



UMZUMBE
M U N I C I P A L I T Y

MAY 2024

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UMZUMBE LOCAL MUNICIPALITY
SINGLE LAND USE SCHEME (2024)

TABLE OF CONTENTS

1.	INTRODUCTION TO THE LAND USE SCHEME	1
1.1.	TITLE OF THE LAND USE SCHEME	1
1.2.	SCHEME AREA	1
1.3.	LEGAL EFFECT OF THE LAND USE SCHEME	1
1.4.	RESPONSIBLE AUTHORITY	1
1.5.	EFFECTIVE DATE	1
1.6.	CONTENTS OF THE SCHEME.....	1
1.7.	PURPOSE OF THE SCHEME	2
1.8.	ADOPTION OF THE SCHEME.....	2
1.9.	KEEPING OF RECORDS AND ACCESS TO INFORMATION/INSPECTION OF THE SCHEME	2
1.10.	AMENDMENTS TO THE LAND USE SCHEME AND REZONING	2
1.11.	ENFORCEMENT	3
1.12.	APPEAL	3
1.13.	APPROVALS REQUIRED IN TERMS OF OTHER LAWS	3
1.14.	SCHEME SUBORDINATION LAWS.....	3
1.15.	TRANSITION FROM FORMER LAND USE SCHEMES.....	3
1.16.	LAWFUL NON-CONFORMING EXISTING USE.....	4
1.17.	WRONGFUL ALLOCATION OF ZONING	4
1.18.	RESERVATION OF LAND.....	5
1.19.	USE OF LAND FOR CERTAIN MUNICIPAL PURPOSES.....	5
1.20.	LAND SUBJECT TO THE SUBDIVISION OF AGRICULTURAL LAND ACT, 1970 (ACT NO. 70 OF 70).....	5
1.21.	SCHEME MAPS	6
2.	GENERAL DEFINITIONS.....	8
3.	LAND USE DEFINITIONS.....	22
4.	ADMINISTRATION OF THE SCHEME	37
4.1.	APPLICATION OF THE SCHEME	37
4.2.	ERECTION, USE OF LAND AND BUILDINGS	37
4.3.	BUILDING LINES, SIDE AND REAR SPACES	38
4.4.	APPLICATION PROCEDURE FOR THE USE AND DEVELOPMENT OF LAND	39
4.5.	APPROVAL FOR THE USE AND DEVELOPMENT OF LAND	39
5.	GENERAL CONTROLS	40
5.1.	ENVIRONMENTAL REQUIREMENTS APPLICABLE TO ALL LAND USE ZONES	40
5.2.	ENVIRONMENTAL REQUIREMENTS APPLICABLE TO “LISTED ACTIVITIES”	40
5.3.	ENVIRONMENTAL REQUIREMENTS APPLICABLE TO ENVIRONMENTALLY SENSITIVE AREAS.....	41
5.4.	SITE DEVELOPMENT PLANS.....	41

5.5.	EXTERNAL APPEARANCE OF BUILDINGS	42
5.6.	PARKING AND LOADING ACCOMMODATION	42
5.6.2.	PARK	43
5.6.3.	PARKING AND LOADING ACCOMMODATION FOR RESIDENTIAL ZONES	43
5.6.4.	PARKING AND LOADING ACCOMMODATION FOR CIVIC AND SOCIAL ZONES	43
5.6.5.	PARKING AND LOADING ACCOMMODATION FOR MIXED-USE ZONES	44
5.6.6.	PARKING AND LOADING ACCOMMODATION FOR INDUSTRY ZONES	46
5.7.	ADDITIONAL CONTROLS APPLICABLE TO ZONES AND / OR LAND USES	47
5.7.1.	RESTRICTIONS TO DEVELOPMENT ON CRITICAL AREAS	47
5.7.2.	APPLICABLE CONTROLS TO SPECIFIC USES AND DEVELOPMENT IN RESIDENTIAL ZONES	47
5.7.3.	CONTROLS APPLICABLE TO ADDITIONAL SELF-CONTAINED DWELLING UNIT	48
5.7.4.	CONTROLS APPLICABLE TO HOME BUSINESS	49
5.7.5.	ADDITIONAL PROVISIONS FOR MEDIUM DENSITY HOUSING	49
5.7.6.	USE OF HOTELS FOR CERTAIN PURPOSES	51
5.7.7.	APPLICABLE REQUIREMENTS FOR THE ESTABLISHMENT OF TRAFFIC GENERATORS (GARAGES AND FILLING STATIONS)	52
5.7.8.	APPLICABLE PROVISIONS FOR INDUSTRIAL ZONES.....	53
5.7.9.	APPLICABLE PROVISIONS FOR TELECOMMUNICATION INFRASTRUCTURE.....	53
5.7.10.	APPLICABLE PROVISIONS FOR SPECIAL ZONES	54
5.7.11.	ADVERTISEMENTS AND SIGNAGE	54
6.	LAND USE ZONES AND CONTROLS	55
6.1.	RESIDENTIAL ZONES	55
6.1.1.	RESIDENTIAL 1 (URBAN RESIDENTIAL)	55
6.1.2.	RESIDENTIAL 2 (MULTIPLE SELF-CONTAINED ROOMS)	56
6.1.3.	RURAL RESIDENTIAL (TRADITIONAL SETTLEMENTS).....	57
6.2.	COMMERCIAL ZONES	58
6.2.1.	COMMERCIAL 1	58
6.2.2.	COMMERCIAL 2 (MIXED USE)	60
6.3.	INDUSTRY	61
6.3.1.	LIGHT INDUSTRY	61
6.3.2.	GENERAL INDUSTRY	62
6.3.3.	EXTRACTIVE INDUSTRY	64
6.4.	CIVIC AND SOCIAL	65
6.4.1.	EDUCATION	65
6.4.2.	HEALTH AND WELFARE	66
6.4.3.	AUTHORITY AND UTILITY ZONE	68
6.4.4.	COMMUNITY FACILITIES.....	70

6.4.5.	WORSHIP	72
6.5.	AGRICULTURE	73
6.5.1.	AGRICULTURE 1	73
6.5.2.	AGRICULTURE 2	75
6.6.	ENVIRONMENTAL ZONES	77
6.6.1.	PROTECTED AREAS	77
6.6.2.	CONSERVATION	79
6.6.3.	PASSIVE OPEN SPACE	80
6.6.4.	ACTIVE OPEN SPACE	81
6.7.	TRANSPORT	83
6.7.1.	BUS AND TAXI RANK	83
6.7.2.	ROADS	84
6.7.3.	RAILWAY	85
6.7.4.	REFUSE SITE	86

LIST OF TABLES

TABLE 1: SCHEDULE OF LAND MANAGEMENT SCHEME MAPS	6
TABLE 2: RESIDENTIAL 1 ZONE	55
TABLE 3: RURAL RESIDENTIAL	57
TABLE 4: COMMERCIAL 1	58
TABLE 5: COMMERCIAL 2 (MIXED USE) 3	60
TABLE 6: LIGHT INDUSTRY ZONE	61
TABLE 7: GENERAL INDUSTRY ZONE	62
TABLE 16: EXTRACTIVE INDUSTRY	64
TABLE 9: EDUCATION ZONE	65
TABLE 10: HEALTH AND WELFARE ZONE	66
TABLE 11: AUTHORITY AND UTILITY ZONE	68
TABLE 12: COMMUNITY FACILITIES ZONE	70
TABLE 13: WORSHIP ZONE	72
TABLE 14: AGRICULTURE 1 (AGRICULTURE ONLY) ZONE	73
TABLE 15: AGRICULTURE 2 (AGRICULTURE COMMUNAL) ZONE	75
TABLE 16: PROTECTED AREAS ZONE	77
TABLE 17: CONSERVATION ZONE	79
TABLE 18: PASSIVE OPEN SPACE ZONE	80
TABLE 19: PUBLIC OPEN SPACE	81
TABLE 20: TRANSPORT TERMINI ZONE	83
TABLE 21: ROADS	84

TABLE 33: RAILWAY	85
TABLE 22: REFUSE SITE	86

1. INTRODUCTION TO THE LAND USE SCHEME

1.1. TITLE OF THE LAND USE SCHEME

The Land Use Scheme shall be known as the Umzumbe Local Municipality Land Use Scheme (2024), hereafter referred to as the Scheme.

1.2. SCHEME AREA

The Scheme shall apply to the entire municipal area of Umzumbe Local Municipality.

1.3. LEGAL EFFECT OF THE LAND USE SCHEME

- 1.3.1. The land use scheme provides for land use and development rights, has the force of law and is binding on the Municipality, all other persons and organs of state.
- 1.3.2. The right to use the land for a purpose without the need to first obtain the consent of the Municipality in terms of the land use scheme vests in the land and not in a person.
- 1.3.3. Consent in terms of the land use scheme vests in land and not in a person, unless the Municipal Planning Approval Authority concerned has determined that it constitutes a personal right in favour of a defined person and may only be exercised by that person.
- 1.3.4. The right to use land for a purpose may not be alienated separately from the land to which it relates.
- 1.3.5. Land that was being used lawfully before the effective date of the adoption of the land use scheme for a purpose that does not conform to the land use scheme may continue to be used for that purpose.
- 1.3.6. If the use of land that is granted by Consent is discontinued for an uninterrupted period of more than 18 months, the land may no longer be used for that purpose.

1.4. RESPONSIBLE AUTHORITY

The Umzumbe Local Municipality, hereafter referred to as the Municipality, shall be the authority responsible for enforcing and carrying into effect the provisions of the Scheme.

1.5. EFFECTIVE DATE

(To be confirmed)

1.6. CONTENTS OF THE SCHEME

- 1.6.1. Maps with accompanying clauses and information that the Municipality considers necessary for illustrating or explaining the extent, content, provisions and effect of the land use scheme;
- 1.6.2. Definitions of the terminology used in the maps and clauses;
- 1.6.3. Specification of categories of land uses and development that are permitted and the conditions under which they are permitted;
- 1.6.4. Specification of categories of land uses and development that may be permitted with the Municipality's consent in terms of the land use scheme, including –
 - 1.6.4.1. The criteria that will guide the Municipality in deciding an application for consent;

- 1.6.4.2. The controls which apply if the Municipality grants its consent;
- 1.6.4.3. Consents for which notice in a local newspaper is not required;
- 1.6.5. Specification of categories of land uses and development that are not permitted;
- 1.6.6. Zones to promote the inclusion of affordable housing in residential land development
- 1.6.7. A schedule of amendments to the land use scheme.
- 1.6.8. A schedule of land use scheme amendments and consents;
- 1.6.9. A schedule of consents granted in terms thereof; and
- 1.6.10. Schedules containing guidelines, forms and other information that are purely intended for

1.7. PURPOSE OF THE SCHEME

The purpose of the land use scheme is to determine development rights and parameters in the Municipality in order to –

- 1.7.1. Give effect to the policies and plans of national, provincial and municipal government, including the Municipality's policies and plans;
- 1.7.2. Protect reasonable individual and communal interests in land;
- 1.7.3. Promote sustainable and desirable development;
- 1.7.4. Develop land in a manner that will promote the convenience, efficiency, economy, health, safety and general welfare of the public;
- 1.7.5. Promote social integration;
- 1.7.6. Promote economic growth and job creation;
- 1.7.7. Limit nuisance and undesirable conditions in the development of land;
- 1.7.8. Limit and mitigate the impact of development on the natural environment;
- 1.7.9. Promote the protection of valuable natural features and the conservation of heritage sites and areas of public value; and

1.8. ADOPTION OF THE SCHEME

The Umzumbe Municipality SPLUMA BY-LAWS, as may be amended from time to time, applies in this instance.

1.9. KEEPING OF RECORDS AND ACCESS TO INFORMATION/INSPECTION OF THE SCHEME

- 1.9.1. The Umzumbe SPLUMA By-laws shall be applicable to the updating of the land use scheme clauses and maps.
- 1.9.2. the Umzumbe SPLUMA By-laws shall be applicable to the keeping of records and accessing of information

1.10. AMENDMENTS TO THE LAND USE SCHEME AND REZONING

- 1.10.1. The Municipal Council may amend the land use scheme by rezoning any land considered necessary to achieve the goals and objectives of the Municipal SDF.

- 1.10.2. Where the Municipality intends to amend the land use scheme, a public participation process must be undertaken to ensure that all affected parties have the opportunity to make representations/object to the application and appeal the decision.
- 1.10.3. If the Municipal Council desires to rescind, alter or amend any of the provisions of the land use scheme, it shall follow the procedure as set out in the Umzumbe SPLUMA by-laws.
- 1.10.4. The owner of any land, or any person having a real right to any land, which is zoned in terms of the land use scheme may make an application to rezone such land or amend the land use scheme controls applicable to such land in terms of the SPLUMA by-laws.

1.11. ENFORCEMENT

- 1.11.1. The Umzumbe SPLUMA by-laws shall be applicable for enforcement procedures.

1.12. APPEAL

- 1.12.1. The Umzumbe SPLUMA by-laws shall be applicable for appeal procedures.

1.13. APPROVALS REQUIRED IN TERMS OF OTHER LAWS

- 1.13.1. Nothing in the Scheme shall be construed as enabling any person to erect or use any building or to develop or use land which conflicts with any other legal requirement or for which a permit, license or authorization is required in terms of any other relevant legislation.

1.14. SCHEME SUBORDINATION LAWS

- 1.14.1. The Municipality may not adopt, approve an amendment to a scheme, or replace a scheme that is in conflict with:
 - 1.14.1.1. The Provincial Planning and Development Norms & Standards; or
 - 1.14.1.2. The Municipality's Integrated Development Plan; or
 - 1.14.1.3. The Municipality's Spatial Development Framework; or
 - 1.14.1.4. Any other plans; by-laws and policies that may be adopted by the Municipality from time to time.

1.15. TRANSITION FROM FORMER LAND USE SCHEMES

- 1.15.1. Pending applications in terms of former zoning or land use schemes, submitted prior to the date of commencement of this Land Use Scheme shall be assessed and finalised in terms of such former zoning or land use scheme regulations.
- 1.15.2. Approvals issued in terms of the above and approvals granted prior to the commencement date of this scheme that are still valid (have not lapsed) will be allocated with a corresponding zone in accordance with this Land Use Scheme but will be allowed to take up their approved rights in terms of the land use restrictions or provisions of the applicable zone in the former zoning or land use scheme.
- 1.15.3. Where any approval in terms of a former zoning or land use scheme and its related provisions has been acted on, but now constitutes a contravention of any provision in the

corresponding zone in this Land Use Scheme, it will not be considered to be an offence but rather as a lawful non-conforming use.

1.15.4. Where a building plan application was submitted and accepted:

- i) before commencement of this Land Use Scheme and is still being processed; or
- ii) after the commencement of this Land Use Scheme, with the express purpose to act on a valid approval (and valid approved site development plan) in terms of a former zoning or land use scheme, such a building plan will be assessed and finalized within the approval granted and the land use restrictions or provisions of the applicable zone in the former zoning or land use scheme. When implemented, such buildings will not be considered to be a contravention of this Land Use Scheme but rather as a lawful non-conforming use. In terms of the above scenario, an owner is entitled to decide to rather apply the provisions of this Land Use Scheme. In such event, all the provisions applicable to the corresponding zone in this Land Use Scheme shall apply.

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

1.16. LAWFUL NON-CONFORMING EXISTING USE

1.16.1. Any existing building or existing use which is not in conformity with the scheme, but for which approval was obtained from the Municipality prior to the date of adoption, may be completed and continue to be used for the purpose for which it was designed, subject to compliance with any conditions which may have been imposed by the Municipality, and provided that:

- 1.16.1.1. Any such lawful non-conforming existing building or use of land may be increased on the lot by an amount not greater than 12.5% of its total floor area or area as the case may be, at the date of adoption, provided that the completed building or use conforms with the other provisions of the Scheme, relating to the zone in which such building or use is situated.
- 1.16.1.2. Any alteration addition or change of use which in the opinion of the Municipality 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”.
- 1.16.1.3. Any building or structure or part thereof may be routinely repaired or replaced when damaged by an accident or natural disaster, subject thereto that such building, structure or part thereof remains within its original footprint and dimensions.

1.17. WRONGFUL ALLOCATION OF ZONING

1.17.1. In the event that zoning has been wrongly allocated on a zoning or land use scheme map or wrongly converted from zoning or land use scheme maps that preceded these scheme

regulations, the owner of an affected property may submit an application to the Municipality to correct such error, subject to the following:

(a)The applicant must submit documentary proof of the error and/or proof of the lawful land use rights; No application fees will be charged for such application

1.18. RESERVATION OF LAND

- 1.18.1. The Municipality shall reserve the right to the reservation of land for public benefit where any of the land is in Municipal ownership or is in ownership of any organ of the state, provided the use of the affected site does not infringe on the amenity of the affected surrounding area/s.
- 1.18.2. Where any of the land is in Municipal ownership, the Municipality may execute thereon any development necessary or incidental to the purpose for which the land is reserved.
- 1.18.3. The Scheme shall at all times indicate the use or uses to which the land may be put in the event of such reservation being rescinded.
- 1.18.4. In instances where a use has not been assigned to that land, the zoning for that land shall be referred to as “undetermined” until such time use and appropriate zoning shall be assigned to the land by the Council.

1.19. USE OF LAND FOR CERTAIN MUNICIPAL PURPOSES

- 1.19.1. Notwithstanding any of the provisions of this Scheme, the Municipality may erect buildings required for Municipal purposes or lay drains, pipes, wires or cables on, through, over or under any land.

1.20. LAND SUBJECT TO THE SUBDIVISION OF AGRICULTURAL LAND ACT, 1970 (ACT NO. 70 OF 70)

- 1.20.1. The Municipality has a substantial number of farms and land portions which will remain under the provisions of the Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970).
- 1.20.2. For any change of use on land that is subject to the Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970), an application shall be made to the department for the exclusion of such land from the provisions of the said Act.

1.21. SCHEME MAPS

1.21.1. The land use scheme has a series of maps forming part of the scheme and comprises Maps 1-50 as referred to in the table below.

Table 1: Schedule of Land Management Scheme Maps

AREA(S)	MAP REFERENCE
Umzumbe Municipality	Map 1
Nhlalwane and Ogaveni	Map2
KwaMagugu, Phungashe, Mhlabatshane and Nkwazi	Map 3
Goba, Kwa-Santi, Ngcengesi, Cathula and St Faiths	Map 4
Vukani, Ngwenda, KwaNkalokazi and Hlokozi	Map 5
Ngwenda, Okhalweni and KwaNkalokazi	Map 6
KwaMaqikizane, Ezitendeni, Gobhamehlo and Nyavini	Map 7
Ekubusisweni, Oshamba, Mapungwane and Umgai	Map 8
Magwaza, Nkangala, Undadeni and Mapungwane	Map 9
Nkangala, Inselele, Dingimbiza, Mathulini and Nyangwini	Map 10
Inkulu, Hlanzeni, Msisini and Sizamdala	Map 11
KwaDweshula, Mvozana, Mseni and Mehlomnyama	Map 12
Ncane, Sunduza, Cathula and KwaDweshula	Map 13
Ekubusisweni	Map 14
Morrison Post	Map15
Morrison Post	Map 16
Morrison Post	Map 17
Nhlalwane	Map 18
Nhlalwane	Map 19
Nhlalwane	Map 20
Nthwalume	Map 21
Msinsini	Map 22
Turton	Map 23
Turton	Map 24
Turton	Map 25

AREA(S)	MAP REFERENCE
Turton	Map 26
Dweshula	Map 27
Dweshula	Map 28
Dweshula	Map 29
St Faiths	Map 30
St Faiths	Map 31
St Faiths	Map 32
Phungashe	Map 33
Phungashe	Map 34
Phungashe	Map 35
St Nivads	Map 36
Umgai	Map 37
Umgai	Map 38
Umgai	Map 39
Mehlomnyama	Map 40
Mehlomnyama	Map 41
Mehlomnyama	Map 42
Sipofu	Map 43
Mnamfu	Map 44
Mnamfu	Map 45
Mnamfu	Map 46
Mnamfu	Map 47
Dingimbiza	Map 48
Dingimbiza	Map 49
Dingimbiza	Map 50

2. GENERAL DEFINITIONS

- 2.1. **“Access”** means safe, adequate and usable ingress to or egress from a property or use.
- 2.2. **“Act”** means the Spatial Planning and Land Use Management Act, 2013 (Act No 16 of 2013).
- 2.3. **“Administration”** The organisation and running of a business or system, as well as government.
- 2.4. **“Advertise”** means the giving of public notice by an applicant or the municipality in a manner as defined in the Umzumbe Spatial Planning and Land Use Management by-laws.
- 2.5. **“Agriculture”** means the cultivation of land for crops and plants, the keeping and breeding of animals, pig farming, horticulture, poultry farming, dairy farming, breeding and keeping livestock, horse riding facilities and related schooling uses, beekeeping, forestry, mushroom and vegetable farming, floriculture, orchards, or the operation of a game farm (on an extensive basis) and includes such activities and buildings as are reasonably connected with the main farming activities such as residential accommodation for the farmer, farm manager and farm workers, the packing of agricultural produce grown on the property for delivery to the market and a plant nursery and farm shop for selling of produce grown/bred on the farm; and may include intensive horticulture, intensive animal farming, harvesting of natural resources, grazing and bailing of grass.
- 2.6. **“Amenity”** means the natural or created features of a place, property or area that assists in creating a pleasant living/working/recreational environment and is compatible with the surrounding use.
- 2.7. **“Ancillary use”** means a use incidental to, or customarily associated with a lawful specific use.
- 2.8. **“Appeal Authority”** means the Municipal Planning Appeal Authority established in terms of Chapter 6 of the Umzumbe SPLUMA By-laws and is the Executive Committee (EXCO) of the Municipality.
- 2.9. **“Applicant”** means any person who prepares a land development application as contemplated in Umzumbe SPLUMA By-laws.
- 2.10. **“Approval”** means the written approval of the Municipal Planning Approval Authority.
- 2.11. **“Arcade”** means an area forming part of a building which may or may not be covered, and is reserved exclusively for pedestrian traffic, but may include fountains, benches and other similar features.
- 2.12. **“Area of the Scheme”** means the entire jurisdiction of the Umzumbe Local Municipality.

- 2.13. **“Basement”** means the lowest part of any building; which part is constructed with more than 50% of its volume below the lower of either the mean finished ground level or the existing natural ground level immediately surrounding the building. See the illustration in Figure 1 below.

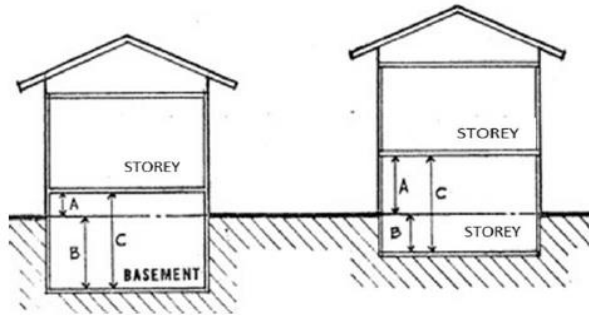


Figure 1: Illustration of Basement

- 2.14. **“Boarding House”** means a building where lodging is provided to no more than 15 lodgers, and may incorporate communal cooking, dining and bathroom facilities for the use of lodgers, together with such outbuildings as are normally used therewith; and includes a building in which rooms are rented for residential purposes, youth hostel, backpackers’ lodge, guest house and residential club; but does not include a hotel, dwelling house or second dwelling.
- 2.15. **“Boundary”** in relation to land, means a cadastral line registered with the Surveyor General, separating a lot/farm from another lot/farm or a street or one farm from another.
- 2.16. **“Building”** means: -
- 2.16.1. any other structure, whether of a temporary or permanent nature and irrespective of the materials used in the erection thereof, erected for or in connection with:
 - i. The accommodation or convenience of human beings or animals;
 - ii. The manufacture, processing, storage, display or sale of any goods;
 - iii. The rendering of a service;
 - iv. The destruction or treatment of refuse or other waste materials;
 - v. The cultivation or growing of any plant or crop
 - 2.16.2. any wall more than 2m, swimming bath, swimming pool, reservoir or bridge or any other structure connected therewith;
 - 2.16.3. any fuel pump or any tank used in connection therewith;
 - 2.16.4. any part of a building, including a building as defined in paragraphs (a), (b) or (c); and (e) any facilities or systems, or part or portion thereof, within or outside but incidental to a building, for the provision of a water supply, drainage, sewerage, stormwater disposal, electricity supply, or other similar services in respect of the building. [NATIONAL BUILDING REGULATIONS AND BUILDING STANDARDS ACT (NO. 103 OF 1977) AS AMENDED]

- 2.17. **“Building line”** means a line parallel to any boundary of a lot which is contiguous with a street, public right of way or road reservation; or in the case of “hatchet shaped” lots, a line parallel to the boundary nearest to the street which is not a boundary of the access strip.
- 2.18. **“Bylaw”** means a regulation made by the municipality to enable it to give proper effect to the powers and duties conferred or imposed upon it.
- 2.19. **“Common Property”** means land or space that is intended for common ownership or use of the owners/occupants of a medium density/high density or multiple self-contained rooms development and may include private roads that provide access to the development. In the rural context land or space within a rural settlement’s development edge is intended for the common use of the residents in a rural settlement.
- 2.20. **“Commonage”** means land owned by the Municipality or state land under Traditional Authority administration on which residents have acquired / can acquire grazing rights or rights to arable lots, expressly to benefit local inhabitants of a settlement or town.
- 2.21. **“Composite Building”** means a building which is used for two or more purposes recognised as uses in the Scheme.
- 2.22. **“Consent”** means special permission granted by the Municipal Planning Approval Authority, after due consideration of all relevant facts and lawful, reasonable and procedurally fair administrative action, in terms of which a specific type of land use or activity is permitted, in addition to the primary use right applicable to the Erf concerned.
- 2.23. **“Consent use”** means an additional use right permitted in terms of the Scheme as defined in a particular use zone with the Consent of Municipal Planning Approval Authority.
- 2.24. **“Constitution”** Means the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996).
- 2.25. **“Contravention”** Means an action which offends against the provisions of this land use scheme and clauses.
- 2.26. **“Convenience Store”** means a building or part of a building in connection with a fueling and service station used primarily for the sale of convenience goods, and which use is subservient to that of a fueling and service station on which site it is situated. Goods may include beverages, tinned food, sweets, milk, biscuits, packets of sugar, rice, pasta, etc., toiletries, newspapers, and magazines. Motor spares and accessories, as well as promotional goods supplied by the oil companies, may also be sold from such stores. A convenience store may include an ancillary take-away/fast food outlet, video outlet, and two automatic teller machines [ATMs] as part of the operation, and the maximum gross area of a convenience shop, including storage, refrigeration, food preparation, etc. shall not exceed 300m².
- 2.27. **“Council”** means the Umzumbe Local Municipality established in terms of the Provincial Gazette Notice and includes any municipal standing committee or municipal official with

delegated powers in terms of the area of jurisdiction within which these town-planning conditions apply. Council or its delegated authority shall be the approving authority for all applications pertaining to this Scheme.

- 2.28. **“Coverage”** means the proportion of a lot covered by buildings and is expressed as a percentage of the lot area as defined. Thus 25% coverage means that only one-quarter of the lot may be covered by buildings. Only roofed or covered areas are included in the coverage.
- 2.29. **“Curtilage”** means the whole of the area of ground within the boundaries of the building Erf or erven forming the site of any building or proposed buildings.
- 2.30. **“Density”** means the maximum number of dwelling houses per hectare as set in relation to a specific area in the provisions of the Scheme.
- 2.31. **“Development”** in relation to land, means the erection of buildings and structures, the carrying out of construction, engineering, mining or other operation on, under or over land and a material change to the existing use of any building for non-agricultural purposes.
- 2.32. **“Developable Area”** Means the registered, surveyed area of an Erf excluding those areas, which are, in the opinion of the Municipality, rendered undevelopable by virtue of such factors as soil instability, liability to flooding, topographic inaccessibility environmental sensitivity and/or slope.
- 2.33. **“Display”** in relation to a sign, without in any way limiting its ordinary meaning, includes the erection of any structure for the support of such sign;
- 2.34. **“Dominant use”** means the predominant or major use of a property, and may consist of a primary or a Consent use permitted on the property;
- 2.35. **“Dwelling Unit”** means a self-contained inter-leading group of rooms with not more than one kitchen, used only for the living accommodation and housing of one family, together with such outbuildings as are ordinarily used therewith.
- 2.36. **“Dwelling unit curtilage”** means a single defined area of land forming part of a site 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.
- 2.37. **“Eave”** means a portion of a roof not projecting 600mm beyond the face of a building, excluding any gutters
- 2.38. **“Effective date”** Means the date the Umzumbe Municipal Council adopts the Land Use Scheme as contemplated in section 43 of the Umzumbe Municipality Spatial Planning and Land Use Management Bylaw.

- 2.39. **“Environmentally Sensitive Area”** means environmentally sensitive areas identified in an Environmental Management Framework adopted by the Competent Authority responsible for Environmental Management. These are typically areas which contain natural organisms and characteristics which are considered to be of environmental significance to the functioning of the natural ecosystem and maintenance of biodiversity within such ecosystems. Such areas of ecological sensitivity may include but are not limited to the following: -
- 2.39.1. Habitat of a rare species;
 - 2.39.2. Pristine/indigenous vegetation;
 - 2.39.3. Proclaimed protected areas; and
 - 2.39.4. Designated buffer zones related to such areas of ecological sensitivity
 - 2.39.5. Wetlands and watercourses
- 2.40. **“Environment”** means the surroundings within which humans exist and that are made up of:-
- 2.40.1. The land, water and atmosphere of the earth;
 - 2.40.2. Micro-organisms, plant and animal life;
 - 2.40.3. Any part or combination of (a) and (b) and the interrelationships among and between them; and
 - 2.40.4. The physical, chemical, aesthetic and cultural properties and conditions of the foregoing influence human health and well-being. (National Environmental Management Act No. 107 Of 1998 As Amended)
- 2.41. **“Environmental Impact Assessment (EIA)”** means a systematic process of identifying, assessing and reporting environmental impacts associated with an activity and includes basic assessment and S&EIR (scoping and environmental impact reporting process as contemplated in regulation 26 to 35) [Nema Environmental Impact Assessment Regulations, Gazette Notice No. R 543, 18 June 2010]
- 2.42. **“Environmental Management Programme (EMPr)”** means a management plan as defined in Section 11 of the National Environmental Management Act, 1998 (Act No. 107 of 1998).
- 2.43. **“Erf (same as “Lot”)** means any piece of land registered in the deed’s registry as an Erf, lot, plot, stand or farm and includes a portion of an Erf, lot, plot, stand or farm.
- 2.44. **“Erf area (same as “Lot area”)** means 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.
- 2.45. **“Existing building”** means a building lawfully erected before the date of adoption or a building erected in accordance with plans which were approved by the Municipality prior to that date.
- 2.46. **“Existing use”** means in relation to any building or land, a continuous use of that building or land after the date of adoption for the purpose for which it was designed and lawfully authorised by the Municipality at that date.

- 2.47. **“Floor”** means the inner, lower surface of a room on or nearest to the mean natural ground level immediately surrounding the building, garage or basement and includes a terrace to which occupants of a building have access.
- 2.48. **“Floor space”** in relation to any building or structure, means the area covered by a roof, slab or projection, excluding a projection not exceeding 1m over an exterior wall or a similar support; provided that the area which is covered by a canopy or projection on the street side of a business building in the Business Zones shall not be regarded as floor space. Floor space shall be measured from the outside surface of the exterior walls or similar supports of such building or structure, and where a building or structure consists of more than one storey, the total floor space for the purposes of the definition of "maximum floor space" shall be the sum of the floor space of all the storeys, including that of basements.
- 2.49. **“Floor Area Ratio (FAR)”** means the ratio (expressed as a proportion of 1) which is prescribed for the calculation of the maximum floor area of a building or buildings permissible on a lot or Erf; it is the maximum floor area as a proportion of the net Erf area and calculated as follows:

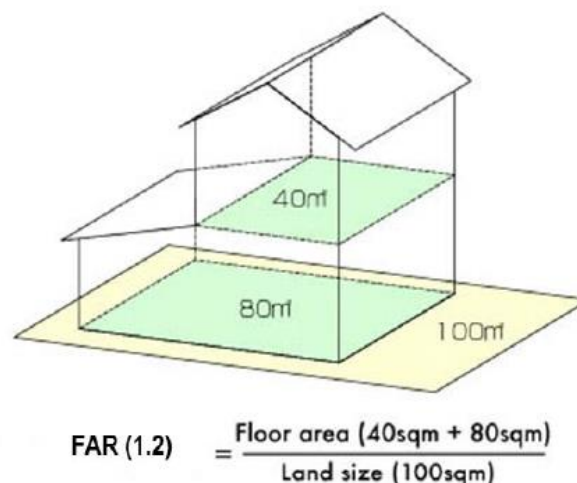


Figure 2: Illustration of Floor Area Ratio

- 2.50. **“Flood line”** means an indicative line indicating the maximum level likely to be reached by floodwaters on average once every 100 years. [Paraphrased from section 144 of the National Water Act No. 36 of 1998]
- 2.51. **“Frontage”** is the length of the boundary of a lot which is coincident with the boundary of an existing or proposed street.
- 2.52. **“Forestry”** Means the use of land primarily for timber production, tree farms, forest nurseries, the gathering of forest products, or the performing of forest services.
- 2.53. **“Garage”** means a building for the parking of motor vehicles and includes a carport but does not include a public parking area or Service Station.

- 2.54. **“Gross floor area”** is the sum of the floor areas of a building including storage, corridors, lift shafts, staircases, kitchens and conveniences, and shall include wall thickness and basements, but shall exclude public conveniences and areas for parking purposes.
- 2.55. **“Gross Leasable Area”** Means the area of a building designed for, or capable of, occupancy and/or control by tenants, measured from the centre line of joint partitions to the inside finished surface of the outside walls, and shall exclude the following:
- all exclusions from the definition of floor space;
 - lift shafts, service ducts, vertical penetrations of floors;
 - lift motor rooms and rooms for other mechanical equipment required for the proper functioning of the building;
 - interior parking and loading bays;
- 2.56. **“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.
- 2.57. **“Guideline(s)”** means written non-regulatory information that directs or influences land use decisions.
- 2.58. **“Habitable room”** means a room designed or used for human habitation in accordance with standards prescribed by the bylaws but excludes a storeroom.
- 2.59. **“Height”** means the height of a building measured from floor to apex of a roof and may be 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 but shall exclude spires and decorative architectural features.
- 2.60. **“Heritage Resource”** means any place or object of cultural significance as determined in the National Heritage Resource Act.
- 2.61. **“Heritage Resource Act”** means the National Heritage Resource Act, No. 25 of 1999.
- 2.62. **“Homeowners’ Association”** means a company registered in terms of section 21 of the Companies Act, No. 71 of 2008, as amended, membership of which shall be exclusive to and compulsory for the freehold or registered leasehold owners of dwelling unit cartilage in a Medium Density Housing development.
- 2.63. **“Integrated Development Plan”** means a plan envisaged in Section 25 of the Municipal Systems Act No 32 of 2000.
- 2.64. **“Municipal Planning Tribunal”** means an approval authority established in terms of Chapter 2 of the Umzumbe SPLUMA by-laws, which must decide on applications for municipal planning approval in terms of section 22(1)(c).

- 2.65. **“Land”** means a tract of ground capable of being owned as property and includes land covered by water.
- 2.66. **“Land use right(s)”** means the approval to utilize or improve land in accordance with the zoning thereof or Consent use and where applicable, in accordance with a site development plan and conditions.
- 2.67. **“Landscaping”** means the planting or emplacement of plants for the purpose of protecting, preserving and promoting the aesthetic appeal, scenic beauty, character and value of properties as well as to promote public health and safety through the reduction of noise pollution, stormwater runoff, air pollution, visual pollution and light glare.
- 2.68. **“Lease diagram”** is a diagram registered with the Surveyor General, depicting an area being subjected to a lease agreement. A lease diagram is linked to a specific lease and needs to be reregistered when a new lease is granted.
- 2.69. **“Liquor Act”** means the National Liquor Act (No. 59 of 2003) as amended.
- 2.70. **“Liquor License”** Means License Obtained In Terms of the KwaZulu-Natal Liquor Act, 2003 Act No 10 Of 2003 Act No 10 Of 2003 (
- 2.71. **“Medium Density Housing Site”** means a defined area of land upon which Medium Density Housing is established or is proposed to be established and which comprises dwelling unit curtilages and common land.
- 2.72. **“Municipality”** means the Umzumbe Municipality as defined in section 1 and established under section 12 of the Municipal Structures Act, No. 117 of 1998
- 2.73. **“Municipal area”** means the Council’s municipal area of jurisdiction as proclaimed from time to time by the Municipal Demarcation Board and in terms of the Municipal Demarcation Act No. 51 of 2002.
- 2.74. **“Municipal Manager”** means the person appointed as municipal manager for a municipality under section 82 of the Municipal Structures Act No. 117 of 1998 and includes a municipal official acting under delegated powers.
- 2.75. **“National Environmental Management Act”** means the National Environmental Management Act, No. 107 of 1998 as amended and its associated regulations, and Specific Environmental Management Acts.
- 2.76. **“Net Developable Area”** means the surveyed area which in the opinion of the Municipality is considered undevelopable, it excludes the following areas:
- 2.76.1. Any public right of way, personal right; road servitudes, new roads, or road widening;

- 2.76.2. Areas of soil instability and/or soils classified as having high water tables;
 - 2.76.3. Soils classified as highly erodible, subject to erosion, or highly acidic;
 - 2.76.4. Areas liable to flooding and flood plains;
 - 2.76.5. Inaccessibility of topography and/or slopes steeper than 1:3;
 - 2.76.6. Land formerly used for landfill operations or hazardous industrial use;
 - 2.76.7. Fault areas;
 - 2.76.8. Stream corridors;
 - 2.76.9. Estuaries;
 - 2.76.10. Mature stands of indigenous vegetation;
 - 2.76.11. Aquifer recharge and discharge areas;
 - 2.76.12. Wetlands and wetland transition areas; and
 - 2.76.13. Habitats of endangered species
- 2.77. **“Noise level”** means reading on an integrating impulse sound level meter, taken in accordance with accepted scientific principles and relevant legislation.
- 2.78. **“Lawful non-conforming existing use”** means any lawfully existing use of a lot/or building as at the date of adoption which does not conform to the current development controls applicable to such a lot, or the provisions of this Scheme, including previous schemes.
- 2.79. **“Object”** means, in the context of a heritage resource, any moveable property of cultural significance which may be protected in terms of any provisions of the Heritage Resource Act, including;
- 2.79.1. Any archaeological artefact;
 - 2.79.2. Paleontological and rare geological specimens;
 - 2.79.3. Meteorites;
 - 2.79.4. Other objects referred to in the Heritage Resource Act.
- 2.80. **“Occupant”** in relation to any building, structure or land, includes any person occupying such building, structure or land or legally entitled to occupy it or anybody having the charge or management thereof, and includes the agent of such a person who is absent or whose whereabouts are
- 2.81. **“Outbuilding”** means a building ordinarily used in conjunction with a dwelling unit(s) and used for the garaging of private motor vehicles, storeroom, staff rooms and ablution facilities, and workroom; workroom means a room used for maintenance of the dwelling unit(s) or for private hobbies.
- 2.82. **“Owner”** in relation to a building or land, means the person in whose name such land is registered in the Deeds office.
- 2.83. **“Panhandle”** means the access portion of a property to the street by means of a narrowed part of the lot.

- 2.84. **“Pergola”** Means any unroofed horizontal or approximately horizontal grill or framework and associated vertical support structure, such that the area in the horizontal projection of the solid portions thereof does not exceed 25% of the total area thereof.
- 2.85. **“Permission to Occupy” (PTO)** means a form of leasehold whereby one may occupy a land in custody of a Traditional Council, and develop the land as mutually agreed. This applies only to land under the Administration of a Traditional Council
- 2.86. **“Person”** means a human being regarded as an individual
- 2.87. **“Pollution”** means any change in the environment caused by: -
- 2.87.1. Substances;
 - 2.87.2. Radioactive or other waves; or
 - 2.87.3. Noise, odours, dust or heat, emitted from any activity, including the storage or treatment of waste or substances, construction and the provision of services, whether engaged in by any person or an organ of state, where that change has an adverse effect on human health or wellbeing or the composition, resilience and productivity of natural or managed ecosystems, or on materials useful to people, or will have such an effect in the future.
[National Environmental Management Act No. 107 of 1998 as amended]
- 2.88. **“Premier”** means the Premier of the KwaZulu-Natal Province.
- 2.89. **“Primary use”** means the dominant use of any Erf, building or structure.
- 2.90. **“Principles”** means a set of values and guiding rules that should guide and inform ongoing planning and development.
- 2.91. **“Private Open Area”** means a usable area, exclusive of utility areas, driveways and parking areas, which is open to the sky and is adjacent to and has direct access from a dwelling unit in sectional title developments, with such private open area being reserved for the exclusive use of the occupants or owners of the associated dwelling unit but may include semi-covered areas such as a pavilion.
- 2.92. **“Prohibited Uses”** This category includes land uses which are considered to be incompatible with the surrounding land uses, and which the Municipality is precluded from considering. The proposed change in land/building use may only be considered with an application for a rezoning or scheme amendment in terms of the applicable legislation.
- 2.93. **“Property”** means any land that is registered as a separate unit at the Surveyor General’s Office and the Deeds Office.
- 2.94. **Protected Areas:** means all areas as referred to under Section 9 of the National Environmental Management: Protected Areas Act (Act 57 of 2003), which are protected by law for the purpose of conserving biodiversity. These include nature reserves and protected environments, with their management assigned to a competent authority of the region.

- 2.95. **“Provincial Government”** means the Provincial Government of the Province of KwaZulu-Natal
- 2.96. **“Public Authority”** means a National Department, Municipality or semi-state agency or the Provincial Government.
- 2.97. **“Rear boundary”** shall mean that boundary of a lot or Erf which is furthest from any street boundary, and which does not meet any street boundary.
- 2.98. **“Register”** means a record of all applications, including:
- 2.98.1. conditions of rezoning that affect the land use right of any lot or Erf, and
 - 2.98.2. consent uses and non-conforming uses;
 - 2.98.3. Applicable to a lot or Erf as prescribed or required under this Scheme.
- 2.99. **“Residential purposes”** means purposes normally or otherwise reasonably associated with the use of land primarily for human habitation, including a dwelling house, group housing, hotels, flats, boarding houses, residential clubs, hostels, residential hotels or rooms to let.
- 2.100. **“Responsible Authority”** The Umzumbe Local Municipality, hereinafter referred to as the “Municipality”, shall be the authority responsible for implementing, amending, reviewing and enforcing the provisions of this Scheme.
- 2.101. **“Restriction”** means a servitude or condition registered against the title deed of immovable property restricting its utilization, and any other statutory restriction on the planning, development or utilization of that immovable property.
- 2.102. **“Rezoning”** means the amendment of a Scheme map in terms of the **Umzumbe SPLUMA By-laws**, in order to effect a change of zoning and associated controls, restrictions and provisions in relation to a particular lot or Erf.
- 2.103. **“Satisfactory” or “Suitable”** means acceptable, adequate in the Council’s opinion.
- 2.104. **“Scheme”** means the Umzumbe Local Municipality Land Use Scheme, as amended from time to time;
- 2.105. **“Scheme map”** means a map indicating all zones within the Municipality. The scheme map is further separated into a series of maps (Map 1-50), for ease of reference.
- 2.106. **“Servitude”** means a registered right that grants the use of a portion of land for specified purposes.
- 2.107. **“Side Boundary”** means 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.

2.108. **“Sign”** means any sign, sign writing, mural, graphic design, signboard, screen, blind, hoarding or other device by means of which advertisement of notice is publicly displayed.

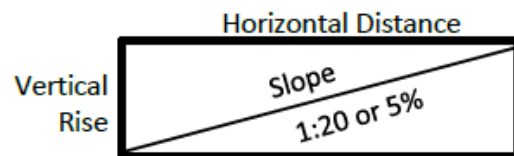
2.109. **“Site Development Plan”** means a scaled and dimensioned plan which shows details of proposed development and may include but not limited to:

- 2.109.1.Existing physical characteristics of the property,
- 2.109.2.The position, use and extent of buildings, and
- 2.109.3.Any other details as may reasonably be required by the council.

2.110. **“Slope”** means the degree of deviation of a surface from the horizontal, expressed as a ratio or percentage and calculated for the purpose of this scheme as depicted below:

For Example: a piece of land rise 5m vertical over a 100m distance. The slope is calculated as follows:

$$\begin{aligned}
 \text{Slope} &= \frac{\text{Vertical Rise}}{\text{Horizontal distance}} \\
 &= \frac{5}{100} \\
 &= \frac{1}{20} \\
 &= 5\% \text{ slope}
 \end{aligned}$$



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

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

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

- 2.113.1.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 area or areas constitutes a basement;
- 2.113.2.The ground floor may be on several levels;
- 2.113.3.A pitched roof containing a habitable room and any other type or style of roof which contains or supports any rooms, structures or features over and above those mentioned in paragraph (e) below and which the Municipality considers to be habitable shall count as a storey.

- 2.113.4. A storey shall not be higher than 4.5 metres. If a storey is higher than this, each 4,5 metres or part thereof shall count as a storey;
- 2.113.5. With the exception of Lift rooms, stairwells and pitched roofs, any structures or architectural features situated on the roof of a building and greater than 1, 2 metres in height shall constitute a storey.
- 2.114. **“Structure”** without in any way limiting its ordinary meaning, includes any building, wall, fence, pillar, pergola, steps, landing, terrace, swimming pool, petrol pump or underground tank and any portion of a structure.
- 2.115. **“Subdivide and subdivision”** in relation to land, means to subdivide the land, whether by means of:
- 2.115.1. A survey;
- 2.115.2. The allocation, with a view to the separate registration of properties, of undivided portions thereof in any manner, including the marketing and conclusion of contracts for the alienation, sale or exchange of portions of the lot or Erf;
- 2.115.3. The preparation thereof for subdivision.
- 2.116. **“Use right”** in relation to land, means the right to utilise that land in accordance with its zoning, including any lawful departure or Consent use.
- 2.117. **“Utilization”** in relation to land, means the use of land for a particular purpose and includes the extent of such use.
- 2.118. **“Urban Edge”** (in relation to an approved Spatial Development Framework or Local Spatial Development Framework) - means a demarcated line (and interrelated policy) that defines the zone within which the Municipality will endeavour to upgrade levels of infrastructure over a period of time and according to available resources, to support higher densities of residential, industrial, and commercial development.
- 2.119. **“Veranda”** means a covered area (not being an area which is part of a yard or a parking area) or projecting floor outside and immediately adjoining a building at or below the level of the ground floor thereof and includes both such area or floor and the roof or other feature covering it, as well as any low walls or railings enclosing such paved area or floor extended beyond eave.
- 2.120. **“Water Act”** means the National Water Act, No. 36 of 1998, as amended.
- 2.121. **“Watercourse”** means: -
- 2.121.1. A river or spring;
- 2.121.2. A natural channel in which water flows regularly or intermittently;
- 2.121.3. A wetland, lake or dam into which, or from which, water flows; and
- 2.121.4. Any collection of water which the minister may, by notice in the Gazette, declared to be a watercourse, and a reference to a watercourse includes, where relevant, its bed and banks [National Water Act (No. 36 of 1998), as amended].

- 2.122. **“Water Quality Environmental Control Zone”** means Catchments located around key water supply features and with high water quality sensitivity, as identified within the adopted Ugu District Environmental Management Framework and included in the Water Quality Control Zone Management Overlay.
- 2.123. **“Wetland”** means land which is transitional between terrestrial and aquatic systems where the water table is usually at or near the surface, or the land is periodically covered with shallow water, and which land in normal circumstances supports or would support vegetation typically adapted to life in saturated soil [National Water Act (No. 36 Of 1998), As Amended].
- 2.124. **Wind Turbine”** means an apparatus that converts energy from wind to electricity that may or may not be linked to an electricity provider’s grid or network and may comprise rotating parts (propeller), a generator, a mast, a tower or any infrastructure in support thereof.
- 2.125. **“Zone”** means that portion of the area shown on the Scheme Map, by distinctive colouring or edging or in some other distinctive manner, to indicate the restrictions imposed by this Scheme on the erection and use of buildings or structures or the use of land.
- 2.126. **"Zoning"** when used as a noun - means a category of directions setting out the purpose for which land may be used and the land use restrictions applicable in respect of the said category of directions, as determined by relevant Land Use Scheme regulations

3. LAND USE DEFINITIONS

- 3.1. **"Abattoir"** means a place where livestock and poultry are slaughtered and prepared for distribution. Development and management of such buildings and facilities should be undertaken in terms of the Abattoir Hygiene Act 121 of 1992.
- 3.2. **"Additional Self-contained Dwelling Unit)** means a single dwelling unit not exceeding a gross floor area of 60m² and may include a garage not exceeding a gross floor area of 20m², forming an extension of an existing dwelling house.
- 3.3. **"Agricultural Building"** means a structure designed for farming and agricultural practices, including but not limited to growing and harvesting crops and raising livestock and small animals. Such buildings inter alia include, but are not limited to the following: Barns, greenhouses, storage buildings for farm equipment, animal supplies or feed, storage buildings for equipment used to implement farming and/or agricultural practices, Storage buildings for crops grown and raised on site (cold storage), Horticultural nursery.
- 3.4. **"Agricultural Industry"** means an enterprise used for the intensive production in any form whatsoever, of poultry, game birds, livestock, vegetables, fruit and allied products; on or close to the lot where these agricultural products are grown and where processing in such proximity is necessary due to the nature, perishability and fragility of such agricultural products, and includes a winery and distillery cheese making industry, feedlots, chicken hatcheries, but excludes an abattoir, a butchery and a service trade.
- 3.5. **"Agricultural Land"** means arable, meadow, or pastureland (including farm dams), market gardens, poultry farms, and garden nurseries, and may include a greenhouse or hydroponics, horticulture, permaculture, orchards, and land used for the purpose of breeding or keeping domestic animals, poultry or bees, and includes any buildings connected therewith.
- 3.6. **"Animal Rehabilitation Centre"** means a building or land used for the treatment and care of sick, injured or orphaned wild animals, and the preparation of such animals with the intention of releasing them back to their natural habitats in the wild.
- 3.7. **"Arts and Craft Workshop"** mean a building wherein the primary purpose is the selling of goods or services and where the processes are operated specifically in conjunction with a shop or office to which the public, as customers, have access. This includes such uses as, inter alia, graphic arts, textile design, weaving, pottery, furniture making, leatherwork, studios, creative fashion design, stained glass, and may include a printer. The processes carried on and the machinery installed shall be such that they will not cause a nuisance to other properties or be detrimental to the amenities of the other zones.
- 3.8. **"Automotive Showroom"** refers to a display room where roadworthy motor vehicles are displayed for sale to the public.

- 3.9. **“Automotive Workshop”** means the use of buildings or land for the repair, maintenance and servicing of motor vehicles including the installation of parts and accessories.
- 3.10. **“Bed and Breakfast”** means an owner-managed commercial accommodation establishment of not more than 8 guest rooms and which has as its primary source of business the supply of short-term accommodation and breakfast for resident guests.
- 3.11. **“Betting Depot”** means a building used for the purpose of a Bookmaker’s premises or a totalisator agency operating legally in terms of the relevant legislation[s].
- 3.12. **“Builder’s yard”** means a lot, which is used for the storage of material:
- 3.12.1. If necessary, for or normally used for construction work; or
 - 3.12.2. That was obtained from demolitions of structures or excavations of ground; or
 - 3.12.3. Required or is normally used for land improvements, such as storage of material used for building roads, for installing essential services, or for any other construction work (e.g. Of sand or bricks), whether for public or private purposes; or
 - 3.12.4. Or land or building used for the preparation for use of materials thus stored but does not include a builders’ yard established for the purpose of temporarily storing such materials in connection with and for the duration of construction or building works, in the vicinity of such builder’s yard and does not include the storage at a “shop” or a “warehouse”.
- 3.13. **“Boarding House”** means any house, building or premises in which both lodging and either meals or communal cooking facilities are supplied by the proprietor, together with such outbuildings as are normally used therewith.
- 3.14. **“Burial Ground”** Means a place for the burial of human or domestic animal remains.
- 3.15. **“Bus and Taxi Rank”** means land, a building or part of a building used for the purpose of parking buses or taxis. Such facilities may include ancillary facilities such as informal trader stalls and restroom facilities. For the purpose of this Scheme the term "Bus and Taxi" shall mean a vehicle used to transport people for financial gain and registered as such.
- 3.16. **“Caretaker’s accommodation”** means the use of premises for a dwelling for a caretaker of a non-residential use on the same premises.
- 3.17. **“Carwash”** means land and buildings used for the washing, polishing and cleaning of vehicles.
- 3.18. **“Cemetery”** 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 but shall not include a Crematorium.
- 3.19. **“Clinic”** means a facility providing medical, psychiatric, or surgical service for sick or injured persons, including emergency treatment, diagnostic services, and services to outpatients, and may include a day ward as well as staff residences.

- 3.20. **“Commercial Workshop”** means an activity which caters specifically for the local customer, or provides a service directly to the retail customer and is directly associated with the business premises to which the public has access and where such business premises comprise the frontage of the whole building except entrances and exits and may include panel beating, spray painting and cleaning of cars.
- 3.21. **“Conference Centre”** means premises used for cultural activities, social meetings, gatherings, non-residential clubs, gymnasiums, sports clubs or recreational or other activities where the primary aim is not profit-seeking and excludes a place of entertainment.
- 3.22. **“Crèche”** means a building or portion of a building operated for the purpose of providing care, protection and guidance for children or infants and young children during only part of a 24-hour day. Crèche includes a child minding facility, daycare centre, nursery schools, pre-schools, and extended preschool or school daycare facilities, which building or site is registered as a place of care in terms of the relevant legislation.
- 3.23. **“Crematoria”** Means premises where the deceased is incinerated and includes ancillary facilities for associated religious and administrative functions.
- 3.24. **“Dwelling House”** Means a self-contained, interleading group of rooms, with not more than one kitchen, used for the living accommodation and housing of one family, together with such outbuildings as are ordinarily used therewith, but does not include domestic staff quarters, or tourist accommodation or accommodation used as part of a hotel.
- 3.25. **“Educational Building”** means a place for education at preschool, school or post-school levels, including a crèche, nursery school, primary school, secondary school, college, university, research institute and ancillary uses such as boarding hostels, monastery, convent and all uses which are ancillary, directly related to and subservient to the main use; or a civic facility for the promotion of knowledge to the community such as a public library, public art gallery, museum, public library, public art gallery, museum; or a place of instruction in sport where the main objective is instruction as opposed to participation by the public as either competitors or spectators; but excludes a reformatory, commercial conference facility, gymnasium or in-house business training centre;
- 3.26. **“Events Venue”** means Land or building, or part thereof used or adapted to be used for the conducting of events and may include weddings; conferences, seminars, gatherings, recreation, public entertainment, exhibitions and such other uses which are ancillary to or reasonably necessary for the use of the building or land as an events venue.
- 3.27. **“Extractive Industry”** means an industry which involves the extraction, quarrying, or removal of sand, gravel, clay, hard rock, stone or similar material from the land, and includes the treatment and storage of those materials, or the manufacture of products from those materials on, or adjacent to, the land from which the materials are extracted.

- 3.28. **"Factory"** means any premises on 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: -
- 3.28.1. The making of any article or part of any article;
 - 3.28.2. The altering, repairing, renovating, ornamenting, painting, spraying, polishing, finishing, cleaning, dyeing, washing or breaking up of any article;
 - 3.28.3. The adaption for sale or uses of any article;
 - 3.28.4. The sorting, assembling or packing (including washing or filling bottles or other containers) of any articles;
 - 3.28.5. The construction, reconstruction, assembling, repairing or breaking up of vehicles or parts thereof (but excluding premises used for the purpose of housing vehicles where only minor adjustments are carried out);
 - 3.28.6. Printing or letterpress, or other similar process, including any activity associated with the printing industry;
 - 3.28.7. The production and storage of gas in a holder of more than four thousand litres (141,6 cu. metres) storage capacity;
 - 3.28.8. The slaughtering of livestock;
 - 3.28.9. The generation of electricity;
 - 3.28.10. Any activity that is necessarily or ordinarily incidental to any activity referred to in paragraph (a), inclusive, if the premises on which it is carried on or form part of or are adjacent to the premises on which the activity to which it is so incidental is carried on; and
 - 3.28.11. Any premises on which bookkeeping, typewriting or any other clerical work incidental to any activity referred to in paragraph (a) is performed, if such premises form part of or are adjacent to the premises in which the said activity is carried on.
- 3.29. **"Farm Stall"** means a building or structure on agricultural land, where mainly products and produce from such land (and surrounding land or farms) are sold to the general public.
- 3.30. **"Feed Pen Farming"** means the keeping and breeding of livestock in a confined space on an intensive basis where the animals are fed with little or no opportunity to graze off the natural veld, to prepare them for slaughter or production of milk, eggs or other products.
- 3.31. **"Farmworker Accommodation"** means family accommodation for farmworkers which includes any house at least 30m² in size consisting of multiple rooms including a kitchen, bedroom(s) and/or living room. This type is normally provided specifically for the accommodation of a farmworker and his/her family. It is also normally provided to permanently employed employees of the farm.
- 3.32. **"Forestry"** Means the use of land primarily for timber production, tree farms, forest nurseries, the gathering of forest products, or the performing of forest services.
- 3.33. **"Flats"** means a building containing three or more dwelling units for human habitation, together with such outbuildings as are ordinarily used therewith; provided that in those zones where flats are permissible, fewer than three dwelling units shall also be permissible.

- 3.34. **"Fresh Produce Market"** means any building or place under the control of the Council upon or in which sales shall be conducted in accordance with the provisions of bylaws or any amendments thereto, and shall include land upon which any such building is situated or which is used in connection with or for the purpose of carrying on such market, and which has been declared a national fresh produce market in terms of the Commission for Fresh Produce Markets Act, Act No. 82 of 1970.
- 3.35. **"Funeral Parlour"** means a building or land used for the purpose of funeral management, the preparation of the deceased for burial or cremation, and may include a shop intended primarily for public reception and for the sale and display of those commodities required for cemetery purposes and services ordinarily ancillary to funeral management, but does not include a monumental mason, cremation facilities or the manufacturing of coffins.
- 3.36. **"Game Farm"** Means a commercial operation that is designed and operated for the purpose of propagating, rearing, or selling terrestrial wildlife or the parts of terrestrial wildlife.
- 3.37. **"Game Reserve"** means a building or land used in connection with, or which would ordinarily be incidental to, or reasonably necessary in connection with the use of the building or land as a game reserve for the conservation of indigenous vegetation and for the keeping for display, rehabilitation of breeding of wild animals or birds to which the general public shall have controlled access.
- 3.38. **"Garage"** Means a building, part of a building or land designed primarily for the purpose of parking, and may include washing and servicing of motor vehicles, but does not include use as a workshop for the repair of motor vehicles or the sale of petrol, oil and accessories.
- 3.39. **"General Industrial Building"** means an industrial building and includes a factory and building used for the general repair of motor vehicles, but does not include a garage, Service Station or special industrial building.
- 3.40. **"Guest House"** means a commercial accommodation establishment of not less than 6 guest rooms and not more than 16 guest rooms and which has as its primary source of business the supply of short-term accommodation and meals for resident guests. The premises may also provide meals to guests and also host events and functions.
- 3.41. **"Hardware"** means a lot that is used for the sale of building materials to the general and may include the storage of such material but excludes the manufacturing of bricks and other materials intended for sale.
- 3.42. **"Helipad"** means land, or an elevated structure used for the landing and take-off of helicopters with the minimum prescribed safety equipment but without auxiliary facilities such as a parking area, a waiting room or a hanger.
- 3.43. **"Home Activity"** 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 occupation, practised by the bone fide residential occupant of that property. Such business shall not interfere with the amenity of the surrounding properties or be of nuisance value by virtue of noise, appearance, dust or smell. For the purposes of a Home Business, a shop, any vehicle or motor manufacturing, repairs or maintenance are prohibited land uses. This use is limited to the owner and the employment of two additional people on site. The Home Activity shall not exceed 10% of the Building footprint

- 3.44. **“Home Business”** Means the operation of a single non-impacting occupational activity in or in conjunction with a dwelling house by a bona fide residential occupant of that property, providing that the dominant use of the property concerned shall remain for the living accommodation of the occupants, and the property complies with the requirements contained in the Scheme Clauses for a home business. Home Business does not include a shop.
- 3.45. **“Hospital”** means an institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury and deformity and including as an integral part of the institution, related facilities, such as laboratories, mortuary, outpatient facilities, training facilities, medical offices, and staff residences, and may include for those purposes those activities normally associated therewith that are set out under sections 132 and 157 of Public Health Act of 1919 and published in Government Notice 2103 of 30 December 1966, such as the operation of an incinerator.
- 3.46. **“Hotel”** means a property used as a temporary residence for guests, where lodging and meals are provided, and may include:
- (a) A restaurant;
 - (b) Conference and entertainment facilities that are secondary and directly linked to the dominant use of the property as a hotel; and
 - (c) Premises which are licensed to sell alcoholic beverages for consumption on the property;
- But does not automatically include an off-sales facility.
- 3.47. **“Industrial Building”** A facility in which the space is used primarily for research, manufacturing, development, service, production, storage or distribution of goods but excludes noxious activities and which may also include some office space.
- 3.48. **“Informal Trading Area”** Means a public area, which has been set aside for the purpose of informal or street trading and where each operator occupies a defined space or stall and is engaged in the selling of any goods or the supplying or offering to supply any service for reward. The area may include ablution and limited storage facilities.
- 3.49. **“Institution”** means a building or portion of a building used or designed for use as a charitable institute including the administration thereof, and a building designed for use as a hospital, home for the aged or mentally or physically retarded children, nursing home, sanatorium, clinic, convalescent home, orphanage or other building used as a public or private institution but does

not include a restricted building. Such a building or portion of a building shall be served exclusively by a communal kitchen.

3.50. **“Launderette”** means a building used for the purpose of washing and drying clothing and household fabrics, where the machines used are electrically operated and quiet running, and of the type which processes each customer’s articles individually, and which may be operated by the customer. The washing material used shall be a type that shall not cause harmful effluent to be discharged into the sewerage system.

3.51. **“Light Industrial Building”** Means a building used for the manufacture or assembly of products from previously treated material where no impact is created on the adjacent uses and no hazardous materials are used in the production of such products. Examples include: -

- Athletic equipment,
- Bakeries
- camera,
- Clothing,
- Electronics,
- Musical instruments,
- Optical goods, and
- Photo equipment,
- Woodworking (limited).

3.52. **“Manufacturing”** Means the process of converting raw materials, components, or parts into finished goods. Manufacturing uses included in this category include:-

- Wood manufacturing;
- Pharmaceuticals;
- Plastic;
- Glass; and,
- Clay.

3.53. **“Medical Centre”** means a building designed for the use as consulting rooms or offices for medical purposes that is used by one or more medical doctors, sangoma, herbalists, physiotherapists, homoeopaths, optometrists or any other medical-related use that serves the purpose of consultation but excludes a clinic or any other medical use that provides overnight accommodation for patients. It excludes any noxious practices or uses which will interfere with the amenity of the surrounding properties or are of nuisance value by virtue of noise, appearance, dust, smell or activities or for any other reason whatsoever.

3.54. **“Medium Density Housing”** means a group of two or more attached and/or detached dwelling units, together with such outbuildings as are ordinarily ancillary thereto, with each dwelling unit having direct access to a private open area and access to common land, the whole development having been designed as a harmonious entity. Such development may include duplex flats, semi-detached houses, terrace houses, maisonettes or dwelling houses and a lifestyle village.

- 3.55. **“Mortuary”** Means a building or part thereof where corpses are stored exposed for identification and autopsies are performed but excludes a Funeral Parlour.
- 3.56. **“Municipal Purposes”** 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 and waterworks and depot.
- 3.57. **“Nature and Resource Conservation”** means the long-term management, including the associated environmental education opportunities, of natural resources such as bio-diversity resources and sites of social, cultural, spiritual, archaeological, paleontological, geological or scenic value, to ensure their continued existence in an acceptable condition, whether or not utilization, active or passive, is taking place.
- 3.58. **“Noxious Industry”** Means any industry or trade that by reason of fumes, gases, vapours, dust, smell, noise, vibration or other causes, is deemed by the Municipality to be likely to become dangerous or harmful to the health, welfare and amenity of the general public such as, but not limited to, smelting ores and minerals, works for the production of sulphur dyes, the processing of hides and skins or the sintering of sulphur-bearing minerals.
- 3.59. **“Nursery”** means land used to propagate, grow, and sell plants and/or the sale of gardening equipment, horticultural products and landscaping supplies provided that: -
- 3.59.1. The person operating the nursery garden shall reside on the property in question; and
- 3.59.2. Not more than 3 persons shall be employed on the property.
- 3.60. **“Offices”** - means a room or set of rooms or a building that is used for the performance of an administrative function, but excludes shops and business premises and does not include the storage, handling, distribution or sale of goods.
- 3.61. **“Outbuilding”** means a structure either attached to or separate from the main unit and designed for the housing of domestic assistants, for the parking of motor vehicles, for domestic storage purposes and for such other uses that are reasonably associated with the use of the main structure.
- 3.62. **“Parking Area”** means an open area used exclusively for the parking of motor vehicles at a fee or not and may include an area or building for the administration of the parking use, ablution facilities and a kiosk to accommodate uses such as the sale of flowers, newspapers and refreshments but excludes uses such as a carwash facility, automotive showroom, parking garage, workshop for the repair of motor vehicles or for sale of petrol, oil and accessories.
- 3.63. **“Parking Garage”** means a building, or part of a building designed for the parking of motor vehicles with or without a fee, and may include parking within a building.

3.64. **“Service Station”** Means land or building wherein motor vehicles are provided with fuel, lubricants, tyres, motor spares, and electrical equipment, and may on Consent from the municipality include, the repair of motor vehicles of a minor nature, lubricating and greasing, washing and cleaning, a restaurant or café and a convenience store which does not exceed 30% of the total floor area and is integrated with the other facilities in terms of design, but shall not include the carrying out of operations such as spray painting, panel beating or body or blacksmith works, the repairs of a major nature to the engine or overhauling of motor vehicles and transmission systems thereof.

3.65. **“Place of Instruction”** Means a facility that provides education and/or training, including tutoring or vocational training, in limited subjects. Examples of these facilities include:

- Art schools;
- Ballet and other dance school;
- Business, secretarial, and vocational schools;
- Drama schools;
- Driver education schools;
- Establishments providing distance learning or courses by mail;
- ITC, computers and electronics schools;
- Language schools;
- Martial arts schools;
- Music schools;
- Professional school (law, medicine, etc.); and,
- Seminaries/a religious or ministry training facility.

3.66. **“Place of Public Amusement”** means a place used predominantly for commercial entertainment which may attract relatively large numbers of people, operate outside normal business hours or generate noise from music or revelry regularly and includes a building designed for use or a building or land which is used as an amusement park, billiards saloon, bingo halls, casino, cinema, circus arena, concert hall, dance hall, discos, exhibition hall (trade, industry or other recreational purposes), gymnasium, Live Music, music hall, night clubs, race courses, skating rink, sports arena, theatre, and also includes such uses as are ancillary, directly related to and subservient to the main use but excludes pornographic/adult entertainment.

3.67. **“Place of Public Assembly”** means a public hall, hall for social functions, music hall, concert hall, recreational hall, public art gallery, a town or civic centre or exhibition hall which is not directly related to a commercial undertaking, or a town hall or civic centre, but excluding a school hall and a place of entertainment.

3.68. **“Place of Worship”** means a church, synagogue, mosque, temple, chapel or any other building intended to be used for practising of religion and includes a building or residential unit ancillary thereto, or parsonage but does not include a funeral parlour.

- 3.69. **“Private Open Space”** means any land which has been set aside in this scheme for use as a primarily private site for club buildings, sport, play, rest or recreational facilities or as an ornamental garden or a pleasure garden, and includes public land which is or will be leased on a long term basis, whether public or private.
- 3.70. **“Public Open Space”** Means land which is designated as public open space, under the ownership of the Municipality or other public authority, with or without access control, and which is set aside for the public as an open space for recreation or outdoor sport, including a park, playground, public or urban square, picnic area, public garden, nature area; and includes ancillary buildings, infrastructure and uses.
- 3.71. **“Public Parking”** means a site or building or part thereof that is accessible to the general public for parking purposes and excludes taxi ranks, bus termini and truck stops.
- 3.72. **“Public Utility”** means a company supplying utility infrastructure and/or services required for the proper functioning of the built environment.
- 3.73. **“Quarrying and Mining”** Means the extraction of minerals or raw materials and associated business operations, including sand and stone, in compliance with a permit from the relevant authority.
- 3.74. **“Recreational Area”** Means an open space area for the purposes of play, rest and recreation and may include parking facilities, sporting amenities such as golf courses, tennis courts, squash courts, bowling greens, swimming pools, and other recreational buildings and facilities, including pavilions, change rooms, clubhouses and ancillary premises for the supply and sale of refreshments.
- 3.75. **“Recreational Building”** means a clubhouse, gymnasium, squash court, pavilion, shelter, change room, stadium, and any similar facility used in conjunction with a sport or recreational activity. A clubhouse may include dining facilities and lounges and may include an open space or reserve that the public has a right to use and enjoy and includes any ancillary facilities.
- 3.76. **“Recycling Facilities”** Means a shed or building where waste is sorted and the recyclable components such as paper, plastic, glass, cans, metal, bottles, batteries, fabric and clothes are sorted for their reuse.
- 3.77. **“Refuse Site”** Means a site which is also known as a tip, dump, rubbish dump or dumping ground and is used for the disposal of waste materials.
- 3.78. **“Multiple self-contained rooms”** means residential accommodation mainly for, but not limited to rental purposes, containing multiple single rooms, each room with a kitchenette. Bathroom and toilet facilities may be shared at a ratio of one toilet and one bathroom/shower for every 5 (five rooms).

- 3.79. **“Residential Building”** means a building (other than a dwelling-house, townhouse or block of flats) for human habitation, together with such outbuildings as are normally used therewith, and includes a boarding house, residential rooms, a hotel, a guest house, retirement village and a children's home, but does not include other buildings or uses mentioned whether by way of inclusion or exclusion in the definitions of "place of instruction" or "institution".
- 3.80. **“Resort”** means a resource-based holiday or recreational development that is accessible to the public (which may be subject to booking and fee arrangements) and has a number of dwelling or accommodation units, which are only utilised for short-term accommodation by travellers or tourists or holidaymakers and which comprise a single business enterprise, which is accessible to the public and of which the individual dwelling or accommodation units are marketed only by means of renting, and includes a caravan park and a camping site, but does not include a hotel.
- 3.81. **“Retirement Village”** - means a town housing scheme, flats or residential building that conforms to the following additional conditions: (a) Each dwelling unit shall only be occupied by a retired person or by a family of whom at least one member is a retired person; (b) a full spectrum of care and other recreational facilities shall be provided to the satisfaction of the Municipality. This may include old age and frail care facilities; (c) development rules other than those applicable in a zone may in respect of a retirement village be determined by the Municipality; and
(D) as defined in Section 1 of the Housing Development Schemes for Retired Persons Act, 1988 (Act 65 of 1988).
- 3.82. **“Restaurant”** means a building or portion of a building used primarily for the preparation and sale of food, confectionery and beverages for consumption on the premises and could include:
- 3.82.1. A coffee shop or cafeteria
 - 3.82.2. The licensed provision of alcoholic beverages, only with the Consent of the Council but excludes a tavern.
- 3.83. **“Restricted Building”** Means a building used as a clinic or hospital for infectious diseases.
- 3.84. **“Road Infrastructure”** means land used for the transport of goods and passengers via road and may include national, provincial and municipal roads, facilities to park and stop, road reserves, and maintenance and manoeuvring facilities.
- 3.85. **“Scrapyard”** Means a property which is utilised for one or more of the following purposes:
- a) storing, depositing or collecting of junk or scrap material or articles the value of which depends mainly or entirely on the material used in the manufacture thereof; b) the dismantling of second-hand vehicles or machines to recover components or material; and
 - b) c) the storing or sale of second-hand parts, poles, steel, wire, lumber yards, tyres, bricks, containers or other articles which are suitable to be left in the open;

- 3.86. **"Second Dwelling"** means a dwelling that may be erected in addition to the primary dwelling unit, with such an erection being a consent use in Residential Zone 2, Residential 3 and Agricultural Zone I.
- 3.87. **"Service Industry"** means a light industrial building catering primarily to the local customer, and includes a builder's yard and allied trades, laundry, bakery, dairy depot, dry-cleaning and similar types of uses.
- 3.88. **"Service Station"** means a business or concern where motor vehicles are provided with fuel for payment or reward and includes trading in motor vehicles, oil, tyres and motor spares, the servicing or washing of motor vehicles or the operation of a restaurant or convenience shop, but excludes spray painting, panel beating or body or blacksmith work.
- 3.89. **"Shop"** means a site or building or structure used for the purpose of carrying on a retail trade and includes a restaurant, launderette, dry cleaner or retail concern where goods which are sold in such concern are manufactured or repaired, provided that the floor area relating to such manufacture or repair, comprises not more than one-third of the floor area of the shop. The shop does not include an industry, noxious use or trade or industry, service station, bottle store or supermarket
- 3.90. **"Shopping Centre"** means a primarily retail development that is planned, built and managed as a single entity, comprising of a single or several retail concerns on a common site with a minimum gross leasable area (GLA) of 4 000 m². The retail space and walkways may be combined under single or linked roofs, separated from vehicular movement and parking (a Retail Mall) or accommodated in separate buildings integrated with vehicular movement and parking. A shopping centre may include other business uses as permitted under "Business Premises"
- 3.91. **"Special Usage"** means a use which is such, or a use of which the land use restrictions are such, that it is not catered for in these regulations; and which is set out in detail and of which the land use parameters are set out in detail by means of conditions of approval and a Site Development Plan.
- 3.92. **"Storage Facilities"** Means a building or series of adjoined buildings that have been designed and used to store farm equipment, dried crops and or personal property and they can be commercially leased out.
- 3.93. **"Small-scale rural Settlements"** means a residential use at rural density and intensity on either commercial farms or communally owned land, and could include limited cropping and ad hoc grazing, which is in line with the Council's Housing Plan, Spatial Development Framework and /or as part of a land reform/labour tenant project.
- 3.94. **"Spaza Shop/Tuck Shop"** - means a shop that is operated from a dwelling house, provided that:
 (a) Such activities are restricted to one room of the principal dwelling or a garage or outbuilding with such an area not exceeding 30m²;

- (b) The dwelling is to have a primarily residential function; (c) not more than two persons should be involved in the operation of such a shop;
- (d) Such a shop should not impact negatively the surrounding neighbours; and

3.95. **“Special Industrial Building”** means a building or use of land used for industrial purposes where dangerous or offensive processes are carried out. A Special Industrial Building shall include premises where the following activities take place: Chemical works, dye works, manure, superphosphate, or fertilizer works or stores; tanning and leather-dressing work; works or premises used for storing, drying preserving or otherwise dealing with bones, horns, hoofs or hides, knackers- yards; glue or size factories; soap and candle works; fat—melting or tallow-melting works and any similar works or establishment for dealing with meat, bones, blood, offal, horns, boots, or other animal organic matter; wattle-bark (grinding or extracting) works; brick burning and lime burning works; breweries and distilleries; sugar mills and sugar refineries; fish canning works; bacon factories, sausage factories and similar works; gut scraping works; tripe-cleaning or tripe-boiling works; and destructors.

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

3.97. **Tavern** means a building in which the onsite consumption of liquor is legalized by means of the National Liquor Act (No. Act 59 of 2003) and subsequently granted a liquor license in terms of the KwaZulu-Natal Liquor Act (2003 Act No 10 Of 2003) and may include a restaurant, café, bar or pub designed and used for the preparation and or retail trade of meals, refreshments and liquor and may in addition also mean the retail sale of cold drink and smoking requisites, but excluding a hotel, residential use and drive-in restaurant. It may include a place of amusement. It may not interfere with the amenity of surrounding properties or be of nuisance value by virtue of noise, appearance, dust, smell, activities or for any other reason whatsoever

3.98. **“Telecommunications infrastructure”** means, but is not limited to, any one or more of the following:

- 3.98.1. Antenna support structure including any solid or lattice structure, mast pole, monopole, guyed tower, lattice tower, freestanding tower or other structure designed and primarily used to support antenna;
- 3.98.2. Antenna structure including any system of wires, poles, rods or similar devices, used for the transmission or reception of electromagnetic waves, attached to a building or a mast, and includes cabling between the equipment room and the antenna;
- 3.98.3. Base station site including the land, antenna support structure, and all associated infrastructure such as antenna, microwave dish, equipment room and access road;
- 3.98.4. Equipment room including a structure to house cellular telecommunication equipment associated with an antenna support structure and/or antenna; which may be a separate building used exclusively for the equipment, or a container, or a room or rooms within a building with another predominant use;

- 3.98.5. Microwave dishes including any device incorporating a reflective surface that is solid, open mesh, or bar configured that is the shape of a shallow dish, cone, horn or other, and is used to transmit and/or receive electromagnetic waves.
- 3.99. **“Transport Depot”** Means Land or buildings used or intended to be used for the transfer of goods or persons from one vehicle to another vehicle, for hire or reward, including management, maintenance, and repair of the vehicles used, and includes the garaging or parking of such vehicles associated with this use.
- 3.100. **“Transport Facility”** means a designated area with associated facilities that serves as a taxi rank, bus terminus or truck stop, but does not include public parking.
- 3.101. **“Truck Stop”** means land or buildings used primarily as stop-over facilities for commercial vehicles. A truck stop may include facilities for the maintenance or repair of commercial vehicles, the dispensing of motor fuel or other petroleum products directly into motor vehicles, and the sale of accessories or equipment for trucks and similar commercial vehicles. A truck stop may also include overnight accommodation and restaurant facilities primarily for the use of truck crews.
- 3.102. **“Traditional Dwelling”** means a residential land use often made up of one or more traditional dwelling units used primarily for shelter in Traditional Authority areas and may include kraals for the storage of animals.
- 3.103. **“Utilities Service”** Refers to land set aside for uses such as substations, waterworks, wastewater works and public utilities; wastewater pump stations. Underground pipes/services and overhead lines are usually contained within a services servitude over a parcel of land which is zoned for a specific use and is not given a separate or specific zone. The impact of these uses within servitudes is usually managed through the environmental impact assessment process.
- 3.104. **“Veterinary Clinic”** Premises where animals are provided with medical care and the boarding of animals is limited to short-term care resulting from medical treatment and may include an ancillary grooming parlour and a retail outlet restricted to the sale of veterinary and animal maintenance products.
- 3.105. **“Warehouse”** Means a building used primarily for the storage of goods, except those that are offensive or dangerous, and includes property used for business of a predominantly wholesale nature, but does not include property used for business of a predominantly retail nature;
- 3.106. **“Waste Transfer Site”** means an area of land, with or without buildings, that may be licensed under relevant legislation for the temporary accumulation and storage of more than 35m³ of garden and domestic waste and which may include the separation and processing of domestic waste materials for eventual reuse or final disposal at a landfill site but excludes a sewerage treatment works.

- 3.107. **"Waste Treatment Facilities"** Refers to facilities consisting of a system of sewers for carrying off liquid and solid sewage.
- 3.108. **"Wholesale"** means the sale and supply of any quantity of goods to a bona fide retailer for resale to the public.

4. ADMINISTRATION OF THE SCHEME

4.1. APPLICATION OF THE SCHEME

At any time after the effective date of the scheme, no person shall: -

- 4.1.1. Develop or use any land, building or structure for any purpose different from the purpose for which it was being developed or used.
- 4.1.2. 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 he has first applied in writing to the Municipality for approval from the Municipal Planning Approval Authority to do so and has been granted written approval thereto either with or without conditions.
- 4.1.3. Erect or extend a building or institute work which is not in conformity with the provisions of the Scheme relating to the erection and use of buildings and use of land.
- 4.1.4. Use any building or portion thereof for any use other than that for which it has been lawfully erected unless such building has been altered for any proposed new use and any necessary Consent or approval of the Municipal Planning Authority has first been applied for and obtained.

4.2. ERECTION, USE OF LAND AND BUILDINGS

- 4.2.1. No person shall erect, alter or add to any building without applying to and obtaining the permission of the Municipal Planning Approval Authority.
- 4.2.2. The use of buildings and land is restricted by the provisions of the specified use zone in which the lot is situated, which stipulates that: -
 - 4.2.2.1. **Permitted uses:** This category includes land uses that are considered to be compatible with the surrounding land uses.
 - 4.2.2.2. **Consent uses:** This category includes ancillary uses that might have a more intrusive impact and may require special conditions to protect the amenity of the area or mitigate the impact of the proposed use. This procedure involves giving public notice, and the Municipal Planning Approval Authority, at its discretion, may impose conditions in granting approval for Consent.
 - 4.2.2.3. **Consent uses where the Municipality may waive the full advertisement process:** where applicable, the Municipality may exempt an applicant from conducting a full public participation process, provided that prior written consent has been obtained from adjoining neighbours, consenting to the proposed development.
 - 4.2.2.4. **Prohibited Uses:** This category includes land uses which are considered to be incompatible with the surrounding land uses, and which the Municipality is precluded from considering. The proposed change in land/building use may only be considered with an application for

a rezoning or scheme amendment in terms of the Umzumbe Municipality Spatial Planning and Land Use Management by-laws.

4.3. BUILDING LINES, SIDE AND REAR SPACES

- 4.3.1. The Municipal Planning Approval Authority may, by Consent, relax building lines, side and rear spaces if:
 - 4.3.1.1. It is satisfied that, on account of the levels of the Erf or adjoining land or the proximity of buildings already in front of the building line or any other special circumstances, compliance with the building line would seriously hamper the development of the Erf.
 - 4.3.1.2. It is of the opinion the architectural effect will enhance the appearance of the street and contribute to public amenities.
- 4.3.2. In the cases of swimming pools and tennis courts, the building line may be relaxed by the Consent of the Municipal Planning Approval Authority to no less than 1m; provided that where a tennis court is to be constructed, any portion of it that is within 4.5m of a road boundary will be screened to the satisfaction of the Municipality.
- 4.3.3. Cognizance will be taken in all cases of the building line imposed in terms of the KwaZulu-Natal Department of Transport and in such circumstances the building line may not be relaxed by the Municipal Planning Approval Authority, without the consent of the Provincial Roads authority.
- 4.3.4. In the case of the erven adjoining the Provincial Main Road or National Road, the building line will be determined by the Provincial Roads Authority or the South African National Roads Authority and may not be relaxed without the consent of such authority.
- 4.3.5. The Municipal Planning Approval Authority may, by Consent, permit in any zone any building to be erected closer to any boundary than the distances specified if, on account of the siting of existing buildings or the shape, size or levels of the Erf, the enforcement of this clause will, in the opinion of the Municipality, render the development of the Erf unreasonably difficult. In considering any application under this sub-clause the Municipality will have regard to any possible detrimental effect on adjoining properties and the need for any sewer and drainage servitudes.
- 4.3.6. Despite the provisions above, the Municipality may exempt an applicant from applying for Consent if it is satisfied that no interference with the amenities of the neighbourhood, existing, or as contemplated by this scheme, will result. However, prior written consent of the registered owner of each affected property, and other properties the Municipality may direct, including properties directly across the street, has first been obtained. Where written consent is not forthcoming, the applicant will be required to apply for the Municipality's Consent.

4.4. APPLICATION PROCEDURE FOR THE USE AND DEVELOPMENT OF LAND

- 4.4.1. The Umzumbe SPLUMA By-laws are applicable for application procedures for the use and development of land.

4.5. APPROVAL FOR THE USE AND DEVELOPMENT OF LAND

- 4.5.1. The Umzumbe SPLUMA By-laws are applicable for approval for the use and development of land.

5. GENERAL CONTROLS

5.1. ENVIRONMENTAL REQUIREMENTS APPLICABLE TO ALL LAND USE ZONES

- 5.1.1. Development in environmentally sensitive areas should be avoided. In situations where there is substantial socio-economic justification and environmentally sensitive areas cannot altogether be avoided, development impacts must be minimised and remedied.
- 5.1.2. Any developments within or adjacent to wetlands and watercourses, either identified or not identified on the Scheme Map shall be subject to an environmental authorisation and/or water use license processes in terms of applicable legislation.
- 5.1.3. No building or infrastructure shall be erected on any portion of land which in the opinion of the Municipality is in a wetland or watercourse, unless Environmental Authorisation has been issued for such activities.
- 5.1.4. Where an Erf may have a wetland, the Municipality may require the owner/applicant to appoint an independent wetland specialist to delineate the extent of the wetland, establish appropriate buffers, and indicate the delineation and buffers on the site plan submitted with a development application.
- 5.1.5. In considering any application, it shall be the duty of the Municipality to ensure wherever it is considered appropriate, that adequate provision be made for the protection of environmentally sensitive areas, by means of conditions for approval of such development. Where possible, areas are to be set aside for conservation purposes, such areas being clearly indicated on a site plan.
- 5.1.6. Where any development which through an Environmental Authorisation or an Environmental Screening Process, identifies an area as environmentally sensitive, such area[s] shall be zoned as Public/Private Open Space/Conservation or any other zone which is appropriate for the preservation of the natural environment.

5.2. ENVIRONMENTAL REQUIREMENTS APPLICABLE TO “LISTED ACTIVITIES”

- 5.2.1. Notwithstanding the provisions of this Scheme, any development or land use activity which is included as a “Listed Activity” in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998), as amended shall be subject to an environmental impact assessment process as part of the application to obtain environmental authorization from the relevant authority.
- 5.2.2. An Environmental Impact Assessment shall be undertaken in the manner prescribed in the Environmental Impact Assessment Regulations of the National Environmental Management Act No. 107 of 1998 as amended.
- 5.2.3. Environmental authorisation shall be obtained from the relevant authority prior to the submission of any application for development to the Municipality.

5.3. ENVIRONMENTAL REQUIREMENTS APPLICABLE TO ENVIRONMENTALLY SENSITIVE AREAS

- 5.3.1. Notwithstanding the provisions of this Scheme, the Municipality, shall at its discretion, request an applicant to provide an Environmental Screening Report for any development or land use activity on any site or portion thereof which it considers to be an environmentally sensitive area or in an area identified as being critical for biodiversity conservation.
- 5.3.2. The Environmental Screening Report must be undertaken by a person who has the necessary knowledge and experience in environmental management, natural resources or ecology, and should include:
 - 5.3.2.1. Information about the project including the spatial extent, timing, frequency and duration of the project;
 - 5.3.2.2. The identification of relevant environmental legislation, regulations, policies and plans relevant to the proposed development and identify those activities that require licensing or authorisation before they can proceed;
 - 5.3.2.3. An understanding of the ecological context based on existing ecological information, data gathering, literature searches, site visits and preliminary ecological surveys, and any baseline studies already carried out;
 - 5.3.2.4. Identify project activities likely to cause damage, stress, disturbance or impact on ecosystem processes;
 - 5.3.2.5. Identify the factors affecting the integrity of the relevant ecosystems and the conservation status of relevant habitats and species; and, ecological features likely to be significantly affected and therefore requiring further study;
 - 5.3.2.6. Identify other significant activities, e.g., access roads, associated with the project/proposal that could result in significant cumulative effects; and,
 - 5.3.2.7. Potential strategies to avoid and/or minimize any negative environmental impacts and the identification of opportunities for enhancing biodiversity and promoting Provincial biodiversity objectives
- 5.3.3. The Environmental Screening Report shall be included as part of an application submitted to the Municipality else such application shall be deemed incomplete.

5.4. SITE DEVELOPMENT PLANS

- 5.4.1. The Council or Municipal Planning Approval Authority 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 or Municipal Planning Approval Authority, site development plans in respect of a specific area. The Site Development plans shall amongst others provide for but not be limited to the following:
 - 5.4.1.1. 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.
 - 5.4.1.2. The design and layout of proposals including details as to the functioning thereof;
 - 5.4.1.3. All-natural features such as watercourses and vegetation

- 5.4.1.4. Environmental overlays (Critical Biodiversity Areas, Ecological Support Areas,
- 5.4.1.5. Landscaping proposals;
- 5.4.1.6. Slope analysis
- 5.4.1.7. Details of and programme for the provision of including stormwater, sewerage disposal, pollution control, electricity and solid waste disposal;
- 5.4.1.8. Traffic engineering details the vehicular and pedestrian elements thereof, their implementation and management.
- 5.4.1.9. Phasing of the project, where applicable
- 5.4.1.10. The siting of any buildings 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 Municipality for approval of the siting, use or development.
- 5.4.1.11. In respect of any application to develop a lot, the Municipality may determine the position and number of vehicular or pedestrian points of access and may, if it deems fit, prohibit pedestrian or vehicular access across any boundary or boundaries and require that a suitable fence or wall be erected to prevent such access.

5.5. EXTERNAL APPEARANCE OF BUILDINGS

- 5.5.1. The character, design and external appearance of buildings, including the material used in their construction, shall be subject to the approval of the Municipality, and no building may be erected without the approval of the Council.
- 5.5.2. In considering any application, the Municipality shall have regard to the character of the locality in which it is proposed to erect such building and shall take into account whether or not the building will be injurious to the amenity of the locality by reason of its external appearance or the materials it is proposed to use.
- 5.5.3. Any person intending to alter, extend or erect a building shall submit drawings to the Municipality as set out in sub-clause (6.6.1) with whatever other indications the Municipality may require, showing the external appearance of the proposed building together with a description of the materials to be used.

5.6. PARKING AND LOADING ACCOMMODATION

- 5.6.1. The following provisions shall apply in respect of loading and parking in the Scheme unless otherwise stated:
 - 5.6.1.1. Any person intending to erect, alter or extend a building or develop or use any lot, shall provide loading and parking accommodation within the boundaries of the Erf and shall submit proposals therefore in accordance with the provisions of the Scheme.
 - 5.6.1.2. Car space or parking accommodation means a parking bay of dimensions not less than 5, 5 x 2, 5 metres and shall be surfaced and clearly marked to the satisfaction of the Municipality. In addition, there shall be provided adequate space for vehicular access and manoeuvring to the satisfaction of the Municipality.

5.6.1.3. In instances where parking and loading requirements have not been specified in the Scheme for a particular use/zone, the Municipality shall to its satisfaction, determine the number of parking spaces and loading requirements, having regard to the nature of the proposed development, the number of employees likely to be on the site, the prevention of the obstruction of roads and streets, and the orderly and proper planning of the locality and the preservation of its amenities, but not limited to the aforementioned.

5.6.1.4. Except with the prior approval of the Municipality, no person shall bring onto any premises of a dwelling unit or cause or allow to be present thereon any public motor vehicle or trade vehicle, heavy or extra heavy vehicle for a period exceeding two hours, except for bona fide purposes of delivering or supplying goods or services to such premises. For the purposes of this clause, the expressions 'public motor vehicle', 'trade vehicle', and 'heavy and extra heavy vehicle' shall have the meanings assigned thereto by the National Road Traffic Act, 1996, No. 93 of 1996 together with any schedule thereto, regulations made thereunder and amendment thereof.

5.6.2. PARK

5.6.3. PARKING AND LOADING ACCOMMODATION FOR RESIDENTIAL ZONES

5.6.3.1. For every dwelling unit within a Medium Density Housing site, there shall be provided 1 garage or carport for each dwelling unit. In addition, there shall be provided a suitable area for visitors to park at a rate of 1 car space for every 2 units, provided that the additional car spaces are not placed in the private open area.

5.6.3.2. For every residential building, there shall be provided 1 garage or- covered parking space for each dwelling unit. In addition, there shall be provided a suitable area for visitors parking at the rate of 1 car space for every 2 dwelling units and a loading and unloading area with suitable access to the satisfaction of the Municipality.

5.6.4. PARKING AND LOADING ACCOMMODATION FOR CIVIC AND SOCIAL ZONES

IN THE EDUCATION ZONE:

5.6.4.1. 1 parking space for every 4 pupils;

5.6.4.2. 1 parking space for each teacher/staff;

5.6.4.3. For every residential building, there shall be provided 1 garage or covered parking space for each dwelling unit. In addition, there shall be provided a suitable area for visitors parking at the rate of 1 car space for every 2 dwelling units and a loading and unloading area with suitable access to the satisfaction of the Municipality.

5.6.4.4. Council or the Municipal Planning Approval Authority shall at their discretion require further parking where necessary, should it be deemed necessary

IN THE HEALTH AND WELFARE ZONE:

5.6.4.5. For every residential building, there shall be provided 1 garage or- covered parking space for each dwelling unit. In addition, there shall be provided a suitable area for visitors

parking at the rate of 1 car space for every 2 dwelling units and a loading and unloading area with suitable access to the satisfaction of the Municipality.

5.6.4.6. For every Office Building used for public purposes, there shall be provided a convenient area for parking accommodation for a minimum of 15 cars. Council shall at its discretion require further parking where necessary.

5.6.4.7. The Municipality or the Municipal Planning Approval Authority, at its discretion, shall request a traffic report for any application as part of an application to the Council.

IN THE AUTHORITY AND UTILITY ZONE:

5.6.4.8. 1 parking space for every 30m² floor area or part thereof

5.6.4.9. For every building intended for office use, there shall be provided 1 car space for each 65m² or major portion thereof of gross office area. In addition, there shall be provided on the Erf a loading and unloading area with suitable access to the satisfaction of the Municipality.

5.6.4.10. For every office Building used for public purposes, there shall be provided a convenient area for parking accommodation for a minimum of 15 cars. Council shall at its discretion require further parking where necessary.

IN THE WORSHIP ZONE:

5.6.4.11. 1 parking space for every 4 seats.

5.6.4.12. 1 parking space for every 15m² floor area or part thereof for a Restaurant component.

5.6.5. PARKING AND LOADING ACCOMMODATION FOR MIXED-USE ZONES

IN THE COMMERCIAL 1 ZONE:

5.6.5.1. For every residential building, there shall be provided 1 garage or- covered parking space for each dwelling unit. In addition, there shall be provided with a suitable area for visitors to park at the rate of 1 car space for every 2 dwelling units, and a loading and unloading area with suitable access to the satisfaction of the Municipality.

5.6.5.2. For every building intended for shopping use, there shall be provided 1 car space off the street for each 50m² or a major portion thereof for the gross shop area.

5.6.5.3. For every building intended for office use, there shall be provided 1 car space for each 65m² or major portion thereof of gross office area. In addition, there shall be provided on the Erf a loading and unloading area with suitable access to the satisfaction of the Municipality.

5.6.5.4. Where a residential use is incorporated in a composite building providing for both commercial and residential use, on-site parking as set out in subsection (6.5.5.1) shall be provided for the residential use.

5.6.5.5. For every Office Building used for public purposes, there shall be provided a convenient area for parking accommodation for a minimum of 15 cars. Council shall at its discretion require further parking where necessary.

- 5.6.5.6. For every hotel building or boarding house, there shall be provided 1 car space for every bedroom together with a suitable and convenient area wherein may be parked a minimum of 5 cars with the addition, where the hotel is licensed, of a further convenient area provided for parking accommodation for an additional number of 15 cars, together with a loading and unloading area with suitable access to the satisfaction of the Municipality.
- 5.6.5.7. For every building or portion of a building intended for use as a garage or Service Station, there shall be provided one suitably located car space for every 50m² or major portion thereof of floor area plus a loading and unloading area for bulk tankers to the satisfaction of the Municipality.
- 5.6.5.8. For every building or portion of a building intended for use as a hall without fixed seats, there shall be provided a car space off the street for every 23 m² or major portion thereof of floor area.
- 5.6.5.9. For every building intended for use as a theatre, cinema, assembly hall or place of public worship, there shall be provided a car space for every 6 seats.

IN THE COMMERCIAL 2 ZONE

- 5.6.5.10. For every residential building, there shall be provided 1 garage or- covered parking space for each dwelling unit. In addition, there shall be provided a suitable area for visitors parking at the rate of 1 car space for every 2 dwelling units and a loading and unloading area with suitable access to the satisfaction of the Municipality.
- 5.6.5.11. For every building intended for shopping use, there shall be provided 1 car space off the street for each 50m² or a major portion thereof for the gross shop area.
- 5.6.5.12. For every building intended for office use, there shall be provided 1 car space for each 65m² or major portion thereof of gross office area.
- 5.6.5.13. In addition, there shall be provided on the Erf a loading and unloading area with suitable access to the satisfaction of the Municipality.
- 5.6.5.14. Where a residential use is incorporated in a composite building providing for both commercial and residential use, on-site parking as set out in sub (1) to (3) shall be provided for the residential use.
- 5.6.5.15. For every Office Building used for public purposes, there shall be provided a convenient area for parking accommodation for a minimum of 15 cars. Council shall at its discretion require further parking where necessary.
- 5.6.5.16. For every hotel building or boarding house, there shall be provided 1 car space for every bedroom together with a suitable and convenient area wherein may be parked a minimum of 5 cars with the addition, where the hotel is licensed, of a further convenient area provided for parking accommodation for an additional number of 15 cars, together

with a loading and unloading area with suitable access to the satisfaction of the Municipality.

5.6.5.17. For every building or portion of a building intended for use as a hall without fixed seats, there shall be provided a car space off the street for every 23 m² or major portion thereof of floor area.

5.6.5.18. For every building intended for use as a theatre, cinema, assembly hall or place of public worship, there shall be provided a car space for every 6 seats.

5.6.6. PARKING AND LOADING ACCOMMODATION FOR INDUSTRY ZONES

5.6.6.1. For every building or portion of a building intended for use as a warehouse, there shall be provided one car space for each 140m² or major portion thereof of floor area and a loading and unloading area with suitable access to the satisfaction of the Municipality.

5.6.6.2. For every industrial building, there shall be provided on the Erf sufficient accommodation for parked cars, calculated on the number of persons engaged in the business, including management, office staff and factory employees, as follows:

- a) Up to 25 persons employed, 1 car space for every 4 persons or part thereof;
- b) Thereafter, for the next 25 persons, 1 car space for every 5 persons or part thereof;
- c) Thereafter, for any further number of persons, 1 car space for every 10 persons or part thereof.
- d) Further parking and turning space for every commercial vehicle used for the benefit of the industry and a loading and unloading area with suitable access to the satisfaction of the Municipality
- e) In respect of employees who do not use private motor vehicles, the Municipality may relax the above requirements.
- f) The Municipality may at any time vary the foregoing requirements if the character or type of manufacturing or processing activity being conducted on the site is changed or altered to an extent which, in the opinion of the Municipality materially alters the number and type of vehicles attached to the site; provided that in no case shall such variation result in the number of car spaces provided exceeding a ratio of one car space per 150m² of total floor area of the industrial buildings on the site.
- g) In addition to the above, there shall be provided adequate space for vehicle access and manoeuvring to the satisfaction of the Municipality.
- h) Where in any building the area set aside for the parking or garaging of vehicles exceeds the minimum requirements by more than 50 per cent, any such excess in area shall be taken into account when calculating the permitted floor area for that building.

5.7. ADDITIONAL CONTROLS APPLICABLE TO ZONES AND / OR LAND USES

5.7.1. RESTRICTIONS TO DEVELOPMENT ON CRITICAL AREAS

- 5.7.1.1. The development of land in all zones, either by subdivision or for any development, as the case may be, shall be considered in the light of the following provisions:
- a. No subdivision of land shall be permitted:
 - i. where 65% or more of the area of the proposed subdivision is steeper than 1:3; and
 - ii. where the land is unsuitable for development due to such characteristics, but not limited to soil instability, liability to flooding, inaccessibility or topography; slopes steeper than 1:3, wetlands, soils of high erosion and mature stands of indigenous vegetation unless the Municipality is of the opinion that sufficient remaining area exists for development in terms of the zoning of the land, including the provision of adequate vehicular access on the proposed subdivision.
 - b. The calculation of the number of units where applicable, which may be erected on an Erf as well as the coverage calculation shall be based on the gross developable area of the site, which shall be determined by deducting from the surveyed lot area,
 - i. (l) all areas of the site which are steeper than 1:3; and
 - ii. all areas of the site which are found to be unsuitable for development

5.7.2. APPLICABLE CONTROLS TO SPECIFIC USES AND DEVELOPMENT IN RESIDENTIAL ZONES

- 5.7.2.1. Where an existing Erf in a Residential zone has been reduced in area by the expropriation or alienation of land for road widening or construction purposes and for open space purposes, the Municipality may allow the erection of a dwelling house on the Erf provided that the Erf has not been reduced in area to less than 900m² and provided further that arrangements for the disposal of sewage have been made to the satisfaction of the Municipality.
- 5.7.2.2. Where on the date of adoption, two dwelling houses were existing lawfully on a single Erf in the Residential zone, which is less in extent than the minimum Erf size prescribed in these clauses, the Municipality may, at its discretion, grant approval for the subdivision of the Erf into two separate erven, provided also that the area of either of the subdivided erven is not less than 900m² and each subdivision conforms to the other provisions of the Scheme. In giving any such approval, the Municipality shall take into account the amenity of the locality and the adjoining properties.
- 5.7.2.3. Controls applicable to a Bed and Breakfast Establishment
- a. No Erf used for a bed and breakfast establishment shall be less than 600m².
 - b. Notwithstanding any applicable clauses to the Residential zone, nothing in this scheme shall prohibit or restrict the conversion of part of the main dwelling house or outbuilding for use as a Bed and Breakfast on an Erf in excess of 600m², provided that the Consent of the Municipality had been obtained in terms the Umzumbe SPLUMA BY-LAWS and such Consent shall contain the following conditions:

- i. That the building shall retain the external appearance of a dwelling house, such bed-and-breakfast facilities either forming part of the existing dwelling house or being attached to the main dwelling so that if its use as a bed and breakfast/Guest Lodge ceases the use of the building shall revert to that of a dwelling house;
- ii. The activity or use shall not occupy more than five (5) habitable rooms with a combined floor area subject to a maximum floor area of 75m².
- iii. that the owner be a resident on the site;
- iv. that the accommodation of motor vehicles on the lot shall be as follows:
 - one (1) parking bay per guest room;
 - two (2) parking bays for the owner-occupier;
 - parking provision shall be such that motor vehicles must be able to enter and leave the property in a forward direction;
 - such parking shall be located at the rear of the dwelling, where possible;
 - the site including the parking area shall be landscaped and maintained at all times to the satisfaction of the Municipality
- v. that a maximum of 2 guests shall be permitted in each guest room;
- vi. that all health, fire, and national building regulations shall be complied with, along with the approval by the Municipality;
- vii. that the Bed and Breakfast must be registered with Tourism-KwaZulu-Natal.
- viii. Applicants for Bed and Breakfasts shall adhere to the planning controls of the respective authority including:
 - satisfying the responsible authority that an application does not conflict with existing title deed restrictions or conditions;
 - compliance with the requirements of the respective authority with regard to rear or other lighting complying with the by-laws of the respective authority;
 - that a register of all guests be kept;
 - that a sewage disposal system be provided to the satisfaction of the Municipality, and, where disposal is by means of septic tanks and French drains, a geotechnical report on the site shall be required by the Municipality;
 - that the Municipality may impose whatever other conditions it considers necessary to protect the amenities of the neighbourhood, provided that, if it is subsequently found that there is an interference with the amenities of the neighbourhood, it may impose further conditions or call upon the owner and/or occupants to cease the use.

5.7.3. CONTROLS APPLICABLE TO ADDITIONAL SELF-CONTAINED DWELLING UNIT

- 5.7.3.1. An additional self-contained dwelling unit is a permitted use on lots which are larger than 2000m² in extent in the Residential Zone
- 5.7.3.2. The Municipality may grant its Consent to the erection of an Additional Self-contained Dwelling Unit on lots which are larger than 1300m² in the Residential zone provided that a percolation test has been conducted and the site is found to be feasible.
- 5.7.3.3. A single Additional Self-contained Dwelling Unit may only be erected on a Site where a dwelling house is already in existence;
- 5.7.3.4. The gross floor area, excluding a garage, shall not exceed 60m²;

5.7.3.5. The gross floor area of a garage shall not exceed 20m²

5.7.4. CONTROLS APPLICABLE TO HOME BUSINESS

5.7.4.1. The operation of a Home Business shall comply with the following conditions, to the extent that they may be applicable:

- a. The area to be utilized for the home business shall not exceed 30% or a maximum of 40m², inclusive of storage areas (whichever is the lesser) of the existing area of the dwelling house existing on the Erf, and the predominant use shall remain residential;
- b. The dwelling house or dwelling unit in which the home business is carried on must remain residential in appearance and character, and must at all times, comply with the definition of a dwelling house;
- c. On-site parking and loading facilities related to the activity being carried out shall be provided to the satisfaction of the municipality;
- d. The hours of operation shall be to the satisfaction of the municipality, and shall be specified in the consent granted;
- e. The home business must only be operated by a person who is a bona fide resident in the dwelling house or dwelling unit, and such person may not be assisted in the business by not more than two people;
- f. No external advertising shall be permitted on the site except for one non-illuminated sign on each road frontage, and each sign shall not exceed 0,20m² in area;
- g. Storage of goods and equipment shall be within the area designated for that purpose on the plan which is to accompany the application for consent, detailing the area to be used for the business as well as any portion of that area in which goods or equipment will be stored;
- h. Only one light delivery vehicle may be used for the delivery to dispatch goods or supplies;
- i. After the granting of such consent by the council, the municipality may at any time impose any further condition it deems reasonably necessary in order to preserve the residential amenity of the area, or it may withdraw the consent if, in its opinion, the amenities of the neighbourhood are being adversely affected by the activities of the business;
- j. If the use is discontinued for the period of 18 months, the dwelling house, insofar as it may have been altered for that purpose, must be restored to its original state to the satisfaction of the municipality.

5.7.5. ADDITIONAL PROVISIONS FOR MEDIUM DENSITY HOUSING

5.7.5.1. No Erf used for Medium Density Housing shall be less than 1300m².

5.7.5.2. The applicant shall submit to the Municipality for its approval:

- a. a layout plan or plans showing, where applicable;
 - i. The position, dimensions and materials to be used in the construction of all roads, driveways, 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 public open space;
 - vi. The position and nature of recreation facilities, if any;
 - vii. The position and extent of all utility areas.
 - b. 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;
 - c. 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;
 - vi. the areas of public open space and other public uses where applicable;
- 5.7.5.3. The following minimum areas per dwelling unit shall apply to a Medium Density Housing site:
- a. Private Open Area = 30m²
 - b. Usable Common Open Area = 50m²
 - c. Utility Area = 15m²
 - d. The minimum floor area of a garage or carport shall be 18m²
- 5.7.5.4. Where in the opinion of the Municipality, a road within a Townhousing site shall serve the public; the Municipality may require the road to be registered as a public road, provided that for the purpose of bulk and coverage calculation, the area of the public road shall be included in the gross site area.
- a. The minimum width of a road carriageway within a Townhousing site shall be 3 metres where the carriageway is one-way and 5.5 metres where the carriageway is two-way.
 - b. Situated at the end of every cul-de-sac there shall be provided turning space to the satisfaction of the Municipality.
- 5.7.5.5. 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 their share.
- 5.7.5.6. For the administration and management of a Medium Density Housing development:

- a. A Homeowners' Association shall be established. Such Association shall administer and maintain the common land, control the external appearance of buildings within the Medium Density Housing site and deal with any other matter pertaining to the Medium Density Housing site 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 which shall have certified that it has no objection to these documents;
- b. 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.

5.7.5.7. Notwithstanding the requirements in sub-clauses (1) to (4), wherever it is intended to develop a site for Medium Density Housing in a Residential Detached zone:

- a. The Consent of the Municipality shall first be obtained;
The maximum number of dwelling units which may be established for Medium Density Housing shall be obtained by dividing the registered surveyed area of the property concerned by the appropriate minimum lot area per dwelling.

5.7.5.8. The provisions of this Section shall not preclude the establishment of dwelling unit curtilages in a Medium Density Housing development from being created and registered as subdivisions provided that:

- a) The maximum number of residential subdivisions shall be in accordance with the density provisions for the applicable zone and as provided above.
- b) The owners of the subdivisions shall become members of a duly constituted Homeowners Association, registered as a company with the Companies and Intellectual Property Commission (CIPC) and subscribe to its Memorandum of Incorporation and Rules.
- c) The common land in a Medium Density Housing development, reserved for roads, open space and or community facilities and the like, including for the housing of infrastructure, shall be owned and managed by the Homeowners Association.

5.7.6. USE OF HOTELS FOR CERTAIN PURPOSES

5.7.6.1. The Municipality may permit any one or more of the following shops or activities, viz:

- Hairdressing salons;
- Bookshops or newsagents;
- Florists;
- Curio shops;
- Theatre Booking agents;
- Bank agents;
- Travel agents;
- Vending machines;

To be established:

- a. In any hotel graded by the Tourism Grading Council of South Africa as a five-star, four-star or three-star hotel in terms of the Tourism Act (No. 72 of 1993) or which, according to the nature of the accommodation and service provided therein, and its situation, is in the opinion of the Municipality, likely to be graded as such;
- b. By Consent in any hotel other than those referred to in sub-paragraph (1) hereof; provided that no external advertising of any shop or activity shall be permitted and access thereto shall be gained only from within the hotel.
- c. The Municipality may, by Consent and when it is of the opinion that there will be no interference with the amenities of the neighbourhood, authorize, in terms of this scheme, the establishment of a bottle store in any licensed hotel premises.

5.7.7. APPLICABLE REQUIREMENTS FOR THE ESTABLISHMENT OF TRAFFIC GENERATORS (GARAGES AND FILLING STATIONS)

- 5.7.7.1. Where separate entrances and exits are provided, they should be placed at or near the end of a frontage of not less than 36 metres.
- 5.7.7.2. No Garage or Service Station shall be established upon any lot unless, in the opinion of the Municipality it has adequate depth to enable all activities to be carried on clear off the street.
- 5.7.7.3. Filler points for underground tanks shall be sited to make it possible for tanker vehicles to stand wholly within the curtilage of the Erf when recharging the tanks and for such vehicles to enter and leave the Erf in a forward direction.
- 5.7.7.4. The minimum sight distance along the road should be 120 metres. Sight distance shall be measured from the entrance or exit as the case may be, height or eye being 1.37 metres, to an object 1.37 metres high.
- 5.7.7.5. No traffic generator should be permitted with entrance from or exit to a street whose gradient is steeper than 1 in 8, and no access ramp should be steeper than 1 in 10.
- 5.7.7.6. Outside an urban area, as defined in the Advertising on Roads and Ribbon Development Act No. 21 of 1940, buildings should be sited at least 36 metres from the nearest point of the road reserve of any main road.
- 5.7.7.7. Pump islands in a Service Station should not be less than 5 metres from the property boundary and all traffic routes within the forecourt shall have a minimum width of 5 metres.
- 5.7.7.8. Dwarf walls or other permanent structures satisfactory to the Municipality shall be erected on the street frontage of the site to confine the movement of vehicles into or out of the Garage or Service Station to authorised access points.

5.7.8. APPLICABLE PROVISIONS FOR INDUSTRIAL ZONES

Certain categories of retail outlets may be admitted to industrial zones by Consent and the remaining categories only by rezoning.

- (a) The categories of retail outlets which should be admitted to industrial zones by Consent are as follows:
 - (i) Low-order convenience goods and service shops catering for the immediate day-to-day needs of people working within the industrial area concerned; provided that the total floor area of any shop or contiguous set of shops (including a set of shops separated by a road or pedestrian route) should in no case exceed 300 m².
 - (ii) Shops which are incompatible with the vast majority of the types of shops normally found in Mixed Use zones, but which fit in well in industrial areas (e.g. builders' supplies dealers; firms dealing in wire, gates and fences; timber merchants; firms dealing in agricultural implements).
 - (iii) Shops which deal largely with other firms normally located in industrial areas such as petrol filling stations, specialist-industrial concerns in the motor trade (like panel beaters and auto electrical specialists), builders and engineering firms (e.g. paint shops; firms dealing in engineering supplies; motor spares shops).
 - (iv) Be situated on the same sites as the industrial activities concerned;
 - (v) Retail only products of the industrial concerns to which they relate or directly associated products;
 - (vi) Have floor areas not exceeding 10% of the total floor area of all buildings on the site or 150m² whichever is the lesser; provided that there shall be only one shop for each industrial undertaking on the site.
 - (vii) In special cases, coverage of 60% could be permitted at the discretion of the Council to cater for loading overhangs.

5.7.9. APPLICABLE PROVISIONS FOR TELECOMMUNICATION INFRASTRUCTURE

5.7.9.1. The Council may consider an application for Consent to erect telecommunication infrastructure on an Erf, or part thereof, and within any zone provided for in this Scheme.

5.7.9.2. 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 South African Civil Aviation Authority.

5.7.9.3. 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.

5.7.10.APPLICABLE PROVISIONS FOR SPECIAL ZONES

- 5.7.10.1. In general, the creation of Special Zones shall be discouraged.
- 5.7.10.2. Notwithstanding the above, in exceptional circumstances and where existing zoning provided for in the Scheme does not accommodate existing or proposed buildings and land uses required, and where a scheme amendment may be impractical, the Council may consider the creation of a “Special Zone”.
- 5.7.10.3. Such application for the creation of a special zone shall be properly motivated on its uniqueness and as to the reasons why a Scheme amendment is impractical, the reasons for the creation of the Special Zone, etc. and must be submitted in the prescribed format.

5.7.11.ADVERTISEMENTS AND SIGNAGE

The Municipal bylaws pertaining to Advertisement and Signage shall apply.

6. LAND USE ZONES AND CONTROLS

6.1. RESIDENTIAL ZONES

6.1.1. RESIDENTIAL 1 (URBAN RESIDENTIAL)

Table 2: Residential 1 Zone

Notation: 		STATEMENT OF INTENT: This zone promotes the development of primarily detached dwelling units, and a limited number of compatible ancillary uses, which have a non-disruptive impact on a neighbourhood amenity, may be allowed. Such a zone includes, but is not limited to government-subsided human settlements to accommodate the Finance Linked Individual Subsidy Programme (commonly known as GAP housing) and is subject to the availability of adequate bulk infrastructure.				
LAND USE CONTROLS						
Permitted Uses		Consent Uses			Prohibited Uses	
- Dwelling House - Home Activity		- Bed and Breakfast - Crèche¹ - Home Business¹ - Multiple self-contained rooms¹ - Spaza shop¹ - Telecommunications infrastructure			Buildings and land use not listed in the other two columns.	
DEVELOPMENT CONTROLS						
Height (Storey)	Intensity (Min. Erf)	Coverage (%)	FAR	Building Line (m)	Side space (m)	Rear Space (m)
2	500 m ²	50	1	4.5	2	2
ADDITIONAL CONTROLS						
Riders						
1. ¹ Consent process may be waived if the applicant has obtained written consent from adjoining neighbours						
Conditions						
Any development in this zone for the purposes of the provision of human settlements is subject to the availability of bulk infrastructure						

6.1.2. RESIDENTIAL 2 (MULTIPLE SELF-CONTAINED ROOMS)

Notation: 	STATEMENT OF INTENT: This zone is intended to promote the development of attached and detached dwelling units as part of a larger planned residential development. It also creates an opportunity for multiple self-contained rooms within a single residential lot. A limited number of compatible ancillary uses which have a non-disruptive impact on a neighbourhood amenity may be allowed.					
LAND USE CONTROLS						
Permitted Uses		Consent Uses			Prohibited Uses	
• Dwelling House • Home Activity • Multiple self-contained rooms		• Bed and Breakfast • Crèche • Guest Lodge • Home Business • Place of Public Assembly¹ • Private Recreation Area¹ • Recreational Building¹ • Telecommunications infrastructure			Buildings and land use not listed in the other two columns.	
DEVELOPMENT CONTROLS						
Height (Storey)	Intensity (Min. Erf)	Coverage (%)	FAR	Building Line (m)	Side space (m)	Rear Space (m)
2	1000m ²	70%	1,4	4.5	3	3
ADDITIONAL CONTROLS						
Riders						
1. ¹ Ancillary to the main use and for the exclusive use of residents						
Erf Control						
1. If Medium Density Housing development is linked to wastewater treatment works, a density of 20 units per hectare may be permitted. 2. Design requirements as stipulated in clause 6.1.5 shall be applicable						

6.1.3. RURAL RESIDENTIAL (TRADITIONAL SETTLEMENTS)

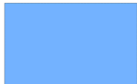
Table 3: Rural Residential

Rural Residential		
Notation: 	STATEMENT OF INTENT: This zone is intended to preserve and use land and buildings for the development of rural settlements on communally owned land or land under the Traditional Authorities/Councils or land in the name of a Community Trust or Communal Property Association.	
Land Use Controls		
Permitted Uses	Consent Uses	Non-Preferred Uses
• Agricultural Building • Agricultural Land • Dwelling House • Home Activity • Home Business • Multiple self-contained rooms • Nursery Garden • Spaza Shop • Traditional Court	• Agricultural Industry¹ • Arts and Crafts Centre¹ • Bed and Breakfast ¹ • Car Wash¹ • Commercial Workshop¹ • Crèche¹ • Events Venue¹ • Farm Stall¹ • Fresh produce market • Guest Lodge¹ • Multiple self-contained rooms 1 • Place of Worship ¹ • Shop ¹ • Tavern¹ • Telecommunication infrastructure	Buildings and land use not listed in the other two columns.
Height: 2 Stories		
Riders		
1. ¹ Consent process may be waived if the applicant has obtained written consent from adjoining neighbours		
Additional controls		
For all consent uses, the written Consent of the Traditional Council must be obtained		

6.2. COMMERCIAL ZONES

6.2.1. COMMERCIAL 1

Table 4: Commercial 1

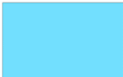
Notation:		STATEMENT OF INTENT: The zone permits a limited range of commercial land uses combining commercial, trade, office, administration, residential and medium-impact commercial activities and developments, both in the peri-urban and rural areas.				
						
LAND USE CONTROLS						
Permitted Uses		Consent Uses			Prohibited Uses	
DEVELOPMENT CONTROLS						
- Arts and Crafts Centre - Community Facilities - Dwelling House - Education - Flats - Guest House - Launderette - Medical Centre - Nursery Garden - Office Building - Place of Public Assembly - Place of Worship - Private recreation area - Residential Building - Restaurant - Restaurant - Shop		- Betting depot - Bus and Taxi Rank - Car wash - Commercial building - Composite building - Crèche - Funeral Parlour - Public Office - Public Parking Area - Recreational Building - Service Station - Special Building - Tavern - Telecommunication infrastructure - Veterinary Purposes - Warehouse - Multiple self-contained rooms ¹			Buildings and land use not listed in the other two columns.	
Height (Storey)	Intensity (Min. Erf)	Coverage (%)	FAR	Building Line (m)	Side space (m)	Rear Space (m)
2	1300m ²	80%	1	2	2	2
Erf Control						
1. No Erf within the Commercial 1 Use zones used for a composite building in which the ground floor is to be used exclusively for commercial purposes and the upper floor(s) for residential, shall be less than 1800m ² in extent.						
Minimum Frontage Requirements						
1. Except in special circumstances, the depth of an Erf in relation to the frontage shall not exceed the ratio of 3 to 1 in proportion. An Erf of irregular shape should be capable of containing within its boundaries a rectangle not exceeding the ratio 3 to 1 in proportion, having an area of 75 per cent of the minimum prescribed area.						
Amenity and Aesthetic provisions for MAIN ROAD Highway						
1. All development fronting the Highway will conform to cohesive architectural treatment as agreed by an applicant and the Municipality in an application. This would include the						

architectural character, design and style of buildings which enhances the amenity of the area and general aesthetics of the Highway.

2. All sites abutting the Highway except for residential sites shall be subject to compulsory screening to minimise visual impact on the Highway.
3. No scrap yards and outdoor storage of goods shall be permitted in clear view of the Highway.

6.2.2. COMMERCIAL 2 (MIXED USE)

Table 5: Commercial 2 (Mixed Use) 3

Notation: 		STATEMENT OF INTENT: This zone creates an interface between general business and industrial zones. Certain uses permitted in this zone could have a negative impact on the surrounding area and therefore require to be accommodated in a separate zone from a general business. It also includes land uses which have developed over time and are otherwise not suitable in other commercial zones.				
LAND USE CONTROLS						
Permitted Uses		Consent Uses		Prohibited Uses		
• Adult Shop • Arts and Crafts Workshop • Carwash Facilities • Commercial Premises • Commercial workshop • Educational Building • Funeral Parlour • Hardware • Hotel • Office • Parking Garage • Place of Instruction • Place of Public Amusement • Place of Public Assembly • Place of Worship • Recreational Building • Residential Building • Restaurant • Shop • Utilities and Services • Utility Services • Warehouse		• Chalet Development • Group Housing • Medical Centre • Multiple self-contained rooms ¹ • Place of Worship • Service Station		Buildings and land use not listed in the other two columns.		
DEVELOPMENT CONTROLS						
Height (Storey)	Intensity (Min. Erf)	Coverage (%)	FAR	Building Line (m)	Side space (m)	Rear Space (m)
5	1000m ²	80%	0.8	2	2	2
ADDITIONAL CONTROLS						
i. An application for an increased area for development is subject to the undertaking of a Traffic Impact Assessment which is to be undertaken at the cost of the owner. ii. Shops, Restaurants and Fast-food Outlets are restricted to the ground floor only.						

6.3. INDUSTRY

6.3.1. LIGHT INDUSTRY

Table 6: Light Industry Zone

Notation: 	STATEMENT OF INTENT: This zone permits low-impact industrial activities which are compatible with land uses permitted in and adjacent to more sensitive land use zones, such as residential, mixed-use and open space zones. As a light industrial zone, it would permit industrial activities that usually do not involve significant vibration, noise, dust, odour, or high-volume automobile and truck traffic. Warehousing of materials considered non-noxious or non-hazardous is permitted in buildings in this zone, with possible conditions.					
LAND USE CONTROLS						
Permitted Uses		Consent Uses			Prohibited Uses	
- Automotive Showroom - Automotive Workshop - Builders Yard - Commercial Building - Commercial Workshop - Dwelling House¹ - Hardware - Light Industrial Building - Office Building - Service Industrial Building - Utility Services - Warehouse		- Factory - Funeral Parlour - Garage - Launderette - Parking Garage - Private Recreation Area - Recreational Building - Restaurant - Service Station - Shop² - Special Building - Telecommunication infrastructure			Buildings and land use not listed in the other two columns.	
DEVELOPMENT CONTROLS						
Height (Storey)	Intensity (Min. Erf)	Coverage (%)	FAR	Building Line (m)	Side space (m)	Rear Space (m)
5	5000m ²	50	1.0	7.5	5	5
ADDITIONAL CONTROLS						
Riders						
1. ¹ For the purpose of this clause, only one dwelling unit of not more than 60m² shall be permitted to accommodate a manager, foreman or caretaker. 2. ²Shops or retail outlets in industrial zones are subject to conditions in clause 6.1.8						
Erf Control						
1. No Erf used for a Garage or Service Station shall be less than 1800m² in extent. 2. In special cases, coverage of 60% could be permitted at the discretion of the Council to cater for loading overhangs.						

Minimum Frontage Requirements

22metres

Amenity and Aesthetic provisions for MAIN ROAD Highway

All development fronting the MAIN ROAD Highway will conform to cohesive architectural treatment as agreed by an applicant and the Municipality in an application. This would include the architectural character, design and style of buildings which enhances the amenity of the area and general aesthetics from MAIN ROAD.

6.3.2. GENERAL INDUSTRY

Table 7: General Industry Zone

Notation: 		STATEMENT OF INTENT: A zone that permits manufacturing uses which may not be compatible with other manufacturing uses and includes activities that may produce significant vibration, noise, odour or high-volume automobile and truck traffic.				
LAND USE CONTROLS						
Permitted Uses		Consent Uses			Prohibited Uses	
• Builders Yard • Dwelling House¹ • Factory • Funeral Parlour • Garage • General Industrial Building • Launderette • Light Industrial Building • Recycling Depot • Scrapyard • Service Industrial Building • Warehouse		• Abattoir • Bus and Taxi Rank • Crematorium • Factory • Municipal Purposes • Office Building • Parking Garage • Private Recreation Area ¹ • Recreational Building ¹ • Restaurant ¹ • Service Station • Shop¹ • Special Building • Telecommunication infrastructure • Waste Transfer Site			Buildings and land use not listed in the other two columns.	
DEVELOPMENT CONTROLS						
Height (Storey)	Intensity (Min. Erf)	Coverage (%)	FAR	Building Line (m)	Side space (m)	Rear Space (m)
5	5000m2	60	2	7.5	5	5
ADDITIONAL CONTROLS						
Riders						
1. – ¹ Ancillary to the main use						
Additional Controls						
2. For the purpose of this clause, only one dwelling unit of not more than 60m ² shall be permitted to accommodate a manager, foreman or caretaker.						
3. Shops or retail outlets in industrial zones are subject to conditions in clause 6.1.8						
Minimum Frontage Requirements						
22metres						

Amenity and Aesthetic provisions for MAIN ROAD Highway

All development fronting the MAIN ROAD Highway will conform to cohesive architectural treatment as agreed by an applicant and the Municipality in an application. This would include the architectural character, design and style of buildings which enhances the amenity of the area and general aesthetics from MAIN

6.3.3. EXTRACTIVE INDUSTRY

Table 8: Extractive Industry

Notation: 		STATEMENT OF INTENT: The purpose of the Zone will be to accommodate a range of industrial processes such as mining, winning or quarrying of raw materials from the ground, including gravel, sand and stone and includes buildings connected with such operations and crushing plant. There are properties within this zone which are subject to the provisions of the Subdivision of Agricultural Land Act, 1970 (Act No 70 of 70) and its successors in law. Prior to any change of land use or subdivision, approval must be granted in terms of the Subdivision of Agricultural Land Act, 1970 (Act No 70 of 70) and its successors in law.				
LAND USE CONTROLS						
Permitted Uses • Agricultural Industry • Industrial Building • Quarrying and Mining • Recycling Facilities • Tuck Shop/Kiosk • Utilities and Services		Consent Uses • General Industrial Building¹ • Light Industrial Building¹ • Manufacturing • Private Open Space¹ • Recreational Building¹ • Shop • Special Industrial Building • Telecommunication infrastructure • Utilities and Services			Prohibited Uses Buildings and land uses not listed in the other two columns.	
DEVELOPMENT CONTROLS						
Height (Storey)	Intensity (Min. Erf)	Coverage (%)	FAR	Building Line (m)	Side space (m)	Rear Space (m)
N/A	N/A	N/A	N/A	N/A	N/A	N/A
RIDERS						
1. ¹ Ancillary to the main use						
ADDITIONAL CONTROLS						
i. Notwithstanding the provisions of this zone, the land uses are restricted to the extraction of raw materials; however, a dwelling to accommodate a manager or caretaker’s flat (limited to 100m2) may be permitted. ii. Building lines of roads under the responsibility of the KZN Department of Transport must have a building line of 15m, or to the satisfaction of the KZN Department of Transport.						

6.4. CIVIC AND SOCIAL

6.4.1. EDUCATION

Table 9: Education Zone

Notation: 		STATEMENT OF INTENT: This zone makes provision for pre-primary, primary, secondary and tertiary educational facilities including adult education and training centres. This includes land uses and facilities incidental to the provision of education such as staff accommodation, recreational facilities, dining areas, launderette and other uses				
LAND USE CONTROLS						
Permitted Uses		Consent Uses			Prohibited Uses	
• Agricultural Building¹ • Agricultural Land ¹ • Crèche • Dwelling House ¹ • Educational Building • Launderette¹ • Place of Public Assembly • Place of Worship¹ • Private Recreation Area • Recreational Building¹ • Residential Building²		• Institutional Building • Restaurant • Telecommunications infrastructure			Buildings and land use not listed in the other two columns.	
DEVELOPMENT CONTROLS						
Height	Intensity (Min. Erf)	Coverage (%)	FAR	Building Line (m)	Side space (m)	Rear Space (m)
3		50	1.0	7.5m	5m	5m
ADDITIONAL CONTROLS						
Riders						
1. ¹ Ancillary to the main use 2. ² Residential buildings restricted to the accommodation of students, educators and other staff of the educational establishment						
Minimum Frontage Requirements						

6.4.2. HEALTH AND WELFARE

Table 10: Health and Welfare Zone

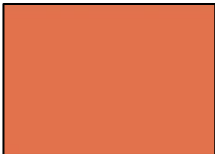
Notation: 		STATEMENT OF INTENT: This zone provides for the full range of public and private hospitals, medical centres, clinics, sanatoriums, community care, and welfare services and includes land use and facilities ancillary to the provision of health and welfare services such as staff accommodation, a restaurant, launderette etc.				
LAND USE CONTROLS						
Permitted Uses		Consent Uses			Prohibited Uses	
• Clinic • Community Facility • Crèche • Helipad • Hospital • Launderette¹ • Medical Centre • Medium Density Housing¹ • Municipal Purposes • Office Building • Place of Worship¹ • Private Recreation Area¹ • Public Office • Recreational Building¹ • Recreational Land¹ • Residential Building¹ • Restaurant¹		• Institutional Building • Restricted Building • Telecommunications infrastructure			Buildings and land use not listed in the other two columns.	
DEVELOPMENT CONTROLS						
Height	Intensity (Min. Erf)	Coverage (%)	FAR	Building Line (m)	Side space (m)	Rear Space (m)
3	To the satisfaction of the Municipality and the relevant Provincial Departments	60%	1.0	7.5m	5m	5m
ADDITIONAL CONTROLS						
Riders						
1. ¹ Ancillary to the main use						

Minimum Frontage Requirements

22metres

6.4.3. AUTHORITY AND UTILITY ZONE

Table 11: Authority and Utility Zone

Notation: 	STATEMENT OF INTENT: This zone permits the development of facilities that cater for the needs of the community such as community halls, recreational areas and sports facilities. This zone serves the purpose of enriching the residential community. This zone is also intended for land uses and facilities relating to National, Provincial and Local Government services and administration, general government services, including the administration of Traditional Council areas.	
LAND USE CONTROLS		
Permitted Uses	Consent Uses	Prohibited Uses
• Arts and Crafts Workshop • Dwelling house • Educational Building • Medium Density Housing Housing¹ • Office • Office (Public) • Parking Area • Parking Garage • Place of Instruction • Place of Public Assembly • Place of Worship • Private Open Space • Public Open Space • Recreational Building • Recycling Facilities • Service Industry Building • Shop • Traditional Court • Transport Depot • Tuckshop/Kiosk • Utilities and Services	• Agricultural Land • Car Wash • Crèche • Institution • Place of Public Amusement • Residential Building • Restaurant • Restricted Building • Shop • Telecommunication Infrastructure	Buildings and land use not listed in the other two columns.

• Veterinary Clinic						
DEVELOPMENT CONTROLS						
Height	Intensity (Min. Erf)	Coverage (%)	FAR	Building Line (m)	Side space (m)	Rear Space (m)
2	500m ²	60	0.6	5m	2.5m	2.5m
ADDITIONAL CONTROLS						
1. Offices shall only be limited to offices ancillary to the primary activity. 2. Norms and standards as implemented by the relevant national and provincial government shall apply. 3. Residential buildings and restricted buildings shall be limited to that ancillary to the primary uses. 4. Building lines of roads under the responsibility of the KWAZULU-NATAL Department of Transport must have a building line of 15m, or to the satisfaction of the KWAZULU-NATAL Department of Transport.						

6.4.4. COMMUNITY FACILITIES

Table 12: Community Facilities Zone

Notation: 	STATEMENT OF INTENT: This zone permits the development of facilities that cater for the needs of the community such as community halls, recreational areas and sports facilities. This zone serves the purpose of enriching the residential community. This zone is also intended for land uses and facilities relating to National, Provincial and Local Government services and administration, general government services, including the administration of Traditional Council areas.	
LAND USE CONTROLS		
Permitted Uses	Consent Uses	Prohibited Uses
• Arts and Crafts Workshop • Canteen • Dwelling house • Educational Building • Institution • Magistrates Court • Medium Density Housing Housing¹ • Motor Vehicle Test Centre • Office • Office (Public) • Parking Area • Parking Garage • Place of Instruction • Place of Public Assembly • Place of Worship • Private Open Space • Public Open Space • Recreational Building • Recycling Facilities	• Agricultural Land • Car Wash • Crèche • Place of Public Amusement • Residential Building • Restaurant • Restricted Building • Shop • Telecommunication Infrastructure	Buildings and land use not listed in the other two columns.

• Service Industry Building • Shop • Traditional Court • Transport Depot • Tuckshop/Kiosk • Veterinary Clinic • Utilities and Services						
DEVELOPMENT CONTROLS						
Height	Intensity (Min. Erf)	Coverage (%)	FAR	Building Line (m)	Side space (m)	Rear Space (m)
2	500m ²	60	0.6	5m	2.5m	2.5m
ADDITIONAL CONTROLS						
5. Offices shall only be limited to offices ancillary to the primary activity. 6. Norms and standards as implemented by the relevant national and provincial government shall apply. 7. Residential buildings and restricted buildings shall be limited to that ancillary to the primary uses. 8. Building lines of roads under the responsibility of the KwaZulu-Natal Department of Transport must have a building line of 15m, or to the satisfaction of the KwaZulu-Natal Department of Transport.						

6.4.5. WORSHIP

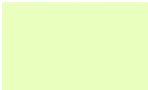
Table 13: Worship Zone

Notation: 		STATEMENT OF INTENT: This zone is intended for land and buildings to be used as a church, chapel, oratory, synagogue, mosque, temple and other places of devotion and ancillary uses ordinarily associated thereto.				
LAND USE CONTROLS						
Permitted Uses		Consent Uses			Prohibited Uses	
• Crèche • Dwelling House² • Place of Instruction • Place of Public Assembly • Place of Worship • Private Open Space • Private recreation Area • Tuck Shop/Kiosk • Utilities and Services		• Educational Building¹ • Institution • Medium Density Housing ¹ • Recreational Building¹ • Residential Building¹ • Restaurant¹ • Shop • Telecommunication infrastructure			Buildings and land use not listed in the other two columns.	
DEVELOPMENT CONTROLS						
Height (Storey)	Intensity (Min. Erf)	Coverage (%)	FAR	Building Line (m)	Side space (m)	Rear Space (m)
2	500m ²	60%	0.6	5m	2.5m	2.5m
RIDERS						
1. ¹Ancillary to a Permitted Use 2. ²Dwelling House is restricted to caretaker accommodation, with a maximum of 60m2						
ADDITIONAL CONTROLS						
1. The site of a Place of Public Worship shall not simultaneously be the site of one or more Dwelling Units 2. provided that the Municipality may grant its approval to the erection and use of one or more Dwelling Units, upon such site, to be used in conjunction with the use of such site as the site of a Place of Public Worship. 3. Approval of an application for the establishment of a Place of Public Worship shall include measures to address noise abatement. 4. Office use may be permitted if considered ancillary, for administration purposes, to a Place of Public Worship. 5. A Medical office use may be permitted with the Special Consent of the Municipality only if providing a free service to the local community. 6. Building lines of roads under the responsibility of the KWAZULU-NATAL Department of Transport must have a building line of 15m, or to the satisfaction of the KWAZULU-NATAL Department of Transport.						

6.5. AGRICULTURE

6.5.1. AGRICULTURE 1

Table 14: Agriculture 1 (Agriculture Only) Zone

Notation: 	STATEMENT OF INTENT: This zone is reserved for prime agricultural land and is intended for land and buildings where the primary activity is both intensive and extensive agricultural production of crops, livestock and other agricultural products. Ancillary land uses and facilities such as workshops for plant maintenance, processing of produce and farmworker accommodation are generally permissible, subject to compliance with the provision of the scheme. This zone is mainly intended for land that is subject to the provisions of the Subdivision of Agricultural Land Act, 1970 (Act No 70 of 70) and its successors in law. Prior to any change of land use or subdivision, approval must be granted in terms of the Subdivision of Agricultural Land Act, 1970 (Act No 70 of 70) and its successors in law.					
LAND USE CONTROLS						
Permitted Uses		Consent Uses			Prohibited Uses	
• Abattoir • Agricultural Building • Agricultural Industry • Agricultural Land • Conservation Purposes • Dwelling House • Farm Stall¹ • Farmworker accommodation • Game Farm • Game Reserve • Kennels/Cattery • Nature and Resource Conservation • Nursery Garden • Rental Rooms • Tuck Shop/Kiosk³ • Utilities and Services		• Arts and Crafts Workshop • Bed and Breakfast Establishment • Crèche • Educational Building • Events Venue • Guest Lodge • Helipad • Restaurant • Telecommunication infrastructure • Veterinary Clinic			Buildings and land use not listed in the other two columns.	
DEVELOPMENT CONTROLS						
Height (Storey)	Intensity (Min. Erf)	Coverage (%)	FAR	Building Line (m)	Side space (m)	Rear Space (m)

2	N/A	N/A	N/A	N/A	N/A	N/A
RIDERS						
1. ¹The Farm Stall shall be limited to products produced on the farm 2. ²Residential Building is exclusively for the development of farmworker accommodation 3. ³Consent process may be waived if the applicant has obtained written consent from adjoining neighbours						
ADDITIONAL CONTROLS						
i. Any permitted or discretionary development must adhere to the principle of clustering. ii. Discretionary use applications, including breaking virgin land for the purposes of infrastructure development, must align with both Agricultural and Biodiversity requirements and will require detailed natural resource/agricultural and biodiversity assessments. Permission must be obtained from both the Department of Agriculture and Rural Development and KWAZULU-NATAL Wildlife prior to being submitted to the municipality. iii. Building lines of roads under the responsibility of the KWAZULU-NATAL Department of Transport must have a building line of 15m, or to the satisfaction of the KWAZULU-NATAL Department of Transport.						

6.5.2. AGRICULTURE 2

Table 15: Agriculture 2 (Agriculture Communal) Zone

Notation:		STATEMENT OF INTENT: This zone is intended for subsistence, communal and small to medium-scale agricultural activities in association with other related uses in Traditional Council areas, and includes grazing land, market gardening, wood lots, and the production of crops, livestock, animal holding facilities, farmer production support units and other agricultural activities.				
						
LAND USE CONTROLS						
Permitted Uses		Consent Uses		Prohibited Uses		
• Agricultural Building • Agricultural Industry • Agricultural Land • Conservation Purposes • Dwelling House • Farm Stall¹ • Home Business • Nature and Resource Conservation • Nursery Garden • Rental Rooms • Small-Scale Rural Settlements • Utilities and Services		• Airfield • Arts and Crafts Workshop • Bed and Breakfast Establishment • Events Venue • Farmworker accommodation • Guest Lodge • Helipad • Restaurant • Telecommunications infrastructure		Buildings and land use not listed in the other two columns.		
DEVELOPMENT CONTROLS						
Height (Storey)	Intensity (Min. Erf)	Coverage (%)	FAR	Building Line (m)	Side space (m)	Rear Space (m)
2	N/A	N/A	N/A	N/A	N/A	N/A
RIDERS						
1. ¹ Farm stall shall limited to goods produced in the communal farmland						
ADDITIONAL CONTROLS						
i. Any permitted or discretionary development must adhere to the principle of clustering. ii. Discretionary use applications, including breaking virgin land for the purposes of infrastructure development, must align with both Agricultural and Biodiversity requirements and will require detailed natural resource/agricultural and biodiversity assessments. Permission must be obtained from both the Department of Agriculture and Rural Development and KWAZULU-NATAL Wildlife prior to being submitted to the municipality.						

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| iii. | Building lines of roads under the responsibility of the KWAZULU-NATAL Department of Transport must have a building line of 15m, or to the satisfaction of the KWAZULU-NATAL Department of Transport. |
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6.6. ENVIRONMENTAL ZONES

6.6.1. PROTECTED AREAS

Table 16: Protected Areas Zone

Notation:		STATEMENT OF INTENT: This zone is intended for land that has been designated as a Protected Area in terms of the National Environmental Management Protected Area Act No 57 of 2003. Where land use and management of the land is undertaken as per the provisions of the Protected Areas Act and its regulations, as well as through the protected area management plans and stewardship contracts applicable.				
						
LAND USE CONTROLS						
Permitted Uses		Consent Uses			Prohibited Uses	
• Camping • Conservation purposes • Dwelling House¹ • Games Reserve • Nature and Resource Conservation • Residential Building² • Restaurant • Utilities and Services		• Chalets • Events Venue • Guest Lodge • Telecommunication infrastructure			Buildings and land use not listed in the other two columns.	
DEVELOPMENT CONTROLS						
Height (Storey)	Intensity (Min. Erf)	Coverage (%)	FAR	Building Line (m)	Side space (m)	Rear Space (m)
2	N/A	To the satisfaction of the Local Authority	To the satisfaction of the Local Authority	To the satisfaction of the Local Authority	To the satisfaction of the Local Authority	To the satisfaction of the Local Authority
ADDITIONAL CONTROLS						
Riders						
1. ¹Ancillary to the main use 2. ²For staff accommodation required for the management of the conservation area						
ADDITIONAL PROVISIONS						
i. Land uses to be aligned with an approved protected area management plan or land uses approved by the provincial department responsible for environmental affairs and or/Conservation Authority ii. KWAZULU-NATAL Wildlife is to provide comments on any land development application under this zone.						

- iii. Building lines of roads under the responsibility of the KWAZULU-NATAL Department of Transport must have a building line of 15m, or to the satisfaction of the KWAZULU-NATAL Department of Transport.

6.6.2. CONSERVATION

Table 17: Conservation Zone

Notation: 		STATEMENT OF INTENT: This zone is intended for areas earmarked for the sustainable use and preservation of the natural environment. These areas carry sensitive ecological, historical and cultural aspects of the Municipality and such may be shared with members of the public through nature tourism, and this includes permitting ancillary uses such as restaurants limited to patrons, curio shops, hiking trails and other land use activities, subject to compliance with the provisions of the land use scheme.				
LAND USE CONTROLS						
Permitted Uses		Consent Uses		Prohibited Uses		
• Conservation Purposes • Nature and Resource Conservation		• Telecommunication infrastructure		Buildings and land use not listed in the other two columns.		
DEVELOPMENT CONTROLS						
Height (Storey)	Intensity (Min. Erf)	Coverage (%)	FAR	Building Line (m)	Side space (m)	Rear Space (m)
1	N/A	N/A	N/A	N/A	N/A	N/A
RIDERS						
1. ¹Ancillary to the main use 2. ²For staff accommodation required for the management of the conservation area						
ADDITIONAL CONTROLS						
a) No indigenous trees may be cut down without the permission of the Department. b) In order to protect the amenity of water courses and to minimize pollution and erosion, no indigenous vegetation may be cut down or removed along the banks of rivers as follows: i. No within 5m on each side of a minor tributary; ii. Within 10m of each side of a major tributary, or iii. Within 15m of a major water body. c) No soil, sand or stones shall be removed from or along rivers without the authority of the Municipality. d) The Municipality shall be permitted to install services where necessary, across or along river courses. e) Applications for development near rivers must comply with the requirements of the Water Act 1998 (Act No.36 of 1998 amended) as which requires that consideration be given to the maximum level likely to be reached by flood water every 100 years.						

f) Within this zone:
i. no indigenous flora, fauna or any naturally occurring material shall be disturbed or removed; ii. no person shall cause or permit the following to occur on such area of land: dumping, littering, building, earthworks cultivation, fires, or other action which may endanger the amenity of the zone, provided that the Municipality may at its

6.6.3. PASSIVE OPEN SPACE

Table 18: Passive Open Space Zone

Notation: 		STATEMENT OF INTENT: Provides for the development and management of a system of publicly- or privately-owned areas as part of a sustainable open space system and the Municipality’s environmental services. It includes independent or linked open space areas and green lung areas for sporting and recreational activities and may include ancillary facilities and buildings.				
LAND USE CONTROLS						
Permitted Uses		Consent Uses			Prohibited Uses	
• Conservation Purposes • Dwelling House¹ • Nature and Resource Conservation • Private Open Space • Utilities and Services		• Agricultural land • Place of Public Assembly • Recreational Building² • Restaurant • Telecommunication infrastructure			Buildings and land use not listed in the other two columns.	
DEVELOPMENT CONTROLS						
Height (Storey)	Intensity (Min. Erf)	Coverage (%)	FAR	Building Line (m)	Side space (m)	Rear Space (m)
2	To the satisfaction of the Local Authority	To the satisfaction of the Local Authority	To the satisfaction of the Local Authority	7,5	5	5
ADDITIONAL CONTROLS						
Riders						
1. ¹For the purpose of this clause, only one dwelling unit of not more than 60m² shall be permitted to accommodate a manager, foreman or caretaker. 2. ²Ancillary to the main use						

6.6.4. ACTIVE OPEN SPACE

Table 19: Public Open Space

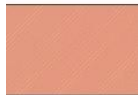
Notation: 		STATEMENT OF INTENT: This zone provides for the development and management of a system of publicly- or privately-owned areas as part of the sustainable open space system and the Municipality’s environmental services. It includes independent or linked open space areas and green lung areas for sporting and recreational activities and may include ancillary facilities and buildings.				
LAND USE CONTROLS						
Permitted Uses • Camping • Conservation Purposes • Dwelling House¹ • Nature and Resource Conservation • Recreational Area • Recreational Building • Utilities and Services		Consent Uses • Place of Public Assembly • Restaurant • Telecommunication infrastructure			Prohibited Uses Buildings and land use not listed in the other two columns.	
DEVELOPMENT CONTROLS						
Height (Storey)	Intensity (Min. Erf)	Coverage (%)	FAR	Building Line (m)	Side space (m)	Rear Space (m)
1	N/A	N/A	N/A	3m	2m	2m
RIDERS						
1. ¹ Ancillary to permitted use.						
ADDITIONAL CONTROLS						
1. No indigenous trees may be cut down without the permission of the Department. 2. In order to protect the amenity of water courses and to minimize pollution and erosion, no indigenous vegetation may be cut down or removed along the banks of rivers as follows: i. Within 5m on each side of a minor tributary; ii. Within 10m of each side of a major tributary, or iii. Within 15m of a major water body. 3. No soil, sand or stones shall be removed from or along rivers without the authority of the Municipality. 4. The Municipality shall be permitted to install services where necessary, across or along river courses. 5. Applications for development near rivers must comply with the requirements of the Water Act 1998 (Act No.36 of 1998 as amended) which requires that consideration be given to the maximum level likely to be reached by flood water every 100 years. 6. Within this zone: i. No indigenous flora, fauna or any naturally occurring material shall be disturbed or removed;						

- ii. No person shall cause or permit the following to occur on such area of land: dumping, littering, building, earthworks cultivation, fires, or other action which may endanger the amenity of the zone, provided that the Municipality may at its discretion, condone or undertake any reasonable action necessary for the protection and/or enhancement of the amenity of the area; and
 - iii. Any development shall be based on a Development Plan and/or Site Development Plan as contemplated in the scheme; provided further that an Environmental Impact Assessment shall form an integral part of such plan/s.
- 7. Land within the Active 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.
- 8. Building lines of roads under the responsibility of the KWAZULU-NATAL Department of Transport must have a building line of 15m, or to the satisfaction of the KWAZULU-NATAL Department of Transport.

6.7. TRANSPORT

6.7.1. BUS AND TAXI RANK

Table 20: Transport Termini Zone

Notation: 		STATEMENT OF INTENT: A zone that makes provision for the parking, drop off and collection of freight and passengers by all public and private transport.				
LAND USE CONTROLS						
Permitted Uses		Consent Uses			Prohibited Uses	
• Bus and Taxi Rank Facilities • Car Wash • Informal Trading Area • Office (General) • Parking Garage • Restaurant • Shop • Utilities and Services		• Telecommunications infrastructure			Buildings and land use not listed in the other two columns.	
DEVELOPMENT CONTROLS						
Height (Storey)	Intensity (Min. Erf)	Coverage (%)	FAR	Building Line (m)	Side space (m)	Rear Space (m)
2	2000m ²	20%	0.2	N/A	N/A	N/A
ADDITIONAL CONTROLS						
i. Building lines of roads under the responsibility of the KWAZULU-NATAL Department of Transport must have a building line of 15m, or to the satisfaction of the KWAZULU-NATAL Department of Transport.						

6.7.2. ROADS

Table 21: Roads

Notation: Proposed New Roads /Existing Roads		STATEMENT OF INTENT: This is a zone that makes provision for the reservation of land for designated roads and areas for road widening.				
LAND USE CONTROLS						
Permitted Uses • Road Infrastructure • Utilities and Services		Consent Uses • Parking Area • Telecommunications Infrastructure		Prohibited Uses Buildings and land use not listed in the other two columns.		
DEVELOPMENT CONTROLS						
Height (Storey)	Intensity (Min. Erf)	Coverage (%)	FAR	Building Line (m)	Side space (m)	Rear Space (m)
N/A	N/A	N/A	N/A	N/A	N/A	N/A
ADDITIONAL CONTROLS						
Subject to temporary uses related to the construction or refurbishment of roads specified by the Municipality						

6.7.3. RAILWAY

Table 22: Railway

Notation: 	STATEMENT OF INTENT: This is a zone that makes provision for railway routes, open areas for the storage and repairs of trains, stations and passenger facilities and warehouses for freight operations.					
LAND USE CONTROLS						
Permitted Uses		Consent Uses			Prohibited Uses	
• Railway Infrastructure • Service Industrial Building • Storage Facility • Utilities and Services • Utilities and Services Facility		• Container Depot • Offices (General) • Offices (Public) • Shop • Telecommunications Infrastructure • Transport Depot			Buildings and land uses not listed in the other two columns.	
DEVELOPMENT CONTROLS						
Height (Storey)	Intensity (Min. Erf)	Coverage (%)	FAR	Building Line (m)	Side space (m)	Rear Space (m)
N/A	N/A	N/A	N/A	N/A	N/A	N/A
ADDITIONAL CONTROLS						
No additional development controls						

6.7.4. REFUSE SITE

Table 23: Refuse Site

Notation: 	This is a zone that makes provision for refuse disposal works and infrastructure necessary for the municipality to dispose of or recycle solid waste.					
LAND USE CONTROLS						
Permitted		Consent Uses			Prohibited Uses	
• Landfill • Municipal Purposes • Recycling Depot • Utilities and Services • Waste Transfer Site		• Telecommunications Infrastructure			Buildings and land use not listed in the other two columns.	
DEVELOPMENT CONTROLS						
Height (Storey)	Intensity (Min. Erf)	Coverage (%)	FAR	Building Line (m)	Side space (m)	Rear Space (m)
N/A	N/A	N/A	N/A	N/A	N/A	N/A
ADDITIONAL CONTROLS						
i. Building lines of roads under the responsibility of the KWAZULU-NATAL Department of Transport must have a building line of 15m, or to the satisfaction of the KWAZULU-NATAL Department of Transport.						