

ANNEXURE A

**CITY OF CAPE TOWN
MUNICIPAL PLANNING
AMENDMENT BY-LAW, 2019**

Draft - 20 Feb 2019

**CITY OF CAPE TOWN
MUNICIPAL PLANNING AMENDMENT BY-LAW, 2019**

GENERAL EXPLANATORY NOTE:

[] Words in bold type in square brackets indicate omissions from existing enactments.

_____ Words underlined with a solid line indicate insertions in existing enactments.

BE IT ENACTED by the Council of the City of Cape Town, as follows:-

Amendment of section 1 of the City of Cape Town: Municipal Planning By-law, 2015

1. Section 1 of the City of Cape Town: Municipal Planning By-law, 2015 (hereinafter referred to as the principal By-law) is hereby amended by –

(a) the substitution for the definition of 'land unit' of the following definition:

“**'land unit'** means a portion of land registered or capable of being registered in a deeds registry and may include[s] a portion of land to which a registered servitude right or registered lease relates;” and

(b) the substitution for the definition of 'restrictive condition' of the following definition:

“**'restrictive condition'** means any condition registered against the title deed of land restricting the use, development or subdivision of land concerned, **excluding servitudes creating real or personal rights];”**.

Amendment of section 38 of the City of Cape Town: Municipal Planning By-law, 2015

2. Section 38 of the principal By-law is hereby amended by –

(a) the substitution for the words preceding paragraph (a) of subsection (1) of the following words:

“(1) Unless otherwise specified in this By-Law, an approval granted or deemed to have been granted in terms of this By-Law to use or develop land lapses **[two]** five years after the effective date of decision –”; and

(b) the substitution for subsection (2) of the following subsection:

“(2) An applicant may apply in terms of and subject to the requirements of section 107 for an extension of the validity periods contemplated in subsection (1), save that an extension may not exceed **[two]** five years from the date that the original approval lapses.”.

Amendment of section 42 of the City of Cape Town: Municipal Planning By-law, 2015

3. Section 42 of the principal By-law is hereby amended by –

(a) the substitution for paragraph (g) of the following paragraph:

“(g) amendment, suspension or **[deletion]** removal of a restrictive condition;”;

(b) the substitution for paragraph (i) of the following paragraph:

“(i) consent, approval or any other permission or requirement in terms of the development management scheme inclusive of a section 55(4)(b) approval in terms of this By-Law;” and

(c) the substitution for paragraph (q) of the following paragraph:

“(q) alteration or amendment of a street name or number as contemplated in section 136;”.

Insertion of a new section after section 49 of the City of Cape Town: Municipal Planning By-law, 2015

4. The principal By-Law is hereby amended by the insertion after section 49 of the following section:

“49A Application for the use or development of land that would conflict with a restrictive condition or a servitude

- (1) The City may not grant an application in terms of this By-Law for the use or development of land that would conflict with a restrictive condition or a servitude which is a condition of approval imposed in terms of this By-Law, the Ordinance or the Townships Ordinance 33 of 1934.
- (2) The City may grant an application contemplated in subsection (1) if it simultaneously grants applications to –
 - (i) amend or remove such condition of approval; and
 - (ii) amend, suspend or remove such restrictive condition or servitude.
- (3) The City may grant an application in terms of this By-Law for the use or development of land that would conflict with a restrictive condition or a servitude which is not a condition of approval imposed in terms of this By-Law, the Ordinance or the Townships Ordinance 33 of 1934.”.

Amendment of section 54 of the City of Cape Town: Municipal Planning By-law, 2015

5. Section 54 of the principal By-law is hereby amended by –

(a) the substitution for the words preceding paragraph (a) of sub-section (1) of the following words:

“(1) No person may obtain transfer of a land unit or certificate of registered title of a land unit arising out of an approved subdivision or phase of a subdivision approved by the City unless –“; and

(b) the substitution for subsection (2) of the following subsection:

“(2) No person may obtain transfer of a land unit arising out an approved subdivision or certificate of registered title of a land unit, unless the City Manager has issued a transfer certificate contemplated in section 137.”.

Amendment of section 67 of the City of Cape Town: Municipal Planning By-law, 2015

6. Section 67 of the principal By-law is hereby amended by –

(a) the substitution for paragraph (g) of subsection (1) of the following paragraph:

- “(g) the registration of a servitude or lease for the provision or construction of –
- (i) an engineering service or other service provided by or on behalf of the state or a service provider including communication infrastructure and pipelines; or
 - (ii) an encroachment into a road reserve; or
 - (ii) a municipal engineering service; or
 - (iv) the imposition of height restrictions; or
 - (v) the granting of a right of habitation, private right of way or usufruct; or
 - (vi) bore-hole or waterpipe[.]; or
 - (vii) the granting of a right of way providing that it is located further than 30m from a common boundary to adjoining land, unless such adjoining land is owned by a beneficiary to the servitude or lease.
 - (viii) provision of parking as contemplated in item 138; or
 - (ix) a reservoir or dam more than 30m away from a common and street boundary.”; and

(b) the substitution for subsection (5) of the following subsection:

- “(5) The exemptions in subsection (1) and the power to exempt in subsection (2) do not apply –
- (a) if a rezoning or any other land use **[approval]** application in terms of this By-Law is required;
 - (b) when engineering services must be moved **[or provided]** as a result of a subdivision or consolidation; or
 - (c) if the subdivision is required to create individual land units for new housing.”.

Amendment of section 68 of the City of Cape Town: Municipal Planning By-law, 2015

7. Section 68 of the principal By-Law is hereby amended by the substitution for the section with the following section:

- “(1) In this section, unless the context indicates otherwise, ‘**emergency housing**’ means temporary housing required for households whose homes are uninhabitable as a result of a disaster situation caused by rain, flood, wind, fire, earthquake, accident or other circumstance sufficient in nature and scale to result in widespread homelessness and where the damage or threat to the homes cannot be rectified without temporary relocation and the households cannot be rehoused on site during the rectification.
- (2) If the City identifies a need for the establishment of emergency housing on City owned land or private owned land where the owner has provided written consent, and which is not zoned for the purpose, the City may **[approve the commencement of a process to declare the land to be an emergency housing site]** in writing deviate from the provisions of this By-law, including any public participation requirements, for a period of up to 6 months if the circumstances of the case warrant such deviation.
- (3) **[The City may approve the commencement of a process to declare the land to be an emergency housing site only if it is satisfied that basic water and sanitation services can be provided to the site and with the consent of owner of the land if the City is not the owner of the land.]** A notice of deviation/s contemplated in subsection (2) –
- (a) must be published by the City in the Provincial Gazette and on the City’s website;
 - (b) must contain at least the following information –
 - (i) a description of the provisions of the By-law which forms the subject of the deviation;
 - (ii) the reasons for the deviation;
 - (iii) the period for which the deviation will be in force;
 - (iv) if there is no public participation process before the deviation is granted, the reasons why such process was not followed.
 - (c) A deviation from this By-law does not exempt a person using land for emergency housing from their duty to comply with all other applicable law.
- (4) **[The City must advertise its intention to establish an emergency housing site in accordance with the requirements of the Municipal Systems Act and any applicable City policy.]** The City may extend the deviation for a further period of up to 6 months but must advertise its intention to extend the deviation.
- (5) **[The notice must contain at least the following information-**
- (a) a description of the land and the physical address of the land;**
 - (b) the reason for declaring the land to be an emergency housing site;**
 - (c) that the City intends to suspend the zoning applicable to the land for a period of 90 days to allow the land to be used for emergency housing which would otherwise be in contravention of the development management scheme;**
 - (d) details of where and when particulars of the matter are available for inspection;**
 - (e) an invitation to members of the public to lodge with the City written comment or objection with reasons;**
 - (f) details of the procedure for that person to submit written comment and the date by when it must be lodged (which may be no less than 10 days after the publication of the notice);**
 - (g) a statement that no late comment or objection will be considered; and**
 - (h) a statement that any person who cannot write may come during office hours to a stated place where an authorised official will assist that person by transcribing that person’s comment or objection and reasons.]**

No appeal right in terms of this By-law applies to a deviation as contemplated in subsection (2).

- (6) To the extent necessary, the City must request the Provincial Minister for authorisation in terms of section 60(2) of the Land Use Planning Act to deviate from the provisions of that Act.
- [(7) After considering any timeous comments, the City may declare the land to be an emergency housing site and suspend the zoning applicable to the land for a period of up to 90 days to allow the land to be used for emergency housing.**
- (8) A declaration contemplated in subsection (7) –**
 - (a) must be published by the City in the Provincial Gazette within 48 hours;**
 - (b) means that the use of the land for emergency housing will be regarded as consistent with this By-Law; and**
 - (c) does not exempt a person using land for emergency housing from their duty to comply with all other applicable law.**
- (9) After following a process which complies with the provisions of this section, the City may extend the declaration contemplated in subsection (7) for a further period of up to 90 days.]”.**

Amendment of section 71 of the City of Cape Town: Municipal Planning By-law, 2015

8. Section 71 of the principal By-Law is hereby amended by –

(a) the substitution for paragraph (e) of subsection (1) of the following paragraph:

“(e) a full copy of the title deed and if required by the City Manager, a conveyancer's certificate indicating **[that there are no]** the restrictive conditions, if any, relating to the application and additional information as may be required in an operational guideline;”; and

(b) the deletion of sub-paragraph (x) of paragraph (m) of subsection (1).”.

Amendment of section 73 of the City of Cape Town: Municipal Planning By-law, 2015

9. Section 73 of the principal By-Law is hereby amended by –

(a) the substitution for paragraph (c) of subsection (1) of the following paragraph:

“(c) the application was not accompanied **[does not comply]** with **[an]** information specification as determined by the City Manager. **[lacks necessary information required in terms of section 71 or contains manifestly incorrect information; or];**”;

(b) the deletion of paragraph (d) of subsection (1);

(c) the insertion after subsection (2) of the following subsection:

“(3) The City may refuse to accept an application if in the City's opinion a materially similar application was refused within the previous six months other than by way of a deemed refusal contemplated in section 75(4), and there has been no relevant change in law or policy or the factual considerations upon which the decision to refuse was based have not changed.”.

Amendment of section 74 of the City of Cape Town: Municipal Planning By-law, 2015

10. Section 74 of the principal By-Law is hereby amended by the substitution for the section of the following section:

“If the City accepts the application, the City Manager must –

- (a) acknowledge receipt of **[an]** the application **[either by means of a stamp on the submitted application on the day of receipt or in writing];**
- (b) within 7 days after acknowledgement of receipt of the application or such further period as may be agreed in writing either –
 - (i) call for additional information or fees; or
 - (ii) notify the applicant that the application is complete.”.

Amendment of section 78 of the City of Cape Town: Municipal Planning By-law, 2015

11. Section 78 of the principal By-Law is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) A person who contravenes subsections (1)(a) or (1)(b) is guilty of an offence and upon conviction is liable to the penalties contemplated in sections 133(2) and 133(3).”.

Amendment of section 79 of the City of Cape Town: Municipal Planning By-law, 2015

12. Section 79 of the principal By-Law is hereby amended by the deletion of subsection (5).

Amendment of section 84 of the City of Cape Town: Municipal Planning By-law, 2015

13. Section 84 of the principal By-Law is hereby amended by the substitution for paragraph (b) of subsection (5) of the following paragraph:

“(b) the provisions of **[the]** this Part do not apply, apart from sections 86, 87, 88, and 95.”.

Amendment of section 90 of the City of Cape Town: Municipal Planning By-law, 2015

14. Section 90 of the principal By-Law is hereby amended by –

- (a) the substitution for subsection (2) of the following subsection:

“(2) An objection, comment or representation must be in writing and must be submitted on the completed and signed prescribed form.”.

- (b) the insertion after paragraph (e) of subsection (5) of the following paragraph:

“(f) a completed and signed prescribed form.”.

Amendment of section 95 of the City of Cape Town: Municipal Planning By-law, 2015

15. Section 95 of the principal By-Law is hereby amended by –

- (a) the substitution for subsection (3) of the following subsection:

“(3) A file created by the City concerning the application is available for inspection by the public during office hours at any stage during the processing of the application if not being used by the Department and copies are available to the public on payment of the fee prescribed by the City's Tariff, fees and charges book.”; and

- (b) the substitution for subsection (4) of the following subsection:

“(4) After a decision has been taken, copies of the decision and conditions imposed are available to the public on payment of the fee prescribed by the City's Tariff, fees and charges book.”.

Amendment of section 99 of the City of Cape Town: Municipal Planning By-law, 2015

16. Section 99 of the principal By-Law is hereby amended by –

- (a) the deletion of paragraph (a) of subsection (1);

- (b) the substitution for paragraph (b) of subsection (1) of the following paragraph:

“(b) the proposed **[land]** use or development of land must comply with or be consistent with the municipal spatial development framework, or if not, a deviation from the municipal spatial development framework must be permissible;”;

(c) the deletion of paragraph (c) of subsection (1);

(d) the substitution for paragraph (d) of subsection (1) of the following paragraph:

“(d) in the case of an application for a departure to alter the development rules relating to permitted floor space or height, approval of the application would not have the effect of granting the property the development rules of the next subzone within a zone. This provision does not apply where an application for a floor space or height departure does not exceed 10% of the maximum height or floor space of the subzone.”;

(e) the substitution for paragraph (d) of subsection (2) of the following paragraph:

“(d) the **[extent of]** desirability of the proposed **[land]** use or development of land as contemplated in subsection (3);”;

(f) the insertion after paragraph (g) of subsection (2) of the following paragraph:

“(h) whether the application complies with the requirements of this By-law.”;

(g) the substitution for the words preceding paragraph (a) of subsection (3) of the following words:

“(3) The following considerations are relevant to the assessment **[under subsection (1)(c) of whether, and]** under subsection (2)(d) of the desirability of **[extent to which,]** the proposed **[land]** use or development of land **[would be desirable]** –” and

(h) the substitution for paragraph (j) of subsection (3) of the following paragraph:

“(j) whether the imposition of conditions can mitigate an adverse impact of the proposed **[land]** use or development of land.”.

Amendment of section 105 of the City of Cape Town: Municipal Planning By-law, 2015

17. Section 105 of the principal By-Law is hereby amended by the deletion of subsection (4).

Amendment of section 108 of the City of Cape Town: Municipal Planning By-law, 2015

18. Section 108 of the principal By-law is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) A person contemplated in subsection (2) and an applicant contemplated in section 103 may appeal to the appeal authority by giving written notice of the appeal and grounds of appeal and by completing and signing the prescribed form.”.

Amendment of section 109 of the City of Cape Town: Municipal Planning By-law, 2015

19. Section 109 of the principal By-Law is hereby amended by –

(a) the substitution for paragraph (a) of subsection (2) of the following paragraph:

“(a) the applicant if the applicant is not the appellant; **[and]** or”;

(b) the substitution for paragraph (b) of subsection (2) of the following paragraph:

“(b) any person who submitted an objection to, comment on or representation about the application if the applicant is the appellant.”.

Insertion of section 113A into the City of Cape Town: Municipal Planning By-law, 2015

20. The principle By-law is hereby amended by the insertion after section 113 of the following part:

“

Part 9
Further notifications
(s 113A)

113A Further notifications

Notwithstanding the requirements in section 111(3), if a person submits an objection, comment or representation to an application advertised in terms of this By-law by email, then the City will use this email address for all further notifications as may be required in terms of this By-law regarding the application, unless the City is advised in writing of an alternative email address to use prior to such notification being sent.”.

Amendment of section 120 of the City of Cape Town: Municipal Planning By-law, 2015

21. Section 120 of the principal By-Law is hereby amended by the substitution for subsection (3) of the following subsection:

“(3) The Municipal Council may determine that the Municipal Planning Tribunal must **[constitute itself to] comprise one or more panels to determine applications [, with each panel designated to determine an application relating to land in a particular geographic area of the city and/or a particular type or category of application].**”.

Amendment of section 130 of the City of Cape Town: Municipal Planning By-law, 2015

22. Section 130 of the principal By-Law is hereby amended by the insertion after subsection (4) of the following subsection:

“(5) The City Manager may prescribe a category of contraventions of this By-law to which the provisions of section 130(2) and (3) do not apply.”.

Amendment of section 137 of the City of Cape Town: Municipal Planning By-law, 2015

23. Section 137 of the principal By-Law is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) A transferor intending to effect the first registration of transfer of a land unit or to obtain a certificate of registered title which arises out of an approved subdivision within the geographic area of the City must provide the City Manager with proof to the satisfaction of the City Manager that all the further requirements contemplated in section 54(1) have been met.”; and

Substitution of section 140 of the City of Cape Town: Municipal Planning By-law, 2015

24. Section 140 of the principal By-Law is hereby amended by the substitution for the section of the following section:

“(1) The City may in writing and subject to section 60 of the Land Use Planning Act exempt an application from compliance with the provisions of this By-Law to reduce the financial or administrative burden of –

- (a) the provision of housing with the assistance of a state subsidy; or
- (b) the incremental upgrading of an existing settlement.

(2) Subject to section 60(1) of the Land Use Planning Act, the City may in writing exempt a person, group of persons or an area of land within the area of jurisdiction of the City from the application of

a provision or the whole of this By-Law for a specified period and the exemption may be subject to a condition stated in the exemption, and the City may withdraw or amend the exemption at any time.

(3) The City must publish an exemption on its website."

Amendment of section 142 of the City of Cape Town: Municipal Planning By-law, 2015

25. Section 142 of the principal By-Law is hereby amended by the insertion after subsection (8) of the following subsection:

"(9) Despite any amendment which may come into effect, any application to the City must be considered in terms of the law as it existed at the time that the application was accepted in terms of section 74(a)."

AMENDMENT OF SCHEDULE 3: CITY OF CAPE TOWN DEVELOPMENT MANAGEMENT SCHEME

Amendment of Item 1 of Schedule 3: City of Cape Town Development Management Scheme

26. Item 1 of the City of Cape Town Development Management Scheme set out in schedule 3 to the principal By-law, hereinafter referred to as Schedule 3, is hereby amended by –

- (a) the deletion of the definition for 'average ground level';
- (b) the deletion of the definition for 'base level';
- (c) the substitution for the definition of 'bed and breakfast establishment' of the following definition:

"'bed and breakfast establishment' means a dwelling house, **[or]** second dwelling **or** third dwelling in which the **[owner]** occupant of the dwelling supplies lodging and meals for compensation to transient guests who have permanent residence elsewhere; provided that:

- (a) the dominant use of the dwelling **[house]** concerned remain for the living accommodation of a single family; and
- (b) the property complies with the requirements contained in this development management scheme for a bed and breakfast establishment;"

- (d) by the substitution for the definition of 'boarding house' of the following definition:

"'boarding house' means a building where lodging is provided, and may incorporate cooking, dining and communal facilities for the use of lodgers, together with such outbuildings as are normally used therewith; and includes a building in which rooms are rented for residential purposes, youth hostel, backpackers' lodge, guest house, home for the aged, handicapped or orphaned and residential club; but does not include a hotel, dwelling house, second dwelling, third dwelling or group house;"

- (e) the substitution for the definition of 'boundary wall' of the following definition:

"'boundary wall' means any wall[,] **or** fence **[or enclosing structure]** erected on or next to a cadastral property boundary, and any other structure[, **including security devices, such as spikes, barbed wire, razor wire or electric fences,**] affixed to or on top of a boundary wall;"

- (f) by the substitution for the definition of 'braai room' of the following definition:

"'braai room' means a room which is part of a dwelling unit **[the main dwelling]** or outbuilding[s] and is used primarily for entertainment purposes and where food and drinks may be prepared, but excludes a kitchen;"

(g) by the insertion after the definition of "cemetery" of the following definition:

"City of Cape Town Ground Level Map' means a map approved in terms of item 3A of the development management scheme, indicating the existing ground level based on a 2m floating point raster and a 2m contour dataset from LiDAR information available to the City;"

(h) by the substitution for the definition of 'domestic staff quarters' of the following definition:

"domestic staff quarters' means an outbuilding which has a floor space of not more than 50 m², including sanitary and cooking facilities, and used for the accommodation of domestic staff employed at the dwelling **[house]** concerned; provided that:

- (a) no more than one domestic staff quarters is allowed on a land unit without the consent of the City; and
- (b) the domestic staff quarters may not form part of a sectional title scheme;";

(i) the substitution for the definition of 'dwelling unit' of the following definition:

"dwelling unit' means a self-contained, interleading group of rooms, with not more than one kitchen, used for the living accommodation and housing of one family, together with such outbuildings as are ordinarily used therewith, but does not include domestic staff quarters, or tourist accommodation or accommodation used as part of a hotel; a dwelling unit may also be used for the living accommodation of transient guests, provided that the number of transient guests may not exceed the allowable number of unrelated persons as part of the definition of a 'family', in combination or on its own;";

(j) the substitution for the definition of 'existing ground level' of the following definition:

"existing ground level' means the level of the land surface on a land unit as depicted on the City of Cape Town Ground Level Map. If this map is not available or not applicable to a specific land unit(s), as determined by the City, then the following will apply to determine the level of the land surface on a land unit:

- (a) in its unmodified state, before any building had been erected or alterations in levels had been made thereon; or
- (b) **[as]** established from a plan indicating the contours of the land lodged with and accepted by an official agency such as the municipality or a government department, which depicts the existing level of the ground at or before the commencement date; or
- (c) in a state which has been graded, with the City's approval, for the purpose of development; or
- (d) as determined by the City, if in its opinion it is not possible to ascertain the existing level of the ground due to irregularities or disturbances of the land; and

the City may require the owner or applicant to commission a registered surveyor to measure levels of the ground or interpolate levels, which shall be tied to the National Control Network, or where this is not possible, to provide at least two durable reference marks suitably located, in order to provide the City with sufficient information so that it can determine the most appropriate existing ground level for the purpose of administering this development management scheme;"

(k) by the substitution for the definition of 'flats' of the following definition:

"flats' means a building containing three or more dwelling units, together with such outbuildings as are ordinarily associated therewith but excludes a dwelling house, second dwelling and third dwelling **]; provided further that in those zonings where flats are permissible, a building with less**

than three dwelling units shall also be permissible in a building approved for flats or purposes other than for flats];”;

- (l) the substitution for the definition of ‘floor space’ of the following definition:

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

- (a) any basement or part of a basement not intended as habitable space shall be excluded;
- (aA) any area which is reserved solely for parking or loading of vehicles shall be excluded;
- (b) external entrance steps and landings, any canopy, any stoep and any area required for external fire escapes shall be excluded;
- (bA) portions of passages, access ways and fire escapes [not wider than] up to 1,5m in width in a building on a land unit with a zoning other than Single Residential Zoning 1 and 2, Community Zoning 1 and 2, Agricultural Zoning and Rural Zoning, provided that they connect directly from the fire escape, vertical circulation to the entrance doors or both, shall be excluded;
- (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 m beyond the exterior wall or similar support, shall be excluded;
- (d) any uncovered internal courtyard, lightwell or other uncovered shaft which has an area in excess of 10 m² shall be excluded;
- (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, shall be excluded;
- (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 m in width, shall be excluded;
- (g) subject to paragraph (h) below, any stairs, stairwells and atriums that are covered by a roof shall be included;
- (h) in the case of multi-level buildings, any stairwells, liftwells, lightwells or other wells, and any atrium shall only be counted once;

and provided further that floor space shall be measured from the outer face of the exterior walls or similar supports of such building, and where the building consists of more than one level, the total floor space shall be the sum of the floor space of all the levels, including that of basements;”;

- (m) the substitution for the definition of ‘ground level’ of the following definition:

“**‘ground level’**: see [**‘average ground level’ and**] ‘existing ground level’;”;

- (n) the substitution for the definition of ‘guest house’ of the following definition:

“**‘guest house’** means a dwelling house, **[or]** second dwelling or third dwelling which is used for the purpose of supplying lodging and meals to transient guests for compensation, in an establishment which exceeds the **[restrictions]** allowable number of rooms of a bed and breakfast establishment, and may include business meetings or training sessions by and for guests on the property;”;

- (o) the substitution for the definition of ‘height’ of the following definition:

“**‘height’** of a building or boundary wall means a vertical dimension from a specified level to another specified level, as set out in the development rules of a zoning, measured in metres; provided that the following shall not be counted for the purpose of height control –

- (a) chimneys (maximum horizontal dimension of 1,5m),
- (b) flues (maximum horizontal dimension of 1m),

- (c) lift shafts (maximum horizontal dimension of **[2,5] 3m** and maximum vertical dimension of 2m per lift shaft),
- (d) masts, and
- (e) antennas **[shall not be counted for the purpose of height control];"**.

(p) by the insertion after the definition of 'heritage resource' of the following definition:

"'high intensity residential land unit' means a land unit, with a base zoning of either SR1 or SR2, where more intensive land uses than those provided for in the base zoning are promoted due to the immediate proximity of the land unit to scheduled road and rail public transport routes, as demarcated on a scheduled public transport accessibility map approved by the City from time to time;"

(q) by the substitution for the definition of 'home child care' of the following definition:

"'home child care' means the use of portion of a dwelling **[house] unit** or outbuilding**[s]** by the occupant to provide day care, after school care or instruction for a limited number of infants or children;"

(r) by the substitution for the definition of 'home occupation' of the following definition:

"'home occupation' means the practising of an occupation or the conducting of an enterprise from a land unit, dwelling house, second dwelling, third dwelling, dwelling unit or outbuilding by one or more occupants who reside on the property and includes the sale of alcoholic beverages via internet or any other electronic means provided no alcoholic beverage is stored, received or despatched from the property;"

(s) by the substitution for the definition of 'house shop' of the following definition:

"'house shop' means the conducting of a retail trade from either a dwelling house, second dwelling, third dwelling or outbuilding by one or more occupants who shall reside on the property;"

(t) by the insertion after the definition of 'lodger' of the following definition:

"'low intensity residential land unit' means a land unit, other than a high intensity residential land unit, with a base zoning of either SR1 or SR2, where more intensive land uses than those provided for in the base zoning are promoted;"

(u) the insertion after the definition of 'mine' of the following definition:

"'minor freestanding base telecommunication station' means a freestanding support structure on land or anchored to land and used to accommodate telecommunication infrastructure and may be attached to street lamps, traffic lights, road directional signage, camera poles and flag poles or similar support structure; provided that –

- (a) it may not exceed 12m in height measured from existing ground level or road surface or pavement as the case may be or a diameter of 300mm for the post or support structure to which the antenna is to be attached;
- (b) a screened container for antennas which must be part of the post or support structure may not exceed a vertical dimension of 2m, or diameter of 500mm; and
- (c) an equipment container may not exceed 1m x 1m x 1m cube above existing ground level;"

- (v) the insertion after the definition of 'mine' of the following definition:
- “‘**minor rooftop base telecommunication station**’ means a concealed support structure integrated with the roof, side or any other part of a building and used to accommodate telecommunication infrastructure, which does not exceed a vertical dimension of 1,5m;”;
- (w) the substitution for the definition of 'natural ground level' of the following definition:
- “‘**natural ground level**’: see [‘**average ground level**’ or] ‘existing ground level’;”;
- (x) by the substitution for the definition of 'outbuilding' of the following definition:
- “‘**outbuilding**’ means a structure, whether attached or separate from another structure on a land unit, ordinarily used in connection with the lawfully permitted uses on a land unit **[from the main building, which is normally ancillary and subservient to the main building on a land unit, and includes a building which is 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; as well as domestic staff quarters in the case of a dwelling house, but does not include a second dwelling]**;”;
- (y) the substitution for the definition of 'parking bay' of the following definition:
- “‘**parking bay**’ means an area measuring not less than 5 m by 2,5 m for perpendicular or angled parking and 6 m by 2,5 m for parallel parking, which is clearly identified **[and]**, demarcated and accessible for the parking of one motor vehicle and may be provided in the form of a garage or carport**[, and which is accessible for easy and safe vehicle movement]**;”;
- (z) the substitution for the definition of 'pergola' of the following definition:
- “‘**pergola**’ means any unroofed horizontal or approximately horizontal grille or latticed framework and associated vertical support structure, to provide shade or structure to support vegetation growth **[such that the area in the horizontal projection of the solid portions thereof does not exceed 25% of the total area thereof]**;”;
- (aa) the substitution for the definition of 'public road' of the following definition:
- “‘**public road**’ means any highway, thoroughfare, lane, footpath, sidewalk, alley, passage, bridge or any other place of a similar nature or any portion thereof, other than a toll road, serving as a public right of way, whether for vehicles or pedestrians, established or proclaimed in terms of the former Municipal Ordinance, 1974 (Ordinance 20 of 1974) or any equivalent current municipal by-law and/or national legislation and includes a public street;”;
- (bb) the substitution for the definition of 'public street' of the following definition:
- “‘**public street**’ means any land indicated on an approved general plan, diagram or map, other than a toll road, as having been set aside as a public right of way, whether for vehicles or pedestrians or public or urban squares, of which the ownership is registered in favour of or vests in the municipality in terms of this By-Law or any other law;”;
- (cc) the insertion after the definition of 'public street' of the following definition:
- “‘**recreational vehicles and watercraft**’ means any mobile vehicle, such as a caravan, mobile home, trailer and any water-borne vehicle, such as a ship, boat and yacht;”;

(dd) the insertion after the definition of 'scenic drive' of the following definition:

“**scheduled public transport accessibility map**’ means a map identifying high intensity and low intensity residential land units, as provided for in the Scheduled Public Transport Accessibility Overlay Zoning;”;

(ee) the substitution for the definition of 'second dwelling' of the following definition:

“**second dwelling**’ means another dwelling unit which may, in terms of this development management scheme, be erected on a land unit where a dwelling house is also permitted; and such 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) the second dwelling shall remain on the same land unit as the dwelling house; and
(b) the second dwelling shall comply with the requirements specified in this development management scheme;]“;

(ff) the insertion after the definition of 'second dwelling' of the following definition:

“**service bay**’ means an area where vehicles are placed in order to be mechanically worked upon; and includes pits, hydraulic hoist areas, wash bays and similar areas but excludes a parking bay;”;

(gg) the substitution for the definition of 'shelter' of the following definition:

“**shelter**’ means a structure **[and unit of accommodation]** intended for human occupation, **[constructed of any material whatsoever, even though such material may not]** that does not comply with [the standards of durability intended by] the National Building Act and as provided for in the Single Residential Zoning 2;”;

(hh) the insertion after the definition of 'site development plan' of the following definition:

“**stairs**’ means a series of steps that lead from one level to a different level in a building or structure;”;

(ii) the insertion after the definition of 'third dwelling' of the following definition:

“**toll road**’ means a highway, or portion thereof, whether with or without any bridge or tunnel thereon, upon which the driving or use of at least some vehicles by some users of the highway is conditional on the payment of a toll and includes ancillary structures;”;

(jj) the insertion after the definition of 'tourist facilities' of the following definition:

“**transient guest**’ means a person who is provided temporary accommodation on a land unit that is not their permanent place of residence, for a period not exceeding 30 consecutive days;”;

(kk) the substitution for the definition of 'utility service' of the following definition:

“**utility service**’ means a use or infrastructure that is required to provide engineering and associated services for the proper functioning of urban development and includes a water reservoir and purification works, electricity substation and transmission lines, stormwater retention facilities, and a waste-water pump station and treatment works, recycling facility, dumpsites and minor freestanding and rooftop base telecommunication station, but does not include road, wind turbine infrastructure or transport use;”;

- (ll) the deletion of the definition for 'vertical division'; and
- (mm) the insertion after the definition for 'veterinary practice' of the following definition:

“'visually permeable' means the extent to which visibility through a boundary wall is possible and consists of voids, fencing, painted steel palisade, wire, cast iron work, steel railings or similar materials;”.

Insertion of a new Item 3A into Schedule 3: City of Cape Town Development Management Scheme

27. Schedule 3 is hereby amended by the insertion after item 3 of the following item:

“3A Approval of a ground level map

The City shall approve and may amend from time to time a ground level map after following a public participation process. A notice of its decision must be published in the *Provincial Gazette*.”

Amendment of Item 7 of Schedule 3: City of Cape Town Development Management Scheme

28. Item 7 of Schedule 3 is hereby amended by the substitution for sub-item(1) of the following sub-item:

“(1) **[When a consent use is approved, the following shall apply:**

- (a) **If such consent use as listed in a specific zoning is a primary use in another zoning, it shall be subject to the most restrictive development rules operating either in such other zoning or in that zoning;**
- (b) **If such consent use as listed in a zoning is not a primary use in another zoning, it shall be subject to the development rules in that zoning;**
- (c) **The consent use shall be subject to any development rule imposed as a condition in the approval;]** A consent use is subject to the development rules as listed in the base zoning unless other development rules are imposed as conditions of approval.”

Amendment of Item 9 of Schedule 3: City of Cape Town Development Management Scheme

29. Item 9 of schedule 3 is hereby amended by the substitution for sub-item (2) of the following sub-item:

“(2) A rezoning application must be submitted if the change contemplated in sub-item (1) is equivalent to or greater than the permitted floor space or height of the next most intensive subzoning. This provision is not applicable in the case of an owner applying for a height or floor space departure that does not exceed 10% of the maximum height or floor space of the subzoning.”

Deletion of Item 18 of Schedule 3: City of Cape Town Development Management Scheme

30. Item 18 of Schedule 3 is hereby deleted.

Amendment of Item 20 of Schedule 3: City of Cape Town Development Management Scheme

31. Item 20 of Schedule 3 is hereby amended by the substitution of Table A: Summary of the zonings and development rules, with the following table:

“Table A: Summary of the zonings and development rules

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

| GENERAL RESIDENTIAL ZONING | SUB-ZONING | DENSITY | COVERAGE | MAXIMUM HEIGHT ABOVE [BASE] EXISTING GROUND LEVEL | | BUILDING LINES | | STREET CENTRELINE SETBACK | OTHER PROVISIONS |
|--|------------|---------------------|---------------------|---|---------------------|--|--|---------------------------|--|
| | | | | To wallplate | To top of roof | Street boundary | Common boundaries | | |
| GENERAL RESIDENTIAL SUBZONING 1: GROUP HOUSING (GR1) PRIMARY USES Dwelling house, group housing, private road, open space and additional use rights ADDITIONAL USE RIGHTS Flats and home occupation, subject to restriction CONSENT USES Utility services, home child care, [and] rooftop base telecommunication station <u>and minor rooftop base telecommunication station</u> | GR1 | 35 du/ha | N/a | 8,0 m | 10,0 m | 5,0 m external public street 0,0 m internal road Garages 5,0 m from kerb | 3,0 m external boundaries 0,0 m internal boundaries | N/a | Design principles Open space Parking and access Site development plan Flats and home occupation as additional use right Dwelling house outside group scheme |
| | | | | Refer to item 35(b) | Refer to item 35(c) | Refer to item 35(c) | Refer to item 35(e) & 35(f) | | |
| GENERAL RESIDENTIAL SUBZONINGS (GR2-GR6) PRIMARY USES Dwelling house, second dwelling, group housing, boarding house, guest house, flats, private road and open space CONSENT USES Utility service, place of instruction, place of worship, institution, hospital, place of assembly, home occupation, shop, hotel, conference facility, rooftop base telecommunication station, <u>minor rooftop telecommunication station</u> and veterinary practice | GR2 | FLOOR FACTOR 1,0 | 60% | To top of roof 15,0 m | | 4,5 m | 4,5 m or 0,6 H (0,0 m up to 15,0 m height for 18,0 m from street) | [8,0 m] | Parking and access Screening Wind mitigation |
| | GR3 | [1,0] 1,25 | 60% | 20,0 m | | 4,5 m | 4,5 m or 0,6 H (0,0 m up to 15,0 m height for 18,0 m from street) | [8,0 m] | Dwelling house and second dwelling Group housing |
| | GR4 | 1,5 | 60% | 24,0 m | | 4,5 m | 4,5 m or 0,6 H (0,0 m up to 15,0 m height for 18,0 m from street) | [8,0 m] | Institution, place of instruction and place of assembly |
| | GR5 | 2,5 | 60% | 35,0 m | | 4,5 m; 9 m above 25 m height | 4,5 m or 0,6 H (0,0 m up to 15,0 m height for 18,0 m from street); 15,0 m above 25,0 m height | [8,0 m] | Shop |
| | GR6 | 5,0 | 60% | 50,0 m | | 4,5 m; 9 m above 25 m height | 4,5 m or 0,6 H (0,0 m up to 15,0 m height for 18,0 m from street); 15,0 m above 25,0 m height | [8,0 m] | |
| | | | Refer to item 41(b) | Refer to item 41(a) | Refer to item 41(c) | | Refer to item 41(e) | Refer to item 41(e) | [Refer to item 41(d)] |

| COMMUNITY ZONINGS | FLOOR FACTOR | COVERAGE | MAXIMUM HEIGHT ABOVE [BASE] EXISTING GROUND LEVEL | BUILDING LINES | | STREET CENTRELINE SETBACK | OTHER PROVISIONS |
|--|--------------------------------|--------------------------------|---|----------------------------------|----------------------------------|---------------------------|--|
| | | | To top of roof | Street boundary | Common boundaries | | |
| <p>COMMUNITY ZONING 1: LOCAL (CO1)</p> <p>PRIMARY USES Place of instruction, place of worship, clinic, rooftop base telecommunication station, open space, <u>minor freestanding base telecommunication station, minor rooftop base telecommunication station</u> and filming</p> <p>CONSENT USES Institution, hospital, place of assembly, cemetery, freestanding base telecommunication station, urban agriculture and veterinary practice</p> | 0,8 Refer to item 47(a) | 60% Refer to item 47(b) | 12,0 m Refer to item 47(c) | 5,0 m Refer to item 47(d) | 5,0 m Refer to item 47(e) | N/a | Parking and access Loading Screening Noise mitigation |
| <p>COMMUNITY ZONING 2: REGIONAL (CO2)</p> <p>PRIMARY USES Institution, hospital, place of instruction, place of worship, place of assembly, rooftop base telecommunication station, <u>minor freestanding base telecommunication station, minor rooftop base telecommunication station</u>, open space and filming</p> <p>CONSENT USES Boarding house, conference facility, cemetery, crematorium, funeral parlour, freestanding base telecommunication station, wind turbine infrastructure, urban agriculture and veterinary practice</p> | 2,0 Refer to item 49(a) | 60% Refer to item 49(b) | 18,0 m Refer to item 49(c) | 5,0 m Refer to item 49(d) | 5,0 m Refer to item 49(e) | N/a | Parking and access Loading Screening Noise mitigation |

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| LOCAL BUSINESS ZONING | LAND UNIT AREA (m ²) | FLOOR FACTOR | COVERAGE | MAXIMUM HEIGHT ABOVE [BASE] EXISTING GROUND LEVEL | | BUILDING LINES | | STREET CENTRELINE SETBACK | OTHER PROVISIONS |
|---|----------------------------------|---------------------|---------------------|---|---------------------|-----------------------------|---|---------------------------|---|
| | | | | To wallplate | To top of roof | Street boundary | Common boundaries | | |
| LOCAL BUSINESS ZONING 1: INTERMEDIATE BUSINESS (LB1) PRIMARY USES Office, dwelling house, boarding house, utility services, flats and additional use rights ADDITIONAL USE RIGHTS Second dwelling and home occupation or house shop or bed and breakfast establishment or home child care CONSENT USES Place of instruction, place of worship, institution, clinic, place of assembly, guest house, shop, informal trading, service trade, rooftop base telecommunication station, wind turbine infrastructure, halfway house and veterinary practice | >1 000 | 1,0 | N/a | 9,0 m | 11,0 m | 3,5 m | 3,0 m | N/a | Garages and carports |
| | >650 up to 1 000 | 1,0 | | 9,0 m | 11,0 m | 3,5 m | 3,0 m | | Parking and access |
| | >350 up to 650 | 1,0 | | 8,0 m | 10,0 m | 3,5 m | 0,0 m (12,0 m from street and 60%) and 3,0 m rest | | Loading Screening |
| | >200 up to 350 | 1,0 | | 8,0 m | 10,0 m | 3,5 m | 0,0 m (12,0 m from street and 60%) and 3,0 m rest | | Home occupation, bed & breakfast establishment and home child care |
| | ≤200 | 1,0 | | 8,0 m | 10,0 m | 1,0 m | 0,0 m (12,0 m from street and 60%) and 3,0 m rest | | Second dwelling House shop |
| | | Refer to item 51(a) | | Refer to item 51(b) | Refer to item 51(b) | Refer to item 51(c) | Refer to item 51(c) | | |
| LOCAL BUSINESS ZONING 2: LOCAL BUSINESS (LB2) PRIMARY USES Shop, office, dwelling house, second dwelling, bed and breakfast establishment, boarding house, flats, place of instruction, place of worship, institution, clinic, guest house, service trade, utility service, rooftop base telecommunication station, private road, open space and veterinary practice CONSENT USES Place of assembly, informal trading, restaurant, sale of alcoholic beverages, funeral parlour, place of entertainment, adult shop, business premises, supermarket, plant nursery, hotel, conference facility, motor repair garage, service station, authority use, freestanding base telecommunication station, wind turbine infrastructure, transport use and multiple parking garage | | 1,0 | 75% | To top of roof | | | | | |
| | | | | 12,0 m | | 0,0 m | | 8,0 m | Canopy projection Street corners |
| | | Refer to item 56(a) | Refer to item 56(b) | Refer to item 56(c) | | Refer to item 56(e) & 56(f) | | Refer to item 56(d) | Parking and access Loading Screening Service station and motor repair garage Informal trading |

| GENERAL BUSINESS AND MIXED USE ZONINGS | SUB-ZONING | FLOOR FACTOR | COVERAGE | MAXIMUM HEIGHT ABOVE [BASE] EXISTING GROUND LEVEL | BUILDING LINES | | STREET CENTRELINE SETBACK | OTHER PROVISIONS |
|---|------------|---------------------|---------------------|---|--|---------------------|---------------------------|--|
| | | | | | Street boundary | Common boundaries | | |
| GENERAL BUSINESS SUBZONINGS (GB1-GB7) PRIMARY USES Business premises, dwelling house, second dwelling, boarding house, flats, place of instruction, place of worship, institution, hospital, place of assembly, place of entertainment, hotel, conference facility, service trade, authority use, utility service, rooftop base telecommunication station, multiple parking garage, private road, open space, veterinary practice and filming CONSENT USES Adult shop, adult entertainment business, adult services, informal trading, expo-centre, motor repair garage, warehouse, freestanding base telecommunication station, wind turbine infrastructure, transport use, helicopter landing pad and service station | GB1 | 1,5 | 100% | 15,0 m | 0,0 m up to 10,0 m height; 4,5 m above 10,0 m | 0,0 m | 8,0 m | Residential incentive in respect of GB7 |
| | GB2 | 2,0 | 100% | 15,0 m | 0,0 m up to 10,0 m height; 4,5 m above 10,0 m | 0,0 m | 8,0 m | Hotel floor space concession |
| | GB3 | [2,0] 2,5 | 100% | 25,0 m | 0,0 m up to 10,0 m height; 4,5 m above 10,0 m | 0,0 m | 8,0 m | Canopy or balcony projection |
| | GB4 | 3,0 | 100% | 25,0 m | 0,0 m up to 10,0 m height; 4,5 m above 10,0 m | 0,0 m | 8,0 m | Public pedestrian footway along street boundary |
| | GB5 | 4,0 | 100% | 25,0 m | 0,0 m | 0,0 m | 8,0 m | Street corners |
| | GB6 | 6,0 | 100% | 38,0 m | 0,0 m up to 25,0 m height; ½ (H-25 m) above 25,0 m | 0,0 m | 8,0 m | Parking and access |
| | GB7 | 12,0 | 100% | 60,0 m | 0,0 m up to 38,0 m height; ½ (H-38 m) above 38,0 m | 0,0 m | 8,0 m | Loading Screening Wind mitigation |
| | | Refer to item 60(c) | Refer to item 60(a) | Refer to item 60(d) | Refer to item 60(e) | Refer to item 60(e) | Refer to item 60(b) | Service station and motor repair garage Informal trading |
| MIXED-USE SUBZONINGS (MU1-MU3) PRIMARY USES Business premises, industry, dwelling house, second dwelling, boarding house, flats, place of instruction, place of worship, institution, hospital, place of assembly, place of entertainment, hotel, conference facility, authority use, utility service, rooftop base telecommunication station, transport use, multiple parking garage, private road, open space and filming CONSENT USES Adult shop, adult entertainment business, adult services, informal trading, expo centre, scrap yard, freestanding base telecommunication station, wind turbine infrastructure, helicopter landing pad, service station, motor repair garage, veterinary practice and recycling centre | MU1 | 1,5 | 75% | 15,0 m | 0,0 m up to 10,0 m height; 4,5 m above 10,0 m | | 8,0 m | Canopy or balcony projection |
| | MU2 | 4,0 | 100% | 25,0 m | 0,0 m up to 10,0 m height; 4,5 m above 10,0 m | | 8,0 m | Parking and access Loading |
| | MU3 | 6,0 | 100% | 38,0 m | 0,0 m up to 25,0 m height; ½ (H-25 m) above 25,0 m | | 8,0 m | Screening Service station and motor repair garage Informal trading |
| | | Refer to item 64(a) | Refer to item 64(a) | Refer to item 64(a) | Refer to item 64(c) | | Refer to item 64(b) | |

| INDUSTRIAL ZONINGS | SUB-ZONING | FLOOR FACTOR | COVERAGE | MAXIMUM HEIGHT ABOVE [BASE] EXISTING GROUND LEVEL | BUILDING LINES | | STREET CENTRELINE SETBACK | OTHER PROVISIONS |
|---|------------|---------------------|---------------------|--|---------------------|---------------------|---------------------------|---|
| | | | | | Street boundary | Common boundaries | | |
| GENERAL INDUSTRY SUBZONINGS (GI1-GI2) PRIMARY USES Industry, restaurant, service station, motor repair garage, funeral parlour, scrap yard, authority use, utility service, crematorium, rooftop base telecommunication station, freestanding base telecommunication station, transport use, multiple parking garage, agricultural industry, private road, open space, additional use rights, veterinary practice and filming ADDITIONAL USE RIGHTS Factory shop and adult shop CONSENT USES Abattoir, place of worship, institution, clinic, place of assembly, adult entertainment business, adult services, aquaculture, informal trading, shop, office, sale of alcoholic beverages, place of entertainment, helicopter landing pad, wind turbine infrastructure and container site | GI 1 | 1,5 | 75% | 18,0 m | 5,0 m | 3,0 m | N/a | Boundary walls |
| | GI 2 | 4,0 | 75% | 18,0 m, but no restriction in respect of manufacturing buildings | 5,0 m | 3,0 m | | Parking and access Loading Screening Hazardous substances Service station and motor repair garage Factory shop Adult shop Informal trading |
| RISK INDUSTRY ZONING (RI) PRIMARY USE Noxious trade, risk activity, crematorium, rooftop base telecommunication station, freestanding base telecommunication station, private road, open space, additional use rights and filming ADDITIONAL USE RIGHTS Factory shop CONSENT USE Shop, restaurant, informal trading, service station, motor repair garage, industry, scrap yard, abattoir, authority use, utility service, helicopter landing pad, wind turbine infrastructure, container site, transport use, multiple parking garage and recycling centre | | 2,0 | 75% | 18,0 m, but no restriction in respect of noxious trade, risk activity or manufacturing buildings | 5,0 m | 5,0 m | N/a | Parking and access Loading Screening Boundary walls |
| | | Refer to item 75(a) | Refer to item 75(b) | Refer to item 75(c) | Refer to item 75(d) | Refer to item 75(d) | | Hazardous substances Service station and motor repair garage Factory shop Informal trading |

| UTILITY, TRANSPORT AND NATIONAL PORT ZONINGS | FLOOR FACTOR | COVERAGE | MAXIMUM HEIGHT ABOVE [BASE] EXISTING GROUND LEVEL | BUILDING LINES | | STREET CENTRELINE SETBACK | OTHER PROVISIONS |
|---|---|---------------------|---|---------------------|---------------------|---------------------------|--|
| | | | | Street boundary | Common boundaries | | |
| <p>UTILITY ZONING (UT)</p> <p>PRIMARY USES Utility service, authority use, rooftop base telecommunication station, [and] freestanding base telecommunication station, <u>minor freestanding base telecommunication station and minor rooftop base telecommunication station</u></p> <p>CONSENT USES Cemetery, informal trading, funeral parlour, crematorium, urban agriculture, airport, wind turbine infrastructure and helicopter landing pad</p> | As determined by a site development plan (Refer to item 81) | | | | | | |
| <p>TRANSPORT ZONING 1: TRANSPORT USE (TR1)</p> <p>PRIMARY USES Transport use, multiple parking garage, utility service, shop, restaurant, service trade, office, warehouse, rooftop base telecommunication station, <u>minor freestanding base telecommunication station, minor rooftop base telecommunication station</u> and container site</p> <p>CONSENT USES Business premises, flats, place of assembly, place of entertainment, hotel, conference facility, service station, motor repair garage, service trade, freestanding base telecommunication station, wind turbine infrastructure, airport, helicopter landing pad, informal trading, industry and air and underground rights</p> | 2,0 | 75% | 15,0 m for stacked shipping containers 18,0 m for any other building | 0,0 m | 3,0 m | N/a | <p>Parking and access</p> <p>Service station and motor repair garage</p> <p>Informal trading</p> <p>Air and underground rights</p> |
| <p>TRANSPORT ZONING 2: PUBLIC ROAD AND PUBLIC PARKING (TR2)</p> <p>PRIMARY USES Public street, public road, <u>minor freestanding base telecommunication station, minor rooftop base telecommunication station</u> and utility service</p> <p>CONSENT USES Multiple parking garage, informal trading, wind turbine infrastructure and air and underground rights</p> | Refer to item 83(a) | Refer to item 83(b) | Refer to item 83(c) | Refer to item 83(d) | Refer to item 83(d) | | <p>As determined by a site development plan (Refer to item 88)</p> <p>Deemed zoning</p> <p>Construction and deposit of materials</p> <p>Air and underground rights</p> <p>Proposed public street, street widening and street closure</p> <p>Informal trading</p> |

| | | |
|---|--|---|
| <p>TRANSPORT ZONING 3: TOLL ROAD (TR3)</p> <p>PRIMARY USES <u>Toll road, public street, public road and utility service</u></p> <p>CONSENT USES <u>Wind turbine infrastructure, air and underground rights, minor freestanding base telecommunication station and minor rooftop base telecommunication station</u></p> | <p>As determined by a site development plan (Refer to item 92B)</p> | |
| <p>NATIONAL PORT ZONING (NPZ)</p> <p>PRIMARY USES Land uses as set out in an approved Port development framework plan</p> <p>CONSENT USES None</p> | <p>As determined by an approved Port development framework plan (Refer to item 95)</p> | <p>Deemed zoning</p> <p>Deemed zoning of land transferred to National Ports Authority</p> |

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| OPEN SPACE ZONING | FLOOR FACTOR | COVERAGE | MAXIMUM HEIGHT ABOVE [BASE] EXISTING GROUND LEVEL | BUILDING LINES | | STREET CENTRELINE SETBACK | OTHER PROVISIONS |
|--|--|----------|---|-----------------|-------------------|---------------------------|--|
| | | | | Street boundary | Common boundaries | | |
| <p>OPEN SPACE ZONING 1: ENVIRONMENTAL CONSERVATION (OS1)</p> <p>PRIMARY USES Environmental conservation use, <u>minor freestanding base telecommunication station and minor rooftop base telecommunication station</u></p> <p>CONSENT USES Harvesting of natural resources, environmental facilities, tourist accommodation, tourist facilities, utility service, rooftop base telecommunication station, freestanding base telecommunication station, wind turbine infrastructure and cultural and social ceremonies</p> | As determined by a site development plan (Refer to item 98) | | | | | | |
| <p>OPEN SPACE ZONING 2: PUBLIC OPEN SPACE (OS2)</p> <p>PRIMARY USES Public open space, <u>[and] environmental conservation use, minor freestanding base telecommunication station, minor rooftop base telecommunication station</u></p> <p>CONSENT USES Environmental facilities, tourist facilities, utility service, cemetery, rooftop base telecommunication station, freestanding base telecommunication station, wind turbine infrastructure, cultural and social ceremonies, urban agriculture, informal trading, harvesting of natural resources and air and underground rights</p> | As determined by a site development plan (Refer to item 100) | | | | | | <p>Deemed zoning</p> <p>Construction and deposit of material</p> <p>Air and underground rights</p> <p>Informal trading</p> |
| <p>OPEN SPACE ZONING 3: SPECIAL OPEN SPACE (OS3)</p> <p>PRIMARY USES Open space, private road, <u>[and] environmental conservation use, minor freestanding base telecommunication station and minor rooftop base telecommunication station</u></p> <p>CONSENT USES Environmental facilities, tourist facilities, place of instruction, place of assembly, place of entertainment, plant nursery, utility service, cemetery, rooftop base telecommunication station, freestanding base telecommunication station, wind turbine infrastructure, cultural and social ceremonies, urban agriculture, informal trading and harvesting of natural resources</p> | As determined by a site development plan (Refer to item 105) | | | | | | <p>Approval of consent uses</p> <p>Informal trading</p> |

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

End of Table".

Amendment of Item 21 of Schedule 3: City of Cape Town Development Management Scheme

32. Item 21 of Schedule 3 is hereby amended by –

(a) the substitution for paragraph (b) of the following paragraph:

“(b) Additional use rights which may be exercised by the occupant of a property are home occupation, bed and breakfast establishment, second dwelling, third dwelling and home child care, subject to the following conditions:

- (i) Except for a second and third dwelling, only one of the activities listed as additional use rights shall be conducted on any land unit as a primary use. Where more than one such activity is required, the City's approval shall be obtained;
- (ii) The dominant use of the property shall be a dwelling house for accommodation of a single family;
- (iii) The proprietor of the activity concerned shall live on the property;
- (iv) The conditions stipulated in items 23, 24, 25, 25A or 25B **[or 53]** (whichever is applicable) shall be adhered to;
- (v) Any new structure or alteration to the property to accommodate an additional use right shall be compatible with the residential character of the area, particularly with regard to the streetscape, and shall be capable of reverting to use as part of the dwelling house, second dwelling, third dwelling or outbuilding concerned; and
- (vi) No more than three employees shall be engaged by the occupant in the activity concerned.”; and

(b) the substitution for paragraph (c) of the following paragraph:

“(c) Consent uses are utility service, place of instruction, place of worship, house shop, institution, guest house, rooftop base telecommunication station, minor rooftop base telecommunication station, wind turbine infrastructure, open space, urban agriculture, veterinary practice and halfway house.”.

Amendment of Item 22 of Schedule 3: City of Cape Town Development Management Scheme

33. Item 22 of Schedule 3 is hereby amended by –

(a) the substitution for sub-paragraph (i) of paragraph (c) of the following sub-paragraph:

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

(b) the substitution for sub-paragraph (ii) of paragraph (c) of the following sub-paragraph:

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

(c) the substitution of Table of floor factor, floor space, height and building lines in Single Residential Zoning 1, with the following table:

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

| Land unit area (m ²) | Floor factor | Maximum floor space | <u>Coverage</u> | Maximum height above [base] <u>existing ground level</u> | | Street boundary building line | Common boundary building line |
|----------------------------------|--------------|----------------------|-----------------|--|----------------|-------------------------------|--|
| | | | | To wall-plate | To top of roof | | |
| >2 000 | N/a | 1 500 m ² | <u>N/a</u> | 9,0 m | 11,0 m | 6,0 m | 6,0 m |
| >1 000 up to 2 000 | N/a | 1 500 m ² | <u>N/a</u> | 9,0 m | 11,0 m | 4,5 m | 3,0 m |
| >650 up to 1 000 | N/a | 1 500 m ² | <u>N/a</u> | 9,0 m | 11,0 m | 3,5 m | 3,0 m |
| >350 up to 650 | 1,0 | N/a | <u>N/a</u> | 8,0 m | 10,0 m | 3,5 m | 0,0 m for first 12,0 m measured perpendicular from street boundary and 0,0 m for 60% of total remaining linear distance along all common boundaries around land unit and 3,0 m for remainder, subject to paragraph d(iii). |
| >200 up to 350 | 1,0 | N/a | <u>75%</u> | 8,0 m | 10,0 m | [3,5] <u>1,5</u> m | 0,0 m [for first 12,0 m measured perpendicular |

| | | | | | | | |
|------|-----|-----|------------|-------|--------|-------|---|
| ≤200 | 1,0 | N/a | <u>75%</u> | 8,0 m | 10,0 m | 1,0 m | from street boundary and 0,0 m for 60% of total remaining linear distance along all common boundaries around land unit and 3,0 m for remainder; subject to paragraphs (ii) and (iii).] |
|------|-----|-----|------------|-------|--------|-------|---|

End of Table”;

(d) the substitution for sub-paragraph (i) of paragraph (f) of the following sub-paragraph:

“(i) A garage, carport and outbuildings are permitted within the common boundary building line or on the common property boundary provided that the garage, carport and outbuilding do not:
 (aa) extend higher than 3,5 m from **[base]** existing ground level to top of roof;
 (bb) contain more than a double garage façade; and
 (cc) exceed a width of 6,5 m.”;

(e) the insertion after sub-paragraph (i) of paragraph (f) of the following sub-paragraph:

“(iA) For land units of 350 m² and less, a garage or carport is permitted up to the street boundary provided the garage or carport:
(aa) is not higher than 3,5 m from existing ground level to top of roof;
(bb) does not contain more than a double garage façade; and
(cc) does not exceed a width of 6,5 m.”;

(f) the substitution for sub-paragraph (ii) of paragraph (f) of the following sub-paragraph:

“(ii) For land units **[of 650]** exceeding 350 m² [and less] up to 650 m², a garage or carport is permitted up to 1,5 m from the street boundary provided the garage or carport:
 (aa) is not higher than 3,5 m from **[base]** existing ground level to top of roof;
 (bb) does not contain more than a double garage façade; and
 (cc) does not exceed a width of 6,5 m.”;

(g) the substitution for sub-paragraph (iv) of paragraph (f) of the following sub-paragraph:

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

(h) the insertion after paragraph (g) of the following paragraph:

“(h) Coverage

- (i) The maximum coverage, if applicable, is determined in accordance with the area of land unit as shown in the above table of floor factor, floor space, coverage, height and building lines in Single Residential Zoning 1.”.

Amendment of Item 23 of Schedule 3: City of Cape Town Development Management Scheme

34. Item 23 of Schedule 3 is hereby amended by the substitution for paragraph (a) of the following paragraph:

“(a) No home occupation shall include a noxious trade, risk activity, shop, adult entertainment business, adult services, adult shop, sale of alcoholic beverages, motor repair garage, funeral parlour or activities that are likely to generate a public nuisance, including but not limited to panel beating and spray painting, auto electrician, builders yard, welding works, joinery;”.

Insertion of items 25A and 25B into Schedule 3: City of Cape Town Development Management Scheme

35. Schedule 3 is hereby amended by the insertion, after item 25, of the following items:

“25A Second dwelling

The following conditions shall apply to a second dwelling:

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

25B Third dwelling

The following conditions shall apply to a third dwelling:

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

Amendment of Item 26 of Schedule 3: City of Cape Town Development Management Scheme

36. Item 26 of Schedule 3 is hereby amended by –

(a) by the substitution for paragraph (b) of the following paragraph:

“(b) Additional use rights which may be exercised by the occupant of any unit of accommodation are shelter, house shop, home occupation, bed and breakfast establishment, home child care, informal trading, third dwelling and any educational, religious, occupational or business purpose excluding the sale of alcoholic beverages, provided that:

- (i) The dominant use of the unit shall remain residential;
- (ii) No noxious trade, risk activity, adult entertainment business, adult services or adult shop are permitted;
- (iii) No activities shall be carried out which constitute or are likely to constitute a source of nuisance, including the use of equipment that generates excessive noise, or any activity which results in the generation of dust, fumes, smoke, or waste material which could be detrimental to health, or which requires special waste removal processes;
- (iv) The City may, at any stage, call for a cessation of the land use or activity, or impose conditions in order to minimise any potential nuisance to surrounding neighbours or the general public; and
- (v) The development rules stipulated in items 23, 24, 25, 25B except for paragraph (b), 28, 29, and 30, whichever is applicable, shall be adhered to.”.

(b) the substitution for paragraph (c) of sub-item (1) of the following paragraph:

“(c) Consent uses are group housing, boarding house, place of worship, institution, clinic, place of assembly, place of instruction, office, restaurant, guest house, place of entertainment, service trade, authority use, rooftop base telecommunication station, minor rooftop base telecommunication station, wind turbine infrastructure, veterinary practice and halfway house.”; and

(c) the substitution for paragraph (d) of sub-item (1) of the following paragraph:

“(d) **[Multiple uses and buildings where no formal township exists]** The uses in (1)(a-c) above is permissible where no formal township exists.”.

Amendment of Item 27 of Schedule 3: City of Cape Town Development Management Scheme

37. Item 27 of Schedule 3 is hereby amended by –

(a) the substitution for paragraph (b) of the following paragraph:

- “(b) Height
- (i) The maximum height of a building, measured from **[base]** existing ground level to the wallplate, shall be 6m for dwelling units and 8m for all other buildings;
 - (ii) The maximum height of a building, measured from **[base]** existing ground level to the top of the roof, shall be 8m for dwelling units and 10m for all other buildings.
 - (iii) Earth banks and retaining structures are subject to item 126.”; and

- (b) the substitution of the table: Table of parking requirements in Single Residential Zoning 2, of the following table:

"Table of parking requirements in Single Residential Zoning 2

| Use of property | Parking requirement |
|--|--|
| Shelter | None |
| Dwelling house | One bay, if required by the City (None on erven <100 m ²) |
| Second dwelling, <u>third dwelling</u> , home occupation | None |
| Other primary or consent uses | As required by the City |

End of Table".

Amendment of Item 28 of Schedule 3: City of Cape Town Development Management Scheme

38. Item 28 of Schedule 3 is hereby amended by the substitution for paragraph (c) of the following paragraph:

"(c) Any new structure, or alteration to the existing dwelling house, second dwelling, third dwelling or outbuilding, shall conform to the residential character of the area;"

Amendment of Item 29 of Schedule 3: City of Cape Town Development Management Scheme

39. Item 29 of Schedule 3 is hereby amended by the substitution for the item of the following item:

"The following conditions apply to a shelter:

- (a) If the City's appointed Building Control Officer is of the opinion that the shelter poses a public health, safety, fire or structural risk the City may serve notice to this effect on the owner or occupier calling upon them to submit documentation to the City or appoint a professional person to conduct an investigation and to report to the City on the nature and extent of the risk and the steps to be taken to remedy such risk. [It shall be the sole responsibility of the occupant or owner of the shelter to ensure the structural, habitability, fire resistance or other standards of a shelter; and]
- (b) After considering the documentation or report submitted and if it is satisfied that there is a risk the City may issue a directive instructing the owner or occupier to take the steps in the directive [Any occupant or owner of a shelter who is instructed by the City to take action to remedy a public safety, health or fire risk, and who fails to do so, is guilty of an offence in terms of this By-Law].
- (c) If the owner or occupier fails to comply with sub-items (a) and (b) they are guilty of an offence in terms of this by-law.
- (d) A shelter may not exceed 4m in height measured from existing ground level to top of roof."

Amendment of Item 34 of Schedule 3: City of Cape Town Development Management Scheme

40. Item 34 of Schedule 3 is hereby amended by the substitution for paragraph (c) of the following paragraph:

"(c) Consent uses are utility service, home child care, **[and]** rooftop base telecommunication station and minor rooftop base telecommunication station."

Amendment of Item 35 of Schedule 3: City of Cape Town Development Management Scheme

41. Item 35 of Schedule 3 is hereby amended by the substitution for sub-paragraph (i) of paragraph (c) of the following sub-paragraph:

“(i) The maximum height of a building, measured from **[base]** existing ground level to the top of the wallplate, shall be 8 m, and to the top of the roof shall be 10 m.”.

Amendment of Item 39 of Schedule 3: City of Cape Town Development Management Scheme

42. Item 39 of Schedule 3 is hereby amended by –

(a) the substitution for paragraph (a) of subsection (2) of the following paragraph:

“(a) A second dwelling is permitted subject to the provisions for a second dwelling in **[Local Business Zoning 1] item 25A;**”; and

(b) the substitution for paragraph (c) of sub-item (2) of the following paragraph:

“(c) The development rules for erven greater than 350 m² and not exceeding **[500] 650** m² as stipulated in the ‘Table of **[coverage, height,] floor factor, floor space, coverage, height** and building lines in Single Residential Zoning 1’ in item 22 shall apply;”.

Amendment of Item 40 of Schedule 3: City of Cape Town Development Management Scheme

43. Item 40 of Schedule 3 is hereby amended by the deletion of paragraph (c).

Amendment of Item 41 of Schedule 3: City of Cape Town Development Management Scheme

44. Item 41 of Schedule 3 is hereby amended by –

(a) the substitution for sub-paragraph (i) of paragraph (c) of the following sub-paragraph:

“(i) The maximum height of a building, measured from the **[base]** existing ground level to the top of the roof, shall be determined in accordance with the following ‘Table of coverage, height and floor factor in General Residential Subzonings GR2-GR6’.”;

(b) the substitution of “Table of coverage, height and floor factor in General Residential Subzonings GR2-GR6”, with the following table:

“Table of coverage, height and floor factor in General Residential Subzonings GR2-GR6

| Subzoning | Coverage | Floor factor | Maximum height above <u>[base] existing ground level to top of roof</u> |
|------------------|-----------------|---------------------|--|
| GR2 | 60% | 1,0 | 15,0 m |
| GR3 | 60% | [1,0] 1,25 | 20,0 m |
| GR4 | 60% | 1,5 | 24,0 m |
| GR5 | 60% | 2,5 | 35,0 m |
| GR6 | 60% | 5,0 | 50,0 m |

End of Table”.

(c) the deletion of paragraph (d);

(d) the substitution for sub-paragraph (i) of paragraph (e) of the following sub-paragraph:

“(i) No building shall be erected so that any point on the building is nearer to a street boundary or a common boundary than the distance specified in the following ‘Table of building lines in General Residential Subzonings GR2-GR6’, provided that:

- (aa) the symbol 'H' means the height in metres of the point concerned above the **[base]** existing ground level, and
 (bb) where two alternative building lines are prescribed, the greater of the two building lines shall apply.”;

(e) by the substitution for sub-paragraph (ii) of paragraph (e) of the following sub-paragraph:

“(ii) An outbuilding is permitted within the common boundary building line provided the outbuilding is not higher than 3,5 m from the **[base]** existing ground level of the outbuilding to the top of the roof.”;

(f) by the substitution of “Table of building lines in General Residential Subzonings GR2-GR6”, with the following table:

“Table of building lines in General Residential Subzonings GR2-GR6

| Subzoning | Street boundary building line | | Common boundary building line | |
|-----------|--|---|--|---|
| | Points up to 25,0 m above [base] <u>existing ground</u> level | Points over 25,0 m above [base] <u>existing ground</u> level | Points up to 25,0 m above [base] <u>existing ground</u> level | Points over 25,0 m above [base] <u>existing ground</u> level |
| GR2 | 4,5 m | N/a | 4,5 m or 0,6 H | N/a |
| GR3 | | | (0,0 m up to 15,0 m in height where intersecting a street boundary, for a distance of 18,0 m measured perpendicular from such street boundary) | |
| GR4 | | | | |
| GR5 | 4,5 m | 9,0 m | 4,5 m or 0,6 H | 15,0 m |
| GR6 | | | (0,0 m up to 15,0 m in height where intersecting a street boundary, for a distance of 18,0 m measured perpendicular from such street boundary) | [(0,0 m up to 15,0 m in height where intersecting a street boundary, for a distance of 18,0 m measured perpendicular from such street boundary)] |

End of Table”.

Amendment of Item 42 of Schedule 3: City of Cape Town Development Management Scheme

45. The following item is substituted for item 42 of Schedule 3:

"The provisions of item 21 (b) and 22 apply to a dwelling in this zoning. The provisions of item 21 (b), 22 and 25A apply to a second dwelling in this zoning."

Insertion of item 45A into Schedule 3: City of Cape Town Development Management Scheme

46. Schedule 3 is hereby amended by the insertion after item 45 of the following item:

"45A Development rule for all uses in GR2-GR6, except dwelling house and second dwelling

Vehicle access to the property must be from an adjacent road reserve of at least 9m wide."

Amendment of Item 46 of Schedule 3: City of Cape Town Development Management Scheme

47. Item 46 of Schedule 3 is hereby amended by the substitution for paragraph (a) of the following paragraph:

"(a) Primary uses are place of instruction, place of worship, clinic, rooftop base telecommunication station, filming, minor freestanding base telecommunication station, minor rooftop base telecommunication station and open space."

Amendment of Item 47 of Schedule 3: City of Cape Town Development Management Scheme

48. Item 47 of Schedule 3 is hereby amended by the substitution for sub-paragraph (i) of paragraph (c) of the following sub-paragraph:

"(i) The maximum height of a building, measured from [base] existing ground level to the top of the roof, is 12 m, 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."

Amendment of Item 46 of Schedule 3: City of Cape Town Development Management Scheme

49. Item 48 of Schedule 3 is hereby amended by the substitution for paragraph (a) of the following paragraph:

"(a) Primary uses are institution, hospital, place of instruction, place of worship, place of assembly, rooftop base telecommunication station, minor freestanding base telecommunication station, minor rooftop base telecommunication station, filming and open space."

Amendment of Item 49 of Schedule 3: City of Cape Town Development Management Scheme

50. Item 49 of Schedule 3 is hereby amended by the substitution for sub-paragraph (i) of paragraph (c) of the following sub-paragraph:

"(i) The maximum height of a building, measured from [base] existing ground level to the top of the roof, shall be 18 m, 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."

Amendment of Item 50 of Schedule 3: City of Cape Town Development Management Scheme

51. Item 50 of Schedule 3 is hereby amended by the substitution for paragraph (b) of the following paragraph:

“(b) Additional use rights which may be exercised by the occupant of a dwelling house are second dwelling, home occupation or house shop or bed and breakfast establishment or home child care subject to the development rules in items 25A, 52[, 53] and 54 whichever is applicable.”.

Amendment of Item 51 of Schedule 3: City of Cape Town Development Management Scheme

52. Item 51 of Schedule 3 is hereby amended by –

(a) the substitution for sub-paragraph (i) of paragraph (b) of the following sub-paragraph:

“(i) The maximum height of a building, measured from **[base]** existing ground level to the top of the wallplate and to the top of the roof, shall be determined in accordance with the area of the land unit as shown in the following ‘Table of floor factor, height and building lines in Local Business Zoning 1’.”;

(b) the substitution for sub-paragraph (ii) of paragraph (b) of the following sub-paragraph:

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

(c) the substitution of “Table of floor factor, height and building lines in Local Business Zoning 1”, with the following table:

“Table of floor factor, height and building lines in Local Business Zoning 1

| Land unit area (m ²) | Floor factor | Maximum height [base] above <u>existing ground</u> level | | Street boundary building line | Common boundary building line |
|----------------------------------|--------------|---|----------------|-------------------------------|---|
| | | To wallplate | To top of roof | | |
| >1 000 | 1,0 | 9,0 m | 11,0 m | 3,5 m | 3,0 m |
| >650 up to 1 000 | 1,0 | 9,0 m | 11,0 m | 3,5 m | 3,0 m |
| >350 up to 650 | 1,0 | 8,0 m | 10,0 m | 3,5 m | 0,0 m for first 12,0 m measured perpendicular from street boundary and 0,0 m for 60% of total remaining linear distance along all common boundaries around land unit and 3,0 m for remainder, subject to paragraph (d) (iii). |
| >200 up to 350 | 1,0 | 8,0 m | 10,0 m | 3,5 m | 0,0 m for first 12,0 m measured perpendicular from street boundary and 0,0 m for 60% of total remaining linear distance along all common boundaries around land unit and 3,0 m for remainder; subject to paragraphs (d) (ii) and (d) (iii). |
| ≤200 | 1,0 | 8,0 m | 10,0 m | 1,0 m | |

End of Table”;

(d) by the substitution for sub-paragraph (i) of paragraph (d) of the following sub-paragraph:

“(i) A garage or carport is permitted within the common boundary building line provided the garage or carport:
 (aa) does not extend higher than 3,5 m from **[base]** existing ground level to the top of the roof; and

(bb) does not contain more than a double garage façade with a maximum width of 6,5 m.”;
and

(e) by the substitution for sub-paragraph (ii) of paragraph (d) of the following sub-paragraph:

“(ii) For land units of 650 m² and less, a garage or carport is permitted up to 1,5 m from the street boundary provided the garage or carport:

(aa) is not higher than 3,5 m from **[base]** existing ground level to the top of the roof; and

(bb) does not contain more than a double garage facade with a maximum width of 6,5 m.”.

Amendment of Item 53 of Schedule 3: City of Cape Town Development Management Scheme

53. Item 53 of Schedule 3 is hereby deleted.

Amendment of Item 56 of Schedule 3: City of Cape Town Development Management Scheme

54. Item 56 of Schedule 3 is hereby amended by the substitution for sub-paragraph (i) of paragraph (c) of the following sub-paragraph:

“(i) The maximum height of a building, measured from **[base]** existing ground level to the top of the roof, shall be 12 m.”.

Amendment of Item 60 of Schedule 3: City of Cape Town Development Management Scheme

55. Item 60 of Schedule 3 is hereby amended by –

(a) the substitution for sub-paragraph (i) of paragraph (d) of the following sub-paragraph:

“(i) The maximum height of a building, measured from the **[base]** existing ground level to the top of the roof, shall be determined in accordance with the following ‘Table of height and floor factor in General Business Zonings’.”;

(b) the substitution of “Table of height and floor factor in General Business Zoning”, with the following table:

“Table of height and floor factor in General Business Zonings

| Subzoning | Maximum height above [base] <u>existing ground</u> level to top of roof | Floor factor |
|------------------|---|-------------------------|
| GB1 | 15,0 m | 1,5 |
| GB2 | 15,0 m | 2,0 |
| GB3 | 25,0 m | [2,0] <u>2,5</u> |
| GB4 | 25,0 m | 3,0 |
| GB5 | 25,0 m | 4,0 |
| GB6 | 38,0 m | 6,0 |
| GB7 | 60,0 m | 12,0 |

End of Table”;

(c) by the substitution for sub-paragraph (i) of paragraph (e) of the following sub-paragraph:

“(i) No building shall be erected so that any point thereon is nearer to a street or common boundary than the distance specified in the following ‘Table of building lines in General Business Zonings’, where the symbol ‘H’ means the height in metres of the point concerned above **[base]** existing ground level.”; and

(d) by the substitution of "Table of building lines in General Business Zonings", with the following table:

"Table of building lines in General Business Zonings"

| Sub-zoning | Street building line and common building line | | | |
|------------|---|-----------------------------------|---|---|
| | Points on a building above [base] <u>existing ground</u> level | | | |
| | up to 10,0 m | over 10,0 m and up to 25,0 m | over 25,0 m and up to 38,0 m | over 38,0 m |
| GB1 | 0,0 m | 4,5 m (0,0 m for common boundary) | N/a | N/a |
| GB2 | | | | |
| GB3 | | | | |
| GB4 | | | | |
| GB5 | 0,0 m | 0,0 m | N/a | N/a |
| GB6 | 0,0 m | 0,0 m | (H minus 25,0 m) divided by 2 (0,0 m for common boundary) | N/a |
| GB7 | 0,0 m | 0,0 m | 0,0 m | (H minus 38,0 m) divided by 2 (0,0 m for common boundary) |

End of Table".

Amendment of Item 64 of Schedule 3: City of Cape Town Development Management Scheme

56. Item 64 of Schedule 3 is hereby amended by –

(a) the substitution for sub-paragraph (ii) of paragraph (a) of the following sub-paragraph:

“(ii) The maximum height of a building, measured from **[base]** existing ground level to the top of the roof, shall be determined in accordance with the following 'Table of floor factor, coverage and height in Mixed Use Zonings'. ”;

(b) the substitution of "Table of floor factor, coverage and height in Mixed Use Zonings", with the following table:

“Table of floor factor, coverage and height in Mixed Use Zonings

| Subzoning | Floor factor | Coverage | Maximum height above [base] existing ground level to top of roof |
|------------------|---------------------|-----------------|---|
| MU1 | 1,5 | 75% | 15,0 m |
| MU2 | 4,0 | 100% | 25,0 m |
| MU3 | 6,0 | 100% | 38,0 m |

End of Table”;

(c) the substitution for sub-paragraph (i) of paragraph (c) of the following sub-paragraph:

“(i) No building shall be erected so that any point on the building is nearer to a street or common boundary than the distance specified in the following ‘Table of building lines in Mixed Use Zonings’, where the symbol ‘H’ means the height in metres of a point above **[base] existing ground level.**”;

(d) by the substitution of “Table of building lines in Mixed Use Zonings”, with the following table:

“Table of building lines in Mixed Use Zonings

| Subzoning | Street building line and common building line | | |
|------------------|--|------------------------------|-------------------------------|
| | Points on a building above [base] existing ground level | | |
| | up to 10,0m | over 10,0 m and up to 25,0 m | over 25,0 m and up to 38,0 m |
| MU1 | 0,0 m | 4,5 m | N/a |
| MU2 | 0,0 m | 4,5 m | N/a |
| MU3 | 0,0 m | 0,0 m | (H minus 25,0 m) divided by 2 |

End of Table”.

Amendment of Item 68 of Schedule 3: City of Cape Town Development Management Scheme

57. Item 68 of Schedule 3 is hereby amended by –

(a) the substitution for sub-paragraph (i) of paragraph (b) of the following sub-paragraph:

“(i) The maximum height of a building in General Industry Subzoning GI1 shall be 18 m measured from **[base] existing ground level** to the top of the roof;”;

(b) the substitution for sub-paragraph (iii) of paragraph (b) of the following sub-paragraph:

“(iii) Any building in General Industry Subzoning GI2 that is not used for manufacturing purposes shall not exceed a height of 18 m measured from the **[base] existing ground level** to the top of the roof;”;

and

(c) the substitution for sub-paragraph (v) of paragraph (b) of the following sub-paragraph:

“(v) Shipping or transport containers, when stored or stacked outside a building, may not extend higher than 15 m above **[average]** existing ground level.”.

Amendment of Item 75 of Schedule 3: City of Cape Town Development Management Scheme

58. Item 75 of Schedule 3 is hereby amended by –

(a) the substitution for sub-paragraph (ii) of paragraph (c) of the following sub-paragraph:

“(ii) Buildings not used for noxious trade, risk activity or manufacturing purposes shall not exceed a height of 18 m measured from the **[base]** existing ground level to the top of the roof;” and

(b) by the substitution for sub-paragraph (iv) of paragraph (c) of the following sub-paragraph:

“(iv) Shipping or transport containers, when stored or stacked outside a building, may not extend higher than 15 m above **[average]** existing ground level.”.

Amendment of Item 80 of Schedule 3: City of Cape Town Development Management Scheme

59. Item 80 of Schedule 3 is hereby amended by the substitution for paragraph (a) of the following paragraph:

“(a) Primary uses are utility service, authority use, rooftop base telecommunication station, **[and]** freestanding base telecommunication station, minor freestanding base telecommunication station, minor rooftop base telecommunication station.”.

Amendment of Item 82 of Schedule 3: City of Cape Town Development Management Scheme

60. Item 82 of Schedule 3 is hereby amended by the substitution for paragraph (a) of the following paragraph:

“(a) Primary uses are transport use, multiple parking garage, utility service, shop, restaurant, service trade, office, warehouse, rooftop base telecommunication station, minor freestanding base telecommunication station, minor rooftop base telecommunication station and container site.

Amendment of Item 83 of Schedule 3: City of Cape Town Development Management Scheme

61. Item 83 of Schedule 3 is hereby amended by –

(a) the substitution for sub-paragraph (i) of paragraph (c) of the following sub-paragraph:

“(i) The maximum height of a building shall be 18 m measured from **[base]** existing ground level to the top of the roof;” and

(b) the substitution for sub-paragraph (iii) of paragraph (c) of the following sub-paragraph:

“(iii) Shipping or transport containers, when stored or stacked outside a building, may not extend higher than 15 m above **[average]** existing ground level.”.

Amendment of Item 87 of Schedule 3: City of Cape Town Development Management Scheme

62. Item 87 of Schedule 3 is hereby amended by the substitution for paragraph (a) of the following paragraph:

“(a) Primary uses are public street, public road, minor freestanding base telecommunication station, minor rooftop base telecommunication station and utility service.”.

Insertion of Part 3A into Schedule 3: City of Cape Town Development Management Scheme

63. Schedule 3 is hereby amended by the insertion, after item 92, of the following part:

“Part 3A: Transport Zoning 3: Toll Road (TR3)
(items 92A-B)

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

92A Use of the property

The following use restrictions apply to property in this zoning:

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

92B Development rules

The following development rules apply:

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

Amendment of Item 97 of Schedule 3: City of Cape Town Development Management Scheme

64. Item 97 of Schedule 3 is hereby amended by the substitution for paragraph (a) of the following paragraph:

“(a) Primary uses are environmental conservation use, minor freestanding base telecommunication station, minor rooftop base telecommunication station.”.

Amendment of Item 99 of Schedule 3: City of Cape Town Development Management Scheme

65. Item 99 of Schedule 3 is hereby amended by the substitution for paragraph (a) of the following paragraph:

“(a) Primary uses are public open space, **[and]** environmental conservation use, minor freestanding base telecommunication station and minor rooftop base telecommunication station.”.

Amendment of Item 104 of Schedule 3: City of Cape Town Development Management Scheme

66. Item 104 of Schedule 3 is hereby amended by the substitution for paragraph (a) of the following paragraph:

“(a) Primary uses are open space, private road, **[and]** environmental conservation use, minor freestanding base telecommunication station and minor rooftop base telecommunication station.”.

Amendment of Item 108 of Schedule 3: City of Cape Town Development Management Scheme

67. Item 108 of Schedule 3 is hereby amended by the substitution for paragraph (a) of the following paragraph:

“(a) Primary uses are agriculture, intensive horticulture, dwelling house, riding stables, environmental conservation use, environmental facilities, rooftop base telecommunication station, minor freestanding base telecommunication station, minor rooftop base telecommunication station and additional use rights as listed in paragraph (b).”.

Amendment of Item 109 of Schedule 3: City of Cape Town Development Management Scheme

68. Item 109 of Schedule 3 is hereby amended by –

(a) the substitution for sub-paragraph (i) of paragraph (d) of the following sub-paragraph:

“(i) The maximum height of a dwelling house, measured from the **[base]** existing ground level to the top of the wallplate, shall be 9 m and to the top of the roof shall be 11 m.”; and

(b) the substitution for sub-paragraph (ii) of paragraph (d) of the following sub-paragraph:

“(ii) Agricultural buildings other than the dwelling houses shall not exceed a height of 12 m measured from the **[base]** existing ground level to the top of the roof.”.

Amendment of Item 111 of Schedule 3: City of Cape Town Development Management Scheme

69. Item 111 of Schedule 3 is hereby amended by the substitution for paragraph (d) of the following paragraph:

“(d) the development rules in item **[53]** 25A shall apply to second dwellings and additional dwelling units in this zoning.”.

Amendment of Item 113 of Schedule 3: City of Cape Town Development Management Scheme

70. Item 113 of Schedule 3 is hereby amended by the substitution for sub-paragraph (i) of paragraph (e) of the following sub-paragraph:

“(i) The maximum height of a building, measured from **[base]** existing ground level to the wallplate, shall be 9 m, and to the top of the roof shall be 11 m.”.

Amendment of Item 116 of Schedule 3: City of Cape Town Development Management Scheme

71. The following item is substituted for item 116 of Schedule 3:

“The development rules in item **[53]** 25A apply, provided that a dwelling unit for persons engaged in bone fide agricultural activities on the land unit shall not be regarded as a second dwelling.”.

Amendment of Item 121 of Schedule 3: City of Cape Town Development Management Scheme

72. Item 121 of Schedule 3 is hereby amended by the substitution for paragraph (a) of sub-item (1) of the following paragraph:

“(a) Notwithstanding the building line requirements set out in Division II, the following structures or portions thereof may be erected within the prescribed building lines, provided they do not extend beyond the boundaries of a land unit:

- (i) boundary walls, fences and gates;
- (ii) open and uncovered stoeps;
- (iii) entrance steps, landings and entrance porches leading to the ground floor or basement of a building;
- (iv) a covered entrance or gatehouse that has a roofed area not exceeding 5 m² and a roof height not exceeding 3 m from floor to highest point;
- (v) eaves and awnings projecting no more than 1 m from the wall of a building;

- (vi) cornices, chimney breasts, flower boxes, water pipes, drain pipes and minor decorative features not projecting more than 500 mm from the wall of a building;
- (vii) screen-walls not exceeding 2,1 m in height above the existing ground level abutting such wall;
- (viii) swimming pools not closer than 1 m from any erf boundary;
- (ix) any part of a basement, [provided] that is below [no part thereof projects above] existing ground level;
- (x) a refuse room required by the City in terms of item 145;
- (xi) a retaining structure within a street boundary building line, subject to item 126, or any retaining structure located under the existing ground level[.];
- (xii) pergolas not exceeding 40m² in area;
- (xiii) water tanks and their supporting structures not exceeding 2,5m in height from existing ground floor;
- (xiv) child's playhouse or similar play structure not exceeding 5 m² in area;
- (xv) storage shed not exceeding 5 m² in area."

Amendment of item 122 of Schedule 3: City of Cape Town Development Management Scheme

73. Item 122 of Schedule 3 is hereby amended by the substitution for the item of the following item:

"The portion of a land unit falling within a street centreline setback area shall be excluded for the purpose of determining coverage and maximum floor space, unless the owner transfers the portion concerned to the City free of charge. In such case, the portion shall be included for the purpose of determining coverage or maximum floor space on **[a] the remaining land unit and the base zoning street building line requirement would not be applicable to the remaining land unit."**

Amendment of item 129 of Schedule 3: City of Cape Town Development Management Scheme

74. Item 129 of Schedule 3 is hereby amended by the substitution for the heading and section of the following heading and section:

"129 [Mobile homes and caravans] Recreational vehicles and watercraft

- (1) **[A recreation vehicle, such as a mobile home or caravan,]** Recreational vehicles and watercraft may not be used for permanent habitation without the approval of the City, **[except if]** unless the applicable zoning **[lawfully]** allows such activity.
- (2) **[The following]** An approval granted in terms of sub-item (1) is subject to, but not limited to, the following conditions [additional development rules shall apply with regard to mobile homes approved to be placed on a land unit zoned for residential purposes]:
 - (a) The **[mobile home or caravan]** recreational vehicle or watercraft shall be sited on a foundation slab and properly anchored;
 - (b) Solid perimeter skirting, of material and colour complementary to the **[mobile home or caravan]** recreational vehicle or watercraft, shall be provided from the bottom of the **[mobile home]** recreational vehicle or watercraft to the ground surface;
 - (c) The roof and exterior siding of the **[mobile home or caravan]** recreational vehicle or watercraft shall be of a non-reflective material; and
 - (d) Any structural additions shall be of materials which, in the opinion of the City, are compatible with the **[mobile home or caravan]** recreational vehicle or watercraft."

Insertion of Item 136B into Schedule 3: City of Cape Town Development Management Scheme

75. Schedule 3 is hereby amended by the insertion, after item 136A, of the following item:

136B Boundary walls

The following provisions shall apply to a boundary wall:

- (a) a street boundary wall must not exceed 2 metres in height when measured from the existing ground level on the public street side of the wall to the top of the boundary wall;

- (b) a common boundary wall must not exceed 2,5 metres in height when measured from the lowest existing ground level on either side of the wall to the top of the boundary wall;
- (c) security devices, such as spikes, barbed wire, razor wire or electric fences shall not be exceed a height of 1,0 metre measured from the top of a boundary wall;
- (d) any portion of a boundary wall in excess of 1 metre in height, when measured from the existing ground level on the public street side of the wall to the top of the boundary wall, located within 4,5 metres of the intersection of two street boundaries where the intersecting street boundaries enclose an angle of less than 135 degrees must be visually permeable;
- (e) All boundary walls that face a public street or public open space and exceed 1,5m in height, when measured from the existing ground level on the public street or public open space side of the boundary wall to the top of the boundary wall, must be visually permeable to the following extents:
 - (aa) general business, industrial, risk industry and utility zonings: a minimum of 60% of the total vertical area of the wall, excluding any visually permeable gates or garage doors.; and
 - (bb) in all other zonings: a minimum of 25% of the total vertical area of the wall, excluding any visually permeable gates or garage doors.
- (f) The City may develop guidelines for compliance with the above provisions."

Amendment of Item 138 of Schedule 3: City of Cape Town Development Management Scheme

76. Item 138 is hereby amended by the substitution for the table entitled "Minimum off-street parking requirements" of the following table:

"Minimum off-street parking requirements

| Land use | Standard areas | PT1 areas | PT2 areas |
|----------------------------------|--|--|------------------|
| Main dwelling house (SR1 Zoning) | 2 bays per dwelling unit (1 bay per dwelling for erven < 350 m ²) | 1 bay per dwelling unit | Nil |
| Main dwelling house (SR2 Zoning) | 1 bay per dwelling unit (Nil per dwelling for erven < 100 m ²) | Nil | Nil |
| Second dwelling | 1 bay per 2 nd dwelling unit | 1 bay per 2 nd dwelling unit | Nil |
| Group dwelling | 1,75 bays per dwelling unit, plus 0,25 bays per dwelling unit for visitors | 1 bay per dwelling unit, plus 0,25 bays per dwelling unit for visitors | Nil |
| Flats | [1,75] 1,25 bays per dwelling unit, plus 0,25 bays per dwelling unit for visitors | 1 bay per dwelling unit, plus 0,25 bays per dwelling unit for visitors | Nil |
| Bed & breakfast establishment | 1 additional bay per guest bedroom | 1 additional bay per guest bedroom | Nil |

| Land use | Standard areas | PT1 areas | PT2 areas |
|-----------------------------|--|---|-----------|
| Boarding house, guest house | [1,25] <u>1 bay[s] per bedroom for the first 10 bedrooms, thereafter 0.5 bays for each bedroom in excess of 10</u> | [0,75] <u>1 bay[s] per bedroom for the first 10 bedrooms, thereafter 0.25 bays for each bedroom in excess of 10</u> | Nil |
| Backpackers lodge | 1 bay per [6] <u>10 beds plus associated reduced (based on parking sharing) requirement for any ancillary land uses open to general public</u> | 1 bay per [8] <u>10 beds plus associated reduced (based on parking sharing) requirement for ancillary land uses open to general public</u> | Nil |
| Hotel | [0,75] <u>0,5 bays per bedroom, plus [20 bays if licensed] associated reduced (based on parking sharing) requirement for any ancillary land uses open to general public</u> | [0,75] <u>0,5 bays per bedroom, plus [20 bays if licensed] associated reduced (based on parking sharing) requirement for any ancillary land uses open to general public</u> | Nil |
| Retirement home, orphanage | [0,5] <u>0,25 bays per [bedroom] resident</u> | [0,3] <u>0,25 bays per [bedroom] resident</u> | Nil |
| Crèche | [1 bay per 10 children, plus stop & drop facility] <u>Nil. Facilities with more than 34 learners must be able to accommodate an informal stop and drop facility on-street.</u> <u>Pro-forma Traffic Management Plan to be submitted detailing planned operations of the stop and drop facility</u> | [1 bay per 10 children] <u>Nil. Facilities with more than 34 learners must be able to accommodate an informal stop and drop facility on-street.</u> <u>Pro-forma Traffic Management Plan to be submitted detailing planned operations of the stop and drop facility</u> | Nil |

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

| Land use | Standard areas | PT1 areas | PT2 areas |
|---|---|---|-------------------------------------|
| Clinic, medical consulting rooms, veterinary practice | [4 bays per consulting room] <u>Base ratio of 2.5 bays per consulting room for facilities comprising a maximum of 5 consulting rooms.</u> <u>For larger facilities, consecutively add 0.5 bays for each consulting room in excess of 5 consulting rooms, up to a maximum ratio of 5 bays per consulting room for facilities with 10 or more such rooms</u> | [3 bays per consulting room] <u>Base ratio of 2.5 bays per consulting room for facilities comprising a maximum of 5 consulting rooms.</u> <u>For larger facilities, consecutively add 0.5 bays for each consulting room in excess of 5 consulting rooms, up to a maximum ratio of 5 bays per consulting room for facilities with 10 or more such rooms</u> | Nil |
| Shops (excluding supermarket) | [4] 3 bays per 100 m ² GLA | 2 bays per 100 m ² GLA | Nil |
| Supermarket, shopping centre | [6] 4 bays per 100 m ² GLA | [4] 2.5 bays per 100 m ² GLA | Nil |
| Restaurant | [2] 6 bays per 100 [25] m ² GLA | [1] 4 bays per 100 [25] m ² GLA | Nil |
| Offices | 4 bays per 100 m ² GLA | 2.5 bays per 100 m ² GLA | Nil |
| Conference centre | 6 bays per 10 seats | 4 bays per 10 seats | Nil |
| Motor showroom | [3] 2 bays per 100 m ² GLA | [3] 2 bays per 100 m ² GLA | Nil |
| Motor repair garage, service station | 4 bays per service bay, plus 4 bays per 100 m ² GLA, minimum 8 bays | 4 bays per service bay, plus 4 bays per 100 m ² GLA, minimum 8 bays | [Nil] 4 bays per service bay |
| Motor fitment centre | 2 bays per service bay | 2 bays per service bay | [Nil] 2 bays per service bay |
| Industry | [2] 1.5 bays per 100 m ² GLA for facilities up to 3000m ² GLA. <u>1 bay per 100m² GLA for facilities larger than 3000m² GLA</u> | [1,5] 0.5 bays per 100 m ² GLA for facilities up to 3000m ² GLA. <u>1 bay per 100m² GLA for facilities larger than 3000m² GLA</u> | Nil |
| Warehouse, storage building | 1 bay per 100 m ² GLA | 1 bay per 100 m ² GLA | Nil |

| Land use | Standard areas | PT1 areas | PT2 areas |
|--------------|---------------------------|---------------------------|-----------|
| Self-storage | 0,2 bays per 100m2 GLA | 0,2 bays per 100m2 GLA | Nil |

End of Table".

Amendment of Item 140 of Schedule 3: City of Cape Town Development Management Scheme

77. Item 140 of Schedule 3 is hereby amended by –

(a) the substitution for paragraph (d) of sub-item (2) of the following paragraph:

“(d) A combined carriageway crossing allows for both entrance and exit, whereas a single carriageway crossing only allows for an entrance or an exit or for a combined entrance and exit only to and from a single garage. Direct access to a garage, carport or parking space, or combination thereof, is a combined access.”; and

(b) the substitution of the table “Width of motor vehicle carriageway crossings”, with the following table:

“Width of motor vehicle carriageway crossings

| Type of carriageway crossing | Minimum width | Maximum width |
|---|----------------------|---------------|
| Single entrance or exit way <u>or combined entrance and exit only to and from a single garage</u> | 2, 7 4 m | 4,0 m |
| Combined entrance and exit way | 5,0 4,8 m | 8,0 m |

End of table”.

Amendment of Item 141 of Schedule 3: City of Cape Town Development Management Scheme

78. Item 141 of Schedule 3 is hereby amended by the substitution for paragraph (c) of sub-item (1) of the following paragraph:

“(c) A tandem bay accommodating two motor vehicles shall be regarded as one bay for the purposes of this development management scheme; except for single residential zonings, general residential subzoning 1: group housing or for a dwelling units, other than flats, in any other zoning, where a tandem bay shall be regarded as two bays;”.

Amendment of Item 143 of Schedule 3: City of Cape Town Development Management Scheme

79. Item 143 of Schedule 3 is hereby amended by the substitution for the words preceding paragraph (a) of sub-section (2) of the following words:

“(2) For every four motorcycle **[and] or [six] ten** bicycle parking spaces provided, a credit of one parking bay may be given towards the parking requirements, provided that:”

Amendment of Item 158 of Schedule 3: City of Cape Town Development Management Scheme

80. Item 158 of Schedule 3 is hereby amended by –

(a) the substitution for paragraph (c) of sub-item (1) of the following paragraph:

“(c) ‘**development application**’ means any construction or utilisation of land or any application made to **[a competent authority] the City** for **[additional or new] increased use** rights in terms of planning legislation or the zoning scheme regulations, other than that which is already permitted in terms of the development management scheme, and which either increases the transitory or permanent

population within the Precautionary Action Zone (PAZ) or the Urgent Protective Action Zone (UPZ) and/or which might compromise the effective implementation of the Koeberg Nuclear Emergency Plan.”;

(b) the substitution for paragraph (b) of sub-item (2) of the following paragraph:

“(b) provided land owners may, subject to obtaining the approval of the **[competent authority]** the City, exercise **[additional or new]** increased use rights which will not result in any transitory or permanent population growth and where the competent authority is satisfied that the disaster management infrastructure necessary to ensure effective implementation of the approved traffic evacuation model and associated disaster risk management procedures, is adequate.”;

(c) the substitution for paragraph (a) of sub-item (3) of the following paragraph:

“(a) a development application shall only be approved by the **[competent authority]** the City where it is satisfied that the disaster management infrastructure necessary to ensure effective implementation of the approved traffic evacuation model and associated disaster risk management procedures, is adequate;” and

(d) the substitution for paragraph (b) of sub-item (3) of the following paragraph:

“(b) provided land owners may, subject to obtaining the approval of the **[competent authority]** the City, exercise **[additional or new]** increased use which will not result in any transitory or permanent population growth; and.”;

(e) the deletion of Item 158A of Schedule 3, as inserted by the City of Cape Town: Municipal Planning Amendment By-law, 2016.”; and

(f) the substitution for items 158B, C and D of Schedule 3 as inserted by the City of Cape Town: Municipal Planning Amendment By-law, 2016 of the following items:

Part 3: Scheduled Public Transport Accessibility Overlay Zoning (SPTAO)

(Items 158B – 158D)

158B Use of property: Scheduled Public Transport Accessibility Overlay Zoning

(1) High intensity residential land units have the following additional use rights, in addition to the additional use rights listed in the respective base zonings, and subject to the development rules in the base zoning and item 158C:

(a) land units with a zoning of Single Residential 1 and 2 -
office, guest house, restaurant, service trade and place of instruction; and

(b) land units with a zoning of Single Residential 1 -
business premises.

(2) Low intensity residential land units have the following additional use rights, in addition to the additional use rights listed in the respective base zonings, and subject to the development rules in the base zoning and item 158C:

(a) land units with a zoning of Single Residential 1 and 2 -
office, guest house, place of instruction and service trade; and

- (b) land units with a zoning of Single Residential 1 - house shop.

158C Development rules: Scheduled Public Transport Accessibility Overlay Zoning

- (1) The following development rules are applicable to high intensity residential land units:

- (a) Land units with a zoning of Single Residential 1:

- (i) floor factor of 1.5 on land units up to 350m² in area;
- (ii) floor factor of 2 on land units greater than 350m² up to 650m² in area; and
- (iii) 1,0 m street boundary building line, for land units up to 650m² in area.

- (b) Land units with a zoning of Single Residential 2:

- (i) floor factor of 1.5 on all land units.

- (2) The following conditions apply to the respective additional use rights on high intensity residential land units, in addition to the respective conditions listed in items 21 (b) (i), (iii), (iv) and (v) and 26 (b) (ii), (iii), (iv) and (v):

- (a) Office, guest house and restaurant

The following conditions apply:

- (a) At least one dwelling unit used for permanent accommodation of a single family must exist on the property.

- (b) Service trade

The following conditions apply:

- (a) At least one dwelling unit used for permanent accommodation of a single family must exist on the property;
- (b) The extent and position of the service trade shall be clearly defined on a plan to be approved by the City and the floor space thereof shall not exceed 40% of the size of the land unit;
- (c) No more than six persons in total shall be engaged in activities linked to the service trade on the property, excluding public visitors and clients;
- (d) The service trade shall not operate outside the hours of 08:00 to 18:00;
- (e) A builder's yard and allied trades, recycling centre, spray-paint centre, fitment centre for tyres, shock absorbers or exhausts, and similar types of uses are not allowed;
- (f) Service trade activities are only allowed from the ground floor of a building;
- (g) The service trade is subject to the relevant City department permitting direct access from a public street; and
- (h) The City may, at any stage, call for a cessation of the land use or activity, or impose conditions in order to minimise any potential nuisance to surrounding neighbours or the general public.

- (c) Place of instruction

The following conditions apply:

- (a) At least one dwelling unit used for permanent accommodation of a single family must exist on the property;

- (b) The extent and position of the place of instruction shall be clearly defined on a plan to be approved by the City and the floor space thereof shall not exceed 40% of the size of the land unit;
- (c) No more than 35 persons in total shall be enrolled or involved in a place of instruction on the property, which include students, children; trainees, trainers and educators;
- (d) The place of instruction shall not operate outside the hours of 07:00 to 18:00 on weekdays; and
- (e) The City may, at any stage, call for a cessation of the land use or activity, or impose conditions in order to minimise any potential nuisance to surrounding neighbours or the general public.

(d) Business premises

The following conditions apply to a business premises, other than a restaurant, office or service trade:

- (a) At least one dwelling unit used for permanent accommodation of a single family must exist on the property;
- (b) The extent and position of the business premises shall be clearly defined on a plan to be approved by the City and the floor space thereof shall not exceed 40% of the size of the land unit;
- (c) No more than ten persons in total shall be engaged in activities linked to the business premises on the property, excluding public visitors and clients;
- (d) The business premises shall not operate outside the hours of 08:00 to 18:00;
- (e) Business premises activities are only allowed from the ground floor of a building;
- (f) A builder's yard and allied trades, recycling centre, spray-paint centre, fitment centre for tyres, shock absorbers or exhausts, and similar types of uses are not allowed as part of the business premises;
- (g) The business premises is subject to the relevant City department permitting direct access from a public street; and
- (h) The City may, at any stage, call for a cessation of the land use or activity, or impose conditions in order to minimise any potential nuisance to surrounding neighbours or the general public.

(3) The following conditions apply to the respective additional use rights on low intensity residential land units, in addition to the conditions listed in items 21(b)(i), (iii),(iv) and (v) and 26(b) (ii), (iii), (iv) and (v):

(a) Office and guest house

The following conditions apply:

- (a) At least one dwelling unit used for permanent accommodation of a single family must exist on the property.

(b) Place of instruction

The following conditions apply:

- (a) At least one dwelling unit used for permanent accommodation of a single family must exist on the property;
- (b) The extent and position of the place of instruction shall be clearly defined on a plan to be approved by the City and the floor space thereof shall not exceed 25% of the size of the land unit;
- (c) No more than 15 persons in total shall be enrolled or involved in a place of instruction on the property, which include students, children; trainees, trainers and educators;
- (d) The place of instruction shall not operate outside the hours of 07:00 to 18:00 on weekdays; and

(e) The City may, at any stage, call for a cessation of the land use or activity, or impose conditions in order to minimise any potential nuisance to surrounding neighbours or the general public.

(c) Service trade

The following conditions apply:

- (a) At least one dwelling unit used for permanent accommodation of a single family must exist on the property;
- (b) The extent and position of the service trade shall be clearly defined on a plan to be approved by the City and the floor space thereof shall not exceed 25% of the size of the land unit;
- (c) No more than three persons in total shall be engaged in activities linked to the service trade on the property, excluding public visitors and clients;
- (d) The service trade shall not operate outside the hours of 09:00 to 17:00;
- (e) A builder's yard and allied trades, recycling centre, spray-paint centre, fitment centre for tyres, shock absorbers or exhausts, and similar types of uses are not allowed;
- (f) Service trade activities are only allowed from the ground floor of a building;
- (g) The service trade is subject to the relevant City department permitting direct access from a public street; and
- (h) The City may, at any stage, call for a cessation of the land use or activity, or impose conditions in order to minimise any potential nuisance to surrounding neighbours or the general public.

(d) House shop

The conditions listed in item 28 apply.

- (4) Any development rule contained in the public transport accessibility overlay zoning that exceeds the limitations of a base zoning shall be deemed to be an approved departure from the provisions of the base zoning.

158D General provisions: Scheduled Public Transport Accessibility Overlay Zoning

The following provisions apply:

- (1) The City's municipal services departments must certify that capacity is available on the services network for the additional use rights listed in item 158B.
- (2) The City may approve and shall maintain a scheduled public transport accessibility map which indicates high and low intensity residential land units."

Amendment of Item 158E of Schedule 3: City of Cape Town Development Management Scheme

81. Item 158E of Schedule 3 is hereby amended by the substitution for sub-item (2) of the following sub-item:

"(2) Additional use rights are second dwelling, subject to item **[53] 25A**."

Amendment of Item 163 of Schedule 3: City of Cape Town Development Management Scheme

82. Item 163 of Schedule 3 is hereby amended by the substitution for sub-item (1) of the following sub-item:

"(1) The City may apply specific provisions to a heritage place or heritage area protected as a Heritage Protection Overlay zone, which may be in addition or alternative to the general provisions in item 162, provided it relates to land use and development rules **[and are recorded in a heritage management plan approved by the City in terms of this By-Law]**."

Amendment of Item 164 of Schedule 3: City of Cape Town Development Management Scheme

83. Item 164 of Schedule 3 is hereby amended by the substitution for sub-item (3) of the following sub-item:

- “(3) In approving an application referred to in item 162(1), the City may impose any conditions it believes appropriate for the protection and enhancement of the heritage place or area, including inter alia conditions regarding:
- (a) requirements for landscaping;
 - (b) use of materials and finishes;
 - (c) heritage management plans;
 - (d) recycling or reuse of materials;
 - (e) method statements; **[and]**
 - (f) timescales within which work approved must be in place or be completed[.];
 - (g) architectural form and treatment; and
 - (h) development rules applicable to the land unit.”.

Amendment of Item 167 of Schedule 3: City of Cape Town Development Management Scheme

84. Item 167 of Schedule 3 is hereby amended by the substitution for sub-item (1) of the following sub-item:

- “(1) The City may apply specific provisions in an environmental management overlay zone, which may be in addition or alternative to the general provisions in item 166, provided it relates to land use and development rules **[and are recorded in an environmental site- or activity-management plan approved by the City in terms of this development management scheme].**”.

Amendment of Item 176 of Schedule 3: City of Cape Town Development Management Scheme

85. Item 176 of Schedule 3 is hereby amended by –

- (a) the substitution for sub-item (3) of the following sub-item:

“(3) The maximum height of a building, measured from **[base]** existing ground level to the wallplate, shall be 6 m, and to the top of the roof shall be 8 m.”;

- (b) the substitution for sub-item (6) of the following sub-item:

“(6) The common boundary setbacks specified in this development management scheme shall apply to all dwelling houses, second dwellings, third dwellings, group housing, blocks of flats, residential buildings, or outbuildings to any of the foregoing.”; and

- (c) the substitution for sub-item (7) of the following sub-item:

“(7) The coverage provisions of this development management scheme shall apply to all dwelling houses, second dwellings, third dwellings, group housing and blocks of flats or outbuildings on any site smaller than 350 m². Permitted coverage on sites greater than 350 m² in extent for all of the above buildings shall be 65%.”.

Amendment of Item 185 of Schedule 3: City of Cape Town Development Management Scheme

86. Item 185 of Schedule 3 is hereby amended by –

- (a) the substitution for paragraph (b) of sub-item (2) of the following paragraph:

“(b) notwithstanding the provisions of the development management scheme relating to floor factor, land that is zoned GB7 **[or MU3]**:

- (i) shall be subject to the floor factor specified on Plan LAO/4 for the land unit concerned, unless there is no such specification, in which case the provisions of the development management scheme shall apply; **and]**
- [(ii) the floor factor may be increased by 30%, provided at least 30% of the building floor space remains in use as flats]."**; and

(b) the insertion after paragraph (b) of sub-item (2) of the following paragraphs:

"(bA) Notwithstanding the provisions of the development management scheme relating to floor factor, land that is zoned MU3:

- (i) shall be subject to the floor factor specified on Plan LAO/4 for the land unit concerned, unless there is no such specification, in which case the provisions of the development management scheme shall apply; and
- (ii) the floor factor may be increased by 30%, provided at least 30% of the building floor space remains in use as flats."

Short title

87. This By-law is called the City of Cape Town: Municipal Planning Amendment By-law, 2019.

Draft - 20 Feb 2019