

# MTHONJANENI MUNICIPALITY



## LAND USE SCHEME

EFFECTIVE DATE : (.....)

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**NOTE:**

This Scheme is based on the recently approved City of uMhlathuze Scheme. The reason for this is to work towards standardizing Schemes within the uThungulu District. This was discussed with representatives of both the uMhlathuze Municipality and KZN COGTA.

## **SECTION 1 : INTRODUCTION TO THE SCHEME**

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# **1 SECTION 1: INTRODUCTION TO THE SCHEME**

## **1.1 LEGAL CONTEXT FOR THE PREPARATION OF SCHEMES**

### **1.1.1 THE MUNICIPAL SYSTEMS ACT**

1.1.1.1 In accordance with the Municipal Systems Act (Act No. 32 of 2000), each Municipality must prepare an Integrated Development Plan (IDP) for their area of jurisdiction.

1.1.1.2 A key component of an IDP is a Spatial Development Framework (SDF), which should give effect to the Municipality's vision for the area and should include basic guidelines for a Land Use Management System (LUMS) that apply to the entire Municipal area.

### **1.1.2 THE SPATIAL PLANNING AND LAND USE MANAGEMENT ACT**

1.1.2.1 The preparation, key components and legal effect of SDF's are provided for in terms of Chapter 4 of the Spatial Development and Land Use Management Act (Act 16 of 2013).

1.1.2.2 All land use schemes must be aligned with a Municipality's IDP and SDF.

1.1.2.3 In accordance with Section 24 of the Spatial Development and Land Use Management Act (Act 16 of 2013), each Municipality must, after public consultation, adopt and approve a single land use scheme for its entire area within five years from the commencement of this Act.

1.1.2.4 In accordance with Section 27 of the Spatial Development and Land Use Management Act, a municipality may review its land use scheme in order to achieve consistency with the municipal spatial development framework, and must do so at least every five years.

### **1.1.3 THE LAND USE SCHEME AS PART OF A LAND USE SYSTEM**

1.1.3.1 A Land Use Management System refers to all the actions required by a municipality to manage land, of which a Scheme is one component. Typically, key elements of a Land Use Management System include:

- a) The Spatial Development Framework, various spatial plans, etc.;
- b) A Land Use Scheme;
- c) The Municipal Valuation and Rating System;
- d) Property registration, ownership and tenure;

## SECTION 1: INTRODUCTION TO THE SCHEME

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- e) Infrastructure and services provision;
- f) Building laws, including signage and elevation control;
- g) Health bylaws;
- h) Environmental issues and requirements;
- i) Road and transportation requirements, etc.

1.1.3.2 Therefore, the Mthonjaneni Scheme forms part of the Mthonjaneni Land Use Management System.

### 1.1.4 THE KZN PLANNING AND DEVELOPMENT ACT

1.1.4.1 The Mthonjaneni Land Use Scheme was prepared in accordance with the provisions of Section 4(1) of the KZN Planning and Development Act, 2008, which states that:

*“A municipality must, within five years from the commencement of this Act, adopt a scheme or schemes for its whole area of jurisdiction.”*

1.1.4.2 The Kwazulu-Natal Land Use Management System Guidelines for the preparation of Schemes for Municipalities (2011) (“the LUMS Guidelines”) was used as reference during the drafting of this Scheme.

## 1.2 TITLE, PURPOSE AND STRUCTURE OF THE SCHEME

1.2.1 This Scheme shall be known as the Mthonjaneni Scheme.

1.2.2 In accordance with Section 25 of the Spatial Development and Land Use Management Act (Act 16 of 2013), the land use scheme must 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 impact on public health, the environment and natural resources.

1.2.3 The Scheme shall consist of:

- a) Scheme Regulations setting out the procedures and conditions relating to the use and development of land in any zone (this document);
- b) Scheme Map/s indicating the zoning of the municipal area into land use zones; and



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- c) a register of all amendments to such land use scheme.

1.2.4 The Mthonjaneni Scheme Regulations and Maps form part of the Land Use Management System which applies to all Erven within the boundary of the Municipality, with the exception of erven that are subject to the provisions of the Subdivision of Agricultural Land Act (Act 70 of 1970).

1.2.5 In addition to the Scheme, a companion document was developed. The companion document's main aim is to assist practitioners in the administration of the scheme, and is **not** incorporated within the statutory component of the Scheme.

### 1.2.1 SCHEME REGULATIONS

1.2.1.1 In general, the Scheme Regulations aim to control:

- a) The use of land and buildings by means of prescribing free entry, consent or prohibited land uses on specifically zoned sites and land use definitions applicable;
- b) Floor area, coverage and height factors for buildings and structures;
- c) Building lines, side and rear spaces which must be maintained around buildings;
- d) Parking and loading controls;
- e) Additional provisions relating to a specific use zone or land use;
- f) How contraventions of the scheme provisions will be dealt with;
- g) Provisions relating to the design of sites and buildings;
- h) Other general definitions, controls, provisions and procedures.

1.2.1.2 Within each use zone there are restrictions with regard to the use of land and the erection and use of buildings. These are split into four categories:

- a) **Free Entry Uses** those buildings and uses permitted without first applying for Council's formal authority or consent;
- b) **Consent Uses** those buildings and uses which may be approved or declined by Council after following a Special Consent procedure as set out in legislation; and
- d) **Prohibited Uses** those buildings and uses, which are expressly prohibited.

1.2.1.3 Any building or use not specifically defined in this scheme shall be deemed to be a "Special Use" as defined in this Scheme and shall be subject to a Special Consent application.

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1.2.1.4 Subject to the right of appeal as contemplated in terms of the KwaZulu-Natal Planning and Development Act No.6 of 2008, as amended, any future or proposed use or development shall conform to the uses and controls listed in the Scheme Regulations.

1.2.1.5 A contravention/s of the Scheme Regulations is an offence and shall be subject to penalties contemplated in terms of the KwaZulu-Natal Planning and Development Act No.6 of 2008, as amended.

### 1.2.2 AREA OF THE SCHEME AND SCHEME MAPS

1.2.2.1 The Scheme applies to all Erven within the jurisdiction of the Mthonjaneni Municipality, with the exception of areas that are subject to the provisions of the Subdivision of Agricultural Land Act (Act No 70 of 1970).

1.2.2.2 The Scheme Regulations and Scheme Maps are available electronically on the Municipality's website ([www.mthonjaneni.org.za](http://www.mthonjaneni.org.za)).

### 1.2.3 MANAGEMENT OVERLAYS

1.2.3.1 Where additional and more detailed land use management, beyond that stipulated in the Scheme Regulations and Map/s is required, this is processed via the use of Management Overlays and Management Plans. The Management Overlay identifies the boundary of the area for which additional regulations or guidelines pertain. The Management Overlay redirects the user to the "informant" or "plan" that contains the additional information, and this is a parallel or co-ordinating plan. The Management Overlay also redirects the user to the source (date) of the plan concerned.

**Table 1: Categories of Management Plans and Overlays**

MANAGEMENT OVERLAYS:	PLAN REFERENCE NUMBER
Rural Nodes Land Use Management	

## 1.3 RESPONSIBLE AUTHORITY

1.3.1 The Mthonjaneni Municipality shall be the only authority responsible for enforcing and carrying into effect the provisions of the Scheme.

## 1.4 PURPOSE OF THE SCHEME

1.4.1 The purpose of the Scheme is to:

1.4.1.1 enable the comprehensive management of all erven (both private and public sector) within the Municipality;

## SECTION 1: INTRODUCTION TO THE SCHEME

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- 1.4.1.2 promote and implement the applicable planning and development legislation and principles as adopted by the relevant National, Provincial and Municipal spheres of government from time to time;
- 1.4.1.3 promote and implement the Vision and Strategies of the Integrated Development Plan in the realization of quality environments; and
- 1.4.1.4 manage land-use rights, to provide facilitation over use rights, to manage urban growth and development and to manage conservation of the natural environment, in order to:
  - a) Achieve co-ordinated and harmonious development in a way that will efficiently promote public safety, health, order, convenience and to protect the general welfare of the inhabitants of the Municipality;
  - b) Promote integrated and sustainable development through-out the area of jurisdiction;
  - c) Promote sustainable environmental management, conserve and protect environmentally sensitive areas.
  - d) Promote all forms of development and growth through sound planning principles that would support a mix of land-uses managed in an appropriate manner.

## 1.5 EFFECTIVE DATE AND LEGAL EFFECT OF THE SCHEME

- 1.5.1 In accordance with Section 26 of the Spatial Development and Land Use Management Act (Act 16 of 2013):
  - 1.5.1.1 An adopted and approved land use scheme—
    - (a) has the force of law, and all land owners and users of land, including a municipality, a state-owned enterprise and organs of state within the municipal area are bound by the provisions of such a land use scheme;
    - (b) replaces all existing schemes within the municipal area to which the land use scheme applies; and
    - (c) provides for land use and development rights.
  - 1.5.1.2 Land may be used only for the purposes permitted—
    - (a) by a land use scheme;
    - (b) by a town planning scheme, until such scheme is replaced by a land use scheme; or
    - (c) in terms of Clause 1.5.1.3 of the Spatial Development and Land Use Management Act (Act 16 of 2013).
  - 1.5.1.3 Where no town planning or land use scheme applies to a piece of land, before a land use scheme is approved in terms of the Spatial Development and Land Use Management Act, such land may be used only for the purposes listed in Schedule 2 to the Act and for which such land was lawfully used or could lawfully have been used immediately before the commencement of the Act.

## **SECTION 1: INTRODUCTION TO THE SCHEME**

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1.5.1.4 A permitted land use may, despite any other law to the contrary, be changed after following a prescribed process as set out in law.

1.5.2 The Effective Date of this Scheme is .....

1.5.3 At any time after the effective date no person shall:

1.5.3.1 erect a new building, alter or add to an existing building or carry out any other proposed work, or

1.5.3.2 develop or use any land, or use any building or structure for any purpose different from the purpose/s for which it was being developed or used on such date, or

1.5.3.3 use any building or structure erected after such date for a purpose or in a manner different from the purpose for which it was erected, until such person has first applied in writing to the Council for permission / approval / formal authority / consent to do so and the Council has granted its written authority thereto either with or without conditions, and provided that:

a) Any authority granted by the Council shall remain valid for 18 months from the date of granting of such authority; and

b) Where any building or work referred to in any such authority has not been substantially commenced within the said period of 18 months or where an appeal has been lodged, within a period of 18 months from the date of notification of the outcome of such appeal, or where there has been an interruption in the development of the building or use of land for a continuous period of 18 months, the said authority shall automatically be considered to have lapsed and building operations shall not be commenced or recommenced unless fresh authority has first been applied for and obtained.

## **1.6 INSPECTION OF THE SCHEME**

1.6.1 The Scheme (Regulations and Maps) are public documents and open for inspection by the general public at the Municipal Offices during normal business hours or at an arranged reasonable time.

1.6.2 A register of all applications and decisions on the Scheme Regulations and Maps shall be kept and shall be available for inspection by any person or persons at the Municipal Offices during normal business hours or at an arranged reasonable time.

## **1.7 STATUS OF THE SCHEME**

1.7.1 This Scheme replaces all Town Planning Schemes within the area to which it applies.

## SECTION 1: INTRODUCTION TO THE SCHEME

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- 1.7.2 The legal status of any existing building or existing use which is not in conformity with this Scheme, but for which authority was obtained from the Council or other relevant planning and development legislation prior to the date of adoption, replacement or amendment of this Scheme in terms of the KwaZulu-Natal Planning and Development Act, 2008 (No. 06 of 2008) may be completed and continued to be used for the purpose for which it was designed, subject to compliance with any conditions which may have been imposed by the Council, and provided that:
- a) Any such non-conforming existing building or use of land may be increased on the Erf by an amount not greater than 12½% of its total floor area or area as the case may be, at the date of adoption, provided that the completed building or use is in conformity with the other provisions of the Scheme, relating to the zone in which such building or use is situated.
  - b) Any alteration or addition or change of use, which in the opinion of the Council alters the character of an existing building or use of land, shall automatically remove such building or land from the category of "existing building" or "existing use".
  - c) Where the non-conforming existing use of any building or land is discontinued for a continuous period of 18 months or longer, such existing use shall be deemed to have lapsed and shall not be recommenced.
  - d) Council may call upon the applicant to undertake an Environmental Management Plan for the development.
- 1.7.3 Any extension to buildings or structures on land contemplated in Clause 1.7.2 must comply with this Scheme.
- 1.7.4 Any application submitted prior to the adoption of this Scheme shall be assessed and finalised under the provisions of such former Scheme regulations, except if the applicant has in writing informed the Municipality that he / she withdraws such application.
- 1.7.5 A Scheme is binding on the Municipality, all other persons and organs of state, except in the event of a conflict with the provisions of an Integrated Development Plan that was adopted prior to the Scheme or amendment to the Scheme.
- 1.7.6 The provisions of the Integrated Development Plan will prevail over the provisions of a Scheme in the event of a conflict with the provisions of an Integrated Development Plan that was adopted prior to the Scheme or amendment to the Scheme
- 1.7.7 The provisions of a Scheme that were adopted prior to the adoption of an Integrated Development Plan shall prevail in the event of a conflict with the provisions of the Integrated Development Plan.
- 1.7.8 A Municipality or any other organ of state may not approve a proposal to zone, rezone, subdivide or consolidate land that is in conflict with the provisions of a Scheme.
- 1.7.9 A proposal to zone, rezone, subdivide or consolidate land that is in conflict with the provisions of a Scheme is invalid.
- 1.7.10 Nothing in this Scheme shall be construed as enabling any person to erect or use any building or to develop or use any land which is in conflict with any condition of title imposed by the Premier in terms of the KwaZulu-Natal Planning and Development Act No.6 of 2008, as amended, or by the State under any other law.
- 1.7.11 The owner of any Erf, which is subject to a condition of title referred to in Clause 1.7.10 above, which is in conflict with any provision of this Scheme, may make application to the Municipality

## SECTION 1: INTRODUCTION TO THE SCHEME

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for the alteration, suspension or removal of such condition as provided for in terms of the KwaZulu-Natal Planning and Development Act No.6 of 2008.

1.7.12 The Scheme provisions shall apply over and above the Bylaws where they are more onerous than the Bylaws. Where the Scheme makes no provision, the Bylaws shall apply.

## 1.8 AMENDMENTS TO THE SCHEME

1.8.1 If the Council desires to rescind, alter or amend any of the provisions of the Scheme in course of preparation it shall follow the procedures as set out in law.

1.8.2 The owner of any land, or any person having a real right to any land, which is zoned in terms of the Scheme, may make application to the Municipality to rezone such land or amend the scheme controls applicable to such land in accordance with relevant legislation.

1.8.3 Provided that, in terms of the provisions of the KwaZulu-Natal Planning and Development Act (Act No.6 of 2008), the Municipality does not have to follow a formal process to amend the scheme in cases where:

- a) a spelling / typing error or numbering within the Scheme is amended or corrected,
- b) Scheme Clauses are re-organised without amending the meaning of the clauses;
- c) reference to legislation becomes outdated and must be replaced or updated;
- d) any annexures to the Scheme need to be updated or amended,
- e) legally approved development applications or land use zones have not been included in the Scheme, or have been included incorrectly;
- f) a planned road zoned "Proposed Road" is constructed. The zoning "Proposed Road" may then be converted to the zoning "Existing Public Road" and/or "Private Road", with the proviso that the alignment of the road which was originally zoned "Proposed Road" has not changed; and
- g) changes to or deletion of Management Plans and Overlays listed in Table 1 above.

## 1.9 APPLICATIONS FOR THE USE AND DEVELOPMENT OF LAND

### 1.9.1 GENERAL PROVISIONS

1.9.1.1 Applications shall be made in writing to the Municipal Manager, shall contain all information required by the Municipality and may be subject to an application fee.

1.9.1.2 The Municipality may refuse to accept an application which:

- a) is subject to an application fee, but which has not been paid in full; and

## SECTION 1: INTRODUCTION TO THE SCHEME

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b) is not motivated in full.

In these cases, the Municipality will inform the applicant to resubmit a complete application, and provide the applicant with a description of the necessary information which must be submitted.

1.9.1.3 Applications for development on land falling under the ownership of Ingonyama Trust require power of attorney from the Ingonyama Trust Board to submit an application on their behalf and a letter of support from the applicable Traditional Leader/Council.

1.9.1.4 Any decision, order or authorization given by the Appeal Tribunal in terms of the KwaZulu-Natal Planning and Development Act or any other relevant legislation, and as confirmed or altered on review, shall be deemed to be a valid authority granted by the Council and, as such, shall be construed as being in accordance with the duly adopted provisions of the Scheme.

### 1.9.2 APPLICATION FOR THE PERMISSION OF THE COUNCIL

1.9.2.1 A person desiring any Permission of the Council shall apply therefore in writing to the Municipal Manager in the form which may from time to time be prescribed, provided that except where the Council may otherwise require, ordinary Application and Approval under the bylaws shall be deemed sufficient Permission of the Council.

1.9.2.2 The Council may call upon any building owner who proposes to alter a building or put it to a new use to provide a fresh building survey of the property.

### 1.9.3 APPLICATION FOR THE APPROVAL OF THE COUNCIL

1.9.3.1 A person desiring any Approval of the Council shall apply therefore in writing to the Municipal Manager in the form which may be prescribed from time to time.

### 1.9.4 APPLICATION FOR THE CONSENT OF THE COUNCIL

1.9.4.1 "Consent" of the Council shall mean the granting of an application after compliance with a procedure as set out in legislation.

1.9.4.2 A consent use is restricted to the land use applied for and shall not be construed to be consent for all land uses listed under the relevant Land Use Control Table, unless stated otherwise.

1.9.4.3 A consent use granted by Council must differentiate between an approval granted for:

a) a stand-alone land use; or

b) a land use which is to be operated in addition to a primary use.

1.9.4.4 Council may direct an applicant to rather apply for a rezoning instead of consent in cases where, in the opinion of Council, the use will be better regulated by means of a land use zone instead of granting its consent.

1.9.4.5 The following land uses may be approved via consent under any zoning, whether it is listed under the relevant Land Use Control Table or not:

## SECTION 1: INTRODUCTION TO THE SCHEME

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- a) Special Use (i.e. a use that is not defined in this Scheme);
- b) Telecommunication Infrastructure; and
- c) Utilities Facility, excluding any use which may be defined as “Industry-High Impact” in terms of the Scheme.

### 1.9.5 CANCELLATION OR MODIFICATION OF COUNCIL’S CONSENT

1.9.5.1 Any owner of land may inform the Council in writing to cancel its consent;

1.9.5.2 The Council may modify its consent subsequent to the granting thereof if, in the opinion of the Council, any condition/s subsequent to which the consent were granted should be amended, deleted or additional conditions should be added.

1.9.5.3 The Council may render void or withdraw its consent in writing and subsequent to the granting thereof if, in the opinion of the Council:

- a) any conditions subsequent to which the consent were granted, are not complied with;
- b) where any building or work referred to in any such consent has not been substantially commenced within a period of 18 months or where an appeal has been lodged, within a period of 18 months from the date of notification of the outcome of such appeal;
- c) such use has been discontinued or interrupted for a continuous period of 18 months or longer;
- d) the premises is not continuously used for residential purposes in addition to the consent use granted, where it is a condition of approval to do so; and
- e) the land use constitutes a nuisance or it is found that there is interference with the amenities of the neighbourhood arising from the use of land.

1.9.5.4 upon the lapsing or rendering void or withdrawal of a consent in terms of Clause 1.9.6.3:

- a) the practice of any consent use approved shall cease upon the relevant premises within a period to be determined by the Council, provided that such period shall not exceed six months from the date on which such consent lapsed, was rendered void or was withdrawn;
- b) the Council may direct the owner of land to demolish structures and/or restore and/or alter buildings erected to conform to a relevant primary or free entry use granted on the site. Costs associated with such building work will be for the account of the owner of land.

### 1.10 CONTRAVENTIONS OF THE SCHEME

1.10.1 An authorized official in the service of the Council may access building plans and, subject to the provisions of the Spatial Planning and Land Use Management Act, (Act 16 of 2013) and the KZN Planning and Development Act, (Act No.6 of 2008), may enter any property within the area of its jurisdiction for inspection purposes. No person shall in any way obstruct such official in the execution of his or her duties.



## SECTION 1: INTRODUCTION TO THE SCHEME

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- 1.10.2 If any person or persons contravenes any provision of this scheme, a notice issued in terms of the scheme, or a condition set by virtue of it, the Council shall be entitled to take any steps against such person or persons as provided for in legislation, including legal action.
- 1.10.3 Subject to the provisions of the KZN Planning and Development Act, (Act No.6 of 2008), a notice of contravention may be served by:
- a) Handing the notice to the affected person, an appointed representative, or legal body or any employee of such person or legal body; and/or
  - b) By sending the notice by prepaid registered post to the last registered address known to the Municipality of such person or legal body.
- 1.10.4 For the purpose of calculating any time period referred to in the notice it shall be assumed that the notice has been received by the addressee within the timeframes contemplated in Section 158 of the KZN Planning and Development Act (Act No.6 of 2008).

## SECTION 2 : LAND USE ZONES

## 2 SECTION 2: LAND USES AND BUILDINGS

### 2.1 LAND USE TYPE: AGRICULTURAL



TABLE 1: ZONE TYPE: AGRICULTURAL – ZONES, STATEMENTS OF INTENT AND COLOUR CODES		
ZONE	STATEMENT OF INTENT	COLOUR CODE
Low Impact Agriculture	A zone that provides for land and buildings where the primary activity is both intensive and extensive agricultural production of crops, livestock or products.	 Fill: <b>Pale Green 2</b> R 144, G 238, B 144
Traditional Agriculture	A zone that provides for land used for low intensity and small scale agricultural practices in association with other related uses in Traditional Authority areas, and may include market gardening, wood lots, the production of small areas of crops such as sugar cane and livestock.	 Fill: <b>Dark Olive Green 4</b> R 162, G 205, B 090

TABLE 2: ZONE TYPE: AGRICULTURAL - LAND/BUILDING USES BY ZONE		
	Zone Type: Agricultural	
	Low Impact Agriculture	Traditional Agriculture
<b>√ = Permitted Use</b> <b>● = Special Consent</b> <b>Land Uses not included in this table, are prohibited</b>		
Abattoir	●	X
Additional Dwelling Unit	●	√
Agricultural Building	√	√
Agricultural Industry	●	●

## SECTION 2 : LAND USE ZONES

TABLE 2: ZONE TYPE: AGRICULTURAL - LAND/BUILDING USES BY ZONE		
	Zone Type: Agricultural	
	Low Impact Agriculture	Traditional Agriculture
<b>√ = Permitted Use</b> <b>● = Special Consent</b> <b>Land Uses not included in this table, are prohibited</b>		
Agricultural Land	√	√
Arts & Crafts Workshop:	●	√
Bed and Breakfast	●	●
Camping and Caravan Park	●	●
Caretaker Accommodation	√	√
Carwash Facility	X	X
Cemetery Purposes	X	●
Clinic	X	●
Coffee Shop / Tea Garden	●	√
Community Garden	√	√
Conservation Purposes	√	√
Crèche	√	√
Day Care Facility	√	√
Farm Stall	√	√
Farm Worker Accommodation	√	√
Guest House	●	●
Home Activity	√	√
Home Business	√	√


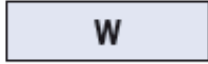
## SECTION 2 : LAND USE ZONES

TABLE 2: ZONE TYPE: AGRICULTURAL - LAND/BUILDING USES BY ZONE		
<b>√ = Permitted Use</b> <b>● = Special Consent</b> <b>Land Uses not included in this table, are prohibited</b>	Zone Type: Agricultural	
	Low Impact Agriculture	Traditional Agriculture
Homestead	√	√
Hydroponics	√	√
Impoundment Area	●	X
Lodge	●	●
Office – Professional	●	√
Place of Assembly	●	√
Place of Worship	X	√
Semi-Professional Office	●	√
Shelter (Residential)	√	√
Solar Farm	●	●
Spaza Shop / Tuck shop	√	√
Telecommunication Infrastructure	●	●
Terminal - Airfield	●	X
Tuck shop	√	√
Wind Turbines	●	●

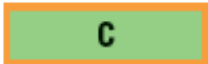

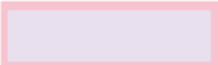
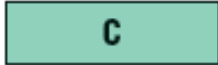
## SECTION 2 : LAND USE ZONES

TABLE 3: ZONE TYPE: AGRICULTURAL - DEVELOPMENT PARAMETERS		
DEVELOPMENT PARAMETERS	Zone Type: Agricultural	
	Low Impact Agriculture	Traditional Agriculture
Minimum Erf Area (m2 or ha)	20ha	At Council's discretion
Minimum Erf Frontage (m)	24	
Depth to Frontage Ratio	3 : 1	
Building Line (m)	7.5	
Side Space (m)	2	
Rear Space (m)	2	
Coverage (%)	12.5	
Maximum Height (Storeys)	2	

## 2.2 LAND USE TYPE: CIVIC AND SOCIAL

TABLE 1: ZONE TYPE: CIVIC AND SOCIAL – ZONES, STATEMENTS OF INTENT AND COLOUR CODES		
ZONE	STATEMENT OF INTENT	COLOUR CODE
Municipal and Government	A zone that is intended for buildings erected and used for National, Provincial and municipal administration and services.	 Fill: Peach Puff R 255, G 218, B 185
Worship	A zone that is intended for land and buildings to be used as a church, chapel, oratory, synagogue, mosque, temple, Sunday school, and other places of public devotion, but does not include a funeral parlour.	 Fill: Lavender R 230, G 230, B 250 Notation: 'W'

## SECTION 2 : LAND USE ZONES

TABLE 1: ZONE TYPE: CIVIC AND SOCIAL – ZONES, STATEMENTS OF INTENT AND COLOUR CODES		
ZONE	STATEMENT OF INTENT	COLOUR CODE
Crèche	A zone that provides for buildings or portions of buildings to be used for the care of no less than six or more infants and children during the daytime. Health bylaws must be complied with.	 <p>Fill: Bright Green R 000, G 255, B 000</p> <p>Border: Caramel R 255, G 128, B 000</p> <p>Notation: 'C'</p>
Education	A zone that provides for a full range of educational facilities, including infants, pre-primary, primary, secondary, tertiary and adult education and training with associated buildings and recreational facilities.	 <p>Fill: Bright Green R 000, G 255, B 000</p> <p>Border: Caramel R 255, G 128, B 000</p>
Health and Welfare	A zone that provides for the full range of public and private hospitals, medical centres, clinics, sanatoria, community care, welfare and social requirements, including pension pay points.	 <p>Fill: Misty Rose R 255, G 228, B 255</p> <p>Border: Light Pink R 255, G 174, B 185</p>
Cemetery	A zone that is intended for public and private cemeteries, memorial parks, and funeral chapel. Note that crematoria are usually considered through the Consent procedure.	 <p>Fill: Light Green R 062, G 230, B 162</p> <p>Notation: 'C'</p>

## SECTION 2 : LAND USE ZONES

TABLE 2: ZONE TYPE: CIVIC AND SOCIAL - LAND/BUILDING USES BY ZONE						
	Zone Type: Civic and Social					
	Municipal and Government	Worship	Crèche	Education	Health and Welfare	Cemetery
<b>√ = Permitted Use</b> <b>● = Special Consent</b> <b>Land Uses not included in this table, are prohibited</b>						
Abattoir	√	X	X	X	X	X
Additional Dwelling Unit	X	●	X	X	X	X
Agricultural Land	X	X	●	X	X	X
Arts & Crafts Workshop	X	X	X	●	X	X
Camping and Caravan Park	√	X	X	X	X	X
Caretaker Accommodation	√	√	√	√	√	X
Cemetery Purposes	√	●	X	X	X	√
Chalet Development	√	X	X	●	√	X
Clinic	X	X	X	X	√	X
Coffee Shop / Tea Garden	X	●	X	X	√	●
Community Garden	X	√	X	X	X	X
Conference Facility	√	√	X	√	X	X
Conservation Purposes	√	√	X	X	X	X
Crèche	√	●	√	√	√	X
Crematorium	√	X	X	X	●	√
Day Care Facility	X	√	√	√	√	X
Educational Building	●	X	X	√	●	X
Flea Market	X	√	X	√	X	X

## SECTION 2 : LAND USE ZONES

TABLE 2: ZONE TYPE: CIVIC AND SOCIAL - LAND/BUILDING USES BY ZONE						
<b>√ = Permitted Use</b>  <b>● = Special Consent</b> <b>Land Uses not included in this table, are prohibited</b>	Zone Type: Civic and Social					
	Municipal and Government	Worship	Crèche	Education	Health and Welfare	Cemetery
Guest House	X	●	X	X	X	X
Home Activity	X	X	√	X	X	X
Hospital	X	X	X	X	√	X
Impoundment Area	√	X	X	X	X	X
Institution	√	●	X	X	√	X
Mobile Home Park	●	X	X	X	X	X
Municipal Purposes	√	X	X	X	X	X
Office - General	√	●	X	X	X	X
Office – Professional	√	X	X	X	X	X
Place of Assembly	X	√	X	●	X	X
Place of Worship	X	√	X	X	√	√
Private Street	√	X	X	●	X	●
Private Recreational Use	●	●	●	√	X	X
Public Garage	●	X	X	X	X	X
Public Office	√	X	X	X	√	X
Public Street	√	X	X	X	X	X
Public Recreational Use	√	X	X	X	X	X
Recreational Building	X	●	X	X	X	X





## SECTION 2 : LAND USE ZONES

TABLE 2: ZONE TYPE: CIVIC AND SOCIAL - LAND/BUILDING USES BY ZONE						
	Zone Type: Civic and Social					
	Municipal and Government	Worship	Crèche	Education	Health and Welfare	Cemetery
<b>√ = Permitted Use</b>  <b>● = Special Consent</b> <b>Land Uses not included in this table, are prohibited</b>						
Residential Building	√	●	X	X	X	X
Residential - Dwelling House	X	√	√	√	X	X
Restaurant	X	X	X	X	●	X
Restricted Building	√	X	X	X	●	X
Sanatorium	√	●	X	X	√	X
Shop - General	X	X	X	X	●	X
Shop – Factory	●	●	X	●	●	X
Telecommunication Infrastructure	√	●	X	●	X	X
Terminal - Airfield	√	X	X	X	X	X
Terminal - Bus and Taxi	√	X	X	X	X	X
Terminal – Truck	√	X	X	X	√	X
Tuck shop	X	X	√	√	X	X
Utilities Facility	√	X	X	X	X	X
Vehicle Testing Station	√	X	X	X	X	X
Waste Transfer and/or Recycling Centre	√	X	X	X	X	X
Waste Transfer and/or Drop-off Station	√	X	X	X	X	X
Wind Turbines	√	X	X	●	X	X

## SECTION 2 : LAND USE ZONES

TABLE 3: ZONE TYPE: CIVIC AND SOCIAL - DEVELOPMENT PARAMETERS						
DEVELOPMENT PARAMETERS	Zone Type: Civic and Social					
	Municipal and Government	Worship	Crèche	Education	Health and Welfare	Cemetery
Minimum Erf Area (m2 or ha)	N/A	3000m2	900m2	PPS: 3000m2 PS: 1ha SS: 3ha	1800m2	1800m2
Minimum Erf Frontage (m)	18	18	18	40	18	18
Depth to Frontage Ratio	3 : 1	3 : 1	3 : 1	NA	3 : 1	3 : 1
Building Line (m)	7.5	7.5	7.5	7.5	7.5	7.5
Side Space (m)	2	2	2	2	2	2
Rear Space (m)	2	2	2	2	2	2
Coverage (%)	50	30	30	30	30	20
Maximum Height (Storeys)	2	No Limit	2	3	2	2

### 2.3 LAND USE TYPE: COMMERCIAL

TABLE 1: ZONE TYPE: COMMERCIAL – ZONES, STATEMENTS OF INTENT AND COLOUR CODES		
ZONE	STATEMENT OF INTENT	COLOUR CODE
Core Mixed Use	A zone that is intended to provide for the use of retail, entertainment, offices, residential, public facilities and related commercial uses at high intensities that comprise a Town Centre.	 Fill: <b>Antwerp Blue</b> R 000, G 064, B 128
Low Impact Mixed Use	A zone that provides for a limited range of commercial activities, offices, restaurants, residential development at residential level intensities of development and with limited impacts.	 Fill: <b>Blue</b> R 127, G 230, B 255

## SECTION 2 : LAND USE ZONES



Service Station	A zone that permits activities such as public garage, service station, and a restricted amount of space devoted to a convenience store which may include a bakery. Note: Other related uses such as car wash and restaurants are usually considered by the Consent procedure.	 <p><b>PFS</b></p> <p>Fill: Royal Blue R 065, G 105, B 255</p> <p>Notation: 'PFS'</p>
Office	A zone that provides for the development of distinct office areas adjacent to other forms of commercial development.	 <p>Fill: Golden Yellow R 255, G 204, B 000</p> <p>Border/Hatch: Process Blue R 020, G 129, B 188</p>

TABLE 2: ZONE TYPE: COMMERCIAL - LAND/BUILDING USES BY ZONE				
<p>√ = Permitted Use</p> <p>● = Special Consent</p> <p>Land Uses not included in this table, are prohibited</p>	Zone Type: Commercial			
	Core Mixed Use	Low Impact Mixed Use	Service Station	Office
Arts & Crafts Workshop:	X	√	X	X
Automotive Showroom / Vehicle Dealership	√	√	●	X
Camping and Caravan Park	X	●	●	X
Caretaker Accommodation	●	●	●	X
Carwash Facility	X	√	●	X

## SECTION 2 : LAND USE ZONES

TABLE 2: ZONE TYPE: COMMERCIAL - LAND/BUILDING USES BY ZONE				
<b>√ = Permitted Use</b> <b>● = Special Consent</b> <b>Land Uses not included in this table, are prohibited</b>	Zone Type: Commercial			
	Core Mixed Use	Low Impact Mixed Use	Service Station	Office
Clinic	●	●	X	●
Coffee Shop / Tea Garden	√	√	●	X
Commercial Workshop	√	√	X	X
Conference Facility	X	√	X	√
Crèche	X	X	X	●
Day Care Facility	X	●	X	●
Educational Building	X	X	X	√
Flea Market	X	√	X	X
Funeral Parlour	√	√	X	X
Gambling Premises	●	●	X	X
Guest House	X	●	X	X
Home Business	X	X	X	√
Hospital	X	●	X	X
Hotel	√	√	X	X
Industry - Service	●	√	X	X
Informal Trade Area	X	●	X	X
Institution	X	X	X	●
Launderette	√	√	X	X

## SECTION 2 : LAND USE ZONES

TABLE 2: ZONE TYPE: COMMERCIAL - LAND/BUILDING USES BY ZONE				
<b>√ = Permitted Use</b> <b>● = Special Consent</b> <b>Land Uses not included in this table, are prohibited</b>	Zone Type: Commercial			
	Core Mixed Use	Low Impact Mixed Use	Service Station	Office
Lodge	X	●	X	X
Mobile Home Park	X	●	X	X
Motor Vehicle Fitment Centre	X	√	X	X
Municipal Purposes	√	√	X	√
Night Club / Bar / Tavern	√	√	X	X
Office - General	√	√	X	√
Office – Professional	√	√	X	√
Place of Amusement	√	√	X	X
Place of Assembly	√	√	X	X
Place of Worship	X	X	X	●
Private Recreational Use	X	√	X	X
Public Garage	●	●	√	X
Public Office	√	√	X	√
Public Street	√	X	X	X
Public Recreational Use	√	√	X	X
Racecourse	X	●	X	X
Recreational Building	X	√	X	√
Residential Building	X	●	X	X

## SECTION 2 : LAND USE ZONES

TABLE 2: ZONE TYPE: COMMERCIAL - LAND/BUILDING USES BY ZONE				
<b>√ = Permitted Use</b> <b>● = Special Consent</b> <b>Land Uses not included in this table, are prohibited</b>	Zone Type: Commercial			
	Core Mixed Use	Low Impact Mixed Use	Service Station	Office
Residential - Medium Density	X	X	X	●
Resort Development	X	X	X	●
Restaurant	√	√	X	●
Semi-Professional Office	X	X	X	√
Service Station	√	●	√	X
Shop - General	√	√	X	X
Shop - Factory	●	√	X	X
Shop - Wholesale	●	√	X	X
Spaza Shop / Tuck shop	X	√	X	X
Tavern / Shebeen	X	●	X	X
Telecommunication Infrastructure	●	●	X	●
Terminal - Bus and Taxi	√	√	X	X
Terminal – Truck	X	X	●	X
Tuck shop	√	√	X	√
Utilities Facility	●	●	X	●
Vehicle Testing Station	X	√	X	X
Veterinary Purposes	X	√	X	X
Warehouse	X	●	X	X

## SECTION 2 : LAND USE ZONES

TABLE 3: ZONE TYPE: COMMERCIAL - DEVELOPMENT PARAMETERS				
DEVELOPMENT PARAMETERS	Zone Type: Commercial			
	Core Mixed Use	Low Impact Mixed Use	Service Station	Office
Minimum Erf Area (m <sup>2</sup> or ha)	1350m <sup>2</sup>	1350m <sup>2</sup>	1800m <sup>2</sup>	1350m <sup>2</sup>
Minimum Erf Frontage (m)	15	15	25	15
Depth to Frontage Ratio	3 : 1	3 : 1	3 : 1	3 : 1
Building Line (m)	0	0	DEPT OF TRANS	0
Side Space (m)	2	2	REQUIREMENTS	2
Rear Space (m)	2	2	& ROAD ACT	2
Coverage (%)	70	70		50
Maximum Height (Storeys)	2	2		2

## SECTION 2 : LAND USE ZONES

### 2.4 LAND USE TYPE: ENVIRONMENTAL



TABLE 1: ZONE TYPE: ENVIRONMENTAL – ZONES, STATEMENTS OF INTENT AND COLOUR CODES		
ZONE	STATEMENT OF INTENT	COLOUR CODE
Environmental Services	A zone that provides part of the sustainable open space system which includes independent or linked open space areas, and permits only limited and specific developments.	 Fill: Verdigris R 036, G 093, B 019
Soil Management	A zone that provides for the rehabilitation of degraded areas as a result of erosion and poor land management practices	 Fill: Orientale R 209, G 183, B 157 Border: Barley Beige R 176, G 112, B 080



TABLE 2: ZONE TYPE: ENVIRONMENTAL - LAND/BUILDING USES BY ZONE		
	Zone Type: Environmental	
	Environmental Services	Soil Management
v = Permitted Use ● = Special Consent Land Uses not included in this table, are prohibited		
Agricultural Land	X	√
Caretaker Accommodation	●	●
Community Garden	X	√
Conservation Purposes	√	√
Educational Building	●	●
Municipal Purposes	●	X



## SECTION 2 : LAND USE ZONES

TABLE 3: ZONE TYPE: ENVIRONMENTAL - DEVELOPMENT PARAMETERS		
DEVELOPMENT PARAMETERS	Zone Type: Environmental	
	Environmental Services	Soil Management
Minimum Erf Area (m <sup>2</sup> or ha)	N/A	N/A
Minimum Erf Frontage (m)		
Depth to Frontage Ratio		
Building Line (m)		
Side Space (m)		
Rear Space (m)		
Coverage (%)		
Maximum Height (Storeys)		

## 2.5 LAND USE TYPE: INDUSTRIAL

TABLE 1: ZONE TYPE: INDUSTRIAL – ZONES, STATEMENTS OF INTENT AND COLOUR CODES		
ZONE	STATEMENT OF INTENT	COLOUR CODE
Low Impact Industry	A zone that permits manufacturing uses which are compatible with land uses permitted in adjacent more sensitive land use zones, such as residential, mixed use and open space zones. As a light industrial zone, it would permit manufacturing activities that usually do not involve significant vibration, noise, odour, or high volume of automobile and truck traffic.	 <p>Fill: Pale Lilac R 239, G 198, B 255</p>
High Impact Industry	A zone that permits manufacturing uses which are generally compatible with other manufacturing uses. As a cumulative industrial zone, it would permit a combination of light manufacturing uses found in other zones and more intensive manufacturing uses that would	 <p>Fill: Magenta 2 R 238, G 000, B 238</p>

## SECTION 2 : LAND USE ZONES

	normally be considered incompatible with sensitive land uses.	
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TABLE 2: ZONE TYPE: INDUSTRIAL - LAND/BUILDING USES BY ZONE		
	Zone Type: Industrial	
	Low Impact Industry	High Impact Industry
<b>√ = Permitted Use</b> <b>● = Special Consent</b> <b>Land Uses not included in this table, are prohibited</b>		
Abattoir	●	√
Agricultural Building	X	●
Agricultural Industry	√	√
Agricultural Land	√	√
Arts & Crafts Workshop:	√	√
Automotive Showroom / Vehicle Dealership	●	●
Caretaker Accommodation	√	√
Carwash Facility	√	√
Commercial Workshop	√	●
Community Garden	●	X
Conservation Purposes	●	●
Crematorium	X	●
Funeral Parlour	●	X
Hydroponics	√	X
Impoundment Area	√	X
Industry – Extractive	X	√
Industry – General	√	√
Industry – High Impact	X	√
Industry – Light	√	√
Industry – Salvage	●	√
Industry - Service	√	√

## SECTION 2 : LAND USE ZONES

TABLE 2: ZONE TYPE: INDUSTRIAL - LAND/BUILDING USES BY ZONE		
	Zone Type: Industrial	
	Low Impact Industry	High Impact Industry
<b>√ = Permitted Use</b> <b>● = Special Consent</b> <b>Land Uses not included in this table, are prohibited</b>		
Informal Trade Area	●	●
Launderette	√	X
Motor Vehicle Fitment Centre	√	X
Municipal Purposes	√	X
Office - General	√	√
Public Garage	●	X
Public Office	√	X
Public Street	√	√
Racecourse	●	X
Recreational Building	●	X
Restaurant	●	X
Restricted Building	●	●
Service Station	●	X
Shop - General	√	X
Shop - Factory	√	X
Shop - Wholesale	√	X
Solar Farm	√	√
Spaza Shop / Tuck shop	√	√
Telecommunication Infrastructure	√	√
Terminal - Bus and Taxi	√	√
Terminal – Truck	√	X

## SECTION 2 : LAND USE ZONES

TABLE 2: ZONE TYPE: INDUSTRIAL - LAND/BUILDING USES BY ZONE		
	Zone Type: Industrial	
	Low Impact Industry	High Impact Industry
<p>√ = Permitted Use</p> <p>● = Special Consent</p> <p>Land Uses not included in this table, are prohibited</p>		
Tuck shop	√	√
Utilities Facility	√	√
Vehicle Testing Station	√	X
Veterinary Purposes	√	X
Warehouse	√	√
Waste Transfer and/or Recycling Centre	√	√
Waste Transfer and/or Drop-off Station	√	√
Wind Turbines	√	√

TABLE 3: ZONE TYPE: INDUSTRIAL - DEVELOPMENT PARAMETERS		
DEVELOPMENT PARAMETERS	Zone Type: Industrial	
	Low Impact Industry	High Impact Industry
Minimum Erf Area (m2 or ha)	1000m2	3000m2
Minimum Erf Frontage (m)	18	21
Depth to Frontage Ratio	3 : 1	3 : 1
Building Line (m)	7.5	10
Side Space (m)	2	3
Rear Space (m)	2	3
Coverage (%)	60	60
Maximum Height (Storeys)	2	3

## SECTION 2 : LAND USE ZONES

### 2.6 LAND USE TYPE: OPEN SPACE




TABLE 1: ZONE TYPE: OPEN SPACE – ZONES, STATEMENTS OF INTENT AND COLOUR CODES		
ZONE	STATEMENT OF INTENT	COLOUR CODE
Private Open Space	This zone provides for the development and management of privately owned areas as part of the Municipal open space system. It includes independent or linked open space areas for sporting and recreational activities and may include ancillary facilities and buildings.	 <p>Fill: Forest Green Hatch R 176, G 255, B 176</p>
Public Open Space	A zone that provides for sporting and recreational needs and permits a limited range of associated development and parking space.	 <p>Fill: Forest Green R 034, G 139, B 034</p>
Passive Open space	A zone that does not provide formal public recreational areas nor considered to be of agricultural importance.	 <p>Fill: Chartreuse 2 R 118, G 238, B 000</p>

TABLE 2: ZONE TYPE: OPEN SPACE - LAND/BUILDING USES BY ZONE			
	Zone Type: Open Space		
	Private Open Space	Public Open Space	Passive Open Space
<p>√ = Permitted Use</p> <p>● = Special Consent</p> <p>Land Uses not included in this table, are prohibited</p>			
Camping and Caravan Park	●	X	X
Coffee Shop / Tea Garden	●	CON	X





## SECTION 2 : LAND USE ZONES

TABLE 2: ZONE TYPE: OPEN SPACE - LAND/BUILDING USES BY ZONE			
	Zone Type: Open Space		
	Private Open Space	Public Open Space	Passive Open Space
<b>√ = Permitted Use</b> <b>● = Special Consent</b> <b>Land Uses not included in this table, are prohibited</b>			
Community Garden	X	X	√
Conservation Purposes	√	√	√
Flea Market	X	√	●
Informal Trade Area	X	●	X
Municipal Purposes	X	√	X
Place of Assembly	√	√	●
Private Recreational Use	√	X	X
Public Recreational Use	X	√	X
Recreational Building	OK	OK	X
Restaurant	●	X	X

TABLE 3: ZONE TYPE: OPEN SPACE - DEVELOPMENT PARAMETERS			
DEVELOPMENT PARAMETERS	Zone Type: Open Space		
	Private Open Space	Public Open Space	Passive Open Space
Minimum Erf Area (m2 or ha)	N/A	N/A	N/A
Minimum Erf Frontage (m)	N/A	N/A	N/A
Depth to Frontage Ratio	N/A	N/A	N/A
Building Line (m)	7.5	7.5	7.5
Side Space (m)	2	2	2
Rear Space (m)	2	2	2
Coverage (%)	15	15	15
Maximum Height (Storeys)	2	2	2

## SECTION 2 : LAND USE ZONES

### 2.7 LAND USE TYPE: RESIDENTIAL

TABLE 1: ZONE TYPE: RESIDENTIAL – ZONES, STATEMENTS OF INTENT AND COLOUR CODES		
ZONE	STATEMENT OF INTENT	COLOUR CODE
Low Impact Residential	A zone that is intended to promote the development of primarily detached dwelling units, but does permit multi-family dwellings, and where a limited number of compatible ancillary uses which have a non-disruptive impact on a neighbourhood amenity may be allowed.	 <p>Fill: Acid Yellow R 255, G 255, B 000</p>
Medium Impact Residential	A zone that retains a high incidence of residential land uses with an increasing number of appropriate ancillary land uses to satisfy local demands and convenience, and excludes industrial and trade uses. The residential density may increase. This is essentially a buffer zone where change of use is permitted with preservation of the existing format.	 <p>Fill: Light Brown R 204, G 102, B 000</p>
Traditional Settlement	This zone is used to manage land and buildings where the primary land use is residential settlement on land that is communally held and/or under the jurisdiction of a Traditional Authority.	 <p>Fill: Light Yellow R 255, G 255, B 153 Border: Green R 000, G 128, B 000</p>
Resort	A zone for the purposes of tourism facilities such as Bed and Breakfasts, small scale chalet complexes, small hotels, camping and caravan facilities, cottage industries and art and craft outlets.	 <p>Fill: Gold R 238, G 201, B 000 Border: Blue R 000, G 128, B 255</p>

## SECTION 2 : LAND USE ZONES

TABLE 2: ZONE TYPE: RESIDENTIAL - LAND/BUILDING USES BY ZONE			
<b>√ = Permitted Use</b> <b>● = Special Consent</b> <b>Land Uses not included in this table, are prohibited</b>	Zone Type: Residential		
	Low Impact Residential	Medium Impact Residential	Resort
Additional Dwelling Unit	●	●	●
Arts & Crafts Workshop:	X	X	●
Bed and Breakfast	●	●	●
Camping and Caravan Park	X	X	√
Caretaker Accommodation	X	●	√
Chalet Development	X	√	●
Coffee Shop / Tea Garden	X	X	√
Conference Facility	X	√	X
Conservation Purposes	X	X	√
Crèche	●	●	X
Day Care Facility	√	√	X
Educational Building	X	X	●
Guest House	●	√	X
Home Activity	√	√	X
Home Business	X	√	X
Hotel	X	●	●
Launderette	X	●	√
Lodge	●	√	√
Mobile Home Park	X	√	X





## SECTION 2 : LAND USE ZONES

TABLE 2: ZONE TYPE: RESIDENTIAL - LAND/BUILDING USES BY ZONE			
<b>√ = Permitted Use</b> <b>● = Special Consent</b> <b>Land Uses not included in this table, are prohibited</b>	Zone Type: Residential		
	Low Impact Residential	Medium Impact Residential	Resort
Night Club / Bar / Tavern	X	X	●
Office - General	X	●	X
Office – Professional	●	√	X
Place of Amusement	X	X	√
Place of Worship	X	X	●
Private Recreational Use	X	X	√
Public Recreational Use	X	X	√
Recreational Building	X	X	√
Residential Building	X	√	X
Residential - Dwelling House	√	√	X
Residential - Medium Density	●	●	√
Resort Development	X	X	√
Restaurant	X	X	√
Semi-Professional Office	X	√	X
Service Station	X	X	●
Tuck shop	X	X	√

## SECTION 2 : LAND USE ZONES

TABLE 3: ZONE TYPE: RESIDENTIAL - DEVELOPMENT PARAMETERS			
DEVELOPMENT PARAMETERS	Zone Type: Residential		
	Low Impact Residential	Medium Impact Residential	Resort
Minimum Erf Area (m2 or ha)			
Minimum Erf Frontage (m)			
Depth to Frontage Ratio		TO	
Building Line (m)		BE	
Side Space (m)		DISCUSS ED	
Rear Space (m)			
Coverage (%)			
Maximum Height (Storeys)			

## 2.8 LAND USE TYPE: TRANSPORTATION AND ACCESS

TABLE 1: ZONE TYPE: TRANSPORTATION AND ACCESS – ZONES, STATEMENTS OF INTENT AND COLOUR CODES		
ZONE	STATEMENT OF INTENT	COLOUR CODE
Existing Road	A zone that makes provision for the protection of roads and road reserves for the free movement of vehicular and pedestrian transport.	 Fill: White R 255, G 255, B 255
Future Road	A zone that makes provision for the reservation of land designated as proposed new roads and areas for road widening.	 Fill: Red R 255, G 000, B 000
Road Closure	A zone that makes provision for the closure of roads that are no longer required.	

## SECTION 2 : LAND USE ZONES

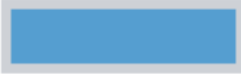

<p>Bus and Taxi Terminus</p>	<p>A zone that makes provision for the parking, drop-off and collection of passengers by public and private bus services and mini bus taxis. May include rank manager's offices, ablutions and small retail facilities for the convenience of passengers.</p>	 <b>Fill:</b> <b>Steel Blue</b> <b>R 070, G 130, B 180</b> <b>Border:</b> <b>Neutral Grey</b> <b>R 192, G 192, B 192</b>
<p>Public Parking Area</p>	<p>A zone that reserves land for vehicular parking purposes. Certain commercial activities which do not impact upon the primary use of the land for parking may be permitted.</p>	 <b>Fill:</b> <b>Salmon</b> <b>R 233, G 150, B 122</b> <b>Border:</b> <b>Neutral Grey</b> <b>R 192, G 192, B 192</b>

TABLE 2: ZONE TYPE: TRANSPORTATION AND ACCESS - LAND/BUILDING USES BY ZONE					
<p>√ = Permitted Use</p> <p>● = Special Consent</p> <p>Land Uses not included in this table, are prohibited</p>	Zone Type: Transportation and Access				
	Existing Road	Future Road	Road Closure	Bus and Taxi Terminus	Public Parking Area
Carwash Facility	X	X	X	●	●
Coffee Shop / Tea Garden	X	X	X	●	●
Flea Market	X	X	X	●	●
Informal Trade Area	X	X	X	√	X
Municipal Purposes	X	X	X	√	√
Public Street	√	√	√	√	√
Shelter	X	X	X	√	X

## SECTION 2 : LAND USE ZONES

TABLE 2: ZONE TYPE: TRANSPORTATION AND ACCESS - LAND/BUILDING USES BY ZONE					
<b>√ = Permitted Use</b> <b>● = Special Consent</b> <b>Land Uses not included in this table, are prohibited</b>	Zone Type: Transportation and Access				
	Existing Road	Future Road	Road Closure	Bus and Taxi Terminus	Public Parking Area
Terminal - Bus and Taxi	X	X	X	√	√
Terminal – Truck	X	X	X	●	√
Tuck shop	X	X	X	√	X
Utilities Facility	X	X	X	√	X

TABLE 3: ZONE TYPE: TRANSPORTATION AND ACCESS - DEVELOPMENT PARAMETERS					
DEVELOPMENT PARAMETERS	Zone Type: Transportation and Access				
	Existing Road	Future Road	Road Closure	Bus and Taxi Terminus	Public Parking Area
Minimum Erf Area (m2 or ha)	N/A	N/A	N/A	At Council's discretion	N/A
Minimum Erf Frontage (m)	N/A	N/A	N/A		15
Depth to Frontage Ratio	N/A	N/A	N/A		3 : 1
Building Line (m)	N/A	N/A	N/A		7.5
Side Space (m)	N/A	N/A	N/A		2
Rear Space (m)	N/A	N/A	N/A		2
Coverage (%)	N/A	N/A	N/A		20
Maximum Height (Storeys)	N/A	N/A	N/A		2

## SECTION 2 : LAND USE ZONES

### 2.9 LAND USE TYPE: UTILITIES AND SERVICES

TABLE 1: ZONE TYPE: UTILITIES AND SERVICES – ZONES, STATEMENTS OF INTENT AND COLOUR CODES		
ZONE	STATEMENT OF INTENT	COLOUR CODE
Utilities and Services	A zone that provides for the designation and management of land set aside for uses such as substations, waterworks, sewerage works and public utilities; sewerage pump stations.	<div style="border: 2px solid black; padding: 5px; display: inline-block; margin-bottom: 10px;"><b>US</b></div> <b>Fill:</b> Toner Grey R 212, G 207, B 203 <b>Border:</b> Black R 000, G 000, B 000 <b>Notation: 'US'</b> Dark Red R 128, G 000, B 000

TABLE 2: ZONE TYPE: UTILITIES AND SERVICES - LAND/BUILDING USES BY ZONE	
	Zone Type: Utilities and Services
<b>v = Permitted Use</b> <b>● = Special Consent</b> <b>Land Uses not included in this table, are prohibited</b>	<b>Utilities and Services</b>
Agricultural Land	✓
Conservation Purposes	✓
Municipal Purposes	✓
Telecommunication Infrastructure	✓
Utilities Facility	✓
Waste Transfer and/or Recycling Centre	✓
Waste Transfer and/or Drop-off Station	✓
Wind Turbines	✓

## SECTION 2 : LAND USE ZONES

TABLE 3: ZONE TYPE: UTILITIES AND SERVICES - DEVELOPMENT PARAMETERS	
<b>DEVELOPMENT PARAMETERS</b>	<b>Zone Type: Utilities and Services</b>
	<b>Utilities and Services</b>
Minimum Erf Area (m <sup>2</sup> or ha)	At Council's discretion
Minimum Erf Frontage (m)	
Depth to Frontage Ratio	
Building Line (m)	
Side Space (m)	
Rear Space (m)	
Coverage (%)	
Maximum Height (Storeys)	

## **SECTION 3: GENERAL CONTROLS – DESIGN AND DEVELOPMENT OF SITES**

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### **3 SECTION 3: GENERAL CONTROLS**

#### **3.1 PROVISIONS APPLICABLE TO DESIGN AND DEVELOPMENT OF SITES**

##### **3.1.1 GENERAL MATTERS FOR CONSIDERATION DURING SITE DESIGN AND DEVELOPMENT**

###### **3.1.1.1 RESTRICTION ON AREAS LIKELY TO BE SUBJECT TO FLOODING, GEOTECHNICALLY CONSTRAINED AREAS AND STEEP SLOPES**

3.1.1.1.1 Where, in the opinion of Council, a site may be restrained from a flood, geotechnical or slope perspective, the Council may request the developer to undertake a site specific floodline, geotechnical and / or slope assessment prior to or in conjunction with a special consent / rezoning / development application.

3.1.1.1.2 The Council may prohibit or restrict the erection or use of any building or the development or use of any land, where the site is situated below the 1 in 100 year floodline. Development of such site may further be subject to approval and/or restrictions in terms of the National Water Act (Act No. 36 of 1998) and its Regulations, as amended.

3.1.1.1.3 The Council may prohibit or restrict the erection or use of any building or the development or use of any land, which, in the opinion of Council, is likely to be restrained from a geotechnical perspective.

3.1.1.1.4 Development on slopes steeper than 18 degrees is not recommended. Where developers/consultants provide for development on steep slopes, a detailed geotechnical assessment would be required to specify recommendations regarding slope stability, stormwater management and erosion control measures, founding conditions and other factors to be considered.

###### **3.1.1.2 UN-SERVICED AREAS**

3.1.1.2.1 Costs associated with the provision of additional services and the payment of bulk engineering services contributions will be for the account of the developer/owner/applicant, or as per the written agreement reached between the developer/owner/applicant and Council.

3.1.1.2.2 The Council may prohibit or restrict, whether wholly or partially and either indefinitely or for a period to be determined by the Council, the erection of any building or the development or use of any land in any undeveloped part or parts of the area of the Scheme pending the extension thereto of streets, sewer, water, electricity or other essential public services.

## **SECTION 3: GENERAL CONTROLS – DESIGN AND DEVELOPMENT OF SITES**

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3.1.1.2.3 The owner of un-serviced land who desires to commence with any building operations on such portion of land and which would contravene Clause 3.1.1.2.2 above may apply to the Council for its approval of the carrying out of the operations specified in the application. In these cases, all costs associated with the provision, extension or upgrade of bulk, link and internal services shall be for the account of the applicant.

### **3.1.1.3 ROADS, ACCESS, SURFACES AND DRAINAGE**

3.1.1.3.1 Road design shall consider any applicable Road Framework Plan/s and relevant standards set by Council.

3.1.1.3.2 Vehicular ingress to and egress from any Erf or Site, from and to respectively, the Public Street System, shall be located, constructed and maintained to the satisfaction of the Council. Approval of the number of vehicular access points shall be at the sole discretion of the Council.

3.1.1.3.4 The drainage of the site and arrangements and methods for the disposal of waste- and stormwater shall comply with Council's relevant Waste and Water Services Bylaws.

3.1.1.3.5 Stormwater and wastewater control measures shall be implemented to avoid polluted water and run-off from entering the natural system. The installation of the necessary pollution control mechanisms, such as grease traps, etc. may be required and shall be undertaken to the satisfaction of Council.

### **3.1.1.4 TRAFFIC GENERATING SITES**

3.1.1.4.1 Council may, at its sole discretion, request the submission of a Traffic Impact Assessment to determine the impact that a development may have on the existing and future road networks.

3.1.1.4.2 Such assessment shall include any issues that Council may deem relevant, such as an assessment of pedestrian movement, the impact of the development on Public Transport Systems, road improvements, etc.

3.1.1.4.3 The outcomes of such assessment shall be implemented at the Developer's cost.

### **3.1.1.5 WASTE MANAGEMENT**

3.1.1.5.1 On-site waste management shall be subject to Council's Solid Waste Bylaws.

3.1.1.5.2 The storage of waste other than domestic waste must consider the risks associated with the storage of dangerous / hazardous goods, and implement safety provisions specified in terms of relevant legislation and SABS standards specifications and codes of practice.

### **3.1.1.6 PROVISION OF PUBLIC FACILITIES**

3.1.1.6.1 The Council may direct a developer to provide any public facilities it may deem necessary for the development as informed by:

- a) Guidelines for Human Settlement Planning and Design, published by the CSIR (the "Red Book" guidelines);



## SECTION 3: GENERAL CONTROLS – DESIGN AND DEVELOPMENT OF SITES

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- b) Guidelines for Planning Community Facilities in Kwazulu-Natal, as published by the Provincial Planning and Development Commission in 2008;
- c) this Scheme;
- d) Engineering Standards; and/or
- e) any plans or policies developed by the Municipality.

### 3.1.2 SITE SPECIFIC DESIGN

#### 3.1.2.1 SITE DEVELOPMENT PLANS

3.1.2.1.1 The Council may from time-to-time for the purpose of the coordinated allocation of land use rights and restrictions as contemplated in this Scheme and as a requisite for development, instruct prospective owners/developers to submit within a specified period of time to Council site development plans in respect of a specific area.

3.1.2.1.3 The Site Development plans shall amongst others provide for but not be limited to:

- a) a to-scale drawing of the site/s, building lines applicable, town planning bulk factors and controls (Floor Area Ratio, Coverage and Height factors), existing services, existing and proposed servitudes, etc.
- b) the design and layout of proposals including details as to the functioning thereof;
- c) the phasing of development (if applicable);
- d) landscaping proposals;
- e) details of the provision of essential services including storm water, sewerage disposal, pollution control, electricity and solid waste disposal; and
- f) traffic engineering details on the vehicular and pedestrian elements thereof, their implementation and management.

#### 3.1.2.2 GENERAL PROVISIONS APPLICABLE TO SITE DESIGN

3.1.2.2.1 In the absence of any specific planning guidelines, the “Guidelines for Human Settlement Planning and Design, published by the CSIR (the “Red Book” guidelines)” shall apply.

3.1.2.2.2 The Council may request any specialist study it may deem necessary to inform its decision regarding a planning application.

3.1.2.2.3 The siting of any buildings, access and structures intended to be erected or the development or use of any land shall take due cognisance of efficiency of resource use, quality of place,

## SECTION 3: GENERAL CONTROLS – DESIGN AND DEVELOPMENT OF SITES

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movement and connectivity, sustainability, crime prevention through environmental design and other design elements to the satisfaction of the Council.

3.1.2.2.4 The siting of any buildings access and structures intended to be erected or the development or use of any land shall be subject to the approval of the Council and persons intending to erect buildings or use land shall, before commencing, apply to the Council for approval of the siting, use or development.

3.1.2.2.5 In respect of any application to develop an Erf, the Council may, if it deems fit:

- a) determine the position and number of vehicular or pedestrian points of access;
- b) prevent or encourage pedestrian or vehicular access across any boundary or boundaries and require that a suitable fence, wall or other measures be erected or implemented to prevent or encourage such access;
- c) require buildings to face onto the street frontage;
- d) require buildings to face onto open space areas to increase surveillance;
- e) require provision of utility areas such as refuse collection points, washing line areas, storage and loading areas, etc.;
- f) require the provision of screens to screen off unsightly areas;
- g) prescribe buildings to face north-east or prescribe minimum distance between buildings to allow for adequate solar access;
- h) require landscaping, security measures and adequate lighting of the site; etc.

### 3.1.2.3 BUILDING LINES, SIDE AND REAR SPACES

#### 3.1.2.3.1 GENERAL PROVISIONS APPLICABLE TO BUILDING LINES

3.1.2.3.1.1 All erven, except where otherwise stated, shall be subject to a 7,5 meter building line.

3.1.2.3.1.2 Development along national and provincial roads shall comply with the standards set down in the KwaZulu-Natal Roads Act, 2001, (Act No. 4 of 2001), as amended, and the South African National Roads Agency and may not be relaxed by the Council, without the consent of the relevant roads authority. The building line restrictions are generally as follows:

- |                                       |                                                                                                      |
|---------------------------------------|------------------------------------------------------------------------------------------------------|
| a) National Roads                     | 20m measured from the edge of the road reserve boundary, subject also to any title deed restriction. |
| b) Provincial Main and District roads | 15m measured from the edge of the road reserve boundary.                                             |
| c) Un-surveyed Main Roads             | 30m measured from the centre line of the road.                                                       |
| d) Un-surveyed District Roads         | 25m measured from the centre line of the road.                                                       |

## SECTION 3: GENERAL CONTROLS – DESIGN AND DEVELOPMENT OF SITES

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3.1.2.3.1.3 Where a building line is laid down, no building other than boundary walls, fences, pergolas or architectural and garden features, shall be erected between the building line and the street line. Where a new road or road widening is required, the building line is to be set back so as to take into consideration any such new road or widening.

### 3.1.2.3.2 BUILDING LINE RELAXATIONS

3.1.2.3.2.1 The Council may, in its discretion and if the same is endorsed by the neighbouring property owners or alternatively by Special Consent, relax the building line if:

- a) the architectural effect will enhance the appearance of the street and contribute to public amenity;
- b) on account of the siting of existing buildings already located in front of the building line, or the shape, size or levels of the Erf, the enforcement of these controls will, in the opinion of the Council, render the development of the Erf unreasonably difficult; and
- c) any other special circumstances as determined by the Council.

3.1.2.3.2.2 The Council may, in its discretion, permit in any zone any building to be erected closer to any boundary than the distance specified in these clauses. In considering any application under this clause, the Council shall have due regard to any possible detrimental effect on adjoining properties.

3.1.2.3.2.3 Notwithstanding the provisions of the above clauses and in the case of swimming pools, the building line may be relaxed at the discretion of the Council to no less than 1 metre; provided that where a pool is to be constructed so that any portion of it is within 5 metres of a road boundary such pool shall be screened to the satisfaction of the Council.

3.1.2.3.2.4 Where an omnibus servitude is registered against the Title Deed of a property which prevents the relaxation of the building line, an application for the relaxation of the building line shall be accompanied by an application in terms of the KwaZulu-Natal Planning and Development Act (Act No. 6 of 2008).

### 3.1.2.3.3 SIDE AND REAR SPACES

All erven, except where otherwise stated, shall be subject to a 2 meter side and rear space restriction.

### 3.1.2.3.4 RELAXATION OF SIDE AND REAR SPACES

3.1.2.3.4.1 The Council may authorise the erection of single storey main building or outbuildings on the side and rear boundaries provided the owners of properties contiguous to the affected boundaries have indicated in writing that they would have no objection to such authorization.

3.1.2.3.4.2 Where an omnibus servitude is registered against the Title Deed of a property which prevents the relaxation of side and/or rear spaces, an application for the relaxation of side and/or rear spaces shall be accompanied by an application in terms of the KwaZulu-Natal Planning and Development Act (Act No. 6 of 2008).

3.1.2.3.4.3 The Council may, in its discretion, permit in any zone any building to be erected closer to any boundary than the distance specified in these clauses if on account of the siting of existing

## SECTION 3: GENERAL CONTROLS – DESIGN AND DEVELOPMENT OF SITES

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buildings or the shape, size or levels of the Erf, the enforcement of these controls will, in the opinion of the Council, render the development of the Erf unreasonably difficult. In considering any application under this clause the Council shall have due regard to any possible detrimental effect on adjoining properties.

- 3.1.2.3.4.4 Where access to parking courts is required, the side space of affected erven shall be calculated from the boundaries of such access road.

### 3.1.2.4 PARKING REQUIREMENTS

#### 3.1.2.4.1 THE GENERAL PROVISIONS AND CALCULATION OF PARKING BAYS REQUIRED

- 3.1.2.4.1.1 Any person intending to erect, alter or extend a building or develop or use any Erf shall provide on-site parking within the boundaries of the site in accordance with the standards and requirements set out in Tables 2A and 2B.

- 3.1.2.4.1.2 When computing the total number of parking and loading spaces required in respect of any specific use or building, such number shall be determined to the greater whole number.

- 3.1.2.4.1.3 Where the use proposed is not contained in this document, parking shall be provided at the discretion of the Council.

- 3.1.2.4.1.4 Except where otherwise determined, a parking space, inclusive of manoeuvring area, which is provided on a site except a site which is reserved in terms of the scheme as a public car park, shall be 30m<sup>2</sup> in extent.

#### 3.1.2.4.2 RELAXATION OF PARKING REQUIREMENTS

- 3.1.2.4.2.1 Subject to its approval or consent thereto being sought in writing, the Council may relax the parking requirements imposed:

- a) in respect of unskilled employees;
- b) where in its opinion, certain land uses (e.g. hotels), have a clientele which is brought onto site by means of bulk transport as opposed to individual vehicles; and/or
- c) under circumstances where the imposition of the parking requirements is impracticable or detrimental to safety or amenity of the general public.

- 3.1.2.4.2.2 The Municipal Manager may relax the parking bay requirement to a maximum of 10% upon consideration of circumstances (excluding public transport considerations) peculiar to the development.

- 3.1.2.4.2.3 Public transport facilities shall be provided at the discretion of the Municipal Manager in addition to satisfying the parking requirement. In this regard the Municipality may relax the parking bay requirement to a maximum of 25% upon consideration of the public transport facilities proposed.

- 3.1.2.4.2.4 The Council may at any time vary the foregoing requirements if the character or type of activity being conducted on a site is changed or altered to an extent which, in the opinion of the Council, materially alters the number and type of vehicles generated by the site, provided that in no case shall such variation of requirements result in the number of vehicular parking spaces provided or to

## SECTION 3: GENERAL CONTROLS – DESIGN AND DEVELOPMENT OF SITES

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be provided exceed the parking requirements set out in Tables 2A and 2B for the amended use or uses.

### 3.1.2.4.3 THE DESIGN, CONSTRUCTION AND MAINTENANCE OF PARKING AREAS

3.1.2.4.3.1 All parking areas, parking spaces, access, drainage, lighting, landscaping, maneuvering areas, etc. shall be to the satisfaction of and subject to the approval of the Council. In the event of any such aforesaid area not being in conformity with the provisions of this Scheme, then, notwithstanding anything in any bylaw contained, no building plan shall be approved prior to the granting of such aforesaid approval of Council.

3.1.2.4.3.2 All vehicle parking spaces, access and maneuvering areas shall be permanently hardened or sealed and maintained in a dust free condition to the satisfaction of Council. Council may require the installation of pollution control mechanisms such as grease traps, to protect water resources from polluted runoff.

3.1.2.4.3.3 Clause 3.1.2.4.3.2 may be relaxed at the sole discretion of Council in cases where a worship site is used only one day per week and not frequently used for any other purpose during the course of the week.

Therefore, the portion of a parking area provided for a worship site that is used only one day per week need not be permanently hardened, but must be maintained in a dust free condition. Any part of a parking area provided for a worship site that is used more than one day per week, such as an educational building, offices, etc. must be permanently hardened.

An application for relaxation of Clause 3.1.2.4.3.2 must be submitted in writing. Once approved, Council reserves the right to cancel its approval should the condition of the parking area deteriorate to such an extent that the parking area is no longer deemed dust free.

3.1.2.4.3.4 Except where required in terms of this Scheme or any other law, a parking space need not be roofed over.

3.1.2.4.3.5 Every parking space required in terms of this Scheme shall be clearly marked and defined to the satisfaction of Council.

3.1.2.4.3.6 Parking areas shall be provided with adequate lighting, ventilation and landscaping to the satisfaction of Council.

3.1.2.4.3.7 Provided that and except with the express approval of Council:

- a) the vehicular access/exit to a site shall be restricted to not more than one combined vehicular access/exit each per site per street abutting the site;
- b) the vehicular access/exit to a site shall be restricted to a maximum width of 7,5 metres where it crosses the street boundary;
- c) no vehicular crossing over the pavement shall be located nearer than 5 metres to any street corner (i.e. the point of intersection of two street boundaries).

3.1.2.4.3.8 A building completion certificate, as provided for in National Building Regulations and Building Standards Act, as amended, shall not be issued unless the vehicular parking area or areas,

## SECTION 3: GENERAL CONTROLS – DESIGN AND DEVELOPMENT OF SITES

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indicated in accordance with the provisions of this Scheme, on a relevant building plan, have been constructed and completed to the satisfaction of Council.

3.1.2.4.3.9 Except where in this scheme it is otherwise expressly provided, off-street parking areas shall conform to the following minimum standards and dimensions:

- a) Parallel parking spaces shall be 2,5m wide and 5m long with a maneuvering space of 2,5m in length between each pair of bays. A minimum adjacent aisle width of 3m shall be provided for gaining access.
- b) Vehicles shall be parked in such a way that each vehicle can be moved freely in and out of its parking space in a single manoeuvre.
- c) The parking layout shall be so designed that structural members such as columns, beams, walls, etc. shall not obstruct the free maneuvering of vehicles into and out of parking spaces.

3.1.2.4.3.10 All parking areas shall be maintained to the satisfaction of the Council.

## SECTION 3: GENERAL CONTROLS – DESIGN AND DEVELOPMENT OF SITES

**Table 2A: Parking Requirements**

COLUMN 1	COLUMN 2		COLUMN 3		COLUMN 4	
BUILDING AND LAND USE TYPES FOR WHICH PARKING IS REQUIRED.	PRIMARY REQUIREMENTS - NUMBER OF PARKING SPACES REQUIRED.		ADDITIONAL OR ALTERNATIVE PARKING REQUIREMENTS		TOTAL PARKING REQUIREMENTS	
	Number	Unit	Number	Unit	Number	Unit
<b>AGRICULTURAL AND OPEN SPACE USES</b>						
Agricultural Land and Buildings Community Garden Conservation Purposes	At the sole discretion of the Council					
Farm Stall	2.00	Per stall	1.00	30 m <sup>2</sup> floor area or part thereof	Greater of Column 2 or Column 3	
<b>RESIDENTIAL DWELLINGS</b>						
Residential - Dwelling House or Unit Additional Dwelling Unit Caretaker Accommodation	1.00	Per Dwelling Unit	n/a	n/a	1,00 Per Dwelling Unit	
Homestead Farm Worker Accommodation Shelter	At the sole discretion of the Council					
Home Activity or Business (determined as per the use implemented as set out below):						
• Bed and Breakfast / Guest House	1,00	Per Dwelling Unit	1.00	Per Lettable Room	Total Of Column 2 And Column 3	
• Home Office	1,00	Per Dwelling Unit	1.00	30m <sup>2</sup> floor area or part thereof		
• Office - Professional	1,00	Per Dwelling Unit	1.00	30m <sup>2</sup> floor area or part thereof		
• Tuck Shop/Spaza Shop	1,00	Per Dwelling Unit	1.00	20m <sup>2</sup> floor area or part thereof		
• Day Care Facility	1,00	Per Dwelling Unit	1	Per every 6 children or 4 adults receiving care		

## SECTION 3: GENERAL CONTROLS – DESIGN AND DEVELOPMENT OF SITES

COLUMN 1	COLUMN 2		COLUMN 3		COLUMN 4	
BUILDING AND LAND USE TYPES FOR WHICH PARKING IS REQUIRED.	PRIMARY REQUIREMENTS - NUMBER OF PARKING SPACES REQUIRED.		ADDITIONAL OR ALTERNATIVE PARKING REQUIREMENTS		TOTAL PARKING REQUIREMENTS	
	Number	Unit	Number	Unit	Number	Unit
<ul style="list-style-type: none"> <li>All other uses not listed above</li> </ul>	1,00	Per Dwelling Unit	1.00	30m <sup>2</sup> floor area or part thereof		
Residential Building, Medium Density Housing and Chalets	1.00	Per Dwelling Unit	1.00	Per every two dwelling units for visitors	Total Of Column 2 And Column 3	
<b>TRANSIENT ACCOMMODATION FACILITIES</b>						
Hotel	1,25	Per Lettable Room	1,00	20m <sup>2</sup> floor area or part thereof of a lounge or function room, or part thereof	Total Of Column 2 And Column 3	
Lodge	1,25	Per Lettable Room	1,00	20m <sup>2</sup> floor area or part thereof of a lounge or function room, or part thereof	Total Of Column 2 And Column 3	
Chalet Development and other holiday accommodation units (refer to Residential Dwellings above)						
Resort Development	As per use implemented and informed by a Site Development Plan, at the sole discretion of Council					
Camping and Caravan Park Mobile Home Park	As per use implemented and informed by a Site Development Plan, at the sole discretion of Council					
<b>COMMERCIAL USES</b>						
Launderette Restaurant / Bar / Night Club / Tavern	1,00	15 m <sup>2</sup> for floor area or part	1,00	140m <sup>2</sup> floor area or part thereof for	Total Of Column 2 And Column 3	



## SECTION 3: GENERAL CONTROLS – DESIGN AND DEVELOPMENT OF SITES

COLUMN 1	COLUMN 2		COLUMN 3		COLUMN 4	
BUILDING AND LAND USE TYPES FOR WHICH PARKING IS REQUIRED.	PRIMARY REQUIREMENTS - NUMBER OF PARKING SPACES REQUIRED.		ADDITIONAL OR ALTERNATIVE PARKING REQUIREMENTS		TOTAL PARKING REQUIREMENTS	
	Number	Unit	Number	Unit	Number	Unit
Shop – General (In Commercial 1, and all other zones not specified below) Coffee Shop / Tea Garden		thereof (excluding warehousing and storage)		warehousing or storage		
General Showroom Shop – General (in Commercial 2 and Lifestyle Centre Zones) Shop – Factory Shop – Wholesale	1,00	25 m <sup>2</sup> floor area or part thereof (excluding warehousing and storage)	1,00	140m <sup>2</sup> floor area or part thereof for warehousing or storage	Total Of Column 2 And Column 3	
Shop – General (in General and Light industrial Areas) Shop – General (In Commercial 3, Mixed Use Medium and Low Impact zones, Smallholdings, Rural Node, Retirement Village, Resort Low Impact and Parking Erf/Garage Zones) Arts and Crafts Workshop	1,00	30 m <sup>2</sup> floor area or part thereof (excluding warehousing and storage)	1,00	140m <sup>2</sup> floor area or part thereof for warehousing or storage	Total Of Column 2 And Column 3	
Conference Facility	1.00	20 m <sup>2</sup> floor area or part thereof	n/a	n/a	1.00	20 m <sup>2</sup> floor area or part thereof
Gambling Premises	1.00	20 m <sup>2</sup> floor area or part thereof	n/a	n/a	1.00	20 m <sup>2</sup> floor area or part thereof
Flea Market Informal Trade Area	At the sole discretion of the Council					
<b>RECREATION, PUBLIC AMUSEMENT OR ASSEMBLY</b>						
Place of Amusement Place of Assembly	1,00	Per 20 m <sup>2</sup> floor area or part thereof	n/a	n/a	1,00	Per 20 m <sup>2</sup> floor area or part thereof
Private and Public Recreational Use	As per use implemented and informed by a Site Development Plan, at the sole discretion of Council					
Recreational Buildings:						
Stadium / Sport Arena	1,00	6 seats (fixed)	1,00	25 m <sup>2</sup> floor area or	Greater of Column 2 or Column 3	

## SECTION 3: GENERAL CONTROLS – DESIGN AND DEVELOPMENT OF SITES

COLUMN 1	COLUMN 2		COLUMN 3		COLUMN 4	
BUILDING AND LAND USE TYPES FOR WHICH PARKING IS REQUIRED.	PRIMARY REQUIREMENTS - NUMBER OF PARKING SPACES REQUIRED.		ADDITIONAL OR ALTERNATIVE PARKING REQUIREMENTS		TOTAL PARKING REQUIREMENTS	
	Number	Unit	Number	Unit	Number	Unit
		and/or per 25m <sup>2</sup> or part thereof if seats are not fixed		part thereof		
Sport Club / Clubhouse	1,00	20m <sup>2</sup> floor area or part thereof	n/a	n/a	1,00	20m <sup>2</sup> floor area or part thereof
Gymnasium	1,00	15m <sup>2</sup> floor area or part thereof	n/a	n/a	1,00	15m <sup>2</sup> floor area or part thereof
All other Recreational Buildings	At the sole discretion of the Council					
<b>OFFICE USES</b>						
Public Office Office – General	1,00	30 m <sup>2</sup> floor area or part thereof	n/a	n/a	1,00	30 m <sup>2</sup> floor area or part thereof
Office – Professional Veterinary Purposes	1,00	30m <sup>2</sup> floor area or part thereof	5	Parking Bays per Medical Practitioner or Vet	Greater of Column 2 or Column 3	
<b>FILLING STATIONS AND VEHICLE REPAIRS</b>						
Automotive Showroom / Vehicle Dealership and workshops Motor Vehicle Fitment Centre Public Garage Service Station Carwash Facility	1,00	50 m <sup>2</sup> floor area or part thereof	1,00	15m <sup>2</sup> or 20m <sup>2</sup> floor area or part thereof for a Shop Component	Total Of Column 2 And Column 3	
<b>INDUSTRIAL, WORKSHOPS AND WAREHOUSING</b>						

## SECTION 3: GENERAL CONTROLS – DESIGN AND DEVELOPMENT OF SITES

COLUMN 1	COLUMN 2		COLUMN 3		COLUMN 4	
BUILDING AND LAND USE TYPES FOR WHICH PARKING IS REQUIRED.	PRIMARY REQUIREMENTS - NUMBER OF PARKING SPACES REQUIRED.		ADDITIONAL OR ALTERNATIVE PARKING REQUIREMENTS		TOTAL PARKING REQUIREMENTS	
	Number	Unit	Number	Unit	Number	Unit
Commercial Workshop Impoundment Area Industry – Service	1,00	100m <sup>2</sup> floor area or part thereof	1,00  1,00	30m <sup>2</sup> floor area or part thereof for an Office Component  30m <sup>2</sup> floor area or part thereof for a Shop Component	Total Of Column 2 And Column 3	
Agricultural Industry, including Abattoir Industry - Bulk Storage Industry - General Industry - Light Industry - Salvage Industry - Extractive Vehicle Testing Station Warehouse	1,00	100m <sup>2</sup> floor area or part thereof	1,00  1,00	30m <sup>2</sup> floor area or part thereof for an Office Component  30m <sup>2</sup> floor area or part thereof for a Shop Component	Total Of Column 2 And Column 3	
Funeral Parlour	1,00	30m <sup>2</sup> floor area or part thereof	n/a	n/a	1,00	30m <sup>2</sup> floor area or part thereof
<b>SOCIAL USES</b>						
Educational Building (Excluding Schools, Tertiary Institutions and Crèches / Day Care Facilities)	1,00	30m <sup>2</sup> floor area or part thereof	n/a	n/a	1,00	30m <sup>2</sup> floor area or part thereof
Tertiary Institutions – As per use implemented based on Site Development / Building Plans as follows:					Total of uses implemented	
- Lecture Halls	1,00	6 seats (fixed) and/or per 25m <sup>2</sup> if seats are not fixed	1,00	25 m <sup>2</sup> floor area	Greater of Column 2 or Column 3	

## SECTION 3: GENERAL CONTROLS – DESIGN AND DEVELOPMENT OF SITES

COLUMN 1	COLUMN 2		COLUMN 3		COLUMN 4	
BUILDING AND LAND USE TYPES FOR WHICH PARKING IS REQUIRED.	PRIMARY REQUIREMENTS - NUMBER OF PARKING SPACES REQUIRED.		ADDITIONAL OR ALTERNATIVE PARKING REQUIREMENTS		TOTAL PARKING REQUIREMENTS	
	Number	Unit	Number	Unit	Number	Unit
- Cafeterias, restaurants, gymnasiums	1,00	15m <sup>2</sup> floor area or part thereof	n/a	n/a	1,00	15m <sup>2</sup> floor area or part thereof
- Office	1,00	40m <sup>2</sup> floor area or part thereof	n/a	n/a	1,00	30m <sup>2</sup> floor area or part thereof
- Store rooms	1,00	140m <sup>2</sup> floor area or part thereof	n/a	n/a	1,00	140m <sup>2</sup> floor area or part thereof
- Residential Building	1,00	Per Bedroom	5,00	Per residence for visitors	Total Of Column 2 And Column 3	
- Workshop	1,00	100m <sup>2</sup> floor area or part thereof	n/a	n/a	1,00	100m <sup>2</sup> floor area or part thereof
Educational Building – Schools (including “school” provided for under Restricted Building) and Crèches / Day Care Facilities	1,00	Per Class Room	1,00	30m <sup>2</sup> floor area or part thereof for an Office Component	Total Of Column 2 And Column 3	
Institution - Hospital, Convalescent Home / Step Down Facility, Sanatorium or Mental Hospital	1,00	Per Bed	1,00 1,00	30m <sup>2</sup> floor area or part thereof for an Office or Professional Office Component  15m <sup>2</sup> floor area or part thereof for a Shop Component	Total Of Column 2 And Column 3	

## SECTION 3: GENERAL CONTROLS – DESIGN AND DEVELOPMENT OF SITES

COLUMN 1	COLUMN 2		COLUMN 3		COLUMN 4	
BUILDING AND LAND USE TYPES FOR WHICH PARKING IS REQUIRED.	PRIMARY REQUIREMENTS - NUMBER OF PARKING SPACES REQUIRED.		ADDITIONAL OR ALTERNATIVE PARKING REQUIREMENTS		TOTAL PARKING REQUIREMENTS	
	Number	Unit	Number	Unit	Number	Unit
Institution other than Hospital or Convalescent Home / Step Down Facility Restricted Building (other than a Sanatorium, Schools and Mental Hospital)	1,00	30m <sup>2</sup> floor area or part thereof	n/a	n/a	1,00	30m <sup>2</sup> floor area or part thereof
Place of Worship	1,00	6 seats (fixed) and/or per 25m <sup>2</sup> if seats are not fixed	1,00	25 m <sup>2</sup> floor area	Greater of Column 2 or Column 3	
			1,00	15m <sup>2</sup> floor area or part thereof for a Coffee Shop Component	Total Of Column 2 And Column 3	
<b>PUBLIC AND OTHER TRANSPORTATION ORIENTATED USES</b>						
Terminal - Airfield Terminal – Bus and Taxi	As per use implemented and informed by a Site Development Plan, at the sole discretion of Council					
<b>SERVICES</b>						
Cemetery Purposes Municipal Purposes Telecommunication Infrastructure Utilities Facility Waste Transfer / Recycling Centre Waste Drop-off / Transfer Station	At the sole discretion of the Council					
<b>OTHER</b>						
All uses not specified in this table Special Use	At the sole discretion of the Council					

## SECTION 4: ADDITIONAL PROVISIONS APPLICABLE TO LAND USE ZONES AND/OR LAND USES

**Table 2B : Bay and Aisle Dimensions (meters)**

PARKING ANGLE	BAY WIDTH	AISLE WIDTH	PERPENDICULAR DEPTH OF BAYS		PARALLEL WIDTH OF BAYS
			<b>Two-Way Traffic</b>		
			No Overhang	Kerb Overhang	
90°	2,7	7,5	5,0	4,5	2,74
			<b>One-Way Traffic</b>		
			No Overhang	Kerb Overhang	
90°	2,7	6,0	5,0	4,5	2,7
60°	2,7	5,5	4,8	4,5	3,2
45°	2,7	3,5	4,8	4,5	3,9
30°	2,7	3,0	4,8	4,5	5,5

### 3.1.2.5 LOADING REQUIREMENTS

#### 3.1.2.5.1 GENERAL PROVISIONS AND CALCULATION OF LOADING ZONES REQUIRED

- 3.1.2.5.1.1 For the purposes of this Clause, a loading area means an area upon the site of a building, set aside for the accommodation of vehicles onto which goods or materials are to be loaded or from which goods or materials are to be off-loaded and for such loading and off-loading.
- 3.1.2.5.1.2 Any person intending to erect, alter or extend a building or develop or use any Erf or building or conduct an activity where, in the opinion of the Council, it is necessary and desirable for such loading areas to be provided, shall provide adequate on-site loading areas to the satisfaction of and subject to the approval of the Council in accordance with the requirements set out in Table 2C.
- 3.1.2.5.1.3 The loading or off-loading of goods or materials onto or from vehicles, shall not, under any circumstances, be permitted in or upon any street, nor shall any person permit goods or materials of any other nature whatsoever to be loaded onto or off-loaded from any vehicles in or upon any street, except within such portions of a street which may have been specifically set aside and demarcated for such purposes by the Council, or, with the authority of the Council.
- 3.1.2.5.1.4 Loading areas required to be provided under Clause 3.1.2.5 shall be in addition to any parking provided in terms of Clause 3.1.2.4.
- 3.1.2.5.1.5 When computing the total number of loading zones required in respect of any specific use or building such number shall be determined to the greater whole number.
- 3.1.2.5.1.6 Except where otherwise determined, a loading zone, inclusive of maneuvering area shall be 75m<sup>2</sup> in extent.

## **SECTION 4: ADDITIONAL PROVISIONS APPLICABLE TO LAND USE ZONES AND/OR LAND USES**

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### **3.1.2.5.2 RELAXATION OF LOADING ZONE REQUIREMENTS**

3.1.2.5.2.1 The Council may, at its sole discretion and subject to its approval or consent thereto being sought, relax the loading zone requirements imposed under this Clause:

- a) under circumstances where the imposition of the loading zone requirements is impracticable or detrimental to safety or amenity of the general public;
- b) in respect of floor areas which at the sole discretion of the Council, do not justify the provision of loading zones in accordance with the laid down ratios.

3.1.2.5.2.2 The Council may at any time vary the foregoing requirements if the character or type of activity being conducted on a site is changed or altered to an extent which, in the opinion of the Council, materially alters the number and type of vehicles generated by the site, provided that in no case shall such variation of requirements result in the number of loading zones provided or to be provided exceed the loading zone requirements set out in Table 2C.

### **3.1.2.5.3 THE DESIGN, CONSTRUCTION AND MAINTENANCE OF LOADING AREAS**

3.1.2.5.3.1 All loading zones, accesses and maneuvering areas shall be to the satisfaction of and subject to the approval of the Council. In the event of any such aforesaid areas not being in conformity with the provisions of this Scheme, then, notwithstanding anything in any bylaw contained, no building plan shall be approved prior to the granting of such aforesaid approval of the Council.

3.1.2.5.3.2 Loading bays provided for the delivery of foodstuffs and/or perishable goods must be provided separately from an area used for the storage and collection of waste, in order to avoid cross-contamination.

3.1.2.5.3.3 All loading zones, accesses thereto and maneuvering areas shall be permanently hardened, paved or sealed and maintained in a dust free condition to the satisfaction of the Council. Council may require the installation of pollution control mechanisms such as grease traps, to protect water resources from polluted runoff.

3.1.2.5.3.4 Except where required in terms of this Scheme or any other law, a loading zone need not be roofed over.

3.1.2.5.3.5 Every loading zone required in terms of this Scheme shall be clearly marked and defined to the satisfaction of the Council.

3.1.2.5.3.6 Adequate lighting shall be provided for loading bays to the satisfaction of Council.

3.1.2.5.3.7 A building completion certificate, as provided for in the National Building Regulations and Building Standards Act (Act 103 of 1977), as amended, shall not be issued unless the loading zone or zones, indicated on a relevant building plan, in accordance with the provisions of this Scheme, has/have been constructed and completed to the satisfaction of the Council.

3.1.2.5.3.8 Loading areas shall be maintained to the satisfaction of the Council.

## SECTION 4: ADDITIONAL PROVISIONS APPLICABLE TO LAND USE ZONES AND/OR LAND USES

**Table 2C: Loading Requirements**

COLUMN 1	COLUMN 2		COLUMN 3	
BUILDING AND LAND USE TYPES FOR WHICH LOADING BAYS ARE REQUIRED.	PRIMARY REQUIREMENTS - NUMBER OF LOADING BAYS		AMBULANCE OR DEDICATED LOADING BAYS	
	Number	Unit	Number	Unit
<b>TRANSIENT ACCOMMODATION FACILITIES</b>				
Hotel	1,00	Per Hotel	n/a	n/a
<b>COMMERCIAL USES</b>				
Launderette Restaurant / Bar / Night Club / Tavern Shop – General Shop – Factory Shop on land zoned “industrial” Arts and Crafts Workshop General Showroom Shop – Wholesale Conference Facility Stadium / Sport Arena Automotive Workshop Automotive Showroom / Vehicle Dealership Motor Vehicle Fitment Centre Public Garage Service Station Commercial Workshop Impoundment Area Service Workshop Industry – Service Industry - Light Warehouse	1,00	500m <sup>2</sup> for first 1000m <sup>2</sup> or part thereof and thereafter 1 per 1000m <sup>2</sup>	n/a	n/a
<b>INDUSTRIAL USES</b>				
Agricultural Industry, including Abattoir Industry - Bulk Storage Industry - General Industry - Salvage Industry - Extractive	1,00	1000m <sup>2</sup> floor area of part thereof	n/a	n/a
<b>SOCIAL USES</b>				
Educational Building – Schools and Crèches / Day Care Facilities	At the sole discretion of Council		Bus / Taxi loading facilities / parking at the discretion of Council and in liaison with the facility.	



## SECTION 4: ADDITIONAL PROVISIONS APPLICABLE TO LAND USE ZONES AND/OR LAND USES

COLUMN 1	COLUMN 2		COLUMN 3	
BUILDING AND LAND USE TYPES FOR WHICH LOADING BAYS ARE REQUIRED.	PRIMARY REQUIREMENTS - NUMBER OF LOADING BAYS		AMBULANCE OR DEDICATED LOADING BAYS	
	Number	Unit	Number	Unit
Tertiary Institutions	1.00  Plus  1,00	Per institution  Per 500m <sup>2</sup> for first 1000m <sup>2</sup> or part thereof and thereafter 1 per 1000m <sup>2</sup> for any commercial uses implemented	Bus / Taxi loading facilities / parking at the discretion of Council and in liaison with the facility.	
Institution other than Hospital or Convalescent Home / Step Down Facility	At the sole discretion of Council		Ambulance Loading Bays at the discretion of Council and in liaison with the facility. Bus / Taxi loading facilities / parking at the discretion of Council and in liaison with the facility.	
Institution - Hospital, Convalescent Home / Step Down Facility or Sanatorium (excluding medical offices)	1.00	Per institution	Ambulance Loading Bays at the discretion of Council and in liaison with the facility. Bus / Taxi loading facilities / parking at the discretion of Council and in liaison with the facility.	
<b>OTHER</b>				
All uses not listed above		At the sole discretion of the Council		

### 3.1.2.6 SUB-DIVISIONAL DESIGN STANDARDS

3.1.2.6.1 Land within the area of the Scheme shall not, except where it is deemed by the Council to be in the public interest to do so, be subdivided in any way or manner whatsoever so as to deprive any subdivided portion of land direct vehicular access to the public street system.

3.1.2.6.2 Land within the area of the Scheme shall not, except with the approval of the Council and then subject to any relevant provision of the Scheme, be subdivided in any way or manner whatsoever so as to create an erf:

- a) which is, in the opinion of Council, significantly smaller than the surrounding properties; and

## SECTION 4: ADDITIONAL PROVISIONS APPLICABLE TO LAND USE ZONES AND/OR LAND USES

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- b) smaller than the minimum prescribed erf size for each category of erven in terms of the Scheme. The minimum prescribed extent of an erf shall exclude an access way in the case of "hatchet-shaped" erven.
- 3.1.2.6.3 The ratio of street frontage to depth of a site shall be to the satisfaction of the Council and shall not exceed a ratio of 1:3 except under special circumstances related to topographical or layout consideration or the shape of the Erf.
- 3.1.2.6.4 A site of irregular shape shall be capable of containing within its boundaries a rectangle, the ratio between the width and length of which shall not be less than 1:3 and which shall have an area of at least 50% of such Site, or the minimum prescribed area of a Site, whichever is the greater.
- 3.1.2.6.5 Points of ingress to and egress from an industrial site to and from the public street system, respectively, shall be located, designed, constructed and maintained to the satisfaction of the Council.
- 3.1.2.6.6 In cases where access from any subdivided portion of land to the public street system is via an access strip or access road (so-called "Panhandle" or "Hatchet-shaped" erven):
- a) the area of the Site, for the purposes of the Scheme, does not include the area of such access strip or road;
  - b) such access strip or road shall not exceed 35 metres in length, provided that the Council may, under exceptional circumstances and at its sole discretion, approve a maximum length in excess of 35 metres;
  - c) such access strip or road giving access to the site shall have a minimum width of:
    - (i) not less than 4 metres;
    - (ii) not less than 7 metres if access/egress is provided to more than one erf; or
    - (iii) 10 metres in the case of an erf that would give access to larger vehicles such as trucks.
  - d) the average width of such site, measured to the satisfaction of the Council, shall be deemed to be the street frontage of such Site; and
  - e) the access strip or road at all times be kept in a dust free condition and be maintained to the satisfaction of the Council; provided that, if so required by the Council, such access strip or road shall be hardened, surfaced or paved to the satisfaction of the Council.
- 3.1.2.6.7 An application for the subdivision of agricultural land which is subject to the Subdivision of Agricultural Land Act (Act 70 of 1970) shall be accompanied by a consent issued by the relevant Department in terms of this Act. In general, subdivision of agricultural land shall not impact on the viability of the land to be utilized for agricultural purposes.
- 3.1.2.7 PERMANENT CLOSURE OF STREETS AND PUBLIC PLACES**
- 3.1.2.7.1 An applicant may apply to Council for the permanent closure of a public place or public street.
- 3.1.2.7.2 In respect of an application for the permanent closure of a public place, the Council may direct an applicant to:

## **SECTION 4: ADDITIONAL PROVISIONS APPLICABLE TO LAND USE ZONES AND/OR LAND USES**

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- a) Undertake an assessment of the likely impact that such permanent closure may have on access to public places, i.e. an assessment of the “Guidelines for Human Settlement Planning and Design, published by the CSIR (the “Red Book” guidelines);
- b) Direct an applicant to replace a public place and/or pay compensation to Council in order to develop existing open spaces and/or replace the public place.

### **3.1.2.8 EXTERNAL APPEARANCE AND APPROVAL OF BUILDINGS**

3.1.2.8.1 The character, design and external appearance of buildings, and boundary walls, including the material used in their construction, shall be subject to the approval of the Council, and no building may be erected without the approval of the Council.

3.1.2.8.2 When considering any application, the Council shall have regard to the character of the locality in which the building is proposed to be erected and shall take into account whether or not the building will be injurious to the amenities of the locality by reason of its external appearance or the materials which are to be used.

3.1.2.8.3 Any person intending to alter, extend or erect a building shall submit such drawings as are required by the Council together with whatever other indications the Council may require.

3.1.2.8.4 The Council shall approve the application either unconditionally or subject to such conditions as it may deem fit, or it may refuse to grant the application on the grounds that the external appearance of such building is unacceptable.

3.1.2.8.5 Any applicant aggrieved by any decision in terms of Clause 3.1.2.9.5 shall have the right of appeal to the Municipal Appeal Tribunal.

3.1.2.8.6 The approval by the Council of the design and external appearance of the proposed buildings, additions or alterations shall not be deemed to be an approval in terms of any other provisions of the scheme or of the Building Bylaws/Regulations, which approval shall first be applied for and obtained before any building work is commenced with.

## **3.2 PROVISIONS APPLICABLE TO THE USE OF SITES**

### **3.2.1 DEPOSITING OF WASTE MATERIAL**

No land in any use zone may be used for the purpose of the deposit or disposal of waste material or refuse, tipping, dumping, scrap yard, used car lot, or any other similar purpose until the owner or his/her duly authorised representative has applied for and received the written approval of the Council or other relevant authority.

### **3.2.2 WELLS AND BOREHOLES**

No wells or boreholes shall be sunk on any land within the area of the Scheme, nor any subterranean water extracted therefrom without the prior approval of the Council.

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### **3.2.3 ADVERTISING**

Any person wishing to display an advertisement or signboard/hording must first submit a written application to the Council for consideration and approval in terms of the Municipality's Advertising Sign Bylaws.

### **3.2.4 MAINTENANCE OF PREMISES**

3.2.4.1 The owner and/or occupier, as the case may be, of any land within the Municipal area shall be responsible for the maintenance of the whole development on and of such land and the keeping thereof in a state of good and serviceable repair.

3.2.4.2 In the event of the Council being of the opinion that any premises or part thereof is not kept in a satisfactory state of maintenance, the Council may serve written notice by registered post on the owner and/or occupier thereof, requiring that, within such reasonable period as shall be specified, such action be taken as may be necessary or specified in order to bring or restore such premises to a satisfactory state of maintenance and/or repair.

3.2.4.3 Any person upon whom notice such is served in terms of this clause may, within fourteen days of the date of service of such notice, make written representation to the Council.

3.2.4.4 Within twenty-eight days of the date of such representation being received by the Council and in the event of the Council refusing either to modify or withdraw the notice, any person as aforesaid who is aggrieved by such refusal, may appeal to the Municipal Appeal Tribunal.

3.2.4.5 In the event of:

- (a) failure of an owner and/or occupier to comply with the specified terms of a notice within such period as shall have been specified therein and in the absence of any representation and/or appeal as aforesaid; or
- (b) the opinion of the Council as to the state of maintenance or repair being upheld on appeal;

the Council shall be entitled to undertake such maintenance as may have been specified in such aforementioned notice and recover the cost thereof from the owner and/or occupier.

3.2.4.6 Failure of an owner and/or occupier to comply with the specified terms of a notice within the period specified therein shall, in the absence of any appeal or representation as aforesaid, be deemed to be a contravention of the Scheme.

### **3.2.5 DAMAGE TO THE FURNITURE OR OTHER ELEMENTS OF STREET RESERVE**

3.2.5.1 Except with the prior approval of Council, no person shall bring onto any portion of any street reserve or cause or allow to be stationary thereon any articulated motor vehicle, breakdown vehicle, bus, goods vehicle, tractor, truck-tractor, any other type of vehicle weighing more than 3 500kg or any tanker, skip unit or other part of an industrial vehicle for a period exceeding two

## **SECTION 4: ADDITIONAL PROVISIONS APPLICABLE TO LAND USE ZONES AND/OR LAND USES**

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hours, except for bona fide purposes of delivering or supplying goods or services to such premises. For the purpose of this sub-clause, the expressions “articulated motor vehicle”, “breakdown vehicle”, “bus”, “goods vehicle”, “tractor”, “truck-tractor” and “any other type of vehicle weighing more than 3 500kg shall have the meanings assigned thereto by the Road Traffic Act (Act 29 of 1989), together with any schedule thereto, regulation made thereunder and amendment thereof.”

- 3.2.5.2 In the event of such illegal action causing damage to the furniture or other elements of the street reserve, Council may instruct the offender to repair the damages or Council may repair the damages and recover the costs from the offender.

### **3.2.6 OCCASIONAL USE OF LAND AND/OR BUILDINGS**

- 3.2.6.1 Land or buildings, other than Chalets, Medium Density Housing or a Residential Building, may, on occasion, be used as a Place of Assembly or Place of Worship, provided that:

- 3.2.6.1.1 such use is restricted to not more than twenty calendar days in any calendar year and to not more than two calendar days in any calendar month;

- 3.2.6.1.2 in the event of such use constituting a nuisance, it shall cease forthwith upon service of a notice to that effect and in such event shall not be resumed except with the permission of the Council; and

- 3.2.6.1.3 this clause shall not in any manner be deemed to restrict the use of a Hotel for such purposes.

### **3.2.7 TEMPORARY USE OF LAND IN ANY USE ZONE**

- 3.2.7.1 Nothing in this Scheme shall prohibit or restrict the use of land or building as a place of amusement, provided that such use is restricted to not more than twenty one days in each calendar year. Such temporary use of land shall at all times comply with Council’s relevant Bylaws, and especially Bylaws relating to Nuisance.

- 3.2.7.2 An owner of a property may make application to the Council for the temporary use of the property for purposes not generally permitted in this scheme provided:

- a) the written consent of adjoining property owners within a 100m radius around the property and other affected parties, as determined by the Council, have been obtained;
- b) in considering any application in terms of this clause, the Council shall take into consideration the nature of the proposed use in relation to the character of the area and the number of persons to be employed; and impose whatever conditions it considers necessary to protect the amenities of the neighbourhood,
- c) any approval shall lapse after 12 months from the date of consent unless the Council extends this period in writing; and,
- d) the Council may impose further conditions or call upon the occupant to cease the use if any of the conditions of approval are not met, malpractice occurs, or if it is subsequently found that there is, in fact, an interference with the amenities of the neighbourhood.

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### **3.2.8 ADDITIONAL CONTROLS APPLICABLE TO DWELLING UNITS AND THE SITES THEREOF**

The following provisions, conditions and restrictions shall, in addition to any other relevant provision of the Scheme, be applicable to all Dwelling Units and the sites thereof, within the area of the Scheme.

#### **3.2.8.1 MOTOR VEHICLES ON PREMISES OF A DWELLING**

Except with the prior approval of the Council, no person shall bring onto any premises of a Dwelling Unit, any premises reserved for the erection of a Dwelling Unit or any portion of any street reserve in a predominantly residential area, as the case may be, or cause or allow to be present thereon any articulated motor vehicle, breakdown vehicle, bus, goods vehicle, tractor, truck-tractor or any other type of vehicle weighing more than 3500 kg for a period exceeding two hours, except for bona fide purposes of delivering or supplying goods or services to such premises or any adjacent premises. For the purpose of this sub-clause, the expressions “articulated motor vehicle”, “breakdown vehicle”, “bus”, “goods vehicle”, “tractor”, “truck-tractor” and “any other type of vehicle weighing more than 3 500kg shall have the meanings assigned thereto by the Road Traffic Act (Act 29 of 1989), together with any schedule thereto, regulation made thereunder and amendment thereof.”

#### **3.2.8.2 USE OF BUILDING OR ROOMS OTHER THAN HABITABLE ROOMS AS A DWELLING**

No person shall use or cause or permit to be used as a Dwelling, any room, group of rooms or building, which in the opinion of the Council is not a Habitable Room or does not include Habitable Rooms to the satisfaction of the Council.

#### **3.2.8.3 ACCOMMODATION OF A CARETAKER OR EMERGENCY PERSONNEL**

Where provided for under a relevant zoning, the accommodation of a caretaker or emergency personnel may be allowed. The size of such dwelling unit may be restricted at the sole discretion of Council.

#### **3.2.8.4 USE OF DWELLING UNITS FOR CONDUCTING A HOME ACTIVITY OR BUSINESS**

##### **3.2.8.4.1 GENERAL PROVISIONS APPLICABLE TO A HOME ACTIVITY OR HOME BUSINESS**

**3.2.8.4.1.1** No person shall conduct, practice or carry out or allow to be conducted, practiced or carried out, for any purpose or in any manner, any occupation or business, whatsoever from or upon any residential property except where the consent of the Council has first been applied for and obtained and further subject thereto that:

- a) It shall be limited to the Owner of the property, who shall permanently reside thereon, provided that the Council may in exceptional circumstances, and if it is satisfied that the prime use of the Dwelling Unit as a residence will in no way be prejudiced, permit the activity to be conducted by a person who shall permanently reside on the property, other than the Owner;

## SECTION 4: ADDITIONAL PROVISIONS APPLICABLE TO LAND USE ZONES AND/OR LAND USES

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- b) The applicant is able to provide sufficient on-site parking as required in terms of the Scheme, and preferably shall be located to the rear of the Dwelling Unit, where possible;
  - c) It shall not occupy a floor area greater than 10% of the total area of the Site subject to this not being in excess of 25% of the floor area of the Dwelling Unit but, shall not, in any event, exceed 50m<sup>2</sup>;
  - d) in the case of a professional or semi-professional office, it shall not exceed 40% of the floor area of the buildings on the property, whilst the residential component should comprise at least 60%;
  - e) it shall not involve any activity or work between the hours of 9:00pm and 6:00am, except with the specific approval of Council;
  - f) it shall not involve the erection of a sign larger than 600mm by 450mm, indicating the nature of the activity. Such sign shall be of a material and shall utilise a style and size of lettering which will complement the residential character of the Dwelling Unit, and which shall be placed on the main wall of the Building and shall be in compliance with the Advertising Signs Bylaws.
  - g) It shall not produce a noise level exceeding 7db above the ambient noise level, measured at any point on the property boundary, and should in any event in the opinion of Council not interfere with the amenity of the neighbourhood.
  - h) It shall not involve metal or woodwork where the operation of machines may cause a disturbance or nuisance to surrounding landowners;
  - i) It shall not involve work on motor vehicles;
  - j) It shall not involve the parking, on or adjacent to the Site, of any vehicle with a tare mass exceeding 3000kg; and
  - k) It shall not utilise machinery other than electrically-driven or hand-driven machinery, provided that no single machine shall be rated at more than 1,5 kW.
- 3.2.8.4.1.2 An application for Council's consent shall be accompanied by a Site Development Plan, as provided for in Clause 3.1.2.1.
- 3.2.8.4.2 SPECIFIC PROVISIONS APPLICABLE TO A HOME ACTIVITY
- 3.2.8.4.2.1 in the case of a Home Activity:
- a) It shall not involve the regular congregation of more than five persons on the Site. This includes the owner of the Site, but excludes the owner's family that permanently resides on the Site;
  - b) Apart from the possible employment of one domestic worker, a Home Activity shall not involve the employment of any additional persons which are necessary in order to conduct the activity; and
  - c) It shall not involve the regular parking of more than three motor vehicles on or adjacent to the Site at any one time.

## SECTION 4: ADDITIONAL PROVISIONS APPLICABLE TO LAND USE ZONES AND/OR LAND USES

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### 3.2.8.4.3 SPECIFIC PROVISIONS APPLICABLE TO A HOME BUSINESS

3.2.8.4.3.1 in the case of a Home Business and unless specified otherwise:

- a) Shall not involve the regular congregation of more than five persons on the Site nor the employment of more than three persons, including the owner, on the Site; and
- b) Shall not involve the regular parking of more than five motor vehicles on or adjacent to the Site at any one time, subject thereto that the applicant is able to provide all parking on-site.

3.2.8.4.3.2 in the case of the establishment of a crèche / nursery school, the establishment shall:

- a) not be subject to Clauses 3.2.8.4.1.1(c) and (e) and 3.2.8.4.3.1 (a) and (b);
- b) be operated by one person only, although assistants may be employed at the discretion of the Council;
- b) not involve any additions or alterations to the Dwelling Unit and / or Outbuildings, other than those required by the State and Municipal Health Authorities;
- c) be limited to the accommodation and care of more than seven (7) but not more than thirty (30) children, other than those of the applicant. Therefore, a proposed childcare facility on an erf zoned "Special Residential" where more than 30 children are to be accommodated shall be subject to a rezoning application;
- d) be limited to operate between the hours of 06h00 and 18h00; and
- e) provide all parking on-site.

3.2.8.4.3.3 in the case of a care facility for adults, the establishment shall:

- a) not be subject to Clauses 3.2.8.4.1.1(c) and (e) and 3.2.8.4.3.1 (a);
- b) be operated by one person only who is qualified to do so, although assistants may be employed at the discretion of the Council;
- c) not involve any additions or alterations to the Dwelling Unit and / or Outbuildings, other than those required by the State and Municipal Health Authorities;
- d) be limited to the accommodation and care of not more than four (4) adults;
- e) not provide care for or treatment of patients with infectious diseases or in any way cause a danger to public health and safety; and
- f) be able to comply with the relevant Environmental Health Bylaws and other relevant laws, provisions and restrictions.

3.2.8.4.3.4 in the case of a Bed and Breakfast / Guest House facility:

- a) not be subject to Clauses 3.2.8.4.1.1(c) and (e) and 3.2.8.4.3.1 (a) and (b);



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- b) shall be primarily aimed at providing short term transient accommodation to the tourist and/or business market, operated from a private single Dwelling House;
- c) shall be limited to less than fourteen (14) lodgers in not more than seven (7) lettable rooms. "Lettable room" means a habitable room;
- d) shall not include a "Place of Assembly" or "Place of Amusement", including weddings and other functions;
- e) shall comply with Council's Bylaws and other relevant laws, provisions and restrictions;
- f) provide all parking and loading areas on-site; and
- g) may not sell alcoholic beverages.

3.2.8.4.3.5 Although other relevant laws, provisions and restrictions may apply, Council's consent in terms of this Scheme is not necessary for the following:

- a) the reception, keeping and temporary or partial care of six (6) or less children by the resident owner of a Dwelling House or Dwelling Unit, either for the purpose of profit or not, during the absence of their parents or guardians;
- b) the care of two (2) adults by the resident owner of a Dwelling House or Dwelling Unit, either for the purpose of profit or not.

## **SECTION 4: ADDITIONAL PROVISIONS APPLICABLE TO LAND USE ZONES AND/OR LAND USES**

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### **4 SECTION 4: ADDITIONAL PROVISIONS, CONTROLS AND RESTRICTIONS APPLICABLE TO LAND USE ZONES AND/OR LAND USES**

#### **4.1.1 CONTROLS AND PROVISIONS APPLICABLE TO AGRICULTURAL OR RURAL LAND ZONINGS AND/OR LAND USES**

##### **4.1.1.1 LAND ZONED AGRICULTURE**

4.1.1.1.1 The use of land zoned for agricultural purposes and used for any land use other than “Agricultural Land” and “Agricultural Building” shall be ancillary to the agricultural use and shall not impact on or detract from the viability of the land to produce agricultural produce.

4.1.1.1.2 Any new servitude area which is 15m in width (or wider) shall be deemed to constitute a change in land use and shall therefore be subject to the Municipal’s consent.

##### **4.1.1.2 LAND IN TRADITIONAL AUTHORITY AREAS**

4.1.1.2.1 Applications for development on land falling under the Ingonyama Trust also require power of attorney from the Ingonyama Trust Board and a letter of support from the applicable Traditional Leader/Council.

4.1.1.2.2 Proposed development shall take due cognizance of the availability of services in the Traditional Authority Area, and the provisions of Clause 3.1.1.5 (unserved areas) shall apply.

#### **4.1.2 CONTROLS AND PROVISIONS APPLICABLE TO CIVIC AND SOCIAL, MUNICIPAL AND GOVERNMENT LAND ZONINGS AND/OR LAND USES**

##### **4.1.2.1 ADDITIONAL PROVISIONS APPLICABLE TO WORSHIP SITES**

4.1.2.1.1 The site of a “Place of Worship” shall not simultaneously be the site of one or more Dwelling Units, provided that the Council may grant its formal authority to the erection and use of one Dwelling Unit upon such site, to be used in conjunction with the use of such site as a Place of Worship.

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4.1.2.1.2 The site of a Place of Worship may include uses incidental thereto such as a building or buildings used as a Sunday School, administrative office, place of religious education and/or other building/s used for purposes of religious and social interaction or recreation where such other building is within the same site and incidental to any of the first mentioned buildings.

4.1.2.1.3 Call to prayer shall exclude the use of megaphones or similar equipment, unless expressly authorized by the Council.

### **4.1.2.2 ADDITIONAL PROVISIONS APPLICABLE TO EDUCATIONAL BUILDINGS**

4.1.2.2.1 Sites for the care of children shall comply with Council's Childcare Services Bylaws and comply with the National Health Regulations.

4.1.2.2.2 Drop-off and pick up areas shall be located on-site and, where possible, shall not be located adjacent to a major arterial road to avoid traffic congestion and pedestrian and vehicular conflict.

### **4.1.2.3 ADDITIONAL PROVISIONS APPLICABLE TO INSTITUTIONS AND RESTRICTED BUILDINGS**

4.1.2.3.1 Prior to any building plans being submitted to the Municipality for any Health facility, including Hospitals, Clinics, Acute / Sub-Acute Facilities and the like where the public are to be treated for an illness, the building plans are to be submitted to the KZN Department of Health for approval by the Department's Infection, Prevention and Control (IPC) component. Such approval is to be submitted to the Municipality during the building plan submission phase.

## **4.1.3 CONTROLS AND PROVISIONS APPLICABLE TO ENVIRONMENTAL ZONE TYPES**

### **4.1.3.1 ADDITIONAL PROVISIONS APPLICABLE TO PRIVATE OPEN SPACES**

#### **4.1.3.1.1 Additional Uses**

The Council may, at its sole discretion and on application, grant its approval to the establishment of:

- a) a shop, launderette and/or place of amusement which is ancillary and incidental to a Private Club and which exclusively serves the members of such club and which may be established on the site with the consent of the Council; and
- b) a Dwelling Unit or Dwelling Units which is exclusively to be used for the accommodation of club employees or caretaker, and which unit may not exceed a total floor area of 80m<sup>2</sup>, excluding a garage or carport of which only one per unit may be provided.

as an integral part of Private Open Space development.

#### **4.1.3.1.2 Prohibited Use**

## **SECTION 4: ADDITIONAL PROVISIONS APPLICABLE TO LAND USE ZONES AND/OR LAND USES**

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Land within the Private Open Space Use Zone shall not be used for any purpose which, in the opinion of the Council, would spoil, impair or waste such land for the purpose for which it is zoned.

### **4.1.3.1.3 Erection and Use of Buildings**

No building shall be erected or used on land within the Private Open Space Use Zone, other than a building which has received the approval of the Council and which is reasonably appropriate to the predominant use of the site of such building.

### **4.1.3.1.4 Fencing**

Nothing shall be construed as prohibiting the reasonable fencing of the land, subject to Council's approval.

### **4.1.3.2 ADDITIONAL CONDITIONS AND PROVISIONS APPLICABLE TO COMMUNITY GARDENS**

4.1.3.2.1 The use of land for urban agriculture / community gardens is supported within the context that it will not degrade the quality of life of surrounding landowners, will not impact harmfully on public health and/or the natural environment and will contribute to the social and economic well-being of people.

4.1.3.2.2 Applications for the use of land for the purpose of producing crops will be subject to Council's formal authority process and shall be accompanied by:

- a) A site plan showing the extent of the use of land and where water for irrigation will be obtained from;
- b) A motivation indicating how the use of land will be managed (including details regarding irrigation and fertilisation) and how the use of land will contribute to the social and economic well-being of people; and
- c) An environmental and agricultural assessment and/or letter of support from relevant environmental and agricultural authorities.

4.1.3.2.3 The use of land in environmentally sensitive areas such as floodlines, wetlands, etc. is not in line with environmental legislation and shall therefore not be supported.

## **4.1.4 CONTROLS AND PROVISIONS APPLICABLE TO COMMERCIAL LAND ZONINGS AND/OR LAND USES**

### **4.1.4.1 GENERAL PROVISIONS APPLICABLE TO ALL COMMERCIAL BUILDINGS**

The following provisions, conditions and restrictions shall, in addition to any other relevant provision of the Scheme, be applicable to all Commercial Buildings and the sites thereof within the area of the Scheme. For the purpose of this Clause, a Commercial Building shall mean a building containing any one or more of the buildings

## **SECTION 4: ADDITIONAL PROVISIONS APPLICABLE TO LAND USE ZONES AND/OR LAND USES**

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defined in this scheme as arcade, mall, shop, office building, launderette, commercial workshop, service workshop and/or automotive showroom:

4.1.4.1.1 Separate utility areas for the loading / offloading of foodstuffs and the storage of waste products shall be provided to avoid cross-contamination.

4.1.4.1.2 Where internal parking areas are provided, no direct pedestrian access between parking areas and individual shops shall be permitted, but such access may be given from arcades linking the parking area with the shopping street. Provided that where only one shop occupies the total area of the Erf and has frontage to both the parking area and shopping street, the Council may at its discretion grant authority for one pedestrian access from the parking court. Provided further, that in the case of a subdivision existing at the date of adoption and having frontage only to the parking area, the Council may grant authority for direct pedestrian access to the business premises.

### **4.1.4.2 ADDITIONAL CONDITIONS AND PROVISIONS APPLICABLE TO CAR WASH FACILITIES**

4.1.4.2.1 In terms of surfaces and drainage, Car Wash Facilities shall be subject to Clause 3.1.1.3 of the Scheme.

4.1.4.2.2 Council reserves the right to require the installation and maintenance of grease traps and measures to control water spray and run-off.

## **4.1.5 CONTROLS AND PROVISIONS APPLICABLE TO OFFICE LAND ZONINGS AND/OR LAND USES**

### **4.1.5.1 ADDITIONAL CONDITIONS AND PROVISIONS APPLICABLE TO PROFESSIONAL OFFICES**

4.1.5.1.1 Consent granted to use a site zoned for professional office purposes as a dwelling house in addition to the professional office shall be subject to the following conditions and restrictions:

a) a dwelling may be allowed only on Professional zoned Erven outside industrial areas.

4.1.5.1.2 There shall be no direct, internal access between any part of a building used for veterinary purposes and any other part of a building used for any other purposes.

## **4.1.6 CONTROLS AND PROVISIONS APPLICABLE TO SERVICE STATIONS**

## **SECTION 4: ADDITIONAL PROVISIONS APPLICABLE TO LAND USE ZONES AND/OR LAND USES**

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- 4.1.6.1 The following provisions, conditions and restrictions shall, in addition to any other relevant provision of the Scheme, be applicable to all Service Stations and the sites thereof within the area of the Scheme.
- 4.1.6.2 Points of ingress to and egress from the site and from and to the public street system, respectively, shall be located, designed, constructed and maintained to the satisfaction of the Council in line with Clause 3.1.1.3.
- 4.1.6.3 Screen Walls of such height, extent, materials, design and position as may be determined by Council shall be erected as and when required by Council in order to screen all working areas, storage areas and yards from outside view.
- 4.1.6.4 No dismantled vehicles shall be parked, nor vehicles or equipment undergoing repair be stored, nor repairs be done on vehicles or equipment, nor goods or other materials be stacked outside the garage building or screen walls so as to be visible from beyond the boundaries of the site.
- 4.1.6.5 A restaurant and/or other type of shop ancillary to and on the same site as a Service Station / Public Garage and Direct Access Service Station shall be limited to:
- a) 150m<sup>2</sup> floor area which is accessible to the public (i.e. excluding storage areas, offices, etc.) for the “service station” zoning;
  - b) 25% of the available coverage for the “DASC” zoning;
- provided that such use shall lapse in the event of the Service Station or Public Garage ceasing to operate; and furthermore provided that the definition of “shop” would only entail a restaurant/café/tea room/take away facility, supermarket/convenience shop, and/or video hiring outlet.
- 4.1.6.6 Public conveniences shall be provided and maintained to the satisfaction of the Council.
- 4.1.6.7 In terms of surfaces and drainage, the site shall comply with the provisions of Clause 3.1.1.6 of the Scheme.

### **4.1.7 CONTROLS AND PROVISIONS APPLICABLE TO INDUSTRIAL LAND ZONINGS AND/OR LAND USES**

#### **4.1.7.1 GENERAL PROVISIONS APPLICABLE TO ALL INDUSTRIAL AREAS AND USES**

- 4.1.7.1.1 Clauses 3.1.1.1 and 3.1.2.1 of the Scheme will be applicable, which implies that a Development / Site Development Plan must be compiled by the prospective owner/developer for the purpose of co-ordinated allocation of land use rights and restrictions as contemplated in the Scheme and as a prerequisite for development.
- 4.1.7.1.2 Except where specific provision is made therefore in this Scheme and saving that the Council may approve of the erection and use of a single Dwelling Unit for the exclusive use of a caretaker, no

## **SECTION 4: ADDITIONAL PROVISIONS APPLICABLE TO LAND USE ZONES AND/OR LAND USES**

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other Dwelling Unit of any description whatsoever shall be erected or used or permitted to be erected or used on any Erf with an industrial zoning.

4.1.7.1.3 All spray painting booths, regardless of their application, shall be required to have a working chamber, fresh air system and exhaust system installed to the satisfaction of the Municipality.

4.1.7.1.4 All sand blasting booths shall be subject to Council's approval and shall ensure that the operation of the sand blasting booth does not in any way impact on surrounding landowners. For this reason a sand blasting booth shall be enclosed and shall have a relevant fresh air and exhaust system installed to the satisfaction of the Municipality.

### **4.1.8 CONTROLS AND PROVISIONS APPLICABLE TO MINES AND QUARRIES**

4.1.8.1 The use of land for mines and quarries may be subject to additional provisions and controls in terms of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002), as amended.

4.1.8.2 Nothing in this Scheme shall prevent an area zoned for Mining to be used for agricultural purposes prior to mining taking place. Land use after mining of an area has been completed shall be determined in consultation with the Municipality.

### **4.1.9 CONTROLS AND PROVISIONS APPLICABLE TO LAND WITHIN ZONES APPLICABLE TO RESIDENTIAL LAND ZONINGS AND/OR LAND USES**

#### **4.1.9.1 ADDITIONAL PROVISIONS APPLICABLE TO SITES ZONED "MEDIUM IMPACT RESIDENTIAL"**

The following provisions, conditions and restrictions shall, in addition to any other relevant provision of the Scheme, be applicable to all sites zoned Medium Density Residential:

4.1.9.1.1 Where the lot is used exclusively for Medium Density Housing, the density shall be limited to 30 dwelling units per hectare.

#### **4.1.9.2 APPLICATION PROCEDURE, DESIGN AND LAYOUT OF MEDIUM DENSITY HOUSING DEVELOPMENTS**

4.1.9.2.1 The applicant shall submit to the Municipality for its approval and in the required format:

- a) A Site Development Plan, and in addition to the requirements of Clause 3.1.2.1, also show the following:

## SECTION 4: ADDITIONAL PROVISIONS APPLICABLE TO LAND USE ZONES AND/OR LAND USES

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- i) The position, dimensions and materials to be used in the construction of all roads, drive-ways, parking areas, squares and pedestrian access ways, if any;
  - ii) The boundaries of all dwelling unit curtilages, private open areas and common open spaces;
  - iii) The position, nature, extent and levels of all proposed and existing buildings on the site and adjoining sites;
  - iv) The proposed landscaping of the site;
  - v) The proposed common and/or private open space;
  - vi) The position and nature of recreation facilities, if any;
  - vii) The position and extent of all utility areas.
- a) A set of sketch drawings prepared by an architect at a scale of 1 : 100 showing the plans, sections and elevation of each type of structure within the proposed development and particulars of the materials and colours to be used for the exterior wall finishes and roof or roofs; together with both front and rear elevations of each typical group of dwelling units at a scale of 1 : 100 or 1 : 200;
- b) A table indicating:
- i) The total area of the site;
  - ii) The total number of dwelling units;
  - iii) The total floor area;
  - iv) The total number of car parking spaces provided for visitors and for residents;
  - v) The extent of the usable common land, the smallest private open area, the smallest dwelling unit curtilage and the smallest utility area; and
  - vi) The areas of public open space and other public uses where applicable;
- b) Any other documents which the Municipality may reasonably require.

### 4.1.9.3 ADDITIONAL PROVISIONS APPLICABLE TO MEDIUM DENSITY HOUSING

4.1.9.3.1 The Curtilage for a Medium Density Housing Development shall not be less than 250m<sup>2</sup> in extent.

4.1.9.3.2 The following minimum areas per dwelling unit shall apply to Medium Density Housing:

- a) Private Open Area – 30 m<sup>2</sup>
- b) Usable Common Open Space – 50m<sup>2</sup>
- c) Washing drying area – 15 m<sup>2</sup>



## **SECTION 4: ADDITIONAL PROVISIONS APPLICABLE TO LAND USE ZONES AND/OR LAND USES**

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d) The minimum floor area of a garage or carport shall be 21 m<sup>2</sup>, with a minimum width of 3,5m<sup>2</sup>

e) Waste bin area shall make provision for one bin per unit provided.

4.1.9.3.3 Within a Medium Density Housing Site, a building line does not apply to the dwelling unit curtilages, except along external street frontages of the Medium Density Housing site, where the building line shall be 7, 5 m.

4.1.9.3.4 Situated at the end of every cul-de-sac there shall be provided turning space to the satisfaction of the Municipality.

4.1.9.3.5 A Home Owners' Association shall be established. Such Association shall administer and maintain the common land, control the external appearance of buildings within the Medium Density Housing sites and deal with any other matter pertaining to the Medium Density Housing sites which is of common interest to its members. The affairs of the Association shall be regulated by a memorandum and Articles of Association. The Memorandum and Articles of Association shall have been submitted to the Municipality who shall have certified that it has no objection to these documents.

4.1.9.3.6 No dwelling unit curtilage within the Medium Density Housing site or within any portion of the site specified by the Municipality shall be transferred or separately registered before the whole Medium Density Housing site or the specified portion of the Medium Density Housing site within which the curtilage is situated has been developed to the satisfaction of the Municipality.

4.1.9.3.7 In the event of the different dwelling unit curtilages being transferred in freehold or registered leasehold title, the Municipality shall require that:-

a) the common land shall be owned exclusively by the freehold or registered leasehold owners of the dwelling units in co-ownership; and

b) no co-owners shall be entitled to require the partition of the common land according to the proportion of his share.

### **4.1.9.4 ADDITIONAL PROVISIONS APPLICABLE TO RESIDENTIAL BUILDINGS**

4.1.9.4.1 Those portions of the site of a Residential Building not used for building, parking, road or other utility purposes, which portions shall comprise not less than 25% of the area of such site, shall, within a period to be determined by the Council, be landscaped at the cost of the owner to the satisfaction of the Council, for the use and enjoyment of the residents of the dwelling units, and shall thereafter be maintained by the owner, at his cost;

Provided that:

a) the aforesaid 25% of the area of the site may, with the authority of the Council, include the area of any flat roof of a Residential Building, conveniently accessible from such Residential building and laid out or landscaped to the satisfaction of the residents of (or) the Council for the use and enjoyment of the residents of the Dwelling Units; and

## **SECTION 4: ADDITIONAL PROVISIONS APPLICABLE TO LAND USE ZONES AND/OR LAND USES**

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- b) the aforesaid period to be determined by the Council shall not be less than six months or more than eighteen months from the date on which any Dwelling Unit on the site is first used for residential purposes.

4.1.9.4.2 Situated at the end of every cul-de-sac there shall be provided turning space to the satisfaction of the Municipality.

4.1.9.4.3 Adequate utility facilities shall be provided to the satisfaction of the Council, including areas for waste disposal, clotheslines, etc.

### **4.1.9.5 ADDITIONAL CONTROLS AND PROVISIONS APPLICABLE TO RETIREMENT VILLAGES**

#### **4.1.9.5.1 DESIGN AND LAYOUT**

4.1.9.5.1.1 The development within the Retirement Village Site shall be harmoniously designed. Careful attention shall be given to the aesthetic and functional aspects of the design. The Council may, where considered necessary or reasonably desirable by the Council, require the landscaping, paving or any other treatment of portions of a Retirement Village Site.

4.1.9.5.1.2 Pedestrian pathways shall be designed and constructed, taking due cognisance of the limited mobility of some residents of a Retirement Village. It shall aim to contain materials that is considered non-slippery, shall not present a tripping hazard and shall not have a gradient steeper than 1 in 12. Ramps for wheelchair access shall be provided to ensure full wheelchair accessibility to all areas of the development.

4.1.9.5.1.3 The owner shall not develop any area, whether in part or in whole, without prior approval by the local authority of a Site Development Plan, as set out in Clauses 3.1.1.1 and 3.1.2.1 respectively, of this Scheme. Such plan shall demarcate the relevant components of the development, which may include:

- a) Assisted Living and Frail Care;
- b) Medium Density Housing;
- c) Recreation and Community Centre. Such component should further demarcate areas accessible by the general public or accessible only by the residents and guests;
- d) Service and utility areas; and
- e) Common areas and open space, which shall form part of all other components listed above.

4.1.9.5.1.4 The Site Development Plan shall detail access points, all relevant bulk factors (viz., relevant height, floor areas, coverage), parking / loading areas, public vs. private areas, landscaping and other related requirements per the components listed above.

### **4.1.10 CONTROLS AND PROVISIONS APPLICABLE TO RESORT ZONES**

## **SECTION 4: ADDITIONAL PROVISIONS APPLICABLE TO LAND USE ZONES AND/OR LAND USES**

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### **4.1.10.1 ADDITIONAL PROVISIONS APPLICABLE TO THE RESORT ZONE**

- 4.1.10.1.1 Within a Resort Zone, the provision of any Caravan Park shall be designed and operated independently of any accommodation of a permanent nature such as Chalets, Dwellings and Medium Density Housing units.
- 4.1.10.1.2 No Caravan Park, Chalets, Dwellings, or Medium Density Housing units may be erected within a Resort Zone without compliance, first, with the provisions of Clause 3.1.2.1 of this Scheme, at the sole discretion, and to the satisfaction, of the Council.
- 4.1.10.1.3 No undergrowth, shrubs and trees of an indigenous nature may be cleared, unless so identified and approved by means of an environmental impact assessment.
- 4.1.10.1.4 The Council may, at its sole discretion, on application to it, grant its approval to the establishment of:
- a) a shop, launderette and/or place of amusement, place of assembly, or recreational building which is ancillary and incidental to the Resort Zone and exclusively serves such zone; and
  - b) a dwelling unit, or dwelling units, which is, or are, exclusively to be used for accommodation of employees of a Caravan Park.
- 4.1.10.1.5 Within the Resort Zone, the use of a single caravan or a dwelling unit, or occupant or occupants of a caravan or a dwelling unit, or any representative of such occupant or occupants, for a period in excess of three months in any twelve month period, shall be subject to the authority of the Council.
- 4.1.10.1.6 No caravan park shall be established within the area of this scheme, except where the approval of the Council thereto has been obtained. The design, layout and other standards of the Caravan Park shall be to the satisfaction of the Council and subject to such conditions which the Council may impose; provided that the Council, when considering an application in respect of a Caravan Park may, at its sole and unhindered discretion allow itself to be guided by the South African Bureau of Standard's "Code of Practice for the siting, layout, design, construction, use, maintenance and operation of caravan parks" (SANS 10092-2004). The Council reserves the right to impose any part of parts or the whole of the said Code or applicable Bylaws as a condition of approval, in which case such Code or Bylaws, or parts thereof, shall be deemed to have the same force and effect as any provision of this Scheme and to be a part of this scheme.
- 4.1.10.1.7 Within the Resort zone, residential units or caravans may not exceed 20 dwelling units and/or caravans per gross ha.

### **4.1.11 CONTROLS AND PROVISIONS APPLICABLE TO PARKING AREAS**

The following provisions shall, in addition to any other relevant provision of the Scheme, be applicable to all Parking Areas, which may be used for parking purposes only.

#### **4.1.11.1.1 ACCESS, SURFACES AND DRAINAGE**

## **SECTION 4: ADDITIONAL PROVISIONS APPLICABLE TO LAND USE ZONES AND/OR LAND USES**

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The provisions of Clause 3.1.1.3 of the Scheme shall apply.

### **4.1.11.1.2 WASTE MANAGEMENT**

The provisions of Clause 3.1.1.5 of the Scheme shall apply.

### **4.1.11.1.3 SECURITY, LIGHTING AND VENTILATION**

4.1.11.1.3.1 Adequate lighting shall be provided and maintained on the premises for the safe movement and control of vehicular and pedestrian traffic to the satisfaction of the Council. Such additional lighting as the Council may deem necessary to facilitate safety, movement and control of traffic to and from the site shall be provided at the cost of the owner.

### **4.1.11.1.4 LANDSCAPING, SCREENING OF SITE AND ACTIVITIES**

4.1.11.1.4.1 Provision shall be made for the landscaping and maintenance of the grounds to the satisfaction of the local authority.

4.1.11.1.4.2 Screening measures of such height, extent, materials, design and position as may be determined by Council, shall be erected as and when required by Council in order to screen fencing, working, washing and maintenance areas, storage areas and utility areas from outside view.

## **4.1.12 CONTROLS AND PROVISIONS APPLICABLE TO UTILITIES AND SERVICES**

### **4.1.12.1 GENERAL PROVISIONS APPLICABLE TO ALL LAND, INFRASTRUCTURE AND BUILDINGS APPLICABLE TO UTILITIES AND SERVICES**

The use of land may be subject to additional provisions and controls in terms of *inter alia* the National Environmental Management Waste Act, Act 59 of 2008, the National Water Act (Act No. 36 of 1998), etc.

### **4.1.12.2 ADDITIONAL PROVISIONS APPLICABLE TO REFUSE SITES, RECYCLING FACILITIES AND WASTE DROP OFF / TRANSFER STATIONS**

4.1.12.2.1 A buffer of no less than 500m shall be maintained around all sites zoned as a refuse site.

4.1.12.2.2 The Council may grant its consent to provide facilities for the temporary storage of general waste at a drop-off / transfer station on an erf, or part thereof, subject thereto that:

4.1.12.2.2.1 The site only provides facilities for the storage only of less than 35m<sup>3</sup> of garden and domestic waste before it is transported to a recycling, treatment or waste disposal facility waste at any time. A proposal for the temporary storage of more than 35m<sup>3</sup> shall be defined under Waste Transfer / Recycling Centre;

## **SECTION 4: ADDITIONAL PROVISIONS APPLICABLE TO LAND USE ZONES AND/OR LAND USES**

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- 4.1.12.2.2.2 The Council has followed public participation procedures as prescribed in law in order to establish such drop-off or waste transfer station;
- 4.1.12.2.2.3 The location of drop-off or waste transfer sites is selected with sensitivity and careful planning to ensure accessibility and acceptance by the community, and not to interfere with pedestrian movement, or create an eyesore, or a public nuisance of rodents, dust, wind-blown litter and odour;
- 4.1.12.2.2.4 The site is adequately designed and surfaces are hardened and impermeable and maintained in a dust free condition. Stormwater and wastewater control measures shall be implemented to avoid polluted water and run-off from entering the natural system;
- 4.1.12.2.2.5 The drop-off or waste transfer station is adequately managed to avoid wind-blown litter;
- 4.1.12.2.2.6 The drop-off or waste transfer station is screened from public view, if required; and
- 4.1.12.2.2.7 The drop-off or waste transfer station is licensed in terms of relevant legislation, if necessary.

### **4.1.12.3 ADDITIONAL PROVISIONS APPLICABLE TO CEMETERIES**

- 4.1.12.3.1 A buffer of 10m shall be maintained around all sites zoned for cemetery purposes.
- 4.1.12.3.2 Public conveniences shall be provided and maintained on the site to the satisfaction of Council and all cemeteries shall be fenced.

### **4.1.12.4 ADDITIONAL CONDITIONS AND PROVISIONS APPLICABLE TO TELECOMMUNICATION INFRASTRUCTURE**

- 4.1.12.4.1 The Council may consider an application for its Special Consent to erect telecommunication infrastructure on an erf, or part thereof, and within any zone provided for in this Scheme.
- 4.1.12.4.2 When considering an application for consent to erect telecommunication infrastructure, the Council shall consider the following objectives:
  - a) To encourage co-location as a means of preventing unnecessary proliferation and duplication of such infrastructure;
  - b) To minimize the visual impact of such infrastructure on the surrounding locality; and
  - c) To avoid impact on lines of sight and any impact that the infrastructure may have on the responsibilities of the Department of Civil Aviation and the National Ports Authority.
- 4.1.12.4.3 Council reserves the right to insist on the decoration of telecommunication masts/antennae if regarded necessary, as well as the possible relocation of and/or alterations to the mast by and at the expense of the applicant if the need arises.

## SECTION 5 : LAND USE DEFINITIONS

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### 5 SECTION 5: DEFINITIONS

#### 5.1 GENERAL DEFINITIONS

In these clauses unless the context otherwise indicates any word shall, when used in this Scheme have the same meaning as is assigned to it in the KwaZulu-Natal Planning and Development Act, otherwise it shall have the meaning assigned to it in these definitions below:

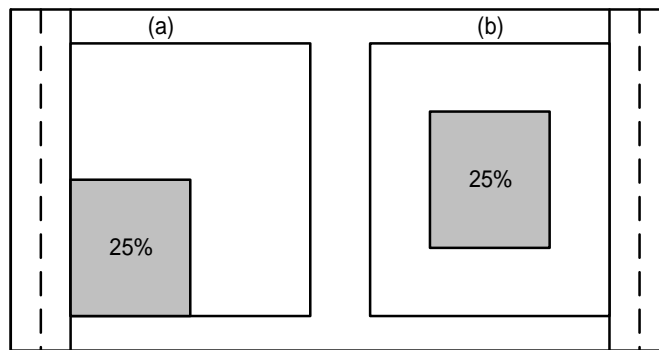
<b>Act</b>	Is the KwaZulu-Natal Planning and Development Act No. 6 of 2008, as amended, unless otherwise indicated.
<b>Ancillary Use</b>	Means a use incidental to and customarily associated with a specific principal use, located on the same erf/lot or subdivision.
<b>Appeal Tribunal</b>	Is the Appeal Tribunal established in terms of The KwaZulu-Natal Planning and Development Act (Act No, 6 of 2008).
<b>Approval</b>	Means the approval of the Council as contemplated in Clause 1.9.3 of the Scheme.
<b>Arcade</b>	Means an area forming part of a building which may or may not be covered, reserved exclusively for pedestrian traffic, but may include fountains, benches and other similar features and shall nowhere have a total width of less than 4 metres and an unobstructed width of less than 2 metres.
<b>Balcony</b>	Means the protruding floor area of a portion of a main building that is constructed above from the ground floor area, of which its sides are not permanently closed and is open to the elements, and which a portion thereof shall have direct access to the main building.
<b>Basement</b>	Means any storey of a building or portion thereof where either: <ul style="list-style-type: none"><li>a) the floor level of such storey is two metres (2m) or more below the mean finished ground level of the site on which such building or portion thereof is erected; or</li><li>b) the ceiling level of such storey is below a level of one metre (1m) above finished ground level.</li></ul>
<b>Building</b>	Is any structure or building or part thereof, or any addition or alteration to an existing structure or building, either temporary or permanent in nature and either above or below ground which is of an immovable nature and for whatever purpose used, including any tank, reservoir, swimming pool, tower, mast, wind turbine, bridge, chimney, summerhouse, hothouse, etc. and any wall, retaining wall or close-boarded fence more than two metres in height at any point, but excluding any open fence, post, steps, pier, ramp, fountain, statue, fish-pond, pergola or other garden ornamentation.
<b>Building Line</b>	Is a line parallel to any boundary of an erf which is contiguous with a street, public right of way or road reservation; or in the case of "hatchet shaped" Erven, a line parallel to

## SECTION 5 : LAND USE DEFINITIONS

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the boundary nearest to the street which is not a boundary of the access strip.

<b>Bylaw</b>	Is a bylaw, or regulation made to enable the Council to give proper effect to the powers and duties conferred or imposed upon it in terms of the Municipal Systems Act, as amended, or any other law.
<b>Caravan</b>	Means any vehicle permanently fitted out for use by persons for living and sleeping purposes whether or not such vehicle is a trailer.
<b>Carport</b>	Means a permanent and/or temporary roofed structure, which is not completely enclosed and which is used for the parking of vehicles.
<b>Common Land</b>	Means that portion of a medium density housing development or Mobile Home Park site, which is set aside for the use, and enjoyment of all the occupants of the dwelling units on that site and from which the general public may be excluded.
<b>Common Open Space</b>	Means that usable portion of the common land, which is not occupied by vehicular road carriageway, parking areas and communal facilities of a non-recreational nature, but includes walkways, structures intended for recreational use and a children's playing area or areas.
<b>Consent</b>	Means "Consent" of the Council as contemplated in Clause 1.9.5 of the Scheme.
<b>Coverage</b>	Is the maximum proportion of an erf that may be covered by buildings, and is expressed as a percentage of the Erf area as defined. Thus 25% coverage means that only one quarter of the Erf may be covered by buildings. Only roofed or covered areas are included in coverage.



Distinction is made between the following:

"Actual Coverage", which means the proportion of a site expressed as a percentage of the area of such site at or above finished ground level, covered by all buildings, on such site and shall include:

1. walls of buildings;
2. any covered or roofed area;
3. stairs, steps, landings, galleries, passages, ramps and similar features, whether internal or external;
4. canopies, balconies, verandahs, porches, stoeps and similar features; and
5. internal courtyards, light wells and any uncovered shaft where the area of such feature does not exceed 10m<sup>2</sup>.

## SECTION 5 : LAND USE DEFINITIONS

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Provided that minor decorative features not projected more than 1,0 metre from a wall of a building such as eaves, cornices, pergolas, and flower boxes, water pipes, drain pipes, private swimming pools and paved surfaces shall be excluded from actual coverage.

And

“Permissible Coverage” means the proportion of a site expressed as a percentage of the area of such site which shall not be exceeded by the “actual coverage” of all buildings on such site.

<b>Dangerous Goods</b>	Means goods that are capable of posing a significant risk to the health and safety of people or the environment and which are listed in South African National Standard No.10228 designated “The identification and classification of dangerous goods for transport”, SANS 10228:2003, edition 3, published by Standards South Africa, ISBN 0-626-14417-5, as may be amended from time to time.
<b>Development</b>	In relation to any land, means the erection of buildings and structures, the carrying out of construction, engineering, mining or other operations on, under or over land, and a material change to the existing use of any building or land for non-agricultural purposes.
<b>Duplex Unit</b>	Means a dwelling unit in a building where each such unit consists of a ground floor and one upper floor connected by an internal staircase and has direct access to a private open area.
<b>Dwelling Unit</b>	Means a self-contained inter-leading group of rooms for a single family including not more than one kitchen, together with such outbuildings as are of a nature customarily incidental thereto.
<b>Dwelling Unit Curtilage</b>	Means a single defined area of land forming part of a Medium Density Housing development comprising the land upon which a dwelling is erected or is intended to be erected together with such private open areas and other areas as are reserved for the exclusive use of the occupants of the dwelling unit.
<b>Erection of a Building</b>	Means the construction of a new building or a structural alteration or additions to any building.
<b>Erf</b>	Means any piece of land registered in the deeds registry as an erf, lot, plot, stand or farm and includes a portion of an erf, lot, plot or stand.
<b>Erf Area</b>	Is the area of an erf, less the area of any public right of way, road servitude, new road or road widening to which the Erf may be subject, but shall include any registered servitude for overhead or underground services. Erf area, in any zone, is exclusive of access ways in “hatchet-shaped” erven.
<b>Existing Building</b>	Means a building lawfully erected before the effective date or a building erected in accordance with plans, which were approved by the Municipality prior to that date.
<b>Existing Use</b>	Means, in relation to any building or land, the continuous use of such building or land for the same purpose for which such building was designed and lawfully used on the effective date.

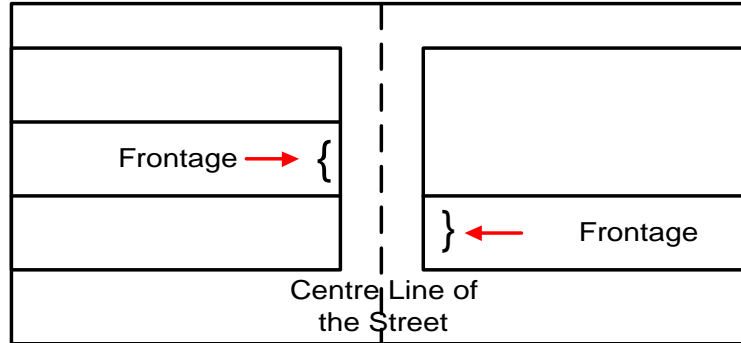


## SECTION 5 : LAND USE DEFINITIONS

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**Family** Means a man or a woman or both, with or without their parents, the children of one or the other or both of them, or a partner, living together as one household.

**Frontage** Is the length of the boundary of an erf, which is coincident with the boundary of an existing or proposed street.



**Garage** Means an enclosed building for the storage of one or more vehicles, but does not include a service station, public garage or motor repairs for gain.

**Greenhouse** As provided for under “Agricultural Land” means a structure with the sides primarily made of a transparent material such as glass, perspex or plastic, used for the purpose of rearing delicate plants or hastening growth of plants under controlled environmental conditions.

**Gross Leasable Area** Means the sum of the usable floor areas of floor space in a building that has been designed, or is suitable for occupation, by a renter, including kitchens and conveniences, and shall include wall thickness, but shall exclude communal areas such as corridors, lift shafts, staircases, public toilets and basements used exclusively for parking purposes.

**Ground Floor** Means the storey of a building or portion of a building on or nearest the mean finished ground level immediately surrounding the building, provided it is not a basement.

**Habitable Room** Means any room designed for human occupation, but excludes bathrooms, toilets, water closets, staircases, passageways, domestic garages, lifts, photographic dark rooms, kitchens, sculleries, domestic laundries or cold rooms.

**Height** Means the height of a building in storeys and is expressed as a number, provided that where the ground floor of a building is on more than one level, such building shall be regarded as formed of portions in relation to each respective level and the height of such a building shall be calculated separately in respect of each portion as if such portion were a separate building.

**Maisonette** Means a two-storey building consisting of 2 dwelling units placed one above the other with separate entrances.

**Mall** Means an area of land open to the air and reserved exclusively for pedestrian traffic but may include fountains, benches and other similar features as well as kiosks for, inter alia, the sale of refreshments.

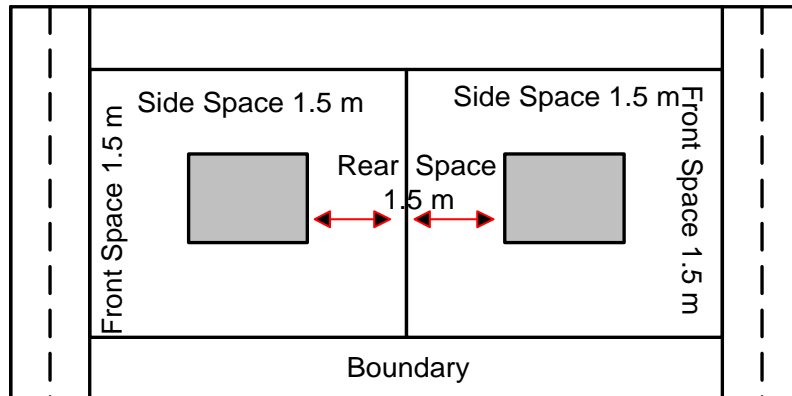
## SECTION 5 : LAND USE DEFINITIONS

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<b>Mixed Use Development</b>	Means a development with: <ul style="list-style-type: none"><li>- a mix of revenue producing areas (such as retail, office, residential, hotel/motel and recreation) which are all well-planned and mutually supporting;</li><li>- significant functional and physical integration of project components (and thus a highly intensive use of land), including uninterrupted pedestrian and/or open space connections, and</li><li>- development in conformance with a coherent plan, which frequently stipulates the type and scale of uses, permitted densities and related items.</li></ul>
<b>Motor Vehicle</b>	As defined in the National Road Traffic Act, 1996, means any self-propelled vehicle and includes- <ul style="list-style-type: none"><li>(a) a trailer; and</li><li>(b) a vehicle having pedals and an engine or an electric motor as an integral part thereof or attached thereto and which is designed or adapted to be propelled by means of such pedals, engine or motor, or both such pedals and engine or motor, but does not include-<ul style="list-style-type: none"><li>(i) any vehicle propelled by electrical power derived from storage batteries and which is controlled by a pedestrian; or</li><li>(ii) any vehicle with a mass not exceeding 230 kilograms and specially designed and constructed, and not merely adapted, for the use of any person suffering from some physical defect or disability and used solely by such person</li></ul></li></ul>
<b>Municipal Tribunal Appeal</b>	Means the Municipal Appeal Tribunal established in terms of Section 62 of the Municipal Systems Act, 2000.
<b>Non-conforming Use</b>	In relation to any building, land or other premises means the continued use of an existing use pertaining to such building, land or other premises for a purpose or in any manner whatsoever which is not in conformity with or constitutes a breach of any of the provisions of the Scheme, but is otherwise lawful.
<b>Occupant</b>	Means any person occupying a building or land irrespective of whether such occupation is legal or not.
<b>Outbuilding</b>	Means a building ordinarily used in conjunction with a dwelling unit(s), and used for the garaging of private motor vehicles, storeroom, servant's rooms, servant's toilet, workroom and other such similar uses.
<b>Outdoor Advertising</b>	Means any form of advertising, as defined in Council's Bylaws, visible from any street or public place and which takes place out of doors.
<b>Private Open Area</b>	Means a usable area, exclusive of utility areas, driveways and parking areas, which is open to the sky and which is adjacent to and has direct access from a dwelling unit on a medium density housing residential development, such private open area being reserved for the exclusive use of the occupants of the associated dwelling unit, but may include covered open areas (patios) and verandas.
<b>Rear Space / Boundary</b>	Shall mean that boundary of an erf which is furthest from any street boundary, and

## SECTION 5 : LAND USE DEFINITIONS

which does not meet any street boundary.



**Scheme** Town Planning Scheme and similar expressions shall mean the Mthonjaneni Scheme and shall include any lawful:

- a) amendment thereto or variation or modification thereof;
- b) prohibition, restriction and condition imposed in terms thereof;
- c) permission, approval, consent or other authority granted in terms thereof;
- d) schedule, annexure or other document included therein; and
- e) any map, plan, diagram, drawing or similar document included therein.

**Semi-detached Housing** Means a building other than a dwelling house comprising two (2) dwelling units contained in one building or attached to each other by means of a shared communal wall, both on the ground floor and each provided with a separate entrance.

**Side Space / Boundary** Is any boundary of an erf which meets a street boundary and any other boundary and which is neither a street boundary nor a rear boundary.

**Simplex Unit** Means a dwelling unit in a single storey building where each such unit has direct access to a private open area.

**Site Development Plan** As provided for in Clause 3.1.2.1.

**Storey** Is a room or set of rooms at any level, including any room the floor of which is split into two or more levels, and shall have the following implications:

- a) The basement of a building, not used for residential purposes, but used solely for the purpose of parking vehicles, service installations, such as transformer and meter rooms, or storage shall not count as a storey provided such an area or areas constitutes a Basement;
- b) If the ground floor of a building is elevated more than 1.5m above the mean finished ground level immediately surrounding the building by a structure other than a basement such structure shall count as a storey(s);
- c) A pitched roof containing a habitable room and any other type or style of roof which contains or supports any rooms, structures or features and which the Council considers to be habitable shall count as a storey;
- d) A storey shall not be higher than 4,5 metres. If a storey is higher than this,

## SECTION 5 : LAND USE DEFINITIONS

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	each 4,5 metres or part thereof shall count as a storey. Provided however that in a multi-storey residential building each storey shall not be higher than 3 metres and if a storey is higher than this each 3 metres or part thereof shall count as a storey;
e)	With the exception of lift rooms, stairwells and pitched roofs, any structures, telecommunications masts or architectural features situated on the roof of a building and greater than 1,2 metres in height shall constitute a storey and may be permitted with the Municipality's consent.
<b>Street</b>	Means any street, road, lane, avenue, way, footpath, bridge, subway or other right-of-way and includes appurtenances thereto.
<b>Street Boundary</b>	Means a boundary of an erf, which is coincident with the boundary of an existing or proposed street.
<b>Structure</b>	Means anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.
<b>Terrace House</b>	Means a residential building comprising 3 or more dwelling units, each having a separate entrance on the ground floor with direct access to a private open area or areas.
<b>Utility Area</b>	Means an open or covered area used for the provisions of services incidental to specific uses, including washing lines, storage areas, refuse collection areas, loading areas, security guard offices, service areas, etc.
<b>Zone</b>	Is that portion of the area shown on the Scheme Map, by distinctive colouring or edging or in some other distinctive manner, for the purpose of indicating the restrictions imposed by this Scheme on the erection and use of buildings or structures, or the use of land.

### 5.2 LAND USE AND BUILDING DEFINITIONS

Unless the context of this Scheme clearly indicates to the contrary, the following building types and land use types have the meaning and interpretation given below:

<b>Abattoir</b>	As provided for under "Industry – High Impact" means a place where game, livestock, poultry and similar animals are slaughtered on a large scale and prepared for distribution. It excludes the occasional slaughter of animals for traditional and cultural purposes.
<b>Additional Dwelling Unit:</b>	Additional Dwelling Unit means a self-contained unit for residential habitation of limited size, which does not form part of medium density housing or chalets. It may be attached or detached to a dwelling house, but must be clearly associated with a dwelling house erected on an erf, and may include such outbuildings, garages and stoep areas as are customary used and incidental thereto, with the understanding that only one additional dwelling unit will be permitted on any one Erf. Such Additional Dwelling Unit may not exceed a maximum floor area of 80m <sup>2</sup> , excluding a garage or car port of which only one per unit may be provided.

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<b>Agricultural Building</b>	Means a building used in connection with, or which would ordinarily be incidental to or reasonably necessary for agricultural activity on agricultural land, and may include a dwelling house, private recreational use and Farm Worker Accommodation as defined in this Scheme.
<b>Agricultural Industry</b>	<p>Means land or buildings used for:</p> <ul style="list-style-type: none"><li>a) the large scale intensive rearing of poultry, gamebirds, livestock or similar animals and allied products, such as broiler farms, battery farms and other concentrated animal feeding operations;</li><li>b) aquaculture and mariculture activities;</li><li>c) the large-scale servicing or repairing of plant or equipment used in agriculture;</li><li>d) the handling, treatment, processing, or packing of agricultural products, which could include a sawmill, a packing plant and similar activities; and</li><li>e) Wind turbines.</li></ul> <p>But excludes uses that could be classified under “Industry – High Impact”, and specifically the processing of animal matter.</p>
<b>Agricultural Land</b>	Means arable, meadow or pasture land, plantations, market gardens, poultry farm, nursery garden, and may include greenhouses or hydroponics, horticulture, permaculture, orchards and land used for the purpose of breeding or keeping of domestic animals and/or livestock and the grooming of such animals, poultry or bees and includes saleyards and any buildings connected therewith, provided that buildings connected with the housing of cats and/or dogs shall be deemed to be a Special Use. It excludes uses that could be classified/defined under “Agricultural Industry” and “Industry – High Impact”.
<b>Arts &amp; Crafts Workshop:</b>	Means a building wherein the primary purpose is the production and selling of goods, primarily aimed at the tourism market. This includes such uses as inter alia graphic arts and studios, textile design, weaving, pottery, furniture making, leatherwork, fashion design, stained glass or glass making, printing and similar activities. The process carried on and the machinery installed shall be such that they will not cause nuisance to other properties, the neighbourhood or be detrimental to the amenities of the other zones.
<b>Automotive Showroom / Vehicle Dealership</b>	<p>Means a building or site used primarily for the exhibition or display of substantially roadworthy motor or leisure vehicles and/or seaworthy marine craft for purposes of sale, hiring out or lease.</p> <p>Associated office accommodation and an ancillary spare parts shop and service workshop area may also be accommodated, subject to conditions as set out in the scheme.</p>
<b>Bed and Breakfast</b>	As provided for under “Home Business” and subject to Council’s special consent means a resident owner managed commercial accommodation establishment for less than fourteen (14) lodgers in not more than seven (7) lettable rooms, and which is primarily aimed at the tourist and/or business market, operated from a private single Dwelling House, where the facilities and services offered are for the exclusive use and benefit of transient overnight guests. It may include land used for sport and/or recreation facilities associated with, but secondary to the residential use of land and used exclusively by the residents and guests of the facility.

## SECTION 5 : LAND USE DEFINITIONS

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<b>Camping and Caravan Park</b>	<p>Means land where temporary accommodation is provided for people with caravans and/or tents, and which has ablution, laundry and washing-up facilities and may include a convenience shop; provided that for the purpose of this definition a “caravan” shall mean any vehicle or similar transferable or movable structure with no foundation other than wheels or jacks and which is designed, constructed or used for dwelling or sleeping purposes and, without limitation of the definition, may also include a mobile home or trailer.</p> <p>It may include buildings or structures used for private recreational use, such as a swimming pool, gymnasium, tennis courts, etc.</p>
<b>Caretaker Accommodation</b>	<p>A dwelling on the same site as a building, operation, or plant, and occupied by a supervisor of that building, operation, or plant. The size of such dwelling may be restricted by Council.</p>
<b>Carwash Facility</b>	<p>Means a building, structure or land used for the washing and cleaning of vehicles, and may include a valet service. It can normally form part of a petrol filling station, but may also be established as a stand-alone facility if provided for by the Scheme.</p>
<b>Cemetery Purposes</b>	<p>Means land or buildings which is permanently set aside for the purpose of burying human or animal remains, and may include an office for administrative uses associated therewith, a funeral chapel/s, gardens, roads, parking, sheds for maintenance purposes and the like. A shop may be permitted by Formal Authority, but is to be restricted to the sale of items directly related to funerals and burials purposes such as flowers, grave stones and coffins.</p>
<b>Chalet Development</b>	<p>Means a grouping of a number of chalets on a property; a chalet meaning a dwelling unit used as a holiday dwelling with a floor area not exceeding 55 m<sup>2</sup> and not less than 35 m<sup>2</sup>, consisting of not more than 3 living rooms with or without sanitary convenience, bathroom, shower and kitchen, together with approved outbuildings or ancillary buildings to be used in conjunction with a chalet or series of chalets, but shall not include a dwelling house, residential building or medium density housing. A series of chalets shall denote any grouping of a number of chalets.</p> <p>It may include buildings or structures used for private recreational use, such as a swimming pool, gymnasium, tennis courts, etc.</p>
<b>Clinic</b>	<p>As provided for under “Public Office”, “Institution”, “Shop” or where otherwise specifically provided for in terms of the Scheme, means a facility providing medical services to pregnant, sick or injured outpatients or employees.</p>
<b>Coffee Shop / Tea Garden</b>	<p>Means a building used to prepare and sell light meals, confectionary and non-alcoholic beverages for consumption on the premises. It may also be included under the definition of “Shop”.</p>
<b>Commercial Workshop</b>	<p>Means light and service industrial activities which cater for the local customer or provides a service direct to the retail customer and which is directly associated with a shop or an office building in respect of which the public, as customer, has access, such as a watch repairer, shoe repairer, valet service or dry cleaning shop, radio or television repairer, etc. but excludes a Public Garage.</p>
<b>Community Garden</b>	<p>It land used for the production of fruit and vegetables in an urban environment using resources available in that urban area for the benefit largely of residents</p>

## SECTION 5 : LAND USE DEFINITIONS

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from that area. It expressly excludes the large-scale sale of produce/crops from the site so as to cause a nuisance to the surrounding landowners. It may include a small-scale plant nursery.

### **Conference Facility**

Means a building, or part of a building, used for conferences, seminars and meetings ancillary to the primary use of the site, and may include offices for the administration of such facility.

### **Conservation Purposes**

Means environmentally sensitive land and/or water bodies, or land earmarked for environmental rehabilitation which includes independent or linked open space areas and permits only limited and specific developments that are normally associated with, but secondary to, the conservation of land, such as parking areas, walking trails, bird watching structures, educational buildings, restaurant / tuck shop and other facilities for the convenience of visitors. Development would most likely be subject to an environmental approval process in line with relevant legislation.

### **Crèche**

As provided for under “Home Business” means a building or portion of a building for the care of between seven (7) and thirty (30) infants and/or young children during the daytime absence of their parents or guardians, and may include a nursery school.

### **Crematorium**

Means any building or structure in respect of which authority has been granted for human remains to be cremated therein or thereon. “Cremated” means to reduce any human remains to ashes.

### **Day Care Facility**

Means a dwelling house or dwelling unit or part thereof used for the daytime care and education of not more than six (6) infants and/or young children during the daytime absence of their parents or guardians.

It may also include the care of not more than six (6) adults, either elderly or sick, provided that such facility:

- is not used for the treatment of infections or contagious diseases;
- may not in any way cause a danger to public health and safety; and
- is able to comply with the relevant Environmental Health Bylaws, especially with regards to the management of medical waste.

### **Educational Building**

Means land and buildings used for instruction purposes such as a university, school, college, technical institute, crèche, nursery school, monastery, convent or similar uses and may include a research laboratory, art gallery, museum, academy, lecture, music or assembly hall or a library within the same site and incidental to such uses. It may further include ancillary uses normally associated with the primary use as an educational building, such as accommodation for students and staff, a canteen/restaurant, tuck shop (limited to 20m<sup>2</sup>) and sport / recreation facilities, but expressly excludes a Restricted Building.

### **Farm Stall**

Means a building or structure, which does not exceed 150m<sup>2</sup> in floor area, used for the retailing of fresh farm produce produced on site, including homemade items. It may also include the sale of convenience goods.

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<b>Farm Worker Accommodation</b>	As provided for under “Agricultural Building” means accommodation provided for farm workers working for the land user.
<b>Flea Market</b>	An occasional or periodic market held in an open area or structure where groups of individual sellers offer goods for sale to the public.
<b>Funeral Parlour</b>	Means a building or land used for the purpose of funeral management and/or for the reception, storage and preparation of human corpses prior to burial or cremation and may include: <ul style="list-style-type: none"><li>a) A shop intended primarily for public reception and for the sale and display of those commodities required for cemetery purposes, funerals and services ordinarily ancillary to funeral management;</li><li>b) A funeral chapel; and</li><li>c) A workshop for the manufacture of coffins and funeral furniture; but expressly excludes a monumental mason and/or crematorium.</li></ul>
<b>Gambling Premises</b>	Means a building or structure other than a “Casino” and “Racecourse” as defined in this Scheme, that are named or described in a license issued in terms of the National Gambling Act, No. 7 of 2004, or applicable provincial law, and where gambling activities are conducted. It may include: <ul style="list-style-type: none"><li>a) Limited pay-out machines;</li><li>b) Bookmaker Agencies;</li><li>c) Totalisator Agencies;</li><li>d) Tattersalls;</li><li>e) Bingo Hall;</li><li>f) Gaming Hall; etc.</li></ul> <p>The standards for gambling premises must be maintained, as described in Section 17 of the National Gambling Act, No. 7 of 2004.</p>
<b>Guest House</b>	As defined under “Bed and Breakfast”.
<b>Home Activity</b>	Means the conduct of an occupational activity in conjunction with a Dwelling Unit or an approved structure erected on the Site of an existing Dwelling Unit, subject to certain conditions. In particular, such activity shall be conducted by the owner of the site, shall not require the employment of additional staff which is necessary to conduct the home activity, shall not cause the regular parking of more than three vehicles on site and shall not have a negative impact on the residential character of the area.
<b>Home Business</b>	Means the conduct of an occupational activity in, or in conjunction with, a Dwelling Unit or an approved structure erected on the Site of an existing Dwelling Unit which may be used for a home business, subject to certain conditions. In particular, such business may cause the employment of additional staff which is necessary to conduct the business, but shall not have a negative impact on the residential character of the area.
<b>Homestead</b>	Means land, buildings and structures used for the accommodation of an extended traditional family, who has been allocated the land by means of customary law to a traditional community recognized in terms of section 2(5)(b) of the KwaZulu-Natal



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Traditional Leadership and Governance Act, 2005 (Act No. 5 of 2005), and may include areas for the cultivation of trees and crops, a kraal for livestock and an enclosure for poultry.

### **Hospital**

As defined under “Institution”.

### **Hotel**

Means a facility offering transient lodging accommodation to the general public and providing additional services accessible by guests and the general public, such as restaurants, meeting rooms / conference facilities, entertainment, recreational, facilities, health and beauty facilities, and limited shopping.

### **Hydroponics**

As provided for under “Agricultural Land” means the cultivation of plants by placing the roots in liquid nutrient solutions rather than in soil.

### **Impoundment Area**

Means land and or buildings used to confine seized items such as stray animals, motor vehicles and the like.

### **Industry – Extractive**

Means any activity, premises, building and/or land upon which the process of extracting, mining, winning or quarrying of raw materials from the ground is undertaken, including gravel, sand and stone and includes buildings and crushing plant used in connection with such process, but excludes the processing of such minerals by means of smelting, etc., which would be classified under “Industry-High Impact” and crushing of products which are not mined on site.

### **Industry – General**

Means any activity, undertaking, premises, building and/or land falling within the scope of the interpretation of a “factory” as defined in this scheme. It shall exclude any activity, undertaking, premises and/or land which may be classed as an “Agricultural Industry”, “Industry – Bulk Storage” “Industry – Extractive”, “Industry-High Impact” and/or “Industry-Salvage”.

“Factory” means:

1. Any premises on or within which any person performs work in connection with any business, undertaking or institution, whether an employer or employee, pupil or inmate of an institution or otherwise, in any one or more of the following activities:
  - a) The manufacturing of any article or part thereof;
  - b) The altering, repairing, renovating, ornamenting, painting, spraying, sand blasting, coating, polishing, finishing, cleaning, washing or breaking up of any article;
  - c) The adaption for sale or use of any article;
  - d) The sorting, assembling or packing (including washing or filling bottles or other containers) of any articles;
  - e) Printing or letterpress, lithography, photogravure or other similar process, including any activity associated with the printing industry;
  - f) The bulk freezing, chilling or storage in cold storage of any article;
  - g) The generation of electricity where the electricity output is 10 megawatts or more or the facility covers an area in excess of 1 hectare;
  - h) Any process of testing or analysis;
  - i) The storage / parking, hiring/lease or sale of large plant and equipment but not excluding the storage of general household or

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residential goods.

2. Any premises on which bookkeeping, typewriting or any other clerical work, or amenities for people engaged in the operation or incidental to the industrial activity referred to in paragraph 1. Is performed.
3. Notwithstanding the provisions of 1-2 above, “factory” shall not include any premises which would fall under the definition of “Industry-High Impact”.

### **Industry – High Impact**

means any industry, activity or undertaking, or any buildings or land used for any purpose, which:

- a) is, in terms of the Occupational Health and Safety Act No.85 of 1993, as amended, a “hazard” or “a danger or potential danger to public health”; and/or classified as a “major hazard installation”; and/or
- b) is used in connection with the carrying on of a “listed activity” as defined in the National Environmental Management : Air Quality Act No.39 of 2004 as amended, and requires an atmospheric emissions license issued in terms of the Act; and/or
- c) falls within the scope of the definition of “Explosive Manufacturing Site” under the Explosives Act 2003, No. 15 of 2003, as amended, whether such activity or undertaking or use of any building or land falls within the scope of the definition of Industry or not; and/or
- d) could be classified as a “high impact trade/industry” which is deemed to be offensive or harmful or injurious to public health, safety or physical well-being.

Should doubt exist whether an industry should be classified under “Industry-High Impact” or any other industry as defined in this Scheme, a precautionary approach shall be followed, i.e. such industry shall be considered as Industry-High Impact until it can be proven that the industry could be classified otherwise. In these cases, the Director responsible for Environmental Health matters, the Director responsible for Planning matters and the Municipal Manager shall certify, based on acceptable and credible information, that the process which is to be employed will be such that any nuisance or harm or danger to public health, safety or physical well-being will be eliminated. Hence, the activity, undertaking or use of a building or land, as the case may be, may be included within an alternative industrial definition.

“High impact trade/industry” means the use of any building, land or other premises to conduct an activity/ies that is/are deemed to be noxious, offensive or harmful or injurious to public health, safety or physical well-being , such as:

- (i) Combustion installations;
- (ii) Chemical, paint or dye works;
- (iii) Manure, superphosphate or fertilizer works or stores;
- (iv) Processing of animal matter, including fell monger, tanning and leather-dressing works, works or premises used for the storage, drying, preserving or otherwise dealing with bones, horns, hoofs or hides, knackers’ yards, abattoirs, fat-melting or tallow-melting works and any similar works or establishment dealing with meat, fish, bones, blood, offal, horns, hoofs or other animal organic matter, fish canning works, bacon factories, sausage factories and similar works, gut-scraping works,

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- tripe-cleaning or tripe-boiling works, etc.
- (v) Glue or sizing factories;
- (vi) Soap and candle works;
- (vii) Wood chipping, wattle-bark grinding or extracting works, including by-products recovery;
- (viii) Paper and pulp manufacturing, mills or factories;
- (ix) Sugar Mills and Sugar Refineries;
- (x) Metallurgical works such as smelters, etc.;
- (xi) Mineral processing, bulk storage and handling, including (but not limited to) coal, cement production, clamp kilns for brick production, lime production, glass and ceramic production, tar or bitumen production/mixture, etc.;
- (xii) Breweries, distilleries and yeast manufacturing plants;
- (xiii) Destructors or other works for the treatment of household refuse, hazardous or trade refuse, street refuse, sewage or “night-soil”; and
- (xiv) Petroleum industries, including the production and bulk storage of gaseous and liquid fuels, as well as petrochemicals from crude oil, coal, gas or biomass and other trade in connection with the processing of by-products or petroleum refining, but excluding a service station, truck stop or garage.

### Industry – Light

Means an industry in which the processes carried on or the machinery installed are of such nature that it could be carried out or operated without any detriment to amenity, engineering services or to health by reason of, inter alia:

- a) noise, vibration or glare;
- b) odour, gas, fumes or smoke;
- c) soot, ash, dust, grit or other particulate matter;
- d) radiation, fire or explosion hazards;
- e) electronic or electromagnetic interference;
- f) heat or humidity;
- g) the discharge of any other vapour, gas, effluvia, liquids and solid matter; and/or
- h) causing undue load on any existing or proposed engineering services such as energy/water intensive uses.

Examples of “Light Industries” include panel beaters, enclosed spray painting booths with filtration systems, etc.

### Industry – Salvage

Means the use of a building or buildings or the use of land for one or more of the following purposes:

- a) the storage, depositing or collection of scrap or waste material or articles whose value lies mainly or entirely in that of the material of which they are composed; and/or
- b) the dismantling of second-hand vehicles or machines for the purpose of recovering spare parts or material there from; and/or
- c) the storage or sale of second-hand pipes, poles, steel or other metal sections, wire, timber, bricks, other building material, tyres, vehicle parts, containers or other articles capable of being left in the open without serious detriment thereto and which is not deemed to be offensive or dangerous or injurious to the public health.
- d) Vehicle Impoundment.

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<b>Industry - Service</b>	<p>Means an enterprise which is:</p> <ul style="list-style-type: none"><li>a) Primarily involved in the rendering of a service for the local community such as the repair of household appliances or the supply of household services; and</li><li>b) Not likely to be a source of disturbance to surrounding properties;</li><li>c) Not liable, in the event of fire, to cause excessive combustion, give rise to poisonous fumes or cause explosions; and</li><li>d) Includes a builder's yard / hardware store and allied trades, laundry, bakery, dairy depot, distribution centres, storage purposes (excluding Bulk Storage as defined in the Scheme), laboratories, grooming parlour, transport and cartage activities and a workshop or other area used for the repair, restoration, lubrication and/or service of motor or leisure vehicles and/or parts thereof and/or electrical and/or mechanical equipment and may include facilities such as service bays, grease pits and wash bays, but shall not include facilities for panel beating or spray painting.</li></ul>
<b>Informal Trade Area</b>	<p>Means an area within which any small scale economic activity is permitted, provided that each operator occupies a defined space. Provided further that, notwithstanding anything stated to the contrary in these clauses, no specific provision shall apply to such area, unless considered necessary and so specified by Council.</p>
<b>Institution</b>	<p>Means the use of land and buildings for the purpose of:</p> <ul style="list-style-type: none"><li>a) a hospital, nursing home/ frail care facility for the elderly, sanatorium, clinic, convalescent home, step down facility or one or more such uses;</li><li>b) an orphanage; or</li><li>c) other public, private or welfare institutions and may include such buildings, within the same site, as are ordinarily and reasonable ancillary or necessary to the conduct of such institution, such as buildings for administrative purposes and for the residential accommodation of essential staff members; but expressly excludes buildings or activities falling within the scope of the definition of "Restricted Building".</li></ul> <p>It may include land uses such as a tuck shop, coffee shop and/or sport and recreation facilities associated with, but secondary to, the primary use of land and used exclusively by the residents of or visitors to the facility.</p>
<b>Launderette</b>	<p>Means a building used for the purpose of washing and drying domestic clothing and household linen, where the machines used are electronically operated and quiet, and of the type of which processes each customer's articles individually, and which may be operated by the customer for a fee or be dropped off and picked up. The washing media used shall be of a type that shall not cause harmful effluent to be discharged into the sewerage system. A launderette is differentiated from a laundry in that the customer cannot operate the machines used in a laundry.</p>
<b>Lodge</b>	<p>Means a building or group of buildings under single management containing both rooms and/or dwelling units available for temporary rental to transient individuals and may include services such as conference and recreational facilities, shop and Laundromat for the exclusive use of residents only and shall exclude a Place of Amusement.</p>

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<b>Mobile Home Park</b>	Means a site laid out and provided to the satisfaction of the Council with adequate roads, essential services, open spaces and communal facilities, intended for the accommodation of factory assembled self-contained dwelling units, each unit of which can be transported from the factory to the destination and which, when placed in position, whether on land or in water, is ready for occupation once the essential services have been connected.
<b>Motor Vehicle Fitment Centre</b>	Means a building or land used for the sale and fitting of exhausts, tow bars, radios, shock absorbers, tyres and other parts of automotive vehicles, but excludes the mechanical repair of the automotive vehicles
<b>Municipal Purposes</b>	Means and includes the use of land and the erection and use of buildings by or on behalf of the Council for the purpose of carrying out one or more municipal functions which may include the supply of essential protective, health, community, administrative, engineering, support or other similar services and the provision of housing, recreational or other similar facilities, but excluding uses provided for under specific zones such as cemeteries, refuse sites, sewerage treatment plants, water works, fire brigade and ambulance services.
<b>Night Club / Bar / Tavern</b>	Means premises, more frequently than not open after 12am at night, that: <ul style="list-style-type: none"><li>a) provides entertainment (singing / dancing);</li><li>b) is licensed to sell on-site consumption of liquor; and</li><li>c) may provide eating facilities.</li></ul>
<b>Office - General</b>	Means a building or a part of a building used for administration, clerical, technical, professional or similar business activities.
<b>Office – Professional</b>	An office used for conducting the profession or occupation of: <ul style="list-style-type: none"><li>a) an accountant, architect, consulting engineer, land surveyor, legal practitioner, quantity surveyor, town planner, bookkeeper, financial advisor, draughtsman or any other profession or occupation;</li><li>b) Medical chambers, including the consulting rooms, surgery and dispensary of medical and dental practitioners and purposes ancillary thereto; paramedical chambers and consulting rooms and purposes ancillary thereto;</li><li>c) a day-clinic or day-hospital in which patients may be treated on a day to day basis, but excluding a hospital, nursing home, sanatorium or similar institution to which patients are admitted for a continuous period in excess of fifteen hours and purposes ancillary thereto; and/or</li><li>d) Prosthetic workshops for the manufacture and/or fitting of prosthetic devices such as spectacles and similar optometric devices, false teeth and similar orthodontic devices, hearing aids, artificial limbs and similar devices and purposes ancillary to such prosthetic workshops.</li></ul> <p>Professional offices are, in the opinion of Council, not likely to interfere with the amenities of the surrounding area.</p>
<b>Place of Amusement</b>	Means a building or land, or portion thereof, used for purposes of entertainment and includes a theatre, opera house, cinema, music hall, concert hall, dance hall, amusement arcade/park, skating rink, oceanarium, billiard saloon, and/or but shall not include a horse racing track, motor racing circuit, sports arena / field; provided that a restaurant/refreshment kiosk may be permitted, at the sole discretion of Council, as an

## SECTION 5 : LAND USE DEFINITIONS

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ancillary facility integral to the business defined as a place of amusement, and further subject thereto that such restaurant/refreshment kiosk shall cease to exist in the event that the place of amusement ceases to operate. A "Place of Amusement" expressly excludes a nightclub.

- Place of Assembly** Means a building or buildings and associated use of land used for organised social meetings, gatherings, conferences, exhibitions and recreation and includes a non-residential club (including a refreshment kiosk/bar/restaurant for the exclusive use by members of the club, subject thereto that such bar/restaurant/refreshment kiosk shall cease to exist in the event that the place of assembly ceases to operate), but does not include a Place of Amusement and/or Place of Worship.
- Place of Worship** Means a building or buildings and associated use of land used for religious purposes such as a church, chapel, oratory, synagogue, mosque, temple and/or other place of public devotion and may include, where such other building is within the same site and incidental to any of the first mentioned buildings, a place of religious education, administrative offices and/or other building/s used for purposes of religious and social interaction or recreation, including a coffee shop and tuck shop (limited to 20m<sup>2</sup>), but shall not include a Funeral Parlour.
- Private Street** Means any street which is not a public street and which is normally not owned or maintained by the Municipality.
- Private Recreational Use** Means sport and/or recreation facilities where access area may be reserved, such as a privately owned Golf Course, sports fields and clubs and associated sporting structures. It may include parking areas, club house, restaurant or shop facilities ancillary to such sport and/or recreational use.
- Public Garage** Means a building, used for the fuelling or storage of motor vehicles by way of trade or for purposes of gain and may include Automotive Showrooms, workshops, and facilities for the sale of fuels, lubricants, automotive parts, spares, accessories, and associated office accommodation. A convenience shop and car wash facilities could be allowed subject to the conditions as set out in the Scheme.
- Public Office** Means a building used for purposes of Local, District, Provincial and/or National Government offices and includes a Town Hall, Court House, Police Station, Post Office, Public Library, Clinic and buildings ordinarily incidental thereto, but excluding an impoundment area.
- Public Street** Means any street which:
- a) has been established by a local authority or other competent authority as a public street;
  - b) has been taken over by or vested in a local authority as a public street in terms of any law;
  - c) the public has acquired the right to use; or
  - d) which is shown on a general plan or diagram of any private township situate in the area of a local authority filed in the Deeds Registry or the Surveyor-General's Office and to which the owners of erven or lots in such township have a common right of use.
- Public Recreational Use** Means the use of Municipal-owned open space for enjoyment by the public, and may include playgrounds, botanical and zoological gardens, sport and recreational facilities and similar uses, and may include parking areas necessary for such use/s and a restaurant

## SECTION 5 : LAND USE DEFINITIONS

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or shop ancillary to such sport and recreational uses.

### **Racecourse**

Means the use of land and buildings for the racing of:

- a) motor powered vehicles including motorcars or carts, trucks, motorcycles, etc.; and
- b) animals.

### **Recreational Building**

Means a clubhouse, gymnasium, squash court, pavilion, change room, stadium and any similar facility used in conjunction with a sport or recreational activity. A clubhouse may include dining facilities and lounges.

It may include an open space or reserve which the public has a right to use and enjoy, and includes any ancillary facilities but excludes a commercial gymnasium, which is defined under "Shop".

### **Residential Building**

Means a building other than a Dwelling House, Medium Density Housing, Chalets or a Hotel, used for human habitation together with such outbuildings, accessories and accommodation for bona fide domestic servants and other covered areas as are, in the opinion of the Council customary used therewith, and includes apartments, a block of flats, boarding house residential club or residential hostel. It may include land used for sport and/or recreation facilities associated with, but secondary to the residential use of land and used exclusively by the residents of dwelling units on the site, but expressly excludes any building mentioned in the definitions of Educational Building, Institution and/or Restricted Building.

### **Residential House - Dwelling House**

Means a free standing dwelling unit on a single erf, which does not form part of either Medium Density Housing or Chalets, used as a Dwelling Unit for a single family together with such outbuildings and as are customary used incidental therewith. It may include land used for sport and/or recreation facilities associated with, but secondary to the residential use of land and used exclusively by the residents of the dwelling unit on the site.

### **Residential Density - Medium Density**

Means, a group of two or more attached or detached Dwelling Units, together with such outbuildings as are ordinarily associated thereto, each Dwelling Unit having access to a private open space and access to common land, the whole development having been designed as a harmonious entity.

It may include land used for sport and/or recreation facilities associated with, but secondary to the residential use of land and used exclusively by the residents of the dwelling units on the site.

### **Resort Development**

Means a development that is designed as a harmonious entity and provides holiday accommodation in conjunction with recreation and other resort facilities. Particularly well-suited for family vacations, a resort offers a variety of experiences which may include self-catering or catered, detached or attached habitable accommodation, hotels, restaurants, conferencing, limited shopping, public entertainment areas, recreation such as golfing, sport, water sports, relaxation activities such as wildlife, wellness centres, hydro's and spa's and other similar facilities, and may include ancillary office, staff accommodation, parking and utility facilities.

### **Restaurant**

As provided for under "Shop" means a building used to prepare and sell food and drink for consumption on the premises, and where seating is provided for patrons, and may

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include limited entertainment.

Restaurants are **not** frequently open after midnight.

### **Restricted Building**

Means a building, buildings or land used exclusively for purposes of:

- a) a hospital, sanatorium, dispensary or clinic for the exclusive treatment of infections or contagious diseases;
- b) an institution or home for mentally disabled people;
- c) a mental hospital;
- d) a prison or other place of lawful detention;
- e) an industrial school, reformatory, place of safe keeping or other approved school; and/or
- f) a public or private assistance institution, building and/or land for people in despair, need or assistance.

### **Sanatorium**

As provided for under “Institution” or “Restricted Building” means a building used for the treatment of chronic diseases or for medically supervised recuperation.

### **Semi-Professional Office**

Means an office which is not defined under “Office – Professional”, but which, in the opinion of Council, could be considered a semi-professional office and which could be controlled subject to the same conditions as set out for Professional Offices.

### **Service Station**

Means a building and land used for the retail sale of petrol or petroleum derivatives, lubricating oils and greases capable of use in internal combustion engines, and which may include an ATM, associated office accommodation, carwash facility and limited shopping facilities in accordance with Clause 4.1.6.7 of this Scheme, but excludes an Automotive Showroom, a workshop and the major sale of automotive parts and spares.

The definition of “shopping facilities” would include a restaurant/café/tea room/take away facility, supermarket/convenience shop, and/or video hiring outlet.

### **Shelter**

Means a unit of residential accommodation, which may or may not comply with the National Building Regulations.

### **Shop - General**

Means a building used for the purpose of carrying on or conducting any retail trade or retail business where the primary purpose is the display and sale of goods by retail, and shall include inter alia,

- a) a hairdresser or barber;
- b) a ticket, booking or travel agency;
- c) a showroom other than an Automotive Showroom;
- d) a cafe, fast food outlet, restaurant, or other premises used for the sale or consumption of food and drink;
- e) a dry cleaning or laundry depot or other similar premises for the reception of goods to be washed, cleaned, altered or repaired;
- f) an auction mart and book exchange;
- g) a bottle store, hotel off-sales or other premises in respect of which a bottle liquor license or an off-consumption license is required;
- h) banking and other similar financial halls;
- i) a health club /commercial gymnasium or health studio, beauty parlour, slimming salons and/or a massage parlour; and
- j) ancillary buildings ordinarily incidental to the conduct of a retail business.



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Provided that shop expressly excludes:

- i. any activity or use of buildings or land falling within the scope of the definitions of Industry-General, Industry-Extractive, Industry-Salvage and Industry – High Impact;
- ii. a Public Garage or vehicle workshop;
- iii. businesses of a primarily wholesale nature;
- iv. gambling premises;
- v. a night club, bar and/or tavern; and
- vi. Spaza Shop / Tuck Shop.

### **Shop - Factory**

Retail store, operated by a manufacturer, which provides an outlet for selling the manufacturer's irregular, overrun or end-of-season merchandise, and sometimes, in-season first-quality merchandise – but it shall exclude a "Shop". Although it is not always the case, outlet stores are often located on the premises of the factory, or close to the manufacturer.

### **Shop - Wholesale**

A store that sells bulk merchandise, especially consumer goods, at a discount from the manufacturer's suggested retail price – no business of a general "Shop" nature may be conducted on the premises.

### **Solar Farm**

As provided for under "Agricultural Industry" means land used to accommodate a large collection of interconnected photovoltaic / solar panels that work together to capture sunlight and turn it into electricity on a large scale.

### **Spaza Shop / Tuck shop**

As provided for under "Home Business" means a small retail enterprises operating from a residential stand or home and engaged in the trading of convenience goods for the day-to-day needs of the public.

A tuck shop, limited to 20m<sup>2</sup> total floor area, may also be operated from certain non-residential land uses, as allowed for in terms of the Scheme.

### **Tavern / Shebeen**

As defined under "Night Club / Bar".

### **Telecommunication Infrastructure**

Means land used to accommodate any structure housing equipment used in the transmitting or receiving of electronic communications signals and includes telecommunication base stations and masts, but excludes -

(a) masts of 15 metres and lower exclusively used:

- (i) by radio amateurs; or
- (ii) for lighting purposes

(b) flag poles and lightning conductor poles.

### **Terminal - Airfield**

Means land and buildings used to assemble and distribute passengers and goods via air, including uses specifically related to the functioning of the airfield at Council's sole discretion. It may include facilities to park, maintain, fuel and maneuver planes, airport operations, associated offices, warehousing and distribution facilities for goods and luggage, parking areas for the parking of vehicles, vehicle hire facilities, training facilities, facilities for the comfort and recreation of passengers while waiting such as restaurants and shops.

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<b>Terminal - Bus and Taxi</b>	Means the use of land and/or buildings at public transport facilities such as bus / taxi ranks for the purposes of dropping off and collecting passengers by public and private bus services and mini bus and metered taxis, and may include parking areas, shelter and seating for passengers, a ticket office, offices ancillary to the management of a bus or taxi rank, an informal trade area and ablution facilities.
<b>Terminal – Truck</b>	Means a building or premises in which, or upon which, a business, service, or industry is conducted mainly involving trucks or similar heavy commercial vehicles, and may include: <ul style="list-style-type: none"><li>a) the dispensing of motor fuel or other petroleum products, including associated office and storage areas;</li><li>b) the temporary parking of trucks or similar heavy commercial vehicles;</li><li>c) the cleaning, maintenance, servicing, or minor repairs of trucks or commercial heavy vehicles, but excluding panel beating and spray painting.</li></ul>
<b>Tuck shop</b>	As defined under “Spaza Shop”.
<b>Utilities Facility</b>	Means land or buildings used for the provision and maintenance of essential infrastructural services such as service roads, rail, sewer, water, electricity, gas, telecommunications infrastructure, public lighting and stormwater control and other services deemed necessary by the Council, and may include a water reservoir, waterworks, electrical substation, telephone exchange, postal collection points, weigh bridge, servitudes for the provision of services and conveyers, etc. Sewage treatment works, macerator stations and refuse sites shall be defined as a “Industry-High Impact” in terms of the Scheme.
<b>Vehicle Testing Station</b>	Means the registered use of land and/or buildings by a registering authority for determining the fitness of vehicles to utilise the public road system, in line with the provisions of the National Road Traffic Act, 1996.
<b>Veterinary Purposes</b>	Means the use of land and/or buildings for medical treatment of domestic animals, and the short term boarding of animals incidental to the hospital use. It may include a grooming parlour and retail outlet restricted to the sale of veterinary and animal maintenance products. Subject to the approval of the Council, the facility may include the treatment of any other animal.
<b>Warehouse</b>	Means a building that is used primarily for the temporary storage of products and/or goods, except those of an offensive or dangerous nature, and does not include a building or part thereof intended or used, in the opinion of the Council, for retail or wholesale purposes.  Warehousing of products or goods of an offensive or dangerous nature shall be defined under “Industry-High Impact”. Open-air bulk storage shall be defined under “Bulk Storage” in terms of the Scheme.
<b>Waste Transfer and/or Recycling Centre</b>	An area of land, with or without buildings, that may be licensed under relevant legislation for the temporary accumulation and storage of more than 35m <sup>3</sup> of garden and recyclable domestic waste and which may include the separation and processing of domestic waste materials for eventual reuse or final disposal at a landfill site.

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**Waste Transfer and/or Drop-off Station** Means land that may be licensed under relevant legislation to accumulate and temporarily store no more than 35m<sup>3</sup> of garden and recyclable domestic waste before it is transported to a recycling, treatment or waste disposal facility.

**Wind Turbines** As provided for under “Agricultural Industry” means land and structures or buildings used to generate electricity by wind force. It does not include:

- a) turbines principally used to supply electricity for domestic or rural use of the land; or
- b) an anemometer.

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### 6 SECTION 6: APPENDICES

#### 6.1 APPENDIX 1: RURAL NODES LAND USE MANAGEMENT

##### 6.1.1 INTRODUCTION

The following rural nodes within the Mthonjaneni Municipal area have been identified as denser nodes for which land use management is required as Land Use Management Overlays to this Scheme. The purpose of Land Use Management Overlays is to assist with decision making in terms of land use management. In the case of these denser rural nodes, it is intended for this Land Use Management Overlays to assist decision makers with land use allocation and management decisions.

- KwaMagwaza;
- Ndundulu;
- Yanguye
- Mfule; and
- Ivela.

##### 6.1.2 LAND USES AND BUILDINGS

###### 6.1.2.1 LAND USE CATEGORY: AGRICULTURAL

TABLE 1: LAND USE CATEGORY: AGRICULTURAL LAND USES AND STATEMENTS OF INTENT	
LAND USE TYPE	STATEMENT OF INTENT
Rural Agriculture	A land use that provides for land used for low intensity and small scale agricultural practices in association with other related uses in Traditional Authority areas, and may include market gardening, wood lots, the production of small areas of crops such as sugar cane and livestock.

TABLE 2: LAND USE CATEGORY: AGRICULTURE	
v = Uses that can be allowed	Land Use Types
	Rural Agriculture

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TABLE 2: LAND USE CATEGORY: AGRICULTURE	
	Land Use Types
<b>v = Uses that can be allowed</b>	<b>Rural Agriculture</b>
Abattoir	
Agricultural Building	
Agricultural Industry	
Agricultural Land	
Arts & Crafts Workshop	
Bed and Breakfast	
Carwash Facility	
Cemetery Purposes	
Clinic	
Commercial Workshop	
Community Garden	
Conservation Purposes	
Crèche	
Day Care Facility	
Educational Building	
Farm Stall	
Flea Market	
Funeral Parlour	
Hospital	
Hydroponics	
Impoundment Area	
Industry – Light	
Industry - Service	
Informal Trade Area	
Institution	
Launderette	
Lodge	
Motor Vehicle Fitment Centre	
Municipal Purposes	
Night Club / Bar / Tavern	
Office - General	
Place of Worship	

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TABLE 2: LAND USE CATEGORY: AGRICULTURE	
	Land Use Types
<b>v = Uses that can be allowed</b>	<b>Rural Agriculture</b>
Residential Building	
Residential - Dwelling House	
Residential - Medium Density	
Restaurant	
Restricted Building	
Shop - General	
Solar Farm	
Spaza Shop / Tuck shop	
Tavern / Shebeen	
Terminal - Bus and Taxi	
Utilities Facility	
Waste Transfer and/or Recycling Centre	
Waste Transfer and/or Drop-off Station	

TABLE 3: LAND USE CATEGORY: AGRICULTURAL - DEVELOPMENT PARAMETERS	
	Land Use Types
<b>DEVELOPMENT PARAMETERS</b>	<b>Rural Agriculture</b>
Minimum Erf Area (m <sup>2</sup> or ha)	At Traditional Council's discretion
Building Line (m)	
Side Space (m)	
Rear Space (m)	
Coverage (%)	
Maximum Height (Storeys)	

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### 6.1.2.2 LAND USE CATEGORY: CIVIC AND SOCIAL

TABLE 1: LAND USE CATEGORY: CIVIC AND SOCIAL – LAND USES AND STATEMENTS OF INTENT	
LAND USE TYPES	STATEMENT OF INTENT
Municipal and Government	A zone that is intended for buildings erected and used for National, Provincial and municipal administration and services.
Worship	A zone that is intended for land and buildings to be used as a church, chapel, oratory, synagogue, mosque, temple, Sunday school, and other places of public devotion, but does not include a funeral parlour.
Crèche	A zone that provides for buildings or portions of buildings to be used for the care of no less than six or more infants and children during the daytime. Health bylaws must be complied with.
Education	A zone that provides for a full range of educational facilities, including infants, pre-primary, primary, secondary, tertiary and adult education and training with associated buildings and recreational facilities.
Health and Welfare	A zone that provides for the full range of public and private hospitals, medical centres, clinics, sanatoria, community care, welfare and social requirements, including pension pay points.
Cemetery	A zone that is intended for public and private cemeteries, memorial parks, and funeral chapel. Note that crematoria are usually considered through the Consent procedure.

TABLE 2: LAND USE CATEGORY: CIVIC AND SOCIAL								
v = Uses that can be allowed	Land Use Types							
	Rural Traditional Administrative Centre	Rural Worship	Rural Crèche	Rural Education	Rural Health and Welfare	Rural Cemetery	Rural Sportsfield	Rural Community Hall
Abattoir								
Agricultural Building								
Agricultural Industry								
Agricultural Land								
Arts & Crafts Workshop								
Bed and Breakfast								

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TABLE 2: LAND USE CATEGORY: CIVIC AND SOCIAL								
√ = Uses that can be allowed	Land Use Types							
	Rural Traditional Administrative Centre	Rural Worship	Rural Crèche	Rural Education	Rural Health and Welfare	Rural Cemetery	Rural Sportsfield	Rural Community Hall
Carwash Facility								
Cemetery Purposes								
Clinic								
Commercial Workshop								
Community Garden								
Conservation Purposes								
Crèche								
Day Care Facility								
Educational Building								
Farm Stall								
Flea Market								
Funeral Parlour								
Hospital								
Hydroponics								
Impoundment Area								
Industry – Light								
Industry - Service								
Informal Trade Area								



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TABLE 2: LAND USE CATEGORY: CIVIC AND SOCIAL								
√ = Uses that can be allowed	Land Use Types							
	Rural Traditional Administrative Centre	Rural Worship	Rural Crèche	Rural Education	Rural Health and Welfare	Rural Cemetery	Rural Sportsfield	Rural Community Hall
Institution								
Launderette								
Lodge								
Motor Vehicle Fitment Centre								
Municipal Purposes								
Night Club / Bar / Tavern								
Office - General								
Place of Worship								
Residential Building								
Residential - Dwelling House								
Residential - Medium Density								
Restaurant								
Restricted Building								
Shop - General								
Solar Farm								
Spaza Shop / Tuck shop								
Tavern / Shebeen								
Terminal - Bus and Taxi								

## SECTION 6 : APPENDICES

TABLE 2: LAND USE CATEGORY: CIVIC AND SOCIAL								
v = Uses that can be allowed	Land Use Types							
	Rural Traditional Administrative Centre	Rural Worship	Rural Crèche	Rural Education	Rural Health and Welfare	Rural Cemetery	Rural Sportsfield	Rural Community Hall
Utilities Facility								
Waste Transfer and/or Recycling Centre								
Waste Transfer and/or Drop-off Station								

TABLE 3: LAND USE CATEGORY TYPE: CIVIC AND SOCIAL - DEVELOPMENT PARAMETERS								
Development Parameters	Land Use Types							
	Rural Traditional Administrative Centre	Rural Worship	Rural Crèche	Rural Education	Rural Health and Welfare	Rural Cemetery	Rural Sportsfield	Rural Community Hall
Minimum Erf Area (m2 or ha)	N/A	3000m <sup>2</sup>	900m <sup>2</sup>	PPS: 3000m <sup>2</sup> PS: 1ha SS: 3ha	1800m <sup>2</sup>	1800m <sup>2</sup>		
Building Line (m)	7.5	7.5	7.5	7.5	7.5	7.5		
Side Space (m)	2	2	2	2	2	2		
Rear Space (m)	2	2	2	2	2	2		
Coverage (%)	50	30	30	30	30	20		
Maximum Height (Storeys)	2	No Limit	2	3	2	2		

## SECTION 6 : APPENDICES

### 6.1.2.3 LAND USE CATEGORY: COMMERCIAL

TABLE 1: LAND USE CATEGORY: COMMERCIAL – LAND USE TYPES AND STATEMENTS OF INTENT	
LAND USE TYPE	STATEMENT OF INTENT
Rural Commercial	A land use that provides for a limited range of commercial activities, offices, restaurants, residential development at residential level intensities of development and with limited impacts.

TABLE 2: LAND USE CATEGORY: COMMERCIAL	
	Land Use Types
<b>v = Uses that can be allowed</b>	<b>Rural Commercial</b>
Abattoir	
Agricultural Building	
Agricultural Industry	
Agricultural Land	
Arts & Crafts Workshop	
Bed and Breakfast	
Carwash Facility	
Cemetery Purposes	
Clinic	
Commercial Workshop	
Community Garden	
Conservation Purposes	
Crèche	

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TABLE 2: LAND USE CATEGORY: COMMERCIAL	
<b>v = Uses that can be allowed</b>	Land Use Types
	Rural Commercial
Day Care Facility	
Educational Building	
Farm Stall	
Flea Market	
Funeral Parlour	
Hospital	
Hydroponics	
Impoundment Area	
Industry – Light	
Industry - Service	
Informal Trade Area	
Institution	
Launderette	
Lodge	
Motor Vehicle Fitment Centre	
Municipal Purposes	
Night Club / Bar / Tavern	
Office - General	
Place of Worship	
Residential Building	
Residential - Dwelling House	

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TABLE 2: LAND USE CATEGORY: COMMERCIAL	
	Land Use Types
<b>v = Uses that can be allowed</b>	<b>Rural Commercial</b>
Residential - Medium Density	
Restaurant	
Restricted Building	
Shop - General	
Solar Farm	
Spaza Shop / Tuck shop	
Tavern / Shebeen	
Terminal - Bus and Taxi	
Utilities Facility	
Waste Transfer and/or Recycling Centre	
Waste Transfer and/or Drop-off Station	

TABLE 3: LAND USE CATEGORY: COMMERCIAL - DEVELOPMENT PARAMETERS	
	Land Use Types
<b>DEVELOPMENT PARAMETERS</b>	<b>Rural Commercial</b>
Minimum Erf Area (m2 or ha)	
Building Line (m)	
Side Space (m)	

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TABLE 3: LAND USE CATEGORY: COMMERCIAL - DEVELOPMENT PARAMETERS	
<b>DEVELOPMENT PARAMETERS</b>	<b>Land Use Types</b>
	<b>Rural Commercial</b>
	Rear Space (m)
	Coverage (%)
Maximum Height (Storeys)	

### 6.1.2.4 LAND USE CATEGORY: ENVIRONMENTAL

TABLE 1: LAND USE CATEGORY: ENVIRONMENTAL – LAND USE TYPES AND STATEMENTS OF INTENT	
LAND USE TYPE	STATEMENT OF INTENT
Environmental Management	A land use that provides for sustainable environmental management and permits only limited and specific developments. It also provides for the rehabilitation of degraded areas

TABLE 2: LAND USE CATEGORY: ENVIRONMENTAL	
<b>v = Uses that can be allowed</b>	<b>Land Use Types</b>
	<b>Rural Environmental Management</b>
	Abattoir
	Agricultural Building
	Agricultural Industry
	Agricultural Land
Arts & Crafts Workshop	

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TABLE 2: LAND USE CATEGORY: ENVIRONMENTAL	
√ = Uses that can be allowed	Land Use Types
	Rural Environmental Management
Bed and Breakfast	
Carwash Facility	
Cemetery Purposes	
Clinic	
Commercial Workshop	
Community Garden	
Conservation Purposes	
Crèche	
Day Care Facility	
Educational Building	
Farm Stall	
Flea Market	
Funeral Parlour	
Hospital	
Hydroponics	
Impoundment Area	
Industry – Light	
Industry - Service	
Informal Trade Area	
Institution	
Launderette	

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TABLE 2: LAND USE CATEGORY: ENVIRONMENTAL	
	Land Use Types
<b>v = Uses that can be allowed</b>	<b>Rural Environmental Management</b>
Lodge	
Motor Vehicle Fitment Centre	
Municipal Purposes	
Night Club / Bar / Tavern	
Office - General	
Place of Worship	
Residential Building	
Residential - Dwelling House	
Residential - Medium Density	
Restaurant	
Restricted Building	
Shop - General	
Solar Farm	
Spaza Shop / Tuck shop	
Tavern / Shebeen	
Terminal - Bus and Taxi	
Utilities Facility	
Waste Transfer and/or Recycling Centre	
Waste Transfer and/or Drop-off Station	



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TABLE 3: LAND USE CATEGORY: ENVIRONMENTAL - DEVELOPMENT PARAMETERS	
DEVELOPMENT PARAMETERS	Land Use Types
Minimum Erf Area (m2 or ha)	
Building Line (m)	
Side Space (m)	
Rear Space (m)	
Coverage (%)	
Maximum Height (Storeys)	

### 6.1.2.5 LAND USE TYPE: OPEN SPACE

TABLE 1: LAND USE CATEGORY: ENVIRONMENTAL LAND USES AND STATEMENTS OF INTENT	
LAND USE TYPE	STATEMENT OF INTENT
Rural Public Open Space	A land use that provides for sporting and recreational needs and permits a limited range of associated facilities, but excludes sportfields.

TABLE 2: LAND USE CATEGORY: ENVIRONMENTAL	
v = Uses that can be allowed	Land Use Types
Abattoir	
Agricultural Building	

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TABLE 2: LAND USE CATEGORY: ENVIRONMENTAL	
	Land Use Types
<b>v = Uses that can be allowed</b>	<b>Rural Environmental</b>
Agricultural Industry	
Agricultural Land	
Arts & Crafts Workshop	
Bed and Breakfast	
Carwash Facility	
Cemetery Purposes	
Clinic	
Commercial Workshop	
Community Garden	
Conservation Purposes	
Crèche	
Day Care Facility	
Educational Building	
Farm Stall	
Flea Market	
Funeral Parlour	
Hospital	
Hydroponics	
Impoundment Area	
Industry – Light	
Industry - Service	
Informal Trade Area	
Institution	
Launderette	
Lodge	
Motor Vehicle Fitment Centre	
Municipal Purposes	
Night Club / Bar / Tavern	
Office - General	
Place of Worship	
Residential Building	
Residential - Dwelling House	

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TABLE 2: LAND USE CATEGORY: ENVIRONMENTAL	
	Land Use Types
<b>v = Uses that can be allowed</b>	<b>Rural Environmental</b>
Residential - Medium Density	
Restaurant	
Restricted Building	
Shop - General	
Solar Farm	
Spaza Shop / Tuck shop	
Tavern / Shebeen	
Terminal - Bus and Taxi	
Utilities Facility	
Waste Transfer and/or Recycling Centre	
Waste Transfer and/or Drop-off Station	

TABLE 3: LAND USE CATEGORY: ENVIRONMENTAL - DEVELOPMENT PARAMETERS	
	Land Use Types
<b>DEVELOPMENT PARAMETERS</b>	<b>Rural Environmental</b>
Minimum Erf Area (m2 or ha)	At Traditional Council's discretion
Building Line (m)	
Side Space (m)	
Rear Space (m)	
Coverage (%)	
Maximum Height (Storeys)	

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### 6.1.2.6 LAND USE TYPE: RESIDENTIAL

TABLE 1: LAND USE CATEGORY: RESIDENTIAL – LAND USE TYPES AND STATEMENTS OF INTENT	
LAND USE TYPE	STATEMENT OF INTENT
Denser Traditional Settlement	This land use is used to manage land and buildings where the primary land use is residential settlement on land that is communally held and/or under the jurisdiction of a Traditional Authority.
Rural Medium Density Housing	A land use that retains a high incidence of residential land uses with an increasing number of appropriate ancillary land uses to satisfy local demands and convenience, but excludes industrial and trade uses. The residential density may increase. This is essentially a buffer zone between lower density traditional settlement and higher order uses, such as commercial and civic & social land use types.

TABLE 2: LAND USE CATEGORY: RESIDENTIAL		
v = Uses that can be allowed	Land Use Types	
	Denser Traditional Settlement	Rural Medium Density Housing
Abattoir		
Agricultural Building		
Agricultural Industry		
Agricultural Land		
Arts & Crafts Workshop		
Bed and Breakfast		
Carwash Facility		
Cemetery Purposes		
Clinic		
Commercial Workshop		
Community Garden		
Conservation Purposes		

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TABLE 2: LAND USE CATEGORY: RESIDENTIAL		
√ = Uses that can be allowed	Land Use Types	
	Denser Traditional Settlement	Rural Medium Density Housing
Crèche		
Day Care Facility		
Educational Building		
Farm Stall		
Flea Market		
Funeral Parlour		
Hospital		
Hydroponics		
Impoundment Area		
Industry – Light		
Industry - Service		
Informal Trade Area		
Institution		
Launderette		
Lodge		
Motor Vehicle Fitment Centre		
Municipal Purposes		
Night Club / Bar / Tavern		
Office - General		
Place of Worship		
Residential Building		

## SECTION 6 : APPENDICES

TABLE 2: LAND USE CATEGORY: RESIDENTIAL		
√ = Uses that can be allowed	Land Use Types	
	Denser Traditional Settlement	Rural Medium Density Housing
Residential - Dwelling House		
Residential - Medium Density		
Restaurant		
Restricted Building		
Shop - General		
Solar Farm		
Spaza Shop / Tuck shop		
Tavern / Shebeen		
Terminal - Bus and Taxi		
Utilities Facility		
Waste Transfer and/or Recycling Centre		
Waste Transfer and/or Drop-off Station		

TABLE 3: LAND USE CATEGORY: RESIDENTIAL - DEVELOPMENT PARAMETERS		
DEVELOPMENT PARAMETERS	Land Use Types	
	Denser Rural Settlement	Rural Medium Density Housing
Minimum Erf Area (m2 or ha)		
Building Line (m)		

## SECTION 6 : APPENDICES

TABLE 3: LAND USE CATEGORY: RESIDENTIAL - DEVELOPMENT PARAMETERS		
DEVELOPMENT PARAMETERS	Land Use Types	
	Denser Rural Settlement	Rural Medium Density Housing
Side Space (m)		
Rear Space (m)		
Coverage (%)		
Maximum Height (Storeys)		

### 6.1.2.7 LAND USE TYPE: UTILITIES AND SERVICES

TABLE 1: LAND USE CATEGORY: UTILITIES AND SERVICES LAND USES AND STATEMENTS OF INTENT	
LAND USE TYPE	STATEMENT OF INTENT
Utilities and Services	A land use that provides for the designation and management of land set aside for uses such as substations, waterworks, sewerage works and public utilities; sewerage pump stations.

TABLE 2: LAND USE CATEGORY: UTILITIES AND SERVICES	
v = Uses that can be allowed	Land Use Types
	Rural Utilities and Services
Abattoir	
Agricultural Building	
Agricultural Industry	
Agricultural Land	
Arts & Crafts Workshop	
Bed and Breakfast	

## SECTION 6 : APPENDICES

TABLE 2: LAND USE CATEGORY: UTILITIES AND SERVICES	
	Land Use Types
<b>v = Uses that can be allowed</b>	<b>Rural Utilities and Services</b>
Carwash Facility	
Cemetery Purposes	
Clinic	
Commercial Workshop	
Community Garden	
Conservation Purposes	
Crèche	
Day Care Facility	
Educational Building	
Farm Stall	
Flea Market	
Funeral Parlour	
Hospital	
Hydroponics	
Impoundment Area	
Industry – Light	
Industry - Service	
Informal Trade Area	
Institution	
Launderette	
Lodge	
Motor Vehicle Fitment Centre	
Municipal Purposes	
Night Club / Bar / Tavern	
Office - General	
Place of Worship	
Residential Building	
Residential - Dwelling House	
Residential - Medium Density	
Restaurant	
Restricted Building	
Shop - General	



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TABLE 2: LAND USE CATEGORY: UTILITIES AND SERVICES	
	Land Use Types
<b>v = Uses that can be allowed</b>	<b>Rural Utilities and Services</b>
Solar Farm	
Spaza Shop / Tuck shop	
Tavern / Shebeen	
Terminal - Bus and Taxi	
Utilities Facility	
Waste Transfer and/or Recycling Centre	
Waste Transfer and/or Drop-off Station	

TABLE 3: LAND USE CATEGORY: ENVIRONMENTAL - DEVELOPMENT PARAMETERS	
	Land Use Types
<b>DEVELOPMENT PARAMETERS</b>	<b>Rural Utilities and Services</b>
Minimum Erf Area (m2 or ha)	At Traditional Council's discretion
Building Line (m)	
Side Space (m)	
Rear Space (m)	
Coverage (%)	
Maximum Height (Storeys)	

### 6.1.3 DEFINITIONS

#### 6.1.3.1 GENERAL DEFINITIONS

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In these clauses unless the context otherwise indicates any word shall, when used in this Scheme have the same meaning as is assigned to it in the KwaZulu-Natal Planning and Development Act, otherwise it shall have the meaning assigned to it in these definitions below:

<b>Act</b>	Is the KwaZulu-Natal Planning and Development Act No. 6 of 2008, as amended, unless otherwise indicated.
<b>Appeal Tribunal</b>	Is the Appeal Tribunal established in terms of The KwaZulu-Natal Planning and Development Act (Act No, 6 of 2008).
<b>Balcony</b>	Means the protruding floor area of a portion of a main building that is constructed above from the ground floor area, of which its sides are not permanently closed and is open to the elements, and which a portion thereof shall have direct access to the main building.
<b>Basement</b>	Means any storey of a building or portion thereof where either: <ul style="list-style-type: none"> <li>c) the floor level of such storey is two metres (2m) or more below the mean finished ground level of the site on which such building or portion thereof is erected; or</li> <li>d) the ceiling level of such storey is below a level of one metre (1m) above finished ground level.</li> </ul>
<b>Building</b>	Is any structure or building or part thereof, or any addition or alteration to an existing structure or building, either temporary or permanent in nature and either above or below ground which is of an immovable nature and for whatever purpose used, including any tank, reservoir, swimming pool, tower, mast, wind turbine, bridge, chimney, summerhouse, hothouse, etc. and any wall, retaining wall or close-boarded fence more than two metres in height at any point, but excluding any open fence, post, steps, pier, ramp, fountain, statue, fish-pond, pergola or other garden ornamentation.
<b>Building Line</b>	Is a line parallel to any boundary of an erf which is contiguous with a street, public right of way or road reservation; or in the case of "hatchet shaped" Erven, a line parallel to the boundary nearest to the street which is not a boundary of the access strip.
<b>Carport</b>	Means a permanent and/or temporary roofed structure, which is not completely enclosed and which is used for the parking of vehicles.
<b>Common Land</b>	Means that portion of a medium density housing development site, which is set aside for the use, and enjoyment of all the occupants of the dwelling units on that site and from which the general public may be excluded.
<b>Common Open Space</b>	Means that usable portion of the common land, which is not occupied by vehicular road carriageway, parking areas and communal facilities of a non-recreational nature, but includes walkways, structures intended for recreational use and a children's playing area or areas.

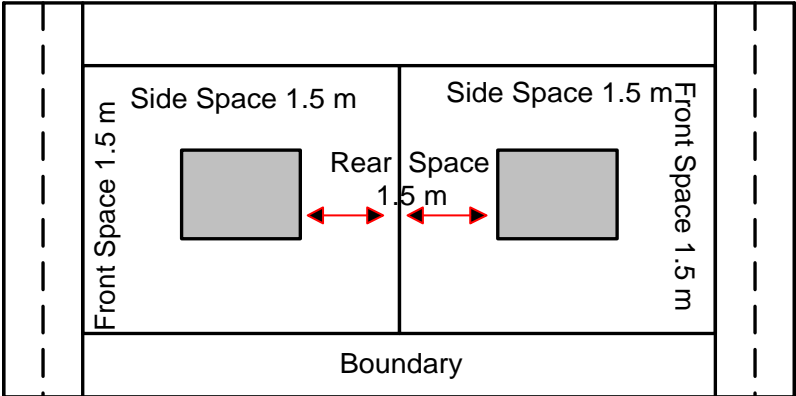
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<p><b>Coverage</b></p>	<p>Is the maximum proportion of an erf that may be covered by buildings, and is expressed as a percentage of the Erf area as defined. Thus 25% coverage means that only one quarter of the Erf may be covered by buildings. Only roofed or covered areas are included in coverage.</p> <div data-bbox="548 369 1206 709" data-label="Diagram"> </div> <p>Distinction is made between the following:</p> <p>“Actual Coverage”, which means the proportion of a site expressed as a percentage of the area of such site at or above finished ground level, covered by all buildings, on such site and shall include:</p> <ol style="list-style-type: none"> <li>6. walls of buildings;</li> <li>7. any covered or roofed area;</li> <li>8. stairs, steps, landings, galleries, passages, ramps and similar features, whether internal or external;</li> <li>9. canopies, balconies, verandahs, porches, stoeps and similar features; and</li> <li>10. internal courtyards, light wells and any uncovered shaft where the area of such feature does not exceed 10m<sup>2</sup>.</li> </ol> <p>Provided that minor decorative features not projected more than 1,0 metre from a wall of a building such as eaves, cornices, pergolas, and flower boxes, water pipes, drain pipes, private swimming pools and paved surfaces shall be excluded from actual coverage.</p> <p>And</p> <p>“Permissible Coverage” means the proportion of a site expressed as a percentage of the area of such site which shall not be exceeded by the “actual coverage” of all buildings on such site.</p>
<p><b>Development</b></p>	<p>In relation to any land, means the erection of buildings and structures, the carrying out of construction, engineering, mining or other operations on, under or over land, and a</p>

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	material change to the existing use of any building or land for non-agricultural purposes.
<b>Duplex Unit</b>	Means a dwelling unit in a building where each such unit consists of a ground floor and one upper floor connected by an internal staircase and has direct access to a private open area.
<b>Dwelling Unit</b>	Means a self-contained inter-leading group of rooms for a single family including not more than one kitchen, together with such outbuildings as are of a nature customarily incidental thereto.
<b>Erection of a Building</b>	Means the construction of a new building or a structural alteration or additions to any building.
<b>Existing Building</b>	Means a building lawfully erected before the effective date or a building erected in accordance with plans, which were approved by the Municipality prior to that date.
<b>Existing Use</b>	Means, in relation to any building or land, the continuous use of such building or land for the same purpose for which such building was designed and lawfully used on the effective date.
<b>Family</b>	Means a man or a woman or both, with or without their parents, the children of one or the other or both of them, or a partner, living together as one household.
<b>Garage</b>	Means an enclosed building for the storage of one or more vehicles, but does not include a service station, public garage or motor repairs for gain.
<b>Greenhouse</b>	As provided for under "Agricultural Land" means a structure with the sides primarily made of a transparent material such as glass, perspex or plastic, used for the purpose of rearing delicate plants or hastening growth of plants under controlled environmental conditions.
<b>Ground Floor</b>	Means the storey of a building or portion of a building on or nearest the mean finished ground level immediately surrounding the building, provided it is not a basement.
<b>Habitable Room</b>	Means any room designed for human occupation, but excludes bathrooms, toilets, water closets, staircases, passageways, domestic garages, lifts, photographic dark rooms, kitchens, sculleries, domestic laundries or cold rooms.
<b>Height</b>	Means the height of a building in storeys and is expressed as a number, provided that where the ground floor of a building is on more than one level, such building shall be regarded as formed of portions in relation to each respective level and the height of such a building shall be calculated separately in respect of each portion as if such portion were a separate building.
<b>Maisonette</b>	Means a two-storey building consisting of 2 dwelling units placed one above the other with separate entrances.
<b>Mall</b>	Means an area of land open to the air and reserved exclusively for pedestrian traffic but may include fountains, benches and other similar features as well as kiosks for,

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	inter alia, the sale of refreshments.
<b>Outbuilding</b>	Means a building ordinarily used in conjunction with a dwelling unit(s), and used for the garaging of private motor vehicles, storeroom, servant's rooms, servant's toilet, workroom and other such similar uses.
<b>Rear Space / Boundary</b>	<p>Shall mean that boundary of an erf which is furthest from any street boundary, and which does not meet any street boundary.</p> 
<b>Semi-detached Housing</b>	Means a building other than a dwelling house comprising two (2) dwelling units contained in one building or attached to each other by means of a shared communal wall, both on the ground floor and each provided with a separate entrance.
<b>Side Space / Boundary</b>	Is any boundary of an erf which meets a street boundary and any other boundary and which is neither a street boundary nor a rear boundary.
<b>Simplex Unit</b>	Means a dwelling unit in a single storey building where each such unit has direct access to a private open area.
<b>Storey</b>	<p>Is a room or set of rooms at any level, including any room the floor of which is split into two or more levels, and shall have the following implications:</p> <ul style="list-style-type: none"> <li>f) The basement of a building, not used for residential purposes, but used solely for the purpose of parking vehicles, service installations, such as transformer and meter rooms, or storage shall not count as a storey provided such an area or areas constitutes a Basement;</li> <li>g) If the ground floor of a building is elevated more than 1.5m above the mean finished ground level immediately surrounding the building by a structure other than a basement such structure shall count as a storey(s);</li> <li>h) A pitched roof containing a habitable room and any other type or style of roof which contains or supports any rooms, structures or features and which the Council considers to be habitable shall count as a storey;</li> <li>i) A storey shall not be higher than 4,5 metres. If a storey is higher than this, each</li> </ul>

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	<p>4,5 metres or part thereof shall count as a storey. Provided however that in a multi-storey residential building each storey shall not be higher than 3 metres and if a storey is higher than this each 3 metres or part thereof shall count as a storey;</p> <p>j) With the exception of lift rooms, stairwells and pitched roofs, any structures, telecommunications masts or architectural features situated on the roof of a building and greater than 1,2 metres in height shall constitute a storey and may be permitted with the Municipality's consent.</p>
<b>Street</b>	Means any street, road, lane, avenue, way, footpath, bridge, subway or other right-of-way and includes appurtenances thereto.
<b>Street Boundary</b>	Means a boundary of an erf, which is coincident with the boundary of an existing or proposed street.
<b>Structure</b>	Means anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.
<b>Terrace House</b>	Means a residential building comprising 3 or more dwelling units, each having a separate entrance on the ground floor with direct access to a private open area or areas.
<b>Utility Area</b>	Means an open or covered area used for the provisions of services incidental to specific uses, including washing lines, storage areas, refuse collection areas, loading areas, security guard offices, service areas, etc.
<b>Zone</b>	Is that portion of the area shown on the Scheme Map, by distinctive colouring or edging or in some other distinctive manner, for the purpose of indicating the restrictions imposed by this Scheme on the erection and use of buildings or structures, or the use of land.

### 6.1.3.2 LAND USE AND BUILDING DEFINITIONS

Unless the context of this Scheme clearly indicates to the contrary, the following building types and land use types have the meaning and interpretation given below:

<b>Abattoir</b>	As provided for under "Industry – High Impact" means a place where game, livestock, poultry and similar animals are slaughtered on a large scale and prepared for distribution. It excludes the occasional slaughter of animals for traditional and cultural purposes.
<b>Agricultural Building</b>	Means a building used in connection with, or which would ordinarily be incidental to or reasonably necessary for agricultural activity on agricultural land, and may include a dwelling house, private recreational use and Farm Worker Accommodation as defined in this Scheme.

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<p><b>Agricultural Industry</b></p>	<p>Means land or buildings used for:</p> <ul style="list-style-type: none"> <li>f) the large scale intensive rearing of poultry, gamebirds, livestock or similar animals and allied products, such as broiler farms, battery farms and other concentrated animal feeding operations;</li> <li>g) aquaculture and mariculture activities;</li> <li>h) the large-scale servicing or repairing of plant or equipment used in agriculture;</li> <li>i) the handling, treatment, processing, or packing of agricultural products, which could include a sawmill, a packing plant and similar activities; and</li> <li>j) Wind turbines.</li> </ul> <p>But excludes uses that could be classified under “Industry – High Impact”, and specifically the processing of animal matter.</p>
<p><b>Agricultural Land</b></p>	<p>Means arable, meadow or pasture land, plantations, market gardens, poultry farm, nursery garden, and may include greenhouses or hydroponics, horticulture, permaculture, orchards and land used for the purpose of breeding or keeping of domestic animals and/or livestock and the grooming of such animals, poultry or bees and includes saleyards and any buildings connected therewith, provided that buildings connected with the housing of cats and/or dogs shall be deemed to be a Special Use. It excludes uses that could be classified/defined under “Agricultural Industry” and “Industry – High Impact”.</p>
<p><b>Arts &amp; Crafts Workshop:</b></p>	<p>Means a building wherein the primary purpose is the production and selling of goods, primarily aimed at the tourism market. This includes such uses as inter alia graphic arts and studios, textile design, weaving, pottery, furniture making, leatherwork, fashion design, stained glass or glass making, printing and similar activities. The process carried on and the machinery installed shall be such that they will not cause nuisance to other properties, the neighbourhood or be detrimental to the amenities of the other zones.</p>
<p><b>Automotive Showroom / Vehicle Dealership</b></p>	<p>Means a building or site used primarily for the exhibition or display of substantially roadworthy motor or leisure vehicles and/or seaworthy marine craft for purposes of sale, hiring out or lease.</p> <p>Associated office accommodation and an ancillary spare parts shop and service workshop area may also be accommodated, subject to conditions as set out in the scheme.</p>
<p><b>Bed and Breakfast</b></p>	<p>As provided for under “Home Business” and subject to Council’s special consent means a resident owner managed commercial accommodation establishment for less than fourteen (14) lodgers in not more than seven (7) lettable rooms, and which is primarily aimed at the tourist and/or business market, operated from a private single Dwelling House, where the facilities and services offered are for the exclusive use and benefit of transient overnight guests. It may include land used for sport and/or recreation facilities associated with, but secondary to the residential use of land and used exclusively by the residents and guests of the facility.</p>
<p><b>Carwash Facility</b></p>	<p>Means a building, structure or land used for the washing and cleaning of vehicles, and may include a valet service. It can normally form part of a petrol filling station, but may also be</p>

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	established as a stand-alone facility if provided for by the Scheme.
<b>Cemetery Purposes</b>	Means land or buildings which is permanently set aside for the purpose of burying human or animal remains, and may include an office for administrative uses associated therewith, a funeral chapel/s, gardens, roads, parking, sheds for maintenance purposes and the like. A shop may be permitted by Formal Authority, but is to be restricted to the sale of items directly related to funerals and burials purposes such as flowers, grave stones and coffins.
<b>Clinic</b>	As provided for under “Public Office”, “Institution”, “Shop” or where otherwise specifically provided for in terms of the Scheme, means a facility providing medical services to pregnant, sick or injured outpatients or employees.
<b>Coffee Shop / Tea Garden</b>	Means a building used to prepare and sell light meals, confectionary and non-alcoholic beverages for consumption on the premises. It may also be included under the definition of “Shop”.
<b>Commercial Workshop</b>	Means light and service industrial activities which cater for the local customer or provides a service direct to the retail customer and which is directly associated with a shop or an office building in respect of which the public, as customer, has access, such as a watch repairer, shoe repairer, valet service or dry cleaning shop, radio or television repairer, etc. but excludes a Public Garage.
<b>Community Garden</b>	It land used for the production of fruit and vegetables in an urban environment using resources available in that urban area for the benefit largely of residents from that area. It expressly excludes the large-scale sale of produce/crops from the site so as to cause a nuisance to the surrounding landowners. It may include a small-scale plant nursery.
<b>Conference Facility</b>	Means a building, or part of a building, used for conferences, seminars and meetings ancillary to the primary use of the site, and may include offices for the administration of such facility.
<b>Conservation Purposes</b>	Means environmentally sensitive land and/or water bodies, or land earmarked for environmental rehabilitation which includes independent or linked open space areas and permits only limited and specific developments that are normally associated with, but secondary to, the conservation of land, such as parking areas, walking trails, bird watching structures, educational buildings, restaurant / tuck shop and other facilities for the convenience of visitors. Development would most likely be subject to an environmental approval process in line with relevant legislation.
<b>Crèche</b>	As provided for under “Home Business” means a building or portion of a building for the care of between seven (7) and thirty (30) infants and/or young children during the daytime absence of their parents or guardians, and may include a nursery school.
<b>Crematorium</b>	Means any building or structure in respect of which authority has been granted for human remains to be cremated therein or thereon. “Cremated” means to reduce any human remains to ashes.
<b>Day Care Facility</b>	Means a dwelling house or dwelling unit or part thereof used for the daytime care and education of not more than six (6) infants and/or young children during the daytime absence of their parents or guardians.  It may also include the care of not more than six (6) adults, either elderly or sick, provided



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	<p>that such facility:</p> <ul style="list-style-type: none"> <li>- is not used for the treatment of infections or contagious diseases;</li> <li>- may not in any way cause a danger to public health and safety; and</li> <li>- is able to comply with the relevant Environmental Health Bylaws, especially with regards to the management of medical waste.</li> </ul>
<b>Educational Building</b>	Means land and buildings used for instruction purposes such as a university, school, college, technical institute, crèche, nursery school, monastery, convent or similar uses and may include a research laboratory, art gallery, museum, academy, lecture, music or assembly hall or a library within the same site and incidental to such uses. It may further include ancillary uses normally associated with the primary use as an educational building, such as accommodation for students and staff, a canteen/restaurant, tuck shop (limited to 20m <sup>2</sup> ) and sport / recreation facilities, but expressly excludes a Restricted Building.
<b>Farm Stall</b>	Means a building or structure, which does not exceed 150m <sup>2</sup> in floor area, used for the retailing of fresh farm produce produced on site, including homemade items. It may also include the sale of convenience goods.
<b>Flea Market</b>	An occasional or periodic market held in an open area or structure where groups of individual sellers offer goods for sale to the public.
<b>Funeral Parlour</b>	Means a building or land used for the purpose of funeral management and/or for the reception, storage and preparation of human corpses prior to burial or cremation and may include: <ul style="list-style-type: none"> <li>d) A shop intended primarily for public reception and for the sale and display of those commodities required for cemetery purposes, funerals and services ordinarily ancillary to funeral management;</li> <li>e) A funeral chapel; and</li> <li>f) A workshop for the manufacture of coffins and funeral furniture; but expressly excludes a monumental mason and/or crematorium.</li> </ul>
<b>Hospital</b>	As defined under “Institution”.
<b>Hydroponics</b>	As provided for under “Agricultural Land” means the cultivation of plants by placing the roots in liquid nutrient solutions rather than in soil.
<b>Impoundment Area</b>	Means land and or buildings used to confine seized items such as stray animals, motor vehicles and the like.
<b>Industry – Light</b>	Means an industry in which the processes carried on or the machinery installed are of such nature that it could be carried out or operated without any detriment to amenity, engineering services or to health by reason of, inter alia: <ul style="list-style-type: none"> <li>i) noise, vibration or glare;</li> </ul>

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	<p>j) odour, gas, fumes or smoke;</p> <p>k) soot, ash, dust, grit or other particulate matter;</p> <p>l) radiation, fire or explosion hazards;</p> <p>m) electronic or electromagnetic interference;</p> <p>n) heat or humidity;</p> <p>o) the discharge of any other vapour, gas, effluvium, liquids and solid matter; and/or</p> <p>p) causing undue load on any existing or proposed engineering services such as energy/water intensive uses.</p> <p>Examples of “Light Industries” include panel beaters, enclosed spray painting booths with filtration systems, etc.</p>
<b>Industry - Service</b>	<p>Means an enterprise which is:</p> <p>e) Primarily involved in the rendering of a service for the local community such as the repair of household appliances or the supply of household services; and</p> <p>f) Not likely to be a source of disturbance to surrounding properties;</p> <p>g) Not liable, in the event of fire, to cause excessive combustion, give rise to poisonous fumes or cause explosions; and</p> <p>h) Includes a builder’s yard / hardware store and allied trades, laundry, bakery, dairy depot, distribution centres, storage purposes (excluding Bulk Storage as defined in the Scheme), laboratories, grooming parlour, transport and cartage activities and a workshop or other area used for the repair, restoration, lubrication and/or service of motor or leisure vehicles and/or parts thereof and/or electrical and/or mechanical equipment and may include facilities such as service bays, grease pits and wash bays, but shall not include facilities for panel beating or spray painting.</p>
<b>Informal Trade Area</b>	<p>Means an area within which any small scale economic activity is permitted, provided that each operator occupies a defined space. Provided further that, notwithstanding anything stated to the contrary in these clauses, no specific provision shall apply to such area, unless considered necessary and so specified by Council.</p>
<b>Institution</b>	<p>Means the use of land and buildings for the purpose of:</p> <p>d) a hospital, nursing home/ frail care facility for the elderly, sanatorium, clinic, convalescent home, step down facility or one or more such uses;</p> <p>e) an orphanage; or</p> <p>f) other public, private or welfare institutions and may include such buildings, within the same site, as are ordinarily and reasonable ancillary or necessary to the conduct of such institution, such as buildings for administrative purposes and for the residential accommodation of essential staff members; but expressly excludes</p>

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	<p>buildings or activities falling within the scope of the definition of “Restricted Building”.</p> <p>It may include land uses such as a tuck shop, coffee shop and/or sport and recreation facilities associated with, but secondary to, the primary use of land and used exclusively by the residents of or visitors to the facility.</p>
<b>Launderette</b>	Means a building used for the purpose of washing and drying domestic clothing and household linen, where the machines used are electronically operated and quiet, and of the type of which processes each customer’s articles individually, and which may be operated by the customer for a fee or be dropped off and picked up. The washing media used shall be of a type that shall not cause harmful effluent to be discharged into the sewerage system. A launderette is differentiated from a laundry in that the customer cannot operate the machines used in a laundry.
<b>Lodge</b>	Means a building or group of buildings under single management containing both rooms and/or dwelling units available for temporary rental to transient individuals and may include services such as conference and recreational facilities, shop and Laundromat for the exclusive use of residents only and shall exclude a Place of Amusement.
<b>Motor Vehicle Fitment Centre</b>	Means a building or land used for the sale and fitting of exhausts, tow bars, radios, shock absorbers, tyres and other parts of automotive vehicles, but excludes the mechanical repair of the automotive vehicles
<b>Municipal Purposes</b>	Means and includes the use of land and the erection and use of buildings by or on behalf of the Council for the purpose of carrying out one or more municipal functions which may include the supply of essential protective, health, community, administrative, engineering, support or other similar services and the provision of housing, recreational or other similar facilities, but excluding uses provided for under specific zones such as cemeteries, refuse sites, sewerage treatment plants, water works, fire brigade and ambulance services.
<b>Night Club / Bar / Tavern</b>	Means premises, more frequently than not open after 12am at night, that: <ul style="list-style-type: none"> <li>d) provides entertainment (singing / dancing);</li> <li>e) is licensed to sell on-site consumption of liquor; and</li> <li>f) may provide eating facilities.</li> </ul>
<b>Office - General</b>	Means a building or a part of a building used for administration, clerical, technical, professional or similar business activities.
<b>Place of Worship</b>	Means a building or buildings and associated use of land used for religious purposes such as a church, chapel, oratory, synagogue, mosque, temple and/or other place of public devotion and may include, where such other building is within the same site and incidental to any of the first mentioned buildings, a place of religious education, administrative offices and/or other building/s used for purposes of religious and social interaction or recreation, including a coffee shop and tuck shop (limited to 20m <sup>2</sup> ), but shall not include a Funeral

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	Parlour.
<b>Residential Building</b>	Means a building other than a Dwelling House, Medium Density Housing, Chalets or a Hotel, used for human habitation together with such outbuildings, accessories and accommodation for bona fide domestic servants and other covered areas as are, in the opinion of the Council customary used therewith, and includes apartments, a block of flats, boarding house residential club or residential hostel. It may include land used for sport and/or recreation facilities associated with, but secondary to the residential use of land and used exclusively by the residents of dwelling units on the site, but expressly excludes any building mentioned in the definitions of Educational Building, Institution and/or Restricted Building.
<b>Residential - Dwelling House</b>	Means a free standing dwelling unit on a single erf, which does not form part of either Medium Density Housing or Chalets, used as a Dwelling Unit for a single family together with such outbuildings and as are customary used incidental therewith. It may include land used for sport and/or recreation facilities associated with, but secondary to the residential use of land and used exclusively by the residents of the dwelling unit on the site.
<b>Residential - Medium Density</b>	Means, a group of two or more attached or detached Dwelling Units, together with such outbuildings as are ordinarily associated thereto, each Dwelling Unit having access to a private open space and access to common land, the whole development having been designed as a harmonious entity.  It may include land used for sport and/or recreation facilities associated with, but secondary to the residential use of land and used exclusively by the residents of the dwelling units on the site.
<b>Restaurant</b>	As provided for under "Shop" means a building used to prepare and sell food and drink for consumption on the premises, and where seating is provided for patrons, and may include limited entertainment.  Restaurants are <b>not</b> frequently open after midnight.
<b>Restricted Building</b>	Means a building, buildings or land used exclusively for purposes of: <ul style="list-style-type: none"> <li>g) a hospital, sanatorium, dispensary or clinic for the exclusive treatment of infections or contagious diseases;</li> <li>h) an institution or home for mentally disabled people;</li> <li>i) a mental hospital;</li> <li>j) a prison or other place of lawful detention;</li> <li>k) an industrial school, reformatory, place of safe keeping or other approved school; and/or</li> <li>l) a public or private assistance institution, building and/or land for people in despair, need or assistance.</li> </ul>
<b>Shop - General</b>	Means a building used for the purpose of carrying on or conducting any retail trade or retail business where the primary purpose is the display and sale of goods by retail, and

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	<p>shall include inter alia,</p> <ul style="list-style-type: none"> <li>k) a hairdresser or barber;</li> <li>l) a ticket, booking or travel agency;</li> <li>m) a showroom other than an Automotive Showroom;</li> <li>n) a cafe, fast food outlet, restaurant, or other premises used for the sale or consumption of food and drink;</li> <li>o) a dry cleaning or laundry depot or other similar premises for the reception of goods to be washed, cleaned, altered or repaired;</li> <li>p) an auction mart and book exchange;</li> <li>q) a bottle store, hotel off-sales or other premises in respect of which a bottle liquor license or an off-consumption license is required;</li> <li>r) banking and other similar financial halls;</li> <li>s) a health club /commercial gymnasium or health studio, beauty parlour, slimming salons and/or a massage parlour; and</li> <li>t) ancillary buildings ordinarily incidental to the conduct of a retail business.</li> </ul> <p>Provided that shop expressly excludes:</p> <ul style="list-style-type: none"> <li>vii. any activity or use of buildings or land falling within the scope of the definitions of Industry-General, Industry-Extractive, Industry-Salvage and Industry – High Impact;</li> <li>viii. a Public Garage or vehicle workshop;</li> <li>ix. businesses of a primarily wholesale nature;</li> <li>x. gambling premises;</li> <li>xi. a night club, bar and/or tavern; and</li> <li>xii. Spaza Shop / Tuck Shop.</li> </ul>
<b>Solar Farm</b>	As provided for under “Agricultural Industry” means land used to accommodate a large collection of interconnected photovoltaic / solar panels that work together to capture sunlight and turn it into electricity on a large scale.
<b>Spaza Shop / Tuck shop</b>	As provided for under “Home Business” means a small retail enterprises operating from a residential stand or home and engaged in the trading of convenience goods for the day-to-day needs of the public.

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	A tuck shop, limited to 20m <sup>2</sup> total floor area, may also be operated from certain non-residential land uses, as allowed for in terms of the Scheme.
<b>Tavern / Shebeen</b>	As defined under “Night Club / Bar”.
<b>Terminal - Bus and Taxi</b>	Means the use of land and/or buildings at public transport facilities such as bus / taxi ranks for the purposes of dropping off and collecting passengers by public and private bus services and mini bus and metered taxis, and may include parking areas, shelter and seating for passengers, a ticket office, offices ancillary to the management of a bus or taxi rank, an informal trade area and ablution facilities.
<b>Utilities Facility</b>	Means land or buildings used for the provision and maintenance of essential infrastructural services such as service roads, rail, sewer, water, electricity, gas, telecommunications infrastructure, public lighting and stormwater control and other services deemed necessary by the Council, and may include a water reservoir, waterworks, electrical substation, telephone exchange, postal collection points, weigh bridge, servitudes for the provision of services and conveyers, etc. Sewage treatment works, macerator stations and refuse sites shall be defined as a “Industry-High Impact” in terms of the Scheme.
<b>Waste Transfer and/or Recycling Centre</b>	An area of land, with or without buildings, that may be licensed under relevant legislation for the temporary accumulation and storage of more than 35m <sup>3</sup> of garden and recyclable domestic waste and which may include the separation and processing of domestic waste materials for eventual reuse or final disposal at a landfill site.
<b>Waste Transfer and/or Drop-off Station</b>	Means land that may be licensed under relevant legislation to accumulate and temporarily store no more than 35m <sup>3</sup> of garden and recyclable domestic waste before it is transported to a recycling, treatment or waste disposal facility.