

**COLLINS CHABANE  
LOCAL MUNICIPALITY**  
Since 2016



**COLLINS CHABANE LOCAL MUNICIPALITY  
LAND USE SCHEME  
2023**

# TABLE OF CONTENTS

<b>PART 1: GENERAL</b> .....	<b>6</b>
<b>1. INTRODUCTION</b> .....	<b>6</b>
1.1. TITLE OF LAND USE SCHEME.....	6
1.2. RESPONSIBLE AUTHORITY .....	6
1.3. ENACTMENT .....	6
1.4. GENERAL PURPOSE OF THIS SCHEME.....	6
1.5. CONFLICT BETWEEN PROVISIONS OF THE SCHEME, CONDITIONS OF TITLE AND LEGISLATION .....	6
1.6. AREA OF LAND USE SCHEME.....	6
1.7. SUBSTITUTION .....	7
1.8. PROTECTION OF EXISTING BUILDINGS .....	7
<b>PART 2: DEFINITIONS</b> .....	<b>8</b>
<b>2. DEFINITIONS</b> .....	<b>8</b>
<b>PART 3: GENERAL CONDITIONS APPLICABLE TO ALL PROPERTIES</b> .....	<b>38</b>
<b>3. LAND USE SCHEME, USE ZONES AND USES</b> .....	<b>38</b>
3.1. PURPOSE OF LAND USE SCHEME .....	38
3.2. COMPONENTS OF LAND USE SCHEME .....	38
3.3. LAND USE SCHEME MAP .....	38
3.4. RECTIFICATION OF ERRORS ON LAND USE SCHEME MAP.....	38
3.5. LAND USE SCHEME REGISTER .....	39
3.6. STATUS OF LAND USE SCHEME .....	39
3.7. ZONING AND OWNERSHIP .....	39
3.8. PRIMARY RIGHTS.....	39
3.9. CONSENT USES.....	39
3.10. TEMPORARY USES AND COMMUNAL USES.....	39
3.11. NON-CONFORMING USES.....	39
3.12. DEEMED ZONING OF CLOSED PUBLIC PLACES.....	40
3.13. USE OF ANNEXURES .....	40
<b>4. DISTANCES, LEVELS AND BOUNDARIES</b> .....	<b>40</b>
4.1. MEASURING DISTANCES AND LEVELS .....	40
4.2. DETERMINING BOUNDARIES OF USE ZONES.....	41
<b>5. DEVELOPMENT OF LAND</b> .....	<b>41</b>
5.1. DEVELOPMENT PARAMETERS APPLICABLE TO USE RIGHTS .....	41
<b>6. GENERAL PROVISIONS</b> .....	<b>42</b>

6.1.	ENCROACHMENT OVER BUILDING LINES .....	42
6.2.	STREET CENTRELINE SETBACK.....	42
6.3.	SITE DEVELOPMENT PLANS.....	42
6.4.	HAZARDOUS SUBSTANCES .....	43
6.5.	SCREENING .....	43
6.6.	EARTH BANKS AND RETAINING STRUCTURES.....	43
6.7.	BOUNDARY WALLS.....	43
6.8.	MAINTENANCE OF PROPERTY .....	44
6.9.	PARKING OF COMMERCIAL VEHICLES IN RESIDENTIAL ZONES .....	44
6.10.	MOBILE HOMES AND CARAVANS.....	45
6.11.	ROOFTOP BASED TELECOMMUNICATION STATIONS AND SATELLITE DISH ANTENNA SYSTEMS	45
6.12.	GEYSERS AND SOLAR PANELS OR SIMILAR INFRASTRUCTURE AFFIXED TO THE ROOF OF A BUILDING .....	45
6.13.	ROOFTOP INSTALLATION OF EQUIPMENT .....	46
6.14.	PARAPET WALLS .....	46
6.15.	SCREEN WALLS AND FENCES .....	46
6.16.	CHIMNEYS .....	46
6.17.	FLOOD-PRONE AREAS .....	46
6.18.	PROTECTION OF LAND AND THE ENVIRONMENT .....	46
6.19.	ELECTRONIC OR MECHANICAL GAMING DEVICES .....	46
6.20.	UTILISATION OF OUTBUILDINGS.....	47
6.21.	DETERMINATION OF NATURAL GROUND LEVEL.....	47
6.22.	EXCAVATIONS (EXCLUDING USE ZONES) AND BOREHOLES.....	47
6.23.	STORMWATER DRAINAGE.....	48
6.24.	SITING AND DEVELOPMENT OF BUILDINGS .....	48
6.25.	CONDITIONS APPLICABLE TO ERVEN AND TOWNSHIPS ON GROUND CHARACTERISED BY UNSOUND FOUNDING CONDITIONS .....	48
6.26.	TEMPORARY SIGNS FOR THE SALE OR LEASE OF SITES OR BUILDINGS.....	48
<b>7.</b>	<b>PARKING AND LOADING ZONES.....</b>	<b>49</b>
7.1.	OFF-STREET PARKING REQUIREMENTS .....	49
7.2.	ALTERNATIVE PARKING PROVISION .....	49
7.3.	COMBINED PARKING REQUIREMENTS .....	50
7.4.	SITE ACCESS AND EGRESS .....	50
7.5.	PARKING LAYOUT REQUIREMENTS .....	50
7.6.	PARKING FOR THE PHYSICALLY DISABLED .....	51
7.7.	PARKING PROVISION FOR MOTORCYCLES AND BICYCLES .....	52
7.8.	LOADING BAY SPECIFICATIONS .....	52
<b>8.</b>	<b>REFUSE ROOMS AND SERVICE YARDS .....</b>	<b>53</b>
8.1.	ROOMS .....	53
8.2.	SERVICE YARDS .....	53

<b>9.</b>	<b>BUILDING LINES, BUILDING RESTRICTION AREAS AND LINES OF NO ACCESS .....</b>	<b>53</b>
9.1.	BUILDING LINES AND BUILDING RESTRICTION AREAS .....	53
9.2.	BUILDING RESTRICTION LINES APPLICABLE TO USE ZONES .....	54
9.3.	ACCESS BARRIERS .....	54
<b>PART 4: INTERPRETATION OF LAND USE ZONES AND USE OF LAND AND BUILDINGS .....</b>		<b>56</b>
<b>10.</b>	<b>INTERPRETATION OF LAND USE ZONES AND USE OF LAND AND BUILDINGS .....</b>	<b>56</b>
10.1.	LAND USE MANAGEMENT ZONES .....	56
10.2.	ERECTION AND USE OF BUILDINGS OR USE OF LAND .....	56
10.3.	BUILDING USED FOR MORE THAN ONE PURPOSE .....	56
10.4.	HEIGHT, COVERAGE, FLOOR AREA RATIO (F.A.R) AND DWELLING UNIT DENSITY .....	57
<b>PART 5: CONDITIONS AND CRITERIA APPLICABLE TO DEVELOPMENT .....</b>		<b>80</b>
<b>11.</b>	<b>CONDITIONS APPLICABLE TO SPECIFIC DEVELOPMENTS .....</b>	<b>80</b>
11.1.	SECOND DWELLING UNIT .....	80
11.2.	BACKYARD DWELLING .....	81
11.3.	RENTED ROOMS .....	81
11.4.	HOME OCCUPATION PRACTICE .....	82
11.5.	BED AND BREAKFAST .....	83
11.6.	GUESTHOUSE .....	84
11.7.	CRECHE .....	84
11.8.	INFORMAL TRADE .....	85
11.9.	KIOSK .....	86
11.10.	SPAZA/TUCK SHOP .....	86
11.11.	FILLING STATION AND/OR SERVICE STATION .....	87
11.12.	TAVERN .....	88
11.13.	TRUCK STOP .....	89
11.14.	TRANSITIONAL SETTLEMENT .....	89
11.15.	TELECOMMUNICATION MASTS .....	90
11.16.	FUNERAL PARLOUR .....	90
11.17.	CEMETERIES .....	90
11.18.	"RESIDENTIAL 2" ZONED LAND .....	91
11.19.	"RESIDENTIAL 3 AND 4" ZONED LAND .....	91
<b>PART 6: SPECIAL, WRITTEN, TEMPORARY AND COMMUNAL LAND CONSENTS ..</b>		<b>93</b>
<b>12.</b>	<b>SPECIAL, WRITTEN, TEMPORARY AND COMMUNAL LAND CONSENTS .....</b>	<b>93</b>
12.1.	PLANNING APPLICATION PROCEDURES .....	93
12.2.	CRITERIA FOR THE CONSIDERATIONS OF APPLICATIONS .....	93
12.3.	APPLICATION IN TERMS OF THE SCHEME .....	93
12.4.	APPLICATION FOR SPECIAL CONSENT .....	94
12.5.	APPLICATION FOR A WRITTEN CONSENT .....	94
12.6.	APPLICATION FOR A VARIANCE .....	95

12.7.	NON-CONFORMING LAND USE RIGHTS .....	95
12.8.	APPLICATION FOR TEMPORARY CONSENT.....	95
12.9.	APPLICATIONS ON COMMUNAL LAND .....	96
12.10.	APPLICATION FOR BUILDING LINE RELAXATION/BUILDING RESTRICTION AREA .....	97
12.11.	SIMULTANEOUS AND INTEGRATED APPLICATIONS .....	97
12.12.	CONVERSION RIGHTS.....	97
12.13.	SUBSEQUENT APPLICATIONS .....	98
12.14.	REGISTER OF SPECIAL, WRITTEN CONSENT, NON-CONFORMING AND COMMUNAL LAND APPROVALS AND RELEVANT CONDITIONS.....	98
12.15.	SITE DEVELOPMENT PLAN .....	98

**PART 7: APPLICATION OF THE SCHEME AND POWERS OF THE MUNICIPALITY .... 98**

**13. APPLICATION OF THE SCHEME AND POWERS OF THE MUNICIPALITY ..... 98**

13.1.	ENTRY UPON AND INSPECTION OF PROPERTIES .....	98
13.2.	POWERS OF MUNICIPALITY IN CASE OF CONTRAVENTION OF SCHEME.....	99
13.3.	BINDING FORCE OF CONDITIONS.....	100

## **PART 1: GENERAL**

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### **1. INTRODUCTION**

#### **1.1. TITLE OF LAND USE SCHEME**

This Scheme shall be known as the Collins Chabane Local Municipality Land Use Scheme, 2023.

#### **1.2. RESPONSIBLE AUTHORITY**

The Collins Chabane Local Municipality, hereafter referred to as the "Municipality", or its successor in title, shall be the authority responsible for enforcing and execution of the provisions of this Land Use Scheme.

#### **1.3. ENACTMENT**

This Scheme has been prepared and enacted in terms of the SPLUMA Act 16 of 2013, hereafter referred to as the "Act". <sup>[1]</sup><sub>[SEP]</sub>

This Scheme shall come into operation on the date of publication in the Limpopo Provincial Gazette, this being the "Fixed Date", and govern from this date onward. <sup>[1]</sup><sub>[SEP]</sub>

If any provision in this Scheme is ruled to be invalid by a Court of Law, such provision shall be severed from the Scheme, and shall not affect the validity of the remaining provisions.

#### **1.4. GENERAL PURPOSE OF THIS SCHEME**

The coordinated and harmonious development of the area to which it relates in such a way as will most effectively tend to promote the health, safety, good order, amenity, convenience and general welfare of such area as well as efficiency and economy in the process of such development.

#### **1.5. CONFLICT BETWEEN PROVISIONS OF THE SCHEME, CONDITIONS OF TITLE AND LEGISLATION**

Any right granted by Collins Chabane Local Municipality by virtue of the provisions of this Scheme does not entitle any person to the right to use land, or to erect or use buildings thereon in any manner, or for any purpose which is prohibited by the provisions of any condition registered against the title deed under which such land is held, or imposed by legislation in respect of such land.

Where a provision of this Scheme is inconsistent with any other local by-law, the provisions of the Scheme shall prevail.

#### **1.6. AREA OF LAND USE SCHEME**

##### **1.6.1. Area**

The area to which the Scheme applies is the Collins Chabane Municipal area, as delineated by the Demarcation Board.

### 1.6.2. Administration

The land uses permitted are the uses depicted by the notations applicable to use zones on the Map and in the Land Use Table – Use of Land and Buildings in the Regulations.

## **1.7. SUBSTITUTION**

The Scheme substitutes any existing Scheme in operation within the boundaries of the Collins Chabane Local Municipality.

## **1.8. PROTECTION OF EXISTING BUILDINGS**

Except with the alteration of or addition to existing buildings, with the exception of any structural alteration which, in the opinion of the Municipality, is of a limited extent such as the removal of non-weight bearing internal walls, the erection of removable partitioning, safes and toilets inside an existing building, or repair work inside or outside a building shall conform to the provisions of the Scheme. Existing buildings shall not be affected by the provisions of the Scheme which would otherwise make such buildings illegal: Provided that, in cases where alterations of, or additions to, existing buildings are, in the opinion of the Municipality, not of a limited extent, the provisions of the Scheme shall apply only to the parts of the building which are being altered or extended.

## **PART 2: DEFINITIONS**

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### **2. DEFINITIONS**

**“Abattoir”** means land and buildings or mobile unit used to slaughter animals and poultry, and may include the processing of animal and poultry products, in respect of which a registration certificate has been issued in terms of Section 8(1) of the Meat Safety Act, 2000 (Act No. 40 of 2000), and in respect of which a grading has been determined in terms of Section 8(2) of said Act.

**“Access Control”** or **“Access Control Facility”** means land or buildings/structures used for managing the movement of vehicles and pedestrians to and from an enclosed area served by restricted access.

**“Act”** means the Spatial Planning and Land Use Management Act, 2013 (Act No. 16 of 2013).

**“Advertise”** in relation to making known a matter means any one or more of the following methods of making known which, according to Council policy, or in the absence thereof, in the opinion of the Municipal Manager or his/her delegates, is the most suitable method to reach as many people as possible, who may have an interest in, or are possibly affected by the matter:

- i. serving a notice that complies with the provisions as set out in this Scheme
- ii. holding public meetings, whether before or after the submission of an application
- iii. displaying a notice on a land unit
- iv. publishing of a notice in the press
- v. consultative forums or entering into social compacts before a decision is taken by Council; and where “advertisement” has a corresponding meaning.

**“Advertisement”** in relation to promoting and/or publicizing a product, service, or event means any advertisement or any advertising device of any kind which is visible from any street, but does not include an advertisement erected inside a building or any advertisement relating to the holding of an ecclesiastical, sporting, educational, political or charitable meeting, event or function, or to the candidature of any person duly nominated for election as a member of Parliament, the Provincial Administration, the Municipality or any similar body, and “advertising sign” has the same meaning.

**“Adult Entertainment Business”** means land and buildings where, for any form of consideration, films, photographs, books, magazines, compact discs (CD), digital versatile discs (DVDs), toys, or live performances are hired, sold or occur, which are considered as adult entertainment, or for mature audiences. It may include a restaurant, a bar and/or an escort agency and a massage parlour, where massage or manipulation of the human body is administered with the purpose of obtaining an erotic response.

**“Agricultural Building”** means a building designed for or used in connection with, and which is ordinarily subservient to, or reasonably necessary in connection with, the use of the land on which the building is situated as agricultural use, and may include a dwelling house but excludes a cultivation shed. Not more than 10% of the land may be used for non-farming purposes – this includes the dwelling units and additional dwelling units referred to above.

**“Agricultural Holding”** means land laid out in accordance with the Agricultural Holdings (Transvaal) Registration Act, 1919 (Act No. 22 of 1919) or any amendment thereof.

**“Agricultural Use”**- arable land, meadows and/or pastures used for *bona fide* farming activities, such as crop or grain farming, grazing, land used for bee-keeping, bird and animal breeding and keeping, livestock farming, dairy farming, aquaculture, nursery gardens, plantations, orchards, aquaponics, hydroponics, market gardens and such other ancillary uses

and buildings, normally regarded as incidental thereto but excludes game farms, animal institutions and abattoirs.

**“Airfield”** means land and buildings used for the landing and take-off of aircraft and may include the hangars and parking area for aircraft, and a fuel depot subject to the provisions of applicable legislation.

**“Airport”** or **“Aerodrome”** means land and buildings designed or used for the landing and take-off of fixed-wing and rotary wing aircraft, airways control, aircraft hangars, fuel depot, fuel bays, workshops for manufacturing, repair and spray-painting of aircraft, engine run test area, training facilities for flight schools, passenger terminals, luggage and freight storage and handling, customs and migration control, associated shops, sale of aircraft and parts, offices, places of refreshment, places of amusement, banks, ATMs, vehicle hire, vehicle valet service area, related clubs and other ancillary and subservient uses, provided that the establishment and operation of an airport shall be subject to the provisions of the applicable legislation.

**“Aerial Rights”** means the use of a building, which spans across an existing street at a specific height above the street level and does not restrict the use of the street, for any use which has been approved by the Municipality, and which is recorded by way of an Annexure to the Scheme in respect of the affected property.

**“Ancillary and Subservient Uses”** Means uses or activities which support and complement the main use on the property and which shall not exist on their own when the main use on the property is discontinued.

**“Annexure”** Means the set of documents showing details of land use rights permitted and conditions imposed in respect of a property marked with a black number within a black circle on the Map 3 which rights and conditions shall prevail over any other Regulation or provision of the Scheme, except that, if no rights or conditions are so stipulated, the provisions of the Scheme Regulations shall apply.

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

**“Applicant”** means a person who makes an application in terms of the Planning By-law.

**“Approval”** means the written approval of the Municipality on an application lodged as per the municipal bylaw and provisions of the Scheme.

**“Atrium”** means a covered courtyard that:

- i.* comprises a void within a building that extends for one or more floors in height which contains a floor and roof or ceiling; and
- ii.* does not contain floors that penetrate into the void.

**“Auction Centre”** land and/or buildings from which the offering for sale of new and used goods by means of a request or invitation for bids, including the storage of goods to be auctioned is made, but does not include retail sales nor the sale of poultry or livestock.

**“Backyard Dwelling”** Means an additional dwelling unit situated on the same erf as a dwelling or dwelling house, and which may be attached or detached to the original dwelling unit or dwelling house, constructed or erected using conventional building materials as approved by the Municipality and is generally used for the purpose of residential accommodation by separate households or extended family members. This may include the private rental of such

additional dwelling units according to conditions set out in a formal (written) or informal (verbal) agreement.

**“Bakery”** Means land used or a building in which bread, rusks, biscuits, pies, pastries, confectionery and other baked products are produced in bulk for distribution to wholesalers and/or retailers, as well as retail of goods produced.

**“Balcony”** means a floor projecting outside a building at a level higher than that of the ground floor, enclosed only by low walls or railings or by containing walls of rooms abutting the projecting floor, and may include a roof over the projecting floor and pillars supporting the roof.

**“Base zone”** means that zone which determines the lawful land use and development parameters for a land unit in terms of this Land Use Scheme.

**“Basement”** means that part of a building of which the finished floor level is at least two metres below, or the ceiling not more than one metre above, a height halfway between the highest and lowest natural ground level values immediately contiguous to the building.

**“Bed and Breakfast”** means a dwelling house where the occupant of the dwelling supplies lodging and breakfast for compensation to transient guests who have permanent residence elsewhere; provided that:

- i.* the dominant use of the dwelling house concerned shall remain for the living accommodation of one family; and
- ii.* the establishment does not include a guest house, a lodge and conference facilities
- iii.* No occupant or guest is allowed to conduct a home enterprise.

**“Beauty Parlour”** or **“Beauty Salon”** Means a building designed and used for providing services that include hair treatment, manicures, pedicures, waxing, facial treatments and make-up treatment, including the subordinate retail in products connected with the service, but it excludes any uses connected with medical consulting room.

**“Boarding House”** means land and buildings consisting of habitable rooms with or without a kitchenette and/or ablutions, which are let or rented to persons, and where one or more meals may be provided in a communal dining- room and a communal kitchen, and may include a caretaker’s flat on the property and other communal and ancillary and subservient facilities for the residents only.

**“Boundary”** in relation to a land unit means one or more of the cadastral lines separating the land unit from another land unit, or from a road reserve.

**“Boundary Wall”** means any wall, fence or enclosing structure erected on, or directly adjacent to a cadastral property boundary, and any other structure, including security devices, such as spikes, barbed wire, razor wire or electric fences, affixed to, or on top of, a boundary wall.

**“Braai Room”** means a room which is part of the main dwelling or outbuildings and is used primarily for entertainment purposes, and where food and drinks may be prepared, but excludes a kitchen.

**“Brickyard”** means land or buildings where bricks are made and stored.

**“Builders’ Yard”** means land or buildings used for the storage of materials which are:

- i.* required for, or normally used in, building operations; or

- ii. derived from demolition or excavation operations; or
- iii. required or normally used for improvements to land, such as material for the construction of streets, the installation of essential services, or for any other building works, whether used for public or private purposes, or land or buildings used for the preparation for use of materials thus stored, but does not include a builder's 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".

**"Building"** without in any way limiting its ordinary meaning, includes:

- i. a roofed structure;
- ii. an external stair, step or landing of a building and a gallery, canopy, balcony, stoep, veranda, terrace, porch or similar feature of a building;
- iii. a wall or railing enclosing any feature referred to in paragraph (ii); and
- iv. any other portion of a building; and
- v. a retaining wall or infill higher than 0,5 metres.

**"Building Line"** means an imaginary line on a land unit, which defines a distance from a specified boundary, within which the erection of buildings or structures are completely or partially prohibited.

**"Building Restriction Area"** means the area on a property where no building, except as permitted by the Scheme, may be erected.

**"Business"** means land or buildings used to conduct a business and includes a shop, supermarket, place of refreshment, liquor enterprise, garden centre, office, service trade, car wash, financial institution, bank and building for similar uses, but does not include a place of assembly, place of entertainment, institution, public garage, filling station, industry, light industry, noxious trade, and adult entertainment business.

**"Bus Terminus"** means a designated place where a bus commences, continues, or ends its scheduled route.

**"Butchery"** means a building where predominantly raw meat is stored and prepared for sale to the general public.

**"Cadastral Line"** means a line representing the official boundary of a land unit as recorded on a diagram or General Plan approved by the Surveyor-General and registered in the Deeds Office.

**"Cafeteria"** means a building or part of a building used for the preparation and sale of food and refreshments for the exclusive use of the employees and their guests or patrons of the building, provided it is ancillary and subservient to the main use on the property.

**"Camping Site"** means land and buildings used by transient guests for overnight accommodation in tents or other forms of accommodation, and may include ablutions and other complementary facilities, which:

- i. excludes the alienation of land on the basis of time-sharing, sectional title ownership, the sale of block shares and the subdivision of the land unit concerned;
- ii. includes a caravan park, whether public or privately owned;
- iii. excludes a hotel or mobile homes; and
- iv. may include ancillary facilities to resident guests only that are reasonably and ordinarily related to camping (e.g. sports facilities and tourist facilities).

**"Canopy"** means a cantilevered or suspended roof, slab or covering projecting from the wall of a building, excluding the floor of a balcony.

**"Canteen"** means a building or part of a building with an area not exceeding 100 m<sup>2</sup> including storage space, provided only on an industrial site and which conducts small-scale trade

incidental to the needs of the employees working on the site, and which will not interfere with the surrounding trades.

**“Caravan”** means a vehicle which has been equipped or converted for living and sleeping purposes and which can be readily moved.

**“Caravan Park”** means land and buildings used by transient guests for the overnight accommodation of caravans and tents and may include ancillary and subservient uses such as ablution facilities, caretaker's flat, communal kitchen, shops, restaurants, and other related buildings, provided that the total floor area of ancillary uses may not exceed 500m<sup>2</sup>.

**“Caretakers Flat”** means a dwelling unit on a non-residential property of not more than 60m<sup>2</sup> of floor area and used by a person and his/her family responsible for the care and supervision of the land and buildings on the same property.

**“Carport”** means a structure for the storage of one or more vehicles covered by a roof, provided that not more than two sides may be permanently enclosed.

**“Car Wash”** means land and buildings used for the washing, polishing and cleaning of motor vehicles by means of mechanical apparatus, or by hand.

**“Cemetery”** means land and buildings designed or used for the burial of deceased persons and human ashes, and may include a crematorium, a wall of remembrance, a chapel and offices and storerooms for the management of the cemetery, parking and ancillary and subservient uses which the Municipality deems necessary.

**“Children’s Home”** means land and buildings used for the accommodation, education, and care of children with special needs or circumstances and may include ancillary facilities such as inter-alia, education and recreation facilities, accommodation facilities for the staff, and caretaker’s flat.

**“Clinic”** means a place for the diagnosis and treatment of human illness or the improvement of human health, which has limited facilities with an emphasis on outpatients, provided that a clinic may contain live-in facilities for no more than twenty persons, including patients and staff; and a clinic may include medical consulting rooms, a dispensing chemist, operating theatre, an outpatients’ centre and a wellness centre with ancillary uses.

**“Club”** means land used or a building designed or used for the gathering of a group of persons being members of a club, sport club or association with a common objective, subject thereto that it is exclusively used by the members of the club or association and their invited guests.

**“Commercial Use”** land used, or a building designed or used, for such purposes as distribution centres, wholesale trade, storage, warehouses, packing store, cartage and transport services, laboratories and computer centres and may include offices which are directly related and subservient to the main use which is carried out on the land or in the building, and such industries as are supplementary and subservient to the main commercial use carried out on the property.

**“Common Boundary”** means a boundary common to adjoining properties other than a street boundary.

**“Communal Land”** means land under the jurisdiction of a Traditional Council which was at any time vested in:

- i. The South African Development Trust established by Section 4 of the Development Trust and Land Act, 1936 (Act No.18 of 1963); or

- ii. The Government of any area for which a legislative assembly was established in terms of the Self-Governing Territories Constitution Act, 1971 (Act No. 21 of 1971).

**“Commune”** means a dwelling unit where not more than six unrelated persons live together and share communal facilities, such as a kitchen, lounge and bathroom, but may not include a household enterprise. The use is further subject to the policy of the Municipality as amended from time to time.

**“Community Facility”** means land or buildings used for cultural activities, social meetings, gatherings, non-residential clubs, gymnasiums, sport clubs or recreational or other activities where the primary aim is not profit-seeking, and excludes a place of entertainment.

**“Conference Centre”** means land and buildings designed or used as a temporary lecture hall, training facility, a centre for conducting workshops, meetings, conferences, symposiums and related uses, but does not include a place of instruction.

**“Conference Facility”** means an additional activity to a primary function of a hotel, motel, resort, guest house/ lodge, office, place of instruction and tourist accommodation, where conferences may be held.

**“Consent Use”** means permission granted by the Municipality, after due consideration of all relevant facts, by-law, and lawful, reasonable and procedurally fair administrative action, in terms of which a specific type of land use or activity is permitted, in addition, but not exclusively to the primary use right applicable to the land unit concerned.

**“Consent Use Register”** means a register containing particulars regarding all consent uses and consents granted by the Municipality as well as conditions pertaining to such consent.

**“Conservation Purposes”** means any use normally or otherwise reasonably associated with the use of land for the preservation or protection of the natural or built environment, including the preservation or protection of the physical, ecological, cultural or historical environment.

**“Consolidation”** means the joining of two or more pieces of land into a single entity.

**“Controlling Authority”** means the Controlling Authority as defined in Section 1 of the Advertising on Roads and Ribbon Development Act, 1940 (Act 21 of 1940) or the Commission as defined in Section 1 of the National Roads Act, 1971 (Act 54 of 1971), as the case may be.

**“Coverage”** means the total area of a land unit that may be covered by buildings, expressed as a percentage of the nett erf area of the land unit and includes:

- i. walls and buildings;
- ii. solid roofs;
- iii. stairs, steps, landings, except entrance landings and steps, galleries, passages and similar features, whether internal or external; and
- iv. canopies, verandas, porches, balconies, terraces and similar features provided that the following portions of buildings must be disregarded in the calculation of Coverage, namely:
  - (a) stoep, entrance steps and landings;
  - (b) cornices, chimney breasts, pergolas, flower boxes, water pipes, drain pipes and minor decorative features not projecting more than 500 millimetres from the wall of the building;
  - (c) eaves not projecting more than 1,0 metres from the wall of the building; and
  - (d) a basement, provided that the basement ceiling does not project above the ground level.

**“Crèche”** means land and buildings or portion of a building used for the custody and care during the entire, or part of the day on all, or some days, of the week, for more than six children of pre-school going age, and which has been registered as a place of care in terms of applicable legislation.

**“Crematorium”** means land and buildings used for the cremation of human or animal tissue, subject to the provision of the Crematorium Ordinance, 1965 (Transvaal Ordinance 18 of 1965).

**“Cul-de-Sac”** means a dead-end street with only one access and egress.

**“Day”** means a twenty-four-hour period reckoned from one midnight to the next, into which a week, month or year is divided, and corresponding to a rotation of the earth on its axis.

**“Day Care Centre”** means a building or portion of a building used by the owner or occupant, to provide daycare to 6 or fewer young children in the absence of, and on behalf of their parents, and may include a play group or after-school services.

**“Deed of Grant”** means a deed in respect of an ownership unit issued or deemed to have been issued in terms of the Regulations of the Administration and Control of Townships, 1962, (Regulations R293 of 1962).

**“Deeds Registry”** means a deeds registry as defined in Section 102 of the Deeds Registries Act, 1937 (Act No. 47 of 1937).

**“Deemed Zoning”** means the zoning of a land unit which the Municipality deems it to have in circumstances where no formal zoning determination or rezoning was previously executed.

**“Density”** means the number of dwelling units per hectare as prescribed in relation to a specific area in the development parameters.

**“Detached Dwelling Unit”** means a dwelling unit which is not attached to any other dwelling unit on the same property and does not share any common wall or roofed structure with any other dwelling unit on the same property, save where shared parking structures form part of any such dwelling unit.

**“Development Parameters”** means provisions or restrictions in terms of zoning, which sets out the permissible extent of the use or improvement of land.

**“Diagram”** means a diagram as defined in the Land Survey Act, 1997 (Act No. 8 of 1997).

**“Disapproval”** means a decision by the Municipality to refuse an application for the amendment of or addition to land use rights as prescribed in the Scheme.

**“Distribution Centre”** means a warehouse or other building from where goods are distributed and includes a transport depot.

**“Domestic Staff Quarters”** Means an outbuilding of not more than 25m<sup>2</sup> including sanitary and cooking facilities, and used for the accommodation of domestic staff employed at a dwelling unit only.

**“Drive-thru Restaurant”** means land or buildings designed or used as a place of refreshment from where food and refreshments are sold and served to clients in vehicles for consumption away from the property concerned provided that the establishment and operation of a drive-thru restaurant shall be subject to a licence in terms of the Business Act, 1991 (Act 71 of 1991).

**“Driving School”** means a building or land used for the provision of driving tuition or driving lessons in a formal program which aims to prepare a new driver to obtain a learner's permit or driver's licence.

**“Dry Cleaner”** means land and buildings designed and used for the cleaning of clothes and garments utilising a chemical process and processes associated therewith and may include alterations to clothes and garments by an in-house tailoring service.

**“Dwelling House”** Means a single dwelling unit on a property.

**“Dwelling Unit”** means a self-contained, inter-leading group of rooms or a compound building configuration designed in accordance with a particular style approved by the Municipality:

- i. with not more than one kitchen, used for living accommodation and housing of one family, together with such outbuildings as are ordinarily used therewith; and
- ii. does not include tourist accommodation.

**“Earth Bank”** means land that is shaped to hold back earth or loose rock.

**“Eating House”** means any premises to which the public are admitted, where meals are prepared and served for gain or reward.

**“Ecosystem”** means a self-sustaining and self-regulating community of organisms and the interaction between the organisms with one another and with their environment.

**“Electricity Power Station”** means land and buildings used for the generation of electricity and may include ancillary and subservient uses.

**“Electronic or Mechanical Gaming Devices”** means any electronic or mechanical or similar devices which are designed or used for the purpose of playing any game for recreational or amusement purposes or where the operator or player is entitled to a limited payout as determined by law and the operation involves the payment of consideration either by insertion of a coin, token coin, disc or other forms of same.

**“Encroachment Agreement”** means an agreement between an owner(s) and the Municipality relating to the projection of portions of a building or structure on the owner's property onto, or over, the Municipality's property.

**“Engineering Services”** means services installed in the process of development of land for the reticulation of water, electricity and sewerage and the building of streets, roads and stormwater drainage systems, including all related services and equipment.

**“Entrance Stairs and Landings”** means steps and landings to a building, including any low walls and railings, if the steps and landings are not within the main containing walls of the building.

**“Environmental Management Plan”** means a plan that documents the management of site preparation, construction or operations affecting an environmental resource or an environmentally significant place, its environmental values or management requirements, or both.

**“Erection”** in relation to a building or structure includes—

- i. the construction of a new building or structure;
- ii. the alteration or conversion of, or addition to, a building or structure; and
- iii. the re-construction of a building or structure which has completely or partially been demolished.

**“Erf”** means land in an approved township registered in a Deeds Registry as an erf, lot, plot or stand or as a portion or the remainder of any erf, lot, plot or stand or land indicated as such on the General Plan of an approved township, and includes any particular portion of land laid

out as a township which is not intended for a public place, where any reference to an erf coincides with the description of such in the Land Survey Act, 1997, (Act No 8 of 1997).

**“Erf Area”** indicates the surveyed area of such an erf, or a resurveyed area of such an erf, excluding any area of such an erf which can be seen as:

- i.* encroachment on a certain portion of the erf used by the public as a street or portion of a street or is recognised by the Municipality as a street or portion of a street; or
- ii.* has been demarcated for street purposes by any other Act; or
- iii.* has been expropriated by any other Act.

**“Existing Building”** - a building erected in accordance with building plans approved by the Municipality and which is otherwise lawful, the construction of which:

- i.* was completed on or before the fixed date, or
- ii.* was, in the opinion of the Municipality, commenced within a reasonable time before the Fixed Date, but was completed thereafter; or
- iii.* was completed in accordance with the conditions of any permission granted by the Municipality pending the preparation and coming into force of the Scheme.

**“Existing Use”** - the otherwise legal use of land and/or buildings exercised on or before the fixed date and which may be contradictory to the stipulations of the Scheme.

**“Family”** means:

- i.* one or more individuals occupying a dwelling who are related through marriage or common law, blood relationship, legal adoption, or legal guardianship, and unrelated domestic workers and boarders; or
- ii.* a group of not more than 5 unrelated persons including domestic workers or boarders.

**“Farm Portion”** means any portion of land which is not an erf, agricultural holding, road or street, and which is registered as a separate unit in the Deeds Office.

**“Farm Settlement”** means the use of land for homesteads for people living on a commercial farm and which is directly associated with the farming activities related to the particular farm.

**“Farm Stall”** means a temporary or permanent building, located on a farm, where a farmer sells fresh produce and products produced and processed on the same farm to the general public, including the sale and display of arts and crafts. A farm stall may include the sale of convenience goods and a place of refreshment subservient to the main use.

**“Filling Station”** means land and buildings used for the storage of fuels and the retail sale of vehicle fuel, lubricants and LP gas, and may include:

- i.* one workshop bay for emergency repairs to vehicles, but excluding panel beating, spray-painting and major repairs;
- ii.* a convenience shop, which is a building, or portion of a building, restricted to the sale of convenience goods such as bread and confectionery, dairy products, fresh produce, beverages, canned foods, magazines and newspapers, and may include a confectionery and a place of refreshment. The gross area of the convenience shop should not be more than 250 m<sup>2</sup> including storage;
- iii.* an automatic teller machine (ATM);
- iv.* ablution facilities for the employees and customers; and
- v.* a car wash subject to the consent of the Municipality provided that, if any other use is stipulated by any approving authority, the most prohibitive conditions shall prevail.

**“Fitness Centre”** or **“Gymnasium”** means a building, or a part thereof, where people exercise with, or without, exercise apparatus.

**“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 will also be permissible, whether or not with the consent of the Council, as the case may be, in a building approved for other purposes than for flats.

**“Floodline”** means an indicative line indicating the maximum level likely to be reached by floodwaters on average once in a specified time period.

**“Flood-prone Area”** means any land area susceptible to being inundated by water from any source.

**“Floor”** means the inner, lower surface of a room, garage or basement, and includes a terrace or atrium to which the occupants of a building have access.

**“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 land unit. The maximum floor area as a proportion of the erf area is calculated as follows:

$$\text{FAR} = \frac{\text{Floor area of a building}}{\text{Total extent of the land unit}}$$

**“Floor Space”** in relation to any building means the area of any floor which is covered by a slab, roof or projection; provided that:

- i. any area, including a basement, which is reserved solely for parking or loading of vehicles is excluded;
- ii. external entrance steps and landings, a canopy, a stoep and an area required for external fire escapes are excluded;
- iii. a projection including a projection of eaves, and a projection which acts as a sunscreen or an architectural feature, which projection does not exceed 2metres beyond the exterior wall or similar support, is excluded;
- iv. any uncovered internal courtyard, light well or other uncovered shaft is excluded;
- v. any covered paved area outside and immediately adjoining a building at or below the ground floor level, where such paved area is part of a forecourt, yard, external courtyard, pedestrian walkway, parking area or vehicular access, and which is permanently open to the elements on at least the front or lateral side, is excluded;
- vi. any covered balcony, veranda or terrace which, apart from protective railings, is permanently open to the elements on at least the front or lateral side, and which does not exceed 2,5 metres in width, is excluded;
- vii. subject to paragraph (viii), any stairs, stairwells and atriums that are covered by a roof is included;
- viii. in the case of multi-level buildings, any stairwells, lift wells, light wells or other wells, and any atrium, is only incorporated once; and provided further that:

(a) floor space is measured from the outer face of the exterior walls or similar supports of the multi-level building; and

(b) the total floor space is the sum of the floor space of all the levels of the multi-level building, including that of any basement.

**“Funeral Parlour”** means land and buildings used in the preparation for, and administration of, funerals in accordance with compulsory environmental health requirements and may include ancillary showrooms, offices, storage space, viewing area, waiting room, the sale of flowers, coffins, gravestones and other related products, but excludes a mortuary, crematorium, or any storage or preparation of bodies for burial or cremation.

**“Game Farm”** means land used for the rearing and/or breeding of wild animals with or without ancillary building(s) thereto.

**“Game Reserve”** means a land unit(s) providing a wide, but not necessarily complete spectrum of game for viewing by the general public with or without uses normally and reasonably ancillary thereto.

**“Garage”** see “public garage”.

**“Garden Centre”** Means land and buildings used for the storage, cultivation and sale of plants, bulbs, seeds, fish, birds, pots, compost, fertiliser, pesticides, and herbicides and may include the sale of ancillary and subservient gardening products and a tea garden.

**“General Dealer”** is a rural or small town store that carries a general line of merchandise.

**“General Plan”** means a plan, which represents the relative positions and dimensions of two or more pieces of land, has been signed by a person recognised under any law then in force as a Land Surveyor, or which has been approved or certified as a General Plan by a Surveyor General and includes a General Plan or a copy thereof prepared in a Surveyor General's office and approved or certified as such.

**“Greenhouse”** means a structure with the sides primarily made of a transparent material such as glass, Perspex or plastic for the purpose of cultivation of plants or hastening the growth of plants under controlled environmental conditions.

**“GLFA”** means gross leasable floor area being the total floor space designed for, or capable of, occupancy or control by tenants, measured from the centre line of the joint partitions to the inside finished surface of the outside walls, but excludes public toilets, internal walkways, lift shafts, service ducts, interior parking and loading bays.

**“Government Purpose”** means land and buildings or a part thereof designed or used for Government offices, depots, workshops, stores, communication centres and police stations and includes incidental uses such as a cafeteria but excludes industries and noxious industries.

**“Gross Density”** means a measure of the number of dwelling units in a specified area, and is calculated as follows:

$$\text{Gross dwelling density (units per hectare)} = \frac{\text{Total number of dwelling units in a specified area}}{\text{Extent of specified area in hectares;}}$$

**“Ground Floor”** - the storey on which there is an entrance or entrances to the building from the lowest natural ground level.

**“Group Housing”** means a group of detached and/or attached dwelling units on a land unit that form an integrated, harmonious and architectural unit and includes concepts like group housing, townhouses, simplexes, duplexes and all such development, but excludes uses included in the definition of dwelling house or flats.

**“Guest-house”** means a residential enterprise which can be conducted from rooms without a kitchen, used for the accommodation of visitors on a temporary basis, subject to such requirements laid down by the Municipality, provided that:

- i. the owner or occupant of the dwelling unit shall reside on the property and shall also conduct the tourism accommodation enterprise;
- ii. the use shall not interfere with the amenity of the neighbourhood;
- iii. the preparation and serving of food and meals shall be restricted to the residents of the dwelling unit and guest house only;
- iv. the number of guests shall be restricted to sixteen (16);
- v. provision is made for conference facilities if approved by the Municipality;
- vi. planning parameters applicable to the Use Zone shall apply.

**“Hardware”** means a shop selling household hardware for home improvement including: fasteners, building materials, hand tools, power tools, keys, locks, hinges, chains, plumbing supplies, electrical supplies, cleaning products, housewares, tools, utensils, paint, and lawn and garden products directly to consumers for use at home or for business.

**“Hazardous Substance”** has the same meaning as “grouped hazardous substance” as defined in Section 1 of the Hazardous Substances Act, 1973 (Act 15 of 1973).

**“Heavy Vehicle Parking Depot”** means a property or building thereon used only for the temporary storage or *ad hoc* parking of heavy-duty vehicles, long-haul vehicles, trucks, buses and road construction or maintenance vehicles. A heavy vehicle parking depot does not include a fuelling facility or a workshop for the servicing or maintenance of any vehicles.

**“Height”** of a structure means a vertical dimension of the structure from the natural ground level to the wall plate or in the case of a pitched roof, the ridge of the roof or the highest point of a building if indicated as such, measured in metres, provided that:

- i. the height of a structure does not include chimneys, flues, masts and antennae;
- ii. elevator motor rooms, satellite dishes, ventilation shafts, water tanks, air conditioning plant and equipment on top of a building, are included to determine the height of a structure unless enclosed within the roof or hidden behind parapet walls, not exceeding 2 metres in height; and
- iii. the general provisions regarding these aspects in this Scheme also apply.

**“Heritage Resource”** means any place, building, land or object of cultural significance as determined in the National Heritage Resource Act (Act, No 25 of 1999).

**“Hiking Trail”** means part of a recreation area or farm which has been marked or posted for the purpose of hiking, skating or running by the public.

**“Home Occupation Practice”** – means a small-scale enterprise conducted by the occupant of a dwelling unit as a practice or occupation with the aim of deriving income therefrom and which is staffed by a maximum of three (3) persons, of whom at least one is a full-time resident of the property, subject to such requirements imposed by the Municipality and subject to the policy of the Municipality as amended from time to time provided that:

- i. the dominant use of the property shall remain residential;
- ii. the business shall not exceed a floor area of 40m<sup>2</sup>;
- iii. the comments from surrounding owners be obtained;
- iv. the business shall not be noxious;
- v. the business shall not interfere with the amenity of the neighbourhood;
- vi. sufficient parking is available as stipulated in terms of this Scheme;
- vii. no title condition applicable to the property may be transgressed;
- viii. only professional office usage qualifies as Home Occupation Practice.

**“Hospital”** means land and buildings used for the accommodation and care of sick or injured persons or persons needing specialised medical treatment or operations and may include operating theatres, x-ray rooms, and ancillary and subservient uses such as a cafeteria, dispensing chemist, shops, and offices and consulting rooms directly related to the hospital.

**“Hostel”** means a boarding house for persons attending a Place of Instruction or Institution and which is owned or managed by, or on behalf of, the said Place of Instruction or Institution.

**“Hotel”** means a building which complies with the provisions of the Hotels Act, 1965 (Act 70 of 1965) as amended, and is used as a temporary residence for transient guests, which use exceeds the restrictions of a guest house/ lodge, where personal services, lodging and meals are provided and may include activities reasonably and ordinarily related to a hotel, including conference facilities, place of refreshment, tourist facilities, sport and recreation facilities, banquet hall, spa/hydro and wellness centre, and in respect of which a hotel liquor license has been, or is intended to be, issued under the Liquor Act, 1989 (Act No. 27 of 1989), as amended, but excludes any off-sales facilities.

**“Household”** means the following people that live together:

- i. a married couple with or without their parents and/or their children; or
- ii. a single person with his/her parents and/or his/her children; or
- iii. brothers and sisters; or
- iv. a single person with his/her grandparents and/or his/her grandchildren; or
- v. grandparents with their grandchildren.

**“Illegal Township”** means land held under farm title or as an agricultural holding in terms of the Agricultural Holdings (Transvaal Registration) Act, 1919 (Act 22 of 1919), or other forms of ownership, used in the opinion of the Municipality for purposes contemplated in the definition of a township where no township contemplated in terms of the By-Law or in terms of any other law has been established, but excludes informal areas as may be determined by the Municipality.

**“Industry”**-the use of land or a building as a factory as defined in the Factories, Machinery and Building Works Act, 1941 (Act 22 of 1941) and works as defined in the Mines and Works Act, 1956 (Act 27 of 1956) and including offices, loading bay and canteen which are directly related to and subservient to the main use conducted on the property.

**“Informal Structure”** means a residential shelter of a temporary nature in accordance with the provisions of the Act on National Building Regulations and Building Standards, 1977 (Act 103 of 1977) and any amendments thereof.

**“Informal Township”** means the informal occupation of land by persons none of whom are the registered owners of the land for primarily residential purposes where basic services have been provided.

**“Informal Trading Place”** means land and or buildings or part thereof earmarked for conducting informal business with the consent of the Municipality and the surrounding owners.

**“Information Centre”** means a place where members of the public may source information about an area, organization and/or activities offered within a specific location.

**“Institution”** or **“Institutional Use”** means a building or portion of a building used or intended to be used as a social or welfare institution or for the administration thereof, and includes a hospital, nursing home, frail care facility, sanatorium, clinic, whether private or public, and includes ancillary shops, dispensing chemist, and offices or any other buildings or use reasonably connected with such use.

**“Internet Café”** means land and buildings or part thereof used for hiring of computers and internet access to customers for use on the premises and may include ancillary and subservient uses.

**“Kennels”** means land and buildings used for the purpose of keeping, breeding, accommodating and lodging of any domestic animal.

**“Kiosk”** Means a part of a building designed and used for the preparation or retail sale of meals and refreshments as well as the retail sale of cold drinks, tobacco, reading material and sweets and/or any other products which may be specified by the Municipality from time to time. The area used for a kiosk shall not exceed a total floor area of 12m<sup>2</sup>.

**“Kitchen”** means a room or part of a room equipped for preparing and cooking meals and excludes a braai room, food and drink preparation area or bar facilities in an entertainment area.

**“Laboratory”** means land and buildings used for scientific and medical research and experimentation but does not include any activities which create the danger or nuisance of noise, smoke, fumes or odours.

**“Land”** means any erf, agricultural holding, sectional title communal property or farm portion and includes any improvement on land and any interest in land.

**“Landscaping”** means the placement of plants, contoured features, water features, paving, street furniture and other soft and hard elements, for the purposes of enhancing the aesthetic appeal, environmental management, amenity and value of a property.

**“Land Use Right”** means the right to utilise or improve land in accordance with the zoning thereof or any approved departure, consent use or condition of approval, and where applicable, in accordance with a site development plan.

**“Laundromat”** or **“Launderette”** means a building or portion of a building designed and used for the provision of washing machines and clothes dryers to be utilised by the general public on payment for the washing of clothes and garments and the subsequent drying and ironing thereof.

**“Light Industry”** means a use, which, in the opinion of the Municipality is a small-scale industry, with emphasis on non-noxious production activities, maintenance and repair, as well as retail trade in connection therewith, that shall not cause the deterioration of the amenity of the neighbourhood or cause disturbance in consequence of noise, appearance, odour or activities or any reason whatsoever and may include offices which are related directly, and are complementary, to the main use.

**“Liquor Outlet”** means land used or a facility/building designed or used for the purpose of carrying on retail trade in liquor products as defined in terms of the Liquor Act, 1989 (Act No. 27 of 1989) and the Limpopo Liquor Act (Act 5 of 2009).

**“Listed Activities”**- development actions that are likely to result in significant environmental impact as identified by the Minister of Environmental Affairs and Tourism in terms of Section 21 of the Environment Conservation Act, 1989 (Act 73 of 1989) for which environmental authorization is required before implementation.

**“Loading Bay”** means an area which is clearly demarcated for the loading and off-loading of goods from commercial vehicles, and which has vehicular access to a public street to the satisfaction of the Municipality.

**“Lodge”** means land and buildings used for accommodating guests or tourists for short periods, and may include recreation facilities, conference facilities, wedding chapel, staff quarters and ancillary and subservient uses.

**“Lodging”** means the provision of bedroom accommodation or, in the case of a backpacker's lodge, dormitory accommodation that is made available on payment of a charge or fee and includes the services ordinarily related to such accommodation.

**“Loff”** means a storey in the roof of a building which can be used for the same purposes as the other storeys in the same building and which shall be calculated as gross floor area and height in terms of the relevant Regulation or Annexure.

**“Mall”** means an enclosed indoor area containing common areas and multiple businesses and stores primarily devoted to the retail sale of goods and services, as well as restaurants and offices and other uses ordinarily associated with a shopping mall.

**“Maximum Floor Space”** means the greatest total floor space that is allowed for a building or buildings on a land unit, and is calculated by multiplying the floor factor by the area of the land unit or that portion of the land unit which is situated within a particular zone; provided that where the land unit is situated within two or more zones to which different floor factors apply, the maximum floor space for the entire land unit is the total of the maximum floor space for each zoned portion of the land unit.

**“Medical Consulting Rooms”** means land and buildings used by medical and dental practitioners including general practitioners, medical specialists, pathologists, radiologists, dentists, ophthalmologists and similar uses such as specialist therapists, psychiatrists and psychologists, and may include a dispensing chemist, the floor area of which does not exceed 36m<sup>2</sup>.

**“Mezzanine”** An intermediate floor in a building between the ground floor and the first floor, and for the purposes of measuring height, a mezzanine shall be counted as a storey.

**“Mineral”** means a substance, whether in solid, liquid or gaseous form, occurring naturally in or on the earth or underwater and which was formed by, or subjected to, a geological process, and includes sand, stone, rock, gravel, clay, soil and any material occurring in residue stockpiles or in residue deposits, but excludes:

- i. water, other than water taken from land or sea for the extraction of any mineral from such water;
- ii. petroleum; or
- iii. peat.

**“Mining”** means land and buildings, that under the Mineral and Petroleum Resources Development Act, 2002 (Act 28 of 2002) and any amendments thereof, are used or designated for mining and/or extraction of minerals, or for which purpose a permit has been issued under the fore-mentioned Act.

**“Minor Structural Changes”** means small structural changes to an existing building for which a building plan is not a requirement.

**“Mobile Home”** means a transportable factory-constructed structure approved by the SABS intended for human accommodation, approved by the Council and with the necessary

service connections used as a permanent dwelling subject to the density stipulations contained in the Scheme in relation to a specific zoning category.

**“Mortuary”** means land and buildings used for storage space and refrigeration facilities to keep corpses and to prepare corpses for burial or cremation in addition to the execution of post-mortem examinations.

**“Motel”** means a licensed hotel that is specially adapted for the convenience of the motoring public by means of the provision of parking facilities at every unit and includes other facilities associated with a hotel.

**“Motor Trade”** or **“Motor Sales Market”** means land used, with or without ancillary buildings, for the sale or display of roadworthy motor vehicles, but does not include any form of workshop.

**“Motor Vehicle”** means a wheeled vehicle designed or used for propulsion by means of an internal combustion or electrical engine, and includes a motorcycle, trailer or caravan, but excludes a vehicle moving exclusively on rails.

**“Motor Workshop”** means land and buildings used for the following:

- i. repair and servicing of vehicles, excluding panel-beating or spray-painting; and
- ii. installation of motor spare parts and accessories.

**“Municipal Planning Tribunal”** means the Collins Chabane Municipal Planning Tribunal established in terms of the Collins Chabane By-Law on Spatial Planning and Land Use Management.

**“Municipality”** means the Collins Chabane Local Municipality established in terms of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998), and any employee of the Municipality acting in terms of delegated or sub-delegated authority thereof.

**“National Building Regulations”** means the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977).

**“National Environmental Management Act”** means the National Environmental Management Act, 1998 (Act 107 of 1998).

**“Natural Ground Level”** means the level of the land in its unmodified state, or in a state which has been graded, with the Municipality's approval, for the purposes of development.

**“Nature Conservation Area”** and/or **“Historical Conservation Area”** means land and buildings designated by ruling legislation other than this Scheme to be used for purposes normally or otherwise reasonably associated with the preservation or protection of the natural or built environment, including the preservation or protection of the physical, ecological, cultural or historical characteristics of land or buildings against undesirable use, exploitation, neglect or human activity and with the consent of the Municipality, may also include limited temporary residential accommodation such as a lodge.

**“Nature Reserve”** means a national park (whether publicly or privately owned or controlled) or that has been declared as a nature park or reserve in terms of legislation (e.g. national parks, protected natural environments, forests) and includes:

- i. an area that is used as a game park or reserve for fauna or flora in their natural habitat;
- ii. buildings that are reasonably connected with the management of a nature reserve, inclusive of facilities for day visitors; and
- iii. may include accommodation and tourist facilities with the consent of the Municipality.

**“Noise Level”** means a reading on an integrated impulse sound level meter taken in accordance with accepted scientific principles as described in GN 579 dated July 2010: Model Air Quality Management By-law as adapted as a By-law by Municipalities in terms of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000).

**“Non-conforming Use”** means an existing land use that was lawful in terms of a previous Land Use Scheme but that does not comply with this Scheme.

**“Notice”** unless otherwise specifically provided for in terms of this Scheme or any other law, a written notice as a means to give a notice in writing within the provisions of the Interpretation Act 33 of 1957.

**“Noxious Trade”** or **“Noxious Industry”** means an industry or trade which is dangerous or troublesome to the broader public in Council's opinion, or which has a disturbing effect on the environment, whether it is due to odour, smoke, noise, flow-off, dust or solid waste and includes the following activities: panel beating, spray painting, blood boiling, bone boiling, tallow melting, fat melting or extracting, soap boiling, tripe boiling or cleaning, skin storing, bone storing, fellmongering, skin curing, blood drying, gut scraping, leather dressing, tanning, glue making, size making, charcoal burning, brick burning, lime burning, manure making, manure storing, parchment making, malt making, yeast making, cement works, coke ovens, salt glazing, sintering of sulphur bearing materials, viscose works, smelting of ores and minerals, calcining, paddling and rolling of iron and other metals, conversion of pig iron into wrought iron, reheating, annealing, hardening, forging, converting and carburising iron and other metals, works for the production of, or which employ, carbon disulphide, cellulose lacquers, cyanogen or its compounds, hot pitch of bitumen, pulverised fuel, pyridine, liquid or gaseous sulphur dioxide and sulphur chlorides, works for the production of amyl-acetate, aromatic ethers, butyric acid, caramel, enamelled wire, glass, hexamine, iodoform, lampblack, B-naphtha, resin products, salicylic acid, sulphonated organic compounds, sulphur dyes, ultramarine, zinc chloride and zinc oxide and oil refining and works dealing with the processing or refining of petrol or oil or their product.

Provided that:

- i. when a certificate, issued by the Medical Officer or Health Officer of the Municipality in consultation with the Inspector of Factories, is produced, declaring that the process intended to be used in connection with any of the foregoing activities or factories will eliminate all nuisances or threats to the health in the neighbourhood due to:
- ii. vapour or effluvia;
- iii. fluids or liquid wastes originating from the property if it is the intention to purify the wastes according to the soil treatment method, the piece of land and its position in relation to streams or water courses must be mentioned; and
- iv. solid waste material.

The Municipality may consent to the erection of such a building in “Industrial Zone 2” only.

**“Objector”** A person who has lodged an objection with the Municipality to a draft Municipal Spatial Development Framework, draft Land Use Scheme or a land development application.

**“Occupant”** in relation to any building, structure or land means and includes the following: 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 from the area, or whose whereabouts are unknown.

**“Offices”** means land and building used or designed to be used for administrative, clerical or professional usages and includes banks, insurance companies, building societies, micro-lenders and subservient and ancillary uses such as inter alia, parking and cafeteria but excludes medical consulting rooms.

**“Occupational Health and Safety Law”** means the Occupational Health and Safety Act, 1993 (Act 85 of 1993) or municipal by-laws governing occupational health and safety, whichever is applicable.

**“Open Space”** means land which is predominantly free of buildings or structures and which provides ecological, socio-economic and place-making functions such as natural areas, nature conservation areas, protected areas, nature reserves and includes ridges, watercourses, wetlands, ecologically sensitive areas, parks, and squares and may include ablution facilities, pergolas, benches, and related facilities.

**“Outbuilding”** means a structure, whether attached or separate from the main building, which is normally ancillary and subservient to the main building on a land unit, and includes a building which is designed to be used for the garaging of motor vehicles, and any other normal activities in so far as these are usually and reasonably required in the connection with the main building, but does not include a second dwelling.

**“Outdoor Advertising”** means the act or process of notifying, warning, informing, making known or any other act of transferring information in a visible manner and which takes place out of doors.

**“Overnight Accommodation”** Means a residential unit or rooms with or without a kitchen, used for provision of temporary accommodation to persons.

**“Owner”** in relation to land, means:

- i. the person or entity in whose name the land is registered in a Deeds Registry in terms of the Deeds Registries Act, 1937 (Act 47 of 1937) or in whom the ownership of the land vests;
- ii. the holder of a registered servitude right or registered lease;
- iii. any successor in title of the owner; and
- iv. a person authorised by a power of attorney to act on behalf of the owner.

**“Owner’s Association”** means an association of property owners (usually within a security township) where membership is compulsory for all owners. The association shall be registered as a Non-Profit Company (NPC) in terms of the Companies Act, 2008 (Act 71 of 2008) and may also regulate aesthetics and design guidelines for all member-owners which shall apply in addition to the provisions of the Scheme.

**“Panel beater”** or **“Panel beating”** - the replacement, repair and/or panel beating of the body and spare parts of vehicles and/or the spray-painting thereof.

**“Panhandle”** – the access section of a panhandle erf, which section:

- i. shall provide access from a street to the land unit;
- ii. must be at least 4m wide along its entire length;
- iii. shall have a slope that does not exceed 1:8;
- iv. shall provide access only to the erf of which it forms a part as well as the property in favour of which a servitude of right of way has been registered over the panhandle;
- v. shall for the purpose of the application of this Scheme not be considered as a part of the erf for calculation of FAR, Coverage and Density;
- vi. no building or structures except screen walls or dense barriers may be erected along the boundaries of the panhandle to the extent and of the material, design, height, position and maintenance as determined by the Municipality shall be erected in the panhandle.
- vii.

**“Parapet”** means a low projection, wall or moulding which finishes the uppermost edge of a building with a flat or low-pitched roof.

**“Parking Bay”** means an area measuring not less than 5 metres x 2,5 metres for perpendicular or angled parking and 6 metres x 2,5 metres for parallel parking, which is clearly identified and demarcated for the parking of one motor vehicle and may be provided in the form of a garage or carport, and which is accessible for easy and safe vehicle movement.

**“Parking Garage”** Means land used or a building designed or used exclusively for the parking of motor vehicles not intended for trade or sale, but does not include a building, any part of which is designed or used as a workshop for the repair of motor vehicles.

**“Pergola”** means any unroofed horizontal or approximately horizontal grille 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.

**“Physical Barrier”** means a permanently-fixed barrier erected on the street boundary of an erf, consisting of an approved brick or concrete wall or fencing or chains and/or bollard-type or crossed-over wooden, iron or steel poles or concrete plant boxes or other type of barrier acceptable to the Municipality.

**“Place of Amusement”** or **“Place of Entertainment”** means a business enterprise for the use of a multi-purpose facility for the purpose of sport, recreation, entertainment and the licensed provision of gambling activities and alcoholic beverages, and may include uses such as a place of refreshment, tavern, bar, theatre, cinema, art gallery, trade or industrial exhibition, music hall, concert hall, dance hall, discotheque, amusement park, sports centre, billiard-room, skating rink, race track, private club, machine-games or similar uses, as well as an ancillary children’s play area, but excludes adult entertainment business.

**“Place of Instruction”** means a building designed for use or used as a school, college, technical college, lecture hall, institute, or other educational centre and may include a cafeteria, crèche, convent or monastery, public library, bookshop, art gallery, museum, conference facilities and gymnasium.

**“Place of Public Worship”** means land or building designed for use, or used as a church, chapel, oratory, house of worship, synagogue, temple, mosque, or other place of public devotion, and includes a building designed and used as a place of religious instruction or an institution on the same property associated with any of the foregoing buildings which is intended to be used for social intercourse and recreation and may include a parsonage, funeral chapel and a wall of remembrance subject to approval of the Municipality but shall not include a funeral parlour.

**“Place of Refreshment”** includes a confectionery, restaurant, fish fryer, drive-thru-restaurant, tearoom or coffee-shop and means a building which is not an hotel, residential club or drive-in restaurant, but which is designed and used for the preparation or the retail sale of meals, refreshments, as well as the retail sale of fresh produce, mineral waters, tobacco, reading material and sweets.

**“Planning By-law”** means the Collins Chabane Spatial Planning and Land Use Management By-Law 2019 or amendments thereof.

**“Planning Law”** means the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013).

**“Plaza”** means an urban open space or square, primarily designed for outdoor use by pedestrians.

**“Policy Plan”** means a policy adopted by the Municipality, Structure Plan, Spatial Development Framework or other policy plan approved in terms of planning law.

**“Porch”** means an area protected by a roof (not being the floor of a balcony) projecting from the outside of a building above a doorway, and forming a covered entrance to the building, and includes any paved area thereunder and any low walls or railings enclosing that paved area, and any pillars supporting that roof.

**“Premises”** means a piece of land together with its buildings considered to be a place of business.

**“Primary Use”** in relation to property means any land use specified in this Land Use Scheme as a primary use, being a use that is permitted within a use zone without the need to obtain the Municipality’s approval except where the Municipality may require a site development plan.

**“Private Open Space”** means land zoned for use as private grounds for sport, play, refreshment, rest, and recreation area or as an ornamental garden to which the general public will have no admission, except with consent.

**“Private Parking”** means land and/or buildings or a part thereof, which is used for parking of motor vehicles under the control of a private individual or agency.

**“Private Street”** means land set aside for the passage or parking of motor vehicles, which is privately owned, excludes a public street and may include private open space.

**“Professional Usage”** means such types of uses as are normally and reasonably associated with the concept “professional” e.g. doctors, dentists, architects, lawyers, chartered accountants, engineers and town planners; the rendering of a service, as opposed to carrying on a business, as one of the distinguishing factors.

**“Property”** means land together with any improvements or buildings on the land.

**“Protected Area”** means an area of land declared as a Protected Environment in terms of Section 21(1)(a) of the Limpopo Environmental Management Act, 2003 that will substantially promote the preservation of specific ecological processes, natural systems, natural beauty or species of indigenous wildlife or the preservation of biotic diversity in general with the nature primarily orientated to support sustained economic activities. Such area may comprise private, communal, or state land or any combination thereof which is contractually developed and managed with joint resources for conservation education, recreation and sustainable resource utilisation purposes.

**“Provincial Road”** means a road that is under the jurisdiction of the provincial roads authority.

**“Pub or Public House”** means an establishment for the sale of predominantly alcoholic beverages, and sometimes also food, to be consumed on the premises and is also known as a tavern or bar.

**“Public Garage”** means land and buildings which, for the purpose of profit, is used for the maintenance, repair or fuelling of motor vehicles and associated purposes, excluding panel-beating and spray-painting, and may include any one or more of the following uses: parking, or storage of motor vehicles, the sale of spare parts, accessories, fuels and lubricants for motor vehicles as well as the display and sale of new or used motor vehicles.

**“Public Open Space”** means any land zoned for use by the public as an open space, and includes a park, garden, playground, recreation park or square to which the general public has right of access.

**“Public Parking”** means land or a building or part thereof that is accessible to the general public for parking purposes.

**“Public Place”** means any open or enclosed place, park, street, road or thoroughfare or another similar area of land shown on a General Plan or diagram that is for use by the general public and is owned by, or vests in the ownership of, the Municipality, and includes a public open space and servitude for any similar purpose in favour of the general public.

**“Public Road”** or **“Public Street”** means any road or street for public use or any land intended for such purposes.

**“Public Storage”** means land and buildings used for the storage of mainly household furniture, vehicles, documents and equipment in individual lockable store rooms and may include ancillary and subservient offices, a guard house and a caretaker's flat.

**“Quarrying”** means the excavation of dimension stone, rock, construction aggregate, sand gravel or slate from the ground in an open-pit mine manner to produce building materials and dimension stone.

**“Railway”** means a permanent rail track for the transport of passengers and goods in trains and includes stations as boarding and alighting points for passengers and the loading and unloading of goods.

**“Rear Boundary”** means the boundary of a lot or erf which is situated furthest away from any street boundary, and which does not meet any street boundary.

**“Recreation”** means any land earmarked for use as private or public sports fields, playground and recreation site including any building, structure or facility appurtenant thereto.

**“Refuse Room or Refuse Cage”** means a defined screened refuse receptacle from where refuse is collected from time to time, usually on a weekly basis.

**“Registered Land Surveyor”** means a professional land surveyor or professional surveyor, registered as such in terms of the Geomatics Act, 2013 (Act 19 of 2013).

**“Renewable Energy Structure”** means any wind turbine or solar voltaic apparatus, or grouping thereof, which captures and converts wind or solar radiation into electricity and is erected for commercial use and/or gain irrespective of whether it feeds into the national electricity grid or not, and includes any appurtenant structure or any test facility or structure which may lead to the generation of energy on a commercial basis.

**“Rental Rooms”** means a room meant for residential occupation by a single person; is constructed with formal building materials; has a floor area exceeding 7m<sup>2</sup>; has access to separate or shared toilets, bathing, cooking and living facilities; and meets minimum acceptable accommodation standards.

**“Reservoir”** means land and buildings designed for the bulk storage of water reticulation and pumping equipment and may include toilets, storerooms, and ancillary and subservient municipal uses.

**“Residential Building”** means a building other than a dwelling unit, group housing, hotel, flat or institution, that is designed for, and used as, a boarding house, residential club, hostel, residential hotel, or rooms to let where the rooms within or forming part of a residential building do not include any kitchen.

**“Residential Settlement”** means an environment or place where people reside consisting of household shelters.

**“Resort”** means a place of rest, holiday place, tenting or camping ground, caravan park, game park, a pleasure resort or picnic spot intended for public recreation with the view to profit or gain and includes a place of refreshment and other buildings normally related and appurtenant to such a resort, as approved by the Municipality, provided that no facility within the resort shall be occupied by any person for an uninterrupted period exceeding three (3) months within twelve (12) month cycle, except with the consent of the Municipality.

**“Restaurant”** means land and/or buildings or a part thereof used for the preparation and sale of food or drink, whether or not consumed on the site, and may include inter alia a drive-thru restaurant, confectionery, and a bar as well as an ancillary children’s play area but excludes a place of entertainment and any activity which, in the Council’s opinion, may cause public nuisance; and shall be subject to a licence in terms of the Business Act, 1991 (Act 71 of 1991).

**“Retail Trade”** means the sale or rental of goods direct to the public for use or consumption rather than for resale.

**“Retaining Structure”** means a wall or structure constructed so as to hold back earth or loose rock.

**“Retirement Village”** means land and buildings designed or used to provide residential accommodation for persons of 50 years and older. The “village” may include dwelling-units and a service centre for the use of residents only and includes an assembly hall with recreational facilities, a sick bay, medical consulting rooms, exercise and treatment rooms, dining facilities, a library, tuck shop, a laundrette, hairdressing facilities, banking facilities, an automated teller machine, and other ancillary uses, such as frail care facilities, for the use of residents only, subject to the provisions of The Older Persons Act, (Act 13 of 2016).

**“Rights”** means land use rights obtained in terms of this Scheme.

**“Road”** includes a public street or a private road.

**“Road Reserve”** means the designated area of land that contains a public street or private road (including the road and associated verge), which land may or may not be defined by cadastral boundaries.

**“Rezoning”** means the change of zoning in relation to a particular land unit or units or portion of a land unit, in terms of planning law.

**“Satellite Dish Antenna”** means apparatus fixed to a structure or mounted permanently on the ground, that is capable of receiving or transmitting communications from a satellite.

**“Scheme”** or **“Land Use Scheme”**- refers to the Collins Chabane Land Use Scheme, 2023.

**“Scheme Map”** means a map indicating all zonings within the area of jurisdiction of this Land Use Scheme.

**“Scheme Regulations”** has the meaning assigned thereto in the By-Law.

**“Service Enterprise”** means a small-scale enterprise regarded as Service Industry and includes a hair salon, a beauty parlour or beauty salon and similar activities, which is used by the occupant for the conduct of a practice or occupation with the aim of deriving income therefrom and which is practised by a maximum of three (3) persons, of which the principal of such enterprise is a full-time resident of the property, from a dwelling unit in such a way that the residential character and primary use of the dwelling unit and environment shall not, in the opinion of the Municipality, be in any way harmed or changed, and the enterprise shall, in the opinion of the Municipality, be conducted from a core part of the dwelling unit and/or main building and may not without the consent of the Municipality, be conducted from any outbuilding remotely removed from such main building. No retail trade, except retail trade that is subservient to the main enterprise and which will, in the opinion of the Municipality, not prejudice the general character of the area, is permitted from the property.

**“Service Industry”** means an industrial activity and related retail business, conducted on a small scale, incidental to the needs of the local community, which will not impair the amenity of surrounding properties or create a disturbance.

**“Service Yard”** means a defined screened area providing utility services for, amongst others, general residential developments which include facilities such as washing lines.

**“Scrapyard”** means land and buildings used as a junk-yard or scrap-yard for the dismantling, stacking, storing or preparation for resale of any used material, scrap metals, scrap motor

vehicles, scrap machinery, or any other scrap materials, whether or not such dismantling or storage is conducted with a view to the disposal or re-use of such scrap.

**“Second Dwelling Unit”** means an additional dwelling unit which may be erected with the consent of the Council and complements the main dwelling unit, including a kitchen and bathroom, on the same cadastral land unit on which a dwelling unit exists or is in the process of being erected, provided that:

- i. in the case of land zoned for “Residential 1”, only one additional dwelling unit is permitted with the Consent of Council and shall not exceed 30% of the floor area of the main dwelling unit;
- ii. in the case of land zoned for agriculture purposes, the additional dwelling unit shall not exceed 120m<sup>2</sup> in extent; and
- iii. site development plan and building plans are approved by the Municipality.

**“Servitude”** means a registered right that grants the use of a portion of land for specific purposes to specified persons or parties other than the owner.

**“Sewerage Works”** means land and buildings designed or used for the treatment and purification of sewage and may include ancillary offices and storerooms and ancillary and subservient uses deemed necessary by the Municipality.

**“Shop”** means land used or a building designed or used for the purposes of carrying on retail trade and the necessary accompanying storage and packaging, and includes any accompanying use on the same site which is incidental and subordinate to the conduct of the retail business: provided that such accompanying storage and packaging and accompanying use shall not give rise to any disturbance or nuisance. The following uses shall not be considered as incidental to a shop: - a noxious activity, risk activity, drive-in restaurant, place of refreshment, bar, scrap-yard, wholesale trade, builder's yard, warehouse, public garage, filling station, parking garage, place of amusement, motor sales market, and a garden centre.

**“Shopping Complex”** means a group of retail shops, restaurants, and other businesses with a common interest in soliciting sales. The facility is developed at a planned commercial location and typically offers private, off-street parking facilities or areas.

**“Short Term Rental”** means a dwelling unit and/or second dwelling unit which is used for the purposes of letting for overnight or holiday accommodation, with or without the provision of meals, to guests for a short-term stay. Rental periods shall range between 1 to 30 days and can include rental of the entire dwelling unit, individual rooms or portions of rooms.

**“Showroom”** means land and buildings designed or used only for the display of products and ancillary offices and materials and excludes the sale or delivery of such products or materials on the same property.

**“Shipping or Transport Container”** means a large, weatherproof container used for the transport of goods by sea, rail or road, that is usually stored in the open when not in use.

**“Side Boundary”** or **“Lateral Boundary”** means any boundary of a land unit, which does not constitute the common boundary with a public street or public road but intersects with said common boundary.

**“Sign”** means any sign, sign-writing, mural, graphic design, signboard, screen, blind, boarding or another device by means of which an advertisement or notice is physically displayed, and includes any advertisement or object, structure or device which is in itself an advertisement or which is used to display an advertisement.

**“Site Development Plan”** means a scaled and dimensioned plan that shows details of the proposed development including the site layout, positioning of buildings and structures, property access, building designs and landscaping.

**“Social Hall”** means a building designed for use as or used for social assemblies, gatherings, meetings, and recreational purposes and includes a masonic temple and a non-residential club but does not include a "place of amusement".

**“Spa / Hydro and Wellness Centre”** means land and building or a part thereof used for relaxation and body regeneration by making use of facilities such as pools, baths, and saunas where treatment is provided by professional practitioners.

**“Spatial Development Framework”** refers to a Provincial Spatial Development Framework, a Regional Spatial Development Framework, a Municipal Spatial Development Framework or Municipal Local Spatial Development Framework as defined in Act 76 of 2013.

**“Spaza Shop” or “Tuck Shop”** means a shop with a maximum gross floor area of 20m<sup>2</sup> on a residential property selling daily convenience goods only and prepared and pre-wrapped food, excluding the sale of alcoholic beverages and excluding the cooking of food and which shall not provide table games or electronic games.

**“Special Use”** means a use not defined or provided for in this Land Use Scheme, and may be so classified and permitted in any zone with the approval of Municipality.

**“Special Zoning” or “Special”** means a “Use Zone” in its own right which does not contain standard purposes for which land may be used (uses) as well as conditions to which the use is subject. The purpose (use) for which the property may be used is separately stipulated by means of an Annexure to this Scheme. A Special zoning must specify the purpose (uses permitted) for which the property may be used, and, if necessary, provide a definition for such use, and the specific conditions under which it may be used and buildings erected, including reference to Parking Ratio's, Floor Area Ratio's and Coverage.

**“Sports Facility”** means land and buildings planned, designed and used for sport activities, whether indoors or outdoors.

**“State Purposes”** means land and buildings owned by the State and used for purposes of the State, including offices, warehouses, parking garages, industry, telecommunications centre, hospital, institution, places of instruction and associated purposes – see Government purposes.

**“Stoep”** means an uncovered paved area or projecting floor outside and immediately adjoining a building, at or below the level of the ground floor thereof, and includes any low walls or railings enclosing the paved areas or floors.

**“Storey”** means that portion of a building included between the surface of any floor and the surface of the next floor above; or if there is no floor above the ceiling, then up to the ceiling; provided that, unless the contrary appears clearly from the provisions of this By-law, the following shall apply:

- i. a basement does not constitute a storey;
- ii. a roof, or dome which forms part of a roof, does not constitute a separate storey unless the space within the roof or dome is designed for, or used for, human occupation or other living or entertainment purposes, in which case it is deemed to be a storey;
- iii. the utilisation of an open roof area does not constitute a separate storey, however, should any means of coverage or fixtures such as a Jacuzzi, swimming pool or built-in braai be added to the roof of a building in a single residential zone, such area is regarded as an additional storey;
- iv. any storey which is greater than 4 metres, measured from the finished floor level to the ceiling, but equal to or less than 7 metres in height, is for the purpose of the height measurement, regarded as two storeys, and every additional 4 metres in height or portion thereof, is regarded as an additional storey; and
- v. in counting the number of storeys of a building, the ground floor is the first storey and the next floor above is the second storey.

**“Stormwater”** means water resulting from natural processes, precipitation or accumulation thereof, and includes groundwater and spring water ordinarily conveyed by the stormwater system, but excludes water in a drinking water or waste-water reticulation system.

**“Stormwater System”** means constructed and natural facilities, including pipes, culverts and water courses, used or required for the management, collection, conveyance, temporary storage, control, monitoring, treatment, use or disposal of stormwater.

**“Street” or “Road”** means the area or portion of any street, road, bridge, highway, tunnel, avenue, lane, driveway, sanitary lane, thoroughfare, or the right of way, shown on the General Plan of a township, agricultural holdings or other division of land, or in respect of which the public has acquired a right of way by prescription or any other means.

**“Street Boundary”** means the boundary between a land unit and a public street or private road; provided that the boundary of a pedestrian way or service lane that cannot, or will never, be used by motor vehicles, may be regarded as a common boundary for the purpose of determining building lines, a street centreline setback and site access requirements.

**“Street Centreline Setback”** means the line delineating the area measured from the centreline of a particular public street within which no building or other structure may be erected.

**“Structure”** without in any way limiting its ordinary meaning, includes any building, shelter, wall, fence, pillar, tower, pergola, steps, landing, terrace, sign, ornamental architectural feature, swimming pool, fuel pump or underground tank, any building ancillary to service infrastructure provision, and any portion of a structure.

**“Subdivision”** In relation to land, means to subdivide the land, whether by means of:

- i. Survey;
- ii. The allocation, with a view to a separate registration of land, of undivided portions thereof in any manner; or
- iii. The preparation thereof for such subdivision.

**“Substation”** means a structure erected with the primary function of distributing electricity, water and sewerage.

**“Supermarket”** means a retail concern with a nett retail floor space of not less than 350 m<sup>2</sup> with ancillary facilities such as a confectionery, bakery and butchery and storage area, which is used for sales on the basis of self-service and in which the goods for sale fall in one or more of the following categories:

- i. foodstuffs;
- ii. cookware and kitchenware;
- iii. stationery;
- iv. baby products;
- v. toiletries; and
- vi. household cleansing agents and utensils.

**“Surrounding Owners”** or **“Adjacent Owners”** means the owners of any property abutting or sharing a common boundary with the relevant property including any property which is only separated by a road and any such other owners of property in the proximate vicinity as the Municipality may specifically identify.

**“Tavern”** or **“Shebeen”** means a residential building or dwelling unit or part thereof constructed, designed or adapted for use for social gatherings and for the consumption of liquor on the premises and may include the consumption of non-alcoholic beverages and the preparation and consumption of food, but shall not include any off-sale activity, provided that the dominant use shall remain residential for the occupant of the said dwelling unit and subject to the consent of the Municipality and compliance with applicable health and safety laws.

**“Taxidermy”** means the process of preparing, stuffing and mounting skins of carcasses and horns of animals and “taxidermist” will have the same meaning.

**“Taxi Holding Area”** means an area, usually off-street, where minibuses (taxis) hold before proceeding to loading points and where generally there is no passenger activity. A holding area can either be included within, or separate from, a taxi rank.

**“Taxi Rank”** means a place at which mini buses (taxis) and buses are allowed to wait and/or stop for passengers boarding or alighting.

**“Tea Garden”** means land and a building designed and used for the preparation or retail sale of meals and light refreshments, and includes a café, tea room or coffee shop, but does not include a “Restaurant” and/or the subservient serving and consumption of liquor on the property. The area used for a tea garden may be restricted by the Municipality and is further subject to the policy of the Municipality as amended from time to time.

**“Telecommunication Mast”** means a structure in the form of a mast and a base station, which is designed for communication over a distance by means of telephone, radio, television and internet wave technology or other technology as may be permitted in terms of the relevant legislation. Telecommunication masts are regarded as infrastructure and not as a land use.

**“Temporary Building”** means a building designated as such by the owner after consulting with the Municipality and which is used, or will be used, for a specified period for a specified purpose, but does not include a building shed.

**“Temporary Consent”** means the temporary consent provided by the Municipality that envisages the temporary use of a property for:

- i. the erection and use of temporary buildings, or the use of existing buildings for site offices, storage rooms, workshops or such other uses as may be necessary during the erection of any permanent building or structure on the land; provided that such consent shall *ipso facto* lapse upon completion of the permanent structure or on the expiry date thereof as determined by the Municipality;

- ii. the occasional use of land or buildings for public religious events, place of instruction, institution, place of amusement or social hall;
- iii. the use of land or buildings thereon for state or municipal purposes;
- iv. the use of land or the erection of buildings necessary for the purpose of informal retail trade.

**“Temporary Use”** means a right to utilise land for a purpose granted on a temporary basis for a specific occasion or event.

**“Terrace”** means an area to which occupants of a building have access, created on a flat roof over a portion of the building, resulting from the setting back of part of the building above that portion.

**“Title Deed”** means a legal deed or document approved in terms of the Deed Registry Act, 1937 as amended constituting evidence of a right, especially to ownership of property and conditions thereof.

**“Total Floor Space”** of a building means the sum of the floor space of all the levels of a particular building, including basements.

**“Tourist Facility”** means land or a building used for tourists or day visitors such as a tea garden, farm shop, touch farm, game viewing facilities, gift shop, outdoor activity, restaurant, spa/hydro and wellness centre or a rest room or combination of uses as determined by the Council for the tourist or day visitor industry, fitting with the character of the surrounding area, but does not include overnight accommodation facilities.

**“Townhouses”** means a group of separate and/or linked dwelling units:

- i. which are planned, designed and built as a harmonious architectural entity with a number of unit types;
- ii. which are arranged in a varied and orderly fashion within or around a communal open space and with public and/or private access road;
- iii. with a medium-density character;
- iv. with structures which may vary between single- and double storey configuration and cadastrally divided or not;
- v. of which every single residential unit has a ground floor.

**“Township”** means any land laid out or divided into, or developed as sites, for residential, business, or industrial purposes or similar purposes where such sites are arranged in such a manner as to be intersected or connected by, or to abut on, any street, and a site or street shall for purposes of this definition include a right of way or any site or street which has not been surveyed or which is only notional in character.

**“Traditional Healing Practice”** means a use providing an alternative health service to the community in an attempt to cure illnesses and restore general health, based on the exercising of traditional healing practices, including administering of traditional medicine derived from the natural environment.

**“Traditional Healing House”** means the dwelling or part of the dwelling used to provide a “Traditional Healing Practice” service to the community.

**“Transitional Settlement”** means an area declared or acquired to provide temporary housing for persons in an identified informal settlement or in need of temporary or emergency housing and which area of land shall be formalised in terms of the relevant legislation by the Municipality.

**“Transport Depot/Service”** means land and buildings where vehicles used for cartage, transport services such as buses and trucks, security and emergency response vehicles, courier services in post, parcels and money or where taxi services are parked, serviced, repaired and refuelled but excludes a transport terminus.

**“Transportation Uses”** means the use of land and/or buildings for the operation of an enterprise consisting of the transportation of goods and/or passengers by rail, air, road and pipelines and includes uses such as stations, transportation amenities and facilities, parking, administrative offices and ancillary uses such as warehouses, container parks, workshops as well as residential uses and amenities for personnel, and may further include any uses such as shops or offices which are of service and convenience to passengers, as approved by the Municipality.

**“Truck Stop”** means a facility with direct access from a highway or major transport route which provides overnight facilities for drivers of long-haul vehicles, trucks, buses and heavy-duty vehicles or an overnight parking facility for such vehicles containing their own onboard sleeping facilities. The property may be used for re-fuelling of vehicles and provide a “Place of Refreshment” for the drivers.

**“Undetermined Use Zone”** is used when no other zone is suitable. No primary uses nor consent uses apply to this zone. No new development shall be permitted on any land portion in this zone.

**“Urban Edge”** means a demarcated line which is designated as an urban edge in terms of an approved policy (including the Municipal Spatial Development Framework), which may follow cadastral boundaries or not.

**“Use Zone”** means that part of this Scheme which has been shown on the zoning map by means of a specific notation or bordering or any other distinguishing manner, in order to identify the permitted use of the land.

**“Utility Service”** means land and buildings used by the Municipality, government agencies, parastatals or their authorised agencies for providing infrastructure services such as sewage farms, dumping grounds, reservoirs, substations, conservancy tanks, composting installations and water purification works.

**“Vehicle Workshop”** – means land used or a building designed or used for the repair of trucks, motor vehicles, motorcycles and other engine-driven vehicles.

**“Veterinary Clinic”** means a place where animals are given medical care and the boarding of animals is limited to short-term care incidental to the hospital use, and may include a grooming parlour and a retail outlet restricted to the sale of veterinary and animal maintenance products.

**“Verandah”** means a covered area (not being an area which is part of a yard or parking area) or projecting floor outside and immediately adjoining a building at or below the level of the ground floor thereof, and includes both the covered area or floor and the roof or other feature covering it, as well as any low walls or railings enclosing the covered area or floor.

**“Wall Plate”** means the lowest point of a longitudinal member, bar, rafter, beam, truss, bracket, pillar, post, structure or any other similar device as determined by the Municipality, supporting a roof.

**“Warehouse”** means a building or use of land for the exclusive purpose of storage of goods, which in the opinion of the Municipality are not dangerous, noxious or unsightly, and includes wholesale trade, and may also include ancillary office accommodation which is subsidiary to the main use, but excludes any retail trade on the property of such building, unless the special consent of the Municipality has been obtained.

**“Wholesale Trade”** means trade which is restricted to the sale of goods or products to licenced retailers.

**“Written Consent”** means the written consent of the Municipality, contemplated in Regulation 12.5 of the Scheme.

**“Youth Hostel”** means a place providing cheap accommodation, aimed mainly at serving young tourists.

**“Zone/Zoning”**- means a part of the area of this Scheme, shown on the map, by means of a distinctive notation or edging, or other distinctive manner for the purpose of indicating the rights and restrictions imposed on the erection and use of buildings.

## **PART 3: GENERAL CONDITIONS APPLICABLE TO ALL PROPERTIES**

### **3. LAND USE SCHEME, USE ZONES AND USES**

#### **3.1. PURPOSE OF LAND USE SCHEME**

The purpose of the Land Use Scheme is to:

- i.* make provision for orderly development and the welfare of the community; and
- ii.* determine use rights and development parameters, with due consideration of the principles referred to in Planning Legislation.

#### **3.2. COMPONENTS OF LAND USE SCHEME**

The Land Use Scheme consists of the following components:

- i.* Scheme Clauses or Regulations;
- ii.* The Land Use Scheme Map(s); and
- iii.* The Register.

#### **3.3. LAND USE SCHEME MAP**

- 3.3.1. The Land Use Scheme Map depicts the zoning of land in accordance with the use zone within which the land is classified.
- 3.3.2. The Municipality must update the Land Use Scheme Map within a reasonable time after land use rights have been amended, or have lapsed.
- 3.3.3. The Municipality may keep the Land Use Scheme Map in an electronic format.
- 3.3.4. The Municipality may provide an extract of the zoning map to members of the public on payment of a fee determined by the Municipality in terms of the tariff policy of the Municipality.

#### **3.4. RECTIFICATION OF ERRORS ON LAND USE SCHEME MAP**

- 3.4.1. If the zoning of a land unit is incorrectly indicated on the zoning map or wrongly converted from a zoning map of a former Land Use Scheme, the owner of an affected land unit may submit an application to the Municipality to correct the error
- 3.4.2. An owner contemplated in Regulation 3.4.1 must apply to the Municipality in the form determined by the Municipality and must indicate the zoning which should be allocated
- 3.4.3. The owner is exempted from paying application fees and from liability for the costs of public participation, if applicable.
- 3.4.4. 3.If the Municipality acknowledges the error, the Municipality must amend the zoning map
- 3.4.5. The Municipality may reject the request if no proof can be found supporting the claim of the owner.
- 3.4.6. The Municipality may correct a zoning map if it finds an error on the map after:
  - i.* notifying the owner in writing of its intention to correct the incorrect conversion or error;

- ii. inviting the owner to make representations within a specified period in respect of the proposed correction of the errors on the zoning map; and
- iii. considering any representations received from the owner.

### **3.5. LAND USE SCHEME REGISTER**

The Municipality:

- i. must record all rezonings, consent uses or other permissions granted and non-conforming uses in the Register;
- ii. may keep the Register in an electronic format from the date of commencement of the Land Use Scheme; and
- iii. must make the Register available to members of the public for viewing.

### **3.6. STATUS OF LAND USE SCHEME**

A restrictive Condition of Title takes precedence over any condition or stipulation contained in this Land Use Scheme.

### **3.7. ZONING AND OWNERSHIP**

- 3.7.1. Notations on the zoning map are intended to indicate zoning and not land ownership.
- 3.7.2. Land of which the ownership vests in a public authority may only be included in the Government zoning if it is utilised for a purpose for which no other zone set out is appropriate.
- 3.7.3. If any other zone is appropriate, the land must be zoned for that purpose, whether or not it is owned by a public authority.

### **3.8. PRIMARY RIGHTS**

Primary uses of land permitted in each use zone, are listed in the corresponding part of each zone category labelled "Uses Permitted" in the Land Use Table (Column 3).

### **3.9. CONSENT USES**

Consent uses of land permitted in each use zone, with the Municipality's prior consent in terms of the Planning By-law, is listed in the corresponding part of each zone table labelled "Consent Uses" in the Land Use Table (Columns 4 and 5).

### **3.10. TEMPORARY USES AND COMMUNAL USES**

- 3.10.1. The Municipality must record the relevant information relating to a "Temporary Use" applicable to a land unit in the Register.
- 3.10.2. Approval of a use right as a Temporary Use in terms of the Planning By-law must at least be subject to the development parameters applicable to the use right as stipulated in this Scheme.

### **3.11. NON-CONFORMING USES**

A non-conforming use:

- i.* does not constitute an offence in terms of this By-law; and
- ii.* may continue as long as it remains otherwise lawful.

### **3.12. DEEMED ZONING OF CLOSED PUBLIC PLACES**

The zoning of land that was previously a public street or public open space, vested in, or owned by, the Municipality and that is closed, is determined as follows, namely:

- i.* if the land is transferred to an abutting land owner, that portion of the land falls in the same zone as that of the abutting land belonging to the abutting owner; or
- ii.* the Municipality must determine which zoning applies to the land if:
  - (a)* the land is transferred to an abutting land owner and that owner owns abutting properties in more than one zone; or
  - (b)* for any other zone not provided for herein.
- iii.* the designated rights accrue to the former public place automatically and without formal Scheme amendment except when the new zone does not coincide with any abutting use zone.

### **3.13. USE OF ANNEXURES**

3.13.1. Special rights, conditions and restrictions which may apply to any property within any use zone, may be indicated in an Annexure to the Scheme.

3.13.2. The special conditions and restrictions referred to in Regulation 3.13.1. shall:

- i.* be in addition to the general conditions, restrictions and other provisions of the Scheme; and
- ii.* prevail, should they conflict with any such other condition, restriction or provision in the Scheme.

3.13.3. An Annexure contemplated in Regulation 3.13.1. shall consist of:

- i.* a sheet upon which is inscribed the number of such Annexure, a description of the property to which it applies, the special rights, conditions and restrictions applicable to the property, and the number and name of the relevant Scheme in terms of which the Annexure was prepared; and
- ii.* a cadastrally accurate drawing at the same scale as the Map of the property concerned, which shall accord with the layout shown on the Map.

3.13.4. The number of the relevant Annexure shall be inscribed in a double circle within, or next to, the figure of the relevant property on Map 3 and if it is inscribed next to such figure, it shall be joined to the figure by means of a line.

## **4. DISTANCES, LEVELS AND BOUNDARIES**

### **4.1. MEASURING DISTANCES AND LEVELS**

4.1.1. The following provisions apply with regard to the method of measuring distances and levels:

- i. When reference is made or implied to the distance between boundaries or between a building and a boundary, this distance must be measured in the following manner:
  - (a) the boundary or boundaries and all points of the building must be projected onto a horizontal plane, and all measures must be made in the plane; and
  - (b) the distance between a point on a building and a boundary must be measured at right angles to the erf boundary.
- ii. When reference is made to a portion of a boundary opposite a building, that portion must be defined by drawing lines in a manner described in Regulation 4.1.1(i) from points on the building, at right angles to the boundary;
- iii. When reference is made to the natural ground level or height of a roof wall plate, parapet or other thing, the level must be calculated in accordance with recognised geometric principles; or
- iv. When the levels involved are so irregular that calculation in accordance with the principles in paragraphs (i) to (iii) is impractical or leads to a result which is not in accordance with the intent of the Land Use Scheme, the Municipality must determine the ground level.

## **4.2. DETERMINING BOUNDARIES OF USE ZONES**

If uncertainty exists as to the boundaries of use zones, the following parameters apply in the order listed:

- i. Boundaries shown as following, or approximately following, any public street or road must be construed as following the street cadastral boundary;
- ii. Boundaries shown as following, or approximately following, any land unit boundary must be construed as following that boundary;
- iii. Boundaries shown as following, or approximately following, natural features must be construed as following those features; and
- iv. In the event of further uncertainty as to the boundaries of a use zone, the Municipality must make a determination.

## **5. DEVELOPMENT OF LAND**

### **5.1. DEVELOPMENT PARAMETERS APPLICABLE TO USE RIGHTS**

- 5.1.1. The land use descriptions and development parameters applicable to each primary and consent use right are depicted in the table of each use,
- 5.1.2. No parameters are attached to a specific zoning and parameters will be in accordance with the use rights, whether a primary or consent use right, allowed in the zoning.
- 5.1.3. Development parameters are applicable to use rights only and notwithstanding the zoning of an erf, a specific use right will always have the same development parameters as listed in the Land Use Table, provided that the Municipality may grant

consent to deviate from the development parameters in terms of the Planning By-Law.

## **6. GENERAL PROVISIONS**

### **6.1. ENCROACHMENT OVER BUILDING LINES**

Notwithstanding the building line requirements set out in the Scheme, the following structures or portions of structures may be erected within the prescribed building lines, provided they do not extend beyond the boundaries of a land unit:

- i. boundary walls, fences and gates;
- ii. open and uncovered stoep that are less than 0,5 metres in height from the natural level of the ground;
- iii. entrance steps, landings and entrance porches, excluding a Porte Cochere;
- iv. a covered entrance or gatehouse that has a roofed area not exceeding 5 m<sup>2</sup> and a roof height not exceeding 3 metres from floor to highest point;
- v. eaves and awnings projecting no more than 1 metre from the wall of a building;
- vi. cornices, chimney breasts, flower boxes, water pipes, drain pipes and minor decorative features not projecting more than 500 millimetres from the wall of a building;
- vii. screen-walls not exceeding 1,8 metres in height above the natural ground level abutting such wall;
- viii. swimming pools not closer than 1 metre from any boundary;
- ix. a basement, provided that no part thereof projects above natural ground level; and
- x. a refuse room required by the Municipality in terms of the Scheme.

### **6.2. STREET CENTRELINE SETBACK**

The portion of a land unit falling within a street centreline setback area is excluded for the purpose of determining Coverage and maximum Floor Space, unless the owner transfers the portion concerned to the Municipality free of charge. In such case, the portion must be included for the purpose of determining Coverage or maximum Floor Space on a land unit.

### **6.3. SITE DEVELOPMENT PLANS**

6.3.1. In addition to the zones that specifically require a site development plan, the Municipality may require a site development plan in respect of the following development types:

- i. shopping centres and shopping complexes;
- ii. business and office park developments;
- iii. industrial park developments;
- iv. developments in conservation areas;
- v. developments that will be sectionalised;
- vi. incremental residential developments; and
- vii. major developments where there are concerns relating to urban form, heritage, traffic or planning

6.3.2. The following provisions apply with regard to site development plans:

- i. The property must be developed generally in accordance with an approved site development plan;
- ii. If the Municipality considers it necessary, a transport or traffic impact statement or assessment may be required in conjunction with a site development plan, the extent of which must be determined by the Municipality depending on the magnitude of the development;
- iii. If the Municipality considers it necessary, a stormwater impact assessment or stormwater management plan, or both, may be required in conjunction with a site development plan, the extent of which must be determined by the Municipality depending on the magnitude of the development; and
- iv. An approved site development plan must be considered as setting additional development parameters applicable to the base zone, and any application for amendment must comply with the Municipality's requirements for the amendments.

#### **6.4. HAZARDOUS SUBSTANCES**

- 6.4.1. Any use or ancillary activity that involves the storage or keeping of hazardous substances that may result in an installation being declared a major hazardous installation in terms of Occupational Health and Safety Law is not permitted, unless a risk management and prevention plan has been submitted by the owner, and the Municipality has given approval thereto.
- 6.4.2. The Municipality's approval in terms of subsection 6.4.1 above does not exempt the owner from applying for permission in terms of other relevant legislation.

#### **6.5. SCREENING**

The Municipality may require screening in accordance with the following provisions:

- i. any part of a land unit which is used for the storage or loading of goods must be enclosed with a suitable wall or landscape screening or both; and
- ii. any external utility service or equipment which is required for a building must be appropriately screened from view from a public street, and the screening must be integrated with the building in terms of materials, colour, shape and size.

#### **6.6. EARTH BANKS AND RETAINING STRUCTURES**

Except with the approval of the Municipality:

- i. no earth bank, retaining structure, column, suspended floor, other device or series of such devices may be constructed that enables a ground floor of a building to be raised more than 0,5 metres above natural ground level, provided that where the raising is envisaged, the height thereof must still be measured from natural ground level, but excludes infill for a driveway;
- ii. no earth bank or retaining structure used for holding back earth or loose rock, whether associated with a building or not, may be constructed to a height of more than 2 metres above natural ground level; and
- iii. no series of earth banks or retaining structures may be constructed to a cumulative height of more than 2,5 metres above natural ground level unless an approximately level area of at least 2 metres wide is incorporated between successive embankments or retaining structures for every 2 metres of cumulative height.

#### **6.7. BOUNDARY WALLS**

6.7.1. The following development parameters for “boundary walls”, apply:

- i.* Height: the maximum height in all cases is 1,8 metres.
- ii.* Permeability: the following requirements regarding the permeability of “boundary walls”, apply:

(a) a street “boundary wall” must be sufficiently permeable to allow runoff water to pass through to lower-lying areas.

6.7.2. No boundary wall exceeding 1,8m in height may be built without prior approval by the Municipality, after consideration of a design drawn by a suitably qualified Structural Engineer.

## **6.8. MAINTENANCE OF PROPERTY**

6.8.1. Property must be properly maintained by the owner or occupier and may not:

- i.* Be left in a neglected or offensive state, as may be determined by the Municipality;
- ii.* Contain an unsightly accumulation of papers, cartons, garden refuse, rubble or other waste material, as may be determined by the Municipality;
- iii.* Contain an accumulation of motor wrecks or un-roadworthy vehicles or used motor parts, unless these are part of a primary right or consent use in terms of this Land Use Scheme;
- iv.* Contain outdoor storage of building material, appliances or similar items unless these:
  - (a)* form part of a primary right or consent use in terms of this Land Use Scheme;
  - (b)* are temporarily being stored for the purpose of construction in accordance with a valid building plan approval; or
  - (c)* are being stored in conjunction with the holding of a yard or garage sale with a duration of not more than two consecutive days.

6.8.2. Where the amenity of any use zone is detrimentally affected by the condition of any garden, yard, building or any development on a property, the Municipality may, by notice served upon the owner or occupant of the premises on which such condition exists, require him to take, within a period of 28 days or such other period the Municipality in its discretion may deem reasonable from the date of service of notice, such steps as may be necessary to abate such condition and the measures required to be taken at his expense to abate the condition, which shall be set out in such notice.

## **6.9. PARKING OF COMMERCIAL VEHICLES IN RESIDENTIAL ZONES**

A motor vehicle of an occupant of a dwelling unit used for commercial activities conducted away from the dwelling unit may be parked on the property where the occupant resides, provided that:

- i.* there is adequate space on the property concerned;
- ii.* no more than one commercial vehicle per dwelling unit may be parked on the property; and
- iii.* the gross weight of any such commercial vehicle may not exceed 3 500kg.

## **6.10. MOBILE HOMES AND CARAVANS**

- 6.10.1. A recreational vehicle, including a mobile home, camper trailer or caravan, may not be used for permanent habitation without the approval of the Municipality, except if the zone lawfully allows such practice.
- 6.10.2. The following additional development parameters apply with regard to mobile homes approved to be placed on a land unit zoned for residential purposes:
- i.* the mobile home or caravan must be sited on a foundation slab and properly anchored;
  - ii.* solid perimeter skirting, of material and colour complementary to the mobile home or caravan, must be provided from the base of the mobile home to the ground surface;
  - iii.* the roof and exterior siding of the mobile home or caravan must be of a non-reflective material; and
  - iv.* any structural additions must be of materials which, in the opinion of the Municipality, are compatible with the mobile home or caravan.

## **6.11. ROOFTOP BASED TELECOMMUNICATION STATIONS AND SATELLITE DISH ANTENNA SYSTEMS**

- 6.11.1. A rooftop based telecommunication station may not extend more than 3 metres in height above the building to which it is attached without the prior approval of the Municipality.
- 6.11.2. No rooftop based telecommunication station or transmission tower granted as a consent use in terms of this Scheme may be modified or have its radio-frequency emissions altered without the prior written approval by the Municipality.
- 6.11.3. The following provisions apply with regard to decommissioned antennae or rooftop based telecommunication stations:
- i.* the owner or operator must remove all decommissioned infrastructure;
  - ii.* if the site has been disturbed, the owner or operator must rehabilitate the site to its original state or to a state acceptable to the Municipality.
  - iii.* if the owner or operator fails to comply with subsection (i) or (ii), the Municipality may remove that infrastructure, and rehabilitate the site at the cost of the owner or operator.
- 6.11.4. Any satellite dish antenna with a diameter in excess of 1,5 metres must be placed in a position that minimises the visual impact on the surrounding area to the satisfaction of the Municipality.
- 6.11.5. Any satellite dish antenna of 1,5 metres in diameter and smaller, and used solely for the purposes of television reception or telecommunication, will not require the Municipality's approval, and is excluded for the purposes of height measurement.

## **6.12. GEYSERS AND SOLAR PANELS OR SIMILAR INFRASTRUCTURE AFFIXED TO THE ROOF OF A BUILDING**

Any external geysers and associated equipment or solar panels or similar infrastructure affixed to the roof of a building may not at any point be more than 1,5 metres above the roof surface, measured perpendicularly from that surface.

### **6.13. ROOFTOP INSTALLATION OF EQUIPMENT**

Elevator motor rooms, satellite dishes, ventilation shafts, water tanks, air conditioning plants or other equipment above a flat-roofed building is restricted to a height of 2 metres above the wall plate.

### **6.14. PARAPET WALLS**

6.14.1. Parapet walls are restricted to 300 millimetres in height above the wall plate except in the case where roof equipment as described under "Height" is hidden behind parapet walls not exceeding 2 metres in height which is to the satisfaction of the Municipality.

6.14.2. In the case of flats and non-residential buildings, the 2 metres height requirement under subsection 6.14.1 is considered to form part of the top storey.

### **6.15. SCREEN WALLS AND FENCES**

6.15.1. A screen wall or walls shall be erected and maintained to the satisfaction of the Municipality if and when required.

6.15.2. Where a property has been fenced, such fence shall be maintained to the satisfaction of the Municipality.

### **6.16. CHIMNEYS**

Chimneys may not extend higher than 1 metre above the wall plate in the case of a flat-roofed dwelling house or dwelling unit, and not higher than 1 metre from the ridge of the roof in the case of a pitched roof.

### **6.17. FLOOD-PRONE AREAS**

6.17.1. Consideration should be given to flood lines as determined by or caused to be determined by, the Municipality from time to time. Development below the flood line contour is prohibited, except for land uses such as public open space, parks or agriculture.

### **6.18. PROTECTION OF LAND AND THE ENVIRONMENT**

6.18.1. No person may spoil or damage land in any Use Zone so as to impair its use, or the purpose for which it was zoned.

6.18.2. No person may develop land without complying with the requirements of the National Environmental Management Act, 1998 (Act 7 of 1998) as amended from time to time, and without observing the requirements relating to listed activities therein.

### **6.19. ELECTRONIC OR MECHANICAL GAMING DEVICES**

- 6.19.1. A maximum of five electronic or mechanical gaming devices are permitted within a building in a zone with use rights for business premises, hotel or place of assembly.
- 6.19.2. If the floor space of a building on land zoned for the purpose of business premises, hotel or place of assembly exceeds 5000m<sup>2</sup>, more than five electronic or mechanical playing devices are permitted, provided that:
  - i. Not more than five devices are permitted in a particular business enterprise within that building; and
  - ii. The Municipality may limit the number of enterprises in that building where the devices are permitted, be they internal or external to the building or property.

## **6.20. UTILISATION OF OUTBUILDINGS**

- 6.20.1. No outbuilding may be utilised for any purpose other than that designated on the building plans thereof approved by the Municipality, and an outbuilding may not be utilised until the main buildings are completed or occupied unless otherwise approved by the Municipality.
- 6.20.2. If the outbuilding will be used for any purpose rather than the designed activity, it must be approved prior to that use. The Municipality may approve the alternative use of an outbuilding for purposes other than that approved by way of the building plan.

## **6.21. DETERMINATION OF NATURAL GROUND LEVEL**

- 6.21.1. In determining the natural ground level:
  - i. Any grading for the purpose of development must connect evenly with the existing levels of abutting land units;
  - ii. Where land is excavated, the excavated level is deemed to be the natural level of the ground;
  - iii. Where it is not possible to determine the natural level of the ground due to irregularities or disturbances of the land, the Municipality shall determine a level for the purpose of administering the Scheme Regulations by determining the average level between the highest and the lowest natural ground levels abutting the building, or by an alternative method determined by the Municipality;
  - iv. Where land is excavated and the excavated material is used to extend and/or elevate a building site (cut and fill), the Municipality shall define a level for the purposes of administering the Scheme Regulations; and
  - v. A Land Surveyor's Certificate may be requested by the Municipality to confirm the natural ground level before any construction activities commence.

## **6.22. EXCAVATIONS (EXCLUDING USE ZONES) AND BOREHOLES**

- 6.22.1. Except with the written consent of the Municipality, and subject to such conditions as it may impose, neither the owner nor occupant (excluding where the Municipality, Government or wholly owned Government Companies are the owners) shall, or allow any person to:
  - i. Excavate any material from an erf or other land within the jurisdictional area of the Municipality unless it may be necessary to prepare such erf or land for building purposes;

- ii. Sink any wells or boreholes on such erf or other land within the jurisdictional area of the Municipality, or extract any underground water therefrom, unless it may be necessary on land where the Municipality is not the service provider.

### **6.23. STORMWATER DRAINAGE**

6.23.1. Where, in the opinion of the Municipality, it is impracticable for stormwater to be drained from higher-lying erven direct to a public street, the owner of the lower-lying erf shall be obliged to accept and permit the passage over the erf of such stormwater; Provided that the owners of any higher lying erf, the stormwater from which is discharged over any lower lying erf, shall be liable to pay a proportionate share of the cost of any pipeline or drain which the owner of such lower lying erf may find necessary to lay or construct for the purpose of conducting the water so discharged over the erf.

### **6.24. SITING AND DEVELOPMENT OF BUILDINGS**

6.24.1. The siting of buildings, including outbuildings, on any erf, and entrances to, and exits from, the erf to a public street system shall be to the satisfaction of the Municipality.

### **6.25. CONDITIONS APPLICABLE TO ERVEN AND TOWNSHIPS ON GROUND CHARACTERISED BY UNSOUND FOUNDING CONDITIONS**

6.25.1. Where it has been determined that adverse soil conditions occur in respect of an erf or township, such erf or, if no erf in a township is specified, all erven in such township, shall be subject to the following conditions with specific reference to erven and townships listed in Regulation 6.24.

6.25.2. No french drain shall be permitted on the erf.

6.25.3. Trenches and excavations for foundations, pipes, cables or for any other purposes, shall be properly refilled with damp soil in layers not thicker than 150mm, and compacted until the same grade of compaction as that of the surrounding material is obtained to the satisfaction of the Municipality.

6.25.4. All pipes which carry water shall be watertight and shall be provided with watertight flexible couplings.

6.25.5. The entire surface of the erf shall be drained to the satisfaction of the Municipality in order to prevent surface water from damming up, and water from roof-gutters shall be discharged away from the foundations.

6.25.6. Proposals to overcome adverse soil conditions to the satisfaction of the Municipality shall be contained in all building plans submitted to the Municipality for approval and all buildings shall be erected in accordance with the precautionary measures accepted by the Municipality.

6.25.7. If required, a soil report drawn up by a qualified person acceptable to the Municipality indicating the soil conditions of the erf and recommendations as to suitable founding methods and depths shall be submitted to the Municipality simultaneously with the submission of building plans prior to the commencement of any building operation on the erf.

### **6.26. TEMPORARY SIGNS FOR THE SALE OR LEASE OF SITES OR BUILDINGS**

- 6.26.1. No person shall, without the written consent of the Municipality, simultaneously display on one site more than four temporary signs for the sale or lease of sites of buildings or permit such display. For the purpose of this Regulation a "temporary sign" shall:
- i. not be larger than 600 mm by 460 mm, and at its highest point shall not be higher than 2,5 m above ground level; and
  - ii. be removed within seven (7) days after the end of the sale or the conclusion of the contract of lease.
- 6.26.2. If the sign exceeds the dimension of 600mm by 460mm, only one (1) sign per property shall be permitted.

## **7. PARKING AND LOADING ZONES**

### **7.1. OFF-STREET PARKING REQUIREMENTS**

7.1.1. The Scheme parameters for parking must be complied with as follows:

- (a) on the property for which parking is required;
- (b) subject to the Municipality's approval, in public parking facilities available in the vicinity;
- (c) in accordance with Table D in the Compilation of Tables.

- 7.1.1. Effective parking and manoeuvring space shall be provided on all properties in accordance with the requirements specified in Table D Column 11, in the Compilation of Tables and shall be planned, constructed and maintained to the satisfaction of the Municipality.
- 7.1.2. The number of parking spaces which shall be provided in accordance with Table C, will be determined by the Municipality and will apply to new buildings (excluding a single dwelling unit) and/or extension or alterations to existing buildings (excluding a single dwelling unit).
- 7.1.3. No more than 50% of parking spaces earmarked for visitors, indicated in Column 11, Table D may be temporarily or permanently allocated.
- 7.1.4. Any parking space which must be provided in terms of this Regulation shall only be used for public parking and for no other purpose, with the proviso that the Municipality may, by way of written permission, allow any temporary usage subject to such conditions which the Municipality may impose.
- 7.1.5. The levy of parking fees for the hiring of parking places provided in terms of this Regulation shall not be considered a business.
- 7.1.6. A concession of 3 gross parking bays will be made for a "drop and go" zone provided on-site by the owner of a building on "Business 1", "Business 2" or "Business 3" land: with the proviso that this concession applies only to buildings with a floor area in excess of 500m<sup>2</sup> and that a maximum of two "drop and go" zones qualify for this concession.

### **7.2. ALTERNATIVE PARKING PROVISION**

7.2.1. As an alternative to compliance with the off-street parking requirements in terms of this Land Use Scheme, an owner may, with the approval of the Municipality:

- i. Acquire an area of land sufficient for the permanent parking requirements elsewhere, in a location approved by the Municipality; or
- ii. Acquire permanent rights to a parking facility or portion of a parking facility elsewhere, in a location approved by the Municipality, and must register a notarial tie or servitude against that land or parking facility to link the properties concerned for the purpose of parking, and the owner must cause the parking concerned to be constructed and maintained in accordance with the Municipality's requirements and approval.

7.2.2. As a further alternative the Municipality may, if an agreement can be reached, enter into such an agreement with the owner to the effect that last mentioned, will pay to the Municipality an amount which has been agreed upon being compensation for the exemption, partially or fully, of the applicable requirements of the provision of parking and manoeuvring spaces to a maximum of 20% of the requirement. No such agreement, or any amendment thereof, shall be binding or considered to have any legal standing except if it is in writing and signed by all parties concerned. If such an agreement is reached, the Municipality will be obliged to apply any amount paid by the owner exclusively for the provision and establishment of public parking and manoeuvring amenities, the format, location and implementation details being at the discretion of the Municipality.

7.2.3. The cost of registration of the notarial tie or servitude must be borne by the owner.

### **7.3. COMBINED PARKING REQUIREMENTS**

7.3.1. If two or more uses combine to share a common parking area, the Municipality may approve parking requirements that are less than the sum of the parking required for individual uses provided that:

- i. the Municipality is satisfied that the utilisation of the same parking area by the different use types or activities in the zones will not result in concurrent use of the parking area; and
- ii. bays intended for combined uses may not subsequently be reallocated to other uses without the approval of the Municipality.

### **7.4. SITE ACCESS AND EGRESS**

7.4.1. The Municipality may require compliance with standard municipal or provincial access spacing guidelines.

7.4.2. No access may be nearer than 10 metres from an intersection measured along the street boundaries, except for industrial-zoned properties, where the distance must be 15 metres.

7.4.3. The Municipality may restrict or prohibit access if a pedestrian or traffic hazard is created, or is likely to be created.

7.4.4. Motor vehicle carriageway crossings may be limited to one per site per public street or road abutting the site.

### **7.5. PARKING LAYOUT REQUIREMENTS**

7.5.1. The following parking layout requirements apply unless otherwise stated in this Land Use Scheme:

- i.* parking layout configurations and minimum dimensions and ramps to a parking area must be in accordance with this Land Use Scheme or an approved site development plan;
- ii.* the layout of any parking area must ensure that vehicles can readily exit the site without reversing across the sidewalk, unless otherwise approved by the Municipality;
- iii.* a tandem bay accommodating two motor vehicles is regarded as one bay for the purposes of this Land Use Scheme, except in the “Residential 1” zone, where a tandem bay is regarded as two bays;
- iv.* visitor parking bays must be clearly demarcated, readily visible and accessible to visitors, and preferably grouped together;
- v.* parking areas must be used for the parking of vehicles which are lawfully allowed, and any activity which causes an obstruction for vehicular traffic or pedestrian use of the sidewalk is prohibited;
- vi.* parking areas must be constructed and maintained in a state suitable for the parking and movement of vehicles; and
- vii.* despite paragraphs (i) to (vi), the Municipality may impose more restrictive requirements in connection with parking, site access or motor vehicle carriageway crossing, if considered necessary from a pedestrian or traffic safety point of view.

7.5.2. The Municipality may require an Applicant to submit a parking layout plan indicating:

- i.* the way in which it is proposed that motor vehicles park;
- ii.* the means of entrance and egress from parking areas;
- iii.* landscaping proposals; and
- iv.* construction details.

7.5.3. The Municipality may approve or refuse the parking layout plan and impose conditions for approval.

## **7.6. PARKING FOR THE PHYSICALLY DISABLED**

7.6.1. The Municipality may require parking for use by persons with physical disabilities to be provided on any land unit, in order to ensure easy and convenient access for such persons to services and facilities generally open to the public and to residential uses.

7.6.2. In any parking facility serving the public, parking for persons with physical disabilities must be provided.

7.6.3. The ratio of 1 bay for the physically disabled per 50 bays of parking must be provided on-site, with the proviso that at least 1 bay must be provided irrespective of the number of bays in the parking area.

7.6.4. Parking for the physically disabled must comply with the following requirements:

- i.* parking bays must be a minimum of 3,7 metres in width and 5 metres in length;
- ii.* parking and access aisles must be level;
- iii.* parking bays must be located as near as possible to accessible building or site entrances, and must be located to provide convenient access to kerb ramps;
- iv.* each parking bay reserved for physically disabled persons must be marked on the parking surface with the international symbol for disabled accessibility;

- v. additional signage indicating the parking bay as reserved for exclusive use by persons with physical disabilities may be required by the Municipality; and
- vi. if five or fewer parking bays are provided, at least one bay must be 4 metres wide and marked to provide a parking bay of 2,5 metres with an access aisle of 1,5 metres, but the bay need not be reserved exclusively for persons with physical disabilities.

7.6.5. Parking for persons with physical disabilities will count towards fulfilling off-street parking requirements.

## **7.7. PARKING PROVISION FOR MOTORCYCLES AND BICYCLES**

7.7.1. The Municipality may require that parking be provided for motorcycles and bicycles.

7.7.2. For every four motorcycle and six bicycle parking spaces provided, a credit of one parking bay may be given towards the parking requirements, provided that:

- i. the total credit may not exceed 5% of the parking bays required;
- ii. the minimum dimension for a motorcycle space is 2,2 metres in length and 1 metre in width; and
- iii. the minimum dimension for a bicycle space is 2 metres in length and 0,6 metres in width.

7.7.3. Signage, bollards and racks or other devices for storing bicycles and motorcycles in such bays must be installed.

## **7.8. LOADING BAY SPECIFICATIONS**

7.8.1. The Municipality may, upon receipt of building plans submitted in terms of the National Building Regulations and Building Standards Act, stipulate that the owner submit for approval proposals indicating the placement of suitable and sufficient facilities for the loading and off-loading of goods and for the parking or halting of service vehicles for fueling on the property.

7.8.2. If the Municipality stipulates that proposals described in Regulation 7.8.1 must be submitted, or if the owner submits proposals for consideration together with a building plan, the Municipality must, within a reasonable span of time, with or without amendments, approve or reject the proposals, and in the case of rejection, provide the reasons for the rejection in writing to the Applicant.

7.8.3. No owner or occupant of the building for which proposals may be required in terms of this Regulation may undertake or permit the loading, offloading and/or refuelling of vehicles except if these activities are undertaken in accordance with approved proposals unless such requirements have been relaxed or amended by the Municipality.

**7.8.4.** Unless the Municipality grants approval to waive this requirement, loading bays must be provided in accordance with:

- i. the floor area of structures on-site
- ii. the land use rights applicable to the land parcel

7.8.5. The Municipality may determine off-street loading requirements for all land uses.

7.8.6. The following minimum requirements apply to loading bays:

- i.* a loading bay must measure not less than 4,5 metres x 10 metres for perpendicular loading, and 2,5 metres x 12 metres for parallel loading;
- ii.* no carriageway crossing to be accessed by loading vehicles may be less than 3 metres in width, and no combined entrance and exit way may be less than 6 metres in width; and
- iii.* covered loading areas may have a minimum headroom of 3,7 metres

## **8. REFUSE ROOMS AND SERVICE YARDS**

### **8.1. ROOMS**

8.1.1. The Municipality may, for the purposes of collecting refuse, require the owner to install a refuse receptacle on a property which:

- i.* is of sufficient size to accommodate the refuse generated from the property for one week;
- ii.* is located adjacent to a public street, or in a position which will provide acceptable access to a refuse collection vehicle;
- iii.* is designed in a manner that is architecturally compatible with the other structures on the property and will screen refuse bins from public view; and
- iv.* comply with any other conditions or standard requirements that the Municipality may impose relating to access, health, pollution control, safety or aesthetics.

### **8.2. SERVICE YARDS**

8.2.1. The Municipality may require the owner to install a screened area providing utility services for instance washing lines for residential developments, which:

- i.* are designed in a manner that is architecturally compatible with the other structures on the property and will screen refuse bins from public view; and
- ii.* comply with any other conditions or standard requirements that the Municipality may impose relating to access, health, pollution control, safety or aesthetics.

## **9. BUILDING LINES, BUILDING RESTRICTION AREAS AND LINES OF NO ACCESS**

### **9.1. BUILDING LINES AND BUILDING RESTRICTION AREAS**

9.1.1. No building or structure other than boundary walls, fences, garden decorations, pergolas, guardhouses, access control structures, temporary buildings or structures which are required in connection with building operations on the property shall be erected within any building restriction area.

9.1.2. Any building line along a proposed new road or widening shall be measured from the boundary of such proposed road or widening which is the common boundary of the road or widening, and the remaining part of the property to which the building line applies.

9.1.3. The building lines are applicable to all properties according to the Use Zones as set out therein, provided that, in addition to the building lines:

- i.* The Municipality has the right to use a 2 metre wide space parallel to any two boundaries of a property (street boundary excluded) and in the case of a panhandle, an additional servitude, 2 metres wide across the access portion of

the erf, for the installation of engineering services, as such spaces are to be considered as building restriction areas (no building or other structure shall be erected within the aforementioned servitude area and no large rooted trees shall be planted within this area).

- ii. The erection of buildings on distances from boundaries other than street boundaries must comply with the Act on National Buildings Regulations and Building Standards (Act 103 of 1977) and any amendments thereof.
- iii. The Municipality may, after receipt of an application for Written Consent in terms of Regulation 12.5 from the owner and subject to Regulation 9.1.4 and any other conditions the Municipality may find expedient:
  - (a) Permit the erection of a building in the building restriction area in the case of corner properties or where, due to the slope of the property or adjoining land, or the proximity of buildings already erected, compliance with the building line requirements will hamper development of the property to an unreasonable extent, or where the building line is not required for the installation of services.
  - (b) During consideration of a Site Development Plan, relax the building restriction area for all erven, if it is the opinion that such relaxation would result in the improvement of the development potential of the erf and the aesthetical quality of the building;
  - (c) Relax the building line other than a street boundary of any erf if it is evident that infrastructural maintenance or access would not be impaired;
  - (d) Relax the building line on any boundary other than a street boundary of any erf upon consolidation with an adjoining erf; and
  - (e) Permit the construction of a swimming pool or tennis court in the building restriction area.

9.1.4. In a situation where an erf boundaries a Provincial or National Road, the building line applicable will be the one, if it is further than 5 metres, which is prescribed by the 'Controlling Authority' and such building lines shall not be relaxed, modified or amended in any way whatsoever without the written consent of the relevant 'Controlling Authority'.

9.1.5. For the purpose of Regulation 9.1.4. a sanitary lane or pedestrian alley is not considered to be a public street or public road

## 9.2. BUILDING RESTRICTION LINES APPLICABLE TO USE ZONES

LAND USE	STREET	REAR	LATERAL
Residential 1 Erven < 500m <sup>2</sup>	3m	2m	2m
Erven > 500m <sup>2</sup>	5m	3m	2m
Business 1	0m	3m	2m
All other use zones	5m	3m	2m
Properties butting National or Provincial roads	As imposed by Controlling Authority	As per use zone	As per use zone

## 9.3. ACCESS BARRIERS

- 9.3.1. Access to, and egress from, a property to any public street or road, shall, where prohibited across a boundary line, be indicated by the following symbol on the Scheme Map:



Provided that the Municipality may, upon receipt of a written application, permit relaxation of such conditions as it may deem fit, if, due to extraordinary circumstances, compliance with such restriction of access, will hamper the development of the property to an unreasonable extent; provided further that no relaxation of a restriction on access to, or exit from, a property, to a Provincial or National Road, shall be permitted without the consent of the 'Controlling Authority'.

- 9.3.2. physical barrier applicable to any erf or property imposed as a condition by the 'Controlling Authority' shall be subject to the following further conditions:
- i. The registered owner of the property shall erect a physical barrier or a wall or fence of such other material as may be approved by the Municipality in accordance with the most recent standards of the Controlling Authority before or during the development of the property along the boundary thereof abutting on the Provincial Road or National Road to the satisfaction of the Municipality: and provided further that if the said road has not yet been declared, the relevant physical barrier shall be erected within a period of six (6) months after the declaration of such road.

## **PART 4: INTERPRETATION OF LAND USE ZONES AND USE OF LAND AND BUILDINGS**

### **10. INTERPRETATION OF LAND USE ZONES AND USE OF LAND AND BUILDINGS**

#### **10.1. LAND USE MANAGEMENT ZONES**

The rights, parameters and restrictions applicable to each zoning category are contained within the tables and columns in the Land Use Table (Compilation of Tables).

- 10.1.1. The zone number is indicated in Column 1 of the Table.
- 10.1.2. The colour notation shown in the table, (Column 2) also containing the colour codes, shall be used on all plans and documents prepared in terms of the Scheme.

#### **10.2. ERECTION AND USE OF BUILDINGS OR USE OF LAND**

- 10.2.1. The conditions in this Scheme do not prohibit the erection of access structures (other than entrance halls and entrance passages), pergolas, garden ornaments, garden walls, fences or guard houses.
- 10.2.2. For the purpose of this Regulation, the expression "erection and use of a building" includes the use of land and buildings, as well as the conversion of a building for that use whether or not it entails the structural alteration thereof.
- 10.2.3. The purpose for which buildings and land in each of the Use Zones:
  - i.* May be erected and/or used;
  - ii.* May be erected and/or used only with the special Consent of the Municipality, permanently or for a specified period of time;
  - iii.* May be erected and/or used only with the Written Consent of the Municipality; or
  - iv.* May not be erected and/or used;

are specified in the Land Use Table.

- 10.2.4. No person shall use or cause or permit any building or portion thereof to be used for a purpose other than that for which it has been erected unless the necessary consent of the Municipality has been obtained therefore.
- 10.2.5. If the use of a building changes because of the rights that have been granted to a property, or have already vested in the property, such building and the property shall comply with all conditions laid down, and which are applicable to the use.
- 10.2.6. If the use of an existing building or structure changes and is not in accordance with the rights attached to the property, it shall comply with all the stipulations of the Scheme.
- 10.2.7. Where the use of the land or a building can only be conducted with the permission of the Municipality, the use may not be conducted prior to the consent being granted.
- 10.2.8. Nothing herein contained shall be deemed to grant exemption from any of the Municipality's By-Laws, nor any Act not inconsistent herewith.

#### **10.3. BUILDING USED FOR MORE THAN ONE PURPOSE**

- 10.3.1. Where a building is used, or a proposed building is designed for more than one use it shall for the purpose of erection and use of buildings or use of land, Parking, Density, Coverage, Height and Floor Area Ratio hereof, be treated as being used or partly designed for each of those uses but for the purposes of the provisions of this part of the Scheme, it shall be treated as though it were being used.
- 10.3.2. If a single use constitutes more than 75% of the total usage of the erf and the Municipality shall, when considering a building plan, or if the person having control of the erection of a building, or proposing to erect a building, makes an application for that purpose, decide which is the predominant use.
- 10.3.3. The Municipality shall give notice of any decision under this Regulation to the Applicant.

#### **10.4. HEIGHT, COVERAGE, FLOOR AREA RATIO (F.A.R) AND DWELLING UNIT DENSITY**

- 10.4.1. Table "A" in the Compilation of Tables sets out the uses permitted and restricted per Land Use Right.
- 10.4.2. Table "B" in the Compilation of Tables sets out the Density in units per hectare.
- 10.4.3. Table "C" in the Compilation of Tables sets out the Coverage and the Floor Area Ratio (F.A.R) in the corresponding Land Use Right.
- 10.4.4. Table "D" in the Compilation of Tables sets out the Parking Requirements and Height in storeys in respect of the corresponding Land Use Right.

**COMPILATION OF TABLES: USE ZONE, USE OF LAND OR USE OF BUILDING**

COMPILATION OF TABLES: USE ZONE, USE OF LAND OR USE OF BUILDING																		
		Table A				Table B		Table C		Table D								
		Use Rights				Residential Density Per Erf/Ha		Coverage and F.A.R		Parking Requirements and Height Restrictions								
Land Use Zone	Notation on Scheme Map	Uses Permitted	Uses/rights permitted with Special Consent of Municipality	Uses/rights permitted only with Written Consent of Municipality	Uses/rights not permitted	Standard right	Relaxation with Special Consent	Maximum Coverage	Maximum F.A.R	Parking	Height							
1	2	3	4	5	6	7	8	9	10	11	12							
1. Residential 1		Dwelling House			All uses not listed in Columns 3, 4 and 5	One dwelling per erf		50%	1.0	1 per dwelling	2 Storeys							
	RGB		Second Dwelling House															
	R - 255		Eating House															
	G - 245		Commune													1 per room		
	B - 100		Day-Care Centre														1 per 6 children	
			Creche														1 per 6 seats	
			Tavern														6 per 100m <sup>2</sup> GFA	
			Guesthouse														1 per room	
			Mobile Home														1 per mobile home	
			Backyard Dwelling														1 per dwelling	
			Rental Rooms														1 per room	
			Bed and Breakfast														1 per room	
			Telecommunication Infrastructure															
				Car Wash														60% of land unit paved
				Beauty Salon														1 per 20m <sup>2</sup> GFA
	Home Occupation Practice																	
	Spaza/Tuck Shop								3 parking bays									

COMPILATION OF TABLES: USE ZONE, USE OF LAND OR USE OF BUILDING													
		Table A				Table B		Table C		Table D			
		Use Rights				Residential Density Per Erf/Ha		Coverage and F.A.R		Parking Requirements and Height Restrictions			
Land Use Zone	Notation on Scheme Map	Uses Permitted	Uses/rights permitted with Special Consent of Municipality	Uses/rights permitted only with Written Consent of Municipality	Uses/rights not permitted	Standard right	Relaxation with Special Consent	Maximum Coverage	Maximum F.A.R	Parking	Height		
1	2	3	4	5	6	7	8	9	10	11	12		
2. Residential 2		Dwelling Units			All uses not listed in Columns 3, 4 and 5	20 Units/ha	30 Units/ha	50%	1	1 per unit	2 Storeys		
	RGB	Group Housing											
	R - 255	Mobile Home											
	G - 215 B - 40			Eating House									
				Commune									
				Place of Instruction									
				Retirement Village									
				Bed and Breakfast									
				Day-Care Centre/Creche									
				Spa/Wellness Centre									
				Backyard Dwelling									
				Rental Rooms									
				Boarding House									
					Beauty Salon								
					Car Wash								
				Home Occupation Practice									
	Spaza/Tuck Shop												
									1 per room				
									1 per 4 seats				
									1 per unit				
									1 per room				
									1 per 6 children				
									5 bays/100m <sup>2</sup> GFA				
									1 per dwelling				
									1 per room				
									1 per 20m <sup>2</sup> of floor area				
									60% of land unit paved				
									3 parking bays				

COMPILATION OF TABLES: USE ZONE, USE OF LAND OR USE OF BUILDING											
		Table A				Table B		Table C		Table D	
		Use Rights				Residential Density Per Erf/Ha		Coverage and F.A.R		Parking Requirements and Height Restrictions	
Land Use Zone	Notation on Scheme Map	Uses Permitted	Uses/rights permitted with Special Consent of Municipality	Uses/rights permitted only with Written Consent of Municipality	Uses/rights not permitted	Standard right	Relaxation with Special Consent	Maximum Coverage	Maximum F.A.R	Parking	Height
1	2	3	4	5	6	7	8	9	10	11	12
3. Residential 3		Dwelling Units			All uses not listed in Columns 3, 4 and 5	40 Units/ha	60 Units/ha	70%	1.5	1 per dwelling	2 Storeys
	RGB	Residential Buildings								1 per room	
	R - 255	Flats								1 per unit	
	G - 185	Retirement Village									
	B - 80	Overnight Accommodation								1 per room	
		Mobile Home								1 per mobile home	
		Bed and Breakfast								1 per room	
		Eating House									
		Guesthouse								1 per room	
		Place of Instruction								1 per 6 seats	
		Spa/Wellness Centre								5 bays/ 100m <sup>2</sup> GFA	
		Boarding House								1 per room	
		Lodge								1 per room	
			Home Occupation Practice							3 bays	
			Spaza/Tuck Shop								
		Car Wash			60% of land unit paved						

**COMPILATION OF TABLES: USE ZONE, USE OF LAND OR USE OF BUILDING**

		Table A				Table B		Table C		Table D		
		Use Rights				Residential Density Per Erf/Ha		Coverage and F.A.R		Parking Requirements and Height Restrictions		
Land Use Zone	Notation on Scheme Map	Uses Permitted	Uses/rights permitted with Special Consent of Municipality	Uses/rights permitted only with Written Consent of Municipality	Uses/rights not permitted	Standard right	Relaxation with Special Consent	Maximum Coverage	Maximum F.A.R	Parking	Height	
1	2	3	4	5	6	7	8	9	10	11	12	
4. Residential 4		Dwelling Units			All uses not listed in Columns 3, 4 and 5			60%	2.0	1 per dwelling	3 Storeys	
	RGB	Residential Buildings								1 per room		
	R - 222	Flats								1 per unit		
	G - 206	Group Housing								1 per room		
	B - 0	Overnight Accommodation								1 per unit or room		
		Retirement Village								1 per room		
		Guesthouse								1 per room		
		Lodge								1 per room		
		Hotel								1 per room		
		Motel								1 per room		
		Bed and Breakfast								1 per room		
			Spa/Wellness Centre									5 bays/100m <sup>2</sup> GFA
			Eating House									1 per 6 seats
				Place of Instruction								3 bays
			Social Hall							3 bays		
			Home Occupation Practice							3 bays		
			Spaza/Tuck Shop							60% of land unit paved		
			Car Wash							60% of land unit paved		

**COMPILATION OF TABLES: USE ZONE, USE OF LAND OR USE OF BUILDING**

		Table A				Table B		Table C		Table D		
		Use Rights				Residential Density Per Erf/Ha		Coverage and F.A.R		Parking Requirements and Height Restrictions		
Land Use Zone	Notation on Scheme Map	Uses Permitted	Uses/rights permitted with Special Consent of Municipality	Uses/rights permitted only with Written Consent of Municipality	Uses/rights not permitted	Standard right	Relaxation with Special Consent	Maximum Coverage	Maximum F.A.R	Parking	Height	
1	2	3	4	5	6	7	8	9	10	11	12	
5. Business 1		Flats			All uses not listed in Columns 3, 4 and 5	60 units/ha	75 units/ha	60%	3.0	1 per unit	3 Storeys	
	RGB	Residential Building								1 per room		
	R - 222	Offices								3 bays/100m <sup>2</sup> GFA		
	G - 206	Medical Centre/ Consulting Rooms										
	B - 0	Parking Garage										
		Place of Instruction										1 per 6 seats
		Restaurant										6 bays/100m <sup>2</sup> GFA
		Shops										4 bays/100m <sup>2</sup> GFA
		Tavern										1 per 4 seats
		Motor Showroom										3 bays/100m <sup>2</sup> GFA
		Public Garage										40% of land unit paved
		Filling Station										
		Motor Workshop										3 bays/100m <sup>2</sup> GFA
		Funeral Parlour										4 bays/100m <sup>2</sup> GFA
		Clinic										
		Overnight Accommodation										1 per room
Pub										1 per 4 seats		
Storage Units										1 per 4 storage units		

**COMPILATION OF TABLES: USE ZONE, USE OF LAND OR USE OF BUILDING**

		Table A				Table B		Table C		Table D			
		Use Rights				Residential Density Per Erf/Ha		Coverage and F.A.R		Parking Requirements and Height Restrictions			
Land Use Zone	Notation on Scheme Map	Uses Permitted	Uses/rights permitted with Special Consent of Municipality	Uses/rights permitted only with Written Consent of Municipality	Uses/rights not permitted	Standard right	Relaxation with Special Consent	Maximum Coverage	Maximum F.A.R	Parking	Height		
1	2	3	4	5	6	7	8	9	10	11	12		
Business 1		Laundrette								3 bays/100m <sup>2</sup> GFA			
		Service Industries											
		Liquor Outlet											
		Resort											
		Gymnasium										6 per 100m <sup>2</sup> GFA	
		Car Wash										60% of land unit paved	
			Motel										1 per room
			Shopping Mall										6 bays/100m <sup>2</sup> GFA
			Place of Entertainment										1 Per 6 seats
			Auction Centre										5 bays/100m <sup>2</sup> GFA
			Hotel										1 per room
				Social Hall									1 per 6 seats
				Eating House									
		Chisa Nyama											

COMPILATION OF TABLES: USE ZONE, USE OF LAND OR USE OF BUILDING												
		Table A				Table B		Table C		Table D		
		Use Rights				Residential Density Per Erf/Ha		Coverage and F.A.R		Parking Requirements and Height Restrictions		
Land Use Zone	Notation on Scheme Map	Uses Permitted	Uses/rights permitted with Special Consent of Municipality	Uses/rights permitted only with Written Consent of Municipality	Uses/rights not permitted	Standard right	Relaxation with Special Consent	Maximum Coverage	Maximum F.A.R	Parking	Height	
1	2	3	4	5	6	7	8	9	10	11	12	
6. Business 2		Flats			All uses not listed in Columns 3,4,5			60%	1,8	1 per unit	2 storeys	
	RGB	Residential Building								1 per room		
	R - 255	Restaurant								4 bays/100m <sup>2</sup> GFA		
	G - 80	Offices								3 bays/100m <sup>2</sup> GFA		
	B - 80	Shops								4 bays/100m <sup>2</sup> GFA		
		Liquor Outlet								3 bays/100m <sup>2</sup> GFA		
		Medical Consulting Rooms								4 bays/100m <sup>2</sup> GFA		
		Clinic								1 per 4 seats		
		Pub								3 bays/100m <sup>2</sup> GFA		
		Laundrette								40% of area paved		
		Service Industry										
		Filling Station										
		Resort										
		Testing Station										
			Taxi Rank									1 per 4 seats
			Place of Entertainment									5 bays/100m <sup>2</sup> GFA
		Auction Centre			1 per room							
		Hotel			1 per 4 storage units							
		Storage Units			1 per room							
		Overnight Accommodation			40 % of area paved and 3 bays/100m <sup>2</sup> GFA							
		Public Garage										
		Telecommunication Infrastructure										
			Social Hall		1 per 4 seats							

**COMPILATION OF TABLES: USE ZONE, USE OF LAND OR USE OF BUILDING**

COMPILATION OF TABLES: USE ZONE, USE OF LAND OR USE OF BUILDING												
		Table A				Table B		Table C		Table D		
		Use Rights				Residential Density Per Erf/Ha		Coverage and F.A.R		Parking Requirements and Height Restrictions		
Land Use Zone	Notation on Scheme Map	Uses Permitted	Uses/rights permitted with Special Consent of Municipality	Uses/rights permitted only with Written Consent of Municipality	Uses/rights not permitted	Standard right	Relaxation with Special Consent	Maximum Coverage	Maximum F.A.R	Parking	Height	
1	2	3	4	5	6	7	8	9	10	11	12	
7. Business 3	 RGB R - 255 G - 160 B - 160	Shopping Complex			All uses not listed in Columns 3, 4 and 5			50%	1,2	6 bays/100m <sup>2</sup> GFA	2 Storeys	
		Liquor Outlet								3 bays/100m <sup>2</sup> GFA		
		Offices										
		Medical Consulting Rooms										
		Restaurant										4 bays/100m <sup>2</sup> GFA
		Conference Centre										1 per 4 seats
		Testing Station										
		Laundrette										3 bays/100m <sup>2</sup> GFA
		Hotel										1 per room
		Funeral Parlour										3 bays/100m <sup>2</sup> GFA
		Place of Amusement										1 per 4 seats
		Gymnasium										5 bays/100m <sup>2</sup> GFA
		Place of Instruction										1 per 6 seats
		Veterinary Hospital										3 bays/100m <sup>2</sup> GFA
Car Wash									60% of area paved			
Clinic									3 bays/100m <sup>2</sup> GFA			
Telecommunication Infrastructure												

COMPILATION OF TABLES: USE ZONE, USE OF LAND OR USE OF BUILDING											
		Table A				Table B		Table C		Table D	
		Use Rights				Residential Density Per Erf/Ha		Coverage and F.A.R		Parking Requirements and Height Restrictions	
Land Use Zone	Notation on Scheme Map	Uses Permitted	Uses/rights permitted with Special Consent of Municipality	Uses/rights permitted only with Written Consent of Municipality	Uses/rights not permitted	Standard right	Relaxation with Special Consent	Maximum Coverage	Maximum F.A.R	Parking	Height
1	2	3	4	5	6	7	8	9	10	11	12
7. Business 3				Retirement Village						1 per unit or room	
				Traditional Healing House					3 bays/100m <sup>2</sup> GFA		

COMPILATION OF TABLES: USE ZONE, USE OF LAND OR USE OF BUILDING												
		Table A				Table B		Table C		Table D		
		Use Rights				Residential Density Per Erf/Ha		Coverage and F.A.R		Parking Requirements and Height Restrictions		
Land Use Zone	Notation on Scheme Map	Uses Permitted	Uses/rights permitted with Special Consent of Municipality	Uses/rights permitted only with Written Consent of Municipality	Uses/rights not permitted	Standard right	Relaxation with Special Consent	Maximum Coverage	Maximum F.A.R	Parking	Height	
1	2	3	4	5	6	7	8	9	10	11	12	
8. Business 4	<div style="background-color: #f8d7da; width: 20px; height: 20px; display: inline-block; margin-bottom: 5px;"></div> RGB R - 255 G - 204 B - 204	Offices			All uses not listed in Columns 3, 4 and 5			50%	1.0	3 bays/100m <sup>2</sup> GFA	2 Storeys	
		Medical Consulting Rooms								5 bays/100m <sup>2</sup> GFA		
			Gymnasium									
			Telecommunication Infrastructure									

COMPILATION OF TABLES: USE ZONE, USE OF LAND OR USE OF BUILDING												
		Table A				Table B		Table C		Table D		
		Use Rights				Residential Density Per Erf/Ha		Coverage and F.A.R		Parking Requirements and Height Restrictions		
Land Use Zone	Notation on Scheme Map	Uses Permitted	Uses/rights permitted with Special Consent of Municipality	Uses/rights permitted only with Written Consent of Municipality	Uses/rights not permitted	Standard right	Relaxation with Special Consent	Maximum Coverage	Maximum F.A.R	Parking	Height	
1	2	3	4	5	6	7	8	9	10	11	12	
9. Industrial 1	 RGB R - 200 G - 130 B - 255	Bakery			All uses not listed in Columns 3,4,5			80%	1,5	3 bays/100m <sup>2</sup> GFA and 1 loading bay/ 1000m <sup>2</sup> GFA	2 Storeys	
		Commercial Use								3 bays/100m <sup>2</sup> GFA		
		Dry Cleaner										
		Laundrette										
		Funeral Parlour										
		Kiosk (Employees Only)										
		Public Garage								40% of area paved		
		Filling Station										
		Service Industry								3 bays/100m <sup>2</sup> GFA		
		Warehouses								60% of area paved		
		Car Wash								1 per 4 storage units		
		Storage Units										
		Hardware								3 bays/100m <sup>2</sup> GFA		
		Mortuary								3 bays/100m <sup>2</sup> GFA		
				Builders Yard								3 bays/100m <sup>2</sup> GFA
				Panel Beater								6 bays/100m <sup>2</sup> GFA
		Scrapyard					2 bays/100m <sup>2</sup> GFA					
		Telecommunications Infrastructure										
		Taxidermist					2 bays/100m <sup>2</sup> GFA					
				Dwelling Unit subordinate to main use								

**COMPILATION OF TABLES: USE ZONE, USE OF LAND OR USE OF BUILDING**

COMPILATION OF TABLES: USE ZONE, USE OF LAND OR USE OF BUILDING													
		Table A				Table B		Table C		Table D			
		Use Rights				Residential Density Per Erf/Ha		Coverage and F.A.R		Parking Requirements and Height Restrictions			
Land Use Zone	Notation on Scheme Map	Uses Permitted	Uses/rights permitted with Special Consent of Municipality	Uses/rights permitted only with Written Consent of Municipality	Uses/rights not permitted	Standard right	Relaxation with Special Consent	Maximum Coverage	Maximum F.A.R	Parking	Height		
1	2	3	4	5	6	7	8	9	10	11	12		
10. Industrial 2	  RGB R - 230 G - 190 B - 240	Bakery			All uses not listed in Columns 3,4, 5			80%	1,6	3 bays/100m <sup>2</sup> GFA & 1 loading bay/1000m <sup>2</sup> GFA	2 Storeys		
		Commercial Use								3 bays/100m <sup>2</sup> GFA			
		Laundrette											
		Dry Cleaner											
		Funeral Parlour											
		Kiosk (Employees)											
		Filling Station											
		Public Garage								40% of area paved			
		Service Industry								3 bays/100m <sup>2</sup> GFA			
		Warehouse								2 bays/100m <sup>2</sup> GFA and 1 loading bay/1000m <sup>2</sup> GFA			
		Telecommunication Infrastructure											
		Car Wash								60% of GFA paved			
		Panel Beater								6 bays/100m <sup>2</sup> GFA			
		Storage Units								1 per 4 storage units			
				Noxious Industries									2 bays/100m <sup>2</sup> GFA and 1 loading bay/1000m <sup>2</sup> GFA
				Mortuary									3 bays/100m <sup>2</sup> GFA
		Crematorium											
		Abattoir			2 bays/100m <sup>2</sup> GFA and 1 loading bay/1000m <sup>2</sup> GFA								
		Taxidermist			2 bays/100m <sup>2</sup> GFA								
				Dwelling Unit Subordinate to main use									

**COMPILATION OF TABLES: USE ZONE, USE OF LAND OR USE OF BUILDING**

		Table A				Table B		Table C		Table D		
		Use Rights				Residential Density Per Erf/Ha		Coverage and F.A.R		Parking Requirements and Height Restrictions		
Land Use Zone	Notation on Scheme Map	Uses Permitted	Uses/rights permitted with Special Consent of Municipality	Uses/rights permitted only with Written Consent of Municipality	Uses/rights not permitted	Standard right	Relaxation with Special Consent	Maximum Coverage	Maximum F.A.R	Parking	Height	
1	2	3	4	5	6	7	8	9	10	11	12	
11. Educational		Place of Instruction			All uses not listed in Columns 3,4,5			50%	1.0	1 per 6 seats	2 Storeys	
	RGB	Place of Public Worship								1 per 6 beds		
	R - 222	Dwelling Units related to main use										
	G - 255 B - 255	Residential Accommodation related to main use										
		Sportsground								As approved by Municipality		
			Institution							1 per 6 seats		
12. Institutional		Institution			All uses not listed in Columns 3,4,5			50%	1,2	1 per 6 seats	3 Storeys	
	RGB	Place of Instruction										
	R - 0	Place of Public Worship										
	G - 178	Dwellings related to main use										
	B - 255	Clinic										4 bays/100m <sup>2</sup> GFA
		Hospital										1 per 3 beds
		Childrens Home										1 per 2 beds
		Veterinary Clinic										4 bays/100m <sup>2</sup> GFA
		Retirement Village										1 per unit
			Social Hall									1 per 6 seats
				Place of Refreshment								

COMPILATION OF TABLES: USE ZONE, USE OF LAND OR USE OF BUILDING												
		Table A				Table B		Table C		Table D		
		Use Rights				Residential Density Per Erf/Ha		Coverage and F.A.R		Parking Requirements and Height Restrictions		
Land Use Zone	Notation on Scheme Map	Uses Permitted	Uses/rights permitted with Special Consent of Municipality	Uses/rights permitted only with Written Consent of Municipality	Uses/rights not permitted	Standard right	Relaxation with Special Consent	Maximum Coverage	Maximum F.A.R	Parking	Height	
1	2	3	4	5	6	7	8	9	10	11	12	
13. Government (RSA)	RSA	Government Offices and Facilities			All uses not listed in Columns 3, 4 and 5			70%	1,5	As approved by the Municipality	4 Storeys	
		Hospital										
		Clinic										
			Bus Terminus									
			Taxi Rank									
			Airfield									
			Telecommunication Infrastructure									

**COMPILATION OF TABLES: USE ZONE, USE OF LAND OR USE OF BUILDING**

COMPILATION OF TABLES: USE ZONE, USE OF LAND OR USE OF BUILDING											
		Table A				Table B		Table C		Table D	
		Use Rights				Residential Density Per Erf/Ha		Coverage and F.A.R		Parking Requirements and Height Restrictions	
Land Use Zone	Notation on Scheme Map	Uses Permitted	Uses/rights permitted with Special Consent of Municipality	Uses/rights permitted only with Written Consent of Municipality	Uses/rights not permitted	Standard right	Relaxation with Special Consent	Maximum Coverage	Maximum F.A.R	Parking	Height
1	2	3	4	5	6	7	8	9	10	11	12
14. Municipal	 RGB R - 211 G - 211 B - 211	Municipal Offices and Facilities			All uses not listed in Columns 3, 4 and 5			60%	1,8	As approved by the Municipality	4 Storeys
		Disaster Management Offices & Facilities									
		Sewage Outfall Work									
		Sportsgrounds and Facilities									
		Showground									
		Water Reservoir									
		Water Purification Works									
		Cemetery									
		Information Centre									
		Community Hall									
		Airfield									
		Clinic									
		Fire Station									
		Taxi Rank									
			Telecommunication Infrastructure								

**COMPILATION OF TABLES: USE ZONE, USE OF LAND OR USE OF BUILDING**

		Table A				Table B		Table C		Table D		
		Use Rights				Residential Density Per Erf/Ha		Coverage and F.A.R		Parking Requirements and Height Restrictions		
Land Use Zone	Notation on Scheme Map	Uses Permitted	Uses/rights permitted with Special Consent of Municipality	Uses/rights permitted only with Written Consent of Municipality	Uses/rights not permitted	Standard right	Relaxation with Special Consent	Maximum Coverage	Maximum F.A.R	Parking	Height	
1	2	3	4	5	6	7	8	9	10	11	12	
15. Agriculture	[Yellow Box]	Farm Settlement			All uses not listed in Columns 3, 4 and 5	1 dwelling per farm portion	Second dwelling per farm portion	As approved by Municipality	As approved by Municipality	As approved by Municipality	As approved by Municipality	
	RGB		Dwelling Unit									
	R - 240		Kennels									
	G - 222		Airfield									
	B - 178			Animal Care Centre								
				Arts & Crafts								
				Bed and Breakfast								
				Guesthouse								
				Farm Stall								
				Institution								
				Nursery								
				Place of Instruction								
				Place of Public Worship								
				Place of Refreshment								
		Recreational Facility										

**COMPILATION OF TABLES: USE ZONE, USE OF LAND OR USE OF BUILDING**

COMPILATION OF TABLES: USE ZONE, USE OF LAND OR USE OF BUILDING											
		Table A				Table B		Table C		Table D	
		Use Rights				Residential Density Per Erf/Ha		Coverage and F.A.R		Parking Requirements and Height Restrictions	
Land Use Zone	Notation on Scheme Map	Uses Permitted	Uses/rights permitted with Special Consent of Municipality	Uses/rights permitted only with Written Consent of Municipality	Uses/rights not permitted	Standard right	Relaxation with Special Consent	Maximum Coverage	Maximum F.A.R	Parking	Height
1	2	3	4	5	6	7	8	9	10	11	12
16. Public Open Space	RGB	Camping Site			All uses not listed in Columns 3,4,5			As approved by Municipality	As approved by Municipality	As approved by Municipality	As approved by Municipality
	R - 200	Gardens									
	G - 255	Parks									
	B - 200	Playground									
		Public Sports Grounds									
		Place of Refreshment									
		Place of Amusement									
		Informal Business									
17. Private Open Space	RGB	Camping Site			All uses not listed in Columns 3,4,5			30%	As approved by Municipality	As approved by Municipality	2 Storeys
	R - 110	Playground									
	G - 255	Amusement Park									
	B - 110	Sportsgrounds									
		Recreational Grounds									
		Caretakers Flat									
		Gymnasium									
		Clubs									
		Caravan Park									

				Place of Refreshment						
				Nursery						

**COMPILATION OF TABLES: USE ZONE, USE OF LAND OR USE OF BUILDING**

		Table A				Table B		Table C		Table D	
		Use Rights				Residential Density Per Erf/Ha		Coverage and F.A.R		Parking Requirements and Height Restrictions	
Land Use Zone	Notation on Scheme Map	Uses Permitted	Uses/rights permitted with Special Consent of Municipality	Uses/rights permitted only with Written Consent of Municipality	Uses/rights not permitted	Standard right	Relaxation with Special Consent	Maximum Coverage	Maximum F.A.R	Parking	Height
1	2	3	4	5	6	7	8	9	10	11	12
18. Transport	<div style="border: 1px solid black; width: 20px; height: 20px; margin-bottom: 5px;"></div> RGB R- 0 G- 0 B - 0	Roads			All uses not listed in Columns 3, 4 and 5			As approved by Municipality	As approved by Municipality	As approved by Municipality	As approved by Municipality
		Bus Terminal									
		Taxi Rank									
			Any usage by lessee of Transnet property								
19. Existing Public Road	<hr style="border: 0; border-top: 1px solid black; width: 50px; margin-bottom: 5px;"/> <hr style="border: 0; border-top: 1px solid black; width: 50px;"/>	Street or Road			All uses not listed in Columns 3, 4 and 5						
				Informal Business							

COMPILATION OF TABLES: USE ZONE, USE OF LAND OR USE OF BUILDING											
		Table A				Table B		Table C		Table D	
		Use Rights				Residential Density Per Erf/Ha		Coverage and F.A.R		Parking Requirements and Height Restrictions	
Land Use Zone	Notation on Scheme Map	Uses Permitted	Uses/rights permitted with Special Consent of Municipality	Uses/rights permitted only with Written Consent of Municipality	Uses/rights not permitted	Standard right	Relaxation with Special Consent	Maximum Coverage	Maximum F.A.R	Parking	Height
1	2	3	4	5	6	7	8	9	10	11	12
20. Protected Areas	 RGB R-225 G-255 B - 150	All declared National and Provincial Nature Reserves: <ul style="list-style-type: none"> <li>▪ Dwelling units used for permanent staff;</li> <li>▪ Accommodation and related facilities for visitors;</li> <li>▪ Offices subservient to the main use;               <ul style="list-style-type: none"> <li>▪ Restaurant;</li> <li>▪ Business/Trade related to conservation/ tourism for convenience of staff and visitors;</li> </ul> </li> <li>▪ Other uses as permitted in terms of relevant declaration legislation</li> </ul>			All uses not listed in Columns 3, 4 and 5			As approved by Municipality	As approved by Municipality	As approved by Municipality	As approved by Municipality

COMPILATION OF TABLES: USE ZONE, USE OF LAND OR USE OF BUILDING												
		Table A				Table B		Table C		Table D		
		Use Rights				Residential Density Per Erf/Ha		Coverage and F.A.R		Parking Requirements and Height Restrictions		
Land Use Zone	Notation on Scheme Map	Uses Permitted	Uses/rights permitted with Special Consent of Municipality	Uses/rights permitted only with Written Consent of Municipality	Uses/rights not permitted	Standard right	Relaxation with Special Consent	Maximum Coverage	Maximum F.A.R	Parking	Height	
1	2	3	4	5	6	7	8	9	10	11	12	
20. Protected Areas		All declared Private Nature Reserves										
		All other Protected Areas										
			Airfield									
			<ul style="list-style-type: none"> <li>▪ Dwelling units used for permanent staff;</li> <li>▪ Accommodation and related facilities for visitors;</li> <li>▪ Offices subservient to the main use; <ul style="list-style-type: none"> <li>▪ Restaurant;</li> </ul> </li> <li>▪ Business/Trade related to conservation/tourism for convenience of staff and visitors;</li> <li>▪ Other uses as permitted in terms of relevant declaration legislation; <ul style="list-style-type: none"> <li>▪ Resort</li> </ul> </li> </ul>									

**COMPILATION OF TABLES: USE ZONE, USE OF LAND OR USE OF BUILDING**

		Table A				Table B		Table C		Table D		
		Use Rights				Residential Density Per Erf/Ha		Coverage and F.A.R		Parking Requirements and Height Restrictions		
Land Use Zone	Notation on Scheme Map	Uses Permitted	Uses/rights permitted with Special Consent of Municipality	Uses/rights permitted only with Written Consent of Municipality	Uses/rights not permitted	Standard right	Relaxation with Special Consent	Maximum Coverage	Maximum F.A.R	Parking	Height	
1	2	3	4	5	6	7	8	9	10	11	12	
21. Industrial 3	█	Mining			All uses not listed in Columns 3, 4 and 5			As approved by Municipality	As approved by Municipality	As approved by Municipality	As approved by Municipality	
	RGB R- 255 G- 150 B -220	Quarrying										
		Offices and Buildings related to and subordinate to the main use										
		Social Hall										
		Place of Refreshment										
			Dwelling Units for Key Staff									
22. Special	█	Uses not defined or provided for under any other use zone			Uses not listed in Use Zones i – xx and xxii-xxvii	As approved by Municipality	As approved by Municipality	As approved by Municipality	As approved by Municipality	As approved by Municipality	As approved by Municipality	
	G-255	Private Street										
	B-200	Security and Access Control										

COMPILATION OF TABLES: USE ZONE, USE OF LAND OR USE OF BUILDING											
		Table A				Table B		Table C		Table D	
		Use Rights				Residential Density Per Erf/Ha		Coverage and F.A.R		Parking Requirements and Height Restrictions	
Land Use Zone	Notation on Scheme Map	Uses Permitted	Uses/rights permitted with Special Consent of Municipality	Uses/rights permitted only with Written Consent of Municipality	Uses/rights not permitted	Standard right	Relaxation with Special Consent	Maximum Coverage	Maximum F.A.R	Parking	Height
1	2	3	4	5	6	7	8	9	10	11	12
23. Parking		Parking Garage			All uses not listed in Columns 3, 4 and 5			50%	1,2		2 Storeys
	RGB	Parking Area									
	R - 127	Restroom									
	G - 212	Public Ablutions									
	B - 196		Bus and Taxi Terminus								

COMPILATION OF TABLES: USE ZONE, USE OF LAND OR USE OF BUILDING													
		Table A				Table B		Table C		Table D			
		Use Rights				Residential Density Per Erf/Ha		Coverage and F.A.R		Parking Requirements and Height Restrictions			
Land Use Zone	Notation on Scheme Map	Uses Permitted	Uses/rights permitted with Special Consent of Municipality	Uses/rights permitted only with Written Consent of Municipality	Uses/rights not permitted	Standard right	Relaxation with Special Consent	Maximum Coverage	Maximum F.A.R	Parking	Height		
1	2	3	4	5	6	7	8	9	10	11	12		
24. Residential Settlement		Dwelling Unit			All uses not listed in Columns 3, 4 and 5						2 Storeys		
													Additional Dwelling Unit
												Bed and Breakfast	
												Commune	
												Rooms	
												Home Occupation Practice	
												Institution	
												Place of Instruction	
												Spaza/Tuck Shop	
												Social Hall	
												Service Industry	
	Offices	3 bays/100m <sup>2</sup> GFA											

## **PART 5: CONDITIONS AND CRITERIA APPLICABLE TO DEVELOPMENT**

### **11. CONDITIONS APPLICABLE TO SPECIFIC DEVELOPMENTS**

The following conditions are applicable to development:

#### **11.1. SECOND DWELLING UNIT**

11.1.1. A second dwelling unit may with Special Consent of Council be erected on a residential erf and a farm portion with an existing right for a free-standing dwelling. In granting its consent for a second dwelling, the Municipality may impose, but is not limited to, the following conditions:

- i.* An Applicant wishing to apply for permission to erect a second dwelling unit shall do so by submitting a building plan in accordance with the requirements of the National Building Regulations and Building Standards Act, 1977 to the Municipality.
- ii.* A second dwelling shall be constructed in an architectural style that is complementary to the architecture of the main dwelling house.
- iii.* Only one (1) additional second dwelling unit shall be allowed per erf or per farm portion.
- iv.* The existence of a second dwelling shall not in itself be sufficient reason for the Municipality to grant an application to subdivide the land.
- v.* In the case of any permission or consent granted by the Municipality, the erection of a second dwelling unit shall be subject to the following conditions in addition to the stipulations set out in the definition and the base use zone:
  - a)* One additional dwelling unit shall be allowed per erf (or subdivided erf), with a minimum erf area of 500m<sup>2</sup>. Erven with an area of 500 m<sup>2</sup> and smaller on which a second dwelling unit has been erected, will not be permitted to be subdivided, and all other development controls must be adhered to.
  - b)* Second dwelling units erected in terms of these conditions shall not be sold by means of sectional title
  - c)* No second dwelling unit shall exceed the gross floor area of more than 120m<sup>2</sup>, excluding outbuildings or garages.
  - d)* The Coverage of the first and second dwelling unit combined shall not exceed the maximum Coverage allowed.
  - e)* The Floor Area Ratio of the first and second dwelling combined shall not exceed the maximum FAR allowed in terms of this Scheme.
  - f)* No second dwelling unit shall be higher than 2 storeys, or be built on a level higher than the second storey of the first dwelling unit.
  - g)* No second dwelling unit that is more than one storey in height shall be erected closer than 2 metres from any side or rear boundary of the property, or in contravention of this Land Use Scheme.
  - h)* An additional parking space shall be provided on the erf for the use of the occupants of the second dwelling unit.
  - i)* Electricity supply for the second dwelling unit must be taken from the main dwelling as only one sewerage, water and electricity connection shall be permitted per erf (or subdivided erf or farm portion). The Applicant must

apply for an electrical connection upgrade if the existing supply is inadequate to serve both dwellings.

## **11.2. BACKYARD DWELLING**

11.2.1. In granting its consent for a Backyard Dwelling the Municipality may impose, but is not limited to, the following conditions:

- i. In the case of any permission or consent granted by the Municipality to utilize a property for the purpose of Backyard Unit/s, it is subject to the following conditions in addition to the stipulations set out in the definition and the base use zone:
  - a) No more than 2 backyard dwellings are permitted per property.
  - b) Backyard dwellings erected in terms of these conditions shall not be sold by means of Sectional Title.
  - c) No backyard dwelling unit shall be smaller than 30m<sup>2</sup>. The minimum floor area per person for a bedroom is 7,5m<sup>2</sup>.
  - d) The Coverage of the first dwelling unit and all Backyard Dwelling Units combined shall not exceed the maximum Coverage allowed in terms of the current zoning of the land.
  - e) No Backyard Dwelling Units shall be higher than 1 storey, or be built on a level higher than the second storey of the first dwelling unit.
  - f) No backyard dwelling unit shall be erected closer than 2 metres from any side or rear boundary of the property, or in contravention of this Land Use Scheme.
  - g) All Backyard Dwelling/s shall have access to sewer, water and electrical connections to minimum standards, and as deemed adequate by the Municipality.
  - h) Electricity supply for backyard dwelling unit/s must be taken from the main dwelling as only one sewerage, water and electricity connection shall be provided per erf. The Applicant is to apply for an electrical connection upgrade if the existing supply is inadequate for both dwellings.
  - i) All backyard dwellings shall be constructed from conventional building materials (brick) or as otherwise approved by the Municipality.
  - j) The renting of such properties shall be allowed according to conditions set out in a formal (written) or informal (verbal) agreement. The renting of such backyard dwellings should comply with the Rental Housing Act, 1999, (Act No. 50 of 1999).
  - k) Health and Safety criteria must be adhered to with the constructions of such Backyard Dwelling/s as deemed adequate by the Municipality.

## **11.3. RENTED ROOMS**

11.3.1. In granting its consent for Rented Rooms, the Municipality may impose, but is not limited to the following conditions:

- i. Rented Rooms should be of formal building materials and have access to separate or shared toilet, bathing, cooking and living facilities.
- ii. Not more than 5% of the area of a land parcel may be occupied by rental rooms to a maximum of 30 rooms.
- iii. Each bedroom shall not be smaller than 7,5m<sup>2</sup>.
- iv. Rented Rooms must meet minimum acceptable accommodation standards.
- v. Maintenance of refuse storage areas must be kept in a clean and tidy condition.
- vi. The land parcel/erf may not be smaller than 500m<sup>2</sup> in extent.

#### **11.4. HOME OCCUPATION PRACTICE**

11.4.1. In granting its consent for a Home Occupation Practice, the Municipality may impose, but is not limited to, the following conditions:

- i. The total area used for a home occupation activity on a land unit, including storage shall not exceed more than 40% of the total floor area of the dwelling unit on the land unit, or 50m<sup>2</sup>, whichever is the lesser area, unless the prior written consent of the Municipality is obtained to permit use of a greater area.
- ii. The dominant use of the property shall remain residential.
- iii. No title condition applicable to the property may be transgressed.
- iv. A home occupation may only be conducted by the permanent resident of the residential property or a member of his family residing on the property.
- v. Medical practitioners are exempt from the requirement that they have to occupy the dwelling in which a Home Occupation is conducted.
- vi. The home occupation may be conducted from an ancillary building, second dwelling unit or a new extension to an existing building,
- vii. The premises for a home occupation, including any alterations or extensions to the buildings required for the purpose, may not deviate in appearance from the residential character of the existing buildings on the property. The Municipality reserves the right not to approve any building plans where the elevation of the building or proposed extensions to buildings as a result of the intended home occupation will result in a noticeable deviation from the existing residential character of the property,
- viii. The occupation may not adversely affect the amenity of the neighbourhood in any way including:
  - a) The parking of motor vehicles not related to the employees of the Home Occupation,
  - b) The transporting of materials or goods to, or from, the dwelling,
  - c) The appearance of any building, works or material used,
  - d) The hours of operation,
  - e) Electrical interference,
  - f) The storage of chemicals, gasses or other hazardous materials, and
  - g) Emissions from the site.
- ix. No more than three persons in total shall be engaged in home occupation activities within a property, including the occupant or occupants and any assistants

- x. The occupation may not impose a load on any municipal service greater than normally required for domestic use.
- xi. No motor vehicle may be serviced or repaired for gain,
- xii. Only one commercial vehicle (commercial goods vehicle, commercial passenger vehicle or tow truck), not exceeding 2 tons capacity and with or without a trailer, registered to a resident of the dwelling may be present at any time. The vehicle may not be fueled or serviced on the site.
- xiii. No goods, other than goods manufactured or serviced on-site may be offered for sale.
- xiv. Materials used or goods manufactured or serviced or repaired in the home occupation must be stored within a building.
- xv. No goods manufactured, serviced or repaired may be displayed so that they are visible from outside the site.
- xvi. On-site parking sufficient to cater for the vehicles generated by the home occupation shall be provided, and the Municipality may at any stage require additional on-site parking if, in its opinion, the parking is not sufficient.
- xvii. Only a single signboard, measuring 300mm x 420mm (A3 size), indicating the name and contact details of the home occupation may be affixed to the boundary wall or fence of the property.
- xviii. Should the way in which the use is conducted invade the privacy of the adjacent property owners or be a nuisance, the Municipality reserves the rights to take the necessary steps to rectify the nuisance at the cost of the land owner.
- xix. The rights for a home occupation shall lapse after 24 months, whereafter the Applicant must re-apply for the rights for a home occupation.
- xx. The following uses and activities are not permitted as a Home Occupation: A funeral undertaking and/or funeral parlour and/or crematorium and/or any related activity, Visitor's Information Bureau, Kennels, Escort Agency, Place of Amusement, Tow-in Service, Motor Workshop, Medical Rescue (paramedic) Service, Car Wash, Cash Loan Business, Panel-Beating, Delivery Service, Gymnasium, Shooting Range, Butchery, Pet Salon, Fish-Fryer, Vehicle Sales Lot, Manufacturing and/or storage of concrete products, Packaging, a Transport undertaking, a Plumbing Business, a Builder's Yard and/or Storage of Building Equipment, Firefighting Business, Security Company.

## **11.5. BED AND BREAKFAST**

11.5.1. In granting its consent for a Bed and Breakfast facility, the Municipality may impose, but is not limited to, the following conditions:

- i. Four separate guest rooms/suites, inclusive of those contained in a second dwelling, per stand will be allowed;
- ii. The owner of the Bed and Breakfast Facility or duly appointed representative must permanently reside on the premises. The dominant use of the dwelling house concerned shall remain for the living accommodation of one family.
- iii. Sufficient parking, in the ratio of 1 parking space per room/suite, must be provided on the above-mentioned premises.
- iv. A maximum of 4 rooms for rent to accommodate for a maximum of 8 occupants shall be permitted, although application may be made to the Municipality for a relaxation thereof.

- v. Should food be served/sold on the premises, the kitchen facilities must comply with the criteria for food handling as required by the Health Department. No refreshments may be sold to the general public. The necessary license and certificate of acceptability must be obtained from the Health Department;
- vi. Should, in the opinion of the Municipality, the appearance of the area be negatively influenced, or in the event of any justifiable complaints in connection with the mentioned Bed and Breakfast, this approval may be withdrawn.
- vii. Should it at any time come to the attention of the Municipality that the above conditions have been contravened, or the numbers of rooms do not coincide with the records, the Municipality will take the necessary legal action to rectify such illegal land uses, and/or approved consent use may be withdrawn.

## **11.6. GUESTHOUSE**

11.6.1. In granting its consent for a Guesthouse facility, the Municipality may impose, but is not limited to, the following conditions:

- i. This use may be conducted from a converted dwelling house or a purpose-built facility that may consist of a single structure for guest house purposes, free-standing, or linked units, and includes facilities that are normally associated therewith (e.g. conference facilities).
- ii. Not more than 32 people, or 16 rooms, are permitted per land parcel, whichever is the most restrictive; provided that the Municipality may restrict such numbers if considered necessary in the interest of the area or neighbourhood.
- iii. Parking must be provided in any event not less than at a ratio of 1 parking bay per room bedroom/suite, and that no vehicles be permitted to park in public areas.
- iv. The land use may not create a public nuisance or, in the Municipality's opinion, detract from the residential character or amenity of the neighbourhood.
- v. The minimum size of land used for a Guest House is 750m<sup>2</sup>.
- vi. Meals and beverages may be supplied to transient guests only.
- vii. A Site Development Plan, indicating the layout and number of rooms and units, entertainment areas, communal areas, parking, landscaping, signage and streetscape, must accompany applications to Municipality.
- viii. A guest lodge may include self-catering units.
- ix. Ancillary activities include a restaurant (not for the general public) and conference facilities for use by transient guests only.
- x. The Scheme parameters for Coverage, FAR and Height applicable to the base use zone may not be exceeded.

## **11.7. CRECHE**

11.7.1. In granting its consent for a Creche, the Municipality may impose, but is not limited to, the following conditions:

- i. The design of the facility must accommodate play areas, landscaping, parking areas and other facilities.
- ii. Play areas are to be provided in accordance with the following guidelines:
  - a) Outdoors - 5m<sup>2</sup> per child

b) Indoors - 2m<sup>2</sup> per child

- iii. Appropriate and adequate sanitary facilities must be provided on the premises to the Municipality's satisfaction, at a ratio of 1 water closet for every 10 people of the same sex, and such toilets must be provided with adequate and approved enclosing walls, and must be clearly allocated and marked.
- iv. In residential areas, Creches should maintain an appearance sympathetic to the residential design and character of the neighbourhood.
- v. One car parking space per six children cared for at the centre is required.
- vi. Car parking on site at the rate of one bay per trade employee working on the premises at any one time and one drop-off bay per six children attending the premises at any one time, except in the Residential Settlement Zone.
- vii. Adequate reversing and maneuvering areas are required to be provided for vehicles.
- viii. Creches will only be permitted to operate between 6:00 and 19:00 on weekdays, and 7:00 to 14:00 on Saturdays. These operating times may be varied at the discretion of the Municipality, provided the adjacent owners have been contacted and either raise no objection to the customised hours, or conditionally support the customized operating hours subject to condition(s) which are acceptable to the Applicant.
- ix. The maximum number of children to be cared for at a Creche is 35.
- x. Municipality's approval must be obtained for an "Education" zoning to permit more than 35 children.
- xi. If a Creche contains a residential component, 2 additional parking bays will be required to be provided on-site.

## 11.8. INFORMAL TRADE

11.8.1. The Municipality will be responsible for identifying and allocating trading areas. In granting its consent for informal trade, the Municipality may impose, but is not limited to, the following conditions:

- i. A trader must first obtain a license to trade from the Municipality for trade in a public road or public space, for Containers, Trailers, Wendy Houses and any other formal roofed structure.
- ii. Container trading is permitted only within identified or approved sites designated by the Municipality.
- iii. Trading structures are prohibited from use as overnight sleeping facilities at the place of business.
- iv. The structures may not be placed adjacent to formal businesses that sell the same goods without consent of that business owner.
- v. Informal trade will only be allowed in areas specifically demarcated for such use by the Municipality.
- vi. Traders should at all times follow acceptable hygiene practices. Informal trade facilities must comply with the health regulations of the Municipality and may not trade in any meat or poultry products, fish, alcohol or pharmaceutical products or any other product that requires a certificate, license or permission by a duly authorized public agency, without such certificate, license or permission having been acquired.

- vii. Advertising is limited to the name of the business, nature of the business as well as goods and services provided. The use of containers for third-party, or remote, advertising is not permitted on trading sites and/or structures.
- viii. Permanent signs are not permitted.
- ix. No open fires will be allowed within a demarcated informal trade area, and the storage of products or fresh produce will be restricted to the facilities of each trader stall.
- x. Preparation of food for retail purposes (fast foods) requires a health certificate from the Department of Health and will be subject to regular inspections by health officers.
- xi. All refuse must be placed in refuse containers to be provided by the Municipality, and the storage of refuse in or around an informal trade stall will not be permitted.

## **11.9. KIOSK**

11.9.1. granting its consent for a Kiosk, the Municipality may impose, but is not limited to, the following conditions:

- i. Within a formal township, Kiosks may be allowed where large numbers of people converge, such as taxi ranks and bus stops. In informal trade areas, these kiosks shall be mobile and shall be removed at the end of normal business hours.
- ii. Aesthetic considerations will be regarded when an application is considered. All kiosks shall be painted and maintained to the satisfaction of the Municipality.
- iii. Kiosks may not be allowed on environmentally sensitive properties, nor in street reserves if, in the opinion of the Municipality, they will negatively affect the character of the neighbourhood.
- iv. A maximum of two kiosks will be allowed per Applicant.
- v. The on-site placement of the kiosk must be verified by the Municipality.
- vi. The Municipality will be under no obligation to provide any engineering services to the kiosks.

## **11.10. SPAZA/TUCK SHOP**

11.10.1. In granting its consent for a Spaza or Tuck Shop, the Municipality may impose, but is not limited to, the following conditions:

- i. A Spaza/Tuck Shop must be operated from a building or associated immovable structure, approved, in terms of the National Building Regulations Act. Any person who wishes to establish a temporary structure for the use of a Spaza Shop must have written permission from the Municipality approving the type of structure to be used, the placement of the structure, and the duration for which the structure will be permitted.
- ii. The Applicant shall obtain written comments from the surrounding neighbours, whose identity the Municipality will determine.
- iii. The amenity of the neighbourhood must not unduly be affected by the proposed use.
- iv. In accordance with the stipulations of Section 24 of the Constitution of the Republic of South Africa (Act 200 of 1993), the permission shall be withdrawn without payment of any compensation whatsoever, where the general amenity

- of the neighbourhood is harmed in the opinion of the Municipality, or a nuisance is created.
- v. The main use of the property shall remain residential, and the occupant shall reside in the dwelling unit.
  - vi. The size of a Spaza/Tuck Shop shall not exceed the prescribed extent as determined by the Municipality.
  - vii. Spaza/Tuck Shops that sell perishable goods and flammable substances must comply with health and fire Regulations and By-Laws.
  - viii. The activity shall not interfere with, or negatively influence, the amenity of the surrounding area.
  - ix. All vehicular and pedestrian access shall be to the satisfaction of the Municipality.
  - x. No stock delivery by heavy delivery trucks will be allowed, and the owner must collect stock from the supplier.
  - xi. The Applicant must indicate how parking would be provided in a manner that does not disturb traffic flow and/or cause inconvenience to the neighbours.
  - xii. No food shall be prepared and sold on the premises unless such is approved by the Health Department.
  - xiii. The Municipality may impose any other condition/s that is deemed necessary to protect the amenity of the area or neighbourhood.
  - xiv. No alcoholic beverages shall be sold from Spaza/Tuck Shops.
  - xv. A notice or sign displayed on the property to indicate and advertise the business being conducted from the dwelling shall be to the satisfaction of the Municipality in terms of size, position and design.
  - xvi. A trading license must be obtained from the relevant Department where applicable.
  - xvii. Adequate facilities for the disposal of waste must be provided, and provision shall be made for the recycling of cans and bottles.
  - xviii. All sale or supply of meals or perishable foodstuffs, or any business that requires a license, shall be in terms of Schedule 1 of the Business Act, 1991, (Act No. 71 of 1991).

#### **11.11. FILLING STATION AND/OR SERVICE STATION**

11.11.1. In granting its consent for a filling/service station, the Municipality may impose, but is not limited to, the following conditions:

- i. A site development plan shall be submitted as set out in this Scheme.
- ii. A Filling Station is subject to an Environmental Impact Assessment and a positive Record of Decision issued by the environmental controlling authority must first be acquired.
- iii. Layout of a Fueling and/or Service Station including the siting of pumps, buildings and vehicular ingress or egress shall be to the satisfaction of The Municipality and Controlling Authority, where applicable.
- iv. Filling/Service Stations shall be sited and designed so as to satisfy the Municipality or the Controlling Authority that traffic entering and leaving the property will not adversely affect the movement of pedestrians or vehicles on any public road or place.
- v. An approval for Filling Station land use rights is subject to a detailed Feasibility Study including a Traffic Impact Assessment.

- vi. No material or equipment of any nature whatsoever shall be stored or stacked to a height greater than the height of the screen wall: Provided that the Municipality may relax this condition where the erf is situated within, adjacent to, or surrounded by industrial uses.
- vii. No repairs of any nature to vehicles or equipment shall be performed outside the garage building, except in an area which is screened to the satisfaction of the Municipality for that purpose: Provided that the Municipality may relax this condition where the erf is situated within, adjacent to or surrounded by industrial uses.
- viii. Fuel pumps or oil and fuel installations shall be sited outside the building to the satisfaction of the Municipality.

## **11.12. TAVERN**

11.12.1. In granting its consent for a Tavern, the Municipality may impose, but is not limited to, the following conditions:

- i. When considering applications for taverns on residential stands, the Municipality shall give due consideration to the relevant provisions of the Liquor Act.
- ii. If the premises are, in the opinion of the Municipality, situated in the vicinity of a Place of Public Worship or a School within a Residential Area, the Applicant has to demonstrate that business will be carried on in a manner that will not disturb the proceedings of the activities taking place in these areas, or prejudice the neighbours.
- iii. Taverns may be allowed to operate during hours as determined by the Limpopo Liquor Board.
- iv. Taverns may not operate in mobile structures.
- v. Signage shall be non-illuminated, and not be larger than 2000mm (horizontal) and 1500mm (vertical).
- vi. Sanitation facilities will be provided to the satisfaction of the Municipality in the ratio of two separate facilities for males and females.
- vii. Storage facilities, especially for empty bottles, must be provided.
- viii. Facilities for the disposal of waste must be provided, and provisions must be made for the recycling of cans and bottles.
- ix. Stock will not be delivered to the Tavern by heavy delivery trucks exceeding 4 tons in weight.
- x. Reasonable side and rear spaces (not less than 3m) must be provided to limit the impact on neighbouring properties.
- xi. If food is served, it may be prepared in the residential kitchen and served through a lockable service hatch and shall comply with National Health Regulations and any other applicable legislation.
- xii. A liquor license shall be obtained in terms of the relevant legislation. In the event of the liquor license being withdrawn or suspended, the Municipality's consent for the tavern shall automatically lapse.
- xiii. The extent and position of the Tavern shall be clearly identified on a plan, and the Municipality may restrict the floor area or specific location of the Tavern on the property.
- xiv. The building or structure to accommodate the Tavern shall be so designed as to harmonise with the existing residential development on the site and in the area.

- xv. A non-transparent screen wall at least 1.8 meters high, must be erected around the entire perimeter of the site and shall comply with National Building Regulations.
- xvi. A suitable storeroom must be provided for all liquor and container stock not required for immediate sale.
- xvii. The Municipality may require structural alterations to the property for safety, fire or health reasons.
- xviii. Additional on-site parking may be required, which shall be provided to the satisfaction of the Municipality.
- xix. The amenity of the neighbourhood, in the opinion of the Municipality, must not unduly be interfered with by the proposed and existing use.
- xx. The Liquor Act, 2003, (Act No. 59 of 2003), the Department of Trade and Industry's National Liquor Norms and Standards, as well as the Limpopo Province's liquor policy are applicable to all Taverns.

### **11.13. TRUCK STOP**

11.13.1. In granting its consent for a Truck Stop, the Municipality may impose, but is not limited to, the following conditions:

- i. An application for the establishment of a truck stop must include the following supportive documents and reports:
  - a) Approval from the relevant road authorities for access to the truck stop along national or provincial roads.
  - b) A feasibility study to illustrate the economic viability of a truck stop on the application property, with special reference to the fueling component or filling stations or service stations in close proximity to the application property.
  - c) A Record of Decision (ROD) in terms of the provisions of the National Environmental Management Act of 1998, authorizing the establishment of a truck stop on the application property.
- ii. The workshop or vehicle servicing areas must be screened off to the satisfaction of the Municipality.

### **11.14. TRANSITIONAL SETTLEMENT**

11.14.1. In declaring an informal or emergency settlement as a Transitional Settlement Area, the Municipality may impose, but is not limited to, the following conditions:

- i. A Transitional Settlement shall only be declared and established by the Municipality, and by means of a Consent Use in terms of this Scheme.
- ii. A Transitional Settlement shall consist mainly of housing and streets but may also contain ancillary engineering services and social facilities which, in the opinion of the Municipality, are necessary for the provision of a safe, orderly and healthy living environment.

- iii. The Municipality shall formalise the area designated as a Transitional Settlement at its earliest convenience within a reasonable time in pursuance of its responsibility and legal obligations.
- iv. The cadastral entity and the basic layout plan allows service departments to plan and budget for services provision and/or upgrading.
- v. Industries, Scrap Yard, Commercial activity, Workshop, Tavern, Office, Building Warehouse, Funeral Parlour, Extractive Industry, Institution, Filling Station, Medium Density Houses, Garage and Launderette are prohibited uses within a Transitional Settlement.

#### **11.15. TELECOMMUNICATION MASTS**

11.15.1. In granting its consent for a Telecommunication Transmission Station/Cell Mast, the Municipality may impose, but is not limited to, the following conditions:

- i. Approval is subject to provisions of environmental legislation in respect of the erection of a Telecommunication Mast. The establishment and related activities shall be undertaken in such a manner that their impact on the natural environment is minimized.
- ii. The Telecommunication Mast shall be as modest as possible through the choice of materials, colour, and design, which shall complement the aesthetics of the surrounding built and natural environment
- iii. The palisade or fencing shall be erected in such a way that it will not cause injury or discomfort to adjoining properties.
- iv. The Telecommunication Mast shall be developed as per the provisions of the Civil Aviation Authority with due regard to adjacent land uses.
- v. Visual amenities and visual aspects relating to the Base Telecommunications Transmission Station shall be at the discretion of the Municipality. In the event where, in opinion of the Municipality, the mast type will have a negative impact on the surroundings, the Municipality may at its discretion recommend a mast type that will blend well with the surrounding environment.
- vi. Advertising shall not be permitted on Telecommunications Masts, provided that, where an antenna is to be installed on existing or proposed advertising structures, such advertising shall be to the satisfaction of the Municipality.

#### **11.16. FUNERAL PARLOUR**

11.16.1. In granting its consent for a Funeral Parlour, the Municipality may impose, but is not limited to, the following conditions:

- i. No funeral parlour with a chapel may be permitted on a site abutting a street of less than 12,5m in width.
- ii. No funeral parlour with a chapel may be permitted nearer than 100m from:
  - a) any traffic light whether existing or planned; and
  - b) any intersection where traffic is controlled, or is proposed to be controlled by a traffic island.

#### **11.17. CEMETERIES**

11.17.1. In granting its consent for a Cemetery, the Municipality may impose, but is not limited to, the following conditions:

- i.* All relevant legislation relating to the establishment of cemeteries will be adhered to as contemplated in Environmental Conservation Act.
- ii.* A geotechnical and geo-hydrological investigation must be carried out, the findings of which will determine whether a cemetery may be established.
- iii.* Land or portion of land selected for a cemetery should be certified by a geohydrologist that the water table is at least 2,5m below ground level.
- iv.* The design of the cemetery and grave or burial plot sizes should be to the satisfaction of the Municipality and in accordance with industry norms.

#### **11.18. "RESIDENTIAL 2" ZONED LAND**

11.18.1. In approving land to be zoned as "Residential 2" the Municipality may impose, but is not limited to, the following conditions:

- i.* Internal access to the erf shall be constructed and maintained by the registered owner to the satisfaction of the Municipality.
- ii.* A Site Development Plan, drawn to a scale of 1:500, or such other scale as may be approved by the Municipality, shall be submitted to the Municipality for approval prior to the submission of any building plans. No building shall be erected on the erf before such site development plan has been approved by the Municipality and the whole development on the erf shall be in accordance with the approved site development plan: Provided that the plan may, from time to time be amended with the written consent of the Municipality; provided that the additions to buildings which in the opinion of the Municipality will have no influence on the total development of the erf, shall be deemed to be in accordance with the approved Site Development Plan.
- iii.* Buildings may be sited contrary to any provision of the Municipality's Building Regulations if such siting is in accordance with an approved Site Development Plan.
- iv.* Subject to the provision of the Municipal Planning Bylaw, but notwithstanding any other provision contained herein, the Municipality may consent to the subdivision of the erf, where such subdivision corresponds with the subdivisional proposals indicated on the approved Site Development Plan applicable to the erf.

#### **11.19. "RESIDENTIAL 3 AND 4" ZONED LAND**

11.19.1. In approving land to be zoned as "Residential 3 or 4" the Municipality may impose, but is not limited to the following conditions:

- i.* In Use Zone iii ("Residential 3") where development takes place at a density not greater than 20 dwelling units per hectare, the provisions of Regulation 11.18 shall apply.
- ii.* Where the development takes place at a density greater than 20 dwelling units per hectare, the following conditions shall apply:
  - a)* All the conditions as set out in Regulation 11.18.

- b) The registered owner of the erf shall make available and accessible at his own expense to the satisfaction of the Municipality, at least 250m<sup>2</sup> of the erf as a children's play area which area may include paved areas, lawns and apparatus, according to the requirements of the residents, shall be provided on the erf by the registered owner to the satisfaction of the Municipality.

## **PART 6: SPECIAL, WRITTEN, TEMPORARY AND COMMUNAL LAND CONSENTS**

### **12. SPECIAL, WRITTEN, TEMPORARY AND COMMUNAL LAND CONSENTS**

#### **12.1. PLANNING APPLICATION PROCEDURES**

**12.1.1.** The application procedures outlined in this Scheme must be compatible with the procedures contained in the Collins Chabane Municipality Land Use Bylaws

**12.1.2.** In the event of conflict, the Bylaws will prevail.

#### **12.2. CRITERIA FOR THE CONSIDERATIONS OF APPLICATIONS**

**12.2.1.** The Municipality may, when application is made for its consent/approval in terms of the Scheme, refuse or grant such application subject to conditions relating to the use and development of land in any zone, with due considerations to:

- i.* The character of other uses in the area
- ii.* The amenity and aesthetic character of the surrounds
- iii.* Health and safety of the area
- iv.* The impact on the environment in the area
- v.* The need and the desirability of the proposed development
- vi.* Policy and Plans
- vii.* The impact on any Sector Plan
- viii.* The existing and planned bulk engineering services serving the area

**12.2.2.** Application in terms of the Scheme may be submitted by:

- i.* The registered owner of land, including the State or Municipality, in respect of land owned by the entity.
- ii.* An authorised agent acting on behalf of the owner of the land
- iii.* The Executor of the Estate of a deceased land owner.
- iv.* Communities occupying land on a customary basis in former homeland territories. Such communities must comply with formalities of the Interim Procedures Governing Land Decisions, which require the consent of the Minister as the nominal landowner.

#### **12.3. APPLICATION IN TERMS OF THE SCHEME**

**12.3.1.** Types of applications that shall be submitted, admitted and decided upon in terms of the Scheme are:

- i.* Special consent
- ii.* Written consent
- iii.* Variance
- iv.* Non-conforming land use rights
- v.* Temporary consent
- vi.* Building Line Relaxation/Building Restriction Area

- vii. Communal land use

#### **12.4. APPLICATION FOR SPECIAL CONSENT**

12.4.1. An application for one or more land uses specified as Special Consent uses subject to conditions:

- i. When the Scheme categorizes certain land uses as a secondary right, it does not follow that the land use will automatically on application be approved by the Municipality.
- ii. An application in terms of the above shall mean an application form, a memorandum which may include explanatory maps, plans or diagrams as well as an application fee, the Title Deed or Deed of Grant and Power of Attorney and Company Resolution, if required.
- iii. The Applicant shall be required to place notification of the proposed development application in a local newspaper for two (2) consecutive weeks in English and one other official language.
- iv. The Applicant shall simultaneously place and maintain an on-site notice for the prescribed objection period of 30 days.
- v. The Applicant shall submit proof including an *affidavit* in respect of the advertisement to the satisfaction of the Municipality.
- vi. The Municipality shall require the Applicant to serve adjoining properties and any additional stakeholders and interested parties who may be identified by the Municipality.
- vii. A consent use need not be subordinate to the primary rights applicable to the property under application.
- viii. No Special Consent application may be approved by the Municipality contrary to the restrictive conditions specified in the Title Deed.
- ix. A Register must be kept of every consent approved.

#### **12.5. APPLICATION FOR A WRITTEN CONSENT**

12.5.1. An application for one or more land uses as specified as written consent, subject to conditions:

- i. Where the Scheme permits certain land uses with written consent, it does not follow that the land use will automatically, on application be approved by the Municipality.
- ii. An application in terms of this Regulation shall mean an application form, a memorandum which may include explanatory maps, plans and diagrams in which the application is motivated as well as the application fee in addition to the Title Deed or Deed of Grant and Power of Attorney and Company Resolution, if required.
- iii. Public participation is limited to the serving of notices on adjacent owners.
- iv. The Applicant shall submit a proof of said serving of notices to the Municipality.

- v. No written consent application may be approved by the Municipality contrary to the restrictive conditions specified in the Title Deed.
- x. A Register must be kept of every consent approved.

## **12.6. APPLICATION FOR A VARIANCE**

**12.6.1.** An application for a variance from the Scheme is subject to the following:

- i. Where an application proposes an inconsistency with, or deviation from, any Regulation contained in the Scheme, the Municipality may approve the application by granting a variance to the specific Regulation.
- ii. When deciding on an application for a variance the Municipality shall have due regard to the spirit and intent of the particular development under consideration.
- iii. An inconsistency must be regarded as a minor deviation, in the opinion of the Municipality.
- iv. An application in terms of the stated Regulations, shall require public participation which is limited to the serving of notices on the adjacent owners.
- v. A Register must be kept of every variance approved.

## **12.7. NON-CONFORMING LAND USE RIGHTS**

- i. The land use rights, or components thereof, granted in terms of the previous Scheme that, after conversion do not conform to the development Regulations contained in the Scheme shall be regarded as non-conforming land use rights which shall remain in effect.
- ii. Should a non-conforming land use right not be exercised or conducted for a total period of 18 months within a consecutive period of 36 months, or if such use is destroyed or damaged to the extent of at least 75% of its value, or after a period of 15 years after the effective date, such land use right shall lapse, unless extraordinary circumstances are shown, in which case the Municipality may agree to the continuation of the non-conforming land use right.
- iii. The further extension of a non-conforming land use right shall be restricted to the extent that such use may, on application, be increased once only, and then by no more than 10% of the existing right, subject thereto that if such existing use has a detrimental impact on the surrounding land uses or the environment, such extension will be refused by the Municipality.
- iv. If applicable, a non-conforming right may be made to conform and/or be extended by applying for a variance to the relevant Regulation in terms of this Scheme or by applying for an amendment of the relevant zone or other Regulation.
- v. This section shall also apply to existing land use rights that do not conform to the development Regulation of the Scheme due to the amendment of the Scheme after the approval of the land use rights.

## **12.8. APPLICATION FOR TEMPORARY CONSENT**

12.8.1. Notwithstanding any other provision of this Scheme, the Municipality may, upon receipt of a written request, give its consent to the temporary use of any land or building within any use zone, for any of the following purposes:

- i. The erection and use of temporary buildings, or the use of existing buildings for site offices, campsite, storage rooms, workshops or such other uses as may be necessary during the erection of any permanent building or structure on the land; provided that such consent shall *ipso facto* lapse upon completion of the permanent structure, or on the expiry date thereof as determined by the Municipality.
- ii. The occasional and short-term use of land or buildings with any use zone for public religious exercises, place of instruction, institution, place of amusement or social hall.
- iii. The use of land or buildings thereon for state or municipal purposes.
- iv. The use of land or the erection of buildings necessary for the purpose of informal retail trade.

12.8.2. Any temporary consent granted in terms of this Regulation shall not be granted for any period in excess of 12 months, which period may, however, be extended by the Municipality for further periods of 12 months each, subject to a maximum period of 5 years in aggregate.

## **12.9. APPLICATIONS ON COMMUNAL LAND**

- i. An Applicant who wishes to amend the use of communal land, and if such an amendment will have a high impact on the community and will result in the development of land, must apply to the Municipality for the amendment of the land use in the manner specified for an amendment of the Scheme in the Bylaws. For the purpose of determining if a development constitutes "high impact" the criteria for triggering an environmental authorization process must be applied.
- ii. The Applicant who wishes to make a land development application on land held by a Traditional Council shall approach the relevant Traditional Council to apply for land to be developed by completing an appropriate form.
- iii. The Applicant stated in subsection (ii) must indicate the description of the property, location, extent, purpose of the intended use.
- iv. The Traditional Council shall upon receipt of the application contemplated in subsection (ii) submit the application to the Municipality for comments before the applicant can be notified of the outcome of the land application, whether it is supported or not. The Municipality shall, amongst others, determine the extent of the land to be allocated.
- v. The Municipality must within fourteen (14) calendar days of receipt of the land application mentioned in subsection (ii) recommend to the Traditional Council

whether to continue or not with the allocation of the land as applied for by the Applicant.

- vi. The Applicant shall, having been informed by the Traditional Council of the outcome, submit a land development application to the Municipality in accordance with the provisions relating to a Scheme amendment for high-impact development, and written consent for other development.
- vii. Any person who causes any development of land on land held by a Traditional Council without obtaining prior permission for such development from the Traditional Authority, in terms of subsection (ii), shall be guilty of an offense and liable upon conviction of R10 000.00 or imprisonment for a period as determined by a Court of Law, or to both a fine and such imprisonment.

#### **12.10. APPLICATION FOR BUILDING LINE RELAXATION/BUILDING RESTRICTION AREA**

12.10.1. The Municipality may grant Written Consent to relax a building line/restriction area excluding a street boundary applicable to any property upon receipt of a written application by the owner as part of an application to have a Site Development Plan approved in terms of Regulation 12.15. where:

- i. The Municipality is of the opinion that such relaxation will result in the improvement of the development potential and the aesthetical quality of the property;
- ii. The Application is made to resolve minor encroachments over the building line;
- iii. Compliance with the building line requirements will unreasonably restrict development of the property due to the slope of the property or adjoining land, or the proximity of buildings already erected.
- iv. The general character of the area permits such relaxation without prejudice to convenience of the area, privacy and traffic flow: Provided that if no building line is indicated on the Scheme, Annexures or in these Regulations, the Municipality may, in its sole discretion, fix a building line and inform the owner in writing.

#### **12.11. SIMULTANEOUS AND INTEGRATED APPLICATIONS**

12.11.1. An application in terms of the Scheme may, if inextricably integrated with another land use right application, be submitted simultaneously with that application at the discretion of the Municipality.

#### **12.12. CONVERSION RIGHTS**

12.12.1. Where an owner of land declared the land or a portion of the land as a "Protected Area" in terms of any relevant national or provincial environmental legislation, such owner shall have the right to convert the zoning to "Protected Areas".

12.12.2. The Owner must provide the Municipality with:

- i. A copy of the notice of declaration of land as a protected area; and
- ii. Maps indicating the area of which the status has changed as indicated above.

12.12.3. Upon delivery of the documentation in Regulation 12.12.2 the “Protected Areas” rights shall commence forthwith.

### **12.13. SUBSEQUENT APPLICATIONS**

12.13.1. Should an application be refused by either the Municipality or the Appeal Authority, no application containing similar proposals to those refused, may be submitted on the same land within a period of two years from date of refusal, unless the Applicant demonstrates that conditions have changed to such an extent that a new application, containing similar proposals, may be approved.

### **12.14. REGISTER OF SPECIAL, WRITTEN CONSENT, NON-CONFORMING AND COMMUNAL LAND APPROVALS AND RELEVANT CONDITIONS**

12.14.1. The Municipality shall keep a complete register of the amendments, special, written, non-conforming and communal land consents approved by it in terms of this Land Use Scheme, or granted through the verdict of appeals, as well as conditions imposed in such approvals. Such register together with the Land Use Scheme will be available for inspection at any time to any interested person or body.

### **12.15. SITE DEVELOPMENT PLAN**

- i.* The land owner shall submit a site development plan for approval on all developments other than a single dwelling house on a property, unless an exemption has been granted by the Municipality.
- ii.* A site development plan by a suitably qualified person shall be compiled.
- iii.* The site development plan shall be approved by the Municipality prior to the approval of the building plans for the development.
- iv.* An approved site development plan shall be amended with the approval of the Municipality, and the building plans should be aligned to the conditions and restrictions of the property.
- v.* The Municipality can accept the site development plan in support of the land use rights application.
- vi.* The Municipality shall not approve any building plan which does not comply with the proposals in the approved site development plan with particular reference to the extent, elevation and architectural treatment of the proposed building.
- vii.* No building shall be erected on the property before the approval of the site development plan.

## **PART 7: APPLICATION OF THE SCHEME AND POWERS OF THE MUNICIPALITY**

### **13. APPLICATION OF THE SCHEME AND POWERS OF THE MUNICIPALITY**

#### **13.1. ENTRY UPON AND INSPECTION OF PROPERTIES**

- 13.1.1. The Municipality may, through its authorized officials, enter upon any property at all reasonable times to conduct any inspection that the Municipality or its representative, may consider necessary or desirable for the application of this Scheme.
- 13.1.2. No person shall in any manner hinder, obstruct or interfere with the execution of any duties by any authorized officer of the Municipality, or in so far it may fall within his power, permit such official to be hindered, obstructed or interfered with.

### **13.2. POWERS OF MUNICIPALITY IN CASE OF CONTRAVENTION OF SCHEME**

- 13.2.1. Where any person, in conflict with any provision of the Scheme in Operation:
- i. Undertakes, or proceeds with erection or alteration of, or addition to a building or causes it to be undertaken or proceeded with;
  - ii. Performs, undertakes or proceeds with any other work, or causes it to be performed, undertaken or proceeded with;
  - iii. Uses any land or building, or causes it to be used;
  - iv. The Municipality shall direct such person in writing:
    - (a) To discontinue such erection, alteration, addition or other work, or to discontinue such use, or cause it to be discontinued; and
    - (b) At his own expense to:
      - a. remove such building or other work or cause it to be removed;
      - b. to cause such building or other work, or such use, to comply with the provisions of the Scheme.
- 13.2.2. Any person who contravenes the provisions of this Scheme, or fails to comply with an instruction issued in terms of Regulation 13.2.1 (iv) commits an offence.
- 13.2.3. If a person fails to comply with a directive issued in terms of Regulation 13.2.1 (iv) the Municipality may, irrespective of the fact that such a person has criminally been charged or prosecuted, remove the building or other works at the expense of such a person, obtain a court order to remove the building or other work, or cause the building or other work to comply with the provisions of its Scheme and to recover all expenditure incurred in connection therewith, from such person.
- 13.2.4. Whenever any person is required to perform any act to the satisfaction of the Municipality:
- i. The Municipality shall have the right to inspect the property or works under question to satisfy itself of compliance; or
  - ii. If the Municipality is not satisfied that compliance is taking place, it shall:
    - a) Send a notice to such a person informing the person of non-compliance, giving such a person 14 days, or such an extended period as may be required to ensure compliance; and
    - b) Failing which the stipulations of Regulations 13.2.1 (iv) and 13.1.3 shall apply *mutatis mutandis* to this Regulation.

13.2.5. Any act or omission, being an offence in terms of Regulation 13 above, is triable in a Magistrates' Court created in terms of the Magistrates Courts Act 1944 (Act 32 of 1944), and upon conviction, is punishable with a fine not exceeding R5000,00.

### **13.3. BINDING FORCE OF CONDITIONS**

Where consent to erect a building, or to execute works, or to use any building or land for a particular purpose, in terms of this Land Use Scheme is granted, subject to conditions, such conditions shall have the same legal force as if incorporated in this Land Use Scheme, and shall be regarded as though they were part of this Scheme.