

**LOWER KENILWORTH IMPROVEMENT DISTRICT DRAFT LAND USE POSITION PAPER  
SEPTEMBER 2021**

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## PREAMBLE

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The Lower Kenilworth Improvement District (LKID) proposes to update a 2011 Land Use Position Paper for our area prepared by the then Kenilworth Residents Association, circulated to, and supported by the local residents at the time.

The Land Use Position Paper was originally prepared against the background of a number of trends in the area:

- An increase in the number of business and institutional uses in our residential area, both legal and illegal.
- Increasing densities on residential properties where re-development takes place.
- Properties that were abandoned, and allowed to become derelict
- Landlord racketeering where owners (knowingly and unknowingly) rent houses out by the room and pay little attention to attendant problems.
- Criminal activity originating from the railway line or station
- Compromised security relating to building activity

To a large degree, these problems remain, although to varying degrees. The reasons underlying this are multi-faceted, the economic climate and trends in property prices included. Much of the area is also zoned for General Residential purposes, an unfortunate historical designation (as in many of the older parts of the Southern Suburbs) that grants rights for high density residential uses and certain institutional uses in what is, in many respects, an historically single residential or low to medium density residential suburb. Many residents are unaware of this.

It is important to note that the LKID does not intend to challenge existing land use rights, and commits itself to preserving the diversity of the neighbourhood. Nor do we wish to unnecessarily restrict the rights of residents to earn a living.

However, the residential amenity and neighbourhood character of the area must be protected, as must our safety and security. We therefore propose to establish a set of guidelines, set out hereunder, which outline our position on these issues, and which will direct our course of action when appropriate.

## 1. Legislative and Policy Context<sup>1</sup>

In our residential area, generally the most common application of legal parameters are provided by the

- [Municipal Planning By-law](#) and the [Development Management Scheme](#)
- National Building Regulations and Building Standards Act
- [National Heritage Resources Act](#)
- [Outdoor Advertising and Signage By-law](#)

The primary policy instruments include the

- [Southern District Spatial Plan](#)
- [Outdoor Advertising and Signage Policy](#)

Every property is subject to a set of regulations to control development on that property. These regulations are set out in the City of Cape Town (CCT) Development Management Scheme, which forms part of the Planning By-law. Each land unit in the city has a zoning. The zoning prescribes what land uses are allowed on the land unit. Each zoning also has development parameters, which determine the way in which the property may be developed and used, for example how close to the property boundary you may build, how high you may build, the maximum floor area permitted, and on-site parking requirements. If a landowner wants to use or develop land in a way that differs from the development rules for the particular zoning, (s)he may apply to the City to either (i) change the zoning to one that will allow the use or development, or (ii) change the development rules applicable to the specific land unit.

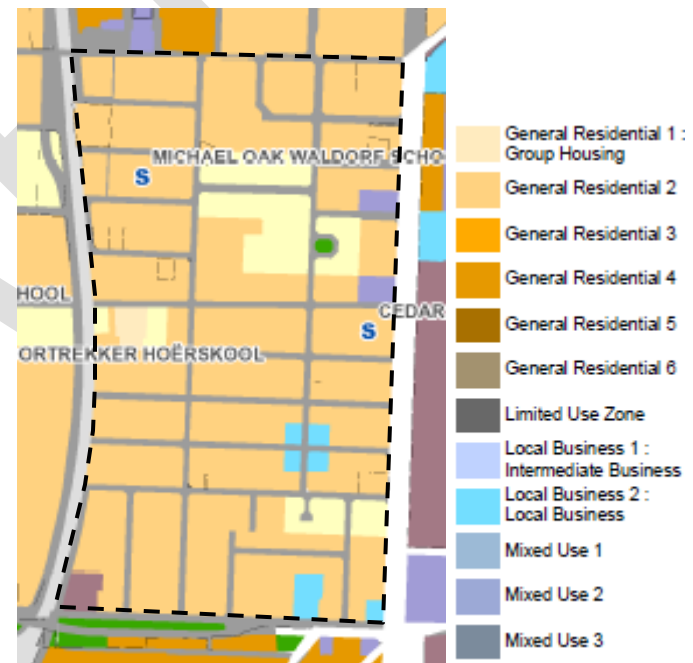
Where a landowner wants to put up new structures (including a new boundary wall, or swimming pool) on a property, a building plan usually needs to be submitted to the City for

<sup>1</sup> Ctrl + Click to make the link to these useful resources directly. For additional information and resources, see [Annexure A](#).

approval in terms of the National Building Regulations. The City of Cape Town's Development Management Department actively enforces the various applicable laws and regulations, and will investigate and address any complaints of contravention.

## 2. Zoning

Much of the neighbourhood is zoned General Residential 2, with isolated pockets of Single Residential and Business zones.



CCT Zoning (City Map Viewer)

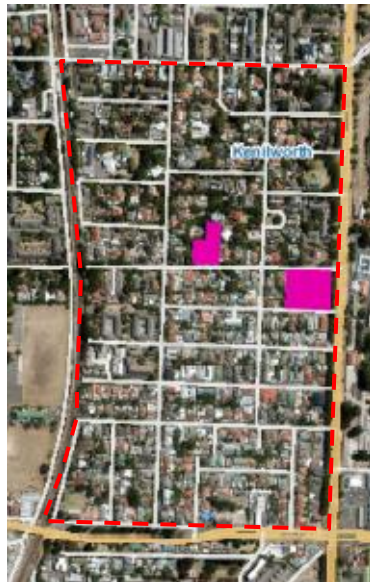
## 3. Heritage

The LKID area is currently a proposed Heritage Protection Overlay (HPO), which is based on special historic and cultural significance, and our laws protect the character and quality of these environments. An area can be included in the HPO



because of the high quality, or concentration or extent of groupings of cultural heritage resources within it, or because of an extensive landscape resource, place or cluster of buildings. Alterations and additions to all buildings older than 60 years (ie most of the buildings in our area) require a permit from Heritage Western Cape (HWC, a Provincial authority) and will be scrutinised by the Environment, Heritage and Signage Branch of the CCT. There are a number of Provincial heritage sites in the area, and many of the properties are graded IIIB (yellow) or IIIC (blue) which indicate varying degrees of local significance, Grade IIIA being the highest degree of local (as opposed to Provincial) significance.

The LKID is also a registered Conservation Body with HWC in terms of the National Heritage Resources Act and are thus requested to comment on all applications before HWC for this area.



City Map viewer heritage audit gradings (accessed 7 April 2021) identifying the proclaimed Provincial Heritage Sites (ex-National Monuments)



City Map viewer heritage audit gradings (accessed 7 April 2021) which define the significance of the heritage resource (the Provincial Heritage Sites are not identified on this map)



City Map viewer of existing (orange) and proposed (yellow) HPO areas

The CCT has not yet provided guidelines defining the nature of the specific heritage significance of this area, which more broadly includes not only individual buildings, but also any significant historical associations, the consistency of character provided by groupings of these buildings, the streetscape, and the qualities of the green environment, including mature vegetation and especially the presence of mature trees. The LKID would like to assist the City in developing an understanding of the character forming elements of our area that should be protected and enhanced.

Ultimately, we believe the area would benefit from an approved Heritage Protection Overlay Zone which has specific provisions which govern development in the area. This would be similar to Harfield Village which is designated Special Local Area Overlay, with specific provisions relating to maximum heights (8m); double pitched roofs (slopes between 35° and 42°), street boundaries; coverage; garaging; fencing; and retention of mature trees and hedges. In the absence of this, the CCT has general Guidelines for undertaking work in heritage sensitive areas which are very useful and are included on the LKID website <https://www.lkid.co.za/Environment-and-Urban-Management.php>

Although the CCT heritage audit does not identify trees of significance, these are historically an important part of the area. Guidance is needed in their preservation and maintenance as environmental, landscape, historic and cultural assets. Condition, health and safety and remedial work is always required. Life expectancy and replacement tree planting amongst other attributes needs to be understood and considered. For this a Tree Inventory Management System is useful to inform understanding and pro-active planning. The LKID is therefore intending to undertake a web based tree inventory of our area with RVZ Consulting & Contracting Arborist (PTY) Ltd (a Geographic Tree Inventory Management System – GTIMS) and will have the information available on our website once complete.

Some of these defining heritage related features are illustrated as follows:



Our densely treed suburb



Pelyn - the house and garden is an important example of Arts and Craft influenced architecture and once home of the architect F K Kendall, also a member of the firm of Sir Herbert Baker





Littlethorp, of heritage significance, with responsive interface with the streetscape



Significant trees and green streetscape



Avenue of trees on Rosmead

## SCALES & MASSING



SCALE OF HOUSES RELATE TO HUMAN BEINGS,  
TO EACH OTHER AND STREET



BULK AND MASSING OF HOUSE OVERPOWERS NEIGHBOURS

Extract from CCT Pamphlet: "Design in a Heritage Context"



Examples of buildings with heritage significance and active or responsive street interfaces which contribute to the quality of the public environment. Visibility maintained and surveillance improved.



Historical features of this area are derived from the period of development, driven by the completion of the Cape Town Railway Line to Wynberg in 1864. From this period, the southern suburbs started to change rapidly from rural Cape farmland to subdivided residential plots. Many British servicemen, notably retired from India, moved to Wynberg and Kenilworth, strategically situated halfway between Table Bay and False Bay harbours, and the area flourished. The farmlands were soon parcelled out for suburban growth once the line reached the small stopping place originally called Mortimerville. In 1882 it changed its name to Kenilworth, after a nearby grand house inspired by Kenilworth castle, famous setting of a Sir Walter Scott novel. With its open space and proximity to a large retired British military contingent, the area was also chosen as the venue for the new centre of horse racing at the Cape.

Kenilworth was thus developed during the late 19<sup>th</sup> and early 20<sup>th</sup> C as a residential suburb. Buildings designed by the prominent architects Baker, Kendall, Morris, Parker and Forsyth were prolific in this area and period. Some of these buildings are still standing and contribute significantly to the residential scale and atmosphere of the suburb. Victorian, Arts and Crafts influenced and Cape Dutch Revival buildings are a feature of the area and provide a significant degree of architectural coherence.

Elements which give our area its character include:

- Generally single and double storey buildings.
- Pitched and hipped roofs (red or slate tiled, corrugated iron).
- Articulation of the roof and façade design which effectively reduces the massing of buildings and contributes to a more intimate pedestrian-scale street interface
- Plastered walls and vertical proportions
- Mature trees and hedges as visually defining features,

It is accepted that the size of some of the historic dwellings are no longer suited to contemporary living and circumstances. Updates to modernise and secure properties in keeping with contemporary needs is not opposed in principle. *However, we believe it is important to maintain the primarily residential function of our area, with supporting local uses.*

#### 4. Land Use

The LKID is a primarily residential neighbourhood which includes a small number of neighbourhood-based businesses and institutions which generally contribute to the life of the community. These include

##### Businesses

##### *Neighbourhood business node*

The area has historically included a small business node at the intersection of Putney and Goldbourne Roads. A number of the businesses directly serve the neighbourhood (including our neighbourhood institution, M Adam & Co. Supermarket) and we believe the location and nature of these uses is locally appropriate and contained.

There has been little growth beyond the original confines of this Local Business zone and the LKID would oppose any further expansion at the fringes of this node.



Local businesses: Corner Putney and Goldbourne (Google Earth)



### *Businesses on the periphery*

Over the years, a number of properties along Wetton Road, Rosmead Avenue and Kenilworth Road have been rezoned for business purposes (although they are in the minority by a substantial margin). Most of these are office-based businesses.



Businesses on the periphery: Wetton Road (Google Earth)

This is generally in accordance with the policies contained in the Southern District Plan which state as follows:

#### *"Business intrusion into residential areas & implications:*

- Specific (unique) site-specific reasons required, based on the unique locational qualities of the specific site, to motivate deviation from the prevailing approach - of limiting business encroachment into residential areas as well as ensuring agglomeration of employment generating activities in identified high access nodes and corridors.
- Site-specific reasons would usually relate to location in relation to a primary road or intersection (e.g. where noise makes residential challenging) in the area and

either appropriate screening or quality design that enhances the area.

- Generally business encroachment should be confined to peripheral locations in relation to primary roads (which tend to be dividers) and never extend into the heart of the residential area." (p73)

The LKID believes there are additional motivating factors to maintain restricting (and limiting) new business uses to the periphery of this neighbourhood:

- Office or business uses within a residential area impact upon security and surveillance as there is no occupation at night and over weekends. They tend to be 'dead' uses in a residential area – aside from the lack of permanent occupation, there is limited activity, no engagement with the community (e.g. no children going to school or the parks, no residents walking), and no interest in the community. A coherent residential community is very often an actively engaged community – the Lower Kenilworth area is now a City Improvement District owing to many years of community building, and this is beneficial to the management of the metropolitan area. We need residents, not offices, within the residential area.
- The existing General Business sites and institutions (Cedar House School, the Indonesian Embassy as examples of the latter) on the periphery are consistent with the application of these principles. However, they also fulfill other site-specific conditions in that many of these are very large properties, with large, historical buildings on them that are no longer feasible for single family residential use. These unique or site-specific circumstances provide very legitimate grounds for suitable alternatives – conversion to offices, apartments, institutions and the like, all of which also permit ongoing and appropriate protection of these heritage buildings.

- These roads have high volumes of traffic, residential amenity may be (but not always) compromised and the LKID would not necessarily oppose further expansion of non-residential uses on the periphery. However, these areas also still hold residential value for many and a balance of significantly more residential to non-residential uses should be maintained to ensure the residential component is not negatively impacted. Each circumstance has to be assessed on its own merits.

Comment by the LKID on any proposal for altered land use rights will be considered in this light.



An example of appropriate re-purposing of a large residential home for office use, with sensitive additions, an open interface with the street and on the outermost fringe of the area.

### Home Occupation

Many residents operate a business from home. More often than not, these uses are low key and impact very little on the neighbours. Examples might include hairdressing, framing, professional occupations, small-scale catering and so on. The Council's current zoning scheme permits many of these as of

right and, provided residents adhere to the conditions, the LKID has no concerns in this regard. There are specific additional regulations pertaining to Bed and Breakfast Establishments as home occupations; and to Child Care facilities as home occupations. Annexures B, C and D summarise the legal conditions under which home occupations may operate and residents are encouraged to familiarise themselves with these.

Other home businesses require formal application for Council's Consent. Consent may be granted provided the activity is not detrimental to the residential environment or a source of nuisance. Clearly, every application is to be considered on its own merits, but the LKID will be requested to comment on such applications and our general position will be as follows:

- The home business must be *clearly subservient* to the residential use in scale
- The building must maintain a residential appearance
- Permanent residential occupation is expected
- On-street parking requirements should be minimal
- No noise, pollution or other nuisances will be supported
- No or limited advertising should be visible

In general, applications that do not fulfil these requirements will not be supported by the LKID.

### Institutions

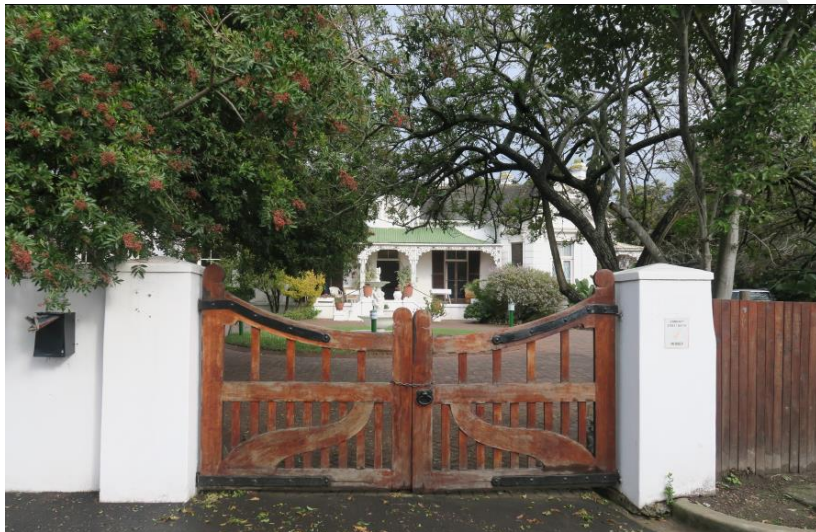
This area has become home to a number of institutional uses including schools, places of care, substance abuse rehabilitation centres and places of safety. The LKID accepts that it is important that all communities accommodate a reasonable share of community facilities, which benefit both the local residents and a broader community. In general, we are very happy to be neighbours with our institutions and would like to encourage their connections to our residents.

However, some institutions, by nature of the business or their size, have extensive space requirements, accommodate many



more people than a residence, and make traffic and parking demands on the area. These have the potential to cause a significant nuisance to neighbours in particular. Of additional and considerable concern is that some of these institutions are empty at night, diminishing surveillance and increasing our vulnerability to crime.

For the most part, these institutions have located themselves on the periphery of the area – along Rosmead, Kenilworth or the railway line. The LKID believes these are appropriate locations for such uses. There are a limited number of adjoining neighbours, access is suited to larger volumes of traffic and is easier for users from outside the area, and properties are generally large enough to accommodate such uses. The LKID would therefore generally support the location of institutions to these peripheral properties.



Sherwood House an appropriate repurposing of a significant Victorian Villa, built by Harry Bolus who also planted many of the significant trees in the vicinity. An open face to the street and sensitive additions.



The significant Ascot House, now re-purposed for Cedar House School on the periphery of the residential area, an open face to the street and sensitive additions.

However, there have been a number of institutions which have previously bought up residential properties in the heart of the residential area, only then communicating their intentions to the local residents. We are of the opinion that such uses should be discouraged in these locations, unless the nature of the use is such that it will not create an unacceptable nuisance. In some cases, limited expansion of existing uses may be considered, but this is generally discouraged. These views are also generally applicable to Places of Instruction (including day care centres), Boarding Houses, Halfway Houses and the like. Such uses must limit visual and other impacts in keeping with their position in a residential neighbourhood, and alterations to buildings and gardens to accommodate the institution's requirements must be legal and must not compromise the quality of the buildings and garden context if they are of heritage significance, nor the streetscape or treescape.

The LKID encourage any such potential users or buyers to discuss their proposals with us before purchasing with intent, or making an application to Council.

#### Guest Accommodation

This is not, as yet, a significant use in the area. But the size of many of the residences lend themselves to conversion to guest houses or hotels. They are as of right uses in General Residential Zones, and Consent Uses in Single Residential zones. Council has a [Guest Accommodation Policy](#) (2010) which the LKID supports and will comment on any applications accordingly.

#### Illegal uses

The LKID will initiate a sustained campaign of complaint to the Council against any illegal businesses, including home businesses that do not meet the criteria outlined above.

#### Increasing densities

In order to promote a more efficient City structure, support public transport and overcome apartheid-based separation (and in compliance with national imperatives, policy and legislation), the City promotes the increase of residential densities in the well located areas, including the Southern Suburbs.

Given that the Lower Kenilworth area, in common with many of the historic suburbs, is zoned for General Residential (and thus higher density) purposes despite its single residential character, it has become increasingly common for developers in the broader area to purchase properties with single residences, demolish them, and construct apartments or townhouses on the property.

This has led to much conflict as residents often believe the higher densities (apartments in particular) have negative impacts on their properties, their investments and the immediate neighbourhood.



While In principle, the notion of selective intensification of urban development is supported by the LKID, its necessary translation into the erosion of the positive attributes of neighbourhood character is not. Development pressure in the Southern Suburbs is naturally intense, with a number of redevelopments/ subdivisions taking place, which have already changed the exclusive suburban character of many areas, and in many respects, these changes are a function of contemporary lifestyle demands and the economy. However, to further actively encourage ever increasing intensification may well lead to the loss of high-quality environments which are historically sought after and which in many respects have a significant role to play in the City.

We believe the current aggregate densities in the Southern District are high enough to support a range of quality public transport services, but these services have been shedding ridership due to the deterioration in the quality of services.



While this is fundamentally due to poor operational management, a further important consideration is that by nature, public transport service provision is inherently impacted by wider social dynamics. In a society riven by high levels of crime, resulting in personal vulnerability in public spaces, the attractiveness of public transport is severely compromised. There are also a number of types of trips which are very difficult to undertake by public transport, such as weekend trips, social trips, night-time trips, school trips, or shopping. These factors should be considered when promoting densification and designating public transport zones in relation to parking, especially in residential areas.

Ultimately, we believe if density increases are proposed, our community and the quality of our area have to be able to achieve added value from it and this has to be negotiated on a participatory basis by the Council and developers.

Given that the area is a proposed Heritage Protection Overlay, with individual buildings and streetscapes of significance, we would apply the following considerations to any comment on building plans or development proposals.

- Support the protection and enhancement of historical character where this is a significant element of the area. Uniformity of style, design, proportion, roof profiles, materials and building lines are important to maintain coherence in these areas.
- Encourage design to a scale and style consistent with the residential architecture of the area. This does not preclude modern architecture, only supports the view that all new development should be sympathetic and responsive to context
- Encourage retention and repurposing or conversion of existing dwellings, with modest additions rather than demolition.
- Significant alterations to the scale and streetscape character are strongly discouraged. For example, in

areas where larger houses are situated on large properties, with mature trees, we believe it would be more appropriate to convert a large house into say two or four apartments within the envelope of the existing building, possibly with some additions, rather than re-development. In areas where a Victorian architectural character predominates, we would rather see appropriately scaled row houses or town houses rather than a security village or flats. The scale and proportions of new buildings or additions should be compatible with neighbouring buildings.

- Discourage overdevelopment of sites as it tends to lead to scale and massing out of keeping with surrounding properties, to loss of privacy, cramped layout, and inadequate private amenity space.
- Discourage the creation of blank interfaces with neighbours and streets
- Encourage a positive interface with the streetscape frequently undermined by high walls and garages – we want to maintain the walkability and safety of the street
- Building heights should be carefully controlled
- The legibility of historic houses should not be interrupted by unsympathetic extensions or additions to the property
- Excessive use of metal, concrete and concrete blocks should be avoided
- Re-development tends to isolate the new building/s within high secure perimeter walls and single access points. This again is generally out of keeping with the area's character and creates 'dead zones' and 'blind' facades which do not facilitate natural surveillance and safe walking by pedestrians. The LKID encourages security measures which do not detract from the walkability and sense of safety on our streets.
- Traffic and parking requirements are always increased with increased densities and it is imperative that these requirements can be completely contained within the property. However, building on 'stilts' or creating half

basements to accommodate the parking requirements on a too small property will not be supported at all as impacting negatively upon the streetscape.

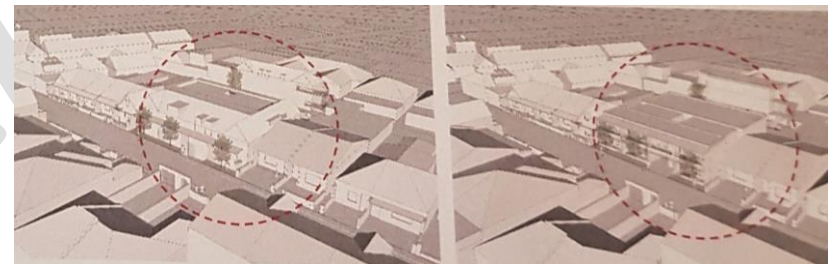
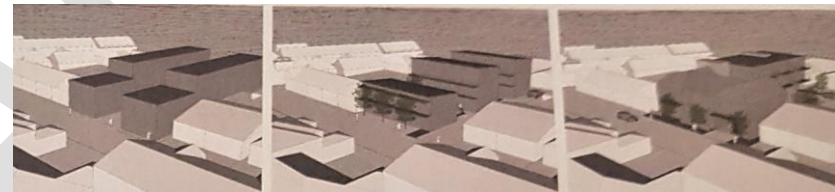
- Overlooking created by multiple storeys impinges on neighbours' privacy and this too will be discouraged.
- We have only one small park in this area. The loss of the sense of openness and trees is strongly discouraged.
- Subdivision sizes should not be substantially out of keeping with the subdivision patterns of the street within which it is located. Panhandle subdivisions can protect the character of the streetscape, provided they do not impact negatively on neighbours.



Appropriate scale and form for apartments in the area



Sensitive car port design and street interface



Example of exploration of massing and roofscape options in a heritage sensitive context (C Snelling)





Apartments on stilts create a negative face to the street



Over scaled buildings and over-developed sites not encouraged



High blank walls immediately adjoining neighbours not encouraged



High walls and the blank garage facades create negative street environments



Large expanse of blank walls make for a poor streetscape



And directly opposite, a well developed and attractive streetscape and appropriately scaled town houses



Providing privacy, security and an attractive street interface.



### **Signage**

The City of Cape Town has a policy and bylaw that controls signage of all kinds. It recognises that the look and quality of streets, public spaces and the development that frames the public realm contribute to the quality and experience of Cape Town's streets and spaces. The quality of the experience of Cape Town as a tourist destination and a living and working space must be enhanced.

Signage in residential areas is strictly controlled and residents are encouraged to acquaint themselves with these. This includes the size of signage, illumination (strictly controlled), permanent and temporary, and governs, amongst other things signage for home business (where signage, if permitted must be minimally visible and appropriate to the residential context), offices and shops, development boards (such as those used by painters and other building trades – which are permitted but must be removed as soon as the work is complete), estate agents boards and so on. The LKID will report illegal signage and the City has a unit dedicated to enforcement in this regard.



Illegal and over scaled signage on a block of flats

### **Abandoned and derelict properties**

We recognize that property owners are of differing means and that people maintain their houses on the basis of available resources and choices. We do not wish to prescribe in this regard.

However, there have been the occasional problem properties in our neighbourhood about which the KRA has had to make repeated appeals to the owners and to the Council, often to little avail. We would define a problem building as one that:

- Is abandoned and/or derelict in appearance
- Is the subject of numerous complaints
- Poses a health or safety risk to neighbours
- May be invaded by squatters

There is no doubt that these buildings have a very negative impact on the streetscape, on property values and pose a considerably security risk, not just to neighbours but to the neighbourhood in general. The LKID believes it is unacceptable that owners do not take responsibility for their buildings and we will put every effort to continually make submissions to Council, and repeatedly ask owners (where we know them) to put the matter to rights.



Previous derelict property and illegal signage, now restored



### **Landlord racketeering**

Whilst we do not wish to restrict the reasonable supply of affordable housing, there have been occasional complaints of residents who find a neighbouring building has been let out to multiple tenants, provide very limited amenities (toilets, kitchens and so on) leading to health and safety concerns. There has been a tendency for these buildings to be very poorly maintained and to house tenants involved in a variety of illegal and anti-social activities.

The LKID is of the opinion that this is unacceptable in a neighbourhood that has made significant effort to connect, communicate and take responsibility for contributing to a safe and liveable Kenilworth. We will no longer attempt to negotiate with the landowners and appeal to their sense of community but will make regular reports to the SAPS and Council and any other authority that we believe may have an interest in containing such practices. We believe we have the support of the SAPS in this regard. We encourage all neighbours of such properties to do likewise.

### **Squatting**

For many years, the area has experienced security problems originating through the poorly secured PRASA railway fencing and squatting which occurs in the rail reserve. The LKID is in constant discussions with PRASA, the City and SAPS in this regard, but we believe that the rail authorities must take responsibility for securing their property and we will continue to direct complaints to them whenever we are informed of incidents. Again, we encourage affected residents to also contact them to increase pressure.

### **Contractor security**

With the CCTV system in place throughout our area now, crime trends are easier to track. There is evidence that when homeowners have building contractors on site, there is often a spike in crime in that area. A simple system of deterrence is

advised whereby contractors should be requested to screen their building workers before beginning building work. The Wynberg SAPS will, if provided with a list of names and ID numbers, run a Personal Identity Verification Application (PIVA) check on their system. This tends to reduce the chances of criminal activity and also protects the homeowner. Please make it a condition of accepting building quotes.

## ANNEXURE A

Ctrl + Click to access these documents from the CCT website

[Land Use Management Submission Requirements Guideline](#)

[Building Plan Submission Requirements Guideline](#)

[How to Obtain New or Additional Land Use Rights Guideline](#)

[Land Use Management Guideline](#)

## ANNEXURE B: Home occupation

The Municipal Planning Bylaw requirements for Home Occupations in a dwelling house or double dwelling house are outlined below.

### **Section 23 Home occupation**

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

- (a) No home occupation shall include a noxious trade, risk activity, 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;
- (b) Only goods which have been produced or assembled in the home occupation may be sold from the property;
- (c) No goods for sale shall be publicly displayed and no external evidence of the home occupation shall be visible from a public street, except for an advertising sign in accordance with paragraph (d);
- (d) No advertising sign shall be displayed other than a single, un-illuminated sign or notice not projecting over a public street in accordance with the City's Outdoor Advertising and Signage By-Law, and such sign shall not exceed 0,2 m<sup>2</sup> in area;
- (e) No activities shall be carried out which constitute or are likely to constitute a source of public nuisance, or generate waste material which may be harmful to the area or which requires special waste removal processes;
- (f) Off-street parking shall be provided at a ratio of 1 parking bay per 25 m<sup>2</sup> area used for home occupation unless the City's approval is obtained to waive this requirement. The City may at any stage require additional on-site parking where parking is not sufficient;
- (g) The total area used for all home occupation activity on a land unit, including storage, shall not consist of more than 25% of the total floor space of the dwelling units on the

land unit or 50 m<sup>2</sup>, whichever is the lesser area;

(h) The storage of all goods and equipment connected with the home occupation shall be inside a building or screened from neighbours and the public street;

(i) Not more than two vehicles may be used in connection with a home occupation, and no one vehicle shall exceed 3 500 kg gross weight;

(j) The hours of operation shall not extend beyond 08:00 to 17:30 on Mondays to Fridays, and from 08:00 to 13:00 on Saturdays, and shall not include public holidays or Sundays; and

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

#### ANNEXURE C: Bed & Breakfast establishments

The Municipal Planning Bylaw requirements for Home Occupations in a dwelling house or double dwelling house are outlined below.

##### **Section 24 Bed and breakfast establishment**

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

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

(b) No alcoholic beverages shall be sold except to resident guests for consumption on the premises with meals;

(c) Guest rooms shall not be converted to, or used as, separate self-catering dwelling units;

(d) Meals may only be supplied to guests or lodgers who have lodging on the property, employees, and the family residing in the dwelling;

(e) No advertising sign shall be displayed other than a single un-illuminated sign or notice not projecting over a public street in accordance with the City's Outdoor Advertising and Signage By-Law, and such sign shall not exceed 0,5 m<sup>2</sup> in area;

(f) Weddings, receptions, conferences, training or any similar activities are not permitted from a bed and breakfast establishment;

(g) No activities shall be carried out which constitute, or are likely to constitute, a source of public nuisance; and

(h) On-site parking shall be provided in accordance with the provisions of Chapter 15, provided that the City may at any stage require additional on-site parking if, in its opinion, the parking is not sufficient.



#### ANNEXURE D: Home Childcare

The Municipal Planning Bylaw requirements for Home Occupations in a dwelling house or double dwelling house are outlined below.

##### **Section 25 Home child care**

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

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