



PROVINCE OF THE EASTERN CAPE
IPHONDO LEMPUMA KOLONI
PROVINSIE OOS-KAAP

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30 May 2022
30 Mei 2022

No: 4750

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DEPARTMENT OF HEALTH

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GENERAL NOTICES • ALGEMENE KENNISGEWINGS**GENERAL NOTICE 58 OF 2022****Nelson Mandela Bay Municipality (EASTERN CAPE)****Removal of Restrictions in terms of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)****ERF 10 BEACHVIEW, PORT ELIZABETH, EASTERN CAPE**

Under Section 47 of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) and upon instructions by the Local Authority, a notice is hereby given that conditions B.6.(a) and (b)(i) and (ii) in Deed of Transfer No. T94559/2003CTN applicable to Erf 10 Beachview are hereby removed

PROVINCIAL NOTICES • PROVINSIALE KENNISGEWINGS**PROVINCIAL NOTICE 296 OF 2022**

GAZETTE NOTIFICATION: REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS DECISION

**NDLAMBE MINICIPALITY****REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS: ERF 286, BOKNESSTRAND****NDLAMBE MUNICIPALITY SPATIAL PLANNING AND LAND USE MANAGEMENT BY-LAW; 2016**

Notice is hereby given that the Ndlambe Municipal Planning Tribunal on the 20th of April 2022, Removed Conditions: C.6, C.7 (i) and C.7 (ii) contained in Deed of Transfer No. T10006/2021 in terms of Section 69 of the Ndlambe Municipality Spatial Planning and Land Use Management By-law; 2016.

NOTICE NUMBER: 34/2022**ADV. R DUMEZWENI
MUNICIPAL MANAGER**

PROVINCIAL NOTICE 297 OF 2022

**EMALAHLENI MUNICIPALITY****NOTICE CALLING FOR THE INSPECTION OF SUPPLEMENTARY VALUATION ROLL 3.5 OF 2022 AND LODGING OF OBJECTIONS.**

Notice is hereby given in terms of Section 49 (1) (a) (i) read in conjunction with Section 78 (2) of the Local Government: Municipal Property Rates Act, 2004 (Act 6 of 2004), hereinafter referred to as the "Act" that the Supplementary Valuation Roll 3.5 is open for public inspection. The Supplementary Valuation Roll can be inspected at the venues listed below from 27 May 2022 to 27 June 2022, from Monday to Friday, between 8:30 & 16:30.

Any owner of the property or other person who so desires, may lodge an objection with the Municipal Manager at Emalahleni Local Municipality in respect of any matter reflected in, or omitted from the Supplementary Valuation Roll within the above mentioned period.

The Supplementary Valuation Roll will be available for inspection at:

The Emalahleni Municipal Offices and Libraries at: Cacadu
Dordrecht
Indwe

Objection forms will be available at the above- mentioned offices. All objections may be

Submitted to: **The Municipal Manager**
Emalahleni Municipality
37 Indwe Road
Cacadu
5410

In terms of the municipal Property Rates Act 2004, Objections apply to a particular property and Not to the roll itself.

Queries can be directed to the following person:

Mr L Juwele – Accountant Revenue
E-mail Address: Juwelel@emalahlenilm.gov.za
Telephone No: 047 878 0020

Municipal Manager


Mr VC Makedama

PROVINCIAL NOTICE 298 OF 2022

PROVINCE OF THE EASTERN CAPE

DEPARTMENT OF LOCAL GOVERNMENT AND TRADITIONAL AFFAIRS

THE NAME CHANGE OF THE LOCAL MUNICIPALITY IN TERMS OF PARAGRAPH 5 OF PART 9 IN THE PROVINCIAL GAZETTE No. 687 (Extraordinary) DATED 2 DECEMBER 2000 ISSUED IN TERMS OF SECTION 12 OF THE LOCAL GOVERNMENT: MUNICIPAL STRUCTURES ACT, (ACT NO. 117 OF 1998) AS AMENDED

I, XOLILE NQATHA, Member of the Executive Council responsible for Local Government in the Province of the Eastern Cape, after the consultation process prescribed in section 16 (3) of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998), under the powers vested in me by Sections 16(1)(b) of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998) hereby change the existing name of municipality (Engcobo Local Municipality) in terms of Paragraph 5 of Part 9 in the Provincial Gazette No. 687 (Extraordinary) dated 2 December 2000 to Dr. A.B. Xuma Local Municipality as per attached schedule and in line with the local municipality established under new district municipal area as contained in the Provincial Notice No. 06 of 2011 in Provincial Gazette No. 2509 (Extraordinary) dated 25 May 2011. The name change of Engcobo Local Municipality to Dr. A. B. Xuma Local Municipality to take effect from the date of publication in the Provincial Gazette.



SIGNED: X.E NQATHA

**MEMBER OF THE EXECUTIVE COUNCIL RESPONSIBLE FOR LOCAL
GOVERNMENT - PROVINCE OF THE EASTERN CAPE**

DATE:



SCHEDULE

NOTICE No.

PART 9 [ENGCOBO LOCAL MUNICIPALITY]

ESTABLISHMENT OF MUNICIPALITY

By changing the name of the existing municipality (Engcobo) in Paragraph 5 of Part 9 in the Provincial Gazette No. 687 (Extraordinary) dated 2 December 2000 to Dr. A. B. Xuma:

5. NAME

The Council of the municipality may, subject to the conditions contained in Paragraph 5 in this Part, name the municipality:

-The name of the municipality is Dr. A. B. Xuma.

PROVINCIAL NOTICE 299 OF 2022

**ASSEMBLIES OF GOD – BACK TO GOD****KWANOBUHLE ASSEMBLY**

69 MATANZIMA ROAD, KWANOBUHLE LOCATION, UITENHAGE, 6242

Contacts: 0814188336. email: tinimbulelo@gmail.com

Government Printing Works
149 Bosman St,
Pretoria Central,
Pretoria, 0002

24 May 2022

Dear Mrs Istelle Pienaar

Notice for insertion in the Provincial Government Gazette (Eastern Cape)

Herewith is a notice for insertion in the Provincial Government Gazette (Eastern Cape) on **30 May 2022.**

The notice is with regards to the buying by the Assemblies of God (Back to God) Church of ERF 25937 (Partly Public Road) and a closure of a portion of ERF 645 (Public Open Space) to be consolidated with ERF 643 in Kwanobuhle, Uitenhage.

The notice should therefore read as follows:

Purchasing of a portion of ERF 645 (Currently a Public Open Space) and the remainder of ERF 25937 (Partly including a Portion of a Public Road) both to be consolidated with ERF 643 in Kwanobuhle Location, Uitenhage.

Kind Regards

Mbulelo Tini - Chairperson of the Building Committee

PROVINCIAL NOTICE 300 OF 2022

KING SABATA DALINDYEBO LOCAL MUNICIPALITY



Land Use Scheme (LUS)

MARCH 2022

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CHAPTER 1 : PURPOSE AND STATUS OF THE LAND USE SCHEME

1. Title and Commencement

- (1) This Land Use Scheme shall be known as the King Sabata Dalindyebo Municipality (herein after referred to as KSD Municipality) Land Use Scheme, as approved in terms of Section 24(1) of the Spatial Planning & Land Use Management Act, 2013 (Act 16 of 2013), herein after referred to as SPLUMA, and Section 23(2) of the KSD Spatial Planning & Land Use Management By-laws, herein after referred to as KSD SPLUM By-laws No. 3742, dated 3 October 2016.
- (2) The Land Use Scheme commenced on the date as published in the Provincial Gazette (Schedule 2).

2. Scheme Area

The Land Use Scheme applies to the Mthatha and Mqanduli urban areas, as indicated in Schedule 1.

3. Purpose and Legal Effect of the Land Use Scheme

- (1) The purpose of the Land Use Scheme is to :
 - (a) give effect to Section 25(1) and Section 26 of SPLUMA;
 - (b) function as a component of the KSD SPLUM By-laws;
 - (c) promote harmonious and compatible land use patterns;
 - (d) promote aesthetic considerations;
 - (e) promote sustainable development and densification; and
 - (f) promote a healthy environment that is not harmful to a person's health.

4. Components of the Land Use Scheme

The Land Use Scheme consists on the following components :

- (a) this integrated Land Use Scheme document;
- (b) the zoning map; and
- (c) the register.

CHAPTER 2 : UTILISATION OF LAND AND USE ZONES

5. Use Zones

- (1) The municipal area is divided into the land use categories and zonings as referred to in Columns 1 and 2 of the use zone table as set out in Chapter 6.
- (2) All properties within the municipal area shall be allocated a use zone and be zoned, as listed in the use zone table of this Land Use Scheme (Chapter 6).
- (3) The purpose of the zones is to manage land use, the use of buildings and the extent of development.
- (4) The description of the primary and consent uses applicable to each use zone is referred to in Columns 4 and 5, respectively, as set out in Chapter 6.
- (5) The location, boundaries and extent of each use zone is depicted on the zoning map.
- (6) The primary and consent uses applicable to each use zone is subject to the development parameters specified for that zone, as set out in Chapter 7.
- (7) In addition to the provisions of the use zone table, the general provisions and development parameters of the Land Use Scheme shall apply in all zones, as set out in Chapter 8.
- (8) A land unit may be zoned :
 - (a) with a single use zone that applies to the entire land unit;
 - (b) with a split-zoning, where one use zone applies to a portion of the land unit and one or more other use zones apply to other portions of the land unit; and
 - (c) with one or more overlay zones over and above the use zone(s).

6. Zoning Map

- (1) The zoning map depicts :
 - (a) the zoning of land or portion of land in accordance with the use zone in which the land is located; and
 - (b) overlay zones, if applicable to the land unit.
- (2) The Municipality must update the zoning map after use rights have been amended, granted or have lapsed.

7. Land Use Scheme Register

- (1) The Municipality must keep and maintain a land use scheme register to give effect to Section 28 of the KSD SPLUM By-laws.
- (2) The Land Use Scheme Register must record all rezonings, departures, consent uses, permissions granted, non-conforming and all other applications granted in terms of the KSD SPLUM By-laws.
- (3) The Municipality must keep the register from the date of commencement of the Land Use Scheme.

8. Primary Uses

Primary use in relation to a land unit, means the permitted use of property for the purpose specified as a primary use in Column 4 of the use zone table as set out in Chapter 6, without the need to obtain municipal approval.

9. Consent Uses

Consent use relates to applications as contemplated in Section 64 of the KSD SPLUMA By-laws, and means the permitted use of a property for the purpose specified as a consent use in Column 5 of the use zone table as set out in Chapter 6, with the need to obtain approval from the Municipality prior to development.

10. Uses not Permitted

Any use not reflected as a primary or consent use for a particular zone shall, unless otherwise stipulated in the Land Use Scheme, not be permitted in the zone concerned.

11. Special Uses

- (1) Special use means a use or combination of uses which is such, or in respect of which the land use restrictions are such, that provision is not made therefore in this land use scheme, and which is defined in detail by means of conditions of approval or by means of provisions applicable to the special zone.
- (2) All special uses approved shall be listed in Schedule 5.

12. Temporary Uses

Temporary departures relate to applications as contemplated in Section 66 of the KSD SPLUM By-laws and shall be listed in Schedule 6.

13. Non-conforming Uses

- (1) Non-conforming use means the use of land that was lawful before the commencement date of this Land Use Scheme, but which does not conform to the use, land use or development parameters stipulated in this Land Use Scheme.
- (2) The lawful non-conforming use of land or buildings does not constitute an offence. Any approval, consent or authorisation issued or granted in terms of the provision of any regulations repealed by this Scheme, shall be deemed to have been issued or granted in terms of this Scheme and shall remain in force.
- (3) Nothing in this Scheme shall prevent the erection of a building or the carrying out of works in accordance with the terms of any permission granted by the Municipality prior to the promulgation of these regulations, subject to the requirements of Sections 161 and 162 of the KSD SPLUM By-laws.
- (4) The Municipality may require that when a building is extended or altered, that the affected building on the site be brought into line with the land use restrictions contained in this Land Use Scheme, with the By-laws of the Municipality, and with any other laws which are applicable.

14. Combined Use of Buildings, Split Zoning and Multiple Use of Land

- (1) Application and approval for combined use of buildings, split zoning, or multiple zoning on one land unit or building are permitted in terms of this Land Use Scheme.
- (2) Where more than one zoning or consent use is approved for the same land unit or building, the requirements with regard to height, coverage and building lines, as prescribed for the primary use of the relevant zone or zones, shall be applicable.
- (3) The Municipality may, in writing, require a land owner to submit a survey diagram or such other plans as the Municipality may regard as appropriate, indicating the different approved or deemed zonings and/or approved uses of the various portions of the land and/or buildings on a specified land unit.
- (4) Parking shall be provided in accordance with the parking requirements as contained in this Land Use Scheme for each of the uses as set out in Chapter 8.

CHAPTER 3 : IMPLEMENTATION AND ENFORCEMENT

15. Transition to New Use Zones

- (1) Transitional arrangements for implementation of the Land Use Scheme are subject to Section 161 of the KSD SPLUM By-laws.
- (2) Upon the date of commencement of this Land Use Scheme, land that is zoned in terms of the previous Zoning Schemes is translated or reclassified to one of the use zones referred to in Schedule 3 and depicted on the new Zoning Maps.
- (3) The zoning transition table, in Schedule 3, summarises the translation or reclassification of the use zones used in the previous zoning regulations to the use zones used in this Land Use Scheme.

16. Determination of Zoning and Rectification of Errors

- (1) This section relates to areas where Zoning Schemes existed and where zonings have been allocated prior to commencement of the LUS.
- (2) Determination of zoning is subject to Section 162 of the KSD SPLUM By-laws.
- (3) If the zoning of a land unit is incorrectly indicated on the zoning map or wrongly converted from a zoning map of a former Zoning Scheme, the owner of an affected land unit may submit an application to the Municipality to correct the error.
- (4) An owner 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.
- (5) The onus of proving that the zoning is incorrectly indicated on the zoning map is on the owner.
- (6) If the Municipality approves the application, the Municipality must amend the zoning map.
- (7) The Municipality may refuse an application to correct the zoning map if the owner fails to submit written proof of the lawful use rights.
- (8) The Municipality may correct a zoning map if it finds an error on the map.
- (9) If the Municipality corrects the zoning map, it may only amend the map to show the correct zoning of the property.

17. Determination of Zoning on Communal Land

- (1) This section relates to areas where no Zoning Schemes existed prior to commencement of this Land Use Scheme.
- (2) Determination of zoning is based on existing land use and previously assigned or approved land use.
- (3) Zoning on communal land should be implemented in an incremental manner and is stipulated in Chapter 8 of this Land Use Scheme.
- (4) The provisions of Section 16 of this Land Use Scheme applies to all communal land and allocated zonings or overlay zones.

18. Compliance and Enforcement

- (1) In terms of Section 148 of the KSD SPLUM By-laws, the Municipality must comply and enforce compliance with :
 - (a) the provisions of the By-law;
 - (b) the provisions of a land use scheme;
 - (c) conditions imposed in terms of the By-law or previous planning legislation; and
 - (d) title deed conditions.
- (2) Compliance and enforcement of the Land Use Scheme should be implemented and enforced as provided for in Section 32 of SPLUMA, Sections 148 to 160 and Chapter 9 of the KSD SPLUM By-laws.

19. Interpretation

- (1) In this Land Use Scheme, including the register and the zoning map, the words and expressions shall have the meanings assigned to them in accordance with the definitions contained in Chapter 5, except where a contrary interpretation is clear from the context and case law.
- (2) Interpretation of words not defined in Chapter 5 will have the meanings assigned to them in the "New Shorter Oxford English Dictionary" published by Oxford University Press, except where a contrary interpretation is clear from the context.
- (3) The masculine gender includes the feminine and neuter, and vice versa, and the singular include the plural, unless the context indicated otherwise.
- (4) Whenever reference is made to a law, ordinance or by-law, the reference applies to all substitutions, amendments and additions of that law, ordinance or by-law.
- (5) Whenever reference is made to the use of a building, the reference applies also to the erection of a building, to the use of part of a building and to the use of land unit, whether a building is erected on the land unit or not.
- (6) It is understood that the terms "must" and "shall" are mandatory, and the term "may" is not mandatory, unless the context clearly indicates otherwise.
- (7) The Municipality's interpretation of the text shall prevail unless the contrary is proven.

20. Conflict of Laws

The Land Use Scheme does not grant exemption from the requirements of any Act, Ordinance, Regulation, By-law and/or any other law or legal requirement.

CHAPTER 4 : APPLICATIONS AND PROCEDURES

21. Types of Applications

- (1) No person may commence with, carry on or cause the commencement with or carrying on of land development which is not permitted in the land use scheme.
- (2) When an applicant or owner exercises a use right granted in terms of an approval he or she must comply with the conditions of the approval and the applicable provisions of the land use scheme.
- (3) Types of applications are stipulated in Sections 48 to 71 of the KSD SPLUM By-laws.

22. Application Requirements and Procedures

Application requirements are stipulated in Sections 74 to 95 of the KSD SPLUM By-laws.

23. Decision Making and Conditions of Approval

- (1) Determination of an application is based on Section 42 of SPLUMA and Section 44 of the KSD SPLUM By-laws.
- (2) An application may be approved in whole or in part, or rejected.
- (3) In deciding an application, conditions may be imposed in terms of Section 43 of SPLUMA and Sections 45 and 96 of the KSD SPLUM By-laws.
- (4) Development parameters are applicable to the use zone of the property, as set out in Chapter 7 of the Land Use Scheme, provided that the Municipality may impose specific conditions on approval of an application in terms of Section 45 of the KSD SPLUM By-laws.

CHAPTER 5 : DEFINITIONS

In this Land Use Scheme, unless the context indicates otherwise :

Abattoir means a building where animals are slaughtered and prepared for distribution to wholesale or retail outlets.

Additional Dwelling Unit means a dwelling unit which may be erected on the same land unit on which a dwelling unit exists or are in the process of being erected, provided that :

- (a) in the case of land zoned for Residential Zone 1 and Residential Zone 4 purposes, only one additional dwelling unit can be permitted and the additional dwelling unit shall be smaller than the primary unit; and
- (b) the additional dwelling unit may be attached to or separate from the main dwelling unit.

Agricultural Industry means an enterprise or concern for the processing of agricultural products on a farming unit owing to the nature, perishableness and fragility of such agricultural products and includes farm pack stores and processing facilities.

Agriculture means the cultivation and/or utilisation of land for crops and plants, the keeping and breeding of animals, operation of a game farm, the utilisation of the natural veld or land on a limited or extensive basis and includes only such activities and buildings directly related to the farming activities, including dwelling house, traditional dwelling and traditional uses.

Airfield means any portion of land, building or structure or part thereof which has been demarcated and approved by the Civil Aviation Authority for the purposes of landing or taking off of helicopters and fixed wing aircraft and ancillary uses.

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.

Applicant means a person who makes application in terms of the KSD SPLUM By-law.

Associated Uses means uses or buildings, on discretion of the Municipality, that are directly associated or linked to the primary use of the zone and are not specifically listed as a consent use. These uses should not detract from the objective of the primary use.

Authority and Government Use means a use which is practised by the organs of State or a public body, including military training centres, installations, police, jails, road stations, road camps, municipal uses such as fire services, utility services, treatment facility, dumping grounds, reservoirs, composting installations, water purification works, electrical substations, community facilities, municipal clubs, municipal storage facilities, museums, institutions, telecommunication masts and ancillary uses.

Boundary Wall means any wall, fence or enclosing structure erected on or directly next to a cadastral property boundary, including entrance gates and doors.

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

- (a) any structure, whether of a temporary or permanent nature irrespective of the materials used in the erection thereof;
- (b) any roofed structure;
- (c) any external stairs providing access between different floors, balcony, stoep, veranda, porch or similar feature of a building;
- (d) any walls or railings enclosing any feature referred to in paragraph (c); and
- (e) any wall, swimming bath, swimming pool, fireplace, reservoir or bridge or any other structure connected therewith.

Building Line means the distance from a cadastral line within which no building or structure, excluding a boundary wall, pergola or fence, may be erected.

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.

Cemetery means land or a building used for the burial of the dead and includes a crematorium, chapel, memorial wall for keeping of human ashes and other uses directly related thereto, whether for public or private benefit.

Club House means a place of assembly usually associated with sports facilities used by a sports club or group for social, recreational or sporting facilities for members of the club or association, and includes changing rooms, pro-shop, licensed restaurant for provision of alcoholic beverages for consumption on the property.

Commonage means land owned by the municipality on which residents have acquired / can acquire grazing rights or rights to arable lots with the approval of the Municipality.

Conference Facility means a business where information is presented to or ideas and information exchanged among groups of people and includes the supply of meals to attendees.

Consent Use means a land use that may be permitted with the consent of the Municipality as contemplated in this land use scheme.

Conservation Area means land used for the conservation, biodiversity and protection of natural areas, whether publicly or privately owned.

Coverage means the percentage area of a land unit that may be covered by buildings, roofs or projections, expressed as a percentage of the area of the land unit.

Crèche means land or a building used to provide day care for young children and can include a pre-school, play group or after school services.

Crematorium means a place for the incineration of corpses in a furnace and includes buildings that are necessary for the administrative and clerical uses associated therewith.

Dwelling Unit means a self-contained inter-leading group of rooms with not more than one kitchen used for human habitation and includes such outbuildings as are ordinarily used therewith and permit a home occupation for a single household.

Erf has the same meaning as land unit.

Existing Building and Use means existing buildings or use on the date of implementation of the KSD Land Use Scheme.

Flat means a dwelling unit in a block of flats.

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 an erf.

Floor Space in relation to a building or structure, means the area covered by a roof, slab or projection, excluding a projection not exceeding 1 m over an exterior wall or support. Floor space shall be measured from the outer face of the exterior walls or supports of such building or structure, and where a building or structure consists of more than one storey, the total floor space for the purposes of the definition of "floor factor" shall be the sum of the floor space of all the storeys, including that of basements. Provided that the following shall not be included in determining total floor space :

- (a) any floor areas, including basement storeys, reserved exclusively for the parking of vehicles;
- (b) any balconies, terraces, stairs, stair-wells, communal foyers and communal passages, irrespective of the fact that they are covered by a roof; and
- (c) areas for lift motors and other electronic equipment necessary for the proper functioning of the building.

Function Venue means a building or structure used for functions, weddings, receptions, exhibitions and similar uses.

Funeral Parlour means a building or portion of land used for the purpose of funeral management and is inclusive of services ordinarily ancillary to funeral management, retail facilities for sale or display of commodities required for cemetery purposes, a public reception venue or a mortuary, but excludes a monumental mason, coffin assembly or crematorium.

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

Gate House means a roofed structure located at the entrance to a property used for the controlling of access to the property.

General Business means the use of a property for mixed use purposes of retail, commercial or professional operation, which may, inter alia, include restaurants, shops, offices, financial institutions, gymnasiums or any other which is reasonably connected to a business.

General Industry means the use of land or building as a factory within the meaning of relevant other legislation controlling the use of land for a manufacturing and may include other activities incidental and subordinate to the main use such as offices, caretaker's accommodation and employee restaurants, but does not include a noxious industry or activity.

Group Housing means a group of separate and/or linked dwelling units, designed, planned and built as a harmonious architectural entity and includes support facilities relating to the operation and sustainability of the scheme or building, functional communal open space, gate house, public and/or private roadway, of which every dwelling unit has a ground floor and such dwelling units may be cadastrally subdivided.

Guest House means a dwelling unit, managed by a resident owner or a resident agent, which may supply tourist accommodation, meeting rooms and conference facilities, and meals for guests. Provided that :

- (a) not less than 3 and not more than 16 individual bedrooms or suites may be utilised or marketed by means of short term renting (being a period of not more than 3 months within one calendar year); and
- (b) the building may, in terms of the Liquor Act, 1989 (Act 27 of 1989), be licensed only for the purposes of on-site consumption and subject to any conditions or restrictions which the Municipality may impose.

Health Care Facility means a facility where human medical diagnosis, care, treatment, services and procedures are administered, such as a clinic, hospital, medical or substance abuse rehabilitation facility, and may include one or more of associated land uses such as medical consulting rooms, pathologists' rooms, operating theatres, pharmacy, pathologist laboratories, trauma and emergency units.

Height means the height of a building in storeys.

Holiday Accommodation means a harmoniously designed and built holiday development with an informal clustered layout which may include the provision of a camping sites, caravan sites, mobile homes or dwelling units, whether in private or public ownership.

Hospital means a purpose built and equipped building which is used exclusively for the medical treatment and care of sick people, but excludes a sanatorium.

Hostel means residential establishment in a custom built or converted building other than a dwelling house or dwelling unit, where lodging accommodation is provided in rooms against payment, and where communal facilities are shared, with or without the provision of meals, such as student accommodation, school hostels, staff hostels and commercial boarding houses.

Hotel means a building which is used as a temporary residence for guests and tourists, where lodging and meals are provided and includes activities directly related to the hotel, including a conference facility, lecture room, restaurant, place of assembly and recreational facilities. Alcoholic beverages can only be sold and consumed subject to the requirements of the Liquor Act.

House Shop (spaza shop) means a shop that is operated from a dwelling house, provided that :

- (a) such activities are restricted to one room of the principal dwelling or a garage or outbuilding with such an area not exceeding 30 % of the dwelling;
- (b) the dwelling is to have a primarily residential function;
- (c) not more than two persons should be involved in the operating of such a shop;
- (d) such a shop should not impact negatively on the surrounding neighbours; and
- (e) all signs of trade, including advertising, should be granted by the Municipal By-laws.

Incremental Housing means areas generally occupied by informal structures, shelters and support activities or land that has not been formally planned or surveyed and falls within the urban edge.

Institution means land or a building used as a charity institution, social or welfare building, hospital, nursing home, clinic, frail care, sanatorium, correctional institution or any other institution, library, multi-purpose centre, place of assembly, community hall and facilities and similar uses, whether private or public, and includes uses directly related thereto, but does not include a facility for the treatment for infectious or contagious diseases, a facility as defined in the relevant act for the detention of mentally handicapped persons, a psychiatric hospital, jail or prisoner reformatory.

Intensive Animal Farming means a concentrated, intensive and confined animal keeping or growing operation, for production of meat, milk, eggs, or other animal products, located in open air pens, structures or buildings wherein the animals are provided with externally sourced feed and where the concentration of animals in a confined area has the potential to cause a public nuisance or health hazard, and includes enterprises such as aqua-culture, battery chicken farming and piggeries.

Kitchen means a room or part of a room equipped for preparing and cooking meals and excludes a braai room, drinks preparation area and domestic bar facilities in a bona fide home entertainment area.

KSD SPLUM By-laws means the KSD Spatial Planning & Land Use Management By-laws No. 3742, dated 3 October 2016.

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

if not depicted on a diagram or general plan approved in terms of the Land Survey Act, 1997 (Act No 8 of 1997), it means

- (a) a portion of land depicted by the Municipality on a georeferenced plan;
- (b) a portion of land that has been demarcated in terms of the customary law applicable in the area in which it is situated, or that was in the past demarcated by the Department of Agriculture after consultation with the relevant traditional authority structure; or
- (c) an area of communal land to which a household holds a formal or informal right, provided that such right is recognized in terms of the customary law applicable in the area in which it is situated and which right is held with the consent of, and adversely to, the registered owner of the land.

Land Use Scheme of the KSD Municipality means a Land Use Scheme as defined in SPLUMA.

Lateral Boundary means every common boundary of an erf, excluding a rear boundary.

Light Industry means the use of land on a building as a factory, but does not cause noise, vibration, pollution, smoke or fumes that will have a negative impact on the immediate surroundings.

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.

Medical Use means a building used for medical consultation, examination or treatments of humans or animals by members of the medical or allied professions but does not include overnight or live-in facilities for humans or an institution.

Mining means an enterprise which practices the extraction of raw materials from the earth, whether by means of surface or underground methods, including stone, sand, clay, kaolin, ores, minerals or precious stones and includes buildings connected with such operations, but does not include manufacturing, industrial activity or mining industries.

Mining Industry means land or a building on used as an industry but are directly related to the mining activity or the same land.

Mortuary means a place where corpses are kept, stored, examined, laid out or prepared for identification, burial or cremation and may also include an ancillary place of assembly and/or funeral parlour.

Municipality means the KSD Municipality, established in terms of the Municipal Structures Act, 1998 (Act 117 of 1998) and where the context so requires, includes any political structure, political office bearer, councillor, duly authorised agent, any employee or the Tribunal acting in connection with this Land Use Scheme by virtue of a power vested in the Municipality and delegated or sub-delegated to such political structure, political office bearer, Councillor, agent, employee or Tribunal.

Nature Reserve means land used for the conservation, biodiversity and protection of natural areas, whether publicly or privately owned, or which has been declared a nature park or reserve and includes a game park, reserve for fauna and flora and includes buildings and facilities directly related to management of the conservation area or nature reserve, inclusive of facilities for day visitors, but does not include overnight accommodation and tourist facilities.

Noxious Use means a facility or land use which, because of fumes, ignitions, smells, vibration, noise, waste products, nature of the material used, processes employed or any other cause, as deemed by the Municipality to be a potential source of danger, public nuisance, or offensive to the general public or environment of the surrounding area and includes uses as defined in the relevant legislation as noxious or a nuisance, hazard or health risk.

Nursery means a property or part thereof which is utilised for the propagation and sale of plants and gardening products and includes a shop utilised exclusively for the sale of gardening products.

Office means a building used only for professional, clerical, administrative work, medical uses and includes storage areas ancillary to the office use.

Outbuilding means a building, whether separate from or attached to the dwelling unit, utilised or intended to be utilised as a motor vehicle garage, storage space, entertainment area, laundry or staff accommodation in so far as these uses are usually and reasonably required in connection with the main dwelling unit.

Outdoor Storage means land used for the storage of materials and goods outdoors or in the open that is generally visible from the outside, but excludes a scrap yard.

Parking Bay means the space provided for the parking of a motor vehicle which is accessible and designed to the satisfaction of the Municipality.

Petrol Filling Station means land or a building used for the supply of fuel and lubricants for motor vehicles, maintenance, repair and cleaning of motor vehicles, trading in motor vehicles, oils and tyres, a shop, car wash, restaurant, rest facilities and offices, but does not include spray painting, panel beating or body work facilities.

Place of Assembly means a building used for gatherings, meetings and include a public hall, a hall for social functions, a music hall, a concert hall, an exhibition hall, a public art gallery or a town or civic centre.

Place of Entertainment means land or a building used as a multi-purpose facility for the purpose of sport, recreation, entertainment and includes a hall, theatre, sports stadium, private club, place of assembly, amusement park, cinema, public hall and skating rink or similar use.

Place of Instruction means land or a building used as a crèche, nursery school, school, college, technical institution, university, academy, lecture hall, convent, public library, art gallery, museum or other such facility which is utilised for education purposes and includes facilities directly related thereto.

Place of Worship means land or a building used as a church, mosque, temple, chapel, synagogue or facility for practising religion or devotion and includes uses directly related thereto, but does not include a funeral parlour.

Policy Plan means a policy adopted by the Municipality, Spatial Development Framework or other policy plan approved by the Municipality.

Primary Use in relation to property means any land use specified in this By-law as a primary use, being a use that is permitted within a zoning without the need to obtain the Municipality's approval.

Private Open Space means land which is for private use and is used as an open area, park, playground, natural and protected areas, recreation ground or square and can form part of a residential development.

Private Roads and Access means a private land which is reserved exclusively for the parking and movement of vehicles and pedestrians and which is under the control of a private individual or agency or Body Corporate.

Public Open Space means a park, public garden, square, sports field, sports facility, children's' playground, amusement park, place of recreation, beach area or any similar amenity, in respect of which the ownership as such vests in the local authority.

Public Roads and Parking means a gravel, paved or surfaced road which may be a separate cadastral entity, a registered right of way servitude, or exist by means of other legislation, and which is set aside to provide for vehicular access and movement, and which vest in or is owned by the Municipality or another public road or transport authority and may also include on-street parking.

Rear Boundary means every common boundary of an erf which is parallel to, or is within less than 45° of being parallel to, every street boundary of such erf and which does not link up with a street boundary thereof.

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Renewable Energy Structure means any wind turbine, solar energy generating apparatus (including solar photo-voltaic and concentrated solar thermal), small scale hydro turbines or bio mass facility and/or any grouping thereof, that captures and converts wind, solar radiation or bio mass energy for commercial gain irrespective of whether it feeds onto an electricity grid or not and may include administration facilities and any associated infrastructure that may lead to the generation, transmission and distribution of electricity on a commercial basis. Such infrastructure may also include but is not limited to workshops and stores, offices, site canteen, medical station, fire station, a tourist facilitation centre, ambulance garage, compressor house buildings, water supply infrastructure, research facilities, guard houses and recreational facilities for personnel.

Residential Building means a building for human habitation, together with such outbuildings and support facilities relating to the operation and sustainability of the scheme or building, and includes a boarding house, backpackers facility, residential rooms, student accommodation, guest house, children's home, retirement village, hostel, hotel, group housing, dwelling units, flats and a gate house.

Residential Rooms means a building or group of buildings containing separate or free standing rooms aimed at the rental market and includes tenements and rural flats.

Resort means a resource based holiday or recreational development that is accessible to the public (which may be subject to booking and fee arrangements).

Resort Shop means a shop that functions within a resort for the purpose of providing a service to the resort.

Restaurant means a shop, cafeteria, tea garden, coffee shop or other similar facility in which mainly prepared food and refreshments are sold and served. Alcoholic beverages can only be sold and consumed subject to the requirements of the Liquor Act.

Retirement Village means a group housing scheme which conforms to the following additional conditions :

- (a) each dwelling unit shall only be occupied by a retired person or by a family of whom at least one member is a retired person;
- (b) a full spectrum of care and other recreational facilities shall be provided to the satisfaction of the Municipality;
- (c) development rules other than those applicable in a group housing zone may in respect of a retirement village be determined by the Municipality; and
- (d) as defined in Section 1 of the Housing Development Schemes for Retired Persons Act, 1988 (Act 65 of 1988).

Scrap Yard means land or a building used for the storage, collecting, demolition, dismantling of scrap, waste and second-hand material, motor vehicles or machinery for the purpose of recovering spare parts or for the resale thereof and excludes a builders yard.

Service Trade means the utilization of a building or of premises for an enterprise which is primarily involved in the rendering of a service for the local environs.

Shelter means a structure and unit of accommodation intended for human occupation, constructed of any material whatsoever, even though such structure or material may not comply with the standards or requirement for durability intended by the National Building Act.

Shop means land or a building used for retail or trade, including a workshop and/or store which is directly related to but subordinate to the retail or trade use and does not exceed more than 30% of the total floor area of the retail or trade use.

Spatial Development Framework means the Municipality's Spatial Development Frameworks approved in terms of SPLUMA.

Special Use means a use or combination of uses which is such, or in respect of which the land use restrictions are such, that provision is not made therefore in this land use scheme, and which is defined in detail by means of conditions of approval or by means of provisions applicable to the special zone.

SPLUMA means the Spatial Planning & Land Use Management Act, 2013 (Act 16 of 2013).

Sport Facility means land or a building planned, designed and used for sport activities, whether indoors or outdoors, and includes a gymnasium, club house, high-mast lights and uses directly related or incidental thereto.

Storey means that portion of a building 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 Land Use Scheme :

- (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; and
- (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.

Storm Water means water resulting from natural processes, the precipitation or accumulation of the water, 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.

Street Boundary means the boundary, as surveyed or proclaimed, between an erf and the adjoining street.

Student means a person who is registered to study in an academic institution.

Student Accommodation means a secure and professionally managed dwelling place for the accommodation of between 5 and 12 students registered in an academic institution, with communal areas that include lounge / dining room, kitchen and bathroom(s), serviced and maintained daily / weekly and conducive to studying and personal wellbeing.

Tavern means a home-based business that provides for on-site consumption of food and liquor in a dwelling unit.

Telecommunication Mast means a structure on land or a building and used for telecommunication infrastructure to transmit or receive electronic communication signals.

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

Town Housing means a group of separate and/or linked dwelling units, designed, planned and built as a harmonious architectural entity and includes support facilities relating to the operation and sustainability of the scheme or building, functional communal open space, gate house, public and/or private roadway and such dwelling units may be cadastrally subdivided.

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

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

Traditional Dwelling means a self-contained inter-leading group of rooms, or free standing rooms functioning in an integrated manner as a dwelling unit or homestead, grouped together on a land unit, used for living accommodation and housing of a family, together with such outbuildings as are ordinarily used therewith and construction and materials might not comply to the standard of the National Building Act. Traditional Dwelling excludes free-standing rooms that function as Tenements of Flats.

Traditional Use are uses normally associated with traditional lifestyle and customs in the rural areas of the Municipality and includes traditional ceremonies, functions and land uses normally associated with the functioning of a traditional village.

Transport Facility means a facility for vehicles used for transportation of goods and the associated administrative facilities and includes a truck depot, and truck stop, but does not include a container depot.

Transport Use means land or buildings used for the operation of a service for the benefit of the public providing for transportation of goods or passengers by rail, air, sea or road and includes stations, taxi ranks, bus depots, harbours, transportation amenities and facilities.

Wholesale Warehousing means a building used for the storage of goods, or as a depot for a wholesale business, or as a place for the storage of commercial material.

Zoning includes base zoning and overlay zoning.

CHAPTER 6 : LAND USE ZONES

24. Use Zone Table

Land Use Category	1 Zoning	2 Objective	3 Primary Use	4 Consent Use
Agriculture & Rural	Agriculture Zone 1 (Rural, Agriculture & Traditional Uses Outside Peri-urban Areas)	<ul style="list-style-type: none"> Provide for land to be developed and buildings erected for the reasonable and ordinary use of buildings that are generally associated with agricultural and rural development purposes. To accommodate traditional land use, homesteads and activities in the areas outside the urban nodes and defined urban edge. To protect the rural and traditional identity and support traditional methods of land use and allocation. 	<ul style="list-style-type: none"> Agriculture Commonage Dwelling Unit Shelter Traditional Dwelling Traditional Uses 	<ul style="list-style-type: none"> Abattoir Additional Dwelling Unit Agricultural Industry Cemetery Function Venue Guest House Intensive Animal Farming Nursery Residential Rooms Service Trade Sport Facility Tourist Facility

Land Use Category	1 Zoning	2 Objective	3 Primary Use	4 Consent Use
Residential	Residential Zone 1 (Single Residential)	<ul style="list-style-type: none"> Use of land for single residential purposes. Protection of the quality and character of residential neighbourhoods and the well-being of its citizens. Limit multiple use of buildings to minimize adverse impact on the residential environment. Densities that are compatible with existing surrounding land uses and are generally situated inside the urban edge. Site sizes to be guided by relevant subdivision / densification policy, as per the SDF. 	<ul style="list-style-type: none"> Dwelling Unit 	<ul style="list-style-type: none"> Additional Dwelling Unit Crèche Guest House
	Residential Zone 2 (Medium Density Residential (up to 50 units / ha))	<ul style="list-style-type: none"> Medium density residential development up to a maximum gross density of 50 units per hectare. Use of land for the purposes of harmonious architectural designed development, sharing common areas such as roads and open space. Residential developments of a medium scale and limited height and it could be single, semi-detached, row or linked residential units, including retirement villages. Limited non-residential uses to protect the residential character. 	<ul style="list-style-type: none"> Dwelling Unit Group Housing Guest House Retirement Village 	<ul style="list-style-type: none"> Crèche Residential Rooms
	Residential Zone 3 (High Density Residential & Residential Buildings (above 50 units / ha))	<ul style="list-style-type: none"> High density residential developments with a gross density of more than 50 units per hectare. Residential developments of medium to large scale that can consist of multiple stories or levels. Areas identified for densification and high intensity mixed use, including areas along major corridors and business nodes. Residential development in this category can include flats, boarding house, hotels, backpackers and student accommodation. High density residential development can be combined with commercial activity in areas identified by the SDF as mixed use. Increased height and coverage parameters should be based on the SDF proposals and possible overlay zones. 	<ul style="list-style-type: none"> Dwelling Unit Guest House Hotel Residential Building 	<ul style="list-style-type: none"> Crèche
	Residential Zone 4 (Incremental Housing & Informal Areas)	<ul style="list-style-type: none"> The zone facilitates upgrading and incremental housing from an informal settlement to a formal settlement, within the urban edge. May apply to individual land units or to blocks containing an informal settlement. In recognition of the realities of poor and marginalised communities, development rules are not very restrictive. Once upgrading of an area has reached an appropriate stage, as determined by the Municipality, it is contemplated that the area may be rezoned to Residential Zone 1 or another appropriate zone. 	<ul style="list-style-type: none"> Dwelling Unit Guest House Incremental Housing Residential Rooms Traditional Dwelling 	<ul style="list-style-type: none"> Associated Uses

Land Use Category	1 Zoning	2 Objective	3 Primary Use	4 Consent Use
Business & Commercial	Business Zone 1 (High Intensity Mixed Use (CBD) and CBD edge)	<ul style="list-style-type: none"> The variety of business and related land use types representing the needs within a sub-regional and regional context. Key objective if this zone is to promote economic development, employment and mixed use through the inclusion of a wide range of uses. Generally located within the existing strong commercial nodes, central business district and areas identified for a wide range of commercial uses and mixed use activity in the SDF. For inclusion of storage, goods handling and general residential purposes. Industrial and manufacturing uses are restricted. Support development of mixed use corridors and within parameters as proposed by the relevant SDF. 	<ul style="list-style-type: none"> Dwelling Unit General Business Residential Building Guest House Hotel Office Petrol Filling Station 	<ul style="list-style-type: none"> Funeral Parlour Health Care Facility Institution Place of Assembly Place of Entertainment Place of Instruction Place of Worship Tourist Facility Transport Facility Wholesale Warehousing
	Business Zone 2 (Low Intensity Mixed Use (Suburban Centre))	<ul style="list-style-type: none"> Business uses, including shops and offices to be accommodated on neighbourhood level and in areas identified by the SDF. Provision for a variety of land uses for convenient shopping and associated requirements, restricting high impact uses, i.e. warehousing and workshops. Development can be restricted with respect to height and scale, limiting overall impact on surrounding softer land uses, i.e. Residential and community facilities. 	<ul style="list-style-type: none"> Shop Office Residential Building 	<ul style="list-style-type: none"> Funeral Parlour Health Care Facility Institution Place of Assembly Place of Entertainment Place of Instruction Place of Worship Petrol Filling Station Tourist Facility
	Business Zone 3 (Office & Residential Buildings (Office Parks))	<ul style="list-style-type: none"> Specifically restricting land use for office purposes to protect the character of certain areas. Can act as a buffer between high/ low intensity business and residential components. Includes residential buildings, promoting higher density residential / office use. 	<ul style="list-style-type: none"> Office Residential Building 	<ul style="list-style-type: none"> Place of Assembly Place of Entertainment Place of Instruction Place of Worship

Land Use Category	1 Zoning	2 Objective	3 Primary Use	4 Consent Use
Industrial & Mining	Industrial Zone 1 (General Industry)	<ul style="list-style-type: none"> The use of land for manufacturing purposes and general industrial and light industrial activity. Provision in this zone can be made for non-industrial activity but these should not compromise the general use of the land for industrial purpose. It is accepted, given the intensive nature of industrial activity, that this land use could generate negative impact on adjacent properties and the immediate environment. Noxious uses and risk industries are not allowed within this land use zone. Industrial ancillary should generally be permitted in areas demarcated by the SDF and support the principles of job creation and accessibility. 	<ul style="list-style-type: none"> General Business General Industry Light Industry Petrol Filling Station Service Trades Wholesale Warehousing 	<ul style="list-style-type: none"> Residential Building Transport Facility
	Industrial Zone 2 (Service & Light Industry)	<ul style="list-style-type: none"> To make specific provision for service trades, light industry and warehousing. Areas where general industry and noxious uses are not desirable. Generally on the edge of high intensity business district, CBD and corridors. Aimed at the construction industry, motor services trades, retail warehousing, including general business. 	<ul style="list-style-type: none"> General Industry Noxious Use 	<ul style="list-style-type: none"> General Business Light Industry Service Trades Wholesale Warehousing
	Industrial Zone 3 (Noxious Use)	<ul style="list-style-type: none"> To make specific provisions for noxious and offensive land uses. Areas for implementation to be carefully considered. All relevant legislative compliance to be adhered to prior to implementation. 	<ul style="list-style-type: none"> General Business Light Industry Service Trades Wholesale Warehousing 	<ul style="list-style-type: none"> Residential Building

Land Use Category	1 Zoning	2 Objective	3 Primary Use	4 Consent Use
Community & Institutional	Institutional Zone 1 (Places of Assembly, Instruction & Worship)	<ul style="list-style-type: none"> Provision of education and related uses. Includes schools, crèches, tertiary facilities and support activities. Provision for worship facilities and related uses. Includes places of assembly. 	<ul style="list-style-type: none"> Crèche Place of Assembly Place of Instruction Place of Worship Residential Building 	<ul style="list-style-type: none"> Cemetery Institutions Office
	Institutional Zone 2 (Institutions & Health Care Facilities)	<ul style="list-style-type: none"> Provision of a wide range of community facilities, including institutions. Institutions include health care facilities, facilities for social welfare and physical health, clinics, community halls, multi-purpose centres. 	<ul style="list-style-type: none"> Health Care Facilities Institutions Residential Building 	<ul style="list-style-type: none"> Place of Assembly Place of Instruction Place of Worship

Land Use Category	1 Zoning	2 Objective	3 Primary Use	4 Consent Use
Government	Authority Zone (Government, Authority Uses & Infrastructure)	<ul style="list-style-type: none"> Land reserved for uses normally undertaken by National, Provincial and Municipal Government, providing a service to the general public (museum and places of cultural significance and heritage). Land owned by organs of state including infrastructure, utilities and public amenities which do not qualify for inclusion into any other zone, i.e. electrical sub-stations, waste water treatment works, landfill sites, cemeteries & crematorium. Including land uses relating to public services, i.e. police services, correctional facilities, fire protection and special uses. Municipal services, offices and facilities. 	<ul style="list-style-type: none"> Authority & Government Uses 	<ul style="list-style-type: none"> Associated Uses

Land Use Category	1 Zoning	2 Objective	3 Primary Use	4 Consent Use
Transport	Transport Zone 1 (Public Roads & Parking)	<ul style="list-style-type: none"> Land use for the purpose of providing infrastructure for public use, including motorised/non-motorised transport (road ways). Including uses generally associated with the primary uses in this zone. To accommodate railway, harbour and airport facilities and associated uses for the benefit of the public, including uses normally associated with these activities. 	<ul style="list-style-type: none"> Public Roads & Parking 	<ul style="list-style-type: none"> Associated Uses Trading
	Transport Zone 2 (Private Roads)	<ul style="list-style-type: none"> Use of land for private access and private roads, including private parking facilities. Generally associated with private residential estates and group housing facilities. 	<ul style="list-style-type: none"> Private Roads & Access 	<ul style="list-style-type: none"> Associated Uses
	Transport Zone 3 (Transport Use)	<ul style="list-style-type: none"> Transport Use means land or buildings used for the operation of a service for the benefit of the public providing for transportation of goods or passengers by rail, air, sea or road and includes stations, taxi ranks, bus depots, harbours, transportation amenities and facilities. 	<ul style="list-style-type: none"> Transport Use 	<ul style="list-style-type: none"> Associated Uses

Land Use Category	1 Zoning	2 Objective	3 Primary Use	4 Consent Use
Open Space & Conservation	Open Space Zone 1 (Public Open Space)	<ul style="list-style-type: none"> Land for the provision of active and passive recreational areas on public owned land. Generally to promote public recreation, enhance aesthetic appearance and promote the maintenance of a functional open space system. Land for protection of heritage resources and cultural activities. 	<ul style="list-style-type: none"> Place of Assembly Public Open Space 	<ul style="list-style-type: none"> Cemetery Place of Assembly Place of Entertainment Sport Facility Tourist Facility Trading
	Open Space Zone 2 (Private Open Space)	<ul style="list-style-type: none"> Land for the provision of active and passive recreational areas on private owned land. Generally to promote private recreation, enhance aesthetic appearance and promote the maintenance of a functional open space system. 	<ul style="list-style-type: none"> Private Open Space 	<ul style="list-style-type: none"> Cemetery Place of Assembly Sport Facility Tourist Facility
	Open Space Zone 3 (Conservation & Protected Areas)	<ul style="list-style-type: none"> The use of land for conservation, natural areas, protected areas and areas of high biodiversity. Include statutory and non-statutory conservation areas and provision for these land uses. Protection of the natural environment and for conservation and biodiversity purposes for areas which is regarded as conservation worthy. Can include coastal protection zones and attacks. 	<ul style="list-style-type: none"> Conservation Area Nature Reserve 	<ul style="list-style-type: none"> Holiday Accommodation Recreational Uses Resorts Tourist Facility

Land Use Category	1 Zoning	2 Objective	3 Primary Use	4 Consent Use
Recreation	Recreation Zone (Resort & Recreation Facilities)	<ul style="list-style-type: none"> The use of land for the purpose of short term or long term tourism accommodation, including caravan parks, chalets, mobile dwellings, holiday accommodation, tourism facilities, etc. The use of land for purposes and purposes aligned towards utilising the aesthetic and bio-physical qualities of the area. 	<ul style="list-style-type: none"> Dwelling Unit Holiday Accommodation Place of Entertainment Recreational Uses Resorts Shop Sport Facility Tourist Facility 	<ul style="list-style-type: none"> Hotel Place of Assembly

Land Use Category	1 Zoning	2 Objective	3 Primary Use	4 Consent Use
Special	Special Use (Special Uses or a Combination of Uses Not Accommodated in the Scheme)	<ul style="list-style-type: none"> To accommodate specialised land uses, or a combination of land uses, which are not included or defined in the Land Use Scheme. To afford the opportunity to impose specific conditions that are unique to the relevant land use. To accommodate unique activities and land uses that require specific tailor-made development controls or parameters. 	<ul style="list-style-type: none"> Special Uses 	<ul style="list-style-type: none"> Not Applicable

Land Use Category	1 Zoning	2 Objective	3 Primary Use	4 Consent Use
Undetermined	Undetermined Zone (Undetermined Zone)	<ul style="list-style-type: none"> Generally land in Municipal ownership and part of the commonage where a specific zone cannot be allocated. 	<ul style="list-style-type: none"> Existing Building & Use 	<ul style="list-style-type: none"> Not Applicable

CHAPTER 7 : USE ZONE DEVELOPMENT PARAMETERS

25. Zoning, Primary Uses and Consent Use

Land Use Category	Zoning & Primary Use	Colour & GIS Notation	Consent Use	Building Lines (m)			Height (storey)	Coverage (%)
				Street	Lateral	Rear		
Agriculture & Rural	Agriculture Zone 1		<ul style="list-style-type: none"> • Abattoir • Additional Dwelling Unit • Agricultural Industry • Cemetery • Function Venue • Guest House • Intensive Animal Farming • Nursery • Residential Rooms • Service Trade • Sport Facility • Tourist Facility 	existing	existing	existing	2	N/A
	Residential Zone 1		<ul style="list-style-type: none"> • Additional Dwelling Unit • Crèche • Guest House 	≤ 499 : 2 > 500 : 3	≤ 499 : 1 > 500 : 1,5	≤ 499 : 1 > 500 : 1,5	≤ 499 : 2 > 500 : 2	≤ 499 : 70 > 500 : 50
Residential	Residential Zone 2		<ul style="list-style-type: none"> • Crèche • Residential Rooms 	5	3	3	3	70
	Residential Zone 3		<ul style="list-style-type: none"> • Crèche 	8	3	3	15	70
	Residential Zone 4		<ul style="list-style-type: none"> • Associated Uses 	1	1	0	2	80

Chapter 7 :
Use Zone
Development
Parameters

King Sabata Dalindyebo Local Municipality : Land Use Scheme

Land Use Category	Zoning & Primary Use	Colour & GIS Notation	Consent Use	Building Lines (m)			Height (storey)	Coverage (%)
				Street	Lateral	Rear		
Business & Commercial	Business Zone 1 • Dwelling Unit • General Business • Residential Building • Guest House • Hotel • Office • Petrol Filling Station		<ul style="list-style-type: none"> • Funeral Parlour • Health Care Facility • Institution • Place of Assembly • Place of Entertainment • Place of Instruction • Place of Warship • Tourist Facility • Transport Facility • Wholesale Warehousing 	0	0	3	15	100
	Business Zone 2 • Shop • Office • Residential Building		<ul style="list-style-type: none"> • Funeral Parlour • Health Care Facility • Institution • Place of Assembly • Place of Entertainment • Place of Instruction • Place of Warship • Petrol Filling Station • Tourist Facility • Car Wash 	3	0	3	no limit	80
	Business Zone 3 • Office • Residential Building		<ul style="list-style-type: none"> • Place of Assembly • Place of Entertainment • Place of Instruction • Place of Warship 	3	0	3	4	80
	Industrial Zone 1 • General Business • General Industry • Light Industry • Petrol Filling Station • Service Trades • Wholesale Warehousing		<ul style="list-style-type: none"> • Residential Building • Transport Facility 	5	2	3	3	75
Industrial & Mining	Industrial Zone 2 • General Industry • Noxious Use		<ul style="list-style-type: none"> • General Business • Light Industry • Service Trades • Wholesale Warehousing 	5	2	3	3	75
	Industrial Zone 3 • General Business • Light Industry • Service Trades • Wholesale Warehousing		<ul style="list-style-type: none"> • Residential Building 	5	2	3	3	75

Land Use Category	Zoning & Primary Use	Colour & GIS Notation	Consent Use	Building Lines (m)			Height (storey)	Coverage (%)
				Street	Lateral	Rear		
Community & Institutional	Institutional Zone 1 <ul style="list-style-type: none"> Crèche Place of Assembly Place of Instruction Place of Worship Residential Building 		<ul style="list-style-type: none"> Cemetery Institutions Office 	5	3	3	4	80
	Institutional Zone 2 <ul style="list-style-type: none"> Health Care Facilities Institutions Residential Building 		<ul style="list-style-type: none"> Place of Assembly Place of Instruction Place of Worship Place of Assembly Place of Instruction Place of Worship 	5	3	3	4	80
	Authority Zone <ul style="list-style-type: none"> Authority & Government Uses 		<ul style="list-style-type: none"> Associated Uses 	Site and Development Specific as determined by Council				
Transport	Transport Zone 1 <ul style="list-style-type: none"> Public Roads & Parking 		<ul style="list-style-type: none"> Associated Uses Trading 	Site and Development Specific as determined by Council				
	Transport Zone 2 <ul style="list-style-type: none"> Private Roads & Access 		<ul style="list-style-type: none"> Associated Uses 	Site and Development Specific as determined by Council				
	Transport Zone 3 <ul style="list-style-type: none"> Transport Use 		<ul style="list-style-type: none"> Associated Uses 	Site and Development Specific as determined by Council				

Land Use Category	Zoning & Primary Use	Colour & GIS Notation	Consent Use	Building Lines (m)			Height (storey)	Coverage (%)
				Street	Lateral	Rear		
Open Space & Conservation	Open Space Zone 1 • Place of Assembly • Public Open Space		• Cemetery • Place of Assembly • Place of Entertainment • Sport Facility • Tourist Facility • Trading	10	10	10	2	Site and Development Specific as determined by Council
	Open Space Zone 2 • Private Open Space		• Cemetery • Place of Assembly • Sport Facility • Tourist Facility	10	10	10	2	Site and Development Specific as determined by Council
	Open Space Zone 3 • Conservation Area • Nature Reserve		• Holiday Accommodation • Recreational Uses • Resorts • Tourist Facility	10	10	10	2	Site and Development Specific as determined by Council
Recreation	Recreation Zone • Dwelling Unit • Holiday Accommodation • Place of Entertainment • Recreational Uses • Resorts • Shop • Sport Facility • Tourist Facility		• Hotel • Place of Assembly	3	1.5	1.5	2	70
Special	Special Use • Special Uses		• Not Applicable	Site and Development Specific as determined by Council				
Undetermined	Undetermined Zone • Existing Building & Use		• Not Applicable	Site and Development Specific as determined by Council				

LAND USE CATEGORY		Agriculture & Rural		
ZONING		Agriculture Zone 1		
PURPOSE		Rural, Agriculture & Traditional Uses Outside Peri-urban Areas		
Objectives				
<ul style="list-style-type: none"> Provide for land to be developed and buildings erected for the reasonable and ordinary use of buildings that are generally associated with agricultural and rural development purposes. To accommodate traditional land use, homesteads and activities in the areas outside the urban nodes and defined urban edge. To protect the rural and traditional identity and support traditional methods of land use and allocation. 				
USE OF THE PROPERTY				
Primary Use	Definition	Consent Use		
<i>Agriculture</i>	means the cultivation and/or utilisation of land for crops and plants, the keeping and breeding of animals, operation of a game farm, the utilisation of the natural veld or land on a limited or extensive basis and includes only such activities and buildings directly related to the farming activities, including dwelling house, traditional dwelling and traditional uses.	<ul style="list-style-type: none"> • Abattoir • Additional Dwelling Unit • Agricultural Industry • Cemetery • Function Venue • Guest House • Intensive Animal Farming • Nursery • Residential Rooms • Service Trade • Sport Facility • Tourist Facility 		
<i>Commonage</i>	means land owned by the municipality on which residents have acquired / can acquire grazing rights or rights to arable lots with the approval of the Municipality.			
<i>Dwelling Unit</i>	means a self-contained inter-leading group of rooms with not more than one kitchen used for human habitation and includes such outbuildings as are ordinarily used therewith and permit a home occupation for a single household.			
<i>Shelter</i>	means a structure and unit of accommodation intended for human occupation, constructed of any material whatsoever, even though such structure or material may not comply with the standards or requirement for durability intended by the National Building Act.			
<i>Traditional Dwelling</i>	means a self-contained inter-leading group of rooms, or free standing rooms functioning in an integrated manner as a dwelling unit or homestead, grouped together on a land unit, used for living accommodation and housing of a family, together with such outbuildings as are ordinarily used therewith and construction and materials might not comply to the standard of the National Building Act. Traditional Dwelling excludes free-standing rooms that function as Tenements of Flats.			
<i>Traditional Uses</i>	are uses normally associated with traditional lifestyle and customs in the rural areas of the Municipality and includes traditional ceremonies, functions and land uses normally associated with the functioning of a traditional village.			
DEVELOPMENT PARAMETERS				
Building Lines			Height	Coverage
Street	Lateral &	Rear		
existing			2 storeys	N/A

27. Residential Zone 1

LAND USE CATEGORY	Residential				
ZONING	Residential Zone 1				
PURPOSE	Single Residential				
Objectives					
<ul style="list-style-type: none">• Use of land for single residential purposes.• Protection of the quality and character of residential neighbourhoods and the well-being of its citizens.• Limit multiple use of buildings to minimize adverse impact on the residential environment.• Densities that are compatible with existing surrounding land uses and are generally situated inside the urban edge.• Site sizes to be guided by relevant subdivision / densification policy, as per the SDF.					
USE OF THE PROPERTY					
Primary Use	Definition				Consent Use
Dwelling Unit	means a self-contained inter-leading group of rooms with not more than one kitchen used for human habitation and includes such outbuildings as are ordinarily used therewith and permit a home occupation for a single household.				<ul style="list-style-type: none">• Additional Dwelling Unit• Crèche• Guest House
DEVELOPMENT PARAMETERS					
Building Lines				Height	Coverage
	Street	Lateral	Rear		
Erven < 499 m ²	1 m	1 m	1 m	2 storeys	70 %
Erven > 500 m ²	3 m	1.5 m	1.5 m	2 storeys	50 %

LAND USE CATEGORY	Residential			
ZONING	Residential Zone 2			
PURPOSE	Medium Density Residential (up to 50 units / ha)			
Objectives				
<ul style="list-style-type: none"> • Medium density residential development up to a maximum gross density of 50 units per hectare. • Use of land for the purposes of harmonious architectural designed development, sharing common areas such as roads and open space. • Residential developments of a medium scale and limited height and it could be single, semi-detached, row or linked residential units, including retirement villages. • Limited non-residential uses to protect the residential character. 				
USE OF THE PROPERTY				
Primary Use	Definition			Consent Use
<i>Dwelling Unit</i>	means a self-contained inter-leading group of rooms with not more than one kitchen used for human habitation and includes such outbuildings as are ordinarily used therewith and permit a home occupation for a single household.			<ul style="list-style-type: none"> • <i>Crèche</i> • <i>Residential Rooms</i>
<i>Group Housing</i>	means a group of separate and/or linked dwelling units, designed, planned and built as a harmonious architectural entity and includes support facilities relating to the operation and sustainability of the scheme or building, functional communal open space, gate house, public and/or private roadway, of which every dwelling unit has a ground floor and such dwelling units may be cadastrally subdivided.			
<i>Guest House</i>	means a dwelling unit, managed by a resident owner or a resident agent, which may supply tourist accommodation and meals for resident guests. Provided that : <ul style="list-style-type: none"> • not less than 3 and not more than 16 individual bedrooms or suites may be utilised or marketed by means of short term renting (being a period of not more than 3 months within one calendar year); and • the building may, in terms of the Liquor Act, 1989 (Act 27 of 1989), be licensed only for the purposes of on-site consumption and subject to any conditions or restrictions which the Municipality may impose. 			
<i>Retirement Village</i>	means a group housing scheme which conforms to the following additional conditions : <ul style="list-style-type: none"> • each dwelling unit shall only be occupied by a retired person or by a family of whom at least one member is a retired person; • a full spectrum of care and other recreational facilities shall be provided to the satisfaction of the Municipality; • development rules other than those applicable in a group housing zone may in respect of a retirement village be determined by the Municipality; and • as defined in Section 1 of the Housing Development Schemes for Retired Persons Act, 1988 (Act 65 of 1988). 			
DEVELOPMENT PARAMETERS				
Building Lines			Height	Coverage
Street	Lateral &	Rear		
5 m	3 m	3 m	3 storeys	70 %

29. Residential Zone 2

LAND USE CATEGORY		Residential		
ZONING		Residential Zone 3		
PURPOSE		High Density Residential & Residential Buildings (above 50 units / ha)		
Objectives				
<ul style="list-style-type: none">High density residential developments with a gross density of more than 50 units per hectare.Residential developments of medium to large scale that can consist of multiple stories or levels.Areas identified for densification and high intensity mixed use, including areas along major corridors and business nodes.Residential development in this category can include flats, boarding house, hotels, backpackers and student accommodation.High density residential development can be combined with commercial activity in areas identified by the SDF as mixed use.Increased height and coverage parameters should be based on the SDF proposals and possible overlay zones.				
USE OF THE PROPERTY				
Primary Use		Definition		Consent Use
Dwelling Unit		means a self-contained inter-leading group of rooms with not more than one kitchen used for human habitation and includes such outbuildings as are ordinarily used therewith and permit a home occupation for a single household.		<ul style="list-style-type: none">Crèche
Guest House		means a dwelling unit, managed by a resident owner or a resident agent, which may supply tourist accommodation and meals for resident guests. Provided that : <ul style="list-style-type: none">not less than 3 and not more than 16 individual bedrooms or suites may be utilised or marketed by means of short term renting (being a period of not more than 3 months within one calendar year); andthe building may, in terms of the Liquor Act, 1989 (Act 27 of 1989), be licensed only for the purposes of on-site consumption and subject to any conditions or restrictions which the Municipality may impose.		
Hotel		means a building which is used as a temporary residence for guests and tourists, where lodging and meals are provided and includes activities directly related to the hotel, including a conference facility, lecture room, restaurant, place of assembly and recreational facilities. Alcoholic beverages can only be sold and consumed subject to the requirements of the Liquor Act.		
Residential Building		means a building for human habitation, together with such outbuildings and support facilities relating to the operation and sustainability of the scheme or building, and includes a boarding house, backpackers facility, residential rooms, student accommodation, guest house, children's home, retirement village, hostel, hotel, group housing, dwelling units, flats and a gate house.		
DEVELOPMENT PARAMETERS				
Building Lines			Height	Coverage
Street	Lateral &	Rear		
8 m	3 m	3 m	15 storeys	70 %

30. Residential Zone 2

LAND USE CATEGORY		Residential		
ZONING		Residential Zone 4		
PURPOSE		Incremental Housing & Informal Areas		
Objectives				
<ul style="list-style-type: none">• The zone facilitates upgrading and incremental housing from an informal settlement to a formal settlement, within the urban edge.• May apply to individual land units or to blocks containing an informal settlement.• In recognition of the realities of poor and marginalised communities, development rules are not very restrictive. Once upgrading of an area has reached an appropriate stage, as determined by the Municipality, it is contemplated that the area may be rezoned to Residential Zone 1 or another appropriate zone.				
USE OF THE PROPERTY				
Primary Use		Definition	Consent Use	
Dwelling Unit	means a self-contained inter-leading group of rooms with not more than one kitchen used for human habitation and includes such outbuildings as are ordinarily used therewith and permit a home occupation for a single household.		<ul style="list-style-type: none">• Associated Uses	
Guest House	means a dwelling unit, managed by a resident owner or a resident agent, which may supply tourist accommodation and meals for resident guests. Provided that : <ul style="list-style-type: none">• not less than 3 and not more than 16 individual bedrooms or suites may be utilised or marketed by means of short term renting (being a period of not more than 3 months within one calendar year); and• the building may, in terms of the Liquor Act, 1989 (Act 27 of 1989), be licensed only for the purposes of on-site consumption and subject to any conditions or restrictions which the Municipality may impose.			
Incremental Housing	Incremental Housing means areas generally occupied by informal structures, shelters and support activities or land that has not been formally planned or surveyed and falls within the urban edge.			
Residential Rooms	means a building or group of buildings containing separate or free standing rooms aimed at the rental market and includes tenements and rural flats.			
Traditional Dwelling	means a self-contained inter-leading group of rooms, or free standing rooms functioning in an integrated manner as a dwelling unit or homestead, grouped together on a land unit, used for living accommodation and housing of a family, together with such outbuildings as are ordinarily used therewith and construction and materials might not comply to the standard of the National Building Act. Traditional Dwelling excludes free-standing rooms that function as Tenements of Flats.			
DEVELOPMENT PARAMETERS				
Building Lines			Height	Coverage
Street	Lateral &	Rear		
1 m	1 m	0 m	2 storeys	80 %

31. Business Zone 1

LAND USE CATEGORY	Business & Commercial			
ZONING	Business Zone 1			
PURPOSE	High Intensity Mixed Use (CBD) & Urban Edge			
Objectives				
<ul style="list-style-type: none"> The variety of business and related land use types representing the needs within a sub-regional and regional context. Key objective if this zone is to promote economic development, employment and mixed use through the inclusion of a wide range of uses. Generally located within the existing strong commercial nodes, central business district and areas identified for a wide range of commercial uses and mixed use activity in the SDF. For inclusion of storage, goods handling and general residential purposes. Industrial and manufacturing uses are restricted. Support development of mixed use corridors and within parameters as proposed by the relevant SDF. 				
USE OF THE PROPERTY				
Primary Use	Definition			Consent Use
<i>Dwelling Unit</i>	means a self-contained inter-leading group of rooms with not more than one kitchen used for human habitation and includes such outbuildings as are ordinarily used therewith and permit a home occupation for a single household.			<ul style="list-style-type: none"> Funeral Parlour Health Care Facility Institution Place of Assembly Place of Entertainment Place of Instruction Place of Worship Tourist Facility Transport Facility Wholesale Warehousing
<i>General Business</i>	means the use of a property for mixed use purposes of retail, commercial or professional operation, which may, inter alia, include restaurants, shops, offices, financial institutions, gymnasiums or any other which is reasonably connected to a business.			
<i>Residential Building</i>	means a building for human habitation, together with such outbuildings and support facilities relating to the operation and sustainability of the scheme or building, and includes a boarding house, backpackers facility, residential rooms, student accommodation, guest house, children's home, retirement village, hostel, hotel, group housing, dwelling units, flats and a gate house.			
<i>Guest House</i>	means a dwelling unit, managed by a resident owner or a resident agent, which may supply tourist accommodation and meals for resident guests. Provided that : <ul style="list-style-type: none"> not less than 3 and not more than 16 individual bedrooms or suites may be utilised or marketed by means of short term renting (being a period of not more than 3 months within one calendar year); and the building may, in terms of the Liquor Act, 1989 (Act 27 of 1989), be licensed only for the purposes of on-site consumption and subject to any conditions or restrictions which the Municipality may impose. 			
<i>Hotel</i>	means a building which is used as a temporary residence for guests and tourists, where lodging and meals are provided and includes activities directly related to the hotel, including a conference facility, lecture room, restaurant, place of assembly and recreational facilities. Alcoholic beverages can only be sold and consumed subject to the requirements of the Liquor Act.			
<i>Office</i>	means a building used only for professional, clerical, administrative work, medical uses and includes storage areas ancillary to the office use.			
<i>Petrol Filling Station</i>	means land or a building used for the supply of fuel and lubricants for motor vehicles, maintenance, repair and cleaning of motor vehicles, trading in motor vehicles, oils and tyres, a shop, car wash, restaurant, rest facilities and offices, but does not include spray painting, panel beating or body work facilities.			
DEVELOPMENT PARAMETERS				
Building Lines			Height	Coverage
Street	Lateral &	Rear		
0 m	0 m	3 m	15 storeys	100 %

32. Business Zone 2

LAND USE CATEGORY		Business & Commercial		
ZONING		Business Zone 2		
PURPOSE		Low Intensity Mixed Use (Suburban Centre)		
Objectives				
<ul style="list-style-type: none">Business uses, including shops and offices to be accommodated on neighbourhood level and in areas identified by the SDF.Provision for a variety of land uses for convenient shopping and associated requirements, restricting high impact uses, i.e. warehousing and workshops.Development can be restricted with respect to height and scale, limiting overall impact on surrounding softer land uses, i.e. Residential and community facilities.				
USE OF THE PROPERTY				
Primary Use	Definition		Consent Use	
Shop	means land or a building used for retail or trade, including a workshop and/or store which is directly related to but subordinate to the retail or trade use and does not exceed more than 30% of the total floor area of the retail or trade use.		<ul style="list-style-type: none">Funeral ParlourHealth Care FacilityInstitutionPlace of AssemblyPlace of EntertainmentPlace of InstructionPlace of WorshipPetrol Filling StationTourist Facility	
Office	means a building used only for professional, clerical, administrative work, medical uses and includes storage areas ancillary to the office use.			
Residential Building	means a building for human habitation, together with such outbuildings and support facilities relating to the operation and sustainability of the scheme or building, and includes a boarding house, backpackers facility, residential rooms, student accommodation, guest house, children's home, retirement village, hostel, hotel, group housing, dwelling units, flats and a gate house.			
DEVELOPMENT PARAMETERS				
Building Lines			Height	Coverage
Street	Lateral &	Rear		
3 m	0 m	3 m	no limit	80 %

33. Business Zone 2

LAND USE CATEGORY		Business & Commercial		
ZONING		Business Zone 3		
PURPOSE		Office & Residential Buildings (Office Parks)		
Objectives				
<ul style="list-style-type: none">Specifically restricting land use for office purposes to protect the character of certain areas.Can act as a buffer between high/ low intensity business and residential components.Includes residential buildings, promoting higher density residential / office use.				
USE OF THE PROPERTY				
Primary Use		Definition	Consent Use	
Office	means a building used only for professional, clerical, administrative work, medical uses and includes storage areas ancillary to the office use.		<ul style="list-style-type: none">Place of AssemblyPlace of EntertainmentPlace of InstructionPlace of Worship	
Residential Building	means a building for human habitation, together with such outbuildings and support facilities relating to the operation and sustainability of the scheme or building, and includes a boarding house, backpackers facility, residential rooms, student accommodation, guest house, children's home, retirement village, hostel, hotel, group housing, dwelling units, flats and a gate house.			
DEVELOPMENT PARAMETERS				
Building Lines			Height	Coverage
Street	Lateral &	Rear		
3 m	0 m	3 m	4 storeys	80 %

34. Industrial Zone 1

LAND USE CATEGORY		Industrial & Mining		
ZONING		Industrial Zone 1		
PURPOSE		General Industry		
Objectives				
<ul style="list-style-type: none">• The use of land for manufacturing purposes and general industrial and light industrial activity.• Provision in this zone can be made for non-industrial activity but these should not compromise the general use of the land for industrial purpose.• It is accepted, given the intensive nature of industrial activity, that this land use could generate negative impact on adjacent properties and the immediate environment.• Noxious uses and risk industries are not allowed within this land use zone.• Industrial ancillary should generally be permitted in areas demarcated by the SDF and support the principles of job creation and accessibility.				
USE OF THE PROPERTY				
Primary Use		Definition		Consent Use
General Business		means the use of a property for mixed use purposes of retail, commercial or professional operation, which may, inter alia, include restaurants, shops, offices, financial institutions, gymnasiums or any other which is reasonably connected to a business.		<ul style="list-style-type: none">• Residential Building• Transport Facility
General Industry		means the use of land or building as a factory within the meaning of relevant other legislation controlling the use of land for a manufacturing and may include other activities incidental and subordinate to the main use such as offices, caretaker's accommodation and employee restaurants, but does not include a noxious industry or activity.		
Light Industry		means the use of land on a building as a factory, but does not cause noise, vibration, pollution, smoke or fumes that will have a negative impact on the immediate surroundings.		
Petrol Filling Station		means land or a building used for the supply of fuel and lubricants for motor vehicles, maintenance, repair and cleaning of motor vehicles, trading in motor vehicles, oils and tyres, a shop, car wash, restaurant, rest facilities and offices, but does not include spray painting, panel beating or body work facilities.		
Service Trades		means the utilization of a building or of premises for an enterprise which is primarily involved in the rendering of a service for the local environs.		
Wholesale Warehousing		means a building used for the storage of goods, or as a depot for a wholesale business, or as a place for the storage of commercial material.		
DEVELOPMENT PARAMETERS				
Building Lines			Height	Coverage
Street	Lateral &	Rear		
5 m	2 m	3 m	3 storeys	75 %

35. Industrial Zone 2

LAND USE CATEGORY		Industrial & Mining
ZONING		Industrial Zone 2
PURPOSE		Service & Light Industry
Objectives		
<ul style="list-style-type: none"> To make specific provision for service trades, light industry and warehousing. Areas where general industry and noxious uses are not desirable. Generally on the edge of high intensity business district, CBD and corridors. Aimed at the construction industry, motor services trades, retail warehousing, including general business. 		
USE OF THE PROPERTY		
Primary Use	Definition	Consent Use
General Industry	means the use of land or building as a factory within the meaning of relevant other legislation controlling the use of land for a manufacturing and may include other activities incidental and subordinate to the main use such as offices, caretaker's accommodation and employee restaurants, but does not include a noxious industry or activity.	<ul style="list-style-type: none"> General Business Light Industry Service Trades Wholesale Warehousing
Noxious Use	means a facility or land use which, because of fumes, ignitions, smells, vibration, noise, waste products, nature of the material used, processes employed or any other cause, as deemed by the Municipality to be a potential source of danger, public nuisance, or offensive to the general public or environment of the surrounding area and includes uses as defined in the relevant legislation as noxious or a nuisance, hazard or health risk.	
DEVELOPMENT PARAMETERS		
Building Lines		
Street	Lateral &	Rear
5 m	2 m	3 m
Height		Coverage
3 storeys		75 %

36. Industrial Zone 2

LAND USE CATEGORY	Industrial & Mining			
ZONING	Industrial Zone 3			
PURPOSE	Noxious Use			
Objectives				
<ul style="list-style-type: none">To make specific provisions for noxious and offensive land uses.Areas for implementation to be carefully considered.All relevant legislative compliance to be adhered to prior to implementation.				
USE OF THE PROPERTY				
Primary Use	Definition		Consent Use	
General Business	means the use of a property for mixed use purposes of retail, commercial or professional operation, which may, inter alia, include restaurants, shops, offices, financial institutions, gymnasiums or any other which is reasonably connected to a business.		<ul style="list-style-type: none">Residential Building	
Light Industry	means the use of land on a building as a factory, but does not cause noise, vibration, pollution, smoke or fumes that will have a negative impact on the immediate surroundings.			
Service Trades	means the utilization of a building or of premises for an enterprise which is primarily involved in the rendering of a service for the local environs.			
Wholesale Warehousing	means a building used for the storage of goods, or as a depot for a wholesale business, or as a place for the storage of commercial material.			
DEVELOPMENT PARAMETERS				
Building Lines			Height	Coverage
Street	Lateral &	Rear		
5 m	2 m	3 m	3 storeys	75 %

LAND USE CATEGORY			Community & Institutional		
ZONING			Institutional Zone 1		
PURPOSE			Places of Assembly, Instruction & Worship		
Objectives					
<ul style="list-style-type: none"> • Provision of education and related uses. • Includes schools, crèches, tertiary facilities and support activities. • Provision for worship facilities and related uses. • Includes places of assembly. 					
USE OF THE PROPERTY					
Primary Use		Definition		Consent Use	
<i>Crèche</i>		means land or a building used to provide day care for young children and can include a pre-school, play group or after school services.		<ul style="list-style-type: none"> • Cemetery • Institutions • Office 	
<i>Place of Assembly</i>		means a building used for gatherings, meetings and include a public hall, a hall for social functions, a music hall, a concert hall, an exhibition hall, a public art gallery or a town or civic centre.			
<i>Place of Instruction</i>		means land or a building used as a crèche, nursery school, school, college, technical institution, university, academy, lecture hall, convent, public library, art gallery, museum or other such facility which is utilised for education purposes and includes facilities directly related thereto.			
<i>Place of Worship</i>		means land or a building used as a church, mosque, temple, chapel, synagogue or facility for practising religion or devotion and includes uses directly related thereto, but does not include a funeral parlour.			
<i>Residential Building</i>		means a building for human habitation, together with such outbuildings and support facilities relating to the operation and sustainability of the scheme or building, and includes a boarding house, backpackers facility, residential rooms, student accommodation, guest house, children's home, retirement village, hostel, hotel, group housing, dwelling units, flats and a gate house.			
DEVELOPMENT PARAMETERS					
Building Lines			Height	Coverage	
Street	Lateral &	Rear			
5 m	3 m	3 m	4 storeys	80 %	

38. Institutional Zone 2

LAND USE CATEGORY		Community & Institutional		
ZONING		Institutional Zone 2		
PURPOSE		Institutions & Health Care Facilities		
Objectives				
<ul style="list-style-type: none">Provision of a wide range of community facilities, including institutions.Institutions include health care facilities, facilities for social welfare and physical health, clinics, community halls, multi-purpose centres.				
USE OF THE PROPERTY				
Primary Use	Definition		Consent Use	
Health Care Facilities	means a facility where human medical diagnosis, care, treatment, services and procedures are administered, such as a clinic, hospital, medical or substance abuse rehabilitation facility, and may include one or more of associated land uses such as medical consulting rooms, pathologists' rooms, operating theatres, pharmacy, pathologist laboratories, trauma and emergency units.		<ul style="list-style-type: none">Place of AssemblyPlace of InstructionPlace of Worship	
Institutions	means land or a building used as a charity institution, social or welfare building, hospital, nursing home, clinic, frail care, sanatorium, correctional institution or any other institution, library, multi-purpose centre, place of assembly, community hall and facilities and similar uses, whether private or public, and includes uses directly related thereto, but does not include a facility for the treatment for infectious or contagious diseases, a facility as defined in the relevant act for the detention of mentally handicapped persons, a psychiatric hospital, jail or prisoner reformatory.			
Residential Building	means a building for human habitation, together with such outbuildings and support facilities relating to the operation and sustainability of the scheme or building, and includes a boarding house, backpackers facility, residential rooms, student accommodation, guest house, children's home, retirement village, hostel, hotel, group housing, dwelling units, flats and a gate house.			
DEVELOPMENT PARAMETERS				
Building Lines			Height	Coverage
Street	Lateral &	Rear		
5 m	3 m	3 m	4 storeys	80 %

39. Authority Zone

LAND USE CATEGORY	Government			
ZONING	Authority Zone			
PURPOSE	Government, Authority Uses & Infrastructure			
Objectives				
<ul style="list-style-type: none">Land reserved for uses normally undertaken by National, Provincial and Municipal Government, providing a service to the general public (museum and places of cultural significance and heritage).Land owned by organs of state including infrastructure, utilities and public amenities which do not qualify for inclusion into any other zone, i.e. electrical sub-stations, waste water treatment works, landfill sites, cemeteries & crematorium.Including land uses relating to public services, i.e. police services, correctional facilities, fire protection and special uses.Municipal services, offices and facilities.				
USE OF THE PROPERTY				
Primary Use	Definition		Consent Use	
Authority & Government Uses	means a use which is practised by the organs of State or a public body, including military training centres, installations, police, jails, road stations, road camps, municipal uses such as fire services, utility services, treatment facility, dumping grounds, reservoirs, composting installations, water purification works, electrical substations, community facilities, municipal clubs, municipal storage facilities, museums, institutions, telecommunication masts and ancillary uses.		<ul style="list-style-type: none">Associated Uses	
DEVELOPMENT PARAMETERS				
Building Lines			Height	Coverage
Street	Lateral &	Rear		
Site & Development Specific as determined by Council				

40. Transport Zone 1

LAND USE CATEGORY	Transport			
ZONING	Transport Zone 1			
PURPOSE	Public Roads & Parking			
Objectives				
<ul style="list-style-type: none">Land use for the purpose of providing infrastructure for public use, including motorised/non-motorised transport (road ways).Including uses generally associated with the primary uses in this zone.To accommodate railway, harbour and airport facilities and associated uses for the benefit of the public, including uses normally associated with these activities.				
USE OF THE PROPERTY				
Primary Use	Definition		Consent Use	
Public Roads & Parking	means a gravel, paved or surfaced road which may be a separate cadastral entity, a registered right of way servitude, or exist by means of other legislation, and which is set aside to provide for vehicular access and movement, and which vest in or is owned by the Municipality or another public road or transport authority and may also include on-street parking.		<ul style="list-style-type: none">Associated UsesTrading	
DEVELOPMENT PARAMETERS				
Building Lines			Height	Coverage
Street	Lateral &	Rear		
Site & Development Specific as determined by Council				

41. Transport Zone 2

LAND USE CATEGORY	Transport			
ZONING	Transport Zone 2			
PURPOSE	Private Roads			
Objectives				
<ul style="list-style-type: none">Use of land for private access and private roads, including private parking facilities.Generally associated with private residential estates and group housing facilities.				
USE OF THE PROPERTY				
Primary Use	Definition		Consent Use	
Private Roads & Access	means a private land which is reserved exclusively for the parking and movement of vehicles and pedestrians and which is under the control of a private individual or agency or Body Corporate.		<ul style="list-style-type: none">Associated Uses	
DEVELOPMENT PARAMETERS				
Building Lines			Height	Coverage
Street	Lateral &	Rear		
Site & Development Specific as determined by Council				

42. Transport Zone 2

LAND USE CATEGORY	Transport			
ZONING	Transport Zone 3			
PURPOSE	Transport Use			
Objectives				
<ul style="list-style-type: none">Transport Use means land or buildings used for the operation of a service for the benefit of the public providing for transportation of goods or passengers by rail, air, sea or road and includes stations, taxi ranks, bus depots, harbours, transportation amenities and facilities.				
USE OF THE PROPERTY				
Primary Use	Definition		Consent Use	
Transport Use	means land or buildings used for the operation of a service for the benefit of the public providing for transportation of goods or passengers by rail, air, sea or road and includes stations, taxi ranks, bus depots, harbours, transportation amenities and facilities.		<ul style="list-style-type: none">Associated Uses	
DEVELOPMENT PARAMETERS				
Building Lines			Height	Coverage
Street	Lateral &	Rear		
Site & Development Specific as determined by Council				

43. Open Space Zone 1

LAND USE CATEGORY		Open Space & Conservation		
ZONING		Open Space Zone 1		
PURPOSE		Public Open Space		
Objectives				
<ul style="list-style-type: none">Land for the provision of active and passive recreational areas on public owned land.Generally to promote public recreation, enhance aesthetical appearance and promote the maintenance of a functional open space system.Land for protection of heritage resources and cultural activities.				
USE OF THE PROPERTY				
Primary Use		Definition		Consent Use
Place of Assembly		means a building used for gatherings, meetings and include a public hall, a hall for social functions, a music hall, a concert hall, an exhibition hall, a public art gallery or a town or civic centre.		<ul style="list-style-type: none">CemeteryPlace of AssemblyPlace of EntertainmentSport FacilityTourist FacilityTrading
Public Open Space		means a park, public garden, square, sports field, sports facility, children's' playground, amusement park, place of recreation, beach area or any similar amenity, in respect of which the ownership as such vests in the local authority.		
DEVELOPMENT PARAMETERS				
Building Lines			Height	Coverage
Street	Lateral &	Rear		
10 m	10 m	10 m	2 storeys	Site & Development Specific as determined by Council

44. Open Space Zone 2

LAND USE CATEGORY	Open Space & Conservation			
ZONING	Open Space Zone 2			
PURPOSE	Private Open Space			
Objectives				
<ul style="list-style-type: none">Land for the provision of active and passive recreational areas on private owned land.Generally to promote private recreation, enhance aesthetical appearance and promote the maintenance of a functional open space system.				
USE OF THE PROPERTY				
Primary Use	Definition			Consent Use
Private Open Space	means land which is for private use and is used as an open area, park, playground, natural and protected areas, recreation ground or square and can form part of a residential development.			<ul style="list-style-type: none">CemeteryPlace of AssemblySport FacilityTourist Facility
DEVELOPMENT PARAMETERS				
Building Lines			Height	Coverage
Street	Lateral &	Rear		
10 m	10 m	10 m	2 storeys	Site & Development Specific as determined by Council

45. Open Space Zone 2

LAND USE CATEGORY	Open Space & Conservation			
ZONING	Open Space Zone 3			
PURPOSE	Conservation & Protected Areas			
Objectives				
<ul style="list-style-type: none">The use of land for conservation, natural areas, protected areas and areas of high biodiversity.Include statutory and non-statutory conservation areas and provision for these land uses.Protection of the natural environment and for conservation and biodiversity purposes for areas which is regarded as conservation worthy.Can include coastal protection zones and attacks.				
USE OF THE PROPERTY				
Primary Use	Definition			Consent Use
Conservation Area	means land used for the conservation, biodiversity and protection of natural areas, whether publicly or privately owned.			<ul style="list-style-type: none">Holiday AccommodationRecreational UsesResortsTourist Facility
Nature Reserve	means land used for the conservation, biodiversity and protection of natural areas, whether publicly or privately owned, or which has been declared a nature park or reserve and includes a game park, reserve for fauna and flora and includes buildings and facilities directly related to management of the conservation area or nature reserve, inclusive of facilities for day visitors, but does not include overnight accommodation and tourist facilities.			
DEVELOPMENT PARAMETERS				
Building Lines			Height	Coverage
Street	Lateral &	Rear		
10 m	10 m	10 m	2 storeys	Site & Development Specific as determined by Council

46. Recreation Zone

LAND USE CATEGORY		Recreation
ZONING		Recreation Zone
PURPOSE		Resort & Recreation Facilities
Objectives		
<ul style="list-style-type: none"> The use of land for the purpose of short term or long term tourism accommodation, including caravan parks, chalets, mobile dwellings, holiday accommodation, tourism facilities, etc. The use of land for purposes and purposes aligned towards utilising the aesthetic and bio-physical qualities of the area. 		
USE OF THE PROPERTY		
Primary Use	Definition	Consent Use
Dwelling Unit	means a self-contained inter-leading group of rooms with not more than one kitchen used for human habitation and includes such outbuildings as are ordinarily used therewith and permit a home occupation for a single household.	<ul style="list-style-type: none"> Hotel Place of Assembly
Holiday Accommodation	means a harmoniously designed and built holiday development with an informal clustered layout which may include the provision of a camping sites, caravan sites, mobile homes or dwelling units, whether in private or public ownership.	
Place of Entertainment	means land or a building used as a multi-purpose facility for the purpose of sport, recreation, entertainment and includes a hall, theatre, sports stadium, private club, place of assembly, amusement park, cinema, public hall and skating rink or similar use.	
Resorts	means a resource based holiday or recreational development that is accessible to the public (which may be subject to booking and fee arrangements).	
Shop	means land or a building used for retail or trade, including a workshop and/or store which is directly related to but subordinate to the retail or trade use and does not exceed more than 30% of the total floor area of the retail or trade use.	
Sport Facility	means land or a building planned, designed and used for sport activities, whether indoors or outdoors, and includes a gymnasium, club house, high-mast lights and uses directly related or incidental thereto.	
Tourist Facility	means land or a building used for tourists or day visitors such as a tea garden, farm stall, touch farm, game viewing facilities, gift shop, place of entertainment, outdoor activity, restaurant, wellness centre or a rest room on a scale and combination of uses as determined by the Municipality for the tourist or day visitor industry, fitting with the character of the surrounding area, but does not include overnight accommodation.	
DEVELOPMENT PARAMETERS		
Building Lines		
Street	Lateral &	Rear
3 m	1.5 m	1.5 m
Height		
2 storeys		
Coverage		
70 %		

47. Special Use

LAND USE CATEGORY		Special
ZONING		Special Use
PURPOSE		Special Uses or a Combination of Uses Not Accommodated in the Scheme
Objectives		
<ul style="list-style-type: none"> To accommodate specialised land uses, or a combination of land uses, which are not included or defined in the Land Use Scheme. To afford the opportunity to impose specific conditions that are unique to the relevant land use. To accommodate unique activities and land uses that require specific tailor-made development controls or parameters. 		
USE OF THE PROPERTY		
Primary Use	Definition	Consent Use
<i>Special Uses</i>	means a use or combination of uses which is such, or in respect of which the land use restrictions are such, that provision is not made therefore in this land use scheme, and which is defined in detail by means of conditions of approval or by means of provisions applicable to the special zone.	<ul style="list-style-type: none"> <i>Not Applicable</i>
DEVELOPMENT PARAMETERS		
Building Lines		
Street	Lateral &	Rear
		Height
		Coverage
Site & Development Specific as determined by Council		

48. Undetermined Zone

LAND USE CATEGORY	Undetermined			
ZONING	Undetermined Zone			
PURPOSE	Undetermined Zone			
Objectives				
<ul style="list-style-type: none">Generally land in Municipal ownership and part of the commonage where a specific zone cannot be allocated.				
USE OF THE PROPERTY				
Primary Use	Definition		Consent Use	
Existing Building & Use	means existing buildings or use on the date of implementation of the KSD Land Use Scheme.		<ul style="list-style-type: none">Not Applicable	
DEVELOPMENT PARAMETERS				
Building Lines			Height	Coverage
Street	Lateral &	Rear		
Site & Development Specific as determined by Council				

CHAPTER 8 : GENERAL PROVISIONS

49. Conditions Applicable to all Properties

The following conditions shall apply to all erven or properties in the Land Use Scheme area :

- (a) the positioning of buildings, including outbuildings erected on the property, as well as access to and exits from the property, shall be to the satisfaction of the Municipality;
- (b) the loading or off-loading of goods shall take place within the boundaries of the property to the satisfaction of the Municipality, unless the Municipality considers that there is adequate loading or unloading facilities available in the street;
- (c) a screen wall shall be erected if required by and to the satisfaction of the Municipality, the extent, material, design, height, position and maintenance of which shall also be to the satisfaction of the Municipality;
- (d) if the property is fenced or enclosed in some other way, the extent, material, design, height, position and maintenance of such enclosure shall be to the satisfaction of the Municipality;
- (e) the registered owner shall be responsible for the maintenance of the entire development of the property, provided that, if the Municipality is of the opinion that the property or any part of the development is not maintained in a satisfactory manner, the Municipality shall be entitled to undertake such maintenance at the expense of the registered owner which expense shall be paid to the Municipality on demand;
- (f) buildings shall conform to a good standard of architecture and shall be to the satisfaction of the Municipality;
- (g) the internal roads and/or driveways on the erf shall be constructed and maintained by the owner to the satisfaction of the Municipality;
- (h) no goods or materials whatsoever shall be stored or stacked to such a height or in such a manner that it is visible from outside the property, unless prior written approval from the Municipality is granted.

50. Guidelines for Protection of the Built Environment

- (1) Conservation of the built environment should adhere to the stipulations and requirements of the National Heritage Resources Act.
- (2) The Municipality may request detailed information in respect of a place, building, structure or feature of the built environment which, in the opinion of the Municipality, is regarded as a heritage resource or conservation worthy.
- (3) The Municipality may make land use provisions, impose conditions, policies or guidelines with regard to :
 - (a) any addition or alteration to the structure which changes the floor area or otherwise alters its size, height or outline, particularly the street façade;
 - (b) internal alterations by the removal of walls or the construction of new walls which substantially change the plan and structure;
 - (c) any alterations to the external doors, windows or other external openings;
 - (d) any other alterations which change the appearance of the building, whether or not a municipal permit is required;
 - (e) major re-landscaping which will alter the appearance of the structure;
 - (f) changes to boundary walls, fences and gates;
 - (g) change of use or rezoning of a property on which a national monument is situated; and
 - (h) subdivision of a property on which a national monument is situated.

51. Guidelines for the Protection of the Sensitive Biophysical Environment

- (1) The Municipality must consult all available and applicable Conservation Plans, Legislation, Strategies and Policies prior to a decision on land use change, in terms of this Land Use Scheme.
- (2) The Municipality may designate an area to be a conservation area and :
 - (a) shall depict such area on the zoning map or prepare an overlay zone;
 - (b) shall record the designation on the zoning map; and
 - (c) shall record the development management provisions for each area in a schedule to this Scheme.
- (3) The Municipality may, prior to a decision on land use change, request detailed information in respect of a sensitive biophysical environment and impose policies, guidelines or conditions, if deemed necessary, for inclusion in the conditions of approval :
- (4) The Municipality, as part of the conditions imposed on a development, may require an Environmental Management Plan to be submitted for municipal approval to ensure the following :
 - (i) protection of the natural environment and conservation worthy elements of the biophysical environment;
 - (ii) alignment with National, Provincial and Local legislation requirements for the protection of the biophysical environment;
 - (iii) minimum disturbance of the site as a result of earth moving, installation of services and construction of structures and roads;
 - (iv) rehabilitation program after development;
 - (v) management program for public open spaces;
 - (vi) mitigating aesthetic impact;

52. Spatial Development Framework and Policy Alignment

- (1) The Municipality must prepare, amend and review the Spatial Development Framework for the municipal area in terms of Section 8 of the KSD SPLUM By-laws.
- (2) Land development decisions in terms of Chapter 4 of the KSD SPLUM By-laws must be considered in terms of Sections 22, 28 and 42 of SPLUMA and Section 44 of the KSD SPLUM By-laws.
- (3) Decisions should be aligned with National, Provincial policy and legislation applicable to the specific application or development.

53. Development Density & Consulting with the Spatial Development Framework

Decisions on development densities, minimum subdivision sizes, land use opportunities and future development within the municipal area should be guided by the Provincial SDF, Municipal SDF and Local SDF applicable to the specific area or land portion.

54. National Building Regulations

The provisions of the National Building Regulations and Building Standards Act, 1977 (Act 107 of 1977) as amended from time to time is applicable to all matters regulated by the KSD Land Use Scheme and will take preference in cases of conflicted or more restrictive provisions.

55. Development Changes

Development changes to be implemented in terms of Sections 108 – 112 of the KSD SPLUM By-laws.

56. Provision of Engineering Services & Stormwater

- (1) Provision of Engineering Services to be implemented in terms of Sections 103 – 107 of the KSD SPLUM By-laws.
- (2) Where it is impracticable for storm water to be drained from higher lying erven direct to a public street, the owner of the lower erf shall be obliged to accept and/or permit the passage over the erf of such storm water, provided that the owner of any higher lying erf, the storm water from which is discharged over any lower lying erf, shall be liable to pay a proportionate share of the cost of any pipeline or drain which the owner of such lower lying erf may find necessary to lay in order to drain storm water from his property.

57. Title Conditions

Nothing in the provisions of this Scheme shall be construed as permitting or enabling the Municipality to permit, in any area, the erection or use of any building or the use of any land, for the purpose which is prohibited under any approved conditions of title applying to such area or the conditions of title under which any land may be held.

58. Building Lines

- (1) Notwithstanding the building line requirements set out in this Land Use Scheme, the following structures or portions of structures may be erected within the prescribed building lines, provided they do not extend beyond the boundaries of a land unit :
 - (a) boundary walls, screen walls, fences and gates, not exceeding 2.1m in height above the natural ground level;
 - (b) open and uncovered stoeps;
 - (c) entrance steps, landings and entrance porches;
 - (d) a covered entrance or gatehouse that has a roofed area not exceeding 5 m² and a roof height not exceeding 3 metres from the floor to the 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) swimming pools not closer than 1 metre from any boundary;
 - (h) a basement, provided that no part of such a basement projects above natural ground level;
 - (i) a refuse room required by the Municipality; and
 - (j) water storage tanks not exceeding the height of the boundary wall.
- (2) The Municipality may approve the erection of a building or structure which exceeds a building line, provided that no doors or windows are permitted in any wall of such building fronting onto the lateral or rear boundary when such building is closer than 0.5 m to the boundary.
- (3) The Municipality may refuse, approve, or partially approve the application subject to such conditions as it may deem fit and shall notify the applicant of its decision in writing.

59. Height

No building shall exceed the number of storeys as indicated in this Land Use Scheme, provided that :

- (a) The Municipality may increase the number of storeys prescribed in any height zone, if the Municipality is satisfied that the applicant has furnished sufficient proof that a greater height is necessary and/or desirable as a result of the topography and locality of the site;

- (b) Basement storeys shall not be included in the height, provided that the bulk factor is not exceeded;
- (c) If at least 75% of a storey or floor is used solely for the parking of motor vehicles, that floor shall not be regarded as a storey for the purpose of this clause; and
- (d) Any chimney, ornamental turret, turret-like protrusion or similar architectural feature, or lift motor room, or room for the storage of mechanical equipment shall not be taken into account.

60. Coverage

- (1) No building shall be erected in such a way that the coverage is greater than that prescribed in this Land Use Scheme, provided that :
 - (a) a verandah, balcony or carport which are not enclosed shall not be included in coverage;
 - (b) all structures not covered by a rook shall not be included in coverage;
 - (c) the Municipality may consent to a basement exceeding the coverage limit where all or the major portion of the basement is situated below natural ground level; and
 - (d) where any portion of any floor of a building is designed to be used for more than once use, the floor space coverage shall confirm to the predominant use of the storey.
- (2) The Municipality may grant an increase in coverage if the Municipality is satisfied that the applicant has furnished sufficient proof that an increase in coverage is necessary and/or desirable as a result of the topography or locality of the site and the proposed increase in coverage will not detract from the amenity or development vision for the area.

61. Floor Factor

- (1) In the calculation of the maximum permitted floor space as part of bulk, the following shall be excluded :
 - (a) buildings without roofs and areas used for external fire escapes;
 - (b) areas of any floors or basements used as parking spaces for occupants of the building;
 - (c) accommodation for a lift motor room and other mechanical and electronic equipment required for the proper functioning of a building;
 - (d) a verandah or balcony in a building, provided that such verandah or balcony shall not be enclosed in any other way than by a parapet not more than 1.5m high or a wire mesh screen;
 - (e) access passages and corridors (excluding the entrance hall and foyer and passages in a dwelling where these are enclosed by an external wall or window);
 - (f) areas reasonably used for the cleansing, maintenance and care of the building(s), excluding dwelling units for caretakers, supervisors, cleaners or maintenance staff; and
 - (g) areas set aside and used exclusively for the parking, loading / unloading or fuelling of vehicles.
- (2) The Municipality may grant an increase in floor factor if the Municipality is satisfied that the applicant has furnished sufficient proof that an increase in floor factor is necessary and/or desirable as a result of the topography or locality of the site and the proposed increase in floor factor will not detract from the amenity or development vision for the area.

62. Subdivisions

- (1) The Municipality may grant or refuse an application for the subdivision of land in terms of the KSD SPLUM By-laws within, and subject to the conditions applicable to a subdivisional area, as well as an application for the subdivision of land involving no change in zoning.

- (2) In the process of the creation of new streets in any subdivision, the general principles in regard to layout, street intersections and gradients, as set out in the document "*Guidelines for the Provision of Engineering Services in Residential Townships*", published by the former Department of Community Development and as amended from time to time, shall be complied with.
- (3) The Municipality shall not grant a new subdivision unless it is satisfied that, for each land unit created, there is adequate and lawful means of :
 - (a) access to and from a public street;
 - (b) water supply if required;
 - (c) sewage disposal if required and in particular specific attention has been given to the disposal of sewerage from higher lying across lower lying erven; and
 - (d) electricity if required.
- (4) Where a minimum subdivision size is specified for a land unit in the applicable SDF :
 - (a) the nett erf area of a new subdivision and any remainder, shall not be less than the minimum size specified; and
 - (b) the narrowed access portion of a panhandle subdivision shall not be taken into account in the calculation of minimum subdivision size.
- (5) Panhandle subdivisions :
 - (a) the minimum width of a panhandle, not exceeding 50m in length shall be 4m wide along its entire length, or 6m if longer than 50m;
 - (b) the average slope of a panhandle may not exceed 1:4, provided that Municipality may approve a greater slope;
 - (c) the owner of the panhandle property shall construct a dust free driveway along the width and length of the panhandle to the satisfaction of Municipality, prior to or simultaneous with the erection of any building on such property, and shall maintain the driveway to the satisfaction of Municipality; and
 - (d) servitude access ways in the place of panhandles are not be permitted.
- (6) Subsequent to the granting of a subdivision, the person who at any time is the owner of any land unit directly involved in the subdivision, shall be required, without compensation :
 - (a) to allow gas mains, electricity, telephone and television cables and/or wires, main and/or other waterpipes and foul sewers and storm water pipes, ditches or channels of any other land unit or units to be conveyed across the land unit concerned, and surface installations such as mini-substations, meter kiosks and service pillars to be installed thereon, if considered necessary by the Municipality and in such manner and position as may from time to time be reasonably required; this shall include the right of access to the land unit at any reasonable time for the purpose of constructing, altering, removing or inspecting any works connected with the above; and
 - (b) to receive such material or permit such excavation on the land unit as may be required to allow use of the full width of an abutting street and provide a safe and proper slope to its bank necessitated by differences between the level of the street as finally constructed and the level of the land unit, unless he/she elects to build retaining walls to the satisfaction of and within a period to be determined by the Municipality.

63. Site Development Plans

The following further conditions shall apply to all erven in all use zones :

A site development plan, compiled to a scale of 1:500 or any other scale as may be approved by the Municipality, shall be submitted for approval to the Municipality and no building shall be erected on the site until such site development plan and building plans in accordance with the site development plan, have been approved by the Municipality. The entire development of the erf shall be in accordance with the approved site development plan, provided that :

- (a) the plan may be amended from time to time with the approval of the Municipality;
- (b) the Municipality may exempt the owner from submission of all or certain provisions contained within this regulation; and
- (c) the site development plan shall indicate at least the following :
 - (i) the location and height of all buildings and structures;
 - (ii) a landscape plan that indicates the type and position of existing trees, trees to be retained, landscaped areas and recreational areas;
 - (iii) vehicular and pedestrian entrances to and exits from the site and all buildings;
 - (iv) proposed subdivision lines, if the erf is to be subdivided;
 - (v) building lines and all existing and proposed servitudes;
 - (vi) treatment of all storm water in relation to the site as well as flood lines where applicable;
 - (vii) provision and location of all infrastructure;
 - (viii) parking, loading and unloading areas;
 - (ix) vehicular and pedestrian circulation;
 - (x) elevation of all buildings and structures as well as materials and finishes to be used;
 - (xi) the phasing of the development, if it is envisaged that the total development will not take place simultaneously;
 - (xii) the position of all structures on adjacent sites;
 - (xiii) proposals for site boundaries including fences, walls or other edge proposals;
 - (xiv) a land use schedule which specifies the zoning of the property, applicable controls and controls used for the development;
 - (xv) a certificate by a registered architect if required by the Municipality;
 - (xvi) a contour map indicating 0.5 meter contour intervals; and
 - (xvii) any other requirement deemed necessary by the Municipality.

64. Parking

The following parking requirements shall apply, unless otherwise stated in the Land Use Scheme or by a Municipal decision.

64.1 Provision of Parking Space

- (1) The owner of an erf shall provide on his erf at his own cost sufficient parking spaces, the minimum number of which shall be in accordance with the "*Minimum off-street Parking Requirements*" in this Section.
- (2) The Municipality must determine off-street parking requirements for land uses not stipulated in the table "*Minimum off-street Parking Requirements*".
- (3) The parking spaces, provided in terms of this regulation, shall not be used for any purpose other than for parking of motor vehicles in working order.
- (4) Parking provision and parking layout design to be indicated on the Site Development Plan and/or Building plan.

64.2 Alternative Parking Supply

- (1) As an alternative to compliance with the off-street parking requirements in terms of this Land Use Scheme, an owner may, with the approval of the Municipality :
 - (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;
 - (c) of parking, and the owner must cause the parking concerned to be constructed and maintained in accordance with the Municipality's requirements and approval.
- (2) The cost of registration of the notarial tie or servitude referred to in paragraph (1)(b) must be borne by the owner.
- (3) In the event of the owner being unable to provide the on-site parking required, the Municipality may require such owner to pay to the Municipality a financial contribution in lieu thereof, will be based on market valuation per m² of the land on which the building is erected, multiplied by the area of land which is required to be provided for parking, together with the cost of developing such land for parking purposes in which event, the Municipality shall itself acquire the necessary land for such purposes.

64.3 Parking Layout Requirements

- (1) The vehicular access/exit way shall be restricted to one per site per street frontage. In specific cases, a separate ingress and egress can be considered.
- (2) The vehicular access/exit way shall be restricted to a maximum total width of 6m where such access/exit crosses the road reserve boundary.
- (3) If the corner at a street intersection is not splayed, the vehicular access/exit way shall not be closer than 10m to such corner.
- (4) If the corner at a street intersection is splayed, the vehicular access/exit way shall not be closer than 10m to such corner or 5m measured from the point where the splay reaches the road reserve boundary, whichever is the longest distance from the corner.
- (5) If the corner is situated at a high volume street intersection or a street intersection with traffic signals, the vehicular access/exit way shall not be closer than 20m to such corner.
- (6) Such parking areas shall be duly constructed and surfaced to the satisfaction of the Municipality.
- (7) Such parking areas shall only be used for the parking of vehicles, which are lawfully allowed on them and may not be used for trading or any other purposes.
- (8) The way in which it is intended that vehicles should park in and gain access to or exit from such parking areas shall be indicated on a site development plan, which shall be submitted to the Municipality, which may approve or reject it or lay down any conditions deemed necessary by it.
- (9) The Municipality may lay down more restrictive requirements than those in this Land Use Scheme, if deemed necessary from a traffic point of view.
- (10) Parking bays shall be clearly demarcated as per approved site development plan referred to the satisfaction of the Municipality.
- (11) Parking areas will be clearly signposted to the satisfaction of the Municipality.
- (12) The Municipality may restrict or prohibit access if a pedestrian or traffic hazard is created or is likely to be created.
- (13) 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.

64.4 Minimum Off-street Parking Requirements

Residential	
<ul style="list-style-type: none"> • Dwelling Units • Group Housing • Residential Building (flats) 	1 parking bay / dwelling unit 0.5 parking bays / dwelling unit for visitors
• Residential Buildings (boarding house, residential rooms, hostel, student accommodation)	0.5 parking bays / habitable room
• Hotels	0.5 parking bays / habitable room 4 parking bays / 100m ² of public area and 25m ² loading
• Guest houses	1 parking bay / habitable room 2 parking bays for owners or management
Business & Commercial	
• General Business (CBD, business and office)	2 parking bays / 100m ² of business space
• Shops (suburban centres)	4 parking bays / 100m ² of business space
• Office (outside CBD)	4 parking bays / 100m ²
<ul style="list-style-type: none"> • Warehousing • Wholesale Warehousing • Service Trades 	1 parking bay / 100m ² for storage space 4 parking bays / 100m ² for retail space
• Petrol Filling Stations	4 parking bays / 100m ² of business space 4 parking bays / 200m ² of workshop space
<ul style="list-style-type: none"> • Light Industry • General Industry • Noxious Use 	1 parking bay / 100m ² of floor space
• Place of Assembly, Entertainment, Worship	1 parking bay / 8 seats
• Place of Education (Crèche / Primary School / Secondary School)	1 parking bay / office / classroom Sufficient loading facilities
• Place of Education (University & Colleges)	1 parking bay / office 1 parking bay / 10 students
<ul style="list-style-type: none"> • Health Care Facilities • Institutions 	4 parking bays / 100m ² of floor space for consulting rooms 1 parking bay / 2 beds
• Authority and Government Uses	As determined by the Municipality

65. Overlay Zones

65.1 The Purpose of Overlay Zones

The Municipality may prepare, review and amend overlay zones for specific areas in the Municipality with the objective of :

- (a) Giving expression, in a planning context, to the local needs and values of the communities concerned;
- (b) Promoting particular types of development, urban form, landscape character, environmental features, heritage values, development incentives or strategic intervention; and
- (c) Giving effect to specific guidelines contained in an approved Spatial Development Framework or Policy Plan.

65.2 Status of Overlay Zones

- (1) An overlay zone does not change the underlying zoning of the properties to which it relates, but may vary the development rules relating to these properties.
- (2) The development rules of an overlay zone may be more restrictive or more permissive than the development rules applicable to the underlying zoning of the land concerned as recorded in this Land Use Scheme.
- (3) The provisions of an overlay zone do not in any way detract from any obligations in terms of national, provincial and planning legislation.
- (4) The provisions of an overlay zone may apply to a land unit or land units or an area as a whole, as stipulated in the adoption of the overlay zone.

65.3 Identification and Numbering of Overlay Zones

- (1) The Municipality shall approve a distinctive name and number for each overlay zone when adopting such overlay zone.
- (2) The Municipality shall indicate the area of an overlay zone on the zoning map.
- (3) The Municipality shall record the detailed provisions of the overlay zone in a separate document with a cross reference to that document in the schedule to the Land Use Scheme.
- (4) Overlay zones shall be inserted in Schedule 7 of this Land Use Scheme.

65.4 Procedures for Adoption, Amendment, Review or Replacement of Overlay Zones

The procedure for change of use, form or function of land as contemplated in Section 41 of SPLUMA shall apply for the adoption, amendment, revision or replacement of an overlay zone.

66. Mining Activity

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

67. Renewable Energy Facilities

Permission for erecting Renewable Energy Facilities in all zonings in terms of these scheme regulations shall be obtained by way of a departure application. Such departures will be treated as permanent, unless the Renewable Energy Structure forms part of a commercial electricity generation enterprise that requires a license from the National Electricity Regulator of South Africa (NERSA) or similar body. In such event, the period of validity of the Departure will be for the duration of the validity of the license from the Regulator. Conditions of departures granted shall be to the discretion of the Municipality.

68. Telecommunication Masts

Permission for erecting a telecommunication mast or infrastructure in all zonings in terms of this Land Use Scheme shall be obtained by way of a departure. Conditions of the departure granted, shall include conditions imposed by relevant regulating authority.

69. Outbuildings

- (1) The provision of outbuildings in all zones may be permitted and these buildings shall not be classed as second dwellings as defined in this Land Use Scheme.
- (2) Outbuildings may comprise a combination of a private garage or garages, a domestic employees room or rooms, ablution facilities and, additional non-habitable rooms (e.g. laundry, workshop, storeroom, etc.) reasonably incidental to the residential use.
- (3) The Municipality may from time to time determine (by policy decision) those components of outbuildings which shall be regarded as reasonably incidental to the residential use in particular zones of the city.
- (4) The Municipality may relax the policy provisions pertaining to the outbuilding(s) on written application by the owner. Such permission shall only be granted when the maximum permitted coverage and building lines are not to be exceeded or relaxed.

70. Home Occupation

- (1) Home occupation means the practising of an occupation (a person's usual or principal work or business, especially as a means of earning a living) by one or more occupants who reside on the property, provided that the dominant use of the property concerned must remain for the living accommodation of the occupants and home occupation does not include a house shop, spaza shop or tavern.
- (2) The practice of a home occupation is permitted on all residential zoned properties, subject to the development parameters below :
 - (a) The dominant use of the property must be for residential purposes;
 - (b) The proprietor of the home occupation concerned must live on the property;
 - (c) Any new structure or alteration to the property to accommodate a home occupation must be compatible with the residential character of the area, particularly with regard to the streetscape, and must be capable of reverting to use as part of the dwelling house, second dwelling or outbuilding concerned;
 - (d) Not more than three employees may be engaged by the occupant in the home occupation concerned;
 - (e) No home occupation may include a noxious trade, risk activity, adult entertainment business, adult services, adult shop, sale of alcoholic beverages, motor repair garage, funeral parlour or activities that are likely to generate a public nuisance, including but not limited to panel beating and spray painting, auto electrician, builder's yard, welding works or joinery;
 - (f) Advertising shall be guided by the Municipality By-laws;
 - (g) Off-street parking must be provided for home occupation; and
 - (h) The total area used for all home occupation activity on a land unit, including storage, may not consist of more than 30% of the total floor area of the dwelling unit.

71. House Shops / Spaza Shops

- (1) House shop (spaza shop) means a shop that is operated from a dwelling house, provided that :
 - (a) such activities are restricted to one room of the principal dwelling or a garage or outbuilding with such an area not exceeding 30 % of the dwelling;
 - (b) the dwelling is to have a primarily residential function;
 - (c) not more than two persons should be involved in the operating of such a shop;
 - (d) such a shop should not impact negatively on the surrounding neighbours; and
 - (e) all signs of trade, including advertising, should be granted by the Municipal By-laws.

- (2) Application to operate a house shop in a dwelling house will have to be made as a departure in terms of the KSD By-laws, which is temporary, and valid for five years after which re-application has to be made.
- (3) If the departure application is granted, the applicant must be advised to apply for such trade licence or permit as may be applicable.
- (4) The consent to a departure by the Municipality for a house shop shall apply to the applicant only while he/she resides on the property and will not be transferable in any form or manner.
- (5) Advertising shall be guided by Municipal bylaws.
- (6) Customers must have direct access to the house shop from the street and not through the dwelling house.
- (7) Should any foodstuffs be prepared for sale from the house shop, the premises need to be inspected on a regular basis to ensure compliance with health regulations.
- (8) A complete record of all house shops shall be kept by the Municipality in this regard.
- (9) Any contravention of the guidelines mentioned above or any written complaints verified by officials of the Municipality could result in the closure of the house shop and the withdrawal of the departure rights.

72. Taverns

- (1) Tavern means a home-based business that provides for on-site consumption of food and liquor in a dwelling unit.
- (2) Application to operate a tavern from a dwelling house will have to be made as a departure in terms of the KSD SPLUM By-laws, which is temporary and valid for five years, after which re-application has to be made.
- (3) The departure approval by the Municipality for a tavern shall apply to the applicant only while he/she resides on the property and will not be transferable in any form or manner.
- (4) If the departure application is granted, the applicant must obtain a liquor licence.
- (5) Only a portion of a principal dwelling or garage or outbuilding with an area not exceeding 30% of the dwelling is to be converted for tavern use.
- (6) The dwelling is to retain its residential function as a primary use.
- (7) The tavern should not impact negatively on the surrounding neighbours and measures should be taken to limit operating hours, to facilitate off-loading of goods and to ensure adequate refuse removal, etc.
- (8) Operating hours should be controlled by relevant liquor trading bylaws or liquor trading licensing. In the absence of provisions in terms of a bylaw or license, trade shall be restricted to between 10:00 and 24:00 on any day.
- (9) A complete record of all taverns shall be kept by the Municipality.
- (10) All taverns will be inspected on a regular basis to ensure compliance to health regulations.
- (11) Advertising shall be guided by Municipal bylaws.
- (12) Any contravention of the guidelines mentioned above or any written complaints verified by officials of the Municipality could result in the closure of the tavern and the withdrawal of the departure rights.

73. Noxious Use

- (1) The following activities are classified as noxious use/trade/industry :
 - (a) Any use, trade or industry which constitutes a nuisance or a risk to health in neighbouring premises arising from vapours, effluvia, fluids, liquid waste matter, solid waste matter, noise, disturbance and dust – or which carries a high risk in the event of a fire, natural disaster or accident.
 - (b) Any installation, which in terms of the Occupational Health and Safety Act No. 85 of 1993 is classified as a "major hazard installation". The act defines a "major hazard installation as follows:

- (i) where more than the prescribed quantity of any substance is or may be kept, whether permanently or temporarily; or
 - (ii) where any substance is produced, processed, used, handled or stored in such a form and quantity that it has the potential to cause a major incident.
 - (c) Any activities which constitute a nuisance as envisaged in other applicable legislation (or amendments thereof) or new legislation (or regulations promulgated in terms of such legislation), including:
- (2) Approval of an application for establishment of a noxious use, trade or industry in terms of this Land Use Scheme does not exempt the owner from applying for permission in terms of other relevant legislation.

74. Guest Houses

- (1) Guest house means a dwelling unit, managed by a resident owner or a resident agent, which may supply tourist accommodation and meals for resident guests. Provided that :
 - (a) not less than 3 and not more than 16 individual bedrooms or suites may be utilised or marketed by means of short term renting (being a period of not more than 3 months within one calendar year); and
 - (b) the building may, in terms of the Liquor Act, 1989 (Act 27 of 1989), be licensed only for the purposes of on-site consumption and subject to any conditions or restrictions which the Municipality may impose.
- (2) For the purposes of this Land Use Scheme, the general public reference to Bed & Breakfast, Air B&B, Lodge and others shall be regarded as a guest house as defined.
- (3) Establishments with 1 or 2 guest rooms do not need approval from the Municipality and these establishments are not defined as Guest Houses.
- (4) Establishments with 3 to 16 guest rooms must apply for a consent to the Municipality in Agriculture Zone 1 and Residential Zone 1.
- (5) Guest houses are permissible as a primary right in Residential Zone 2, Residential Zone 3, Residential Zone 4 and is defined as a residential building.
- (6) Establishments with more than 16 guest rooms are defined as Hotels and should apply for the appropriate zoning.
- (7) Guest-rooms may not include kitchen facilities (should not be operating as self-catering units).
- (8) Guest-rooms may form part of the dwelling unit or may be provided as free-standing rooms.
- (9) 2 persons (with 2 children) shall be allowed per guest-room.
- (10) Health regulations must be complied with where applicable.
- (11) Parking to be provided as per the parking standards.

75. Advertisements and Hoardings

- (1) No advertising hoarding may be erected and no advertisement may be displayed without the permission of the Municipality, provided that the Municipality's permission, given in terms of this regulation, shall in no way be deemed to constitute an exemption from any other legislation relating to the erection and display of advertising hoardings and advertisements.
- (2) The Municipality may impose such conditions as it may deem fit in regard to the erection and use of such hoarding or advertisement, provided that consideration shall be given, inter alia, to whether the proposed advertising hoarding or the display of the proposed advertisement is likely to cause injury or offense to the amenities of the neighbourhood.
- (3) Subject to the provisions of this regulation the Municipality may authorise the display of any particular type of advertisement, subject to any conditions pertaining to the place, manner, or period of the display of the advertisement.

76. Student Accommodation

- (1) Student accommodation means a secure and professionally managed dwelling place for the accommodation of between 5 and 12 students registered in an academic institution, with communal areas that include lounge / dining room, kitchen and bathroom(s), serviced and maintained daily / weekly and conducive to studying and personal wellbeing.
- (2) Establishment with less than 5 students do not need approval from the Municipality.
- (3) Establishments with 5 to 12 students must apply for a temporary departure to the Municipality in Agriculture Zone 1, Residential Zone 1 and Residential Zone 2.
- (4) Student accommodation is permitted as a primary right in Residential Zone 3, Business Zone 1, Business Zone 2 and Business Zone 3 and is included in residential buildings, as defined.
- (5) Not more than 2 students (roommate or housemate) may be accommodated in any double bedroom, and such bedroom must have a minimum floor area of 14m².
- (6) Communal bathrooms must be provided at a ratio of 1 bathroom per 4 students.
- (7) No cooking of meals will be permitted in the sleeping area, i.e. bedrooms, any common area except in an area designated on an approved building plan as a kitchen.
- (8) The rights granted to operate student accommodation will be attached to the property and not the applicant.
- (9) The owner or student accommodation manager must be on the establishment 24 hours a day to ensure that students do not cause a nuisance to the adjoining property owners.
- (10) Parking to be provided in line with the guidelines in this Land Use Scheme.

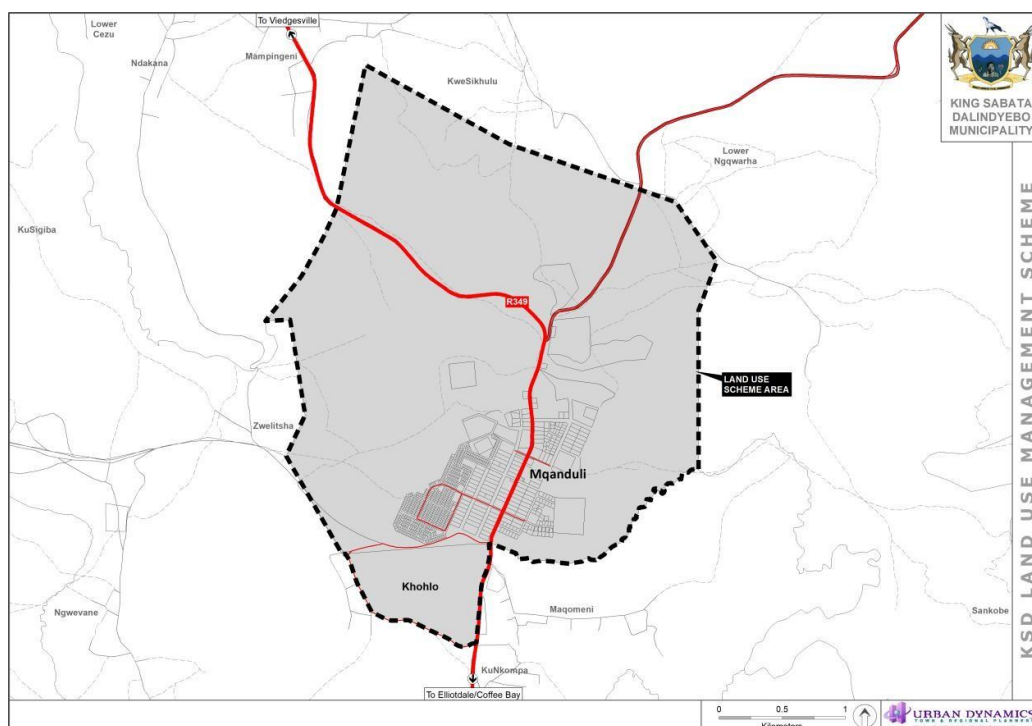
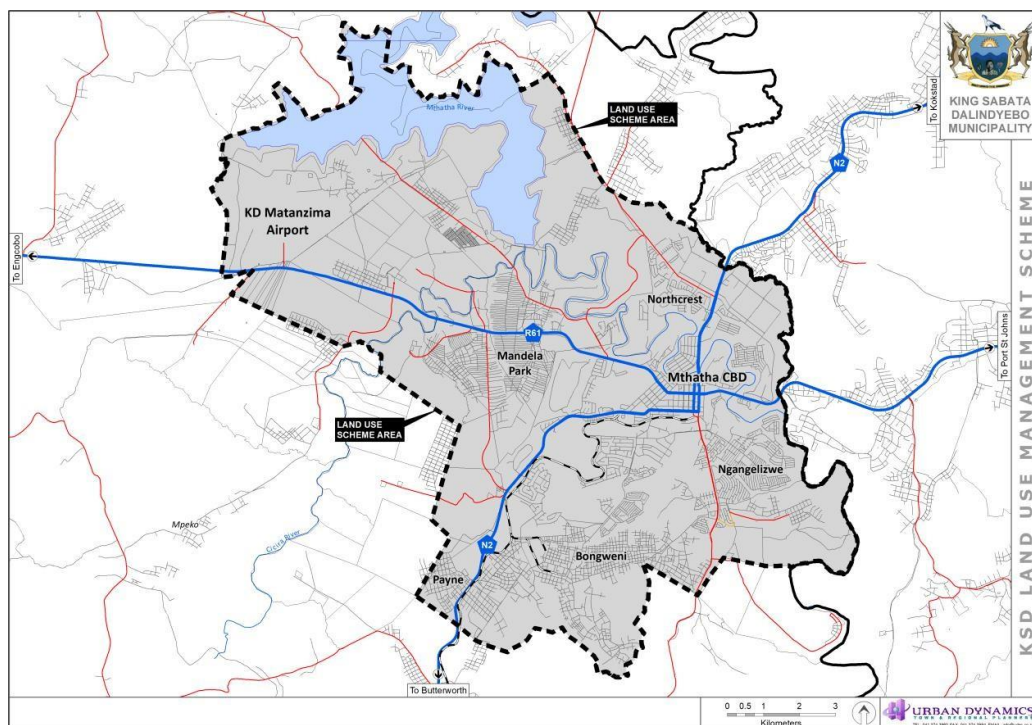
77. Rural Land Use Management & Incremental Implementation

- (1) The following requirements pertain to the implementation of land use management in rural areas and areas under administrative jurisdiction of a traditional authority, as determined from time to time.
- (2) The KSD Land Use Scheme is a component of the Municipality's spatial planning and land use management system and the KSD Municipality is responsible for implementation of land use management within its entire area of jurisdiction.
- (3) Section 24 (2) (c) of SPLUMA provides for the incremental introduction of land use management and regulations in areas under traditional leadership.
- (4) Current and traditional land use management practices in the traditional authority areas are acknowledged and the normal processes of obtaining permission to use land from the Traditional Authority Structure will apply.
- (5) In terms of Section 19 (1) of the SPLUMA Regulations, management of rural land use can be contained in a Service Level Agreement between the Traditional Council and the Municipality, in terms of which the Traditional Council may perform such functions as agreed to in the Service Level Agreement.
- (6) For the purpose of implementation of this Land Use Scheme, rural areas are defined as areas outside the urban edge, as determined by the KSD Spatial Development Framework, or any other boundary or area as determined by the KSD Municipality and contained in the Service Level Agreement.
- (7) In terms of Section 65 (1) of the KSD SPLUM By-laws, applications to develop on or change the land use purpose of communal land located in the area of a traditional council where such development will have a high impact on the community or such change requires approval in terms of a land use scheme applicable to such area, must apply to the Municipality in the manner provided for in Chapter 6.
- (8) High impact areas are defined as uses other than the primary uses defined under Agriculture Zone 1 and must be referred to the KSD Municipality, Municipal Planning Tribunal or Authorised Official for a decision.

- (9) Decisions in terms of Section 77 (8) of this Land Use Scheme must allow for participation of the relevant Traditional Council in a manner as contained in the Service Level Agreement.
- (10) All applications and development proposals must be processed in terms of the KSD SPLUM By-laws.

CHAPTER 9 : SCHEDULES

Schedule 1 : Land Use Scheme Area



King Sabata Dalindyebo Local Municipality : Land Use Scheme

Chapter 9 :
Schedules

Schedule 2 : Notice of Adoption

Schedule 3 : Zoning Transition Table

The comparable zoning table indicates zonings as per the Zoning Schemes applicable before the introduction of the KSD Land Use Scheme and the associated zoning in this Land Use Scheme. This table should be used as a guide only and the determination of zoning should be done in terms of the KSD Land Use Scheme.

KSD LAND USE SCHEME			PREVIOUS ZONING SCHEMES COMPARABLE ZONING	
	Zoning	Primary Use	Mthatha Town Planning Scheme	Mqanduli Town Planning Scheme
Agriculture & Rural	<i>Agriculture Zone 1</i>	<ul style="list-style-type: none"> • Agriculture • Commonage • Dwelling Unit • Shelter • Traditional Dwelling • Traditional Uses 	• Residential / Agricultural	• Agricultural
Residential	<i>Residential Zone 1</i>	• Dwelling Unit	• Special Residential	• Special Residential
	<i>Residential Zone 2</i>	<ul style="list-style-type: none"> • Dwelling Unit • Group Housing • Guest House • Retirement Village 		
	<i>Residential Zone 3</i>	<ul style="list-style-type: none"> • Dwelling Unit • Guest House • Hotel • Residential Building 	<ul style="list-style-type: none"> • General Residential 1 • General Residential 2 • General Residential 3 	• General Residential
	<i>Residential Zone 4</i>	<ul style="list-style-type: none"> • Dwelling Unit • Guest House • Incremental Housing • Residential Rooms • Traditional Dwelling 		
Business & Commercial	<i>Business Zone 1</i>	<ul style="list-style-type: none"> • Dwelling Unit • General Business • Residential Building • Guest House • Hotel • Office • Petrol Filling Station 	<ul style="list-style-type: none"> • General Business 1 • General Business 3 • Petrol Filling Stations 	<ul style="list-style-type: none"> • General Business • Public Garages
	<i>Business Zone 2</i>	<ul style="list-style-type: none"> • Shop • Office • Residential Building 	• General Business 2	• Special Business
	<i>Business Zone 3</i>	<ul style="list-style-type: none"> • Office • Residential Building 	• Special Business	
Industrial & Mining	<i>Industrial Zone 1</i>	<ul style="list-style-type: none"> • General Business • General Industry • Light Industry • Petrol Filling Station • Service Trades • Wholesale Warehousing 	• General Industry	• Industrial
	<i>Industrial Zone 2</i>	<ul style="list-style-type: none"> • General Industry • Noxious Use 		
	<i>Industrial Zone 3</i>	<ul style="list-style-type: none"> • General Business • Light Industry • Service Trades • Wholesale Warehousing 	<ul style="list-style-type: none"> • Service Industry • Light Industry / Warehouse • Special Industry 	• Commercial
Community & Institutional	<i>Institutional Zone 1</i>	<ul style="list-style-type: none"> • Crèche • Place of Assembly • Place of Instruction • Place of Worship • Residential Building 		• Educational
	<i>Institutional Zone 2</i>	<ul style="list-style-type: none"> • Health Care Facilities • Institutions • Residential Building 	• Institutional / Place of Assembly	• Institutional

KSD LAND USE SCHEME			PREVIOUS ZONING SCHEMES COMPARABLE ZONING	
	Zoning	Primary Use	Mthatha Town Planning Scheme	Mqanduli Town Planning Scheme
Government	Authority Zone	<ul style="list-style-type: none"> Authority & Government Uses 	<ul style="list-style-type: none"> Government or Municipal 	<ul style="list-style-type: none"> Municipal Government
Transport	Transport Zone 1	<ul style="list-style-type: none"> Public Roads & Parking 		<ul style="list-style-type: none"> Proposed New Roads or Widenings
	Transport Zone 2	<ul style="list-style-type: none"> Private Roads & Access 		
	Transport Zone 3	<ul style="list-style-type: none"> Transport Use 		
Open Space & Conservation	Open Space Zone 1	<ul style="list-style-type: none"> Place of Assembly Public Open Space 	<ul style="list-style-type: none"> Public Open Space 	<ul style="list-style-type: none"> Open Space
	Open Space Zone 2	<ul style="list-style-type: none"> Private Open Space 	<ul style="list-style-type: none"> Private Open Space 	<ul style="list-style-type: none"> Open Space
	Open Space Zone 3	<ul style="list-style-type: none"> Conservation Area Nature Reserve 	<ul style="list-style-type: none"> Special Environmental Area 	
Recreation	Recreation Zone	<ul style="list-style-type: none"> Dwelling Unit Holiday Accommodation Place of Entertainment Recreational Uses Resorts Shop Sport Facility Tourist Facility 		
Special	Special Use	<ul style="list-style-type: none"> Special Uses 	<ul style="list-style-type: none"> Special 	<ul style="list-style-type: none"> Special
Undetermined	Undetermined Zone	<ul style="list-style-type: none"> Existing Buildings & Uses 		<ul style="list-style-type: none"> Undetermined

Schedule 4 : Register of Amendments to the Land Use Scheme

The following change in land uses have been approved in terms of the KSD Land Use Scheme.

Property Description	Resolution and Reference Number	Use and Zoning	Commencement Date

Schedule 5 : Special Uses

The following special use zones have been approved in terms of the KSD Land Use Scheme.

Reference	Erf Number / Description	Resolution and Reference Number
1		
2		
3		
4		
5		
6		

Schedule 6 : Temporary Uses

The following temporary uses have been approved in terms of the KSD Land Use Scheme.

Property Description	Resolution and Reference Number	Temporary Use	Commencement Date	End Date

LOCAL AUTHORITY NOTICES • PLAASLIKE OWERHEIDS KENNISGEWINGS**LOCAL AUTHORITY NOTICE 459 OF 2022**

Buffalo City Metropolitan Municipality (EASTERN CAPE)

Removal of Restrictions in terms of the Spatial Planning and Land Use Management Act 2013 (Act 16 of 2013) and the Buffalo City Metropolitan Municipality Spatial Planning and Land Use Management By-Law (2016).

ERF 11845 EAST LONDON (7 Turnberry Avenue, East London)

Under Section 47 of the Spatial Planning and Land Use Management Act 2013 (Act 16 of 2013) read with Section 59 of the Buffalo City Metropolitan Municipal Spatial Planning & Land Use Management Bylaw of 2016 and upon instructions of the Local Authority a notice is hereby given that conditions C. 1. (a) – (d), C. 2. (e) and D. (h) – (k) found in Deed of Transfer No. T1483/2012, pertaining to Erf 11845 East London, are hereby removed.

APPLICANT: Ilizwe Town & Regional Planners Tel: 043 721 1311

LOCAL AUTHORITY NOTICE 460 OF 2022

Buffalo City Metropolitan Municipality (EASTERN CAPE)

Removal of Restrictions in terms of the Spatial Planning and Land Use Management Act 2013 (Act 16 of 2013) and the Buffalo City Metropolitan Municipality Spatial Planning and Land Use Management By-Law (2016).

ERF 489 BEACON BAY (12 Blackburn Road)

Under Section 47(1) of the Spatial Planning and Land Use Management Act 2013 (Act 16 of 2013) read with Section 59 of the Buffalo City Metropolitan Municipal Spatial Planning & Land Use Management Bylaw of 2016 and upon instructions of the Local Authority a notice is hereby given that conditions C. 3. (a-d) found in Deed of Transfer No. T0104/2017, pertaining to Erf 489 Beacon Bay, are hereby removed.

LOCAL AUTHORITY NOTICE 461 OF 2022**Nelson Mandela Bay Municipality (EASTERN CAPE)****Removal of Restrictions in terms of the Spatial Planning and Land Use Management Act, 2013
(Act 16 of 2013)****ERF 40, COLLEEN GLEN, PORT ELIZABETH, EASTERN CAPE**

Under Section 47 of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) and upon instructions by the Local Authority, a notice is hereby given that conditions C.4. (a-f) and any similar conditions in Deed of Transfer No. T19143/2019 applicable to Erf 40, Colleen Glen is hereby removed.

LOCAL AUTHORITY NOTICE 462 OF 2022**Nelson Mandela Bay Municipality (EASTERN CAPE)****Removal of Restrictions in terms of the Spatial Planning and Land Use Management Act, 2013
(Act 16 of 2013)****ERF 227, SUNRIDGE PARK, PORT ELIZABETH, EASTERN CAPE**

Under Section 47 of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) and upon instructions by the Local Authority, a notice is hereby given that conditions C.4 and C.5 (a-d) any similar conditions in Deed of Transfer No. T13347/2018 applicable to Erf 227, Sunridge Park is hereby removed.

LOCAL AUTHORITY NOTICE 463 OF 2022**KOUGA MUNICIPALITY****REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS**

The following application were submitted at the Council:

**APPLICATION FOR THE REMOVAL OF RESTRICTIVE TITLE DEED: ERF 1270 (4 TECOMA STREET),
JEFFREYS BAY**

The Removal of Restrictive Title Deed Conditions for development purposes in terms of Section 69 of the Spatial Planning and Land Use Management By-Law: Kouga Municipality, 2016. Applicant: H Nienaber - CW Malan Jeffreys Bay Inc.

Further particulars are available for inspection at the office of the Director: Planning, Development & Tourism, Municipal Office, Planning and Development Department, 16 Woltemade Street, Jeffreys Bay, 6330. Contact Person: K Didloft: Admin Officer. Tel. 042-2002200 or E-Mail: planning@kouga.gov.za Motivated objections, if any, against this application, must be lodged in writing, to reach the aforementioned not later than 30 days after publication of this notice. All correspondence relating to this application must be addressed to aforementioned.

Closing times for **ORDINARY WEEKLY** **2022** **EASTERN CAPE PROVINCIAL GAZETTE**

*The closing time is **15:00** sharp on the following days:*

- **24 December 2021**, Friday for the issue of Monday **03 January 2022**
- **03 January**, Monday for the issue of Monday **10 January 2022**
- **10 January**, Monday for the issue of Monday **17 January 2022**
- **17 January**, Monday for the issue of Monday **24 January 2022**
- **24 January**, Monday for the issue of Monday **31 January 2022**
- **31 January**, Monday for the issue of Monday **07 February 2022**
- **07 February**, Monday for the issue of Monday **14 February 2022**
- **14 February**, Monday for the issue of Monday **21 February 2022**
- **21 February**, Monday for the issue of Monday **28 February 2022**
- **28 February**, Monday for the issue of Monday **07 March 2022**
- **07 March**, Monday for the issue of Monday **14 March 2022**
- **14 March**, Monday for the issue of Monday **21 March 2022**
- **18 March**, Friday for the issue of Monday **28 March 2022**
- **28 March**, Monday for the issue of Monday **04 April 2022**
- **04 April**, Monday for the issue of Monday **11 April 2022**
- **08 April**, Friday for the issue of Monday **18 April 2022**
- **14 April**, Thursday for the issue of Monday **25 April 2022**
- **22 April**, Friday for the issue of Monday **02 May 2022**
- **29 April**, Friday for the issue of Monday **09 May 2022**
- **09 May**, Monday for the issue of Monday **16 May 2022**
- **16 May**, Monday for the issue of Monday **23 May 2022**
- **23 May**, Monday for the issue of Monday **30 May 2022**
- **30 May**, Monday for the issue of Monday **06 June 2022**
- **06 June**, Monday for the issue of Monday **13 June 2022**
- **13 June**, Monday for the issue of Monday **20 June 2022**
- **20 June**, Monday for the issue of Monday **27 June 2022**
- **27 June**, Monday for the issue of Monday **04 July 2022**
- **04 July**, Monday for the issue of Monday **11 July 2022**
- **11 July**, Monday for the issue of Monday **18 July 2022**
- **18 July**, Monday for the issue of Monday **25 July 2022**
- **25 July**, Monday for the issue of Monday **01 August 2022**
- **01 August**, Monday for the issue of Monday **08 August 2022**
- **05 August**, Friday for the issue of Monday **15 August 2022**
- **15 August**, Monday for the issue of Monday **22 August 2022**
- **22 August**, Monday for the issue of Monday **29 August 2022**
- **29 August**, Monday for the issue of Monday **05 September 2022**
- **05 September**, Monday for the issue of Monday **12 September 2022**
- **12 September**, Monday for the issue of Monday **19 September 2022**
- **19 September**, Monday for the issue of Monday **26 September 2022**
- **26 September**, Monday for the issue of Monday **03 October 2022**
- **03 October**, Monday for the issue of Monday **10 October 2022**
- **10 October**, Monday for the issue of Monday **17 October 2022**
- **17 October**, Monday for the issue of Monday **24 October 2022**
- **24 October**, Monday for the issue of Monday **31 October 2022**
- **31 October**, Monday for the issue of Monday **07 November 2022**
- **07 November**, Monday for the issue of Monday **14 November 2022**
- **14 November**, Monday for the issue of Monday **21 November 2022**
- **21 November**, Monday for the issue of Monday **28 November 2022**
- **28 November**, Monday for the issue of Monday **05 December 2022**
- **05 December**, Monday for the issue of Monday **12 December 2022**
- **09 December**, Friday for the issue of Monday **19 December 2022**
- **19 December**, Monday for the issue of Monday **26 December 2022**

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