KNYSNA LOCAL MUNICIPALITY

Notice is hereby given of a
PLANNING AND INTEGRATED HUMAN
SETTLEMENTS COMMITTEE MEETING

which will be held on

Thursday, 11 April 2019
at

09:00

in the Council Chamber
to consider the following items.

MUNICIPAL OFFICES

S VATALA

MUNICIPAL MANAGER

MUNICIPAL OFFICES

KNYSNA

AGENDA

Chairperson:
Cllr M Wasserman

Members:
Cllr I Uys
Cllr SI Kwinana
Cllr MD Skosana
Cllr T Matika
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AGENDA

1. Opening and Welcome

2. Attendance (as per attendance register)
   2.1 Members: Present
   2.2 Members: Absent with Leave
   2.3 Members: Absent Without Leave
   2.4 Other Councillors Present
   2.5 Officials Present
   2.6 Members of the Audit Committee Present
   2.7 Members of the Public Present

3. Noting of the Provisions of Code of Conduct for Councillors and Declaration of Interest

4. Disclosure of Interest

5. Minutes of Previous Meetings
   5.1 21 February 2019

6. Matters arising from the minutes
5. **MINUTES OF THE PREVIOUS MEETING**

5.1 **PLANNING AND INTEGRATED HUMAN SETTLEMENTS COMMITTEE MEETING : 21 FEBRUARY 2019.**

RESOLVED

That the minutes of the Planning and Integrated Human Settlements Committee meeting held on 21 February 2019 be approved.
KNYSNA LOCAL MUNICIPALITY

MINUTES

of a meeting of the

PLANNING AND INTEGRATED HUMAN SETTLEMENTS COMMITTEE

held in the Council Chamber on

Thursday, 21 February 2019

at

09:00
1. Opening and Welcoming
   At 09:00, the Chairperson welcomed Councillors and officials to the meeting.

2. Attendance of Members:

3.1 Councillors Present
   Cllr M Wasserman  Chairperson
   Cllr I Uys (from 9:00 to 11:06)
   Cllr SI Kwinana
   Cllr MD Skosana (from 09:16)
   Cllr T Matika

3.2 Councillors Absent with leave
   None

3.3 Councillors Absent without leave
   None

3.4. Other Councillors Present
   Cllr E Van Aswegen
   Cllr M Matiwane
   Cllr E Van Aswegen
   Cllr D Pofadder
   Cllr A Tsengwa (from 09:23)
   Cllr M Salaze (from 09:37)
   Cllr L Tyokolo (from 10:13)
   Cllr T Gombo (from 12:08)
   Cllr C Croutz (from 9:23)

3.5 Officials Present
   Ms M Boyce  Director : Planning and Development
   Ms P Makoma  Director : Corporate Services
   Mr C Mattheus  Manager : Administration
   Mr M Penxa  Manager : Integrated Human Settlements
   Mr H Smit  Manager : Town Planning & Building Control
   Ms P Booth  Manager : Environmental Management
   Ms P Linden  Senior : Housing Clerk
   Ms D Constant  Chief : Clerk Housing
   Ms C Kalawe  Communication Officer
   Ms J Lakay  Head : Committee and Councilor Support
   Ms N Fandese  Committee Officer
   Mr B Ngxolwana  Interpreter
3.6. Members of the Audit Committee Present:

Mr R Barrell

3.7. Members of the Public Present

As per attendance register

3. NOTING THE PROVISIONS OF SCHEDULE 1 (CODE OF CONDUCT FOR COUNCILORS) OF THE LOCAL GOVERNMENT MUNICIPAL SYSTEM ACT, 2000

RESOLVED

That the Code of Conduct for Councillors be noted.

4. DISCLOSURE OF INTERESTS BY COUNCILLORS AND OFFICIALS

RESOLVED

That it be noted that no members of the Committee or other Councillors disclosed any interest on any item on the Agenda.

5. MINUTES OF THE PREVIOUS MEETING

5.1 PLANNING AND INTEGRATED HUMAN SETTLEMENTS COMMITTEE MEETING: 17 OCTOBER 2018

RESOLVED

That the minutes of the Planning and Integrated Human Settlements Committee meeting held on 17 October 2018, be approved.

5.2 PLANNING AND INTEGRATED HUMAN SETTLEMENTS COMMITTEE MEETING: 26 OCTOBER 2018

RESOLVED

That the minutes of the Planning and Integrated Human Settlements Committee meeting held on 26 October 2018, be approved.

5.3 PLANNING AND INTEGRATED HUMAN SETTLEMENTS COMMITTEE MEETING: 29 OCTOBER 2018

RESOLVED

That the minutes of the Planning and Integrated Human Settlements Committee meeting held on 29 October 2018, be approved.

6. MATTERS ARISING FROM THE MINUTES

None
7. MATTERS SUBMITTED BY THE ACTING MUNICIPAL MANAGER

P01/02/18 INTRODUCTION OF A NEW STREET NAMING AND NUMBERING POLICY

UNANIMOUSLY RECOMMENDED

[a] That the Street Naming and Numbering Policy approved by Council on 9 February 2017, in accordance with Council Resolution CMP09/02/17 be recinded; and

[b] That the Policy on the Street Naming and Numbering be approved subject thereto that:

(1) The isiXhosa street name suffix types be added to the Annexure A;
(2) That in Clause 4.1 “Council” be changed to “Municipality”; and
(3) That Clause 4.6 be amended to read as follows:
   “Where previously unnamed roads are to be named, or existing names are to be corrected or changed to remove confusion etc., and where such proposals do not relate to a development application, the proposed names (and new numbers where necessary) must be similarly be submitted to, and processed by, the Authorised Official and will similarly be subject to a 30-day advertising period. Notices must also be provided to the relevant Ward Councillor and registered Community Organisations.

File Number: 9/1/2/13
Execution: Director: Planning and Development
Manager: Town Planning and Building Control

Cllr E Van Aswegen stepped out at 09:25 and returned at 09:29

P02/02/19 APPROVAL OF THE HEIDEVALEI PRECINCT PLAN

UNANIMOUSLY RECOMMENDED

[a] That the Draft Heidevallei Precinct Plan be approved for public participation which must include inviting the Restonia Trust to submit their views thereon.

[b] That the public participation process take place during the IDP Budget process planned for all wards during April / May 2019

File Number: 9/1/2/13
Execution: Director: Technical Services

P03/02/19 BONGANI STREAM : POLLUTION CHALLENGES

UNANIMOUSLY RESOLVED

[a] That the report on the Bongani Stream: Pollution Challenges, be noted; and
UNANIMOUSLY RECOMMENDED

[b] That provision be made in the 2019/20 financial year for the required budget to address the pollution of the Bongani Stream.

c] That the Acting Municipal Manager set up a task team to put into effect the short, medium and long term interventions set out in the 2012 Estuary Pollution Study and report back to the Planning and Development Committee Meeting scheduled for April 2019.

File Number: 9/1/2/13
Execution: Acting: Municipal Manager
Director: Technical Services
Manager: Environmental Management

Cllr M Matiwane stepped out at 09:48 and returned at 09:58
Cllr G Wolmarans stepped out at 09:40 and returned at 09:23

P04/02/19 MONTHLY REPORT: TOWN PLANNING AND BUILDING CONTROL: SEPTEMBER 2018 TO DECEMBER 2018

UNANIMOUSLY RESOLVED

[a] That the monthly report for the Town Planning and Building Control Department of the Directorate: Planning and Development for September 2018 to December 2018, be noted.

[b] That a report on the challenges, solutions and progress with regards to land-use planning and Tribunal applications be submitted to the next Planning and Development Committee meeting in April 2019.

File Number: 9/1/2/13
Execution: Director: Planning and Development
Manager: Town Planning & Building Control

Cllr G Wolmarans stepped out at 10:07 and returned at 10:23
Cllr I Uys stepped out at 10:20 and returned at 10:25

P05/02/19 INTEGRATED HUMAN SETTLEMENT MONTHLY REPORTS: OCTOBER TO JANUARY 2019

UNANIMOUSLY RESOLVED

That the monthly report and verbal presentation of the Integrated Human Settlements section of the Directorate: Planning and Development for the period of October to January 2019, be accepted.

File Number: 9/1/2/13
Execution: Director: Technical Services
Manager: Integrated Human Settlements

Cllr M Matiwane stepped out at 10:35 and returned at 10:38
Cllr M Skosana stepped out at 10:42 and returned at 10:45
Cllr L Tyokolo stepped out at 10:48 and returned at 10:59
Cllr M Matiwane stepped out at 10:48 and returned at 11:00

Body break 11:12-11:30

P06/02/19  DETAILLED CAPITAL BUDGET REPORT FOR THE 2018/2019 FINANCIAL YEAR AS AT 23 JANUARY 2019

UNANIMOUSLY RESOLVED

That the Detailed Capital Budget Report: 2018/2019 as submitted in terms of Section 52(a) of the Local Government: Municipal Finance Management Act 56 of 2003, be noted.

File Number:  9/1/2/10
Execution:  Director: Financial Services

Cllr I Uys stepped out at 12:42 and returned at 12:44

P07/02/19  REPORT ON TERMS OF REFERENCE OF ESTUARY POLLUTION COMMITTEE AND MEMORANDUM OF UNDERSTANDING REGARDING THE ESTUARY POLLUTION COMMITTEE

UNANIMOUSLY RESOLVED

[a]  That Council mandates the Acting Municipal Manager to instruct the following Managers to attend the monthly Estuary Pollution Committee meetings coordinated by SANparks:

    Water and Sanitation
    Roads and Storm Water
    Solid Waste
    Environmental Management

[b]  That the aforementioned Managers be requested to report to their respective Section 80 Portfolio Committees on the findings and deliberations of the relevant meeting.

File Number:  9/1/2/13
Execution:  Director: Planning and Development
            Manager Environmental Management
            Director: Technical Services
            Manager: Water and Sanitation
            Manager: Roads and Storm Water
            Director Community Services
            Manager: Solid Waste
UNANIMOUSLY RESOLVED

That the monthly report, tabled at the meeting, for the Environmental Department of the Directorate: Planning and Development for September 2018 to December 2018, be noted.

File Number: 9/1/2/13
Execution: Director: Planning and Development
           Manager Environmental Management

9. Closure

The Chairperson thanked everybody present for their contribution and the meeting adjourned at 13:00.

Approved

Chairperson: Cllr M Wasserman
Date
6. MATTERS ARISING FROM THE MINUTES
7. MATTERS SUBMITTED BY THE MUNICIPAL MANAGER

7.1

| P01/04/19 | ENVIRONMENTAL MANAGEMENT : ILLEGAL DUMPING IN THE BIGAI RIVER |

REPORT FROM THE DIRECTOR : PLANNING AND DEVELOPMENT

To inform the Municipal Council of the impacts of illegal dumping on municipal property in the Bigai River.

BACKGROUND

An incident of illegal dumping was reported to Environmental Management at the end of July 2018. The incident was investigated for the potential negative impacts on the Bigai river system and a report was drafted and submitted to the Environmental Manager in October 2018. The illegal dumping occurred on erven 3319, 3333, 3503 (Knysna Municipality) and 8332 (South Cape Holdings Pty Ltd).

Dumping in or near a water course is in direct violation of the National Water Act 36 of 1998 and National Environmental Management: Waste Act No. 59 of 2008. It is also a contravention of the Integrated Waste Management bylaw that is enforced by the Solid Waste Department of the Municipality. Litter and dumping is addressed in Section 15 of the municipality’s Integrated Waste Management bylaw of 2014.

DISCUSSION

The department undertook an investigation into the illegal dumping in order to ascertain the impact of the illegal dumping proximate to the Bigai River on the river health system. The attached report outlines the findings of the report. The following interventions are recommended in the report:

- Fencing off of properties
- Monitoring and law enforcement
- Education and awareness campaigns

The recommendations pertain to various municipal departments. However, in order to have an integrated approach to the prevailing issue, it is recommended that the Solid Waste Department be mandated to coordinate an internal stakeholder forum to consider and report on the proposed interventions contained in the report.
FINANCIAL IMPLICATIONS

The cost of removing all the illegally dumped material is undetermined. The feasibility and costs of the various interventions as per the recommendations in the incident report will need to be determined.

RELEVANT LEGISLATION

National Water Act 36 of 1998
National Environmental Management: Waste Act No. 59 of 2008

RECOMMENDATION OF THE MUNICIPAL MANAGER

That the Solid Waste Department be mandated to coordinate an internal stakeholder forum to consider and report on the proposed interventions contained therein and report on the implementation of interventions of the forum.

APPENDIX / ADDENDUM

Bigai Illegal dumping site.

File Number : 9/1/2/13
Execution : Municipal Manager
Director : Planning and Development
Manager : Environmental Management
INCIDENT REPORT

ILLEGAL DUMPING IN THE BIGAI RIVER

The Knysna area is currently supplied with raw water from several different sources, namely the Knysna River, Gouna River, Glebe Dam, Akkerkloof Dam, Bigai Springs and boreholes. Over the past few years there have been complaints and concerns around the illegal dumping that has been happening in the Bigai River area and this problem has increased with time. It is imperative that this illegal dumping is stopped as it is in direct violation of the National Water Act 36 of 1998 and National Environmental Management: Waste Act No. 59 of 2008, the river contributes approximately 10% to the groundwater supply in Knysna.

Locality Map of the Bigai River with dumping site demarcated

From the locality map provided above, one can clearly see where the river runs and the dumping site has also been demarcated. The dumping site is in very close proximity to the river and in some parts of this area rubbish is being dumped in the river itself and there is a lot of infilling that can clearly be seen on site.

An extensive interview and site visit was conducted with one of the local residents, Errol Cunningham who has been residing in the area for 36 years. Mr. Cunningham provided as much information as he could with regards to the illegal dumping that has been taking place. He provided us with information such as, when it takes place, exactly where, who are the main culprits, what type of material is being dumped and some of the effects of this illegal dumping near the water resource.

During the interview and site visit, Mr. Cunningham took me to the exact dumping site and he showed me what was being dumped. People were dumping building rubble, old clothes, there were also garbage bags on the site which were likely to contain trash, there were asbestos gutters dumped on the site, fresh heaps of soil and cement were visible on site.
According to Mr. Cunningham this illegal dumping has been taking place for years on the site, to the extent that the storm water drainage system has been completely closed off from directing water into the river and as such he fears that during seasons of high rainfall the excess water that can’t be directed to the river will collect further down the site and flood the homes that are right on the edges of the site. That was one of his many fears. The site itself did not have any foul odors which was surprising considering the it has been turned into an unofficial dumping site, the presence of all the trash creates a perfect breeding area for vermin and the main concern with the presence of vermin is the diseases that they carry back and forth; the other area of concern was that kids usually play around the site so it poses a definite danger and the rubble on site is not contained therefore, it is blown all over the area and the asbestos and cement dumped on the site can cause respiratory diseases to the local residents especially the one living in close proximity to the site. Another concern of his was crime, he explained that people in the area were being mugged because the perpetrators had the perfect hiding place on this site.

Mr. Cunningham stated that there is one gentleman in particular who dumps all of his construction rubble on this site and has been doing so since last year 2017. Mr. Cunningham has engaged in a couple of conversations with the gentleman and his father and explicitly asked them to refrain from dumping materials on this site and the gentlemen told him that it is not his land and they also claimed that they had permission from the municipality. Mr. Cunningham also mentioned that he had seen a municipality vehicle on the site dumping rubble as well. He explained that the dumping mostly occurs over the weekend, especially on Sundays and during the day. Throughout the week its mostly just garbage bags that are being dumped. The gentleman that is currently the main culprit has also started dumping on a resident’s yard who lives right at the entrance of the dumping site, this was soon after Mr. Cunningham had told him that he was reporting him to the local authorities and took photographs of him in his vehicle dumping material on the site and soon after he had filled the yard with rubble he moved onto another site within the area where he had previously been stopped from dumping but he has now started again. According to Mr. Cunningham the gentleman dumps his heaps of rubble from construction sites that he works at and uses machinery to compact it and flatten it, this is a continuous process. The site itself has become elevated due to the compaction of the rubble.
After the Bigai area site visit was completed, Mr. Cunningham mentioned another site which is also currently being used as a dumping site. We drove down right to the end of Agter Street and took a small gravel road which took us directly onto the third dumping and burning site. This was by far one of the most concerning sites as all sorts of activities were taking places and there hasn’t been any previous knowledge of the existence of the site to any of the municipality’s relevant authorities. Upon arrival to the site we were met by huge heaps of construction rubble, entire walls of demolished houses, car tyres, garbage and electronic waste but mostly it consisted of construction rubble. In the middle of the site there was a huge excavation which was suggested that it was being used as an informal landfill site. The hole was filled with all the materials that were being discarded and it looked as though it had been recently compacted with a layer of soil. Mr. Cunningham also mentioned that on Saturdays and Sundays he can see thick columns of smoke rising from the site, suggesting that people were burning their garbage here and the visible patches of burnt grass on the site were evidence enough. The site barely had any vegetation on it and whatever vegetation that was present was severely burnt. The trees in the area were also being chopped by the local residents and there was one big tree that was left unfinished, they had started cutting it down but didn’t completely finish taking it down so it was just standing there as a potential human hazard. Mr. Cunningham had no evidence of the main culprit who was dumping on this site but he mentioned one gentleman in particular whom he suspected.
After having visited all three sites it was apparent that the dumping issue in this area is one that needs to be attended and fully addressed before it completely gets out of hand, as such it would be appropriate to suggest some recommendations on how to remedy this problem.

- The first and most obvious recommendation would be to fence these vulnerable sites because on the site visit it was seen that all three sites were unfenced which made it very easy for people to go dump there illegally, to try and prevent people from gaining access to these sites, especially if they are municipal land.

- There are actual laws and legislation that render illegal dumping in South Africa a serious offense; The South African Constitution (Act 108 of 1996), Hazardous Substances Act (Act 5 of 1973), Health Act (Act 63 of 1977), Environment Conservation Act (Act 73 of 1989), Occupational Health and Safety Act (Act 85 of 1993), National Water Act (Act 36 of 1998), The National Environmental Management Act (Act 107 of 1998), Air Quality Act (Act 39 of 2004) and National Environmental Management: Waste Act, 2008 (Act 59 of 2008). Therefore, the repercussions of breaking these laws and legislation should be enforced, such as fines and jail time (where deemed necessary). In this case the guilty parties that dump illegally are known members of the community, so they should be held accountable.

- Mr. Cunningham had also raised the issue that other local residents were starting to dump their household garbage at the first site which is situated in very close proximity to the Bigai river. The community needs to have an environmental educational campaign where they are taught about the dangers of dumping waste near a watercourse.

- The municipality needs to work with the local residents such as Mr. Cunningham who concerned about the protection and preservation of the environment. They must monitor the sites on a weekly basis (preferably on the weekends, when most dumping takes place) and report back on who they saw dumping there (if anyone) and whether the dumping has stopped or not.

- Law enforcement and prosecution will be fundamental in stopping illegal dumping in this area. The main culprits that worsen this situation are contractors/builders, they dump their building rubble on these three sites. The municipality should be stricter with them, after a contractor has been employed to build or demolish a building, they must submit relevant documents which state where they will dump their waste and once the project has finished they must provide supporting documentation or proof of whether or not they dumped waste at the appropriate dumping site.

- Environmental authorities together with the local governments need to set lower disposal fees to encourage people to use the lawfully stipulated waste disposal systems. At the same time, the relevant regulatory bodies against illegal dumping must set higher fines to discourage the habit. This can be done by re-defining the fines and punishments for illegal dumping as well as the licensing and charge rates acts for dumping services.

- Another useful recommendation would be to embrace the concept of reducing, reusing and recycling because illegal dumping is a result of high overall waste production, if the amount of waste generated can be reduced then the rate of illegal dumping will decrease; this will hugely involve environmental awareness and educational programs to teach the community members about the importance of the three R's.
PICTURES (FIRST SITE)

PICTURES (SECOND SITE)
PICTURES (THIRD SITE)

LOCALITY MAP OF ALL THREE SITES
EVIDENCE PICTURES
REPORT FROM THE DIRECTOR: PLANNING AND DEVELOPMENT

PURPOSE OF THE REPORT

The purpose of this report is to provide feedback and information to the Municipal Council on the challenges, solutions and progress with regards to land use planning and Tribunal applications.

BACKGROUND

At a meeting held by Planning and Development Portfolio Committee on 21 February 2019, it was resolved in accordance with Resolution P04/02/19 that:

[a] That the monthly report for the Town Planning and Building Control Department of the Directorate: Planning and Development for September 2018 to December 2018, be noted.

[b] That a report on the challenges, solutions and progress with regards to land-use planning and Tribunal applications be submitted to the next Planning and Development Committee meeting in April 2019.

DISCUSSION

During 2016 Knysna Municipality underwent the transition from the Land Use Planning Ordinance (No. 15 of 1985) to the new Planning System under the Spatial Planning and Land Use Management Act (SPLUMA). Subsequently, measures were implemented to accommodate the implementation of the new set of legislation that included inter alia the following:

Introducing the Knysna Municipality By-law on Municipal Land Use Planning;
Establishment of the Knysna Municipal Planning Tribunal;
Appointment of Authorised Official;
Amendment of Council’s Delegation Register
Introducing a Categorisation Model for appropriate decision making.

The transition to the new planning system, as mandated by SPLUMA has highlighted some challenges in the municipality.

<table>
<thead>
<tr>
<th>Challenge</th>
<th>Solution</th>
<th>Progress</th>
<th>Responsibility</th>
<th>Timeframe</th>
</tr>
</thead>
<tbody>
<tr>
<td>Staff Capacity: Timeframes for processing applications and mandated functions in SPLUMA places constraints on staff capacity in the department.</td>
<td>New posts included in organogram.</td>
<td>Awaiting budget finalization.</td>
<td>Council</td>
<td>2019/20</td>
</tr>
</tbody>
</table>
Committee Secretariat: The disruption in the function of the compilation of agendas and minutes result in no meetings being scheduled for the KMPT, delays in communicating outcomes of applications to stakeholders and delays in processing appeals.

Temporary worker appointed as interim measure.

Contract expiration is imminent. Contract to be renewed.

Corporate Services

April 2019

Appeals: Role players and turnaround times for appeal process need to be refined.

Appeal authority process needs to be reconsidered.

Not commenced.

Executive Mayor

Bylaw: Some provisions in current bylaw are ambiguous or impractical, resulting in interpretation conflicts.

Bylaw review process was commissioned.

Currently Underway.

Planning & Development

June 2019

Categorisation: Categorisation needs to be clarified.

Review Categorisation resolution.

Align with bylaw review.

Planning & Development

June 2019

RELEVANT LEGISLATION

Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) & Regulations;
Western Cape Land Use Planning Act, 2014 (Act No 3 of 2014) & Regulations;
Local Government: Municipal Systems Act, (Act No. 32 of 2000);
Knysna Municipality By-law on Municipal Land Use Planning (2016).

RECOMMENDATION OF THE MUNICIPAL MANAGER

That the contents of the report on the challenges, solutions and progress of land use planning and tribunal applications, be noted.

File Number: 9/1/2/13
Execution: Director: Planning and Development Manager: Town Planning and Building Control
REPORT FROM THE DIRECTOR: PLANNING AND DEVELOPMENT

PURPOSE OF THE REPORT

The purpose of this report is to inform the Municipal Council of the progress of the finalisation of the Draft Zoning Scheme Bylaw for Knysna Municipality.

PREVIOUS RESOLUTIONS

The Draft Zoning Scheme Bylaw was presented to Council at a workshop held on 2 May 2018. Subsequently, at a meeting held by Council on 2 July 2018, it was resolved in accordance with Resolution M01/05/18 that:

[a] That the contents of the report be noted;
[d] That in terms of section 12(3)(b) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) the proposed Draft Knysna Integrated Zoning Scheme By-law be published for public inputs; and
[e] That in terms of section 12(2) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) the proposed Knysna Integrated Zoning Scheme By-law be submitted to Council for consideration for adoption after public inputs have been received.

BACKGROUND

The Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2014) [SPLUMA], stipulates in Section 24(1) that a municipality must adopt a single zoning scheme for its entire municipal area within 5 years from the commencement of said Act. Municipalities thus have until 30 June 2020 to implement such zoning scheme.
DISCUSSION

The Draft Knysna Zoning Scheme Bylaw was published in the local press inviting the public for their comment and inputs (see attached notices as Annexure “A”). Comments were received from the Knysna Accommodation Association (KAA), the Noetzie Conservancy Association (NCOA) and the Western Cape Department of Environmental Affairs and Development Planning (DEADP). Copies of the written comments are included as Annexures “B1, B2 and B3”.

The various comments / inputs were considered by the Town Planning and Building Control Department and a summary of the response is included as Annexure “C”. As a result of the comments received minor amendments have been made to the Draft Knysna Zoning Scheme Bylaw and the latest version incorporating the inputs is included as Annexure “D”.

In addition to the aforementioned provisions of Sections 12 and 13 of the Local Government: Municipal Systems Act, (Act No. 32 of 2000) [MSA], the stipulations of the Western Cape Land Use Planning Act (2014) [LUPA] must be satisfied. LUPA requires that:

“25 A municipality must compile or amend its zoning scheme by
(a) establishing an inter-governmental steering committee [IGSC] to compile a draft zoning scheme or a draft amendment of a zoning scheme; or
(b) following the procedure set out in section 27.”

The process that Knysna Municipality has been following in the development of the Zoning Scheme bylaw, aligns with Section 27 of LUPA, which stipulates that:

“(1) If an inter-governmental steering committee contemplated in section 26 is not established, the municipality –
(a) must submit a draft zoning scheme or draft amendment of a zoning scheme, excluding the register and zoning map, to the Provincial Minister for written comment; and
(b) may not adopt its zoning scheme or approve an amendment thereof until –
(i) the municipality has received and considered the comments…”

The comment of the Minister has been duly solicited and inputs and responses thereto are reported in Annexure “C”.

Section 24 of LUPA stipulates that a zoning scheme must make provision for at least the following:

“(a) the zoning of land;
(b) the coming into operation of new zonings if new zonings are provided for in the zoning scheme;
(c) the keeping of a register to record departures, non-conforming land uses contemplated in section 29(1)(c)(i) and consent uses; and
(d) the approval of a zoning map to record the following:
(i) the zoning of land units and references to records in the register; and
(ii) rezonings and amendments to references to the register, where a land use planning application is approved by the municipality or where a use right has lapsed."

A determination of new zonings in draft zoning register and map needs to be compiled for adoption with the draft Zoning Scheme Bylaw before June 2020. This process will include further public participation and advertisement of the zoning register and maps and the addressing of any disputes before resubmission of the bylaw to Council for approval. A service provider will have to be appointed to assist with the finalization of the map, register and conversion table and to facilitate the public comment process.

Once Council gives the final approval of the Draft Zoning Scheme Bylaw in terms of Section 12(2) of the MSA, the following sections of LUPA are mandated:

1. Section 28 sets out that a municipality must, within 30 days of approval of a zoning scheme or amendment thereof, submit a written notice of its decision to adopt the zoning scheme, the scheme and a report on the responses to the comments of the Minister to the Premier.
2. Section 29(2) stipulates that “a municipality must publish its decision to approve a zoning scheme map in the Provincial Gazette”. Similarly, section 13(a) mandates the publication of any bylaw passed by a Municipal Council.

Once the scheme has been adopted, the updating of the zoning map and register will continue on an ongoing basis.

FINANCIAL IMPLICATIONS

Budget provision has been made for the conversion and mapping process to be commenced during the current financial year.

RELEVANT LEGISLATION

1. Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2014);
2. Local Government: Municipal Systems Act, (Act No. 32 of 2000);
3. Knysna Municipality By-law on Municipal Land Use Planning (2016);

RECOMMENDATION OF THE MUNICIPAL MANAGER

[a] That the contents of the report be noted.
[b] That the commencement of the compilation of the zoning register and map be noted;
[c] That the advertising of the zoning register and maps for public comment be approved;
[d] That in terms of section 12(2) of the Local Government: Municipal Systems Act, 2000
(Act 32 of 2000) the final proposed Knysna Integrated Zoning Scheme By-law be submitted to Council for consideration for adoption after public inputs have been received.

**APPENDIX / ADDENDUM**

Annexure “A” – Newspaper notices  
Annexure “B” – Copies of the written comments  
Annexure “C” – Response to comments received  
Annexure “D” – Draft Knysna Zoning Scheme By-law

File Number:  9/1/2/13  
Execution:  Director : Planning and Development  
Manager : Town Planning and Building Control
LEGAL NOTICE

NOTICE OF INTENT TO APPLY FOR RECTIFICATION IN TERMS OF SECTION 245 OF THE NATIONAL ENVIRONMENT MANAGEMENT ACT (ACT 107 OF 1998) FOR THE UNLAWFUL COMMENCEMENT OF THE LISTED ACTIVITIES AT THE FARMS ELANDSKRAAL RE35/203 AND ELDERSKRAAL 106/203, KNYSHA

Mr W Blight intends to submit an ex parto factual application for rectification in terms of Section 245 of the NEMA and Subsection 13.2(h) of the KNYSHA Integrated Development and Environmental Affairs and Development Planning for the unlawful clearing of indigenous vegetation for agricultural purposes between 2005 and 2010 for the establishment of blueberry orchards.

The listed activities which required an Environmental Authorization in terms of Section 24F of the NEMA for the clearing of indigenous vegetation on the farm are as follows:

On No. 35/06/C (Listing Notice 3 of 2010) Activity No. 12, 13, 14

Similarly listed activities

On No. R. 327 (Listing Notice 1 of 2014, as amended) Activity No. 27

The Department of Environmental Affairs and Development Planning Reference is 14/24/5/17/6/18.17/18.

Parries wishing to formally object to and/or comment on the proposed rectification are requested to submit their written objections and comments to the Department of Environmental Affairs and Development Planning at no later than Thursday 8 November 2018 to Desreed du Preez, Tel: (0)44 824 0680, Fax: 086 580 7015 or preferably E-mail desreed.dupreeza@dalnet.net

Knysha Municipality seeks to maintain its reputation as a tolerant and harmonious society, involving all the people positively and harmoniously. As a preamble to the proposed Knysha Municipality Draft Zoning Scheme Bylaw, Knysha Municipality wishes to make it clear that all persons, organisations and communities are equally entitled to participate in the development of the Bylaw.

PROPOSED ADOPTION OF KNYSHA MUNICIPALITY DRAFT ZONING SCHEME BYLAW: EXTENSION OF COMMENT PERIOD

Notice is hereby given that the Draft Knysha Municipality Zoning Scheme Bylaw, 2018 (Draft Bylaw No. 37 of 2018) and Draft of the Knysha Municipality Zoning Scheme Bylaw of 2018 (Draft of the Draft Bylaw) will be open for public comment for a period of 30 days from date of publication in the local newspaper.

The purpose of the draft Knysha Municipality Zoning Scheme Bylaw is to provide for a systematic and rational regulation of land use and development in the municipality.

Any person wishing to object to the Draft Zoning Scheme Bylaw is kindly requested to submit his objections to the Manager, Planning, Building, Town Planning, P.O. Box 28, Knysha 6576, by Monday 30 July 2018.

Any person wishing to comment on the Draft Zoning Scheme Bylaw is kindly requested to submit his comments to the Manager, Planning, Building, Town Planning, P.O. Box 28, Knysha 6576, by Monday 30 July 2018.

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Kennis word hiermee geaarde ingeval Artikel 54(1) van Invoerwet en het van THIN PROPERTIES CC voornemen om die THIN PROPERTIES CC van voornemen is om deel te doen in die Verenigde State, Botswana en Kaapstad nie te doen in deel met die Knysha en om talle belange van die Knysha en om talle belange van die Knysha te beheer.

DEDATEER na KNYSHA op hierdie 13de dag van September 2018

THIN PROPERTIES CC
Anti-abuse roadshow leaves learners with valuable lessons

By Stefan Goosen

The issue of violence against women and children, highlighted during Women’s Month each August, was brought home to Kunys learners recently through a series of roadshows conducted by the Kunys Youth Crime Prevention Desk (YCPD).

The first of the roadshows was held at Kunys Secondary School (KSS) in Hornelee on Monday 15 August.

According to Kunys YCPD secretary Neaver Danhaussen, the roadshows were crowned around the theme Empower Me as Protectors of Women and Children.

He said the shows were an opportunity for the YCPD to directly interact with the youth and community at large, increase the YCPDs visibility, and font and foremost to educate the learners around issues of intimate partner violence (between two people in a relationship, whether it be man and woman, man and man, or woman and woman).

How it manifests

On hand to assist with this, among others, were Sergeant Warren Fittner of the local police department; department of social development social worker Anaisland Mabola; Thabisa Ncwane who performed a lively skit to the existing applause of the learners; and members of the Kunys YCPD itself.

“This type of violence sees one person trying to control another, they want to exert power over the other person in their life,” Mabola told the packed school hall.

She said sometimes one can see the violence or coercion of intimate violence in other cases in a process that takes place over time.”

Mabola told the packed school hall.

She also told of how abusive relationships follow a cycle: “First you go through what we call the honeymoon phase where everything is wonderful, the calming phase follows and the relationship settles. Even so, the relationship moves into the tension phase when nothing you do or say is right.”

Cycle of abuse

“This inevitably leads to the explosion phase — your partner starts stealing at you and beating you,” Mabola said. “With the money then leaving them or reporting them and they follow up by begging and pleading and making empty promises, but in relationships such as these the cycle continues — unless you forgive and forget and it starts all over again.”

Mabola further called attention to the different types of abuse: financial, physical, emotional, verbal, sexual, and psychological.

In closing, the drive home the point that nobody can make decisions for you, with great caution.

Ncwane portrayed an abusive relationship and how it affects not only the adult in a home but the children too in a lively, sometimes humorous manner on stage, making sure his messages were brought home, by asking the issues to learners in a way they would understand.

For further information or queries regarding this issue, Danhaussen urged learners in attendance — and also the entire Kunys community — to contact the YCPD. Students can call 046 285 0593 for further assistance.

Voorstelde aanvaarding van die Kunys Munisipaliteit soneringskema-konseptverordening

Kennis gelaat deur hieronder ingevoegte Artikel 12(3)(3) van die Wet op Helelyslike Rywings: Munisipale Stelsels, 2000 (No 46 van 2000) en Reg 47 van die Kunys Munisipaliteit as Ordinariet (2017), dat die Munisipaliteit van Kunys van voorneme is om die Kunys Munisipaliteit Soneringskema-Konseptverordening te aanvaar.

Volledig besonderhede aangaande die voorstelde Kunys Munisipaliteit Soneringskema-Konseptverordening is gedurende kantonneur basiisbaar by:

- Munisipale kantone te Kunys, Sedgefield, Rheenendal, Karasberg
- Politieke lede in Kunys, Sedgefield, Rheenendal, Khayalethu, Matatiele, Rudolfs Baai, Hondeklip, Luseba iind en Smezzville

Kommunale, beswaars en voorlêings van die voorgestelde Verordening, binne enkele, moet voor of op 24 September 2018 streep die ondergetande ontvanger van die voorstelde Kunys Munisipaliteit Soneringskema-Konseptverordening.

Persone wat bystaan nodig het met die inligting van kommunal, beswaars en voorlêings van die verordening, kan die informasie van Sedgefield, boerekhoek, Mr. Henrie Stell, Kunys Munisipaliteit, Postbus 21, Kunys, 6576; tel: 046 302 6319; e-pos: hmlk@kunys.gov.za gedurende kantonneur naas vir bystaan ten spigte van die voorgestelde Verordening.

JOHNNY DOUGLAS

Waarneemende Munisipale Bestuurder

Proosed adoption of Kunys Munisipaliteit draft zoning scheme by-law

Notice is hereby given in terms of Section 152 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) and Rule 47 of the Kunys Munisipaliteit: Rules of Order (2017) that the Kunys Munisipaliteit intends to adopt the proposed Kunys Munisipaliteit Draft Zoning Scheme by-law.

Full particulars of the proposed Kunys Munisipaliteit Zoning Scheme by-law are available for inspection during office hours at:

- Municipal Offices at Kunys, Sedgefield, Rheenendal, Karasberg
- Libraries at Kunys, Sedgefield, Rheenendal, Khayalethu, Matatiele, Rudolfs Baai, Hondeklip, Luseba iind and Smezzville

Comments, objections and representations of the proposed by-law, if any, must reach the undersigned on or before 24 September 2018.

Any person needing assistance in lodging comments, objections and representations in this regard, may during office hours at:

- Municipal Offices at Kunys, Sedgefield, Rheenendal, Karasberg, Mr. Henrie Stell, Kunys Munisipaliteit, PO Box 21, Kunys, 6576; tel: 046 302 6319; e-mail: hmlk@kunys.gov.za for assistance, if any, in respect of the proposed by-law.

JOHNNY DOUGLAS

Acting Municipal Manager
PROPOSED ADOPTION OF KNYSNA MUNICIPALITY DRAFT ZONING SCHEME BY-LAW: EXTENSION OF COMMENTING PERIOD

Notice is hereby given in terms of Section 12(3)(b) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) and Rule 47 of the Knysna Municipality: Rules of Order (2017) that the Knysna Municipality intends to adopt the proposed Knysna Municipality Draft Zoning Scheme by-law.

Full particulars of the proposed Knysna Municipality Zoning Scheme by-law are available for inspection during office hours at:

- Municipal Offices at Knysna, Sedgefield, Rheenendal, Karatara;
- Libraries at Knysna, Sedgefield, Rheenendal, Khayalethu, Masifunde, Rudolf Barn, Honnlee, Leisure Island and Smutsville.

The period for comments, objections and representations of the proposed by-law has been extended and any comments must be submitted to the undersigned on or before 31 October 2018.

Any person needing assistance in this regard may, during normal office hours, approach the Manager: Town Planning and Building Control, Mr. Henkie Smit, Knysna Municipality, P.O. Box 21, Knysna 6570; tel: 044 302 6319; or e-mail: hsm@knysna.gov.za for assistance with the lodging of comments, objections and representations, if any, in respect of the proposed by-law.

JB DOUGLAS
ACTING MUNICIPAL MANAGER
CLYDE STREET
KNYSNA
6570

VOORGESTELDE AANVAARDING VAN DIE KNYSNA MUNICIPALITEIT SONERINGSKEMAVEROORDERING: VERLENGING VAN KOMMENTAARTYDPERK

Kennis gee die hierdie ingevoegde Artikel 12(3)(b) van die Plaaslike Regering: Munisipale Stelselwet, 2000 (Wet Nr. 32 van 2000) en Reel 47 van die Knysna Munisipaliteit se reëls van orde (2017), dat die Mуниципaal bestuur van Knysna van voorneemse is om die voorgestelde Knysna Munisipaliteit Soneringskemaverordening te aanvaar.

Volledige besonderhede aangaande die voorgestelde Knysna Munisipaliteit Soneringskemaverordening is gedurende kantoorure beskikbaar by:

- Munisipale kantore te Knysna, Sedgefield, Rheenendal, Karatara;
- Biblioteke te Knysna, Sedgefield, Rheenendal, Khayalethu, Masifunde, Rudolf Barn, Honnlee, Leisure Island en Smutsville.

Die tydperk vir kommentaar, besware en voorleggings van die voorgestelde Verordening, indien enige, is verleng en enige kommentaar moet voor of op 31 Oktober 2018 aan die ondergetekende voorgê word.

Persone wat bystand in die verband benodig, kan gedurende kantoorure, die Bestuurder: Stadsbeplanning en Boubeheer, Mnr. Henkie Smit, by die Knysna Munisipaliteit, Postbus 21, Knysna 6570; tel: 044 302 6519; of e-pos: hsm@knysna.gov.za vir hulp nader, indien hulle enige kommentaar, besware en voorleggings met betrekking tot die aanvaarding van die voorgestelde verordeninge wil indien.
PROPOSED ADOPTION OF KNYSNA MUNICIPALITY DRAFT ZONING SCHEME BY-LAW

Notice is hereby given in terms of Section 12(3)(a) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) and Rule 47 of the Knysna Municipality: Rules of Order (2017) that the Knysna Municipality intends to adopt the proposed Knysna Municipality Draft Zoning Scheme by-law.

Full particulars of the proposed Knysna Municipality Zoning Scheme by-law are available for inspection during office hours at:

- Municipal Offices at Knysna, Sedgefield, Rheenendal, Kaarstara
- Libraries at Knysna, Sedgefield, Rheenendal, Knysna Heights, Plettenberg Bay, \[add more if necessary\]

Comments, objections and representations of the proposed by-law, if any, must reach the understand on or before 24 September 2018.

Any person needing assistance in lodging comments, objections and representations may contact the Human Settlement and Planning Control, Mr. Henry Smith, Knysna Municipality, P.O. Box 21, Knysna 6570; tel 044 202 6319; email huma@knysna.gov.za for assistance. If any, in respect of the proposed by-law.

JOHNNY DOUGLAS
ACTING MUNICIPAL MANAGER

Page 5 of 68

Page 31 of 68
PROPOSED ADOPTION OF KNYSNA MUNICIPALITY DRAFT ZONING SCHEME BY-LAW

Notice is hereby given in terms of Section 12(3)(b) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) and Rule 47 of the Knysna Municipality: Rules of Order (2017) that the Knysna Municipality intends to adopt the proposed Knysna Municipality Draft Zoning Scheme By-law.

Full particulars of the proposed Knysna Municipality Zoning Scheme By-law are available for inspection during office hours at:

- Municipal Offices at Knysna, Sedgelands, Rhenendal, Karatara
- Libraries at Knysna, Sedgelands, Rhenendal, Khayalethu, Mastindde, Rudolf Ball, Hornlee, Leisure Island and Smutsville.

Comments, objections and representations of the proposed By-law, if any, must reach the undersigned on or before 24 September 2018.

Any person needing assistance in lodging comments, objections and representations in this regard, may during office hours, approach the Manager: Town Planning and Building Control, Mr. Henrie Smite, Knysna Municipality, P.O. Box 21, Knysna 6570; tel: 044 302 6319; e-mail: hsmit@knysna.gov.za for assistance, if any, in respect of the proposed By-law.

JOHNNY DOUGLAS
ACTING MUNICIPAL MANAGER

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Sat: 8.00 - 13.00

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Cultures of the World – A musical Journey across the world
When: Tuesday, 28 August & Wednesday, 29 August
Time: 18h00 for 18h30
Where: Knysna Angling Club, 1 Remembrance Drive, Knysna

CASH Tickets. Adults = R30 & Children = R25
The sun, with all those planets revolving around it and dependent on it, can still ripen a bunch of grapes as if it had nothing else in the universe to do.

- Galileo Galilei

Krynnsa Municipality strives to maintain its position as a premier tourist destination in South Africa – a place where peace, prosperity and harmony prevail, ensuring an exceptional lifestyle for residents and visitors alike.

VOORGESTELDE AANVAARDING VAN DIE KRYNSNA MUNISIPALITEIT SONERINGSKEMA-KONSEPVERORDERING

Kennis geskied hiermee ingevolge Artikel 12(3)(b) van die Wet op Plaaslike Regering: Munisipale Stemels, 2000 (Wet Nr. 32 van 2000) en Reël 47 van die Krynnsa Munisipaliteit se Ordereeëls (2017), dat die Munisipaliteit van Krynnsa van voornemens is om die Krynnsa Munisipaliteit Soneringskema-Konsepverordening te aanvaar.

Volledige besonderhede aangaande die voorgestelde Krynnsa Munisipaliteit Soneringskema-Konsepverordening is gedurende kantoorure beskikbaar by:

- Munisipale kantore te Krynnsa, Sedgefield, Rheenenrad, Karatara

Komentare, besware en voorleggings van die voorgestelde Verordening, indien enige, moet voor of op 24 September 2018 deur die ondergeteëne ontvang word.

Persone wat bystand nodig het met die indien van kommentaar, besware en voorleggings in die verband, kan indien nodig, die Bestuurder: Stadskieplanning en Boubeheer, Mr. Hennie Smit, Krynnsa Munisipaliteit, Postbus 21, Krynnsa 6570; tel: 044 302 6319; e-pos: hsmitt@krynnsa.gov.za gedurende kantoorure nader vir bystand ten opsigte van die voorgestelde Verordening.

JOHNNY DOUGLAS
WAARNEMENDE MUNISIPALE BESTUURDER
PROPOSED ADOPTION OF KNYSNA MUNICIPALITY DRAFT ZONING SCHEME BY-LAW

Notice is hereby given in terms of Section 12(3)(b) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) and Rule 47 of the Knysna Municipality: Rules of Order (2017) that the Knysna Municipality intends to adopt the proposed Knysna Municipality Draft Zoning Scheme By-law.

Full particulars of the proposed Knysna Municipality Zoning Scheme By-law are available for inspection during office hours at:
- Municipal Offices at Knysna, Sedgefield, Rheenendal, Karatara

Comments, objections and representations of the proposed By-law, if any, must reach the undersigned on or before 2nd September 2018.

Any person needing assistance in lodging comments, objections and representations in this regard, may during office hours, approach the Manager, Town Planning and Building Control, Mr. Hennie Smit, Knysna Municipality, PO Box 21, Knysna 6570, tel: 044 302 6319; e-mail: hsmi@knysnaga.gov.za for assistance, if any, in respect of the proposed By-law.

JOHNNY DOUGLAS
ACTING MUNICIPAL MANAGER
The sun, with all those planets revolving around it and dependent on it, can still ripen a bunch of grapes as if it had nothing else in the universe to do.

- Galileo Galilei
COMMENT ON THE DRAFT KNYSNA INTEGRATED ZONING SCHEME BY-LAW

1. Your request for comment in terms of Section 27(1)(a) of the Western Cape Land Use Planning Act, 2014 (Act 3 of 2014) (LUPA), dated 19 November 2018, refers.

2. It is duly noted that the Knysna Municipality has opted to use the Draft Standard Zoning Scheme Bylaw (DSZSB) developed by this Department as the basis to develop its own zoning scheme bylaw, and to which changes have been made in terms of the unique requirements for the Knysna municipal area.

3. This Department’s comments in response to the specific changes that the Knysna Municipality have adopted for the Draft Knysna Integrated Municipal Zoning Scheme Bylaw are detailed in the table attached as ANNEXURE “A”.

4. In response to inputs that were received from various municipalities and stakeholders on the Draft Standard Zoning Scheme Bylaw (DSZSB) developed by this Department, various amendments have been made to the DSZSB in order to
effect corrections, omissions and improvements that are of interest to municipalities in general.

5. These corrections, omissions and improvements on the DSZSB have been included as part of the comments provided on the Draft Knysna Integrated Municipal Zoning Scheme Bylaw.

6. After detailed consideration of the content of the Draft Knysna Municipality Integrated Zoning Scheme By-law, this Department is satisfied that the prescribed content requirements have been met, as best possible, in order to achieve a credible and detailed land use/zoning scheme.

7. The drafting process was accompanied by an extensive public participation process and this Department is satisfied that the requirements as prescribed in terms of SPLUMA and LUPA have been met.

8. It is important to note that the publication of by-laws is regulated by section 13 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) which prescribes that a by-law passed by a municipal council —

(a) must be published promptly in the Provincial Gazette, and, when feasible, also in a local newspaper or in any other practical way to bring the contents of the by-law to the attention of the local community; and

(b) takes effect when published or on a future date determined in or in terms of the by-law.

9. Furthermore, it should be noted that the associated zoning map and zoning register, as integral components to the zoning scheme, should preferably be implemented as part of the zoning by-law process. The official version of the zoning scheme map is incorporated in and made part of this By-law and the publication of this By-law in the Provincial Gazette, in terms of section 29(2) of LUPA, constitutes notice of the approval of the zoning scheme map.
10. In the last instance, your attention is drawn to section 28 of LUPA, which provides that a municipality must, within 30 days of approval of a zoning scheme, submit to the Premier written notice of the decision, a copy of the approved scheme and a report setting out the response of the municipality to the comments submitted in terms of section 26(4) or 27(2) of LUPA.

Yours faithfully

PIET VAN ZYL

HEAD OF DEPARTMENT

DATE: 12.02.2019
ANNEXURE “A” -
Comment in terms of Section 27(l)a of the
Western Cape Land Use Planning Act, 2014 (Act No. 3 of 2014):

**Draft Knysna Integrated Zoning Scheme Bylaw**

<table>
<thead>
<tr>
<th>KNYSNA ZONING SCHEME BYLAW (Draft KIZSB)</th>
<th>PROVINCIAL COMMENT (BASED ON SDIZSB)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Definition of 'basement'</td>
<td></td>
</tr>
<tr>
<td>&quot;basement&quot; means that part of a building of which the finished floor level is at least two metres below, and the ceiling not more than one metre above, a height halfway between the highest and lowest natural ground level immediately contiguous to the building;</td>
<td>The definition of &quot;basement&quot; was amended in the SDIZSB in an effort to simplify and clarify the definition.</td>
</tr>
<tr>
<td></td>
<td>The definition of basement was amended to only refer to the section of the basement which protrudes above ground level. The portion of the basement above natural ground level will be counted in when calculating the height of the building.</td>
</tr>
<tr>
<td></td>
<td><strong>SDIZSB:</strong> &quot;basement&quot; means that portion of a building with a ceiling level which does not protrude more than one metre at any point above natural ground level excluding excavations required for access purposes;</td>
</tr>
<tr>
<td></td>
<td>For your consideration the definitions used by other Municipalities are included below:</td>
</tr>
<tr>
<td></td>
<td><strong>George Municipality:</strong> &quot;basement&quot; means that portion of a building of which the ceiling at any given point does not protrude more than one metre above natural ground level;</td>
</tr>
<tr>
<td></td>
<td><strong>Mossel Bay:</strong> &quot;basement&quot; means that portion of a building with a ceiling level which does not protrude more than one metre at any point above natural ground level excluding excavations required for access purposes.</td>
</tr>
<tr>
<td>Definition of <strong>boundary wall</strong></td>
<td>Hessequa (Draft): “basement” means that portion of a building of which the ceiling at any given point does not protrude more than one metre above natural ground level. By permitting fixtures (barbed wire, razor wire etc.) in the definition of “boundary wall” it may be in conflict with the municipality’s policy on the treatment of boundary walls or it may be undesirable in areas of heritage importance. A departure from a definition is also not allowed. Therefore, the definition in the SDIZSB was amended to delete the reference to all fixtures. SDIZSB: “boundary wall” means any wall, fence or enclosing structure erected on or directly next to a cadastral property boundary, including entrance gates and doors;</td>
</tr>
<tr>
<td>Definition of <strong>braai room</strong></td>
<td>Recommend to consider amendment as follows: inclusion of “main dwelling or” as per SDIZSB definition: SDIZSB: “braai room” means a room that is part of the main dwelling or outbuildings and that is used primarily for entertainment purposes and where food and drinks may be prepared, but excludes a kitchen; The reality is that a physical braai room is mostly part of the main dwelling.</td>
</tr>
<tr>
<td>Definition of <strong>building</strong></td>
<td>In SDIZSB paragraph [e] was deleted and addressed under general provisions: “encroachment of building lines” (see [a] of 21(1)).</td>
</tr>
</tbody>
</table>
| **Coverage** | Note that the definition for Coverage in the SDIZSB was amended to be more specific and clear. Recommend to consider amendment as follows: SDIZSB: “coverage” means the area of a land unit that is covered by buildings, expressed as a percentage of the total erf area of the land unit, and includes—

(a) stairs, steps, landings, except entrance landings and steps, galleries, passages and similar features, whether internal or external; and |
(b) canopies, verandas, porches, balconies, terraces and similar features provided that the following portions of buildings must be disregarded in the calculation of coverage, namely—

(i) stoeps less than 1.5m above natural ground level, entrance steps and landings;

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

(iii) eaves not projecting more than 1.0 metres from the wall of the building; and

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

<table>
<thead>
<tr>
<th>Definition of compound</th>
</tr>
</thead>
<tbody>
<tr>
<td>&quot;Compound&quot; in relation to the property means a cluster of buildings in an enclosure, having a shared or associated purpose, such as the houses of an extended family. The enclosure may be a wall, a fence, a hedge or some other structure, or it may be formed by the buildings themselves, when they are built around an open area or joined together.</td>
</tr>
</tbody>
</table>

| The provision for ‘compound” in SDIZSB was reconsidered. It was decided that compound building must either be defined or excluded from the definition of dwelling house. |
| The decision was made to exclude this from the SDIZSB as it was included to make provision for the exception rather than the norm. There is a high probability that it will cause interpretation problems and it is recommended that the Municipality include a clearer definition for a ‘compound building’ in the zoning scheme. |

<table>
<thead>
<tr>
<th>Definition of dwelling unit</th>
</tr>
</thead>
<tbody>
<tr>
<td>KIZSB: There is reference to compound building in the definition of dwelling unit.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>See comment for ‘compound’</th>
</tr>
</thead>
<tbody>
<tr>
<td>SDIZSB: no reference to compound building in definition of dwelling unit</td>
</tr>
<tr>
<td><strong>Electronic and mechanical playing devices</strong></td>
</tr>
<tr>
<td><strong>Definition &amp; general provisions</strong></td>
</tr>
<tr>
<td><strong>&quot;Floor space&quot;</strong></td>
</tr>
<tr>
<td>(a) any area, including a basement, which is reserved solely for parking or loading of vehicles is excluded;</td>
</tr>
<tr>
<td><strong>Floor factor</strong></td>
</tr>
<tr>
<td><strong>&quot;Net erf area&quot;</strong></td>
</tr>
<tr>
<td><strong>Definition of &quot;garage&quot;</strong></td>
</tr>
<tr>
<td>&quot;garage&quot; means a building for the storage of one or more motor vehicles, and includes a carport but does not include a motor repair garage or service station;</td>
</tr>
<tr>
<td><strong>Definition of &quot;Height&quot;</strong></td>
</tr>
<tr>
<td>&quot;Height&quot; of a building means a vertical dimension from natural ground level at any point within the footprint of the building to the highest point of the building immediately above it measured in metres or millimetres; provided that chimneys, flues, masts, solar water heating devices and antennae shall be taken into account for the purpose of height control;</td>
</tr>
<tr>
<td><strong>&quot;Municipality&quot;</strong></td>
</tr>
</tbody>
</table>
| “National Environmental Management Act” means the National Environmental Management Act, 1998 (Act 107 of 1998); | • Delete definition of NEMA from the SDIZSB.  
• Not relevant as The KIZSB refers to NEMA in general provisions (9). Municipality must consider whether this definition is necessary. |
| Noise level |
| "noise level" means a reading on an integrated impulse sound level meter taken in accordance with accepted scientific principles as described in GN 579 of July 2010; Model Air Quality Management By-law to be adopted or adapted as a by-law by municipalities in terms of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000); |
| Overlay zone |
| (b) may include provisions and development parameters relating to— |
| (vii) management of the urban edge; |
| Definition of parking bay |
| "parking bay" means an area measuring not less than 5 metres x 2.5 metres for perpendicular or angled parking and 6 metres x 2.5 metres for parallel parking that is clearly identified and demarcated for the parking of one motor vehicle and may be provided in the form of a garage or carport that is accessible for easy and safe vehicle movement; |
| Definition of precinct plan |
| "precinct plan" means a plan, approved by the Municipality, as envisaged in this By-law as a component of a package of plans; Look at supplementary definitions. |
| "look at supplementary definitions" can be removed. |
| "protected area" means a protected area as defined in section 1 of the National Environmental Management: Protected Areas Act, 2003 (Act 57 of 2003); |
| Definition of protected area was deleted from the SDIZSB as it does not occur elsewhere in the document. Same applies to KIZSB. |
| Definition for "noise level" has been deleted in the SDIZSB as noise is regulated by Air quality management by-law adopted by municipalities in terms of the MSA. "Noise level" is not defined in the Model Air Quality Management Bylaw. |
| Has the Model Air Quality Management Bylaw been adopted by Knysna Municipality? |
| SDIZSB |
| (b) may include provisions and development parameters relating to— |
| (vii) management of the urban growth; |
| Definition of "overlay zone" - amend wording to "management of urban growth". Avoid use of term 'urban edge'. Urban edge is terminology used in policy documents. |
| SDIZSB |
| "parking bay" means an area clearly outlined and demarcated for the parking of one motor vehicle and may be provided in the form of a garage or carport that is accessible for easy and safe vehicle movement; |
| • Definition was amended in the SDIZSB. Cannot depart from a definition and thus not advisable to include development parameters in definition. |
| • Delete dimensions as it depends on circumstances and type of parking. |
| • Engineering department decides on acceptability of parking dimensions. |
| Amend to refer to ‘previous zoning scheme’ - go through whole document to correct. |
"pub" means an establishment for the sale of predominantly alcoholic beverages, and sometimes also food, to be consumed on the premises and is also known as a tavern or bar; *SDIZSB* "pub" means an establishment for the sale of predominantly alcoholic beverages, and sometimes also food, to be consumed on the premises and is also known as a tavern or bar; but excludes a night club;

Consider adding "but excludes a night club"

| Public authority | Delete definition of public authority. Organ of state is defined in SPLUMA and need not be defined in the zoning scheme bylaw. |
| "public nuisance" means any act, omission or condition on any premises, including any building, structure or growth thereon, which in the opinion of the Municipality is offensive or dangerous, or which materially interferes with the ordinary comfort, convenience, peace or quiet of the occupiers of the property in the neighbourhood or which adversely affects the safety of the public; |
| "sign" means any sign, sign-writing, mural, graphic design, signboard, screen, blind, boarding or other device by means of which an advertisement or notice is physically displayed, and includes any advertisement, object, structure or device that is in itself an advertisement or is used to display an advertisement; *Define more clearly as per signage by-law* |
| Organ of state & Public authority | Recommend that reference to 'a public authority' is replaced by "an organ of state" throughout the document, as "Organ of state" is defined in SPLUMA. |
| "zoning scheme of the Municipality" means a land use scheme as defined in section 1 of the Spatial Planning and Land Use Management Act and includes the components referred to in section 4. | "zoning scheme" means a land use scheme as defined in section 1 of the Spatial Planning and Land Use Management Act and includes the components referred to in section 4 of this By-Law. |
CHAPTER 2
ZONING SCHEME, USE ZONES AND USES

7. Transition to new use zones and savings

The wording of section 7 was amended, as below, in the SDIZSB zoning scheme in an effort to simplify this section. Consider amending accordingly.

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

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

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

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

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

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

"of the municipality" can be removed and "of this By-Law" can be added after section 4.

Urban edge

Delete definition of urban edge. Do not include terminology used in policy documents.
(d) a zoning approved in terms of the previous zoning scheme that has not been exercised, lapses after the expiry of the validity period applicable to that zoning in terms of the previous zoning schemes.

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

(f) A building plan application that was formally submitted and accepted—

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

(ii) on or after the date of coming into effect of this By-law with the purpose to act on an approval in terms of a previous planning law, must be assessed in accordance with that approval provided that such building plan application is submitted within 30 months after commencement of this zoning scheme, or within the validity period of said application, whichever is the later date.

8. Rectification of errors on zoning scheme map

The following improved wording in the SDIZSB is suggested:

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

(2) An owner contemplated in subsection (1) must apply to the Municipality in the form determined by the Municipality and must—

submit written proof of the lawful land use rights; and

indicate the correct zoning that should be allocated.

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

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

(5) In the event that the Municipality identify an error on the zoning map; the Municipality must—
inform the owner of the affected land unit of the error; and request the owner within 30 days from the date on which he or she received the notice, to notify the Municipality in writing if he or she disputes the intended rectification and to:

(i) submit written proof of the lawful land use rights; and
(ii) indicate the correct zoning that should be allocated.

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

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

### CHAPTER 5
ENFORCEMENT

<table>
<thead>
<tr>
<th>K1ZSB</th>
<th>SDIZSB</th>
</tr>
</thead>
</table>
| 19.(1) Subject to section 13, no person may erect any building or structure or any part thereof—
   (a) except for a purpose permitted by this By-law and only in accordance with the applicable development parameters; or
   (b) without first obtaining approval from the Municipality in terms of the [Planning By-law name]. |
| SDIZSB amended, to be more clear—21.(1)(g) combined with (a), so [g] was removed. Consider amending accordingly. |

### CHAPTER 7
GENERAL PROVISIONS

21.(1) Despite the building line requirements set out in Chapter 6, the following structures or portions of structures may be erected within the prescribed building lines, provided they do not extend beyond the boundaries of a land unit:

(a) boundary walls, fences and gates;
| **PLANNING AND INTEGRATED HUMAN SETTLEMENTS COMMITTEE MEETING AGENDA** |
| 11 APRIL 2019 |

| (b) | open and uncovered stoeps that are less than 500 millimetres in height from the natural level of the ground; |
| (c) | entrance steps, landings and entrance porches, excluding porte cochères; |
| (d) | a covered entrance or gatehouse that has a roofed area not exceeding 5 m² and a roof height not exceeding 3 metres from the floor to the highest point; |
| (e) | eaves and awnings projecting no more than 1 metre from the wall of a building; |
| (f) | cornices, chimney breasts, flower boxes, water pipes, drain pipes and minor decorative features not projecting more than 500 millimetres from the wall of a building; |
| (g) | Screen-walls not exceeding 2.1 metres in height above the natural ground level abutting such wall; |
| (h) | swimming pools not closer than 1 metre from any boundary; |
| (i) | a basement, provided that no part of such a basement projects above natural ground level; |
| (j) | a refuse room required by the Municipality in terms of this By-law; |
| (k) | water storage tanks not exceeding the height of the boundary wall. |

**Parapet walls**

34. (1) Parapet walls are restricted to 500 millimetres in height above the finished roof level immediately contiguous to the parapet except in the case where roof equipment as described under paragraphs (a) and (b) of the definition of “height” is hidden to the satisfaction of the Municipality behind parapet walls not exceeding 2 metres in height.

**SD/23B Parapet walls**

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

Consider amending in accordance with SD/23B in response to the amendment of the definition of “height”.

---

49 | Page
<table>
<thead>
<tr>
<th>(2)</th>
<th>In the case of flats and non-residential buildings, the 2 metre height limit under subsection (1) is considered to form part of the top storey.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Electronic or mechanical playing devices</strong></td>
<td>Noted. This is an additional general provision which is not in SDIZSB.</td>
</tr>
<tr>
<td>37. Electronic or mechanical playing devices are permitted in accordance with the applicable legislation and approved municipal policy.</td>
<td></td>
</tr>
<tr>
<td><strong>Parking for physically disabled</strong></td>
<td>Noted insertion of the word “definitions”. It is not clear why it is inserted and whether it is necessary; otherwise same as SDIZSB.</td>
</tr>
<tr>
<td>47.(2) In any parking facility serving the public, parking for persons with physical disabilities and bicycles and motorbikes must be provided in accordance with the table entitled “Physically disabled accessible parking”.</td>
<td>Noted that “and bicycles and motorbikes” were added to description. Consider removing it as it is covered under 48(2).</td>
</tr>
<tr>
<td><strong>Motorcycle and bicycle parking spaces</strong></td>
<td>Remove “10%” from 48(2)(a)</td>
</tr>
<tr>
<td>48.(2) For every 4 motorcycle and 6 bicycle parking spaces provided, a credit of 1 parking bay may be given towards applicable parking requirements, provided that—</td>
<td></td>
</tr>
<tr>
<td>(a) the total credit may not exceed 2.5% (10%?) of the parking bays required;</td>
<td></td>
</tr>
<tr>
<td><strong>Refuse rooms</strong></td>
<td>50. (d) Consider including “recycling” to comply with any other conditions or standard requirements that the Municipality may impose relating to access, health, pollution control, safety or aesthetics.</td>
</tr>
<tr>
<td>50. (d) to comply with any other conditions or standard requirements that the Municipality may impose relating to access, health, pollution control, recycling, safety or aesthetics.</td>
<td></td>
</tr>
</tbody>
</table>

**SCHEDULE 1:**

**USE ZONES TABLE**

<table>
<thead>
<tr>
<th><strong>Agricultural Zone I</strong></th>
<th><strong>Consent uses</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Shooting range</strong></td>
<td>Included in SDIZSB ... Consider including it as a consent use.</td>
</tr>
</tbody>
</table>
Agricultural Zone III

Description

.....This will help to address the accommodation needs of workers and their dependants in rural areas such as farms, forestry and conservation areas. Provision is made for complementary uses that will improve the amenity of the settlement or supplement the economic base for residents.

Single Residential Zone I

Consent uses

- Crèche
- Guest house
- Halfway house
- House shop
- Second dwelling unit

Noted the section added to description.... Consider amending description to same as SD/IZSB.

SD/IZSB

Consent uses

- Crèche
- Guest house
- Halfway house
- Home care facility
- House shop
- Second dwelling

A need was identified for small scale home based care facilities within residential areas for people who cannot afford formal frail care or retirement facilities. Home care facility...consider adding it as consent use.

Suggested amendments, should the Municipality wish to include such a land use in the KIZSB:

- Insert "home care facility" as a consent use in SRZI (dwelling house), SRZII (shelter), GRI (double dwelling house) (in Schedule 2 table)
- Insert LUD and parameters for "home care facility". See below
- Add to parking table: 1 bay / 2 beds or part thereof (e.g. 2 bays per 3 beds)

"home care facility"

Land use description: "home care facility" means the use of a dwelling house, second dwelling, double dwelling house or a portion thereof to provide permanent or temporary accommodation and care for the retired, or elderly persons in need of
PLANNING AND INTEGRATED HUMAN SETTLEMENTS

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AGENDA

11 APRIL 2019

<table>
<thead>
<tr>
<th>KIZSB</th>
<th>Single Residential Zone II</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>The objective of this zone is to provide a high degree of flexibility for low- to medium-density residential projects that have integrated site and design features, individual design solutions and individually tailored development control provisions. This zone should not accommodate a resort, but is particularly suitable for residential estates that are governed by a property owners' association, with access control and coordinated design requirements (such as golf estates, equestrian estates and residential marinas).</td>
</tr>
</tbody>
</table>

**Primary use: Estate Housing**

**Consent uses:** Home occupation, Rooftop base telecommunication station

This zone has been excluded from the current SDIzSB. An Estate housing zone as proposed is considered complex and challenging to manage in terms of potential mix of land uses. It is advised that the realm of Estate housing as proposed can therefore be accommodated into a combination of exclusive zonings like e.g. group housing, town housing, etc.

<table>
<thead>
<tr>
<th></th>
<th>Development parameters:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>(a) The development parameters applicable to the primary use apply.</td>
</tr>
<tr>
<td></td>
<td>(b) The Municipality must require a site development plan for a home care facility</td>
</tr>
</tbody>
</table>

Note that "Estate housing", was removed from the SDIzSB zoning scheme because the opinion is held that it will be complex and problematic to implement and manage. All references to estate housing were deleted. Strictly speaking this is not a single residential zone (II), but rather a general residential zone.

<table>
<thead>
<tr>
<th>Single Residential Zone III</th>
</tr>
</thead>
<tbody>
<tr>
<td>Consent uses</td>
</tr>
</tbody>
</table>

This is Single Residential Zone II in SDIzSB, otherwise the same

**Consent uses** – consider adding **Home care facility**
<table>
<thead>
<tr>
<th>General Residential Zone I</th>
<th>Consent uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Consent uses</td>
<td>SDIZSB</td>
</tr>
<tr>
<td></td>
<td>Consent uses – consider adding “Guest house” and “Home care facility”</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>General Residential Zone VI</th>
<th>Consent uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Consent uses</td>
<td>SDIZSB</td>
</tr>
<tr>
<td></td>
<td>Consent uses – consider adding Gambling place</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Business Zone I</th>
<th>Consent uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Consent uses</td>
<td>SDIZSB</td>
</tr>
<tr>
<td></td>
<td>Consent uses – Consider including ‘gambling place’ as a consent use.</td>
</tr>
<tr>
<td></td>
<td>Consider including place of instruction as a consent use to accommodate training academies in the CBD.</td>
</tr>
<tr>
<td></td>
<td>Consider including place of worship as a consent use.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Business Zone II</th>
<th>Consent uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Consent uses</td>
<td>SDIZSB</td>
</tr>
<tr>
<td></td>
<td>Consent uses – consider adding Place of leisure and Place of worship</td>
</tr>
<tr>
<td></td>
<td>Noted that “Flats” is added as an additional consent use</td>
</tr>
<tr>
<td></td>
<td>Consider excluding ‘place of entertainment’ from the consent use list.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Business Zone III</th>
<th>Consent uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Consent uses</td>
<td>SDIZSB</td>
</tr>
<tr>
<td></td>
<td>Noted that “Flats” is added as an additional consent use</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Business Zone IV</th>
<th>Consent uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Consent uses</td>
<td>SDIZSB</td>
</tr>
<tr>
<td></td>
<td>Consider changing the word ‘entertainment’ to leisure</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Business Zone V</th>
<th>Consent uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Consent uses</td>
<td>SDIZSB</td>
</tr>
<tr>
<td></td>
<td>Consider adding “Place of leisure” as per SDIZSB under consent uses</td>
</tr>
<tr>
<td></td>
<td>See spelling mistake of “place of worship” and amend throughout document.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Industrial Zone I</th>
<th>Consent uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Place of Worship (spelling mistake)</td>
<td>SDIZSB</td>
</tr>
<tr>
<td>Consider replacing the word ‘entertainment’ with ‘leisure’</td>
<td></td>
</tr>
<tr>
<td>Consider adding Roof top base telecommunication station to consent uses. Many light industrial areas are situated in close proximity to residential areas and a place of entertainment may have negative impact in terms of noise.</td>
<td></td>
</tr>
<tr>
<td>Check spelling of Worship throughout document</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Industrial Zone II</th>
<th>Consent uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Consent uses</td>
<td>Consider adding <strong>Place of leisure</strong> as consent use</td>
</tr>
<tr>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td><strong>Community Zone II</strong>&lt;br&gt;Consent uses</td>
<td>Recommend that <strong>wall of remembrance</strong> be included as a consent use. Although it forms part of LUD of ‘cemetery’ which is a consent use, some churches in urban areas only want to accommodate a wall of remembrance, but not a cemetery.</td>
</tr>
<tr>
<td><strong>Community Zone III</strong>&lt;br&gt;The objective of this zone is to provide for a wide range of <strong>institutional uses</strong> including facilities for health, education and worship.</td>
<td>SDIZSB&lt;br&gt;The objective of this zone is to provide for a wide range of health facilities.&lt;br&gt;Noted the addition of “<strong>institutional uses including</strong>” as well as “<strong>education and worship</strong>”. Recommended to amend as per SDIZSB, in order not to refer to education and worship.</td>
</tr>
<tr>
<td><strong>Resort Zone I</strong>&lt;br&gt;Consent uses</td>
<td>SDIZSB&lt;br&gt;Consent uses&lt;br&gt;Consider adding the following as consent uses under Resort Zone:&lt;br&gt;• Freestanding base telecommunication station&lt;br&gt;• Off-road trail&lt;br&gt;• Rooftop base telecommunication station&lt;br&gt;Ampend Resort Zone I to Resort Zone as there is only one resort zone.</td>
</tr>
<tr>
<td><strong>Open Space Zone II</strong>&lt;br&gt;Consent uses</td>
<td>SDIZSB&lt;br&gt;Consent uses&lt;br&gt;Consider adding the following as consent uses under Open Space Zone II:&lt;br&gt;<strong>Restaurant</strong> (for example in botanical garden there might be a need for such a facility).&lt;br&gt;<strong>Sports and recreation centre</strong> (to accommodate sports facilities such as golf course or sports stadium&lt;br&gt;Noted that description of zone differs slightly grammatically</td>
</tr>
<tr>
<td><strong>Open Space Zone III</strong>&lt;br&gt;Consent uses&lt;br&gt;<strong>Tourist accommodation?</strong></td>
<td>SDIZSB&lt;br&gt;Consent uses</td>
</tr>
</tbody>
</table>
| Function venue? | Consider adding: "Freestanding base telecommunication station" and "rooftop base telecommunication station"
Not clear whether "Tourist accommodation?" and "Function venue?" are included or not. SDIZSB does not include these as consent uses. |
| Open Space Zone IV Consent uses | SDIZSB Consent uses Consider adding: "Freestanding base telecommunication station" and "rooftop base telecommunication station" |
| Transport Zone I Consent uses | Consider adding Outdoor trading and dining |
| Transport Zone II Consent uses | Consider adding Outdoor trading and dining |
| Transport Zone III Consent uses | Consider adding Outdoor trading and dining |

**LUD : SCHEDULE 2:**

**LAND USE DESCRIPTIONS AND DEVELOPMENT PARAMETERS**

**"additional dwelling unit"**

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

(a) one additional unit can be allowed in all cases as a consent use, irrespective of the size of the agricultural land unit;

(b) further additional dwelling units can be allowed at a ratio of one additional dwelling unit per 10 ha, calculated on the basis of all additional dwelling units on the agricultural land unit, up to a maximum of five (5) additional dwelling units per agricultural land unit;
(c) an additional unit may not be erected within 1 km of the high water mark of the sea or a tidal river except where a proclaimed township is situated between the additional dwelling unit and the sea or tidal river;

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

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

Consider combining (a) and (b) as per SDIZSB which will ensure a more accurate calculation of units.

The LUD of “additional dwelling unit” was amended in the SDIZSB to clarify the number of units permitted in accordance with the size of a property. In terms of the SDIZSB 1 dwelling unit may be permitted for every 10 ha, for example 2 units on 20ha, 4 units on 40 ha and 5 units on 50 ha, only with first unit will be permitted even if the property is not 10 ha in extent. Depending on the Municipality’s interpretation and calculation of the number of units, the above amendment may be considered.

<table>
<thead>
<tr>
<th>Additional Dwelling Unit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Development Parameters</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Agriculture</th>
</tr>
</thead>
<tbody>
<tr>
<td>[a] (iv) a camping site limited to a maximum of 10 tent or caravan stands subject to the development parameters applicable to “tourist accommodation”, provided further that for more than 10 tent or caravan stands a consent use must be applied for;</td>
</tr>
</tbody>
</table>

SDIZSB

Consider amending (a)[iv] as per SDIZSB to be more clear and descriptive:

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

(aa) the property is smaller than 1ha;
<table>
<thead>
<tr>
<th><strong>“bed and breakfast establishment”</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Land use description: “bed and breakfast establishment” means a dwelling house, second dwelling or additional dwelling unit—</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>No provision in KIZSB for “boarding hostel”</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Consider adding “double dwelling house” in the description</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>“business premises”</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>(c) does not include a place of entertainment, motor repair garage, industry, noxious trade, risk activity, adult entertainment, adult services, or adult shop.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Development parameters:</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>(g) Canopy or balcony projection</td>
</tr>
<tr>
<td>(iv) the owner must enter into an encroachment agreement with the Municipality and register a servitude area in the case of a balcony projection.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Public pedestrian footway along street boundary</strong></th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th><strong>Consider including “gambling place” at (c) – it is a consent use</strong></th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th><strong>Noted addition of “and register a servitude area in the case of a balcony projection”</strong></th>
</tr>
</thead>
</table>

{(bb) the property is situated within 1km of the high water mark of the sea or a tidal river;}
{(cc) more than 10 tent or caravan stands are applied for;}

SDIZSB
“boarding hostel”

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

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

<table>
<thead>
<tr>
<th>PLANNING AND INTEGRATED HUMAN SETTLEMENTS COMMITTEE MEETING AGENDA</th>
<th>11 APRIL 2019</th>
</tr>
</thead>
</table>

**“camping site”**

**Land use description:** “camping site” means land set aside for camping where tents or caravans are used for accommodation of guests and may include facilities for use by guests including facilities for outdoor food preparation, resort shop, road access for vehicles, picnic facilities, raised platforms on which to set up tents or caravans, camper trailers ablution facilities, communal scullery and laundry facilities and waste disposal facilities for short term holiday accommodation.

**“double dwelling house”**

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

(iii) For land units of 650 m² and less, a garage or carport is permitted up to 1.5 metres from the street boundary provided the garage or carport—

(aa) is not higher than 3.5 metres to the top of the roof;

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

(cc) does not exceed a width of 6.5 metres.

**SDIZSB** – consider changing the format and wording of (a) as per SDIZSB – see below:

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

(ii) For land units of 650 m² and less—

(aa) a garage or carport erected parallel to the street boundary is permitted up to 1.5 metres from the street boundary;

(bb) a garage or carport erected perpendicular to the street boundary is permitted up to 5.5 metres from the street kerb;

provided that the garage or carport—

(aa) is not higher than 3.5 metres to the top of the roof;

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

Note the change in wording “the maximum floor space” vs SDIZSB’s wording of “floor factor” – consider amending to “floor factor” as it has a different meaning and outcome to this provision.

**“camping site”** Noted grammatical differences.... Consider amending to same as SDIZSB.

**Land use description:** “camping site” means land set aside for camping where tents or caravans are used for short term accommodation of transient guests and may include facilities for use by guests including facilities for outdoor food preparation, resort shop, road access for vehicles, picnic facilities, raised platforms on which to set up tents or caravans, ablution facilities, communal scullery and laundry facilities and waste disposal facilities.

**“but does not include permanent tents, such as tented camps, or caravans”** is being considered to be added to SDIZSB, but this was not yet discussed with SDIZSB zoning scheme work group. Consider including, especially since up to 10 camping sites is a primary right. Permanent structures are regarded as a resort rather than a camping site.
### Planning and Integrated Human Settlements Committee Meeting

**11 April 2019**

<table>
<thead>
<tr>
<th>(g) Parking and access</th>
<th>(g) Parking and access</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parking and access must be provided in accordance with the requirements of this By-law, both dwelling units must obtain vehicle access from and to a street, and at least one garage parking bay per dwelling unit must be provided for parking purposes, limited to a maximum of two garages per dwelling unit.</td>
<td>Parking and access must be provided in accordance with the requirements of this By-law. Both dwelling units must obtain vehicle access from and to a street and each dwelling unit is limited to a maximum of two garages per dwelling unit.</td>
</tr>
</tbody>
</table>

**“dwelling house”**

<table>
<thead>
<tr>
<th>(b) a second dwelling unit or additional dwelling, with a floor area which does not exceed 60 m²;</th>
<th>(b) a second dwelling or additional dwelling, with a floor area which does not exceed 60 m²; provided that application for consent use must be submitted if the second dwelling or additional dwelling is larger than 60m²;</th>
</tr>
</thead>
<tbody>
<tr>
<td>SDIZSB</td>
<td>Consider adding the second sentence in (b) as per SDIZSB.</td>
</tr>
<tr>
<td>SDIZSB</td>
<td>Consider adding: Development parameters: (b) Coverage and building lines</td>
</tr>
<tr>
<td>SDIZSB</td>
<td>(iii) The Municipality may permit a relaxation of the lateral and/or rear building lines in the case of a dwelling house in Single Residential Zone 1, provided that an adequate means of access, at least 1 metre wide, is provided from a street to every un-built open portion of the property.</td>
</tr>
</tbody>
</table>

**“estate housing”**

<table>
<thead>
<tr>
<th>SDIZSB</th>
<th>This was removed from SDIZSB....</th>
</tr>
</thead>
<tbody>
<tr>
<td>SDIZSB</td>
<td>Note that “Estate housing”, was removed from the SDIZSB zoning scheme because the opinion is held that it will be complex and problematic to implement and manage. All references to estate housing were deleted.</td>
</tr>
<tr>
<td>SDIZSB</td>
<td>It is the Municipality’s prerogative to retain estate housing. Strictly speaking this is not a single residential zone (ii), but rather a general residential zone.</td>
</tr>
<tr>
<td><strong>No provision in KIZSB for “gambling place”</strong></td>
<td><strong>The SDIZSB includes “gambling place” as below. Consider adding to the Knysna Municipal Zoning Scheme By-Law</strong></td>
</tr>
<tr>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td><strong>“gambling place”</strong></td>
<td><strong>“gambling place”</strong></td>
</tr>
<tr>
<td>Land use description: “gambling place” means a place where betting and gambling may be undertaken in accordance with a license issued under the relevant Act, and includes premises for totallisers, electronic pay-out devices and limited pay-out gambling machines.</td>
<td>Development parameters:</td>
</tr>
<tr>
<td></td>
<td>The following development parameters apply:</td>
</tr>
<tr>
<td></td>
<td>(a) The development parameters applicable to “business premises” apply.</td>
</tr>
<tr>
<td></td>
<td>(b) The Municipality may require a site development plan to be submitted for its approval in accordance with this By-law.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>“guest house”</strong></th>
<th><strong>SDIZSB</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Land use description:</strong> “guest house” means a dwelling house, second dwelling or additional dwelling unit that is used for the purpose of supplying lodging and meals to transient guests for compensation, in an establishment that exceeds the restrictions of a bed and breakfast establishment (more than 2 guest rooms or 4 guests), and—</td>
<td><strong>“guest house”</strong></td>
</tr>
<tr>
<td>(j) no advertising sign may be displayed other than a single un-illuminated sign or notice not projecting over a public street in accordance with the Municipality’s policy or by-law on outdoor advertising and signage, and the sign may not exceed 1 m² in area;</td>
<td>Land use description: “guest house” means a dwelling house, second dwelling, double dwelling house, or additional dwelling unit that is used for the purpose of supplying lodging and meals to transient guests for compensation, in an establishment that exceeds the restrictions of a bed and breakfast establishment (more than 2 guest rooms or 4 guests), and—</td>
</tr>
<tr>
<td></td>
<td>Consider adding “double dwelling house”</td>
</tr>
<tr>
<td></td>
<td>Wording of (j) slightly different in SDIZSB</td>
</tr>
<tr>
<td></td>
<td>(j) in the absence of a Municipal policy or by-law on outdoor advertising and signage, no advertising sign may be displayed other than a single un-illuminated sign or notice not projecting over a public street and not exceeding 1 m² in area;</td>
</tr>
<tr>
<td>&quot;guest lodge&quot;</td>
<td>SDIZSB</td>
</tr>
<tr>
<td>--------------</td>
<td>--------</td>
</tr>
<tr>
<td>Development parameters:</td>
<td>(p) In the absence of a Municipal policy or by-law on outdoor advertising and signage, no advertising sign may be displayed other than a single un-illuminated sign or notice not projecting over a public street and not exceeding 1 m² in area.</td>
</tr>
<tr>
<td>(p) No advertising sign may be displayed other than a single un-illuminated sign or notice not projecting over a public street in accordance with the Municipality’s policy or By-law on outdoor advertising and signage, and the sign may not exceed 1 m² in area.</td>
<td>Wording of (p) slightly different in SDIZSB</td>
</tr>
</tbody>
</table>

| No provision in KIZSB for "home care facility" | Consider adding “home care facility” as per SDIZSB |
| "home care facility" | "home care facility" |
| Land use description: “home care facility” means the use of a dwelling house, second dwelling, double dwelling house or a portion thereof to provide permanent or temporary accommodation and care for the retiree, or elderly persons in need of frail care, or people in need of health care to recuperate from a medical condition or procedure, provided that — | |
| (a) the scale of the dwelling house or second dwelling shall not exceed that of a normal dwelling unit which would ordinarily accommodate one family; | |
| (b) the primary use of the property shall remain a residence for the operator; | |
| (c) no more than 6 persons and three bedrooms be used for such facility; and | |
| (d) the operator of the enterprise shall permanently reside on the property. | |

<table>
<thead>
<tr>
<th>&quot;home occupation&quot;</th>
<th>SDIZSB</th>
</tr>
</thead>
<tbody>
<tr>
<td>Development parameters</td>
<td>Wording for (g) different...</td>
</tr>
<tr>
<td>(g) No advertising sign may be displayed other than a single, un-illuminated sign or notice not projecting over a public street in accordance with the Municipality’s outdoor advertising and signage by-law, and the sign may not exceed 0.2 m² in area.</td>
<td>(g) In the absence of a Municipal policy or by-law on outdoor advertising and signage, no advertising sign may be displayed other than a single un-illuminated sign or notice not projecting over a public street and not exceeding 0.2 m² in area.</td>
</tr>
</tbody>
</table>
| (j) The total area used for all home occupation activity on a land unit, including storage, may not consist of more than 25% of the total floor area of the dwelling units on the land unit or 50 m², whichever is smaller. | Consider adding:

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

Noted that size specified in SDIZSB is 60m² and not 50m² as per Knysna Municipal Zoning By-Law:  

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

| “house shop” Development parameters: | SDIZSB  

“house shop” Development parameters: Consider adding:  

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

| “house tavern” Land use description: “house tavern”—  

(a) means an enterprise for the sale of alcoholic beverages including on-site consumption, where the enterprise is conducted from a dwelling house, second dwelling, shelter or outbuilding, by one or more occupants who must reside on the property provided that the dominant use of the property concerned must remain for the living accommodation of the occupants; and  

(b) does not include a distribution depot or any form of manufacturing of alcoholic beverages. | Not in SDIZSB  

Suggest that LUD & parameters for “house tavern” be deleted.  

In the translation process the existing lawful use should be translated to the closest appropriate zoning. Existing lawful house taverns in residential areas should be zoned residential and the tavern will be non-conforming. From a provincial planning perspective, taverns in the middle of residential areas is not supported and should be accommodated in a business nodes/activity nodes or if the property is suitable to develop into a node it can be rezoned to the appropriate zoning. |
**Development parameters:**

Development parameters applicable to "dwelling house", "second dwelling" and "shelter" apply.

Note: This zoning scheme does not make provision for a "house tavern" as a primary or consent use right in any use zone and existing legal enterprises may only be allowed as a non-conforming use.

<table>
<thead>
<tr>
<th><strong>&quot;noxious trade&quot;</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Consider adding —</td>
</tr>
<tr>
<td>(c) rooftop base telecommunication station; and</td>
</tr>
<tr>
<td>(d) freestanding base telecommunication station.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>&quot;office&quot;</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Development parameters</td>
</tr>
<tr>
<td>(f) Garages and carports</td>
</tr>
<tr>
<td>(i) A garage or carport is permitted within the common boundary building line provided the garage or carport—</td>
</tr>
<tr>
<td>(aa) does not exceed 3.5 metres to the top of the roof; and</td>
</tr>
<tr>
<td>(bb) does not contain more than a double garage façade with a maximum width of 6.5 metres.</td>
</tr>
<tr>
<td>(ii) For lots of 650 m² and less, a garage or carport is permitted up to 1.5 metres from the street boundary provided the garage or carport:</td>
</tr>
<tr>
<td>(aa) does not exceed 3.5 metres to the top of the roof; and</td>
</tr>
<tr>
<td>(bb) does not contain more than a double garage façade with a maximum width of 6.5 metres.</td>
</tr>
<tr>
<td>(iii) For lots exceeding 650 m², a garage or carport may not be closer than 5 metres from the street boundary, notwithstanding the street building line.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>SDIZSB</strong></th>
</tr>
</thead>
<tbody>
<tr>
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</tr>
<tr>
<td>(ii) For lots of 650 m² and less, a garage or carport may not be closer than 5 metres from the street boundary, notwithstanding the street building line.</td>
</tr>
</tbody>
</table>

Noted difference of (ii) in Municipal By-Law, addition of (aa), (bb) and (iii). Consider amending to be same as SDIZSB.
Consider adding: "outdoor trading and dining" as per SDIZSB

Land use description: "outdoor trading and dining" means the regular and daily use of land in an outdoor setting for the selling of goods and food, and includes outdoor dining and seating, and where such activities typically takes place in the open air, and/or from temporary structures such as stalls, tents or caravans, and may also take place in permanent open structures which provide protection from the elements whilst in an open-air setting.

Development parameters:
(a) The Municipality must require a site development plan for outdoor trading and dining.
(b) The site development plan as approved by the Municipality constitutes the development parameters.
(c) The provisions for a site development plan in this By-law apply.

<table>
<thead>
<tr>
<th>&quot;place of assembly&quot;</th>
</tr>
</thead>
<tbody>
<tr>
<td>Land use description: &quot;place of assembly&quot;—</td>
</tr>
<tr>
<td>(a) means a place that has a civic function to serve the social and community needs of an area, may attract people in relatively large numbers and is not used predominantly for a commercial enterprise;</td>
</tr>
<tr>
<td>(b) includes a civic hall, concert hall, indoor sports centre, gymnasium, sport stadium, and club house; and</td>
</tr>
<tr>
<td>(c) does not include a place of entertainment, or conference facility.</td>
</tr>
</tbody>
</table>

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

**Land use description:** "place of entertainment" means a place used predominantly for commercial entertainment that may attract relatively large numbers of people, operate outside normal business hours or generate noise from music or revelry on a regular basis, including—

(a) a cinema;
(b) theatre;
(c) amusement park;
(d) dance hall;
(e) ball room hall;
(f) gymnasium;
(g) sport centre;
(h) skating rink;
(i) pool room;
(j) pub;
(k) facility for betting;
(l) electronic or mechanical playing devices;
(m) gambling hall; and
(n) nightclub.

**Development parameters:**
Development parameters applicable to "business premises" apply.

---

Noted the addition of indoor sports centre at land use description (a) - Indoor sports centre can also be accommodated as a "place of leisure" should the Municipality decide to include "place of leisure" in the zoning scheme.

Note numbering also not correct: it shows (a), (a), (b),....

"place of entertainment"

**Land use description:** "place of entertainment" means a place used predominantly for commercial entertainment and may include a bar, stage for live music, one or more dance floor areas, a DJ booth, and which may attract relatively large numbers of people, operate outside normal business hours or generate noise from music or revelry on a regular basis, including—

(a) a nightclub;
(b) disco;
(c) dance club;
(d) club; and
(e) a place of leisure

**Development parameters:**
The following development parameters apply:

(a) As determined by the Municipality.
(b) The Municipality may require a site development plan to be submitted for its approval in accordance with this By-law.
A need was identified to distinguish between the diverse land uses currently listed in the previous draft of the standard zoning scheme bylaw, under "place of entertainment". Currently some of these entertainment activities are overregulated (have to apply for a consent use). Some of these land uses can be permitted as a primary right in Business Zone 1 (business premises). Other entertainment activities have serious negative impacts and should be restricted to certain zoning categories.

In an effort to address the above issue, the LUD of ‘place of entertainment’ was amended and two new LUD’s was introduced in the zoning scheme, namely ‘gambling place’ and ‘place of leisure’.

The categorization into the proposed 3 new LUD’s was based on the nature of the entertainment activities.

- “place of leisure”

**Land use description:** “place of leisure” means a place used predominantly for commercial leisure activities that may attract relatively large numbers of people, operate outside normal business hours or generate noise from such activities on a regular basis, including—

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>(a)</td>
<td>a cinema;</td>
</tr>
<tr>
<td>(b)</td>
<td>theatre;</td>
</tr>
<tr>
<td>(c)</td>
<td>amusement park/ centre;</td>
</tr>
<tr>
<td>(d)</td>
<td>dance hall;</td>
</tr>
<tr>
<td>(e)</td>
<td>ball room hall;</td>
</tr>
<tr>
<td>(f)</td>
<td>gymnasium;</td>
</tr>
<tr>
<td>(g)</td>
<td>sport centre;</td>
</tr>
<tr>
<td>(h)</td>
<td>skating rink;</td>
</tr>
</tbody>
</table>
(l) pool room;
(l) pub; and
(k) a sports and recreation centre.

**Development parameters:**

The following development parameters apply:

(a) As determined by the Municipality.

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

- "place of entertainment"

**Land use description:** "place of entertainment" means a place used predominantly for commercial entertainment and may include a bar, stage for live music, one or more dance floor areas, a DJ booth, and which may attract relatively large numbers of people, operate outside normal business hours or generate noise from music or revelry on a regular basis, including—

(5) a nightclub;
(6) disco;
(7) dance club;
(8) club; and
(9) a place of leisure

**Development parameters:**

The following development parameters apply:

(a) As determined by the Municipality.

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

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

**Development parameters:**
The following development parameters apply:

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

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

Cross reference SDIZSB for all amendments related to this topic.

- Amend table of contents
- Parking table insert "place of leisure & gambling place"
- Use zone table industrial zone | (light industry) delete place of entertainment and insert place of leisure.
- Insert LUD & parameters for "gambling place"
- Amend LUD for "place of entertainment"
- Insert LUD & parameters for "place of leisure"

<table>
<thead>
<tr>
<th>place of instruction</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Land use description:</strong> &quot;place of instruction&quot;—</td>
</tr>
<tr>
<td>(a) means a place for education or training at pre-school, school or post-school levels;</td>
</tr>
<tr>
<td>(b) includes a crèche, nursery school, primary school, secondary school, college, university or research institute;</td>
</tr>
<tr>
<td>(c) includes ancillary uses including—</td>
</tr>
<tr>
<td>(i) a boarding hostel,</td>
</tr>
<tr>
<td>(ii) a civic facility for the promotion of knowledge to the community including—</td>
</tr>
</tbody>
</table>

<table>
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<tr>
<th>place of instruction</th>
</tr>
</thead>
<tbody>
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</tr>
<tr>
<td>(i) a boarding hostel,</td>
</tr>
<tr>
<td>(ii) sports and recreation centre,</td>
</tr>
<tr>
<td>(iii) a civic facility for the promotion of knowledge to the community including—</td>
</tr>
</tbody>
</table>
(aa) a public library,
(bb) place of worship,
(cc) public art gallery,
(dd) museum;

(ee) place of instruction in sport where the main objective is instruction rather than participation of the public as competitors or spectators; and

(d) does not include a reformatory or a commercial conference facility.

Consider adding (ii) sports and recreation centre as per SDIZSB

No provision in KIZSB for “place of leisure”

Consider adding “place of leisure as per SDIZSB

“place of leisure”

Land use description: “place of leisure” means a place used predominantly for commercial leisure activities that may attract relatively large numbers of people, operate outside normal business hours or generate noise from such activities on a regular basis, including—

(a) a cinema;
(b) theatre;
(c) amusement park/centre;
(d) dance hall;
(e) ballroom hall;
(f) gymnasium;
(g) sport centre;
(h) skating rink;
(i) pool room;
(j) pub; and
(k) a sports and recreation centre.

Development parameters:
The following development parameters apply:
<table>
<thead>
<tr>
<th>&quot;resort shop&quot;</th>
<th>&quot;resort shop&quot;</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Land use description:</strong> “resort shop” means a shop that provides for the daily needs of the inhabitants of a holiday resort or residential estate that may include a retirement resort.</td>
<td><strong>Land use description:</strong> “resort shop” means a shop that provides for the daily needs of transient guest of a holiday resort or camping site.</td>
</tr>
<tr>
<td><strong>Development parameters:</strong> The floor space of a resort shop may not exceed 100 m².</td>
<td><strong>Development parameters:</strong> The floor space of a resort shop may not exceed 100 m².</td>
</tr>
<tr>
<td></td>
<td>Noted difference in description... SD123B was amended as above to remove residential estate which may include a retirement resort...</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>&quot;retirement resort&quot;</th>
<th>&quot;second dwelling&quot;</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Development parameters:</strong> Development parameters applicable to &quot;estate housing&quot; apply.</td>
<td><strong>Development parameters:</strong> The development parameters applicable to &quot;dwelling house&quot; apply, together with the following additional parameters:</td>
</tr>
<tr>
<td></td>
<td>(a) the total floor space of a second dwelling unit may not exceed 150 m² including the floor space of all ancillary buildings;</td>
</tr>
<tr>
<td></td>
<td>(b) a second dwelling must be constructed in a style that is similar to the architecture of the main dwelling house;</td>
</tr>
<tr>
<td></td>
<td>(c) a second dwelling that is a separate structure to a dwelling house may not exceed a height of 6 metres to the top of the roof;</td>
</tr>
<tr>
<td></td>
<td><strong>Development parameters:</strong></td>
</tr>
<tr>
<td></td>
<td>Development parameters applicable to the primary use apply.</td>
</tr>
<tr>
<td></td>
<td>Amend accordingly with regards to which development parameters apply.</td>
</tr>
<tr>
<td></td>
<td>SD123B</td>
</tr>
<tr>
<td><strong>Development parameters:</strong> The development parameters applicable to &quot;dwelling house&quot; apply, together with the following additional parameters:</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(a) the total floor space of a second dwelling may not exceed 150 m² including the floor space of all ancillary buildings;</td>
</tr>
<tr>
<td></td>
<td>(b) a second dwelling must be constructed in a style that is similar to the architecture of the main dwelling house;</td>
</tr>
<tr>
<td></td>
<td>(c) a second dwelling that is a separate structure to a dwelling house may not exceed a height of 6,5 metres to the top of the roof;</td>
</tr>
<tr>
<td></td>
<td>- Noted: height limited to 6m and not 6,5m as per SD123B. Consider amending it to 6,5m</td>
</tr>
<tr>
<td></td>
<td>- Noted the inclusion of (d) referring to sectional title...</td>
</tr>
</tbody>
</table>
(d) a second dwelling may not be alienated by means of sectional title within any type of single residential zone;

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

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

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

No provision in KZSB for "shooting range"

<table>
<thead>
<tr>
<th>Consider adding &quot;shooting range&quot; to Knysna Zoning Scheme Bylaw as per SDZSB below:</th>
</tr>
</thead>
</table>

**"shooting range"**

**Land use description:** "shooting range" means an enclosed indoor facility or demarcated outdoor area designed, built or constructed and utilised by a person as a firing range with targets for the usual, regular, and primary activity of controlled firearm practice, shooting competitions, or firearm training on a commercial basis, and—

(a) may be restricted to certain types of arms, handguns or rifles, or can specialize in certain shooting sports;

(b) must be constructed or designed in such a way, or where the improvements, size, geography, and vegetation of the area are such that any misdirected shot, that can reasonably be expected to be fired towards the targets, would
<table>
<thead>
<tr>
<th>Land use description: “shop” means property used for the retail sale of goods and services to the public, and—</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) includes a retail concern where goods that are sold in the concern are manufactured or repaired, a funeral parlour, service trade, clinic and the sale of motor vehicles; and</td>
</tr>
<tr>
<td>(b) does not include a hotel, industry, supermarket, motor repair garage, open air motor vehicle display, service station, restaurant, adult entertainment, adult services, adult shop or sale of alcoholic beverages.</td>
</tr>
</tbody>
</table>

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| Land use description: “smallholding” means an extensive landholding, including a dwelling house that is primarily a place of residence on which small scale agricultural activities may take place. |
| Development parameters: |
| (a) Development parameters applicable to “agriculture” apply, except that the following building lines apply: |

---

<table>
<thead>
<tr>
<th>Land use description: “shop” means property used for the retail sale of goods and services to the public, and—</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) includes a retail concern where goods that are sold in the concern are manufactured or repaired, a funeral parlour, service trade, clinic and the sale of motor vehicles; and</td>
</tr>
<tr>
<td>(b) does not include a hotel, industry, supermarket, motor repair garage, open air motor vehicle display, service station, restaurant, adult entertainment, adult services, adult shop or a liquor store.</td>
</tr>
</tbody>
</table>

- Consider amending wording of land use description as per SDI2SB, to include “ancillary sale of alcoholic beverages, flats above ground floor” to (a); and “a liquor store” to (b) instead of “sale of alcoholic beverages”.

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| Land use description: “smallholding” means an extensive landholding, including a dwelling house that is primarily a place of residence on which small scale agricultural activities may take place. |
| Development parameters: |
| Development parameters applicable to “agriculture” apply, except that the following building lines apply: |
(i) 10 metres from any boundary in respect of properties smaller than 2 hectares;
(ii) 20 metres from any boundary in respect of properties smaller than 4 hectares; and
(iii) 30 metres from any boundary in respect of properties larger than 4 hectares.

(b) Any newly created smallholding areas must be situated within the urban edge of a town.

(a) 10 metres from any boundary in respect of properties smaller than 2 hectares;
(b) 20 metres from any boundary in respect of properties smaller than 4 hectares; and
(c) 30 metres from any boundary in respect of properties larger than 4 hectares.

- Noted inclusion of (b) with regards to location of any newly created smallholding areas. Is it viable to prevent any small holding development outside the urban edge of a town? Is there space for small holding developments within the urban edges – or is it something that the Municipality does not want to encourage?

No provision in KIZSB for “sports and recreation centre”

Consider adding “sports and recreation centre” as per SDI2SB below:

“sports and recreation centre”

Land use description: “sports and recreation centre” means an outdoor or indoor sports and recreation facility which may be public or privately owned and which may include sports grounds and fields, golf courses, a sports stadium, as well as ancillary and subservient facilities and amenities like a clubhouse with a restaurant and store, gymnasium, ablution facilities, stores, and related administrative buildings.

Development parameters:

(a) The Municipality must require a site development plan for a sports and recreation centre.
(b) The site development plan as approved by the Municipality constitutes the development parameters.
(c) The provisions for a site development plan in this By-law apply.

General:

- If any consent use is added, please ensure that corresponding & appropriate LUD is included.
- If any changes to naming/wording is done, ensure that corresponding references in KIZSB are accordingly amended.
Tutuzelwa Tsese

From: MM
Sent: 15 November 2018 11:26 AM
To: Knysna Municipality
Cc: Anita Strydom; Chanel Campher
Subject: NCOA: KNYSNA ZONING SCHEME BY-LAW
Attachments: IMG_20181030_0001.pdf

RECORDS: Register as incoming Correspondence on Collab, acknowledge receipt and mark out to the relevant Director to action

Johnny Douglas Acting Municipal Manager
P O Box 21, Knysna, 6570, Western Cape, South Africa
Tel +27 (0)44 302 6300 (switchboard) or +27 (0)44 302 6690 (direct)
e-mail mm@knysna.gov.za

From: Robby Robertson <ejr.consult@gmail.com>
Sent: 30 October 2018 14:55
To: MM <mm@knysna.gov.za>; Hennie Smit <hsmith@knysna.gov.za>
Cc: Richard Moultrie <moultrie@group621.co.za>; julie@actionads.co.za; Melanie Gosling <melanie.gosling@gmail.com>
Subject: NCOA: KNYSNA ZONING SCHEME BY-LAW

Dear Sir

Please find attached comments on the proposed adoption of the Knysna Municipalities draft Zoning Scheme By-Law as prepared by the Noetzie Conservancy Owners Association. Reference is made to the recent public advertisement with the closing date extended to 31 October 2018. The original signed document is being posted to you.

We thank you for the opportunity to provide comment, and look forward to further engagements with you on this important matter.

Regards
E J (Robby) Robertson
NCOA Chairman 2018
082 417 5145

[Signature]

2018-11-16

Action: DPA D
CC: Hennie Smit
30 October 2018

Knysna Municipality
PO Box 21
Knysna
6570

Att: Mr Hennie Smit
Manager: Town Planning and Building Control
Per email: hsmit@knysna.gov.za

Dear Mr Smit

CALL FOR COMMENTS, OBJECTIONS AND REPRESENTATIONS: PROPOSED ADOPTION OF THE KNYSNA MUNICIPALITY DRAFT ZONING SCHEME BY-LAW

INTRODUCTION

1. We refer to the notice ("the notice") calling for comments, objections and representations on the proposed adoption of the Knysna Municipality Draft Zoning By-Law "the draft by-law", which we understand are due for submission by 31 October 2018.

2. At the outset, the NCOA wishes to thank the Knysna Municipality ("KM") for this opportunity to comment in the draft by-law and raise some of the comments and concerns that it has identified at this early stage. Before setting out the NCOA's response to the notice and draft by-law, however, it is appropriate to briefly to place Noetzie in its broader context and reiterate the zoning arrangements that currently apply, and which constitute the background against which the content of the draft by-law may be evaluated.

NCOA Committee 2018: Robby Robertson (Chairman), Richard Moultrie, Julie Gosling, Margi Dane, Melanie Gosling, Wendy Dewberry, Laetitia Nienaber – Oosthuizen, Ambre Nicolson
BACKGROUND

Noetzie and its existing Town Planning Scheme

3. As you may be aware, Noetzie was previously a separate Municipality recognised as such in terms of the Local Government Transition Act, 209 of 1993 under the name Knoetzie Transitional Local Council ("the KTLC"). The area of the KTLC included some undivided parts of the remaining extent of the farm Noetzie, 394 (Noetzie Farm) as well as a number of subdivided portions thereof. With one exception, all of the subdivided portions which have been developed were, and are, utilised as holiday homes.

4. The Noetzie settlement is located in an area of outstanding natural beauty and an almost pristine ecological ecosystem, comprising the ancient Knysna Forest through which the Noetzie river runs into a lagoon, areas of coastal fynbos and a world-renowned beach. For over a century, the residents of Noetzie have worked to maintain the delicate and precarious balance between the need to preserve this environment and the need to make it accessible as an important asset to Knysna’s tourism-centred economy. In a nutshell, while we recognise that there is always room for improvement, Noetzie is a uniquely preserved eco-tourism destination that is unparalleled in South Africa, if not the world.

5. In a concerted effort to ensure the long-term integrity of this balance, and following a careful and sensitive participation process, the Council of the KTLC formally adopted Noetzie’s Town Planning Scheme ("Noetzie TPS"). The last amended version of the scheme regulations of the Noetzie TPS was published in terms of the Land Use Planning Ordinance 15 of 1985 ("LUPO") under Provincial Notice 571 of 2000 in Western Cape Provincial Gazette No 5609 on 20 October 2000 and is available on the KM’s website. A copy of the zoning map (which, in terms of sections 10 and 12 of the LUPO as amended, is required to be held by the local authority) is annexed hereto marked “A”.

6. With the exception of portion 1 (now erf 20327, the so-called “school site” – owned by the State and zoned “undetermined”) and portion 82 (now erf 20373, the public toilet – zoned “authority”), all of the subdivided portions of Noetzie Farm are currently zoned “Resort Zone II”. In terms of paragraph 1.3.2 of the Noetzie TPS regulations, the primary use associated with this zoning is that of “holiday housing”, which is defined in the scheme regulations to mean “a harmoniously designed and built holiday development consisting of dwelling units. The individual

NCOA Committee 2018: Robby Robertson (Chairman), Richard Moultrie; Julie Gosling; Margi Dane, Melanie Gosling, Wendy Dewberry, Laetitia Nienaber – Ouadhuisen, Ambre Nicolson
development of each of the properties must contribute to the overall appearance as identified in the Urban Design Guidelines. A Homeowners Association must be established to which membership by the owners of all resort zone II properties is compulsory”. The NCOA is that Homeowners Association.

7. Paragraph 1.3.6 of the Noetzie TPS regulations stipulates that both the primary and consent use of the “undetermined” zone is that of “existing buildings”. Furthermore, paragraph 1.4.3(iv) under the heading of “urban design guidelines” states inter alia that this zone “shall only be considered” for rezoning to Open Space Zone or Resort Zone 1. This is an important limitation on development at Noetzie, which is critical to maintaining its environment and character.

8. As for the undivided portions of Noetzie Farm falling into the area covered by the Noetzie TPS:
   a) the area covered by the now-lapsed subdivision of erf 13493 (colloquially known as the ‘Noetzie infill’) is zoned “undetermined”, with the exception of certain roads, including those identified in the 1915 General Plan of Noetzie (N19), which are zoned “transport zone 1”, the primary use of which is “public road”; and
   b) those areas that were identified as “thoroughfare”, “commonage”, “passage” and (in one case) “road” in the General Plan are zoned “Open Space Zone 1 (Nature Reserve)”. Paragraph 1.3.3 of the Noetzie TPS regulations stipulates that the primary use of this zone is “nature reserve”, whereas the consent usage is “none”. “Nature reserve” is defined to mean “a national park, or some other nature park which is in the ownership of the public authority or has been declared as such in terms of legislation and remains in private ownership, it consists of an area which is utilized as a game park or reserve or fauna or flora in the natural habitat”, but the definition was subject to “the express proviso that any area demarcated or zoned as nature reserve shall not in any way restrict existing rights of property owners in Knoetzie”.

9. The Noetzie TPS also contains further detailed provisions relating to, amongst others, Urban Design Guidelines (paragraph 1.4.1), Utilization of Zoned Land (paragraph 1.4.3), External Appearance of Buildings (paragraph 1.4.13), Aesthetics and Landscaping (paragraph 1.4.19) and Subdivisions (paragraph 1.5.2).

NCOA Committee 2018: Robby Robertson (Chairman), Richard Moultrie; Julie Gosling, Margi Dane, Melanie Gosling, Wendy Dewberry, Laetitia Nienaber – Oosthuizen, Ambre Nicolson
The Incorporation of Noetzie into KM, and the continued applicability of the Noetzie TPS

10. The Knysna Local Municipality (now KM) was established in terms of sections 12 and 14 of the Local Government: Municipal Structures Act, 117 of 1998 ("the Systems Act") under Provincial Notice 409 of 2000 in WCGP 5571 of 28 August 2000 and formally came into existence following the local government elections in December 2000. In terms of the determination of the Municipal Demarcation Board acting in terms of the Municipal Demarcation Act, 27 of 1998, the area of the KM included the area previously covered by the KTLC, which ceased to exist. In other words, Noetzie was incorporated into KM.

11. Despite this, the Noetzie TPS continued (and still continues) to apply to the area of the former KTLC, as do the pre-2000 zoning scheme regulations adopted under LUPO by the former local authorities in respect of Sedgefield and Knysna.

12. The NCOA notes with gratitude that the KM has over the years recognised the unique features and needs of Noetzie by continuing to respect and promote the spirit of the Noetzie TPS. This was pre-eminently the case when the Council resolved at a meeting of 25 June 2009 to correct the erroneous inclusion of Noetzie within the urban edge in the 2008 Spatial Development Framework. This decision reflected the KM’s determination to resist inappropriate developmental pressure which would undermine the supporting frameworks that recognise that the area of Noetzie has a limited carrying capacity and which would potentially threaten the intrinsic value of this tourism asset, which should be protected for the benefit of the greater Knysna community and intergenerational environmental best practice.

13. The Noetzie TPS and the other schemes identified above are zoning schemes referred to in section 33 (1) of the Western Cape Land Use Planning Act, 3 of 2014 ("LUPO") and, as such, are defined in section 1 of the draft by-law as “previous zoning regulations”. Section 33(1) of LUPO stipulates that such schemes “remain in force” and also that “a use right and a lawful zoning in terms of [such] zoning scheme[s] remains in force until amended in terms of an applicable by-law”. The NCOA recognises that in terms of section 33(4) of LUPO, these zoning schemes will lapse “[u]pon the coming into operation of a zoning scheme” adopted under LUPO.

NCOA Committee 2018: Robby Robertson (Chairman), Richard Moultrie; Julie Gosling, Margi Dane, Melanie Gosling, Wendy Dewberry, Laetitia Nienaber – Oosthutzen, Ambre Nicolson
THE NCOA'S RESPONSE TO THE CALL FOR COMMENTS ON THE DRAFT BY-LAW

NCOA’s understanding of the nature and significance of the current public participation process

14. The NCOA’s first comment relates to our understanding of the nature and significance of the current public participation process initiated by the publication of the notice.

15. Although the notice indicates that it was issued in terms of section 12(3)(b) of the Systems Act, we note that the document that has been distributed for comment is not in fact a “proposed by-law” as contemplated in that section, but rather a draft document which not only contains a number of unresolved drafting notes (see for example, section 7) but which is also incomplete in material respects. The most significant of these is the absence of Schedule 4 (which we understand is yet to be prepared), an issue that we address in further detail below.

16. While we reiterate that we are grateful to the Municipality for the opportunity afforded us to comment on the draft by-law at this early stage, our understanding is therefore that when the final version of the proposed by-law is ultimately prepared, it will be published under section 12(3)(b) “in a manner that allows the public an opportunity to make representations with regard” thereto prior to consideration by Council for promulgation.

17. In the circumstances, the comments that we submit herein must of necessity be treated as provisional at best. The NCOA looks forward to having the opportunity in due course to comment in full and further detail on the final version of the proposed by-law. Purely for the sake of clarity, we record that we reserve the right, to comment on, object to, and make representations on all aspects of the by-law, including those aspects that are already contained in the current draft, should we consider it appropriate.

The absence of Schedule 4

18. The NCOA appreciates and welcomes the obligation imposed by section 22 of LUPA on the KM to “adopt a single zoning scheme for its whole municipal area”, and considers that section 2 of the draft by-law rightly stipulates that “the zoning scheme applies to the entire municipal area”, with the effect that the Noetzie TPS will lapse upon its coming into operation.

NCOA Committee 2018: Robby Robertson (Chairman), Richard Moultrie; Julie Gosling, Margi Dane, Melanie Gosling, Wendy Dewberry, Laetitia Nienaber – Oosthuizen, Ambre Nicolson
19. It is, however, of significant concern to the NCOA and property owners at Noetzie that we are unable to discern from the draft by-law in its current form what its effect, if any, will be on the delicate balance that has been achieved by the adoption of the Noetzie TPS and on the rights and obligations that attach to the various properties that are currently subject to that scheme.

20. This uncertainty arises from section 7(1) of the draft by-law, which states that “upon the date of commencement of this By-law, land that is zoned in terms of the previous zoning regulations is translated or reclassified to one of the use zones referred to in section 5” and section 7(2) thereof, which stipulates that Schedule 4 will contain the Zoning Transition Table that “summarises the translation or reclassification of the use zones used in the previous zoning regulations to the use zones used in this By-law.”

21. In this regard, we should point out that section 7(3) is of little comfort to us. This indicates that despite the translation of the use zones in the Noetzie TPS, “a zoning that has been exercised prior to coming into effect of this By-law, cannot lapse”, but is immediately qualified by the statement that such zonings “will nevertheless be translated or reclassified as determined in this By-law”. On its face, the effect of this statement is that, although the Noetzie TPS zonings will not “lapse”, this will be in name only, and that they will indeed be subject to the zonings under the draft by-law to which they will be “translated or reclassified”.

22. While certain of the translations would appear to be self-evident (for example, we would expect that the Noetzie TPS “transport” zone would probably be translated to one or more of the “transport” zones in the by-law and that the Noetzie TPS “undetermined” zone will naturally be translated as “undetermined” under the by-law, which reflects identical primary and consent use rights – albeit without the same limitation on potential rezoning), this is not universally the case.

23. Of particular significance in this regard are:

   a. the current Noetzie TPS zoning of “Resort Zone II”, into which the overwhelming majority of the properties at Noetzie fall (including every single separately privately-owned erf in the area), has no obvious equivalent in the draft-by-law. In particular, it does not match the “resort zone” and does not find a close equivalent in any of the “residential” zonings in the identified in the draft by-law; and
   b. the current “nature reserve” zoning under the Noetzie TPS, which is expressly subject to the proviso that it does not in any way restrict the rights of property owners as they

NCOA Committee 2018: Robby Robertson (Chairman), Richard Moultrie; Julie Gosling, Margi Dane, Melanie Gosling, Wendy Dewberry, Laetitia Niemeyer – Doethuizen, Ambre Nicolson
existed at the time of the adoption of the Noetzie TPS, which proviso is not captured in any of the four “open space” zones identified in the draft by-law.

24. Our second comment is therefore that until Schedule 4 is prepared, it is simply impossible for us (or any other residents of Knysna, for that matter) to meaningfully make representations on the draft by-law which will, of necessity result in significant changes to the rights and obligations that currently apply to their properties.

It would be appropriate to identify Noetzie as an overlay zone in the zoning by-law

25. We note that the draft by-law defines “overlay zones” as categories of zoning that may apply to those areas where it is appropriate to impose more restrictive development parameters relating amongst others to “density limitations”, “heritage and environmental protection”, “management of the urban edge”, “scenic drives; coastline setbacks”. In particular, section 15 of the draft by-law contemplates that overlay zones may be established to “give expression, in a planning context, to the local needs and values of the communities concerned” and “promote particular types of development, urban form, landscape character, environmental features or heritage values”.

26. In view of the unique situation that pertains in Noetzie, both as a result of its extraordinary ecological sensitivity and the care and attention to detail with which the Noetzie TPS was prepared so as to take account of its uncommon potential to be an outstanding eco-tourism destination of special significance, we submit that Noetzie constitutes a prime candidate for identification as an overlay zone in the by-law itself.

27. Identifying Noetzie as an overlay zone in this manner would not only reflect the approach that was taken in the previous major draft of the by-law distributed in March 2016, but would also avoid the complications arising from the need to ‘fit a square peg into a round hole’ and “translate” the unique Noetzie TPS zonings into the generic zonings provided for in the draft by-law.

28. Our third submission is therefore to propose that the draft bylaw be amended to include Noetzie as an overlay zone in the by-law itself, and to adopt the terms of the Noetzie TPS without substantive change for that purpose. We do, of course, recognise that certain of the provisions...
of the Noetzie TPS can, and should be removed, and we would be most willing to engage with KM on this.

CONCLUSION

29. We trust that the above comments will be received in the constructive spirit in which they are offered.

30. We look forward to a continued positive and constructive working relationship with the Municipality.

Yours sincerely

Robby Robertson
Chairman 2018
Good morning Hennie

Apologies for the delay in getting back to you.

I have been waiting for the Tourism Grading Council of South Africa’s (TGCSA) Category definitions for 2019 which have not been launched. See attached document. You will note that there are no room numbers referred to in the various categories, 3 rooms classified as B&B, 5 rooms as Guest House, etc. We would assume therefore that the room numbers would be limited by the applicable zoning bylaw in place.

Here is some additional information for your consideration and implementation which will align the zoning of a property with the rates they are being charged:

In October 2008 KAA, then representing about 60 small accommodation establishments, had a meeting with the Municipality with regards to the proposed increase of the General Valuation of property, increased rates and the consequences for that increase for the small B&B’s.

It was agreed with the Municipality that all the different types of accommodation providers (B&B’s, Lodges, Hotels etc.) would be categorized into 2 groups:

- Accommodation establishments with 1-8 lettable rooms
- Accommodation establishments with > 8 lettable rooms

At the same time it was noted that a number of residents were letting out rooms through the so called “Letting Pools” both not visible nor contributing to the system. A Municipal team, working on this issue, contacted a number of Estate Agents and added those properties to the Municipal database and these properties were also rated as Accommodation Establishments 1-8 room. Nowadays we have a similar situation with all the residential properties that are trading as AirBnB, creating an income from the residential property without contributing to the system.

Most of the smaller establishments are based in residential areas with owners living on the premises. The agreement with Knysna Municipality was that the smaller establishments (1-8 lettable rooms) would be categorized either as Residential or Business meaning that they would pay a higher rate in the rand for the valuation of property and we would lose the rebate the residents have.

The other establishments (> 8 lettable rooms) will be considered as Business with the applicable rates.
All the above was approved by the then Financial Manager Grant Easton (member of the team we negotiated this with) and accepted by the then Executive Mayor, Eleanore Bouw-Spies and which was published in the Final Budget 2009-2010 and r by the Mayor as follows:

With regards to Bed and Breakfasts and letting accommodation we are again revising the system. The split system for B & E introduced was partially successful, but it needs to be coordinated with our planning and zoning requirements. The final decision is that B & B accommodation with up to eight letting rooms will be regarded as domestic; they will lose their domestic rebates. Above eight rooms will be treated as businesses and be rated as such.

We ask for cooperation from the accommodation industry. Until now many properties have been operating illegally and the Finance team has proof of these illegal practices. Our policies, zoning scheme and by-laws are being amended and we will not hesitate to take action for non-compliance.

The Final budget 2017-2018 also clearly indicates that this agreement is still valid:

Accommodation Establishments where the number of letting bedrooms is equal to or 8
Current 2017-2018: R 0.007738
2018-2019: R 0.008186804
2019-2020: R 0.008669825

Should you require any additional input please let us know as we look forward to a positive outcome of the rezoning bylaw.

Kind regards.

Colleen Harding - Marketing Co-ordinator
M: 083 260 6644 E: info@exploreknysna.com
<table>
<thead>
<tr>
<th>FORMAL ACCOMMODATION</th>
<th>Hotel</th>
<th>A Hotel provides accommodation with full or limited service to the travelling public and has a minimum of 10 rooms. A Hotel has a reception area and offers a dining facility.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Small Hotel</td>
<td>A small hotel provides accommodation with full or limited service to the travelling public and has up to approximately 80 rooms. A Small Hotel has a reception area and offers a dining facility.</td>
<td></td>
</tr>
<tr>
<td>Boutique Hotel</td>
<td>A Boutique Hotel is a Small Hotel that achieves a 4- or 5-Star Grading with each room designed and decorated differently</td>
<td></td>
</tr>
<tr>
<td>Apartment Hotel</td>
<td>An Apartment Hotel provides accommodation with full or limited service to the travelling public and has a minimum of 10 rooms. An apartment hotel has a reception area and offers a dining facility. There is a kitchenette and dining area in each room</td>
<td></td>
</tr>
<tr>
<td>Hotel with Venues/Conference Hotel</td>
<td>An Hotel/ Small Hotel/ Apartment Hotel with Venue/s that can accommodate cumulatively 50 or more delegates (in the maximum seating style). The Venues in these Hotels will be assessed against the applicable Venue criteria.</td>
<td></td>
</tr>
<tr>
<td>GUEST ACCOMMODATION</td>
<td>Description</td>
<td></td>
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<tr>
<td>---------------------</td>
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<td></td>
</tr>
<tr>
<td>Guest House</td>
<td>Accommodation provided in a house, renovated house or a specifically designed building. Includes the provision of breakfast.</td>
<td></td>
</tr>
<tr>
<td>Bed and Breakfast</td>
<td>Accommodation provided in a home with the host living in the house or on the property. Guests share the public facilities/areas (dining area, lounge, etc.) with the host. Includes the provision of breakfast.</td>
<td></td>
</tr>
<tr>
<td>Country House</td>
<td>Accommodation provided in a house, renovated house or a specifically designed building. Includes the provision of breakfast and dinner and has public areas for the exclusive use of guests. Located in natural, peaceful surroundings.</td>
<td></td>
</tr>
</tbody>
</table>
# BACKPACKER & HOSTEL

| BACKPACKER & HOSTEL | Backpacker & Hostel | An accommodation facility that provides social and communal guest facilities including dormitories and/or private rooms. Only establishments that cater for travellers may qualify for grading |

## VENUE

| Convention and exhibition centre | A meeting and/or event venue is a permanent structure for hosting groups and events and providing a flexible and often multi-functional space/s with appropriate food and beverage, logistical and business support services. |
| Events venue | An indoor or outdoor multi-purpose facility designed for hosting an event e.g. sports, concerts, religious, political or other special events. |
| Historical venue | A building that reflects historical value or a landmark that has been adapted to host a special event e.g. gallery, city hall, museum, castle, theatre, country club, winery, stately home, etc. |
| Function venue | Is a venue that provides space for smaller, special events. |
| CARAVAN AND CAMPING | Camping & Caravan | A caravan and/or Camping facility provides space for guests to provide their own accommodation, such as tent, a motor home and/or caravan. Communal ablution facilities are always provided. Communal kitchen, laundry, recreational facilities and amenities, etc. may be provided. Self-catering accommodation units may be provided on the property. |
| SELF-CATERING ACCOMMODATION | | Accommodation that provides guests with a sole occupancy unit consisting of one or more bedrooms and bathrooms and a self-contained living area including a kitchen, dining area and/or lounge. |
| | Self-Catering shared | Multi self-catering accommodation units located on one property with shared public facilities (minimum of reception) and recreational amenities. |
| | Self-catering exclusive | One or more exclusive use self-catering units, with no or very limited shared public facilities. |
| GAME/ NATURE LODGE | Nature Lodge | • A Game / Nature / Wilderness Lodge (incl. Private Nature Reserves) is a formal accommodation facility, located in natural surroundings beyond that of an immediate garden area and, but not always, away from human settlements. |
| | | • At least one guided experience and or activity is provided i.e. natural or cultural experiences. |
| | | • Guests should have a reasonable probability of seeing / experiencing / viewing specific species of animal or experiences as stated in the marketing of the establishment. |
| | Game Lodge | If the lodge is a 'Game Lodge', then the wild animals accessible to guests need to be free roaming and not contained in enclosures. |
Western Cape Department of Environmental Affairs & Development Planning (DEADP) comments:

<table>
<thead>
<tr>
<th>Definition of <strong>basement</strong></th>
<th>PROVINCIAL COMMENT (BASED ON SDIZSB)</th>
<th>Replace with Standard Zoning Scheme By-law definition.</th>
</tr>
</thead>
<tbody>
<tr>
<td>&quot;basement&quot; means that part of a building of which the finished floor level is at least two metres below, and the ceiling not more than one metre above, a height halfway between the highest and lowest natural ground level immediately contiguous to the building.</td>
<td>The definition of &quot;basement&quot; was amended in the SDIZSB in an effort to simplify and clarify the definition. The definition of basement was amended to only refer to the section of the basement which protrudes above ground level. The portion of the basement above natural ground level will be counted in when calculating the height of the building.</td>
<td></td>
</tr>
<tr>
<td><strong>SDIZSB:</strong> &quot;basement&quot; means that portion of a building with a ceiling level which does not protrude more than one metre at any point above natural ground level excluding excavations required for access purposes.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>For your consideration the definitions used by other Municipalities are included below:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>George Municipality:</strong> &quot;basement&quot; means that portion of a building of which the ceiling at any given point does not protrude more than one metre above natural ground level;</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Mossel Bay:</strong> &quot;basement&quot; means that portion of a building with a ceiling level which does not protrude more than one metre at any</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
point above natural ground level excluding excavations required for access purposes. **Hessequa (Draft):** “basement” means that portion of a building of which the ceiling at any given point does not protrude more than one metre above natural ground level.

<table>
<thead>
<tr>
<th><strong>Definition of boundary wall</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>“boundary wall” means any wall, fence or enclosing structure erected on or directly next to a cadastral property boundary, and any other structure, including entrance gates and doors, security devices, such as spikes, barbed wire, razor wire or electric fences, affixed to or on top of a boundary wall.</td>
</tr>
</tbody>
</table>

By permitting fixtures (barbed wire, razor wire etc.) in the definition of “boundary wall” it may be in conflict with the municipality’s policy on the treatment of boundary walls or it may be undesirable in areas of heritage importance. A departure from a definition is also not allowed. Therefore, the definition in the SDis3B was amended to delete the reference to all fixtures. **SDis3B:** “boundary wall” means any wall, fence or enclosing structure erected on or directly next to a cadastral property boundary, including entrance gates and doors; [Replace with Standard Zoning Scheme By-law definition.]

<table>
<thead>
<tr>
<th><strong>Definition of braai room</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>“braai room” means a room that is part of the outbuildings and that is used primarily for entertainment purposes and where food and drinks may be prepared, but excludes a kitchen;</td>
</tr>
</tbody>
</table>

Recommend to consider amendment as follows: inclusion of “main dwelling or” as per SDis3B definition: **SDis3B:** “braai room” means a room that is part of the main dwelling or outbuildings and that is used primarily for entertainment purposes and where food and drinks may be prepared, but excludes a kitchen; The reality is that a physical braai room is mostly part of the main dwelling. [Replace with Standard Zoning Scheme By-law definition.]

<table>
<thead>
<tr>
<th><strong>Definition of building</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>(e) a retaining wall or infilling higher than 0.5 metres</td>
</tr>
</tbody>
</table>

In SDis3B paragraph (e) was deleted and addressed under general provisions: “encroachment of building lines” (see (a) of 21(1)). [Delete (e) of SDis3B.]

<table>
<thead>
<tr>
<th><strong>Coverage</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Note that the definition for Coverage in the SDis3B was amended</td>
</tr>
</tbody>
</table>

| | | |
**PLANNING AND INTEGRATED HUMAN SETTLEMENTS COMMITTEE MEETING AGENDA**

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---

"Coverage" means the total percentage area of a site that may be covered by buildings that are covered by a roof or projection, as measured over the exterior walls thereof; provided that the area covered by the first metre (as measured from the outside of the exterior wall concerned) of an eave or other projection shall not be included in the calculation of the permissible coverage.

To be more specific and clear, recommend to consider amendment as follows:

SD1235: "Coverage" means the area of a land unit that is covered by buildings, expressed as a percentage of the total erf area of the land unit, and includes—

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

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

(I) stoeps less than 1.5m above natural ground level, entrance steps and landings;

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

(iii) eaves not projecting more than 1.0 metres from the wall of the building; and

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

---

**Definition of compound**

"Compound" in relation to the property means a cluster of buildings in an enclosure, having a shared or associated purpose, such as the houses of an extended family. The enclosure may be a wall, a fence, a hedge or some other structure, or it may be formed by the

<table>
<thead>
<tr>
<th>Definition of compound</th>
<th>The provision for &quot;compound&quot; in SD1235 was reconsidered. It was decided that compound building must either be defined or excluded from the definition of dwelling house.</th>
</tr>
</thead>
<tbody>
<tr>
<td>The provision for &quot;compound&quot; in SD1235 was reconsidered. It was decided that compound building must either be defined or excluded from the definition of dwelling house.</td>
<td>Exclude from definitions</td>
</tr>
</tbody>
</table>

---

The decision was made to exclude this from the SD1235 as it was included to make provision for the exception rather than the

---

92 | Page
<table>
<thead>
<tr>
<th>Topic</th>
<th>Description</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Definition of dwelling unit</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>KZSB: There is reference to compound building in the definition of dwelling unit.</td>
<td>See comment for &quot;compound&quot;</td>
<td>Exclude compound building</td>
</tr>
<tr>
<td>SDZSB: no reference to compound building in definition of dwelling unit</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Electronic and mechanical playing devices</strong></td>
<td>The definition of &quot;Electronic and mechanical playing devices&quot; was excluded from the SDZSB zoning scheme as this definition caused a lot of confusion. The opinion was held that gambling activities are regulated by the Gambling Act which defines the following: &quot;limited pay-out machine&quot;, &quot;gambling machines&quot;, &quot;amusement game&quot; and &quot;amusement machine&quot;.</td>
<td>Exclude from the KZSB definitions</td>
</tr>
<tr>
<td><strong>&quot;Floor space&quot;</strong></td>
<td>(a) any area, including a basement, which is reserved solely for parking or loading of vehicles is excluded:</td>
<td>Same as SDZSB</td>
</tr>
<tr>
<td>Floor factor</td>
<td>&quot;Net erf area&quot; Replace with &quot;total erf area&quot;. Cross reference remainder of document for similar amendments.</td>
<td>Replace with &quot;total erf area&quot;.</td>
</tr>
<tr>
<td>Definition of &quot;garage&quot;</td>
<td>&quot;garage&quot; means a building for the storage of one or more motor vehicles, and includes a carport but does not include a motor repair garage or service station; Consider deleting &quot;and includes a carport&quot;. Carport is defined separately and there may be a need to distinguish between the two. If it is in the definition there can be no departures permitted from the definition.</td>
<td>Delete carport</td>
</tr>
<tr>
<td>Definition of &quot;Height&quot;</td>
<td>The definition for &quot;height&quot; was amended in the SDZSB to be more clear. Recommend to consider amendment as follows:</td>
<td>Amended definition of height</td>
</tr>
</tbody>
</table>
**SDIZSB.** "**Height**" of a structure means a vertical dimension of the structure from the natural ground level to the wall plate or, in the case of a pitched roof, the ridge of the roof or the highest point of a building, measured in metres, provided that—
(a) the height of a structure does not include chimneys, flues, masts or antennas;
(b) elevator motor rooms, satellite dishes, ventilation shafts, water tanks, air conditioning plant and equipment on top of a building are included when determining the height of a structure; and
(c) the general provisions regarding these aspects in this By-law also apply;

<table>
<thead>
<tr>
<th><strong>“Municipality”</strong></th>
<th>(c) the &quot;Tribunal&quot; should be &quot;municipal planning tribunal&quot;</th>
<th>Replaced with municipal planning tribunal</th>
</tr>
</thead>
</table>
• Not relevant as The KIZSB refers to NEMA in general provisions (P). Municipality must consider whether this definition is necessary. | Deleted definition |
| **Noise level** | Definition for “noise level” has been deleted in the SDIZSB as noise is regulated by Air quality management by-law adopted by municipalities in terms of the MSA.  
“Noise level” is not defined in the Model Air Quality Management Bylaw.  
Has the Model Air Quality Management Bylaw been adopted by Knysna Municipality? | Deleted definition of noise level. |
<p>| <strong>“overlay zone”</strong> | (b) may include provisions and development parameters relating to— | SDIZSB |
| | (b) may include provisions and development parameters relating to— | SDIZSB |</p>
<table>
<thead>
<tr>
<th>(vii) management of the urban edge:</th>
<th>(vii) management of the urban growth:</th>
</tr>
</thead>
</table>
| Definition of parking bay:  
“parking bay” means an area measuring not less than 5 metres x 2.5 metres for perpendicular or angled parking and 6 metres x 2.5 metres for parallel parking that is clearly identified and demarcated for the parking of one motor vehicle and may be provided in the form of a garage or carport that is accessible for easy and safe vehicle movement. | SDZSB  
“parking bay” means an area clearly outlined and demarcated for the parking of one motor vehicle and may be provided in the form of a garage or carport that is accessible for easy and safe vehicle movement:  
- Definition was amended in the SDZSB. Cannot depart from a definition and thus not advisable to include development parameters in definition.  
- Delete dimensions as it depends on circumstances and type of parking. Engineering department decides on acceptability of parking dimensions. |

Deleted dimensions

<table>
<thead>
<tr>
<th>“precinct plan” means a plan, approved by the Municipality, as envisaged in this By-law as a component of a package of plans: Look at supplementary definitions.</th>
<th>“look at supplementary definitions” can be removed.</th>
</tr>
</thead>
</table>
| Removed precinct plan

<table>
<thead>
<tr>
<th>“previous zoning regulations” throughout the document</th>
<th>Amend to refer to “previous zoning scheme” - go through whole document to correct.</th>
</tr>
</thead>
</table>
| Amended to “previous zoning scheme”

<table>
<thead>
<tr>
<th>“protected area” means a protected area as defined in section 1 of the National Environmental Management: Protected Areas Act, 2003 (Act 57 of 2003);</th>
<th>Definition of protected area was deleted from the SDZSB as it does not occur elsewhere in the document. Same applies to KZSB.</th>
</tr>
</thead>
</table>
| Deleted

| “pub” means an establishment for the sale of predominantly alcoholic beverages, and sometimes also food, to be consumed on the premises and is also known as a tavern or bar; | SDZSB  
“pub” means an establishment for the sale of predominantly alcoholic beverages, and sometimes also food, to be consumed on the premises and is also known as a tavern or bar. **but** |
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Included SDZSB definition by adding excluding a night club.</td>
<td></td>
</tr>
</tbody>
</table>
### PLANNING AND INTEGRATED HUMAN SETTLEMENTS

#### COMMITTEE MEETING

#### AGENDA

11 APRIL 2019

<table>
<thead>
<tr>
<th>Excludes— a night club.</th>
<th>Consider adding “but excludes a night club”</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public authority</td>
<td>Delete definition of public authority. Organ of state is defined in SPLUMA and need not be defined in the zoning scheme bylaw.</td>
</tr>
<tr>
<td>“public nuisance” means any act, omission or condition.</td>
<td>“public nuisance” means any act, omission or condition that is offensive in the opinion of the Municipality, injurious or dangerous to health, materially interferes with the ordinary comfort, convenience, peace or quiet of the occupants of the property in the neighbourhood or which adversely affects the safety of the public; having regard to the reasonableness of the activities in question in the area concerned, and the impacts that result from these activities;</td>
</tr>
<tr>
<td>“sign” means any sign, sign-writing, mural, graphic design, signboard, screen, blind, boarding or other device by means of which an advertisement or notice is physically displayed, and includes any advertisement, object, structure or device that is in itself an advertisement or is used to display an advertisement;</td>
<td>Same as SD1258. Consider removing the wording: “define more clearly as per signage by-law”</td>
</tr>
<tr>
<td>Organ of state &amp; Public authority</td>
<td>Recommend that reference to “a public authority” is replaced by “an organ of state” throughout the document, as “Organ of state” is defined in SPLUMA.</td>
</tr>
<tr>
<td>“zoning scheme means a land use scheme as defined in section 1 of the Spatial Planning and Land Use Management Act and includes the components referred</td>
<td>SD1258 “zoning scheme” means a land use scheme as defined in section 1 of the Spatial Planning and Land Use Management Act and</td>
</tr>
<tr>
<td><strong>PLANNING AND INTEGRATED HUMAN SETTLEMENTS COMMITTEE MEETING</strong></td>
<td></td>
</tr>
<tr>
<td><strong>AGENDA</strong></td>
<td></td>
</tr>
<tr>
<td><strong>11 APRIL 2019</strong></td>
<td></td>
</tr>
</tbody>
</table>

**CHAPTER 2**

**ZONING SCHEME, USE ZONES AND USES**

| **7. Transition to new use zones and savings** |
| **The wording of section 7 was amended, as below, in the SDEEB zoning scheme in an effort to simplify this section. Consider amending accordingly.** |

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

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

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

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

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

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

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

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

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

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

(ii) on or after the date of coming into effect of this By-law with the purpose to act on an approval in terms of a previous planning law, must be assessed in accordance with that approval provided that such building plan application is submitted within 30 months after commencement of this zoning scheme, or within the validity period of said application, whichever is the later date.
The following improved wording in the SDZSB is suggested:

8. (1) If the zoning of a land unit is incorrectly indicated on the zoning scheme map, the owner of an affected land unit may submit an application to the Municipality to correct the error. (2) An owner contemplated in subsection (1) must apply to the Municipality in the form determined by the Municipality and must—

submit written proof of the lawful land use rights; and
indicate the correct zoning that should be allocated.
(3) The onus of proving that the zoning is incorrectly indicated on the zoning scheme map is on the owner.
(4) The owner is exempted from paying application fees. (5) In the event that the Municipality identify an error on the zoning map; the Municipality must—

inform the owner of the affected land unit of the error; and request the owner within 30 days from the date on which he or she received the notice, to notify the Municipality in writing if he or she disputes the intended rectification and to

(i) submit written proof of the lawful land use rights; and
(ii) indicate the correct zoning that should be allocated.
(6) If the zoning of a land unit is incorrectly indicated on the zoning scheme map, the Municipality must amend the zoning scheme map to reflect the correct zoning.
(7) If the correct zoning of a land unit cannot be ascertained from the information submitted to the Municipality or the records of the Municipality, the zoning must be determined in terms of the Planning By-law and the zoning as determined must be recorded on the zoning scheme map.
<table>
<thead>
<tr>
<th>ENFORCEMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>19.</strong>(1) Subject to section 13, no person may erect any building or</td>
</tr>
<tr>
<td>structure or any part thereof—</td>
</tr>
<tr>
<td>(a) except for a purpose permitted by this By-law and only in accordance</td>
</tr>
<tr>
<td>with the applicable development parameters; or</td>
</tr>
<tr>
<td>(b) without first obtaining approval from the Municipality in terms of the</td>
</tr>
<tr>
<td>Planning By-law name.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>CHAPTER 7 GENERAL PROVISIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>21.<strong>(1)</strong> Despite the building line requirements set out in Chapter 6,</td>
</tr>
<tr>
<td>the following structures or portions of structures may be erected within</td>
</tr>
<tr>
<td>the prescribed building lines, provided they do not extend beyond the</td>
</tr>
<tr>
<td>boundaries of a land unit:</td>
</tr>
<tr>
<td>(a) boundary walls, fences and gates;</td>
</tr>
<tr>
<td>(b) open and uncovered stoops that are less than 500 millimetres in height</td>
</tr>
<tr>
<td>from the natural level of the ground;</td>
</tr>
<tr>
<td>(c) entrance steps, landings and entrance porches, excluding porte</td>
</tr>
<tr>
<td>cochères;</td>
</tr>
<tr>
<td>(d) a covered entrance or gatehouse that has a roofed area not exceeding</td>
</tr>
<tr>
<td>5 m² and a roof height not exceeding 3 metres from the floor to the highest</td>
</tr>
<tr>
<td>point;</td>
</tr>
<tr>
<td>(e) eaves and awnings projecting no more than 10.5 metres above the roof</td>
</tr>
</tbody>
</table>

| Inserted the Planning By-law name:                                        |
| Krynau, Municipality By-law on                                           |
| Municipal Land Use Planning Zoning Scheme By-law[2014].                   |

| **20.**(1) Subject to section 13, no person may erect any building or     |
| structure or any part thereof—                                           |
| (a) except for a purpose permitted by this By-law and only in accordance |
| with the applicable development parameters; or                           |
| (b) without first obtaining approval from the Municipality in terms of   |
| the Planning By-law.                                                     |

| Ensure that the accurate “[Planning By-law name]” is inserted as per     |
| S2058.                                                                    |

| S2058 amended, to be more clear – 21**(1)**(g); combined with (a), so    |
| (g) was removed. Consider amending accordingly.                          |

| Amended accordingly.                                                     |

| 21.**(1)** Despite the building line requirements set out in Chapter 6,  |
| the following structures or portions of structures may be erected within |
| the prescribed building lines, provided they do not extend beyond the    |
| boundaries of a land unit:                                               |
| (a) boundary walls, screen walls, fences and gates: not exceeding 2.1    |
| metres in height above the natural ground level, excluding any such wall |
| will result in infilling higher than 0.5 metres above natural ground    |
| level;                                                                    |
| (b) open and uncovered stoops that are less than 500 millimetres in      |
| height from the natural level of the ground;                             |
| (c) entrance steps, landings and entrance porches, excluding porte       |
| cochères;                                                                |

| S2058.                                                                    |
(f) screen-walls not exceeding 2.1 metres in height above the natural ground level abutting such wall;

(h) swimming pools not closer than 1 metre from any boundary;

(i) a basement, provided that no part of such a basement projects above natural ground level;

(j) a refuse room required by the Municipality in terms of this By-law;

(k) water storage tanks not exceeding the height of the boundary wall,

(a) a covered entrance or gatehouse that has a roofed area not exceeding 5 m² and a roof height not exceeding 3 metres from the floor to the highest point;

(e) eaves and awnings projecting no more than 1 metre from the wall of a building;

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

(g) swimming pools not closer than 1 metre from any boundary;

(h) a basement, provided that no part of such a basement projects above natural ground level;

(i) a refuse room required by the Municipality in terms of this By-law;

(j) water storage tanks not exceeding the height of the boundary wall.

Parapet walls

34.[1] Parapet walls are restricted to 500 millimetres in height above the finished roof level immediately contiguous to the parapet except in the case where roof equipment as described under paragraphs (a) and (b) of the definition of “height” is hidden to the satisfaction of the Municipality behind parapet walls not exceeding 2 metres in height.

(2) In the case of flats and non-residential buildings.

Amended accordingly

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

Consider amending in accordance with Section 5(5) in response to the amendment of the definition of “height”.
<table>
<thead>
<tr>
<th>Electronic or mechanical playing devices</th>
<th>Noted. This is an additional general provision which is not in SD1258</th>
</tr>
</thead>
<tbody>
<tr>
<td>37. Electronic or mechanical playing devices are permitted in accordance with the applicable legislation and approved municipal policy.</td>
<td>Noted</td>
</tr>
<tr>
<td>45.(1) The Municipality may require compliance with standard municipal or provincial access spacing guidelines.</td>
<td>Noted insertion of the word “definitions”. It is not clear why it is inserted and whether it is necessary; otherwise same as SD1258.</td>
</tr>
<tr>
<td>(2) No access may be closer than 10 metres from an intersection as defined by the prolongation of street boundaries (definitions), except for industrial-zoned properties, where the distance must be 15 metres.</td>
<td>Deleted the word definitions</td>
</tr>
<tr>
<td>Parking for physically disabled</td>
<td>Removed bicycles and motorbikes.</td>
</tr>
<tr>
<td>47.(2) In any parking facility serving the public, parking for persons with physical disabilities and bicycles and motorbikes must be provided in accordance with the table entitled “Physically disabled accessible parking”.</td>
<td>Removed “and bicycles and motorbikes” were added to description. Consider removing it as it is covered under 48(2).</td>
</tr>
<tr>
<td>Motorcycle and bicycle parking spaces</td>
<td>Removed “10%” from 48(2)(a)</td>
</tr>
<tr>
<td>48.(2) For every 4 motorcycle and 6 bicycle parking spaces provided, a credit of 1 parking bay may be given towards applicable parking requirements, provided that—</td>
<td>Removed 10% from 48(2)(a)</td>
</tr>
<tr>
<td>(a) the total credit may not exceed 2.5% (10%) of the parking bays required;</td>
<td></td>
</tr>
</tbody>
</table>
Refuse rooms
50. (d) to comply with any other conditions or standard requirements that the Municipality may impose relating to access, health, pollution control, safety or aesthetics.

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

**SCHEDULE 1:**

**USE ZONES TABLE**

<table>
<thead>
<tr>
<th>Agricultural Zone I</th>
<th>Consent uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Consent uses</td>
<td><strong>Shooting range</strong> - included in <strong>SD258</strong>. Consider including it as a consent use.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Agricultural Zone III</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Description</td>
<td>...This will help to address the accommodation needs of workers and their dependants in rural areas such as farms, forestry and conservation areas. Provision is made for complementary uses that will improve the amenity of the settlement or supplement the economic base for residents.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Agricultural Zone III</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Noted the section added to description... Consider amending description to same as <strong>SD258</strong>.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Single Residential Zone I</th>
<th>Consent uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Consent uses</td>
<td><strong>SD258</strong></td>
</tr>
<tr>
<td>Crèche</td>
<td></td>
</tr>
<tr>
<td>Guest house</td>
<td></td>
</tr>
<tr>
<td>Hallway house</td>
<td></td>
</tr>
<tr>
<td>House shop</td>
<td></td>
</tr>
<tr>
<td>Second dwelling unit</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Single Residential Zone I</th>
<th>Consent uses</th>
</tr>
</thead>
<tbody>
<tr>
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<td><strong>SD258</strong></td>
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<tr>
<td>Crèche</td>
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</tr>
<tr>
<td>Guest house</td>
<td></td>
</tr>
<tr>
<td>Hallway house</td>
<td></td>
</tr>
<tr>
<td><strong>Home care facility</strong></td>
<td></td>
</tr>
<tr>
<td>House shop</td>
<td></td>
</tr>
<tr>
<td>Second dwelling</td>
<td></td>
</tr>
</tbody>
</table>

A need was identified for small scale home based care facilities within residential areas for people who cannot afford formal frail care or retirement facilities. Home care facility...consider adding

<table>
<thead>
<tr>
<th>Single Residential Zone I</th>
<th>Consent uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Consent uses</td>
<td><strong>SD258</strong></td>
</tr>
<tr>
<td>Crèche</td>
<td></td>
</tr>
<tr>
<td>Guest house</td>
<td></td>
</tr>
<tr>
<td>Hallway house</td>
<td></td>
</tr>
<tr>
<td><strong>Home care facility</strong></td>
<td></td>
</tr>
<tr>
<td>House shop</td>
<td></td>
</tr>
<tr>
<td>Second dwelling</td>
<td></td>
</tr>
</tbody>
</table>

Included Home care facility.
ll as consent use

Suggested amendments, should the Municipality wish to include such a land use in the KIZSE:

- Insert “home care facility” as a consent use in SR2i (dwelling house), SR2ii (shelter), GIRI (double dwelling house) in Schedule 2 table.
- Insert LUD and parameters for “home care facility” See below
- Add to parking table: 1 bay / 2 beds or part thereof (e.g. 2 boys per 3 beds).

“home care facility”

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

(a) the scale of the dwelling house or second dwelling shall not exceed that of a normal dwelling unit which would ordinarily accommodate one family;

(b) the primary use of the property shall remain a residence for the operator;

(c) no more than 6 persons and three bedrooms be used for such facility; and

(d) the operator of the enterprise shall permanently reside on the property.

Development parameters:

(a) The development parameters applicable to the primary
<table>
<thead>
<tr>
<th>KIZSB</th>
<th>Single Residential Zone II</th>
</tr>
</thead>
<tbody>
<tr>
<td>The objective of this zone is to provide a high degree of flexibility for low- to medium-density residential projects that have integrated site and design features, individual design solutions and individually tailored development control provisions. This zone should not accommodate a resort, but is particularly suitable for residential estates that are governed by a property owners’ association, with access control and coordinated design requirements (such as golf estates, equestrian estates and residential marinas).</td>
<td></td>
</tr>
</tbody>
</table>

**Primary use: Estate Housing**

**Consent uses:** Home occupation, Rooftop base telecommunication station

This zone has been excluded from the current SDIZB. An Estate housing zone as proposed is considered complex and challenging to manage in terms of potential mix of land uses. It is advised that the realm of Estate housing as proposed can therefore be accommodated into a combination of exclusive zonings like e.g. group housing, town housing, etc.

Note that “Estate housing”, was removed from the SDIZB zoning scheme because the opinion is held that it will be complex and problematic to implement and manage. All references to estate housing were deleted. Strictly speaking this is not a single residential zone (II), but rather a general residential zone.

<table>
<thead>
<tr>
<th>Single Residential Zone III</th>
<th>This is Single Residential Zone II in SDIZB, otherwise the same Consent uses – consider adding <strong>Home care facility</strong></th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>General Residential Zone I</th>
<th>SDIZB Consent uses – consider adding “Guest house” and “Home care facility”</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>General Residential Zone VI</th>
<th>SDIZB Consent uses – consider adding <strong>Gambling place</strong></th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Business Zone I</th>
<th>SDIZB Consent uses –</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Removed Estate housing</th>
<th>Added Home care facility</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Added Guest house” and “Home care facility”</th>
<th>Added Gambling place</th>
</tr>
</thead>
</table>

<p>| Added the consent uses of gambling place, place of instruction and |</p>
<table>
<thead>
<tr>
<th>Business Zone</th>
<th>Consent uses</th>
<th>Notes</th>
<th>Consent uses</th>
<th>Changes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Business Zone II</td>
<td>Consent uses</td>
<td>Added consent uses of 'Place of leisure and Place of worship' and excluded 'place of entertainment.'</td>
<td>Search for 'Place of leisure' and 'Place of worship.'</td>
<td>Added consent uses of 'Place of leisure and Place of worship' and excluded 'place of entertainment.'</td>
</tr>
<tr>
<td>Business Zone III</td>
<td>Consent uses</td>
<td>Noted</td>
<td>Consent uses</td>
<td>Changed 'entertainment' to leisure</td>
</tr>
<tr>
<td>Business Zone IV</td>
<td>Consent uses</td>
<td>Changed 'entertainment' to leisure</td>
<td>Consent uses</td>
<td>Changed 'entertainment' to leisure</td>
</tr>
<tr>
<td>Business Zone V</td>
<td>Consent uses</td>
<td>Added 'Place of leisure' and corrected spelling mistake.</td>
<td>Consent uses</td>
<td>Added 'Place of leisure and corrected spelling mistake.'</td>
</tr>
<tr>
<td>Industrial Zone I</td>
<td>Consent uses</td>
<td>Replaced 'entertainment' with leisure and added 'Rooftop base telecommunication station as consent use.'</td>
<td>Consent uses</td>
<td>Replaced 'entertainment' with leisure and added 'Rooftop base telecommunication station as consent use.'</td>
</tr>
<tr>
<td>Industrial Zone II</td>
<td>Consent uses</td>
<td>Added 'Place of leisure'</td>
<td>Consent uses</td>
<td>Added 'Place of leisure.'</td>
</tr>
</tbody>
</table>

**Consider including 'gambling place' as a consent use.**

Consider including 'place of instruction' as a consent use to accommodate training academies in the CBD.

Consider including 'place of worship' as a consent use.
| Place of Worship (spelling mistake) | Recommend that wall of remembrance be included as a consent use. Although it forms part of LUD of ‘cemetery’ which is a consent use, some churches in urban areas only want to accommodate a wall of remembrance, but not a cemetery. | Added wall of remembrance as consent use |
| Community Zone III | The objective of this zone is to provide for a wide range of institutional uses including facilities for health, education and worship. | Removed the wording education and worship |
| Consent uses | SDXZSB | |
| Community Zone III | SDXZSB | |
| The objective of this zone is to provide for a wide range of health facilities. Noted the addition of “institutional uses including” as well as “education and worship”. Recommended to amend as per SDXZSB, in order not to refer to education and worship. | |
| Resort Zone I | SDXZSB | Added consent uses of Freestanding base telecommunication station, Off-road trail and Roof top base telecommunication station and amended Resort Zone I to Resort Zone. |
| Consent uses | Considers the following as consent uses under Resort Zone:  
- Freestanding base telecommunication station  
- Off-road trail  
- Roof top base telecommunication station  
Amend Resort Zone I to Resort Zone as there is only one resort zone. | |
| Open Space Zone II | SDXZSB | Added consent uses of Restaurant and Sports and recreation centre |
| Consent uses | Considers the following as consent uses under Open Space Zone II:  
- Restaurant (for example in botanical garden there might be a need for such a facility).  
- Sports and recreation centre (to accommodate sports facilities such as golf course or sports stadium).  
Noted that description of zone differs slightly grammatically | |
<table>
<thead>
<tr>
<th>Open Space Zone III</th>
<th>SDX58</th>
<th>Added consent uses of freestanding base telecommunication station and rooftop base telecommunication station and removed Tourist accommodation and “Function venue”</th>
</tr>
</thead>
<tbody>
<tr>
<td>Consent uses</td>
<td>Consent uses: “Freestanding base telecommunication station” and “Rooftop base telecommunication station”</td>
<td></td>
</tr>
<tr>
<td>Tourist accommodation?</td>
<td>Not clear whether “Tourist accommodation?” and “Function venue?” are included or not. SDX58 does not include these as consent uses.</td>
<td></td>
</tr>
<tr>
<td>Function venue?</td>
<td>SDX58</td>
<td>Added “Freestanding base telecommunication station” and “Rooftop base telecommunication station”</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Open Space Zone IV</th>
<th>SDX58</th>
<th>Added Outdoor trading and dining</th>
</tr>
</thead>
<tbody>
<tr>
<td>Consent uses</td>
<td>Consent uses: “Freestanding base telecommunication station” and “Rooftop base telecommunication station”</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Transport Zone I</th>
<th>Consent uses</th>
<th>Added Outdoor trading and dining</th>
</tr>
</thead>
<tbody>
<tr>
<td>Consider adding</td>
<td>Outdoor trading and dining</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Transport Zone II</th>
<th>Consent uses</th>
<th>Added Outdoor trading and dining</th>
</tr>
</thead>
<tbody>
<tr>
<td>Consider adding</td>
<td>Outdoor trading and dining</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Transport Zone III</th>
<th>Consent uses</th>
<th>Added Outdoor trading and dining</th>
</tr>
</thead>
<tbody>
<tr>
<td>Consider adding</td>
<td>Outdoor trading and dining</td>
<td></td>
</tr>
</tbody>
</table>

**LUD: SCHEDULE 2: LAND USE DESCRIPTIONS AND DEVELOPMENT PARAMETERS**

**“additional dwelling unit”**

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

(a) one additional unit can be allowed in all cases as a consent use, irrespective of the size of the agricultural land unit.

SDX58: “additional dwelling unit”

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

(a) additional dwelling units can be allowed at a ratio of one additional dwelling unit per 10 ha, calculated on the basis of all additional dwelling units on the agricultural land unit, up to

Amended it accordingly.
(c) further additional dwelling units can be allowed at a ratio of one additional dwelling unit per 10 ha, calculated on the basis of all additional dwelling units on the agricultural land unit, up to a maximum of five (5) additional dwelling units per agricultural land unit;

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

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

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

Consider combining (a) and (b) as per SDI258 which will ensure a more accurate calculation of units.

The LUD of “additional dwelling unit” was amended in the SDI258 to clarify the number of units permitted in accordance with the size of a property. In terms of the SDI258 1 dwelling unit may be permitted for every 10 ha, for example 2 units on 20ha, 4 units on 40 ha and 5 units on 50 ha, only with first unit will be permitted even if the property is not 10 ha in extent. Depending on the Municipality’s interpretation and calculation of the number of units, the above amendment may be considered.

“additional dwelling unit”

<table>
<thead>
<tr>
<th>Development parameters</th>
<th>Consider inserting “to the top of the roof”</th>
<th>Inserted “to the top of the roof”</th>
</tr>
</thead>
<tbody>
<tr>
<td>an additional dwelling unit that is a separate structure to a dwelling house may not exceed a height of 6.5 metres to the top</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>“agriculture”</strong></td>
<td>SDIZS8</td>
<td>Amended accordingly</td>
</tr>
<tr>
<td>-------------------</td>
<td>--------</td>
<td>---------------------</td>
</tr>
<tr>
<td>(a) (iv) a camping site limited to a maximum of 10 tent or caravan stands subject to the development parameters applicable to “tourist accommodation”, provided further that for more than 10 tent or caravan stands a consent use must be applied for;</td>
<td>Consider amending (a)(iv) as per SDIZS8 to be more clear and descriptive: (a) (iv) a camping site limited to a maximum of 10 tent or caravan stands subject to the development parameters applicable to “tourist accommodation”, provided further that a consent use must be applied for in the following cases: (aa) the property is smaller than 1ha; (bb) the property is situated within 1km of the high water mark of the sea or a tidal river; (cc) more than 10 tent or caravan stands are applied for;</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>“bed and breakfast establishment”</strong></th>
<th>Added “double dwelling house” in the description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Land use description: “bed and breakfast establishment” means a dwelling house, second dwelling or additional dwelling unit—</td>
<td>Consider adding “double dwelling house” in the description</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>No provision in KIZS8 for “boarding hostel”</th>
<th>Added “boarding hostel”</th>
</tr>
</thead>
<tbody>
<tr>
<td>SDIZS8</td>
<td>“boarding hostel”</td>
</tr>
<tr>
<td>Land use description: “hostel” means a place which provides accommodation in rooms or dormitories for students attending a place of education or tertiary educational institution, and is managed by or on behalf of the particular educational institution with which it is associated and includes communal facilities directly associated with the main use.</td>
<td>Added “boarding hostel”</td>
</tr>
<tr>
<td>&quot;business premises&quot;</td>
<td>Development parameters: Development parameters applicable to “place of instruction” apply.</td>
</tr>
<tr>
<td>---------------------</td>
<td>-----------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>(a) does not include a place of entertainment, motor repair garage, industry, noxious trade, risk activity, adult entertainment, adult services, or adult shop.</td>
<td></td>
</tr>
<tr>
<td>Development parameters:</td>
<td></td>
</tr>
<tr>
<td>(q) Canopy or balcony projection</td>
<td></td>
</tr>
<tr>
<td>(iv) the owner must enter into an encroachment agreement with the Municipality and register a servitude area in the case of a balcony projection.</td>
<td></td>
</tr>
<tr>
<td>(h) Public pedestrian footway along street boundary</td>
<td></td>
</tr>
<tr>
<td>if the owner provides on the land unit a public pedestrian footway that is accessible to the public at all times of at least 3 metres wide, next to a building situated alongside the street boundary, with a canopy and pavement that ties in with the street pavement. Then, in recognition of the urban design contribution to the street environment, the maximum floor space of the building may be increased by twice the area of the public pedestrian footway.</td>
<td></td>
</tr>
<tr>
<td>&quot;camping site.&quot;</td>
<td></td>
</tr>
<tr>
<td>Land use description: “camping site” means land set aside for camping where tents or caravans are used for</td>
<td></td>
</tr>
<tr>
<td>&quot;camping site.&quot; Noted grammatical differences. Consider amending to same as SDZEB.</td>
<td></td>
</tr>
<tr>
<td>Land use description: “camping site” means land set aside for</td>
<td></td>
</tr>
<tr>
<td>Consider including “gambling place” at (c) – it is a consent use</td>
<td></td>
</tr>
<tr>
<td>Noted addition of “and register a servitude area in the case of a balcony projection.”</td>
<td></td>
</tr>
<tr>
<td>Noted the change in wording “the maximum floor space” vs SDZEB’s wording of “floor factor” – consider amending to “floor factor” as it has a different meaning and outcome to this provision.</td>
<td></td>
</tr>
<tr>
<td>Added gambling place at subsection c.</td>
<td></td>
</tr>
<tr>
<td>Amended accordingly</td>
<td></td>
</tr>
</tbody>
</table>


accommodation of guests and may include facilities for use by guests including facilities for outdoor food preparation, resort shop, road access for vehicles, picnic facilities, raised platforms on which to set up tents or caravans, camper trailers, ablution facilities, communal scullery and laundry facilities and waste disposal facilities for short term holiday accommodation.

camping where tents or caravans are used for short term accommodation of transient guests and may include facilities for use by guests including facilities for outdoor food preparation, resort shop, road access for vehicles, picnic facilities, raised platforms on which to set up tents or caravans, ablution facilities, communal scullery and laundry facilities and waste disposal facilities.

“but does not include permanent tents, such as tented camps, or caravans” is being considered to be added to SDX38, but this was not yet discussed with SDX38 zoning scheme work group. Consider including, especially since up to 10 camping sites is a primary right. Permanent structures are regarded as a resort rather than a camping site.

<table>
<thead>
<tr>
<th>“double dwelling house”</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Garages, carports and outbuildings</td>
</tr>
<tr>
<td>(ii) For land units of 650 m² and less, a garage or carport is permitted up to 1.5 metres from the street boundary provided the garage or carport—</td>
</tr>
<tr>
<td>(aa) is not higher than 3.5 metres to the top of the roof;</td>
</tr>
<tr>
<td>(bb) does not contain more than a double garage façade; and</td>
</tr>
<tr>
<td>(cc) does not exceed a width of 6.5 metres.</td>
</tr>
</tbody>
</table>

SDX38 – consider changing the format and wording of (a) as per SDX38 – see below:

(a) Garages, carports and outbuildings

(ii) For land units of 650 m² and less—

(aa) a garage or carport erected parallel to the street boundary is permitted up to 1.5 metres from the street boundary;

(bb) a garage or carport erected perpendicular to the street boundary is permitted up to 5.5 metres from the street kerb;

provided that the garage or carport—

(aa) is not higher than 3.5 metres to the top of the roof;

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

(cc) does not exceed a length and width of 6.5 metres. | Amended accordingly
<table>
<thead>
<tr>
<th><strong>(g) Parking and access</strong></th>
<th><strong>(g) Parking and access</strong></th>
<th>Amended accordingly</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parking and access must be provided in accordance with the requirements of this By-law, both dwelling units must obtain vehicle access from and to a street, and at least one garage parking bay per dwelling unit must be provided for parking purposes, limited to a maximum of two garages per dwelling unit.</td>
<td>Parking and access must be provided in accordance with the requirements of this By-law. Both dwelling units must obtain vehicle access from and to a street and each dwelling unit is limited to a maximum of two garages per dwelling unit. Noted the difference in description.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>“dwelling house”</strong></th>
<th><strong>SD1Z38</strong></th>
<th>Amended accordingly</th>
</tr>
</thead>
<tbody>
<tr>
<td>(b) a second dwelling unit or additional dwelling, with a floor area which does not exceed 60 m²;</td>
<td>(b) a second dwelling or additional dwelling, with a floor area which does not exceed 60 m²; provided that application for consent use must be submitted if the second dwelling or additional dwelling is larger than 60m²; Consider adding the second sentence in (b) as per SD1Z38.</td>
<td></td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th><strong>“estate housing”</strong></th>
<th><strong>SD1Z38</strong></th>
<th>Removed Estate housing</th>
</tr>
</thead>
<tbody>
<tr>
<td>This was removed from SD1Z38....</td>
<td>Note that “Estate housing”, was removed from the SD1Z38 zoning</td>
<td></td>
</tr>
</tbody>
</table>
| No provision in KZSB for “gambling place” | The SDBZB includes “gambling place” as below. Consider adding to the Kryano Municipal Zoning Scheme By-Law “gambling place”
Land use description: “gambling place” means a place where betting and gambling may be undertaken in accordance with a license issued under the relevant Act, and includes premises for totalisators, electronic pay-out devices and limited pay-out gambling machines.
Development parameters:
The following development parameters apply:
(a) The development parameters applicable to “business premises” apply.
(b) The Municipality may require a site development plan to be submitted for its approval in accordance with this By-law. | Added “gambling place” |

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

| SDZSB “guest house” | Land use description: “guest house” means a dwelling house, second dwelling, double dwelling house, or additional dwelling unit that is used for the purpose of supplying lodging and meals to transient guests for compensation, in an establishment that exceeds the restrictions of a bed and breakfast establishment (more than 2 guest rooms or 4 guests), and— |  |
| and— | Consider adding “double dwelling house” |
| (j) no advertising sign may be displayed other than a single un-illuminated sign or notice not projecting over a public street in accordance with the Municipality’s policy or by-law on outdoor advertising and signage, and the sign may not exceed 1 m² in area; | Wording of (j) slightly different in SD125B |
| “guest lodge” Development parameters: | (i) In the absence of a Municipal policy or by-law on outdoor advertising and signage, no advertising sign may be displayed other than a single un-illuminated sign or notice not projecting over a public street and not exceeding 1 m² in area; |
| (p) No advertising sign may be displayed other than a single un-illuminated sign or notice not projecting over a public street in accordance with the Municipality’s policy or by-law on outdoor advertising and signage, and the sign may not exceed 1 m² in area. | Wording of (p) slightly different in SD125B |
| No provision in K125B for “home care facility” | Consider adding “home care facility” as per SD125B |
| “home care facility” Land use description: “home care facility” means the use of a dwelling house, second dwelling, double dwelling house or a portion thereof to provide permanent or temporary accommodation and care for the retired, or elderly persons in need of frail care, or people in need of health care to recuperate from a medical condition or procedure, provided that — | Added “home care facility” |
| (a) the scale of the dwelling house or second dwelling shall not exceed that of a normal dwelling unit which would ordinarily 
### “Home occupation”

**Development parameters**

(a) No advertising sign may be displayed other than a single, un-illuminated sign or notice not projecting over a public street in accordance with the Municipality’s outdoor advertising and signage by-law, and the sign may not exceed 0.2 m² in area.

(b) In the absence of a Municipal policy or by-law on outdoor advertising and signage, no advertising sign may be displayed other than a single un-illuminated sign or notice not projecting over a public street and not exceeding 0.2 m² in area.

Consider adding:

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

Noted that size specified in SD125B is 60m² and not 50m² as per Knysna Municipal Zoning By-Law.

(k) The total area used for all home occupation activity on a

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<table>
<thead>
<tr>
<th>accommodate one family;</th>
</tr>
</thead>
<tbody>
<tr>
<td>(b) the primary use of the property shall remain a residence for the operator;</td>
</tr>
<tr>
<td>(c) no more than 6 persons and three bedrooms be used for such facility; and</td>
</tr>
<tr>
<td>(d) the operator of the enterprise shall permanently reside on the property.</td>
</tr>
</tbody>
</table>

Development parameters:

(a) The development parameters applicable to the primary use apply.

(b) The Municipality must require a site development plan for a home care facility.

---

Wording for (g) different...
the dwelling units on the land unit or 50 m², whichever is smaller.

land unit, including storage, may not consist of more than 25% of the total floor area of the dwelling units on the land unit or 60 m², whichever is smaller.

### “house shop” Development parameters:

[SDIZSB]

“house shop” Development parameters:
Consider adding:

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

### “house tavern” Land use description: “house tavern” —

(a) means an enterprise for the sale of alcoholic beverages including on-site consumption, where the enterprise is conducted from a dwelling house, second dwelling, shelter or outbuilding, by one or more occupants who must reside on the property provided that the dominant use of the property concerned must remain for the living accommodation of the occupants; and

(b) does not include a distribution depot or any form of manufacturing of alcoholic beverages.

Development parameters:
Development parameters applicable to “dwelling house”, “second dwelling” and “shelter” apply.

[Not in SDIZSB]

Suggest that LUD & parameters for “house tavern” be deleted.

In the translation process the existing lawful use should be translated to the closest appropriate zoning. Existing lawful house taverns in residential areas should be zoned residential and the tavern will be non-conforming, from a provincial planning perspective, taverns in the middle of residential areas is not supported and should be accommodated in a business nodes/activity nodes or if the property is suitable to develop into a node it can be rezoned to the appropriate zoning.

The terminology “house tavern” is not used in the SDIZSB zoning scheme anymore.

[Deleted: house tavern]
Note: This zoning scheme does not make provision for a "house tavern" as a primary or consent use right in any use zone and existing legal enterprises may only be allowed as a non-conforming use.

---

**"noxious trade"**

Consider adding —

(c) rooftop base telecommunication station; and

(d) freestanding base telecommunication station.

Amended accordingly

---

**Development parameters**

(i) Garages and carports

A garage or carport is permitted within the common boundary building line provided the garage or carport —

(aa) does not exceed 3.5 metres to the top of the roof; and

(bb) does not contain more than a double garage façade with a maximum width of 6.5 metres.

(ii) For land units of 650 m² and less, a garage or carport is permitted up to 1.5 metres from the street boundary provided the garage or carport:

(aa) does not exceed 3.5 metres to the top of the roof; and

(bb) does not contain more than a double garage façade with a maximum width of 6.5 metres.

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

SD035B

(i) Garages and carports

A garage or carport is permitted within the common boundary building line provided the garage or carport —

(aa) does not exceed 3.5 metres to the top of the roof; and

(bb) does not contain more than a double garage façade with a maximum width of 6.5 metres.

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

Noted difference of (ii) in Municipal By-Law, addition of (aa), (bb) and (iii). Consider amending to be same as SD035B.
No provision in KIZB for **outdoor trading and dining**

| Consider adding: **outdoor trading and dining** as per SDZSB |

**Land use description:** “outdoor trading and dining” means the regular and daily use of land in an outdoor setting for the selling of goods and food, and includes outdoor dining and seating, and where such activities typically take place in the open air, and/or from temporary structures such as stalls, tents or caravans, and may also take place in permanent open structures which provide protection from the elements whilst in an open-air setting.

**Development parameters:**
(a) The Municipality must require a site development plan for outdoor trading and dining.
(b) The site development plan as approved by the Municipality constitutes the development parameters.
(c) The provisions for a site development plan in this By-law apply.

Excluded indoor sports centre and corrected numbering. Added place of leisure.

| **“place of assembly”** |
| **Land use description:** “place of assembly”— |
| (a) means a place that has a civic function to serve the social and community needs of an area, may attract people in relatively large numbers and is not used predominantly for a commercial enterprise; |
| (b) includes a civic hall, concert hall, indoor sports centre, gymnasium, sport stadium, and club house; and |

<p>| <strong>“place of assembly”</strong> |
| <strong>Land use description:</strong> “place of assembly”— |
| (a) means a place that has a civic function to serve the social and community needs of an area, may attract people in relatively large numbers and is not used predominantly for a commercial enterprise; |
| (b) includes a civic hall, concert hall, gymnasium, sport stadium, and club house; and |</p>
<table>
<thead>
<tr>
<th>Development parameters:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Development parameters applicable to “place of instruction” apply.</td>
</tr>
</tbody>
</table>

<table>
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<tr>
<th>Development parameters:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Development parameters applicable to “place of instruction” apply.</td>
</tr>
</tbody>
</table>

**“place of entertainment”**

**Land use description:** “place of entertainment” means a place used predominantly for commercial entertainment that may attract relatively large numbers of people, operate outside normal business hours or generate noise from music or revelry on a regular basis, including—

- (a) a cinema;
- (b) theatre;
- (c) amusement park;
- (d) dance hall;
- (e) ball room hall;
- (f) gymnasium;
- (g) sport centre;
- (h) skating rink;
- (i) pool room;
- (j) pub;
- (k) facility for betting;

**“place of leisure”**

**Land use description:** “place of leisure” means a place which may be used for the enjoyment of leisure time, and which includes—

- (a) a bar, stage for live music, one or more dance floor areas, a DJ booth, and which may attract relatively large numbers of people, operate outside normal business hours or generate noise from music or revelry on a regular basis, including—
  - (a) a nightclub;
  - (b) disco;
  - (c) dance club;
  - (d) club; and
  - (e) a place of leisure

**Development parameters:**

The following development parameters apply:

- (a) As determined by the Municipality.
- (b) The Municipality may require a site development plan to be

Amended accordingly
(i) electronic or mechanical playing devices;  
(m) gambling hall; and  
(n) nightclub.

**Development parameters:**

Development parameters applicable to “business premises” apply.

A need was identified to distinguish between the diverse land uses currently listed in the previous draft of the standard zoning scheme bylaw, under “place of entertainment”. Currently some of these entertainment activities are overregulated (have to apply for a consent use). Some of these land uses can be permitted as a primary right in Business Zone I (business premises). Other entertainment activities have serious negative impacts and should be restricted to certain zoning categories.

In an effort to address the above issue, the LUD of “place of entertainment” was amended and two new LUD’s was introduced in the zoning scheme, namely “gambling place” and “place of leisure”.

The categorization into the proposed 3 new LUD’s was based on the nature of the entertainment activities.

- “place of leisure”

  **Land use description:** “place of leisure” means a place used predominantly for commercial leisure activities that may attract relatively large numbers of people, operate outside normal business hours or generate noise from such activities on a regular basis, including—

  (a) a cinema;
  (b) theatre;
  (c) amusement park/centre;
  (d) dance hall;
Development parameters:
   The following development parameters apply:
(a) As determined by the Municipality.
(b) The Municipality may require a site development plan to be submitted for its approval in accordance with this By-law.

“place of entertainment”

Land use description: “place of entertainment” means a place used predominantly for commercial entertainment and may include a bar, stage for live music, one or more dance floor areas, a DJ booth, and which may attract relatively large numbers of people, operate outside normal business hours or generate noise from music or reveille on a regular basis, including—

(l) a nightclub;
(m) disco;
(h) dance club;
(i) club; and
(j) a place of leisure

Development parameters:
   The following development parameters apply:
(a) As determined by the Municipality.
(b) The Municipality may require a site development plan to
be submitted for its approval in accordance with this By-law.

- *“gambling place”*
  Land use description: “gambling place” means a place where betting and gambling may be undertaken in accordance with a license issued under the relevant Act, and includes premises for totalisators.

Development parameters:
The following development parameters apply:
(a) The development parameters applicable to “business premises” apply.
(b) The Municipality may require a site development plan to be submitted for its approval in accordance with this By-law.

Cross reference SDOZ58 for all amendments related to this topic.
- Amend table of contents
- Parking table insert “place of leisure & gambling place”
- Use zone table Industral zone I (light industry) delete place of entertainment and insert place of leisure.
- Insert LUD & parameters for “gambling place”
- Amend LUD for “place of entertainment”
- Insert LUD & parameters for “place of leisure”

“place of instruction”:
Land use description: “place of instruction”—
(a) means a place for education or training at pre-
“place of instruction”:
Land use description: “place of instruction”—
(a) means a place for education or training at pre-school, school

Added: (ii) sports and recreation centre.
school, school or post-school levels;

(b) includes a crèche, nursery school, primary school, secondary school, college, university or research institute;

(c) includes ancillary uses including—

(1) a boarding hostel,

(2) a civic facility for the promotion of knowledge to the community including—

(aa) a public library,

(bb) place of worship,

(cc) public art gallery,

(dd) museum;

(3) place of instruction in sport where the main objective is instruction rather than participation of the public as competitors or spectators; and

(d) does not include a reformatory or commercial conference facility,

or post-school levels;

(b) includes a crèche, nursery school, primary school, secondary school, college, university or research institute;

(c) includes ancillary uses including—

(1) a boarding hostel,

(2) sports and recreation centre,

(3) a civic facility for the promotion of knowledge to the community including—

(aa) a public library,

(bb) place of worship,

(cc) public art gallery,

(dd) museum;

(3e) place of instruction in sport where the main objective is instruction rather than participation of the public as competitors or spectators; and

(d) does not include a reformatory or a conference facility.

Consider adding (ii) sports and recreation centre as per SDIE3B

| No provision in KZ38 for “place of leisure” | Consider adding “place of leisure as per SDIE3B

“place of leisure”

Land use description: “place of leisure” means a place used predominantly for commercial leisure activities that may attract relatively large numbers of people, operate outside normal business hours or generate noise from such activities on a regular basis, including—

(a) a cinema;

(b) theatre;

(c) amusement park/centre;

(d) dance hall; | Added place of leisure |
<table>
<thead>
<tr>
<th>Land use description</th>
<th>Development parameters</th>
</tr>
</thead>
<tbody>
<tr>
<td>&quot;resort shop&quot;</td>
<td>Land use description: &quot;resort shop&quot; means a shop that provides for the daily needs of the inhabitants of a holiday resort or residential estate that may include a retirement resort.</td>
</tr>
<tr>
<td>Development parameters:</td>
<td>The floor space of a resort shop may not exceed 100 m².</td>
</tr>
<tr>
<td>&quot;retirement resort&quot;</td>
<td>Development parameters: Development parameters applicable to &quot;estate housing&quot; apply.</td>
</tr>
<tr>
<td>Development parameters:</td>
<td>Development parameters applicable to the primary use apply.</td>
</tr>
</tbody>
</table>

\[(\text{e}) \text{ hall room hall;}\]
\[(\text{f}) \text{ gymnasium;}\]
\[(\text{g}) \text{ sport centre;}\]
\[(\text{h}) \text{ skating rink;}\]
\[(\text{i}) \text{ pool room;}\]
\[(\text{j}) \text{ pub;}\]
\[(\text{k}) \text{ a sports and recreation centre.}\]

**Development parameters:**
The following development parameters apply:
\[(\text{a}) \text{ As determined by the Municipality;}\]
\[(\text{b}) \text{ The Municipality may require a site development plan to be submitted for its approval in accordance with this By-law.}\]
**Development parameters:**
The development parameters applicable to “dwelling house” apply, together with the following additional parameters:

(a) the total floor space of a second dwelling unit may not exceed 150 m² including the floor space of all ancillary buildings;
(b) a second dwelling must be constructed in a style that is similar to the architecture of the main dwelling house;
(c) a second dwelling that is a separate structure to a dwelling house may not exceed a height of 6 metres to the top of the roof;

(d) a second dwelling may not be alienated by means of sectional title within any type of single residential zone;

(e) a second dwelling that is contained within the same building as a dwelling house must be designed so that the building appears to be a single dwelling house; both units may have a ground floor, or one unit may be on the ground floor and the other unit above;
(f) the existence of a second dwelling may not in itself be sufficient reason for the Municipality to grant an

<table>
<thead>
<tr>
<th>SD1258</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Development parameters:</strong> The development parameters applicable to “dwelling house” apply, together with the following additional parameters:</td>
</tr>
<tr>
<td>(a) the total floor space of a second dwelling unit may not exceed 150 m² including the floor space of all ancillary buildings;</td>
</tr>
<tr>
<td>(b) a second dwelling must be constructed in a style that is similar to the architecture of the main dwelling house;</td>
</tr>
<tr>
<td>(c) a second dwelling that is a separate structure to a dwelling house may not exceed a height of 6.5 metres to the top of the roof;</td>
</tr>
<tr>
<td>- Noted: height limited to 6m and not 6.5m as per SD1258. Consider amending it to 6.5m</td>
</tr>
<tr>
<td>- Noted the inclusion of (d) referring to sectional title...</td>
</tr>
<tr>
<td>(d) a second dwelling that is contained within the same building as a dwelling house must be designed so that the building appears to be a single dwelling house; both units may have a ground floor, or one unit may be on the ground floor and the other unit above;</td>
</tr>
<tr>
<td>(e) the existence of a second dwelling may not in itself be sufficient reason for the Municipality to grant an application in terms of planning law to subdivide the land unit containing the dwelling units; and</td>
</tr>
<tr>
<td>(f) the construction of a second dwelling is subject to the Municipality’s municipal services department certifying that adequate services network capacity is available to serve the needs of the second dwelling.</td>
</tr>
</tbody>
</table>
application in terms of planning law to subdivide the land unit containing the dwelling units; and

(a) the construction of a second dwelling is subject to the Municipality’s municipal services department certifying that adequate services network capacity is available to serve the needs of the second dwelling.

<table>
<thead>
<tr>
<th>No provision in KZSB for &quot;shooting range&quot;</th>
<th>Consider adding “shooting range” to Krysha Zoning Scheme Bylaw as per SDZSB below:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>“shooting range”</td>
</tr>
<tr>
<td></td>
<td>Land use description: “shooting range” means an enclosed indoor facility or demarcated outdoor area designed, built or constructed and utilised by a person as a firing range with targets for the usual, regular, and primary activity of controlled firearm practice, shooting competitions, or firearm training on a commercial basis, and—</td>
</tr>
<tr>
<td></td>
<td>(a) may be restricted to certain types of arms, handguns or rifles, or can specialize in certain shooting sports;</td>
</tr>
<tr>
<td></td>
<td>(b) must be constructed or designed in such a way, or where the improvements, size, geography, and vegetation of the area are such that any misdirected shot, that can reasonably be expected to be fired towards the targets, would not reasonably be expected to leave the range or otherwise pose a threat to life or property; and</td>
</tr>
<tr>
<td></td>
<td>(c) may include ancillary activities, buildings and structures.</td>
</tr>
<tr>
<td></td>
<td>Development parameters:</td>
</tr>
<tr>
<td></td>
<td>(a) The Municipality must require a site development plan for a shooting range.</td>
</tr>
<tr>
<td></td>
<td>(b) The site development plan as approved by the Municipality</td>
</tr>
</tbody>
</table>

Added “shooting range”
| Constitutes the development parameters. |
|---|---|
| (c) The provisions for a site development plan in this By-law apply. |

### “shop”

**Land use description:** “shop” means property used for the retail sale of goods and services to the public, and—

- (a) includes a retail concern where goods that are sold in the concern are manufactured or repaired, a funeral parlour, service trade, clinic and the sale of motor vehicles; and
- (b) does not include a hotel, industry, supermarket, motor repair garage, open air motor vehicle display, service station, restaurant, adult entertainment, adult services, adult shop or sale of alcoholic beverages.

### “smallholding”

**Land use description:** “smallholding” means an extensive landholding, including a dwelling house that is primarily a place of residence on which small scale agricultural activities may take place.

**Development parameters:**

- (a) Development parameters applicable to “agriculture” apply, except that the following building lines apply:
  - (i) 10 metres from any boundary in respect of properties smaller than 2 hectares;
- (b) 20 metres from any boundary in respect of properties smaller than 2 hectares.

---

**Amended accordingly.**

**“shop”**

**Land use description:** “shop” means property used for the retail sale of goods and services to the public, and—

- (a) includes a retail concern where goods that are sold in the concern are manufactured or repaired, a funeral parlour, ancillary sale of alcoholic beverages, flats above ground floor, service trade, clinic and the sale of motor vehicles; and
- (b) does not include a hotel, industry, supermarket, motor repair garage, open air motor vehicle display, service station, restaurant, adult entertainment, adult services, adult shop or a liquor store.

- Consider amending wording of land use description as per S01238, to include “ancillary sale of alcoholic beverages, flats above ground floor” to (a); and “a liquor store” to (b) instead of “sale of alcoholic beverages”.

---

**“smallholding”**

**Land use description:** “smallholding” means an extensive landholding, including a dwelling house that is primarily a place of residence on which small scale agricultural activities may take place.

**Development parameters:**

Development parameters applicable to “agriculture” apply, except that the following building lines apply:

- (a) 10 metres from any boundary in respect of properties smaller than 2 hectares;
- (b) 20 metres from any boundary in respect of properties smaller
(ii) 20 metres from any boundary in respect of properties smaller than 4 hectares; and
(iii) 30 metres from any boundary in respect of properties larger than 4 hectares.
(b) Any newly created smallholding areas must be situated within the urban edge of a town.

- Noted inclusion of (b) with regards to location of any newly created smallholding areas. Is it viable to prevent any small holding development outside the urban edge of a town? Is there space for small holding developments within the urban edges – or is it something that the Municipality does not want to encourage?

<table>
<thead>
<tr>
<th>No provision in KZEB for “sports and recreation centre”</th>
<th>Consider adding “sports and recreation centre” as per SDE38 below:</th>
</tr>
</thead>
</table>

**“sports and recreation centre”**

**Land use description:** “sports and recreation centre” means an outdoor or indoor sports and recreation facility which may be public or privately owned and which may include sports grounds and fields, golf courses, a sports stadium, as well as ancillary and subservient facilities and amenities like a clubhouse with a restaurant and shop, gymnasium, ablution facilities, stores, and related administrative buildings.

**Development parameters:**

1. The Municipality must require a site development plan for a sports and recreation centre.
2. The site development plan as approved by the Municipality constitutes the development parameters.
3. The provisions for a site development plan in this By-law

<p>| Added “sports and recreation centre” | |</p>
<table>
<thead>
<tr>
<th>Comments from Noetzie Conservancy Association (NCOA)</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Noetzie Conservancy Association (NCOA) is concerned about alignment between the Noetzie Zoning Scheme and the Draft Knysna Zoning Scheme Bylaw, particularly maintain the character of the area and sense of place.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Comments from the Knysna Accommodation Association (KAA)</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Knysna Accommodation Association (KAA) is concerned about alignment between land use definitions contained with the Knysna Draft Zoning Scheme Bylaw, the Tourism Grading Council of South Africa’s category definitions and the valuation categories of properties.</td>
</tr>
</tbody>
</table>
KNYSNA
MUNICIPALITY

DRAFT KNYSNA ZONING SCHEME BY-LAW
SCHEDULE

KNYSNA MUNICIPALITY DRAFT ZONING SCHEME BY-LAW

To regulate and control municipal zoning.

ARRANGEMENT OF SECTIONS AND SCHEDULES

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3. Purpose of zoning scheme
4. Components of zoning scheme
5. Use zones
6. Zoning scheme map
7. Transition to new use zones and savings
8. Rectification of errors on zoning scheme map
9. Zoning scheme register
10. Primary uses
11. Consent uses
12. Temporary departures for specific occasions
13. Non-conforming uses
14. Deemed zoning of closed public places

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16. Procedures for establishing, reviewing or amending overlay zones

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18. Determining boundaries of use zones
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ENFORCEMENT

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DEVELOPMENT OF LAND

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GENERAL PROVISIONS

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26. Earth banks and retaining structures
27. Boundary walls
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30. Mobile homes and caravans
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32. Geysers and solar panels or similar infrastructure affixed to roofs of buildings
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43. Alternative parking supply
44. Combined parking requirements
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47. Parking for physically disabled
48. Motorcycle and bicycle parking spaces
49. Loading requirements
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50. Refuse rooms
51. Service yards

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SCHEDULE 2

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OVERLAY ZONES APPROVED IN TERMS OF SECTION 16

1. Subdivisional area overlay zone
2. Special planning area overlay zone

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ZONING TRANSITION TABLE

SCHEDULE 5

REPEALED ZONEING SCHEMES
CHAPTER 1
INTERPRETATION

Definitions

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

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

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

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

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

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

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

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

“basement” means that part of a building of which the finished floor level is at least two metres below, and the ceiling not more than one metre above, a height halfway between the highest and lowest natural ground level immediately contiguous to the building;

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

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

“boundary wall” means any wall, fence or enclosing structure erected on or directly next to a cadastral property boundary, and any other structure, including entrance gates and doors, security devices, such as spikes, barbed wire, razor wire or electric fences, affixed to or on top of a boundary wall;

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

“building” without in any way limiting its ordinary meaning, includes——
(a) a roofed structure;
(b) an external stair, step or landing of a building and a gallery, canopy, balcony, stoep, verandah, terrace, porch or similar feature of a building;

(c) a wall or railing enclosing any feature referred to in paragraph (b);

(d) any other portion of a building; and

(a) a retaining wall or infilling higher than 0,5 metres;

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

“cadastral line” means a line representing the official boundary of a land unit as recorded on a diagram or general plan approved by the Surveyor-General and registered in the Deeds Office;

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

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

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

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

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

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

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

“Compound” in relation to the property means a cluster of buildings in an enclosure, having a shared or associated-purpose, such as the houses of an extended family. The enclosure may be a wall, a fence, a hedge or some other structure, or it may be formed by the buildings themselves, when they are built around an open area or joined together.

“Council” means the municipal council of the Municipality;

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

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

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

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

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

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

(iv) a basement, provided that the basement ceiling does not project above the ground level;
“Coverage” means the total percentage area of a site that may be covered by buildings that are covered by a roof or projection, as measured over the exterior walls thereof; provided that the area covered by the first metre (as measured from the outside of the exterior wall concerned) of an eave or other projection shall not be included in the calculation of the permissible coverage.

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

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

“dwelling unit” means a self-contained, inter-leading group of rooms or a compound-building configuration designed in accordance with a particular style approved by the Municipality—

(a) with not more than one kitchen, used for the living accommodation and housing of one family, together with such outbuildings as are ordinarily used with a dwelling unit; and

(b) does not include tourist accommodation or accommodation used as part of a hotel;

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

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

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

“electronic or mechanical playing devices” means any electronic or mechanical or similar devices which are designed or used for the purpose of playing any game or for recreational or amusement purposes or where the operator or player is entitled to a limited pay-out as determined by law and the operation involves the payment of consideration by insertion of a coin, token coin, disc or another manner of payment;

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

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

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

“erection” in relation to a building or structure includes—

(a) the construction of a new building or structure;

(b) the alteration or conversion of, or addition to, a building or structure; and

(c) the re-construction of a building or structure which has completely or partially been demolished;

“family” means—

(a) one or more individuals occupying a dwelling who are related through marriage or common law, blood relationship, legal adoption, or legal guardianship and no more than 3 unrelated people; or

(b) a group of not more than 5 unrelated persons, including domestic workers or boarders;
“floor” means the inner, lower surface of a room, garage or basement, and includes a terrace or atrium to which the occupants of a building have access;

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

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

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

(b)(b) external entrance steps and landings, a canopy, a stoep and an area required for external fire escapes are excluded;

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

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

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

(b)(f) any covered balcony, verandah or terrace which, apart from protective railings, is permanently open to the elements on at least the front or long side, and which does not exceed 2.5 metres in width, is excluded;

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

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

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

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

“garage” means a building for the storage of one or more motor vehicles, and includes a carport but does not include a motor repair garage or service station;

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

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

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

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

“group housing site” means one or more land units on which a group housing scheme or retirement resort may be erected;
“hazardous substance” has the same meaning as “grouped hazardous substance” as defined in section 1 of the Hazardous Substances Act, 1973 (Act 15 of 1973);

“height” of a structure means a vertical dimension of the structure from the natural ground level to the wall plate or, in the case of a pitched roof, the ridge of the roof or the highest point of a building, measured in metres, provided that—
(a) the height of a structure does not include chimneys, flues, masts or antennae;
(b) elevator motor rooms, satellite dishes, ventilation shafts, water tanks, air conditioning plant and equipment on top of a building are included when determining the height of a structure; and
(c) the general provisions regarding these aspects in this By-law also apply;

“Height” of a building means a vertical dimension from natural ground level at any point within the footprint of the building to the highest point of the building immediately above it measured in metres or millimetres, provided that chimneys, flues, masts, solar water heating devices and antennae shall be taken into account for the purpose of height control;

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

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

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

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

“lodger” means a person who utilises lodging services;

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

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

“mineral” means a substance, whether in solid, liquid or gaseous form, occurring naturally in or on the earth or under water and which was formed by or subjected to a geological process, and includes sand, stone, rock, gravel, clay, soil and any material occurring in residue stockpiles or in residue deposits, but excludes—
(a) water, other than water taken from land or sea for the extraction of any mineral from such water;
(b) petroleum; and
(c) peat;
“motor vehicle” means a wheeled vehicle designed or used for propulsion by means of an internal combustion or electrical engine, and includes a motor cycle, trailer or caravan, but excludes a vehicle moving exclusively on rails;

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

(a) the Council;

(b) another political structure or a political office bearer of the Municipality, authorised or delegated to perform a function or exercise a power in terms of this By-law;

(c) the Municipal Planning Tribunal, authorised or delegated to perform a function or exercise a power in terms of this By-law;

(d) the Municipal Manager; and

(e) any employee of the Municipality acting in terms of delegated or sub-delegated authority of the Municipality;

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

“National Environmental Management Act” means the National Environmental Management Act, 1998 (Act 107 of 1998);

“natural ground level” means—

(a) the level of the land in its unmodified state; or

(b) when altered with the municipality’s approval for the purpose of development, the municipality may approve such altered ground level as the natural ground level, subject to Section 39;

“noise level” means a reading on an integrated impulse sound level meter taken in accordance with accepted scientific principles as described in GN 579 of July 2010: Model Air Quality Management By-law to be adopted or adapted as a by-law by municipalities in terms of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000);

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

“occupant” means any person who occupies a land unit;

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

“outbuilding” means a structure, whether attached or separate from the main building that is normally ancillary and subservient to the main building on a land unit, and includes a building designed to be used for the garaging of motor vehicles, and any other normal activities in so far as these are usually and reasonably required in the connection with the main building, but does not include a second dwelling;

“outdoor advertising” means the act or process of notifying, warning, informing, making known or any other act of transferring information in a visible manner and that takes place out of doors;
“**overlay zone**” means a category of zoning that applies to land or land unit in addition to the base zoning and that—
(a) stipulates development parameters or use rights that may be more or less restrictive; and
(b) may include provisions and development parameters relating to—
(i) primary or consent uses;
(ii) subdivision and subdivisonal areas;
(iii) development incentives;
(iv) density limitations;
(v) urban form or urban renewal;
(vi) heritage and environmental protection;
(vii) management of the urban edge;
(viii) scenic drives; coastline setbacks;
(ix) any other purpose as set out in this zoning scheme;

“**package of plans**” means the hierarchy of plans specified in terms of this By-law;

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

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

“**parking bay**” means an area measuring not less than 5 metres x 2.5 metres for perpendicular or angled parking, and 6 metres x 2.5 metres for parallel parking, that is clearly identified and demarcated for the parking of one motor vehicle and may be provided in the form of a garage or carport that is accessible for easy and safe vehicle movement;

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

“**Planning By-law**” Knysna Municipality By-law on Municipal Land Use Planning, adopted by the Municipality on 12 February 2016;

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

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

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

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

“**preinct plan**” means a plan, approved by the Municipality, as envisaged in this By-law as a component of a package of plans; Look at supplementary definitions.
“previous zoning scheme/prerious zoning regulations” means a zoning scheme or town planning scheme referred to in section 33(1) or (2) of the Land Use Planning Act;

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

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

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

“protected area” means a protected area as defined in section 1 of the National Environmental Management: Protected Areas Act, 2003 (Act 57 of 2003);

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

“pub” means an establishment for the sale of predominantly alcoholic beverages, and sometimes also food, to be consumed on the premises and is also known as a tavern or bar;

“public authority” means a state department, local government or other organ of state;

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

“public nuisance” means any act, omission or condition on any premises, including any building, structure or growth thereon, which in the opinion of the Municipality is offensive or dangerous, or which materially interferes with the ordinary comfort, convenience, peace or quiet of the occupiers of the property in the neighbourhood or which adversely affects the safety of the public;

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

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

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

“road” includes a public street or a private road;

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

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

“scenic drive” means a public street designated as a scenic drive by the Municipality in recognition of the high visual amenity alongside that public street, including background vistas of a mountain, open country, a coastline or a town;
“service yard” means a defined screened area providing utility services including washing line facilities for, amongst others, general residential developments;

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

"sign/signage" is a more comprehensive term than ‘advertising’ and refers to any advertisement or object, structure or device which is in itself an advertisement or which is used to display an advertisement;

“sign” means any sign, sign-writing, mural, graphic design, signboard, screen, blind, boarding or other device by means of which an advertisement or notice is physically displayed, and includes any advertisement, object, structure or device that is in itself an advertisement or is used to display an advertisement; Define more clearly as per signage by-law

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

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

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

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

(a) a basement does not constitute a storey;
(b) a roof, or dome forming part of a roof, does not constitute a separate storey unless the space within the roof or dome is designed for, or used for, human occupation or other living or entertainment purposes, in which case it is deemed to be a storey;
(c) the utilisation of an open roof area does not constitute a separate storey; however, should any means of coverage or fixtures such as a Jacuzzi, swimming pool or built-in braai be added to the roof of a building in a single residential zone, the area is regarded as an additional storey;
(d) any storey greater than 4 metres, measured from the finished floor level to the finished floor level of the storey above, or to the ceiling in the case of a top storey, but equal to or less than 6 metres in height is, for the purpose of the height measurement, regarded as two storeys, and every additional 4 metres in height or portion thereof, is regarded as an additional storey; and
(e) in counting the number of storeys of a building, the ground floor is the first storey and the next floor above is the second storey;

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

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

“street boundary” means the boundary between a land unit and a public street or private road;
“street centreline setback” means the line delimiting the area measured from the centre line of a particular public street, within which no building or other structure, including a boundary fence, may be erected;

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

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

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

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

“urban edge” means a demarcated line that may follow cadastral boundaries and that is designated as an urban edge in terms of an approved policy or plan;

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

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

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

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

“zoning” includes base zoning and overlay zoning;

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

“zoning scheme of the Municipality” means a land use scheme as defined in section 1 of the Spatial Planning and Land Use Management Act and includes the components referred to in section 4.
CHAPTER 2
ZONING SCHEME, USE ZONES AND USES

Application of zoning scheme

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

Purpose of zoning scheme

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

Components of zoning scheme

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

Use zones

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

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

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

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

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

Zoning scheme map

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

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

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

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

   (5) The official version of the zoning scheme map is incorporated in and made part of this By-law and
       publication of this By-law in the Provincial Gazette constitutes notice of the approval of the zoning
       scheme map.
The Municipality must update the zoning scheme map within a reasonable time after use rights have been granted or have lapsed.

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

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

Transition to new use zones and savings (What is savings?)

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

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

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

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

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

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

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

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

(f) A building plan application that was formally submitted and accepted—

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

(ii) on or after the date of coming into effect of this By-law with the purpose to act on an approval in terms of a previous planning law, must be assessed in accordance with that approval provided that such building plan application is submitted within 30 months.
after commencement of this zoning scheme, or within the validity period of said application, whichever is the later date.

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

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

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

(a) any condition of approval or validity period that is applicable to a land unit in terms of the previous zoning regulations immediately before the coming into effect of this By-law, remain applicable and is incorporated into this By-law in so far as it determines development parameters or restrictions that are different from the development parameters or restrictions applicable in terms of this By-law;

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

(c) a zoning that has been exercised prior to coming into effect of this By-law, cannot lapse, and is translated or reclassified as determined in this By-law;

(d) When an approval has been exercised, a land unit is regarded as having been allocated a corresponding zoning in this By-law as determined by the Municipality if—

(i) a rezoning application or substitution scheme was approved, but not yet exercised, before the commencement of this By-Law; or

(ii) a rezoning application or substitution scheme (What is a substitution scheme?) is approved after the commencement of this By-Law in accordance with the provisions of a previous zoning scheme (as contemplated in section 78(2) of LUPA);

(e) a zoning approved in terms of the previous zoning regulations that has not been exercised immediately before the coming into effect of this By-law, lapses after the expiry of the validity period applicable to that zoning in terms of the previous zoning regulations and is translated or reclassified as determined in this By-law; and

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

(g) A building plan application that was formally submitted and accepted—

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

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

must be assessed in accordance with that approval.
Rectification of errors on zoning scheme map

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

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

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

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

(5) In the event that the Municipality identify an error on the zoning map; the Municipality must—
   (i) inform the owner of the affected land unit of the error; and
   (ii) request the owner within 30 days from the date on which he or she received the notice, to notify the Municipality in writing if he or she disputes the intended rectification and to
   (a) submit written proof of the lawful land use rights; and
   (b) indicate the correct zoning that should be allocated.

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

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

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

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

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

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

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

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

Zoning scheme register

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

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

Consent uses

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

Temporary departures for specific occasions

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

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

Non-conforming uses

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

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

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

Deemed zoning of closed public places

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

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

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

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

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

CHAPTER 3
OVERLAY ZONES

Purpose of overlay zones

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

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

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

(2) The Municipality must determine development parameters for each area of an overlay zone.
Procedures for establishing, reviewing or amending overlay zones

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

CHAPTER 4
DISTANCES, LEVELS AND BOUNDARIES

Measuring distances and levels

17. The following provisions apply with regard to the method of measuring distances and levels:
   
   (a) when reference is made or implied to the distance between boundaries or between a building and a boundary, this distance must be measured in the following manner:

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

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

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

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

Determining boundaries of use zones

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

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

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

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

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

CHAPTER 5
ENFORCEMENT

Offences, penalties and enforcement of By-law

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

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

   (b) without first obtaining approval from the Municipality in terms of the Knysna Municipality Bylaw on Municipal Land Use Planning - Knysna Zoning Scheme By-law [Planning By-law name].

   (2) A use not reflected as a primary or consent use for a particular use zone is not permitted in the use zone concerned, unless approved in terms of the Planning By-Law.
A person who contravenes this section and sections 21 to 51 is guilty of an offence and liable upon conviction to a fine or imprisonment not exceeding a period of 20 years or to both a fine and such imprisonment.

A Municipality must enforce the zoning scheme through the measures for enforcement provided for in the Planning By-law.

Chapter 6
Development of Land

Development parameters applicable to use rights

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

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

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

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

(5) Despite subsections (1) and (2), the Municipality may determine any additional condition of approval in respect of a use right for a specific property as may be required in terms of any other applicable legislation.
CHAPTER 7
GENERAL PROVISIONS

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

Encroachment of building lines

21.(1) Despite the building line requirements set out in Chapter 6, the following structures or portions of structures may be erected within the prescribed building lines, provided they do not extend beyond the boundaries of a land unit:

(a) boundary walls, screen walls, fences and gates; not exceeding 2,1 metres in height above the natural ground level, excluding where any such wall will result in infilling higher than 0,5 metres above natural ground level;
(b) open and uncovered stoeps that are less than 500 millimetres in height from the natural level of the ground;
(c) entrance steps, landings and entrance porches, excluding porte-cochères;
(d) a covered entrance or gatehouse that has a roofed area not exceeding 5 m² and a roof height not exceeding 3 metres from the floor to the highest point;
(e) eaves and awnings projecting no more than 1 metre from the wall of a building;
(f) cornices, chimney breasts, flower boxes, water pipes, drain pipes and minor decorative features not projecting more than 500 millimetres from the wall of a building;
(g) swimming pools not closer than 1 metre from any boundary;
(h) a basement, provided that no part of such a basement projects above natural ground level;
(i) a refuse room required by the Municipality in terms of this By-law;
(j) water storage tanks not exceeding the height of the boundary wall.

21.(1) Despite the building line requirements set out in Chapter 6, the following structures or portions of structures may be erected within the prescribed building lines, provided they do not extend beyond the boundaries of a land unit:

(a) boundary walls, fences and gates;
(b) open and uncovered stoeps that are less than 500 millimetres in height from the natural level of the ground;
(c) entrance steps, landings and entrance porches, excluding porte-cochères;
(d) a covered entrance or gatehouse that has a roofed area not exceeding 5 m² and a roof height not exceeding 3 metres from the floor to the highest point;
(e) eaves and awnings projecting no more than 1 metre from the wall of a building;
(f) cornices, chimney breasts, flower boxes, water pipes, drain pipes and minor decorative features not projecting more than 500 millimetres from the wall of a building;
(g) screen walls not exceeding 2,1 metres in height above the natural ground level abutting such wall;
(h) swimming pools not closer than 1 metre from any boundary;
(i) a basement, provided that no part of such a basement projects above natural ground level;
(j) a refuse room required by the Municipality in terms of this By-law;
(k) water storage tanks not exceeding the height of the boundary wall.

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

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

(2) In such case, the portion must be included for the purpose of determining coverage or maximum floor space on a land unit.

Site development plans

23.(1) In addition to the zones that specifically require a site development plan, the Municipality may require a site development plan in respect of the following development types:

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

(2) The Municipality may require the following information to be depicted on a site development plan:

(a) existing bio-physical characteristics of the property;
(b) existing and proposed cadastral boundaries;
(c) the layout of the property, indicating the use of different portions of the property;
(d) the massing, position, use and extent of buildings;
(e) sketch plans and elevations of proposed structures, including information about their external appearance;
(f) cross-sections of the site and buildings on site;
(g) the alignment and general specification of vehicle access, roads, parking areas, loading areas, pedestrian flow and footpaths;
(h) measures of access control to parking areas and reservation of parking areas;
(i) the position and extent of private, public and communal space;
(j) typical details of fencing or walls around the perimeter of the land unit and within the property;
(k) electricity supply and external lighting proposals;
(l) provisions for the supply of water, management of storm water, and disposal of sewage and refuse;
(m) external signage details;
(n) general landscaping proposals, including vegetation to be preserved, removed or to be planted, external paving, and measures for stabilising outdoor areas where applicable;
(o) the phasing of a development;
(p) the proposed development in relation to existing and finished ground levels, including excavation, cut and fill;
(q) statistical information about the extent of the proposed development, floor area allocations and parking supply;
(r) relationship of the proposed development to the quality, safety and amenity of the surrounding public environment;
(s) relationship of the proposed development to adjacent sites, especially with respect to access, overshadowing and scale;
(t) illustrations in a three-dimensional form depicting visual impacts of the proposed development on the site and in relation to surrounding buildings;
(u) any other details as may reasonably be required by the Municipality.
(3) The Municipality may require that the area covered by a site development plan must extend beyond the site under consideration if, in its opinion, the proposed development will have a wider impact.

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

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

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

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

Hazardous substances

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

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

Screening

25. The Municipality may require screening in accordance with the following provisions:
   (a) any part of a land unit that is used for the storage or loading of goods must be enclosed with a suitable wall or landscape screening or both; and
   (b) any external utility service or equipment that is required for a building must be appropriately screened from view from a public street, and the screening must be integrated with the building in respect of materials, colour, shape and size.

Earth banks and retaining structures

26. Unless the prior approval of the Municipality has been obtained—
   (a) no earth bank, retaining structure, column, suspended floor, other device or series of such devices may be constructed that enables the ground floor of a building to be raised more than
0.5 metres above natural ground level, provided that where the raising takes place, the height must still be measured from natural ground level, excluding infill for a driveway;

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

(c) no series of earth banks or retaining structures may be constructed to a cumulative height of more than 2.5 metres above natural ground level, unless an approximately level area of at least 2 metres wide is incorporated between successive embankments or retaining structures for every 2 metres of cumulative height.

Boundary walls

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

(a) Height
The maximum height in all cases is 2.1 metres.

(b) Permeability
   (i) 60% of a residential street boundary wall must be permeable; and
   (ii) 80% of a street boundary wall in other areas must be permeable.

Maintenance of property

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

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

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

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

(d) contain outdoor storage of building material, appliances or similar items unless these—
   (i) are permitted in terms of the primary or consent use in terms of this zoning scheme;
   (ii) are temporarily being stored for the purpose of construction in accordance with a valid building plan approval; or
   (iii) are being stored in conjunction with the holding of a yard or garage sale with a duration of not more than two consecutive days.

Parking of vehicles in residential zones

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

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

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

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

Mobile homes and caravans

30.(1) A recreation vehicle, including a mobile home, camp trailer or caravan, may not be used for permanent habitation without the approval of the Municipality, unless the zoning lawfully allows the permanent habitation.
The following additional development parameters apply with regard to mobile homes approved to be placed on a land unit zoned for residential purposes:

(a) the mobile home or caravan must be sited on a foundation slab and properly anchored;
(b) solid perimeter skirting, of material and colour complementary to the mobile home or caravan, must be provided from the bottom of the mobile home to the ground surface;
(c) the roof and exterior siding of the mobile home or caravan must be of a non-reflective material; and
(d) any structural additions must be of materials which, in the opinion of the Municipality, are compatible with the mobile home or caravan.

Rooftop base telecommunication stations and satellite dish antenna systems

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

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

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

(a) the owner or operator must remove all decommissioned infrastructure;
(b) if the site has been disturbed, the owner or operator must rehabilitate the site to its original state or to a state acceptable to the Municipality; and
(c) if the owner or operator fails to comply with paragraphs (a) or (b), the Municipality may remove that infrastructure, and rehabilitate the site at the expense of the owner or operator.

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

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

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

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

Equipment on top of building

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

Parapet walls

34.(1) Parapet walls are restricted to 500 millimetres in height above the finished roof level immediately contiguous to the parapet. Parapet walls are restricted to 500 millimetres in height above the finished roof level immediately contiguous to the parapet except in the case where roof equipment as described under paragraphs (a) and (b) of the definition of “height” is hidden to the satisfaction of the Municipality behind parapet walls not exceeding 2 metres in height.
(2) In the case of flats and non-residential buildings, the 2 metre height limit under subsection (1) is considered to form part of the top storey.

Chimneys

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

Telecommunication and electrical transmission lines

36. Telecommunication and electrical transmission lines may be permitted by the Municipality or a [organ of state public authority] to traverse a land unit, as may be reasonably required by the Municipality or a [organ of state public authority] in accordance with and subject to expropriation laws, other applicable laws and the registration of the necessary servitudes.

Electronic or mechanical playing devices

37. Electronic or mechanical playing devices are permitted in accordance with the applicable legislation and approved municipal policy.

Utilisation of outbuildings

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

Determination of natural ground level

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

(2) Where the level of the land has been altered with the approval of the municipality—
(a) any grading for the purpose of development must connect evenly with the existing levels of abutting land units; and
(b) the municipality may approve the altered ground level to be the natural ground level.

(3) Where it is not possible to determine the natural ground level due to irregularities or disturbances of the land, the Municipality may—
(a) determine the natural ground level from measurements supplied on a building plan;
(b) deem a level to be the natural ground level based on measurements interpolated from a contour plan, local height benchmark or other information held by the Municipality; or
(c) require the owner or applicant to commission a registered surveyor at the cost of the owner or applicant to measure levels of the ground or interpolate levels, in order to provide the Municipality with sufficient information to determine the natural ground level for the purpose of administering this By-law.

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

Animals kept for commercial purposes

40.(1) Animals may be kept for commercial purposes only on a land unit zoned Agricultural Zone I and Agricultural Zone II.
Hobbies in single and general residential zones

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

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

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

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

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

(d) no advertising may be displayed;

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

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

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

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

(h) any new structure, or alteration to the existing dwelling or outbuilding, must conform to the residential character of the area concerned.
CHAPTER 8
PARKING AND LOADING

Off-street parking requirements

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

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

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

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

(5) The column with heading “PT2 Areas” refers to areas where the use of public transport is to be promoted and the Municipality considers the provision of public transport sufficient enough to justify the reduced parking requirements.

(6) Areas initially determined to be PT1 Areas may be changed to PT2 Areas once the Municipality is satisfied that the provision of public transport is adequate.

(7) If an area has not been specifically identified by the Municipality as a PT1 or PT2 area, then the parking requirements for Normal areas apply.

(8) Off-street parking space must be provided—
(a) on the property for which parking is required;
(b) subject to the Municipality’s approval, in public parking facilities available in the vicinity; or
(c) in accordance with the table below;

(9) Areas designated as “PT1” or “PT2” areas must be indicated on the zoning scheme map.
<table>
<thead>
<tr>
<th>Land Use</th>
<th>Normal Areas</th>
<th>PT1 Areas</th>
<th>PT2 Areas</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dwelling house / Double dwelling house</td>
<td>2 bays per dwelling</td>
<td>1 bay per dwelling</td>
<td>1 bay per dwelling</td>
</tr>
<tr>
<td></td>
<td>Erven &lt;350m²: 1 bay per dwelling</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Erven &lt; 100m²: Nil per dwelling</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Group housing/Town Housing</td>
<td>2 bays per dwelling unit</td>
<td>1 bay per dwelling unit</td>
<td>1 bay per dwelling unit</td>
</tr>
<tr>
<td></td>
<td>0.25 bays/unit for visitors</td>
<td>0.25 bays/unit for visitors</td>
<td>0.25 bays/unit for visitors</td>
</tr>
<tr>
<td>Group housing/Town Housing</td>
<td>2 bays per dwelling unit</td>
<td>1 bay per dwelling unit</td>
<td>1 bay per dwelling unit</td>
</tr>
<tr>
<td>Retirement resort</td>
<td>2 bays per dwelling</td>
<td>1 bay per dwelling</td>
<td>1 bay per dwelling</td>
</tr>
<tr>
<td></td>
<td>0.25 bays/unit for visitors</td>
<td>0.25 bays/unit for visitors</td>
<td>0.25 bays/unit for visitors</td>
</tr>
<tr>
<td>Home for the aged</td>
<td>0.5 bays per bedroom</td>
<td>0.5 bays per bedroom</td>
<td>0.5 bays per bedroom</td>
</tr>
<tr>
<td>Frail Care</td>
<td>0.5 bays per bed</td>
<td>0.5 bays per bed</td>
<td>0.5 bays per bed</td>
</tr>
<tr>
<td>Orphanage</td>
<td>0.5 bays per bedroom</td>
<td>0.5 bays per bedroom</td>
<td>0.5 bays per bedroom</td>
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<tr>
<td>Flats</td>
<td>1.75 bays per dwelling</td>
<td>1.25 bays per dwelling</td>
<td>0.5 bays per dwelling</td>
</tr>
<tr>
<td></td>
<td>0.25 bays/unit for visitors</td>
<td>0.25 bays/unit for visitors</td>
<td>0.25 bays/unit for visitors</td>
</tr>
<tr>
<td>Second dwelling unit</td>
<td>1 additional bay</td>
<td>1 additional bay</td>
<td>Nil</td>
</tr>
<tr>
<td>Boarding house/ Guest House/ Guest Lodge/ Bed and Breakfast Establishment</td>
<td>1 bay per bedroom</td>
<td>1 bay per bedroom</td>
<td>1 bay per bedroom</td>
</tr>
<tr>
<td></td>
<td>2 bays per owner’s home / manager’s flat</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>1 bay for visitors/ employees</td>
<td>1 bay per bedroom</td>
<td>1 bay per bedroom</td>
</tr>
<tr>
<td>Backpackers Lodge</td>
<td>1 bay / 3 beds</td>
<td>1 bay per 3 beds</td>
<td>1 bay per 3 beds</td>
</tr>
<tr>
<td></td>
<td>2 bays / owner’s home / manager’s flat</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>1 bay / visitors/ employees</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hotel (excluding other facilities, specific ratios apply to each use)</td>
<td>1.25 bays/bedroom</td>
<td>1 bay per bedroom</td>
<td>0.75 bays per bedroom</td>
</tr>
<tr>
<td>Hospital (general and private)</td>
<td>1 bay per bed</td>
<td>1 bay per bed</td>
<td>1 bay per bed</td>
</tr>
<tr>
<td></td>
<td>4 bays per consulting room</td>
<td>4 bays per consulting room</td>
<td>3 bays / consulting room</td>
</tr>
<tr>
<td>Frail care facility</td>
<td>1 bay per bed</td>
<td>1 bay per bed</td>
<td>1 bay per bed</td>
</tr>
<tr>
<td>Clinic/Medical consulting rooms</td>
<td>4 bays per consulting room</td>
<td>4 bays per consulting room</td>
<td>3 bays per consulting room</td>
</tr>
<tr>
<td>Funeral parlour</td>
<td>1 bay per 4 seats</td>
<td>1 bay per 4 seats</td>
<td>1 bay per 4 seats</td>
</tr>
<tr>
<td></td>
<td>4 bays per 100 m² office GLA</td>
<td>2 bays / 100 m² office GLA</td>
<td>1 bay / 100 m² office GLA</td>
</tr>
<tr>
<td>Shoppings / Liquor store / Restaurant / Supermarket</td>
<td>4 bays per 100 m² GLA</td>
<td>3 bays per 100 m² GLA</td>
<td>2 bays per 100 m² GLA</td>
</tr>
<tr>
<td></td>
<td>Neighbourhood shop</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>High intensity area e.g.: CBD, corridors, supermarket</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>6 bays per 100 m² GLA</td>
<td>4 bays per 100 m² GLA</td>
<td>3 bays per 100 m² GLA</td>
</tr>
<tr>
<td>Big box retail / Shopping centres</td>
<td>6/100m² as determined by Council</td>
<td>As determined by Council</td>
<td>As determined by Council</td>
</tr>
<tr>
<td>Offices</td>
<td>4 bays per 100 m² GLA</td>
<td>3 bays per 100 m² GLA</td>
<td>2 bay per 100 m² GLA</td>
</tr>
<tr>
<td>Home occupation</td>
<td>2 bays per 60 m² GLA</td>
<td>2 bays per 60 m² GLA</td>
<td>2 bays per 60 m² GLA</td>
</tr>
<tr>
<td>House shop / tavern</td>
<td>1 bay per 25 m² GLA</td>
<td>1 bay per 25 m² GLA</td>
<td>1 bay per 25 m² GLA</td>
</tr>
<tr>
<td>Industry / Light industry / Warehouse / Scrap yard / Builder’s yard / Noxious trade / Risk activity</td>
<td>2 bays per 100 m² GLA</td>
<td>2 bays per 100 m² GLA</td>
<td>1.5 bays per 100 m² GLA</td>
</tr>
<tr>
<td>Industrial hive / Service trade</td>
<td>4 bays per 100 m² GLA</td>
<td>3 bays per 100 m² GLA</td>
<td>1.5 bays per 100 m² GLA</td>
</tr>
<tr>
<td>Storage facility</td>
<td>1 bay per 100 m² GLA</td>
<td>1 bay per 100 m² GLA</td>
<td>1 bay per 100 m² GLA</td>
</tr>
<tr>
<td>Service station/ Motor repair garage / Motor vehicle sales or Vehicle hire premises</td>
<td>4 per repair bay</td>
<td>4 per repair bay</td>
<td>4 per repair bay</td>
</tr>
<tr>
<td></td>
<td>Minimum of 8 bays</td>
<td>Minimum of 8 bays</td>
<td>Minimum of 8 bays</td>
</tr>
<tr>
<td></td>
<td>Plus 4 bays per 100 m² GLA</td>
<td>Plus 4 bays per 100 m² GLA</td>
<td>Plus 4 bays per 100 m² GLA</td>
</tr>
<tr>
<td>Open air motor vehicle sales</td>
<td>4 bays per 100 m² GLA</td>
<td>3 bays per 100 m² GLA</td>
<td>2 bay per 100 m² GLA</td>
</tr>
<tr>
<td>Place of assembly/Place of worship/ Place of Entertainment</td>
<td>1 bay per 8 seats</td>
<td>1 bay per 8 seats</td>
<td>1 bay per 15 seats</td>
</tr>
<tr>
<td>Land Use</td>
<td>Normal Areas</td>
<td>PT1 Areas</td>
<td>PT2 Areas</td>
</tr>
<tr>
<td>----------------------------------------------</td>
<td>-----------------------------------</td>
<td>------------------------------------</td>
<td>------------------------------------</td>
</tr>
<tr>
<td>Place of leisure &amp; gambling place</td>
<td>1 bay per 8 seats</td>
<td>1 bay per 8 seats</td>
<td>1 bay per 15 seats</td>
</tr>
<tr>
<td>Motor fitment centre</td>
<td>2 bays per service bay</td>
<td>2 bays per service bay</td>
<td>2 bays per service bay</td>
</tr>
<tr>
<td>Sport stadium</td>
<td>1 bay per 4 seats or persons</td>
<td>1 bay per 4 seats or persons</td>
<td>1 bay per 4 seats or persons</td>
</tr>
<tr>
<td>Gymnasiaum, health club (not part of a shopping centre)</td>
<td>10 bays per 100m² GLA</td>
<td>10 bays per 100m² GLA</td>
<td>10 bays per 100m² GLA</td>
</tr>
<tr>
<td>Schools</td>
<td>1.5 bay per classroom/office plus stop &amp; drop facility</td>
<td>1.5 bays per classroom/office plus stop &amp; drop facility</td>
<td>1.5 bays per classroom/office plus stop &amp; drop facility</td>
</tr>
<tr>
<td>Créche</td>
<td>1 bay per 10 children plus 1 stop &amp; drop facility</td>
<td>1 bay per 10 children plus 1 stop &amp; drop facility</td>
<td>1 bay per 10 children plus 1 stop &amp; drop facility</td>
</tr>
<tr>
<td>Library, Museum</td>
<td>2 bays per 100m² GLA</td>
<td>1.5 bays per 100m² GLA</td>
<td>1.5 bays per 100m² GLA</td>
</tr>
<tr>
<td>Place of instruction (other than schools/day care centre/crèche)</td>
<td>1.5 bays per classroom/office plus 1 per 6 students</td>
<td>1.5 bays per classroom/office plus 1 per 10 students</td>
<td>1.5 bays per classroom/office plus 1 per 20 students</td>
</tr>
<tr>
<td>Conference facility</td>
<td>8 bays per 10 seats</td>
<td>6 bays per 10 seats</td>
<td>4 bays per 10 seats</td>
</tr>
<tr>
<td>Home care facility</td>
<td>1 bay / 2 beds or part thereof</td>
<td>1 bay / 2 beds or part thereof</td>
<td>1 bay / 2 beds or part thereof</td>
</tr>
</tbody>
</table>

**Alternative parking supply**

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

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

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

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

**Combined parking requirements**

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

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

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

**Site access and exits**

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

(2) No access may be closer than 10 metres from an intersection as defined by the prolongation of street boundaries—(definitions), except for industrial-zoned properties, where the distance must be 15 metres.
(3) The Municipality may restrict or prohibit access if a pedestrian or traffic hazard is created or is likely to be created.

(4) Vehicle entrances and exit ways to and from a property must conform to the following requirements:
   (a) motor vehicle carriageway crossings must be limited to one per site per public street or road abutting the site;
   (b) despite paragraph (a), where the total length of any street boundary of a site exceeds 30 metres in length, one additional carriageway crossing may be permitted, provided that no two carriageway crossings are closer than 12 metres to each other;
   (c) the minimum and maximum widths of motor vehicle carriageway crossings must be in accordance with the table, titled “Width of motor vehicle carriageway crossings”; and
   (d) the minimum width of a panhandle access may not be less than 4 metres wide and 3 metres wide in single residential zones.

<table>
<thead>
<tr>
<th>Type of carriageway crossing</th>
<th>Minimum width</th>
<th>Maximum width</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single entrance or exit way</td>
<td>2.7 metres</td>
<td>4.0 metres</td>
</tr>
<tr>
<td>Combined entrance and exit way</td>
<td>5.0 metres</td>
<td>8.0 metres</td>
</tr>
</tbody>
</table>

Parking layout requirements

46.(1) The following parking layout requirements apply unless otherwise stated in this zoning scheme:
   (a) parking layout configurations, minimum dimensions and ramps to a parking area must be in accordance with this zoning scheme or an approved site development plan;
   (b) the layout of any parking area, except for parking in Single Residential Zone I, Single Residential Zone III and General Residential Zone I, must ensure that vehicles can readily leave the site without reversing across the sidewalk, unless otherwise approved by the Municipality;
   (c) a tandem bay accommodating two motor vehicles is regarded as one bay for the purposes of this zoning scheme, except for single residential zones, where a tandem bay is regarded as two bays;
   (d) visitor parking bays must be clearly demarcated, readily visible and accessible to visitors, and preferably grouped together;
   (e) parking areas must be used for the parking of vehicles which are lawfully allowed on them, and any activity which causes an obstruction for vehicular traffic or pedestrian use of the sidewalk is prohibited;
   (f) parking areas must be constructed and maintained in a state suitable for the parking and movement of vehicles;
   (g) control of access to and reservation of parking bays or areas is not permitted unless written approval has been obtained from the Municipality, either through an approved site development plan or other written approval; and
   (h) despite paragraphs (a) to (g), the Municipality may lay down more restrictive requirements related to parking, site access or motor vehicle carriageway crossing, if it considers this to be necessary from a pedestrian or traffic safety point of view.

(2) The Municipality may require an applicant to submit a parking layout plan indicating—
   (a) the way in which it is proposed that motor vehicles park;
   (b) the means of entrance and exit from parking areas;
   (c) landscaping proposals; and
   (d) construction details.
Parking for physically disabled

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

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

Physically disabled accessible parking

<table>
<thead>
<tr>
<th>Total no of parking bays</th>
<th>Required number of bays accessible to the physically disabled</th>
</tr>
</thead>
<tbody>
<tr>
<td>1–50</td>
<td>1</td>
</tr>
<tr>
<td>51–100</td>
<td>2</td>
</tr>
<tr>
<td>101–150</td>
<td>3</td>
</tr>
<tr>
<td>151–200</td>
<td>4</td>
</tr>
</tbody>
</table>
For every additional 100 bays | 1 additional parking bay |

(3) Parking for the physically disabled must comply with the following requirements:
(a) parking bays must be a minimum of 3.7 metres in width and 5 metres in length;
(b) parking and access aisles must be level;
(c) parking bays must be located as near as possible to accessible building or site entrances, and must be located to provide convenient access to kerb ramps;
(d) each parking bay reserved for physically disabled persons must be marked on the parking surface with the international symbol for disabled accessibility;
(e) additional signage indicating the parking bay as reserved for exclusive use by persons with physical disabilities may be required by the Municipality; and
(f) if five or fewer parking bays are provided, at least one bay must be 4 metres wide and marked to provide a parking bay of 2.5 metres with an access aisle of 1.5 metres, but the bay need not be reserved exclusively for persons with physical disabilities.

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

Motorcycle and bicycle parking spaces

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

(2) For every 4 motorcycle and 6 bicycle parking spaces provided, a credit of 1 parking bay may be given towards applicable parking requirements, provided that—
(a) the total credit may not exceed 2.5% (40%?) of the parking bays required;
(b) the minimum dimension for a motorcycle space is 2.2 metres in length and 1 metre in width; and
(c) the minimum dimension for a bicycle space is 2 metres in length and 0.6 metres in width.

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

Loading requirements

49.(1) Unless the Municipality grants approval to waive this requirement, loading bays must be provided in accordance with the table entitled “Minimum off-street loading bay requirements”.
(2) The Municipality may determine off-street loading requirements for uses not stipulated in the table.

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

Minimum off-street loading bay requirements

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

CHAPTER 9
REFUSE ROOMS AND SERVICE YARDS

Refuse rooms

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

Service yards

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

   (2) The utility services must—
       (a) be designed in a manner that is architecturally compatible with the other structures on the property and in the case of refuse bins must be screened from public view; and
       (b) comply with any other conditions or standard requirements that the Municipality may impose relating to access, health, pollution control, safety or aesthetics.
CHAPTER 10
ADMINISTRATIVE MATTERS

Transitional Arrangements

52.(1) The Zoning Schemes Listed in Schedule 6 will be repealed upon the adoption of the final transition maps by the Knysna Municipal Council.

Short Title and Commencement

53.(1) This Bylaw is called the Knysna Municipality Zoning Scheme Bylaw.
(2) This Bylaw comes into operation on the date of publication in the provincial gazette.
### SCHEDULE 1

**USE ZONES TABLE**

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

**SINGLE RESIDENTIAL ZONES**

**Single Residential Zone I (SRI)**

The objective of this zone is to provide for residential development where the predominant type of accommodation is a dwelling house for a single family, where each dwelling has its own land unit, and adequate outdoor space. Limited employment and additional accommodation opportunities are possible as primary or consent uses, provided that the dominant use of the property remains residential, and impacts of employment and additional accommodation uses do not adversely affect the quality and character of the surrounding residential environment.

<table>
<thead>
<tr>
<th>Primary use</th>
<th>Consent uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Dwelling house</td>
<td>• Crèche&lt;br&gt;• Guest house&lt;br&gt;• Halfway house&lt;br&gt;• Home care facility&lt;br&gt;• House shop&lt;br&gt;• Second dwelling unit</td>
</tr>
<tr>
<td>Zoning</td>
<td>Primary use</td>
</tr>
<tr>
<td>--------</td>
<td>-------------</td>
</tr>
</tbody>
</table>
| **Single Residential Zone II (SRII)** | Primary use: (a) Estate housing | Consent uses:  
- Home occupation  
- Rooftop base telecommunication station |

*The objective of this zone is to provide a high degree of flexibility for low- to medium-density residential projects that have integrated site and design features, individual design solutions and individually tailored development control provisions. This zone should not accommodate a resort, but is particularly suitable for residential estates that are governed by a property owners’ association, with access control and coordinated design requirements (such as golf estates, equestrian estates and residential marinas).*

<table>
<thead>
<tr>
<th>Zoning</th>
<th>Primary use</th>
<th>Consent use</th>
</tr>
</thead>
</table>
| **Single Residential Zone III (SRIII)** | Primary use:  
- Dwelling house  
- Shelters | Consent uses:  
- Halfway house  
- Home care facility  
- House shop |

*The objective of this zone is to provide for upgrading and incremental housing from informal settlements to formal settlements and also to allow formal as well as informal housing types on a single erf. In recognition of the realities of poor and marginalised communities, development management provisions are not restrictive and local employment generation is encouraged within this zone.*
<table>
<thead>
<tr>
<th>Zoning</th>
<th>Primary use</th>
<th>Consent use</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>GENERAL RESIDENTIAL ZONES</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>General Residential Zone I (GRI)</strong></td>
<td>Primary use</td>
<td>Consent uses</td>
</tr>
</tbody>
</table>
| The objective of this zone is to facilitate in designated areas low intensity densification that will not have an adverse effect on the character of the existing built area and may contribute to the optimal utilisation of land and infrastructure. The residential development consists of two dwelling units in a single structure, each of which may accommodate a single family. Individual ownership of the units will be allowed through a sectional title scheme. Architecturally, the dwelling units will be uniform and will be developed to the same scale and extent. | • Double dwelling house | • Guest House  
• Home occupation  
• Home care facility |
| **General Residential Zone II (GRII)** | Primary use | Consent uses |
| The objective of this zone is to encourage residential development of a medium density, with a coordinated design, and to accommodate group housing where special attention is given to aesthetics, architectural form and the inter-relationship between components of the group housing scheme. Group housing may be located in single residential areas in places where an increased density is desirable, including along main roads, near local shopping centres and other activity nodes, and also preferably near to public open spaces. | • Group housing | • Flats  
• Home occupation  
• Retirement resort |
<table>
<thead>
<tr>
<th>1</th>
<th>2</th>
<th>3</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Zoning</strong></td>
<td><strong>Primary use</strong></td>
<td><strong>Consent use</strong></td>
</tr>
</tbody>
</table>
| **General Residential Zone III (GRIII)** | **Primary use**  
• Town housing | **Consent uses**  
• Flats  
• Home occupation  
• Retirement resort |
| The objective of this zone is to encourage residential development of a greater density than for General Residential Zone II, while retaining the emphasis on design coordination and a modest scale in terms of height. This zone has particular location requirements, including proximity to transport and amenities, and should not be randomly located without due consideration of the availability of open space and community facilities. Town housing may be located in and around central business areas, near high density nodes and along activity axis including railway lines and main traffic routes, where flats are often found. | | |
| **General Residential Zone IV (GRIV)** | **Primary use**  
• Flats | **Consent uses**  
• Backpackers’ lodge  
• Boarding house  
• Convenience shop  
• Home occupation  
• Renewable energy structure  
• Retirement resort  
• Rooftop base telecommunication station |
| The objective of this zone is to promote higher density residential development. The dominant use within this zone must be residential, but limited mixed-use development is possible with the Municipality’s consent. This zone has particular location requirements, including proximity to transport and amenities, and should not be randomly located without due consideration of the availability of open space and community facilities. | | |
| **General Residential Zone V (GRV)** | **Primary use**  
• Guest lodge | **Consent uses**  
• Backpackers’ lodge  
• Restaurant |
<table>
<thead>
<tr>
<th>Zoning</th>
<th>Primary use</th>
<th>Consent use</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Residential Zone VI (GRVI)</td>
<td>The objective of this zone is to provide a temporary residence for transient guests, where lodging and meals are provided, and may include a restaurant and conference facilities. Outside towns it should only be considered in identified tourism areas or within resorts.</td>
<td>Primary use: Hotel Consent uses: Backpackers’ lodge Gambling place Renewable energy structure Rooftop base telecommunication station Shop</td>
</tr>
<tr>
<td>Business Zone I (BI)</td>
<td>The objective of this zone is to provide for intensive business and mixed-use development with relatively few restrictions in order to promote urban vitality and economic growth.</td>
<td>Primary use: Business premises Consent uses: Adult entertainment Adult services Adult shop Freestanding base telecommunication station Helicopter landing pad Gambling place Motor repair garage Open air motor vehicle display Place of entertainment Place of instruction Place of worship Renewable energy structure Transport use Warehouse</td>
</tr>
<tr>
<td>Zoning</td>
<td>Primary use</td>
<td>Consent uses</td>
</tr>
<tr>
<td>----------------------</td>
<td>------------------------------</td>
<td>--------------------------------------------------</td>
</tr>
<tr>
<td><strong>Business Zone II (BII)</strong></td>
<td><strong>Primary use</strong>&lt;br&gt;• Shop</td>
<td><strong>Consent uses</strong>&lt;br&gt;• Adult shop&lt;br&gt;• Conference facility&lt;br&gt;• Dwelling house&lt;br&gt;• Flats&lt;br&gt;• Freestanding base telecommunication station&lt;br&gt;• Liquor store&lt;br&gt;• Open air motor vehicle display&lt;br&gt;• Place of assembly&lt;br&gt;<strong>Place of entertainment</strong>&lt;br&gt;• Place of instruction&lt;br&gt;• Place of leisure&lt;br&gt;• Place of worship&lt;br&gt;• Renewable energy structure&lt;br&gt;• Restaurant&lt;br&gt;• Rooftop base telecommunication station&lt;br&gt;• Service station&lt;br&gt;• Supermarket</td>
</tr>
<tr>
<td><strong>Business Zone III (BIII)</strong></td>
<td><strong>Primary use</strong>&lt;br&gt;• Neighbourhood shop</td>
<td><strong>Consent uses</strong>&lt;br&gt;• Dwelling house&lt;br&gt;• Flats&lt;br&gt;• Liquor store&lt;br&gt;• Restaurant&lt;br&gt;• Service trade&lt;br&gt;• Supermarket</td>
</tr>
</tbody>
</table>

The objective of this zone is to provide for the retail sale of goods and services to the public.

The objective of this zone is to provide for low intensity commercial and mixed-use development that serves local neighbourhood needs for convenience goods and personal services. The development should be limited in scale and nature and capable of integration into the adjacent residential neighbourhood, without adversely affecting the amenity of the residential neighbourhood. While mixed use development is encouraged, care must be taken not to compromise business operations.
<table>
<thead>
<tr>
<th>Zoning</th>
<th>Primary use</th>
<th>Consent use</th>
</tr>
</thead>
</table>
| **Business Zone IV (BIV)** | Primary use: Offices | Consent uses:  
- Dwelling house  
- Flats  
- Institution  
- Place of assembly  
- Place of leisure and entertainment  
- Place of instruction  
- Renewable energy structure  
- Restaurant  
- Rooftop base telecommunication station  
- Shop  
- Supermarket |
| **Business Zone V (BV)** | Primary uses: Big box retail | Consent uses:  
- Place of entertainment  
- Renewable energy structure  
- Rooftop base telecommunication station  
- Shop  
- Warehouse  
- Place of leisure  
- Place of Worship |
| **Business Zone VI (BVI)** | Primary uses: Service station | Consent uses:  
- Motor repair garage  
- Shop  
- Truck stop |
<table>
<thead>
<tr>
<th>1</th>
<th>2</th>
<th>3</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Zoning</strong></td>
<td><strong>Primary use</strong></td>
<td><strong>Consent use</strong></td>
</tr>
<tr>
<td><strong>INDUSTRIAL ZONES</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Industrial Zone 1 (II)</td>
<td>Primary use</td>
<td>Consent uses</td>
</tr>
<tr>
<td>The objective of this zone is to accommodate industry uses and service trades that may be carried out without nuisance to other properties or the general public. These uses may be located next to business uses and in close proximity to residential areas, and do not present a potential negative impact on the character or amenity of such areas.</td>
<td>Light industry</td>
<td>Adult <em>entertainment-leisure</em></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Adult services</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Adult shop</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Aqua-culture</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Caretaker’s quarters</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Convenience shop</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Liquor store</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Office</td>
</tr>
<tr>
<td></td>
<td></td>
<td><strong>Place of leisure</strong></td>
</tr>
<tr>
<td></td>
<td></td>
<td><strong>Place of entertainment</strong></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Place of Worship</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Renewable energy structure</td>
</tr>
<tr>
<td></td>
<td></td>
<td><strong>Roof top base</strong></td>
</tr>
<tr>
<td></td>
<td></td>
<td><strong>telecommunication station</strong></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Truck stop</td>
</tr>
<tr>
<td>Industrial Zone II (III)</td>
<td>Primary uses</td>
<td>Consent uses</td>
</tr>
<tr>
<td>The objective of this zone is to accommodate all forms of industry, except noxious trade and risk activity, in order to promote the manufacturing sector of the economy. Some allowance is made for non-industrial activities, but these should not compromise the general use of the area zoned for industry. It is accepted that the intensive nature of the industrial activity or the scale of the operation could generate some negative impact on adjacent properties.</td>
<td>Industry</td>
<td>Abattoir</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Adult entertainment</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Adult services</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Aqua-culture</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Container site</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Convenience shop</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Crematorium</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Helicopter landing pad</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Liquor store</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Office</td>
</tr>
<tr>
<td></td>
<td></td>
<td><strong>Place of entertainment</strong></td>
</tr>
<tr>
<td></td>
<td></td>
<td><strong>Place of leisure</strong></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Place of Worship</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Renewable energy structure</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Restaurant</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Scrap yard</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Truck stop</td>
</tr>
</tbody>
</table>
## Industrial Zone III (III)

The objective of this zone is to provide for industries that are noxious in respect of smell, product, waste or other objectionable consequence of their operation, or carry a high risk in the event of fire or accident. While other uses are permitted with consent, the Municipality must ensure there is sufficient capacity for noxious trade in the limited areas suitable for this zone. A noxious trade should not be located close to residential areas.

<table>
<thead>
<tr>
<th>Primary uses</th>
<th>Consent uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Noxious trade</td>
<td>Container site</td>
</tr>
<tr>
<td></td>
<td>Convenience shop</td>
</tr>
<tr>
<td></td>
<td>Helicopter landing pad</td>
</tr>
<tr>
<td></td>
<td>Industry</td>
</tr>
<tr>
<td></td>
<td>Liquor store</td>
</tr>
<tr>
<td></td>
<td>Motor repair garage</td>
</tr>
<tr>
<td></td>
<td>Renewable energy garage</td>
</tr>
<tr>
<td></td>
<td>Scrap yard</td>
</tr>
<tr>
<td></td>
<td>Service station</td>
</tr>
<tr>
<td></td>
<td>Transport use</td>
</tr>
</tbody>
</table>

## Industrial Zone IV (IV)

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

<table>
<thead>
<tr>
<th>Primary uses</th>
<th>Consent uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mine</td>
<td>Industry</td>
</tr>
</tbody>
</table>

## Community Zones

### Community Zone I (CI)

The objective of this zone is to provide for educational facilities of all kinds, but controlled provision is made for other compatible community uses.

<table>
<thead>
<tr>
<th>Primary uses</th>
<th>Consent uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Place of instruction</td>
<td>Conference facility</td>
</tr>
<tr>
<td></td>
<td>Freestanding base</td>
</tr>
<tr>
<td></td>
<td>Telecommunication station</td>
</tr>
<tr>
<td></td>
<td>Institution</td>
</tr>
<tr>
<td></td>
<td>Place of assembly</td>
</tr>
<tr>
<td></td>
<td>Rooftop base</td>
</tr>
<tr>
<td></td>
<td>Telecommunication station</td>
</tr>
</tbody>
</table>

### Community Zone II (CII)

The objective of this zone is to provide for places where communities can congregate and worship according to the custom of their specific faith or religion.

<table>
<thead>
<tr>
<th>Primary uses</th>
<th>Consent uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Place of worship</td>
<td>Cemetery</td>
</tr>
<tr>
<td></td>
<td>Institution</td>
</tr>
<tr>
<td></td>
<td>Place of instruction</td>
</tr>
<tr>
<td></td>
<td>Rooftop base</td>
</tr>
<tr>
<td></td>
<td>Telecommunication station</td>
</tr>
<tr>
<td></td>
<td>Wall of remembrance</td>
</tr>
<tr>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td><strong>Zoning</strong></td>
<td><strong>Primary use</strong></td>
</tr>
<tr>
<td>Community Zone III (CIII)</td>
<td></td>
</tr>
</tbody>
</table>
| The objective of this zone is to provide for a wide range of institutional uses including facilities for health, education and worship. | Primary uses  
- Institution | Consent uses  
- Correctional facility  
- Rooftop base telecommunication station |
| | **RESORT ZONES** | |
| Resort Zone 4 (R4) | Primary uses  
- Tourist accommodation | Consent uses  
- Freestanding base telecommunication station  
- Function venue  
- Hotel  
- Off-road trail  
- Rooftop base telecommunication station  
- Tourist facilities  
- Wellness centre |
| | **OPEN SPACE ZONES** | |
| OPEN SPACE ZONE I (OSI) | Primary uses  
- Public open space | Consent uses  
- Air and underground rights  
- Cemetery  
- Environmental facilities  
- Informal trading  
- Tourist facilities  
- Urban agriculture  
- Utility service |
<table>
<thead>
<tr>
<th>1</th>
<th>2</th>
<th>3</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Zoning</strong></td>
<td><strong>Primary use</strong></td>
<td><strong>Consent use</strong></td>
</tr>
<tr>
<td>OPEN SPACE ZONE II (OSII)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
| *The objective of this zone is to provide for active and passive recreational areas on private land, in order to promote recreation and enhance the aesthetic appearance of an area.* | Primary uses  
- Private open space | Consent uses  
- Cemetery  
- Environmental facilities  
- Informal trading  
- Plant nursery  
- Restaurant  
- Sports and recreation centre  
- Tourist facilities  
- Urban agriculture  
- Utility service |
| OPEN SPACE ZONE III (OSIII) | | |
| *The objective of this zone is to provide for the conservation of natural resources in areas that have not been proclaimed as nature areas (non-statutory conservation), in order to sustain flora and fauna and protect areas of undeveloped landscape including woodlands, ridges, wetlands and the coastline. A range of consent uses is provided to supplement and support the main objective of this zone.* | Primary uses  
- Nature conservation area | Consent uses  
- Environmental facilities  
- Rooftop base telecommunication station  
- Harvesting of natural resources  
- Tourist facilities  
- Utility service  
- Freestanding base telecommunication station  
- Tourist accommodation?  
- Function venue? |
| OPEN SPACE ZONE IV (OSIV) | | |
| *The objective of this zone is to provide for the conservation of natural resources in areas that have been proclaimed as nature areas (statutory conservation), in order to sustain flora and fauna and protect areas of undeveloped landscape including woodlands, ridges, wetlands and the coastline. A range of consent uses is provided to supplement and support the main objective of this zone.* | Primary uses  
- Nature reserve | Consent uses  
- Conference facility  
- Freestanding base telecommunication station  
- Function venue  
- Rooftop base telecommunication station  
- Tourist accommodation  
- Tourist facilities  
- Utility service |
<table>
<thead>
<tr>
<th>1</th>
<th>2</th>
<th>3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zoning</td>
<td>Primary use</td>
<td>Consent use</td>
</tr>
<tr>
<td><strong>TRANSPORT AND UTILITY ZONES</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>TRANSPORT ZONE I (TUI)</strong></td>
<td>Primary uses</td>
<td>Consent uses</td>
</tr>
<tr>
<td>The objective of this zone is to reserve land for transportation systems, excluding public streets, but including all other transport undertakings.</td>
<td>• Transport use</td>
<td>• Air and underground rights</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Airfield</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Airport</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Business premises</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Conference facility</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Container site</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Helicopter landing pad</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Hotel</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Industry</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Informal trading</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• <strong>Motor repair garage</strong></td>
</tr>
<tr>
<td></td>
<td></td>
<td>• <a href="#">Outdoor trading and dining</a></td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Service station</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Warehouse</td>
</tr>
<tr>
<td><strong>TRANSPORT ZONE II (TUII)</strong></td>
<td>Primary uses</td>
<td>Consent uses</td>
</tr>
<tr>
<td>The objective of this zone is to provide for public streets, whether constructed or still to be constructed, as well as infrastructure associated with public streets. Provision is also made for the temporary use of the land unit for other purposes as may be approved by the Municipality.</td>
<td>• Public street</td>
<td>• Air and underground rights</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Outdoor trading and dining</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Multiple parking garage</td>
</tr>
<tr>
<td><strong>TRANSPORT ZONE III (TUIII)</strong></td>
<td>Primary uses</td>
<td>Consent uses</td>
</tr>
<tr>
<td>The objective of this zone is to provide private roads that is privately owned and does not vest in the Municipality or any other an organ of state/public authority, for the passage or parking of motor vehicles.</td>
<td>• Private road</td>
<td><strong>Outdoor trading and dining</strong></td>
</tr>
<tr>
<td></td>
<td></td>
<td>None</td>
</tr>
<tr>
<td><strong>UTILITY ZONE (TUIV)</strong></td>
<td>Primary uses</td>
<td>Consent uses</td>
</tr>
<tr>
<td>The objective of this zone is to reserve land for uses that do not fall into another zoning category and that is normally undertaken by national, provincial and municipal government agencies including utility services and substations. Some flexibility for the use of land and development parameters is provided.</td>
<td>• Utility service</td>
<td>• Authority use</td>
</tr>
<tr>
<td>Zoning</td>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td><strong>UNDETERMINED ZONE (USI)</strong></td>
<td><strong>Primary uses</strong></td>
<td><strong>Consent uses</strong></td>
</tr>
<tr>
<td>The objective of this zone is to enable the Municipality to defer a decision regarding a specific land use and development management provisions until the circumstances affecting the land unit have been properly investigated; or until the owner of the land makes an application for rezoning; or a zoning determination is made by the Municipality. The objective of this zone is furthermore to create a zone to which land could revert back to when rights under current zonings, other than Single Residential Zone I, were not exercised, especially in cases where changes in the planning context occurred since the current zoning was granted</td>
<td>Primary uses  • None</td>
<td>Consent uses  • None</td>
</tr>
</tbody>
</table>
# RECORD OF AMENDMENTS

<table>
<thead>
<tr>
<th>PAGE DESCRIPTION OR NUMBER</th>
<th>DATE OF LATEST ISSUE</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>
SCHEDULE 2

LAND USE DESCRIPTIONS AND DEVELOPMENT PARAMETERS

“abattoir”

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

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

“additional dwelling unit”

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

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

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

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

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

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

(a) one additional unit can be allowed in all cases as a consent use, irrespective of the size of the agricultural land unit;

(b) further additional dwelling units can be allowed at a ratio of one additional dwelling unit per 10 ha, calculated on the basis of all additional dwelling units on the agricultural land unit, up to a maximum of five (5) additional dwelling units per agricultural land unit;

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

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

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

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

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

(b) the total floor space of an additional dwelling including the floor space in all ancillary buildings to the additional dwelling, may not exceed 175 m²;
(c) an additional dwelling must be constructed in a style that is similar to the architecture of the main dwelling house, unless otherwise permitted by the Municipality;

(d) an additional dwelling that is a separate structure to a dwelling house may not exceed a height of 6.5 metres to the top of the roof;

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

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

(g) the Municipality must certify that services are available for the construction of an additional dwelling.

“adult entertainment”

Land use description: “adult entertainment”—

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

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

Development parameters:
The development parameters applicable to “business premises” apply.

“adult services”

Land use description: “adult services”—

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

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

Development parameters:
The development parameters applicable to “business premises” apply.

“adult shop”

Land use description: “adult shop”—

(a) means the use of property for the retail sale of pornographic, sexually explicit or erotic material, whether or not the material is displayed for sale, unless the material forms part of a medical or therapeutic service provided by a registered medical practitioner or similar registered professional person; and

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

Development parameters:
The development parameters applicable to “business premises” apply.

“agricultural industry”

Land use description: “agricultural industry”—

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

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

(c) does not include an abattoir.
Development parameters:
Development parameters applicable to “agriculture” or “smallholding” apply.

“agricultural worker accommodation”

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

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

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

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

“agriculture”

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

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

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

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

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

(aa) if the property is smaller than 1ha;

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

(cc) if more than 10 tent or caravan stands are applied for on a camping site limited to a maximum of 10 tent or caravan stands subject to the development parameters applicable to “tourist accommodation”, provided further that for more than 10 tent or caravan stands a consent use must be applied for;

(v) telecommunication and electricity transmission lines;

(vi) agricultural industry; and

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

Development parameters:
The following development parameters apply:

(a) Building lines

The road or street and common boundary building lines are 30 metres.

(b) Height

(i) The height of a dwelling house may not exceed 6 metres to the wall plate in all cases and 8.5 metres to the ridge of the roof in the case of a pitched roof.

(ii) Agricultural buildings other than dwelling houses may not exceed a height of 15 metres to the top of the roof.
Earth banks and retaining structures that are in the opinion of Municipality associated with bona fide agricultural activities are exempt from the general provisions in this regard in this By-law.

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

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

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

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

**Development parameters:**

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

“air and underground rights”

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

**Development parameters:**

(a) The Municipality must require a site development plan for air and underground rights.
(b) The site development plan as approved by the Municipality constitutes the development parameters.
(c) The provisions for a site development plan in this By-law apply.
(d) The Municipality may approve a consent use for air or underground rights if—
   (i) the consent use does not compromise the intended primary use of the land;
   (ii) an agreement defining the extent of rights, time period, compensation, ownership and maintenance obligations relating to the property is concluded between the parties concerned and is approved by the Municipality;
   (iii) a servitude in respect of the air or underground rights is registered over the land concerned; and
   (iv) the Municipality is satisfied that structural components, clearance and operational characteristics are sufficient to ensure safe and efficient operation of the street, road or parking.

“airfield”

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

**Development parameters:**

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

“airport”

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

(a) a restaurant;
(b) car rental facility;
(c) shop; and
(d) hotel.
Development parameters:
The development parameters applicable to “transport use” and “business premises” apply, provided that a site development plan must be submitted to the Municipality for its approval.

“animal care centre”
Land use description: “animal care centre” means a place for the care of pets and animals, operated on either a commercial or a welfare basis, and includes—
(a) boarding kennels; and
(b) pet training centres.

Development parameters:
The development parameters applicable to “agriculture” apply.

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

Development parameters:
The development parameters applicable to “agriculture” apply.

“authority use”
Land use description: “authority use” means a use which is practised by or on behalf of a state public authority and that cannot be classified or defined under other uses in this zoning scheme, and includes a use practised by—
(a) the national government, including a military centre or installation, police station or correctional facility;
(b) the provincial government, including a road station or road camp;
(c) the Municipality, including a fire service or a municipal depot with related uses, including limited accommodation for staff who are required to be on standby for emergencies; and
(d) a foreign government including an embassy or consulate, but does not include a dwelling house when the dominant use is for living accommodation of foreign diplomatic personnel.

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

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

Development parameters:
The development parameters applicable to “guest lodge” apply.

“bed and breakfast establishment”
Land use description: “bed and breakfast establishment” means a dwelling house, double dwelling house, second dwelling or additional dwelling unit—
(a) in which the owner of the dwelling supplies lodging and meals for compensation to transient guests who have permanent residence elsewhere; and
(b) provided that the dominant use, structure and design of the dwelling house concerned remains for the living accommodation of a single family.

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

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

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

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

(d) a register of guests must be kept, and completed when rooms are let, and the register must be produced for inspection on request by an authorised municipal official;

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

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

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

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

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

(j) no advertising sign may be displayed except a single un-illuminated sign or notice not projecting over a public street in accordance with the Municipality’s policy or by-law on outdoor advertising and signage, and the size of the sign may not exceed 1 m² in area;

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

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

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

“big box retail”

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

Development parameters:

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

(b) Floor factor
The maximum floor factor is 2.

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

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

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

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

(iii) The general building line encroachments in this By-law apply.
(e) Parking, access and loading space
Parking, access and loading space must be provided on the land unit in accordance with this By-law.

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

“boarding hostel”

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

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

“boarding house”

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

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

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

Development parameters:
(a) Coverage
The maximum coverage is 60%.
(b) Floor factor
The floor factor may not exceed 1.
(c) Height
   (i) The highest point of a building may not exceed 15 metres to the top of the roof.
   (ii) The general provisions regarding earth banks and retaining structures in this By-law apply.
(d) Building lines
   (i) The street building line is at least 5 metres.
   (ii) Side and rear building lines are at least 4,5 metres.
   (iii) The general building line encroachments in this By-law apply.
(e) Parking and access
Parking and access must be provided in accordance with this By-law.
(f) Screening
The Municipality may require screening in accordance with this By-law.
(g) Site development plan
The Municipality may require a site development plan to be submitted for its approval.
(h) Open space
   (i) Every boarding house must have access on the land unit to an outdoor living area that may include private or communal open space, but excludes roads, service yards and parking areas.
   (ii) An outdoor living area of at least 10% of the net erf area must be provided.
   (iii) The outdoor living area(s) must be of reasonable proportions and location, to the satisfaction of the Municipality, to allow for leisure or recreational use by residents, and may include open courtyards within the complex.
(i) Service yard
A service yard must be provided on the land unit in accordance with this By-law.
(j) Refuse room
A refuse room must be provided on the land unit in accordance with this By-law.

“builder’s yard”

Land use description: “builder’s yard” means a property used for the storage of material and equipment that—
(a) is required for or is normally used for construction work;
(b) was obtained from demolitions of structures or excavations of ground; or
(c) is necessary for, or is normally used for land development, including storage of material used for building roads, installing essential services, or for any other construction work, whether for public or private purposes.

Development parameters:
The development parameters applicable to “industry” apply.

“business premises”

Land use description: “business premises” means a property from which business is conducted and—
(a) includes a shop, big box retail, supermarket, restaurant, sale of alcoholic beverages, two electronic or mechanical playing devices, plant nursery, office, funeral parlour, financial institution and building for similar uses, place of assembly, institution, hotel, hospital, conference facility, rooftop base telecommunication station, and multiple parking garage;
(b) includes also the following land uses above ground floor:
   (i) flats;
   (ii) caretaker’s quarters;
   (iii) backpackers’ lodge;
   (iv) youth hostel;
   (v) boarding houses; and
(c) does not include a gambling place, place of entertainment, motor repair garage, industry, noxious trade, risk activity, adult entertainment, adult services, or adult shop.

Development parameters:
The following development parameters apply:

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

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

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

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

(e) Building line
   (i) The street building line is 0 metres.
   (ii) Side and rear building lines are 0 metres, provided that the Municipality may lay down common building lines in the interest of public health and safety or in order to enforce any other law or right.
   (iii) Minor architectural and sunscreen features may project beyond the street boundary building line, provided that such features do not project more than 250 millimetres beyond the street boundary.
(f) **Hotel floor space concession**
Where it is proposed to erect a hotel of at least 30 bedrooms in terms of this use right, the development parameters applicable to “hotel” apply.

(g) **Canopy or balcony projection**
The Municipality may require, and may approve, a canopy or balcony projection over the street boundary in accordance with the following conditions:
(i) the canopy or balcony may not project closer than 500 millimetres to a vertical plane through the kerb line or proposed kerb line;
(ii) no portion of a canopy or balcony projection may be less than 2,8 metres above the pavement;
(iii) the Municipality may lay down more restrictive requirements relating to the dimensions, design and materials of the canopy or balcony; and
(iv) the owner must enter into an encroachment agreement with the Municipality and register a servitude area in the case of a balcony projection.

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

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

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

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

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

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

“camping site”

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

**Land use description:** “camping site” means land set aside for camping where tents or caravans are used for accommodation of guests and may include facilities for use by guests including facilities for outdoor food preparation, resort shop, road access for vehicles, picnic facilities, raised platforms on which to set up tents or caravans, camper trailers ablution facilities, communal scullery and laundry facilities and waste disposal facilities for short term holiday accommodation.
Development parameters:
The development parameters applicable to “tourist accommodation” apply, provided that a site development plan must be submitted to the Municipality for its approval.

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

**Development parameters:**
As determined by the Municipality.

“cemetery”
**Land use description:** “cemetery” means a place for the burial of human or domestic animal remains, and—
(a) includes—
   (i) ancillary buildings including an office and chapel; 
   (ii) a “garden of remembrance” or a “wall of remembrance”; and 
(b) does not include a crematorium.

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

“clinic”
**Land use description:** “clinic” means a place that has limited facilities and an emphasis on outpatients for the diagnosis and treatment of human illness or the improvement of human health provided that—
(a) a clinic may contain live-in facilities for no more than 20 persons, including patients and staff; and 
(b) a clinic may include medical consulting rooms, operating theatres, an outpatients centre, and a wellness centre with ancillary uses.

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

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

**Development parameters:**
The development parameters applicable to “business premises” apply.

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

**Development parameters:**
The development parameters applicable to “industry” apply.
“convenience shop”

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

**Development parameters:**
(a) The development parameters applicable to “service station” apply.
(b) When approved as a consent use in another zone, the development parameters applicable to “shop” apply.

“correctional facility”

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

**Development parameters:**
Development parameters applicable to “authority use” apply.

“crèche”

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

**Development parameters:**
(a) The services provided must primarily be day care and educational, and not medical services.
(b) The services may not operate outside the hours 6:00 to 18:00.
(c) The dominant use of the dwelling house must remain for the living accommodation of a single family.
(d) Not more than 20 children may be registered at a time, or on the property at any time.
(e) Parking and access must be provided in accordance with this By-law.

“crematorium”

**Land use description:** “crematorium” means a place for incinerating corpses in a furnace, and includes—
(a) ancillary facilities such as a chapel and offices; and
(b) a “garden of remembrance” or a “wall of remembrance”.

**Development parameters:**
Development parameters applicable to “industry” apply.

“double dwelling house”

**Land use description:** “double dwelling house” means—
(a) **Garages, carports and outbuildings**
   (i) For land units of 650 m² and less—
      (aa) a garage or carport erected parallel to the street boundary is permitted up to 1,5 metres from the street boundary;
      (bb) a garage or carport erected perpendicular to the street boundary is permitted up to 5,5 metres from the street kerb;
      provided that the garage or carport—
      (aa) is not higher than 3,5 metres to the top of the roof;
      (bb) does not contain more than a double garage façade; and
      (cc) does not exceed a length and width of 6,5 metres, a building designed as a single architectural entity that appears as a single dwelling house, containing two dwelling units on one land unit; and
   (b) does not include second dwelling units.
Development parameters:

(a) **Coverage**
   The coverage may not exceed 50%.

(b) **Floor space**
   There may not be more than 10% difference in the floor space of the two dwelling units and the total floor space of each of the two units may not exceed 250 m² per unit.

(c) **Height**
   (i) The height of a double dwelling house may not exceed 6 metres to the wall plate in all cases, and 8.5 metres to the ridge of the roof in the case of a pitched roof.
   (ii) The general provisions regarding earth banks and retaining structures in this By-law apply.

(d) **Building lines:**
   (i) The street building line is at least 4 metres.
   (ii) The side building line is at least 3 metres.
   (iii) The rear building line is at least 2 metres.
   (iv) The general building line encroachments in this By-law apply.

(e) **Window and door placement**
   Any portion of a building that contains an external window or door facing onto a common boundary must—
   (i) be set back at least 1.5 metres from such boundary; and
   (ii) the portion of building to be set back from the boundary must include the door or window, together with the additional length of wall as is required to make up a total minimum length of 3 metres.

(f) **Garages, carports and outbuildings**
   (i) A garage, carport and outbuildings are permitted within the common boundary building line provided that the garage and carport do not—
      (aa) extend higher than 3.5 metres to the top of the roof;
      (bb) contain more than a double garage façade; and
      (cc) exceed a width of 6.5 metres.
   (ii) For land units of 650 m² and less, a garage or carport is permitted up to 1.5 metres from the street boundary provided the garage or carport—
       (aa) is not higher than 3.5 metres to the top of the roof;
       (bb) does not contain more than a double garage façade; and
       (cc) does not exceed a width of 6.5 metres.
   (iii) For land units exceeding 650 m², a garage or carport may not be closer than 5 metres from the street boundary, notwithstanding the street building line.
   (iv) Despite subparagraphs (ii) and (iii), a garage or carport may be erected within the street boundary building line if, in the opinion of the Municipality, compliance with the street boundary building line is not practical due to steep slopes of the ground between the road and the property concerned. The Municipality must determine the street boundary building line in such a case.

(g) **Parking and access**
   Parking and access must be provided in accordance with the requirements of this By-law. Both dwelling units must obtain vehicle access from and to a street and each dwelling unit is limited to a maximum of two garages per dwelling unit. Parking and access must be provided in accordance with the requirements of this By-law, both dwelling units must obtain vehicle access from and to a street, and at least one garage parking bay per dwelling unit must be provided for parking purposes, limited to a maximum of two garages per dwelling unit.

(h) **Refuse room or service yard**
   The Municipality may require a refuse room or service yard or both to be provided on the land unit(s) concerned, in accordance with this By-law.

(i) **Connection**
   The two units must be connected by means of a communal wall of the dwelling, and connected garages, outside lapas and braai areas may not be used to satisfy this requirement.
“dwellings house”

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

(a) a storeroom and garaging;
(b) a second dwelling or additional dwelling, with a floor area which does not exceed 60 m²; provided that application for consent use must be submitted if the second dwelling or additional dwelling is larger than 60 m²; a second dwelling or additional dwelling, with a floor area which does not exceed 60 m²;
(c) a braai room;
(d) renewable energy structures for household purposes;
(e) home occupation;
(f) letting to lodgers;
(g) a bed and breakfast establishment; and
(h) home child care.

**Development parameters:**

(a) **Height**

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

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

(b) **Coverage and building lines**

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

<table>
<thead>
<tr>
<th>Erf size</th>
<th>Coverage</th>
<th>Building lines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than or equal to 250 m²</td>
<td>80%</td>
<td>1 metre</td>
</tr>
<tr>
<td>Greater than 250 m², but not exceeding 500 m²</td>
<td>65%</td>
<td>1 metre, 1,5 metres</td>
</tr>
<tr>
<td>Greater than 500 m², but not exceeding 1 000 m²</td>
<td>50%</td>
<td>2 metres, 2 metres</td>
</tr>
<tr>
<td>Greater than 1 000 m²</td>
<td>500 m² or 40%, whichever is greater</td>
<td>3 metres, 3 metres</td>
</tr>
</tbody>
</table>

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

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

(c) **Single Residential Zone III**

In the case of a “dwellings house” in Single Residential Zone III, the development parameters pertaining to coverage, height and building lines of “shelter” apply.

(d) **Window and door placement**

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

(i) be set back at least 1,5 metres from the boundary; and
(ii) the portion of building to be set back from the boundary must include the door or window, together with the additional length of wall that is required to make up a total minimum length of 3 metres.
Garages, carports and outbuildings

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

(aa) extend higher than 3.5 metres to the top of the roof;

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

(cc) exceed a width of 6.5 metres.

(ii) For land units of 650 m² and less, a garage or carport is permitted up to 1.5 metres from the street boundary provided the garage or carport—

(aa) is not higher than 3.5 metres to the top of the roof;

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

(cc) does not exceed a width of 6.5 metres.

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

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

Parking and access

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

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

Garaging

Garaging for up to four vehicles is permitted.

“environmental facilities”

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

Development parameters:

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

“estate housing”

Land use description: “estate housing” means residential housing in a residential estate governed by an owners’ association with access control, integrated site and design features including golf estates, equestrian estates, eco estates and residential marinas, and includes—

(a) a dwelling house;

(b) group houses;

(c) town houses;

(d) flats;

(e) a retirement resort;

(f) a hotel;

(g) a restaurant;

(h) a resort shop;

(i) private open space;

(j) private roads; and

(k) parking;

Development parameters:

The Municipality may stipulate conditions with regard to the use of buildings and land—density, height, coverage, layout, building design, open space, landscaping, parking, access and environmental management.
Where no parameters have been stipulated as contemplated in item (a), above, the parameters specified in
the architectural guidelines, approved by the Municipality apply.
The applicant must submit the following documents and obtain the Municipality’s approval for:
a site development plan;
a constitution for a owners’ association or governing body;
aricultural guidelines and a proposed system of architectural control; and
an environmental management plan.
The land must be developed
in accordance with the site development plan, architectural guidelines and environmental management plan
as approved by the Municipality, and
to the satisfaction of the Municipality.

“factory”
Land use description: “factory” means any property containing an industrial assembly plant used for
the manufacture of goods.

Development parameters:
The development parameters applicable to “industry” apply.

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

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

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

Development parameters:
The development parameters applicable to “agriculture” apply.

“farmers’ market”
Land use description:
(a) “farmers’ market” means a predominantly fresh food market where farmers and food producers
    sell, directly to consumers, farm-origin and associated value-added specialty foods and plant
    products including—
    (i) primary food products;
    (ii) seafood, game and foraged foods;
    (iii) value-added foods;
    (iv) specialty food products;
    (v) garden inputs; and
    (vi) small livestock;
(b) A farmers’ market—
    (i) operates regularly within a community;
    (ii) is located at a focal public location that provides a suitable environment for farmers
to conduct trade;
(iii) typically consists of booths, tables or stands, outdoors or indoors, where farmers sell farm produce, meats, and sometimes prepared foods and beverages; and

(iv) may include:
   (aa) a subservient component of stalls for the sale of locally produced handmade crafts and arts; and
   (bb) live family entertainment, outdoor recreation activities and children’s play area.

**Development parameters:**
The development parameters applicable to “agriculture”, apply.
additional parameters apply:
(a) the Municipality may stipulate conditions with regard to the layout, building design, open space, landscaping, parking, access and environmental management; and
(b) the development must occur in accordance with an approved site development plan.

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

**Development parameters:**
(a) **Coverage**
The maximum coverage is 60%.
(b) **Floor factor**
The floor factor may not exceed 1.
(c) **Height**
   (i) The highest point of a building may not exceed 15 metres to the top of the roof.
   (ii) The general provisions regarding earth banks and retaining structures in this By-law apply.
(d) **Building lines**
   (i) The street building line is at least 5 metres.
   (ii) Side and rear building lines are at least 4,5 metres.
   (iii) The general building line encroachments in this By-law apply.
(e) **Parking and access**
Parking and access must be provided in accordance with this By-law.
(f) **Screening**
The Municipality may require screening in accordance with this By-law.
(g) **Site development plan**
The Municipality may require a site development plan to be submitted for its approval.
(h) **Institution, place of instruction and place of assembly**
The development parameters that apply to “institution”, “place of instruction” and “place of assembly” apply to this use; provided that where the institution, place of instruction or place of assembly is situated within a building which is also used for flats or a boarding house, then the coverage, height and building line requirements for the flats or boarding house apply.
(i) **Open space**
   (i) Every block of flats must have access on the land unit to an outdoor living area, including private or communal open space, but excludes roads, service yards and parking areas.
   (ii) An outdoor living area of at least 10% of the net erf area must be provided and the outdoor living area(s) must be of reasonable proportions and location to allow for leisure or recreational use by residents, and may include open courtyards within the complex.
(j) **Service yard**
A service yard must be provided on the land unit in accordance with this By-law.

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

(l) **Flats as a consent use in a group housing scheme**
The following conditions apply to flats as a consent use right in this zone:
- (i) the flats must form an integrated part of a group housing site and must comply with the development parameters for “group housing”;
- (ii) the total floor space of flats may not exceed 40% of the total floor space of all buildings on the group housing site; and
- (iii) the open space requirement for dwelling units in a group housing site applies.

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

**Development parameters:**
The development parameters applicable to “utility service” apply.

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

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

“funeral parlour”
**Land use description:** “funeral parlour” means property where the dead are prepared for burial or cremation and—
- (a) includes facilities for ancillary administrative and religious functions; and
- (b) does not include a crematorium.

**Development parameters:**
The development parameters applicable to “shop” and “industry” apply.

“gambling place”
**Land use description:** “gambling place” means a place where betting and gambling may be undertaken in accordance with a license issued under the relevant Act, and includes premises for totalisators.

**Development parameters:**
The following development parameters apply:
- (a) The development parameters applicable to “business premises” apply.
- (b) The Municipality may require a site development plan to be submitted for its approval in accordance with this By-law.
“garden of remembrance”

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

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

“group housing”

Land use description: “group housing” and “group housing scheme” means a group of separate or linked dwelling units where—
(a) every dwelling unit has a ground floor;
(b) the units may be cadastrally subdivided;
(c) the units are planned, designed and built as a harmonious architectural entity in an ordered way; and
(d) the units are integrated with communal private open spaces, private roads and parking.

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

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

(c) Height
(i) The height of dwelling units may not exceed 6 metres to the wall plate in all cases, and 8.5 metres to the ridge of the roof in the case of a pitched roof.
(ii) The general provisions regarding earth banks and retaining structures in this By-law apply.

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

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

(f) Building lines within a group housing site
The following building lines apply within a group housing site:
(i) street boundary building lines on internal roads are 0 metres; provided that any garage door facing the road must be set back at least 5 metres from the kerb of such internal road; and
(ii) side and rear boundary building lines within the group housing site are 0 metres, unless the Municipality requires a building line for fire-fighting purposes, in which case the common boundary building lines must be determined by the Municipality.

(g) Parking and access
(i) Parking and access must be provided in accordance with the requirements of this By-law.
(ii) Parking may be provided in the form of communal parking.
(h) Site development plan
A site development plan of the proposed group housing scheme must be submitted to the Municipality for its approval, and, if approved, the development of the group housing site must be in accordance with the approved site development plan.

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

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

“guest house”

Land use description: “guest house” means a dwelling house, second dwelling, or additional dwelling unit that is used for the purpose of supplying lodging and meals to transient guests for compensation, in an establishment that exceeds the restrictions of a bed and breakfast establishment (more than 2 guest rooms or 4 guests), and—
(a) includes business meetings or training sessions by and for guests on the property for up to 12 persons; and
(b) does not include agricultural workers’ accommodation.

Development parameters:
The development parameters applicable to “dwelling house”, “second dwelling” and “additional dwelling unit” apply.
The following further parameters apply:
(a) the Municipality may require a site development plan to be submitted for a proposed guest house and the guest house may not open for business until the plan is approved;
(b) the owner of a proposed guest house establishment must live on the property and must have consent use approval from the Municipality before the guest house establishment may open for business;
(c) a register of guests and lodgers must be kept and completed when rooms are let, and the register must be produced for inspection on request by an authorised municipal official;
(d) any new structure or alteration to the property related to its use as a guest house must be compatible with the residential character of the area, particularly with regard to the streetscape, and must be capable of reverting to use as part of the dwelling house, second dwelling, additional dwelling unit or outbuilding concerned;
(e) no more than 6 rooms per land unit may be used for bedroom accommodation for paying guests or lodgers, and no more than 12 paying guests or lodgers may be supplied with lodging or meals at any time;
(f) the requirement in paragraph (e) is also applicable where a land unit contains both a guest house and rooms which are available for letting to lodgers;
(g) no alcoholic beverages may be sold except to resident guests for consumption on the premises with meals;
(h) guest rooms may not be converted to, or used as, separate self-catering dwelling units;
(i) meals may only be supplied to guests or lodgers who have lodging on the property, employees, and the family residing in the dwelling;
(j) no advertising sign may be displayed other than a single un-illuminated sign or notice not projecting over a public street in accordance with the Municipality’s policy or by-law on outdoor advertising and signage, and the sign may not exceed 1 m² in area;
(k) no weddings, receptions, conferences, training or any similar activities are permitted in a guest house;
(l) no activities that constitute, or are likely to constitute, a source of public nuisance may be carried out; and
(m) on-site parking must be provided in accordance with the provisions of this By-law, provided that the Municipality may at any stage require additional on-site parking if, in the opinion of the Municipality, the guest house does not have enough parking.
“guest lodge”

Land use description: “guest lodge” means an appropriately scaled establishment that provides temporary residence for transient guests lodging and meals are provided and—
(a) includes a small conference or training facility and also caters for business meetings, and
(b) does not include a restaurant or backpackers’ lodge.

Development parameters:
(a) Coverage
The maximum coverage is 60%.
(b) Floor factor
The floor factor may not exceed 1.
(c) Height
(i) The highest point of a building may not exceed 8.5 metres from natural ground level to the top of the roof.
(ii) The general provisions regarding earth banks and retaining structures in this By-law apply.
(d) Building lines
(i) The street building line is at least 5 metres.
(ii) Side and rear building lines are at least 4.5 metres.
(iii) The general building line encroachments in this By-law apply.
(e) Parking and access
Parking and access must be provided in accordance with this By-law.
(f) Screening
The Municipality may require screening in accordance with this By-law.
(g) Site development plan
The Municipality may require a site development plan to be submitted for its approval.
(h) Open space
(i) Every guest lodge must have access to an outdoor living area on the land unit, and the outdoor living area may include private or communal open space, but excludes roads, service yards and parking areas.
(ii) An outdoor living area of at least 10% of the net erf area must be provided; the outdoor living area(s) must be of reasonable proportions and location to allow for leisure or recreational use by guests and lodgers, and may include open courtyards within the complex.
(i) Service yard
A service yard must be provided on the land unit in accordance with this By-law.
(j) Refuse room
A refuse room must be provided on the land unit in accordance with this By-law.
(k) A register of guests and lodgers must be kept, and completed when rooms are let, and the register must be produced for inspection on request by an authorised municipal official.
(l) No more than 20 rooms per land unit may be used for bedroom accommodation for paying guests or lodgers, and no more than 40 paying guests or lodgers may be supplied with lodging or meals at any time.
(m) No alcoholic beverages may be sold except to resident guests for consumption on the premises with meals.
(n) Guest rooms may not be converted to, or used as, separate self-catering dwelling units.
(o) Meals may only be supplied to guests or lodgers who have lodging on the property, employees, and the family residing in the guest lodge.
(p) No advertising sign may be displayed other than a single un-illuminated sign or notice not projecting over a public street in accordance with the Municipality’s policy or By-law on outdoor advertising and signage, and the sign may not exceed 1 m² in area.
“halfway house”

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

**Development parameters:**
The development parameters applicable to “dwelling house” apply.

“harvesting of natural resources”

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

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

**Development parameters:**
The development parameters applicable to “agriculture” apply.

“helicopter landing pad”

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

**Development parameters:**
As determined by the Municipality.

“home care facility”

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

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

**Development parameters:**
(a) The development parameters applicable to the primary use apply.
(b) The Municipality must require a site development plan for a home care facility.

“home child care”

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

**Development parameters:**

(a) The dominant use of the property must be for accommodation of a single family.
(b) The owner of the home child care activity must live on the property.
(c) Any new structure or alteration to the property to accommodate an additional use right must be compatible with the residential character of the area, particularly with regard to the
streetscape, and must be capable of reverting to use as part of the dwelling house, second dwelling, outbuilding, or shelter concerned.

(d) No more than 3 employees may be engaged by the owner for the home child care activity.
(e) No more than 6 children may be enrolled at the home child care facility at a time.
(f) The home child care services must primarily be day care or educational, not medical.
(g) The home child care services may not operate outside the hours 6:00 to 18:00 from Monday to Friday, and from 8:00 to 13:00 on Saturday. No home child care services are permitted on public holidays or Sundays.
(h) Areas for indoor play space and outdoor play space must be provided in accordance with any health requirement or a policy plan as might be approved by the Municipality from time to time, and outdoor play space must be fenced off from any public street or neighbouring property by a 1,8 metre-high fence or wall.
(i) No advertising sign may be displayed, other than a single un-illuminated sign or notice, not projecting over a public street, and the sign may not exceed 0,2 m² in area.
(j) At least one off-street parking bay must be provided, plus one additional parking bay which is suitable for drop off and collection of children. The Municipality may at any stage require additional on-site parking where, in the opinion of the Municipality, the home child care service does not have enough parking for its operations.

“home for the aged”

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

(a) includes—
   - (i) outbuildings as are normally used therewith; and
   - (ii) a frail care facility; and

(b) does not include—
   - (i) a dwelling house;
   - (ii) a hotel;
   - (iii) a bed and breakfast establishment; or
   - (iv) flats.

**Development parameters:**
The development parameters applicable to “boarding house”, apply.

“home occupation”

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

**Development parameters**

(a) The dominant use of the property must be for accommodation of a single family.
(b) The proprietor of the home occupation concerned must live on the property.
(c) Any new structure or alteration to the property to accommodate a home occupation must be compatible with the residential character of the area, particularly with regard to the streetscape, and must be capable of reverting to use as part of the dwelling house, second dwelling or outbuilding concerned.
(d) Not more than three employees may be engaged by the occupant in the home occupation concerned.
(e) No home occupation may include a noxious trade, risk activity, adult entertainment, adult services, adult shop, sale of alcoholic beverages, motor repair garage, funeral parlour or activities that are likely to generate a public nuisance, including but not limited to panel beating and spray painting, auto electrician, builder’s yard, welding works or joinery.
No goods for sale may be publicly displayed and no external evidence of the home occupation may be visible from a public street, except for an advertising sign in accordance with paragraph (g).

(g) No advertising sign may be displayed other than a single, un-illuminated sign or notice not projecting over a public street in accordance with the Municipality’s outdoor advertising and signage by-law, and the sign may not exceed 0,2 m² in area.

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

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

(j) The total area used for all home occupation activity on a land unit, including storage, may not consist of more than 25% of the total floor area of the dwelling units on the land unit or 50 m², whichever is smaller.

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

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

(m) The hours of operation of a home occupation may not extend beyond 8:00 to 17:30 from Monday to Friday, and 8:00 to 13:00 on Saturday. No home occupation operations are permitted on public holidays or Sundays.

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

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

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

“hospital”

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

(a) a clinic;

(b) medical consulting rooms;

(c) a pharmacy;

(d) a subservient restaurant; and

(e) a shop.

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

“hotel”

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

(a) includes—

(i) restaurants;

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

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

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

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

“house shop”

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

Development parameters:
(a) Development parameters applicable to “dwelling house”, “second dwelling” and “shelter” apply.
(b) Any new structure or alteration to the property to accommodate the “house shop” must be reconcilable with the residential character of the area, particularly with regard to the streetscape, and must be capable of reverting to use as part of the “dwelling house”, “second dwelling” or “shelter”.

“house tavern”

Land use description: “house tavern”
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(a) means an enterprise for the sale of alcoholic beverages including on site consumption, where the enterprise is conducted from a dwelling house, second dwelling, shelter or outbuilding, by one or more occupants who must reside on the property provided that the dominant use of the property concerned must remain for the living accommodation of the occupants; and
(b) does not include a distribution depot or any form of manufacturing of alcoholic beverages.

Development parameters:
Development parameters applicable to “dwelling house”, “second dwelling” and “shelter” apply.

Note: This zoning scheme does not make provision for a “house tavern” as a primary or consent use right in any use zone and existing legal enterprises may only be allowed as a non-conforming use.

“industrial hive”
Land use description: “industrial hive” means a complex of uniformly designed buildings, containing a mix of retail and manufacturing activities arranged in an orderly manner around common spaces including—
(a) common parking and access;
(b) light industry;
(c) service trade;
(d) storage facilities;
(e) service station;
(f) restaurant; and
(g) open air motor vehicle display.

Development parameters
The development parameters applicable to “light industry” apply.

“industry”
Land use description: “industry” means a property used as a factory and in which an article or part of the article is made, manufactured, produced, built, assembled, compiled, printed, ornamented, processed, treated, adapted, repaired, renovated, rebuilt, altered, painted (including spray painting), polished, finished, cleaned, dyed, washed, broken up, disassembled, sorted, packed, chilled, frozen or stored in cold storage; including offices, caretaker’s quarters, factory shop or other uses that are subservient and ancillary to the use of the property as a factory; and—
(a) includes—
(i) an industrial hive;
(ii) builder’s yard
(iii) funeral parlour;
(iv) service station;
(v) transport usage;
(vi) rooftop base telecommunications station;
(vii) freestanding base telecommunications station; and
(viii) warehouse and agricultural industry; and
(b) does not include a noxious trade, scrap yard or risk activity.

Development parameters:
(a) Floor factor and coverage
(i) The floor factor may not exceed 1.5.
(ii) The maximum coverage is 75%.
(b) Height
(i) The highest point of a building may not exceed 18 metres to the top of the roof.
(ii) The highest point of a stack of shipping or transport containers stored outside a building may not exceed 15 metres above average ground level.
(iii) The general provisions regarding earth banks and retaining structures in this By-law apply.
(c) **Street boundary building line**
   The street boundary building line is 0 metres, with a street centreline setback of at least 8 metres.

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

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

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

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

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

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

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

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

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

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**“informal trading”**

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

**Development parameters:**
As determined by the Municipality.

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**“institution”**

**Land use description:** “institution” —

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

(b) does not include a correctional facility.
Development parameters:
Development parameters applicable to “place of instruction” apply.

“intensive animal farming”

Land use description: “intensive animal farming”—
(a) means the breeding, feeding and keeping, on an intensive basis, of animals or poultry confided to buildings, or structures; and
(b) does not include the breeding, feeding and keeping of wildlife.

Development parameters:
Development parameters applicable to “agriculture” apply.

“intensive horticulture”

Land use description: “intensive horticulture” means the culture of plants on an intensive scale, including—
(a) the culture of plants under a roof or in greenhouses; and
(b) the sale of self-produced plants on a property.

Development parameters:
Development parameters applicable to “agriculture” apply.

“light industry”

Land use description: “light industry”—
(a) means an industry, not being a hazardous or offensive industry or involving use of hazardous or offensive storage establishment, and where the processes carried on, the transportation involved or the machinery or materials used do not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise;
(b) involves manufacturing that is less capital-intensive and requires less machinery than other types of manufacturing; and
(c) includes—
   (i) the manufacturing of consumer products, including electronics and clothing;
   (ii) warehousing;
   (iii) industrial hive;
   (iv) service trade;
   (v) service station;
   (vi) restaurant; and
   (vii) open air motor vehicle display.

Development parameters
(a) Floor factor
   The maximum floor factor on the land unit is 1.5.
(b) Coverage
   The maximum coverage for all buildings on a land unit is 75%.
(c) Height
   (i) No building may exceed a height of two storeys.
   (ii) The general provisions regarding earth banks and retaining structures in this By-law apply.
(d) Street building line
   The street building line is at least 5 metres.
(e) Side building line
   The side building line is at least 3 metres.
(f) Rear building line
   The rear building line is at least 3 metres.
(g) Boundary walls
Where a land unit has a common boundary with another land unit that is not zoned for industrial purposes, the Municipality may require a 1.8 metre-high wall to be erected to the satisfaction of the Municipality, along the common boundary.

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

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

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

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

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

(m) Site development plan
A site development plan must be submitted to the Municipality for its approval.

(n) Industrial hive
The following additional development parameters apply for an industrial hive, namely:
   (i) the design principles which are reflected in the definition of “industrial hive” must be closely followed and implemented;
   (ii) special attention must be given to aesthetics, architectural coordination, urban design and landscaping; and
   (iii) the Municipality may impose conditions specifying limits on the mix of retail and manufacturing activities, and the industrial hive may not allocate more than 50% of the total floor space to retail activities, shops or associated uses.

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

Development parameters:
The development parameters applicable to “shop” apply.

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

Development parameters:
The development parameters applicable to “office” apply.

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

Development parameters:
The following development management provisions apply:
(a) the owner must comply with national and provincial statutory requirements applicable to mining;
any application to rezone land to Industrial Zone IV must contain an explanation of the measures that will be implemented to address safety and environmental concerns that may be imposed as conditions of approval by the Municipality, including—

(i) control of drainage, sedimentation and erosion;
(ii) preservation of surface and substance water;
(iii) preservation of topsoil;
(iv) provision for restoration and the re-use of the site;
(v) provision for noise and visual buffering;
(vi) accommodation of heavy traffic and vehicles on roadways; and
(vii) a phased programme for rehabilitation; and

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

“mobile home”

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

Development parameters:
As determined by the Municipality.

“motor repair garage”

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

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

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

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

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

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

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

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

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

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

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

(cc) 10 metres from the corner of an intersection not described in items (aa) and (bb), if the intersection is not splayed, or 5 metres from the point where the splay meets the road boundary if the intersection is splayed; and
(dd) 1.5 metres from a side boundary; and
(v) no fuel pump may be erected so that the base or island on which the pump stands is less than 3.5 metres from the nearest street boundary.

“multiple parking garage”

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

Development parameters
Development parameters applicable to “business premises” apply.

“nature conservation area”

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

Development parameters:
(a) The Municipality may require an environmental conservation plan to be submitted for its approval.
(b) The Municipality must determine the land use restrictions and the development parameters for the property based on the objectives of this zoning, the particular circumstances of the property and, where applicable, in accordance with an approved environmental management plan.
(c) One dwelling house is allowed if no dwelling house exists on another portion of the land unit zoned for agriculture purposes or if the full extent of the land unit is zoned Open Space III.
(d) When a consent use to provide tourist facilities in a “nature conservation area” is approved, it is subject to conditions imposed by the Municipality with regard to layout, landscaping and building design.
(e) A site development plan must be submitted to the Municipality for its approval, clearly indicating the position of all structures, services and internal roads.

“nature reserve”

Land use description: “nature reserve” means a national park or some other nature area that is owned by a public authority or remains in private ownership and has been declared as a nature reserve or has a similar status in terms of legislation; it consists of an area that is utilised as a game park or reserve for fauna and flora in their natural habitat and—
(a) includes environmental facilities and worker accommodation; and
(b) does not include accommodation facilities for tourists or holiday makers.

Development parameters:
(a) An environmental management plan must submitted to the Municipality, SANParks or CapeNature for their approval or to all of them for approval.
(b) SANParks or CapeNature or both must, in consultation with the Municipality, determine the land use restrictions and the development parameters for the property based on the objectives of this zoning, the particular circumstances of the property, and in accordance with an approved environmental management plan.
(c) When consent uses to provide tourist facilities or tourist accommodation in a “nature reserve” are approved, conditions must be imposed with regard to density, layout, landscaping, and building design.
(d) A site development plan must be submitted to the Municipality for its approval, clearly indicating the position of all structures, stands, services and internal roads.
“neighbourhood shop”

Land use description: “neighbourhood shop” means a property used for the retail sale, principally, of convenience goods to the public and providing service almost exclusively to the inhabitants of a specific neighbourhood and its surrounding area, and—
(a) includes laundrette, hair salon, medical practitioner and clinic; and
(b) does not include a liquor store, shop, supermarket; service trade; or office.

Development parameters
The development parameters applicable to “shop” apply.
Despite the zero side and rear building lines, a 3-metre side or rear building line applies where a land unit zoned Business Zone III abuts on a residential zone.

“noxious trade”

Land use description: “noxious trade” means an industry that is offensive, poisonous or a potentially harmful use or activity that, because of the fumes, emissions, smell, vibration, noise, waste products, nature of material used, processes employed, or other cause, is considered by the Municipality to be a potential source of danger, nuisance or offence to the general public or persons in the surrounding area and includes—
(a) an abattoir; and
(b) a crematorium.
(c) rooftop base telecommunication station; and
(d) freestanding base telecommunication station.

Development parameters
The following development parameters apply:
(a) Floor factor
The maximum floor factor on the land unit is 2.
(b) Coverage
The maximum coverage for all buildings on the land unit is 75%.
(c) Height
(i) No height restriction applies to buildings used for a noxious trade, risk activity or manufacturing in this zone.
(ii) Buildings not used for noxious trade, risk activity or manufacturing purposes may not exceed a height of 18 metres to the top of the roof.
(iii) The general provisions regarding earth banks and retaining structures in this By-law apply.
(iv) The highest point of shipping or transport containers, when stored or stacked outside a building connected with a noxious trade, may not exceed 15 metres above average ground level.
(d) Building lines
(i) The street boundary building line is at least 5 metres.
(ii) The side and rear boundary building lines are at least 5 metres.
(e) Parking and access
Parking and access must be provided on the land unit in accordance with this By-law.
(f) Loading
Loading bays must be provided on the land unit in accordance with this By-law.
(g) Screening
The Municipality may require screening on the land unit in accordance with this By-law.
(h) Boundary walls
Where a land unit has a common boundary with another land unit that is not zoned Industrial Zone II or Industrial Zone III, the Municipality may require a 1.8 metre-high wall, of the quality and with finishings to the satisfaction of the Municipality, to be erected along the common boundary.
(i) **Hazardous substances**
Despite the fact that an activity constitutes a primary use right in terms of this zone, no activity or use that includes the on-site storage of hazardous substances is permitted unless a risk management and prevention plan has been submitted to the Municipality for its approval. The risk management and prevention plan must include guidelines approved by the Municipality to prevent or minimise danger to the environment or humans from a particular activity or series of activities, and to deal with the consequences of any dangerous event involving the hazardous substances.

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

(k) **Site development plan**
The Municipality may require a site development plan to be submitted for its approval.

“occasional use”
**Land use description:** “occasional use” means a temporary departure granted by the Municipality for a specific occasion or event including—
(a) craft markets;
(b) circuses;
(c) religious gatherings;
(d) film shoots;
(e) builder’s yards;
(f) seasonal camping sites; and
(g) other outdoor events.

**Development parameters:**
The following development parameters apply:
(a) the applicant must provide parking and toilet facilities to the satisfaction of the Municipality.
(b) the temporary activities may not extend for a continuous period of more than 30 days;
(c) despite paragraph (b), the Municipality may determine a longer period for a builder’s yard; and
(d) the Municipality may withdraw the approval by written notice to the applicant if any condition of approval is not complied with or if, in the opinion of the Municipality, the occasional use concerned creates a public nuisance.

“office”
**Land use description:** “office” means property used for the conducting of an enterprise primarily concerned with administrative, clerical, financial or professional duties, and includes—
(a) medical consulting rooms; and
(b) a clinic.

**Development parameters**
The following development parameters apply:
(a) **Floor factor**
The floor factor may not exceed 1.
(b) **Coverage**
Coverage may not exceed 60%
(c) **Street centre line setback**
The municipality may require that all buildings or structures on the land unit are set back at least 6,5 metres from the centre line of the abutting street or streets.
(d) **Height**
   (i) The highest point of a building may not exceed 11 metres from average ground level to the top of the roof.
   (ii) The general provisions regarding earth banks and retaining structures in this By-law apply.
(c) **Building lines**

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

(ii) The side and rear building lines are at least 3 metres.

(iii) Despite subparagraph (ii), the side building lines for properties smaller than 650 m² must be 0 metres for the first 12 metres measured perpendicular from the street boundary; 0 metres for 60% of total remaining linear distance along all side and rear boundaries around the land unit; and 3 metres for the remainder.

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

(f) **Garages and carports**

(i) A garage or carport is permitted within the common boundary building line provided the garage or carport—

   (aa) does not exceed 3.5 metres to the top of the roof; and

   (bb) does not contain more than a double garage façade with a maximum width of 6.5 metres.

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

   (i) A garage or carport is permitted within the common boundary building line provided the garage or carport—

      (aa) does not exceed 3.5 metres to the top of the roof; and

      (bb) does not contain more than a double garage façade with a maximum width of 6.5 metres.

   (ii) For land units of 650 m² and less, a garage or carport is permitted up to 1.5 metres from the street boundary provided the garage or carport—

      (aa) does not exceed 3.5 metres to the top of the roof; and

      (bb) does not contain more than a double garage façade with a maximum width of 6.5 metres.

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

(g) **Parking and access**

Parking and access must be provided on the land unit in accordance with this By-law, except in a case where the Municipality has approved alternative parking supply under section 43.1.

(h) **Loading**

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

(i) **Screening**

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

(j) **Canopy or balcony projection**

Canopy and balcony projections for “business premises” apply.

(k) **Refuse room**

The Municipality may require a refuse room to be provided on the land unit in accordance with this By-law.

“off-road trail”

**Land use description:** “off-road trail” means a series of roads, tracks and routes designed for recreational use and—

(a) includes buildings and facilities normally required for the administration and maintenance of the trail; and

(b) does not include tourist accommodation or tourist facilities.

**Development parameters:**

The development parameters applicable to “agriculture” apply.

“open air motor vehicle display”
**Land use description:** “open air motor vehicle display” means the display of motor vehicles for the purpose of trading under open air where the open air area does not form part of a covered showroom and where shade cloth may not be construed as a permanent method of covering.

**Development parameters:**
The development parameters of “shop”, apply.

**“outdoor trading and dining”**

**Land use description:** “outdoor trading and dining” means the regular and daily use of land in an outdoor setting for the selling of goods and food, and includes outdoor dining and seating, and where such activities typically takes place in the open air, and/or from temporary structures such as stalls, tents or caravans, and may also take place in permanent open structures which provide protection from the elements whilst in an open-air setting.

**Development parameters:**
(a) The Municipality must require a site development plan for outdoor trading and dining.
(b) The site development plan as approved by the Municipality constitutes the development parameters.
(c) The provisions for a site development plan in this By-law apply.

**“place of assembly”**

**Land use description:** “place of assembly”—
(a) means a place that has a civic function to serve the social and community needs of an area, may attract people in relatively large numbers and is not used predominantly for a commercial enterprise;
(ba) includes a civic hall, concert hall, indoor sports centre, gymnasium, sport stadium, and club house; and
(cb) does not include a place of entertainment, or conference facility.

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

**“place of entertainment”**

**Land use description:** “place of entertainment” means a place used predominantly for commercial entertainment and may include a bar, stage for live music, one or more dance floor areas, a DJ booth, and which may attract relatively large numbers of people, operate outside normal business hours or generate noise from music or revelry on a regular basis, including—
(a) a nightclub;
(b) disco;
(c) dance club;
(d) club; and
(e) a place of leisure

**“place of entertainment”**

**Land use description:** “place of entertainment” means a place used predominantly for commercial entertainment that may attract relatively large numbers of people, operate outside normal business hours or generate noise from music or revelry on a regular basis, including—

a. a cinema;
b. theatre;
c. amusement park;
d. dance hall;
e. ball room hall;
f. gymnasium;
g. sport centre;
h. skating rink;
i. pool room;
Development parameters:
The following development parameters apply:
(a) As determined by the Municipality.
(b) The Municipality may require a site development plan to be submitted for its approval in accordance with this By-law.
Development parameters applicable to “business-premises” apply.

“place of instruction”: “place of instruction”—
(a) means a place for education or training at pre-school, school or post-school levels;
(b) includes a crèche, nursery school, primary school, secondary school, college, university or research institute;
(c) includes ancillary uses including—
   (i) a boarding hostel,
   (ii) sports and recreation centre,
   (iii) a civic facility for the promotion of knowledge to the community including—
      (aa) a public library,
      (bb) place of worship,
      (cc) public art gallery,
      (dd) museum;
   (ee) place of instruction in sport where the main objective is instruction rather than participation of the public as competitors or spectators; and
(c) does not include a reformatory or commercial conference facility.

Development parameters:
(a) Floor factor
The maximum floor factor is 1.2.
(b) Coverage
The maximum coverage is 60%.
(c) Height
   (i) The highest point of a building to the top of the roof may not exceed 12 metres, provided that there is no height limit for a bell tower, steeple, minaret or similar architectural feature designed to accentuate the significance of a building.
   (ii) The general provisions regarding earth banks and retaining structures in this By-law apply.
(d) Building lines
   (i) The street building line is at least 5 metres.
   (ii) Side and rear building lines are at least 5 metres.
   (iii) The general building line encroachments in this By-law apply.
(e) Parking and access
Parking and access must be provided on the land unit in accordance with this By-law.
(f) Loading bays
Loading bays must be provided on the land unit in accordance with this By-law.
(g) Screening
The Municipality may require screening in accordance with this By-law.
(h) Noise mitigation
The Municipality may require the owner to install noise mitigation measures if excessive noise is created or likely to be created.
(i) **Refuse room**
A refuse room must be provided on the land unit in accordance with this By-law.

**“place of leisure”**

**Land use description:** “place of leisure” means a place used predominantly for commercial leisure activities that may attract relatively large numbers of people, operate outside normal business hours or generate noise from such activities on a regular basis, including—

(a) a cinema;
(b) theatre;
(c) amusement park/centre;
(d) dance hall;
(e) ball room hall;
(f) gymnasium;
(g) sport centre;
(h) skating rink;
(i) pool room;
(j) pub; and
(k) a sports and recreation centre.

**Development parameters:**
The following development parameters apply:
(a) As determined by the Municipality.
(b) The Municipality may require a site development plan to be submitted for its approval in accordance with this By-law.

**“place of worship”**

**Land use description:** “place of worship”—

(a) means a church, synagogue, mosque, temple, chapel or other place for practising a faith or religion, provided that a dwelling where the occupants engage in worship does not constitute a place of worship;
(b) includes ancillary uses such as a religious leader’s dwelling, office, function hall, or place for religious instruction; and
(c) does not include a funeral parlour, cemetery or crematorium,

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

**“plant nursery”**

**Land use description:** “plant nursery” means a property used for one or more of the following uses as a commercial enterprise:

(a) cultivation of plants;
(b) sale of plants; and
(c) sale of gardening products and gardening equipment.

**Development parameters:**
Development parameters applicable to “agriculture” apply.

**“private open space”**

**Land use description:** “private open space”—

(a) means land not designated as public open space and that is used primarily as a private site for sport, play, rest or recreation, or as a park or nature conservation area;
(b) includes ancillary buildings, infrastructure, and public land that is or will be leased on a long term basis; and
(b) does not include shops, restaurants and gymnasiums.
Development parameters:
The following development parameters apply:

(a) the Municipality must require a site development plan to be submitted for its approval; and
(b) the site development plan as approved by the Municipality constitutes the development parameters for a primary use and, if applicable, a consent use.

“private parking”

Land use description: “private parking” means property reserved exclusively for parking purposes and that is not normally accessible to the general public.

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

“private road”

Land use description: “private road”—
(a) means privately owned land designated as a private road that provides vehicle access to a separate cadastral property or properties;
(b) includes utility services and ancillary access control infrastructure, including a gatehouse, guardhouse, refuse room and utility room; and
(c) does not include a driveway on a property, or a servitude right of way over a property as these do not constitute private roads for the purpose of this zoning scheme.

Development parameters:
As determined by the Municipality.

“prospecting”

Land use description: “prospecting” means the first stage of physical search for minerals, fossils, precious metals or mineral specimens and may be granted as a temporary departure from this By-law by the Municipality since it does not constitute a primary, consent or occasional use right in terms of this By-law.

Development parameters:
As determined by the Municipality.

“public open space”

Land use description: “public open space”—
(a) means land, with or without access control—
   (i) owned by the Municipality or other an organ of state public authority;
   (ii) not leased out by the Municipality or that other authority on a long-term basis,
   (iii) set aside for the public as an open space for recreation or outdoor sport and designated as public open space; and
(b) includes a park, playground, public or urban square, picnic area; public garden, nature area and ancillary buildings and infrastructure.

Development parameters:
The following development parameters apply:

(a) the Municipality must require a site development plan to be submitted for its approval; and
(b) the site development plan as approved by the Municipality constitutes the development parameters for a primary use, if applicable, and a consent use.

“public parking”

Land use description: “public parking” means property that is accessible to the general public for parking purposes with or without a fee and/or access control.
Development parameters:
A site development plan must be submitted to the Municipality for its approval. The site development plan as approved constitutes the development parameters for the public parking.

“public street”

Land use description: “public street” means any land, owned by or vesting in the Municipality, indicated on an approved plan, diagram or map as having been set aside as a public thorough way for vehicles and pedestrians and includes—
(a) open public parking areas;
(b) sidewalks;
(c) those parts of a public place that are travelled parts;
(d) informal trading; and
(e) appropriate and necessary street furniture and infrastructure, including reticulation networks that does not present any threat to the safety or obstruct or inhibit free movement of pedestrians.

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

“quarry”

Land use description: “quarry” means a place from which dimension stone, rock, construction aggregate, riprap, sand, gravel or slate is excavated from the ground. A quarry is a type of open-pit mine that produces building materials and dimension stone.

Development parameters:
(a) Development parameters applicable to “agriculture” together with additional parameters determined by the Municipality apply.
(b) If a quarry is approved as a consent use in Agricultural Zone I, the consent may only be granted for the number of years equal to the expected lifetime of the quarry concerned.
(c) The owner must comply with national and provincial statutory requirements applicable to mining.
(d) Any application to rezone land to Industrial Zone IV must set out the measures that will be implemented to address safety and environmental concerns including—
   (i) control of drainage, sedimentation and erosion;
   (ii) preservation of surface and substance water;
   (iii) preservation of topsoil;
   (iv) provision for restoration and the re-use of the site;
   (v) provision for noise and visual buffering;
   (vi) accommodation of heavy traffic and vehicles on roadways; and
   (vii) a phased programme for rehabilitation.
(e) The Municipality may impose the measures to address safety and environmental concerns as conditions of approval.
(f) A site development plan must be submitted to the Municipality for its approval.

“rehabilitation centre”

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

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

“renewable energy structure”

Land use description: “renewable energy structure”—
(a) means any wind turbine, solar energy generating apparatus, including solar photo-voltaic and concentrated solar thermal, hydro turbines or bio mass facility or any grouping thereof, that captures and converts wind, solar radiation or bio mass into energy for commercial gain; and

(b) includes any appurtenant structure necessary for, or directly associated with, generation of renewable energy, or any test facility or structure that may lead to the generation of energy on a commercial basis, excluding electrical grid connections.

Development parameters:

(a) Height
   (i) The maximum height of a renewable energy structure is technology dependent.
   (ii) The height of buildings may not exceed 8,5 metres from natural ground level to the top of the roof.

(b) Setback
   In the case of a wind turbine the setback is—
   (i) a distance equal to 1,5 times the overall blade tip height of the turbine, measured from the nearest residential, commercial or critical agricultural structures including animal housing, outbuildings, store rooms, excluding structures such as water troughs, feed dispensers, and windmills;
   (ii) a distance of 100m from the cadastral boundary of the land unit, unless the renewable energy structure straddles two or more cadastral boundaries, in which case no setback applies;
   (iii) a distance of 100m from any public road or private or public right of way, unless it provides access to the turbine;
   (iv) a distance of 100m from any electrical infrastructure; and
   (v) a distance of 1000m from towns, settlements or urban areas.

(c) Site development plan
   (i) A site development plan must be submitted to the Municipality for its approval.
   (ii) The site must be surveyed and the exact delineation of the construction footprint must be shown in the site development plan.
   (iii) To the extent necessary, any relevant measures contained in these regulations must be incorporated into the site development plan submitted to the Municipality for approval.

(d) Land clearing, soil erosion and habitat impact
   (i) The clearing of natural vegetation is limited to that which is necessary for the construction, operation and maintenance of the renewable energy structure as regulated by applicable environmental legislation.
   (ii) Wind turbines, solar structures, access roads and other infrastructure must be located to minimise damage to natural vegetation, water courses and wetlands.
   (iii) All land cleared that does not form part of the footprint of a renewable energy structure must be rehabilitated according to a rehabilitation plan for the land concerned, approved by the Municipality.
   (iv) Constructing or operating the renewable energy structure may not cause soil erosion, and any high-risk erosion areas must be rehabilitated by the operator, to the satisfaction of the Municipality.
   (v) The applicant must prove, to the satisfaction of the Municipality, that planning for the renewable energy structure concerned has taken into account and mitigated the risk of all impacts on, and necessary distances that should be maintained from, wetlands, water bodies, threatened ecosystems, mountains, ridges, hills, coastal buffers, settlements, telecommunication towers, transmission towers and power lines.
   (vi) The applicant must provide exact coordinates relevant to land clearing, soil erosion and habitat impact to assist the Municipality to evaluate the risk of possible negative environmental impacts of the renewable energy structure concerned.
(e) **Noise, air quality and nuisance**
The renewable energy structure may not exceed a noise limit of 45 dB(A) during the night and 55 dB(A) during the day at the nearest dwelling.

(f) **Finishing, colour and design**
(i) A wind turbine structure must be treated with a neutral, non-reflective exterior colour and designed to blend in with the surrounding natural environment, to the satisfaction of the Municipality.
(ii) A solar structure must minimise any adverse effects related to its reflective surfaces and must be designed and built in a way that mitigates this impact, as required by the Municipality.

(g) **Appurtenant structures**
(i) All appurtenant structures to a renewable energy structure prescribed by the Municipality concerning bulk, height, yard sizes, building lines, open space, parking and building coverage requirements are subject to applicable by-laws.
(ii) Appurtenant structures, including equipment shelters, storage facilities, transformers and sub-stations must be architecturally compatible with the receiving environment as required by the Municipality, and contained within a renewable energy structure site development plan submitted for approval by the Municipality.
(iii) Appurtenant structures may only be used for the storage of equipment or other uses directly related to the operation of the particular facility that they are associated with.
(iv) Appurtenant structures must be screened from view by indigenous vegetation or be joined and clustered to minimise adverse visual impacts.

(h) **Lighting**
(i) A renewable energy structure or any part of such a structure may only be lit for safety and operational purposes and the lighting must be appropriately screened from abutting land units.
(ii) A renewable energy structure must comply with the lighting air safety requirements of the South African Civil Aviation Authority in terms of the Civil Aviation Act, 2009 (Act 13 of 2009).

(i) **Signage and advertising**
Signs on renewable energy structures must comply with the laws regulating signage and be limited to signage necessary to—
(i) identify the operator;
(ii) provide 24-hour emergency contact numbers; and
(iii) provide warning of any dangers associated with the structure.
No commercial advertising, including advertising for the provider or operator, may be displayed on any renewable energy structure.

(j) **Maintenance**
The owner is responsible for maintaining a renewable energy structure in good condition, including any access road, unless deemed a public way, and for paying the cost of repairing any damage resulting from construction or operation. Maintenance includes—
(i) painting;
(ii) structural repairs;
(iii) rehabilitation measures; and
(iv) the upkeep of security and safety measures.

(k) **Modification**
Any modification to a renewable energy structure, excluding inconsequential in situ technical improvements, made after approval and that is not in accordance with the approval and conditions of approval, requires authorisation from the Municipality within the parameters of these regulations by means of—
(i) the amendment of approved conditions;
(ii) a new consent use approval;
(iii) amendment of the approved site development plan; or
amendment of the approved building plan.

(i) **Decommissioning**

(i) Any renewable energy structure and associated infrastructure that has reached the end of its productive life or has been abandoned, including buildings, cables and roads, must be removed by the owner.

(ii) A renewable energy structure is considered abandoned when the structure fails to continuously operate for more than two years.

(iii) When a renewable energy structure is scheduled to be decommissioned or operations have been discontinued or it has been abandoned, the land owner must, by registered mail, notify the Municipality within 30 days after the operation ceased, and of plans for removal of the structure and infrastructure referred to in subparagraph (i).

(iv) The owner is responsible for the removal of the structure in all its parts, within 150 days after the date of discontinued operation, or as agreed upon by the Municipality after submission of a plan for decommissioning. The Municipality may grant an extension of the deadline for removing the structure and its parts. The land must then be rehabilitated by the owner, to the satisfaction of the Municipality, to the condition prescribed in the approved environmental management plan and the approved decommissioning plan.

(v) Decommissioning must include—

(a) the removal of all renewable energy structures and appurtenant structures, including equipment, bases, foundations, security barriers and transmission lines directly related to the renewable energy;

(b) disposal of all solid and hazardous waste in accordance with provincial and local waste disposal regulations; and

(c) the stabilisation and re-vegetation of the site with indigenous vegetation to minimise erosion.

(vi) The Municipality may, in order to minimise erosion and disruption to natural vegetation and habitats, grant permission to the owner to depart from the decommissioning plan in respect of removing landscaping, underground foundations or other underground components, provided these do not cause any pollution.

(vii) Before the construction of the renewable energy structure commences, the owner must make financial provision or an alternative reasonable arrangement, to the satisfaction of the Municipality, for protection against failure by the owner to comply with the obligations in terms of this By-law and in the event of the owner being unable to fulfil the necessary financial obligations for the rehabilitation or management of the negative environmental impact of decommissioning or of abandonment.

(viii) If the owner fails to remove the structure or its parts in accordance with the requirements of these regulations within 150 days of abandonment or the date of decommissioning or an approved extension date, the Municipality may enter the property and remove the structure and its parts, and recover all removal costs incurred from the owner.

(ix) If the owner fails to meet the requirements of subitem (i), the Municipality may, after written notice to the owner, use all or part of the financial provision or other provision referred to in subitem (vii) to rehabilitate or manage the negative environmental impact concerned, or to remove the facility.
“resort shop”

Land use description: “resort shop” means a shop that provides for the daily needs of transient guest of a holiday resort or camping site.

Development parameters:
The floor space of a resort shop may not exceed 100 m².

“restaurant”

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

Development parameters:
Development parameters applicable to “business premises” apply.

“retirement resort”

Land use description: “retirement resort” means estate housing, flats, group housing or town housing that conforms to the following additional conditions:

(a) each dwelling unit must be occupied by a retiree or pensioner or by a family of which at least one member is a retiree or pensioner; and

(b) a full spectrum of frail care and other facilities reasonably associated with a retirement resort may be provided at the retirement resort.

Development parameters:
Development parameters applicable to the primary use apply.

Development parameters applicable to “estate housing” apply.

“riding school”

Land use description: “riding school” means a place or undertaking for the leasing of horses and riding instructions against payment, and includes the care and stabling of the horses.

Development parameters:
Development parameters as applicable to “agriculture” apply.

“risk activity”

Land use description: “risk activity” means an undertaking where the material handled or the process carried out is liable to cause extremely rapid combustion, give rise to poisonous fumes, or cause explosion, and includes major hazardous installations and activities involving dangerous and hazardous substances that are controlled in terms of national legislation.

Development parameters:
Development parameters applicable to “agriculture” apply.

“rooftop base telecommunication station”

Land use description: “rooftop base telecommunication station” means a support structure attached to the roof, side or any part of a building and used to accommodate telecommunication infrastructure for the transmitting or receiving of electronic communication signals.
Development parameters:
The general provisions of section 31 of this By-law apply.

“scrap yard”
Land use description: “scrap yard” means a property that is utilised for one or more of the following purposes:
(a) storing, depositing or collecting of junk, scrap material or articles that have value depending mainly or entirely on the material used during their manufacture;
(b) the dismantling of second-hand vehicles or machines to recover components or material; and
(c) the storage or sale of second-hand parts, poles, steel, wire, lumber yards, tyres, bricks, containers or other articles suited to being left in the open.

Development parameters:
Development parameters applicable to “industry” apply.

“second dwelling”
Land use description: “second dwelling” means another dwelling that may, in terms of this By-law, be erected on a land unit where a dwelling house is also permitted; and the second dwelling may be a separate structure or attached to an outbuilding or may be contained in the same structure as the dwelling house; provided that—
(a) a second dwelling may only be erected in a use zone where provision has been made in column 2 of the table set out in Schedule 1 for a second dwelling unit as a consent use; and
(b) the second dwelling must remain on the same land unit as the dwelling house and not be alienated separately.

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

(a) the total floor space of a second dwelling may not exceed 150 m² including the floor space of all ancillary buildings;
(b) a second dwelling must be constructed in a style that is similar to the architecture of the main dwelling house;
(c) a second dwelling that is a separate structure to a dwelling house may not exceed a height of 6,5 metres to the top of the roof;
(d) a second dwelling that is contained within the same building as a dwelling house must be designed so that the building appears to be a single dwelling house; 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 may not in itself be sufficient reason for the Municipality to grant an application in terms of planning law to subdivide the land unit containing the dwelling units; and
(a)(f) the construction of a second dwelling is subject to the Municipality’s municipal services department certifying that adequate services network capacity is available to serve the needs of the second dwelling.
the total floor space of a second dwelling unit may not exceed 150 m² including the floor space of all ancillary buildings;
a second dwelling must be constructed in a style that is similar to the architecture of the main dwelling house;
a second dwelling that is a separate structure to a dwelling house may not exceed a height of 6 metres to the top of the roof;
a second dwelling may not be alienated by means of sectional title within any type of single residential zone;
a second dwelling that is contained within the same building as a dwelling house must be designed so that the building appears to be a single dwelling house; both units may have a ground floor, or one unit may be on the ground floor and the other unit above;
the existence of a second dwelling may not in itself be sufficient reason for the Municipality to grant an application in terms of planning law to subdivide the land unit containing the dwelling units; and

the construction of a second dwelling is subject to the Municipality’s municipal services department certifying that adequate services network capacity is available to serve the needs of the second dwelling.

“service station”

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

(a) may include uses including washing of vehicles, a convenience shop and a restaurant; and

(b) does not include spray-painting, panel beating, motor repair garage, open air motor vehicle display or truck stop.

**Development parameters:**

The development parameters applicable to “shop” apply. The following additional development parameters apply:

(a) A site development plan must be submitted to the Municipality for its approval. The site development plan must at least address matters pertaining to vehicle access, risk management of fuel pumps and fuel storage areas, screening and minimising any visual intrusion or operational disturbance with adjoining properties.

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

(c) Any service station must comply with the following access requirements:

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

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

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

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

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

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

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

(dd) 1.5 metres from a side boundary.

(d) No fuel pump may be erected so that the base or island on which the pump stands is less than 3.5 metres from the nearest street boundary.

“service trade”

**Land use description:** “service trade” means an enterprise—

(a) primarily involved in the rendering of a service for the local community including the repair of household appliances or the supply of household services;

(b) not likely to be a source of disturbance to surrounding properties;

(c) that employs at most 10 people;
not likely, in the event of fire, to cause extremely rapid combustion, give rise to poisonous fumes or cause explosions;

that includes laundry, bakery, dairy depot, and similar types of uses; and

that does not include an abattoir, brick-making site, builder’s yard, sewage works, service station, open air motor vehicle display or motor repair garage.

Development parameters
The development parameters applicable to “shop” apply.

“shelter”

**Land use description:** “shelter” means a unit of accommodation, intended for human occupation with outbuildings as are ordinarily used with a dwelling unit, constructed of any material whatsoever, even though the material may not comply with the standards of durability intended by the National Building Regulations, and includes—

(a) renewable energy structures for household purposes;
(b) home occupation;
(c) a bed and breakfast establishment; and
(d) home child care.

Development parameters:

(a) It is the sole responsibility of the occupant or owner of the shelter to ensure the structural, habitability, fire resistance or other standards of a shelter.
(b) The Municipality may instruct any occupant or owner of a shelter to take action to remedy a public safety, health or fire risk.
(c) The dominant use of the unit must remain residential.
(d) No noxious trade, risk activity, adult entertainment, adult services or adult shop is permitted in a shelter.
(e) No activities may be carried out in a shelter that constitute or are likely to constitute a source of nuisance, including the use of equipment that generates excessive noise, or any activity that results in the generation of dust, fumes, smoke, or waste material that could be detrimental to health, or requires special waste removal processes.
(f) The Municipality may, at any stage, call for a cessation of the land use or activity, or impose conditions in order to minimise any potential nuisance to surrounding neighbours or the general public.
(g) **Coverage**

There is no restriction on coverage.

(h) **Height**

A shelter structure may not exceed two storeys and its height is restricted to 8,5 metres to the top of the shelter.

(i) **Building lines**

(i) Side building lines are at least 1 metre on one side or 1,5 metres in the case where the shelter has windows or doors.
(ii) If a midblock sewage system is present, a rear building line of up to 2 metres may be required by the Municipality.
(iii) The street building line is 1 metre, if required by the Municipality.

“shooting range”

**Land use description:** “shooting range” means an enclosed indoor facility or demarcated outdoor area designed, built or constructed and utilised by a person as a firing range with targets for the usual, regular, and primary activity of controlled firearm practice, shooting competitions, or firearm training on a commercial basis, and—

(a) may be restricted to certain types of arms, handguns or rifles, or can specialize in certain shooting sports;
(b) must be constructed or designed in such a way, or where the improvements, size, geography, and vegetation of the area are such that any misdirected shot, that can reasonably be
expected to be fired towards the targets, would not reasonably be expected to leave the range or otherwise pose a threat to live or property; and
(c) may include ancillary activities, buildings and structures.

Development parameters:
(a) The Municipality must require a site development plan for a shooting range.
(b) The site development plan as approved by the Municipality constitutes the development parameters.
(c) The provisions for a site development plan in this By-law apply.

“shop”

Land use description: “shop” means property used for the retail sale of goods and services to the public, and—
(a) includes a retail concern where goods that are sold in the concern are manufactured or repaired, a funeral parlour, ancillary sale of alcoholic beverages, flats above ground floor, service trade, clinic and the sale of motor vehicles; and
(b) does not include a hotel, industry, supermarket, motor repair garage, open air motor vehicle display, service station, restaurant, adult entertainment, adult services, adult shop or a liquor store.

Land-use description: “shop” means property used for the retail sale of goods and services to the public, and—
(a) includes a retail concern where goods that are sold in the concern are manufactured or repaired, a funeral parlour, service trade, clinic and the sale of motor vehicles; and
(b) does not include a hotel, industry, supermarket, motor repair garage, open air motor vehicle display, service station, restaurant, adult entertainment, adult services, adult shop or sale of alcoholic beverages.

Development parameters:
The following development parameters apply:
(a) Floor factor
The maximum floor factor on the land unit is 1.
(b) Coverage
The maximum coverage of all buildings on a land unit is 75%.
(c) Height
(i) The maximum height of a building is 12 metres to the top of the roof.
(ii) The general provisions regarding earth banks and retaining structures in this By-law apply.
(d) Street centreline setback
The Municipality may require a street centreline setback, in which case all buildings or structures on the land unit must be set back 8 metres from the centre line of the abutting public street or streets.
(e) Street boundary building line
The street boundary building line is 0 metres, subject to the following conditions:
(i) the street centreline setback restriction in subparagraph (d);
(ii) minor architectural and sunscreen features may project beyond the street boundary building line provided that such features do not project more than 250 millimetres beyond the street boundary; and
(iii) for service stations, the street boundary building line is 5 metres subject to the general building line encroachments in this By-law.
(f) **Side and rear boundary building lines**
The side and rear boundary building lines are 0 metres.

(g) **Canopy projection**
The Municipality may approve a canopy projection over the street boundary in accordance with the following conditions:
   (i) the canopy may not project nearer than 500 millimetres to a vertical plane through the kerb line or proposed kerb line;
   (ii) no portion of a canopy projection may be less than 2.8 metres above the pavement;
   (iii) the Municipality may lay down more restrictive requirements relating to the dimensions, design and materials of the canopy; and
   (iv) the owner must enter into an encroachment agreement with the Municipality in the case of a canopy projection.

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

(j) **Parking and access**
Parking and access must be provided on the land unit in accordance with this By-law, except in a case where the Municipality has approved alternative parking supply under subsection 43.(1).

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

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

(m) **Repair or manufacturing concern in a shop**
The floor space relating to any manufacturing or repair concern in a shop may not comprise more than 40% of the floor space of the shop.

(n) **Refuse room**
The Municipality may require a refuse room to be provided on the land unit in accordance with this By-law.

(o) When a shop is approved as a consent use in Business Zone V, the total floor space of the shop or shops may not exceed 5% of the floor space of the building.

“smallholding”

*Land use description:* “smallholding” means an extensive landholding, including a dwelling house that is primarily a place of residence on which small scale agricultural activities may take place.

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**Development parameters:**
Development parameters applicable to “agriculture” apply, except that the following building lines apply:

(a) 10 metres from any boundary in respect of properties smaller than 2 hectares;

(b) 20 metres from any boundary in respect of properties smaller than 4 hectares; and

(c) 30 metres from any boundary in respect of properties larger than 4 hectares.

"sports and recreation centre"

*Land use description:* “sports and recreation centre” means an outdoor or indoor sports and recreation facility which may be public or privately owned and which may include sports grounds and fields, golf courses, a sports stadium, as well as ancillary and subservient facilities and amenities like a clubhouse with a restaurant and shop, gymnasium, ablution facilities, stores, and related administrative buildings.

**Development parameters:**
(a) The Municipality must require a site development plan for a sports and recreation centre.
(b) The site development plan as approved by the Municipality constitutes the development parameters.
(c) The provisions for a site development plan in this By-law apply.

\textbf{Land use description:} “\textit{smallholding}” means an extensive landholding, including a dwelling house that is primarily a place of residence on which small-scale agricultural activities may take place.

\textbf{Development parameters:}

(a) Development parameters applicable to “agriculture” apply, except that the following building lines apply:
   (i) 10 metres from any boundary in respect of properties smaller than 2 hectares;
   (ii) 20 metres from any boundary in respect of properties smaller than 4 hectares; and
   (iii) 30 metres from any boundary in respect of properties larger than 4 hectares.

(b) Any newly created smallholding areas must be situated within the urban edge of a town.

“\textit{supermarket}”

\textbf{Land use description:} “\textit{supermarket}” means a shop having a total floor space in excess of 400 m², where a range of goods, including foodstuff and household goods, is offered for sale on a predominantly self-service basis.

\textbf{Development parameters:}

Development parameters applicable to “shop” apply.

“\textit{telecommunication infrastructure}”

\textbf{Land use description:} “\textit{telecommunication infrastructure}”—

(a) means any part of the infrastructure of a telecommunication network for radio or wireless communication;
(b) includes voice, data and video telecommunications, including antennae, any support structure, equipment room, radio equipment or optical communications equipment (laser or infra-red);
(c) includes ancillary structures needed for the operation of telecommunication infrastructure; and
(d) does not include fibre optic installations and point-to-point copper (cable) installation and rooftop base telecommunication stations.

\textbf{Development parameters:}

As determined by the Municipality.

“\textit{tourist accommodation}”

\textbf{Land use description:} “\textit{tourist accommodation}” means a harmoniously designed and built holiday development, used for holiday or recreational purposes, whether in private or public ownership, that—

(a) consists of a single enterprise that provides overnight accommodation by means of short-term rental or time sharing only;
(b) may include the provision of a camping site, caravan park, chalets or mobile home park, resort shop, private or public roads; and
(c) does not include a hotel or wellness centre.

\textbf{Development parameters:}

(a) When land is rezoned to Resort Zone 1, the Municipality must impose conditions with regard to density, layout, landscaping, and building design.
(b) A site development plan must be submitted to the Municipality for its approval, clearly indicating the position of all structures, stands, services and internal roads.
Provided that if a hotel or wellness centre is approved as a consent use within Resort Zone I, the following additional conditions apply:

(i) rooms may not be alienated by means of sectional title;
(ii) the hotel may not accommodate more than 50% of the number of accommodation units;
(iii) the architectural design of the hotel or wellness centre must conform to that of the rest of the resort; and
(iv) the maximum height for the hotel or wellness centre is 6 metres to the wall plate in all cases and 8.5 metres to the top of the roof in the case of a pitched roof.

“tourist facilities”

Land use description: “tourist facilities” means amenities for tourists or visitors and—

(a) includes lecture rooms, restaurants, gift shops, restrooms, farmers’ market and recreational facilities; and
(b) does not include an off-road trail, a hotel, wellness centre; or tourist accommodation.

Development parameters:
Development parameters applicable to “agriculture” apply.

“town housing”

Land use description: “town housing” means a row or group of linked or attached dwelling units, planned, designed and built as a harmonious architectural entity where every dwelling unit has a ground floor and dwelling units may be cadastrally subdivided.

Development parameters:
The development parameters of “group housing” apply, provided that:

(a) Density
   The maximum gross density on a town housing site is 60 dwelling units/hectare.
(b) Open space
   The open space requirements for group housing do not apply to town housing.
(c) Coverage
   The maximum coverage for all buildings on a land unit is 60%.

“transport use”

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

(a) includes the use of that land, building or structure for the purpose of a harbour, railway station, bus depot or taxi interchange, and a transport undertaking;
(b) includes a public-private undertaking including a railway station, bus depot, multiple parking garage, taxi rank, public transport interchange, harbour and ancillary purposes; and
(c) does not include an airport, airfield; or helicopter landing pad.

Development parameters:
Development parameters applicable to “business premises” apply.

“truck stop”

Land use description: “truck stop” means a facility with direct access from a freeway, inner city road or major transport route that—

(a) provides a range of rest, service and fuelling facilities for heavy duty, long haul vehicles and trucks; and
(b) does not include accommodation.
Development parameters:
Development parameters are determined by the Municipality by means of conditions of approval for a truck stop as a consent use, provided that—
(a) the Municipality must require a site development plan to be submitted for its approval; and
(b) the site development plan must at least address matters pertaining to vehicle access, placement of overnight parking and ablution facilities or rest rooms, screening and minimising any visual intrusion or operational disturbance to adjoining properties.

“urban agriculture”
Land use description: “urban agriculture” means the cultivation of crops, on relatively small areas within the urban area or edge, for own consumption or sale in neighbouring markets; provided that cultivation of a garden by an occupant is not regarded as urban agriculture for the purpose of this By-law.

Development parameters:
As determined by the Municipality.

“utility service”
Land use description: “utility service” means a use or infrastructure that is required to provide engineering and associated services for the proper functioning of urban development and—
(a) includes a water reservoir and purification works, electricity substation, storm water retention facilities, and a waste-water pump station and treatment works, rooftop base telecommunication station and freestanding base telecommunication station; and
(b) does not include renewable energy structures or transport use; and
(c) provided that a road is not regarded as a utility service.

Development parameters:
As determined by the Municipality.

“wall of remembrance”
Land use description: “wall of remembrance” is a wall in a cemetery or crematorium provided for the placement of inscribed tablets commemorating deceased persons.

Development parameters:
Development parameters applicable to “cemetery” and “crematorium” apply.

“warehouse”
Land use description: “warehouse” means a building used primarily for the storage of goods, except for goods that are offensive or dangerous and—
(a) includes property used for business of a predominantly wholesale nature, and
(b) does not include property used for business of a predominantly retail nature.

Development parameters:
Development parameters applicable to “industry” apply.

“wellness centre”
Land use description: “wellness centre” means a business that provides a variety of services for the purpose of improving health, beauty and relaxation through personal care treatments including massages, rehabilitation, exercise programmes, diet, instruction on wellness, life coaching, and facials and includes—
(a) facilities like saunas, pools, steam rooms, gymnasiums, treatment rooms, relaxation areas and whirlpools; and
(b) the provision of meals to guests.
**Development parameters:**
Development parameters applicable to “tourist accommodation” apply.

**“winery”**

**Land use description:** “winery” means a place where wine is made, and may include a selling point to the general public and wine-tasting area.

**Development parameters:**
Development parameters applicable to “agriculture” apply.
SCHEDULE 3
OVERLAY ZONES APPROVED IN TERMS OF SECTION 16

1. SUBDIVISIONAL AREA OVERLAY ZONE

1.1. General purpose of Subdivisional Area Overlay Zone

The subdivisional area overlay (SAO) zoning designates land for future subdivision with development rights by providing development directives through specific conditions as approved in terms of this By-law. The SAO zoning confirms the principle of development and acceptance of future subdivision of land; but not the detailed layout that will be determined when an actual application for subdivision is approved.

1.2. Use of the property

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

1.3. Development parameters

1.3.1 When the municipality approves a subdivisional area overlay zone, it must impose conditions making provision for at least—
(a) density requirements;
(b) main land uses and the extent of the uses; and
(c) a detailed phasing plan or a framework including—
   (i) main transport routes;
   (ii) main land uses;
   (iii) bulk infrastructure;
   (iv) requirements of organs of state;
   (v) public open space requirements; and
   (vi) physical development constraints.

2. SPECIAL PLANNING AREA OVERLAY ZONE

2.1. General purpose of special planning area overlay zone

The general purpose of the special planning overlay zone is to provide for a package of plans mechanism to plan and manage the development of large or strategic urban development areas with a greater degree of flexibility. The package of plans mechanism is a phased process of negotiation, planning and approvals, where appropriate levels of planning detail are approved together with conditions for those approvals.

A special planning area overlay zone is generally created in respect of an application that involves a mixed use development proposal or where the development does not generally comply with the development parameters of the applicable land uses of this zoning scheme.

2.2. Use of the property

2.2.1 Primary uses are as stipulated in the conditions of approval imposed in terms of the Planning By-Law.

2.2.2 Consent uses are as stipulated in the conditions of approval imposed in terms of the Planning By-Law.
2.3. **Development parameters**

2.3.1 The Municipality must require a package of plans as set out in section 2.3.4 of Schedule 3 to be submitted for areas zoned as special planning area overlay zones.

2.3.2 The applicant must, during pre-application discussions with the Municipality, ascertain whether a package of plans procedure has to be followed.

2.3.3 The development parameters of the lowest order package of plans as contemplated in section 2.3.2 of Schedule 3 and as approved by the Municipality are the development parameters of the special planning overlay zone applicable to the property concerned.

2.3.4 The package of plans consists of all of the following components that are listed in a hierarchy from higher-order to lower-order plans, and the lower-order plans must be in compliance with the higher-order plan:

(a) **Contextual framework**

   (i) The contextual framework lays down broad land use policy for the development and the surrounding area.

   (ii) It may include principles or heads of agreement summarising the general obligations of the Municipality and the developer in relation to the development.

   (iii) The contextual framework may be prepared by the Municipality, or by a land owner or development agency under supervision of the Municipality, and may not be in conflict with a spatial development framework or structure plan approved by the Municipality.

(b) **Development framework**

   (i) The development framework must identify overall policy, broad goals, and principles for development within the development.

   (ii) The development framework must identify the range of uses, general spatial distribution of uses, major transport and pedestrian linkages, infrastructure and any limits to development within the development, including but not limited to density and floor space.

(c) **Precinct plans**

   (i) Precinct plans apply to specific areas within the development framework that have common features, functional relationships or phasing requirements.

   (ii) There may be several precinct plans that make up a development area.

   (iii) A precinct plan must describe in more detail the development objectives and intentions for a specific area in the development, as well as principles for urban form, land use, pedestrian links, traffic movement, floor space and environmental management.

(d) **Subdivision plans**

   (i) Subdivision plans, if required, must be processed in terms of planning law to establish new cadastral boundaries and to facilitate the transfer of land units.

   (ii) Subdivision plans may be approved at any stage after the development framework has been approved, and the provisions of section 16.2 apply to such plans.

(e) **Site development plans**

   (i) Site development plans depict more detailed design and development provisions for one or more land units within a development.

   (ii) These provisions may include details relating to land use, floor space, building lines, height, parking requirements, municipal services and landscaping, as well as details relating to the position and appearance of buildings, open space, pedestrian links and traffic movement.

   (iii) A site development plan may be required before or after a subdivision plan, and must provide for the information as required for a site development plan in terms of this By-law.
(f) Building plans
   (i) Building plans contain detailed specifications as required by the National Building Regulations.
   (ii) Building work may only commence once building plans have been approved by the Municipality.

2.3.5 The Municipality may require all or only some of the components of the package of plans to be applied in respect of a particular development.

2.3.6 The Municipality may require that the area covered by a contextual framework must extend beyond the land under consideration if, in its opinion, the proposed development will have a wider impact, and the Municipality may determine the extent of that area.

2.3.7 In approving a special planning area overlay zone, the Municipality must determine the total floor space or density permitted within the development as a condition of approval.

2.3.8 The allocation of floor space must take into account the carrying capacity of internal and external infrastructure including roads and utility services, and any urban design principles approved by the Municipality as part of a rezoning or contextual framework.

2.3.9 The approved floor space may remain as “floating floor space” assigned to the overall development for later allocation, or may be assigned to particular precincts when a precinct plan is approved; and in either case must be allocated to individual subdivisions or site development plans.

2.3.10 When a special planning area overlay zone and a package of plans is required in terms of this By-law, the relevant components must be submitted to the Municipality for its approval before any development on a land unit can commence, provided that—
   (a) the development may not be refused if it is consistent with the development parameters of a base zone, overlay zone, or condition of approval; and
   (b) the Municipality may require amendments to the detail of the site development plan to address reasonable concerns relating to access, parking, architectural form, urban form, landscaping, environmental management, engineering services or similar concerns.

2.3.11 The general provisions contained in this By-law apply with regard to site development plans.
SCHEDULE 4
TRANSITION TABLES

SCHEDULE 5
REPEALED ZONING SCHEMES
REPORT FROM THE DIRECTOR: PLANNING AND DEVELOPMENT

PURPOSE OF THE REPORT

To provide Committee with progress on the implementation of Environmental Management Projects, Environmental Campaign and Education, processing of OSCAE Applications, Compliance and Enforcement.

BACKGROUND

Environmental Management is responsible for Managing the Environment, minimising pollution, Environmental Education and Awareness.

RECOMMENDATION OF THE MUNICIPAL MANAGER

That the Committee take note of the report from Environmental Management.

APPENDIX / ADDENDUM

Monthly Report January and February 2019
World Wetlands Day Report

File Number: 9/1/2/13
Execution: Municipal Manager
            Director: Planning and Development
            Manager: Environmental Management
### DEPARTMENTAL OBJECTIVES

- Implementation of Environmental Management Projects
- Processing of OSCAE Applications
- Compliance & Enforcement
- Policies and Legislation

### IMPLEMENTATION OF ENVIRONMENTAL MANAGEMENT PROJECTS

<table>
<thead>
<tr>
<th>PROPOSED INTERVENTIONS</th>
<th>DELIVERABLES</th>
<th>TIMEFRAME</th>
<th>BUDGETED AMOUNT 2018/19</th>
<th>SPENT TO DATE</th>
<th>DELIVERED TO DATE</th>
<th>PROGRESS/STATUS</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Integrated Invasive Alien Plant and Fuel Reduction Strategy</td>
<td>Initial clearing of invasive plants and follow-up treatments on KM property including chipping of biomass.</td>
<td>2018-2022</td>
<td>R1 520 000</td>
<td>R839 868 (Anticipated expenditure at end Financial year including A team wages = R900 000)</td>
<td>A team cleared invasive reeds along Costa Sarda in high crime zone; municipal owned properties on Rio and Sass streets and started trial on Althoea altissima in Concordia (Tree of Heaven).</td>
<td>The A team model i.e. locally sourced and trained labour directly employed by the environmental management department is working very well. They are motivated, proud of their work and have received positive feedback from members of the public. LED presented the model at the Skills Summit where it was well received.</td>
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<tr>
<td>2. <strong>Estuary Pollution Management</strong></td>
<td>Pilot projects for the reduction of pollutants entering the estuary including Sustainable Urban Drainage System interventions; artificial wetlands and wetland restoration. Key purpose is pollution control and flood attenuation.</td>
<td>2018 - 2022</td>
<td>R38 000</td>
<td>(RFQ for Bongani Wetland to be advertised April)</td>
<td>SuDS Sites identified: Final designs received for attenuated wetland and vegetated swale for George Rex drive and Tree Filters for Long street and Waterfront drive. Implementation of Phase one of wetland intervention in the 2018/19 financial year in the lower Bongani catchment.</td>
<td></td>
</tr>
<tr>
<td>3. <strong>Waste to Energy pilot project.</strong></td>
<td>Converting waste to energy.</td>
<td>2018 - 2022</td>
<td>0</td>
<td>0</td>
<td>Submission to Housing Development Agency for four Waste to Energy units, 1 ton/day, R22 million.</td>
<td></td>
</tr>
<tr>
<td>4. <strong>Blue Flag Beaches</strong></td>
<td>Retaining blue flag status for Buffalo Bay and Brenton beaches</td>
<td>2018/2019</td>
<td>R150 000</td>
<td>R70 096 (balance to be spent on preparing Buffalo Bay for 2018/19 season)</td>
<td>Blue Flag season completed. Application to be submitted for the new Blue Flag season.</td>
<td></td>
</tr>
<tr>
<td>5. <strong>Dune Rehabilitation &amp; Management</strong></td>
<td>Effective rehabilitation of sensitive dunes</td>
<td>2018 - 2022</td>
<td>0 (completed 2017/18 financial year, implementation of the plan on-going)</td>
<td>0</td>
<td>Dune Management and Rehabilitation plan completed and workshopped with Sedgefield and Stormsville residents 18 October 2018. Final comments from Environmental Management to be incorporated before submitting to council for approval. Management plan needs more information on rehabilitation methods for areas that have conservation value.</td>
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<tr>
<td>6. River Health project</td>
<td>50 new job opportunities</td>
<td>2018/19</td>
<td>R80 000 (this changes according to how much is allocated by EPWP)</td>
<td></td>
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<tr>
<td></td>
<td>Of the 60 women recruited, 49 remain. Hornte = 15; Neekles = 10; Khayeletshu/Bongani = 8; White Location = 10; Jood se Kamp/Concordia = 12. Women started on 16 July working 2 days/week on one year contracts through EPWP.</td>
<td></td>
<td>The new working model allows the teams to work 4 days/week increased from two.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7. Education &amp; Awareness Campaigns</td>
<td>Six (6) Environmental and Education Campaign Days planned.</td>
<td>2018/19</td>
<td>100 000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>World Wetlands Day was held in February. Wetlands Day was celebrated by cleaning two wetland areas with the community in Concordia and Brenton. Report attached.</td>
<td></td>
<td>Five Environmental days have been completed in this financial year. In partnership with the community we cleaned up and drastically improved the aesthetics and ecological value of both wetlands.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8. Internships</td>
<td>Provide support to students for completion of practical studies or programmes</td>
<td>2018/2019</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Adverts for new interns have been placed.</td>
<td></td>
<td>The Youth Community Outreach programme of the DEA confirmed the placement of a Municipal Coordinator for 3 years starting in March. The post is funded by the DEA and will identify Young Environmental Ambassadors in the Knysna Municipal Area and to assist with implementation of environmental management functions in DEA priority focus area within the municipality.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### PROCESSING OF OSCAE APPLICATIONS

<table>
<thead>
<tr>
<th>ERF</th>
<th>APPLICATION DATE</th>
<th>FINALISATION DATE</th>
<th>STATUS/OUTCOME</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. 216/57 Knysna</td>
<td>Pending</td>
<td>Mansion in very sensitive area</td>
<td>An amended OSCAE will be submitted for a new dwelling design. (Likely in early 2019)</td>
</tr>
<tr>
<td>2. 3666 Sedgefield</td>
<td>11 January 2019</td>
<td>16 January</td>
<td>New Retaining walls</td>
</tr>
<tr>
<td>3. 11330 Knysna</td>
<td>15 January</td>
<td>17 January 2019</td>
<td>New Dwelling</td>
</tr>
<tr>
<td>4. 516 Knysna</td>
<td>17 January 2019</td>
<td>28 January 2019</td>
<td>New Dwelling</td>
</tr>
<tr>
<td>5. 661/87 Sedgefield</td>
<td>17 January</td>
<td>28 January 2019</td>
<td>New Dwelling</td>
</tr>
<tr>
<td>6. 10943 Knysna</td>
<td>12 December 2018</td>
<td>14 January 2019</td>
<td>Additions to existing building</td>
</tr>
<tr>
<td>7. 10970 Knysna</td>
<td>6 November 2018</td>
<td>14 January 2019</td>
<td>New Dwelling</td>
</tr>
<tr>
<td>8. 4700 Knysna</td>
<td>17 January 2019</td>
<td>28 January 2019</td>
<td>Extension of outbuilding</td>
</tr>
<tr>
<td>9. 224 BEL</td>
<td>20 February 2019</td>
<td>21 February 2019</td>
<td>Additions to frail care center</td>
</tr>
<tr>
<td>10. 736 BRE</td>
<td>28 January</td>
<td>15 February 2019</td>
<td>New Dwelling</td>
</tr>
<tr>
<td>11. 10943 KNY</td>
<td>Pending</td>
<td>New Dwelling</td>
<td>Revision of disturbance area</td>
</tr>
<tr>
<td>12. 4015 KNY</td>
<td>None</td>
<td>Rebuild of cottage</td>
<td>Permit not Required for rebuild on old footprint</td>
</tr>
</tbody>
</table>

### COMPLIANCE & ENFORCEMENT

<table>
<thead>
<tr>
<th>ISSUE</th>
<th>INTERVENTION</th>
<th>FOLLOW – UP ACTIONS</th>
<th>PROGRESS/STATUS</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Clearing vegetation without an OSCAE permit</td>
<td>Letter sent to transgressor to inform them that clearing vegetation without an OSCAE permit is not permissible.</td>
<td>None required. Respondent has stopped.</td>
<td></td>
</tr>
<tr>
<td>2. Estuary Pollution Management</td>
<td>SANParks to host Estuary Management meetings with attendance from relevant municipal departments.</td>
<td>Meetings held at SANParks offices 12th, 15th and 22nd of February.</td>
<td></td>
</tr>
</tbody>
</table>

ENFORCEMENT
<table>
<thead>
<tr>
<th>POLICY</th>
<th>PURPOSE</th>
<th>BUDGETED AMOUNT</th>
<th>SPENT TO DATE</th>
<th>APPLICABILITY</th>
<th>PROGRESS/STATUS</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Invasive Plant Control bylaws</td>
<td>Bylaws that re-inforce the regulations of the National Environmental Management: Biodiversity Act with regard to invasive species will strengthen EMD's ability to get landowners to comply with the legislation.</td>
<td>R250 000 (Control plan completed in 2017/18)</td>
<td>0 (TOR being drafted)</td>
<td>All landowners within the Knysna municipal area</td>
<td>TOR being drafted</td>
</tr>
<tr>
<td>2. Strategic Environmental Management Implementation Plan (SEMP)</td>
<td>Strategic Environmental Management plan to inform a long term strategy of environmental interventions that align with SDF &amp; include risk management and compliance guidelines.</td>
<td>R250 000 (TOR being drafted)</td>
<td>0 (TOR being drafted)</td>
<td>All municipal property</td>
<td>TOR being drafted</td>
</tr>
<tr>
<td>3. Coastal Management Programme and bylaws</td>
<td>Knysna Coastal Management Programme to align with Provincial and National Coastal Management programmes. Main purpose is to control development in sensitive coastal areas and provide a tool for the enforcement of the Integrated Coastal Management Act through the development of Coastal Management bylaws.</td>
<td>R400 000 (TOR being drafted)</td>
<td>0 (TOR being drafted)</td>
<td>Compliance and enforcement has historically been weak and a full Coastal Management Programme approved by Province will enable EMD to better manage the coastal zone.</td>
<td>RFQ completed.</td>
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</table>

Transgression of the Outeniqua Sensitive Coastal Area Extension on erf 1692 Sedgefield.

Affidavit drafted outlining details of the case i.e. disturbance of vegetation without an OSCAE permit.

Docket opened November 2018 at Knysna Police station. Assistant Director: Criminal Investigations and Prosecution, DEA received hard copies of affidavit and supporting documentation and is handling the case.

Case to be presented to the Prosecutor by National DEA Environmental Crimes unit in March.
### Recreational Water Sampling

<table>
<thead>
<tr>
<th>Sample Points</th>
<th>Jan</th>
<th>Feb</th>
<th>Note</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Ashmead Channel</td>
<td>470</td>
<td>6700</td>
<td>High levels of e-coli in February attributed to oil/grease entering the main Waste Water Treatment Works early February. Emergency meetings held with Estuary Pollution Committee to address remedial measures and find source of pollution.</td>
</tr>
<tr>
<td>2. The Heads</td>
<td>6</td>
<td></td>
<td>6</td>
</tr>
<tr>
<td>3. Greenhole</td>
<td>6</td>
<td></td>
<td>6</td>
</tr>
<tr>
<td>4. Bollard Bay</td>
<td>10</td>
<td></td>
<td>10</td>
</tr>
<tr>
<td>5. Bigai</td>
<td>130</td>
<td></td>
<td>130</td>
</tr>
<tr>
<td>6. Bongani</td>
<td>8700</td>
<td>840</td>
<td>Consistently above max level. Upper Bongani is heavily polluted with raw sewerage that is directly entering the river system i.e. not only from blockages but from faecal matter on the banks of the stream.</td>
</tr>
<tr>
<td>7. Queen Street</td>
<td>1500</td>
<td></td>
<td>Dramatic spike indicates blockage or pump failure. Only recommendation here is that failures are reported and dealt with timeously before ecoli levels spike this high.</td>
</tr>
<tr>
<td>8. Train Station</td>
<td>25</td>
<td></td>
<td>25</td>
</tr>
<tr>
<td>9. KADA</td>
<td>220</td>
<td></td>
<td>220</td>
</tr>
<tr>
<td>10. Salt River</td>
<td>4</td>
<td></td>
<td>4</td>
</tr>
<tr>
<td>11. The Point</td>
<td>0</td>
<td></td>
<td>0</td>
</tr>
<tr>
<td>12. Crabs Creek</td>
<td>3</td>
<td></td>
<td>3</td>
</tr>
<tr>
<td>13. Belvidere</td>
<td>8</td>
<td></td>
<td>8</td>
</tr>
<tr>
<td>14. Long Street</td>
<td>420</td>
<td></td>
<td>420</td>
</tr>
<tr>
<td>15. Final Effluent</td>
<td>&gt; 100 000</td>
<td>Recorded February 22nd at the George Rex culvert as the final effluent leaves the WWTW and enters the estuary. It was tested by Garden Route District Municipality. Directly attributed to the mass die off of beneficial bacteria at the WWTW due to oil and grease entering the works.</td>
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</tbody>
</table>

**Escherichia coli readings (cfu/100ml)**

Should be < 250 in accordance with Municipal Health By-laws.
REPORT – WORLD WETLANDS REPORT FEBRUARY 2019

1. PURPOSE:
The purpose of this report is to provide information on the World Wetlands Day Celebration that was held in February 2019 as part of the global celebration to commemorate the commitment to the protection of wetlands of international importance. Held each year on the 2nd February, it marks the anniversary of the signing of the Convention on Wetlands of International Importance (Ramsar Convention) in Ramsar, Iran, on 2 February 1971.

2. BACKGROUND:
The international community has increasingly over the last decades, recognised the intrinsic value of wetlands and the benefits it brings within urban environments. The Greater Knysna Municipal Area is endowed with many pristine wetlands, most, however, have been degraded to some degree through anthropogenic activities. A wetland inventory and assessment study conducted in 2018, identified 207 wetlands within 25km of the Swartvlei estuary (fig.1).

![Figure 1: Overview of the wetland systems located within the inventory study area. Source: Ground Truth](image-url)

The Environmental Management Department encourages the protection of wetlands within the GKMA and to celebrate with the international community, it facilitated wetland clean-ups in Concordia and Brenton. The most evident threat noted for both wetlands is the occurrence
of solid waste pollution, with a particular concern for Concordia. However, to the best of our ability and in partnership with the community we cleaned up and drastically improved the aesthetics of both wetlands.

3. **ACTIVITIES:**

3.1. **Concordia Clean-up**
   The clean-up event for Concordia was undertaken on Monday 4 February 2019. Participants included ladies from the River Health Programme in Ward 8, the “A-team” and the ladies at the Environmental Management Department. A large amount of waste was removed around the wetland area.

3.2. **Brenton on Sea Clean-up**
   The clean-up event for Brenton on Sea was undertaken on Tuesday 12 February 2019 at the old Brenton green waste dump site. This area contains a beautiful wetland that is being restored to bring back birds and wildlife to the area. Participants included members of the Brenton Community, the “A-team and the ladies at the Environmental Management Department.
Concordia Clean-up
Brenton Wetland Clean-up
REPORT FROM THE DIRECTOR : PLANNING AND DEVELOPMENT

PURPOSE OF THE REPORT

To inform the Committee of the operational activities of the Town Planning & Building Control Department for the period January 2019 to March 2019.

BACKGROUND

As per attached monthly report

FINANCIAL IMPLICATIONS

As per attached monthly report

RELEVANT LEGISLATION

Knysna Municipality By-law on Municipal Land Use Planning (2016)
Knysna Zoning Scheme Regulations (1992)
Section 8 Zoning Scheme Regulations (1988)
Sedgefield Zoning Scheme Regulations (1980)
National Building Regulations & Standards Act (Act No. 103 of 1977)

RECOMMENDATION OF THE MUNICIPAL MANAGER


APPENDIX / ADDENDUM

MONTHLY REPORT FOR TOWN PLANNING & BUILDING CONTROL FROM JANUARY 2019 TO MARCH 2019.

File Number: 9/1/2/13
Execution: Director : Planning and Development
Manager : Town Planning and Building Control
DEPARTMENTAL OBJECTIVES

- Processing of Town Planning Applications
- Processing of Building Plan Applications
- Compliance & Enforcement
- Policies and Legislation

Applications COMPLETED Between 01-01-2019 and 31-03-2019

<table>
<thead>
<tr>
<th>Month</th>
<th>January</th>
<th>February</th>
<th>March</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total</td>
<td>13</td>
<td>15</td>
<td>11</td>
</tr>
<tr>
<td>Authorised Official</td>
<td>13</td>
<td>15</td>
<td>3</td>
</tr>
<tr>
<td>Planning Tribunal</td>
<td></td>
<td></td>
<td>8</td>
</tr>
</tbody>
</table>

Town Planning applications FINALIZED between 01-01-2019 and 31-03-2019

<table>
<thead>
<tr>
<th>JANUARY</th>
<th>Application Type</th>
<th>Number of Appl. Approved</th>
<th>Number of Appl. Rejected</th>
<th>Total Appl. Finalised</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Consolidation</td>
<td>2</td>
<td>2</td>
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<tr>
<td></td>
<td>Departure</td>
<td>6</td>
<td>6</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Consent Use, Departure &amp; ROR</td>
<td>1</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Departure &amp; ROR</td>
<td>1</td>
<td>1 - Withdrawn</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>SDP</td>
<td>1</td>
<td>1</td>
<td></td>
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<tr>
<td></td>
<td>Design Manual</td>
<td>1</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Minor Amendment Between a Common Boundary (Exemption of Subdivision and Consolidation)</td>
<td>1</td>
<td>1</td>
<td>1</td>
</tr>
</tbody>
</table>
An Amendment, Deletion or Imposition of Conditions in respect of an existing approval 1 - Withdrawn  
Rezoning 1 - Withdrawn  
**TOTAL** 13 3 13

<table>
<thead>
<tr>
<th>Application Type</th>
<th>Number of Appl. Approved</th>
<th>Number of Appl. Rejected</th>
<th>Total Appl. Finalised</th>
</tr>
</thead>
<tbody>
<tr>
<td>Consent Use</td>
<td>2</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Consent Use &amp; Departure</td>
<td>1</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Departure</td>
<td>2</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Departure &amp; ROR</td>
<td>7</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Departure &amp; Amendment of Approval</td>
<td>1</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Amendment of Conditions of Approval &amp; Departure</td>
<td>1</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Consolidation</td>
<td>1</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>15</td>
<td>-</td>
<td>15</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Application Type</th>
<th>Number of Appl. Approved</th>
<th>Number of Appl. Rejected</th>
<th>Total Appl. Finalised</th>
</tr>
</thead>
<tbody>
<tr>
<td>Departure &amp; ROR</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Departure</td>
<td>3</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Rezoning, Subdivision &amp; Departure</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rezoning, Departure &amp; ROR</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>SDP</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Road Closure, Subdivision, Consolidation, Rezoning, Departure &amp; Amendment of an approved SOP</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Amendment &amp; Extension of General Plan</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Amendment to Approved Subdivision Plan</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>10</td>
<td>1</td>
<td>11</td>
</tr>
</tbody>
</table>

The table illustrates the total number of new applications finalized by the Municipal Planning Tribunal and Authorised Employee according to the type of applications. The categorisation of applications determines the decision making authority.

<table>
<thead>
<tr>
<th>Zoning certificate register for between 01-01-2019 and 31-03-2019</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>ERF NUMBER</strong></td>
</tr>
<tr>
<td>----------------</td>
</tr>
<tr>
<td>Erf 8331, Kaysna</td>
</tr>
<tr>
<td>Farm 191 Portion 25, Kaysna</td>
</tr>
<tr>
<td>Erf 8321, Kaysna</td>
</tr>
<tr>
<td>Erf</td>
</tr>
<tr>
<td>-----</td>
</tr>
<tr>
<td>Erf 483, Knysna</td>
</tr>
<tr>
<td>Erf 51, Knysna</td>
</tr>
<tr>
<td>Erf 4031, Knysna</td>
</tr>
<tr>
<td>Farm 185 Portion 46</td>
</tr>
<tr>
<td>Erf 3141, Knysna</td>
</tr>
<tr>
<td>Erf 9910, Knysna</td>
</tr>
<tr>
<td>Erf 3244, Knysna</td>
</tr>
<tr>
<td>Farm No 182 Portion 3</td>
</tr>
<tr>
<td>Erf 2900, Knysna</td>
</tr>
<tr>
<td>Farm 216/17</td>
</tr>
<tr>
<td>Erf 8820, Knysna</td>
</tr>
<tr>
<td>Erf 3203, Sedgefield</td>
</tr>
</tbody>
</table>

**Transfer Certificates issued between 01-01-2019 and 31-03-2019**

<table>
<thead>
<tr>
<th>Erf</th>
<th>Date</th>
<th>Date</th>
<th>Signatory</th>
</tr>
</thead>
<tbody>
<tr>
<td>20430 Kny</td>
<td>25/10/18</td>
<td>22/1/19</td>
<td>Linda Mniki</td>
</tr>
<tr>
<td>16719 Kny</td>
<td>9/1/19</td>
<td>5/2/19</td>
<td>Steward Mghele</td>
</tr>
<tr>
<td>20953 Kny</td>
<td>16/1/19</td>
<td>7/2/19</td>
<td>Randal Solomon</td>
</tr>
<tr>
<td>B23 Bre</td>
<td>22/1/19</td>
<td>24/1/19</td>
<td>Linda Mniki</td>
</tr>
</tbody>
</table>

**Land use period from receipt to allocation 01-01-2019 and 31-03-2019**

### JANUARY

<table>
<thead>
<tr>
<th>Period</th>
<th>Total Average days</th>
<th>Minimum period</th>
<th>Maximum period</th>
<th>Total Applications Received</th>
</tr>
</thead>
<tbody>
<tr>
<td>JANUARY</td>
<td>3</td>
<td>1</td>
<td>80</td>
<td>17</td>
</tr>
</tbody>
</table>

### FEBRUARY

<table>
<thead>
<tr>
<th>Period</th>
<th>Total Average days</th>
<th>Minimum period</th>
<th>Maximum period</th>
<th>Total Applications Received</th>
</tr>
</thead>
<tbody>
<tr>
<td>FEBRUARY</td>
<td>4</td>
<td>1</td>
<td>38</td>
<td>13</td>
</tr>
</tbody>
</table>

### MARCH

<table>
<thead>
<tr>
<th>Period</th>
<th>Total Average days</th>
<th>Minimum period</th>
<th>Maximum period</th>
<th>Total Applications Received</th>
</tr>
</thead>
<tbody>
<tr>
<td>MARCH</td>
<td>17</td>
<td>10</td>
<td>27</td>
<td>5</td>
</tr>
</tbody>
</table>
The table illustrates the turnaround time for the allocation of applications as from the date of receipt until the allocation to a case officer to process it. This is important as it formally kick-starts the official assessment process. It is also at this stage that applicants are given the names of the officials who will be in charge of their applications with whom they can directly communicate to obtain feedback.

<table>
<thead>
<tr>
<th>Minimum Days</th>
<th>Maximum Days</th>
<th>Average Days</th>
<th>Number of applications &gt; 180 Days</th>
</tr>
</thead>
<tbody>
<tr>
<td>6</td>
<td>517</td>
<td>183</td>
<td>17</td>
</tr>
</tbody>
</table>

The table illustrates the processing period for applications as from the date of receipt until finalization.

### Building Plan Applications - Statistics of Building Plans Received

<table>
<thead>
<tr>
<th>Building Plans Received</th>
<th>January 2019</th>
<th>February 2019</th>
<th>March 2019</th>
<th>Cost of building work</th>
<th>Total m²</th>
</tr>
</thead>
<tbody>
<tr>
<td>New Plan</td>
<td>49</td>
<td>78</td>
<td>90</td>
<td></td>
<td>51,073.59</td>
</tr>
<tr>
<td>Plans with Area &lt;= 500 m²</td>
<td>37</td>
<td>73</td>
<td>84</td>
<td>218,260,179.07</td>
<td></td>
</tr>
<tr>
<td>Plans with Area &gt; 500 m²</td>
<td>12</td>
<td>5</td>
<td>6</td>
<td>37,449,353.30</td>
<td></td>
</tr>
<tr>
<td>Resubmission of Rejected Plan</td>
<td>20</td>
<td>21</td>
<td>13</td>
<td></td>
<td>875.95</td>
</tr>
<tr>
<td>Plans with Area &lt;= 500 m²</td>
<td>20</td>
<td>21</td>
<td>20</td>
<td>74,094,400.50</td>
<td></td>
</tr>
<tr>
<td>Plans with Area &gt; 500 m²</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>69</td>
<td>99</td>
<td>103</td>
<td></td>
<td>51,949.54</td>
</tr>
</tbody>
</table>

The costs figures are obtained from each and every building plan application and the costs indicate the investment in our area as well as building activities.

### Processing period from plan acceptance to finalization

<table>
<thead>
<tr>
<th>Minimum Days</th>
<th>Maximum Days</th>
<th>Average Days</th>
<th>Number &gt; 60 Days</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>102</td>
<td>25.16</td>
<td>4</td>
</tr>
</tbody>
</table>

### Issue

<table>
<thead>
<tr>
<th>Intervention</th>
<th>Follow-up Actions</th>
<th>Status/Outcome</th>
</tr>
</thead>
<tbody>
<tr>
<td>No complaints were received during this period</td>
<td>9</td>
<td>9</td>
</tr>
</tbody>
</table>
The Department: Town Planning and Building Control is working on a Standard Operating Procedure which will also include the creation of an integrated system for the recording of individual cases on a system. Currently such system does not exist which makes it difficult to say with any degree of accuracy what cases of compliance have been attended to and resolved within this period. This requires constant cooperation between two directorates and it is our view that the SOP will iron out any operational issue amongst Customer Care, Department of Legal Service and the Department of Town Planning and Building Control. It is worthy to note that due to capacity constraints the Department of Town Planning & Building Control rely to a large extent to complaints received from the public. It is anticipated that an integrated customer care centre will be established in the near future to include complaints from the public and attend to it.

<table>
<thead>
<tr>
<th>Building Plan Applications for Fire Victims from</th>
<th>Building Plans Received</th>
<th>Building plans finalised</th>
</tr>
</thead>
<tbody>
<tr>
<td>All building plans that were submitted from the date when the fire started have all been finalised.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

## Trend Analysis of Building Plans Received

<table>
<thead>
<tr>
<th>Month Name</th>
<th>2016</th>
<th>2017</th>
<th>2018</th>
<th>2019</th>
<th>Grand Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>January</td>
<td>37</td>
<td>84</td>
<td>69</td>
<td>255</td>
<td></td>
</tr>
<tr>
<td>February</td>
<td>65</td>
<td>91</td>
<td>99</td>
<td>255</td>
<td></td>
</tr>
<tr>
<td>March</td>
<td>3</td>
<td>83</td>
<td>71</td>
<td>103</td>
<td>260</td>
</tr>
<tr>
<td>April</td>
<td>75</td>
<td>63</td>
<td>82</td>
<td>220</td>
<td></td>
</tr>
<tr>
<td>May</td>
<td>72</td>
<td>80</td>
<td>135</td>
<td>287</td>
<td></td>
</tr>
<tr>
<td>June</td>
<td>110</td>
<td>63</td>
<td>108</td>
<td>281</td>
<td></td>
</tr>
<tr>
<td>July</td>
<td>102</td>
<td>80</td>
<td>135</td>
<td>317</td>
<td></td>
</tr>
<tr>
<td>August</td>
<td>104</td>
<td>93</td>
<td>130</td>
<td>327</td>
<td></td>
</tr>
<tr>
<td>September</td>
<td>84</td>
<td>94</td>
<td>85</td>
<td>263</td>
<td></td>
</tr>
<tr>
<td>October</td>
<td>87</td>
<td>121</td>
<td>106</td>
<td>314</td>
<td></td>
</tr>
<tr>
<td>November</td>
<td>77</td>
<td>85</td>
<td>89</td>
<td>251</td>
<td></td>
</tr>
<tr>
<td>December</td>
<td>49</td>
<td>58</td>
<td>138</td>
<td>245</td>
<td></td>
</tr>
<tr>
<td><strong>Grand Total</strong></td>
<td><strong>763</strong></td>
<td><strong>922</strong></td>
<td><strong>1254</strong></td>
<td><strong>271</strong></td>
<td><strong>3210</strong></td>
</tr>
</tbody>
</table>
The table illustrates the total number of plans received for this year in relation to the last 3 years.
<table>
<thead>
<tr>
<th>KPI</th>
<th>Performance Standard</th>
<th>Target</th>
<th>Comments/Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Allocate Building Plan Applications</td>
<td>Ensure that all building plan applications are allocated within 5 working days</td>
<td>100%</td>
<td></td>
</tr>
<tr>
<td>2. Confirmation that Land Use Applications are complete</td>
<td>Ensure confirmation of all land use applications within 7 days</td>
<td>100%</td>
<td>100%</td>
</tr>
<tr>
<td>3. Approval of Building Plans within 30 days for plans &lt; 500 m² and</td>
<td>% building plan applications processed within prescribed time frames</td>
<td>100%</td>
<td>100%</td>
</tr>
<tr>
<td>within 60 days for plans &gt; 500 m²</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4. Ensure an effective and efficient building control service by</td>
<td>% site inspections and action taken within 5 working days after identification and/or</td>
<td>100%</td>
<td>100%</td>
</tr>
<tr>
<td>addressing illegal building activity within 5 working days</td>
<td>or reporting</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5. Occupational certification finalized within 30 days after all</td>
<td>% of certification completed within 30 days</td>
<td>100%</td>
<td>100%</td>
</tr>
<tr>
<td>building and land use requirements are met to satisfaction.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6. Zoning certificate issued within 10 days</td>
<td>% of zoning certificates issued within 10 days</td>
<td>100%</td>
<td>100%</td>
</tr>
<tr>
<td>7. Processing of Land Use Applications within 60 days by the</td>
<td>% of applications processed within prescribed time frames.</td>
<td>80%</td>
<td>100%</td>
</tr>
<tr>
<td>Authorised Employee*</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8. Processing of Land Use Applications within 120 days by the</td>
<td>% of applications processed within prescribed time frames.</td>
<td>80%</td>
<td>100%</td>
</tr>
<tr>
<td>Planning Tribunal*</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>9. Compliance and Transfer certificates issued within 21 days</td>
<td>% of Compliance and Transfer certificates issued within 21 days</td>
<td>90%</td>
<td>100%</td>
</tr>
</tbody>
</table>

Reasons for prescribed timeframes for the processing of land use applications within 120 days by the authorized employee and Planning Tribunal:

Reasons:
- Answering of high volumes of telephonic queries.
- A high number of daily walk-ins and queries.
- Technical Emails can sometimes take from 2 mins up to 3 days to resolve.
• Limited staff for the high number of application received, which is an increase from previous years but no staff compliments.
• There has been an increase in the daily submission of applications.
• There has been an increase in the administrative workload (e.g. report writing, communication letters and correspondence).
• Internal Collaborator system was not prepared for the change in process of applications.
• Internal department providing improper and biased comments, which creates a lot of front and back correspondence amongst departments.
• Applicants requesting applications to be withheld so that they can sort out issues relating to their applications.
• No response from applicants regarding incoming comments and objections.
• Unnecessary administrative burden for minor applications (what was previously a one-page application form, now is an 11-page form and report).
• Additional applications which were not the local Municipality’s responsibility under LUPO (e.g. Applications for Consolidations, removal of restrictive title deed conditions, transfer and compliance certificates).
• The pre-application meeting which takes up half our day is also new under LUPO.
• Leniency due to incomplete applications which add to the total number of days.
• Prioritising fire victims application and putting other applications on hold because of the emergency.
• No senior planner, which created a hold up for certain applications.
• Internal and external interference.

Solutions
• Simplified template for application forms and report format which the public may understand and be more comfortable with (yet to implement).
• Better inter-department relations.
• Minimising internal and external interference.
• Personal work plans and work programs.
• Reconfiguration of offices to minimise walk-ins.
• More staff capacity.
8. Closure