

UMZIMVUBU MUNICIPALITY
LAND USE SCHEME REGULATIONS

(In terms of the Spatial Planning and Land Use Management Act, Act No. 16 of 2013)

2016



Umzimvubu Local Municipality

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**LAND USE SCHEME REGULATIONS IN TERMS
OF CHAPTER 5 OF THE SPATIAL PLANNING AND LAND USE
MANAGEMENT ACT (ACT NO. 16 OF 2013)**

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APPENDIX**IMPLEMENTATION PROCEDURES AND PROPOSALS**

1. INTRODUCTION OF THE LAND USE SCHEME

1.1. PREAMBLE

These are regulations in terms of Chapter 5 of the Spatial Planning and Land Use Management Act (Act No. 16 of 2013) and Chapter 3 of the Municipality's Spatial Planning and Land Use Management By-laws. These regulations determine use rights and provide for control over use rights and the utilisation of land within the area of jurisdiction of Umzimvubu Local Municipality.

In terms of Section 25(1) of the Act, the purpose of a scheme is to give effect to and be consistent with the municipal spatial development framework and determine the use and development of land within the municipal area to which it relates in order to promote -

- (a) economic growth;
- (b) social inclusion;
- (c) efficient land development; and
- (d) minimal adverse impact on public health, the environment and natural resources.

In addition to Section 25(1) of the Act, Section 16 of the Municipality's Spatial Planning and Land Use Management By-laws stipulate that the Municipality must determine the use and development of land within the municipal area to which it relates in order to promote -

- (a) harmonious and compatible land use patterns;
- (b) aesthetic considerations;
- (c) sustainable development and densification;
- (d) the accommodation of cultural customs and practices of traditional communities in land use management; and
- (e) a healthy environment that is not harmful to a person's health.

The preparation of this scheme is also guided by legislative and policy frameworks of Provincial and National Government and it supports the principles thereof. Care is also taken to respond to prevailing land use trends in Umzimvubu, incorporating both traditional-rural and modern-urban trends.

In the Municipal area, medium to longer term development is guided within a framework of strategic plans, ranging from the Spatial Development Frameworks, Strategic Environmental Assessments, Local Spatial Development Frameworks and Precinct Plans. In this regard, the White Paper on Spatial Planning and Land Use Management (July 2001) recognizes that the key to successful spatial planning, land use management and land developments is the establishment of an effective link between forward planning (spatial planning) and development control (interpreted broadly as land use management). In this, land use management is conceived as the means of controlling and regulating land development, as guided by the proposals of the applicable Spatial Development Framework and other strategic plans.

It is important that decision-making on planning matters in connection with this Land Use Scheme be based on credible spatial planning frameworks, supported by proper and appropriate policies, procedures and standards.

1.2. GENERAL

1.2.1 TITLE

These regulations shall be known as the Umzimvubu Land Use Scheme Regulations in terms of Chapter 5 of the Spatial Planning and Land Use Management Act (Act No. 16 of 2013) and Chapter 3 of the Municipality's Spatial Planning and Land Use Management By-laws.

1.2.2 SCHEME AREA

The Land Use Scheme Regulations apply to all land within the area of jurisdiction of Umzimvubu Local Municipality.

These Land Use Scheme regulations do not apply to proclaimed protected areas where all aspects of the management of such protected areas and activities within them are regulated by the provisions of:

- (a) the National Environmental Management: Protected Areas Act, 2003 (Act 57 of 2003); and/or
- (b) the National Environmental Management Biodiversity Act, 2004 (Act 10 of 2004);
- (c) regulations under these Acts; and
- (d) approved management plans implemented by the management authority in such areas (such as a National and Provincial Parks authority)

Such areas are specifically indicated on the Municipality's approved land use scheme maps.

1.2.3 LAND USE SCHEME REGISTER

Notwithstanding the fact that the zoning of land units in the scheme area are indicated on a Land Use Scheme Map, the Municipality shall cause a register to be kept in which details of the zoning and any other relevant information in respect of each land unit shall be recorded. If there should be any uncertainty on the identification of the zoning of a land unit according to the scheme maps, the evidence of the land use scheme register shall be deemed to be correct.

1.2.4 SCHEME OPEN FOR INSPECTION

The Municipality shall allow any person to inspect this Scheme and the Map(s) at the offices of the Municipality during office hours.

1.2.5 CONFLICT OF LAWS AND COMPLIANCE WITH OTHER REGULATIONS

- (a) When any provision of this Land Use Scheme is in conflict with a municipal by-law or any other subordinate legislation, these regulations shall prevail, subject to the provisions of regulation (b) (i) and (ii).
- (b) The provisions of any by-law or any other subordinate legislation, in so far as they relate to the determination of erection of structures within a specified distance of the boundaries or centre line of roads, shall have preference above the provisions of the Land Use Scheme except in so far as the Land Use Scheme:
 - i) Requires a road width greater than that determined by such other by-law or any other subordinate legislation; or
 - ii) Requires structures to be set back from the boundary or centre line of a road at a greater distance than that determined by such by-law or any other subordinate legislation.
- (c) Where these Land Use Scheme regulations are in conflict with national or provincial legislation, the provisions of such legislation shall prevail. This includes (but is not limited to) the provisions of the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977) and Act 21 of 1940, in so far as they require buildings to be erected at a greater distance from the boundaries of an erf than is required in terms of these regulations, shall have preference above the provisions of the Land Use Management Scheme.
- (d) Nothing in these regulations shall be construed as permitting any person to do anything that is in conflict with the conditions registered against the Title Deed or Deed of Grant of the land.
- (e) The fact that land may, in terms of this Land Use Scheme, be used for a specific purpose or that an approval has been granted under this Land Use Scheme, does not exempt anyone from obtaining such other authorizations, permits, licences or approvals as may be required in terms of other legislation or from compliance with any other of the Municipality's regulations or by-laws.

1.2.6 TRANSITION FROM FORMER LAND USE MANAGEMENT SYSTEMS / LAND USE SCHEMES

- (a) Pending applications in terms of former zoning or land use schemes, submitted prior to the date of commencement of this Land Use Scheme shall be assessed and finalised in terms of such former zoning or land use scheme regulations.

Approvals issued in terms of the above and approvals granted prior to the commencement date of this scheme that are still valid (have not lapsed) will be allocated with a corresponding zone in accordance with this Land Use Scheme, but will be allowed to take up their approved

rights in terms of the land use restrictions or provisions of the applicable zone in the former zoning or land use scheme.

Where any approval in terms of a former zoning or land use scheme and its related provisions has been acted on, but now constitutes a contravention of any provision in the corresponding zone in this Land Use Scheme, it will not be considered to be an offence but rather as a **lawful non-conforming use**.

- (b) Where a building plan application was submitted and accepted:
- i) before commencement of this Land Use Scheme and is still being processed; or
 - ii) after commencement of this Land Use Scheme, with the express purpose to act on a valid approval (and valid approved site development plan) in terms of a former zoning or land use scheme,

such a building plan will be assessed and finalised within the approval granted and the land use restrictions or provisions of the applicable zone in the former zoning or land use scheme. When implemented, such buildings will not be considered to be a contravention of this Land Use Scheme but rather as a **lawful non-conforming use**.

In terms of the above scenario, an owner is entitled to decide to rather apply the provisions of this Land Use Scheme. In such event, all the provisions applicable to the corresponding zone in this Land Use Scheme shall apply.

- (c) Where a building plan application is submitted after commencement of this Land Use Scheme, not with the express purpose to act on a valid approval (and valid approved site development plan) in terms of a former zoning or land use scheme, but rather as an extension to an existing development that has already been taken up, the land use restrictions and provisions of the applicable zone in this new Land Use Scheme shall apply.

1.2.7 LAWFUL NON-CONFORMING USES

A lawful non-conforming use is considered a permitted use and shall not constitute an offence in terms of this Land Use Scheme, provided that:

- (a) No structural alterations are made to a building, structure or part thereof which is considered to be a lawful non-conforming use without Municipal approval.
- (b) Any building or structure or part thereof may be routinely repaired or replaced when damaged by accident or natural disasters, subject thereto that such building, structure or part thereof remains within its original footprint and dimensions.

1.2.8 WRONGFULL ALLOCATION OF ZONING

In the event that a zoning has been wrongly allocated on a zoning or land use scheme map or wrongly converted from zoning or land use scheme maps that preceded these scheme regulations, the owner of an affected property may submit an application to the Municipality to correct such error, subject to the following:

- (a) The applicant must submit documentary proof of the error and/or proof of the lawful land use rights;

No application fees will be charged for such application.

1.3. **DEFINITIONS**

In these Regulations, unless inconsistent with the context:-

“**Abattoir**” – means a place where animals are slaughtered for distribution to retail outlets.

“**Adult Shop and Adult Entertainment**” or adult premises - means a premises where publications and or films, classified as X18 by the Publications Board, or which fall within Schedule 2 (read with Schedule 5) of Act 65 of 1996, are exhibited and/or distributed. Such a shop or premises must also be licensed in terms of Section 2 of the Business Act (Act 71 of 1991) to conduct the business of adult shop or premises; or where the business of making the services of an escort available to any person is carried out, as described in the Business Act (Act 71 of 1991), and where the business is licensed in terms of Section 2 of the Business Act (Act 71 of 1991).

“**Agriculture**” - means the cultivation of land for crops, plants, trees or the breeding of animals, or the operation of a game farm on natural veld or land; it includes only such activities and buildings which are reasonably connected with the main agricultural activity on the land, including a dwelling house(s), traditional dwelling and worker accommodation, but does not include abattoirs, feed-pen farming, aquaculture or defined consent uses.

On state owned land, administered by a Traditional Authority Structure, Agricultural Use includes the following activities:

- Infrastructure and buildings linked to supply of goods, services, advice to such area or the storage of produce from such area
- Cultural and Social Ceremonies
- Commonage

“**Agricultural Industry**” - means an enterprise or concern for the processing of agricultural products on land used for agricultural purposes owing to the nature, perishability and fragility of such products, but does not include service industry, industry or abattoir.

“**Antenna**” - means any system of wires, poles, rods, reflective surfaces or similar devices, used to transmit or receive electronic communication signals or electro-magnetic waves;

“**Aquaculture**” - means the cultivation and breeding for commercial purposes of water-flora –or fauna in artificially-built dams or holding tanks or in natural water bodies

“**Authority Usage**” - means a use that is practiced by a public authority or on an agency basis on behalf of a public authority, of which the characteristics (including combination of uses) and locality factors are such that it cannot be classified or defined under other uses in these regulations, and includes uses practiced by -

- (a) The National Government, such as military training centres and installations, police stations, correctional facilities and associated utility services and accommodation that are directly related to the operation and maintenance of the primary function;
- (b) The Provincial Government, such as road camps; and

- (c) A Municipality, such as civic centres, municipal depots and fire stations (including associated accommodation that is required for staff to be on standby).

"Basement" - means that portion of a building, where such basement is not a habitable room, the finished floor level of which is at least 2m below, or the ceiling of which is at most 1m above the grade line applicable to the building.

"Bed and Breakfast Establishment" - means an owner managed commercial accommodation establishment of not more than 5 guest-rooms and which has as its primary source of business the supply of short-term accommodation and breakfast for resident guests. For the purpose of this scheme, differentiation is made between 1 – 2 room and 3 – 5 room establishments.

"Boarding House" - means any house, building or premises in which both lodging and either meals or communal cooking facilities are supplied by the proprietor, together with such outbuildings as are normally used therewith.

"Bottle Store" - means a shop in which mainly alcoholic beverages are sold in the retail trade and includes an off-sales facility that is part of a hotel and under the same management as the hotel.

"Boundary" of a land unit – means cadastral boundary, or where a land unit has not been surveyed, a reference or description as generally approved by the Municipality must be used.

"Building" - means any structure or erection irrespective of its nature or size, i.e. any structure that complies with the National Building Regulations.

"Building Line" - means the line delimiting the area measured from the boundary of a land unit, or from a setback where applicable, within which no building or other structure (including gazebos and patios), except a boundary fence, may be erected; or in the case of a departure relaxation of the Building Line granted with the written approval of the affected abutting property owners and upon the discretion of the Directorate of Development Planning.

"Business Premises" - means a site or building or structure on or in which retail and wholesale business is done and includes uses such as shops, warehouses, offices, banks, bottle stores, restaurants, nurseries or buildings/structures/premises for similar purposes, but does not include institutions, service stations, industries or noxious trades.

"Camping Site" - means a property or part thereof which can be utilised for the erection of tents or parking of caravans and includes ablution, braai, cooking and other facilities which, together with the amenity of the site, serve as features of attraction.

"Caravan" - means any vehicle permanently fitted out for use by people for living or sleeping purposes, whether or not such vehicle is a trailer.

"Caravan Park" - means any land used or intended to be used for the accommodation of caravans, including mobile homes.

"Car Wash" - means land and buildings used for the washing, polishing and cleaning of vehicles.

"Cemetery" - means a place, whether public or private, wherein human remains have been or are intended to be interred and includes a crematorium.

“Clinic” means a medical care facility for day patients with no overnight accommodation.

“Commercial Premises” - means a building or land-usage whether it is a service industry, retail or wholesale, which is primarily involved in the rendering of a service, which can reasonably be regarded as being out of character in the residential or business area of the town. Commercial premises may include a warehouse.

“Commercial Workshop” - means an activity which caters specifically for the local customer, or provides a service directly to the retail customer and which is directly associated with the business premises to which the public has access and where such business premises comprise the frontage of the whole building except entrances and exits and may include panel beating, spray painting and cleaning of cars.

“Commonage” – means land owned by the Municipality or state land under Traditional Authority administration on which residents have acquired / can acquire grazing rights or rights to arable lots, expressly for the purpose to benefit local inhabitants of a settlement or town.

“Communal Open Space” or "Common Area" or “Common Property” -

- in the urban context means land or space that is intended for common ownership and for common use of the owners of town-house erven in a town-housing site and may include private roads that provide access to all or certain of the group erven; and

- in the rural context means land or space within a rural settlement’s development edge that is intended for common use of the residents in a rural settlement

“Conservation Usage” - means the use or maintenance of land in its natural state with the object of preserving the bio-physical characteristics of the land, including flora and fauna living on the land.

“Convenience Shop” - means a shop, including storage space, which is used for the purposes of carrying on a retail trade specifically directed at the supply of convenience goods (predominantly foodstuffs) to a localized area.

“Council” - means a Local Municipal Council.

“Coverage” - means the total percentage area of a site that may be covered by buildings measured over the outside walls and covered by a roof or projection; provided that the area covered by the first meter (as measured from the outside of the exterior wall concerned) of an eave or other projection shall not be included in the calculation of the permissible coverage.

“Crèche” - see Day Care Centre.

“Cultural and Social Ceremonies” - means the practice of cultural and social ceremonies by a person or group belonging to a cultural, religious or linguistic community, provided that such ceremonies are lawful in terms of all applicable legislation and bylaws of the Municipality,

“Day Care Centre” - means a building or a site, excluding a boarding house or educational institution, which is maintained and utilised on a profit or non-profit basis, for the acceptance, protection, and temporary caring of a maximum of 50 or less children on behalf of their parents and which building or site is registered as a place of care in terms of the Child Care Act (Act 74 of 1983).

"Departure" means:

- (a) An altered land use restriction imposed in terms of this Land Use Scheme; or
- (b) A use right granted on a temporary basis in terms of this Land Use Scheme.

"Developable Area" in relation to a land unit - means the total area of a land unit, excluding areas taken up by a panhandle driveway, services and/or servitude.

"Dwelling House" - means a building containing only one dwelling unit complying with the National Building Regulations. In the event of a second dwelling unit on a Single Residential Erf (Residential Zone II), such dwelling house and second dwelling unit may be attached.

"Dwelling Unit" - means a self-contained inter-leading group of rooms with not more than one kitchen, used only for living accommodation and housing at an occupation ratio not exceeding three persons per habitable room, together with such outbuildings as are ordinarily used therewith.

"Enterprise" - means any commercial undertaking.

"Estate Housing" - means a harmoniously designed and built residential estate or holiday housing development with an informal clustered layout, where the housing may be rented out or may be separately alienated by means of time sharing, sectional title division, the selling of block shares or the subdivision of the property on condition that a home owners' association be established, but does not include a hotel.

"Erection of a building" – means the construction of a new building or structure or the structural alteration of, or the making of any addition to, a building.

"Farm Stall" - means a building or structure on agricultural land, where mainly products and produce from such land (and surrounding land or farms) are sold to the general public.

"Feed Pen Farming" - means the keeping and breeding of livestock in a confined space on an intensive basis and where the animals are fed with little or no opportunity to graze off the natural veld, to prepare them for slaughter or for production of milk, eggs or other products.

"Flats" - means a building containing three or more dwelling units for human habitation, together with such outbuildings as are ordinarily used therewith; provided that in those zones where flats are permissible, fewer than three dwelling units shall also be permissible.

"Floor Area Ratio" or (FAR) - means the factor (expressed as a proportion of 1) that is prescribed for the calculation of the maximum floor space of a building or buildings permissible on a land unit; it is the maximum floor space as a proportion of the net erf area.

"Floor Space", in relation to any building or structure, means the area covered by a roof, slab or projection, excluding a projection not exceeding 1m over an exterior wall or a similar support; provided that the area which is covered by a canopy or projection on the street side of a business building in the Business Zones I to V shall not be regarded as floor space. Floor space shall be measured from the outside surface of the exterior walls or similar supports of such building or structure, and where a building or structure consists of more than one storey, the total floor space for the purposes of the definition of "maximum floor space" shall be the sum of the floor space of all the storeys, including that of basements.

"Funeral Parlour" - means the business of an Undertaker and may include a chapel, office, workshop, garage and/or warehouse.

A Funeral Parlour does not include a mortuary.

"Garage" - means a building for the storage of one or more motor vehicles, and includes a carport but does not include a motor repair garage or service station.

"Grade Line" - means an imaginary surface that corresponds with straight lines connecting the highest and lowest natural ground levels immediately contiguous to a building or structure, and for the purpose of height control can be regarded as a horizontal plane encompassing the outer edges of a building or footprint of a structure, equivalent to the natural ground level of the middle point of the footprint of the building or structure – or in the event of a multi-level building or structure, the middle point of the footprint of each level of such building or structure.

"Gross Leasable Area" (GLA) - means the total floor area that is leasable, measured from the internal surface of the outer walls of the leasable area – including basements. The following areas shall be excluded when calculating GLA:

- (a) any area, including a basement area - that is reserved solely for the parking of vehicles;
- (b) any area required for a fire escape;
- (c) any balconies, terraces, verandas, common entrances, common passages and common areas covered by a roof;
- (d) any stairs, lift wells or other wells, in the case of multi-storey buildings.

"Ground Floor" - means the lowest floor of a building, which is not a basement.

"Guest House" - means an owner managed commercial accommodation establishment of not less than 6 guest-rooms and not more than 16 guest-rooms and which has as its primary source of business the supply of short-term accommodation and meals for resident guests.

"Habitable Room" - means any room for human habitation as per approved building plan, and excludes bathrooms, toilets, kitchens, verandas, garages, passages and basements. The internal floor area of a habitable room may not be less than 6m² in extent with no linear dimension of less than 2m.

"Height" in relation to a building - means the height specified in these regulations, of the highest point of such building, above the natural ground level and directly below such point.

"Holiday Accommodation" - means a number of dwelling units belonging to one owner, which are only utilised for short term accommodation by travellers or tourists or holidaymakers and which comprise a single business enterprise of which the individual dwelling units are marketed only by means of renting, and includes a caravan park and a camping site, but does not include a hotel.

"Holiday Housing" - means a harmoniously designed and built estate or holiday housing development with an informal clustered layout, where the housing may be rented out or may be separately alienated by means of time sharing, sectional title division, the selling of block shares or the subdivision of the property on condition that a home owners' association be established, but does not include a hotel.

“Home-based Care” - means the use of a dwelling house, portion of a dwelling house or associated outbuildings by the occupant to provide care for a limited number of elderly, sick or disabled persons, or day care, after school care or instruction for a limited number of infants or children.

“Hospital” means land and buildings used for the care and accommodation of patients, including specialised medical treatment and may include operating theatres, x-ray rooms, a convenience shop, pharmacy, offices and consulting rooms directly related to the hospital and may include staff accommodation and other associated uses.

“Hotel” - means a property used as a temporary residence for guests, where lodging and meals are provided, and may include:

- (a) a restaurant;
- (b) conference and entertainment facilities that are secondary and directly linked to the dominant use of the property as a hotel; and
- (c) premises which are licensed to sell alcoholic beverages for consumption on the property;

But does not automatically include an off-sales facility.

“House Shop” (spaza shop) - means a shop that is operated from a dwelling house, provided that:

- (a) such activities are restricted to one room of the principal dwelling or a garage or outbuilding with such an area not exceeding 30m²;
- (b) the dwelling is to have a primarily residential function;
- (c) not more than two persons should be involved in the operating of such a shop;
- (d) such a shop should not impact negatively on the surrounding neighbours; and
- (e) all signs of trade, including advertising, should be kept to a minimum as specified in item 3 in Annexure C.

“Incremental settlement” - means the process of authorisation and subsequent progressive introduction of a layout plan, administration, management, engineering services or tenure rights to an area where any of the above-named elements are absent.

“Industrial Café” - means a building or structure which does not exceed 100m² in floor space, including storage facilities, and where delicacies and fast foods are sold to employees only.

“Industry” - means an enterprise for the manufacture, wholesaling, warehousing, distribution, dispatching, assembly or processing of a product or the breaking up of a product or raw materials, which is not included under the definition of "Noxious Trade", and includes any place or site where any such trade is carried on, providing that retail on any such place or site shall be restricted to the selling of goods manufactured, processed or directly associated with the industrial activities on such place or site, as well as a caretaker's dwelling, an office or offices, an industrial café and any other use incidental to an industry.

“Informal Dwelling” – see Shelter

"Informal Trading" - means the permitted selling of products in areas demarcated and approved by the Municipality specifically for this purpose, such as markets and other demarcated areas, provided that:

- (a) it does not interfere with pedestrian or vehicular movement, or with any municipal utility services; and
- (b) there is no threat to public health or safety.

"Institution" - means a property used as a welfare or private care facility such as an old age, frail or handicapped care facility, or a social facility such as a counselling centre, children's home or reformatory; and includes ancillary administrative, health care and support services for these facilities; but does not include a hospital, clinic or conventional correctional facility (prison).

"Intensive Agronomy" - means the cultivation of crops and plants on an intensive scale and includes the indoor cultivation thereof, but does not include the retail sale of plants on the property concerned.

"Land for Settlement" – means land that:-

- (a) was lawfully used or could lawfully have been used immediately before the commencement of this scheme for residential settlement, or
- (b) has been identified as land for settlement and confirmed as suitable for settlement by way of a feasibility study,

and

- (c) has been defined as "Land for Settlement" and included within a settlement or urban edge in a spatial development framework.

"Land Unit" - means a portion of land depicted on a diagram or general plan approved in terms of the Land Survey Act, 1997 (Act No 8 of 1997) that is registered or capable of being registered in a deeds registry and may include an erf, farm, servitude right or long term lease, or

if not depicted on a diagram or general plan approved in terms of the Land Survey Act, 1997 (Act No 8 of 1997), it means

- a. a portion of land depicted by the Municipality on a georeferenced plan.
- b. a portion of land that has been demarcated in terms of the customary law applicable in the area in which it is situated, or that was in the past demarcated by the Department of Agriculture after consultation with the relevant traditional authority structure, or
- c. an area of communal land to which a household holds a formal or informal right, provided that such right is recognized in terms of the customary law applicable in the area in which it is situated and which right is held with the consent of, and adversely to, the registered owner of the land.

"Land Use Restriction" - means a restriction, in terms of a zoning, on the extent of the improvement of land.

"Land Use Scheme" - means the Land Use Scheme consisting of scheme regulations, scheme maps and a register.

"Land Use Scheme Map" – (also referred to as "Zoning Map") - means a map indicating in distinctive colours or symbols, the zonings of land units included in the area of the scheme.

“Lawful Non-conforming Use” - means an existing use and developments on a land unit, that was lawful before the commencement date of this Land Use Scheme, but which does not conform to the permissible uses, land use restrictions or other applicable stipulations of this Land Use Scheme;

“Lawful Use” (in terms of land use management) – means:

- (a) an existing use and developments on land that conforms to the provisions of the land use scheme or zoning scheme applicable to such land immediately prior to the commencement date of this Land Use Scheme, or
- (b) where no land use scheme or zoning applied prior to the date of commencement of this Land Use Scheme,
 - a. existing use and developments on land that was authorised by an organ of state responsible for land administration at the time, or
 - b. in the event of establishment of such use and developments during a period of land administration vacuum (mainly post 1996), where such use and developments on land was recognized in terms of the customary law applicable in the area, provided that such use and developments were not in contravention of any other legislation that applied at the time of establishment.

“Linked” in relation to the definitions of "town housing" - means to be connected by means of a common wall or garage.

“Maximum Floor Space” - means the greatest total floor space which is allowed for a building or buildings with all of its floors on a land unit; such floor space is calculated by multiplying the floor factor with the net area of a land unit or that portion of the land unit which is situated within the particular zone; provided that where a land unit has more than one zoning to which different floor factors apply, the maximum floor space for the whole land unit shall be the total of the maximum floor space for each portion of the land unit; further provided that for the purpose of determining the floor space of a building:

- (a) any area including a basement, that is reserved solely for the parking of vehicles, shall be excluded;
- (b) any area required for an external fire escape shall be excluded;
- (c) subject to (d) below, any balconies, terraces, stairs, stair-wells, verandas, common entrances and common passages covered by a roof shall be included except in the case of a residential building on a residential land unit, where it shall be excluded;
- (d) any stairs, lift wells or other wells, in the case of multi-storey buildings, shall only be calculated once; and
- (e) any arcade, with a minimum width of 2m and which at all times provides access through the building concerned from public parking or a pavement or public road, street or open space to other public parking or another public road, street or open space and which at all times is open to the public by means of a servitude, as well as any other covered walkway, shall be excluded.

"Mining" - means an enterprise practicing the extraction of raw materials whether by means of surface or underground methods, and includes the removal of stone, sand, clay, kaolin, ores, minerals and precious stones, and the processing thereof, but not the manufacturing of any related products.

For authorisation procedures, refer to section 4.5.

"Mobile Home" - means an assembled structure with the necessary service connections, which can be transported without the removal of units or panels, and which may be designed so that it can be used as a permanent dwelling.

"Mortuary" - means a place where bodies are stored on a temporary basis.

"Motor Vehicle" - means a vehicle designed or intended for propulsion by other than human or animal power, and includes a motorcycle and a trailer and caravan, but does not include a vehicle moving exclusively on rails or an aircraft.

"Natural Ground Level" - means the level of the land surface at any point on a land unit:

- (a) in its unmodified, natural state; or
- (b) if the natural state has been modified, as established from a contour plan lodged with an official agency such as the Municipality or the office of the Surveyor General which, in Municipality's opinion, depicts the natural ground level; or
- (c) if the natural state has been altered by way of grading or excavation, with Municipality's approval, for the purpose of development; provided that:
 - i. any grading for the purpose of development shall connect evenly with the existing levels of abutting land units;
 - ii. where land is excavated, the excavated level is deemed to be the natural level of the ground;
 - iii. where it is not possible to determine the natural level of the ground due to irregularities or disturbances of the land, the Municipality shall determine a level for the purpose of administering this scheme; and
 - iv. where land is excavated and the excavated material is used to extend the building site (cut and fill), the Municipality shall determine a level for the purpose of administering this scheme.

"Nature Reserve" - means a national park, provincial park or other nature park in public ownership, or that has been declared as such in terms of legislation and remains in private ownership; it includes an area which is used as a game park or reserve for fauna or flora in their natural habitat and includes the provision of accommodation facilities for tourists or holidaymakers.

"Net Land Unit Area" - means the total area of a land unit, excluding all land zoned or reserved for public purposes.

"Nodal Edge" (in relation to an approved Spatial Development Framework or Local Spatial Development Framework) - means a demarcated line (and interrelated policy) that defines a nodal development area, outside or separate from an Urban or Settlement Edge, within which the Municipality will endeavour to support development of clustered authority, institutional, recreational, commercial and social facilities and services, with the express aim of servicing the surrounding rural hinterland.

"Noxious Use/Trade/Industry" - means a use, trade or industry, performed by a public authority, public utility or private entity which constitutes a nuisance or a risk to health in neighbouring premises arising from vapours, effluvia, fluids, liquid waste matter, solid waste matter, noise, disturbance and dust, including but not limited to:

- (a) waste disposal site, waste-water treatment works;
- (b) enterprises associated with chemical, explosive or nuclear-based manufacturing, warehousing, packaging or distribution; and
- (c) the activities described in Annexure A hereto.

"Nursery" - means a property or part thereof that is utilised to grow plants for sale, transplanting or experimentation and includes the sale of plants and gardening products.

"Occasional Use" – means a temporary activity such as craft markets, circuses, religious gatherings, or other outdoor events, even though these are not in accordance with the zoning of the property concerned, subject to Section 4.7 of this scheme.

"Occupant" - means any person who physically inhabits a building, a structure or land unit.

"Occupational Practice" - means the practicing of an occupation (excluding any noxious activities) from a dwelling unit by the tenant or owner of that specific dwelling unit, provided that:

- (a) the persons so practicing including employees do not exceed 3;
- (b) the tenant or owner must reside and work on the property;
- (c) such occupational practice is not to result in disturbances such as noise, traffic congestion, air pollution, a congregation of people, excessive traffic generation or lowering of the aesthetics (e.g. visual) or adversely impact on the residential character of the area; and
- (d) a maximum of 40% of the total floor area of either the primary or secondary dwelling (not both) on a property used for the practice of such occupation.

"Occupation Ratio" - means the restriction of occupation of any structure for residential purposes, with such occupation ratio being up to 3 persons per habitable room.

"Offices" - means a room or set of rooms or a building that is used for the performance of an administrative function, but excludes shops and business premises and does not include the storage, handling, distribution or sale of goods.

"Off-sales" - means a facility that is part of a hotel and under the same management as the hotel, where mainly alcoholic beverages are sold in the retail trade.

"Old Age Home" – see Retirement Village

"Outbuilding" - means a structure either attached to or separate from the main unit and designed for the housing of domestic assistants, for the parking of motor vehicles, for domestic storage purposes and for such other uses that are reasonably associated with the use of the main structure.

"Overlay zone" means a mapped overlay superimposed on one or more established zoning areas which may be used to impose supplemental restrictions in terms of other legislation or bylaws on uses in these areas;

"Owner" - in relation to any building, structure or land - means and includes:

- (a) the person or legal entity in whose name the title to such building, structure or land is registered; and
- (b) if the building, structure or land is under lease, and the registration thereof is in law necessary for the validity of such lease, the lessee; or
- (c) the registered owner of an exclusive right of leasehold, quitrent title, permission to occupy or deed of grant; or
- (d) a household that holds an exclusive right to an area of communal land, which right is recognized in terms of the customary law applicable in the area where the land is situated and which right is held with the consent of, and adversely to, the registered owner of the land; or
- (e) a group of households that as a grouping, exclusively hold joint and/or overlapping rights to an area of communal land, which right is recognized in terms of the customary law applicable in the area where the land is situated and which right is held with the consent of, and adversely to, the registered owner of the land.
- (f) If such person or holder (referred to in a to c above) has passed away, is insolvent, mentally disordered or defective, a minor, or under any legal disability, the person in whom the administration of that person's or holder's estate is vested, whether as executor, guardian or in any other capacity whatsoever.
- (g) When an owner as herein defined is absent from the area or his/her/their whereabouts are unknown, the expression "owner" includes an authorised agent of such owner.

"Pan-handle Access" - means an access way forming part of a land unit. In the event of it serving a single dwelling, the minimum width shall be 4m. In the event of it serving more than one land unit or more than one dwelling, the minimum width shall be 6m.

"Parking Bay" - means an area measuring not less than 5,0m by 2,5m or an area as determined by the Director of Development Planning or an area as contained in the Municipality's Guidelines for Off-Street Parking Facilities, which is clearly outlined and demarcated for the parking of one motor vehicle, and which is accessible to the satisfaction of the Municipality.

"Parking Garage" - means a building, or part of a building designed for the parking of motor vehicles with or without a fee, and may include parking within a building.

"Parsonage" - means a dwelling house for the accommodation of a spiritual leader who is a full-time employee of an organization that practices religion in a house of worship, and includes the accommodation of the spiritual leader's family, but does not include a monastery or convent.

"Place of Assembly" - means a public hall, hall for social functions, music hall, concert hall, school hall or exhibition hall which is not directly related to a commercial undertaking, or a town hall or civic centre.

"Place of Entertainment" - means a theatre, dance hall, disco, amusement park, sports centre, billiard room or similar use, but excludes an adult shop and adult entertainment.

"Place of Instruction" - means:

- (a) a school, college, technical institute, industrial school, academy, university, lecture hall or other centre of instruction, whether public or private, and includes a boarding house for learners or students attached to such place of instruction and staff accommodation appertaining thereto, and
- (b) a convent, monastery, library, public art gallery, museum, gymnasium or day care centre, whether public or private, but does not include a building/complex used or intended to be used wholly or primarily as a certified reformatory or industrial school, or as a school for the mentally disabled.

"Place of Worship" - means a church, synagogue, mosque, temple, chapel or other place for practicing religion and includes any building in connection therewith but does not include a funeral parlour.

"Private Open Space" - means any land which has been set aside in this scheme for use as a primarily private site for club buildings, sport, play, rest or recreational facilities or as an ornamental garden or a pleasure garden, and includes public land which is or will be leased on a long term basis, whether public or private.

"Professional Services" - means a vocation which is governed by the rules and conduct of a professional institution or body, and in which the practitioners offer their time and skills as a particular service to their clients, as distinct from the sale of a tangible commodity (e.g. medical, dental, veterinary, hairdressing and legal).

"Public Accessible Area" means that part of a building that is accessible to the public (e.g. including, but not limited to foyers, public bars and restaurants in a residential building).

"Public Authority" - means a government department (national or provincial), district or local municipality or other organ of state.

"Public Funded Residential" - means dwelling units which are erected with funds made available by a State department, district or local municipality, state agency or services authority.

"Public Garage" - means a building, including the site, for an undertaking that offers a complete range of services for motor vehicles, including sale of fuel, panel beating, spray-painting and a shop.

"Public Notice" (as described in the Planning and Development Act, Act No. 6 of 2008) – means to:

- (a) display a notice of at least 60cmx42cm on the frontage of the land unit (or any other conspicuous or easily accessible place on the land unit);
- (b) serve a notice on all parties who in the opinion of the municipality may have an interest in the matter, including –
 - i. the owner, chairperson of a body corporate representing the owners or chairperson of a home owners association representing the owners of land within 100m of the boundary of the land unit;
 - ii. the municipal councillor of the ward in which the land unit is situated;

- iii. organs of state with jurisdiction in the matter; and
- (c) publish a notice in a local newspaper.

"Public Open Space" - means land which falls under, or is intended to come under, the ownership of the Municipality, which is not leased or intended to be leased on a long term basis and which is utilised or will be utilised as an open space, park, garden, playground, sports ground or square.

"Public Parking" - means a site or building or part thereof that is accessible to the general public for parking purposes and excludes taxi ranks, bus termini and truck stops.

"Public Road" - means any road or street for public use or any land intended for such purposes.

"Public Street" - means:

- (a) any street that has at any time been:
 - i. dedicated to the public; or
 - ii. used without interruption by the public for a period of at least thirty years; or
 - iii. declared or rendered such by a competent authority; or
- (b) any land with or without buildings or structures thereon, which is shown as a street on:
 - i. any plan or subdivision of a diagram approved by a competent authority and acted upon; or
 - ii. any general plan registered or filed in the Deeds Registry or
 - iii. the office of the Surveyor-General.

"Public Utility" - means a company supplying utility infrastructure and/or services required for the proper functioning of the built environment.

"Rear Boundary" of a land unit - means every boundary thereof (other than the street boundary) which is parallel to, or is within 45 degrees of being parallel to, every street boundary of such a land unit, and which does not intersect a street boundary.

"Register", when used as a noun - means documents held by a Municipality in connection with all departures and rezonings, special consents and subdivisions concerned.

"Regulation" - means a regulation made and in force under the Planning and Development Act, Act No. 6 of 2008

"Renewable Energy Apparatus" – means any apparatus which captures and converts wind, hydro, solar radiation, bio mass or other renewable source into energy.

"Renewable Energy Structure" – means any dedicated structure specifically designed and erected to accommodate apparatus such as wind turbines, hydro turbines, solar energy generating panels (including solar-voltaic and concentrated solar thermal) or bio mass equipment, or grouping thereof, which captures and converts wind, hydro, solar radiation, bio mass or other renewable source into energy for local consumption or commercial gain, irrespective of whether it feeds

into an electricity grid or not. This may include associated structures, infrastructures or buildings directly related to the operation of the generation, transmission and distribution of electricity generated by the structure or grouping of structures.

Associated structures and infrastructure may include pylons, poles, masts, transformers and sub-stations. Associated buildings may include, but are not limited to, workshops and stores, offices, site canteen, medical station, research facility, guard house and recreational facilities for staff. For Renewable Energy Facilities, the provisions of Annexure J shall apply.

“Renewable Energy Site” - means the land utilised for the Renewable Energy Structure/s, inclusive of associated structures, infrastructure, buildings, and setback lines applicable to such, regardless of cadastral boundaries.

“Residential Building” - means a building (other than a dwelling-house, town house or block of flats) for human habitation, together with such outbuildings as are normally used therewith, and includes a boarding house, residential rooms, a hotel, a guest house, retirement village and a children's home, but does not include other buildings or uses mentioned whether by way of inclusion or exclusion in the definitions of "place of instruction" or "institution".

“Residential Room” - means a habitable room, which forms part of a residential building, in which the proprietor provides lodging, but does not provide meals.

“Resort” - means a resource based holiday or recreational development that is accessible to the public (which may be subject to booking and fee arrangements).

“Resort Accommodation” - means a number of dwelling or accommodation units belonging to one owner, which are only utilised for short term accommodation by travellers or tourists or holidaymakers and which comprise a single business enterprise, which is accessible to the public and of which the individual dwelling or accommodation units are marketed only by means of renting, and includes a caravan park and a camping site, but does not include a hotel.

“Resource” (in relation to a resort) - means a unique or special environmental or recreational attribute.

“Restaurant” - means a business establishment where meals and liquid beverages are prepared and/or served to paying customers for consumption on the property, and may include licensed provision of alcoholic beverages for consumption on the premises.

“Retail” - means the sale and supply in any quantities of goods not manufactured nor produced to the order of any person and which are sold to any person for use or consumption by that person, and not for resale.

“Retirement Village” - means a town housing scheme, flats or residential building that conforms to the following additional conditions:

- (a) Each dwelling unit shall only be occupied by a retired person or by a family of whom at least one member is a retired person;
- (b) a full spectrum of care and other recreational facilities shall be provided to the satisfaction of the Municipality. This may include old age and frail care facilities;
- (c) development rules other than those applicable in a zone may in respect of a retirement village be determined by the Municipality; and

(d) as defined in Section 1 of the Housing Development Schemes for Retired Persons Act, 1988 (Act 65 of 1988).

"Riding School" - means a place or enterprise used for instruction and training in the riding of horses and includes stabling and hiring out horses for payment.

"Satellite Dish Antenna" - means apparatus fixed to a structure or mounted permanently on the ground, that is capable of receiving or transmitting communication signals from a satellite;

"Scheme Regulations" - means the Land Use Scheme Regulations in terms of Chapter 2 of the Planning and Development Act, Act No. 6 of 2008.

"Scrap Yard" - means a building or land that is used for one or more of the following purposes:

- (a) the storing, depositing or collecting of junk or scrap material or articles of which the value depend entirely or partially on the material out of which they are manufactured;
- (b) the dismantling of second-hand vehicles or machines to recover components or material, and
- (c) the storing or sale of second-hand pipes, poles, steel section, wire, lumber, tyres, bricks, containers or other articles which are suitable to be left in the open without any serious damage being incurred.

"Second Dwelling" - means a dwelling that may be erected in addition to the primary dwelling unit, with such an erection being a consent use in Residential Zone II and in Agricultural Zone I.

"Settlement Edge" - (in relation to an approved Spatial Development Framework or Local Spatial Development Framework) - means a demarcated line (and interrelated policy) that in the rural context defines;

- (a) the outer extent of residential and associated land uses (as described in Residential Zone I and II) that were lawfully established before the commencement of this scheme, or
- (b) an area identified as "Land for Settlement".

"Service Industry" - means the utilisation of a building or premises for an enterprise that is –

- (c) primarily involved in the rendering of a service for the local environs, such as the repair of household appliances and the supply of household services; and
- (d) which is not likely, in the event of fire, to cause excessive combustion or explosions, or give rise to poisonous fumes being released; and
- (e) but does not include an abattoir, a brickmaking site, sewerage works, a service station or public garage.

"Service Station" - means a business or concern where motor vehicles are provided with fuel for payment or reward and includes trading in motor vehicles, oil, tyres and motor spares, the servicing or washing of motor vehicles or the operation of a restaurant or convenience shop, but excludes spray painting, panel beating or body or blacksmith work.

"Setback" - means the line delimiting the area measured from the centre line of the street, or from another line, structure or feature as specified, within which no building or other particular structure may be erected.

"Shelter" - means a structure and unit of accommodation intended for human occupation, constructed of any material whatsoever, even though such structure or material may not comply with the standards or requirement for durability intended by the National Building Act;

"Shop" - means a site or building or structure used for the purpose of carrying on a retail trade and includes a restaurant, launderette, a dry cleaner or a retail concern where goods which are sold in such concern are manufactured or repaired, provided that the floor area relating to such manufacture or repair, comprises not more than one third of the floor area of the shop.

Shop does not include an industry, noxious use or trade or industry, service station, bottle store or supermarket.

"Shopping Centre" – means a primarily retail development that is planned, built and managed as a single entity, comprising of a single or several retail concerns on a common site with a minimum gross leasable area (GLA) of 4 000 m². The retail space and walkways may be combined under a single or linked roofs, separated from vehicular movement and parking (a Retail Mall) or accommodated in separate buildings integrated with the vehicular movement and parking. A shopping centre may include other business uses as permitted under "Business Premises".

"Side Boundary" - means any boundary of a land unit that does not constitute the common boundary with a public street or public road and does not include a rear boundary.

"Spatial Development Framework" – means a forward looking plan that consists of development goals, strategies and guidelines, and indicates spatial implications, desired spatial outcomes and proposals for the areas to which it relates. Such Spatial Development Framework can be prepared on a National, Provincial, Regional, Municipal or Local Area scale.

"Special Usage" - means a use which is such, or a use of which the land use restrictions are such, that it is not catered for in these regulations; and which is set out in detail and of which the land use parameters are set out in detail by means of conditions of approval and a Site Development Plan.

"Storey" - means a single level of a building, excluding a basement, which does not exceed a height of 3m (unless otherwise specified) measured from finished floor level to finished floor level or to the ceiling in the case of the top storey, or to a level equivalent to the height of the outside wall of a building if no horizontal ceiling is present; provided that

- (a) a roof, or dome which forms part of a roof, shall not constitute a separate storey, unless the space within the roof is designed for, or used for human occupation, in which case it is deemed to be a storey; and
- (b) any storey which is greater than the permitted height of a single storey but equal to or less than the permitted height of 2 storeys, shall for the purposes of height measurement be deemed to be two storeys, any additional height of a storey or portion thereof, shall be deemed to be an additional storey.

"Street Boundary" - means the boundary of a site or land unit which is also its boundary with a street; provided that where a portion of a site or land unit is reserved for street or street widening purposes in terms of the Land Use Scheme or any other law, the street boundary of the site or land unit shall be the boundary of such proposed new street or proposed street widening; and provided further that in the event of a panhandle land unit, the street boundary shall be the boundary facing the street or the boundary which affords access to the street.

"Subdivide and Subdivision" - has the meanings assigned to it in the Act.

"Supermarket" - means a shop with a net retail floor space of not less than 350 m², which is utilised for sales on a basis of self-service.

"Tavern" - means a home-based business that provides for on-site consumption of food and liquor in a dwelling unit, provided that all provisions described in Annexure B are complied with.

"Telecommunication Infrastructure" - means any part of the infrastructure of a telecommunication network for fixed line (fibre optic, copper or other cables) or wireless communication, including voice, data and video telecommunications, provided by telecommunication providers, including cellular network operators. This may include:

- (a) Antennas and satellite dish antennas;
- (b) Any support structure;
- (c) Equipment room;
- (d) Radio equipment or optical communications equipment (laser or infra-red);
- (e) All ancillary structures needed for the operation of telecommunication infrastructure.

This definition excludes point-to-point fibre optic, copper or other cable installations.

"Telecommunication Installation" - means an installation used to accommodate telecommunication infrastructure for the transmitting or receiving of communication signals. Such installation may include a freestanding support structure on land or may be attached to a building or structure.

"Tenement" - means a building containing rooms, or free standing rooms separately occupied as dwelling units.

"Tourist Facilities" - means amenities for tourists or visitors such as a function venue, lecture rooms, restaurants, gift shops and restrooms, but does not include overnight accommodation.

"Town House" - means a dwelling unit, which forms part of a town-housing scheme.

"Town Housing"/"Town Housing Scheme" - means a walled free standing, row or group of linked and/or attached dwelling units which is planned, designed and built as a harmonious architectural entity and of which every dwelling unit has a ground floor; the dwelling units may either be cadastrally subdivided or not.

"Town Housing Site" - means a land unit or more than one land unit on which a town-housing scheme has been or is to be erected.

"Traditional Dwelling" - means a self-contained inter-leading group of rooms, or free standing rooms functioning in an integrated manner as a dwelling unit, grouped

together on a land unit, with not more than one kitchen, used for living accommodation and housing of a family, together with such outbuildings as are ordinarily used therewith. The definition of Traditional Dwelling excludes free-standing rooms that function as Tenements of Flats.

"Transport Facility" - means a designated area with associated facilities that serves as a taxi rank, bus terminus or truck stop, but does not include public parking.

"Transport Usage" - means a public or private transport undertaking based on the provision of a transport service such as railways, harbours and airports, and includes facilities for the handling and storage of freight.

"Utility Service" - means a use or infrastructure provided by a public authority, private or public utility, that is required to provide engineering and associated services for the proper functioning of the built environment and includes a water reservoir and purification works, electricity substation and transmission lines, stormwater retention facilities, and a waste-water pump station. It may also include waste processing activities such as transfer stations, recycling centres, and composting installations) and a waste-water treatment works, only if no part of such facility or activity constitute a noxious use. "Utility service" does not include road, or transport use or telecommunication installations.

"Urban Edge" (in relation to an approved Spatial Development Framework or Local Spatial Development Framework) - means a demarcated line (and interrelated policy) that defines the zone within which the Municipality will endeavour to upgrade levels of infrastructure over a period of time and according to available resources, to support higher densities of residential, industrial, and commercial development.

"Warehouse" - means either a site/building/room where goods are stored, or a wholesale business.

"Wholesale" - means the sale and supply in any quantity of goods to a bona fide retailer for resale to the public.

"Wind Turbine" - means an apparatus that converts energy from wind to electricity that may or may not be linked to an electricity provider's grid or network and may comprise rotating parts (propeller), a generator, a mast, tower or any infrastructure in support thereof;

"Zone", when used as a noun - means land set apart by a Land Use Scheme for a particular zoning, irrespective of whether it comprises one or more land units or part of a land unit.

"Zone", when used as a verb in relation to land - means to set apart the land for a particular zoning.

"Zoning", when used as a noun - means a category of directions setting out the purpose for which land may be used and the land use restrictions applicable in respect of the said category of directions, as determined by relevant Land Use Scheme regulations.

"Zoning Map" – refer to "Land Use Scheme Map".

2. ZONING AND LAND USE

2.1. COMPONENTS OF THE LAND USE SCHEME

This Land Use Scheme consists of three components, namely:

- (a) Scheme regulations
- (b) Land use scheme map(s), in so far as the scheme is mapped
- (c) Scheme register, in so far as any departures, special consents and rezonings have been approved by the municipality.

2.2. ZONING OF LAND

The land units indicated on the land use scheme map, by way of colour and electronic notations as reflected in Columns 2 or 3 of **Table A**, are zoned for the respective purposes indicated in Column 1 of **Table A** and shall not be used for any other purpose whatsoever.

TABLE A

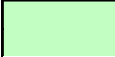


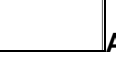









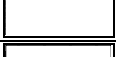

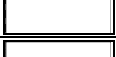

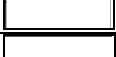


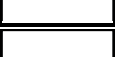
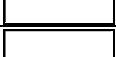



























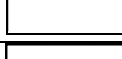






COLUMN 1 ZONING	COLUMN 2 COLOUR NOTATION	COLUMN 3 ELECTRONIC NOTATION			VISUAL REPRESENTATION	MONOCHROME NOTATION
		RGB CODES				
		R	G	B		
Agricultural Zone	Light green	194	254	194		
Residential Zone IA	Yellow with fine black cross hatching	255	255	0		 A
Residential Zone IB	Yellow with fine black diagonal hatching	255	255	0		 B
Residential Zone IIA	Yellow with fine black hatching	255	255	0		
Residential Zone IIB	Yellow with fine black hatching	255	255	0		
Residential Zone IIIA	Yellow-brown	186	165	0		
Residential Zone IIIB	Yellow	255	255	0		
Residential Zone IIIC	Yellow with wide black hatching	255	255	0		
Residential Zone IV	Orange	255	170	0		
Business Zone I	Dark blue	0	150	255		
Business Zone II	Light blue with black diagonal broken line hatching	190	232	255		
Business Zone III	Light blue with black diagonal hatching	190	232	255		
Industrial Zone I	Purple	197	0	255		
Industrial Zone II	Red-purple with fine black hatching	197	0	255		
Institutional Zone I	Grey	210	210	210		
Institutional Zone II	Grey with fine black hatching	210	210	210		
Institutional Zone III	Grey with black diagonal broken line hatching	204	204	204		

TABLE A (continued)

COLUMN 1 ZONING	COLUMN 2 COLOUR NOTATION	COLUMN 3 ELECTRONIC NOTATION			MONOCHROME NOTATION	
		RGB CODES				VISUAL REPRESENTATION
		R	G	B		
Resort Zone	Pink	255	190	232		
Open Space Zone I	Dark-green	1	129	0		
Open Space Zone II	Dark-green with black diagonal broken line hatching	1	129	0		
Open Space Zone III	Dark-green outline	1	129	0		
Transport Zone I	Dark-brown	137	90	68		
Transport Zone II	Light-brown	172	153	138		
Transport Zone III	Light-brown with black diagonal hatching	172	153	138		
Transport Zone IV	Dark-brown with black diagonal hatching	115	76	0		
Authority and Utility Zone	Red	255	0	0		
Special Zone	Light blue	0	197	255		
Scheme Boundary Map	Broken black outline	255	190	232		

2.3. USE OF LAND AND BUILDINGS IN SPECIFIED USE ZONES (Refer Table B)

Zoning Categories

Column 1 of Table B reflects the various **Zoning Categories** contained in this Scheme.

Primary Use Rights

Column 2 of Table B lists the **Primary Uses** for which land and buildings in each of the Zones may be used.

Consent Uses

Column 3 of Table B lists the uses for which land and buildings in each of the Zones may be used subject to the Municipality's consent. These are referred to as **Consent Uses**.

Only the uses that are reflected in Columns 2 or 3 of Table B shall be permitted in the zone concerned – either as a Primary Use or Special Consent Use.

Permitted buildings and uses may be subject to departures, which may make the right attached to a land unit greater or lesser than may appear from the notation on the map. In such cases the relevant information relating to the land unit shall be recorded in the register kept for this purpose.

2.4. ZONING IN ACCORDANCE WITH USE

Land falling under ownership of a public authority shall only be included in the Authority / Utility Zone if the use thereof or combination of uses forming part thereof is such that no other zone in Table B is appropriate. If any other zone in Table B is appropriate, the land needs to be zoned for that purpose whether or not a public authority owns it.

TABLE B

COLUMN 1 ZONING	COLUMN 2 PRIMARY USE	COLUMN 3 CONSENT USES
Agricultural Zone (Agricultural land)	Intensive Agronomy, Dwelling-House, Second Dwelling, Traditional Dwelling, Nursery, Conservation Usage, Commonage, Cultural and Social Ceremonies, Agriculture	Farm Stall, Agricultural Industry, Feed Pen Farming, Abattoir, Aquaculture, Boarding Kennels, Riding School, Tourist Facilities, Day Care Centre, Additional Dwellings, 3-5 Room Bed & Breakfast, Guest House, Utility Services, Telecommunication Installation.
Residential Zone IA (Rural Residential on un-surveyed or un-depicted land)	All existing uses	
Residential Zone IB (Rural Residential on surveyed or depicted land and Public funded residential)	Dwelling House, Traditional Dwelling	Day Care Centre, Institution, Second Dwelling Unit, 3-5 Room Bed & Breakfast, Guest House, Utility Services, Telecommunication Installation, Cultural and Social Ceremonies
Residential Zone IIA (Incremental Settlement Zone)	Shelter, Dwelling House, Traditional Dwelling, Other uses (subject to certain conditions)	
RESIDENTIAL IIB (Public funded residential)	Dwelling-house, Traditional Dwelling	Day Care Centre, Institution, Second Dwelling Unit, 3-5 Room Bed & Breakfast, Guest House, Utility Services, Telecommunication Installation, Cultural and Social Ceremonies
Residential Zone III (Urban Single Residential)	Dwelling-House, Traditional Dwelling	Day Care Centre, Second Dwelling, 3-5 Room Bed & Breakfast, Guest House, Institution, Utility Services, Telecommunication Installation

COLUMN 1 ZONING	COLUMN 2 PRIMARY USE	COLUMN 3 CONSENT USES
Residential Zone IV (Group Housing < 50 units/ha)	Town House - up to 50 units/ha, Dwelling House, Estate Housing, Holiday Housing, Private Open Space	Retirement Village, Day Care Centre, 3-5 Room Bed & Breakfast, Boarding House, Guest House, Utility Services, Telecommunication Installation
Residential Zone V (Higher density Group Housing and Flats > 50 units/ha)	Town House, Flats - Above 50 Units/Ha, Dwelling House, Private Open Space	Retirement Village, 3-5 Room Bed & Breakfast, Boarding House, Residential Rooms, Hotel, Guest House, Children's Home, Day Care Centre, Utility Services, Telecommunication Installation
Business Zone I (High Intensity Mixed Use)	Business Premises, Supermarket, Bottle Store, Place of Entertainment, Parking Garage, Town Houses, Flats, Boarding House, Residential Rooms, Hotel and Off-Sales, 3-5 Room Bed & Breakfast, Guest House, Funeral Parlour, Place of Worship, Place of Assembly, Utility Service, Institution, Dwelling House, Clinic, Restaurant, Nursery, Warehouse, Shop, Offices, Bank.	Commercial Workshop, Car Wash, Place of Instruction, Institution, Service Station, Shopping Centre, Adult Shop and Adult Entertainment, Day Care Centre, Mortuary, Telecommunication Installation.
Business Zone II (Medium to Low Intensity Mixed Use)	Shop, Offices, Professional Services, Town House, Flats, Boarding House, Residential Rooms, Hotel, 3-5 Room Bed & Breakfast, Guest House, Institution, Utility Services, Dwelling House, Place of Worship, Restaurant.	Place of Assembly, Supermarket, Business Premises, Warehouse, Bank, Nursery, Funeral Parlours, Parking Garage, Bottle Store, Off-Sales (Linked to Hotel), Day Care Centre, Clinic, Place of Instruction, Telecommunication Installation.
Business Zone III (Commercial)	Commercial Premises, Warehouse, Commercial Workshop, Car Wash, Parking Garage, Funeral Parlour, Mortuary, Public Garage, Adult Shop and Adult Entertainment, Place of Entertainment, Place of Worship, Utility Services.	Service Station, Transport Facility, Telecommunication Installation, Buildings and uses other than that referred to in Column 2.
Industrial Zone I (Industry)	Industry, Industrial Café, Service Station, Parking Garage, Commercial Workshop, Warehouse, Public Garage, Funeral Parlour and Mortuary, Scrap Yard, Utility Services, Telecommunication Installation.	Abattoir, Aquaculture, Transport Facility, Rooms Used For Security Guards or Caretakers

COLUMN 1 ZONING	COLUMN 2 PRIMARY USE	COLUMN 3 CONSENT USES
Industrial Zone II (Noxious Industry)	Noxious Use, Trade or Industry, Industry, Scrap Yard, Utility Services, Telecommunication Installation	Parking Garage, Abattoir, Rooms Used For Security Guards or Caretakers
Institutional Zone I (Education)	Place of Instruction, School, Place of Assembly, Day Care Centre, Utility Services	Place of Worship, Institution, Telecommunication Installation
Institutional Zone II (Worship)	Place of Worship, Parsonage, Place of Assembly, Day Care Centre, Utility Services	Place of Instruction, Institution, Telecommunication Installation, Cemetery
Institutional Zone III (Health and Social Care)	Institution, Hospital, Clinic, Place of Assembly, Day Care Centre, Utility Services	Place of Instruction, Place of Worship, Telecommunication Installation.
Resort Zone (Holiday and recreation)	Resort, Resort Accommodation, Holiday Accommodation, Caravan Park, Camping Site, Recreation Complex, Caretaker's Cottage, Convenience Shop, Tourist Facilities, Private Open Space.	Hotel, Place of Assembly, Utility Services, Telecommunication Installation
Open Space Zone I (Public Open space)	Public Open Space, Utility Services	Certain Associated Structures and Activities, Informal Trading, Cultural and Social Ceremonies, Telecommunication Installation, Cemetery, Conservation Usage.
Open Space Zone II (Private Open Space)	Private Open Space	Certain Associated Structures and Activities, Cultural and Social Ceremonies, Agriculture, Utility Services, Telecommunication Installation, Cemetery, Conservation Usage, Nature Reserve.
Open Space Zone III (Conservation)	Conservation Usage, Nature Reserve	Dwelling House, Additional Dwellings, Resort Accommodation, Camping Site, Caravan Park, Certain Associated Structures and Activities, Cultural and Social Ceremonies, Place of Assembly, Utility Services, Telecommunication Installation

COLUMN 1 ZONING	COLUMN 2 PRIMARY USE	COLUMN 3 CONSENT USES
Transport Zone I (Shipping, Rail and Air Transport Services)	Transport Usage, Utility Services	Parking Garage, Certain Associated Structures and Activities, Informal Trading, Service Station, Transport Facility, Telecommunication Installation
Transport Zone II (Public Roads and Parking)	Public Road, Public Street, Public Parking, Utility Services	Certain Associated Structures and Activities, Informal Trading, Telecommunication Installation
Transport Zone III (Public Parking)	Public Parking, Utility Services.	Parking Garage, Certain Associated Structures and Activities, Informal Trading, Telecommunication Installation
Transport Zone IV (Bus & Taxi Transport Facilities)	Transport Facility, Taxi Rank, Bus Terminus, Truck Stop, Utility Services	Certain Associated Structures and Activities, Service Station, Telecommunication Installation
Authority and Utility Zone	Authority Usage, Utility Services, Telecommunication Installation, Commonage	Cemetery, Cultural and Social Ceremonies
Special Zone	Special Usage	Not Applicable

3. PLANNING CONTROL

3.1. AGRICULTURAL ZONE

Intent

This Zone aims to secure agricultural land to sustain a valuable economic sector and to protect it from developments that will render the land less suitable for agriculture, or detract from its aesthetic and cultural value. Through appropriate agricultural land use management, the Agricultural Zone needs to promote conservation of sensitive areas and maintain rural characteristics which are valued by the community.

Complementary activities to conventional agriculture can assist with the viability of the sector, and to this end, compatible uses are permitted as consent uses, provided the latter do not detract from agriculture as the main productive activity. Limited provision is made for non-agricultural uses to provide owners with opportunity to increase the economic potential of their properties, without causing a significant negative impact on the primary agricultural resource.

3.1.1 COLOUR NOTATION: Light Green

Primary Use: Intensive Agronomy, Dwelling-House, 2nd Dwelling, Traditional Dwelling, Nursery, Conservation Usage, Commonage, Cultural and Social Ceremonies, Agriculture.

Consent Uses: Farm Stall, Agricultural Industry, Feed Pen Farming, Abattoir, Aquaculture, Boarding Kennels, Riding School, Tourist Facilities, Day Care Centre, Additional Dwellings, 3-5 Room Bed & Breakfast, Guest House, Utility Services, Telecommunication Installation.

3.1.2 LAND USE RESTRICTIONS

Street Building Line: At least 10m

Side Building Line: At least 10m

Minimum Land unit: Within an Urban or Settlement Edge - 0,8 ha
Outside an Urban or Settlement Edge – 10 ha

Parking : All parking to be on the land unit
All on and off-loading to be on the land unit

For Renewable Energy Structure, the provisions of Annexure J shall apply

3.1.3 No building or use that is not directly related to the permissible primary use or authorised consent use activity on the relevant agricultural unit shall be erected or practised in this zone.

3.1.4 ADDITIONAL RIGHTS PERTAINING TO RESIDENTIAL USAGE ON AGRICULTURAL LAND

3.1.4.1 **Occupational Practice**

Without prejudice to any powers of the Municipality under any law, nothing in the Land Use Scheme shall be construed as prohibiting or restricting the utilisation of a portion of the dwelling unit on agricultural land for the purposes of occupational practice, provided that the requirements of the Policy for Occupational Practice in a Dwelling Unit as contained in Annexure G, are complied with.

3.1.4.2 **Letting**

Apart from second dwellings and authorised additional dwellings, no part of any dwelling, or any additional free-standing building which may be erected for use in conjunction with such dwellings or the primary use or authorised consent use activity on the relevant agricultural unit, may be used as a separate tenement.

Provided that:

- (a) the permission of the Municipality shall not, in terms of this Scheme, be required for the lodging of five or fewer persons in a dwelling house.
- (b) no person shall use, cause or permit to be used as a dwelling, any room, group of rooms or building which does not constitute a habitable room.

3.1.4.3 **Bed and Breakfast Establishment and Guest Houses**

Nothing in this scheme shall prohibit or restrict a dwelling or part of a dwelling being utilised as a 1–2 Room Bed and Breakfast establishment.

A 3-5 Room Bed and Breakfast or Guesthouse is subject to the Municipality's Special Consent and requirements as contained in Annexure E being complied with.

3.1.4.4 **Home-based Care**

Nothing in this scheme shall prohibit or restrict a dwelling, part of a dwelling or associated outbuildings being utilised for providing Home-based care, provided that the requirements as contained in Annexure H, are complied with.

3.1.5 ADDITIONAL DWELLING UNITS

Special Consent for a 3rd, 4th and 5th dwelling shall be subject to:

- (a) A primary and second dwelling per land unit and further dwelling units with a density of one unit per 10ha up to a maximum of five additional dwelling units per land unit;
- (b) Such dwellings not being erected below the 1:100 year flood line of any river or estuary; and
- (c) Such dwellings not being erected within 1km of the high-water mark of the sea or a tidal river.
- (d) Separate ownership of dwelling units is not permitted

- (e) The Second Dwelling Policy, as contained in Annexure D, shall be made applicable to such additional units.

3.1.6 FARM WORKER ACCOMMODATION

Bona fide employees' accommodation or dwelling unit for employees shall not be regarded as a second or additional dwelling unit for the purposes of these regulations.

3.1.7 NATURE-BASED RECREATIONAL ACTIVITIES

Nothing in this scheme shall prohibit or restrict recreational activities based on the natural features or resources on an agricultural property, such as hiking and biking trails, fishing, kayaking, rafting, bird watching etc.

3.2. **RESIDENTIAL ZONE I – RURAL RESIDENTIAL**

RESIDENTIAL ZONE 1A: Land designated for settlement in a rural context

RESIDENTIAL ZONE 1B: Rural residential on cadastral or spatially defined land units and Public funded residential

Intent

The Rural Residential zone is designed to provide for the use of land or buildings for low density residential development and ancillary use with a rural character. Development will generally be, but not be limited to, outside the Urban Edge and within a defined Settlement Edge. In recognition of cultural tradition and socio-economic circumstances the zone allows for incremental development and upgrading of settlement and housing development (where upgrading of settlement is encouraged).

3.2.1 **COLOUR NOTATION:**

Residential 1A - Yellow with fine black cross-hatching

Residential 1B – Yellow with fine black diagonal hatching, with a I or II

3.2.2 **USE RIGHTS**

Residential IA - **Primary Use:**

All existing lawful uses

Residential IB - **Primary Use:**

Dwelling House, Traditional Dwelling

Consent Use:

Day Care Centre, Institution, Second Dwelling Unit, 3-5 Room Bed & Breakfast, Guest House, Utility Services, Telecommunication Installation, Cultural and Social Ceremonies

3.2.3 **LAND USE RESTRICTIONS**

There are two density zones in Residential Zone I. The Land Use Restrictions applicable to each zone are indicated in the table below:

	Density Zone I	Density Zone II
Minimum Erf Size	3 300m ²	1 800m ²
Maximum Erf Size	No restriction	3 299m ²
Permitted Maximum Density	3 dwellings/ha	5 dwellings/ha
Street Building Line *1	5,0m	5,0m
Rear Building Line	2,0m	2,0m
Side Building Line	2,0m	2,0m
Coverage	50%	50%
Maximum Height	2 Storeys	2 Storeys
Floor Area Ratio (FAR)	1	1

The above can only be applied to Residential Zone 1A once a settlement layout is in place and erf boundaries are cadastrally defined or depicted on a plan and demarcated on the land.

*1

Additional Street Building Line Restrictions (also applicable to construction of structures in Residential Zone 1A)

Development along provincial roads shall comply with the building line standards set down in the Eastern Cape Roads Act (Act No.3 of 2003) and the Advertising on Roads and Ribbon Development Act (Act 21 of 1940) and may not be relaxed by the Municipality, without the consent of the relevant roads authority. The building line restrictions are as follows:

- Provincial Main and District roads - 15m measured from the edge of the road reserve boundary.
- Un-surveyed Main Roads - 30m measured from the centre line of the road.
- Un-surveyed District Roads - 25m measured from the centre line of the road.

3.2.4 ADDITIONAL RIGHTS PERTAINING TO RESIDENTIAL USAGE

3.2.4.1 **Occupational Practice**

Without prejudice to any powers of the Municipality or Traditional Authority under any law, nothing in the Land Use Scheme shall be construed as prohibiting or restricting the utilisation of a portion of the dwelling unit for the purposes of occupational practice, provided that the requirements of the Policy for Occupational Practice in a Dwelling Unit as contained in Annexure G, are complied with.

3.2.4.2 **Letting**

No part of any dwelling, or any additional free-standing building which may be erected for use in conjunction with such dwelling, may be used as a separate tenement.

The permission of the Municipality shall not, in terms of this Scheme, be required for the lodging of five or fewer persons in a dwelling house or traditional dwelling.

Provided that:

- (a) No person shall use or cause or permit to be used as a dwelling, any room, group of rooms or building which does not constitute a habitable room.
- (b) Adequate off-street parking shall be provided for lodgers and tenants.

3.2.4.3 **Bed and Breakfast Establishment and Guest Houses**

Nothing in this scheme shall prohibit or restrict a dwelling or part of a dwelling being utilised as a 1–2 Room Bed and Breakfast establishment. A 3-5 Room Bed and Breakfast or Guesthouse is subject to the Municipality's Special Consent and requirements as contained in Annexure E being complied with.

3.2.4.4 **Home-based Care**

Nothing in this scheme shall prohibit or restrict a dwelling, part of a dwelling or associated outbuildings being utilised for providing Home-based care, provided that the requirements as contained in Annexure H, are complied with.

3.2.4.5 **Informal Retailing Operations: House Shops (Spaza Shops)**

Nothing in this scheme, subject to the approval of a departure by the Municipality, shall prohibit or restrict the operation of a house shop in a dwelling, provided that the requirements of the Policy for Informal Retailing Operations; House Shops (Spaza Shops), as contained in Annexure C, are complied with.

3.2.4.6 **Informal Alcohol Retail Operations: Taverns**

Nothing in this scheme, subject to the approval of a departure by the Municipality, shall prohibit or restrict the operation of a tavern in a dwelling, provided that the requirements of the Policy on Informal Alcohol Retail Operations (Taverns) as contained in Annexure B are complied with.

3.2.4.7 **Shelters**

The construction and use of shelters is considered to be granted by way of a temporary Departure in terms of Section 4.4 of this scheme.

It shall be the sole responsibility of the owner of a shelter to ensure the structural safety, habitability, fire resistance or other standards that may be laid down by the Municipality and to comply if instructed by the Municipality to take action to remedy a public safety, health or fire risk.

3.2.4.8 **Agricultural Activities**

Structures for the housing of animals may be erected in this zone, provided it does not contravene any other bylaw of legislation and that it does constitute commercial feed pen farming or boarding kennels.

3.2.5 MANAGEMENT OF COMMON PROPERTY/ COMMON INTEREST

It will be required that the traditional authority, or a local committee established under the traditional authority, take responsibility for all common property and matters of common interest within such rural settlement.

3.2.6 ZONING OF COMMON PROPERTY

All land within a rural settlement, not allocated for a particular purpose in terms of a zoning of this scheme (such as Transport Zones, Institutional Zones, Open Space Zones, etc.) shall be zoned as Residential Zone IA and utilised as Common Property.

3.3. **RESIDENTIAL ZONE II - INCREMENTAL SETTLEMENT ZONE**

RESIDENTIAL ZONE IIA: Land being designated for residential settlement in the urban context (Incremental settlement zone)

RESIDENTIAL IIB: Public funded residential on an approved subdivision plan

Intent

The Incremental Settlement Zone is designed to provide for the formal designation and gradual development of areas that are identified in the SDF or other process for incremental development and have been, by way of appropriate feasibility assessment processes, confirmed as land for settlement. The zone makes provision for the entire spectrum of development activities (but in no prescribed order of sequence), including demarcation, occupation, infrastructure development, construction and tenure registration.

3.3.1 **COLOUR NOTATION**

Residential IIA - Yellow with fine black diagonal hatching

Residential IIB - Yellow with fine black cross-hatching

3.3.1 **USE RIGHTS**

Residential IIA - **Primary Use:**

Shelter, Dwelling, Traditional Dwelling, Other uses, subject to such uses not:

- being out of character with residential settlement;
- constituting a source of nuisance in terms of excessive noise or generation of dust, fumes, smoke, or waste material which could be detrimental to health of the residents; or
- requiring special waste removal processes.

Residential IB - **Primary Use:**

Dwelling-house, Traditional Dwelling

Consent Use:

Day Care Centre, Institution, Second Dwelling Unit, 3-5 Room Bed & Breakfast, Guest House, Utility Services, Telecommunication Installation, Cultural and Social Ceremonies

3.3.2 **LAND USE RESTRICTIONS**

The above can only be applied to Residential Zone IIA once a settlement layout or plan is in place and land unit boundaries are demarcated on the land.

Minimum Erf Size: As determined by the Municipality

Coverage: At most 70% subject to rear and side spaces to accommodate services servitudes

Height: At most 2 storeys

No point of a building shall exceed a vertical distance above the grade line of:

- 7.2m – in the case of flat roofed buildings, or
- 9.2m – in the case of inclined or pitched roofed buildings, and only the roof structure may exceed 7.2m above the grade line; provided that chimneys, flues and antennae are exempt from this height restriction.

Street Building Line: At least 1m, provided that there shall be no restriction in respect of a garage with a roll-up door, provided that:

Any development along provincial roads shall comply with the building line standards set down in the Eastern Cape Roads Act (Act No.3 of 2003) and the Advertising on Roads and Ribbon Development Act (Act 21 of 1940) and may not be relaxed by the Municipality, without the consent of the relevant roads authority. The building line restrictions are as follows:

- Provincial Main and District roads - 15m measured from the edge of the road reserve boundary.
- Un-surveyed Main Roads - 30m measured from the centre line of the road.
- Un-surveyed District Roads - 25m measured from the centre line of the road.

Side Building Line: At least 1m on one boundary; provided that where a building is erected less than 1m from a side boundary, no doors or windows shall be permitted in the wall concerned.

Rear Building Line: At least 1m, provided further that if a midblock sewage system is provided, a suitable servitude will be registered in favour of the Municipality.

Parking: At least 1 parking space per land unit, on the land unit, if so required by the Municipality.

3.3.3 ADDITIONAL RIGHTS PERTAINING TO RESIDENTIAL USAGE ON A LAND UNIT IN THIS ZONE:

3.3.3.1 **Occupational Practice**

Without prejudice to any powers of the Municipality under any law, nothing in the Land Use Management Scheme shall be construed as prohibiting or restricting the utilisation of a portion of the dwelling unit for the purposes of occupational practice, provided that the requirements of the Policy for Occupational Practice in a Dwelling Unit as contained in Annexure G, are complied with.

3.3.3.2 **Home-based Care**

Without prejudice to any powers of the Municipality under any law, nothing in this scheme shall prohibit or restrict a dwelling, part of a dwelling or associated outbuildings being utilised for providing Home-based care, provided that the requirements as contained in Annexure I, are complied with.

3.3.3.3 Shelters

Where permission is granted in Residential Zone IIA for Shelters to be utilised as temporary dwellings until formalisation and upgrade is complete, it shall be the sole responsibility of the owner of a shelter to ensure the structural safety, habitability, fire resistance or other standards that may be laid down by the Municipality and to comply if instructed by the Municipality to take action to remedy a public safety, health or fire risk.

3.4. **RESIDENTIAL ZONE III: SINGLE RESIDENTIAL**

Intent

This zone is designed to provide for the use of land or buildings for low, medium and higher density residential and ancillary use development with an urban character. Development will be inside the Urban Edge with urban levels of infrastructure. The zone allows for controlled opportunities for home employment, additional dwellings and low intensity mixed-use development on a single residential property.

3.4.1 **COLOUR NOTATION:** Residential IIA - Yellow-brown

Residential IIB – Yellow

Residential IIC – Yellow with wide black hatching

Primary Usage: Dwelling House, Traditional Dwelling

Consent Uses: Day Care Centre, Institution, Second Dwelling Unit, 3-5 Room Bed & Breakfast, Guest House, Utility Services, Telecommunication Installation

3.4.2 **LAND USE RESTRICTIONS**

There are three density zones in the single residential zone II. The Land Use Restrictions applicable to each zone are indicated in the table below:

	Density Zone A	Density Zone B	Density Zone C
Minimum Erf Size	As determined by Municipality	500m ²	1 200m ²
Normal Erf Size Range	<499m ²	500 – 1 199m ²	> 1 200m ²
Street Building Line	3,0m	4,5m	4,5m
Rear Building Line	2,0m	2,0m	2,0m
Side Building Line	1,0m	2,0m	2,0m
Coverage	70%	50%	50%
Maximum Height	2 Storeys	2 Storeys	2 Storeys
Floor Area Ratio (FAR)	1,4	1	1

Minimum Developable Area of an Erf:

The developable area of an erf, within each of the density zones (A, B or C), may not be less than 75% of the minimum erf size stipulated for each density zone.

Additional Height Restrictions:

No point of a building shall exceed a vertical distance above the grade line of:

- 6m – in the case of flat roofed buildings, or
- 8m – in the case of inclined or pitched roofed buildings, and only the roof structure may exceed 6m above the grade line;

Provided that:

- Chimneys and flues are exempt from this height restriction.
- Antennae, satellite dish antennae (of less than 1.5m diameter), external geysers or renewable energy apparatus attached to any surface of a building may not exceed the vertical height of the part of the building to which it is attached by more than 1.5m. If attached to a chimney or flue, it may not exceed the vertical height of the highest part of the building's roof by more than 1.5m.

Parking: Residential Zone 2A - At least 1 parking space per dwelling unit, on the land unit.

Residential Zone 2B and C - At least 2 parking spaces per dwelling unit, on the land unit.

Street: In formalised and surveyed areas the roads must be Public Roads

3.4.3 NOTWITHSTANDING PARAGRAPH 3.3.2

- (a) An eaves projection may exceed the prescribed street, side or rear building line by at most 1m.
- (b) The Municipality may approve the erection of an outbuilding that exceeds the side and rear building line by means of a departure subject to:
 - (i) compliance with the street building line;
 - (ii) no doors or windows being permitted in any wall situated within 1 meter of such building line; and
 - (iii) consent of the affected neighbours.
- (c) The Municipality may also permit the erection of screen and yard walls and pergolas or similar unroofed ornamental structures within the building lines of the erf subject to such structures being erected in such manner and of such dimensions as in the opinion of the Municipality would not be likely to cause injury to the amenities of neighbouring properties, provided that the heights of such structures shall not exceed 1,8m unless accompanied by a building plan.
- (d) The fixing of building lines will be subject to Section 4.20.
- (e) No portion of a swimming pool may be erected nearer to the boundary of a land unit than the maximum depth of the pool, or 2,0m, whichever is the more restrictive.

3.4.4 ADDITIONAL RIGHTS PERTAINING TO RESIDENTIAL USAGE

3.4.4.1 **Occupational Practice**

Without prejudice to any powers of the Municipality under any law, nothing in the Land Use Scheme shall be construed as prohibiting or restricting the utilisation of a portion of the dwelling unit for the purposes of occupational practice, provided that the requirements of the Policy for Occupational Practice in a Dwelling Unit as contained in Annexure G, are complied with.

3.4.4.2 **Home-based Care**

Nothing in this scheme shall prohibit or restrict a dwelling, part of a dwelling or associated outbuildings being utilised for providing Home-based care, provided that the requirements as contained in Annexure H, are complied with.

3.4.4.3 **Second Dwelling Unit**

Nothing in the scheme in respect of any land unit on which there is a right to erect one dwelling house, shall prohibit or restrict the erection of a second dwelling unit, subject to the special consent of the Municipality and provided that the requirements of the Policy for the Erection of a Second Dwelling Unit as contained in Annexure D, are complied with.

3.3.4.4 **Letting**

No part of any dwelling, or any additional free-standing building which may be erected for use in conjunction with such dwelling, may be used as a separate tenement.

The permission of the Municipality shall not, in terms of this Scheme, be required for the lodging of five or fewer persons in a dwelling house.

Provided that:

- (a) No person shall use or cause or permit to be used as a dwelling, any room, group of rooms or building which does not constitute a habitable room.
- (b) Adequate off-street parking shall be provided for lodgers and tenants.

3.4.4.5 **Bed and Breakfast Establishment and Guest Houses**

Nothing in this scheme shall prohibit or restrict a dwelling or part of a dwelling being utilised as a 1–2 Room Bed and Breakfast establishment. A 3-5 Room Bed and Breakfast or Guesthouse is subject to the Municipality's Special Consent and requirements as contained in Annexure E being complied with.

3.4.5.6 **Informal Retailing Operations: House Shops (Spaza Shops)**

Nothing in this scheme, subject to the approval of a departure by the Municipality, shall prohibit or restrict the operation of a house shop in a dwelling, provided that the requirements of the Policy for Informal Retailing Operations; House Shops (Spaza Shops), as contained in Annexure C, are complied with.

3.4.5.7 **Informal Alcohol Retail Operations: Taverns**

Nothing in this scheme, subject to the approval of a departure by the Municipality, shall prohibit or restrict the operation of a tavern in a dwelling, provided that the requirements of the Policy on Informal Alcohol Retail Operations (Taverns) as contained in Annexure B, are complied with.

3.4.5.8 **Shelters**

In the event of Incremental Public Funded Human Settlement Projects, the Municipality may grant permission by way of a Departure for Shelters to be utilised as temporary dwellings in terms of Section 4.4 of this scheme.

It shall be the sole responsibility of the owner of a shelter to ensure the structural safety, habitability, fire resistance or other standards that may be laid down by the Municipality and to comply if instructed by the Municipality to take action to remedy a public safety, health or fire risk.

3.5. **RESIDENTIAL ZONE IV: TOWN HOUSES (LOW DENSITY) – UP TO 50 du/ha**

Intent

This zone accommodates group housing, which is a medium-density form of residential development, where attention is given to aesthetics, architectural form and the inter-relationship between different components of the development. Opportunities are included for low-rise flats within a group housing project. It also controlled opportunities for home employment and low-intensity mixed-use development.

3.5.1 **COLOUR NOTATION:** Orange

Primary Use: Town house - up to 50 units per Ha, Dwelling House, Estate Housing, Holiday Housing, Private Open Space

Consent Uses: Retirement Village, Day Care Centre, Boarding House, 3-5 Room Bed & Breakfast, Guest House, Utility Services, Telecommunication Installation

3.5.2 **TOWN HOUSES: LAND USE RESTRICTIONS**

Density : Up to a maximum of 50 units per gross hectare.

Minimum Erf Size of parent property (in the event of a rezoning to this zone):
2 000m²

Floor Area Ratio: 1,4

Coverage: At most 70%

Height: At most 2 storeys

No point of a building shall exceed a vertical distance above the grade line of:

- 6m – in the case of flat roofed buildings, or
- 8m – in the case of inclined or pitched roofed buildings, and only the roof structure may exceed 6m above the grade line;

Provided that:

- Chimneys and flues are exempt from this height restriction.
- Antennae, satellite dish antennae (of less than 1.5m diameter), external geysers or renewable energy apparatus attached to any surface of a building may not exceed the vertical height of the part of the building to which it is attached by more than 1.5m. If attached to a chimney or flue, it may not exceed the vertical height of the highest part of the building's roof by more than 1.5m.

Public Street Building Line: 4,5 m

Side and Rear Building Line of parent property: 3,0 m

Parking: At least 2 parking bays shall be provided per town house, provided that both may be provided as part of the required parking provision at some of the units and the remainder in the form of communal parking for the particular scheme, or the entire requirement in the form of communal parking, and provided further communal parking areas should be clearly demarcated and signposted to the satisfaction of the Municipality.

Streets: Internal roads must be private roads

3.5.3 ADDITIONAL PROVISIONS

A refuse collection area, screened by a wall from the view of anyone else than the resident(s) of the relevant dwelling units, shall be provided to the satisfaction of the Municipality.

3.5.4 NOTWITHSTANDING PARAGRAPH 3.5.2

- (a) An eaves projection may exceed the prescribed street, side or rear building line by at most 1m.
- (b) A zero building line is applicable to internal private roads and common boundaries, subject to safe traffic circulation, or for other reasons such as development in the area or for fire fighting purposes.
- (b) The Municipality may approve the erection of an outbuilding that exceeds the side and rear building line of the parent property by means of a departure subject to:
 - (i) compliance with the public street building line;
 - (ii) no doors or windows being permitted in any wall situated within 1 meter of such building line; and
 - (iii) consent of the affected neighbours.

3.5.5 MANAGEMENT OF COMMON PROPERTY/ COMMON INTEREST

Upon subdivision and rezoning of a property to Residential Zone III, it will be required that a Section 21 Company or Home Owners Association be established to take responsibility for all common property and matters of common interest. In the event of a Sectional Title Scheme being registered, a Body Corporate will be established to fulfil this function.

3.5.6 ADDITIONAL RIGHTS PERTAINING TO RESIDENTIAL USAGE

3.5.6.1 **Occupational Practice**

Without prejudice to any powers of the Municipality or Traditional Authority under any law, nothing in the Land Use Scheme shall be construed as prohibiting or restricting the utilisation of a portion of the dwelling unit for the purposes of occupational practice, provided that the requirements of the Policy for Occupational Practice in a Dwelling Unit as contained in Annexure G, are complied with.

Occupational practice in this zone is restricted to the occupant and subject to the consent of the Home Owners' Association or Body Corporate (in the event of a Sectional Title Scheme) being obtained.

3.5.6.2 **Home-based Care**

Nothing in this scheme shall prohibit or restrict a dwelling, part of a dwelling or associated outbuildings being utilised for providing Home-based care, provided that the requirements as contained in Annexure H, are complied with and subject to the consent of the Home Owners' Association or Body Corporate (in the event of a Sectional Title Scheme) being obtained.

3.5.6.3 **Letting**

No part of any dwelling house or unit, or any additional free-standing building which may be erected for use in conjunction with such dwellings may be used as a separate tenement.

This shall not restrict the Municipality from granting its approval by way of Special Consent, to the use of a dwelling house or unit as a boarding house.

The permission of the Municipality shall not, in terms of this Scheme, be required for the lodging of five or fewer persons in a dwelling house or unit, provided that:

- (a) no person shall use, cause or permit to be used as a dwelling, any room, group of rooms or building which does not constitute a habitable room.
- (b) the consent of the Home Owners' Association or Body Corporate (in the event of a Sectional Title Scheme) being obtained.
- (c) Adequate off-street parking shall be provided for lodgers and tenants.

3.5.6.4 **Bed and Breakfast Establishment and Guest Houses**

Nothing in this scheme shall prohibit or restrict a dwelling or part of a dwelling being utilised as a 1–5 Room Bed and Breakfast establishment, provided that requirements as contained in Annexure E are complied with. A Guesthouse is subject to the Municipality's Special Consent and requirements as contained in Annexure E being complied with.

3.6. **RESIDENTIAL ZONE V: TOWN HOUSES AND FLATS (HIGH DENSITY) - ABOVE 50du/ha**

Intent

This zone promotes higher-density residential development, including higher density town housing and blocks of flats. The dominant use is intended to be residential, but limited mixed-use development is possible.

3.6.1 **COLOUR NOTATION:** Orange with black hatching

Primary Use: Town house, Flats - above 50 units / Ha, Dwelling House, 3-5 Room Bed & Breakfast, Private Open Space.

Consent Uses: Retirement Village, Boarding House, Residential Rooms, Hotel, 3-5 Room Bed & Breakfast, Guest House, Children's Home, Guest House, Day Care Centre, Utility Services, Telecommunication Installation.

3.6.2 **TOWN HOUSES: LAND USE RESTRICTIONS**

Density: Above 50du/ha - Maximum density as specified by the Municipality

Minimum Erf Size of parent property (in the event of a rezoning to this zone): 2000m²

Floor Area Ratio: At most 3

Coverage: At most 70%

Communal Open Space: At least 10% of the size of the Erf must be provided for as combined, communal and functional open space

Height: Residential areas - at most 3 storeys

Other areas – to be determined by the Municipality

No point of a building shall exceed a vertical distance above the grade line of:

- the equivalent of 3.2m per permissible storey – in the case of flat roofed buildings, or
- in the case of inclined or pitched roofed buildings, the equivalent of 3.2 m per permissible storey for the building and an additional 3.2m which is allowed for the roof;

Provided that:

- Chimneys and flues are exempt from this height restriction.
- Antennae, satellite dish antennae (of less than 1.5m diameter), external geysers or renewable energy apparatus attached to any surface of a building may not exceed the vertical height of the part of the building to which it is attached by more than 1.5m. If attached to a chimney or flue, it may not exceed the vertical height of the highest part of the building's roof by more than 1.5m.

Public Street Building Line: 4,5 m

Side and Rear Building Line of parent property: 3 m (subject to Regulation 3.5.4)

Parking: At least 2 parking bays shall be provided per dwelling unit and a communal parking area shall be clearly demarcated and signposted to the satisfaction of Municipality.

Street: Internal roads must be private roads

3.6.3 ADDITIONAL PROVISIONS

A refuse collection area, screened by a wall from the view of anyone else than the resident(s) of the relevant dwelling units, shall be provided to the satisfaction of the Municipality.

3.6.4 NOTWITHSTANDING PARAGRAPH 3.5.2

- (a) An eaves projection may exceed the prescribed street, side or rear building line by at most 1m.
- (b) A zero building line is applicable to internal private roads and common boundaries, subject to safe traffic circulation, or for other reasons such as development in the area or for fire fighting purposes.
- (c) The Municipality may approve the erection of an outbuilding that exceeds the side and rear building line of the parent property by means of a departure subject to:
 - (i) compliance with the public street building line;
 - (ii) no doors or windows being permitted in any wall situated within 1 meter of such building line; and
 - (iii) consent of the affected neighbours.

3.6.5 MANAGEMENT OF COMMON PROPERTY/ COMMON INTEREST

Upon subdivision and rezoning of a property to Residential Zone IV, it will be required that a Section 21 Company or Home Owners Association be established to take responsibility for all common property and matters of common interest. In the event of a Sectional Title Scheme being registered, a Body Corporate will be established to fulfil this function.

3.6.6 ADDITIONAL RIGHTS PERTAINING TO RESIDENTIAL USAGE

3.6.6.1 **Occupational Practice**

Without prejudice to any powers of the Municipality and Traditional Authority under any law, nothing in the Land Use Scheme shall be construed as prohibiting or restricting the utilisation of a portion of the dwelling unit for the purposes of occupational practice, provided that the requirements of the Policy for Occupational Practice in a Dwelling Unit as contained in Annexure G, are complied with.

Occupational practice in this zone is restricted to the occupant and subject to the consent of the Home Owners' Association or Body Corporate (in the event of a Sectional Title Scheme) being obtained.

3.6.6.2 **Home-based Care**

Nothing in this scheme shall prohibit or restrict a dwelling, part of a dwelling or associated outbuildings being utilised for providing Home-based care, provided that the requirements as contained in Annexure H, are complied with and subject to the consent of the Home Owners' Association or Body Corporate (in the event of a Sectional Title Scheme) being obtained.

3.6.6.3 **Letting**

No part of any dwelling house or unit, or any additional free-standing building which may be erected for use in conjunction with such dwellings may be used as a separate tenement.

This shall not restrict the Municipality from granting its approval by way of Special Consent, to the use of a dwelling house or unit as a boarding house.

The permission of the Municipality shall not, in terms of this Scheme, be required for the lodging of five or fewer persons in a dwelling house or unit provided that:

- (a) no person shall use, cause or permit to be used as a dwelling, any room, group of rooms or building which does not constitute a habitable room.
- (b) the consent of the Home Owners' Association or Body Corporate (in the event of a Sectional Title Scheme) being obtained.
- (c) adequate off-street parking shall be provided for lodgers and tenants.

3.6.6.4 **Bed and Breakfast Establishment and Guest Houses**

Nothing in this scheme shall prohibit or restrict a dwelling or part of a dwelling being utilised as a 1–5 Room Bed and Breakfast establishment, provided that requirements as contained in Annexure E are complied with. A Guesthouse is subject to the Municipality's Special Consent and requirements as contained in Annexure E must be complied with.

3.7. **BUSINESS ZONE I: GENERAL BUSINESS**

Intent

This zone provides for general business activity and mixed-use development of medium to high intensity in business districts and development corridors. It includes a wide range of land uses such as business, residential and community uses but excludes industrial development.

3.7.1 **COLOUR NOTATION:** Dark blue

Primary Use: Business Premises, Supermarket, Bottle Store, Place of Entertainment, Place of Assembly, Town Houses, Flats, Boarding House, Residential Rooms, Hotel and Off-Sales, Guest House, Institution, Funeral Parlour, Place of Worship, Dwelling House, Parking Garage, Utility Service, Clinic.

Consent Use: Commercial Workshop, Car Wash, Place of Instruction, Day Care Centre, Service Station, Shopping Centre, Adult Shop and Adult Entertainment, Mortuary, Telecommunication Installation.

3.7.2 **LAND USE RESTRICTIONS**

Floor Area Ratio: Unrestricted

Coverage : 100%

Street Building Line: Zero, subject to 10,0m from centre line of road reserve if the road reserve width is less than 20,0m

Side Building Line: Zero, provided that:

- (a) Buildings on the ground floor may be erected on the lateral boundary of an erf, provided that no openings are provided in such wall;
- (b) The Municipality may lay down side building lines in the interest of public health or in order to enforce any law or right; and
- (c) In the event of the common boundary between the two erven forming the boundary between this zone and a residential zone, the side space applicable to the latter shall apply on both sides of the boundary insofar as it is more restrictive.

Rear Building Line : Zero, provided that:

- (a) Buildings on the ground floor may be erected on the rear boundary of an erf, provided that no openings are provided in such wall;
- (b) The Municipality may lay down rear building lines in the interest of public health or in order to enforce any law or right; and
- (c) In the event of the common boundary between the two erven forming the boundary between this zone and a residential zone, the rear space applicable to the latter shall apply on both sides of the boundary insofar as it is more restrictive.

Parking: For the ground floor - 6 bays/100m² G.L.A. shall be required subject to Section 4.13.1 on parking alternatives and Sub-Section 4.13.1.3 on a reduction in parking requirements for the CBD and provided that the residential or other use of the property may not affect this parking requirement. For other storeys parking requirement is to be determined based on the use – as set out in Annexure F.

Loading: As per the Guidelines for Off-Street Loading Facilities in Section 4.13.2 and Annexure F.

Height: Unrestricted

3.7.3 PROJECTIONS

In this zone projections, excluding advertising signs approved by the Municipality in accordance with the provisions of any other law, over streets and building lines shall be limited to minor architectural features and one cantilevered open canopy to within 0,5m of the pavement edge, provided that no portion of a projection shall be less than 3m above the pavement, that there shall be no access from the building to the canopy and that eaves shall not project more than 1m over the space about buildings.

3.7.4 ADDITIONAL PROVISIONS APPLICABLE TO ADULT SHOP AND ADULT ENTERTAINMENT

The street front and entrance shall be discreet and unobtrusive, and no pornographic, sexually explicit or erotic material shall be visible from outside the premises.

3.7.5 ADDITIONAL PROVISIONS APPLICABLE TO MORTUARIES

All loading and off-loading of coffins and/or bodies shall take place on-site and such areas shall be screened from view from outside the perimeter of the premises to the satisfaction of the Municipality.

3.8. **BUSINESS ZONE II – LOCAL BUSINESS**

Intent

This zone creates an intermediate zone, which can act as a buffer or interface between general business zones or other high-intensity non-residential uses, and residential areas. It is appropriate for local neighbourhood shops that serve local needs for convenience goods and personal services. It allows for a range of compatible land uses. Limitations are placed on the scale of such development so that it is capable of integration into the adjacent residential neighbourhood without adversely affecting the amenity of the neighbourhood.

3.8.1 **COLOUR NOTATION**: Light Blue with black diagonal broken line hatching

Primary Use: Shop, Offices, Professional Services, Town House, Flats, Boarding House, Residential Rooms, Hotel, Guest House, Place of Worship, Institution, Restaurant, Dwelling House, Utility Services.

Consent Use: Place of Assembly, Funeral Parlour, Service Station, Supermarket, Nursery, Business Premises, Bottle Store, Off-Sales (linked to Hotel), Day Care Centre, Clinic, Place of Instruction, Parking Garage, Telecommunication Installation.

3.8.2 **LAND USE RESTRICTIONS**

Floor Area Ratio: At most 3

Coverage: 100%

Street Building Line: Zero

Specific Street Building Lines: The Municipality may specify minimum building lines.

Side Building Line: Zero, provided that:

- (a) Buildings on the ground floor may be erected on the lateral boundary of an erf, provided that no openings are provided in such wall;
- (b) The Municipality, may lay down side building lines in the interest of public health or in order to enforce any law or right; and
- (c) In the event of the common boundary between the two erven forming the boundary between this zone and a residential zone, the side space applicable to the latter shall apply on both sides of the boundary insofar as it is more restrictive.

Rear Building Line : Zero, provided that:

- (a) Buildings on the ground floor may be erected on the rear boundary of an erf, provided that no openings are provided in such wall;
- (b) The Municipality, may lay down rear building lines in the interest of public health or in order to enforce any law or right; and
- (c) In the event of the common boundary between the two erven forming the boundary between this zone and a residential zone, the rear space

applicable to the latter shall apply on both sides of the boundary insofar as it is more restrictive.

Parking : For the ground floor - 6 bays/100m² G.L.A. shall be required subject to Section 4.13.1 on parking alternatives and Sub-Section 4.13.1.3 on a reduction in parking requirements for the CBD and provided that the residential or other use of the property may not affect this parking requirement. For other storeys parking requirement is to be determined based on the use – as set out in Annexure F.

Loading: As per the Guidelines for Off-Street Loading Facilities in Section 4.13.2 and Annexure F.

Height: At most 3 storeys – with a storey not exceeding a height of 3.6m measured from finished floor level to finished floor level or to the ceiling in the case of the top storey. In the case of inclined or pitched roofed buildings, an additional 3m is allowed for the roof.

Provided that Antennae, satellite dish antennae (of less than 1.5m diameter), external geysers or renewable energy apparatus attached to any surface of a building may not exceed the vertical height of the part of the building to which it is attached by more than 1.5m. If attached to a chimney or flue, it may not exceed the vertical height of the highest part of the building's roof by more than 1.5m.

3.8.3

PROJECTIONS

In this zone projections, excluding advertising signs approved by the Municipality in accordance with the provisions of any other law, over streets and building lines shall be limited to minor architectural features and one cantilevered open canopy to within 0,5m of the pavement edge, provided that no portion of a projection shall be less than 3m above the pavement, that there shall be no access from the building to the canopy and that eaves shall not project more than 1m over the space about buildings.

3.9. **BUSINESS ZONE III - COMMERCIAL**

Intent

This zone creates an interface between general business and industrial zones. Certain uses permitted in this zone could have a negative impact on the surrounding area and therefore require to be accommodated in a separate zone from general business.

3.9.1 **COLOUR NOTATION** : Light Blue with black diagonal hatching

Primary Use: Commercial Premises, Commercial Workshop, Car Wash, Place of Worship, Funeral Parlour, Public Garage, Adult Shop and Adult Entertainment, Mortuary, Place of Entertainment, Parking Garage, Utility Services.

Consent Use: Transport Facility, Telecommunication Installation, Other uses over and above uses listed as primary uses.

3.9.2 **LAND USE RESTRICTIONS**

Floor Area Ratio: At most 3

Coverage: 100%

Street Building Line: Zero

Side Building Line: Zero, provided that:

- (a) Buildings on the ground floor may be erected on the lateral boundary of an erf, provided that no openings are provided in such wall;
- (b) The Municipality, may lay down side building lines in the interest of public health or in order to enforce any law or right; and
- (c) In the event of the common boundary between the two erven forming the boundary between this zone and a residential zone, the side space applicable to the latter shall apply on both sides of the boundary insofar as it is more restrictive.

Rear Building Line : Zero, provided that:

- (a) Buildings on the ground floor may be erected on the rear boundary of an erf, provided that no openings are provided in such wall;
- (b) The Municipality, may lay down rear building lines in the interest of public health or in order to enforce any law or right; and
- (c) In the event of the common boundary between the two erven forming the boundary between this zone and a residential zone, the rear space applicable to the latter shall apply on both sides of the boundary insofar as it is more restrictive.

Parking: Subject to Section 4.13.1 and Annexure F, with the following parking requirements:

- (i) *Business (including office use):* 6 bays/100m² G.L.A.
- (ii) *Manufacturing:* 1 bay/100m² G.L.A.
- (iii) *Warehousing:* 1 bay/100m² G.L.A.

- (iv) *Dairies, Bakeries and Laundries*: 1 bay/100m² G.L.A.
- (v) *Storage Yards*: 1 bay/100m² G.L.A.
- (vi) *Car Wash*: 3 bays/wash-bay

Loading: As per the Guidelines for Off-Street Loading Facilities in Section 4.13.2 and Annexure F.

Height: 3 storeys – with a storey not exceeding a height of 3.6m measured from finished floor level to finished floor level or to the ceiling in the case of the top storey. In the case of inclined or pitched roofed buildings, an additional 3m is allowed for the roof

3.9.3 PROJECTIONS

In this zone projections, excluding advertising signs approved by the Municipality in accordance with the provisions of any other law, over streets and building lines shall be limited to minor architectural features and one cantilevered open canopy to within 0,5m of the pavement edge, provided that no portion of a projection shall be less than 3m above the pavement, that there shall be no access from the building to the canopy and that eaves shall not project more than 1m over the space about buildings.

3.9.4 ADDITIONAL PROVISIONS APPLICABLE TO ADULT SHOP AND ADULT ENTERTAINMENT

The street front and entrance shall be discreet and unobtrusive, and no pornographic, sexually explicit or erotic material shall be visible from outside the premises.

3.9.5 ADDITIONAL PROVISIONS APPLICABLE TO MORTUARIES

All loading and off-loading of coffins and/or bodies shall take place on-site and such areas shall be screened from view from outside the perimeter of the premises to the satisfaction of the Municipality.

3.10. INDUSTRIAL ZONE I – INDUSTRIAL

Intent

This zone accommodates all forms of industry, except noxious use, trade or Industry, in order to promote the manufacturing sector of the economy. Some allowance is made for non-industrial activities, but these should not compromise the general use of the area zoned for industry. It is accepted that the intensive nature of the industrial activity or the scale of the operation could generate some negative impact on adjacent properties.

3.10.1 COLOUR NOTATION : Purple

Primary Use: Industry, Industrial Café, Service Station, Commercial Workshop, Warehouse, Public Garage, Funeral Parlour, Mortuary, Scrap Yard, Parking Garage, Utility Services, Telecommunication Installation.

Consent Uses: Abattoir, Aquaculture, Transport Facility, Rooms to accommodate security guards, caretakers and the like.

3.10.2 LAND USE REGULATIONS

Floor Area Ratio: At most 1,5

Coverage: At most 75%

Street Building Line: Zero, provided that no gates or security installations protrude into the road reserve

Side Building Line: Zero, provided that the Municipality may require side-building lines in the interest of public health or in order to enforce any law or right

Rear Building Line: Zero

Parking: Subject to Section 4.13.1, with the following parking requirements:

- (i) *Manufacturing*: 1 bay/100m² G.L.A.
- (ii) *Warehousing*: 1 bay/100m² G.L.A.
- (iii) *Dairies, Bakeries and Laundries*: 1 bay/100m² G.L.A.
- (iv) *Storage Yards* : 1 bay/100m² G.L.A.

And provided that where a retail outlet is located on the industrial premises, an additional parking requirement of 6 bays/100m² G.L.A. of the retail outlet shall be provided.

Height: At most 4 storeys

3.10.3 LOADING AND UNLOADING (To be provided on-site)

- (a) As per the Guidelines for Off-Street Loading Facilities in Section 4.13.2 and Annexure F.
- (b) The loading bays referred to in Section 3.11.3.(a) shall have vehicular access to a street which shall be to the satisfaction of the Municipality

and shall in any event not be less than 5m wide, and if carried through a building, not less than 3m in height.

3.10.4 FENCING

- (a) The Municipality may require any land used in connection with a scrap yard, builder's yard or transport business to be completely or partially walled to its satisfaction.
- (b) Where any other industrial site, in the opinion of the Municipality, is visually intrusive by nature of its location or use, such site shall be walled to the satisfaction of the Municipality.

3.10.5 CARETAKER'S PREMISES

The erection of a caretaker's cottage may be approved by the Municipality subject to the following restrictions:

- (i) The caretaker's cottage, complete with outbuildings, shall not exceed 90m² and 1 storey, and shall form part of the permitted coverage of the industrial zone in which it is located;
- (ii) Occupation of the said cottage shall be on a non-permanent basis and restricted to caretaker and security personnel;
- (iii) The said cottage shall be free-standing and shall be subject to the same building lines as the industrial zone in which it is located; and
- (iv) If the function of a caretaker's cottage is ceased, the structure shall only be utilised for purposes permitted in the industrial zone in which it is located.

3.10.6 INDUSTRIAL CAFÉ

Maximum of 100m² floor space including storage.

3.10.7 ADDITIONAL PROVISIONS APPLICABLE TO MORTUARIES

All loading and off-loading of coffins and/or bodies shall take place on-site and such areas shall be screened from view from outside the perimeter of the premises to the satisfaction of the Municipality.

3.11. **INDUSTRIAL ZONE II – NOXIOUS INDUSTRY**

Intent

This zone makes provision for uses, trades or industries which are considered noxious in terms of associated risks to health in neighbouring premises arising from vapours, fluids, waste matter, noise, disturbance and dust or other objectionable consequence of their operation, or which carry a high risk in the event of fire or accident. While other uses are permitted with approval, the Municipality should not compromise the capacity of the zone to accommodate noxious trade and risk activities.

3.11.1 **COLOUR NOTATION** : Red-purple with fine black hatching

Primary Use: Noxious Use, Trade or Industry, Industry, Scrap Yard, Utility Services, Telecommunication Installation

Consent Uses: Abattoir, Parking Garage, Rooms to accommodate Security Guards, Caretakers and the like.

3.112.2 **LAND USE RESTRICTIONS**

Floor Area Ratio: At most 1,5

Coverage : At most 75%

Street Building Line : 10,0m

Side Building Line : 10,0m

Rear Building Line : 10,0m

Parking : 1 bay/100m² G.L.A. subject to Section 4.13.1 and the provisions of Annexure F

Loading: As per the Guidelines for Off-Street Loading Facilities in Section 4.13.2 and Annexure F

Height : At most 4 storeys

3.11.3 **LOADING AND UNLOADING** (To be provided on-site)

(a) As per the Municipality's Guidelines for Off-Street Loading Facilities and subject to Section 4.13.2.

(b) The loading bays referred to in Section 3.12.3 (a) shall have vehicular access to a street which shall be to the satisfaction of the Municipality and shall in any event not be less than 5m wide, and if carried through a building, not less than 3m in height.

3.11.4 **FENCING**

(a) The Municipality may require any land used in connection with a scrap yard, builder's yard or transport business to be completely or partially fenced to its satisfaction.

- (b) Where any other industrial site, in the opinion of Municipality, is visually intrusive by nature of its location or use, such site shall be walled to the satisfaction of Municipality.

3.11.5 CARETAKER'S PREMISES

The erection of a caretaker's cottage may be approved by the Municipality subject to the following restrictions:

- (i) The caretaker's cottage, complete with outbuildings, shall not exceed 90m² and 1 storey, and shall form part of the permitted coverage of the industrial zone in which it is located;
- (ii) Occupation of the said cottage shall be on a non-permanent basis and restricted to caretaker and security personnel;
- (iii) The said cottage shall be free-standing and shall be subject to the same building lines as the industrial zone in which it is located; and
- (iv) If the function of a caretaker's cottage is ceased, the structure shall only be utilised for purposes permitted in the industrial zone in which it is located.

3.11.6 INDUSTRIAL CAFÉ

Maximum of 100m² floor space including storage.

3.12. INSTITUTIONAL ZONE I – PLACE OF INSTRUCTION

Intent

This zone makes provision for social uses directed at community needs, with primarily an educational focus. Allowance is also made for the Municipality to approve other social needs orientated community facilities and services in this zone.

3.12.1 COLOUR NOTATION : Grey

Primary Use: Place of Instruction, School, Place of Assembly, Day Care Centre, Utility Services

Consent Use: Place of Worship, Institution, Telecommunication Installation

3.12.2 LAND USE RESTRICTIONS

Floor Area Ratio: 1

Coverage: At most 50%

Height: At most 2 storeys

Street Building Line: At least 10m

Side Building Line: At least 10m

Rear Building Line: At least 10m

Parking:

Places of Instruction: (Subject to General Section 4.13.1 on parking)

- (i) *Day Care Centres*: 1 bay/teacher or assistant
- (ii) *Nursery School*: 1 bay/classroom or office
- (iii) *Primary School*: 1 bay/classroom or office
- (iv) *Secondary School*: 1 bay/classroom or office
- (v) *Colleges*: 0,25 bays/student
- (vi) *Universities*: 0,4 bays/student

Provided that all places of instruction shall have sufficient on and off-loading areas.

Places of Assembly : (Subject to General Section 4.13.1 on parking)

- (i) *Community Centres*: 2 bays/100m² G.L.A.
- (ii) *Halls*: 0,25 bays/seat or 20 bays/100m² G.L.A.
- (iii) The provisions of Annexure F shall apply to all Places of Assembly.

3.13. INSTITUTIONAL ZONE II – PLACE OF WORSHIP

Intent

This zone makes provision for social uses directed at community needs, with primarily a religious worship and community gathering focus. Allowance is also made for the Municipality to approve other social needs orientated community facilities and services in this zone.

3.13.1 COLOUR NOTATION: Grey with fine black hatching

Primary Use: Place of Worship, Parsonage, Place of Assembly, Day Care Centre, Utility Services

Consent Uses: Place of Instruction, Institution, Cemetery, Telecommunication Installation

3.13.2 LAND USE RESTRICTIONS

Floor Area Ratio: 1

Coverage : At most 50%

Height: At most 2 storeys

Street Building Line: At least 4,5m

Side Building Line: At least 4,5m

Rear Building Line: At least 4,5m

Parking: 0,15 bays/seat, subject to Section 4.13.1 on parking and the provisions of Annexure F.

3.13.3 Notwithstanding Paragraph 3.14.2 the parsonage shall be subject to the provisions pertaining to single residential (Single Residential Zones II A-C).

3.14. INSTITUTIONAL ZONE III - INSTITUTION

Intent

This zone makes provision for social uses directed at community needs, with primarily a health and social care focus. Allowance is also made for the Municipality to approve other social needs orientated community facilities and services in this zone.

- 3.14.1 COLOUR NOTATION : Grey with black diagonal broken line hatching
Primary Use: Institution, Hospital, Clinic, Place of Assembly, Day Care Centre, Utility Services
Consent Use: Place of Instruction, Place of Worship, Telecommunication Installation.
- 3.14.2 LAND USE RESTRICTIONS
Floor Area Ratio: 1,5
Coverage : At most 50%
Height : At most 3 storeys
Street Building Line : At least 4,5m
Side Building Line : At least 4,5m
Rear Building Line : At least 4,5m
Parking : Subject to Section 4.13.1 and the provisions of Annexure F
- (i) *Old age homes and orphanages*: 0,3 bays/bedroom
 - (ii) *Medical*:
 - Consulting rooms: 6 bays/100m² G.L.A.
 - Small private hospitals and clinics : 1 bay/bed
 - General Hospitals : 1 bay/bed
 - (iii) *Other institutions*: (e.g. mental, cripple care) : 0,3 bays/bedroom

3.15. **RESORT ZONE – RESORT AND HOLIDAY ACCOMMODATION / TOURISM FACILITIES**

Intent

This zone makes provision for resource based holiday or recreational development that allows for a range of accommodation options and amenities for tourists or visitors.

3.15.1 **COLOUR NOTATION** : Pink

Primary Use: Resort, Resort Accommodation, Holiday Accommodation, Caravan Park, Camping Site, Recreation Complex, Caretaker's Cottage, Convenience Shop, Tourist Facilities, Private Open Space.

Consent Use: Hotel, Place of Assembly, Utility Services, Telecommunication Installation

Floor Area Ratio: To be determined by the Municipality

Building Line: 10,0m on all sides

Parking: Subject to Section 4.13.1 and the provisions of Annexure F.

Height: At most 2 storeys

3.15.2 **LAND USE RESTRICTIONS**

- (a) The parameters of the existing lawful development shall apply as land use restrictions with regard to land, which is deemed to be zoned as a Resort Zone with effect from the date of commencement of the scheme.
- (b) With the rezoning of land to the Resort Zone, conditions shall be laid down with regard to density, layout, building design, and on-site parking requirements and need to be reflected in terms of an approved site development plan.
- (c) Permitted densities, coverage and building footprints for Accommodation facilities in rural areas (outside the Urban Edge or Development, or Settlement Edge as defined in the approved Spatial Development Framework of the Municipality) - the prescribed parameters as per the approved Spatial Development Framework of the Municipality, shall apply.

3.16. OPEN SPACE ZONE I – PUBLIC OPEN SPACES

Intent

This zone makes provision for active and passive recreational areas on public land, which is not leased or intended to be leased on a long term basis and accommodates open spaces to conserve heritage areas and landscape features such as ridges, watercourses, wetlands. It also accommodates public accessible facilities such as parks, gardens, playgrounds and sports grounds.

3.16.1 COLOUR NOTATION : Dark-green

Primary Use: Public open space, Utility Services

Consent Uses: Certain Associated Structures and Activities, Cultural and Social Ceremonies, Conservation Usage, Cemetery, Telecommunication Installation, Informal Trading.

Building Line: 10,0m on all sides

Parking: Subject to Section 4.13.1 and the provisions of Annexure F.

3.16.2 No structure shall be erected or use practised except that which is compatible with the definition of "public open space" in Section 1 or which has been approved by the Municipality.

3.17. **OPEN SPACE ZONE II – PRIVATE OPEN SPACE**

Intent

This zone makes provision for private sites, or public land which is or will be leased on a long term basis, for club buildings, sport, play, rest or recreational facilities. It also makes provision for privately owned land set aside for protection of landscape and heritage areas including woodlands, ridges, watercourses or wetlands.

3.17.1 **COLOUR NOTATION:** Dark-green with black diagonal broken line hatching

Primary Use: Private Open Space

Consent Uses: Certain Associated Structures and Activities, Cultural and Social Ceremonies, Agriculture, Conservation Usage, Nature Reserve, Cemetery, Utility Services, Telecommunication Installation.

Floor Area Ratio: To be determined by the Municipality

Building Line: 10,0m on all sides

Parking: Subject to Section 4.13.1 and the provisions of Annexure F and provided that all parking for patrons and guests shall be on-site.

3.17.2 No structure shall be erected or use practised except that which is compatible with the definition of "private open space" in Section 1, which has been approved by the Municipality.

3.18. OPEN SPACE ZONE III - CONSERVATION

Intent

This zone makes provision for areas to be set aside as conservation areas, such as a national park, provincial park or other nature park in public ownership, or privately owned land that has been declared as conservation areas in terms of relevant legislation. Although this zone allows for certain associated compatible uses and activities, the primary intent within this zone is for maintenance of land in its natural state with the object of preserving the bio-physical characteristics of the land, including flora and fauna living on the land.

3.18.1 COLOUR NOTATION: Dark-green outline

Primary Use: Conservation Usage, Nature Reserve

Consent Uses: Dwelling House, Additional Dwellings, Resort Accommodation, Camping Site, Certain Associated Structures and Activities, Cultural and Social Ceremonies, Place of Assembly, Utility Services, Telecommunication Installation

3.18.2 LAND USE RESTRICTIONS

Building Line: 10,0m on all sides

Parking: Subject to Section 4.13.1 and the provisions of Annexure F, and provided that all parking for patrons and guests shall be on-site.

3.18.2.1 Outside of the Urban Edge (as defined in the approved Spatial Development Framework of the Municipality) Dwelling Units may be permitted within Private Nature Reserves or conservation areas, subject to the following:

- i) Upon application for rezoning of land to Open Space Zone III, such Nature Reserve or Conservation area shall first be formalised in terms of relevant legislation, before the rezoning can be finalised.
- ii) The maximum permissible erf size will be 1000 m², maximum coverage will be 50% and maximum height will be 2 storeys.
- iii) Upon subdivision of a property to accommodate dwelling units, it will be required that a Section 21 Company or Home Owners Association be established to take responsibility for all common property and matters of common interest.
- iv) A detailed site development plan shall be submitted.
- v) Separate ownership of dwelling units will be permitted.
- vi) The entire nature reserve shall be registered as Common Property.

3.19. TRANSPORT ZONE I: RAILWAY LINES, AIRPORT

Intent

This zone makes provision for transportation systems, over and above public roads, streets, or parking and accommodates transport undertakings serving the public such as railway lines, harbours and airports and other depots associated with such undertakings, such as cargo handling facilities. Provision is made to approve other uses that can support a transport undertaking.

3.19.1 COLOUR NOTATION : Dark-brown

Primary Use: Transport Usage, Utility Services

Consent Uses: Parking Garage, Transport Facility, Telecommunication Installation, Certain Associated Structures and Activities, Informal Trading, Service Station.

3.19.2 LAND USE RESTRICTIONS

Floor Area Ratio: To be determined by the Municipality

Floor Factor: At most 1,5

Coverage: At most 75%

Street Building Line: Zero, provided that no gates or security installations protrude into the road reserve. Provided further that the Municipality may require street building lines in the interest of public health and safety.

Side Building Line: Zero, provided that the Municipality may require side building lines in the interest of public health or in order to enforce any law or right and provided further that in the event of a common boundary between two erven forming the boundary between this zone and a residential zone, the side building line of the latter will apply on both sides of the boundary insofar as it is more restrictive.

Rear Building Line: Zero, provided that in the event of a common boundary between two erven forming the boundary between this zone and a residential zone, the rear boundary line of the latter will apply on both sides of the boundary insofar as it is more restrictive.

Parking: 1 bay/100m² G.L.A. subject to Section 4.13.1

Height: At most 4 storeys

3.19.3 LOADING AND UNLOADING (To be provided on-site)

(a) As per the Guidelines for Off-Street Loading Facilities and subject to Section 4.13.2 and Annexure F.

(b) The loading bays shall have vehicular access to a street which shall be to the satisfaction of the Municipality and shall in any event not be less than 5m wide and, if carried through a building, not less than 3m in height.

3.19.4 FENCING

The Municipality may require any land used in connection with a transport business to be completely or partially walled to its satisfaction.

3.19.5 CARETAKER'S PREMISES

The erection of a caretaker's cottage may be approved by the Municipality subject to the following restrictions:

- (i) The caretaker's cottage, complete with outbuildings, shall not exceed 90m² and 1 storey, and shall form part of the permitted coverage of the Transport I Zone.
- (ii) Occupation of the said cottage shall be on a non-permanent basis and restricted to security personnel.
- (iii) The said cottage shall be free-standing and shall be subject to the same building lines as the Transport I Zone.
- (iv) If the function of a caretaker's cottage is ceased, the structure shall only be utilised for purposes permitted in the Transport I zone.

3.20. TRANSPORT ZONE II: PUBLIC ROAD AND PARKING**Intent**

This zone makes provision for existing and future public streets and roads, as well as public parking spaces demarcated within the reserved area of such public streets and roads.

3.20.1 **COLOUR NOTATION:** Light-brown

Primary Use: Public Road, Public Street, Public Parking, Utility Services.

Consent Uses: Certain Associated Structures and Activities, Informal Trading, Telecommunication Installation.

3.20.2 No structure shall be erected or use practised except that which is compatible with the definition of "public road" in Section 1 or approved telecommunication installations.

3.20.3 No trading, hawking and such like may take place except with the consent of the Municipality and subject to any trading complying with the relevant By-laws.

3.21. TRANSPORT ZONE III: PARKING**Intent**

This zone makes provision for a site or building or part thereof that is accessible to the general public for parking purposes, with or without the payment of a fee.

On-site parking for a permitted activity in any zone is considered to be an associated use and do not represent a separate use category that requires separate zoning or approval.

3.21.1 COLOUR NOTATION: Light-brown with black diagonal hatching

Primary Use: Public parking, Utility Services.

Consent Uses: Certain Associated Structures and Activities, Informal Trading, Parking Garage, Telecommunication Installation.

3.21.2 No structure shall be erected or use practised except that which is compatible with the definition of "public parking" in Section 1 and which the Municipality shall have approved.

3.22. TRANSPORT ZONE IV: TAXI RANK, BUS DEPOT, TRANSPORT FACILITY**Intent**

This zone makes provision for areas with associated facilities that serve as a taxi rank, bus terminus or truck stop.

3.22.1 COLOUR NOTATION: Dark-brown with black diagonal hatching

Primary Use: Transport Facility, Taxi Rank, Bus Terminus, Truck Stop, Utility Services.

Consent Uses: Certain Associated Structures and Activities, Telecommunication Installation, Informal Trading, Service Station.

3.22.2 LAND USE RESTRICTIONS

The land use restrictions (floor area ratio, coverage, building lines, parking) applicable to this zone shall apply for every site or use or type of building authorised by the Municipality.

3.23. **AUTHORITY AND UTILITY ZONE I: AUTHORITY AND UTILITY FUNCTIONS**

Intent

This zone makes provision for utility services and uses practiced by a public authority, or on an agency basis on behalf of a public authority, of which the characteristics (including combination of uses) and locality factors are such that it cannot be classified or defined under other uses in the scheme. This may include uses practiced by -

- (a) The National Government, such as military training centres and installations or correctional facilities;*
- (b) The Provincial Government, such as road camps; and*
- (c) A Municipality, such as civic centres, municipal depots and fire stations.*

Land falling under ownership of a public authority shall only be included in this Zone if the use thereof or combination of uses forming part thereof is such that no other zone in Table B is appropriate. If any other zone in Table B is appropriate, the land needs to be zoned for that purpose whether or not a public authority owns it.

3.23.1 **COLOUR NOTATION** : Light Green outline

Primary Use: Authority Usage, Utility Services, Telecommunication Installation, Commonage

Consent Use: Cemetery, Cultural and Social Ceremonies

3.23.2 **LAND USE RESTRICTIONS**

The land use restrictions (floor area ratio, coverage, building lines, parking) and additional provisions applicable to this zone shall apply as for every site or use or type of building, as approved by the Municipality.

3.24. **SPECIAL ZONE**

Intent

This zone makes provision for situations where special factors justify the creation of a new zone on the land use scheme map for a site or sites without justifying the creation of a new zone in the scheme regulations.

3.24.1 **COLOUR NOTATION:** Light Blue

Primary Use: Special Usage

3.24.2 If special factors justify the creation of a new zone on the land use scheme map for a site or sites without justifying the creation of a new zone in the scheme regulations, such site shall be zoned as a Special Zone on the land use scheme map. Every such portion of land which has been zoned as such and of which the land use restrictions differ from other land, which has been zoned as such, shall be given a separate number on the land use scheme map. A Special Zone may consist of different portions of land, provided that the land use restrictions are the same. Each Special Zone of which the land use restrictions differ from that of other Special Zones shall be given a separate number (from 1 onwards) and each number with the accompanying land use restrictions, shall be described as a separate Special Zone in an Annexure to these scheme regulations.

4. **GENERAL**

4.1. **IMPOSED CONDITIONS**

Where permission to erect a building or execute any works or to use a building or land for any particular purposes or to perform any other activity has been granted under this Land Use Scheme and conditions have been imposed, such conditions shall have the same force and effect as if they were part of this scheme.

4.2. **NON-CONFORMING SITES**

Before a recommendation is made by the responsible official regarding an application and written authority is granted by the Municipality in line with the decision of an Authorised Official or Tribunal, with regard to a site for which there is no valid approval on the date of coming into operation of these scheme regulations, or when a building is extended or changed, it may be required that all the buildings on the site as well as the site itself be brought into line with the land use restrictions contained in these regulations, with the by-laws of the Municipality and with any other laws which are applicable, provided that in the event of the non-conforming use lapsing, the usage will revert to that contained in the land use scheme regulations.

4.3. **APPLICATIONS FOR CONSENT USE**

4.3.1 The Municipality may give or refuse its consent, where application is made to it for its consent to allow a particular use in a zone, in which such use may be undertaken only with the Municipality's special consent. In granting its consent, the Municipality is entitled to impose such restrictive conditions as it may deem fit, to govern the erection or use of such building, and notwithstanding the scheme regulations, shall be entitled to impose other conditions which may override the scheme regulations.

4.3.2 In considering such application, the Municipality should consider whether the proposed use is likely to have a negative impact on the amenity of the surrounding properties, including possible impact as a result of the emission of smoke, fumes, dust, noise or smell.

4.3.3 Consent uses, as listed in **Column 3 of Table B**, shall be subject to the following conditions:

- (a) Any consent use in a relevant zone, which is a primary use in any other zone, shall be subject to the same conditions applicable to the primary use in the other zone, unless the conditions in the relevant zone are more restrictive;
- (b) Any consent use in a relevant zone which is not a primary use in another zone shall be subject to the same conditions as the primary use in the relevant zone; and

- (c) The Municipality may, in both of the above-mentioned cases, impose other conditions with regard to any specific property (as stated in item 4.3.1 above).

4.3.4 Procedures for making application and processing of such application need to be followed, as described in the Planning Procedure Manual.

4.4. PERMISSION FOR SHELTERS

Permission for erecting a shelter in terms of these scheme regulations shall be obtained by way of a departure application. Conditions of departures granted, including validity period of the departures, shall be in accordance with anticipated timeframes for implementing a Public Funded Human Settlement Project on the land unit in question.

4.5. PERMISSION FOR MINING ACTIVITIES

Permission for mining activities in terms of these scheme regulations shall be obtained by way of a departure application. Conditions of departures granted, including validity period of the Departure, shall be in accordance with stipulations of the permit and/or license granted by the Department of Mineral and Energy Affairs.

4.6. PERMISSION FOR ERECTING RENEWABLE ENERGY FACILITIES

Permission for erecting Renewable Energy Facilities in all zonings in terms of these scheme regulations shall be obtained by way of a departure application. Such departures will be treated as permanent, unless the Renewable Energy Structure forms part of a commercial electricity generation enterprise that requires a license from the National Electricity Regulator of South Africa (NERSA) or similar body. In such event, the period of validity of the Departure will be for the duration of the validity of the license from the Regulator. Conditions of departures granted shall be to the discretion of the Municipality.

4.7. TEMPORARY USE RIGHTS/ OCCASIONAL USE

The Municipality may permit the occasional use of property for temporary activities such as craft markets, circuses, religious gatherings, or other outdoor events, even though these are not in accordance with the zoning of the property concerned, provided that, in the Municipality's opinion, the temporary activity will not have a significant negative effect on surrounding areas, or on the natural and cultural environment.

Permission shall be subject to such conditions as the Municipality may impose, including (but not limited to) the following -

- (a) that the applicant provides parking and toilet facilities to the Municipality's satisfaction;

- (b) that such temporary activities do not extend for a continuous period of more than seven days;
- (c) that such approval may be withdrawn by written notice to the applicant, should any condition of approval not be complied with or should a public nuisance be created.

4.8. TITLE CONDITIONS

Nothing in the provisions of this scheme shall be construed as permitting or enabling the Municipality to permit in any township the erection or use of any building or the use of any land for the purpose which is prohibited under any approved conditions of title applying to such township or the conditions of title under which any land may be held.

4.9. COMBINED-USE BUILDINGS

Where more than one primary and/or consent use is approved in the same building, the maximum requirements with regard to parking, floor factor, height and coverage, as prescribed for any primary use of the relevant zone, shall be applicable, and the following conditions shall apply with regard to all other land use restrictions:

- (a) Where a use which is permitted in a combined-use building is a primary use in another zone, the relevant use shall be subject to the same conditions, except those with regard to floor factor, height and coverage, applicable to the primary use in the other zone; and
- (b) Where a use that is permitted in a combined-use building is not a primary use in any other zone, the relevant use shall be totally subject to the conditions applicable to the primary use in the relevant zone.

4.10. USE OF OUTBUILDINGS

No outbuilding may be used for any purpose other than that for which the Municipality has approved the plans.

4.11. CARPORTS

Subject to the Municipality's approval, a carport, which will exceed a street or side building line, may be erected subject to the following conditions:

- (a) The width of the carport, measured parallel to the street boundary, shall not be more than 6m.
- (b) The carport shall be supported by metal, wooden, brick or cement poles or pillars. These poles or pillars may have a maximum external dimension of 350mm and at most four poles or pillars may be provided on one side of the carport.
- (c) No walls, except boundary walls, shall be constructed in such a way as to enclose the carport.

- (d) The height of the carport, measured from the floor to the top of the roof, may not exceed 3m.
- (e) No gates which open onto the pavement shall be permitted.
- (f) Provision shall be made for the collection and run-off of rainwater from the carport.
- (g) Written confirmation, from the adjoining owner(s) of both adjoining land units if a street building line will be exceeded, to the effect that they have no objection to the proposed carport, shall be obtained.

4.12. PARKING AND LOADING

4.12.1 PARKING ACCOMMODATION

4.12.1.1 Alternative Parking Requirements

- (a) As an alternative to the parking requirement in Section 3, the owner may, with the consent of the Municipality, where it is of the opinion that it is undesirable or impractical from a planning point of view to provide the required parking area on the site, acquire the prescribed area of land for the parking facilities concerned elsewhere in the position approved by the Municipality; provided that he/she registers a notarial deed against such land to the effect that the Municipality and the public shall have free access thereto for the purpose of parking and provided further that the owner shall be bound to level this land and surface and maintain it to the satisfaction of the Municipality; and that the cost of registration of the servitude shall be borne by the owner.
- (b) As an alternative to Section 4.12.1.1(a), the owner may, with the consent of the Municipality, pay a cash sum to the Municipality, equal to the assessed cost of constructing the shortfall in parking bays – estimated as follows:

Estimated market value per m² of the land on which the building is erected, multiplied by the area in m² of the land which is required to be provided, multiplied by a factor of 1.075, in which event the Municipality shall be responsible for acquiring the necessary land for such parking purposes when and where the Municipality desires.
- (c) The above described assessed cost of constructing the parking bays is based on:
 - i) Each required bay being the equivalent of an area of 25m²
 - ii) The market value of land being obtained in the relevant area;
 - iii) A contribution to demolition and land clearing and construction (expressed as 0.025 of the market value of the area required, reflected in 4.12.1.1 (b)); and

- iv) A contribution to the transfer cost of the said land (expressed as 0.05 of the market value of the area required, reflected in Section 4.12.1.1 (b)).
- (d) The Municipality's consent shall be subject to the following:
 - i) the road onto which the property is bordering being of sufficient width to accommodate on-street parking.
 - ii) the maximum number of parking bays to be accommodated in terms of this alternative may not exceed 25% of the overall required parking bays or the total number of bays that can be accommodated on the property's side of the length of street directly bordering onto the site.
- (e) The Municipality may consider amendments to the contributions as contained in Section 4.12.1.1(b).
- (f) Over and above the provisions of Section 4.12.1.1 a) to e), the Municipality may consider relaxing the parking requirements if public transport facilities are incorporated into a development to the satisfaction of the Municipality.

4.12.1.2 Further Parking and Site Access Requirements

- (a) The vehicular access/exit way shall be restricted to one per site per street frontage. In specific cases, a separate ingress and egress can be considered.
- (b) The vehicular access/exit way shall be restricted to a maximum total width of 6m where such access/exit crosses the road reserve boundary.
- (c) If the corner at a street intersection is not splayed, the vehicular access/exit way shall not be closer than 10m to such corner.
- (d) If the corner at a street intersection is splayed, the vehicular access/exit way shall not be closer than 10m to such corner or 5m measured from the point where the splay reaches the road reserve boundary, whichever is the longest distance from the corner.
- (e) If the corner is situated at a high volume street intersection or a street intersection with traffic signals, the vehicular access/exit way shall not be closer than 20m to such corner.
- (f) Such parking areas shall be duly constructed and surfaced to the satisfaction of the Municipality.
- (g) Such parking areas shall only be used for the parking of vehicles, which are lawfully allowed on them and may not be used for trading or any other purposes.
- (h) The way in which it is intended that vehicles should park in and gain access to or exit from such parking areas shall be indicated on a site development plan, which shall be submitted to the Municipality, which may approve or reject it or lay down any conditions deemed necessary by it.

- (i) The Municipality may lay down more restrictive requirements than those in Sub Section 4.12.1.2 (a) to (g), if deemed necessary from a traffic point of view.
- (j) Parking bays shall be clearly demarcated as per approved site development plan referred to in Section 4.12.1.2 (g) to the satisfaction of the Municipality.
- (k) Parking areas will be clearly signposted to the satisfaction of the Municipality.
- (l) The standards relating to parking bays as provided in Annexure F and the Municipality's Guidelines for Off-Street Parking Facilities shall apply.
- (m) The size of parking bays shall be as provided for in the Municipality's Guidelines for Off-Street Parking Facilities.
- (n) Panhandles providing access to erven containing a single dwelling unit shall have a minimum width of 4,0m. Double panhandles or panhandles providing access to erven containing more than one dwelling unit, shall have a minimum width of 6,0m. An access to two or more additional dwelling units on an erf, or an access to two or more townhouse units on a townhouse erf, shall have a minimum width of 6,0m. Panhandles and accesses have to comply with the Municipality's Guidelines for Ramp Design.

4.12.1.3 **CBD Parking**

- (a) A CBD area shall be exempt from the parking requirements for Business Zone I (as provided for in Section 3.7) except where new buildings are erected or existing buildings are substantially modified. Such new buildings and modified buildings will be subject to the following on-site parking provision requirements:
 - i) New buildings are subject to the full on-site parking provisions.
 - ii) In the case of substantially modified buildings, all new work will be subject to the full on-site parking provisions.
- (b) As an alternative to the parking requirements in Section 4.12.1.3, the Municipality may where it is of the opinion that it is undesirable or impractical from a planning point of view to provide the required parking area on site, recommend the parking alternatives as contained in Section 4.12.1.1.

4.12.1.4 **Occupation Certificate**

A building completion certificate, in accordance with the National Building Regulations, shall not be issued unless the parking area meets the requirements of this Scheme and has been constructed according to a relevant building plan and to the satisfaction of Municipality.

4.12.2 LOADING AND OFF-LOADING FACILITIES

4.12.2.1 **Demarcation of a Loading Area**

- (a) The loading or off-loading of goods and persons onto or from vehicles, where such activity is associated with one or more of the buildings or land-use types described in this Scheme, shall not be permitted to take place in or upon any street except within such portions of a street which have been specifically demarcated for such purposes by the Municipality, or with the permission of the Municipality.
- (b) Except in Industrial Zones I, II and III the Municipality may, for the purpose of preventing the obstruction of traffic on any street or proposed street on which a proposed building will front or abut, require the owner to submit for its approval proposals for ensuring suitable and sufficient space on the site for any loading, unloading or fuelling of vehicles which the utilisation of the building is likely to entail.
- (c) No owner or occupant of the building in respect of which proposals under this subsection have been required shall undertake or knowingly permit the continued loading or unloading or fuelling of vehicles otherwise than in accordance with approved proposals.

4.12.2.2 **Treatment of Loading Areas**

The provisions of Section 4.12.1.2 (a) regarding the treatment of parking areas shall apply mutatis mutandis to all loading areas required in terms of Section 4.12.2.

4.12.2.3 **Screening of Loading Areas**

Where, in the opinion of Municipality, the activities of a loading area could be detrimental to surrounding land-uses in terms of visual appearance, noise or of any other offensive nature, the Municipality may stipulate additional requirements.

4.12.2.4 **Occupation Certificate**

The provisions of Section 4.12.1.4, shall apply mutatis mutandis to all loading areas required in terms of Section 4.12.2.

4.12.2.5 **Loading Area Additional to Parking Area**

Loading areas required to be provided under Section 4.12.2, shall be in addition to any parking provided in terms of Section 3 and Annexure F.

4.12.2.6 **Loading Requirements**

Loading requirements shall be as required in Section 3 and Annexure F.

4.12.2.7 Loading Area

Loading area space shall be determined by land use and approved by the Municipality as per the Guidelines for Off-Street Loading Facilities.

4.13. MUNICIPALITY'S DUTIES

The Municipality shall allow any person at any reasonable time to examine any scheme regulations, land use scheme map or register, as contemplated in this scheme and the Act, and which is kept in the office of the Municipality; provided that any information in connection with the Land Use Scheme which is given to any person shall only be valid if it is in writing and signed by the official duly authorised thereto by the Municipality.

4.14. RECTIFICATION OF CONTRAVENTIONS

The provisions of Act No. 6 of 2008 shall mutatis mutandis apply to this Land Use Scheme.

4.15. SERVICE OF DOCUMENTS

Any notice or other document, which the Municipality is required or authorised to serve under this scheme, may be signed by the Municipal Manager or other duly authorised official and may be served by delivery of a copy thereof in one or other of the following manners:

- (a) by delivering it to the person to whom it is addressed, or by sending it by registered post to his/her last known place of abode;
- (b) if the notice or document is to be served on any company or other incorporated body, by delivering it at the registered office of such company or body, or by sending it by registered post to such registered office; or
- (c) if the Municipality is unable after reasonable inquiry to ascertain the name or address of the person upon whom such notice should be served, by addressing it to him/her/it by the description of "owner" or "occupier" of the premises to which it relates, and by delivering it to some person on the premises, or, if there is no person on the premises to whom it can be delivered, by affixing it or a copy thereof to some conspicuous part of the premises.

4.16. AESTHETICS AND LANDSCAPING

Where landscaping or any aesthetic requirement is deemed necessary by the Municipality, such requirement shall be carried out to the satisfaction of the Municipality at the cost of the owner.

4.17. FIXING OF BUILDING LINES

In any street existing at the date of approval of this scheme for which no building line is shown on the map or for which no building line has been fixed in terms of the proviso to this subsection, the building line on any particular side of any particular section of the street shall be at a distance from the boundary of the street equal to the average of the distances between the street boundary and all the existing buildings on that side and in that section of the street at the date when this scheme comes into operation, but shall not exceed the building lines for the respective zones laid down in Section 3, provided that if on any side of any section of the street there are no existing buildings the Municipality may fix a building line for that side of the section of the street in accordance with Section 3.

In this Subsection the term "section of a street" means the portion of the street lying between the corners of two adjacent intersecting streets.

Any person, whom the fixing of the building line aggrieves, may appeal to the Department.

4.18. SPECIFIC STREET BUILDING LINES

The Municipality may specify minimum building lines or setbacks for certain areas as required.

4.19. ROAD WIDENING

The Municipality may identify areas of land for road widening purposes as required and allocate an appropriate zoning to such land.

4.20. SITE DEVELOPMENT PLANS

The following further conditions shall apply to all erven in all use zones:

A site development plan, compiled to a scale of 1:500 or any other scale as may be approved by the Municipality, shall be submitted for approval to the Municipality and no building shall be erected on the site until such site development plan and building plans in accordance with the site development plan, have been approved by the Municipality. The entire development of the erf shall be in accordance with the approved site development plan, provided that:

- (a) The plan may be amended by way of an application for an amendment of the approved site development plan;
- (b) The Municipality may exempt the owner from submission of all or certain provisions contained within this regulation; and
- (c) The site development plan shall indicate at least the following:
 - i) The location and height of all buildings and structures;

- ii) Vehicular and pedestrian entrances to and exists from the site and all buildings;
 - iii) Proposed subdivision lines, if the erf is to be subdivided;
 - iv) Building lines and all existing and proposed servitudes;
 - v) 1:100 Year flood lines where applicable;
 - vi) Parking, loading and unloading areas;
 - vii) Vehicular and pedestrian circulation;
 - viii) Elevation of all buildings and structures – if required by the Municipality.
 - ix) The phasing of the development, if it is envisaged that the total development will not take place simultaneously;
 - x) A land use schedule which specifies the zoning of the property, applicable controls and controls used for the development;
 - xi) A contour map indicating 1 meter contour intervals; and
 - xii) Any other requirement deemed necessary by the Municipality.
 - xiii) For Townhouse, Business and Office developments, the position of centralised refuse collection points.
- d) An Occupation Certificate as contemplated in terms of the National Building Regulations shall not be issued if the development of a property does not comply with the approved Site Development Plan.

5. APPROVAL OF DEPARTURES AND REMOVAL OF RESTRICTIONS**5.1. DEPARTURES**

The Municipality may grant or refuse an application for a departure, or determine an extended period after which such departure shall lapse.

5.2. REMOVAL OF RESTRICTIONS

All conditions of title registered against the land unit shall, restricting subdivision, the number of buildings that may be erected or the use of the land, or any other restrictive conditions which may have a bearing on the development of a land unit, must be removed prior to an application being granted for such development.

ANNEXURE A**NOXIOUS USE/TRADE/INDUSTRY**

The following activities are classified as noxious use/trade/industry:

- Any use, trade or industry which constitutes a nuisance or a risk to health in neighbouring premises arising from vapours, effluvia, fluids, liquid waste matter, solid waste matter, noise, disturbance and dust – or which carries a high risk in the event of a fire, natural disaster or accident.
- Any installation, which in terms of the Occupational Health and Safety Act No. 85 of 1993 is classified as a "major hazard installation". The act defines a "major hazard installation as follows:
 - where more than the prescribed quantity of any substance is or may be kept, whether permanently or temporarily; or
 - where any substance is produced, processed, used, handled or stored in such a form and quantity that it has the potential to cause a major incident.
- Any activities which constitute a nuisance as envisaged in other applicable legislation (or amendments thereof) or new legislation (or regulations promulgated in terms of such legislation), including:

Approval of an application for establishment of a noxious use, trade or industry in terms of this Land Use Scheme does not exempt the owner from applying for permission in terms of other relevant legislation.

ANNEXURE B**POLICY FOR INFORMAL ALCOHOL RETAIL OPERATIONS (TAVERNS)**

Unless a property has the required business zoning that permits the sale of alcohol on the property, no retail of alcohol will be permitted. To accommodate the use of Informal Alcohol Retail, within that is commonly referred to as taverns, the Municipality will consider applications for temporary use of properties for this (where considered desirable):

The following actions are required:

- Application will have to be made as a departure, which is temporary and valid for a period to be determined by the Municipality (maximum five years), after which re-application has to be made.
- Normal Departure application procedures need to be followed.
- The consent to a departure by the Municipality for a tavern shall apply to the applicant only while he/she resides on the property and operates the business. It is not be transferable in any form or manner.
- If the departure application is granted, the applicant must be advised by the Municipality to apply for a liquor licence.

Detailed provisions

- Only one room of a dwelling or garage or outbuilding with an area not exceeding 50m² is to be converted for tavern use.
- The house needs to retain a primarily residential function.
- The tavern should not impact negatively on the surrounding neighbours and measures should be taken to limit operating hours, to facilitate off-loading of goods and to ensure adequate refuse removal, etc. Operating hours should be controlled by relevant liquor trading bylaws or liquor trading licensing.
- A complete record of all taverns shall be kept by the Municipality.
- All taverns must be inspected on a regular basis to ensure compliance to health regulations.
- Any contravention of the guidelines mentioned above or any written complaints verified by officials of the Municipality could result in the closure of the tavern and the withdrawal of the departure rights.

ANNEXURE C**POLICY FOR INFORMAL RETAILING OPERATIONS:
HOUSE SHOPS (SPAZA SHOPS)**

To accommodate the establishment of small home-based retail outlets, commonly referred to as spaza shops, the Municipality will consider applications for temporary use of properties for this (where considered desirable):

The following actions are required:

- Application to operate a house shop in a dwelling house will have to be made as a departure, which is temporary and valid for a period to be determined by the Municipality (maximum five years), after which re-application has to be made.
- Normal departure application procedures need to be followed.
- If the departure application is granted, the applicant must be advised to apply for such trade licence or permit as may be applicable.
- The consent to a departure by the Municipality for a house shop shall apply to the applicant only while he/she resides on the property and will not be transferable in any form or manner.

Detailed provisions

- Only one room of a dwelling, garage or outbuilding with an area not exceeding 30 m² may be converted for retail use.
- The dwelling must retain a primarily residential function.
- The house shop should not impact negatively on the surrounding neighbours and measures should be taken to limit operating hours, to facilitate off-loading of goods and to ensure adequate refuse removal.
- Not more than two people should be involved in operating a house shop.
- Should any foodstuffs be prepared for sale from the house shop, the premises need to comply with applicable health regulations of the municipality.
- A complete record of all house shops must be kept by the Municipality in this regard.
- Any contravention of the guidelines mentioned above or any written complaints verified by officials of the Municipality could result in the closure of the house shop and the withdrawal of the departure rights.

ANNEXURE D**POLICY FOR THE ERECTION OF A SECOND DWELLING UNIT**

The erection of a second dwelling unit by way of a special consent shall be subject to the following conditions:

Size of Second Dwelling Unit

- Maximum size will be determined by the permissible coverage and floor area ratio on the erf/land unit.

Coverage

- Maximum coverage in terms of the density zone.

Building Lines

- As applicable to the prime dwelling unit.

Height

- 2 Storeys
- No point of a building shall exceed a vertical distance above the grade line of:
 - 6m – in the case of flat roofed buildings, or
 - 8m – in the case of inclined or pitched roofed buildings, and only the roof structure may exceed 6m above the grade line;

Provided that:

- Chimneys and flues are exempt from this height restriction.
- Antennae, satellite dish antennae (of less than 1.5m diameter), external geysers or renewable energy apparatus attached to any surface of a building may not exceed the vertical height of the part of the building to which it is attached by more than 1.5m. If attached to a chimney or flue, it may not exceed the vertical height of the highest part of the building's roof by more than 1.5m.

Parking

- At least one on-site parking bay to be provided for the second dwelling unit.

Vehicular Access:

- Only one vehicular access per street frontage is to be permitted.

Outbuildings:

- Outbuildings normally incidental to a main dwelling will be permitted with a second dwelling unit on condition that the permissible coverage is complied with.

Municipal Services:

- The construction of a second dwelling shall be subject to municipal services departments certifying that capacity is available on the services network in the specific area.

- The second dwelling unit is required to make use of the existing Municipal service connections serving the primary unit on the site.

Ownership

- Separate ownership for the main and second dwelling shall not be permitted, except if a subdivision is approved, provided that with subdivisions both dwellings shall have direct access to public roadway and both dwellings shall have direct connections to Municipal infrastructure.

ANNEXURE E**POLICY FOR BED AND BREAKFAST ESTABLISHMENTS
AND GUEST HOUSES**

To accommodate the establishment of Bed And Breakfast and Guest Houses, the Municipality will apply the following provisions:

Definitions

A **B&B** is defined as an owner managed accommodation establishment of not more than 5 guest-rooms, which supplies short-term accommodation for guests. Meals may be supplied to guests.

A **Guest House** is an owner managed accommodation establishment of 6 to 16 guest-rooms, which supplies short-term accommodation for guests. Meals may be supplied to guests.

Categories

There are 4 categories of Bed & Breakfast/Guest House establishments:

- 1 & 2 guest-rooms
 - No special regulations apply.
- 3 & 5 guest-rooms
 - Permissible by way of a Special Consent in Agriculture and Residential Zones.
 - Permissible as primary right in Business Zones I & II.
- 6 -16 guest-rooms
 - Permissible by way of a Special Consent in Agriculture and Residential Zones.
 - Permissible as primary right in Business Zones I & II.
- More than 16 guest-rooms
 - Permissible as primary right in Business Zones I & II.

Important provisions

- Guest-rooms may not include kitchen facilities (should not be operating as self-catering units).
- Guest-rooms may form part of the dwelling unit or may be provided as free-standing rooms.
- 2 persons (with 2 children) shall be allowed per guest-room.
- Normal application procedures need to be followed for Special Consent or Rezoning approval.
- Health regulations must be complied with where applicable.
- The householder or a manager must be resident on the premises.
- These provisions are for Town Planning purposes only and their coming into effect will not constitute a repeal of other relevant regulations or policies.
- Parking provision

- Parking bay for the owner/manager
 - 2 Additional parking bays shall be provided for every 3 guest-rooms.
 - The required number of parking bays must be provided for on the property.
- Signage shall be in accordance to the Municipality's approved signage policy, or if not in place, one sign with a maximum size of 1 m², stating the name and details relating to the establishment.

ANNEXURE F

PARKING AND LOADING REQUIREMENTS	
USE	REQUIREMENT
A : RESIDENTIAL	
1. Single Residential: Residential Zone II A Residential Zone II B & C	1 parking bay/dwelling unit 2 bay/dwelling unit
2. General Residential: Flats, Town Houses, etc.	2 parking bays/unit
3. Hotels	1 parking bay/ habitable room and 10 parking bays per 100m ² Public Accessible Area
4. Boarding Houses, etc.	0,6 parking bays/habitable room
5. Old Age, Frail or Handicapped Care Facilities, Orphanages, etc.	0,3 parking bays/ habitable room
6. Bed & Breakfast 1 - 2 guest-rooms..... 3 - 5 guest-rooms.....	2 parking bays for the owners and guests 2 parking bays for the owners/residents + 2 parking bays for guests
7. Guest House 6 - 16 guest-rooms	2 parking bays for the owners/residents + 2 parking bays per 3 guest-rooms
B : OFFICES AND BUSINESS	
1. General Offices (Business Zone IV) - Office only zoning	2,5 parking bays/100m ² GLA (no space to be deducted for kitchens, passages, etc.)
2. Professional Services such as Medical and Veterinary Consulting Rooms, Hairdressers, etc.	6 parking bays/100m ² GLA
3. Business Shops, Shopping Centres, Retail Malls, Banks, etc.	6 parking bays/100m ² GLA, for Business Zone I and II. The <u>use</u> of property may not affect this requirement. 1 loading bay for every 500m ² GLA up to 1000m ² , thereafter 1 extra bay for every additional 1000m ² leasable floor area.
C : MEDICAL	
1. Consulting Rooms	6 parking bays/100m ² GLA
2. Hospitals and clinics	1 parking bay/bed

D : INDUSTRIAL AND COMMERCIAL	
1. Manufacturing	1 parking bay /100m ² GLA 1 loading bay for every 2500m ² gross floor area up to 10 000m ² , thereafter 1 extra bay for every additional 10 000m ² gross floor area
2. Warehousing	1 parking bay /100m ² GLA 1 loading bay for every 2500m ² gross floor area up to 10 000m ² , thereafter 1 extra bay for every additional 10 000m ² gross floor area
3. Dairies, Bakeries and Laundries	1 parking bay /100m ² GLA 1 loading bay for every 2500m ² gross floor area up to 10 000m ² , thereafter 1 extra bay for every additional 10 000m ² gross floor area
4. Storage Yards	1 parking bay /100m ² GLA
5. Car Wash	3 parking bays /Wash-bay
E : PUBLIC GARAGES	
1. Petrol Filling Station	6 parking bays per 100m ² sales area (spares, restaurant or convenience shop)
F : PLACES OF PUBLIC WORSHIP	
1. Place of Public Worship, Church	0,15 parking bays/seat
G : EDUCATIONAL	
1. Day Care Centres	1 space/class-room or office + Sufficient on and off loading area
2. Primary School	1 space/class room or office + Sufficient on and off loading area
3. Secondary School	1 space/class room or office + Sufficient on and off loading area
4. Colleges	0.25 spaces per student
H : RECREATION, SPORT AND ENTERTAINMENT	
1. Community Centres	2 spaces/100m ² GLA
2. Halls	0,25 spaces/seat <u>or</u> 20 spaces/100m ² GLA

3. Cinemas and Theatres - within shopping centre - isolated	0,1 spaces/seat 0,2 spaces/seat
4. Sport Stadiums	0,25 spaces/seat
5. Swimming Pools	0,25 spaces/seat
6. Libraries and Museums	2 spaces/100m ²
7. Other Public Facilities	2 spaces/100m ² or at the discretion of the Municipality

ANNEXURE G**POLICY FOR PRACTICING OF AN OCCUPATION IN A RESIDENTIAL DWELLING**

To accommodate the practicing of an occupation in a residential dwelling / on a residential property, the Municipality will apply the provisions described herein.

Where a portion of a dwelling unit is utilised for the purposes of occupational practice, the following conditions shall apply:

- The person practicing the profession, occupation, enterprise or trade, (excluding employees), whether or not such person is a tenant or owner of the dwelling unit, must reside on the property.
- The primary utilisation must remain as a dwelling unit.
- Such portion of the dwelling unit (dwelling house, flat or residential building) may not be utilised for the purpose of a shop, business premises, industry or noxious industry.
- No goods sold or traded should be openly displayed and the practicing of the occupational practice should not be visible, except for the display of a notice not projecting over the road reserve boundary and not exceeding 1 m² in size (indicating only the name and occupation of the occupant).
- No other advertising shall be displayed.
- No activities shall be carried out which are, or are likely to be, a source of disturbance or nuisance to occupants of surrounding properties.
- In Town Housing or Flat developments, prior permission is required from the Home Owner's Association / Body Corporate.
- If any person with a direct interest is of the opinion that any condition referred to in this policy or in the definition of "occupational practice" is being contravened, such person may lodge a written complaint with the Municipality requesting action.
- Adequate off-street parking, as may be required by the Municipality for staff vehicles and other vehicles associated with the occupational practice.

ANNEXURE H**POLICY FOR PROVIDING HOME-BASED CARE IN A RESIDENTIAL DWELLING**

The following conditions shall apply where a portion of a property is used for home-based care:

- The person providing the home-based care (excluding employees), whether or not such person is a tenant or owner of the dwelling unit, must reside on the property.
- The primary utilisation remains that of a dwelling unit
- In Residential Zone I, III and IV, prior permission from the Home Owner's Association (or Body Corporate) is required.
- No more than 5 persons shall be accommodated at the home-based care facility for elderly, sick or disabled persons at any time and
- no more than 6 children shall be enrolled at the home-based child care facility at any time;
- Services shall be primarily:
 - Child day care or educational, or
 - basic health care for disabled, elderly or sick and not medical;
- Services for home based child care 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;
- Indoor and outdoor play space shall be provided in accordance with any health requirement or a policy plan as might be approved by the Municipality from time to time, and outdoor play space shall be securely fenced;
- No advertising sign shall be displayed, other than a single un-illuminated sign or notice in accordance with signage policy of the Municipality, not projecting over a public street, and such sign shall not exceed 1 m² in area;
- 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 Municipality's approval is obtained to waive this requirement. The Municipality may at any stage require additional on-site parking where parking is deemed to be insufficient;
- If any person with a direct interest is of the opinion that any condition referred to in this policy or in the definition of "home-based care" has been or is being contravened, such person may lodge a written complaint with the Municipality requesting action; and
- The Municipality shall consider a complaint mentioned in (k) above, and if in the opinion of the Municipality a contravention of any condition referred to in this policy or in the definition of "home-based care" has occurred, the Municipality shall act in terms of its approved bylaws or as otherwise provided for by law.

ANNEXURE I**POLICY FOR TELECOMMUNICATION INSTALLATIONS**

To accommodate the erecting of Telecommunication Installations (radio communication or cell masts), the Municipality will apply the provisions described herein. The following conditions shall apply:

Land Use Authorisation

- Permissible as primary right in Industrial Zones and Authority/Utility Zone.
- Permissible by way of a Special Consent in all other Zones.
- Authorisation is subject to the relevant requirements of the National Environmental Management Act, Civil Aviation Act and Regulations and other applicable legislation.

Building Control

- Telecommunication Installations attached to any part of a building, may not extend above the part of the building that it is attached to without the prior approval of the Municipality.
- The following guideline heights will be applied:
 - 3m in height for buildings of 10m or less;
 - 6m in height for buildings of less than 20m;
 - 10m in height for buildings of 20 m or more.
- A freestanding Telecommunication Installation may not extend more than 6m above the maximum permitted height of a building in the zone within which it is approved without prior approval of the Municipality.

Conditions applicable to decommissioning of Telecommunication Installations

Unless regulated in terms of other permitting or authorisation conditions, such as an Environmental Authorisation:

- When a Telecommunication Installation is scheduled to be decommissioned or operations have been discontinued or abandoned, the owner of the Telecommunication Installation must notify the Municipality by registered mail and submit timeframes for removal of the structure/s and associated infrastructure within 60 days after the operation ceased.
- The owner shall remove all decommissioned infrastructure.
- Where the site has been disturbed, the owner shall rehabilitate the site to its original state or to a state acceptable to Municipality.
- Where the owner fails to comply with these provisions, or fails to carry out the agreed removal of structures, the Municipality may remove such infrastructure, and rehabilitate the site at the cost of the owner.

ANNEXURE J**POLICY FOR RENEWABLE ENERGY APPARATUS AND STRUCTURES**

To accommodate the establishment of Renewable Energy Installations, the Municipality will apply the provisions described herein. The following conditions shall apply:

Relevant definitions

The following definitions will be used to describe elements that are associated purely with the establishment of Renewable Energy Facilities:

- **“Renewable Energy Apparatus”** – means any apparatus which captures and converts wind, hydro, solar radiation, bio mass or other renewable source into energy
- **“Renewable Energy Structure”** – means any dedicated structure specifically designed and erected to accommodate apparatus such as wind turbines, hydro turbines, solar energy generating panels (including solar-voltaic and concentrated solar thermal) or bio mass equipment, or grouping thereof, which captures and converts wind, hydro, solar radiation, bio mass or other renewable source into energy for local consumption or commercial gain, irrespective of whether it feeds into an electricity grid or not. This may include associated structures, infrastructures or buildings directly related to the operation of the generation, transmission and distribution of electricity generated by the structure or grouping of structures. Associated structures and infrastructure may include pylons, poles, masts, transformers and sub-stations. Associated buildings may include, but are not limited to, workshops and stores, offices, site canteen, medical station, research facility, guard house and recreational facilities for staff.
- **“Renewable Energy Site”** - means the land utilised for the Renewable Energy Structure/s, inclusive of associated structures, infrastructure, buildings, and setback lines applicable to such, regardless of cadastral boundaries.

Land Use Authorisation

- No permission is required to install or attach a Renewable Energy Apparatus to any surface of a building, provided that it may not exceed the vertical height of the part of the building to which it is attached by more than 1.5m. If attached to a chimney or flue, it may not exceed the vertical height of the highest part of the building’s roof by more than 1.5m. If such apparatus exceeds the vertical height provisions, it should be treated in the same manner as Renewable Energy Structures.
- Permission for erecting Renewable Energy Structures in all zonings in terms of these scheme regulations shall be obtained by way of a departure application.
- Such departures will be treated as permanent, unless the Renewable Energy Structure forms part of a commercial electricity generation enterprise that requires a license from the National Electricity Regulator of South Africa (NERSA) or similar body.

- In such event, the period of validity of the Departure will be for the duration of the validity of the license from the Regulator. Conditions of departures granted shall be to the discretion of the Municipality.
- A departure authorisation shall be subject to the relevant requirements of the National Environmental Management Act, Civil Aviation Act and Regulations and other applicable legislation.

Building Control

- Height

A maximum height of 200m above the grade line for any pylon, pole or mast and mechanisms mounted thereon, measured from the middle point of the footprint of each pylon, pole or mast to the highest point of such pylon, pole or mast with mechanism (including any blades or other protrusions).

For “Associated buildings”, no point of a building shall exceed a vertical distance above the grade line of:

 - 6m in the case of flat roofed buildings, or
 - 8m in the case of inclined or pitched roofed buildings, and only the roof structure may exceed 6m above the grade line;
 - Provided that chimneys, flues and antennae are exempt from this height restriction.
- Setback

A distance equal to 1,5 times the overall height of renewable energy structures and apparatus attached thereto (including blade tip or other protrusions), or associated buildings, measured from:

 - the nearest public or private building, structure or space designed for human occupation (live, work or recreation);
 - the cadastral boundary of the land unit (unless the renewable energy site straddles such cadastral boundary);
 - any public road or private or public right of way; and
 - any external electrical infrastructure (not associated with the renewable energy site).

Additional Conditions

- Site Development Plan (SDP)

As part of the application or stipulated as a condition of approval, a SDP must be submitted for approval by the Municipality.

The SDP must reflect the boundaries of the renewable energy site and exact location, specifications and positioning of the renewable energy structure, including associated structures, infrastructure and buildings.
- Visual and environmental impact

Visual and environmental impacts must be taken into account for the positioning of the structure, height determination and in general, to the satisfaction of the Municipality.

Conditions applicable to decommissioning of Renewable Energy Structures

Unless regulated in terms of other permitting or authorisation conditions, such as an Environmental Authorisation:

- When a Renewable Energy Structure is scheduled to be decommissioned or operations have been discontinued or abandoned, the owner of the Renewable Energy Structure must notify the Municipality by registered mail and submit timeframes for removal of the structure/s and associated infrastructure within 60 days after the operation ceased.
- Any Renewable Energy Structure and associated infrastructure, including buildings, power lines, cables, security barriers, and roads which has been decommissioned, which has reached the end of its productive life or has been abandoned, must be removed.

- The owner of the Renewable Energy Structure is responsible for the removal of the structure in all its parts, and rehabilitation of the land to the satisfaction of the Municipality, within a timeframe agreed upon by the Municipality.
- If the owner fails to remove the structure or parts thereof in accordance with the timeframe agreed upon by the Municipality, the Municipality may enter the property and remove the structure or parts thereof. All removal costs in such a case may be recovered from the owner.

APPENDIX**IMPLEMENTATION PROPOSALS & PROCEDURES****General Provisions**

This Scheme forms part of the Umzimvubu Spatial Planning and Land Use Management System, with the Umzimvubu Municipality being the authority responsible for implementing the provisions of this Land Use Scheme.

Implementation procedures of the Umzimvubu Land Use Scheme are guided by what is contained in the relevant sections of the Municipal SPLUMA By-laws, the Spatial Planning and Land Use Management Act (Act No. 16 of 2013) and any additional provisions specified in applicable Provincial Legislation.

Unless otherwise determined by a new national and/or provincial legal framework, for areas situated within the administrative jurisdiction of a Traditional Authority, the normal process of obtaining permission to use land from the Traditional Authority Structure will apply and no building may be erected or land used without the written authority of the relevant Traditional Authority and the Umzimvubu Municipality.

In considering an application for any building, structure, development, use or sub-division, the Municipality shall take into consideration the character of the area and relevant spatial development proposal of the Municipality's Spatial Development Framework or relevant Local Spatial Development Framework. The Municipality may upon approving an application stipulate conditions it considers necessary to mitigate any anticipated negative impacts on the surrounding land areas. Such conditions, issued along with an approved land use or development application, shall have the same status as conditions of the Land Use Scheme. In the event of an application being turned down, the Municipality shall give reasons for its decision.

Pre-Scheme Uses

For all areas of the Municipality that did not form part of a scheme prior to the introduction of the Umzimvubu Wall-to-Wall Scheme, the lawfulness of the use of land at the time of introduction of the scheme must be confirmed as well as such uses that land could have been used for at the time.

The above provision does not exempt the owner of a building or property from the provisions of any other legislation that may be applicable to the use or activity being practised.

Where such existing lawful use of any building or land is interrupted or discontinued for a continuous period of 18 months or longer, the development parameters that applied to such use shall be deemed to have lapsed. The provisions of this Land Use Scheme shall from then on apply to such or land.

Procedures for incremental integration of rural settlements into the Umzimvubu Land Use Scheme

The introduction of a Wall-to-Wall Scheme in areas not previously administered in terms of Scheme Regulations requires the Municipality to apply an incremental approach. The following provides guidelines for what should be included within such process.

The following actions are required:

- Identify all traditional rural settlements within the municipality's area of jurisdiction.
- For all traditional rural settlements (whether cadastrally surveyed or not), undertake a study to confirm the suitability of the underlying and surrounding area for settlement. This study should aim to identify any conditions that pose a risk to the health and safety of residents residing in the settlement area.
- Based on the information collected during the development suitability study, undertake a local spatial development planning process (with appropriate participation of the local community and traditional authority structures) and identify an outer boundary to demarcate the area that have been confirmed as suitable for settlement and that can, in terms of this scheme, be regarded as "Land for Settlement".
- Areas that can be demarcated as "Land for Settlement" include:
 - Areas occupied by existing settlements
 - Open areas where settlement or settlement expansion is intended to be developed in the near future. This could be vacant land within or immediately adjacent to existing settlements or greenfield areas identified for future settlement development.

Un-surveyed Settlement areas

- If an area demarcated as "Land for Settlement" is not internally subdivided and defined by way of cadastrally surveyed erven, the outer demarcated settlement edge should be surveyed (or depicted on a geo-referenced plan) and all land within such surveyed (or depicted) edge should be allocated a Residential Zone 1A Zoning. This zoning will be applied to the entire area within the defined settlement edged and no differentiation will be made between land parcels that are separately occupied or developed. If any new land use is intended, other than what is permissible as a primary right in terms of Residential Zone 1B zoning, application should be made for Subdivision and Special Consent or Rezoning to the appropriate zoning to permit such use. Once approved, the land parcel must be surveyed (or depicted on a geo-referenced plan) and registered in the scheme registers with the allocated erf (or land unit) number and zoning.
- At the point that internal land parcels in a Residential Zone 1A area are separately defined by way of a cadastral survey or depicted on a geo-referenced plan, residential erven will be allocated a Residential Zone 1B Zoning (along with the appropriate density category allocated as set out in Section 3.2 of the scheme). All other surveyed or depicted erven that are not permissible as primary or consent

uses within the Residential Zone 1B Zoning must be allocated the appropriate zoning in line with its present or allocated use in terms of an approved layout plan.

- Un-surveyed (or un-depicted) land parcels within a settlement edge, will retain a Residential Zone 1A Zoning, until such time as uses are defined for such land parcels in terms of an approved layout plan for the settlement (and such land parcels being surveyed or depicted).

Surveyed Settlement areas

- If an area demarcated as “Land for Settlement” is internally defined by way of cadastrally surveyed erven (or plan drawn on geo-reference areal imagery or maps to the satisfaction of the municipality), each land unit must be allocated the appropriate corresponding zoning as contained in this scheme, with residential erven to be allocated Residential Zone 1B Zoning (along with the appropriate density category allocated as set out in Section 3.2 of this scheme).
- Surveyed or depicted land parcels within a defined settlement edge that are vacant and for which no use is allocated, will be given a Residential Zone 1B Zoning, until such time as a use is defined for such land parcel in terms of an approved layout plan for the settlement.
- If any new land use is intended for existing land units or vacant land within a defined Settlement Edge, application should be made for Subdivision, Special Consent or Rezoning (as the specific situation may require) to the appropriate zoning to permit such use. Once approved, the land parcel must be surveyed or depicted (if it includes a subdivision) and registered in the scheme registers with the allocated erf or land unit number and zoning. If the application only entailed a special consent or rezoning, the scheme register and map needs to be updated accordingly.

Procedures for identifying, confirming and integration new “Land for Settlement” areas

The introduction of the concept and use of “Land for Settlement” in the Municipality will require an incremental approach. The following provides guidelines for what should be included within such process.

The following actions are required:

- Identify existing informal settlement areas or vacant areas that are considered for potential future “Public Funded Residential” development.
- Undertake a study to confirm the suitability of the underlying and surrounding area for settlement.
- Based on the information collected during the development suitability study, clearly define the extent of the area that can be demarcated as “Land for Settlement”.
- If not within an existing defined Urban Edge, Nodal Edge or Settlement Edge in terms of the applicable SDF or LSDF, the Urban, Nodal or Settlement edge must be incorporated within the applicable SDF or LSDF.
- Undertake the required land application procedures.

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- For rural areas where no municipal approved layout plan is available, this will entail application for subdivision of the outer extent of the area and rezoning to Residential Zone IA. If a municipal approved layout plan is available, the subdivision and rezoning will be in line with the approved plan..
 - For urban areas where no municipal approved layout plan is available, this will entail application for subdivision of the outer extent of the area and rezoning to Residential Zone IIA. If a municipal approved layout plan is available, the subdivision and rezoning will be in line with the approved plan.