



DEVELOPMENT MANAGEMENT SCHEME COMPLIANCE ADVISORY: 5 OF 2021

HEIGHT INTERPRETATION: ITEM 22(C) OF THE CITY OF CAPE TOWN DEVELOPMENT MANAGEMENT SCHEME (DMS)

1. PURPOSE OF ADVISORY

- 1.1. The purpose of this advisory is to indicate the Departmental position with regard to the height interpretation in Item 22(c) of the DMS. It provides clarity and example illustrations on how the height provisions should be interpreted.
- 1.2. This advisory follows Departmental Circular 12 of 2020 on the same matter.

2. BACKGROUND

Item 22(c) provides for development rules related to height in the Single Residential Zoning 1: Conventional Housing (SR1) and reads as follows:

“(c) Height

- i) The maximum height of a building, measured from the existing ground level to the wallplate and top of the roof, shall be determined in accordance with the area of the land unit as shown in the following ‘Table of floor factor, floor space, height and building lines in Single Residential Zoning 1’;*
- ii) Where a building is permitted in this zoning within 3 m of a common boundary, the height will be limited to 4 m measured from existing ground level to top of roof;*
- iii) Notwithstanding the provisions in sub-paragraph (ii), within the first 12 m along a common boundary measured perpendicular from the street boundary line and where a building is not set back from such common boundary, the height is determined in accordance with the ‘Table of floor factor, floor space, height and building lines in Single Residential Zoning 1’;*
- iv) Earth banks and retaining structures are subject to item 126.”*

3. GENERAL APPLICATION OF ITEM 22(C)

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- 3.1. Item 22(c)(i) confirms that the 'Table of floor factor, floor space, height and building lines in Single Residential Zoning 1' must be used to determine heights in the SR1 zoning.
- 3.2. Notwithstanding item 22(c)(i), item 22(c)(ii) states that if the development rules allow a structure within 3 m of a common boundary then that portion of any building may not exceed 4 m in height. This rule is applicable to all erf size categories in the SR1 zoning. So regardless of whether the building line is 0 m, any portion of a structure within 3 m of the common boundary may not exceed 4 m in height. This height limitation is also applicable to a structure requiring a departure within 3 m of a common boundary and a further departure would be required should the structure be higher than 4 m.
- 3.3. An additional development right is provided for in item 22(c)(iii). This additional right is granted when an owner wants to build in accordance with the desired urban typology for properties of these sizes i.e. for the massing of structures to be built up to the common boundaries in the front portion of the property and to maximize the private open space at the rear of the property. If the owner does not want to build in accordance with the desired urban typology, then they do not get the additional development right. This additional right only relates to the height of buildings that are constructed within 12 m of the street boundary and are built directly on the common boundary.
- 3.4. If a structure is to be built in accordance with 3.3 above, the heights in 'Table of floor factor, floor space, height and building lines in Single Residential Zoning 1' are to be used for any portion of a building within 3 m of the common boundary.
- 3.5. If the structures are not built directly on the common boundary, item 22(c)(iii) does not apply and structures within 3 m of the common boundary will need to comply with the standard height of 4 m as provided for in item 22(c)(ii).
- 3.6. Note that if a departure is granted on a property of any size to allow structures on the common boundary and within 12 m measured perpendicular from the street boundary line, the maximum permitted height will be in terms of 'Table of floor factor, floor space, height and building lines in Single Residential Zoning 1'.

4. DEVELOPMENT RULES APPLICABLE TO ERVEN $\leq 200 \text{ M}^2$

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Floor factor	Maximum floor space	Coverage	Maximum height above existing ground level		Street boundary building line	Common boundary building line
			To wall-plate	To top of roof		
1,0	N/a	75%	8,0m	10,0m	1,0m	0,0m
22(c)(ii) Where a building is permitted in this zoning within 3 m of a common boundary the height will be limited to 4 m measured from existing ground level to top of roof. 22(c)(iii) Notwithstanding the provisions in subparagraph (ii), within the first 12 m along a common boundary measured perpendicular from the street boundary line and where a building is not set back from such common boundary, the height is determined in accordance with the 'Table of floor factor, floor space, height and building lines in Single Residential Zoning 1'						

Note: To be read in conjunction with all other development rules applicable to this erf size category

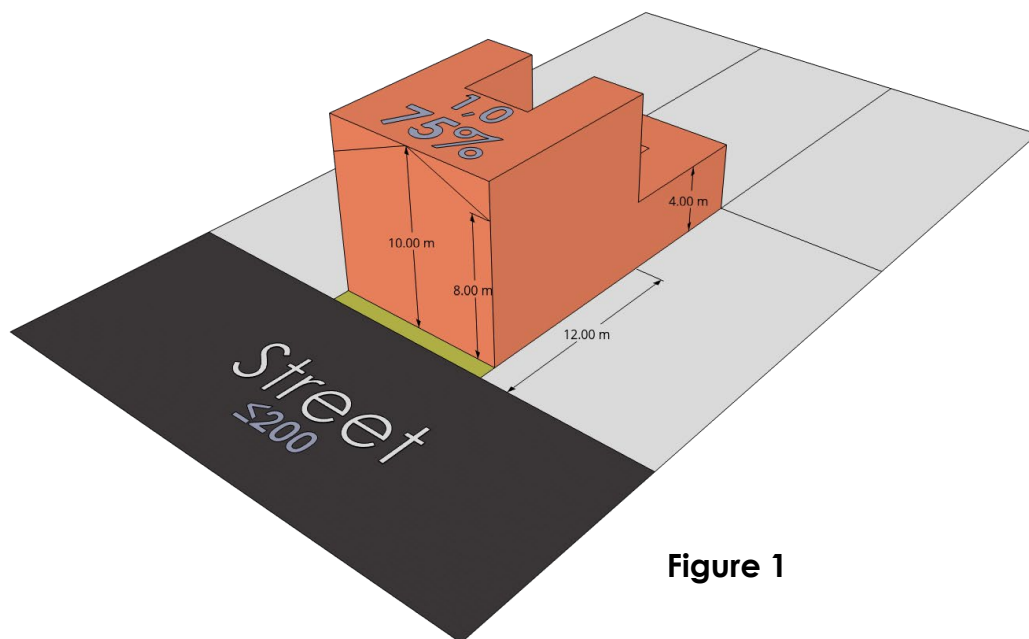


Figure 1

Figure 1: Erf size: $\leq 200 \text{ m}^2$ - Building which is not set back from the common boundary within the first 12 m along a common boundary measured perpendicular from the street boundary line, as per item 22(c)(iii)

- The grey areas represent neighbouring properties
- The floor factor is 1,0
- Coverage is 75%
- The building is not set back from the common boundary in the first 12 m perpendicular from the street boundary and can therefore extend to the heights in the table within the first 12 m

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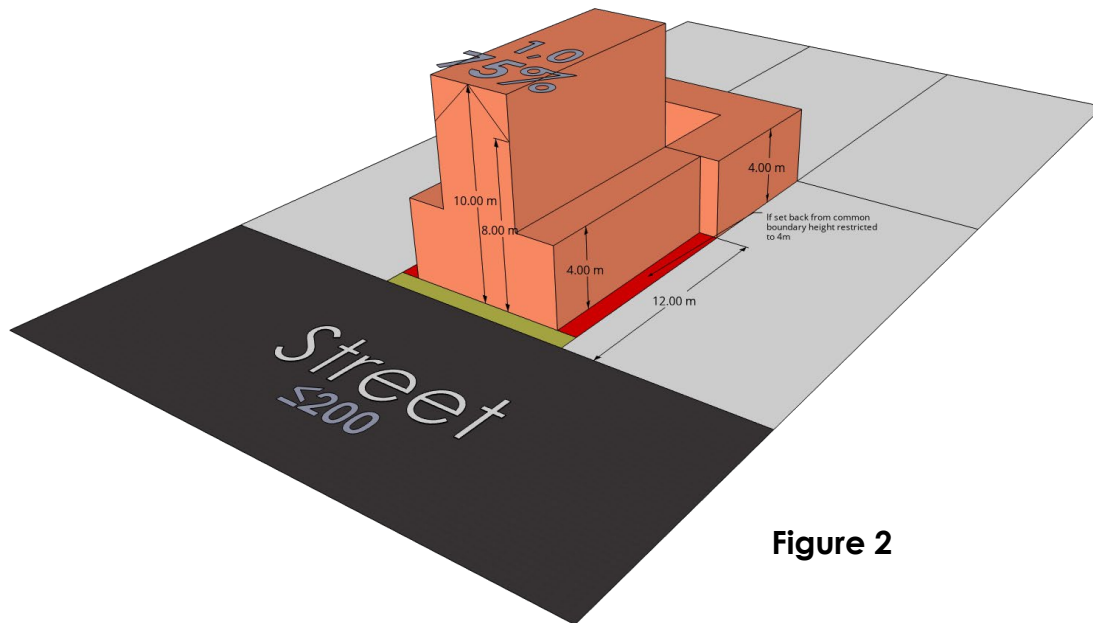


Figure 2

Figure 2: Erf size: $\leq 200 \text{ m}^2$ - Building which is set back from the common boundary within the first 12 m along a common boundary measured perpendicular from the street boundary line

- The grey areas represent neighbouring properties
- The red area represents 3 m from all common boundaries, as provided for in item 22(c)(ii)
- The floor factor is 1,0
- Coverage is 75%
- The building is set back 1 m from the common boundary in the first 12 m perpendicular from the street boundary and therefore does not comply with item 22(c)(iii), meaning the height stipulated in item 22(c)(ii) is applicable (4 m)

5. DEVELOPMENT RULES APPLICABLE TO ERVEN $>200 \text{ M}^2$ UP TO 350 M^2

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Floor factor	Maximum floor space	Coverage	Maximum height above existing ground level		Street boundary building line	Common boundary building line
			To wall-plate	To top of roof		
1,0	N/a	75%	8,0m	10,0m	1,5m	0,0m
			22(c)(ii) Where a building is permitted in this zoning within 3 m of a common boundary the height will be limited to 4 m measured from existing ground level to top of roof. 22(c)(iii) Notwithstanding the provisions in sub-paragraph (ii), within the first 12 m along a common boundary measured perpendicular from the street boundary line and where a building is not set back from such common boundary, the height is determined in accordance with the 'Table of floor factor, floor space, height and building lines in Single Residential Zoning 1			

Note: To be read in conjunction with all other development rules applicable to this erf size category

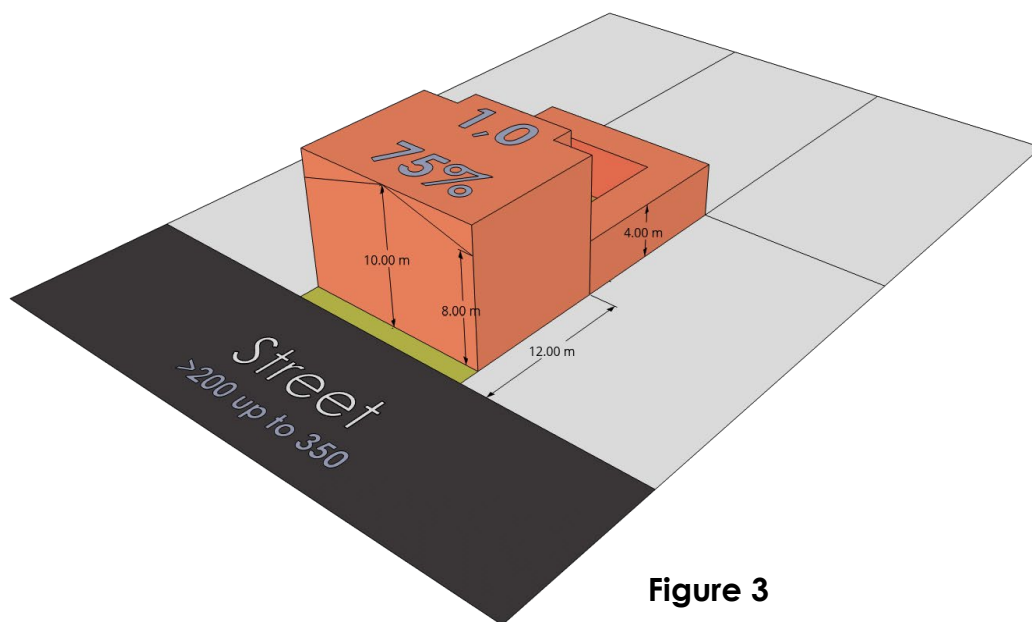


Figure 3

Figure 3: Erf size: >200 m² up to 350 m² - Building which is not set back from the common boundary within the first 12 m along a common boundary measured perpendicular from the street boundary line

- The grey areas represent neighbouring properties
- The floor factor is 1,0
- Coverage is 75%
- The building is not set back from the common boundary in the first 12 m perpendicular from the street boundary and can therefore extend to the heights in the table

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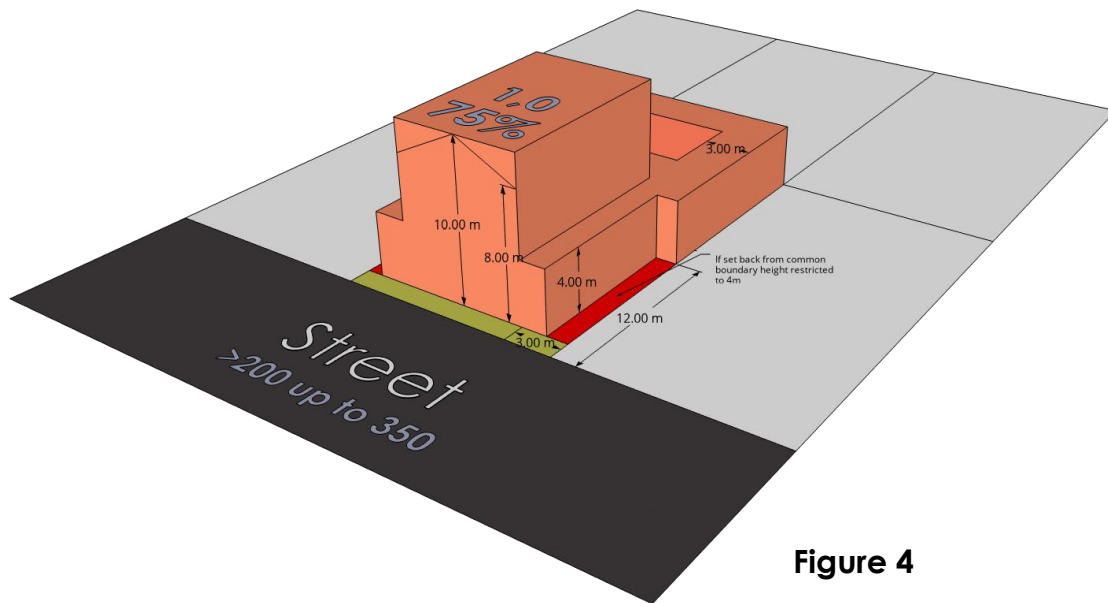


Figure 4

Figure 4: Erf size: >200 m² up to 350 m² - Building which is set back from the common boundary (between boundary and building line) within the first 12 m along a common boundary measured perpendicular from the street boundary line

- The grey areas represent neighbouring properties
- The red area represents 3 m from all common boundaries, as provided for in item 22(c)(ii)
- The floor factor is 1,0
- Coverage is 75%
- The building is set back 1 m from the common boundary in the first 12 m perpendicular from the street boundary and therefore does not comply with item 22(c)(iii), meaning the heights stipulated in item 22(c)(ii) are applicable (4 m)

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6. DEVELOPMENT RULES APPLICABLE TO ERVEN >350 M² UP TO 650 M²

Floor factor	Maximum floor space	Coverage	Maximum height above existing ground level		Street boundary building line	Common boundary building line
			To wall-plate	To top of roof		
1,0	N/a	N/a	8 m	10 m	3,5 m	0 m for first 12 m measured perpendicular from street boundary and 0 m for 60% of total remaining linear distance along all common boundaries around land unit and 3 m for remainder, subject to paragraph (iii).
			22(c)(ii) Where a building is permitted in this zoning within 3 m of a common boundary the height will be limited to 4 m measured from existing ground level to top of roof. 22(c)(iii) Notwithstanding the provisions in subparagraph (ii), within the first 12 m along a common boundary measured perpendicular from the street boundary line and where a building is not set back from such common boundary, the height is determined in accordance with the 'Table of floor factor, floor space, height and building lines in Single Residential Zoning 1'			

Note: To be read in conjunction with all other development rules applicable to this erf size category

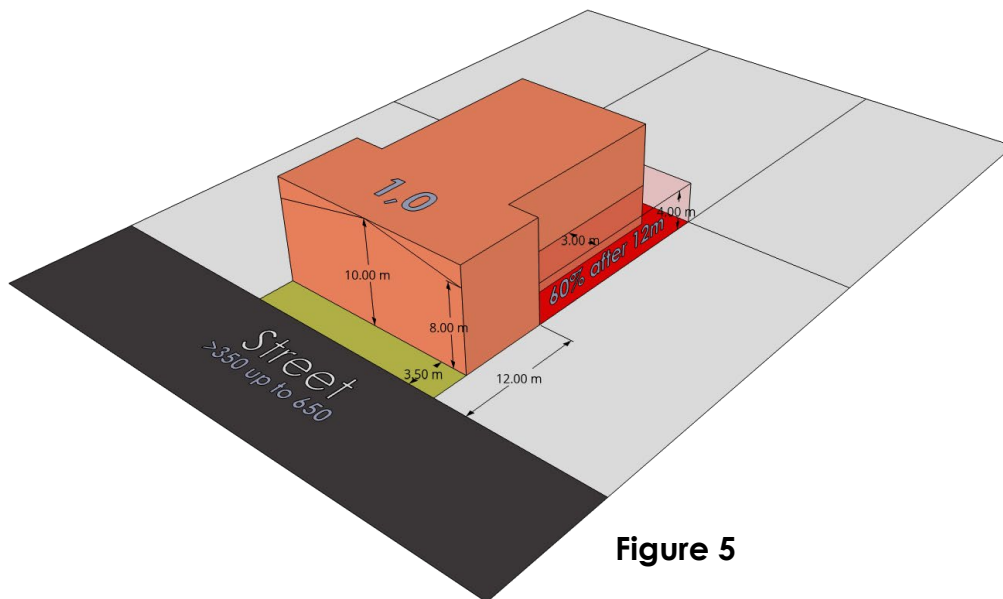


Figure 5

Figure 5: Erf size: >350 m² up to 650 m² - Building which is not set back from the common boundary within the first 12 m along a common boundary measured perpendicular from the street boundary line

- The grey areas represent neighbouring properties
- The red area represents 3 m from all common boundaries, as provided for in item 22(c)(ii)
- The floor factor is 1,0
- Coverage is not applicable
- A linear calculation of 60% is applicable to determine common boundary building lines after the first 12 m measured perpendicular from street boundary. If a building (in the 60% linear calculation) is on the common boundary or is within 3 m of the common boundary, it must be 4 m in height (as per the transparent area in Figure 5)

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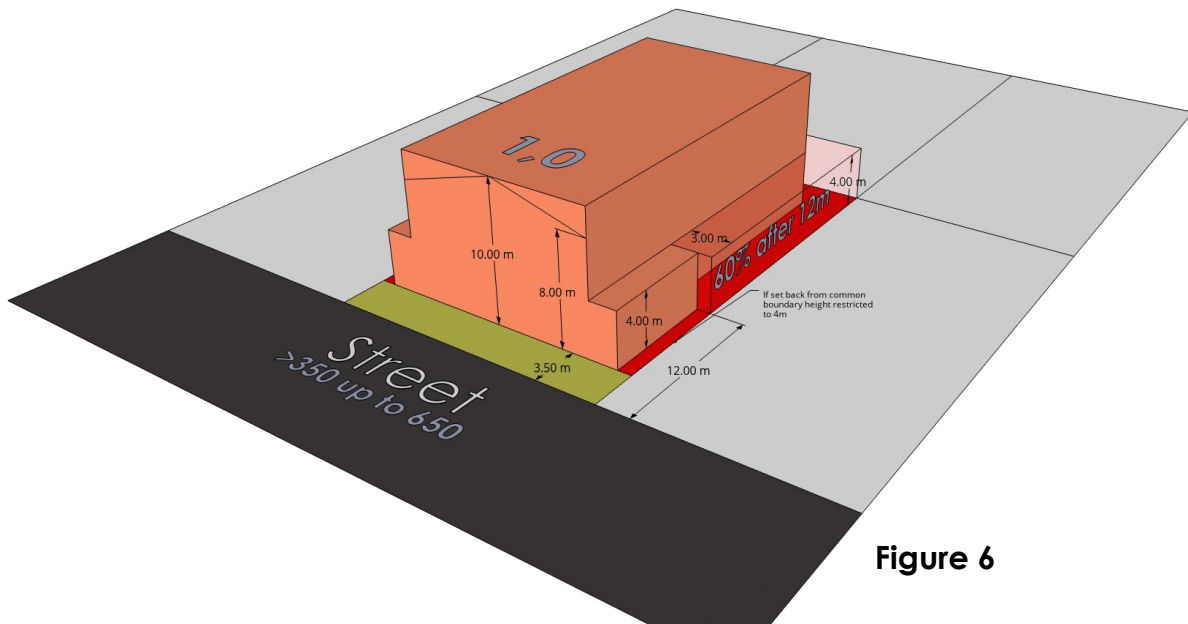


Figure 6

Figure 6: Erf size: $>350 \text{ m}^2$ up to 650 m^2 - Building which is set back from the common boundary (between boundary and building line) within the first 12 m along a common boundary measured perpendicular from the street boundary line

- The grey areas represent neighbouring properties
- The red area represents 3 m from all common boundaries, as provided for in item 22(c)(ii)
- The floor factor is 1,0
- Coverage is not applicable
- A linear calculation of 60% is applicable to determine common boundary building lines after the first 12 m measured perpendicular from street boundary. If a building (in the 60% linear calculation) is on the common boundary or is within 3 m of the common boundary, it must be 4 m in height (as per the transparent area in Figure 6)



Figure 7

Figure 7: Erf size: $>350 \text{ m}^2$ up to 650 m^2 – Corner property. Building which is not set back from the common boundary within the first 12 m along a common boundary measured perpendicular from the street boundary line on two streets

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- The grey areas represent neighbouring properties
- The red area represents 3 m from all common boundaries, as provided for in item 22(c)(ii)
- The floor factor is 1,0
- Coverage is not applicable
- A linear calculation of 60% is applicable to determine common boundary building lines after the first 12 m measured perpendicular from street boundary. If a building (in the 60% linear calculation) is on the common boundary or is within 3 m of the common boundary, it must be 4 m in height (as per the transparent area in Figure 7)

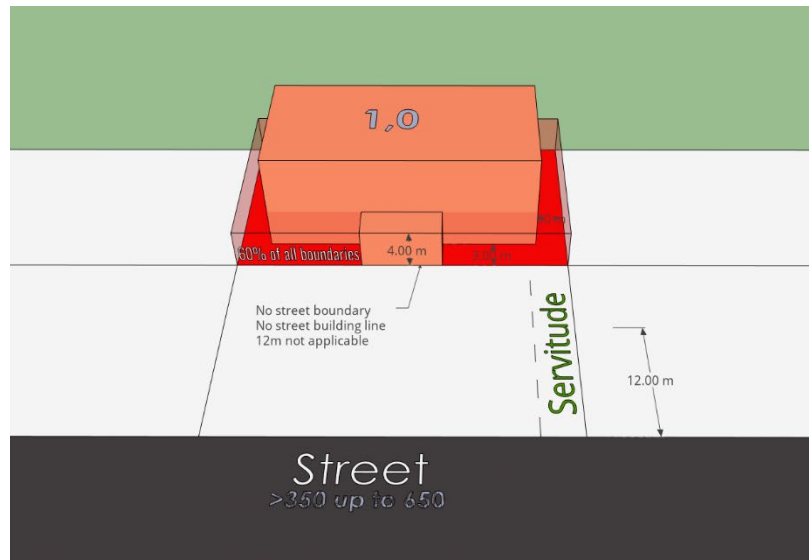


Figure 8

Figure 8: Erf size: >350 m² up to 650 m² – Property without a street boundary. Access through a servitude.

- The grey areas represent neighbouring properties
- The red area represents 3 m from all common boundaries, as provided for in item 22(c)(ii)
- The floor factor is 1,0
- Coverage is not applicable
- A linear calculation of 60% is applicable to determine common boundary building lines. If a building (in the 60% linear calculation) is on the common boundary or is within 3 m of the common boundary, it must be 4 m in height (as per the transparent area in Figure 8)

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Figure 9

Figure 9: Erf size: >350 m² up to 650 m² – Long, narrow-shaped property. Building which is not set back from the common boundary within the first 12 m along a common boundary measured perpendicular from the street boundary line

- The grey areas represent neighbouring properties
- The red area represents 3 m from all common boundaries, as provided for in item 22(c) (ii)
- The floor factor is 1,0
- Coverage is 75%
- The building is not set back from the common boundary in the first 12 m perpendicular from the street boundary and can therefore extend to the heights in the table

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7. Development rules applicable to erven >650 m² up to 1 000 m²

Floor factor	Maximum floor space	Coverage	Maximum height above existing ground level		Street boundary building line	Common boundary building line
			To wall-plate	To top of roof		
N/a	1 500 m ²	N/a	9 m	11 m	3,5 m	3 m
22(c)(ii) Where a building is permitted in this zoning within 3 m of a common boundary the height will be limited to 4 m measured from existing ground level to top of roof. 22(c)(iii) Notwithstanding the provisions in sub-paragraph (ii), within the first 12 m along a common boundary measured perpendicular from the street boundary line and where a building is not set back from such common boundary, the height is determined in accordance with the 'Table of floor factor, floor space, height and building lines in Single Residential Zoning 1'						

Note: To be read in conjunction with all other development rules applicable to this erf size category

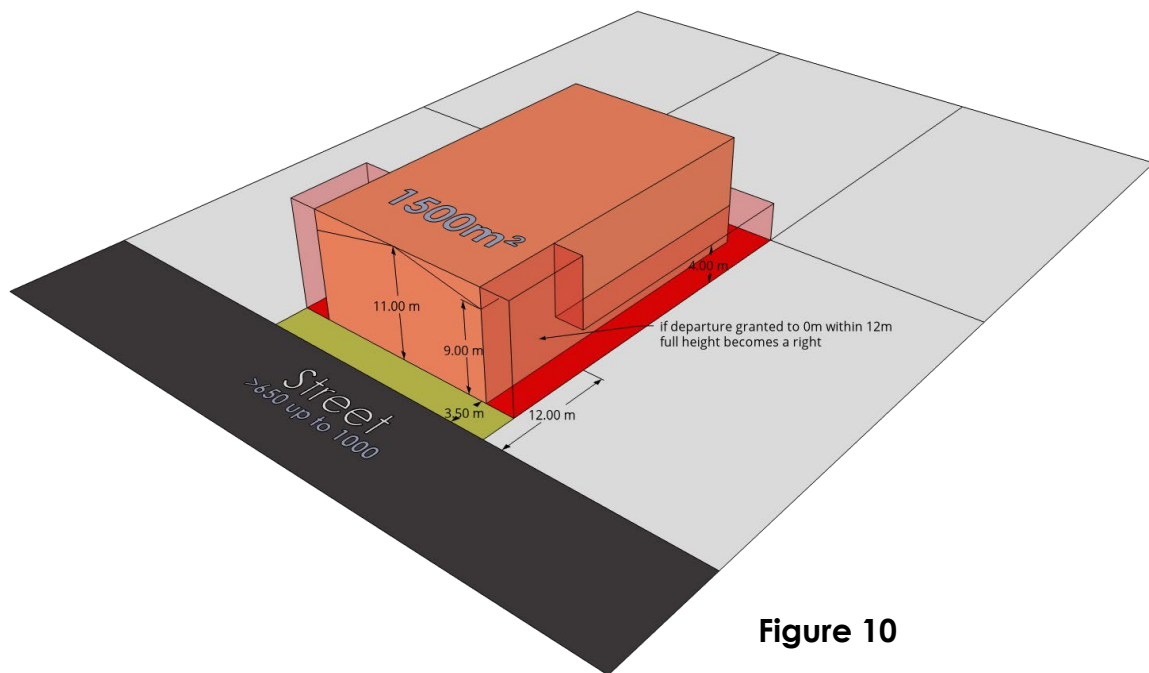


Figure 10

Figure 10: Erf size: >650 m² up to 1 000 m²

- The grey areas represent neighbouring properties
- The red area represents 3 m from all common boundaries, as provided for in item 22(c)(ii)
- Floor factor is not applicable
- Maximum floor space is limited to 1 500 m²
- Coverage is not applicable
- A common boundary building line of 3 m applies on all common boundaries. Any building permitted through a departure closer than 3 m from the common boundary will be limited to 4 m in height (note that 22(f) permits garages, carports and outbuilding to a certain extent). Any building permitted through a departure on the common boundary within the first 12 m measured perpendicular from street boundary will have a height as per the 'Table of floor factor, floor space, height and building lines in Single Residential Zoning 1'

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8. Development rules applicable to erven >1 000 m² up to 2 000 m²

Floor factor	Maximum floor space	Coverage	Maximum height above existing ground level		Street boundary building line	Common boundary building line
			To wall-plate	To top of roof		
N/a	1 500 m ²	N/a	9 m	11 m	4,5 m	3 m
			22(c)(ii) Where a building is permitted in this zoning within 3 m of a common boundary the height will be limited to 4 m measured from existing ground level to top of roof. 22(c)(iii) Notwithstanding the provisions in subparagraph (ii), within the first 12 m along a common boundary measured perpendicular from the street boundary line and where a building is not set back from such common boundary, the height is determined in accordance with the 'Table of floor factor, floor space, height and building lines in Single Residential Zoning 1'			

Note: To be read in conjunction with all other development rules applicable to this erf size category

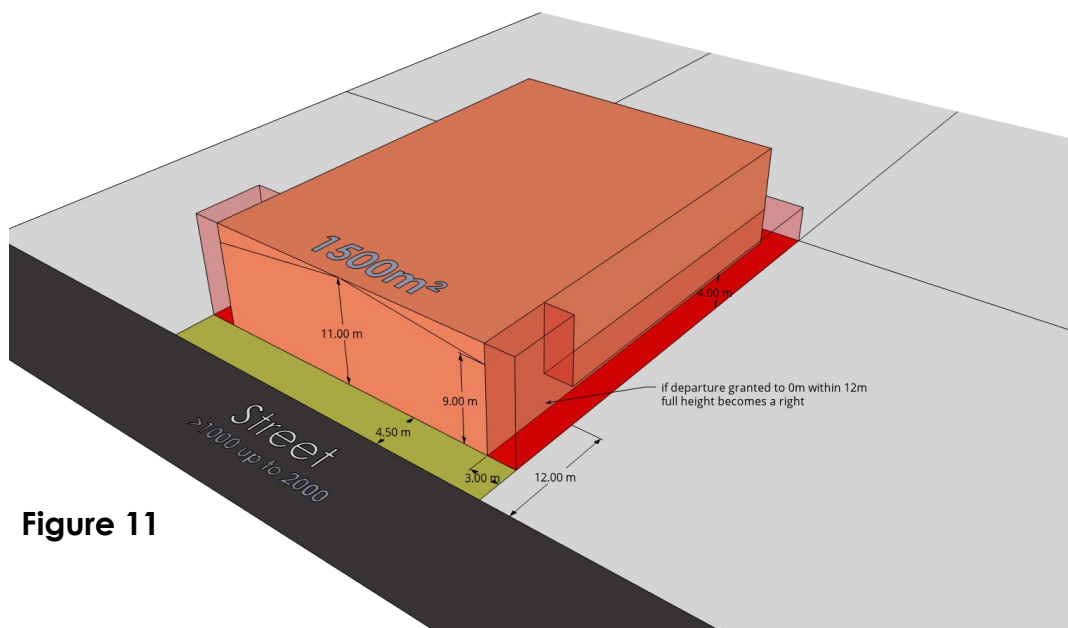


Figure 11

Figure 11: Erf size: >1 000 m² up to 2 000 m²

- The grey areas represent neighbouring properties
- The red area represents 3 m from all common boundaries, as provided for in item 22(c)(ii)
- Floor factor is not applicable
- Maximum floor space is limited to 1 500 m²
- Coverage is not applicable
- A common boundary building line of 3 m applies on all common boundaries. Any building permitted through a departure closer than 3 m from the common boundary will be limited to 4 m in height (note that 22(f) permits garages, carports and outbuildings to a certain extent). Any building permitted through a departure on the common boundary within the first 12 m measured perpendicular from street boundary will have a height as per the 'Table of floor factor, floor space, height and building lines in Single Residential Zoning 1'

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9. Development rules applicable to erven >2 000 m²

Floor factor	Maximum floor space	Coverage	Maximum height above existing ground level		Street boundary building line	Common boundary building line
			To wall-plate	To top of roof		
N/a	1 500 m ²	N/a	9 m	11 m	6 m	6 m
			22(c)(ii) Where a building is permitted in this zoning within 3 m of a common boundary the height will be limited to 4 m measured from existing ground level to top of roof. 22(c)(iii) Notwithstanding the provisions in subparagraph (ii), within the first 12 m along a common boundary measured perpendicular from the street boundary line and where a building is not set back from such common boundary, the height is determined in accordance with the 'Table of floor factor, floor space, height and building lines in Single Residential Zoning 1'			

Note: To be read in conjunction with all other development rules applicable to this erf size category

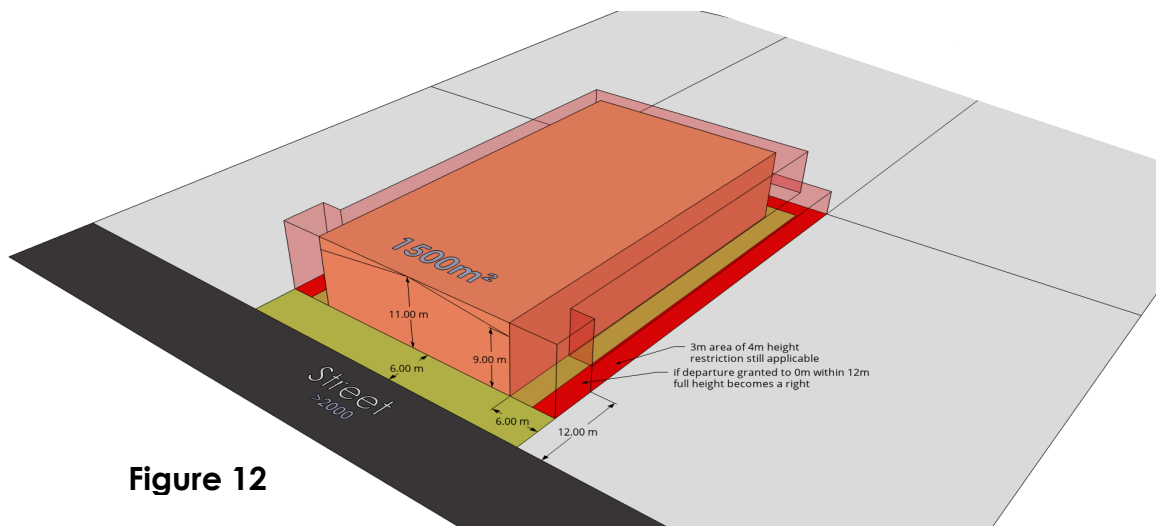


Figure 12

Figure 12: Erf size: >2 000 m²

- The grey areas represent neighbouring properties
- The red area represents 3 m from all common boundaries, as provided for in item 22(c)(ii)
- Floor factor is not applicable
- Maximum floor space is limited to 1 500 m²
- Coverage is not applicable
- A common boundary building line of 6 m applies on all common boundaries. Any building permitted through a departure closer than 3 m from the common boundary will be limited to 4 m in height (note that 22(f) permits garages, carports and outbuildings to a certain extent). Any building permitted through a departure on the common boundary within the first 12 m measured perpendicular from street boundary will have a height as per the 'Table of floor factor, floor space, height and building lines in Single Residential Zoning 1'



PLEASE NOTE

Always consult the City of Cape Town Municipal Planning By-law, 2015 (as amended) before any land use application is submitted to the Department.