



GREAT KEI LOCAL MUNICIPALITY

Land Use Scheme Regulations

JUNE 2023



CONTACT US



17 Main Road, Komga, 4950, South Africa.



043 831 5774



mramukosi@greatkeilm.gov.za

TABLE OF CONTENTS

1 INTRODUCTION	5
1.1 TITLE.....	6
1.2 GREAT KEI LOCAL MUNICIPAL LOCALITY	6
1.3 THE NEED FOR THE MUNICIPAL LAND USE SCHEME	7
1.4 WRONGFULLY ALLOCATION OF ZONING.....	7
1.5 SCHEME CONSIDERATIONS	8
1.6 CONFLICT OF LAWS AND LEGISLATIVE COMPLIANCE	8
1.7 TRANSITIONAL PROVISIONS	9
1.8 COMPONENTS OF THE LAND USE SCHEME.....	9
1.9 APPLICATION FOR DEVELOPMENT ON OR CHANGE TO LAND USE PURPOSE OF COMMUNAL LAND	10
2 DEFINITIONS	11
2.1 GENERAL DEFINITIONS	11
2.2 BUILDING AND LAND USE DEFINITIONS	26
3. SCHEME SUMMARY OF PRIMARY AND CONSENT USES	49
4. LAND USE ZONES CONTROLS	54
4.1 ZONES RELATED TO AGRICULTURE	54
4.2 ZONES RELATED TO BUSINESS.....	58
4.3 ZONES RELATED TO INSTITUTIONAL	62
4.4 ZONES RELATED TO INDUSTRIAL.....	63
4.5 ZONES RELATED TO OPEN SPACE.....	65
4.6 ZONES RELATED TO RESIDENTIAL	70
4.7 ZONES RELATED TO TRANSPORT AND UTILITY	83
5. PARKING REQUIREMENTS	85
6. GENERAL DEVELOPMENT PARAMETERS AND REGULATIONS	98
6.1. FRONT SETBACKS	98
6.2. SIDE AND REAR SETBACKS.....	99
6.3. FLOOR AREA RATIO, COVERAGE AND HEIGHT.....	100
6.4. LOT AREA	101
6.5. RESTRICTIONS OF THE NUMBER OF DWELLINGS ON A LOT IN RESIDENTIAL ZONES	102
6.6. ADDITIONAL DWELLING UNIT IN RESIDENTIAL ONLY DETACHED ZONES	103
6.7. THE SHAPE OF LOTS IN RESIDENTIAL ONLY DETACHED ZONES	104
6.8. PARKING, LOADING AND UNLOADING ACCOMMODATION.....	104



6.9. EXISTING LAND USE RIGHTS.....	105
6.10. NON-CONFORMING LAND USES.....	105
6.11. THE SITING OF BUILDINGS AND ACCESS POINTS AND PROTECTION OF INDIGENOUS FLORA, FAUNA HABITATS AND NATURAL SYSTEMS	105
6.12. SITE DEVELOPMENT PLANS	106
6.13. TELECOMMUNICATION BASE TOWERS.....	109
6.14. ADVERTISEMENTS	110
6.15. FLOOD LINES	111
6.16. SUB-DIVISION AND CONSOLIDATION OF LAND	111
6.17. DELEGATION OF DECISION MAKING	111
6.18. DEVELOPMENT INCENTIVES.....	111
ANNEXURES.....	114
ANNEXURE 1: SPATIAL PLANNING AND LAND USE MANAGEMENT MUNICIPAL PLANNING BY-LAW.....	115
ANNEXURE 2: PUBLIC PARTICIPATION	116



1 INTRODUCTION

This document presents a Draft Great Kei Land Use Scheme Regulations. It seeks to translate the SDF to a more detailed set of detailed zoning categories. In that, it serves as a linking element between the SDF and Scheme and bridges the gap between these two land use management tools and enable the comprehensive management of all erven (both private and public sector) within the Municipality; promote and implement the applicable planning and development legislation and principles as adopted by the relevant National, Provincial and Municipal spheres of government from time to time and lastly to promote and implement the Vision and Strategies of the Integrated Development Plan in the realization of quality environments.

PREAMBLE

The Great Kei Local Municipality (GKLM) initiated a process towards the preparation of a land use scheme that will cover the GKLM municipal jurisdiction in terms of the Spatial Planning and Land Use Management Act (SPLUMA). Act no. 16 of 2013. It is to be noted that the GKLM scheme is to be read in conjunction with the Integrated Development Plan, Spatial Development Framework, Municipal Spatial Planning and Land Use Management By-laws and the Spatial Planning and Land Use Management Act.

Chapter 5 of the Spatial Planning and Land Use Management Act (SPLUMA) (Act No. 16 of 2013) and Chapter 3 of the Municipality's Spatial Planning and Land Use Management By-laws were used in developing the regulations. The regulations are intended to assist the municipality with better understanding allowed use rights and promote control over use rights as well as manage the utilisation of land. The regulation developed will be applicable to the Great Kei Local Municipality.

Section 25(1) of the Spatial Planning and Land Use Management Act provides direction of the preparation of Town Planning Schemes. As indicated in SPLUMA the purpose of a scheme is to give effect to and be consistent with the municipal spatial development framework. The intention of the town planning scheme is to also determine the use and guide the development of land within the municipal area. In doing so, the scheme aims to promote -

- Economic Growth;
- Social Inclusion;
- Efficient Land Development; and
- Minimal adverse impact on public health, the environment and natural resources.

In addition to Section 25(1) of the SPLUMA, Section 16 of the Municipality's Spatial Planning and Land Use Management By-laws 2016 stipulate that the Municipality must determine the use and development of land within the municipal area to which it relates to promote.

- Harmonious and compatible land use patterns;
- Aesthetic considerations;
- Sustainable development and densification;
- The accommodation of cultural customs and practices of traditional communities in land use management; and
- A healthy environment that is not harmful to a person's health.

The preparation of this scheme includes a range of legislative and policy frameworks of National and Provincial Government as well as relevant principles have been acknowledged. Consideration was given to the unique characteristics of Great Kei Local Municipality in order to respond to land use management techniques in areas under traditional leadership and communal land.

1.1 TITLE

The regulations contained in this document shall be known as the **Great Kei Local Municipality Land Use Scheme Regulations** in terms of Chapter 5 of the Spatial Planning and Land Use Management Act (Act No. 16 of 2013) and Chapter 3 of the Municipality's Spatial Planning and Land Use Management By-laws.

1.2 GREAT KEI LOCAL MUNICIPAL LOCALITY

The Great Kei Zoning Scheme is done in terms of Sections 18 and 21 of Great Kei municipality Spatial Planning and Land Use Management (SPLUMA) bylaws (2016) read with section 24 (1) of the Spatial Planning and Land Use Management Act of 2013 (act 16 of 2013). It covers the entire municipal jurisdiction.



1.3 THE NEED FOR THE MUNICIPAL LAND USE SCHEME

The absence of a SPLUMA compliant land use schemes has resulted in the disempowering of municipalities to adequately deal with effective land use management. It has further had impacts on management, rating, and regularization of land use activities. It has been found that municipalities use multiple land use / town planning schemes to manage and regulate development which are not synergised with one another. The schemes which are been used are often outdated and do not address the complex land use management scenarios facing parts of the Eastern Cape. A shortfall of many schemes are their poor alignment with the municipal SDF as per SPLUMA requirement.

1.4 WRONGFULLY ALLOCATION OF ZONING

Should any property be assigned a zoning which has been wrongly converted from previous zoning maps which preceded these regulations, the owner of an affected property is entitled to submit an application to the municipality to rectify the identified discrepancy. The following process is to be followed:

- The applicant must submit documentary proof of the error and proof of the lawful land use rights;
- No application fees will be charges for such application.

1.5 SCHEME CONSIDERATIONS

It to be noted that the scheme regulation applies to all land within the jurisdiction of Great Kei Local Municipality. However, the scheme does not apply to resource areas where aspects of the management of such areas are regulated by the provision of:

- The National Environmental Management: Protected Areas Act, 2003 (Act 57 of 2003); and/or the National Environmental Management Biodiversity Act, 2004 (Act 10 of 2004); regulations under these Acts; and approved management plans implemented by the management authority in such areas (such as a National and Provincial Parks authority);
- Subdivision of Agricultural Land Act, 1970;
- Guidelines developed for land used for mining and mineral resources areas;
- National and Provincial water resource acts;
- Heritage conservation Acts.

1.6 CONFLICT OF LAWS AND LEGISLATIVE COMPLIANCE

- (a) When any provision of this Land Use Scheme is in conflict with a municipal by-law or any other subordinate legislation, these regulations shall prevail, subject to the provisions of regulation (b) (i) and (ii).
- (b) Other by-laws and supporting legislation which relate to erection of structures within a specified distance of the boundaries or centre line will take preference above the scheme except where the scheme:
 - i. Requires a road width greater than that determined by such other by-laws;
 - ii. Requires structures set back from boundary or centre line or road at a greater distance than that determined by such other by laws;
- (c) Should the scheme regulation be in conflict with national or provincial legislation the provisions of the more onerous regulation shall prevail. This includes (but is not limited to) the provisions of the National Building. Regulations and Building Standards Act, 1977 (Act 103 of 1977) and Act 21 of 1940, in so far as they require buildings to be erected at a greater distance from the boundaries of an erf than is required in terms of these regulations, shall have preference above the provisions of the Land Use Management Scheme.
- (d) Nothing in these regulations shall be construed as permitting any person to do anything that is in conflict with the conditions registered against the Title Deed or Deed of Grant of the land.

- (e) No person may use or commence with, carry on or cause the commencement with or carrying on of land development which is not permitted in the land use scheme or for which an approval is granted in terms of this By-Law;
- (f) When an applicant or owner exercises a land use right granted in terms of an approval he or she must comply with the conditions of the approval and the applicable provisions of the land use scheme;
- (g) In addition to the provisions of this Chapter, the provisions of Chapter 6 apply to any application submitted to the Municipality in terms of this Chapter;
- (h) Any reference to the Municipality in this Chapter includes a reference to the Municipal Planning Tribunal and the Authorised Official, as the case may be.

1.7 TRANSITIONAL PROVISIONS

In the event of outstanding applications which require attention and are impacted by legislation which has been repealed, SPLUMA provides some guidance in such regard.

- (a) Decisions on applications made in terms of laws repealed by section 59 of SPLUMA (DFA, LEFTEA, etc) may still be outstanding; or
- (b) Decisions on development applications made in terms of provincial laws (Land Use Planning Ordinance 15 of 1985 or the Town Planning and townships ordinance no. 15 of 1986);

The above situations will need to be dealt with in the following manner:

- (a) The repeal of laws referred to in section 59 of the municipal planning by law or by a provincial legislature in relation to provincial or municipal planning does not affect the validity of anything done in terms of that legislation;
All applications, appeals or other matters pending before a tribunal established in terms of section 15 of the Development Facilitation Act, 1995 at the commencement of this Act that have not been decided or otherwise disposed of, must be continued and disposed of in terms of this Act.

1.8 COMPONENTS OF THE LAND USE SCHEME

The Land Use Scheme consists of three components, namely:

- (a) Scheme Regulations;
- (b) Land use Scheme map (s), in so far as the scheme is mapped;

- (c) Scheme register, in so far as zonings have been allocated to the captured land use categories of the surveyed towns;

1.9 APPLICATION FOR DEVELOPMENT ON OR CHANGE TO LAND USE PURPOSE OF COMMUNAL LAND

1. An applicant who wishes to develop on or change the land use purpose of communal land located in the area of a traditional council where such development will have a high impact on the community or such change requires approval in terms of a land use scheme applicable to such area, must apply to the Municipality in the manner provided for in the municipal planning by-law.
2. No application pertaining to land development on or change of the land use purpose of communal land may be submitted unless accompanied by power of attorney signed by the applicable traditional council.

2 DEFINITIONS

The definitions below comprise of the land use categories and terminologies that are to be read in conjunction with the scheme to correctly identify the scheme regulations:

2.1 GENERAL DEFINITIONS

In this Scheme, unless the context otherwise indicates, any word shall, when used in this Scheme, have the same meaning as in these definitions, otherwise it shall have the meaning assigned to it in the Great Kei Spatial Planning and Land Use Management By-Laws 2016 and the Spatial Planning and Land Use Management Act No.16 of 2013.

Agricultural Building

Means a building used in connection with, or which would ordinarily be incidental to, or reasonably necessary in connection with the use of the site of that building as agricultural land.

Ancillary Use

Means a use incidental to and customarily associated with a specific principal use, located on the same erf.

Arcade

Means an area forming part of a building which may or may not be covered, reserved exclusively for pedestrian traffic, but may include fountains, benches and other similar features and shall nowhere have a total width of less than 4 metres and an unobstructed width of less than 2 metres, such measurements shall be subject to the discretion of the Municipality.

Associated Structures and Activities:

A premise used in the name of a company that is made up of a number of smaller companies which have joined together.

Authorised Official

Means an official who may consider and determine applications as contemplated in terms of Section 35(2) of the Spatial Planning and Land Use Management Act No.16 of 2013.

Authority

Is the written authority given by the Municipality in terms of its statutory powers.

Basement

Is the lowest part of any building, which part is constructed with more than 50% of its volume below the mean finished ground level immediately surrounding the building.

Boarding House

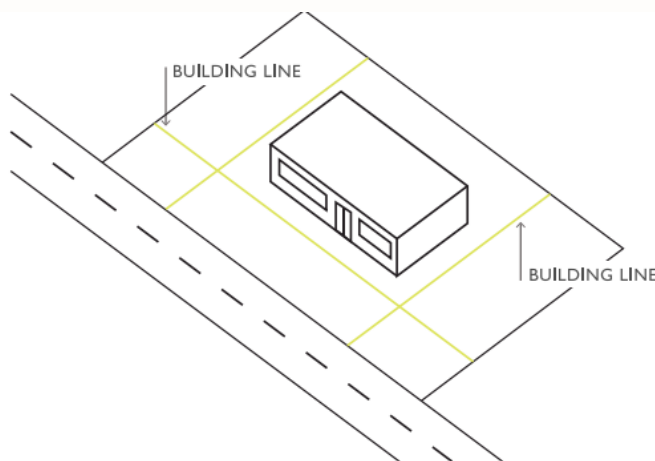
Means a structure where lodging and/or meals is/are provided for 7 or more lodgers and who are accommodated for a period longer than those on a transient basis (i.e. longer than 2 weeks).

Building

Is any structure or erection of an immovable nature for whatever purpose used including any tank, swimming pool or radio-mast and any wall, retaining wall or closed-boarded fence more than two metres in height at any point, but excluding any open fence, post, steps, pier, ramp, fountain, statue, fish-pond, pergola or other garden ornamentation.

Building Line

Is the line parallel to any boundary of an erf, which is conterminous with a street, public right of way or proposed road; or in the case of "hatchet shaped" erven, a line parallel to the boundary nearest to the street, which is not a boundary of the access strip. Building Line shall also apply as a line parallel to any service infrastructure demarcating the area where the service authority has determined no development should take place.



By-Law

Means the bylaws or regulations of the Municipality in force in the area of the Scheme.

Caravan

Means any vehicle permanently fitted out for use by persons for living and sleeping purposes whether or not such vehicle is a trailer.

Chalet Development

Means a detached habitable building used as a holiday dwelling with a floor area not exceeding 53m² and not less than 32m² consisting of not more than 3 living rooms with or without sanitary convenience, bathroom, shower, and kitchen, together with approved outbuildings or

ancillary buildings to be used in conjunction with a chalet or series of chalets, but shall not include a dwelling house or residential building.

Clinic

Means a facility providing medical, psychiatric, or surgical service for sick or injured persons, including emergency treatment, diagnostic services and services to outpatients, employees or visitors and may include a day-ward.

Conference Centre

Means of a large venue designed for conferences often consisting of a large hall as well as a number of smaller lecture rooms and other facilities.

Commercial Purposes

Means purposes normally or otherwise reasonably associated with the use of land for distribution centres, wholesale trade, storage warehouses, carriage and transport services, laboratories, or computer centres, including offices and other facilities that are subordinate and complementary to such use.

Commercial Workshop

Means a light industrial workshop, wherein the primary purpose is the selling of goods and services by retail, and where the processes are operated specifically in conjunction with a shop or office to which the general public has access as customers, and it includes such uses as a watch repairer, shoe repairer, electronic equipment repairer and an electrician, but excludes a garage or petrol filling station.

Communal Farming

Means a portion of land that is used for agricultural purposes with the intention of selling the harvested goods to support life in rural areas. This use may also include a chicken coop.

Communal Land

Means land under the jurisdiction of a traditional council determined in terms of section 6 of the Eastern Cape Traditional Leadership and Governance Act, (Act 4 of 2005) and which was at any time vested in –

- (a) the government of the South African Development Trust established by section 4 of the Development Trust and Land Act, 1936 (Act No. 18 of 1936), or
- (b) the government of any area for which a legislative assembly was established in terms of the Self-Governing Territories Constitution Act, 1971 (Act No. 21 of 1971)

Communications Tower

A structure on which an antenna or dish is installed for the transmission, broadcasting or receiving of radio, television, radar or microwaves, and similar types of devices.

Community

A group of persons whose rights to land are derived from shared rules determining access to land held in common by such group regardless of its ethnic, tribal, religious, or racial identity and includes a traditional community.

Community Hall

A facility that is used for cultural activities, social meeting, funeral proceedings, and gatherings in traditional communities.

Conference Centre

A building including the land associated therewith, used for conferences, gatherings, indoor recreation, commercial exhibition hall, related catering facilities, and such other uses considered by the municipality to be ancillary thereto, or reasonably for the use of the building as a conference centre.

Conservation Area

An area of land and/or water within which the conservation of the scenic beauty, indigenous flora and fauna, other naturally occurring material, water courses, topographical features and places of historic or scientific interest is of primary importance.

Consent

Means a land use right that may be obtained by way of consent from the municipality and is specified as such in the land use scheme; "consolidation" means the joining of two or more pieces of land into a single entity; "Constitution" means the Constitution of the Republic of South Africa, 1996.

Consent Use

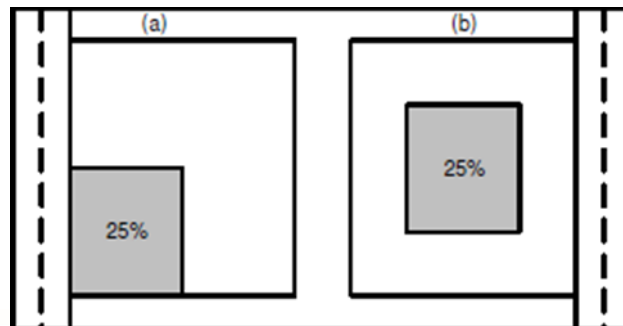
Means an additional use right permitted in terms of the Scheme as defined in a particular use zone with the Consent of Municipal Planning Approval Authority.

Council

Means the municipal council of the Municipality.

Coverage

Is the proportion of an erf covered by buildings and is expressed as a percentage of the erf area as defined. Thus, 25% coverage means that only one quarter of the erf may be covered by buildings.



Crematorium

Means a building where the dead are reduced to ash and includes facilities for associated religious and administrative functions.

Deeds registry"

Means a deeds registry as defined in section 102 of the Deeds Registries Act, 1937 (Act No. 47 of 1937)

Departure

Means an application for a temporary deviation from, or permanent amendment of, land use scheme provisions applicable to land

Develop Land or Development

In relation to any land, means the erection of buildings and structures, the carrying out of construction, engineering, mining or other operations on, under or over land, and a material change to the existing use of any building or land for non-agricultural purposes, but does not include the construction or use of any dwelling unit and outbuildings usually associated therewith for the settlement of a traditional household on land on which a traditional community lawfully resides.

Diagram

Means a diagram as defined in the Land Survey Act, 1997 (Act No. 8 of 1997);

Duplex Flat

Means a dwelling unit in a building, each such unit consists of a ground floor and one upper floor connected by an internal staircase and has direct access to a private open area.

Dwelling House

Means a building constructed, used or adapted to be used, as a dwelling unit to accommodate one household and which includes not more than one kitchen, habitable rooms for the accommodation of bona fide domestic staff, outbuildings and accessories as are ordinarily used therewith. Only in the case of Agricultural land can a dwelling unit allow for more than one family and kitchen.

Dwelling Unit

Means a set of inter-leading rooms including bathroom(s) and not more than one kitchen, designed as a self-contained unit for occupancy by a single household for living and sleeping purposes, but shall not include a building which in the opinion of the Municipality is designed in such a way as to enable it to be utilised by two or more separate households.

Dwelling Unit Curtilage

Means a single defined area of land forming part of a medium density housing site comprising the land upon which a dwelling unit is erected or is intended to be erected, together with such private open areas and other areas as are reserved for the exclusive use of the occupants of the dwelling unit.

Doctors Surgery

Means a facility providing medical or surgical service for sick or injured persons, including diagnostic services and services to patients.

Environmental Screening Report

Is a preliminary environmental assessment of the potential impacts of a proposed development on the environment; and, in particular on the ecosystems and the conservation status of the site and the biodiversity objectives of the Municipality.

Erection of a building

means the construction of a new building or structure or the structural alteration of, or the making of any addition to, a building.

Erf

Means any piece of land registered in the Deeds Registry as an erf, lot, plot, stand or farm and includes a portion of an erf, lot plot, stand or farm; provided that where, as a provision of the Scheme, a proposed road or a change in zoning divides a registered piece of land into two or more portions, the term "Erf" shall apply to each of such portions as if they had been separately registered.

Erf Area

Is the area of an erf, less the area of a panhandle, any public right of way, road servitude, land set aside as a new road or road widening to which the erf may be subject, but shall include any registered servitude for overhead or underground services.

Existing Building

Means a building lawfully erected before the date of adoption or a building erected in accordance with plans, which were approved by the Municipality prior to that date.

Existing Use

Means in relation to any building or land, a continuous use of that building or land after the date of adoption for the purpose for which it was designed and lawfully authorised by the Municipality at that date.

Flood Line

Means the lines indicating the maximum level likely to be reached by floodwaters on the land in question in a specified event.

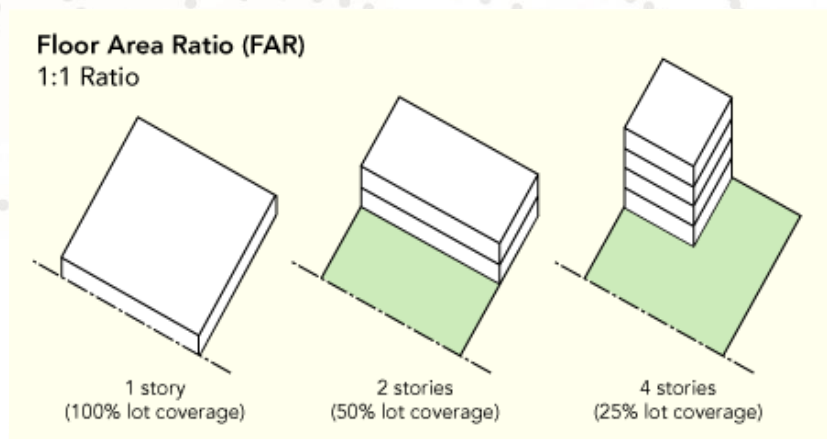
Floor Area

The floor area of a building shall be taken as the sum of the roofed areas of the building at each floor level, measured over and including wall thicknesses, lift shafts and staircases.

Floor Area Ratio

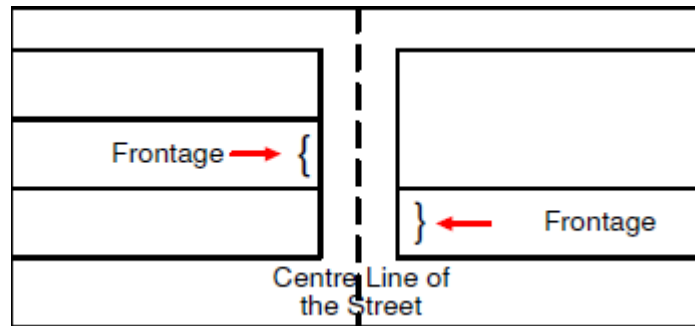
Subject to Clause 2.6, is the ratio of the total floor area of the buildings on an erf to the erf area and is expressed as a decimal, e.g. a Floor Area Ratio of 0,5 means that the floor area of the buildings on a particular lot is half the erf area.

$$\text{FAR} = \frac{\text{Floor Area of a building or buildings}}{\text{Total Area of the Erf or Site upon which the building(s) are erected}}$$



Frontage

Is the length of the boundary of an erf, which is coincident with the boundary of an existing or proposed street.



Fresh produce market

Means a business that primarily sells dairy products, fruits and vegetables, meat and meat products

Gross Office Area

Is the sum of the floor areas of the office space in a building including storage, corridors, lift shafts, staircases, kitchens, and conveniences, and shall include wall thicknesses and basements used other than for parking purposes.

Gross Shop Area

Is the sum of the floor areas of both the storage and retail areas of a shop and shall include wall thicknesses and basements used other than for parking purposes but shall exclude public conveniences.

Ground Floor

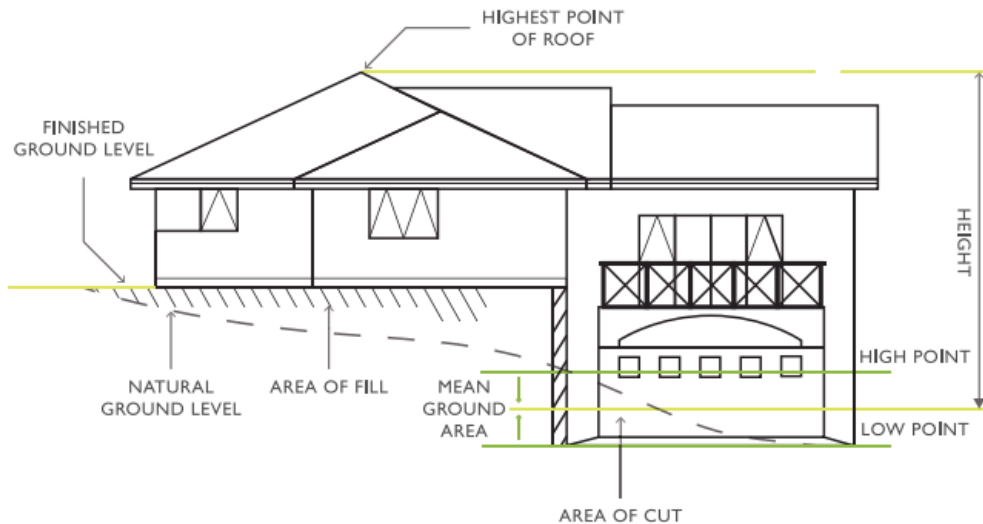
means the lowest floor of a building, which is not a basement.

Hardware

Means a building used for the sale of tools, machinery, and other durable equipment.

Height

Is the height of a building in storeys or floors and is expressed as a number.



Helipad

Means of a take-off and landing area for helicopters, usually without commercial facilities

Homeowners Association

Means a company registered in terms of Section 21 of the Companies Act, No. 61 of 1973, as amended, membership of which shall be exclusive to and compulsory for the freehold or registered leasehold owners of dwelling unit curtilages in a medium density housing site.

Hotel

Means a transient accommodation establishment primarily engaged in providing 7 or more rooms and/or suites for temporary lodging by the general public and which provides meals on the premises and which does have a liquor licence and which operates a lounge and/or bar where such liquor is sold and consumed on the premises.

Household

Means a group of people who live together, share living and eating expenses, and may consist of one family, together with or without staff and with or without a boarder or boarders.

Indigenous

Refers to individuals who originate naturally in a place.

Industrial Purposes

Means purposes normally or otherwise reasonably associated with the use of land primarily for the manufacture, altering, repairing, assembling or processing of a product, or the dismantling or breaking up of a product, or the processing of raw materials including a noxious activity. See also Building and Land Use Definitions of Service, Light, General and Special Industrial Buildings.

Kennels/Cattery,

Means any erf where dogs, cats, or other small animals or birds in an aviary are kept for profit, breeding, or exhibiting, including places where said animals are boarded, kept for sale, or hire. Such use is regarded as an Agricultural Industry.

Kitchen

Means any room, all or part of which is designed and/or used for storage, refrigeration, cooking and the preparation of food.

Land Use Scheme

Means the land use scheme adopted and approved in terms of Chapter 3 of the Great Kei Local Municipality By-laws

Maisonette (or Pair of Maisonettes)

Means a two-storey building consisting of 2 dwelling units placed one above the other with separate entrances.

Mall

Means an area of land open to the air and reserved exclusively for pedestrian traffic but may include fountains, benches and other similar features as well as kiosks for, inter alia, the sale of refreshments.

Medium Density Housing Site

Means a defined area of land upon which medium density housing is established or is proposed to be established and which comprises dwelling unit curtilages and common land, but excludes any land required by the Municipality for public purpose.

Manufacturing

Means of a place where there is the process of turning raw materials or parts into finished goods through the use of tools, human labor, machinery, and chemical processing.

Mezzanine

Means an intermediate floor or in a building, especially a low one between the ground floor and the first floor. For the purposes of measuring height, a mezzanine shall be counted as a storey.

Municipality

Means the Great Kei Municipality or its successor in title as envisaged in section 155(1) of the Constitution, established in terms of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998) and for the purposes of this By-law includes an employee or official acting in

terms of a delegation issued under section 59 of the Municipal Systems Act, section 56 of the Act or section 182 of this By-Law.

Municipal Planning Tribunal

Means the Municipal Planning Tribunal for the municipal area established in terms of section 33, the joint Municipal Planning Tribunal established in terms of section 45, or the District Municipal Planning Tribunal established in terms of section 49.

Net Developable Area

Means the surveyed area of an erf less that area which by virtue of soil instability, liability to flooding, inaccessibility of topography or slopes steeper than 1:3 or the existence of an environmentally sensitive area, renders such area in the opinion of the Municipality as being undevelopable.

Objector

Means a person who has lodged an objection with the Municipality to a draft municipal spatial development framework, draft land use scheme or a land development and land use application.

Occupant

Means any person occupying a building or land irrespective of whether such occupation is legal or not.

Outbuilding

Means a building or portion of a building ordinarily used in conjunction with a dwelling unit(s), and used for the garaging of private motor vehicles, storeroom, domestic workers' accommodation and ablution facilities, and workroom.

Owner

Owner in relation to a building or land, means the person in whose name such land is registered in the Deeds office.

Overlay Zone

Means a mapped overlay superimposed on one or more established zoning areas which may be used to impose supplemental restrictions on uses in these areas or permit uses otherwise disallowed

Permission to Occupy (PTO)

Means a form of leasehold whereby one may occupy a land in custody of a Traditional Council, and develop the land as mutually agreed. This applies only land under communal ownership.

Premier

Means the Premier of the Province of Eastern Cape.

Primary Use

Means the predominant use of any erf, building or structure.

Private Open Area

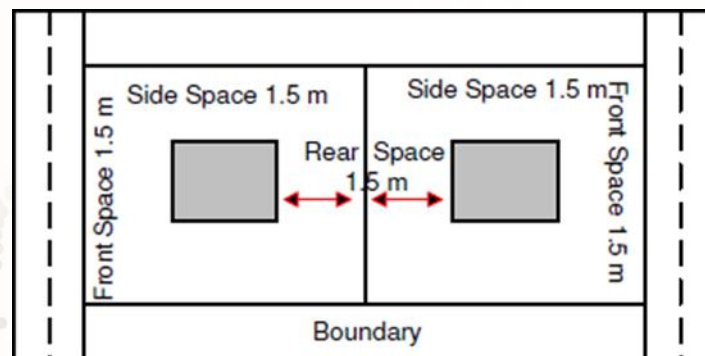
Means a usable area, exclusive of utility areas, driveways and parking areas, which is open to the sky and which is adjacent to and has direct access from a dwelling unit on a medium density housing site, such private open area being reserved for the exclusive use of the occupants of the associated dwelling unit, but may include covered open areas (patios) and verandas.

Prohibited Uses

This category includes land uses which are considered to be incompatible with the surrounding land uses, and which the Municipality is precluded from considering. The proposed change in land / building use may only be considered with an application for a rezoning or scheme amendment in terms of the applicable legislation.

Rear Boundary

Shall mean that boundary of an erf which is furthest from any street boundary, and which does not meet any street boundary.



Rezoning

Means the amendment of a Scheme map in terms of the Great Kei SPLUMA By-laws, in order to effect a change of zoning and associated controls, restrictions and provisions in relation to a particular lot or erf.

Rural

Means land located outside of urban areas within rural settlements on land not used for bona fide agricultural activities

Scheme

Is the Great Kei Town Planning Scheme, as amended from time to time.

Scheme Map

Is the Map forming part of the Scheme as adopted by the Municipality.

Semi-Detached House

Is a building other than a dwelling house comprising 2 dwelling units contained in one building, both on the ground floor and each provided with a separate entrance.

Servitude

Means a registered right that grants the use of a portion of land for specified purposes.

Side Boundary

Is any boundary of an erf which meets a street boundary and any other boundary, and which is neither a street boundary nor a rear boundary.

Special Consent

Is the consent of the Municipality.

Storey

Is a room or set of rooms at one level, including any room, the floor of which is split in two or more levels, and shall have the following implications:

- (a) Basement shall not count as a storey provided it be used for parking vehicles, service installations or storage, and not for residential purposes, or as a shop, factory or work place.
- (b) The ground floor may be on several levels.
- (c) A pitched roof containing a habitable room and any other type or style of roof, which contains or supports any rooms, structures or features over and above those mentioned in paragraph (e) below and which the Municipality considers to be habitable shall count as a storey.
- (d) A storey shall not be higher than 4, 5 metres. If a storey is higher than this, each 4, 5 metres or part thereof shall count as a storey.
- (e) Lift, meter and similar rooms and architectural features, which are in proportion to the building, do not constitute a storey.

Street Line

Means a boundary of an erf, which is coincident with the boundary of an existing or proposed street.

Subdivision

Means the division of a piece of land into two or more portions;

Terrace House

Means a dwelling unit in a building comprising 3 or more dwelling units, each having a separate entrance on the ground floor with direct access to a private open area or areas.

Traditional Communities

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

Transient

Means a continuous period of 2 weeks or less.

Usable Common Open Space

Means the usable portion of the common land, which is not occupied by vehicular road carriageway, parking areas and communal facilities of a non-recreational nature, but includes walkways, structures intended for recreational use and a children's playing area or areas.

Utilities and Service

means a use or infrastructure provided by a public authority, private or public utility, that is required to provide engineering and associated services for the proper functioning of the built environment and includes a water reservoir and purification works, electricity substation and transmission lines, stormwater retention facilities, and a waste-water pump station. It may also include waste processing activities such as transfer stations, recycling centres, and composting installations) and a waste-water treatment works, only if no part of such facility or activity constitute a noxious use. "Utility service" does not include road, or transport use or telecommunication installations

Watercourse

Means:

- a) a river or spring;
- b) a natural channel in which water flows regularly or intermittently
- c) a wetland, lake or dam into which water flows: and

d) any collection of water which the Minister may, by notice in the gazette declare to be a watercourse,

e) a reference to a watercourse includes, where relevant, its bed and banks. (Source: National Water Act (No. 36 of 1998), as amended)

Veterinary Clinic

Means of a building or place used for diagnosing or surgically or medically treating animals

Wetland

Means land which is transitional between terrestrial and aquatic systems where the water table is usually at or near the surface, or the land is periodically covered with shallow water, and which land in normal circumstances supports, or would support, vegetation, birdlife, etc. typically adapted to life in saturated soil. (Source: National Water Act (No. 36 of 1998), as amended).

Zone

Means a defined category of land use, which is shown on the zoning map of a land use scheme.

2.2 BUILDING AND LAND USE DEFINITIONS

Unless the context of this Scheme clearly indicates to the contrary, the following building types and Land Use types have the meaning and interpretation given below:

Abattoir

A place where animals are slaughtered for distribution to retail outlets.

Additional Dwelling Unit

Additional Dwelling Unit means a self-contained unit for residential habitation of limited size, which does not form part of medium density housing or chalets. It may be attached or detached to a dwelling house, but must be clearly associated with a dwelling house erected on an erf, and may include such outbuildings, garages and stoep areas as are customary used and incidental thereto, with the understanding that only one additional dwelling unit will be permitted on any one Erf unless Council allows otherwise.

Adult Entertainment Shop

A building or part thereof used for the sale, hiring, display, or viewing of material of an adult nature.

Adult Shop

A premise where publications and or films, classified as X18 by the Publications Board, or which fall within Schedule 2 (read with Schedule 5) of Act 65 of 1996, are exhibited and/or distributed. Such a shop or premises must also be licensed in terms of Section 2 of the Business Act (Act 71 of 1991) to conduct the business of adult shop or premises; or where the business of making the services of an escort available to any person is carried out, as described in the Business Act (Act 71 of 1991), and where the business is licensed in terms of Section 2 of the Business Act (Act 71 of 1991).

Agriculture

The cultivation of land for crops, plants, trees or the breeding of animals, or the operation of a game farm on natural veld or land; it includes only such activities and buildings which are reasonably connected with the main agricultural activity on the land, including a dwelling house(s), traditional dwelling and worker accommodation, but does not include abattoirs, feed-pen farming, aquaculture or defined consent uses.

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

- Infrastructure and buildings linked to supply of goods, services, advice to such area or the storage of produce from such area;
- Cultural and Social Ceremonies;
- Commonage.

Agricultural Building

Means a structure designed to house farm implements, hay, grain, poultry, livestock or other agricultural products

Agricultural Industry

An enterprise or concern for the processing of agricultural products on land used for agricultural purposes owing to the nature, perishability and fragility of such products, but does not include service industry, industry or abattoir.

Agricultural Land

Arable, meadow or pasture land, plantations, market gardens, poultry farm, nursery garden, and may include greenhouses or hydroponics, horticulture, permaculture, orchards and land used for the purpose of breeding or keeping of domestic animals and/or livestock and the grooming of such animals, poultry or bees and includes sale yards and any buildings connected therewith, provided that buildings connected with the housing of cats and/or dogs shall be deemed to be a Special Use. It excludes uses that could be classified/defined under "Agricultural Industry" and "Industry – High Impact".

Agricultural purposes

Means purposes normally or otherwise reasonably associated with the use of land for agricultural activities, including the use of land for structures, buildings and dwelling units reasonably necessary for, or related to, the use of the land for agricultural activities.

Authority Usage

A use that is practiced by a public authority or on an agency basis on behalf of a public authority, of which the characteristics (including combination of uses) and locality factors are such that it cannot be classified or defined under other uses in these regulations, and includes uses practiced by:

- (a) The National Government, such as military training centres and installations, police stations, correctional facilities and associated utility services and accommodation that are directly related to the operation and maintenance of the primary function;
- (b) The Provincial Government, such as road camps; and
- (c) A Municipality, such as civic centres, municipal depots and fire stations (including associated accommodation that is required for staff to be on standby).

Arts and Crafts Workshop

Encompasses the performing, visual, and fine arts, as well as applied arts including architecture and graphic design; crafts; film, digital media and video; humanities and historic preservation; literature; folklife; and other creative activities.

Bank

Premises designated to a financial institution licensed to receive deposits and make loans.

Basement

That portion of a building, where such basement is not a habitable room, the finished floor level of which is at least 2m below, or the ceiling of which is at most 1m above the grade line applicable to the building.

Bed and Breakfast Establishment

An owner managed commercial accommodation establishment of not more than 5 guestrooms, and which has as its primary source of business the supply of short-term accommodation and breakfast for resident guests.

Boarding House

Any house, building or premises in which both lodging and either meals or communal cooking facilities are supplied by the proprietor, together with such outbuildings as are normally used therewith.

Bottle Store

A shop in which mainly alcoholic beverages are sold in the retail trade and includes an off-sales facility that is part of a hotel and under the same management as the hotel.

Boundary

Means cadastral boundary, or where a land unit has not been surveyed, a reference or description as generally approved by the Municipality must be used.

Building

Any structure or erection irrespective of its nature or size, i.e. any structure that complies with the National Building Regulations.

Bus Depot

The use of land and/or buildings at public transport facilities such as a bus for the purposes of dropping off and collecting passengers by public and private bus services and mini bus, and may include parking areas, shelter and seating for passengers, a ticket office, offices ancillary to the management of a bus, an informal trade area and ablution facilities.

Business Premises

A site or building or structure on or in which retail and wholesale business is done and includes uses such as shops, warehouses, offices, banks, bottle stores, restaurants, nurseries or buildings/structures/premises for similar purposes, but does not include institutions, service stations, industries or noxious trades.

Biosphere Reserve

Means of the protected area meant for the conservation of plants and animals

Botanical Garden

Means of a garden often with greenhouses for the culture, study, and exhibition of special plants.

Camping Site

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

Caravan

Any vehicle permanently fitted out for use by people for living or sleeping purposes, whether or not such vehicle is a trailer.

Caravan Park

Any land used or intended to be used for the accommodation of caravans, including mobile homes.

Caretaker's cottage

Means of the dwelling of a farm labourer or small farmer Heritage Purposes Arts and Culture

Car Wash

Land and buildings used for the washing, polishing and cleaning of vehicles.

Cemetery

A place, whether public or private, wherein human remains have been or are intended to be interred and includes a crematorium.

Ceremonial Workshop

A premise used for religious ceremonies to be carried out.

Clinic

A medical care facility for day patients with no overnight accommodation.

College

Means an educational institution or establishment, in particular one providing higher education or specialized professional or vocational training

Commercial Premises

A building or land-usage whether it is a service industry, retail or wholesale, which is primarily involved in the rendering of a service, which can reasonably be regarded as being out of character in the residential or business area of the town. Commercial premises may include a warehouse.

Commercial Workshop

An activity which caters specifically for the local customer or provides a service directly to the retail customer and which is directly associated with the business premises to which the public has access and where such business premises comprise the frontage of the whole building except entrances and exits and may include panel beating, spray painting and cleaning of cars.

Commonage

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

Communal land

A land is held in trust by the Minister of Rural Development and Land Reform but also regarded by government as co-owned by the local community. It is considered to belong legally to the State. It is held by individuals under PTOs, under customary tenure, by quitrent grants, or rarely, by lease. Individuals' rights on it are protected by the Interim Protection of Informal Land Rights Act (IPILRA).

Convenience Shop

A shop, including storage space, which is used for the purposes of carrying on a retail trade specifically directed at the supply of convenience goods (predominantly foodstuffs) to a localized area.

Conservation Area

An area of land and/or water within which the conservation of the scenic beauty, indigenous flora and fauna, other naturally occurring material, water courses, topographical features and places of historic or scientific interest is of primary importance.

Cultural Ceremonies

Means the practice of cultural and social ceremonies by a person or group belonging to a cultural, religious or linguistic community, provided that such ceremonies are lawful in terms of all applicable legislation and bylaws of the Municipality.

Customary tenure:

Persists from pre-colonial times in rural areas. State or trust land is allocated to heads of household by a hierarchy of traditional leaders. Government structures such as Tribal Authorities have been superimposed on the traditional system to administer customary tenure.

Day Care Centre

A building or a site, excluding a boarding house or educational institution, which is maintained and utilised on a profit or non-profit basis, for the acceptance, protection, and temporary caring

of a maximum of 50 or less children on behalf of their parents and which building, or site is registered as a place of care in terms of the Child Care Act (Act 74 of 1983).

Dwelling House

A building containing only one dwelling unit complying with the National Building Regulations. In the event of a second dwelling unit on a Single Residential Erf, such dwelling house and second dwelling unit may be attached.

Dwelling Unit

A self-contained inter-leading group of rooms with not more than one kitchen, used only for living accommodation and housing at an occupation ratio not exceeding three persons per habitable room, together with such outbuildings as are ordinarily used therewith.

Dwelling Unit – Second

Means an additional self-contained interleading group of rooms including not more than one kitchen designed for occupation by a single household or family and may include out buildings and domestic staff accommodation but excludes an ancillary unit(s).

Ecologically Sensitive Areas

A designated area of land which needs special protection because of its landscape, wildlife or historical value.

Educational Building

Land and buildings used for instruction purposes such as a university, school, college, technical institute, crèche, nursery school, monastery, convent or similar uses and may include a research laboratory, art gallery, museum, academy, lecture, music or assembly hall or a library within the same site and incidental to such uses. It may further include ancillary uses normally associated with the primary use as an educational building, such as accommodation for students and staff, a canteen/restaurant, tuck shop (limited to 20m²) and sport / recreation facilities, but expressly excludes a Restricted Building.

Events Venue

Means the sites and locations which are used for the purpose of the organisation of the Event including Event Facilities.

Farm Stall

A building or structure which does not exceed 100m² in floor space, including storage facilities, where farmers sell products produced and processed on his farm, whether to his own employees or to the general public

Fast Food: premises used for the selling or supplying of meals or refreshments for consumption on or off the premises.

Flats

A building containing three or more dwelling units for human habitation, together with such outbuildings as are ordinarily used therewith; provided that in those zones where flats are permissible, fewer than three dwelling units shall also be permissible.

Funeral Parlour

The business of an Undertaker and may include a chapel, office, workshop, garage and/or warehouse. A Funeral Parlour does not include a mortuary.

Game Farm

Means of a place where animals are raised to be sold as food or for photography.

Game Reserve

A large area of land where wild animals live safely or are hunted in a controlled way for sport.

Garage

A building for the storage of one or more motor vehicles and includes a carport but does not include a motor repair garage or service station.

Guest House

Means an owner managed commercial accommodation establishment of not less than 6 guest-rooms and not more than 16 guest-rooms and which has as its primary source of business the supply of short-term accommodation and meals for resident guests.

Group Housing

Means the development of building having 5 or more multiple dwelling units and common services on a given site or plot in a single or multiple blocks without customary subdivision of land by way of individual plots.

Harvesting Medicinal Plants

Means a building used to grow and cultivate medicinal plants for herbal remedies.

Home Activity

An activity or use established in, or in conjunction with a Dwelling Unit or a structure erected on the site of an existing Dwelling Unit which –

- (a) shall be restricted to one person who shall reside on the property;
- (b) shall occupy a minor portion of the Dwelling Unit, or shall, in the case of any structure erected for the purpose of the activity, be deemed to be associated with the Dwelling Unit and shall be not larger than 5% of the erf area but shall not, in any event, exceed 40m²
- (c) shall not involve any industrial or workshop activity;
- (d) shall not generate traffic sufficient to warrant the provision of additional parking;
- (e) shall not include the storage or display of any goods or items associated with the activity, nor the direct sale of goods or items from the site;
- (f) shall not involve the exhibition on the property of any notice or sign, nor the quoting of the residential address in any advertisement of the activity
- (g) shall, in the case of the keeping of livestock, be subject to the requirements of the Health Bylaws.

Home Business

The conduct of an occupational activity in, or in conjunction with, a Dwelling Unit or an approved structure erected on the Site of an existing Dwelling Unit which may be used for a home business, subject to certain conditions. In particular, such business may cause the employment of additional staff, which is necessary to conduct the business, but shall not have a negative impact on the residential character of the area.

Hospital

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

Hotel

A property used as a temporary residence for guests, where lodging and meals are provided, and may include:

- (a) a restaurant;
- (b) conference and entertainment facilities that are secondary and directly linked to the dominant use of the property as a hotel; and
- (c) premises which are licensed to sell alcoholic beverages for consumption on the property but does not automatically include an off-sales facility.

Industry

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

Industry – General

Means any other industrial use which is not defined elsewhere in terms of this set of definitions.

Industry – Light

Means an industry which can be carried out without causing nuisance to other properties or to the public.

Industry – Service

Means an enterprise which is:

- a) Primarily involved in the rendering of a service for the local community such as the repair of household appliances or the supply of household services; and
- b) Not likely to be a source of disturbance to surrounding properties.
- c) Not liable, in the event of fire, to cause excessive combustion, give rise to poisonous fumes or cause explosions; and

- d) Includes a builder's yard / hardware store and allied trades, laundry, bakery, dairy depot, distribution centres, storage purposes (excluding Bulk Storage as defined in the Scheme), laboratories, grooming parlour, transport and cartage activities and a workshop or other area used for the repair, restoration, lubrication and/or service of motor or leisure vehicles and/or parts thereof and/or electrical and/or mechanical equipment and may include facilities such as service bays, grease pits and wash bays, but shall not include facilities for panel beating or spray painting.

Informal Trading

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

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

Institution

A property used as a welfare or private care facility such as an old age, frail or handicapped care facility, or a social facility such as a counselling centre, children's home or reformatory; and includes ancillary administrative, health care and support services for these facilities; but does not include a hospital, clinic or conventional correctional facility (prison).

Launderette

A building used for the purpose of washing and drying domestic clothing and household linen, where the machines used are electronically operated and quiet, and of the type of which processes each customer's articles individually, and which may be operated by the customer for a fee or be dropped off and picked up. The washing media used shall be of a type that shall not cause harmful effluent to be discharged into the sewerage system. A launderette is differentiated from a laundry in that the customer cannot operate the machines used in a laundry.

Marine Protected Areas

An area of the coast that is formally protected by law and managed mainly for biodiversity conservation, as recognised in terms of the National Environmental Management: Protected Areas Act, 2003 (Act 57 of 2003).

Mortuary

Means a place where bodies are stored on a temporary basis.

Motor Display Area

Premises used for the display, sale and/or hire of vehicles and may include uses incidental thereto but excludes a Motor Garage.

Motor Garage

Premises used for the major servicing and repair of vehicles such as: the overhauling and testing of engines; the rebuilding and testing of engines; panel beating and spray painting. The following ancillary uses may also be included: display and sale of vehicles; washing, and cleaning of vehicles; and, the sale of motor spares and accessories.

Motor Vehicle

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

Motor Workshop

Premises used for the general repair and servicing of light motor vehicles, including auto-electrical repairs, the fitting and sale of fitted motor spares and accessories, auto valet services, storage, and may also include an office, storeroom and display and sale of vehicles, or of towing broken down motor vehicles and excludes a Motor Garage.

Automotive showroom

Is a shop in which goods are displayed for sale, especially goods such as cars or electrical or gas appliances.

Nature Reserve

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

Nursery Garden

Means of a building or place where the principle purpose of which is the retail sale of plants that are grown or propagated on site or on an adjacent site

Noxious Use/Trade/Industry

Means a use, trade or industry, performed by a public authority, public utility or private entity which constitutes a nuisance or a risk to health in neighbouring premises arising from vapours, effluvia, fluids, liquid waste matter, solid waste matter, noise, disturbance and dust, including but not limited to:

- (a) waste disposal site, waste-water treatment works;
- (b) enterprises associated with chemical, explosive or nuclear-based manufacturing, warehousing, packaging or distribution; and
- (c) the activities described in Annexure A hereto.

Occasional Use

A temporary activity such as craft markets, circuses, religious gatherings, or other outdoor events, even though these are not in accordance with the zoning of the property concerned.

Occupant

Means any person who physically inhabits a building, a structure or land unit.

Offices

A room or set of rooms or a building that is used for the performance of an administrative function but excludes shops and business premises and does not include the storage, handling, distribution or sale of goods.

Office Building

A premise used for the administration of any business whether public or private.

Office District Authority

A premise designated to elected officials for one specific area for political or administrative purposes.

Office Government

Premises used by or on behalf of the Government or Municipality for the purpose of carrying out Government or Municipal functions.

Office Local Authority

A premises designated for an organization that is officially responsible for all the public services and facilities in a particular area.

Office Public

A building used for purposes of Local, District, Provincial and/or National Government offices and includes a Town Hall, Court House, Police Station, Post Office, Public Library, Clinic and buildings ordinarily incidental thereto, but excluding an impoundment area.

Parking Garage

A building, or part of a building designed for the parking of motor vehicles with or without a fee and may include parking within a building.

Place of Assembly

A public hall, hall for social functions, music hall, concert hall, school hall or exhibition hall which is not directly related to a commercial undertaking, or a town hall or civic centre.

Place of Public Assembly

A building or land used for social meetings, gatherings, or indoor recreation, but does not include a place of entertainment.

Place of Entertainment

A theatre, dance hall, disco, amusement park, sports centre, billiard room, or similar use, but excludes an adult shop and adult entertainment.

Place of Instruction

- (a) a school, college, technical institute, industrial school, academy, university, lecture hall or other centre of instruction, whether public or private, and includes a boarding house for learners or students attached to such place of instruction and staff accommodation appertaining thereto, and
- (b) a convent, monastery, library, public art gallery, museum, gymnasium or day care centre, whether public or private, but does not include a building/complex used or intended to be used wholly or primarily as a certified reformatory or industrial school, or as a school for the mentally disabled.

Place of Worship

A church, synagogue, mosque, temple, chapel, or other place for practicing religion and includes any building in connection therewith but does not include a funeral parlour.

Private Open Space

Any land which has been set aside in this scheme for use as a primarily private site for club buildings, sport, play, rest or recreational facilities or as an ornamental garden or a pleasure garden and includes public land which is or will be leased on a long-term basis, whether public or private.

Private Recreational Area

Sport and/or recreation facilities where access area may be reserved, such as a privately owned Golf Course, sports fields and clubs and associated sporting structures. It may include parking areas, club house, restaurant, or shop facilities ancillary to such sport and/or recreational use.

Professional Services

A vocation which is governed by the rules and conduct of a professional institution or body, and in which the practitioners offer their time and skills as a particular service to their clients, as distinct from the sale of a tangible commodity (e.g. medical, dental, veterinary, hairdressing and legal).

Public Authority

A government department (national or provincial), district or local municipality or other organ of state.

Public Garage

A building, including the site, for an undertaking that offers a complete range of services for motor vehicles, including sale of fuel, panel beating, spray-painting and a shop.

Public Open Space

Land which falls under, or is intended to come under, the ownership of the Municipality, which is not leased or intended to be leased on a long-term basis and which is utilised or will be utilised as an open space, park, garden, playground, sports ground or square.

Public Parking

A site or building or part thereof that is accessible to the general public for parking purposes and excludes taxi ranks, bus termini and truck stops.

Public Road

Any road or street for public use or any land intended for such purposes.

Public Street

Means:

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

Public Utility

A company supplying utility infrastructure and/or services required for the proper functioning of the built environment.

Residential Building

A building (other than a dwelling-house, town house or block of flats) for human habitation, together with such outbuildings as are normally used therewith, and includes a boarding house, residential rooms, a hotel, a guest house, retirement village and a children's home, but does not include other buildings or uses mentioned whether by way of inclusion or exclusion in the definitions of "place of instruction" or "institution".

Recreational Area

Sport and/or recreation facilities, such as a Golf Course, sports fields and clubs and associated sporting structures. It may include parking areas, club house, restaurant or shop facilities ancillary to such sport and/or recreational use.

Recreational Building

A clubhouse, gymnasium, squash court, pavilion, change room, stadium and any similar facility used in conjunction with a sport or recreational activity. A clubhouse may include dining facilities and lounges. It may include an open space or reserve which the public has a right to use and enjoy and includes any ancillary facilities but excludes a commercial gymnasium, which is defined under "Shop".

Recycling Depot

Premises which receives, stores and processes pre-sorted single streams of waste and processes it into recycled products.

Renewable Energy Structures (Wind Farm)

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

Residential Building

means a building (other than a dwelling-house, town house or block of flats) for human habitation, together with such outbuildings as are normally used therewith, and includes a boarding house, residential rooms, a hotel, a guest house, retirement village and a children's home, but does not include other buildings or uses mentioned whether by way of inclusion or exclusion in the definitions of "place of instruction" or "institution".

Residential Room

A habitable room, which forms part of a residential building, in which the proprietor provides lodging, but does not provide meals.

Resort

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

Resort Accommodation

A number of dwelling or accommodation units belonging to one owner, which are only utilised for short term accommodation by travellers or tourists or holidaymakers and which comprise a single business enterprise, which is accessible to the public and of which the individual

dwelling or accommodation units are marketed only by means of renting, and includes a caravan park and a camping site, but does not include a hotel.

Restaurant

A business establishment where meals and liquid beverages are prepared and/or served to paying customers for consumption on the property and may include licensed provision of alcoholic beverages for consumption on the premises.

Retail

Means the sale and supply in any quantities of goods not manufactured nor produced to the order of any person and which are sold to any person for use or consumption by that person, and not for resale.

Retirement Village

A retirement community is a residential community or housing complex designed for older adults who are generally able to care for themselves; however, assistance from home care agencies is allowed in some communities.

School

A premise used as an institutional for educating children.

Scrap Yard

Means a building or land that is used for one or more of the following purposes:

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

Second Dwelling

A dwelling that may be erected in addition to the primary dwelling unit, with such an erection being a consent use in Residential Zone II and in Agricultural Zone I.

Service Industry

Means the utilisation of a building or premises for an enterprise that is –

- (a) primarily involved in the rendering of a service for the local environs, such as the repair of household appliances and the supply of household services; and
- (b) which is not likely, in the event of fire, to cause excessive combustion or explosions, or give rise to poisonous fumes being released; and
- (c) but does not include an abattoir, a brickmaking site, sewerage works, a service station or public garage.

Service Station

A business or concern where motor vehicles are provided with fuel for payment or reward and includes trading in motor vehicles, oil, tyres and motor spares, the servicing or washing of motor vehicles or the operation of a restaurant or convenience shop, but excludes spray painting, panel beating or body or blacksmith work.

Shelter

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

Shop

A site or building or structure used for the purpose of carrying on a retail trade and includes a restaurant, launderette, a dry cleaner or a retail concern where goods which are sold in such concern are manufactured or repaired, provided that the floor area relating to such manufacture or repair, comprises not more than one third of the floor area of the shop. Shop does not include an industry, noxious use or trade or industry, service station, bottle store or supermarket.

Shopping Centre

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

Spaza shop/ Tuck Shop

Means a shop that is operated from a dwelling house, provided that:

- (a) such activities are restricted to one room of the principal dwelling or a garage or outbuilding with such an area not exceeding 30m²;
- (b) the dwelling is to have a primarily residential function;
- (c) not more than two persons should be involved in the operating of such a shop
- (d) such a shop should not impact negatively on the surrounding neighbours; and

Special Industrial Building

Any buildings other than dwelling houses defines industrial buildings as factories and other premises used for manufacturing, altering, and repairing.

Special Use

Means a building type or use of land either not included in these definitions or used for any use other than a use for which buildings or land, included in these definitions, may be used.

Student Accommodation

Means a secure and professionally managed dwelling place for the accommodation of student(s) who is/are registered at an academic institution, with communal areas which include lounge/dining room, kitchen and bathroom(s); serviced and maintained daily/weekly and conducive to studying and personal wellbeing.

Subsistence Agriculture

The practise of self-sufficiency farming system in which the people focus on growing enough food to feed themselves and their entire families. The output is mostly for domestic requirements with little or no surplus trade.

Supermarket

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

Tavern

Means a home-based business that provides for on-site consumption of food and liquor in a dwelling unit, provided that all provisions described in Annexure B are complied with.

Taxi Rank

The use of land and/or buildings at public transport facilities such as a taxi ranks for the purposes of dropping off and collecting passengers by public and private services and metered taxis, and may include parking areas, shelter and seating for passengers, a ticket office, offices ancillary to the management of a taxi rank, an informal trade area and ablution facilities.

Telecommunication Infrastructure

Any part of the infrastructure of a telecommunication network for fixed line (fibre optic, copper or other cables) or wireless communication, including voice, data and video telecommunications, provided by telecommunication providers, including cellular network operators. This may include:

- (a) Antennas and satellite dish antennas
- (b) Any support structure;
- (c) Equipment room;
- (d) Radio equipment or optical communications equipment (laser or infra-red);
- (e) All ancillary structures needed for the operation of telecommunication infrastructure.

This definition excludes point-to-point fibre optic, copper or other cable installations.

Telecommunication Installation

An installation used to accommodate telecommunication infrastructure for the transmitting or receiving of communication signals. Such installation may include a freestanding support structure on land or may be attached to a building or structure.

Tourist Facilities

Amenities for tourists or visitors such as a function venue, lecture rooms, restaurants, gift shops and restrooms, but does not include overnight accommodation.

Town House

A dwelling unit, which forms part of a town-housing scheme.

Traditional Activities

Premises used for traditional rituals/ceremonies to be carried out.

Traditional Homestead

A self-contained inter-leading group of rooms, or free-standing rooms functioning in an integrated manner as a dwelling unit, grouped together on a land unit, with not more than one kitchen, used for living accommodation and housing of a family, together with such outbuildings as are ordinarily used therewith. The definition of Traditional Dwelling excludes free-standing rooms that function as Tenements of Flats.

Traditional Medicine

A building used for the sale of traditional remedies that have been developed over generations.

Transport Facility

A designated area with associated facilities that serves as a taxi rank, bus terminus or truck stop, but does not include public parking.

Transport Usage

A public or private transport undertaking based on the provision of a transport service such as railways, harbours and airports, and includes facilities for the handling and storage of freight.

Truck Stop

A building or premises in which, or upon which, a business, service, or industry is conducted mainly involving trucks or similar heavy commercial vehicles, and may include:

- a) the dispensing of motor fuel or other petroleum products, including associated office and storage areas;
- b) the temporary parking of trucks or similar heavy commercial vehicles;
- c) the cleaning, maintenance, servicing, or minor repairs of trucks or commercial heavy vehicles, but excluding panel beating and spray painting.

Utility Service

Use or infrastructure provided by a public authority, private or public utility, that is required to provide engineering and associated services for the proper functioning of the built environment and includes a water reservoir and purification works, electricity substation and transmission lines, stormwater retention facilities, and a waste-water pump station. It may also include waste processing activities such as transfer stations, recycling centres, and composting installations) and a waste-water treatment works, only if no part of such facility or activity

constitute a noxious use. "Utility service" does not include road, or transport use or telecommunication installations.

University

A building used for high-level educational institution in which students study for degrees and academic research is done.

Urban Edge

Means a demarcated line (and interrelated policy) that defines the zone within which the Municipality will endeavour to upgrade levels of infrastructure over a period of time and according to available resources, to support higher densities of residential, industrial, and commercial development.

Veterinary Clinic

A place or building dedicated to the science and art of prevention, cure, or alleviation of disease and injury in animals and especially domestic animals.

Warehouse


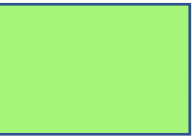

Either a site/building/room where goods are stored, or a wholesale business.

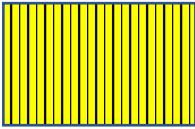




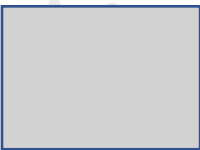
Wholesale

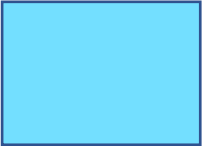

The sale and supply in any quantity of goods to a bona fide retailer for resale to the public.

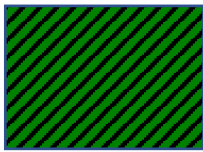
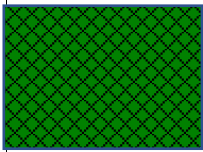



3. SCHEME SUMMARY OF PRIMARY AND CONSENT USES


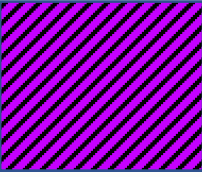


The table below illustrates the zoning categories supported by the visual representation to be used in future mapping. The primary uses, and consent uses also support this table and are to be read in conjunction with the scheme controls.

ZONE	COLOR NOTATION	PRIMARY USE	SPECIAL CONSENT
	VISUAL REPRESENTATION		
AGRICULTURAL ZONE 1		Abattoir, Agricultural Building, Agricultural Industry, Agricultural Land, Aquaculture, Conservation Purposes, Dwelling House, Farm Stall, Game Farm, Game Reserve, Kennels/Cattery, Nature and Resource Conservation, Nursery Garden, Farmworker accommodation, Tuck Shop/Kiosk, Utilities and Services	Arts and Craft Workshop, Bed and Breakfast Establishment, Day Care Facility, Educational Building, Events Venue, Guest Lodge, Helipad, Restaurant, Telecommunication infrastructure, Veterinary Clinic, Tourist Facilities, Day Care Centre, Renewable Energy Structures (Wind Farm)
AGRICULTURAL ZONE 2		Agricultural Building, Agricultural Industry, Agricultural Land, Conservation Purposes, Dwelling House, Farm Stall, Home Business, Nature and Resource Conservation, Nursery Garden, Utilities and Services	Airfield, Arts and Craft, Workshop, Bed and Breakfast Establishment, Events Venue, Guest Lodge, Helipad, Restaurant, Telecommunications infrastructure
RESIDENTIAL ZONE I		Dwelling House, Home Activity, Subsistence Agriculture, Traditional Homestead	Cultural Ceremonies, Day Care Centre Second Dwelling House, Tuck Shop/Spaza

RESIDENTIAL ZONE II		Dwelling House, Home Activity, Subsistence Agriculture	Day Care Centre, Guest House Place of Public Assembly, Private Recreation Area, Recreational Building, Tuck Shop / Spaza
RESIDENTIAL ZONE III		Dwelling House, Home Activity, Subsistence Agriculture, Traditional Homestead, Residential Building	Day Care Centre, Guest House Place of Public Assembly, Private Recreation Area, Recreational Building
RESIDENTIAL ZONE IV		Dwelling House, Home Activity, Private Open Space, Subsistence Agriculture, Town House, Traditional Homestead, Residential Building	Bed and Breakfast Establishment, Boarding House, Day Care Centre Guest House, Recreational Building
RESIDENTIAL ZONE V		Bed and Breakfast Establishment, Dwelling House, Guest House, Hotel, Residential Building, Private Open Space, Student Accommodation	Place of Public Assembly, Recreational Building
RESIDENTIAL ZONE VI		Dwelling House Agricultural Building, Agricultural Land, Group Housing, Home Activity, Home Business, Homestead ye Nkosi, Nursery Garden, Residential Building, Tuck Shop/Kiosk, Shop, Utilities and Services	Agricultural Industry, Arts and Crafts Centre, Bed and Breakfast, Establishment, Burial Ground, Car Wash Facilities, Commercial Workshop, Cottages, , Day Care Facility, Events Venue, Farm Stall, Fresh produce market, Guest Lodge, Place of Worship, Tavern, Telecommunication infrastructure
Institutional 1		Clinic, College, Day Care Centre, Hospital, Place of Assembly, Private Recreational Area, Place of Worship, School, University	Residential Building, Telecommunication Infrastructure


BUSINESS ZONE I		Arts and Craft Workshop, Automotive showroom, Betting depot, Carwash facility, Commercial workshop, Educational Building, Informal Trading Area, Launderette, Office (General), Office (Medical), Office (Public), Parking area, Parking Garage, Private Open Space, Public parking area, Recreational Area, Recreational Building, Residential Building, Restaurant, Shop, Supermarket, Tuck Shop/Kiosk, Utilities and Services	Adult Shop, Adult Entertainment, Conference Centre, Day Care Centre, Mortuary, Municipal Purposes, Parking Garage, Place of Instruction, Service Station, Tavern, Telecommunication Infrastructure, Warehouse
BUSINESS ZONE II		Adult Entertainment, Arts and Crafts Workshop, Bed and Breakfast Establishment, Bottle Store, Carwash Facilities, Conference Centre, Educational Building, Hotel, Office (General), Office (Medical), Office (Public), Place of Instruction, Recreational Building, Residential Building, Restaurant, Shop, Utilities and Services	Chalet Development, Group Housing, Doctors Surgery, Service Station, Place of Worship
BUSINESS ZONE III		Service Station, Restaurant, Convenience Shop, Utility Services	Attached Telecommunication, Infrastructure, Hotel, Guest House Transport Facility, Flats, Townhouses, Freestanding Telecommunication Installation

OPEN SPACE ZONE 1		Nature reserves, Marine protected areas, Conservation areas, Ecologically sensitive areas.	-
OPEN SPACE ZONE 2		Conservation Purposes Conservancy, Open Space, Biosphere Reserve buffer area, Botanical Garden, Environmental Facilities	Caretaker Accommodation, Telecommunication Mast/Station, Tourist Accommodation, Harvesting of Natural Resources
OPEN SPACE ZONE 3		Public Open Spaces, Heritage Purposes, Arts and Culture Markets, Botanical Garden, Environmental Facilities, Nursery, Agricultural Building, Recreational Purposes, Tourist Facilities, Arts and Culture Workshop	Associated Structures and Activities
Transport Zone I		Transport Usage, Utility Services, Transport Facility, Taxi Rank, Bus Terminus, Truck Stop, Utility Services,	Parking Garage, Certain Associated Structures and Activities, Informal Trading, Freestanding Telecommunication Installation, Service Station
Utility Zone		Local Authority Office, District Authority Office, Government Office, Utility Services	Place of Instruction, Institution Telecommunication Installation

Industrial 1		Industry, service station, commercial workshop, warehouse, public garage, funeral parlour, General Industrial Building, Light Industrial Building, Warehousing, Manufacturing and mortuary	Abattoir, Shop, Telecommunication infrastructure, Utilities and Services
INDUSTRIAL 2		Abattoir, Agricultural Industry, General Industrial Building, Light Industrial Building, Office Building, Public Office, Recycling Depot, Service Industry, Warehouse, Heavy Industrial Uses, Noxious Use/Trade/Industry, Telecommunications, Renewable Energy	Agricultural Land, Dwelling House Funeral Parlour, Parking Garage, Special Industrial Building
RESORT		Resort, Resort accommodation, Holiday accommodation, caravan park, camping site, place of assembly, recreation complex, caretaker's cottage, convenience shop, tourist facilities	Hotel, Place of Assembly
SPECIAL ZONE		Special Usage	

4. LAND USE ZONES CONTROLS

4.1 ZONES RELATED TO AGRICULTURE

ZONE: AGRICULTURAL ZONE I												
<p>SCHEME INTENTION:</p> <p>This zone is reserved for prime agricultural land and is intended for land and buildings where the primary activity is both intensive and extensive agricultural production of crops, livestock and other agricultural products. Ancillary land uses and facilities such as workshops for plant maintenance, processing of produce and farmworker accommodation are generally permissible, subject to compliance with the provision of the scheme.</p>												
<p>MAP COLOR REFERENCE:</p> <table border="1"> <thead> <tr> <th>R</th> <th>G</th> <th>B</th> </tr> </thead> <tbody> <tr> <td>209</td> <td>255</td> <td>115</td> </tr> </tbody> </table>						R	G	B	209	255	115	
R	G	B										
209	255	115										
PRIMARY USES			CONSENT USE									
Abattoir, Agricultural Building, Agricultural Industry, Agricultural Land, Conservation Area, Dwelling House, Farm Stall, Game Farm, Game Reserve, Kennels/Cattery, Nature and Resource Conservation, Nursery Garden, Farmworker accommodation, Tuck Shop/Kiosk, Utilities and Services, Windmill			Arts and Craft Workshop, Bed and Breakfast Establishment, Educational Building, Events Venue, Guest House, Helipad, Restaurant, Telecommunication infrastructure, Veterinary Clinic, Tourist Facilities, Day Care Centre, Renewable Energy Structures (Wind Farm)									
DEVELOPMENT PARAMETERS												
SPACE ABOUT BUILDINGS		DWELLING UNITS PER HECTARE	MINIMUM ERF SIZE (m ²)	HEIGHT IN STOREYS	COVERAGE	FLOOR AREA RATIO						
Street Building Line	At least 10m	As determined by the municipality	Within the Urban Edge -	As determined by the municipality								
Side Building Line	At least 10m		0,8 ha									
Rear Building Line	At least 10m		Outside the Urban Edge - 20 ha									
ADDITIONAL CONTROLS – DEVELOPMENT PARAMETERS												

- Any permitted or discretionary development must adhere to the principle of clustering.
- This zone is mainly intended for land that is subject to the provisions of the Subdivision of Agricultural Land Act, 1970 (Act No 70 of 70) and its successors in law. Prior to any change of land use or subdivision, approval must be granted in terms of the Subdivision of Agricultural Land Act, 1970 (Act No 70 of 70) and its successors in law.
- Discretionary use applications, including breaking virgin land for the purposes of infrastructure development, must align with both Agricultural and Biodiversity requirements and will require detailed natural resource/agricultural and biodiversity assessments. Permission must be obtained from both Department of Agriculture and Land Reform Rural Development prior to being submitted to municipality.
- As permitted by the Municipality in consultation with the Traditional Authority (if applicable).

ZONE: AGRICULTURAL ZONE II

SCHEME INTENTION:

This zone is intended for subsistence, communal and small to medium scale agricultural activities in association with other related uses in Traditional Council/Rural Community Leadership areas, and includes grazing land, market gardening, wood lots, and the production of crops, livestock, animal holding facilities, farmer production support units and other agricultural activities.

MAP COLOR REFERENCE:



R	G	B
165	245	122

PRIMARY USES	CONSENT USE
<ul style="list-style-type: none"> - Agricultural Building, Agricultural Industry, Agricultural Land, Conservation Area, Dwelling House, Farm Stall, Home Business, Nature and Resource Conservation, Nursery Garden, Small Scale Rural Settlements, Utilities and Services 	<ul style="list-style-type: none"> - Airfield, Arts and Craft, Workshop, Bed and Breakfast Establishment, Events Venue, Guest Lodge, Helipad, Restaurant, Telecommunications infrastructure.

DEVELOPMENT PARAMETERS

SPACE ABOUT BUILDINGS		DWELLING UNITS PER HECTARE	MINIMUM ERF SIZE (m ²)	HEIGHT IN STOREYS	COVERAGE	FLOOR AREA RATIO
Street Building Line	N/A	As determined by the municipality	Within the Urban Edge - 0,8 ha	As determined by the municipality		
Side Building Line	N/A		Outside the Urban Edge – 20 ha			
Rear Building Line	N/A					

ADDITIONAL CONTROLS – DEVELOPMENT PARAMETERS

- Any permitted or discretionary development must adhere to the principle of clustering.
- Discretionary use applications, including breaking virgin land for the purposes of infrastructure development, must align with both Agricultural and Biodiversity requirements and will require detailed natural resource/agricultural and biodiversity assessments. Permission must be obtained from both Department of Agriculture and Land Reform Rural Development prior to being submitted to municipality.
- Building lines of roads under the responsibility of the EC Department of Transport must have a



building line of 15m, or to the satisfaction of the EC Department of Transport.

4.2 ZONES RELATED TO BUSINESS

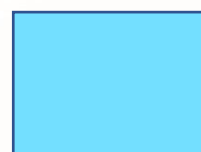
ZONE: BUSINESS ZONE I

SCHEME INTENTION:

This zone makes provision for the development and management of land in and around a central business district. The zone permits a wide range of land uses combining commercial, trade, office, administration, cultural, residential and low impact industrial activities and developments so as to enable a special mix of development to occur

MAP COLOR REFERENCE:

R	G	B
115	223	255



PRIMARY USES

Arts and Craft Workshop, Automotive showroom, Betting depot, Carwash, Commercial workshop, Educational Building, Informal Trading Area, Launderette, Office (General) Office (Medical), Office (Public), Parking Garage, Private Open Space, Public parking area, Recreational Area, Recreational Building, Residential Building, Restaurant, Shop, Supermarket, Tuck Shop/Spaza shop, Utilities and Service

CONSENT USE

Adult Shop, Adult Entertainment, Conference Centre, Day Care Centre, Mortuary, Utilities and Service, Parking Garage, Place of Instruction, Service Station, Tavern, Warehouse

DEVELOPMENT PARAMETERS

SPACE ABOUT BUILDINGS		DWELLING UNITS PER HECTARE	MINIMUM ERF SIZE (m ²)	HEIGHT IN STOREYS	COVERAGE	FLOOR AREA RATIO
Street Building Line	0 m	Unrestricted	Unrestricted	4	100%	Unrestricted
Side Building Line	0 m					
Rear Building Line	0 m					

ADDITIONAL CONTROLS – DEVELOPMENT PARAMETERS

- Refer to Parking Schedule
- Residential Building (above ground floor)
- Guest House (above ground floor)
- Activities linked to the Peoples Economy as permitted by the municipality

ZONE: BUSINESS ZONE II

SCHEME INTENTION:

A zone that provides for a wide range of recreational, entertainment, tourist, residential, shopping and business or commercially related activities, in such a way that the uses contribute towards the creation of a dynamic, harmonious and well-balanced zone.

MAP COLOR REFERENCE:

R	G	B
115	223	255



PRIMARY USES

Adult Entertainment, Arts and Crafts Workshop, Bed and Breakfast Establishment, Bottle Store, Carwash, Conference Centre, Educational Building, Hotel, Office (General), Office (Medical), Office (Public), Place of Instruction, Recreational Building, Residential Building, Restaurant, Shop, Utilities and Services

CONSENT USES

Chalet Development, Group Housing, Medical Centre, Service Station, Place of Worship

DEVELOPMENT PARAMETERS

SPACE ABOUT BUILDINGS		DWELLING UNITS PER HECTARE	MINIMUM ERF SIZE (m ²)	HEIGHT IN STOREYS	COVERAGE	FLOOR AREA RATIO
Street Building Line	3 m	As determined by the municipality	450 m ²	3	80%	2.0
Side Building Line	2 m					
Rear Building Line	2 m					

ADDITIONAL CONTROLS – DEVELOPMENT PARAMETERS

Komga Overlay Zone

Overview: addressing the challenges of developing smaller parcels, the key incentives to modify regulations to allow for reduced size **Business 2** lot sizes, reduced setback requirements, and reduces street and parking standards

Councils decision relating to land use or development within this overlay zone shall take int account the following principles for the control and guidance of development:

Developments proposed within this Overlay Zone must abide by the development parameters of this zone.

- Street Building Line: 3 m²
- Side Building Line: 2 m²

- Rear Building Line: 2 m²
- Minimum Erf Size: 450 m²
- Height in Storeys: 3
- Coverage: 80%
- Floor Area Ratio: 2.0
- Parking Requirement: 1 car space per 100 m² of the Gross Floor Area

Activities linked to the Peoples Economy as permitted by the municipality

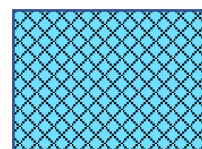
ZONE: BUSINESS ZONE III

SCHEME INTENTION:

A zone that provides for a wide range of recreational, entertainment, tourist, residential, shopping and business or commercially related activities, which may include a service station ancillary uses commonly found in Service Stations which includes a car wash facility, a convenience store, restaurant and includes a bakery for the production of products sold in the convenience store

MAP COLOR REFERENCE:

R	G	B
115	223	255



PRIMARY USES

- Car wash, Dwelling House, Office, Private Open Space, Restaurant, Service Station, Shop, Utilities and Services

CONSENT USES

- Automotive Workshop, Automotive showroom, Telecommunication infrastructure, Truck Stop and other uses over and above listed


DEVELOPMENT PARAMETERS

SPACE ABOUT BUILDINGS		DWELLING UNITS PER HECTARE	MINIMUM ERF SIZE (m ²)	HEIGHT IN STOREYS	COVERAGE	FLOOR AREA RATIO
Street Building Line	5 m	As determined by the municipality	500 m ²	2	60 %	0.6
Side Building Line	3 m					
Rear Building Line	3 m					


ADDITIONAL CONTROLS – DEVELOPMENT PARAMETERS

- Refer to Parking Schedule

4.3 ZONES RELATED TO INSTITUTIONAL

ZONE: INSTITUTIONAL ZONE I SOCIAL FACILITIES & AMENITIES												
<p>SCHEME INTENTION:</p> <p>The objective of design is to provide for educational facilities of all kinds, but controlled provision is made for other compatible community uses, provide for places where communities can congregate and worship according to the custom of their specific faith or religion and provide for a wide range of institutional uses including facilities for health.</p>												
<p>MAP COLOR REFERENCE:</p> <table border="1"> <thead> <tr> <th>R</th> <th>G</th> <th>B</th> </tr> </thead> <tbody> <tr> <td>210</td> <td>210</td> <td>210</td> </tr> </tbody> </table>						R	G	B	210	210	210	
R	G	B										
210	210	210										
PRIMARY USES			CONSENT USE									
<ul style="list-style-type: none"> - Clinic, College, Day Care Centre, Hospital, Place of Assembly, Private Recreational Area, Place of Worship, School, University 			<ul style="list-style-type: none"> - Residential Building, Telecommunication Infrastructure 									
DEVELOPMENT PARAMETERS												
SPACE ABOUT BUILDINGS		DWELLING UNITS PER HECTARE	MINIMUM ERF SIZE (m ²)	HEIGHT IN STOREYS	COVERAGE	FLOOR AREA RATIO						
Street Building Line	5 m	As determine by the municipality	N/A	3	50%	2.0						
Side Building Line	4 m											
Rear Building Line	4 m											
ADDITIONAL CONTROLS – DEVELOPMENT PARAMETERS												
<ul style="list-style-type: none"> • Refer to Parking Schedule 												

4.4 ZONES RELATED TO INDUSTRIAL

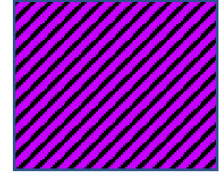
ZONE: INDUSTRIAL ZONE I												
<p>SCHEME INTENTION:</p> <p>This zone permits low impact industrial activities which are compatible with land uses permitted in and adjacent more sensitive land use zones, such as residential, mixed use and open space zones. As a light industrial zone, it would permit industrial activities that usually do not involve significant vibration, noise, dust, odour, or high-volume automobile and truck traffic. Warehousing of materials considered non-noxious or non-hazardous are permitted in buildings in this zone, with possible conditions</p>												
<p>MAP COLOR REFERENCE:</p> <table border="1"> <thead> <tr> <th>R</th> <th>G</th> <th>B</th> </tr> </thead> <tbody> <tr> <td>197</td> <td>0</td> <td>255</td> </tr> </tbody> </table>						R	G	B	197	0	255	
R	G	B										
197	0	255										
PRIMARY USES			CONSENT USES									
<ul style="list-style-type: none"> Industry, service station, commercial workshop, public garage, funeral parlour, General Industrial Building, Light Industrial Building, Warehousing, Manufacturing and mortuary 			<ul style="list-style-type: none"> Abattoir, Shop, Telecommunication infrastructure, Utilities and Services 									
DEVELOPMENT PARAMETERS												
SPACE ABOUT BUILDINGS		DWELLING UNITS PER HECTARE	MINIMUM ERF SIZE (m ²)	HEIGHT IN STOREYS	COVERAGE	FLOOR AREA RATIO						
Street Building Line	3 m	As determined by the Municipality	700	3	70%	1.5						
Side Building Line	2 m											
Rear Building Line	2 m											
ADDITIONAL CONTROLS – DEVELOPMENT PARAMETERS												
<ul style="list-style-type: none"> Refer to Parking Schedule 												

ZONE: INDUSTRIAL ZONE II

SCHEME INTENTION:

The zone that permits industrial uses that includes activities that may produce significant vibration, noise, odour or high-volume automobile and truck traffic.

MAP COLOR REFERENCE:



R	G	B
197	0	255

PRIMARY USES

- Abattoir, Agricultural Industry, General Industrial Building, Light Industrial Building, Office Building, Public Office, Recycling Depot, Service Industry, Warehouse, Heavy Industrial Uses, Noxious Use/Trade/Industry, Telecommunications, Renewable Energy

CONSENT USES

- Agricultural Land
- Dwelling House
- Funeral Parlour
- Parking Garage
- Special Industrial Building

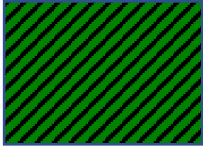
DEVELOPMENT PARAMETERS

SPACE ABOUT BUILDINGS		DWELLING UNITS PER HECTARE	MINIMUM ERF SIZE (m ²)	HEIGHT IN STOREYS	COVERAGE	FLOOR AREA RATIO
Street Building Line	3 m	As determined by the Municipality	1500	3	70%	1.5
Side Building Line	2 m					
Rear Building Line	2 m					

ADDITIONAL CONTROLS – DEVELOPMENT PARAMETERS

- Refer to Parking Schedule
- Dwelling House (for caretaker only)
- *Location and Intensity to be determined by the local authority.

4.5 ZONES RELATED TO OPEN SPACE

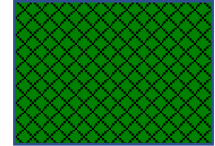
ZONE: OPEN SPACE ZONE I											
PROTECTED AREAS											
<p>SCHEME INTENTION:</p> <p>The objective of the zone is to provide for conservation of natural resource areas that have been proclaimed as nature areas (statutory conservation), in order to sustain flora and fauna and protect areas of undeveloped landscape including woodlands, ridges, wetlands and the coastline. To provide for the conservation and sustainable use of land declared as a Protected Area under the National Environmental Management: Protected Area Act No 57 of 2003 (NEMPAA) and/or other relevant legislation.</p>											
<p>MAP COLOR REFERENCE:</p> <table border="1"> <thead> <tr> <th>R</th> <th>G</th> <th>B</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>129</td> <td>0</td> </tr> </tbody> </table>				R	G	B	1	129	0		
R	G	B									
1	129	0									
PRIMARY USES			SPECIAL CONSENT								
<ul style="list-style-type: none"> - Nature reserves - Marine protected areas - Conservation areas - Ecologically sensitive areas 											
DEVELOPMENT PARAMETERS											
SPACE ABOUT BUILDINGS		DWELLING UNITS PER HECTARE	MINIMUM ERF SIZE (m ²)	HEIGHT IN STOREYS	COVERAGE	FLOOR AREA RATIO					
Street Building Line	10 m	As determined by the Municipality									
Side Building Line	10 m										
Rear Building Line	10 m										
ADDITIONAL CONTROLS – DEVELOPMENT PARAMETERS											
<p>Within the Rural Area (as defined in the SANBI Guidelines for integrating Biodiversity into Land Use Scheme) Dwelling Units may be permitted within Private Nature Reserves or conservation areas, subject to the following:</p>											

- (a) Upon application for rezoning of land in the Rural Area to Open Space Zone I, such Nature Reserve or Conservation area shall first be formalised in terms of relevant legislation before the rezoning can be finalised.
- (b) The maximum permissible erf size will be 1000 m², maximum coverage will be 50% and maximum height will be 2 storeys.
- (c) In terms of Section 29, of the Land Use Planning Ordinance, upon subdivision of a property to accommodate dwelling units, it will be required that a Home Owners Association be established to take responsibility for all matters of common interest.
- (d) A detailed site development plan shall be submitted.
- (e) Separate ownership of dwelling units will be permitted.
- (f) The entire nature reserve shall be registered as Common Property

**ZONE: OPEN SPACE ZONE II
CONSERVATION AREAS**

SCHEME INTENTION:

To provide for the conservation and sustainable use of critical biodiversity areas, ecological support areas and ecological infrastructure



MAP COLOR REFERENCE:

R	G	B
1	129	0

PRIMARY USES	SPECIAL CONSENT
<ul style="list-style-type: none"> - Conservation Area, Open Space, Biosphere Reserve buffer area, Botanical Garden, Environmental Facilities 	<ul style="list-style-type: none"> - Caretaker Accommodation, Telecommunication Mast/Station, Tourist Facilities, Harvesting Medical Plants

DEVELOPMENT PARAMETERS

SPACE ABOUT BUILDINGS		DWELLING UNITS PER HECTARE	MINIMUM ERF SIZE (m ²)	HEIGHT IN STOREYS	COVERAGE	FLOOR AREA RATIO
Street Building Line	10 m	As determined by the Municipality				
Side Building Line	10 m					
Rear Building Line	10 m					

ADDITIONAL CONTROLS – DEVELOPMENT PARAMETERS

- Refer to Parking Schedule
- The land use restrictions (building lines, floor area ratio, coverage, building lines, parking, height) and additional provisions applicable to this zone shall apply as for every site or use or type of building, as approved by the Municipality.
- Within the Rural Area (as defined in the SANBI Guidelines for integrating Biodiversity into Land Use Scheme) Dwelling Units may be permitted within Private Nature Reserves or conservation areas, subject to the following:
 - (a) Upon application for rezoning of land in the Rural Area to Open Space Zone I, such Nature Reserve or Conservation area shall first be formalised in terms of relevant legislation before the rezoning can be finalised.

- (b) The maximum permissible erf size will be 1000 m², maximum coverage will be 50% and maximum height will be 2 storeys.
- (c) In terms of Section 29, of the Land Use Planning Ordinance, upon subdivision of a property to accommodate dwelling units, it will be required that a Home Owners Association be established to take responsibility for all matters of common interest.
- (d) A detailed site development plan shall be submitted.
- (e) Separate ownership of dwelling units will be permitted.
- (f) The entire nature reserve shall be registered as Common Property

ZONE: OPEN SPACE ZONE III

SCHEME INTENTION:

The objective of this zone is to provide for active and passive recreational areas on the public land, in order to promote Recreation, and enhance the ask the aesthetic of an area.



MAP COLOR REFERENCE:

R	G	B
1	129	0

PRIMARY USES

Public Open Spaces, Heritage Purposes, Arts and Culture Markets, Botanical Garden, Environmental Facilities, Nursery, Agricultural Building, Recreational Area, , Tourist Facilities, Arts and Culture Workshop

CONSENT USES

Associated Structures and Activities


DEVELOPMENT PARAMETERS

SPACE ABOUT BUILDINGS		DWELLING UNITS PER HECTARE	MINIMUM ERF SIZE (m ²)	HEIGHT IN STOREYS	COVERAGE	FLOOR AREA RATIO
Street Building Line	10 m	As determined by the Municipality				
Side Building Line	10 m					
Rear Building Line	10 m					

ADDITIONAL CONTROLS – DEVELOPMENT PARAMETERS

- Refer to Parking Schedule
- The land use restrictions (building lines, floor area ratio, coverage, building lines, parking, height) and additional provisions applicable to this zone shall apply as for every site or use or type of building, as approved by the Municipality.
- No structure shall be erected, or use practised except that which is compatible with the definition of "public open space"

4.6 ZONES RELATED TO RESIDENTIAL

ZONE: RESIDENTIAL ZONE I												
<p>SCHEME INTENTION:</p> <p>This zone promotes the development of primarily detached dwelling units but does permit multi-family dwellings; and a limited number of compatible ancillary uses, which have a non-disruptive impact on a neighbourhood amenity. In addition, this zone is intended for government subsidised human settlements under Breaking New Ground (BNG) programme and is subject to the availability of adequate bulk infrastructure</p>												
<p>MAP COLOR REFERENCE:</p> <table border="1"> <thead> <tr> <th>R</th> <th>G</th> <th>B</th> </tr> </thead> <tbody> <tr> <td>255</td> <td>255</td> <td>0</td> </tr> </tbody> </table>						R	G	B	255	255	0	
R	G	B										
255	255	0										
PRIMARY USES			SPECIAL CONSENT									
<ul style="list-style-type: none"> - Dwelling House - Home Activity - Subsistence Agriculture - Traditional Homestead 			<ul style="list-style-type: none"> - Cultural Ceremonies - Day Care Centre - Second Dwelling House - Tuck Shop/Spaza 									
DEVELOPMENT PARAMETERS												
SPACE ABOUT BUILDINGS		DWELLING UNITS PER HECTARE	MINIMUM ERF SIZE (m ²)	HEIGHT IN STOREYS	COVERAGE	FLOOR AREA RATIO						
Street Building Line	5 m	75 du/ha	200 m ²	2	60%	1						
Side Building Line	3 m											
Rear Building Line	3 m											
ADDITIONAL CONTROLS – DEVELOPMENT PARAMETERS												
<ul style="list-style-type: none"> • Refer to Parking Schedule 												

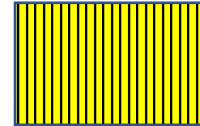
ZONE: RESIDENTIAL ZONE II

SCHEME INTENTION:

This zone promotes the development of primarily detached dwelling units, and a limited number of compatible ancillary uses, which have a non-disruptive impact on a neighbourhood amenity, may be allowed.

MAP COLOR REFERENCE:

R	G	B
255	255	0



PRIMARY USES

- Dwelling House
- Home Activity
- Subsistence Agriculture

SPECIAL CONSENT

- Day Care Centre
- Guest House
- Place of Public Assembly
- Private Recreation Area
- Recreational Building
- Tuck Shop / Spaza

DEVELOPMENT PARAMETERS

SPACE ABOUT BUILDINGS		DWELLING UNITS PER HECTARE	MINIMUM ERF SIZE (m ²)	HEIGHT IN STOREYS	COVERAGE	FLOOR AREA RATIO
Street Building Line	5 m	One dwelling house for every 400m ² of net site area.	500 m ²	2	40%	1.5
Side Building Line	3 m					
Rear Building Line	3 m					

ADDITIONAL CONTROLS – DEVELOPMENT PARAMETERS

Chintsa East Overlay Zone

Overview: Tourism growth overlay zone is adopted, reviewed or amended by the Municipality as an amendment of this Zoning Scheme in accordance with section 30 and section 17(2) of the “Planning By-law” for only Chintsa East town in order to encourage economic growth.

The following land uses can be applied for by a property owner through the preparation and submission of a Building Plan accompanied by a signed letter of consent from all surrounding neighbouring properties included across the street frontage.

- Additional Dwelling Unit
- Guest House
- Bed and Breakfast
- Professional Services
- Shop (Limited to the sale of take away commodities refreshments, curios and commodities associated with tourism)

Councils decision relating to land use or development within this overlay zone shall take int account the following principles for the control and guidance of development:

- Developments proposed within this Overlay Zone must abide by the development parameters of this zone.
 - New buildings and existing buildings should be in keeping with the character and heritage of the area without necessarily limiting the form, proportion or materials of the proposed development.
-
- Refer to Parking Schedule

ZONE: RESIDENTIAL ZONE III

SCHEME INTENTION:

This zone permits the development of primarily detached dwelling units but does permit multi-family dwellings; and a number of compatible uses may be allowed, provided they do not have a disruptive impact on the neighborhood amenity.



MAP COLOR REFERENCE:

R	G	B
255	255	0

PRIMARY USES

- Dwelling House
- Home Activity
- Subsistence Agriculture
- Traditional Homestead
- Residential Building

SPECIAL CONSENT

- Day Care Centre
- Guest House
- Place of Public Assembly
- Private Recreation Area
- Recreational Building

DEVELOPMENT PARAMETERS

SPACE ABOUT BUILDINGS		DWELLING UNITS PER HECTARE	MINIMUM ERF SIZE (m ²)	HEIGHT IN STOREYS	COVERAGE	FLOOR AREA RATIO
Street Building Line	5 m	30 du/ha	1000 m ²	2	50%	2.0
Side Building Line	3 m					
Rear Building Line	3 m					

ADDITIONAL CONTROLS – DEVELOPMENT PARAMETERS

Chintsa East Overlay Zone

Overview: Tourism growth overlay zone is adopted, reviewed or amended by the Municipality as an amendment of this Zoning Scheme in accordance with section 30 and section 17(2) of the "Planning By-law" for only Chintsa East town in order to encourage economic growth.

The following land uses can be applied for by a property owner through the preparation and submission of a Building Plan accompanied by a signed letter of consent from all surrounding neighbouring properties included across the street frontage.

- Additional Dwelling Unit
- Guest House
- Bed and Breakfast
- Professional Services
- Shop (Limited to the sale of take away commodities refreshments, curios and commodities associated with tourism)



Councils decision relating to land use or development within this overlay zone shall take int account the following principles for the control and guidance of development:

- Developments proposed within this Overlay Zone must abide by the development parameters of this zone.
 - New buildings and existing buildings should be in keeping with the character and heritage of the area without necessarily limiting the form, proportion or materials of the proposed development.
-
- Refer to Parking Schedule

ZONE: RESIDENTIAL ZONE IV

SCHEME INTENTION:

This zone is intended to promote the development of multi-unit residential units for a wide range of residential accommodation at a high density; together with a mix of compatible ancillary uses to meet the needs of a broader community and to achieve densification of urban land.

MAP COLOR REFERENCE:

R	G	B
255	170	0



PRIMARY USES

Dwelling House; Home Activity; Private Open Space; Subsistence Agriculture; Town House Traditional Homestead; Residential Building

SPECIAL CONSENT

Bed and Breakfast Establishment; Boarding House Day Care Centre; Guest House; Recreational Building

DEVELOPMENT PARAMETERS

SPACE ABOUT BUILDINGS		DWELLING UNITS PER HECTARE	MINIMUM ERF SIZE (m ²)	HEIGHT IN STOREYS	COVERAGE	FLOOR AREA RATIO
Street Building Line	5 m	50 du/ha	800 m ²	2	60%	2
Side Building Line	3 m					
Rear Building Line	3 m					

ADDITIONAL CONTROLS – DEVELOPMENT PARAMETERS

Chintsa East Overlay Zone

Overview: Tourism growth overlay zone is adopted, reviewed or amended by the Municipality as an amendment of this Zoning Scheme in accordance with section 30 and section 17(2) of the "Planning By-law" for only Chintsa East town in order to encourage economic growth.

The following land uses can be applied for by a property owner through the preparation and submission of a Building Plan accompanied by a signed letter of consent from all surrounding neighbouring properties included across the street frontage.

- Additional Dwelling Unit
- Guest House
- Bed and Breakfast
- Professional Services
- Shop (Limited to the sale of take away commodities refreshments, curios and commodities associated with tourism)

Councils decision relating to land use or development within this overlay zone shall take int account the following principles for the control and guidance of development:

- Developments proposed within this Overlay Zone must abide by the development parameters of this zone.
- New buildings and existing buildings should be in keeping with the character and heritage of the area without necessarily limiting the form, proportion or materials of the proposed development.

- Refer to Parking Schedule

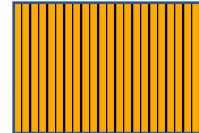
ZONE: RESIDENTIAL ZONE V

SCHEME INTENTION:

The objective of this Zone is to provide a temporary residence for transient guests in an appropriately skilled establishment where lodging and meals are provided, and which may include a small conferencing or training facility that also caters for business meetings.

MAP COLOR REFERENCE:

R	G	B
255	170	0



PRIMARY USES

Bed and Breakfast Establishment; Dwelling House; Guest House; Hotel; Residential Building
Private Open Space; Student Accommodation

SPECIAL CONSENT

Place of Public Assembly; Recreational Building

DEVELOPMENT PARAMETERS

SPACE ABOUT BUILDINGS		DWELLING UNITS PER HECTARE	MINIMUM ERF SIZE (m ²)	HEIGHT IN STOREYS	COVERAGE	FLOOR AREA RATIO
Street Building Line	5 m	As determined by the Municipality	500 m ²	2	50%	2.0
Side Building Line	3 m					
Rear Building Line	3 m					

ADDITIONAL CONTROLS – DEVELOPMENT PARAMETERS

Chintsa East Overlay Zone

Overview: Tourism growth overlay zone is adopted, reviewed or amended by the Municipality as an amendment of this Zoning Scheme in accordance with section 30 and section 17(2) of the "Planning By-law" for only Chintsa East town in order to encourage economic growth.

The following land uses can be applied for by a property owner through the preparation and submission of a Building Plan accompanied by a signed letter of consent from all surrounding neighbouring properties included across the street frontage.

- Additional Dwelling Unit
- Guest House
- Bed and Breakfast
- Professional Services
- Shop (Limited to the sale of take away commodities refreshments, curios and commodities associated with tourism)

Councils decision relating to land use or development within this overlay zone shall take int account the following principles for the control and guidance of development:

- Developments proposed within this Overlay Zone must abide by the development parameters of this zone.
- New buildings and existing buildings should be in keeping with the character and heritage of the area without necessarily limiting the form, proportion or materials of the proposed development.

- Refer to Parking Schedule

**ZONE: RESIDENTIAL ZONE VI
RURAL RESIDENTIAL**

SCHEME INTENTION:

This zone is intended to preserve and use land and buildings for the development of rural settlements on communally owned land or land under the jurisdiction of Traditional Authorities/Councils or land in the name of a Community Trust. The bulk of community trust land is subject to the provisions of the Subdivision of Agricultural Land Act, 1970 (Act No 70 of 70) and its successors in law. Prior to any change of land use or subdivision, approval must be granted in terms of the Subdivision of Agricultural Land Act, 1970 (Act No 70 of 70) and its successors in law

MAP COLOR REFERENCE:

R	G	B
255	170	0



PRIMARY USES

Dwelling House Agricultural Building, Agricultural Land, Group Housing, Home Activity, Home Business, Homestead ye Nkosi, Nursery Garden, Residential Building, Tuck Shop/Kiosk, Shop, Utilities and Services

SPECIAL CONSENT

Agricultural Industry, Arts and Crafts Centre, Bed and Breakfast, Establishment, Burial Ground, Car Wash Facilities, Commercial Workshop, , Day Care Centre, Events Venue, Farm Stall, Fresh produce market, Guest House, Place of Worship, Tavern, Telecommunication infrastructure

DEVELOPMENT PARAMETERS

SPACE ABOUT BUILDINGS		DWELLING UNITS PER HECTARE	MINIMUM ERF SIZE (m ²)	HEIGHT IN STOREYS	COVERAGE	FLOOR AREA RATIO
Street Building Line	5 m	As determined by the Municipality	As determined by the Municipality and Rural Committee	2	50%	2.0
Side Building Line	3 m					
Rear Building Line	3 m					

ADDITIONAL CONTROLS – DEVELOPMENT PARAMETERS

- For all consent uses, the written consent of the Traditional Council and neighbouring properties must be obtained. Building lines of roads under the responsibility of the Department of Transport must have a building line of 15m, or to the satisfaction of the Department of Transport

Chintsa East Overlay Zone



Overview: Tourism growth overlay zone is adopted, reviewed or amended by the Municipality as an amendment of this Zoning Scheme in accordance with section 30 and section 17(2) of the "Planning By-law" for only Chintsa East town in order to encourage economic growth.

The following land uses can be applied for by a property owner through the preparation and submission of a Building Plan accompanied by a signed letter of consent from all surrounding neighbouring properties included across the street frontage.

- Additional Dwelling Unit
- Guest House
- Bed and Breakfast
- Professional Services
- Shop (Limited to the sale of take away commodities refreshments, curios and commodities associated with tourism)

Councils decision relating to land use or development within this overlay zone shall take into account the following principles for the control and guidance of development:

- Developments proposed within this Overlay Zone must abide by the development parameters of this zone.
 - New buildings and existing buildings should be in keeping with the character and heritage of the area without necessarily limiting the form, proportion or materials of the proposed development.
-
- Refer to Parking Schedule

ZONE: RESORT ZONE I

SCHEME INTENTION:

The objective of this zone is to promote tourist and holiday facilities in areas with special environmental or recreational attributes, and to encourage general public access to these facilities. At the same time, care should be exercised to minimise potential negative impacts of development on fragile environment. The Guiding Principles should be that a resort must not detract from the amenity that attracted the holiday facilities in the first place, it should not cause a public Nuisance for other people living and working in the vicinity. This zone should only be used in exceptional cases and is normally applicable to tourist developments outside established built-up areas.

MAP COLOR REFERENCE:

R	G	B
255	190	232



PRIMARY USES

Resort, Resort accommodation, caravan park, camping site, place of assembly, recreation Building, caretaker's cottage, convenience shop, tourist facilities

SPECIAL CONSENT

- Hotel
- Place of Assembly

DEVELOPMENT PARAMETERS

SPACE ABOUT BUILDINGS		DWELLING UNITS PER HECTARE	MINIMUM ERF SIZE (m ²)	HEIGHT IN STOREYS	COVERAGE	FLOOR AREA RATIO
Street Building Line	10 m	As determined by the Municipality	As determined by the Municipality	2	50%	As determined by the Municipality
Side Building Line	10 m					
Rear Building Line	10 m					

ADDITIONAL CONTROLS – DEVELOPMENT PARAMETERS

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



ZONE: SPECIAL ZONE

SCHEME INTENTION:

This zone makes provision for situations where economic and spatial factors justify the creation of a “special zone” on the land use scheme map for a site or sites without justifying the creation of a new zone in the scheme regulations. The focus of the special zone is intended to promote economic growth within the identified areas through investment promotion and controlled development.

MAP COLOR REFERENCE:

R	G	B
0	197	255



PRIMARY USES

- Special Usage

SPECIAL CONSENT

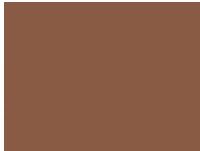
DEVELOPMENT PARAMETERS

SPACE ABOUT BUILDINGS	DWELLING UNITS PER HECTARE	MINIMUM ERF SIZE (m ²)	HEIGHT IN STOREYS	COVERAGE	FLOOR AREA RATIO
Street Building Line	As determined by the Municipality	As determined by the Municipality			
Side Building Line					
Rear Building Line					

ADDITIONAL CONTROLS – DEVELOPMENT PARAMETERS

If special factors justify the creation of a new zone on the land use scheme map for a site or sites without justifying the creation of a new zone in the scheme regulations, such site shall be zoned as a Special Zone on the land use scheme map. Each Special Zone identified will need to conform a distinct set of guidelines as defined for that specific special zone. More than one special zone may be identified within the town based on the nature of land uses wanting to be promoted and the location of the zone.

4.7 ZONES RELATED TO TRANSPORT AND UTILITY

ZONE: TRANSPORT ZONE I												
<p>SCHEME INTENTION:</p> <p>The aim of this zone is used to address the uses allowed on the roads and other activities through consent use.</p> <p>MAP COLOR REFERENCE:</p> <table border="1" data-bbox="135 566 386 649"> <tr> <th>R</th> <th>G</th> <th>B</th> </tr> <tr> <td>137</td> <td>90</td> <td>68</td> </tr> </table> 							R	G	B	137	90	68
R	G	B										
137	90	68										
PRIMARY USES			SPECIAL CONSENT									
Transport Usage, Utility Services, Taxi Rank, Bus Depot, Truck Stop, Utility Services,			Parking Garage, Certain Associated Structures and Activities, Informal Trading, Freestanding Telecommunication Installation, Service Station									
DEVELOPMENT PARAMETERS												
SPACE ABOUT BUILDINGS		DWELLING UNITS PER HECTARE	MINIMUM ERF SIZE (m ²)	HEIGHT IN STOREYS	COVERAGE	FLOOR AREA RATIO						
Street Building Line	As determined by the Municipality	As determined by the Municipality										
Side Building Line												
Rear Building Line												
ADDITIONAL CONTROLS – DEVELOPMENT PARAMETERS												
<ul style="list-style-type: none"> Refer to Parking Schedule The land use restrictions (building lines, floor area ratio, coverage, building lines, parking, height) and additional provisions applicable to this zone shall apply as for every site or use or type of building, as approved by the Municipality. 												

ZONE: UTILITY ZONE I

SCHEME INTENTION:

The objective of this zone is to reserve land for use is normally undertaken by Central, provincial and municipal government agencies as well as land for Utility services as electrical substations, and which do not fall into another zoning category. Some flexibility for the use of land and development parameters is provided.

MAP COLOR REFERENCE:

R	G	B
255	0	0



PRIMARY USES

Local Authority Office; District Authority Office; Government Office; Utility Services

SPECIAL CONSENT

Place of Instruction; Institution; Telecommunication Installation

DEVELOPMENT PARAMETERS

SPACE ABOUT BUILDINGS		DWELLING UNITS PER HECTARE	MINIMUM ERF SIZE (m ²)	HEIGHT IN STOREYS	COVERAGE	FLOOR AREA RATIO
Street Building Line	As	As determined by the Municipality				
Side Building Line	determined					
Rear Building Line	by the Municipality					

ADDITIONAL CONTROLS – DEVELOPMENT PARAMETERS

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

5. PARKING REQUIREMENTS

USE	STANDARD	ADDITIONAL REQUIREMENTS
AGRICULTURE		
Abattoir	1 car space for every 140 m ² or major portion of the floor area	On-site loading and unloading access to be provided to the satisfaction of the Municipality.
Agricultural Industry	Up to 25 persons employed: 1 car space for every 5 persons Thereafter, for the next 25 persons employed: 1 car space for every 10 persons.	On-site loading and unloading access to be provided to the satisfaction of the Municipality.
Farm Stall	1 car space per Stall.	On-site loading and unloading access to be provided to the satisfaction of the Municipality.
CIVIC AND SOCIAL / ADMINISTRATIVE		
Cemetery/Crematorium	2 Parking bays per 100m ² of the Gross Floor Area	On-site loading and unloading access to be provided to the satisfaction of the Municipality.
Clinic	3 Parking bays per 100m ² of the Gross Floor Area	On-site loading and unloading access to be provided to the satisfaction of the Municipality.
Community Hall / Multi-purpose centre	4 parking bays per 100m ² G of the Gross Floor Area	On-site loading and unloading access to be provided to the satisfaction of the Municipality.
Convention Centre	4 parking bays per 100m ² of the Gross Floor Area	On-site loading and unloading access to be

		provided to the satisfaction of the Municipality.
Institutional and Educational Building		
College/Technikon	1 Parking Bay per 4 students 1 Parking bay per classroom/ office.	On-site loading and unloading access to be provided to the satisfaction of the municipality.
Primary / Secondary School Nursery School/crèche	Onsite drop off and pick up zone to the satisfaction of the Local Authority.	
Old Age Home	1.5 car space for every 2 units 2 car spaces per 100m ² (administrative) Parking bay dimension to be 2m x 4m	On-site loading and unloading accommodation to be provided to the satisfaction of the municipality
Government Municipal Building	For every public office there shall be provided 6bays/100m ² and an additional 15 bays for visitors.	On-site loading and unloading access to be provided to the satisfaction of the municipality.
Hospital	2 parking bay per bed and adequate on-site parking for staff together.	On-site loading and unloading access to be provided to the satisfaction of the Municipality.
Institution	1 car space per 50 m ² of the Gross Floor Area	On-site loading and unloading area with suitable access to be provided to the satisfaction of the Municipality.
Place of Instruction	4 Parking bays per 100m ² of the Gross Floor Area	On-site loading and unloading access to be provided to the satisfaction of the Municipality.

Place of Worship	1 Parking bay per 6 seats	On-site loading and unloading access to be provided to the satisfaction of the Municipality.
ENVIRONMENTAL AND RECREATION		
Camping ground	2 parking bays per unit and a trailer bay facility.	On-site loading and unloading accommodation to be provided to the satisfaction of the municipality.
Caravan Park	2 parking bays per unit and a trailer bay facility.	On-site loading and unloading accommodation to be provided to the satisfaction of the municipality.
Game Reserve	Adequate parking to be provided to the satisfaction of the Municipality.	On-site loading and unloading accommodation to be provided to the satisfaction of the municipality.
Nature Reserve	Adequate parking to be provided to the satisfaction of the Municipality.	On-site loading and unloading accommodation to be provided to the satisfaction of the municipality.
Private Recreational Use	1 parking bay per 4 seats.	On-site loading and unloading accommodation to be provided to the satisfaction of the municipality.
Recreational building	2 parking bays per unit and a trailer bay facility.	On-site loading and unloading accommodation to be provided to the satisfaction of the municipality.

BUSINESS		
Betting depot	35 parking bays per establishment.	On-site loading and unloading area with suitable access to be provided to the satisfaction of the municipality.
4 Parking bays per 100m ² G.L.A	4 Parking bays per 100m ² of the Gross Floor Area	On-site loading and unloading access to be provided to the satisfaction of the Municipality.
Carwash	Minimum of 6 parking bays.	n/a
Commercial Workshop	4 car spaces per 100m ² of the Gross Floor Area.	On-site loading and unloading area with suitable access to be provided to the satisfaction of the municipality.
Conference Centre	4 car space per 100 m ² of the Gross Floor Area	On-site loading and unloading access to be provided to the satisfaction of the municipality.
Convenience Shop	1 car space per 25 m ² of the Gross Floor Area	On-site loading and unloading area with suitable access to be provided to the satisfaction of the municipality.
Flea Market	1 parking bay per stall	n/a
Funeral parlour:	2 parking bays per 100m ² of the Gross Floor Area	On-site loading and unloading area with suitable access to be provided to the satisfaction of the municipality.
Gambling premises	1 car space per 25 m ² of the Gross Floor Area	On-site loading and unloading area with suitable access to be provided to the

		satisfaction of the municipality.
Garden nursery	1 car space per 50 m ² of the Gross Floor Area	On-site loading and unloading area with suitable access to be provided to the satisfaction of the municipality.
Home business	1 car space per 25 m ² of the Gross Floor Area	On-site loading and unloading area with suitable access to be provided to the satisfaction of the municipality.
Kennel/Cattery	1 car space per 50 m ² of the Gross Floor Area	On-site loading and unloading area with suitable access to be provided to the satisfaction of the municipality.
Laundrette	1 car space per 50 m ² of the Gross Floor Area	On-site loading and unloading area with suitable access to be provided to the satisfaction of the municipality.
Motor Car Showroom	4 Parking bays per 100m ² of the Gross Floor Area	On-site loading and unloading area with suitable access to be provided to the satisfaction of the Municipality.
Motor repair workshop	4 Parking bays per 100 m ² of the Gross Floor Area	On-site loading and unloading area with suitable access to be provided to the satisfaction of the Municipality.
Offices (Business Services, Professional, General, and medical)	1 car space per 100 m ² of the Gross Floor Area	On-site loading and unloading access to be

		provided to the satisfaction of the municipality.
Pet Shop	1 car space per 50 m ² of the Gross Floor Area	On-site loading and unloading area with suitable access to be provided to the satisfaction of the municipality.
Place of amusement	4 Parking bays per 100m ² of the Gross Floor Area.	On-site loading and unloading area with suitable access to be provided to the satisfaction of the Municipality.
Restaurant	6 car spaces per 100 m ² of the Gross Floor Area	On-site loading and unloading area with suitable access to be provided to the satisfaction of the Municipality
Restaurant, Fast-food	6 car spaces per 100 m ² of the Gross Floor Area	On-site loading and unloading with suitable access to be provided to the satisfaction of the Municipality.
Service Station	1 car space per 50m ² of the Gross Floor Area	On-site loading and unloading access to be provided to the satisfaction of the municipality.
Shop	4 car spaces per 100m ² of the Gross Floor Area	On-site loading and unloading access to be provided to the satisfaction of the municipality.
Spaza shop/tavern	1 car space per 25 m ² of the Gross floor area	On-site loading and unloading area with suitable access to be provided to the satisfaction of the municipality.

Showrooms	4 Parking bays per 100m ² of the Gross Floor Area	On-site loading and unloading area with suitable access to be provided to the satisfaction of the Municipality.
Tea garden	1 car space per 25 m ² of Gross floor area	On-site loading and unloading area with suitable access to be provided to the satisfaction of the municipality.
Tuck-shop	1 car space per 25 m ² of the Gross floor area	On-site loading and unloading area with suitable access to be provided to the satisfaction of the municipality.

INDUSTRIAL

Extractive Industry	1 per 140m ² or major portion of the floor area	On-site loading and unloading access to be provided to the satisfaction of the municipality.
Industry, High Impact Manufacturing	1 car space for every 140 m ² or major portion of the floor area	On-site loading and unloading access to be provided to the satisfaction of the municipality.
Industry, Large Scale Manufacturing	1 car space for every 140 m ² or major portion of the floor area	On-site loading and unloading access to be provided to the satisfaction of the municipality.
Industry, Large Scale Manufacturing	1 car space for every 140 m ² or major portion of the floor area.	On-site loading and unloading access to be provided to the satisfaction of the municipality.

Industrial building	<p>Up to 25 persons employed: 1 car space for every 3 persons</p> <p>Thereafter, for the next 25 persons employed: 1 car space for every 5 persons.</p> <p>Thereafter, for any further number of persons employed: 1 car space for every 10 persons</p> <p>In addition, one car space for every commercial vehicle used in the industry.</p>	<p>On-site loading and off-loading accommodation to be provided to the satisfaction of the municipality</p> <p>“Persons employed” shall include management, office staff and factory employees.</p> <p>There shall at all times be a minimum of 2 car spaces and in no case shall the number of car spaces provided exceed the ratio of one car space per 150m² gross industrial floor area.</p> <p>The number of car spaces to be provided may be reduced at the discretion of council in the case of unskilled labour and who rely on public transport</p>
Light Industrial Building	1 car space for every 100 m ² or major portion of the floor area	On-site loading and unloading access to be provided to the satisfaction of the municipality.
Non Polluting Light Manufacturing	1 car space for every 140 m ² or major portion of the floor area	On-site loading and unloading access to be provided to the satisfaction of the municipality.
Noxious industry	1 car space for every 140 m ² or major portion of the floor area	On-site loading and unloading access to be provided to the satisfaction of the municipality

Salvage Yard	1 car space for every 140 m ² or major portion of the floor area	On-site loading and unloading access to be provided to the satisfaction of the municipality.
Service industrial Building	2 car space for every 100 m ² or major portion of the floor area	On-site loading and unloading access to be provided to the satisfaction of the municipality.
Service Workshop	2 car space for every 100 m ² or major portion of the floor area	On-site loading and unloading access to be provided to the satisfaction of the Municipality.
Warehouse	1 car space for every 140 m ² or major portion of the floor area.	On-site loading and unloading access to be provided to the satisfaction of the Municipality.
Vehicle Repair Shop	1 car space for every 140 m ² or major portion of the floor area.	On-site loading and unloading access to be provided to the satisfaction of the Municipality.
Wholesaling Shop	4 per 100m ² of the Gross Floor Area	On-site loading and unloading access to be provided to the satisfaction of the Municipality.
Workshops and service outlets	1 per 100m ² of the Gross Floor Area	On-site loading and unloading access to be provided to the satisfaction of the Municipality
RESIDENTIAL		
Backpackers / Hostelling Establishment	1 car space for every 2 bedrooms 1 bus bay for every 25 rooms 2 mini-bus bays per 10 rooms	On-site loading and unloading accommodation to be provided to the satisfaction of the municipality

	2 bays for the owner/manager/occupier 15 bays minimum for the general public	
Bed and Breakfast Facility	1 car space per lettable room	On-site loading and unloading access to be provided to the satisfaction of the Municipality.
Student Accommodation/ Boarding House	1 car space for every bedroom 2 bays for the owner/manager/occupier Plus a minimum of 5 additional conveniently located car spaces	On-site loading and unloading access to be provided to the satisfaction of the Municipality.
Crèche	1 Parking bays per 6 children 2 Parking bays for office Onsite drop off and pick up zone to the satisfaction of the Local Authority.	On-site loading and unloading access to be provided to the satisfaction of the Municipality.
Day Care Centre	1 Parking bays per 6 children 2 Parking bays for office Onsite drop off and pick up zone to the satisfaction of the Local Authority.	On-site loading and unloading access to be provided to the satisfaction of the Municipality.
Dwelling House	1 garage or covered space per dwelling unit 1 garage or covered space per additional self-contained unit.	Site loading and unloading accommodation to be provided to the satisfaction of the municipality Visitor's parking to be conveniently Located to entrance to building
Extended Residential Building	1 garage or covered space per dwelling unit	Site loading and unloading accommodation to be

	1 garage or covered space per additional self-contained unit	provided to the satisfaction of the municipality Visitor's parking to be conveniently Located to entrance to building
Group Housing	1 parking bays or space per dwelling unit 1 parking bay or car space per 2 dwelling units for visitors	On-site loading and unloading accommodation to be provided to the satisfaction of the Municipality Visitor's parking to be conveniently located to dwelling units and not within private open areas
Guest House	1 car space for every bedroom 2 bays for the owner/manager/occupier 1 bay for every 2 conference seats	Site loading and unloading accommodation to be provided to the satisfaction of the municipality
Lodge	1 car space for every bedroom 1 Bay for every 25% of restaurant space 2 bays for the owner/manager/occupier 15 bays minimum for the public 1 bay for every 25 m ² of Conference	On-site loading and unloading accommodation to be provided to the satisfaction of the Municipality
Medium Density Housing	1 parking bays or space per dwelling unit 1 parking bay or car space per 2 dwelling units for visitors	On-site loading and unloading accommodation to be provided to the satisfaction of the Municipality Visitor's parking to be conveniently located to dwelling units and not within

		private open areas
Residential Building	1 parking bays or space per dwelling unit 1 parking bay or car space per 2 dwelling units for visitors	On-site loading and unloading accommodation to be provided to the satisfaction of the Municipality Visitor's parking to be conveniently located to dwelling units and not within private open areas
Retirement Village	1.5 car space for every 2 units 2 car spaces per 100m2 (administrative)	On-site loading and unloading accommodation to be provided to the satisfaction of the Municipality
Self-Catering Apartments and Villas	2 Parking bays per unit and a Trailer bay facility	On-site loading and unloading accommodation to be provided to the Satisfaction of the Municipality.



This document is also supported by a zoning register and the scheme maps developed for the Zoning Scheme in the supporting annexures document. The intention of this document is to provide the municipality with a concise list of property zoning information which is at the municipality's disposal to update amend and distribute as and when required. Ensuring that the registry is up to date at all times is vital in ensuring that development applications are monitored, and revenue is generated through monitoring and update of the registry. The ability of the municipality to continually update the registry is imperative in maintaining up to date spatial repository.

The municipal planning by-law states that the Municipality must keep and maintain a land use scheme register in a hard copy and electronic format as approved by the Council and it must contain the following but is not limited to:

- a) Date of application;
- b) name and contact details of applicant;
- c) type of application;
- d) property description and registration division;
- e) previous and approved zoning and existing land use;
- f) a copy of the approved site development plan referred to in section 53(2);
- g) item number;
- h) item date;
- i) decision (approved/on appeal/not approved);
- j) reasons for the decision; and
- k) decision date.

6. GENERAL DEVELOPMENT PARAMETERS AND REGULATIONS

6.1. FRONT SETBACKS

- i. The setback lines in respect of all lots and dwelling unit curtilage shall be as reflected in Development Parameters Tables, except where otherwise stated.
- ii. All lots shall be subject to the setback lines as per development controls provided that the Municipality may relax the building line restriction subject to the continuity of the shopping frontage not being disrupted. Notwithstanding the provisions of a) above, and where the applicant submits written support of adjoining property owners, the Municipality may, in its discretion:

Relax the Front Setback to nil in the Mixed-Use Zones with consideration of: -

- (i) The continuity of the shopping frontage not being disrupted; and
- (ii) There being no disruption to the free flow of pedestrian movement.

Relax the Front Setback to such extent as may be requested where: -

- i. on account of the levels of the lot or adjoining land, or the propinquity of buildings already in front of the Front Setback, or any other special circumstances, compliance with the Front Setback would seriously hamper the development of the lot; or
- ii. if is demonstrated by the applicant that the architectural effect, as a consequence of the relaxation sought, will enhance the appearance of the street and contribute to public amenity;

Relax the Front Setback on corner lots in Residential only zones to 3 metres, provided that: -

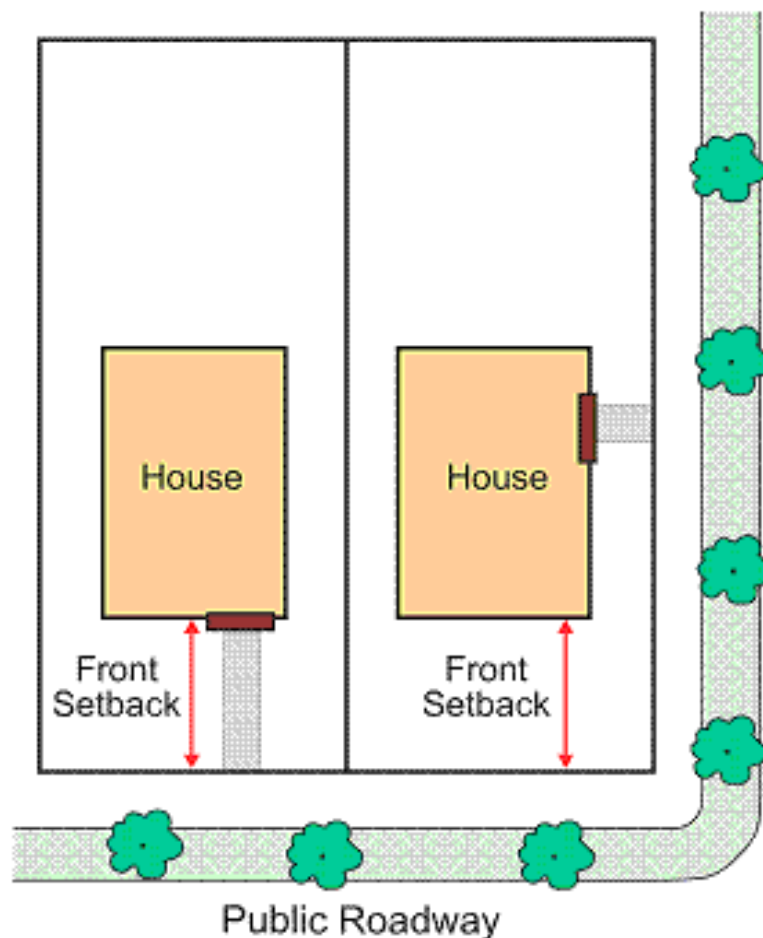
- i the relaxation is confined to one boundary only; and
- ii any buildings which are erected forwards of the prescribed Front setback of 7,5 metres, as a consequence of the relaxation, may not be closer than 3 metres to the side boundary of the adjoining lot; or

All walls in excess of 2m require the submission of a relaxation application.

- i. Where a Front Setback is prescribed no building other than boundary walls, fences, pergolas or architectural and garden features, shall be erected between the building and the front boundary; provided that, where a new road or road widening is required, the

Front Setback shall be set back in order to take into consideration any new road or road widening.

- ii. In addition, cognisance shall be taken of Front Setbacks imposed in terms of the Eastern Cape Roads Act (No. 3 of 2003 as amended) and the Municipality may not relax any building line below the restriction without first obtaining the consent of the Eastern Cape Department of Transport.

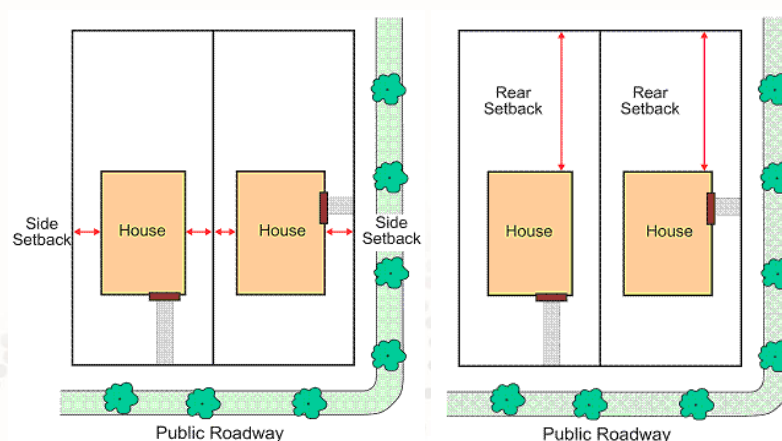


6.2. SIDE AND REAR SETBACKS

- i. The side and rear spaces in respect of all lots, except where otherwise stated, shall be as reflected in the Development Control Tables in Section Two.
- ii. Properties zoned Medium Density housing, multi-unit and caravan park sites, the side and rear spaces prescribed in Sub-clause b) above shall not apply to the individual lots or curtilages other than in respect of the side and rear boundaries of the sites.
 - (a) authorize the erection of single storey outbuildings in Residential zones, where the applicant demonstrates that the owners of the property or properties contiguous to the common boundary or boundaries, have consented in writing to the relaxation.

(b) Relax the side setback to zero where:

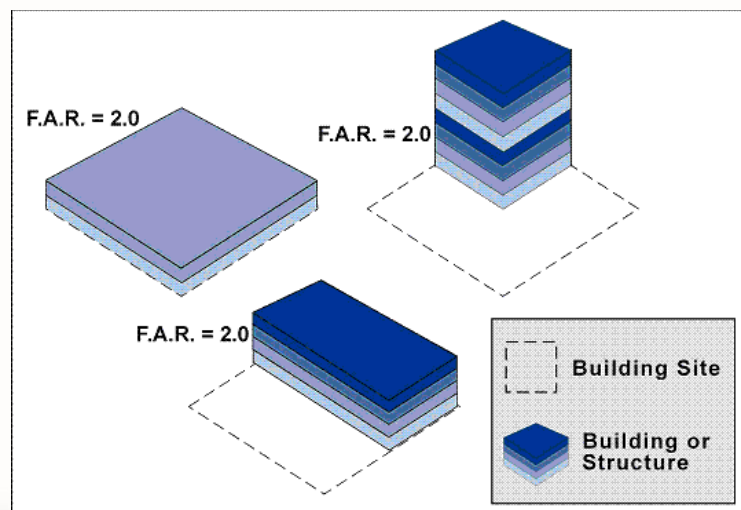
1. the common boundary or boundaries in the development of semi-detached or row houses in the Residential Only Detached zones; provided that the party wall servitudes are registered against the respective properties in the KwaZulu- Natal Deeds Registry; or
2. Commercial or industrial buildings, except where space is necessary to provide parking and loading areas; or
3. Where buildings adjoins lots zoned for residential purposes; v) any zone if, on account of the siting of existing buildings, or the shape, size and levels of the lot or dwelling unit curtilage, the enforcement of the side and rear setbacks requirements would, in the opinion of the Municipality, render the development of the property unreasonably difficult;
4. Provided that, before granting any relaxation sought, and where it is of the opinion that the relaxation may be detrimental to the amenity of adjoining properties, or that of the neighbourhood in which the lot is situated, the Municipality may call upon the applicant to apply to it for its Consent to do so.



6.3. FLOOR AREA RATIO, COVERAGE AND HEIGHT

- i. In any zone, the density of building development and the erection of buildings shall not exceed the maximum **Floor Area Ratio (FAR)**, Coverage and Height figures for the zone as specified in the Development Parameters Tables.

- ii. In calculating the permissible floor area, as defined in area definitions of the General Definitions, "*Erf Area, Floor Area, Floor Area Ratio*"; the following floor areas are to be excluded:
- Any area used exclusively for the parking of motor vehicles, except as provided for in the Design and Layout Requirements
 - Garages, carports, swimming pools, squash courts and tennis courts that are for private use only;
 - Covered public arcades and malls in commercial zones which are not used for retail purposes or for the display, sale or storage of goods;
 - The un-walled access ways and driveways covered by canopies of garages and service stations; and
 - Patios, verandas and decks enclosed on two sides only.
- iii. In calculating the permissible coverage as defined in the definitions only roofed or covered areas shall be included; (See the Definitions Coverage, Erf / Erven).



6.4. LOT AREA

- i. In any zone, except in cases where any the lot was in existence prior to the date of adoption, no lot shall be less in area than the minima prescribed in the development Control Tables in respect of the particular zone concerned.
- ii. Notwithstanding the provisions of the Clause above, the Municipality may require the minimum lot be increased where it is of the opinion that the method to be used for the disposal of sewerage and wastewater warrants such an increase. In determining the extent of the increase, the Municipality shall be advised by a professional engineer in

accordance with the capabilities of the method of disposal to be used in relation to the particular lot, medium density housing site or curtilage.

- iii. Where, on the date of adoption, two dwelling houses existed lawfully on a single lot which is less in extent than double the minimum prescribed in Development Control Tables for the zone in which the dwelling occur, the Municipality may grant authority for the subdivision of the property into two separate portions, provided that:
 - The area of either of the subdivided portions shall not be less in extent than 12, 5% below the minimum area prescribed for the zone.
 - Each portion conforms to all of the other provisions of the Scheme; and
 - Arrangements for the disposal of sewerage and wastewater can be made to the satisfaction of the Municipality.
- iv. Provided further that, in giving any authority, the Municipality shall take into account the amenity of the locality and of the adjoining properties and it may call upon the applicant to apply to it first for its consent.
- v. Where and existing lot in any zone has been reduced in area by the expropriation or alienation of land for road widening and / or construction or public purposes as reserved in the Scheme, the Municipality may grant its authority for the construction of buildings thereon as contemplated in the zone, provided that :
 - The remaining extent of the lot is not less in extent than 12, 5% below the minimum area prescribed for the zone; and
 - Arrangements for the disposal of sewerage and wastewater can be made to the satisfaction of the Municipality.

6.5. RESTRICTIONS OF THE NUMBER OF DWELLINGS ON A LOT IN RESIDENTIAL ZONES

In the residential zones, not more than one dwelling house shall be erected on any lot or lot, provided that

- (a) if a lot is greater in extent than double the minimum prescribed in the development parameters (controls) for the zone in which it occurs, additional dwelling houses may be erected thereon, the number of which shall be determined by dividing the area of the lot by the prescribed minimum for the zone, any fraction thereof which shall be discounted; provided further that:
 - (i) the applicant shall first submit a drawing to the Municipality for its approval showing that the property on which the additional dwelling (or dwellings) is to be

- constructed is capable of being subdivided to create an lot for each dwelling which will conform to the provisions of the Scheme;
- (ii) the applicant furnishes the Municipality with an undertaking to construct and maintain all internal services, roads and storm water drainage as the Municipality shall specify, which shall be to the Municipality's satisfaction until it is able to take over responsibility thereof upon the formal subdivision of the property; and
 - (iii) the applicant furnishes the Municipality with a further undertaking that any land required under the scheme for road construction, road widening or public purposes shall be transferred to the Municipality, and that all servitudes as may be required are registered in favour of the Municipality, or the authority, at dates to be determined by the Municipality and/or authority; and
- (b) A number of dwelling houses or units on individual lots may be grouped on a particular lot in the Residential zones, provided that:
- (iv) The minimum area of a lot shall not be less than twice the minima specified for relevant zones in Development Control Tables; and
 - (v) the consent of the Municipality is applied for and obtained in respect of the siting of the buildings, the width and standard of all internal roads, access ways, services and landscaping of the property,
- (c) The number of which shall be determined as set out in (a) above.

6.6. ADDITIONAL DWELLING UNIT IN RESIDENTIAL ONLY DETACHED ZONES

The Local Municipality may permit the erection of an additional self-contained residential unit on any residential site of 650sqm or more.

- (a) For the purposes of this clause only, such self-contained residential unit shall comprise not more than one bedroom, a combined lounge and dining room, a kitchen, a bathroom and a toilet. The total floor area shall not exceed 90m
- (b) be architecturally compatible with the main dwelling house, attached directly to it or by means of a screen wall which will place the unit at a distance no greater than 5m from the main dwelling house, unless the applicant can demonstrate that exceptional circumstances exist which prevent such attachment;

- (c) be served by the same access to the public street or road which serves the main dwelling house, unless the applicant can demonstrate that exceptional circumstances exist to prevent such shared access; and
- (d) Be provided with adequate sewerage and wastewater disposal to the satisfaction of the Municipality, provided further that the Municipality may waive the need for a consent application where the applicant demonstrates that the owners of adjoining properties have consented in writing, that they would have no objection to the erection of the proposed additional dwelling.

6.7. THE SHAPE OF LOTS IN RESIDENTIAL ONLY DETACHED ZONES

Except in special circumstances, the depth of the lot in relation to the frontage shall not exceed the ratio of 3 to 1 in proportion, provided that where a lot is an irregular shape, it shall be capable of containing within its boundaries a rectangle not exceeding the ratio of 3 to 1, having an area of 75% of the minimum prescribed area for the zone in which it is situated.

6.8. PARKING, LOADING AND UNLOADING ACCOMMODATION

(This must be read together with Section 6 of this Scheme)

1. A person intending to erect, alter or extend a building, or develop or use any lot, medium density housing site or curtilage, must provide parking accommodation within the boundaries of the lot, site or curtilage and shall submit proposals to the extent specified in the Parking Standards and Requirements and in accordance with the requirements set out hereunder and to the satisfaction of Municipality
2. In addition to the requirements of Sub-clause 1 above, and other than in respect of single dwellings within the Residential zones, adequate areas for the loading and unloading of vehicles shall be provided, the location, access, demarcation and surfacing of shall be to the satisfaction of the Municipality; provided further that on any lot, Medium Density Housing site or curtilage where commercial vehicles are accommodated shall, in addition, provide sufficient parking accommodation and turning space for such vehicles to the satisfaction of the Municipality.

6.9. EXISTING LAND USE RIGHTS

1. Any existing building or existing use which is not in conformity with this Scheme, but for which legal authority was obtained from the Municipality prior to the adoption date of the Great Kei wall to wall Scheme, and which continued to be used for the purpose for which it was designed and/or was completed legally and is so used after the said adoption date, may continue to be so used, subject to compliance with any conditions which may have been imposed by the Municipality.
2. Any alteration or addition or change which materially alters the use of land or the character of an existing building shall automatically remove shall a use of land or building from the category of "existing land use" or "existing building" in terms of this Scheme.

6.10. NON-CONFORMING LAND USES

1. Any alteration or addition or change of use, which in the opinion of the Municipality alters the character of an existing building or use of land, shall automatically remove such building or land from the category of building or existing use.
2. Where the non-conforming existing use of any building or land is discontinued for a continuous period of 18 months or longer, such an existing use shall be deemed to have lapsed and shall not be recommenced.

6.11. THE SITING OF BUILDINGS AND ACCESS POINTS AND PROTECTION OF INDIGENOUS FLORA, FAUNA HABITATS AND NATURAL SYSTEMS

1. The siting of any buildings intended to be erected, or the development or use of any land, shall be subject to the approval of the Municipality.
2. Before commencing with any activity, persons intending to erect buildings or use land shall apply to the Municipality for approval of the siting, use or development and for the identification of this indigenous flora, fauna, habitats and natural systems which must be conserved and protected.

3. In terms of the provisions of this Scheme, the Municipality in considering any application submitted under Chapter 4 of the Spatial Planning and Land Use Management By-Laws (As amended) shall ensure that adequate provisions are made in regard:
- (a) the siting of buildings and access ways for the conservation of indigenous flora and fauna
 - (b) the protection of habitats and natural systems;
 - (c) the replacement of trees and vegetation; by means of conditions qualifying the approval of such applications.

6.12. SITE DEVELOPMENT PLANS

1. In addition to the zonings that specifically require a site development plan, the Great Kei Local Municipality may require a site development plan in respect of the following development types:
- (i) shopping centres and shopping complexes;
 - (ii) business and office park developments;
 - (iii) industrial park developments;
 - (iv) developments in conservation areas;
 - (v) developments that will be sectionalised;
 - (vi) incremental residential developments; and
 - (vii) any other uses that the municipality deems it necessary to have a site development plan submitted;
 - (viii) minor / major developments where there are concerns relating to urban form, heritage, traffic, utility services or spatial planning in general.
 - (ix) Developments that require comments / approval from other sector departments such as the department of transport, department of education etc.

The Great Kei Municipality may require some or all of the following information for a site development plan:

- (i) existing bio-physical characteristics of the property
- (ii) existing and proposed cadastral boundaries;
- (iii) the layout of the property, indicating the use of different portions thereof;
- (iv) the massing, position, use and extent of buildings;
- (v) sketch plans and elevations of proposed structures, including information about external finishes;

- (vi) cross-sections of the site and buildings on site;
 - (vii) the alignment and general specification of vehicle access, roads, parking areas, loading areas, pedestrian flow and footpaths;
 - (viii) the position and extent of private, public and communal space;
 - (ix) typical details of fencing or walls around the perimeter of the land unit and within the property;
 - (x) electricity supply and external lighting proposals;
 - (xi) provisions for the supply of water, management of stormwater, and disposal of sewage and refuse;
 - (xii) external signage details;
 - (xiii) general landscaping proposals, including vegetation to be preserved, removed or to be planted, external paving, and measures for stabilising outdoor areas where applicable;
 - (xiv) the phasing of a development;
 - (xv) the proposed development in relation to existing and finished ground levels, including excavation, cut and fill;
 - (xvi) statistical information about the extent of the proposed development, floor space allocations and parking supply;
 - (xvii) relationship of the proposed development to the quality, safety and amenity of the surrounding public environment;
 - (xviii) relationship of the proposed development to adjacent sites, especially with respect to access, overshadowing and scale;
 - (xix) illustrations in a three-dimensional form depicting visual impacts of the proposed development on the site and in relation to surrounding buildings; and
 - (xx) any other details as may reasonably be required by the municipality.
2. The municipality may require that the area covered by a site development plan shall extend beyond the site under consideration if, in its opinion, the proposed development will have a wide impact. The municipality may determine the extent of such area.
 3. When required in terms of this land use management scheme, a site development plan shall be submitted to the municipality for its approval before any development on a land unit may commence.

4. A site development plan shall be refused / deferred / disapproved if it is not consistent with the development rules of a zoning, overlay zoning, condition of approval or any other external commenting / approving authority.
5. The municipality may require amendments of detail to the site development plan to address reasonable concerns relating to access, parking, architectural form, urban form, landscaping, environmental management, engineering services or similar concerns.
6. The following provisions shall apply with regard to site development plans:
 - i. Development of the property shall be in accordance with an approved site development plan;
 - ii. If the municipality considers it necessary, a transport or traffic impact statement or assessment may be required in conjunction with a site development plan, the extent of which shall be determined by the municipality depending on the magnitude of the development;
 - iii. If the municipality considers it necessary, a stormwater impact assessment and/or stormwater management plan may be required in conjunction with a site development plan, the extent of which shall be determined by the municipality depending on the magnitude of the development;
 - iv. In circumstances where a site development plan is required in terms of this development management scheme, no application for building plan approval in terms of the National Building Act shall be granted by the municipality, unless a site development plan has first been approved;
 - v. An approved site development plan shall be considered as setting additional development rules applicable to the base zoning, and any application for amendment shall comply with the municipality's requirements for such amendments.
 - vi. In the submission of a Site Development Plan, a developer or owner may be required by the Municipality to provide information related to the use of green technology in the development of site or building of the development.
 - vii. The Municipality may request the inclusion of information related to on site water storage and recycling measures in the Site Development Plan

- viii. The municipality may impose any condition of approval for any Site Development Plan related to any services infrastructure upgrades required for any development related to internal business units comments or any other condition imposed by an external party
- ix. The municipality reserves the right to refer any specialist studies submitted with any site development plan by the applicant or agent for review.

6.13. TELECOMMUNICATION BASE TOWERS

1. An application for the sub-division of land for a Telecommunication Base Tower which falls outside the designated boundary of the scheme adoption boundary is subject to the **Sub-division of Agricultural Land Act (No 70 of 1970)** and requires approval from the national Department of Agriculture, Forestry and Fisheries.
2. All applications for change of land use are subject to the relevant requirements of the **National Environmental Management Act (Act No. 107 of 1998)** which requires an Environmental Impact Assessment and Environmental Authorisation (EA) from the Department of Economic Development, Tourism and Environmental Affairs (EDTEA).
3. Any application for the establishment of a Telecommunication Base Tower will need to provide documentation and a detailed plan indicating that the facility is compliant with the requirements of **section 24 the National Constitution Act (No. 108 of 1996)**, the Cellular Telecommunications Infrastructure regulated by the Electronic Communications Act (No 36 of 2005), the National Building Regulations and any other relevant legislation, bylaws and municipal policy.
4. Telecommunications Base Towers can be erected under any land use zone through a Special Consent application. Each application will be assessed and processed individually based on individual aspects and characteristics of the property and zone.
5. All applications for the establishment of Telecommunication Base Tower or mast shall submit to the Local Municipality a detailed report which includes the following items: -
 - (a) The proximity to other development.

- (b) The possibility of using other appropriate structures rather than applying for a new site;
 - (c) The current state and usage of the site;
 - (d) The aesthetic compatibility with surrounding land uses;
 - (e) The proximity of the Telecommunication Base Tower to other communication installations;
 - (f) The proximity of the site to sensitive environment areas, wilderness areas, nature reserves, ecotourism destinations, Special Case Areas, and Nature Conservation or Biodiversity Reserves.
- Any application for the erection of a cellular mast on the roof of a multi-storey building will show measures taken to reduce the visual impact of the mast.
 - The applicant shall provide a description of what measures are to be taken to improve the aesthetic impact of the Telecommunication Base Tower or mast.
 - The application will address what security measures are to be put in place to prevent the unauthorised access to the Telecommunication Base Tower, including fencing, access points and warning notices on site and along access roads.

Please also refer to Annexure for detail on telecommunication mast requirements.

6.14. ADVERTISEMENTS

- i. No advertisements shall be displayed, or signs or hoardings erected, without the written authority of the Municipality, provided that where it is of the opinion that a proposed advertisement or boards is likely to have a negative impact upon the amenities of the neighbourhood concerned, it may call upon the applicant to lodge a Consent application. Applications shall be accompanied by such drawings of the proposed advertisement, sign or boards and other information, which the Municipality may from time to time require.
- ii. This Clause shall not apply to casual advertisements for fund raising, entertainment, property sales, and auctions to be held on premises or meetings, provided that they are not, in the opinion of the Municipality, to be unduly ostentatious, in which event it may require that they be forthwith removed.
- iii. Prior to the approval of any site development plan, the norms and standards of any affected Municipal, provincial and National entity must be complied with and written consent in terms of its policy/legislation must be submitted along with the

development application for consideration. Any conditions imposed by any of the mentioned entities will be enforceable.

6.15. FLOOD LINES

1. No habitable portion of a building intended for residential purposes may be erected below the 1 in 100 years flood line, defined in terms of the relevant provisions of the **National Water Act, 1998 (No.36 of 1998)**, as amended, without the prior approval of the Municipality, to whom shall be produced a certificate, signed by a Professional Engineer, confirming that such proposed buildings are vertically clear of such flood level.

6.16. SUB-DIVISION AND CONSOLIDATION OF LAND

1. Nothing in this Scheme shall prohibit or restrict the subdivision of any lot in any use zone, provided that the effect of any subdivision shall not be contrary to the provisions of this Scheme.
2. Prior to the lodgement of any diagram in respect of the subdivision/consolidation of any lot with the Office of the Surveyor-General, Eastern Cape in terms of the relevant provisions of the Land Survey Act, 1927 (Act No. 9 of 1927, as amended), a plan illustrating said subdivision/consolidation shall first be submitted to Council for its approval.

6.17. DELEGATION OF DECISION MAKING

The delegation of decision making is ultimately up to the Local municipality. Through the establishment of a SPLUMA compliant Municipal Planning Tribunal the municipality has the authority to take decisions on development applications. Supporting the establishment of a tribunal is the need for the adoption of duly authorised official. The authorised official is responsible for assisting the municipality with management of development applications lodged and to determine the categories of applications contemplated in the town planning scheme. The local municipality is also responsible to determine and categorise application to be dealt with by the authorised official and applications to be dealt with by the planning tribunal.

6.18. DEVELOPMENT INCENTIVES

SPLUMA requires that a Land Use Scheme include land use and development incentives to provide the effective implementation of the Land Use Scheme. SPLUMA require municipalities

to include land use and development incentive to promote the effective implementation and enforcement of the Land Use Scheme. The following incentivisation ideas come to therefore:

Time taken to approve a development application

The GKLM allows for fast-tracking development applications in towns that are under the jurisdiction of GKLM Local Municipality. This is stipulated as a requirement for new SPLUMA compliant SDF's.

The SDF proposes a "Tourism growth" the regulations attached to the overlay zone . The tourism growth overlay zone is adopted, reviewed or amended by the Municipality as an amendment of this Zoning Scheme in accordance with section 30 and section 17(2) of the "Planning By-law" for only Chintsa East town in order to encourage economic growth/tourism.

The following land uses can be applied for by a property owner through the preparation and submission of a Building Plan accompanied by a signed letter of consent from all surrounding neighbouring properties included across the street frontage.

- Additional Dwelling Unit
- Guest House
- Bed and Breakfast
- Professional Services
- Shop (Limited to the sale of take away commodities refreshments, curios and commodities associated with tourism)

Councils decision relating to land use or development within this overlay zone shall take into account the following principles for the control and guidance of development :

- Developments proposed within this Overlay Zone must abide by the development parameters of this zone.

New buildings and existing buildings should be in keeping with the character and heritage of the area without necessarily limiting the form, proportion or materials of the proposed development.

Reduce lot Sizes, Setbacks and Parking requirements

Many localities are updating their zoning code to address the challenges of developing smaller parcels. Key incentives to modify regulations to allow for reduced size residential lot sizes, reduced setback requirements, and reduces street and parking standards;

The following Development Parameters are applicable to properties under the Business II zoning, only in Komga.

Street Building Line: 3 m²

Side Building Line: 2 m²

Rear Building Line: 2 m²

Minimum Erf Size: 450 m²

Height in Storeys: 3

Coverage: 80%

Floor Area Ratio: 2.0

Parking Requirement: 1 car space per 100 m² of the Gross Floor Area

Zone for Mixed-Use Development

GKLM proposed mixed use development in alignment of Great Kei Local Municipality SDF.

The strategy is to encourage mixed-use zoning designation to specifically on tourism area within GKLM and support of mixed use development overlay zone only for Residential 2-6 Chintsa East

The GKLM strategies to promote mixed use in different nodes within GKLM as per SDF are as follows:

- Reduced unemployment through local economic skills development, access to land for emerging farmers and community tourism growth.

Proposed mixed-use development and business expansion in an overlay approach within Chintsa East, Intended to help relieve poverty, attract investment and create employment in the area.

ANNEXURES



ANNEXURE 1: SPATIAL PLANNING AND LAND USE MANAGEMENT MUNICIPAL PLANNING BY-LAW



ANNEXURE 2: PUBLIC PARTICIPATION

Public Participation In Terms Of Sections 21 Of Dr Beyers Naude Local Municipality Spatial Planning And Land Use Management (SPLUMA) Bylaws (2016).

- (1) The public participation process must contain and comply with all the essential elements of any notices to be placed in terms of this By-law and in the event of an amendment of the land use scheme, the matters contemplated in section 28 of the Act.
- (2) Without detracting from the provisions of subsection (1) above the Municipality must -
 - (a) Publish a notice in the Provincial Gazette; and
 - (b) Publish a notice in a newspaper that is circulated in the municipal area of the municipality in the official language/s determined by the Council, having regard to language preferences and usage within its municipal area, as contemplated in section 21 of the Municipal Systems Act, once a week for two consecutive weeks; and
 - (c) Enable traditional communities to participate through the appropriate mechanisms, processes and procedures established in terms of Chapter 4 of the Municipal Systems Act,
 - (d) Use any other method of communication it may deem appropriate and the notice contemplated in subparagraph (b) must specifically state that any person or body wishing to provide comments and or objections shall:
 - (i) do so within a period of 60 days from the first day of publication of the notice; and
 - (ii) provide written comments; and
 - (iii) provide their contact details as specified in the notice.
- (3) The Municipality may for purposes of public engagement arrange -
 - (a) consultative session with traditional councils and traditional communities;
 - (b) specific consultations with professional bodies, ward communities or other groups; and
 - (c) public meetings.