

LEPHALALE LOCAL MUNICIPALITY DRAFT LAND USE SCHEME 2017

Contents

CHAPTER 1 - INTERPRETATION	4
1.1. Definitions	4
CHAPTER 2 - LAND USE SCHEME, USE ZONES AND USES	15
2.1. Area of jurisdiction	15
2.2. Purpose of land use scheme	15
2.3. Components of land use scheme.....	15
2.4. Differentiation in the level of land use management.....	15
2.5. Land use scheme map.....	15
2.6. Rectification of errors on land use scheme map	16
2.7. Land use scheme register	16
2.8. Status of land use scheme	16
2.9. Zoning versus ownership	16
2.10. Primary Uses	17
2.11. Consent Uses.....	17
2.12. Occasional Uses.....	17
2.13. Non-conforming Uses	17
2.14. Deemed Zoning of closed public places.....	17
CHAPTER 3 - OVERLAY ZONES.....	18
3.1. Purpose of overlay zones	18
3.2. Procedures for establishing overlay zones	18
CHAPTER 4 - DISTANCES, LEVELS AND BOUNDARIES.....	18
4.1. Measuring distances and levels	18
4.2. Determining boundaries of use zones	19
CHAPTER 5 - ENFORCEMENT	19
5.1. Offences, penalties and enforcement of By-law	19
CHAPTER 6 - DEVELOPMENT OF LAND	19
6.1. Development parameters applicable to use rights.....	19
CHAPTER 7 - GENERAL PROVISIONS	20
7.1. Encroachment of building lines	20
7.2. Street Centreline Setback	20
7.3. Site Development Plans	21
7.4. Hazardous Substance	22
7.5. Screening.....	22
7.6. Earth Banks and Retaining Structures.....	22
7.7. Boundary Walls	23
7.8. Maintenance of property.....	23

7.9.	Placement of vehicles in residential zones	23
7.10.	Mobile homes and caravans	24
7.11.	Rooftop base telecommunication stations and Satellite dish antenna systems	24
7.12.	Geysers and solar panels or similar infrastructure affixed to the roof of a building	24
7.13.	Equipment on top of building	24
7.14.	Parapet walls	25
7.15.	Chimneys	25
7.16.	Flood-Prone Areas	25
7.17.	Electronic or mechanical playing devices	25
7.18.	Utilisation of Outbuildings	25
7.19.	Determination of natural ground level	25
7.20.	Animals in single and general residential zones	26
7.21.	Hobbies in single and general residential zones	26
CHAPTER 8 - PARKING AND LOADING		27
8.1.	Off-street parking requirements	27
8.2.	Alternative parking supply	29
8.3.	Combined parking requirements	29
8.4.	Site access and exits	29
8.5.	Parking layout requirements	30
8.6.	Parking for the physically disabled	30
8.7.	Motorcycle and bicycle parking spaces	31
8.8.	Loading requirements	31
CHAPTER 9 - REFUSE ROOMS AND SERVICE YARDS		32
9.1.	Refuse rooms	32
9.2.	Service yards	32
CHAPTER 10 – FORMAL LAND USE MANAGEMENT AREAS		33
CHAPTER 11 – INCREMENTAL LAND USE MANAGEMENT AREAS		58
11.1.	Demarcation of incremental land use zones	58

CHAPTER 1 - INTERPRETATION

1.1. Definitions

In this Scheme, unless the context otherwise indicates, the following expressions shall bear the meanings assigned to them herein, as follows:

“ancillary” means a land use, purpose, building, structure or activity which is directly related to, and subservient to, the lawful dominant use of the property;

“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;

“applicant” means a person who makes application in terms of the Planning By-law;

“atrium” means a covered courtyard that—

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

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

“base zone” means that zone which determines the lawful land use and development parameters for a land unit in terms of this land use scheme, before the application of any overlay zone;

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

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

“boundary” in relation to a land unit means one or more of the cadastral lines separating the land unit from another land unit or from a road reserve;

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

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

“building” without in any way limiting its ordinary meaning, includes—

- (a) a roofed structure;
- (b) an external stair, step or landing of a building and a gallery, canopy, balcony, stoep, verandah, terrace, porch or similar feature of a building;
- (c) a wall or railing enclosing any feature referred to in paragraph (b); and

- (d) any other portion of a building; and
- (e) a retaining wall or infilling higher than 0,5metres;

“building line” means an imaginary line on a land unit, which defines a distance from a specified boundary, within which the erection of buildings or structures are completely or partially prohibited;

“cadastral line” means a line representing the official boundary of a land unit as recorded on a diagram or general plan approved by the Surveyor-General and registered in the Deeds Office;

“canopy” means a cantilevered or suspended roof, slab or covering projecting from the wall of a building, excluding the floor of a balcony;

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

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

“carriageway crossing” in relation to a motor vehicle carriageway crossing, means an entrance or exit way, or a combined entrance and exit way, from a land unit to a road;

“commercial” in relation to a use right means a use right for the express purpose of making a profit with no or limited social or charitable objectives;

“common boundary” in relation to a property means a boundary common with the adjoining property other than a street boundary;

“coverage” means the total area of a land unit that may be covered by buildings, expressed as a percentage of the nett erf area of the land unit, and include—

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

“deemed zoning” means the zoning of a land unit which the Municipality deems it to have in circumstances where no formal zoning determination or rezoning was previously done;

“dwelling unit” means a self-contained, inter-leading group of rooms or a compound building configuration designed in accordance with a particular style approved by the Municipality—

- (a) with not more than one kitchen, used for the living accommodation and housing of one family, together with such outbuildings as are ordinarily used therewith; and

- (b) does not include domestic staff quarters, or tourist accommodation or accommodation used as part of a hotel;

“eave” means a portion of a roof projecting beyond the face of a building, including any gutters;

“earth bank” means land that is shaped to hold back earth or loose rock;

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

“electronic or mechanical playing devices” means any electronic or mechanical or similar devices which are designed or used for the purpose of playing any game or for recreational or amusement purposes or where the operator or player is entitled to a limited payout as determined by law and the operation involves the payment of consideration either by insertion of a coin, token coin, disc or another manner;

“encroachment agreement” means an agreement between an owner and the Municipality relating to the projection of portions of a building or structure from the owner’s property onto or over the Municipality’s property;

“entrance steps and landings” means steps and landings to a building, including any low walls and railings, if the steps and landings are not within the main containing walls of the building;

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

“erection” in relation to a building or structure includes—

- (a) the construction of a new building or structure;
- (b) the alteration or conversion of, or addition to, a building or structure; and
- (c) the re-construction of a building or structure which has completely or partially been demolished;

“family” means—

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

“flood-prone area” means any land area susceptible to being inundated by water from any source;

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

“floor factor” means the factor, expressed as a proportion of 1, which is prescribed for the calculation of the maximum floor space of a building or buildings permissible on a land unit; being the maximum floor space as a proportion of the net erf area;

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

- (a) any area, including a basement, which is reserved solely for parking or loading of vehicles is excluded;
- (b) external entrance steps and landings, a canopy, a stoep and an area required for external fire escapes is excluded;
- (c) a projection including a projection of eaves, and a projection which acts as a sunscreen or an architectural feature, which projection does not exceed 1metre beyond the exterior wall or similar support, is excluded;
- (d) any uncovered internal courtyard, light well or other uncovered shaft which has an area in excess of 10 m² is excluded;
- (e) any covered paved area outside and immediately adjoining a building at or below the ground floor level, where such paved area is part of a forecourt, yard, external courtyard, pedestrian walkway, parking area or vehicular access, and which is permanently open to the elements on at least the front or long side, is excluded;
- (f) any covered balcony, verandah or terrace which, apart from protective railings, is permanently open to the elements on at least the front or long side, and which does not exceed 2,5 metres in width, is excluded;
- (g) subject to paragraph (h), any stairs, stairwells and atriums that are covered by a roof is included;
- (h) in the case of multi-level buildings, any stairwells, lift wells, light wells or other wells, and any atrium, is only counted once; and provided further that—
 - (i) floor space is measured from the outer face of the exterior walls or similar supports of the multi-level building; and
 - (ii) the total floor space is the sum of the floor space of all the levels of the multi-level building, including that of any basement;

“garage” means a building for the storage of one or more motor vehicles, and includes a carport but does not include a motor repair garage or service station;

“greenhouse” means a structure with the sides primarily made of a transparent material such as glass, perspex or plastic for the purpose of growing of plants or hastening growth of plants under controlled environmental conditions;

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

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

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

"group housing" means a group of separate and/or linked dwelling units accessed via a communal private road with one or more shared entrance, where the development is planned and designed as a harmonious architectural entity which may have a low, medium or high-density character and where dwelling units may be on one cadastral entity, cadastrally subdivided or sold separately through sectional title;

“hazardous substance” has the same meaning as “grouped hazardous substance” as defined in section 1 of the Hazardous Substances Act, 1973 (Act 15 of 1973);

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

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

“home occupation practice” means the use of a portion of a dwelling house, second dwelling and/or outbuildings for artistic, social, religious, professional services or occupational purposes, including inter alia professional and administrative office type uses, manufacturing and repairing of goods, the sale of goods which are manufactured on site, services of a personal nature such as a hairdresser, tutor or beautician, but excludes any uses which are likely to cause a nuisance, have a detrimental impact on or affect any person's health, safety, or welfare or have a detrimental impact on the amenity and aesthetic appearance of the residential environment whatsoever, provided that;

- (a) the scale of the dwelling house or second dwelling shall not exceed that of a normal dwelling unit which would ordinarily accommodate one family;
- (b) the primary use of the property shall remain a residence for the operator; and
- (c) the operator of the enterprise shall permanently reside on the property;

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

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

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

“lodger” means a person who utilises lodging services;

“lodging” means the provision of bedroom accommodation or, in the case of a backpackers lodge, bed accommodation that is made available on payment of a charge or fee and includes the services ordinarily related to such accommodation;

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

“mineral” means a substance, whether in solid, liquid or gaseous form, occurring naturally in or on the earth or under water and which was formed by or subjected to a geological process, and

includes sand, stone, rock, gravel, clay, soil and any material occurring in residue stockpiles or in residue deposits, but excludes—

- (a) water, other than water taken from land or sea for the extraction of any mineral from such water;
- (b) petroleum; or
- (c) peat;

“motor vehicle” means a wheeled vehicle designed or used for propulsion by means of an internal combustion or electrical engine, and includes a motor cycle, trailer or caravan, but excludes a vehicle moving exclusively on rails;

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

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

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

“natural ground level” means the level of the land in its unmodified state, or in a state which has been graded, with the Municipality’s approval, for the purposes of development, subject to Section 42;

Comment [WF1]:

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

“non-conforming use” means an existing land use that was lawful in terms of a previous land use scheme but that does not comply with this land use scheme;

“occasional use” in relation to a departure, means a right to utilise land for a purpose granted on a temporary basis for a specific occasion or event;

“occupant” means any person who occupies a land unit;

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

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

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

“overlay zone” means a category of zoning applicable to a particular area or land unit that—

- (a) stipulates development parameters or use rights in addition to the base zoning requirements, which may be more or less restrictive; and
- (b) may include provisions and development parameters relating to primary uses, or consent uses, provisions in the base zone, subdivision and subdivisional areas, development incentives, density limitations, urban form, urban renewal, heritage and environmental protection, management of the urban edge, scenic drives or local areas, coastline setbacks (where coastlines are involved) or any other purpose, as set out in this land use scheme;

“owner” in relation to land, means—

- (a) the person or entity in whose name the land is registered in a deeds registry in terms of the Deeds Registries Act, 1937 (Act 47 of 1937) or in whom the ownership of the land vests;
- (b) the holder of a registered servitude right or registered lease;
- (c) any successor in title of the owner; and
- (d) a person authorised by a power of attorney to act on behalf of the owner;

“parapet” means a low projection, wall or moulding which finishes the uppermost edge of a building with a flat or low pitched roof;

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

“pergola” means any unroofed horizontal or approximately horizontal grille or framework and associated vertical support structure, such that the area in the horizontal projection of the solid portions thereof does not exceed 25% of the total area thereof;

“Planning By-law” means the Lephalale Municipality Spatial Planning and Land Use Management by-law adopted by the Municipality on....;

Comment [WF2]:

“planning law” means the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2014);

“plaza” means an urban open space or square, primarily designed for outdoor use by pedestrians;

“policy plan” means a policy adopted by the Municipality, structure plan, spatial development framework or other policy plan approved in terms of planning law;

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

“precinct plan” means a plan, approved by the Municipality, as envisaged in this land use scheme as a component of a Package of Plans;

Comment [WF3]:

“premises” means any shop or restaurant within a building that is not linked in any manner or way with another shop or restaurant in the same building;

“primary use” in relation to property means any land use specified in this land use scheme as a primary use, being a use that is permitted within a zoning without the need to obtain the Municipality’s approval;

“property” means land together with any improvements or buildings on the land;

“provincial road” means a road that is under the jurisdiction of the Provincial Roads Authority;

“protected area” means a protected area as defined in section 1 of the National Environmental Management: Protected Areas Act, 2003 (Act 57 of 2003);

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

“public authority” means a state department, local authority or other organ of state;

“public place” means any open or enclosed place, park, street, road or thoroughfare or other similar area of land shown on a general plan or diagram that is for use by the general public and is owned by, or vests in the ownership of, a municipality, and includes a public open space and a servitude for any similar purpose in favour of the general public;

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

“refuse room” means a defined screened refuse receptacle from where refuse is collected from time to time, usually on a weekly basis;

“registered land surveyor” means a professional land surveyor or professional surveyor, registered as such in terms of the Geomatics Act, 2013 (Act 19 of 2013);

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

“retaining structure” means a wall or structure constructed so as to hold back earth or loose rock;

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

“road” includes a public street or a private road;

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

“satellite dish antenna” means apparatus fixed to a structure or mounted permanently on the ground, that is capable of receiving or transmitting communications from a satellite;

“scenic drive” means a public street which is designated as a scenic drive by the Municipality in recognition of the high visual amenity alongside that public street, including background vistas of a mountain, open country, a coastline or a town;

“service yard” means a defined screened area providing utility services for, amongst others, general residential developments which include facilities such as washing lines;

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

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

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

“spatial development framework” refers to a provincial spatial development framework, a regional spatial development framework, or a municipal spatial development framework or municipal local spatial development framework;

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

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

- (a) a basement does not constitute a storey;
- (b) a roof, or dome which forms part of a roof, does not constitute a separate storey unless the space within the roof or dome is designed for, or used for, human occupation or other living or entertainment purposes, in which case it is deemed to be a storey;
- (c) the utilisation of an open roof area, does not constitute a separate storey, however, should any means of coverage or fixtures such as a Jacuzzi, swimming pool or built-in braai be added to the roof of a building in a single residential zone, such area is regarded as an additional storey;
- (d) any storey which is greater than 4 metres, measured from the finished floor level to the finished floor level or to the ceiling in the case of a top storey, but equal to or less than 6 metres in height, is for the purpose of the height measurement, regarded as two storeys, and every additional 4 metres in height or portion thereof, is regarded as an additional storey; and

- (e) in counting the number of storeys of a building, the ground floor is the first storey and the next floor above is the second storey;

“storm water” means water resulting from natural processes, the precipitation or accumulation thereof, and includes groundwater and spring water ordinarily conveyed by the storm water system, as well as sea water within estuaries, but excludes water in a drinking-water or waste-water reticulation system;

“storm water system” means constructed and natural facilities, including pipes, culverts and water courses, used or required for the management, collection, conveyance, temporary storage, control, monitoring, treatment, use or disposal of storm water;

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

“street centreline setback” means the line delimiting the area measured from the centre line of a particular public street, within which no building or other structure, including a boundary fence, may be erected;

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

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

“top of the roof” for the purpose of height control, means the top of the roof ridge in the case of a pitched roof, or the top of the parapet where a parapet extends above the roof;

“total floor space” of a building means the sum of the floor space of all the levels of a particular building, including basements;

“townhouse” means a housing development, which is a row or group of linked or attached dwelling houses, designed and built as a harmonious architectural entity, of which every dwelling house has a ground floor;

“urban edge” means a demarcated line which is designated as an urban edge in terms of an approved policy, which may follow cadastral boundaries or not;

“used” in addition to its ordinary meaning, includes “designated or intended to be used”;

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

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

“youth hostel” means a place providing cheap accommodation, aimed mainly on young tourists;

“zoning” includes base zoning and overlay zoning;

CHAPTER 2 - LAND USE SCHEME, USE ZONES AND USES

2.1. Area of jurisdiction

- 2.1.1. The land use scheme applies to the entire Lephalale Local Municipal area.

2.2. Purpose of land use scheme

- 2.2.1. The purpose of the land use scheme is to—
- (a) give effect to the municipal spatial development framework;
 - (b) make provision for orderly development and the welfare of the community; and
 - (c) determine use rights and development parameters, with due consideration of the principles referred to in Planning Legislation.

2.3. Components of land use scheme

- 2.3.1. The land use scheme consists of the following components:
- (a) this By-law;
 - (b) the land use scheme map; and
 - (c) the register.

2.4. Differentiation in the level of land use management

- 2.4.1. In terms of Section 24(2)(a) of the Spatial Planning and Land Use Management Act No 16 of 2013, read together with section XX of the Lephalale Local Municipality Spatial Planning By-Law, the municipal area is divided into:
- (a) formal land use management areas where more formal land use management processes will apply; and
 - (b) incremental land use management areas where a less formal approach to land use management will permit the incremental introduction of land use management and regulation.
- 2.4.2. The spatial demarcation of the areas referred to in section 2.4 indicated on the land use scheme maps in the following manner.

Comment [WF4]: Ensure that the Municipal Spatial Planning by-law includes this provision, else don't include.



Incremental land use management areas

2.5. Land use scheme map

- 2.5.1. The land use scheme map depicts—
- (a) the zoning of land in accordance with the use zone in which the land is located; and
 - (b) overlay zones, if applicable to the land.
- 2.5.2. The Municipality must update the land use scheme map within a reasonable time after use rights have been granted or have lapsed.
- 2.5.3. The Municipality may keep the land use scheme map in an electronic format.

- 2.5.4. The Municipality may provide an extract of the zoning map to members of the public on payment of a fee determined by the Municipality in terms of the tariff policy of the Municipality.

2.6. Rectification of errors on land use scheme map

- 2.6.1. If the zoning of a land unit is incorrectly indicated on the zoning map or wrongly converted from a zoning map of a former land use scheme, the owner of an affected land unit may submit an application to the Municipality to correct the error.
- 2.6.2. An owner contemplated in subsection 2.6.1 must apply to the Municipality in the form determined by the Municipality and must—
- (a) submit written proof of the lawful land use rights; and
 - (b) indicate the suitable zoning which should be allocated.
- 2.6.3. The onus of proving that the zoning is incorrectly indicated on the land use scheme map is on the owner.
- 2.6.4. The owner is exempted from paying application fees and from liability for the costs of public participation.
- 2.6.5. If the Municipality approves the application, the Municipality must amend the zoning map.
- 2.6.6. The Municipality may refuse an application to correct the zoning map if the owner fails to submit written proof of the lawful use rights.
- 2.6.7. The Municipality may correct a zoning map if it finds an error on the map after—
- (a) notifying the owner in writing of its intention to correct the wrong conversion or error;
 - (b) inviting the owner to make representations within a specified period in respect of the proposed correction of the errors on the zoning map; and
 - (c) considering any representations received from the owner.
- 2.6.8. If the Municipality corrects the zoning map, it may only amend the map to show the correct zoning of the property.

2.7. Land use scheme register

- 2.7.1. The Municipality—
- (a) must record all, consent uses or other permissions granted and non-conforming uses in the register;
 - (b) may keep the register from the date of commencement of the land use scheme in an electronic format; and
 - (c) must make the register available to members of the public for viewing.

2.8. Status of land use scheme

- 2.8.1. Nothing in this By-law overrides a restrictive condition.

2.9. Zoning versus ownership

- 2.9.1. Notations on the zoning map are intended to indicate zonings and not land ownership.
- 2.9.2. Land of which the ownership vests in a public authority may only be included in the Government zoning if it is utilised for a purpose for which no other zone set out in Chapter 10 is appropriate.
- 2.9.3. If any other zone in Chapter 10 is appropriate, the land must be zoned for that purpose, whether or not it is owned by a public authority.

Comment [WF5]:

2.10. Primary Uses

- 2.10.1. Primary uses of land permitted in each use zone, without the Municipality's consent, are listed in the corresponding part of each zone table labelled "Primary uses" in Chapter 10.

2.11. Consent Uses

- 2.11.1. Consent uses of land permitted in each use zone, with the Municipality's prior consent in terms of their Planning By-law, is listed in the in the corresponding part of each zone table labelled "Consent Uses" in chapter 10.

2.12. Occasional Uses

- 2.12.1. The Municipality must record the relevant information relating to occasional uses applicable to a land unit in the register.
- 2.12.2. Approval of a use right as an occasional use in terms of the Planning By-law must at least be subject to the development parameters applicable to the use right as stipulated in this By-law.

2.13. Non-conforming Uses

- 2.13.1. A non-conforming use does not constitute an offence in terms of this By-law.
- 2.13.2. A non-conforming use may continue as long as it remains otherwise lawful.

2.14. Deemed Zoning of closed public places

- 2.14.1. The zoning of land that was previously a public street or public open space, vested in or owned by the Municipality and that is closed, is determined as follows, namely:
- (a) if the land is transferred to an abutting land owner, that portion of the land falls in the same zone as that of the abutting land belonging to the abutting owner; or
 - (b) the Municipality must determine which zoning applies to the land if—
 - (i) the land is transferred to an abutting land owner and that owner owns abutting properties falling into more than one zone; or
 - (ii) in any other case not provided for herein.

CHAPTER 3 - OVERLAY ZONES

3.1. Purpose of overlay zones

- 3.1.1. The Municipality may adopt, review or amend overlay zones for specific areas in the Municipality in accordance with the procedures stipulated in section 3.2 to—
- (a) give expression, in a planning context, to the local needs and values of the communities concerned; and
 - (b) promote particular types of development, urban form, landscape character, environmental features or heritage values.
- 3.1.2. The Municipality must determine development parameters for each area of an overlay zone.

3.2. Procedures for establishing overlay zones

- 3.2.1. The Municipality may adopt, amend or withdraw an overlay zone for a particular area, property or the municipal area as a whole, and must comply with sections 12 and 13 of the Municipal Systems Act (Act 32 of 2000) and the Planning by-law.
- 3.2.2. The Municipality may adopt, amend or withdraw an overlay zone for a particular area, property, or the municipal area as a whole, after considering the following, where applicable:
- (a) *the development principles contained in Planning Law;*
 - (b) *the vision, principles, policies and provisions set out in the Municipality's Spatial Development Framework;*
 - (c) *any policy plan which was approved by the Municipality after following due process of public consultation.*

CHAPTER 4 - DISTANCES, LEVELS AND BOUNDARIES

4.1. Measuring distances and levels

- 4.1.1. The following provisions apply with regard to the method of measuring distances and levels:
- (a) when reference is made or implied to the distance between boundaries or between a building and a boundary, this distance must be measured in the following manner:
 - (i) the boundary or boundaries and all points of the building must be projected onto a horizontal plane, and all measures must be made in the plane; and
 - (ii) the distance between a point on a building and a boundary must be measured at right angles to the erf boundary;
 - (b) when reference is made to a portion of a boundary opposite a building, that portion must be defined by drawing lines in a manner described in regulation (a) from points on the building, at right angles to the boundary;
 - (c) when reference is made to natural ground level or of a roof wall plate, parapet or other things, the level must be calculated in accordance with recognised geometric principles; or

- (d) when the levels involved are so irregular that calculation in accordance with the principles in paragraph (a) to (c) is impractical or leads to a result, which is not in accordance with the intent of the zoning scheme, the Municipality must determine the level.

4.2. Determining boundaries of use zones

- 4.2.1. If uncertainty exists as to the boundaries of use zones, the following parameters apply in the order listed:
 - (a) boundaries shown as following or approximately following any public street or road must be construed as following the street cadastral boundary;
 - (b) boundaries shown as following or approximately following any land unit boundary must be construed as following that boundary;
 - (c) boundaries shown as following or approximately following natural features must be construed as following those features; and
 - (d) in the event of further uncertainty as to the boundaries of a use zone, the Municipality must make a determination.

CHAPTER 5 - ENFORCEMENT

5.1. Offences, penalties and enforcement of By-law

- 5.1.1. No person may erect any building or structure or any part thereof—
 - (a) except for a purpose permitted by this By-law and only in accordance with the applicable development parameters; or
 - (b) without first obtaining approval from the Municipality in terms of the Planning By-law.
- 5.1.2. A use not reflected as a primary or consent use for a particular use zone is not permitted in the use zone concerned, unless approved in terms of the Planning By-Law.
- 5.1.3. A person who contravenes this section and sections 25 to 55 is guilty of an offence and liable upon conviction to a fine or imprisonment not exceeding a period of 20 years or to both a fine and such imprisonment.
- 5.1.4. A Municipality must enforce the zoning scheme through the measures for enforcement provided for in the Planning By-law.

CHAPTER 6 - DEVELOPMENT OF LAND

6.1. Development parameters applicable to use rights

- 6.1.1. The land use descriptions and development parameters applicable to each primary and consent use right depicted in the table in Schedule 1 are described in Schedule 2.
- 6.1.2. No parameters are attached to a specific zoning and parameters will be in accordance with the use rights, whether a primary or consent use right, allowed in the zoning.
- 6.1.3. Development parameters are applicable to use rights only and notwithstanding the zoning of an erf, a specific use right will always have the same development parameters as listed in Schedule 2, provided that the Municipality may grant consent to deviate from the development parameters in terms of the Planning By-law.

- 6.1.4. Consent uses, as listed in Column 3 of Schedule 1, shall be subject to the following conditions:
- (a) when a consent use is granted in a particular zone, the applicable land use must be supplementary to the primary use right allowed under the particular zone; and
 - (b) when it is intended to apply exclusively for a consent use in a particular zone which is a primary right in another zone, application must be made for rezoning to the zone where the applicable land use is a primary right.
- 6.1.5. Notwithstanding subsections 6.1.1 and 6.1.2 the Municipality may determine additional conditions with regard to any specific property which the Municipality may lawfully do in terms of relevant legislation.

CHAPTER 7 - GENERAL PROVISIONS

This part contains general provisions and parameters that apply to all zones or to specific zones as may be provided for. It includes matters such as encroachments that may occur within building lines and requirements for site development plans. It refers to hazardous substances, owners' associations, screening, retaining structures, outdoor storage, antennae systems and other municipal by-laws. This part also contains requirements for parking, loading, access and infrastructure. There are also provisions relating to the subdivision of land.

7.1. Encroachment of building lines

- 7.1.1. Notwithstanding the building line requirements set out in Chapter 6, the following structures or portions of structures may be erected within the prescribed building lines, provided they do not extend beyond the boundaries of a land unit:
- (a) boundary walls, fences and gates;
 - (b) open and uncovered stoeps that are less than 500 millimetres in height from the natural level of the ground;
 - (c) entrance steps, landings and entrance porches, excluding a *porte cachet*;
 - (d) a covered entrance or gatehouse that has a roofed area not exceeding 5 m² and a roof height not exceeding 3 metres from floor to highest point;
 - (e) eaves and awnings projecting no more than 1 metre from the wall of a building;
 - (f) cornices, chimney breasts, flower boxes, water pipes, drain pipes and minor decorative features not projecting more than 500 millimetres from the wall of a building;
 - (g) screen-walls not exceeding 2,1 metres in height above the natural ground level abutting such wall;
 - (h) swimming pools not closer than 1 metre from any boundary;
 - (i) a basement, provided that no part thereof projects above natural ground level; and
 - (j) a refuse room required by the Municipality in terms of this By-law.

7.2. Street Centreline Setback

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

7.3. Site Development Plans

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

- (a) shopping centres and shopping complexes;
- (b) business and office park developments;
- (c) industrial park developments;
- (d) developments in conservation areas;
- (e) developments that will be sectionalised;
- (f) incremental residential developments; and
- (g) major developments where there are concerns relating to urban form, heritage, traffic or planning.

7.3.2. The Municipality may require some or all of the following information for a site development plan for–

- (a) existing bio-physical characteristics of the property;
- (b) existing and proposed cadastral boundaries;
- (c) the layout of the property, indicating the use of different portions thereof;
- (d) the massing, position, use and extent of buildings;
- (e) sketch plans and elevations of proposed structures, including information about their external appearance;
- (f) cross-sections of the site and buildings on site;
- (g) the alignment and general specification of vehicle access, roads, parking areas, loading areas, pedestrian flow and footpaths;
- (h) the position and extent of private, public and communal space;
- (i) typical details of fencing or walls around the perimeter of the land unit and within the property;
- (j) electricity supply and external lighting proposals;
- (k) provisions for the supply of water, management of storm water, and disposal of sewage and refuse;
- (l) external signage details;
- (m) general landscaping proposals, including vegetation to be preserved, removed or to be planted, external paving, and measures for stabilising outdoor areas where applicable;
- (n) the phasing of a development;
- (o) the proposed development in relation to existing and finished ground levels, including excavation, cut and fill;
- (p) statistical information about the extent of the proposed development, floor area allocations and parking supply;
- (q) relationship of the proposed development to the quality, safety and amenity of the surrounding public environment;
- (r) relationship of the proposed development to adjacent sites, especially with respect to access, overshadowing and scale;
- (s) illustrations in a three-dimensional form depicting visual impacts of the proposed development on the site and in relation to surrounding buildings; and
- (t) any other details as may reasonably be required by the Municipality.

7.3.1. The Municipality may require that the area covered by a site development plan must extend beyond the site under consideration if, in its opinion, the proposed development will have a wide impact.

7.3.2. The Municipality may determine the extent of the area covered by a site development plan.

- 7.3.3. An applicant must submit a site development plan to the Municipality if it is required in terms of this zoning scheme, before any development on the relevant land unit may commence.
- 7.3.4. A site development plan may not be rejected if it is consistent with the development parameters of a base zone, overlay zone, or condition of approval.
- 7.3.5. The Municipality may require amendments of detail to the site development plan to address reasonable concerns relating to access, parking, architectural form, urban form, landscaping, environmental management, engineering services or similar concerns.
- 7.3.6. The following provisions apply with regard to site development plans:
 - (a) the property must be developed generally in accordance with an approved site development plan;
 - (b) if the Municipality considers it necessary, a transport or traffic impact statement or assessment may be required in conjunction with a site development plan, the extent of which must be determined by the Municipality depending on the magnitude of the development;
 - (c) if the Municipality considers it necessary, a storm water impact assessment or storm water management plan or both may be required in conjunction with a site development plan, the extent of which must be determined by the Municipality depending on the magnitude of the development; and
 - (d) an approved site development plan must be considered as setting additional development parameters applicable to the base zone, and any application for amendment must comply with the Municipality's requirements for the amendments.

7.4. Hazardous Substance

- 7.4.1. Any use or ancillary activity that involves the storage or keeping of hazardous substances that may result in an installation being declared a major hazardous installation in terms of occupational health and safety law is not permitted, unless a risk management and prevention plan has been submitted by the owner, and the Municipality has given approval thereto.
- 7.4.2. The Municipality's approval in terms of subsection 7.4.1 above does not exempt the owner from applying for permission in terms of other relevant legislation.

7.5. Screening

- 7.5.1. The Municipality may require screening in accordance with the following provisions:
 - (a) any part of a land unit which is used for the storage or loading of goods must be enclosed with a suitable wall or landscape screening or both; and
 - (b) any external utility service or equipment which is required for a building must be appropriately screened from view from a public street, and the screening must be integrated with the building in terms of materials, colour, shape and size.

7.6. Earth Banks and Retaining Structures

- 7.6.1. Without the approval of the Municipality—
 - (a) no earth bank, retaining structure, column, suspended floor, other device or series of such devices may be constructed that enables a ground floor of a building to be raised more than 0,5 metres above natural ground level, provided

- that where the raising takes place, the height thereof must still be measured from natural ground level, but excludes infill for a driveway;
- (b) no earth bank or retaining structure used for holding back earth or loose rock, whether associated with a building or not, may be constructed to a height of more than 2 metres above natural ground level; and
 - (c) no series of earth banks or retaining structures may be constructed to a cumulative height of more than 2,5 metres above natural ground level, unless an approximately level area of at least 2 metres wide is incorporated between successive embankments or retaining structures for every 2 metres of cumulative height.

7.7. Boundary Walls

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

- (a) **Height**
The maximum height in all cases is 2,1 metres.
- (b) **Permeability**
The following requirements regarding permeability of “boundary walls”, apply:
 - (i) 60% of a residential street “boundary wall” must be permeable; and
 - (ii) 80% of a street “boundary wall” in other areas must be permeable.

7.8. Maintenance of property

7.8.1. Property must be properly maintained by the owner or occupier and may not—

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

7.9. Placement of vehicles in residential zones

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

- (a) there is adequate space on the property concerned;
- (b) no more than one commercial vehicle per dwelling unit may be parked on the property; and
- (c) the gross weight of any such commercial vehicle may not exceed 3 500kg.

7.10. Mobile homes and caravans

- 7.10.1. A recreation vehicle, including a mobile home, camp trailer or caravan, may not be used for permanent habitation without the approval of the Municipality, except if the zone lawfully allows such activity.
- 7.10.2. The following additional development parameters apply with regard to mobile homes approved to be placed on a land unit zoned for residential purposes:
- (a) the mobile home or caravan must be sited on a foundation slab and properly anchored;
 - (b) solid perimeter skirting, of material and colour complementary to the mobile home or caravan, must be provided from the bottom of the mobile home to the ground surface;
 - (c) the roof and exterior siding of the mobile home or caravan must be of a non-reflective material; and
 - (d) any structural additions must be of materials which, in the opinion of the Municipality, are compatible with the mobile home or caravan.

7.11. Rooftop base telecommunication stations and Satellite dish antenna systems

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

7.12. Geysers and solar panels or similar infrastructure affixed to the roof of a building

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

7.13. Equipment on top of building

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

7.14. Parapet walls

- 7.14.1. Parapet walls are restricted to 300 millimetres in height above the wall plate except in the case where roof equipment as described under “height” is hidden behind parapet walls not exceeding 2 metres in height which is to the satisfaction of the Municipality.
- 7.14.2. In the case of flats and other non-residential buildings the 2 metres height requirement under subsection 7.14.1 is considered to form part of the top storey.

7.15. Chimneys

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

7.16. Flood-Prone Areas

- 7.16.1. Consideration should be given to flood lines as determined by the Municipality from time to time. Development within flood lines is prohibited, except for land uses such as public open space, parks or agriculture.

7.17. Electronic or mechanical playing devices

- 7.17.1. A maximum of five electronic or mechanical playing devices are permitted within a building in a zone with primary uses for a business premises, hotel or place of assembly, but excluding house shops.
- 7.17.2. If the floor space of a building on a property zoned for the purpose of a business premises, hotel or place of assembly exceeds 5000 m², more than five electronic or mechanical playing devices are permitted, provided that—
 - (a) not more than five of those devices may be permitted on a particular premises within that building; and
 - (b) the Municipality may limit the number of the premises in that building where the devices are permitted in order to mitigate their impact on the surrounding uses, be they internal or external to the building or property.

7.18. Utilisation of Outbuildings

- 7.18.1. No outbuilding may be utilised for any purpose other than the purpose approved in terms of the building plans thereof approved by the Municipality, and an outbuilding may not be utilised until the main buildings are completed or occupied, unless otherwise approved by the Municipality.

7.19. Determination of natural ground level

- 7.19.1. In determining the natural ground level—
 - (a) any grading for the purpose of development must connect evenly with the existing levels of abutting land units;
 - (b) where land is excavated, the excavated level is deemed to be the natural level of the ground;

- (c) where it is not possible to determine the natural level of the ground due to irregularities or disturbances of the land, the Municipality shall determine a level for the purpose of administering the scheme regulations by determining the average level between the highest and the lowest natural ground levels abutting the building, or by an alternative method determined by the Municipality;
- (d) where land is excavated and the excavated material is used to extend and / or elevate a building site (cut and fill), the Municipality shall define a level for the purposes of administering the scheme regulations; and
- (e) a land surveyor's certificate could be requested by the Municipality to confirm natural ground level before any construction activities commence.

7.20. Animals in single and general residential zones

7.20.1. No animals may be kept for commercial purposes on a land unit in residential areas where formal land use management procedures are in effect.

7.20.2. Horses and donkeys may be kept for the personal use of the owner or occupier of a property and his dependants provided that—

- (a) no horses or donkeys may be kept on a land unit unless the Municipality is satisfied that special factors exist, including the availability of suitable land in the vicinity for grazing and exercising;
- (b) an application for an annual permit to keep horses or donkeys must be submitted by the applicant and may be approved or refused by Municipality;
- (c) a permit may not be renewed if the applicant has given cause for justifiable and substantial complaint relating to the keeping of horses or donkeys, from neighbours or residents living in the area;
- (d) the applicant must submit to the Municipality, for its prior approval, plans of stables and must construct the stables in accordance with the Municipality's requirements; and
- (e) stables must be properly maintained, and manure must be handled, to the Municipality's satisfaction so as not to cause any public nuisance.

7.20.3. Poultry, rabbits and other small animals may be raised for domestic, non-commercial use in residential areas subject to any By-law relating to the keeping of poultry and animals.

7.20.4. No person may keep on any land unit, cattle, sheep, goats, pigs, indigenous mammals or other wild animals, without the permission of the Municipality, notwithstanding whether the animal is kept for commercial or domestic purposes.

7.21. Hobbies in single and general residential zones

7.21.1. When exercising a hobby in all Residential Zones the dominant use of the dwelling house or dwelling unit must be for the living accommodation of a single family, provided that—

- (a) no portion of the dwelling, may be used for the purposes of a noxious trade, risk activity or sale of alcoholic beverages;
- (b) in addition to subsection (a) , the following uses are not classified as hobbies:
 - (i) activities conforming to the definition of a shop;
 - (ii) undertakers;
 - (iii) animal hostel;
 - (iv) escort agency or adult entertainment business;
 - (v) tow-in service;
 - (vi) place of entertainment
 - (vii) hospital or clinic;

Comment [WF6]: Ensure that we differentiate in terms of traditional areas

- (viii) place of instruction for more than nine people;
- (ix) motor vehicle repairs;
- (x) panel beating or spray painting;
- (xi) parcel delivery service;
- (xii) shooting range or shooting instructions;
- (xiii) butchery;
- (xiv) taxi business;
- (xv) fish monger;
- (xvi) vehicle rental agency;
- (xvii) manufacturing of concrete products;
- (xviii) transport contractor;
- (xix) house shop;
- (xx) house tavern;
- (xxi) coal and wood merchant; or
- (xxii) any other industry which, in the opinion of the Municipality does not fit in the particular environment or is of such nature that it must be located on a suitably zoned premises;
- (c) no goods may publicly be displayed and no external evidence of the hobby may be visible from the street;
- (d) no advertising may be displayed;
- (e) any public exhibition of hobby items or activities on the residential property must be preceded by a written consent from the Municipality;
- (f) during such an event, temporary parking must be provided on the land unit in accordance with the parking requirements of this Bylaw and appropriate traffic regulating measures must be put in place;
- (g) an activity associated with a hobby may not occupy more than 25% of the total floor area of the dwelling on the property or 60 m², including storage;
- (h) the Municipality may restrict the operating hours relating to the hobby, if the activity prove to be a nuisance to residents in the area; and
- (i) any new structure, or alteration to the existing dwelling or outbuilding, must conform to the residential character of the area concerned.

CHAPTER 8 - PARKING AND LOADING

8.1. Off-street parking requirements

- 8.1.1. If parking requirements are not stipulated for a particular use, or in terms of a specific condition imposed by the Municipality, parking must be provided at a minimum ratio in accordance with Table 1 below —
- (a) the Municipality must determine off-street parking requirements for land uses not stipulated in the table “Minimum off-street parking requirements”;
 - (b) the second column in the table “Minimum off-street parking requirements” refers to requirements that apply to areas with standard parking needs, or if public transport is not specifically promoted or available; and
 - (c) off-street parking space must be provided—
 - (i) on the property for which parking is required;
 - (ii) subject to the Municipality’s approval, in public parking facilities available in the vicinity; or
 - (iii) in accordance with the table below.

Table 1: minimum off-street parking requirements

Land use	Standard areas
Main dwelling house	2 bays per dwelling unit (1 bay per dwelling for erven < 350 m ²) (Nil per dwelling for erven < 100 m ²)
Double dwelling house	2 bays per dwelling unit
Second dwelling	1 bay per 2 nd dwelling unit
Group house dwelling	1,75 bays per dwelling unit, plus 0,25 bays per dwelling unit for visitors
Town house dwelling	1,75 bays per dwelling unit, plus 0,25 bays per dwelling unit for visitors
Flats	1,75 bays per dwelling unit, plus 0,25 bays per dwelling unit for visitors
Bed & breakfast establishment	1 additional bay per guest room
Boarding house, guest house	1,25 bays per bedroom
Backpackers lodge	1 bay per 6 beds
Hotel	0,75 bays per bedroom, plus 20 bays if licensed
Retirement home, orphanage	0,5 bays per bedroom
Crèche	1 bay per 10 children, plus stop & drop facility
School	1 bay per classroom or office, plus stop & drop facility
Place of instruction (post-school level)	0,4 bays per student, plus 1 bay per classroom or office
Library, museum	2 bays per 100 m ² GLA
Place of assembly, place of worship, place of entertainment, funeral parlour	1 bay per 6 seats or persons, calculated at 1,4m ² floor area = 1 person
Sport stadium	1 bay per 4 seats or persons
Recreation, sports complex	1 bay per 8 seats or persons
Gymnasium, health club	10 bays per 100 m ² GLA
Hospital (general and private)	1 bay per bed, plus 3 bays per consulting room
Clinic, medical consulting rooms	4 bays per consulting room
Service trade	4 bays per 100 m ² GLA
Shops (excluding supermarket)	4 bays per 100 m ² GLA
Supermarket, shopping centre	6 bays per 100 m ² GLA
Restaurant	2 bays per 25 m ² GLA
Offices	4 bays per 100 m ² GLA
Conference centre	6 bays per 10 seats
Motor showroom and service centre	3 bays per 100 m ² GLA
Open air motor vehicle display	3 bays per 100 m ² GLA
Motor repair garage, service station	4 bays per service bay, plus 4 bays per 100 m ² GLA, minimum 8 bays

Motor fitment centre	2 bays per service bay
Light industry	2 bays per 100 m ² GLA
Industry	2 bays per 100 m ² GLA
Industrial hive	2 bays per 100 m ² GLA
Warehouse, storage building	1 bay per 100 m ² GLA

8.2. Alternative parking supply

8.2.1. As an alternative to compliance with the off-street parking requirements in terms of this zoning scheme, an owner may with the approval of the Municipality—

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

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

8.3. Combined parking requirements

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

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

8.4. Site access and exits

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

8.4.2. No access may be closer than 10 metres from an intersection as defined by the prolongation of street boundaries, except for industrial-zoned properties, where the distance may be 15 metres.

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

8.4.4. Vehicle entrances and exit ways to and from property must conform to the following requirements:

- (a) motor vehicle carriageway crossings may be limited to one per site per public street or road abutting the site;

- (b) despite paragraph (a), if the total length of any street boundary of a site exceeds 30 metres in length, one additional carriageway crossing may be permitted, provided that no two carriageway crossings are closer than 12 metres to each other; and
- (c) the minimum and maximum widths of motor vehicle carriageway crossings must be in accordance with the following table.

Table 2: Width of motor vehicle carriageway crossings

Type of carriageway crossing	Minimum width	Maximum width
Single entrance or exit way	2,7 metres	4,0 metres
Combined entrance and exit way	5,0 metres	8,0 metres

8.5. Parking layout requirements

8.5.1. The following parking layout requirements apply unless otherwise stated in this land use scheme:

- (a) parking layout configurations, minimum dimensions and ramps to a parking area must be in accordance with this zoning scheme or an approved site development plan;
- (b) the layout of any parking area, except for parking in SRZI, SRZIII and GRZI zones, must ensure that vehicles can readily leave the site without reversing across the sidewalk, unless otherwise approved by the Municipality;
- (c) a tandem bay accommodating two motor vehicles is regarded as one bay for the purposes of this zoning scheme, except for single residential zones, where a tandem bay is regarded as two bays;
- (d) visitor parking bays must be clearly demarcated, readily visible and accessible to visitors, and preferably grouped together;
- (e) parking areas must be used for the parking of vehicles which are lawfully allowed on them, and any activity which causes an obstruction for vehicular traffic or pedestrian use of the sidewalk is prohibited;
- (f) parking areas must be constructed and maintained in a state suitable for the parking and movement of vehicles; and
- (g) despite paragraph (a) to (f), the Municipality may lay down more restrictive requirements in connection with parking, site access or motor vehicle carriageway crossing, if considered necessary from a pedestrian or traffic safety point of view.

8.5.2. The Municipality may require an applicant to submit a parking layout plan indicating—

- (a) the way in which it is proposed that motor vehicles park;
- (b) the means of entrance and exit from parking areas;
- (c) landscaping proposals; and
- (d) construction details.

8.5.3. The Municipality may approve or refuse the parking layout plan and impose conditions of approval.

8.6. Parking for the physically disabled

8.6.1. The Municipality may require parking that is capable of use by persons with physical disabilities to be provided on any land unit, in order to ensure easy and convenient access

for such persons to services and facilities generally open to the public and to residential uses.

- 8.6.2. In any parking facility serving the public, parking for persons with physical disabilities must be provided in accordance with the following table.

Table 3: Physically disabled accessible parking

Total no of parking bays	Required number of bays accessible to the physically disabled
1-50	1
51-100	2
101-150	3
151-200	4
For every additional 100 bays	1 additional parking bay

- 8.6.3. Parking for the physically disabled must comply with the following requirements:
- (a) parking bays must be a minimum of 3,7 metres in width and 5 metres in length;
 - (b) parking and access aisles must be level;
 - (c) parking bays must be located as near as possible to accessible building or site entrances, and must be located to provide convenient access to kerb ramps;
 - (d) each parking bay reserved for physically disabled persons must be marked on the parking surface with the international symbol of disabled accessibility;
 - (e) additional signage indicating the parking bay as reserved for exclusive use by persons with physical disabilities may be required by the Municipality; and
 - (f) if five or fewer parking bays are provided, at least one bay must be 4 metres wide and marked to provide a parking bay of 2,5 metres with an access aisle of 1,5 metres, but the bay need not be reserved exclusively for persons with physical disabilities.
- 8.6.4. Parking for persons with physical disabilities must count towards fulfilling off-street parking requirements.

8.7. Motorcycle and bicycle parking spaces

- 8.7.1. The Municipality may require that parking be provided for motorcycles and bicycles.
- 8.7.2. For every four motorcycle and six bicycle parking spaces provided, a credit of one parking bay may be given towards the parking requirements, provided that—
- (a) the total credit may not exceed 2,5% of the parking bays required;
 - (b) the minimum dimension for a motorcycle space is 2,2 metres in length and 1 metre in width; and
 - (c) the minimum dimension for a bicycle space is 2 metres in length and 0,6 metres in width.
- 8.7.3. Signage, bollards and racks or other devices for storing bicycles and motorcycles in such bays must be installed.

8.8. Loading requirements

- 8.8.1. Unless the Municipality grants approval to waive this requirement, loading bays must be provided in accordance with Table 4.
- 8.8.2. The Municipality may determine off-street loading requirements for uses not stipulated in the table.
- 8.8.3. The following minimum requirements apply to loading bays:

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

Table 4: Minimum off-street loading bay requirements

Land use	Floor area (m ²)	Number of loading bays
Offices	0 – 5 000	0
	5 001 – 15 000	1
	15 001 – 30 000	2
	Every additional 30 000 or part thereof	1 additional bay
Business premises other than offices, supermarket, industry	0 – 1 000	0
	1 001 – 2 500	1
	2 501 – 5 000	2
	5 001 – 10 000	3
	Every additional 10 000 or part thereof	1 additional bay
Supermarket	0 – 500	1
	501 – 1 000	2
	1 001 and greater	3 x requirement in row 2

CHAPTER 9 - REFUSE ROOMS AND SERVICE YARDS


9.1. Refuse rooms

- 9.1.1. The Municipality may, for the purposes of collecting refuse, require the owner to install a refuse receptacle on a property which—
- (a) is of sufficient size to accommodate the refuse generated from the property for one week;
 - (b) is located adjacent to a public street, or in a position which will provide acceptable access to a refuse collection vehicle;
 - (c) is designed in a manner that is architecturally compatible with the other structures on the property and will screen refuse bins from public view; and
 - (d) comply with any other conditions or standard requirements that the Municipality may impose relating to access, health, pollution control, safety or aesthetics.


9.2. Service yards


- 9.2.1. The Municipality may require the owner to install a screened area providing utility services like for instance washing lines for residential developments, which—
- (a) is designed in a manner that is architecturally compatible with the other structures on the property and will screen refuse bins from public view; and
 - (b) comply with any other conditions or standard requirements that the Municipality may impose relating to access, health, pollution control, safety or aesthetics.


CHAPTER 10 – FORMAL LAND USE MANAGEMENT AREAS

Code: R1	RESIDENTIAL 1				
Objectives of this Zone: <ul style="list-style-type: none">To provide adequate land for residential purposes at a low density.To create integrated, safe and sustainable residential environments for all communities.To protect the residential use and amenity by limiting the compatible uses allowed to those that can be accommodated within the residential fabric with minimal impact or disruption.To protect conservation-worthy buildings as determined by the National Heritage Resources Act, 1999, (Act No. 25 of 19991).					
RULES REGARDING THE USE OF LAND AND BUILDINGS					
What land may be used for:				Land uses that are prohibited:	
Primary Uses:	Consent Uses (application and concept SDP required):			Any use not mentioned under Primary, or Consent uses.	
Dwelling Houses	Second Dwelling Unit, Salon, Day-care centre and Crèche, Home Occupation Practice, Tuck Shop, Places of Public Worship, Social Halls, Taverns.				
RULES REGARDING THE EXTENT OF DEVELOPMENT					
Maximum Density:	Maximum Coverage:	Maximum FAR:	Maximum Height:	Other:	
One dwelling unit per erf with additional dwelling unit subject to written consent.	70%. (For stands smaller than 350m ² maximum coverage of 50%).	1.5	2 storeys	As may be approved by the municipality from time to time.	
RULES REGARDING BUILDING LINES				RULES REGARDING PARKING AND LOADING	
Stand size	Street (m)	Rear (m)	Side (m)	Residential Uses – as per Site Development Plan. For non-residential uses, refer to Chapter 8.	
≤ 350m ²	1	1	1		
>350m2 +	5	2	2		
OTHER REGULATIONS					
1. Properties that are ≤ 350m ² may have coverage of up to 75%. 2. Conservation worthy buildings must be linked to cultural heritage as per the National Heritage Resources Act, 1999, (Act No. 25 of 19991).					


Code: R2	RESIDENTIAL 2				
Objectives of this Zone:					
<ul style="list-style-type: none">To provide adequate land for residential purposes at a medium density.To create integrated, safe and sustainable residential environments for all communities.To protect the residential use and amenity by limiting the compatible uses allowed to those that can be accommodated within the residential fabric with minimal impact or disruption.					
RULES REGARDING THE USE OF LAND AND BUILDINGS					
What land may be used for:				Land uses that are prohibited: Any use not mentioned under Primary, or Consent uses.	
Primary Uses:	Consent Uses (application and concept SDP required):				
Dwelling Units, Town Houses/Group Housing.	Institution, Residential building (Bed and breakfast establishment, Guest House, Boarding House, Guest Lodge), Place of Instruction, Home occupation practice, Places of Public Worship, Social Halls.				
RULES REGARDING THE EXTENT OF DEVELOPMENT					
Maximum Density:	Maximum Coverage:	Maximum FAR:	Maximum Height:	Other:	
Maximum of 40 dwelling units per hectare.	70%	1.00	2 storeys	As may be approved by the municipality from time to time.	
RULES REGARDING BUILDING LINES				RULES REGARDING PARKING AND LOADING	
Street boundary:	<ul style="list-style-type: none">5 metres for municipal streets.2 metres along internal streets.		1 covered and 1 uncovered spaces per dwelling unit. For non-residential uses, refer to Chapter 8.		
Rear boundary:	<ul style="list-style-type: none">2 metres for municipal streets.1 metre along internal boundary.				
Side boundary:	<ul style="list-style-type: none">2 metres for municipal streets.1 metre along internal boundary.				
OTHER REGULATIONS					
<ol style="list-style-type: none">A site development plan shall be submitted.The provision of open space and children’s’ playgrounds must be to the satisfaction of the council.Conservation worthy buildings must be linked to cultural heritage as per the National Heritage Resources Act, 1999, (Act No. 25 of 19991).With Group Housing, the following are applicable to public roads: Road to be proclaimed; 3 street names submitted; 13m reserve width at entrance; 8m reserve for road; provision of turning circle for service; paving; should designed by registered engineer; must be able to carry 8 ton/axle strength and should be maintained by the Local Municipality.In terms of private roads or servitudes, the following are applicable: Road registered as erf with title deed description as R.O.W servitude to all stands served by it; paving; should be designed by registered engineer; service yard for refuse at entrance; maintenance be the responsibility of the residential committee and contained as such in title deed and servitude for municipal sewer, water and electricity over total road area.					


Code: R3	RESIDENTIAL 3				
Objectives of this Zone:					
<ul style="list-style-type: none">To provide adequate land for residential purposes at a medium density.To create integrated, safe and sustainable residential environments for all communities.To protect the residential use and amenity by limiting the compatible uses allowed to those that can be accommodated within the residential fabric with minimal impact or disruption.To protect conservation-worthy buildings as determined by the National Heritage Resources Act, 1999, (Act No. 25 of 19991).					
RULES REGARDING THE USE OF LAND AND BUILDINGS					
What land may be used for:				Land uses that are prohibited:	
Primary Uses:		Consent Uses (application and concept SDP required):		Any use not mentioned under Primary, or Consent uses.	
Dwelling Units and Town Houses/Group Housing.		Retirement Villages, Old Age Homes, Hotels (excluding Off-Sales), Group housing, Flats, Conference facility (associated with a guesthouse), Social Halls, Places of Public Worship, Places of Instruction, Guest House, Place of indoor recreation, Special Uses			
RULES REGARDING THE EXTENT OF DEVELOPMENT					
Maximum Density:	Maximum Coverage:	Maximum FAR:	Maximum Height:	Other:	
Maximum of 45 dwelling units per hectare.	80%	0.4	2 storeys	As may be approved by the municipality from time to time.	
RULES REGARDING BUILDING LINES				RULES REGARDING PARKING AND LOADING	
Stand size	Street (m)	Rear (m)	Side (m)	Residential Uses – as per Site Development Plan. For non-residential uses, refer to Refer to Chapter 8.	
≤ 350m ²	1	1	1		
>350m2 +	5	2	2		
OTHER REGULATIONS					
<div>1. Properties that are ≤ 350m² may have coverage of up to 75%.</div> <div>2. Conservation worthy buildings must be linked to cultural heritage as per the National Heritage Resources Act, 1999, (Act No. 25 of 19991).</div>					


Code: R4	RESIDENTIAL 4				
Objectives of this Zone: <ul style="list-style-type: none">To provide adequate land for residential purposes at a high density.To create integrated, safe and sustainable residential environments for all communities.To protect the residential use and amenity by limiting the compatible uses allowed to those that can be accommodated within the residential fabric with minimal impact or disruption.To protect conservation-worthy buildings as determined by the National Heritage Resources Act, 1999, (Act No. 25 of 1999).					
RULES REGARDING THE USE OF LAND AND BUILDINGS					
What land may be used for:				Land uses that are prohibited:	
Primary Uses:		Consent Uses (application and concept SDP required):		Any use not mentioned under Primary, or Consent uses.	
Dwelling Units and Residential Buildings.		Hotels (excluding Off-Sales), Social Halls, Places of Public Worship, Places of Instruction, Restaurants, Institutions, Tuck Shop, Flats, Old Age Homes, Special Uses.			
RULES REGARDING THE EXTENT OF DEVELOPMENT					
Maximum Density:	Maximum Coverage:	Maximum FAR:	Maximum Height:	Other:	
Maximum of 65 dwelling units per hectare.	80%	0.4	6 storeys	As may be approved by the municipality from time to time.	
RULES REGARDING BUILDING LINES				RULES REGARDING PARKING AND LOADING	
Stand size	Street (m)	Rear (m)	Side (m)	Residential Uses – as per Site Development Plan. For non-residential uses, refer to Refer to Chapter 8.	
≤ 350m ²	1	1	1		
>350m2 +	5	2	2		
OTHER REGULATIONS					
1. Properties that are ≤ 350m ² may have coverage of up to 75%. 2. Conservation worthy buildings must be linked to cultural heritage as per the National Heritage Resources Act, 1999, (Act No. 25 of 1999).					


Code: B1	BUSINESS 1			
Objectives of this Zone:				
<ul style="list-style-type: none">To provide for intensive business and mixed-use development with relatively few restrictions in order to promote urban vitality and economic growth.The objective of this zone is to provide for the retail sale of goods and services to the public.				
RULES REGARDING THE USE OF LAND AND BUILDINGS				
What land may be used for:			Land uses that are prohibited:	
Primary Uses:	Consent Uses (application and concept SDP required):			Any use not mentioned under Primary, or Consent uses..
Business purposes, Clinic, Flats, Public parking area, Offices, Places of refreshment, Shops, Dry-cleaners, Social halls, Public garages, Medical Consulting, Rooms, Dwelling Units, Car Wash, Liquor store	Backpackers establishment, Boarding house, Commercial gymnasium, Community residential building, Conference facility, Day-care centre, Extramural facility, Filling station, Guesthouse, Casino/Gambling, Hotel, Parking garage, Place of education, Place of entertainment, Renewable energy structure, Rooftop base telecommunication station, Welfare institution, Hospitals, Veterinary Hospitals, Funeral Parlour (Offices and show room only).			
RULES REGARDING THE EXTENT OF DEVELOPMENT				
Maximum Density:	Maximum Coverage:	Maximum FAR:	Maximum Height:	
Maximum of 65 dwelling units per hectare.	95% for Business use and 70% for Residential use.	3	6 storeys	
RULES REGARDING BUILDING LINES			RULES REGARDING PARKING AND LOADING	
Street boundary:	5 metres		Refer to Chapter 8.	
Rear boundary:	2 metres			
Side boundary:	2 metres			
OTHER REGULATIONS				
<ol style="list-style-type: none">The Liquor Act, 2003, (Act No. 59 of 2003), (administered by the Department of Trade and Industry) requires a liquor license for land uses where liquor is sold.Business Act, 1991, (Act No. 71 of 1991) requires business licenses for the following types of business:<ol style="list-style-type: none">Food provisionTurkish baths, saunas and health baths; massage or infra-red treatments; male and female escorts; three or more slot machines and electronic games; three or more snooker or billiard tables; nightclubs and discotheques, where live or loud music is played; cinemas and theatres; and adult premises.The National Gambling Act, 2004, (Act No. 7 of 2004) may also require a gambling license depending on the nature of gambling activities.In the case of residential buildings, the provision of open space and children’s’ playgrounds must be to the satisfaction of the Municipal Council.				


Code: B2	BUSINESS 2		
Objectives of this Zone:			
<ul style="list-style-type: none">To provide for intensive business and mixed-use development with relatively few restrictions in order to promote urban vitality and economic growth and to provide for the retail sale of goods and services to the public.			
RULES REGARDING THE USE OF LAND AND BUILDINGS			
What land may be used for:		Land uses that are prohibited:	
Primary Uses:	Consent Uses (application and concept SDP required):	Any use not mentioned under Primary, or Consent uses.	
Business purposes, Shops, Places of instruction, Institutions, Medical Consulting, Rooms, Service Industries, Parking Bays, Parking Garages	Filling Stations, Motor Showroom, Fitment Centres, Places of Entertainment, Funeral Parlour (Offices and show room only), Taxi Ranks, Liquor store, Restaurants, Gymnasium, Social Halls, Institutions, Auctioneers, Hotels, Special Uses, Places of Public Worship, Plant Nurseries		
RULES REGARDING THE EXTENT OF DEVELOPMENT			
Maximum Density:	Maximum Coverage:	Maximum FAR:	Maximum Height:
Maximum of 65 dwelling units per hectare.	95% for Business use and 70% for Residential use.	2	3 storeys
RULES REGARDING BUILDING LINES		RULES REGARDING PARKING AND LOADING	
Street boundary:	5 metres	Refer to Chapter 8.	
Rear boundary:	2 metres		
Side boundary:	2 metres		
OTHER REGULATIONS			
<div>1. The Liquor Act, 2003, (Act No. 59 of 2003), (administered by the Department of Trade and Industry) requires a liquor license for land uses where liquor is sold.</div> <div>2. Business Act, 1991, (Act No. 71 of 1991) requires business licenses for the following types of business:<div><div>Food provision</div><div>Turkish baths, saunas and health baths; massage or infra-red treatments; male and female escorts; three or more slot machines and electronic games; three or more snooker or billiard tables; nightclubs and discotheques, where live or loud music is played; cinemas and theatres; and adult premises.</div></div></div> <div>3. The National Gambling Act, 2004, (Act No. 7 of 2004) may also require a gambling license depending on the nature of gambling activities.</div> <div>4. In the case of residential buildings, the provision of open space and children’s’ playgrounds must be to the satisfaction of the Municipal Council.</div>			

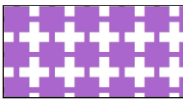
Code: B3	BUSINESS 3		
Objectives of this Zone:			
<ul style="list-style-type: none">To provide for intensive business and mixed-use development with relatively few restrictions in order to promote urban vitality and economic growth.The objective of this zone is to provide for the retail sale of goods and services to the public.			
RULES REGARDING THE USE OF LAND AND BUILDINGS			
What land may be used for:		Land uses that are prohibited:	
Primary Uses:	Consent Uses (application and concept SDP required):		Any use not mentioned under Primary, or Consent uses.
Business purposes, Offices, Medical Consulting Rooms, Restaurants, Place of Refreshment, Motor Dealer	Hotels, Funeral Parlour (Offices and show room only), Place of amusement, Gymnasium, Institutions, Veterinary Hospitals, Motor Showroom, Fitment Centre, Conference Centres, Places of Public Worship, Places of Instruction		
RULES REGARDING THE EXTENT OF DEVELOPMENT			
Maximum Density:	Maximum Coverage:	Maximum FAR:	Maximum Height:
Maximum of 65 dwelling units per hectare.	95% for Business use and 70% for Residential use.	2	3 storeys
RULES REGARDING BUILDING LINES		RULES REGARDING PARKING AND LOADING	
Street boundary:	5 metres		Refer to Chapter 8.
Rear boundary:	2 metres		
Side boundary:	2 metres		
OTHER REGULATIONS			
<div>1. The Liquor Act, 2003, (Act No. 59 of 2003), (administered by the Department of Trade and Industry) requires a liquor license for land uses where liquor is sold.</div> <div>2. Business Act, 1991, (Act No. 71 of 1991) requires business licenses for the following types of business:<div><div>Food provision</div><div>Turkish baths, saunas and health baths; massage or infra-red treatments; male and female escorts; three or more slot machines and electronic games; three or more snooker or billiard tables; nightclubs and discotheques, where live or loud music is played; cinemas and theatres; and adult premises.</div></div></div> <div>3. The National Gambling Act, 2004, (Act No. 7 of 2004) may also require a gambling license depending on the nature of gambling activities.</div> <div>4. In the case of residential buildings, the provision of open space and children’s’ playgrounds must be to the satisfaction of the Municipal Council.</div>			


Code: B4	BUSINESS 4			
Objectives of this Zone:				
<ul style="list-style-type: none">To provide for intensive business and mixed-use development with relatively few restrictions in order to promote urban vitality and economic growth.The objective of this zone is to provide for the retail sale of goods and services to the public.				
RULES REGARDING THE USE OF LAND AND BUILDINGS				
What land may be used for:			Land uses that are prohibited:	
Primary Uses:	Consent Uses (application and concept SDP required):		Any use not mentioned under Primary, or Consent uses.	
Business premises, Offices	Special Uses			
RULES REGARDING THE EXTENT OF DEVELOPMENT				
Maximum Density:	Maximum Coverage:	Maximum FAR:	Maximum Height:	
Maximum of 65 dwelling units per hectare.	95% for Business use and 70% for Residential use.	3	6 storeys	
RULES REGARDING BUILDING LINES			RULES REGARDING PARKING AND LOADING	
Street boundary:	5 metres		Refer to Chapter 8.	
Rear boundary:	2 metres			
Side boundary:	2 metres			
OTHER REGULATIONS				
<ol style="list-style-type: none">The Liquor Act, 2003, (Act No. 59 of 2003), (administered by the Department of Trade and Industry) requires a liquor license for land uses where liquor is sold.Business Act, 1991, (Act No. 71 of 1991) requires business licenses for the following types of business:<ol style="list-style-type: none">Food provisionTurkish baths, saunas and health baths; massage or infra-red treatments; male and female escorts; three or more slot machines and electronic games; three or more snooker or billiard tables; nightclubs and discotheques, where live or loud music is played; cinemas and theatres; and adult premises.The National Gambling Act, 2004, (Act No. 7 of 2004) may also require a gambling license depending on the nature of gambling activities.In the case of residential buildings, the provision of open space and children’s’ playgrounds must be to the satisfaction of the Municipal Council.				


Code: I1	INDUSTRIAL 1				
Objectives of this Zone:					
<ul style="list-style-type: none">To provide appropriate locations for light and service industries that has limited impact.To provide appropriate locations for a range of industrial, warehousing and related activities in specific areas.To ensure that the location of industrial development is such that it minimises their impacts on surrounding areas.To provide a proper balance for employment and sectoral growth and sustainable developmentTo ensure that there is sufficient on-site space to accommodate the proposed uses, traffic and any potential impact resulting from these developments.To provide an interface between industrial areas and adjacent residential or other land uses.To ensure that the location and development of these sites do not negatively impact on the natural environment or watercourses located near them.					
RULES REGARDING THE USE OF LAND AND BUILDINGS					
What land may be used for:				Land uses that are prohibited:	
Primary Uses:		Consent Uses (application and concept SDP required):		Any use not mentioned under Primary, or Consent uses.	
Industrial purposes, Public garages, Public or private parking areas, Building material storage/warehouse, Places of refreshments for own employees only, Administrative offices related to this use zone		Uses that are in line with the objectives of this zone – to the discretion of the municipality.			
RULES REGARDING THE EXTENT OF DEVELOPMENT					
Maximum Density:	Maximum Coverage:	Maximum FAR:	Maximum Height:	Other:	
N/A	95%	2.7	3 Storeys	As approved by the municipality	
RULES REGARDING BUILDING LINES				RULES REGARDING PARKING AND LOADING	
Street boundary:		5 metres		Refer to Chapter 8.	
Rear boundary:		2 metres			
Side boundary:		2 metres			
OTHER REGULATIONS					
<ol style="list-style-type: none">Compliance with National and Provincial environmental legislation,Notwithstanding the fact that an activity constitutes a primary use right in terms of this zone, no activity or use which includes the on-site storage of hazardous substances shall be permitted unless a risk management and prevention plan has been submitted and Municipality has given approval thereto.					

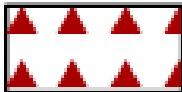
Code: I2	INDUSTRIAL 2				
Objectives of this Zone: The objective of this zone is to provide for those industries which are noxious in terms of smell, product, waste or other objectionable consequence of their operation, or which carry a high risk in the event of fire or accident. While other uses are permitted with consent, the Municipality must ensure there is sufficient capacity for noxious trade in the limited areas suitable for this zone. A noxious trade should not be located close to residential areas.					
RULES REGARDING THE USE OF LAND AND BUILDINGS					
What land may be used for:				Land uses that are prohibited:	
Primary Uses:	Consent Uses (application and concept SDP required):			Any use not mentioned under Primary, or Consent uses.	
Industrial purposes, Noxious activities, Places of refreshments for own employees only, Administrative offices related to this use zone.	Uses that are in line with the objectives of this zone – to the discretion of the municipality.				
RULES REGARDING THE EXTENT OF DEVELOPMENT					
Maximum Density:	Maximum Coverage:	Maximum FAR:	Maximum Height:	Other:	
N/A	95%	2.7	3 Storeys	As approved by the municipality	
RULES REGARDING BUILDING LINES				RULES REGARDING PARKING AND LOADING	
Street boundary:	5 metres			Refer to Chapter 8.	
Rear boundary:	2 metres				
Side boundary:	2 metres				
OTHER REGULATIONS					
1. Compliance with National and Provincial environmental legislation,					
2. Notwithstanding the fact that an activity constitutes a primary use right in terms of this zone, no activity or use which includes the on-site storage of hazardous substances shall be permitted unless a risk management and prevention plan has been submitted and Municipality has given approval thereto.					


Code: I3	INDUSTRIAL 3				
Objectives of this Zone:					
The objective of this zone is to accommodate all forms of industry, except noxious trade and risk activity, in order to promote the manufacturing sector of the economy. Some allowance is made for nonindustrial 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					
RULES REGARDING THE USE OF LAND AND BUILDINGS					
What land may be used for:				Land uses that are prohibited:	
Primary Uses:	Consent Uses (application and concept SDP required):			Any use not mentioned under Primary Uses.	
Industrial purposes, Motor sales market, Places of refreshment for own employees only, Administrative offices related to this use zone.	Uses that are in line with the objectives of this zone – to the discretion of the municipality.				
RULES REGARDING THE EXTENT OF DEVELOPMENT					
Maximum Density:	Maximum Coverage:	Maximum FAR:	Maximum Height:	Other:	
N/A	75%	1.5	-	As approved by the municipality	
RULES REGARDING BUILDING LINES			RULES REGARDING PARKING AND LOADING		
Street boundary:	5 metres		Refer to Chapter 8.		
Rear boundary:	2 metres				
Side boundary:	2 metres				
OTHER REGULATIONS					
1. Compliance with National and Provincial environmental legislation.					
2. A water use licence/authorisation may be required in terms of the National Water Act, 1998, (Act No. 36 of 1998).					


Code: C	COMMERCIAL				
Objectives of this Zone:					
The objective of this zone is to provide for land uses of a commercial nature.					
RULES REGARDING THE USE OF LAND AND BUILDINGS					
What land may be used for:				Land uses that are prohibited:	
Primary Uses:	Consent Uses (application and concept SDP required):				
Commercial purposes, Warehouses, Places of refreshments for own employees only.	Retail trade which is directly related to and subsidiary to the main commercial use			Any use not mentioned under Primary or Consent Uses.	
RULES REGARDING THE EXTENT OF DEVELOPMENT					
Maximum Density:	Maximum Coverage:	Maximum FAR:	Maximum Height:	Other:	
N/A	90%	2.55	3 storeys	As approved by the municipality	
RULES REGARDING BUILDING LINES			RULES REGARDING PARKING AND LOADING		
Street boundary:	5 metres		Refer to Chapter 8.		
Rear boundary:	2 metres				
Side boundary:	2 metres				
OTHER REGULATIONS					
3. Compliance with National and Provincial environmental legislation.					
4. A water use licence/authorisation may be required in terms of the National Water Act, 1998, (Act No. 36 of 1998).					


Code: E	EDUCATIONAL				
Objectives of this Zone: <ul style="list-style-type: none"> The objective of this zone is to provide for educational facilities of all kinds, but controlled provision is made for other compatible community uses. 					
RULES REGARDING THE USE OF LAND AND BUILDINGS					
What land may be used for:				Land uses that are prohibited:	
Primary Uses:		Consent Uses (application and concept SDP required):		Any use not mentioned under Primary or Consent uses.	
Place of Instruction, Place of Public worship, Social Hall, Dwelling Houses / Units related but subordinate to the main use.		Educational purposes, Place of instruction, Social halls, places of public worship.			
RULES REGARDING THE EXTENT OF DEVELOPMENT					
Maximum Density:	Maximum Coverage:	Maximum FAR:	Maximum Height:	Other:	
As approved by the municipality	70%	1.2	4 Storeys	As approved by the municipality	
RULES REGARDING BUILDING LINES				RULES REGARDING PARKING AND LOADING	
Street boundary:		5 metres		Refer to Chapter 8.	
Rear boundary:		2 metres			
Side boundary:		2 metres			
OTHER REGULATIONS					


Code: GOV	GOVERNMENT				
Objectives of this Zone:					
<ul style="list-style-type: none">The Government Use zone provides for government or authority uses, such as prisons and military bases, that are not covered by another use or zoning category.The uses may also include State uses such as military training centres, installations and police stations.					
RULES REGARDING THE USE OF LAND AND BUILDINGS					
What land may be used for:				Land uses that are prohibited:	
Primary Uses:	Consent Uses (application and concept SDP required):			Any use not mentioned under Primary or Consent uses.	
Municipal purposes, Dwelling unit, Agricultural use, Camping site, Community Hall, Dumping site, Multi-purpose centre, Nature conservation purposes, Recreation Government purposes	Taxi rank, Telecommunications mast.				
RULES REGARDING THE EXTENT OF DEVELOPMENT					
Maximum Density:	Maximum Coverage:	Maximum FAR:	Maximum Height:	Other:	
As approved by the municipality	As approved by the municipality	As approved by the municipality	As approved by the municipality	As approved by the municipality	
RULES REGARDING BUILDING LINES				RULES REGARDING PARKING AND LOADING	
Street boundary:	5 metres			Refer to Chapter 8.	
Rear boundary:	2 metres				
Side boundary:	2 metres				
OTHER REGULATIONS					


Code: AM	AMUSEMENT			
Objectives of this Zone:				
<ul style="list-style-type: none">To provide for amusement related land uses.				
RULES REGARDING THE USE OF LAND AND BUILDINGS				
What land may be used for:			Land uses that are prohibited:	
Primary Uses:	Consent Uses (application and concept SDP required):		Any use not mentioned under Primary, or Consent uses.	
Amusement purpose, Places of instruction, Social halls, Places of Public Worship, Place of amusement, recreation, resort, social halls, Casino/Gambling.	Special uses, places of refreshment and public resorts			
RULES REGARDING THE EXTENT OF DEVELOPMENT				
Maximum Density:	Maximum Coverage:	Maximum FAR:	Maximum Height:	
Maximum of 65 dwelling units per hectare.	95% for Business use and 70% for Residential use.	2	3 storeys	
RULES REGARDING BUILDING LINES			RULES REGARDING PARKING AND LOADING	
Street boundary:	5 metres		Refer to Chapter 8.	
Rear boundary:	2 metres			
Side boundary:	2 metres			
OTHER REGULATIONS				
<p>5. The Liquor Act, 2003, (Act No. 59 of 2003), (administered by the Department of Trade and Industry) requires a liquor license for land uses where liquor is sold.</p> <p>6. Business Act, 1991, (Act No. 71 of 1991) requires business licenses for the following types of business:</p> <ul style="list-style-type: none">a. Food provisionb. Turkish baths, saunas and health baths; massage or infra-red treatments; male and female escorts; three or more slot machines and electronic games; three or more snooker or billiard tables; nightclubs and discotheques, where live or loud music is played; cinemas and theatres; and adult premises. <p>7. The National Gambling Act, 2004, (Act No. 7 of 2004) may also require a gambling license depending on the nature of gambling activities.</p> <p>8. In the case of residential buildings, the provision of open space and children’s’ playgrounds must be to the satisfaction of the Municipal Council.</p>				

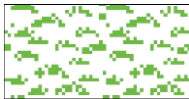
Code: M	MUNICIPAL				
Objectives of this Zone: The objective of this zone is to reserve land for uses normally undertaken by central, provincial and municipal government agencies as well as land for utility services such as electrical substations, and which do not fall into another zoning category. Some flexibility for the use of land and development parameters is provided.					
RULES REGARDING THE USE OF LAND AND BUILDINGS					
What land may be used for:				Land uses that are prohibited:	
Primary Uses:	Consent Uses (application and concept SDP required):			Any use not mentioned under Primary or Consent uses.	
Municipal Purposes, Fire services, sewage farms, dumping grounds, composting installations, water purification works, museums, electrical substations, water reservoirs.	Transmission Tower, Urban Agriculture, Helicopter Landing Pad, Special Usage & Renewable Energy.				
RULES REGARDING THE EXTENT OF DEVELOPMENT					
Maximum Density:	Maximum Coverage:	Maximum FAR:	Maximum Height:	Other:	
As approved by the municipality	As approved by the municipality	As approved by the municipality	As approved by the municipality	As approved by the municipality	
RULES REGARDING BUILDING LINES				RULES REGARDING PARKING AND LOADING	
Street boundary:	5 metres			Refer to Chapter 8.	
Rear boundary:	2 metres				
Side boundary:	2 metres				
OTHER REGULATIONS					

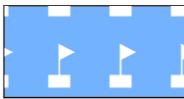
Code: A	AGRICULTURE				
Objectives of this Zone:					
<ul style="list-style-type: none">To utilize agricultural land on a sustainable basis.To ensure that land deemed to have high agricultural potential is optimally used.To provide mechanisms for the identification and protection of productive agricultural land.To ensure that agricultural practices are consistent with environmental considerations and pollution controls.					
RULES REGARDING THE USE OF LAND AND BUILDINGS					
What land may be used for:				Land uses that are prohibited:	
Primary Uses:	Consent Uses (application and concept SDP required):			Any use not mentioned under Primary or Consent uses.	
Agricultural purposes Agricultural land, Agricultural building,	Workers’ dwellings, Hunters’ accommodation, Veterinary Clinic Resort dwelling, Guest Lodge, Second dwelling unit				
RULES REGARDING THE EXTENT OF DEVELOPMENT					
Maximum Density:	Maximum Coverage:	Maximum FAR:	Maximum Height:	Other:	
1 Dwelling unit per erf and 1 Additional Dwelling Unit at a density of 1 unit per 10 hectares to a maximum of 5 Additional Dwelling Units.*	20%	As approved by the Municipality	3 storeys	As approved by the Municipality	
RULES REGARDING BUILDING LINES				RULES REGARDING PARKING AND LOADING	
Street boundary:	10 metres			Refer to Chapter 8.	
Rear boundary:	10 metres				
Side boundary:	10 metres				
OTHER REGULATIONS					
<ol style="list-style-type: none">Title conditions on farm land shall be applicable.All land within this zone is subject to regulation in terms of the Subdivision of Agricultural Land Act, 1970, (Act No. 70 of 1970) unless such land is excluded from the act.A mining right, mining permit, exploration right or production right may be required in terms of the Mineral and Petroleum Resources Development Act, 2002, (Act No. 28 of 2002).Mining activities can only take place if there is a 5-year permit issued.There must be compliance with National and Provincial environmental legislation.A water use licence/authorisation may be required in terms of the National Water Act, 1998, (Act No. 36 of 1998).					


Code: POS	PUBLIC OPEN SPACE			
Objectives of this Zone:				
<ul style="list-style-type: none">To provide adequate numbers of appropriately situated sites that are easily accessible for recreational purposes and activities for local and wider communities.To ensure that such parks address the special needs of the physically challenged, elderly, women, and children.To ensure that such facilities are located and maintained to attract visitors and tourists.To set aside areas of land for the provision of parks, botanical gardens and other open spaces as well as corridor linkages between open areas for passive recreational purposes.				
RULES REGARDING THE USE OF LAND AND BUILDINGS				
What land may be used for:			Land uses that are prohibited:	
Primary Uses:	Consent Uses (application and concept SDP required):			Any use not mentioned under Primary or Consent uses.
Open space, Natural environment, Private road, Outdoor trading and dining (no SDP if demarcated), Occasional use, Parks, Gardens, Botanical Gardens, Zoological Gardens, Conservation Areas, Art Galleries, Sport and Recreation Clubs, Social Halls, Open Spaces, Play Parks, Squares and Buildings used in connection therewith, Municipal Purposes, Sports Grounds, Swimming Pools, Stormwater Retention and Attenuation Ponds, Security Buffer Strip	Camping site, Cemetery, Tourist facilities, Events, Freestanding base telecommunication station, Outdoor market, Place of indoor recreation, Place of sport and recreation, Rooftop base telecommunication station, Tourist accommodation, Places of Entertainment, Caravan Parks.			
RULES REGARDING THE EXTENT OF DEVELOPMENT				
Maximum Density:	Maximum Coverage:	Maximum FAR:	Maximum Height:	Other:
As approved by the Municipality.	As approved by the Municipality	As approved by the Municipality	As approved by the Municipality	As approved by the Municipality
RULES REGARDING BUILDING LINES			RULES REGARDING PARKING AND LOADING	
Street boundary:	As approved by the Municipality.		Refer to Chapter 8.	
Rear boundary:	As approved by the Municipality.			
Side boundary:	As approved by the Municipality.			
OTHER REGULATIONS				
<ol style="list-style-type: none">The Municipality may consider utilizing over-provided public open spaces for residential infill or other uses. Such development will require the amendment of the Scheme to a suitable zoneUrban agricultural uses may be considered on larger open space systems, subject to environmental legislation. Such developments will require the amendment of the Scheme to a suitable zone.				

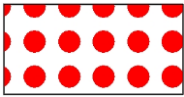
Code: PROS	PRIVATE OPEN SPACE			
Objectives of this Zone: <ul style="list-style-type: none"> To provide adequate numbers of appropriately situated sites of a private nature that are easily accessible for recreational purposes and activities for certain communities 				
RULES REGARDING THE USE OF LAND AND BUILDINGS				
What land may be used for:			Land uses that are prohibited:	
Primary Uses:	Consent Uses (application and concept SDP required):		Any use not mentioned under Primary or Special Consent uses.	
Parks, Gardens, Botanical Gardens, Conservation Areas, Play Parks, Open Spaces, Squares and Buildings used in connection therewith, Sports Grounds, Swimming Pools, Stormwater Retention and Attenuation Ponds.	Zoological Gardens, Transmission Tower and Special Usage.			
RULES REGARDING THE EXTENT OF DEVELOPMENT				
Maximum Density:	Maximum Coverage:	Maximum FAR:	Maximum Height:	Other:
As approved by the Municipality.	As approved by the Municipality	As approved by the Municipality	As approved by the Municipality	As approved by the Municipality
RULES REGARDING BUILDING LINES			RULES REGARDING PARKING AND LOADING	
Street boundary:	As approved by the Municipality.		Chapter 8.	
Rear boundary:	As approved by the Municipality.			
Side boundary:	As approved by the Municipality.			
OTHER REGULATION				
1. Only 1 dwelling unit for supervising personnel. 2. National Environmental Management Amendment Act of 2003, require authorisation in terms of EIA regulations.				

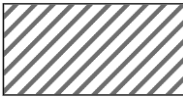
Code: T	TRANSPORT				
Objectives of this Zone: The objective of this zone is to reserve land for transportation systems, including public streets, airports, heliports, railway lines, bus depots, taxi ranks, cable car stations, and modal interchanges.					
RULES REGARDING THE USE OF LAND AND BUILDINGS					
What land may be used for:				Land uses that are prohibited:	
Primary Uses:	Consent Uses (application and concept SDP required):				Any use not mentioned under Primary or Consent uses.
Transport use	Air and underground rights, Airfield, Airport, Business premises, Conference facility, Container site, Helicopter landing pad, Hotel, Industry, Informal trading, Motor repair garage Service station, Warehouse				
RULES REGARDING THE EXTENT OF DEVELOPMENT					
Maximum Density:	Maximum Coverage:	Maximum FAR:	Maximum Height:	Other:	
As approved by the municipality	As approved by the municipality	As approved by the municipality	As approved by the municipality	As approved by the municipality	
RULES REGARDING BUILDING LINES			RULES REGARDING PARKING AND LOADING		
Street boundary:		5 metres		Refer to Chapter 8.	
Rear boundary:		2 metres			
Side boundary:		2 metres			
OTHER REGULATIONS					

Code: C	PROTECTED AREAS				
Objectives of this Zone:					
<ul style="list-style-type: none">To provide adequate measures for the protection of areas deemed for conservation purposes.To ensure that such facilities are located and maintained to attract visitors and tourists.To set aside areas of land for the provision of parks, botanical gardens and other open spaces as well as corridor linkages between open areas for passive recreational purposes.					
RULES REGARDING THE USE OF LAND AND BUILDINGS					
What land may be used for:				Land uses that are prohibited:	
Primary Uses:		Consent Uses (application and concept SDP required):		Any use not mentioned under Primary or Consent Uses.	
All declared national, provincial and private Nature Reserves, all other protected areas (including Biospheres), Conservancy, Conservation Purposes, Cultural Heritage Sites & Protected Areas.		Airstrip, Camping site, Employee housing Events, Forestry, Freestanding base telecommunication station, Guesthouse, Helicopter landing pad, Outdoor market, Place of assembly, Place of sport and recreation, Private road, Rooftop base telecommunication station, Tourist accommodation, Tourist facilities, Airstrip, Camping site, Employee housing, Events, Forestry, Freestanding base telecommunication station, Guesthouse, Helicopter landing pad, Outdoor market, Place of assembly, Place of sport and recreation, Private road, Rooftop base telecommunication station, Tourist accommodation, Tourist facilities.			
RULES REGARDING THE EXTENT OF DEVELOPMENT					
Maximum Density:	Maximum Coverage:	Maximum FAR:	Maximum Height:	Other:	
As approved by the Municipality.	As approved by the Municipality	As approved by the Municipality	As approved by the Municipality	As approved by the Municipality	
RULES REGARDING BUILDING LINES				RULES REGARDING PARKING AND LOADING	
Street boundary:	As approved by the Municipality.			Refer to Chapter 8.	
Rear boundary:	As approved by the Municipality.				
Side boundary:	As approved by the Municipality.				
OTHER REGULATION					
1. There must be compliance with National and Provincial environmental legislation in the development of nature reserves, land for conservation purposes, cultural heritage sites, protected areas and listed activities.					

Code: I	INSTITUTIONAL				
Objectives of this Zone:					
<ul style="list-style-type: none">To provide an adequate number of accessible social and civic facilities to meet the needs of communities in the fields of health, social and cultural services, which includes public and private service providers and administrative or government functions including education, health, pension offices, museums, libraries, community halls, jails / prisons, juvenile facilities, cemeteries and crematoria.To ensure that such facilities are designed to address the special needs of the physically challenged, elderly, women, and children.					
RULES REGARDING THE USE OF LAND AND BUILDINGS					
What land may be used for:				Land uses that are prohibited:	
Primary Uses:		Consent Uses (application and concept SDP required):		Any use not mentioned under Primary or Consent uses.	
Community Facility, Crèche, Dormitory Establishment, Hospital, Place of Assembly, Place of Instruction, Place of Worship, Institution and Sport & Recreation.		Dwelling House, Special Usage and Transmission Tower,			
RULES REGARDING THE EXTENT OF DEVELOPMENT					
Maximum Density:	Maximum Coverage:	Maximum FAR:	Maximum Height:	Other:	
As approved by the municipality	60%	As approved by the municipality	4 Storeys	As approved by the municipality	
RULES REGARDING BUILDING LINES				RULES REGARDING PARKING AND LOADING	
Street boundary:		5 metres		Refer to Chapter 8.	
Rear boundary:		2 metres			
Side boundary:		2 metres			
OTHER REGULATIONS					

Code: M	MINING				
Objectives of this Zone: <ul style="list-style-type: none"> To provide appropriately located land to allow the extraction of minerals and raw materials and associated business operations. To ensure that the extraction is carried out in a manner that takes cognizance of its impact on the site and surrounding properties and seeks to minimise the long term effects of the activity. To ensure that the relevant environmental considerations are adhered to regarding the actual extraction process, its impact on the environment, and to the rehabilitation of a site or sites once the activity has ceased. 					
RULES REGARDING THE USE OF LAND AND BUILDINGS					
What land may be used for:				What land may be NOT be used for:	
Primary Uses:		Consent Uses (application and concept SDP required):		Any use not mentioned under Primary or Consent uses.	
Mining Activities – Extraction and Beneficiation.		Cemetery. Crematorium. Dwelling Unit. Electrical Purposes. Offices. Private Open Space. Public Garage. Public Open Space and Railway Purposes.			
RULES REGARDING THE EXTENT OF DEVELOPMENT					
Maximum Density:	Maximum Coverage:	Maximum FAR:	Maximum Height:	Other:	
As approved by the Municipality.	As approved by the Municipality	As approved by the Municipality	As approved by the Municipality	As approved by the Municipality	
RULES REGARDING BUILDING LINES				RULES REGARDING PARKING AND LOADING	
Street boundary:		As approved by the Municipality.		Refer to Chapter 8.	
Rear boundary:		As approved by the Municipality.			
Side boundary:		As approved by the Municipality.			
OTHER REGULATIONS					
<ol style="list-style-type: none"> A mining right, mining permit, exploration right or production right may be required in terms of the Mineral and Petroleum Resources Development Act, 2002, (Act No. 28 of 2002). National Environmental Management Amendment Act of 2003, requires authorisation in terms of EIA regulations. A water use licence/authorisation may be required in terms of the National Water Act, 1998, (Act No. 36 of 1998). No quarrying for the taking of sand, stone, rock, gravel, clay and soil for any purpose whatsoever shall be conducted on any property unless authorised in terms of the Mineral and Petroleum Resources Development Act, 2002 (Act 28 of 2002) and in any amendments thereof. 					

Code: SP	SPECIAL				
Objectives of this Zone: <ul style="list-style-type: none"> To accommodate land uses with special characteristics not catered for under any other use zone. 					
RULES REGARDING THE USE OF LAND AND BUILDINGS					
What land may be used for:				Land uses that are prohibited:	
Primary Uses:	Consent Uses (application and concept SDP required):			Any use not mentioned under Primary or Consent uses.	
As approved by the Municipality.	As approved by the Municipality.				
RULES REGARDING THE EXTENT OF DEVELOPMENT					
Maximum Density:	Maximum Coverage:	Maximum FAR:	Maximum Height:	Other:	
As approved by the Municipality.	As approved by the Municipality	As approved by the Municipality	As approved by the Municipality	As approved by the Municipality	
RULES REGARDING BUILDING LINES				RULES REGARDING PARKING AND LOADING	
Street boundary:	As approved by the Municipality.			Refer to Chapter 8.	
Rear boundary:	As approved by the Municipality.				
Side boundary:	As approved by the Municipality.				
OTHER REGULATIONS					

Code: UD	UNDETERMINED				
Objectives of this Zone: <p>The objective of this zone is to enable the Municipality to defer a decision regarding a specific land use and development management provisions until the circumstances affecting the land unit have been properly investigated; or until the owner of the land makes an application for rezoning; or a zoning determination is made by the Municipality. The objective of this zone is furthermore to create a zone to which land could revert back to when rights under current zonings, other than Single Residential Zone I, were not exercised, especially in cases where changes in the planning context occurred since the current zoning was granted.</p>					
RULES REGARDING THE USE OF LAND AND BUILDINGS					
What land may be used for:				Land uses that are prohibited:	
Primary Uses:	Consent Uses (application and concept SDP required):			Any use not mentioned under Primary or Consent uses.	
None	None				
RULES REGARDING THE EXTENT OF DEVELOPMENT					
Maximum Density:	Maximum Coverage:	Maximum FAR:	Maximum Height:	Other:	
As approved by the Municipality.	As approved by the Municipality	As approved by the Municipality	As approved by the Municipality	As approved by the Municipality	
RULES REGARDING BUILDING LINES				RULES REGARDING PARKING AND LOADING	
Street boundary:		As approved by the Municipality.		Refer to Chapter 8.	
Rear boundary:		As approved by the Municipality.			
Side boundary:		As approved by the Municipality.			
OTHER REGULATIONS					

CHAPTER 11 – INCREMENTAL LAND USE MANAGEMENT AREAS

The purpose of this chapter is to allow for provisions that permit the incremental introduction of land use management and regulation in areas under traditional leadership. Most of the areas included under “incremental land use management areas” have never been subject to formal land use management processes and include many traditional villages. While the general approach is to be more flexible towards land uses in these areas, and where possible, to make use of indigenous land use management processes, certain land uses still require formal management and environmental authorisation (e.g. a filling station). This section of the scheme can be revised over time as land use management becomes more accepted within these areas.

11.1. Demarcation of incremental land use zones

11.1.1. Geographic areas where land use management will be incrementally introduced are demarcated in the following manner on the scheme maps:



Incremental land use management areas

Land uses should not be allocated OUTSIDE of these areas without prior approval of the Municipality.

11.1.2. Incremental land use management areas are divided into the following land use zones:

- (a) Residential
- (b) Business
- (c) Industrial
- (d) Educational
- (e) Cemetery
- (f) Utilities
- (g) Agriculture
- (h) Public Open Space
- (i) Government
- (j) Filling station/ Public Garage
- (k) Commonage

11.2. Role and responsibilities within incremental land use management areas

11.2.1. This scheme takes the approach that traditional authorities in Lephalale Municipality have exercised a land use function in the past through the allocation of land.

11.2.2. This scheme acknowledges this function, but seeks to establish the following rules:

- (a) Traditional Authorities can continue to allocate low intensity land uses without applying to the Municipality, as long as the allocation is done in accordance with the land use scheme map and in accordance with the rules stipulated in section XX
- (b) Traditional Authorities can receive applications for higher order land uses and make a recommendation to the Municipal Planning Tribunal, who is tasked with taking the final land use decision.
- (c) In the event where the Municipal Planning Tribunal do not approve a higher order land use application as recommended by the Traditional Authority, the Municipal Planning

Tribunal must arrange a meeting with the respective Traditional Authority and provide reasons why the application cannot be approved.

11.3. Rules for the allocation of land uses

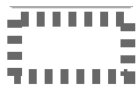
11.3.1. General rules for the allocation of all land uses include the following:

- (a) Do not allocate any land use except for public open space within the area indicated on the scheme maps as a flood line using the symbology indicated below:



1 in 100 year Floodline

- (b) Do not allocate any land outside the edge of the village indicated on the land use scheme maps using the symbology indicated below:



Incremental management areas

In the event that no more land is available for allocation, the Traditional Authority should notify the Development Planning Department of Lephalale Local Municipality. The Municipality will update the scheme maps to allow for future areas that can be allocated.

- (c) Allocate land uses (especially residential land uses) in the area on the map zoned as “Commonage”



Commonage

11.3.2. Rules for the allocation of residential stands.

- (a) Do not allocate any land use except for public open space within the area indicated on the scheme maps as a flood line using the symbology indicated below:

11.3.3. Rules for the allocation of taverns and shebeens.

- (a) A Tavern / Shebeen can only be allocated FURTHER than two street blocks from any community facility indicated on the scheme map (church, school, crèche, library etc.)
- (b) The owner of the house tavern must be a South African resident of 18 years or older,
- (c) The applicant must be the permanent inhabitant of the property;
- (d) In addition to the Tavern / Shebeen, the property must have a residence occupied by the owner of the Tavern / Shebeen;
- (e) No more than three persons, including the occupant of the residence are permitted to be involved in the operation of the business activities on the relevant property (the names of the individuals involved must be mentioned in the land use application);
- (f) House Tavern / Shebeen may only be operated from a structure approved in terms of the National Building Regulations and Building Standards and thus informal/temporary structures or containers cannot be permitted
- (g) Trading must be restricted to the boundaries of the property.
- (h) The following are not permitted in a Tavern / Shebeen: storage or sale of any explosive or flammable goods; Slot machines; Video games, snooker or gaming tables or a juke box;

- (i) Safety and health regulations must be obeyed with at all times;
- (j) The Tavern / Shebeen must be in possession of a liquor licence;
- (k) Permission to operate a Shebeen or Tavern is granted to a specific person who operates from a designated property and is not transferable;
- (l) Applicants who cease to operate the business must inform the Traditional Authority in writing;
- (m) No activities which may cause a nuisance or disturbance to the residents in other neighbouring residences are permitted;
- (n) The trading hours of the house tavern/ shebeen must adhere to the Municipal Liquor Trading By-law and in the absence of the municipal by-law comply with the trading hours as prescribed in the Provincial Liquor Act;
- (o) There must no record of any criminal activity on the property under application;
- (p) Should the business cause a nuisance or criminal activity be reported after approval, the land use authorisation must be withdrawn;
- (q) The Lephalale Local Municipality reserves the right to impose any additional conditions and to rescind any approval in case of valid objections/complaints having been received or should the approval conditions not be complied with;

11.3.4. Rules for the allocation of business stands

- (a) Lower order business that can be allocated by a traditional authority includes a shop.
- (b) The primary purpose of shops in this zone is to serve the surrounding workforce and goods for sale shall therefore be limited to convenience goods such as foodstuffs, take away food, groceries, household cleaning agents and toiletries.
- (c) Business stands must be allocated close to nodes as identified in the Municipal Local Spatial Development Framework.

11.3.5. Land uses not dealt with in section 11.3 constitutes higher order land uses, and are subject to the requirements and limitations highlighted in Chapter 10.