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# **SWELLENDAM MUNICIPALITY**

## **INTEGRATED ZONING SCHEME BY-LAW**

To regulate the use and development rights and obligations relating to property and to determine the development parameters and procedures, and setting out the purposes for which property may be used, and the manner in which it may be developed.

### **PREAMBLE**

WHEREAS section 156(2) and (5) of the Constitution provides that a municipality may make and administer by-laws for the effective administration of the matters which it has the right to administer, and to exercise any power concerning a matter reasonably necessary for, or incidental to, the effective performance of its function;

AND WHEREAS Part B of Schedule 4 to the Constitution lists Municipal Planning as local government matters to the extent set out in section 155(6) (a) and (7);

AND WHEREAS the Swellendam Municipality seeks to regulate the use and development rights and obligations, and any matters connected therewith;

BE IT ENACTED by the 'the Municipality of Swellendam, as follows:

# SWELLENDAM INTEGRATED ZONING SCHEME BY-LAW

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## CHAPTER 1: OVERVIEW AND INTRODUCTION

### SECTION 1.1: BACKGROUND

The zoning of land determines the use rights thereof (e.g. residential, business, industrial, etc). Zoning also prescribes and regulates the parameters within which land may be developed (e.g. height of buildings, distance from the street, etc).

Zoning schemes as regulatory frameworks ultimately shape the built and natural environment. Through zoning schemes, The Municipality controls the size of buildings, the location of buildings, the density of development and the manner in which land is used. A Zoning Scheme thus provides a key management tool for implementing planning policy relating to land use and the regulation thereof.

A zoning scheme is therefore a legal tool that helps to shape the dynamics of urban and natural environments and should be adaptive to reflect the normative aspects of a specific society and the unique aspects relating to the physical environment to which it is applied. The overarching objective of zoning schemes is to maintain, protect and upgrade the general welfare, public health and safety of all the inhabitants of a defined area.

Zoning is an internationally accepted method of land use control and a tool for land development management. Zoning has evolved in its current implementation context to the following:

- (a) As a regulator of rights, zoning has been implemented historically as a regulator of use rights with the main emphasis on land use control. The control function of zoning is a method of restricting use rights with a view to achieve a specific desired land use or form of development.
- (b) To manage development, zoning is also increasingly used as a management tool in order to guide growth and development in a manner which reflects the values and beliefs of society (often referred to as the normative approach). This can be achieved through the management of development to reflect the requirements of an integrated development plan or a sectoral plan.

This zoning scheme has as its general purpose the co-ordinated and harmonious development of The Municipality's area of jurisdiction in such a way as will most effectively ensure the achievement of sustainable development and the promotion of the health, safety, order, amenity, convenience and general welfare of the inhabitants of the area to which it applies.

A zoning scheme is only one part of a system of land use management policies, strategies and plans. Such plans include amongst others, Spatial Development Frameworks (SDF), Local Structure Plans, Precinct Plans and Policy Plans which mainly aim to regulate future development and provide an overview of land uses in the municipal area. Where a zoning scheme conflicts with the stipulations of these forward planning policy documents, application can be made for the amendment of these plans. Similarly, a title deed may contain restrictive title deed conditions which conflicts with the provisions of this scheme and would prevent or prohibit a property from being used for a specific purpose or from being developed in a certain way. In such cases, application can be made in terms of the By-Law on Municipal Land Use Planning for restrictions to be amended, suspended or even removed.

**SECTION 1.2: COMPONENTS OF THIS ZONING SCHEME**

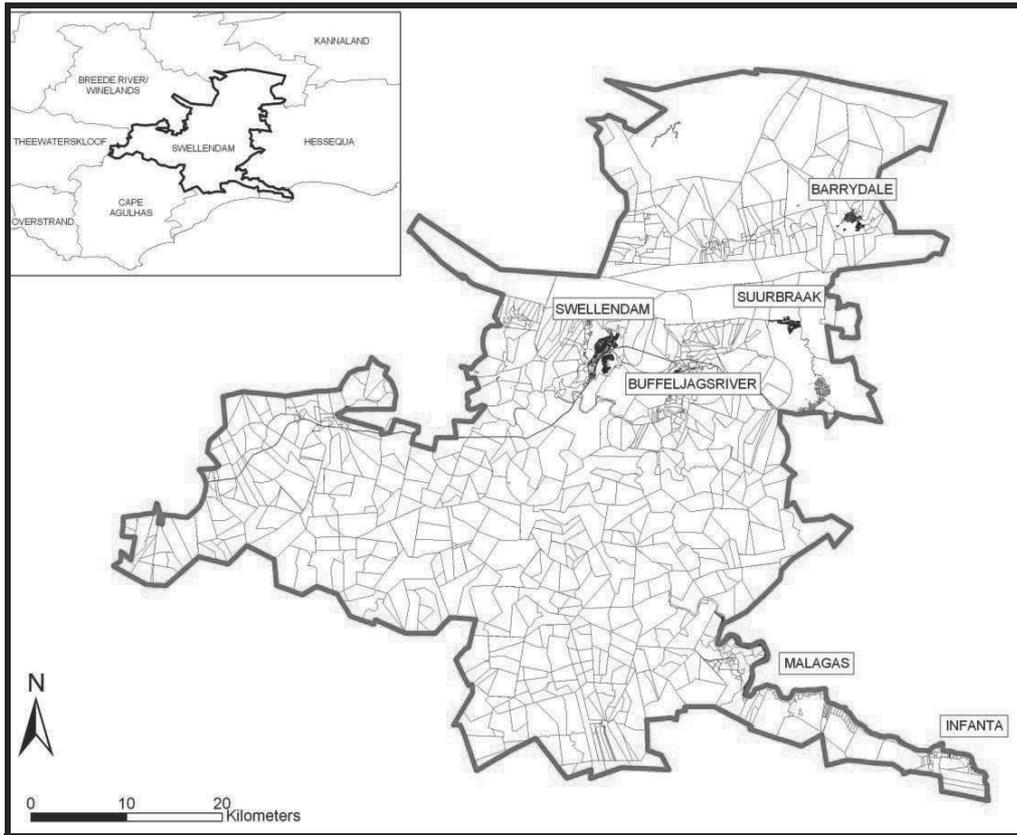
This zoning scheme consists of three components, namely:

- (a) the set of by-laws, which is this document;
- (b) a register which records the departures, consent uses and rezoning approvals, in respect of all land units, that were approved in terms of the Planning By-Law (Swellendam Municipality: By-Law on Municipal Land Use Planning); and
- (c) zoning maps, showing land units in the Municipal area and indicating the specific zoning of each land unit.

**SECTION 1.3: AREA OF JURISDICTION**

**1.3.1 Area of jurisdiction**

This Scheme applies to the overall Swellendam Municipal Area as indicated in **Figure 1.3.1**.



**FIGURE 1.3.1: AREA OF JURISDICTION OF THE INTEGRATED SWELLENDAM ZONING SCHEME**

**SECTION 1.4: WITHDRAWAL OF REGULATIONS AND PLANS**

The Swellendam Integrated Zoning Scheme Regulations, 2014, promulgated in terms of Sections 8 of the Land Use Planning Ordinance, 1985 (Ord 15 of 1985) is hereby replaced with this Integrated Zoning Scheme By-law, in terms of Section 22 of the Land Use Planning Act, 2014 (Act No.3 of 2014), with effect from the official gazetted date of proclamation.

**SECTION 1.5: COMMENCEMENT OF VALIDITY**

This by-law constitutes the Zoning Scheme for the Swellendam Municipal area and takes effect on the date of publication in the Provincial Gazette, henceforth referred to as the date of proclamation.

The date of proclamation for this Zoning Scheme By-Law is: .....

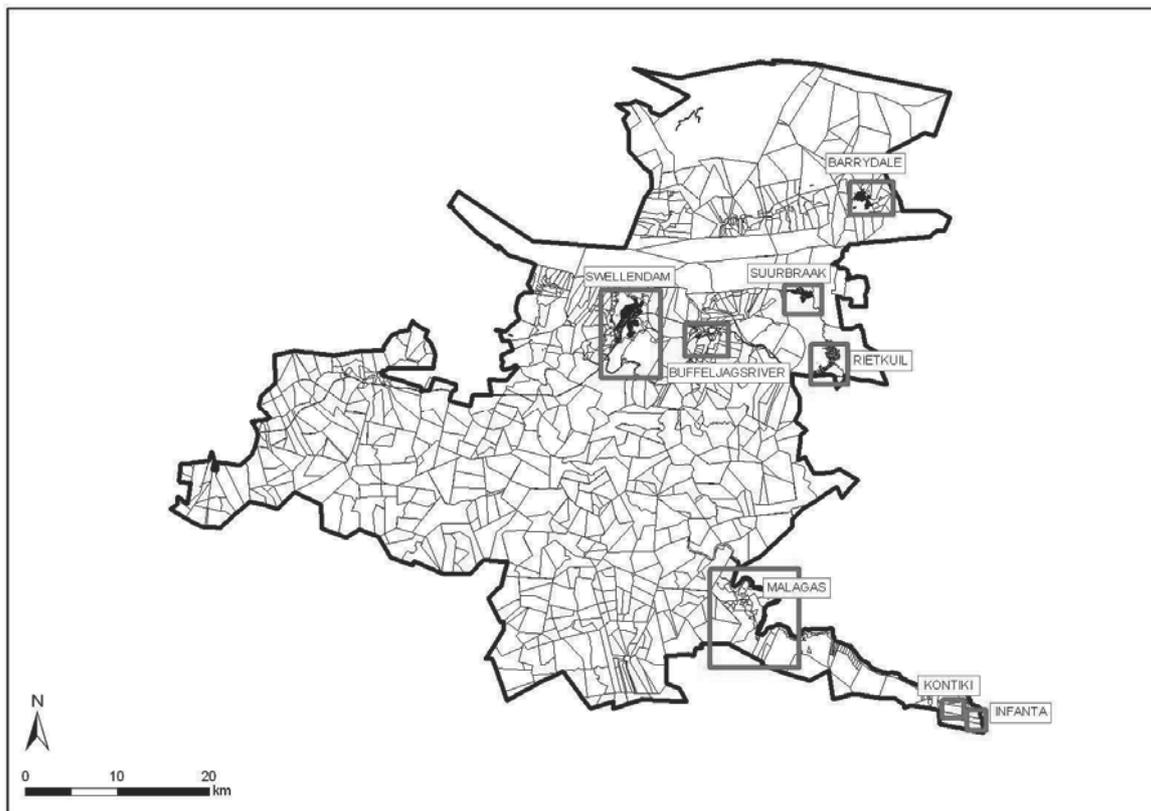
as per Municipal Notice .....in Provincial Gazette No.....

## SECTION 1.6: ZONING MAP COMPILATION

A Zoning Map has been compiled for the overall Swellendam Municipal Area (refer to **Figure 1.6.1**).

Individual Zoning Maps have been compiled for each town / settlement (outlined in red), namely:

- Swellendam
- Barrydale
- Buffelsjagriver
- Infanta
- Malagas
- Suurbraak
- Kontiki
- Rietkuil



**FIGURE 1.6.1: ZONING MAP COMPILATION**

## CHAPTER 2: DEFINITIONS AND INTERPRETATIONS

In this Scheme, unless the context indicates otherwise, the following words shall have the meaning assigned to them below:

### [A]

**“Abattoir” (abattoir)** means a place where livestock or poultry is slaughtered and prepared for commercial distribution;

**“accommodation for caretakers” (huisvesting vir opsigters)** means the provision of accommodation for staff that supervises the building or complex of buildings;

**“Act” (Wet)** see **“Planning Act”**;

**“activity street” (aktiwiteitstraat)** means a major public street that incorporates an existing or planned public transport route, and adjacent land up to one block wide on both sides, used or intended for mixed use development;

**“additional dwelling-unit” (addisionele wooneenheid)** means a dwelling unit that may be erected with the consent of Council on a land unit in the agricultural zone or the residential zone, provided that the unit shall remain on the same cadastral entity as the primary unit and provided further that in the:

- (i) *residential zone*, the unit shall be smaller than the primary dwellingunit.
- (ii) *agricultural zone* one additional dwelling unit in all cases and further units with a density of one unit per 10 ha up to a maximum of five additional units per land unit, may be permitted.

**“adult entertainment business” (volwasse vermaaklikheidsonderneming)** means a place where films, photographs, books and magazines are hired or sold or live performances occur, which are characterised by an emphasis on the display or description of pornographic or erotic sexual activities or human genitalia; and includes an escort agency or a massage parlour where the massage or manipulation of the human body is administered with the purpose of obtaining an erotic response;

**“advertising sign” (reklameteken)** means any surface, structure or device having on it any visible representation of a word, letter, figure, sign, symbol or colour publicly displayed in any manner whatsoever for the purpose of advertising, or giving information regarding, or of attracting the public to, any place, person, performance, exhibition, entertainment or activity, or any article or merchandise whatsoever;

**“agricultural building” (landbougebou)** means any building normally erected and used in direct connection with the farming operations on a farm, including a pack shed, but excluding buildings related to agricultural industry;

**“agricultural industry” (landbouwywerheid)** means a place for the processing and packaging of processed agricultural products on the land unit where these agricultural products are produced and grown, and where processing in such proximity is necessary due to the nature, perishability and fragility of such agricultural products, and includes, inter alia; a winery, distillery, cheese making industry, dried fruit processing, a dairy, wine cellar and associated tasting facilities, and service trades or bottling plants (related specifically to the produce of a specific land unit);

**CHAPTER 2: DEFINITIONS AND INTERPRETATIONS****SWELLENDAM MUNICIPALITY: INTEGRATED ZONING SCHEME BY-LAW**

**“agriculture” (landbou)** means the cultivation of land for crops and plants, or the keeping and breeding of animals, or the operation of a game farm, including use on an extensive basis of the natural veld or land;

**“agri-village” (agri-dorpie)** means a private settlement of restricted size, established and managed as a legal entity that is situated within an agricultural or rural area and where residence is restricted to bona fide rural workers and their dependants of the farms, forestry or conservation areas involved. Security of tenure is according to a lease agreement, contract or life-rights and does not include right of individual ownership and/or subdivision. The development of agri-villages is a land reform initiative and represents a partnership between the farmer, the farm worker and the state;

**“airfield” (vliegveld)** means a place where aircraft land and take off and includes hangars and other facilities required for the ordinary working of the airfield; and airport has the same meaning;

**“air rights” (lugregte)** means the use and / or development of a defined space above a public road, railway line or another transport usage, and the allocation of rights for such purposes; see also **“underground rights”**;

**“air strip” (landingstrook)** means the place where light aircraft land and take off, and excludes any structures or buildings for commercial purposes;

**“amusement arcade” (vermaak arkade)** means a place in which three or more game tables, apparatus or instruments are used, or are accessible, and means the same as **“games arcade”**;

**“ancillary uses” (ondergeskikte gebuik)** means uses or activities that provide an essential support function to the primary use, service or activity;

**“antenna structure” (antenna struktuur)** any system of wires, poles, rods, satellite or microwave dishes, TV antennae, telecommunication tower, cellular telecommunication tower, radio tower, television and satellite transmission towers and other similar devices of more than 3 meters in height, used to transmit and/or receive electromagnetic waves, whether a stand-alone construction or fixed to a building or to any type of tower.

**“apartment” (woonstel)** means the same as **“dwelling-unit”**;

**“appurtenant structure”** means any structure or accessory necessary for, or directly associated with, the generation of renewable energy;

**“aquaculture” (akwakultuur)** means the breeding of water fauna in artificially constructed dams and natural waterways;

**“associated railway uses” (verwante spoorweggebruik)** means uses allowed in terms of relevant legislation, associated with railway uses;

**“authority usage” (owerheidsgebruik)** means a use which is undertaken; or a service rendered by or on behalf of a public authority, and of which the activity is such that it cannot be classified or defined under other uses in this by-law, and includes uses such as a military training centre and installation, police station, correctional institution, jail, road station, road camp, fire services, sewage purification works, a waste control site, a reservoir, water purification works, substation sites and a telecommunication facility, the same as **“utility use”**;

**“average ground level” (gemiddelde grondvlak)** means the average of the highest and lowest natural ground levels of a property and the Council 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 a contour plan, local height bench mark or other information held by 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 the Council with sufficient information so that it can determine the average ground level for the purpose of administering this zoning scheme;

[B]

**“balcony” (balkon)** means a floor projecting outside a building at a level higher than that of the ground floor, enclosed only by low walls or railings or by main containing walls of rooms abutting such projecting floor, and includes a roof, if any, over such floor and pillars supporting such roof;

**“base level” (basisvlak)** of a building means an imaginary plane drawn horizontally at the natural ground level of the building;

**“basement” (kelder)** means that space in a building between the floor and ceiling, not for human habitation, which is partly or completely below the natural ground level, provided that any such space that extends more than 1m above the natural ground level or any part or portion thereof visible for more than 1m below the natural ground level, shall not be regarded as a basement;

**“bed and breakfast establishment” (bed en ontbyt onderneming)** means an owner-operated enterprise in a dwelling-house, in which the occupant of the dwelling-house supplies lodging and meals on a non-permanent basis for compensation to transient guests who have permanent residence elsewhere, provided that:

- (i) the dominant use of the dwelling-house shall remain for the living accommodation of a single family;
- (ii) the owner or manager shall reside on the premises;
- (iii) no more than three bedrooms are provided for guests per land unit;
- (iv) on-site parking be provided as per the parameters required by council, and
- (v) the property complies with the development rules pertaining to a bed and breakfast establishment;

**“biosphere reserve” (biosfeerreservaat)** means areas or terrestrial and coastal or marine ecosystems, or a combination thereof, which are internationally recognised within the framework of the Man and the Biosphere Programme (MAB) of the United Nations Educational, Scientific and Cultural Organisations;

**“block of flats” (woonstelblok)** means a building which consists of a number of dwelling-units which can be sold or let separately, together with such outbuildings as are ordinarily associated therewith and includes an old age home, but does not include a hostel, hotel, guest-house, institution or dwelling-house;

**“boundary” (erfgrens)** in relation to a land unit, means a cadastral line separating one land unit from another land unit or the street;

**“boundary wall” (grensmuur)** means a wall, erected on the cadastral boundary of a land unit;

“**breeding establishment**” (**telery**) means a place for the keeping and breeding of pets on a regular basis;

“**brickyard**” (**steenmakery**) means a place where bricks and / or tiles are manufactured and baked and may also include the mining of clay, and the buildings directly connected with such operations;

“**builder’s yard**” (**bouerswerf**) means a place which is used for the storage of material and equipment which:

- (i) is required for, or is normally used in, building construction work;
- (ii) was obtained from demolition of structures or excavations of ground; or
- (iii) is necessary for or is normally used for land improvements, 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;

“**building**” (**gebou**) without in any way limiting its ordinary meaning, includes:

- (i) any structure, whether of a temporary or permanent nature, and irrespective of the materials used in the erection thereof;
- (ii) any roofed structure;
- (iii) any external stairs, steps or landings of a building and any gallery, canopy, balcony, stoep, veranda, porch or similar feature of a building;
- (iv) any walls or railings enclosing any feature referred to in (ii);
- (v) any wall, swimming bath, swimming pool, reservoir or bridge or any other structure connected therewith; and
- (vi) any pump or any tank used in connection therewith;

“**building construction work**” (**gebou oprigwerk**) means site preparation, excavation, erection, alteration, conversion, extension, rebuilding, re-erection, renovation, change or addition to, or repair of any part of the structural system of, any building; and “**construct**” and “**construction**” shall have corresponding meanings;

“**building line**” (**boulyn**) means an imaginary line on a land unit, which defines a distance from a specified boundary, within which the erection of buildings or structures are completely or partially prohibited, excluding a boundary wall, carport, pergola, fence or basement;

“**bulk**” (**massa**) has the same meaning as “**floor area**”;

“**business premises**” (**sakeperseel**) means a place from which business is conducted and includes a shop, offices, financial institution and building for similar uses, but does not include a place of assembly, place of entertainment, institution, filling station, service station, public garage, industry, noxious industry, adult entertainment business or a liquor store;

“**by-laws**” (**verordeninge**) means legislation passed by the council of a municipality which is legally binding within the municipality’s area of jurisdiction on the persons to whom it applies;

[C]

“**café**” (**kafee**) means a small convenience shop where bread, milk, refreshments, take-away meals, and a small selection of groceries are sold to the public, and does not exceed a floor area of more than 100m<sup>2</sup>, including storage areas, and may also include seating for less than 15 people;

“**camping site**” (**kampeerterein**) means a place which is utilised for the erection of tents or the parking of caravans and mobile homes and includes ablution, cooking, braai and other facilities, which, together with the amenity of the land, serves as features of attraction, and is rented out on a short term basis only i.e. the

accommodation is solely for bone fide transient guests/holiday use who have permanent residence elsewhere;

**“caravan” (karavaan)** means a vehicle fitted out for use by people for living or sleeping purposes with the object of providing holiday or temporary accommodation, which can readily be moved, whether or not such a vehicle is a trailer;

**“caravan park” (karavaanpark)** means a place for the parking of caravans for short-term holiday accommodation i.e. the accommodation is solely for bone fide transient guests/holiday use who have permanent residence elsewhere, and includes ablution, cooking and other facilities for the use of occupants of the caravans;

**“carport” (motorafdak)** means a roofed structure for the housing of motor vehicles, which is open at the entrance and on at least one other side;

**“cemetery” (begraafplaas)** means a place where corpses are buried, and may include a chapel, a garden or wall of remembrance and buildings necessary for the administrative and clerical uses associated therewith;

**“clinic” (kliniek)** means an institution where patients are given medical treatment or medical related advice, and may include a medical centre, an out-patients’ centre or a wellness centre with associated uses, provided that a clinic shall not contain live-in facilities for more than twenty persons, including patients and staff;

**“clubhouse” (klubhuis)** in relation to an outdoor sports facility and a place of assembly, means a building or portion of a building specifically set aside where people who are normally members of an organised activity, sport or association meet with the intention to socialise and also includes a building which provides changing and ablution facilities associated with an outdoor sports activity, and may include a pub;

**“coastal management line”** means a line provided for in terms of section 25 of the National Environmental Integrated Coastal Management Act, 2008 (Act No.24 of 2008), with the aim of protecting coastal public property, the coastal protection zone, and people and infrastructure from the dynamics of the coastal processes.

**“common boundary” (gemeenskaplike grens)** in relation to property means a cadastral boundary common with the adjoining property other than a street boundary;

**“communal outdoor space” (gemeenskaplike buiteruimte)** means outdoor space in a group housing development intended for recreational use by all the property owners in the development, this may include a play area, a garden, a park, and/or a swimming pool;

**“community facilities” (gemeenskapsfasiliteite)** means a place utilised as a social, health or welfare institution, or for the administration thereof, and includes a hospital, hospice, nursing home, clinic or place of worship, whether private or public;

**“conference facilities” (konferensiefasiliteite)** means a place of assembly for the purpose of holding conferences, meetings and trade or commercially related exhibitions, without overnight accommodation, which may also supply meals, and which normally is an additional activity/function to a primary function such as a guest-house or restaurant and where the building restrictions will be those of the primary function, except that additional parking may be required by the Council;

**“consent” (vergunning)** means the variation of a development parameter that is permitted in terms of the provisions in a particular zone, with the approval of the Municipality;

**“consent use” (vergunningsgebruik)** means an additional land use right permitted in terms of the provisions in a particular zone with the approval of the Municipality;

**“conservation use” (bewaringsgebruik)** means the use or maintenance of land in its natural state with the object of preserving the biophysical characteristics of that land, including flora and fauna living on the land, or the use and conservation of buildings and their environment with a degree of cultural, aesthetic or historical significance, as determined by Council;

**“construct” and “construction” (oprig en oprigting)** see **“building construction work”(gebou oprigwerk)**;

**“correctional institution” (verbeterings-inrigting)** means a place where children are housed and taught, on instruction of a court of law, and includes a reformatory, place of detention or trade school, whether private or public;

**“Council” (Raad)** means the municipal council of the Municipality,

**“coverage” (dekking)** means the total area of a land unit that may be covered by buildings or structures under a roof, expressed as a percentage of the net erf area of such land unit, measured from the outer surface of outside walls, but excluding the following:

- (i) eaves projecting not more than 1m, or such other greater projection as the Council may approve in exceptional cases for the sake of good architecture;
- (ii) those portions of basement where the ceiling level is below natural ground level;
- (iii) external stairs, steps, landings, driveways, paved areas and pergola, all of which must remain uncovered by a roof;
- (iv) Stoeps or verandas which shall remain enclosed and which form part of a building of historical significance, or which may be approved by Council in exceptional cases for the sake of good architecture;

**“crèche” (crèche)** means a building, or a portion thereof, used to provide care, play group, pre-school, and / or after-school care services for children in the absence of their parents, for a maximum of 15 children, including any crèche-going children of the resident family;

**“crematorium” (krematorium)** means a place for the incinerating corpses and / or carcasses in a furnace, and includes ancillary facilities such as a chapel and related offices, a “garden of remembrance” or a “wall of remembrance”.

[D]

**“day care centre” (dagsorgsentrum)** means a place or site which is used, whether for profit or otherwise, for the reception, protection and temporary or partial care of children during the day in the absence of their parents, including or excluding schooling services, which is larger than a creche and more akin to an early childhood development centre, but does not include a hostel, institution or an educational institution;

**“departure” (afwyking)** means:

- (i) an altered development parameter, or land use management provision, that is approved or lawful in terms of the Planning By-law, or imposed by virtue of a condition of approval, and which could be permanent, or
- (ii) a use right granted on a temporary basis in terms of the Planning By-law, which shall lapse after a time period specified in the approval, and if not so specified, shall lapse after the time period specified in this Scheme and or the Planning By-Law;

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

**“development proposal” (ontwikkelingsvoorstel)** means a description, quantitative information and plans, sketches and photos that accurately portray a proposed development and that contains, in so far as is reasonable, all information that will allow the Council to evaluate the desirability of the development;

**“development parameter” (ontwikkelingsreël)** means a provision or restriction in a zoning scheme in terms of a specified land use category or zone, that sets out the permissible extent of the land use or improvements permitted on a land unit in terms of a zoning;

**“double dwelling” (dubbele woning)** means two dwelling units contained within the same building, designed to have the appearance of one integrated building. Both dwelling-units may be on the ground floor, or one unit may be on the ground floor and the other unit above;

**“dwelling” (woning)** and has the same meaning as **“dwelling-house”**;

**“dwelling-house” (woonhuis)** means a building containing only one dwelling-unit, together with the outbuildings usually associated therewith, including a garden shed, a garage, an additional dwelling unit (with a floor area of less than 30m<sup>2</sup>) and a hot-house, and means the same as **“dwelling”**;

**“dwelling-unit” (wooneenheid)** means a self-contained, interconnected group of rooms, utilised or intended to be utilised, as a complete residence for a single **“family”** with only one kitchen and a common doorway, and means the same as **“apartment”**;

[E]

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

**“educational institution” (onderwysinrigting)** means a school, college, technical institute, academy, lecture hall, cloister, public library, art gallery, museum, a training centre for more than ten persons at a time, or any other such establishment regarded by the Municipality as being of an educational nature, and may include a hostel, teacher accommodation, crèche on the same land unit, but excludes a training centre associated with a particular business (i.e. a training centre for SPAR);

**“employee housing” (werknemersbehuising)** means housing, with coverage limitations, provided for employees, including house-keeping staff, labourers, caretakers, supervisory staff and foremen, provided that the employees are active in bone fide agricultural, farm related, or conservation work and the housing

provided is located on the same land unit on which the employment activity is taking place;

**“engineering services” (ingenieursdienste)** means services installed in the process of developing land, for the provision of water, electricity, sewerage, storm water, and the building of roads, pavements and pathways and includes all infrastructure associated with the abovementioned services (including bulk-backbone and bulk-link infrastructure, where applicable) and includes all underground telecommunication cables and other similar underground services, but excludes antenna structures;

**“en-suite” (en-suite)** means a bedroom with an attached bathroom;

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

**“erf” (erf)** means a portion of land in the scheme area, shown with its own number on the surveyor-general's diagram or general plan, the title of which is registered, or capable of being registered separately in the deeds office, it includes a servitude area or lease area, capable of being registered, and includes, farm, small holding or plot, and has the same meaning as **“land unit”**;

**“escort agency” (gesellinklub of -agentskap)** means an enterprise providing male or female escorts for financial compensation;

**“existing building” (bestaande gebou)** or **“existing dwelling-house” (bestaande woonhuis)** or **“existing dwelling-unit” (bestaande wooneenheid)** means a pre-existing, not purpose-built building, dwelling-house or dwelling-unit;

**“existing use” (bestaande gebruik)** means the actual and lawful land use for which a land unit or part thereof is currently utilised, as determined by the Municipality;

[F]

**“factory” (fabriek)** has the same meaning as **“industry”**;

**“family” (gesin)** means-

- (i) a single person, with or without one or more dependent family members who are financially and otherwise supported by the person concerned, maintaining a common household; or
- (ii) two or more persons directly related by blood or marriage maintaining a common household, with or without dependent family members who are financially and otherwise supported by them; or
- (iii) two persons who live together maintaining a common household, with or without one or more dependent family members who are financially and otherwise supported by them; or
- (iv) no more than six unrelated persons maintaining a common household; and
- (v) (i) to (iii) above includes the limited accommodation of additional persons;

**“farm stall” (plaasstalletjie)** means a building or structure including storage facilities, where a farmer sells primarily products produced and processed on his farm, whether to his own employees or to the general public;

**“farm shop” (plaaswinkel)** means a building or structure including storage facilities, where a farmer sells goods (not necessarily produced on his farm), whether to his own employees or to the general public;

**“filling station” (vulstasie)** means a building in which motor vehicles, fuel and related accessories are sold, and includes a car wash, and with special consent from Council a shop; but excludes repairs, servicing, panel beating, spray painting, body building and blacksmithing, also see **“service station”** and **“public garage”**;

**“financial institution” (finansiële instelling)** means a bank, automatic teller machine centre, micro-loan agency and a currency exchange;

**“flat” (woonstel)** means a dwelling-unit in a **“block of flats”**;

**“floor factor” (vloerfaktor)** means the factor (expressed as a portion of one) which is prescribed for the calculation of the maximum floor area of a building or buildings permissible on an erf; it is the maximum floor area as a proportion of the net erf area;

**“floor area” (vloeroppervlakte)** in relation to a building or structure, means the area covered by a roof or slab, including all internal stairwells and lift shafts at one level only, open ventilation shafts and light wells less than 10m<sup>2</sup> at ground level, entrance porch and basement storeys but excluding the following:

- (i) eaves projecting not more than 1m over an outer wall, or such other greater projection as the Council may approve in exceptional cases for the sake of good architecture;
- (ii) uncovered external steps and landings;
- (iii) floors of balconies, stoeps or verandas;
- (iv) external fire escapes;
- (v) in the case of a residential building communal foyers and entrance areas, communal stairwells, lift shafts and communal passages, whether enclosed or not;
- (vi) any arcade supplying access and circulation through a building, to a public parking area, road, pavement or open space which is at all times open to the public, whether covered or not, to a maximum of 50% of the floor area which is used for such circulation purposes;
- (vii) swimming pools, fountains and fish-ponds which are not covered by a roof;
- (viii) in the case of business premises, any open, unenclosed area which is covered by a canopy or projection and which is street facing;

and where a building consists of more than one storey, the **“total floor area”** is the sum of the floor area on all the storeys, see **“maximum floor area”**;

**“forestry” (bosbou)** means the extensive planting of trees in veld and mountain areas for commercial purposes;

**“frontage” (voorkant)** in relation to land, means the boundary between a land unit and the road onto which the land unit fronts.

**“funeral parlour” (begrafnislokaal)** means a place where the dead are prepared for burial or cremation and includes facilities for associated administrative and religious functions;

[G]

**“gambling place” (dobbellokaal)** means a place where betting and gambling may legally take place in terms of a licence, and include a totalisator premises licence and a limited gambling machine premises licence;

**“games arcade” (speletjiesarkade)** means the same as **“amusement arcade” (vermaak arkade)**;

**“garage” (motorhuis)** where used in this scheme in connection with the parking of a vehicle, means an enclosed and roofed outbuilding associated with a main building on the site for the parking of motor vehicles, but excludes a commercial parking garage;

**“grade-line” (hellinglyn)** means an imaginary surface that corresponds with the straight lines connecting the highest and lowest natural levels of ground immediately contiguous to a building, and for the purposes of height control may be regarded as a plane which encompasses the outer edges of a building;

**“general residential site” (algemene residensiële perseel)** means the total gross extent of land on which a general residential development has been or is to be erected;

**“green-house” (kweekhuis)** has the same meaning as **“hot-house” (plant kweekhuis)**;

**“gross leasable area” (GLA) (bruto verhuurbare area (BVA))** means the total floor area designed for or capable of occupancy by tenants for their exclusive use including storage areas which are leased, but excludes parking and loading bays and communal spaces which are used by more than one tenant, such as communal toilets, the entrance lobby on the ground floor only, communal lift shafts, stair wells, service ducts and service areas and vertical penetration of floors;

**“gross residential area” (bruto residensiële area)** means the total developable area including all land zoned, owned or needed for public purposes;

**“gross residential density” (bruto residensiële digtheid)** means the number of dwelling units within a specific area and is calculated as follows:

$$\text{Gross Residential Density} = \frac{\text{Total number of dwelling units}}{\text{The specified area in hectares}}$$

**“group house” (groepshuis)** means a dwelling-unit which forms part of a group housing scheme;

**“group housing” (groepsbehuising)** and **“group housing scheme” (groepsbehuisingskema)** means a group of separate and/or linked dwelling-units which is planned, designed and built as a harmonious architectural entity with a medium to high density character and of which every dwelling-unit has a ground floor; such dwelling-units may be cadastrally subdivided, and “group housing scheme” has the same meaning, and means the same as **“town housing”** and **“town housing scheme”**;

**“group housing erf” (groepsbehuisingserf)** means a subdivided portion of a group housing site approved for the erection of one dwelling-unit as part of a group housing scheme, which has been or may be transferred to an individual owner;

**“group housing site” (groepsbehuisingsperseel)** means the total gross extent of land on which a group housing scheme has been or is to be erected;

**“guest-house” (gastehuis)** is a limited scale commercial establishment which has as its primary source of business the provision of tourist accommodation and meals for transient guests; provided that-

- (i) the individual bedrooms are for short term renting only i.e. the accommodation is solely for bone fide transient guests/holiday use who have permanent residence elsewhere;
- (ii) meals and liquor may be provided to resident guests only;

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- (iii) accommodation and related communal facilities such as dining rooms/lounges are provided in buildings consisting of interconnected rooms
- (iv) the building may, in terms of the Liquor Act, 1989 (Act 27 of 1989), be licensed only for the purposes of on-site consumption and subject to any conditions or restrictions which Council may impose;
- (v) a wellness centre may be provided, for resident guests only; and
- (vi) a hotel and hostel are not included in the definition;

**“gymnasium” (gimnasium)** means a room or hall with apparatus for physical exercise, which is used by persons for compensation;

**[H]**

**“habitable room” (bewoonbare kamer)** means a bedroom, living room, lounge, dining room, study and any other room which is or is likely to be used for human habitation or recreation, or for activities permitted in terms of an occupational practice, but does not include a kitchen, bathroom or store room;

**“hazardous substance” (gevaarlike stof)** means any substance or mixture of substances which, in the course of customary or reasonable handling or use, including ingestion, might, by reason of its toxic, corrosive, irritant, strongly sensitising or flammable nature or because it generates pressure through decomposition, heat or other means, cause injury, ill health or death of human beings [refer to the Hazardous Substances Act, 1973 (Act 15 of 1973)];

**“health care facility” (gesondheidsorgfasiliteit)** means an institution, which forms part of an old age home or a retirement village, where aged patients are given medical treatment or medical related advice and shall not contain live-in facilities for more than 20 persons, including patients and staff;

**“height” (hoogte)** of a building means a vertical dimension from a specified level to another specified level, measured in metres; provided that chimneys, flues, masts and antennae shall not be included for the purpose of height control;

**“helicopter and aircraft landing port” (helikopter landingsblad)** means any portion of land, building or structure or part thereof which has been demarcated for the purposes of landing or take-off of helicopters or associated vertical lift-off aircraft;

**“heritage resource” (erfenisbate)** means a place or object of cultural significance which has been included in Council's Heritage Resource Inventory, as well as any place or object which is included in the National or Provincial Heritage Resources Registers, prepared in terms of the National Heritage Resources Act, 1999 (Act 25 of 1999);

**holiday accommodation” (vakansie akkommodasie)** means a harmoniously designed and built development consisting of grouped or linked self-catering dwelling-units, which may be brick, stone, wood or tented (or any other appropriate construction material) structures placed within an unique natural environment used for holiday and recreational purposes i.e. the accommodation is solely for bone fide transient guests/holiday use who have permanent residence elsewhere, whether in private or public ownership, which:

- (i) consists of a single enterprise in which accommodation is supplied by means of short-term rental only, and where individual units may not be sold or alienated on an exclusive basis in any way whatsoever;
- (ii) may have an informal, clustered layout which takes cognisance of the features on the site and

- where road standards do not necessarily comply with formal township standards;
- (iii) may include the provision of a camping site and caravan park which forms part of the resort;
  - (iv) may include provision for day visitors to the resort; and
  - (v) may also include associated facilities which are internal to the development and which will be provided expressly for the purpose of serving the public who visit the resort, such as a restaurant, café, sports facilities, picnic and braai facilities, public and private open space, private roads, nature areas and natural environments, but
  - (vi) does not include a hotel and guest-house;

**“hospital” (hospitaal)** means a place for the diagnosis and treatment of human illness, with integrated facilities such as operating theatres and live-in accommodation for patients, and includes a **“clinic” (kliniek)** and **“medical consulting rooms” (mediese spreekkamers)**;

**“hostel” (koshuis)** means a residential building for students attending a public or private educational institution;

**“hotel” (hotel)** means a place in which temporary lodging, meals, beverages and personal services are provided for transient guests who has permanent residence elsewhere and which exceeds the parameters applying to a guest-house, which is readily accessible to the public. Tourism grading should not be a criteria in the scheme – a hotel is a hotel whether graded or not; and may include activities reasonably and ordinarily related to a hotel, including associated conference and entertainment facilities, spa/hydro, wellness centre, and sport and recreation facilities that are subservient and ancillary to the dominant use of the property as a hotel; as well as premises which are licensed to sell liquor for consumption on the property, but does not include an off-sales facility;

**“hot-house” (plant kweekhuis)** means an appropriately designed and equipped structure with the sides primarily made of a transparent material such as glass, perspex or plastic, for the purpose of rearing plants under controlled environmental conditions; and has the same meaning as **“green-house”**;

**“house shop” (huiswinkel)** means the conducting of a limited retail trade (excluding the trade of fresh meat and scrap metal) from a dwelling-house by one or more occupants of the dwelling-house concerned, who shall reside in the dwelling-house; provided that the dominant use of the dwelling-house concerned shall remain for the living accommodation of one family, and **“spaza shop”** has a corresponding meaning;

**“hydro/spa” (spa)** has the same meaning as **“wellness centre”**;

[1]

**“Industry” (industrie)** means a place, which in Council’s opinion, is used as a factory and in which:

- (i) 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, put in a container, chilled, frozen or stored in cold storage; or
- (ii) any activity is carried out which is connected with or incidental to any one or more of the activities mentioned in (i);
- (iii) includes an office, caretaker’s quarters or other uses which are subservient and ancillary to the use of the property as a factory, but does not include, a noxious industry, or buildings on or in which the activities mentioned in (i) and (ii) are carried out –
  - inside and secondary to a shop, solely for the purpose of selling retail from that shop;
  - by a farmer, solely in connection with farming operations on a farm operated by himself;

- solely in connection with consultative professional services;
- in respect of facilities used solely for teaching and instruction in primary, secondary or tertiary educational institutions; and
- on a site used temporarily and solely for carrying out building work or an activity connected therewith;

**“incremental dwelling house” (Inkrementele wooneenheid):** means a dwelling, comprising no more than the framework of a dwelling-house, or just one or two rooms, which will be incrementally upgraded over time.

**“informal trading” (informele handel)** means the legal selling of products in areas demarcated by the Municipality specifically for these purposes, such as markets and other demarcated areas; also see **“open air market”**;

**“institution” (inrigting)** means a place utilised as a social, health, welfare or bona fide research institution or for the administration thereof, and includes a hospital, nursing home, clinic, old age home or children’s home, whether private or public;

**“intensive feed farming” (intensiewe voerboerdery)** means the culture of plants or flowers and the breeding and keeping of animals on an intensive scale, and where animals are fed with little or no scope for natural grazing to meet their nutritional needs, and plants are cultivated under a roof, or in greenhouses/hot-houses;

**“interconnected rooms” (verbinde kamers)** means rooms linked by an internal passage or a doorway, within one dwelling unit;

#### [K]

**“kennel” (dierehotel)** means kennel services for dogs, cats and other pets, and includes commercial breeding, boarding kennels, pet motels and dog training facilities;

**“kitchen” (kombuis)** means the area in a dwelling-unit fitted out and furnished for and ordinarily used by one family for the storing, preparation and cooking of food, consisting of one or more interlinking rooms;

#### [L]

**“land unit” (grond-teenheid)** is a portion of land registered or capable of being registered in a deeds registry and includes a servitude right or lease. It has the same meaning as **“erf”**;

**“lateral boundary” (sy grens)** means every common boundary of an erf with another erf excluding a rear boundary;

**“lateral building line”** means an imaginary line along the lateral boundary of a land unit, which defines a distance from a specified boundary, within which the erection of buildings or structures are completely or partially prohibited;

**“light industry” (ligte nywerheid)** means a place in which an activity listed at point (i) of the definition of **“industry”** is undertaken and may include a point of sale and a café, and excludes noxious industry;

**“limited crèche” (beperkte crèche)** means that portion of a dwelling house used to provide care, play group, pre-school and / or after-school care services for children in the absence of their parents, for up to five children, including any crèche-going children of the resident family;

“**limited occupational practice**” (**beperkte beroepsbeoefening**) means an occupational practice, within the limits as set out in the development parameters, that does not require or create any structural or noticeable change to a dwelling- house, and includes professional services usually carried out in a one-person practice but does not include any activity that can potentially impinge on residential amenity or lead to any public nuisance whatsoever;

“**linked**” (**geskakel**) in relation to the definition of “group housing”, means to be connected by means of a shared wall or garage;

“**liquor store**” (**drankwinkel**) means a shop, licensed in terms of the relevant Liquor Act, in which mainly alcoholic beverages are sold in the retail trade for consumption off-site, it includes an off-sales facility that falls under the same management structure as the related hotel;

“**local cemetery**” (**plaaslike begraafplaas**) means an existing small cemetery attached to a place of worship;

“**lodger**” (**loseerder**) means a person who is being accommodated in another person’s dwelling house in return for payment;

#### [M]

“**maintenance**” (**onderhoud**) means work to prolong the life of a building, including cleaning and painting the building, minor rebuilding, reparations and restoration which do not change the envelope, shape or appearance of the building;

“**maximum floor area**” (**maksimum-vloeroppervlakte**) means the greatest total floor area which is permissible for a building or buildings, with all its or their storeys on a site, which area is calculated by multiplying the floor factor by the net area of the erf (refer to “**floor area**”);

“**medical consulting rooms**” (**mediese spreekkamers**) means property, not being a hospital or clinic, which is used for human medical or medical related consultation, examination or treatment, but does not include live-in facilities;

“**mezzanine**” (**tussenverdieping**) means an intermediate floor located between two storeys of which the floor area does not exceed 25% of that of the floor below it.

“**mine**” (**myn**) means mine as defined in the Mineral and Petroleum Resources Development Act, 2002 (Act 28 of 2002) and includes extracting gas for market production purposes.

“**mobile home**” (**mobiele woning**) means a pre-fabricated mobile structure, as approved by the Council, with the necessary service connections, which is designed so that it can be used as a unit of accommodation;

“**modal interchange**” (**modale wisselaar**) means a transport facility where different modes of transport (eg. rail and road based transport) interchange and where facilities are provided for passengers to access the various modes of transport and move from one mode to another, and includes all buildings and facilities associated with the administration, maintenance and provision of public facilities such as ablution facilities;

“**motel**” (**motel**) means a hotel which is specially adapted for the convenience of the motoring public by providing parking facilities close to each rentable room and includes other facilities associated with a “**hotel**”;

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

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

**“motor showroom” (motor vertoonlokaal)** means a building used for the display, sale or rental of new or used motor vehicles and includes a pre-sale inspection facility;

**“mountain catchment area”** means an area designated a mountain catchment area, in terms of the Mountain Catchment Areas Act, 1970 (Act No.63 of 1970); the Act serves to provide for conservation, management and control of land and to provide for matters incidental thereto.

**“municipality”** means the municipality of Swellendam established by Establishment Notice 496/2000 in the *Provincial Gazette* 5591 of 22 September 2000 issued in terms of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998), and, where the context so requires, includes—

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

**“municipal manager” (munisipale bestuurder)** means the municipal manager of the Municipality, appointed in terms of section 82 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998) or an official, acting under delegated powers, charged with the responsibility for administering this Scheme;

**“museum” (museum)** means a place used for displaying and/or conserving art, social, engineering, science and natural artefacts, articles and antiquities (which are not for sale);

[N]

**“natural ground level” (natuurlike grondvlak)** means the level of the land surface on a land unit:

- (i) in its unmodified state,
- (ii) in a state which has been graded, with the Council's approval, for the purposes of development, provided that;
- (iii) any grading for the purpose of development shall connect evenly with the existing levels of abutting land units;
- (iv) where land is excavated, the excavated level is deemed to be the natural level of the ground;
- (v) where it is not possible to determine the natural level of the ground due to irregularities or disturbances of the land, the Council shall determine a level for the purpose of administering this by-law;
- (vi) where land is excavated and the excavated material is used to extend a building site (cut to fill), the Council shall define a level for the purposes of administering this by-law;

**“natural environment” (natuurlike omgewing)** means an area where the vegetation is mainly in an untransformed state, and where the area is to be maintained in that state, or rehabilitated to its indigenous state for the purpose of conservation, but is not included in a declared park, and may be in public or private ownership;

**“nature area” (natuurgebied)** means a national park or some other nature area that is owned by an organ of state or remains in private ownership, that has been declared a nature reserve or has a similar status in terms of legislation; it consists of an area that is utilised as a game park or reserve for flora and fauna in their natural habitat, and includes ablution facilities for day visitors, buildings which are directly connected with the management and maintenance of the park including employee-housing;

**“net erf area” (netto erf oppervlak)** means the total area of an erf, excluding all land zoned, owned or needed for public purposes;

**“net residential density”** expresses the number of dwelling units divided by the size of the area that is taken up by residential use only.

**“non-conforming use” (nie-konformerende gebruik)** means any use of a land unit, including an approved building, which existed lawfully at the date of proclamation date of this Scheme, which does not conform to the applicable development parameters or any other provision of this Scheme;

**“Notification of an application” (kennisgewing van ’n aansoek)** has the meaning assigned thereto in the Planning By-Law and in terms of relevant national legislation, and in accordance with the Municipality’s policy or guidelines; it has the same meaning as “advertise” in the previous dispensation;

**“noxious industry or trade” (toksiese nywerheid of -bedryf)** means a place where an offensive, poisonous or potentially harmful trade, use or activity which, because of fumes, emissions, dust, smell, vibration, noise, waste products, nature of material used, processes employed, or other cause, is deemed by Council to be a potential source of danger, nuisance or offence to the general public or persons in the surrounding area, or constitutes a health hazard in terms of the Public Health Act, 1997 (Act 63 of 1997), or the operation of a scheduled process as defined in Section 1 of the Explosives Act, 1956 (Act 26 of 1956). The following uses are inter alia classified as noxious industries:

- (i) slaughtering of animals
- (ii) boiling or drying bones or blood,
- (iii) cremation
- (iv) sterilising animal hair,
- (v) salting, preparing, tanning or stuffing animal skins and hides,
- (vi) manufacturing gum or glue,
- (vii) cooking out fat or melting tallow,
- (viii) making soap or candles,
- (ix) making bone-meal,
- (x) manufacturing malt or yeast,
- (xi) burning charcoal, lime or coke,
- (xii) manufacturing explosives, and
- (xiii) other uses as determined by the Council from time to time;

**“nursery” (kwekery)** means a place where plants or flowers are cultivated on an intensive scale, including under a roof, or in greenhouses or hot-houses, as well as the sale of plants and other associated gardening equipment and materials - point of sale area to be a maximum of 100m<sup>2</sup> or an area approved by Council and subject to parking provisions as per retail requirements;

**“nuisance” (oorlas)** see **“public nuisance” (openbare oorlas)**;

[O]

**“occasional use” (geleentheidsgebruik)** means a land use right on a property granted by the Municipality for a specific occasion or event, including, but not limited to: circuses; music festivals, sporting events, religious gatherings; film shoots; seasonal camping sites; weddings; and other such outdoor events. Specific restrictions relating to the frequency of the permitted occasional land use right on a land unit will apply.

**“occupant” (inwoner)** in relation to a place, means the person who occupies it and has the same meaning as **“resident” (bewoner)**;

**“occupational practice” (beroepsbeoefening)** means the use of a portion of a dwelling-house, without structural alteration or noticeable physical change, by the permanent occupant thereof for professional or occupational purposes, and includes administrative, office-type activities, the limited repair of domestic appliances, the sale of products which are manufactured on-site, services of a personal nature such as a hairdresser, tutor or beautician, but excludes any uses which are likely to cause a nuisance, have a detrimental impact on or affect a person's health, safety, or welfare, or impinge on residential amenity and appearance, or on the environment;

**“offices” (kantore)** means a place containing offices for administrative or commercial purposes, including a financial institution, stock exchange, professional usage or similar undertaking, but excluding a place of entertainment, institution, shop, filling or service station, public garage, or an industry;

**“office park” (kantoorpark)** means a place where a group of office buildings have been planned, designed and built as a harmonious architectural entity and arranged within a landscaped environment; which is communally managed by a property owners' association and may include a day care centre;

**“old age home” (ouetehuis)** means a place which provides permanent accommodation to retired persons and may include a full spectrum of care and other recreational facilities including a health care facility, to the satisfaction of Council;

**“on-farm educational facility” (op-die-plaas onderwysfasiliteit)** means a school, technical institute, lecture hall, cloister, or a training centre for more than ten persons at a time, or any other such establishment regarded by Council as of an educational nature, and may include a day care centre, or a hostel directly related to the use on the same land unit as the associated uses, but excludes a college, university or correctional institution;

**“open air market” (buitelugmark)** means an area of land used for the sale of goods at permanent or temporary stalls in a defined market area or areas demarcated by the Council for informal street sellers in a public street, square or another public or private area, mostly in the open air, and can also be a fair, fête or show, where goods are sold and entertainment provided mainly outdoors, provided that all structures erected are of a temporary nature as approved by Council; see also **“informal trading”**;

**“outbuilding” (buitegebou)** means a building, whether separate from or attached to the primary dwelling unit, which is ancillary and subservient to the primary dwelling on a land unit, and includes a building which is designed to be normally used for the garaging of motor vehicles, for storage purposes, as a laundry and any other normal activities in so far as these are usually and reasonably associated with the primary dwelling;

**“outdoor recreational facilities” (buitelug ontspanningsfasiliteite)** means a place where recreational opportunities are provided, usually for commercial gain, mainly in the open air, such as, but not limited to, open air concerts, miniature golf and roller skating rinks, putting ranges, amusement parks, drive-in theatres and other uses where the clubhouse and other construction cover a minor portion of the site;

“**outdoor sports facilities**” (**buitelug sportsfasiliteite**) means a place which is utilised for the practising of outdoor sport, such as rugby, cricket, soccer, hockey and netball, and includes only ancillary improvements, which does not include a clubhouse, unless with the consent of Council;

“**overlay zone**” (**oorlegstone**) means a category of zoning applicable to a particular defined area or land unit, which stipulates additional development rules for a land unit or area, in addition to the underlying zoning, and may include development rules relating to consent use limitations, subdivision, urban renewal, aesthetics, design guidelines, environmental and/or conservation protection or any other purpose, as set out in this Scheme; the additional development rules in a particular area or zone may be more or less restrictive than for the land units which are not covered by the overlay zoning; and “**overlay zoning**” has a corresponding meaning;

“**owner**” (**eienaar**) in relation to land, means the person or entity in whose name that land is registered in a deeds registry, and may include the holder of a registered servitude right or lease, or any successor in title;

“**owners’ association**” (**eienaarsvereniging**) see “**property owners’ association**” (**eiendomeienaarsvereniging**);

[P]

“**pack store**” (**pakstoor**) means an agricultural building, erected and used in direct connection with farming operations on an agricultural land unit and includes sheds, packing sheds, stores and cold stores for unprocessed produce, but excludes agricultural processing buildings;

“**parking bay**” (**parkeerplek of staanplek**) means an area measuring not less than 5,5m by 2,5m which is clearly outlined and demarcated for the parking of one motor vehicle, access and surfacing which is to the satisfaction of the Council;

“**parking garage**” (**parkeergarage**) means a place in which parking facilities for motor vehicles are provided on a commercial basis as the dominant use of that building, and where the parking is not necessarily directly associated with the land uses found on that particular land unit;

“**parsonage**” (**pastorie**) means a dwelling-house for the accommodation of a spiritual leader, who is a full-time employee of an organisation which practises religion in a place of worship, including the accommodation of the spiritual leader’s family, and includes a monastery or convent;

“**pergola**” (**prieel**) means any unroofed horizontal or approximately horizontal grille or framework which may be supported by pillars, walls, or posts, such that the solid portion of the horizontal grille or framework does not exceed 25%;

“**picnic and braai facilities**” (**piekniek en braaifasiliteite**) means a place where picnics can be held in the outdoors, where buildings and other construction cover a minor portion of the site, and may include ablution and braai facilities, which, together with the amenity of the land, serves as features of attraction, but excludes camping sites and caravan parks;

“**place**” (**plek**) as used in this scheme’s definitions, means a land unit or building, or portion of a land unit or building utilised or intended to be utilised for a specific use;

“**place of assembly**” (**vergaderplek**) means a place which has a civic function to serve the social and community needs of an area, which may attract people in relatively large numbers and which is not

predominantly a commercial enterprise; including a civic hall, concert hall, indoor sports centre and club house, but excluding a place of entertainment or conference facility;

**“place of entertainment” (vermaaklikheidsplek)** means a place used predominantly for commercial entertainment where patrons participate in the activities, which may on a regular basis attract large numbers of people, operate outside normal business hours, generate noise from music or revelry, and where alcohol is consumed; including a cinema, theatre, amusement park, dance hall, gymnasium, pub and nightclub;

**“place of instruction” (onderrigplek)** see **“educational institution” (onderwysinrigting)**;

**“place of worship” (aanbiddingsplek)** means a place which is a chapel, church, mosque, synagogue, temple or other place utilised primarily for practising a faith or religion, and includes any building in connection therewith, but does not include a chapel that forms part of a funeral parlour, a funeral parlour, cemetery or crematorium;

**“planning act” (beplanningswet)** means the Land Use Planning Act, 2014 (No.3 of 2014) or any successive legislation governing town planning and land use management in the Western Cape Province;

**“planning by-law” (verordening)** means the Swellendam Municipality By-Law on Municipal Land Use Planning, or any successive legislation governing town planning and land use management in the Swellendam Municipality.

**“point of sale” (verkoopspunt)** means a space or a counter in a building, or on a land unit which is not zoned for business purposes, and where produce manufactured on such land unit or goods directly related to the business conducted on the land unit, is sold to the public, provided that such sales shall be secondary to the normal uses on the site, and shall occupy no more than 25% of the floor area of the building or 100m<sup>2</sup>, whichever is the smaller, or an area as approved by the Municipality and subject to parking provisions as per retail requirements.;

**“postal agency” (posagentskap)** means a place where postal services are provided;

**“Premier” (Premier)** means the Premier of the Western Cape Province;

**“primary use” (primêre gebruik)** means a land use that can be performed legally on a land unit as prescribed in this Scheme without the necessity to apply for a rezoning, departure or consent use;

**“prison” (gevangenis)** means a place in which a person is kept in captivity;

**“private open space” (privaat oop ruimte)** means any land which is or will be in private ownership, or municipal land on a long term lease, with or without access control, used primarily as a private site for outdoor sports, play, rest or recreation, or as a park, garden, or play area or for nature conservation;

**“private outdoor space” (privaat buiteruimte)** means an area adjoining a dwelling or building which is reserved for the exclusive use of the occupants of that building and is intended to be used for private outdoor living and recreation, drying of laundry, storing of refuse bins and other household related functions, and includes a service yard, but excludes garages and parking bays;

**“private parking area” (privaat parkeer area)** means a place which is reserved exclusively for the parking of vehicles, which is under the ownership and / or control of a private individual or agency, and where such parking is not normally accessible to the general public.

“**private road**” (**privaat pad**) means land reserved for the passage or parking of motor vehicles (by way of servitude or not), which is privately owned and does not vest in the Council or another public authority;

“**proclaimed road**” (**geproklameerde pad**) means a road proclaimed in terms of the Roads Ordinance, 1976, (Ord 19 of 1976);

“**property**” (**eiendom**) means land together with all buildings and structures on the land;

“**property owners’ association**” (**eiendomeienaarsvereniging**) means an association with jurisdiction registered in terms of the Companies Act, 1973 (Act 61 of 1973), created to represent the interests and responsibilities of the owners of a group of properties, membership of which shall be compulsory for all owners of property for which it is established. It includes a body as prescribed in section 29 of the Planning Act, a body corporate instituted according to section 36 of the Sectional Titles Act, 1986 (Act 95 of 1986), or a similar organisation instituted according to another act;

“**Provincial Minister**” (**Provinsiale Minister**) the member of the Provincial Cabinet of Western Cape responsible for planning and related matters;

“**pub**” (**kroeg**) means a place in which mainly alcoholic beverages are sold or are attainable, exclusively for on-site consumption, and means the same as "tavern" and "shebeen";

“**public garage**” (**openbare garage**) means a place for an undertaking which offers a complete range of services, repairs and/or temporary storage for motor vehicles, including panel beating, blacksmithing, spray painting and body building, but excludes the commercial sale of fuel;

“**public nuisance**” (**openbare oorlas**) means any act, omission or condition which, in the Council’s opinion is offensive, injurious or dangerous to health, materially interferes with the ordinary comfort, convenience, peace or quiet of the public, or which adversely affects the safety of any individual person or the general public, having regard to:

- (i) the reasonableness of the activities in question in the area concerned, and the impact which result from these activities, and
- (ii) any noise levels stipulated in overlay zones applying to the land unit concerned;

“**public open space**” (**openbare oop ruimte**) means land which is or will be under ownership of Council and which is a park, public garden, square, sports field, children’s playground, amusement park, place of recreation or any similar amenity, the access to which is not limited, and “**public place**” means the same;

“**public parking area**” (**openbare parkeergebied**) means a municipal site which does not fall within the boundaries of a street and which is reserved for the benefit of and accessible to the general public exclusively for the parking of vehicles, with or without payment;

“**public place**” (**openbare plek**) means the same as “**public open space**”;

“**public road (openbare pad)**” means any land which is used as public road, indicated on an approved plan, diagram or map as having been set aside as a public thoroughway for vehicles, of which the ownership as such vests in the municipality in terms of the Planning By-Law, or in terms of any other law, and means the same as “**public street**”;

“**public street**” (**openbare straat**) see “**public road**”;

**[Q]**

“**quarry**” means a place from which dimension stone, rock, construction aggregate, riprap, sand, gravel or slate is excavated from the ground and includes buildings directly connected with such operations. A quarry is a type of open-pit mine that produces building materials and dimension stone, and primarily for road construction and maintenance purposes.

**[R]**

“**railway use**” (**spoorweggebruik**) means all uses related to the ordinary working of the railway system, including the railway reserves, stations, café, shunting yards and storage facilities, but does not include any private business-orientated enterprise/or development that takes place on a place previously used by the railways;

“**rear boundary**” (**agter grens**) means every common boundary of an erf which is parallel to, or is within less than 45° of being parallel to, every street boundary of such erf and which does not link up with a street boundary thereof;

“**recuperation centre**” (**herstelsentrum**) means an institution where patients come to recuperate after operations or medical treatment, and may include an out-patients centre or a wellness centre with associated uses, provided that a clinic shall not contain live-in facilities for more than twenty persons, including patients and staff;

“**register**” means documents kept and maintained by the municipality for the purpose of recording any altered land use or development right granted in terms of the Scheme and as prescribed by the Planning By-Law;

“**renewable energy structure**” means any wind turbine or solar photo-voltaic apparatus, or grouping thereof, which captures and converts wind or solar radiation into energy for commercial gain irrespective of whether it feeds onto an 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 commercial basis. Within the context of renewable energy development, “**site**” means the land utilised for renewable energy structures, regardless of cadastral boundaries, and inclusive of the renewable energy structures.

“**resident**” (**bewoner**) means the same as “**occupant**” (**inwoner**);

“**residential building**” (**residensiële gebou**) means a place for human habitation (other than a shelter, mobile home, incremental dwelling-house, dwelling-house, semi-detached dwelling, row house, additional dwelling, or group house) where the building is usually let in rooms, together with such outbuildings as are normally used therewith, and includes, an old age home, a children's home and a hostel;

“**resort**” (**oord**) means a development, usually outside the urban edge, offering temporary accommodation and associated with a resource which clearly distinguishes the site as unique in terms of its amenity value;

“**restaurant**” (**restaurant**) means a shop in which mainly prepared food and refreshments are sold and served to five or more seated patrons;

“**restoration**” (**restourasie**) means the reparation of a building, if necessary by changing the construction and replacing parts thereof, to its most likely original, identifiable and acknowledged building style at the time of erection of its main elements;

“**rest-rooms**” (**ruskamers**) means ablution facilities at tourist attractions for the use of travellers;

**CHAPTER 2: DEFINITIONS AND INTERPRETATIONS****SWELLENDAM MUNICIPALITY: INTEGRATED ZONING SCHEME BY-LAW**

**“retirement village” (aftree-oord)** means a group housing scheme which conforms to the following additional conditions:

- (i) each dwelling-unit shall only be occupied by a retired person or by a family of whom at least one member is a retired person;
- (ii) a full spectrum of care and other recreational facilities shall be provided to the satisfaction of the Council; including a health care facility; and
- (iii) development rules other than those applicable in a group housing zone may be determined by the Council;

**“riding school (ryskool)** means a place or undertaking for the hiring out of animals and giving riding instruction against payment and includes the care and stabling of such animals;

**“rooftop base station” (selfoon basisstasie)** means a cell phone base station where antennae are attached to the roof or side of an existing building; provided that any antenna support, structure or equipment room that is not part of the building does not extend more than 2.5m in height above the top of the building;

**“row houses” (ry huise)** means a building consisting of three or more single-storeyed residential units, each with its own entrance from the street;

**“rural area” (landelike gebied)** means the area outside the line (urban edge line) demarcating the urbanised area where only agricultural and related uses are permitted, except with the consent of the Council;

**“rural settlement” (landelike nedersetting)** means existing rural development nodes, or nodes created for special development purposes as defined and approved by Council.

[S]

**“scheme by-law” (skema verordening)** means the zoning bylaws as contained in this document.;

**“scheme map” (skemakaart)** means an approved map or maps showing the zones and land units in respect of land situated within the Council’s area of jurisdiction;

**“scrap yard” (skrootwerf)** means a place which is utilised for one or more of the following purposes:

- (i) storing, depositing or collecting of junk or scrap material or articles whether for resale, recycling or disposal, the value of which may depend 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 yards, tyres, bricks, containers or other articles which are suitable to be left in the open without any serious damage being incurred;
- (iv) and may include a refuse transfer station;

**“self-catering unit” (selfsorgeenheid)** means a dwelling unit used for holiday accommodation for guests or tourists for short periods away from their permanent residence.

**“self storage Facility” (selfstoor fasiliteit)** means a place for the storage of goods; a self-storage facility may include a number of self-storage units which are usually made available to individuals for domestic purposes;

**“semi-detached dwelling” (skakelhuis)** means a building with two attached single or double storeyed dwelling-units, each with its own entrance from the street;

**“service delivery agreement” (dienslewering ooreenkoms)** means an agreement between a municipality and an institution or person in terms of which a municipal service is provided by that institution or person, either for its own account or on behalf of the municipality;

**“service station” (diensstasie)** means a place in which fuel and accessories for motor vehicles are sold and includes a car wash, and with special consent from Council a shop; but excludes repairs, servicing, panel beating, spray painting, body building and blacksmithing, also see **“filling station”** and **“public garage”**;

**“service trade” (diensbedryf)** means a place where an enterprise is:

- (i) primarily involved in the rendering of a service to the community such as the repair of household appliances or the supply of household services,
- (ii) not likely to be a source of disturbance to surrounding properties,
- (iii) not liable, in the event of fire, to cause excessive combustion, give rise to poisonous fumes or cause explosions, and
- (iv) includes a builder’s yard and allied trades, laundry, bakery, dairy depot and similar types of uses, but
- (v) does not include an abattoir, brick-making site, sewage works, service station, filling station or public garage;

**“serving a notice” (in kennis stel)** means to serve such notice on any owner of land who is deemed to be in contravention of the provisions of the zoning scheme by-law;

**“servitude” (serwituut)** means a registered right, that grants the use of a portion of land for a specified purpose;

**“shebeen” (shebeen)** see definition of **“pub”**;

**“shelter” (skuiling)** means an informal dwelling-unit constructed of any material whatsoever, even though such material does not comply with the standards intended by the National Building Regulations and Building Standard Act No.103 of 1977 ;

**“shipping or transport containers” (verskepings- of vervoerhouers)** means any container used for the transport of goods by sea, rail or road that is usually stored outside a building or structure;

**“shipping or transport container site” (verskepings- of vervoerhouerperseel)** means a site, property or area to be used for the storage of shipping or transport containers;

**“shop” (winkel)** means a place for the operation of a retail business, and includes a workshop on the same premises which is connected with and incidental and subordinate to the retail business, but does not include a service or filling station, liquor store, pub, adult entertainment business, motor showroom and public garage;

**“side boundary” (sy grens)** means a boundary of a land unit other than the street boundary or the rear boundary;

**“side building line” (sy boulyyn)** means the same as “lateral building line”;

**“site development plan (SDP)” (terrein ontwikkelingsplan)** means a plan which shows details of a proposed development, which may include the following;

- (i) existing bio-physical characteristics of the property,
- (ii) contours of 1 metre intervals,

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- (iii) the 1:100 year flood line if applicable and the distance of the high water mark of the sea and/or river,
- (iv) the layout of the property indicating the use of different portions of the property,
- (v) the position, use and extent of buildings,
- (vi) sketch plans and elevations of proposed structures including information about their external appearance,
- (vii) the alignment and general specification of vehicle access, roads, parking areas and pedestrian footpaths,
- (viii) parking layout as per the council's requirements for parking bays,
- (ix) the position and extent of private, public and communal space,
- (x) properties and buildings located directly adjacent to the application property,
- (xi) typical details of fencing or walls around the perimeter of the land unit and within the property,
- (xii) electricity supply and external lighting proposals,
- (xiii) provisions for the disposal of storm water, sewage and refuse,
- (xiv) water supply,
- (xv) external signage details,
- (xvi) general landscaping proposals including vegetation to be preserved, removed or planted, external paving, and measures for stabilising outdoor areas where applicable,
- (xvii) the phasing of the development,
- (xviii) the proposed development in relation to existing and finished ground levels, including excavation, cut and fill,
- (xix) statistical information about the extent of the proposed development, floor area allocations and parking supply,
- (xx) Date and number of the plan
- (xxi) Scale and Northern arrow, and
- (xxii) any other details as may reasonably be required by the Council;

**"spaza shop" (spaza winkel)** means the same as **"house shop" (huiswinkel)**;

**"special resort" (spesiale oord)** means a resort used by the social or religious organisation that owns it for their special purposes, and that is not open to the general public;

**"special use" (spesiale gebruik)** means a use which is unique, or in respect of which the land use restrictions are so specific, that no provision has been made for it in this Scheme, and which is defined in detail by means of conditions of approval;

**"sports facilities" (sportfasiliteite)** means land which is utilised for the practising of outdoor or indoor sport and includes squash courts, gymnasiums or other indoor sports centres and ancillary improvements, which does not include a clubhouse, unless with the consent of Council;

**"stoep" (stoep)** means an uncovered paved area or projecting floor outside and immediately adjoining a building, at or below the level of ground floor and includes any low walls and railings which encloses the area;

**"storey" (verdieping)** means a single level of a building, excluding a basement but can include a mezzanine, which does not exceed a height of 4m, measured from finished floor level to finished floor level or to the ceiling in the case of the top storey, and includes a roof-space utilised or intended to be utilised for the purpose of habitation, and should a level including a mezzanine or not, measure more than 4m it shall be regarded as two storeys, and similarly, should a level measure more than 8m it shall be regarded as three storeys and so forth;

“**street building line**” (**straat boulyn**) in relation to a land unit, means a building line, in respect of a boundary between the land unit concerned and any adjoining public street;

“**street boundary**” (**straat grens**) means the cadastral boundary, as surveyed or proclaimed, between an erf and the adjoining public or private street;

“**structure**” (**struktuur**) without in any way limiting its ordinary meaning, includes any wall, fence, pillar, pergola, steps, landing, terrace wall, swimming pool, petrol pump, underground tank, and any portion of a structure;

“**subdivide and subdivision**” (**onderverdeel en onderverdeling**) in relation to land, means to subdivide land whether by means of:

- (i) survey;
- (ii) the allocation, with view to a separate registration of land units, of undivided portions thereof in any manner, or
- (iii) the preparation thereof for such subdivision;

“**subdivisional area**” (**onderverdelingsgebied**) means land contemplated in terms of section 17 and 20 of the Planning By-law, and which, in terms of sections 17(8) is subject to conditions that make provision for, at least:

- (i) density requirements;
- (ii) the main land uses and the extent thereof; and
- (iii) a detailed phasing plan or a framework, including –
  - main transport routes
  - main land use
  - bulk infrastructure
  - requirements of the organs of state
  - public open space requirements
  - physical development constraints
- (iv) any other conditions laid down at the time of the approval of the rezoning

and has been rezoned in a manner which permits the subdivision thereof.

“**supermarket**” (**supermark**) means a retail concern with a net retail floor area of more than 350m<sup>2</sup>, which is utilised for sales on a basis of self-service and where the goods for sale fall in one or more of the following categories:

- (i) foodstuffs;
- (ii) toiletries, and
- (iii) household cleansing agents;

[T]

“**tavern**” (**taverne**) see definition of “**pub**”;

“**tertiary institution**” (**tersiêre instelling**) means buildings used for tertiary educational purposes, such as (but not limited to) lecture buildings, administrative offices, residential buildings, libraries, laboratories, hostels, recreational and sports facilities, and any other uses and buildings which may be ordinarily associated with a university/college and its activities as a diverse multi-faceted learning and research institution, whether or not such buildings are located on the same land unit;

**“top of the roof” (punt van dak)** for the purpose of height control, means the top of the roof ridge in the case of a pitched roof, or the top of the parapet where a parapet extends above the roof, but excluding chimneys;

**“tourist” (toeris)** means a person making a visit or undertaking a tour as a holiday, or a traveller, a holiday-maker, voyager, visitor, sightseer, day-tripper.

**“tourist facilities” (toeristefasiliteite)** mean amenities for tourists, such as; a restaurant, gift shop, museum, wedding venue and wellness centre, but excludes an estate agency and tourist accommodation;

**“town housing” (dorpsbehuising)** and **“town housing scheme” (dorpsbehuisingskema)** refers to the text of **“group housing”** – the different densities between town and group housing is dealt with through consent as opposed to dealing with it by having two different definitions;

**“transport purposes” (vervoerdoeleindes)** means the use of a land unit to accommodate a transport service, including a truck depot, and a public or private service to transport goods and passengers by road, rail, sea or pipeline, and includes all ancillary uses which normally would be associated with the transport function, including shops and modal interchanges which serve passengers, taxi or bus terminus where passengers embark and disembark, and related stations, harbours, sheds, stores, workshops and offices, but excludes accommodation, an airport, heliport or air strip;

**“truck stop”** means a facility with direct access from a major transport route, that provides a range of rest, service and fuelling facilities for the drivers of heavy duty and long-haul vehicles and trucks, but does not include accommodation.

[U]

**“underground rights” (ondergrondse regte)** means the development of a defined space below a public street, railway line or another transport use, and the allocation of rights for such purposes, see also **“air rights”**;

**“unique resource” (unieke bron)** relates to the presence of a unique resource with recreational attributes, in order to qualify as a bona fide resort. The criteria applicable for such resource being:

- (i) The existence of a natural feature that includes physical amenities;
- (ii) An already existing established man-made feature which is well within the urban edges, or complementary to a unique natural resource in rural areas, or being of such major regional or even provincial significance, having been there for a long time and possibly being well-known, such as a huge dam, that it cannot be replicated in other parts of the rural area;
- (iii) A resource of such nature that it makes the subject property particularly favourable overall, above any other in the area;
- (iv) A resource of high enough value for holidaymakers to want to travel thereto from afar and spend more than one day there;
- (v) Accessible for the benefit of the general public; and
- (vi) Inseparable from the proposed resort to the extent that the permanence of access to the former can be guaranteed.

**“urban conservation” (stedelike bewaring)** means the development or maintenance of the built environment in a prescribed manner, aimed at maximising the historical environmental aesthetic or social attributes and the enhancement of the value of the area, both for present and future users;

**"use right" (gebruiksreg)** in relation to land, means the right to utilise land in accordance with its zoning, including any lawful departure, consent use, building plan or non-conforming use right;

**"use zone" (gebruiksone)** see definition for **"zone" (sone)**;

**"use zoning" (gebruiksonering)** see definition for **"zoning" (sonering)**;

**"utilisation" (gebruik)** in relation to land, means; the lawful use of land for a purpose, or for its improvement as prescribed, and "utilise" has a corresponding meaning; and for the purposes of determining the lapsing of use rights, the timeous approval of a building plan and the commencement of construction, shall be deemed a valid improvement of land;

**"utility service" (nutsdiens/utiliteitsdienste)** 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 substation and transmission lines, waste water pump station and treatment works, but does not include road, or transport use, same as **"authority use"**;

#### [V]

**"verandah" (veranda)** means a covered paved area or projecting floor outside and immediately adjoining a building (not being an area which is a parking area or a yard), at or below the level of ground floor and includes any low walls and railings which encloses the area as well as the structuring covering it, provided that areas covered by eaves projecting less than 1m will not be regarded as "covered" for the purposes of this definition, in which case the paved area will be regarded as a "stoep";

#### [W]

**"wall of remembrance" (herinneringsmuur)** means a wall with cavities for the storage of human ashes covered by a plate for a commemorative message, to be found in a cemetery, crematorium, or at a place of worship;

**"warehouse" (pakhuis)** means a place used for the storage of goods, or as a depot for a wholesale business, including all associated and ancillary uses, but does not include the predominant use for retail purposes or any other business. A store for goods normally incidental to a shop, business premises, or another building is not considered to be a warehouse;

**"wellness centre (gesondheidsentrum)** means an enterprise for the treatment of disease or abnormal physical conditions by exercising the body, and may also include a place where non-surgical health and beauty treatments are offered to live-in guests or day visitors, and may include additional facilities as approved by the Council, the same as **"hydro"**;

**"workshop" (werkwinkel)** means a place in which any one or more of the activities referred to in paragraphs (i) to (iv) of the definition of **"industry"** is or are conducted, but does not include a public garage, service or filling station and noxious trade;

**"wendy house" (wendy huis)** means a wooden structure with a door and windows used for storage purposes, or accommodation. Note: use of wendy house structures as habitable accommodation is subject to municipal policy.

**[Z]**

**"zone" or "use zone" (sone of gebruiksone)** when used as a noun, means the designation of land for a particular zoning, irrespective of whether it consists of one or more land units, or is applicable only to a portion of a land unit;

**"zone" (sone)** when used as a verb, in relation to land, means the act of designating land for a particular zoning;

**"zoning" or "use zoning" (sonering of gebruiksonering)** when used as a noun means the category of directives regulating the development of land and setting out the purpose for which land may be used and the provisions applicable in respect of that category of directives, as determined by this Scheme, and includes overlay zones;

**"zoning map" (soneringskaart)** means the same as **"scheme map"**;

**"zoning scheme" (soneringskema)** means a scheme which has been approved by the Municipality for the zoning of land and consists of the zoning scheme by-law, a register and a zoning map;

**"zoning by-law" (sonerings verordening)** means this zoning scheme by-law, as approved by the Municipality in terms of the Land Use Planning Act 2014 (No.3 of 2014).

## CHAPTER 3: DEFINITIONS AND ZONINGS

### SECTION 3.1: ZONES, LAND USE CATEGORIES AND LAND USE RESTRICTIONS IN EACH ZONE

#### 3.1.1 Purpose of this section

The purpose of this section is to explain the structure of the zoning categories and what the various subsections mean.

#### 3.1.2 Summary Tables A and B

Table A sets out the various zones, whilst Table B is a matrix illustrating all the zones and land use categories. These tables serve as summaries and do not replace / supersede the written text. Should any discrepancies arise between the text in sections 3.3 to 3.24 and the tables, the text in sections 3.3 to 3.24 will prevail.

#### 3.1.3 Section Layout

The land use restrictions in each zone are divided into sections, which are as follows:

##### (a) Zoning Objectives

This section describes the objective and main characteristics of the zone, and may also serve as guidelines with regard to the application of the zone when a choice has to be made regarding the most appropriate zone at the time of rezoning. The zoning objectives exist as statements and serve as explanatory notes, they do as such not form part of the By-Law itself.

##### (b) Land use parameters

This section describes the land use categories which are permitted in the specific zone:

**Primary uses** are uses or buildings which are permitted as a use right, without any further applications having to be made to The Municipality, and are listed under the heading "Primary Uses".

**Consent uses** are uses or buildings which are only constructed or allowed with the Municipality's consent, and are listed under the heading "Consent Uses". The Municipality may delegate the decision-making powers in relation to Consent Uses to a committee or an official, as it deems fit.

##### (c) Development Parameters

This section describes the rules which regulate the construction and placing of buildings, and includes provisions relating to prescribed building lines, height, setback, coverage, floor area, density and parking requirements.

**(d) Applicable Land use management provisions**

The purpose of this section is to explain how land uses and future development may be managed in order to protect and promote the objective of the particular zone, as set out in the Zoning Objectives. This section will, in certain zones, also describe further guidelines and conditions for land use categories within that zone, and may also set out additional uses.

**(e) General provisions, policies and guidelines**

General provisions, policies and guidelines refer to aspects which may be applied to more than one zoning. Compliance with these provisions does not exempt anyone from having to comply with any other applicable legislation.

## SECTION 3.2: USE ZONES

### 3.2.1 Use Zones

All land within the municipal area shall be zoned in accordance with this Scheme, and at least one or more of the following 24 Use Zones shall apply to any land unit, for the purposes of controlling land use and buildings on land:

Residential I Zone	General Industrial II Zone	Resort Zone
Less Formal Residential Zone	Community & Institutional Zone	Transport Facility Zone
Group Housing Zone	Educational Zone	Public Roads and Parking Zone
General Residential Zone	Agricultural Zone	Undetermined Zone
General Business Zone	Extensive Residential Zone	Special Zones
Neighbourhood Business Zone	Utility Services Zone	Subdivisional Zone
Specific Business Zone	Public Open Space Zone	Overlay Zones
Light Industrial Zone	Private Open Space Zone	
General Industrial Zone	Natural Environment Zone	

### 3.2.2 Permitted uses of land and buildings

- (a) No land unit falling into a zone shall be used for a purpose other than those uses permitted in terms of this Scheme; provided that where a land unit is used for a purpose with the Municipality's consent, such land unit may only be used for such purpose after the Municipality's consent has been obtained; provided furthermore that any other land use, which is legally approved in terms of the Planning Act or exists legally in terms of this zoning scheme, may continue to be conducted from such land unit.
- (b) The land uses and consent uses permitted within each zone are set out in the Land Use Parameters in each zone.

**TABLE A: SUMMARY TABLE: ZONINGS**

This table exists as a summary only; it does not replace / supersede, or reflect in full, the provisions contained in Sections 3.3 – 3.25, and must therefore be read in conjunction therewith.

USE ZONE	COLOUR ENTRY	LAND USE PARAMETERS			DEVELOPMENT PARAMETERS				OTHER PROVISIONS, POLICIES AND GUIDELINES
		PRIMARY USE	CONSENT USE	STREET BUILDING LINES	COMMON BUILDING LINES	HEIGHT	COVERAGE	FAR	
Residential I Zone		Bed and breakfast establishment. Dwelling-house. Hot-house. Limited crèche Limited Occupational Practice.	Additional Dwelling Unit Breeding establishment. Crèche. Double dwelling Guest-house. House shop. Occupational practice. Special use  Tourist Facilities (as per areas identified in SDF)	Up to 300m <sup>2</sup> - 1.5m. 300m <sup>2</sup> -500m <sup>2</sup> - 3m. Greater than 500m <sup>2</sup> - 4m. Garages or outbuildings - 4m. Carports - 1.5m,	Side: Up to 300m <sup>2</sup> - 0m to 1m. 300m <sup>2</sup> - 500m <sup>2</sup> - 1.5m. Greater than 500m <sup>2</sup> - 2m. Carports - 0m. Rear: Up to 300m <sup>2</sup> - 1m. 300-500m <sup>2</sup> - 1.5m. Greater than 500m <sup>2</sup> - 2m. Carports - 0m.	8.5m to top of roof except where deviation is required as per the Overlay Schemes requirements.	Up to 250m <sup>2</sup> - 80% to a max of 250m <sup>2</sup> . 251m <sup>2</sup> -500m <sup>2</sup> - 70% to a max of 500m <sup>2</sup> . 501m <sup>2</sup> and greater - 50% to a max of 1000m <sup>2</sup> .	1.0	
Less Formal Residential Zone		Dwelling-house. Incremental dwelling-house. Mobile home.  Shelter. Limited Occupational Practice	Additional Dwelling Unit Double dwelling House Shop Special use Crèche Limited Crèche Occupational Practice	1m, if required by the Municipality.	Side: At least 1m on one boundary Rear: 1m but  2m can be required by the Municipality	8.5m to top of roof.	80%	1.0	
Group Housing Zone		Group houses. Limited Crèche. Limited occupational practice. Bed and breakfast establishment	Crèche.  Occupational practice. Retirement village. Special use	External boundary - 3m. Internal boundary - 0m	External boundary - 3m. Internal boundary - 0m.	8.5m to top of roof.	75%	1.0	Minimum density of 20du/ha

SWELLENHAM MUNICIPALITY: INTEGRATED ZONING SCHEME BY-LAW

CHAPTER 3: DEFINITIONS AND ZONINGS

USE ZONE	COLOUR ENTRY	LAND USE PARAMETERS			DEVELOPMENT PARAMETERS					OTHER PROVISIONS, POLICIES AND GUIDELINES
		PRIMARY USE	CONSENT USE		STREET BUILDING LINES	COMMON BUILDING LINES	HEIGHT	COVERAGE	FAR	
General Residential Zone		Block of flats Dwelling house Guest House Residential buildings.	Bed and breakfast establishment. Conference facilities. Hostel Limited Occupational Practice. Occupational practice. Place of assembly. Special use	4.5m	Ground floor and first level - 4.5m. Second level and higher - 6m.	12m to top of roof	50%	1000-1499m <sup>2</sup> - 0.8. 1500-1999m <sup>2</sup> - 0.9 2000 and above - 1.1.		
General Business Zone		Block of flats Business premises Dwelling-house Guest House Hotel Nursery Office park Postal agency Private parking area Public parking area Residential building Restaurant Supermarket	Funeral parlour Gambling place Liquor store. Motor Showroom Open Air Market Parking garage Place of entertainment Self Storage Facility Service or filling station Service trade Special use	Dwelling-house - 2m-4m Residential building - 4.5m Service and filling station - 5m. All other buildings - 0m.	Dwelling-house - 1m-2m Residential building - 4.5m-6m Service and filling station - 0m. All other buildings - 0m	Within Swellendam urban area 12m to top of roof All other areas 8,5m	85%	None		
Neighbourhood Business Zone		Bed and Breakfast Block of flats Dwelling-house Guest-house Occupational practice Offices Postal agency. Private parking area Public parking area Shops	Conference facilities Educational institution Gambling Place/Place of Entertainment Hotel Institution Liquor Store Nursery Open air market Outdoor recreational facilities Place of assembly Residential building Service or filling station Special use	3m	1.5m	8.5m to top of roof	<250m <sup>2</sup> - 75% 250m <sup>2</sup> -500m <sup>2</sup> - 70% >500m <sup>2</sup> - 60%	1.5		

## CHAPTER 3: DEFINITIONS AND ZONINGS

## SWELLEDAM MUNICIPALITY: INTEGRATED ZONING SCHEME BY-LAW

USE ZONE	COLOUR ENTRY	LAND USE PARAMETERS		DEVELOPMENT PARAMETERS			OTHER PROVISIONS, STREET BUILDING LINES
		PRIMARY USE	CONSENT USE	STREET BUILDING LINES	PRIMARY USE	CONSENT USE	
Specific Business Zone		As determined by the Municipality to address needs within a local context.					
Light Industrial Zone		Accommodation for caretakers Light industry Motor showroom Nursery Point of Sale Public garage Self Storage Facility Service trade (excl builders yard) Warehouse Workshop	Adult entertainment business Filling and service station Place of entertainment Special use Transport purposes	3m	0m	12m from base level to top of roof. 75%	1.0
General Industrial Zone		Accommodation for caretakers Adult entertainment business Industry Light industry Nursery Point of sale Public garage Self Storage Facility Service or filling station Service trade Warehouse Workshop Mine	Abattoir Brickyard Builders yard Crematorium Noxious Industry Place of entertainment Scrap yard Special use Transport purposes	3m	0m	12m from base level to top of roof. 75%	1.0
General Industrial II Zone			None				Parameters to be determined on a case by case basis

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CHAPTER 3: DEFINITIONS AND ZONINGS

USE ZONE	COLOUR ENTRY	LAND USE PARAMETERS			DEVELOPMENT PARAMETERS					OTHER PROVISIONS, POLICIES AND GUIDELINES
		PRIMARY USE	CONSENT USE	STREET BUILDING LINES	COMMON BUILDING LINES	HEIGHT	COVERAGE	FAR		
Community and Institutional Zone		Cemetery Community facilities Institution Local Cemetery Museums Old age home Parsonage Place of Assembly Place of Worship Recreation centre Wall of remembrance Wellness Centre/Hydro	Conference facilities Educational institution Helicopter and aircraft landing port Special Resort Tourist Facilities	5m	5m	12m from base level to top of roof.	50%	1.5		
Educational Zone		Accommodation for caretakers Crèche Day Care Centre Educational institution	The Municipality may approve any development ancillary to an educational institution.  Special use	3m	3m	12m from base level to top of roof.	50%	1.5		
Agricultural Zone		Agricultural building Agriculture Bed and breakfast establishment Dwelling House Crèche Employee housing Limited occupational practice Nursery Pack Store <b>Second dwelling</b>	Additional dwelling-units Agricultural industry Agri-village Antenna Structure Camping Site Community facility Farm Shop Farm Stall Guest-house Heliport, air strip  Intensive feed farming Mining Kennel Occasional Use On-farm educational institution Picnic and braai facilities Place of assembly Renewable Energy Structures Riding school Special use Service Trade Tourist facilities	30m	30m	Dwelling house - 8.5m from base level to top of roof. Other agricultural buildings - 12m from base level to top of roof. Employee housing - 8.5m from base level to top of roof.		Total floor area of all dwelling units (incl second dwelling, additional dwelling, guest houses, employee housing) on land unit – 1000m <sup>2</sup>		

## SWELLENDAM MUNICIPALITY: INTEGRATED ZONING SCHEME BY-LAW

## CHAPTER 3: DEFINITIONS AND ZONINGS

USE ZONE	COLOUR ENTRY	LAND USE PARAMETERS			DEVELOPMENT PARAMETERS				OTHER PROVISIONS, POLICIES AND GUIDELINES
		PRIMARY USE	CONSENT USE	STREET BUILDING LINES	COMMON BUILDING LINES	HEIGHT	COVERAGE	FAR	
Extensive Residential		Agricultural building Agriculture Bed and breakfast establishment Dwelling house Employee Housing Limited occupational practise Nursery	Additional dwelling units Agricultural Industry Antenna Structure Camping Site Crèche Intensive Feed farming Farm Shop Farm Stall Guest-house Kennel Occasional Use Occupational practise Place of worship Special use Tourist Facilities	Erf frontage <40m: 5m Erf frontage > 40m: 10m	Erf frontage <40m: 5m Erf frontage > 40m: 10m	Agricultural buildings: 12m to top of roof Buildings not utilised as agricultural buildings: 8.5m base level to top of roof	Primary use: Dwellings 750m <sup>2</sup> Employee housing 100m <sup>2</sup> Consent: Additional dwelling units 500m <sup>2</sup> Guest-house 750m <sup>2</sup>		
Utility Services Zone		Antenna Structure Authority use Engineering services	Special use			To be determined by the Municipality			
Public Open Space Zone:		Ancillary uses Natural environment Public open space	Occasional Use Open air market Picnic and braai facilities Special uses Sports facilities			To be determined by the Municipality			
Private Open Space Zone:		Natural environment Private open space	Cemetery Nature area Nursery Occasional Use Open air market Outdoor recreational facilities Picnic and braai facilities Place of assembly Special use			To be determined by the Municipality.			

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SWELLENDAM MUNICIPALITY: INTEGRATED ZONING SCHEME BY-LAW

USE ZONE	COLOUR ENTRY	LAND USE PARAMETERS		DEVELOPMENT PARAMETERS				OTHER PROVISIONS, POLICIES AND GUIDELINES	
		PRIMARY USE	CONSENT USE	STREET BUILDING LINES	COMMON BUILDING LINES	HEIGHT	COVERAGE		FAR
Natural Environment Zone		Biosphere reserve Natural environment Nature area	Antenna structure Aquaculture Forestry Guest-house Holiday accommodation Hotel Picnic and braai facilities Place of assembly Special use Tourist facilities	0m	0m except where abutting zone is not a transport zone in which case 3m building line	12m from base level to top of roof. Shipping containers may not be stacked higher than 12m.	75%	2	To be determined by the Municipality.
Resort Zone		Holiday accommodation	Antenna structure Café Conference facilities Guest-house Hotel Outdoor recreational facilities Outdoor sports facilities Place of entertainment Special use Sports facilities and club house Tourist facilities						To be determined by the Municipality.
Transport Zone		Parking garage Public Road Private Road Transport purpose Utility service	Air and Underground uses Airfield Antenna structure Helicopter or aircraft landing port Informal trading Motor repair garage/Public garage Rooftop base station Service/filling station Shipping or container site Special use Truck Stop	0m					

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## SWELLENHAM MUNICIPALITY: INTEGRATED ZONING SCHEME BY-LAW

USE ZONE	COLOUR ENTRY	LAND USE PARAMETERS		DEVELOPMENT PARAMETERS				OTHER PROVISIONS, POLICIES AND GUIDELINES	
		PRIMARY USE	CONSENT USE	STREET BUILDING LINES	COMMON BUILDING LINES	HEIGHT	COVERAGE		FAR
Undetermined Zone		Existing use	None					To be determined by the Municipality.	
Special Zone		As determined by The Municipality						To be determined by the Municipality.	
Subdivisional area		Existing use.						To be determined by the Municipality.	
Overlay Zone: Additional purposes and parameters aside from zoning		Existing use.						To be determined by the Municipality.	

**TABLE B: SUMMARY TABLE: LAND USE CATEGORIES MATRIX**

This table is only a summary. Please refer to the text in sections 3.3 - 3.24 of the Scheme for further restrictions.

Broad Description	Land use category P=Primary use C = Consent use	Residential I	Less Formal Residential	Group Housing	General Residential	General Business	Neighbourhood Business	Specific Business	Light Industrial	General Industrial	Community & Institutional	Educational	Agriculture	Extensive Residential	Utility Services	Public Open Space	Private Open Space	Natural Environment	Resort	Transport	Undetermined	Special	Subdivisional Area	
Low and medium density Residential uses and buildings	Additional dwelling unit	C	C										C	C										
	Dwelling house	P	P		P	P	P							P										
	Employee housing																							
	Incremental dwelling house		P																					
	Mobile home		P								P													
	Parsonage																							
	Semi-detached dwelling		P																					
Shelter																								
Enterprises from a dwelling house	Bed and breakfast	P	C	P	C		P						P	P										
	Crèche	C	C	C								P	P	C										
	Day Care Centre											P												
	House shop	C	C									P												
	Limited crèche	P	C	P																				
	Limited occupational practice	P	P	P	C									P										
	Occupational practice	C	C	C	C			P							C									



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Broad	Land use category	Residential I	Less Formal Residential	Group Housing	General Residential	General Business	Neighbourhood Business	Specific Business	Light Industrial	General Industrial	Community & Institutional	Educational	Agriculture	Extensive Residential	Utility Services	Public Open Space	Private Open Space	Natural Environment	Resort	Transport	Undetermined	Special	Subdivisional Area			
sports and recreation	P=Primary use C = Consent use										P		C	C												
	Camping Site										P		C													
	Museum										P															
	Natural environment																									
	Nature area																									
	Open air market																									
	Outdoor recreational facilities						C																			
	Outdoor sports facilities																									
	Picnic and braai facilities																									
	Public open space																									
Private open space																										
Sports facility/clubhouse																										
Business and commercial uses	Adult entertainment																									
	Business premises																									
	Café																									
	Funeral parlour																									
	Gambling place																									
	Informal trade																									
	Liquor Store																									
	Offices/office park																									
	Open Air Market																									
	Place of entertainment																									
	Postal agency																									
	Restaurant																									
	Service/filling station																									
	Service trade																									
Shops																										
Supermarket																										

**SWELLEDAM MUNICIPALITY: INTEGRATED ZONING SCHEME BY-LAW**

CHAPTER 3: DEFINITIONS AND ZONINGS		SWELLEDAM MUNICIPALITY: INTEGRATED ZONING SCHEME BY-LAW																							
Broad	Land use category  P=Primary use C = Consent use	Residential I	Less Formal Residential	Group Housing	General Residential	General Business	Neighbourhood Business	Specific Business	Light Industrial	General Industrial	Community & Institutional	Educational	Agriculture	Extensive Residential	Utility Services	Public Open Space	Private Open Space	Natural Environment	Resort	Transport	Undetermined	Special	Subdivisional Area		
Industrial uses	Abattoir																								
	Brick yard																								
	Builders yard																								
	Crematorium																								
	Industry								P	P															
	Light industry								P																
	Quarry																								
	Motor showroom																								
	Motor repair garage																								
	Noxious industry																								
	Pack Store																								
	Point of sale									P															
	Public garage									P															
	Self Storage Facility									P															
Scrap yard																									
Warehouse									P																
Workshop									P																
Transport uses	Airfield/airport																								
	Helicopter/aircraft landing port																								
	Parking garage																								
	Private parking area																								
	Public parking area																								
	Private road																								
	Public road																								
	Shipping container site																								
	Transport purposes																								
	Truck Stop																								

SWELLEDAM MUNICIPALITY: INTEGRATED ZONING SCHEME BY-LAW

CHAPTER 3: DEFINITIONS AND ZONINGS

Broad	Land use category	Residential I	Less Formal Residential	Group Housing	General Residential	General Business	Neighbourhood Business	Specific Business	Light Industrial	General Industrial	Community & Institutional	Educational	Agriculture	Extensive Residential	Utility Services	Public Open Space	Private Open Space	Natural Environment	Resort	Transport	Undetermined	Special	Subdivisional Area	
Description	P=Primary use C = Consent use																							
	Agriculture												P											
	Agricultural building												P											
	Agricultural industry												P											
	Agri-village												C											
	Aquaculture												C											
	Breeding establishment		C																					
	Farm Shop													C										
	Farm stall													C										
	Forestry													C										
	Hot-house		P											C										
	Intensive feed farming													C										
	Kennel													C										
	Nursery						P							P										
	On-farm educational institution							C					C											
	Renewable energy structure													C										
	Riding school													C										
Sundry	Air and underground uses																							
	Antenna structure												C											
	Authority use														P									
	Engineering services														P									
	Rooftop base station																							
	Utility service use																							

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**TABLE C: OFF-STREET PARKING REQUIREMENTS (minimum requirements)**

	Land use category	Parking requirements (parking bays including provision in a garage or parking basement)
Low and medium density residential uses.	Dwelling-house	two bays per dwelling house.
	Double dwelling	Two bays per dwelling unit.
	Incremental dwelling-house	one bay per dwelling-house.
	Mobile home	one bay per dwelling-house.
	Second/Additional dwelling-unit Shelter	one bay per additional dwelling unit. nil.
Enterprises from a dwelling house	Bed and breakfast	two bays per dwelling house plus one additional bay per guest bedroom.
	Crèche/Day-care facility	0.5 bays per staff member. plus one bay per six children.
	Occupational practice	As determined by The Municipality (if necessary).
General residential housing	Flats	one bedroom: one bay per dwelling unit two bedrooms: 1.25 bays per dwelling unit three/four bedrooms: 2 bays per dwelling unit plus 0.25 bays per dwelling unit for visitors.
	Group housing	two bays per dwelling unit. 0.25 bays per dwelling unit for visitors.
	Hostel	one bay per two beds.
	Residential building	one bay per bedroom. plus 0.25 bays per bedroom for visitors.
	Retirement village and Old age home	one bay per three beds. plus 0.25 bays per bed for visitors.
Tourism related accommodation and uses	Conference facilities	eight bays per 10 seats.
	Guest-house	Two bays per dwelling house plus one additional bay per guest bedroom.
	Holiday accommodation	one bay per dwelling unit. plus 0.25 bays per dwelling unit for visitors.
	Holiday housing	one bay per dwelling unit. plus 0.25 bays per dwelling unit for visitors.
	Hotel	one bay per bedroom. plus 0.5 bays per bedroom for visitors.
Communal facilities	Tourist facilities	as determined by The Municipality.
	Academic buildings	1 bay per 25 seats in lecture hall.
	Cemetery	as determined by The Municipality.
	Consulting rooms	four bays per consulting room.
	Hospital/clinic	one bay per bed.
	Informal trading	two bays per trading bay.
	Place of assembly	one bay per four seats.
	Educational Institution	1.25 bays per classroom.
Place of worship Library	one bay per four seats. 2 bays per 100m <sup>2</sup>	

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	Land use category	Parking requirements (parking bays including provision in a garage or parking basement)
Business and commercial uses	Adult entertainment	as determined by The Municipality.
	Business premises/shops	four bays per 100m <sup>2</sup> GLA.
	Funeral parlour	as determined by The Municipality.
	Nursery	one bay per 100m <sup>2</sup> floor area up to 1,500m <sup>2</sup> . more than 1,500m <sup>2</sup> floor area one bay per 200m <sup>2</sup> . loading bays as determined by The Municipality.
	Offices/Office Park/ Administration buildings	four bays per 100m <sup>2</sup> GLA.
	Gymnasium	Six bays per 100m <sup>2</sup> floor area
	Place of entertainment	one bay per four patrons.
	Restaurant	one bay per four seats. loading bays as determined by The Municipality.
	Service/Filling station	four bays. plus one bay per 25m <sup>2</sup> shop floor area
	Specific business	as determined by The Municipality. loading bays as determined by The Municipality.
	Supermarket	six bays per 100m <sup>2</sup> GLA loading bays as determined by The Municipality.
Industrial uses	Builder's yard	as determined by The Municipality.
	Noxious industry	one bay per 100m <sup>2</sup> floor area.
	Industry/light industry	two bays per 100m <sup>2</sup> floor area up to 1,500m <sup>2</sup> . more than 1,500m <sup>2</sup> floor area one bay per 200m <sup>2</sup> . loading bays as determined by The Municipality.
	Point of Sale	six bays per 100m <sup>2</sup> floor area for portion of building used for sales;
	Service Trade	two bays per 100m <sup>2</sup> floor area. plus one bay per 25m <sup>2</sup> for offices.
	Warehouse, scrap yard, fishing enterprise	two bays per 100m <sup>2</sup> floor area up to 1,500m <sup>2</sup> . more than 1,500m <sup>2</sup> floor area one bay per 200m <sup>2</sup> . loading bays as determined by The Municipality.
	Workshop	two bays per 50m <sup>2</sup> floor area. plus one bay per 25m <sup>2</sup> for offices. loading bays as determined by The Municipality.
Conservation, Sport and Recreation	Nature area, public open bay, private open bay, sports facility,	as determined by The Municipality
Transport uses	Transport purposes	Parking for this zone is calculated according to the type of use with reference to parking requirements of other use categories in this Scheme (e.g. workshop, industry or warehouse, etc).

For any other use not listed above, the Municipality may impose as conditions of approval, further parking requirements as The Municipality deems fit.

## SECTION 3.3: RESIDENTIAL ZONE I (RI)

### 3.3.1 Zoning Objectives

The objectives of this zone are to make provision for:

- the use of land for the purposes of predominantly single residential development;
- the welfare and safety of the occupants of dwelling-houses within a neighbourhood, by limiting uses which are likely to give rise to a public nuisance;
- protection and improvement of the quality and character of residential areas to ensure a safe and pleasant living environment;
- controlled opportunities for home employment, additional dwellings and low intensity mixed use development on a single residential property.

### 3.3.2 Land use parameters

Primary uses	Consent Uses
<ul style="list-style-type: none"> <li>• Bed and breakfast establishment</li> <li>• Dwelling-house</li> <li>• Hot-house</li> <li>• Limited crèche</li> <li>• Limited Occupational Practice</li> </ul>	<ul style="list-style-type: none"> <li>• Additional Dwelling Unit (larger than 30m<sup>2</sup>)</li> <li>• Breeding establishment</li> <li>• Crèche</li> <li>• Double dwelling</li> <li>• Guest-house</li> <li>• House shop</li> <li>• Occupational practice</li> <li>• Special use</li> <li>• Tourist Facilities</li> </ul>

### 3.3.3 Development Parameters

The following Development Parameters apply, unless otherwise stipulated in an Overlay Zone:

#### (a) Building lines

- (i) Subject to the provisions of section 5.1 the following Development Parameters are applicable to the dwelling-house on the property:

Area of land unit/erf	Street building lines (m)	Common boundary building lines (m)
Up to 300m <sup>2</sup>	1.5m	0m- 1m (refer to v below)
301m <sup>2</sup> to 500m <sup>2</sup>	3m	1.5m
Greater than 500m <sup>2</sup>	4m	2m

- (ii) For outbuildings or garages, a minimum distance of 4m must be maintained from the street boundary.
- (iii) Car ports are permitted up to 1,5m from the street boundary and 0m on a common boundary, provided that the wall on the common boundary is no higher than 1,8m.
- (iv) Eaves projection may exceed the common building line or street building line by at most 1m.

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- (v) On land units of 300m<sup>2</sup> or less, one of the common boundaries may have a building line of 0m for the purpose of erecting **habitable or non-habitable rooms**, provided that consent from adjoining neighbours is obtained and that for that portion of the building which is located closer than 1m to the boundary, the following restrictions shall apply:
- no windows or doors shall be positioned in such portion of the wall, and
  - such portion of the building shall be a single level.
- (vi) On land units larger than 300m<sup>2</sup> one of the common boundaries may have a building line of 0m for the purpose of erecting **outbuildings**, provided that consent from adjoining neighbours is obtained, and that for that portion of the building which is located closer than 1m to the boundary, the following restrictions shall apply:
- no windows or doors shall be positioned in such portion of the wall, and
  - such portion of the building shall be a single level building.
- (vii) The Municipality may require a common boundary line of  $\geq 2\text{m}$  if sewerage or any other municipal services are provided along land unit boundaries.
- (viii) All new land units located within the urban edge is to have direct frontage, whether it be onto a public or a private road.

**(b) Height**

No building may exceed a height of 8.5m, measured from base level to the top of the roof, except where deviation is permissible per the Overlay Schemes requirements.

**(c) Coverage**

The maximum combined coverage of all buildings, including a second dwelling, is limited as follows:

Area of land unit/erf	Maximum coverage (% of the area of the land unit/erf)
Up to 300m <sup>2</sup>	80%
301m <sup>2</sup> - 500m <sup>2</sup>	70%
501m <sup>2</sup> and larger	50%

**(d) Parking (minimum parking requirements)**

The following parking requirements (which may include garages) apply to this zone (refer to **Table C: Parking Requirements**):

- Dwelling-house: Two bays per dwelling-house
- Additional Dwelling Unit: One additional bay
- Double Dwelling: Two bays per dwelling unit

Refer to **Table C** (section 5.7) for detail parking requirements.

**(e) Erf Size**

Unless there are exceptional site conditions or circumstances, which are to be motivated:

- a newly created erf in this zone may not be smaller than the smallest registered erf in the immediate environment, and
- a newly created erf in this zone may not be smaller than 50% of the average erf size in the immediate environment.

For the calculation of average erf size, all erven in the same street and street block as the subject property are to be taken into account, excluding the subject property, non-residential erven and extraordinary large erven (more than 2 times the average). A minimum of 20 adjoining and surrounding erven to be used in the calculation, in relation to description of the immediate environment.

### 3.3.4 Land use management provisions

#### (a) General provisions

##### (i) Conditions for uses

The following general conditions are applicable to all activities which are permitted as of right, or with The Municipality's consent, in this zone:

- (aa) The owner of the land unit, or the person who manages the activity, must reside on the premises and the dominant use must be the housing of that person (and, if applicable, his/her family, except in the case of a guest-house).
  - (ab) The nature of any improvements to the dwelling-house must be such that the building can at any time revert to the use of a normal dwelling-house.
  - (ac) The residential façade of the dwelling-house shall be retained to the satisfaction of the Municipality.
  - (ad) No goods, material or equipment shall be displayed or be visible from a public street. Any goods, materials or equipment to be stored on the land unit shall be within an enclosed structure which forms part of the dwelling-house
  - (ae) The activity may not cause a public nuisance.
  - (af) All advertising and signage is subject to the applicable Municipal By-Law.
  - (ag) Parking must be provided in terms of Table C, or according to The Municipality's conditions of approval.
  - (ah) The land use shall not involve the regular parking or keeping of any vehicle on the land unit if the vehicle concerned is used for loading goods, materials or passengers in connection with the activity or for remuneration. No vehicles associated with the limited occupational practice activity shall be parked in a public street within a residential area (the above provisions exclude the vehicle required by the occupant of the dwelling for personal use).
  - (ai) All relevant safety, health and fire regulations are applicable.
  - (aj) When granting consent use, only those facilities indicated on a site development plan (SDP) or included and described in the application and subsequently approved by the Municipality, may be conducted as part of the activity. If any alterations whatsoever are made to the extent and layout of the facilities, or any additional facilities are provided, a further application for consent use must be submitted to be considered by the Municipality.
  - (ak) If the Municipality, or any person is of the opinion that the activity contravenes any of the conditions, or if the activity does not comply with the limitations and conditions below, or if the activity is a source of nuisance to adjoining residents or has a detrimental impact on the residential character of the area, a written complaint may be lodged with The Municipality.
- The Municipality shall act in one of the following ways:
- (a) serve a notice on the person which instructs the person to either comply with the conditions of the Scheme, or with any other additional conditions The Municipality may deem fit to mitigate the impact of the use, or;
  - (b) serve a notice on the person to terminate the use on the premises by a specified date, subject to a fair and reasonable administrative process, or;
  - (c) serve a notice on the person to terminate the illegal use with immediate effect.

**(b) Provisions for Primary Rights**

When any activity which is permitted as a primary use right is conducted from a land unit, such land use shall comply with the following land use management provisions:

**(i) Bed and Breakfast Establishment**

- (a) No more than three bedrooms (with a maximum of two persons per room) may be utilised for the purpose of a bed and breakfast enterprise.
- (ab) No guest may reside in the bed and breakfast enterprise on a permanent basis.
- (ac) No more than two persons may be employed to conduct a bed and breakfast enterprise.
- (ad) A site development plan (SDP) must be submitted to the Municipality indicating the parking. Layout of the on-site parking as per parameters required by the Municipality, landscaping, street image, advertising signs, reception areas, rooms and areas for private use.

**(ii) Dwelling House**

- (aa) means a building containing only one dwelling-unit, together with the outbuildings usually associated therewith, including a garden shed, garage, an additional dwelling unit (with a floor area of less than 30m<sup>2</sup>) and a hot-house, and means the same as "dwelling".

**(iii) Hot-house**

- (aa) The size of a hot-house is limited to 18m<sup>2</sup> and 2.4m high.
- (ab) The structure shall comply with all the building lines applicable to the site and shall not be visible from a public street.
- (ac) Use must be for non-commercial purposes, except with special consent from the Municipality.

**(iv) Limited crèche**

- (aa) The provision of a limited crèche facility for five or fewer children (including any crèche going children of the resident family) is allowed as a primary right. An application for consent must be submitted to The Municipality for a crèche facility of more than five up to a maximum of 15 children.
- (ab) The hours of operation shall be limited between 06:00 to 18:00, or as determined by the Municipality
- (ac) Not more than one person may be employed for a limited crèche facility for up to five children.
- (ad) Play areas must be provided in terms of the following guidelines:
  - Outside: 2m<sup>2</sup> per child
  - Inside: 2m<sup>2</sup> per child
- (ae) Suitable and sufficient sanitary facilities must be provided on the premises, to the Municipality's satisfaction, of at least one flushing toilet.

**(v) Limited occupational practice**

- (aa) The activity should be of such a limited nature that the operator shall employ / attract no more than two persons at any one time. Should any activity lead to a larger number of people at any one time visiting the land unit, application should be made for the Municipality's consent for an Occupational Practice.
- (ab) The Limited Occupational Practice shall not consist of any of the following types of activities: sale of alcoholic beverages, serving of food or refreshments on the land unit, sale of goods which are not made on the premises, repair of motor vehicles, any activity which, in the opinion of the Municipality, creates a public nuisance, emits smells or involves a noxious activity.
- (ac) The hours of operation shall be limited between 07:30 to 18:00.
- (ad) The maximum floor area for Limited Occupational Practice (including storage) is no more than 30% of the floor area of the dwelling-house, up to a maximum of 40m<sup>2</sup>.
- (ae) Should any person wish to conduct an occupational practice which does not comply with the limitations as set out in (aa) to (ad), an application for consent use for an Occupational Practice shall be submitted for the Municipality's consideration.

**(c) Provisions for Consent uses**

In approving consent uses or any other application in terms of the Scheme, the Municipality shall give regard to the following land use management provisions and these provisions shall apply in all cases, unless a departure is specifically granted in this regard:

**(i) Additional Dwelling Unit (larger than 30m<sup>2</sup>)**

- (aa) An additional dwelling-unit may be utilised only for the permanent or short term accommodation of a single family, including for self-catering purposes.
- (ab) An additional dwelling unit may not exceed 120m<sup>2</sup> in size.
- (ac) Notwithstanding the maximum parameters contained in this scheme, the Municipality may limit the position, number and size of units according to the specifics of the land unit.
- (ad) An additional dwelling-unit shall not be linked to the main dwelling-house and shall, should, the Municipality deem it necessary, form an architectural entity.
- (ae) An additional dwelling unit may not be separately alienated in terms of the Sectional Titles Act, 1986 (Act 95 of 1986).
- (ag) The Municipality may impose any other conditions it deems appropriate to mitigate potential adverse impacts.

**(ii) Breeding establishment**

- (aa) The applicant shall be resident on the premises, and registered with the union/organisation which governs the breeding of that particular type of animal;
- (ab) In the case of dogs, no more than six dogs may be kept on a land unit. In the case of other animals, The Municipality will determine a maximum number which will be imposed as a condition of approval;

(ac) The Municipality may, should the use cause a nuisance, have the right to instruct the owner to reduce the number of animals or to implement other measures to address potential impacts within a reasonable time period. This includes the possible termination of the use.

**(iii) Crèche**

(aa) An application for consent use must be submitted to the Municipality for a crèche facility of more than five, up to a maximum of 15, children.

(ab) For a consent use application, a site development plan (SDP) must be submitted to the Municipality indicating the parking layout, landscaping, street image, advertising signs, area for the crèche facility and areas for private use.

(ac) The hours of operation shall be limited between 06:00 to 18:00, or as determined by the Municipality.

(ad) The maximum floor area which may be utilised for the crèche facility must be determined by The Municipality when considering the consent use application.

(ae) When approving a consent use application, the Municipality must determine the maximum number of people who may be employed in this regard.

(af) Play areas must be provided in terms of the following guidelines:

- Outside 2m<sup>2</sup> per child
- Inside 2m<sup>2</sup> per child

(ag) Suitable and sufficient sanitary facilities must be provided on the premises, to the Municipality's satisfaction, of at least one flushing toilet. The Municipality may require additional facilities for more than five children.

**(iv) Double dwelling**

(aa) Two dwelling units contained within the same building, in which case it shall be designed to have the appearance of one integrated building.

(ab) Both dwelling-units may be on the ground floor, or one unit may be on the ground floor and the other unit above.

(ac) The units may have separate entrances.

(ad) Only 1 Double Dwelling (no more than two dwellings) shall be permitted per erf within Residential Zone I.

**(v) Guest-house**

(aa) The use may be carried out from an altered dwelling-house, or a specifically constructed facility which consists of a single structure with interconnected rooms

(ab) The structure to be able to revert / convert to a dwelling unit for use by a single family without significant structural change;

(ac) No more than 10 bedrooms, accommodating no more than 20 people, whichever is more restrictive, are allowed per guest-house, provided that the Municipality may limit the numbers if it is regarded as being in the interest of the area or neighbourhood.

(ad) A site development plan (SDP) detailing the layout and number of rooms and units, any related facilities to be provided, reception areas, communal areas, on-site parking as per the Municipality requirements, landscaping, advertising signs and street image, must accompany the application being submitted to the Municipality.

(ae) Advertising and signage to be as per the appropriate Municipal By-Law.

(af) Meals and liquor may only be supplied to residing guests. -

(af) Related activities e.g. a dining room or restaurant, lecture room, wellness centre or similar types of uses are permitted, provided that these facilities are only used by residing guests up to a maximum of 20 people for a 10 bedroom facility. The facilities must relate to the extent of the guest-house to ensure that they are not used by the general public and will be subject to an approved SDP.

**(vi) House shop**

- (aa) None of the products for sale may be advertised in a manner that is visible from the street.
- (ab) No activity will be allowed that will impact negatively or disturb the surrounding properties and character of the area.
- (ac) The dominant use of the dwelling-house concerned shall be for the living accommodation of a single family.
- (ad) An application for a house shop will be advertised in the local papers and the surrounding property owners will be notified.
- (ae) The extent and position of the house shop shall be clearly defined on a plan, and excluding any toilet or change room, shall not exceed 20m<sup>2</sup>, or 25% of the total floor area of the dwelling-house, whichever is the lesser area.
- (af) Only the lawfully owners, or lessees of the property / erf may apply for a house shop and must be living on the property.
- (ag) Any new structure or alteration to the existing dwelling house, additional dwelling unit or outbuilding, shall conform to the residential character of the area.
- (ah) No more than two persons in total shall be engaged in retail activities on the property, including the occupant or occupants and any assistants.
- (ai) All advertising and signage to be as per the appropriate Municipal By-Law.
- (aj) The following is not permitted in a house shop: (unless the prior written approval or the Municipality is obtained:) sale of liquor or alcoholic beverages, storage or sale of fireworks, gas and gas containers, vending machines, gaming machines, video games or pool tables, fresh meat and scrap metal.
- (ak) The area used for a house shop may not open directly onto a bedroom or toilet, and no goods which will be sold from the shop may be stored in a bedroom or toilet.
- (al) The house shop shall be adequately ventilated and illuminated, and if perishable food is sold, the Municipality may require refrigeration to be provided and frozen foods be kept under -12°C and refrigerated foods under 7°C.
- (am) The house shop shall not operate outside the hours of 07:00 to 21:00.
- (an) Not more than one vehicle may be used in connection with a house shop and shall not exceed 3500kg gross weight, including delivery vehicles.
- (ao) No house shop will be allowed in a government subsidised dwelling unit. In case of subsidised dwelling units, approval will only be granted for a house shop if it is located in a separate structure, but on the same premises, as the subsidised dwelling unit. Such a structure may not exceed 20m<sup>2</sup> in extent. The applicable building lines must be taken into consideration with the placement of such a structure on the premises.
- (ap) A complete set of building plans, which clearly indicates the area / structure to be used as a house shop, must accompany such an application.
- (aq) Only pre-packed food, that is properly labelled and is supplied by a registered food dealership, or fresh vegetable produce may be sold from the shop.
- (ar) No food may be produced or handled on the premises.
- (as) All house shops will be inspected on an ongoing basis.

- (at) Each house shop application will be assessed and evaluated on its merits, taking into consideration the applicable criteria, the municipal house shop policy and comments received from the public.
  
- (viii) Occupational practice**
  - (aa) A maximum of four people, whether or not resident on the property, may be employed in connection with the occupational practice at any one time.
  - (ab) The hours of operation shall be limited between 07:30 to 18:00.
  - (ac) The maximum floor area for Occupational Practice (including storage) is no more than 30% of the floor area of the dwelling-house up to a maximum of 50m<sup>2</sup>.
  
- (ix) Special use**
  - (aa) A use which is unique, or in respect of which the land use restrictions are so unique, and for which no provision has been made in this Scheme, and which is defined in detail by means of conditions of approval.
  
- (x) Tourist facilities**
  - (aa) As per the areas identified in the Swellendam Spatial Development Framework and;
  - (ab) Includes amenities for tourists such as restaurants, gift shops, and rest rooms, but excludes estate agencies and tourist accommodation;

### 3.3.5 General provisions, policies and guidelines

The general development parameter and land use management provisions, as set out in Chapters 5-6, are applicable regarding the use of land in this zone.

## SECTION 3.4: LESS FORMAL RESIDENTIAL ZONE (LFR)

### 3.4.1 Land Use Objective

The objectives of this zone are to make provision for:

- the use of land for the purpose of less formal housing;
- where conditions so determine, to accommodate persons residing in areas where financial constraints require that less stringent land use management provisions be applied;
- the stimulation of informal-sector economic activity through residences being used more intensively, for the additional purposes of a business or an occupation;
- certain areas with housing developments where the provisions of the National Building Regulations and Standards Act, 1977 (Act 103 of 1977) do not necessarily apply.

### 3.4.2 Land use parameters

Primary uses	Consent Uses
<ul style="list-style-type: none"> <li>• Dwelling house</li> <li>• Incremental dwelling-house</li> <li>• Limited occupational practice</li> <li>• Mobile home</li> <li>• Shelter</li> </ul>	<ul style="list-style-type: none"> <li>• Additional Dwelling Unit (larger than 30m<sup>2</sup>)</li> <li>• Crèche</li> <li>• Double dwelling</li> <li>• House Shop</li> <li>• Limited crèche</li> <li>• Occupational Practice</li> <li>• Special use</li> </ul>

Notwithstanding any provisions to the contrary in the Zoning Scheme:

- (a) An occupier of any unit of accommodation in this zone, may utilise up to 25% of that unit for limited social, educational, religious, or occupational purposes, subject to the following conditions:
  - (i) the dominant use of the property shall remain residential;
  - (ii) the use concerned shall not be disturbing to neighbours; and
  - (iii) the use concerned shall not interfere with the amenity of the adjoining neighbourhood.
- (b) Land used for road or zoned transport zone (road) may be utilised for business / trading purposes without the erection of any permanent structures, provided that the Municipality may terminate such utilisation, if in its opinion it interferes with pedestrian or vehicular movement or with the general amenity, health and welfare of the neighbourhood.
- (c) This zone to be allocated only to identified areas which comprise erven registered in the name of individual owners. The prescripts of the zoning scheme cannot be applied

Note: This zone to be allocated only to identified areas which comprise erven used for residential purposes and which are registered in the name of individual owners. The prescripts of the zoning scheme is not applicable to informal settlements per sé, where structures are located on (large) tracts of public or private land, with no further form of official cadastral delineation as the basis on which to adjudicate individual zoning scheme compliance or transgression.

### 3.4.3 Development Parameters

The following Development Parameters apply unless otherwise stipulated in an Overlay Zone:

#### (a) Building lines

- (i) Subject to the provisions of section 5.1 the following building lines are applicable to the building types as indicated:
  - (aa) Street building line: at least 1m, if required by the Municipality.
  - (ab) Side building line: at least 1m on one boundary; provided that where a building is erected less than 1m from a side boundary, no doors or windows shall be permitted in the wall concerned;
  - (ac) provided further that if a mid-block sewage system is provided, a rear building line of up to 2m can be required by The Municipality.
- (ii) Car ports are permitted up to 1.5m from the street boundary and 0m on a common boundary provided that the wall on the common boundary is no higher than 1,8m.
- (iii) Shelter:
  - (aa) A street building line of at least 1m, if required by the Municipality.
  - (ab) A side building line of at least 1m on one boundary provided that where a building is erected less than 1m from a side boundary, no doors or windows may be allowed in the relevant wall.
  - (ac) A rear building line of 1m, provided that if a mid-block sewerage system is provided, The Municipality may require a rear building line of up to 2m.
- (iv) Eaves projection may exceed the common building line or street building line by at most 0.2m.
- (v) On land units, one of the common boundaries shall have a building line of 0m, provided that for that portion of the building which is closer than 1m to the boundary, the following restrictions shall apply: no windows or doors shall be positioned in such portion of the wall, and such portion of the building shall be single level.
- (vi) The Municipality may require a common boundary line of  $\geq 2m$  if sewerage or any other municipal services are provided along land unit boundaries.

#### (b) Height

No building may exceed a height of 8.5m from base level to the top of the roof except where deviation is required as per the Overlay Schemes requirements an any building higher than 4m must comply with the National Building Regulations.

#### (c) Coverage

The maximum coverage of all buildings is limited to 80%:

#### (d) Parking (minimum parking requirements)

Dwelling-house:	Two bays per dwelling-house.
Double dwelling	Two bays per dwelling unit
Incremental dwelling-house:	One bay per dwelling-house.
Mobile home:	One bay per unit.
Shelter:	Nil

### 3.4.4 Land use management provisions

#### (a) General provisions

##### (i) Conditions for uses

The following general conditions are applicable to all activities which are permitted as of right, or with the Municipality's consent, in this zone:

- (aa) The owner of the land unit or the person who manages the activity must reside on the premises and the dominant use must be the housing of that person (and, if applicable, his/her family).
- (ab) The nature of any improvements to the dwelling-house must be such that the building can at any time revert to the use of a normal dwelling-house.
- (ac) The activity may not cause a public nuisance.
- (ad) Parking must be provided in terms of Table C or according to The Municipality's conditions of approval.
- (ae) All relevant safety, health and fire regulations are applicable.
- (af) If the Municipality or any person is of the opinion that the activity contravenes any of the conditions, or if the activity does not comply with the limitations and conditions below, or if the activity is a source of nuisance to adjoining residents or have a detrimental impact on the residential character of the area, a written complaint may be lodged with The Municipality. The Municipality shall act in one of the following ways:
  - serve a notice on the person which instructs the person to either comply with the conditions of the Scheme, or with any other additional conditions The Municipality may deem fit to mitigate the impact of the use, or
  - to terminate the use on the premises by a specified date, subject to a fair and reasonable administrative process, or
  - to terminate the illegal use with immediate effect.

#### (b) Provisions for Primary Rights

When any activity which is permitted as a primary use right is conducted from a land unit, such land use shall comply with the following land use management provisions:

##### (i) Dwelling-house

- (aa) means a building containing only one dwelling-unit, together with the outbuildings usually associated therewith, including a garden shed, garage, an additional dwelling unit (with a floor area of less than 30m<sup>2</sup>) and a hot-house, and means the same as "dwelling".

##### (ii) Incremental dwelling-house

- (aa) A dwelling, comprising (usually) no more than the framework of a dwelling-house, or just one or two rooms, which will be incrementally upgraded over time.

##### (iii) Limited Occupational Practice

- (aa) The activity should be of such a limited nature that the operator shall employ / attract

no more than two persons at any one time. Should any activity lead to a larger

number of people at any one time visiting the land unit, application should be made for The Municipality's consent for an Occupational Practice.

- (ab) The Limited Occupational Practice shall not consist of any of the following types of activities: sale of alcoholic beverages, serving of food or refreshments on the land unit, sale of goods which are not made on the premises, repair of motor vehicles, any activity which, in the opinion of the Municipality, creates a public nuisance, emits smells or involves a noxious activity.
- (ac) The hours of operation shall be limited between 07:30 to 18:00.
- (ad) The maximum floor area for Limited Occupational Practice (including storage) is no more than 30% of the floor area of the dwelling-house, up to a maximum of 40m<sup>2</sup>.
- (ae) Should any person wish to conduct an occupational practice which does not comply with the limitations as set out in (aa) to (ad), an application for consent use for an Occupational Practice shall be submitted for the Municipality's consideration.

**(iv) Mobile home**

- (aa) A pre-fabricated mobile structure used as a unit of accommodation, with the necessary service connections, as approved by the The Municipality.

**(v) Shelter**

- (aa) The Municipality must demarcate and approve an overall block layout for a predetermined area. Within these demarcated boundaries, residents will be permitted to erect shelters on an ad hoc basis.
- (ab) The Municipality shall bear no responsibility whatsoever for the structural integrity, habitability, fire resistance or other standards of a shelter on a property in this zone, the owner or occupant of a shelter shall be singularly responsible in this regard.
- (ac) If in the opinion of the Municipality, or as may be stipulated in a Municipality approved policy for the construction of shelters, a shelter constitutes or is likely to constitute a risk in terms of health, safety or fire, the Municipality may impose conditions to mitigate such risk.
- (ad) The occupant or owner of a shelter who is instructed by the Municipality to take action to remedy a safety, health or fire risk, and who fails to do so, shall be guilty of an offence in terms the Planning Act.
- (ae) The construction of a shelter may only be allowed on a property where the National Building Act does not apply.

**(c) Provisions for Consent uses**

In approving consent uses or any other application in terms of the Scheme in this zone, the Municipality shall give regard to the following land use management provisions and these provisions shall apply in all cases, unless a departure is specifically granted in this regard:

**(i) Additional dwelling Unit (larger than 30m<sup>2</sup>)**

- (aa) An additional dwelling-unit may be utilised only for the permanent or short term accommodation of a single family, including for self catering purposes.
- (ab) An additional dwelling unit may not exceed 120m<sup>2</sup> in size.

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- (ac) Notwithstanding the maximum parameters contained in this scheme, the Municipality may limit the position and size of unit according to the specifics of the land unit.
- (ae) An additional dwelling-unit shall not be linked to the main dwelling-house and shall, should the Municipality deem it necessary, form an architectural entity.
- (af) An additional dwelling unit may not be separately alienated in terms of the Sectional Titles Act, 1986 (Act 95 of 1986).
- (ag) The Municipality may impose any other conditions it deems appropriate to mitigate potential adverse impacts.

**(ii) Creche**

- (aa) An application for consent use must be submitted to the Municipality for a crèche facility of more than five, up to a maximum of 15, children.
- (ab) For a consent use application, a site development plan (SDP) must be submitted to the Municipality indicating the parking layout, landscaping, street image, advertising signs, area for the crèche facility and areas for private use.
- (ac) The hours of operation shall be limited between 06:00 to 18:00, or as determined by the Municipality.
- (ad) The maximum floor area which may be utilised for the crèche facility must be determined by the Municipality when considering the consent use application.
- (ae) When approving a consent use application, the Municipality must determine the maximum number of people who may be employed in this regard.
- (af) Play areas must be provided in terms of the following guidelines:
  - Outside 2m<sup>2</sup> per child
  - Inside 2m<sup>2</sup> per child
- (ag) Suitable and sufficient sanitary facilities must be provided on the premises, to the Municipality's satisfaction, of at least one flushing toilet. The Municipality may require additional facilities for more than five children.

**(iii) Double dwelling**

- (aa) Two dwelling units contained within the same building, in which case it shall be designed to have the appearance of one integrated building.
- (ab) Both dwelling-units may be on the ground floor, or one unit may be on the ground floor and the other unit above.
- (ac) The units may have separate entrances.

**(iv) House shop**

- (aa) None of the products for sale may be advertised in a manner that is visible from the street.
- (ab) No activity will be allowed that will impact negatively or disturb the surrounding properties and character of the area.
- (ac) The dominant use of the dwelling-house concerned shall be for the living accommodation of a single family.
- (ad) An application for a house shop will be advertised in the local papers and the surrounding property owners will be notified.
- (ae) The extent and position of the house shop component shall be clearly defined on a plan, and excluding any toilet or change room, shall not exceed 20m<sup>2</sup>, or 25% of the total floor area of the dwelling-house, whichever is the lesser area.

- (af) Only the lawfully owners, or lessees of the property may apply for a house shop and must be living on the property.
  - (ag) Any new structure or alteration to the existing dwelling house, second dwelling or outbuilding shall conform to the residential character of the area.
  - (ah) No more than two persons in total shall be engaged in retail activities on the property, including the occupant or occupants and any assistants.
  - (ai) Advertising and signage to be as per the applicable Municipal By-Law.
  - (aj) The following is not permitted in a house shop: (unless the prior written approval or the Municipality is obtained:) sale of liquor or alcoholic beverages, storage or sale of fireworks, gas and gas containers, vending machines, gaming machines, video games or pool tables, fresh meat and scrap metal.
  - (ak) The area used for a house shop may not open directly onto a bedroom or toilet, and no goods which will be sold from the shop may be stored in a bedroom or toilet.
  - (al) The house shop shall be adequately ventilated and illuminated, and if perishable food is sold, the Municipality may require refrigeration to be provided and frozen foods be kept under -12°C and refrigerated foods under 7°C.
  - (am) The house shop shall not operate outside the hours of 07:00 to 21:00.
  - (an) Not more than one vehicle may be used in connection with a house shop and shall not exceed 3500kg gross weight, including delivery vehicles.
  - (ao) No house shop will be allowed in a government subsidised dwelling unit. In case of subsidised dwelling units, approval will only be granted for a house shop if it is located in a separate structure but on the same premises as the subsidised dwelling unit. Such a structure may not exceed 20m<sup>2</sup> in extent. The applicable building lines must be taken into consideration with the placement of such a structure on the premises.
  - (ap) A complete set of building plans, which clearly indicates the area / structure to be used as a house shop, must accompany such an application.
  - (aq) Only pre-packed food, that is properly labelled and is supplied by a registered food dealership, or fresh vegetable produce may be sold from the shop.
  - (ar) No food may be produced or handled on the premises.
  - (as) All house shops will be inspected on an ongoing basis.
  - (at) Each house shop application will be assessed and evaluated on its own merits taking into consideration the applicable criteria, the municipal house shop policy and comments from the public.
- (v) Limited Creche**
- (aa) The provision of a limited crèche facility for five or fewer children (including any crèche going children of the resident family) is allowed as a primary right. An application for consent must be submitted to the Municipality for a crèche facility of more than five up to a maximum of 15 children.
  - (ab) The hours of operation shall be limited between 06:00 to 18:00, or as determined by the Municipality
  - (ac) Not more than one person may be employed for a limited crèche facility for up to five children.
  - (ad) Play areas must be provided in terms of the following guidelines:
    - Outside: 2m<sup>2</sup> per child
    - Inside: 2m<sup>2</sup> per child
  - (ae) Suitable and sufficient sanitary facilities must be provided on the premises, to the Municipality's satisfaction, of at least one flushing toilet.

(vi) **Occupational Practice**

- (aa) A maximum of four people, whether or not resident on the property, may be employed in connection with the occupational practice.
- (ab) The hours of operation shall be limited between 07:30 to 18:00.
- (ac) The maximum floor area for Occupational Practice (including storage) is no more than 30% of the floor area of the dwelling-house up to a maximum of 50m<sup>2</sup>.

(vii) **Special use**

- (aa) A use which is unique, or in respect of which the land use restrictions are so unique, and for which no provision has been made in this Scheme, and which is defined in detail by means of conditions of approval.

### 3.4.5 General provisions, policies and guidelines

The general development parameters and land use management provisions, as set out in Chapters 5-6, are applicable regarding the use of land in this zone.

## SECTION 3.5: GROUP HOUSING ZONE (GH)

### 3.5.1 Zoning Objectives

The purpose of this zone is to make provision for:

- residential development with a uniform group character;
- the use of land for the purposes of harmonious architectural development, with or without communal areas such as streets and open spaces;
- areas identified by The Municipality for residential densification, including areas near main streets, areas near business concentrations or commercially related developments, and areas which offer an easy transition between low intensity and higher intensity development;
- housing development of medium scale, medium fabric and limited height, of which all dwelling-units must be on ground level and the units may be dwelling-houses, semi-detached, row or group houses;
- in areas where communal property is created by means of subdivision or in cases where communal services and facilities must be maintained, The Municipality must require that an owner's association be established as explained in Section 6.7.

### 3.5.2 Land use parameters

Primary uses	Consent Uses
<ul style="list-style-type: none"> <li>• Bed and breakfast establishment</li> <li>• Group houses</li> <li>• Limited Crèche</li> <li>• Limited Occupational Practice</li> </ul>	<ul style="list-style-type: none"> <li>• Retirement village</li> <li>• Occupational practice</li> <li>• Crèche</li> <li>• Special use</li> </ul>

### 3.5.3 Development Parameters

The following Development Parameters apply unless otherwise stipulated in an Overlay Zone. Note further that the Development Parameters applicable to a dwelling-house are contained in subsection 3.3.4(a)(i) of this Scheme.

#### (a) Building lines

- (i) Subject to the provisions of section 5.1 the following building lines are applicable to all buildings other than dwelling-houses:

	Street Building Line	Common Building Line
On External Boundaries	3m	3m
<i>(applicable to boundaries which abut a public street or any land unit which does not form part of the Group Housing Scheme)</i>		

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	<b>Street Building Line</b>	<b>Common Building Line</b>
On Internal Boundaries	Nil, provided that the Municipality may require a street building line of up to 2m for internal streets, to ensure safe traffic movement, or for any other reasons considered necessary by the Municipality.	Nil, provided the Municipality may require a 1m side building line for fire fighting purposes, or for any other reasons considered necessary by the Municipality.

- (ii) Eaves projection may exceed the building line on an external boundary by at most 1m.
- (iii) Outbuildings for security control and refuse storage are not subject to street building line requirements, subject to SDP approval.

**(b) Density**

A minimum gross residential density of 20 units per hectare shall apply. The maximum gross residential density to be determined by the Municipality.

**(c) Height**

No building may exceed a height of 8.5m from base level to the top of the roof within all areas, except where deviation is required as per the Overlay Schemes requirements.

**(d) Coverage**

The maximum coverage for all buildings is 75% of the area of the land unit. The coverage calculation must be clearly indicated on the SDP submitted for the Municipality's approval.

**(e) Parking** (minimum parking requirements)

The following parking requirements are applicable to this zone:

- Dwelling-house: Two bays per dwelling-house.
- Group houses: Two bays per dwelling-unit plus 0.25 parking bays per dwelling-unit for visitors.
- Retirement village: 0.5 bays per three beds, plus 0.25 parking bays per bed for visitors.

Refer to Table C (section 5.7) for detail parking requirements.

**(f) Erf Size**

The minimum erf size of "Group Housing Site to be 2000m<sup>2</sup>

### 3.5.4 Land use management provisions

#### (a) General provisions

##### (i) Conditions for uses

The following general conditions are applicable to all activities which are permitted as of right, or with the Municipality's consent, for a property in this zone:

- (aa) Written authorisation issued by the Body Corporate or Home Owners Association.
- (aa) The owner of the land unit or the person who manages the activity must reside on the premises and the dominant use must be the housing of that person (and, if applicable, his/her family).
- (ab) The nature of any improvements to the dwelling-house must be such that the building can at any time revert to the use of a normal dwelling-house.
- (ac) The residential façade of the dwelling-house shall be retained to the satisfaction of The Municipality.
- (ad) No goods, material or equipment shall be displayed or be visible from a public street. Any goods, materials or equipment to be stored on the land unit shall be within an enclosed structure which forms part of the dwelling-house
- (ae) The activity may not cause a public nuisance.
- (af) Signage and advertising to be as per the applicable Municipal By-Law.
- (ag) Parking must be provided in terms of Table C : Parking Requirements or according to The Municipality's conditions of approval.
- (ah) The land use shall not involve the regular parking or keeping of any vehicle on the land unit if the vehicle concerned is used for loading goods, materials or passengers in connection with the activity or for remuneration. No vehicles associated with the limited occupational practice activity shall be parked in a public street within a residential area (the above provisions exclude the vehicle required by the occupant of the dwelling for personal use).
- (ai) All relevant safety, health and fire regulations are applicable.
- (aj) When granting consent, only those facilities indicated on a site development plan (SDP) or included and described in the application and subsequently approved by The Municipality, may be conducted as part of the activity. If any alterations are made to the extent and layout of the facilities, or any additional facilities are provided, a further application for consent use must be submitted to be considered by The Municipality.
- (ak) If the Municipality or any person is of the opinion that the activity contravenes any of the conditions, or if the activity does not comply with the limitations and conditions below, or if the activity is a source of nuisance to adjoining residents or have a detrimental impact on the residential character of the area, a written complaint may be lodged with The Municipality. The Municipality shall act in one of the following ways:
  - serve a notice on the person, which instructs the person to either comply with the conditions of the Scheme, or with any other additional conditions The Municipality may deem fit to mitigate the impact of the use, or
  - to terminate the use on the premises by a specified date, subject to a fair and reasonable administrative process, or
  - to terminate the illegal use with immediate effect.

**(ii) Architectural guidelines and design principles**

The goals and objectives set out in the definitions and subsection 3.5.1 shall be followed and implemented in the design. In this regard, the Municipality will require the preparation of Architectural Guidelines, which shall be to the Municipality's satisfaction.

**(iii) Communal Outdoor Space, Private Outdoor Space and Service Yards**

(aa) The total "private outdoor space" plus "communal outdoor space" shall be provided at a rate of a minimum of 80m<sup>2</sup> per dwelling-unit. The outdoor space can be provided in any combination of private and communal space, provided that a service yard enclosed by a wall of 1.8m high and measuring at least 8m<sup>2</sup> must be provided for each dwelling-unit.

(ab) Notwithstanding (aa) the Municipality may grant approval to relax the required provision of outdoor space to a minimum of 40m<sup>2</sup> per dwelling-unit. Provided that sufficient public open space is provided in the immediate vicinity of the land unit, or internal streets are planned in such a way that they can be used for and regarded to be adequate for recreation purposes.

**(iv) Landscaping**

The Municipality will require that a landscape plan be submitted to its satisfaction with a view to the following objectives:

(aa) Where it is necessary to undertake landscaping of the public streetscape adjoining the development.

(ab) Where landscaping is necessary for all open spaces, including private outdoor space and communal outdoor space.

**(v) Site development plans (SDPs)**

A Site Development Plan (SDP) shall be submitted for every new group housing scheme, to the satisfaction of The Municipality, prior to the approval of building plans or the commencement of construction. In the event of rezoning to this zone, or any application in terms of this Scheme, The Municipality will require that a site development plan accompanies the application.

**(vi) Refuse, fire protection and access**

The Municipality may, when considering a site development plan (SDP) for a group housing scheme, require that adequate provision is made for any of the following aspects to be addressed to its satisfaction:

(aa) That access to dwelling-units may be limited to the internal roads only.

(ab) Access for emergency vehicles shall be provided.

- (ac) That adequate provision is made for refuse collection and the storage of bins. Should access to a group housing development be restricted, The Municipality may require a refuse area to be constructed which is accessible from a public street, or alternatively impose a condition on the owners' association to engage a private refuse collection service.

**(b) Provisions for Primary Rights**

When any activity which is permitted as a primary use right is conducted from a land unit, such land use shall comply with the following land use management provisions:

**(i) Bed and Breakfast Establishment**

- (aa) No more than three bedrooms (with a maximum of two persons per room) may be utilised for the purpose of a bed and breakfast enterprise.
- (ab) No more than two persons may be employed to conduct a bed and breakfast enterprise.
- (ac) No guest may reside in the bed and breakfast enterprise on a permanent basis.
- (ad) A site development plan (SDP) must be submitted to the Municipality indicating the parking layout of the on-site parking as per the parameters of the Municipality, landscaping, street image, advertising signs, reception areas, rooms and areas for private use.

**(ii) Group houses**

- (aa) It is a group of separate and/or linked dwelling-units which is planned, designed and built as a harmonious architectural entity with a medium to high density character.
- (ab) At least one additional parking bay must be provided for lodgers on-site.

**(iii) Limited crèche**

- (aa) The provision of a limited crèche facility, for five or fewer children (including any crèche-going children of the resident family) is allowed as a primary right. An application for consent must be submitted to the Municipality for a crèche facility of more than five up to a maximum of 15 children.
- (ab) The hours of operation shall be limited between 06:00 to 18:00 or as determined by The Municipality.
- (ac) The maximum floor area which may be utilised for the crèche facility must be determined by The Municipality when considering the consent application.
- (ad) No more than one person may be employed for a limited crèche facility for up to five children.
- (ae) Play areas must be provided in terms of the following guidelines:
- Outside 2m<sup>2</sup> per child
  - Inside 2m<sup>2</sup> per child
- (af) Suitable and sufficient sanitary facilities must be provided on the premises, to the Municipality's satisfaction, of at least one flushing toilet.

**(iv) Limited occupational practice**

- (aa) The activity should be of such a limited nature that the operator shall employ no more than two persons. Should any activity lead to a larger number of people at any

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one time visiting the land unit, application should be made for the Municipality's consent for an Occupational Practice.

- (ab) The Limited Occupational Practice shall not consist of any of the following types of activities: sale of alcoholic beverages, serving of food or refreshments on the land unit, sale of goods which are not made on the premises, repair of motor vehicles, any activity which, in the opinion of The Municipality, creates a public nuisance, emits smells or involves a noxious activity.
- (ac) The hours of operation shall be limited between 07:30 to 18:00.
- (ad) The maximum floor area for Limited Occupational Practice (including storage) is no more than 30% of the floor area of the dwelling-house up to a maximum of 40m<sup>2</sup>.
- (ae) Should any person wish to conduct an occupational practice which does not comply with the limitations as set out in (aa) to (ad), an application for consent use for an Occupational Practice shall be submitted for the Municipality's consideration.

**(c) Provisions for Consent Uses**

In approving consent uses or any other application in terms of the Scheme, The Municipality shall give regard to the following land use management provisions and these provisions shall apply in all cases, unless a departure is specifically granted in this regard:

**(i) Creche**

- (aa) An application for consent must be submitted to the Municipality for a crèche facility of more than five up to a maximum of 15 children.
- (ab) For a consent application, a site development plan (SDP) must be submitted to the Municipality indicating the parking layout, landscaping, street image, advertising signs, area for the care facility and areas for private use.
- (ac) The hours of operation shall be limited between 06:00 to 18:00 or as determined by the Municipality.
- (ad) The maximum floor area which may be utilised for the crèche facility must be determined by The Municipality when considering the consent application.
- (ae) When approving a consent application, The Municipality must determine the maximum number of people who may be employed in this regard.
- (af) Play areas must be provided in terms of the following guidelines:
  - Outside 2m<sup>2</sup> per child
  - Inside 2m<sup>2</sup> per child
- (ag) Suitable and sufficient sanitary facilities must be provided on the premises, to The Municipality's satisfaction, of at least one flushing toilet. the Municipality may require additional facilities for more than five children.

**(ii) Occupational Practice**

- (aa) A maximum of four people, whether or not resident on the property, may be employed by or visit the property in connection with occupational practice activities on the site.
- (ab) The hours of operation shall be limited between 07:30 to 18:00.
- (ac) The maximum floor area for Occupational Practice (including storage) is no more than 30% of the floor area of the dwelling-house up to a maximum of 40m<sup>2</sup>.

**(iii) Retirement village**

- (aa) A group housing scheme which conforms to the following additional conditions:
- each dwelling-unit shall only be occupied by a retired person or by a family of whom at least one member is a retired person;
  - a full spectrum of care and other recreational facilities shall be provided to the satisfaction of the Municipality; including a health care facility; and
  - Development Parameters other than those applicable in a group housing zone may be determined by the Municipality.

**(iv) Special use**

- (aa) A use which is unique, or in respect of which the land use restrictions are so unique, and for which no provision has been made in this Scheme, and which is defined in detail by means of conditions of approval.

**3.5.5 General provisions, policies and guidelines**

The general development parameters and land use management provisions, as set out in Chapters 5-6, are applicable regarding the use of land in this zone.

## SECTION 3.6: GENERAL RESIDENTIAL ZONE (GR)

### 3.6.1 Zoning Objectives

The purpose of this zone is to make provision for:

- a medium to high density residential development with a variation in housing types;
- a housing development on a medium to large scale with multiple levels;
- a zoning category that will promote increased densities in areas identified by the Municipality for residential densification and high intensity mixed uses, including road corridors, activity streets, buildings within business concentrations or commercially related development and areas which offer an easy transition between medium intensity and high intensity development;
- an integrated and mixed land use pattern to increase the population and economic threshold values in corridors, activity spines or activity streets: and
- the needs of the tourism accommodation industry.

### 3.6.2 Land use parameters

Primary uses	Consent Uses
<ul style="list-style-type: none"> <li>• Block of flats</li> <li>• Dwelling-house</li> <li>• Guest House</li> <li>• Residential Buildings</li> </ul>	<ul style="list-style-type: none"> <li>• Bed and Breakfast establishment</li> <li>• Conference facilities</li> <li>• Hostel</li> <li>• Limited Occupational Practice</li> <li>• Occupational practice</li> <li>• Place of assembly</li> <li>• Special use</li> </ul>

### 3.6.3 Development Parameters

The following development parameters apply, unless otherwise stipulated in an Overlay Zone. The same Development Parameters as contained in subsection 3.3.3 of this Scheme are applicable to a dwelling-house.

#### (f) Building lines

Subject to the provisions of section 5.1 the following building lines are applicable to all buildings other than dwelling-houses:

Building type	Street building lines (m)	Common boundary building lines (m)
Residential building, block of flats, and all other buildings permitted with consent use	All levels 4.5m	Ground and first level 4.5m; Second level and higher: 6m

#### (g) Height

- (i) No building (except dwelling houses) may exceed a height of 12m, from base level to the top of the roof except where deviation is required as per the Overlay Schemes requirements.

- (ii) Residential buildings and all other buildings will vary according to the size of the land unit except where deviation is required as per the Overlay Schemes requirements:

(aa) 1,000m<sup>2</sup>-1,499m<sup>2</sup>: 8.5m from base level to top of roof.

(ab) 1,500m<sup>2</sup>-1,999m<sup>2</sup>: 12m from base level to top of roof.

(ac) 2,000m<sup>2</sup> and greater: 12m from base level to top of roof, but The Municipality may grant consent for a higher building if it is of the opinion that this would not detrimentally impact on the environment.

**(h) Coverage**

The maximum coverage permitted on the site is 50%.

An additional 25% area may be covered for vehicle shelters or garages whether or not they stand separate or are attached to the main building. If attached to the main building the roof of such garages may be used for stoeps and balconies (whether communal or private). The stoep/balcony area shall be enclosed only by low walls or railings and may not be covered by a roof.

**(i) Floor Factor (Bulk)**

The maximum floor area for all buildings permitted on a land unit shall be calculated by multiplying the area of the land unit, with the applicable floor factor as set out below.

(aa) 1,000m<sup>2</sup>-1,499m<sup>2</sup> : 0.8

(ab) 1,500m<sup>2</sup>-1,999m<sup>2</sup> : 0.9

(ac) 2,000m<sup>2</sup> and above : 1.1

**(j) Parking (minimum parking requirements)**

The following parking requirements are applicable in this zone:

- Dwelling-house: Two bays per dwelling-house.
- Other Residential Buildings: One bay per bedroom, plus 0.25 bays per bedroom for visitors.
- Conference Facility: Eight bays per 10 seats.
- Flats:
  - One bedroom: one bay per dwelling-unit.
  - Two bedrooms: 1.25 bays per dwelling-unit.
  - Three bedrooms or more: 2 bays per dwelling-unit.
  - Plus in all cases: 0.25 parking bays per dwelling-unit for visitors.

Refer to Table C (section 5.7) for detail parking requirements.

**(k) Erf Size**

The minimum erf size of a General Residential Site is 1000m<sup>2</sup>.

### 3.6.4 Land use management provisions

#### (a) General provisions

##### (i) Conditions for uses

The following general conditions are applicable to all activities which are permitted as of right, or with the Municipality's consent, for a property in this zone:

- (aa) The nature of any improvements to the building must be such that the building can at any time revert to the original residential use for which it was intended.
- (ab) No goods, material or equipment shall be displayed or be visible from a public street. Any goods, materials or equipment to be stored on the land unit shall be within an enclosed structure which forms part of the apartment building or its normal outbuildings.
- (ac) The activity may not cause a public nuisance.
- (ad) Advertising and signage to be as per the applicable Municipal By-Law.
- (ae) Parking must be provided in terms of Table C: Parking Requirements or according to the Municipality's conditions of approval.
- (af) The land use shall not involve the regular parking or keeping of any vehicle on the land unit if the vehicle concerned is used for loading goods, materials or passengers in connection with the activity or for remuneration. No vehicles associated with the limited occupational practice activity shall be parked in a public street within a residential area (the above provisions exclude the vehicle required by the occupant of the dwelling for personal use).
- (ag) All relevant safety, health and fire regulations are applicable.
- (ah) When granting consent, only those facilities indicated on a site development plan (SDP) or included and described in the application and subsequently approved by the Municipality, may be conducted as part of the activity. If any alterations are made to the extent and layout of the facilities, or any additional facilities are provided, a further application for consent use must be submitted to be considered by the Municipality.
- (ai) If the Municipality or any person is of the opinion that the activity contravenes any of the conditions, or if the activity does not comply with the limitations and conditions below, or if the activity is a source of nuisance to adjoining residents or have a detrimental impact on the residential character of the area, a written complaint may be lodged with The Municipality. The Municipality shall act in one of the following ways:
  - Serve a notice on the person, which instructs the person to either comply with the conditions of the Scheme, or with any other additional conditions The Municipality may deem fit to mitigate the impact of the use, or;
  - to terminate the use on the premises by a specified date, subject to a fair and reasonable administrative process, or;
  - to terminate the illegal use with immediate effect.

**(ii) Street access**

The Municipality may require that vehicular access only be permitted from a specific point on the internal street to a dwelling-unit within a development entity.

**(iii) Outdoor space**

An area equal to at least 15% of the net erf area shall be provided for outdoor space and may include private or communal outdoor space. Such outdoor space must be functional outdoor space to the Municipality's satisfaction, for example outdoor space which can be developed as a garden area or used for recreation.

**(iv) Site development plan (SDP)**

In the event of rezoning to this zone, or an application in terms of this Scheme, The Municipality may require that a detailed site development plan (SDP) accompany the application.

**(b) Provisions for Primary Rights**

When any activity which is permitted as a primary use right is conducted from a land unit, such land use shall comply with the following land use management provisions:

**(i) Block of flats**

- (aa) A structure which consists of a number of dwelling-units which can be sold or let separately, together with such outbuildings as are ordinarily associated therewith.
- (ab) No goods, material or equipment shall be displayed or be visible from a public street. Any goods, materials or equipment to be stored on the land unit shall be within an enclosed structure which forms part of the building or its normal outbuildings.
- (ac) The activity may not cause a public nuisance.
- (ad) Advertising and signage to be as per the applicable Municipal By-Law.
- (ae) Parking must be provided in terms of Table C: Parking Requirements or according to the Municipality's conditions of approval.
- (af) All relevant safety, health and fire regulations are applicable.
- (ag) When granting consent, only those facilities indicated on a site development plan (SDP) or included and described in the application and subsequently approved by the Municipality, may be conducted as part of the activity. If any alterations whatsoever are made to the extent and layout of the facilities, or any additional facilities are provided, a further application for consent use must be submitted to be considered by the Municipality.
- (ah) If the Municipality or any person is of the opinion that the activity contravenes any of the conditions, or if the activity does not comply with the limitations and conditions below, or if the activity is a source of nuisance to adjoining residents or have a detrimental impact on the residential character of the area, a written complaint may be lodged with The Municipality. The Municipality shall act in one of the following ways:

- serve a notice on the person which instructs the person to either comply with the conditions of the Scheme, or with any other additional conditions the Municipality may deem fit to mitigate the impact of the use, or
- to terminate the use on the premises by a specified date, subject to a fair and reasonable administrative process, or
- to terminate the illegal use with immediate effect.

**(ii) Dwelling-house**

- (aa) The owner of the land unit or the person who manages the activity must reside on the premises and the dominant use must be the housing of that person (and, if applicable, his/her family, except in the case of a guest-house).
- (ab) The nature of any improvements to the dwelling-house must be such that the building can at any time revert to the use of a normal dwelling-house.
- (ac) The residential façade of the dwelling-house shall be retained to the satisfaction of the Municipality.
- (ad) No goods, material or equipment shall be displayed or be visible from a public street. Any goods, materials or equipment to be stored on the land unit shall be within an enclosed structure which forms part of the dwelling-house or its normal outbuildings.
- (ae) The activity may not cause a public nuisance.
- (af) Advertising and signage to be as per the applicable Municipal by-law.
- (ag) Parking must be provided in terms of Table C or according to the Municipality's conditions of approval.
- (ah) The land use shall not involve the regular parking or keeping of any vehicle on the land unit if the vehicle concerned is used for loading goods, materials or passengers in connection with the activity or for remuneration. No vehicles associated with the limited occupational practice activity shall be parked in a public street within a residential area (the above provisions exclude the vehicle required by the occupant of the dwelling for personal use).
- (ai) All relevant safety, health and fire regulations are applicable.
- (aj) When granting consent, only those facilities indicated on a site development plan (SDP) or included and described in the application and subsequently approved by The Municipality, may be conducted as part of the activity. If any alterations whatsoever are made to the extent and layout of the facilities, or any additional facilities are provided, a further application for consent use must be submitted to be considered by the Municipality.
- (ak) If the Municipality or any person is of the opinion that the activity contravenes any of the conditions, or if the activity does not comply with the limitations and conditions below, or if the activity is a source of nuisance to adjoining residents or have a detrimental impact on the residential character of the area, a written complaint may be lodged with the Municipality. The Municipality shall act in one of the following ways:
- serve a notice on the person which instructs the person to either comply with the conditions of the Scheme, or with any other additional conditions The Municipality may deem fit to mitigate the impact of the use, or
  - to terminate the use on the premises by a specified date, subject to a fair and reasonable administrative process, or
  - to terminate the illegal use with immediate effect.

**(i) Residential building**

- (aa) A building for human habitation, consisting of rooms which can be let separately, together with such outbuildings as are normally used therewith.
- (ab) All conditions of single dwelling-house apply (refer item above).

**(c) Provisions for Consent uses**

In approving consent uses or any other application in terms of the Scheme, the Municipality shall give regard to the following land use management provisions and these provisions shall apply in all cases, unless a departure is specifically granted in this regard:

**(i) Bed and breakfast establishment**

- (aa) No more than three bedrooms (with a maximum of two persons per room) may be utilised for the purpose of a bed and breakfast enterprise.
- (ab) No more than two persons may be employed to conduct a bed and breakfast enterprise.
- (ac) No guest may reside in the bed and breakfast enterprise on a permanent basis.
- (ad) A site development plan (SDP) must be submitted to the Municipality indicating the parking layout of the on-site parking as per the parameters of the Municipality landscaping, street image, reception areas, rooms and areas for private use.

**(ii) Conference facilities**

- (aa) A place of assembly for the purpose of holding conferences, meetings and trade or commercial related exhibitions, which may also supply meals
- (ab) No overnight accommodation is provided.

**(iii) Hostel**

- (aa) A residential building for students attending a public or private educational institution.

**(iv) Limited Occupational Practice**

- (aa) The activity in a dwelling-unit in a block of flats or a residential building should be of such a limited nature that no additional persons may visit the land unit at any given time.
- (ab) The Limited Occupational Practice shall not consist of any of the following types of activities: sale of alcoholic beverages, serving of food or refreshments on the land unit, sale of goods which are not made on the premises, repair of motor vehicles, any activity which creates, in the opinion of the Municipality, a public nuisance or generates noise and/or pollution, emits smells or involves a noxious activity.
- (ac) The hours of operation shall be limited between 07:30 to 18:00.
- (ad) The maximum floor area for Limited Occupational Practice (including storage) is no more than 30% of the floor area of the dwelling-unit up to a maximum of 40m<sup>2</sup>.

(ae) Should any person wish to conduct an occupational practice which does not comply with the limitations as set out in (aa) to (ad), an application for consent use for an Occupational Practice shall be submitted for The Municipality's consideration.

**(v) Occupational practice**

(aa) A maximum of four people, whether or not resident on the property, may be employed by or visit the property, at any one time in connection with occupational practice activities on the site. This is limited to 1 person in the case of a block of flats or a residential building.

(ab) The hours of operation shall be limited between 07:30 to 18:00.

(ac) The maximum floor area for occupational practice (including storage) is no more than 30% of the floor area of the dwelling-unit up to a maximum of 40m<sup>2</sup>.

**(vi) Place of assembly**

(aa) A place which has a civic function to serve the social and community needs of an area, which may attract people in relatively large numbers and which is not predominantly a commercial enterprise; including a civic hall, concert hall, indoor sports centre and club house, but excluding a place of entertainment or conference facility.

(ab) The Municipality may limit the number of clients, the floor area and the business hours of the enterprise.

**(vii) Special use**

(aa) A use which is unique, or in respect of which the land use restrictions are so unique, and for which no provision has been made in this Scheme, and which is defined in detail by means of conditions of approval.

### 3.6.5 General provisions, policies and guidelines

The general development parameters and land use management provisions, as set out in Chapters 5-6 are applicable regarding the use of land in this zone.

## SECTION 3.7: GENERAL BUSINESS ZONE (GB)

### 3.7.1 Zoning Objectives

The objective of this zone is to make provision for:

- a variety of business uses (retail and office) and other related land uses within the central business areas of towns.

### 3.7.2 Land use parameters

Primary uses	Consent Uses
<ul style="list-style-type: none"> <li>• Block of flats *</li> <li>• Business premises</li> <li>• Dwelling-house</li> <li>• Guest House</li> <li>• Hotel</li> <li>• Nursery</li> <li>• Office park</li> <li>• Postal agency</li> <li>• Private parking area</li> <li>• Public parking area</li> <li>• Residential building</li> <li>• Restaurant</li> <li>• Supermarket</li> </ul>	<ul style="list-style-type: none"> <li>• Funeral parlour</li> <li>• Gambling place</li> <li>• Liquor store</li> <li>• Motor Showroom</li> <li>• Open Air Market</li> <li>• Parking garage</li> <li>• Place of entertainment</li> <li>• Service or filling station</li> <li>• Self Storage Facility</li> <li>• Service Trade</li> <li>• Special use</li> </ul>
* Ground floor must be used as business premises.	

### 3.7.3 Development Parameters

The following Development Parameters apply, unless otherwise stipulated in an Overlay Zone:

#### (a) Building lines

- (i) Subject to the provisions of section 5.1 the following building lines are applicable to buildings on the land unit:

Type of building/land use/erf	Street building lines (m)	Common boundary building lines (m)
Dwelling-house	1.5m to 4m	0m to 2m
All other buildings except dwelling-house, residential building, service and filling station	0m	0m
Residential building	4.5m	4.5m to 6m
Service and filling station	5m for proclaimed roads and 3m for all other roads	0m

- (ii) Protection of surrounding properties  
Where a land unit zoned general business abuts a land unit zoned for any other zone, except one of the business or industrial zones, a 3m building line will apply to such common boundary;
- (iii) A basement is permitted 0m from the boundary provided that it is wholly under natural ground level. For the purposes of building lines, any portion of a basement which protrudes above natural ground level must comply with the building lines as set out in (i) above.

**(b) Height**

- (i) A maximum height of 12m within Swellendam's urban area and a maximum height of 8.5m for all other areas except where deviation is required as per the Overlay Schemes requirements.
- (ii) The Municipality may grant consent for a higher building if it is of the opinion that this would not detrimentally impact on the environment, subject to the specific height or heritage overlay zones.

**(c) Coverage**

The maximum coverage of all buildings shall be as follows:

Type of building/land use/erf	Maximum coverage (% of the area of the land unit)
All	85%

**(d) Parking** (minimum parking requirements)

The following parking requirements (which may include garages) apply to this zone:

- Business premises, offices/  
office park: Four bays per 100m<sup>2</sup> GLA.
- Supermarket: Six bays per 100m<sup>2</sup> GLA.
- Hotel: One bay per bedroom plus 0.5 bays per bedroom for visitors.
- Dwelling-house: Two bays per dwelling-house.
- Guest-house: Two bays per dwelling house plus one additional bay per guest bedroom.
- Residential Buildings: One bay per bedroom, plus 0.25 bays per bedroom for visitors.
- Conference Facility: Eight bays per 10 seats.
- Flats: One bedroom - one parking bay per dwelling-unit  
Two bedrooms - 1.25 parking bay per dwelling-unit  
Three or more bedrooms - 2 bays per dwelling-unit.  
Plus in all cases 0.25 parking bays per dwelling-unit for visitors.
- Restaurants: One bay per four seats.
- Places of entertainment: One bay per four patrons.
- Service/filling stations: Four bays plus one bay per 25m<sup>2</sup> shop floor area.

Refer to **Table C** (section 5.7) for detail parking requirements.

**(e) Additional building restrictions**

- (i) No door, window or opening of any nature which can open is permitted in a wall on a side or rear boundary where such wall is erected closer than 1m to the boundary. Windows which cannot open, are allowed in walls within 1m of the boundary, but not in walls closer than 0.5m from the boundary;
- (ii) No thoroughfare shall ordinarily be permitted across a common boundary, except, where deemed desirable, The Municipality may grant consent for a public thoroughfare between adjoining buildings, subject to the express reservation that The Municipality or any of the two property owners of the two properties concerned may at any time demand that the said thoroughfare be closed.

**3.7.4 Land use management provisions****(a) Provisions for Primary Rights**

When any activity which is permitted as a primary use right is conducted from a land unit, such land use shall comply with the following land use management provisions:

**(i) Business premises**

- (aa) A place from which business is conducted, such as a shop, offices, financial institution and/or buildings for similar uses.

**(ii) Block of Flats**

- (aa) A place which consists of a number of dwelling-units which can be let separately, together with such outbuildings as are ordinarily associated therewith.
- (ab) The ground floor must be used as business premises.

**(iii) Dwelling-house**

- (aa) The owner of the land unit or the person who manages the activity must reside on the premises and the dominant use must be the housing of that person (and, if applicable, his/her family, except in the case of a guest-house).
- (ab) The nature of any improvements to the dwelling-house must be such that the building can at any time revert to the use of a normal dwelling-house (except in the case of a guest-house).
- (ac) The residential façade of the dwelling-house shall be retained to the satisfaction of The Municipality.
- (ad) No goods, material or equipment shall be displayed or be visible from a public street. Any goods, materials or equipment to be stored on the land unit shall be within an enclosed structure which forms part of the dwelling-house or its normal outbuildings;
- (ae) The activity may not cause a public nuisance.
- (af) No advertising sign may be displayed other than a single non-illuminated sign which does not project over the street. The size will be limited to 0.1m<sup>2</sup> and shall only indicate the name, telephone number and occupation.
- (ag) Parking must be provided in terms of Table C: Parking Requirements or according to The Municipality's conditions of approval.

- (ah) The land use shall not involve the regular parking or keeping of any vehicle on the land unit if the vehicle concerned is used for loading goods, materials or passengers in connection with the activity or for remuneration. No vehicles associated with the limited occupational practice activity shall be parked in a public street within a residential area (the above provisions exclude the vehicle required by the occupant of the dwelling for personal use).
- (ai) All relevant safety, health and fire regulations are applicable.
- (aj) When granting consent, only those facilities indicated on a site development plan (SDP) or included and described in the application and subsequently approved by The Municipality, may be conducted as part of the activity. If any alterations whatsoever are made to the extent and layout of the facilities, or any additional facilities are provided, a further application for consent use must be submitted to be considered by The Municipality.
- (ak) If The Municipality or any person is of the opinion that the activity contravenes any of the conditions, or if the activity does not comply with the limitations and conditions below, or if the activity is a source of nuisance to adjoining residents or have a detrimental impact on the residential character of the area, a written complaint may be lodged with The Municipality. The Municipality shall act in one of the following ways:
- serve a notice on the person which instructs the person to either comply with the conditions of the Scheme, or with any other additional conditions The Municipality may deem fit to mitigate the impact of the use, or
  - to terminate the use on the premises by a specified date, subject to a fair and reasonable administrative process, or
  - to terminate the illegal use with immediate effect.

**(i) Guest-house**

- (aa) The use may be carried out from an altered dwelling-house, or a specifically constructed facility which consists of a single integrated structure.
- (ab) No more than 10 bedrooms, accommodating no more than 20 people, whichever is more restrictive, are allowed per guest-house, provided that the Municipality may further limit the numbers if it is regarded as being in the interest of the area or neighbourhood.
- (ac) A site development plan (SDP) detailing the layout and number of rooms and units, any related facilities to be provided, reception areas, communal areas, on-site parking as per Municipal requirements, landscaping, advertising signs and street image, must accompany the application being submitted to the Municipality.
- (ad) All advertising and signage to be as per the applicable Municipal By-Law.
- (ae) Meals and liquor may only be supplied to residing guests. -
- (af) Related activities include; a dining room or restaurant, lecture room, wellness centre or similar types of uses, provided that these facilities are only used by residing guests up to a maximum of 20 people for a 10 bedroom facility. The facilities must relate to the extent of the guest-house, to ensure that they are not used by the general public and will be subject to an approved SDP.

**(iv) Hotel**

- (aa) A hotel is a place in which temporary lodging, meals, beverages and personal services are provided for transient guests and which exceeds the parameters applying to a guest-house.
- (ab) Activities reasonably and ordinarily related to a hotel, including associated conference

and entertainment facilities, hydro/wellness centre, and sport and recreation facilities that are subservient and ancillary to the dominant use of the property as a hotel may also be included.

(ac) With the necessary license liquor may be sold for consumption on the property, but an off-sales facility is excluded.

**(v) Nursery**

(aa) It is a place where plants or flowers are cultivated on an intensive scale, including under a roof, or in greenhouses or hot-houses.

(ab) The sale of plants and other associated gardening equipment and materials.

**(vi) Office park**

(aa) A place where a group of office buildings have been planned, designed and built as a harmonious architectural entity and arranged within a landscaped environment.

**(vii) Postal agency**

(aa) It is a place where postal services are provided.

**(viii) Private parking area**

(aa) A place which is reserved exclusively for the parking of vehicles, which is under the ownership and / or control of a private individual or agency, and where such parking is not normally accessible to the general public.

**(ix) Public parking area**

(aa) A municipal site which does not fall within the boundaries of a street and which is reserved for the benefit of and accessible to the general public exclusively for the parking of vehicles, with or without payment.

**(x) Restaurant**

(aa) A shop in which prepared food and refreshments are sold and served to five or more seated patrons.

(ab) The Municipality may limit the number of clients, the floor area and the business hours of the enterprise.

**(xi) Supermarket**

(aa) A retail concern with a net retail floor bay of more than 350m<sup>2</sup>, which is utilised for sales on a basis of self-service and where the goods for sale fall in one or more of the following categories: foodstuffs, toiletries, and household cleansing agents.

**(b) Provisions for Consent uses**

In approving consent uses or any other application in terms of the Scheme, The Municipality shall give regard to the following land use management provisions and these provisions shall apply in all cases, unless a departure is specifically granted in this regard:

**(i) Funeral parlour**

(aa) A place where the dead are prepared for burial or cremation and includes facilities for associated administrative and religious functions.

**(ii) Gambling place**

(aa) It is a place where betting and gambling may legally take place in terms of a licence, and include a totalisator premises licence and a limited gambling machine premises licence.

**(iii) Liquor store**

(aa) It is a shop, licensed in terms of the relevant Liquor Act, in which mainly alcoholic beverages are sold in the retail trade for consumption off the property, and includes an off-sales facility under the same management as a hotel.

**(iv) Motor showroom**

(aa) means a building for the display, sale or rental of new or used motor vehicles and includes a pre-sale inspection facility.

(ab) vehicles to be accommodated within a permanent building.

(ac) excludes carwashing, valet, repairs and servicing.

**(v) Open air market**

(aa) An area of land used for the sale of goods at permanent or temporary stalls in a market area, or areas demarcated by the The Municipality for informal street sellers, in a public street, square or another public or private area, mostly in the open air.

(ab) It can also be a fair, fête or show, where goods are sold and entertainment provided mainly outdoors, provided that all structures erected are of a temporary nature as approved by The Municipality.

**(vi) Parking garage**

(aa) Parking facilities are provided for motor vehicles on a commercial basis as the dominant use of the building, parking is not necessarily directly associated with the land uses found on the land unit.

**(vii) Place of entertainment**

(aa) A place used predominantly for commercial entertainment, which may on a regular basis attract relatively large numbers of people and operate outside normal business hours.

(ab) Gatherings, entertainment and recreation where loud music is played and/or alcohol consumed, and which may create a public nuisance.

(ac) It includes places where the patrons participate, such as a dance hall, disco, night club, billiard saloon or room, and may include associated restaurants, pubs or taverns, games arcades, and/or similar place.

(ad) The Municipality may limit the number of clients, the floor area and the business hours of the enterprise.

**(viii) Service or filling station**

The following additional provisions shall apply to Service and Filling stations:

- (aa) A site development plan (SDP) shall accompany each application for consent and shall indicate the following:
  - the layout of the service station or filling station and any other uses and buildings on the land unit;
  - boundary walls or fences and façades of all buildings;
  - vehicular access, circulation and parking;
  - landscaping;
  - risk management of petrol pumps and petrol storage areas;
  - fencing-off of storage areas;
  - minimising visual deterioration or nuisance from the trade in respect of adjoining land units, and
  - the extent of the various activities.
- (ab) The width of a motor vehicle carriageway crossing over the street boundary shall not exceed 8m, and no more than two carriageway crossings per land unit shall be permitted unless the street boundary exceeds 30m in which case an additional crossing will be permitted.
- (ac) A wall of at least 100mm thick and 200mm high shall be erected on the street boundary between the carriageway crossings.
- (ad) A carriageway crossing shall not be closer than 30m to an intersection of two arterial roads (whether controlled or not) or any other controlled intersection.
- (ae) For all intersections, other than those mentioned above, a carriageway crossing shall not be closer than 10m from the corner of an unsplayed intersection or 5m from the point where a splay meets the street boundary,
- (af) No pump shall be erected so that the base or the island on which the pumps stands is less than 3.5m from the nearest street boundary;
- (ag) Any portion of a service station or filling station which is used to store unused motor vehicles or parts of motor vehicles, empty containers (e.g. oil and packaging containers) or any scrap, or to assemble, repair or paint any motor vehicles, shall, unless fenced off by buildings, be fenced by suitable brick or cement walls of at least 2m in height.
- (ah) A Traffic Impact Assessment (TIA) may be required by The Municipality.

**(ix) “Self Storage Facility”**

- (aa) This is a place for the storage of goods; a self-storage facility may include a number of self-storage units which are usually made available to individuals for domestic purposes.

**(x) Service Trade**

- (aa) This is a place where an enterprise is primarily involved in the rendering of a service for the local community, such as the repair of household appliances or the supply of household services.
- (ab) It is not likely to be a source of disturbance to surrounding properties, nor is it liable, in the event of fire, to cause excessive combustion, give rise to poisonous fumes or cause explosions.
- (ac) It may include a builder’s yard and allied trades, laundry, bakery, dairy depot and similar types of uses.

(xi) **Special use**

(aa) means a use which is unique, or in respect of which the land use restrictions are so specific, that no provision has been made for it in this Scheme, and which is defined in detail by means of conditions of approval;

### **3.7.5 General provisions, policies and guidelines**

The general development parameters and land use management provisions, as set out in Chapters 5-6, are applicable regarding the use of land in this zone.

## SECTION 3.8: NEIGHBOURHOOD BUSINESS ZONE (NB)

### 3.8.1 Zoning Objectives

The purpose of this zone is to make provision for:

- low density and small scale, commercial uses which are located within residential areas;
- non-residential land uses which provide for the convenience and service of the surrounding residential community;
- non-residential uses which will not have an adverse impact on the surrounding residential environment; and
- displaying a built fabric which is similar and compatible to the surrounding residential environment.

### 3.8.2 Land use parameters

Primary uses	Consent Uses
<ul style="list-style-type: none"> <li>• Block of flats *</li> <li>• Bed and Breakfast</li> <li>• Dwelling-house</li> <li>• Guest house</li> <li>• Occupational practice</li> <li>• Offices</li> <li>• Postal agency</li> <li>• Private parking area</li> <li>• Public parking area</li> <li>• Shops</li> </ul>	<ul style="list-style-type: none"> <li>• Conference facilities</li> <li>• Educational institution</li> <li>• Gambling Place/Place of Entertainment</li> <li>• Hotel</li> <li>• Institution</li> <li>• Liquor store</li> <li>• Nursery</li> <li>• Open air market</li> <li>• Outdoor recreational facilities</li> <li>• Place of assembly</li> <li>• Residential building</li> <li>• Service or filling station</li> <li>• Special use</li> </ul>
*Ground floor must be used as business premises.	

### 3.8.3 Development Parameters

The following Development Parameters apply unless otherwise stipulated in an Overlay Zone:

#### (a) Building lines

- (i) Subject to the provisions of section 5.1 the following building lines are applicable to the building types as indicated:

Street building lines (m)	Common boundary building lines (m)
3m	1,5m

## CHAPTER 3: DEFINITIONS AND ZONINGS

## SWELLENDAM MUNICIPALITY: INTEGRATED ZONING SCHEME BY-LAW

- (ii) Protection of surrounding properties:  
Where a land unit zoned neighbourhood business abuts a land unit zoned for any other zone, except one of the business or industrial zones, a 3m building line will apply to such common boundary;
- (iii) A basement is permitted 0m from the boundary provided that it is wholly under natural ground level. For the purposes of building lines, any portion of a basement which protrudes above natural ground level must comply with the building lines as set out in (i).

**(b) Height**

- (i) A maximum height of 8.5 m for all rural and other areas, except where deviation is required as per the Overlay Schemes requirements.
- (ii) The Municipality may grant consent for a taller building if it is of the opinion that this would not detrimentally impact on the environment, subject to the specific height or heritage overlay zones.

**(c) Coverage**

The maximum coverage of all buildings is limited as follows:

Area of land unit	Maximum coverage (% of the area of the land unit)
Smaller than 250m <sup>2</sup>	75%
250m <sup>2</sup> –500m <sup>2</sup>	70%
More than 500m <sup>2</sup>	60%

**(d) Parking (minimum parking requirements)**

- Shops, Offices: Four bays per 100m<sup>2</sup> GLA.
- Dwelling-house: Two bays per dwelling-house.
- Residential building: One bay per bedroom plus 0.25 per bedroom for visitors.
- Restaurant: One bay per four seats.

Refer to **Table C** (section 5.7) for detail parking requirements.

**(e) Additional building restrictions**

Where a building scheme is executed on a land unit zoned for business purposes adjacent to a land unit zoned for any zone other than business or industrial uses, the owner of the business erf shall be compelled to erect, at his own cost, a wall not less than 2m high on the common boundary, unless the owner of the abutting land unit waives this requirement in writing or provision is already made via another approval for an alternative wall on that boundary.

**3.8.4 Land use management provisions****(a) Provisions for Primary Rights**

When any activity is conducted as a primary use right from a land unit, such land use shall comply with the following land use management provisions in this Zone:

**(i) Bed and Breakfast**

- (aa) No more than three bedrooms (with a maximum of two persons per room) may be utilised for the purpose of a bed and breakfast enterprise.
- (ab) No more than two persons may be employed to conduct a bed and breakfast enterprise.
- (ac) No guest may reside in the bed and breakfast enterprise on a permanent basis.
- (ad) A site development plan (SDP) must be submitted to the Municipality indicating the parking layout of the on-site parking as per parameters required by the Municipality, landscaping, street image, advertising signs, reception areas, rooms and areas for private use.

**(ii) Block of Flats**

- (aa) A place which consists of a number of dwelling-units which can be let or sold separately, together with such outbuildings as are ordinarily associated therewith.
- (ab) The ground floor must be used as business premises.

**(iii) Dwelling-house**

- (aa) The owner of the land unit or the person who manages the activity must reside on the premises and the dominant use must be the housing of that person (and, if applicable, his/her family, except in the case of a guest-house).
- (ab) The nature of any improvements to the dwelling-house must be such that the building can at any time revert to the use of a normal dwelling-house (except in the case of a guest-house).
- (ac) The residential façade of the dwelling-house shall be retained to the satisfaction of The Municipality.
- (ad) No goods, material or equipment shall be displayed or be visible from a public street. Any goods, materials or equipment to be stored on the land unit shall be within an enclosed structure which forms part of the dwelling-house or its normal outbuildings.
- (ae) The activity may not cause a public nuisance.
- (af) All advertising and signage to be as per the applicable By-Law.
- (ag) Parking must be provided in terms of Table C: Parking Requirements, or according to the Municipality's specific conditions of approval.
- (ah) The land use shall not involve the regular parking or keeping of any vehicle on the land unit if the vehicle concerned is used for loading goods, materials or passengers in connection with the activity or for remuneration. No vehicles associated with the limited occupational practice activity shall be parked in a public street within a residential area (the above provisions exclude the vehicle required by the occupant of the dwelling for personal use).
- (ai) All relevant safety, health and fire regulations are applicable.

- (aj) When granting consent, only those facilities indicated on a site development plan (SDP) or included and described in the application and subsequently approved by the Municipality, may be conducted as part of the activity. If any alterations whatsoever are made to the extent and layout of the facilities, or any additional facilities are provided, a further application for consent use must be submitted to be considered by the Municipality.
- (ak) If the Municipality or any person is of the opinion that the activity contravenes any of the conditions, or if the activity does not comply with the limitations and conditions below, or if the activity is a source of nuisance to adjoining residents, or have a detrimental impact on the residential character of the area, a written complaint may be lodged with the Municipality. The Municipality shall act in one of the following ways:
- serve a notice on the person which instructs the person to either comply with the conditions of the Scheme, or with any other additional conditions the Municipality may deem fit to mitigate the impact of the use, or
  - to terminate the use on the premises by a specified date, subject to a fair and reasonable administrative process, or
  - to terminate the illegal use with immediate effect.
- (v) Guest-house**
- (aa) The use may be carried out from an altered dwelling-house or a specifically constructed facility, which consists of a single integrated structure.
- (ab) No more than 10 bedrooms, accommodating no more than 20 people, whichever is more restrictive, are allowed per guest-house, provided that The Municipality may limit the numbers if it is regarded as being in the interest of the area or neighbourhood.
- (ac) A site development plan (SDP) detailing the layout and number of rooms and units, any related facilities to be provided, reception areas, communal areas, on-site parking as per The Municipality requirements (no tandem parking), landscaping, advertising signs and street image, must accompany the application being submitted to The Municipality.
- (ad) Advertising and signage to be approved as per the applicable By-Law .
- (ae) Meals and liquor may only be supplied to residing guests. -
- (af) Related activities include e.g. a dining room or restaurant, lecture room, wellness centre or similar types of uses are permitted, provided that these facilities are only used by residing guests up to a maximum of 20 people for a 10 bedroom facility. The facilities must relate to the extent of the guest-house to ensure that they are not used by the general public and will be subject to an approved SDP.
- (vi) Occupational practice**
- (aa) A maximum of four people, one of whom is to be resident on the property, may be employed by, or visit the property at any one time in connection with occupational practice activities on the site.
- (ab) The hours of operation shall be limited to between 07:30 and 18:00.
- (ac) The maximum floor area for Occupational Practice (including storage) to be no more than 30% of the floor area of the dwelling-house, up to a maximum of 50m<sup>2</sup>.

- (vii) Offices**
- (aa) It is a building containing offices for administrative or commercial purposes, including a financial institution, stock exchange, professional usage or similar undertaking.
- (viii) Postal agency**
- (aa) It is a place where postal services are provided.
- (ix) Private parking area**
- (aa) A place which is reserved exclusively for the parking of vehicles, which is under the control of a private individual or agency, and where such parking is not normally accessible to the general public.
- (x) Public parking area**
- (aa) A municipal site which does not fall within the boundaries of a street and which is reserved for the benefit of and accessible to the general public exclusively for the parking of vehicles, with or without payment.
- (xi) Shops**
- (aa) It is a place for the operation of a retail business, and includes a workshop on the same premises which is connected with and incidental and subordinate to the retail business.
- (ab) A workshop may not constitute more than 30% of the net floor area of the shop and cause public nuisance.
- (b) Provisions for Consent uses**
- In approving consent uses or any other application in terms of the Scheme, the Municipality shall give regard to the following land use management provisions for this zone and these provisions shall apply in all cases, unless a departure is specifically granted in this regard:
- (i) Conference facilities**
- (aa) Places for assembly for the purpose of holding conferences, meetings and trade, or commercial related exhibitions, without overnight accommodation.
- (ab) Meals may be supplied.
- (ac) It is normally an additional activity/function to a primary function such as a guest-house or restaurant, with the same building restrictions as of the primary function, except that additional parking may be required by the Municipality.
- (ii) Educational institution**
- (aa) A school, college, technical institute, academy, lecture hall, cloister, public library, art gallery, museum, or a training centre for more than ten persons at a time, day care, or any other such establishment regarded by the Municipality to be of an educational nature, and may include a hostel on the same land unit.

**(iii) Gambling place**

- (aa) It is a place where betting and gambling may legally take place in terms of a licence, and include a totalisator premises licence and a limited gambling machine premises licence.

**(iv) Place of entertainment**

- (aa) A place used predominantly for commercial entertainment, which may on a regular basis, attract relatively large numbers of people and operate outside normal business hours.
- (ab) Gatherings, entertainment and recreation where loud music is played and/or alcohol consumed, and which may create a public nuisance.
- (ac) It includes places where the patrons participate; such as a dance hall, disco, night club, billiard saloon or room, and may include associated restaurants, pubs or taverns, games arcades, and/or similar place.
- (ad) The Municipality may limit the number of clients, the floor area and the business hours of the enterprise.

**(v) Hotel**

- (aa) A hotel is a place in which temporary lodging, meals, beverages and personal services are provided for transient guests and which exceeds the parameters applying to a guest-house, which is readily accessible to the public.
- (ab) Tourism grading should not be a criterion in the scheme – a hotel is a hotel whether graded or not.
- (ac) Activities reasonably and ordinarily related to a hotel may be included, such as associated conference and entertainment facilities, hydro/wellness centre, and sport and recreation facilities that are subservient and ancillary to the dominant use of the property as a hotel.
- (ad) The premises may acquire a license to sell liquor for consumption on the property, but does not include an off-sales facility.

**(vi) Institution**

- (aa) It is a place utilised as a social, health or welfare institution or for the administration thereof, and includes a hospital, nursing home, clinic, old age home or children's home, whether private or public.

**(vii) Liquor store**

- (aa) It is a shop, licensed in terms of the relevant Liquor Act, in which mainly alcoholic beverages are sold in the retail trade for consumption off the property, and includes an off-sales facility under the same management as a hotel.

**(viii) Nursery**

- (aa) A nursery is a place where plants or flowers are cultivated on an intensive scale, including under a roof, or in greenhouses or hot-houses, as well as the sale of plants and other associated gardening equipment and materials.

**(ix) Open air market**

- (aa) An area of land used for the sale of goods at permanent or temporary stalls, in a market area or areas demarcated by the Municipality for informal street sellers in a public road, square or another public or private area, mostly in the open air.
- (ab) It can also be a fair, fête or show, where goods are sold and entertainment provided mainly outdoors, provided that all structures erected are of a temporary nature as approved by the Municipality.

**(x) Outdoor recreational facilities**

- (aa) Recreational opportunities are provided, usually for commercial gain, mainly in the open air, such as, but not limited to, open air concerts, miniature golf and roller skating rinks, putting ranges, amusement parks, drive-in theatres and other uses where the clubhouse and other construction cover a minor portion of the site.

**(xi) Place of assembly**

- (aa) A place which has a civic function to serve the social and community needs of an area, which may attract people in relatively large numbers and which is not predominantly a commercial enterprise; including a civic hall, concert hall, indoor sports centre and club house, but excluding a place of entertainment or conference facility.
- (ab) The Municipality may limit the number of clients, the floor area and the business hours of the enterprise.

**(xii) Residential building**

- (aa) means a place for human habitation, where the building is usually let in rooms, together with such outbuildings as are normally used therewith,

**(xiii) Service or filling station**

The following additional provisions shall apply to Service and Filling stations:

- (aa) A site development plan (SDP) shall accompany each application for consent and shall indicate the following:
- the layout of the service station or filling station and any other uses and buildings on the land unit;
  - boundary walls or fences and façades of all buildings;
  - vehicular access, circulation and parking;
  - landscaping;
  - risk management of petrol pumps and petrol storage areas;
  - fencing-off of storage areas;
  - minimising visual deterioration or nuisance from the trade in respect of adjoining land units, and
  - the extent of the various activities.

- (ab) The width of a motor vehicle carriageway crossing over the street boundary shall not exceed 8m, and no more than two carriageway crossings per land unit shall be permitted unless the street boundary exceeds 30m in which case an additional crossing will be permitted.
- (ac) A wall of at least 100mm thick and 200mm high shall be erected on the street boundary between the carriageway crossings.
- (ad) A carriageway crossing shall not be closer than 30m to an intersection of two arterial roads (whether controlled or not) or any other controlled intersection.
- (ae) For all intersections other than those mentioned above a carriageway crossing shall not be closer than 10m from the corner of an un-splayed intersection or 5m from the point where a splay meets the street boundary,
- (af) No pump shall be erected so that the base or the island on which the pumps stands is less than 3.5m from the nearest street boundary;
- (ag) Any portion of a service station or filling station which is used to store unused motor vehicles or parts of motor vehicles, empty containers (e.g. oil and packaging containers) or any scrap, or to assemble, repair or paint any motor vehicles, shall, unless fenced off by buildings, be fenced by suitable brick or cement walls of at least 2m in height.
- (ah) A Traffic Impact Assessment (TIA) may be required by the Municipality.

**(xiv) Special use**

- (aa) A use which is unique, or in respect of which the land use restrictions are so specific that no provision has been made for it in this Scheme, and which is defined in detail by means of conditions of approval.

### 3.8.5 General provisions, policies and guidelines

The general development parameters and land use management provisions, as set out in Chapters 5-6, are applicable regarding the use of land in this zone.

## SECTION 3.9: SPECIFIC BUSINESS ZONE (SB)

### 3.9.1 Zoning Objectives

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

- *a variety of specific businesses and/or other specialist land uses outside the denoted central business and neighbourhood business centres of a town;*
- *a zone where the Municipality can use its discretion to limit business activities to a specific nature and extent;*
- *development with a mixed-use character, situated within park developments such as for offices, light industry or business, or in CBD fringe areas and industrial areas.*

### 3.9.2 Land use parameters

When considering an application, the Municipality shall determine appropriate land use parameters applicable to the specific site and impose them as a condition of approval.

### 3.9.3 Development Parameters

The Development Parameters will be determined for each application by the Municipality, unless otherwise stipulated in an Overlay Zone:

#### (i) Parking

Refer to Table C (section 5.7) for detail parking requirements.

### 3.9.4 Land use management provisions

Specific land use management provisions will be determined by the Municipality as conditions of approval.

### 3.9.5 General provisions, policies and guidelines

The general development parameters and land use management provisions, as set out in Chapters 5-6, are applicable regarding the use of land in this zone.

**SECTION 3.10: LIGHT INDUSTRIAL ZONE (LI)**

**3.10.1 Zoning Objectives**

The purpose of this zone is to make provision for:

- development of low intensity, light, clean industrial uses, situated within defined development nodes, central business nodes or industrial areas;
- a variety of small production-based and other similar land use types, allowing limited on-site retail uses to address needs on a local and sub-regional level;
- a built form consisting of medium height, aesthetically well-designed industrial buildings, a fine grain urban fabric and limited scale;
- development within existing and future mixed land use areas and development corridors.

**3.10.2 Land use parameters**

Primary uses	Consent Uses
<ul style="list-style-type: none"> <li>• Accommodation for caretakers</li> <li>• Light industry</li> <li>• Motor showroom</li> <li>• Nursery</li> <li>• Point of sale</li> <li>• Public garage</li> <li>• Self-Storage Facility</li> <li>• Service trade (excluding builder’s yard)</li> <li>• Warehouse</li> <li>• Workshop</li> </ul>	<ul style="list-style-type: none"> <li>• Adult entertainment business</li> <li>• Filling and Service station</li> <li>• Place of entertainment</li> <li>• Special use</li> <li>• Transport purposes</li> </ul>

**3.10.3 Development Parameters**

The following Development Parameters apply, unless otherwise stipulated in an Overlay Zone:

**(a) Building lines**

- (i) Subject to the provisions of section 5.1 the following building lines are applicable to all buildings in this zone:

Street building lines (m)	Common boundary building lines (m)
3m	0m except in the case of services servitudes

- (ii) Protection of surrounding properties

Where a land unit zoned light industrial abuts a land unit zoned for any other zone except one of the business or industrial zones, a 3m building line will apply to such common boundary;

- (iii) A basement is permitted 0m from the boundary provided that it is totally under natural ground level. For the purposes of building lines, any portion of a basement which protrudes above natural ground level must comply with the building lines as set out in (i).

**(b) Height**

No building may exceed a maximum height of 12m from the base level to the top of the roof.

**(c) Coverage**

The maximum coverage permitted on the site is 75%.

**(d) Floor Factor**

The maximum floor factor for all buildings permitted on a land unit is 1.0.

Furthermore, buildings for light industry are limited to 1500m<sup>2</sup> per building, in order to ensure that a fine grain urban fabric and limited scale is maintained. Various buildings may be linked, or more than one building may be grouped on the same land unit, provided that the objective of the zone is achieved (limited to a maximum 2000m<sup>2</sup> footprint of building per land unit). The Municipality may grant its consent for one building on a land unit to exceed 1500m<sup>2</sup> should it be satisfied that the activity to be conducted remains that of light industrial and the design of the building achieves the objectives of the zone.

**(e) Parking (minimum parking requirements)**

The following parking requirements are applicable in this zone:

- Light industry: Two bays per 100m<sup>2</sup> floor area to 1500m<sup>2</sup>; plus one bay per 200m<sup>2</sup> for floor area exceeding 1500m<sup>2</sup>.
- Service trade: Two bays per 100m<sup>2</sup> floor area, plus one bay per 25m<sup>2</sup> for offices.
- Warehouse: Two bays per 100m<sup>2</sup> floor area to 1500m<sup>2</sup>; plus one bay per 200m<sup>2</sup> for floor area exceeding 1500m<sup>2</sup>.
- Workshop: Two bays per 50m<sup>2</sup> floor area, plus one bay per 25m<sup>2</sup> for office portions of building.
- Point of sale: Six bays per 100 m<sup>2</sup> floor area for portion of building used for sales;
- Nursery: One bay per 100m<sup>2</sup> floor area to 1500m<sup>2</sup>; plus one bay per 200m<sup>2</sup> for floor area exceeding 1500m<sup>2</sup>.
- Visitors Parking: 25% of all bays as set out above must be reserved for and accessible to visitors;
- Loading bays: As determined by The Municipality.

Refer to **Table C** (section 5.7) for detail parking requirements.

**(f) Additional building restrictions**

- (i) Where a building scheme is executed on a light industrial erf adjacent to a land unit zoned for any zone other than industrial, the owner of the light industrial erf shall be compelled to erect, at his own cost, a boundary wall to the satisfaction of The Municipality.
- (ii) No door, window or opening of any nature which can open is permitted in a wall on a side or rear boundary where such wall is erected closer than 1m to the boundary. Windows which cannot open (or open vertically), are allowed in walls within 1m of the boundary, but not in walls closer than 0.5m from the boundary.
- (iii) The Municipality has the discretion to evaluate the visual aesthetics of all building plans for new industrial land uses and to lay down requirements therewith to ensure that it complies with the zoning objectives of the zone.

**3.10.4 Land use management provisions****(a) Provisions for Primary Rights**

When any activity which is permitted as a primary use right is conducted from a land unit within this zone, such land use shall comply with the following land use management provisions:

**(i) Accommodation for caretakers**

- (aa) The provision of accommodation for staff that supervise the building or the complex of buildings.

**(ii) Light industry**

- (aa) A building in which an activity is undertaken with machines that are powered by electricity only, and may include a point of sale and a café.
- (ab) Activities include; to make an article or part of such an article, to manufacture, produce, build, assemble, compile, print, ornament, process, treat, adapt, repair, renovate, rebuild, alter, paint (including spray painting), polish, finish, clean, dye, wash, break up, disassemble, sort, pack, put in a container, chill, freeze or store in cold storage.

**(iii) Motor showroom**

- (aa) Means a building for the display, sale or rental of new or used motor vehicles and includes a pre-sale inspection facility.

**(iv) Nursery**

- (aa) A nursery is a place where plants or flowers are cultivated on an intensive scale, including under a roof, or in greenhouses or hot-houses, as well as the sale of plants and other associated gardening equipment and materials.

**(v) Point of sale**

- (aa) It is a bay or a counter in a building, or on a land unit which is not zoned for business purposes, and where produce manufactured on such land unit or goods directly related to the business conducted on the land unit, is sold to the public.

(ab) Such sales shall be secondary to the normal uses on the site, and may not occupy more than 25% of the floor area of the building, or 100m<sup>2</sup> whichever is the smaller, or an area approved by the Municipality and subject to parking provisions as per retail requirements.

**(vi) Public Garage**

(aa) A place for an undertaking which offers a complete range of services, repairs and/or temporary storage for motor vehicles, including panel beating, blacksmithing, spray painting and body building.

(ab) The activities on this site exclude the commercial sale of fuel.

**(vii) Self- Storage Facility**

(aa) This is a place for the storage of goods; a self-storage facility may include a number of self-storage units which are usually made available to individuals for domestic purposes.

**(viii) Service trade**

(aa) This is a place where an enterprise is primarily involved in the rendering of a service for the local community such as the repair of household appliances or the supply of household services.

(ab) It is not likely to be a source of disturbance to surrounding properties, nor is it liable, in the event of fire, to cause excessive combustion, give rise to poisonous fumes or cause explosions.

(ac) It may include a laundry, bakery, dairy depot and similar types of uses, but excludes a builder's yard.

**(ix) Warehouse**

(aa) A warehouse is used for the storage of goods or as a depot for a wholesale business, including all associated and ancillary uses,

(ab) A store for goods normally incidental to a shop, business premises or another building is not considered to be a warehouse.

**(x) Workshop**

(aa) A workshop may not exceed 200m<sup>2</sup> in net floor area.

(ab) One or more of the following activities may be conducted:

- where 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, put in a container, chilled, frozen or stored in cold storage; or
- electricity is generated for the use in processes referred to above.

**(b) Provisions for Consent uses**

In approving consent uses or any other application in terms of the Scheme, the Municipality shall give regard to the following land use management provisions in this zone and these provisions shall apply in all cases, unless a departure is specifically granted in this regard:

**(i) Adult entertainment business**

- (aa) A business where films, photographs, books and magazines are hired or sold or live performances occur, which are characterised by an emphasis on the display or description of pornographic or erotic sexual activities or human genitalia;
- (ab) It includes an escort agency or a massage parlour where the massage or manipulation of the human body is administered with the purpose of obtaining an erotic response.
- (ac) The Municipality may limit the number of clients, the floor area and the business hours of the enterprise.

**(ii) Filling and Service stations**

The following additional provisions shall apply to Service and Filling stations:

- (aa) A site development plan (SDP) shall accompany each application for consent and shall indicate the following:
  - the layout of the service station or filling station and any other uses and buildings on the land unit;
  - boundary walls or fences and façades of all buildings;
  - vehicular access, circulation and parking;
  - landscaping;
  - risk management of petrol pumps and petrol storage areas;
  - fencing-off of storage areas;
  - minimising visual deterioration or nuisance from the trade in respect of adjoining land units, and
  - the extent of the various activities.
- (ab) The width of a motor vehicle carriageway crossing over the street boundary shall not exceed 8m, and no more than two carriageway crossings per land unit shall be permitted unless the street boundary exceeds 30m in which case an additional crossing will be permitted.
- (ac) A wall of at least 100mm thick and 200mm high shall be erected on the street boundary between the carriageway crossings.
- (ad) A carriageway crossing shall not be closer than 30m to an intersection of two arterial roads (whether controlled or not) or any other controlled intersection.
- (ae) For all intersections other than those mentioned above a carriageway crossing shall not be closer than 10m from the corner of an unsplayed intersection or 5m from the point where a splay meets the street boundary.
- (af) No pump shall be erected so that the base or the island on which the pumps stands is less than 3.5m from the nearest street boundary.
- (ag) Any portion of a service station or filling station which is used to store unused motor vehicles or parts of motor vehicles, empty containers (e.g. oil and packaging containers) or any scrap, or to assemble, repair or paint any motor vehicles, shall, unless fenced off by buildings, be fenced by suitable brick or cement walls of at least 2m in height.
- (ah) A Traffic Impact Assessment (TIA) may be required by the Municipality.

**(iii) Place of entertainment**

- (aa) A place used predominantly for commercial entertainment, which may on a regular basis, attract relatively large numbers of people and operate outside normal business hours.
- (ab) Gatherings, entertainment and recreation where loud music is played and/or alcohol consumed, and which may create a public nuisance.
- (ac) It includes places where the patrons participate, such as a dance hall, disco, night club, billiard saloon or room, and may include associated restaurants, pubs or taverns, games arcades, and/or similar place.
- (ad) The Municipality may limit the number of clients, the floor area and the business hours of the enterprise.

**(iv) Transport purposes**

- (aa) The use of a land unit to accommodate a transport service, including a truck depot, and a public or private service to transport goods and passengers by road, rail, sea or pipeline;
- (ab) including all ancillary uses which normally would be associated with the transport function, including shops and modal interchanges which serve passengers, taxi or bus terminus where passengers embark and disembark;
- (ac) also includes related stations, harbours, sheds, stores, workshops and offices, but excludes accommodation, an airport, heliport or air strip.

**(v) Special use**

- (aa) A use which is unique, or in respect of which the land use restrictions are so specific, that no provision has been made for it in this Scheme, and which is defined in detail by means of conditions of approval.

**3.10.5 General provisions, policies and guidelines**

The general development parameters and land use management provisions, as set out in Chapters 5 – 6, are applicable regarding the use of land in this zone.

**SECTION 3.11: GENERAL INDUSTRIAL ZONE (GI)**

**3.12.4 Zoning Objectives**

The purpose of this zone is to make provision for:

- the use of land for manufacturing and large-scale warehousing type purposes, and for any industrial activity exercised in connection therewith or additional thereto;
- the location of land use in areas where the negative impact of the land uses is limited to the industrial township site and its environs.

**3.12.4 Land use parameters**

Primary uses	Consent Uses
<ul style="list-style-type: none"> <li>• Accommodation for caretakers</li> <li>• Adult entertainment business</li> <li>• Industry</li> <li>• Light industry</li> <li>• Nursery</li> <li>• Point of sale</li> <li>• Public Garage</li> <li>• Self Storage Facility</li> <li>• Service or Filling station</li> <li>• Service trade</li> <li>• Warehouse</li> <li>• Workshop</li> </ul>	<ul style="list-style-type: none"> <li>• Abattoir</li> <li>• Brickyard</li> <li>• Builders yard</li> <li>• Crematorium</li> <li>• Noxious Industry or Trade</li> <li>• Place of entertainment</li> <li>• Scrap yard</li> <li>• Special use</li> <li>• Transport purposes</li> </ul>

**3.12.4 Development Parameters**

The following Development Parameters apply in this zone unless otherwise stipulated in an Overlay Zone.

**(a) Building lines**

- (i) Subject to the provisions of section 5.1 the following building lines are applicable to all other buildings in this zone:

Street building lines (m)	Common boundary building lines (m)
3m	0m except in the case of services servitudes

- (ii) Protection of surrounding properties:  
Where a land unit zoned general industrial abuts a land unit zoned for any other zone, except one of the business or industrial zones, a 3m building line will apply to such common boundary;

- (iii) A basement is permitted 0m from the boundary provided that it is wholly under natural ground level. For the purposes of building lines, any portion of a basement which protrudes above natural ground level must comply with the building lines as set out in (i).

**(b) Height**

No building may exceed a maximum height of 12m from the base level to the top of the roof.

**(c) Coverage**

The maximum coverage permitted on the site is 75%.

**(d) Parking (minimum parking requirements)**

The following parking requirements are applicable in this zone:

- |                           |   |
|---------------------------|---|
| ▪ Industry/Light industry | Two bays per 100m <sup>2</sup> floor area up to 1,500m <sup>2</sup> , one bay per 200m <sup>2</sup> for floor area on the land unit exceeding 1,500m <sup>2</sup> . |
| ▪ Service trade:          | Two bays per 100m <sup>2</sup> floor area, plus one bay per 25m <sup>2</sup> for office portions of building;   |
| ▪ Warehouse:              | Two bays per 100m <sup>2</sup> floor area up to 1,500m <sup>2</sup> , one bay per 200m <sup>2</sup> for floor area on the land unit exceeding 1,500m <sup>2</sup> . |
| ▪ Workshop:               | Two bays per 50m <sup>2</sup> floor area, plus one bay per 25m <sup>2</sup> for offices.  |
| ▪ Point of sale:          | Six bays per 100 m <sup>2</sup> floor area.   |
| ▪ Nursery:                | One bay per 100m <sup>2</sup> floor area; one bay per 200m <sup>2</sup> for floor area on the land unit exceeding 1,500m <sup>2</sup> .                             |
| ▪ Visitors Parking:       | 25% of all parking bays as set out above must be reserved for and accessible to visitors.   |
| ▪ Loading bays:           | As determined by The Municipality.  |

Refer to **Table C** (section 5.7) for detail parking requirements.

**(e) Additional building restrictions**

- (i) Where a building scheme is executed on a general industrial erf adjacent to a land unit zoned for any zone other than industrial, the owner of the industrial erf shall be compelled to erect, at his own cost, a boundary wall to satisfaction of The Municipality.
- (ii) No door, window or opening of any nature which can open is permitted in a wall on a side or rear boundary where such wall is erected closer than 1m to the boundary. Windows which cannot open or open vertically, are allowed in walls within 1m of the boundary, but not in walls closer than 0.5m from the boundary.
- (iii) The Municipality has the discretion to evaluate the visual aesthetics of all building plans for new industrial land uses and to lay down requirements therewith to ensure that it complies with the zoning objectives of the zone.

### 3.12.4 Land use management provisions

#### (a) Provisions for Primary Rights

When any activity which is permitted as a primary use right is conducted from a land unit within this zone, such land use shall comply with the following land use management provisions:

##### (i) Industry

(aa) An industry is a place, which in the Municipality's opinion, is used as a factory 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, put in a container, chilled, frozen or stored in cold storage; or electricity is generated for the use in above processes referred; and any activity is carried out which is connected with or incidental to any one or more of these activities;

(ab) industry includes an office, caretaker's quarters or other uses which are subservient and ancillary to the use of the property as a factory, but does not include a noxious industry or buildings on or in which the activities mentioned in (aa) is carried out—

- inside and secondary to a shop, solely for the purpose of selling retail from that shop;
- by a farmer, solely in connection with farming operations on a farm operated by himself;
- solely in connection with consultative professional services;
- in respect of facilities used solely for teaching and instruction in primary, secondary or tertiary educational institutions; and
- on a site used temporarily and solely for carrying out building work or an activity connected therewith.

##### (ii) Accommodation for caretakers

(aa) The provision of accommodation for staff that supervises the building or complex of buildings.

##### (iii) Adult entertainment business

(aa) A business where films, photographs, books and magazines are hired or sold or live performances occur, which are characterised by an emphasis on the display or description of pornographic or erotic sexual activities or human genitalia;

(ab) It includes an escort agency or a massage parlour where the massage or manipulation of the human body is administered with the purpose of obtaining an erotic response.

(ac) The Municipality may limit the number of clients, the floor area and the business hours of the enterprise.

**(iv) Filling and Service station**

The following additional provisions shall apply to Service and Filling stations:

- (aa) A site development plan (SDP) shall accompany each application for consent and shall indicate the following:
- the layout of the service station or filling station and any other uses and buildings on the land unit;
  - boundary walls or fences and façades of all buildings;
  - vehicular access, circulation and parking;
  - landscaping;
  - risk management of petrol pumps and petrol storage areas;
  - fencing-off of storage areas;
  - minimising visual deterioration or nuisance from the trade in respect of adjoining land units, and
  - the extent of the various activities.
- (ab) The width of a motor vehicle carriageway crossing over the street boundary shall not exceed 8m, and no more than two carriageway crossings per land unit shall be permitted unless the street boundary exceeds 30m in which case an additional crossing will be permitted.
- (ac) A wall of at least 100mm thick and 200mm high shall be erected on the street boundary between the carriageway crossings.
- (ad) A carriageway crossing shall not be closer than 30m to an intersection of two arterial roads (whether controlled or not) or any other controlled intersection.
- (ae) For all intersections other than those mentioned above a carriageway crossing shall not be closer than 10m from the corner of an unsplayed intersection or 5m from the point where a splay meets the street boundary,
- (af) No pump shall be erected so that the base or the island on which the pumps stands is less than 3.5m from the nearest street boundary;
- (ag) Any portion of a service station or filling station which is used to store unused motor vehicles or parts of motor vehicles, empty containers (e.g. oil and packaging containers) or any scrap, or to assemble, repair or paint any motor vehicles, shall, unless fenced off by buildings, be fenced by suitable brick or cement walls of at least 2m in height.
- (ah) A Traffic Impact Assessment (TIA) may be required by the Municipality.

**(v) Light industry**

- (aa) A building in which an activity is undertaken with machines that are powered by electricity only and includes a point of sale.
- (ab) Activities include to make an article or part of such article, to manufacture, produce, build, assemble, compile, print, ornament, process, treat, adapt, repair, renovate, rebuild, alter, paint (including spray painting), polish, finish, clean, dye, wash, break up, disassemble, sort, pack, put in a container, chill, freeze or store in cold storage.

**(vi) Nursery**

(aa) A nursery is a place where plants or flowers are cultivated on an intensive scale, including under a roof, or in greenhouses or hot-houses, as well as the sale of plants and other associated gardening equipment and materials.

**(vii) Point of sale**

(aa) It is a space or a counter in a building, or on a land unit which is not zoned for business purposes, and where produce manufactured on such land unit or goods directly related to the business conducted on the land unit, is sold to the public.

(ab) Such sales shall be secondary to the normal uses on the site, and shall occupy no more than 25% of the floor area of the building or 100m<sup>2</sup>, whichever is the smallest or an area approved by The Municipality and subject to parking provisions as per retail requirements.

**(viii) Public Garage**

(aa) A place for an undertaking which offers a complete range of services, repairs and/or temporary storage for motor vehicles, including panel beating, blacksmithing, spray painting and body building.

(ab) The activities on this site exclude the commercial sale of fuel.

**(ix) Self-Storage Facility**

(aa) This is a place for the storage of goods; a self-storage facility may include a number of self-storage units which are usually made available to individuals for domestic purposes.

**(x) Service trade**

(aa) This is a place where an enterprise is primarily involved in the rendering of a service for the local community such as the repair of household appliances or the supply of household services.

(ab) It is not likely to be a source of disturbance to surrounding properties, nor is it liable, in the event of fire, to cause excessive combustion, give rise to poisonous fumes or cause explosions.

(ac) It may include a builder's yard, laundry, bakery, dairy depot and similar types of uses.

**(xi) Warehouse**

(aa) A warehouse is used for the storage of goods or as a depot for a wholesale business, including all associated and ancillary uses,

(ab) A store for goods normally incidental to a shop, business premises or another building is not considered to be a warehouse.

**(xii) Workshop**

(aa) One or more of the following activities may be conducted:

- 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, put in a container, chilled, frozen or stored in cold storage; or
- electricity is generated for the use in processes referred to above.

**(a) Provisions for Consent uses**

In approving consent uses or any other application in terms of the Scheme, the Municipality shall give regard to the following land use management provisions in this zone and these provisions shall apply in all cases, unless a departure is specifically granted in this regard:

**(i) Abattoir**

- (aa) a place where livestock or poultry is slaughtered and prepared for commercial distribution.

**(ii) Brickyard**

- (aa) A brickyard is a place where bricks and tiles are manufactured and baked and may also include the mining of clay, and buildings associated with such operations.

**(iii) Builders yard**

- (aa) A builders yard is a place which is used for the storage of material and equipment which is required for or is normally used for building construction work, or was obtained from demolition of structures or excavations of ground, or is necessary for or is normally used for land improvements, such as storage of material used for building roads, for installing essential services, or for any other construction work (e.g. of sand or bricks), whether for public or private purposes.

**(iv) Crematorium**

- (aa) A crematorium means a place for incinerating corpses and / or carcasses in a furnace, and may include ancillary facilities such as a chapel and related offices and a "garden of remembrance" or a "wall of remembrance".

**(v) Noxious Industry**

- (aa) A Noxious Industry is a place where an offensive, poisonous or potentially harmful trade, use or activity which, because of fumes, emissions, dust, smell, vibration, noise, waste products, nature of material used, processes employed, or other cause, is deemed by the Municipality to be a potential source of danger, nuisance or offence to the general public or persons in the surrounding area. The following uses are inter alia classified as noxious industries:

- boiling or drying bones or blood,
- cremation
- sterilising animal hair,
- salting, preparing, tanning or stuffing animal skins and hides,
- manufacturing of gum or glue,
- extraction or refining of oil,
- cooking out fat or melting tallow,
- making of soap or candles,
- making of bone-meal,
- manufacturing of malt or yeast,
- burning of charcoal, lime or coke,
- manufacturing of explosives, and
- other uses as determined by the Municipality from time to time;

**(vi) Place of entertainment**

- (aa) A place used predominantly for commercial entertainment, which may on a regular basis, attract relatively large numbers of people and operate outside normal business hours.
- (ab) Gatherings, entertainment and recreation where loud music is played and/or alcohol consumed, and which may create a public nuisance.
- (ac) It includes places where the patrons participate, such as a dance hall, disco, night club, billiard saloon or room, and may include associated restaurants, pubs or taverns, games arcades, and/or similar place.
- (ad) The Municipality may limit the number of clients, the floor area and the business hours of the enterprise.

**(vii) Scrap yard**

- (aa) A scrap-yard may only be used for breaking down, taking apart, stacking, storing or preparation for resale of used material, scrap material and vehicles.
- (ab) All scrap-yards must be fenced in such a way that material being stored is screened off so as not to be visible from any public street, to the Municipality's satisfaction.
- (ac) Where scrap has accumulated on a property to such a degree that, in the Municipality's opinion, it might be a threat to public health and safety, or is unsightly or offensive, the Municipality may serve the owner or resident a notice to remove such material within a prescribed period and the Municipality may take any further steps after the period has expired to address the situation.

**(viii) Transport purposes**

- (aa) The use of a land unit to accommodate a transport service, or a truck depot, including a public or private service, to transport goods and passengers by road, rail, sea or pipeline;
- (ab) including all ancillary uses which normally would be associated with the transport function, including shops and modal interchanges which serve passengers, taxi or bus terminus where passengers embark and disembark;
- (ac) also includes related stations, harbours, sheds, stores, workshops and offices, but excludes accommodation, an airport, heliport or air strip.

**(ix) Special use**

- (aa) A use which is unique, or in respect of which the land use restrictions are so specific, that no provision has been made for it in this Scheme, and which is defined in detail by means of conditions of approval.

**3.12.4 General provisions, policies and guidelines**

The general development parameter and land use management provisions, as set out in Chapters 5-6, are applicable regarding the use of land in this zone.

## SECTION 3.12: GENERAL INDUSTRIAL ZONE II (GI)

### 3.12.1 Zoning Objectives

The objective of this zone is to:

- provide for the use of land for the extraction of minerals and raw materials and, to a limited extent, associated business operations. This zone is intended for operations of a more permanent nature as opposed to temporary, short-term mining or prospecting activities as in the case of a quarry.

### 3.12.2 Land use parameters

Primary uses	Consent Uses
<ul style="list-style-type: none"> <li>• Mine</li> </ul>	<ul style="list-style-type: none"> <li>• None</li> </ul>

### 3.12.3 Development parameters

The following development parameters apply in this zone unless otherwise stipulated in an Overlay Zone.

#### (f) Building lines

- (i) Subject to the provisions of section 5.1 the following building lines are applicable to all other buildings in this zone:

Street building lines (m)	Common boundary building lines (m)
3m	0m except in the case of services servitudes

- (ii) Protection of surrounding properties:  
Where a land unit zoned mine abuts a land unit zoned for any other zone, except one of the business or industrial zones, a 50m building line will apply to such common boundary;

#### (g) Height

No building may exceed a maximum height of 12m from the base level to the top of the roof.

#### (h) Coverage

The maximum coverage permitted on the site is 50%.

#### (i) Parking (minimum parking requirements)

The following parking requirements are applicable in this zone:

- Industry/Light industry: Two bays per 100m<sup>2</sup> floor area up to 1,500m<sup>2</sup>, one bay per 200m<sup>2</sup> for floor area on the land unit exceeding 1,500m<sup>2</sup>.
- Service trade: Two bays per 100m<sup>2</sup> floor area, plus one bay per 25m<sup>2</sup> for office portions of building;
- Warehouse: Two bays per 100m<sup>2</sup> floor area up to 1,500m<sup>2</sup>, one bay per 200m<sup>2</sup> for floor area on the land unit exceeding 1,500m<sup>2</sup>.
- Workshop: Two bays per 50m<sup>2</sup> floor area, plus one bay per 25m<sup>2</sup> for

- offices.
- Visitors Parking: 25% of all parking bays as set out above must be reserved for and accessible to visitors.
- Loading bays: As determined by the Municipality.

Refer to **Table C** (section 5.7) for detail parking requirements.

**(j) Additional building restrictions**

- (i) Where a building scheme is executed on a zoned mine erf, adjacent to a land unit zoned for any zone other than industrial, the owner of the industrial erf shall be compelled to erect, at his own cost, a boundary wall to satisfaction of the Municipality.
- (ii) No door, window or opening of any nature which can open is permitted in a wall on a side or rear boundary where such wall is erected closer than 1m to the boundary. Windows which cannot open or open vertically, are allowed in walls within 1m of the boundary, but not in walls closer than 0.5m from the boundary.
- (iii) The Municipality has the discretion to evaluate the visual aesthetics of all building plans for new mining land uses and to lay down requirements therewith to ensure that it complies with the zoning objectives of the zone.

### 3.12.4 Land use management provisions

**(a) Provisions for Primary Rights**

When any activity which is permitted as a primary use right is conducted from a land unit within this zone, such land use shall comply with the following land use management provisions:

**(i) Mine**

- (aa) mine means a place as defined in the Mineral and Petroleum Resources Development Act, 2002 (Act 28 of 2002) and includes extracting gas for market production purposes.
- (bb) the owner must comply with all national and provincial statutory requirements applicable to mining;
- (cc) any application to rezone land to General Industrial Zone II must contain an explanation of the measures that will be implemented to address safety and environmental concerns that may be imposed as conditions of approval by the Municipality, including—
  - (i) control of drainage, sedimentation and erosion;
  - (ii) preservation of surface and substance water;
  - (iii) preservation of topsoil;
  - (iv) provision for restoration and the re-use of the site;
  - (v) provision for noise and visual buffering;
  - (vi) accommodation of heavy traffic and vehicles on roadways; and
  - (vii) a phased programme for rehabilitation; and
- (dd) The Municipality may impose specific measures to address land use issues, safety and environmental concerns as conditions of approval.
- (ee) The Municipality may require the completion of the Service Level Agreement with the owner / applicant to address specific servicing requirements.
- (ff) A Site Development Plan must be submitted to the Municipality for its approval.

### 3.12.5 General provisions, policies and guidelines

The general development parameters and land use management provisions, as set out in Chapters 5-6, are applicable regarding the use of land in this zone.

**SECTION 3.13: COMMUNITY AND INSTITUTIONAL ZONE (IZ)**

**3.13.1 Zoning Objectives**

The purpose of this zone is to make provision for a wide range of institutional uses including:

- buildings for health purposes, including accompanying uses associated with social, welfare and physical health such as clinics and nursing homes;
- places for worship such as churches, mosques, synagogues, temples etc;
- buildings and areas for outdoor displays, which are used for museums or conservation of heritage artefacts or displays, together with associated uses.
- other institutional uses associated with related health professions in this zone.

**3.13.2 Land use parameters**

Primary uses	Consent Uses
<ul style="list-style-type: none"> <li>• Cemetery;</li> <li>• Community facilities;</li> <li>• Institution</li> <li>• Local Cemetery</li> <li>• Museums</li> <li>• Old age home</li> <li>• Parsonage</li> <li>• Place of Assembly</li> <li>• Place of Worship</li> <li>• Recuperation centre</li> <li>• Wall of remembrance</li> <li>• Wellness Centre/Hydro</li> </ul>	<ul style="list-style-type: none"> <li>• Conference facilities</li> <li>• Educational institution</li> <li>• Helicopter and aircraft landing port</li> <li>• Special Resort</li> <li>• Tourist Facilities</li> </ul>

**3.13.3 Development Parameters**

The following Development Parameters apply unless otherwise stipulated in an Overlay Zone:

**(a) Building lines**

- (i) Subject to the provisions of section 5.1 the following building lines are applicable to all buildings in this zone:

Street building lines (m)	Common boundary building lines (m)
5m	5m

**(b) Height**

No building may exceed a maximum height of 12m from base level to the top of the roof.

**(c) Coverage**

The maximum coverage permitted on the site is 50%.

**(d) Parking**

The following parking requirements are applicable in this zone:

- |   |  |
|---|--|
| ▪ Administration/office type buildings: | Four parking spaces per 100m <sup>2</sup> .  |
| ▪ Place of assembly/worship:            | One bay for every four seats.  |
| ▪ Cemetery:                             | As determined by The Municipality.   |
| ▪ Consulting rooms:                     | Four bays per consulting room.   |
| ▪ Institution - hospital:               | One parking space per bed.   |
| ▪ Institution - clinic:                 | Four parking spaces per consulting room.   |
| ▪ Institution – research:               | As determined by the Municipality.   |
| ▪ Display area:                         | Two parking spaces per 100m <sup>2</sup> .   |
| ▪ Loading area:                         | The Municipality may require that a safe space be created for the loading and off-loading of people. |
| ▪ Old age home:                         | 1 bay per three beds plus 0.25 bays per bed for visitors.  |
| ▪ Tourist facilities:                   | As determined by the Municipality.   |

Refer to **Table C** (section 5.7) for detail parking requirements.

**3.13.4 Land use management provisions****(a) General provisions****(i) Mitigation of impacts**

In cases where any use or building in this zone has an adverse impact on the surrounding environment, the Municipality may require the land owner or occupant to implement such measures it may deem appropriate to mitigate the adverse impact. The Municipality shall inform the owner in writing of such additional conditions imposed.

**(b) Provisions for Primary Rights**

When any activity which is permitted as a primary use right in this zone is conducted from a land unit, such land use shall comply with the following land use management provisions:

**(i) Community facilities**

- (aa) Facilities utilised as social, health or welfare institutions, or for the administration thereof, and include a hospital, nursing home, clinic or place of worship, whether private or public.

**(ii) Cemetery**

(aa) A place where the dead are buried and may include a chapel, a garden or wall of remembrance and buildings necessary for the administrative and clerical uses associated therewith.

**(iii) Local Cemetery**

(aa) An existing cemetery attached to a place of worship.

**(iv) Institution**

(aa) It is a place utilised as a social, health or welfare institution or for the administration thereof, and includes a hospital, nursing home, clinic, old age home or children's home, whether private or public.

**(v) Old age home**

(aa) A place which provides permanent accommodation to retired persons and may include a full spectrum of care and recreational facilities, including a health care facility, to the satisfaction of the Municipality.

**(vi) Parsonage**

(aa) A parsonage is a dwelling-house for the accommodation of a spiritual leader, who is a full-time employee of an organisation which practises a faith or religion in a place of worship, including the accommodation of the spiritual leader's family, and includes a monastery or convent.

**(vii) Place of assembly**

(aa) A place which has a civic function to serve the social and community needs of residents in an area, which may attract people in relatively large numbers and which is not predominantly a commercial enterprise;

(ab) Including a civic hall, concert hall, indoor sports centre and club house, but excluding a place of entertainment or conference facility.

(ac) The Municipality may limit the number of clients, the floor area and the business hours of the enterprise.

**(viii) Place of worship**

(aa) A place which may be a chapel, church, mosque, synagogue, temple or other place utilised primarily for practising a faith or religion, and includes any building in connection therewith, but does not include a chapel which forms part of a funeral parlour.

**(ix) Wall of remembrance**

(aa) A wall with cavities for the storage of human ashes covered by a plate for a commemorative message, to be found in a cemetery, a crematorium or at a place of worship.

**(x) Wellness Centre / Hydro**

(aa) An enterprise for the treatment of disease or abnormal physical conditions by exercising the body, and may also include a place where non-surgical health and beauty treatments are offered to live-in guests or day visitors, and may include additional facilities as approved by the Municipality.

**(xi) Recuperation centre**

(aa) An institution where patients come to recuperate after operations or medical treatment, and may include an outpatient's centre or a wellness centre with associated uses, provided that a clinic shall not contain live-in facilities for more than twenty persons, including patients and staff.

**(xii) Museum**

(aa) A place used for displaying and/or conserving art, social, engineering, science and natural artefacts, articles and antiquities.  
 (ab) The articles are not for sale.

**(c) Provisions for Consent uses**

In approving consent uses or any other application in this zone in terms of the Scheme, the Municipality shall give regard to the following land use management provisions and these provisions shall apply in all cases, unless a departure is specifically granted in this regard:

**(i) Conference facilities**

(aa) A place of assembly for the purpose of holding conferences, meetings and trade or commercially related exhibitions, without overnight accommodation, which may also supply meals, and which normally is an additional activity/function to a primary function such as a guest-house or restaurant.  
 (ab) The building restrictions will be those of the primary function, except that additional parking may be required by the Municipality.

**(ii) Educational institution**

(aa) A school, college, technical institute, academy, lecture hall, cloister, public library, art gallery, museum, a training centre for more than ten persons at a time, day care, or any other such establishment regarded by the Municipality as of an educational nature, and may include a hostel and teacher accommodation on the same land unit as the associated uses, but excludes a training centre associated with a particular business (i.e. a training centre for SPAR).

**(iii) Helicopter and aircraft landing port**

(aa) Any portion of land, building or structure or part thereof which has been demarcated for the purposes of landing or take-off of helicopters or associated vertical lift-off aircraft.

**(iv) Special Resort**

- (aa) A resort used by the social or religious organisation that owns it for their special purposes, and that is not open to the general public.

**(v) Tourist facilities**

- (aa) Amenities for tourists such as restaurants, gift shops, farm stores and rest rooms, but excludes an estate agency and tourist accommodation.

**3.13.5 General provisions, policies and guidelines**

The general development parameters and land use management provisions, as set out in Chapters 5-6, are applicable regarding the use of land in this zone.

## SECTION 3.14: EDUCATIONAL ZONE

### 3.14.1 Zoning Objectives

The purpose of this zone is to make provision for:

- buildings which are used for educational purposes, pre-primary, primary and secondary schools;
- educational uses in neighbourhoods and other areas where consideration is given to a safe environment, limited impact, safety as well as the combination of community-based land uses which make use of shared facilities;
- any other consent uses so that multi-functional uses can take place on the premises with the Municipality's consent. The predominant use of the premises must, however, remain for educational purposes.

### 3.14.2 Land use parameters

Primary uses	Consent Uses
<ul style="list-style-type: none"> <li>• Accommodation for caretakers</li> <li>• Creche</li> <li>• Day Care Centre</li> <li>• Educational institution</li> </ul>	<ul style="list-style-type: none"> <li>• Any development which the Municipality may approve which is ancillary and subservient to the predominant use of the land unit as an Educational institution.</li> <li>• Special use</li> </ul>

### 3.14.3 Development Parameters

The following Development Parameters apply unless otherwise stipulated in an Overlay Zone:

#### (a) Building lines

- (i) Subject to the provisions of section 5.1 the following building lines are applicable to all buildings in this zone:

Street building lines (m)	Common boundary building lines (m)
3m	3m

#### (b) Height

Height to be determined by the Municipality, if the maximum height should exceed 12m from the base level to the top of the roof.

#### (c) Coverage

The maximum coverage permitted on the site is 50%.

#### (d) Parking (minimum parking requirements)

The following parking requirements are applicable in this zone:

- Educational Institution: 1.25 bays per classroom.

- Day-care: 0.5 bays per staff member, plus one bay per six children.
- Loading bays: The Municipality may require that a safe bay be created for the loading and off loading of learners.
- Hostels: One bay per two beds.

Refer to **Table C** (section 5.7) for detail parking requirements.

### 3.14.4 Land use management provisions

#### (a) General Provisions

##### (i) Mitigation of impacts

In cases where an educational institution is situated within a residential area, the Municipality may at any time, if it is of the opinion that the use of land for Educational Institution purposes has an adverse impact on the residential environment, require the land owner or occupant to implement such measures it may deem appropriate to mitigate the adverse impact. The Municipality shall inform the owner in writing of such additional conditions imposed.

#### (b) Provisions for Primary Rights

When any activity which is permitted as a primary use right within this zone is conducted from a land unit, such land use shall comply with the following land use management provisions:

##### (i) Accommodation for caretakers

(aa) The provision of accommodation for staff that supervise the buildings, hostels or complex of buildings.

##### (ii) Creche

- (aa) Means the use of a building, or a portion thereof, to provide care, play group, pre- school, and / or after-school care services for children in the absence of their parents
- (ab) Caters for a maximum of 15 children, including any crèche-going children of the resident family;

##### (iii) Day Care Centre

- (aa) The means a place or site which is used, whether for profit or otherwise, for the reception, protection and temporary or partial care of children during the day away from their parents including or excluding schooling services, which is typically larger than a creche and more akin to an early childhood development centre, but does not include a hostel, institution or an educational institution;
- (ab) Typically caters for between 10-24 (medium scale) and more than 25 (large scale) children.

##### (iv) Educational institution

(aa) It is a school, college, technical institute, academy, lecture hall, cloister, public library, art gallery, museum, a training centre for more than ten persons at a time, or any other such establishment regarded by the Municipality as of an educational nature, and may include a creche, hostel and teacher accommodation on the same land unit as the associated uses, but excludes a training centre associated with a particular business (i.e. a training centre for SPAR).

**(c) Provisions for Consent uses**

In approving consent uses or any other application in terms of the Scheme, the Municipality shall give regard to the following land use management provisions and these provisions shall apply in all cases, unless a departure is specifically granted in this regard:

**(i) Special use**

- (aa) A use which is unique, or in respect of which the land use restrictions are so specific, that no provision has been made in this Scheme, and which is defined in detail by means of conditions of approval.

**3.14.5 General provisions, policies and guidelines**

The general development parameter and land use management provisions, as set out in Chapters 5-6, are applicable regarding the use of land in this zone.

## SECTION 3.15: AGRICULTURE ZONE (AZ)

### 3.15.1 Zoning Objectives

The purpose of this zone is to make provision for:

- the use of land for the purposes of bona fide agricultural production;
- conservation of suitable agricultural land;
- buildings and structures which can be erected for reasonable and normal use for agricultural purposes; and
- a limited range of other uses which could take place on agricultural land units as ancillary uses and which could provide for variety, sustainability and alternative income generation, without adversely impacting on the primary use of the land unit for agricultural production.

### 3.15.2 Land use parameters

Primary uses	Consent Uses
<ul style="list-style-type: none"> <li>• Agriculture</li> <li>• Agricultural building</li> <li>• Bed and breakfast establishment</li> <li>• Crèche</li> <li>• Dwelling House</li> <li>• Employee housing</li> <li>• Limited occupational practice</li> <li>• Nursery</li> <li>• Pack Store</li> </ul>	<ul style="list-style-type: none"> <li>• Additional dwelling-unit (larger than 30m<sup>2</sup>)</li> <li>• Agricultural industry</li> <li>• Agri-village</li> <li>• Antenna Structure</li> <li>• Camping Site</li> <li>• Community facility</li> <li>• Farm Shop</li> <li>• Farm Stall</li> <li>• Guest-house</li> <li>• Heli-port; Air strip</li> <li>• Intensive feed farming</li> <li>• Kennel</li> <li>• Quarry</li> <li>• Occasional Use</li> <li>• On-farm educational institution</li> <li>• Picnic and braai facilities</li> <li>• Place of Assembly</li> <li>• Renewable Energy Structure</li> <li>• Riding School</li> <li>• Special use</li> <li>• Service Trade</li> <li>• Tourist facilities</li> </ul>

### 3.15.3 Development Parameters

The following Development Parameters apply in this zone unless otherwise stipulated in an Overlay Zone:

#### (a) Building lines

- (i) Subject to the provisions of section 5.1 the following building lines are applicable to all buildings on the land unit:

Street building lines (m)	Common boundary building lines (m)
30m	30m

**(b) Height**

The maximum height of all buildings shall be:

- (i) 8.5m for a dwelling house, measured from the base level to the top of the roof;
- (ii) 12m, measured from the base level to the top of the roof, for agricultural buildings other than the dwelling houses; and
- (iii) 8.5m for employee housing.

**(c) Floor area**

- (i) The total floor area for all dwelling units, including the dwelling house, additional dwelling units, guest house and employee housing (for bona fide agricultural workers employed on the land unit) is not to exceed 1000m<sup>2</sup>.
- (ii) In granting its consent for any other buildings in this use zone, the Municipality shall limit the scale and size of the developments so approved, by imposing appropriate coverage and/or floor area restrictions as conditions of approval.

- (d) All land designated mountain catchment area, in terms of the Mountain Catchment Areas Act, 1970, is hereby deemed Natural Environment Zone, and subject to that legislation and the provisions of that Zone as set out in this By-Law.

**3.15.4 Land use management provisions**

**(b) General provisions**

**(i) Conditions for uses**

The following general conditions are applicable as the case may be to all activities permitted in this zone as a primary right, or with the Municipality's consent, for a property in this zone:

- (aa) Where reference is made to dwelling-house, the conditions similarly apply if an activity is conducted from an additional dwelling unit.
- (ab) When the activity is conducted from a dwelling-house, the owner of the land unit or the person who manages the activity must reside in such dwelling and the dominant use must be the housing of that person (and, if applicable, his/her family) (except in the case of a guest-house).
- (ac) The nature of any improvements to the dwelling-house must be such that the building can at any time revert to the use of a normal dwelling-house (except in the case of a guest-house).
- (ad) The residential façade of the dwelling-house shall be retained, to the satisfaction of the Municipality.
- (ae) No goods, material or equipment shall be displayed or be visible from a public street. Any goods, materials or equipment to be stored on the land unit shall be within an enclosed structure which forms part of the dwelling-house or its normal outbuildings.
- (af) The activity may not cause a public nuisance.
- (ag) All advertising and signage is subject to the applicable Municipal By-Law.

- (ah) Parking must be provided in terms of Table C: Parking Requirements, or according to the Municipality's conditions of approval.
- (ai) All relevant safety, health and fire regulations are applicable.
- (aj) When granting consent, only those facilities indicated on a site development plan (SDP) or included and described in the application and subsequently approved by the Municipality, may be conducted as part of the activity. If any alterations are made to the extent and layout of the facilities, or any additional facilities are provided, a further application for consent use must be submitted to be considered by the Municipality.
- (ak) If the Municipality or any person is of the opinion that the activity contravenes any of the conditions, or if the activity does not comply with the limitations and conditions below, or if the activity is a source of nuisance to adjoining residents or have a detrimental impact on the residential character of the area, a written complaint may be lodged with the Municipality. The Municipality shall act in one of the following ways:
- serve a notice on the person which instructs the person to either comply with the conditions of the Scheme, or with any other additional conditions the Municipality may deem fit to mitigate the impact of the use; or
  - to terminate the use on the premises by a specified date, subject to a fair and reasonable administrative process; or
  - to terminate the illegal use with immediate effect.

**(c) Provisions for Primary Rights**

When any activity which is permitted as a primary use right within this zone is conducted from a land unit, such land use shall comply with the following land use management provisions:

**(i) Agriculture**

- (aa) The cultivation of land for crops and plants, or the keeping and breeding of animals, or the operation of a game farm, including use on an extensive basis of the natural veld or land.

**(ii) Agricultural building**

- (aa) Any building normally erected and used in direct connection with the farming operations on a farm.

**(iii) Bed and breakfast establishment**

- (aa) No more than three rooms (with a maximum of two persons per room) may be utilised for the purpose of a bed and breakfast enterprise.
- (ab) No more than two persons may be employed to conduct a bed and breakfast enterprise, and who must already reside on the farm property.

- (ac) A site development plan (SDP) must be submitted to the Municipality indicating the parking layout of the on-site parking as per parameters required by the Municipality, landscaping, street image, advertising signs, reception areas, rooms and areas for private use.
- (ad) No guest may reside in the bed and breakfast enterprise on a permanent basis.

**(iii) Crèche**

- (aa) The provision of a crèche facility for up to a maximum of 15 children is allowed as a primary right.
- (ab) The hours of operation shall be limited between 06:00 to 18:00, or as determined by the Municipality
- (ac) Play areas must be provided in terms of the following guidelines:
  - 1. Outside 2m<sup>2</sup> per child
  - 2. Inside 2m<sup>2</sup> per child
- (ad) Suitable and sufficient sanitary facilities must be provided on the premises, to the Municipality's satisfaction, of at least one flushing toilet.

**(iv) Dwelling House**

- (aa) means a building containing only one dwelling-unit, together with the outbuildings usually associated therewith, including a garden shed, garage, an additional dwelling unit (with a floor area of less than 30m<sup>2</sup>) and a hot-house, and means the same as a "dwelling".

**(v) Employee housing**

The following additional provisions are applicable:

- (aa) Employee housing is limited to occupation by bona fide farmworkers on the farm.
- (ab) Employee housing may not be converted to guest accommodation or used for any other purpose, without municipal consent.
- (ac) Before approval of a building plan for employee housing, the Municipality must be satisfied that the cottages are indeed related directly to the farming activities on the land unit, which must be substantiated by the scale of demonstrable farming activity and the submission of related employment contracts .
- (ad) A farm manager (together with his family) may be accommodated within employee housing units, provided that the limitations as set in the Development Parameters subsection 3.14.3 are not exceeded. Should these parameters be exceeded for a manager's accommodation unit, such accommodation shall be deemed to be an additional dwelling unit, subject to compliance with all parameters as set out therefor.

**(vi) Limited Occupational Practice**

Limited Occupational Practice may be conducted as a primary right from the dwelling-house subject to the following conditions:

- (aa) The activity should be of such a limited nature that the operator shall employ no more than two persons. Should any activity lead to a larger number of people at any one time visiting the land unit, application should be made for the Municipality's consent for an Occupational Practice;

- (ab) The Limited Occupational Practice shall not consist of any of the following types of activities: sale of alcoholic beverages, serving of food or refreshments on the land unit, sale of goods which are not made on the premises, repair of motor vehicles, any activity which, in the opinion of the Municipality, creates a public nuisance, emits smells or involves a noxious activity.
- (ac) The hours of operation shall be limited to between 07:30 to 18:00;
- (ad) The maximum floor area for Limited Occupational Practice (including storage) is no more than 30% of the floor area of the dwelling-house up to a maximum of 40m<sup>2</sup>;
- (ae) Should any person wish to conduct an occupational practice which does not comply with the limitations as set out in (aa) to (ad), an application for consent use for an Occupational Practice shall be submitted for the Municipality's consideration.

**(vii) Nursery**

- (aa) A place where plants or flowers are cultivated on an intensive scale, including under a roof, or in greenhouses or hot-houses, as well as the sale of plants and other associated gardening equipment and materials.

**(viii) Pack Store**

- (aa) means a storage building, erected and used in direct connection with farming operations on an agricultural unit and includes sheds, packing sheds, stores and cold stores for unprocessed produce, but excludes abattoirs, agricultural processing buildings, employee housing or any of the consent uses in the Agriculture Zone;
- (ab) Where a pack store exceeds 2000m<sup>2</sup> in extent (GFA), the following must be submitted to the Municipality:
  - (i) Engineering Services Report, clarifying service provision, including, but not limited to water supply, sewage disposal, electricity supply, refuse disposal and vehicle access
  - (ii) Certificates and / or agreements secured with the relevant servicing authority, if so requested by the Municipality
  - (iii) Authorisation in terms of the National Environmental Management Act, 1998 (Act No.107 of 1998), or written confirmation from the Western Cape Provincial Government (Department of Environmental Affairs and Development Planning) that no authorisation is required.
  - (iv) Authorisation in terms of the National Heritage Resources Act, 1999 (Act No.25 of 1999) or written confirmation from Heritage Western Cape that no authorisation is required.

**(d) Provisions for Consent uses**

In approving consent uses or any other application in this zone in terms of the Scheme, the Municipality shall give regard to the following land use management provisions and these provisions shall apply in all cases, unless a departure is specifically granted in this regard:

**(i) Additional dwelling-units**

The following additional provisions are applicable:

- (aa) Additional dwelling-unit" means dwelling units that may be erected on a land unit in the agricultural or residential zone, provided that the unit(s) shall remain on the same cadastral unit as the primary dwelling unit and provided further that in the agricultural

zone, one additional dwelling unit in all cases and further units with a density of one unit per 10 ha, up to a maximum of five additional dwelling units per land unit, may be allowed.

- (ab) The limitations on the number of units permitted as described in the definitions will apply at all times, and may not be departed from.
- (ac) The maximum footprint size of an additional dwelling-unit is 120m<sup>2</sup>.
- (ad) Notwithstanding the maximum parameters contained in this scheme, the Municipality may further limit the position, number and size of units according to the specifics of the land unit.
- (ae) An additional dwelling-unit may be utilised only for the permanent or short term accommodation of a single family, as defined, including for self-catering purposes.
- (af) Should an additional dwelling-unit be utilised for self-catering purposes, all habitable rooms within the building shall remain interconnected to ensure that the building can revert to use as a dwelling-house.
- (ag) Additional dwelling-units shall not be linked to the main dwelling-house and shall, should The Municipality deem it necessary, form an architectural entity.
- (ah) An additional dwelling unit may not be separately alienated in terms of the Sectional Titles Act, 1986 (Act 95 of 1986).
- (ah) The Municipality may impose any other conditions it deems appropriate to mitigate potential adverse impacts.

**(ii) Agricultural Industry**

- (aa) An agricultural industry shall primarily be for the processing of produce grown or manufactured on the particular land unit concerned, and may not be alienated from the agricultural activities.
- (ab) At least 80% of the total produce processed in the buildings shall be cultivated on the land unit concerned.

**(iii) Agri-village**

- (aa) Agri-villages may be approved by the Municipality in instances where the Municipality is convinced that:
  - there is a substantial need for farm worker accommodation off farms and within practical travel distance of the farms where workers are employed, and
  - accommodation for these workers cannot be provided within an existing settlement within the municipal area, or
  - where the owners and farm workers of a company farm or a group of abutting farms have identified a need to provide such centrally located accommodation and have sufficient resources to provide the required civil and community services in an ongoing and sustainable manner.
- (ab) An agri-village shall be developed, owned and managed through a legally constituted body only (such as a trust, non-profit company, or community land association), which represents a partnership between the farmers, farm workers and the relevant authorities. Occupational rights vest through the trust, non-profit company, or community land association, not through subdivision.
- (ac) Access to housing is limited to bona-fide farm workers and their dependents.
- (ad) Applications for agri-villages must be submitted and evaluated in terms of all applicable township establishment legislation, including (but not limited to) the National Environmental Management Act, 1998 (Act 107 of 1998);
- (ae) The developers and managers of the agri-village shall lodge with the Municipality such

guarantees the Municipality may deem appropriate for the provision and long term maintenance of all civil services in the development.

- (af) The dwelling-units within an agri-village are not regarded as additional dwelling-units on a particular agricultural land unit.

**(iv) Antenna Structure**

- (aa) any system of wires, poles, rods, satellite or microwave dishes, TV antennae, telecommunication tower, cellular telecommunication tower, radio tower, television and satellite transmission towers and other similar devices of more than 3 meters in height, used to transmit and/or receive electromagnetic waves, whether a stand- alone construction or fixed to a building or to any type of tower.

**(v) Camping Site**

- (aa) Means a place which is utilised for the erection of tents and / or the parking of caravans and mobile homes and includes ablution, cooking, braai and other facilities, which, together with the amenity of the land, serves as features of attraction, and is rented out on a short term basis only i.e. the accommodation is solely for bone fide transient guests/holiday use who have permanent residence elsewhere.
- (ab) Maximum of 10 camping sites, each accommodating one family, per land unit is permitted.

**(vi) Community facility**

- (aa) A place utilised as a social, health or welfare institution or for the administration thereof, and includes a clinic or place of worship, whether private or public.

**(vii) Guest-house**

- (aa) The use may be carried out from an altered dwelling-house, or a specifically constructed facility which comprises a single integrated structure.
- (ab) The dwelling houses to be able to revert / convert to a dwelling unit for use by a single family without significant structural change.
- (ac) No more than 10 bedrooms, accommodating no more than 20 people, whichever is more restrictive, are allowed per guest-house, provided that the Municipality may further limit the numbers if it is regarded as being in the interest of the area.
- (ad) A site development plan (SDP) detailing the layout and number of rooms and units, any related facilities to be provided, reception areas, communal areas, on-site parking as per the Municipality requirements, landscaping, advertising signs and street image, must accompany the application being submitted to the Municipality.
- (ae) All advertising and signage to be subject to the applicable Municipal by-law.
- (af) Meals and liquor may only be supplied to residing guests. -
- (ag) Related activities include e.g. a dining room or restaurant, lecture room, wellness centre or similar types of uses, provided that these facilities are only used by residing guests up to a maximum of 20 people for a 10 bedroom facility. The facilities must relate to the extent of the guest-house to ensure that they are not used by the general public and will be subject to an approved SDP.

**(viii) Farm Shop**

- (aa) A building or structure which does not exceed 120m<sup>2</sup> in extent, including storage facilities, where a farmer sells goods (not necessarily produced on his farm), whether to his own employees or to the general public.

**(ix) Farm Stall**

- (aa) A building or structure which does not exceed 120m<sup>2</sup> in extent, including storage facilities, where a farmer sells primarily products produced and processed on his farm, whether to his own employees or to the general public;

**(x) Helicopter and aircraft landing port and air strip**

- (aa) Any portion of land, building or structure, or part thereof, which has been demarcated for the purposes of landing or take-off of helicopters or associated vertical lift-off aircraft.
- (ab) The place where light aircraft land, and excludes any structures or buildings for commercial purposes.

**(xi) Renewable Energy Structure**

- (aa) **Height:** A maximum height of 200m for a wind turbine, measured from the mean ground level of the footprint of each structure to the highest point of the blade. The height of a structure for solar generation facilities will be technology dependent. The height of any buildings is restricted to a maximum of 8.5m, measured from the mean ground level of the footprint of the building to the highest point of the roof.
- (ab) **Setback:** In the case of a wind turbine a distance equal to the reach of the blade, measured from
- The nearest residential, commercial or agricultural structures
  - The cadastral boundary of the land unit; and
  - Any public road or private or public right of way.
- (ac) The general land use management/requirements as set out in Section 6.13 are also applicable.

**(xii) Intensive feed farming**

- (aa) A use for the culture of plants or flowers and the breeding and keeping of animals on an intensive scale, where animals are fed with little or no scope for natural grazing to meet their nutritional needs, and plants are cultivated under a roof, or in greenhouses/hot-houses;
- (ab) The density factor permissible to reflect that outlined in the National Environmental Management Act No.107 of 1998, as amended.

**(xiii) Kennel**

- (aa) A place for kennel services for dogs, cats and other pets, and includes commercial breeding, boarding kennels, pet motels and dog training facilities;

**(xiv) Quarry**

- (aa) means a place from which dimension stone, rock, construction aggregate, riprap, sand, gravel or slate is excavated from the ground. A quarry is a type of open-pit mine that produces building materials and dimension stone, and primarily for road construction and maintenance purposes.
- (ab) Development parameters applicable to "agriculture" together with additional parameters determined by the Municipality apply.
- (ac) Consent may only be granted for the number of years equal to the expected lifetime of the quarry concerned.
- (ad) The owner must comply with national and provincial statutory requirements applicable

- to mining.
- (ae) Application for consent to set out the measures that will be implemented to address safety and environmental concerns including—
    - (i) control of drainage, sedimentation and erosion;
    - (ii) preservation of surface and substance water;
    - (iii) preservation of topsoil;
    - (iv) provision for restoration and the re-use of the site;
    - (v) provision for noise and visual buffering;
    - (vi) accommodation of heavy traffic and vehicles on roadways; and
    - (vii) a phased programme for rehabilitation.
  - (af) The Municipality may impose the measures to address specific land use issues and safety and environmental concerns as conditions of approval.
  - (ag) A site development plan must be submitted to the Municipality for its approval.

**(xv) Occasional Use**

- (aa) means a use-right granted by the Municipality for a specific occasion or event that is held on an occasional basis, including, but not limited to: circuses; music festivals, sporting events, religious gatherings, film shoots, weddings, and other outdoor events.
- (ab) means a maximum of twice a year on zoned agricultural land.
- (ac) In the case of festivals and events, organisers also need to secure a specific event permit from the Municipality each time the event or festival is held, as per the Sports and Recreational Events Act No.2 of 2010

**(xvi) Service Trade**

- (aa) This is a place where an enterprise is primarily involved in the rendering of a service for the local community such as the repair of household appliances or the supply of household services.
- (ab) It is not likely to be a source of disturbance to surrounding properties, nor is it liable, in the event of fire, to cause excessive combustion, give rise to poisonous fumes or cause explosions.
- (ac) It may include a builder's yard and allied trades, laundry, bakery, dairy depot and similar types of uses

**(xvii) On-farm educational institution**

- (aa) A school, technical institute, lecture hall, cloister, or a training centre for more than ten persons at a time, or any other such establishment regarded by the Municipality as being of an educational nature, and may include a day care centre, or a hostel directly related to the use on the same land unit as the associated uses

**(xviii) Picnic and braai facilities**

- (aa) A place where picnics can be held in the outdoors, where buildings and other construction cover a minor portion of the site, and may include ablution and braai facilities, which, together with the amenity of the land, serves as features of attraction.

**(xix) Place of Assembly**

- (aa) A place which has a civic function to serve the social and community needs of an area, which may attract people in relatively large numbers and which is not predominantly a commercial enterprise;
- (ab) Including an assembly hall, indoor sports centre and club house, but does not include a place of entertainment or conference facility;

(ac) The Municipality may limit the number of clients, the floor area and operating hours of the activity.

**(xx) Riding School**

(aa) A place or undertaking for the hiring out of animals and giving riding instruction against payment, and includes the care and stabling of such animals.

**(xxi) Tourist facilities**

(aa) These facilities include amenities for tourists such as restaurants, gift shops, farm stores, wedding venues, wellness centre and rest rooms, but excluding estate agencies and tourist accommodation.

**(xxii) Special use**

(aa) Means a use which is unique, or in respect of which the land use restrictions are so specific, that no provision has been made for it in this Scheme, and which is defined in detail by means of conditions of approval.

### **3.15.5 General provisions, policies and guidelines**

The general development parameters and land use management provisions, as set out in Chapters 5-6, are applicable regarding the use of land in this zone.

## SECTION 3.16: EXTENSIVE RESIDENTIAL (ER)

### 3.12.5 Zoning Objectives

The objectives of the zone are to:

- Denote and protect the transitional urban fringe area i.e. that area located between defined urban and defined agricultural use, from being further subdivided, and in so doing protect the rural character of an area.
- Control and accommodate rural residential landholdings on the urban fringe and smaller erf subdivisions within existing rural settlements, and to thereby promote rural lifestyles, market gardening and rural related cottage industries.
- Provide for activities, uses and associated infrastructure and buildings that are in keeping with the rural character of the area.

### 3.12.5 Land use parameters

Primary uses	Consent Uses
<ul style="list-style-type: none"> <li>• Agricultural building</li> <li>• Agriculture</li> <li>• Bed and breakfast establishment</li> <li>• Dwelling house</li> <li>• Employee Housing</li> <li>• Limited Occupational Practice</li> <li>• Nursery</li> </ul>	<ul style="list-style-type: none"> <li>• Additional dwelling unit (larger than 30m<sup>2</sup>)</li> <li>• Agricultural Industry</li> <li>• Antenna Structure</li> <li>• Camping Site</li> <li>• Crèche</li> <li>• Farm Shop</li> <li>• Farm Stall</li> <li>• Guest-house</li> <li>• Intensive feed farming</li> <li>• Kennel</li> <li>• Occasional Use</li> <li>• Occupational practice</li> <li>• Place of worship</li> <li>• Special use</li> <li>• Tourist Facilities</li> </ul>

### 3.12.5 Development Parameters

The following Development Parameters apply unless otherwise stipulated in an Overlay Zone:

#### (a) Building lines

- (i) Subject to the provisions of section 5.1 the following building lines are applicable to all buildings on the land unit:
  - Erf frontage <40m: 5m any boundary
  - Erf frontage >40m: 10m any boundary

**(b) Height**

No agricultural building may exceed a maximum height of 12m from base level to the top of the roof. No dwelling house, bed and breakfast establishment, second dwelling or any other building not utilised as an agricultural building, may exceed a maximum height of 8,5m from base level to the top of the roof.

**(c) Floor area**

- (i) The total floor area for all dwelling units (including additional dwelling units and guest houses) on the land unit, including the space for bona fide agricultural workers employed on the land unit shall not exceed 750m<sup>2</sup>.
- (ii) In granting its consent for any other buildings in this use zone, the Municipality shall limit the scale and size of the development so approved by imposing appropriate coverage and/or floor area restrictions as conditions of approval.

**3.12.5 Land use management provisions****(a) General provisions****(i) Conditions for uses**

The following general conditions are applicable as the case may be to all activities which are permitted as a primary right, or with the Municipality's consent, for a property in this zone:

- (aa) When the activity is conducted from a dwelling-house, the owner of the land unit or the person who manages the activity, must reside in such a dwelling-house and the dominant use must be the housing of that person and, if applicable, his/her family (except in the case of a guest-house).
- (ac) The nature of any improvements to the dwelling-house must be such that the building can at any time revert to the use of a normal dwelling-house .
- (ad) The residential façade of the dwelling-house shall be retained to the satisfaction of the Municipality.
- (ae) No goods, material or equipment shall be displayed or be visible from a public street. Any goods, materials or equipment to be stored on the land unit shall be within an enclosed structure which forms part of the dwelling-house or its normal outbuildings.
- (af) The activity may not cause a public nuisance.
- (ag) All advertising and signage to be as per the applicable Municipal By-Law.
- (ah) All relevant safety, health and fire regulations are applicable.
- (ai) When granting consent, only those facilities indicated on a site development plan (SDP) or included and described in the application and subsequently approved by The Municipality, may be conducted as part of the activity. If any alterations are made to the extent and layout of the facilities, or any additional facilities are provided, a further application for consent use must be submitted to be considered by The Municipality.
- (aj) If the Municipality or any person is of the opinion that the activity contravenes any of the conditions, or if the activity does not comply with the limitations and conditions below, or if the activity is a source of nuisance to adjoining residents or have a detrimental impact on the residential character of the area, a written complaint may be lodged with The Municipality. The Municipality shall act in one of the following ways:
  - serve a notice on the person which instructs the person to either comply with the

conditions of the Scheme, or with any other additional conditions the Municipality may deem fit to mitigate the impact of the use; or

- to terminate the use on the premises by a specified date, subject to a fair and reasonable administrative process; or
- to terminate the illegal use with immediate effect.

#### (b) Provisions for Primary Rights

When any activity which is permitted as a primary use right in this zone, is conducted from a land unit, such land use shall comply with the following land use management provisions:

##### (i) Agriculture

- (aa) The cultivation of land for crops and plants, or the keeping and breeding of animals, or the operation of a game farm, including use of the natural veldt or land.

##### (ii) Agricultural building

- (aa) Any building normally erected and used in direct connection with the farming operations on a farm.

##### (iii) Bed and breakfast establishment

- (aa) No more than three rooms (with a maximum of two persons per room) may be utilised for the purpose of a bed and breakfast enterprise.
- (ab) No guest may reside in the bed and breakfast enterprise on a permanent basis.
- (ac) No more than two persons may be employed to conduct a bed and breakfast enterprise.
- (ad) A site development plan (SDP) must be submitted to the Municipality indicating the parking layout on-site parking as per parameters required by the Municipality, landscaping, street image, advertising signs, reception areas, rooms and areas for private use

##### (iv) Dwelling House

- (aa) means a building containing only one dwelling-unit, together with the outbuildings usually associated therewith, including a garden shed, garage, an additional dwelling unit (with a floor area of less than 30m<sup>2</sup>) and a hot-house, and means the same as "dwelling".

##### (v) Employee Housing

The following additional provisions are applicable:

- (aa) Employee housing is limited to occupation by bona fide farmworkers on the farm.
- (ab) Employee housing may not be converted to guest accommodation or any other purpose without municipal consent.
- (ac) Before approval of a building plan for employee housing, the Municipality must be satisfied that the cottages are indeed related directly to the farming activities on the land unit, which must be substantiated by the scale of demonstrable farming activity and the submission of related employment contracts .
- (ad) A farm manager (together with his family) may be accommodated within employee housing units, provided that the limitations as set in the Development Parameters are

not exceeded. Should these parameters be exceeded for a manager's accommodation unit, such accommodation shall be deemed to be an additional dwelling unit, subject to compliance with all parameters as set out therefor.

**(vi) Limited Occupational Practice**

Limited Occupational Practice may be conducted as a primary right from the dwelling-house, subject to the following conditions:

The activity should be of such a limited nature that the operator shall employ no more than two persons. Should any activity lead to a larger number of people at any one time visiting the land unit, application should be made for the Municipality's consent for an Occupational Practice;

- (aa) The Limited Occupational Practice shall not consist of any of the following types of activities: sale of alcoholic beverages, serving of food or refreshments on the land unit, sale of goods which are not made on the premises, repair of motor vehicles, any activity which, in the opinion of the Municipality, creates a public nuisance, emits smells or involves a noxious activity.
- (ab) The hours of operation shall be limited to between 07:30 to 18:00;
- (ac) The maximum floor area for Limited Occupational Practice (including storage) is no more than 30% of the floor area of the dwelling-house, up to a maximum of 40m<sup>2</sup>;
- (ad) Should any person wish to conduct an occupational practice which does not comply with the limitations as set out in (aa) to (ac), an application for consent use for an Occupational Practice shall be submitted for the Municipality's consideration.

**(vii) Nursery**

- (aa) A nursery is a place where plants or flowers are cultivated on an intensive scale, including under a roof, or in greenhouses or hot-houses, as well as the sale of plants and other associated gardening equipment and materials.

**(c) Provisions for Consent uses**

In approving consent uses or any other application in this zone in terms of the Scheme, The Municipality shall give regard to the following land use management provisions and these provisions shall apply in all cases, unless a departure is specifically granted in this regard:

**(i) Additional dwelling-units**

The following additional provisions are applicable:

- (aa) An additional dwelling-unit may be utilised only for the permanent or short term accommodation of a single family as defined, including for self-catering purposes.
- (ab) The limitations on the number of units permitted as described in the definitions will apply at all times, and may not be departed from.
- (ac) The maximum footprint size of an additional dwelling-unit is 120m<sup>2</sup>.
- (ad) Notwithstanding the maximum parameters contained in this scheme, The Municipality may further limit the position, number and size of units according to the specifics of the land unit.
- (ae) Additional dwelling-units shall not be linked to the main dwelling-house and shall, should the Municipality deem it necessary, form an architectural entity.

- (af) An additional dwelling unit may not be separately alienated in terms of the Sectional Titles Act, 1986 (Act 95 of 1986).
- (ag) The Municipality may impose any other conditions it deems appropriate to mitigate potential adverse impacts.
- (ii) Agricultural Industry**
- (aa) An agricultural industry shall primarily be for the processing of produce manufactured on the particular land unit concerned, and may therefore not be subdivided from the agricultural activities.
- (iii) Antenna Structure**
- (aa) Means any system of wires, poles, rods, satellite or microwave dishes, TV antennae, telecommunication tower, cellular telecommunication tower, radio tower, television and satellite transmission towers and other similar devices, of more than 3 meters in height, used to transmit and/or receive electromagnetic waves, whether a stand-alone construction or fixed to a building, or to any type of tower.
- (iv) Camping Site**
- (aa) Means a place which is utilised for the erection of tents and / or the parking of caravans and mobile homes and includes ablution, cooking, braai and other facilities, which, together with the amenity of the land, serves as features of attraction, and is rented out on a short term basis only i.e. the accommodation is solely for bone fide transient guests/holiday use who have permanent residence elsewhere
- (ab) Maximum of 10 camp sites per land unit is permitted.
- (ac) A site development plan to be submitted as part of the consent use application.
- (v) Crèche**
- (aa) A site development plan (SDP) must be submitted.
- (ac) The hours of operation shall be limited between 06:00 to 18:00 or as approved by the Municipality.
- (ad) The maximum floor area which may be utilised for the crèche facility must be determined by the Municipality when considering the consent application.
- (ae) The Municipality must determine the maximum number of people who may be employed in this regard.
- (af) Play areas must be provided in terms of the following guidelines:
- b. Outside 2m<sup>2</sup> per child
  - c. Inside 2m<sup>2</sup> per child
- (ag) Suitable and sufficient sanitary facilities must be provided on the premises, to the Municipality's satisfaction, of at least one flushing toilet. The Municipality may require additional facilities for more than five children.
- (vi) Farm Shop**
- (aa) A building or structure which does not exceed 120m<sup>2</sup> in floor area, including storage facilities, where a farmer sells goods (not necessarily produced on his farm), whether to his own employees or to the general public.

**(vii) Farm Stall**

- (aa) A building or structure which does not exceed 120m<sup>2</sup> including storage facilities, where a farmer sells primarily products produced and processed on his farm, whether to his own employees or to the general public;

**(viii) Guest-house**

- (aa) The use may be carried out from an altered dwelling-house, or a specifically constructed facility which consists of a single integrated structure.
- (ab) The altered dwelling house to be able to revert / convert back to a dwelling unit for use by a single family without significant structural change.
- (ac) No more than 10 bedrooms, accommodating no more than 20 people, whichever is more restrictive, are allowed per guest-house, provided that the Municipality may limit the numbers if it is regarded as being in the interest of the area or neighbourhood.
- (ad) A site development plan (SDP) detailing the layout and number of rooms and units, any related facilities to be provided, reception areas, communal areas, on-site parking as per the Municipality requirements, landscaping, advertising signs and street image, must accompany the application being submitted to The Municipality.
- (ae) All signage and outdoor advertising to be as per the applicable Municipal By-Law.
- (af) Meals and liquor may only be supplied to residing guests. -
- (ag) Related activities include e.g. a dining room or restaurant, lecture room, wellness centre or similar types of uses are permitted, provided that these facilities are only used by residing guests up to a maximum of 20 people for a 10 bedroom facility. The facilities must relate to the extent of the guest-house to ensure that they are not used by the general public and will be subject to an approved SDP.

**(ix) Intensive feed farming**

- (aa) the culture of plants or flowers and the breeding and keeping of animals on an intensive scale, and;
- (ab) where animals are fed, as there is little or no scope for natural grazing to meet their nutritional needs, and;
- (ac) plants are cultivated under a roof, or in greenhouses/hot-houses.

**(x) Kennel**

- (aa) A place for kennel services for dogs, cats and other pets, and includes commercial breeding, boarding kennels, pet motels and dog training facilities;

**(xi) Occasional Use**

- (aa) means a use-right granted by the Municipality for a specific occasion or event that is held on an occasional basis, including, but not limited to: circuses; music festivals, sporting events, religious gatherings, film shoots, weddings, and other outdoor events.
- (ab) means a maximum of twice a year on a land unit denoted Extensive Residential Zone.
- (ac) In the case of festivals and events, organisers also need to secure a specific event permit from the Municipality each time the event or festival is held, as per the Sports and Recreational Events Act No.2 of 2010.

**(xii) Occupational practice**

An Occupational Practice may be conducted as a consent use from the dwelling-house on the property, subject to the following conditions:

(aa) A maximum of four people, whether or not resident on the property, may be employed by, or visit the property, at any one time in connection with occupational practice activities on the site.

(ab) The hours of operation shall be limited between 07:30 to 18:00.

(ac) The maximum floor area for Occupational Practice (including storage) is no more than 30% of the floor area of the dwelling-house up to a maximum of 40m<sup>2</sup>.

**(xiii) Place of worship**

(aa) A place which may be a chapel, church, mosque, synagogue, temple or other place utilised primarily for practising a faith or religion, and includes any building in connection therewith, but does not include a chapel which forms part of a funeral parlour.

**(xiv) Special use**

(aa) A use which is unique, or in respect of which the land use restrictions are so specific, that no provision has been made in this Scheme, and which is defined in detail by means of conditions of approval.

**(xv) Tourist facilities**

(aa) Amenities for tourists such as restaurants, gift shops, farm stores and rest rooms, but excluding estate agencies and tourist accommodation.

**3.12.5 General provisions, policies and guidelines**

The general development parameters and land use management provisions, as set out in Chapters 5-6, are applicable regarding the use of land in this zone.

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**SECTION 3.17: UTILITY SERVICES ZONE (USZ)**

**3.17.1 Zoning Objectives**

The purpose of this zone is to make provision for:

- the use of land for the provision and protection of any services (including infrastructural facilities) to the general public, whether for public or private use; and
- land used by government, parastatal or private bodies for any of the uses in the definition of “authority use” or where the “authority use” is not included in terms of any of the other land use categories and thus cannot be classified under any other suitable zone.

**3.17.2 Land use parameters**

Primary uses	Consent Uses
<ul style="list-style-type: none"> <li>• Antenna Structure</li> <li>• Authority Use</li> <li>• Engineering Services</li> </ul>	<ul style="list-style-type: none"> <li>• Special Use</li> </ul>

**3.17.3 Development Parameters**

- (a) The Municipality may prescribe any Development Parameters which are deemed necessary to protect the rights and amenity of adjacent properties.
- (b) The Municipality may require a site development plan (SDP) prior to the approval of a building plan, in the event that the development proposals are of a complex nature;

**3.17.4 Land use management provisions**

**(a) Provisions for Primary Rights**

When any activity which is permitted as a primary use right in this zone is conducted from a land unit, such land use shall comply with the following land use management provisions:

**(i) Antenna Structure**

- (aa) Any system of wires, poles, rods, satellite or microwave dishes, TV antennae, telecommunication tower, cellular telecommunication tower, radio tower, television and satellite transmission towers and other similar devices of more than 3 meters in height, used to transmit and/or receive electromagnetic waves, whether a stand- alone construction or fixed to a building or to any type of tower.

**(ii) Authority use**

- (aa) A use which is undertaken or a service rendered by or on behalf of a public authority, and of which the activity is such that it cannot be classified or defined under other uses in these regulations; and includes uses such as a military training centre and installation, police station, correctional institution, jail, road station, road camp, fire services, sewage purification works, a waste control site, a reservoir, water purification works, substation sites and a telecommunication facility.

**(iii) Engineering services**

(aa) Services installed in the process of developing land, for the provision of water, electricity, sewerage, stormwater, and the building of roads, pavements and pathways and includes all infrastructure associated with the abovementioned services and also includes all underground telecommunication cables and other similar underground services.

**(b) Provisions for Consent uses**

In approving consent uses or any other application in this zone in terms of the Scheme, The Municipality shall give regard to the following land use management provisions and these provisions shall apply in all cases, unless a departure is specifically granted in this regard:

**(i) Special use**

(aa) A use which is unique, or in respect of which the land use restrictions are so specific, that no provision has been made in this Scheme, and which is defined in detail by means of conditions of approval.

**3.17.5 General provisions, policies and guidelines**

The general development parameters and land use management provisions, as set out in Chapters 5-6, are applicable regarding the use of land in this zone.

**SECTION 3.18: PUBLIC OPEN SPACE ZONE (POS)**

**3.18.1 Zoning Objectives**

*The purpose of this zone is to make provision for open space in public ownership:*

- *for recreational and public amenity purposes;*
- *to create a desired townscape, and*
- *to create visual and physical relief for residents.*

**3.18.2 Land use parameters**

Primary uses	Consent Uses
<ul style="list-style-type: none"> <li>• Ancillary uses</li> <li>• Natural environment</li> <li>• Public open space</li> </ul>	<ul style="list-style-type: none"> <li>• Occasional Use</li> <li>• Open air market</li> <li>• Picnic and braai facilities</li> <li>• Special use</li> <li>• Sports facilities</li> </ul>

**3.18.3 Development Parameters**

- (i) The Municipality may require a SDP for a primary use, and shall require a SDP for a consent use.
- (ii) The Municipality shall determine Development Parameters applicable to the land unit, having regard for the purpose of the zone, and impose such rules as conditions of approval.

**3.18.4 Land use management provisions**

**(a) Provisions for Primary Rights**

When any activity which is permitted as a primary use right in this zone is conducted from a land unit, such land use shall comply with the following land use management provisions:

**(i) Ancillary Uses**

(aa) Means uses or activities that provide an essential support function to the primary use, service or activity.

**(i) Natural environment**

(aa) A public access area where the vegetation is mainly in an untransformed state and where the area is to be maintained in that state, or rehabilitated to its indigenous state for the purpose of conservation, but is not included in a declared park, and may be in public or private ownership.

**(ii) Public open space**

(aa) Land which is or will be under ownership of the Municipality and which is a park, public garden, square, sports field, children’s playground, amusement park, place of recreation, temporary structures for gatherings or any similar amenity, the access to which is not limited.

**(b) Provisions for Consent uses**

In approving consent uses or any other application in this zone in terms of the Scheme, The Municipality shall give regard to the following land use management provisions and these provisions shall apply in all cases, unless a departure is specifically granted in this regard:

**(i) Occasional Use**

- (aa) means a use-right granted by the Municipality for a specific occasion or event that is held on an occasional basis, including, but not limited to: circuses; music festivals, sporting events, religious gatherings, film shoots, weddings, and other outdoor events.
- (ab) Each application to be considered on its merits in terms of recurrence.
- (ac) In the case of festivals and events, organisers also need to secure a specific event permit from The Municipality each time the event or festival is held, as per the Sports and Recreational Events Act No.2 of 2010.

**(ii) Open air market**

- (aa) An area of land used for the sale of goods at permanent or temporary stalls in a market area or areas demarcated by the Municipality, for informal street sellers in a public street, square or another public or private area, mostly in the open air.
- (ab) It can also be a fair, fête or show, where goods are sold and entertainment provided mainly outdoors, provided that all structures erected are of a temporary nature as approved by the Municipality.

**(iii) Picnic and braai facilities**

- (aa) A place where picnics can be held in the outdoors, where buildings and other construction cover a minor portion of the site, and may include ablution and braai facilities, which, together with the amenity of the land, serves as features of attraction.

**(iv) Sports facilities**

- (aa) Land which is utilised for the practising of outdoor or indoor sport and includes squash courts, gymnasiums or other indoor sports centres and ancillary improvements, which does not include a clubhouse, unless with consent of The Municipality;

**(v) Special use**

- (aa) A use which is unique, or in respect of which the land use restrictions are so specific, that no provision has been made in this Scheme, and which is defined in detail by means of conditions of approval.

**3.18.5 General provisions, policies and guidelines**

The general development parameters and land use management provisions, as set out in Chapters 5-6, are applicable regarding the use of land in this zone.

**SECTION 3.19: PRIVATE OPEN SPACE ( PrOS)**

**3.19.1 Zoning Objectives**

*The purpose of this zone is to make provision for open space in private ownership:*

- *for recreational and amenity purposes; and*
- *to create visual and physical amenity for the residents of an area.*

**3.19.2 Land use parameters**

Primary uses	Consent Uses
<ul style="list-style-type: none"> <li>• Natural environment</li> <li>• Private open space</li> </ul>	<ul style="list-style-type: none"> <li>• Cemetery</li> <li>• Nature area</li> <li>• Nursery</li> <li>• Occasional Use</li> <li>• Open air market</li> <li>• Outdoor recreational facilities</li> <li>• Picnic and braai facilities</li> <li>• Place of Assembly</li> <li>• Special use.</li> </ul>

**3.19.3 Development Parameters**

- (i) The Municipality may require an SDP for a primary use, and shall require an SDP for a consentuse.
- (ii) The Municipality shall determine Development Parameters applicable to the land unit, having regard for the purpose of the zone, and impose such rules as conditions of approval.

**3.19.4 Land use management provisions**

**(a) Provisions for Primary Rights**

When any activity which is permitted as a primary use right in this zone is conducted from a land unit, such land use shall comply with the following land use management provisions:

**(i) Natural environment**

(aa) An area where the vegetation is mainly in an untransformed state, and where the area is to be maintained in that state, or rehabilitated to its indigenous state for the purpose of conservation, but is not included in a declared park, and may be in public or private ownership.

**(ii) Private open space**

(aa) Any land which is or will be in private ownership, or municipal land on a long term lease, with or without access control, used primarily as a private site for outdoor sports, play, rest or recreation, or as a park, garden, or play area or for nature conservation.

**(b) Provisions for Consent uses**

In approving consent uses or any other application in this zone in terms of the Scheme, The Municipality shall give regard to the following land use management provisions and these provisions shall apply in all cases, unless a departure is specifically granted in this regard:

**(i) Cemetery**

(aa) A place where the dead are buried and may include a chapel, a garden or wall of remembrance and buildings that are necessary for the administrative and clerical uses associated therewith.,

**(ii) Nature area**

(aa) means a national park or some other nature area that is owned by an organ of state or remains in private ownership, that has been declared a nature reserve or has a similar status in terms of legislation; it consists of an area that is utilised as a game park or reserve for flora and fauna in their natural habitat, and includes ablution facilities for day visitors, buildings which are directly connected with the management and maintenance of the park including employee-housing;

(bb) does not include holiday accommodation and tourist facilities.

**(iii) Nursery**

(aa) A place where plants or flowers are cultivated on an intensive scale, including under a roof, or in greenhouses or hot-houses, as well as the sale of plants and other associated gardening equipment and materials.

**(iv) Occasional Use**

(aa) means a use-right granted by The Municipality for a specific occasion or event that is held on an occasional basis, including, but not limited to: circuses; music festivals, sporting events, religious gatherings, film shoots, weddings, and other outdoor events.

(ab) Each application to be considered on its merits in terms of recurrence.

(ab) In the case of festivals and events, organisers also need to secure a specific event permit from The Municipality each time the event or festival is held, as per the Sports and Recreational Events Act No.2 of 2010.

**(v) Open air market**

(aa) An area of land used for the sale of goods at permanent or temporary stalls in a market area, or areas demarcated by the Municipality for informal street sellers in a public street, square or another public or private area, mostly in the open air.

(ab) It can also be a fair, fête or show, where goods are sold and entertainment provided mainly outdoors, provided that all structures erected are of a temporary nature as approved by the Municipality.

**(vi) Outdoor recreational facilities**

(aa) A place where recreational opportunities are provided, usually for commercial gain, mainly in the open air, such as, but not limited to, open air concerts, miniature golf and roller skating rinks, putting ranges, amusement parks, drive-in theatres and other uses where the clubhouse and other construction cover a minor portion of the site.

**(vii) Picnic and braai facilities**

(aa) A place where picnics can be held in the outdoors, where buildings and other construction cover a minor portion of the site, and may include ablution and braai facilities, which, together with the amenity of the land, serves as features of attraction.

**(viii) Place of Assembly**

(aa) This is a place which has a civic function to serve the social and community needs of an area, which may attract people in relatively large numbers and which is not predominantly a commercial enterprise;

(ab) Including a hall, indoor sports centre and club house, but does not include a place of entertainment or conference facility.

(ac) The Municipality may limit the number of clients, the floor area and the business hours of the enterprise.

**(ix) Special use**

(aa) A use which is unique, or in respect of which the land use restrictions are so specific, that no provision has been made in this Scheme, and which is defined in detail by means of conditions of approval.

**3.19.5 General provisions, policies and guidelines**

The general development parameter and land use management provisions, as set out in Chapters 5-6, are applicable regarding the use of land in this zone.

## SECTION 3.20: NATURAL ENVIRONMENT ZONE (NE)

### 3.20.1 Zoning Objectives

The purpose of this zone is to make provision for:

- the use of land or an area for conservation purposes;
- protection of the natural environment where land has been proclaimed for conservation purposes in terms of the relevant legislation in the national, provincial or municipal sphere;
- conservation of the natural environment, including natural processes, ecological corridors, networks and features of a land unit or area regarded by the Municipality as being worthy of conservation; and
- the utilisation of these areas by the controlled provision of holiday accommodation and tourist facilities.

Land in this zone may be privately or publicly owned.

### 3.20.2 Land use parameters

Primary uses	Consent Uses
<ul style="list-style-type: none"> <li>• Biosphere reserve</li> <li>• Natural environment</li> <li>• Nature area</li> </ul>	<ul style="list-style-type: none"> <li>• Antenna structure</li> <li>• Aquaculture</li> <li>• Forestry</li> <li>• Guest-house</li> <li>• Holiday accommodation</li> <li>• Hotel</li> <li>• Picnic and braai facilities</li> <li>• Place of assembly</li> <li>• Special use</li> <li>• Tourist facilities</li> </ul>

### 3.20.3 Development Parameters

- (i) The Municipality may require a SDP for a primary use, and shall require a SDP for a consent use.
- (ii) The Municipality shall determine Development Parameters applicable to the land unit, having regard for the purpose of the zone, and impose such rules as conditions of approval.
- (iii) All land designated mountain catchment area, in terms of the Mountain Catchment Areas Act, 1970, is denoted Natural Environment Zone, and subject to that legislation and the provisions of the Zone set out in this By-Law.

### 3.20.4 Land use management provisions

#### (a) Provisions for Primary Rights

When any activity which is permitted as a primary use right in this zone is conducted from a land unit, such land use shall comply with the following land use management provisions:

- (i) **Biosphere reserve**
- (aa) Areas of terrestrial and coastal or marine ecosystems, or a combination thereof, which are internationally recognised within the framework of the Man and the Biosphere Programme (MAB) of the United Nations Educational, Scientific and Cultural Organisations.
- (ii) **Natural environment**
- (aa) An area where the vegetation is mainly in an untransformed state, and where the area is to be maintained in that state, or rehabilitated to its indigenous state for the purpose of conservation, but is not included in a declared park, and may be in public or private ownership.
- (iii) **Nature area**
- (aa) means a national park or some other nature area that is owned by an organ of state or remains in private ownership, that has been declared a nature reserve or has a similar status in terms of legislation; it consists of an area that is utilised as a game park or reserve for flora and fauna in their natural habitat, and includes ablution facilities for day visitors, buildings which are directly connected with the management and maintenance of the park including employee-housing;
- (b) **Provisions for Consent uses**
- In approving consent uses or any other application in this zone in terms of the Scheme, The Municipality shall give regard to the following land use management provisions and these provisions shall apply in all cases, unless a departure is specifically granted in this regard:
- (i) **Antenna structure**
- (aa) any system of wires, poles, rods, satellite or microwave dishes, TV antennae, telecommunication tower, cellular telecommunication tower, radio tower, television and satellite transmission towers and other similar devices of more than 3 meters in height, used to transmit and/or receive electromagnetic waves, whether a stand alone construction or fixed to a building or to any type of tower.
- (ii) **Aquaculture**
- (aa) The breeding of water fauna in artificially constructed dams and natural waterways.
- (iii) **Forestry**
- (aa) The extensive planting of trees in veld and mountain areas for commercial purposes.
- (iv) **Guest-house**
- (aa) The use may be carried out from an altered dwelling-house or a specifically constructed facility, which consists of a single integrated structure.

- (ab) No more than 10 bedrooms, accommodating no more than 20 people, whichever is more restrictive, are allowed per guest-house, provided that the Municipality may limit the numbers further if it is regarded as being in the interest of the area or neighbourhood.
- (ac) A site development plan (SDP) detailing the layout and number of rooms and units, any related facilities to be provided, reception areas, communal areas, on-site parking as per The Municipality requirements, landscaping, advertising signs and street image, must accompany the application being submitted to The Municipality.
- (ad) Signage and advertising to be as per the applicable Municipal By-Law.
- (ae) Meals and liquor may only be supplied to residing guests. -
- (af) Related activities e.g. a dining room or restaurant, lecture room, wellness centre or similar types of uses are permitted, provided that these facilities are only used by residing guests up to a maximum of 20 people for a 10 bedroom facility. The facilities must relate to the extent of the guest-house to ensure that they are not used by the general public and will be subject to an approved SDP.

**(v) Holiday accommodation**

- (aa) Grouped or linked self-catering dwelling-units, which may be brick, stone, wood or tented (or any other appropriate construction material) structures placed within an unique natural environment used for holiday and recreational purposes, whether in private or public ownership.
- (ab) It consists of a single enterprise in which accommodation is supplied by means of short term rental or time sharing only, and where individual units may not be sold or alienated on an exclusive basis in any way whatsoever.
- (ac) The development to have an informal, clustered layout which takes cognisance of the features on the site and where road standards do not necessarily comply with formal township standards.
- (ad) A camping site and caravan park may form part of the development.
- (ae) Provision may also be made for day visitors.
- (af) Associated facilities may be provided, which are internal to the development and which will be provided expressly for the purpose of serving the public who visit the resort, such as a restaurant, café, sports facilities, picnic and braai facilities, public and private open space, private roads, nature areas and natural environments.

**(vi) Hotel**

- (aa) A hotel is a place in which temporary lodging, meals, beverages and personal services are provided for transient guests and which exceeds the parameters applying to a guest-house.
- (ab) Tourism grading should not be a criterion in the scheme – a hotel is a hotel whether graded or not.
- (ac) Activities reasonably and ordinarily related to a hotel, including associated conference and entertainment facilities, hydro/wellness centre, and sport and recreation facilities that are subservient and ancillary to the dominant use of the property as a hotel may also be included.
- (ad) With the necessary license liquor may be sold for consumption on the property, but an off-sales facility is excluded.

**(vii) Picnic and braai facilities**

(aa) A place where picnics can be held in the outdoors, where buildings and other construction cover a minor portion of the site, and may include ablution and braai facilities, which, together with the amenity of the land, serves as features of attraction.

**(viii) Place of Assembly**

(aa) This is a place which has a civic function to serve the social and community needs of an area, which may attract people in relatively large numbers and which is not predominantly a commercial enterprise;

(ab) Including a hall, indoor sports centre and club house, but does not include a place of entertainment or conference facility.

(ac) The Municipality may limit the number of clients, the floor area and the business hours of the enterprise.

**(ix) Tourist facilities**

(aa) Amenities for tourists such as restaurants, gift shops, farm stores and rest rooms, but excluding estate agencies and tourist accommodation.

**(x) Special use**

(aa) A use which is unique, or in respect of which the land use restrictions are so specific, that no provision has been made in this Scheme, and which is defined in detail by means of conditions of approval.

**3.20.5 General provisions, policies and guidelines**

The general development parameter and land use management provisions, as set out in Chapters 5-6, are applicable regarding the use of land in this zone.

**SECTION 3.21: RESORT ZONE (RZ)**

**3.21.1 Zoning Objectives**

The purpose of this zone is to make provision for:

- the use of land in special environments for short term holiday accommodation in order to primarily allow the general public access to such special environments;
- limited tourist related development which is attached to a specific unique resource;
- the general public to experience unique resources, whilst at the same time minimising the adverse impact of development on the environment;
- the use of land for recreational purposes and purposes aimed at the aesthetic and biophysical quality of the area;
- development which is limited in scale and use, and determined by the biophysical carrying capacity of the area/land unit/resource; and

**3.21.2 Land use parameters**

Primary uses	Consent Uses
<ul style="list-style-type: none"> <li>• Holiday accommodation</li> </ul>	<ul style="list-style-type: none"> <li>• Antenna structure</li> <li>• Café</li> <li>• Conference facilities</li> <li>• Guest-house</li> <li>• Hotel</li> <li>• Outdoor recreational facilities</li> <li>• Outdoor sports facilities</li> <li>• Place of entertainment</li> <li>• Special use</li> <li>• Sports facilities and club house</li> <li>• Tourist facilities</li> </ul>

**3.21.3 Development Parameters**

Notwithstanding the uses permitted as a primary right as per the definition, primary use rights will remain limited to those uses which were approved by the relevant authorities at the time of assessing an application and which have been indicated on a Site Development Plan (SDP) that forms part of the application.

The Municipality shall, upon approving a resort application, ensure that the Development Parameters are retained as part of the SDP and all (subsequent) applications shall be accompanied by an SDP for this purpose.

The Municipality shall determine the uses permitted as well as the Development Parameters applicable to the land unit, having regard for the purpose of the zone, and impose such rules as conditions of approval. Such Development Parameters will include parameters addressing building lines, density/number of units permitted, height, coverage and floor area, parking, building design, access, uses permitted in the buildings and landscaping, or any other parameter which in the Municipality's opinion needs to be addressed.

Transitional arrangements: In those instances where the Resort Zone is already applicable to a land unit at the commencement of this scheme, the primary rights will remain limited to the Development Parameters and uses already approved by the Municipality via an approved Site Development Plan or alternatively, in the absence

of an SDP, the primary rights remain limited to the current legal use, approved uses and buildings, or buildings for which valid building plans have been approved by the Municipality.

In order to expand, alter or amend any uses already approved, an application for the amendment of a Site Development Plan (SDP) shall be submitted to the Municipality for its consideration. Should an SDP not exist, an application for expansion, alteration or amendment of existing rights shall be accompanied by a SDP for the entire facility in order to provide a basis for the rights permitted on the land unit in terms of the requirements for this scheme.

### 3.21.4 Land use management provisions

#### (a) Provisions for Primary Rights

When any activity which is permitted as a primary use right in this zone is conducted from a land unit, such land use shall comply with the following land use management provisions:

##### (i) Holiday accommodation

- (aa) Grouped or linked self-catering dwelling-units, which may be brick, stone, wood or tented (or any other appropriate construction material) structures placed within an unique natural environment used for holiday and recreational purposes, whether in private or public ownership.
- (ab) To consist of a single enterprise in which accommodation is supplied by means of short term rental only, and where individual units may not be sold or alienated in any way whatsoever.
- (ac) The development to have an informal, clustered layout which takes cognisance of the features on the site and where road standards do not necessarily comply with formal township standards.
- (ad) A camping site and caravan park may form part of the development, if considered appropriate.
- (ae) Provision may be made for day visitors, if considered appropriate.
- (af) Associated facilities may be provided, which are internal to the development and which will be provided expressly for the purpose of serving the public who visit the resort, such as a restaurant, café, sports facilities, picnic and braai facilities, public and private open space, private roads, nature areas and natural environments.

#### (b) Provisions for Consent uses

In approving consent uses or any other application in this zone in terms of the Scheme, the Municipality shall give regard to the following land use management provisions and these provisions shall apply in all cases, unless a departure is specifically granted in this regard:

##### (i) Antenna structure

- (aa) Any system of wires, poles, rods, satellite or microwave dishes, TV antennae and other similar devices, used to transmit or receive electromagnetic waves, whether fixed to a building or to any type of tower.

##### (ii) Café

- (aa) This is a small convenience shop where bread, milk, refreshments, take-away meals, and a small selection of groceries are sold to guests in the resort.
- (ab) Floor area not to exceed 100m<sup>2</sup>, including storage areas.

**(iii) Conference facilities**

- (aa) A place of assembly for the purpose of holding conferences, meetings and trade or commercially related exhibitions.
- (ab) No overnight accommodation is provided.
- (ac) Meals may be supplied, which is normally an additional activity/function to a primary function.
- (ad) Additional parking may be required by the Municipality.

**(iv) Guest-house**

- (aa) The use may be carried out from an altered dwelling-house or a specifically constructed facility, which consists of a single integrated structure.
- (ab) No more than 10 bedrooms, accommodating no more than 20 people, whichever is more restrictive, are allowed per guest-house, provided that the Municipality may further limit the numbers if it is regarded as being in the interest of the area or neighbourhood.
- (ac) A site development plan (SDP) detailing the layout and number of rooms and units, any related facilities to be provided, reception areas, communal areas, on-site parking as per municipal requirements, landscaping, advertising signs and street image, must accompany the application being submitted to the Municipality.
- (ad) All advertising and signage to be as per the applicable Municipal By-Law.
- (ae) Meals and liquor may only be supplied to residing guests. -
- (af) Related activities e.g. a dining room or restaurant, lecture room, wellness centre or similar types of uses are permitted, provided that these facilities are only used by residing guests up to a maximum of 20 people for a 10 bedroom facility. The facilities must relate to the extent of the guest-house to ensure that they are not used by the general public and will be subject to an approved SDP.

**(v) Hotel**

- (aa) A hotel is a place in which temporary lodging, meals, beverages and personal services are provided for transient guests and which exceeds the parameters applying to a guest-house.
- (ab) Tourism grading should not be a criterion in the scheme – a hotel is a hotel, whether graded or not.
- (ac) Activities reasonably and ordinarily related to a hotel, including associated conference and entertainment facilities, hydro/wellness centre, and sport and recreation facilities that are subservient and ancillary to the dominant use of the property as a hotel may also be included.
- (ad) With the necessary license liquor may be sold for consumption on the property, but an off-sales facility is excluded.

**(vi) Outdoor recreational facilities**

- (aa) A place where recreational opportunities are provided, usually for commercial gain, mainly in the open air, such as, but not limited to, open air concerts, miniature golf and roller skating rinks, putting ranges, amusement parks, drive-in theatres and other uses where the clubhouse and other construction cover a minor portion of the site.

**(vii) Outdoor sports facilities**

(aa) A place which is utilised for the practising of outdoor sport, such as rugby, cricket, soccer, hockey and netball, and includes only ancillary improvements, which does not include a clubhouse, unless with the consent of The Municipality.

**(viii) Place of entertainment**

(aa) A place used predominantly for commercial entertainment, which may on a regular basis, attract relatively large numbers of people and operate outside normal business hours.

(ab) Gatherings, entertainment and recreation where loud music is played and/or alcohol consumed, and which may create a public nuisance.

(ac) It includes places where the patrons participate, such as a dance hall, disco, night club, billiard saloon or room, and may include associated restaurants, pubs or taverns, games arcades, and/or similar place.

(ad) The Municipality may limit the number of clients, the floor area and the business hours of the enterprise.

**(ix) Sports facilities and clubhouse**

(aa) Land which is utilised for the practising of outdoor or indoor sport and includes squash courts, gymnasiums or other indoor sports centres and ancillary improvements.

(ab) Clubhouse in relation to an outdoor sports facility and a place of assembly means a building or portion of a building specifically set aside where people who are normally members of an organised activity, sport or association meet with the intention to socialise and also includes a building which provides changing and ablution facilities associated with an outdoor sports activity, and may include a pub.

**(x) Tourist facilities**

(aa) Amenities for tourists such as restaurants, gift shops, farm stores and rest rooms, but excluding estate agencies and tourist accommodation.

**(xi) Special use**

(aa) A use which is unique, or in respect of which the land use restrictions are so specific, that no provision has been made in this Scheme, and which is defined in detail by means of conditions of approval.

**3.21.5 General provisions, policies and guidelines**

The general development parameters and land use management provisions, as set out in Chapters 5-6, are applicable regarding the use of land in this zone.

## SECTION 3.22: TRANSPORT ZONE (TZ)

### 3.22.1 Zoning Objectives

The purpose of this zone is to make provision for:

- transportation systems, including all other transport undertakings which serve the public such as airports, harbours, railway lines, bus depots, taxi ranks, and cable car stations;
- related or associated uses that can help to support the transport undertaking, permitted by consent.
- public streets and roads, whether constructed or still to be constructed; and
- premises for the public parking of operable motor vehicles. Such parking may be provided in buildings or open parking areas in order to address the need for off-site parking in an area, with or without the payment of a fee.

On-site parking for a permitted activity in any zone is considered to be an associated use and is not a separate use category that requires a separate zoning.

### 3.22.2 Land use parameters

Primary uses	Consent Uses
<ul style="list-style-type: none"> <li>• Parking garage</li> <li>• Public Road</li> <li>• Private Road</li> <li>• Transport purposes</li> <li>• Utility service</li> </ul>	<ul style="list-style-type: none"> <li>• Air and underground uses.</li> <li>• Airfield</li> <li>• Antenna Structure</li> <li>• Helicopter or aircraft landing port</li> <li>• Informal trading</li> <li>• Motor repair garage/public garage</li> <li>• Rooftop base station</li> <li>• Service/Filling Station</li> <li>• Shipping or container site and associated uses</li> <li>• Special use</li> <li>• Truck Stop</li> </ul>

### 3.22.3 Development Parameters

The following Development Parameters apply in this zone, unless otherwise stipulated in an Overlay Zone:

#### (a) Building lines

The street boundary building line is 0m. The common boundary building lines are 0m, except where Transport Zone abuts a zone which is not a transport zone, in which case the common boundary building lines are 3m. The general building line exemptions in section 5.1 shall apply.

#### (b) Height

- (i) The maximum height of a building measured from the base level to the top of the roof is 12m.

- (ii) Shipping or transport containers, when stored or stacked outside a building or structure, may not be higher than 12m above average ground level.

**(c) Coverage**

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

**(d) Floor Factor**

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

**(e) Parking (minimum parking requirements)**

Refer to Table C (section 5.7) for detail parking requirements.

**(f) Limitation on usage rights and determination of Development Parameters**

Notwithstanding the uses permitted as a primary right as per the definition, the primary use rights for all land not belonging to Transnet will remain limited to those uses which were approved by The Municipality at the time of assessing an application and which have been indicated on a Site Development Plan (SDP).

The Development Parameters and land uses permitted for this zone shall remain limited to the uses, parameters and extent as indicated on an SDP, as The Municipality may deem fit and impose as conditions of approval.

Transitional arrangements: In those instances where the General Transport Use Zone is already applicable to a land unit at the commencement of this scheme, the primary rights will remain limited to the Development Parameters and uses already approved by The Municipality via an approved Site Development Plan (SDP) or alternatively, in the absence of an SDP, the primary rights remain limited to the current legal use, approved uses and buildings, or buildings for which valid building plans have been approved by The Municipality.

In order to expand, alter or amend any uses already approved, an application for the amendment of a Site Development Plan (SDP) shall be submitted to The Municipality for their consideration. Should an SDP not exist, an application for expansion, alteration or amendment of existing rights shall be accompanied by a Site Development Plan for the entire facility in order to provide a basis for the rights permitted on the land unit in terms of the requirements for this scheme.

### 3.22.4 Land use management provisions

**(a) General provisions**

**(i) Mitigation of impacts**

In cases where any use or building in this zone has an adverse impact on the residential environment, The Municipality may require the land owner or occupant to implement such measures it may deem appropriate to mitigate the adverse impact. The Municipality shall inform the owner in writing of such additional conditions imposed.

**(ii) Site development plan (SDP)**

In the event of a rezoning to this zone or a related application in terms of this Scheme, The Municipality may require that a site development plan (SDP) accompany the application.

**(iii) Modal Interchanges: Taxi- and bus ranking facilities**

In this zone, taxi and bus ranking facilities may only be provided as a modal interchange, which means the use is ancillary to the primary use of the land unit namely for transport purposes as defined.

The Municipality may, when approving a SDP, determine conditions regarding the provision of a taxi stand or bus terminal.

**(iv) Fencing and walls**

The Municipality may require that where transport uses adjoin any other zone, the land be partially or fully fenced to the satisfaction of The Municipality.

**(v) Proposed Public Street, Street Widening and Street Closure**

Any property or portion of a property, adjacent to a public street or road that is reserved for the widening of the street or road or for splays, shall be deemed to fall into the same zone or sub-zone as the road or street concerned.

**(b) Provisions for Primary Rights**

When any activity which is permitted as a primary use right in this zone is conducted from a land unit, such land use shall comply with the following land use management provisions:

**(i) Transport purposes**

(aa) A land unit for the delivery of a transport service, including a public or private service, to transport goods and passengers by road, rail, sea or pipeline;

(ab) Including all ancillary uses which would normally be associated with the transport function, including shops and modal interchanges which serve passengers, and taxi/bus terminuses where passengers embark and disembark, as well as stations, harbours, sheds, stores, workshops and offices.

(ac) but excludes an airport, heliport or air strip.

**(ii) Parking garage**

(aa) A place in which parking facilities for motor vehicles are provided on a commercial basis as the dominant use of that building, and where the parking is not necessarily directly associated with the land uses found on that particular land unit.

**(iii) Utility service**

(aa) Infrastructure that is required to provide engineering and associated services for the proper functioning of urban development, including a water reservoir and purification

works, electricity substation and transmission lines, waste water pump station, treatment works and municipal or government services not provided for in another zone.

**(iv) Public Road**

(aa) Any land which is used as public road, indicated on an approved plan, diagram or map as having been set aside as a public thoroughway for vehicles and/or pedestrians, of which the ownership as such vests in the Municipality in terms of the Land Use Planning Act, or in terms of any other legislation

**(v) Private Road**

(aa) Any land reserved for the passage or parking of motor vehicles (by way of servitude or not), which is privately owned and does not vest in the The Municipality or another public authority;

**(c) Provisions for Consent uses**

In approving consent uses or any other application in terms of the Scheme, The Municipality shall give regard to the following land use management provisions and these provisions shall apply in all cases, unless a departure is specifically granted in this regard:

**(i) Air and Underground Uses**

The Municipality may set down a specified time period for air and underground rights to be implemented, provided that:

- (aa) The Municipality is satisfied that the structural components, clearance and operational characteristics are sufficient to ensure safe and efficient operation of the street, road or parking, as applicable;
- (ab) an agreement defining the extent of rights, time period, compensation, ownership and maintenance obligations relating to the property is concluded between the parties concerned and is approved by The Municipality; and
- (ac) a servitude be registered over the concerned land.

**(ii) Airfield**

(aa) An airfield, also an airport, means a place where aircraft land and take off and includes hangars and other facilities required for the ordinary working of the airfield.

**(i) Antenna Structure**

(aa) Any system of wires, poles, rods, satellite or microwave dishes, TV antennae, telecommunication tower, cellular telecommunication tower, radio tower, television and satellite transmission towers and other similar devices of more than 3 meters in height, used to transmit and/or receive electromagnetic waves, whether a stand alone construction or fixed to a building or to any type of tower.

**(ii) Helicopter or aircraft landing port**

(aa) A landing port is any portion of land, building or structure or part thereof which has been demarcated for the purposes of landing or take-off of helicopters or associated vertical lift-off aircraft.

**(iii) Informal trading**

- (aa) Informal trading shall only be permitted on land which has been set aside as a road reserve or identified by the Municipality as a future road reserve provided that:
- no permanent structures may be erected on the land;
  - there is no interference with pedestrian or vehicular movement, or with any municipal utility services;
  - this provision only applies to roads where the Municipality is the roads authority, and;
  - there is in the Municipality's opinion no threat to public health or safety.

**(iv) Motor repair garage/public garage**

- (aa) A motor repair garage is a commercial enterprise where motor vehicles are provided with fuel and/or major services such as engine overhauling, spray-painting, panel beating, a black-smith, exhaust fitment, shock absorber fitment or body work.
- (ab) A public garage a place for an undertaking which offers a complete range of services, repairs and/or permanent storage for motor vehicles, including panel beating, blacksmithing, spray painting and body building, but excludes the commercial sale of fuel.

**(v) Rooftop base station**

- (aa) A cell phone base station where antennae are attached to the roof or side of an existing building.
- (ab) Any antenna support, structure or equipment room that is not part of the building must not extend more than 2.5m in height above the top of the building.
- (ac) Approval will be subject to any relevant requirements of the National Environmental Management Act.

**(vi) Service, Filling Station**

The following additional provisions shall apply to Service and Filling stations:

- (aa) A site development plan (SDP) shall accompany each application for consent and shall indicate the following:
- the layout of the service station or filling station and any other uses and buildings on the land unit;
  - boundary walls or fences and façades of all buildings;
  - vehicular access, circulation and parking;
  - landscaping;
  - risk management of petrol pumps and petrol storage areas;
  - fencing-off of storage areas;
  - minimising visual deterioration or nuisance from the trade in respect of adjoining land units, and
  - the extent of the various activities.
- (ab) The width of a motor vehicle carriageway crossing over the street boundary shall not exceed 8m, and no more than two carriageway crossings per land unit shall be permitted unless the street boundary exceeds 30m in which case an additional crossing will be permitted.

- (ac) A wall of at least 100mm thick and 200mm high shall be erected on the street boundary between the carriageway crossings.
- (ad) A carriageway crossing shall not be closer than 30m to an intersection of two arterial roads (whether controlled or not) or any other controlled intersection.
- (ae) For all intersections other than those mentioned above a carriageway crossing shall not be closer than 10m from the corner of an unsplayed intersection or 5m from the point where a splay meets the street boundary.
- (af) No pump shall be erected so that the base or the island on which the pumps stands is less than 3.5m from the nearest street boundary.
- (ag) Any portion of a service station or filling station which is used to store unused motor vehicles or parts of motor vehicles, empty containers (e.g. oil and packaging containers) or any scrap, or to assemble, repair or paint any motor vehicles, shall, unless fenced off by buildings, be fenced by suitable brick or cement walls of at least 2m in height.
- (ah) A Traffic Impact Assessment (TIA) may be required by The Municipality.

**(vii) Shipping or container site and associated uses**

- (aa) The area of the property to be used for the storage of shipping or transport containers.
- (ab) These containers are used for the transport of goods by sea, rail or road and are usually stored outside of a building or structure.

**(viii) Special use**

- (aa) A use which is unique, or in respect of which the land use restrictions are so specific, that no provision has been made in this Scheme, and which is defined in detail by means of conditions of approval.

**(ix) Truck Stop**

- (aa) means a facility with direct access from a major transport route, that provides a range of rest, service and fuelling facilities for the drivers of heavy duty and long haul vehicles and trucks, but does not include accommodation.
- (ab) The following additional provisions shall apply:

A site development plan (SDP) shall accompany each application and shall indicate the following:

- the layout of the service station or filling station and any other uses and buildings on the land unit;
- boundary walls or fences and façades of all buildings;
- vehicular access, circulation and parking;
- landscaping;
- risk management of petrol pumps and petrol storage areas;
- fencing-off of storage areas;
- minimising visual deterioration or nuisance from the trade in respect of adjoining land units, and
- the extent of the various activities.

- (ac) The width of a motor vehicle carriageway crossing over the street boundary shall not exceed 8m, and no more than two carriageway crossings per land unit shall be permitted unless the street boundary exceeds 30m in which case an additional crossing will be permitted.

- (ad) A wall of at least 100mm thick and 200mm high shall be erected on the street boundary between the carriageway crossings.
- (ae) A carriageway crossing shall not be closer than 30m to an intersection of two arterial roads (whether controlled or not) or any other controlled intersection.
- (af) For all intersections other than those mentioned above a carriageway crossing shall not be closer than 10m from the corner of an unsplayed intersection or 5m from the point where a splay meets the street boundary.
- (ag) No pump shall be erected so that the base or the island on which the pumps stands is less than 3.5m from the nearest street boundary.
- (ah) Any portion of a service station or filling station which is used to store unused motor vehicles or parts of motor vehicles, empty containers (e.g. oil and packaging containers) or any scrap, or to assemble, repair or paint any motor vehicles, shall, unless fenced off by buildings, be fenced by suitable brick or cement walls of at least 2m in height.
- (ai) A Traffic Impact Assessment (TIA) may be required by the Municipality.

### **3.22.5 General provisions, policies and guidelines**

The general development parameters and land use management provisions, as set out in Chapters 5-6, are applicable regarding the use of land in this zone.

**SECTION 3.23: UNDETERMINED ZONE (UND)**

**3.23.1 Zoning Objectives**

The purpose of this zone is:

- to enable the Municipality to defer a decision regarding a specific land use and development management provisions until the conditions affecting the land have been thoroughly investigated or until the owner of the land unit has submitted an application for rezoning.

**3.23.2 Land use parameters**

Primary uses	Consent Uses
<ul style="list-style-type: none"> <li>• Existing use</li> </ul>	<ul style="list-style-type: none"> <li>• None</li> </ul>

**3.23.3 Development Parameters**

The Municipality may impose any Development Parameters when approving a land use application.

**3.23.4 Land use management provisions**

**(a) General provisions**

- (i) Existing uses may proceed unaltered.
- (ii) No new development may be allowed on land in this zone unless the Municipality has first approved the rezoning of the land.
- (iii) Subject to the provisions of the Land Use Planning Act, no new buildings may be erected in this zone.

**3.23.5 General provisions, policies and guidelines**

The general development parameters and land use management provisions, as set out in Chapters 5-6, are applicable regarding the use of land in this zone.

## SECTION 3.24: SPECIAL ZONE (Spec I)

### 3.24.1 Zoning Objectives

*This zone should only be utilised when a specific use is incompatible with the existing zoning categories included in the scheme. The purpose of this zone is to make provision for:*

- *special, unique projects / land uses which cannot be accommodated by means of any other zone or combination of zones;*
- *projects with such a unique nature that they do not justify the creation of a new zone in this Scheme; and,*
- *unique land use control and land use management measures which accompany such a specific unique project or land use.*

### 3.24.2 Land use parameters

The Municipality may determine any land use parameters when approving a land use application.

### 3.24.3 Development Parameters

The Municipality may determine any Development Parameters when approving a land use application.

### 3.24.4 Land use management provisions

#### (a) Site development plan (SDP)

The Municipality may require that a SDP accompany any application for rezoning to this zone or a related application in terms of this Scheme.

#### (b) Numbering and provisions

- (i) Each special zone where land use restrictions (land use parameters, Development Parameters and land use management provisions) differ from that of another Special Zone is to be allocated a number and each such numbered zone will be regarded as a sub-zone of this Special Zone.
- (ii) The sub-zone number and land use restrictions applicable to the sub-zone are to be noted in Schedule 2 of this Scheme.

#### (c) Approval of a sub-zone of the Special Zone and establishment of land use restrictions and conditions

- (i) On approval, the land use restrictions (land use parameters, Development Parameters and land use management provisions) must be established in the approval documentation for the specific sub-zone.

- (ii) The Municipality may also impose further conditions which are only applicable to that specific parcel of land / erf. Such conditions are imposed in terms of the Land Use Planning Act and may also be amended in terms of the Land Use Planning Act. Should the Municipality wish to apply the same sub-zone by means of rezoning to any project in the future, the conditions imposed on such previous projects will not automatically be applicable and a new set of conditions must be laid down when the new project is approved. The land use restrictions (land use parameters, Development Parameters and land use management provisions) will, however, be applicable.

### **3.24.5 General provisions, policies and guidelines**

The general development parameters and land use management provisions, as set out in Chapters 5-6, are applicable regarding the use of land in this zone.

## SECTION 3.25: SUBDIVISIONAL AREA

### 3.25.1 Zoning Objectives

The purpose of this zone is:

- to make provision for the zoning of land as a Subdivisional Area, as required by the Land Use Planning Act, and for the necessary notation on the zoning map.

### 3.25.2 Land use parameters

Primary uses	Consent Uses
• Existing use	• Refer to underlying zone

### 3.25.3 Development Parameters

#### (a) The Municipality determines Development Parameters

The Municipality may determine any Development Parameters when approving a land use application.

#### (b) Conditions of approval

At the approval of a rezoning to Subdivisional Area, at least the following provisions must be made and imposed as conditions:

- (i) a density criteria;
- (ii) the various zones or combination of zones which will be applicable after subdivision, and
- (iii) the extent of the subdivisional area.

### 3.25.4 Land use management provisions

- (a) Existing uses may continue unaltered until the subdivision plan for the relevant development has been approved.
- (b) On confirmation of a subdivision or portion thereof, such subdivision or portion thereof will be regarded as a substitution scheme in terms of the Land Use Planning Act.

### 3.25.5 General provisions, policies and guidelines

The general development parameters and land use management provisions, as set out in Chapters 5-6, are applicable regarding the use of land in this zone.

**CHAPTER 4:**

**GENERAL PROVISIONS FOR OVERLAY ZONES**

An overlay zone will not replace or substitute the base use-zone of a property. Its objective is to provide for a technique to introduce more or less use rights and/or Development Parameters over and above the underlying base zone. the Municipality must, however, in considering the introduction of an overlay zone, be mindful of the planning principles and objectives of the zoning scheme, relevant policies and guidelines, development priorities and strategies, the spatial development framework and the integrated development plan. The overlay zones may not be used to promote social exclusion and separation. An overlay zone is adopted, reviewed or amended by the Municipality as an amendment of this By-Law, in accordance with sections 12 and 13 of the Municipal Systems Act and section 25 of the Land Use Planning Act, 2014 (Act 3 of 2014).

**SECTION 4.1: PROCEDURES FOR OVERLAY ZONES**

- (a) Overlay zones form part of the Schedules of this Scheme and make provision for additional land use parameters and/or Development Parameters and/or land use management provisions which are collectively applicable to a specific geographic area.
- (b) The Municipality may approve, demarcate, amend, vary and revoke overlay zones and associated maps, after due process as set out below, has been followed.
- (c) An overlay zone does not imply a new zoning, all the relevant underlying zones and provisions remain applicable to the various land units, unless specifically amended by means of the parameters, rules or provisions of the specific overlay zone.
- (d) The specific overlay zone may prescribe provisions for additional approvals, which must be granted by the Municipality with regard to uses and buildings within the specific area.
- (e) The purpose of an overlay zone is:
  - (i) to identify areas with unique characteristics and provisions, and to impose specific parameters and rules in order to protect the continued retention of such unique characteristics;
  - (ii) to make provision for specific additional approval procedures as deemed necessary by the Municipality to protect identified areas, and;
  - (iii) to create a mechanism for the future implementation of specific planning policy, in order to achieve certain planning objectives for specifically identified areas.
- (f) Where the parameters are of a general nature, the same set of parameters can be made applicable to more than one geographical area in which case the name of the overlay area (zone) must reflect the general nature thereof and the respective areas where it is applicable must be shown on different maps.
- (g) All overlay zones are contained in Schedule A attached to this Scheme, as amended from time to time by the Municipality in accordance with 4.1(b) above. The various maps depicting the areas where the overlay zones are applicable shall be listed in the schedule in the Schedule A-series maps.

**SECTION 4.2: STATUS OF OVERLAY ZONES**

- (a) An overlay zone applies in addition to the base zone (or underlying zone) of the properties to which it relates, and may vary the Development Parameters relating to these properties.
- (b) The provisions of an overlay zone may be more restrictive or more permissive than the provisions applicable to the base zone of the property concerned.
- (c) If the provisions of an overlay zone are different to, or in conflict with the provisions of a base zone, the more restrictive provisions shall apply, unless stated otherwise in the overlay zone concerned.

### SECTION 4.3: COMPILATION OF SPECIFIC OVERLAY ZONES

- (a) Overlay zones provide for an approach to set out specific Development Parameters, use rights, or further development procedures and requirements, either municipal-wide or on a site or a local area, over and above the base use-zone parameters. These zones should apply to promote the Municipality's planning principles, goals, objectives and strategies as may be identified in the Integrate Development Plan (IDP) or spatial plans.
- (b) Preparation of an overlay zone shall take into consideration the following where applicable:
- (i) the principles contained in land use planning legislation;
  - (ii) the Municipality's planning vision and principles, as set out in the IDP and the Spatial Development Framework (SDF);
  - (iii) the desired spatial form, including but not limited to the development of public and private land, infrastructure investment, utilisation of space, spatial reconstruction, spatial integration, densification areas, location and nature of development, urban edge, scenic routes, areas of strategic intervention, mitigation of development impacts, environmental and heritage protection and conservation;
  - (iv) the principles of co-operative governance and the duties and objectives of local government, as set out in the Municipal Systems Act and the National Constitution.

### SECTION 4.4: PROCESS TO PROCLAIM OVERLAY ZONES

- (a) the Municipality shall compile the provisions for an overlay zone and prepare the map for the proposed area where the overlay zone will be applicable.
- (b) The following procedures shall be the minimum procedures to be followed in preparing the parameters for an overlay zone and in determining the area where it will be applicable:
- (i) preparation of a scoping document for discussion;
  - (ii) advertising the intention to demarcate an overlay zone in the press, and inviting registration of interested and affected parties (30 days);
  - (iii) following a scoping process whereby parties are given an opportunity to comment on the scoping document and providing input;
  - (iv) preparation of a final document and map;
  - (v) advertising and notification of a final draft proposal document (which includes a summary and response to previous comments) (30 days). Notification in this instance includes notifying all land owners within and directly abutting the demarcated overlay zone area, in writing;
  - (vi) evaluation of the proposal and comments;
  - (vii) decision-making by full the Municipality on the final parameters and area of applicability; and
  - (viii) publication of final decision and map in the Gazette.
- (c) the Municipality may also, when approving a new development application, determine that the development, or portion thereof, be subject to an overlay zone and the details and the map indicating the extent of the overlay area must then be compiled on approval of the application. In such cases, the applicant will be required to complete the necessary legal processes as set out above, in conjunction with the Municipality.

## SECTION 4.5: AMENDMENT OF AN APPROVED OVERLAY ZONE

- (a) The Municipality may amend the provisions, or the map of an overlay zone, or repeal the overlay zone as a whole. The process as described in section 4.3 will be applicable *mutatis mutandis* when an overlay zone is amended.

## SECTION 4.6: SPECIFIC OVERLAY ZONES

### 4.6.1 Local Area Overlay Zone: Swellendam Conservation Area

#### (a) Purpose Statement

The Swellendam Conservation Area Overlay Zone (refer to Plan 1 below) makes provision for the protection of a conservation area, as well as to designate such a conservation area onto the zoning map.

The conservation area of Swellendam shall be deemed a heritage area for the protection of the historical and architectural character of the town, and the Municipality may prescribe as a restriction of the normal Development Parameters, extraordinary requirements or conditions as far as it concerns:

- the street elevation of buildings and the height of street levels;
- the maintenance of buildings and trees
- the display of advertisements and the erection of advertising boards or signs
- the provision of parking facilities on sites
- the height of buildings
- coverage
- floor factor
- building lines
- any other aspect which the Municipality may deem necessary in a particular case.

#### (b) Land Use Restrictions

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

- (i) **Primary uses** are as stipulated in the base use zone.
- (ii) **Consent uses** are as stipulated in the base use zone and conditions imposed during approval of a consent in terms of the zoning scheme.
- (iii) **Additional use** rights are as stipulated in the base use zone.

#### (c) Development Parameters

In addition to the Development Parameters that apply to the base use zone, the following Development Parameters will apply:

- (i) the provisions of section 30(11) of the Heritage Resources Act shall apply to all heritage places as officially published in the Provincial Gazette in terms of section 30(2) of the National Heritage Resources Act.

## CHAPTER 4: OVERLAY ZONES

## SWELLENDAM MUNICIPALITY: INTEGRATED ZONING SCHEME BY-LAW

- (ii) The Municipality must keep a register in the schedule to the zoning scheme and designate on the zoning map all heritage places as officially published.
- (iii) No development in, or alteration of, a heritage place or heritage area may occur without the Municipality's prior approval, and
- in granting its approval, the Municipality may impose further conditions relating to any alteration or development of a heritage place or a heritage area;
  - an application in terms of this overlay zone shall be refused only if it does not comply with the provisions and objectives of the National Heritage Resources Act.
- (iv) The Municipality may approve any use as a consent use in terms of this overlay zone provided that:
- it considers such use to be desirable or justified in order to provide the owner with an incentive to preserve the heritage resource, and
  - the Municipality may require cessation of the consent use right if the heritage resource is not properly maintained and protected to the Municipality's satisfaction.
- (v) The purpose of these rules is to ensure that the historical and architectural character of Swellendam be retained by the preservation of
- existing old building of historical and aesthetic significance
  - the existing building lines,
  - the oak trees already proclaimed as national monuments,
  - scenic beauty
- and by the control of building design and building lines in the case of building on erven hitherto not built upon and also in the case of existing buildings to be replaced, altered or extended.
- (vi) Any person who lodges an application for the approval for a building plan for any erf in the demarcated conservation area may be required by the Municipality to furnish evidence, to its satisfaction, that the construction project contemplated will not be in conflict with the intent of these rules, will have due regard to the intrinsic character of the street in which the erf is as a whole, and more specifically to the particular locality in which the structure is to be erected.
- (vii) These rules shall apply to all sites in the said area in addition to any other requirements prescribed elsewhere in this overlay zone.
- (viii) For the purpose of these rules, the expression "building construction work" includes the erection of new buildings and the extension, renovation, or alteration of existing buildings and the erection of boundary walls or fences, the construction of streets and the erection of installations (antennae structures etc).
- (ix) Subject to the provisions of the national building regulations and municipal building guidelines and rules, no building construction work shall be permitted in the said area unless the external architectural design and style, colour scheme, facing material and general appearance of the building have been specifically approved by the Municipality, for which purpose general principles may be formulated by the Municipality by resolution.
- (x) In the case of existing buildings which are to be altered or extended, the existing building line shall be maintained as far as possible, subject to such exceptions as the Municipality may specially approve.
- (xi) In the case of new building construction work to be undertaken on a site or portion of a site which previously was vacant, or in the case of the replacement of any existing building, the Municipality may in each case prescribe a building line, having due regard to protection of any trees within the street boundaries and also to the building line generally observed in the vicinity.

- (xii) Restrictions in regard to general residential buildings in general residential zones may be relaxed by the Municipality, in accordance to the prescribed stipulations if compliance with them would seriously prejudice the aims of these rules.
- (xiii) Where in the Municipality's opinion an old dwelling house could be regarded as worthy of preservation, it may allow its subdivision into two or more dwelling units in order to alleviate the burden of preservation, restoration and maintenance for the owner.
- (xiv) In the case of an existing building deemed by the Municipality worthy of preservation by reason of its historical or architectural significance no permission shall be granted for its demolition or alteration except by special resolution of the Municipality.
- (xv) For the purpose of these rules, the following general principles prescribed by the Municipality are as follows:
  - plate-glass show windows in shops and similar buildings must be in such sections interrupted by wall structures as may be required by the Municipality;
  - for residential or office buildings, the proportion of wall space to windows and doors must be specially approved by the Municipality;
  - unsightly attachments must not be visible from the street front;
  - face bricks, except where the setting is architecturally correct and aesthetically satisfying, must not be used externally for the street façade of the building;
  - plastered walls must be finished in aesthetic and/or historical appropriate colours;
  - piping or guttering must be painted in aesthetic and/or historical appropriate colours; and
  - Roofing, if visible, must be painted in aesthetic and/or historically appropriate colours.

#### 4.6.2 Local Area Overlay Zone: Infanta Park

##### (a) Purpose Statement

The purpose of the Infanta Park Local Area Overlay Zone (refer to Plan 2 below) is to provide the opportunity to determine specific local Development Parameters and management provisions that will conserve and reflect the unique local characteristics.

##### (b) Use of the Property

The following land use restrictions apply to a property in this zone:

- (i) Primary uses are as stipulated in the base use zone.
- (ii) Consent uses are as stipulated in the base use zone and conditions imposed during approval of a consent in terms of the zoning scheme.
- (iii) Additional use rights are as stipulated in the base use zone.
- (iv) Use rights as stipulated in this Overlay Zone.

##### (c) Development Parameters and further provisions

The Development Parameters and management provisions include the following:

###### **Types of Structures:**

**Permanent Structures** are defined as any structure which irrespective of the type of material from which it is built is intended to be used for an indefinite period of time. This include living quarters, built-in mobile homes, built-in caravans, caravans with strengthened side tents, barbecues, garages, lean-to's, boundary fences, wind shelters etc.

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## SWELLENDAM MUNICIPALITY: INTEGRATED ZONING SCHEME BY-LAW

**Temporary Structures** are structures for which the period of usage is predetermined (e.g. a watchman's hut during a large building project). Such a temporary structure must be demolished when the specified time has expired.

**Boundary Restrictions:**

Street boundary along the main road	2m
Street boundary along other roads	1.5m
Side and back boundaries	1.5m
Side and back boundaries with the written consent of the neighbour, providing there are no windows or doors in such a wall (living quarters only)	1m
Side and back boundaries with the written consent of the neighbour, providing the wall is parapet wall constructed from inflammable material (only outbuildings)	No restriction
Wind Shelters (not longer than 7 meter)	No restriction
Access to back of site	At least 1.5 meters

**Height Restrictions:**

Maximum height for living quarters (from finished floor level to apex of roof with the floor level not more than 0.3 meter above highest adjoining natural ground level.	6.5m
Maximum height for outbuilding (from floor to wall plate)	3m
Maximum height of boundary fences :	
Back & Sides	1.8m
Front	1.4m
Maximum height of wind shelters	2m
Gradient of pitched roofs	Min 15%, Max 45%

**Area Restrictions:**

Only the following types of buildings will be permitted (loose caravans and tents excluded):

- One living quarter and/or normal outbuilding (e.g. boathouse/lean to and storeroom)
- Maximum floor coverage (i.e. footprint of the building): 60%
- Maximum floor coverage for living quarters including outbuildings: 240 m<sup>2</sup>

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- Maximum length of structures on side and back boundaries with consent from the neighbour: 7m

**Technical Requirements:**

- i. Materials used for the erection of structures must comply with the requirements of the National Building Regulations.
- ii. Electricity, water and sewerage must be connected to the existing systems.
- iii. Ready access to electricity and water meters and to sewerage system manholes, etc. must be available at all times. Electricity meters must not be built in nor covered in, in any manner whatsoever.
- iv. Storm and rain water may not be accumulated and then released on a neighbour's property. The owner is responsible for canalising it to the nearest street, and not into the septic tank system.
- v. Roofs and walls must be painted in colours predetermined by the Municipality.
- vi. Boundary fences may only be constructed from brick, cement (vibracrete), treated wooden poles and planks or ordinary wire.
- vii. The sewerage system is to be clearly indicated on the plan and no buildings will be permitted over sewerage manholes.

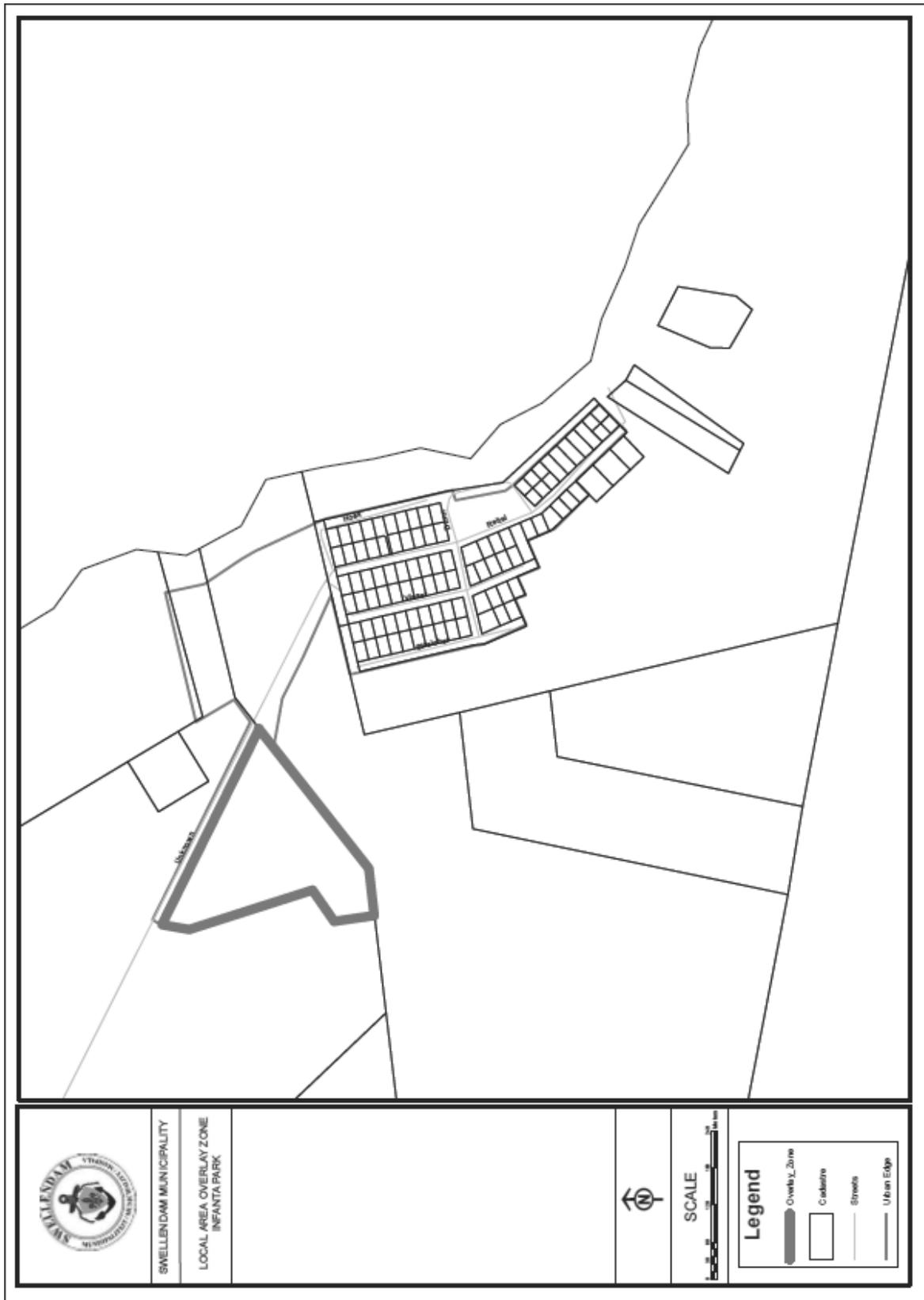
**Procedures:**

- i. Intention to build must be discussed with the Trustees beforehand. If the normal boundary restrictions are implicated the owners of the adjoining sites must also be consulted beforehand.
- ii. Plans for the erection of living quarters must be drawn up by capable persons who are familiar with these building regulations, the national and local building regulations as well as the SABS standards and the preparation of Local Authority applications.
- iii. Full particulars regarding the materials to be used as well as the provision of services (electricity, water and sewerage) and its connections and the drainage of rain water must be indicated on a site development plan.
- iv. The front, rear, side and cross-section elevations must be shown.
- v. Signed drawings including a site plan, drawn to scale, showing the exact position of the structure in relation to other structures on the site must also be submitted to the Trustees.
- vi. Applications for temporary structures must also be submitted to the Trustees for approval, before construction is commenced.
- vii. Certain permanent structure by their very nature must be registered on the Sectional Title Plans in the offices of the Surveyor General and the Registrar of Deeds, and the participation quotas must be amended accordingly. This will be done periodically as arranged by the Trustees at the cost of the owner. The type of permanent structure to be surveyed and registered will be determined by an appointed Land Surveyor



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SWELLENHAM MUNICIPALITY: INTEGRATED ZONING SCHEME BY-LAW



Infanta Park Overlay Zone (Plan 2)

### 4.6.3 Local Area Overlay Zone: Kontiki 2 – erstwhile Erf 135 Infanta

(KHOA OZ - April '17)

#### Local Area Overlay Zone: Kontiki 2 (Estwhile Erf 135, Infanta)

##### 1. Purpose of Overlay Zone

The purpose of the Kontiki 2 Overlay Zone (refer Plan attached) is to provide specific local development rules and management provisions that will guide, conserve and reflect the unique local characteristics of this development.

##### 2. Description of Development

Approval has been granted for the following development at Kontiki 2, an area measures 32,1581 ha in extent:

- 18 Residential Zone I (dwelling house) erven;
- 8 Natural Environment Zone (nature area) erven; and
- 2 Transport Zone (private road) erven.

As illustrated on the attached Plan, the Urban Edge of Kontiki runs in an east-west direction along the southern boundaries of Erven 212 and 229 (private roads) where it abuts Erven 204 to 211 and Erven 215 to 222. It also traverses Erf 214 (nature area) from the south-western corner of Erf 211 (dwelling house) to the south-western corner of Erf 215 (dwelling house) to link the above-mentioned lines.

Erf 213 and most of Erf 214 (nature areas) are therefore located outside the Urban Edge of Kontiki.

##### 3. Land use parameters

The following land use parameters apply:

###### (i) Primary uses:

Residential Zone I: dwelling house, where “dwelling-house” (woonhuis) means a building containing only one dwelling-unit.

Natural Environment Zone: nature area, where “nature area” (natuurgebied) means a national park or some other proclaimed park which has been declared as such in terms of legislation and remains in private ownership; it consists of an area which is utilised as a game park or reserve for flora and fauna in their natural habitat”; and

Transport zone I: private road where “**private road**” (**privaatpad**) means land reserved for the passage or parking of motor vehicles (by way of servitude or not), which is privately owned and does not vest in the Council or another public authority.

- (ii) No consent uses are permitted.

#### **4. Home Owners Association**

A Home Owners Association has been established according to the conditions of approval. All owners of individual erven in Kontiki 2 are obliged to be a member of the Kontiki Home Owners Association (KHOA). The Constitution of the KHOA has been approved by Council.

The eight Natural Environment Zone erven will be part of the common property of the KHOA and members are responsible for their management.

Each owner's share in the common property have to be notarial linked to his/her property.

#### **5. Architectural Guidelines**

The KHOA Architectural Design Guidelines were approved on 19 July 2016 and must be read together with this Overlay Zone. A copy of the Architectural Guidelines are available from the secretary of the KHOA and the Swellendam Municipality: Town Planning and Building Control (File 15/2/3/122).

#### **6. Development rules**

##### **6.1 General:**

- Erf boundaries are not to be physically demarcated;
- No fences, boundary walls and the like are permitted;
- The natural environment is to be retained; and
- All building plans, as well as plans for modification and alterations to an existing building, are to be lodged and approved by the KHOA Architectural Review Committee (ARC) before being submitted to the Swellendam Municipality, as set out in the approved Architectural Guidelines.

## 6.2 Density & Coverage:

### (i) Residential Zone I:

Only one building may be constructed on a land unit and shall consist of one dwelling of which the footprint may not exceed 240m<sup>2</sup>.

The size restriction must be registered in all individual owner's title deeds.

Outbuildings are not allowed. Garages, boat houses or similar structures must be integral to the dwelling, all of which is not to exceed 240m<sup>2</sup> footprint.

Open areas without roofs such as verandas, decks or paving will not form part of the dwelling footprint. Eaves projecting not more than 1m will not be seen as coverage and will be excluded from the footprint.

No subdivision or amendment of the cadastral entities is permitted.

### (ii) Natural Environment Zone (nature area):

N.A.

### (iii) Transport zone (private road):

N.A.

## 6.3 Building lines:

Building lines are applicable on Residential zone I erven:

- Street building line: 4m
- Common building line: 2m
- Building line adjacent to Natural Environment Zone erven: to be determined by Council

An eaves projection may exceed the prescribed street or side building line by at most 1m.

No development may be located within the 1 in 50 year flood line, 30 meters from the edge of the Breede River or within 7 meters vertical height from the high water mark of the sea.

#### **6.4 Height Restrictions:**

Height restrictions are applicable on Residential zone I erven.

Dwellings shall be limited to a single storey building of which the roof spaces (attics) may be used as habitable rooms.

The height restriction must be registered in all individual owner's title deeds.

The wall plate measured from finished floor level to the underside of the trusses may not exceed a height of 4m. Also, a minimum ceiling height of 2,4m measured from finished floor level as indicated on section A-A in the approved KHOA Architectural Guidelines must be maintained. Height restrictions of loft rooms are illustrated in the Guidelines.

Split level or 'stepped' dwellings will be acceptable providing the structure does not exceed a height of 8,5m, measured at its centre, from natural ground level to the top of the roof and providing all other height restrictions as noted above are adhered to.

#### **6.5 Parking:**

Parking requirements are applicable on Residential zone I erven:

At least one parking bay per land unit, on the land unit.

#### **6.6 Building Specifications on Residential zone I erven:**

The Architectural Review Committee (ARC) from the KHOA has the right to determine the architectural design, roof materials, external wall finishes, heights and general appearance.

A copy of the approved Architectural Design Guidelines is available at the secretary of the KHOA and the Swellendam Municipality: Town Planning and Building Control (File 15/2/3/122).

#### **6.7 Service provision:**

Unless Municipal and/or Environment policy determines otherwise:

##### **(i) Septic Tanks:**

Pre-manufactured tanks or built tanks are compulsory.

No tank to be placed below the 1:100 year flood line or 100m from the edge of the river, whichever is the furthest away.

Test pits of 1,5m deep have to be dug to determine drainage potential prior to installation.

(ii) Water Supply:

All home owners are responsible for the installation of their own rainwater harvesting system allowing water storage for domestic purposes. Water must be tested to SABS standards and chlorinated on a regular basis.

(iii) Removal of Solid Waste:

Each home owner is responsible for the removal of their own garbage and disposal thereof at the Municipal Infanta waste collection site.

#### 7. Natural Environment Zone Management Plan

A copy of the Private Nature Reserve Management Plan that addresses alien vegetation management ((predominantly *Acacia saligna* (Rooikrans)) and the conservation of the Critically Endangered Rûens Silcrete Renosterveld on the Natural Environmental Zone erven, is available from the secretary of the KHOA and the Swellendam Municipality: Town Planning and Building Control (File 15/2/3/122).

#### 8. Fire Management Plan

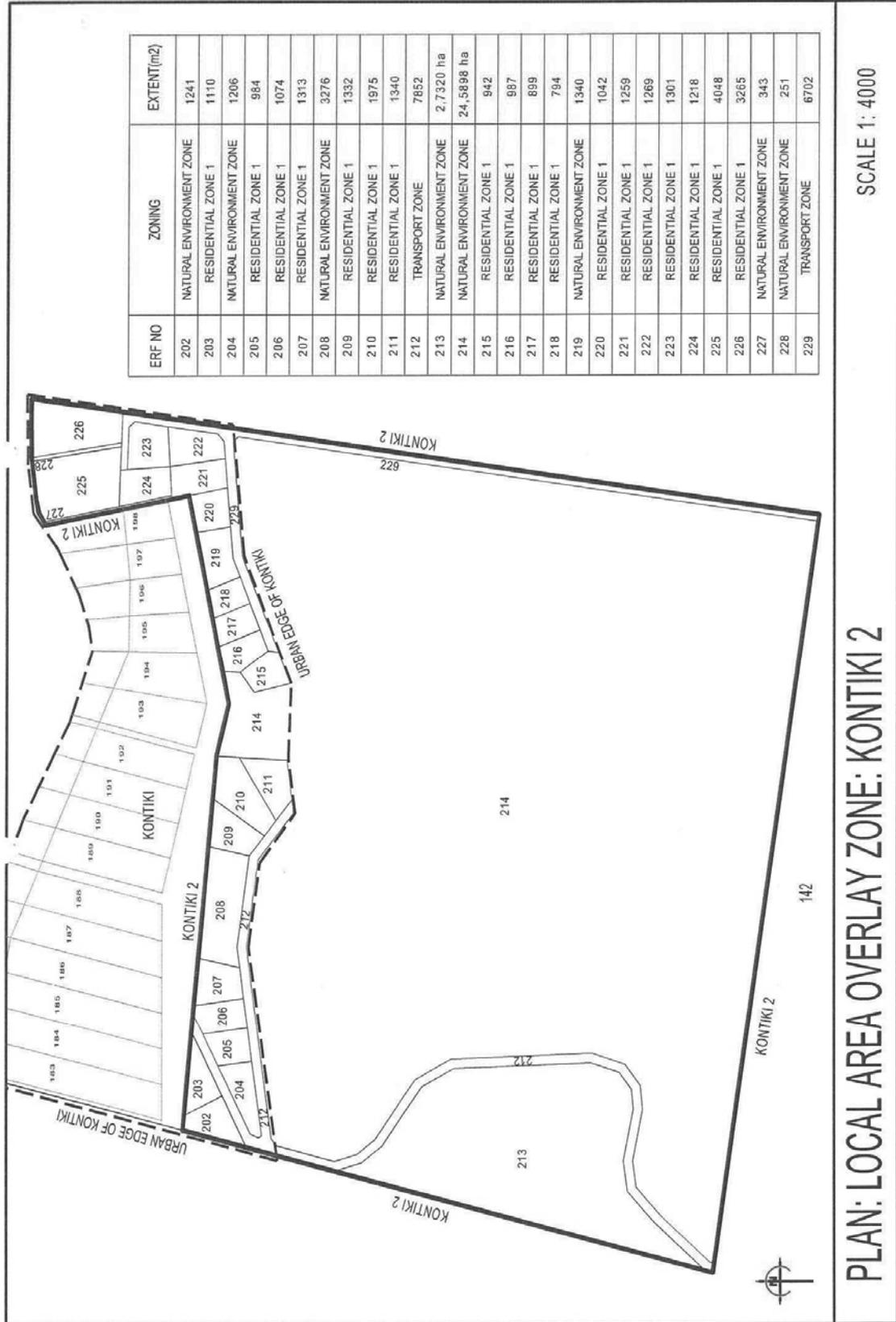
A copy of the Private Nature Reserve Management Plan that includes fire management, is available from the secretary of the KHOA and the Swellendam Municipality: Town Planning and Building Control (File 15/2/3/122).

The plan includes burning programmes, burning methods, protection measures and public participation.

CHAPTER 4: OVERLAY ZONES

SWELLENDAM MUNICIPALITY: INTEGRATED ZONING SCHEME BY-LAW

(KHOA OZ Plan - April 17)



SCALE 1: 4000

PLAN: LOCAL AREA OVERLAY ZONE: KONTIKI 2

#### 4.6.4 Local Area Overlay Zone: The Hermitage (a portion of)

##### **SWELLENDAM MUNICIPALITY - INTEGRATED ZONING SCHEME, 2014: HERMITAGE PROTECTION OVERLAY ZONE (HPOZ) REGULATIONS:**

1. **Spatial Delineation:** Refer to Map 1.
  
2. **Purpose:**
  - a) To protect and enhance the high visual and natural environmental quality of the Hermitage valley to the north of the R60.
  - b) To determine a minimum property size for subdivision applicable to Extensive Residential zoned properties within this overlay zone.
  - c) To promote an open space environment and the retention of views towards the Langeberg Mountains and the Klippe River valley.
  - d) To protect the Klippe River corridor as an important Critical Biodiversity Area and Ecological Support Area.
  - e) To retain the low-density rural quality of the valley in its agricultural setting.
  - f) To ensure that infrastructural developments, particularly road and stormwater treatments, are appropriate to the rural quality of the area.
  - g) To ensure that new buildings are appropriate in the rural setting, particularly in terms of location, height and mass.
  
3. **Subdivision:**
  - a) Minimum property size:

The minimum erf size after subdivision will be 5 ha. If for practical reasons it is not possible to align the subdivision lines to have a 5ha minimum size, smaller subdivisions can be considered (within a range of 5%).
  - b) Access:

Any new erven must preferably be accessible via a private road or direct access to the Hermitage Road. Road reserves is limited to a maximum width of 10m, subject to the requirements of the Director: Infrastructure Services.
  
4. **Location of new development**
  - a) New structures must be sited to avoid visually sensitive, steep slopes (greater than 1:4) or elevated slopes, ridgelines and hill crests.
  - b) No new structures shall be erected in the Conservation Area demarcated on Map 1.



## CHAPTER 5: GENERAL DEVELOPMENT PARAMETERS

### SECTION 5.1: BUILDING LINES

#### 5.1.1 Compliance with building lines

Where a building line is required regarding any existing or proposed street or street widening boundary, rear boundary, side boundary or any other boundary line, no building or structure may be erected between such building line and the boundary, provided that:

- (a) boundary walls, fencing-walls, fences, steps, verandas on ground level, paving, access gates (including one access gate or gate-house with a roof not exceeding 2.1m in height and not larger than 5m<sup>2</sup>), decorative characteristics and similar structures may be erected between a building line and a land unit boundary;
- (b) refuse rooms as required by the Municipality may be constructed within the building line;
- (c) where business buildings are moved back to comply with a building line on a street boundary, no goods, wares, vehicles or other obstructions may be placed, left, built or displayed in the area between the street boundary and such building line; provided that the prohibition contained herein will not be applicable to the temporary placement of goods, trade wares or other wares during the transport thereof to or from such commercial buildings;
- (d) temporary structures relating to approved buildings, and buildings which were in use before this Scheme came into effect and have remained so in use, may be located between the building line and land unit boundary, and
- (e) where street widening is proposed in terms of this Scheme, the building line is measured from the street boundary, as widened.

#### 5.1.2 Building line provisions for panhandle erven

For the purposes of the implementation of building lines, the portion of a land unit regarded by the Municipality as a panhandle is subject to the provisions of Section 5.1.1.

### SECTION 5.2: OUTBUILDINGS

#### 5.2.1 All outbuildings

- (a) The Municipality may determine the size and number of outbuildings which is appropriate, given the permitted use on the property in terms of the zoning scheme.
- (b) Outbuildings must be constructed in relation to and must relate to the main building.
- (c) An outbuilding is regarded as being in the same category as the building in respect of which it forms part of as an outbuilding, and must comply with all Development Parameters.
- (d) A “wendy-house” structure up to 18m<sup>2</sup> is regarded as an outbuilding, unless it is used for residential / accommodation purposes in which case it is to be regarded as a second dwelling unit.

- (e) Except with the Municipality's permission:
  - (i) no outbuilding may be used for any other purpose except as approved in the building plans; and
  - (ii) no outbuilding may be used until the main building has been completed or occupied.

### 5.2.2 Carports

- (a) Refer to building lines for carports in subsection 3.3.3(a)(iii), which reads as follows:  
  
Car ports are permitted up to 1,5m from the street boundary and 0m on a common boundary, provided that the wall on the common boundary is no higher than 1,8m.
- (b) The minimum standard required for the construction of carports is as follows:
  - (i) the width of the carport, measured parallel with the street boundary, may not exceed 6m;
  - (ii) carport roofs must be supported by metal, wood, brick or cement poles or pillars. These poles or pillars may have a maximum measurement of 360mm horizontally (or in cross-section in the event of a pipe) and no more than four poles or pillars may be erected on one side of the carport;
  - (iii) no walls, except boundary walls and *bona fide* outer walls of the dwelling house, may be erected to include the carport;
  - (iv) the height of the carport, measured from the floor to the top of the roof, may not exceed 3m;
  - (v) the sides of the roof must be neatly finished with a fascia that does not exceed a depth of 250mm;
  - (vi) no carport's doors or gates may open out directly onto the pavement / sidewalk; and
  - (vii) precautions must be taken to accommodate, contain and remove rainwater, particularly when using boundary walls – gutters not to extend across boundaries.

## SECTION 5.3: BOUNDARY WALLS, RETAINING WALLS AND FENCES

### 5.3.1 All boundary walls, retaining walls and fences

- (a) Building plans for all boundary and retaining walls and fencing (excluding basic wire fencing) must be submitted to the Municipality for approval before start of construction.
- (b) The maximum height of a common boundary wall is 1.8m, which may only be exceeded with Municipal approval.
- (c) The maximum height of a solid street boundary wall is 1.3m, which may only be exceeded with Municipal approval.
- (d) The maximum height of a permeable or palisade street boundary wall is 1.8m, which may only be exceeded with Municipal approval.
- (e) No "fibre cement" street boundary walls are permitted within the Conservation Overlay Zone.
- (f) The fencing of all land units must be to the Municipality's satisfaction and comply with the Municipality's requirements and bylaws.
- (g) The Municipality may require that access gates be erected in such a position so as not to interfere with normal traffic circulation / movement.
- (h) Should an access gate or garage door be permitted on or close to a property boundary, the Municipality may, if it is of the opinion that the gate may cause the obstruction of traffic, require that an automated gate be installed at the owner's cost.
- (i) Boundary walls on corner land units must be erected as splays even if the erf boundaries are not splayed, and landscaping of such corner portions must be such that they do not impede the visibility of oncoming traffic.

- (j) A retaining wall may be erected within a building line, subject to prior approval of building plans and the submission of a certificate by a professional engineer stating that the structure complies with all the relevant safety requirements.
- (k) Any one retaining wall may not exceed 1.8m in height without the Municipality's permission, which shall only be granted if the proposed retaining wall does not have an adverse impact on any adjacent property.

## **SECTION 5.4: HEIGHT OF BUILDINGS AND STOREYS**

### **5.4.1 Height measured in metres**

- (a) The height of buildings is measured at every point around the building from the base line to the highest point of the structure, as described and contained in the definitions.

### **5.4.2 Determination and Certification of levels**

- (a) Should the Municipality deem it necessary, the applicant or owner can be requested to survey all levels on the site and submit such levels to the Municipality for the purposes of applying this section of the scheme. Any such survey must be done by a registered professional land surveyor.
- (b) To enable the Municipality to ensure that a building complies with the requirements of the height restrictions in this scheme, the Municipality may, if regarded as necessary, require that the owner who is in the process of, or has constructed a building, to submit a certificate from a land surveyor at the cost of the applicant, confirming that the building complies with the height restrictions.

## **SECTION 5.5: ENTRANCE AND EXIT**

- (a) The Municipality may, in the public interest, prohibit access to or egress from a public street at specific positions on a land unit, on its own initiative or as a result of complaints received.

## **SECTION 5.6: LOADING ZONES**

- (a) Before approving a building plan for specific premises, the Municipality may, if deemed necessary, require that one or more (depending on the land use requirements) loading zones be provided / set aside on the particular land unit for purposes of loading and delivery of goods to and from the premises.

## **SECTION 5.7: PARKING AND STREET ACCESS**

### **5.7.1 Requirements for off-street parking and access**

- (a) Parking for a use may only be provided on land which is zoned for that use (e.g. parking for business purposes may only be provided on land zoned business, and not on land zoned for single residential).
- (b) Parking as required in Table C, must be accommodated on the land unit.
- (c) The layout of parking areas and the ingress and egress points of such parking areas must be indicated on a building plan [or a Site Development Plan (SDP), if required].

- (d) Parking areas must be designed and constructed according to the Municipality's requirements. The Municipality's Division Engineering may determine the technical requirements and standards with which such parking areas, entrances and exits and circulation on the premises, must comply.
- (e) The parking and circulation areas must be provided with a permanent, hardened surface and parking bays must be permanently demarcated.
- (f) All parking areas, bays, entrances and exits must make provision for stormwater drainage.
- (g) The Municipality may, if deemed necessary, require that parking bays be provided for disabled persons.
- (h) Parking may not cause any irregular or unacceptable delays on any public street.
- (i) Entrance to parking areas may not cause any dangerous situations for pedestrians or vehicles.
- (j) If a land owner can prove that it is not feasible or is impractical from a land use / planning point of view, to supply the required number of parking bays, the prescribed area of land for such parking bays may be provided elsewhere at a location approved by the Municipality; provided that the owner, at his own cost, register a notarial deed against such land stating that The Municipality and the public may have access thereto for the purposes of parking. The owner must have such land levelled, paved, landscaped and maintained, and such land may not be sold separately.
- (k) If the Municipality considers it appropriate and a land owner can prove that it is not practical from a land use / planning point of view to supply on-site parking, a cash sum may be paid to the Municipality, equal to the rateable valuation per square metre of the land on which the proposed use is to be located / building is erected, multiplied by the area of the land which is required for parking purposes in terms of the requirements listed in Table C below.

### 5.7.2 Off-street parking provision requirements

- (a) The requirements for off-street parking is set out at Table C.
- (b) The owner of a private land unit may levy parking fees or limit the period of free public parking provided that the public parking is accessible to the general public.
- (c) Visitors' parking bays shall remain accessible at all times when visitors are likely to visit the site. Such parking bays may only be positioned in an access-controlled basement or behind access-controlled booms or gates if access control is manned at the entrance to permit visitors to enter at such times when visitors are likely to enter the building.
- (d) The Municipality must, depending on the case, and taking into account the relevant enterprise, determine the specific parking requirements for the use, on approval of a secondary use or consent use application, or a building plan.
- (e) If a calculation as required in Table C, leads to a fraction, the parking requirements must be rounded off as follows:
  - (i) the fraction higher than zero and lower than 0.5 is rounded off to the lower number; and
  - (ii) the fraction from 0.5 upwards to below the next integer is rounded off to the higher number.

## SECTION 5.8: PARKING SPACES

### 5.8.1 Parking Bays and Reversing Space

The minimum size of a parking space is 2.5m by 5.5m, which can be increased at the Municipality's request to a width of 2.75m and a length of 6m. Each parking space is to have access to at least 3.5m of reversing space.

Tandem parking is permitted with approval of the Municipality, provided; normal parking requirements cannot be accommodated, it occurs on private property, is limited to a maximum of 2 tandem bays and will not cause nuisance.

**TABLE C: OFF-STREET PARKING REQUIREMENTS (minimum requirements)**

	<b>Land use category</b>	<b>Parking requirements (parking bays including provision in a garage or parking basement)</b>
Low and medium density residential uses.	Dwelling-house	two bays per dwelling house.
	Double dwelling	Two bays per dwelling unit.
	Incremental dwelling-house	one bay per dwelling-house.
	Mobile home	one bay per dwelling-house.
	Second/Additional dwelling-unit Shelter	one bay per additional dwelling unit. nil.
Enterprises from a dwelling house	Bed and breakfast	Two bays per dwelling house, plus one additional bay per guest bedroom.
	Crèche/Day-care facility	0.5 bays per staff member, plus one additional bay per six children.
	Occupational practice	As determined by The Municipality (if necessary).
General residential housing	Flats	one bedroom: one bay per dwelling unit two bedrooms: 1.25 bays per dwelling unit three / four bedrooms: 2 bays per dwelling unit plus 0.25 bays per dwelling unit for visitors.
	Group housing	two bays per dwelling unit. plus 0.25 bays per dwelling unit for visitors.
	Hostel	one bay per two beds.
	Residential building	one bay per bedroom. plus 0.25 bays per bedroom for visitors.
	Retirement village and Old age home	one bay per three beds. plus 0.25 bays per bed for visitors.
Tourism related accommodation and uses	Conference facilities	eight bays per 10 seats.
	Guest-house	two bays per dwelling house, plus one additional bay per guest bedroom.
	Holiday accommodation	one bay per dwelling unit. plus 0.25 bays per dwelling unit for visitors.
	Holiday housing	one bay per dwelling unit. plus 0.25 bays per dwelling unit for visitors.
	Hotel	one bay per bedroom. plus 0.5 bays per bedroom for visitors.
	Tourist facilities	as determined by The Municipality.
Communal facilities	Academic buildings	1 bay per 25 seats in lecture hall.
	Cemetery	as determined by The Municipality.
	Consulting rooms	four bays per consulting room.
	Hospital/clinic	one bay per bed.
	Informal trading	two bays per trading bay.
	Place of assembly	one bay per four seats.
	Educational Institution	1.25 bays per classroom.
	Place of worship	1 bay per four seats
Library	2 bays per 100m <sup>2</sup>	

## CHAPTER 5: GENERAL DEVELOPMENT

## SWELLENDAM MUNICIPALITY: INTEGRATED ZONING SCHEME BY-LAW

	Land use category	Parking requirements (parking bays including provision in a garage or parking basement)
Business and commercial uses	Adult entertainment	as determined by The Municipality.
	Business premises/shops	four bays per 100m <sup>2</sup> GLA.
	Funeral parlour	as determined by The Municipality.
	Nursery	one bay per 100m <sup>2</sup> floor area up to 1,500m <sup>2</sup> . more than 1,500m <sup>2</sup> floor area one bay per 200m <sup>2</sup> . loading bays as determined by The Municipality.
	Offices/Office Park/ Administration buildings	four bays per 100m <sup>2</sup> GLA.
	Gymnasium	Six bays per 100m <sup>2</sup> floor area
	Place of entertainment	one bay per four patrons.
	Restaurant	one bay per four seats. loading bays as determined by The Municipality.
	Service/Filling station	four bays. plus one bay per 25m <sup>2</sup> shop floor area
	Specific business	as determined by The Municipality. loading bays as determined by The Municipality.
	Supermarket	six bays per 100m <sup>2</sup> GLA loading bays as determined by The Municipality.
	Industrial uses	Builder's yard
Noxious industry		one bay per 100m <sup>2</sup> floor area.
Industry/light industry		two bays per 100m <sup>2</sup> floor area up to 1500m <sup>2</sup> . more than 1500m <sup>2</sup> floor area one bay per 200m <sup>2</sup> . loading bays as determined by The Municipality.
Point of Sale		six bays per 100m <sup>2</sup> floor area for portion of building used for sales;
Service Trade		two bays per 100m <sup>2</sup> floor area. plus one bay per 25m <sup>2</sup> for offices.
Warehouse, scrap yard		two bays per 100m <sup>2</sup> floor area up to 1500m <sup>2</sup> . more than 1500m <sup>2</sup> floor area one bay per 200m <sup>2</sup> . loading bays as determined by The Municipality.
	Workshop	two bays per 50m <sup>2</sup> floor area. plus one bay per 25m <sup>2</sup> for offices. loading bays as determined by The Municipality.
Conservation, Sport and Recreation	Nature area, public open bay, private open bay, sports facility,	as determined by The Municipality
Transport uses	Transport purposes	Parking for this zone is calculated according to the type of use with reference to parking requirements of other use categories in this Scheme (e.g. workshop, industry or warehouse, etc).

For any other use not listed above, the Municipality may impose (as conditions of approval) specific parking requirements, as the Municipality deems appropriate.

## **SECTION 5.9: COASTAL MANAGEMENT LINES**

This Zoning Scheme makes provision for the inclusion of Coastal Management Lines, as per the requirements of the National Environmental Management Integrated Coastal Management Act, 2008 (Act No.24 of 2008). The Coastal Management Lines are as reflected electronically on the Municipal Geographic Information System. All new development on affected properties is to be in compliance with the provisions of ICMA, which is to be read together with the overall provisions of the zoning scheme.

**CHAPTER 6:**

**GENERAL LAND USE MANAGEMENT PROVISIONS**

**SECTION 6.1: ANCILLARY USES AND BUILDINGS**

- (a) The Municipality may approve any use, building and outbuilding which are ancillary and normally associated with the primary use and buildings permitted as defined.
- (b) In doing so, the scale, extent and size of outbuildings shall have a direct bearing on, and be directly proportional to the main use on the land unit. Should the Municipality be of the opinion that the uses are not directly proportional, the Municipality will deem the uses not to be ancillary and shall refuse to permit the use or approve the building plan.

**SECTION 6.2: NUMBER OF DWELLINGS**

- (a) The number of dwellings permitted on a property may only include the primary dwelling, and an approved additional dwelling unit, and in the case of agricultural zoned property any directly related worker’s dwellings.

**SECTION 6.3: ANTENNAE STRUCTURE**

- (a) Domestic television antennae and satellite dishes are permitted in any use zone as a primary right, provided that the position of such television antennae and satellite dishes in heritage overlay areas or buildings appearing on the heritage inventory, may be limited by the Municipality in order to limit the visual impact of such structures.
- (b) All other antennae such as cell masts, base stations, satellite dishes and transmission antennae shall only be permitted with The Municipality's approval, and which may only be granted once all other legislative processes pertaining to the health and environmental safety of the device have been concluded.

**SECTION 6.4: ARCHITECTURAL GUIDELINES**

- (a) Where architectural guidelines are required in terms of this Scheme, the Municipality may at its discretion require that these guidelines be submitted together with the submission of the application, and that the architectural guidelines are made available for scrutiny during the public participation process.
- (b) Architectural guidelines include (but are not limited to) aspects relating to the following:
  - (i) architectural sketches defining the type of style;
  - (ii) typical unit types, floor plans and façades;
  - (iii) schedules of finishing and materials;
  - (iv) the colour scheme with regard to buildings, roofs, windows and doors; and
  - (v) any other requirements of The Municipality.

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- (c) Architectural guidelines must be compiled by a registered architect.
- (d) The architectural guidelines are to form part of the constitution of an owners' association, where applicable.

### **SECTION 6.5: SERVICE STANDARDS AND SERVICE AGREEMENTS WITH THE MUNICIPALITY**

- (a) A person who undertakes development, is responsible for the design, planning and installation of service networks such as water, sewerage and electricity and for traffic signs, pavements, street kerbs, canalisation, stormwater drainage and street lighting in the proposed development, to the Municipality's satisfaction.
- (b) The designs, plans and specifications for such services must be done by a qualified / registered person and submitted to the Municipality for approval, and any installation may only take place after The Municipality has approved such designs, plans and specifications.
- (c) The provision of all internal services must comply with the minimum standard laid down in the guidelines for the provision of engineering services and facilities in residential towns Guidelines for Human Settlements and Design (Volumes 1 & 2, CSIR, 2000) or as otherwise determined by the Municipality.
- (d) A developer or owner who effects improvements on a land unit in a development must install the necessary services to such land unit including the connections and the required electricity and water meters.
- (e) The Municipality must, at the cost of the developer, connect such required service installations to the current municipal services.
- (f) Development in phases clearly indicated on designs and plans are allowed, with the permission of the Municipality.
- (g) If any public access to any development or part thereof is limited or subject to access control, the Municipality cannot be held responsible for any streets, pavements, channelling, stormwater systems or street lighting within such limited or controlled area, unless a service agreement has been entered into between The Municipality and the owners' association.
- (h) The Municipality may only take control of the services after inspections and written acceptance thereof by the responsible municipal official.
- (i) A service agreement and the payment of service contributions must be completed by the developer in accordance with the Municipality's conditions before a clearance certificate may be issued and installation of services and the transfer of the land units may occur.

### **SECTION 6.6: ENGINEERING SERVICES ON LAND ZONED FOR OTHER USE**

- (a) The Municipality may grant approval for the installation of engineering services in any use zone, even if not expressly permitted as a primary right.
- (b) Should it be deemed necessary by the Municipality, it may be required that servitudes be registered to protect the service itself, as well as to secure sufficient access to facilitate maintenance – this is likely to be the norm rather than the exception.

**SECTION 6.7: PROPERTY OWNERS' ASSOCIATION**

- (a) In cases where communal property is created by means of subdivision (e.g. private street or private open space) or in cases where communal services and facilities must be maintained, the Municipality requires that an owners' association be established.
- (b) Notwithstanding (a), the Municipality may also require that in such cases where architectural guidelines are applicable, an owners' association be established to implement such guidelines.
- (c) The Municipality must determine which of the conditions of approval must be included in the constitution of the owners' association and must ensure that such constitution is compiled as required before a subdivision clearance or an occupation certificate is issued.
- (d) All land owners within such development must be members of the owners' association and are jointly responsible to comply with all the conditions laid down by the Municipality and contained in the constitution.
- (e) The owners' association is legally bound to comply with the Municipality's conditions as contained in the constitution of the owners' association and to comply with all requirements.
- (f) Conditions contained in the constitution of an owners' association may not be amended by the owners' association unless the Municipality supports such amendment to the constitution in writing.
- (g) The owners' association may impose levies in order to cover the cost of the association's obligations.

**SECTION 6.8: AIR AND UNDERGROUND RIGHTS**

- (a) The Municipality may give permission for the construction of buildings and / or structures for other uses above or below land that is denoted Transport Zone.
- (b) The Municipality must be satisfied that the clearing, structural components and operational characteristics are sufficient in terms of the recommendation to ensure safe and efficient operations.
- (c) The Municipality may require, in writing, that an owner submit a survey diagram or any other such plans deemed suitable by the Municipality, which must be prepared by a properly qualified person within a period prescribed by the Municipality and which must indicate the different approved or accepted zonings or approved uses of the various parts of the land or combined buildings on such land unit.

**SECTION 6.9: LEASING AND OTHER LAND USE RIGHTS**

- (a) Without prejudice to any powers of the Municipality under any law, nothing in this zoning scheme shall be construed as prohibiting or restricting, or enabling the Municipality to prohibit or restrict, the following:
  - (i) the letting on a reasonable and / or long-term basis, subject to the restrictions contained in this scheme relating to the definition of a family, boarding houses, bed and breakfast establishments, guest-houses, and hotels, of a dwelling house or additional dwelling house, to a tenant.
  - (ii) the occasional utilisation of a house-of-worship or a place-of-instruction as a place for a social function, which shall be linked to the specific main activity, and not related to a commercial enterprise.

**SECTION 6.10: MAINTENANCE OF BUILDINGS**

- (a) The owner of a land unit is responsible for the maintenance of such land unit and all improvements (including the garden) to a reasonable standard, which The Municipality may require from time to time.
- (b) Should the Municipality receive any complaints relating to lack of maintenance of improvements, The Municipality may issue its requirements in that regard; such requirements must be served by registered mail on the owner of the land unit giving him a reasonable period, as determined by the Municipality, for such action.
- (c) If the owner does not comply with the Municipality's written instructions regarding the maintenance of improvements, the Municipality must carry out the necessary minimum maintenance of improvements to the property, at the cost of the owner.

**SECTION 6.11: PUBLIC NUISANCE**

- (a) No one may cause public nuisance, notwithstanding the fact that a land unit is zoned for a specific purpose, or that the Municipality has approved a specific land use or other activity provided for in this Scheme.
- (b) The Municipality may lay down more restrictive noise level requirements than contained in the Provincial Regulations on Noise Control (Western Cape Noise Regulations PN 200 / 2013) published under Section 25 of the Nature Conservation Act, 1989 (Act 73 of 1989), for overlay areas in terms of this Scheme.

**SECTION 6.12: PANHANDLE SITES**

- (a) The purpose of a panhandle site is to give access to a land unit, the bulk of which is not directly abutting a public street.
- (b) The panhandle component of a panhandle site, is to form part of the same cadastral entity.
- (c) The minimum width of a panhandle is 4m along its total length, but may be required to be wider depending on the type of vehicles likely to use the panhandle and the volume of traffic.
- (d) The general slope of a panhandle may not exceed 1:4 without the Municipality's approval.
- (e) The owner of the land unit on which the panhandle is situated, must construct the driveway of the panhandle to the Municipality's satisfaction before or during the construction of any building on such land unit, and must maintain the panhandle to the Municipality's satisfaction.
- (f) No structures except for access purposes are allowed within the narrow access portion of a panhandle (refer to Section 5.1 for building lines and structures in panhandles).

**SECTION 6.13: RENEWABLE ENERGY STRUCTURES**

- (a) Site Development Plan (SDP)

A SDP must be submitted to the Municipality and in the case of approval, must form part of the approval. Furthermore, to the extent necessary, any relevant measures contained in these by-laws must be incorporated into an SDP. Every renewable energy structure and site must be surveyed and the coordinates of the exact outline must be indicated on the SDP.

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(b) Initial Measures in the event of failure

Before the Municipality or competent authority will grant consent use approval, the owner must, to the satisfaction of the Municipality/competent authority, make financial provision in the form of a fund to be administered by the Municipality or competent authority, for the rehabilitation or management of negative environmental impact, in the case of decommissioning or of abandonment, or where the owner is not financially able to fulfil any obligations emanating in this regard. If the owner fails to comply, as contemplated above, the competent authority may, after written notice to the owner, use all or part of the financial provision to rehabilitate or manage the negative environmental impact in question or to remove the facility. The Insolvency Act, 1936 (Act 24 of 1936) does not apply to any form of financial provision and all amounts arising from that provision.

(c) Visual and environmental impact

Visual and environmental impacts must be taken into account for height determination and in general, to the satisfaction of the Municipality or competent authority.

(d) Land clearing, soil erosion and habitat impact

The clearing of natural vegetation is limited to that which is necessary for the construction, operation and maintenance of the Renewable energy structure as regulated by the applicable Environmental Legislation.

Wind turbines, solar structures, access roads and other infrastructure must be so located as to minimise damage to natural vegetation, water courses and wetlands.

All land cleared and which does not form part of the footprint of the renewable energy structure, must be rehabilitated according to a rehabilitation plan for the land concerned, approved by the competent authority.

Soil erosion may not take place and the rehabilitation of any highrisk erosion area, to the satisfaction of the competent authority, is essential.

The applicant must prove, to the satisfaction of the Municipality and/or competent authority that all impacts in respect of and necessary distances which should be maintained from wetlands, water bodies, threatened ecosystems, mountains, ridges, hills, costal buffers, settlements, telecommunication towers, transmission towers, antenna structures and power lines, have been Considered and accounted for. The exact co-ordinates in this regard must be provided and illustrated on a plan to determine possible environmental impacts.

(e) Noise, Air Quality and Nuisance

A renewable energy structure may not cause or indirectly cause any noise or other pollution or be deemed a nuisance in terms of:

- The National Environmental Management: Air Quality Act (Act 39 of 2004)
- The Environmental Impact Assessment Regulations or,
- Any municipal by-laws.

**CHAPTER 6: GENERAL LAND USE MANAGEMENT****SWELLENDAM MUNICIPALITY: INTEGRATED ZONING SCHEME BY-LAW****(f) Finishing and Colour**

A wind turbine structure must be treated with a neutral, non-reflective exterior colour, designed to blend with the surrounding natural environment, to the satisfaction of the competent authority. A solar structure may not cause any adverse effects due to its reflective nature and must be designed and erected accordingly, as required by the Municipality and/or the competent authority.

**(g) Appurtenant Structure**

All appurtenant structures to a renewable energy structure prescribed by the competent authority, concerning bulk, height, yard sizes, building lines, open space, parking and building coverage requirements, must be subject to regulations.

Appurtenant structures, including, but not limited to equipment shelters, storage facilities, transformers and sub-stations, must be architecturally compatible with the receiving environment as required by the competent authority and/or municipality, and contained within a renewable energy structure SDP as part of the approval. Appurtenant structures shall only be used for the storage of equipment or other uses directly related to the operation of the particular facility. Appurtenant structures must be screened from view by indigenous vegetation and/or located in an underground vault, or be joined and clustered to avoid adverse visual impacts.

**(h) Lighting**

A renewable energy structure or any part thereof may only be lit for safety and operational purposes and the lighting must be appropriately screened from abutting land units. The lighting requirements of the South African Civil Aviation Authority in accordance with aeroplane safety standards must be adhered to.

**(i) Signage and Advertising**

Signs on renewable energy structures must comply with national and local signage by-laws and be limited to:

- Those necessary to identify the operator
- Provide 24hour emergency contact numbers, and
- Warning of any danger.

No commercial advertisements, including those related to the supplier and operator, may be applied to the renewable energy structures.

**(j) Maintenance**

The owner is responsible to maintain a renewable energy structure in a good condition. Maintenance must include but is not limited to:

- Painting,
- Structural repairs,
- Rehabilitation measures, and
- The upkeep of security and safety measures.

The owner is responsible for the cost of maintaining the facility and any access road, unless

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deemed a public road, and for the cost of repairing any damage resulting from construction or operation.

**(k) Modification**

Any modification, excluding inconsequential in situ technical improvements, to a renewable energy structure made after approval, requires authorisation from the competent authority within the parameters of these by-laws by means of:

- Departure, or
- Amendment of conditions, or
- New consent use approval.

**(l) Decommissioning**

Any renewable energy structure which has reached the end of its productive life, or has been abandoned, must be removed. When a renewable energy structure is scheduled to be decommissioned, or it has been abandoned, the land owner must notify the Municipality / competent authority by registered mail of the proposed or past date concerned and of plans for removal.

The owner is responsible for the removal of the structure in all its parts, not more than 150 days from the date of discontinued operation. The Municipality / competent authority may, where justifiable in its opinion, grant extension of time to the owner for removal of the structure. The land must then be rehabilitated, to the satisfaction of the Municipality / competent authority, to the condition it was in prior to the construction of the facility.

Decommissioning must include, inter alia:

- The removal of all wind turbines, solar voltaic structures and appurtenant structures, including equipment, bases, foundations, security barriers and transmission lines;
- Disposal of all solid and hazardous substances in accordance with provincial and local waste disposal regulations and by-laws.
- The stabilisation and re-vegetation of the site to minimise erosion.

The Municipality / competent authority may, in order to minimise erosion and disruption to natural vegetation and habitats, grant approval to the owner not to remove landscaping or underground foundations. If the owner fails to remove the structure or parts thereof in accordance with the requirements of these by-laws within 150 days of abandonment, or the date of decommissioning, or an approved extension time, the Municipality / competent authority may enter the property and remove the structure or parts thereof. All removal costs in such a case may be recovered from the owner.

**(m) Abandonment**

A renewable energy structure shall be considered abandoned when the structure fails to continuously operate for more than one year.

**SECTION 6.14: STORAGE AND REFUSE**

- (a) Refuse containers must be screened off sufficiently from public view, to the Municipality's satisfaction.
- (b) All storage areas for equipment, hardware and refuse must be placed and/or screened off so as to ensure that bins or goods are not visible from any public streets.
- (c) All storage uses must be carried out within closed buildings to the Municipality's satisfaction unless The Municipality approves otherwise, in which case The Municipality may impose conditions.
- (d) Refuse areas may be accommodated within the street and / or common building lines.
- (e) Refuse areas for more than five bins shall be covered with a roof and public access shall be limited, to the Municipality's satisfaction.

**SECTION 6.15: STORM-WATER DRAINAGE**

- (a) If it is in the Municipality's opinion impractical to drain storm-water from higher-lying properties directly to a public street, the owners of the lower-lying land units must accept such storm-water or allow it to drain over their land unit, provided that:
  - (i) if there is no pipe or drainage ditch, the owners of the higher-lying areas are responsible for the reasonable costs for the construction thereof over the low-lying land units; and
  - (ii) if a sufficient pipeline or drainage ditch over such low-lying land units has already been provided by the owners or previous owners of such land units, the owners of the higher-lying land units shall be entitled to continue to use such pipe or ditch.
- (b) The owners of such land units must try and reach agreement regarding the storm-water flow to low-lying properties. If there is no such agreement, the Municipality may inform owners which resources must be implemented over a specific period of time.
- (c) The owner of the higher-lying land unit will be responsible for the payment of the maintenance costs with regard to stormwater coming from a higher-lying land unit. Should the pipe or ditch be used by both properties, the costs will be apportioned in a fair and proportional manner.
- (d) The storm-water of private land units must, where possible, be channelled to the streets.
- (e) If the Municipality is of the opinion that a land unit or any part of a development is not maintained satisfactorily due to damage by storm-water drainage, the Municipality may carry out any such maintenance or other work deemed necessary, at the cost of the registered owner after proper notice has been served on such owner.

**SECTION 6.16: DUMPING AND EXCAVATION**

- (a) No-one may carry out any excavations, or remove, or dump, or store material with a view to prepare land for construction work, without the Municipality's prior written approval and without complying with any conditions which may be laid down accordingly.

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- (b) Should any person have excavated a land portion and not continued with the construction, and should such excavation pose a threat to public safety or any adjacent building, the Municipality may serve the land owner with a notice to immediately rectify the matter, failing which The Municipality may carry out such work deemed necessary, at the cost of the registered owner after proper notice has been served on such owner.

**SECTION 6.17: TEMPORARY STRUCTURES**

- (a) The construction and maintenance of temporary structures must be carried out in accordance with the requirements, and to the satisfaction of, the Municipality.
- (b) The use of temporary structures (including for residential purposes) is subject to the Municipality's written approval.
- (c) Should the Municipality receive any complaints, written directives may be issued to the land owner to utilise the structure in line with certain conditions or, if deemed necessary by the Municipality, to have the structure removed within a certain period.

**SECTION 6.18: PROHIBITED LAND USES**

- (a) Notwithstanding anything to the contrary contained in this Scheme, or in any other legislation, the erection of a building or utilisation of land for a particular purpose is prohibited if, in the The Municipality's sole opinion, having regard to the intent of the Scheme and the zoning of the property, such erection would be likely to involve –
- (i) danger to, or serious congestion of, vehicular or pedestrian traffic; or
  - (ii) danger or injury to health; or
  - (iii) detrimental to the welfare of the community.



