

LEPHALALE LOCAL MUNICIPALITY
LAND USE SCHEME 2017

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CHAPTER 1 - INTERPRETATION

1.1. Definitions

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

“abattoir” means *land* and *buildings* or mobile unit used to slaughter animals and poultry and may include the processing of animal and poultry products and in respect of which a registration certificate has been issued in terms of Section 8(1) of the Meat Safety Act, 2000 (Act No. 40 of 2000) and in respect of which a grading has been determined in terms of Section 8(2) of the said Act;

“act” means the Spatial Planning and Land Use Management Act, 2013 (Act No. 16 of 2013);

“advertise” in relation to making known a matter means any one or more of the following methods of making known which, according to *Council* policy, or in the absence thereof, in the opinion of the *Municipal Manager* or his/her delegates, is the most suitable method to reach as many people as possible, who may have an interest or is possibly affected in the matter:

- a) serving a notice that complies with the provisions as set out in this *Scheme*
- b) holding public meetings, whether before or after the submission of an application
- c) displaying a notice on a *land unit*
- d) publishing of a notice in the press
- e) consultative forums or entering into social compacts before a decision is taken by *Council*; and
“advertisement” has a corresponding meaning.

“advertisement” in relation to promoting and/or publicizing a product, service, or event means any advertisement or any advertising device of any kind which is visible from any street, but does not include an advertisement erected inside a building or any advertisement relating to the holding of an ecclesiastical, amateur, sporting, educational, political or charitable meeting, event or function, or to the candidature of any person duly nominated for election as a member of Parliament, the Provincial Administration, the *municipality* or any similar body, and “advertising sign” has the same meaning;

“adult Entertainment Business” means *land* and *buildings* where, for any form of consideration, films, photographs, books, magazines, compact discs (CD), digital versatile discs (DVDs), toys, or live performances are hired, sold or occur, which are considered as for adult entertainment or for mature audiences. It may include a *restaurant*, a *bar* and/or an escort agency and a massage parlour, where massage or manipulation of the human body is administered with the purpose of obtaining an erotic response;

“agricultural Building” means a *building* designed for or used in connection with, and which is ordinarily *subservient* to, or reasonably necessary in connection with the use of the *land* on which the *building* is situated as *agricultural use*, and may include a *dwelling house* but excludes a *cultivation shed*. Not more than 10% of the *land* may be used for non-farming purposes – this includes the *dwelling units* and *additional dwelling units* referred to above;

“agricultural Holding” means *land* laid out in accordance with Agricultural Holdings (Transvaal) Registration Act, 1919 (Act No. 22 of 1919) or any amendment thereof;

“agricultural Use”- arable, meadow and/or pasture *land* used for bona fide farming activities, such as crop or grain farming, grazing, *land* used for bee-keeping, bird and animal breeding and keeping, livestock farming, dairy farming, aquaculture, nursery gardens, plantations, orchards, market gardens and such other *ancillary* uses and *buildings*, normally regarded as incidental thereto but excludes *game farms, animal institutions* and *abattoirs*;

“airfield” means *land* and *buildings* used for the landing and take-off of aircraft and helicopters and may include the hanger and parking area for aircrafts and a fuel depot subject to the provisions of the applicable acts;

“airport” or **“aerodrome”** means *land* and *buildings* designed or used for the landing and take-off of fixed wing and rotary wing aircraft, airways control, aircraft hangers, fuel depot, fuel bays, workshops for manufacturing, repair and spray-painting of aircraft, engine run test area, training facilities for flight schools, passenger terminals, luggage and freight storage and handling, customs and migration control, associated shops, sale of aircraft and parts, *offices, places of refreshment, places of amusement, banks, ATMs*, leasing of vehicles, vehicle valet service area, *guest-house, clinic, residential buildings, dwelling-units, telecommunication masts, hotels and conference centres*, related clubs and other ancillary and subservient uses, provided that the establishment and operation of an airport shall be subject to the provisions of the applicable acts.;

“air Rights” means the use of a *building*, which spans across an existing street at a specific height above the street level and does not restrict the use of the street, for any use which has been approved by the *municipality*.

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

“antenna” means any system of wires, poles, rods, reflective surfaces or similar devices, used to transmit or receive electronic communication signals or electro-magnetic waves;

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

“approval” means the written approval of the *municipality* on application lodged as per the municipal *bylaw* and provision of the *scheme*;

“atrium” means a covered courtyard that—

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

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

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

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

“bed and breakfast” means a *dwelling house* or an *additional dwelling unit* which the occupant of the dwelling supplies lodging and breakfast for compensation to transient guests who have permanent residence elsewhere; provided that:

- a) the *dominant use* of the dwelling house concerned shall remain for the living accommodation of one family; and
- b) the establishment does not include a *guest house, a lodge and conference facilities*
- c) No occupant and the guests are allowed to conduct a *home enterprise*

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

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

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

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

“brickyard” means a *land or buildings* where bricks are made and stored;

“builders’ yard” means *land or buildings* used for the storage and selling of materials which are;

- a) required for or normally used in building operations; or
- b) derived from demolition or excavation operations; or
- c) required or normally used for improvements to land, such as material for the construction of streets, the installation of essential services, or for any other building works, whether used for public or private purposes, or land or buildings used for the preparation for use of materials thus stored but does not include a builder's yard established for the purpose of temporarily storing such materials in connection with and for the duration of construction or building works, in the vicinity of such builder's yard and does not include the storage at a "Shop" or a "Warehouse"

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

- (a) a roofed structure;
- (b) an external stair, step or landing of a building and a gallery, canopy, balcony, stoep, verandah, terrace, porch or similar feature of a building;
- (c) a wall or railing enclosing any feature referred to in paragraph (b); and
- (d) any other portion of a building; and
- (e) a retaining wall or infilling higher than 0,5metres;

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

“building restriction area” means the area on a property where no building, except as permitted by the *scheme*, may be erected.

“business” means land or *buildings* used to conduct a business and includes a *shop, supermarket, place of refreshment, liquor enterprise, garden centre, office, service trade, car wash, funeral parlour, financial institution, bank and building* for similar uses, but does not include a *place of assembly, place of entertainment, institution, public garage, filling station, industry, light industry, noxious trade, and adult entertainment business*.

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

“camping Site” means *land and buildings* used for transient guests for overnight accommodation in tents and may include ablution facilities, which:

- a) excludes the alienation of land on the basis of time sharing, sectional title ownership, the sale of block shares and the subdivision of the land unit concerned;
- b) includes a *caravan park*, whether public or privately owned;
- c) excludes a *hotel or mobile homes*; and
- d) may include *ancillary* facilities to resident guests only that are reasonable and ordinary related to camping (e.g. ablution facilities, sport facilities and *tourist facilities*).

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

“canteen” means a *building* or part of a *building* with an area not exceeding 100 m² including storage space and is provided only on an industrial site and which is a small-scale trade incidental to the needs of the employees working on the site and will not interfere with the surrounding trades;

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

“caravan park” means *land and buildings* used for transient guests for the overnight accommodation of *caravans* and tents and may include *ancillary* and subservient uses such as ablution facilities, *caretaker’s flat*, communal kitchen, *shops, restaurants*, and other related *buildings* provided that the total area of *ancillary* uses is not more than 250 m²;

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

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

“carwash” means *land* and *buildings* used for the washing, polishing and cleaning of *motor vehicles* by means of mechanical apparatus or by hand;

“cemetery” means *land* and *buildings* designed or used for the burial of deceased persons and human ashes, and may include a *crematorium*, a wall of remembrance, a chapel and offices and storerooms for the management of the cemetery, parking and ancillary and subservient uses which the *municipality* deems necessary;

“children’s home” means *land* and *buildings* used for the accommodation, education, and care of children’s with special needs or circumstances and may include *ancillary* facilities such as, inter-alia, education and recreation facilities, accommodation facilities for the staff and *caretaker’s flat*;

“clinic” means a place for the diagnosis and treatment of human illness or the improvement of human health, which has limited facilities and an emphasis on outpatients, provided that a clinic may contain live-in facilities for no more than twenty persons, including patients and staff; and a clinic may include *medical consulting rooms*, a *dispensing chemist*, operating theatre, an outpatients centre and a wellness centre with ancillary uses;

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

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

“common property” in relation to a sectional title scheme, means –

- (a) the land included in the scheme; and
- (b) such parts of the building or buildings as are not included in a section.

“community facility” means *land* or *buildings* used for cultural activities, social meetings, gatherings, non-residential clubs, *gymnasiums*, sport clubs or recreational or other activities where the primary aim is not profit seeking and excludes a *place of entertainment*.

“conference centre” means *land* and *buildings* designed or used as a temporary lecture hall, training facility, conducting of workshops, meetings, conferences, symposiums and related uses, but does not include a *place of instruction*.

“conference facility” means an additional activity to a primary function such as a *hotel*, *motel*, *resort*, *guest house/ lodge*, *office*, *place of instruction* and *tourist facilities*, where conferences are being held.

“consent use” means special permission granted by the municipality, after due consideration of all relevant facts, by-law, and lawful, reasonable and procedurally fair administrative action, in terms of which a specific type of land use or activity is permitted, in addition to the *primary use* right applicable to the *land unit* concerned.

“consent use register” means a register containing particulars regarding all consent uses and *consents* granted by the *municipality* as well as conditions pertaining to such *consent*.

“conservation purposes” means any use normally or otherwise reasonably associated with the use of land for the preservation or protection of the natural or built environment, including the preservation or protection of the physical, ecological, cultural or historical

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

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

“crèche” means *land and buildings* or portion of a *building* used for the custody and care during the whole or part of the day on all or only some days of the week, for more than six children of pre-school going age and which has been registered as a place of care under the Children’s Act, 1960.

“crematorium” means land and buildings used for the cremation of human or animal tissue, subject to the provision of the Crematorium Ordinance, 1965 (Transvaal Ordinance 18 of 1965).

“day care facility” means a *building* or portion of a *building* used by the *owner* or occupant, to provide day care to six or less young children in the absence of their parents and may include a play group or after school services.

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

“density” means the number of *dwelling houses* per hectare as prescribed in relation to a specific area in the development parameters.

“development parameters” means provisions or restrictions in terms of zoning, which sets out the permissible extent of the use or improvement of land.

“distribution centre” means a *warehouse* or other *building* from where goods are distributed and includes a transport depot.

“domestic staff quarters” means an outbuilding of not more than 50 m², excluding sanitary facilities and cooking facilities, and used for the accommodation of domestic staff employed at the dwelling house concerned.

“drive-thru-restaurant” means *land or buildings* designed or used as a *place of refreshment* from where food and refreshments are sold and served to clients in vehicles for consumption away from the concerned property provided that the establishment and operation of a drive-thru-restaurant for the sale or supply to customers of any foodstuff in the form of meals for consumption away from the property shall be subject to a licence in terms of the Business Act, 1991 (Act 71 of 1991).

“dry cleaner” means land and buildings designed and used for the cleaning of clothes and garments utilising a chemical process and processes associated therewith and may include alterations to clothes and garments by an in-house tailoring service;

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

- (a) with not more than one kitchen, used for the living accommodation and housing of one family, together with such outbuildings as are ordinarily used therewith; and
- (b) does not include domestic staff quarters, or tourist accommodation or accommodation used as part of a hotel;

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

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

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

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

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

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

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

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

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

“erf” means land in an approved township registered in a deeds registry as an erf, lot, plot or stand or as a portion or the remainder of any erf, lot, plot or stand or land indicated as such on the general plan of an approved township, and includes any particular portion of land laid out as a township which is not intended for a public place, whether or not such township has been recognized, approved or

established as such in terms of the by-law or any repealed law. Any reference to erf or rural land refers to the Land Survey Act, 1997, (Act No 8 of 1997);

“erf area” indicates the surveyed area of such an *erf* including/considering any red line as stipulated, or a resurveyed area of such an *erf*, excluding any area of such an erf which can be seen as;

- a) encroachment on a certain portion of the *erf* used by the public as a street or portion of a street or is recognised by the *municipality* as a street or portion of a street; or
- b) has been demarcated for street purposes by any other act; or
- c) has been expropriated by any other act.

“existing building” - a *building* erected in accordance with building plans approved by the *municipality* and which is otherwise lawful, the construction of which -

- a) completed on or before the *fixed date*, or
- b) was, in the opinion of the *municipality*, commenced within a reasonable time before the *fixed date*, but was completed thereafter; or
- c) was completed in accordance with the conditions of any permission granted by the Municipality pending the preparation and coming into force of the *Scheme*.

“existing use” - the otherwise legal use of *land* and / or *buildings* exercised on or before the *fixed date* and which is contradictory to the stipulations of the *scheme*.

“family” means—

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

“farm portion” means any portion of *land* which is not an *erf*, *agricultural holding*, *road* or *street* and which is registered as a separate unit in the Deeds Office

“filling station” means *land* and *buildings* used for the storage of fuels and the retail selling of vehicle fuel and lubricants and LP gas, and may include;

- (c) one working bay for emergency repairs to vehicles but excluding panel beating, spray-painting and major repairs;
- (d) a convenience shop, which is a building, or portion of a building, restricted to the sale of convenience goods such as bread and confectionery, dairy products, fresh produce, beverages, canned foods, magazines and newspapers, and may include a confectionary and a place of refreshment. The gross area of the convenience shop should not be more than 250 m² including storage;
- (e) an automatic teller machine (ATM);
- (f) ablution facilities for the employees and customers; and
- (g) a car wash subject to the consent of the municipality.

Provided that if any other area is stipulated by any approving authority, the most prohibitive condition shall prevail

“fitness centre” or **“gymnasium”** means a *building* or a part thereof where people exercise with or without exercise apparatus.

“flat” means a *building* containing three or more *dwelling units* for human habitation, together with such outbuildings as are ordinarily used therewith; provided that in those zones where flats are

permissible, fewer than three *dwelling units* will also be permissible, whether or not with the consent of the council, as the case may be, in a building approved for other purposes than for flats.

“flood lines” means an indicative line indicating the maximum level likely to be reached by floodwaters on average once in every 100 years. [Paraphrased from Section 144 of the National Water Act no. 36 of 1998] including any other flood lines that the Municipality may require.

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

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

“floor area ratio (FAR)” means the ratio (expressed as a proportion of 1) which is prescribed for the calculation of the maximum floor area of a *building* or *buildings* permissible on a land unit; it is the maximum floor area as a proportion of the net *erf* area and calculated as follow:

$$\text{FAR} = \frac{\text{Floor area of a } \textit{building}}{\text{Total surface area of the } \textit{land unit}}$$

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

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

“funeral parlour” means *land and buildings* used for the administration of funeral arrangements, according to compulsory environmental health requirements and may include ancillary showrooms, offices, storage space, viewing area, waiting room, the sale of flowers, coffins, gravestones and other related products, as well as, but excludes a mortuary, refrigeration room and crematorium.

“game farm” means *land* used for the rearing and/or breeding of wild animals with or without *ancillary* building(s) thereto.

“game reserve” means a *land unit(s)* providing a wide, but not necessarily complete spectrum of game for viewing by the general public with or without uses normally and reasonably *ancillary* thereto.

“garage” see “public garage”;

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

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

“government purpose” means *land and buildings* or a part thereof designed or used for Government offices, depots, workshops, stores, communication centres, police stations, post offices and includes incidental uses such as a *cafeteria* solely for Government Departments but excludes industries and noxious industries.

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

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

“ground floor” - the *storey* on which there is an entrance or entrances to the building from the lowest *natural ground level*.

“group housing” means a group of detached and / or attached *dwelling units* on a *land unit* that form an integrated, harmonious and architectural unit and include concepts like group housing, townhouses, simplexes, duplexes and all such development, but excludes uses included in the definition of *dwelling house* or *flat*.

“guest-house” a residential enterprise which can be conducted from rooms, without a kitchen of its own or a *dwelling unit* and which forms part of a permanently occupied *dwelling unit*, used for the accommodation of visitors on a temporary basis, subject to such requirements laid down by the *municipality*, provided that:

- a) the dominant use of the property shall remain residential and the dominant use shall be calculated solely on the number of bedrooms (excluding lounge, dining, kitchen and living room areas);
- b) the owner or occupant of the *dwelling unit* shall reside on the property and shall also conduct the residential enterprise;

- c) the use shall not interfere with the amenity of the neighbourhood;
- d) the preparation and serving of food and meals shall be restricted to the inhabitants of the *dwelling unit* and guest house only.
- e) provision made for *conference facilities* is approved by the *municipality*

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

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

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

“heritage resource” means any place, building, land or object of cultural significance as determined in the National Heritage Resource Act (Act, No 25 of 1999);

“home occupation practice” – a small scale enterprise which is used by the occupant of a *dwelling unit* for the conducting of a practice or occupation with the aim of deriving income therefrom and which is practiced by a maximum of three (3) persons, of which at least one is a full time resident of the property subject to such requirements imposed by the *municipality* and subject to the policy of the *municipality* as amended from time to time provided that –

- a) the *dominant* use of the property shall remain residential;
- b) the *business* shall not exceed a floor area of 40m²;
- c) the comments from surrounding *owners* be obtained;
- d) the *business* shall not be noxious; and
- e) the *business* shall not interfere with the amenity of the neighbourhood;
- f) sufficient parking is available as stipulated in terms of this Scheme
- g) no title condition applicable to the property may be transgressed;
- h) only the following land uses be considered for home enterprise:

i. Professional Usage Offices

“hospital” means land and buildings used for the accommodation and care of sick or injured persons or persons needing specialised medical treatment or operations and may include operating theatres, x-ray rooms, and ancillary and subservient uses such as a cafeteria, dispensing chemist, shop, and offices and consulting rooms directly related to the hospital.

“hotel” means a *building* complying with the provisions of the Hotels Act, 1965 (Act 70 of 1965) as amended, and is used as a temporary residence for transient guests, which use exceeds the restrictions of a *guest house/ lodge* where personal services, lodging and meals are provided and may

include activities reasonably and ordinary related to a hotel, including *conference facilities, place of refreshment, tourist facilities, sport and recreation facilities, banquet hall, spa / hydro and wellness centre*, and in respect of which a hotel liquor license has been, or is intended to be, issued under the Liquor Act, 1989 (Act No. 27 of 1989), as amended, but excludes any off-sales facilities.

“industry”-the use of land or a building as a factory as defined in the Factories, Machinery and Building Works Act, 1941 (Act 22 of 1941) and a works as defined in the Mines and Works Act, 1956 (Act 27 of 1956) and including *offices, loading bay and canteen* which are directly related to and subservient to the main use conducted on the property.

“informal structure” means a residential shelter of a temporary nature in accordance with the provisions of the Act on National Building Regulations and Building Standards, 1977 (Act 103 of 1977) and any amendments thereof.

“informal trading place” means land and or buildings or part thereof earmarked for conducting *informal business* with the consent of the *municipality* and the surrounding *owners*.

“institution” or **“institutional use”** means a building or portion of a building used or intended to be used as a social or welfare institution or for the administration thereof, and includes a *hospital, nursing home, frail care, sanatorium, clinic*, whether private or public, and includes *ancillary shops, dispensing chemist*, and *offices* or any other buildings or use reasonably connected with such use.

“Internet Café” means *land* and *buildings* or part thereof used for hiring of computers and internet access to customers for use on the premises and may include *ancillary* and subservient uses.

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

“laboratory” means *land* and *buildings* used for scientific and medical research and experimenting but does not include any activities which create a danger or nuisance of noise, smoke, fumes or smell.

“land” means any *erf, agricultural holding, sectional title land* or farm portion and includes any improvement on land and any interest in land;

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

“land use right” means the right to utilise or improve land in accordance with the zoning thereof or any approved departure, consent use or condition of approval and where applicable, in accordance with a site development plan.

“laundromat” or **“laundrette”** means a *building* or portion of a *building* designed and used for the provision of washing machines and clothes dryers to be utilised by the general public on payment for the washing of clothes and garments and the subsequent drying and ironing thereof.

“light industry” a use, which, in the opinion of the *municipality* is a small-scale *industry*, with emphasis on non-noxious production activities, maintenance and repair, as well as retail trade in connection therewith, that shall not cause the deterioration of the amenity of the neighbourhood or cause disturbance in consequence of noise, appearance, odour or activities or any reason whatsoever and may include offices which are related directly to and are complementary to the main use.

“liquor enterprise” means land used or a building designed or used for the purpose of carrying on retail trade in liquor products as defined in terms of the Liquor Act, 1989 (Act No. 27 of 1989) and the Gauteng Liquor Act (Act 2 of 2003)

“listed activities”- development actions that are likely to result in significant environmental impact as identified by the Minister of Environmental Affairs and Tourism in terms of Section 21 of the Environment Conservation Act, 1989 (Act 73 of 1989).

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

“lodge” means *land* and *buildings* used for accommodating guests or tourists for short periods and may include *recreation facilities, conference facilities, wedding chapel, staff quarters and ancillary* and subservient uses.

“lodger” means a person who utilises lodging services;

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

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

“mineral” means a substance, whether in solid, liquid or gaseous form, occurring naturally in or on the earth or under water and which was formed by or subjected to a geological process, and includes sand, stone, rock, gravel, clay, soil and any material occurring in residue stockpiles or in residue deposits, but excludes—

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

“mining” means *land* and *buildings*, that under the Mineral and Petroleum Resources Development Act, 2002 (Act 28 of 2002) and any amendments thereof, are used or designated for mining and/or exploitation of minerals, or for which purpose a permit has been issued under the fore-mentioned Act.

“mobile home” means a transportable factory- constructed structure approved by the SABS intended for human accommodation, approved by the Council and with the necessary service connections used as a permanent dwelling.

“motel” means a licensed *hotel* that is specially adapted for the convenience of the motoring public by means of the provision of parking facilities at every unit and includes other facilities of a *hotel*.

“motor trade” or **“motor sales market”** means land used, with or without ancillary buildings, for the sale or display of roadworthy *motor vehicles*, but does not include any form of workshop.

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

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

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

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

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

“nature reserve” means a national park (whether publicly or privately owned or controlled) or that has been declared as a nature park or reserve in terms of legislation (e.g. national parks, protected natural environments, forests) and includes:

- a) an area that is used as a game park or reserve for fauna or flora in their natural habitat;
- b) *buildings* that are reasonably connected with the management of a nature reserve, inclusive of facilities for day visitors; and
- c) may include accommodation and tourist facilities with the consent of *council*.

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

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

“notice” unless otherwise specifically provided in terms of this *Scheme* or any other law a written notice and to notify means to give a notice in writing and the provisions of the Interpretation Act 33 of 1957, shall apply.

“noxious trade” or **“noxious industry”** means an *industry* or trade which is dangerous or troublesome to the broad public in *council’s* opinion, or which has a disturbing effect on the environment, whether it is due to smell, smoke, noise, flow-off, dust or solid waste and includes the following activities: panel beating, spray painting, blood boiling, bone boiling, tallow melting, fat melting or extracting, soap boiling, tripe boiling or cleaning, skin storing, bone storing, fellmongering, skin curing, blood drying, gut scraping, leather dressing, tanning, glue making, size making, charcoal burning, brick burning, lime burning, manure making, manure storing, parchment making, malt making, yeast making, cement works, coke ovens, salt glazing, sintering of sulphur bearing materials, viscose works, smelting of ores and minerals, calcining, puddling and rolling of iron and other metals, conversion of pig iron into wrought iron, reheating, annealing, hardening, forging, converting and carburising iron and other metals, works for the production of, or which employ, carbon bisulphide, cellulose lacquers, cyanogen or its compounds, hot pitch of bitumen, pulverised fuel, pyridine, liquid or gaseous sulphur dioxide and sulphur chlorides, works for the production of amyl-acetate, aromatic

ethers, butyric acid, caramel, enamelled wire, glass, hexamine, iodoform, lampblack, B-naphthol, resin products, salicylic acid, sulphonated organic compounds, sulphur dyes, ultramarine, zinc chloride and zinc oxide and oil refining and works dealing with the processing or refining of petrol or oil or their product.

Provided that:

- a) when a certificate, issued by the Medical Officer or Health Officer of the *municipality* in consultation with the Inspector of Factories, is produced, declaring that the process intended to be used in connection with any of the foregoing activities or factories will eliminate all nuisances or threats to the health in the neighbourhood due to:
- i. vapour or effluvia;
 - ii. fluids or liquid wastes originating from the property if it is the intention to purify the wastes according to the soil treatment method, the piece of land and its position in relation to streams or water courses must be mentioned; and
 - iii. solid waste material,
- the *municipality* may consent to the erection of such a building in Industrial Zones 1 and 2 only.

“occupant” in relation to any *building*, structure or *land* means and includes the following: Any person occupying such *building*, structure, or *land* or legally entitled to occupy it, or anybody having the charge or management thereof; and includes the agent of such a person who is absent from the area or whose whereabouts are unknown.

“office” means *land* and *building* used or designed to be used for administrative, clerical or *professional usages* and includes *banks*, insurance companies, building societies, micro lenders and subservient and ancillary uses such as, inter alia, parking and cafeteria but excludes medical consulting rooms.

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

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

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

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

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

“owner” in relation to land, means—

- (a) the person or entity in whose name the land is registered in a deeds registry in terms of the Deeds Registries Act, 1937 (Act 47 of 1937) or in whom the ownership of the land vests;

- (b) the holder of a registered servitude right or registered lease;
- (c) any successor in title of the owner; and
- (d) a person authorised by a power of attorney to act on behalf of the owner;

“owners association” means an association of property owners (usually within a security township) where membership is compulsory for all owners. The association shall be registered as a Non Profit Company (NPC) in terms of the Companies Act, 2008 (Act 71 of 2008) and may also regulate aesthetics and design guidelines for all member owners which shall apply in addition to the provisions of the *scheme*.

“panelbeater” or “panelbeating” - the replacement, reparation and/or panel beating of the body and spare parts of vehicles and / or the spray-painting thereof.

“panhandle” – the access section of a panhandle erf, which section:

- a) shall provide access from a street to the panhandle portion;
- b) must be at least 3m wide along its entire length;
- c) shall have a slope that not exceeds 1:8;
- d) shall provide access only to the erf of which it forms a part as well as the property in favour of which a servitude of right of way has been registered over the panhandle;
- e) shall for the purpose of this *scheme* not be considered as a part of the erf;
- f) no *building* or structures except screen walls or dense barriers erected
- g) along the boundaries of the panhandle to the extent and of the material, design, height, position and maintenance as determined by the *municipality* shall be erected in the panhandle

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

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

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

“place of amusement” or “place of Entertainment” means a *commercial* enterprise for the use of a multi-purpose facility for the purpose of sport, recreation, entertainment and the licensed provision of gambling activities and alcoholic beverages may include uses such as a *place of refreshment, tavern, bar, theatre, cinema, art gallery, trade or industrial exhibition, music hall, concert hall, dance hall, discotheque, amusement park, sports centre, billiard-room, skating rink, race track, private club, machine-games or similar uses, as well as an ancillary children’s play area, but excludes adult entertainment business.*

“place of instruction” means a building designed for use or used as a school, college, technical college, lecture hall, institute, or other educational centre and may include a *cafeteria, crèche, convent or monastery, public library, art gallery, museum, conference facilities and gymnasium.*

“place of public worship” means land or building designed for use, or used as a church, chapel, oratory, house of worship, synagogue, temple, mosque, or other place of public devotion, and includes a building designed and used as a place of religious instruction or an institution on the same

property as and associated with any of the foregoing buildings which is intended to be used for social intercourse and recreation and may include a *parsonage*, funeral chapel and a wall remembrance subject to approval of the *municipality* but shall not include a *funeral parlour*.

“place of refreshment” includes a *confectionary, restaurant, fish fryer, drive-thru-restaurant*, tearoom or coffee-shop and means a building which is not a *hotel*, residential club, drive-in restaurant, or boarding house, but which is designed and used for the preparation or the retail sale of meals, refreshments, as well as the retail sale of fresh produce, mineral waters, tobacco, reading material and sweets.

“planning by-law” means the Lephalale Municipality Spatial Planning and Land Use Management by-law 2017;

“planning law” means the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 20143);

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

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

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

“precinct plan” means a plan, approved by the municipality, as envisaged in this land use scheme as a component of a package of plans;

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

“primary use” in relation to property means any land use specified in this land use scheme as a primary use, being a use that is permitted within a use zone without the need to obtain the municipality’s approval except where the municipality may require a site development plan;

“private open space” means *land zoned* for use as private grounds for sport, play, rest, and recreation area or as an ornamental garden to which the general public will have no admission, except with consent.

“private parking” means *land and/or buildings* or a part thereof, which is used for *parking of motor vehicles* under the control of a private individual or agency.

“private street” means *land* set aside for the passage or *parking of motor vehicles*, which is privately owned, excludes a *public street* and may include private open space.

“professional usage” means such types of uses as are normally and reasonably associated with the concept “professional” e.g. doctors, dentists, architects, lawyers, chartered accountants, engineers and town planners; the rendering of a service, as against carrying on a business, is one of the distinguishing factors.

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

“provincial road” means a road that is under the jurisdiction of the provincial roads authority;

“protected area” means a protected area as defined in section 1 of the national environmental management: protected areas act, 2003 (act 57 of 2003);

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

“public garage” means *land and buildings* which, for the purpose of profit, is used for the maintenance, repair or fuelling of *motor vehicles* and associated purposes, excluding panel-beating and spray-painting, and may include any one or more of the following uses: *parking*, or storage of *motor vehicles*, the sale of spare parts, accessories, fuels and lubricants for *motor vehicles* as well as the sale of new or used *motor vehicles*.

“public open space” means any *land* zoned for use by the public as an open space, and includes a park, garden, playground, recreation park or square to which the general public has right of access.

“public parking” means *land* or a *building* or part thereof that is accessible to the general public for parking purposes.

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

“public road” or **“public street”** means any *road or street* for public use or any land intended for such purposes.

“public storage” means *land and buildings* used for the storage of mainly household furniture, vehicles, documents and equipment in individual lockable store rooms and may include *ancillary* and subservient *offices*, a guard house and a *caretaker’s flat*,

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

“railway” means a permanent rail track for the transport of passengers and goods in trains and includes stations as boarding and alighting points for passengers and the loading and unloading of goods.

“railway purposes” means *land* used or a *building* designed or used for the purposes of railway or road transport services and more specifically for the purpose of spoornet, with the reservation that other institutions that supplies a similar or complimentary service can be accommodated on the *land* or *building* with the consent of the *municipality*.

“rear boundary” means that boundary of a lot or *erf* which is furthest away from any street boundary, and which does not meet any street boundary.

“recreation” means any land earmarked for use as private or public sports fields, playground and recreation site including any *building*, structure or facility appurtenant thereto.

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

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

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

“reservoir” means *land* and *buildings* designed for the storage of water and pumping equipment and may include toilets, storerooms, and ancillary and subservient municipal uses.

“resort” – a place of rest, holiday place, tenting or camping ground, *caravan park*, game park, pleasure resort or picnic spot intended for public recreation with the view to profit or gain and includes a *place of refreshment* and other buildings normally related and appurtenant to such a resort, as approved by the *municipality*, provided that no facility within the resort shall be occupied by any person for a period exceeding three (3) months within a period of twelve (12) months, except with the consent of the *municipality*.

“restaurant” means *land* and/or *buildings* or a part thereof used for the preparation and sale of food or drink, whether or not consumed on the site, and may include inter alia a *drive-thru restaurant*, *confectionary*, and a *bar* as well as an ancillary children’s play area subject to consent of the *municipality*; but excludes a *place of entertainment* and any activity which, in the *council’s* opinion, may cause *public nuisance*; and shall be subject to a licence in terms of the business act, 1991 (act 71 of 1991).

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

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

“rights” means land use rights obtained in terms of this *scheme*.

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

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

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

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

“scheme” or **“land use scheme”**- refers to the Lephalale Land Use Scheme, 2017.

“scheme map” means a map indicating all zonings within the area of jurisdiction of this *land use scheme*.

“scheme regulations” has the meaning assigned thereto in the *by-law*.

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

“scrapyard” means *land* and *buildings* used as a junk-yard or scrap-yard for the dismantling, stacking, storing or preparation for resale of any used material, scrap metals, scrap *motor vehicles*, scrap machinery, or any other scrap materials, whether or not such dismantling or storage with a view to the disposal or re-use of such scrap.

“second dwelling unit” means an additional *dwelling unit* which may be erected and complements the main dwelling unit, excluding a kitchen and bathroom, on the same *cadastral land unit* on which a *dwelling unit* exists or are in the process of being erected, provided that:

- a) in the case of land zoned for residential zone 1, only one additional *dwelling unit* can be permitted and shall not exceed 30% of the main dwelling unit;
- b) in the case of land zoned for agriculture zone purposes, additional *dwelling units* shall not exceed/ be permitted and shall be restricted to 120 m² in extent, by special consent from the municipality.
- c) written consent is sought from the *municipality*.
- d) site development plan and building plans are approved by the *municipality*.
- e) **can include domestic staff quarters.**

“servitude” means a registered right that grants the use of a portion of land for specified purposes.

“sewerage works” means land and buildings designed or used for the treatment and purification of sewage and may include ancillary offices and storerooms and ancillary and subservient uses deemed necessary by the *municipality*.

“shop” means a land used or a building designed or used for the purposes of carrying on *retail* trade and the necessary accompanying storage and packaging, and includes any accompanying use on the same site which is incidental and subordinate to the conduct of the retail business: provided that such accompanying storage and packaging and accompanying use shall not give rise to any disturbance or nuisance. the following uses shall not be considered as incidental to a shop: - a *supermarket*, *noxious activity*, *risk activity*, *drive-in restaurant*, *place of refreshment*, *bar*, *scrap-yard*, *wholesale trade*, *builder’s yard*, *warehouse*, *public garage*, *filling station*, *parking garage*, *place of amusement*, *motor sales market*, and a *garden centre*.

“showroom” means *land and buildings* designed or used only for display of products and *ancillary offices* and materials and excludes the sale or delivery of such products or materials on the same *property*.

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

“side boundary” means any boundary of a *land unit*, which does not constitute the common boundary with a public street or public road.

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

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

“social hall” – a *building* designed for use as or used for social assemblies, gatherings, meetings and recreational purposes and includes a masonic temple and a non-residential club but does not include a "place of amusement".

“spa / hydro and wellness centre” means *land and building* or a part thereof used for human relaxation and body regeneration by making use of facilities such as pools, baths, sauna’s, where treatment is provided by professional practitioners

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

“spaza shop” means a shop of a maximum gross floor area of 20m² on a residential property only selling daily convenience goods and prepared and pre-wrapped food, excluding the sale of alcoholic beverages and excluding the cooking of food and which shall not provide table games or electronic games.

“special use” means a use not defined or provided for in this land use scheme, and may be so classified and permitted in any zone with the approval of municipality.

“sports facility” means *land and buildings* planned, designed and used for sport activities, whether indoors or outdoors.

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

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

(a) a basement does not constitute a storey;

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

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

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

“street” or “road” the area or portion of any street, road, bridge, highway, tunnel, avenue, lane, driveway, sanitary lane, thoroughfare, or the right of way, shown on the general plan of a township, agricultural holdings or other division of land, or in respect of which the public has acquired a right of way by prescription or any other means.

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

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

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

“substation” means a structure erected with the primary function of distributing electricity, water and sewerage.

“supermarket” means a retail concern of a net retail floor space of not less than 350 m² with *ancillary* facilities such as a *confectionary* and storage area, which is used for sales on a basis of self-service and in which the goods for sale fall in one or more of the following categories:

- a) foodstuffs;
- b) cookware and kitchenware;

- c) stationery;
- d) baby products;
- e) toiletries; and
- f) household cleansing agents.

“tavern” or “shebeen” means a residential building or *dwelling unit* or part thereof constructed, designed or adapted for use for social gatherings and for the consumption of liquor on the premises and may include the consumption of non-alcoholic beverages and the preparation and consumption of food, but shall not include any off-sale activity, provided that the dominant use shall remain residential for the occupant of the said dwelling unit and subject to the consent of the *municipality* and compliance of applicable health and safety laws.

“taxi holding area” means an area, usually off-street, where mini buses (taxis) hold before proceeding to loading points and where generally there is no passenger activity. A holding area can either be included within or separate from a taxi rank.

“taxi rank” means a place at which mini busses (taxis) and busses are allowed to wait and / or stop for passengers boarding or alighting.

“telecommunication mast” means a structure in the form of a mast and a base station, which is designed for communication over a distance by means of telephone, radio, television and internet wave technology or other technology as may be permitted in terms of the relevant legislation. telecommunication masts are regarded as infrastructure and not as a land use.

“temporary building” - means a building designated as such by the owner after consulting with the *municipality* and which is used, or will be used, for a specified period for a specified purpose, but does not include a building shed.

“temporary consent” - means the temporary consent provided by the municipality that envisaged for the temporary use of a property for:

- a) the erection and use of temporary buildings, or the use of existing buildings for site offices, storage rooms, workshops or such other uses as may be necessary during the erection of any permanent building or structure on the land; provided that such consent shall ipso facto lapse upon completion of the permanent structure or on the expiry date thereof as determined by the municipality;
- b) the occasional use of land or buildings for public religious exercises, place of instruction, institution, place of amusement or social hall;
- c) the use of land or buildings thereon for state or municipal purposes;
- d) the use of land or the erection of buildings necessary for the purpose of informal retail trade.

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

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

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

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

“tourist facility” means land or a building used for tourists or day visitors such as a teagarden, farm shop, touch farm, game viewing facilities, gift shop, outdoor activity, restaurant, spa/hydro and wellness centre or a rest room on a scale and combination of uses as determined by the *council* for the tourist or day visitor industry, fitting with the character of the surrounding area, but does not include overnight accommodation facilities.

“townhouses” means a group of separate and / or linked dwelling units:

- a) which are planned, designed and built as a harmonious architectural entity with a number of unit types;
- b) which are arranged in a varied and orderly fashion within or around a communal open space and with public and / or private access road;
- c) with a medium-density character;
- d) with structures which may vary between single- and double storeys and cadastrally subdivided or not;
- e) of which every single residential unit has a ground floor;
and a town house will have a similar meaning.

“transport uses” means the use of *land* and / or *buildings* for the operation of an enterprise consisting of the transportation of goods and/or passengers by rail, air, road and pipelines and includes uses such as stations, transportation amenities and facilities, parking, administrative offices and ancillary uses such as warehouses, container parks, workshops as well as residential uses and amenities for personnel, and may further include any uses such as shops or offices which are of service and convenience to passengers, as approved by the *municipality*.

“urban edge” means a demarcated line which is designated as an urban edge in terms of an approved policy (including the Municipal Spatial Development Framework), which may follow cadastral boundaries or not;

“use zone” means that part of this *scheme* which has been shown on the zoning map by means of a specific notation or bordering or any other distinguishing manner, in order to identify the permitted use of the land.

“utility service” means *land* and *buildings* used by the municipality, government agencies, parastatals or their authorised agencies for providing infrastructure services such as sewage farms, dumping grounds, reservoirs, *substation*, *conservancy tanks*, composting installations and water purification works.

“vehicle workshop” – land used or a building designed or used for the repair of trucks, *motor vehicles*, motorcycles and other engine driven vehicles.

“veterinary clinic” means a place where animals are given medical care and the boarding of animals is limited to short-term care incidental to the hospital use, and may include a grooming parlour and a retail outlet restricted to the sale of veterinary and animal maintenance products.

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

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

“warehouse” means a *building* or use of land for the exclusive purpose of storage of goods, which in the opinion of the *municipality* are not dangerous, noxious or unsightly, and includes wholesale trade, and may also include ancillary office accommodation which is subsidiary to the main use, but excludes any retail trade on the property of such building, unless the special consent of the municipality has been obtained.

“wholesale Trade” trade which is restricted to the sale of goods or products to licenced retailers.

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

“zone/zoning”- a part of the area of this *scheme*, shown on the *map*, by means of a distinctive notation or edging, or other distinctive manner for the purpose of indicating the restrictions imposed on the erection and use of buildings.

CHAPTER 2 - LAND USE SCHEME, USE ZONES AND USES

2.1. Area of jurisdiction

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

2.2. Purpose of land use scheme

2.2.1. The purpose of the land use scheme is to—

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

2.3. Components of land use scheme

2.3.1. The land use scheme consists of the following components:

- (a) this By-law;
- (b) the land use scheme map; and
- (c) the register.

2.4. Differentiation in the level of land use management

2.4.1. In terms of Section 24(2)(a) of the Spatial Planning and Land Use Management Act No 16 of 2013, the municipal area is divided into:

- (a) formal land use management areas where more formal land use management processes will apply; and
- (b) incremental land use management areas where a less formal approach to land use management will permit the incremental introduction of land use management and regulation.

2.4.2. The spatial demarcation of the areas referred to in section 2.4 indicated on the land use scheme maps in the following manner.



Incremental management areas

2.5. Land use scheme map

2.5.1. The land use scheme map depicts—

- (a) the zoning of land in accordance with the use zone in which the land is located; and
- (b) overlay zones, if applicable to the land.

2.5.2. The Municipality must update the land use scheme map within a reasonable time after use rights have been granted or have lapsed.

2.5.3. The Municipality may keep the land use scheme map in an electronic format.

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

2.6. Rectification of errors on land use scheme map

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

2.7. Land use scheme register

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

2.8. Status of land use scheme

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

2.9. Zoning versus ownership

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

2.10. Primary Uses

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

2.11. Consent Uses

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

2.12. Temporary Uses

2.12.1. The Municipality must record the relevant information relating to Temporary uses applicable to a land unit in the register.

2.12.2. Approval of a use right as an Temporary use in terms of the Planning By-law must at least be subject to the development parameters applicable to the use right as stipulated in this By-law.

2.13. Non-conforming Uses

2.13.1. A non-conforming use does not constitute an offence in terms of this By-law.

2.13.2. A non-conforming use may continue as long as it remains otherwise lawful.

2.14. Deemed Zoning of closed public places

2.14.1. The zoning of land that was previously a public street or public open space, vested in or owned by the Municipality and that is closed, is determined as follows, namely:

- (a) if the land is transferred to an abutting land owner, that portion of the land falls in the same zone as that of the abutting land belonging to the abutting owner; or
- (b) the Municipality must determine which zoning applies to the land if—
 - (i) the land is transferred to an abutting land owner and that owner owns abutting properties falling into more than one zone; or
 - (ii) in any other case not provided for herein.

CHAPTER 3 - OVERLAY ZONES

3.1. Purpose of overlay zones

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

3.2. Procedures for establishing overlay zones

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

3.3. Overlay Zone: 1 in 100 Year Floodline

- 3.3.1. The 1 in 100 year floodline applicable to parts of the Lephalale Local Municipality is indicated on the land use scheme maps in the following symbol:



1 in 100 year Floodline

- 3.3.2. The objectives of this overlay zone is to manage development in a manner that:
- (a) *limits or reduces exposure to flood risk by avoiding hazardous, uneconomic or unwise use of floodplains, thereby protecting life, property and community infrastructure;*
 - (b) *protects the natural flood carrying capacity of watercourses and wetlands;*
 - (c) *protects and enhances the intrinsic value and the environmental goods and services provided by watercourses, wetlands and associated riparian areas and floodplains;*
 - (d) *facilitates the beneficial integration of watercourses into the urban landscape by creating an aesthetically pleasing public resource which will ultimately allow for the social and economic up-liftment of communities adjacent to watercourses and wetlands;*
 - (e) *provides an effective decision making tool for officials, developers and consultants by introducing an element of predictability with regard to applications for development along watercourses / river corridors and adjacent to wetlands; and*
 - (f) *promotes sustainable development from engineering, environmental and socio-economic perspectives.*

- 3.3.3. Land use, development or activities near watercourses and wetlands must be appropriate for the anticipated degree of flood risk whilst minimizing concomitant environmental impacts and sustaining a sense of place and urban form.
- 3.3.4. The permissible extent and nature of land use, development or activities within the 1:00 year floodline must be subject to stringent evaluation and control in the interests of public safety.
- 3.3.5. Some developments or activities may be permitted, subject to such conditions as the Municipality may in its discretion impose, while developments with particular evacuation or emergency response issues and high risk developments will only be permitted above the 100-year floodline.
- 3.3.6. Any proposed development or redevelopment within the floodline must be supported by a report by a registered professional engineer to ensure that any new or existing structure can withstand the forces and effects of floodwaters (refer Table 1). If building plans are submitted in respect of proposed buildings within the floodplain and such a report has not previously been submitted, it must be included with the building plans.
- 3.3.7. Only land uses, developments or activities considered appropriate within the floodline (Refer to Table 1) can be contemplated. In addition geomorphological, maintenance, social and economic aspects must be considered where appropriate.

Table 1: Land uses permitted within the 1:100 year floodline

Land use / development activity		Requirements and conditions
Industrial development	Light, General, High Risk	Not permitted
	Extractive (Mining)	Permitted, subject to conditions in section
Business Development	General	Permitted, subject to conditions in section
	Commercial (CBD)	Not permitted
	Service Stations	Not permitted
Residential Development	Formal	Permitted, subject to conditions in section
	Informal	Not permitted
Community & Public Facilities	Hospitals, Clinics, Nursing Homes, Old Age Home	Not permitted
	Prisons, Military Bases, Police Stations, Fire Stations	Not permitted
	Cemeteries	Not permitted
	Educational Facilities	Not permitted
	Public Halls, Places of Worship	Not permitted
Utility / Infrastructure Services (incl. Private)	Stormwater Management Facilities	Permitted
	Underground Sewers, Services	Permitted, subject to conditions in section
	On Site Sewage Treatment	Permitted, subject to conditions in section
	Water & Wastewater Works, Pump Stations	Not permitted
	Solid Waste Disposal Sites	Not permitted
	Power Generation, Electrical Substations	Not permitted
	Telecommunication Exchanges & Transmitters.	Not permitted
Environment, Open Space & Recreation	Nature Reserves and Conservancies	Permitted

	Sports Fields, Golf Courses, Picnic Areas	Permitted, subject to conditions in section
	Public & Private Open Space	Permitted
Agriculture	Cultivation, Free-range animal husbandry	Permitted, subject to conditions in section
	Agricultural Processing / Industry	Permitted, subject to conditions in section
	Feedlots, Piggeries and Battery Farming	Permitted, subject to conditions in section
Resorts	Hotels, Holiday Resorts and Bungalows,	Permitted, subject to conditions in section
	Caravan and Camping Sites	Permitted, subject to conditions in section
Transport Systems	Roads and Railways elevated above NGL	Permitted, subject to conditions in section
	Modal Interchanges, Bus Depots, Railway Stations	Not permitted
	Parking Areas	Permitted, subject to conditions in section
Bank Protection Works, Flow Diversion Structures, & Earthworks	Revetments, Training Walls, Levees	Permitted, subject to conditions in section
	Dams, Weirs, Bridges	Permitted, subject to conditions in section
	Filling	Permitted, subject to conditions in section

3.3.8. For conditional uses specified above, the following are required:

- (a) A registered professional engineer must be engaged by the developer to satisfactorily demonstrate and certify that:
- (i) the activity/development will not materially increase flood hazards for other property owners or adversely affect flood behaviors or the stability of river channels; and
 - (ii) any structure can withstand the forces and effects of flowing floodwaters, including scour of foundations, debris forces and buoyancy forces.

CHAPTER 4 - DISTANCES, LEVELS AND BOUNDARIES

4.1. Measuring distances and levels

- 4.1.1. The following provisions apply with regard to the method of measuring distances and levels:
- (b) when reference is made or implied to the distance between boundaries or between a building and a boundary, this distance must be measured in the following manner:
 - (iii) the boundary or boundaries and all points of the building must be projected onto a horizontal plane, and all measures must be made in the plane; and
 - (iv) the distance between a point on a building and a boundary must be measured at right angles to the erf boundary;
 - (c) when reference is made to a portion of a boundary opposite a building, that portion must be defined by drawing lines in a manner described in regulation (a) from points on the building, at right angles to the boundary;
 - (d) when reference is made to natural ground level or of a roof wall plate, parapet or other things, the level must be calculated in accordance with recognised geometric principles; or
 - (e) when the levels involved are so irregular that calculation in accordance with the principles in paragraph (a) to (c) is impractical or leads to a result, which is not in accordance with the intent of the land use scheme, the Municipality must determine the level.

4.2. Determining boundaries of use zones

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

CHAPTER 5 - ENFORCEMENT

5.1. Call for cessation of land use activity

- 5.2.1. No person may erect any building or structure or any part thereof—
- (a) except for a purpose permitted by this land use scheme and only in accordance with the applicable development parameters; or
 - (b) without first obtaining approval from the Municipality in terms of the land use scheme.
- 5.2.2. Council may call for cessation of a land use activity by serving a written notice on the owner or person conducting such activity requiring:
- (a) compliance with instructions set out in such notice; and

- (b) cessation of use of the premises in question for such land use activity by a date specified in such notice.
- 5.1.1. A use not reflected as a primary or consent use for a particular use zone is not permitted in the use zone concerned, unless approved in terms of the land use scheme.
- 5.1.2. A person who contravenes this land use scheme is guilty of an offence and liable upon conviction to a fine or imprisonment not exceeding a period of 20 years or to both a fine and such imprisonment.
- 5.1.3. A Municipality must enforce the land use scheme through the measures for enforcement provided for in the Planning By-law.

CHAPTER 6 - DEVELOPMENT OF LAND

6.1. Development parameters applicable to use rights

- 6.1.1. The land use descriptions and development parameters applicable to each primary and consent use right are depicted in the table of each use in **CHAPTER 10 – FORMAL LAND USE MANAGEMENT AREAS** and **CHAPTER 11 – INCREMENTAL LAND USE MANAGEMENT AREAS**.
- 6.1.2. No parameters are attached to a specific zoning and parameters will be in accordance with the use rights, whether a primary or consent use right, allowed in the zoning.
- 6.1.3. Development parameters are applicable to use rights only and notwithstanding the zoning of an erf, a specific use right will always have the same development parameters as listed in Chapters 10 and 11, provided that the Municipality may grant consent to deviate from the development parameters in terms of the Planning By-law.
- 6.1.4. Consent uses, as listed in the “Consent Use” column for each zoning in Chapter 10, shall be subject to the following conditions:
 - (a) when a consent use is granted in a particular zone, the applicable land use must be supplementary to the primary use right allowed under the particular zone.
- 6.1.5. Notwithstanding subsections 6.1.1 and 6.1.2 the Municipality may determine additional conditions with regard to any specific property which the Municipality may lawfully do in terms of relevant legislation.

CHAPTER 7 - GENERAL PROVISIONS

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

7.1. Encroachment of building lines

- 7.1.1. Notwithstanding the building line requirements set out in Chapter 6, the following structures or portions of structures may be erected within the prescribed building lines, provided they do not extend beyond the boundaries of a land unit:
 - (a) boundary walls, fences and gates;
 - (b) open and uncovered stoeps that are less than 500 millimetres in height from the natural level of the ground;

- (c) entrance steps, landings and entrance porches, excluding a *porte cachet*;
- (d) a covered entrance or gatehouse that has a roofed area not exceeding 5 m² and a roof height not exceeding 3 metres from floor to highest point;
- (e) eaves and awnings projecting no more than 1 metre from the wall of a building;
- (f) cornices, chimney breasts, flower boxes, water pipes, drain pipes and minor decorative features not projecting more than 500 millimetres from the wall of a building;
- (g) screen-walls not exceeding 2,1 metres in height above the natural ground level abutting such wall;
- (h) swimming pools not closer than 1 metre from any boundary;
- (i) a basement, provided that no part thereof projects above natural ground level; and
- (j) a refuse room required by the Municipality in terms of this By-law.

7.2. Street Centreline Setback

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

7.3. Site Development Plans

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

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

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

- (a) existing bio-physical characteristics of the property;
- (b) existing and proposed cadastral boundaries;
- (c) the layout of the property, indicating the use of different portions thereof;
- (d) the massing, position, use and extent of buildings;
- (e) sketch plans and elevations of proposed structures, including information about their external appearance;
- (f) cross-sections of the site and buildings on site;
- (g) the alignment and general specification of vehicle access, roads, parking areas, loading areas, pedestrian flow and footpaths;
- (h) the position and extent of private, public and communal space;
- (i) typical details of fencing or walls around the perimeter of the land unit and within the property;
- (j) electricity supply and external lighting proposals;
- (k) provisions for the supply of water, management of storm water, and disposal of sewage and refuse;
- (l) external signage details;

- (m) general landscaping proposals, including vegetation to be preserved, removed or to be planted, external paving, and measures for stabilising outdoor areas where applicable;
 - (n) the phasing of a development;
 - (o) the proposed development in relation to existing and finished ground levels, including excavation, cut and fill;
 - (p) statistical information about the extent of the proposed development, floor area allocations and parking supply;
 - (q) relationship of the proposed development to the quality, safety and amenity of the surrounding public environment;
 - (r) relationship of the proposed development to adjacent sites, especially with respect to access, overshadowing and scale;
 - (s) illustrations in a three-dimensional form depicting visual impacts of the proposed development on the site and in relation to surrounding buildings; and
 - (t) any other details as may reasonably be required by the Municipality.
- 7.3.1. The Municipality may require that the area covered by a site development plan must extend beyond the site under consideration if, in its opinion, the proposed development will have a wide impact.
- 7.3.2. The Municipality may determine the extent of the area covered by a site development plan.
- 7.3.3. An applicant must submit a site development plan to the Municipality if it is required in terms of this land use scheme, before any development on the relevant land unit may commence.
- 7.3.4. A site development plan may not be rejected if it is consistent with the development parameters of a base zone, overlay zone, or condition of approval.
- 7.3.5. The Municipality may require amendments of detail to the site development plan to address reasonable concerns relating to access, parking, architectural form, urban form, landscaping, environmental management, engineering services or similar concerns.
- 7.3.6. The following provisions apply with regard to site development plans:
- (a) the property must be developed generally in accordance with an approved site development plan;
 - (b) if the Municipality considers it necessary, a transport or traffic impact statement or assessment may be required in conjunction with a site development plan, the extent of which must be determined by the Municipality depending on the magnitude of the development;
 - (c) if the Municipality considers it necessary, a storm water impact assessment or storm water management plan or both may be required in conjunction with a site development plan, the extent of which must be determined by the Municipality depending on the magnitude of the development; and
 - (d) an approved site development plan must be considered as setting additional development parameters applicable to the base zone, and any application for amendment must comply with the Municipality's requirements for the amendments.

7.4. Hazardous Substance

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

7.5. Screening

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

7.6. Earth Banks and Retaining Structures

- 7.6.1. Without the approval of the Municipality—
- (a) no earth bank, retaining structure, column, suspended floor, other device or series of such devices may be constructed that enables a ground floor of a building to be raised more than 0,5 metres above natural ground level, provided that where the raising takes place, the height thereof must still be measured from natural ground level, but excludes infill for a driveway;
 - (b) no earth bank or retaining structure used for holding back earth or loose rock, whether associated with a building or not, may be constructed to a height of more than 2 metres above natural ground level; and
 - (c) no series of earth banks or retaining structures may be constructed to a cumulative height of more than 2,5 metres above natural ground level, unless an approximately level area of at least 2 metres wide is incorporated between successive embankments or retaining structures for every 2 metres of cumulative height.

7.7. Boundary Walls

- 7.7.1. The following development parameters for “boundary walls”, apply:
- (a) The maximum height in all cases is 1.8 metres.
 - (b) In certain areas, the council **may** impose permeability restrictions in order to enhance the sense of place of a specific community, in which case the following requirements regarding permeability of “boundary walls”, apply:
 - (i) 60% of a residential street “boundary wall” must be permeable; and
 - (ii) 80% of a street “boundary wall” in other areas must be permeable.
- 7.7.2. In the case of a second dwelling unit, any internal wall dividing buildings shall not exceed 1.2m.
- 7.7.3. No owner of any unit or section within a Sectional Title Scheme may erect any wall or fence on common property.

7.8. Maintenance of property

- 7.8.1. Property must be properly maintained by the owner or occupier and may not—
- (a) be left in a neglected or offensive state, as may be determined by the Municipality;
 - (b) contain an unsightly accumulation of papers, cartons, garden refuse, rubble or other waste material, as may be determined by the Municipality;
 - (c) contain an accumulation of motor wrecks or un-roadworthy vehicles or used motor parts, unless these are part of a primary or consent use in terms of this land use scheme;

- (d) contain outdoor storage of building material, appliances or similar items unless these—
 - (i) forms part of a primary or consent use in terms of this land use scheme;
 - (ii) are temporarily being stored for the purpose of construction in accordance with a valid building plan approval; or
 - (iii) are being stored in conjunction with the holding of a yard or garage sale with a duration of not more than two consecutive days.

7.9. Placement of vehicles in residential zones

- 7.9.1. A motor vehicle of an occupant of a dwelling unit and used for commercial activities conducted away from the dwelling unit, may be parked on the property where the occupant resides, provided that—
- (a) there is adequate space on the property concerned;
 - (b) no more than one commercial vehicle per dwelling unit may be parked on the property; and
 - (c) the gross weight of any such commercial vehicle may not exceed 3 500kg.

7.10. Mobile homes and caravans

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

7.11. Rooftop base telecommunication stations and Satellite dish antenna systems

- 7.11.1. A rooftop base telecommunication station may not extend more than 3 metres in height above the building that it is attached to without the prior approval of the Municipality.
- 7.11.2. No rooftop base telecommunication station or transmission tower granted as a consent use in terms of this By-law may be modified or have its radio-frequency emissions altered without the prior written approval by the Municipality.
- 7.11.3. The following provisions apply with regard to decommissioned antennae or rooftop base telecommunication stations:
- (a) the owner or operator must remove all decommissioned infrastructure;
 - (b) if the site has been disturbed, the owner or operator must rehabilitate the site to its original state or to a state acceptable to the Municipality; and
 - (c) if the owner or operator fails to comply with subsection (a) or (b), the Municipality may remove that infrastructure, and rehabilitate the site at the cost of the owner or operator.

7.11.4. Any satellite dish antenna with a diameter in excess of 1,5 metres must be placed in a position that minimises the visual impact on the surrounding area to the satisfaction of the Municipality.

7.11.5. Any satellite dish antenna of 1,5 metres in diameter and smaller, and used solely for the purposes of television reception or telecommunication, will not require the Municipality's approval and is excluded for the purposes of height measurement.

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

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

7.13. Equipment on top of building

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

7.14. Parapet walls

7.14.1. Parapet walls are restricted to 300 millimetres in height above the wall plate except in the case where roof equipment as described under "height" is hidden behind parapet walls not exceeding 2 metres in height which is to the satisfaction of the Municipality.

7.14.2. In the case of flats and other non-residential buildings the 2 metres height requirement under subsection 7.14.1 is considered to form part of the top storey.

7.15. Chimneys

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

7.16. Flood-Prone Areas

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

7.17. Electronic or mechanical playing devices

7.17.1. A maximum of five electronic or mechanical playing devices are permitted within a building in a zone with primary uses for a business premises, hotel or place of assembly, but excluding house shops.

7.17.2. If the floor space of a building on a property zoned for the purpose of a business premises, hotel or place of assembly exceeds 5000 m², more than five electronic or mechanical playing devices are permitted, provided that—

- (a) not more than five of those devices may be permitted on a particular premises within that building; and

- (b) the Municipality may limit the number of the premises in that building where the devices are permitted in order to mitigate their impact on the surrounding uses, be they internal or external to the building or property.

7.18. Utilisation of Outbuildings

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

7.19. Determination of natural ground level

7.19.1. In determining the natural ground level—

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

7.20. Animals in residential zones

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

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

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

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

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

7.21. Hobbies in residential zones

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

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

CHAPTER 8 - PARKING AND LOADING

8.1. Off-street parking requirements

8.1.1. If parking requirements are not stipulated for a particular use, or in terms of a specific condition imposed by the Municipality, parking must be provided at a minimum ratio in accordance with Table 2 below —

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

Table 2: minimum off-street parking requirements

Land use	Standard areas
Main dwelling house	2 bays per dwelling unit (1 bay per dwelling for erven < 350 m ²) (Nil per dwelling for erven < 100 m ²)
Double dwelling house	2 bays per dwelling unit
Second dwelling	1 bay per 2 nd dwelling unit
Group house dwelling	1,75 bays per dwelling unit, plus 0,25 bays per dwelling unit for visitors
Town house dwelling	1,75 bays per dwelling unit, plus 0,25 bays per dwelling unit for visitors
Flats	1,75 bays per dwelling unit, plus 0,25 bays per dwelling unit for visitors
Bed & breakfast establishment	1 additional bay per guest room
Boarding house, guest house	1,25 bays per bedroom
Backpackers lodge	1 bay per 6 beds
Hotel	0,75 bays per bedroom, plus 20 bays if licensed
Retirement home, orphanage	0,5 bays per bedroom
Crèche	1 bay per 10 children, plus stop & drop facility
School	1 bay per classroom or office, plus stop & drop facility
Place of instruction (post-school level)	0,4 bays per student, plus 1 bay per classroom or office
Library, museum	2 bays per 100 m ² GLA
Place of assembly, place of worship, place of entertainment, funeral parlour	1 bay per 6 seats or persons, calculated at 1,4m ² floor area = 1 person
Sport stadium	1 bay per 4 seats or persons
Recreation, sports complex	1 bay per 8 seats or persons
Gymnasium, health club	10 bays per 100 m ² GLA

Hospital (general and private)	1 bay per bed, plus 3 bays per consulting room
Clinic, medical consulting rooms	4 bays per consulting room
Service trade	4 bays per 100 m ² GLA
Shops (excluding supermarket)	4 bays per 100 m ² GLA
Supermarket, shopping centre	6 bays per 100 m ² GLA
Restaurant	2 bays per 25 m ² GLA
Offices	4 bays per 100 m ² GLA
Conference centre	6 bays per 10 seats
Motor showroom and service centre	3 bays per 100 m ² GLA
Open air motor vehicle display	3 bays per 100 m ² GLA
Motor repair garage, service station	4 bays per service bay, plus 4 bays per 100 m ² GLA, minimum 8 bays
Motor fitment centre	2 bays per service bay
Light industry	2 bays per 100 m ² GLA
Industry	2 bays per 100 m ² GLA
Industrial hive	2 bays per 100 m ² GLA
Warehouse, storage building	1 bay per 100 m ² GLA

8.2. Alternative parking supply

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

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

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

8.3. Combined parking requirements

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

- (a) the Municipality is satisfied that the utilisation of the same parking area by the different use types or activities in the zones will not result in a concurrent use of the parking area; and

- (b) bays intended for combined uses may not subsequently be reallocated to other uses without the approval of the Municipality.

8.4. Site access and exits

- 8.4.1. The Municipality may require compliance with standard municipal or provincial access spacing guidelines.
- 8.4.2. No access may be closer than 10 metres from an intersection as defined by the prolongation of street boundaries, except for industrial-zoned properties, where the distance may be 15 metres.
- 8.4.3. The Municipality may restrict or prohibit access if a pedestrian or traffic hazard is created or is likely to be created.
- 8.4.4. Motor vehicle carriageway crossings may be limited to one per site per public street or road abutting the site.

8.5. Parking layout requirements

- 8.5.1. The following parking layout requirements apply unless otherwise stated in this land use scheme:
 - (a) parking layout configurations, minimum dimensions and ramps to a parking area must be in accordance with this land use scheme or an approved site development plan;
 - (b) the layout of any parking area must ensure that vehicles can readily leave the site without reversing across the sidewalk, unless otherwise approved by the Municipality;
 - (c) a tandem bay accommodating two motor vehicles is regarded as one bay for the purposes of this land use scheme, except for residential 1 zones, where a tandem bay is regarded as two bays;
 - (d) visitor parking bays must be clearly demarcated, readily visible and accessible to visitors, and preferably grouped together;
 - (e) parking areas must be used for the parking of vehicles which are lawfully allowed on them, and any activity which causes an obstruction for vehicular traffic or pedestrian use of the sidewalk is prohibited;
 - (f) parking areas must be constructed and maintained in a state suitable for the parking and movement of vehicles; and
 - (g) despite paragraph (a) to (f), the Municipality may lay down more restrictive requirements in connection with parking, site access or motor vehicle carriageway crossing, if considered necessary from a pedestrian or traffic safety point of view.
- 8.5.2. The Municipality may require an applicant to submit a parking layout plan indicating—
 - (a) the way in which it is proposed that motor vehicles park;
 - (b) the means of entrance and exit from parking areas;
 - (c) landscaping proposals; and
 - (d) construction details.
- 8.5.3. The Municipality may approve or refuse the parking layout plan and impose conditions of approval.

8.6. Parking for the physically disabled

- 8.6.1. The Municipality may require parking that is capable of use by persons with physical disabilities to be provided on any land unit, in order to ensure easy and convenient access for such persons to services and facilities generally open to the public and to residential uses.
- 8.6.2. In any parking facility serving the public, parking for persons with physical disabilities must be provided in accordance with the following table.

Table 3: Physically disabled accessible parking

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

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

8.7. Motorcycle and bicycle parking spaces

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

8.8. Loading requirements

- 8.8.1. Unless the Municipality grants approval to waive this requirement, loading bays must be provided in accordance with Table 4.

- 8.8.2. The Municipality may determine off-street loading requirements for uses not stipulated in the table.
- 8.8.3. The following minimum requirements apply to loading bays:
- (a) a loading bay must measure not less than 4,5 metres x 10 metres for perpendicular loading, and 2,5 metres x 12 metres for parallel loading;
 - (b) no carriageway crossing to be accessed by loading vehicles may be less than 3 metres in width, and no combined entrance and exit way may be less than 6 metres in width; and
 - (c) covered loading areas may have a minimum headroom of 3,7 metres.

Table 4: Minimum off-street loading bay requirements

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

CHAPTER 9 - REFUSE ROOMS AND SERVICE YARDS

9.1. Refuse rooms


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


9.2. Service yards


- 9.2.1. The Municipality may require the owner to install a screened area providing utility services like for instance washing lines for residential developments, which—
- (a) is designed in a manner that is architecturally compatible with the other structures on the property and will screen refuse bins from public view; and


- (b) comply with any other conditions or standard requirements that the Municipality may impose relating to access, health, pollution control, safety or aesthetics.


CHAPTER 10 – FORMAL LAND USE MANAGEMENT AREAS


Code: R1	RESIDENTIAL 1				
Objectives of this Zone:					
<ul style="list-style-type: none"> To provide adequate land for residential purposes at a low density. To create integrated, safe and sustainable residential environments for all communities. To protect the residential use and amenity by limiting the compatible uses allowed to those that can be accommodated within the residential fabric with minimal impact or disruption. To protect conservation-worthy buildings as determined by the National Heritage Resources Act, 1999, (Act No. 25 of 1991). 					
RULES REGARDING THE USE OF LAND AND BUILDINGS					
What land may be used for:				Land uses that are prohibited:	
Primary Uses:		Consent Uses (application and concept SDP required):		Any use not mentioned under Primary, or Consent uses.	
Dwelling Houses		Second Dwelling Unit, Salon, Day-care centre and Crèche, Home Occupation Practice, Tuck Shop, Places of Public Worship, Social Halls, Taverns.			
RULES REGARDING THE EXTENT OF DEVELOPMENT					
Maximum Density:	Maximum Coverage:	Maximum FAR:	Maximum Height:	Other:	
One dwelling unit per erf with additional dwelling unit subject to written consent.	60%. (For stands smaller than 350m ² maximum coverage of 50%).	1.5	3 storeys	As may be approved by the municipality from time to time.	
RULES REGARDING BUILDING LINES				RULES REGARDING PARKING AND LOADING	
Stand size	Street (m)	Rear (m)	Side (m)	Residential Uses – as per Site Development Plan. For non-residential uses, refer to Chapter 8.	
≤ 350m ²	2	1	1		
>350m ² +	5	2	2		
OTHER REGULATIONS					
1. Conservation worthy buildings must be linked to cultural heritage as per the National Heritage Resources Act, 1999, (Act No. 25 of 1991).					


Code: R2	RESIDENTIAL 2				
Objectives of this Zone:					
<ul style="list-style-type: none"> To provide adequate land for residential purposes at a medium density. To create integrated, safe and sustainable residential environments for all communities. To protect the residential use and amenity by limiting the compatible uses allowed to those that can be accommodated within the residential fabric with minimal impact or disruption. 					
RULES REGARDING THE USE OF LAND AND BUILDINGS					
What land may be used for:					Land uses that are prohibited: Any use not mentioned under Primary, or Consent uses.
Primary Uses:		Consent Uses (application and concept SDP required):			
Dwelling Units, Town Houses/Group Housing.		Institution, Residential building (Bed and breakfast establishment, Guest House, Boarding House, Guest Lodge), Place of Instruction, Home occupation practice, Places of Public Worship, Social Halls.			
RULES REGARDING THE EXTENT OF DEVELOPMENT					
Maximum Density:	Maximum Coverage:	Maximum FAR:	Maximum Height:	Other:	
Maximum of 40 dwelling units per hectare.	60%	1.00	3 storeys	As may be approved by the municipality from time to time.	
RULES REGARDING BUILDING LINES				RULES REGARDING PARKING AND LOADING	
Street boundary:		<ul style="list-style-type: none"> 5 metres for municipal streets. 2 metres along internal streets. 		1 covered and 1 uncovered spaces per dwelling unit. For non-residential uses, refer to Chapter 8.	
Rear boundary:		<ul style="list-style-type: none"> 2 metres for municipal streets. 1 metre along internal boundary. 			
Side boundary:		<ul style="list-style-type: none"> 2 metres for municipal streets. 1 metre along internal boundary. 			
OTHER REGULATIONS					
<ol style="list-style-type: none"> A site development plan shall be submitted. The provision of open space and children's' playgrounds must be to the satisfaction of the council. Conservation worthy buildings must be linked to cultural heritage as per the National Heritage Resources Act, 1999, (Act No. 25 of 1991). With Group Housing, the following are applicable to public roads: Road to be proclaimed; 3 street names submitted; 13m reserve width at entrance; 8m reserve for road; provision of turning circle for service; paving; should be designed by registered engineer; must be able to carry 8 ton/axle strength and should be maintained by the Local Municipality. In terms of private roads or servitudes, the following are applicable: Road registered as erf with title deed description as R.O.W servitude to all stands served by it; paving; should be designed by registered engineer; service yard for refuse at entrance; maintenance be the responsibility of the residential committee and contained as such in title deed and servitude for municipal sewer, water and electricity over total road area. 					

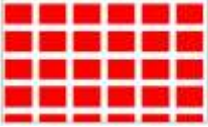
Code: R3	RESIDENTIAL 3			
Objectives of this Zone:				
<ul style="list-style-type: none"> To provide adequate land for residential purposes at a medium density. To create integrated, safe and sustainable residential environments for all communities. To protect the residential use and amenity by limiting the compatible uses allowed to those that can be accommodated within the residential fabric with minimal impact or disruption. To protect conservation-worthy buildings as determined by the National Heritage Resources Act, 1999, (Act No. 25 of 1991). 				
RULES REGARDING THE USE OF LAND AND BUILDINGS				
What land may be used for:				Land uses that are prohibited:
Primary Uses:	Consent Uses (application and concept SDP required):			Any use not mentioned under Primary, or Consent uses.
Dwelling Units and Town Houses/Group Housing.	Retirement Villages, Old Age Homes, Hotels (excluding Off-Sales), Group housing, Flats, Conference facility (associated with a guesthouse), Social Halls, Places of Public Worship, Places of Instruction, Guest House, Place of indoor recreation, Special Uses			
RULES REGARDING THE EXTENT OF DEVELOPMENT				
Maximum Density:	Maximum Coverage:	Maximum FAR:	Maximum Height:	Other:
Maximum of 45 dwelling units per hectare.	80%	0.4	3 storeys	As may be approved by the municipality from time to time.
RULES REGARDING BUILDING LINES				RULES REGARDING PARKING AND LOADING
Stand size	Street (m)	Rear (m)	Side (m)	Residential Uses – as per Site Development Plan. For non-residential uses, refer to Chapter 8.
≤ 350m ²	2	1	1	
>350m ² +	5	2	2	
OTHER REGULATIONS				
<ol style="list-style-type: none"> Properties that are ≤ 350m² may have coverage of up to 75%. Conservation worthy buildings must be linked to cultural heritage as per the National Heritage Resources Act, 1999, (Act No. 25 of 1991). 				


Code: R4	RESIDENTIAL 4				
Objectives of this Zone:					
<ul style="list-style-type: none"> • To provide adequate land for residential purposes at a high density. • To create integrated, safe and sustainable residential environments for all communities. • To protect the residential use and amenity by limiting the compatible uses allowed to those that can be accommodated within the residential fabric with minimal impact or disruption. • To protect conservation-worthy buildings as determined by the National Heritage Resources Act, 1999, (Act No. 25 of 1991). 					
RULES REGARDING THE USE OF LAND AND BUILDINGS					
What land may be used for:				Land uses that are prohibited:	
Primary Uses:		Consent Uses (application and concept SDP required):		Any use not mentioned under Primary, or Consent uses.	
Dwelling Units and Residential Buildings.		Hotels (excluding Off-Sales), Social Halls, Places of Public Worship, Places of Instruction, Restaurants, Institutions, Tuck Shop, Flats, Old Age Homes, Special Uses.			
RULES REGARDING THE EXTENT OF DEVELOPMENT					
Maximum Density:	Maximum Coverage:	Maximum FAR:	Maximum Height:	Other:	
Maximum of 65 dwelling units per hectare.	80%	0.4	4 storeys	As may be approved by the municipality from time to time.	
RULES REGARDING BUILDING LINES				RULES REGARDING PARKING AND LOADING	
Stand size	Street (m)	Rear (m)	Side (m)	Residential Uses – as per Site Development Plan. For non-residential uses, refer to Chapter 8.	
≤ 350m ²	2	1	1		
>350m ² +	5	2	2		
OTHER REGULATIONS					
<ol style="list-style-type: none"> 1. Properties that are ≤ 350m² may have coverage of up to 75%. 2. Conservation worthy buildings must be linked to cultural heritage as per the National Heritage Resources Act, 1999, (Act No. 25 of 1991). 					

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

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

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

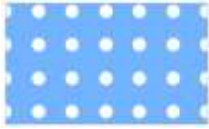
Code: B4	BUSINESS 4			
Objectives of this Zone:				
<ul style="list-style-type: none"> To provide for intensive business and mixed-use development with relatively few restrictions in order to promote urban vitality and economic growth. The objective of this zone is to provide for the retail sale of goods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


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


Code: I2	INDUSTRIAL 2			
Objectives of this Zone:				
The objective of this zone is to provide for those industries which are noxious in terms of smell, product, waste or other objectionable consequence of their operation, or which carry a high risk in the event of fire or accident. While other uses are permitted with consent, the Municipality must ensure there is sufficient capacity for noxious trade in the limited areas suitable for this zone. A noxious trade should not be located close to residential areas.				
RULES REGARDING THE USE OF LAND AND BUILDINGS				
What land may be used for:				Land uses that are prohibited:
Primary Uses:	Consent Uses (application and concept SDP required):			Any use not mentioned under Primary, or Consent uses.
Industrial purposes, Noxious activities, Places of refreshments for own employees only, Administrative offices related to this use zone.	Abattoir, uses that are in line with the objectives of this zone – to the discretion of the municipality.			
RULES REGARDING THE EXTENT OF DEVELOPMENT				
Maximum Density:	Maximum Coverage:	Maximum FAR:	Maximum Height:	Other:
N/A	95%	2.7	3 Storeys	As approved by the municipality
RULES REGARDING BUILDING LINES			RULES REGARDING PARKING AND LOADING	
Street boundary:	5 metres		Refer to Chapter 8.	
Rear boundary:	2 metres			
Side boundary:	2 metres			
OTHER REGULATIONS				
<ol style="list-style-type: none"> 1. Compliance with National and Provincial environmental legislation, 2. Notwithstanding the fact that an activity constitutes a primary use right in terms of this zone, no activity or use which includes the on-site storage of hazardous substances shall be permitted unless a risk management and prevention plan has been submitted and Municipality has given approval thereto. 				


Code: I3	INDUSTRIAL 3				
Objectives of this Zone:					
<p>The objective of this zone is to accommodate all forms of industry, except noxious trade and risk activity, in order to promote the manufacturing sector of the economy. Some allowance is made for nonindustrial activities, but these should not compromise the general use of the area zoned for industry. It is accepted that the intensive nature of the industrial activity or the scale of the operation could generate some negative impact on adjacent properties</p>					
RULES REGARDING THE USE OF LAND AND BUILDINGS					
What land may be used for:				Land uses that are prohibited:	
Primary Uses:		Consent Uses (application and concept SDP required):		Any use not mentioned under Primary Uses.	
Industrial purposes, Motor sales market, Places of refreshment for own employees only, Administrative offices related to this use zone.		Uses that are in line with the objectives of this zone – to the discretion of the municipality.			
RULES REGARDING THE EXTENT OF DEVELOPMENT					
Maximum Density:	Maximum Coverage:	Maximum FAR:	Maximum Height:	Other:	
N/A	75%	1.5	-	As approved by the municipality	
RULES REGARDING BUILDING LINES			RULES REGARDING PARKING AND LOADING		
Street boundary:		5 metres		Refer to Chapter 8.	
Rear boundary:		2 metres			
Side boundary:		2 metres			
OTHER REGULATIONS					
<ol style="list-style-type: none"> 1. Compliance with National and Provincial environmental legislation. 2. A water use licence/authorisation may be required in terms of the National Water Act, 1998, (Act No. 36 of 1998). 					


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


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


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

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


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


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


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

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

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

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

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

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

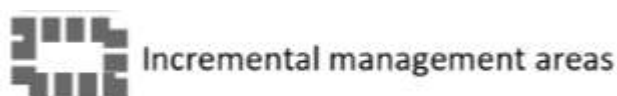
Code: SP	SPECIAL			
Objectives of this Zone:				
<ul style="list-style-type: none"> To accommodate land uses with special characteristics not catered for under any other use zone. 				
RULES REGARDING THE USE OF LAND AND BUILDINGS				
What land may be used for:			Land uses that are prohibited:	
Primary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

CHAPTER 11 – INCREMENTAL LAND USE MANAGEMENT AREAS

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

11.1. Demarcation of incremental land use zones

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



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

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

- (a) Amusement purposes
- (b) Residential purposes
- (c) Business purposes
- (d) Industrial purposes
- (e) Educational purposes
- (f) Cemetery
- (g) Community purposes
- (h) Roads
- (i) Agricultural purposes
- (j) Open Space
- (k) Government
- (l) Commonage

11.2. Role and responsibilities within incremental land use management areas

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

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

- (a) Traditional Authorities can continue to allocate low intensity land uses without applying to the Municipality, as long as the allocation is done in accordance with the land use scheme map and in accordance with the rules stipulated in section 11.3.
- (b) Traditional Authorities can receive applications for higher order land uses and make a recommendation to the Municipal Planning Tribunal, who is tasked with taking the final land use decision.

- (c) In the event where the Municipal Planning Tribunal do not approve a higher order land use application as recommended by the Traditional Authority, the Municipal Planning Tribunal must arrange a meeting with the respective Traditional Authority and provide reasons why the application cannot be approved.

11.3. Rules for the allocation of land uses

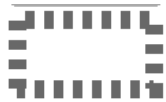
11.3.1. General rules for the allocation of all land uses include the following (furthermore refer to section 3.3):

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



1 in 100 year Floodline

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



Incremental management areas

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

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



Commonage

11.3.2. Rules for the allocation of residential stands.

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

11.3.3. Rules for the allocation of taverns and shebeens.

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

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

11.3.4. Rules for the allocation of business stands

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

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