

## **Property Zoning and Rezoning Applications in South Africa**

1/26/2018 11:03 AM - [Cor van Deventer](#) - [Legal Services](#) - [0 Comments](#)

Just about everybody has heard of zones and zoning in relation to property, but the average property buyer or owner has little - if any - clear knowledge of what the different zones are, if and when one needs to apply for any form of zoning or re-zoning, and how to go about this task.

### **The different types of zoning**

For the purposes of this, we are discussing the three basic categories of zoning - residential, business and industrial – and how each category is then sub-divided further into different zones.



### **Residential Zoning**

Looking first at residential property, there are four categories, and restrictions on the building or buildings to be constructed on the property are determined in terms of three elements known as coverage, F.A.R. (floor area, ratio) and density.

Coverage is the maximum area of land on which one is permitted to build; F.A.R. (floor area ratio); bulk is the maximum floor area allowed under a roof; and density is the number of dwellings permitted per hectare (10 000 square metres).

#### **Residential 1**

Residential 1 is the zoning which stipulates that properties can have a density of only one dwelling per stand or erf, that is, a house.

An example here would be as follows:

Firstly, one is allowed to build one house on the property in terms of this zoning. Coverage permitted is 40%, which means that on a 1 000-square metre stand one would be permitted to build a dwelling covering a maximum of 400 square metres, including garages and outhouses. If one is given the right to build a two or three-storeyed home, one can cover up to 400 square metres per storey. The footprint cannot be more than 400 square metres.

## **Residential 2**

Residential 2 allows a density of between 10 and 20 dwellings per hectare, bearing in mind that a hectare is 10 000 square metres (or just under 2.5 acres). This is obviously the ideal zoning for cluster housing or townhouse complexes.

## **Residential 3**

Residential 3 permits a density of between 21 and 40 dwellings per hectare, and is therefore usually used for smaller cluster or townhouse complexes.

For example, on a 26 000-square metre property, 40% coverage amounts to 10 400 square metres. With a density of 25 units per hectare, the developer on this site could then typically build 65 townhouses (2.6 hectares' x 25) of 160 square metres each (that is the total coverage of 10 400 squares metres divided by the 65 units) over two floors – 100 square metres at ground level (including a double garage) and 60 square metres upstairs.

## **Residential 4**

Allows for a density of between 41 and 120 dwellings per hectare, and obviously caters for the construction of blocks of flats.

## **Business Zoning**

Moving on to business property, once again there are four clear sub-divisions.

### **Business 1**

Business 1 is the zoning one would seek for general business in the form of shopping centres or malls. This category is mostly unrestricted, which means that the developer or owner would be allowed to have almost any type of shop on the premises.

### **Business 2**

Business 2 is a zoning for a shopping centre, but with certain restricted businesses.

For example:

Because of the location or immediate surroundings, a restriction may be placed on opening a bottle store, or a pet shop.

### **Business 3**

Business 3 is a stricter zoning which will not allow a wider variety of businesses to open and operate in the centre.

### **Business 4**

Business 4 is the final zoning category for business, and does not involve shopping centres or malls at all. It provides for office use (with or without residential use) and is typified by the growing number of office parks that one sees in South African urban centres today.

An example here:

A 4 000-square metre property with the usual 40% coverage and 0.4 floor area ratio could place a maximum of 1 600 square metres under roof. Assuming he has been allowed a maximum of two storeys, a developer of this site would typically build three double-story office blocks of 530 square metres each (1 600 square metres divided by 3). Each block could be further split into four office suites of 132 square metres each.

## **Industrial Zoning**

The final category involves industrial property, and has three sub-divisions.

### **Industrial 1**

Industrial 1 provides zoning for normal factories, warehouses or storage depots.

### **Industrial 2**

Industrial 2 is specifically for operations which can involve noxious and/or unpleasant odours and emissions, such as abattoirs, foundries or glue works.

### **Industrial 3**

Industrial 3 is the final zoning, and caters for specific applications such as specialist workshops or mini-factories.

For industrial zoning a 70% coverage is typically allowed, which means a 3 100-square metre property could have buildings covering a floor area of 2 170 square metres. Let us say it has also been granted a height restriction of 20 metres maximum. A developer of this site would typically build a single-storey factory warehouse unit of 2 170 square metres with a high roof for an application like a gantry crane or pallet storage.

## **When is zoning or rezoning necessary?**

As far as residential property is concerned, usually one is looking either to rezone or to sub-divide a particular property.

Re-zoning could crop up - for example:

If one is running a business from home, and the business grows to the extent that traffic and activities reach a level which could upset and inconvenience neighbours. One would then apply for rezoning from a Residential 1 to a Business 4 category. This would generally not apply in the case of a small home business with two or three staff, one or two cars, and occasional client visits.

## **Property Sub-division**

Sub-division, very simply, comes into play if one owns a large property (of 2 000 square metres, for example) and wishes to break it down into (say) four separate units. In this case one would apply for the property to be converted from a Residential 1 zoned property with one dwelling per stand, to a property zoned for one dwelling per 500 square metres.

In the case of residential or industrial property, obviously anyone contemplating the opening of a business or industrial undertaking will have to ensure - in looking for a suitable property - whether it is correctly zoned. If not, the prospective businessman or industrialist will have to submit the necessary application for zoning to the relevant local authority.