

***BUFFALO CITY METROPOLITAN
MUNICIPALITY
LAND USE SCHEME***

SEPTEMBER 2026

BUFFALO CITY

LAND USE SCHEME IN TERMS OF CHAPTER 5 OF THE SPATIAL PLANNING AND LAND USE MANAGEMENT ACT (ACT NO. 16 OF 2013) AND CHAPTER 3 OF THE MUNICIPALITY'S SPATIAL PLANNING AND LAND USE MANAGEMENT BY-LAWS.

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1. INTRODUCTION OF THE LAND USE SCHEME

1.1 PREAMBLE

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

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

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

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

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

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

In the Municipal area, medium to longer term development is guided within a framework of strategic plans, ranging from the Spatial Development Frameworks, Strategic Environmental Assessments, Local Spatial Development Frameworks and Precinct Plans.

In this regard, the White Paper on Spatial Planning and Land Use Management (July 2001) recognizes that the key to successful spatial planning, land use management and land developments is the establishment of an effective link between forward planning (spatial planning) and development control (interpreted broadly as land use management).

In light of the above, land use management is conceived as the means of managing and regulating the implementation of spatial planning.

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

1.2 GENERAL

1. Title

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

2. Scheme Area

The Land Use Scheme applies to all land within the area of jurisdiction of Buffalo City Metropolitan Municipality.

3. Land Use Scheme Register

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

4. Scheme Open for Inspection

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

5. Conflict Of Laws

- a) When any provision of this Land Use Scheme is in conflict with a municipal by-law or any other subordinate policies or guidelines, these regulations shall prevail, subject to the provisions of regulation (b) (i) and (ii). Examples of subordinate policies and guidelines include urban design frameworks and density policies.
- b) The provisions of any other by-law or subordinate legislation, in so far as they relate to the determination of erection of structures within a specified distance of the boundaries or centre line of roads, shall have preference above the provisions of the Land Use Scheme except in so far as the Land Use Scheme:
 - i) Requires a road width greater than that determined by such other by-law or any other subordinate legislation; or

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

6. Transition from Former Land Use Management Systems / Land Use Schemes

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

Approvals issued in terms of the above and approvals granted prior to the commencement date of this scheme will be allocated with a corresponding zone in accordance with this Land Use Scheme. Pending applications that are approved after the date of commencement of this land use scheme will be allowed to take up their approved rights in terms of the land use restrictions as approved.

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

- (b) Where a building plan application was submitted and accepted:
 - i) before commencement of this Land Use Scheme and is still being processed; or
 - ii) after commencement of this Land Use Scheme, with the express purpose to act on a valid approval (and valid approved site development plan) in terms of a former land use scheme;
 such a building plan will be assessed and finalised within the approval granted and the provisions of the applicable zone in the former land use scheme. When implemented, such buildings will not be

considered to be a contravention of this Land Use Scheme but rather as a **lawful non-conforming use**.

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

- (c) Where a building plan application is submitted after commencement of this Land Use Scheme, not with the express purpose to act on a valid approval (and valid approved site development plan) in terms of a former land use scheme, but rather as an extension to an existing development that has already been taken up, the land use restrictions and provisions of the applicable zone in this Land Use Scheme shall apply.
- (d) Where, prior to the introduction of this Land Use Scheme, land development authorisations were issued by way of allocating a Special Zone and such land development is now permitted in terms of an appropriate Zoning Category, or by way of a Consent Use within a Zoning Category, such Special Zone will be replaced by the dedicated Zoning Category or Consent of this Land Use Scheme. In such cases the development rights allocated will remain and the provisions of this section shall apply.

7. Lawful Non-Conforming Uses

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

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

8. Absence of Reliable Zoning Records

In situations where Municipal zoning records are outdated or not available, the zoning status and other land development rights of properties can be confirmed using the following:

- (a) Copies of development authorisations (rezonings, departures, consents) on Municipal files, or in possession of property owners, and proof that a property / properties were used for such authorised purpose within the validity period of such authorisation(s).
- (b) Title Deeds of properties, where use-rights are specified as conditions of title.

- (c) Copies of Council Minutes or Tribunal Minutes, where decisions on development authorisations were recorded and proof that approved rights were taken up within the specified validity period.
- (d) Copies of approved and endorsed layout plans (where properties were created as part of a Township Establishment process), subdivisional plans or site development plans and proof that approved rights were taken up within the specified validity period.
- (e) Documents to prove that a use was practiced or use-right existed on a property prior to the implementation of the Spatial Planning and Land Use Management Act (16 of 2013) and that such use was legally permissible at the time (ie. was in line with conditions of title or other development management provisions that may have applied).

Where zoning status and other land development rights of properties can be confirmed by way of any of the above, the Municipality needs to allocate the most appropriate zoning in terms of these Land Use Scheme Regulations and any permanent departure or consent use that may be required in conjunction with such zoning to fully represent the confirmed status.

9. Wrongful Allocation of Zoning

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

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

10. Land Use permitted in terms of existing Zoning subject to compliance with all development controls

Notwithstanding the permitted uses in terms of the zoning of an Erf or Land Unit, the right to implement any land development is subject to confirmation that such development can adhere to all development controls of this Land Use Scheme and provisions of other legislation, policies or bylaws that may apply to the land or activities forming part of the proposed development.

1.3 DEFINITIONS

In these Regulations, unless inconsistent with the context:-

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

“Adult Entertainment” - means the use of a property for presenting or displaying sexually explicit shows or films. Adult Entertainments does not include “adult services” or “adult shops”.

“Adult Services” – means the use of a property for sexually orientated personal services that are provided and includes escort agencies and massage parlours. Adult Services do not include “adult entertainment” or “adult shops”.

“Adult Shop” – means a shop that sells sexually explicit, erotic or pornographic material. Adult Shop does not include “adult entertainment” or “adult services”.

“Advertise” (of an application) - see Notification of application.

“Additional Dwelling Units” – means, where permitted, further additional dwelling units that may be erected over and above the primary and second dwelling unit.

“Agriculture” - means the cultivation of land for crops, trees and plants or the breeding of animals, or the operation of a game farm on an extensive basis on the natural veld or land; it includes only such activities and buildings which are reasonably connected with the main agricultural activity on the land, including activities such as producing silage and/or compost and buildings such as a dwelling unit, traditional dwelling(s), worker accommodation, storage silos and sheds, but does not include abattoirs or defined consent uses.

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

- (a) Infrastructure and buildings linked to supply of agricultural goods, services, advice to such area or the storage of produce from such area
- (b) Cultural and Social Ceremonies
- (c) Commonage

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

“Amenity” (of an area or environment) – means the positive elements that contribute to the comfort, safety and overall quality of an area or environment as experienced by people living in or using it.

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

“Ancillary Use or activity” – in relation to any permitted use, means a use that is:

- (a) Directly related to and an integral part of the permitted use; and
- (b) Contributes to the functioning of the permitted use; but

(c) Remains subservient to the permitted use.

“Aquaculture” means the cultivation and breeding for commercial purposes of water-flora or –fauna (such as fish and abalone) in artificially-built dams or holding tanks or in natural water bodies.

“Authority usage” - means a use that is practiced by a public authority or utility company (such as private water services authorities) and of which the combination of use elements and / or locality factors are such that it cannot be classified or defined under other uses in these regulations, and includes uses practiced by-

- (a) National Government, such as military training centres and installations, telecommunication facilities ancillary to the authority usage, police stations and prisons;
- (b) Provincial Government, such as road construction camps;
- (c) a Municipality, such as fire services, sewage treatment works, dumping grounds, reservoirs, composting installations, cemeteries, water purification works, electrical substations and Municipal offices.
- (d) A utility company such as a Water Services Authority, Telkom, Eskom or entities providing utility services on behalf of an organ of state, local authority or services authorities in terms of a formal agreement or license..

“Basement” - means that portion of a building, which is not a habitable room, situated below the natural ground level where the finished ceiling is not above natural ground level.

“Bed and Breakfast” - means an owner managed commercial accommodation establishment of not more than 4 guest-rooms and which has as its primary source of business the supply of short term accommodation and breakfast for resident guests. For the purpose of this scheme, differentiation is made between 1 – 2 room and 3 – 4 room establishments.

“Boarding House” - means any building or premises in which both lodging and either meals or communal cooking facilities are supplied by the proprietor, together with such outbuildings as are normally used therewith. Rooms in a boarding house may not include kitchens or kitchenettes.

“Boarding Kennel” - means a place for the accommodation and care of pets and animals, operated on either a commercial or a welfare basis.

“Bottle Store” - means a shop in which mainly alcoholic beverages are sold in the retail trade.

“Boundary” of a land unit – means a cadastral boundary, or where a land unit has not been surveyed, a reference or description as approved by the Municipality.

“Building” – means:

- (a) any roofed structure, whether of a temporary or permanent nature and irrespective of the materials used in the erection thereof;
- (b) any external stairs, steps, landings, canopy, balcony, stoep, veranda, porch or similar feature of a building, including any walls or railings enclosing any such features of a building; and

(c) any other portion of a building.

"Building Line" - means the line delimiting the area measured at right angles and horizontally from the boundary of a land unit, or from a setback where applicable, within which no building or other structure (excluding structures specified in section 4.8 may be erected; or in the case of a departure for relaxation of the Building Line granted with the written approval of the affected abutting property owners and the Municipality. Where buildings or structures such as swimming pools, basements or conservancy tanks are below the natural ground level, the structure or building must be set back to a distance equivalent to the depth of the structure or building, if greater than the applicable building line.

"Business Premises" - means a site or building or structure on or in which retail and wholesale business is done and includes shops, warehouses, offices, financial houses, bottle stores, restaurants, hair and beauty salons, gymnasiums or buildings/structures/premises for similar purposes, but does not include institutions, service stations, industries or noxious trades that can reasonably be regarded as being incompatible with residential or business areas in the Municipality. Business Premises does not include retail activities associated with storage, sale and transport of large volumes of materials such as building supply stores that may result in unacceptable levels of heavy vehicle traffic and impact on local traffic as a result of off-loading and loading of goods.

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

"Canteen" - means an ancillary use or activity which does not exceed 250m² in floor space, including storage spaces, where food and refreshments are sold to employees of the enterprise only.

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

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

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

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

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

"Commercial premises" - means a land use that is generally more intensive in nature than ordinary business, due to the scale, intensity, or nature of the activity, which has a greater impact on surrounding properties. Typical activity includes service industry, wholesale and warehouses with an associated retail component. Uses associated with this land use are not limited to: Building supply stores such as Burmeisters, CTM, Builders and the like.

"Commercial workshop" - means a place of business where services or skilled trade work is provided directly to the public or local customers. It may

include activities such as **vehicle repairs, panel beating, spray painting**, or other hands-on and trade-related services.

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

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

- in the urban context, means land or space that is intended for common ownership and for common use of the owners of erven or sectional titles in a development where communal private access and services are shared; and

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

“Communal Land” - means land under the jurisdiction of a Traditional Council determined in terms of section 6 of the Eastern Cape Traditional Leadership and Governance Act, (*Act 4 of 2005*) and which was at any time vested in -

(a) the government of the South African Development Trust established by section 4 of the Development Trust and Land Act, 1936 (Act No. 18 of 1936), or

(b) 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).

“Composting installation” – means a facility where natural decomposition of organic matter such as food scraps, yard waste, agricultural residues, and animal waste material is facilitated through a controlled process.

“Conference Facility” – means a building or part of a building that is configured and equipped to accommodate the gathering of people for meetings, discussions and/or presentations, and may include catering facilities to supply meals and refreshments to delegates. A Conference facility does not include a restaurant.

“Consent Use” - means a land use specified in this land use scheme that may be permitted in a particular zone with the approval of the Municipality.

“Conservation usage” *in the context of Historic Areas* - means a building or part thereof or an area or a use that should be preserved in the opinion of the Municipality in consultation with the *South African Heritage Resources Agency*;

in the context of Natural Areas or land - means the use or maintenance of land in its natural state with the object of preserving the bio-physical characteristics of the land, including flora and fauna living on the land.

“Convenience shop” - means a shop that is linked to a Service Station, Resort or Hospital, does not exceed 250m² in floor space, including storage space and is used for the purposes of carrying on a retail trade specifically directed at the supply of convenience goods (predominantly foodstuffs) to a localized area.

“Council” - means the Buffalo City Metropolitan Municipal Council.

“Coverage” - means the total percentage area of a site that may be covered by roofed structures. In the case of walled structures, measured from the outside

of exterior walls; provided that the area covered by the first meter (as measured from the outside of the exterior wall concerned) of an eave or other projection shall not be included in the calculation of the permissible coverage. For roofed structures such as carports or lapas that are not fully enclosed by exterior walls, coverage is measured from outer perimeter of the roof or projection.

Example:

A Coverage of 75% - applicable to a 1 000m² erf

= (area of erf) x 75%

= 1 000m² x 75%

= 750m²

Total area of erf that can be covered by buildings (sum of footprint of all buildings on the erf) can be 750m²

"Crèche" - see Day and After Care Centre.

“Crematorium” – means a place for incinerating human remains in a furnace, and may include ancillary facilities such as an office linked to the management of the crematorium.

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

"Day and After Care Centre" - means a facility for the acceptance, protection, and temporary caring of children on behalf of their parents, by the occupant of the property (being the legal tenant or owner). This may include children that:

- (a) are not older than 6 years of age and which building or site is registered as a place of care in terms of the Children's Act 38 of 2005 and provides a minimum indoor floor space of 1.5m² per child and outside playing space of 2m² per child.
- (b) are 6 years and older and require after-school care.

Where a day and after care centre is permitted on a residential zone, a maximum of 50 children is permitted and must have a residential component. The permitted number of children at a day and after care centre on other zones will be determined by the applicable provisions of the Children's Act 38 of 2005 and such other provisions that the Municipality may consider.

A Day and After Care centre may include a pre-school, but excludes a hostel or place of instruction.

No land use authorisation is required for a facility catering for 6 or less children.

"Departure" – means: a temporary deviation from, or permanent amendment of, land use scheme provisions applicable to land.

"Developable Area" in relation to an erf, means the total area of an erf, excluding areas taken up by a panhandle driveway and/or servitudes or areas within applicable set-back lines.

"Dwelling Unit" – means a self-contained residential unit with a minimum floor area of 30m² containing one or more habitable rooms and provided with one kitchen. Where more than one room exists, rooms must be interleading and may not be separated by an outbuilding.

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

"Filling Station" – see Service Station

"Footprint", in relation to any building or structure and for the purposes of determining maximum permissible height of a building or structure, means the area below the outer perimeter of a building's walls or shell, and the area below any balcony, stoep, porch or similar structure attached to and extending outwards from a building's walls or structure's shell.

"Function Venue" – means a building or structure used for functions, weddings, receptions or exhibitions.

"Funeral Parlour" - means the business of an Undertaker and may include the following that are directly ancillary to the operation of the funeral parlour:-

- a) chapel, office, working space, garage, warehouse.
- b) a funeral parlour does not include a mortuary.

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

"Gross leasable area" (GLA) - means the total floor area that is leasable, measured from the internal surface of the outer walls of the roofed leasable area – including basements. Where restaurants make use of outside areas (areas outside the outer walls of the roofed leasable area) for seating for patrons, such areas will be included as part of the GLA for purposes of parking calculation.

Except where stipulated differently in the City's Traffic Engineering Standards, the following areas shall be excluded when calculating GLA:

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

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

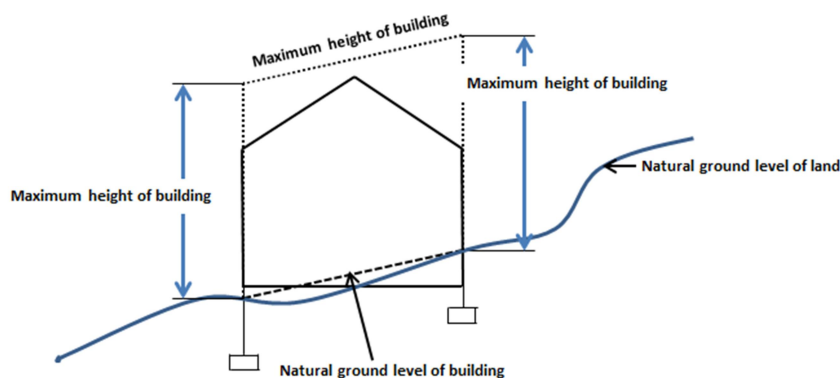
"Guest house" - means an owner managed commercial accommodation establishment of not less than 5 guest-rooms and not more than 16 guest-

rooms and which has as its primary source of business the supply of short term accommodation and meals for resident guests.

“Gymnasium” – means a building or premises designed and equipped for physical exercise and related services.

“Habitable room or space” - means any room or space within a building for human habitation (including sleeping, living, cooking, eating, working, meeting, gathering or for recreational purposes) and excludes bathrooms, toilets, verandas, garages, passages and non-habitable spaces in basements. The internal floor area of a habitable room may not be less than 6 m² in extent with no linear dimension of less than 2m.

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



(For additional clarification, refer to ***Annexure E***)

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

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

“Home-based Care” - means the use of a dwelling unit, portion of a dwelling unit by the occupant to provide care for a not more than 6 elderly, sick, vulnerable or disabled persons, or day and after care for not more than 6 infants or children. Such home-based care may include instruction for not more than 6 persons.

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

'Hotel' - means a property used as a short term residence for guests, where lodging and meals are provided, and may include additional facilities that are secondary and directly linked to the dominant use of the property as a hotel:

- (a) a restaurant;
- (b) conference facility;
- (c) premises which are licensed to sell alcoholic beverages for consumption on the property ; and
- (d) a massage parlour or spa.

"House Shop" (spaza shop) - means a shop that is operated by the resident owner or resident tenant, from a residential property that only sells basic day-to-day household necessities.

*(For additional clarification, refer to **Annexure A3**)*

"Incremental Settlement" - means a state-funded subsidised residential development, where the process of authorisation and subsequent progressive introduction of a layout plan, administration, management, engineering services or tenure rights to an area where any of the above-named elements are absent.

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

"Informal Dwelling" - see Shelter.

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

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

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

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

"Interleading" - (in the context of a dwelling unit with more than one habitable room) means internally connected by way of doors and / or passages that are enclosed within the external walls of a dwelling unit.

"Kitchen" means a dedicated room or area in a dwelling, restaurant, function venue or establishment where food is prepared and cooked. A kitchen will typically include space and surfaces for preparation of food and contain appliances such as a stove, oven, refrigerator, sink, and various cabinets for storing utensils, cookware, and ingredients.

"Kitchenette" means a small cooking area, typically forming part of a habitable outbuilding, guest room in a short term accommodation facility or office space, with basic appliances such as a microwave or hot plate, mini-fridge, single bowl sink and kettle. Habitable rooms in a dwelling unit may not include kitchenettes.

"Land" - means land with or without improvements.

"Land for Settlement" – means land that:-

- (a) prior to the introduction of this Land Use Scheme, was never subject to a Land Use Scheme or Zoning Scheme and was lawfully used for residential settlement; or
- (b) has been identified as land for settlement and confirmed as suitable for settlement by way of a feasibility study; and
- (c) has been defined as "Land for Settlement" and included within a settlement or urban edge in an approved spatial development framework.

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

In communal land areas, if not depicted on a diagram or general plan, depicted on a georeferenced plan or image at a level of accuracy that is acceptable to the Municipality. This may include:

- (a) a portion of land that has been demarcated in terms of the customary law applicable in the area in which it is situated, or that was in the past demarcated by the Department of Agriculture after consultation with the relevant Traditional Council, or
- (b) an area of communal land to which a household holds a formal or informal right, provided that such right is recognized in terms of the customary law applicable in the area in which it is situated.

In the context of in an Incremental Settlement process - means a portion of land allocated by the Municipality to an individual for occupation, whilst such portion of land is not yet capable of being registered in a deeds registry.

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

"Land Use Scheme" - means the Buffalo City Land Use Scheme consisting of scheme regulations, a register and a land use scheme map or zoning map

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

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

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

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

“Letting Accommodation” – means to rent out accommodation on a long term basis, with the minimum rental period not being less than 3 months.

“Licensed Bar or Pub” – where not linked to a restaurant or hotel, see Night Club.

“Limited Development Area” (in relation to the Municipality’s approved Spatial Development Framework or Local Spatial Development Framework) – means areas that are generally environmentally sensitive where low intensity, environmentally and culturally sensitive development can be permitted.

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

“Low-intensity Office” – see applicable Spatial Development Framework

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

- (a) any area including a basement, that is reserved solely for the parking of vehicles, shall be excluded;
- (b) any area required for an external fire escape shall be excluded;
- (c) subject to (d) below, any balconies, terraces, stairs, stair-wells, verandas, common entrances and common passages covered by a roof shall be included except in the case of a residential building on a residential site, where it shall be excluded;

- (d) any stairs, lift wells or other wells, in the case of multi-storey buildings, shall only be calculated once; and
- (e) any arcade, with a minimum width of 2m and which at all times provides access through the building concerned from public parking or a pavement or public road, street or open space to other public parking or another public road, street or open space and which at all times is open to the public by means of a servitude, as well as any other covered walkway through which the roof allows light, shall be excluded.

“Medical and /or Veterinary Consulting Rooms” – means an office or offices and ancillary rooms used by registered veterinarians and medical professionals such as doctors, physiotherapists, dentists, chiropractors, for veterinarian or human medical- related consultation.

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

Refer to section 4.4

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

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

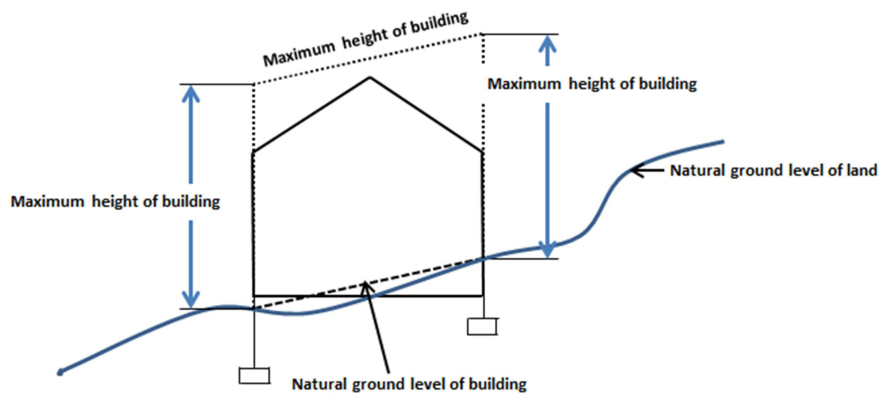
“Motor vehicle” - means a vehicle designed or intended for propulsion by other than human or animal power, and includes a motorcycle and a trailer and caravan, but does not include a vehicle moving exclusively on rails or an aircraft.

“Motor Vehicle Sales” - means land or a building used for the display and selling of motor vehicles. A motor vehicle sales premise may include an ancillary workshop for mechanical repairs or servicing of vehicles, but not for spray painting, panel beating or body work.

“Municipality” - means the Buffalo City Metropolitan Municipality, or:

- (a) where referring to overall administrative responsibilities, means the City Manager;
- (b) where referring to land development decisions – means an Authorised Official or Tribunal delegated to make decisions on Land Development Applications on behalf of the Municipality; and
- (c) where referring to the adoption of operational or strategic plans, policies or bylaws – means the Municipal Council.

“Natural Ground Level of a building” – means an imaginary surface that corresponds with straight lines connecting the highest and lowest *natural ground levels of the land* immediately contiguous to the footprint of a building or structure.

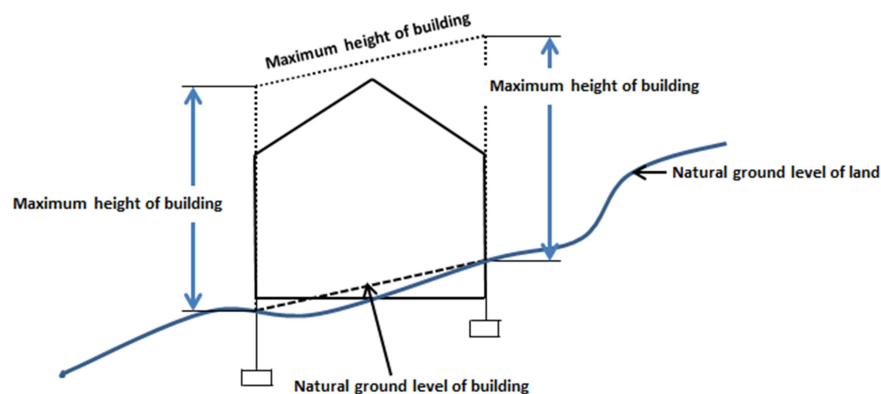


“Natural Ground Level of land” - means the level of the land surface in its unmodified, natural state.

If the natural state of land has been altered by way of infill or excavation of material, the natural ground level can be determined by way of the following:

- (a) Official contour information of the Municipality or Office of the Surveyor General that pre-date the altering of the land, or
- (b) Where official contour mapping is in the opinion of the Municipality’s Geomatics division not sufficient to accurately determine the natural ground level, a survey report from a suitably registered land surveyor to substantiate what is deemed to be the original natural ground level.

The determined natural ground level in (a) and (b) above must be submitted to the Municipality’s Geomatics division for consideration and approval.



“Nature-Based Recreational Activities” – means recreational activities that do not require any development of infrastructure and depend solely on the natural features of an area. These may include hiking and biking trails, fishing, kayaking, bird watching and similar activities.

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

“Night Club” – means a club or bar which may attract relatively large numbers of people, operate outside normal business hours or generate noise from music or revelry on a regular basis.

“Notification of application” – refer to sections 81 to 83 of the Municipality’s Spatial Planning and Land Use Management By-laws

“Noxious Trade / industry” - means a trade or industry which constitutes a nuisance or a risk to health in neighbouring premises arising from vapours, effluvia, fluids, liquid waste matter, solid waste matter, noise, disturbance and dust, including but not limited to:

- (a) enterprises associated with chemical, explosive or nuclear-based manufacturing, warehousing, packaging or distribution; and
- (b) the activities listed in **Annexure B** hereto.

“Nursery School” – refer to Day and After Care Centre

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

“Occupant” - means any person who physically inhabits a building, a structure or land.

“Occupational practice” - means the practicing of an occupation (excluding any noxious activities) from an approved building, subject to the provisions of **Annexure A4**.

“Occupation ratio” - as determined by the *SABS 0400:1990 - Code of Practice for the Application of the National Building Regulations*, means the restriction of occupation of:

- (a) 2 adults per guest room in hotels, guest houses or bed and breakfast accommodation facilities
- (b) 2 adults per habitable room in boarding houses and dwelling units
- (c) Minimum of 5m² per person in dormitory rooms in residential buildings.

“Old Age Home” – see Retirement Village

“Offices” - means a room or set of rooms or a building that is used for the performance of an administrative function of an enterprise or to practice a profession or offer professional services, but excludes shops and business premises and does not include the storage, handling, distribution or sale of goods.

Where offices include boardrooms or meeting rooms, these must be for the exclusive use of tenants / occupants of office spaces and may not be hired out on a short term basis to external parties for hosting of meetings, gatherings or functions.

“One in hundred year flood line” or **“1:100 year flood line”** means a line depicting the level that floodwaters are expected to reach during a flood that has a 1% chance of occurring in any given year.

“Outbuilding” - means a structure either attached to, or separate from a dwelling unit and designed for the parking of motor vehicles, for use as

accommodation and for such other uses that are reasonably associated with the use of the main structure.

Outbuildings on an erf may only include one habitable room, which may not constitute a separate dwelling or dwellings, unless the building plan confirms such outbuilding to be a second dwelling or such additional dwellings as may be approved by the Municipality.

The maximum floor area of all outbuildings, excluding floor area designated for parking of motor vehicles, may not be more than 30m².

“Overlay zone” - means a mapped overlay superimposed on one or more established zoning areas which may be used to impose supplemental restrictions in terms of an applicable Spatial Development Framework or other legislation or bylaws on uses in these areas;

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

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

“Panhandle access” - means a narrow access way forming part of an erf. In the event of it serving a single dwelling unit, the minimum width shall be 4m (or as may be specified by the City's Traffic Engineering Standards). In the event of it serving more than one erf, or more than one dwelling unit, or a guest house, the minimum width shall be 6m.

“Parking bay” - means an area measuring not less than 5,0m by 2,5m or an area as contained in the latest approved version of the Municipality's Traffic Engineering Standards, which is clearly outlined and demarcated for the parking of one motor vehicle, and which is accessible to the satisfaction of the local authority.

"Parking garage" - means a building designed for the parking of motor vehicles subject to or without a fee, but does not include a building of which any part is designed for use as a workshop for the repair of motor vehicles.

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

"Pitched roof" – means a roof with a pitch of more than 10°.

"Place of assembly" – means:

- (a) a town hall, civic centre, public hall, school hall; or
- (b) hall for social functions, gatherings or exhibitions.

"Place of entertainment" - means a theatre, cinema, amusement park, games centre, sports centre, gymnasium, billiard room or facility for any form of betting and / or gambling, including where electronic gambling devices are available. Place of Entertainment excludes an adult entertainment, adult shop, adult services, night club and licensed bar or pub.

"Place of instruction" - means:

- (a) a school, college, technical institute, industrial school, academy, university, lecture hall or other centre of instruction, whether public or private, and includes a hostel for learners or students attached to such place of instruction and staff accommodation appertaining thereto, and
- (b) a convent, monastery, library, public art gallery, museum, gymnasium or Day and After Care Centre linked to a place of instruction, whether public or private, but does not include a building or complex used or industrial school, or as a school for the mentally disabled.

"Place of worship" - means a church, synagogue, mosque, temple, chapel or other place for practicing religion and includes a parsonage, hall and other buildings used in connection with the place of worship, but does not include a funeral parlour.

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

"Primary Use" means a land use right that may be exercised, subject to compliance with the Scheme.

"Private Open Space" - means any land which has been set aside in this scheme for use as a primarily private site for club buildings, sport, play, rest or recreational facilities, urban agricultural garden, or shared vacant space in a Town Housing Site and includes public land which is or will be leased on a long term basis.

"Private Parking" - means a demarcated area of a privately owned site or building, or public land which is or will be leased on a long term basis, for parking purposes. Private Parking excludes taxi ranks, bus termini and truck stops.

"Projection" (in relation to a building or structure) - means any part of the building or structure that extends outwards, beyond the outer walls of a building, or pillars or posts that support a structure with no outer walls.

"Professional Services" - means a vocation which is governed by a professional institute or council in terms of an applicable statutory mandate, and in which the practitioners offer their time and skills as a particular service to individual clients, as distinct from the sale of a tangible commodity or manufacturing or production of goods (e.g. medical, dental, veterinary or legal practice, hairdressing service etc.).

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

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

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

"Public Garage" - means a building, including the site, for an undertaking that offers a complete range of services for motorised vehicles, including, but not limited to panel beating, blacksmithing, spray-painting. A Public Garage does not include a Service Station.

"Public Notice" (as described in the Spatial Planning and Land Use Management Bylaws of the Municipality) – means to:

- (a) publish a notice in a newspaper with a general circulation in the area concerned in terms of the official language determined by the Council, having regard to language preferences and usage within its municipal area;
- (b) if there is no newspaper with a general circulation in the area, posting a copy of the notice of application, for the duration of the notice period, on the land concerned;
- (c) Serving notices on any person who, in the opinion of the Municipality has an interest in the matter or whose rights may be affected.

"Public Open Space" or "Public Place" - means land which falls under, or is intended to come under, the ownership of the local authority, which is not leased or intended to be leased on a long term basis and which is utilised or will be utilised as an open space, park, garden, playground, sportsground or square and includes buildings or structures associated with these uses.

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

"Public Place" - means any square, park, recreation ground, sports ground, or other land that has at any time been declared or rendered such by a Municipality or other competent authority.

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

"Public Servitude" - means a servitude in favour of the public over property in whatever manner it may have been established but does not include the right of the public to use a public street, public road or declared road.

"Public Street" - means:

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

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

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

“Recreation Complex” in relation to a Resort – means any space, structure or building used for playgrounds, gymnasiums, entertainment, dining or similar activities linked to recreational activities of visitors.

“Register”, when used as a noun - means documents held by a local authority in connection with all land development authorisations.

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

“Renewable Energy Structure” – means any wind turbine, hydro turbine, solar energy generating apparatus (including solar-voltaic and concentrated solar thermal) or bio mass facility, or grouping thereof, which captures and converts wind, hydro, solar radiation, bio mass or other renewable energy source into energy for local consumption or commercial gain, irrespective of whether it feeds into an electricity grid or not. This may include associated structures, infrastructure or buildings directly related to the operation of the particular facility or that may lead to the generation, transmission and distribution of electricity generated at the facility. Associated structures and infrastructure may include pylons, poles, masts, transformers and sub-stations. Associated buildings may include, but are not limited to, workshops and stores, offices, site canteen, medical station, research facility, guard house and recreational facilities for staff.

“Renewable Energy Site” - means the land utilised for the renewable energy structure or grouping of structures and other associated structures, infrastructure and buildings, including the setback lines applicable to the renewable energy structures and associated structures, infrastructure and buildings, regardless of cadastral boundaries.

“Residential Building” - means a building (other than a dwelling unit, town house or block of flats) for human habitation, together with such outbuildings as

are normally used therewith, and includes a boarding house, residential rooms, old age home, hotel, and a hostel, but does not include buildings mentioned whether by way of inclusion or exclusion in the definitions of "place of instruction" or "institution".

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

"Resort" - means a resource based holiday or recreational development that is accessible to the public (which may be subject to booking and fee arrangements) and may include a caretaker's and/or security guards quarters.

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

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

"Restaurant" - means a business establishment where meals and liquid beverages are prepared and/or served to paying customers for consumption on the property, and may include licensed provision of alcoholic beverages for consumption on the premises. It permits the purchase of prepared meals for consumption off the property, including drive-through facilities for this purpose.

"Retail" - means the sale and supply in any quantities of goods not manufactured nor produced to the order of any person and which are sold to any person for use or consumption by that person, and not for resale. Retail may include limited ancillary uses.

"Retirement Village" - means a town housing scheme or general residential building that conforms to the defined in Section 1 of the Housing Development Schemes for Retired Persons Act, 1988 (Act 65 of 1988) and following additional conditions:

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

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

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

"Scheme Regulations" - means the Land Use Scheme Regulations in terms of Chapter 5 of the Spatial Planning and Land Use Management Act (Act No. 16 of 2013).

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

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

"Second Dwelling Unit" – means, where permitted, a dwelling unit that may be erected in addition to the primary dwelling unit.

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

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

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

- (a) primarily involved in the rendering of a service for the local environs, such as the repair of appliances; and
- (b) which is not likely, in the event of fire, to cause excessive combustion or explosions, or give rise to poisonous fumes being released;
- (c) may include a builder's yard and allied trades such as carpenters, welders, engineering works, public garage, fitment centre for tyres, shock absorbers or exhausts, panel beating workshop and similar types of uses.
- (d) but does not include an abattoir, a brickmaking site, sewerage works or a service station.

"Service Station" or **"Filling Station"** - means a business or concern where motor vehicles are provided with fuel and / or electric charging points for payment or reward and includes ancillary trading in motor vehicles, oil, tyres and motor spares, the servicing of motor vehicles, car wash or the operation of a restaurant or convenience shop, but excludes spray painting, panel beating or body work. The total permissible floor area for permitted ancillary trading uses over and above the convenience shop, is restricted to the equivalent of 50m² of trading floor area per pump bay (with a pump bay meaning the vehicle bay next to a pump island where one vehicle can park to fill fuel), subject to compliance with all other development restrictions.

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

"Shelter" - means a structure and unit of accommodation intended for human occupation, constructed of any material whatsoever, even though such

structure or material may not comply with the standards or requirement for durability intended by the National Building Act;

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

But shop does not include an industry, noxious trade, service station or bottle store. A shop may, where licensed, include the sale of alcoholic beverages, provided it is not the main product being sold (ie. does not constitute a bottle store).

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

"Short Term Accommodation" – means accommodation for a temporary period (not exceeding three consecutive months).

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

"Site" – means an Erf or Land Unit – as defined in terms of this Land Use Scheme

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

"Spaza Shop" – see House Shop

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

"Storey" - means a single level of a building, excluding a non-habitable basement, of not less than 2.1m and which does not exceed a height of 3.6m in residential buildings (inclusive of dwelling units, town houses and flats) or 4m in non-residential buildings, measured from finished floor level to finished floor level or to the ceiling in the case of the top storey, or to a level equivalent to the height of the outside wall of a building if no horizontal ceiling is present; provided that:

- (a) a basement or part of a basement that is, in the opinion of the Municipality, habitable, is deemed to be a storey:

- (b) a roof, or dome which forms part of a roof, shall not constitute a separate storey unless the space within the roof is designed for, or used for human occupation, in which case it is deemed to be a storey; and
- (c) any storey which is greater than 3.6m but equal to or less than 7.2m in height in residential buildings (inclusive of dwelling units, town houses and flats), or greater than 4m but equal to or less than 8m in height in non-residential buildings, shall for the purposes of height measurement be deemed to be two storeys, any additional 3.6m and 4m in height (respectively) or portion thereof, shall be deemed to be an additional storey.
- (d) Only the roof structure may exceed the permitted height of a storey, as defined above.

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

"Structure" – means any building, shelter, braai facility, wall, fence, pillar, tower, pergola, steps, landing, terrace, sign, ornamental architectural feature, swimming pool, fuel pump, underground tank, any building ancillary to service infrastructure provision and any portion of a structure;

"Stud Farming" - means an enterprise for the purpose of farming with livestock to improve certain qualities of the particular breed.

"Subdivide and subdivision" have the meanings assigned to them in the Act.

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

"Tavern" - means a home-based business by the resident owner or resident tenant, that provides for on and off-site consumption of prepared food and liquor, provided that all provisions described in **Annexure A3** are complied with.

"Tourist and Visitor facility" - means amenities for tourists or visitors such as lecture rooms, conference facilities, function venues, restaurants, gift shops and restrooms, but does not include overnight accommodation.

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

"Town housing"/"Town Housing Scheme" - means a walled free standing, row or group of linked and/or attached dwelling units of which every dwelling unit has a habitable ground floor; the dwelling units may either be cadastrally subdivided or not. Access to individual units may only be provided via internal private roadway.

"Town housing site" - means a land unit or more than one land unit on which a town-housing scheme has been or can be erected. A Town Housing Site includes Private Open Space and additional ancillary uses.

“Traditional Dwelling” – means, in the context of areas under Traditional Council administration, a self-contained inter-leading group of rooms, or free standing rooms functioning in an integrated manner as a dwelling unit, grouped together on a land unit, used for living accommodation and housing of a family, together with such outbuildings and structures as are ordinarily used therewith..

“Traditional Communities” means communities recognised in terms of section 3 of the Eastern Cape Traditional Leadership and Governance Act, 2005 (Act No. 4 of 2005).

“Traditional Council” means a traditional council that has been established and recognised for a traditional community in accordance with the provisions of section 3 of the Eastern Cape Traditional Leadership and Governance Act, 2005 (Act No. 4 of 2005).

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

“Transport usage” - means a public or private transport undertaking based on the provision of a transport service such as railways, harbours and airports, and includes facilities to service the needs of commuters and for the handling and storage of freight or structures and activities permitted in terms of applicable legislation governing the operation of transport services such as railways, harbours or airports.

“Transport and Ancillary Uses” as defined in Act 43 of 1995 – whereas

- (a) “Transport Uses” means the use of land, a building or a structure for the operation of a public service for the transportation of goods (including liquids and gases) or passengers, as the case may be, by rail, air, road, sea or pipeline, including the use of such land, building or structure as a harbour, communication network, warehouse, container park, workshop, office or for the purposes of security services connected with the foregoing; and
- (b) “Ancillary Uses” means the use of land, a building or a structure, which is ancillary to the transport uses of such land, building or structure, or which is directly related to or ancillary to serving the interests of the commuting public, including the use of such land, building or structure for offices, shops and recreational, business and residential purposes.

“Truck stop” – means a premises used as a stop-over parking facility for commercial vehicles that may include ancillary maintenance, repair or cleaning services, sale of parts and accessories for commercial vehicles. A truck stop may also include overnight accommodation, a convenience store and restaurant facilities.

“Undertaker” – means a person whose business is preparing dead bodies for burial or cremation and making arrangements for funerals.

“Utility Service” - means a use or infrastructure provided by a public authority, private or public utility, which is required to provide engineering and associated services for the proper functioning of:

- (a) The built environment and includes a dam, reservoir and purification works, electricity substation and transmission lines, stormwater retention facilities, and a waste-water pump station.

- (b) Agricultural or other production schemes and includes dams, canals, pump stations, electricity substation and transmission lines.

Where any part of such use or infrastructure constitutes a noxious use, it will be subject to provisions of this scheme pertaining to noxious trades or industries.

“Utility service” does not include road, transport use or telecommunication installations.

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

“Water Resource” - means wetlands, rivers and water courses.

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

“Wholesale” - means the sale and supply in any quantity of goods to a bona fide retailer for resale to the public, or to members of the public typically looking to buy bulk quantities of goods.

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

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

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

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

“Zoning Certificate” – means a certificate issued by the Municipality, confirming land development rights, such as the existing zoning and related purpose for which the property may be used and development provisions such building lines, height, coverage and Floor Area Ratio.

“Zoning map” – see “Land Use Scheme Map”.

2. ZONING AND LAND USE

2.1 AREA OF LAND USE SCHEME

The Land Use Scheme is applicable to the entire area of jurisdiction of the Buffalo City Metropolitan Municipality.

2.2 COMPONENTS OF THE LAND USE SCHEME

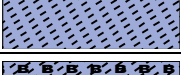
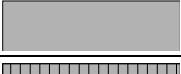
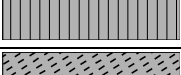
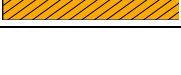
This Land Use Scheme consists of three components, namely:

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

2.3 ZONING OF LAND IN SPECIFIED USE ZONES

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

TABLE A

COLUMN 1 ZONING	COLUMN 2 COLOUR NOTATION	COLUMN 3 VISUAL REPRESENTATION	RGB CODE		
			R	G	B
Agricultural	Light green		163	255	115
Authority 1	Light Green Outline		163	255	115
Authority 2	Red		255	0	0
Business 1	Dark blue		0	92	230
Business 2	Light blue with black diagonal broken line hatching		115	223	255
Business 3	Light blue with black diagonal hatching		115	223	255
Business 4A	Blue-purple with black diagonal broken line hatching		158	170	215
Business 4B	Blue-purple with black diagonal broken line hatching (marked with a B)		158	170	215
Business 5	Blue-purple		158	170	215
Industrial 1	Purple		170	102	205
Industrial 2	Purple with fine black hatching		170	102	205
Institutional 1	Grey		178	178	178
Institutional 2	Grey with fine black hatching		178	178	178
Institutional 3	Grey with black diagonal broken line hatching		178	178	178
Residential 1A (Urban)	Yellow with fine black diagonal hatching (marked with an A)		255	255	0
Residential 1B (Urban)	Yellow with fine black diagonal cross-hatching (marked with an B)		255	255	0
Residential 1C (Rural)	Yellow with fine black diagonal hatching (marked with an C)		255	255	0
Residential 1D (Rural)	Yellow with fine black diagonal cross-hatching (marked with an D)		255	255	0
Residential 2	Yellow with fine black hatching		255	255	0
Residential 3A	Yellow-brown		212	189	0
Residential 3B	Yellow		255	255	0
Residential 3C	Yellow with wide black hatching		255	255	0
Residential 4	Orange		255	170	0
Residential 5	Orange with black hatching		255	170	0
Residential 6	Orange with black diagonal hatching		255	170	0

COLUMN 1 ZONING	COLUMN 2 COLOUR NOTATION	COLUMN 3 VISUAL REPRESENTATION	RGB CODE		
			R	G	B
Resort	Pink		255	190	232
Open Space 1	Dark-green		56	168	0
Open Space 2	Dark-green with black diagonal broken line hatching		56	168	0
Open Space 3	Dark-green Outline		56	168	0
Special	Light blue		190	232	255
Transport 1	Dark-brown		137	90	68
Transport 2	Light-brown		205	173	138
Transport 3	Light-brown with black diagonal hatching		205	173	138
Transport 4	Dark-brown with black diagonal hatching		137	90	68
Municipal Boundary	Broken black outline		0	0	0

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

Zoning Categories

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

Primary Use Rights

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

Consent Uses

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

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

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

2.5 ZONING ACCORDING TO UTILISATION

Notations on the zoning map are intended to indicate land uses and not land ownership. Land falling under ownership of a public authority shall only be included in the authority zones if the current or intended future use, or combination of uses, are such that no other zone in Table B is appropriate. If any other zone in Table B is appropriate, the land shall be indicated for that purpose whether or not a public authority owns it.

TABLE B

COLUMN 1 ZONING		COLUMN 2 PRIMARY USE	COLUMN 3 CONSENT USES
Agricultural (Agricultural land)		Intensive Agronomy, Stud Farming, Dwelling Unit, Agriculture, Nursery, Cultural and Social Ceremonies, Feed Pen Farming, Riding School, Aquaculture, 2nd Dwelling Unit; Conservation Usage, Commonage, Boarding Kennels, Nature-Based Recreational Activities	Farm Stall, Agricultural Industry, Abattoir, Tourist and Visitor Facility, Additional Dwelling Units, Cemetery, Crematorium, Day and After Care Centre, Renewable Energy Structure, Further Additional Dwelling Units
Authority 1		Local Municipal Authority Usage, Commonage	Cemetery, Crematorium
Authority 2		Government and District Municipal Authority Usage, Commonage	None
Business 1		Business Premises, Supermarket, Flats, Residential Building, Funeral Parlour, Place of Worship, Shopping Centre, Parking Garage, Conference Facility, Place of Entertainment, Place of Assembly, Place of Instruction, Day and After Care Centre, Clinic, Nursery, Motor Vehicle Sales, Adult Shop	Commercial Workshop, Institution, Hospital, Service Station, Electric Vehicle Charging Station, Public Garage, Service Industry, Adult Entertainment, Mortuary, Adult Services, Commercial Premises; Night Club
Business 2		Shop, Supermarket, Offices, Professional Services, Town House, Dwelling Unit, Flats, Residential Building, Place of Worship, Restaurant, Clinic, Hair and Beauty Salons, Gymnasiums, Financial Houses	Place of Assembly, Funeral Parlour, Place of Entertainment, Bottle Store, Conference Facility, Day and After Care Centre, Place of Instruction, Warehouse, Nursery, Adult Shop, Night Club
Business 3		Commercial Premises, Commercial Workshop, Shop, Service Industry, Funeral Parlour, Mortuary, Public Garage, Adult Entertainment, Adult Shop, Adult Services, Place of Entertainment, Night Club, Place	Buildings and uses other than that referred to in Column 2

		of Worship, Clinic, Nursery, Motor Vehicle Sales, Business Premises	
Business 4A		Offices, Professional Services, Dwelling Unit, Town House, Flats	Place of Assembly, Place of Instruction, Residential Building, Place of Worship, Day and After Care Centre
Business 4B		Low-Intensity Offices, Dwelling Unit and Professional Services	None
Business 5		Service Station, Electric Vehicle Charging Station	Residential Building, Flats, Town Houses, Truck Stop (Linked to a Service Station)
Industrial 1		Industry, Service Industry, Industrial Café, Service Station, Electric Vehicle Charging Station, Commercial Workshop, Commercial Premises, Warehouse, Public Garage, Funeral Parlour And Mortuary, Scrap Yard, Quarters used for Security Guards or Caretakers,	Aquaculture, Truck Stop, Composting installation, Buildings and uses other than that referred to in Column 2
Industrial 2		Noxious Use, Trade or Industry, Scrap Yard, Abattoir, Crematorium, Composting installation	Quarters used for Security Guards or Caretakers
Institutional 1		Place of Instruction, Place of Assembly, Day and After Care Centre	Place of Worship
Institutional 2		Place of Worship, Parsonage, Place of Assembly, Day and After Care Centre	Place of Instruction, Cemetery, Crematorium
Institutional 3		Institution, Hospital, Clinic, Place of Assembly, Day and After Care Centre, Retirement Village	Residential Building, Place of Instruction, Place of Worship
Open Space 1		Public Open Space, Conservation Usage	Certain associated structures and activities
Open Space 2		Private Open Space, Conservation Usage	Certain associated structures and activities, Agriculture, Cemetery

Open Space 3		Conservation Usage, Nature Reserve.	Dwelling Unit (outside the defined urban edge), Certain associated structures and activities directly linked to the primary use of Conservation, Camping Site, Resort Accommodation, Caravan Park (outside the defined urban edge).
Residential 1A (Urban) (Public funded Incremental Settlement)	 A	Shelter, Dwelling Unit, other uses that can be considered compatible with the primary residential function	None
Residential 1B (Urban) (Public funded residential)	 B	Dwelling Unit, Second Dwelling Unit	Day and After Care Centre, Institution, Additional Dwelling Units
Residential 1C (Rural) (Existing self-built and/or new Public funded Rural Residential on un-surveyed or un-depicted land)	 C	All existing lawful uses	
Residential 1D (Rural) (Existing self-built and/or or new Public funded Rural Residential on surveyed or depicted land)	 D	Dwelling Unit	Day and After Care Centre, Institution, Second Dwelling Unit,
Residential 2 (Residential within Limited Development Area)		Dwelling Unit, Holiday Housing, Estate Housing	Day and After Care Centre, Institution, Hotel, Tourist and Visitor Facility, Renewable Energy Structure,
Residential 3 (Urban Single Residential - Erf Size 150-499m ²)	 A	Dwelling Unit, Second Dwelling Unit, Further Additional Dwelling Units as provided in SDF or LSDF	Day and After Care Centre
	 B		

	 C		
Residential 4 (Town Housing < 50 units/ha)		Town Houses - up to 50 units/ha, Dwelling Unit, Private Open Space	Retirement Village, Institution, Day and After Care Centre
Residential 5 (Higher density Town Housing and Flats > 50 units/ha)		Town House, Flats - above 50 units/ha, Dwelling Unit, Private Open Space	Retirement Village, Residential Building, Day and After Care Centre, Institution
Residential 6 (Other types of Residential)		Residential Building, Dwelling Unit, Guest House	Flats, Institution, Conference Facility, Place of Entertainment (where linked to a hotel)
Resort		Resort, Resort Accommodation, Holiday Accommodation, Caravan Park, Camping Site, Place of Assembly, Recreation Complex, Caretaker's and/or Security Guards Quarters, Convenience Shop, Tourist and Visitor Facility	Hotel
Special		Special Usage	Not applicable
Transport 1		Transport Usage; Transport and Ancillary Uses	None
Transport 2		Public Road, Public Parking	Certain structures and activities and land uses associated with a Public Transport Facility within Public Roads
Transport 3		Public Parking, Private Parking, Parking Garage	Certain associated structures and activities
Transport 4		Transport Facility, Taxi Rank, Bus Terminus, Truck Stop	Certain associated structures and activities

3. PLANNING CONTROL

3.1 AGRICULTURAL

Intent

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

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

3.1.1 COLOUR NOTATION : Light Green

3.1.2 USE RIGHTS

Primary Use: Agriculture, Aquaculture Intensive Agronomy, Stud Farming, Dwelling Unit, Second Dwelling Unit, Nursery, Riding School, Conservation Usage, Commonage, Nature-Based Recreational Activities, Feed Pen Farming (subject to 3.1.11 below), Boarding Kennels (subject to 3.1.9 below),

Consent Uses: Farm Stall, Agricultural Industry, Abattoir, Cemetery, Tourist and Visitor Facility, Day and After Care Centre, Renewable Energy Structure, Further Additional Dwelling Units (subject to 3.1.6 below).

3.1.3 LAND USE RESTRICTIONS

All Building Lines: At least 10m – subject to the provisions of section 4.8.

Minimum Erf/Farm Size: Within the Urban Edge - 0,8 ha

Outside the Urban Edge – 10 ha

Height: For residential structures, at most 2 storeys;
For structures used for keeping of livestock, growing of plants and agricultural implements, at most 3 storeys; and
For processing and storage of agricultural produce, at most 4 storeys

Parking: Please refer to **Annexure C** and the Municipality's approved Traffic Engineering Standards

For Renewable Energy Structures, the provisions of **Annexure D** shall apply.

3.1.4 NOTWITHSTANDING PARAGRAPH 3.1.3

- (a) An eaves projection may exceed the prescribed building lines by at most 1m.
- (b) The Municipality may approve the relaxation of a building line by means of a departure subject to:
 - (i) no doors or windows being permitted in any wall situated within 1 meter of such building line; and

(ii) consent of the affected neighbours.

- 3.1.5 Subject to the necessary approval by the Municipality, a dwelling unit or part of a dwelling unit in this zone may be utilised as a bed and breakfast establishment or a guesthouse, provided that the requirements as contained in **Annexure A2**, are complied with.
- 3.1.6 Consent for additional dwelling units (over and above the primary and second dwelling unit) shall be subject to:
- (a) One additional dwelling unit per 10ha, up to a maximum of four additional dwelling units per land unit (maximum achievable number of units therefore 1 primary + 2nd dwelling unit + 4 additional dwellings units = 6 dwelling units);
 - (b) Subject to the approval by the Department of Agriculture in terms of the Subdivision of Agricultural Land Act, (Act 70 of 1970), ownership of second or additional dwelling units may be permitted by way of Sectional Title.
- 3.1.7 Employee accommodation related to agricultural activities shall not be regarded as a second or additional dwelling unit for the purposes of these regulations.
- 3.1.8 Home-based care - A dwelling unit, part of a dwelling unit or associated outbuildings may be utilised for providing Home-based care, provided that the requirements as contained in **Annexure A5**, are complied with.
- 3.1.9 On Agricultural Zoned land within a defined urban or settlement edge of a Spatial Development Framework, Feed-Pen Farming and Boarding Kennels are Consent Uses and not a Primary Use Rights.

3.2 AUTHORITY 1

Intent

This Zone makes provision for utility services and uses practiced by the Municipality, of which the characteristics (including combination of uses) and locality factors are such that it cannot be classified or defined under other uses in the scheme.

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

3.2.1 COLOUR NOTATION : Light Green outline

3.2.2 USE RIGHTS

Primary Use : Local Municipal Authority Usage (or usage by a utility company on behalf of a Local Municipal Authority), Commonage

Consent Use: Cemetery, Crematorium

3.2.3 LAND USE RESTRICTIONS

The land use restrictions and additional provisions for every site, use type or building that may be permitted in this zone shall be determined by the Municipality.

3.3 AUTHORITY 2

Intent

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

- (a) The National Government, such as military training centres and installations or correctional facilities;
- (b) The Provincial Government, such as road construction camps; and

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

3.3.1 COLOUR NOTATION: Red

3.3.2 USE RIGHTS

Primary Use: National or Provincial Government and District Municipal Authority Usage (or usage by an utility company on behalf of a Government or District Municipal Authority), Commonage

Consent Uses: None

3.3.3 LAND USE RESTRICTIONS

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

3.4 BUSINESS 1

Intent

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

3.4.1 COLOUR NOTATION: Dark blue

3.4.2 USE RIGHTS

Primary Use: Business Premises, Shopping Centre, Supermarket, Flats, Residential Building, Funeral Parlour, Hospital, Place of Worship, Place of Entertainment, Parking Garage, Place Of Assembly, Place of Instruction, Conference Facility, Adult Shop, Day and After Care Centre, Clinic, Nursery, Motor Vehicle Sales.

Consent Use: Commercial Workshop, Commercial Premises, Institution, Service Station, Electric Vehicle Charging Station, Public Garage, Service Industry, Mortuary, Night Club, Adult Entertainment, Adult Services.

3.4.3 LAND USE RESTRICTIONS

Floor Factor: Unrestricted

Coverage: 100%

Building Lines: (subject to the provisions of section 4.8)

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

Side Building Line: Zero, provided that:

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

Rear Building Line: Zero, provided that:

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

Parking: Please refer to **Annexure C** and the Municipality's approved Traffic Engineering Standards.

Loading: Please refer to **Annexure C** and the Municipality's approved Traffic Engineering Standards

Height: Unrestricted

3.4.4 PROJECTIONS

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

3.4.5 COMMUNAL OPEN SPACE (WHERE FLATS ARE PROVIDED):

At least 10% of the erf area shall be provided as combined, communal and functional open space for the residential component of the development.

Normally ancillary to Business use, so reconsider. Perhaps state "In the event of a rezoning of a property to this zone or redevelopment of a property with this zoning, where more than 50% of the Floor Area is allocated for Town Houses, Flats or Residential Buildings, the requirement for a minimum erf size of 2000m² and other provisions applicable to actual associated residential zone will apply.

3.5 BUSINESS 2

Intent

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

3.5.1 COLOUR NOTATION: Light Blue with black diagonal broken line hatching

3.5.2 USE RIGHTS

Primary Use: Shop, Supermarket, Offices, Professional Services, Town House, Dwelling Unit, Flats, Residential Building, Place of Worship, Restaurant, Clinic, Hair and Beauty Salons, Gymnasiums, Financial Institutions

Consent Use: Place of Assembly, Funeral Parlour, Place of Entertainment, Bottle Store, Conference Facility, Day and After Care Centre, Place of Instruction, Warehouse, Nursery, Adult Shop, Night Club

3.5.3 LAND USE RESTRICTIONS

Floor Factor: At most 2,0

Coverage: 100%

Minimum Erf Size of parent property: In the event of a rezoning of a property to this zone or redevelopment of a property with this zoning, where more than 50% of the Floor Area is allocated for Town Houses, Flats or Residential Buildings, the provisions of the primary zone for these uses (Residential 4 and Residential 5) will apply.

Building Lines: (subject to the provisions of section 4.8)

Street Building Line: Zero, or as may be specified by the Municipality of specific streets.

Side Building Line: Zero, provided that:

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

Rear Building Line: Zero, provided that:

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

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

Parking: Please refer to **Annexure C** and the Municipality's approved Traffic Engineering Standards.

Loading: Please refer to **Annexure C** and the Municipality's approved Traffic Engineering Standards

Height: At most 3 storeys

Provided that no point of a building shall exceed a vertical distance above the natural ground level of a building of:

- the equivalent of 3.6m for residential buildings and 4m for non-residential buildings per permissible storey – in the case of flat roofed buildings, or
- in the case of inclined, dome or pitched roofed buildings, the equivalent of 3.6m for residential buildings and 4m for non-residential buildings per permissible storey and an additional 3m which is allowed for the roof;

provided that chimneys, flues and antennae are exempt from this height restriction.

For additional provisions applicable to building height, refer to **Annexure E**.

3.5.4 PROJECTIONS

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

3.6 BUSINESS 3

Intent

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

3.6.1 COLOUR NOTATION: Light Blue with black diagonal hatching

3.6.2 USE RIGHTS

Primary Use: Commercial Premises, Commercial Workshop, Service Industry, Place of Worship, Funeral Parlour, Mortuary, Public Garage, Place of Entertainment, Night Club, Adult Entertainment, Adult Shop, Adult Services, Clinic, Nursery, Motor Vehicle Sales, Business Premises

Consent Use: Other uses over and above uses listed as primary uses.

3.6.3 LAND USE RESTRICTIONS

Floor Factor: At most 3

Coverage: 100%

Building Lines: (subject to the provisions of section 4.8)

Street Building Line: Zero

Side Building Line: Zero, provided that:

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

Rear Building Line: Zero, provided that:

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

Parking: Please refer to **Annexure C** and the Municipality's approved Traffic Engineering Standards.

Loading: Please refer to **Annexure C** and the Municipality's approved Traffic Engineering Standards

Height: At most 3 storeys

Provided that no point of a building shall exceed a vertical distance above the natural ground level of a building of:

- the equivalent of 4m per permissible storey – in the case of flat roofed buildings, or
 - in the case of inclined, dome or pitched roofed buildings, the equivalent of 4m per permissible storey and an additional 3m which is allowed for the roof;
- provided that chimneys, flues and antennae are exempt from this height restriction.

For additional provisions applicable to building height, refer to **Annexure E**.

3.6.4 PROJECTIONS

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

3.7 BUSINESS 4A

Intent

This Zone creates opportunities for mixed-use residential and office development and excludes retail and other higher intensity business uses that may result in high traffic volumes. The zone further allows for compatible institutional use with the required permission from the Municipality.

3.7.1 COLOUR NOTATION

Blue-purple with black diagonal broken line hatching

3.7.2 USE RIGHTS

Primary Use:

Offices, Professional Services, Dwelling Unit, Town House, Flats

Consent Uses:

Place of Assembly, Place of Worship, Residential Building, Place of Instruction, Day and After Care Centre

3.7.3 LAND USE RESTRICTIONS

Floor Factor: At most 2

Coverage: 70%

Minimum Erf Size of parent property: In the event of a rezoning of a property to this zone or redevelopment of a property with this zoning, where more than 50% of the Floor Area is allocated for Town Houses, Flats or Residential Buildings, the requirement for a minimum erf size of 2000m² will apply.

Height: At most 3 storeys

Provided that no point of a building shall exceed a vertical distance above the natural ground level of a building of:

- the equivalent of 3.6m for residential buildings and 4m for non-residential buildings per permissible storey – in the case of flat roofed buildings, or
- in the case of inclined, dome or pitched roofed buildings, the equivalent of 3.6m for residential buildings and 4m for non-residential buildings per permissible storey and an additional 3m which is allowed for the roof;

provided that chimneys, flues and antennae are exempt from this height restriction.

For additional provisions applicable to building height, refer to **Annexure E**.

Building Lines: (subject to the provisions of section 4.8)

Street Building Line: At least 5m

Side Building Line: At least 3m

Rear Building Line: At least 3m

Parking: Please refer to **Annexure C** and the Municipality's approved Traffic Engineering Standards.

Loading: Please refer to **Annexure C** and the Municipality's approved Traffic Engineering Standards.

3.7.4 NOTWITHSTANDING PARAGRAPH 3.7.3

- (a) An eaves projection may exceed the prescribed building lines by at most 1m.
- (b) The Municipality may approve the relaxation of a building line by means of a departure subject to:
 - (i) no doors or windows being permitted in any wall situated within 1 meter of such building line; and
 - (ii) consent of the affected neighbours.

3.7.5 FLATS AND RESIDENTIAL BUILDINGS

Notwithstanding the land use restrictions for Residential IV, V and VI, the restrictions applicable to Business IV shall be applicable to flats and residential buildings in Business IV.

3.7.6 HOME OWNERS' ASSOCIATION

For combined office and town house developments, or in cases where ownership is separated by way of sectional or separate title, a home or business owners' association or body corporate shall be established.

3.8 **BUSINESS 4B** (as designated by an approved Spatial Development Framework)

Intent

This Zone accommodates low-impact office development within areas with a predominantly residential character. It further aims to create a gradual transition from residential to other large scale and higher intensity office developments.

3.8.1 COLOUR NOTATION

Blue-purple with black diagonal broken line hatching marked with a B

3.8.2 USE RIGHTS

Primary Use:

Low-Intensity Offices, Dwelling Unit, Professional Services

Consent Uses:

None

3.8.3 LAND USE RESTRICTIONS

Floor Factor: At most 0,4

Coverage: 70%

Height: At most 2 storeys

Provided that no point of a building shall exceed a vertical distance above the natural ground level of a building of:

- the equivalent of 3.6m per permissible storey – in the case of flat roofed buildings, or
- in the case of inclined, dome or pitched roofed buildings, the equivalent of 3.6m per permissible storey and an additional 3m which is allowed for the roof;

provided that chimneys, flues and antennae are exempt from this height restriction.

For additional provisions applicable to building height, refer to **Annexure E**.

Building Lines: (subject to the provisions of section 4.8)

Street Building Line: At least 4.5m

Side Building Line: At least 2m

Rear Building Line: At least 2m

Parking: Please refer to **Annexure C** and the Municipality's approved Traffic Engineering Standards.

In addition to the provisions of the Traffic Engineering Standards, for purposes of this land use scheme:

- Not more than an average of 1 parking bay per 100m² in erf size shall be permitted in this zone.
- Garages are not included when determining GLA.

Loading: Please refer to **Annexure C** and the Municipality's approved Traffic Engineering Standards.

As indicated in Section 4.9, no alterations to or demolition of listed buildings older than sixty (60) years will be permitted without a Certificate of Approval issued by the

Provincial Heritage Resources Authority in terms of the National Heritage Resources Act.

3. 8.4 NOTWITHSTANDING PARAGRAPH 3.8.3

- (a) An eaves projection may exceed the prescribed building lines by at most 1m.
- (b) The Municipality may approve the relaxation of a building line by means of a departure subject to:
 - (i) no doors or windows being permitted in any wall situated within 1 meter of a side or rear erf boundary; and
 - (ii) consent of the affected neighbours.

3.9 BUSINESS 5

Intent

This Zone caters for development of Service Stations and limited convenience retail linked to the main use of refuelling of vehicles. It also provides for limited opportunity for residential development where the Municipality deems it to be compatible.

3.9.1 COLOUR NOTATION: Blue-purple with black hatching

3.9.2 USE RIGHTS

Primary Use: Service station, Electric Vehicle Charging Stations

Consent Use: Residential Building, Flats, Townhouses, Truck Stop (linked to a Service Station)

3.9.3 LAND USE RESTRICTIONS

Floor Factor: At most 2,0

Coverage: At most 75%

Height: At most 2 storeys

Provided that no point of a building shall exceed a vertical distance above the natural ground level of a building of:

- the equivalent of 3.6m for residential buildings and 4m for non-residential buildings per permissible storey – in the case of flat roofed buildings; or
- in the case of inclined, dome or pitched roofed buildings, the equivalent of 3.6m for residential buildings and 4m for non-residential buildings per permissible storey and an additional 3m which is allowed for the roof;

provided that chimneys, flues and antennae are exempt from this height restriction.

For additional provisions applicable to building height, refer to **Annexure E**.

Building Lines: (subject to the provisions of section 4.8)

Street Building Line: Zero, with a 3,6m building line applicable to the pump islands

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

Parking: Please refer to **Annexure C** and the Municipality's approved Traffic Engineering Standards.

Loading: Please refer to **Annexure C** and the Municipality's approved Traffic Engineering Standards.

3.9.4 ADDITIONAL PROVISIONS

- (a) The provisions of the Municipality's Traffic Engineering Standards shall regulate the provision of vehicular access and exit ways to and from the premises of a service station.
- (d) Any part of the premises of a service station which is used for the storage of goods, empty containers such as oil drums and packing shall, unless it is

contained within a building, be enclosed with a suitable brick or concrete screen wall at least 2m high.

3.10 INDUSTRIAL 1

Intent

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

3.10.1 COLOUR NOTATION: Purple

3.10.2 USE RIGHTS

Primary Use: Industry, Service Industry, Service Station, Commercial Workshop, Commercial Premises, Warehouse, Public Garage, Funeral Parlour, Mortuary, Scrap Yard.

Consent Uses: Aquaculture, Truck Stop, uses other than that referred to under primary use.

3.10.3 LAND USE REGULATIONS

Floor Factor: At most 1,5

Coverage: At most 75%

Building Lines: (subject to the provisions of section 4.8)

Street building line: Zero, provided that no gates or security installations protrude into the road reserve.

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

Rear Building Line : Zero

Parking: Please refer to **Annexure C** and the Municipality's approved Traffic Engineering Standards.

Loading: Please refer to **Annexure C** and the Municipality's approved Traffic Engineering Standards

Height: At most 4 storeys

Provided that no point of a building shall exceed a vertical distance above the natural ground level of a building of:

- the equivalent of 4m per permissible storey – in the case of flat roofed buildings, or
- in the case of inclined, dome or pitched roofed buildings, the equivalent of 4m per permissible storey and an additional 3m which is allowed for the roof;

provided that chimneys, flues and antennae are exempt from this height restriction.

For additional provisions applicable to building height, refer to **Annexure E**.

3.10.4 FENCING

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

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

3.10.5 CARETAKER'S AND/OR SECURITY GUARDS QUARTERS

The erection of a caretaker's and/or security guards quarters shall be permitted subject to the Municipality's approval and the following restrictions:

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

3.10.6 INDUSTRIAL CANTEEN

Maximum of 250m² floor space, including storage.

3.11 INDUSTRIAL 2

Intent

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

3.11.1 COLOUR NOTATION : Red-purple with fine black hatching

3.11.2 USE RIGHTS

Primary Use: Noxious Use, Trade or Industry, Scrap Yard, Abattoir, Crematorium

Consent Uses: Quarters to accommodate security guards, caretakers and the like.

3.11.3 LAND USE RESTRICTIONS

Floor Factor: At most 1,5

Coverage: At most 75%

Building Lines: (subject to the provisions of section 4.8)

Street Building Line: 10,0m

Side Building Line: 10,0m

Rear Building Line: 10,0m

Parking: Please refer to **Annexure C** and the Municipality's approved Traffic Engineering Standards.

Loading: Please refer to **Annexure C** and the Municipality's approved Traffic Engineering Standards

Height: At most 4 storeys

Provided that no point of a building shall exceed a vertical distance above the natural ground level of a building of:

- the equivalent of 4m per permissible storey – in the case of flat roofed buildings, or
- in the case of inclined, dome or pitched roofed buildings, the equivalent of 4m per permissible storey and an additional 3m which is allowed for the roof;

provided that chimneys, flues and antennae are exempt from this height restriction.

For additional provisions applicable to building height, refer to **Annexure E**.

3. 11.4 NOTWITHSTANDING PARAGRAPH 3.11.3

- (a) An eaves projection may exceed the prescribed building lines by at most 1m.
- (b) The Municipality may approve the relaxation of a building line by means of a departure subject to:
 - (i) no doors or windows being permitted in any wall situated within 1 meter of a side or rear erf boundary; and

- (ii) consent of the affected neighbours.

3.11.5 FENCING

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

3.11.6 CARETAKER'S AND/OR SECURITY GUARDS QUARTERS

The erection of a caretaker's and/or security guards quarters shall be permitted subject to the Municipality's approval and the following restrictions:

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

3.11.7 INDUSTRIAL CANTEEN

Maximum of 250m² floor space including storage.

3.12 INSTITUTIONAL 1

Intent

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

3.12.1 COLOUR NOTATION : Grey

3.12.2 USE RIGHTS

Primary Use: Place of Instruction, Place of Assembly, Day and After Care Centre

Consent Use: Place of Worship

3.12.3 LAND USE RESTRICTIONS

Coverage : At most 50%

Height: At most 2 storeys

Provided that no point of a building shall exceed a vertical distance above the natural ground level of a building of:

- the equivalent of 4m per permissible storey – in the case of flat roofed buildings, or
- in the case of inclined, dome or pitched roofed buildings, the equivalent of 4m per permissible storey and an additional 3m which is allowed for the roof;

provided that chimneys, flues and antennae are exempt from this height restriction.

For additional provisions applicable to building height, refer to **Annexure E**.

Building Lines: (subject to the provisions of section 4.8)

Street Building Line: At least 10m

Side Building Line: At least 10m

Rear Building Line: At least 10m

Parking: Please refer to **Annexure C** and the Municipality's approved Traffic Engineering Standards.

Loading: Please refer to **Annexure C** and the Municipality's approved Traffic Engineering Standards

3.12.4 NOTWITHSTANDING PARAGRAPH 3.12.3

- (a) An eaves projection may exceed the prescribed building lines by at most 1m.
- (b) The Municipality may approve the relaxation of a building line by means of a departure subject to:
 - (i) no doors or windows being permitted in any wall situated within 1 meter of a side or rear erf boundary; and
 - (ii) consent of the affected neighbours.

3.13 INSTITUTIONAL 2

Intent

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

3.13.1 COLOUR NOTATION: Grey with fine black hatching

3.13.2 USE RIGHTS

Primary Use: Place of Worship, Place of Assembly, Day and After Care Centre

Consent Uses: Place of Instruction, Cemetery.

3.13.3 LAND USE RESTRICTIONS

Coverage: At most 50%

Height: At most 2 storeys

Provided that no point of a building shall exceed a vertical distance above the natural ground level of a building of:

- the equivalent 4m per permissible storey – in the case of flat roofed buildings, or
- in the case of inclined, dome or pitched roofed buildings, the equivalent of 4m per permissible storey and an additional 3m which is allowed for the roof;

provided that bell-towers, towers, chimneys, flues and antennae are exempt from this height restriction.

For additional provisions applicable to building height, refer to **Annexure E**.

Building Lines: (subject to the provisions of section 4.8)

Street Building Line: At least 4,5m

Side Building Line: At least 4,5m

Rear Building Line: At least 4,5m

Parking: Please refer to **Annexure C** and the Municipality's approved Traffic Engineering Standards.

Loading: Please refer to **Annexure C** and the Municipality's approved Traffic Engineering Standards.

3.13.4 Notwithstanding Paragraph 3.13.3 the parsonage shall be subject to the provisions pertaining to single residential zones (Residential I-III).

3.13.5 NOTWITHSTANDING PARAGRAPH 3.14.3

- (a) An eaves projection may exceed the prescribed building lines by at most 1m.
- (b) The Municipality may approve the relaxation of a building line by means of a departure subject to:
 - (i) no doors or windows being permitted in any wall situated within 1 meter of a side or rear erf boundary; and
 - (ii) consent of the affected neighbours.

3.14 INSTITUTIONAL 3

Intent

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

3.14.1 COLOUR NOTATION: Grey with black diagonal broken line hatching

3.14.2 USE RIGHTS

Primary Use: Institution, Hospital, Clinic, Place of Assembly, Day and After Care Centre, Retirement Village

Consent Use: Residential Building, Place of Instruction, Place of Worship.

3.14.3 LAND USE RESTRICTIONS

Coverage: At most 50%

Height: At most 3 storeys

Provided that no point of a building shall exceed a vertical distance above the natural ground level of a building of:

- the equivalent of 3.6m for residential buildings and 4m for non-residential buildings per permissible storey – in the case of flat roofed buildings, or
- in the case of inclined, dome or pitched roofed buildings, the equivalent of 3.6m for residential buildings and 4m for non-residential buildings per permissible storey and an additional 3m which is allowed for the roof;

provided that chimneys, flues and antennae are exempt from this height restriction.

For additional provisions applicable to building height, refer to **Annexure E**.

Building Lines: (subject to the provisions of section 4.8)

Street Building Line: At least 4,5m

Side Building Line: At least 4,5m

Rear Building Line: At least 4,5m

Parking: Please refer to **Annexure C** and the Municipality's approved Traffic Engineering Standards.

Loading: Please refer to **Annexure C** and the Municipality's approved Traffic Engineering Standards.

3.14.4 NOTWITHSTANDING PARAGRAPH 3.14.3

- (a) An eaves projection may exceed the prescribed building lines by at most 1m.
- (b) The Municipality may approve the relaxation of a building line by means of a departure subject to:
 - (i) no doors or windows being permitted in any wall situated within 1 meter of a side or rear erf boundary; and
 - (ii) consent of the affected neighbours.

3.15 OPEN SPACE 1

Intent

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

3.15.1 COLOUR NOTATION: Dark-green

3.15.2 USE RIGHTS

Primary Use: Public Open Space, Conservation Usage

Consent Uses: None

3.15.3 LAND USE RESTRICTIONS

Building Line: 10,0m on all sides (subject to the provisions of section 4.8)

Parking: Please refer to **Annexure C** and the Municipality's approved Traffic Engineering Standards.

Loading: Please refer to **Annexure C** and the Municipality's approved Traffic Engineering Standards.

Height: Permitted height shall apply to every site, use or type of building as approved by the Municipality.

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

3.15.4 NOTWITHSTANDING PARAGRAPH 3.15.3

- (a) An eaves projection may exceed the prescribed building lines by at most 1m.
- (b) The Municipality may approve the relaxation of a building line by means of a departure subject to:
 - (i) no doors or windows being permitted in any wall situated within 1 meter of the corresponding building line; and
 - (ii) consent of the affected neighbours.

3.16 OPEN SPACE 2

Intent

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

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

3.16.2 USE RIGHTS

Primary Use: Private Open Space, Conservation Usage

Consent Uses: Certain associated structures and activities, Agriculture, Cemetery

Building Line: 10,0m on all sides (subject to the provisions of section 4.8)

Parking: Please refer to **Annexure C** and the Municipality's approved Traffic Engineering Standards.

Loading: Please refer to **Annexure C** and the Municipality's approved Traffic Engineering Standards.

Height: Permitted height shall apply to every site, use or type of building as approved by the Municipality.

No structure shall be erected or use practised, except that which is compatible with the definition of "private open space" or approved by the Municipality as a permitted consent use.

3.16.3 NOTWITHSTANDING PARAGRAPH 3.16.2

- (a) An eaves projection may exceed the prescribed building lines by at most 1m.
- (b) The Municipality may approve the relaxation of a building line by means of a departure subject to:
 - (i) no doors or windows being permitted in any wall situated within 1 meter of such corresponding boundary; and
 - (ii) consent of the affected neighbours.

3.17 OPEN SPACE 3

Intent

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

3.17.1 COLOUR NOTATION AND USE RIGHTS:

Dark-green outline

3.17.2 USE RIGHTS

Primary Use: Conservation Usage, Nature Reserve

Consent Uses:

Outside the defined urban edge - Dwelling Units, Camping Site, Resort Accommodation and Caravan Park, Place of Assembly,

In and outside the urban edge - Certain associated structures and activities directly linked to the primary use of conservation

3.17.3 LAND USE RESTRICTIONS

Building Line: 10,0m on all sides (subject to the provisions of section 4.8)

Parking: Please refer to **Annexure C** and the Municipality's approved Traffic Engineering Standards.

Loading: Please refer to **Annexure C** and the Municipality's approved Traffic Engineering Standards.

Density: 2 dwelling units per 10ha with a maximum of 50 units.

Height: To be determined for every site, use or type of building when authorised by the Municipality.

3.17.3.1 Within the Rural Area (as defined in the approved Spatial Development Framework of the Municipality) Dwelling Units may be permitted within Private Nature Reserves or conservation areas, subject to the following:

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

3.17.4 NOTWITHSTANDING PARAGRAPH 3.17.3

- (a) An eaves projection may exceed the prescribed building lines by at most 1m.

- (b) The Municipality may approve the relaxation of a building line by means of a departure subject to:
 - (i) no doors or windows being permitted in any wall situated within 1 meter of a corresponding erf boundary; and
 - (ii) consent of the affected neighbours.

3.18 RESIDENTIAL I

3.18.1 RESIDENTIAL 1A: Incremental Settlement Zone

RESIDENTIAL 1B: Public Funded / Initiated Residential on Registered Erven
(as provided for in the Land Reform and Settlement Plan and Spatial Development Framework)

Intent

This Zone is designed to provide for public funded / initiated residential development and / or incremental settlement upgrade, by way of:

- formal designation in a Spatial Development Framework;
- confirmed as suitable for settlement development by way of an appropriate feasibility assessment processes; and
- zoned to Residential 1A or 1B

The Zone makes provision for the entire spectrum of development activities (but in no prescribed order of sequence), including demarcation, occupation, infrastructure development, construction and tenure registration.

3.18.1.1 COLOUR NOTATION:

Residential 1A - Yellow with fine black diagonal cross-hatching with an 1A

Residential 1B - Yellow with fine black diagonal cross-hatching with an 1B

3.18.1.2 USE RIGHTS

Residential 1A

Primary Use Rights:

Shelter, Dwelling Unit, Other uses - subject to such uses not being out of character with residential settlement or constituting a source of nuisance, including the use of equipment that generates excessive noise, or any activity which results in the generation of dust, fumes, smoke, or waste material which could be detrimental to health, or which requires special waste removal processes.

Consent Use Rights:

None

Residential 1B

Primary Use: Dwelling Unit, Second Dwelling Unit including further additional Dwelling Units and other land uses as may be designated in the Spatial Development Framework.

Consent Use: Day and After Care Centre

3.18.1.3 LAND USE RESTRICTIONS – (applicable to a land unit in Residential 1A once such land unit's boundaries have been demarcated on the land and defined on a plan prepared by the Municipality) and 1B

Minimum Erf Size: As determined by the Municipality

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

Height: At most 2 storeys

Provided that no point of a building shall exceed a vertical distance above the natural ground level of a building of:

- the equivalent of 3.6m per permissible storey – in the case of flat roofed buildings, or
- in the case of inclined, dome or pitched roofed buildings, the equivalent of 3.6m per permissible storey and an additional 3m which is allowed for the roof;

provided that chimneys, flues and antennae are exempt from this height restriction.

For additional provisions applicable to building height, refer to **Annexure E**.

Building Lines: (subject to the provisions of section 4.8)

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

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

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

Setback: No restriction

Parking: Please refer to **Annexure C** and the Municipality's approved Traffic Engineering Standards.

A residential property may not be used for a storage yard and/or parking area of commercial vehicles linked to a business, including transport or courier businesses.

3.18.1.4 NOTWITHSTANDING PARAGRAPH 3.18.1.3

- An eaves projection may exceed the prescribed street, side or rear building line by at most 1m.
- The Municipality may approve the relaxation of a building line by means of a departure subject to:
 - no doors or windows being permitted in any wall situated within 1 meter of a side or rear erf boundary; and
 - consent of the affected neighbours.

3.18.1.5 ADDITIONAL RIGHTS PERTAINING TO RESIDENTIAL USAGE ON A LAND UNIT:

3.18.1.5.1 **Occupational Practice**

A portion of the dwelling unit may be used for the purposes of an occupational practice, provided that the requirements of the Policy for Occupational Practice in a Dwelling Unit as contained in **Annexure A4**, are complied with.

3.18.1.5.2 **Home-based Care**

The Land Use Scheme does not prohibit or restrict a dwelling, part of a dwelling or associated outbuildings being utilised for providing Home-based care, provided that the requirements as contained in **Annexure A5**, are complied with.

3.18.1.5.3 **Shelters**

Permission can be granted for Shelters to be utilised as temporary dwellings until formalisation and upgrade is complete.

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

3.18.1.5.4 Second Dwelling Unit

The Land Use Scheme does not prohibit or restrict the erection of a second dwelling Unit.

3.18.1.5.5 Informal Retailing Operations: House Shops (Spaza Shops)

Subject to the approval of a departure by the Municipality, a house shop may be operated in a dwelling, provided that the requirements of the Policy for Informal Retailing Operations as contained in **Annexure A3** are complied with.

3.18.1.5.6 Informal Alcohol Retail Operations: Taverns

Subject to the approval of a departure by the Municipality, a tavern may be operated in a dwelling, provided that the requirements of the Policy on Informal Alcohol Retail Operations (Taverns) as contained in **Annexure A3** are complied with.

3.18.1.5.7 Letting

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

The owner or lease-holder of a dwelling unit may provide lodging for four or fewer persons in such dwelling unit provided that the requirements of **Annexure A6** are complied with.

3.18.2 RESIDENTIAL 1C (Rural State Land and Rural State Land under a Traditional Authority): Land designated and zoned for rural settlement RESIDENTIAL 1D (Rural State Land and Rural State Land under a Traditional Authority): Rural residential on Municipal approved cadastrally or spatially-defined land units and Public funded rural residential

Intent

This Zone provides for the use of rural state-owned land and rural registered and / or unregistered state land under a Traditional Authority for self-built and public funded residential development and ancillary use with a rural settlement character. Development will generally be, but not be limited to, outside the Urban Edge and within a defined Settlement Edge. In recognition of cultural tradition and socio-economic circumstances the zone allows for incremental development and upgrading of settlement and housing development (where upgrading of settlement is encouraged).

3.18.2.1 COLOUR NOTATION:

Residential 1C - Yellow with fine black cross-hatching, with an IC

Residential 1D – Yellow with fine black diagonal hatching, with an ID

3.18.2.2 USE RIGHTS

Residential 1C

Primary Use: All existing lawful uses

Consent Use: None

Residential 1D

Primary Use: Dwelling Unit, Traditional Dwelling

Consent Use: Day and After Care Centre, Institution, Second Dwelling Unit,

3.18.2.3 LAND USE RESTRICTIONS

Residential 1C

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

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

Residential 1D

There are three density zones in Residential **1D/R**, categorised as **Density Zone I, II and III**

	Density Zone I	Density Zone II	Density Zone III
Range of Erf Sizes	300m ² - 500m ²	500m ² - 1 000m ²	1 000m ² and above
Street Building Line ^{*1}	3,0m	4,5m	5,0m
Rear Building Line ^{*1}	2,0m	2,0m	2,0m
Side Building Line ^{*1}	1,0m	2,0m	2,0m
Coverage	66%	50%	50%
Maximum Height	2 Storeys	2 Storeys	2 Storeys
Floor Area Ratio (FAR)	1	1	1

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

^{*1} Additional Street Building Line Restrictions

All building lines are subject to the provisions of section 4.8.

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

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

3.18.2.4 NOTWITHSTANDING PARAGRAPH 3.18.2.3 – pertaining to Residential D

- (a) An eaves projection may exceed the prescribed street, side or rear building line by at most 1m.

- (b) The Municipality may approve the relaxation of a building line by means of a departure subject to:
 - (i) no doors or windows being permitted in any wall situated within a meter of a side or rear erf boundary; and
 - (ii) consent of the affected neighbours.

3.18.2.5 ADDITIONAL RIGHTS PERTAINING TO RESIDENTIAL USAGE

3.18.2.5.1 **Occupational Practice**

The utilisation of a portion of the dwelling unit for the purposes of occupational practice is permitted, provided that the requirements of the Policy for Occupational Practice in a Dwelling Unit as contained in **Annexure A4** are complied with.

3.18.2.5.2 **Letting**

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

The owner or lease-holder of a dwelling unit may provide lodging for four or fewer persons in such dwelling unit, provided that the requirements of **Annexure A6** are complied with.

3.18.2.5.3 **Bed and Breakfast Establishment and Guest Houses**

A dwelling or part of a dwelling may be utilised as a 1–2 Room Bed and Breakfast establishment. A 3-4 Room Bed and Breakfast or Guesthouse is subject to the Municipality's Consent and requirements as contained in **Annexure A2** being complied with.

3.18.2.5.4 **Home-based Care**

A dwelling, part of a dwelling or associated outbuildings may be utilised for providing Home-based care, provided that the requirements as contained in **Annexure A5**, are complied with.

3.18.2.5.5 **Agricultural Activities**

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

3.18.2.6 **Management of Common Property/ Common Interest**

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

3.18.2.7 **Zoning of Common Property**

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

3.18.2.8 **Assessment Criteria for Residential 1C**

For purposes of assessing applications within Residential Zone 1C, the applicable development parameters, restrictions and controls shall be applied in accordance with the nature of the proposed land use.

3.19 RESIDENTIAL 2

Intent

The aim of this Zone is to accommodate low intensity, environmentally and culturally sensitive residential development within areas designated as Limited Development Area in an approved Spatial Development Framework, to act as a buffer between the urban settlement and rural areas.

3.19.1 COLOUR NOTATION: Yellow with fine black hatching

3.19.2 USE RIGHTS

Primary Use: Dwelling Unit, Holiday Housing, Estate Housing

Consent Uses: Day and After Care Centre, Hotel, Tourist and Visitor Facility, Renewable Energy Structure

3.19.3 LAND USE RESTRICTIONS

Permitted Density: Within Limited Development Area – 2 Dwellings / hectare

Minimum Erf size: Within Limited Development Area – No restriction

Maximum Erf size: Within Limited Development Area – 1500m²

Coverage: At most 50%

Height: At most 2 storeys

Additional Height Restrictions:

Provided that no point of a building shall exceed a vertical distance above the natural ground level of a building of:

- the equivalent of 3.6m for residential buildings and 4m for non-residential buildings per permissible storey – in the case of flat roofed buildings, or
- in the case of inclined, dome or pitched roofed buildings, the equivalent of 3.6m for residential buildings and 4m for non-residential buildings per permissible storey and an additional 3m which is allowed for the roof;

provided that chimneys, flues and antennae are exempt from this height restriction.

For additional provisions applicable to building height, refer to **Annexure E**.

Building Lines: (subject to to Regulation 3.19.4 and provisions of section 4.8)

Public Street Building Line: 5m

Internal private roads: 0m or as determined by Home Owners' Association

Side and Rear Building Line of parent property: 3m

Internal Side and Rear Building Line: 0m or as determined by Home Owners' Association

Parking: Please refer to **Annexure C** and the Municipality's approved Traffic Engineering Standards.

A residential property may not be used for a storage yard and/or parking area of commercial vehicles linked to a business, including transport or courier businesses.

Access: Roads must be Private Roadways or Right of Way Servitudes.

For Renewable Energy Structures, the provisions of **Annexure D** shall apply.

3.19.4 NOTWITHSTANDING PARAGRAPH 3.19.3

- (a) An eaves projection may exceed the prescribed street, side or rear building line by at most 1m.
- (b) The Municipality may approve the relaxation of a building line, where more restrictive internal building lines have been specified by the Home Owners' Association, or to the boundaries of the parent property by means of a departure subject to:
 - (i) no doors or windows being permitted in any wall situated within 1 meter of such building line; and
 - (ii) consent of the affected neighbour; and
 - (iii) consent of the Home Owners' Association.

3.19.5 ADDITIONAL RIGHTS PERTAINING TO RESIDENTIAL USAGE

3.19.5.1 **Occupational Practice**

The Land Use Scheme does not prohibit or restrict the utilisation of a portion of the dwelling unit for the purposes of occupational practice, provided that the requirements of the Policy for Occupational Practice in a Dwelling Unit as contained in **Annexure A4**, are complied with.

3.19.5.2 **Letting**

No part of any dwelling, nor any additional free-standing building which may be erected for use in conjunction with such dwelling, may be used as a separate dwelling unit.

The owner or lease-holder of a dwelling unit may provide lodging for four or fewer persons in such dwelling unit, provided that the requirements of **Annexure A6** are complied with.

3.19.5.3 **Bed and Breakfast Establishment and Guest houses**

Subject to the necessary approval by the Municipality, a dwelling or part of a dwelling in this zone may be utilised as a bed and breakfast establishment or a guesthouse, provided that the requirements as contained in **Annexure A1** are complied with.

3.19.5.4 **Agricultural Activities**

No structure for the housing of animals may be erected in this zone, nearer than 45m to any boundary or any building used for human habitation.

3.19.5.5 **Home-based Care**

The Land Use Scheme does not prohibit or restrict a dwelling, part of a dwelling being utilised for providing Home-based care, provided that the requirements as contained in **Annexure A5** are complied with

3.19.6 HOME OWNERS' ASSOCIATION

Upon subdivision and rezoning of a property to Residential II, it will be required that a Home Owners Association be established to take responsibility for all matters of common interest.

3.19.7 ZONING OF COMMON PROPERTY

Upon subdivision and rezoning of any property in the Limited Development Area (as determined by the approved Spatial Development Framework or Local Spatial Development Framework), the remainder of the property, meaning all land not subdivided and rezoned to Residential II, shall be registered as Common Property and be Zoned to Open Space II or III.

3.20 RESIDENTIAL 3

Intent

This Zone is designed to provide for the use of land or buildings for lower density residential development with an urban character. Development will be inside the Urban Edge with urban levels of infrastructure. The zone allows for controlled opportunities for home employment, additional dwellings and other low intensity uses.

3.20.1 COLOUR NOTATION: Residential 3A - Yellow-brown

Residential 3B – Yellow

Residential 3C – Yellow with wide black hatching

3.20.2 USE RIGHTS

Primary Usage: Dwelling Unit, Second Dwelling Unit, further additional Dwelling Units as provided in an approved Spatial Development Framework

Consent Uses: Day and After Care Centre

3.20.3 LAND USE RESTRICTIONS

There are three density zones in the Residential 3. The Land Use Restrictions applicable to each zone are indicated in the table below:

DENSITY CATEGORY	Residential 3A	Residential 3B	Residential 3C
Minimum Erf Size	150m ²	500m ²	1 200m ²
Minimum Road Reserve Width	12,0m	13,0m	13,0m
Street Building Line ^{*1}	3,0m	4,5m	4,5m
Rear Building Line ^{*1}	2,0m	2,0m	2,0m
Side Building Line ^{*1}	1,0m	2,0m	2,0m
Coverage	66%	50%	50%
Maximum Height	3 Storeys ^{*2}	3 Storeys ^{*2}	3 Storeys ^{*2}

*^{*1} Building Lines are subject to section 4.8*

*^{*2} Provided the maximum height may not exceed the below-specified vertical distance above the natural ground level of a building of 7.2m – in the case of flat roofed buildings, or 9.2m – in the case of inclined, dome or pitched roofed buildings.*

Minimum Developable Area of an Erf:

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

Additional Height Restrictions:

For additional provisions applicable to building height, refer to **Annexure E**.

Parking: Please refer to **Annexure C** and the Municipality's approved Traffic Engineering Standards.

A residential property may not be used for a storage yard and/or parking area of vehicles linked to a business, including transport or courier businesses.

Street: Roads must be Public Roads

3.20.4 NOTWITHSTANDING PARAGRAPH 3.20.3

- (a) An eaves projection may exceed the prescribed street, side or rear building line by at most 1m.
- (b) The Municipality may approve the relaxation of a building line by means of a departure provided that:
 - (i) no doors or windows being permitted in any wall situated within 1 meter of a side or rear erf boundary.

3.20.5 ADDITIONAL RIGHTS PERTAINING TO RESIDENTIAL USAGE

3.20.5.1 **Occupational Practice**

The Land Use Scheme does not prohibit or restrict the utilisation of a portion of the dwelling for the purposes of occupational practice, provided that the requirements of the Policy for Occupational Practice in a Dwelling as contained in **Annexure A4** are complied with.

3.20.5.3 **Letting**

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

The owner or lease-holder of a dwelling unit may provide lodging for four or fewer persons in such dwelling unit, provided that the requirements of **Annexure A6** are complied with.

3.20.5.4 **Bed and Breakfast Establishment and Guest houses**

Subject to the necessary approval by the Municipality, a dwelling or part of a dwelling in this zone may be utilised as a bed and breakfast establishment or a guesthouse, provided that the requirements as contained in **Annexure A1** are complied with.

3. 20.5.5 **Informal Retailing Operations: House Shops (Spaza Shops)**

Subject to the approval of a departure by the Municipality, a house shop may be operated in a dwelling, provided that the requirements of the Policy for Informal Retailing Operations as contained in **Annexure A3** are complied with.

3. 20.5.6 **Informal Alcohol Retail Operations: Taverns**

Subject to the approval of a departure by the Municipality, a tavern may be operated in a dwelling, provided that the requirements of the Policy on Informal Alcohol Retail Operations (Taverns) as contained in **Annexure A2** are complied with.

3. 20.5.7 **Home-based Care**

Nothing in this scheme shall prohibit or restrict a dwelling, part of a dwelling being utilised for providing Home-based care, provided that the requirements as contained in **Annexure A5** are complied with

3.21 RESIDENTIAL 4

Intent

This Zone accommodates medium density town house residential development up to 50 du/ha, with a clustered layout and internal private infrastructure, roadways and open space.

3.21.1 COLOUR NOTATION: Orange

3.21.2 USE RIGHTS

Primary Use: Town Houses - up to 50 units per Ha, Private Open Space

Consent Uses: Retirement Village, Day and After Care Centre

3.21.3 LAND USE RESTRICTIONS

Density: As laid down by the Municipality, up to a maximum of 50 units per gross hectare.

Additional Dwelling Units: May be permitted in line with the provisions of **Annexure I**.

Minimum Erf Size of parent property (applicable to the Erf/portion in the event of a rezoning to this zone):

2000m²

Coverage: At most 70%

Height: At most 2 storeys

Provided that no point of a building shall exceed a vertical distance above the natural ground level of a building of:

- the equivalent of 3.6m per permissible storey – in the case of flat roofed buildings, or
- in the case of inclined, dome or pitched roofed buildings, the equivalent of 3.6m per permissible storey and an additional 3m which is allowed for the roof;

provided that chimneys, flues and antennae are exempt from this height restriction.

For additional provisions applicable to building height, refer to **Annexure E**.

Building Lines: (subject to Regulation 3.21.5 and provisions of section 4.8)

Public Street Building Line: 4.5m

Internal private roads: 0m or as determined by Home Owners' Association

Side and Rear Building Line of parent property: 3m

Internal Side and Rear Building Line: 0m or as determined by Home Owners' Association

Parking: Please refer to **Annexure C** and the Municipality's approved Traffic Engineering Standards.

A residential property may not be used for a storage yard and/or parking area of commercial vehicles linked to a business, including transport or courier businesses.

Loading: Please refer to **Annexure C** and the Municipality's approved Traffic Engineering Standards.

Streets: Internal roads must be private roads

3.21.4 ADDITIONAL PROVISIONS

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

The development must be walled along its perimeter.

Access to individual units may only be provided via internal private roadway.

3.21.5 NOTWITHSTANDING PARAGRAPH 3.21.3

- (a) An eaves projection may exceed the prescribed street, side or rear building line by at most 1m.
- (b) The Municipality may approve the relaxation of a building line by means of a departure subject to:
 - (i) no doors or windows being permitted in any wall situated within 1 meter of a side or rear erf boundary; and
 - (ii) consent of the affected neighbour; and
 - (iii) consent of the Home Owners' Association or Body Corporate.
- (c) Any building plan submission must be accompanied by a letter of support from the Home Owners' Association or Body Corporate.

3.21.6 HOME OWNERS' ASSOCIATION / BODY CORPORATE

In terms of Section 46(2)(k), of the Municipality's SPLUMA Bylaw, when the Municipal Planning Tribunal or Authorised official approves an application for a sectional title development or subdivision, it / he / she may impose conditions requiring the establishment of an owners' association or body corporate.

3. 21.7 ADDITIONAL RIGHTS PERTAINING TO RESIDENTIAL USAGE

3.21.7.1 **Occupational Practice**

The Land Use Scheme does not prohibit or restrict the utilisation of a portion of the dwelling unit for the purposes of occupational practice, provided that the requirements of the Policy for Occupational Practice in a Dwelling Unit as contained in **Annexure A4** are complied with.

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

3.21.7.2 **Home-Based Care**

Nothing in this scheme shall prohibit or restrict a dwelling, part of a dwelling or associated outbuildings being utilised for providing Home-based care, provided that the requirements as contained in **Annexure A5** are complied with.

3. 21.7.3 **Letting**

The owner or lease-holder of a dwelling unit may provide lodging for four or fewer persons in such dwelling unit, provided that the requirements of **Annexure A6** are complied with.

3.22 RESIDENTIAL 5

Intent

This Zone promotes higher-density residential development including town houses and flats above 50du/ha, with a clustered layout and internal private infrastructure, roadways and open space. The dominant use is intended to be residential, but limited mixed-use development is possible with the approval of the Municipality.

3.22.1 COLOUR NOTATION: Orange with black hatching

3.22.2 USE RIGHTS

Primary Use: Town Houses above 50 units / Ha, Flats below or above 50 units / Ha, Private Open Space, Dwelling

Consent Uses: Retirement Village, Residential Building, Day and After Care Centre.

3.22.3 LAND USE RESTRICTIONS

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

Additional Dwelling Units: Where a Town House development is internally subdivided into individual erven (ie. not developed as a sectional title scheme), additional dwelling units may be permitted in line with the provisions of **Annexure I**.

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

Floor Factor: At most 3

Coverage: At most 70%

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

Height: Residential areas - at most 3 storeys

Other areas – to be determined by the Municipality

Provided that no point of a building shall exceed a vertical distance above the natural ground level of a building of:

- the equivalent of 3.6m per permissible storey, or
- in the case of inclined, dome or pitched roofed buildings, the equivalent of 3.6m per permissible storey for the building and an additional 3m which is allowed for the roof;

Provided that chimneys, flues and antennae are exempt from this height restriction.

For additional provisions applicable to building height, refer to **Annexure E**.

Building Lines: (subject to provisions of section 4.8)

Public Street Building Line: 4.5m

Internal private roads: 0m or as determined by Home Owners' Association

Side and Rear Building Line of parent property: 3m

Internal Side and Rear Building Line: 0m or as determined by Home Owners' Association (subject to Regulation 3.22.5)

Parking: Please refer to **Annexure C** and the Municipality's approved Traffic Engineering Standards.

For parking requirements for Social Housing, refer to **Annexure C** and the Municipality's approved Traffic Engineering Standards.

A residential property may not be used for a storage yard and/or parking area of commercial vehicles linked to a business, including transport or courier businesses.

Loading: Please refer to **Annexure C** and the Municipality's approved Traffic Engineering Standards

3.22.4 ADDITIONAL PROVISIONS

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

3.22.5 NOTWITHSTANDING PARAGRAPH 3.22.3

- (a) An eaves projection may exceed the prescribed street, side or rear building line by at most 1m.
- (b) The Municipality may approve the relaxation of a side and rear building line by means of a departure subject to:
 - (i) no doors or windows being permitted in any wall situated within 1 meter of a side or rear erf boundary; and
 - (iii) consent of the affected neighbour; and
 - (iv) consent of the Home Owners' Association and Body Corporate.
- (c) Any building plan submission must be accompanied by a letter of support from the Home Owners' Association or Body Corporate

3.22.6 HOME OWNERS' ASSOCIATION / BODY CORPORATE

In terms of the Municipality's SPLUMA Bylaw, when the Municipal Planning Tribunal or Authorised official approves and application for a sectional title development or subdivision, it / he / she may impose conditions requiring the establishment of an owners' association or body corporate,

3. 22.7 ADDITIONAL RIGHTS PERTAINING TO RESIDENTIAL USAGE

3.22.7.1 Occupational Practice

The Land Use Scheme does not prohibit or restrict the utilisation of a portion of the dwelling unit for the purposes of occupational practice, provided that the requirements of the Policy for Occupational Practice in a Dwelling Unit as contained in **Annexure A4** are complied with.

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

3.22.7.2 Letting

The owner or lease-holder of a dwelling unit may provide lodging for four or fewer persons in such dwelling unit, provided that the requirements of **Annexure A6** are complied with.

3.23 RESIDENTIAL 6

Intent

This Zone promotes for development of accommodation facilities such as boarding houses, hostels, hotels, guest houses, residential rooms or old age homes,

3.23.1 COLOUR NOTATION: Orange with black diagonal hatching

3.23.2 USE RIGHTS

Primary Use: Residential building, Dwelling Unit, Guest House

Consent Use: Flats, Institution, Conference Facility, Place of Entertainments – when linked to a hotel

3.23.3 LAND USE RESTRICTIONS

Minimum Erf Size: Residential Building - 2 000m²

Guest House (only) – 1 200m²

Floor Factor: At most 2,0

Coverage: At most 80%

Height: At most 3 storeys in residential areas.

Other areas – to be determined by the Municipality

Provided that no point of a building shall exceed a vertical distance above the natural ground level of a building of:

- the equivalent of 3.6m per permissible storey – in the case of flat roofed buildings, or
- in the case of inclined, dome or pitched roofed buildings, the equivalent of 3.6m per permissible storey for the building and an additional 3m which is allowed for the roof;

provided that chimneys, flues and antennae are exempt from this height restriction.

For additional provisions applicable to building height, refer to **Annexure E**.

Building Lines: (subject to provisions of section 4.8)

Street Building Line: At least 8m

Side and Rear Building Line: At least 4m - subject to Section 3.23.4 (a)

Parking: Please refer to **Annexure C** and the Municipality's approved Traffic Engineering Standards.

A residential property may not be used for a storage yard and/or parking area of commercial vehicles linked to a business, including transport or courier businesses.

Loading: Please refer to **Annexure C** and the Municipality's approved Traffic Engineering Standards.

3.23.4 NOTWITHSTANDING SECTION 3.23.3:

- (a) An eaves projection may exceed the prescribed street, side or rear building line by at most 1m.
- (b) The Municipality may approve the relaxation of a building line by means of a departure subject to:

- (i) no doors or windows being permitted in any wall situated within 1 meter of a side or rear erf boundary; and
- (iii) consent of the affected neighbour; and
- (iv) consent of the Home Owners' Association or Body Corporate.

3.24 RESORT

Intent

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

3.24.1 COLOUR NOTATION : Pink

3.24.2 USE RIGHTS

Primary Use: Resort, Resort Accommodation, Holiday Accommodation, Caravan Park, Camping Site, Place of Assembly, Recreation Complex, Convenience Shop, Tourist and Visitor Facility.

Consent Use: Hotel

3.24.3 LAND USE RESTRICTIONS

Building Line: 10,0m on all sides (subject provisions of section 4.8)

Parking: Please refer to **Annexure C** and the Municipality's approved Traffic Engineering Standards.

Loading: Please refer to **Annexure C** and the Municipality's approved Traffic Engineering Standards.

Height: At most 2 storeys

Provided that no point of a building shall exceed a vertical distance above the natural ground level of a building of:

- the equivalent of 3.6m for residential buildings and 4m for non-residential buildings per permissible storey – in the case of flat roofed buildings, or
- in the case of inclined, dome or pitched roofed buildings, the equivalent of 3.6m for residential buildings and 4m for non-residential buildings per permissible storey and an additional 3m which is allowed for the roof;

provided that chimneys, flues and antennae are except from this height restriction.

For additional provisions applicable to building height, refer to **Annexure E**.

Density:

Areas outside the urban edge - maximum 2 dwelling units / ha (up to maximum of 100 units) with maximum size of a unit not exceeding 100m².

Areas inside the urban edge – as determined in terms of item (b) below (Other Provisions)

Additional provisions:

- (a) The parameters of the existing lawful development shall apply as land use restrictions with regard to land, which is deemed to be zoned as a Resort with effect from the date of commencement of this Land Use Scheme.
- (b) With the rezoning of land to Resort, further conditions shall be laid down with regard to density, layout, building design, and on-site parking requirements and will accordingly need to be reflected in terms of a site development plan.
- (c) Permitted densities, coverage and building footprints for Accommodation facilities in the Limited Development and Rural Zones (as defined in the approved Spatial Development Framework of the Municipality) - the prescribed parameters as per the approved Spatial Development Framework of the Municipality, shall apply.

3.25 SPECIAL

Intent

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

3.25.1 COLOUR NOTATION: Light Blue

3.25.2 USE RIGHTS

Primary Use: Special usage

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

3.26 TRANSPORT 1

Intent

This Zone makes provision for transportation systems, over and above public roads, streets, or parking and accommodates transport undertakings serving the public (travel and commuting) and industry (movement of freight), such as railway lines, railway stations, harbours and airports and other depots associated with such undertakings, such as cargo handling facilities. Provision is made to approve other uses that can service the needs of commuters and support a transport undertaking.

3.26.1 COLOUR NOTATION: Dark-brown

3.26.2 USE RIGHTS

Primary Use: Transport Usage, Transport Uses and including structures and activities as may be permitted in terms of applicable legislation governing the operation of transport services such as Railways, Harbours or Airports

Consent Uses: Certain associated structures and activities

3.26.3 LAND USE RESTRICTIONS

Floor Factor: At most 1,5

Coverage: At most 75%

Setback: At least 8m from the centre of the road

Building Lines: (subject to provisions of section 4.8)

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

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

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

Parking: Please refer to **Annexure C** and the Municipality's approved Traffic Engineering Standards.

Loading: Please refer to **Annexure C** and the Municipality's approved Traffic Engineering Standards.

Height: At most 4 storeys

Provided that no point of a building shall exceed a vertical distance above the natural ground level of a building of:

- the equivalent of 4m per permissible storey – in the case of flat roofed buildings, or
- in the case of inclined, dome or pitched roofed buildings, the equivalent of 4m per permissible storey and an additional 3m which is allowed for the roof;

provided that chimneys, flues and antennae are exempt from this height restriction.

For additional provisions applicable to building height, refer to **Annexure E**.

3.26.4 FENCING

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

3.26.5 CARETAKER'S AND/OR SECURITY GUARDS QUARTERS

The erection of a caretaker's and/or security guards quarters shall be permitted subject to the Municipality's approval and the following restrictions:

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

3.27 TRANSPORT 2

Intent

This Zone makes provision for existing and future public parking, streets and roads.

3.27.1 COLOUR NOTATION : Light-brown

3.27.2 USE RIGHTS

Primary Use: Public Road, Public Parking

Consent Uses: Certain structures and activities and land uses associated with a public transport facility within public roads

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

3.27.4 Trading, hawking and such like must comply with relevant By-laws of the Municipality.

3.27.5 LAND USE RESTRICTIONS

The land use restrictions (coverage, building lines, height) applicable to this zone will be determined for every site, use or type of building when authorised by the Municipality.

3.28 TRANSPORT 3

Intent

This Zone makes provision for land and buildings to be designated for public and private parking of vehicles.

3.28.1 COLOUR NOTATION: Light-brown with black diagonal hatching

3.28.2 USE RIGHTS

Primary Use: Public Parking, Private Parking, Parking Garage

Consent Uses: Certain associated structures and activities.

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

3.28.4 LAND USE RESTRICTIONS

The land use restrictions (coverage, building lines, height) applicable to this zone will be determined for every site, use or type of building when authorised by the Municipality.

3.29 TRANSPORT 4

Intent

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

3.29.1 COLOUR NOTATION: Dark-brown with black diagonal hatching

3.29.2 USE RIGHTS

Primary Use: Transport facility, taxi rank, bus terminus, truck stop

Consent Uses: Certain associated structures and activities

3.29.3 LAND USE RESTRICTIONS

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

4 GENERAL

4.1 USE OF ZONED LAND

When assessing land development applications, the provisions of these scheme regulations should be read together with any land development proposals contained in the Municipal Spatial Development Framework, Local Spatial Development Framework or Precinct Plan.

4.2 IMPOSED CONDITIONS

As provided for in Sections 46, 95 and 149 of the Municipality's SPLUMA Bylaw, where permission to erect a building or execute any works or to use a building or land for any particular purposes or to perform any other activity has been granted under this Land Use Scheme and conditions have been imposed, such conditions shall have the same force and effect as if they were part of this scheme.

4.3 CONDITIONS APPLICABLE TO CONSENT USES

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

- (a) Any consent use in a relevant zone, which is a primary use in any other zone, shall be subject to the same conditions applicable to the primary use in the other zone;
- (b) Any consent use in a relevant zone which is not a primary use in another zone shall be subject to the same conditions as the primary use in the relevant zone; and
- (c) The Municipality may, in both of the above-mentioned cases, lay down other conditions with regard to any specific property.

4.4 PERMISSION FOR MINING ACTIVITIES

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

4.5 PERMISSION FOR ERECTING WIND TURBINES

Permission for erecting a wind turbine(s) in association with primary uses in all zonings in terms of these scheme regulations (other than as part of a Renewable Energy Structure for which procedures are set out in **Annexure D**) shall be obtained by way of a departure application. Conditions of a departure granted, including the validity period of the departure, shall be to the discretion of the Municipality.

4.6 COMBINED-USE BUILDINGS

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

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

4.7 USE OF OUTBUILDINGS

No outbuilding may be used for any purpose other than that for which the Municipality has approved the plans, and no such outbuilding may be used until the main buildings are completed or occupied, unless otherwise resolved by the Municipality.

4.8 BUILDING LINES

- (a) The Municipality may specify minimum building lines or setbacks for certain areas as required;
- (b) Where buildings, parts of buildings or structures such as swimming pools or conservancy tanks (where permitted) are below the natural ground level and such depth measurement is greater than the applicable building line or authorised departure from such applicable building line, the structure or building must either be set back to a distance equivalent to the depth of the structure or building, or the building plan must be accompanied by a structural engineering certificate for approval by the Municipality.
- (c) Structures excluded from building line restrictions include:
 - boundary / garden fences or walls;
 - pool pumps;
 - conservancy tanks (only applicable to street building lines)
 - retaining walls on sloping land, including steps incorporated with the retaining wall to allow pedestrian movement;
 - ornamental features and structures such as planter boxes, water features and fish ponds;
 - uncovered steps, terraces, or stoeps not higher than 0,2m above the natural ground level;
 - a covered entrance or gatehouse, with roofed area not exceeding 5 m² and a roof height not exceeding 3 metres above the natural ground level;
 - pre-fabricated rainwater tanks, typically made of plastic or steel, provided that any single tank's capacity may not exceeding 5000 litres and the cumulative storage capacity of all tanks within a building line do not exceed 25 000 liters, unless otherwise approved by the Municipality;
 - children's play apparatus and / or structures (ie. jungle gyms) not exceeding a height of 1,8m above the natural ground level;
 - a structure required by the Municipality in terms of this land use scheme for collection and storage of refuse within a development, not exceeding 10m² and where the affected boundary is not a common boundary to an abutting residential property; and

- the erection of screen and yard walls and pergolas or similar unroofed ornamental structures within the building lines of the erf, subject to such structures being erected in such manner and of such dimensions as in the opinion of the Municipality would not be likely to cause injury or impact negatively on neighbouring properties, provided that the heights of such structures shall not exceed 1,8m unless accompanied by a building plan.

4.9 ALTERATIONS OR DEMOLISHING OF HERITAGE BUILDINGS

No alterations to or demolition of listed buildings older than sixty (60) years will be permitted without a Certificate of Approval issued by the Provincial Heritage Resources Authority in terms of the National Heritage Resources Act.

4.10 ROAD WIDENING

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

4.11 GENERAL ENGINEERING SERVICES PROVISIONS

4.11.1 Engineering Services Capacity

- a) A substantial expansion and/or increase of an existing land use right may only be authorised where, in the opinion of the municipality, adequate engineering services are available or can reasonably be provided to serve the proposed development.
- b) For any new development, the Municipality may require an applicant to submit engineering reports, specialist investigations or infrastructure assessments to confirm that sufficient capacity exists to cater for such proposed development.
- c) Where existing engineering services are inadequate, the Municipality may:
 - defer the land development application for a particular use right until sufficient capacity becomes available;
 - impose conditions requiring the upgrading or additional provision of engineering services;
 - require development contributions and/or levies to be paid in accordance with applicable legislation and municipal policy; or
 - refuse the land development application for a particular use right if the developer does not provide adequate proof within 12 months from the date of notification, that the engineering infrastructure can be upgraded at his/her cost, as outlined in the engineering report prepared by the developer.
- d) This section does not absolve the developer from compliance with any other National, Provincial and municipal legislation, that may be applicable to the development. The onus vest with the developer to ensure compliance with such legislations.

4.11.2 Municipal Service Servitudes and Access

- a) No building, structure, as defined in the National Building Regulations shall be erected within a registered municipal servitude unless expressly authorised by the Municipality.

- b) All municipal service servitudes shall remain unobstructed and accessible at all reasonable times for municipal officials, authorised contractors and emergency services.
- c) The owner shall maintain unrestricted access to municipal infrastructure located on the property.
- d) Where municipal services are required to traverse private property, the Municipality may require the registration of servitudes or rights of access as a condition of any approval.

4.11.3 Stormwater Management

- a) Every property owner shall provide adequate measures for the collection, management and disposal of stormwater generated on the property.
- b) Stormwater shall be discharged only to a lawful point of discharge approved by the Municipality.
- c) The owner shall maintain all stormwater management infrastructure on the property unless otherwise agreed by the Municipality.

4.12 ELECTRIC VEHICLE CHARGING STATIONS

- a) An Electric Vehicle Charging Point may be provided as an ancillary or accessory use to a permitted primary use, provided that the charging point is located on the property and primarily serves the users, occupants or visitors of the primary use.
- b) Where electric vehicle charging is provided as the primary commercial use of a property, including where the property comprises multiple public charging points and associated parking, circulation areas or ancillary facilities, the activity shall be regarded as an Electric Vehicle Charging Station and shall only be permitted in the zones specified in the Scheme.
- c) Where electric vehicle charging facilities are provided on a separate property from the primary use, they serve, but are intended to support an adjoining or nearby land use, activity node or development, such facilities shall be regarded as an Electric Vehicle Charging Station and shall be considered on application by means of a Departure on Business zoned sites or listed as a permitted or consent use in terms of the Scheme. Such facilities shall further be subject to the applicable zoning provisions, development controls and any other requirements contained in the Scheme.
- d) An Electric Vehicle Charging Station shall comply with the applicable parking, access, building line, landscaping, engineering services, signage and other development controls applicable to the relevant zone.

ADDITIONAL PROVISIONS APPLICABLE TO DWELLING UNITS

ANNEXURE A 1

POLICY FOR BED AND BREAKFAST ESTABLISHMENTS AND GUEST HOUSES

1. CATEGORIES AND RELATED PROVISIONS

CATEGORY	ZONING	AUTHORITY	PARKING
<u>Category 1 – B&B</u> 1 & 2 Guest Rooms	All Zonings where dwellings are permitted * <i>subject to section 2.1 below</i>	No special regulations apply	2 bays
<u>Category 2 – B&B</u> 3 & 4 Guest Rooms	Agricultural Residential 1 Residential 2 Residential 3 Residential 4 Residential 5	Departure required	3 bays
	Residential 6	Permitted	2 bays for every 3 guest rooms plus 2 bays for the owners/manager
<u>Category 3 – Guest House</u> 5 - 16 Guest Rooms	Residential 6	Permitted	2 bays for every 3 guest rooms plus 2 bays for the owners/manager
	Residential 5	Consent required	2 bays for every 3 guest rooms plus 2 bays for the owners/manager
	Residential 4 Agricultural	Departure required	2 bays for every 3 guest rooms plus 2 bays for the owners/manager
	Residential 1 Residential 2 Residential 3	(If on high mobility routes / Metropolitan numbered routes) - Departure required	2 bays for every 3 guest rooms plus 2 bays for the owners/manager
	Residential 1 Residential 2 Residential 3	(If not on high mobility routes / Metropolitan numbered routes) -	2 bays for every 3 guest rooms plus 2 bays for the owners/manager

		Rezoned to Residential VI (only if erf larger than 1200m ²)	
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Additional provisions applicable to all categories:

- (a) 2 persons (with 2 children) shall be allowed per guest-room.
- (b) May only provide short term accommodation.
- (c) The householder or a manager must be resident on the property.

2. GENERAL INFORMATION

2.1 1 - 2 Guest Rooms

The owner or lease-holder must inform the Municipality in writing of his / her intention to operate a 1 – 2 roomed Bed & Breakfast, with details of the rooms that will be used and parking that will be provided (reflected on a copy of the approved building plan and site development plan).

2.2 Application procedures

Procedures for Consent, Departure or Rezoning applications have to be submitted in terms of the provisions of the Municipality's SPLUMA Bylaws.

Note:

Applicants must note that a departure is a temporary measure, usually for 5 years, after which the applicant must make application to renew or extend the departure. Prospective applicants must keep in mind, especially if they plan to invest significant sums of money in alterations etc. that a renewed departure may not be granted after 5 years.

2.2 Signs

- (a) One sign with a maximum size of 1m² stating only the name of the establishment and the words "Bed 'n Breakfast" or "Guest House" will be permitted.
- (b) Signs may be illuminated, but flashing lights are not permitted.
- (c) No directional signs to the establishment are permitted without prior approval from the Senior Manager – Traffic Engineering.

2.3 Health Requirements

The regulations of the City Health Department must be complied with.

2.4 Rates and Service Charges

- (a) A Bed & Breakfast and Guest House are seen as businesses and will be rated accordingly, including the levying of business service charges.
- (b) The Rates Department shall advise on the correct rates and service charges for these establishments.

3. SPECIAL NOTES

- (a) Where more than one dwelling has been established and is permitted on an erf or land unit and where such dwelling units have not separately been registered in terms of sectional title, the provisions herein will apply to the erf or land unit as one entity (ie. an application and authorisation for guest rooms in a Bed and Breakfast or Guest House will be for the land unit as a whole and not per dwelling unit and cannot be duplicated per approved additional dwelling unit).
- (b) All alterations and second dwellings must be legal in terms of the Buffalo City Land Use Scheme.
- (c) The Municipality reserves the right to approve or not approve any application (especially Guest Houses with more than 8 guest-rooms) if it feels that the application will have a negative impact on the amenity of the area surrounding the specific erf or the services in the vicinity.
- (d) Should any establishment become detrimental to the surrounding areas, the Municipality reserves the right to regulate and control such establishments, regardless of how much has been spent on it and regardless of the fact that the establishments have complied with the regulations.
- (e) These provisions are for Town Planning purposes only and their coming into effect will not constitute a repeal of other relevant regulations or the policies of other departments of Buffalo City Metropolitan Municipality.
- (f) A Guest House or Bed and Breakfast Establishment shall operate primarily as a provider of temporary overnight accommodation. No room or accommodation unit may be marketed, advertised or operated principally for hourly occupation or other short-duration stays inconsistent with the intended purpose of the use. The Municipality may regard the advertisement or routine letting of accommodation on an hourly basis as evidence that the approved land use is being exercised contrary to this Scheme.
- (g) A Guest House or Bed and Breakfast Establishment shall at all time be operated in a manner that does not cause a nuisance, disturbance or unreasonable adverse impact on surrounding properties or the neighborhood. Where the Municipality determines that the use is causing a persistent or material nuisance or is being operated contrary to the conditions of approval or applicable land use provisions, the Municipality may, subject to due process and applicable legislation, require the nuisance to be remedied and may suspend, withdraw or revoke the approval or land use right.

ANNEXURE A 2

GUIDELINES APPLICABLE TO INFORMAL ALCOHOL RETAIL OPERATIONS: TAVERNS

1. OBJECTIVE OF INFORMAL ALCOHOL RETAIL OPERATIONS (TAVERNS)

To provide for the controlled establishment and operation of informal alcohol retail activities, within residential areas where such uses support local economic opportunities, while ensuring that the residential character, amenity, safety and wellbeing of surrounding communities are protected.

2. APPLICATION

- (a) Application to operate a tavern will have to be made as a departure in terms of Section 64 of the Municipality's SPLUMA Bylaws, which is temporary and valid for five years, after which re-application has to be made.
- (b) Application forms required for a departure are available from the Directorate of Spatial Planning and Development and an application fee will be payable by the applicant.
- (c) The approval of a departure by the Municipality for a tavern shall apply to the applicant only while he or she resides on the property and will not be transferable in any form or manner.

3. TOWN PLANNING REGULATIONS

- (a) Only one room of a principal dwelling unit or outbuilding with an area not exceeding 40% of the total coverage of the dwelling unit is to be converted for tavern use.
- (b) The tavern must be operated by the resident owner or resident tenant who must reside on the property..
- (c) The dwelling unit is to have and retain a primarily residential function.
- (d) The tavern should not impact negatively on the surrounding neighbours and measures should be taken to limit operating hours, to facilitate off-loading of goods and to ensure adequate refuse removal, etc.

3. ADVERTISING ON THE PREMISES

- (a) Advertising will be restricted to one flat sign 1m² in size to be affixed either to a wall of the dwelling Unit or to a fence / perimeter wall containing only the name of the tavern and the operating hours.
- (b) No other forms of advertising will be permitted for taverns.

4. WITHDRAWAL OF DEPARTURE RIGHTS

Any contravention of the guidelines mentioned above or any written complaints verified by officials of the Municipality will be reported to the Directorate of Spatial Planning and Development and could result in the closure of the tavern and the withdrawal of the departure rights.

5. GENERAL CONDITIONS

- (a) A tavern shall be operated as a low-intensity commercial activity intended primarily for the sale of alcoholic beverages and shall not operate as a place of entertainment , nightclub, event facility or place of assembly.
- (b) Live entertainment, including but not limited to live bands, DJs, amplified music performances, concerts, cultural events, competitions or similar activities, shall not be permitted.
- (c) The playing of music shall be strictly limited to background music for patrons frequenting the tavern and shall not result in noise nuisance or disturbance to surrounding properties.
- (d) The tavern shall comply with all the municipal bylaw regulating noise control, and shall not create a nuisance through amplified music, shouting, fighting, vehicle noise, patrons congregating outside the premises or any other activity associated with the use.
- (e) Outdoor seating, drinking areas, entertainment areas or customer gathering areas shall not be permitted.
- (f) Only the Primary Dwelling Unit, excluding all outbuildings and other buildings and structures on-site, shall be utilized to calculate the permitted percentage to allocate for the operation of a tavern. Eg: if a primary dwelling unit is 100m², the tavern is allocated only 40m², which is a maximum of 40%.
- (g) The operation of a Tavern shall operate only from an approved building/structure. All alterations and additions must be legal in terms of the Buffalo City Land Use Management Scheme.
- (h) Notwithstanding any other legislation or by-law, The Municipality may limit trading hours as a condition of approval, having regard to the location of the tavern, surrounding land uses, potential nuisance impacts and the character of the area.
- (i) Where the operation of a tavern results in repeated complaints, nuisance, non-compliance with approval conditions or adverse impacts on surrounding properties, the Municipality may review the approval conditions and/or impose additional restrictions or revoke the approval wholly and take the necessary enforcement action in terms of the applicable legislation.

ANNEXURE A 3

GUIDELINES FOR INFORMAL RETAILING OPERATIONS: SPAZA SHOPS (HOUSE SHOPS)

1. OBJECTIVE OF HOUSE SHOPS (HOUSE SHOPS)

The objective of permitting spaza shops is to make provision for small home-based business activities in areas where residents do not have easy access to retail outlets, that sell basic day-to-day household necessities, or areas in close proximity to high volumes of pedestrian traffic (predominantly near public transport nodes or modal interchange).

2. APPLICATION

- (a) Application to operate a spaza shop will have to be made as a departure in terms of Section 64 of the Municipality's SPLUMA Bylaws, which is temporary and valid for five years after which re-application has to be made.
- (b) Application forms required for a departure are available from the Directorate of Spatial Planning and Development and an application fee will be payable by the applicant.
- (c) The consent to a departure by the Municipality for a house shop shall apply to the applicant while he resides on the property and will not be transferable in any form or manner.

3. TOWN PLANNING REGULATIONS

- (a) Only one room of a principle dwelling or garage or outbuilding on a land unit with an area not exceeding 30 m² is to be converted for retail use.
- (b) The spaza shop must be operated by the resident owner or resident tenant who must reside on the property.
- (c) The dwelling unit is to have a primarily residential function.
- (d) The spaza shop should not impact negatively on the surrounding neighbours and measures should be taken to limit operating hours, to facilitate off-loading of goods and to ensure adequate refuse removal, etc.
- (e) Not more than two people should be involved in operating a house shop.
- (f) Goods sold should be restricted to basic day-to-day household necessities.

4. ADVERTISING ON THE PREMISES

- (a) Advertising will be restricted to one flat sign 1m² in size to be affixed either to a wall of the dwelling unit or to a fence containing only the name of the specific house shop and the operating hours. Signs may be illuminated, but flashing lights are not permitted.
- (b) No other forms of advertising will be permitted for house shops.

5. WITHDRAWAL OF DEPARTURE RIGHTS

Any contravention of the guidelines mentioned above or any written complaints verified by officials of the Municipality will be reported to the Development Planning Standing Committee and could result in the closure of the house shop and the withdrawal of the departure rights.

ANNEXURE A 4

POLICY FOR PRACTICING OF AN OCCUPATION IN A RESIDENTIAL DWELLING OR ON A RESIDENTIAL PROPERTY

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

- (a) The person practicing the profession or occupation (excluding employees), whether or not such person is a tenant or owner of the dwelling unit, must reside on the property.
- (b) The person practicing the profession or occupation must inform the Municipality in writing of their intention to practice their profession or occupation from home, with details of the area that will be used, parking that will be provided (reflected on a copy of the approved building plan and site development plan) and the number of persons / employees that will be involved. Only when the Municipality confirms that the proposed home occupation complies with these guidelines, may the activity proceed.
- (c) The total number of persons practicing / employed, including the owner, employees do not exceed 3 people (including off-site employees that may meet or report at the residential dwelling).
- (d) A maximum of 40% of the total floor area of either the primary or second dwelling unit (excluding floor area of outbuildings) may be used for the practice of such occupation, subject to a maximum permissible floor area of 50m².
- (e) Adequate onsite parking must be provided in the event of a garage being utilised for occupational practice.
- (f) The primary utilisation of the property shall remain residential in nature, with the dwelling unit being the predominant use, and the street frontage shall maintain a residential character.
- (g) Such portion of the dwelling unit may not be utilised as a shop, business premises, industry or noxious industry.
- (h) No goods for sale that are ancillary to the occupational practise should be openly displayed /visible from a public street, except for the display notice in terms of item (i) below.
- (i) No advertising shall be displayed other than an unilluminated sign or notice not projecting over the road reserve boundary and not exceeding 1m² in size and indicating only the name and occupation of the occupant.
- (j) No activities shall be carried on which are, or are likely to be, a source of disturbance or nuisance to occupants of other dwelling units or portion thereof.
Criteria
- (k) In Residential IV and V, prior permission is required from the Home Owners' Association or Body Corporate and the practising occupant may not employ any person/s.
- (l) If any person with a direct interest is of the opinion that any condition referred to in this policy or in the definition of "occupational practice" has been or is being contravened, such person may lodge a written complaint with the Municipality requesting action in terms of Section 155 of the Municipality's SPLUMA Bylaws.

- (m) The Municipality shall consider a complaint mentioned in (l) above, and if in the opinion of the Municipality a contravention of any condition referred to in this policy or in the definition of “occupational practice” has occurred, the Municipality shall act in terms of Section 156 of the Municipality’s SPLUMA Bylaws.
- (n) Adequate on-site parking, as determined by the City’s Traffic Engineering Standards must be provided for staff vehicles and other vehicles associated with the occupational practice and such parking shall be provided in such a manner that it does not detract from the amenity of the area, and, where required by the Municipality, be screened.
- (o) A Residential property may not be used for storage and/or parking of vehicles that form part of a business or commercial vehicles linked to a transport or courier business, or assembly of off-site employees where the administration is undertaken as a home occupation (such as plumbing, electrical, courier or other similar businesses).
- (p) The maximum number of clients permitted at any given time may not exceed 6 persons.
- (q) On-site parking to be provided in line with the City’s Traffic Engineering Standards.

ANNEXURE A 5

POLICY FOR PROVIDING HOME-BASED CARE IN A RESIDENTIAL DWELLING

The following conditions shall apply where a portion of a property is used for care for a limited number of elderly, sick or disabled persons, or for home child care:

- (a) The person providing the home-based care (excluding employees), whether or not such person is a tenant or owner of the dwelling unit, must reside on the property.
- (b) The primary utilisation remains that of a dwelling unit
- (c) In Residential 2, 4 and 5, prior permission from the Home Owners' Association (or Body Corporate) is required.
- (d) No more than 6 persons shall be accommodated at the home-based care facility for elderly, sick or disabled persons at any time and no more than 6 children shall be enrolled at the home-based child care facility at any time;
- (e) Services shall be primarily:
 - child day care or educational, or
 - basic health care for disabled, elderly or sick and not medical;
- (f) Services for home based child care shall not operate outside the hours of 07:00 to 18:00 on Mondays to Fridays, and from 08:00 to 13:00 on Saturdays, and shall not include public holidays or Sundays;
- (g) Indoor and outdoor play space shall be provided in accordance with any health requirement or a policy plan as might be approved by the Municipality from time to time, and outdoor play space shall be securely fenced;
- (h) No advertising sign shall be displayed, other than a single un-illuminated sign or notice in accordance with signage policy of the Municipality, not projecting over a public street, and such sign shall not exceed 1 m² in area;
- (i) At least one off-street parking bay shall be provided, plus one additional parking bay which is suitable for the use of parents to drop off or collect their children, unless the Municipality's permission is obtained to waive this requirement. The Municipality may at any stage require additional on-site parking where parking is deemed to be insufficient;
- (j) If any person with a direct interest is of the opinion that any condition referred to in this policy or in the definition of "home-based care" has been or is being contravened, such person may lodge a written complaint with the Municipality requesting action; and
- (k) The Municipality shall consider a complaint mentioned in (j) above, and if in the opinion of the Municipality a contravention of any condition referred to in this policy or in the definition of "home-based care" has occurred, the Municipality shall act in terms of such relevant enforcement procedures or by law.
- (l) The owner or lease-holder must inform the Municipality in writing of his / her intention to provide home-based care.

ANNEXURE A 6

GUIDELINES FOR LETTING TO 4 OR FEWER PEOPLE IN A DWELLING UNIT

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

The owner or lease-holder of a dwelling unit may provide letting for four or fewer persons in such dwelling unit provided that:

- (a) Application for letting will have to be made as a departure in terms of Section 64 of the Municipality's SPLUMA Bylaws, which is temporary and valid for five years after which re-application has to be made. Details of the rooms that will be used, parking that will be provided (reflected on a copy of the approved building plan and site development plan) and the number of persons that will be accommodated.
- (b) The owner or lease-holder must reside on the property.
- (c) No separate or self-contained dwelling units are created; The accommodation is limited to individual rooms with shared access to common facilities unless otherwise approved by the Municipality.
- (d) The use does not constitute a guest house, bed and breakfast establishment, boarding house, hotel or any other accommodation establishment as defined in this Scheme.
- (e) No person shall use, cause or permit the use of any room which does not constitute a habitable room.
- (f) Where a dwelling unit forms part of a Town Housing or Sectional Title Scheme, and letting is not explicitly permitted in the applicable Home Owners Association Constitution, the consent of the Home Owners Association or Body Corporate must be obtained.
- (g) Adequate off-street parking shall be provided for lodgers and tenants.

ANNEXURE A 7

POLICY ON LATERAL AND REAR BUILDING LINE EXEMPTIONS

1. PURPOSE

The purpose of this policy is to:

- 1.1. Redress spatial planning inequities arising from historic zoning frameworks.
- 1.2. Reduce unnecessary land use approval burdens in appropriate residential contexts.
- 1.3. Support SPLUMA-aligned spatial justice and efficient land development.
- 1.4. Provide clear regulatory certainty for minor residential extensions and outbuildings.

2. POLICY CONTEXT

- 2.1. Previously Disadvantaged Areas and areas developed, post 1994, under the Government Subsidised Housing Settlement are characterised by small erven, incremental development, and high residential intensification.
- 2.2. Conventional setback controls were designed for low-density suburban environments and are often misaligned with these settlement realities.
- 2.3. Strict enforcement of lateral and rear building line controls in these areas results in disproportionate administrative burden without commensurate planning benefit.

3. DEFINITIONS

3.1. Previously Disadvantaged Areas

Areas identified through spatial, historical, and infrastructural criteria, including:

- (a) Apartheid-era segregated residential areas and former homeland settlements;
- (b) SDF-designated restructuring or upgrading zones;
- (c) High-density, small-erven incremental settlement patterns;
- (d) Areas with historically constrained infrastructure capacity.

3.2. Government Subsidised Housing Settlement

Residential area developed through a national, provincial or municipal housing subsidy programme in terms of the National Housing Code, including former Reconstruction and Development Programme (RDP) projects, Breaking New Ground (BNG) developments and any successor subsidised housing programme.

4. SCOPE OF THE POLICY

- 4.1. Lateral and rear building line departures are deemed exempt from land use application requirements in qualifying areas.
- 4.2. Street building lines restrictions remain fully applicable and enforceable and shall require a formal land use application, if street building line is infringed.
- 4.3. The following residential areas shall be covered by this policy as qualifying areas:
 - (a) The former Ciskei areas (Bhisho, Mdantsane, Fort Jackson, Zwelitsha, Phakamisa, Dimbaza and rural/informal settlement areas).
 - (b) Duncan Village
 - (c) Ginsberg
 - (d) Braelyn
 - (e) Parkside

- (f) Egoli
- (g) Eureka
- (h) Haven Hills
- (i) Nompumelelo
- (j) Potsdam
- (k) Reeston
- (l) Scenery Park
- (m) In-situ Upgrade Areas
- (n) Any other areas as contemplated under Section 3.1 & 3.2

4.4. This policy excludes uses that are not linked to the residential component, i.e. Tavern, House Shop, Occupational Practice, etc.

5. CRITERIA FOR DETERMINING EXEMPTION

5.1 Erf Size Threshold Indicator:

The size of erven shall be used as a primary planning indicator but not as a sole determinant.

- a) Sites zoned Residential 1 & 3A with an extent of $\leq 350\text{m}^2$ shall automatically fall within the scope of this policy;
- b) Sites zoned Residential 1 & 3A with an extent of between 351m^2 and 600m^2 may be included where, in the opinion of the Municipality there is no alternative space for the proposed structure to be erected.

6. DEVELOPMENT EXEMPTIONS

6.1 The following shall be permitted without land use application (subject to building plan approval, where required):

- a) Second Dwelling Unit or Additional Dwellings (as permitted in terms of the applicable policy plan);
- b) Outbuildings less than 30m^2 ; and
- c) Extensions to existing approved structures.

6.2 General Conditions

All exempt development must:

- a) Remain within cadastral boundaries;
- b) Not encroach onto public land or servitudes;
- c) Not obstruct municipal infrastructure access;
- d) Comply with National Building Regulations;
- e) Not generate unreasonable nuisance impacts.
- f) Buildings on the boundary shall have the roof pitch inwards and not towards the neighbouring site.
- g) Parapet walls shall be erected of at least 300mm in height, where buildings are situated on the boundary.

7. ADMINISTRATIVE PROCEDURE

7.1 No land use application is required for lateral or rear building line relaxation in qualifying areas.

7.2 Building plan approval remains mandatory.

7.3 Consent Letters are still required from the affected property/ies.

7.4 Proposed structures are still required to comply with the other provisions as contained in the land use scheme applicable to the zoning of the site.

- 7.5 The City Planning Division may issue acknowledgement notices where required for record-keeping or service coordination.
- 7.6 The City Planning Division may request additional supporting information should there be sufficient space to comply with applicable building lines.

8. DEVELOPMENT CONTROL DISCRETION

- 8.1 The City Planning Division retains discretion to impose conditions in exceptional circumstances or to not approve an application.
- 8.2 Where conflict arises between this policy and safety/infrastructure requirements, the latter shall prevail.

9. REVIEW

This policy shall be reviewed when operational conditions require amendment.

NOXIOUS USE/TRADE/INDUSTRY**THE FOLLOWING ACTIVITIES ARE CLASSIFIED AS NOXIOUS USE / TRADE / INDUSTRY:**

1. Any use, trade or industry which constitutes a nuisance or a risk to health in neighbouring premises arising from vapours, effluvia, fluids, liquid waste matter, solid waste matter, noise, disturbance and dust – or which carries a high risk in the event of a fire or accident.
2. Or any activity, use, trade or industry which does not comply with the requirements of relevant applicable legislation (or amendments of legislation, or relevant new legislation) that serves to regulate activities, uses, trades or industries (or elements of such) that may constitute a nuisance or a risk to health, as envisaged in regulations that are promulgated from time to time in terms of such legislation.
3. Any installation, which in terms of the Occupational Health and Safety Act No. 85 of 1993 is classified as a **"major hazard installation"**. The act defines a "major hazard installation" as follows:
 - (a) where more than the prescribed quantity of any substance is or may be kept, whether permanently or temporarily; or
 - (b) where any substance is produced, processed, used, handled or stored in such a form and quantity that it has the potential to cause a major incident.

PARKING REQUIREMENTS

Please refer to the most recent Traffic Engineering Standards as approved by the Municipal Council.

For the purposes of assessing access and on-site parking pertaining to site development plans for land development applications, the following sections of the Traffic Engineering Standards are relevant:

- Standard Parking and Loading requirements for the various land use types.
- Standard Parking Bay design standards and dimensions.
- Access design standards and dimensions.
- On-site vehicle movement and design standards.
- Alternative parking arrangements

All site access and parking related aspects of land development applications and associated site development plans must be approved by the City's Transport Planning and Operations section.

Table reflecting the Standard Parking and Loading requirements as per the Metro's Traffic Engineering Standards

Land use	Parking requirement ^(a)
A : RESIDENTIAL	
1. General Residential: ^(h) Flats, townhouses, group housing, etc.	<i>1,0 bays/unit – studio, bachelor, 1 bedroom units, 1,0 bays/unit – 2 bedroom units, 1,5 bays/unit – 3 or more bedroom units, plus an additional 0,5 bays/unit for visitor parking, irrespective of number of bedrooms^(b)</i>
2. Hotels and motels	1 bay/bedroom, plus 6 bays/100m ² of Public Accessible Area (PAA). PAA is area that is accessible to the public (e.g., bar and restaurant area), but excludes areas that are primary used by lodgers of the establishment (e.g., passages, foyers, reception area, etc.).
3. Residential hotels, boarding houses, etc.	0,6 bays/bedroom
4. Old Age Homes /	0,3 bays/bedroom in the case of flat/room type

Retirement Villages, Orphanages, etc.	accommodation, 1 bay/unit in the case of standalone units.
5. Bed and Breakfast 1 - 2 guest rooms 3 - 4 guest rooms	<i>(Note no additional bays required for the owner/manager.)</i> 2 bays, 3 bays.
6. Guest House 5 - 16 guest rooms	2 bays/3 guest rooms, plus 1 for the owner/manager.
7. Residential - settlement (Rural Residential Village)	1 bay/unit, if required by TPO.
8. Residential – public funded	1 bay/unit, if required by TPO.
9. Residential - single	1 bay/unit, if required by TPO for Residential 3A. 1 bay/unit, for Residential 3B/C.
10. Student accommodation	0,1 bays/bed, plus 1 bay per supervisor bed/s. Note a single room (one bed/student) generally has a floor area of 8-10m ² and a double room (two beds/students) a floor area of 14-16m ² . Further, to be regarded as student accommodation the property is to be zoned to any zoning that permits student accommodation and is to be located within a 5km radius of a recognised tertiary educational institution).
11. Residential – Lodging for 4 or fewer persons per dwelling unit	1 bay for owner or lease-holder, plus 0,5 bays/bedroom leased out to lodger/s.
12. Residential – home based care	1 bay for owner or lease-holder, plus 1 on-and off-loading bay (i.e., drop off zone), if so required by TPO.
B : OFFICES AND BUSINESS	
1. General Offices (Business Zone IV) - Office only zoning - Low intensity offices ^(g)	No detailed SDP showing floor/office layout: - <u>4 bays/100m² GLA.</u> Detailed SDP showing floor/office layout and demonstrating that on average a maximum of 1,5 persons per office (based on size of office of approximately 9 to 14m ² , etc.): - <u>2,5 bays/100 m² GLA.</u>
2. Professional Services such as Medical and Veterinary Consulting Rooms, Hairdressers	6 bays/100m ² GLA.
3. Business ^(c) Shops, Shopping Centres, Hypermarkets, Banks,Restaurants, Drive-throughs, etc.	6 bays/100m ² GLA, for Business Zone I and II. <i>Note that for restaurants, GLA also includes both indoor and outdoor seating areas.</i>
4. Practicing occupation	1 bay for owner or lease-holder, plus parking at a

from residential dwelling/property, excluding remote working by owner or lease-holder	rate based on land use being practices from residential dwelling/property.
5. Wholesaler	2 bay/100m ² GLA.
6. Building material	2 bay/100m ² GLA, plus 1 bay/100m ² of outdoor yard/display area.
7. Plant nursery	2 bay/100m ² GLA, plus 1 bay/100m ² of outdoor sales/display area.
C : MEDICAL	
1. Consulting Rooms	6 bays/100m ² GLA.
2. Hospitals	1 bay/bed, plus 6 bays/100m ² GLA of external consulting.
2. Wellness hospitals	0,5 bay/bed, plus 6 bays/100m ² GLA of external consulting.
3. Clinics	2 bay/100m ² GLA.
4. Other institutions: (e.g. mental, cripple care, orphanage):	0,3 bays/bedroom.

Table 10.6: Parking requirements (continues)

Land use	Parking requirement ^(a)
D : INDUSTRIAL AND COMMERCIAL	
1. Manufacturing	1 bay/100m ² GLA.
2. Warehousing	1 bay/100m ² GLA.
3. Diaries, Bakeries and Laundries	1 bay/100m ² GLA.
4. Storage Yards	1 bay/100m ² GLA.
5. Self-Storage units	0,2 bay/100m ² GLA.
D : PUBLIC GARAGES	
1. Filling Station/Service Station	4 bays/work bay, plus 2 bays/100m ² vehicle spares and sales area, plus 6 bays/100m ² of retail (convenience store, etc.,) GLA. Parking for all other land uses to be provided as per land use parking requirement. 50% of bays at the pumps shall be deducted from the parking requirements for the retail component/s.
F : PLACES OF PUBLIC WORSHIP	
1. Place of Public Worship	The greater of 0,15 bays/seat or 1,4m ² of GLA.
2. Mosque	0,15 bays/1,4m ² of floor area.
G : EDUCATIONAL^(d)	
1. Early Childhood development Centre	1 bay/teacher or assistant, plus sufficient on-and off-loading area (refer to Chapter Fourteen).
2. Primary School	1 bay/class room or office plus sufficient on-and off-
3. Secondary School	1 bay/class room or office plus sufficient on-and off-loading area. ^(f)
4. Colleges and Technikons	0,1 bays/student, if so required by TPO.
5. Universities	0,15 bays/student, if so required by TPO.
H : RECREATION, SPORT AND ENTERTAINMENT	
1. Community Centres, e.g.,	2 bays/100m ² GLA.

municipal building, etc.	
2. Halls	The greater of 0,25 bays/seat or 9 bays/100m² GLA.^(e)
3. Cinemas and Theatres	0,1 bays/seat.
4. Sport Stadiums	0,25 bays/seat.
5. Swimming Pools	0,25 bays/seat.
6. Libraries and Museums	2 bays/100m ² .
7. Other Public Facilities	2 bays/100m ² or at TPO's discretion.
8. Conference Facilities	The greater of 0,25 bays/seat or 9 bays/100m ² GLA. ^(e)
9. Padel, squash and tennis courts	3 bays/court, plus 6 bays/100m ² of club house/retail GLA.
10. Bowling clubs, etc.	6 bays/100m ² of club house GLA or at TPO's discretion.
I : SPECIALISED/AUTOMATED INDUSTRY	
(Note Approval from Transport Planning and Operations Department is required to make use of this category) e.g., KuGompo City IDZ, MBSA, etc.	0,5 – 1,0 bays/100m ² based on demand as determined in a Traffic Study. 0,1 bays/100m ² of GLA for storage buildings that are predominantly robotic controlled with little to no human intervention.
J : GOVERNMENT SUBSIDISED/SOCIAL HOUSING AND ASSOCIATED UNITS	
1. Social housing	1,0 bays/unit (<i>i.e., 0,5 bays paved, 0,25 bays grassed and 0,25 bays future bays</i>).
2. Units to be sold	1,25 bays/unit (<i>i.e., 0,75 bays paved, 0,25 bays grassed and 0,25 bays future bays</i>).
K : VEHICLE SALES	
	Parking bays (<i>i.e., not bays to be utilised for the storage/display of vehicles to be sold</i>), should be the greater of: 2,5 bays/100m ² of office area, plus 1 bay/100m ² of showroom area; or 1 bay/150m ² of erf area utilised for such vehicle sales.
L : LAND USES EXEMPT FROM ON-SITE PARKING	
1. Public garages. 2. Agriculture. 3. Depot. 4. Aqua culture. 5. Cultural practice. 6. Urban agriculture.	7. Informal trading. 8. Spaza Shops. 9. Dwelling units in Transitional Relocation Areas, or upgrading of informal settlements where it is considered that no vehicular access to a property is necessary.

Notes:

- (a) *Parking in the CBD and the CBD fringes may be reduced to as low as zero and 25% respectively of the requirements as illustrated in Table 10.6 for the CBD's of KuGompo City, Mdantsane, Bhisho and Qonce. This however needs to be fully motivated by the Developer's Traffic Engineer and then approved by the Transport Planning and Operations Department, who shall agree to a particular rate based on specific circumstances.*
- (b) *Visitor parking should preferably be located in a communal area on the site.*
- (c) *For mixed use (i.e., retail and offices) with Business I and II zoning, parking for ground floor to be at 6 bays/100m² for the ground floor and at rates in Table 10.6 for other floors (based on land use), except for storage area reduction as described in Section 2.2. All other land uses developed on a site with Business I and II zoning should to provide parking at the rate as per Table 10.6, irrespective of floor.*
- (d) *Sufficient on- and off-loading area to be provided on-site, and only on-street if approved by the Transport Planning and Operations Department after adequate motivation from the Developer's Traffic Engineer (refer to Chapter Fourteen for early childhood development centres).*
- (e) *If number of seats not defined, then an area of 2,75m² is to be used per seat. This equates to 9 bays/100m² GLA.*
- (f) *Sufficient on-and off-loading area should be equivalent to approximately 20% of the AM peak inbound traffic volumes (see Table 2.1).*
- (g) *No more than 1/100m² of erf size permitted on the erf.*
- (h) *Parking may be provided within the private road road reserve/common area.*

POLICY FOR RENEWABLE ENERGY STRUCTURES**The following conditions shall apply to Renewable Energy Structures:**

Renewable Energy Structures which may be erected as a consent use in terms of this Land Use Scheme in Agricultural and Residential 2 shall be subject to the relevant requirements of the National Environmental Management Act, Civil Aviation Act and Regulations and other applicable legislation.

1. Land use restrictions**(a) Height****“Associated structure”**

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

“Associated building”

No point of a building shall exceed a vertical distance above the natural ground level of a building of:

- 8m– in the case of flat roofed buildings, or
- 11m – in the case of inclined, dome or pitched roofed buildings (8m restriction on the building walls and an additional 3m permitted for the pitched or inclined roof). Only the roof structure may exceed the 8m height restriction applicable to the building’s walls;

provided that chimneys, flues and antennae are exempt from this height restriction.

(b) Setback

A distance equal to 1,5 times the overall height of associated structures such as a pylon, pole, mast or mechanism/s (including blade tip or other protrusions), or associated buildings, measured from:

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

2. Additional requirements**(a) Site Development Plan (SDP)**

As part of the application or stipulated as a condition of approval, a SDP must be submitted for approval by the Municipality. The SDP must reflect the boundaries of the renewable energy site and exact location, specifications and positioning of the renewable energy structure, including associated structures, infrastructure and buildings.

(b) Visual and environmental impact

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

(c) Decommissioning

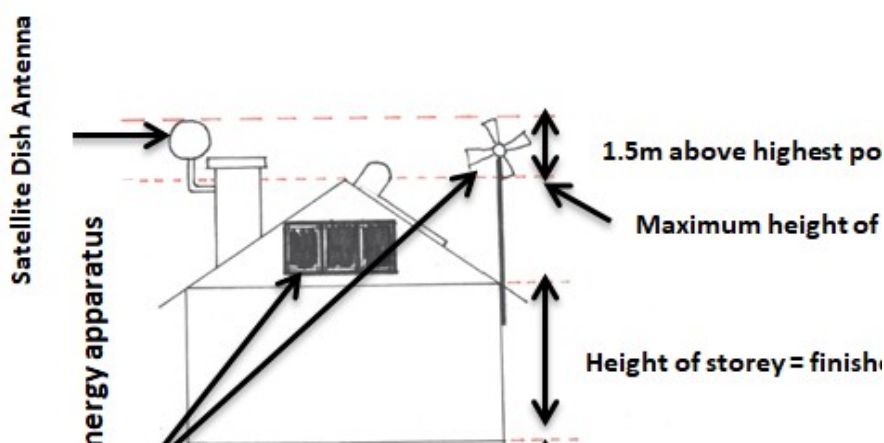
If not regulated in terms of other permitting or authorisation conditions, such as an Environmental Authorisation:

- i. When a Renewable energy structure is scheduled to be decommissioned or operations have been discontinued or it has been abandoned, the owner of the Renewable Energy Structure must notify the Municipality by registered mail and submit timeframes for removal of the structure/s and associated infrastructure within 60 days after the operation ceased.
- ii. Any Renewable Energy Structure and associated infrastructure, including buildings, power lines, cables, security barriers, and roads which have been decommissioned, which have reached the end of its productive life or have been abandoned, must be removed.
- iii. The owner of the Renewable Energy Structure is responsible for the removal of the structure in all its parts, and rehabilitation of the land to the satisfaction of the Municipality, within a timeframe agreed upon by the Municipality.
- iv. If the owner fails to remove the structure or parts thereof in accordance with the timeframe agreed upon by the Municipality, the Municipality may enter the property and remove the structure or parts thereof. All removal costs in such a case may be recovered from the owner.

ADDITIONAL PROVISIONS APPLICABLE TO BUILDING HEIGHT

The Municipality shall apply the following parameters when determining the maximum permissible height of a building:

- (a) The maximum height specified for a storey is measured as follows:
 - from finished floor level to finished floor level - in the case of a multi storey building;
 - from finished floor level to the ceiling - in the case of a single storey building or top storey in a multi storey building; or
 - to a level equivalent to the height of the outside wall of a building if no horizontal ceiling is present.
- (b) A roof, or dome which forms part of a roof, shall not constitute a separate storey, unless the space within the roof is designed for, or used for human occupation, in which case it is deemed to be a storey.
- (c) Any storey which is greater than the permitted height of a single storey but equal to or less than the permitted height of 2 storeys, shall for the purposes of height measurement be deemed to be two storeys.
- (d) Antennas, satellite dish antennas (of less than 1.5m diameter), external geysers or renewable energy apparatus such as solar geysers and solar panels attached to any surface of a building may not exceed the vertical height of the part of the building to which it is attached by more than 1.5m. If attached to a chimney or flue, it may not exceed the vertical height of the highest part of the building's roof by more than 1.5m.
- (e) The maximum height of a building is determined by the following:
 - Permitted number of storeys.
 - Permitted height per storey for the type of building.
 - Permitted height of the roof structure.



The permissible maximum height for a storey and roof structure of building types are as follows:

BUILDING TYPE	MAXIMUM HEIGHT (m)	
	STOREY	ROOF
Residential	3.6	2
Institutional	4.0	3
Industrial	4.0	3
Commercial / Business	4.0	3

No point of a building shall exceed a maximum vertical height above the “*natural ground level*”, provided that:

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

Method for determining the maximum height of a building Relevant definitions:

“**Natural Ground Level of the Land**” - means the level of the land surface in its unmodified, natural state.

If the natural state of land has been altered by way of infill or excavation of material, the natural ground level can be determined by way of the following:

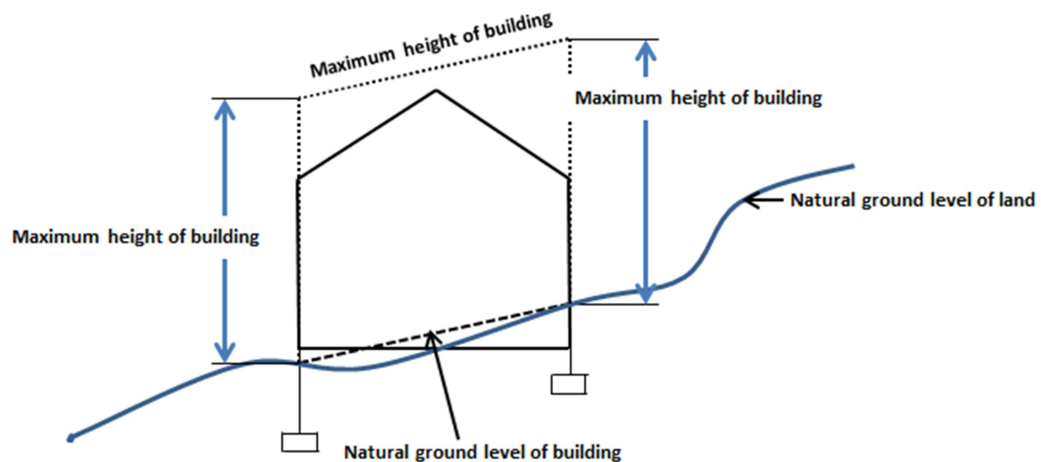
- (a) Official contour information of the Municipality or Office of the Surveyor General that pre-date the altering of the land, or

- (b) Where official contour mapping is in the opinion of the Municipality's Geomatics division not sufficient to accurately determine the natural ground level, a survey report from a suitably registered land surveyor to substantiate what is deemed to be the original natural ground level.

The determined natural ground level in (a) and (b) above must be submitted to the Municipality's Geomatics division for consideration and approval.

"Natural Ground Level of a building" – means an imaginary surface that corresponds with straight lines connecting the highest and lowest *natural ground levels of the land* immediately contiguous to the footprint of a building or structure.

For the purpose of height control, the maximum height of a building is measured vertically from the natural ground level of a building.



The maximum height of a building is measured at the highest point of such building above the natural ground level of the building.

REQUIREMENTS FOR SITE DEVELOPMENT PLANS

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

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

Where building plans and site development plans are submitted for property that forms part of group housing or sectional title scheme, such plan must be accompanied by a letter from the Home Owners Association or Body Corporate to confirm the Association or Body Corporates approval of the building plans / site development plan.

The entire development of the Erf shall be in accordance with the approved site development plan, provided that:

- (a) The plan may be amended in line with the provisions of Section 66 of the Municipality's SPLUMA Bylaws; and
- (b) The site development plan shall indicate at least the following;
 - (i) The footprint of all existing and proposed buildings and structures;
 - (ii) Vehicular entrances to and exists from the site;
 - (iii) Proposed subdivision lines, if the Erf is to be subdivided;
 - (iv) Building lines and all existing and proposed servitudes;
 - (v) 1:100 Year flood lines where applicable;
 - (vi) Parking (including arrangements for any reservation of parking for employees, disabled persons or the public), loading and unloading areas;
 - (vii) Vehicular circulation;
 - (viii) The phasing of the development, if it is envisaged that the total development will not take place simultaneously;
 - (ix) A schedule which specifies the zoning, proposed use and associated parking provision.
 - (x) A contour map indicating 1 meter contour intervals; and
 - (xi) Any other requirement deemed necessary by the Municipality.

- (xii) For Townhouse, Business and Office developments, the position of centralised refuse collection points, post boxes and development's name board.
- (c) No building plan may be approved if it is not in line with the approved Site Development Plan.

OCCASIONAL USES

The occasional use of a property for a temporary activity such as a craft, flea- or farmers market, or religious and / or cultural gathering or events may be permitted by the Municipality, even though these are not in accordance with the zoning of the property concerned, provided that –:

- (a) The occasional use will not have a significant negative impact on the surrounding area or natural environment;
- (b) The occasional use conforming with all conditions stipulated by the Municipality.
- (c) The Municipality may issue a notice calling for compliance with conditions or for the ceasing of the occasional use, if it is deemed by the Municipality to impact negatively on the surrounding area or natural environment.

ADDITIONAL DWELLINGS IN A TOWN HOUSE DEVELOPMENT

Additional dwelling units may be permitted by the Municipality in a Town House development, provided that the overall density within the Town House development of 50 dwelling units per hectare is not exceeded.

Authorisation by the Municipality for additional dwelling units will further be subject to the following requirements:

- (a) Confirmation from service branches that the bulk and internal infrastructure has sufficient capacity to accommodate the proposed additional units.
- (b) For every 200sqm area, an additional dwelling unit will be permitted.
- (c) When calculating the permitted number of townhouse units, the decimal amount in a resulting figure for the calculated number of units must be rounded down, for example 6,7 units will be rounded down to 6 units.
- (d) 2 Parking bays are required for each townhouse unit and is required to be indicated on the Site Plan.
- (e) The prescribed maximum 70% coverage for the Town House Site.
- (f) Homeowners Association Consent will be required to grant its consent for the additional townhouse unit/s. Where no functioning Homeowners Association exists, consent will be required from all the property owners within the townhouse development.
- (g) If a Site Development Plan was approved which indicated the number of townhouse units or footprint for the proposed structures, an amended Site Development Plan will be required to be submitted as part of the application.
- (h) If an additional dwelling unit is being provided in a sectional title scheme, the owner will be required to ensure that the proposed unit is surveyed and included in the sectional title scheme.