

# LAND USE SCHEME REGULATIONS



25 SEPTEMBER 2019

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## **DISCLAIMER**

A copy of the formally adopted version of the City of uMhlathuze Land Use Scheme, including amendments made from time to time, is kept at the offices of the City of uMhlathuze City Development Department, and those copies are the only official copies of the Scheme.

The City publishes an unofficial copy of the Land Use Scheme as a service to the public, and a copy of the unofficial version is available:

- (a) on the City's website at [www.uMhlathuze.gov.za](http://www.uMhlathuze.gov.za); or
- (b) upon request at the public offices of the City (a printing fee would be payable).

## **WARNING AS TO ACCURACY**

The copies of the Land Use Scheme published on the City's website and available for purchase at the City's offices are not necessarily precisely the same and as up-to-date as the official versions which are those identified as the official versions, and kept at the City's offices. It is only those official version copies that should be relied upon for any purpose where accuracy may have any significant personal, legal or financial implications.

For any enquiries relating to the content and interpretation of the Scheme, please contact the City Development Land Use Management Section.

## **NAVIGATION GUIDE**

All properties within the municipal area have been allocated a zone. A property is subject to the development rules specified in this Scheme for the applicable zone, as well as the general rules and provisions which apply to all zones. If you want to establish the zoning of a property you may inspect the zoning map or obtain a zoning extract or certificate from the Land Use Management Section.

If you are uncertain about the meaning of any word or phrase, please refer to Chapter 5, which contains definitions of important words and phrases used in this Scheme.

If you want to establish what the primary use rights or consent use rights are for a property, you need to identify the zoning of that property and the relevant table in this Scheme. You may then turn to the table indicated and read the development rules which will apply to the property. Generally speaking, one is not permitted to use property for any purpose not specifically allowed in terms of the zoning of the property concerned.

You may find that your property is affected by other legislation apart from zoning, such as environmental or heritage regulations, traffic impact limitations, agricultural requirements or title deed restrictions. You may also find that you need a license, such as a business license or a liquor license. For advice on these matters, please contact the City Development Department.

You may apply for municipal planning approval in which case you need to submit an application to the Council. You are advised to have a pre-application consultation with the responsible municipal official before you finalise or submit your application. This pre-application consultation could occur by way of telephone, a meeting or exchange of correspondence, and will help to clarify which regulations and policies are likely to affect your application.

If additional information is required in a planning application, the date on which such information is received shall be deemed as the date of application.



Should the applicant be dissatisfied with a decision taken by Council (or its delegation), he/she has a right of appeal under uMhlathuze Spatial Planning and Land Use Management Bylaw. Information about appeals can be obtained from the City Development Department, and will be stipulated in the record of decision.

General public and Stakeholders are encouraged to participate in municipal policy-making by submitting written input when planning is undertaken and especially when overlay zones, development frameworks or sectoral plans are prepared. Effective planning depends to a large extent on public participation in the planning process, and you are encouraged to make an input when the opportunity presents itself.

### **SECTION 1: INTRODUCTION TO THE SCHEME**

#### **1.1 LEGAL CONTEXT FOR THE PREPARATION OF SCHEMES**

##### **1.1.1 THE SPATIAL PLANNING AND LAND USE MANAGEMENT ACT**

1.1.1.1 The preparation, key components and legal effect of SDF's (Spatial Development Framework) are provided for in terms of Chapter 4 of the Spatial Planning and Land Use Management Act (Act 16 of 2013).

1.1.1.2 All land use schemes must be aligned with a Municipality's IDP (Integrated Development Plan) and SDF (Spatial Development Framework).

1.1.1.3 In accordance with Section 24 of the Spatial Planning and Land Use Management Act (Act 16 of 2013), each Municipality must, after public consultation, adopt and approve a single land use scheme for its entire area within five years from the commencement of this Act.

1.1.1.4 In accordance with Section 27 of the Spatial Planning and Land Use Management Act, a municipality may review its land use scheme in order to achieve consistency with the municipal spatial development framework, and must do so at least every five years.

1.1.1.5 Interpretation of all provisions in the Scheme must be in accordance with Section 7 of the Spatial Planning and Land Use Management Act, 2013 (Act No. 16 of 2013).

##### **1.1.2 THE MUNICIPAL SYSTEMS ACT**

1.1.2.1 In accordance with the Municipal Systems Act (Act No. 32 of 2000), each Municipality must prepare an IDP (Integrated Development Plan) for their area of jurisdiction.

1.1.2.2 A key component of an Integrated Development Plan (IDP) is a Spatial Development Framework (SDF), which should give effect to the Municipality's vision for the area and should include basic guidelines for a Land Use Management System (LUMS) that apply to the entire Municipal area.

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### **1.2 THE LAND USE SCHEME AS PART OF A LAND USE SYSTEM**

1.2.1 A Land Use Management System refers to all the actions required by a municipality to manage and, of which a Scheme is one component. Typically, key elements of a Land Use Management System include:

- a) The Spatial Development Framework, various spatial plans, etc.;
- b) A Land Use Scheme;
- c) The Municipal Valuation and Rating System;
- d) Property registration, ownership and tenure;
- e) Infrastructure and services provision;
- f) Building laws, including signage and elevation control;
- g) Health bylaws;
- h) Environmental issues and requirements;
- i) Road and transportation requirements, etc.

1.2.2 Therefore, the uMhlathuze Land Use Scheme forms part of the uMhlathuze Land Use Management System.

### **1.3 TITLE AND STRUCTURE OF THE SCHEME**

1.3.1 This Scheme shall be known as the uMhlathuze Land Use Scheme.

1.3.2 In accordance with Section 25 of the Spatial Planning and Land Use Management Act (Act 16 of 2013), the land use scheme must give effect to and be consistent with the municipal spatial development framework and determine the use and development of land within the municipal area to which it relates in order to promote—

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

## uMhlathuze Land Use Scheme Regulations – 25 September 2019

1.3.3 The Scheme shall consist of:

- a) Scheme Regulations setting out the procedures and conditions relating to the use and development of land in any zone (this document);
- b) Scheme Map/s indicating the zoning of the municipal area into land use zones; and
- c) a register of all amendments to such land use scheme.

1.3.4 The uMhlathuze Scheme and Maps form part of the Land Use Management System which applies to all Erven within the boundary of the Municipality.

### 1.4 SCHEME REGULATIONS

1.4.1. In general, the Scheme Regulations aim to control:

- a) The use of land and buildings by means of prescribing permitted, and prohibited land uses on specifically zoned sites and land use definitions applicable;
- b) Floor area, coverage and height factors for buildings and structures;
- c) Street, side and rear building lines which must be maintained around buildings;
- d) Parking and loading controls;
- e) Additional provisions relating to a specific use zone or land use;
- f) How contraventions of the scheme provisions will be dealt with;
- g) Provisions relating to the design of sites and buildings;
- h) Other general definitions, controls, provisions and procedures.

1.4.2 Within each use zone there are restrictions with regard to the use of land and the erection and use of buildings. These are split into three categories:

- |    |                        |   |
|----|------------------------|---|
| A) | <b>Permitted Uses</b>  | This category includes land uses that are considered to be compatible with the surrounding land uses, and which may be permitted by the municipality.                     |
| B) | <b>Consent Uses</b>    | those buildings and uses which may be approved or declined by Council after following a Consent procedure as set out in legislation and Clause 1.13.4 of this Scheme; and |
| C) | <b>Prohibited Uses</b> | those buildings and uses, which are expressly prohibited.   |

1.4.3 Any building or use not specifically defined in this Scheme shall be deemed to be a “Special Use” as defined in this Scheme and shall be subject to a Consent application or, whichever the Municipality deems appropriate.

## uMhlathuze Land Use Scheme Regulations – 25 September 2019

### 1.5 AREA OF THE SCHEME AND SCHEME MAPS

1.5.1 The Scheme applies to all Erven within the jurisdiction of the uMhlathuze Municipality (KZ282).

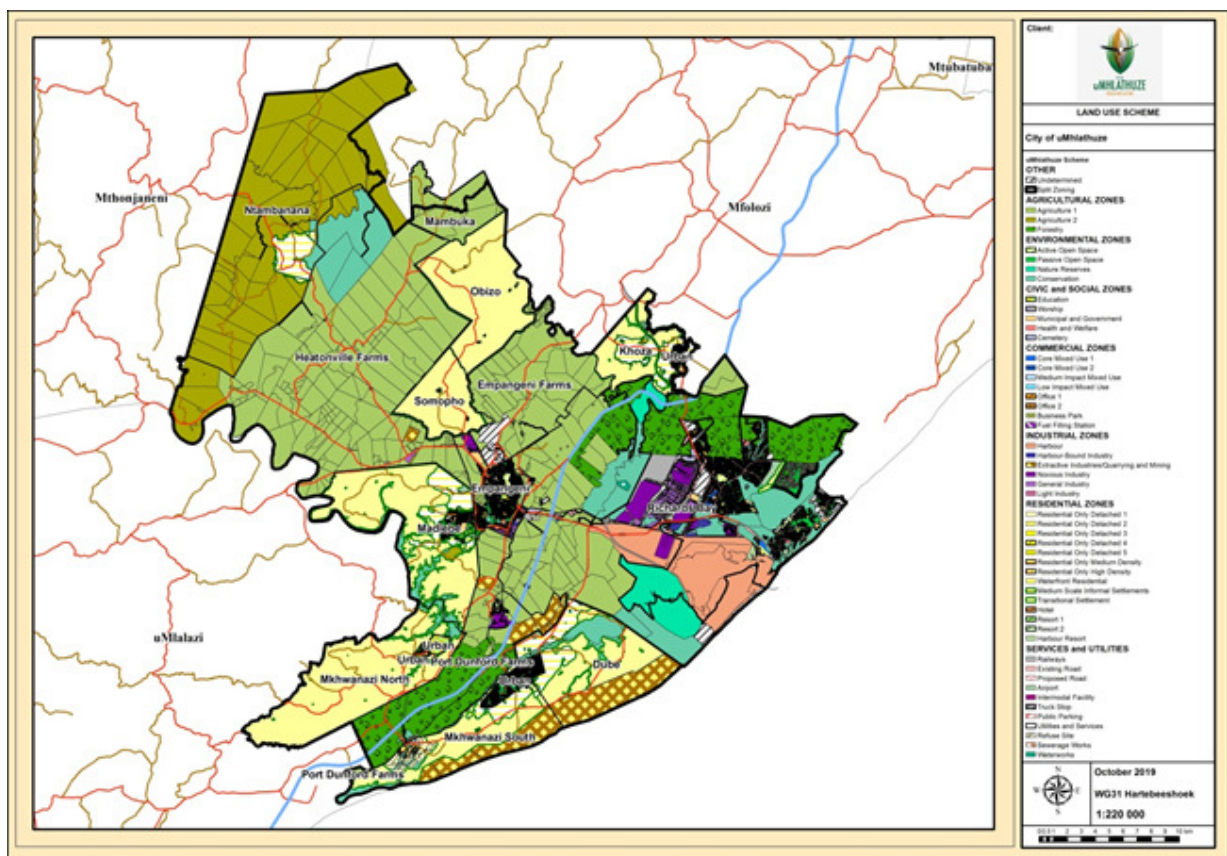
1.5.2 The Scheme Maps are available electronically on the Municipality's GIS System.

1.5.3 A hardcopy of a map or maps could be made available upon request and at a fee. Printed maps should include a title block with the following information:

- a) A descriptive heading identifying the area of the Scheme;
- b) The Municipality's name and contact details;
- c) North point and scale;
- d) Date of map printed;
- e) A legend interpreting the colour notation.

1.5.4 Printed Scheme maps are only valid for the day on which it was printed, and it remains the responsibility of the user of the maps to ensure accuracy of maps where it may have any significant personal, legal or financial implications.

1.5.5 Below is a Land Use Scheme Map for the uMhlathuze Municipality:



## uMhlathuze Land Use Scheme Regulations – 25 September 2019

### 1.6 MANAGEMENT OVERLAYS

- 1.6.1 Where additional and more detailed land use management, beyond that stipulated in the Scheme Regulations and Map/s is required, this is processed via the use of Management Overlays and Management Plans. The Management Overlay identifies the boundary of the area or precinct for which additional regulations or guidelines pertain. The Management Overlay redirects the user to the “informant” or “plan” that contains the additional information, and this is a parallel or co-ordinating plan. The Management Overlay also redirects the user to the source (date) of the plan concerned.

**Table 1: Categories of Management Plans and Overlays**

MANAGEMENT OVERLAYS:	PLAN REFERENCE NUMBER
Environmental Services Management Plan	MO/TP/P/1 (DMS882792)
Richards Bay CBD Framework Plan	MO/TP/P/2 (DMS1318644)
The Ridge Urban Design Concept	MO/TP/P/3 (DMS1171741); (DMS1211562)
Coastal Setback Lines	MO/TP/P/4 (DMS883155)
Air Quality Buffer Areas	MO/TP/P/5 (DMS882790)
Empangeni CBD Revitalisation Plan	MO/TP/P/6 (DMS882602)
Port Dunford Development Framework plan	MO/TP/P/7 (DMS122982)
Buchanana Development Framework Plan	MO/TP/P/8 (DMS1302017)
Areas/properties subject to the Subdivision of Agricultural Land Act, 1970 (Act No. 70 of 1970)	<p>MO/TP/P/9 (DMS1373766)</p> <p><b><i>Any development in these properties will require consent from the Department of Environment, Forestry and Fisheries.</i></b></p> <p><b><i>NB: Properties that have be exempted from Subdivision of Agricultural Land Act, 1970 (Act No. 70 of 1970) are yet to be gazetted.</i></b></p>

### 1.7 RESPONSIBLE AUTHORITY

- 1.7.1 The uMhlathuze Municipality shall be the only authority responsible for enforcing and carrying into effect the provisions of the Scheme.

### 1.8 PURPOSE OF THE SCHEME

- 1.8.1 The purpose of the Scheme is to:
- 1.8.1.1 enable the comprehensive management of all erven (both private and public sector) within the Municipality;

## **uMhlathuze Land Use Scheme Regulations – 25 September 2019**

- 1.8.1.2 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;
- 1.8.1.3 promote and implement the Vision and Strategies of the Integrated Development Plan in the realization of quality environments; and
- 1.8.1.4 manage land-use rights, to provide facilitation over use rights, to manage urban growth and development and to manage conservation of the natural environment, in order to:
  - a) Achieve co-ordinated and harmonious development in a way that will efficiently promote public safety, health, order, convenience and to protect the general welfare of the inhabitants of the Municipality;
  - b) Promote integrated and sustainable development through-out the area of jurisdiction;
  - c) Promote sustainable environmental management, conserve and protect environmentally sensitive areas.
  - d) Promote all forms of development and growth through sound planning principles that would support a mix of land-uses managed in an appropriate manner.

### **1.9 EFFECTIVE DATE AND LEGAL EFFECT OF THE SCHEME**

- 1.9.1 In accordance with Section 26 of the Spatial Planning and Land Use Management Act (Act 16 of 2013):
  - 1.9.1.1 An adopted and approved land use scheme—
    - (a) has the force of law, and all land owners and users of land, including a municipality, a state-owned enterprise and organs of state within the municipal area are bound by the provisions of such a land use scheme;
    - (b) replaces all existing schemes within the municipal area to which the land use scheme applies; and
    - (c) provides for land use and development rights.
  - 1.9.1.2 Land may be used only for the purposes permitted—
    - (a) by a land use Scheme;
    - (b) in terms of Clause 1.9.1.3 of the Land Use Scheme.
  - 1.9.1.3 Where no land use scheme applies to a piece of land, before a land use scheme is approved in terms of the Spatial Planning and Land Use Management Act, such land may be used only for the purposes listed in Schedule 2 of the Act and for which such land was lawfully used or could lawfully have been used immediately before the commencement of the Act.
  - 1.9.1.4 A permitted land use may, despite any other law to the contrary, be changed after following a prescribed process as set out in law.
- 1.9.2 The Effective Date of this Scheme is the date of adoption.

## **uMhlathuze Land Use Scheme Regulations – 25 September 2019**

1.9.3 At any time after the effective date no person shall:

- 1.9.3.1 erect a new building, alter or add to an existing building or carry out any other proposed work, or
- 1.9.3.2 develop or use any land, or use any building or structure for any purpose different from the purpose/s for which it was being developed or used on such date, or
- 1.9.3.3 use any building or structure erected after such date for a purpose or in a manner different from the purpose for which it was erected, until such person has first applied in writing to the Council for permission / approval / consent to do so and the Council has granted its written authority thereto either with or without conditions, and provided that:
  - a) Any authority granted by the Council shall remain valid for 18 months from the date of granting of such authority; and
  - b) Where any building or work referred to in any such authority has not been substantially commenced within the said period of 18 months or where an appeal has been lodged, within a period of 18 months from the date of notification of the outcome of such appeal, or where there has been an interruption in the development of the building or use of land for a continuous period of 18 months, the said authority shall automatically be considered to have lapsed and building operations shall not be commenced or recommenced unless fresh authority has first been applied for and obtained.

### **1.10 INSPECTION OF THE SCHEME**

- 1.10.1 The Scheme (and Maps) are public documents and open for inspection by the general public at the Municipal City Development Offices during normal business hours or at an arranged reasonable time.
- 1.10.2 A register of all applications and decisions on the Scheme and Maps shall be kept and shall be available for inspection by any person or persons at the Municipal Offices during normal business hours or at an arranged reasonable time.

### **1.11 STATUS OF THE SCHEME**

- 1.11.1 This Scheme replaces the current 2014 Land Use Scheme within the area to which it applies.
- 1.11.2 Any extension to buildings or structures on land contemplated must comply with this Scheme.
- 1.11.3 Any application submitted prior to the adoption of this Scheme shall be assessed and finalised under the provisions of such former Scheme regulations, except if the applicant has in writing informed the Municipality that he / she withdraws such application.
- 1.11.4 A Scheme is binding on the Municipality, all other persons and organs of state, except in the event of a conflict with the provisions of an Integrated Development Plan that was adopted prior to the Scheme or amendment to the Scheme.



## uMhlathuze Land Use Scheme Regulations – 25 September 2019

- 1.11.5 The provisions of the Integrated Development Plan will prevail over the provisions of a Scheme in the event of a conflict with the provisions of an Integrated Development Plan that was adopted prior to the Scheme or amendment to the Scheme.
- 1.11.6 The provisions of a Scheme that were adopted prior to the adoption of an Integrated Development Plan prevail in the event of a conflict with the provisions of the Integrated Development Plan.
- 1.11.7 A Municipality or any other organ of state may not approve a proposal that is in conflict with the provisions of a Scheme.
- 1.11.8 A proposal to develop or use of land that is in conflict with the provisions of a Scheme is invalid.
- 1.11.9 Nothing in this Scheme shall be construed as enabling any person to erect or use any building or to develop or use any land which is in conflict with any condition of title imposed by the Premier or by the State under any other law.
- 1.11.10 The Scheme provisions shall apply over and above the Bylaws where they are more onerous than the Bylaws. Where the Scheme makes no provision, the Bylaws shall apply.

### 1.12 AMENDMENTS TO THE SCHEME

- 1.12.1 If the Council desires to rescind, alter or amend any of the provisions of the Scheme in course of preparation it shall follow the procedures as set out in law.
- 1.12.2 The owner of any land, or any person having a real right to any land, which is zoned in terms of the Scheme, may make application to the Municipality to rezone such land or amend the Scheme controls applicable to such land in accordance with relevant legislation.
- 1.12.3 The Municipality does not have to follow a formal process to amend the Scheme in cases where:
- a) a spelling / typing error or numbering within the Scheme is amended or corrected,
  - b) Scheme Clauses are re-organised without amending the meaning of the clauses;
  - c) reference to legislation becomes outdated and must be replaced or updated;
  - d) any annexures to the Scheme need to be updated or amended,
  - e) legally approved development applications or land use zones have not been included in the Scheme, or have been included incorrectly;
  - f) a planned road zoned “Proposed Road” is constructed. The zoning “Proposed Road” may then be converted to the zoning “Existing Public Road” and/or “Private Road”, with the proviso that the alignment of the road which was originally zoned “Proposed Road” has not changed; and
  - g) changes to or deletion of Management Plans and Overlays listed in **Table 1**.

## **uMhlathuze Land Use Scheme Regulations – 25 September 2019**

### **1.13 APPLICATIONS FOR THE USE AND DEVELOPMENT OF LAND**

#### **1.13.1 GENERAL PROVISIONS**

1.13.1.1 Applications shall be made in writing to the Municipal Manager, shall contain all information required by the Municipality and may be subject to an application fee.

1.13.1.2 The Municipality may refuse to accept an application which:

- a) is subject to an application fee, but which has not been paid in full; and
- b) is not motivated in full.

In these cases, the Municipality will inform the applicant to resubmit a complete application, and provide the applicant with a description of the necessary information which must be submitted.

1.13.1.3 Applications for development on land falling under the ownership of Ingonyama Trust require consent/or a lease from the Ingonyama Trust Board as part of the application or a letter of support from the applicable Traditional Council.

1.13.1.4 Any authority granted by the Council shall remain valid for 18 months from the date of granting of such authority, unless stated otherwise. Where any building or work referred to in any such authority has not been within the said period of 18 months or where an appeal has been lodged, within a period of 18 months from the date of notification of the outcome of such appeal, or where there has been an interruption in the development of the building or use of land for a continuous period of 18 months, the said authority shall automatically be considered to have lapsed and building operations shall not be commenced or recommenced unless fresh authority has first been applied for and obtained.

#### **1.13.2 APPLICATION FOR THE PERMISSION OF THE COUNCIL**

1.13.2.1 A person desiring any Permission of the Council shall apply therefore in writing to the Municipal Manager in the form which may from time to time be prescribed, provided that except where the Council may otherwise require, ordinary Application and Approval under the bylaws shall be deemed sufficient Permission of the Council.

1.13.2.2 The Council may call upon any building owner who proposes to alter a building or put it to a new use to provide a current building and cadastral survey of the property.

#### **1.13.3 APPLICATION FOR THE APPROVAL OF THE COUNCIL**

1.13.3.1 A person desiring any Approval of the Council shall apply in writing to the Municipal Manager in the form which may be prescribed from time to time.

## **uMhlathuze Land Use Scheme Regulations – 25 September 2019**

### **1.13.4 APPLICATION FOR THE CONSENT OF THE COUNCIL**

- 1.13.4.1 "Consent" of the Council shall mean the granting of an application after compliance with a procedure as set out in legislation.
- 1.13.4.2 A consent use is restricted to the land use applied for and shall not be construed to be consent for all land uses listed under the relevant Land Use Control Table, unless stated otherwise.
- 1.13.4.3 A consent use granted by Council must differentiate between an approval granted for:
- a) a stand-alone land use; or
  - b) a land use which is to be operated in addition to a primary use.
- 1.13.4.4 Council may direct an applicant to rather apply for rezoning instead of consent in cases where, in the opinion of Council, the use will be better regulated by means of a land use zone instead of granting its consent.
- 1.13.4.5 The following land uses may be approved via consent under any zoning, whether it is listed under the relevant Land Use Control Table or not:
- a) Special Use (i.e. a use that is not defined in this Scheme);
  - b) Utilities Facility, excluding any use which may be defined as "Noxious Industry" in terms of the Scheme.

### **1.13.5 CANCELLATION OR MODIFICATION OF COUNCIL'S CONSENT**

- 1.13.5.1 Any owner of land may inform the Council in writing to cancel its consent;
- 1.13.5.2 The Council may modify its consent subsequent to the granting thereof if, in the opinion of the Council, any condition/s subsequent to which the consent was granted should be amended, deleted or additional conditions should be added.
- 1.13.5.3 The Council may render void or withdraw its consent or in writing and subsequent to the granting thereof if, in the opinion of the Council:
- a) any conditions subsequent to which the consent or were granted, are not complied with;
  - b) where any building or work referred to in any such consent or has not been substantially commenced within a period of 18 months or where an appeal has been lodged, within a period of 18 months from the date of notification of the outcome of such appeal;
  - c) such use has been discontinued or interrupted for a continuous period of 18 months or longer;
  - d) the premises is not continuously used for residential purposes in addition to the consent use granted, where it is a condition of approval to do so; and
  - e) the land use constitutes a nuisance or it is found that there is interference with the amenities of the neighborhood arising from the use of land.
- 1.13.5.4 upon the lapsing or rendering void or withdrawal of a consent in terms of Clause 1.13.5.

## **uMhlathuze Land Use Scheme Regulations – 25 September 2019**

- a) the practice of any consent use approved shall cease upon the relevant premises within a period (30 days) to be determined by the Council, provided that such period shall not exceed six months from the date on which such consent lapsed, was rendered void or was withdrawn;
- b) the Council may direct the owner of land to demolish structures and/or restore and/or alter buildings erected to conform to a relevant primary or permitted use granted on the site. Costs associated with such building work will be on the account of the owner of land.

### **1.14 CONTRAVENTIONS OF THE SCHEME**

1.14.1 An authorised official in the service of the Council may access building plans and, subject to the provisions of the Spatial Planning and Land Use Management Act, (Act 16 of 2013) may enter any property within the area of its jurisdiction for inspection purposes. No person shall in any way obstruct such official in the execution of his or her duties.

1.14.2 If any person or persons contravenes any provision of this Scheme, a notice issued in terms of the Scheme, or a condition set by virtue of it, the Council shall be entitled to take any steps against such person or persons as provided for in legislation, including legal action.

### **1.15 EXISTING USE RIGHTS**

1.15.1 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 Scheme, and which continued to be used for the purpose for which it was designed and/or was completed legally and so used after the adoption date may continue to be so used, subject to compliance with any conditions which may have been imposed by the Municipality.

## uMhlathuze Land Use Scheme Regulations – 25 September 2019

### SECTION 2: LAND USE ZONE CATEGORIES

#### 2.1 ZONE CATEGORY: AGRICULTURE

##### 2.1.1 LAND USE ZONE: AGRICULTURE 1

<b>STATEMENT OF INTENT:</b> A zone that provides for land and buildings where the primary activity is both intensive and extensive agricultural production of crops, livestock or products.						Fill: Pale Green; R 144, G 238, B 144			
<b>USE OF LAND AND BUILDINGS</b>									
<b>COLUMN 1</b>			<b>COLUMN 2</b>				<b>COLUMN 3</b>		
<b>PERMITTED USES</b>			<b>CONSENT USES</b>				<b>PROHIBITED USES</b>		
<ul style="list-style-type: none"><li>• Additional Dwelling Unit</li><li>• Agricultural Building</li><li>• Agricultural Land</li><li>• Heritage Purposes</li><li>• Homestead</li><li>• Hotel</li><li>• Municipal Purposes</li><li>• Place of Instruction</li><li>• Plantations</li><li>• Private Street</li><li>• Residential - Dwelling House</li><li>• Shop - General – (To be limited to 250m²)</li><li>• Utilities Facility</li><li>• **Rooftop Telecommunication Infrastructure</li></ul>			<ul style="list-style-type: none"><li>• Agricultural Industry</li><li>• Arts and Crafts Workshop</li><li>• *Bed and Breakfast Establishment /Guest House</li><li>• Camping and Caravan Park</li><li>• Chalet Development</li><li>• Conservation Purposes</li><li>• Educational Building</li><li>• Farm Stall</li><li>• Impoundment Area (Animals Only)</li><li>• Industry – Extractive</li><li>• Industry – Noxious (Limited to Abattoir Only)</li><li>• Institution</li><li>• Lodge</li><li>• Municipal Purposes</li><li>• New Servitude, 15m or Wider</li><li>• Place of Worship</li><li>• Private Recreational Use</li><li>• Public/Private Street</li><li>• Racecourse</li><li>• Railway Infrastructure</li><li>• **Free standing telecommunication</li><li>• Recreational Building</li><li>• Residential - Medium Density (Limited to 5 Units Including Main Dwelling and Additional Dwelling Unit)</li><li>• Restricted Building</li><li>• Special Use</li><li>• Veterinary Purposes</li><li>• Waste Transfer and/or Drop-Off Station</li><li>• Waste Transfer and/or Recycling Centre</li></ul>				<div>Buildings and land uses not included in Columns 1 and 2.</div>		
<b>DEVELOPMENT CONTROL</b>									
<b>MINIMUM ERF SIZE</b>	<b>UNITS PER HECTARE</b>	<b>FRONTAGE (WIDTH)</b>	<b>STREET BUILDING LINE</b>	<b>SIDE BUILDING LINES</b>	<b>REAR BUILDING LINES</b>	<b>HEIGHT</b>	<b>COVERAGE</b>	<b>FAR</b>	
N/A	N/A	N/A	5m – Subject also to the Veld and Forest Management Act			3	12.5%	0.125	
<b>ADDITIONAL CONTROLS</b>									
<ul style="list-style-type: none"><li>• Subject to the Subdivision of Agricultural Land Act (Act 70 of 1970), applications shall be accompanied by a consent issued by the relevant Department in terms of this Act</li><li>• Restrictions/ limitations are likely to be placed on any non-agricultural activities.</li></ul>									

## uMhlathuze Land Use Scheme Regulations – 25 September 2019

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- Any change of land use from agriculture to non-agricultural purposes will generally not be supported except on an individual application basis and will require consents; these include but are not limited to the Consent Uses as listed.

Furthermore, consideration of alternatives will only be given on land which is considered to be of low potential and where the activity will complement existing farming practices, but must not negatively impact on existing or potential local or surrounding agricultural activities

- Any proposed changes of land use will require a detailed natural resources/agricultural study.
- The agricultural management layer which indicates the KZN Agricultural Land Potential categories should be referred to for further detail regarding optimal land uses.
- Cabinets and Chalets shall be limited in coverage and a restricted number will only be permitted.
- Camping areas will only be permitted in designated areas.
- A Place of Instruction shall refer to farm schools only.
- Any change of land use will be considered based on the following:
  - The land has already been subdivided to such an extent that it is no longer agriculturally viable, in the opinion of the Department of Environment, Forestry and Fisheries;
  - The whole land or a significant portion has already been developed for non-agricultural purposes, which have been authorised prior to the Scheme;
  - The proposed development does not compromise the primary agricultural activity of the property;
  - The proposed development comprises a secondary activity to supplement a landowner's income;

It will facilitate the implementation of the Land Reform Programme and Labour Tenant Projects.

- For provisions relating to parking and loading refer to Clause 3.1.2.4 and 3.1.2.5
- For additional provisions refer to Clause 4.1.1.1
- Fishing for commercial purposes will require consent from the Department of Environment, Forestry and Fisheries.
- \*\*All telecommunication infrastructure are subject to submission of Building plans for municipal approval.

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### 2.1.2 LAND USE ZONE: AGRICULTURE 2

<b>STATEMENT OF INTENT:</b> A zone that provides for land used for low intensity and small scale agricultural practices in association with other related uses in Traditional Authority Areas, and may include market gardening, wood lots, the production of small areas of crops such as sugar cane and livestock.						Fill: Dark Olive Green; R 162, G 205, & B 090		
<b>USE OF LAND AND BUILDINGS</b>								
<b>COLUMN 1</b>		<b>COLUMN 2</b>				<b>COLUMN 3</b>		
<b>PERMITTED USES</b>		<b>CONSENT USES</b>				<b>PROHIBITED USES</b>		
<ul style="list-style-type: none"><li>• Agricultural Building</li><li>• Agricultural Land</li><li>• Conservation Purposes</li><li>• Dwelling House /Umuzi</li><li>• Farming</li><li>• Farm Stall</li><li>• Fish Farming</li></ul>		<ul style="list-style-type: none"><li>• Agricultural Facility (independent of the resource base)</li><li>• Arts and Craft Centre</li><li>• *Bed and Breakfast Establishment</li><li>• Camping Area</li><li>• Chalet development</li><li>• Agricultural-Industry</li></ul>		<ul style="list-style-type: none"><li>• Home Business</li><li>• Passive Recreational area</li><li>• Recreational Building</li><li>• Shop-General (Limited to agricultural products being produced)</li><li>• **Free standing telecommunication</li></ul>		Buildings and land uses not included Column 1 and 2.		
<b>DEVELOPMENT CONTROLS</b>								
<b>MINIMUM ERF SIZE</b>	<b>UNITS PER HECTARE</b>	<b>FRONTAGE (WIDTH)</b>	<b>STREET BUILDING LINE</b>	<b>SIDE BUILDING LINE</b>	<b>REAR BUILDING LINES</b>	<b>HEIGHT</b>	<b>COVERAGE</b>	<b>FAR</b>
N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
<b>ADDITIONAL CONTROLS</b>								
<ul style="list-style-type: none"><li>• Restrictions/ limitations are likely to be placed on any non-agricultural activities.</li><li>• Any proposed changes of land use will require a detailed natural resources/agricultural study.</li><li>• While changes in land use that are shown to be in support of local and surrounding activities will be given opportunities, changes in land use not necessarily in support of the existing agricultural activities or not reliant on the potential of the natural resource base may be considered but will require consents, particularly if it is supplementary or adds to the viability of the farming unit as a whole and is placed in lower potential agricultural land.</li><li>• The agricultural management layer which indicates the KZN agricultural Land Potential categories should be referred to for further detail regarding optimal land uses.</li><li>• Cabinets and chalets shall be limited in coverage and a restricted number will only be permitted.</li><li>• Camping areas will only be permitted in designated areas.</li><li>• Fishing for commercial purposes will require consent from the Department of Environment, Forestry and Fisheries.</li><li>• For provisions relating to parking and loading refer to Clause 3.1.2.4 and 3.1.2.5</li><li>• *Refer to Bed &amp; Breakfast/Guest House Facilities By-Laws.</li><li>• **All telecommunication infrastructure are subject to submission of Building plans for municipal approval.</li></ul>								

## uMhlathuze Land Use Scheme Regulations – 25 September 2019

### 2.1.3 LAND USE ZONE: RESTRICTED AGRICULTURE

<b>STATEMENT OF INTENT:</b> A zone that restricts intensive agriculture and cropping, so that it retains a level of natural vegetation.						Fill: Light Olive Green R 153, G 204, B 000			
<b>LAND USE CONTROLS</b>									
<b>COLUMN 1</b>			<b>COLUMN 2</b>			<b>COLUMN 3</b>			
<b>PERMITTED USES</b>			<b>CONSENT USES</b>			<b>PROHIBITED USES</b>			
<ul style="list-style-type: none"><li>• Agricultural Building</li><li>• Agricultural Industry</li><li>• Dwelling House</li><li>• Farm Stall</li><li>• Day Care Facility</li></ul>		<ul style="list-style-type: none"><li>• Conservation</li><li>• Plant Nursery</li><li>• Home Business</li><li>• Tuck shop</li></ul>	<ul style="list-style-type: none"><li>• Arts and Craft Centre</li><li>• Lodge</li><li>• Place of Instruction</li></ul>			Buildings and land uses not included in Columns 1 and 2.			
<b>DEVELOPMENT CONTROLS</b>									
<b>MINIMUM ERF SIZE</b>	<b>UNITS PER HECTARE</b>	<b>FRONTAGE (WIDTH)</b>	<b>STREET BUILDING LINE</b>	<b>SIDE BUILDING LINE</b>	<b>REAR BUILDING LINES</b>	<b>HEIGHT</b>	<b>COVERAGE</b>	<b>FAR</b>	
N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
<b>ADDITIONAL CONTROLS</b>									
<ul style="list-style-type: none"><li>• 1 visitor per every 2Ha shall apply for all tourism developments.</li><li>• For provisions relating to parking and loading refer to tables 2A and 2D.</li></ul>									



## uMhlathuze Land Use Scheme Regulations – 25 September 2019

### 2.1.4 LAND USE ZONE: SPECIAL AGRICULTURE

<b>STATEMENT OF INTENT:</b> A zone that provides for farming that comprises a substantial number of physical developments/buildings such as greenhouses, poultry farming, windfarms etc.					Fill: Green 3; R 153; G 255; B 102			
<b>USE OF LAND AND BUILDINGS</b>								
<b>COLUMN 1</b>	<b>COLUMN 2</b>			<b>COLUMN 3</b>		<b>ADDITIONAL CONTROLS</b>		
<b>PERMITTED USES</b>	<b>CONSENT USES</b>			<b>PROHIBITED USES</b>				
<ul style="list-style-type: none"><li>• Agricultural Building</li><li>• Agricultural Land</li><li>• Greenhouses</li></ul>	<ul style="list-style-type: none"><li>• *Shop-General</li><li>• Agricultural industry</li><li>• Camping and Caravan park</li><li>• **Free standing telecommunication Infrastructure</li><li>• Dwelling house</li><li>• Educational building</li><li>• Institution</li><li>• Restricted building</li></ul>	<ul style="list-style-type: none"><li>• Place of public amusement</li><li>• Place of public assembly</li><li>• Public garage</li><li>• Utilities facility</li><li>• Veterinary clinic</li></ul>	Buildings and land uses not included in Columns 1 and 2.		<ul style="list-style-type: none"><li>*Shop will be limited to a type which is consistent with the use of that part of the zone in which it is to be situated.</li></ul>   			

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### 2.1.5 LAND USE ZONE: URBAN AGRICULTURE

<b>STATEMENT OF INTENT:</b> A zone that provides for land located in urban areas for agricultural purposes, utilized for small scale agricultural production, market gardening, horticulture, aquaponics and community gardens.					Fill: Light Olive Green; R 000; G 238; B 000			
<b>USE OF LAND AND BUILDINGS</b>								
<b>COLUMN 1</b>	<b>COLUMN 2</b>			<b>COLUMN 3</b>	<b>ADDITIONAL CONTROLS</b>			
<b>PERMITTED USES</b>	<b>CONSENT USES</b>			<b>PROHIBITED USES</b>				
<ul style="list-style-type: none"><li>• Agricultural Building</li><li>• Agricultural Land</li><li>• Plant nursery</li></ul>	<ul style="list-style-type: none"><li>• Agricultural industry</li><li>• Caravan park</li><li>• **Free Standing Telecommunication Infrastructure</li><li>• Dwelling house</li><li>• Educational building</li><li>• Industry - Extractive</li><li>• Institution</li><li>• Place of public assembly</li><li>• Public garage</li><li>• Restricted building</li><li>• Place of public amusement</li></ul>	<ul style="list-style-type: none"><li>• *Shop</li><li>• Special building</li><li>• Undertaker – funeral parlour</li><li>• Utilities facility</li><li>• Veterinary clinic</li></ul>		Buildings and land uses not included in Columns 1 and 2.	<ul style="list-style-type: none"><li>• *Shop will be limited to a type which is consonant with the use of that part of the zone in which it is to be situated</li><li>• For provisions relating to parking and loading refer to Clause 3.1.2.4 and 3.1.2.5.</li><li>• **All telecommunication infrastructure are subject to submission of Building plans for municipal approval.</li></ul>			
<b>DEVELOPMENT CONTROLS</b>								
<b>MINIMUM ERF SIZE</b>	<b>UNITS PER HECTARE</b>	<b>FRONTAGE (WIDTH)</b>	<b>STREET BUILDING LINE</b>	<b>SIDE BUILDING LINES</b>	<b>REAR BUILDING LINES</b>	<b>HEIGHT</b>	<b>COVERAGE</b>	<b>FAR</b>
N/A	N/A	N/A	N/A	N/A	N/A	UR	50%	1

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### 2.1.6 LAND USE ZONE: FORESTRY

<b>STATEMENT OF INTENT:</b> A zone that provides for land used or authorized for the growing of trees with the valid permission of Department of Water and Sanitation and the Department of Environment, Forestry and Fisheries.					Fill: Green; R 000, G 128, B 000			
USE OF LAND AND BUILDINGS								
COLUMN 1	COLUMN 2		COLUMN 3			ADDITIONAL CONTROLS		
PERMITTED USES	CONSENT USES		PROHIBITED USES					
<ul style="list-style-type: none"><li>• Agricultural Building</li><li>• Agricultural Industry</li><li>• Agricultural Land</li><li>• Nursery</li></ul>	<ul style="list-style-type: none"><li>• Camping and Caravan Park</li><li>• Dwelling House</li><li>• Educational Building</li><li>• Industry- Extractive</li><li>• Institution</li><li>• Place of Public Amusement</li><li>• Place of Public Assembly</li><li>• Public Garage</li><li>• Restricted Building</li><li>• Coffee Shop/Tea Garden</li><li>• Special Building</li><li>• *Undertaker – Funeral Parlour</li><li>• **Free standing telecommunication Infrastructure</li><li>• Utilities Facility</li><li>• Veterinary Clinic</li></ul>		Buildings and land uses not included in Columns 1 and 2.			<ul style="list-style-type: none"><li>• For provisions relating to parking and loading refer to Clause 3.1.2.4 and 3.1.2.5</li><li>• *Refer to Funeral Undertakers By-Laws.</li><li>• **All telecommunication infrastructure are subject to submission of Building plans for municipal approval.</li></ul>		
DEVELOPMENT CONTROLS								
MINIMUM ERF SIZE	UNITS PER HECTARE	FRONTAGE (WIDTH)	STREET BUILDING LINE	SIDE BUILDING LINES	REAR BUILDING LINES	HEIGHT	COVERAGE	FAR
2ha	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

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### 2.2 ZONE CATEGORY: CIVIC AND SOCIAL

#### 2.2.1 LAND USE ZONE: EDUCATION

<b>STATEMENT OF INTENT:</b> A zone that provides for a full range of educational facilities, including infants, pre-primary, primary, secondary, tertiary and adult education and training with associated buildings and recreational facilities.							
USE OF LAND AND BUILDINGS							
COLUMN 1		COLUMN 2		COLUMN 3		ADDITIONAL CONTROLS	
PERMITTED USES		CONSENT USES		PROHIBITED USES			
<ul style="list-style-type: none"><li>• Caretaker Accommodation</li><li>• Coffee Shop / Tea Garden (not more than 20m²)</li><li>• *Community Garden</li><li>• Day Care Facility</li><li>• Educational Building</li><li>• Municipal Purposes</li><li>• Place of Public Assembly</li><li>• Place of Worship</li><li>• Private Recreational Use</li><li>• Recreational Building</li><li>• **Tuck Shop</li><li>• Dwelling House</li><li>• ****Rooftop Telecommunication Infrastructure</li></ul>		<ul style="list-style-type: none"><li>• Agricultural Building</li><li>• Agricultural Land</li><li>• Conference Facility</li><li>• ***Residential Building</li><li>• ****Freestanding Telecommunication Infrastructure</li><li>• Institution</li><li>• Residential-Medium Density</li><li>• Public Office</li><li>• Restricted Building (limited to an educational facility)</li><li>• Special Use</li><li>• Utility Facility</li></ul>		Buildings and land uses not included in Columns 1 and 2.		<ul style="list-style-type: none"><li>• Minimum standards for schools and higher education institutions as determined by the relevant government departments shall apply.</li><li>• *Refer to Clause 4.1.3.2.</li><li>• **Tuck Shop - Limited to serving staff and learners.<ul style="list-style-type: none"><li>• ***Residential building shall be limited to student and/or staff accommodation and must comply with Policy on the Minimum Norms and Standards for Student Housing at Public Universities (Government Gazette No. 39238)</li></ul></li><li>• For provisions relating to parking and loading refer to Clause 3.1.2.4 and 3.1.2.5</li><li>• For provision relating to the use of land refer to Clause 4.1.2.2.</li><li>• ****All telecommunication infrastructure are subject to submission of Building plans for municipal approval.</li></ul>	
DEVELOPMENT CONTROLS							
LAND USE ZONE	MINIMUM ERF SIZE	FRONTAGE (WIDTH)	STREET BUILDING LINE	SIDE & REAR BUILDING LINES	HEIGHT	COVERAGE	FAR
Crèche	500m²	18m	4m	2m	UR	40%	2.5

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Primary school:	2.4ha without dedicated sport facilities.	18m	7,5m	4,5m or 1,5m per storey, whichever is the greater	UR	50%	1
	4.8ha with dedicated sport facilities.						
Secondary School :	4.8ha without dedicated sport facilities.	18m	7,5m		UR	50%	1
	8-10ha with dedicated sport facilities						
Tertiary Institution.	Size - At the sole discretion of council	18m	7,5m		UR	50%	1

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### 2.2.2 LAND USE ZONE: HEALTH AND WELFARE

STATEMENT OF INTENT: A zone that provides for the full range of public and private hospitals, medical consulting rooms, clinics, sanatoria, community care, welfare and social requirements, including pension pay points. Includes land and buildings for the accommodation and care of the aged, places of safety, orphanages and retirement villages.

USE OF LAND AND BUILDINGS


COLUMN 1		COLUMN 2	COLUMN 3	ADDITIONAL CONTROLS
PERMITTED USES		CONSENT USES	PROHIBITED USES	
<ul style="list-style-type: none"><li>Arts and Crafts Workshop</li><li>Caretaker Accommodation</li><li>Coffee Shop / Tea Garden</li><li>*Community Garden</li><li>Conference Facility</li><li>Educational Building</li><li>Institution</li><li>Municipal Purposes</li><li>Office – General</li><li>Office – Professional</li><li>Parking Erf / Parkade</li><li>Place of Amusement</li><li>Place of Assembly</li><li>Place of Worship</li><li>Private Recreational Use</li><li>Public Office</li><li>Public Recreational Use</li><li>**Residential Building</li><li>Recreational Building</li><li>**Rooftop</li><li>Telecommunication Infrastructure</li><li>Tuck Shop</li><li>Utilities</li></ul>		<ul style="list-style-type: none"><li>Agricultural Building</li><li>Agricultural Land</li><li>**Freestanding Telecommunication Infrastructure</li><li>Residential-Medium Density</li><li>Heritage Purposes</li><li>Impoundment Area</li><li>Informal Trade Area</li><li>**Restricted Building</li><li>Shop – General</li><li>Special Use</li><li>Warehouse</li></ul>	Buildings and land uses not included in Columns 1 and 2.	<ul style="list-style-type: none"><li>Norms and standards as implemented by the relevant national and provincial government shall apply.</li><li>*Refer to Clause 4.1.3.2.</li><li>**Residential building and Restricted Buildings shall be limited to those ancillary to the primary uses.</li><li>For provisions relating to parking and loading refer to Clause 3.1.2.4 and 3.1.2.5</li><li>For provision relating to the use of land refer to Clause 4.1.2.3.</li><li>**All telecommunication infrastructure are subject to submission of Building plans for municipal approval.</li></ul>

DEVELOPMENT CONTROLS

MIN. ERF SIZE	UNITS PER HECTARE	FRONTAGE (WIDTH)	STREET BUILDING LINE	SIDE & REAR BUILDING LINES	HEIGHT	COVERAGE	FAR
N/A	N/A	18m	7,5m	4.5m or 1,5m per storey, whichever the greater	UR	75%	3


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### 2.2.3 LAND USE ZONE: MUNICIPAL AND GOVERNMENT

STATEMENT OF INTENT: A zone that is intended for buildings erected and used for National, Provincial and Municipal administration and services. Fill: Peach Puff; R 255, G 218, B 185								
USE OF LAND AND BUILDINGS								
COLUMN 1		COLUMN 2		COLUMN 3		ADDITIONAL CONTROLS		
PERMITTED USES		CONSENT USES		PROHIBITED USES				
<ul style="list-style-type: none"><li>• Arts and Crafts Workshop</li><li>• *Community Garden</li><li>• **Educational Building</li><li>• Heritage Purposes</li><li>• Institution</li><li>• Office – General</li><li>• Office – Professional</li><li>• Parking Erf /Parkade</li><li>• Place of Amusement</li><li>• Place of Assembly</li><li>• Place of Worship</li><li>• Private Recreational Use</li><li>• Public Office</li><li>• Public Recreational Use</li><li>• Recreational Building</li><li>• **Residential Building</li><li>• Tuck Shop</li><li>• Utilities Facility</li><li>• ***Rooftop Telecommunication Infrastructure</li></ul>		<ul style="list-style-type: none"><li>• Agricultural Building</li><li>• Agricultural Land</li><li>• Dwelling House</li><li>• ***Freestanding Telecommunication Infrastructure</li><li>• Harbour Infrastructure</li><li>• Harbour Management</li><li>• Impoundment Area</li><li>• Informal Trade Area</li><li>• Restricted Building</li><li>• Shop – General</li><li>• Special Use</li><li>• Terminal – Intermodal Facility</li><li>• Vehicle Testing Station</li><li>• Warehouse</li><li>• Waste Transfer / Recycling Centre</li><li>• Waste Transfer and/or Drop-Off Station</li></ul>		Buildings and land uses not included in Columns 1 and 2.		<ul style="list-style-type: none"><li>• No Institutional building or Public Office shall be erected on an erf of less than 2000m².</li><li>• **Educational building and Residential building shall be restricted to Municipal and Government uses only.</li><li>• *Refer to Clause 4.1.3.2.</li><li>• For provisions relating to parking and loading refer to Clause 3.1.2.4 and 3.1.2.5.</li><li>• ***All telecommunication infrastructure are subject to submission of Building plans for municipal approval.</li></ul>		
DEVELOPMENT CONTROLS								
MINIMUM ERF SIZE	UNITS PER HECTARE	FRONTAGE (WIDTH)	STREET BUILDING LINE	SIDE BUILDING LINES	REAR BUILDING LINES	HEIGHT	COVERAGE	FAR
N/A	N/A	18m	7,5m	4,5m or 1,5m per storey, whichever is the greater		UR	60%	2

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### 2.2.4 LAND USE ZONE: WORSHIP

<b>STATEMENT OF INTENT:</b> A zone that is intended for land and buildings to be used as a Church, Chapel, Oratory, Synagogue, Mosque, Temple, Sunday school, and other places of public devotion, but does not include a funeral chapel.									
<b>USE OF LAND AND BUILDINGS</b>									
<b>COLUMN 1</b>		<b>COLUMN 2</b>		<b>COLUMN 3</b>		<b>ADDITIONAL CONTROLS</b>			
<b>PERMITTED USES</b>		<b>CONSENT USES</b>		<b>PROHIBITED USES</b>					
<ul style="list-style-type: none"><li>• Care Taker Accommodation</li><li>• **Community Garden</li><li>• *Educational Building</li><li>• Home Activity</li><li>• Municipal Purposes</li><li>• Office - Professional</li><li>• *Residential Dwelling House</li><li>• Place of Assembly</li><li>• Place of Worship</li><li>• Private Recreational Use</li><li>• Utilities facility</li></ul>		<ul style="list-style-type: none"><li>• ***Freestanding Telecommunication Infrastructure</li><li>• Home Business</li><li>• Institution</li><li>• Recreational Building</li><li>• Residential Building (Only if incidental to Place of Worship)</li><li>• ***Rooftop Telecommunication Infrastructure</li><li>• Shop (ancillary to Place of Worship)</li></ul>		Buildings and land uses not included in Columns 1 and 2.		<ul style="list-style-type: none"><li>• *Education building and Residential dwelling house shall be ancillary to the place of worship.</li><li>• **Refer to Clause 4.1.3.2.</li><li>• For provisions relating to parking and loading refer to Clause 3.1.2.4 and 3.1.2.5</li><li>• For provisions relating to the use of land refer to Clause 4.1.2.1</li><li>• ***All telecommunication infrastructure are subject to submission of Building plans for municipal approval.</li></ul>			
<b>DEVELOPMENT CONTROLS</b>									
<b>MINIMUM ERF SIZE</b>	<b>UNITS PER HECTARE</b>	<b>FRONTAGE (WIDTH)</b>	<b>STREET BUILDING LINE</b>	<b>SIDE BUILDING LINES</b>	<b>REAR BUILDING LINES</b>	<b>HEIGHT</b>	<b>COVERAGE</b>	<b>FAR</b>	
N/A	N/A	18m	5m	2m or 1,5m per storey, whichever is the greater	4,5m or 1,5m per storey, whichever is the greater	UR	60%	1	



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### 2.2.5 LAND USE ZONE: CEMETERY

STATEMENT OF INTENT: A zone that is intended for public and private cemeteries, memorial parks, and funeral chapel.										
USE OF LAND AND BUILDINGS										
COLUMN 1		COLUMN 2		COLUMN 3		ADDITIONAL CONTROLS				
PERMITTED USES		CONSENT USES		PROHIBITED USES						
<ul style="list-style-type: none"><li>• Agricultural Building</li><li>• Agricultural Land</li><li>• Caretaker Accommodation</li><li>• Freestanding Telecommunication Infrastructure</li><li>• Funeral Chapel</li><li>• Municipal Purposes</li><li>• *Rooftop Telecommunication Infrastructure</li><li>• Utilities Facility</li></ul>		<ul style="list-style-type: none"><li>• Public Recreational Use</li><li>• Special Use</li><li>• Shop-General (limited to florist and coffee shop)</li></ul>		Buildings and land uses not included in Columns 1 and 2.		<ul style="list-style-type: none"><li>• All cemetery sites are to be established and managed in terms of the KwaZulu-Natal Cemeteries and Crematoria Act and shall only be used for burial and ancillary purposes and may include a crematorium.</li><li>• For additional provisions refer to Clause 4.1.2.4</li><li>• Refer to Cemetery ByLaws.</li><li>• *All telecommunication infrastructure are subject to submission of Building plans for municipal approval.</li></ul>				
DEVELOPMENT CONTROLS										
MIN. ERF SIZE	UNITS PER HECTARE	FRONTAGE (WIDTH)	STREET BUILDING LINE	SIDE BUILDING LINES	REAR BUILDING LINES	HEIGHT	COVERAGE	FAR		
N/A	N/A	N/A	7,5m	4,5m	4,5m	N/A	N/A	N/A		

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### 2.3 ZONE CATEGORY: ENVIRONMENTAL

#### 2.3.1 LAND USE ZONE: ENVIRONMENTAL SERVICES (CONSERVATION)

<b>STATEMENT OF INTENT:</b> A zone that provides part of the sustainable open space system which includes independent or linked open space areas, and permits only limited and specific developments.		
USE OF LAND AND BUILDINGS		
COLUMN 1	COLUMN 2	COLUMN 3
PERMITTED USES	CONSENT USES	PROHIBITED USES
<ul style="list-style-type: none"> <li>• Caretaker Accommodation</li> <li>• *Community Garden</li> <li>• Conservation Purposes</li> <li>• **Educational Building</li> <li>• ***Recreational Building</li> <li>• Utilities Facility</li> </ul>	<ul style="list-style-type: none"> <li>• Agricultural Building</li> <li>• Agricultural Industry (Limited to Aquaculture and Mari-Culture)</li> <li>• Agricultural Land</li> <li>• Arts and Crafts Workshop</li> <li>• Camping and Caravan Park</li> <li>• Conference Centre</li> <li>• Heritage Purposes</li> <li>• New Servitude, 15m or Wider</li> <li>• Public / Private Street</li> <li>• ****Residential Building</li> <li>• Coffee Shop/Tea Garden</li> <li>• Special Use</li> </ul>	Buildings and land uses not included in Columns 1 and 2.
ADDITIONAL CONTROLS		
<ul style="list-style-type: none"> <li>• *Refer to Clause 4.1.3.2.</li> <li>• **limited to environmental education, conservation awareness, research facilities</li> <li>• *** limited to the provision of shelter, ablution facilities, services, braai and picnicking facilities and amenities related tourist/recreational pursuits.</li> <li>• ****Residential building shall be limited to student and/or staff accommodation.</li> <li>• For provisions relating to parking and loading refer to Clause 3.1.2.4 and 3.1.2.5</li> </ul>		

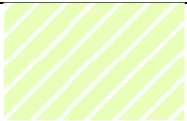
## uMhlathuze Land Use Scheme Regulations – 25 September 2019

### 2.3.2 LAND USE ZONE: NATURE RESERVES

<b>STATEMENT OF INTENT:</b> A zone that is intended to demarcate formally managed public and private Conservation areas, such as Nature Reserves and Amenity Reserves. Includes Nature Reserves as proclaimed in terms of the National Environmental Management: Protected Areas Act.		
USE OF LAND AND BUILDINGS		
COLUMN 1	COLUMN 2	COLUMN 3
PERMITTED USES	CONSENT USES	PROHIBITED USES
<ul style="list-style-type: none"> <li>• Conservation Purposes</li> <li>• *Educational Building</li> <li>• Eco-educational facilities</li> <li>• Nature Reserve</li> <li>• **Recreational Building</li> </ul>	<ul style="list-style-type: none"> <li>• Arts and Crafts Centre</li> <li>• ***Residential Building</li> <li>• ****Shop-General</li> <li>• Coffee Shop/Tea Garden</li> </ul>	Buildings and land uses not included in Columns 1 and 2.
ADDITIONAL CONTROLS		
<ul style="list-style-type: none"> <li>• *limited to environmental education, conservation awareness, research facilities.</li> <li>• ** limited to the provision of shelter, ablution facilities, services, braai and picnicking facilities and amenities related tourist/recreational pursuits.</li> <li>• ***Residential building shall be limited to student and/or staff accommodation.</li> <li>• For provisions relating to parking and loading refer to Clause 3.1.2.4 and 3.1.2.5.</li> <li>• ****Shop-General (limited to Restaurant)</li> </ul>		


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### 2.3.3 LAND USE ZONE: ACTIVE OPEN SPACE

STATEMENT OF INTENT: A zone that provides for sporting and recreational needs and permits a limited range of associated development and parking space.								
USE OF LAND AND BUILDINGS								
COLUMN 1		COLUMN 2		COLUMN 3		ADDITIONAL CONTROLS		
PERMITTED USES		CONSENT USES		PROHIBITED USES				
<ul style="list-style-type: none"><li>• Agricultural Land</li><li>• *Community Garden</li><li>• Heritage Purposes</li><li>• Municipal/Government Purposes</li><li>• Nursery</li><li>• Public Recreational Use</li><li>• Recreational Building</li><li>• Utilities Facility</li><li>• Caretaker’s Accommodation</li><li>• **Freestanding Telecommunication Infrastructure</li><li>• Place of Amusement</li></ul>		<ul style="list-style-type: none"><li>• Camping and Caravan Park</li><li>• Coffee Shop / Tea Garden</li><li>• Educational Building</li><li>• New Servitude, 15m or Wider</li><li>• Parking Area / Parkade</li><li>• Place of Public Assembly</li><li>• Place of Worship</li><li>• Public / Private Street</li><li>• Special Use</li><li>• Shop-General (Limited to Restaurant)</li></ul>		Buildings and land uses not included in Columns 1 and 2.		<ul style="list-style-type: none"><li>• Land use within the Active Open Space zone may not be changed without the prior consent of the Department of Environmental Affairs.</li><li>• *Refer to Clause 4.1.3.2.</li><li>• For provisions relating to parking and loading refer to Clause 3.1.2.4 and 3.1.2.5.</li><li>• **All telecommunication infrastructure are subject to submission of Building plans for municipal approval.</li></ul>		
DEVELOPMENT CONTROLS								
MINIMUM ERF SIZE	UNITS PER HECTARE	FRONTAGE (WIDTH)	STREET BUILDING LINE	SIDE BUILDING LINES	REAR BUILDING LINES	HEIGHT	COVERAGE	FAR
N/A	N/A	N/A	7m	4,5m or 1,5m per storey, whichever is the greater		At the sole discretion of Council		

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### 2.3.4 LAND USE ZONE: PASSIVE OPEN SPACE

<b>STATEMENT OF INTENT:</b> To provide land for the sustainable open space system consisting of isolated and linked open space areas as part a sustainable open space system and the municipality’s environmental services.								
USE OF LAND AND BUILDINGS								
COLUMN 1		COLUMN 2		COLUMN 3		ADDITIONAL CONTROLS		
PERMITTED USES		CONSENT USES		PROHIBITED USES				
<ul style="list-style-type: none"><li>• Agricultural Building</li><li>• *Community Garden</li><li>• Municipal Purposes</li><li>• Private Recreational Use</li><li>• Recreational Building</li><li>• **Freestanding Telecommunication Infrastructure</li></ul>		<ul style="list-style-type: none"><li>• Agricultural Land</li><li>• Caravan Park and Camping Site</li><li>• Educational Building</li><li>• Place of Amusement</li><li>• Place of Assembly</li><li>• Public/Private Street</li><li>• Special Use</li><li>• Utilities Facility</li></ul>		Buildings and land uses not included in Columns 1 and 2.		<ul style="list-style-type: none"><li>• Land use within the Passive Open Space zone may not be changed without the prior consent of the Department of Economic Development, Tourism &amp; Environmental Affairs.</li><li>• *Refer to Clause 4.1.3.2.</li><li>• For provisions relating to parking and loading refer to Clause 3.1.2.4 and 3.1.2.5.</li><li>• For additional provisions refer to Clause 4.1.3.1.</li><li>• *All telecommunication infrastructure are subject to submission of Building plans for municipal approval.</li></ul>		
DEVELOPMENT CONTROLS								
MINIMUM ERF SIZE	UNITS PER HECTARE	FRONTAGE (WIDTH)	STREET BUILDING LINE	SIDE BUILDING LINES	REAR BUILDING LINES	HEIGHT	COVERAGE	FAR
N/A	N/A	N/A	7,5m	4,5m or 1,5m per storey, whichever is the greater		2	15%	0,15

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### 2.3.5 LAND USE ZONE: SEA SHORE

<b>STATEMENT OF INTENT:</b> A zone that provides for the management and development of the land along the coast located within the low and high water mark, with due regard to the requirements of the Integrated Coastal Management Act, Act No. 24 of 2008.						Fill:            Orientale; R 209, G 183, B 157 Border: Barley Beige; R 176, G 112, B 080			
<b>USE OF LAND AND BUILDINGS</b>									
<b>COLUMN 1</b>			<b>COLUMN 2</b>			<b>COLUMN 3</b>			
<b>PERMITTED USES</b>			<b>CONSENT USES</b>			<b>PROHIBITED USES</b>			
<ul style="list-style-type: none"><li>• Arts and Crafts Workshop</li><li>• Caretaker Accommodation</li><li>• Conservation Purposes</li><li>• Harbour Infrastructure</li><li>• Harbour Management</li><li>• Heritage Purposes</li><li>• Hotel</li><li>• *Informal Trade Area</li><li>• Marina Infrastructure</li><li>• Municipal Purposes</li><li>• Parking Erf /Parkade</li><li>• Place of Amusement</li><li>• Place of Assembly</li><li>• Public / Private Street</li><li>• Public Recreational Use</li><li>• Recreational Building</li><li>• Shop - General</li><li>• Utilities Facility</li></ul>			<ul style="list-style-type: none"><li>• New Servitude, 15m or wider</li><li>• Private Recreational Use</li><li>• Special Use</li></ul>			Buildings and land uses not included in Columns 1 and 2.			
<b>DEVELOPMENT CONTROLS</b>									
<b>MINIMUM ERF SIZE</b>	<b>UNITS PER HECTARE</b>	<b>FRONTAGE (WIDTH)</b>	<b>STREET BUILDING LINE</b>	<b>SIDE BUILDING LINES</b>	<b>REAR BUILDING LINES</b>	<b>HEIGHT</b>	<b>COVERAGE</b>	<b>FAR</b>	
N/A	N/A	N/A	7,5m	4,5m or 1,5m per storey, whichever is the greater		At the sole discretion of Council and informed by a Development Plan			
<b>ADDITIONAL CONTROLS</b>									
<ul style="list-style-type: none"><li>• Refer to the Integrated Coastal Management Act, Act 24 of 2008</li><li>• For provisions relating to parking and loading refer to Clause 3.1.2.4 and 3.1.2.5</li><li>• *Informal Trade Areas subject to building plans approval prior to construction.</li></ul>									

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### 2.3.6 LAND USE ZONE: DAM

STATEMENT OF INTENT: A zone that provides for dams that are used for water supply and/or recreational purposes. Use of the water body requires permission from the Department of Water and Sanitation.		Fill: Light Blue; R 151, G 219, B 242	
USE OF LAND AND BUILDINGS			
COLUMN 1	COLUMN 2	COLUMN 3	
PERMITTED USES	CONSENT USES	PROHIBITED USES	
<ul style="list-style-type: none"><li>• Conservation Purposes</li><li>• *Educational Building</li><li>• Utilities and Services</li><li>• Nature Reserve</li><li>• Recreational Building</li></ul>	<ul style="list-style-type: none"><li>• Arts and Crafts Centre</li><li>• Coffee Shop/Tea Garden</li></ul>	Buildings and land uses not included in Columns 1 and 2.	
ADDITIONAL CONTROLS			
<ul style="list-style-type: none"><li>• Refer to the National Water Act, Act 36 of 1998;</li><li>• For provisions relating to parking and loading refer to Clause 3.1.2.4 and 3.1.2.5.</li><li>• *Educational Building limited to Dam Education, Water Conservation and Awareness/Research Facilities.</li></ul>			

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### 2.3.7 LAND USE ZONE: ENVIRONMENTAL NATURE AND CULTURE-BASED TOURISM


<b>STATEMENT OF INTENT:</b> A zone that is intended to manage the development of land and buildings for eco-tourism and nature-based tourism development. The main focus will be on accommodation in the form of lodges, conference facilities, caravan and tented accommodation and eco-educational facilities; outdoor recreation and participatory travel experience, to both natural as well as to cultural environments, that contribute to the sustainable use of these environments, respect the integrity of the host communities, and which produce economic opportunities that contribute to the long-term Conservation of the resource base, and reinforce the concept that Conservation can bring meaningful benefits.		Fill: Forest Green; R 201, G 247, B 145	
USE OF LAND AND BUILDINGS			
COLUMN 1	COLUMN 2	COLUMN 3	
PERMITTED USES	CONSENT USES	PROHIBITED USES	
<ul style="list-style-type: none"><li>• Arts and Crafts Centre</li><li>• Caravan Accommodation</li><li>• Place of Assembly</li><li>• Place of Amusement</li><li>• Conservation Purposes</li><li>• Eco-educational Facilities</li><li>• *Educational Building</li><li>• Lodges</li><li>• Outdoor Recreation</li><li>• Recreational Building</li><li>• **Residential Building</li><li>• Shop-General (Restaurant only)</li><li>• Tented Accommodation</li></ul>	<ul style="list-style-type: none"><li>• Shop – General</li></ul>	Buildings and land uses not included in Columns 1 and 2.	
ADDITIONAL CONTROLS			
<ul style="list-style-type: none"><li>• *limited to environmental education, conservation awareness, research facilities</li><li>• **Residential Building shall be limited to tourist accommodation, student and/or staff accommodation.</li><li>• For provisions relating to parking and loading refer to Clause 3.1.2.4 and 3.1.2.5</li></ul>			




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### 2.4 ZONE CATEGORY: MIXED USE


#### 2.4.1 LAND USE ZONE: CORE MIXED USE

<b>STATEMENT OF INTENT:</b> This is a zone intended to provide for the use of retail, personal services, entertainment, offices, residential, public facilities and related commercial uses at high intensities that normally comprise a town centre.								<b>See Below</b>	<b>Legend</b>
<b>USE OF LAND AND BUILDINGS</b>									
<b>COLUMN 1</b>			<b>COLUMN 2</b>			<b>COLUMN 3</b>	<b>ADDITIONAL CONTROLS</b>		
<b>PERMITTED USES</b>			<b>CONSENT USES</b>			<b>PROHIBITED USES</b>			
<ul style="list-style-type: none"><li>• Automotive Showroom</li><li>• Commercial Workshop</li><li>• General Showroom</li><li>• Hotel</li><li>• Informal Trade Area</li><li>• Municipal Purposes</li><li>• Office - General</li><li>• Office - Professional</li><li>• Parking Erf / Parkade</li><li>• Place of Amusement</li><li>• Place of Assembly</li><li>• Place of Worship</li><li>• Private Recreational Use</li><li>• Public Office</li><li>• Recreational Building</li><li>• Residential Building (except on ground floor)</li><li>• *Rooftop Telecommunication Infrastructure</li><li>• Service Workshop</li><li>• Shop – Factory</li><li>• Shop – General</li><li>• Shop – Wholesale</li></ul>			<ul style="list-style-type: none"><li>• Carwash Facility</li><li>• Educational Building</li><li>• *Freestanding Telecommunication Infrastructure</li><li>• Funeral Parlour</li><li>• Gambling Premises</li><li>• Industry – Light</li><li>• Industry – Service</li><li>• Institution</li><li>• Night Club / Bar /Tavern</li><li>• Special Use</li><li>• Utilities Facility</li></ul>			Buildings and land uses not included in columns 1 to 2.	<ul style="list-style-type: none"><li>• For provisions relating to parking and loading refer to Clause 3.1.2.4 and 3.1.2.5;</li><li>• For provision relating to the use of land, refer to Clause 4.1.4.</li><li>• *All telecommunication infrastructure are subject to submission of Building plans for municipal approval.</li></ul>		
<b>DEVELOPMENT CONTROLS</b>									
<b>ZONE</b>	<b>KEY</b>	<b>MINIMUM ERF SIZE</b>	<b>UNITS PER HECTARE</b>	<b>FRONTAGE (WIDTH)</b>	<b>STREET BUILDING LINE</b>	<b>SIDE &amp; REAR BUILDING LINES</b>	<b>HEIGHT</b>	<b>COVERAGE</b>	<b>FAR</b>
<b>CMU 1</b>		2000m <sup>2</sup> and more	N/A	N/A	0m	0m on ground	UR	100%	3,00

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CMU 2		>1000m <sup>2</sup> but <2000m <sup>2</sup>	N/A	N/A	0m	floor, 4,5m or 1,5m per storey whichever is greater for residential building and hotel above ground floor.	UR	100%	2,00
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### 2.4.2 LAND USE ZONE: LOW IMPACT MIXED USE

<b>STATEMENT OF INTENT:</b> This zone is intended to provide for a range of low key retail, office and service industrial uses at key interceptor locations, along activity corridors and within residential areas.									
<b>USE OF LAND AND BUILDINGS</b>									
<b>COLUMN 1</b>		<b>COLUMN 2</b>			<b>COLUMN 3</b>		<b>ADDITIONAL CONTROLS</b>		
<b>PERMITTED USES</b>		<b>CONSENT USES</b>			<b>PROHIBITED USES</b>				
<ul style="list-style-type: none"><li>• Automotive Showroom</li><li>• Commercial Workshop</li><li>• *Informal Trade Area</li><li>• Municipal Offices</li><li>• Municipal Purposes</li><li>• Office – General</li><li>• Office – Professional</li><li>• Public Office</li><li>• **Residential Building (except on ground floor)</li><li>• Service Workshop</li><li>• Shop – General</li></ul>		<ul style="list-style-type: none"><li>• Carwash Facility</li><li>• Educational Building</li><li>• Funeral Parlour</li><li>• Gambling Premises</li><li>• Home Business</li><li>• Industry – Light</li><li>• Industry – Service</li><li>• Institution</li><li>• Night Club / Bar/Tavern</li><li>• Parking Erf / Parkade</li><li>• Place of Amusement</li><li>• Place of Assembly</li><li>• Place of Worship</li><li>• Shop – Wholesale</li><li>• Special Use</li><li>• Utilities Facility</li></ul>			Buildings and uses not included in Columns 1 and 2.		<ul style="list-style-type: none"><li>• *Informal Trade Areas subject to building plans approval prior to construction.</li><li>• **Residential buildings which are in a storey or storeys above the ground floor.</li><li>• For provisions relating to parking and loading refer to Clause 3.1.2.4 and 3.1.2.5.</li></ul>		
<b>DEVELOPMENT CONTROLS</b>									
<b>MINIMUM ERF SIZE</b>	<b>UNITS PER HECTARE</b>	<b>FRONTAGE (WIDTH)</b>	<b>STREET BUILDING LINE</b>	<b>SIDE BUILDING LINES</b>	<b>REAR BUILDING LINES</b>	<b>HEIGHT</b>	<b>COVERAGE</b>	<b>FAR</b>	
<400m <sup>2</sup>	N/A	N/A	0m	0m on ground floor: 4,5m or 1,5m per storey whichever is greater for residential building and hotel above ground floor.		2	50%	0,5	


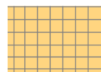
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### 2.4.3 LAND USE ZONE: MEDIUM IMPACT MIXED USE

<b>STATEMENT OF INTENT:</b> This zone is intended to provide for a range of low key retail, office and service industrial uses at key interceptor locations and along activity corridors.									
<b>USE OF LAND AND BUILDINGS</b>									
<b>COLUMN 1</b>		<b>COLUMN 2</b>			<b>COLUMN 3</b>		<b>ADDITIONAL CONTROLS</b>		
<b>PERMITTED USES</b>		<b>CONSENT USES</b>			<b>PROHIBITED USES</b>				
<ul style="list-style-type: none"><li>• Automotive Showroom</li><li>• Commercial Workshop</li><li>• Municipal Purposes</li><li>• Office – General</li><li>• Office – Professional</li><li>• Parkade</li><li>• Place of Worship</li><li>• Public Office</li><li>• *Residential Building (Except On Ground Floor)</li><li>• Service Workshop</li><li>• Shop – General</li><li>• Shop – Wholesale</li><li>• ***Rooftop Telecommunication Infrastructure</li></ul>		<ul style="list-style-type: none"><li>• Agricultural Building/Land</li><li>• Camping and Caravan Park</li><li>• Carwash Facility</li><li>• Educational Building</li><li>• Gambling Premises</li><li>• Hotel</li><li>• Industry – Light</li><li>• Industry – Service</li><li>• Institution</li><li>• Night Club / Bar /Tavern</li><li>• Place of Amusement</li><li>• Place of Assembly</li><li>• Recreational Building</li><li>• Special Use</li><li>• ** Funeral Parlour</li><li>• Utilities Facility</li><li>• Veterinary Purposes</li></ul>			Buildings and uses not included in Columns 1 and 2.		<ul style="list-style-type: none"><li>• *Residential buildings which are in a storey or storeys above the ground floor except that hotels with a liquor License may be on the ground floor.</li><li>• The size of the site will determine the intensity of the development.</li><li>• For provisions relating to parking and loading refer to Clause 3.1.2.4 and 3.1.2.5;</li><li>• For provision relating to the use of land refer to Clause 4.1.4</li><li>• **Refer to Funeral Undertakers Bylaws.</li><li>• ***All telecommunication infrastructure are subject to submission of Building plans for municipal approval.</li></ul>		
<b>DEVELOPMENT CONTROLS</b>									
<b>MINIMUM ERF SIZE</b>	<b>UNITS PER HECTARE</b>	<b>FRONTAGE (WIDTH)</b>	<b>STREET BUILDING LINE</b>	<b>SIDE BUILDING LINES</b>	<b>REAR BUILDING LINES</b>	<b>HEIGHT</b>	<b>COVERAGE</b>	<b>FAR</b>	
400m <sup>2</sup> to 1000m <sup>2</sup>	N/A	N/A	N/A	0m on ground floor: 4,5m or 1,5m per storey whichever is greater for residential building and hotel above ground floor.		UR	100%	1.0	


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### 2.4.4 LAND USE ZONE: OFFICE (1 & 2)

<b>STATEMENT OF INTENT:</b> To accommodate areas designed primarily for office development in different forms and in various appropriate locations. In addition, within the Office Zone, the primary purpose is the provision of defined office districts specifically to accommodate a range of professional chambers and rooms.								See Below	Legend
USE OF LAND AND BUILDINGS									
COLUMN 1		COLUMN 2			COLUMN 3		ADDITIONAL CONTROLS		
PERMITTED USES		CONSENT USES			PROHIBITED USES				
<ul style="list-style-type: none"><li>• Educational Building</li><li>• Freestanding Telecommunication Infrastructure</li><li>• Municipal Purposes</li><li>• Office – General</li><li>• Office – Professional</li><li>• Parking Erf / Parkade</li><li>• Public Office</li><li>• Recreational Building</li><li>• *Residential Building</li><li>• **Rooftop Telecommunication Infrastructure</li><li>• Shop – General (limited to 150m<sup>2</sup>)</li></ul>		<ul style="list-style-type: none"><li>• Commercial Workshop</li><li>• Institution</li><li>• Place of Assembly</li><li>• Shop – General (greater than 150m<sup>2</sup>)</li><li>• Special Use</li><li>• Veterinary Purposes</li></ul>			Buildings and uses not included in Columns 1 and 2.		<ul style="list-style-type: none"><li>• Residential building, which is not a Hotel, may be erected on an Erf less than 2000m<sup>2</sup>.</li><li>• *Residential Building limited to one dwelling unit for each 900 square metres of the area of the lot and which is in a storey or storeys above the ground floor</li><li>• For provisions relating to parking and loading refer to Clause 3.1.2.4 and 3.1.2.5.</li><li>• *All telecommunication infrastructure are subject to submission of Building plans for municipal approval.</li></ul>		
DEVELOPMENT CONTROLS									
LAND USE ZONE	KEY	MIN. ERF SIZE	UNITS PER HECTARE	FRONTAGE (WIDTH)	STREET BUILDING LINE	SIDE & REAR BUILDING LINES	HEIGHT	COVERAGE	FAR
Office 1		1500	N/A	18m	7,5m	2m or 1,5m per storey whichever is greater	UR	75%	3,00
Office 2		400	N/A	18m	3m	2m or 1,5m per storey whichever is greater	2	80%	1.00


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### 2.4.5 LAND USE ZONE: BUSINESS PARK

<b>STATEMENT OF INTENT:</b> This zone is a mixed use zone that permits a range of office uses which are generally compatible with each other, as well as adjacent sensitive zones, such as residential, commercial, mixed use, and open space zones. These areas are typically described as office business parks and involve large campus-like developments in prestigious landscaped settings.								
USE OF LAND AND BUILDINGS								
COLUMN 1		COLUMN 2		COLUMN 3			ADDITIONAL CONTROLS	
PERMITTED USES		CONSENT USES		PROHIBITED USES				
<ul style="list-style-type: none"><li>• Automotive Showroom</li><li>• Commercial Workshop</li><li>• General Showroom</li><li>• Hotel</li><li>• Industry – Light</li><li>• Industry – Service</li><li>• Informal Trade Area</li><li>• Institution (restricted to hospital only)</li><li>• Municipal Purposes</li><li>• Office – General</li><li>• Office – Professional</li><li>• Parking Erf / Parkade</li><li>• Place of Amusement</li><li>• Public Office</li><li>• Service Workshop</li><li>• Shop – Factory</li><li>• Shop – General</li><li>• Shop – Wholesale</li><li>• Warehouse</li></ul>		<ul style="list-style-type: none"><li>• Carwash Facility</li><li>• Educational Building</li><li>• Funeral Parlour</li><li>• Gambling Premises</li><li>• Night Club / Bar /Tavern</li><li>• Place of Assembly</li><li>• Place of Worship</li><li>• Recreational Building</li><li>• Special Use</li><li>• Utilities Facility</li><li>• Veterinary Purposes</li></ul>		Buildings and land uses not included in Columns 1 and 2.			<ul style="list-style-type: none"><li>• For provisions relating to parking and loading refer to Clause 3.1.2.4 and 3.1.2.5.</li></ul>	
DEVELOPMENT CONTROLS								
MINIMUM ERF SIZE	UNITS PER HECTARE	FRONTAGE (WIDTH)	STREET BUILDING LINE	SIDE BUILDING LINES	REAR BUILDING LINES	HEIGHT	COVERAGE	FAR
1 200m <sup>2</sup>	N/A	18m	7,5m	3m	3m	4	70%	1,00

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### 2.4.6 LAND USE ZONE: FUEL FILLING STATION

<b>STATEMENT OF INTENT:</b> This zone permits activities such as service station, public garage, and a restricted amount of space devoted to restaurants, shops and related services.								
<b>USE OF LAND AND BUILDINGS</b>								
<b>COLUMN 1</b>	<b>COLUMN 2</b>		<b>COLUMN 3</b>		<b>ADDITIONAL CONTROLS</b>			
<b>PERMITTED USES</b>	<b>CONSENT USES</b>		<b>PROHIBITED USES</b>					
<ul style="list-style-type: none"><li>• Public Garage</li><li>• **Rooftop Telecommunication Infrastructure</li><li>• *Shop-General</li><li>• Carwash Facility</li></ul>	<ul style="list-style-type: none"><li>• Automotive Showroom</li><li>• **Freestanding Telecommunication Infrastructure</li><li>• Commercial Workshop</li><li>• Recreational Building</li><li>• Utilities Facility</li><li>• Special Use</li></ul>		Buildings and land uses not included in Columns 1 and 2		<ul style="list-style-type: none"><li>• A service industrial building shall be limited to the repair and servicing of vehicles.</li><li>• *A Shop limited to a Convenience Store and / or Restaurant/ Fast-food outlet is permitted when ancillary to a Service Station and not to exceed a combined Floor Area of 300m<sup>2</sup>.</li><li>• For provisions relating to parking and loading refer to Clause 3.1.2.4 and 3.1.2.5.</li><li>• For provision relating to the use of land refer to Clause 4.1.6.</li><li>• **All telecommunication infrastructure are subject to submission of Building plans for municipal approval.</li></ul>			
<b>DEVELOPMENT CONTROLS</b>								
<b>MINIMUM ERF SIZE</b>	<b>UNITS PER HECTARE</b>	<b>FRONTAGE (WIDTH)</b>	<b>STREET BUILDING LINE</b>	<b>SIDE BUILDING LINES</b>	<b>REAR BUILDING LINES</b>	<b>HEIGHT</b>	<b>COVERAGE</b>	<b>FAR</b>
1800m <sup>2</sup>	N/A	36m	7.5m	3m	3m	3	70%	0.7

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### 2.4.7 LAND USE ZONE: LOGISTICS

<b>STATEMENT OF INTENT:</b> Warehousing of materials considered non-obnoxious or non-hazardous are permitted in buildings in this zone. Transportation, transshipment and related uses are permitted. Outdoor storage, as both an independent and an ancillary use, may be permitted in this zone, subject to certain restrictions involving the amount of areas permitted on a lot. Office uses, retail stores and certain eating establishments will be permitted in this zone with certain conditions.						Fill: Dove Grey; R 102, G 102, B 153;				
<b>USE OF LAND AND BUILDINGS</b>										
<b>COLUMN 1</b>		<b>COLUMN 2</b>		<b>COLUMN 3</b>		<b>ADDITIONAL CONTROLS</b>				
<b>PERMITTED USES</b>		<b>CONSENT USES</b>		<b>PROHIBITED USES</b>						
<ul style="list-style-type: none"><li>• Public Office</li><li>• Office-General</li><li>• Warehouse</li></ul>		<ul style="list-style-type: none"><li>• Agricultural Building</li><li>• Agricultural Land</li><li>• Educational Building</li><li>• Hotel</li><li>• Institution</li><li>• Place of Public Assembly</li><li>• Place of Worship</li><li>• Veterinary Purposes</li></ul>		Buildings and land uses not included in Columns 1 and 2.		<ul style="list-style-type: none"><li>• For provisions relating to parking and loading refer to Clause 3.1.2.4 and 3.1.2.5.</li></ul>				
<b>DEVELOPMENT CONTROLS</b>										
<b>MINIMUM ERF SIZE</b>	<b>UNITS PER HECTARE</b>	<b>FRONTAGE (WIDTH)</b>	<b>STREET BUILDING LINE</b>	<b>SIDE BUILDING LINES</b>	<b>REAR BUILDING LINES</b>	<b>HEIGHT</b>	<b>COVERAGE</b>	<b>FAR</b>		
1000m <sup>2</sup>	N/A	20m	7.5m	4.5m or 1,5m per storey, whichever the greater	5m in central area and 10m outside the central area or 1,5m per storey, whichever the greater	UR	60%	2.5		

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### 2.5 ZONE CATEGORY: INDUSTRIAL

#### 2.5.1 LAND USE ZONE: EXTRACTIVE INDUSTRY/ QUARRYING AND MINING

<b>STATEMENT OF INTENT:</b> This zone is to be used to manage land identified or used for the extraction of raw minerals, sand or stone in a manner that is compatible with sustainable development and in terms of the relevant national, provincial and local requirements and guidelines related to quarrying, mining and environmental management.									
<b>USE OF LAND AND BUILDINGS</b>									
<b>COLUMN 1</b>	<b>COLUMN 2</b>		<b>COLUMN 3</b>			<b>ADDITIONAL CONTROLS</b>			
<b>PERMITTED USES</b>	<b>CONSENT USES</b>		<b>PROHIBITED USES</b>						
<ul style="list-style-type: none"><li>• Agricultural Building</li><li>• Agricultural Land (Pre Mining)</li><li>• Conservation Purposes</li><li>• Educational Building (limited to a training facility)</li><li>• Industry – Bulk Storage</li><li>• Industry – Extractive</li><li>• Public / Private Street</li><li>• Utilities Facility</li><li>• Warehouse</li><li>• Waste Transfer / Recycling Centre</li></ul>	<ul style="list-style-type: none"><li>• Agricultural Industry</li><li>• Agricultural Land (Post Mining)</li><li>• Industry – General</li><li>• Industry – Noxious</li><li>• Public Office</li><li>• Special Use</li></ul>		<ul style="list-style-type: none"><li>• Buildings and land uses not included in columns 1 to 2.</li></ul>			<ul style="list-style-type: none"><li>• *Notwithstanding the provisions of the table, these land uses are restricted to the extraction of raw materials.</li><li>• The Coverage for all Industrial Buildings will be 60% on Erven of 4 hectares or less, increasing by 2.5% for every hectare in excess of 4 hectares up to a maximum of 75%.</li><li>• For provisions relating to parking and loading refer to Clause 3.1.2.4 and 3.1.2.5.</li><li>• For provision relating to the use of land refer to Clause 4.1.9</li></ul>			
<b>DEVELOPMENT CONTROLS</b>									
<b>MINIMUM ERF SIZE</b>	<b>UNITS PER HECTARE</b>	<b>FRONTAGE (WIDTH)</b>	<b>STREET BUILDING LINE</b>	<b>SIDE BUILDING LINES</b>	<b>REAR BUILDING LINES</b>	<b>HEIGHT</b>	<b>COVERAGE</b>	<b>FAR</b>	
N/A	N/A	N/A	At the sole discretion of Council			At the sole discretion of Council			



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### 2.5.2 LAND USE ZONE: NOXIOUS INDUSTRY


<b>STATEMENT OF INTENT:</b> This zone permits manufacturing uses which may not be compatible with other manufacturing uses and which would have major externalities on adjacent land uses. This zone would permit manufacturing activities that may produce significant vibration, noise, odour, or high volume automobile and truck traffic. Warehousing of materials that may be considered noxious or hazardous may be permitted in buildings in this zone, with possible conditions and/or exceptions, i.e. via consent application			
<b>USE OF LAND AND BUILDINGS</b>			
<b>COLUMN 1</b>	<b>COLUMN 2</b>	<b>COLUMN 3</b>	<b>ADDITIONAL CONTROLS</b>
<b>PERMITTED USES</b>	<b>CONSENT USES</b>	<b>PROHIBITED USES</b>	
<ul style="list-style-type: none"><li>• Agricultural Building</li><li>• Agricultural Industry</li><li>• Agricultural Land</li><li>• Automotive Showroom</li><li>• *Caretaker Accommodation</li><li>• Commercial Workshop</li><li>• Educational Building (limited to a training facility)</li><li>• Freestanding Telecommunication Infrastructure</li><li>• Harbour Infrastructure</li><li>• Industry – General</li><li>• Industry – Noxious</li><li>• Industry – Light</li><li>• Industry – Salvage</li><li>• Industry – Service</li><li>• Industry – Extractive</li><li>• Industry-Bulk Storage</li><li>• Institution (restricted to a clinic)</li><li>• Municipal Purposes</li><li>• Office General</li><li>• Private Street</li></ul>	<ul style="list-style-type: none"><li>• Crematorium</li><li>• Funeral Parlour</li><li>• Public Office</li><li>• Shop – General (Limited to 150m²).</li><li>• *Freestanding Telecommunication Infrastructure</li><li>• Special Use</li></ul>	<ul style="list-style-type: none"><li>• Buildings and land uses not included in columns 1 to 2.</li></ul>	<ul style="list-style-type: none"><li>• *Notwithstanding the provisions of the table, these land uses are restricted to the extraction of raw materials and dwellings to accommodate a manager or caretaker’s flat (limited to 100m²)</li><li>• For provisions relating to parking and loading refer to Clause 3.1.2.4 and 3.1.2.5.</li><li>• For provision relating to the use of land refer to Clause 4.1.8.</li><li>• *All telecommunication infrastructure are subject to submission of Building plans for municipal approval.</li></ul>

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<ul style="list-style-type: none"><li>• Railway Infrastructure</li><li>• Restricted Building</li><li>• *Rooftop Telecommunication Infrastructure</li><li>• Utilities Facility</li><li>• Warehouse</li><li>• Waste Transfer / Recycling Centre</li></ul>								
DEVELOPMENT CONTROLS								
MINIMUM ERF SIZE	UNITS PER HECTARE	FRONTAGE (WIDTH)	STREET BUILDING LINE	SIDE BUILDING LINES	REAR BUILDING LINES	HEIGHT	COVERAGE	FAR
N/A	N/A	18m	8m on sites <4ha 15m on sites >4ha	3m	3m	UR	60% for sites <4ha + 2,5% per ha up to maximum of 75%	2,00


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### 2.5.3 LAND USE ZONE: GENERAL INDUSTRY

<b>STATEMENT OF INTENT:</b> To provide land and buildings that permits industrial activities which may not be compatible with other industrial use and which have major externalities on the adjacent land uses. This zone permits industrial activities that may produce significant vibration, noise, fumes, odour, and high volumes of automobile and truck traffic.								
USE OF LAND AND BUILDINGS								
COLUMN 1		COLUMN 2		COLUMN 3		ADDITIONAL CONTROLS		
PERMITTED USES		CONSENT USES		PROHIBITED USES				
<ul style="list-style-type: none"><li>• Commercial Workshop</li><li>• Funeral Parlour</li><li>• General Showroom</li><li>• Impoundment Area</li><li>• Industry – General</li><li>• Industry – Light</li><li>• Industry – Salvage</li><li>• Industry – Service</li><li>• Motor Vehicle Fitment Centre</li><li>• Municipal Purposes</li><li>• Railway Infrastructure</li><li>• Utilities Facility</li><li>• Vehicle Testing Station</li><li>• Veterinary Purposes</li><li>• Warehouse</li><li>• Car Wash Facility</li><li>• Shop – General (&lt;80m2)</li><li>• *Rooftop Telecommunication Infrastructure</li></ul>		<ul style="list-style-type: none"><li>• Agricultural Building</li><li>• Agricultural Industry</li><li>• Agricultural Land</li><li>• Crematorium</li><li>• Educational Building (limited to a training facility ancillary to industrial purposes)</li><li>• Gambling Premises</li><li>• Industry – Extractive</li><li>• Institution, (Restricted to a Clinic)</li><li>• Night Club / Bar / Tavern</li><li>• Office – General</li><li>• Place of Assembly</li><li>• Public Office</li><li>• Recreational Building</li><li>• Restricted Building</li><li>• Shop – Factory</li><li>• Shop – Wholesale</li><li>• Waste Transfer / Recycling Centre</li><li>• Shop – General (&gt;80m2)</li><li>• *Freestanding Telecommunication Infrastructure</li><li>• Special Use</li></ul>		Buildings and land uses not included in columns 1 to 2.		<ul style="list-style-type: none"><li>• A shop must be structurally part of the main industrial building It retails only products of the industry to which it relates and directly associated products.<ul style="list-style-type: none"><li>a. Its total floor area does not exceed 10% of the total floor area of all buildings on the erf of 150m², whichever the lesser.</li><li>b. There shall only be one shop for each industrial undertaking on the erf.</li><li>c. The nature of the shop or the products to be sold is of such a nature that the council is of the opinion that the shop should be located in the General Industrial area.</li></ul></li><li>• For provisions relating to parking and loading refer to Clause 3.1.2.4 and 3.1.2.5.</li><li>• For provision relating to the use of land refer to Clause 4.1.8.</li><li>• *All telecommunication infrastructure are subject to submission of Building plans for municipal approval.</li></ul>		
DEVELOPMENT CONTROLS								
MIN. ERF SIZE	UNITS PER HECTARE	FRONTAGE (WIDTH)	STREET BUILDING LINE	SIDE BUILDING LINES	REAR BUILDING LINES	HEIGHT	COVERAGE	FAR
1800m²	N/A	18m	7.5m	3m	3m	UR	80%	2,00

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### 2.5.4 LAND USE ZONE: LIGHT INDUSTRY

STATEMENT OF INTENT: To provide land and buildings for the industrial activities that is compatible with other industrial activities. As a cumulative industrial zone, it would permit a range of light industrial and services uses as well as more intensive industrial uses.								
USE OF LAND AND BUILDINGS								
COLUMN 1		COLUMN 2		COLUMN 3		ADDITIONAL CONTROLS		
PERMITTED USES		CONSENT USES		PROHIBITED USES				
<ul style="list-style-type: none"><li>Automotive Showroom</li><li>Car Wash Facility</li><li>Commercial Workshop</li><li>Funeral Parlour</li><li>General Showroom</li><li>Industry – Light</li><li>Industry – Service</li><li>Motor Vehicle Fitment Centre</li><li>Municipal Purposes</li><li>Public Office</li><li>Service Workshop</li><li>Shop – General (&lt;80m²)</li><li>Vehicle Testing Station</li><li>Veterinary Purposes</li><li>*Rooftop Telecommunication Infrastructure</li><li>Warehouse</li></ul>		<ul style="list-style-type: none"><li>Agricultural Building</li><li>Agricultural Industry</li><li>Agricultural Land</li><li>Caretaker Accommodation</li><li>Educational Building</li><li>Gambling Premises</li><li>Impoundment Area</li><li>Industry – Salvage</li><li>Night Club / Bar/ Tavern</li><li>Office – General</li><li>Office Building</li><li>Parking Garage</li><li>Place of Amusement</li><li>Place of Worship</li><li>Public Office</li><li>Recreational Building</li><li>Restricted Building</li><li>Shop – Factory</li><li>Shop – General (&gt;80m²)</li><li>Shop – Wholesale</li><li>Utilities Facility</li><li>*Freestanding Telecommunication Infrastructure</li><li>Special Use</li></ul>		<ul style="list-style-type: none"><li>Buildings and land uses not included in columns 1 to 2.</li></ul>		<ul style="list-style-type: none"><li>The side building line is waived for all uses other than for those buildings or portions of buildings, which are Institutions or Office Buildings, except where in opinion of the Council it is necessary to provide access to the rear of the building or lot, the side building line shall not be waived.</li><li>For provisions relating to parking and loading refer to Clause 3.1.2.4 and 3.1.2.5.</li><li>For provision relating to the use of land refer to Clause 4.1.8.</li><li>*All telecommunication infrastructure are subject to submission of Building plans for municipal approval.</li></ul>		
DEVELOPMENT CONTROLS								
MIN. ERF SIZE	UNITS PER HECTARE	FRONTAGE (WIDTH)	STREET BUILDING LINE	SIDE & REAR BUILDING LINES		HEIGHT	COVERAGE	FAR
1000m²	N/A	18m	7,5m	2m	2m	UR	60%	2


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### 2.5.5 LAND USE ZONE: HARBOUR

<b>STATEMENT OF INTENT:</b> The provision of land for harbour purposes managed in terms of legislation related to the National Ports Authority. Harbours may include land for administrative purposes, customs, industrial uses, and areas for bulk storage, terminals, custom posts, limited commercial activity, social, health and recreational activities.							
<b>USE OF LAND AND BUILDINGS</b>							
<b>COLUMN 1</b>		<b>COLUMN 2</b>		<b>COLUMN 3</b>	<b>ADDITIONAL CONTROLS</b>		
<b>PERMITTED USES</b>		<b>CONSENT USES</b>		<b>PROHIBITED USES</b>			
<ul style="list-style-type: none"><li>• Agricultural Building</li><li>• Agricultural Land</li><li>• Commercial Workshop</li><li>• Conservation Purposes</li><li>• Harbour Infrastructure</li><li>• Harbour Management</li><li>• Industry – Bulk Storage</li><li>• Industry – General</li><li>• Industry – Light</li><li>• Industry – Service</li><li>• Municipal Purposes</li><li>• Public / Private Street</li><li>• Public Office</li><li>• Railway Infrastructure</li><li>• Residential Building / Dwelling House (restricted to caretaker and/or emergency staff)</li><li>• Shop (restricted to total floor area of 50m<sup>2</sup> and to provide for day-to-day needs of port employees)</li><li>• Utilities Facility</li><li>• Warehouse</li><li>• *Rooftop Telecommunication Infrastructure</li></ul>		<ul style="list-style-type: none"><li>• Agricultural Industry</li><li>• Educational Building (limited to a training facility ancillary to harbour-related uses)</li><li>• Industry – Extractive</li><li>• Industry – Salvage</li><li>• Institution</li><li>• Parking Erf / Parkade</li><li>• Place of Amusement</li><li>• Place of Assembly</li><li>• Place of Worship</li><li>• Private Recreational Use</li><li>• Recreational Building</li><li>• Shop – General (other than provided for in Column 1)</li><li>• Terminal – Passenger Liner</li><li>• Terminal – Truck</li><li>• Waste Transfer / Recycling Centre</li><li>• *Freestanding Telecommunication Infrastructure</li><li>• Special Use</li></ul>		<ul style="list-style-type: none"><li>• Buildings and land uses not included in columns 1 to 2.</li></ul>	<ul style="list-style-type: none"><li>• For provisions relating to parking and loading refer to Clause 3.1.2.4 and 3.1.2.5.</li><li>• *Refer to Clause 4.1.3.2.</li><li>• For provision relating to the use of land refer to Clauses 4.1.7 and 4.1.8</li><li>• *All telecommunication infrastructure are subject to submission of Building plans for municipal approval.</li></ul>		
<b>DEVELOPMENT CONTROLS</b>							
<b>MIN. ERF SIZE</b>	<b>UNITS PER HECTARE</b>	<b>FRONTAGE (WIDTH)</b>	<b>STREET FRONTAGE; SIDE &amp; REAR BUILDING LINES</b>	<b>HEIGHT</b>	<b>COVERAGE</b>	<b>FAR</b>	
N/A	N/A	N/A	At the sole discretion of Council	UR	60% for sites <4ha + 2,5% per ha up to maximum of 75%	2	

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


### 2.5.6 LAND USE ZONE: HARBOUR-BOUND INDUSTRY

<b>STATEMENT OF INTENT:</b> The Harbour-bound industrial zone is a zone that permits activities, land use and buildings connected to the import or export of products and/or beneficiation and value-adding of products, commodities and services. It may include allied services and administrative support activities which are normally associated with such industries, and may include industries within or outside of the Richards Bay Industrial Development Zone.							
USE OF LAND AND BUILDINGS							
COLUMN 1			COLUMN 2		COLUMN 3	ADDITIONAL CONTROLS	
PERMITTED USES			CONSENT USES		PROHIBITED USES		
<ul style="list-style-type: none"><li>• Agricultural Industry</li><li>• Caretaker Accommodation</li><li>• Harbour Infrastructure</li><li>• Industry – Bulk Storage</li><li>• Industry – General</li><li>• Industry – Light</li><li>• Industry – Service</li><li>• Municipal Purposes</li><li>• Public Office</li><li>• Railway Infrastructure</li><li>• Warehouse</li><li>• Shop-General (&lt;150m²)</li><li>• *Rooftop Telecommunication Infrastructure</li></ul>			<ul style="list-style-type: none"><li>• Industry – Salvage</li><li>• Industry – Noxious</li><li>• *Freestanding Telecommunication Infrastructure</li><li>• Special Use</li></ul>		<ul style="list-style-type: none"><li>• Buildings and land uses not included in columns 1 to 2.</li></ul>	<ul style="list-style-type: none"><li>• For provisions relating to parking and loading refer to Clause 3.1.2.4 and 3.1.2.5;</li><li>• For provision relating to the use of land refer to Clauses 4.1.7 and 4.1.8</li><li>• *All telecommunication infrastructure are subject to submission of Building plans for municipal approval.</li></ul>	
DEVELOPMENT CONTROLS							
MIN. ERF SIZE	UNITS PER HECTARE	FRONTAGE (WIDTH)	STREET BUILDING LINE	SIDE & REAR BUILDING LINES	HEIGHT	COVERAGE	FAR
N/A	N/A	18m	8m on sites <4ha  15m on sites >4ha	3m	UR	60% for sites <4ha + 2,5% per ha up to maximum of 75%	2

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### 2.6 ZONE CATEGORY: RESIDENTIAL

#### 2.6.1 LAND USE ZONE: RESIDENTIAL ONLY DETACHED

<b>STATEMENT OF INTENT:</b> This zone is intended to promote the development of primarily detached dwelling units, limited to not more than 2 dwellings, and where a limited number of compatible ancillary uses, which have a non-disruptive impact on a neighbourhood amenity, may be allowed.								<b>See Legend Below</b>	
<b>USE OF LAND AND BUILDINGS</b>									
<b>COLUMN 1</b>			<b>COLUMN 2</b>		<b>COLUMN 3</b>		<b>ADDITIONAL CONTROLS</b>		
<b>PERMITTED USES</b>			<b>CONSENT USES</b>		<b>PROHIBITED USES</b>				
<ul style="list-style-type: none"><li>• Additional Dwelling Unit</li><li>• Residential - Dwelling House</li><li>• Home Activity</li><li>• Day Care Facility</li></ul>			<ul style="list-style-type: none"><li>• *Home Business</li><li>• Special Use</li></ul>		Buildings and land uses not included in Columns 1 and 2.		<ul style="list-style-type: none"><li>• For provisions relating to parking and loading, refer to Clause 3.1.2.4 and 3.1.2.5.</li><li>• For provision relating to the use of land refer to Clause 4.1.10</li><li>• *Refer to Bed &amp; Breakfast and Guest House Facilities By-Laws.</li><li>• Home Office not more than 25% of the floor area</li></ul>		
<b>DEVELOPMENT CONTROLS</b>									
<b>ZONE</b>	<b>KEY</b>	<b>ERF SIZE</b>	<b>UNITS PER HECTARE</b>	<b>FRONTAGE (WIDTH)</b>	<b>STREET BUILDING LINE</b>	<b>SIDE &amp; REAR BUILDING LINES</b>	<b>HEIGHT</b>	<b>COVERAGE</b>	<b>FAR</b>
ROD 1		1200m <sup>2</sup> and more	N/A	22.5m	5m	2m or 1,5m per storey whichever the greater	3	50%	0.50
ROD 2		700m <sup>2</sup> but <1200m <sup>2</sup>	N/A	18m	5m		3	60%	0.60
ROD 3		500m <sup>2</sup> but <700m <sup>2</sup>	N/A	15m	4m		2	60%	0.60
ROD 4		300m <sup>2</sup> but <500m <sup>2</sup>	N/A	12m	3m		2	70%	0.70
ROD 5		120m <sup>2</sup> but <300m <sup>2</sup>	N/A	8m	3m		2	70%	0.70

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### 2.6.2 LAND USE ZONE: RESIDENTIAL ONLY MEDIUM DENSITY

<b>STATEMENT OF INTENT:</b> This zone is intended to promote the development of attached and detached dwelling units as part of a larger planned residential development. It creates opportunity for medium density residential development around central urban areas, along development corridors and to achieve densification of urban land.							<div></div> <div></div> <div></div> <div></div> <div></div> <div></div>	
USE OF LAND AND BUILDINGS								
COLUMN 1		COLUMN 2		COLUMN 3		ADDITIONAL CONTROLS		
PERMITTED USES		CONSENT USES		PROHIBITED USES				
<ul style="list-style-type: none"><li>• Residential - Dwelling House</li><li>• Residential - Medium Density</li><li>• *Home Activity</li><li>• Day Care Facility</li></ul>		<ul style="list-style-type: none"><li>• Agricultural Building</li><li>• Agricultural Land</li><li>• Caravan Park</li><li>• Educational Building</li><li>• Home Business</li><li>• Hotel</li><li>• Institution</li><li>• Lodge</li><li>• Place of Assembly</li><li>• Spaza Shop/Tuck Shop</li><li>• **Residential Building</li></ul>		Buildings and land uses not included in Columns 1 and 2.		<ul style="list-style-type: none"><li>• For provisions relating to parking and loading refer to Clause 3.1.2.4 and 3.1.2.5;</li><li>• For provision relating to the use of land refer to Clause 3.2.5;</li><li>• For additional provisions refer to Clause 4.1.10</li><li>• Shops will be limited to the sale of food, refreshments, cigarettes, tobacco, and reading material which is part of a residential building.</li><li>• Refer to Bylaws for Bed &amp; Breakfast and Guest House Facilities.</li><li>• *Home Activity (Refer to Clause 3.2.5.4.2.1.)</li><li>• ** Residential Building for student housing must comply with Policy on the Minimum Norms and Standards for Student Housing at Public Universities (Government Gazette No. 39238)</li></ul>		
DEVELOPMENT CONTROLS								
ERF SIZE	UNITS PER HECTARE	FRONTAGE (WIDTH)	STREET BUILDING LINE	SIDE & REAR BUILDING LINES		HEIGHT	COVERAGE	FAR
1400m²	N/A	21m	7,5m along external street building line	Side and rear building line requirements do not apply to dwelling unit curtilages, except along the side and rear boundaries of the Medium Density Housing site, where the minimum side and rear building line shall be 4,5m.		3	60%	0.6



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### 2.6.3 LAND USE ZONE: RESIDENTIAL ONLY HIGH DENSITY

**STATEMENT OF INTENT:** 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 activities to cater for broader community needs.



USE OF LAND AND BUILDINGS					
COLUMN 1	COLUMN 2				COLUMN 3
PERMITTED USES	CONSENT USES				PROHIBITED USES
	LAND USE	COVERAGE	FAR	HEIGHT	
<ul style="list-style-type: none"> <li>• Residential - Medium Density</li> <li>• **Home Activity</li> <li>• ***Shop-General</li> <li>• Lodge</li> <li>• *Residential Building</li> <li>• Residential - Dwelling House</li> <li>• Daycare Facility (limited to 6 children)</li> </ul>	****Home Business	50%	1.00	UR	Buildings and land uses not included in Columns 1 and 2.
	Education Building	25%	0.50	8	
	Institution				
	Place of Worship				
	Special Use				
	Hotel	25%	0.35	2	
	Place of Amusement				
	Place of Assembly (which forms part of a hotel)				
	Chalet Development				
	Public Parking and Parkade	60%	1,00	8	
	Municipal Purposes	30%	0,30	2	
ADDITIONAL CONTROLS					
<ul style="list-style-type: none"> <li>• *Residential Building will exclude a Hotel with Liquor License outside the Central Area. Residential Building for student housing must comply with Policy on the Minimum Norms and Standards for Student Housing at Public Universities (Government Gazette No. 39238)</li> <li>• For provisions relating to parking and loading refer to Clause 3.1.2.4 and 3.1.2.5;</li> <li>• For provision relating to the use of land refer to Clause 3.2.5;</li> <li>• For additional provisions refer to Clause 4.1.10</li> <li>• **Home Activity (Refer to Clause 3.2.5.4.2.1.)</li> <li>• ***Shop-General (limited to Launderette for use by residents only)</li> </ul>					

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• ****Home Business (limited to Office and home schooling)								
DEVELOPMENT CONTROLS								
BUILDING OR LAND USE	MIN ERF SIZE	UNITS PER HECTARE	FRONTAGE (WIDTH)	STREET BUILDING LINE	SIDE & REAR BUILDING LINES	HEIGHT	COVERAGE	FAR
Residential - Medium Density	1800m <sup>2</sup>	N/A	21m	7.5m	4.5m or 1.5m per storey, whichever is greater	UR	50%	3.00
Residential Building	1800m <sup>2</sup>	N/A	21m	7.5m	4.5m or 1.5m per storey, whichever is greater	UR	50%	3.00
Lodge	1800m <sup>2</sup>	N/A	21m	7.5m	4.5m or 1.5m per storey, whichever is greater	UR	50%	3.00

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### 2.6.4 LAND USE ZONE: RESIDENTIAL MEDIUM IMPACT

<b>STATEMENT OF INTENT:</b> A zone that retains a high incidence of residential land uses with an increasing number of appropriate ancillary land uses to satisfy local demands and convenience, and excludes industrial and trade uses. The residential density may increase. This is essentially a buffer zone where change of use is permitted with preservation of the existing format.						Fill: Pale Orange; R 251, G 212, B 180		
USE OF LAND AND BUILDINGS								
COLUMN 1		COLUMN 2		COLUMN 3		ADDITIONAL CONTROLS		
PERMITTED USES		CONSENT USES		PROHIBITED USES				
<ul style="list-style-type: none"><li>• Dwelling House</li><li>• ***Residential Building</li><li>• Daycare Facility (limited to 6 children)</li><li>• Residential - Medium Density</li><li>• *Home Activity</li><li>• **Shop-General</li><li>• ****Home Activity</li></ul>		<ul style="list-style-type: none"><li>• Home Business</li><li>• Lodge</li><li>• Special Use</li></ul>		Buildings and land uses not included in Columns 1 and 2.		<ul style="list-style-type: none"><li>• ***Residential Building will exclude a Hotel with Liquor License outside the Central Area. Residential Building for student housing must comply with Policy on the Minimum Norms and Standards for Student Housing at Public Universities (Government Gazette No. 39238)</li><li>• For provisions relating to parking and loading refer to Clause 3.1.2.4 and 3.1.2.5. For provision relating to the use of land refer to Clause 3.2.5;</li><li>• For additional provisions refer to Clause 4.1.10</li><li>• *Home Activity (Refer to Clause 3.2.5.4.2.1.)</li><li>• **Shop-General (limited to Launderette for use by residents only)</li><li>• ****Home Activity (Refer to Clause 3.2.5.4.2.1.)</li></ul>		
DEVELOPMENT CONTROLS								
BUILDING OR LAND USE	MINIMUM ERF SIZE	UNITS PER HECTARE	FRONTAGE (WIDTH)	STREET BUILDING LINE	SIDE & REAR BUILDING LINES	HEIGHT	COVERAGE	FAR
Residential - Medium Density	2000m <sup>2</sup>	N/A	18m	7.5m	4.5m or 1.5m per storey, whichever is greater	UR	60%	1.00
Residential building	2000m <sup>2</sup>	N/A	18m	7.5m	4.5m or 1.5m per	UR	70%	0.70

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					storey, whichever is greater			
Lodge	2000m <sup>2</sup>	N/A	18m	7.5m	4.5m or 1.5m per storey, whichever is greater	UR	60%	0.60

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### 2.6.5 LAND USE ZONE: RESIDENTIAL HIGH IMPACT

<b>STATEMENT OF INTENT:</b> A zone that contains all types of residential development and provides a wide range of services and activities, but excludes industrial and trade uses. The residential density may increase. This is essentially an interface zone where change is permitted with construction of low-rise residential type buildings.						Fill: Dark Orange; R 227, G 108, B 010			
USE OF LAND AND BUILDINGS									
COLUMN 1		COLUMN 2		COLUMN 3		ADDITIONAL CONTROLS			
PERMITTED USES		CONSENT USES		PROHIBITED USES					
<ul style="list-style-type: none"><li>• Dwelling House</li><li>• *Residential Building</li><li>• Daycare Facility (limited to 6 children)</li><li>• Residential - Medium Density</li><li>• **Shop-General</li><li>• ***Home Activity</li></ul>		<ul style="list-style-type: none"><li>• Home Business</li><li>• Lodge</li><li>• Special Use</li></ul>		Buildings and land uses not included in Columns 1 and 2.		<ul style="list-style-type: none"><li>• Shops will be limited to the sale of food, refreshments, cigarettes, tobacco, and reading material which is part of a residential building</li><li>• *Residential Building will exclude a Hotel with Liquor License outside the Central Area. Residential Building for student housing must comply with Policy on the Minimum Norms and Standards for Student Housing at Public Universities (Government Gazette No. 39238)</li><li>• For provisions relating to parking and loading refer to Clause 3.1.2.4 and 3.1.2.5.</li><li>• **Shop-General (limited to Launderette for use by residents only)</li><li>• ***Home Activity (Refer to Clause 3.2.5.4.2.1.)</li></ul>			
DEVELOPMENT CONTROLS									
BUILDING OR LAND USE	MINIMUM ERF SIZE	UNITS PER HECTARE	FRONTAGE (WIDTH)	STREET BUILDING LINE	SIDE & REAR BUILDING LINES	HEIGHT	COVERAGE	FAR	
Residential - Medium Density	2000m <sup>2</sup>	N/A	18m	7.5m	4.5m or 1.5m per storey,	UR	60%	1.0	


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					whichever is greater			
Residential building	2000m <sup>2</sup>	N/A	18m	7.5m	4.5m or 1.5m per storey, whichever is greater	UR	70%	0.70
Lodge	2000m <sup>2</sup>	N/A	18m	7.5m	4.5m or 1.5m per storey, whichever is greater	UR	60%	0.60

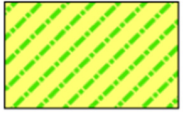
## uMhlathuze Land Use Scheme Regulations – 25 September 2019

### 2.6.6 LAND USE ZONE: WATERFRONT RESIDENTIAL

<b>STATEMENT OF INTENT:</b> A residential estate-type development that has direct access to a waterfront			Fill: Light Yellow: R 255, G 255, B Hatch: Light Blue: R 121, G 224, B 253				
USE OF LAND AND BUILDINGS							
COLUMN 1		COLUMN 2		COLUMN 3	ADDITIONAL CONTROLS		
PERMITTED USES		CONSENT USES		PROHIBITED USES			
<ul style="list-style-type: none"><li>• Marina Infrastructure</li><li>• Residential – Dwelling House</li><li>• Residential – Medium Density</li><li>• **Residential Building</li><li>• *Home Activity</li></ul>		<ul style="list-style-type: none"><li>• Home Business</li><li>• Special Use</li></ul>		Buildings and land uses not included in Columns 1 and 2.	<ul style="list-style-type: none"><li>• For provisions relating to parking and loading refer to Clause 3.1.2.4 and 3.1.2.5;</li><li>• For provision relating to the use of land refer to Clause 3.2.5;</li><li>• For additional provisions refer to Clause 4.1.10</li><li>• *Home Activity (Refer to Clause 3.2.5.4.2.1.)</li><li>• ** Residential Building for student housing must comply with Policy on the Minimum Norms and Standards for Student Housing at Public Universities (Government Gazette No. 39238)</li></ul>		
DEVELOPMENT CONTROLS							
MIN ERF SIZE	FRONTAGE (WIDTH)	STREET BUILDING LINE	SIDE & REAR BUILDING LINES		HEIGHT	COVERAGE	FAR
2500m <sup>2</sup>	18m	7.5m	4,5m or 1,5m per storey, whichever is greater		4	60%	1.0

## uMhlathuze Land Use Scheme Regulations – 25 September 2019

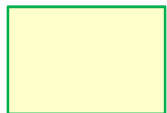
### 2.6.7 LAND USE ZONE: RESIDENTIAL ESTATE

<b>STATEMENT OF INTENT:</b> A large mixed use zone that makes provision for the development of an aesthetically pleasing residential estate, providing a mix of residential and recreational options, and sometimes limited educational and commercial options for the convenience of the residents, located within a secure gated environment.				Fill: Yellow; R 255, G 255, B 155 Hatch: Green; R 91, G 232, B 12			
USE OF LAND AND BUILDINGS							
COLUMN 1		COLUMN 2		COLUMN 3		ADDITIONAL CONTROLS	
PERMITTED USES		CONSENT USES		PROHIBITED USES			
<ul style="list-style-type: none"><li>• Agricultural Land</li><li>• Carwash Facility</li><li>• Commercial Workshop</li><li>• *Community Garden</li><li>• Educational Building</li><li>• Institution (limited to a frail care facility for the elderly)</li><li>• Private Recreational Use</li><li>• Public / Private Street</li><li>• Recreational Building</li><li>• Residential – Medium Density</li><li>• **Residential Building</li><li>• Shop – General</li><li>• Daycare Facility</li></ul>		<ul style="list-style-type: none"><li>• Agricultural Building</li><li>• Lodge</li><li>• Office – General</li><li>• Place of Worship</li><li>• Special Use</li><li>• Veterinary Purposes</li></ul>		Buildings and land uses not included in Columns 1 and 2.		<ul style="list-style-type: none"><li>• For provisions relating to parking and loading refer to Clause 3.1.2.4 and 3.1.2.5;</li><li>• *Refer to Clause 4.1.3.2.</li><li>• For provision relating to the use of land refer to Clause 3.2.5;</li><li>• For additional provisions refer to Clause 4.1.10</li><li>• **Residential Building, exclude student housing in the property zoned as Residential Estate</li></ul>	
DEVELOPMENT CONTROLS							
MIN ERF SIZE	FRONTAGE (WIDTH)	STREET BUILDING LINE	SIDE & REAR BUILDING LINES		HEIGHT	COVERAGE	FAR
5ha	21m	7,5m along the external street building line	Side and rear building line requirements do not apply to dwelling unit curtilages, except along the side and rear boundaries of the Residential Estate site, where the minimum side and rear building line shall be 4,5 m or 1,5m per storey (whichever is the greatest)		8	40%	0.8



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### 2.6.8 LAND USE ZONE: IMIZI/RURAL/TRANSITIONAL SETTLEMENT

<b>STATEMENT OF INTENT:</b> This land use is used primarily for residential purposes either on freehold or communal bases, and includes associated land uses that support livelihoods. This may include low-cost housing provided by government either as new developments or as in-situ upgrades. Provides for land used for low intensity and small scale agricultural practices in association with other related uses in Traditional Authority areas, and may include market gardening, wood lots, the production of small areas of crops such as sugar cane and livestock.			
<b>LAND USE CONTROLS</b>			
<b>PERMITTED USES</b>	<b>CONSENT USES</b>		<b>PROHIBITED USES</b>
<ul style="list-style-type: none"><li>• Agricultural Building</li><li>• Agricultural Land</li><li>• Arts and Crafts Workshop</li><li>• *Community Garden</li><li>• Conservation Purposes</li><li>• Farm Stall</li><li>• Home Activity</li><li>• Place of Worship</li><li>• Spaza/ Tuck Shop</li><li>• Umuzi (Residential)</li><li>• Day Care Facility</li></ul>	<ul style="list-style-type: none"><li>• Agricultural Facility (independent of the resource base)</li><li>• Agricultural Industry</li><li>• Camping and Caravan Park</li><li>• Car Wash</li><li>• Cemetery</li><li>• Chalet development</li><li>• Commercial Workshop</li><li>• Educational Building</li><li>• Freestanding Telecommunication Infrastructure</li><li>• **Home Business</li><li>• Informal Trade Area</li><li>• Institution</li><li>• Resort Development</li><li>• ***Residential Building</li><li>• Lodge</li><li>• Passive Recreational area</li><li>• Place of Public Assembly</li><li>• Office-General</li><li>• Public Recreation Use</li><li>• Recreational Building</li><li>• Shop - General</li><li>• Tavern/ Night Club/Bar</li><li>• Terminal – Intermodal Facility</li><li>• Utilities Facility</li><li>• Veterinary Purposes</li><li>• Waste Transfer and/or Recycling Centre</li></ul>		Buildings and land uses not included in Columns 1 and 2.
<b>ADDITIONAL CONTROLS</b>			
<ul style="list-style-type: none"><li>• Lot size of residential unit is based on the site size.</li><li>• For provisions relating to parking and loading refer to Clause 3.1.2.4 and 3.1.2.5.</li><li>• Care should be exercised so that slopes of 1.3 and 1.8 are avoided</li><li>• No development shall be permitted in or on flood plains, watercourses and wetlands unless the necessary approval has been obtained from the relevant environmental department and the Municipality.</li><li>• Camping areas will only be permitted in designated areas.</li><li>• Fishing will only be permitted for recreational purposes and not for commercial purposes.</li><li>• For provisions relating to parking and loading refer to Clause 3.1.2.4 and 3.1.2.5</li><li>• *Refer to Clause 4.1.3.2.</li><li>• **Refer to Bed &amp; Breakfast/Guest House Facilities Bylaws.</li><li>• Community consultation and Traditional Council approvals on allocations is essential for all consent approvals.</li></ul>			

## uMhlathuze Land Use Scheme Regulations – 25 September 2019

- Flats or single storey living “rooms” are permitted and only sound buildings subject to the approval of the Municipal building inspectors are permitted.
- Maximum of 3 storeys may be permitted by consent.
- The traditional/ vernacular buildings will be permitted provided that a building inspector of the Municipality has certified/ approved it as stable and safe.
- Fishing for commercial purposes will require consent from the Department of Environment, Forestry and Fisheries.
- Road reserves that must be adhered to are: National Routes = 60 metres, Provincial = 30 metres, District Roads = 15 metres. The Minimum Width of Access Way is 3.5 m
- \*\*\* Residential Building for student housing must comply with Policy on the Minimum Norms and Standards for Student Housing at Public Universities (Government Gazette No. 39238).

### DEVELOPMENT CONTROLS

MINIMUM ERF SIZE	UNITS PER HECTARE	FRONTAGE (WIDTH)	STREET BUILDING LINE	SIDE BUILDING LINES	REAR BUILDING LINES	HEIGHT	COVERAGE	FAR
N/A	N/A	N/A	3m	2m	2m	2	70%	0.7

## uMhlathuze Land Use Scheme Regulations – 25 September 2019

### 2.6.9 LAND USE ZONE: SMALL HOLDINGS

STATEMENT OF INTENT: This zone is intended to contain small holdings and set aside land for both low density housing and related urban scale agriculture.					Fill: Yellowish Beige; R 255, G 236, B 188			
LAND USE CONTROLS								
PERMITTED USES		CONSENT USES			PROHIBITED USES			
<ul style="list-style-type: none"><li>• Additional Dwelling Unit</li><li>• Agricultural Building</li><li>• Agricultural Land</li><li>• Ancillary Unit</li><li>• *Community Garden</li><li>• Conservation Purposes</li><li>• Dwelling House</li><li>• Farm Stall</li><li>• Home Activity</li><li>• Plant Nursery</li><li>• Spaza shop</li><li>• Utilities Facility</li></ul>		<ul style="list-style-type: none"><li>• **Bed and Breakfast Establishment (Guest Lodge)</li><li>• Agricultural Industry</li><li>• Arts and Craft Centre</li><li>• Boarding House</li><li>• Camping and Caravan Park</li><li>• Car Wash</li><li>• Chalet Development</li><li>• Coffee Shop / Tea Garden</li><li>• Conference Facility</li><li>• Crèche</li><li>• Day Care Facility</li><li>• Dipping Tank</li><li>• Educational Building</li><li>• Freestanding Telecommunication Infrastructure</li><li>• Home Business</li><li>• Hotel</li><li>• Impoundment Area (Animals Only)</li></ul>			<ul style="list-style-type: none"><li>• Institution</li><li>• Lodge</li><li>• Mobile Home Park</li><li>• Municipal Purposes</li><li>• New Servitude, 15m or Wider</li><li>• Place of Instruction</li><li>• Place of Public Assembly</li><li>• Place of Worship</li><li>• Private Recreational Use</li><li>• Public/Private Street</li><li>• Racecourse</li><li>• Recreational Building</li><li>• Restaurant</li><li>• Restricted Building</li><li>• Shop - General</li><li>• Special Use</li><li>• Tavern</li><li>• Veterinary Purposes</li><li>• ***Residential Building</li></ul>		Buildings and land uses not included in Columns 1 and 2.	
DEVELOPMENT CONTROLS								
MINIMUM ERF SIZE	FRONTAGE (WIDTH)	STREET BUILDING LINE	SIDE BUILDING LINES	REAR BUILDING LINES	HEIGHT (STOREY)	COVERAGE (%)	FAR	
N/A	22m	10m	5m	10m	2	10	0.10	
ADDITIONAL CONTROLS								
<ul style="list-style-type: none"><li>• For provisions relating to parking and loading refer to Clause 3.1.2.4 and 3.1.2.5.</li><li>• *Refer to Clause 4.1.3.2.</li><li>• **Refer to Bed &amp; Breakfast and Guest House Facilities Bylaws.</li><li>• *** Residential Building for student housing must comply with Policy on the Minimum Norms and Standards for Student Housing at Public Universities (Government Gazette No. 39238)</li></ul>								
ERF CONTROL								

## uMhlathuze Land Use Scheme Regulations – 25 September 2019

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1. The site of a Place of Worship shall not simultaneously be the site of one or more Dwelling Units provided that the Council may grant its approval to the erection and use of one or more Dwelling Units, upon such site, to be used in conjunction with the use of such site as a Place of Worship.
<b>MINIMUM FRONTAGE REQUIREMENTS</b>
<p>1. Except in special circumstances the minimum frontage for all erven shall be 22 metres and the width of the access way or a “hatchet-shaped” erf shall be a minimum of 4 metres throughout its length which length shall not exceed 65m. Where an erf is of an irregular shape or occurs in a cul-de-sac or change of road direction, the frontage on the street may, with the authority of the Municipality, be less than 22 metres provided the proportion of the erf is in conformity with the ratio provision set out in sub (2) and provided also that the frontage on the street is not less than 4 metres.</p> <p>2. Except in special circumstances the depth of an erf in relation to the frontage shall not exceed the ratio of 3 to 1 in proportion. An erf of irregular shape should be capable of containing within its boundaries a rectangle not exceeding the ratio 3 to 1 in proportion, having an area of 75 per cent of the minimum prescribed area.</p>

## uMhlathuze Land Use Scheme Regulations – 25 September 2019

### 2.6.10 LAND USE ZONE: SMALL SCALE INFORMAL SETTLEMENTS

<b>STATEMENT OF INTENT:</b> A zone that demarcates areas that have been informally settled and may require urgent land use interventions to address environmental impacts; service provision and residential development: <ul style="list-style-type: none"><li>Increased density (e.g. 0.5 du/ha)</li><li>Area of extent, at least a radius of 500m</li><li>Some facilities such as a school, shop/spaza.</li></ul>						Fill: Canary Yellow; R 255, G 255, B 122  Border: Dark Green; R 000, G 100, B 000			
<b>LAND USE CONTROLS</b>									
<b>PERMITTED USES</b>		<b>CONSENT USES</b>		<b>PROHIBITED USES</b>		<b>ADDITIONAL CONTROLS</b>			
<ul style="list-style-type: none"><li>Agricultural Building</li><li>Agricultural Land</li><li>*Community Garden</li><li>Informal Trade Area</li><li>Place of Worship</li><li>Spaza Shop</li><li>Umuzi (Residential)</li><li>Home Activity</li><li>Day Care Facility</li><li>Office-General</li></ul>		<ul style="list-style-type: none"><li>Educational Building</li><li>Home Business</li><li>Institution</li><li>Place of Assembly</li><li>Tavern/Night Club/Bar</li><li>Veterinary Purposes</li><li>**Residential Building</li></ul>		Buildings and land uses not included in Columns 1 and 2.		<ul style="list-style-type: none"><li>Lot size of residential unit is based on the site size.</li><li>*Refer to Clause 4.1.3.2.</li><li>** Residential Building for student housing must comply with Policy on the Minimum Norms and Standards for Student Housing at Public Universities (Government Gazette No. 39238)</li></ul>			
<b>DEVELOPMENT CONTROLS</b>									
<b>MINIMUM ERF SIZE</b>	<b>UNITS PER HECTARE</b>	<b>FRONTAGE (WIDTH)</b>	<b>STREET BUILDING LINE</b>	<b>SIDE BUILDING LINES</b>	<b>REAR BUILDING LINES</b>	<b>HEIGHT</b>	<b>COVERAGE</b>	<b>FAR</b>	
N/A	N/A	N/A	3m	2m	2m	2	70%	0.7	

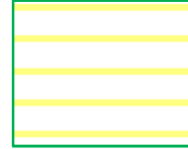
## uMhlathuze Land Use Scheme Regulations – 25 September 2019

### 2.6.11 LAND USE ZONE: MEDIUM SCALE INFORMAL SETTLEMENTS

**STATEMENT OF INTENT:** A zone that demarcates areas that have been informally settled and may require urgent land use interventions to address environmental impacts; service provision and residential development:

- Increased density (e.g. 1.0 du/ha)
- Area of extent, at least a radius of 1000m

Some facilities such as a School, Shop/Spaza, Thusong Centre.



LAND USE CONTROLS		
PERMITTED USES	CONSENT USES	PROHIBITED USES
<ul style="list-style-type: none"> <li>• Agricultural Building</li> <li>• Agricultural Land</li> <li>• Arts and Crafts Workshop</li> <li>• *Community Garden</li> <li>• Conservation Purposes</li> <li>• Farm Stall</li> <li>• Home Activity</li> <li>• Place of Worship</li> <li>• Spaza/ Tuck Shop</li> <li>• Umuzi (Residential)</li> <li>• Day Care Facility</li> <li>• Home Activity</li> </ul>	<ul style="list-style-type: none"> <li>• Agricultural Facility (independent of the resource base)</li> <li>• Agricultural Industry</li> <li>• Camping Area</li> <li>• Car Wash</li> <li>• Cemetery</li> <li>• Chalet development</li> <li>• Commercial Workshop</li> <li>• Educational Building</li> <li>• Home Business</li> <li>• Informal Trade Area</li> <li>• Institution</li> <li>• Resort Development</li> <li>• Lodge</li> <li>• Passive Recreational area</li> <li>• Place of Public Assembly</li> <li>• Public Offices</li> <li>• Public Recreation Use</li> <li>• Recreational Building</li> <li>• Shop - General</li> <li>• Tavern/ Night Club/Bar</li> <li>• Terminal – Intermodal Facility</li> <li>• Utilities Facility</li> <li>• Veterinary Purposes</li> <li>• Waste Transfer and/or Recycling Centre</li> <li>• **Residential Building</li> </ul>	<p>Buildings and land uses not included in Columns 1 and 2.</p>
ADDITIONAL CONTROLS		
<ul style="list-style-type: none"> <li>• Lot size of residential unit is based on the site size.</li> <li>• For provisions relating to parking and loading refer to Clause 3.1.2.4 and 3.1.2.5.</li> <li>• Care should be exercised so that slopes of 1.3 and 1.8 are avoided</li> <li>• No development shall be permitted in or on flood plains, watercourses and wetlands unless the necessary approval has been obtained from the relevant environmental department and the Municipality.</li> <li>• Camping areas will only be permitted in designated areas.</li> </ul>		

## uMhlathuze Land Use Scheme Regulations – 25 September 2019

- Fishing will only be permitted for recreational purposes and not for commercial purposes.
- For provisions relating to parking and loading refer to Clause 3.1.2.4 and 3.1.2.5
- \*Refer to Clause 4.1.3.2.
- \*\*Refer to Bed & Breakfast/Guest House Facilities By-Laws.
- Community consultation and TC approvals on allocations is essential for all consent approvals.
- Flats or single storey living “rooms” are permitted and only sound buildings subject to the approval of the Municipal building inspectors are permitted.
- Maximum of 3 storeys may be permitted by consent.
- The traditional/ vernacular buildings will be permitted provided that a building inspector of the Municipality has certified/ approved it as stable and safe.
- Road reserves that must be adhered to are: National Routes = 60 metres, Provincial = 30 metres, District Roads = 15 metres. The Minimum Width of Access Way is 3.5 m
- \*\* Residential Building for student housing must comply with Policy on the Minimum Norms and Standards for Student Housing at Public Universities (Government Gazette No. 39238)

### DEVELOPMENT CONTROLS

MINIMUM ERF SIZE	UNITS PER HECTARE	FRONTAGE (WIDTH)	STREET BUILDING LINE	SIDE BUILDING LINES	REAR BUILDING LINES	HEIGHT	COVERAG E	FAR
N/A	N/A	N/A	3m	2m	2m	2	70%	0.7

### 2.6.12 LAND USE ZONE: LARGE SCALE SETTLEMENTS

## uMhlathuze Land Use Scheme Regulations – 25 September 2019

<b>STATEMENT OF INTENT:</b> A zone that demarcates areas that have some level of formal layout: <ul style="list-style-type: none"><li>Increased density (e.g. 0.5 du/ha)</li><li>Area of extent, at least a radius of 2000m</li><li>Some facilities such as a School, Shop/Spaza, Thusong Centre, Taxi Rank, Market Place.</li></ul>						Fill: Canary Yellow Hatch; R 255, G 255, B 122		
						Border: Dark Green; R 000, G 100, B 000		
<b>LAND USE CONTROLS</b>								
<b>PERMITTED USES</b>		<b>CONSENT USES</b>				<b>PROHIBITED USES</b>		
<ul style="list-style-type: none"><li>Agricultural Building</li><li>Agricultural Land</li><li>*Community Garden</li><li>Place of Worship</li><li>Spaza Shop</li><li>Umuzi (Residential)</li><li>Day Care Facility</li><li>Public Office</li><li>Arts and Crafts Workshop</li><li>Home Activity</li></ul>		<ul style="list-style-type: none"><li>Educational Building</li><li>Home Business</li><li>Institution</li><li>Place of Public Assembly</li><li>Night Club/Tavern/Bar</li><li>**Residential Building</li><li>Agricultural Facility (independent of the resource base)</li><li>Agricultural Industry</li><li>Camping and Caravan Park</li><li>Car Wash</li><li>Cemetery</li><li>Chalet development</li><li>Shop – General</li><li>Terminal – Intermodal Facility</li><li>Utilities Facility</li><li>Veterinary Purposes</li></ul>		<ul style="list-style-type: none"><li>Commercial Workshop</li><li>Educational Building</li><li>***Home Business</li><li>Informal Trade Area</li><li>Resort Development</li><li>Lodge</li><li>Passive Recreational area</li><li>Place of Public Assembly</li><li>Office-General</li><li>Public Recreation Use</li><li>Recreational Building</li><li>Waste Transfer and/or Recycling Centre</li></ul>		Buildings and land uses not included in Columns 1 and 2.		
<b>ADDITIONAL CONTROLS</b>								
<ul style="list-style-type: none"><li>Lot size of residential unit is based on the site size.</li><li>*Refer to Clause 4.1.3.2.</li><li>Lot size of residential unit is based on the site size.</li><li>** Residential Building for student housing must comply with Policy on the Minimum Norms and Standards for Student Housing at Public Universities (Government Gazette No. 39238).</li><li>***Refer to Bed &amp; Breakfast and Guest House Facilities Bylaws.</li></ul>								
<b>DEVELOPMENT CONTROLS</b>								
MINIMUM ERF SIZE	UNITS PER HECTARE	FRONTAGE (WIDTH)	STREET BUILDING LINE	SIDE BUILDING LINES	REAR BUILDING LINES	HEIGHT	COVERAGE	FAR
N/A	N/A	N/A	3m	2m	2m	2	70%	0.7



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### 2.6.13 LAND USE ZONE: RAPID URBANIZATION MANAGEMENT AREA

<b>STATEMENT OF INTENT:</b> A zone that is intended to manage informal settlements adjacent to or near to formal urban areas, usually identified for future “upgrading”.			Fill: Dark Goldenrod; R 184, G 134, B011; Border: Brown R 153, G 051, B 000	
USE OF LAND AND BUILDINGS				
COLUMN 1	COLUMN 2	COLUMN 3	ADDITIONAL CONTROLS	
PERMITTED USES	CONSENT USES	PROHIBITED USES		
<ul style="list-style-type: none"> <li>• Additional Dwelling</li> <li>• Agricultural Building</li> <li>• Agricultural Land</li> <li>• *Community Garden</li> <li>• Dwelling House</li> <li>• Heritage Purposes</li> <li>• Home Activity</li> <li>• Informal Trade Area</li> <li>• Municipal Purposes</li> <li>• Place of Worship</li> <li>• Public Office</li> <li>• Spaza/Tuckshop</li> <li>• Utilities Facility</li> <li>• Day Care Facility</li> </ul>	<ul style="list-style-type: none"> <li>• Car Wash</li> <li>• Educational Building</li> <li>• Home Business</li> <li>• Industry - Light</li> <li>• Industry - Service</li> <li>• Institution</li> <li>• New Servitude, 15m or Wider</li> <li>• Place of Public Assembly</li> <li>• Public / Private Street</li> <li>• Recreational Building</li> <li>• Shop - General</li> <li>• Tavern</li> <li>• **Residential Building</li> <li>• Waste Transfer and/or Drop-Off Station</li> </ul>	Buildings and uses not included in Columns 1 and 2.	<ul style="list-style-type: none"> <li>• New residential erfs will be allocated in accordance with the urbanization management strategy of the Municipality.</li> <li>• *Refer to Clause 4.1.3.2.</li> <li>• Lot size of residential unit is based on the site size.</li> <li>• *Refer to Clause 4.1.3.2.</li> <li>• ** Residential Building for student housing must comply</li> </ul>	

## uMhlathuze Land Use Scheme Regulations – 25 September 2019

						with Policy on the Minimum Norms and Standards for Student Housing at Public Universities (Government Gazette No. 39238)	
DEVELOPMENT CONTROLS							
MINIMUM ERF SIZE	UNITS PER HECTARE	FRONTAGE (WIDTH)	STREET BUILDING LINE	SIDE & REAR BUILDING LINES	HEIGHT	COVERAGE	FAR
150m <sup>2</sup>	N/A	N/A	3m	2m	2	50	0,50

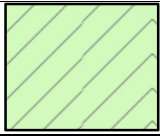
### 2.6.14 LAND USE ZONE: HOTEL

<b>STATEMENT OF INTENT:</b> A zone that makes provision for holiday accommodation, including a licensed hotel, and includes a range of related facilities such as conference centre, recreational facilities, shop and laundromat for the exclusive use of the guests, public lounge, restaurant and bar areas.			
USE OF LAND AND BUILDINGS			
COLUMN 1	COLUMN 2	COLUMN 3	ADDITIONAL CONTROLS
PERMITTED USES	CONSENT USES	PROHIBITED USES	

## uMhlathuze Land Use Scheme Regulations – 25 September 2019

<ul style="list-style-type: none"><li>• Hotel</li><li>• Lodge</li><li>• Night Club / Bar (which forms part of a hotel)</li><li>• Parkade</li><li>• Place of Amusement (which forms part of a hotel)</li><li>• Place of Assembly (which forms part of a hotel)</li><li>• Private Recreational Use</li><li>• Recreational Building</li><li>• *Residential Building: limited to Hotel</li><li>• Shop-General</li><li>• Utilities Facility</li></ul>		<ul style="list-style-type: none"><li>• Arts and Crafts Workshop</li><li>• Camping and Caravan Park</li><li>• Gambling Premises (which forms part of a hotel)</li><li>• Residential-Medium Density</li><li>• Marina Infrastructure</li><li>• Place of Public Amusement</li><li>• Educational Building</li><li>• Special Use</li><li>• Institution</li></ul>		Buildings and land uses not included in Columns 1 and 2.		<ul style="list-style-type: none"><li>• Fuel Filling Station will only be permitted if it forms part of a hotel/Motel.</li><li>• *A Residential Building shall be limited to a Hotel</li><li>• For provisions relating to parking and loading refer to Clause 3.1.2.4 and 3.1.2.5.</li></ul>		
DEVELOPMENT CONTROLS								
MINIMUM ERF SIZE	UNITS PER HECTARE	FRONTAGE (WIDTH)	STREET BUILDING LINE	SIDE BUILDING LINES	REAR BUILDING LINES	HEIGHT	COVERAGE	FAR
3600m <sup>2</sup>	N/A	18m	7,5m	4,5m or 1,5m per storey, whichever is greater		UR	60%	3,0

### 2.6.15 LAND USE ZONE: RESORT 1


<b>STATEMENT OF INTENT:</b> A zone intended to promote the development of tourist associated residential units in conjunction with recreation and other resort facilities.			
<b>USE OF LAND AND BUILDINGS</b>			
<b>COLUMN 1</b>	<b>COLUMN 2</b>	<b>COLUMN 3</b>	<b>ADDITIONAL CONTROLS</b>
<b>PERMITTED USES</b>	<b>CONSENT USES</b>	<b>PROHIBITED USES</b>	

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<ul style="list-style-type: none"><li>• Art and Craft Workshop</li><li>• Casino</li><li>• Heritage Purposes</li><li>• Hotel</li><li>• Launderette</li><li>• Municipal Purposes</li><li>• Office – General</li><li>• Camping and Caravan Park</li><li>• Place of Amusement</li><li>• Private recreational use</li><li>• Public / Private Street</li><li>• Resort Development</li><li>• *Rooftop Telecommunication Infrastructure</li><li>• Shop – General</li></ul>	<ul style="list-style-type: none"><li>• Chalet Development</li><li>• Educational Building</li><li>• *Freestanding Telecommunication Infrastructure</li><li>• Place of Assembly</li><li>• Residential - Medium Density</li><li>• Residential Building</li><li>• Special Use</li><li>• Utilities Facility</li></ul>	Buildings and land uses not included in Columns 1 and 2.	<ul style="list-style-type: none"><li>• For provisions relating to parking and loading refer to Clause 3.1.2.4 and 3.1.2.5.</li><li>• *Refer to Bylaws for Bed &amp; Breakfast and Guest House Facilities.</li><li>• *All telecommunication infrastructure are subject to submission of Building plans for municipal approval</li></ul>					
DEVELOPMENT CONTROLS								
MINIMUM ERF SIZE	UNITS PER HECTARE	FRONTAGE (WIDTH)	STREET BUILDING LINE	SIDE BUILDING LINES	REAR BUILDING LINES	HEIGHT	COVERAGE	FAR
2.5ha	N/A	18m	7.5m	4.5m	4.5m	UR	40%	1.5


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### 2.6.16 LAND USE ZONE: RESORT 2

<b>STATEMENT OF INTENT:</b> A zone for the purposes of tourism facilities such as Bed and Breakfast, small scale chalet complexes, camping and caravan facilities, cottage industries and art and craft outlets expressly in former R293 Townships and Agri-villages									
<b>USE OF LAND AND BUILDINGS</b>									
<b>COLUMN 1</b>		<b>COLUMN 2</b>		<b>COLUMN 3</b>			<b>ADDITIONAL CONTROLS</b>		
<b>PERMITTED USES</b>		<b>CONSENT USES</b>		<b>PROHIBITED USES</b>					
<ul style="list-style-type: none"><li>• Art and Craft Workshop</li><li>• *Bed and Breakfast</li><li>• Camping and Caravan Park</li><li>• Caretaker Accommodation</li><li>• Chalets Development</li><li>• Coffee Shop / Tea Garden</li><li>• Public / Private Street</li><li>• Tuck Shop</li><li>• Shop-General</li><li>• Place of Assembly</li><li>• Resort Development</li></ul>		<ul style="list-style-type: none"><li>• Agricultural Land</li><li>• Marina Infrastructure</li><li>• Place of Amusement</li><li>• Place of Assembly</li><li>• Recreational Building</li><li>• Shop - General</li><li>• Utilities Facility</li></ul>		Buildings and land uses not included in Columns 1 and 2.			<ul style="list-style-type: none"><li>• For provisions relating to parking and loading refer to Clause 3.1.2.4 and 3.1.2.5.</li><li>• *Refer to Bylaws for Bed &amp; Breakfast and Guest House Facilities.</li><li>• The development should not exceed 2ha</li><li>• Accommodation shall not exceed 50 habitable rooms/sleeping accommodation</li><li>• Commercial facilities shall not exceed 400m<sup>2</sup></li></ul>		
<b>DEVELOPMENT CONTROLS</b>									
<b>MINIMUM ERF SIZE</b>	<b>UNITS PER HECTARE</b>	<b>FRONTAGE (WIDTH)</b>	<b>STREET BUILDING LINE</b>	<b>SIDE BUILDING LINES</b>	<b>REAR BUILDING LINES</b>	<b>HEIGHT</b>	<b>COVERAGE</b>	<b>FAR</b>	
300m <sup>2</sup> & supported by a development plan	N/A	N/A	3m	2m or 1,5m per storey, whichever is greater		2	70%	0.80	

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### 2.6.17 LAND USE ZONE: HARBOUR RESORT

STATEMENT OF INTENT: The provision of land for mixed – use harbour resort purposes.									
USE OF LAND AND BUILDINGS									
COLUMN 1			COLUMN 2			COLUMN 3			
PERMITTED USES			CONSENT USES			PROHIBITED USES			
<ul style="list-style-type: none"><li>• Arts and Craft Outlets/workshop</li><li>• Camping and Caravan Facilities</li><li>• Caretaker Accommodation</li><li>• Chalet Development</li><li>• Heritage Purposes</li><li>• Harbour Infrastructure</li><li>• Harbour Management</li><li>• Hotel</li><li>• Marina Infrastructure</li><li>• Municipal Purposes</li><li>• Office – General</li><li>• Parking Erf / Parkade</li><li>• Place of Amusement</li><li>• Place of Assembly</li><li>• Private Recreational Use</li><li>• Public / Private Street</li><li>• Public Recreational Use</li><li>• Residential – Medium Density</li><li>• Residential Building</li><li>• Shop – General</li><li>• Utilities Facility</li><li>• Night Club/Tavern/Bar</li><li>• Car wash facility</li></ul>			<ul style="list-style-type: none"><li>• Agricultural Industry (Limited to Mari-Culture)</li><li>• Agricultural Land</li><li>• Commercial Workshop</li><li>• Educational Building</li><li>• Gambling Premises</li><li>• Industry – Light</li><li>• Industry-Service</li><li>• Place of Worship</li><li>• Railway Infrastructure</li><li>• Recreational Building</li><li>• Special Use</li><li>• Terminal – Passenger Liner</li><li>• Warehouse</li><li>• Automotive Showroom (for Sea Craft only)</li></ul>			<ul style="list-style-type: none"><li>• Buildings and land uses not included in Columns 1 and 2.</li></ul>			
ADDITIONAL CONTROLS									
<ul style="list-style-type: none"><li>• For provisions relating to parking and loading refer to Clause 3.1.2.4 and 3.1.2.5.</li><li>• For additional provisions refer to Clause 4.1.12.2</li></ul>									
DEVELOPMENT CONTROLS									
MINIMUM ERF SIZE	UNITS PER HECTARE	FRONTAGE (WIDTH)	STREET BUILDING LINE	SIDE BUILDING LINES	REAR BUILDING LINES	HEIGHT	COVERAGE	FAR	
N/A	N/A	N/A	7,5m	4,5m or 1,5m per storey, whichever is greater		At the sole discretion of Council and supported by a Development Plan			

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### 2.7 ZONE: CATEGORY: TRANSPORTATION AND ACCESS

#### 2.7.1 LAND USE ZONE: AIRPORT

STATEMENT OF INTENT: A zone that makes provision for aircraft landing and take-off, usually equipped with hangars, facilities for refuelling and repair, and various accommodation for passengers. Airports can be distinguished as follows: basic utility, general utility, general transport, long haul, medium haul, short haul, and/or heliport.								
USE OF LAND AND BUILDINGS								
COLUMN 1	COLUMN 2		COLUMN 3		ADDITIONAL CONTROLS			
PERMITTED USES	CONSENT USES		PROHIBITED USES					
<ul style="list-style-type: none"><li>• Agricultural Land</li><li>• Agricultural Building</li><li>• Agricultural Industry</li><li>• Automotive Showroom</li><li>• Commercial Workshop</li><li>• Intermodal Facilities</li><li>• Lodge</li><li>• Office-General</li><li>• Public Parking and Parkade</li><li>• Terminal – Airport / Airfield</li><li>• Utilities Facility</li><li>• Car wash facility</li><li>• Warehouse</li><li>• Hotel</li><li>• Residential Building</li><li>• Shop - General</li><li>• *Rooftop Telecommunication Infrastructure</li></ul>	<ul style="list-style-type: none"><li>• Educational Building</li><li>• *Freestanding Telecommunication Infrastructure</li><li>• Special Use</li></ul>		Buildings and land uses not included in Columns 1 and 2.		<ul style="list-style-type: none"><li>• Land uses specified in this table are permitted in the Airport Zone at Municipality’s sole discretion and must be specifically related to the functioning of the airport, as well as other works ancillary to the function of an airfield and subject to agreement being reached on the permissible floor area ratio, coverage and height restrictions, the placing of buildings on the site, on-site parking requirements and/or any other related matters by way of a site development plan in terms of this Scheme. Such site development plan shall have due consideration for any relevant regulations on airports and any related legislation as may be laid down from time to time by the Minister of Transport or any other responsible authority.</li><li>• For provisions relating to parking and loading refer to Clause 3.1.2.4 and 3.1.2.5.</li><li>• For additional provisions refer to Clause 4.1.14.1 and 4.1.14.2</li><li>• *All telecommunication infrastructure are subject to submission of Building plans for municipal approval.</li></ul>			
DEVELOPMENT CONTROLS								
MINIMUM ERF SIZE	UNITS PER HECTARE	FRONTAGE (WIDTH)	STREET BUILDING LINE	SIDE BUILDING LINES	REAR BUILDING LINES	HEIGHT	COVERAGE	FAR
N/A	N/A	N/A	7.5m	4.5m	4.5m	At the sole discretion of Council and supported by a Development Plan, if required by Council		

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### 2.7.2 LAND USE ZONE: RAILWAYS

STATEMENT OF INTENT: A zone that makes provision for railway routes, stations and passenger facilities, open areas for the storage and repairs of trains, and warehouses for freight operations.									
USE OF LAND AND BUILDINGS									
COLUMN 1		COLUMN 2		COLUMN 3		ADDITIONAL CONTROLS			
PERMITTED USES		CONSENT USES		PROHIBITED USES					
<ul style="list-style-type: none"><li>• Agricultural Land</li><li>• Caretaker Accommodation</li><li>• Harbour Infrastructure</li><li>• Public / Private Street</li><li>• Railway Infrastructure</li><li>• Terminal Railways</li><li>• Utilities Facility</li><li>• Industry-Bulk Storage</li><li>• Public Office</li><li>• Car wash facility</li></ul>		<ul style="list-style-type: none"><li>• Arts and Crafts Workshop</li><li>• Commercial Workshop</li><li>• Impoundment Area</li><li>• Informal Trade Area</li><li>• Municipal Purposes</li><li>• Place of Assembly</li><li>• Special Use</li><li>• Warehouse</li></ul>		Buildings and land uses not included in Columns 1 and 2.		<ul style="list-style-type: none"><li>• Railway lines will be developed and managed in accordance with the rules and regulations of the relevant authority including the Department of Transport and Transnet.</li><li>• Dwelling house must be ancillary to the primary use.</li><li>• For provisions relating to parking and loading refer to Clause 3.1.2.4 and 3.1.2.5.</li><li>• For additional provisions refer to Clause 4.1.13.1</li></ul>			
DEVELOPMENT CONTROLS									
MINIMUM ERF SIZE	UNITS PER HECTARE	FRONTAGE (WIDTH)	STREET BUILDING LINE	SIDE BUILDING LINES	REAR BUILDING LINES	HEIGHT	COVERAGE	FAR	
N/A	N/A	N/A	7,5m	3m	3m	At the sole discretion of Council and supported by a Development Plan, if required by Council			



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### 2.7.3 LAND USE ZONE: INTERMODAL FACILITY

<b>STATEMENT OF INTENT:</b> A zone that makes provision for the parking, drop-off and collection of passengers by public and private bus services and mini bus taxis. May include rank manager’s offices, ablutions and small retail facilities for the convenience of passengers.								
<b>USE OF LAND AND BUILDINGS</b>								
<b>COLUMN 1</b>		<b>COLUMN 2</b>		<b>COLUMN 3</b>			<b>ADDITIONAL CONTROLS</b>	
<b>PERMITTED USES</b>		<b>CONSENT USES</b>		<b>PROHIBITED USES</b>				
<ul style="list-style-type: none"><li>• Automotive Showroom</li><li>• Car Wash</li><li>• Commercial Workshop</li><li>• Educational Building</li><li>• Funeral Parlour</li><li>• Industry – Light</li><li>• Industry-Service</li><li>• Public Parking and Parkade</li><li>• Place of Amusement</li><li>• Place of Assembly</li><li>• Office-General</li><li>• Recreational Building</li><li>• Shop – General</li><li>• Special Use</li><li>• Informal Trade area</li><li>• Terminal – Intermodal Facility</li><li>• Utilities Facility</li><li>• Veterinary Purposes</li><li>• Lodge</li><li>• *Rooftop Telecommunication Infrastructure</li></ul>		<ul style="list-style-type: none"><li>• Gambling Premises</li><li>• Motor Vehicle Fitment Centre</li><li>• Truck Stop</li><li>• Special Use</li></ul>		Buildings and land uses not included in Columns 1 and 2.			<ul style="list-style-type: none"><li>• For provisions relating to parking and loading refer to Clause 3.1.2.4 and 3.1.2.5.</li><li>• For additional provisions refer to Clause 4.1.14.1 and 4.1.14.3</li><li>• *All telecommunication infrastructure are subject to submission of Building plans for municipal approval</li></ul>	
<b>DEVELOPMENT CONTROLS</b>								
<b>MINIMUM ERF SIZE</b>	<b>UNITS PER HECTARE</b>	<b>FRONTAGE (WIDTH)</b>	<b>STREET BUILDING LINE</b>	<b>SIDE BUILDING LINES</b>	<b>REAR BUILDING LINES</b>	<b>HEIGHT</b>	<b>COVERAGE</b>	<b>FAR</b>
N/A	N/A	N/A	7,5m	4,5m	4,5m	4	70%	2,00




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### 2.7.4 LAND USE ZONE: PUBLIC PARKING AND PARKADE

STATEMENT OF INTENT: A zone that reserves land for vehicular parking purposes.								
USE OF LAND AND BUILDINGS								
COLUMN 1		COLUMN 2		COLUMN 3		ADDITIONAL CONTROLS		
PERMITTED USES		CONSENT USES		PROHIBITED USES				
<ul style="list-style-type: none"><li>• Parkade</li><li>• Public / Private Street</li><li>• *Rooftop Telecommunication Infrastructure</li></ul>		<ul style="list-style-type: none"><li>• Office-General (ancillary to a parking erf / parkade and on ground floor only)</li><li>• Shop - General (ancillary to a parking erf / parkade and on ground floor only)</li><li>• Utilities Facility</li><li>• Car Wash Facility (ancillary to a parking erf / parkade)</li></ul>		Buildings and land uses not included in Columns 1 and 2.		<ul style="list-style-type: none"><li>• Shop is restricted to the ground floor and its gross area shall not exceed the equivalent of 20% of the floor area used for parking.</li><li>• For additional provisions refer to Clause 3.1.2.4.3.</li><li>• For additional provisions refer to Clause 4.1.15.</li><li>• *All telecommunication infrastructure are subject to submission of Building plans for municipal approval</li></ul>		
DEVELOPMENT CONTROLS								
MINIMUM ERF SIZE	UNITS PER HECTARE	FRONTAGE (WIDTH)	STREET BUILDING LINE	SIDE BUILDING LINES	SIDE BUILDING LINES	HEIGHT	COVERAGE	FAR
N/A	N/A	N/A	7.5m	4,5m or 1,5m per storey, whichever is greater		UR	100%	3,00

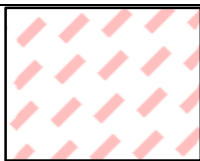
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### 2.7.5 LAND USE ZONE: TRUCK STOP

<b>STATEMENT OF INTENT:</b> A zone that makes provision for the servicing, maintenance or repair of commercial vehicles including the dispensing of motor fuel or other petroleum products directly into motor vehicles and the sale of accessories or equipment for trucks and similar commercial vehicles. A truck stop may also include overnight accommodation and restaurant facilities primarily for the use of truck crews.								
USE OF LAND AND BUILDINGS								
COLUMN 1		COLUMN 2		COLUMN 3			ADDITIONAL CONTROLS	
PERMITTED USES		CONSENT USES		PROHIBITED USES				
<ul style="list-style-type: none"><li>• Industry - Service</li><li>• Municipal Purposes</li><li>• Parking Area / Parkade</li><li>• Parking Garage</li><li>• Place of Amusement</li><li>• Place of Assembly</li><li>• Place of Worship (restricted to a chapel)</li><li>• Private Recreational Use</li><li>• Public Office (restricted to a clinic)</li><li>• Recreational Building</li><li>• *Rooftop Telecommunication Infrastructure</li><li>• Shop – General(For exclusive use of truck drivers)</li><li>• *Freestanding Telecommunication Infrastructure</li><li>• Terminal – Truck</li><li>• Lodge (For exclusive use of truck drivers)</li><li>• Automotive Workshop</li></ul>		<ul style="list-style-type: none"><li>• Gambling Premises</li><li>• Special Use</li></ul>		Buildings and land uses not included in Columns 1 and 2.			<ul style="list-style-type: none"><li>• For provisions relating to parking and loading refer to Clause 3.1.2.4 and 3.1.2.5.</li><li>• For additional provisions refer to Clause 4.1.14.1 and 4.1.14.4</li><li>• *All telecommunication infrastructure are subject to submission of Building plans for municipal approval</li></ul>	
DEVELOPMENT CONTROLS								
MINIMUM ERF SIZE	UNITS PER HECTARE	FRONTAGE (WIDTH)	STREET BUILDING LINE	SIDE BUILDING LINES	REAR BUILDING LINES	HEIGHT	COVERAGE	FAR
N/A	N/A	N/A	7,5m	4,5m	4,5m	3	70%	2,00


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### 2.7.6 LAND USE ZONE: UTILITIES AND SERVICES

<b>STATEMENT OF INTENT:</b> A zone that provides for the designation and management of land set aside for uses such as substations, public utilities and sewerage pump stations. Underground pipes/services and overhead lines are usually contained within a services servitude over a parcel of land which is zoned for a specific use and is not given a separate or specific zone. The impact of these uses within servitudes is usually managed through the Environmental Impact Assessment process.									
<b>USE OF LAND AND BUILDINGS</b>									
<b>COLUMN 1</b>		<b>COLUMN 2</b>		<b>COLUMN 3</b>			<b>ADDITIONAL CONTROLS</b>		
<b>PERMITTED USES</b>		<b>CONSENT USES</b>		<b>PROHIBITED USES</b>					
<ul style="list-style-type: none"><li>• Agricultural Building</li><li>• Agricultural Land</li><li>• *Community Garden</li><li>• Freestanding Telecommunication Infrastructure</li><li>• Harbour Infrastructure</li><li>• Marina Infrastructure</li><li>• Municipal Purposes</li><li>• Public / Private Street</li><li>• Railway Infrastructure</li><li>• **Rooftop Telecommunication Infrastructure</li><li>• Utilities Facility</li></ul>		<ul style="list-style-type: none"><li>• Agricultural Industry</li><li>• Special Use</li></ul>		Buildings and land uses not included in Columns 1 and 2.			<ul style="list-style-type: none"><li>• For provisions relating to parking and loading refer to Clause 3.1.2.4 and 3.1.2.5;</li><li>• *Refer to Clause 4.1.3.2.</li><li>• For additional provisions refer to Clause 4.1.16</li><li>• **All telecommunication infrastructure are subject to submission of Building plans for municipal approval</li></ul>		
<b>DEVELOPMENT CONTROLS</b>									
<b>MINIMUM ERF SIZE</b>	<b>UNITS PER HECTARE</b>	<b>FRONTAGE (WIDTH)</b>	<b>STREET BUILDING LINE</b>	<b>SIDE BUILDING LINES</b>	<b>REAR BUILDING LINES</b>	<b>HEIGHT</b>	<b>COVERAGE</b>	<b>FAR</b>	
N/A	N/A	N/A	7,5m	4,5m	4,5m	At the sole discretion of Council			


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### 2.7.7 LAND USE ZONE: EXISTING ROAD

<b>STATEMENT OF INTENT:</b> This zone makes provision for the protection of existing and proposed roads and road reserves as a means to enable an unhindered movement of vehicular and pedestrian traffic.								
<b>USE OF LAND AND BUILDINGS</b>								
<b>COLUMN 1</b>		<b>COLUMN 2</b>				<b>COLUMN 3</b>		
<b>PERMITTED USES</b>		<b>CONSENT USES</b>				<b>PROHIBITED USES</b>		
<ul style="list-style-type: none"><li>• Parking Erf / Parkade</li><li>• Public Street</li><li>• Road Reserves</li><li>• Utilities Facility</li><li>• Existing Private Road</li></ul>		<ul style="list-style-type: none"><li>• Informal Trade Area</li><li>• Special Use</li><li>• Terminal – Intermodal Facility</li></ul>				<ul style="list-style-type: none"><li>• Buildings and land uses not included in Columns 1 and 2.</li></ul>		
<b>ADDITIONAL CONTROLS</b>								
<ul style="list-style-type: none"><li>• National roads are subject to the rules and regulations of SANRAL.</li><li>• Provincial roads are subject to the rules and regulations of the Department of Transport.</li><li>• Local access roads and streets are subject to the rules and regulations of the Municipality.</li><li>• For provisions relating to parking and loading refer to Clause 3.1.2.4 and 3.1.2.5.</li><li>• Design and construction subject to the engineering specifications prescribed by Council.</li></ul>								
<b>DEVELOPMENT CONTROLS</b>								
<b>MINIMUM ERF SIZE</b>	<b>UNITS PER HECTARE</b>	<b>FRONTAGE (WIDTH)</b>	<b>STREET BUILDING LINE</b>	<b>SIDE BUILDING LINES</b>	<b>REAR BUILDING LINES</b>	<b>HEIGHT</b>	<b>COVERAGE</b>	<b>FAR</b>
N/A	N/A	N/A	N/A	N/A	N/A	At the sole discretion of Council		


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### 2.7.8 LAND USE ZONE: PROPOSED NEW ROAD

<b>STATEMENT OF INTENT:</b> A zone that makes provision for the reservation of land designated as proposed new roads and areas for road widening.								
<b>USE OF LAND AND BUILDINGS</b>								
<b>COLUMN 1</b>	<b>COLUMN 2</b>		<b>COLUMN 3</b>			<b>ADDITIONAL CONTROLS</b>		
<b>PERMITTED USES</b>	<b>CONSENT USES</b>		<b>PROHIBITED USES</b>					
<ul style="list-style-type: none"><li>• Public and Private Street</li><li>• Utilities Facility</li></ul>	<ul style="list-style-type: none"><li>• Agricultural Land</li><li>• Special Use</li></ul>		Buildings and land uses not included in Columns 1 and 2.			<ul style="list-style-type: none"><li>• At the sole discretion of Council</li><li>• Design and construction subject to the engineering specifications prescribed by Council.</li><li>• For provisions relating to parking and loading refer to Clause 3.1.2.4 and 3.1.2.5.</li></ul>		
<b>DEVELOPMENT CONTROLS</b>								
<b>MINIMUM ERF SIZE</b>	<b>UNITS PER HECTARE</b>	<b>FRONTAGE (WIDTH)</b>	<b>STREET BUILDING LINE</b>	<b>SIDE BUILDING LINES</b>	<b>REAR BUILDING LINES</b>	<b>HEIGHT</b>	<b>COVERAGE</b>	<b>FAR</b>
N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

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### 2.7.9 LAND USE ZONE: REFUSE SITE

<b>STATEMENT OF INTENT:</b> This zone makes provision for disposal works and infrastructure necessary to permanently dispose of, or recycle, solid waste.									
<b>USE OF LAND AND BUILDINGS</b>									
<b>COLUMN 1</b>		<b>COLUMN 2</b>		<b>COLUMN 3</b>			<b>ADDITIONAL CONTROLS</b>		
<b>PERMITTED USES</b>		<b>CONSENT USES</b>		<b>PROHIBITED USES</b>					
<ul style="list-style-type: none"><li>• Incinerator</li><li>• Industry – Noxious (limited to a refuse site)</li><li>• Industry - Salvage</li><li>• Landfill Site</li><li>• Municipal Purposes</li><li>• Utilities Facility</li><li>• Waste Recycling Centre</li><li>• Waste Transfer / Recycling Centre</li><li>• Waste Transfer and/or Drop-Off Station</li></ul>		<ul style="list-style-type: none"><li>• Agricultural Land</li><li>• Agricultural Building</li></ul>		Buildings and land uses not included in Columns 1 and 2.			<ul style="list-style-type: none"><li>• Refuse disposal sites should comply with the requirements of the National Environmental Management: Waste Act, 2008 (Act 59 of 2008)</li><li>• For provisions relating to parking and loading refer to Clause 3.1.2.4 and 3.1.2.5;</li><li>• For additional provisions refer to Clause 4.1.16</li></ul>		
<b>DEVELOPMENT CONTROLS</b>									
<b>MINIMUM ERF SIZE</b>	<b>UNITS PER HECTARE</b>	<b>FRONTAGE (WIDTH)</b>	<b>STREET BUILDING LINE</b>	<b>SIDE BUILDING LINES</b>	<b>REAR BUILDING LINES</b>	<b>HEIGHT</b>	<b>COVERAGE</b>	<b>FAR</b>	
N/A	N/A	N/A	7,5m	4,5m	4,5m	At the sole discretion of Council			




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### 2.7.10 LAND USE ZONE: WATERWORKS


<b>STATEMENT OF INTENT:</b> A zone that makes provision for reservoirs, waterworks and infrastructure necessary for the municipality or water service authority to deliver water.								
<b>USE OF LAND AND BUILDINGS</b>								
<b>COLUMN 1</b>		<b>COLUMN 2</b>		<b>COLUMN 3</b>		<b>ADDITIONAL CONTROLS</b>		
<b>PERMITTED USES</b>		<b>CONSENT USES</b>		<b>PROHIBITED USES</b>				
<ul style="list-style-type: none"><li>• Freestanding Telecommunication Infrastructure</li><li>• Municipal Purposes</li><li>• Rooftop Telecommunication Infrastructure</li><li>• Utilities Facility</li></ul>		<ul style="list-style-type: none"><li>• Special Use</li></ul>		Buildings and land uses not included in Columns 1 and 2.		<ul style="list-style-type: none"><li>• For provisions relating to parking and loading refer to Clause 3.1.2.4 and 3.1.2.5;</li><li>• For additional provisions refer to Clause 4.1.16.1</li></ul>		
<b>DEVELOPMENT CONTROLS</b>								
<b>MINIMUM ERF SIZE</b>	<b>UNITS PER HECTARE</b>	<b>FRONTAGE (WIDTH)</b>	<b>STREET BUILDING LINE</b>	<b>SIDE BUILDING LINES</b>	<b>REAR BUILDING LINES</b>	<b>HEIGHT</b>	<b>COVERAGE</b>	<b>FAR</b>
N/A	N/A	N/A	7,5m	4,5m	4,5m	At the sole discretion of Council		

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### 2.7.11 LAND USE ZONE: SEWERAGE WORKS

<b>STATEMENT OF INTENT:</b> A zone that makes provision for sewerage treatment works and associated infrastructure necessary for the municipality to treat sewerage.								
<b>USE OF LAND AND BUILDINGS</b>								
<b>COLUMN 1</b>		<b>COLUMN 2</b>		<b>COLUMN 3</b>		<b>ADDITIONAL CONTROLS</b>		
<b>PERMITTED USES</b>		<b>CONSENT USES</b>		<b>PROHIBITED USES</b>				
<ul style="list-style-type: none"><li>• Freestanding Telecommunication Infrastructure</li><li>• Industry – Noxious (limited to sewage treatment or sewage macerators)</li><li>• Municipal Purposes</li><li>• Rooftop Telecommunication Infrastructure</li><li>• Utilities Facility</li></ul>		<ul style="list-style-type: none"><li>• Special Use</li></ul>		Buildings and land uses not included in Columns 1 and 2.		At the sole discretion of Council		
<b>DEVELOPMENT CONTROLS</b>								
<b>MINIMUM ERF SIZE</b>	<b>UNITS PER HECTARE</b>	<b>FRONTAGE (WIDTH)</b>	<b>STREET BUILDING LINE</b>	<b>SIDE &amp; REAR BUILDING LINES</b>		<b>HEIGHT</b>	<b>COVERAGE</b>	<b>FAR</b>
N/A	N/A	N/A	7,5m	4,5m		At the sole discretion of Council		

### 2.8 LAND USE ZONE: UNDETERMINED

<b>STATEMENT OF INTENT:</b> This zone makes provision for primarily municipal owned land to be managed until such time as more detailed, permanent zonings are determined				Fill: White; R 000, G 000, B 000			
<b>USE OF LAND AND BUILDINGS</b>							
<b>COLUMN 1</b>		<b>COLUMN 2</b>		<b>COLUMN 3</b>		<b>ADDITIONAL CONTROLS</b>	
<b>PERMITTED USES</b>		<b>CONSENT USES</b>		<b>PROHIBITED USES</b>			
<ul style="list-style-type: none"><li>• Agricultural Building</li><li>• Agricultural Land</li><li>• Community Garden</li><li>• Municipal Purposes</li><li>• Public Street</li><li>• Recreational Building</li><li>• Utilities Facility</li></ul>		<ul style="list-style-type: none"><li>• New Servitude, 15m or Wider</li><li>• Any temporary building or land use not in conflict with any condition registered against the Title of the land subject to the approval in lieu of the Consent of the Council</li></ul>		Buildings and land uses not included in Columns 1 and 2.		At the sole discretion of Council	
<b>DEVELOPMENT CONTROLS</b>							
<b>MINIMUM ERF SIZE</b>	<b>UNITS PER HECTARE</b>	<b>FRONTAGE (WIDTH)</b>	<b>STREET; SIDE &amp; REAR BUILDING LINES</b>	<b>HEIGHT</b>	<b>COVERAGE</b>	<b>FAR</b>	
N/A	N/A	N/A	N/A	At the sole discretion of Council			

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### 2.9 NON-CONFORMING LAND USE ZONES (SPLIT ZONES)

<b>STATEMENT OF INTENT:</b> This zone makes provision for non-conforming land uses. There is a separate layer which provide detail on what non-conforming land uses zones are found on each Erf. The Split Zoning is only applicable on will apply on existing developments.						<b>Refer to Scheme Map</b>	
<b>USE OF LAND AND BUILDINGS</b>							
<b>COLUMN 1</b>		<b>COLUMN 2</b>		<b>COLUMN 3</b>		<b>ADDITIONAL CONTROLS</b>	
<b>PERMITTED USES</b>		<b>CONSENT USES</b>		<b>PROHIBITED USES</b>			
• Subject to subdivision		• Subject to subdivision		Subject to subdivision			
<b>DEVELOPMENT CONTROLS</b>							
<b>MINIMUM ERF SIZE</b>	<b>UNITS PER HECTARE</b>	<b>FRONTAGE (WIDTH)</b>	<b>STREET; SIDE &amp; REAR BUILDING LINES</b>		<b>HEIGHT</b>	<b>COVERAGE</b>	<b>FAR</b>
N/A	N/A	N/A	N/A		At the sole discretion of Council		

#### 2.9.1 SPLIT ZONING

Accordingly, ALL Split Zones be subdivided and/or consolidated in order to create individual ERVEN and subsequently allocate land use zones or landowner be advised of the non-compliance and consequences thereof.

## SECTION 3: GENERAL CONTROLS

### 3.1 PROVISIONS APPLICABLE TO DESIGN AND DEVELOPMENT OF SITES

#### 3.1.1 GENERAL MATTERS FOR CONSIDERATION DURING SITE DESIGN AND DEVELOPMENT

##### 3.1.1.1 DEVELOPMENT PLANS

3.1.1.1.1 The Council may from time to time, for the purpose of the co-ordinated allocation of land, use rights and restrictions as contemplated in this Scheme and as a requisite for development:

- a) compile development plans in respect of specific areas; and/or
- b) instruct a prospective developer to submit to the Council, within a specified period of time, development plans in respect of a specific area.

3.1.1.1.2 Any detail Development Plan Proposal, as may be requested by the Council shall acknowledge recommendations stemming from previous research conducted at and /or guidelines adopted by the uMhlathuze Municipality.

3.1.1.1.3 The Council may require that development plans provide for specialist studies and approvals, the design and layout proposals and a program of development. Such development plans may serve as an annexure to the Scheme or as a Management Overlay, but except where the Council has formally resolved thereupon, shall not in any manner whatsoever be deemed to be a part of the Scheme.

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### **3.1.1.2 RESTRICTION ON AREAS LIKELY TO BE SUBJECT TO FLOODING, GEOTECHNICALLY CONSTRAINED AREAS AND STEEP SLOPES**

3.1.1.2.1 Where, in the opinion of Council, a site may be restrained from a flood, geotechnical or slope perspective, the Council may request the developer to undertake a site specific floodline, geotechnical and / or slope assessment prior to or in conjunction with a development application.

3.1.1.2.2 The Council may prohibit or restrict the erection or use of any building or the development or use of any land, where the site is situated below the 1 in 100 year floodline. Development of such site may further be subject to approval and/or restrictions in terms of the National Water Act (Act No. 36 of 1998) and its Regulations, as amended.

3.1.1.2.3 The Council may prohibit or restrict the erection or use of any building or the development or use of any land, which, in the opinion of Council, is likely to be restrained from a geotechnical perspective.

3.1.1.2.4 Development on slopes steeper than 18 degrees is not recommended. Where developers/consultants provide for development on steep slopes, a detailed geotechnical assessment would be required to specify recommendations regarding slope stability, storm water management and erosion control measures, founding conditions and other factors to be considered.

### **3.1.1.3 RESTRICTION ON ENVIRONMENTALLY SENSITIVE AREAS**

3.1.1.3.1 Council's Environmental Services Management Plan was developed as a planning tool in order to protect sensitive areas and to retain ecological functioning of an area. The Council may therefore prohibit or restrict the destruction of environmentally sensitive areas identified in terms of the aforementioned plan, whether such transformation is authorized by another sphere of government or not.

### **3.1.1.4 RESTRICTION ON AREAS THAT MAY BE SUBJECT TO POLLUTION**

3.1.1.4.1 Council's Air Quality Buffer Areas were developed as a planning tool to limit the impacts of air pollution on the health and well-being of its residents and visitors. The Council may therefore prohibit or restrict the development within areas which would result in additional air pollution load within the areas identified in terms of the aforementioned buffers, whether such transformation or development is authorized by another governmental department or not.

3.1.1.4.2 No industrial development or industrial expansion that may emit certain criteria air pollutants, or fractions thereof, shall be allowed within the "Potential Health Impact Buffer Zone" as adopted by Council. Criteria pollutants include Sulphur Dioxide (SO<sub>2</sub>) and inhalable particulates (PM<sub>10</sub>) and may include other pollutants suspected of impacting on the health and well-being of people. The location of an industry/development area which falls partly within the Potential Health Impact Zone and partly within another Zone, shall be deemed to fall within the Potential Health Impact Zone.

3.1.1.4.3 No industrial development or industrial expansion that may emit certain criteria air pollutants shall be allowed within the "Alert Zone", as adopted by Council, without first making use of an air quality model acceptable to Council, at the developer's own cost, to predict how emissions would influence the Buffer Zones or the cumulative effect of air pollution. The outcome/s of the modelling would determine whether the proposed location for industrial development is acceptable or not. Criteria pollutants include Sulphur Dioxide (SO<sub>2</sub>) and inhalable particulates (PM<sub>10</sub>), and may include other pollutants suspected of impacting on the health and well-being of the public. The location of an

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industry/development area which falls partly within the Alert Zone and partly within another Zone, other than the Potential Health Impact Zone, shall be deemed to fall within the Alert Zone.

- 3.1.1.4.4 Where industrial development that may emit certain criteria air pollutants is proposed to take place within an area that is not affected by an Air Quality Buffer Area, but such proposed development area is within 500 meters of an existing Air Quality Buffer Area, Council may direct the developer to follow the process as set out in Clause 3.1.1.4.3 above.

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- 3.1.1.4.5 The provisions of Clause 3.1.1.4.2 to 3.1.1.4.4 may be relaxed at the sole discretion of Council, subject to:
- a) the recommendations of an air quality / pollution study conducted by an independent specialist consultant acceptable to Council, and at the developer's costs, to prove that criteria pollutants will not have a negative impact on ambient air quality standards or on the health and well-being; and/or;
  - b) recommendations by the relevant authority responsible for compliance with the National Environmental Management Air Quality Act, 2004 (as amended); and/or;
  - c) the industry complying with the requirements of the National Environmental Management Air Quality Act, 2004 (as amended); and
  - d) the issuing of a certificate by the Municipal Manager, upon recommendation by the Deputy Municipal Manager responsible for Environmental Health matters and the Deputy Municipal Manager responsible for Planning matters, stating that Clauses 3.1.1.4.2, 3.1.1.4.3 and/or 3.1.1.4.4 may be relaxed based on the outcomes of (a) – (c) above.
- 3.1.1.4.6 All activities shall comply with Council's relevant Waste and Water Services Bylaws.
- 3.1.1.4.7 Any activity conducted on land zoned or used for industrial purposes, and which is deemed to be offensive or dangerous or injurious to the public health, shall *inter alia* be dealt with in terms of Council's Bylaws. Council reserves the right to consider these types of activities as a "Industry-Noxious", as defined in the Scheme.
- 3.1.1.5 UN-SERVICED AREAS
- 3.1.1.5.1 Costs associated with the provision of additional services and the payment of bulk engineering services contributions will be for the account of the developer/owner/applicant, or as per the written agreement reached between the developer/owner/applicant and Council.
- 3.1.1.5.2 The Council may prohibit or restrict, whether wholly or partially and either indefinitely or for a period to be determined by the Council, the erection of any building or the development or use of any land in any undeveloped part or parts of the area of the Scheme pending the extension thereto of streets, sewer, water, electricity or other essential public services.
- 3.1.1.5.3 The owner of un-serviced land who desires to commence with any building operations on such portion of land and which would contravene Clause 3.1.1.5.2 above may apply to the Council for its approval of the carrying out of the operations specified in the application. In these cases, all costs associated with the provision, extension or upgrade of bulk, link and internal services shall be for the account of the applicant.

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### **3.1.1.6 ROADS, ACCESS, SURFACES AND DRAINAGE**

- 3.1.1.6.1 Road design shall consider any applicable Road Framework Plan/s and relevant standards set by Council.
- 3.1.1.6.2 Vehicular ingress to and egress from any Erf or Site, from and to respectively, the Public Street System, shall be located, constructed and maintained to the satisfaction of the Council. Approval of the number of vehicular access points shall be at the sole discretion of the Council.
- 3.1.1.6.3 All surfaces accessible by vehicles shall be hardened and permeable and maintained in a dust free condition to the satisfaction of the Council.
- 3.1.1.6.4 The drainage of the site and arrangements and methods for the disposal of waste- and stormwater shall comply with Council's relevant Waste and Water Services Bylaws.
- 3.1.1.6.5 Stormwater and wastewater control measures shall be implemented to avoid polluted water and run-off from entering the natural system. The installation of the necessary pollution control mechanisms, such as grease traps, etc. may be required and shall be undertaken to the satisfaction of Council.

### **3.1.1.7 TRAFFIC GENERATING SITES**

- 3.1.1.7.1 Council may, at its sole discretion, request the submission of a Traffic Impact Assessment to determine the impact that a development may have on the existing and future road networks.
- 3.1.1.7.2 Such assessment shall include any issues that Council may deem relevant, such as an assessment of pedestrian movement, the impact of the development on Public Transport Systems, road improvements, etc.
- 3.1.1.7.3 The outcomes of such assessment shall be implemented at the Developer's cost.

### **3.1.1.8 WASTE MANAGEMENT**

- 3.1.1.8.1 On-site waste management shall be subject to Council's Solid Waste Bylaws.
- 3.1.1.8.2 The storage of waste other than domestic waste must consider the risks associated with the storage of dangerous / hazardous goods, and implement safety provisions specified in terms of relevant legislation and SABS standards specifications and codes of practice.

### **3.1.1.9 PROVISION OF PUBLIC FACILITIES**

- 3.1.1.9.1 The Council may direct a developer to provide any public facilities it may deem necessary for the development as informed by:
  - a) Guidelines for Human Settlement Planning and Design, published by the CSIR (the "Red Book" guidelines);
  - b) Guidelines for Planning Community Facilities in Kwazulu-Natal, as published by the Provincial Planning and Development Commission in 2008;
  - c) this Scheme;
  - d) Engineering Standards; and/or

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- e) any plans or policies developed by the Municipality.

3.1.1.9.2 A minimum of 25% of land in a residential development should account for usable open space areas, depending on factors such as population density and proximity to natural open space and to the satisfaction of Council. Council may exclude open space areas from this calculation that cannot easily be accessed or utilized by the public, such as floodline areas, densely vegetated areas, steep slopes, services servitudes, etc.

### 3.1.2 SITE SPECIFIC DESIGN

#### 3.1.2.1 SITE DEVELOPMENT PLANS

3.1.2.1.1 The Council may from time-to-time for the purpose of the coordinated allocation of land use rights and restrictions as contemplated in this Scheme and as a requisite for development, instruct prospective owners/developers to submit within a specified period of time to Council site development plans in respect of a specific area.

3.1.2.1.2 Any Site Development Plan shall, must to the satisfactory of Council, acknowledge recommendations stemming from the Municipality..

3.1.2.1.3 The Site Development Plan shall amongst others provide for but not be limited to:

- a) a to-scale drawing of the site/s, building lines applicable, town planning bulk factors and controls (Floor Area Ratio, Coverage and Height factors), existing services, existing and proposed servitudes, contours, stormwater disposal data; stormwater management plan (as advised by the municipality), etc.
- b) the design and layout of proposals including details as to the functioning thereof;
- c) a programme of development;
- d) an Environmental Management Plan;
- e) landscaping proposals;
- f) details of and programme for the provision of essential services including storm water, sewerage disposal, pollution control, electricity and solid waste disposal;
- g) traffic engineering details on the vehicular and pedestrian elements thereof, their implementation and management;
- h) details as to the project management ownership, mechanisms, control and monitoring through construction phases till project completion;
- i) energy efficiency measures
- j) any other additional information if so required by Council.



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### **3.1.2.2 GENERAL PROVISIONS APPLICABLE TO SITE DESIGN**

3.1.2.2.1 In the absence of any specific planning guidelines, the “Guidelines for Human Settlement Planning and Design, published by the CSIR (the “Red Book” guidelines)” shall apply.

3.1.2.2.2 The Council may request any specialist study it may deem necessary to inform its decision regarding a planning application.

3.1.2.2.3 The siting of any buildings, access and structures intended to be erected or the development or use of any land shall take due cognisance of efficiency of resource use, quality of place, movement and connectivity, sustainability, crime prevention through environmental design and other design elements to the satisfaction of the Council.

3.1.2.2.4 The siting of any buildings access and structures intended to be erected or the development or use of any land shall be subject to the approval of the Council and persons intending to erect buildings or use land shall, before commencing, apply to the Council for approval of the siting, use or development.

3.1.2.2.5 In respect of any application to develop an Erf, the Council may, if it deems fit:

- a) determine the position and number of vehicular or pedestrian points of access;
- b) prevent or encourage pedestrian or vehicular access across any boundary or boundaries and require that a suitable fence, wall or other measures be erected or implemented to prevent or encourage such access;
- c) require buildings to face onto the street frontage;
- d) require buildings to face onto open space areas to increase surveillance;
- e) require provision of utility areas such as refuse collection points, washing line areas, storage and loading areas, etc.;
- f) require the provision of screens to screen off unsightly areas;
- g) prescribe buildings to face north-east or prescribe minimum distance between buildings to allow for adequate solar access;
- h) require landscaping, security measures and adequate lighting of the site; etc

### **3.1.2.2.6 ACCESS AND DRIVEWAYS**

3.1.2.2.6.1 No residential site may have more than 2 driveways, of which the first one is freely permitted and the second one is permitted through Council’s approval.

3.1.2.2.6.2 The width of a driveway may not be in excess of 4.3m

3.1.2.2.6.3 Driveways on the bend are completely prohibited

### **3.1.2.3 STREET, SIDE AND REAR BUILDING LINES**

#### **3.1.2.3.1 GENERAL PROVISIONS APPLICABLE TO STREET BUILDING LINES**

3.1.2.3.1.1 All erven, except where otherwise stated, shall be subject to a street building line as outlined in this Scheme for each land use zone.

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- 3.1.2.3.1.2 Development along national and provincial roads shall comply with the standards set down in the KwaZulu-Natal Roads Act, 2001, (Act No. 4 of 2001), as amended, and the South African National Roads Agency and may not be relaxed by the Council, without the consent of the relevant roads authority. The street building line restrictions are generally as follows:
- |                                       |  |
|---------------------------------------|--|
| a) National Roads                     | 20m measured from the edge of the road reserve boundary, subject also to any title deed restriction. |
| b) Provincial Main and District roads | 15m measured from the edge of the road reserve boundary.   |
| c) Un-surveyed Main Roads             | 30m measured from the centre line of the road.   |
| d) Un-surveyed District Roads         | 25m measured from the centre line of the road.   |
- 3.1.2.3.1.3 Where a street building line is laid down, no building other than boundary walls, fences, pergolas or architectural and garden features, shall be erected between the building line and the street line. Where a new road or road widening is required, the building line is to be set back so as to take into consideration any such new road or widening.
- 3.1.2.3.2 STREET BUILDING LINE RELAXATIONS
- 3.1.2.3.2.1 The Council may, in its discretion and if the same is endorsed by the adjacent property owners or alternatively by Consent, relax the building line if:
- the architectural effect will enhance the appearance of the street and contribute to public amenity;
  - on account of the siting of existing buildings already located in front of the building line, or the shape, size or levels of the Erf, the enforcement of these controls will, in the opinion of the Council, render the development of the Erf unreasonably difficult; and
  - any other special circumstances as determined by the Council.
- 3.1.2.3.2.2 The following relaxations will not be permitted:
- single storey structures closer than 4.0 meters of the street building lines applicable to residential zoned erven 600 square metres and larger, and 2,0 metres on residential zoned erven smaller than 600 square metres for any habitable room (such as a patio, lounge, bedroom, etc.); and
  - double storey structures not closer than 3 metres of the street building line applicable to residential zoned erven irrespective of the erf size for any habitable room (such as a patio, balcony, staircase, lounge, bedroom, etc.)
- 3.1.2.3.2.3 The Council may, in its discretion, permit in any zone any building to be erected closer to any boundary than the distance specified in these clauses if on account of the siting of existing buildings or the shape, size or levels of the Erf, the enforcement of these controls will, in the opinion of the Council, render the development of the Erf unreasonably difficult. In considering any application under this clause the Council shall have due regard to any possible detrimental effect on adjoining properties.
- 3.1.2.3.2.4 Notwithstanding the provisions of the above clauses and in the case of swimming pools, the building line may be relaxed at the discretion of the Council to no less than 1 metre; provided that

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where a pool is to be constructed so that any portion of it is within 5 metres of a road boundary such pool shall be screened to the satisfaction of the Council.

### **3.1.2.3.3 SIDE AND REAR BUILDING LINES**

a) No relaxation to the boundary will be permitted on both sides of the property, unless either one side enjoys access to the area of the property.

b) All erven, except where otherwise stated, shall be subject to a 2 meter side and rear building line restriction.

c) No double story can be relaxed to the boundary

### **3.1.2.3.4 RELAXATION OF SIDE AND REAR BUILDING LINES**

3.1.2.3.4.1 The Council may authorise the erection of single storey main building or outbuildings on the side and rear boundaries provided the owners of properties contiguous to the affected boundaries have indicated in writing that they would have no objection to such authorization.

3.1.2.3.4.2 The Council may, in its discretion, permit in any zone any building to be erected closer to any boundary than the distance specified in these clauses if on account of the siting of existing buildings or the shape, size or levels of the Erf, the enforcement of these controls will, in the opinion of the Council, render the development of the Erf unreasonably difficult. In considering any application under this clause the Council shall have due regard to any possible detrimental effect on adjoining properties.

3.1.2.3.4.3 Where access to parking courts is required, the side building line of affected erven shall be calculated from the boundaries of such access road.

### **3.1.2.4 PARKING REQUIREMENTS**

#### **3.1.2.4.1 THE GENERAL PROVISIONS AND CALCULATION OF PARKING BAYS REQUIRED**

3.1.2.4.1.1 Any person intending to erect, alter or extend a building or develop or use any Erf shall provide on-site parking within the boundaries of the site in accordance with the standards and requirements set out in Tables 2A, 2B and 2C.

3.1.2.4.1.2 When computing the total number of parking and loading spaces required in respect of any specific use or building, such number shall be determined to the greater whole number.

3.1.2.4.1.3 Where the use proposed is not contained in this document, parking shall be provided at the discretion of the Deputy Municipal Manager: City Development.

3.1.2.4.1.4 Except where otherwise determined, a parking space, inclusive of maneuvering area, which is provided on a site except a site which is reserved in terms of the scheme as a public car park, shall be 30m<sup>2</sup> in extent.

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### 3.1.2.4.2 RELAXATION OF PARKING REQUIREMENTS

3.1.2.4.2.1 Subject to its approval or consent thereto being sought in writing, the Authorised Official delegated in terms of Spatial Planning and Land Use Management Act may relax the parking requirements imposed:

- a) in respect of where employees utilize public transport;
- b) dependent of the nature of land use, clientele and staff and/or
- c) a mixed use development which does not utilise parking use concurrently

3.1.2.4.2.2 The Authorised Official delegated in terms of Spatial Planning and Land Use Management Act may relax the parking bay requirement to a maximum of 25% upon consideration of circumstances.

3.1.2.4.2.3 The Council may at any time vary the foregoing requirements if the character or type of activity being conducted on a site is changed or altered to an extent which, in the opinion of the Council, materially alters the number and type of vehicles generated by the site, provided that in no case shall such variation of requirements result in the number of vehicular parking spaces provided or to be provided exceed the parking requirements set out in Tables 2A, 2B and 2C for the amended use or uses.

3.1.2.4.2.4 The terms "Parkade" and "Parking Area" in respect of any specific Use Zones shall not be deemed to restrict or prohibit the provision of parking required to be provided in terms of this Clause nor shall such inclusion be deemed to absolve any person from due compliance with the provisions of this Clause.

### 3.1.2.4.3 THE DESIGN, CONSTRUCTION AND MAINTENANCE OF PARKING AREAS OR PARKADES

3.1.2.4.3.1 For the purposes of this clause, "Parking Area" shall refer to both parking areas and/or parkades, unless stated otherwise.

3.1.2.4.3.2 All parking areas, parking spaces, access, drainage, lighting, landscaping, maneuvering areas, etc. shall be to the satisfaction of and subject to the approval of the Council. In the event of any such aforesaid area not being in conformity with the provisions of this Scheme, then, notwithstanding anything in any bylaw contained, no building plan shall be approved prior to the granting of such aforesaid approval of Council.

3.1.2.4.3.3 All vehicle parking spaces, access and maneuvering areas shall be permanently hardened or sealed and maintained in a dust free condition to the satisfaction of Council. Council may require the installation of pollution control mechanisms such as grease traps, to protect water resources from polluted runoff.

3.1.2.4.3.4 Clause 3.1.2.4.3.3 may be relaxed at the sole discretion of Council in cases where a worship site is used only one day per week and not frequently used for any other purpose during the course of the week.

Therefore, the portion of a parking area provided for a worship site that is used only one day per week need not be permanently hardened, but must be maintained in a dust free condition. Any part of a parking area provided for a worship site that is used more than one day per week, such as an educational building, offices, etc. must be permanently hardened.

An application for relaxation of Clause 3.1.2.4.3.3 must be submitted in writing. Once approved, Council reserves the right to cancel its approval should the condition of the parking area deteriorate to such an extent that the parking area is no longer deemed dust free.

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- 3.1.2.4.3.5 Except where required in terms of this Scheme or any other law, a parking space need not be roofed over.
- 3.1.2.4.3.6 Every parking space required in terms of this Scheme shall be clearly marked and defined to the satisfaction of Council.
- 3.1.2.4.3.7 Parking areas shall be provided with adequate lighting, ventilation and landscaping to the satisfaction of Council.
- 3.1.2.4.3.8 Provided that and except with the express approval of Council:
- a) the vehicular access/exit to a site shall be restricted to not more than one combined vehicular access/exit each per site per street abutting the site;
  - b) the vehicular access/exit to a site shall be restricted to a maximum width of 7,5 metres where it crosses the street boundary;
  - c) no vehicular crossing over the pavement shall be located nearer than 5 metres to any street corner (i.e. the point of intersection of two street boundaries).
- 3.1.2.4.3.9 A building completion certificate, as provided for in National Building Regulations and Building Standards Act, as amended, shall not be issued unless the vehicular parking area or areas, indicated in accordance with the provisions of this Scheme, on a relevant building plan, have been constructed and completed to the satisfaction of Council.
- 3.1.2.4.3.10 Except where in this scheme it is otherwise expressly provided, off-street parking areas shall conform to the following minimum standards and dimensions listed from a) to j) and Tables 2A, 2B and 2C below:
- a) Parallel parking spaces shall be 2,5m wide and 5m long with a maneuvering space of 2,5m in length between each pair of bays. A minimum adjacent aisle width of 3m shall be provided for gaining access.
  - b) Vehicles shall be parked in such a way that each vehicle can be moved freely in and out of its parking space in a single maneuver.
  - c) The parking layout shall be so designed that structural members such as columns, beams, walls, etc. shall not obstruct the free maneuvering of vehicles into and out of parking spaces.
  - d) In cases of isolated parking spaces adjacent to structural members such as columns and walls, where the full width of bay cannot be obtained, a reduction on the standard width not exceeding 240mm may be permitted.
  - e) In awkward situations or in cases where other particular factors arise, the requirement of 5,0m depth of parking space may be relaxed down to a minimum of 4,6m provided that the number of 4,6m spaces does not exceed 10% of the total parking spaces provided.
  - f) The gradient of continuous ramps should not exceed 1 in 7 provided however that for short sections, and in special circumstances this gradient may be steepened but in no case should it be steeper than 1 in 5.
  - g) Vertical curves between the ramps and the street access and between the ramps and parking floors should be provided with a minimum radius of 30 m.

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- h) Correct super-elevation should be applied transversely across curved ramps, such super-elevation varying according to the horizontal radius of the curve, subject, in all cases, to the super elevation not exceeding 1 in 10.
- i) The inside turning radius on continuous ramps shall not be less than 4,3m.
- j) The Council may relax the provisions of the Guiding Rules for parking in those cases where it is difficult or impractical to meet the required standards on account of one or more of the following factors:
  - (i) the shape of the site;
  - (ii) the shape of the building;
  - (iii) the position and location of structural members;
  - (iv) the locality and character of the building, with particular regard to the likely economic status of the tenants.

3.1.2.4.3.11 All parking areas shall be maintained to the satisfaction of the Council.

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## Table 2A: PARKING REQUIREMENTS

COLUMN 1	COLUMN 2		COLUMN 3		COLUMN 4	
BUILDING AND LAND USE TYPES FOR WHICH PARKING IS REQUIRED.	PRIMARY REQUIREMENTS - NUMBER OF PARKING SPACES REQUIRED.		ADDITIONAL OR ALTERNATIVE PARKING REQUIREMENTS		TOTAL PARKING REQUIREMENTS	
	Number	Unit	Number	Unit	Number	Unit
AGRICULTURAL AND OPEN SPACE USES						
Agricultural Land and Buildings Community Garden Conservation Purposes	At the sole discretion of the Council					
Farm Stall	2.00	Per stall	1.00	30 m² floor area or part thereof	Greater of Column 2 or Column 3	
RESIDENTIAL DWELLINGS						
Residential - Dwelling House or Unit Additional Dwelling Unit Caretaker Accommodation	1.00	Per Dwelling Unit	n/a	n/a	1,00 Per Dwelling Unit	
Homestead Farm Worker Accommodation Shelter	At the sole discretion of the Council					
Home Activity or Business (determined as per the use implemented as set out below):						
• Bed and Breakfast / Guest House	1.00	Per Dwelling Unit	1.00	Per Lettable Room	Total Of Column 2 And Column 3	
• Home Office	1.00	Per Dwelling Unit	1.00	30m² floor area or part thereof		
• Office - Professional	1.00	Per Dwelling Unit	1.00	30m² floor area or part thereof		
• Tuck Shop/Spaza Shop	1.00	Per Dwelling Unit	1.00	20m² floor area or part thereof		
• Creche	1.00	Per Dwelling Unit	1	Per every 5 children or 4 adults receiving care		
• All other uses not listed above	1.00	Per Dwelling Unit	1.00	30m² floor area or part thereof		
Residential Building, Medium Density Housing and Chalets	3 per dwelling unit	Per Dwelling Unit	1.00	Per every two dwelling units for visitors	Total Of Column 2 And Column 3	
Boarding House	1.00	Per Bedroom	5	Visitor's Parking Bays		
Hobby Workshop as part of a Retirement Village	At the sole discretion of the Council					
TRANSIENT ACCOMMODATION FACILITIES						
Hotel	1	Per Lettable Room	1,00	20m² floor area or part thereof of a lounge or function room, or part thereof	Total Of Column 2 And Column 3	
Lodge	1	Per Lettable Room	1,00	20m² floor area or part thereof of a lounge or function room, or part thereof	Total Of Column 2 And Column 3	
Chalet Development and other holiday accommodation units (refer to Residential Dwellings above)						
Resort Development	As per use implemented and informed by a Site Development Plan, at the sole discretion of Council					
Camping and Caravan Park	As per use implemented and informed by a Site Development Plan, at the sole discretion of Council					

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COLUMN 1	COLUMN 2		COLUMN 3		COLUMN 4	
BUILDING AND LAND USE TYPES FOR WHICH PARKING IS REQUIRED.	PRIMARY REQUIREMENTS - NUMBER OF PARKING SPACES REQUIRED.		ADDITIONAL OR ALTERNATIVE PARKING REQUIREMENTS		TOTAL PARKING REQUIREMENTS	
	Number	Unit	Number	Unit	Number	Unit
Mobile Home Park						
COMMERCIAL USES						
Laundrette Restaurant / Bar / Night Club / Tavern Shop – General (In Core Mixed Use 1 and all other zones not specified below) Coffee Shop / Tea Garden	1,00	15 m² for floor area or part thereof (excluding warehousing and storage)	1,00	140m² floor area or part thereof for warehousing or storage	Total Of Column 2 And Column 3	
General Showroom Shop – General (in Core Mixed Use 2 and Business Park) Shop – Factory Shop – Wholesale	1,00	25 m² floor area or part thereof (excluding warehousing and storage)	1,00	140m² floor area or part thereof for warehousing or storage	Total Of Column 2 And Column 3	
Shop – General (in General and Light Industrial Areas) Shop – General (Core Mixed Use 3, Medium Impact Mixed and Low Impact zones, Smallholdings, Imizi/Rural/Transitional Settlement, Retirement Village, Resort 2 and Parking Erf/Garage Zones) Arts and Crafts Workshop	1,00	30 m² floor area or part thereof (excluding warehousing and storage)	1,00	140m² floor area or part thereof for warehousing or storage	Total Of Column 2 And Column 3	
Shop as part of an Intermodal Facility/ Development and Truck Stop	1.00	50 m² floor area or part thereof	n/a	n/a	1.00	50 m² floor area or part thereof
Convention Centre or stand-alone Conference Facility	1.00	20 m² floor area or part thereof	n/a	n/a	1.00	20 m² floor area or part thereof
Gambling Premises	1.00	20 m² floor area or part thereof	n/a	n/a	1.00	20 m² floor area or part thereof
Flea Market Informal Trade Area	At the sole discretion of the Council					
RECREATION, PUBLIC AMUSEMENT OR ASSEMBLY						
Place of Amusement Place of Assembly	1,00	Per 20 m² floor area or part thereof	n/a	n/a	1,00	Per 20 m² floor area or part thereof
Casino (Gaming Area)	1,00	Per 15 m² floor area or part thereof	n/a	n/a	1,00	Per 15 m² floor area or part thereof
Private and Public Recreational Use	As per use implemented and informed by a Site Development Plan, at the sole discretion of Council					
Racecourse	1,00	6 seats (fixed) and/or per 25m² or part thereof if seats are not fixed	1,00	25 m² floor area or part thereof	Greater of Column 2 or Column 3	
Recreational Buildings:						
Stadium / Sport Arena	1,00	6 seats (fixed) and/or per 25m² or part thereof if seats are not fixed	1,00	25 m² floor area or part thereof	Greater of Column 2 or Column 3	
Sport Club / Clubhouse	1,00	20m² floor area or part thereof	n/a	n/a	1,00	20m² floor area or part thereof
Gymnasium	1,00	15m² floor area or part thereof	n/a	n/a	1,00	15m² floor area or part thereof
All other Recreational Buildings	At the sole discretion of the Council					
OFFICE USES						



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COLUMN 1	COLUMN 2		COLUMN 3		COLUMN 4	
BUILDING AND LAND USE TYPES FOR WHICH PARKING IS REQUIRED.	PRIMARY REQUIREMENTS - NUMBER OF PARKING SPACES REQUIRED.		ADDITIONAL OR ALTERNATIVE PARKING REQUIREMENTS		TOTAL PARKING REQUIREMENTS	
	Number	Unit	Number	Unit	Number	Unit
Public Office Office – General	1,00	30 m² floor area or part thereof	n/a	n/a	1,00	30 m² floor area or part thereof
Office – Professional Veterinary Purposes	1,00	30m² floor area or part thereof	5	Parking Bays per Medical Practitioner or Vet	Greater of Column 2 or Column 3	
FILLING STATIONS AND VEHICLE REPAIRS						
Automotive Showroom / Vehicle Dealership and workshops Motor Vehicle Fitment Centre Fuel Filling Station Public Garage Carwash Facility	1,00	50 m² floor area or part thereof	1,00	15m² or 20m² floor area or part thereof for a Shop Component	Total Of Column 2 And Column 3	
HARBOUR, INDUSTRIAL, WORKSHOPS AND WAREHOUSING						
Commercial Workshop Impoundment Area Industry – Service	1,00	100m² floor area or part thereof	1,00  1,00	30m² floor area or part thereof for an Office Component  30m² floor area or part thereof for a Shop Component	Total Of Column 2 And Column 3	
Agricultural Industry, including Abattoir Industry - Bulk Storage Industry - General Industry - Light Industry - Salvage Industry - Extractive Industry – Noxious Vehicle Testing Station Warehouse	1,00	140m² floor area or part thereof	1,00  1,00	30m² floor area or part thereof for an Office Component  30m² floor area or part thereof for a Shop Component	Total Of Column 2 And Column 3	
Funeral Parlour	1,00	30m² floor area or part thereof	n/a	n/a	1,00	30m² floor area or part thereof
Harbour Management and Infrastructure	As per use implemented and informed by a Site Development Plan, at the sole discretion of Council					
SOCIAL USES						
Educational Building (Excluding Schools, Tertiary Institutions and Crèches / Day Care Facilities)	1,00	30m² floor area or part thereof	n/a	n/a	1,00	30m² floor area or part thereof
Tertiary Institutions – As per use implemented based on Site Development / Building Plans as follows:					Total of uses implemented	
- Lecture Halls	1,00	6 seats (fixed) and/or per 25m² if seats are not fixed	1,00	25 m² floor area	Greater of Column 2 or Column 3	

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COLUMN 1	COLUMN 2		COLUMN 3		COLUMN 4	
BUILDING AND LAND USE TYPES FOR WHICH PARKING IS REQUIRED.	PRIMARY REQUIREMENTS - NUMBER OF PARKING SPACES REQUIRED.		ADDITIONAL OR ALTERNATIVE PARKING REQUIREMENTS		TOTAL PARKING REQUIREMENTS	
	Number	Unit	Number	Unit	Number	Unit
- Cafeterias, restaurants, gymnasiums	1,00	15m <sup>2</sup> floor area or part thereof	n/a	n/a	1,00	15m <sup>2</sup> floor area or part thereof
- Office	1,00	30m <sup>2</sup> floor area or part thereof	n/a	n/a	1,00	30m <sup>2</sup> floor area or part thereof
- Store rooms	1,00	140m <sup>2</sup> floor area or part thereof	n/a	n/a	1,00	140m <sup>2</sup> floor area or part thereof
- Residential Building	1,00	Per Bedroom	5,00	Per residence for visitors	Total Of Column 2 And Column 3	
- Workshop	1,00	100m <sup>2</sup> floor area or part thereof	n/a	n/a	1,00	100m <sup>2</sup> floor area or part thereof
Educational Building – Schools (including “school” provided for under Restricted Building) and Crèches / Day Care Facilities	1,00	Per Class Room	1,00	30m <sup>2</sup> floor area or part thereof for an Office Component  1 per 5 children for Crèche/Day Care	Total Of Column 2 And Column 3	
Institution - Hospital, Convalescent Home / Step Down Facility, Sanatorium or Mental Hospital	1,00	Per Bed	1,00  1,00	30m <sup>2</sup> floor area or part thereof for an Office or Professional Office Component  15m <sup>2</sup> floor area or part thereof for a Shop Component	Total Of Column 2 And Column 3	
Institution other than Hospital or Convalescent Home / Step Down Facility Restricted Building (other than a Sanatorium, Schools and Mental Hospital)	1,00	30m <sup>2</sup> floor area or part thereof	n/a	n/a	1,00	30m <sup>2</sup> floor area or part thereof
Place of Worship		6 seats (fixed) and/or per 25m <sup>2</sup> if seats are not fixed	1,00 1,00	25 m <sup>2</sup> floor area 15m <sup>2</sup> floor area or part thereof for a Coffee Shop Component	Greater of Column 2 or Column 3 Total Of Column 2 And Column 3	
PUBLIC AND OTHER TRANSPORTATION ORIENTATED USES						
Terminal - Airport/Airfield Terminal - Intermodal Facility Terminal - Railways Terminal - Truck	As per use implemented and informed by a Site Development Plan, at the sole discretion of Council					
SERVICES						
Cemetery Purposes Municipal Purposes Railway Infrastructure Telecommunication Infrastructure	At the sole discretion of the Council					

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COLUMN 1	COLUMN 2		COLUMN 3		COLUMN 4	
BUILDING AND LAND USE TYPES FOR WHICH PARKING IS REQUIRED.	PRIMARY REQUIREMENTS - NUMBER OF PARKING SPACES REQUIRED.		ADDITIONAL OR ALTERNATIVE PARKING REQUIREMENTS		TOTAL PARKING REQUIREMENTS	
	Number	Unit	Number	Unit	Number	Unit
Utilities Facility Waste Transfer / Recycling Centre Waste Drop-off / Transfer Station						
Marina Infrastructure	As per use implemented and informed by a Site Development Plan, at the sole discretion of Council					
OTHER						
All uses not specified in this table Special Use	At the sole discretion of the Council					

**Table 2B: Bay and Aisle Dimensions (meters)**

PARKING ANGLE	BAY WIDTH	AISLE WIDTH	PERPENDICULAR DEPTH OF BAYS		PARALLEL WIDTH OF BAYS
		Two-Way Traffic			
			No Overhang	Kerb Overhang	
90°	2,7	7,5	5,0	4,5	2,74
		One-Way Traffic			
			No Overhang	Kerb Overhang	
90°	2,7	6,0	5,0	4,5	2,7
60°	2,7	5,5	4,8	4,5	3,2
45°	2,7	3,5	4,8	4,5	3,9
30°	2,7	3,0	4,8	4,5	5,5

**Table 2C: Ramp Dimensions**

ONE-WAY			TWO WAY			
Inside Radius	Ramp Width	Outside Radius	Ramp Width	Outside radius	Inside Line Width	Divider line Width
3,0	4,1	7,1	6,6	9,6	3,5	6,5
4,0	4,0	8,0	6,5	10,5	3,4	7,4
5,0	3,9	8,9	6,3	11,3	3,3	8,3
6,0	3,8	9,8	6,1	12,1	3,2	9,2
7,0	3,7	10,7	6,0	13,0	3,1	10,1
8,0	3,7	11,7	5,9	13,9	3,0	11,0

### 3.1.2.5 LOADING REQUIREMENTS

#### 3.1.2.5.1 GENERAL PROVISIONS AND CALCULATION OF LOADING ZONES REQUIRED

3.1.2.5.1.1 For the purposes of this Clause, a loading area means an area upon the site of a building, set aside for the accommodation of vehicles onto which goods or materials are to be loaded or from which goods or materials are to be off-loaded and for such loading and off-loading.

3.1.2.5.1.2 Any person intending to erect, alter or extend a building or develop or use any Erf or building or conduct an activity where, in the opinion of the Council, it is necessary and desirable for such loading areas to be provided, shall provide adequate on-site loading areas to the satisfaction of and subject to the approval of the Council in accordance with the requirements set out in Table 2D.

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- 3.1.2.5.1.3 The loading or off-loading of goods or materials onto or from vehicles, shall not, under any circumstances, be permitted in or upon any street, nor shall any person permit goods or materials of any other nature whatsoever to be loaded onto or off-loaded from any vehicles in or upon any street, except within such portions of a street which may have been specifically set aside and demarcated for such purposes by the Council, or, with the authority of the Council.
- 3.1.2.5.1.4 Loading areas required to be provided under Clause 3.1.2.5 shall be in addition to any parking provided in terms of Clause 3.1.2.4.
- 3.1.2.5.1.5 When computing the total number of loading zones required in respect of any specific use or building such number shall be determined to the greater whole number.
- 3.1.2.5.1.6 Except where otherwise determined, a loading zone, inclusive of maneuvering area shall be 75m<sup>2</sup> in extent.
- 3.1.2.5.2 RELAXATION OF LOADING ZONE REQUIREMENTS
- 3.1.2.5.2.1 The Council may, at its sole discretion and subject to its approval or consent thereto being sought, relax the loading zone requirements imposed under this Clause:
- a) under circumstances where the imposition of the loading zone requirements is impracticable or detrimental to safety or amenity of the general public;
  - b) in respect of floor areas which at the sole discretion of the Council, do not justify the provision of loading zones in accordance with the laid down ratios.
- 3.1.2.5.2.2 Notwithstanding any provision of Clause 3.1.2.5.2.1 the Council may, at its sole discretion, in lieu of the provision of on-site loading zones by the developer:
- a) instruct a developer to provide at his own cost and to the satisfaction of the Council the number of loading zones that the developer would have been required to provide on-site in terms of the Scheme, at ground level, on land reserved, in terms of the Scheme, for loading zone purposes; or
  - b) agree to a developer providing loading zones on another site, which is acceptable to the Council and further subject to the registration of a Notarial Deed in restraint of separate alienation of the land concerned.
- Provided that the loading zones, as contemplated in Clause 3.1.2.5.2.2 a) and b) above, shall be constructed and completed to the satisfaction of the Council before a building completion certificate as provided for in the National Building Regulations and Building Standards Act (Act 103 of 1977) is issued in respect of the building or buildings to which the provision of the relevant loading zones relate.
- c) instruct a developer to contribute to a loading zone reserve fund by way of a cash payment in lieu of the provision of on-site loading zones. The cash payment shall be calculated on the basis of the actual cost to the Council or its nominee of providing on land designated in the Scheme for public parking purposes, the number of loading zones, at ground level, that would have been required to be provided by the developer on the site of the developer in terms of the Scheme.
- 3.1.2.5.2.3 A) On site loading zones shall be provided in accordance with the standards and requirements set out in Table 2D for any Residential Building and/or Hotel erected and used on an Erf within the said use zones.

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- 3.1.2.5.2.4 The Council may at any time vary the foregoing requirements if the character or type of activity being conducted on a site is changed or altered to an extent which, in the opinion of the Council, materially alters the number and type of vehicles generated by the site, provided that in no case shall such variation of requirements result in the number of loading zones provided or to be provided exceed the loading zone requirements set out in Table 2D.
- 3.1.2.5.3 THE DESIGN, CONSTRUCTION AND MAINTENANCE OF LOADING AREAS
- 3.1.2.5.3.1 All loading zones, accesses and maneuvering areas shall be to the satisfaction of and subject to the approval of the Council. In the event of any such aforesaid areas not being in conformity with the provisions of this Scheme, then, notwithstanding anything in any bylaw contained, no building plan shall be approved prior to the granting of such aforesaid approval of the Council.
- 3.1.2.5.3.2 Loading bays provided for the delivery of foodstuffs and/or perishable goods must be provided separately from an area used for the storage and collection of waste, in order to avoid cross-contamination.
- 3.1.2.5.3.3 All loading zones, accesses thereto and maneuvering areas shall be permanently hardened, paved or sealed and maintained in a dust free condition to the satisfaction of the Council. Council may require the installation of pollution control mechanisms such as grease traps, to protect water resources from polluted runoff.
- 3.1.2.5.3.4 Except where required in terms of this Scheme or any other law, a loading zone need not be roofed over.
- 3.1.2.5.3.5 Every loading zone required in terms of this Scheme shall be clearly marked and defined to the satisfaction of the Council.
- 3.1.2.5.3.6 Adequate lighting shall be provided for loading bays to the satisfaction of Council.
- 3.1.2.5.3.7 A building completion certificate, as provided for in the National Building Regulations and Building Standards Act (Act 103 of 1977), as amended, shall not be issued unless the loading zone or zones, indicated on a relevant building plan, in accordance with the provisions of this Scheme, has/have been constructed and completed to the satisfaction of the Council.
- 3.1.2.5.3.8 Loading areas shall be maintained to the satisfaction of the Council.

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**Table 2D: Loading Requirements**

COLUMN 1	COLUMN 2		COLUMN 3	
BUILDING AND LAND USE TYPES FOR WHICH LOADING BAYS ARE REQUIRED.	PRIMARY REQUIREMENTS - NUMBER OF LOADING BAYS		AMBULANCE OR DEDICATED LOADING BAYS	
	Number	Unit	Number	Unit
<b>TRANSIENT ACCOMMODATION FACILITIES</b>				
Hotel	1,00	Per Hotel	n/a	n/a
<b>COMMERCIAL USES</b>				
Launderette Restaurant / Bar / Night Club / Tavern Shop – General Shop – Factory Shop on land zoned “industrial” Arts and Crafts Workshop General Showroom Shop – Wholesale Shop as part of an Intermodal Facility / Development Convention Centre or stand-alone Conference Facility Casino Racecourse Stadium / Sport Arena Automotive Workshop Automotive Showroom / Vehicle Dealership Motor Vehicle Fitment Centre Public Garage Fuel Filling Station Commercial Workshop Impoundment Area Service Workshop Industry – Service Industry - Light Warehouse	1,00	500m <sup>2</sup> for first 1000m <sup>2</sup> or thereof and thereafter 1 per 1000m <sup>2</sup>	n/a	n/a
<b>INDUSTRIAL USES</b>				
Agricultural Industry, including Abattoir Industry - Bulk Storage Industry - General Industry - Salvage Industry - Extractive Industry – Restricted Industry - Noxious Trans-shipment	1,00	1000m <sup>2</sup> floor area of part thereof	n/a	n/a
<b>SOCIAL USES</b>				
Educational Building – Schools and Crèches / Day Care Facilities	At the sole discretion of Council		Bus / Taxi loading facilities / parking at the discretion of Council and in liaison with the facility.	
Tertiary Institutions	1.00  Plus  1,00	Per institution  Per 500m <sup>2</sup> for first 1000m <sup>2</sup> or part thereof and thereafter 1 per 1000m <sup>2</sup> for any commercial uses implemented	Bus / Taxi loading facilities / parking at the discretion of Council and in liaison with the facility.	
Institution other than Hospital or Convalescent Home / Step Down Facility	At the sole discretion of Council		Ambulance Loading Bays at the discretion of Council and in liaison with the facility. Bus / Taxi loading facilities / parking at the discretion of Council and in liaison with the facility.	
Institution - Hospital, Convalescent Home / Step Down Facility or Sanatorium (excluding medical offices)	1.00	Per institution	Ambulance Loading Bays at the discretion of Council and in liaison with the facility. Bus / Taxi loading facilities / parking at the discretion of Council and in liaison with the facility.	

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COLUMN 1	COLUMN 2		COLUMN 3	
BUILDING AND LAND USE TYPES FOR WHICH LOADING BAYS ARE REQUIRED.	PRIMARY REQUIREMENTS - NUMBER OF LOADING BAYS		AMBULANCE OR DEDICATED LOADING BAYS	
	Number	Unit	Number	Unit
OTHER				
All uses not listed above		At the sole discretion of the Council		



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### **3.1.2.6 ADDITIONAL MATTERS FOR CONSIDERATION DURING SITE DESIGN AND DEVELOPMENT – SUBSTANTIAL DEVELOPMENTS**

3.1.2.6.1 For the purposes of this Clause, a substantial development shall be defined as any large residential, industrial or other development which, in the opinion of Council, requires the consideration of a design concept report prior to the finalization of a Site Development Plan.

3.1.2.6.2 Applications for the development of substantial developments shall be preceded by the submission of a design concept report, which is to be approved by the Municipality.

3.1.2.6.3 The purpose of a design concept report is for the parties to agree on the concepts and standards which are to be used during the planning and layout phase of the project.

3.1.2.6.4 The design concept report should cover design aspects relating to all land uses, but in particular relevant aspects relating to:

- a) Key natural features of the development (such as views, wetlands and floodlines, biodiversity, etc.) and how the development aims to enhance and protect these features and, where relevant, give access to these features;
- b) What the development aims to achieve, the size of the development, size and timing relating to phasing, affordability criteria, etc.;
- c) Access to the development (creating a “sense of arrival”) and safety and security measures to be addressed through design;
- d) Movement within the development and between developments, including pedestrian and traffic movement throughout the development, open spaces and linkages between open spaces, the road network, road standards, traffic calming measures and public transport routes/stops/facilities;
- e) Where necessary, the provision of community facilities (in order to create a “sense of place and community”) and opportunities for work, recreation, shopping, etc. Should these facilities not be included as part of a design, an assessment of access to these facilities should still be included, describing the closest facilities that would be available to the community; and
- f) The impact of the development on existing bulk and link engineering services.

### **3.1.2.7 SUB-DIVISIONAL DESIGN STANDARDS**

3.1.2.7.1 Land within the area of the Scheme shall not, except where it is deemed by the Council to be in the public interest to do so, be subdivided in any way or manner whatsoever so as to deprive any subdivided portion of land direct vehicular access to the public street system.

3.1.2.7.2 Land within the area of the Scheme shall not, except with the approval of the Council and then subject to any relevant provision of the Scheme, be subdivided in any way or manner whatsoever so as to create an erf:

- a) which is, in the opinion of Council, significantly smaller than the surrounding properties;

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- b) smaller than the minimum prescribed erf size for each category of erven in terms of the Scheme. The minimum prescribed extent of an erf shall exclude an access way in the case of "hatchet-shaped" erven;
  - c) which is zoned for agricultural use and where the proposed subdivision may impact on the ability of the land to sustain agricultural production, except with the prior consent of the National Department of Environment, Forestry and Fisheries.
- 3.1.2.7.3 The ratio of street frontage to depth of a site shall be to the satisfaction of the Council and shall not exceed a ratio of 1:3 except under special circumstances related to topographical or layout consideration or the shape of the Erf.
- 3.1.2.7.4 A site of irregular shape shall be capable of containing within its boundaries a rectangle, the ratio between the width and length of which shall not be less than 1:3 and which shall have an area of at least 50% of such Site, or the minimum prescribed area of a Site, whichever is the greater.
- 3.1.2.7.5 Points of ingress to and egress from an industrial site to and from the public street system, respectively, shall be located, designed, constructed and maintained to the satisfaction of the Council.
- 3.1.2.7.6 In cases where access from any subdivided portion of land to the public street system is via an access strip or access road (so-called "Panhandle" or "Hatchet-shaped" erven):
  - a) the area of the Site, for the purposes of the Scheme, does not include the area of such access strip or road;
  - b) such access strip or road not exceed 35 metres in length, provided that the Council may, under exceptional circumstances and at its sole discretion, approve a maximum length in excess of 35 metres;
  - c) such access strip or road giving access to the site shall have a minimum width of:
    - (i) not less than 4 metres; or
    - (ii) 10 metres in the case of an erf that would give access to larger vehicles such as trucks.
  - d) the average width of such site, measured to the satisfaction of the Council, shall be deemed to be the street frontage of such Site; and
  - e) the access strip or road at all times be kept in a dust free condition and be maintained to the satisfaction of the Council; provided that, if so required by the Council, such access strip or road shall be hardened, surfaced or paved to the satisfaction of the Council.
- 3.1.2.7.7 An application for the subdivision of agricultural land which is subject to the Subdivision of Agricultural Land Act (Act 70 of 1970) shall be accompanied by a consent issued by the relevant Department in terms of this Act. In general, subdivision of agricultural land shall not impact on the viability of the land to be utilized for agricultural purposes.
- 3.1.2.8 **PERMANENT CLOSURE OF STREETS AND PUBLIC PLACES**
- 3.1.2.8.1 An applicant may apply to Council for the permanent closure of a public place or public street.

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- 3.1.2.8.2 In respect of an application for the permanent closure of a public place, the Council may direct an applicant to:
- a) Undertake an assessment of the likely impact that such permanent closure may have on access to public places, i.e. an assessment of the “Guidelines for Human Settlement Planning and Design, published by the CSIR (the “Red Book” guidelines);
  - b) Direct an applicant to replace a public place and/or pay compensation to Council in order to develop existing open spaces and/or replace the public place.

### **3.1.2.9 EXTERNAL APPEARANCE AND APPROVAL OF BUILDINGS**

- 3.1.2.9.1 The character, design and external appearance of buildings, and boundary walls, including the material used in their construction, shall be subject to the approval of the Council and in accordance with uMhlathuze Aesthetic Bylaw, and no building may be erected without the approval of the Council.
- 3.1.2.9.2 When considering any application, the Aesthetics Committee shall have regard to the character of the locality in which the building is proposed to be erected and shall take into account whether or not the building will be injurious to the amenities of the locality by reason of its external appearance or the materials which are to be used.
- 3.1.2.9.3 In considering any application, it shall be the duty of the Council to ensure, wherever it is considered appropriate, that adequate provision is made for solar access, the use of solar or other alternative energy sources and energy and water efficiency measures, the preservation of indigenous flora, the planting or replacement of trees and the protection of water-courses, etc.
- 3.1.2.9.4 Any person intending to alter, extend or erect a building shall submit such drawings as are required by the Council together with whatever other indications the Council may require.
- 3.1.2.9.5 The Council shall approve the application either unconditionally or subject to such conditions as it may deem fit, or it may refuse to grant the application on the grounds that the external appearance of such building is unacceptable.
- 3.1.2.9.6 The approval by the Council of the design and external appearance of the proposed buildings, additions or alterations shall not be deemed to be an approval in terms of any other provisions of the scheme or of the Building Bylaws/Regulations, which approval shall first be applied for and obtained before any building work is commenced with.

## **3.2 PROVISIONS APPLICABLE TO THE USE OF SITES**

### **3.2.1 DEPOSITING OF WASTE MATERIAL**

No land in any use zone may be used for the purpose of the deposit or disposal of waste material or refuse, tipping, dumping, scrap yard, used car lot, or any other similar purpose until the owner or his/her duly authorised representative has applied for and received the written approval of the Council or other relevant authority.

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### **3.2.2 WELLS AND BOREHOLES**

No wells or boreholes shall be sunk on any land within the area of the Scheme, nor any subterranean water extracted therefrom without the prior approval of the Council.

### **3.2.3 ADVERTISING**

Any person wishing to display an advertisement must first submit a written application to the Council for consideration and approval in terms of the Municipality's Advertising Sign Bylaws.

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### **3.2.4 OCCASIONAL USE OF LAND AND/OR BUILDINGS**

3.2.4.1 Land or buildings, other than Chalets, Medium/High Density Housing or a Residential Building, may, on occasion, be used as a Place of Assembly or Place of Worship, provided that:

3.2.4.1.1 such use is restricted to not more than twenty calendar days in any calendar year and to not more than two calendar days in any calendar month;

3.2.4.1.2 in the event of such use constituting a nuisance, it shall cease forthwith upon service of a notice to that effect and in such event shall not be resumed except with the permission of the Council; and

3.2.4.1.3 this clause shall not in any manner be deemed to restrict the use of a Hotel for such purposes.

3.2.4.1.4 the occasional slaughter of animals may be permitted subject to Council's permission and compliance with the relevant Health Bylaws.

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### **3.2.5 ADDITIONAL CONTROLS APPLICABLE TO SITES THEREOF**

#### **3.2.5.1 MOTOR VEHICLES ON PREMISES OF A DWELLING**

Except with the prior approval of the Council, no person shall bring onto any premises of a Dwelling Unit, any premises reserved for the erection of a Dwelling Unit or any portion of any street reserve in a predominantly residential area, as the case may be, or cause or allow to be present thereon any articulated motor vehicle, breakdown vehicle, bus, goods vehicle, tractor, truck-tractor or any other type of vehicle weighing more than 3500 kg for a period exceeding two hours, except for bona fide purposes of delivering or supplying goods or services to such premises or any adjacent premises. For the purpose of this sub-clause, the expressions “articulated motor vehicle”, “breakdown vehicle”, “bus”, “goods vehicle”, “tractor”, “truck-tractor” and “any other type of vehicle weighing more than 3 500kg shall have the meanings assigned thereto by the Road Traffic Act (Act 29 of 1989), together with any schedule thereto, regulation made thereunder and amendment thereof.”

#### **3.2.5.2 USE OF BUILDING OR ROOMS OTHER THAN HABITABLE ROOMS AS A DWELLING**

No person shall use or cause or be permitted to use, any room, group of rooms or building, which in the opinion of the Council is not a Habitable Room or does not include Habitable Rooms to the satisfaction of the Council.

#### **3.2.5.3 ACCOMMODATION OF A CARETAKER OR EMERGENCY STAFF ACCOMMODATION**

Where provided for under a relevant zoning, the accommodation of a caretaker or emergency personnel may be allowed. The size of such dwelling unit may be restricted at the sole discretion of Council.

#### **3.2.5.4 USE OF DWELLING UNITS FOR CONDUCTING A HOME ACTIVITY OR BUSINESS**

##### **3.2.5.4.1 GENERAL PROVISIONS APPLICABLE TO A HOME ACTIVITY OR HOME BUSINESS**

3.2.5.4.1.1 No person shall conduct, practice or carry out or allow to be conducted, practiced or carried out, for any purpose or in any manner, any occupation or business, whatsoever from or upon any residential property except where the consent of the Council has first been applied for and obtained and further subject thereto that:

- a) It shall be limited to the Owner of the property, who shall permanently reside thereon, provided that the Council may in exceptional circumstances, and if it is satisfied that the prime use of the Dwelling Unit as a residence will in no way be prejudiced, permit the activity to be conducted by a person who shall permanently reside on the property, other than the Owner;
- b) The applicant is able to provide sufficient on-site parking as required in terms of the Scheme, and preferably shall be located to the rear of the Dwelling Unit, where possible;
- c) It shall not occupy a floor area greater than 40m<sup>2</sup> for home business and 25% floor area for home activity;
- d) in the case of a professional office, it shall not exceed 40% of the floor area of the buildings on the property, whilst the residential component should comprise at least 60%;
- e) it shall not involve any activity or work between the hours of 9:00pm and 6:00am, except with the specific approval of Council;

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- f) the erection of signage indicating the nature of the activity shall be in compliance with the Municipal Outdoor Advertising and Signs Bylaw and shall utilise a style and size of lettering which will complement the residential character of the Dwelling Unit, and must be placed on the main wall of the Building.
  - g) There must be no noise emanating from the property that will be audible to the adjacent neighbor's properties.
  - h) It shall not involve metal or woodwork where the operation of machines may cause a disturbance or nuisance to surrounding landowners;
  - i) It shall not involve work on motor vehicles other than that relating to vehicle servicing and minor related repairs;
  - j) It shall not involve the parking, on or adjacent to the Site, of any vehicle with a tare mass exceeding 2000kg; and
  - k) It shall not utilise machinery other than electrically-driven or hand-driven machinery, provided that no single machine shall be rated at more than 1,5 kW.
- 3.2.5.4.1.2 An application for Council's consent shall be accompanied by a Site Development Plan, as provided for in Clause 3.1.2.1.
- 3.2.5.4.2 SPECIFIC PROVISIONS APPLICABLE TO A HOME ACTIVITY
- 3.2.5.4.2.1 in the case of a Home Activity:
  - a) It shall not involve the regular congregation of more than five persons on the Site. This includes the owner of the Site, but excludes the owner's family that permanently resides on the Site;
  - b) Apart from the possible employment of one domestic worker, a Home Activity shall not involve the employment of any additional persons which are necessary in order to conduct the activity; and
  - c) It shall not involve the regular parking of more than one motor vehicles on Site at any one time.
- 3.2.5.4.3 SPECIFIC PROVISIONS APPLICABLE TO A HOME BUSINESS
- 3.2.5.4.3.1 in the case of a Home Business and unless specified otherwise:
  - a) Shall not involve the regular congregation of more than five persons on the Site nor the employment of more than three persons, including the owner, on the Site; and
  - b) Shall not involve the regular parking of more than five motor vehicles on Site at any one time, subject thereto that the applicant is able to provide all parking on-site.
- 3.2.5.4.3.2 in the case of the establishment of a crèche / nursery school, the establishment must:
  - a) not be subject to Clauses 3.2.5.4.1.1(c) and (e) and 3.2.5.4.3.1 (a) and (b);
  - b) be operated by one person only, although assistants may be employed at the discretion of the Council;

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- b) not involve any additions or alterations to the Dwelling Unit and / or Outbuildings, other than those required by the State and Municipal Health Authorities;
- c) be limited to the accommodation and care of ten (10) but not more than thirty (30) children, other than those of the applicant. Therefore, a proposed childcare facility on an erf zoned “Residential Only Detached” where more than 30 children are to be accommodated shall be subject to a rezoning application (if compliant);
- d) be limited to operate between the hours of 06h00 and 18h00;
- e) provide all parking and drop-off areas on-site; and
- f) be registered with the Department of Education (Basic Education Certification)

### 3.2.5.4.3.4 in the case of a Bed and Breakfast / Guest House facility:

- a) not be subject to Clauses 3.2.5.4.1.1(c) and (e) and 3.2.5.4.3.1 (a) and (b);
- b) shall be primarily aimed at providing short term transient accommodation to the tourist and/or business market, operated from a private single Dwelling House;
- c) shall be limited to less than fourteen (14) lodgers in not more than seven (7) lettable rooms. “Lettable room” means a habitable room;
- d) shall not include a “Place of Assembly” or “Place of Amusement”, including weddings and other functions;
- e) shall comply with Council’s Bed and Breakfast Bylaws and other relevant laws, provisions and restrictions; and
- f) provide all parking and loading areas on-site.
- g) No alcoholic beverages shall be sold except to resident guests for consumption on the premises with meals;
- h) Guest rooms shall not be converted to, or used as, separate self-catering dwelling units;
- i) Meals may only be supplied to guests or lodgers who have lodging on the property, employees, and the family residing in the dwelling;
- j) No advertising sign shall be displayed other than a single un-illuminated sign or notice not projecting over a public street in accordance with Council’s Outdoor Advertising and Signage Bylaw, and the size of such sign must be confirmed with and approved by the municipality;
- k) Weddings, receptions, conferences, training or any similar activities are not permitted from a bed and breakfast/guesthouse establishment;
- l) No activities shall be carried out which constitute, or are likely to constitute, a source of public nuisance;
- m) Rooms must have an interleading passage to self-contained rooms and rooms must have one access.



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### 3.2.5.4.3.5 Additional Controls for **Home Schooling**

- a) Home schooling will be limited to 6 biological children with council's consent.
- b) Unabridged birth certificate to be produce to confirm relation to biological children.
- c) Registration with the Department of Basic Education is required.

### 3.2.5.4.3.6 Additional controls for **Spaza / Tuckshop** (permissible via Home Business in Residential Only Detached zone)

- a) The sale of liquor and consumption of liquor shall not be permitted.
- b) The sale of perishable goods must have accompanying certificate of compliance from the relevant authorities.
- c) No amusement machines of any kind shall be permitted in the spaza / tuckshop whatsoever.
- d) The exercising of the spaza / tuckshop shall exclusively be for the owner / occupant residing in the dwelling house / unit. Sub-letting is not permissible.
- e) The number of staff employed in the tuckshop on the erf shall not without the written consent of the Council exceed three employees.
- f) The maximum extent of the spaza / tuckshop that the Council may grant on the erf is restricted to 20m<sup>2</sup>.
- g) The spaza / tuckshop shall be conducted from a fixed structure for which building plans have been approved. (It may include a container/s).
- e) In developments governed by sectional title or Home Owners associations, such spaza / tuckshop shall be accommodated subject to approval of the relevant Body Corporate / Home Owners Association.

**SECTION 4: ADDITIONAL PROVISIONS, CONTROLS AND RESTRICTIONS  
APPLICABLE TO LAND USE ZONES AND/OR LAND USES**

**4.1.1 CONTROLS AND PROVISIONS APPLICABLE TO AGRICULTURAL OR RURAL LAND  
ZONINGS AND/OR LAND USES.**

**4.1.1.1 LAND ZONED AGRICULTURE**

4.1.1.1.1 The use of land zoned for agricultural purposes and used for any land use other than “Agricultural Land” and “Agricultural Building” shall be ancillary to the agricultural use and shall not impact on or detract from the viability of the land to produce agricultural produce.

4.1.1.1.2 Any new servitude area which is 15m in width (or wider) shall be deemed to constitute a change in land use and shall therefore be subject to the Municipal’s consent.

**4.1.1.2 LAND IN TRADITIONAL COUNCIL AREAS**

4.1.1.2.1 Applications for development on land falling under the Ingonyama Trust also require a lease agreement/and or letter of support the applicable Traditional Council/Leader.

4.1.1.2.2 Proposed development shall take due cognizance of the availability of services in the Traditional Council Area, and the provisions of Clause 3.1.1.5 (unserved areas) shall apply.

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### **4.1.2 CONTROLS AND PROVISIONS APPLICABLE TO CIVIC, SOCIAL, MUNICIPAL AND GOVERNMENT LAND ZONINGS AND/OR LAND USES**

#### **4.1.2.1 ADDITIONAL PROVISIONS APPLICABLE TO WORSHIP SITES**

4.1.2.1.1 The site of a “Place of Worship” shall not simultaneously be the site of one or more Dwelling Units, provided that the Council may grant its consent to the erection and use of one Dwelling Unit upon such site, to be used in conjunction with the use of such site as a Place of Worship.

4.1.2.1.2 The site of a Place of Worship may include uses incidental thereto such as a building or buildings used as a Sunday School, administrative office, place of religious education and/or other building/s used for purposes of religious and social interaction or recreation where such other building is within the same site and incidental to any of the first mentioned buildings.

4.1.2.1.3 Call to prayer shall exclude the use of megaphones or similar equipment, unless expressly authorized by the Council.

4.1.2.1.4 A wash room may be permitted for the preparation of bodies prior to burial, subject to compliance with Council’s Funeral Undertakers Bylaws.

#### **4.1.2.2 ADDITIONAL PROVISIONS APPLICABLE TO EDUCATIONAL BUILDINGS**

4.1.2.2.1 Sites for the care of children shall comply with Council’s Childcare Services Bylaws.

4.1.2.2.2 Drop-off and pick up areas shall be located on-site and, where possible, shall not be located adjacent to a major arterial road to avoid traffic congestion and pedestrian and vehicular conflict.

#### **4.1.2.3 ADDITIONAL PROVISIONS APPLICABLE TO INSTITUTIONS AND RESTRICTED BUILDINGS**

4.1.2.3.1 Prior to any building plans being submitted to the Municipality for any Health facility, including Hospitals, Clinics, Acute / Sub-Acute Facilities and the like where the public are to be treated for an illness, the building plans are to be submitted to the KZN Department of Health for approval by the Department’s Infection, Prevention and Control (IPC) component. Such approval is to be submitted to the Municipality during the building plan submission phase.

#### **4.1.2.4 ADDITIONAL PROVISIONS APPLICABLE TO CEMETERIES**

4.1.2.4.1 All cemeteries shall comply with Council’s Cemetery Bylaws.

4.1.2.4.2 A buffer of 20m shall be maintained around all sites zoned for cemetery purposes.

4.1.2.4.3 Public conveniences shall be provided and maintained on the site to the satisfaction of Council and all cemeteries shall be fenced.

4.1.2.4.4 The use of land may be subject to additional provisions and controls in terms of *inter alia* the National Environmental Management Act, Act 107 of 1998; the National Health Act, Act No. 61 of 2003; the KwaZulu-Natal Cemeteries and Crematoria Act, Act 12 of 1996; the Births, Marriages and Deaths Registration Act, Act 81 of 1963.

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### **4.1.3 CONTROLS AND PROVISIONS APPLICABLE TO ENVIRONMENTAL SERVICES**

#### **4.1.3.1 ADDITIONAL PROVISIONS APPLICABLE TO PASSIVE OPEN SPACES:**

##### **4.1.3.1.1 Additional Uses**

The Council may, at its sole discretion and on application, grant its approval to the establishment of:

- a) agricultural land, Caravan Park and Camping Site, educational building, place of amusement, place of assembly, public/private street which may be established on the site with the consent of the Council; and
- b) a Dwelling Unit which is exclusively to be used for the accommodation of caretaker; as an integral part of Passive Open Space development.

##### **4.1.3.1.2 Prohibited Use**

Land within the Passive Open Space Use Zone shall not be used for any purpose which, in the opinion of the Council, would spoil, impair or waste such land for the purpose for which it is zoned.

##### **4.1.3.1.3 Erection and Use of Buildings**

No building shall be erected or used on land within the Passive Open Space Use Zone, other than a building which has received the approval of the Council and which is reasonably appropriate to the predominant use of the site of such building.

##### **4.1.3.1.4 Fencing**

Nothing shall be construed as prohibiting the reasonable fencing of the land, subject to Council's approval.

#### **4.1.3.2 ADDITIONAL CONDITIONS AND PROVISIONS APPLICABLE TO COMMUNITY GARDENS**

4.1.3.2.1 The use of land for urban agriculture / community gardens is supported within the context that it will not degrade the quality of life of surrounding landowners, will not impact harmfully on public health and/or the natural environment and will contribute to the social and economic well-being of people.

4.1.3.2.2 Applications for the use of land for the purpose of producing crops will be subject to Council's consent process and shall be accompanied by:

- a) A site plan showing the extent of the use of land and where water for irrigation will be obtained from;
- b) A motivation indicating how the use of land will be managed (including details regarding irrigation and fertilisation) and how the use of land will contribute to the social and economic well-being of people; and
- c) An environmental and agricultural assessment and/or letter of support from relevant environmental and agricultural authorities.

4.1.3.2.3 The use of land in environmentally sensitive areas such as floodlines, wetlands, etc. is not in line with environmental legislation and shall therefore not be supported.

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### **4.1.4 CONTROLS AND PROVISIONS APPLICABLE TO MIXED USE/COMMERCIAL LAND ZONINGS AND/OR LAND USES**

#### **4.1.4.1 GENERAL PROVISIONS APPLICABLE TO ALL MIXED USE/COMMERCIAL BUILDINGS**

The following provisions, conditions and restrictions shall, in addition to any other relevant provision of the Scheme, be applicable to all Commercial Buildings and the sites thereof within the area of the Scheme. For the purpose of this Clause, a Commercial Building shall mean a building containing any one or more of the buildings defined in this scheme as arcade, mall, shop, office building, launderette, commercial workshop, service workshop and/or automotive showroom:

4.1.4.1.1 Separate utility areas for the loading / offloading of foodstuffs and the storage of waste products shall be provided to avoid cross-contamination.

4.1.4.1.2 Where internal parking areas are provided, no direct pedestrian access between parking areas and individual shops shall be permitted, but such access may be given from arcades linking the parking area with the shopping street.

#### **4.1.4.2 ADDITIONAL PROVISIONS APPLICABLE TO ARCADES AND/OR MALLS:**

4.1.4.2.1 Any Arcade and/or Mall, forming part of a Commercial Building or the site thereof shall have an unobstructed width of not less than 7,0 metres and shall be sited, designed, developed and maintained to the Satisfaction of the Council;

4.1.4.2.2 The Council may, under exceptional circumstances herein specified, authorise the development of an Arcade and/or Mall with an unobstructed width of not less than 4,0 metres. In considering an application for such authorisation, the Council shall have due regard to any possible detrimental effect on adjoining Buildings, Erven or Sites and the amenity of the neighbourhood; and (Kiosk may be permitted)

#### **4.1.4.3 ADDITIONAL PROVISIONS APPLICABLE TO AUTOMOTIVE SHOWROOMS**

4.1.4.3.1 Service workshops as an ancillary use to Automotive Showrooms in commercial areas shall be limited to servicing and maintenance of vehicles of a minor nature. Servicing, maintenance, washing and cleaning of vehicles shall in no way cause a nuisance or detract from the character of a commercial area;

4.1.4.3.2 Screen walls of such height, extent, materials, design and position as may be determined by Council shall be erected as and when required in order to totally screen all service workshop, storage areas and yards from outside view to be in accordance with the uMhlathuze Aesthetic bylaw;

4.1.4.3.3 In terms of surfaces and drainage, facilities shall be subject to Clause 3.1.1.6 of the Scheme.

#### **4.1.4.4 ADDITIONAL PROVISIONS APPLICABLE TO FUNERAL UNDERTAKERS**

Sites for funeral undertakers shall comply with Council's Funeral Undertakers Bylaws.

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### **4.1.4.5        ADDITIONAL CONDITIONS AND PROVISIONS APPLICABLE TO CAR WASH FACILITIES**

- 4.1.4.5.1        In terms of surfaces and drainage, Car Wash Facilities shall be subject to Clause 3.1.1.6 of the Scheme.
- 4.1.4.5.2        Council reserves the right to require the installation and maintenance of grease traps and measures to control water spray and run-off.

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### **4.1.5 CONTROLS AND PROVISIONS APPLICABLE TO OFFICE LAND ZONINGS AND/OR LAND USES**

#### **4.1.5.1 GENERAL PROVISIONS APPLICABLE TO ALL OFFICE BUILDINGS**

4.1.5.1.1 The Council may grant its consent in accordance with the provisions of Clause 1.13.4 of this Scheme to conduct a retail outlet ancillary to an office which:

- a) is situated on the same site as the office activities concerned;
- b) retails only products of the office activity to which they relate or products which are directly associated with the office activity; and
- c) have a total floor area not exceeding office floor area of all buildings on the site.

### **4.1.6 CONTROLS AND PROVISIONS APPLICABLE TO FUEL FILLING STATIONS**

4.1.6.1 The following provisions, conditions and restrictions shall, in addition to any other relevant provision of the Scheme, be applicable to all Fuel Filling Stations and the sites thereof within the area of the Scheme.

4.1.6.2 Points of ingress to and egress from the site and to the public street system, respectively, shall be located, designed, constructed and maintained to the satisfaction of the Council in line with Clause 3.1.1.6.

4.1.6.3 Except where Council may agree to a relaxation upon application for its authority to do so, an area of at least 40% of the area of the site of a Public Garage and Fuel filling Station shall be reserved for the parking of motor vehicles, provided that the following may be included in the area so reserved:

- a) any area, whether covered or not, required for parking in terms of Clause 3.1.2.4;
- b) areas giving access to and/or allowing for maneuvering of vehicles into parking bays;
- c) areas used to accommodate vehicles awaiting service or repair; and
- d) forecourt areas used for the refueling of motor vehicles.

4.1.6.4 Screen Walls of such height, extent, materials, design and position as may be determined by Council shall be erected as and when required by Council in order to screen all working areas, storage areas and yards from outside view.

4.1.6.5 No dismantled vehicles shall be parked, nor vehicles or equipment undergoing repair be stored, nor repairs be done on vehicles or equipment, nor goods or other materials be stacked outside the garage building or screen walls so as to be visible from beyond the boundaries of the site.

4.1.6.6 Except where Council may authorise the provision of a single Dwelling Unit for the exclusive use of a caretaker, no Dwelling Unit of any description whatsoever shall be used or permitted to be used simultaneously with the use of a Fuel Filling Station site.

4.1.6.7 A restaurant and/or other type of shop ancillary to and on the same site as a Public Garage and Fuel Filling Station shall be limited to:

- a) 300m<sup>2</sup> floor area which is accessible to the public (i.e. excluding storage areas, offices, etc.) for the “Fuel Filling Station” zoning;

4.1.6.8 Public conveniences shall be provided and maintained to the satisfaction of the Council.

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4.1.6.9 In terms of surfaces and drainage, the site shall comply with the provisions of Clause 3.1.1.6 of the Scheme.

### 4.1.7 **CONTROLS AND PROVISIONS APPLICABLE TO “HARBOUR” ZONES**

4.1.7.1 Activities, land use and buildings must be port-related, either being connected to the import or export of product or as an essential back-up service.

4.1.7.2 The landowner or National Ports Authority or a specific lessee/developer shall be responsible for the provision of all essential services within the said Zone, subject to the conclusion of a Services Agreement between Council and the aforementioned parties.

4.1.7.3 Notwithstanding the above, the provision of such services by Council shall be at Council’s sole discretion, within its budgeting limitations and/or by contractual agreement between the Harbour Authority and/or its lessee and Council.

4.1.7.4 The provisions of Clauses 3.1.2.4 and 3.1.2.5 relating to parking and loading areas shall, *mutatis mutandis*, apply to all land and building uses within this zone.

4.1.7.5 Where no registered subdivision exists, the provisions of the scheme shall apply to any lease area or area of use so identified by Council.

4.1.7.6 The height of any building or structure shall not impede the efficient control by the Harbour Authority over water activities, as determined by such authority.

### 4.1.8 **CONTROLS AND PROVISIONS APPLICABLE TO INDUSTRIAL LAND ZONINGS AND/OR LAND USES**

#### 4.1.8.1 **GENERAL PROVISIONS APPLICABLE TO ALL INDUSTRIAL AREAS AND USES**

4.1.8.1.1 Clauses 3.1.1.1 and 3.1.2.1 of the Scheme will be applicable, which implies that a Development / Site Development Plan must be compiled by the prospective owner/developer for the purpose of co-ordinated allocation of land use rights and restrictions as contemplated in the Scheme and as a prerequisite for development.

4.1.8.1.2 The permissible Coverage on any Erf or site in a General Industry or Noxious Industry Zone shall not exceed 60%. Provided that, notwithstanding anything to the contrary contained in this Scheme, the aforesaid permissible Coverage of any such Erf or site which is 4 ha or greater in extent shall increase, at a ratio of a 2,5% increase for every whole hectare in excess of 4 ha, to a maximum of 75%.

4.1.8.1.3 In respect of a site in the Noxious Industrial or Harbour-Bound Industry Use Zones, nothing contained in this Scheme shall prevent Council from granting its approval to the conduct of either 1) a staff canteen (including an automated teller machine under special circumstances and to the sole discretion of Council) by Council’s authority or 2) an ancillary convenience facility (including an automated teller machine under special circumstances and to the sole discretion of Council) by Council’s consent, per property; provided:

- a) that in both cases the trade shall be restricted to the sale of take-away food, refreshments and other convenience goods;
- b) that in the case of an ancillary convenience facility the gross total floor area shall be restricted to 50m<sup>2</sup>;



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- c) that in the case of a staff canteen trade shall be restricted to persons actually employed on the property and no outdoor advertising shall be allowed; and
  - d) that such ancillary convenience facility shall cease to exist in the event that the industrial concern upon the premises ceases to operate;
- 4.1.8.1.4 Except where specific provision is made therefore in this Scheme and saving that the Council may approve of the erection and use of a single Dwelling Unit for the exclusive use of a caretaker, no other Dwelling Unit of any description whatsoever shall be erected or used or permitted to be erected or used on any Erf with an industrial zoning.
- 4.1.8.1.5 All industrial zoned erven located in Richards Bay Extension 23 and 24, are notwithstanding any other provision of this scheme, subject to a 12 (twelve) metre wide building restriction strip, as indicated on plans CBD/TP/P/86 and CBD/TP/P/122.
- 4.1.8.1.6 The building restriction strip shall consist of the following parts:
  - a) a 5 (five) metre wide parking strip;
  - b) a 6 (six) metre wide internal vehicle driveway; and
  - c) a 1 (one) metre wide pedestrian strip.
- 4.1.8.1.7 The parking strip shall:
  - a) be provided parallel and continuous along the full length of the boundaries of such properties, adjacent to the relevant street, and shall be used for the provision of 90 degree, uncovered parking spaces in accordance with Clause 3.1.2.4 of this scheme, and include connections with the existing vehicular entrances and exits;
  - b) have a width of 5 (five) metres, measured in a horizontal plane and rectangular to the existing street boundaries;
  - c) be designed, built, demarcated, sealed, drained and maintained, to the satisfaction of the Municipal Engineer, by the owner of a specific erf, before the relevant erf or any building or any structure on the erf may be permanently used or occupied;
  - d) be finished off and maintained to the satisfaction of the Municipal Engineer by the owner with an approved kerbing; and
  - e) be used exclusively for the provision of uncovered parking spaces and no building, whether temporary or permanent, shall be erected in the parking strip.
- 4.1.8.1.8 The internal vehicle driveway shall:
  - a) be provided parallel and continuous along the full length of the street boundaries of the relevant properties but immediately adjacent to the 5 (five) metre parking strip and shall be used as uncovered maneuvering space for vehicles from the parking strip and shall furthermore serve as an internal circulation area for vehicles, from as well as to adjacent erven;
  - b) have a width of 6 (six) metres, measured in a horizontal plane and rectangular to the existing street boundaries;

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- c) be designed, built demarcated, sealed, drained and maintained, to the satisfaction of the Municipal Engineer, by the owner of a specific erf, before the relevant erf or any building or any structure on the erf may be permanently used or occupied;
- d) have no physical obstruction, which will impede or prevent vehicular access to or exit from adjacent erven;
- e) to the satisfaction of the Council, link up with the internal vehicle driveways of adjacent erven; and
- f) be used exclusively as uncovered maneuvering area for vehicles, and no building whether temporary or permanent, shall be erected in the internal vehicle driveway.

### 4.1.8.1.9 The Pedestrian strip shall:

- a) be parallel to and continuous along the full length of the street boundaries of the relevant properties but adjacent to the 6 (six) metre internal vehicle driveway and shall primarily be used for safe pedestrian movement;
- b) have a width of 1 (one) metre, measured in a horizontal plane and rectangular to the existing street boundary and shall have a minimum vertical clearance of 3,0 (three comma zero) metres measured from the finished level of the pedestrian strip;
- c) be designed, built, demarcated, sealed, drained and maintained to the satisfaction of the Municipal Engineer, by the owner of a specific erf, before the relevant erf or any building or any structure on the erf may be permanently used or occupied; and
- d) be separated from the internal vehicle driveway to the satisfaction of the Municipal Engineer.

### 4.1.8.1.10 Where a greater number of parking spaces must be provided in terms of Clause 3.1.2.4 than can be fitted into the parking strip, the additional parking spaces shall, to the satisfaction of the Municipal Engineer, be provided on the property, barring the internal vehicle driveway, subject thereto that:

- a) the additional number of parking spaces shall be designed, sealed, demarcated, drained and maintained to the satisfaction of the Municipal Engineer;
- b) an alternative safe pedestrian strip shall, to the satisfaction of the Municipal Engineer, be provided to link up with the pedestrian strips of adjacent erven; and
- c) the additional number of parking spaces shall, where the additional parking spaces are provided adjacent to the internal vehicle driveway, be designed, built, demarcated, sealed and maintained, identical to the parking spaces in the parking strip, to the satisfaction of the Municipal Engineer.

### 4.1.8.1.11 The Council may, at sole discretion, prescribe the direction of traffic flow on the internal vehicle driveways, in order to fit in with the traffic flow of streets serving Richards Bay, Extensions 23 and 24.

### 4.1.8.1.12 Without prejudicing any powers of the Council in terms of any other legislation, nothing will be interpreted in this scheme to prohibit the conducting of a hiring service/business from where goods or any other moveable property may be leased, which, in the sole opinion of the Council, are related to any land use type that has a primary right on "General Industry" zoned property.

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- 4.1.8.1.13 All spray painting booths, regardless of their application, shall be required to have a working chamber, fresh air system and exhaust system installed to the satisfaction of the Medical Officer of Health / Environmental Health Section.
- 4.1.8.1.14 All sand blasting booths shall be subject to Council's approval and shall ensure that the operation of the sand blasting booth does not in any way impact on surrounding landowners. For this reason, a sand blasting booth shall be enclosed and shall have a relevant fresh air and exhaust system installed to the satisfaction of the Medical Officer of Health / Environmental Health Section.
- 4.1.8.2 **ADDITIONAL PROVISIONS APPLICABLE TO HARBOUR-BOUND AND NOXIOUS INDUSTRY**
- 4.1.8.2.1 Activities, land use and buildings on erven zoned "Harbour-Bound Industry" must be connected to the import or export of products and/or beneficiation and value-adding of products, commodities and services. It may include allied services and administrative support activities which are normally associated with such industries.
- 4.1.8.2.2 Activities, land use and buildings on erven zoned "Noxious Industry" must be aligned with this Scheme and relevant legislation that governs Noxious Industry Zones.
- 4.1.8.2.3 Council may, at its sole discretion, require the erecting of screening measures of such height, extent, materials, design and position as may be determined by Council, in order to screen unsightly areas, stockpiles or dumps from public streets.

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### 4.1.9 CONTROLS AND PROVISIONS APPLICABLE TO MINES AND QUARRIES

- 4.1.9.1 The use of land for mines and quarries may be subject to additional provisions and controls in terms of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002), as amended.
- 4.1.9.2 Nothing in this Scheme shall prevent an area zoned for Mining to be used for agricultural purposes prior to mining taking place. Land use after mining of an area has been completed shall be determined in consultation with the Municipality.

### 4.1.10 CONTROLS AND PROVISIONS APPLICABLE TO LAND WITHIN ZONES APPLICABLE TO RESIDENTIAL LAND ZONINGS AND/OR LAND USES

#### 4.1.10.1 ADDITIONAL PROVISIONS APPLICABLE TO LAND ZONED “RESIDENTIAL ONLY DETACHED”

The following provisions, conditions and restrictions shall, in addition to any other relevant provision of the Scheme, be applicable to all Residential Only Detached zones, Dwelling Houses and the sites thereof:

##### 4.1.10.1.1 The following erf categories shall apply to sites zoned “Residential Only Detached”:

ZONE	ERF SIZE	FRONTAGE (WIDTH)	STREET BUILDING LINE	SIDE & REAR BUILDING LINES	HEIGHT	COVERAGE	FAR
ROD 1	1200m <sup>2</sup> and more	22.5m	7.5m	2m or 1,5m per storey whichever the greater	3	50%	0.50
ROD 2	700m <sup>2</sup> but <1200m <sup>2</sup>	18m	5m		3	60%	0.60
ROD 3	500m <sup>2</sup> but <700m <sup>2</sup>	15m	4m		2	60%	0.60
ROD 4	300m <sup>2</sup> but <500m <sup>2</sup>	12m	3m		2	70%	0.70
ROD 5	120m <sup>2</sup> but <300m <sup>2</sup>	8m	3m		2	70%	0.60

**NB: Residential Only Detached 1 and 2 may not be subdivided to less than 450 square metres. Residential Only Detached 3, 4 and 5 may not be subdivided.**

- 4.1.10.1.2 Where an Erf is of an irregular shape, hatchet-type, occurs in a cul de sac or change in road direction, the frontage on the street may, with the authority of Council, be less than the prescribed minimum frontage, provided that the site ratio of the Erf remains 1:3 and provided also that the street frontage is not less than 4 metres.

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### **4.1.10.1.2 NUMBER OF DWELLING UNITS PER ERF**

4.1.10.1.2.1 Only two dwelling units are permissible on the properties zoned as Residential Only Detached, subject submission of building plans and compliance with the requirements of this Scheme.

4.1.10.1.2.2 Only two kitchens are permitted per Erf zoned as Residential Only Detached.

4.1.10.1.2.3 Where the lot is used exclusively for medium density housing, the minimum lot size shall be 1400m<sup>2</sup>.

### **4.1.10.1.3 LETTING OF PREMISES**

No part of any Dwelling House shall be let off as a separate tenement, nor shall the outbuildings of, or an additional freestanding building on the premises of a Dwelling House except an Additional Dwelling Unit be let off as a separate tenement. Provided that this Clause shall not restrict Council from granting its formal consent for the use of a Dwelling House as a Bed and Breakfast / Guest House as defined in this Scheme.

### **4.1.10.2 ADDITIONAL PROVISIONS APPLICABLE TO SITES ZONED “RESIDENTIAL ONLY MEDIUM DENSITY”**

The following provisions, conditions and restrictions shall, in addition to any other relevant provision of the Scheme, be applicable to all sites zoned Residential Only Medium Density:

4.1.10.2.1 Where an Erf is of an irregular shape, hatchet-type, occurs in a cul de sac or change in road direction, the frontage on the street may, with the authority of Council, be less than the prescribed minimum frontage, provided that the site ratio of the Erf remains 1:3 as provided for in Clause 3.1.2.7 of the Scheme, and provided also that the street frontage is not less than 4 metres.

### **4.1.10.3 ADDITIONAL PROVISIONS APPLICABLE TO LAND ZONED “RESIDENTIAL ONLY HIGH DENSITY”**

The following provisions, conditions and restrictions shall, in addition to any other relevant provision of the Scheme, be applicable to all Residential Only High Density zones, Dwelling Houses and the sites thereof:

4.1.10.3.1 Where an Erf is of an irregular shape, hatchet-type, occurs in a cul de sac or change in road direction, the frontage on the street may, with the authority of Council, be less than the prescribed minimum frontage, provided that the site ratio of the Erf remains 1:3 as provided for in Clause 3.1.2.7, and provided also that the street frontage is not less than 4 metres.

### **4.1.10.4 APPLICATION PROCEDURE, DESIGN AND LAYOUT OF MEDIUM AND HIGH DENSITY RESIDENTIAL**

4.1.10.4.1 The applicant shall submit to the Municipality for its approval and in the required format:

- a) A Site Development Plan, and in addition to the requirements of Clause 3.1.2.1, also show the following:
  - i) The position, dimensions and materials to be used in the construction of all roads, drive-ways, parking areas, squares and pedestrian access ways, if any;
  - ii) The boundaries of all dwelling unit curtilages, active open areas and common open spaces;

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- iii) The position, nature, extent and levels of all proposed and existing buildings on the site and adjoining sites;
  - iv) The proposed landscaping of the site;
  - v) The proposed common space;
  - vi) The position and nature of recreation facilities, if any;
  - vii) The position and extent of all utility areas.
- a) A set of sketch drawings prepared by an architect at a scale of 1: 100 showing the plans, sections and elevation of each type of structure within the proposed development and particulars of the materials and colours to be used for the exterior wall finishes and roof or roofs; together with both front and rear elevations of each typical group of dwelling units at a scale of 1: 100 or 1: 200;
- b) A table indicating:
- i) The total area of the site;
  - ii) The total number of dwelling units;
  - iii) The total floor area;
  - iv) The total number of car parking spaces provided for visitors and for residents;
  - v) The extent of the usable common land, the smallest active open area, the smallest dwelling unit curtilage and the smallest utility area; and
  - vi) The areas of public uses where applicable;
- a) Any other documents which the Municipality may reasonably require.

### 4.1.10.5 ADDITIONAL PROVISIONS APPLICABLE TO MEDIUM DENSITY HOUSING

4.1.10.5.1 The Curtilage for a Medium Density Housing Development shall not be less than 250m<sup>2</sup> in extent.

4.1.10.5.2 The following minimum areas per dwelling unit shall apply to Medium Density Housing:

- a) Active Open Area – 30m<sup>2</sup>
- b) Usable Common Open Space – 50m<sup>2</sup>
- c) Washing drying area – 15m<sup>2</sup>
- d) The minimum floor area of a garage or carport shall be 21 m<sup>2</sup>, with a minimum width of 3,5m
- e) Waste bin area shall make provision for one bin per unit provided.

4.1.10.5.3 Within a Medium Density Housing Site, a building line does not apply to the dwelling unit curtilages, except along external street frontages of the Medium Density Housing site, where the STREET BUILDING LINE shall be 7, 5 m.

4.1.10.5.4 Wherever it is intended to develop a site for Medium Density Housing in a Residential Only Detached zone, the maximum number of dwelling units which may be established on a Medium Density Housing site shall be obtained by dividing the registered surveyed area of the property concerned by the appropriate minimum lot area per dwelling house as specified in Clause 4.1.10.5.1, and taking into consideration Clauses 4.1.10.5.2, 4.1.10.5.3 and 3.1.2.4, and rounded

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off to the nearest whole number. Provided further that on lots of greater than 1 400m<sup>2</sup>, the Municipality may authorize a maximum permissible density of 15 units per hectare rounded off to the nearest whole number.

- 4.1.10.5.5 Where in the opinion of the Municipality a road within a Medium Density Housing site should serve the public, the Municipality may require the road to be registered as a public road, provided that for the purpose of bulk and coverage calculation, the area of the public road shall be included in the gross site area.
- 4.1.10.5.6 The minimum width of a road carriageway within a Medium Density Housing site shall be 3 metres where the carriageway is one-way and 5,5 metres where a dual-carriageway is provided.
- 4.1.10.5.7 Situated at the end of every cul-de-sac there shall be provided turning space to the satisfaction of the Municipality.
- 4.1.10.5.9 No dwelling unit curtilage within the Medium Density Residential site or within any portion of the site specified by the Municipality shall be transferred or separately registered before the whole Medium Density Housing site or the specified portion of the Medium Density Housing site within which the curtilage is situated has been developed to the satisfaction of the Municipality.
- 4.1.10.5.10 In the event of the different dwelling unit curtilages being transferred in freehold or registered leasehold title, the Municipality shall require that:
- a) the common land shall be owned exclusively by the freehold or registered leasehold owners of the dwelling units in co-ownership; and
  - b) no co-owners shall be entitled to require the partition of the common land according to the proportion of his share.

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### **4.1.10.6 ADDITIONAL PROVISIONS APPLICABLE TO RESIDENTIAL BUILDINGS**

4.1.10.6.1 No Residential Building may be erected on a site of less than 1000m<sup>2</sup> in extent.

4.1.10.6.2 Those portions of the site of a Residential Building not used for building, parking, road or other utility purposes, which portions shall comprise not less than 25% of the area of such site must be landscaped at the cost of the owner to the satisfaction of Council, for the use and enjoyment of the residents of the dwelling units, and shall thereafter be maintained by the owner, at his cost:

Provided that:

- a) the aforesaid 25% of the area of the site may, with the authority of the Council, include the area of any flat roof of a Residential Building, play areas, common areas and recreational facilities conveniently accessible from such Residential building and laid out or landscaped to the satisfaction of the residents of the Council for the use and enjoyment of the residents of the Dwelling Units; and
- b) the aforesaid period to be determined by the Council shall not be less than six months or more than eighteen months from the date on which any Dwelling Unit on the site is first used for residential purposes.

4.1.10.6.3 The minimum width of a road carriageway within a High Density Housing site shall be 3 metres where the carriageway is one-way and 5,5 metres where a dual-carriageway is provided.

4.1.10.6.4 Situated at the end of every cul-de-sac there shall be provided turning space to the satisfaction of the Municipality.

4.1.10.6.5 Adequate utility facilities shall be provided to the satisfaction of the Council, including areas for waste disposal, clotheslines, etc.

### **4.1.10.7 ADDITIONAL CONTROLS AND PROVISIONS APPLICABLE TO RESIDENTIAL ESTATES**

#### **4.1.10.7.1 DESIGN AND LAYOUT**

4.1.10.7.1.1 The development within the Residential Estate Site shall be harmoniously designed. Careful attention shall be given to the aesthetic and functional aspects of the design. The Council may, where considered necessary or reasonably desirable by the Council, require the landscaping, paving or any other treatment of portions of a Residential Estate Site.

4.1.10.7.1.2 The owner shall not develop any area, whether in part or in whole, without prior approval by the local authority of a Development Plan/Site Development Plan, as set out in Clauses 3.1.1.1 and 3.1.2.1 respectively, of this Scheme. Such plan shall demarcate the relevant components of the development, which may include:

- a) Residential Component; and
- b) Recreation / Education / Commercial Component

4.1.10.7.1.3 The Development and/or Site Development Plan shall detail access points, all relevant bulk factors (viz., relevant height, floor areas, coverage), parking / loading areas, private areas, landscaping and other related requirements per the components listed above.

4.1.10.7.1.4 The minimum width of a road carriageway within a Residential Estate site shall be 3 metres where the carriageway is one-way and 5,5 metres where a dual-carriageway is provided.



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- 4.1.10.7.1.5 Situated at the end of every cul-de-sac there shall be provided turning space to the satisfaction of the Municipality.
- 4.1.10.7.2 PROVISIONS APPLICABLE TO THE RESIDENTIAL COMPONENT OF A RESIDENTIAL ESTATE
  - 4.1.10.7.2.1 The provisions of Clauses 4.1.10.5 and/or 4.1.10.6 shall apply.
- 4.1.10.7.3 PROVISIONS APPLICABLE TO THE RECREATION / EDUCATION / COMMERCIAL COMPONENT OF A RESIDENTIAL ESTATE SITE
  - 4.1.10.7.3.1 The Recreation / Education / Commercial Component shall be restricted to 25% of the total site of a Residential Estate.
  - 4.1.10.7.3.2 High impact areas such as recreation, education and commercial area should, at all times, respect the privacy and well-being of the residents.
- 4.1.10.7.4 PROVISIONS APPLICABLE TO SERVICES AND UTILITY COMPONENTS OF A RESIDENTIAL ESTATE
  - 4.1.10.7.4.1 Adequate facilities for the removal of and general waste, in line with Council's Bylaws and to the satisfaction of Council, shall be provided.
  - 4.1.10.7.4.2 Adequate facilities for clotheslines shall be provided within the residential component of the estate.
- 4.1.10.7.5 SECURITY AND LIGHTING
  - 4.1.10.7.5.1 Adequate provision shall be made for perimeter and internal security measures, which may include a guard house, perimeter fencing, etc.
  - 4.1.10.7.5.2 The development shall be adequately lit, to the satisfaction of Council.
- 4.1.10.7.6 PARKING AND LOADING REQUIREMENTS
  - 4.1.10.7.6.1 Parking and loading requirements shall be in terms of Clauses 3.1.2.4 and 3.1.2.5 of the Scheme, and shall be based on the components of the development as indicated in the Site Development Plan.
  - 4.1.10.7.6.2 Public transport stops shall be provided within or at the entrance/s to the development.
- 4.1.10.7.7 BUILDING LINES, SIDE AND REAR BUILDING LINE
  - 4.1.10.7.7.1 The provisions of Clauses 3.1.2.3 shall apply.
- 4.1.10.8 ADDITIONAL CONTROLS AND PROVISIONS APPLICABLE TO RETIREMENT VILLAGES
  - 4.1.10.8.1 DESIGN AND LAYOUT
    - 4.1.10.8.1.1 The development within the Retirement Village Site shall be harmoniously designed. Careful attention shall be given to the aesthetic and functional aspects of the design. The Council may, where considered necessary or reasonably desirable by the Council, require the landscaping, paving or any other treatment of portions of a Retirement Village Site.

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- 4.1.10.8.1.2 Pedestrian pathways shall be designed and constructed, taking due cognisance of the limited mobility of some residents of a Retirement Village. It shall aim to contain materials that is considered non-slippery, shall not present a tripping hazard and shall not have a gradient steeper than 1 in 12.
- 4.1.10.8.1.3 The owner shall not develop any area, whether in part or in whole, without prior approval by the local authority of a Development Plan/Site Development Plan, as set out in Clauses 3.1.1.1 and 3.1.2.1 respectively, of this Scheme. Such plan shall demarcate the relevant components of the development, which may include:
- a) Assisted Living and Frail Care;
  - b) Medium Density Housing;
  - c) Recreation and Community Centre. Such component should further demarcate areas accessible by the general public or accessible only by the residents and guests;
  - d) Service and utility areas; and
  - e) Common areas and open space, which shall form part of all other components listed above.
- 4.1.10.8.1.4 Components may be interspersed to provide, for instance, two separate recreation areas, etc.
- 4.1.10.8.1.5 The Development and/or Site Development Plan shall detail access points, all relevant bulk factors (viz., relevant height, floor areas, coverage), parking / loading areas, public vs. private areas, landscaping and other related requirements per the components listed above.
- 4.1.10.8.2 PROVISIONS APPLICABLE TO THE MEDIUM DENSITY HOUSING COMPONENT OF A RETIREMENT VILLAGE SITE
- 4.1.10.8.2.1 The provisions of Clause 4.1.10.5 shall apply.
- 4.1.10.8.3 PROVISIONS APPLICABLE TO THE FRAIL CARE / ASSISTED LIVING COMPONENT OF A RETIREMENT VILLAGE SITE
- 4.1.10.8.3.1 The size of the Frail Care / Assisted Living component shall not be less than 3600m<sup>2</sup> or 25% of the total Retirement Village site, whichever is greater.
- 4.1.10.8.3.2 A minimum of 25% of the Frail Care / Assisted Living component shall be provided as active open area and/or common areas.
- 4.1.10.8.4 PROVISIONS APPLICABLE TO THE RECREATION / COMMUNITY CENTRE COMPONENT OF A RETIREMENT VILLAGE SITE
- 4.1.10.8.4.1 The Recreation and Community Centre component of a Retirement Village shall be limited to a maximum of 50% of the total Retirement Village site.
- 4.1.10.8.4.2 The Recreation and Community Centre component of a Retirement Village should aim to empower the senior citizen community, and as such could allow for continued employment options for senior citizens, recreational and socialization needs and the continued integration of the senior citizen community with the rest of the community (i.e. “public contact” areas).

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- 4.1.10.8.4.3 Should public contact areas be provided for as part of a Retirement Village, site development plans should clearly distinguish between, and separate (where necessary) areas accessible by the general public (i.e. “public contact” areas) or accessible only by the residents and guests. This may include a dual security gate system.
- 4.1.10.8.4.4 The “Public contact area” is restricted to a maximum of 20% of the Recreation and Community Centre component of a Retirement Village.
- 4.1.10.8.4.5 “Public contact areas” should, at all times, respect the privacy and well-being of the residents. The following land uses may be provided for access to the general public:
- a) Educational Building, restricted to a library, art gallery, day-care/after-care crèche/nursery school and educational training facilities/lecture hall;
  - b) Place of Worship;
  - c) Place of Assembly, limited to a conference facility and restaurant / tea garden;
  - d) Informal Trade Area, restricted to a community/flea market facility.
  - e) General or Offices.
- 4.1.10.8.4.6 The following restrictions relating to permissible and consent uses shall apply to The Recreation and Community Centre component of a Retirement Village accessible only by the residents and guests:
- a) Shop shall be restricted to a hair / beauty salon, laundry, convenience/tuck shop and other commercial uses ancillary to a Retirement Village facility.
  - b) Agricultural Land shall be restricted to the use for a community garden and a plant nursery.
- 4.1.10.8.5 PROVISIONS APPLICABLE TO SERVICES AND UTILITY COMPONENTS OF A RETIREMENT VILLAGE SITE
- Adequate facilities for the removal of hazardous/medical and general waste, in line with Council’s Bylaws and to the satisfaction of Council, shall be provided.

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### **4.1.10.8.6 SECURITY AND LIGHTING**

4.1.10.8.6.1 Adequate provision shall be made for perimeter and internal security measures, which may include a guard house, perimeter fencing, etc.

4.1.10.8.6.2 The development shall be adequately lit, to the satisfaction of Council.

### **4.1.10.8.7 SEQUENTIAL DEVELOPMENT**

4.1.10.8.7.1 The Council may approve of a Retirement Village Site being developed sequentially in portions/phases, provided that at least the following services shall be provided concurrently with the first stage of development:

- a) a Care Centre, which may contain frail aged accommodation with a minimum total number of beds equal to 10% of the number of dwelling units;
- b) the Community Centre, which shall contain a kitchen, dining room and lounge area and may include other support facilities which shall be for the exclusive use of the residents and their guests;
- c) open space areas; and
- d) administration offices.

### **4.1.10.8.8 PARKING AND LOADING REQUIREMENTS**

4.1.10.8.8.1 Parking and loading requirements shall be in terms of Clauses 3.1.2.4 and 3.1.2.5 of the Scheme, and shall be based on the components of the development as indicated in the Site Development Plan.

4.1.10.8.8.2 One bus loading zone is to be provided within the recreation and community centre component and one ambulance zone is to be provided within the frail care / assisted living component.

4.1.10.8.8.3 The development shall make provision for the parking of caravans / boats / motor homes owned by the retirees.

### **4.1.10.8.9 BUILDING LINES, SIDE AND REAR BUILDING LINE**

The provisions of Clauses 3.1.2.3 shall apply.

## **4.1.11 CONTROLS AND PROVISIONS APPLICABLE TO HOTELS**

4.1.11.1 The following provisions, conditions and restrictions shall, in addition to any other relevant provision of the Scheme, be applicable to all Hotels and the sites thereof within the area of the scheme.

4.1.11.1.1 Except with the approval of the Council, no Hotel shall be erected on a site of less than 3600m<sup>2</sup> in extent.

4.1.11.1.2 Notwithstanding any other provision of the scheme and in respect of a Hotel, Council may grant its approval to one or more of the following activities being used ancillary to such Hotel: Hairdressing salon, health and beauty facility, book shop, news agent, automatic vending machines, travel agent, florist, booking agent, and curio shop or bank agency.

Provided that:

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- a) for the purposes of this clause, the definition of such aforesaid activities shall be at the discretion of the Council provided that any applicant aggrieved by such definition may appeal;
- b) no commercial advertising of such aforesaid activities shall be permitted on the site so as to be visible from outside the building;
- c) access to such activities shall be from within the Hotel; and
- d) for the purpose of Floor Area Ratio, Coverage and Height determination such aforesaid activities shall be deemed to be part of the Hotel.

4.1.11.1.3 Where a Hotel is permitted in any Zone and the actual Coverage of all buildings on the site exceeds 60% then, for the purpose of determining permissible Coverage in respect of such Hotel only, may any flat roofs on the site, laid out or landscaped for rest and recreational purposes and conveniently and freely accessible from such Hotel, with the approval of the Council, be deemed to be excluded from actual coverage.

### **4.1.12 CONTROLS AND PROVISIONS APPLICABLE TO RESORT ZONES**

#### **4.1.12.1 ADDITIONAL PROVISIONS APPLICABLE TO RESORT DEVELOPMENTS**

- 4.1.12.1.1 Within a Resort Zone, the provision of any Caravan Park shall be designed and operated independently of any accommodation of a permanent nature such as Chalets, Dwellings and Medium Density units.
- 4.1.12.1.2 No Caravan Park, Chalets, Dwellings, or Medium Density units may be erected within a Resort Zone without compliance, first, with the provisions of Clause 3.1.2.1 of this Scheme, at the sole discretion, and to the satisfaction, of the Council.
- 4.1.12.1.3 No chalet, dwelling unit or building may be sited within the coastal setback line as determined by Council, or in terms of legislation.
- 4.1.12.1.4 No undergrowth, shrubs and trees of an indigenous nature may be cleared, unless so identified and approved by means of an environmental impact assessment.
- 4.1.12.1.5 The Council may, at its sole discretion, on application to it, grant its approval to the establishment of:
  - a) a shop, launderette and/or place of amusement, place of assembly, or recreational building which is ancillary and incidental to the Resort Zone and exclusively serves such zone; and
  - b) a dwelling unit, or dwelling units, which is, or are, exclusively to be used for accommodation of employees of a Caravan Park.
- 4.1.12.1.6 No caravan park shall be established within the area of this scheme, except where the approval of the Council thereto has been obtained. The design, layout and other standards of the Caravan Park shall be to the satisfaction of the Council and subject to such conditions which the Council may impose; provided that the Council, when considering an application in respect of a Caravan Park may, at its sole and unhindered discretion allow itself to be guided by the South African Bureau of Standard's "Code of Practice for the siting, layout, design, construction, use, maintenance and operation of caravan parks" (SANS 10092-2004). The Council reserves the right to impose any part of parts or the whole of the said Code or applicable Bylaws as a condition of approval, in which case

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such Code or Bylaws, or parts thereof, shall be deemed to have the same force and effect as any provision of this Scheme and to be a part of this scheme.

### 4.1.12.2 ADDITIONAL PROVISIONS APPLICABLE TO “HARBOUR RESORT” ZONES

4.1.12.2.1 Developers shall be responsible for the provision of all essential services within the said Zones, subject to the provisions of Clause 3.1.1.5.

4.1.12.2.2 Notwithstanding the above, the provision of such services by Council shall be at Council’s sole discretion, within its budgeting limitations and/or by contractual agreement between the Harbour Authority and/or its lessee and Council.

4.1.12.2.3 The provisions of Clauses 3.1.1.1 and 3.1.2.1 shall, *mutatis mutandis*, apply to all land and building uses within these zones.

4.1.12.2.4 Where no registered subdivision exists, the provisions of the scheme shall apply to any lease area or area of use so identified by Council.

4.1.12.2.5 The height of any building or structure shall not impede the efficient control by the Harbour Authority over harbour water activities, as determined by such authority.

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### **4.1.13 CONTROLS AND PROVISIONS APPLICABLE TO TRANSPORTATION ROUTES OR CORRIDORS**

#### **4.1.13.1 PROVISIONS APPLICABLE TO RAILWAY CORRIDORS**

- 4.1.13.1.1 Transnet or Developers shall be responsible for the provision of all essential services within the said Zone.
- 4.1.13.1.2 Notwithstanding the above, the provision of such services by Council shall be at Council's sole discretion, within its budgeting limitations and/or by contractual agreement between the railway authorities and/or its lessee and Council.
- 4.1.13.1.3 The provisions of Clauses 3.1.1.1 and 3.1.2.1 shall, mutatis mutandis, apply to all land and building uses within these zones, if required by Council.
- 4.1.13.1.4 Where no registered subdivision exists, the provisions of the scheme shall apply to any lease area or area of use so identified by Council.
- 4.1.13.1.5 The height of any building or structure shall not impede the efficient control by the railway authority over railway activities, as determined by such authority.

### **4.1.14 CONTROLS AND PROVISIONS APPLICABLE TO TRANSPORT TERMINALS**

#### **4.1.14.1 GENERAL PROVISION APPLICABLE TO ALL TRANSPORT TERMINALS**

##### **4.1.14.1.1 SITE DEVELOPMENT PLANS**

- 4.1.14.1.1.1 Sites shall not be developed, whether in part or in whole, without prior approval by the local authority of a Framework Plan / Development Plan / Site Development Plan, as set out in Clause 3.1.1.1 and 3.1.2.1 of this Scheme.

- 4.1.14.1.1.2 Such plan shall demarcate all relevant components of the development, such as:

- a) Refueling area/s;
- b) Mechanical workshop/s;
- c) Vehicle washing area/s;
- d) Vehicle parking, loading and maneuvering area/s;
- e) Pedestrian movement areas;
- f) Waiting, recreational and shopping area/s;
- g) Relevant docks, hangers, warehousing, etc.;
- h) Overnight Facility/ies (if provided);
- i) Ingress / Egress points to the site;
- j) Lighting, security and custom control measures;
- k) Buffer or screening measures implemented (if deemed necessary);
- l) Landscaping;
- m) Waste Management Area/s; and
- n) Other components as required by the Municipality.

- 4.1.14.1.1.3 The Development and/or Site Development Plan shall detail all relevant bulk factors (viz., relevant height, floor areas, coverage) and other related requirements per components listed above.

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- 4.1.14.1.1.4 Detailed design and actual development shall be subject to an appropriate level of geotechnical, traffic and environmental assessment, and/or any other specialist study that the Municipality may require.
- 4.1.14.1.2 SURFACES AND DRAINAGE
- The provisions of Clause 3.1.1.6 of the Scheme shall apply.
- 4.1.14.1.3 ACCESS, TRAFFIC MOVEMENT AND DROP-OFF / PICK-UP AREAS
- 4.1.14.1.3.1 Points of ingress to and egress from a transportation terminal or facility shall be sited, constructed, paved and maintained to the satisfaction of the Council.
- 4.1.14.1.3.2 Traffic movement within the facility and drop-off/pick-up areas shall make provision for separation of pedestrian and traffic movement, signage, road markings, shelters and other facilities to ensure the safety and convenience of passengers.
- 4.1.14.1.4 WASTE MANAGEMENT
- The provisions of Clause 3.1.1.8 of the Scheme shall apply.
- 4.1.14.1.5 SECURITY, SCREENING, LIGHTING AND VENTILATION
- 4.1.14.1.5.1 Adequate security shall be provided and maintained to the satisfaction of the Council.
- 4.1.14.1.5.2 Adequate lighting shall be provided and maintained on the premises for the safe movement and control of vehicular and pedestrian traffic to the satisfaction of the Council. Such additional lighting as the Council may deem necessary to facilitate safety, movement and control of traffic to and from the site shall be provided at the cost of the owner.
- 4.1.14.1.5.3 Adequate ventilation of the premises shall be provided and maintained.
- 4.1.14.1.6 LANDSCAPING, SCREENING OF SITE AND ACTIVITIES
- 4.1.14.1.6.1 Provision shall be made for the landscaping and maintenance of the grounds to the satisfaction of the local authority.
- 4.1.14.1.6.2 Screening measures of such height, extent, materials, design and position as may be determined by Council, shall be erected as and when required by Council in order to screen fencing, working, washing and maintenance areas, storage areas and utility areas from outside view.
- 4.1.14.1.7 PUBLIC CONVENIENCES
- Public conveniences shall be provided and maintained to the satisfaction of Council.
- 4.1.14.2 ADDITIONAL PROVISIONS APPLICABLE TO “AIRPORTS”
- A noise buffer shall be maintained free of any development as determined in the Airport Master Plan.
- 4.1.14.3 ADDITIONAL PROVISIONS APPLICABLE TO “INTERMODAL FACILITY”
- 4.1.14.3.1 An Intermodal facility may make provision for both formal and informal commercial activities incidental to the efficient operation of the facility.
- 4.1.14.3.2 Informal commercial activities shall be in compliance with Council’s Street Trading Bylaws.



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### 4.1.14.4 ADDITIONAL PROVISIONS APPLICABLE TO “TRUCK STOPS”

#### 4.1.14.4.1 PROVISIONS AND RESTRICTIONS RELATING TO PERMISSIBLE AND CONSENT USES:

##### 4.1.14.4.1.1 *Truck Re-fuelling, Parking and Maintenance Areas:*

##### 4.1.14.4.1.1.1 The following uses must be provided at a Truck Stop Facility:

- a) the dispensing of motor fuel or other petroleum products;
- b) the temporary parking of trucks or similar commercial heavy vehicles;
- c) ablution facilities, including showers and facilities for the washing and drying of clothes;
- d) offices and storage areas normally associated with a Truck Stop Facility.
- e) An area for the handling and storage of waste, including general household waste and waste-products that may result from the cargo transported by trucks. The storage of waste would be subject to relevant legislation and must consider the risks associated with the storage of dangerous / hazardous goods, and implement safety provisions specified in terms of relevant legislation and SABS standards specifications and codes of practice.

##### 4.1.14.4.1.1.2 The following uses may be provided at a Truck Stop Facility:

- a) the cleaning, maintenance, servicing, or minor repairs of trucks or commercial heavy vehicles.

##### 4.1.14.4.1.1.3 Dispensing and parking areas must consider the risks associated with the storage of dangerous / hazardous goods, and implement safety provisions specified in terms of relevant legislation and SABS standards specifications and codes of practice.

##### 4.1.14.4.1.2 *Ancillary Overnight, Shopping and Recreational Facilities:*

##### 4.1.14.4.1.2.1 The following ancillary uses must be provided at a Truck Stop Facility, at the sole discretion of Council:

- a) Restaurant, take away or similar facility providing food and drink;
- b) Supermarket for convenience shopping;
- c) Public office, limited to a clinic;

##### 4.1.14.4.1.2.2 The following ancillary uses may be provided at a Truck Stop Facility, at the sole discretion of Council:

- a) Shop for the sale of accessories, spare parts or equipment associated with trucks and similar commercial vehicles;
- b) Launderette;
- c) Internet café and telephone facilities;
- d) Automatic banking teller machine;
- e) Recreational building and private recreational use, such as a braai area, gymnasium, games room, pool, sports field; etc.
- f) Place of public worship, restricted to a chapel;
- g) Informal trade area;
- h) Overnight facilities.

##### 4.1.14.4.1.2.3 Ancillary overnight, shopping and recreation facilities listed above shall be limited to a maximum of 50% of the allowed coverage associated with this zoning.

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- 4.1.14.4.1.2.4 Provision is to be made for the landscaping and maintenance of the grounds to the satisfaction of the local authority and not less than 25% of the site shall be set aside and maintained as a garden and recreational area, which must be kept free of parking space and driveways.

### **4.1.15 CONTROLS AND PROVISIONS APPLICABLE TO PUBLIC PARKING / PARKADES**

The following provisions shall, in addition to any other relevant provision of the Scheme, be applicable to all Parking Areas and Parkades, which may be used for parking purposes only. No building other than a parkade, ticket office, automatic teller machine and carwash facility shall be permitted.

#### **4.1.15.1.1 ACCESS, SURFACES AND DRAINAGE**

The provisions of Clause 3.1.1.6 of the Scheme shall apply.

#### **4.1.15.1.2 WASTE MANAGEMENT**

The provisions of Clause 3.1.1.8 of the Scheme shall apply.

#### **4.1.15.1.3 SECURITY, LIGHTING AND VENTILATION**

- 4.1.15.1.3.1 Sites shall be enclosed with a screen wall or fence of not less than 2,00 metres in height.

- 4.1.15.1.3.2 Security measures shall be implemented to ensure the safety of staff and patrons.

- 4.1.15.1.3.3 Adequate lighting shall be provided and maintained on the premises for the safe movement and control of vehicular and pedestrian traffic to the satisfaction of the Council. Such additional lighting as the Council may deem necessary to facilitate safety, movement and control of traffic to and from the site shall be provided at the cost of the owner.

- 4.1.15.1.3.4 Adequate ventilation of the premises shall be provided and maintained.

#### **4.1.15.1.4 LANDSCAPING, SCREENING OF SITE AND ACTIVITIES**

- 4.1.15.1.4.1 Provision shall be made for the landscaping and maintenance of the grounds to the satisfaction of the local authority.

- 4.1.15.1.4.2 Screening measures of such height, extent, materials, design and position as may be determined by Council, shall be erected as and when required by Council in order to screen fencing, working, washing and maintenance areas, storage areas and utility areas from outside view.

#### **4.1.15.1.5 PUBLIC CONVENIENCES**

Public conveniences shall be provided and maintained by the owner/developer to the satisfaction of Council.

### **4.1.16 CONTROLS AND PROVISIONS APPLICABLE TO UTILITIES AND SERVICES**

- 4.1.16.1 GENERAL PROVISIONS APPLICABLE TO ALL LAND, INFRASTRUCTURE AND BUILDINGS APPLICABLE TO UTILITIES AND SERVICES

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The use of land may be subject to additional provisions and controls in terms of *inter alia* the National Environmental Management Waste Act, Act 59 of 2008, the National Water Act (Act No. 36 of 1998), etc.

### 4.1.16.2 ADDITIONAL PROVISIONS APPLICABLE TO REFUSE SITES, RECYCLING FACILITIES AND WASTE DROP OFF / TRANSFER STATIONS

4.1.16.2.1 A buffer of no less than 500m shall be maintained around all sites zoned as a refuse site.

4.1.16.2.2 The Council may grant its consent to provide facilities for the temporary storage of general waste at a drop-off / transfer station on an erf, or part thereof, and within an applicable zone listed under Section 2, Column 3 provided for in this Scheme, subject thereto that:

4.1.16.2.2.1 The site only provides facilities for the storage only of less than 35m<sup>3</sup> of garden and domestic waste before it is transported to a recycling, treatment or waste disposal facility waste at any time. A proposal for the temporary storage of more than 35m<sup>3</sup> shall be defined under Waste Transfer / Recycling Centre;

4.1.16.2.2.2 The Council has followed public participation procedures as prescribed in law in order to establish such drop-off or waste transfer station;

4.1.16.2.2.3 The location of drop-off or waste transfer sites is selected with sensitivity and careful planning to ensure accessibility and acceptance by the community, and not to interfere with pedestrian movement, or create an eyesore, or a public nuisance of rodents, dust, wind-blown litter and odour;

4.1.16.2.2.4 The site is adequately designed and surfaces are hardened and impermeable and maintained in a dust free condition. Stormwater and wastewater control measures shall be implemented to avoid polluted water and run-off from entering the natural system;

4.1.16.2.2.5 The drop-off or waste transfer station is adequately managed to avoid wind-blown litter;

4.1.16.2.2.6 The drop-off or waste transfer station is screened from public view, if required; and

4.1.16.2.2.7 The drop-off or waste transfer station is licensed in terms of relevant legislation, if necessary.

4.1.16.2.3 The provisions of Clauses 4.1.16.2.2.3 – 4.1.16.2.2.7 shall apply to waste transfer / recycling facilities.

### 4.1.16.3 ADDITIONAL CONDITIONS AND PROVISIONS APPLICABLE TO FREESTANDING TELECOMMUNICATION INFRASTRUCTURE

4.1.16.3.1 When considering an application for consent to erect freestanding telecommunication infrastructure, the Council shall consider the following objectives:

a) To encourage co-location as a means of preventing unnecessary proliferation and duplication of such infrastructure;

b) To minimize the visual impact of such infrastructure on the surrounding locality; and

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- c) To avoid impact on lines of sight and any impact that the infrastructure may have on the responsibilities of the Department of Civil Aviation and the National Ports Authority.
- 4.1.16.3.2 Council reserves the right to insist on the decoration of telecommunication masts/antennae if regarded necessary, as well as the possible relocation of and/or alterations to the mast by and at the expense of the applicant if the need arises.
- 4.1.16.4 ADDITIONAL CONDITIONS AND PROVISIONS APPLICABLE TO ROOFTOP TELECOMMUNICATION INFRASTRUCTURE
- 4.1.16.4.1 When considering an application for consent to erect rooftop telecommunication infrastructure, the Council shall consider the following objectives:
  - a) Height restriction of 4m (beyond 4m, Council's consent is required)
  - b) Council reserves the right to insist on the decoration of telecommunication infrastructure/antennae if regarded necessary, as well as the possible relocation of and/or alterations to the mast by and at the expense of the applicant if the need arises.

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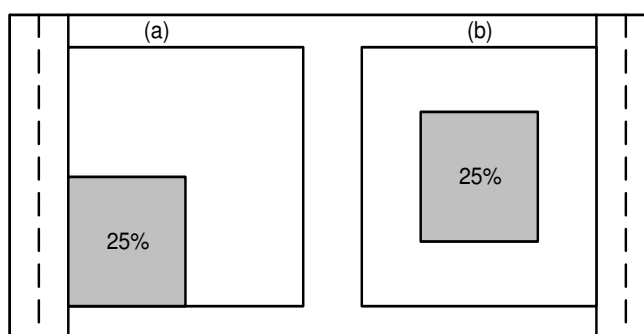
### SECTION 5: DEFINITIONS

#### 5.1 GENERAL DEFINITIONS

<b>Air Quality Buffer – Potential Health Impact Zone</b>	<p>Means a buffer area, as adopted by Council in accordance with Resolution 4272 of 5 December 2006, which has been implemented to limit the health impacts of air pollution produced by industrial development in Richards Bay.</p> <p>Industries considering development or expansion within the Potential Health Impact Zone shall not be allowed to add any percentage of SO<sub>2</sub> or PM<sub>10</sub>, or fractions thereof. Other criteria pollutants suspected of impacting on the health and well-being of people may also be limited at the sole discretion of Council.</p>
<b>Air Quality Buffer – Alert Zone</b>	<p>Means a buffer area, as adopted by Council in accordance with Resolution 4272 of 5 December 2006, which has been implemented to limit the health impacts of air pollution produced by industrial development in Richards Bay.</p> <p>Industries considering development or expansion within the Alert Zone, which emit any percentage of SO<sub>2</sub> or PM<sub>10</sub>, or fractions thereof, shall make use of an air quality model acceptable to Council, at own cost, to predict how emissions would influence the Buffer Zones. The outcomes of the modeling would determine whether the proposed location for industrial development is acceptable or not.</p> <p>Other criteria pollutants suspected of impacting on the health and well-being of people may also be limited at the sole discretion of Council.</p>
<b>Ancillary Use</b>	<p>Means a use incidental to and customarily associated with a specific principal use, located on the same erf/lot or subdivision.</p>
<b>Approval</b>	<p>Means the approval of the Council as contemplated in Clause 1.9.3 of the Scheme. In relation to an application for Municipal Planning Approval means approval in terms of the SPLUM By-law and Land Use Scheme and includes the conditions of approval.</p>
<b>Arcade</b>	<p>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.</p>
<b>Balcony</b>	<p>Means the protruding floor area of a portion of a main building that is constructed above from the ground floor area, of which its sides are not permanently closed and is open to the elements, and which a portion thereof shall have direct access to the main building.</p>
<b>Basement</b>	<p>Means any storey of a building or portion thereof where either:</p> <ol style="list-style-type: none"><li>the floor level of such storey is two metres (2m) or more below the mean finished ground level of the site on which such building or portion thereof is erected; or</li><li>the ceiling level of such storey is below a level of one metre (1m) above finished ground level.</li></ol>
<b>Block of Flats</b>	<p>Means a building containing more than three dwelling units, and which is not defined as “Residential - Medium Density”.</p>

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<b>Boundary</b>	an invisible line between two pegs that marks the edge of an erf and is registered in the Surveyor General office and properties provided by Traditional Councils in Traditional Settlement Areas.
<b>Building</b>	includes any structure of any nature whatsoever as envisaged in Section 1 of the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977) and its regulations.
<b>Building Line</b>	means line parallel to any boundary of an Erf within which no building or structure may be erected, the extent of which is prescribed in terms of the Land Use Scheme. It shall include a street building line, side building line and rear building line.
<b>Bylaw</b>	Is a bylaw, or regulation made to enable the Council to give proper effect to the powers and duties conferred or imposed upon it in terms of the Municipal Systems Act, as amended, or any other law.
<b>Caravan</b>	Means any vehicle permanently fitted out for use by persons for living and sleeping purposes whether or not such vehicle is a trailer.
<b>Carport</b>	Means a permanent and/or temporary roofed structure, which is not completely enclosed and has a minimum of 2 sides opened and which is used for the parking of vehicles.
<b>Common Land</b>	Means that portion of a medium density housing development or Mobile Home Park site, which is set aside for the use, and enjoyment of all the occupants of the dwelling units on that site and from which the general public may be excluded.
<b>Common Open Space</b>	Means that 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.
<b>Consent</b>	means a written authorisation, issued by the Municipal Planning Approval Authority which includes "consent uses" to use or develop a property for a permitted purpose or in a particular manner contemplated in the Land Use Scheme.
<b>Coverage</b>	Is the maximum proportion of an erf that may be 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. Only roofed or covered areas are included in coverage.



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Distinction is made between the following:

“Actual Coverage”, which means the proportion of a site expressed as a percentage of the area of such site at or above finished ground level, covered by all buildings, on such site and shall include:

1. walls of buildings;
2. any covered or roofed area;
3. stairs, steps, landings, galleries, passages, ramps and similar features, whether internal or external;
4. canopies, balconies, verandahs, porches, stoeps and similar features; and
5. internal courtyards, light wells and any uncovered shaft where the area of such feature does not exceed 10m<sup>2</sup>.

Provided that minor decorative features not projected more than 1,0 metre from a wall of a building such as eaves, cornices, pergolas, and flower boxes, water pipes, drain pipes, private swimming pools and paved surfaces shall be excluded from actual coverage.

And

“Permissible Coverage” means the proportion of a site expressed as a percentage of the area of such site which shall not be exceeded by the “actual coverage” of all buildings on such site.

<b>Dangerous Goods</b>	Means goods that are capable of posing a significant risk to the health and safety of people or the environment and which are listed in South African National Standard No.10228 designated “The identification and classification of dangerous goods for transport”, SANS 10228:2003, edition 3, published by Standards South Africa, ISBN 0-626-14417-5, as may be amended from time to time.
<b>Density</b>	means the number of Dwelling Units permitted on a property. Density is expressed in terms of Dwelling Units per hectare.
<b>Development</b>	In relation to any land, means the erection of buildings and structures, the carrying out of construction, engineering, mining or other operations on, under of over land, and a material change to the existing use of any building or land for non-agricultural purposes.
<b>Development Plan</b>	As provided for in Clause 3.1.1.1.
<b>Duplex Unit</b>	Means a dwelling unit in a building where 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.
<b>Dwelling Unit</b>	Means a self-contained inter-leading group of rooms for a single family including not more than one kitchen, together with such outbuildings as are of a nature customarily incidental thereto.
<b>Dwelling Unit Curtilage</b>	Means a single defined area of land forming part of a Medium Density and High Density Residential Housing development comprising the land upon which a dwelling 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.

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<b>Erection of a Building</b>	Means the construction of a new building or a structural alteration or additions to any building.
<b>Erf</b>	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 or stand.
<b>Erf Area</b>	Is the area of an erf, less the area of any public right of way, road servitude, new road or road widening to which the Erf may be subject, but shall include any registered servitude for overhead or underground services. Erf area, in any zone, is exclusive of access ways in “hatchet-shaped” erven.
<b>Existing Building</b>	Means a building lawfully erected before the effective date or a building erected in accordance with plans, which were approved by the Municipality prior to that date.
<b>Existing Use</b>	Means, in relation to any building or land, the continuous use of such building or land for the same purpose for which such building was designed and lawfully used on the effective date.
<b>Existing Use Rights</b>	Rights issued for occupation of any building or land for a continuous use of that building or land after the effective date for the purpose for which it was intended and lawfully authorized by the Municipal council at that date.
<b>Family</b>	Means a man or a woman or both, with or without their parents, the children of one or the other or both of them, or a partner, living together as one household.
<b>Floor Area</b>	<p>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 thickness and enclosed balconies, verandas and stoeps, but shall exclude:</p> <ol style="list-style-type: none"> <li>Staircases and public access galleries, public toilets, lift shafts and lift motor rooms, water storage tanks, fire escapes, refuse storage areas, areas used for electricity transformer rooms, substations and meter rooms, and areas for the accommodation of mechanical ventilation, air-conditioning and effluent treatment plants;</li> <li>Any area used exclusively for the loading and unloading of motor vehicles;</li> <li>Covered parking spaces or garages other than such areas within a Fuel Filling Station, parking erf / parkade and automotive showroom;</li> <li>Any area within a basement used exclusively for storage purposes;</li> <li>Any area to which the general public has access and which, in the opinion of Council, comprises bona fide pedestrian shopping arcades, malls or part thereof, provided that such area is not itself used for any business or commercial purpose whatsoever; and</li> <li>Features of a purely decorative nature such as ledges, spires, turrets and belfries.</li> </ol>
<b>Floor Area Ratio</b>	<p>Means the ratio that is obtained by dividing the floor area of a building or buildings erected, or to be erected, on a site by the registered surveyed area of such site, that is:</p> $\text{F.A.R.} = \frac{\text{total floor area of buildings}}{\text{Total area of site}}$

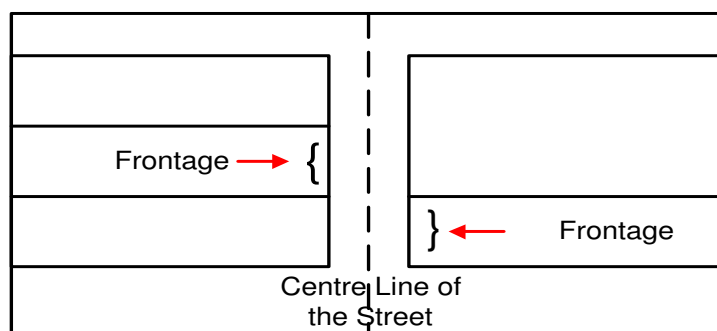


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The ratio of the total floor area of the buildings on an erf to the erf area and is expressed as a decimal, e.g. a Floor Area Ratio of 0,5 means that the floor area of the buildings on a particular erf is half the erf area.

### Frontage

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



### Garage

Means an enclosed building for the storage of one or more vehicles, but does not include a Fuel Filling Station, public garage or motor repairs for gain.

### Greenhouse

As provided for under “Agricultural Land” means a structure with the sides primarily made of a transparent material such as glass, perspex or plastic, used for the purpose of rearing delicate plants or hastening growth of plants under controlled environmental conditions.

### Gross Leasable Area

Means the sum of the usable floor areas of floor space in a building that has been designed, or is suitable for occupation, by a renter, including kitchens and conveniences, and shall include wall thickness, but shall exclude communal areas such as corridors, lift shafts, staircases, public toilets and basements used exclusively parking purposes.

### Ground Floor

Means the storey of a building or portion of a building on or nearest the mean finished ground level immediately surrounding the building, provided it is not a basement.

### Habitable Room

Means any room designed for human occupation, but excludes bathrooms, toilets, water closets, staircases, passageways, domestic garages, lifts, photographic dark rooms, kitchens, sculleries, domestic laundries or cold rooms.

### Height

Means the height of a building in storeys and is expressed as a number, provided that where the ground floor of a building is on more than one level, such building shall be regarded as formed of portions in relation to each respective level and the height of such a building shall be calculated separately in respect of each portion as if such portion were a separate building.

### Maisonette

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.

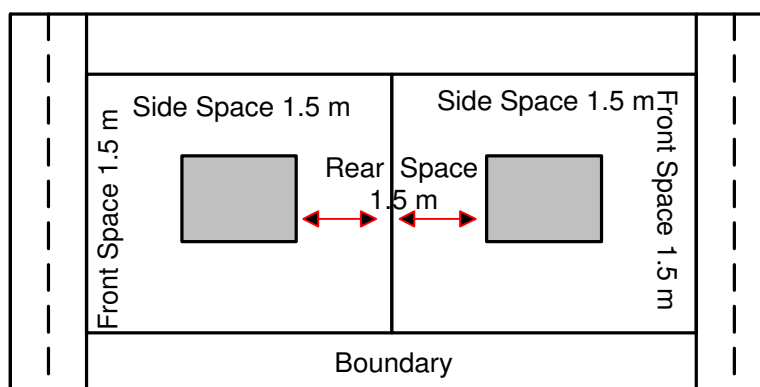
### Mixed Use Development

Means a development with:

## uMhlathuze Land Use Scheme Regulations – 25 September 2019

	<ul style="list-style-type: none"> <li>- a mix of revenue producing areas (such as retail, office, residential, hotel/motel and recreation) which are all well-planned and mutually supporting;</li> <li>- significant functional and physical integration of project components (and thus a highly intensive use of land), including uninterrupted pedestrian and/or open space connections, and</li> <li>- development in conformance with a coherent plan, which frequently stipulates the type and scale of uses, permitted densities and related items.</li> </ul>
<b>Motor Vehicle</b>	<p>As defined in the National Road Traffic Act, 1996, means any self-propelled vehicle and includes-</p> <ul style="list-style-type: none"> <li>(a) a trailer; and</li> <li>(b) a vehicle having pedals and an engine or an electric motor as an integral part thereof or attached thereto and which is designed or adapted to be propelled by means of such pedals, engine or motor, or both such pedals and engine or motor, but does not include- <ul style="list-style-type: none"> <li>(i) any vehicle propelled by electrical power derived from storage batteries and which is controlled by a pedestrian; or</li> <li>(ii) any vehicle with a mass not exceeding 230 kilograms and specially designed and constructed, and not merely adapted, for the use of any person suffering from some physical defect or disability and used solely by such person</li> </ul> </li> </ul>
<b>Non-conforming Use</b>	In relation to any building, land or other premises means the continued use of an existing use pertaining to such building, land or other premises for a purpose or in any manner whatsoever which is not in conformity with or constitutes a breach of any of the provisions of the Scheme, but is otherwise lawful.
<b>Occupant</b>	Means any person occupying a building or land irrespective of whether such occupation is legal or not.
<b>Outbuilding</b>	Means a building ordinarily used in conjunction with a dwelling unit(s), and used for the garaging of private motor vehicles, storeroom, domestic rooms, domestic toilet, workroom and other such similar uses.
<b>Outdoor Advertising</b>	Means any form of advertising, as defined in Council's Bylaws, visible from any street or public place and which takes place out of doors.
<b>Panhandle Site</b>	means a site with access that is gained via a narrow passage or access-way which shall be a minimum of 3m and a maximum of 4m in width for its entire length.
<b>Permission</b>	Means permission of the Council as contemplated in Clause 1.9.2 of the Scheme.
<b>Private Open Area</b>	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 residential development, 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.
<b>Rear Building Line / Boundary</b>	Shall mean that boundary of an erf which is furthest from any street boundary, and which does not meet any street boundary.

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<b>Scheme</b>	<p>Town Planning Scheme and similar expressions shall mean the uMhlathuze Scheme and shall include any lawful:</p> <ol style="list-style-type: none"> <li>amendment thereto or variation or modification thereof;</li> <li>prohibition, restriction and condition imposed in terms thereof;</li> <li>permission, approval, consent or other authority granted in terms thereof;</li> <li>schedule, annexure or other document included therein; and</li> <li>any map, plan, diagram, drawing or similar document included therein.</li> </ol>
<b>Semi-detached Housing</b>	Means a building other than a dwelling house comprising two (2) dwelling units contained in one building or attached to each other by means of a shared communal wall, both on the ground floor and each provided with a separate entrance.
<b>Side building line / Boundary</b>	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.
<b>Simplex Unit</b>	Means a dwelling unit in a single storey building where each such unit has direct access to a private open area.
<b>Site Development Plan</b>	As provided for in Clause 3.1.2.1.
<b>Storey</b>	<p>Is a room or set of rooms at any level, including any room the floor of which is split into two or more levels, and shall have the following implications:</p> <ol style="list-style-type: none"> <li>The basement of a building, not used for residential purposes, but used solely for the purpose of parking vehicles, service installations, such as transformer and meter rooms, or storage shall not count as a storey provided such an area or areas constitutes a Basement;</li> <li>If the ground floor of a building is elevated above the mean finished ground level immediately surrounding the building by a structure other than a basement such structure shall count as a storey(s);</li> <li>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 I below and which the Council considers to be habitable shall count as a storey;</li> <li>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. Provided however that in a multi-storey residential building each storey shall not be higher</li> </ol>

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	than 3 metres and if a storey is higher than this each 3 metres or part thereof shall count as a storey;
e)	With the exception of lift rooms, stairwells and pitched roofs, any structures, telecommunications masts or architectural features situated on the roof of a building and greater than 1,2 metres in height shall constitute a storey and may be permitted with the Municipality.
<b>Street</b>	Means any street, road, lane, avenue, way, footpath, bridge, subway or other right-of-way and includes appurtenances thereto.
<b>Street Boundary</b>	Means a boundary of an erf, which is coincident with the boundary of an existing or proposed street.
<b>Structure</b>	Means anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.
<b>Terrace House</b>	Means a residential 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.
<b>Utility Area</b>	Means an open or covered area used for the provisions of services incidental to specific uses, including washing lines, storage areas, refuse collection areas, loading areas, security guard offices, service areas, etc.
<b>Zone</b>	Is that portion of the area shown on the Scheme Map, by distinctive colouring or edging or in some other distinctive manner, for the purpose of indicating the restrictions imposed by this Scheme on the erection and use of buildings or structures, or the use of land.

## **uMhlathuze Land Use Scheme Regulations – 25 September 2019**

### **5.2 LAND USE AND BUILDING 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:

**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.

**Agricultural Building**

Means a building used in connection with, or which would ordinarily be incidental to or reasonably necessary for agricultural activity on agricultural land, and may include agro-processing, sorting and packaging of agricultural products, cold storage facility, a dwelling house, private recreational use and Farm Worker Accommodation as defined in this Scheme.

**Agricultural Industry**

Means land or buildings used for:

- a) the large scale intensive rearing of poultry, gamebirds, livestock or similar animals and allied products, such as broiler farms, battery farms and other concentrated animal feeding operations;
- b) aquaculture and mariculture activities;
- c) the large-scale servicing or repairing of plant or equipment used in agriculture;
- d) the handling, treatment, processing, or sorting and packaging of agricultural products, which could include a sawmill and similar activities; and
- e) Wind turbines.
- f) Shall include Agri-processing and all other related activities.
- g) Inclusive of winery; distillery and brewery
- h) Inclusive of processing of animal matter e.g Abattoir

**Agricultural Land**

Means arable, meadow or pasture land, plantations, market gardens, poultry farm, nursery garden, and may include greenhouses or hydroponics, dipping tanks, 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 saleyards 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

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	uses that could be classified/defined under “Agricultural Industry” and “Industry – Noxious”.
<b>Aquaculture</b>	As provided for under “Agricultural Industry” means the breeding of fauna and/or flora in a freshwater environment for commercial sale.
<b>Arts &amp; Crafts Workshop:</b>	Means a building wherein the primary purpose is the production and selling of goods, primarily aimed at the tourism market. This includes such uses as inter alia graphic arts and studios, textile design, weaving, pottery, furniture making, leatherwork, fashion design, stained glass or glass making, printing and similar activities. The process carried on and the machinery installed shall be such that they will not cause nuisance to other properties or be detrimental to the amenities of the other zones.
<b>Automotive Showroom / Vehicle Dealership</b>	<p>Means a building or site used primarily for the exhibition or display of substantially roadworthy vehicles and/or leisure vehicles and/or seaworthy marine craft for purposes of sale, hiring out or lease.</p> <p>Associated office accommodation and an ancillary spare parts shop and service workshop area may also be accommodated, subject to conditions as set out in the scheme.</p>
<b>Beach</b>	Means premises used to service the needs of the general public and/or residents within or close proximity to the beach, and may include a tearoom, restaurant or fast food outlet. Small retail outlets restricted to the sale of beach apparel, toiletries, photographic goods, public ablution, storage, pleasure and angling piers, boathouse, boathouse, swimming baths and paddling pools, life savers club, and hire facility for beach equipment and ancillary municipal use.
<b>Beach Amenity</b>	Means premises intended to cater the needs of the general public, within or close to the beach, and may include a tea room, fast food outlet; public toilets, and hire facility for beach equipment and Municipal uses.
<b>Bed and Breakfast / Guest House</b>	As provided for under “Home Business” and subject to Council’s consent means a resident owner managed commercial accommodation establishment for less than fourteen (14) lodgers in not more than seven (7) lettable rooms, and which is primarily aimed at the tourist and/or business market, operated from a private single Dwelling House, where the facilities and services offered are for the exclusive use and benefit of transient overnight guests. It may include land used for sport and/or recreation facilities associated with, but secondary to the residential use of land and used exclusively by the residents and guests of the facility.

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### **Boarding House**

Means an accommodation establishment that offers long term accommodation on free standing dwelling unit provided by the owner or operator who resides on the premises and which:

- a) Is not licensed to sell liquor.
- b) Offers accommodation to not more twelve lodgers

### **Camping and Caravan Park**

Means land where temporary accommodation is provided for people with caravans and/or tents, and which has ablution, laundry and washing-up facilities and may include a convenience shop; provided that for the purpose of this definition a “caravan” shall mean any vehicle or similar transferable or movable structure with no foundation other than wheels or jacks and which is designed, constructed or used for dwelling or sleeping purposes and, without limitation of the definition, may also include a mobile home or trailer.

It may include buildings or structures used for private recreational use, such as a swimming pool, gymnasium, tennis courts, etc.

### **Caretaker’s Accommodation**

A dwelling on the same site as a building, operation, or plant, and occupied by a supervisor of that building, operation, or plant. The size of such dwelling may be restricted by Council. Should not exceed 80m<sup>2</sup>.

### **Carwash Facility**

Means a building, structure or land used for the washing and cleaning of vehicles, and may include a valet service. It normally form part of a fuel filling station, but may also be established as a stand-alone facility if provided for by the Scheme.

### **Casino**

As defined under the National Gambling Act, Act 7 of 2004, and the KwaZulu-Natal Gambling Act, Act 10 of 1996, means premises where gambling games are played, or are available to be played, under the authority of a casino licence, but does not include premises in which—

- a) only bingo and no other gambling game is played or available to be played;
- b) only limited pay-out machines are available to be played;
- c) limited pay-out machines are available to be played and bingo, but no other gambling game is played or available to be played; or
- d) only social gambling is conducted in terms of a temporary license or provincial law.

### **Cemetery Purposes**

Means land or buildings which is permanently set aside for the purpose of burying human or animal remains, and may

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include an office for administrative uses associated therewith, a funeral chapel/s, gardens, roads, parking, sheds for maintenance purposes and the like. A shop may be permitted by consent, but is to be restricted to the sale of items directly related to funerals and burials purposes such as flowers, grave stones and coffins.

### **Chalet Development**

Means a grouping of a number of chalets on a property; a chalet meaning a dwelling unit used as a holiday dwelling with a floor area not exceeding 55 m<sup>2</sup> and not less than 35 m<sup>2</sup>, 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, residential building or medium density housing. A series of chalets shall denote any grouping of a number of chalets.

It may include buildings or structures used for private recreational use, such as a swimming pool, gymnasium, tennis courts, etc.

### **Clinic**

As provided for under “Public Office”, “Institution”, “Shop” or where otherwise specifically provided for in terms of the Scheme, means a facility providing medical services.

### **Coffee Shop / Tea Garden**

Means a building used to prepare and sell light meals, confectionary and non-alcoholic beverages for consumption on the premises. It may also be included under the definition of “Shop”.

### **Commercial Workshop**

Means light and service industrial activities which cater for the local customer or provides a service direct to the retail customer and which is directly associated with a shop or an office building in respect of which the public, as customer, has access, such as a watch repairer, shoe repairer, valet service or dry cleaning shop, radio or television repairer, etc. but excludes a Public Garage.

### **Community Garden**

It land used for the production of fruit and vegetables in an urban environment using resources available in that urban area for the benefit largely of residents from that area. It expressly excludes the large-scale sale of produce/crops from the site so as to cause a nuisance to the surrounding landowners. It may include a small-scale plant nursery.

### **Conference Facility**

Means a building, or part of a building, used for conferences, seminars and meetings ancillary to the primary use of the site, and may include offices for the administration of such facility.

### **Convalescent Home / Step Down Facility**

As provided for under “Institution” means a building used to care for patients to ensure their gradual return to health and strength after an illness or operation.



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### **Convention Centre**

Means a facility used primarily for conferences, meetings, seminars, gatherings, indoor recreation, exhibitions, related restaurant or catering facilities, other similar uses for the dissemination of information and educational purposes, and such other uses considered by the Council to be ancillary or reasonably necessary for the use of the building as a Convention Centre.

### **Conservation Purposes**

Means environmentally sensitive land, coastal areas and/or water bodies, or land earmarked for environmental rehabilitation which includes independent or linked open space areas and permits only limited and specific developments that are normally associated with, but secondary to, the conservation of land, such as parking areas, walking trails, bird watching structures, educational buildings, restaurant / tuck shop and other facilities for the convenience of visitors. Development would most likely be subject to an environmental approval process in line with relevant legislation.

### **Crèche**

Means a building or portion of a building for the care of between seven (7) and thirty (30) infants and/or young children during the daytime absence of their parents or guardians, and may include a nursery school.

### **Crematorium**

Means any building or structure in respect of which authority has been granted for human remains to be cremated therein or thereon. "Cremated" means to reduce any human remains to ashes.

### **Day Care Facility**

Means a dwelling house or dwelling unit or part thereof used for the daytime care and education of not more than six (6) infants and/or young children during the daytime absence of their parents or guardians.

It may also include the care of not more than four (4) adults, either elderly or sick, provided that such facility:

- is not used for the treatment of infections or contagious diseases;
- may not in any way cause a danger to public health and safety; and
- is able to comply with the relevant Environmental Health Bylaws, especially with regards to the management of medical waste.

### **Eco –Educational Facilities**

Means facilities for the management, study, interpretation, education, and public appreciation of a predominantly natural area or heritage site; and includes accommodation for staff, support services and associated infrastructure, but does not include tourist facilities or tourist accommodation.

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<b>Educational Building</b>	Means 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 20m <sup>2</sup> ) and sport / recreation facilities, but expressly excludes a Restricted Building.
<b>Farm Stall</b>	Means a building or structure, which does not exceed 150m <sup>2</sup> in floor area, used for the retailing of fresh farm produce produced on site, including homemade items. It may also include the sale of convenience goods.
<b>Farm Worker Accommodation</b>	As provided for under “Agricultural Building” means accommodation provided for farm workers working for the land user.
<b>Fish Farming</b>	An area devoted to the breeding of fresh water fish, salt-water fish and seafood for commercial sale.
<b>Flea Market</b>	An occasional or periodic market held in an open area or structure where groups of individual sellers offer goods for sale to the public.
<b>Freestanding Telecommunication Infrastructure</b>	<p>Means land used to accommodate a self-supporting structure housing equipment used in the transmitting or receiving of electronic communications signals and includes telecommunication cell masts, but excludes -</p> <ul style="list-style-type: none"><li>(a) masts of 15 metres and lower exclusively used:<ul style="list-style-type: none"><li>(i) by radio amateurs; or</li><li>(ii) for lighting purposes</li></ul></li><li>(b) flag poles and lightning conductor poles</li></ul>
<b>Fuel Filling Station</b>	Means a building and land used for the retail sale of petrol or petroleum derivatives, diesel, lubricating oils and greases capable of use in internal combustion engines, and which may include an ATM, associated office accommodation, carwash facility and limited shopping facilities in accordance with Clause 4.1.6.7 of this Scheme, but excludes an Automotive Showroom, a workshop and the major sale of automotive parts and spares.
<b>Funeral Chapel</b>	Means a room used for funerals and often for the viewing of the deceased by mourners.

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### **Funeral Parlour**

Means a building or land used for the purpose of funeral management and/or for the reception, storage and preparation of human corpses prior to burial or cremation and may include:

- a) A shop intended primarily for public reception and for the sale and display of those commodities required for cemetery purposes, funerals and services ordinarily ancillary to funeral management;
- b) A funeral chapel; and
- c) A workshop for the manufacture of coffins and funeral furniture; but expressly excludes a monumental mason and/or crematorium.

### **Gambling Premises**

Means a building or structure other than a “Casino” and “Racecourse” as defined in this Scheme, that are named or described in a license issued in terms of the National Gambling Act, No. 7 of 2004, or applicable provincial law, and where gambling activities are conducted. It may include:

- a) Limited pay-out machines;
- b) Bookmaker Agencies;
- c) Totalisator Agencies;
- d) Tattersalls;
- e) Bingo Hall;
- f) Gaming Hall; etc.

The standards for gambling premises must be maintained, as described in Section 17 of the National Gambling Act, No. 7 of 2004.

### **General Showroom**

Means a building used for the display, sale and bulk storage of goods, usually of a bulky nature, which includes: bathroom accessories, furniture, household electrical appliances, kitchen components, sanitary ware and tiles, and similar types of uses that are primarily delivered off site following purchase, but does not include a type of building and land use specifically defined elsewhere under Section 5.

### **Greenhouse**

A structure with the sides primarily made of a transparent material such as glass, perspex, or plastic for the purpose of rearing delicate plants or hastening growth of plants under controlled environmental conditions.

### **Guest House**

As defined under “Bed and Breakfast”.

### **Harbour Infrastructure**

Means a building/structure normally associated with the operation of a port / harbour / small craft harbour such as docks, maintenance yards, re-fueling facilities and railway facilities, conveyors, a lighthouse, breakwaters, etc.

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### **Harbour Management**

Means buildings, land and structures necessary for the management and operation of a port / harbour such as offices, control towers, custom control areas, maintenance yards/docks/workshops, truck or rail staging areas and similar uses, and may include facilities for the comfort and recreation of port employees and contractors such as a canteen, convenience shop, standby accommodation, recreational facilities and other similar uses.

### **Heritage Purposes**

Means buildings, land and structures used for the remembrance and protection of cultural heritage resources, such as specific grave sites, a plaque / monument, etc.

### **Hobby Workshop**

As provided for in a Retirement Village Development means a building/structure or group of buildings provided for the residents of a retirement village for the purpose of practicing a bona fide hobby / a small scale venture which does not constitute a nuisance in the general sense of the word or in any other way have a detrimental effect on the character of a residential area, the development or the environment. It is further subject to any other applicable provisions in this Scheme or any of Council's other bylaws.

### **Home Activity**

Means the conduct of an occupational activity in conjunction with a Dwelling Unit or an approved structure erected on the Site of an existing Dwelling Unit, subject to certain conditions. In particular, such activity shall be conducted by the owner of the site, shall not require the employment of additional staff which is necessary to conduct the home activity, shall not cause the regular parking of more than three vehicles on site and shall not have a negative impact on the residential character of the area.

### **Home Business**

Means the conduct of an occupational activity limited to Office; Bed & Breakfast; Creche; Tuck shop/Spaza; Home Schooling 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.

### **Homestead**

Means land, buildings and structures used for the accommodation of traditional family, who has been allocated the land by means of customary law to a traditional community recognized in terms of section 2(5)(b) of the KwaZulu-Natal Traditional Leadership and Governance Act, 2005 (Act No. 5 of 2005), and may include areas for the cultivation of trees and crops, a kraal for livestock and an enclosure for poultry.

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<b>Home Schooling</b>	Means the educating of children by a parent at home. Limited to 6 biological children. Registration with the Department of Basic Education is compulsory for home schooling.
<b>Household Dwelling</b>	means habitable dwelling/s in a recognised traditional settlement area.
<b>Hospital</b>	As defined under “Institution”.
<b>Hotel</b>	Means a facility offering transient lodging accommodation to the general public and providing additional services accessible by guests and the general public, such as restaurants, meeting rooms / conference facilities, entertainment, recreational facilities, health and beauty facilities, and limited shopping.
<b>Hydroponics</b>	As provided for under “Agricultural Land” means the cultivation of plants by placing the roots in liquid nutrient solutions rather than in soil.
<b>Impoundment Area</b>	Means land and or buildings used to confine seized items such as stray animals, motor vehicles and the like.
<b>Industry – Bulk Storage</b>	means the open-air and/or warehoused stockpiling, storage, handling, processing and distribution of products and/or commodities in bulk for import or export within the area of jurisdiction of the Port Authority or with an area zoned Harbour-Bound Industrial, but which shall exclude “Industry – Noxious” as defined in the Scheme.
<b>Industry – Extractive</b>	Means any activity, premises, building and/or land upon which the process of extracting, mining, winning or quarrying of raw materials from the ground is undertaken, including gravel, sand and stone and includes buildings and crushing plant used in connection with such process, but excludes the processing of such minerals by means of smelting, etc., which would be classified under “Industry- Noxious” and crushing of products which are not mined on site.
<b>Industry – General</b>	<p>Means any activity, undertaking, premises, building and/or land falling within the scope of the interpretation of a “factory” as defined in this scheme. It shall exclude any activity, undertaking, premises and/or land which may be classed as an “Agricultural Industry”, “Industry – Bulk Storage” “Industry – Extractive”, “Industry- Noxious” and/or “Industry-Salvage”.</p> <p>“Factory” means:</p> <ol style="list-style-type: none"><li>1. Any premises on or within which any person performs work in connection with any business, undertaking or institution, whether an employer or employee, pupil</li></ol>

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or inmate of an institution or otherwise, in any one or more of the following activities:

- a) The manufacturing of any article or part thereof;
  - b) The altering, repairing, renovating, ornamenting, painting, spraying, sand blasting, coating, polishing, finishing, cleaning, washing or breaking up of any article;
  - c) The adaption for sale or use of any article;
  - d) The sorting, assembling or packing (including washing or filling bottles or other containers) of any articles;
  - e) Printing or letterpress, lithography, photogravure or other similar process, including any activity associated with the printing industry;
  - f) The bulk freezing, chilling or storage in cold storage of any article;
  - g) The generation of electricity where the electricity output is 10 megawatts or more or the facility covers an area in excess of 1 hectare;
  - h) Any process of testing or analysis;
  - i) The storage / parking, hiring/lease or sale of large plant and equipment but not excluding the storage of general household or residential goods.
2. Any premises on which bookkeeping, typewriting or any other clerical work, or amenities for people engaged in the operation or incidental to the industrial activity referred to in paragraph 1. Is performed.
  3. Notwithstanding the provisions of 1-2 above, “factory” shall not include any premises which would fall under the definition of “Industry- Noxious”.

### Industry – Noxious

means any industry, activity or undertaking, or any buildings or land used for any purpose, which:

- a) is, in terms of the Occupational Health and Safety Act No.85 of 1993, as amended, a “hazard” or “a danger or potential danger to public health”; and/or classified as a “major hazard installation”; and/or
- b) is used in connection with the carrying on of a “listed activity” as defined in the National Environmental Management: Air Quality Act No.39 of 2004 as amended, and requires an atmospheric emissions license issued in terms of the Act; and/or
- c) falls within the scope of the definition of “Explosive Manufacturing Site” under the Explosives Act 2003, No. 15 of 2003, as

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amended, whether such activity or undertaking or use of any building or land falls within the scope of the definition of Industry or not; and/or

- d) could be classified as a “Industry-Noxious” which is deemed to be offensive or harmful or injurious to public health, safety or physical well-being.

“Industry-Noxious” means the use of any building, land or other premises to conduct an activity/ies that is/are deemed to be noxious, offensive or harmful or injurious to public health, safety or physical well-being, such as:

- (i) Combustion installations;
- (ii) Chemical, paint or dye works;
- (iii) Manure, superphosphate or fertilizer works or stores;
- (iv) Processing of animal matter, including fell monger, tanning and leather-dressing works, works or premises used for the storage, drying, preserving or otherwise dealing with bones, horns, hoofs or hides, knackers’ yards, abattoirs, fat-melting or tallow-melting works and any similar works or establishment dealing with meat, fish, bones, blood, offal, horns, hoofs or other animal organic matter, fish canning works, bacon factories, sausage factories and similar works, gut-scraping works, tripe-cleaning or tripe-boiling works, etc.
- (v) Glue or sizing factories;
- (vi) Soap and candle works;
- (vii) Wood chipping, wattle-bark grinding or extracting works, including by-products recovery;
- (viii) Paper and pulp manufacturing, mills or factories;
- (ix) Sugar Mills and Sugar Refineries;
- (x) Metallurgical works such as smelters, etc.;
- (xi) Mineral processing, bulk storage and handling, including (but not limited to) coal, cement production, clamp kilns for brick production, lime production, glass and ceramic production, tar or bitumen production/mixture, etc.;
- (xii) Breweries, distilleries and yeast manufacturing plants;
- (xiii) Destructors or other works for the treatment of household refuse, hazardous or trade refuse, street refuse, sewage or “night-soil”; and
- (xiv) Petroleum industries, including the production and bulk storage of gaseous and liquid fuels, as well as petrochemicals from crude oil, coal, gas or biomass and other trade in connection with the processing of by-products or petroleum refining, but excluding a fuel filling station, truck stop or garage.

### Industry – Light

Means an industry in which the processes carried on or the machinery installed are of such nature that it could be carried

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out or operated without any detriment to amenity, engineering services or to health by reason of, inter alia:

- a) noise, vibration or glare;
- b) odour, gas, fumes or smoke;
- c) soot, ash, dust, grit or other particulate matter;
- d) radiation, fire or explosion hazards;
- e) electronic or electromagnetic interference;
- f) heat or humidity;
- g) the discharge of any other vapour, gas, effluvium, liquids and solid matter; and/or
- h) causing undue load on any existing or proposed engineering services such as energy/water intensive uses.

Examples of “Light Industries” include panel beaters, enclosed spray painting booths with filtration systems, etc.

### Industry – Salvage

Means the use of a building or buildings or the use of land for one or more of the following purposes:

- a) the storage, depositing or collection of scrap or waste material or articles whose value lies mainly or entirely in that of the material of which they are composed; and/or
- b) the dismantling of second-hand vehicles or machines for the purpose of recovering spare parts or material there from; and/or
- c) the storage or sale of second-hand pipes, poles, steel or other metal sections, wire, timber, bricks, other building material, tyres, vehicle parts, containers or other articles capable of being left in the open without serious detriment thereto and which is not deemed to be offensive or dangerous or injurious to the public health.
- d) Vehicle Impoundment.

### 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,



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	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.
<b>Informal Trade Area</b>	Means an area within which any small scale economic activity is permitted, provided that each operator occupies a defined space. Provided further that, notwithstanding anything stated to the contrary in these clauses, no specific provision shall apply to such area, unless considered necessary and so specified by Council.
<b>Institution</b>	<p>Means the use of land and buildings for the purpose of:</p> <ul style="list-style-type: none"><li>a) a hospital, nursing home/ frail care facility for the elderly, sanatorium, clinic, convalescent home, step down facility or one or more such uses;</li><li>b) an orphanage; or</li><li>c) other public, private or welfare institutions and may include such buildings, within the same site, as are ordinarily and reasonable ancillary or necessary to the conduct of such institution, such as buildings for administrative purposes and for the residential accommodation of essential staff members; but expressly excludes buildings or activities falling within the scope of the definition of “Restricted Building”.</li><li>d) A retirement village, intended for the accommodation or settlement of persons upon their retirement</li></ul> <p>It may include land uses such as a tuck shop, coffee shop and/or sport and recreation facilities associated with, but secondary to, the primary use of land and used exclusively by the residents of or visitors to the facility.</p>
<b>Landfill Site</b>	Means a disposal site where solid waste are buried between layers of dirt and other material in such a way so as to reduce contamination of the surrounding land.
<b>Launderette</b>	Means 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

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	differentiated from a laundry in that the customer cannot operate the machines used in a laundry.
<b>Livestock</b>	Livestock are domesticated animals raised in an agricultural setting that are kept or traded as a source of income.
<b>Lodge</b>	Means a building or group of buildings under single management containing both rooms and/or dwelling units available for temporary rental to transient individuals and may include services such as conference and recreational facilities, shop and Laundromat for the exclusive use of residents only and shall exclude a Place of Amusement.
<b>Mariculture</b>	As provided for under “Agricultural Industry” means the breeding of fish, shellfish and plants in sea water for commercial sale.
<b>Marina Infrastructure</b>	Means a building and/or structure – whether fixed or floating – used for and relating to the activities and daily operation of a marina/small craft harbour including, amongst others, boat launching facilities, craft and yacht mooring and refueling facilities, floating quays, boat sheds and maintenance yard, buoys and jetties.
<b>Motor Vehicle Fitment Centre</b>	Means a building or land used for the sale and fitting of exhausts, tow bars, radios, shock absorbers, tyres and other parts of automotive vehicles, but excludes the mechanical repair of the automotive vehicles
<b>Municipal Purposes</b>	Means and includes the use of land and the erection and use of buildings by or on behalf of the Council for the purpose of carrying out one or more municipal functions which may include the supply of essential protective, health, community, administrative, engineering, support or other similar services and the provision of housing, recreational or other similar facilities, but excluding uses provided for under specific zones such as cemeteries, refuse sites, sewerage treatment plants and water works.
<b>Night Club / Bar / Tavern</b>	Means premises, more frequently than not open after 12am at night, that:  a) provides entertainment (singing / dancing);  b) is licensed to sell on-site consumption of liquor; and  c) may provide eating facilities.
<b>Nursery</b>	Land and buildings used for the cultivation of grass, plants or trees for commercial purpose, and may include related and subservient uses such as offices. A nursery may provide for the retail sale of the cultivated

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products, gardening provisions, garden furniture or garden ornaments.

### **Office - General**

Means an office building or a part of a building used for administration, clerical, technical, professional or similar business activities.

### **Office – Professional**

An office used for conducting the profession or occupation of:

- a) an accountant, architect, consulting engineer, land surveyor, legal practitioner, quantity surveyor, town planner, bookkeeper, financial advisor, draughtsman or any other profession or occupation;
- b) Medical chambers, including the consulting rooms, surgery and dispensary of medical and dental practitioners and purposes ancillary thereto; paramedical chambers and consulting rooms and purposes ancillary thereto;
- c) a day-clinic or day-hospital in which patients may be treated on a day to day basis, but excluding a hospital, nursing home, sanatorium or similar institution to which patients are admitted for a continuous period in excess of fifteen hours and purposes ancillary thereto; and/or
- d) Prosthetic workshops for the manufacture and/or fitting of prosthetic devices such as spectacles and similar optometric devices, false teeth and similar orthodontic devices, hearing aids, artificial limbs and similar devices and purposes ancillary to such prosthetic workshops.

Professional offices are, in the opinion of Council, not likely to interfere with the amenities of the surrounding area.

### **Public Parking and Parkade**

Means land or buildings used exclusively for the parking of motor vehicles, other than parking normally required in terms of the Scheme, at a fee or not, and may include an area for the administration of the parking use, carwash facility and ablution facilities and kiosks to accommodate uses such as flower, refreshments and newspaper sellers but shall not include “Industry-Salvage”, “Public Garage” or “Automotive Showroom”.

### **Place of Amusement**

Means a building or land, or portion thereof, used for purposes of entertainment and includes a theatre, opera house, cinema, music hall, concert hall, dance hall, amusement arcade/park, theme park, water park, ice rink/skating rink, oceanarium, billiard saloon, and/or but shall not include a horse racing track, motor racing circuit, sports arena / field; provided that a restaurant/refreshment

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kiosk may be permitted, at the sole discretion of Council, as an ancillary facility integral to the business defined as a place of amusement, and further subject thereto that such restaurant/refreshment kiosk shall cease to exist in the event that the place of amusement ceases to operate. A “Place of Amusement” expressly excludes a nightclub.

### **Place of Assembly**

Means a building or buildings and associated use of land used for organised social meetings, gatherings, conferences, exhibitions and recreation and includes a non-residential club (including a refreshment kiosk/bar/restaurant for the exclusive use by members of the club, subject thereto that such bar/restaurant/refreshment kiosk shall cease to exist in the event that the place of assembly ceases to operate), but does not include a Place of Amusement and/or Place of Worship.

### **Place of Instruction**

Means the use of a building/s and/or land for the promotion of knowledge to the community.

### **Place of Worship**

Means a building or buildings and associated use of land used for religious purposes such as a church, chapel, oratory, synagogue, mosque, temple and/or other place of public devotion and may include, where such other building is within the same site and incidental to any of the first mentioned buildings, a place of religious education, administrative offices and/or other building/s used for purposes of religious and social interaction or recreation, including a coffee shop and tuck shop (limited to 20m<sup>2</sup>), but shall not include a Funeral Parlour.

### **Private Street**

Means any street which is not a public street and which is normally not owned or maintained by the Municipality.

### **Private Recreational Use**

Means 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.

### **Public Garage**

Means a building, used for the fueling or storage of motor vehicles by way of trade or for purposes of gain and may include Automotive Showrooms, workshops, and facilities for the sale of fuels, lubricants, automotive parts, spares, accessories, and associated office accommodation. A convenience shop and car wash facilities could be allowed subject to the conditions as set out in the Scheme.

### **Public Office**

Means 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.

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### **Public Street**

Means any street which:

- a) has been established by a local authority or other competent authority as a public street;
- b) has been taken over by or vested in a local authority as a public street in terms of any law;
- c) the public has acquired the right to use; or
- d) which is shown on a general plan or diagram of any private township situate in the area of a local authority filed in the Deeds Registry or the Surveyor-General's Office and to which the owners of erven or lots in such township have a common right of use.

### **Public Recreational Use**

Means the use of Municipal-owned open space for enjoyment by the public, and may include playgrounds, botanical and zoological gardens, sport and recreational facilities and similar uses, and may include parking areas necessary for such use/s and a restaurant or shop ancillary to such sport and recreational uses.

### **Racecourse**

Means the use of land and buildings for the racing of:

- a) motor powered vehicles including motorcars or carts, trucks, motorcycles, etc.; and
- b) animals.

### **Railway Infrastructure**

Means land used for the transport of goods and passengers via rail and may include railway routes, facilities to park, maintain and maneuver railway vehicles and shunting / marshaling yards.

### **Recreational Building**

Means 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".

### **Residential Building**

Means a building other than a Dwelling House, Medium Density Housing, Chalets or a Hotel, used for human habitation together with such outbuildings, accessories and accommodation for bona fide domestic quarters and other covered areas as are, in the opinion of the Council customary used therewith, and includes apartments, a block of flats, residential club or residential hostel and student housing. It may include land used for sport and/or recreation facilities associated with, but secondary to the residential use of land and used exclusively by the residents of dwelling units on the site, but expressly excludes any building mentioned in the

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definitions of Educational Building, Institution and/or Restricted Building.

### **Residential - Dwelling House**

Means a free standing dwelling unit on a single erf, which does not form part of either Medium Density Housing or Chalets, used as a Dwelling Unit for a single family together with such outbuildings and as are customary used incidental therewith. It may include land used for sport and/or recreation facilities associated with, but secondary to the residential use of land and used exclusively by the residents of the dwelling unit on the site.

### **Residential - Medium Density**

Means, a group of two or more attached or detached Dwelling Units, together with such outbuildings as are ordinarily associated thereto, each Dwelling Unit having access to an active open area and access to common land, the whole development having been designed as a harmonious entity.

It may include land used for sport and/or recreation facilities associated with, but secondary to the residential use of land and used exclusively by the residents of the dwelling units on the site.

### **Resort Development**

Means a development that is designed as a harmonious entity and provides holiday accommodation in conjunction with recreation and other resort facilities. Particularly well-suited for family vacations, a resort offers a variety of experiences which may include self-catering or catered, detached or attached habitable accommodation, hotels, restaurants, conferencing, limited shopping, public entertainment areas, recreation such as golfing, sport, water sports, relaxation activities such as wildlife, wellness centres, hydro's and spa's and other similar facilities, and may include ancillary office, staff accommodation, parking and utility facilities.

### **Restaurant**

As provided for under "shop" means a building used to prepare and sell food and drink for consumption on the premises, and where seating is provided for patrons, and may include limited entertainment. Restaurants are not frequently open after midnight.

### **Restricted Building**

Means a building, buildings or land used exclusively for purposes of:

- a) a hospital, sanatorium, dispensary or clinic for the exclusive treatment of infections or contagious diseases;
- b) an institution or home for mentally disabled people;
- c) a mental hospital;

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- d) a prison or other place of lawful detention;
- e) an industrial school, reformatory, place of safe keeping or other approved school; and/or
- f) a public or private assistance institution, building and/or land for people in despair, need or assistance.

### **Rooftop Telecommunication Infrastructure**

Means a support structure attached to a roof, side or any other part of a building and used to accommodate Telecommunication Infrastructure for the transmitting or receiving of electronic communication signals.

### **Sanatorium**

As provided for under “Institution” or “Restricted Building” means a building used for the treatment of chronic diseases or for medically supervised recuperation.

### **Service Workshop**

Means a light industrial use of a building or land providing service direct to the retail customer, excluding a public garage. The sale of products, parts and or accessories related to but secondary to the particular industry shall be permitted but not any activity which is defined as a shop in the scheme.

### **Shop - General**

Means a building used for the purpose of carrying on or conducting any retail trade or retail business where the primary purpose is the display and sale of goods by retail, and shall include inter alia,

- a) a hairdresser or barber;
- b) a ticket, booking or travel agency;
- c) a showroom other than an Automotive Showroom;
- d) a cafe, fast food outlet, restaurant, or other premises used for the sale or consumption of food and drinks;
- e) a dry cleaning or laundry depot or other similar premises for the reception of goods to be washed, cleaned, altered or repaired;
- f) an auction mart and book exchange;
- g) a bottle store, hotel off-sales or other premises in respect of which a bottle liquor license or an off-consumption license is required;
- h) banking and other similar financial halls;
- i) a health club /commercial gymnasium or health studio, beauty parlour, slimming salons and/or a massage parlour; and
- j) ancillary buildings ordinarily incidental to the conduct of a retail business.

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Provided that shop expressly excludes:

- i. any activity or use of buildings or land falling within the scope of the definitions of Industry-General, Industry-Extractive, Industry-Salvage and Industry – Noxious;
- ii. a Public Garage or vehicle workshop;
- iii. businesses of a primarily wholesale nature;
- iv. gambling premises;
- v. a night club, bar and/or tavern; and
- vi. Spaza Shop / Tuck Shop.

### **Shop - Factory**

Retail store, operated by a manufacturer, which provides an outlet for selling the manufacturer's irregular, overrun or end-of-season merchandise, and sometimes, in-season first-quality merchandise – but it shall exclude a "Shop". Although it is not always the case, outlet stores are often located on the premises of the factory, or close to the manufacturer.

### **Shop - Wholesale**

A store that sells bulk merchandise, especially consumer goods, at a discount from the manufacturer's suggested retail price – no business of a general "Shop" nature may be conducted on the premises.

### **Solar Farm**

As provided for under "Agricultural Industry" means land used to accommodate a large collection of interconnected photovoltaic / solar panels that work together to capture sunlight and turn it into electricity on a large scale.

### **Spaza Shop / Tuck shop**

As provided for under "Home Business" means a small retail enterprises operating from a residential stand or home and engaged in the trading of convenience goods for the day-to-day needs of the public.

A tuck shop, limited to 20m<sup>2</sup> total floor area, may also be operated from certain non-residential land uses, as allowed for in terms of the Scheme.

### **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.

### **Terminal - Airport/Airfield**

Means land and buildings used to assemble and distribute passengers and goods via air, including uses specifically related to the functioning of the airport or airfield at Council's sole discretion. It may include facilities to park, maintain, fuel and maneuver planes, airport operations, associated offices, warehousing and distribution facilities for goods and luggage, parking areas/parkades for the parking of vehicles, vehicle hire facilities, training facilities, facilities for



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the comfort and recreation of passengers while waiting such as restaurants and shops.

### **Terminal – Intermodal Facility**

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

### **Terminal - Passenger Liner**

Means land and buildings used to assemble and distribute passengers and goods via sea, including uses specifically related to the functioning of a passenger liner facility at Council's sole discretion. It includes facilities for the operation of a passenger liner facility, customs control area/s, associated offices, distribution facilities for goods and luggage, parking areas/parkades for the parking of vehicles, vehicle hire facilities and facilities for the comfort and recreation of passengers while waiting such as restaurants and shops.

### **Terminal - Railways**

Means a terminal building used to assemble and distribute goods and passengers via rail. It may include railway routes, facilities to park, maintain and maneuver railway vehicles, warehousing of goods, a railway station, parking areas/parkades for the parking of vehicles, vehicle hire facilities, facilities for the comfort and recreation of passengers while waiting such as restaurants and shops, waiting and resting areas, internet café, etc.

### **Terminal – Truck**

Means 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.

### **Utilities Facility**

Means land or buildings used for the provision and maintenance of essential infrastructural services such as service roads, rail, sewer, water, electricity, gas, telecommunications infrastructure, public lighting and stormwater control and other services deemed necessary by the Council, and may include a water reservoir, waterworks, electrical substation, telephone exchange, postal collection

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points, weigh bridge, servitudes for the provision of services and conveyers, etc. Sewage treatment works, macerator stations and refuse sites shall be defined as a “Industry-Noxious” in terms of the Scheme.

### **Vehicle Testing Station**

Means the registered use of land and/or buildings by a registering authority for determining the fitness of vehicles to utilise the public road system, in line with the provisions of the National Road Traffic Act, 1996.

### **Veterinary Purposes**

Means the use of land and/or buildings for medical treatment of domestic animals, and the short term boarding of animals incidental to the hospital use. It may include a grooming parlour and retail outlet restricted to the sale of veterinary and animal maintenance products. Subject to the approval of the Council, the facility may include the treatment of any other animal.

### **Warehouse**

Means a building that is used primarily for the temporary storage of products and/or goods, except those of an offensive or dangerous nature, and does not include a building or part thereof intended or used, in the opinion of the Council, for retail or wholesale purposes.

Warehousing of products or goods of an offensive or dangerous nature shall be defined under “Industry- Noxious”. Open-air bulk storage shall be defined under “Bulk Storage” in terms of the Scheme.

### **Waste Transfer and/or Recycling Centre**

An area of land, with or without buildings, that may be licensed under relevant legislation for the temporary accumulation and storage of more than 35m<sup>3</sup> of garden, recyclable domestic and industrial waste and which may include the separation and processing of domestic and industrial waste materials for eventual reuse or final disposal at a landfill site.

### **Waste Transfer and/or Drop-off Station**

Means land that may be licensed under relevant legislation to accumulate and temporarily store no more than 35m<sup>3</sup> of garden and recyclable domestic and industrial waste before it is transported to a recycling, treatment or waste disposal facility.

### **Wind Turbines**

As provided for under “Agricultural Industry” means land and structures or buildings used to generate electricity by wind force. It does not include:

- a) turbines principally used to supply electricity for domestic or rural use of the land; or
- b) an anemometer.

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### **6. INTERPRETATION**

Where in this document reference is made to the “Scheme” or to “Clauses”, such reference shall be deemed to refer to the uMhlathuze Land Use Scheme and the provisions thereof. The provisions of the Scheme, where not at variance with the foregoing, shall apply mutatis mutandis.