



PHUMELELA LOCAL MUNICIPALITY LAND USE SCHEME

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cooperative governance
and traditional affairs

Department of Cooperative Governance
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FREE STATE PROVINCE

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PART 1: INTRODUCTION

This document contains the Regulations of the Land Use Scheme of the Phumelela Local Municipality, regulating land use management, which include **development rights** and **obligations** relating to property, respectively referred to as “**land use zoning categories**”, **land use zones**, **land uses** and “**development parameters**”.

These regulations were compiled to comply with the requirements of Chapter 5 of the Spatial Planning and Land Use Management Act 16 of 2013, as amended (hereafter referred to as “**SPLUMA**”) which specifically makes provision for the following:

- In accordance with Section 24 of SPLUMA, each Municipality must, after public consultation, adopt and approve a single Land Use Scheme for its entire area within five years from the commencement of this Act.
- In accordance with Section 27 of SPLUMA, a Municipality may review its Land Use Scheme in order to achieve consistency with the Municipal Spatial Development Framework (MSDF), and must do so at least every five years.
- In accordance with Section 25 of SPLUMA, the Land Use Scheme must give effect to and be consistent with the Municipal Spatial Development Framework (MSDF) and determine the use and development of land within the municipal area to which it relates in order to promote:
 - Economic growth;
 - Social inclusion;
 - Efficient land development; and
 - Minimal impact on public health, the environment and natural resources.

The general objective of these Regulations and accompanying Scheme Maps is to indicate the development rights of use of all land within the boundaries of the area, to control the execution of these rights and the utilization of this land.

1. TITLE OF THE LAND USE SCHEME

This land use Scheme shall be known as the PHUMELELA LAND USE SCHEME, 2022(hereafter referred to as the “**Scheme**”).

2. AREA OF THE LAND USE SCHEME

The Scheme applies to all properties within the municipal boundaries of the Phumelela Local Municipality, as determined by the Municipal Demarcation Board, as proclaimed, and indicated on the Demarcated Map. Should the jurisdiction area be amended by the demarcation board, the Scheme must be amended accordingly.

3. RESPONSIBLE AUTHORITY

The Phumelela Local Municipality (hereinafter referred to as the “**Municipality**”) is the responsible authority to enforce and carry into effect the provisions of the Scheme.

4. CONTENTS OF THE LAND USE SCHEME

The Scheme comprises the following main components.

PART 1: Introduction

General administrative details are contained in this part.

PART 2: Definitions

General terminology and land use definitions used in scheme

PART 3: Standard Land Use Zoning Categories

A Summary of land use zonings, permitted and consent uses, and Standard land development requirements for each land use zone.

PART 4: Miscellaneous

General provisions such as administration and enforcement of the Scheme

PART 5: Annexures:

Scheme Annexures contain supplementary information, linked to the provisions of certain clauses in the Scheme with a regulatory intent. They are being administered, maintained and updated by means of a Council Decision/Resolution.

Any addition to, alterations or changes to the Scheme Annexures shall constitute an amendment to the Scheme and will result in an application as set out in the Phumelela Municipal Land Use Planning Bylaw, Provincial Gazette, No 106 of 2017, as amended (hereinafter referred to as the "**Municipal Land Use Planning Bylaw**").

PART 6: Overlay Zones

Overlay Zones are maps indicating land where special provisions apply. For any development and/or land use applications on this land, additional information and additional approval is required that must be considered by decision making bodies and the owner of the land, in addition to the provisions of this Scheme.

Any additions, alterations or changes to these Maps shall not constitute an amendment of the Scheme according to the stipulations as set out in the Municipal Land Use Planning Bylaw.

PART 7: Schedules

Scheme Schedules are being administered, maintained and updated by the Authorised Employee. Any additions, alterations or changes to Scheme Schedules shall not constitute an amendment of the Scheme according to the stipulations as set out in the Municipal Land Use Planning Bylaw.

5. PURPOSE OF THE LAND USE SCHEME

The overall purpose of the Scheme is to serve as a legal mechanism in providing a uniform **Land Use Classification System** (Land Use Categories, Land Use Zones and Land Uses), together with specific development parameters and implementation procedures applicable to all properties within the municipal area.

In addition, the Scheme also aims to;

- Promote planning and development principles amongst all spheres of government and ensure the integration of development-, planning and environmental management policies;
- Properly manage existing land use rights and ensure proper and fair procedures in order to achieve coordinated and harmonious development that will effectively promote public health, safety, good order, amenity, convenience and the general welfare of inhabitants;
- Manage and guide urban growth and development by protecting the amenity of established land uses, prohibiting and eradication of illegal land uses, enhancing the quality

of the built environment, promoting integrated sustainable human settlements and development, and the efficient and most desirable use of land;

- Promote sound environmental management, the protection of land and the conservation of important natural, agricultural and cultural resources;
- Strive towards implementing the SPLUMA Principles as contained in SPLUMA, and the development objectives and strategies of the Municipality as contained in the Phumelela Integrated Development Plan (hereinafter referred to as the “**IDP**”) and the Phumelela Spatial Development Framework (hereinafter referred to as the “**SDF**”).

6. EFFECTIVE DATE OF COMMENCEMENT OF THE LAND USE SCHEME

The Land Use Scheme shall come into effect from the date (“**Effective Date**”) that notice of adoption by Council is published in the Provincial Gazette.

On the effective date, the Scheme replaces all other town-planning Schemes in operation within the area of the Scheme.

No development rights of properties prior to the effective date will be taken away from existing zonings/land uses, with the proclamation of the LUS.

All new zonings and land uses will be based on the stipulations of this Scheme as per Part 3: Section 14.

7. RELATIONSHIP TO OTHER SDFs

7.1 FREE STATE PROVINCIAL SPATIAL DEVELOPMENT FRAMEWORK ALIGNMENT

The Scheme is aligned with the Provincial Spatial Development Framework (FS PSDF), with specific reference to the Spatial Planning Categories (SPCs) as set out in Part 3.

7.2 MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORK ALIGNMENT

SPLUMA and the Municipal Systems Act 32 of 2000, as amended, provide that there should be a direct relationship between the SDF and the Scheme of the Municipality and that there should be horizontal and vertical alignment of SDFs on different spheres of government.

The SDF is the strategic planning document that guides and informs planning and development decisions. The SDF visually reflects the objectives and development priorities of the Municipality as identified in the IDP. The SDF does not grant or regulate the use and development of land.

The Scheme gives effect to the SDF and it regulates the use and development of land and buildings within the Municipality. It provides norms and standards and site specific details on land use rights, where the SDF only gives broad directions for development.

The Scheme is aligned with the Vision and Strategies of the IDP and SDF as well as other relevant Municipal Policies. The provisions of the Scheme are also in the interest of the general public – it promotes quality of life and sustainable development.

The Scheme also sets out procedures and conditions relating to the use and development of land in different zones, thus regulating the form and the nature of development on a site.

8. CONFLICT OF LAWS

8.1 EXISTING LAND USE RIGHTS, ALLOCATION OF LAND USE RIGHTS AND RECTIFICATION OF OVERSIGHTS

The following existing legal documents were taken into account to determine the zonings and land use rights during the compilation of this Land Use Scheme:

- The Vrede Town Planning Scheme No. 2 of 1980
- The Memel Town Planning Scheme No. 1 of 1989
- Conditions of Establishment and of Title read together with Annexure F of the Black Communities Development Act 4 of 1984, as amended; and
- Permits issued on Agricultural Land in terms of the Physical Planning Act 67 of 1991, as amended.

Where no proof of existing legal land use rights could be obtained, for land where no town planning Scheme exists or where no proof of legal land use rights could be obtained, zonings and development rights were allocated in this Scheme according to what was regarded as the most compatible use for the land according to conditions in the Title Deed of the land or the locality of the land parcels within the SDF in the Scheme area

All the existing legal land use rights that were in effect prior to the effective date are deemed to continue and are incorporated into the Scheme. The Municipality may rectify any oversight that occurred in the recording of an existing legal land use right, or an allocated land use right, subject to the proof of such land use right.

8.2 CONFLICT BETWEEN PROVISIONS OF THIS LAND-USE SCHEME, CONDITIONS OF TITLE AND LEGISLATION

Where a provision in the Scheme is inconsistent with any condition registered in the Title Deed or any other legislation, the Title Deed and legislation shall prevail.

Where a provision in the Scheme is inconsistent with any other bylaw of the Municipality, the Scheme shall prevail.

Any approval or consent granted in terms of the Scheme, shall not exempt any property owner or applicant from compliance with any other law, bylaw, regulation, Title Deed or other restriction applicable to the property. The owner of a property shall accordingly not be entitled to utilise any rights granted in terms of the Scheme, until such time as the owner or applicant complied with any such other law, bylaw, regulation or restrictive condition. The owner or applicant shall submit proof of compliance to the Municipality.

Any person making an application in terms of the Scheme, will be required to specifically comply with the provisions of the National Environmental Management Act 107 of 1998, as amended; the Environmental Conservation Act 73 of 1989, as amended, and the Environmental Impact Assessment Regulations 1 of 2014, as amended; as well as to any other applicable and duly operating laws that regulate the use of land.

9. AMENDMENT OF THE LAND USE SCHEME

The zoning of land may be changed by the amendment of the Scheme by the rezoning as determined in the Municipal Land Use Planning Bylaw.

The Municipality may, after public participation as determined in the Municipal Land Use Planning Bylaw, amend the Land Use Scheme if the amendment is-

- In the public interest;
- To advance, or is in the interest of, a disadvantaged community; and
- In order to further the vision and development goals of the Municipality.

Any amendments to the Scheme Regulations are regarded as an amendment to the Land Use Scheme and may only be approved by the Municipal Council as determined by SPLUMA.

Any amendments to the Annexures shall be regarded as an amendment to the Land Use Scheme and may only be approved by the Municipal Council as determined by SPLUMA.

Any amendments to the Overlay Zones and Schedules shall not be regarded as an amendment to the Scheme and it may be amended by the Authorized Employee.

Any approval of the amendment to the Scheme shall be published in the Provincial Gazette and recorded in the Scheme by means of a Register of Land Use Scheme Amendments.

Any application requiring the consent from the Municipality in terms of the Scheme shall not be regarded as an amendment of the Scheme. Any approved consent application shall be recorded in the Register of Consent Uses.

10. REVIEW AND MONITORING

The Municipality may review the Scheme from time to time when necessary, but must review the Scheme at least every five years.

If the boundaries of the Municipality are changed by the Demarcation Board at any given time, the Municipality must amend its Scheme Maps accordingly and does not constitute an amendment of the Scheme according to the stipulations as set out in the Municipal Land Use Planning Bylaw.

The Municipality must submit the approved Scheme to the Premier for the purposes of monitoring the performance of the Municipalities.

PART 2: DEFINITIONS

11. GENERAL AND LAND USE DEFINITIONS USED IN THIS SCHEME

In these regulations, unless the context otherwise indicates or it is otherwise expressly provided, any word shall, when used in the context of the Scheme, have the meaning assigned to it in **Table 1** hereunder.

TABLE 1: GENERAL TERMINOLOGY AND LAND USE DEFINITIONS USED IN THE SCHEME

<p>□ Abattoir means a building licensed in terms of relevant health regulations, designed for the slaughtering of animals (including poultry and birds), the processing of animal products and in the context of this definition, the further processing of meat for human consumption.</p>
<p>□ Additional dwelling house means a second dwelling house that may be erected in addition to a dwelling house.</p>
<p>□ Agricultural building means a building designed for use in connection with or reasonably necessary in connection with the use of the site as agricultural land, and include uses such as buildings to house livestock, machineries and crops.</p>
<p>□ Agricultural industry means an industry reasonably associated with agricultural activities, which involves the processing, handling, treating, packing and transporting, and/or beneficiation of agricultural products produced on the farm, or rendered by the owner of the land to the surrounding community and includes silos, wine cellars, packing facilities but excluding abattoirs.</p>
<p>□ Agricultural purposes means the utilization of land for forestry, livestock-breeding (including game farming) and crop cultivation for human or animal consumption, and includes any agricultural buildings which is necessary in order to carry out such activities as well as agricultural industries that process products of the farm and surrounding farms, a dwelling house and additional dwelling houses for the owner and his direct family, as well as workers dwelling houses. Additional dwelling houses are not to be rented out to people from outside the farm.</p>
<p>□ Agriculture co-operative means a statutory recognized body consisting of bona-fide members of the farmer community on behalf of which the body trades on a regional basis in terms of the stipulation of its founded statute and includes buildings necessary for these activities.</p>
<p>□ Air transport facility means a site used for landing, taking-off, transit, assembly, fuelling, maintenance and storage of aircraft for commercial (including crop spraying), military, recreational (including training), firefighting or emergency rescue services purposes, together with the infrastructure, services and buildings associated with the air transport facility and its activities, and includes in its definition an airport, airfield (landing strip), aerodrome, heliport and national air-force base.</p>
<p>□ Ancillary Use means an use, building or activity which is subservient to, related to and reasonably required for the conducting of the dominant use on the property. Notwithstanding anything contained in this Scheme, the classification by the Municipality of an use as ancillary or not shall be decisive and final.</p>
<p>□ Animal establishment means a building or place used for breeding, boarding (kennel), training, keeping or caring for animals, and includes a riding school, touch farm and veterinary clinic, but excludes an intensive livestock keeping establishment.</p>
<p>□ Applicant means any registered owner of land, whether a person or a juristic body, or anybody duly authorised by such owner, who lodges an application as provided for in SPLUMA and/or the Phumelela Land Use Planning Bylaw or any amendments thereof.</p>
<p>□ Application means a complete application made in terms of the provisions of SPLUMA and/or the Phumelela Land Use Planning Bylaw or any amendments thereof.</p>

<p>□ Approval means any approval as set out in the Phumelela Land Use Planning Bylaw.</p>
<p>□ Auction pen (Auction mart) means a building, enclosure or place used for the purpose of the public sale of livestock and includes a public cattle market and sale pens.</p>
<p>□ Authorised Employee means an official as defined in the Phumelela Land Use Planning Bylaw. If the authorised employee is not a registered professional town and regional planner Category 2 applications must be approved by the MPT.</p>
<p>□ Balcony means a floor projecting outside a building at a level higher than that of the ground floor, enclosed only by low walls or railings, or by main containing walls of rooms abutting such projecting floor, and includes a roof, if any, over such floor and pillars supporting such roof.</p>
<p>□ Bar means a retail business establishment that serves alcoholic beverages, such as beer, wine, liquor, cocktails, and other beverages such as mineral water and soft drinks for consumption on their premises. Bars often also sell snack foods such as potato chips (also known as crisps) or peanuts. Some types of bars, such as pubs, may also serve food from a restaurant menu. Also known as a saloon, pub or club (non-residential).</p>
<p>□ Basement means a space in a building which is completely below the natural ground level. Where such a basement is used for parking purposes, it shall not be counted as a storey.</p>
<p>□ Block of flats means a group of 3 or more linked residential units of which not all need to have a ground level, with linkage between the floors by way of stairs or lifts, and designed in such a way that the residential units have a common entrance, with fire-escapes and with or without access balconies, and includes any necessary outbuildings and garages.</p>
<p>□ Boarding house means a dwelling house with a maximum of 10 bedrooms/ suites of which bedrooms/ suites can be let out by the residing owner for medium term to non-tourists.</p>
<p>□ Brickworks means an industry conducted with the purpose of manufacturing bricks or other products made of clay which are removed from a quarry on the premises and baked there, and also includes an industry which works clay which originates from another site.</p>
<p>□ Building line means a line indicating the furthestmost boundary of a building restriction area from a street, proposed street, street widening or any other boundary of a property other than a street boundary and which is at a stipulated distance from the boundary of a property.</p>
<p>□ Building means a building in terms of the National Building Regulations and Building Standards Act 103 of 1977, as amended.</p>
<p>□ Building Plan means a plan of a building or structure for which approval by the Municipality is required in terms of the National Building Regulations and Building Standards Act 103 of 1977, as amended.</p>
<p>□ Bus depot means a premises for the overnight storing of busses.</p>
<p>□ Business purposes means the use of a building and/or land for professional/ administrative/ personal/ general service provision and includes offices, showrooms, financial institution, restaurants, agriculture cooperative, shops, hotel, restaurant, place of entertainment (amusement), adult entertainment, conference facility, spa/hydro and wellness centre, tavern, and a workshop on the same site that is incidental and subordinate to the conduct of the business or any other purpose reasonably deemed as a business or business enterprise, , but does not include a place of instruction, an industry, a noxious industry, a builder's yard or a scrapyard.</p>
<p>□ Bylaw means the Phumelela Municipal Land Use Planning Bylaw and other bylaws mentioned in this Regulations that the Municipality enforced in the municipal area.</p>
<p>□ Cafe means a retail business conducted with a view to selling refreshments, meals and food products for consumption on or off the premises, and includes the sale of tobacco, newspapers, flowers and plants.</p>
<p>□ Cafeteria means land and/or a building used for the preparation and sale of light refreshments to the public or employees and may include a tea-garden.</p>

<p>□ Caravan park means a site providing stands for caravans and where visitors must be provided with at least dishwashing, bath and ablution facilities. It may also permit a camp area. The caravan park must adhere to the requirements of the South African Bureau of Standards (Publication SABS 092/1971 – Code of Practice for Caravan parks) as amended.</p>
<p>□ Cemetery purposes means an area intended for the burial of deceased persons, and includes the essential buildings for administrative and religious (ecclesiastical) purposes associated with it, dwelling for a caretaker, as well as a memorial wall for the storage of human ashes in a way and format as determined by the Local Authority; but does not include a crematorium.</p>
<p>□ Chalet means an attached or detached habitable building used for holiday accommodation.</p>
<p>□ Chapel means a place of worship, sometimes non-denominational, and being a small building or room that is part of a complex with some other main purpose, such as a school, college, hospital, prison, funeral home, cemetery or airport.</p>
<p>□ Clinic means a place for the diagnosis and treatment of human illness or the improvement of human health, which has limited facilities and with an emphasis on outpatients, with no overnight facilities. A clinic may include medical suites, operating theatre, outpatients' centre and a wellness centre with ancillary uses.</p>
<p>□ Commercial uses are represented by the following uses: Transport undertakings (including repair and maintenance of own vehicles), Building contractors (including storing and packing of building materials), Drilling contractors (including repair and maintenance of own vehicles), Seed and vegetable and/or fruit packing, Warehouses, Kennels, Nurseries, Auction pens, Animal hospitals, Storage/ packing of fencing materials and construction materials, Storage of raw material and products of monumental masons, Storing, display and sale facilities of large vehicles and farm implements (e.g. combines, tractors, caravans, etc.).</p>
<p>□ Commonage means land which is in possession or under the control of the Municipality and set aside by the Municipality where communities may acquire land for agricultural utilization.</p>
<p>□ Community facility purposes means a building or place owned or controlled by a public authority or a body of persons, which provide for the physical, social, cultural or intellectual development or welfare of the local community, and includes uses such as place of instruction, place of assembly (community hall), place of worship, institution and sport and recreational purposes.</p>
<p>□ Community garden (Food garden) means a single portion of land <u>gardened collectively</u> by a group of people utilizing either individual or shared plots on private or public land while producing fruit, vegetables, and/or plants grown for their attractive appearance, and fulfil a variety of purposes such as aesthetic and community improvement, physical or mental well-being, or land conservation.</p>
<p>□ Community hall (Social hall) means 1 a building designed for use or used primarily for social assemblies, gatherings, meetings or recreational purposes, but not a place of entertainment (amusement), and includes a public hall, cinema, theatre, but excluding a place of worship or place of instruction.</p>
<p>□ Conference facility means a business where information is presented and ideas exchanged among groups of people or delegates whose normal place of work is elsewhere, and may include overnight accommodation and the supply of meals only to delegates.</p>
<p>□ Consent Use means the additional land use right that may be permitted with the consent of the Municipality as contemplated in Annexure D.</p>
<p>□ Consulting rooms means an office and ancillary room used by a registered medical practitioner for human medical or medical related consultation, where such office is not necessarily attached to a hospital or clinic.</p>
<p>□ Cooperative means a business as defined in the Co-operatives Act, 2005 (No 14 of 2005), as amended.</p>

<p>□ Correctional facility means a premises at which people are legally held as a punishment for a crime they have committed or while awaiting trial.</p>
<p>□ Coverage means the maximum area of a site, which may be covered by any permanent roofed building and/or structure, including carports and outbuildings. It is presented in the scheme as a percentage of the total site area.</p>
<p>□ Crèche (Nursery school) means a place of instruction for the custody, care and tuition of more than 10 pre-school children on behalf of the working parent, and which has facilities for intramural and extramural activities as well as meals and day-beds, provided that any dwelling house where not more than ten children are accommodated, will not be regarded as a crèche but as a day care facility. Registration at the relevant authority is a requirement.</p>
<p>□ Crematorium means a building meant and arranged for the cremation of the deceased and may include an assembly area for family or chapel for memorial services as well as a garden of remembrance and a wall of remembrance in which the ashes of the deceased are stored in a manner and format determined by the Local Authority.</p>
<p>□ Critical Biodiversity Area 1 (Irreplaceable: CBA1 – Read together with Overlay Zone 1) means an area that is irreplaceable or near-irreplaceable for meeting biodiversity targets. There are no or very few other options for meeting biodiversity targets for the features associated with the site (SANBI, 2016).</p>
<p>□ Critical Biodiversity Area 2 (Optimal: CBA2 - Read together with Overlay Zone 1) means an area that has been selected as the best option for meeting biodiversity targets based on complementarity, efficiency and/or avoidance of conflict with other land or resource uses (SANBI, 2016).</p>
<p>□ Dam means a barrier constructed to hold back water and raise its level, forming a reservoir used to generate electricity or as a water supply for amongst others human consumption, irrigation, industrial use, and navigability.</p>
<p>□ Day care facility means a facility for the daily care of children, subject to the requirement that the use is secondary and the primary use on the stand remains residential, with a maximum of 10 children being cared for.</p>
<p>□ Density means the permitted number of units per hectare of the total property area. Density = $\frac{\text{Total number of dwelling units in a specific area}}{\text{Extent of specified area in hectares}}$</p>
<p>□ Depot means a storage facility used primarily for the storage and/or distribution of goods, and includes bus depot and grain silos, but exclude fuel depots as noxious industry.</p>
<p>□ Dwelling house for a caretaker means a residential unit for a person (and family) employed to look after a premises.</p>
<p>□ Dwelling house means a detached, undivided residential unit for the use of one family with not more than one kitchen, and includes outbuilding(s) such as vehicle garage accessible by means of an outer door.</p>
<p>□ Early childhood development centre means a facility such as a crèche, day care centre for young children, a playgroup, a pre-school or after school care. Early Childhood Development (ECD) refers to children from birth to nine years.</p>
<p>□ Effective Date means the date on which this Scheme was officially approved by promulgation in the Free State Provincial Gazette.</p>
<p>□ Erf means a piece of land registered in the Deeds Registry as a erf.</p>
<p>□ Existing Use means a legal land use in operation on a property, that was permitted in terms of the different previous planning legislation and /or town planning schemes and which is lawful in terms of the National Building Regulations but which is contrary to this Land Use Scheme. It shall remain an existing use right unless the said use is altered in any way or ceases to be carried out for a period of 12 months.</p>

<p>□ Extractive industry means an industry for the extraction and/or exploitation of raw materials as contemplated in terms of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002 as amended) or for which purpose a permit has been issued under the fore-mentioned Act, as well as associated business operations and includes any other buildings and infrastructure which is necessary in order to carry out such activities, as well as dwelling houses and residential quarters for employees and associated recreational facilities, clinic, hospital, offices, guest accommodation, early childhood development centre, workshop, etc. Examples of extractive processes include oil and gas extraction, mining, dredging and quarrying. The definition includes the beneficiation of minerals.</p>
<p>□ Farm village means a clustered settlement in rural areas doing predominant farming, and infrastructure and engineering services (including on-site sewage waste treatment and on-site solid waste management systems), and may have co-operatively owned land.</p>
<p>□ Financial institution means a business conducted with a view to rendering financial services, and includes a bank, building society, and any other business where money may be deposited or loans are made.</p>
<p>□ Flood Line means flood lines as defined in Section 144 of the National Water Act 36 of 1998, as amended</p>
<p>□ Floor Area means the sum of the gross area covered by the building at the floor level of each storey, provided that the area reasonably required for the purposes detailed below shall be excluded from the calculations of the floor area, which calculations shall be clearly indicated on the building plans. Floor area shall be measured from the outer face of the exterior walls or similar supports of such building, and where the building consists of more than one storey, the total floor space shall be the sum of the floor area of all the storeys, including that of basements. Areas that shall be excluded from the calculation of floor area are any area, including a basement, which is reserved solely for parking of vehicles and loading and off-loading areas; 10% of the total floor area shall be regarded as areas required for the cleaning, maintenance, care and proper mechanical and electrical functioning of the building.</p>
<p>□ Forest wilderness areas / Forest nature reserves (in terms of Section 8[1] of National Forests Act 84 of 1998) means areas that include: a) Natural forests, i.e. tract of indigenous trees whose crowns are largely contiguous and which comprise all other floral and faunal forest elements; b) Woodlands, i.e. a group of indigenous trees which are not a natural forest, but whose crowns cover more than 5% of the area bounded by the trees forming the perimeter of the group; and c) Natural habitats or ecosystem components.</p>
<p>□ General Plan means a cadastral plan of a township, which has been approved in terms of the Land Survey Act 8 of 1997, as amended.</p>
<p>□ Generating works means a building or place used for the purpose of production or generating gas, electricity or other forms of energy, or for the manufacture or treatment or storage of energy for supply or use, or for the conversion of energy from one form into another, up to the point at which transmission or distribution commences for the purposes of making supply, and includes all land, building, structures and appurtenances pertaining thereto, any other equipment or plant used in conjunction therewith, and any part thereof.</p>
<p>□ Government purposes means land and public buildings utilised by Provincial, National and District government or semi-state organisations to carry out its mandatory functions and include essential services such as administration offices, government vehicle workshop, training centres, sport and recreation facilities, library, clinic, hospital, place of assembly, correctional facilities, museums, social and welfare facilities, reformatory, police station, rescue centre, fire-services, etc., for the provision of services to the community. The land zoned for this purpose must be registered in the name of the government or semi-state. It may also include a dwelling unit for a caretaker or security guard facilities. Certain of the above uses as identified in the zoning table is subject to consent.</p>
<p>□ Government vehicle workshop means an establishment where government owned automobiles are repaired by auto mechanics and technicians.</p>

- **Gross Leasable Area (GLA)** means the sum of the gross floor area covered by the building at the floor level of each storey provided that the area reasonably required for the following purposes be **excluded** from the calculations of the floor area: 1. Open roof; 2. Parking for the occupants of the building; 3. Accommodation for the lift motor room and other mechanical or electrical equipment required for the proper functioning of the building; 4. A veranda or balcony in a building provided that such veranda or balcony is not enclosed otherwise than by a parapet 1,8 m high or by security fencing, bugler proofing or wire gauze screen, and is not used for access purposes; 5. A canopy erected on the street frontage of a shop, excluding the portions extending over Municipality property; 6. Areas reasonably used in connection with the cleaning, maintenance and care of the building or buildings, excluding accommodation for caretakers, supervisors, cleaners, or maintenance staff; 7. Steps, stairs, fire-escapes, toilets, and entrances (excluding a reception area, foyer or entrance hall) that has no other functional purpose other than that of an entrance and comprised of a separate space/room.
- **Group houses** means a group of three or more detached and/or linked residential units, each with a ground floor, and designed and built as a harmonious architectural entity with communal open space and streets that constitute the complex. Each residential unit, with its demarcated sub premises, can be registered as an erf or a subdivision of an erf and is sold by way of full title. A group house complex can also be sold under sectional title. The access roads and open spaces must be designed and built to the satisfaction of the Local Municipality and may be transferred to the Local Municipality, or otherwise be controlled and maintained by way of a body corporate.
- **Guesthouse** means adwelling house where a maximum of 10 bedrooms/suites may be let on a short term basis, which serves mainly as a tourist facility and where meals are served in a central dining room by the residing family to residing guests only, and may include a conference facility. Utilisation of associated conference facilities, restaurants and bars by the outside public is subject to the consent of the local municipality.
- **Gymnasium** means a facility used for physical exercise, with or without apparatus and with other sporting activities, administrative offices and ancillary uses such as an area for refreshments for patrons only, as well as a child care/play facility restricted for use by gymnasium members whilst exercising.
- **Habitable Room** means a room used or designed for human habitation which is at least 9m², but excludes a storeroom, kitchen, pantry, scullery, bathroom or passage.
- **Hawker stall** means a permanent structure approved by the local authority (excluding food carts) exclusively used for informal trading purposes for the selling of products in areas specifically demarcated for such purposes by the Municipality such as markets, flea markets, fresh produce markets and hawker areas.
- **Heavy vehicle overnight facility (Truck stop)** means an erf or building used primarily as a stop-over for commercial (heavy) vehicles, with facilities for the maintenance or repair of commercial vehicles, dispensing of motor fuel or other petroleum products, restaurant, ablution facilities and convenience shop for travellers with overnight facilities.
- **Height** means the vertical dimensions of the building from the natural ground level to the highest point of the building measured in meters or in number of storeys; provided that 1. The height restriction which refers to storeys does not apply to roofs, domes, chimneys, flues, masts and antennae; and 2. Elevator motor rooms, satellite dishes, ventilation shafts, water tanks, air conditioning plant and equipment on top of a building, shall be regarded as a storey, unless enclosed within the roof or hidden behind parapet walls, not exceeding 2,0 m in height, in which case it shall be counted as part of the top storey
- **Heritage Site** means land or an area declared as a heritage site to protect, preserve, and/or manage localised provincially significant natural features due to their special interest or unique characteristics; these are relatively small areas focused on the protection of specific features, species, natural landscapes and biotic communities occurring on any private, communal or state land and include: 1. "National Heritage Site" - A "Protected Area" and includes a national heritage site declared by the South African Heritage Resources Agency (SAHRA) or a provincial

heritage site declared by a provincial heritage resources authority in terms of the National Heritage Resources Act 25 of 1999, as amended; and 2. "World Heritage Site" - A "Protected Area" and includes land or an area declared by the United Nations Educational, Scientific and Cultural Organisation (UNESCO) as a heritage site in terms of the World Heritage Convention Act 49 of 1999, as amended.

□ **Home industry** means the conducting of a profession/ business including retail/ religious activities (home church) from a dwelling house, provided that the dominant use of the property shall remain residential and the activity shall not interfere with the amenity of the neighbourhood.

□ **Hospital** means an institution designed as an integrated complex for the diagnosis, care and treatment of human illness, including live-in facilities for patients, a clinic, and doctor consulting rooms, dispensary, and sale of refreshment, coffee shop and other facilities incidental to the main use.

□ **Hotel** means a building which complies with the requirements of the regulations promulgated under the Hotels Act, 1965 (Act No.70 of 1965), and which is registered as a hotel under this act, and includes a licensed motel. It comprises of overnight rooms for tourist or commuters, which have access via a central door/foyer. A Hotel may include a dining room, restaurant, entertainment- and recreational area, bar and reception area, conference facilities and excludes a guesthouse, and lodge.

□ **Incinerator** means a building for cremating animal corpses, human and animal tissue, medical waste and certain industrial waste as approved by the assigned environmental authority (See Noxious Industry).

□ **Industrial building** means a building which is used for the purpose of any one of the following: an Industry, a Light Industry, and in the appropriate zone a Noxious industry and includes the following: (i) dwelling house for a caretaker of the building; (ii) a warehouse, store-house, depository, storage yard or magazine; (iii) storage directly concerned with the maintenance of goods produced by such an industry on the premises; (iv) retail trading of goods manufactured by the industry on the premises; (v) areas for the convenience of the employees, like cafeterias, and relaxation/recreational facilities; (vi) administrative offices for such an Industry.

□ **Industry** means an activity on any premises amounting to the use of such premises as a factory or workshop as defined per the Machinery and Occupational Safety Act, 1983 for the manufacture, processing or assembling of articles, commodities, goods or foodstuffs, or for the manufacture, processing or assembling of products from materials or processed materials, and also includes a scrap-yard and electricity generating works. Also see definition of Industrial Building for clarification.

□ **Informal trading area** means the selling of products from temporary or permanent structures or facilities in areas specifically demarcated for such purposes by the Municipality, such as markets, flea markets, fresh produce markets and hawker stalls.

□ **Initiation school** means a registered cultural institution or a place where cultural initiation into manhood/womanhood (that may also involve circumcision), including teachings of cultural practices and behaviours are carried out in terms of the Free State Initiation Schools Health Act 1 of 2004, as amended.

□ **Institutional purposes** means land and buildings, whether public or private, used for the purposes of a charitable social, health or welfare facility, including the administration thereof, and includes a private charitable organisations, clinic, rehabilitation centre, home for the aged or disabled, children's home, place of safety, relief of distress or place of accommodation, boarding facilities related to any uses in this definition, hospital (public or private), sanatorium, nursing home, frail care and community centre. It may also include a dwelling unit for a caretaker or security facilities. It does not include in the definition a correctional facility.

□ **Intensive livestock keeping establishment** means a building or a place for the keeping of cattle, sheep, goats, poultry or other livestock for the purpose of nurturing by a feeding method other than natural grazing and includes feed lots, piggeries, poultry farms and fish farms, but does

not include livestock or poultry for the personal consumption or keeping by the owner or occupier of the land.
□ Kitchen means a room or any portion of a room equipped with cooking and washing facilities
□ Kitchen means a room or any portion of a room equipped with cooking facilities (stove connection) and used for the preparation of meals, including washing facilities.
□ Land Use means a purpose for which land may be used lawfully in terms of this Land Use Scheme, including any conditions related to such land use.
□ Landing strip means an area or place suitable for the landing and taking-off of aircraft, with or without suitable associated buildings and facilities.
□ Leisure residential dwellings means dwelling houses developed under Sectional Title, or Share Block Scheme, in rural settings of environmental significance, or with vistas on or with access to settings of environmental significance, with access to leisure, recreational and sports facilities and features such as golf-courses, hiking trails, water and rivers.
□ Light industry means an industry in which no solid fuel is consumed and all machinery is electrically powered; provided that, if in the opinion of the Local Authority, the power supply to the building makes extraordinary demands on the power network, such trade will be considered to be an Industry in terms of the definition of such an industry. Also see definition of Industry and Industrial Building for clarification of its manufacture, processing or assembling component. Dwelling house for caretaker is also permitted. Examples of uses classified as light industries, include the following: Charging and repair of batteries, Bottling of soft drinks and mineral water, Preparation of non-alcoholic drinks, Furniture manufacturing, Cosmetics manufacturing, Wholesale milk depot, Dry cleaning, Electro technical repairs, Confectionery factory, Ice cream preparation, Steam washing, Job printer, Confectioner and bakery, Warehouse, Welding workshop, Tire rereading and sale of new tyres and tubes, Paints mixing, Panel beating and spray-painting, Engineering and building equipment where welding, cutting of sawing is required to supply materials according to specific measurements, Storing and cutting of glass, Domestic gas dealer, Coal site. Provided that the sale of any articles, commodities, goods or foodstuffs manufactured, produced, treated or assembled wholly or partly on the premises may be permitted.
□ Loading Area 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.
□ Local Municipality means the Phumelela Local Municipality as established under the provisions of the Local Government: Municipal Structures Act 117 of 1998, as amended,
□ Lodge means a residential building for accommodating guests or tourists in rooms, suites, cottages, chalets, self-catering units and may include a reception area, conference facilities, staff quarters, dining room, restaurant and bar, wedding village, and chapel, but excludes a hotel and resort. Also refer to definition of residential building.
□ Maisonette means a group of linked residential units of which not all units need to have a ground level, with a maximum of two first floor residential units served by a common external staircase. Maisonettes have a double storey (ground level plus one level) height restriction.
□ Mortuary means a building in which corpses are kept for a time until burial or cremation.
□ Motor vehicle stop means a premises used primarily as a stopover facility for motor vehicles and motorcycles, with service station (filling station), restaurant, ablution facilities and accommodation.
□ Mountain catchment areas (declared in terms of the Mountain Catchment Areas Act 63 of 1970) means areas declared as mountain catchment areas that provide for the conservation, use, management and control of such land.

<p>□ Municipal Area means the area of jurisdiction of the Municipality in terms of the Local Government Demarcation Act 27 of 1998, as amended.</p>
<p>□ Municipal Planning Tribunal (MPT) means a Municipal Planning Tribunal referred to in Chapter 6 of SPLUMA.</p>
<p>□ Municipal purposes means land/erven and public buildings utilised by Local Municipality to carry out its mandatory functions for power distribution, pump stations, water reticulation, sewage disposal or for any building which renders essential services to the community, and include uses such as offices, training centre, sport and recreation facilities, stores, reservoir, warehouses, showgrounds, cemeteries, crematorium, agricultural purposes, commonage, food gardens, aerodromes, landing strip, storage yard, public open space, resort, nature conservation areas, rifle range, caravan park, nursery, sport facilities, place of assembly, recreational facilities, waste management facility, sewage treatment works, and water purification works, etc. The land/erven zoned for this purpose must be registered in the name of the Municipality. Certain of the above uses as identified in the zoning table is subject to consent.</p>
<p>□ Municipal, provincial and national roads means roads and their reserves that are registered in the name of the specific authority and at the offices of the Surveyor General.</p>
<p>□ National Building Regulations means the National Building Regulations made in terms of Section 17 of the National Building Regulations and Building Standards Act 103 of 1977, as amended.</p>
<p>□ National parks (declared in terms of National Environmental Management Protected Areas Act 57 of 2003) means areas designated to protect areas of national or international biodiversity importance; or containing a representative sample of South Africa's natural systems, scenic areas or cultural heritage sites; or the ecological integrity of one or more ecosystems. National parks provide spiritual, scientific, educational, recreational and tourism-related opportunities which are mutually and environmentally compatible and can contribute to local and regional economic development.</p>
<p>□ National road means a road proclaimed in terms of the National Roads Act 7 of 1998, maintained by the South African National Roads Agency (SANRAL) and need not necessarily form part of a national route. There are also Provincial roads (the second category of road in the South African route-numbering scheme and designated with the letter "R") that are proclaimed National Roads. (<i>"South African Numbered Route Description and Destination Analysis". National Department of Transport. May 2012.</i>). Also see definition of Public road.</p>
<p>□ Nature reserves, including provincial, local authority and registered private nature reserves (declared in terms of National Environmental Management Protected Areas Act 57 of 2003) means areas of significant ecological, biophysical, historical, or archaeological interest or that are in need of long-term protection for the maintenance of its biodiversity or for the provision of environmental goods and services. Nature reserves are declared to: a) Supplement the systems of wilderness areas and national parks in South Africa; b) Sustainably provide natural products and services to local communities; c) Enable the continuation of traditional resource uses; and d) Provide nature-based recreational and tourism opportunities.</p>
<p>□ Noxious industry means an industry that by virtue of noise or effluents can cause a disturbance, a burden, inconvenience or unhealthy conditions and danger and harm to the health of the general public, as a result of poisonous gases, toxic substances, odours, smoke, noise, fire-glow or nightly activities and includes the processing of high risk substances, abattoirs, crematorium, incinerator, waste management facility (excluding landfill site), brickworks, railway purposes, bulk storage of fuel/gas, keeping of poultry or livestock in camps or batteries (Intensive livestock keeping establishment), brewery, chemical works, processing of hides or stone crushing. The municipality may demand that any process that produces sewage water or waste products that cannot be managed by the municipality's sewage works in the normal way shall first be processed by the owner of such an industry at his own cost in such a manner that it will be acceptable to the municipality as being treated water or waste. A building for security/caretaker accommodation (not exceeding 100m²) is permitted.</p>

- **Nursery (retail)** means a business which buys and sells plants, trees, seeds and garden accessories, as well as growing plants on the erf of the business, and includes secondary to the enterprise the selling of refreshments as part of a tea garden or restaurant, a petting zoo or playground.
- **Office** means a building or portion thereof used for the performance of administrative functions or for running a professional practice or the conducting of an enterprise primarily concerned with administrative, clerical, financial or profession duties.
- **Outbuilding** means a building structure, whether attached or separate from the main building, which is designed to be utilized for the garaging of motor vehicles and for storage purposes in so far as these uses are usually and reasonably required in connection with the main structure, and may include rooms for occupation by domestic staff ordinarily employed on the premises, laundry, hobbies room, cloakroom; sauna; work or recreational room, but does not include a second dwelling.
- **Owner** means with reference to a building or land the registered owner or the person who administers the estate of the registered owner by power of attorney, whether as executor, administrator, guardian or in any other capacity.
- **Panhandle erf** means an erf that is configured with a narrow pan handle portion forming an access corridor to the developable area of the erf. The developable area of the panhandle erf is located behind other erven.
- **Parking Bay** means a demarcated area used exclusively as a single parking space, depending on the dimensional requirements, for a standard motor vehicle, modified motor vehicle for the disabled, or larger vehicles such as taxi's, trucks or busses, not intended for trade or sale. A parking bay shall be individually accessible, exclude any ramps or structural columns and furthermore comply with the provisions set out under Annexure A.
- **Parking facility** means a building (parking garage) or site comprising parking bays that provides parking to the public for free or at payment of a prescribed fee for a pre-determined period.
- **Permitted Use** means land uses which are permitted in a specific zoning.
- **Picnic place** means an area for eating outdoors ideally in scenic surroundings, such as a park, lakeside, or other place affording an interesting view, with the food being provided by the participants themselves, and may include picnic tables and other items related to eating outdoors, such as built-in grills, water faucets, garbage containers, and restrooms.
- **Place of entertainment (amusement)** means a building or site which is used for purposes like a theatre, music hall, concert hall, drive-in-theatre, cinema, casino, night-club, billiards-room, pistol range, skating rink, dancing hall and club (non-residential).
- **Place of instruction** means a building or land used for education at pre-school, school or post school levels, and includes a crèche, pre-primary school, primary and secondary school, early childhood development centre, college, training centre, technical college, research institute, academy, lecture hall, university, exhibition hall and having all uses which are ancillary, directly related to and subservient to the main use, such as recreational facilities, worshipping, assembling, canteen, tuck shop, club, medical centre and hostel accommodation (including a boarding house, flats and dwelling house for staff and student rental only), and also include in the definition a convent, monastery, public library, museum, gymnasium and art gallery.
- **Place of public worship** means a building for use of public devotion and includes a church, chapel, oratory, synagogue, mosque or any other place of public worship, as well as buildings on the same premises and related to the above mentioned buildings for the purpose of offices, kitchen, hall, religious instruction, socializing, meetings, recreational purposes, lodging and residing of office-bearers, and may include a commemorative wall.
- **Powerlines** means infrastructure used in electric power transmission and distribution to transmit electricity over long distances, whether above or underneath the ground. Above the

ground it normally consists of one or more conductors suspended by towers or utility poles. This may also include sub-stations, offices related to maintenance and vacant land as part of the servitude.

□ **Pre-primary school** means a place of instruction which was approved by authorities for the informal and daily care of pre-school children between the ages of 4 and 6 years.

□ **Private open space** means any land reserved for relaxation, recreation and sport purposes, and includes an open space, park, garden, playground, picnic place, sport ground, rest and recreation site, esplanade, urban green areas, ornamental or pleasure garden, with entertainment, leisure, sport and amusement facilities and buildings/ infrastructure used in connection therewith, not generally open to the public and to which admission can only be obtained upon payment of entrance fees or on the strength of permission granted by the owner, but does not include a resort. Rifle range is a consent use under the definition.

□ **Private street** means any road/ street which is not a public street or does not fall under public authority control. It may include ancillary access control infrastructure, such as a gatehouse, security office and utility room.

□ **Property** means any portion of land registered at the Surveyor General and in the Deeds Registry as a separate portion, entity or unit and includes a farm, small holding, erf, section, lease area, or any subdivision thereof, as well as the building or structure erected thereon

□ **Protected environments** (declared in terms of National Environmental Management Protected Areas Act 57 of 2003 as amended) means areas that may be declared as a protected environment to: a) Conserve the area as a buffer zone for the protection of a wilderness area, special natural reserve, national park, world heritage site or nature reserve. b) Enable owners of land to take collective action to conserve biodiversity on their land and to seek legal recognition for such actions, c) Protect the area if it is sensitive to development due to its Biological diversity; Natural, cultural, historical, archaeological or geological value; Scenic and landscape value; or Provision of environmental goods and services, d) Protect a specific ecosystem outside of a wilderness area, special nature reserve, national park, and world heritage site, e) Ensure that the use of natural resources is sustainable, f) Control change in land-use if the area is earmarked for declaration as, or inclusion in, a wilderness area, national park or nature reserve.

□ **Provincial road** means the second category of road in the South African route-numbering scheme. It is designated with the letter "R" followed by a number from 21 to 99, formerly with the letter "P" followed by a number from 66.^[2] It serves as feeders to the national routes and as trunk roads in areas where there is no national route. Designation as a provincial road does not necessarily imply that a road is maintained by the road authority in the provincial government; some parts of the provincial road network are maintained by the National Roads Agency (SANRAL), and parts in towns may be ordinary streets maintained by the municipal roads departments ("*South African Numbered Route Description and Destination Analysis*", National Department of Transport. May 2012.). Also see definition of Public road.

□ **Public Accessibility Area (PAA)** means the area of a non-retail establishment to which the public has access. This may include a reception area, dining room, bar area, conference facilities, gymnasium, etc. and may have an influence on the provision of parking bays.

□ **Public building** means any building which is owned, erected, controlled or leased by the state, province or local authority, with the purpose of rendering government services to the public.

□ **Public garage(Motor workshop)** means a building for the storage, repair, servicing, fuelling, washing, cleaning, spray painting or panel beating of vehicles and facilities connected with these activities, including storage of fuel and lubricants, office, storeroom, workshop, grease pit and machinery, as well as the sale of general merchandise (convenience shop) to the travelling public, and the sale of motor vehicles and the sale of motor parts, but does not include accommodation for a scrap-yard.

□ **Public open space** means any land indicated on a general plan as park for use by the public for relaxation, recreation and sport purposes. This include an open space, park, garden, playground, picnic place, sport ground, rest and recreation site, esplanade, urban green areas, ornamental or pleasure garden, and may include buildings, infrastructure, and ablution used in

connection therewith, with no admission fees or permission from the owner needed, but does not include a resort.

□ **Public road** means a road created by means of proclamation and the registration of a right of way servitude in favour of the general public and its existence and extent are normally captured in the Deeds Registry. It is the area between defined road reserve boundaries, including the roadway, shoulders (if any) and sidewalks.

□ **Public street** means a road reserve indicated on a Surveyor-General Plan map as public street, and is the area between defined street reserve boundaries, including the roadway, shoulders (if any) and sidewalks.

□ **Quarry** means any open excavation for the purpose of finding and/or removing soil, sand, gravel, stone or clay, and includes any machinery on the same site which is needed to crush stone, to sieve it, mix it with tar or to premix concrete for use elsewhere on the site.

□ **Railway purposes** means the use of land or buildings for the transport, loading and off-loading of passengers and goods by rail, including railway lines, storage of goods, stations, container depots, marshalling yards, terminal facilities, equipment servicing facilities, as well as other associated buildings, subject to the provisions of the Legal Succession to the South African Transport Services Amendment Act, 1995 (43 of 1995), as amended.

□ **Rear Boundary** means the boundary of an erf which is furthest from any street boundary, and which does not meet any street boundary.

□ **Renewable energy structures** means any wind or water turbine or solar voltaic apparatus, or grouping thereof, which captures and converts wind, water or solar radiation into energy for commercial gain irrespective of whether it feeds onto an electricity grid or not. It includes any appurtenant structure or any test facility for energy generation. Appurtenant structure means any structure or accessory necessary for, or directly associated with generation of renewable energy. It includes all plant and equipment, and other miscellaneous infrastructure associated with the generation, transmission and distribution of renewable energy whether it feeds into the national grid or not. Such infrastructure includes but is not limited to workshops and stores, offices, site canteen, medical station, fire station, a tourist facilitation center, ambulance garage, compressor house buildings, water supply infrastructure, guard houses, accommodation facilities, as well as recreational facilities for personnel. Agricultural activities can be practiced on areas which are not utilized for the renewable energy plant.

□ **Reservoirs** means structures for the storage of drink water of a town.

□ **Residential building** means a building (single or multiple structure) designed for occupation of groups of people and includes such outbuilding as are generally used in connection with it, with no restriction in the number of rooms available for letting (subject to the zoning requirement) and includes larger boarding and guest houses (both more than 10 bedrooms and owner not residing), hostels (including backpackers), communes, student residences, a block of rooms, lodge, hotel and residential club, but does not include a dwelling house, town and group housing, maisonettes, block of flats, and institution. The residing (accommodation) component of a place of worship and place of instruction can establish as residential buildings on a separate premises.

□ **Residential club** means a building which is equipped for the convenience and relaxation of club members and their guests, and to which admission may only be obtained by means of the consent of the club management, and includes accommodation, sport, entertainment, dining and reception facilities for the use of club members.

□ **Residential complex** means multiple (three or more) residential units of a certain type, and includes group houses, town houses, row houses, maisonettes, and retirement resort.

□ **Residential unit** means an interconnected set of rooms intended for human occupation and which includes at least a bedroom, living room, kitchen and bathroom, provided that the sleeping and living quarters may be connected in the case of a single flat.

<p>□ Resort purposes means the provision of holiday accommodation and includes self-catering residential units/chalets, caravan park, and camping areas, provided with water, sewerage and electricity connection points and associated ablution, communal kitchen, restaurant, bar, recreation and tourism related business facilities, and may also include additional land uses such as dwelling houses for staff and offices for caretaker or administrative usage, hotel, lodge, guesthouse, as well as chapel, hall, entertainment and function facilities and facilities for conferences and related training.</p>
<p>□ Restaurant/ Take away means a business directed towards preparation and serving/ sale of meals and refreshments (beverages) to the public for consumption and is an activity as itemised in the Licences Ordinance, 1972 (Ord. No.8 of 1972). Meals are generally eaten on the premises, but may also offer take-away (fast-food restaurant) and food delivery services. It includes coffee-shops, cafeterias and tea gardens.</p>
<p>□ Retirement resort means a group of detached and/or linked residential units, which provides housing to retired persons and include facilities such as recreational, medical, dining hall, aid centre, tuck shop, sick bay and other ancillary uses which is secondary and related to the housing on the same site and which is provided exclusively for the benefit of the inhabitants.</p>
<p>□ Rifle range means a premises approved by Council and police services, or military authority for safe shooting practice and competing with rifles, other firearms and weapons, including non-license weapons such as crossbows and bow-and arrows, and includes clubhouse, shooting pits and other associated buildings and structures.</p>
<p>□ Road transport terminal means a building or premises used for bulk handling of goods for transport by road, including facilities for the loading and offloading of vehicles used to transport those goods, as well as for the parking, servicing and repair of those vehicles, and can also include a weighbridge and overnight facilities for drivers.</p>
<p>□ Row-houses means a linear group of 3 or more residential units with common dividing walls, identical orientation and uninterrupted line of elevation.</p>
<p>□ Scrap yard means a site intended for dismantling, processing and storing obsolete machinery, car wrecks, used parts and industrial refuse, provided that any scrap-yard must be walled in to a height of at least two metres and with materials to the satisfaction of the local authority, and that a scrap yard will only be allowed in industrial zonings.</p>
<p>□ Self-catering unit means a residential unit, either architecturally linked or detached, which serves as a residency for overnight visitors or tourist accommodation and where meals are prepared by the guests themselves.</p>
<p>□ Self-storage facility means a building consisting of one or more individual storage units with a maximum size of 36m² each, which shall be individually accessible and used for the long and short term storage of household goods. Offices related to the use may be provided.</p>
<p>□ Semi-detached housing means two identical residential units having mirrored plans enclosing a communal dividing wall, or any two dwelling units built right up against a communal dividing wall.</p>
<p>□ Service Industry means a light industry, with predominantly a repair or service providing function. No solid fuel is used in connection with any process and machinery is electrically driven. A list of uses classified as service industries, are amongst other as follows: Shoemaker's shop, Milk depot (retail trade), Dry cleaning establishment of not more than 120 m² work area, Repair of domestic/electric apparatus, Laundry with coin operated apparatus, Printing and bookbinding, Upholstery, Sign writing, Gold and silversmith, Repair work of bicycles, Key and locksmith, Bakery and confectioner, Repair of bicycles, Workshop for handicapped persons, Repair work of lawn mowers and swimming pool apparatus, Saddle and harness shop, Motor workshop.</p>
<p>□ Service infrastructure means the supply of infrastructure and rendering of engineering and associated services by the local authority or any other supplier or agent relating to water, electricity, sanitation, storm water management, refuse, telecommunication, and includes the land</p>

and buildings on which such infrastructure is located, as well as all related services and equipment for the installation, maintenance and proper functioning thereof.

□ **Service station (filling station)** means a building for the retail sale of petrol, oil, motor products (spare parts, tyres, etc.) with washing and cleaning of vehicles, and lubrication of vehicles, as well as the sale of general merchandise (convenience shop) to the travelling public, provided that retail department (motor related products and general merchandise) is subordinate. Retail sales of motors (vehicle showroom) are not permitted.

□ **Servitude** means a right registered in the Deeds Office against the title deed of a property in terms of which a burden is imposed on an immovable property restricting the rights, powers or liberties of its owner in favour of either another person or the owner of another property.

□ **Sewage plants (Waste water treatment works)**, means areas designated as municipal and private sewage treatment plants, including recycling facilities, guard houses, ablution facilities and relevant infrastructure.

□ **Shop** means land or a building used for the purpose of carrying on retail trade and the necessary accompanying storage and packaging, and include any accompanying use such as workshop on the same site that is incidental and subordinate to the conduct of the retail trade, and include uses such as a bakery, café, roadside stall, nursery, service station (filling station), fishmonger, shop for sale of animals or birds.

□ **Showgrounds** means land used for the display of items and staging of events for the duration of an exhibition, and includes entertainment, the sale of displayed items, foodstuffs and refreshments during such periods of exhibition, the occasional use of the area or building as a place of assembly and/or for public religious purposes and/or sport gatherings.

□ **Side Boundary** means any boundary of an erf which is not a street boundary and rear boundary.

□ **Sidewalk** means that portion of a road- or street reserve intended for the exclusive use of pedestrians, road traffic signage, lampposts and underground engineering- and telecommunication infrastructure.

□ **Site Development Plan** means a scaled and dimensioned plan that shows details of the proposed land development, including the site layout, positioning and size of buildings and structures, property access, building designs, parking, internal services, servitudes and landscaping, as prescribed in the municipal land use planning bylaws.

□ **Social housing** means a rental or co-operative housing option for low to medium income households on an affordable basis, and includes dwelling houses, block of flats or residential buildings.

□ **Spatial Development Framework (SDF)** means a spatial development framework that must be included in a Municipality's Integrated Development Plan in terms of Section 26(e) of the Municipality Systems Act and Chapter 4 of SPLUMA.

□ **Spatial Planning Categories (SPCs)** means facilitating the land-use classification of the entire land surface of the Municipality in a standard format in accordance with a set of dedicated set of categories as set out in Section 3 of the Municipal Land Use Planning Bylaw.

□ **Special nature reserves** (declared in terms of National Environmental Management Protected Areas Act 57 of 2003) refers to areas characterised by sensitive, ecologically outstanding ecosystems or natural habitats, natural communities, populations or species, or unique geological or biophysical features conserved primarily for scientific research, educational and limited nature-based recreational purposes.

□ **Sports and recreational purposes** means land and buildings used and equipped for practicing indoor and outdoor sports and recreation and making provision to accommodate spectators in an open-air or sheltered area, including ancillary uses such as administration offices and ablution facilities, and include a rifle and shooting range in the definition.

<p>□ Statutory protected areas means areas designated in terms of legislation for biodiversity conservation, defined categories of outdoor recreation and non-consumptive resource use. Conservation purposes are purposes normally or reasonably associated with, the use of land for the protection of the natural and/or built environment, including the protection of the physical, ecological, cultural and historical characteristics of land against undesirable change. These areas are the following: Wilderness Area, Special Nature Reserve, National Park, Nature Reserve, Protected Environment, Forest Wilderness Area / Forest Nature Reserves. World Heritage Sites, Mountain Catchment Area.</p>
<p>□ Storage yard (Builders yard) means a yard in which materials, equipment and vehicles are stored, kept and maintained and may be covered, enclosed or screened.</p>
<p>□ Storey means the vertical space in a building between one floor level and the following floor level or ceiling or roof above and as defined in the National Building Regulations and Building Standards Act 103 of 1997, as amended.</p>
<p>□ Street boundary means the cadastral boundary, as surveyed or proclaimed, between an erf and the adjoining public street.</p>
<p>□ Street means any thoroughfare, road, bridge, fly-over, tunnel, avenue, drive, lane, sanitary lane or thoroughfare indicated as street on the general plan of the town, and can also be an erf or subdivision of an erf.</p>
<p>□ Student residence means a residential building with a maximum of 10 bedrooms/ suites of which bedrooms/ suites can be let out, by an owner not residing on the premises, to students receiving tuition at a place of instruction. Provided that (a) no tourist accommodation be provided on the premises (b) a maximum of two bedrooms form part of the outbuilding (c) no self-sustaining (kitchen) facilities be provided as part of a bedroom/ suite (d) primary access to the bedrooms of the residence is from the inside of the residence.</p>
<p>□ Surveyor General Diagram means a diagram approved by the Surveyor General in terms of the Land Survey Act 8 of 1997, or any amendments thereof.</p>
<p>□ Tavern means a dwelling house or part thereof constructed, designed or adapted for use for social gatherings and for the consumption of liquor and the preparation and consumption of food, but shall not include the sale of any of the aforesaid items for consumption off the site, provided that the dominant use shall remain residential for the occupant of the said dwelling house and subject to the compliance of Health and Safety Bylaws.</p>
<p>□ Taxi rank and Bus terminus means a premises for the collecting of passengers and may include buildings for shelter, ablution facilities and traders (formal and informal).</p>
<p>□ Telecommunication infrastructure means land or a portion of land accommodating any part of the infrastructure of a telecommunication network for radio/wireless communication including, voice, data and video telecommunications, which may include antennae; any support structure, equipment room, radio equipment and optical communications equipment provided by cellular network operators or any other telecommunication providers and all ancillary structures needed for the operation of telecommunication infrastructure.</p>
<p>□ Temporary Structure means any building or structure that is so declared by the owner and that is being used or is to be used for a specific purpose for a specified limited period of time.</p>
<p>□ Town houses means a group of detached and/or linked residential units of similar architectural character, each with a ground level, and with the necessary vehicle access areas and open spaces on the remaining portion of the erf that constitute the complex and being the communal property of the owners of the units. The residential units are sold by way of sectional title.</p>
<p>□ Traditional Settlement means land under administration of a Traditional Leader which is reserved for the management of dwelling houses and supporting uses, including cropping and grazing lands, livestock kraals and sheds for storing of farming equipment. It may include areas for traditional festivities and ceremonies. It may also include a compound for the residence of the</p>

royal family that includes uses for the administration of the traditional area. It may also include specific areas used for the collection of material such as firewood, traditional herbs, natural building materials and water.

□ **Training centre** means a building or place where people undergo training to enhance certain skills.

□ **Undertaker business (Funeral parlour)** means a business for the purpose of funeral management where corpses are prepared for burial by the funeral agent on behalf of the next of kin, and includes the sale and display of those commodities required for cemetery purposes and services ordinarily ancillary to funeral management, such as the sale of coffins, embalming, laying out bodies, a chapel for memorial services, sale of flowers, burial and mourning requirements, sale of life assurance and funeral policies, as well as accommodation for staff of the business, but does not include a crematorium, the production or repair of tombstones or the manufacture of coffins.

□ **Urban green areas** means municipal open spaces that form an integral part of the urban structure.

□ **Vehicle showroom** means a business directed towards the displaying, buying, selling and hiring of new or used motor vehicles used for the transportation of people and goods, as well as motor cycles, caravans, boats, trailers, or tractors and other farming equipment, but does not include the sale of motor spares for such vehicles, the sale of fuel for any vehicle, the lubrication or repair of vehicles, or a scrap-yard.

□ **Veterinary clinic** means a site and/or building where animals receive medical treatment and may stay overnight if necessary, excluding kennels for long term accommodation.

□ **Warehouse** means a building used primarily for the storage and/or distribution of goods and includes warehouses of a wholesale and retail nature.

□ **Waste management facility** means any building, premises or works used for the storage, treatment, processing, sorting or disposal of waste and includes (a) waste management and disposal sites, including landfill sites (b) recycling facilities, including material recovery facilities and waste processing facilities.

□ **Water purification works** means a plant used for the purification of drink water of a town.

□ **Water storage structures** means structures for the storage of water, and includes in its definition water reservoirs and dams.

□ **Wholesale warehouse** means a building used for the bulk storage of goods and/or products, including the sale of such goods and/or products to bona fide dealers, retailers or bulk consumers.

□ **Wilderness areas** (declared in terms of National Environmental Management Protected Areas Act 57 of 2003) means areas characterised by their intrinsically wild and pristine appearance and character, or that are capable of being restored to such, and which are undeveloped, without permanent improvements or human habitation. Such areas are declared to: a) protect and maintain the natural character of the environment, biodiversity resources, associated natural and cultural resources; b) provide environmental goods and services; c) provide outstanding opportunities for solitude and primitive outdoor experiences; and, d) provide controlled access to those who understand and appreciate wilderness, and those who wish to develop such an understanding.

□ **Workers dwelling** means a residential unit for a person employed on a farm or smallholding that is not the primary residence on the property and is only occupied by persons engaging in rural or peri-urban work on that land.

□ **World heritage sites** (declared in terms of the World Heritage Convention Act 49 of 1999) means cultural or natural areas that has been: a) Included on the World Heritage List, or the tentative list of the Republic, and has been proclaimed as a World Heritage Site, or b) Proclaimed to be a Special Heritage Site for management in accordance with the Act (such areas cannot be referred to as a World Heritage Site).

- **Zoning Map** means the series of maps on which the different Land Use Zones for the municipal area are indicated and which forms part of this Scheme.
- **Zoning** means a category regulating the development of land and setting out the purposes for which the land may be used and development parameters applicable in respect of the said category.

PART 3: STANDARD LAND USE ZONING CATEGORIES

12. LAND USE ZONE CATEGORIES

Land Use Zones are divided into **land use zoning categories** which specify the purposes for which buildings and land in each of the categories may be erected and/or used.

Within a specific Land Use Zone, "Permitted Land Uses" are allowed without any approval of the MPT of the Municipality.







Within a specific Land Use Zone, "Consent Land Uses" are allowed with the approval of the Authorised Employee, if a **Registered Professional Town and Regional Planner**. If the Authorised Employee is not a Registered Professional Town and Regional Planner, the MPT must approve these applications.

All other buildings or land uses not included as permitted land uses or consent land uses may not be erected and/or used in the relevant land use zone.

Where, in any **Zoning Category**, it is intended to erect a building or use land for purposes of combining more than one land use on a property, the development parameters of the land use with the highest impact shall apply to the property (all buildings included), provided that the development parameters applicable to each individual land use are not exceeded.

13. SUMMARY OF LAND USE ZONINGS, PERMITTED AND CONSENT LAND USES (ACCORDING TO SPCs)

TABLE 2: SPATIAL PLANNING CATEGORIES (SPCs)

	A CORE	A.a Statutory Protected Areas
	B BUFFER	B.a Non-Statutory Conservation Areas B.b Ecological Corridors B.c Urban Green Areas
	C AGRICULTURAL AREAS	C.a Extensive agricultural areas C.b Intensive agricultural areas
	D URBAN RELATED	D.a Main Towns D.b Local Towns D.c Rural Settlements D.d Tribal Authority Settlements D.e Communal Settlements D.f Institutional Areas D.g Authority Areas D.h Residential Areas D.i Business Areas D.j Service Related Business D.k Special Business D.l SMME Incubators D.m Mixed Use Development Areas D.n Cemeteries D.o Sports fields & Infrastructure D.p Airport and Infrastructure D.q Resorts & Tourism Related Areas D.r Farmsteads & Outbuildings
	E INDUSTRIAL AREAS	E.a Agricultural industry E.b Industrial Development Zone E.c Light industry E.d Heavy industry E.e Extractive industry
	F SURFACE INFRASTRUCTURE & BUILDINGS	F.a National roads F.b Main roads F.c Minor roads F.d Public Streets F.e Heavy Vehicle Overnight Facilities F.f Railway lines F.g Power lines F.h Telecommunication Infrastructure F.i Renewable Energy Structures F.j Dams & Reservoirs F.k Canals F.l Sewerage Plants and Refuse Areas

(Source: FSPSDF, 2018)

The following is a Summary of the Land Use Zones, Permitted Land Uses and Consent Land Uses.

Each Land Use must be read together with the applicable Definition (**Table 1**) and the Standard Land Development Requirements (**Table 4**).

TABLE 3:SUMMARY OF LAND USE ZONINGS, PERMITTED AND CONSENT LAND USES

ZONING	PERMITTED USES	CONSENT USES
1. CONSERVATION AREAS		
CONSERVATION	Statutory Protected Conservation Areas	As determined by the relevant Environmental Authority and the Municipality
OPEN SPACE 1	Public open space	Telecommunication Infrastructure
OPEN SPACE 2	Private open space	Shooting range Telecommunication Infrastructure
2. AGRICULTURAL AREAS		
AGRICULTURE	Agricultural purposes Farm village	As determined by the relevant Agricultural, Environmental Authority and the Municipality
3. URBAN RELATED AREAS		
RESIDENTIAL 1	Dwelling house Additional dwelling house Semi-detached housing	Day Care facility Student dwelling Place of public worship Home industry Tavern Telecommunication Infrastructure
RESIDENTIAL 2	Guesthouse Boarding house	Telecommunication Infrastructure
GENERAL RESIDENTIAL	Dwelling house Additional dwelling house Semi-detached housing Boarding house Guesthouse Block of Flats Residential building Residential complex	Day Care facility Home industry Student dwelling Telecommunication Infrastructure
BUSINESS 1	Business purposes Boarding house	Taxi rank Bus terminus

	<p>Guesthouse</p> <p>Residential building</p> <p>Block of flats</p>	<p>Community facility purposes</p> <p>Commercial use</p> <p>Gymnasium</p> <p>Light industry</p> <p>Service industry</p> <p>Hawker stall</p> <p>Telecommunication</p> <p>Infrastructure</p>
BUSINESS 2	<p>Service station (Filling station)</p>	<p>Restaurant/ Take away</p> <p>Vehicle showroom</p> <p>Public garage (Motor workshop)</p> <p>Heavy Vehicle Overnight facility</p> <p>Motor vehicle stop</p> <p>Telecommunication</p> <p>Infrastructure</p>
COMMUNITY FACILITY	<p>Institutional purposes, including clinic, hospital, home for the aged or disabled, children's home, place of safety, frail care and community centre</p> <p>Community Hall (Social hall)</p> <p>Place of public worship</p> <p>Sport and recreational purpose</p> <p>Community garden (Food garden)</p>	<p>Taxi rank</p> <p>Bus terminus</p> <p>Crèche</p> <p>Shooting range</p> <p>Telecommunication</p> <p>Infrastructure</p>
EDUCATION	<p>Place of Instruction, including crèche</p>	<p>Telecommunication</p> <p>Infrastructure</p>
RELIGIOUS PURPOSES	<p>Place of Worship</p>	<p>Crèche</p> <p>Telecommunication</p> <p>Infrastructure</p>
CEMETERY	<p>Cemetery purposes</p>	<p>Telecommunication</p> <p>Infrastructure</p>
GOVERNMENT	<p>Government purposes, including police station</p>	<p>Municipal Purposes</p> <p>Government Vehicle Workshop</p> <p>Correctional facility</p> <p>Social housing</p> <p>Telecommunication</p> <p>Infrastructure</p>

MUNICIPAL	Municipal purposes, including municipal office	Government Purposes Cemetery purposes Generating Works Informal Trading Area Shooting range Storage Yard Social housing Telecommunication Infrastructure
MUNICIPAL TOWNLANDS	Municipal purposes Resort Sports and Recreational purposes Commonage Showgrounds Water storage structure Water purification works Agricultural purposes	Government Purposes Renewable energy structures Cemetery purposes Waste management facility Sewage plant (Waste water treatment works) Generating Works Landing strip Storage Yard Informal Trading Area Social Housing Extractive Industry Shooting range Telecommunication Infrastructure
TRADITIONAL AUTHORITY AREAS	Traditional Settlement	Uses as approved by the Relevant Government Department and the Municipality
LEISURE RESIDENTIAL	Leisure residential dwelling	Telecommunication Infrastructure
RESORT	Resort purposes	Telecommunication Infrastructure
4. INDUSTRIAL AREAS		
LIGHT INDUSTRIAL	Light industry Service industry Business purposes Public garage (Motor workshop) Vehicle showroom Commercial use	Taxi rank and Bus terminus Telecommunication Infrastructure

	Depot Undertaker business (Funeral parlour) Scrapyard Self-storage facility Animal Establishment Training centre Government Purposes Municipal Purposes Warehouse Wholesale Warehouse	
GENERAL INDUSTRIAL	Industry, including heavy industry Auction Pen Business purposes Undertaker business (Funeral parlour) Vehicle showroom Public garage (Motor workshop) Commercial use Depot Scrapyard Self-storage facility Animal Establishment Training centre Government Purposes Municipal Purposes Warehouse Wholesale Warehouse	Taxi rank and Bus terminus Heavy Vehicle Overnight Facility (Truck stop) Road transport terminal Mortuary Telecommunication Infrastructure
NOXIOUS INDUSTRIAL	Noxious Industry	Telecommunication Infrastructure
EXTRACTIVE INDUSTRIAL	Extractive Industry Agricultural purposes	As determined by the relevant mineral authority and the Municipality
5. SURFACE INFRASTRUCTURE & BUILDINGS		
ROAD AND STREET	Municipal road National road Provincial Road Private Street	None

	Public Street	
TRANSPORT	Air transport facility Parking facility Railway purposes Heavy Vehicle Overnight Facility (Truck stop) Motor vehicle stop Road transport terminal Taxi rank and Bus terminus	Hawker stall Depot Warehouse (only storage and distribution) Self-storage facility Telecommunication Infrastructure
UTILITY AND SERVICE	Service Infrastructure	None
6. ADDITIONAL ZONING		
SPECIAL USE	Any land use (or combination of land uses) not permitted under the available zonings and/or for which special conditions are to be formulated.	None

14. STANDARD LAND DEVELOPMENT REQUIREMENTS FOR EACH LAND USE ZONE

TABLE 4: STANDARD LAND DEVELOPMENT REQUIREMENTS FOR EACH LAND USE ZONE

14.1 CONSERVATION AREAS

CONSERVATION				
ZONING REQUIREMENTS:				
Permitted Uses	Coverage	Height	Building Lines	Parking
Statutory Protected Conservation Areas	As determined by the relevant Environmental Authority and the Municipality	As determined by the relevant Environmental Authority and the Municipality	As determined by the relevant Environmental Authority and the Municipality	As determined by the relevant Environmental Authority and the Municipality
Consent Uses	Coverage	Height	Building Lines	Parking
As determined by the relevant Environmental Authority and the Municipality	As determined by the relevant Environmental Authority and the Municipality	As determined by the relevant Environmental Authority and the Municipality	As determined by the relevant Environmental Authority and the Municipality	As determined by the relevant Environmental Authority and the Municipality
ADDITIONAL PROVISIONS:				
<ul style="list-style-type: none"> Read together with Overlay Zone 1 				

OPEN SPACE 1				
ZONING REQUIREMENTS:				
Permitted Uses	Coverage	Height	Building Lines	Parking
Public Open Space	To Municipal satisfaction	Ground level	Street building line: 4m Side & rear spaces: 2m	Annexure A
Consent Uses	Coverage	Height	Building Lines	Parking
Telecommunication Infrastructure	To Municipal satisfaction	To Municipal satisfaction	To Municipal satisfaction	Annexure A

OPEN SPACE 2				
ZONING REQUIREMENTS:				
Permitted Uses	Coverage	Height	Building Lines	Parking
Private Open Space	To Municipal satisfaction	To Municipal satisfaction	Street building line: 4m Side & rear spaces: 2m	Annexure A
Consent Uses	Coverage	Height	Building Lines	Parking
Shooting Range Telecommunication Infrastructure	To Municipal satisfaction	To Municipal satisfaction	To Municipal satisfaction	Annexure A

14.2 AGRICULTURAL AREAS

AGRICULTURE				
ZONING REQUIREMENTS:				
Permitted Uses	Coverage	Height	Building Lines	Parking
Agricultural purposes Farm village	As determined by the relevant Agricultural/ Environmental Authority, and the Municipality	As determined by the relevant Agricultural/ Environmental Authority, and the Municipality	<u>Street building line:</u> Street/road building line in accordance with the requirements of the respective road authority.	Annexure A
			Side- and rear spaces: 3m	
Consent Uses	Coverage	Height	Building Lines	Parking
As determined by the relevant Agricultural Authority, Environment Authority and the Municipality	As determined by the relevant Agricultural/ Environmental Authority, and the Municipality	As determined by the relevant Agricultural/ Environmental Authority, and the Municipality	<u>Street building line:</u> Street/road building line in accordance with the requirements of the respective road authority.	Annexure A
			Side & rear spaces: 3m	
ADDITIONAL PROVISIONS:				
<ul style="list-style-type: none"> As determined by the relevant Agricultural Authority and the Municipality. Read together with Overlay Zone 2. For existing permits on Agricultural Land, refer to Schedule C. 				

14.3 URBAN RELATED AREAS

RESIDENTIAL 1				
ERVEN SMALLER THAN 600m²				
ZONING REQUIREMENTS:				
Permitted Uses	Coverage	Height	Building Lines	Parking
Dwelling House Additional Dwelling House Semi-detached housing	60%	Ground level plus 1	Street building line: 2m Side- & rear spaces: 1m	Annexure A
Consent Uses	Coverage	Height	Building Lines	Parking
Day care facility Student Dwelling Place of Public Worship	60%	Ground level plus 1	Street building line: 2m Side- & rear spaces: 1m	Annexure A
Home Industry Tavern	50m ² or 25% of the total floor area of the residence	Ground level		
Telecommunication Infrastructure	To Municipal satisfaction	To Municipal satisfaction	To Municipal satisfaction	To Municipal satisfaction
ADDITIONAL PROVISIONS:				
<ul style="list-style-type: none"> See ANNEXURE C for further development parameters for Additional Dwelling House, Home Industry. See ANNEXURE D for further development parameters for Consent Uses. 				
ERVEN 600m² AND LARGER				
ZONING REQUIREMENTS:				
Permitted Uses	Coverage	Height	Building Lines	Parking
Dwelling House Additional Dwelling House Semi-detached housing	60%	Ground level plus 1	Street building line: 4m Side- & rear spaces: 2m	Annexure A
Consent Uses	Coverage	Height	Building Lines	Parking
Day care facility Student Dwelling Place of Public Worship	60%	Ground level plus 1	Street building line: 4m Side- & rear spaces: 2m	Annexure A

Home Industry Tavern	50m ² or 25% of the total floor area of the residence ²	Ground level		
Telecommunication Infrastructure	To Municipal satisfaction	To Municipal satisfaction	To Municipal satisfaction	To Municipal satisfaction
ADDITIONAL PROVISIONS:				
<ul style="list-style-type: none"> See ANNEXURE C for further development parameters for Additional Dwelling House, Home Industry See ANNEXURE D for further development parameters for Consent Uses. 				

RESIDENTIAL 2				
ZONING REQUIREMENTS:				
Permitted Uses	Coverage	Height	Building Lines	Parking
Guesthouse Boarding house	60%	Ground level plus 1	Street building line: 4m Side- & rear spaces: 2m	Annexure A
Consent Uses	Coverage	Height	Building Lines	Parking
Telecommunication Infrastructure	To Municipal satisfaction	To Municipal satisfaction	To Municipal satisfaction	To Municipal satisfaction
ADDITIONAL PROVISIONS:				
<ul style="list-style-type: none"> See ANNEXURE C for further development parameters for Guesthouse. 				

GENERAL RESIDENTIAL				
ZONING REQUIREMENTS:				
Permitted Uses	Coverage	Height	Building Lines	Parking
Dwelling House Additional Dwelling House Semi-detached housing Boarding house Guesthouse	60%	Ground level plus 1	Street building line: 4m Side- & rear spaces: 2m	Annexure A
Block of Flats	40%	Ground level plus 3		
Residential Building Residential Complex		Ground level plus 1		
Consent Uses	Coverage	Height	Building Lines	Parking
Day Care facility Home Industry Student dwelling Telecommunication Infrastructure	To Municipal satisfaction	To Municipal satisfaction	To Municipal satisfaction	To Municipal satisfaction

BUSINESS 1				
ZONING REQUIREMENTS:				
Permitted Uses	Coverage	Height	Building Lines	Parking
Business Purposes Boarding House Guesthouse	CBD: 75% Other: 60%	To Municipal satisfaction	<u>Street Building Line:</u> CBD: 2m Other: 4m <u>Side & Rear Spaces:</u> CBD: 2m Other: 2m And to Municipal satisfaction	Annexure A
Hotel	40%	To Municipal satisfaction		
Residential Building Block of Flats		Ground level plus 3		
Medical Consulting Rooms	60%	To Municipal satisfaction		
Self-storage Facility		Ground level		
Nursery	50%	To Municipal		

Training Centre		satisfaction		
Restaurant				
Veterinarian Clinic		Ground level plus 1		
Consent Uses	Coverage	Height	Building Lines	Parking
Taxi Rank	To Municipal satisfaction	To Municipal satisfaction	To Municipal satisfaction	Annexure A
Bus Terminus	60%		Street Building Line: 4m Side & Rear Spaces:2m	
Community Facility Purposes	50%			
Place of Worship	To Municipal satisfaction		To Municipal satisfaction	
Telecommunication Infrastructure				

BUSINESS 2				
ZONING REQUIREMENTS:				
Permitted Uses	Coverage	Height	Building Lines	Parking
Service station (Filling station)	85%	Ground level plus 1	<u>Street Building Line:</u> CBD: 2m Other: 4m <u>Side & Rear Spaces:</u> CBD: 2m Other: 2m	Annexure A
Consent Uses	Coverage	Height	Building Lines	Parking
Restaurant/ Take away	50%	Ground level plus 1	<u>Street Building Line:</u> CBD: 2m Other: 4m <u>Side & Rear Spaces:</u> CBD: 2m Other: 2m	Annexure A
Vehicle Showroom	75%			
Public garage (Motor workshop) Heavy Vehicle Overnight facility Motor vehicle stop				
Telecommunication Infrastructure	To Municipal satisfaction	To Municipal satisfaction	To Municipal satisfaction	

COMMUNITY FACILITY				
ZONING REQUIREMENTS:				
Permitted Uses	Coverage	Height	Building Lines	Parking
Institutional purposes, including clinic, hospital, home for the aged or disabled, children's home, place of safety, frail care and community centre Community Hall (Social hall) Place of public worship	60%	Ground level plus 1	Street building line: 6m Side- & rear spaces:2m	Annexure A
Sports & Recreational Purposes Community garden (Food garden)	50%	To Municipal satisfaction		
Consent Uses	Coverage	Height	Building Lines	Parking
Taxi rank Bus terminus Crèche	To Municipal satisfaction	To Municipal satisfaction	To Municipal satisfaction	To Municipal satisfaction

Shooting range Telecommunication Infrastructure				
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EDUCATION				
ZONING REQUIREMENTS:				
Permitted Uses	Coverage	Height	Building Lines	Parking
Place of Instruction, including crèche	50%	Ground level	Street building line: 4m Side- & rear spaces: 2m	Annexure A
		To Municipal satisfaction	Street building line: 6m Side- & rear spaces: 2m	
Consent Uses	Coverage	Height	Building Lines	Parking
Telecommunication Infrastructure	To Municipal satisfaction	To Municipal satisfaction	To Municipal satisfaction	Annexure A

RELIGIOUS PURPOSES				
ZONING REQUIREMENTS:				
Permitted Uses	Coverage	Height	Building Lines	Parking
Place of Worship	50%	To Municipal satisfaction	Street building line: 6m Side- & rear spaces: 2m	Annexure A
Consent Uses	Coverage	Height	Building Lines	Parking
Crèche	50%	Ground level	Street building line: 4m Side- & rear spaces: 2m	Annexure A
Telecommunication Infrastructure	To Municipal satisfaction	To Municipal satisfaction	To Municipal satisfaction	To Municipal satisfaction

CEMETERY				
ZONING REQUIREMENTS:				
Permitted Uses	Coverage	Height	Building Lines	Parking
Cemetery Purposes	To Municipal satisfaction	To Municipal satisfaction	To Municipal satisfaction	To Municipal satisfaction
Consent Uses	Coverage	Height	Building Lines	Parking
Telecommunication Infrastructure	To Municipal satisfaction	To Municipal satisfaction	To Municipal satisfaction	To Municipal satisfaction

GOVERNMENT				
ZONING REQUIREMENTS:				
Permitted Uses	Coverage	Height	Building Lines	Parking
Government Purposes, including police station	70%	Ground level plus 1	Street building line: 4m Side & rear spaces: 2m	Annexure A
Training Centre	60%	Ground level plus 1		
Consent Uses	Coverage	Height	Building Lines	Parking
Municipal Purposes	70%	Ground level plus 1	Street building line: 4m Side- & rear spaces: 2m	Annexure A
Government Vehicle Workshop Correctional facility	70%	Ground level plus 1		
Social housing	40%	Ground level plus 1		
Telecommunication Infrastructure	To Municipal satisfaction	To Municipal satisfaction	To Municipal satisfaction	

MUNICIPAL				
ZONING REQUIREMENTS:				
Permitted Uses	Coverage	Height	Building Lines	Parking
Municipal Purposes, including municipal office	70%	Ground level plus 1	Street building line: 4m Side- & rear spaces: 2m	Annexure A
Training Centre	60%			
Consent Uses	Coverage	Height	Building Lines	Parking
Government Purposes Cemetery purposes Generating Works Informal Trading Area Shooting range	70%	Ground level plus 1	Street building line: 4m Side- & rear spaces: 2m	Annexure A
Storage Yard	50%	Ground level		
Social housing	40%	Ground level plus 1		
Telecommunication Infrastructure	To Municipal satisfaction	To Municipal satisfaction	To Municipal satisfaction	

MUNICIPAL TOWNLANDS				
ZONING REQUIREMENTS:				
Permitted Uses	Coverage	Height	Building Lines	Parking
Municipal Purposes Resort	70%	Ground level plus 1	Street building line: 4m Side & rear spaces: 2m	Annexure A
Sports & Recreational Purposes	50%	To Municipal satisfaction		
Commonage Showgrounds Water storage structure Water purification works Agricultural purposes	To Municipal satisfaction	To Municipal satisfaction	To Municipal satisfaction	
Consent Uses	Coverage	Height	Building Lines	Parking
Government Purposes	70%	Ground level plus 1	Street building line: 4m Side & rear spaces: 2m	Annexure A
Renewable Energy Structures Cemetery purposes Waste management facility Sewage plant (Waste water treatment works) Generating Works Landing strip Storage Yard Initiation school Informal Trading Area Social Housing Extractive Industry Shooting range Telecommunication Infrastructure	To Municipal satisfaction	To Municipal satisfaction	To Municipal satisfaction	

TRADITIONAL AUTHORITY AREAS				
ZONING REQUIREMENTS:				
Permitted Uses	Coverage	Height	Building Lines	Parking
Traditional Settlement	To Municipal satisfaction	To Municipal satisfaction	To Municipal satisfaction	Annexure A
Consent Uses	Coverage	Height	Building Lines	Parking
Uses as approved by the	To Municipal	To Municipal	To Municipal satisfaction	Annexure A

Relevant Government Department and the Municipality	satisfaction	satisfaction		
ADDITIONAL PROVISIONS:				
<ul style="list-style-type: none"> All applications for permitted and consent land uses under this use zone should be accompanied by the written approval of the relevant Government Department. Although it is customary in traditional areas that graves exist in close proximity to dwelling structures, Traditional Authorities must in future encourage burials at communal cemeteries. Read together with Overlay Zone 5 and Schedule G. 				

LEISURE RESIDENTIAL				
ZONING REQUIREMENTS:				
Permitted Uses	Coverage	Height	Building Lines	Parking
Leisure Residential Dwellings	Annexure G	Ground level plus 1	Street/road building line in accordance with the requirements of the respective road authority. Side- and rear spaces: 3m	Annexure A
Consent Uses	Coverage	Height	Building Lines	Parking
Telecommunication Infrastructure	To Municipal satisfaction	To Municipal satisfaction	To Municipal satisfaction	Annexure A
ADDITIONAL PROVISIONS:				
<ul style="list-style-type: none"> See ANNEXURE G for further development parameters for Leisure Residential. 				

RESORT				
ZONING REQUIREMENTS:				
Permitted Uses	Coverage	Height	Building Lines	Parking
Resort purposes	Annexure H	To Municipal satisfaction	Street/road building line in accordance with the requirements of the respective road authority. Side- and rear spaces: 10m	Annexure A
Consent Uses	Coverage	Height	Building Lines	Parking
Telecommunication Infrastructure	To Municipal satisfaction	To Municipal satisfaction	To Municipal satisfaction	Annexure A
ADDITIONAL PROVISIONS:				
<ul style="list-style-type: none"> See ANNEXURE H for further development parameters for Resort. 				

14.4 INDUSTRIAL AREAS

LIGHT INDUSTRIAL				
ZONING REQUIREMENTS:				
Permitted Uses	Coverage	Height	Building Lines	Parking
Light industry Service industry Business purposes Public garage (Motor workshop) Vehicle showroom Commercial use Depot Undertaker business (Funeral parlour)	60%	Ground level plus 1	<u>Street Building Line:</u> Office: 2m Industry: 4m <u>Side & Rear Spaces:</u> Office: 2m Industry: 2m	Annexure A
Scrapyard Self-storage Facility		Ground level		
Animal Establishment Training Centre	50%	Ground level plus 1		
		To Municipal satisfaction		

Government Purposes Municipal Purposes	To Municipal satisfaction	To Municipal satisfaction		
Warehouse Wholesale Warehouse	60%	Ground level plus 2		
Consent Uses Taxi rank and Bus terminus Telecommunication Infrastructure	Coverage To Municipal satisfaction	Height To Municipal satisfaction	Building Lines To Municipal satisfaction	Parking Annexure A

GENERAL INDUSTRIAL				
ZONING REQUIREMENTS:				
Permitted Uses	Coverage	Height	Building Lines	Parking
Industry, including heavy industry Auction Pen Business Purposes Undertaker business (Funeral parlour) Vehicle Showroom Public garage (Motor workshop) Commercial use Depot	60%	Ground level plus 1	<u>Street Building Line:</u> Office: 2m Industry: 4m <u>Side & Rear Spaces:</u> Office: 2m Industry: 2m	Annexure A
Scrapyard Self-storage Facility		Ground level		
Animal Establishment Training Centre	50%	Ground level plus 1		
Government Purposes Municipal Purposes	To Municipal satisfaction	To Municipal satisfaction		
Warehouse Wholesale Warehouse	60%	Ground level plus 2		
Consent Uses	Coverage	Height	Building Lines	Parking
Taxi rank and Bus terminus Heavy Vehicle Overnight Facility (Truck stop) Road transport terminal Mortuary	60%	Ground level	<u>Street Building Line:</u> Office: 2m Industry: 4m <u>Side & Rear Spaces:</u> Office: 2m Industry: 2m	Annexure A
Telecommunication Infrastructure	To Municipal satisfaction	To Municipal satisfaction	To Municipal satisfaction	

NOXIOUS INDUSTRIAL				
ZONING REQUIREMENTS:				
Permitted Uses	Coverage	Height	Building Lines	Parking
Noxious Industry	60%	To Municipal satisfaction	<u>Street Building Line:</u> Office: 2m Industry: 9m <u>Side & Rear Spaces:</u> Office: 2m Industry: 2m	Annexure A
Consent Uses	Coverage	Height	Building Lines	Parking
Telecommunication Infrastructure	To Municipal satisfaction	To Municipal satisfaction	To Municipal satisfaction	Annexure A

EXTRACTIVE INDUSTRIAL				
ZONING REQUIREMENTS:				
Permitted Uses	Coverage	Height	Building Lines	Parking

Extractive Industry Agricultural purposes	To Municipal satisfaction	To Municipal satisfaction	To Municipal satisfaction	Annexure A
Consent Uses	Coverage	Height	Building Lines	Parking
As determined by the relevant Mineral Authority and the Municipality	To Municipal satisfaction	To Municipal satisfaction	To Municipal satisfaction	Annexure A
ADDITIONAL PROVISIONS:				
<ul style="list-style-type: none"> As determined by the relevant Mineral Authority and the Municipality. Read together with Schedule F. 				

14.5 SURFACE INFRASTRUCTURE & BUILDINGS

ROADS AND STREETS				
ZONING REQUIREMENTS:				
Permitted Uses	Coverage	Height	Building Lines	Parking
Municipal, Provincial & National Road Private Street Public Street	Not applicable	Not applicable	Not applicable	To Municipal and all relevant Departments satisfaction
Consent Uses	Coverage	Height	Building Lines	Parking
None				
ADDITIONAL PROVISIONS:				
<ul style="list-style-type: none"> Detailed traffic impact assessment may be required by the Municipality or the applicable authority 				

TRANSPORT				
ZONING REQUIREMENTS:				
Permitted Uses	Coverage	Height	Building Lines	Parking
Air transport facility Parking Facility Railway Purpose Heavy Vehicle Overnight Facility (Truck stop) Motor vehicle stop Road transport terminal	To Municipal satisfaction	To Municipal satisfaction	To Municipal satisfaction	To Municipal and all relevant Departments satisfaction
Taxi Rank and Bus Terminus	To Municipal satisfaction	To Municipal satisfaction	To Municipal satisfaction	Annexure A
Consent Uses	Coverage	Height	Building Lines	Parking
Hawker stall Depot Warehouse (only and distribution) Self-storage facility Telecommunication Infrastructure	To Municipal satisfaction	To Municipal satisfaction	To Municipal satisfaction	Annexure A
ADDITIONAL PROVISIONS:				
<ul style="list-style-type: none"> Detailed traffic impact assessment may be required by the Municipality or the applicable authority 				

UTILITY AND SERVICE				
ZONING REQUIREMENTS:				
Permitted Uses	Coverage	Height	Building Lines	Parking
Service Infrastructure	To Municipal satisfaction	To Municipal satisfaction	To Municipal satisfaction	Annexure A
Consent Uses	Coverage	Height	Building Lines	Parking

None				
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14.6 ADDITIONAL ZONING

SPECIAL USE				
ZONING REQUIREMENTS:				
Permitted Uses	Coverage	Height	Building Lines	Parking
Any land use (or combination of land uses) not permitted under the available zonings and/or for which special conditions are to be formulated.	To Municipal satisfaction	To Municipal satisfaction	To Municipal satisfaction	Annexure A
Consent Uses	Coverage	Height	Building Lines	Parking
None				

PART 4: MISCELLANEOUS

15. TRANSITIONAL ARRANGEMENTS

All land development applications submitted to the Municipality before the effective date, shall be finalised in terms of the legal land use or the relevant Scheme that governs such application at the time of submission.

16. COMPLIANCE WITH THE SCHEME

The Scheme is a statutory document compiled in terms of Chapter 5 of the SPLUMA. The Scheme has the force of law, and all land owners and users of land, including the Municipality; a state owned enterprise and organs of state within the municipal area are bound by the provisions of this Scheme.

Any land use that commenced unlawfully, whether before or after the commencement of this Scheme, may not be considered to be lawful.

Nothing in the Scheme or in consent given in terms thereof shall be deemed to detract from any rights of the Municipality possesses by virtue of any servitude, contract or agreement.

The Municipality shall refuse its consent to anything requiring such consent, which in its opinion constitutes or facilitates an evasion of the intent and purpose of the Scheme or any of its provisions.

The Municipality will grant a period of two years from the date the LUS was gazetted, for owners with land uses not compliant according to the LUS, to comply with the zonings in the LUS. During the two years, the owner must submit a land use application in terms of the Municipal Land Use Planning Bylaw for consideration.

After the two years lapsed, the Municipality will have the right to send out letters to owners not conforming to the LUS and penalties will be imposed.

17. ENFORCEMENT OF THE SCHEME, INSPECTIONS, CONTRAVENTIONS, AND FINES

Refer to the Phumelela Land Use Planning Bylaw, "CHAPTER VIII – ENFORCEMENT"

18. LAND DEVELOPMENT APPLICATIONS

The Phumelela Land Use Planning Bylaw, Chapter III and Chapter IV, outlines all related procedures pertaining to land development applications.

19. BUILDING PLANS AND OTHER PARTICULARS

The erection, structural changes, alterations or conversion of a building to an alternative use shall not commence until the Municipality has approved of the building plans as required in terms of the National Building Regulations and Building Standards Act 103 of 1977, or any amendment or review thereof of such building: Provided that floor area, coverage calculations and parking, where applicable, shall be indicated on such building plans.

PART 5: ANNEXURES

ANNEXURE A: STANDARD DEVELOPMENT PARAMETERS APPLICABLE TO ALL LAND USE ZONES

1. PARKING

1.1 PARKING AND LOADING REQUIREMENTS

Unless otherwise stated in this Scheme, the parking and loading requirements, as set out in this part of the Scheme, shall apply in all use zones.

- All parking and loading areas, parking and loading bays, access and manoeuvring areas shall be provided to the satisfaction of the Authorised Employee. In the event of any such aforesaid areas not being in conformity with the provisions of the Scheme, then, notwithstanding anything contained in any bylaw, no building plan shall be approved prior to the granting of such aforesaid approval from the Authorised Employee.
- A certificate of occupancy, as provided for in the National Building Regulations and Building Standards Act 103 of 1977, as amended, shall not be issued unless the vehicular parking and loading area, indicated in accordance with the provisions of the Scheme, on a relevant building plan, have been constructed and completed to Municipal satisfaction.
- All vehicle parking or loading bays, access and manoeuvring areas shall be in a good condition and maintained to the satisfaction of the Municipality.
- Every parking or loading bay required in terms of the Scheme shall be clearly marked to the satisfaction of the Municipality.
- An area to be used for parking or loading shall be used for no purpose other than for parking or loading and any encroachment on such area for any other purpose which renders any portion of such area unfit for parking or loading, shall constitute a contravention of the Scheme.

1.2 MINIMUM ON-SITE PARKING

Any person intending to erect, alter or extend a building or develop or use any property for purposes of a land use which require vehicular parking to be provided, shall provide on-site parking within the boundaries of the relevant site in accordance with the standards and requirements set out in **Table 5**.

TABLE 5: MINIMUM ON-SITE PARKING

LAND USE	STANDARD PARKING REQUIREMENT
RESIDENTIAL	
Additional Dwelling House Duet	1 bay/100m ² of total area of a dwelling house
Block of Flats	<ul style="list-style-type: none"> • 1 bay per unit (2 and less habitable rooms) • 1, 5 bays per unit (3 and more habitable rooms) • 0, 5 additional bays per unit for visitors
Boutique Hotel	1 bay per bedroom <u>plus</u> 10 bays per 100m ² PAA
Camp Area (minimum of 15 stands)	1 bay per stand <u>plus</u> 0,5 bays per stand communal parking
Caravan Park (minimum of 15 stands)	1 bay per stand <u>plus</u> 0,5 bays per stand communal parking
Dwelling House	1 bay/100m ² of total area of a dwelling house
Group Housing	1 sheltered bay plus 1 visitor bay per unit
Guesthouse	1 bay per bedroom
Hotel	1 bay per bedroom <u>plus</u> 10 bays per 100m ² PAA
Leisure Residential Dwelling	2 bays per dwelling
Lodge	1 bay per bedroom <u>plus</u> 10 bays per 100m ² PAA
Maisonette	1 sheltered bay plus 1 visitor bay per unit

Residential Building	0,6 bays per habitable room
Retirement Resort	1 sheltered bay <u>plus</u> 0,5 visitors' bays per unit
Student Dwelling	1 bays per student plus 0,5 bays per student for visitors
Townhouse	1 sheltered bay <u>plus</u> 1 visitor bay per unit
Workers Dwelling	To Municipal and relevant Department's satisfaction
BUSINESS AND OFFICE	
Auction Mart	2 bay per 100m ² GLA (including outside exhibition areas)
Auction Pen	To Municipal and relevant Department's satisfaction
Business Building	4 bays per 100m ² GLA with a minimum of 4 bays
Cafeteria & Tea Garden	8 bays per 100m ² GLA with a minimum of 8 bays
Conference Facility	0,25 bays per seat or 20 bays per 100m ² GLA, whichever is the greater
Fast-food Restaurant	12 bays per 100m ² GLA
Funeral Undertaker	4 bays per 100m ² GLA
Gymnasium	6 bays per 100m ² GLA
Home Industry on erven larger than 600m²	Minimum of 4 bays <u>plus</u> additional visitors parking to the satisfaction of the Municipality
Home Industry on erven smaller than 600m²	To the satisfaction of the Municipality
Nursery	1 bay per 100m ² GLA with a minimum of 6 bays (including outside exhibition areas)
Office	4 bays per 100m ² GLA with a minimum of 4 bays
Restaurant	8 bays per 100m ² with a minimum of 8 bays
Veterinarian Clinic	2 bays per 100m ² GLA with a minimum of 6 bays
PUBLIC FACILITIES	
Bus Terminus	4 bays per 100m ² GLA
Cemetery Use	To Municipal satisfaction
Clinic	6 bays per 100m ² GLA
Community Facility	6 bays per 100m ² GLA
Crèche	6 bays per 100m ² classroom area
Child Care	6 bays per 100m ² classroom area
Hospital	6 bays per 100m ² GLA
Institutional Use	4 bays per 100m ² GLA
Medical Consulting Rooms	8 bays per 100m ² GLA
Place of Assembly	1 bay per 4 seats or persons calculated at 1,4m ² per person, whichever is the greater
Place of Education	2 bays per 15 children <u>plus</u> additional area for drop-off and pick-up to the satisfaction of the Municipality
Place of Worship	0,15 bays per seat or 14 parking bays per 100m ² GLA, whichever is the greater
Taxi Rank	4 bays per 100m ² GLA
Training Centre	1 bay per 4 seats or persons calculated at 1,4m ² per person, whichever is the greater
SPORT AND RECREATIONAL FACILITIES	
Private Open Space	To Municipal satisfaction
Public Open Space	To Municipal satisfaction
Resort	1 bay per dwelling
Sports and Recreational Facilities	0.25 bays per seat or 20 bays per 100m ² GLA, whichever is the greater
INDUSTRIAL FACILITIES	
Abattoir	1 bay per 100m ² GLA
Animal Establishment	To Municipal satisfaction
Commonage	To Municipal satisfaction
Cooperative	4 bays per 100m ² GLA
Depot	2 bays per 100m ² GLA
Filling Station	4 bays per service bay <u>plus</u> 2 bays per 100m ² display, spares or sales area, together with vehicle queuing space to the satisfaction of the Municipality
Funeral Undertaker	4 bays per 100m ² GLA
Industrial Use	2 bays per 100m ² GLA
Noxious Industrial Use	3 bays per 100m ² GLA, with a minimum of 5 bays
Scrapyard	1 bay per 100m ² GLA (Storage yard included in GLA)
Self-storage Facility	0,2 bays per 100m ² GLA with a minimum of 4 bays
Storage Yard	1 bay per 100m ² GLA with a minimum of 4 bays

Surface Mining	To Municipal and relevant Department's satisfaction
Underground Mining	To Municipal and relevant Department's satisfaction
Vehicle Showroom	2 bays per 100m ² GLA with a minimum of 6 bays
Vehicle Workshop	4 bays per service bay <u>plus</u> 2 bays per 100m ² display, spares or sales area
Warehouse	2 bays per 100m ² GLA
Wholesale Warehouse	2 bays per 100m ² GLA
OTHER FACILITIES	
Agricultural Use	To Municipal and relevant Department's satisfaction
Airfield and Infrastructure	To Municipal and relevant Department's satisfaction
Government Use	To Municipal satisfaction
Heavy Vehicle Overnight Facility	To Municipal and relevant Department's satisfaction
Mining Activities	To Municipal and relevant Department's satisfaction
Municipal Use	To Municipal satisfaction
Non-Agricultural Use	To Municipal and relevant Department's satisfaction
Railway Purpose	To Municipal and relevant Department's satisfaction
Renewable Energy Infrastructure	To Municipal and relevant Department's satisfaction
Rifle Range	To Municipal and SAPS satisfaction
Roadside Stall	To Municipal and relevant Department's satisfaction
Statutory Protected Areas	To Municipal and relevant Department's satisfaction
Tavern	To Municipal satisfaction
Telecommunication Infrastructure	To Municipal and relevant Department's satisfaction

1.3 PARKING LAYOUT AND STANDARDS

An area to be used for parking shall be shown on all building plans, site development plan, or any other plan required by the Municipality and shall be clearly defined and dimensioned.

Except, where in the Scheme it is otherwise expressly provided, on-site parking areas shall conform to the following minimum standards and dimensions listed below:

- A standard parking bay shall be 2,5m wide (plus an additional 1,0m for a parking bay for disabled persons), and 5,0m long with an aisle width of 7,5m behind the bay;
- The entrance to and exit from the parking area, as well as the location of the parking area shall be to the satisfaction of the Municipality;
- Parking bays must be individually accessible and vehicles shall be parked in such a way that each vehicle can be moved freely in and out of its parking bay in a single manoeuvre;
- The parking layout shall be so designed that structures such as columns, beams, walls, etc., which may not encroach into any parking bay, shall not obstruct the free manoeuvring of vehicles into and out of parking bays;
- In cases where a parking bay is provided adjacent to structures such as columns, beams, walls etc., where the opening of vehicle doors may be obstructed, an additional allowance of 0,35m in the width of the parking bay is required per side that is obstructed;
- A parking bay may not be located in such a way so as to obstruct the entrance to any building, the opening of windows, service areas or emergency equipment;
- The dimensions for queuing space to be provided at a car wash, fitment centre or any other drive-through facility, to the satisfaction of the Municipality.

1.4 PARKING FOR THE PHYSICALLY DISABLED

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

In any parking facility, serving the public, parking for persons with physical disabilities must be provided in accordance with the South African National Standard for Building Regulations (103/1977), as amended.

1.5 VEHICULAR ACCESS TO AND FROM A SITE

Except with the express approval of the Municipality:

- The vehicular access to and from a site shall be restricted to not more than 1 (one) combined vehicular access per site (entrance and exit), per street abutting the site;
- The minimum width of the vehicular access to and from a site, shall be 3,5m for residential erven and 5m for business erven or to the satisfaction of the municipality.
- The minimum distance between the vehicular access and any street corner or adjacent vehicular access, shall be determined by the municipality.
- The design of vehicular access to and from a site and the access control in relation thereto, shall be approved by the municipality.

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

2. BUILDING LINES AND BUILDING RESTRICTION AREAS

Unless otherwise stipulated, all properties are subject to building restriction areas, as defined by the specified building lines set out in Clause 14, Table 4.

A building line applicable to a property in this Scheme shall not be construed as to nullify the existence of a building line registered against the Title Deed of a property, laid down in terms of any other law, or imposed by any authority. If a property is subject to the existence of other building lines and where the specifications of such other building lines are different from those specified in this Scheme, then the most restrictive building line shall apply.

The Authorised Employee may, on receipt of a written application for relaxation, and in its discretion, relax a building line if compliance with the building line would seriously hamper the development of a property on account of the location, levels, shape, slope or size of a property, or adjoining land, or the location of existing buildings in relation to a building line, or any other special circumstances as determined by the Municipality.

A special consent can be issued in writing by the Authorised Employee of the Municipality where the Authorised Employee is a registered Professional Town Planner for the relaxation of building lines. In the absence of a registered Professional Town Planner, the special consent will be approved by the Municipal Planning Tribunal.

The relaxation of building lines registered against the Title Deed of a property, laid down in terms of any other law, or imposed by any competent authority shall be considered by the relevant controlling Authorised Employee.

The controlling Authorised Employee shall not consider the relaxation of any building line, where such relaxation will, or is likely to be detrimental to the interest of the general public.

The Municipality shall keep a record of all building line relaxations approved by the Authorised Employee.

2.1 STREET BUILDING LINES

Road and Street building lines applicable to all properties are indicated in Clause 14, **Table 4**.

No permanent structure, building or any part thereof may be erected closer to the road or street boundary or improvement line than the distance so indicated in Clause 14, **Table 4**.

The relaxation of road and street building lines registered against the Title Deed of a property, laid down in terms of any other law, or imposed by any authority shall be considered by the relevant Authorised Employee.

In accordance with the provisions of Clause 14, **Table 4**, the Authorised Employee may, except for National and Provincial roads, relax any municipal road or street building line, following the application process as set out in Annexure D.

2.2 SIDE AND REAR SPACES

Standard building lines applicable to the side and rear boundaries of a property are indicated in Clause 14, **Table 4**.

No permanent structure, building or any part thereof may be erected closer to the side and rear boundaries than the distance so indicated in Clause 14, **Table 4**.

The Municipality may, in its discretion, permit a permanent structure, building or any part thereof to be erected closer to any side or rear boundary than the distance specified in Clause 14, Table 4, provided that;

- In accordance with the provisions of Clause 14, **Table 4**, the controlling Authorised Employee may, relax any side or rear space, following the application process as set out in Annexure D.
- In respect of a relaxation to 0m, no windows or other openings may front towards such boundary;
- The owners of properties next to the affected boundaries have indicated in writing that they would have no objection to such relaxation;
- The concerned boundary is not affected by the installation of existing or future municipal services; and
- At least one side boundary of not less than 1m in width is left open, providing access from the street to the rear space.

No side space is required on the common boundary in-between a semi-detached building in cases where erven are subdivided and the subdivision line thus divides the semi-detached building into two parts.

ANNEXURE B: MINIMUM PROPERTY SIZE AND DENSITY REQUIREMENTS

1. MINIMUM PROPERTY SIZE

The minimum size of any land when being subdivided or rezoned, may not be smaller than the minimum size as specified in **Table 6**, provided that, on merit and at the discretion of the Authorised Employee, a subdivision smaller than the minimum size may be permitted in the case where:

- Such a subdivision is simultaneously consolidated or notarial tied with adjacent land to ensure that the combined area conforms to the prescribed minimum size;
- Any existing natural feature or permanent physical barrier such as a river, road, street, railway line etc., creates a natural divide or separation of the property, preventing it from being used as a functional unit;
- Housing units in existing housing schemes are being subdivided into residential erven, together with the necessary infrastructure;
- New erven are being created in accordance with a formal township establishment procedure after the effective date of commencement of this Scheme.

TABLE 6: MINIMUM ERF SIZES

LAND USE ZONING CATEGORY: URBAN RELATED ZONES	
LAND USE ZONE	MINIMUM PROPERTY SIZE
Residential 1 and Residential 2	Erven smaller than 600m ² : 250 m ² Erven larger than 600m ² : 600m ² (panhandle excluded)
General Residential	2000m ²
Boutique Hotel, Lodge Crèche	2000m ²
All other Land Use Zones	To the satisfaction of the Municipality

2. DENSITY REQUIREMENTS

The standard density requirements applicable to land uses are specified in **Table 7**, in accordance with the relevant zoning category within which such a land use is located.

TABLE 7: STANDARD DENSITY RESTRICTIONS

SPECIFIED LAND USE	DENSITY RESTRICTIONS
Group Houses	30 units per ha
Town Houses	30 units per ha
Maisonettes	40 units per ha
Retirement Village	30 units per ha
Block of Flats	100 units per ha
Residential Buildings	To be determined by Municipality
Leisure Residential Buildings	Maximum according to size of farm
Resort	Refer to Annexure H
Chalets	16 units per ha
Caravan Park	30 stands per ha

ANNEXURE C: ADDITIONAL DEVELOPMENT REQUIREMENTS APPLICABLE TO RESIDENTIAL PROPERTIES

1. ADDITIONAL DWELLING HOUSE

Notwithstanding any stipulation to the contrary in this Scheme, an additional dwelling house is permitted, subject to the following conditions:

- Only one additional dwelling house per property zoned "Residential 1", "Smallholding" and "Agriculture" shall be permitted
- The design and position of the additional dwelling in relation to that of the property shall be to the satisfaction of the Authorised Employee acting under delegated powers;
- Neither the dwelling house nor the additional dwelling house may be used for any purpose other than a dwelling house and the floor area of all the buildings may not exceed the coverage.
- In applying these stipulations under the Scheme, a workers dwelling for a *bona fide* labourer is not regarded as an additional dwelling house.
- On erven where semi-detached housing exist (sectional title erven) an additional dwelling house will not be permitted.
- No additional dwelling house will be permitted on erven where a guesthouse is established.

2. PANHANDLE ERVEN

The panhandle providing access to a panhandle erf is excluded for purposes of calculating the minimum size of a subdivision, unless a portion of the panhandle or any part thereof is suitable for development or wide enough to be included within the developable portion of the site.

The minimum width of a panhandle providing access to a panhandle erf shall be 3.5 metre for all "Residential 1" zoned erven.

Where an additional dwelling house is being intended on a panhandle erf, then, notwithstanding any other provision to the contrary in this Scheme;

- The minimum width of the panhandle shall be 5 metres; and
- The minimum developable area (panhandle excluded) shall be 1200m²;

3. LETTING OF ROOMS

The letting of a maximum of 3 bedrooms of a dwelling house that is permanently inhabited by an owner of a property zoned "Residential 1", "Smallholding" and "Agriculture" shall be permitted as a primary right (without the consent of the Municipality or a rezoning).

The use shall not interfere with the amenity of the surrounding properties by virtue of noise, appearance, smell or any activities whatsoever that cause a public nuisance.

4. GUESTHOUSES

The following development parameters are applicable:

- A Guesthouse mainly serves as an overnight facility for visitors and tourists providing accommodation only for short periods and includes self-catering units and B&B.
- The Conference Facility area may not exceed a maximum of 40m² of the total building.
- The coverage and parking requirements will determine the number of rooms in the guesthouse.
- No additional dwelling house will be permitted where a guesthouse is established.
- No guesthouses will be allowed on panhandle erven.

ANNEXURE D: CONSENT USES

Any owner intending to apply to the Municipality for a consent use shall do it in the prescribed manner as provided for in the Municipal Land Use Planning Bylaw (Section 16, Category 1 and 2 applications).

• HOME INDUSTRY (INCLUDING SPAZA SHOP, TUCK SHOP AND HOME OCCUPATION)

Notwithstanding any stipulation to the contrary in the Scheme, the Municipality, on receipt of a written application from the permanent resident of the property may, in its discretion, grant consent that the permanent resident of the property may conduct or carry out a home industry from the property, subject to the following conditions:

- Only one Home Industry will be allowed on a property zoned "Residential 1" and "Smallholding" and "Agriculture".
- That consent for a home industry shall relate to the occupation or profession or business of the permanent resident only;
- The maximum permitted floor area of the home industry may not exceed 50m² or 25% of the total floor area of the residence, whichever is the smallest on even zoned for "Residential 1". The maximum permitted floor area for a home industry on a small holding may not exceed 150m². The relevant Agricultural Authority and the Municipality will determine the size of the consent on Agricultural land.
- A consent for a home industry will be regulated the Standard Business Regulation Bylaw 2016, as amended.
- Sufficient services must be available for the approval of a consent use application, accompanied by a Services Report.
- The continued use of the property for residential purposes and the continued occupation by the permanent resident of the property;
- Not more than three additional employees, not residing permanently on the property, may be employed;
- The activities of the home industry be restricted to such hours of the day that it does not interfere with the normal tranquillity of the neighbourhood;
- Parking facilities shall be provided on site to the satisfaction of the Municipality.
- The display of notices or signs on the boundary fence or building, to indicate the name, profession or business logo and telephone number(s) of the permanent resident, shall be permitted to the satisfaction of the Municipality.
- The sale and consumption of liquor shall not be permitted from/on the premises whatsoever;
- The dwelling house shall not be used for uses such as motor sales, public garage, motor workshop, heavy mechanical repairs, spray painting, panel beating, restaurant, funeral parlour, or any other use as determined by the Municipality.
- A business such as a Spaza Shop or Tuck Shop shall be conducted from a fixed structure for which building plans have been approved and it may include a container/s;
- All relevant legislation and other Council's bylaws shall be complied with to the satisfaction of the Municipality.
- A home industry shall be subject to inspections by authorized officials from the Municipality.

The Municipality may, within its discretion, set additional requirements or exempt certain home industries partly from the above mentioned requirements.

If any of the provisions relating to the consent uses are not being adhered to or if the activities being carried out become a source of disturbance or nuisance or danger to occupants of the surrounding properties, the Municipality may, out of its own conduct or upon request of a plaintiff, after a warning first instruct the owner or occupant to terminate the home industry, after been given 30 days written notice of such determination of the consent.

• DAY CARE

- The Municipality may grant consent to establish a child care for more than 6 children on an erf or site where a dwelling house has been erected, and which is zoned for "Residential 1".
- The Municipality shall not grant its consent in terms of the above unless there is sufficient area on site for the activities connected with the proposed child care including the necessary parking to the satisfaction of the Municipality, as well as the provisions for the dropping and collecting of children.
- The operating hours for a child care will be determined by the Municipality.
- Where six (6) children or fewer at any time are taken care of, such facility may be exempted from the requirements for a consent use.

• HOME CHURCH

- The Municipality shall not grant a consent use to any place of home church where there is any interference with the amenities of the neighbourhood with regard to noise, parking, traffic, etc.
- All applications shall be accompanied by a Traffic Impact Study/Statement to address peak hour operations and sufficient parking on site.
- No applications shall be permitted within residential complexes.
- The operating hours/days will be determined by the Municipality.

• STUDENT DWELLING

Notwithstanding any stipulation to the contrary in this Scheme, the Municipality may, in its discretion, and on receipt of a written application in respect of a property zoned "Residential 1", and on which a building has been erected and is in use for dwelling purposes, grant consent that the existing dwelling house on the relevant erf or small holding may be utilized for a student dwelling, subject to the following conditions:

- Consent for a student dwelling shall not be permitted on the same erf where a second dwelling house has been permitted;
- The maximum number of students permitted on a property shall not be more than;
 - 3 students for a property less than 600m²;
 - 6 students for a property larger than 600 up to 1,000m²;
 - 8 students for a property larger than 1,001m² up to 1,500m²;
 - 10 students for a property larger than 1,501m²;
- The aesthetical appearance of the building shall remain that of a dwelling house and no structural changes or alterations to the existing building shall be allowed where such changes will result in a change of the architectural character or aesthetical appearance of the building as a residence;
- No living room or similar common living areas may be converted into bedrooms;
- Sufficient onsite parking shall be provided on the property in accordance with the parking requirements set out in Annexure A, Table 5;
- The student dwelling shall, at all times, comply with applicable government regulations and Municipal bylaws relating to health, safety, fire, traffic, and the environment;
- A designated person or agent, whose particulars and contact details must be displayed on a visible sign on the premises, shall be responsible for managing and administering the student dwelling.

If any of the provisions relating to a student dwelling are not being adhered to or if the activities being carried out become a source of disturbance or nuisance or danger or nuisance to occupants of surrounding properties, the Municipality may, out of its own conduct or upon request of an objector or plaintiff, and after the Municipality has considered all facts;

- Impose additional conditions in order to minimise any potential nuisance to surrounding neighbours or the general public; or
- Withdraw and cancel (after given warning first) its consent for the student dwelling after the owner of the property has been given 30 days written notice of such withdrawal or cancellation.

• TAVERN

The operating of taverns is regulated in terms of the Free State Gambling and Liquor Act 6 of 2010, as amended (and the Municipal Liquor Trading By-law, if applicable).

In order for the Liquor Board to issue a permit for a liquor license, the Board requires proof of compliance with the Scheme by means of a zoning certificate (proof of consent use at "Residential 1"). The Municipality may consider a written consent per application, taken the following into consideration:

- The applicant must be the legal owner and permanent resident of the property;
- A consent for a tavern will be regulated the Standard Business Regulation Bylaw 2016, as amended.
- The extent and location of the business component must be clearly indicated on a site plan and must not exceed 25m² or 50% of the total floor area (whichever is the least), excluding toilets, restrooms and storage space;
- Any new structure or alteration to the existing house or outbuildings must fit in with the residential character of the relevant area;
- No more than three persons, including the occupant of the residence are permitted to be involved in the operation of the business activities on the relevant property;
- Taverns can only be operated from a structure approved in terms of the National Building Regulations and Building Standards and therefore no informal, temporary structures or containers can be permitted;
- All parking must be provided on the property in accordance with the Parking requirements as set out in Annexure A, Table 5, and to the satisfaction of the Municipality;
- No Tavern are permitted in flats or municipal rental units or allowed to encroach upon public open spaces or road reserves;
- Only one non-illuminated sign, which is fixed to the wall of the house or outbuilding, will be permitted and it is subject to the approval of the Municipality;
- The relevant sign may only indicate the name and nature of the business;
- The following are not permitted in a Tavern:
 - Storage or sale of any explosive or flammable goods;
 - Slot machines
 - Video games, gaming tables or a juke box;
- Safety and health regulations must be obeyed at all times;
- The Tavern/owner of the site must be in possession of a liquor licence as well as a competence certificate, issued by the Regional Health Practitioners of the Free State;
- Permission to operate a Tavern in terms of a consent use is granted to a specific person who operates from a designated property and it is not transferable;
- Applicants who cease to operate the business must inform the Municipality in writing;
- No activities which may cause a nuisance or disturbance to the residents in the neighbouring residential area are permitted;
- The trading hours of the tavern must adhere to the Municipal Liquor Trading Bylaw, and in the absence of the Municipal bylaw, comply with the trading hours as prescribed in the Free State Liquor Act, as amended;
- There must be no record of any criminal activity on the property under application;
- Should the business cause a nuisance or criminal activity be reported after approval, the consent will be withdrawn;
- At the lapse of the consent (after 5 years), the applicant should re- apply to the Municipality for approval ;
- The Municipality reserves the right to impose any additional conditions and to rescind any approval in case of valid objections/complaints having been received or should the approval conditions not be complied with.

• TEMPORARY AND OCCASIONAL CONSENT

Any owner intending to apply to the Municipality for a temporary and/or occasional consent use shall do it in writing.

An **occasional** consent refers to an application for the use of an erf/permanent structures for a period not longer than 5 days a period of no longer than 12 months in the case of a temporary use.

Notwithstanding anything to the contrary contained in this Scheme, the Municipality can give consent to the **temporary** use of any land or building within any land use zone, for the following:

- The establishment and the use of temporary buildings or the use of existing buildings for the purpose of site offices, store rooms, workshops, or such other uses as determined by the Municipality, where such consent will lapse after the completion of the permanent building.
- The use of land or buildings for state or municipal purposes provided that any such consent shall be of a period not exceeding 12 months.
- The **occasional use** of buildings or land for concerts, fairs, circuses, exhibitions, bazaars, public gatherings, markets, etc. may be permitted with the consent of the Municipality provided that:
 - The occasional use will not have a significant negative impact on the surrounding areas, or on a natural environment;
 - The occasional use is of a temporary and short nature, and may not occur for more than 5 days per month or more days as may be allowed by the Municipality; and
 - The occasional use conforms to the policies of the Municipality.
- Approval may be granted subject to , but not limited to, the following conditions:
 - The amount of parking and the number of ablution facilities requires;
 - The maximum duration or occurrence of the occasional use.
- The Municipality may issue a notice calling for compliance with conditions or for the ceasing of the occasional use or a temporary use by a specific date, where:
 - Conditions of approval are not met; or
 - Where a public nuisance is caused.

• SPECIAL CONSENT

A special consent can be issued in writing by the Authorised Employee of the Municipality where the Authorised Employee is a registered Professional Town Planner for the relaxation of building lines and rooftop masts. In the absence of a registered Professional Town Planner, the special consent will be approved by the Municipal Planning Tribunal.

ANNEXURE E: ADVERTISING SIGNS

No signage or advertisements shall be displayed without the approval of the Municipality. Any person intending to erect any sign or advertisement, shall submit drawings of such sign or advertisement for approval. No advertisement shall be permitted which is likely to affect the amenity of the neighbourhood. Nameplates not exceeding 0.2 m² in extent are not considered to fall under this heading. This annexure does not apply to casual advertisements for entertainments, property for sale, auctions to be held on the premises or meetings, provided they are not, in the opinion of the Municipality, unduly ostentatious, and do not interfere with pedestrian or vehicular access or visibility.

All outdoor advertising shall be in accordance with the South African Manual for Outdoor Advertising Control, 2010, as revised and to the satisfaction of the Municipality.

ANNEXURE F: INCLUSIONARY HOUSING

Inclusionary Housing shall be provided in terms of the provisions of the SPLUMA and the relevant Municipal Land Use Planning Bylaw, as set out further in the Municipal SDF.

Inclusionary housing means a mixed housing development, comprising of different affordable housing typologies with diverse densities that may be rental units or privately owned, accessible to public transport and related social amenities and may include RDP and GAP housing, semi-detached and/ or row housing, dwelling houses, etc. to the satisfaction of the Municipality.

Inclusionary Housing applications will be considered as a "Special Use" zoning.

ANNEXURE G: ADDITIONAL PROVISIONS FOR LEISURE RESIDENTIAL DEVELOPMENT

1. SUBDIVISION

- The area to be developed for leisure residential dwellings must be on its own registered entity – therefor an application for the subdivision of the farm must be submitted simultaneously with a rezoning application.
- The subdivided-portion must be registered simultaneously with the registration of the sectional title scheme.
- The sectional title development must function as a single entity.
- Only one subdivision of a specific farm is allowed for leisure residential development. The further development of the remainder of the farm for the purpose of leisure residential dwellings or a resort is not permitted.
- Reciprocal traversing rights related to the leisure resource (e.g. for game viewing, hiking, horse riding, fishing etc.) must be registered in the Deeds of Title for all sectional title units and for the Remainder.

2. COVERAGE, NUMBER OF DWELLINGS AND SIZE OF SUBDIVISION

- The coverage, maximum number of dwellings and the maximum size of the subdivision are determined by the size of the farm.
- The maximum area to be subdivided and rezoned for the development of the sectional title is 2 hectare per dwelling.
- If the farm on which development is intended falls within the following size ranges, the sectional title development have a maximum number of dwellings and a maximum size for the subdivision as listed in Table 8 below:

TABLE 8: MAXIMUM SIZE AND NUMBER OF LEISURE RESIDENTIAL SUBDIVISIONS PER FARM

SIZE OF THE FARM	MAXIMUM NUMBER OF LEISURE RESIDENTIAL DWELLINGS	MAXIMUM SIZE OF SUBDIVISION
< 20 ha	2 dwellings	4 ha
21 – 100 ha	5 dwellings	10 ha
101 – 300 ha	10 dwellings	20 ha
301 – 500 ha	12 dwellings	24 ha
>501 ha	15 dwellings	30 ha

- Riparian land has in addition a maximum density of 1 dwelling per 10 metre waterfront with a minimum waterfront of 100 metres. The more restrictive density prevails.
- The Remainder of the riparian land, after the subdivision for the Leisure Residential development, must have a minimum waterfront of 100 metres.

3. MAXIMUM FLOOR AREA

The Maximum floor area per leisure residential dwelling is 500 m², including the outbuildings.

4. SUBDIVISION AND REZONING APPLICATIONS

For subdivision and rezoning applications, the following is a requirement:

- A comprehensive motivation report. The motivation must also include a motivation for (i) the leisure resource and (ii) the advantages of the proposed location of the dwelling houses.
- The relevant Agricultural Authority must provide positive comments prior to approval of the subdivision or rezoning.
- Environmental Authorisation by the relevant Environmental Authority.
- A Services Report
- A site development plan with an endorsement by an engineer regarding the 1:100 year flood line. If the land is not subject to such flood line, a professional engineer must endorse it to such effect.
- A Geotechnical Report.
- Any other documents as required by the Municipality.

5. DEVELOPMENT CONDITIONS

- Outbuildings must be linked to the main dwellings.
- The same architectural style and building materials must be maintained for all dwellings.
- Internal boundary fences are not allowed.

ANNEXURE H: ADDITIONAL PROVISIONS FOR RESORT DEVELOPMENT

1. LOCALITY

The Resort 1 zoning is applicable in both urban and agricultural areas.

2. SUBDIVISION OF AGRICULTURAL LAND

- The area to be developed for a resort must be on its own registered entity.
- Unless an entire farm will be utilised for the proposed resort, an application for the subdivision of the farm must be submitted simultaneously with an application for the change of land use.
- The relevant Agricultural Authority must provide positive comments prior to the approval of the subdivision of agricultural land for the purposes of a resort development.
- The subdivided portion may only be registered once there is proof that the resort has been developed. This is to prevent the subdivision of agricultural land in uneconomical agricultural portions (dispersion of agricultural land).
- Only one subdivision of a specific farm is allowed. The further development of the remainder of the farm for the purpose of a resort, leisure residential dwellings is not permitted.

3. REZONING APPLICATIONS

For rezoning applications, the following is a requirement:

- A comprehensive motivation report.
- If on Agricultural land, the relevant Agricultural Authority must provide positive comments prior to approval of the rezoning.
- Environmental Authorisation by the relevant Environmental Authority (if applicable).
- A Services Report
- A site development plan with an endorsement by an engineer regarding the high water mark (dams) and 1:100 year flood line (rivers). If the land is not subject to it, a professional engineer must endorse it to such effect.
- Development around dams should take place outside the regional maximum flood line for the specific dam which is generally greater than the 1:100 year flood line. Department of Water Affairs must authorize these developments.
- A Geotechnical Report (if applicable).
- Any other documents as required by the Municipality.

4. DENSITY

- **Holiday accommodation units/chalets:** A maximum of 16 units/chalets per usable hectare identified as accommodation area.
- **Holiday Rooms:** No restriction in the total number of rooms, provided that riparian land has a maximum density of 1 room per 10 meters waterfront.
- **Caravan stands:** A maximum of 30 caravan stands per usable hectare identified as the caravan park; a minimum usable area of a caravan stand is 120 m² and the distance between the edge of any caravan stand and any dwelling or other permanent building must be a minimum of 10 metre.

5. ASSOCIATED FACILITIES

- Utilisation of associated facilities such as conference facilities, restaurants and bars by the general public is subject to the consent of the Municipality.

PART 6: OVERLAY ZONES

Overlay zones provide a mechanism for land use management whereby the Municipality may give effect to specific guidelines contained in legislation or policy plans. Overlay zones are tools that indicate certain land uses that have cadastral /non cadastral description. Overlay zones contain additional information assisting decision-making bodies (MPT) with the interpretation, administration and use of this Scheme.

Overlay zones are being administered, maintained and updated by the Municipality and any additions, alterations or changes to these Overlay Zone Maps shall not constitute an amendment of the Scheme according to the stipulations as set out in Section 16 of the Municipal Land Use Planning Bylaw.

It outlines special provisions for e.g. environmental, agricultural consideration, etc.

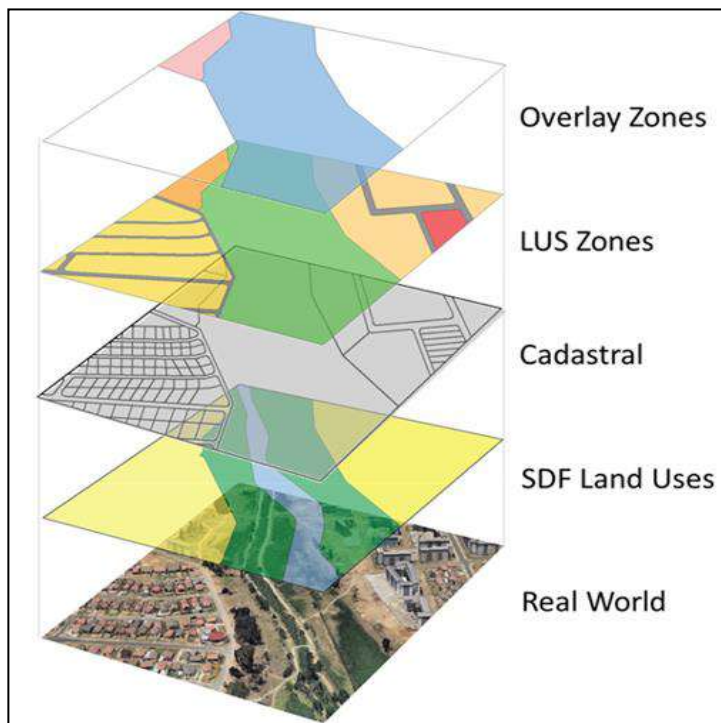
Overlay zones should guide authorities to where development can be allowed or not. Information is captured on these Maps and will guide the Municipality where to allow certain developments. In most cases certain legislation will guide development and the decision of the Municipality.

The provisions of an overlay zone alter the development parameters relating to a particular area or land unit, or set new development parameters which are more restrictive than the provisions applicable to any of the base zones, and if such provisions of an overlay zone are different to, or in conflict with the provisions of a base zone, the more restrictive provisions shall apply, unless stated otherwise in the overlay zone concerned.

The provisions of more than one overlay zone may apply to a land unit or area concerned.

See **Figure 1** below as an example of the position of an overlay zone in planning.

FIGURE 1: EXAMPLE OF AN OVERLAY ZONE



OVERLAY ZONE 1: ENVIRONMENTAL CONSIDERATIONS (CRITICAL BIODIVERSITY AREAS)

The main objective of this Overlay Zone is to:

- Protect the special natural and environmental characteristics of an area,
- Promote sustainable development.

The land identified on the map can be seen as land that is identified as ecologically sensitive systems or ecosystems that needs to be protected.

Any proposed land use development within this zone is subject to the requirements of the responsible department.

OVERLAY ZONE 2: AGRICULTURAL LAND

All properties in the Municipality that are registered in the Farm Register at the Deeds Office, are subject to the provisions of SPLUMA, as amended, Subdivision of Agricultural Land Act 70 of 70, as amended, and the Municipal Land Use Planning Bylaw.

The Overlay zone indicates High potential agricultural land within the Municipality.

Any proposed land use development within this zone is subject to the requirements of the responsible department.

OVERLAY ZONE 3: SERVITUDES AND LEASE AREAS

Servitudes and lease areas that are registered at the Surveyor General, indicate certain additional land uses over existing properties that restrict the development of the property. The restrictions are in accordance with specific legislation/policies/guidelines/agreements, etc. that are not contained in this Scheme.

The Overlay Zone Maps indicate the registered lease areas (e.g. for telecommunication infrastructure, alternative energy infrastructure, etc.) and servitudes (e.g. right of way, power lines, pipelines, channels) that must be considered in the development of the properties affected by the servitude / lease area.

OVERLAY ZONE 4: SPATIAL DEVELOPMENT FRAMEWORK

The SDF of is the strategic planning instrument that guides and informs all the planning and development decisions with regard to planning, management and development. The SDF does not grant the use of land, however, it see to achieve the following within the Municipality:

- Set out objectives that reflect desired spatial form of the Municipality
- Identify strategies and policies to achieve the objectives which indicate:
 - The desired pattern of land use
 - The direction of growth
 - Address spatial restoration
 - Provide strategic guidance in respect to location and nature of development
 - Set out basic guidelines for a land use management system
 - Provide a visual presentation of the desired spatial form of the Municipality

With the approval of the scheme and being operational, the spatial planning would be guided by the land use development principles, norms and standards. At the same time, the Land Use Scheme will direct and facilitate the use and development of land as per the prescriptions and procedures of SPLUMA. The SDF guide the future direction and location of land uses and there is a definite alignment with the Scheme.

OVERLAY ZONE 5: ERVEN REGISTERED ON GENERAL PLANS BUT NOT PROCLAIMED OR REGISTERED AT THE REGISTRAR OF DEEDS

According to the Phumelela Land Use Planning Bylaw, an applicant must, after approval of an application, lodge general plans, diagrams and title deeds to be registered with the Surveyor General and the Registrar of Deeds within a prescribed period.

On the implementation date of this Scheme, there were erven registered on General Plans, but the proclamation was still in process or the applicant failed to lodge the relevant documents to the Registrar of Deeds. These erven are indicated on the Overlay Zones to indicate the status of the land.

On proclamation and registration of these erven at the Deeds Office, the Authorised Employee must amend the Zoning Maps and Overlay Zones.

OVERLAY ZONE 6: LAND UNDER TRADITIONAL LEADERSHIP IN A SCHEME

In terms of The Municipal Systems Act 32 of 2000, as amended, and the Local Government Municipal Demarcation Act 27 of 1998, as amended, land under Traditional Leadership has been incorporated into municipal boundaries and the Municipality is responsible for the entire area under their jurisdiction.

In terms of SPLUMA, Section 24(2)(c) the land use scheme of the Municipality must– *“include provisions that permit incremental introduction of land use management and regulation in areas under traditional leadership, rural areas, informal settlements, slums and areas not previously subject to a land use scheme.”*

Traditional Authorities, for the most part, function within the scope of the African Customary Law. Thus, functions pertaining to land use in Traditional Areas, are formulated within African Customary Law principles. African Customary law is recognised as part of the South African Common Law.

The leadership and institutions of Traditional Authorities (TAs) are recognized in the Constitution and the Traditional Leaders and Governance Framework Act 41 of 2003, as amended. Decision making by the Municipality in consultation with Traditional Leaders, is imperative and vice versa: decision making by the Traditional Leaders/DRDLR in consultation with the Municipality, is imperative.

The boundaries of Traditional Settlements in the Free State are surveyed and registered, but there is no /or limited individual registered erven.

All Facilities developed by the State (e.g. **Police Stations, Clinics, Schools, Offices occupied by Government, Magistrate Courts, Properties occupied by Department of Agriculture, Water Reservoirs, Pipe lines, Conservation areas, etc.**) **must however be subdivided, registered and transferred** to the relevant Departments. These subdivisions are zoned according to the standard applicable zonings of this scheme.

All the land under Traditional Authority, as registered at the offices of the Surveyor General, is zoned “Traditional Authority Area” with the exception of the registered subdivisions that are transferred to the relevant Government Departments.

1. TRADITIONAL SETTLEMENT PLAN

A Traditional Settlement Plan of each registered Traditional Area, is included as an Overlay Zone in the Scheme for incremental introduction of land use management (SPLUMA Section 24(2)(c))

A Traditional Settlement Plan of each Traditional Area must indicate at least the following key land uses:

- Residential areas
- Agricultural land
- Areas with important communal resources.
- Community facilities;
- Environmentally sensitive areas.
- Government uses (e.g. Police Station, Clinics, Schools, Offices occupied by Government, Magistrate Courts, Properties occupied by Department of Agriculture, Water Reservoirs, Pipe lines, Conservation areas, etc.) that have not yet been subdivided.
- Resorts
- Rivers and Dams
- Roads, railway and servitudes.
- Existing cemeteries
- Existing community facilities.

In terms of the established customary systems, Traditional Leaders have played a significant role in land administration. Recognized systems of land administration already exist and Leaders have been making land use decisions for many years.

The communal rules in terms of the Communal Land Rights Act 11 2004, as amended, for the administration and land use for each approved application must be registered in Schedule G in this Scheme.

PART 7: SCHEDULES

Schedules provide a mechanism for land use management through specific registers/lists. Schedules can indicate certain land uses that have cadastral/non cadastral description. They may contain additional information that may assist decision-making bodies (MPT).

Schedules are being administered, maintained and updated and any additions, alterations or changes to these schedules shall not constitute an amendment of the Scheme according to the stipulations as set out in Section 16 of the Municipal Land Use Planning Bylaw.

SCHEDULE A: REGISTER OF SCHEME AMENDMENTS

All amendments by rezoning and with the approval of theMPT for the amendment of the **Scheme Maps**.

PROPERTY DESCRIPTION	PREVIOUS ZONING	NEW ZONING	PROCLAMATION: GAZETTE NUMBER AND DATE

All amendments of the **SchemeRegulations** with the approval of theMunicipality

CLAUSE	AMENDMENT	PROCLAMATION: GAZETTE NUMBER AND DATE

SCHEDULE B: REGISTER OF CONSENT USES

PROPERTY DESCRIPTION	CONSENT DESCRIPTION	RESOLUTION DATE

SCHEDULE C: REGISTER OF CONSENT USES ON AGRICULTURAL LAND (PERMITS)

These permits were issued in terms of the Physical Planning Act 67 of 1991, as amended and allowed certain land uses on agricultural land.

Existing permits on agricultural land will be considered as consent uses as these permits already went through an application process in the past, with the approval of the responsible Department. If the permit was not exercised in 2 years from date of issue, the permit has expired. A new application needs to be submitted to the Municipality with the approval of the responsible Department.

FARM NAME	NO	POR-TION	ISSUED PERMIT	DATE OF ISSUE
BETSONIA	1411	?	GENERAL DEALER	
MOUNT PLESSIS	1055	0	GENERAL DEALER	
VERKYKERSKOP A	1519	3	GENERAL DEALER	
KAFFIRSTADT	163	1?	GENERAL DEALER	
KAFFIRSTADT	163	1?	CAFÉ	
KALABASKRAAL	72	?	GENERAL DEALER	08/12/1988
HERMITAGE	60	0	HIKING TRAIL	05/09/1988
HENDRIKSDEEL	1390	0	HAWKER	
LILAMANI	1245	?	CATERER	
PIEKS HOOP	342	0	GENERAL DEALER	
DONUM	794	0	GENERAL DEALER	
ELIM	926	?	GENERAL DEALER	
ELIM	926	?	MOTOR GARAGE	
ERFDEEL	?	?	GENERAL DEALER	
BABY'S HOPE	925	?	GENERAL DEALER	
BABY'S HOPE	925	?	CAFÉ	
BABY'S HOPE	925	?	MOTOR GARAGE	
BLYDSKAP	?	?	GENERAL DEALER	
EENSGEVONDEN	?	?	GENERAL DEALER	
STERKSTROOM	?	?	GENERAL DEALER	
STERKSTROOM	?	?	MILLER	

OUDEWONING	1002	0	GENERAL DEALER	14/10/1986
PALMIET	585	?	GENERAL DEALER	
PALMIET	585	?	MOTOR GARAGE	
STERKSTROOM	?	?	GENERAL DEALER	
KOEFONTEIN	208	0	GENERAL DEALER	22/01/1988
KOEFONTEIN	208	0	CAFÉ	22/01/1988
KOEFONTEIN	208	0	NURSERY	22/01/1988
WELTEVREDE	?	?	MOTOR GARAGE	
KEDRON	764	0	MOTOR GARAGE	13/10/1986
ASCENT	?	?	MILLER	
ROADSIDE	181	?	MILLER	
ALLANVALE	249	0	RECREATION RESORT	23/10/1989
BANKFONTEIN	1354	0	BUTCHERY	05/04/1995
MERINO	1185	0	HOLIDAY FARM	25/04/1987
KLEIN BEGIN	?	?	GENERAL DEALER	
STEYLDRIFT	?	?	GENERAL DEALER	?
NOOITGEDACHT	?	?	GENERAL DEALER	
HOPEDALE	?	?	GENERAL DEALER	?

SCHEDULE D: REGISTER OF DECLARED PROVINCIAL HERITAGE SITES

All properties in the Municipality are subject to the National Heritage Resources Act 25 of 1999, as amended. Any developments on a heritage site shall only be allowed under supervision, guidance or approval of the South African Heritage Resources Agency (SAHRA) and must be in accordance with the provisions of this act. SAHRA is mandated to coordinate the identification and management of heritage sites.

The property descriptions does not necessarily following cadastral boundaries.

TOWN	PROPERTY DESCRIPTION	TYPE Heritage Site / Monuments & Memorials
Vrede	All Saints Anglican Church	Heritage Site
Vrede	Nederduitse Gereformeerde Church	Heritage Site
Warden	Dutch Reformed Church	Heritage Site
Memel	1914 Rebellion Memorial	Memorial

(Source: Free State Provincial Heritage Resources Authority)

SCHEDULE E: REGISTER OF APPROVED MINING AREAS

The Register of approved Mining Areas is according to the list provided by the relevant Mineral Authority, as amended.

NO.	TOWN / VILLAGE	NAME OF COMPANY	COMMODITY	PROPERTY DESCRIPTION	END DATE	COMMENTS

(Source: Department of Mineral Resources)

SCHEDULE F: REGISTER OF APPROVED LAND USE APPLICATIONS/ COMMUNIAL RULES ON TRADITIONAL LAND

TRADITIONAL AUTHORITY AREA	COMMUNIAL RULES	RESOLUTION DATE