

Wednesday, 22 January 2020

To whom it may concern

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

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

Property description	Erf 148052-RE , MAITLAND
Physical address	24 NINTH AVENUE
Base Zoning	Mixed Use 2
Subzoning	MU2
Overlay zoning (if applicable)	Urban Development Zones
Primary land uses permitted	See attached
Other previously approved use rights (if any)	N/A
Road widening / new road schemes (if any)	N/A

The following must be noted when reading the zoning extract:

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

Yours faithfully

for **DIRECTOR: DEVELOPMENT MANAGEMENT**

**TABLE BAY DISTRICT. MEDIA CITY BUILDING**

2ND FLOOR. CNR ADDERLEY STREET AND HERTZOG BOULEVARD, CAPE TOWN 8000. PO BOX 4529

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	SUB-ZONING	FLOOR FACTOR	COVERAGE	MAXIMUM	BUILDING LINES		STREET CENTRELINE SETBACK	OTHER PROVISIONS
				HEIGHT ABOVE BASE LEVEL	Street	Common		
					boundary	boundaries		
<p><b>MIXED-USE SUBZONINGS (MU1–MU3)</b></p> <p><b>PRIMARY USES</b>            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, <u>and</u> open space <u>and</u> <u>filming</u></p> <p><b>CONSENT USES</b>            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, <u>and</u> motor repair garage, <u>veterinary practice and recycling centre</u></p>	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)

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**Part 2: Mixed Use Subzonings (MU1, MU2 & MU3)**  
(items 63 - 66)

The MU zonings accommodate a mixture of business, appropriate industrial and residential development. These zonings are particularly suitable at the interface between general business and industrial zonings. Certain uses that could have a negative impact on the surrounding area require the approval of the City. Different development rules apply to the different subzonings of MU1, MU2 and MU3, particularly with regard to permitted height and floor space.

**63 Use of the property**

The following use restrictions apply to property in this zoning:

- (a) Primary uses are 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 and open space.
- (b) Consent uses are 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 and motor repair garage.

**64 Development rules**

The following development rules apply:

- (a) Floor factor, coverage and height
  - (i) The maximum floor factor and coverage for all buildings on a land unit shall be determined in accordance with the following 'Table of floor factor, coverage and height in Mixed Use Zonings'.
  - (ii) The maximum height of a building, measured from base 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'.
  - (iii) Earth banks and retaining structures are subject to item 126.

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

Subzoning	Floor factor	Coverage	Maximum height above base 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

- (b) Street centreline setback  
The City may require a street centreline setback, in which case:
  - (i) all buildings or structures on the land unit shall be set back 8 m from the centre line of the abutting public street or streets; and
  - (ii) the provisions of item 122 shall apply.
- (c) Building lines
  - (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 level.
  - (ii) Minor architectural and sunscreen features may project beyond the street boundary building line provided that such features do not project more than 250 mm beyond the street boundary;

**Table of building lines in Mixed Use Zonings**

Subzoning	Street building line and common building line		
	Points on a building above base 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

- (d) Canopy or balcony projection  
The City may require, and may approve, a canopy or balcony projection over the street boundary in accordance with, but not limited to, the following conditions:
- (i) The canopy or balcony shall not project nearer than 500 mm to a vertical plane through the kerb line or proposed kerb line;
  - (ii) No portion of a canopy or balcony projection shall be less than 2,8 m above the pavement;
  - (iii) The City may lay down more restrictive requirements relating to the dimensions, design and materials of the canopy or balcony; and
  - (iv) The owner shall enter into an encroachment agreement with the City and register a servitude area in the case of a balcony projection.
- (e) Parking and access
- (i) Parking on and access to a land unit shall be provided in accordance with Chapter 15.
  - (ii) In order to enhance the amenity of the street level, no parking bays shall be located closer than 10 m to the street boundary at ground floor level on the land unit either outside or within a building, without the approval of the City.
- (f) Loading  
Loading bays shall be provided on the land unit in accordance with item 144.
- (g) Screening  
The City may require screening in accordance with item 125.

#### **65 Service station and motor repair garage**

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

#### **66 Informal trading**

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

**Substitution of Item 63 of Schedule 3: City of Cape Town Development Management Scheme**

44. The following item is hereby substituted for item 63 of Schedule 3:

“The following use restrictions apply to property in this zoning:

- (a) Primary uses are 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, filming and open space.
- (b) Consent uses are 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, recycling centre, veterinary practice and motor repair garage.”.

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

**'building'**, without in any way limiting its ordinary meaning, includes:

- (a) any roofed structure;
- (b) any external stairs, steps or landings of a building and any gallery, canopy, balcony, stoep, verandah, porch or similar feature of a building;
- (c) any walls or railings enclosing any feature referred to in paragraph (b) above; and
- (d) any other portion of a building;

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

**'builder's yard'** means a property used for the storage of material and equipment which:

- (a) is required for or is normally used for construction work;
- (b) was obtained from demolitions of structures or excavations of ground; or
- (c) is necessary for or is normally used for land development, such as storage of material used for building roads, installing essential services, or for any other construction work, whether for public or private purposes;

**'business premises'** means a property from which business is conducted and includes a shop, supermarket, restaurant, sale of alcoholic beverages, plant nursery, office, service trade, funeral parlour, financial institution and building for similar uses, but does not include a place of assembly, place of entertainment, institution, motor repair garage, industry, noxious trade, risk activity, adult entertainment business, adult services or adult shop;

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

**'camping site'** means a property in which tents or caravans are used for accommodation for visitors, and includes ablution, cooking and other facilities for the use of such visitors;

**'canopy'** means a cantilevered or suspended roof, slab or covering (not being the floor of a balcony) projecting from the wall of a building;

**'caravan'** means a vehicle which has been equipped or converted for living and sleeping purposes and which can be readily moved;

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

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

**'cemetery'** means a place for the burial of human or domestic animal remains, and may include ancillary buildings such as an office and chapel, but does not include a crematorium;

**'clinic'** means a place for the diagnosis and treatment of human illness or the improvement of human health, which has limited facilities and an emphasis on outpatients, provided that a clinic may contain live-in facilities for no more than twenty persons, including patients and staff; and a clinic may include medical consulting rooms, operating theatre, an outpatients centre and a wellness centre with ancillary uses;

**'commercial'** combined with a use, such as 'commercial entertainment', 'commercial conference facility' etc., means an enterprise that is run with the express purpose of making a profit and where there are no or limited social or charitable objectives;

**'common boundary'** in relation to a land unit means a boundary that is common with an adjoining land unit other than a street boundary;

**'conference facility'** means a place of commercial nature where information is presented and ideas or information exchanged among groups of people or delegates whose normal place of work is elsewhere, and may include overnight accommodation and the supply of meals to delegates;

**'container site'** means property used for the storage of shipping or transport containers;

**'contextual framework'** means a plan or written strategy approved by the City as envisaged in item 136(4)(a);

**'coverage'** means the total area of a land unit that may be covered by buildings, expressed as a percentage of the area of such land unit, and shall include all roofed areas; provided that the following portions of buildings shall be disregarded in the calculation of coverage:

- (a) stoeps, entrance steps and landings;