friday and from 06h00 to 13h00 on Saturdays; and
- (h) The proprietor of the day care centre shall reside on the property;

Home occupation

16.10.8 Home occupation will be restricted to the following non-residential categories:

- (a) Office type work (administration);
- (b) Professional / clerical;
- (c) Custom sewing, fabric crafts, baking;
- (d) Creation of visual arts, excluding cabinet maker, recycling, welding;
- (e) Personal services such as a Barber / hairdresser / beautician / masseuse; and
- (f) Sales and services over the internet / phone.

General development parameters for home occupation

- (a) The proprietor of the home occupation must permanently reside in the dwelling;
- (b) The total area used for a home occupation, including storage area required for the use, shall not exceed 25% or 50m² (whichever is most restrictive) of the total floor area of the building from which it is to be conducted;
- (c) No more than 3 persons in total shall be engaged in home occupation activities on the property, including the occupants or the occupant and any assistants;
- (d) Home occupation shall be conducted completely in doors;
- (e) The storage of products, goods, or supplies connected to the home occupation shall be inside a building;
- (f) No more than one vehicle, not exceeding 3 500 kg gross weight, shall be utilised for the home occupation;
- (g) The hours of operation are restricted to 07h30 and 17h30 Monday to Friday and 7h30 to 13h00 on Saturdays;
- (h) On-site parking must be provided to the satisfaction of the municipality, provided that at least two on site parking bays are provided in addition to the normal parking required;
- (i) The exercise of home occupation shall be subject to the submission of a site plan for record purposes demonstrating compliance with the requirements pertaining to home occupation and the land use parameters;
- (j) A conveyancing certificate shall be submitted demonstrating there is no title deed restrictions that restricts the home occupation;

- (k) The use shall also comply with all environmental and nuisance control regulations;
- (l) The exterior of the building and the lot shall not be changed in such a way as to decrease its residential appearance, except for permitted parking spaces and the permitted sign,
- (m) The use shall not involve the storage or use of hazardous, flammable or explosive substances, other than types and amounts commonly found in a dwelling. The use shall not involve the use or storage of toxic substances;and
- (n) The municipality may impose additional conditions in order to minimise any potential public nuisance and.
- (o) Occupation shall be subject to the submission of a site plan for record purposes, demonstrating compliance with the requirements

Home Occupation in Residential Zone 2 and 3: Additional rules

Subject to approval of HOA / Body Corporate:

- (a) No more than two persons, including the proprietor may be employed within a dwelling unit
- (b) Only the occupant may be involved in the activities of the home occupation
- (c) Parking provisions will apply; and
- (d) Where a home occupation is conducted from a flat, no more than 1person shall be engaged in the home occupation activities within the dwelling unit.

Minimum subdivision size

16.10.9 The following development parameters apply:

- (a) No new subdivision or any remainder to be zoned Rural Zone 1 and 2 shall be less than:
 - (iii) 5.0 ha, if no minimum subdivision size is specified on the zoning map;
or
 - (iv) Where the municipality has specified a minimum subdivision size, as indicated on the zoning map in terms of an overlay zone for the area concerned and concern / read together with the SDF and related documents that minimum subdivision size applies.

Second dwelling unit

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

- (a) The total floor area of the second dwelling unit shall not exceed 120 m²;
- (b) A second dwelling unit may be contained within the same building as a primary dwelling unit and may be either on the ground or first floor;
- (c) A second dwelling unit may not be separately alienated in terms of the Sectional Title Act; and
- (d) Parking must be provided on the property as per the Chapter 17, section 17.1.3 to the satisfaction of the Municipality.
- (e) A second dwelling must be located within the applicable building lines.

House shop

- 16.10.11 The following provisions shall apply where a portion of a dwelling house or outbuilding is used for the purposes of a house shop, by one or more occupants of a property:
- (a) The maximum floor area of that portion of a dwelling house that is used for the purposes of a house shop shall not exceed 30,0m² or 25% of the floor area of all buildings on the land unit;
 - (b) No more than 3 persons, including the occupant or occupants of the dwelling unit, are permitted to be engaged in retail activities on the property, other than with the consent of the Municipality;
 - (c) No portion of the house shop shall be used for the purposes of noxious trade, risk activity, sale of alcoholic beverages, place of entertainment or gambling purposes;
 - (d) The operator of the enterprise shall permanently reside on the premises;
 - (e) No products, goods, or supplies connected to the house shop may be stored on the property outside a building;
 - (f) Any structure or alteration to the existing structure must conform to the residential character of the area concerned and all the relevant legislation;
 - (g) Only one un-illuminated sign, shall be permitted, which shall be fixed to the building or boundary wall or fence, and such sign shall be in line with the Overstrand By-law relating to outdoor advertising and signage;
 - (h) The hours of operation and trading shall be restricted to 6h00 to 21h00 from Monday to Friday and from 6h00 to 21h00 on Saturday, does not include public holidays or Sundays, or such trading hours as permitted by the Municipality;
 - (i) On-site parking shall be provided to the satisfaction of the municipality;
 - (j) Permission to operate a house shop is granted to a particular operator and is not transferable;
 - (k) No more than one vehicle, not exceeding 3 500 kg gross weight shall be utilised for the house shop;
 - (l) Permission may only be granted for a period determined by the municipality; and
 - (m) No subletting is permitted.

Factory shop

- 16.10.12 The occupant of an industrial property, or portion thereof may operate a shop for the sale of goods which have been completely or partially manufactured on the property, and such other goods as the municipality may permit, provided that:
- (i) The total floor space of the property or portion thereof may be devoted to the sale of goods shall not exceed 10% of the total floor space of all buildings on the land unit; and
 - (ii) Such other goods that are offered for sale, but have not been manufactured on the property, are related to the goods that are manufactured on the property.

Scrapyard and Recycling

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

- 16.10.14 A Operational Management Plan must be submitted for approval, which addresses noise, odour, visual impact and hours of operation, but not limited thereto.
- 16.10.15 No scrap and/or recyclable material may be stored or recycled outside the boundary of the erf.
- 16.10.16 The erf must be neat at all times.

Caretaker's dwelling

- 16.10.17 The following provisions shall apply where a portion of an industrial structure is used for the purposes of housing a caretaker:
- (a) A caretaker's dwelling may not exceed 80 m².
 - (b) A caretaker's dwelling may only be utilised in connection with the industrial property.

Informal trading

- 16.10.18 Informal trading is permitted on land as demarcated or leased by the municipality for such purposes, provided that:
- (a) there is no interference with pedestrian or vehicular movement, the amenity of the neighbourhood, or with any municipal utility service;
 - (b) a site plan demonstrating compliance with the requirements pertaining to land use parameters is submitted;
 - (c) there is, in the municipality's opinion, no threat to public health or safety;
and
 - (d) the overnight storage of products on the land is only allowed in an approved structure, if prior approval is obtained from the municipality.

Office space

- 16.10.19 The following provisions shall apply where a portion of an industrial structure is used for the purposes of an office by the occupant(s) of a property;
- (a) The total floor area of the office space shall not exceed 25% of the floor area of the structures on the site;
 - (b) An office may only be utilised in connection with the use of the industrial property.

Industrial Café

- 16.10.20 An industrial café may not exceed 100m²

Transmission Apparatus

- 16.10.21 Applications for the installation of Transmission Apparatus (TA) shall, to the satisfaction of the Municipality, incorporate the following:
- (a). Site Development Plan which clearly illustrates the proposal in the context of the existing landscape and receiving environment, with reference to application guidelines as may be incorporated in the application form;

- (b). Telecommunication Apparatus Infrastructure Plan (indicating but not limited to the following, namely dimensioned plans showing detail of TA, graphic illustration of the proposed facility, elevation details, proposed materials and colours, screening or fencing)
- (c). Site Development Plan & Telecommunication Apparatus Infrastructure Plan to be accompanied by a report detailing the motivation for the selected site, how the siting and design of the facility responds to the SDP;
- (d). Motivation report to be accompanied by relevant proof pertaining to need and desirability (demand & technical requirements);
- (e). Application to satisfactorily demonstrate to the AO / MPT that all alternatives to the site itself have been explored within a 1km radius of the subject property;
- (f). Minimum of two alternative sites and design options to be considered;
- (g). Zoning and land use map to accompany application, that shall also indicate all areas of heritage or environmental significance, if applicable;
- (h). Visual Impact Assessment prepared by a suitably qualified professional, if required by the municipality, that shall incorporate mitigation measures limiting visual impact;
- (i). Landscaping plan to accompany application, if required by the municipality, and
- (j). Statement demonstrating that the installation complies with the applicable health and safety standards

Subdivision and density standards

16.10.21 The following subdivision and density provisions apply:

(a) Minimum subdivision area

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

(b) Maximum density

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

Guest house (only applicable in Residential Zone 1)

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

- (a) The manager and / or owner shall reside in the main or second dwelling (excluding outbuildings) on the property.
- (b) Maximum 5 bedrooms (10 persons) per property may be used for paying transient guests.
- (c) Guest rooms may not be converted to, or used as, separate dwelling units
- (d) Meals may also be provided to bona fide guests on the property.
- (e) The residential character must be retained.
- (f) Subject to obtaining a liquor licence, alcoholic beverages may only be sold to resident guests for consumption with meals on site.
- (g) Home occupation will not be permitted on the same property as a guest house.
- (h) A place of entertainment shall not be permitted.
- (i) No more than 3 staff members shall be employed in support of the establishment at any given time.
- (j) No advertising sign shall be displayed without the written approval of **[Council]** the municipality other than a single un-illuminated sign or notice

affixed to the building or boundary wall or fence, and such sign must be in line with the Overstrand Signage By-Law at any given time.

- (k) No activities constituting a source of public nuisance shall be carried out.
- (l) No disturbance from loud music and other sources are allowed after 22:00.
- (m) The minimum parking provisions as listed in section 17.1.3 shall apply.
- (n) Occupation shall be subject to the submission of a site plan (for record purposes) demonstrating compliance with the requirements pertaining to guest rooms.
- (o) No cooking facilities or prep bowl may be provided in the guest room.

By amending PART 4, CHAPTER 17 as follows;

17.1 PARKING REQUIREMENTS

Off-street parking requirements

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

- (a) In cases where parking requirements are not stipulated for a particular use, or in terms of a specific condition imposed by the **[Council]** municipality, parking shall be provided at a minimum ratio in accordance with the **[following]** table titled "Minimum Off-Street Parking Requirements" (see below);
- (b) The **[Council]** municipality shall determine off-street parking requirements for land uses not stipulated in the table "Minimum Off-Street Parking Requirements"; and
- (c) Off-street parking shall be provided:
 - (ii) On the property for which the parking is required;
 - (ii) Subject to the **[Council]** municipality's approval, in public parking facilities available in the vicinity; or
 - (iii) In accordance with 17.1.2. and applicable policies.

Alternative parking [supply] provision

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

- (a) Acquire an area of land sufficient for the permanent parking requirements elsewhere in a position approved by the **[Council]** municipality; or
- (b) Acquire permanent rights to a parking facility or portion of a parking facility elsewhere in a position approved by the **[Council]** municipality; and shall register a notarial deed of servitude against such land or parking facility to link the properties concerned for the purpose of parking, and the owner shall cause the parking concerned to be constructed and maintained at his cost to the satisfaction of the **[Council]** municipality. The cost of registration of the servitude shall be borne by the owner; or
- (c) Pay **[Council]** the municipality the amount to the value of the parking to be provided, in accordance with the zoning concerned, together with the construction cost, in cases where the provision of parking is precluded in terms of other legislation or site specific constraints or a contribution is made to an approved **[Council]** Municipality parking fund or project for the provision of parking; and
- (d) For the purpose of determining the value of a parking bay a minimum area of 25m² will be utilized.

Combined parking requirements

17.1.3 Where two or more land uses share a common parking area, the **[Council] municipality** may reduce the **[amount]** number of parking bays **[that would be]** required for **[to be provided]** the independent uses; provided that:

- (a) The **[Council] municipality** is satisfied that the utilisation of the same parking area by different activities, is not concurrent; and
- (b) Bays intended for combined use may not subsequently be reallocated to selected uses, without the approval of the **[Council] municipality**.

Minimum off-street parking requirements

Land use	Standard areas
Dwelling house	<u>Two [2]</u> on-site parking bays per dwelling unit, provided that on erven less than 400 m ² , only one on-site parking bay needs to be provided
Second dwelling	<u>One [1]</u> bay
Group dwelling/town housing	<u>One [1]</u> bay per dwelling unit plus one bay per dwelling for visitors
Flats	1.5 bays per one bedroom dwelling unit Two bays per two and more bedroom dwelling units
Guest house	<u>Two [2]</u> bays per establishment (owner/manager) One bay per bedroom; <u>two</u> persons accommodated Additional parking may be required for any additional facilities to the satisfaction of the Municipality
[Boarding house, Guest house]	[1 bay per bedroom/2 persons accommodated]
Hotel	<u>One [1]</u> bay per bedroom plus an additional six parking bays per 100 m ² of public access areas Additional parking may be required for any additional facilities to the satisfaction of <u>the Municipality</u>
Retirement home	<u>1.25</u> bay per bedroom plus 0.25 bays per frail-care bed
Crèche, day care centre	<u>One [1]</u> bay per 10 children plus stop-and-drop facility where a <u>day care centre [crèche]</u> makes provision for more than <u>30 [20]</u> children <u>or determined by the Municipality</u>
School	<u>One [1]</u> bay per classroom or office plus a stop-and-drop facility
Place of instruction (tertiary education facility)	0.5 bays per student plus <u>one</u> bay per classroom or office
<u>Residential building</u>	<u>Two bays per establishment (owner/manager)</u> <u>One bay per guest room</u> <u>Additional parking may be required for any additional facilities to the satisfaction of the Municipality</u>
Place of assembly/entertainment/funeral parlour	<u>One [1]</u> bay per <u>four [4]</u> seats

Recreation/sport	One [1] bay per four [4] seats or persons	
Hospital/clinic (general and private)	One [1] bay per bed plus four [4] bays per consulting room	
Medical consulting rooms	Four [4] bays per 100 m ² GLA*	
Conference centre	One [1] bay per four [2] seats	
Place of worship	One [1] bay per six [6] seats	
Supermarket/shopping centre	Local business	Four bays per 100m ² GLA
	General business	Six [6] bays per 100m ² GLA
Shops/restaurants	Local business	Four bays per 100m ² GLA
	General business	Six [6] bays per 100m ² GLA
Offices	Local business	Four bays per 100m ² GLA
	General business	Six [6] bays per 100m ² GLA

Land use	Standard areas
Motor showroom	Two [2] bays per 100 m ² GLA* and one [1] bay per 100 m ² outdoor display area
Motor repair garage/service station/service centre	One [2] bay per service bay plus two [2] bays per 100 m ² GLA up to 500 m ² , thereafter one per 100 m ² GLA
Motor fitment centre	One [2] bay per service bay plus two [2] bays per 100 m ² GLA up to 500 m ² , thereafter one per 100 m ² GLA
Car wash	Four [4] bays per wash bay plus two [2] bays per 100 m ² GLA (for office component)
Industry	Two [2] -bays per 100 m ² GLA up to 500 m ² , thereafter one per 100 m ² GLA
Warehouse/storage	Two [2] bays per 100 m ² GLA up to 500 m ² , thereafter one per 100 m ² GLA
Self-storage units	One [1] bay per 100 m ² GLA

17.1.4 The following minimum requirements, with reference to the parking policy, as amended, and the requirements of the Engineering Department shall apply to parking bays:

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

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

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

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

- (a) Parking bays shall be in accordance with SANS 10400-S, as amended;
- (e) Additional signage indicating the parking bay as reserved for the exclusive use by physically disabled persons may be required by **[Council]** the municipality; and
- (f) Where five or less parking bays are provided, at least one bay shall be 3,5 m wide and marked to provide a parking bay of 2,5 m with an access aisle 1,0 m, but the bay does not need **[not]** to be reserved exclusively for physically disabled persons.

Motorcycle and bicycle spaces

17.1.9 The **[Council]** Municipality may require that parking be provided for motorcycles and bicycles.

17.1.11 Signage, bollards and racks, or other devices for storing bicycles and motorcycles shall be installed to the satisfaction of **[Council]** the municipality.

Parking layout plan.

17.1.12 The **[Council]** municipality may require a parking layout plan to be submitted, indicating the way in which it is intended that motor vehicles shall park, the means of entrance and exit, and landscaping proposals.

17.1.13 The **[Council]** Municipality may approve or disapprove the parking layout plan and impose conditions of approval.

17.2 LOADING BAYS

[17.2.1] The minimum off-street loading must be provided to the satisfaction of the Engineering Department [requirements are 1 bay per 500 m² for the first 1 000 m² of GLA, thereafter 1 bay per 1 000 m²; provided that:

17.2.1 Council may, for the purposes of preventing the obstruction of traffic on any public street or road adjacent to a land unit, require specific provision for the loading, offloading or refueling of vehicles that are likely to occur on the land unit under normal circumstance;

- (a) **Facilities for the loading, offloading or refueling of vehicles shall be provided by the owner to the satisfaction of Council, and no loading, offloading or refueling of vehicles shall be permitted other than in accordance with proposals as approved by the Council;**

Any deviation from the requirements may only be allowed with approval from the engineering department.

17.2.2 The minimum requirements as per the Parking Policy as amended and requirements of the engineering department shall apply to loading bays:]

17.3 INFRASTRUCTURE AND AVAILABILITY OF SERVICES

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

17.4 REFUSE ROOMS

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

- (a) Be of sufficient size to accommodate the refuse generated from the land unit for one week;
- (b) Be located adjacent to a public street or, at [Council] the municipality's discretion, in a position which will provide acceptable access to a refuse collection vehicle;
- (d) Comply with any other reasonable condition [Council] the municipality may impose relating to access, health, pollution control, safety or aesthetics.

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

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

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

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

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

<u>Offices</u>	<u>0,5 m² per 100 m²</u>
<u>Industrial</u>	<u>1,0 m² per 100 m²</u>
<u>Shops/restaurants</u>	<u>2,0 m² per 100 m²</u>
<u>Group housing/general residential</u>	<u>0,5 m² per 100 m²</u>

17.4.5 Any deviation from the requirements may only be allowed with approval of the engineering department.

By amending and renumbering PART 4, CHAPTER 18 as follows:

[Deemed approval for building line and coverage departures

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

Utility services

18.1.2 Where a subdivision is granted, the owner of any land unit of the subdivision shall, without compensation allow:

- (a)** Gas mains, electricity, telephone and television cables, water pipes, foul sewers, storm water pipes, ditches and channels from any other land unit or land units to be conveyed across the land unit concerned;
- (b)** Installations such as mini-substations, meter kiosks and service pillars to be installed thereon; and
- (c)** If considered necessary by the Council, in such manner and position as may from time to time be reasonably required, and shall allow the right of access to the land unit at any reasonable time for the purpose of constructing, removing, reparation or inspecting any works connected with the above.

Bank stability

18.1.3 Where a subdivision is granted, the owner of any land unit shall, without compensation:

- (a)** Receive such material or permit such excavation on the land unit as may be required to allow the use of the full width of an abutting street and provide a safe and proper slope to its bank necessitated by differences between the level of the street as finally constructed and the level of the land unit; or
- (b)** Alternatively the owner may elect to build retaining structures to the satisfaction of, and within a period to be determined by, the Council.

Building on a subdivision not confirmed

18.1.4 The Council may permit a building or structure to be erected on a land unit forming part of a subdivision that has not been confirmed, provided:

- (a)** Such building or structure is not in conflict with this land use scheme or any relevant condition of subdivision;
- (b)** The current registered owner of the land unit agrees to the erection of the building or structure concerned; and
- (c)** Provided that where a subdivisional approval has lapsed the registered land owner shall apply to Council to consider the legalization of such structure in terms of the relevant legislation.]

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

18.1.1 [18.1.5] If a property that has been granted a consent use right or temporary land use departure is subsequently subdivided, the consent use right or temporary land use departure shall apply to only one of the resulting subdivisions, unless the [Council] municipality states otherwise by means of a condition of the subdivision.

Subdivision of Residential properties

Subdivision in an area will be generally be allowed if it is consistent with the planning policies and the average size and density of surrounding residential properties will also be considered.

By amending and renumbering PART 4, CHAPTER 19 as follows:

[Rules for interpretation

19.1.1 The following rules of interpretation shall apply:

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

[Methods of measuring distances, levels and heights]

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

[Interpretation of boundaries]

- 19.1.3 Where uncertainty exists as to the boundaries of use zones, the following rules apply in the order listed:**
- (a) Boundaries shown as following or approximately following any public street or road shall be construed as following the street or road cadastral boundary;**
 - (b) Boundaries shown as following or approximately following any land unit boundary shall be construed as following such cadastral boundary;**
 - (c) Boundaries shown as following or approximately following natural features shall be construed as following such features; and**
 - (d) In the event of further uncertainty as to the boundaries of a use zone, the Council shall make a determination, or may appoint a professional land surveyor of his choice to determine the boundaries at the cost of the land owner.]**

[Interpretation of category of use and zoning]

- 19.1.4 The Council shall determine the category of use or zoning, and its decision shall be final unless the contrary is proven, where:**
- (a) There is uncertainty or dispute about zoning categories;**
 - (b) There is conflict between the provisions of a zoning map, this zoning scheme and the register; and**
 - (c) There is uncertainty or dispute about the zoning of property.]**

By amending Chapter 20 as follows:

CHAPTER [20] 19: GENERAL PROVISIONS APPLICABLE TO ANNEXURES

19.1 [20.1] ANNEXURES

The Annexures shall be maintained and updated by [Council] the municipality. **[after a final rezoning decision is made or land use scheme amendment has been promulgated in terms of Planning Law. The Annexures must also be available to the general public for inspection.**

Council may only amend or add to these Annexures after a rezoning has been approved, or this scheme has been amended in terms of the Overstrand Municipal By-law on Municipal Land Use Planning.]

ANNEXURE A: NOTATION ON ZONING MAP

DISCLAIMER:

The Overstrand Municipality does not guarantee as to the accuracy of the information supplied through the Zoning Maps. Persons who rely on the information provided do so entirely at their own risk. The Overstrand Municipality will not be liable for any claims whatsoever, whether for damage or otherwise, which may arise as a result of inaccuracies in the information supplied. The user is responsible to verify the information supplied, before making any decisions or taking any actions based on the information. Zoning can be verified by means of an official Zoning Certificate which can be obtained from the Overstrand Municipality: Town Planning Department.

The Zoning Maps provided on hard copy or in electronic format (PDF) are not continuously updated. The Overstrand Municipality' GIS system contains the master copy of the Zoning Maps which is maintained and updated continuously.

ANNEXURE B: LIST OF SPECIAL ZONES

NAME OF SPECIAL ZONE	DEFINITION OF SPECIAL USE	REFERENCE NUMBER (IF APPLICABLE)
Benguela Cove	-	SZ 1
Bosplasia	-	SZ 2
<u>Driehoek Onrus</u>	-	SZ 3
<u>Farms 215/0,</u>	-	SZ 4
<u>Farm 641/8,</u>	-	SZ 5
<u>Farms 688/1,</u>	-	SZ 6
<u>Farm 692/7,</u>	-	SZ 7
<u>Farm 698/1,</u>	-	SZ 8
<u>Farm 703/14</u>	-	SZ 9
<u>Farm 720/0</u>	-	SZ 10
<u>Farm 919</u>	-	SZ 11
<u>Gansbaai(Grootbos)</u>	-	SZ 12
Hemel-en-Aarde Village	-	SZ 13
Kleinmond Harbour	-	SZ 14
Redevelopment Area	-	SZ 15
Mtimkhulu Village	-	SZ 16
<u>Volmoed</u>	-	SZ 17

ANNEXURE C: LIST OF OVERLAY ZONES

NAME OF OVERLAY ZONE	NUMBER OF OVERLAY ZONE	REFERENCE NUMBER (IF APPLICABLE)
<u>Environmental Management Overlay Zone</u>	<u>EMOZ1</u>	
<u>Heritage Protection Overlay Zone and Stanford Heritage Overlay Zone</u>	<u>HPOZ 2</u>	
Repealed - Stanford Urban Conservation Area Overlay Zone	[OZ 1-S/CA]	

Short Title:

The scheme is called Schedule 2: Overstrand Municipality Land Use Scheme 2019.