



12 May 2022

To whom it may concern

**ZONING SCHEME EXTRACT**  
**City of Cape Town Municipal Planning By-Law, 2015**

On the date reflected above, Council's records indicated the property(ies) listed below to be zoned for the following purposes:

Property description	REMAINDER ERF Erf 2224 HOUT BAY
Physical address	238 HOUT BAY MAIN ROAD
Base zoning	Agricultural, Single Residential 1 : Conventional Housing, Transport 2 : Public Road and Public Parking
Subzoning	SR1, AG & TR2
Overlay zoning (if applicable)	Hout Bay Local Area
Primary land uses permitted	See attached extract from the Development Management Scheme
Other previously approved use rights (if any)	70070902, 15/3/3/8/89
Road widening / new road schemes (if any)	Subject to comment by the Transport Authority

The following must be noted when reading the zoning extract:

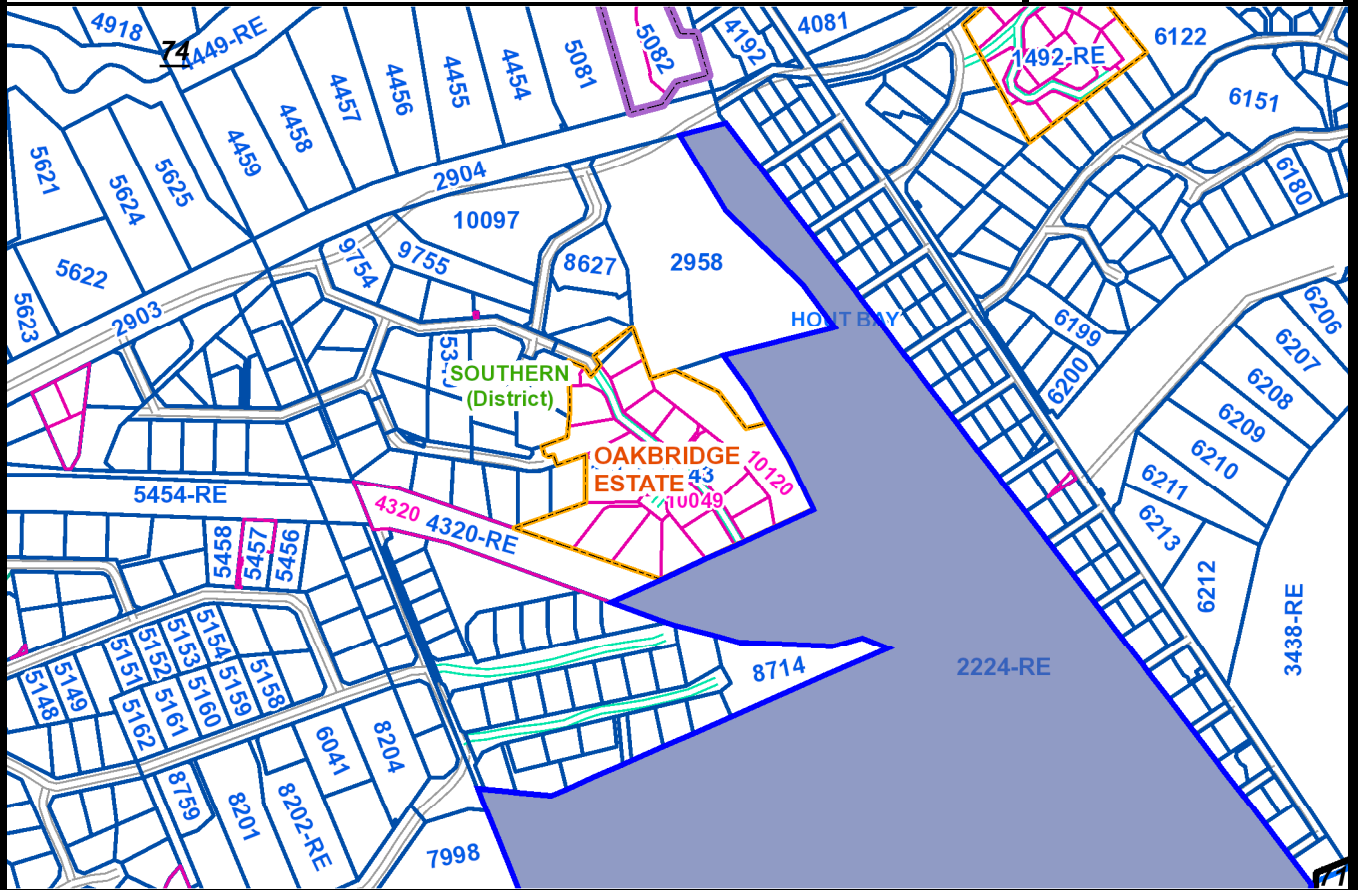
- The above zoning is subject to various development parameters and land use restrictions which are contained in the Development Management Scheme, a copy of which is either attached or available on request at your nearest district planning office.
- This document is provided for information purposes only.
- It is further noted that the above information doesn't necessarily include reference to all previous land use approvals, restrictions, exclusions, departures or may not reflect lapsing of approvals. The reader is advised to also check the records of any other previous approvals, consents, exclusions, departures granted from the zoning scheme regulations or current Development Management Scheme or whether an approval not exercised has lapsed as well as the title deed for other restrictions that might impact on the development of the property.
- Use of the property in accordance with the above specified zoning does not exempt the owner/occupier from compliance with any other legal or statutory requirement affecting the property.

Yours faithfully

for **DIRECTOR: DEVELOPMENT MANAGEMENT**

**ZONING MAP**  
Development Management

**ANNEXURE :**



**Zoning Legend**

Open Space 2 : Public Open Space		OS2
General Residential 1 : Group Housing		GR1
Single Residential 1 : Conventional Housing		SR1
Rural		RU
Transport 2 : Public Road and Public Parking		TR2
Utility		UT
Agricultural		AG
Open Space 3: Special Open Space		OS3
General Business 2		GB2

Erf: 2224-RE  
 Allotment: HOUT BAY  
 District: SOUTHERN  
 Suburb: HOUT BAY  
 Ward: 74  
 Sub Council: 20



1:6 991

Disclaimer: The City of Cape Town makes no warranties as to the correctness of the information supplied. Persons relying on this information do so entirely at their own risk. The City of Cape Town will not be liable for any claims whatsoever, whether for damages or otherwise, which may arise as a result of inaccuracies in the information supplied.

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Date: 2022-03-16

File Reference: Zoning Map



**CITY OF CAPE TOWN**  
**ISIXEKO SASEKAPA**  
**STAD KAAPSTAD**

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# AG

AGRICULTURAL, RURAL AND LIMITED USE ZONINGS	MAXIMUM FLOOR SPACE	COVERAGE	MAXIMUM HEIGHT ABOVE EXISTING GROUND LEVEL		BUILDING LINES		STREET CENTRELINE SETBACK	OTHER PROVISIONS
			To wallplate	To top of roof	Street boundary	Common boundaries		
<b>AGRICULTURAL ZONING (AG)</b> <b>PRIMARY USES</b> Agriculture, intensive horticulture, dwelling house, riding stables, environmental conservation use, environmental facilities, rooftop base telecommunication station, minor freestanding base telecommunication station, minor rooftop base telecommunication station and additional use rights <b>ADDITIONAL USE RIGHTS</b> Second dwelling and home occupation or bed and breakfast establishment or home child care <b>CONSENT USES</b> Additional dwelling units, guest house, hotel, tourist accommodation, tourist facilities, intensive animal farming, harvesting of natural resources, mine, utility service, freestanding base telecommunication station, wind turbine infrastructure, aquaculture, animal care centre, farm shop, agriculture industry veterinary practice and renewable energy structure	1 500 m <sup>2</sup> for all dwelling units  100 m <sup>2</sup> for farm shop   Refer to item 109(a)	N/a	9,0 m for dwelling house   Refer to item 109(d)	11,0 m for dwelling house  12,0 m for agricultural buildings other than dwelling house  Refer to item 109(d)	> 20 ha : 30,0 m  ≤ 20 ha : 15,0 m  Refer to item 109(b)	> 20 ha : 30,0 m  ≤ 20 ha : 15,0 m  Refer to item 109(b)	N/a	Parking  Minimum subdivision size  Agricultural industry  Second dwelling and additional dwelling units
<b>RURAL ZONING (RU)</b> <b>PRIMARY USES</b> Dwelling house, agriculture and additional use rights <b>ADDITIONAL USE RIGHTS</b> Second dwelling and home occupation or bed and breakfast establishment or home child care <b>CONSENT USES</b> Guest house, tourist accommodation, tourist facilities, harvesting of natural resources, mine, rooftop base telecommunication station, freestanding base telecommunication station, wind turbine infrastructure, aquaculture, intensive animal farming, intensive horticulture, riding stables, animal care centre, farm shop, agricultural industry and veterinary practice	1 500 m <sup>2</sup> for all buildings  100 m <sup>2</sup> for farm shop   Refer to item 113(a)	40%	9,0 m   Refer to item 113(e)	11,0 m   Refer to item 113(e)	10,0 m   Refer to item 113(c)	5,0 m   Refer to item 113(c)	N/a	Parking  Minimum subdivision size  Agricultural industry  Second dwelling
<b>LIMITED USE ZONING (LU)</b> <b>PRIMARY USES</b> Only existing lawful uses <b>CONSENT USES</b> None	Refer to item 118							No rezoning  Reconstruction of destroyed property

#### ~~407 Informal trading~~

~~Informal trading shall only be permitted on sites demarcated for informal trading in terms of the City's informal trading by law.~~

### CHAPTER 13.: AGRICULTURAL, RURAL AND LIMITED USE ZONINGS (items 108 - 120)

*Agricultural land should generally be protected from developments that render the land less suitable for agriculture, or detract from its aesthetic and cultural value. Aside from sustaining a valuable economic sector, agricultural land can help to promote stability of the urban edge, conserve naturally sensitive areas and maintain rural characteristics which are valued by the community. Unnecessary subdivision of farms should be avoided and economically viable units must be maintained. Agricultural activities should not be subject to unreasonable limitations because the economic viability of the agricultural sector is important.*

*Complementary activities to conventional agriculture can assist with the viability of the sector, and to this end, compatible uses are permitted as consent uses, provided the latter do not detract from agriculture as the main farming activity. Where non-agricultural uses are permitted, such uses should form an integral part of the agricultural undertaking. A distinction is made between large farms which are zoned AG and smallholdings zoned as RU zoning, which can accommodate a range of peri-urban activities.*

*A transitional mechanism, the LU zoning, deals with land that was zoned as undetermined in previous zoning schemes, and limits development to existing lawful uses only.*

#### **Part 1: Agricultural Zoning (AG)** (items 108 - 111)

*The AG zoning promotes and protects agriculture on farms as an important economic, environmental and cultural resource. Limited provision is made for non-agricultural uses to provide owners with an opportunity to increase the economic potential of their properties, without causing a significant negative impact on the primary agricultural resource.*

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

The following use restrictions apply to property in this zoning:

- (a) Primary uses are agriculture, intensive horticulture, dwelling house, riding stables, environmental conservation use, environmental facilities, rooftop base telecommunication station, minor freestanding base telecommunication station, minor rooftop base telecommunication station and additional use rights as listed in paragraph (b).  
[Para. (a) substituted by s. 66 of City of Cape Town: Municipal Planning Amendment By-Law, 2019]
- (b) Additional use rights, which may be exercised by the occupant of a property as a primary use are second dwelling and home occupation, or bed and breakfast establishment, or home child care, subject to:
  - (i) only one of the activities listed as additional use rights shall be conducted from any land unit, provided this does not apply to a second dwelling, and if more than one such activity is required, the City's approval shall be obtained;
  - (ii) the proprietor of the activity concerned shall live on the property; and
  - (iii) the development rules stipulated in items 23, 24 and 25 whichever is applicable, shall be adhered to.
- (c) Consent uses are additional dwelling units, guest house, hotel, tourist accommodation, tourist facilities, intensive animal farming, harvesting of natural resources, mine, utility service, freestanding base telecommunication station, wind turbine infrastructure, aquaculture, animal care centre, farm shop, renewable energy structure, veterinary practice and agricultural industry.

**109 Development rules**

The following development rules apply:

- (a) Floor space
  - (i) The total floor space of all dwelling units on the land unit, including accommodation for bona fide agricultural workers employed on the property, shall not exceed 1 500 m<sup>2</sup>; provided that with the approval of the City this requirement may be relaxed if such accommodation is required for persons who are genuinely engaged for their livelihood in agricultural activities on the land unit;
  - (ii) Any farm shop shall not exceed a floor space of 100 m<sup>2</sup>.
- (b) Building lines
  - (i) The street and common boundary building lines are determined in accordance with the area of the land unit, as shown in the following 'Table of building lines in Agricultural Zoning'.
  - (ii) The general building line encroachments in item 121 shall apply.

**Table of building lines in Agricultural Zoning**

Land unit area	Street boundary building line	Common boundary building line
>20 ha	30,0 m	30,0 m
≤20 ha	15,0 m	15,0 m

- (c) Parking
 

Parking and access shall be provided on the land unit in accordance with Chapter 15.
- (d) Height
  - (i) The maximum height of a dwelling house, measured from the existing ground level to the top of the wallplate, shall be 9 m and to the top of the roof shall be 11 m.  
[Sub-para. (i) substituted by s. 67 (a) of City of Cape Town: Municipal Planning Amendment By-Law, 2019]
  - (ii) Agricultural buildings other than the dwelling houses shall not exceed a height of 12 m measured from the existing ground level to the top of the roof.  
[Sub-para. (ii) substituted by s. 67 (b) of City of Cape Town: Municipal Planning Amendment By-Law, 2019]
  - (iii) Earth banks and retaining structures which in the opinion of the City are associated with bona fide agricultural activities are exempt from the requirements of item 126.
- (e) Minimum subdivision size
 

No new subdivision or any remainder that is zoned and intended to remain zoned Agriculture shall be less than:

  - (i) the minimum subdivision size specified in terms of an approved local area overlay zone; or
  - (ii) 20 ha if no such overlay zone exists, unless the new subdivision or remainder concerned is consolidated with a property zoned Agriculture, so as to make up a consolidated land unit of at least the minimum required subdivision size and provided that compliance with this requirement does not limit the City's powers to refuse a subdivision application that it considers to be undesirable.

**110 Agricultural industry**

The City may approve a consent use application for an agricultural industry provided:

- (a) it is satisfied as to the desirability of the agricultural industry on the land unit in question;

- (b) the agricultural industry is subservient and related to the dominant agricultural use of the property;
- (c) the agricultural industry does not adversely affect the agricultural potential of the property; and
- (d) the area allocated for purposes of an agricultural industry shall be clearly identified on a land survey diagram.

### 111 Second dwelling and additional dwelling units

One second dwelling shall be permitted as an additional use right, and additional dwelling units may be erected with the approval of the City, provided that:

- (a) the density of additional dwelling units plus any second dwelling unit does not exceed 1 unit per 10 ha;
- (b) no more than 5 units comprising additional dwelling units plus any second dwelling shall be permitted on a land unit;
- (c) a dwelling for a person engaged in bona fide agricultural activities on the land unit and permanently occupied by such person shall not be regarded as a second dwelling or additional dwelling unit; and
- (d) the development rules in item 25A shall apply to second dwellings and additional dwelling units in this zoning.

[Para. (d) substituted by s. 68 of City of Cape Town: Municipal Planning Amendment By-Law, 2019]

### 111A Renewable energy structures

The City may approve a consent use application for a renewable energy structure, provided that –

- (a) A site development plan must be submitted to the City for approval.
- (b) The site development plan as approved by the City constitutes the development rules for a renewable energy structure and the provisions for a site development plan in item 123 apply.
- (c) Decommissioning is done in accordance with the following requirements;
  - (i) Any renewable energy structure which is decommissioned or abandoned must be removed by the owner.
  - (ii) When a renewable energy structure is scheduled to be decommissioned, the owner must notify the City.
  - (iii) The owner is responsible for the removal of the structure in all its parts, within 150 days after the date of being decommissioned or abandoned
- (d) A renewable energy structure is considered abandoned when the structure fails to continuously operate for more than two years.

[Item (111A) inserted by s. 48 of City of Cape Town: Municipal Planning Amendment By-Law, 2016]

## ~~Part 2: Rural Zoning (RU)~~ (items 112 - 116)

*The RU zoning accommodates smaller rural properties that may be used for agriculture, but which may also be occupied as places of residence by people who seek a country lifestyle, and who view agriculture as a secondary reason for occupying their property. Such properties may occur inside or outside a recognised urban edge.*

### ~~112 Use of the property~~

The following use restrictions apply to property in this zoning:

- (a) Primary uses are dwelling houses, agriculture and additional use rights as listed in paragraph (b).
- (b) Additional use rights, which may be exercised by the occupant of a property as a primary use are second dwelling and home occupation, or bed and breakfast establishment, or home child care, subject to:
  - (i) only one of the activities listed as additional use rights shall be conducted from any land unit as a primary use, provided this does not apply to a second

~~Part 9: Limited Use Zoning (LU)~~  
(items 117 - 120)

The LU zoning is a transitional mechanism to deal with land that was zoned as undetermined in previous zoning schemes. Existing lawful uses may continue, but no other uses are permitted. The aim is to progressively phase this zoning out and so no property should be rezoned to this zoning. Any development that requires additional use rights beyond the existing limited use shall require rezoning from LU to another more appropriate zoning.

~~117 Use of the property~~

The following use restrictions apply to property in this zoning.

- (a) Primary uses are limited to lawful uses existing at the commencement date.
- (b) Consent uses: None.

~~118 Development rules~~

No new building or structure and no change of an existing use or alteration of the external structure of an existing building or structure is permitted.

~~119 No rezoning to this zoning permitted~~

No rezoning of any property to this zoning is permitted after 1 March 2013, and if additional uses or development rights are required, a rezoning application to another more appropriate zoning in terms of this development management scheme must be processed.

**120 Reconstruction of destroyed property**

Property that has been partially or completely damaged or destroyed by accidental causes may be reconstructed in accordance with the development rights that existed prior to the commencement date, provided that building plans for such reconstruction are approved within 12 months from the date of such accidental damage or destruction.

**DIVISION III: GENERAL PROVISIONS**  
**CHAPTER 14.: GENERAL PROVISIONS**  
(items 121 - 136)

**121 Encroachment of building lines**

(1) The following additional development rules apply with regard to encroachment of building lines:

- (a) Notwithstanding the building line requirements set out in Division II, the following structures or portions thereof may be erected within the prescribed building lines, provided they do not extend beyond the boundaries of a land unit:
  - (i) boundary walls, fences and gates;
  - (ii) open and uncovered stoeps;
  - (iii) entrance steps, landings and entrance porches leading to the ground floor or basement of a building;
  - (iv) a covered entrance or gatehouse that has a roofed area not exceeding 5 m<sup>2</sup> and a roof height not exceeding 3 m from floor to highest point;
  - (v) eaves and awnings projecting no more than 1 m from the wall of a building;
  - (vi) cornices, chimney breasts, flower boxes, water pipes, drain pipes and minor decorative features not projecting more than 500 mm from the wall of a building;
  - (vii) screen-walls not exceeding 2,1 m in height above the existing ground level abutting such wall;
  - (viii) swimming pools not closer than 1 m from any erf boundary;
  - (ix) any part of a basement that is below existing ground level;
  - (x) a refuse room required by the City in terms of item 145;

- (xi) a retaining structure within a street boundary building line, subject to item 126, or any retaining structure located under the existing ground level;  
[Sub-para. (xi) inserted by s. 50 (a) of City of Cape Town: Municipal Planning Amendment By-Law, 2016]
- (xii) pergolas not exceeding 40 m<sup>2</sup> in area;
- (xiii) water tanks and their supporting structures not exceeding 3,2 m in height from existing ground level;
- (xiv) child's playhouse or similar play structure not exceeding 5 m<sup>2</sup> in area and 2,5 m in height from existing ground level, only from a common boundary; or
- (xv) unless provided elsewhere in this development management scheme, storage sheds not exceeding 5 m<sup>2</sup> in area and 2,5 m in height from existing ground level.  
[Para. (a) substituted by s. 71 of City of Cape Town: Municipal Planning Amendment By-Law, 2019]

(2) A building line of 5 m shall apply to any boundary adjacent to a designated metropolitan road, unless otherwise agreed by the City and to which sub-item (1)(a)(i) is also applicable.  
[Sub-item 2 substituted by s. 50 (b) of City of Cape Town: Municipal Planning Amendment By-Law, 2016]

#### ~~122 Street control line setback~~

~~The portion of a land unit falling within a street control line setback area shall be excluded for the purpose of determining coverage and maximum floor space, unless the owner transfers the portion concerned to the City free of charge. In such case, the portion shall be included for the purpose of determining coverage or maximum floor space on a land unit and the street building line would be deemed to be 0m.~~

[Item 122 substituted by s. 72 of City of Cape Town: Municipal Planning Amendment By-Law, 2019]

### 123 Site development plans

- (1) In addition to the zonings that specifically require a site development plan, the City may require a site development plan in respect of the following development types:
  - (a) shopping centres and shopping complexes;
  - (b) business and office park developments;
  - (c) industrial park developments;
  - (d) developments in conservation areas;
  - (e) developments that will be sectionalised;
  - (f) incremental residential developments; and
  - (g) major developments where there are concerns relating to urban form, heritage, traffic or spatial planning in general.
- (2) The City may require some or all of the following information for a site development plan:
  - (a) existing bio-physical characteristics of the property;
  - (b) existing and proposed cadastral boundaries;
  - (c) the layout of the property, indicating the use of different portions thereof;
  - (d) the massing, position, use and extent of buildings;
  - (e) sketch plans and elevations of proposed structures, including information about external finishes;
  - (f) cross-sections of the site and buildings on site;
  - (g) the alignment and general specification of vehicle access, roads, parking areas, loading areas, pedestrian flow and footpaths;
  - (h) the position and extent of private, public and communal space;
  - (i) typical details of fencing or walls around the perimeter of the land unit and within the property;
  - (j) electricity supply and external lighting proposals;
  - (k) provisions for the supply of water, management of stormwater, and disposal of sewage and refuse;
  - (l) external signage details;
  - (m) general landscaping proposals, including vegetation to be preserved, removed or to be planted, external paving, and measures for stabilising outdoor areas where applicable;
  - (n) the phasing of a development;



- (o) the proposed development in relation to existing and finished ground levels, including excavation, cut and fill;
  - (p) statistical information about the extent of the proposed development, floor space allocations and parking supply;
  - (q) relationship of the proposed development to the quality, safety and amenity of the surrounding public environment;
  - (r) relationship of the proposed development to adjacent sites, especially with respect to access, overshadowing and scale;
  - (s) illustrations in a three-dimensional form depicting visual impacts of the proposed development on the site and in relation to surrounding buildings; and
  - (t) any other details as may reasonably be required by the City.
- (3) The City may require that the area covered by a site development plan shall extend beyond the site under consideration if, in its opinion, the proposed development will have a wide impact. The City may determine the extent of such area.
- (4) When required in terms of this development management scheme, a site development plan shall be submitted to the City for its approval before any development on a land unit may commence.
- (5) A site development plan shall not be refused if it is consistent with the development rules of a base zoning, overlay zoning, or condition of approval.
- (6) The City may require amendments of detail to the site development plan to address reasonable concerns relating to access, parking, architectural form, urban form, landscaping, environmental management, engineering services or similar concerns.
- (7) The following provisions shall apply with regard to site development plans:
- (a) Developed of the property shall be generally in accordance with an approved site development plan;
  - (b) If the City considers it necessary, a transport or traffic impact statement or assessment may be required in conjunction with a site development plan, the extent of which shall be determined by the City depending on the magnitude of the development;
  - (c) If the City considers it necessary, a stormwater impact assessment and/or stormwater management plan may be required in conjunction with a site development plan, the extent of which shall be determined by the City depending on the magnitude of the development;
  - (d) In circumstances where a site development plan is required in terms of this development management scheme, no application for building plan approval in terms of the National Building Act shall be granted by the City, unless a site development plan has first been approved; and
  - (e) An approved site development plan shall be considered as setting additional development rules applicable to the base zoning, and any application for amendment shall comply with the City's requirements for such amendments.
- (8) A site development plan will only lapse if replaced by another site development plan.  
[Sub-item 8 inserted by s. 51 of City of Cape Town: Municipal Planning Amendment By-Law, 2016]

#### ~~124 Hazardous substance~~

- ~~(1) Any use or ancillary activity that involves the storage or keeping of hazardous substances that may result in an installation being declared a major hazardous installation in terms of occupational health and safety law is not permitted, unless a risk management and prevention plan has been submitted by the owner, and the City has given approval thereto.~~
- ~~(2) The City's approval in terms of sub item (1) above does not exempt the owner from applying for permission in terms of other relevant legislation.~~

#### ~~125 Screening~~

~~The City may require screening in accordance with the following provisions:~~

- ~~(a) Any part of a land unit which is used for the storage or loading of goods shall be enclosed with a suitable wall and/or landscape screening;~~

~~(b) Any external utility service or equipment which is required for a building shall be appropriately screened from view from a public street, and such screening shall be integrated with the building in terms of materials, colour, shape and size.~~

## **126 Earth banks, retaining structures, support structures and similar devices**

Without the approval of the City:

- (a) no earth bank, retaining structure, column, suspended floor, other device or series of such devices shall be constructed that enables a ground floor of a building to be raised more than 1,5 m above existing ground level, provided that where such raising takes place, the height thereof shall still be measured from existing ground level;
- (b) no earth bank or retaining structure used for holding back earth or loose rock, whether associated with a building or not, shall be constructed to a height of more than 2 m above existing ground level; and
- (c) no series of earth banks or retaining structures shall be constructed to a cumulative height of more than 2,5 m above existing ground level, unless an approximately level area of at least 2 m wide is incorporated between successive embankments or retaining structures for every 2 m of cumulative height.

## ~~127 Maintenance of property~~

Property shall be properly maintained by the owner or occupier and shall not:

- (a) be left in a neglected or offensive state, as may be determined by the City;
- (b) contain an unsightly accumulation of papers, cartons, garden refuse, rubble and/or other waste material, as may be determined by the City;
- (c) contain an accumulation of motor wrecks or un-roadworthy vehicles or used motor parts, unless these are part of a primary or consent use in terms of this development management scheme;
- (d) contain outdoor storage of building material, appliances or similar items unless these are:
  - (i) forming part of a primary or consent use in terms of this development management scheme;
  - (ii) being temporarily stored for the purpose of construction in accordance with a valid building plan approval for the property; or
  - (iii) stored in conjunction with the holding of a yard or garage sale with a duration of not more than two consecutive days.

## ~~128 Parking of vehicles in residential zones~~

The following development rules apply to the parking of vehicles in the Single Residential zonings and General Residential zonings:

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

## ~~129 Recreational vehicles and watercraft~~

[Hearing substituted by s. 73 of City of Cape Town: Municipal Planning Amendment By-Law, 2019]

- (1) Recreational vehicles and watercraft may not be used for permanent habitation without the approval of the City, unless the applicable zoning allows such activity.
- (2) An approval granted in terms of sub-item (1) is subject to, but not limited to, the following conditions:
  - (a) The recreational vehicle or watercraft shall be sited on a foundation slab and properly anchored;

**Table A: Summary of the zonings and development rules**

[Table A substituted by s. 32 of City of Cape Town: Municipal Planning Amendment By-Law, 2016]  
 [Table A substituted by s. 30 of City of Cape Town: Municipal Planning Amendment By-Law, 2019]

SINGLE RESIDENTIAL ZONINGS	LAND UNIT AREA (m <sup>2</sup> )	FLOOR FACTOR	MAXIMUM FLOOR SPACE	COVERAGE	MAXIMUM HEIGHT ABOVE EXISTING GROUND LEVEL		BUILDING LINES		STREET CENTRELINE SETBACK	OTHER PROVISIONS
					To wallplate	To top of roof	Street boundary	Common boundaries		
<b>SINGLE RESIDENTIAL ZONING 1: CONVENTIONAL HOUSING (SR1)</b>  <b>PRIMARY USES</b> Dwelling house, private road and additional use rights  <b>ADDITIONAL USE RIGHTS</b> Second dwelling; third dwelling; Home occupation or bed and breakfast establishment or home child care  <b>CONSENT USES</b> Utility services, place of instruction, place of worship, house shop, institution, guest house, minor rooftop base telecommunication station, rooftop base telecommunication station, wind turbine infrastructure, open space, urban agriculture, halfway house and veterinary practice	>2 000	N/a	1 500 m <sup>2</sup>	N/a	9,0 m	11,0 m	6,0 m	6,0 m	N/a	Window and door placement Garages, carports and outbuildings Parking and access Additional use rights – home occupation, bed and breakfast establishment, second dwelling, third dwelling and home child care
	>1 000 up to 2 000	N/a	1 500 m <sup>2</sup>	N/a	9,0 m	11,0 m	4,5 m	3,0 m		
	>650 up to 1 000	N/a	1 500 m <sup>2</sup>	N/a	9,0 m	11,0 m	3,5 m	3,0 m		
	>350 up to 650	1,0	N/a	N/a	8,0 m	10,0 m	3,5 m	0,0 m (12,0 m from street and 60%) and 3,0 m rest		
	>200 up to 350	1,0	N/a	75%	8,0 m	10,0 m	1,5 m	0,0 m		
	≤200	1,0	N/a	75%	8,0 m	10,0 m	1,0 m	0,0 m		
		Refer to item 22(a)	Refer to item 22(b)	Refer to item 22(h)	Refer to item 22(c)	Refer to item 22(c)	Refer to item 22(d) & 22(e)	Refer to item 22(d) & 22(e)		
<b>SINGLE RESIDENTIAL ZONING 2: INCREMENTAL HOUSING (SR2)</b>  <b>PRIMARY USES</b> Dwelling house, second dwelling, utility service, private road, urban agriculture, open space and additional use rights  <b>ADDITIONAL USE RIGHTS</b> Shelter, house shop, home occupation, bed and breakfast establishment, home child care, informal trading, third dwelling and any educational, religious, occupational or business purpose subject to conditions  <b>CONSENT USES</b> Group housing, boarding house, place of worship, institution, clinic, place of assembly, place of instruction, office, restaurant, guest house, place of entertainment, service trade, authority use, minor rooftop base telecommunication station, rooftop base telecommunication station, wind turbine infrastructure, halfway house and veterinary practice		1,0	N/a		6,0 m dwelling units;	8,0 m dwelling units;	Formal township: 1,0 m	Formal township: 0,0 m for 60% and 1,0 m for remainder; 2,5 m between shelters and other buildings	N/a	Parking and access House shop Shelter Informal trading Third dwelling Land constructed as or identified for roads Land used as or identified for firebreaks Approval of building plans
		Refer to item 27(a)			6,0 m other buildings	8,0 m other buildings	No formal township: 1,0 m	No formal township: 3,0 m on perimeter; 2,5 m between shelters and other buildings		

## CHAPTER 5.: SINGLE RESIDENTIAL ZONINGS

(items 21 - 33)

*The single residential zonings are designed to provide locations for predominantly single-family dwelling houses in low- to medium-density neighbourhoods, with a safe and pleasant living environment. There are controlled opportunities for home employment, additional dwellings and low intensity mixed-use development on a single residential property. In recognition of the different socio-economic circumstances of the city there are two single residential zonings, one for conventional housing and one for incremental housing (where upgrading of informal settlements is encouraged).*

### **Part 1: Single Residential Zoning 1: Conventional Housing (SR1)**

(items 21 - 25)

*The SR1 zoning provides for predominantly single-family dwelling houses and additional use rights in low- to medium-density residential neighbourhoods, whether these incorporate small or large erven. Limited employment and additional accommodation opportunities are possible as primary or consent uses, provided that the impacts of such uses do not adversely affect the surrounding residential environment.*

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

The following use restrictions apply to properties in this zoning:

- (a) Primary uses are dwelling house, private road and additional use rights as specified in paragraph (b).
- (b) Additional use rights which may be exercised by the occupant of a property are home occupation, bed and breakfast establishment, second dwelling, third dwelling and home child care, subject to the following conditions:
  - (i) Except for a second dwelling, only one of the activities listed as additional use rights shall be conducted on any land unit as a primary use. Where more than one such activity is required, the City's approval shall be obtained;
  - (ii) The dominant use of the property shall be a dwelling house for accommodation of a single family;
  - (iii) The proprietor of the activity concerned shall live on the property;
  - (iv) The conditions stipulated in items 23, 24, 25, 25A or 25B (whichever is applicable) shall be adhered to;
  - (v) Any new structure or alteration to the property to accommodate an additional use right shall be compatible with the residential character of the area, particularly with regard to the streetscape, and shall be capable of reverting to use as part of the dwelling house, second dwelling, third dwelling or outbuilding concerned; and
  - (vi) No more than three employees shall be engaged by the occupant in the activity concerned.  
[Para. (b) substituted by s. 33 (a) of City of Cape Town: Municipal Planning Amendment By-Law, 2016]  
[Para. (b) substituted by s. 31 (a) of City of Cape Town: Municipal Planning Amendment By-Law, 2019]
- (c) Consent uses are utility service, place of instruction, place of worship, house shop, institution, guest house, minor rooftop base telecommunication station, rooftop base telecommunication station, wind turbine infrastructure, open space, urban agriculture, veterinary practice and halfway house.  
[Para. (c) substituted by s. 33 (b) of City of Cape Town: Municipal Planning Amendment By-Law, 2016]  
[Para. (c) substituted by s. 31 (b) of City of Cape Town: Municipal Planning Amendment By-Law, 2019]

#### **22 Development rules**

The following development rules apply:

- (a) Floor factor

The maximum floor factor is determined in accordance with the area of the land unit as shown in the following 'Table of floor factor, floor space, height and building lines in 'Single Residential Zoning 1'.

(b) Floor space

The maximum floor space, if applicable, to all buildings on a land unit is determined in accordance with the following 'Table of floor factor, floor space, height and building lines in Single Residential Zoning 1'.

(c) Height

(i) The maximum height of a building, measured from the existing ground level to the wallplate and top of the roof, shall be determined in accordance with the area of the land unit as shown in the following 'Table of floor factor, floor space, height and building lines in Single Residential Zoning 1';

[Sub-para. (i) substituted by s. 32 (a) of City of Cape Town: Municipal Planning Amendment By-Law, 2019]

(ii) Where a building is permitted in this zoning within 3 m of a common boundary, the height will be limited to 4 m measured from existing ground level to top of roof.

[Sub-para. (ii) substituted by s. 32 (b) of City of Cape Town: Municipal Planning Amendment By-Law, 2019]

(iii) Notwithstanding the provisions in sub-paragraph (ii), within the first 12 m along a common boundary measured perpendicular from the street boundary line and where a building is not set back from such common boundary, the height is determined in accordance with the 'Table of floor factor, floor space, height and building lines in Single Residential Zoning 1';

(iv) Earth banks and retaining structures are subject to item 126.

(d) Building lines

The street and common boundary building lines are determined in accordance with the area of the land unit as shown in the 'Table of floor factor, floor space, height and building lines in Single Residential Zoning 1, subject to:

(i) the general building line encroachments in item 121;

(ii) where more than four dwelling units are attached to each other, the City may require a common boundary building line of 1 m between a batch of four attached dwelling units and any adjacent dwelling unit; and

(iii) further restrictions stipulated in paragraphs (e) and (f) as applicable.

**Table of floor factor, floor space, coverage, height and building lines  
in Single Residential Zoning 1**

[Heading and Table substituted by s. 32 (c) of City of Cape Town: Municipal Planning Amendment By-Law, 2019]

Land unit area (m <sup>2</sup> )	Floor factor	Maximum floor space	Coverage	Maximum height above existing ground level		Street boundary building line	Common boundary building line
				To wall-plate	To top of roof		
>2 000	N/a	1 500 m <sup>2</sup>	N/a	9,0 m	11,0 m	6,0 m	6,0 m
>1 000 up to 2 000	N/a	1 500 m <sup>2</sup>	N/a	9,0 m	11,0 m	4,5 m	3,0 m
>650 up to 1 000	N/a	1 500 m <sup>2</sup>	N/a	9,0 m	11,0 m	3,5 m	3,0 m

>350 up to 650	1,0	N/a	N/a	8,0 m	10,0 m	3,5 m	0,0 m for first 12,0 m measured perpendicular from street boundary and 0,0 m for 60% of total remaining linear distance along all common boundaries around land unit and 3,0 m for remainder, subject to paragraph d(iii).
>200 up to 350	1,0	N/a	75%	8,0 m	10,0 m	1,5 m	0,0 m
≤200	1,0	N/a	75%	8,0 m	10,0 m	1,0 m	

(e) Window and door placement

Any portion of a building which contains an external window or door facing onto a common boundary shall:

- (i) be set back a distance of at least 1,5 m away from such boundary; and
- (ii) the portion of building to be set back from the boundary shall include the door or window, together with such additional length of wall as is required to make up a total minimum length of 3 m.

(f) Garages, carports and outbuildings

- (i) A garage, carport and outbuildings are permitted within the common boundary building line or on the common property boundary provided that the garage, carport and outbuilding do not:

[Sub-para. (i) substituted by s. 34 (a) of City of Cape Town: Municipal Planning Amendment By-Law, 2016]

- (aa) extend higher than 3,5 m from existing ground level to top of roof;
- (bb) contain more than a double garage façade; and
- (cc) exceed a width of 6,5 m.

[Sub-para. (i) substituted by s. 32 (d) of City of Cape Town: Municipal Planning Amendment By-Law, 2019]

- (iA) For land units of 350 m<sup>2</sup> and less, a garage or carport is permitted up to the street boundary provided the garage or carport:

- (aa) is not higher than 3,5 m from existing ground level to top of roof;
- (bb) does not contain more than a double garage façade; and
- (cc) does not exceed a width of 6,5 m.

[Sub-para. (iA) inserted by s. 32 (e) of City of Cape Town: Municipal Planning Amendment By-Law, 2019]

- (ii) For land units exceeding 350 m<sup>2</sup> up to 650 m<sup>2</sup>, a garage or carport is permitted up to 1,5 m from the street boundary provided the garage or carport:

- (aa) is not higher than 3,5 m from existing ground level to top of roof;
- (bb) does not contain more than a double garage façade; and
- (cc) does not exceed a width of 6,5 m.

[Sub-para. (ii) substituted by s. 32 (f) of City of Cape Town: Municipal Planning Amendment By-Law, 2019]

- (iii) For land units exceeding 650 m<sup>2</sup>, a garage or carport shall not be closer than 5 m from the street boundary, notwithstanding the street building line.

- (iv) Notwithstanding paragraphs (ii) and (iii), a garage or carport may be erected within the street boundary building line if, in the opinion of the City, compliance with the street boundary building line will not be practical due to the steepness of the ground between the road and the property concerned. The City will determine the street boundary building line, height, façade and width of the garage and carport in such a case.

[Sub-para. (iv) substituted by s. 34 (b) of City of Cape Town: Municipal Planning Amendment By-Law, 2016]  
[Sub-para. (iv) substituted by s. 32 (g) of City of Cape Town: Municipal Planning Amendment By-Law, 2019]

- (g) Parking and access
  - (i) Parking and access shall be provided on the land unit in accordance with Chapter 15.
- (h) Coverage
  - (i) The maximum coverage, if applicable, is determined in accordance with the area of land unit as shown in the above table of floor factor, floor space, coverage, height and building lines in Single Residential Zoning 1.

[Sub-para. (h) inserted by s. 32 (h) of City of Cape Town: Municipal Planning Amendment By-Law, 2019]

### 23 Home occupation

In addition to item 21(b), the following conditions shall apply where a portion of property is used for purposes of home occupation:

- (a) No home occupation shall include a noxious trade, risk activity, shop, adult entertainment business, adult services, adult shop, sale of alcoholic beverages, motor repair garage, funeral parlour or activities that are likely to generate a public nuisance, including but not limited to panel beating and spray painting, auto electrician, builders yard, welding works or joinery;  
[Para. (a) substituted by s. 33 of City of Cape Town: Municipal Planning Amendment By-Law, 2019]
- (b) Only goods which have been produced or assembled in the home occupation may be sold from the property;
- (c) No goods for sale shall be publicly displayed and no external evidence of the home occupation shall be visible from a public street, except for an advertising sign in accordance with paragraph (d);
- (d) No advertising sign shall be displayed other than a single, un-illuminated sign or notice not projecting over a public street in accordance with the City's Outdoor Advertising and Signage By-Law, and such sign shall not exceed 0,2 m<sup>2</sup> in area;
- (e) No activities shall be carried out which constitute or are likely to constitute a source of public nuisance, or generate waste material which may be harmful to the area or which requires special waste removal processes;
- (f) Off-street parking shall be provided at a ratio of 1 parking bay per 25 m<sup>2</sup> area used for home occupation unless the City's approval is obtained to waive this requirement. The City may at any stage require additional on-site parking where parking is not sufficient;
- (g) The total area used for all home occupation activity on a land unit, including storage, shall not consist of more than 25% of the total floor space of the dwelling units on the land unit or 50 m<sup>2</sup>, whichever is the lesser area;
- (h) The storage of all goods and equipment connected with the home occupation shall be inside a building or screened from neighbours and the public street;
- (i) Not more than two vehicles may be used in connection with a home occupation, and no one vehicle shall exceed 3 500 kg gross weight;
- (j) The hours of operation shall not extend beyond 08:00 to 17:30 on Mondays to Fridays, and from 08:00 to 13:00 on Saturdays, and shall not include public holidays or Sundays; and
- (k) The City may, at any stage, call for a cessation of the home occupation activity or impose conditions in order to minimise any potential nuisance to surrounding neighbours or the general public.

### 24 Bed and breakfast establishment

In addition to item 21(b), the following conditions shall apply where a portion of property is used as a bed and breakfast establishment, or where rooms are let to lodgers:

- (a) No more than 3 rooms per land unit shall be used for bedroom accommodation for paying guests or lodgers, and no more than 6 paying guests or lodgers shall be supplied with lodging or meals at any time;

- (b) No alcoholic beverages shall be sold except to resident guests for consumption on the premises with meals;
- (c) Guest rooms shall not be converted to, or used as, separate self-catering dwelling units;
- (d) Meals may only be supplied to guests or lodgers who have lodging on the property, employees, and the family residing in the dwelling;
- (e) No advertising sign shall be displayed other than a single un-illuminated sign or notice not projecting over a public street in accordance with the City's Outdoor Advertising and Signage By-Law, and such sign shall not exceed 0,5 m<sup>2</sup> in area;
- (f) Weddings, receptions, conferences, training or any similar activities are not permitted from a bed and breakfast establishment;
- (g) No activities shall be carried out which constitute, or are likely to constitute, a source of public nuisance; and
- (h) On-site parking shall be provided in accordance with the provisions of Chapter 15, provided that the City may at any stage require additional on-site parking if, in its opinion, the parking is not sufficient.

## **25 Home child care**

In addition to item 21(b), the following conditions shall apply where a portion of property is used for home child care:

- (a) No more than 6 children shall be enrolled at the home child care facility at any time;
- (b) Services shall be primarily day care or educational and not medical;
- (c) Services shall not operate outside the hours of 07:00 to 18:00 on Mondays to Fridays, and from 08:00 to 13:00 on Saturdays, and shall not include public holidays or Sundays;
- (d) Indoor and outdoor play space shall be provided in accordance with any health requirement or a policy plan as might be approved by the City from time to time, and outdoor play space shall be fenced off from any public street;
- (e) No advertising sign shall be displayed, other than a single un-illuminated sign or notice in accordance with the City's Outdoor Advertising and Signage By-Law, not projecting over a public street, and such sign shall not exceed 0,5 m<sup>2</sup> in area; and
- (f) At least one off-street parking bay shall be provided, plus one additional parking bay which is suitable for the use of parents to drop off or collect their children, unless the City's approval is obtained to waive this requirement. The City may at any stage require additional on-site parking where parking is not sufficient.

## **25A Second dwelling**

The following conditions shall apply to a second dwelling:

- (a) The total floor space of a second dwelling may not exceed the total floor space of the main dwelling unit without the approval of the City. The floor space of ancillary buildings is excluded from this provision;
- (b) The City may require that a second dwelling be constructed in a style that is similar to the architecture of the main dwelling house;
- (c) A second dwelling that is a separate structure to a main dwelling house shall not exceed a height of 6 m measured from existing ground level to the wall plate and 8 m to the top of the roof;
- (d) A second dwelling contained within the same building as a main dwelling house must be designed so that the building appears as a single dwelling house; both units may have a ground floor, or one unit may be on the ground floor and the other unit above;
- (e) The existence of a second dwelling shall not in itself be sufficient reason for the City to grant an application in terms of this By-Law to subdivide the land unit containing the dwelling units;
- (f) The construction of a second dwelling is subject to the certification by all relevant municipal service department Directors, or their delegates, that capacity is available on the services network in the specific area.

[Item 25A inserted by s. 34 of City of Cape Town: Municipal Planning Amendment By-Law, 2019]



## 25B Third dwelling

The following conditions shall apply to a third dwelling:

- (a) The total floor space of a third dwelling may not exceed the total floor space of the main dwelling without the approval of the City. The floor space of ancillary buildings is excluded from this provision;
- (b) The City may require that a third dwelling be constructed in a style that is similar to the architecture of the main dwelling house;
- (c) A third dwelling that is a separate structure to a main or second dwelling shall not exceed a height of 6 m measured from existing ground level to the wall plate and 8 m to the top of the roof;
- (d) A third dwelling contained within the same building as a main dwelling or second dwelling must be designed so that the building appears as a single dwelling house; all units may have a ground floor, or one unit may be on the ground floor and the other units above;
- (e) The existence of a third dwelling shall not in itself be sufficient reason for the City to grant an application in terms of this By-Law to subdivide the land unit containing the dwelling units;
- (f) The construction of a third dwelling is subject to the certification by all relevant municipal service department Directors, or their delegates, that capacity is available on the services network in the specific area.

[Item 25B inserted by s. 34 of City of Cape Town: Municipal Planning Amendment By-Law, 2019]

## ~~Part 2: Single Residential Zoning 2: Incremental Housing (SR2)~~ (items 26 - 33)

*The SR2 zoning facilitates upgrading and incremental housing from an informal settlement to a formal settlement. SR2 may apply to individual land units or to blocks containing an informal settlement. In recognition of the realities of poor and marginalised communities, development rules are not very restrictive and local employment generation is encouraged within this zoning. Once upgrading of an area has reached an appropriate stage, as determined by the City, it is contemplated that the area may be rezoned to SR1 or another appropriate zoning. All properties zoned as Informal Residential Zone in former zoning schemes are converted to SR2 in this development management scheme.*

## ~~26 Use of the property~~

- (1) The following use restrictions apply to property in this zoning:
  - (a) Primary uses are dwelling house, second dwelling, utility service, private road, urban agriculture, open space and additional use rights as specified in paragraph (b).
  - (b) Additional use rights which may be exercised by the occupant of any unit of accommodation are shelter, house shop, home occupation, bed and breakfast establishment, home child care, informal trading, third dwelling and any educational, religious, occupational or business purpose excluding the sale of alcoholic beverages, provided that:

[Para. (b) substituted by s. 35 of City of Cape Town: Municipal Planning Amendment By-Law, 2016]

    - (i) The dominant use of the unit shall remain residential;
    - (ii) No noxious trade, risk activity, adult entertainment business, adult services or adult shop are permitted;
    - (iii) No activities shall be carried out which constitute or are likely to constitute a source of nuisance, including the use of equipment that generates excessive noise, or any activity which results in the generation of dust, fumes, smoke, or waste material which could be detrimental to health, or which requires special waste removal processes;
    - (iv) The City may, at any stage, call for a cessation of the land use or activity, or impose conditions in order to minimise any potential nuisance to surrounding neighbours or the general public; and

**Part 3: Limited Use Zoning (LU)**  
(items 117 - 120)

*The LU zoning is a transitional mechanism to deal with land that was zoned as undetermined in previous zoning schemes. Existing lawful uses may continue, but no other uses are permitted. The aim is to progressively phase this zoning out and so no property should be rezoned to this zoning. Any development that requires additional use rights beyond the existing limited use shall require rezoning from LU to another more appropriate zoning.*

**117 Use of the property**

The following use restrictions apply to property in this zoning:

- (a) Primary uses are limited to lawful uses existing at the commencement date.
- (b) Consent uses: None.

**118 Development rules**

No new building or structure and no change of an existing use or alteration of the external structure of an existing building or structure is permitted.

**119 No rezoning to this zoning permitted**

No rezoning of any property to this zoning is permitted after 1 March 2013, and if additional uses or development rights are required, a rezoning application to another more appropriate zoning in terms of this development management scheme must be processed.

**120 Reconstruction of destroyed property**

Property that has been partially or completely damaged or destroyed by accidental causes may be reconstructed in accordance with the development rights that existed prior to the commencement date provided that building plans for such reconstruction are approved within 12 months from the date of such accidental damage or destruction.

**DIVISION III: GENERAL PROVISIONS**  
**CHAPTER 14.: GENERAL PROVISIONS**  
(items 121 - 136)

**121 Encroachment of building lines**

(1) The following additional development rules apply with regard to encroachment of building lines:

- (a) Notwithstanding the building line requirements set out in Division II, the following structures or portions thereof may be erected within the prescribed building lines, provided they do not extend beyond the boundaries of a land unit:
  - (i) boundary walls, fences and gates;
  - (ii) open and uncovered stoeps;
  - (iii) entrance steps, landings and entrance porches leading to the ground floor or basement of a building;
  - (iv) a covered entrance or gatehouse that has a roofed area not exceeding 5 m<sup>2</sup> and a roof height not exceeding 3 m from floor to highest point;
  - (v) eaves and awnings projecting no more than 1 m from the wall of a building;
  - (vi) cornices, chimney breasts, flower boxes, water pipes, drain pipes and minor decorative features not projecting more than 500 mm from the wall of a building;
  - (vii) screen-walls not exceeding 2,1 m in height above the existing ground level abutting such wall;
  - (viii) swimming pools not closer than 1 m from any erf boundary;
  - (ix) any part of a basement that is below existing ground level;
  - (x) a refuse room required by the City in terms of item 145;

- (xi) a retaining structure within a street boundary building line, subject to item 126, or any retaining structure located under the existing ground level;

[Sub-para. (xi) inserted by s. 50 (a) of City of Cape Town: Municipal Planning Amendment By-Law, 2016]

- (xii) pergolas not exceeding 40 m<sup>2</sup> in area;
- (xiii) water tanks and their supporting structures not exceeding 3,2 m in height from existing ground level;
- (xiv) child's playhouse or similar play structure not exceeding 5 m<sup>2</sup> in area and 2,5 m in height from existing ground level, only from a common boundary; or
- (xv) unless provided elsewhere in this development management scheme, storage sheds not exceeding 5 m<sup>2</sup> in area and 2,5 m in height from existing ground level.

[Para. (a) substituted by s. 71 of City of Cape Town: Municipal Planning Amendment By-Law, 2019]

- (2) A building line of 5 m shall apply to any boundary adjacent to a designated metropolitan road, unless otherwise agreed by the City and to which sub-item (1)(a)(i) is also applicable.

[Sub-item 2 substituted by s. 50 (b) of City of Cape Town: Municipal Planning Amendment By-Law, 2016]

#### ~~122 Street centreline setback~~

The portion of a land unit falling within a street centreline setback area shall be excluded for the purpose of determining coverage and maximum floor space, unless the owner transfers the portion concerned to the City free of charge. In such case, the portion shall be included for the purpose of determining coverage or maximum floor space on a land unit and the street building line would be deemed to be 0m.

[Item 122 substituted by s. 72 of City of Cape Town: Municipal Planning Amendment By-Law, 2019]

#### ~~123 Site development plans~~

- (1) In addition to the zonings that specifically require a site development plan, the City may require a site development plan in respect of the following development types:

- (a) shopping centres and shopping complexes;
- (b) business and office park developments;
- (c) industrial park developments;
- (d) developments in conservation areas;
- (e) developments that will be sectionalised;
- (f) incremental residential developments; and
- (g) major developments where there are concerns relating to urban form, heritage, traffic or spatial planning in general.

- (2) The City may require some or all of the following information for a site development plan:

- (a) existing bio-physical characteristics of the property;
- (b) existing and proposed cadastral boundaries;
- (c) the layout of the property, indicating the use of different portions thereof;
- (d) the massing, position, use and extent of buildings;
- (e) sketch plans and elevations of proposed structures, including information about external finishes;
- (f) cross-sections of the site and buildings on site;
- (g) the alignment and general specification of vehicle access, roads, parking areas, loading areas, pedestrian flow and footpaths;
- (h) the position and extent of private, public and communal space;
- (i) typical details of fencing or walls around the perimeter of the land unit and within the property;
- (j) electricity supply and external lighting proposals;
- (k) provisions for the supply of water, management of stormwater, and disposal of sewage and refuse;
- (l) external signage details;
- (m) general landscaping proposals, including vegetation to be preserved, removed or to be planted, external paving, and measures for stabilising outdoor areas where applicable;
- (n) the phasing of a development;

~~(b) Any external utility service or equipment which is required for a building shall be appropriately screened from view from a public street, and such screening shall be integrated with the building in terms of materials, colour, shape and size.~~

## **126 Earth banks, retaining structures, support structures and similar devices**

Without the approval of the City:

- (a) no earth bank, retaining structure, column, suspended floor, other device or series of such devices shall be constructed that enables a ground floor of a building to be raised more than 1,5 m above existing ground level, provided that where such raising takes place, the height thereof shall still be measured from existing ground level;
- (b) no earth bank or retaining structure used for holding back earth or loose rock, whether associated with a building or not, shall be constructed to a height of more than 2 m above existing ground level; and
- (c) no series of earth banks or retaining structures shall be constructed to a cumulative height of more than 2,5 m above existing ground level, unless an approximately level area of at least 2 m wide is incorporated between successive embankments or retaining structures for every 2 m of cumulative height.

## ~~**127 Maintenance of property**~~

Property shall be properly maintained by the owner or occupier and shall not:

- (a) be left in a neglected or offensive state, as may be determined by the City;
- (b) contain an unsightly accumulation of papers, cartons, garden refuse, rubble and/or other waste material, as may be determined by the City;
- (c) contain an accumulation of motor wrecks or un-roadworthy vehicles or used motor parts, unless these are part of a primary or consent use in terms of this development management scheme;
- (d) contain outdoor storage of building material, appliances or similar items unless these are:
  - (i) forming part of a primary or consent use in terms of this development management scheme;
  - (ii) being temporarily stored for the purpose of construction in accordance with a valid building plan approval for the property; or
  - (iii) stored in conjunction with the holding of a yard or garage sale with a duration of not more than two consecutive days.

## ~~**128 Parking of vehicles in residential zones**~~

The following development rules apply to the parking of vehicles in the Single Residential zonings and General Residential zonings:

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

## ~~**129 Recreational vehicles and watercraft**~~

[Heading substituted by s. 73 of City of Cape Town: Municipal Planning Amendment By-Law, 2019]

- (1) Recreational vehicles and watercraft may not be used for permanent habitation without the approval of the City, unless the applicable zoning allows such activity.
- (2) An approval granted in terms of sub-item (1) is subject to, but not limited to, the following conditions:
  - (a) The recreational vehicle or watercraft shall be sited on a foundation slab and properly anchored;

# Chapter 15

~~which create/enclose an angle of less than 135 degrees must be visually permeable;~~

- ~~(g) All boundary walls that face a public street, public road or public open space and exceed 1,5m in height, when measured from the existing ground level on the public street or public open space side of the boundary wall to the top of the boundary wall, must comply with the following visual permeability requirements:~~
- ~~(aa) general business, industrial, risk industry and utility zonings: a minimum of 60% of the total vertical area of the boundary wall, excluding any visually permeable gates or garage doors; and~~
  - ~~(bb) in all other zonings: a minimum of 25% of the total vertical area of the boundary wall, excluding any garage doors or visually permeable gates.~~

[Item 136B inserted by s. 74 of City of Cape Town: Municipal Planning Amendment By-Law, 2019]

## CHAPTER 15.: PARKING, LOADING AND INFRASTRUCTURE

(items 137 - 145)

### Part 1: Conventional parking requirements

(items 137 -139)

#### 137 Off-street parking requirements

The following parking requirements shall apply unless otherwise stated elsewhere in this development management scheme:

- (a) In cases where parking requirements are not stipulated for a particular use, or in terms of a specific condition imposed by the City, parking shall be provided at a minimum ratio in accordance with the table titled 'Minimum off-street parking requirements'. Where the requirements in this table contradict each other, the most restrictive parking requirement shall apply. The City shall determine off-street parking requirements for land uses not stipulated in the table 'Minimum off-street parking requirements'.
- (b) The second column in the table headed 'Standard areas' refers to requirements that apply to areas with standard parking needs, or where public transport is not specifically promoted or available. The column headed 'PT1 areas' refers to areas where the use of public transport is promoted, but where the City considers the provision of public transport inadequate or where the use of motor vehicles is limited. The column headed 'PT2 areas' refers to areas where the use of public transport is promoted and the City considers the provision of public transport good, or where the use of motor vehicles is very limited.
- (c) The City may approve and shall maintain a plan or plans which indicate the areas it deems to be PT1 and PT2 areas. Such plans shall be recorded in Annexure C and may be amended from time to time upon approval by the City as required.
- (d) If an area has not been specifically identified by the City as a PT1 or PT2 area, then the parking requirements for standard areas shall apply.
- (e) Through the provisions of Chapter 17, the City may develop overlay zonings to set maximum parking requirements for specific areas and/or determine different parking requirements for specific areas, depending on motor vehicle usage or ownership.
- (f) Off-street parking space shall be provided:
  - (i) on the property for which parking is required;
  - (ii) subject to the City's approval, in public parking facilities available in the vicinity;  
or
  - (iii) in accordance with item 138 below.

#### 138 Alternative parking supply

As an alternative to compliance with the off-street parking requirements in terms of this development management scheme, with the approval of the City, an owner may:

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

(b) acquire permanent rights to a parking facility or portion of a parking facility elsewhere, in a location approved by the City; and shall register a notarial tie or servitude against such land or parking facility to link the properties concerned for the purpose of parking, and the owner shall cause the parking concerned to be constructed and maintained in accordance with the City's approval. The cost of registration of the notarial tie or servitude shall be borne by the owner.

#### Minimum off-street parking requirements

[Table substituted by s. 53 of City of Cape Town: Municipal Planning Amendment By-Law, 2016]

[Table substituted by s. 75 of City of Cape Town: Municipal Planning Amendment By-Law, 2019]

Land use	Standard areas	PT1 areas	PT2 areas
Main dwelling house (SR1 Zoning)	2 bays per dwelling unit (1 bay per dwelling for erven < 350 m <sup>2</sup> )	1 bay per dwelling unit	Nil
Main dwelling house (SR2 Zoning)	1 bay per dwelling unit (Nil per dwelling for erven < 100 m <sup>2</sup> )	Nil	Nil
Second dwelling	1 bay per 2 <sup>nd</sup> dwelling unit	1 bay per 2 <sup>nd</sup> dwelling unit	Nil
Third dwelling on land unit larger than 650m <sup>2</sup>	1 bay per 3 <sup>rd</sup> dwelling unit	1 bay per 3 <sup>rd</sup> dwelling unit	Nil
Group dwelling	1,75 bays per dwelling unit, plus 0,25 bays per dwelling unit for visitors	1 bay per dwelling unit, plus 0,25 bays per dwelling unit for visitors	Nil
Flats	1,25 bays per dwelling unit, plus 0,25 bays per dwelling unit for visitors	1 bay per dwelling unit, plus 0,25 bays per dwelling unit for visitors	Nil
Bed & breakfast establishment	1 additional bay per guest room	1 additional bay per guest room	Nil
Boarding house, guest house	1 bay per bedroom for the first 10 bedrooms, thereafter 0.5 bays for each bedroom in excess of 10	1 bay per bedroom for the first 10 bedrooms, thereafter 0.25 bays for each bedroom in excess of 10	Nil
Backpackers lodge	1 bay per 10 beds plus associated reduced (based on parking sharing) requirement for any ancillary land uses open to general public	1 bay per 10 beds plus associated reduced (based on parking sharing) requirement for ancillary land uses open to general public	Nil
Hotel	0,5 bays per bedroom, plus associated reduced (based on parking sharing) requirement for any ancillary land uses open to general public	0,5 bays per bedroom, plus associated reduced (based on parking sharing) requirement for any ancillary land uses open to general public	Nil
Retirement home, orphanage	0,25 bays per resident	0,25 bays per resident	Nil

Land use	Standard areas	PT1 areas	PT2 areas
Crèche	<p>Nil. Facilities with more than 34 learners must be able to accommodate an informal stop and drop facility on-street.</p> <p>Pro-forma Traffic Management Plan to be submitted detailing planned operations of the stop and drop facility</p>	<p>Nil. Facilities with more than 34 learners must be able to accommodate an informal stop and drop facility on-street.</p> <p>Pro-forma Traffic Management Plan to be submitted detailing planned operations of the stop and drop facility</p>	Nil
School	<p>1 bay per classroom and office, plus stop &amp; drop facility.</p> <p>Capacity for stop and drop facility to be provided at a rate of 1 bay per 20 learners.</p> <p>If facility cannot be accommodated on street, provision must be made to accommodate the equivalent amount of bays required for this facility off-street</p>	<p>1 bay per classroom and office, plus stop &amp; drop facility.</p> <p>Capacity for stop and drop facility to be provided at a rate of 1 bay per 20 learners.</p> <p>If facility cannot be accommodated on street, provision must be made to accommodate the equivalent amount of bays required for this facility off-street</p>	Nil
Place of instruction (post-school level)	0,1 bays per student, plus 1 bay per classroom and 1 bay per office	0,1 bays per student, plus 1 bay per classroom and 1 bay per office	Nil
Library, museum	2 bays per 100 m <sup>2</sup> floor space	1,5 bays per 100 m <sup>2</sup> floor space	Nil
Place of assembly, place of worship, place of entertainment, funeral parlour	1 bay per 6 seats or persons, calculated at 1,4 m <sup>2</sup> floor space = 1 person	1 bay per 8 seats or persons, calculated at 1,4 m <sup>2</sup> floor space = 1 person	Nil
Sport stadium	1 bay per 4 seats or persons (or as per transport management plan)	3 bays per 20 seats or persons (or as per transport management plan)	Nil
Recreation or sports complex	1 bay per 8 seats or persons	1 bay per 10 seats or persons	Nil
Gymnasium, health club	7 bays per 100 m <sup>2</sup> GLA	7 bays per 100 m <sup>2</sup> GLA	Nil
Hospital (general and private)	1 bay per bed, plus 3 bays per consulting room	1 bay per bed, plus 2 bays per consulting room	Nil

Land use	Standard areas	PT1 areas	PT2 areas
Clinic, medical consulting rooms, veterinary practice	Base ratio of 2.5 bays per consulting room for facilities comprising a maximum of 5 consulting rooms.  For larger facilities, consecutively add 0.5 bays for each consulting room in excess of 5 consulting rooms, up to a maximum ratio of 5 bays per consulting room for facilities with 10 or more such rooms	Base ratio of 2.5 bays per consulting room for facilities comprising a maximum of 5 consulting rooms.  For larger facilities, consecutively add 0.5 bays for each consulting room in excess of 5 consulting rooms, up to a maximum ratio of 5 bays per consulting room for facilities with 10 or more such rooms	Nil
Shops (excluding supermarket)	3 bays per 100 m <sup>2</sup> GLA	2 bays per 100 m <sup>2</sup> GLA	Nil
Supermarket, shopping centre	4 bays per 100 m <sup>2</sup> GLA	2,5 bays per 100 m <sup>2</sup> GLA	Nil
Restaurant	6 bays per 100 m <sup>2</sup> GLA	4 bays per 100 m <sup>2</sup> GLA	Nil
Offices	4 bays per 100 m <sup>2</sup> GLA	2,5 bays per 100 m <sup>2</sup> GLA	Nil
Conference centre	6 bays per 10 seats	4 bays per 10 seats	Nil
Motor showroom	2 bays per 100 m <sup>2</sup> GLA	2 bays per 100 m <sup>2</sup> GLA	Nil
Motor repair garage, service station	4 bays per service bay, plus 4 bays per 100 m <sup>2</sup> GLA, minimum 8 bays	4 bays per service bay, plus 4 bays per 100 m <sup>2</sup> GLA, minimum 8 bays	4 bays per service bay
Motor fitment centre	2 bays per service bay	2 bays per service bay	2 bays per service bay
Industry	1,5 bays per 100 m <sup>2</sup> GLA for facilities up to 3000m <sup>2</sup> GLA.  1 bay per 100m <sup>2</sup> GLA for facilities larger than 3000m <sup>2</sup> GLA	0,5 bays per 100 m <sup>2</sup> GLA for facilities up to 3000m <sup>2</sup> GLA.  1 bay per 100m <sup>2</sup> GLA for facilities larger than 3000m <sup>2</sup> GLA	Nil
Warehouse, storage building	1 bay per 100 m <sup>2</sup> GLA	1 bay per 100 m <sup>2</sup> GLA	Nil
Self-storage	0,2 bays per 100m <sup>2</sup> GLA	0,2 bays per 100m <sup>2</sup> GLA	Nil

### 139 Combined parking requirements

Where two or more uses combine to share a common parking area, the City may approve parking requirements that are less than the sum of the parking required for individual uses provided that:

- (a) The City is satisfied that the utilisation of the same parking area by the different use types or activities in the zonings will not result in a concurrent use of the parking area; and
- (b) bays intended for combined uses may not subsequently be reallocated to other uses without the approval of the City.

### **Part 2: Site access and parking layout requirements** (items 140 - 141)

#### 140 Site access and exits

- (1) The following site access requirements shall apply:



- (a) The City may require compliance with standard municipal or provincial access spacing guidelines;
  - (b) No vehicular ingress or egress shall be closer than 10 m from an intersection as defined by the prolongation of street boundaries; except for industrial-zoned properties, where the distance shall be 15 m; and
  - (c) The City may restrict or prohibit access if a pedestrian or traffic hazard is created or is likely to be created.
- (2) Vehicle entrances and exit ways to and from property shall conform to the following requirements:
- (a) Motor vehicle carriageway crossings shall be limited to one per site per public street or road abutting the site;
  - (b) Notwithstanding paragraph (a) above, where the total length of any street boundary of a site exceeds 30 m in length, one additional carriageway crossing may be permitted, provided that no two carriageway crossings are closer than 12 m to each other;
  - (c) The minimum and maximum width of any motor vehicle carriageway crossing shall be 2,4 m and 8,0 m respectively.  
[Para. (c) substituted by s. 76 (a) of City of Cape Town: Municipal Planning Amendment By-Law, 2019]
  - (d) ...  
[Para. (d) inserted by s. 54 of City of Cape Town: Municipal Planning Amendment By-Law, 2016]  
[Para. (d) deleted by s. 76 (b) of City of Cape Town: Municipal Planning Amendment By-Law, 2019]

\*\*\*  
[Table 'Width of motor vehicle carriageway crossings' deleted by s. 76 (c) of City of Cape Town: Municipal Planning Amendment By-Law, 2019]

#### 141 Parking layout requirements

- (1) The following parking layout requirements shall apply unless otherwise stated elsewhere in this development management scheme:
- (a) Parking layout configuration, minimum dimensions and ramps to a parking area shall be in accordance with the provisions of this development management scheme or an approved site development plan;
  - (b) The layout of any parking area, except for parking in SR1 and SR2 zonings, shall ensure that vehicles can readily leave the site without reversing across the sidewalk, unless approved by the City;
  - (c) A tandem bay accommodating two motor vehicles shall be regarded as one bay for the purposes of this development management scheme; except for single residential zonings, general residential subzoning 1: group housing or for a dwelling unit, other than flats, in any other zoning, where a tandem bay shall be regarded as two bays;  
[Para. (c) substituted by s. 77 of City of Cape Town: Municipal Planning Amendment By-Law, 2019]
  - (d) Visitor parking bays shall be clearly demarcated, readily visible and accessible to visitors, and preferably grouped together;
  - (e) Parking areas shall be used for the parking of vehicles which are lawfully allowed on them, and any activity which causes an obstruction for vehicular traffic or pedestrian use of the sidewalk is prohibited;
  - (f) Parking areas shall be constructed and maintained in a state suitable for the parking and movement of vehicles;
  - (g) Notwithstanding paragraphs (a) to (f), the City may lay down more restrictive requirements in connection with parking, site access or motor vehicle carriageway crossing, if considered necessary from a pedestrian or traffic safety point of view.
- (2) The City may require a parking layout plan to be submitted, indicating the way in which it is intended that motor vehicles shall park, the means of entrance and exit, landscaping proposals, and construction details.
- (3) The City may approve or refuse the parking layout plan and impose conditions of approval.

**Part 3: Unconventional parking requirements**  
(items 142 - 145)

**142 Parking for the physically disabled**

- (1) The City may require parking that is capable of use by persons with physical disabilities to be provided on any land unit, in order to ensure easy and convenient access for such persons to services and facilities generally open to the public and to residential uses.
- (2) In any parking facility serving the public, parking for persons with physical disabilities shall be provided in accordance with the following table, titled 'Physically disabled accessible parking'.

**Physically disabled accessible parking**

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

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

**143 Motorcycle and bicycle parking spaces**

- (1) The City may require that parking be provided for motorcycles and bicycles.
- (2) For every four motorcycle or ten bicycle parking spaces provided, a credit of one parking bay may be given towards the parking requirements, provided that:  
[Sub-item (2) substituted by s. 78 of City of Cape Town: Municipal Planning Amendment By-Law, 2019]
- (a) the total credit shall not exceed 2,5% of the parking bays required;
  - (b) the minimum dimension for a motorcycle space shall be 2,2 m in length and 1 m in width; and
  - (c) the minimum dimension for a bicycle space shall be 2 m in length and 0,6 m in width.
- (3) Signage, bollards and racks or other devices for storing bicycles and motorcycles in such bays shall be installed.

**144 Loading**

- (1) Unless the City grants approval to waive this requirement, loading bays shall be provided in accordance with the table, titled 'Minimum off-street loading bay requirements'. The City may determine off-street loading requirements for uses not stipulated in the table.

**Minimum off-street loading bay requirements**

Land use	Floor space (m <sup>2</sup> )	Number of loading bays
Offices	0 – 5 000	0
	5 001 – 15 000	1
	15 001 – 30 000	2
	Every additional 30 000 or part thereof	1 additional bay
Business premises (other than offices, supermarket), Industry	0 – 1 000	0
	1 001 – 2 500	1
	2 501 – 5 000	2
	5 001 – 10 000	3
	Every additional 10 000 or part thereof	1 additional bay
Supermarket	0 – 500	1
	501 – 1 000	2
	1 001 and greater	3 x requirement in row 2

- (2) The following minimum requirements shall apply to loading bays:
- (a) A loading bay shall measure not less than 4,5 m by 10 m for perpendicular loading, and 2,5 m by 12 m for parallel loading.
  - (b) No carriageway crossing to be accessed by loading vehicles shall be less than 3 m in width, and no combined entrance and exit way shall be less than 6 m in width.
  - (c) Covered loading areas shall have a minimum headroom of 3,7 m.

**145 Refuse rooms**

The City may, for the purposes of collecting refuse, require the owner to install a refuse receptacle on a property which shall:

- (a) be of sufficient size to accommodate the refuse generated from the property for one week;
- (b) be located adjacent to a public street, or in a position which will provide acceptable access to a refuse collection vehicle;
- (c) be designed in a manner that is architecturally compatible with the other structures on the property and will screen refuse bins from public view; and
- (d) comply with any other condition or standard requirements that the City may impose relating to access, health, pollution control, safety or aesthetics.

~~**CHAPTER 16. SUBDIVISION OF LAND**~~

~~(items 146 - 147)~~

~~**146 Deemed approval for building line and coverage departures**~~

~~When the City grants approval for the subdivision of property containing one or more existing approved structures, so as to locate different structures on separate lots and units, the City's approval is deemed to have been granted for any building line or coverage departure that arises from the approved subdivision, provided that future structures shall comply with the requirements of this development management scheme.~~

~~**147 Subdivision of a property with consent use rights or a temporary land use departure**~~

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

~~**DIVISION IV. OVERLAY ZONING**~~

~~(items 148-191)~~

~~This Chapter deals with procedures to prepare, adopt, replace, amend or recommend overlay zonings and sets out the legal status of an overlay zoning.~~

UTILITY, TRANSPORT AND NATIONAL PORT ZONINGS	FLOOR FACTOR	COVERAGE	MAXIMUM HEIGHT ABOVE EXISTING GROUND LEVEL	BUILDING LINES		STREET CENTRELINE SETBACK	OTHER PROVISIONS
				Street boundary	Common boundaries		
<p><b>UTILITY ZONING (UT)</b></p> <p><b>PRIMARY USES</b> Utility service, authority use, rooftop base telecommunication station, freestanding base telecommunication station, minor freestanding base telecommunication station and minor rooftop base telecommunication station</p> <p><b>CONSENT USES</b> Cemetery, informal trading, funeral parlour, crematorium, urban agriculture, airport, wind turbine infrastructure and helicopter landing pad</p>	As determined by a site development plan (Refer to item 81)						
<p><b>TRANSPORT ZONING 1: TRANSPORT USE (TR1)</b></p> <p><b>PRIMARY USES</b> Transport use, multiple parking garage, utility service, warehouse, rooftop base telecommunication station, minor freestanding base telecommunication station, minor rooftop base telecommunication station and container site</p> <p><b>CONSENT USES</b> Business premises, flats, place of assembly, place of entertainment, hotel, conference facility, service station, motor repair garage, service trade, freestanding base telecommunication station, wind turbine infrastructure, airport, helicopter landing pad, informal trading, industry and air and underground rights</p>	2,0	75%	15,0 m for stacks shipping containers 18,0 m for any other building	0,0 m	3,0 m	N/a	Parking and access  Service station and motor repair garage  Informal trading  Air and underground rights
<p><b>TRANSPORT ZONING 2: PUBLIC ROAD AND PUBLIC PARKING (TR2)</b></p> <p><b>PRIMARY USES</b> Public street, public road, minor freestanding base telecommunication station, minor rooftop base telecommunication station and utility service</p> <p><b>CONSENT USES</b> Multiple parking garage, informal trading, wind turbine infrastructure and air and underground rights</p>	As determined by a site development plan (Refer to item 88)						Deemed zoning  Construction and deposit of materials  Air and underground rights  Proposed public street, street widening and street closure  Informal trading
<p><b>TRANSPORT ZONING 3: TOLL ROAD (TR3)</b></p> <p><b>PRIMARY USES</b> Toll road, public street, public road, minor freestanding base telecommunication station, minor rooftop base telecommunication station and utility service</p> <p><b>CONSENT USES</b> Wind turbine infrastructure and air and underground rights</p>	As determined by a site development plan (Refer to item 92B)						

**N/A**

**N/A**

- (ii) The common boundary building lines are 3,0 m.
- (iii) The general building line encroachments in item 121 shall apply.
- (e) Parking and access  
Parking on and access to a land unit shall be provided in accordance with Chapter 15.

~~84 Service station and motor repair garage~~

The development rules applicable to a service station and motor repair garage in Local Business Zoning 2 shall also apply to a service station and motor repair garage in this zoning.

~~85 Informal trading~~

Informal trading shall only be permitted on sites demarcated for informal trading in terms of the City's informal trading by-law.

~~86 Air and underground rights~~

The City may approve a consent use for air or underground rights provided that:

- (a) A site development plan is submitted to the City's satisfaction in terms of item 123;
- (b) The City is satisfied that structural components, clearance and operational characteristics are sufficient to ensure safe and efficient operation of streets, roads or parking;
- (c) Such consent use does not compromise the intended primary use of the land;
- (d) 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 City; and
- (e) A servitude in respect of the air or underground rights is registered over the concerned land.

**Part 3: Transport Zoning 2: Public road and public parking (TR2)**  
(items 87 - 92)

*The TR2 zoning provides for public streets and roads, whether constructed or still to be constructed, as well as premises for the public parking of operable motor vehicles. Such parking may be provided in buildings or open parking areas, with or without the payment of a fee, in order to address the need for off-site parking. On-site parking for a permitted activity in any zoning is considered to be an associated use and do not represent a separate use category that requires separate zoning or approval.*

**87 Use of the property**

The following use restrictions apply to property in this zoning:

- (a) Primary uses are public street, public road, minor freestanding base telecommunication station, minor rooftop base telecommunication station and utility service.  
[Para. (a) substituted by s. 61 of City of Cape Town: Municipal Planning Amendment By-Law, 2019]
- (b) Consent uses are informal trading, multiple parking garage, wind turbine infrastructure and air and underground rights.

**88 Development rules**

The following development rules apply:

- (a) The City may require a site development plan for a primary use, and shall require a site development plan for a consent use application.
- (b) The site development plan as approved by the City shall constitute the development rules for a primary use if applicable, and a consent use.
- (c) The provisions for a site development plan in item 123 shall apply.

**89 Construction and deposit of materials**

No person shall:

- (a) construct a private crossing, bridge or culvert onto, under or across a public street;
- (b) construct or lay a sidewalk on a public street;
- (c) construct a verandah, stoep, wall, steps or other projection in or over a public street;
- (d) deposit or leave any goods, articles, building materials or waste in a public street or road reserve other than for a reasonable period during the course of loading, off-loading or removal thereof,

except in accordance with and after the City has given its approval.

**90 Air and underground rights**

The City may approve a consent use for air or underground rights provided that:

- (a) a site development plan is submitted to the City's satisfaction in terms of item 123;
- (b) the City is satisfied that structural components, clearance and operational characteristics are sufficient to ensure safe and efficient operation of streets, roads or parking;
- (c) such consent use does not compromise the intended primary use of the land;
- (d) 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 City; and
- (e) a servitude in respect of the air or underground rights is registered over the concerned land.

**91 Proposed public street, street widening and street closure**

- (1) The City may indicate on the zoning map:
  - (a) new public streets and public roads which it proposes to establish;
  - (b) public streets and public roads which it proposes to widen; and
  - (c) public streets and public roads which it proposes to close.
- (2) Any indications referred to in sub-item (1) are intended for the information of the public, and to assist the City in achieving its planning and development objectives. The base zoning of the property in question does not change until the new public street, widening or closure has been approved in terms of relevant legislation, and any further legal procedures relating to rezoning have been complied with.

**92 Informal trading**

Informal trading shall only be permitted on sites demarcated for informal trading in terms of the City's informal trading by-law.

~~**Part 2A: Transport Zoning 3: Toll Road (TR3)**~~  
 (items 92A-B)

*The TR3 zoning provides for toll roads, whether constructed or still to be constructed.*

~~**92A Use of the property**~~

The following use restrictions apply to property in this zoning:

- (a) Primary uses are toll road, public street, public road, minor freestanding base telecommunication station, minor rooftop base telecommunication station and utility service.
- (b) Consent uses are wind turbine infrastructure and air and underground rights.

~~**92B Development rules**~~

The following development rules apply:

- (a) The City shall require a site development plan for a primary and consent use.

- (xi) a retaining structure within a street boundary building line, subject to item 126, or any retaining structure located under the existing ground level;  
[Sub-para. (xi) inserted by s. 50 (a) of City of Cape Town: Municipal Planning Amendment By-Law, 2016]
- (xii) pergolas not exceeding 40 m<sup>2</sup> in area;
- (xiii) water tanks and their supporting structures not exceeding 3,2 m in height from existing ground level;
- (xiv) child's playhouse or similar play structure not exceeding 5 m<sup>2</sup> in area and 2,5 m in height from existing ground level, only from a common boundary; or
- (xv) unless provided elsewhere in a site development management scheme, storage sheds not exceeding 5 m<sup>2</sup> in area and 2,5 m in height from existing ground level.  
[Para. (a) substituted by s. 71 of City of Cape Town: Municipal Planning Amendment By-Law, 2019]

(2) A building line of 5 m shall apply to any boundary adjacent to a designated metropolitan road, unless otherwise agreed by the City and to which sub-item (1)(a)(i) is also applicable.  
[Sub-item 2 substituted by s. 50 (b) of City of Cape Town: Municipal Planning Amendment By-Law, 2016]

### ~~122 Street centreline setback~~

The portion of a land unit falling within a street centreline setback area shall be excluded for the purpose of determining coverage and maximum floor space, unless the owner transfers the portion concerned to the City free of charge. In such case, the portion shall be included for the purpose of determining coverage or maximum floor space on a land unit and the street building line would be deemed to be 0m.

[Item 122 substituted by s. 72 of City of Cape Town: Municipal Planning Amendment By-Law, 2019]

### 123 Site development plans

- (1) In addition to the zonings that specifically require a site development plan, the City may require a site development plan in respect of the following development types:
- (a) shopping centres and shopping complexes;
  - (b) business and office park developments;
  - (c) industrial park developments;
  - (d) developments in conservation areas;
  - (e) developments that will be sectionalised;
  - (f) incremental residential developments; and
  - (g) major developments where there are concerns relating to urban form, heritage, traffic or spatial planning in general.
- (2) The City may require some or all of the following information for a site development plan:
- (a) existing bio-physical characteristics of the property;
  - (b) existing and proposed cadastral boundaries;
  - (c) the layout of the property, indicating the use of different portions thereof;
  - (d) the massing, position, use and extent of buildings;
  - (e) sketch plans and elevations of proposed structures, including information about external finishes;
  - (f) cross-sections of the site and buildings on site;
  - (g) the alignment and general specification of vehicle access, roads, parking areas, loading areas, pedestrian flow and footpaths;
  - (h) the position and extent of private, public and communal space;
  - (i) typical details of fencing or walls around the perimeter of the land unit and within the property;
  - (j) electricity supply and external lighting proposals;
  - (k) provisions for the supply of water, management of stormwater, and disposal of sewage and refuse;
  - (l) external signage details;
  - (m) general landscaping proposals, including vegetation to be preserved, removed or to be planted, external paving, and measures for stabilising outdoor areas where applicable;
  - (n) the phasing of a development;

- (o) the proposed development in relation to existing and finished ground levels, including excavation, cut and fill;
  - (p) statistical information about the extent of the proposed development, floor space allocations and parking supply;
  - (q) relationship of the proposed development to the quality, safety and amenity of the surrounding public environment;
  - (r) relationship of the proposed development to adjacent sites, especially with respect to access, overshadowing and scale;
  - (s) illustrations in a three-dimensional form depicting visual impacts of the proposed development on the site and in relation to surrounding buildings; and
  - (t) any other details as may reasonably be required by the City.
- (3) The City may require that the area covered by a site development plan shall extend beyond the site under consideration if, in its opinion, the proposed development will have a wide impact. The City may determine the extent of such area.
- (4) When required in terms of this development management scheme, a site development plan shall be submitted to the City for its approval before any development on a land unit may commence.
- (5) A site development plan shall not be refused if it is consistent with the development rules of a base zoning, overlay zoning, or condition of approval.
- (6) The City may require amendments of detail to the site development plan to address reasonable concerns relating to access, parking, architectural form, urban form, landscaping, environmental management, engineering services or similar concerns.
- (7) The following provisions shall apply with regard to site development plans:
- (a) Developed of the property shall be generally in accordance with an approved site development plan;
  - (b) If the City considers it necessary, a transport or traffic impact statement or assessment may be required in conjunction with a site development plan, the extent of which shall be determined by the City depending on the magnitude of the development;
  - (c) If the City considers it necessary, a stormwater impact assessment and/or stormwater management plan may be required in conjunction with a site development plan, the extent of which shall be determined by the City depending on the magnitude of the development;
  - (d) In circumstances where a site development plan is required in terms of this development management scheme, no application for building plan approval in terms of the National Building Act shall be granted by the City, unless a site development plan has first been approved; and
  - (e) An approved site development plan shall be considered as setting additional development rules applicable to the base zoning, and any application for amendment shall comply with the City's requirements for such amendments.
- (8) A site development plan will only lapse if replaced by another site development plan.
- [Sub-item 8 inserted by s. 51 of City of Cape Town: Municipal Planning Amendment By-Law, 2016]

~~**124 Hazardous substance**~~

- (1) Any use or ancillary activity that involves the storage or keeping of hazardous substances that may result in an installation being declared a major hazardous installation in terms of occupational health and safety law is not permitted, unless a risk management and prevention plan has been submitted by the owner, and the City has given approval thereto.
- (2) The City's approval in terms of sub-item (1) above does not exempt the owner from applying for permission in terms of other relevant legislation.

~~**125 Screening**~~

The City may require screening in accordance with the following provisions:

- (a) Any part of a land unit which is used for the storage or loading of goods shall be enclosed with a suitable wall and/or landscape screening;





CITY OF CAPE TOWN  
ISIXEKO SASEKAPA  
STAD KAAPSTAD

PLANNING AND BUILDING DEVELOPMENT  
MANAGEMENT

M Walker  
Southern District

T: +27 21 444 7725 F: +27 21 444 3803  
E: michelle.walker@capetown.gov.za

LUM019

04-08-2016

Case ID	70070902
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REGISTERED MAIL

**FINAL NOTIFICATION LETTER**

Dear Sir

**APPLICATION FOR AMENDMENT OF CONDITIONS IN TERMS OF THE LAND USE PLANNING ORDINANCE NO 15 OF 1985: REMAINDER ERF 2224 HOUT BAY**

My previous correspondence dated 08-07-2016 refers.

I wish to advise that the appeal process has now been concluded and that the decision as per Council's previous letter of approval is therefore considered final. Accordingly, you may now act on the decision, subject to compliance with the conditions detailed in my letter dated 08-07-2016.

Yours faithfully

for **DIRECTOR : PLANNING & BUILDING DEVELOPMENT MANAGEMENT**

PLUMSTEAD OFFICE    PLUMSTEAD OFFICE    PLUMSTEAD KANTOOR  
3 VICTORIA ROAD PLUMSTEAD 7800 PRIVATE BAG X5 PLUMSTEAD 7801  
[www.capetown.gov.za](http://www.capetown.gov.za)

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STAD KAAPSTAD

PLANNING AND BUILDING DEVELOPMENT  
MANAGEMENT

M Walker  
Southern District

T: +27 21 021 444 7725 F: +27 21 444 3803  
E: michelle.walker@capetown.gov.za

LUM012

08-07-2016

Case ID	70070902
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REGISTERED MAIL

Dear Sir

**APPLICATION FOR AMENDMENT OF CONDITIONS IN TERMS OF THE LAND USE PLANNING ORDINANCE NO 15 OF 1985: REMAINDER ERF 2224 HOUT BAY**

The application with reference 70070902 received on 15-05-2006 refers.

The Spatial Planning, Environment and Land Use Management Committee on 08-06-2016 resolved that:

- a) That the application for amendment of conditions for remainder erf 2224 Hout Bay, as set out in annexure A, **be approved** in terms of section 42(3) of the Land Use Planning Ordinance No. 15 of 1985.

Kindly also note where applicable, the above approval does not guarantee approval of any related building plan application in terms of the National Building Regulations and Building Standards Act, No 103 of 1977 and that building work may therefore only commence once such plans are formally passed.

Reasons for the above decision are set out in the **attached** extract of the departmental report dated 18-05-2016.

In terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000, a person whose rights are affected by the decision may appeal to the Planning and General Appeals Committee of the City against the above decision (including any conditions imposed in case of approval) by giving written notice of such appeal, in which case such person may upon request be given the opportunity to appear in person before the Appeal authority to state his or her case. A detailed motivated appeal with reasons therefor (and not only the intention to appeal), clearly stating in terms of which legislation it is made, should be directed to and received by Melanie Cloete, Statutory Compliance Unit, Legal Services Department, Private Bag X9181, Cape Town, 8000 and to the following email address: [planning.appeals@capetown.gov.za](mailto:planning.appeals@capetown.gov.za), within 21 days of the date of registration at the Post Office of this notification letter (with such registration day not included in the appeal period), provided where the last day for lodging an appeal falls either on a Sunday or public holiday, it shall be deemed to be the next working day thereafter.

**PLUMSTEAD ADMINISTRATIVE BUILDING,**  
CNR MAIN AND VICTORIA ROADS, PLUMSTEAD, 7800  
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Making progress possible. Together.

Notwithstanding the above, kindly note, you are not permitted to submit a revised proposal as part of such an appeal. Should this be the case, your submission will not be regarded as an appeal, but rather a new application which should be submitted in the normal manner, as only the above decision can be appealed at this stage.

Should you take up this right of appeal in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000, kindly complete the **attached** questionnaire and submit it together with your appeal. Also note, appellants are not permitted to canvass the City Manager or members of Council's Planning and General Appeals Committee before or after the matter are heard.

The above decision may not be acted on until such time as the period for lodging appeals has lapsed and any appeal has been finalised, and the applicant has been advised accordingly.

Yours faithfully



for **DIRECTOR: PLANNING & BUILDING DEVELOPMENT MANAGEMENT**

**APPROVED** in terms of section 2.3.1 of the Cape Town Zoning Scheme Regulations, subject to the conditions as set out in annexure A to the report dated 16 May 2016.

The above decisions were made for the reasons as set out in the report dated 16 May 2016.

**ACTION: C GOSLETT / P HOFFA / U GONSALVES**

**SPEL15/06/16 APPLICATION FOR AMENDMENT OF CONDITIONS IN TERMS OF THE LAND USE PLANNING ORDINANCE, NO. 15 OF 1985: REMAINDER ERF 2224, HOUT BAY, OFF MAIN ROAD 70070902/KMcG/Southern District**

Mr. P. Hoffa Department: Planning and Building Development Management, introduced the report to the Committee.

The Chairperson put the recommendation as set out in the report dated 18 May 2016 to the Committee. There were no objections and the recommendation was accordingly adopted.

**RESOLVED**

That the application for the amendment of conditions for remainder erf 2224, Hout Bay, as set out in annexure A to the report dated 18 May 2016, **BE APPROVED** in terms of section 42(3) of the Land Use Planning Ordinance, no. 15 of 1985, for the reasons as set out in the report.

~~**ACTION: K McGILTON / P HOFFA / U GONSALVES**~~

~~**SPEL16/06/16 APPLICATION FOR AMENDMENT OF CONDITION IN TERMS OF THE LAND USE PLANNING ORDINANCE, NO. 15 OF 1985: UNREGISTERED REMAINDER ERF 5457, KOMMETJIE (PORTION OF CAPE FARM 1529), KOMMETJIE MAIN ROAD, IMHOFF FARM 70249859/AA/Southern District**~~

~~**APPLICANT**~~

~~Mr. T Sandwith~~

~~**OBJECTOR**~~

~~Mr. P. Dowling~~



## ANNEXURE A

In this annexure:

"Council" means the City of Cape Town

"The owner" means the registered owner of the property

"The property" means **Remainder Erf 2224 Hout Bay, off Main Road**

"Scheme Regulations" has the meaning assigned thereto by Ordinance 15 of 1985

CASE ID: 70070902  
FILE REFERENCE: LUM/33/2224

1. **CONDITIONS TO BE AMENDED IN TERMS OF SECTION 42 OF THE LAND USE PLANNING ORDINANCE 15 OF 1985: (underlining indicates new wording and strikethrough indicates wording to be deleted)**

**Condition 5 of the 1994 rezoning approval**

- 1.1 ~~The developer entering into a lease agreement with Council for the strip of public open space encompassing the Bokkemanskloof River and that proposals for the enhancement and utilization of this feature be incorporated in the environmental management plan. Ownership of the open space is to be transferred to Council on the first exercising of the associated subdivision approval.~~

That the Bokkemanskloof River corridor be reserved as private open space. The owner is to appoint a fresh water ecologist to advise on the management of the riverine area. A river management agreement is to be established between the owner(s) and the Commissioner: Transport for Cape Town; with regard to the management of the private open spaces relating to the riverine area.

**Condition 13 of the 1994 rezoning approval**

- 1.2 ~~That the remainder of the mountainside to be zoned as public open space be transferred to Council for conservation purposes~~ be accommodated on a separate land portion to be zoned for private open space purposes.





ITEM 38: APPLICATION FOR THE REZONING FROM SINGLE RESIDENTIAL AND RURAL TO SUBDIVISIONAL AREA FOR SINGLE RESIDENTIAL, SPECIAL RESIDENTIAL (CLUSTER HOUSING), RURAL, DEFERRED, ROAD AND OPEN SPACE PURPOSES : REMAINDER ERF 2224 HOUT BAY. (15/3/3/8/89)(PJL)

To receive the following report from the Chief Executive Officer:

\*APPLICANT: Zietsman, Lloyd & Hemsted Inc.

OWNER: Mrs M H Derman & Mrs B I Scher

SITE: Remainder Erf 2224 Hout Bay

LOCATION: See attached locality Plan TP HB 289

EXTENT: 81,7 ha

ZONING: 24,6 Ha Single Residential (up to 152m contour)  
57,1 Ha Rural

PRESENT USE: Small cottage, a large barn and derelict outbuildings.

PROPOSAL: Application is made in terms of Section 17(2) of the Land Use Planning Ordinance (No 15 of 1985) for the rezoning of the property from Single Residential and Rural to Subdivisional Area for Single Residential, Special Residential (cluster housing), Rural, Deferred, Road and Open Space Purposes.  
A plan of the proposal is attached as Annexure A.

PUBLIC COMMENT: The proposal was advertised and the Hout Bay Ratepayers Association notified. Objections were received from 7 individuals, 6 from Blue Valley Avenue and one from a resident in Oakhurst Avenue. A response to these objections was submitted by the applicant. This will be addressed under separate heading in the report.

MOTIVATION: A comprehensive motivation report accompanied the application the contents of which are summarized under section 1.2 of this report.

## 1 COMMENTS FROM THE CHIEF DIRECTOR: ENGINEERING SERVICES

### 1.1 Background

The Guide Plan for the Cape Metropolitan Area, Volume 1: Peninsula (1988) designates the area under consideration for urban development.

The Draft Structure Plan for Hout Bay, dated August 1986, proposes medium to low density residential development for the site with a strip of public open space to accommodate the Bokkemenskloof River.

In terms of the minimum subdivision standards applicable to Hout Bay the area zoned for Single Residential purposes has a residential density potential of 3,5 dwelling units per hectare with a minimum subdivision size of 650 square metres.

Traversing the property is the boundary of the Cape Peninsula Protected Natural Environment (CPPNE) within which development is proposed.

### 1.2 The Proposal

This application forms part of a comprehensive plan for the development of the remaining portion of Oakhurst Farm, which comprises the following erven:

Remainder Erf 2224 which is the subject of this application, and

Remainder Erf 4320, Remainder Erf 2958 and Erf 5497 owned by Mr A S Dorman and is the subject of a separate rezoning application.

This application should be read in conjunction with the concurrent rezoning application for the properties owned by Mr A S Dorman. Certain proposed erven cross existing erf boundaries, and it is intended to consolidate the properties prior to subdivision.

The theme of the development is based on the village concept, with a wide range of erf sizes provided. The buildings will consist of a mixture of predesignated and owner designed dwellings that are subject to an architectural design manual, which would be controlled by a Home Owner's Association.

On the portion of the site that is currently zoned for Single Residential purposes, it is intended to develop 84 single residential sites, 1 special residential site comprising 8 cluster units, 2 rural sites, an equestrian centre on private open space and an area for possible future commercial zoning if the proposed bypass road is built. It is also proposed to convert the existing barn into an area for agricultural activities which would later be used for agricultural exhibits, education and entertainment. The area along the Bokkemanskloof River is proposed to become Public Open Space, with the remaining open areas being used for agriculture, but becoming Private Open Space once surrounding erven are developed.

The area identified for the proposed bypass road has not been designated for development and a deferred zoning is proposed. The 20m wide servitude for the water supply pipeline from the Constantia Nek reservoir to the reservoir in Hout Bay is proposed to be converted into an access road.

The two sites proposed for Rural purposes are approximately 2,5 Ha in extent and it is proposed to develop 4 dwellings on each property. The remainder of Rural land (53,54ha) is proposed to be transferred Council as Public Open Space.

The proposed development of Erf 2224 Hout Bay is shown on the plan attached as Annexure A.

In order to minimise potential damage and ensure the environmental protection of the site, prior to and during the construction phase, construction management procedures will be formulated to the mutual satisfaction of the developer, Council and the contractor. Implementation of these procedures will be the responsibility of the Project Managers, in consultation with the relevant authorities, during the construction of services, whereafter the responsibility will revert to the Home Owners Association.

### 1.3 Desirability

The applicant has taken various factors into account in determining the extent of land that is suitable for development. Although a portion of the site is zoned for single residential use and there is an acceptance of residential development in terms of the Hout Bay Structure Plan, the owner nevertheless carried out a study in order to determine the agricultural potential of the soils, which revealed limited agricultural potential and drainage difficulties. The present scale of farming is too small to provide a viable return, given the potential value of the land.

The applicant has indicated an intent to prescribe a form of "village architecture" for all buildings within the development. To ensure the realization of this intent, all purchasers will be given a detailed architectural and landscape manual which would regulate the use of certain materials for buildings or driveway surfacing, the type, height and form of building as well as the type of vegetation that would be permitted.

The residential density proposed for this development application is acceptable and conforms with existing developments to either side of Oakhurst Farm.

Natural features such as the river need preservation and this has been provided for in the proposals. The developer has also made a commitment to eradicate all alien vegetation from the site and have it replanted with approved vegetation. A preliminary vegetation survey undertaken by consultant landscape architects and environmental planners, forms part of the application.

There is existing access to the site and all servicing requirements can be accommodated.

#### 4 Engineering Servicing Requirements

Although potential property owners in this township would be subject to design controls and compulsory membership of a Home Owner's Association this will not be a private township and therefore, the maintenance obligation for all services will rest with Council. It is therefore imperative that acceptable standards be adhered to.

1.4.1 Sewerage: Three different systems are required by this development because of its division by the Bokkemenskloof River and the proposed Arterial Road.

All the development to the west of the river and above the proposed bypass road is to be lead into an existing sewer on Erf 5455, this connection being via Erf 2054, whose sewerage will also reticulate to this point.

All sewers from the cluster site will be connected into an extension to the existing system in Oakhurst Estate.

Sewerage from the remainder of the development east of the river is proposed via a sewer planned by Council to collect all sewerage from the development alongside Blue Valley Avenue. This line is proposed on the eastern boundary of Erf 2224, and will cross Main Road, to connect into the main line at Disa River. However, Council cannot, at this stage, give any undertakings towards providing this link and this issue would need to be resolved when the detailed reticulation proposals are submitted for scrutiny and approval.

A sewage services levy of R5000, plus escalation, will be required in respect of each subdivided portion prior to transfer.

1.4.2 Stormwater: Due to the steep gradients and predicted substantial increase in stormwater discharge and velocities from the proposed development appropriate anti-erosion measures must be implemented into the improvement of the Bokkemenskloof River abutting the development. The possibility of upgrading existing downstream culverts and sections of the river affected by erosion must also be considered.

1.4.3 Roads and Parking: A detailed and dimensioned development plan showing all roadways, access, parking, structures, etc. is to be submitted for approval. These plans are to indicate the position of all roads, accessways, structures as well as what provision has been made for stormwater.

148 The impact of the proposed development on the Blue Valley/Main Road intersection needs to be fully assessed.

The major east-west link should be designed to cater for a minimum speed of 60km/hr.

No future commercial zoning of the deferred portion adjacent to proposed Erven 76-80 and 84-90 should be permitted as this may have a negative impact on the future utilization of the proposed bypass road.

No direct vehicular link to the north is to be provided adjacent to Erven 26 and 27 until either-

- a) Main Road (MR 134) is realigned;
- b) The Dorman Way/Main Road intersection is satisfactorily upgraded.

An adequate provision of existing services in the neighbouring developments will ensure that the proposed water and electrical requirements are adequately catered for.

### 1.5 Town Planning Requirements

#### 1.5.1 Single Residential Component:

The proposal comprises 84 single residential erven of varying sizes. Larger erven are located on the steeper slopes, to the south of the pipeline servitude. Medium sized erven with average extents of approximately 2000m<sup>2</sup> line the eastern boundary of the property and are proposed for the less severe slopes. The smallest plots with extents averaging approximately 1000m<sup>2</sup> are proposed adjacent to the pipeline servitude and the river and it is intended to develop predesigned units on two of these sites in order to depict the desired style of architecture.

On the proposed portions 82 & 83 and 109 - 116 building platforms need to be proposed which respond to the context of each site.

The Zoning Scheme density requirement is 3.5 units per ha. gross with a minimum erf size of 650m<sup>2</sup>. The extent of Erf 2224 falling below the 152m contour and zoned for single residential purposes is approximately 24,6ha which should yield a maximum of 86 residential units.

Consideration needs to be given to increasing residential densities in return for the ceding of the proposed bypass road reserve as well as the transfer of a considerable portion of the property falling above the 152m contour level to Council. This aspect is addressed below.

#### 1.5.2 Special Residential:

The special residential zoning is intended to allow for a group of 8 cluster units. The site is wedged between the proposed bypass road reserve and the river and would need to take access from the development proposed to the north. In lieu of the extent of land to be ceded to Council a concessionary number of cluster units will be permitted in this proposed locality. However the exact number and siting of units would need to be compatible with the site and its immediate surroundings and would need to be determined upon submission of a comprehensive development plan.

#### 1.5.3 Rural Component:

Two Rural plots with extents in excess of 2,5ha are proposed for the uppermost portion of the site and extend above the 152m contour and proposals for the development of up to 4 dwellings per erf. This increased number of dwelling units per property is not supported and the development on the sites must conform with the requirements of the Zoning Scheme. Building platforms need to be proposed which respond to the context of each site and which must be located below the 152m contour level.

#### 1.5.4 Public and Private Open Space:

Public Open Space is proposed along the Bokkemanskloof River. In the short term, difficulties will be experienced in the maintenance and security of this area. Therefore a lease-back agreement between Council and the developer should be considered with responsibility being given to the developer to formulate a strategy for the long term management of this watercourse to facilitate access, maintenance and the security thereof.

Four portions of private open space are proposed. An equestrian centre is proposed on the erf identified as P5, located between the pipeline servitude and the proposed bypass road. This proposal does not comply with the requirements of the Chief Director: Health Services in that the density of the surrounding development is too high.

Portion P8 is intended for the cultivation of vineyards and is seen as an extension of the possible development on the deferred site immediately to the north. Portions P6 and P7 have been affected by excessive erosion which would need to be addressed in the environmental management program. These spaces would provide an important link between the surrounding properties and the river and would therefore, have to be sensitively planned and managed.

The applicant proposes to transfer the portion of rural land above the proposed development to Council. The importance of establishing a single controlling body to maintain the mountainside needs little elaboration. As a large portion of public open space is to be ceded to Council it is not considered necessary for any additional public open space to be provided within the development.

#### 1.5.5 Deferred Use:

Two sites with a deferred use zoning are proposed. The possibility of a future commercial use for the site to the south of and adjacent to the proposed access link onto the proposed bypass road is not supported, because of the unacceptable level of detail regarding the interchange. A deferred use for this property is therefore not acceptable and a single residential zoning is proposed for which a maximum of 4 erven are to be accommodated.

The second site, which contains an existing substantial barn has the potential of being developed into a community facility, the development of which would require a separate study and the submission of a separate application. A deferred zoning is therefore not acceptable in this case and it is recommended that the present single residential zoning remains for the entire site, but that this portion of approximately 0,9ha be excluded from the total property area in the determination of the density calculation for the remainder of the property.

#### 1.5.6 Development summary

In terms of the normal requirement for provision of Public Open Space, 0,7 ha would be required. It is proposed to transfer a total of 55,15 ha of Public Open Space, and to cede 1,39 ha for the proposed bypass road.

In terms of the Zoning Scheme density requirement 84 single residential and 2 rural erven would be permitted.

Development is acceptable for a total of 88 single residential erven (84 as proposed plus an additional 4 erven on the proposed deferred site adjacent to Portions 76 and 77), 2 rural erven and a special residential site for a maximum of 8 units.

The increased development is considered acceptable in view of the extent of land ceded to Council free of charge for the proposed bypass road and as Public Open Space.