



**RICHMOND LOCAL MUNICIPALITY**  
**SINGLE LAND USE SCHEME (2022)**

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**FINAL DRAFT**  
**SEPTEMBER 2022**

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## 1. INTRODUCTION TO THE SCHEME

### 1.1. TITLE OF THE SCHEME

The Scheme shall be known as the Richmond Local Municipality Land Use Scheme 2022, hereafter referred to as the Scheme. The Scheme shall be read together with the provisions of Richmond Spatial Planning and Land Use Management Bylaw, 2016, as amended (herein referred to as “The By-law”).

### 1.2. SCHEME AREA

The Scheme shall apply to the entire municipal area of Richmond Local Municipality (“the Municipality”).

### 1.3. LEGAL EFFECT OF THE SCHEME

Subject to the provisions of Section 41 of the By-law:

- 1.3.1. The scheme provides for land use and development rights, has the force of law and is binding on the Municipality, all other persons and organs of state.
- 1.3.2. The right to use land for a purpose without the need to first obtain the consent of the Municipality in terms of the scheme vests in the land not in a person.
- 1.3.3. Consent in terms of the scheme vests in land and not in a person, unless the Municipal Planning Approval Authority concerned has determined that it constitutes a personal right in favour of a defined person and may only be exercised by that person.
- 1.3.4. The right to use land for a purpose may not be alienated separately from the land to which it relates.
- 1.3.5. Land that was being used lawfully before the effective date of the adoption of the scheme for a purpose that does not conform to the scheme shall be deemed to be lawful and may continue to be used for that purpose.
- 1.3.6. If the use of land as contemplated in subsection (1.3.5) is discontinued for an uninterrupted period of more than 18 months, the land may no longer be used for that purpose.

### 1.4. RESPONSIBLE AUTHORITY

The Municipality shall be the authority, responsible for enforcing and carrying into effect the provisions of the Scheme.

### 1.5. EFFECTIVE DATE

The effective scheme date shall be the date of publication of the notice of adoption of the Scheme by the Municipality in the Provincial Government Gazette.

## 1.6. CONTENTS OF THE SCHEME

Subject to the provisions of Section 40 of the By-law, the contents of a Scheme comprise of the following:

- 1.6.1. Maps with accompanying clauses and information that the Municipality considers necessary for illustrating or explaining the extent, content, provisions and effect of the Scheme;
- 1.6.2. Definitions of the terminology used in the maps and clauses;
- 1.6.3. Specification of categories of land uses and development that are permitted and the conditions under which they are permitted;
- 1.6.4. Specification of categories of land uses and development that may be permitted with the Municipality's consent in terms of the Scheme , including –
  - 1.6.4.1. The criteria that will guide the Municipality in deciding an application for consent;
  - 1.6.4.2. The controls which apply if the Municipality grants its consent;
  - 1.6.4.3. Consents for which notice in a local newspaper is not required;
- 1.6.5. Specification of categories of land uses and development that are not permitted;
- 1.6.6. Zones to promote the inclusion of affordable housing in residential land development
- 1.6.7. A schedule of amendments to the Scheme.
- 1.6.8. A schedule of the Scheme amendments and consents;
- 1.6.9. A schedule of consents granted in terms thereof; and
- 1.6.10. Schedules containing guidelines, forms and other information that is purely intended for information purposes.

## 1.7. PURPOSE OF THE SCHEME

Subject to the provisions of Section 39 of the By-law, the purpose of the Scheme is to determine land development and use rights and parameters in the municipality in order to:

- 1.7.1. Give effect to the policies and plans of national, provincial and municipal governments;
- 1.7.2. Protect reasonable individual and communal interests in land;
- 1.7.3. Promote sustainable and desirable development;
- 1.7.4. Develop land in a manner that will promote the convenience, efficiency, economy, health, safety and general welfare of the public;
- 1.7.5. Promote social integration;
- 1.7.6. Promote economic growth and job creation;
- 1.7.7. Limit nuisance and undesirable conditions in the development of land;
- 1.7.8. Limit and mitigate the impact of development on the natural environment;
- 1.7.9. Promote the protection of valuable natural features and the conservation of heritage sites and areas of public value; and
- 1.7.10. Promote national food security.

## 1.8. ADOPTION OF THE SCHEME

The adoption of the Scheme shall be in accordance with the provisions of Section 43 of the By-law.

## 1.9. KEEPING OF RECORDS AND ACCESS TO INFORMATION/INSPECTION OF THE SCHEME

The keeping of records, access to information and inspection of the Scheme shall respectively be subject to Sections 115, 116, 119, 120 and 121 of the By-law.

## 1.10. AMENDMENTS TO THE SCHEME AND REZONING

1.10.1. The Municipal Council may amend the Scheme by rezoning any land considered necessary to achieve the goals and objectives of the Municipal SDF.

1.10.2. Where the Municipality intends to amend the Scheme, a public participation process as provided for in Schedule 4 of the By-law, must be undertaken to ensure that all affected parties have the opportunity to make representations/object to the application and appeal the decision.

1.10.3. If the Municipal Council desires to rescind, or amend any of the provisions of the Scheme, it shall comply with the provisions of Section 46(b) and (d) read with Schedules 5 of the By-law.

1.10.4. The owner of any land, or any person having a real right to any land, which is zoned in terms of the Scheme may make an application in terms of Section 46(b) of the By-law to rezone such land or amend the Scheme controls applicable to such land.

## 1.11. ENFORCEMENT

1.11.1. The provisions of Chapter 7 of the By-law shall be applicable to all enforcement procedures.

## 1.12. APPEAL

1.12.1. The provisions of Chapter 6 of the by-law shall be applicable to all appeals against the decision made in terms of the Scheme.

## 1.13. APPROVALS REQUIRED IN TERMS OF OTHER LAWS

1.13.1. Nothing in the Scheme shall be construed as enabling any person to erect or use any building or to develop or use land which is in conflict with any other legal requirement or for which a permit, license or authorization is required in terms of any other relevant legislation.

## 1.14. SCHEME SUBORDINATION LAWS

1.14.1. The Municipality may not adopt, approve an amendment to a scheme, or replace a scheme that is in conflict with:

- 1.14.1.1. The Municipality’s Integrated Development Plan; or
- 1.14.1.2. The Municipality’s Spatial Development Framework; or
- 1.14.1.3. Any other plans; by-laws and polices that may be adopted by the Municipality from time to time.

#### 1.15. DEPARTURES FROM THE SPATIAL DEVELOPMENT FRAMEWORK

Notwithstanding clause 1.14.1.2, in terms of Section 22(2) of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013), the Municipality may consider application for rezoning or amendment of the Scheme that departs from the Spatial Development Framework, subject to site specific circumstances justifying such departure.

#### 1.16. NON-CONFORMING

- 1.16.1. Any existing building or existing use which is not in conformity with the scheme, but for which approval was obtained from the Municipality prior to the date of adoption, may be completed and continue to be used for the purpose for which it was approved, subject to compliance with any conditions which may have been imposed by the Municipality, and provided that:
  - 1.16.1.1. Any such non-conforming existing building or use of land may be increased on the erf by an amount not greater than 12.5% of its total floor area or area as the case may be, at the date of adoption, provided that the completed building or use is in conformity with the other provisions of the Scheme, relating to the zone in which such building or use is situated.
  - 1.16.1.2. Notwithstanding the provisions of this sub-clause, the above additional floor area or area allowance may be increased provided that the prior written consent of the affected property owners, and such other properties as the Municipality may direct, has first been obtained. Where such written consent is not forthcoming, the applicant shall, in seeking the relaxation, be required to apply for the Municipality’s Consent, no greater than 20 percent. Thereafter, no further increases shall be permitted.
  - 1.16.1.3. A change in non-conforming use may be granted by the Municipality provided that, solely in the view of the Municipality, the use is no more impacting than the original law.
  - 1.16.1.4. Any alteration or addition or change of use which in the opinion of the Municipality alters the character of an existing building or use of land, shall automatically remove such building or land from the category of “existing building or existing use”.
  - 1.16.1.5. Where the non-conforming existing building or use of land is discontinued for a continuous period of 18 months or longer, such existing use shall be deemed to have lapsed.

### 1.17. RESERVATION OF LAND

- 1.17.1. The Municipality shall reserve the right to the reservation of land for public benefit where any of the land vest in Municipality or in any organ of state, provided the use of the affected site does not infringe on the amenity of the affected surrounding area/s.
- 1.17.2. Where any of the land vests in Municipality, the Municipality may execute thereon any development necessary or incidental to the purpose for which the land is reserved.
- 1.17.3. The Scheme shall at all times indicate the use or uses to which the land may be put in the event of such reservation being rescinded.
- 1.17.4. In instances where a use has not been assigned to that land, the zoning for that land shall be referred to as “undetermined” until such time a use and appropriate zoning shall be assigned to the land by Council.

### 1.18. USE OF LAND FOR CERTAIN MUNICIPAL PURPOSES

- 1.18.1. Notwithstanding any of the provisions of this Scheme, the Municipality may erect buildings required for Municipal purposes or lay drains, pipes, wires or cables on, though, over or under any land in accordance with the provisions of the Local Authorities Ordinance No. 25 of 1974 as amended or any other subsequent law from time to time.

### 1.19. SCHEME MAPS

- 1.19.1. The Scheme maps have been divided into wards based on the 2020 Municipal Ward Demarcations. This is a series of maps forming part of the scheme and are referred to in the table below:

Table 1: Schedule of Land Management Scheme Maps

AREA	MAP REFERENCE
Ward 1	Map 1-2
Ward 2	Map 3
Ward 3	Map 4-9
Ward 4	Map 10-12
Ward 5	Map 13
Ward 6	Map 14-16
Ward 7	Map 17

### 1.20. ENVIRONMENTAL MANAGEMENT OVERLAYS (CRITICAL BIODIVERSITY AREAS - (CBA’S))

Environmental overlays guide land development decisions on environmentally sensitive areas. CBAs are natural or near-natural landscapes that include terrestrial and aquatic areas that are considered critical for meeting biodiversity targets and thresholds, and which safeguard areas required to

ensure the persistence of viable populations of species, and the functionality of ecosystems and Ecological Infrastructure (EI)\* the table below list.

**Refer to Map 14 for Environmental management overlays.**

CATEGORY	GUIDELINES	CONTROL MEASURES
<p><b>CBA irreplaceable:</b> Areas which are required to meet biodiversity conservation targets, and where there are no alternative sites available. (Category driven by species and feature presence)</p>	<p>Maintain in a natural state with limited to no biodiversity loss</p>	<p>Maintain in a natural state. Development or modification of the natural landscape is not supported where such will in anyway impact on the biodiversity feature (i.e., species/ habitat/ vegetation) for which the CBA was identified.</p> <p>Need to undertake appropriate biodiversity specialist studies to determine development impacts and inform Ezemvelo KZN Wildlife of the application.</p>
<p><b>CBA optimal:</b> Areas that are the most optimal solution to meet the required biodiversity conservation targets while avoiding high-cost areas as much as possible (Category driven primarily by process)</p>	<p>Maintain in a natural state with limited to no biodiversity loss</p>	<p>Need to determine if the proposed development will negatively impact on the biodiversity feature (i.e., species/ habitat/ vegetation) for which the CBA was identified.</p> <p>Determination needs to be based on a biodiversity assessment or development must have already obtained a positive Environmental Authorization.</p>
<p><b>Ecological Support Areas (ESAs):</b> Functional but not necessarily entirely natural terrestrial areas that are largely required to ensure the persistence and maintenance of biodiversity patterns and ecological processes within the Critical Biodiversity Areas. These areas act as either corridor and linkages of areas of biodiversity importance and Protected Areas</p>	<p>Maintain ecosystem functionality and connectivity allowing for some loss of biodiversity.</p>	<p>Integrity of the landscape corridors should be maintained, with fragmentation of the natural vegetation avoided. If integrity cannot be maintained, a biodiversity assessment would be required and comments from Ezemvelo KZN Wildlife.</p> <p>Integrity of buffer should be maintained. If integrity cannot be maintained, a biodiversity assessment would be required and comments from Ezemvelo</p>

		KZN Wildlife.
<b>Ecological Support Areas Species Specific:</b> Identifies modified areas that provide a support function to a threatened or protected species, for example Blue Cranes foraging on agricultural cultivated land.	Maintain ecosystem functionality and connectivity allowing for some loss of biodiversity.	Hardening of surfaces requires a biodiversity assessment to determine if the proposed development will negatively impact on the species. Authorization from KZN EDTEA and permission from Ezemvelo KZN Wildlife.

Table 2: Environmental Management Overlay

### 1.20.1.GUIDELINES AND CONTROLS FOR ERVEN IN CRITICAL BIODIVERSITY AREAS AND ECOLOGICAL SUPPORT AREAS

Critical Biodiversity Areas (CBAs) Plans are available at the municipality for inspection and must be referenced to when any development is proposed within these areas.

- 1.20.1.1. Should any developer or landowner seek to develop an erf located in any one of the abovementioned Critical Biodiversity Areas and/or Ecological Support Areas, condonation and/or approval must be sought from the Department of Economic Development, Tourism and Environmental Affairs, which may or may not be given, or may be given with conditions. Should any developer or landowner seek to develop an erf within Proclaimed Area, or within 500m of one, should seek condonation and approval from Ezemvelo KZN Wildlife.
- 1.20.1.2. When building plans are submitted to the municipality for approval in the CBAs, and any other identified environmentally sensitive area, an environmental basic assessment of environmental impact report with accompanying programme will also be submitted showing the following:
  - 1.20.1.2.1. Position and types of vegetation on the erf;
  - 1.20.1.2.2. Position of the proposed building(s)
  - 1.20.1.2.3. The extent of vegetation to be conserved;
  - 1.20.1.2.4. The extent of vegetation to be cleared, in line with the permit/approval obtained (where necessary) from the Department of Agriculture, Forestry and Fisheries;
- 1.20.1.3. Any excavations;
- 1.20.1.4. A phasing programme which will be designed to create the least damage to the indigenous vegetation of the erf including the fencing of areas to be conserved and building of an access road to which all vehicles will be restricted.
- 1.20.1.5. Earthmoving equipment will be prohibited in erven falling into CBAs and any other identified environmentally sensitive area(s) until the environmental assessment plan or program has been approved and the vegetation to be conserved has been demarcated by

means of a fence or other acceptable measure to the satisfaction of the Municipality and the environmental program.

- 1.20.1.6. In areas that have been demarcated for conservation, only nature related recreation and education uses will be permitted at the discretion of the Municipality and any other Government Department who has legislative or administrative authority in the matter. These will include uses such as bird watching, walking and canoeing and the like.
- 1.20.1.7. The indigenous vegetation in these areas will not be disturbed or removed without the authority of the Municipality and any other Government Department that has legislative authority in the matter.
- 1.20.1.8. Paths may be allowed at the discretion of the Municipality. Before the paths are constructed, the written authority of the Municipality and the Department of Economic Development, Tourism and Environmental Affairs and KZN Ezemvelo Wildlife must be obtained. These paths will be clearly defined with fences or board walks to minimize damage to fragile vegetation and consequent wind erosion. Raised walkways should be used to protect marsh vegetation.
- 1.20.1.9. No invasive plant species will be introduced into areas set aside for conservation or private open space. Invasive plants occurring in these areas should be eradicated to the satisfaction of the Municipality and with the Municipality's and any other Government Department who has legislated authority in the matter, prior approval for such eradication.
- 1.20.1.10. As far as possible, Multiple-Unit Development must be clustered to maximize land available for conservation purposes.
- 1.20.1.11. An "EIA/EMP task team" will be established at the outset of any Environmental Impact Assessment process in respect of any property which is located in the CBAs, ESAs and any other environmentally sensitive area(s). The purpose of this is to provide input into the process of refining the manner in which any property located in the aforementioned areas will be developed, and includes the evolving of site-specific controls, and the formulation of a site development plan, to guide the future development and use of such property. This takes into account both environmental and land use management issues. This team will oversee the preparation of any Environmental Management Programs required for any property. Membership will include representatives of the following organisations:
  - i. Landowner.
  - ii. Richmond Local Municipality
  - iii. KZN Ezemvelo Wildlife; and
  - iv. KZN Department of Economic Development, Tourism and Environmental Affairs (EDTEA)
- 1.20.1.12. A person or people will not develop any land, or excavate or level any site, or remove any natural vegetation or ground cover from, or erect any structure of any nature whatsoever or carry out any work upon such site without having obtained the prior approval of the Municipality or any other department with legislated interest.
- 1.20.1.13. No approval will be given unless the Municipality is satisfied after due examination, and subject to conditions it may specify, that any development, erection or other work referred to in clause 19.1.12. can be carried out without danger to the site, any adjoining site or any buildings thereon.

1.20.1.14. For the purposes of any examination referred to in clause 19.1.13., the applicant will, where required by the Municipality, submit plans and reports as the Municipality may require. The Municipality may call for:

- i. Engineering drawings to a suitable scale showing how the driveway and proposed buildings will be constructed on the erf including earthworks, foundations and retaining walls;
- ii. Detailed soil and drainage (storm water and sewer) plans.
- iii. A plan identifying area on the erf that are unstable or unsuitable for building purposes that are to remain undisturbed.
- iv. The proposed re-vegetation of the disturbed portions of the site following completion of earthworks in order to stabilize the site as soon as possible.

1.20.1.15. The implementation of the abovementioned plans will be carried out under the supervision of a suitably qualified person who would be required to approve (by signature) such plans.

1.20.1.16. The conditions referred to in 19.1.12 and 19.1.13. may be to:

- i. restrict the form or nature of the building or structure;
- ii. limit the size and / or shape of the building or structure;
- iii. prescribe the form of foundations for the building or structure;
- iv. prescribe or restrict the materials of which the building or structure is to be constructed;
- v. determine the siting of any building or structure and of any soak pits or other drainage works;
- vi. prohibit or control any excavation on the site, the construction of any roadways, paths and other garden features;
- vii. prohibit or control the removal of any natural vegetation;
- viii. control any other aspects which the Municipality considers necessary

1.20.1.17. Despite anything contained in this sub-clause the Municipality will not be liable for any loss or damage which may occur to any building, structure of any property whether within a controlled area or otherwise arising out of any action by the Municipality in terms of this sub-clause.

## 1.21. AGRICULTURAL CATEGORIES OVERLAYS

The National Department of Fisheries, Forestry and the Environment (DFFE) as well as the provincial Department of Agriculture, Land Reform and Rural Development (KZN DALRRD) has responded to their mandate to ensure long-term food production, by developing an agricultural land categorization. These categories focus on mitigating and limiting the impact of any proposed change of land use on agricultural production and to protect agricultural land (specifically high potential and unique agricultural land). The table below lists the categories and land use guidelines that have been included in the KZN Agricultural Land Categories (DAFF & DAEA, 2013). **Refer to Map 15 for Agricultural Management Overlays.**

Table 3: Agricultural Categories Overlay

CATEGORY	GUIDELINES
<p><b>Category A (Irreplaceable)</b> is regarded as very high potential agricultural land that should be retained exclusively for agricultural use. This category is scarce, and all efforts should be focused on retaining land within this Category exclusively for agricultural production. It includes identified grazing land that has a very high production value for sustained livestock production and has no or very few limitations to agricultural production and can support intensive arable cropping systems.</p>	<p>Any change in land use will require detailed natural resources/agricultural study with sufficient motivation to propose a change of land use. Land use will be restricted to those in support of primary agricultural production only.</p>
<p><b>Category B (threatened)</b> is regarded as high potential agricultural land and has few limitations to agricultural production. Limited change of land use may be supported but only if in direct support to primary agricultural production practices or systems and then these developments must be located on the lowest potential areas within the higher potential zone.</p>	<p>A detailed natural resources study must be conducted with sufficient motivation to propose a change of land use in this category. The protection of areas with high biodiversity value in areas with high agricultural potential should be promoted.</p>
<p><b>Category C (primary agricultural land use)</b> is regarded as land with moderate agricultural potential, on which significant interventions would be required to achieve viable and sustainable food production, although agriculture is still the majority land use in the rural landscape. These areas are more suitable for extensive grazing, the production of fodder crops in support of livestock production, and, from a natural rangeland grazing perspective, additional feed may be required during winter months to supplement the seasonal grazing provided by existing rangeland. It is stated that this Category of land may, however, have the potential to act as a buffer for adjacent higher potential agricultural land Categories. Thus, Category C land may be retained so as to act as additional protection for adjacent higher potential land.</p>	<p>Change of land use from agricultural land use to non-agricultural land uses, which are not necessarily in support of the existing agricultural land use, may be considered, but only with the specified motivation and a detailed natural resources study.</p>
<p><b>Category D (secondary agricultural land use)</b> is land is regarded as land with low agricultural potential and requires significant interventions to enable sustainable agricultural production. Extensive areas of land are generally required for viable production (e.g., beef and game farming) although intensive production under</p>	<p>Change of land use may be supported, as long as this change does not conflict with the surrounding agricultural activity and the "Right to farm" should in all instances be acknowledged.</p>

CATEGORY	GUIDELINES
controlled environmental conditions (e.g. green housing, poultry, piggeries) is not excluded, nor is intensive production on areas of arable land available e.g. along river systems	
<b>Category E (mixed-use)</b> land is regarded as land with limited to very low potential for agricultural production. Cultivation within this land category is severely limited in both extent and in terms of the natural resources available, and grazing value will be poor with a very low carrying capacity.	Land within this Category however may have a high conservation or tourism status, depending on the locality, or may act as a buffer for as higher Category of adjacent land. In addition, these land parcels may be required to support the economic viability of an extensive grazing system on adjoining land parcels e.g., large dairy farming system.

1.22. LAND SUBJECT TO THE SUBDIVISION OF AGRICULTURAL LAND ACT, 1970 (ACT NO. 70 OF 70)

- 1.22.1. The Municipality has a substantial number of farms and land portions which will remain under the provisions of the Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970).
- 1.22.2. For any change of use on land that is subject to Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970), an application shall be made to the department for the exclusion of such land from the provisions of the said Act.

2. GENERAL DEFINITIONS

- 2.1. **“Access”** means safe, adequate and usable ingress to or egress from a property or use.
- 2.2. **“Act”** means the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013).
- 2.3. **“Administration”** The organisations and running of a business or system, also government.
- 2.4. **“Advertise”** means the giving of public notice by an applicant or the municipality in a manner.
- 2.5. **“Agriculture”** means the cultivation of land for crops and plants, the keeping and breeding of animals, pig farming, horticulture, poultry farming, dairy farming, breeding and keeping livestock, horse riding facilities and related schooling uses, bee keeping, forestry, mushroom and vegetable farming, floriculture, orchards, or the operation of a game farm (on an extensive basis) and includes such activities and buildings as are reasonably connected with the main farming activities such as residential accommodation for the farmer, farm manager and farm workers, the packing of agricultural produce grown on the property for delivery to the market and a plant nursery and farm shop for selling of produce grown / bred on the farm; and may include intensive horticulture, intensive animal farming, harvesting of natural resources, grazing and bailing of grass.

- 2.6. **“Amenity”** means the natural or created features of a place, property or area that assists to create a pleasant living/working/recreational environment and is compatible with the surrounding use.
- 2.7. **“Ancillary use”** means a use incidental to, or customarily associated with a lawful specific use.
- 2.8. **“Appeal Authority”** means the Municipal Planning Appeal Authority established in terms of Section 23(1) of the By-law.
- 2.9. **“Applicant”** means any person who prepares a land development application as contemplated in item 2 of Schedule 4 of the By-law.
- 2.10. **“Approval”** shall be as defined in Section 1 of the By-law.
- 2.11. **“Arcade”** means an area forming part of a building which may or may not be covered, and is reserved exclusively for pedestrian traffic, but may include fountains, benches and other similar features.
- 2.12. **“Area of the Scheme”** means the entire jurisdiction of the Richmond Local Municipality.
- 2.13. **“Basement”** means the lowest part of any building, which part is constructed with more than 50% of its volume below the lower of either the mean finished ground level or the existing natural ground level immediately surrounding the building. below.
- 2.14. **“Base Telecommunications Transmission Station (BTTS)”** Means any structure designed and used for the accommodation of equipment used in the transmitting or receiving of electronic communications signals and includes a telecommunications mast.
- 2.15. **“Boarding House”** means a building where lodging is provided to no more than 15 lodgers, and may incorporate communal cooking, dining and bathroom facilities for the use of lodgers, together with such outbuildings as are normally used therewith; and includes a building in which rooms are rented for residential purposes, youth hostel, backpackers’ lodge, guest house and residential club; but does not include a hotel, dwelling house or second dwelling.
- 2.16. **“Boundary”** in relation to land, means a cadastral line registered with the Surveyor General, separating a erf/farm from another erf/farm or a street or one farm from another.
- 2.17. **“Building”** means: -
- 2.17.1. Structure, whether of a temporary or permanent nature and irrespective of the materials used in the erection thereof, erected for or in connection with:
- i. The accommodation or convenience of human beings or animals;

- ii. The manufacture, processing, storage, display or sale of any goods;
  - iii. The rendering of a service;
  - iv. The destruction or treatment of refuse or other waste materials;
  - v. The cultivation or growing of any plant or crop
- 2.17.2. any wall more than 2 meters in height, swimming bath, swimming pool, reservoir or bridge or any other structure connected therewith;
- 2.17.3. any fuel pump or any tank used in connection therewith;
- 2.18. **“Building line”** shall be as defined in Section 1 of the By-law.
- 2.19. **“By-law”** means Richmond Municipality Spatial Planning and Land Use Management By-Law 2016, as amended.
- 2.20. **“Canteen”** means A building or part thereof used for the preparation and serving of food and allied products, to staff which is ancillary to a business or organization.
- 2.21. **“Caretakers Accommodation”** means the use of premises for a dwelling for a caretaker of a non-residential use on the same premises.
- 2.22. **“Catchment”** Means the area from which any precipitation will drain into the watercourse or watercourses or part of a watercourse, through surface flow to a common point or common points.
- 2.23. **“Catchment Management”** Means the improving and integration of the way in which land, water and natural resources are managed in order to achieve the sustained and optimal use of these resources. It includes the control and protection of water catchment areas.
- 2.24. **“Common land”** means that portion of a development which is set aside for the use and enjoyment of all the occupants or owners on that site and from which the general public may be excluded.
- 2.25. **“Composite Building”** means a building which is used for two or more purposes recognised as uses in the Scheme.
- 2.26. **“Consent”** means special approval/permission granted by the Municipal Planning Authorized Officer or Municipal Planning Tribunal, after due consideration of all relevant facts 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 erf concerned.

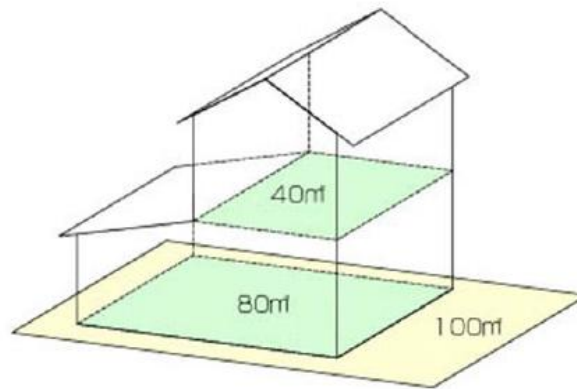
- 2.27. **“Conservation Architecture”** In relation to buildings and monuments, means the preservation or restoration from loss, damage deterioration or neglect of historically important cultural landmarks or sites.
- 2.28. **“Consent use”** means an additional use right permitted in terms of the Scheme as defined in a particular use zone with the Consent of Municipal Planning Authorized Officer or Municipal Planning Tribunal.
- 2.29. **“Constitution”** means the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996).
- 2.30. **“Contravention”** Means an action which offends against the provisions of this Scheme and clauses.
- 2.31. **“Convenience Store”** means a building or part of a building in connection with a fueling and service station used primarily for the sale of convenience goods, and which use is subservient to that of a fueling and service station on which site it is situated. Goods may include beverages, tinned food, sweets, milk, biscuits, packets of sugar, rice, pasta, etc., toiletries, newspapers, and magazines. Motor spares and accessories, as well as promotional goods supplied by the oil companies may also be sold from such stores. A convenience store may include an ancillary take-away/fast food outlet, video outlet, and two automatic teller machines [ATMs] as part of the operation, and the maximum gross area of a convenience shop, including storage, refrigeration, food preparation, etc. shall not exceed 300m<sup>2</sup>.
- 2.32. **“Council”** shall refer to the Municipal Council as defined in Section 1 of the By-law.
- 2.33. **“Coverage”** means the proportion of a erf covered by buildings and is expressed as a percentage of the erf area as defined. Thus 25% coverage means that only one quarter of the erf may be covered by buildings. Only roofed or covered areas are included in the coverage, provided that the projection of a roof over a wall of no more than 900m shall not be included in the coverage.
- 2.34. **“Density”** means the number of dwelling houses per hectare as set in relation to a specific area in the provisions of the Scheme.
- 2.35. **“Development”** in relation to land, means the erection of buildings and structures, the carrying out of construction, engineering, mining or other operation on, under or over land and a material change to the existing use of any building for non-agricultural purposes.
- 2.36. **“Developable Area”** Means the registered, surveyed area of an erf excluding those areas, which are, in the opinion of the Municipality, rendered undevelopable by virtue of such factors as soil instability, liability to flooding, topographic inaccessibility environmental sensitivity and/or slope.
- 2.37. **“Display”** in relation to a sign, without in any way limiting its ordinary meaning, includes the erection of any structure for the support of such sign;

- 2.38. **“Dominant use”** means the predominant or major use of a property, and may consist of a primary or a Consent use permitted on the property;
- 2.39. **Duplex Flat”** means a dwelling unit in a building each such unit consisting of a ground floor and one upper floor connected by an internal staircase and having direct access to a private open area.
- 2.40. **“Dwelling Unit”** means a self-contained inter-leading group of rooms with not more than one kitchen, used only for the living accommodation and housing of one family, together with such outbuildings as are ordinarily used therewith.
- 2.41. **“Dwelling unit curtilage”** means a single defined area of land forming part of a Multiple-Unit Development site comprising the land upon which a dwelling is erected or is intended to be erected together with such private open areas and other areas as are reserved for the exclusive use of the occupants of the dwelling unit.
- 2.42. **“Eave”** means a portion of a roof not projecting beyond the face of a building, excluding any gutters
- 2.43. **“Environmentally Sensitive Area”** means environmentally sensitive areas identified in an Environmental Management Framework adopted by the Competent Authority responsible for Environmental Management. These are typically areas which contain natural organisms and characteristics which are considered to be of environmental significance to the functioning of the natural ecosystem and maintenance of biodiversity within such ecosystems. Such areas of ecological sensitivity may include but not limited to the following:  
-  
     2.43.1. Habitat of a rare species;  
     2.43.2. Pristine/indigenous vegetation;  
     2.43.3. Proclaimed protected areas;  
     2.43.4. Designated buffer zones related to such areas of ecological sensitivity  
     2.43.5. Wetlands and watercourses
- 2.44. **“Environment”** means the surroundings within which humans exist and that are made up of:-  
     2.44.1. The land, water and atmosphere of the earth;  
     2.44.2. Micro-organisms, plant and animal life;  
     2.44.3. Any part or combination of (a) and (b) and the interrelationships among and between them; and  
     2.44.4. The physical, chemical, aesthetic and cultural properties and conditions of the foregoing that influence human health and well-being. (National Environmental Management Act, 1998 (Act 107 of 1998 as amended)
- 2.45. **“Environmental Impact Assessment (EIA)”** means a systematic process of identifying, assessing and reporting environmental impacts associated with an activity and includes basic

assessment and S&EIR (scoping and environmental impact reporting process as contemplated in regulations 26 to 3 of the NEMA Environmental Impact Assessment Regulations, Gazette Notice No. R 543, 18 June 2010 as amended.

- 2.46. **“Environmental Management Programme (EMPr)”** means a management plan provided for in Section 11 of the National Environmental Management Act, 1998 (Act 107 of 1998).
- 2.47. **“Erection”** in relation to a building, includes the alteration, conversion, extension, rebuilding, re-erection, subdivision of or addition to, or repair of any part of the structural system of, any building. [National Building Regulations and Building Standards act, 1977 (Act 103 of 1977) as amended]
- 2.48. **“Erf (“Erven”)** means any piece of land registered in the deed’s registry as an erf, erf, perf, stand or farm and includes a portion of an , erf, plot, stand or farm.
- 2.49. **“Erf area (same as “Erf area)”** means the area of an erf, less the area of any public right of way, road servitude, new road or road widening to which the Erf may be subject but shall include any registered servitude for overhead or underground services. Erf area, in any zone, is exclusive of access ways in “hatchet-shaped” erven.
- 2.50. **“Existing building”** means a building lawfully erected before the date of adoption or a building erected in accordance with plans which were approved by the Municipality prior to that date.
- 2.51. **“Existing use”** means in relation to any building or land, a continuous use of that building or land after the date of adoption for the purpose for which it was designed and lawfully authorized by the Municipality at that date.
- 2.52. **“Facility”** means land used by governmental/non-governmental organizations/state owned enterprises for the provision of services in the interest of the broader public which can include inter alia, power lines, reservoir, electrical substation, sewerage plant, etc.
- 2.53. **“Floor area”** means the floor area of a building which shall be taken as the sum of the roofed areas of the building at each floor level, measured over and including wall thicknesses and enclosed balconies, verandas and staircases but shall exclude:
- 2.53.1. Public access galleries, public toilets, lift shafts and lift motor rooms, water storage tanks, fire escapes, refuse storage areas, areas used for electricity transformer rooms, substations and meter rooms, and areas for the accommodation of mechanical ventilation, air-conditioning and effluent treatment plants;
  - 2.53.2. Any area used exclusively for the loading and unloading of motor vehicles;
  - 2.53.3. Covered parking spaces or garages other than such areas within a Service Station, parking erf / parkade and automotive showroom;
  - 2.53.4. Any area within a basement used exclusively for storage purposes;

- 2.53.5. Any area to which the general public has access and which, in the opinion of Council, comprises bona fide pedestrian shopping arcades, malls or part thereof.
  - 2.53.6. Features of a purely decorative nature such as ledges, spires, turrets and belfries.
  - 2.53.7. Swimming pools, squash courts and tennis courts;
  - 2.53.8. public arcades and malls in Mixed Use zones which are not used for retail purposes or for the display, sale or storage of goods;
- 2.54. **“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 an erf; it is the maximum floor area as a proportion of the net erf area and calculated as follows:



$$\text{FAR (1.2)} = \frac{\text{Floor area (40sqm + 80sqm)}}{\text{Land size (100sqm)}}$$

- 2.55. **“Flood line”** 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]
- 2.56. **“Frontage”** is the length of the boundary of a erf which is coincident with the boundary of an existing or proposed street.
- 2.57. **“Forestry”** Means the use of land primarily for timber production, tree farms, forest nurseries, the gathering of forest products, or the performing of forest services.
- 2.58. **“Garage”** means a building for the parking of motor vehicles and includes a carport but does not include a public parking area or Service Station.
- 2.59. **“Gross floor area”** is the sum of the floor areas of a building including storage, corridors, lift shafts, staircases, kitchens and conveniences, and shall include wall thickness and basements, but shall exclude public conveniences and areas for parking purposes.

- 2.60. **“Gross Leasable Area”** Means the area of a building designed for, or capable of, occupancy and/ or control by tenants, measured from the centre line of joint partitions to the inside finished surface of the outside walls, and shall exclude the following:
- a. all exclusions from the definition of floor space;
  - b. lift shafts, service ducts, vertical penetrations of floors;
  - c. lift motor rooms and rooms for other mechanical equipment required for the proper functioning of the building;
  - d. interior parking and loading bays;
- 2.61. **“Ground floor”** means the storey of a building or portion of a building on or nearest the mean finished ground level immediately surrounding the building, provided it is not a basement.
- 2.62. **“Guideline(s)”** means written non-regulatory information that directs or influences land use decisions.
- 2.63. **“Habitable room”** means a room designed or used for human habitation in accordance with standards prescribed by the bylaws but excludes a storeroom.
- 2.64. **“Height”** means the height of a building in storeys and may be expressed as a number, provided that where the ground floor of a building is on more than one level, such building shall be regarded as formed of portions in relation to each respective level and the height of such a building shall be calculated separately in respect of each portion as if such portion were a separate building but shall exclude spires and decorative architectural features.
- 2.65. **“Heritage Resource”** means any place or object of cultural significance as determined in the National Heritage Resource Act.
- 2.66. **“Heritage Resource Act”** means the National Heritage Resource Act, No 25 of 1999.
- 2.67. **“Homeowners’ Association”** means a Non-profit Company (NPC) company registered in terms of section 14 of the Companies Act, 2008 (Act 71 of 2008), as amended, membership of which shall be exclusive to and compulsory for the freehold or registered leasehold owners of dwelling unit curtilage in a Multiple-Unit Development.
- 2.68. **“Hotel (Licensed)”** means a facility offering transient lodging accommodation to the general public and providing additional services accessible by guests and the general public, such as restaurants, meeting rooms / conference facilities, entertainment, recreational facilities, health and beauty facilities, and limited shopping, and in respect of which is in compliant with the requirement of a hotel as laid down in the Hotels Act, 1965 (Act 70 of 1965), as amended, but does include an off-sales facility.
- 2.69. **“Integrated Development Plan”** means a plan envisaged in Section 25 of the Municipal Systems Act No 32 of 2000 as amended.

- 2.70. **“Joint Municipal Planning Tribunal** “means an approval authority established in terms of Chapter 2 of the By-law, which must decide on applications for municipal planning approval in terms of section 22(1)(c).
- 2.71. **“Land”** shall be as defined in Section 1 of the By-law.
- 2.72. **“Land use right(s)”** means the approval to utilize or improve land in accordance with the zoning thereof or Consent use and where applicable, in accordance with a site development plan and conditions.
- 2.73. **“Landscaping”** means the planting or emplacement of plants for the purpose of protecting, preserving and promoting the aesthetic appeal, scenic beauty, character and value of properties as well as to promote public health and safety through the reduction of noise pollution, storm water runoff, air pollution, visual pollution and light glare.
- 2.74. **“Lease diagram”** is a diagram registered with the Surveyor General, depicting an area being subjected to a lease agreement. A lease diagram is linked to a specific lease and needs to be reregistered when a new lease is granted.
- 2.75. **“Liquor Act”** means KwaZulu Natal Liquor Licensing Act, 2010 (Act 06 of 2010), as amended, read with the provisions of the National Liquor Act, 2003 (Act 59 of 2003) as amended.
- 2.76. **“Liquor License”** means license obtained in terms of the KwaZulu-Natal Liquor Licensing Act (No. Act 6 of 2010) as amended
- 2.77. **“Maisonette”** means a two-storey building consisting of 2 dwelling units placed one above the other with separate entrances.
- 2.78. **“Multiple-Unit Development Site”** means a defined area of land upon which Multiple Unit Development housing is established or is proposed to be established and which comprises dwelling unit curtilages and common land.
- 2.79. **“Municipality”** shall be as defined in Section 1 of the By-law.
- 2.80. **“Municipal area”** means the Council’s municipal area of jurisdiction as proclaimed from time to time by the Municipal Demarcation Board and in terms of the Municipal Demarcation Act, 2002 (Act 51 of 2002), as amended.
- 2.81. **“Municipal Manager”** means the person appointed as municipal manager for a municipality under section 82 of the Municipal Structures Act, 1998 (Act 117 of 1998) and includes a municipal official acting under delegated powers.

- 2.82. **“National Environmental Management Act”** means the National Environmental Management Act, 1998 (Act 107 of 1998) as amended and its associated regulations, and Specific Environmental Management legislation.
- 2.83. **“Net Developable Area”** means the surveyed area which in the opinion of the Municipality are considered undevelopable, it excludes the following areas:
- 2.83.1. Any public right of way, personal right; road servitudes, new roads, or road widening;
  - 2.83.2. Areas of soil instability and/or soils classified as having high water tables;
  - 2.83.3. Soils classified as highly erodible, subject to erosion, or are highly acidic;
  - 2.83.4. Areas liable to flooding and flood plains;
  - 2.83.5. Inaccessibility of topography and/or slopes steeper than 1:3;
  - 2.83.6. Land formerly used for landfill operations or hazardous industrial use;
  - 2.83.7. Fault areas;
  - 2.83.8. Stream corridors;
  - 2.83.9. Estuaries;
  - 2.83.10. Mature stands of indigenous vegetation;
  - 2.83.11. Aquifer recharge and discharge areas;
  - 2.83.12. Wetlands and wetland transition areas; and
  - 2.83.13. Habitats of endangered species
- 2.84. **“Noise level”** means reading on an integrating impulse sound level meter, taken in accordance with accepted scientific principles and relevant legislation, according to SANS 10103;2008.
- 2.85.
- 2.86. **“Non-conforming existing use”** means any lawfully existing use of a erf/or building as at the date of adoption which does not conform to the current development controls applicable to such a erf, or the provisions of this Scheme, including previous schemes.
- 2.87. **“Object”** means, in the context of a heritage resource, any moveable property of cultural significance which may be protected in terms of any provisions of the Heritage Resource Act, including:
- 2.87.1. Any archaeological artifact;
  - 2.87.2. Paleontological and rare geological specimens;
  - 2.87.3. Meteorites;
  - 2.87.4. Other objects referred to in the heritage resource act.
- 2.88. **“Occupant”** means person living in or using a premise or property as a tenant or owner, or someone has occupancy of a premise or property. An occupant does not need to be a tenant or owner but can be someone living or using a property with the intention of acquiring ownership.
- 2.89. **“Outbuilding”** means a building ordinarily used in conjunction with a dwelling unit(s), and used for the garaging of private motor vehicles, storeroom, staff rooms and ablution

facilities, and workroom; workroom meaning a room used for maintenance of the dwelling unit(s) or for private hobbies.

- 2.90. **“Owner”** shall be as defined in Section 1 of the By-law.
- 2.91. **“Panhandle or Access Strip”** means the access portion of a property to the street by means of a narrowed part of the erf.
- 2.92. **“Pergola”** Means any unroofed horizontal or approximately horizontal grill or framework and associated vertical support structure.
- 2.93. **“Permission to Occupy”** (PTO) means a form of leasehold whereby one may occupy a land in custody of a Traditional Council, and develop the land as mutually agreed, as provided in Section 24 of the KwaZulu Natal Land Affairs Act, 1998 (Act 48 of 1998). This applies only to land under the ownership of Ingonyama Trust Board.
- 2.94. **“Person”** means a natural or juristic person and includes an organ of state.
- 2.95. **“Pollution”** means any change in the environment caused by: -
- 2.95.1. Substances.
  - 2.95.2. Radioactive or other waves; or
  - 2.95.3. Noise, odours, dust or heat, emitted from any activity, including the storage or treatment of waste or substances, construction and the provision of services, whether engaged in by any person or an organ of state, where that change has an adverse effect on human health or wellbeing or on the composition, resilience and productivity of natural or managed ecosystems, or on materials useful to people, or will have such an effect in the future. [national environmental management act no. 107 of 1998 as amended]
- 2.96. **“Premier”** means the Premier of the KwaZulu-Natal Province.
- 2.97. **“Primary use”** means the dominant use of any erf, building or structure.
- 2.98. **“Principles”** means a set of values and guiding rules that should guide and inform on-going planning and development.
- 2.99. **“Private Open Area”** means a usable area, exclusive of utility areas, driveways and parking areas, which is open to the sky, and which is adjacent to and has direct access from a dwelling unit in sectional title developments, with such private open area being reserved for the exclusive use of the occupants or owners of the associated dwelling unit but may include semi-covered areas such as a pavilion.
- 2.100. **“Prohibited Uses”** This category includes land uses which are considered to be incompatible with the surrounding land uses, and which the Municipality is precluded from considering.

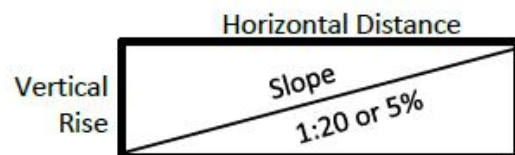
The proposed change in land / building use may only be considered with an application for a rezoning or scheme amendment in terms of the applicable legislation.

- 2.101. **“Property”** means any land that is registered as a separate unit at the Surveyor General’s Office and the Deeds Office.
- 2.102. **Protected Areas:** means all areas as referred under Section 9 of the National Environmental Management: Protected Areas Act (Act 57 of 2003), which are protected by law for the purpose of conserving biodiversity. These include nature reserves and protected environments, with their management assigned to a competent authority of the region.
- 2.103. **“Provincial Government”** means the Provincial Government of the Province of KwaZulu-Natal.
- 2.104. **“Public Authority”** means a National Department, a Provincial Department, a Municipality or semi-state agency.
- 2.105. **“Rear boundary”** shall mean that boundary of an erf or erf which is furthest from any street boundary, and which does not meet any street boundary.
- 2.106. **“Register”** means a record of all applications, including:
- 2.106.1. conditions of rezoning that affect the land use right of any erf, and
  - 2.106.2. consent uses and non-conforming uses;
  - 2.106.3. Applicable to any erf as prescribed or required under this Scheme.
- 2.107. **“Residential purposes”** means purposes normally or otherwise reasonably associated with the use of land primarily for human habitation, including a dwelling house, multiple unit development, hotels, flats, boarding houses, residential clubs, hostels, residential hotels or rooms to let.
- 2.108. **“Responsible Authority”** The Richmond Local Municipality, hereinafter referred to as the “Municipality”, shall be the authority responsible for implementing, amending, reviewing and enforcing the provisions of this Scheme.
- 2.109. **“Restriction”** means a servitude or condition registered against the title deed of immovable property restricting its utilization, and any other statutory restriction on the planning, development or utilization of that immovable property.
- 2.110. **“Rezoning”** means the amendment of a Scheme map in terms of the By-Law, in order to effect a change of zoning and associated controls, restrictions and provisions in relation to a particular erf.
- 2.111. **“Road Infrastructure”** means land used for the transport of goods and passengers via road and may include national, provincial and municipal roads, facilities to park and stop, road reserves, maintenance and maneuvering facilities.

- 2.112. **“Rural”** means land located outside of urban areas within rural settlements.
- 2.113. **“Satisfactory” or “Suitable”** means acceptable, adequate in the Council’s opinion.
- 2.114. **“Scheme”** means this Richmond Local Municipality Land Use Scheme, as amended.
- 2.115. **“Scheme map”** means a map indicating all zones within the Municipality. The scheme map is further separated into a series of maps (Map 1-14), for ease of reference.
- 2.116. **“Servitude”** means a registered right that grants the use of a portion of land for a particular purpose.
- 2.117. **“Side Boundary”** means any boundary of an erf which meets a street boundary and any other boundary, and which is neither a street boundary nor a rear boundary.
- 2.118. **“Sign”** means any sign, sign writing, mural, graphic design, signboard, screen, blind, hoarding or other device by means of which advertisement of notice is publicly displayed.
- 2.119.
- 2.120. **“Site Development Plan”** means a scaled and dimensioned plan which shows details of proposed development and may include but not limited to:
- 2.120.1. Existing physical characteristics of the property,
  - 2.120.2. The position, use and extent of buildings, and
  - 2.120.3. The position of services, accessways and parking
  - 2.120.4. Any other details as may reasonably be required by the council.
- 2.121. **“Slope”** means the degree of deviation of a surface from the horizontal, expressed as a ratio or percentage and calculated for the purpose of this scheme as depicted below:

For Example: a piece of land rise 5m vertical over a 100m distance. The slope is calculated as follows:

$$\begin{aligned}
 \text{Slope} &= \frac{\text{Vertical Rise}}{\text{Horizontal distance}} \\
 &= \frac{5}{100} \\
 &= \frac{1}{20} \\
 &= 5\% \text{ slope}
 \end{aligned}$$



- 2.122. **“Storey”** means a room or set of rooms at one level, including any room, of which the floor is split in two or more levels, and shall have the following implications:
- 2.122.1. The basement of a building, not used for residential purposes, but used solely for the purpose of parking vehicles, service installations, such as transformer and meter rooms, or storage shall not count as a storey provided such area or areas constitutes a basement which is 50% or more underground;
  - 2.122.2. The ground floor may be on several levels;
  - 2.122.3. A pitched roof containing a habitable room and any other type or style of roof which contains or supports any rooms, structures or features and which the Municipality considers to be habitable shall count as a storey.
  - 2.122.4. A storey shall not be higher than 4.5 meters. If a storey is higher than this, each 4,5 metres or part thereof shall count as a storey, provided that in a commercial building a storey shall not be higher than 5.5 meters;
  - 2.122.5. With the exception of Lift rooms, stairwells and pitched roofs, any structures or architectural features situated on the roof of a building and greater than 1.2 metres in height shall constitute a storey.
- 2.123. **“Structure”** without in any way limiting its ordinary meaning, includes any building, wall, fence, pillar, pergola, steps, landing, terrace, swimming pool, petrol pump or underground tank and any portion of a structure.
- 2.124. **“Subdivide and subdivision”** in relation to land, means to subdivide the land, whether by means of:
- 2.124.1. A survey;
  - 2.124.2. The allocation, with a view to the separate registration of properties, of undivided portions thereof in any manner, including the marketing and conclusion of contracts for the alienation, sale or exchange of portions of the erf;
  - 2.124.3. The preparation thereof for subdivision.
- 2.125. **“Systems Act”** means the Municipal Systems Act, 2000 (Act 32 of 2000), as amended.
- 2.126. **“Townhouse”** means a private or self-contained dwelling with private grounds within a common ground for other dwellings.
- 2.127. **“Useable Common Open Space”** means that usable portion of the common land which is not occupied by vehicular road carriageway, parking areas and communal facilities of a non-recreational nature, but includes walkways, structures intended for recreational use and a children’s playing area or areas.
- 2.128.
- 2.129. **“Use right”** in relation to land, means the right to utilise that land in accordance with its zoning, including any lawful departure or Consent use.

- 2.130. **“Utilization”** in relation to land, means the use of land for a particular purpose and includes the extent of such use.
- 2.131. **“Utility Area”** means the outdoor private area adjacent to and associated with the kitchen area of a multiple unit development unit, the screening of which shall be to the satisfaction of the local authority, and which includes patios, verandas and drying areas.
- 2.132. **“Veranda”** means a covered area (not being an area which is part of a yard or a parking area) or projecting floor outside and immediately adjoining a building at or below the level of the ground floor thereof and includes both such area or floor and the roof or other feature covering it, as well as any low walls or railings enclosing such paved area or floor extended beyond eave.
- 2.133. **“Water Act”** means the National Water Act, 1998 (Act 36 of 1998), as amended.
- 2.134. **“Watercourse”** means: -
- 2.134.1. A river or spring.
  - 2.134.2. A natural channel in which water flows regularly or intermittently.
  - 2.134.3. A wetland, lake or dam into which, or from which, water flows; and
  - 2.134.4. Any collection of water which the minister may, by notice in the gazette declared to be a watercourse, and a reference to a watercourse includes, where relevant, its bed and banks [national water act (no. 36 of 1998), as amended].
- 2.135. **“Water Quality Environmental Control Zone”** means catchments located around key water supply features and with high water quality sensitivity, as identified within the adopted uMgungundlovu District Environmental Management Framework and included in the Water Quality Control Zone Management Overlay.
- 2.136. **“Wetland”** means land which is transitional between terrestrial and aquatic systems where the water table is usually at or near the surface, or the land is periodically covered with shallow water, and which land in normal circumstances supports or would support vegetation typically adapted to life in saturated soil National Water Act, 1998 (Act 38 of 1998), as amended.
- 2.137. **“Zone”** means that portion of the area shown on the Scheme Map, by distinctive colouring or edging or in some other distinctive manner, for the purpose of indicating the restrictions imposed by this Scheme on the erection and use of buildings or structures, or the use of land.

### 3. LAND USE DEFINITIONS

- 3.1. **“Abattoir”** means a place where livestock and poultry are slaughtered and prepared for distribution. Development and management of such buildings and facilities should be undertaken in terms of the Abattoir Hygiene Act, 1992 (Act 121 of 1992), as amended.

- 3.2. **“Agricultural Building”** means a structure designed for farming and agricultural practices, including but not limited to: growing and harvesting of crops and raising livestock and small animals. Such buildings inter alia include, but are not limited to the following: Barns, greenhouses, storage buildings for farm equipment, animal supplies or feed, storage buildings for equipment used to implement farming and/or agricultural practices, Storage buildings for crops grown and raised on site (cold storage), Horticultural nursery.
- 3.3. **“Agricultural Industry”** means an enterprise used for the intensive production in any form whatsoever, of poultry, game birds, livestock, vegetables, fruit and allied products; on or close to the erf where these agricultural products are grown and where processing in such proximity is necessary due to the nature, perishability and fragility of such agricultural products, and includes a winery and distillery cheese making industry, feed lots, chicken hatcheries, but excludes an abattoir, a butchery and a service trade.
- 3.4. **“Agricultural Land”** means arable, meadow, or pastureland (including farm dams), market gardens, poultry farm, garden nursery, and may include a green house or hydroponics, horticulture, permaculture, orchards, and land used for the purpose of breeding or keeping domestic animals, poultry or bees, and includes any buildings connected therewith.
- 3.5. **“Animal Rehabilitation Centre”** means a building or land - including the buildings designed for the administration thereof and any land use considered to be ordinarily ancillary thereto, so as to ensure the sustainability of the primary use - used for the treatment, care and housing of sick, injured or orphaned wild animals on short or medium term, and the preparation of such animals with the intention of releasing them back to their natural habitats in the wild.
- 3.6. **“Arts and Craft Workshop”** mean a building wherein the primary purpose is the selling of goods or services and where the processes are operated specifically in conjunction with a shop or office to which the public, as customers, have access. This includes such uses as, inter alia, graphic arts, textile design, weaving, pottery, furniture making, leatherwork, studios, creative fashion design, stained glass, and may include a printer. The processes carried on and the machinery installed shall be such that they will not cause a nuisance to other properties or be detrimental to the amenities of the other zones.
- 3.7. **“Airport”** Means a place where aircraft can land and take off, usually equipped with hangars, facilities for refueling and repair and various accommodations for passengers, and ancillary activities.
- 3.8. **“Automotive Showroom”** refers to a display room where roadworthy motor vehicles are displayed for sale to the public and may include a service facility for the vehicles that are sold.
- 3.9. **“Automotive Workshop”** means the use of buildings or land for the repair, maintenance and servicing of motor vehicles including the installation of parts and accessories.

- 3.10. **“Bed and Breakfast Establishment”** Means a dwelling house or second dwelling in which the owner of the dwelling supplies lodging and meals for compensation to transient guests who have permanent residence elsewhere, provided that the primary use of the dwelling house concerned remains residential. A maximum of five bedrooms maybe used for the purpose of temporary accommodation of guests without impairing the amenity of the adjoining properties.
- 3.11. **“Betting Depot”** means a building used for the purpose of a Bookmaker’s premises or a totalisator agency operating legally in terms of the relevant legislation[s].
- 3.12. **“Builder’s yard”** means an erf, which is used for the storage of material:
- 3.12.1. If necessary, for or normally used for construction work; or
  - 3.12.2. That was obtained from demolitions of structures or excavations of ground; or
  - 3.12.3. Required or is normally used for land improvements, such as storage of material used for building roads, for installing essential services, or for any other construction work (e.g., Of sand or bricks), whether for public or private purposes; or
  - 3.12.4. Or land or building used for the preparation for use of materials thus stored but does not include a builders’ yard established for the purpose of temporarily storing of 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”.
- 3.13. **“Boarding House”** As provided for under “Residential Building” shall mean an accommodation establishment that offers long term accommodation and which:
- a. is not licensed to sell liquor;
  - b. offers boarding and lodging
  - c. the owner or operator resides on the property.
- 3.14. **“Bus and Taxi Rank Facilities”** means land, a building or part of a building used for the purpose of parking of buses or taxis. Such facilities may include ancillary facilities such as informal trader stalls and restroom facilities. For the purpose of this Scheme the term "Bus and Taxi" shall mean a vehicle used to transport people for financial gain and registered as such.
- 3.15. **“Camping”** means an area of land set aside for the purpose of camping involving the erection of tents and other forms of temporary shelter and may include trailers and caravans but excludes chalets or mobile homes.
- 3.16. **“Canteen”** Means a building or part thereof used for the preparation and disposal of foodstuff and allied products, to the staff of an undertaking to which it is related.
- 3.17. **“Caravan Park”** means an area of land provided with ablution and sanitary facilities with or without a communal kitchen, constructed of permanent materials, arranged for the

accommodation of caravans which are used for temporary holiday dwellings, approved refuse receptacles and containing within the curtilage a sufficient open space for recreational purpose and may include incidental commercial use.

- 3.18. **“Caretaker’s accommodation”** means the use of premises for a dwelling for a caretaker of a non-residential use on the same premises.
- 3.19. **“Carwash Facilities”** means a place or structure having special equipment for washing automobiles. This does not include informal carwash facilities on parking areas
- 3.20. **“Cemetery”** means land or buildings which is permanently set aside for the purpose of burying human or animal remains and may include an office for administrative uses associated therewith, a funeral chapel/s, gardens, roads, parking, sheds for maintenance purposes and the like but shall not include a Crematorium.
- 3.21. **“Chalet”** means a grouping of two or more attached or detached habitable buildings with a floor area not exceeding 80m<sup>2</sup> and not less than 32m<sup>2</sup>. used for holiday accommodation.
- 3.22. **“Chalet Development”** Means a grouping of a number of chalets on an erf; where a chalet means a detached habitable building used as a holiday dwelling. Together with approved outbuildings or ancillary buildings to be used in conjunction with a chalet or series of chalets but shall not include a dwelling house or residential building.
- 3.23. **“Clinic”** means a facility providing medical, psychiatric, or surgical service for sick or injured persons, including emergency treatment, diagnostic services, and services to outpatients, employees, or visitors, and may include a day ward as well as staff residences.
- 3.24. **“Multiple-Unit Development”** Means a group of two (2) or more attached or detached dwelling units (excluding a second dwelling), together with such outbuildings as are ordinarily associated thereto, each dwelling unit having direct access to a private open area and to common land, the whole development having been designed as a harmonious entity. No ancillary unit shall be permitted in a multiple unit development. This definition shall include Imizi.
- 3.25. **“Commercial Workshop”** means a building wherein the primary purpose is the selling of goods or services by retail, and where the processes are operated specifically in conjunction with a shop or office to which the public, as customers, have access, and may include a watch repairer, shoe repairer, radio/television repairer, and electrician, and may include a jobbing printer, but excludes a motor garage or petrol filling station. Such uses shall not be of such scale or nature that the amenity of other uses on the property or adjacent properties is affected by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust, grit, traffic generation, or other such causes.

- 3.26. **“Conference Centre”** means premises used for cultural activities, social meetings, gatherings, non-residential clubs, gymnasiums, sport clubs or recreational or other activities and excludes a place of entertainment.
- 3.27. **“Conservation Purposes”** means environmentally sensitive land and/or water bodies, or land earmarked for environmental protection and/or rehabilitation which includes independent or linked open space areas and permits only limited and specific developments that are normally associated with, but secondary to, the conservation of land, such as parking areas, walking trails, bird watching structures, educational buildings, restaurant / tuck shop and other facilities for the convenience of visitors. Development would be subject to an environmental approval process in line with relevant legislation.
- 3.28. **“Container Depot”** Means a place for the handling and storage of large cargo carrying containers destined to be loaded on to a container ship, truck, or rail carriage.
- 3.29. **“Cottages” (commonly known as “Imiqasho”)** – means residential accommodation mainly for rental purposes, containing multiple single rooms, each room with a kitchenette. Bathroom and toilet facilities may be shared at a ratio of one toilet and one bathroom/shower for every 5 (five rooms).
- 3.30. **“Crèche”** means a care centre where your child will get the training and support and care that's appropriate for their age and stage of development. The centres cater for children between the ages of 0 to 6 years.
- 3.31. **“Crematoria”** Means premises where the deceased are incinerated and includes ancillary facilities for associated religious and administrative functions.
- 3.32. **“Day Care Facility”** means land or building used for the care of a child during the day by a person other than the child's legal guardians, typically performed by someone outside the child's immediate family.
- 3.33. **“Dwelling House”** Means a self-contained, interleading group of rooms, 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 but does not include tourist accommodation or accommodation used as part of a hotel.
- 3.34. **“Educational Building”** means a place for education at pre-school, school or post school levels, including a crèche, nursery school, primary school, secondary school, college, university, research institute and ancillary uses such as boarding hostels, monastery, convent and all uses which are ancillary, directly related to and subservient to the main use; or a civic facility for the promotion of knowledge to the community such as a public library, public art gallery, museum, public library, public art gallery, museum; or a place of instruction in sport where the main objective is instruction as opposed to participation by the public as either competitors or spectators; but excludes a reformatory, commercial conference facility, gymnasium or in-house business training centre;

- 3.35. **“Events Venue”** means land or buildings, or part thereof used or adapted to be used for the conducting of events and may include weddings; conferences, seminars, gatherings, recreation, public entertainment, exhibitions and such other uses which are ancillary to or reasonably necessary for the use of the building or land as an events venue.
- 3.36. **“Extractive Industry”** means an industry which involves the extraction, quarrying, or removal of sand, gravel, clay, hard rock, stone or similar material from the land, and includes the treatment and storage of those materials, or the manufacture of products from those materials on, or adjacent to, the land from which the materials are extracted.
- 3.37. **“Factory”** means any premises on which any person performs work in connection with any business, undertaking or institution, whether an employer or employee, pupil or inmate of an institution or otherwise, in any one or more of the following activities: -
- 3.37.1. The making of any article or part of any article;
  - 3.37.2. The altering, repairing, renovating, ornamenting, painting, spraying, polishing, finishing, cleaning, dyeing, washing or breaking up of any article;
  - 3.37.3. The adaption for sale or uses of any article;
  - 3.37.4. The sorting, assembling or packing (including washing or filling bottles or other containers) of any articles;
  - 3.37.5. The construction, reconstruction, assembling, repairing or breaking up of vehicles or parts thereof (but excluding premises used for the purpose of housing vehicles where only minor adjustments are carried out);
  - 3.37.6. Printing or letterpress, or other similar process, including any activity associated with the printing industry;
  - 3.37.7. The production and storage of gas in a holder of more than four thousand litres (141,6 cu. metres) storage capacity;
  - 3.37.8. The generation of electricity;
  - 3.37.9. Any premises on which bookkeeping, typewriting or any other clerical work is performed, if such premises form part of or are adjacent to the premises in which the said activity is carried on.
- 3.38. **“Farm Stall”** Means a building not greater than 80 m<sup>2</sup> in extent from which building only fresh fruit, vegetables, dairy products and flora which are produced and processed on the farm on which it is located.
- 3.39. **“Farmworker Accommodation”** means family accommodation for farm workers which includes any house at least 30m<sup>2</sup> in size consisting of multiple rooms including a kitchen, bedroom(s) and/or living room. This type is normally provided specifically for the accommodation of a farm worker and his/her family. It is also normally provided to permanently employed employees of the farm.
- 3.40. **“Forestry”** Means the use of land primarily for timber production, tree farms, forest nurseries, the gathering of forest products, or the performing of forest services.

- 3.41. **"Fresh Produce Market"** means any building or place under the control of the Council upon or in which sales shall be conducted in accordance with the provisions of bylaws or of any amendments thereto and shall include land upon which any such building is situated, or which is used in connection with or for the purpose of carrying on such market.
- 3.42. **"Fuel Storage Tank"** means a tank for the bulk storage of petroleum gasoline, fuel oil, gas or inflammable liquid or fluid but does not include a container for inflammable liquid or fluid legally and properly kept in a retail store or a tank for storage merely incidental to some other use of the premises where such tank is located.
- 3.43. **"Funeral Parlour"** means a building or land used for the purpose of funeral management, the preparation of the deceased for burial or cremation, and may include a shop intended primarily for public reception and for the sale and display of those commodities required for cemetery purposes and services ordinarily ancillary to funeral management, but does not include a monumental mason, cremation facilities or the manufacturing of coffins.
- 3.44. **"Game Farm"** Means a commercial operation that is designed and operated for the purpose of propagating, rearing, or selling terrestrial wildlife or the parts of terrestrial wildlife.
- 3.45. **"Game Reserve"** means a building or land used in connection with, or which would ordinarily be incidental to, or reasonably necessary in connection with the use of the building or land as a game reserve for the conservation of indigenous vegetation and for the keeping for display, rehabilitation of breeding of wild animals or birds to which the general public shall have controlled access.
- 3.46. **"General Industrial Building"** means an industrial building and includes a factory and building used for the general repair of motor vehicles, but does not include a garage, Service Station or special industrial building.
- 3.47. **"Guesthouse"** means a dwelling or group of dwellings with a maximum of 10 rooms which are let out for overnight accommodation, and where meals may be provided to registered guests, and may include ancillary uses such as a recreational facility.
- 3.48. **"Helipad"** means land, or an elevated structure used for the landing and take-off of helicopters with the minimum prescribed safety equipment but without auxiliary facilities such as parking area, a waiting room or hanger.
- 3.49. **"Home Activity"** means the conduct of an occupational activity in, or in conjunction with, a Dwelling Unit or an approved structure erected on the site of an existing dwelling unit which may be used for a home occupation, practiced by the bone fide residential occupant of that property. Such business shall not interfere with the amenity of the surrounding properties or be of nuisance value by virtue of noise, appearance, dust or smell. For the purposes of a Home Business, a shop, any vehicle or motor manufacturing, repairs or maintenance are prohibited land uses. This use is limited to the owner and the employment of two additional people on site. The home activity shall not exceed 5m<sup>2</sup> per person.

- 3.50. **“Hospital”** means an institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury and deformity and including as an integral part of the institution, related facilities, such as laboratories, mortuary, outpatient facilities, training facilities, medical offices, and staff residences, and may include for those purposes those activities normally associated therewith that are set out under sections 132 and 157 of Public Health Act of 1919 and published in Government Notice 2103 of 30 December 1966, such as the operation of an incinerator.
- 3.51. **“Hotel”** Means a property used as a temporary residence for transient guests, where lodging and meals are provided, and may include:
- a. a restaurant or restaurants;
  - b. conference and entertainment facilities that are subservient and ancillary to the dominant use of the property as a hotel;
  - c. premises which are licensed to sell alcoholic beverages for consumption on the property; but does not include an off sales facility, dwelling house or dwelling unit.
- 3.52. **“Informal Trading Area”** Means a public area, which has been set aside for the purpose of informal or street trading and where each operator occupies a defined space or stall and is engaged in the selling of any goods or the supplying or offering to supply any service for reward. The area may include ablution and limited storage facilities.
- 3.53. **“Inkantolo yeNkosi”** means traditional courts which serve as administrative centres for community affairs and recreational centres hosting traditional rites and festivities.
- 3.54. **“Institution”** means a building or portion of a building used or designed for use as a charitable institute including the administration thereof, and a building designed for use as a hospital, home for the aged or for mentally or physically retarded children, nursing home, sanatorium, clinic, convalescent home, orphanage or other building used as a public or private institution but does not include a restricted building. Such building or portion of a building shall be served exclusively by a communal kitchen.
- 3.55. **“Kennels/Cattery”** Means a registered and approved establishment for the boarding, breeding, raising, grooming or training of dogs, cats or other household pets for commercial gain.
- 3.56. **“Isigodlo”** means traditional palace for Isilo or Amakhosi. It is often used for royal residency, administrative and recreational (cultural festivities) purposes.
- 3.57. **“Launderette”** means a building used for the purpose of washing and drying clothing and household fabrics, where the machines used are electrically operated and quiet running, and of the type which process each customer’s articles individually, and which may be operated by the customer. The washing material used shall be a type that shall not cause harmful effluent to be discharged into the sewerage system.

- 3.58. **“Light Industrial Building”** Means a building used for the manufacture or assembly of products from previously treated material where no impact is created to the adjacent uses and no hazardous materials are used in the production of such products. Examples include: -
- i. Athletic equipment,
  - ii. Bakeries
  - iii. camera,
  - iv. Clothing,
  - v. Electronics,
  - vi. Musical instruments,
  - vii. Optical goods, and
  - viii. Photo equipment,
  - ix. Woodworking (limited).
  - x.
- 3.59. **“Magistrate’s Court”** means building used to hear, deal and adjudicate less serious criminal and civil cases.
- 3.60. **“Mortuary”** Means a building or part thereof where corpses are stored exposed for identification and autopsies are performed but excludes a Funeral Parlour.
- 3.61. **“Motor Vehicle Testing Centre”** means premises used for the testing of vehicles for compliance with the Certificate of Roadworthiness.
- 3.62. **“Municipal Purposes”** means and includes the use of land and the erection and use of buildings by or on behalf of the Council for the purpose of carrying out one or more municipal functions which may include the supply of essential protective, health, community, administrative, engineering, support or other similar services and the provision of housing, recreational or other similar facilities, but excluding uses provided for under specific zones such as cemeteries, refuse sites, sewerage treatment plants and water works and depot.
- 3.63. **“Nature and Resource Conservation”** means the long-term management, including the associated environmental education opportunities, of natural resources such as bio-diversity resources and sites of social, cultural, spiritual, archaeological, paleontological, geological or scenic value, in order to ensure their continued existence in an acceptable condition, whether or not utilization, active or passive, is taking place.
- 3.64. **“Noxious Industry”** Means any industry or trade that by reason of fumes, gases, vapours, dust, smell, noise, vibration or other causes, is deemed by the Municipality to be likely to become dangerous or harmful to the health, welfare and amenity of the general public such as, but not limited to, smelting ores and minerals, works for the production of sulphur dyes, the processing of hides and skins.
- 3.65. **“Nursery Garden”** means land used to propagate, grow, and sell plants and/or the sale of gardening equipment, horticultural products and landscaping supplies.

- 3.66. **“Offices (General)”** Means a building used for business, professional, or administrative offices but excluding a banking hall and the direct selling or storage or display of any goods or commodity whether or not the holding of a general dealer’s trade license is required.
- 3.67. **“Office (Medical)”** Means an establishment operated by doctors, dentists, or similar practitioners that is primarily engaged in the provision of health services, but which does not provide overnight care or serve as a base for an ambulance service.
- 3.68. **“Office (Public)”** means an office building used for any National, Provincial or Local Government purposes or public service use, and includes an administrative office, Municipality office and town hall, government office, courthouse, police station, post office, public library, public art gallery, public museum, and buildings ordinarily ancillary thereto.
- 3.69. **“Parking Garage”** means a building, part of a building or land designed primarily for the purpose of parking and includes washing and servicing of motor vehicles but does not include a building or part thereof which is designed for use as a workshop for the repair of motor vehicles or for the sale of petrol, oil and accessories.
- 3.70. **“Place of Instruction”** Means a facility that provides education and/or training, including tutoring or vocational training, in limited subjects. Examples of these facilities include:
- i. Art schools;
  - ii. Ballet and other dance school;
  - iii. Business, secretarial, and vocational schools;
  - iv. Drama schools;
  - v. Driver education schools;
  - vi. Establishments providing distance learning or courses by mail;
  - vii. ITC, computers and electronics schools;
  - viii. Language schools;
  - ix. Martial arts schools;
  - x. Music schools;
  - xi. Professional school (law, medicine, etc.); and,
  - xii. Seminaries/a religious or ministry training facility.
- 3.71. **“Place of Public Amusement”** means a place used predominantly for commercial entertainment which may attract relatively large numbers of people, operate outside normal business hours or generate noise from music or revelry on a regular basis and includes a building designed for use or a building or land which is used as an amusement park, billiards saloon, bingo halls, casino, cinema, circus arena, concert hall, dance hall, discos, exhibition hall (trade, industry or other recreational purposes), gymnasium, Live Music, music hall, night clubs, race courses, skating rink, sports arena, theatre, and also includes such uses as are ancillary, directly related to and subservient to the main use but excludes pornographic / adult entertainment.
- 3.72. **“Place of Public Assembly”** means a public hall, hall for social functions, music hall, concert hall, recreational hall, public art gallery, a town or civic centre or exhibition hall which is not

directly related to a commercial undertaking, or a town hall or civic centre, but excluding a school hall and a place of entertainment.

- 3.73. **“Place of Worship”** means a church, synagogue, mosque, temple, chapel or any other building intended to be used for practicing of religion and includes a building or residential unit ancillary thereto, or parsonage but does not include a funeral parlour.
- 3.74. **“Private Open Area”** means a sport ground, playing field or other open space of a club, firm, private person or other body, including buildings normally ancillary to recreational activities.
- 3.75. **“Public Open Space”** Means land which is designated as public open space, under the ownership of the Municipality or other public authority, with or without access control, and which is set aside for the public as an open space for recreation or outdoor sport, including a park, playground, public or urban square, picnic area, public garden, nature area; and includes ancillary buildings, infrastructure and uses.
- 3.76. **“Quarrying and Mining”** Means the extraction of minerals or raw materials and associated business operations, including sand and stone, in compliance with a permit from the relevant authority.
- 3.77. **“Recreational Area”** Means an open space area for the purposes of play, rest and recreation and may include parking facilities, sporting amenities such as golf courses, tennis courts, squash courts, bowling greens, swimming pools, and other recreational buildings and facilities, including pavilions, change rooms, clubhouses and ancillary premises for the supply and sale of refreshments.
- 3.78. **“Railway Infrastructure”** Means infrastructure that is required for the function of railway lines and associated activities. It primarily consists of tracks, in a rail environment is made up of the following components: the tracks (railway lines), bridges and platforms, signalling technology, control rooms and electrical systems.
- 3.79. **“Recreational Building”** means a clubhouse, gymnasium, squash court, pavilion, shelter, change room, stadium, and any similar facility used in conjunction with a sport or recreational activity. A clubhouse may include dining facilities and lounges and may include an open space or reserve which the public has a right to use and enjoy and includes any ancillary facilities.
- 3.80. **“Recycling Facilities”** Means a shed or building where waste is sorted and the recyclable components such as paper, plastic, glass, cans, metal, bottles, batteries, fabric and clothes are sorted for their reuse.
- 3.81. **“Refuse Site”** Means a site which is also known as a tip, dump, rubbish dump or dumping ground and is used for the disposal of waste materials.

- 3.82. **“Research Laboratory”** Means an establishment or other facility for carrying out investigations in the natural, physical, or social sciences, and which may include product development.
- 3.83. **“Residential Building”** means a building or buildings with two or more storeys comprising of self-contained dwelling units, each having a separate entrance and forming part of one or more storeys, together with such outbuildings as are ordinarily used therewith, and includes a block of flats, boarding-house, hotel, residential club or hostel.
- 3.84. **“Restaurant”** means a building or portion of a building used primarily for the preparation and sale of food, confectionery and beverages for consumption on the premises and could include:
- 3.84.1. A coffee shop or cafeteria
  - 3.84.2. The licensed provision of alcoholic beverages, only with the Consent of the Council but excludes a tavern.
- 3.85. **“Restricted Building”** Means a building used as a clinic or hospital for infectious diseases.
- 3.86. **“Second Dwelling”** An additional dwelling unit situated on the same erf as a dwelling house, and which may be attached or detached to the original dwelling or dwelling house. (See Clause 5.8.4 for development controls)
- 3.87. **“Service Station”** Means land or building wherein motor vehicles are provided with fuel, lubricants, tyres, motor spares, electrical equipment, and may on Consent from the municipality include, the repair of motor vehicles of a minor nature, lubricating and greasing, washing and cleaning, a restaurant or café and a convenience store which is limited to 300m<sup>2</sup> and is integrated with the other facilities in terms of design, but shall not include the carrying out of operations such as spray painting, panel beating, the repairs of a major nature to the engine or overhauling of motor vehicles and transmission systems thereof.
- 3.88. **“Service Industrial Building”** means a light industrial building catering primarily for the local customer, and includes allied trades, laundry, bakery, dairy depot, dry-cleaning and similar types of uses and excludes such activities that generate noise, dust, fumes and smoke.
- 3.89. **“Shop”** Means a building or land used for the selling of goods and appliances; services such as a hairdresser, ticket agency, and video hire; showroom, (including motor showroom restricted to the display and sale of vehicles only); auction mart; the sale of food and drink for consumption off the premises; for the reception of goods to be washed, cleaned, altered, dry-cleaned or repaired; but does not include an industrial building, garage, service station, milk depot, hotel, funeral parlour, casino and betting depot.
- 3.90. **“Storage Facilities”** Means a building or series of adjoined buildings that have been designed and used to store farm equipment, dried crops and or personal property and they can be commercially leased out.

- 3.91. **“Small-Scale Rural Settlements”** means a residential use at rural density and intensity on either commercial farms or communally owned land, and could include limited cropping and ad hoc grazing, which is in line with Council's Housing Plan, Spatial Development Framework and /or as part of a land reform/labour tenant project.
- 3.92. **“Special Industrial Building”** means a building or use of land used for industrial purposes where dangerous or offensive processes are carried out. A Special Industrial Building shall include a premises where the following activities take place: Chemical works, dye works, manure, super phosphate, or fertilizer works or stores; tanning and leather-dressing works; works or premises used for storing, drying preserving or otherwise dealing with bones, horns, hoofs or hides, knackers- yards; glue or size factories; soap and candle works; fat—melting or tallow-melting works and any similar works or establishment for dealing with meat, bones, blood, offal, horns, boots, or other animal organic matter; wattle-bark (grinding or extracting) works; brick burning and lime burning works; breweries and distilleries; sugar mills and sugar refineries; fish canning works; bacon factories, sausage factories and similar works; gut scraping works; tripe-cleaning or tripe-boiling works; and destructors.
- 3.93. **“Tavern”** means a building in which the onsite consumption of liquor is legalized by means of the National Liquor Act (No. Act 59 of 2003) and subsequently granted a liquor license in terms of the KwaZulu-Natal Liquor Licensing Act (No. Act 6 of 2010) and may include a restaurant, café, bar or pub designed and used for the preparation and or retail trade of meals, refreshments and liquor and may in addition also mean the retail sale of cold drink and smoking requisites, but excluding a hotel, residential use and drive in restaurant. It may include a place of amusement. It may not interfere with the amenity of surrounding properties or be of nuisance value by virtue of noise, appearance, dust, smell, activities or for any other reason whatsoever.
- 3.94. **“Telecommunications infrastructure”** means, but is not limited to, any one or more of the following:
- 3.94.1. Antenna support structure including any solid or lattice structure, mast pole, monopole, guyed tower, lattice tower, freestanding tower or other structure designed and primarily used to support antenna;
  - 3.94.2. Antenna structure including any system of wires, poles, rods or similar devices, used for the transmission or reception of electromagnetic waves, attached to a building or a mast, and includes cabling between the equipment room and the antenna;
  - 3.94.3. Base station site including the land, antenna support structure, and all associated infrastructure such as antenna, microwave dish, equipment room and access road;
  - 3.94.4. Equipment room including a structure to house cellular telecommunication equipment associated with an antenna support structure and/or antenna; which may be separated building used exclusively for the equipment, or a container, or a room or rooms within a building with another predominant use;

- 3.94.5. Microwave dish including any device incorporating a reflective surfaced that is solid, open mesh, or bar configured that is the shape of a shallow dish, cone, horn or other, and is used to transmit and/or receive electromagnetic waves.
- 3.95. **“Transport Depot”** Means Land or buildings used or intended to be used for the transfer of goods or persons from one vehicle to another vehicle, for hire or reward, including management, maintenance, and repair of the vehicles used, and includes the garaging or parking of such vehicles associated with this use.
- 3.96. **“Truck Stop”** Means Land or buildings used primarily as stop over facility for commercial vehicles. A truck stop may include facilities for the maintenance or repair of commercial vehicles, the dispensing of motor fuel or other petroleum products directly into motor vehicles, and a sale of accessories or equipment for trucks and similar commercial vehicles. A truck stop may also include overnight accommodation and restaurant facilities primarily for the use of truck crews.
- 3.97. **“Tuck Shop/Kiosk”** Means the sale of day-to-day convenience goods from a dwelling unit, associated outbuilding or container where the goods are generally sold through window, doorway or hatchway and does not include a walk-in shop where goods are on public display.
- 3.98. **“Umuzi (Imizi)”** means a homestead made up of one or more traditional dwellings used primarily for settlement in communal land areas under the traditional authority or communal property association or trust in Traditional Authority areas and include use of land for grazing, ploughing, and burial.
- 3.99. **“Utilities and Services”** Refers to land set aside for uses such as substations, waterworks, wastewater works and public utilities; wastewater pump stations. Underground pipes/services and overhead lines are usually contained within a services servitude over a parcel of land which is zoned for a specific use and is not given a separate or specific zone. The impact of these uses within servitudes is usually managed through the environmental impact assessment process.
- 3.100. **“Veterinary Clinic”** Premises where animals are provided with medical care and the boarding of animals is limited to short-term care resulting from medical treatment and may include an ancillary grooming parlour and a retail outlet restricted to the sale of veterinary and animal maintenance products.
- 3.101. **“Warehouse”** Means a building used primarily for the storage of goods, except those that are offensive or dangerous, and includes property used for business of a predominantly wholesale nature, but does not include property used for business of a predominantly retail nature;
- 3.102. **“Waste Transfer Site”** means an area of land, with or without buildings, that may be licensed under relevant legislation for the temporary accumulation and storage of more than 35m<sup>3</sup> of garden and domestic waste and which may include the separation and

processing of domestic waste materials for eventual reuse or final disposal at a landfill site but excludes a sewerage treatment works.

- 3.103. **“Waste Treatment Facilities”** Refers to facilities consisting of a system of sewers for carrying off liquid and solid sewage.

## 4. ADMINISTRATION OF THE SCHEME

### 4.1. APPLICATION OF THE SCHEME

At any time after the effective date of the scheme, no person shall: -

- 4.1.1. Develop or use any land, building or structure for any purpose different from the purpose for which it was being developed or used.
- 4.1.2. Use any building or structure erected after such date for a purpose or in a manner different from the purpose for which it was erected until he has first applied in writing to the Municipality for approval from the Municipal Planning Approval Authority to do so and has been granted written approval thereto either with or without conditions.
- 4.1.3. Erect or extend a building or institute work which is not in conformity with the provisions of the Scheme relating to the erection and use of buildings and use of land.
- 4.1.4. Use any building or portion thereof for any use other than that for which it has been lawfully erected unless such building has been altered for any proposed new use and any necessary Consent or approval of the Municipal Planning Authority has first been applied for and obtained.

### 4.2. ERECTION, USE OF LAND AND BUILDINGS

- 4.2.1. No person shall erect, alter or add to any building without applying to and obtaining the permission of the Municipality.
- 4.2.2. The use of buildings and land is restricted by the provisions of the specified use zone in which the erf is situated, which stipulates that: -
  - 4.2.2.1. **Consent uses:** This category includes ancillary uses that might have a more intrusive impact and may require special conditions to protect the amenity of the area or mitigate the impact of the proposed use. This procedure involves giving public notice, and the Municipality, at its discretion, may impose conditions in granting an approval for Consent.
  - 4.2.2.2. **Consent uses where the Municipality may waive the full advertisement process:** where applicable, the Municipality may exempt an applicant from conducting a full public participation process, provided that prior written consent has been obtained from adjoining neighbours, consenting to the proposed development.

#### 4.3. BUILDING LINES, SIDE AND REAR SPACES

- 4.3.1. The Municipality may, by Consent, relax building lines, side and rear spaces if:
- 4.3.1.1. It is satisfied that, on account of the levels of the erf or adjoining land or the proximity of buildings already in front of the building line or any other special circumstances, compliance with the building line would hamper the development of the erf.
- 4.3.1.2. It is of the opinion the architectural effect will enhance the appearance of the street and contribute to public amenity.
- 4.3.2. In the cases of swimming pools and tennis courts, the building line may be relaxed by the Consent of the Municipality to no less than 1m; provided that where a tennis court is to be constructed, any portion of it that is within 4.5m of a road boundary will be screened to the satisfaction of the Municipality.
- 4.3.3. Cognizance will be taken in all cases of the building line imposed in terms of the KwaZulu Natal Provincial Roads Act, 2001 (Act 4 of 2001) as amended, and in such circumstances the building line may not be relaxed by the Municipal Planning Approval Authority, without the consent of the Provincial Roads authority.
- 4.3.4. The Municipal Planning Approval Authority may, by Consent, permit in any zone any building to be erected closer to any boundary than the distances specified if on account of the siting of existing buildings or the shape, size or levels of the erf, the enforcement of this clause will, in the opinion of the Municipality, render the development of the erf unreasonably difficult. In considering any application under this sub-clause the Municipality will have regard to any possible detrimental effect on adjoining properties and the need for any sewer and drainage servitudes.
- 4.3.5. Despite the provisions above, the Municipality may exempt an applicant from applying for Consent if it is satisfied that no interference with the amenities of the neighbourhood, existing, or as contemplated by this scheme, will result. Provided, however, that the prior written consent of the registered owner of each property located within 100m from the applicant property, including properties directly across the street, and such other properties as the Municipality may direct, has first been obtained. Where written consent is not forthcoming, the applicant will be required to apply for the Municipality's Consent.

#### 4.4. APPLICATION PROCEDURE FOR THE USE AND DEVELOPMENT OF LAND

- 4.4.1. **All land use and development applications shall be submitted in accordance with the provisions of Chapter 4 of the By-law.**

#### 4.5. APPROVAL FOR THE USE AND DEVELOPMENT OF LAND

- 4.5.1. **The provision of Chapter 4 of the By-laws is applicable for approval to use and develop the land.**

### 5. GENERAL CONTROLS

#### 5.1. ENVIRONMENTAL REQUIREMENTS APPLICABLE TO ALL LAND USE ZONES

- 5.1.1. Development in environmentally sensitive areas must be avoided. In situations where there is substantial socio-economic justification and environmentally sensitive areas cannot altogether be avoided, development impacts must be minimised and remedied. Environmentally sensitive area may include:
- 5.1.1.1. Critical Biodiversity Areas
  - 5.1.1.2. Protected Areas
  - 5.1.1.3. Private Game Reserves
  - 5.1.1.4. Watercourses (and their 32m buffers)
- 5.1.2. Any developments within or adjacent to wetlands and watercourses, either identified or not identified on the Scheme Map shall be subject to an environmental authorization and/or water use license processes in terms of NEMA and NWA.
- 5.1.3. No building or infrastructure shall be erected on any portion of land which in the opinion of the Municipality is in a wetland or watercourse, unless Environmental Authorization has been issued for such activities.
- 5.1.4. Where an erf may have a wetland, the Municipality may, prior to deciding any application or permitting any development in terms of this scheme and by-law, require the owner / applicant to appoint an independent wetland specialist to delineate the extent of the wetland, establish appropriate buffers, and to indicate the delineation and buffers on the site plan submitted with a development application.
- 5.1.5. In considering any application, it shall be the duty of the Municipality to ensure wherever it is considered appropriate, that adequate provision be made for protection of environmentally sensitive areas, by means of conditions for approval of such development.
- 5.1.6. Where any development which through an Environmental Authorization or an Environmental Screening Process, identifies an area as environmentally sensitive, such area[s] shall be zoned as Public/Private Open Space/Conservation or any other zone which is appropriate for the preservation of the natural environment, and/or placed in a non-user conservation servitude in favour of the Municipality.

## 5.2. ENVIRONMENTAL REQUIREMENTS APPLICABLE TO “LISTED ACTIVITIES”

- 5.2.1. Notwithstanding the provisions of this Scheme, any development or land use activity which is included as a “Listed Activity” in terms of the National Environmental Management Act, 1998 (Act 107 of 1998), as amended shall be subject to an environmental impact assessment process as part of the application to obtain environmental authorization from the relevant authority.
- 5.2.2. An Environmental Impact Assessment shall be undertaken in the manner prescribed in the Environmental Impact Assessment Regulations of the National Environmental Management Act, 1998 (Act 107 of 1998) as amended.
- 5.2.3. Environmental authorization shall be obtained from the relevant authority prior to the submission of any application for development to the Municipality.

## 5.3. ENVIRONMENTAL REQUIREMENTS APPLICABLE TO ENVIRONMENTALLY SENSITIVE AREAS

- 5.3.1. Notwithstanding the provisions of this Scheme, the Municipality, shall at its discretion, request an applicant to provide an Environmental Screening Report for any development or land use activity on any site or portion thereof which it considers to be an environmentally sensitive area or in an area identified as being critical for biodiversity conservation, when a Basic Assessment in terms of the NEMA is not triggered.
- 5.3.2. The Environmental Screening Report must be undertaken by a person that has the necessary knowledge and experience in environmental management, natural resources or ecology, and should include:
  - 5.3.2.1. Information about the project including the spatial extent, timing, frequency and duration of the project;
  - 5.3.2.2. The identification of relevant environmental legislation, regulations, policies and plans relevant to the proposed development and identify those activities that require licensing or authorization before they can proceed;
  - 5.3.2.3. An understanding of the ecological context based on existing ecological information, data gathering, literature searches, site visits and preliminary ecological surveys, and any baseline studies already carried out;
  - 5.3.2.4. Identify project activities likely to cause damage, stress, disturbance or impact on ecosystems processes;
  - 5.3.2.5. Identify the factors affecting the integrity of the relevant ecosystems and the conservation status of relevant habitats and species; and, ecological features likely to be significantly affected and therefore requiring further study;
  - 5.3.2.6. Identify other significant activities, e.g., access roads, associated with the project/proposal that could result in significant cumulative effects; and,
  - 5.3.2.7. Potential strategies to avoid and/or minimize any negative environmental impacts and the identification of opportunities for enhancing biodiversity and promoting Provincial biodiversity objectives
- 5.3.3. The Environmental Screening Report shall be included as part of an application submitted to the Municipality failing which such application shall be deemed incomplete.

#### 5.4. REQUIREMENTS APPLICABLE TO WATER QUALITY ENVIRONMENTAL CONTROL ZONES (ECZ)

- 5.4.1. Only activities that can demonstrate how they would not further compromise water quality and that would result in positive impacts on water quality shall be undertaken within Water Quality Environmental Zones (see Appendix 2 for Land Use Guidelines for Water Quality Environmental Zones);
- 5.4.2. All activities must make use of advanced effluent management and treatment systems within any identified ECZ.
- 5.4.3. If a development is proposed within an ECZ, studies must be undertaken to delineate the occurrence of wetlands and access to the functionality of any wetland areas on the site or in close proximity of the site, as is the requirement outside of an ECZ at the discretion of the relevant authorities;
- 5.4.4. Site specific development buffers around delineated wetlands and watercourses, in excess of general standards, shall be established within which development shall not be allowed to encroach;
- 5.4.5. Development shall not encroach within 100 meters of the full supply level of the main water supply dams or within the 100-year flood line (whichever is larger), unless exceptional circumstances permit.

#### 5.5. SITE DEVELOPMENT PLANS

- 5.5.1. The Council or Municipal Planning Approval Authority may from time-to-time for the purpose of the coordinated allocation of land use rights and restrictions as contemplated in this Scheme and as a requisite for development, instruct prospective owners/developers to submit within a specified period of time to the Municipality, site development plans in respect of a specific area. The Site Development plans shall amongst others provide for but not be limited to the following:
  - 5.5.1.1. To-scale drawing of the site/s, building lines applicable, town planning bulk factors and controls (Floor Area Ratio, Coverage and Height factors), existing services, existing and proposed servitudes, etc.
  - 5.5.1.2. The design and layout of proposals including details as to the functioning thereof;
  - 5.5.1.3. All-natural features such as watercourses and vegetation
  - 5.5.1.4. Environmental overlays (Critical Biodiversity Area, Ecological Support Areas,
  - 5.5.1.5. Landscaping proposals;
  - 5.5.1.6. Slope analysis
  - 5.5.1.7. Details of and programme for the provision of including storm water, sewerage disposal, pollution control, electricity and solid waste disposal;
  - 5.5.1.8. Traffic engineering details on the vehicular and pedestrian elements thereof, their implementation and management.
  - 5.5.1.9. Phasing of the project, where applicable

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

5.5.1.11. In respect of any application to develop an erf, the Municipality may determine the position and number of vehicular or pedestrian points of access and may, if it deems fit, prohibit pedestrian or vehicular access across any boundary or boundaries and require that a suitable fence or wall be erected to prevent such access.

## 5.6. EXTERNAL APPEARANCE OF BUILDINGS

5.6.1. The character, design and external appearance of buildings, including the material used in their construction, shall be subject to the approval of the Municipality, and no building may be erected without the approval of the Council.

5.6.2. In considering any application, the Municipality shall have regard to the character of the locality in which it is proposed to erect such building and shall take into account whether or not the building will be injurious to the amenity of the locality by reason of its external appearance, bulk, or the materials it is proposed to use.

5.6.3. Any person intending to alter, extend or erect a building shall submit drawings to the Municipality with whatever other indications the Municipality may require, showing the external appearance of the proposed building together with a description of the materials to be used.

## 5.7. PARKING AND LOADING ACCOMMODATION

5.7.1. The following provisions shall apply in respect of loading and parking in the Scheme unless otherwise stated:

5.7.1.1. Any person intending to erect, alter or extend a building or develop or use any erf, shall provide loading and parking accommodation within the boundaries of the erf and shall submit proposals therefore in accordance with the provisions of the Scheme.

5.7.1.2. Car space or parking accommodation means a parking bay of dimensions not less than 5, 5 x 2,5 metres and shall be surfaced and clearly marked to the satisfaction of the Municipality. In addition, there shall be provided adequate space for vehicular access and maneuvering to the satisfaction of the Municipality.

5.7.1.3. In instances where parking and loading requirements have not been specified in the Scheme for a particular use/zone, the Municipality shall to its satisfaction, determine the number of parking spaces and loading requirements, having regard to the nature of the proposed development, the number of employees likely to be on the site, the prevention of the obstruction of roads and streets, and the orderly and proper planning of the locality and the preservation of its amenities, but not limited to the aforementioned.

5.7.1.4. Except with the prior approval of the Municipality, no person shall bring onto any premises of a dwelling unit or cause or allow to be present thereon any public motor vehicle or trade vehicle, heavy or extra heavy vehicle for a period exceeding two hours, except for bona fide purposes of delivering or supplying goods or services to such premises. For the purposes of this clause, the expressions 'public motor vehicle', 'trade vehicle', 'heavy and extra heavy vehicle' shall have the meanings assigned thereto by the National Road Traffic Act, 1996, No. 93 of 1996 together with any schedule thereto, regulations made thereunder or amendment thereof.

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### 5.7.2. PARKING AND LOADING ACCOMMODATION FOR PARKING SITES AND PARKING GARAGES

The following provisions shall, in addition to any other relevant provision of the Scheme, be applicable to all Parking Sites and Parking Garages which may be used for parking purposes only:

- 5.7.2.1. No building other than a parking garage, and carwash facility shall be permitted.
- 5.7.2.2. The surface of all areas used for parking of motor vehicles and access roads shall be hardened, and if required by the council, paved or surfaced or sealed and maintained in a dust free condition to the satisfaction of the council.
- 5.7.2.3. Points of ingress to and egress from parking sites, from and to, respectively, the public street system shall be sited, constructed, paved and maintained to the satisfaction of the council.
- 5.7.2.4. The dimensions and layout of parking spaces on parking sites shall conform to the minimum standards as determined by the municipality.
- 5.7.2.5. All parking garages within the area of the scheme shall conform to the standards and dimensions as determined from time to time by the municipality.
- 5.7.2.6. Entrances to and exits from all parking garages from and to, respectively, the public street system shall be sited, constructed, paved and maintained to the satisfaction of the council.
- 5.7.2.7. Parking sites and parking garages shall be provided with interior lighting to the satisfaction of the council.
- 5.7.2.8. Precautions shall be taken on parking sites and parking garages against the outbreak of a fire and firefighting apparatus shall be installed and maintained to the satisfaction of the Council.

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### 5.7.3. PARKING AND LOADING ACCOMODATION FOR RESIDENTIAL ZONES

- 5.7.3.1. For every dwelling unit within a Multiple-Unit Development site, there shall be provided 1 garage or carport for each dwelling unit. In addition, there shall be provided a suitable area for visitors parking at a rate of 1 car space for every 2 units, provided that the additional car spaces are not placed on the private open area.
- 5.7.3.2. For every residential building there shall be provided 1 garage or- covered parking space for each dwelling unit. In addition, there shall be provided a suitable area for visitors parking at the rate of 1 car space for every 2 dwelling units, and a loading and unloading area with suitable access to the satisfaction of the Municipality.

#### 5.7.4. PARKING AND LOADING ACCOMODATION FOR CIVIC AND SOCIAL ZONES

##### IN THE EDUCATION ZONE:

- 5.7.4.1. 1 parking bay per 4 pupils.
- 5.7.4.2. 1 parking bay per teacher/staff member.
- 5.7.4.3. For every residential building, there shall be provided 1 garage or covered parking space for each dwelling unit. In addition, there shall be provided a suitable area for visitors parking at the rate of 1 car space for every 2 dwelling units, and a loading and unloading area with suitable access to the satisfaction of the Municipality.
- 5.7.4.4. Council or the Municipal Planning Approval Authority shall at their discretion require further parking where necessary, should it be deemed necessary

##### IN THE HEALTH AND WELFARE ZONE:

- 5.7.4.5. For every residential building, there shall be provided 1 garage or- covered parking space for each dwelling unit. In addition, there shall be provided a suitable area for visitors parking at the rate of 1 car space for every 2 dwelling units, and a loading and unloading area with suitable access to the satisfaction of the Municipality.
- 5.7.4.6. For every Office Building used for public purposes, there shall be provided a convenient area for parking accommodation 5 bays/100m<sup>2</sup> of Permissible Floor Area (PFA). Council shall at its discretion require further parking where necessary.
- 5.7.4.7. The Municipality or the Municipal Planning Approval Authority, at its discretion shall request a traffic report for any application as part of an application to Council.

##### IN THE ADMINISTRATION ZONE:

- 5.7.4.8. 1 parking space for every 30m<sup>2</sup> floor area or part thereof
- 5.7.4.9. For every building intended for office use there shall be provided 1 car space for each 65m<sup>2</sup> or major portion thereof of gross office area. In addition, there shall be provided on the erf a loading and unloading area with suitable access to the satisfaction of the Municipality.
- 5.7.4.10. For every office Building used for public purposes, there shall be provided a convenient area for parking accommodation for a minimum of 15 cars. Council shall at its discretion require further parking where necessary.

##### IN THE WORSHIP ZONE:

- 5.7.4.11. 1 parking space for every 4 seats.
- 5.7.4.12. 1 parking space for every 15m<sup>2</sup> floor area or part thereof for a Restaurant component.

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#### 5.7.5. PARKING AND LOADING ACCOMODATION FOR MIXED USE ZONES

##### IN THE CORE MIXED USE ZONE:

- 5.7.5.1. For every residential building, there shall be provided 1 garage or- covered parking space for each dwelling unit. In addition, there shall be provided a suitable area for visitors

parking at the rate of 1 car space for every 2 dwelling units, and a loading and unloading area with suitable access to the satisfaction of the Municipality.

- 5.7.5.2. For every building intended for shopping use there shall be provided 1 car space off the street for each 50m<sup>2</sup> or major portion thereof for the gross shop area.
- 5.7.5.3. For every building intended for office use there shall be provided 1 car space for each 65m<sup>2</sup> or major portion thereof of gross office area. In addition, there shall be provided on the erf a loading and unloading area with suitable access to the satisfaction of the Municipality.
- 5.7.5.4. Where a residential use is incorporated in a composite building providing for both commercial and residential use, on-site parking as set out in sub section (6.5.5.1) shall be provided for the residential use.
- 5.7.5.5. For every Office Building used for public purposes, there shall be provided a convenient area for parking accommodation for a minimum of 5 bays/100m<sup>2</sup> PFA. Council shall at its discretion require further parking where necessary.
- 5.7.5.6. For every hotel building or boarding house, there shall be provided 2 bays/3 bedrooms + 2 bays /100m<sup>2</sup> office area + 10 bays/100m<sup>2</sup> PFA for ancillary uses.
- 5.7.5.7. For every building or portion of a building intended for use as a garage or Service Station, there shall be provided one suitably located car space for every 50m<sup>2</sup> or major portion thereof of floor area plus a loading and unloading area for bulk tankers to the satisfaction of the Municipality.
- 5.7.5.8. For every building or portion of a building intended for use as a hall without fixed seats there shall be provided a car space off the street for every 23 m<sup>2</sup> or major portion thereof of floor area.
- 5.7.5.9. For every building intended for use as a theatre, cinema, assembly hall or place of public worship, there shall be provided a car space for every 6 seats.

#### **IN THE MEDIUM IMPACT MIXED USE ZONE**

- 5.7.5.10. For every residential building, there shall be provided 1 garage or- covered parking space for each dwelling unit. In addition, there shall be provided a suitable area for visitors parking at the rate of 1 car space for every 2 dwelling units, and a loading and unloading area with suitable access to the satisfaction of the Municipality.
- 5.7.5.11. For every building intended for shopping use there shall be provided 1 car space off the street for each 50m<sup>2</sup> or major portion thereof for the gross shop area.
- 5.7.5.12. For every building intended for office use there shall be provided 1 car space for each 65m<sup>2</sup> or major portion thereof of gross office area.

- 5.7.5.13. In addition, there shall be provided on the erf a loading and unloading area with suitable access to the satisfaction of the Municipality.
- 5.7.5.14. Where a residential use is incorporated in a composite building providing for both commercial and residential use, on-site parking shall be provided for the residential use.
- 5.7.5.15. For every Office Building used for public purposes, there shall be provided a convenient area for parking accommodation for a minimum of 15 cars. Council shall at its discretion require further parking where necessary.
- 5.7.5.16. For every hotel building or boarding house, there shall be provided 1 car space for every bedroom together with a suitable and convenient area wherein may be parked a minimum of 5 cars with the addition, where the hotel is licensed, of a further convenient area provided for parking accommodation for an additional number of 15 cars, together with a loading and unloading area with suitable access to the satisfaction of the Municipality.
- 5.7.5.17. For every building or portion of a building intended for use as a hall without fixed seats there shall be provided a car space off the street for every 23 m<sup>2</sup> or major portion thereof of floor area.
- 5.7.5.18. For every building intended for use as a theatre, cinema, assembly hall or place of public worship, there shall be provided a car space for every 6 seats.

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**5.7.6. PARKING AND LOADING ACCOMMODATION FOR INDUSTRY ZONES**

- 5.7.6.1. For every building or portion of a building intended for use as a warehouse there shall be provided one car space for each 140m<sup>2</sup> or major portion thereof of floor area and a loading and unloading area with suitable access to the satisfaction of the Municipality.
- 5.7.6.2. For every industrial building, there shall be provided on the erf sufficient accommodation for parked cars, calculated on the number of persons engaged in the business, including management, office staff and factory employees, as follows:
  - a) Up to 25 persons employed, 1 car space for every 4 persons or part thereof;
  - b) Thereafter, for the next 25 persons, 1 car space for every 5 persons or part thereof;
  - c) Thereafter, for any further number of persons, 1 car space for every 10 persons or part thereof.
  - d) Further parking and turning space for every commercial vehicle used for the benefit of the industry and a loading and unloading area with suitable access to the satisfaction of the Municipality
  - e) In respect of employees who do not use private motor vehicles the Municipality may relax the above requirements.
  - f) The Municipality may at any time vary the foregoing requirements if the character or type of manufacturing or processing activity being conducted on the site is changed or altered to an extent which, in the opinion of the

Municipality materially alters the number and type of vehicles attached to the site; provided that in no case shall such variation result in the number of car spaces provided exceeding a ratio of one car space per 150m<sup>2</sup> of total floor area of the industrial buildings on the site.

- g) In addition to the above there shall be provided adequate space for vehicle access and maneuvering to the satisfaction of the Municipality.
- h) Where in any building the area set aside for the parking or garaging of vehicles exceeds the minimum requirements by more than 50 per cent, any such excess in area shall be taken into account when calculating the permitted floor area for that building.

## 5.8. ADDITIONAL CONTROLS APPLICABLE TO ZONES AND / OR LAND USES

### 5.8.1. RESTRICTIONS TO DEVELOPMENT ON CRITICAL AREAS

5.8.1.1. The development of land in all zones, either by subdivision or for any development, as the case may be, shall be considered in the light of the following provisions:

- a. No subdivision of land shall be permitted:
  - i. where 35% or more of the area of the proposed subdivision is steeper than 1:3; and
  - ii. where the land is unsuitable for development due to such characteristics, but not limited to soil instability, liability to flooding, inaccessibility or topography; slopes steeper than 1:3, wetlands, soils of high erosion and mature stands of indigenous vegetation unless the Municipality is of the opinion that sufficient remaining area exists for development in terms of the zoning of the land, including the provision of adequate vehicular access on the proposed subdivision.
- b. The calculation of the number of units where applicable, which may be erected on an erf as well as the coverage calculation shall be based on the gross developable area of the site, which shall be determined by deducting from the surveyed erf area,
  - i. all areas of the site which are steeper than 1:3; and
  - ii. all areas of the site which are found to be unsuitable for development due to steepness, geological instability, located within a Floodline, environmentally sensitive, inaccessible and compromised by a powerline servitude.

### 5.8.2. APPLICABLE CONTROLS TO SPECIFIC USES AND DEVELOPMENT IN A RESIDENTIAL ONLY DETACHED ZONE

5.8.2.1. Where an existing erf in a Residential zone has been reduced in area by the expropriation or alienation of land for road widening or construction purposes and for open space purposes, the Municipality may allow the erection of a dwelling house on the erf provided that the erf has not been reduced in area to less than 250m<sup>2</sup> and provided further those arrangements for the disposal of sewage have been made to the satisfaction of the Municipality.

- 5.8.2.2. Where on the date of adoption, two dwelling houses were existing lawfully on a single erf in the Residential zone, which is less in extent than the minimum erf size prescribed in these clauses, the Municipality may, in its discretion, grant approval for the subdivision of the erf into two separate erven, provided also that the area of either of the subdivided erven is not less than 250m<sup>2</sup> and each subdivision conforms to the other provisions of the Scheme. In giving any such approval, the Municipality shall take into account the amenity of the locality and of the adjoining properties.
- 5.8.2.3. Controls applicable to a Bed and Breakfast Establishment
- a. No erf used for a bed and breakfast establishment shall be less than 600m<sup>2</sup>.
  - b. Notwithstanding any applicable clauses to the Residential Only Detached zone, nothing in this scheme shall prohibit or restrict the conversion of part of the main dwelling house or outbuilding for use as a Bed and Breakfast on an erf in excess of 600m<sup>2</sup>, provided that written consent has been obtained by neighbours. Should any of the neighbours object to the aforementioned establishment, the applicant shall seek a full consent from the municipality, and under the following conditions:
    - i. The activity or use shall not occupy more than five (5) habitable rooms with a combined floor area subject to a maximum floor area of 75m<sup>2</sup>.
    - ii. that the owner be resident on the site;
    - iii. that the accommodation of motor vehicles on the erf shall be as follows:
      - one (1) parking bay per guest room;
      - two (2) parking bays for the owner-occupier;
      - parking provision shall be such that motor vehicles must be able to enter and leave the property in a forward direction;
      - such parking shall be located to the rear of the dwelling, where possible;
      - the site including the parking area shall be landscaped and maintained at all times to the satisfaction of the Municipality
    - iv. that a maximum of 2 guests shall be permitted in each guest room;
    - v. that all health, fire, and national building regulations shall be complied with, along with the approval by the Municipality;
    - vi. That the Bed and Breakfast must be registered with Tourism-KwaZulu-Natal.
    - vii. Applicants for Bed and Breakfasts shall adhere to the planning controls of the respective authority including:
      - satisfying the responsible authority that an application does not conflict with existing title deed restrictions or conditions;
      - compliance with the requirements of the respective authority with regard to rear or other lighting complying with the by-laws of the respective authority;
      - that a register of all guests be kept;
      - that a sewage disposal system be provided to the satisfaction of the Municipality, and, where disposal is by means of septic tanks and French drains, a geo-technical report on the site shall be required by the Municipality;
      - that the Municipality may impose whatever other conditions it considers necessary to protect the amenities of the neighbourhood, provided that, if it is subsequently found that there is in fact an interference with the amenities

of the neighbourhood, it may impose further conditions or call upon the owner and/or occupants to cease the use.

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### 5.8.3. CONTROLS APPLICABLE TO ANCILLARY UNIT

- 5.8.3.1. An additional self-contained dwelling unit is a permitted use on erfs which are larger than 2000m<sup>2</sup> in extent in the Residential Only Detached Zones.
- 5.8.3.2. The Municipality may grant its Consent to the erection of an Additional Self-contained Dwelling Unit on erfs which are larger than 1300m<sup>2</sup> in the Residential Only Detached zone provided that a percolation test has been conducted and the site is found to be feasible.
- 5.8.3.3. A single Additional Self-contained Dwelling Unit may only be erected on a Site where a dwelling house is already in existence;
- 5.8.3.4. The gross floor area, excluding a garage and a veranda shall not exceed 60m<sup>2</sup>;

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### 5.8.4. CONTROLS APPLICABLE TO SECOND DWELLING

- 5.8.4.1. The erection of second dwelling in all areas of Richmond Local Municipality is supported in principle, as a means of achieving residential densification and the optimal use of infrastructure.
- 5.8.4.2. All erven zoned Residential Only Detached 600m<sup>2</sup>, Residential Only Detached 1000m<sup>2</sup>, Residential Only Detached 2000m<sup>2</sup>, and agricultural holdings and farm portions (zoned appropriately), with a minimum area of 500m<sup>2</sup>, shall be granted the primary right to erect one second dwelling per property, subject to compliance with all relevant development controls in terms of this policy and with all relevant municipal and other legislation.
- 5.8.4.3. The application of a second dwelling shall be subject to the following procedure:
  - 5.8.4.3.1. Applicants wishing to apply for permission for the erection of a second dwelling shall do via a consent use application. This will include the submission of a building plan in accordance with the requirements of the National Buildings Regulations and Building Standards Act, 1977 and shall pay the normal prescribed application fee required for the submission of such building plan.
  - 5.8.4.3.2. In respect of clause 5.8.4.3.1. consent may be waived if the applicant has obtained written consent from adjoining neighbours. Failure to do so will result in the applicant to comply with the full procedure of obtaining consent use from the municipality.
- 5.8.4.4. The erection of a second dwelling shall be subject to the following conditions:
  - 5.8.4.4.1. Number of units:
    - a. Only one additional dwelling shall be allowed per erf (or subdivided erf), with a minimum area of 500m<sup>2</sup>, subject thereto that the subdivision of erven with an area of 500m<sup>2</sup> and smaller on which a second dwelling unit

has been erected, will not be allowed and that all other development controls must be adhered to. Second dwelling erected in terms of this clause shall not be sold by means of sectional title.

- 5.8.4.4.2. Size of units:
  - a. The maximum size of a second dwelling shall not exceed 70% of the main dwelling house, excluding garages.
- 5.8.4.4.3. Coverage:
  - a. The combined coverage of the first and second dwelling unit shall not exceed the maximum coverage allowed in terms of the development controls of the aforementioned zones (stated in clause 5.8.4.2.) (Town Planning Scheme.
- 5.8.4.4.4. Floor Area Ratio (FAR)
  - a. The combined Floor Area Ratio of both dwellings shall not exceed the maximum FAR allowed in terms of the Scheme in terms of the development controls of the aforementioned zones (stated in clause 5.8.4.2.).
- 5.8.4.4.5. Height:
  - a. No second dwelling shall be higher than 2 storeys or be built on a level higher than the second storey of the main dwelling house.
- 5.8.4.4.6. Side Spaces:
  - a. No second dwelling shall exceed the side spaces contemplated in the Richmond Municipality Land Use Management Scheme.
- 5.8.4.4.7. Building Lines:
  - a. Building lines shall be as per the Richmond Municipality Land Use Management Scheme
- 5.8.4.4.8. Parking:
  - a. Two additional parking spaces shall be provided on the erf for use by the occupants of the second dwelling, provided that if the second dwelling has only one bedroom, only one parking space shall be required, or as per existing Richmond Municipality Land Use Management Scheme.
- 5.8.4.4.9. Service Connections:
  - a. Only one sewerage, water and electricity connection shall be provided per erf (or subdivided erf, agricultural holding or farm portion).
  - b. Electricity supply to the second dwelling must be taken from the main dwelling unit and sub-metered by the applicant if required. The applicant is to apply for an upgraded electrical connection if the existing supply is inadequate for both dwellings.

5.8.4.4.10. Aesthetic Treatment:

- a. The second dwelling shall be aesthetically acceptable and shall blend in with the design and construction of the main building.

5.8.4.5. In addition to the above, the erection of a second dwelling on agricultural holdings or farm portions shall be subject to the following:

5.8.4.5.1. Only one second dwelling shall be allowed per agricultural holding or per farm portion.

5.8.4.5.2. In addition to a second dwelling, accommodation for bona fide employees may be erected on agricultural holdings and farm portions in the following ratios:

- a. Farm portions of less than 5 ha: Not more than one unit.
- b. Farm portions of 5 ha and more: Not more than six units.
- c. Agricultural holdings: Not more than three units.

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**5.8.5. CONTROLS APPLICABLE TO HOME BUSINESS**

5.8.5.1. The operation of a Home Business shall comply with the following conditions, to the extent that they may be applicable:

- a. The area to be utilized for the home business shall not exceed 30% or a maximum of 40m<sup>2</sup>, inclusive of storage areas (whichever is the lesser) of the existing area of dwelling house existing on the erf, and the predominant use shall remain residential.
- b. The dwelling house or dwelling unit in which the home business is carried on must remain residential in appearance and character, and must at all times, comply with the definition of dwelling house;
- c. On-site parking and loading facilities related to the activity being carried out shall be provided to the satisfaction of the municipality;
- d. The hours of operation shall be to the satisfaction of the municipality, and shall be specified in the consent granted;
- e. The home business must only be operated by a person who is the bona fide resident in the dwelling house or dwelling unit, and such person may not be assisted in the business by not more than two people;
- f. No external advertising shall be permitted on the site except for one non-illuminated sign on each road frontage.
- g. Storage of goods and equipment shall be within the area designated for that purpose on the plan which is to accompany the application for consent, detailing the area to be used for the business as well as any portion of that area in which goods or equipment will be stored;
- h. Only one light delivery vehicle may be used for the delivery to dispatch goods or supplies;
- i. After the granting of such consent by council, the municipality may at any time impose any further condition it deems reasonably necessary in order to preserve the residential amenity of the area, or it may withdraw the consent if, in its opinion, the amenities of the neighbourhood are being adversely affected by the activities of the business;

- j. If the use is discontinued for the period of 18 months, the dwelling house, insofar as it may have been altered for that purpose, must be restored to its original state to the satisfaction of the municipality.

#### 5.8.6. ADDITIONAL PROVISIONS FOR MULTIPLE UNIT DEVELOPMENT

- 5.8.6.1. No erf used for Multiple-Unit Development shall be less than 1800m<sup>2</sup>.
- 5.8.6.2. The applicant shall submit to the Municipality for its approval:
  - a. a layout plan or plans showing, where applicable;
    - i. the position, dimensions and materials to be used in the construction of all roads, driveways, parking areas, squares and pedestrian access ways, if any;
    - ii. the boundaries of all dwelling unit curtilages, private open areas and common open spaces;
    - iii. the position, nature, extent and levels of all proposed and existing buildings on the site and adjoining sites;
    - iv. the proposed landscaping of the site;
    - v. the proposed private open space;
    - vi. the position and nature of recreation facilities, if any;
    - vii. the position and extent of all utility areas.
  - b. a set of sketch drawings prepared by an architect at a scale of 1:100 showing the plans, sections and elevation of each type of structure within the proposed development and particulars of the materials to be used for the exterior wall finishes and roof or roofs; together with both front and rear elevations of each typical group of dwelling units at a scale of 1:100 or 1:200;
  - c. a table indicating:
    - i. the total area of the site;
    - ii. the total number of dwelling units;
    - iii. the total floor area;
    - iv. the total number of car parking spaces provided for visitors and for residents;
    - v. the areas of public open space and other public uses where applicable;
- 5.8.6.3. Where in the opinion of the Municipality, a road within a Multiple-Unit Development site shall serve the public; the Municipality may require the road to be registered as a public road, provided that for the purpose of bulk and coverage calculation, the area of the public road shall be included in the gross site area.
  - a. The minimum width of a road carriageway within a Multiple-Unit Development site shall be 3 metres where the carriageway is one-way and 5.5 metres where the carriageway is two-way.
  - b. Situated at the end of every cul-de-sac there shall be provided turning space to the satisfaction of the Municipality.
- 5.8.6.4. In the event of the different dwelling unit curtilages being transferred in freehold or registered leasehold title, the Municipality shall require that:

- a. The common land shall be owned exclusively by the freehold or registered leasehold owners of the dwelling units in co-ownership; and
- b. No co-owners shall be entitled to require the partition of the common land according to the proportion of his share.

5.8.6.5. For the administration and management of a Multiple-Unit Development:

- a) A Homeowners' Association shall be established. Such Association shall administer and maintain the common land, control the external appearance of buildings within the Residential Only Medium Density site and deal with any other matter pertaining to the Residential Only Medium Density site which is of common interest to its members. The affairs of the Association shall be regulated by a memorandum and Articles of Association. The Memorandum and Articles of Association shall have been submitted to the Municipality who shall have certified that it has no objection to these documents;
- b) No dwelling unit curtilage within the Multiple-Unit Development site or within any portion of the site specified by the Municipality shall be transferred or separately registered before the whole Multiple-Unit Development site or the specified portion of the Residential Only Medium Density site within which the curtilage is situated has been developed to the satisfaction of the Municipality.

5.8.6.6. Notwithstanding the requirements in sub-clauses (1) to (4), wherever it is intended to develop a site for Multiple-Unit Development in a Residential Only Detached zone:

5.8.6.6.1. The maximum number of dwelling units which may be established for Multiple-Unit Development shall be obtained by dividing the registered surveyed area of the property concerned by the appropriate minimum erf area per dwelling.

5.8.6.7. The provisions of this Section shall not preclude the establishment of dwelling unit curtilages in a Multiple-Unit Development from being created and registered as subdivisions provided that:

- a) The maximum number of residential subdivisions shall be in accordance with the density provisions for applicable zone and as provided for above.
- b) The owners of the subdivisions shall become members of a duly constituted Homeowners Association, registered as a company with the Companies and Intellectual Property Commission (CIPC) and subscribe to its Memorandum of Incorporation and Rules.
- c) The common land in a Multiple-Unit Development, reserved for roads, open space and or community facilities and the like, including for the housing of infrastructure, shall be owned and managed by the Homeowners Association.

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## 5.8.7. USE OF HOTELS FOR CERTAIN PURPOSES

5.8.7.1. The Municipality may permit any one or more of the following shops or activities, viz:

- Hairdressing salons;
- Bookshops or newsagents;
- Florists;
- Curio shops;

- Theatre Booking agents;
- Bank agents;
- Travel agents;
- Vending machines;

to be established:

- a. In any hotel graded by the Tourism Grading Council of South Africa as a five-star, four-star or three-star hotel in terms of the Tourism Act (No. 72 of 1993) or which, according to the nature of the accommodation and service provided therein, and its situation, is in the opinion of the Municipality, likely to be graded as such;
- b. By Consent in any hotel other than those referred to in sub-paragraph (1) hereof; provided that no external advertising of any shop or activity shall be permitted and access thereto shall be gained only from within the hotel.
- c. The Municipality may, by Consent and when it is of the opinion that there will be no interference with the amenities of the neighbourhood, authorize, in terms of this scheme, the establishment of a bottle store in any licensed hotel premises.

#### 5.8.8. APPLICABLE REQUIREMENTS FOR THE ESTABLISHMENT OF TRAFFIC GENERATORS (GARAGES AND FILLING STATIONS)

- 5.8.8.1. Where separate entrance and exit are provided, they should be placed at or near the end of a frontage of not less than 36 metres, provided that where it may be demonstrated that a tanker vehicle may enter and leave a site without reversing a lesser frontage may be permitted at the sole discretion of the Municipality.
- 5.8.8.2. No Garage or Service Station shall be established upon any erf unless, in the opinion of the Municipality it has adequate depth so as to enable all activities are to be carried on clear off the street.
- 5.8.8.3. Filler points for underground tanks shall be sited so as to make it possible for tanker vehicles to stand wholly within the curtilage of the erf when recharging the tanks and for such vehicles to enter and leave the erf in a forward direction.
- 5.8.8.4. The minimum sight distance along the road should be 120 metres. Sight distance shall be measured from the entrance or exit as the case may be, height or eye being 1.37 metres, to an object 1.37 metres high.
- 5.8.8.5. No traffic generator should be permitted with entrance from or exit to a street whose gradient is steeper than 1 in 8, and no access ramp should be steeper than 1 in 10.
- 5.8.8.6. Outside an urban area as defined in the KwaZulu Natal Roads Act, 2001 (Act 4 of 2001) and/or the South African Roads Agency and National Roads Act, 1998 (Act 4 of 1998) buildings should be sited at least 36 metres from the nearest point of the road reserve of any main road.

- 5.8.8.7. Pump islands in a Service Station should not be less than 5 metres from the property boundary and all traffic routes within the forecourt shall have a minimum width of 5 metres.
- 5.8.8.8. Dwarf walls or other permanent structures satisfactory to the Municipality shall be erected on the street frontage of the site so as to confine the movement of vehicles into or out of the Garage or Service Station to authorised access points.

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#### 5.8.9. APPLICABLE PROVISIONS FOR INDUSTRIAL ZONES

Certain categories of retail outlets may be admitted to industrial zones by Consent and the remaining categories only by rezoning.

- (a) The categories of retail outlets which should be admitted to industrial zones by Consent are as follows:
- (i) Low order convenience goods and service shops catering for the immediate day-to-day needs of people working within the industrial area concerned; provided that the total floor area of any shop or contiguous set of shops (including a set of shops separated by a road or pedestrian route) should in no case exceed 300 m<sup>2</sup>.
  - (ii) Shops which are incompatible with the vast majority of the types of shops normally found in Mixed Use zones, but which fit in well in industrial areas (e.g., builders' supplies dealers; firms dealing in wire, gates and fences; timber merchants; firms dealing in agricultural implements).
  - (iii) Shops which deal largely with other firms normally located in industrial areas such as petrol filling stations, specialist-industrial concerns in the motor trade (like panel beaters and auto electrical specialists), builders and engineering firms (e.g., paint shops; firms dealing in engineering supplies; motor spares shops).
  - (iv) Be situated on the same sites as the industrial activities concerned.
  - (v) Retail only products of the industrial concerns to which they relate or directly associated products;
  - (vi) In special cases, coverage of 60% could be permitted at the discretion of Council to cater for loading overhangs.

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#### 5.8.10. APPLICABLE PROVISIONS FOR TELECOMMUNICATION INFRASTRUCTURE

- 5.8.10.1. The Council may consider an application for Consent to erect telecommunication infrastructure on an erf, or part thereof, and within any zone provided for in this Scheme.
- 5.8.10.2. When considering an application for Consent to erect telecommunication infrastructure, the Council shall consider the following objectives:
- a. To encourage co-location of antenna and base stations as a means of preventing unnecessary proliferation and duplication of such infrastructure;
  - b. To minimize the visual impact of such infrastructure on the surrounding locality screening and /or disguise; and\

- c. To avoid impact on lines of sight and any impact that the infrastructure may have on the responsibilities of the South African Civil Aviation Authority.

5.8.10.3. Council reserves the right to insist on the decoration of telecommunication masts/antennae if regarded necessary, as well as the possible relocation of and/or alterations to the mast by and at the expense of the applicant if the need arises.

### 5.8.11. ADVERTISEMENTS AND SIGNAGE

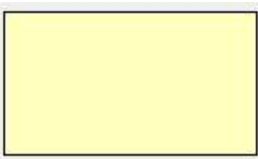
The Municipal bylaws pertaining to Advertisement and Signage shall apply.

## 6. LAND USE ZONES AND CONTROLS

### 6.1. RESIDENTIAL ZONES

#### 7.1.1. RESIDENTIAL ONLY DETACHED 250M<sup>2</sup>


Table 4: Residential Only Detached 250m<sup>2</sup>

<b>Notation:</b> 		<b>STATEMENT OF INTENT:</b> This zone promotes the development of primarily detached dwelling units but does permit multi-family dwellings; and a limited number of compatible ancillary uses, which have a non-disruptive impact on a neighborhood amenity. In addition, this zone is intended for government subsidized human settlements under Breaking New Ground (BNG) programme and is subject to the availability of adequate bulk infrastructure.				
LAND USE CONTROLS						
Permitted Uses		Consent			Prohibited Uses	
<ul style="list-style-type: none"> <li>Dwelling House</li> <li>Utilities and Services</li> </ul>		<ul style="list-style-type: none"> <li>Day Care Facility<sup>1</sup></li> <li>Home Business<sup>1</sup></li> <li>Home Activity</li> <li>Tuck Shop/Kiosk shop<sup>1</sup></li> <li>Telecommunications infrastructure</li> </ul>			Buildings and land uses not listed in the other two columns.	
DEVELOPMENT CONTROLS						
Height (Storey)	Intensity (Min. Erf)	Coverage (%)	FAR	Building Line (m)	Side space (m)	Rear Space (m)
2	250m <sup>2</sup>	60%	0.6	2m	1m	1m
ADDITIONAL CONTROLS						
<b>Riders</b>						
i. <sup>1</sup> Consent process may be waived if the applicant has obtained written consent from adjoining neighbours						
ii. Outbuildings accommodation shall be single storeyed provided that the Municipality may, by special consent, waive compliance with this requirement, if it is satisfied that						

<p>the proposal will not unduly interfere with the amenities of the existing neighbourhood, or as contemplated by the scheme; provided further, that the Municipality may waive compliance with the special consent procedure, if the prior written consent of the registered owner of each adjoining property and such other properties as the Municipality may direct, has first been obtained.</p> <p>iii. Building line, side or rear space requirements for swimming pools shall be 1.0m, provided that such pool is screened to the satisfaction of the Municipality.</p> <p>iv. Building lines of roads under the responsibility of the KZN Department of Transport must have a building line of 15m, or to the satisfaction of the KZN Department of Transport.</p>
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### 7.1.2. RESIDENTIAL ONLY DETACHED 600M<sup>2</sup>

Table 5: Residential Only Detached 600m<sup>2</sup>

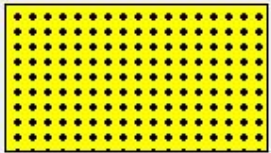
<p><b>Notation:</b></p> 		<p><b>STATEMENT OF INTENT:</b> This zone promotes the development of primarily detached dwelling units, and a limited number of compatible ancillary uses, which have a non-disruptive impact on a neighborhood amenity, may be allowed. Such zone is intended to be and is subject to the availability of adequate bulk infrastructure.</p>				
LAND USE CONTROLS						
Permitted Uses		Consent Uses			Prohibited Uses	
<ul style="list-style-type: none"> <li>Dwelling House</li> <li>Utilities and Services</li> </ul>		<ul style="list-style-type: none"> <li>Bed and Breakfast Establishment</li> <li>Crèche</li> <li>Multiple-Unit Development</li> <li>Day Care Facility<sup>1</sup></li> <li>Home Business<sup>1</sup></li> <li>Home Activity</li> <li>Tuck Shop/Kiosk</li> <li>Telecommunications infrastructure</li> <li>Second dwelling<sup>1</sup></li> </ul>			Buildings and land uses not listed in the other two columns.	
DEVELOPMENT CONTROLS						
Height (Storey)	Intensity (Min. Erf)	Coverage (%)	FAR	Building Line (m)	Side space (m)	Rear Space (m)
2	601m <sup>2</sup>	70	0.7	3m	1m	1m
ADDITIONAL CONTROLS						
<p><b>Riders</b></p> <p>1. <sup>1</sup>Consent process may be waived if the applicant has obtained written consent from adjoining neighbours</p>						
ADDITIONAL CONTROLS						
<p>i. Outbuildings accommodation shall be single storeyed provided that the Municipality may, by special consent, waive compliance with this requirement, if it is satisfied that</p>						

the proposal will not unduly interfere with the amenities of the existing neighbourhood, or as contemplated by the scheme; provided further, that the Municipality may waive compliance with the special consent procedure, if the prior written consent of the registered owner of each adjoining property and such other properties as the Municipality may direct, has first been obtained.

- ii. Building line, side or rear space requirements for swimming pools shall be 1.0m; provided that such pool is screened to the satisfaction of the Municipality
- iii. Single storey outbuildings detached from the main building, and greater than 1.0m behind and parallel to the main dwelling, may be erected closer to the side and rear spaces than herein specified.
- iv. Building lines of roads under the responsibility of the KZN Department of Transport must have a building line of 15m, or to the satisfaction of the KZN Department of Transport.

### 7.1.3. RESIDENTIAL ONLY DETACHED 1000 M<sup>2</sup>


Table 6: Residential Only Detached 1000m<sup>2</sup>

<p><b>Notation:</b></p> 		<p><b>STATEMENT OF INTENT:</b> This zone permits the development of primarily detached dwelling units but does permit multi-family dwellings; and a number of compatible uses may be allowed, provided they do not have a disruptive impact on the neighborhood amenity.</p>				
LAND USE CONTROLS						
Permitted Uses		Consent Uses			Prohibited Uses	
<ul style="list-style-type: none"> <li>• Dwelling House</li> <li>• Utilities and Services</li> </ul>		<ul style="list-style-type: none"> <li>• Bed and Breakfast Establishment</li> <li>• Crèche</li> <li>• Day Care Facility<sup>1</sup></li> <li>• Home Business<sup>1</sup></li> <li>• Home activity</li> <li>• Offices</li> <li>• Place of Public Assembly</li> <li>• Place of Worship</li> <li>• Private Open Space</li> <li>• Recreational Area</li> <li>• Telecommunications infrastructure</li> <li>• Second dwelling<sup>1</sup></li> </ul>			Buildings and land uses not listed in the other two columns.	
DEVELOPMENT CONTROLS						
Height (Storey)	Intensity (Min. Erf)	Coverage (%)	FAR	Building Line (m)	Side space (m)	Rear Space (m)
2	1001m <sup>2</sup>	50%	0.5	4m	2m	2m
ADDITIONAL CONTROLS						

<b>Riders</b>
1. <sup>1</sup> Consent process may be waived if the applicant has obtained written consent from adjoining neighbours
<b>ADDITIONAL CONTROLS</b>
<ul style="list-style-type: none"> <li>i. A third storey may be permitted subject to the gradient exceeding 1:14, and a Special Consent Procedure being applied for by the owner.</li> <li>ii. Outbuildings accommodation shall be single storeyed provided that the Municipality may, by special consent, waive compliance with this requirement, if it is satisfied that the proposal will not unduly interfere with the amenities of the existing neighbourhood, or as contemplated by the scheme; provided further, that the Municipality may waive compliance with the special consent procedure, if the prior written consent of the registered owner of each adjoining property and such other properties as the Municipality may direct, has first been obtained.</li> <li>iii. Building line, side or rear space requirements for swimming pools shall be 1.0m, provided that such pool is screened to the satisfaction of the Municipality.</li> <li>iv. Building lines of roads under the responsibility of the KZN Department of Transport must have a building line of 15m, or to the satisfaction of the KZN Department of Transport.</li> </ul>

7.1.4. RESIDENTIAL ONLY DETACHED 2000M<sup>2</sup>


Table 7: Residential Only Detached 2000m<sup>2</sup>

<p><b>Notation:</b></p> 	<p><b>STATEMENT OF INTENT:</b> This zone permits the development of primarily detached dwelling units but does permit multi-family dwellings; and a number of compatible uses may be allowed, provided they do not have a disruptive impact on the neighborhood amenity.</p>	
<b>LAND USE CONTROLS</b>		
<b>Permitted Uses</b>	<b>Consent Uses</b>	<b>Prohibited Uses</b>
<ul style="list-style-type: none"> <li>• Dwelling House</li> <li>• Utilities and Services</li> </ul>	<ul style="list-style-type: none"> <li>• Bed and Breakfast Establishment</li> <li>• Crèche</li> <li>• Multiple Unit Development</li> <li>• Day Care Facility<sup>1</sup></li> <li>• Guesthouse</li> <li>• Home Business<sup>1</sup></li> <li>• Home activity</li> <li>• Offices</li> <li>• Place of Public Assembly</li> <li>• Place of Worship</li> <li>• Private Open Space</li> <li>• Recreational Area</li> <li>• Telecommunications infrastructure</li> <li>• Second dwelling<sup>1</sup></li> </ul>	<p>Buildings and land uses not listed in the other two columns.</p>

<b>DEVELOPMENT CONTROLS</b>						
<b>Height (Storey)</b>	<b>Intensity (Min. Erf)</b>	<b>Coverage (%)</b>	<b>FAR</b>	<b>Building Line (m)</b>	<b>Side space (m)</b>	<b>Rear Space (m)</b>
2	2000m <sup>2</sup>	50%	0.5	4m	2m	2m
<b>ADDITIONAL CONTROLS</b>						
<b>Riders</b>						
1. <sup>1</sup> Consent process may be waived if the applicant has obtained written consent from adjoining neighbours						
<b>ADDITIONAL CONTROLS</b>						
<ul style="list-style-type: none"> <li>v. A third storey may be permitted subject to the gradient exceeding 1:14, and a Special Consent Procedure being applied for by the owner.</li> <li>vi. Outbuildings accommodation shall be single storeyed provided that the Municipality may, by special consent, waive compliance with this requirement, if it is satisfied that the proposal will not unduly interfere with the amenities of the existing neighbourhood, or as contemplated by the scheme; provided further, that the Municipality may waive compliance with the special consent procedure, if the prior written consent of the registered owner of each adjoining property and such other properties as the Municipality may direct, has first been obtained.</li> <li>vii. Building line, side or rear space requirements for swimming pools shall be 1.0m, provided that such pool is screened to the satisfaction of the Municipality.</li> <li>viii. Building lines of roads under the responsibility of the KZN Department of Transport must have a building line of 15m, or to the satisfaction of the KZN Department of Transport.</li> </ul>						

#### 7.1.5. RESIDENTIAL ONLY HIGH DENSITY


Table 8: Residential Only High-Density

<p><b>Notation:</b></p> 	<p><b>STATEMENT OF INTENT:</b> This zone is intended to promote the development of multi-unit residential units for a wide range of residential accommodation at a high density; together with a mix of compatible ancillary uses to meet the needs of a broader community and to achieve densification of urban land.</p>	
<b>LAND USE CONTROLS</b>		
<b>Permitted Uses</b>	<b>Consent Uses</b>	<b>Prohibited Uses</b>
<ul style="list-style-type: none"> <li>• Bed and Breakfast Establishment</li> <li>• Dwelling House</li> <li>• Multiple-Unit Development</li> <li>• Multiple-Unit Development</li> </ul>	<ul style="list-style-type: none"> <li>• Crèche</li> <li>• Day Care Facility</li> <li>• Guesthouse</li> <li>• Home Business</li> <li>• Launderette</li> <li>• Hotel</li> <li>• Offices</li> <li>• Place of Instruction</li> </ul>	Buildings and land uses not listed in the other two columns.

<ul style="list-style-type: none"> <li>Residential Building</li> <li>Utilities and Services</li> </ul>	<ul style="list-style-type: none"> <li>Place of Public Assembly<sup>1</sup></li> <li>Private Open Space<sup>1</sup></li> <li>Recreational Area</li> <li>Recreational Building<sup>1</sup></li> <li>Shop</li> <li>Telecommunications infrastructure</li> <li>Tuck Shop/Kiosk</li> </ul>					
DEVELOPMENT CONTROLS						
Height (Storey)	Intensity (Min. Erf)	Coverage (%)	FAR	Building Line (m)	Side space (m)	Rear Space (m)
3	2000m <sup>2</sup>	30%	0.75	2.5m	3m	3m
ADDITIONAL CONTROLS						
<b>Riders</b>						
<ul style="list-style-type: none"> <li>i. <sup>1</sup>Ancillary to the main use and for the exclusive use of residents</li> <li>ii. Building lines of roads under the responsibility of the KZN Department of Transport must have a building line of 15m, or to the satisfaction of the KZN Department of Transport.</li> </ul>						

### 7.1.6. RURAL RESIDENTIAL (IMIZI)

Table 9: Rural Residential (Imizi)


<p><b>Notation:</b></p> 	<p><b>STATEMENT OF INTENT:</b> This zone is intended to preserve and use land and buildings for the development of rural settlements on communally owned land or land under the jurisdiction of Ingonyama Trust Board, Traditional Authorities/Councils or land in the name of a Community Trust. The bulk of community trust land is subject to the provisions of the Subdivision of Agricultural Land Act, 1970 (Act No 70 of 70) and its successors in law.</p>	
Land Use Controls		
Permitted Uses	Consent Uses	Non-Preferred Uses
<ul style="list-style-type: none"> <li>Agricultural Building</li> <li>Agricultural Land</li> <li>Dwelling House</li> <li>Home Activity</li> <li>Home Business</li> <li>Inkantolo Ye Nkosi</li> <li>Isigodlo</li> <li>Nursery Garden</li> <li>Residential Building</li> <li>Tuck Shop/Kiosk</li> </ul>	<ul style="list-style-type: none"> <li>Agricultural Industry<sup>1</sup></li> <li>Arts and Crafts Centre<sup>1</sup></li> <li>Bed and Breakfast Establishment<sup>1</sup></li> <li>Burial Ground</li> <li>Car Wash Facilities<sup>1</sup></li> <li>Commercial Workshop<sup>1</sup></li> <li>Cottages (imiqasho)<sup>1</sup></li> <li>Crèche<sup>1</sup></li> <li>Day Care Facility <sup>1</sup></li> <li>Events Venue<sup>1</sup></li> <li>Farm Stall<sup>1</sup></li> <li>Fresh produce market</li> </ul>	<p>Buildings and land uses not listed in the other two columns.</p>

Shop • Umuzi • Utilities and Services	• Guesthouse <sup>1</sup> • Place of Worship <sup>1</sup> • Shop <sup>1</sup> • Tavern <sup>1</sup> • Telecommunication infrastructure					
DEVELOPMENT CONTROLS						
Height (Storeys)	Intensity (Min. Erf)	Coverage (%)	FAR	Building Line (m)	Side Space (m)	Rear Space (m)
3	250m <sup>2</sup>	30%	0.30	2.5m	2.5m	2.5m
Riders						
<sup>1</sup> Consent process may be waived if the applicant has obtained written consent from adjoining neighbours						
Additional Controls						
i. For all rezoning and consent uses, the written consent of the Traditional Council and the Ingonyama Trust Board must be obtained prior to municipal approval. ii. Building lines of roads under the responsibility of the KZN Department of Transport must have a building line of 15m, or to the satisfaction of the KZN Department of Transport.						

## 6.2. MIXED USE ZONES

### 7.1.7. CORE MIXED USE


Table 10: Core Mixed Use

<b>Notation:</b> 	<b>STATEMENT OF INTENT:</b> This zone makes provision for the development and management of land in and around a central business district. The zone permits a wide range of land uses combining commercial, trade, office, administration, cultural, residential and low impact industrial activities and developments so as to enable a special mix of development to occur.	
LAND USE CONTROLS		
Permitted Uses	Consent Uses	Prohibited Uses
<ul style="list-style-type: none"> <li>• Arts and Craft Workshop</li> <li>• Automotive Workshop</li> <li>• Automotive showroom</li> <li>• Builders Yard</li> <li>• Betting depot</li> <li>• Carwash facility</li> <li>• Commercial workshop</li> <li>• Educational Building</li> <li>• Informal Trading Area</li> </ul>	<ul style="list-style-type: none"> <li>• Agricultural land</li> <li>• Bus and Taxi Rank Facilities</li> <li>• Conference Centre</li> <li>• Crèche</li> <li>• Day Care Centre</li> <li>• Funeral Parlour</li> <li>• Institution</li> <li>• Municipal Purpose</li> <li>• Place of Instruction</li> <li>• Place of Public Amusement</li> </ul>	Buildings and land uses not listed in the other two columns.

<ul style="list-style-type: none"> <li>• Launderette</li> <li>• Medical Centre</li> <li>• Office (General)</li> <li>• Office (Medical)</li> <li>• Office (Public)</li> <li>• Parking area</li> <li>• Parking Garage</li> <li>• Private Open Space</li> <li>• Public parking area</li> <li>• Recreational Area</li> <li>• Recreational Building</li> <li>• Residential Building<sup>1</sup></li> <li>• Restaurant</li> <li>• Service Station</li> <li>• Shop</li> <li>• Tavern</li> <li>• Tuck Shop/Kiosk</li> <li>• Utilities and Services</li> </ul>	<ul style="list-style-type: none"> <li>• Telecommunication infrastructure</li> <li>• Veterinary Clinic</li> <li>• Warehouse</li> </ul>					
DEVELOPMENT CONTROLS						
Height (Storey)	Intensity (Min. Erf)	Coverage (%)	FAR	Building Line (m)	Side space (m)	Rear Space (m)
4	1000m <sup>2</sup>	80%	1	Nil	Nil	2m
ADDITIONAL CONTROLS						
<b>Riders</b>						
<sup>1</sup> Residential use shall not be permitted on the ground floor of a composite building						
Additional Controls						
<ul style="list-style-type: none"> <li>i. An application for an increased area for development is subject to the undertaking of a Traffic Impact Assessment which is to be undertaken at the cost of the owner.</li> <li>ii. Building lines of roads under the responsibility of the KZN Department of Transport must have a building line of 15m, or to the satisfaction of the KZN Department of Transport.</li> </ul>						

### 7.1.8. MEDIUM IMPACT MIXED USE


Table 11: Medium Impact Mixed Use

<p><b>Notation:</b></p> 	<p><b>STATEMENT OF INTENT:</b> This zone makes provision for the development and management of land in and around the CBD and other designated areas. The zone permits a limited range of land uses combining commercial, trade, office, administration, residential and low impact commercial activities and developments.</p>	
LAND USE CONTROLS		
Permitted Uses	Consent Uses	Prohibited Uses
<ul style="list-style-type: none"> <li>• Arts and Craft Workshop</li> <li>• Automotive Workshop</li> <li>• Funeral Parlour</li> <li>• Informal Trade</li> </ul>	<ul style="list-style-type: none"> <li>• Betting depot</li> <li>• Bus and Taxi Rank Facilities</li> <li>• Car wash facility</li> <li>• Composite building</li> <li>• Day Care Facility<sup>1</sup></li> </ul>	<p>Buildings and land uses not listed in the other two columns.</p>

<p>Area</p> <ul style="list-style-type: none"> <li>• Launderette</li> <li>• Medical Centre</li> <li>• Nursery Garden</li> <li>• Office (General)</li> <li>• Office (Medical)</li> <li>• Office (Public)</li> <li>• Place of Public Assembly</li> <li>• Private Open Space</li> <li>• Residential Building</li> <li>• Restaurant</li> <li>• Shop</li> <li>• Tuck Shop/Kiosk</li> <li>• Utilities and Services</li> </ul>	<ul style="list-style-type: none"> <li>• Educational Building</li> <li>• Funeral Parlour</li> <li>• Service Station</li> <li>• Place of Public Amusement</li> <li>• Place of Public Assembly</li> <li>• Place of Worship</li> <li>• Public Parking Area</li> <li>• Recreational Building</li> <li>• Tavern</li> <li>• Telecommunication infrastructure</li> <li>• Veterinary Clinic</li> <li>• Warehouse</li> </ul>					
DEVELOPMENT CONTROLS						
Height (Storey)	Intensity (Min. Erf)	Coverage (%)	FAR	Building Line (m)	Side space (m)	Rear Space (m)
2	450m <sup>2</sup>	70%	1	3m	2m	2m
ADDITIONAL CONTROLS						
<p>i. An application for an increased area for development is subject to the undertaking of a Traffic Impact Assessment which is to be undertaken at the cost of the owner.</p> <p>ii. Building lines of roads under the responsibility of the KZN Department of Transport must have a building line of 15m, or to the satisfaction of the KZN Department of Transport.</p>						

### 7.1.9. LIMITED MIXED USE ZONE 1


Table 12: Limited Mixed Use Zone 1

<p><b>Notation:</b></p> 	<p><b>STATEMENT OF INTENT:</b> A zone that provides for a wide range of recreational, entertainment, tourist, residential, shopping and business or commercially related activities, in such a way that the uses contribute towards the creation of a dynamic, harmonious and well-balanced zone.</p>	
LAND USE CONTROLS		
Permitted Uses	Consent Uses	Prohibited Uses
<ul style="list-style-type: none"> <li>• Arts and Crafts Workshop</li> <li>• Automotive Workshop</li> <li>• Carwash Facilities</li> <li>• Conference Centre</li> <li>• Dwelling House</li> <li>• Educational</li> </ul>	<ul style="list-style-type: none"> <li>• Chalet Development</li> <li>• Multiple-Unit Development</li> <li>• Medical Centre</li> <li>• Telecommunications Infrastructure</li> <li>• Service Station</li> </ul>	<p>Buildings and land uses not listed in the other two columns.</p>

Building <ul style="list-style-type: none"> <li>• Hotel</li> <li>• Office (General)</li> <li>• Office (Medical)</li> <li>• Office (Public)</li> <li>• Place of Instruction</li> <li>• Place of Public Amusement</li> <li>• Place of Public Assembly</li> <li>• Recreational Building</li> <li>• Residential Building</li> <li>• Restaurant</li> <li>• Shop</li> <li>• Utilities and Services</li> </ul>	<ul style="list-style-type: none"> <li>• Place of Worship</li> </ul>					
DEVELOPMENT CONTROLS						
Height (Storey)	Intensity (Min. Erf)	Coverage (%)	FAR	Building Line (m)	Side space (m)	Rear Space (m)
5	450m <sup>2</sup>	70%	0.8	5m	2m	2m
ADDITIONAL CONTROLS						
i. An application for an increased area for development is subject to the undertaking of a Traffic Impact Assessment which is to be undertaken at the cost of the owner. ii. Shops, Restaurant and Fast-food Outlets are restricted to ground floor only. iii. Building lines of roads under the responsibility of the KZN Department of Transport must have a building line of 15m, or to the satisfaction of the KZN Department of Transport.						

### 6.2.1. LIMITED MIXED-USE ZONE 2

Table 13: Limited Mixed Use Zone 2


<p><b>Notation:</b></p> 	<p><b>STATEMENT OF INTENT:</b> A zone that provides for a wide range of recreational, entertainment, tourist, residential, shopping and business or commercially related activities, which may include a service station ancillary uses commonly found in Service Stations which includes a car wash facility, a convenience store, restaurant and includes a bakery for the production of products sold in the convenience store.</p>	
LAND USE CONTROLS		
Permitted Uses	Consent Uses	Prohibited Uses
<ul style="list-style-type: none"> <li>• Car wash facility</li> <li>• Dwelling House<sup>1</sup></li> <li>• Office</li> <li>• Private Open Space<sup>2</sup></li> </ul>	<ul style="list-style-type: none"> <li>• Automotive Workshop</li> <li>• Automotive showroom</li> <li>• Telecommunication infrastructure</li> </ul>	Buildings and land uses not listed in the other two columns.

<ul style="list-style-type: none"> <li>• Restaurant</li> <li>• Service Station</li> <li>• Shop<sup>2</sup></li> <li>• Utilities and Services</li> </ul>						
DEVELOPMENT CONTROLS						
Height	Intensity (Min. Erf)	Coverage (%)	FAR	Building Line (m)	Side space (m)	Rear Space (m)
2	2000m <sup>2</sup>	60	0.6	7m	3m	3m
RIDERS						
<ol style="list-style-type: none"> <li><sup>1</sup>For the purpose of this clause, only one dwelling unit of not more than 60m<sup>2</sup> shall be permitted to accommodate a manager, foreman or caretaker.</li> <li><sup>2</sup>Ancillary to the main use (not exceeding 400m<sup>2</sup> in extent)</li> </ol>						
ADDITIONAL CONTROLS						
<ol style="list-style-type: none"> <li>The Municipality may request additional controls in relation to ingress and egress and other traffic related matters in conjunction with the Department of Transport regulations and provincial policy guidelines.</li> <li>Any site considered for the establishment of a petrol filling station needs to have sufficient area and width/depth that allows the safe parking of delivery tankers and vehicles on site.</li> <li>In considering applications for the establishment of petrol filling stations, the need for a new site needs to be assessed and have regard to the location of other existing stations in the area.</li> <li>Pump islands shall not be less than 5 metres from any boundary of the site and all traffic routes within the forecourt area shall have a minimum width of 5 metres.</li> <li>A Restaurant/Fast Food Outlet and Shop is permitted when ancillary to a Fueling and Service Station and not to exceed a combined floor area of 400m<sup>2</sup> in extent.</li> <li>Building lines of roads under the responsibility of the KZN Department of Transport must have a building line of 15m, or to the satisfaction of the KZN Department of Transport.</li> </ol>						

### 6.3. INDUSTRY

#### 6.3.1. SERVICE INDUSTRY


Table 14: Service Industry

<p><b>Notation:</b></p> 	<p><b>STATEMENT OF INTENT:</b> This zone allows for a limited range of low service industrial activities catering specifically for the local customer, and includes a builder's yard and allied trades, laundry, bakery, dairy, dry-cleaning and similar types of uses.</p>	
LAND USE CONTROLS		
Permitted Uses	Consent Uses	Prohibited Uses
<ul style="list-style-type: none"> <li>• Arts and Craft Workshop</li> <li>• Automotive Showroom</li> <li>• Automotive Workshop</li> <li>• Builders Yard</li> </ul>	<ul style="list-style-type: none"> <li>• Funeral Parlour</li> <li>• Light Industrial Building</li> <li>• Private Recreation Area</li> <li>• Recreational Building</li> <li>• Restaurant</li> </ul>	<p>Buildings and land uses not listed in the other two columns.</p>

<ul style="list-style-type: none"> <li>• Canteen</li> <li>• Carwash facility</li> <li>• Commercial Workshop</li> <li>• Dwelling House<sup>1</sup></li> <li>• Launderette</li> <li>• Parking Area</li> <li>• Service Industrial Building</li> <li>• Warehouse</li> <li>• Utilities and Services</li> </ul>	<ul style="list-style-type: none"> <li>• Service Station</li> <li>• Shop</li> <li>• Telecommunications infrastructure</li> </ul>					
DEVELOPMENT CONTROLS						
Height (Storey)	Intensity (Min. Erf)	Coverage (%)	FAR	Building Line (m)	Side space (m)	Rear Space (m)
2	900m <sup>2</sup>	50	0.5	7.5	2	2
ADDITIONAL CONTROLS						
<b>Riders</b>						
<ul style="list-style-type: none"> <li>i. <sup>1</sup>For the purpose of this clause, only one dwelling unit of not more than 60m<sup>2</sup> shall be permitted to accommodate a manager, foreman or caretaker.</li> <li>ii. Building lines of roads under the responsibility of the KZN Department of Transport must have a building line of 15m, or to the satisfaction of the KZN Department of Transport.</li> </ul>						

### 6.3.2. LIGHT INDUSTRY


Table 15: Light Industry

<p><b>Notation:</b></p> 	<p><b>STATEMENT OF INTENT:</b> This zone permits low impact industrial activities which are compatible with land uses permitted in and adjacent more sensitive land use zones, such as residential, mixed use and open space zones. As a light industrial zone, it would permit industrial activities that usually do not involve significant vibration, noise, dust, odour, or high-volume automobile and truck traffic. Warehousing of materials considered non-noxious or non-hazardous are permitted in buildings in this zone, with possible conditions.</p>	
LAND USE CONTROLS		
Permitted Uses	Consent Uses	Prohibited Uses
<ul style="list-style-type: none"> <li>• Automotive Showroom</li> <li>• Automotive Workshop</li> <li>• Builders Yard</li> <li>• Canteen</li> <li>• Car Wash Facility</li> <li>• Commercial Workshop</li> <li>• Dwelling House<sup>1</sup></li> <li>• Light Industrial Building</li> <li>• Manufacturing</li> </ul>	<ul style="list-style-type: none"> <li>• Crematoria</li> <li>• Educational Building</li> <li>• Funeral Parlour</li> <li>• Launderette</li> <li>• Parking Garage</li> <li>• Private Open Space</li> <li>• Recreational Building</li> <li>• Restaurant</li> <li>• Service Station</li> <li>• Telecommunication infrastructure</li> <li>• Veterinary Clinic</li> <li>• Fuel Storage Tank</li> </ul>	<p>Buildings and land uses not listed in the other two columns.</p>

<ul style="list-style-type: none"> <li>• Office (General)</li> <li>• Offices</li> <li>• Recycling Facilities</li> <li>• Service Industrial Building</li> <li>• Shop</li> <li>• Storage Facility</li> <li>• Tuck Shop/Kiosk</li> <li>• Warehouse</li> <li>• Utilities and Services</li> </ul>						
<b>DEVELOPMENT CONTROLS</b>						
Height (Storey)	Intensity (Min. Erf)	Coverage (%)	FAR	Building Line (m)	Side space (m)	Rear Space (m)
2	1000m <sup>2</sup>	60%	0.6	4m	2m	2m
<b>RIDERS</b>						
1. <sup>1</sup> For the purpose of this clause, only one dwelling unit of not more than 60m <sup>2</sup> shall be permitted to accommodate a manager, foreman or caretaker.						
<b>ADDITIONAL CONTROLS</b>						
<ul style="list-style-type: none"> <li>i. All uses take place within enclosed buildings, with no exterior indications of such activity or need for outdoor storage.</li> <li>ii. Warehousing of materials considered non-obnoxious or non-hazardous are permitted in buildings in this zone, with possible conditions.</li> <li>iii. Outdoor storage, as an ancillary use, would be extremely limited if not outright prohibited. Office uses would be permitted with conditions in this zone. i.e., with a Consent Use Procedure. Retail stores are limited as ancillary uses to permitted manufacturing uses (i.e., the selling of products manufactured on site).</li> <li>iv. A Dwelling House may be permitted to accommodate a manager, foreman, caretaker or security personnel</li> <li>v. Building lines of roads under the responsibility of the KZN Department of Transport must have a building line of 15m, or to the satisfaction of the KZN Department of Transport.</li> </ul>						

### 6.3.3. GENERAL INDUSTRY

Table 16: General Industry


<p><b>Notation:</b></p> 	<p><b>STATEMENT OF INTENT:</b> A zone that permits manufacturing uses which may not be compatible with other manufacturing uses and includes activities that may produce significant vibration, noise, odour or high-volume automobile and truck traffic.</p>	
<b>LAND USE CONTROLS</b>		
Permitted Uses	Consent Uses	Prohibited Uses
<ul style="list-style-type: none"> <li>• Builders Yard</li> <li>• Dwelling House<sup>1</sup></li> <li>• Factory</li> <li>• Funeral Parlour</li> </ul>	<ul style="list-style-type: none"> <li>• Abattoir</li> <li>• Bus and Taxi Rank Facility</li> <li>• Container Depot</li> <li>• Crematoria</li> </ul>	Buildings and land uses not listed in the other two columns.

<ul style="list-style-type: none"> <li>• Canteen</li> <li>• General Industrial Building</li> <li>• Launderette</li> <li>• Light Industrial Building</li> <li>• Manufacturing Mortuary</li> <li>• Offices</li> <li>• Recycling Facilities</li> <li>• Scrapyard</li> <li>• Service Industrial Building</li> <li>• Storage Facility</li> <li>• Transport Depot</li> <li>• Truck Stop</li> <li>• Tuck Shop/Kiosk</li> <li>• Warehouse</li> <li>• Utilities and Services</li> </ul>	<ul style="list-style-type: none"> <li>• Municipal Purposes</li> <li>• Parking Garage</li> <li>• Service Station</li> <li>• Private Open Space</li> <li>• Recreational Building</li> <li>• Restaurant</li> <li>• Telecommunication infrastructure</li> <li>• Utilities and Services</li> <li>• Waste Transfer Site</li> </ul>					
DEVELOPMENT CONTROLS						
Height (Storey)	Intensity (Min. Erf)	Coverage (%)	FAR	Building Line (m)	Side space (m)	Rear Space (m)
3	2000m <sup>2</sup>	60	0.6	4m	2m	2m
RIDERS						
1. <sup>1</sup> Ancillary to the main use						
ADDITIONAL CONTROLS						
<p>i. Outdoor storage, as an ancillary use, may be permitted in the zone, subject to certain restrictions involving the amount of area permitted on an erf, setbacks, screening, and possibly the type of materials permitted to be stored outdoors; i.e. via a Consent Use procedure.</p> <p>ii. Office uses, retail stores, and certain eating establishments will be permitted in the zone with certain conditions. The intention is to ensure that office use is limited in size and scale and is permitted to function with permitted manufacturing and warehouse uses. Retail stores and eating establishments shall be permitted for the purposes of servicing manufacturing and warehouse uses in all of the employment industrial zones. Financial institutions, kennels, pet services, service shops, and showrooms would be permitted uses in the zone.</p> <p>iii. Building lines of roads under the responsibility of the KZN Department of Transport must have a building line of 15m, or to the satisfaction of the KZN Department of Transport.</p>						

#### 6.3.4. EXTRACTIVE INDUSTRY

Table 17: Extractive Industry


<b>Notation:</b>	<b>STATEMENT OF INTENT:</b> The purpose of the Zone will be to accommodate a range of industrial processes such as mining, winning or quarrying of raw materials from the ground, including gravel, sand and stone and includes buildings connected with such operations and crushing plant. There are properties within
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	this zone which are subject to the provisions of the Subdivision of Agricultural Land Act, 1970 (Act No 70 of 70) and its successors in law. Prior to any change of land use or subdivision, approval must be granted in terms of the Subdivision of Agricultural Land Act, 1970 (Act No 70 of 70) and its successors in law.					
LAND USE CONTROLS						
Permitted Uses		Consent Uses			Prohibited Uses	
<ul style="list-style-type: none"> <li>• Agricultural Industry</li> <li>• Quarrying and Mining</li> <li>• Manufacturing</li> <li>• Recycling Facilities</li> <li>• Tuck Shop/Kiosk</li> <li>• Utilities and Services</li> </ul>		<ul style="list-style-type: none"> <li>• General Industrial Building<sup>1</sup></li> <li>• Light Industrial Building<sup>1</sup></li> <li>• Manufacturing</li> <li>• Private Open Space<sup>1</sup></li> <li>• Recreational Building<sup>1</sup></li> <li>• Shop</li> <li>• Special Industrial Building</li> <li>• Telecommunication infrastructure</li> <li>• Utilities and Services</li> </ul>			Buildings and land uses not listed in the other two columns.	
DEVELOPMENT CONTROLS						
Height (Storey)	Intensity (Min. Erf)	Coverage (%)	FAR	Building Line (m)	Side space (m)	Rear Space (m)
N/A	N/A	N/A	N/A	N/A	N/A	N/A
RIDERS						
1. <sup>1</sup> Ancillary to the main use						
ADDITIONAL CONTROLS						
i. Notwithstanding the provisions of this zone, the land uses are restricted to the extraction of raw materials; however, a dwelling to accommodate a manager or caretaker's flat (limited to 200m <sup>2</sup> ) may be permitted.						
ii. Building lines of roads under the responsibility of the KZN Department of Transport must have a building line of 15m, or to the satisfaction of the KZN Department of Transport.						

## 6.4. CIVIC AND SOCIAL

### 6.4.1. EDUCATION

Table 18: Education

<b>Notation:</b> 	<b>STATEMENT OF INTENT:</b> This zone makes provision for pre-primary, primary, secondary and tertiary educational facilities including adult education and training centers. This includes land uses and facilities incidental to the provision of education such as staff accommodation, recreational facilities, dining areas, launderette and other uses					
LAND USE CONTROLS						
Permitted Uses		Consent Uses			Prohibited Uses	
<ul style="list-style-type: none"> <li>• Place of Instruction</li> <li>• Crèche</li> <li>• Agricultural Building<sup>1</sup></li> <li>• Agricultural Land<sup>1</sup></li> </ul>		<ul style="list-style-type: none"> <li>• Institution</li> <li>• Restaurant</li> <li>• Telecommunications infrastructure</li> </ul>			Buildings and land uses not listed in the other two columns.	

<ul style="list-style-type: none"> <li>• Canteen</li> <li>• Day Care Facility</li> <li>• Dwelling House<sup>1</sup></li> <li>• Educational Building</li> <li>• Launderette<sup>1</sup></li> <li>• Offices</li> <li>• Place of Public Assembly</li> <li>• Place of Worship</li> <li>• Private Open Space</li> <li>• Recreational Building<sup>1</sup></li> <li>• Residential Building<sup>2</sup></li> <li>• Tuck Shop/Kiosk</li> <li>• Utilities and Services</li> </ul>	•					
DEVELOPMENT CONTROLS						
Height	Intensity (Min. Erf)	Coverage (%)	FAR	Building Line (m)	Side space (m)	Rear Space (m)
3	To the satisfaction of the municipality and the relevant Provincial Departments	50	0.5	5m	2.5m	2.5m
RIDERS						
<p>2.      <sup>1</sup>Ancillary to the main use</p> <p>3.      <sup>2</sup>Residential building restricted to the accommodation of students, educators and other staff of the educational establishment</p>						
ADDITIONAL CONTROLS						
<p>1. Residential buildings and dwelling house shall be limited to student and/or staff accommodation.</p> <p>2. Offices shall only be limited to offices ancillary to the primary activity.</p> <p>3. A shop shall only be limited to serving learners and staff.</p> <p>4. Building lines of roads under the responsibility of the KZN Department of Transport must have a building line of 15m, or to the satisfaction of the KZN Department of Transport.</p>						

#### 6.4.2. HEALTH AND WELFARE

Table 19: Health and Welfare

<p><b>Notation:</b></p> <div style="border: 2px solid pink; width: 150px; height: 60px; margin: 10px auto;"></div>	<p><b>STATEMENT OF INTENT:</b> This zone provides for the full range of public and private hospitals, medical centers, clinics, sanatorium, community care, welfare services and includes land use and facilities ancillary to the provision of health and welfare services such as staff accommodation, a restaurant, launderette etc.</p>
LAND USE CONTROLS	
Permitted Uses	Consent Uses
	<b>Prohibited Uses</b>

<ul style="list-style-type: none"> <li>• Clinic</li> <li>• Crèche</li> <li>• Canteen</li> <li>• Day Care Centre</li> <li>• Educational Building</li> <li>• Helipad</li> <li>• Hospital</li> <li>• Institution</li> <li>• Medical Centre</li> <li>• Municipal Purposes</li> <li>• Office (Medical)</li> <li>• Private Open Space</li> <li>• Tuck Shop/Kiosk</li> <li>• Animal Rehabilitation Centre</li> <li>• Utilities and Services</li> </ul>	<ul style="list-style-type: none"> <li>• Place of Instruction</li> <li>• Restricted Building</li> <li>• Telecommunications infrastructure</li> <li>• Multiple-Unit Development<sup>1</sup></li> <li>• Residential Building<sup>1</sup></li> </ul>	Buildings and land uses not listed in the other two columns.
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**DEVELOPMENT CONTROLS**

Height	Intensity (Min. Erf)	Coverage (%)	FAR	Building Line (m)	Side space (m)	Rear Space (m)
2	To the satisfaction of the Municipality and the relevant Provincial Departments	60	0.6	6m	4m	4m

**RIDERS**

1. <sup>1</sup>Limited to staff accommodation.


**ADDITIONAL CONTROLS**

- i. Norms and standards as implemented by the relevant national and provincial government shall apply.
- ii. Residential building, recreational building and restricted buildings shall be limited to those ancillaries to the primary uses.
- iii. Building lines of roads under the responsibility of the KZN Department of Transport must have a building line of 15m, or to the satisfaction of the KZN Department of Transport.

**6.4.3. COMMUNITY FACILITIES**

Table 20: Community Facilities


<b>Notation:</b>	<b>STATEMENT OF INTENT:</b> This zone permits the development of facilities that cater for the needs of the community such as
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	<p>community halls, recreational areas and sports facilities. This zone serves the purpose of enriching the residential community. This zone is also intended for land uses and facilities relating to National, Provincial and Local Government services and administration, general government services, including the administration of Traditional Council areas.</p>	
<p><b>LAND USE CONTROLS</b></p>		
<p><b>Permitted Uses</b></p>	<p><b>Consent Uses</b></p>	<p><b>Prohibited Uses</b></p>
<ul style="list-style-type: none"> <li>• Arts and Crafts Workshop</li> <li>• Canteen</li> <li>• Dwelling house</li> <li>• Medium Density Housing<sup>1</sup></li> <li>• Institution</li> <li>• Office</li> <li>• Magistrates Court</li> <li>• Place of Instruction</li> <li>• Place of Public Assembly</li> <li>• Place of Worship</li> <li>• Motor Vehicle Test Centre</li> <li>• Office (Public)</li> <li>• Private Open Space</li> <li>• Shop</li> <li>• Inkantolo yeNkosi</li> <li>• Recreational Building</li> <li>• Public Open Space</li> <li>• Parking Area</li> <li>• Parking Garage</li> <li>• Recycling Facilities</li> <li>• Educational Building</li> <li>• Transport Depot</li> <li>• Veterinary Clinic</li> <li>• Tuckshop/Kiosk</li> </ul>	<ul style="list-style-type: none"> <li>• Agricultural Land</li> <li>• Crèche</li> <li>• Day Care Facility</li> <li>• Car Wash Facilities</li> <li>• Place of Public Amusement</li> <li>• Telecommunication Infrastructure</li> <li>• Residential Building</li> <li>• Shop</li> <li>• Restricted Building</li> <li>• Restaurant</li> </ul>	<p>Buildings and land uses not listed in the other two columns.</p>

<ul style="list-style-type: none"> <li>• Service Industry Building</li> <li>• Utilities and Services</li> </ul>						
DEVELOPMENT CONTROLS						
Height	Intensity (Min. Erf)	Coverage (%)	FAR	Building Line (m)	Side space (m)	Rear Space (m)
2	500m <sup>2</sup>	60	0.6	5m	2.5m	2.5m
ADDITIONAL CONTROLS						
<ol style="list-style-type: none"> <li>1. Offices shall only be limited to offices ancillary to the primary activity.</li> <li>2. Norms and standards as implemented by the relevant national and provincial government shall apply.</li> <li>3. Residential building and restricted buildings shall be limited to that ancillary to the primary uses.</li> <li>4. Building lines of roads under the responsibility of the KZN Department of Transport must have a building line of 15m, or to the satisfaction of the KZN Department of Transport.</li> </ol>						

#### 6.4.4. WORSHIP


Table 21: Worship

<p><b>Notation:</b></p> 	<p><b>STATEMENT OF INTENT:</b> This zone is intended for land and buildings to be used as a church, chapel, oratory, synagogue, mosque, temple and other places of devotion and ancillary uses ordinarily associated thereto.</p>					
LAND USE CONTROLS						
Permitted Uses	Consent Uses			Prohibited Uses		
<ul style="list-style-type: none"> <li>• Place of Worship</li> <li>• Crèche</li> <li>• Day Care Facility</li> <li>• Dwelling House<sup>2</sup></li> <li>• Place of Instruction</li> <li>• Place of Public Assembly</li> <li>• Private Open Space</li> <li>• Private recreation Area</li> <li>• Utilities and Services</li> </ul>	<ul style="list-style-type: none"> <li>• Educational Building<sup>1</sup></li> <li>• Institution</li> <li>• Recreational Building<sup>1</sup></li> <li>• Telecommunication infrastructure</li> <li>• Office (Medical)</li> </ul>			Buildings and land uses not listed in the other two columns.		
DEVELOPMENT CONTROLS						
Height (Storey)	Intensity (Min. Erf)	Coverage (%)	FAR	Building Line (m)	Side space (m)	Rear Space (m)
2	N/A	60%	0.6	5m	2.5m	2.5m

RIDERS
<ol style="list-style-type: none"> <li><sup>1</sup>Ancillary to a Permitted Use</li> <li><sup>2</sup>Dwelling House is restricted to caretaker accommodation, with a maximum of 60m<sup>2</sup></li> </ol>
ADDITIONAL CONTROLS
<ol style="list-style-type: none"> <li>The site of a Place of Public Worship shall not simultaneously be the site of one or more Dwelling Units</li> <li>provided that the Municipality may grant its approval to the erection and use of one or more Dwelling Units, upon such site, to be used in conjunction with the use of such site as the site of a Place of Public Worship.</li> <li>Approval of an application for the establishment of a Place of Public Worship shall include measures to address noise abatement.</li> <li>Office use may be permitted if considered ancillary, for administration purposes, to a Place of Public Worship.</li> <li>A Medical office use may be permitted with the Special Consent of the Municipality only if providing a free service to the local community.</li> <li>Building lines of roads under the responsibility of the KZN Department of Transport must have a building line of 15m, or to the satisfaction of the KZN Department of Transport.</li> </ol>

#### 6.4.5. CEMETERY

Table 22: Cemetery


<p><b>Notation:</b></p> 	<p><b>STATEMENT OF INTENT:</b> This zone is intended for public and private cemeteries, memorial parks and funeral chapels.</p>					
Land Use Controls						
Permitted Uses	Consent Uses			Prohibited Uses		
<ul style="list-style-type: none"> <li>Burial Ground</li> <li>Cemetery</li> <li>Caretaker Accommodation Dwelling House</li> <li>Funeral Parlour</li> <li>Place of Worship</li> <li>Utilities and Services</li> </ul>	<ul style="list-style-type: none"> <li>Crematorium</li> <li>Telecommunication infrastructure</li> <li>Shop</li> </ul>			Buildings and land uses not listed in the other two columns.		
Development Controls						
Height (Storey)	Intensity (Min. Erf)	Coverage (%)	FAR	Building Line (m)	Side space (m)	Rear Space (m)
1	2000m <sup>2</sup>	10%	0.1	3m	2m	2m
RIDERS						
<ol style="list-style-type: none"> <li><sup>1</sup>A shop may be permitted on a Cemetery Site provided is to be restricted to the sale of items directly related to funerals and burials purposes such as flowers, gravestones and coffins.</li> </ol>						
ADDITIONAL CONTROLS						
<ol style="list-style-type: none"> <li>The establishment and operation of a cemetery is subject to conditions stipulated in the</li> </ol>						

municipal By-Law and relevant legislation.  
 2. Building lines of roads under the responsibility of the KZN Department of Transport must have a building line of 15m, or to the satisfaction of the KZN Department of Transport.

6.5. AGRICULTURE

6.5.1. URBAN AGRICULTURE

Table 23: Urban Agriculture

<p><b>Notation:</b></p> 		<p><b>STATEMENT OF INTENT:</b> This zone provides for land located in urban areas for agricultural purposes, which could serve as a buffer between urban areas and primary agricultural areas. Land in this zone can be utilized for small scale agricultural production, market gardening, horticulture, aquaculture, the keeping of limited livestock and community gardens.</p>				
LAND USE CONTROLS						
Permitted Uses		Consent Uses			Prohibited Uses	
<ul style="list-style-type: none"> <li>• Agricultural Building</li> <li>• Agricultural Land</li> <li>• Farm Stall<sup>2</sup></li> <li>• Home Activity</li> <li>• Home Business</li> <li>• Nature and Resource Conservation</li> <li>• Nursery Garden</li> <li>• Farmworker Accommodation</li> <li>• Utilities and Services</li> </ul>		<ul style="list-style-type: none"> <li>• Agricultural Industry</li> <li>• Arts and Craft Workshop</li> <li>• Bed and Breakfast Establishment</li> <li>• Crèche</li> <li>• Day Care Facility</li> <li>• Guesthouse</li> <li>• Hotel</li> <li>• Telecommunication infrastructure</li> </ul>			Buildings and land uses not listed in the other two columns.	
DEVELOPMENT CONTROLS						
Height (Storey)	Intensity (Min. Erf)	Coverage (%)	FAR	Building Line (m)	Side space (m)	Rear Space (m)
2	N/A	N/A	N/A	N/A	N/A	N/A
RIDERS						
<p>1. <sup>1</sup>Includes the main house and a farm managers accommodation</p> <p>2. <sup>2</sup>Farm stall shall limited to goods produced in the farm.</p> <p>3. <sup>3</sup>Residential Building is exclusively for the development of farm worker accommodation</p>						


**ADDITIONAL CONTROLS**

Not more than one dwelling house shall be erected on any erf,

- i. provided that where the erf is 2ha or greater in the Urban Agricultural zone, one additional dwelling house may be erected on the erf provided the applicant has submitted to the Municipality and received approval for a drawing showing that the land on which the additional dwelling house will stand is capable of being subdivided so that the subdivision will conform to the provisions of the Scheme; and
- ii. provided that the applicant furnishes the Municipality with an undertaking that any land required under the scheme for road construction or road widening purposes shall be transferred to the Municipality at dates to be determined by the Municipality.
- iii. Building lines of roads under the responsibility of the KZN Department of Transport must have a building line of 15m, or to the satisfaction of the KZN Department of Transport.

7.1.10. SMALLHOLDING


Table 24: Smallholding

<p><b>Notation:</b></p> 	<p><b>STATEMENT OF INTENT:</b> The development and management of land for small-scale agricultural activities and small holdings and related low-density residential uses. Land in this zone can be utilized for small scale agricultural production, market gardening, horticulture, aquaculture and the keeping of limited livestock. This zone is mainly intended for land that is subject to the provisions of the Subdivision of Agricultural Land Act, 1970 (Act No 70 of 70) and its successors in law. Prior to any change of land use or subdivision, approval must be granted in terms of the Subdivision of Agricultural Land Act, 1970 (Act No 70 of 70) and its successors in law.</p>	
<b>LAND USE CONTROLS</b>		
<b>Permitted Uses</b>	<b>Consent Uses</b>	<b>Prohibited Uses</b>
<ul style="list-style-type: none"> <li>• Additional Self-contained Residential Unit (or Additional Self-Contained Dwelling Unit)</li> <li>• Agricultural Building</li> <li>• Agricultural Land</li> <li>• Arts and Craft Workshop</li> <li>• Conservation Purposes</li> <li>• Dwelling House<sup>1</sup></li> <li>• Nursery Garden</li> <li>• Recreational Area</li> <li>• Private Open Space</li> <li>• Utilities and Services</li> </ul>	<ul style="list-style-type: none"> <li>• Agricultural Industry</li> <li>• Animal Rehabilitation Centre</li> <li>• Bed and Breakfast Establishment</li> <li>• Boarding House</li> <li>• Crèche</li> <li>• Day Care Facility<sup>3</sup></li> <li>• Educational Building</li> <li>• Events Venue</li> <li>• Farm Stall<sup>2</sup></li> <li>• Guesthouse</li> <li>• Home Activity</li> <li>• Home Business</li> <li>• Place of Worship</li> <li>• Restaurant</li> <li>• Telecommunication infrastructure</li> <li>• Veterinary Purposes</li> <li>• Place of Instruction</li> </ul>	<p>Buildings and land uses not listed in the other two columns.</p>

		<ul style="list-style-type: none"> <li>• Second dwelling<sup>3</sup></li> </ul>				
DEVELOPMENT CONTROLS						
Height (Storey)	Intensity (Min. Erf)	Coverage (%)	FAR	Building Line (m)	Side space (m)	Rear Space (m)
2	5000m <sup>2</sup>	N/A	N/A	N/A	N/A	N/A
RIDERS						
<ol style="list-style-type: none"> <li><sup>1</sup>Includes the main house and a farm managers accommodation</li> <li><sup>2</sup>The Farm Stall shall be limited to products produced on the farm</li> <li><sup>3</sup>Consent process may be waived if the applicant has obtained written consent from adjoining neighbours</li> <li>Building lines of roads under the responsibility of the KZN Department of Transport must have a building line of 15m, or to the satisfaction of the KZN Department of Transport.</li> </ol>						
ADDITIONAL CONTROLS						
<ol style="list-style-type: none"> <li>Building lines of roads under the responsibility of the KZN Department of Transport must have a building line of 15m, or to the satisfaction of the KZN Department of Transport.</li> </ol>						

#### 6.5.2. AGRICULTURE 1 (AGRICULTURE ONLY)


Table 25: Agriculture 1 (Agriculture Only)

<p><b>Notation:</b></p> 	<p><b>STATEMENT OF INTENT:</b> This zone is reserved for prime agricultural land and is intended for land and buildings where the primary activity is both intensive and extensive agricultural production of crops, livestock and other agricultural products. Ancillary land uses and facilities such as workshops for plant maintenance, processing of produce and farm worker accommodation are generally permissible, subject to compliance with the provision of the scheme. This zone is mainly intended for land that is subject to the provisions of the Subdivision of Agricultural Land Act, 1970 (Act No 70 of 70) and its successors in law. Prior to any change of land use or subdivision, approval must be granted in terms of the Subdivision of Agricultural Land Act, 1970 (Act No 70 of 70) and its successors in law.</p>	
LAND USE CONTROLS		
Permitted Uses	Consent Uses	Prohibited Uses
<ul style="list-style-type: none"> <li>• Abattoir</li> <li>• Agricultural Building</li> <li>• Agricultural Industry</li> <li>• Agricultural Land</li> <li>• Conservation Purposes</li> <li>• Dwelling House</li> <li>• Farm Stall<sup>1</sup></li> <li>• Game Farm</li> </ul>	<ul style="list-style-type: none"> <li>• Arts and Craft Workshop</li> <li>• Bed and Breakfast Establishment</li> <li>• Crèche</li> <li>• Day Care Facility</li> <li>• Educational Building</li> <li>• Events Venue</li> <li>• Guesthouse</li> <li>• Helipad</li> <li>• Restaurant</li> </ul>	<p>Buildings and land uses not listed in the other two columns.</p>

<ul style="list-style-type: none"> <li>• Game Reserve</li> <li>• Kennels/Cattery</li> <li>• Nature and Resource Conservation</li> <li>• Nursery Garden</li> <li>• Farm worker accommodation</li> <li>• Tuck Shop/Kiosk<sup>3</sup></li> <li>• Utilities and Services</li> </ul>	<ul style="list-style-type: none"> <li>• Telecommunication infrastructure</li> <li>• Veterinary Clinic</li> <li>• Second dwelling<sup>3</sup></li> </ul>					
DEVELOPMENT CONTROLS						
Height (Storey)	Intensity (Min. Erf)	Coverage (%)	FAR	Building Line (m)	Side space (m)	Rear Space (m)
2	N/A	N/A	N/A	N/A	N/A	N/A
RIDERS						
<ol style="list-style-type: none"> <li>1. <sup>1</sup>The Farm Stall shall be limited to products produced on the farm</li> <li>2. <sup>2</sup>Residential Building is exclusively for the development of farm worker accommodation</li> <li>3. <sup>3</sup>Consent process may be waived if the applicant has obtained written consent from adjoining neighbours</li> </ol>						
ADDITIONAL CONTROLS						
<ol style="list-style-type: none"> <li>i. Any permitted or discretionary development must be adhered to the principle of clustering.</li> <li>ii. Discretionary use applications, including breaking virgin land for the purposes of infrastructure development, must align with both Agricultural and Biodiversity requirements and will require detailed natural resource/agricultural and biodiversity assessments. Permission must be obtained from both Department of Agriculture and Rural Development and Ezemvelo KZN Wildlife prior to being submitted to the municipality.</li> <li>iii. Building lines of roads under the responsibility of the KZN Department of Transport must have a building line of 15m, or to the satisfaction of the KZN Department of Transport.</li> </ol>						

### 6.5.3. AGRICULTURE 2 (AGRICULTURE COMMUNAL)

Table 26: Agriculture 2 (Agriculture Communal)

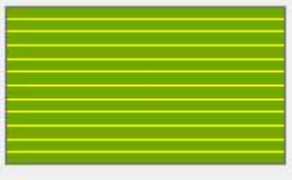
<p><b>Notation:</b></p> 	<p><b>STATEMENT OF INTENT:</b> This zone is intended for subsistence, communal and small to medium scale agricultural activities in association with other related uses in Traditional Council areas, and includes grazing land, market gardening, wood erfs, and the production of crops, livestock, animal holding facilities, farmer production support units and other agricultural activities.</p>	
LAND USE CONTROLS		
Permitted Uses	Consent Uses	Prohibited Uses
<ul style="list-style-type: none"> <li>• Agricultural</li> </ul>	<ul style="list-style-type: none"> <li>• Airfield</li> </ul>	Buildings and land uses not listed in

Building <ul style="list-style-type: none"> <li>• Agricultural Industry</li> <li>• Agricultural Land</li> <li>• Conservation Purposes</li> <li>• Dwelling House</li> <li>• Farm Stall<sup>1</sup></li> <li>• Home Business</li> <li>• Nature and Resource Conservation</li> <li>• Nursery Garden</li> <li>• Utilities and Services</li> </ul>	<ul style="list-style-type: none"> <li>• Arts and Craft Workshop</li> <li>• Bed and Breakfast Establishment</li> <li>• Events Venue</li> <li>• Guesthouse</li> <li>• Helipad</li> <li>• Restaurant</li> <li>• Telecommunications infrastructure</li> <li>• Farmworker accommodation</li> <li>• Second dwelling<sup>2</sup></li> </ul>	the other two columns.				
DEVELOPMENT CONTROLS						
Height (Storey)	Intensity (Min. Erf)	Coverage (%)	FAR	Building Line (m)	Side space (m)	Rear Space (m)
2	N/A	N/A	N/A	N/A	N/A	N/A
RIDERS						
1. <sup>1</sup> Farm stall shall limited to goods produced in the communal farmland 2. <sup>2</sup> Consent process may be waived if the applicant has obtained written consent from adjoining neighbours						
ADDITIONAL CONTROLS						
i. Any permitted or discretionary development must be adhered to the principle of clustering. ii. Discretionary use applications, including breaking virgin land for the purposes of infrastructure development, must align with both Agricultural and Biodiversity requirements and will require detailed natural resource/agricultural and biodiversity assessments. Permission must be obtained from both Department of Agriculture and Rural Development and Ezemvelo KZN Wildlife prior to being submitted to the municipality. iii. Building lines of roads under the responsibility of the KZN Department of Transport must have a building line of 15m, or to the satisfaction of the KZN Department of Transport.						

#### 6.5.4. AGRICULTURE 3 (LIMITED TOURISM)

Table 27: Agriculture 3 (Limited Tourism)

<b>Notation:</b>	<b>STATEMENT OF INTENT:</b> A zone that allows for tourism developments which are largely rural based, of a small, labour orientated and related to the existing agricultural activities and the natural resources base. It is envisaged that agriculture will be primary land use in this zone, exceeding tourism in importance.
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	<p>Tourism development in this area shall be of a lesser intensity. Large scale land transformation such as exclusive residential estates and other forms of large-scale accommodation would not be allowed. However, housing projects to accommodate the rural communities will be allowed in appropriate locations, including Land Reform Programme and Labour Tenant Projects. This zone is mainly intended for land that is subject to the provisions of the Subdivision of Agricultural Land Act, 1970 (Act No 70 of 70) and its successors in law. Prior to any change of land use or subdivision, approval must be granted in terms of the Subdivision of Agricultural Land Act, 1970 (Act No 70 of 70)</p>
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**LAND USE CONTROLS**

Permitted Uses	Consent Uses	Prohibited Uses
<ul style="list-style-type: none"> <li>• Agricultural building</li> <li>• Agricultural Industry</li> <li>• Arts and Craft Workshop</li> <li>• Bed and Breakfast Establishment</li> <li>• Conservation Purposes</li> <li>• Dwelling House<sup>3</sup></li> <li>• Farm Stall<sup>1</sup></li> <li>• Home Activity</li> <li>• Home Business</li> <li>• Nature and Resource Conservation</li> <li>• Nursery Garden</li> <li>• Farmworker Accommodation</li> <li>• Small-Scale Rural Settlements</li> <li>• Utilities and Services</li> </ul>	<ul style="list-style-type: none"> <li>• Airfield</li> <li>• Events Venue</li> <li>• Guesthouse</li> <li>• Private Recreation Area</li> <li>• Restaurant</li> <li>• Telecommunications infrastructure</li> </ul>	<p>Buildings and land uses not listed in the other two columns.</p>

**DEVELOPMENT CONTROLS**

Height (Storey)	Intensity (Min. Erf)	Coverage (%)	FAR	Building Line (m)	Side space (m)	Rear Space (m)
2	N/A	N/A	N/A	N/A	N/A	N/A

**RIDERS**


1. <sup>1</sup>The Farm Stall shall be limited to products produced on the farm
2. <sup>2</sup>Residential Building is exclusively for the development of farm worker accommodation

3. <sup>3</sup> Includes the main house and a farm managers accommodation
<b>ADDITIONAL CONTROLS</b>
<ul style="list-style-type: none"> <li>i. The Farm Stall shall be limited to products produced on the farm</li> <li>ii. Residential Building is exclusively for the development of farm worker accommodation</li> <li>iii. Includes the main house and a farm managers accommodation</li> <li>iv. Building lines of roads under the responsibility of the KZN Department of Transport must have a building line of 15m, or to the satisfaction of the KZN Department of Transport.</li> </ul>

## 6.6. ENVIRONMENTAL ZONES

### 6.6.1. PROTECTED AREAS


Table 28: Protected Areas

<b>Notation:</b>		<b>STATEMENT OF INTENT:</b> This zone is intended for land that has been designated as a Protected Area in terms of the National Environmental Management Protected Area Act No 57 of 2003. Where land use and management of the land is undertaken as per the provisions of the Protected Areas Act and its regulations, as well as through the protected area management plans and stewardship contracts applicable.				
						
<b>LAND USE CONTROLS</b>						
<b>Permitted Uses</b>		<b>Consent Uses</b>			<b>Prohibited Uses</b>	
<ul style="list-style-type: none"> <li>• Camping</li> <li>• Conservation purposes</li> <li>• Dwelling House<sup>1</sup></li> <li>• Games Reserve</li> <li>• Nature and Resource Conservation</li> <li>• Residential Building<sup>2</sup></li> <li>• Restaurant</li> <li>• Utilities and Services</li> </ul>		<ul style="list-style-type: none"> <li>• Chalets</li> <li>• Events Venue</li> <li>• Guesthouse</li> <li>• Telecommunication infrastructure</li> </ul>			Buildings and land uses not listed in the other two columns.	
<b>DEVELOPMENT CONTROLS</b>						
<b>Height (Storey)</b>	<b>Intensity (Min. Erf)</b>	<b>Coverage (%)</b>	<b>FAR</b>	<b>Building Line (m)</b>	<b>Side space (m)</b>	<b>Rear Space (m)</b>
2	N/A	To the satisfaction of the Local Authority	To the satisfaction of the Local Authority	To the satisfaction of the Local Authority	To the satisfaction of the Local Authority	To the satisfaction of the Local Authority
<b>ADDITIONAL CONTROLS</b>						
Riders						

<ol style="list-style-type: none"> <li>1. <sup>1</sup>Ancillary to the main use</li> <li>2. <sup>2</sup>For staff accommodation required for the management of the conservation area</li> </ol>
<b>ADDITIONAL PROVISIONS</b>
<ol style="list-style-type: none"> <li>i. Land uses to be aligned with an approved protected area management plan or land uses approved by the provincial department responsible for environmental affairs and or/Conservation Authority</li> <li>ii. Ezemvelo KZN Wildlife to provide comments on any land development application under this zone.</li> <li>iii. Building lines of roads under the responsibility of the KZN Department of Transport must have a building line of 15m, or to the satisfaction of the KZN Department of Transport.</li> </ol>

### 6.6.2. CONSERVATION


Table 29: Conservation

<b>Notation:</b> 		<b>STATEMENT OF INTENT:</b> This zone is intended for areas earmarked for the sustainable use and preservation of the natural environment. These areas carry sensitive ecological, historical and cultural aspects of the Municipality and such may be shared with members of the public through nature tourism, and this includes permitting ancillary uses such as restaurants limited to patrons, curio shops, hiking trails and other land use activities, subject to compliance with the provisions of the Scheme.				
<b>LAND USE CONTROLS</b>						
<b>Permitted Uses</b>		<b>Consent Uses</b>			<b>Prohibited Uses</b>	
<ul style="list-style-type: none"> <li>• Conservation Purposes</li> <li>• Nature and Resource Conservation</li> </ul>		<ul style="list-style-type: none"> <li>• Telecommunication infrastructure</li> </ul>			Buildings and land uses not listed in the other two columns.	
<b>DEVELOPMENT CONTROLS</b>						
<b>Height (Storey)</b>	<b>Intensity (Min. Erf)</b>	<b>Coverage (%)</b>	<b>FAR</b>	<b>Building Line (m)</b>	<b>Side space (m)</b>	<b>Rear Space (m)</b>
1	N/A	N/A	N/A	N/A	N/A	N/A
<b>RIDERS</b>						
<ol style="list-style-type: none"> <li>1. <sup>1</sup>Ancillary to main use</li> <li>2. <sup>2</sup>For staff accommodation required for the management of the conservation area</li> </ol>						
<b>ADDITIONAL CONTROLS</b>						
<ol style="list-style-type: none"> <li>a) No indigenous trees may be cut down without the permission of the Department.</li> <li>b) In order to protect the amenity of water courses and to minimize pollution and erosion, no indigenous vegetation or may be cut down or removed along the banks of rivers as follows:             <ol style="list-style-type: none"> <li>i. No within 5m on each side of a minor tributary;</li> <li>ii. within 10m of each side of a major tributary, or</li> </ol> </li> </ol>						

<p>iii. within 15m of a major water body.</p>
<p>c) No soil, sand or stones shall be removed from or along rivers without the authority of the Municipality.</p>
<p>d) The Municipality shall be permitted to install services where necessary, across or along river courses.</p>
<p>e) Applications for development near rivers must comply with the requirements of the Water Act 1998 (Act No.36 of 1998 amended) as which requires that consideration be given to the maximum level likely to be reached by flood water every 100 years.</p>
<p>f) Within this zone:</p> <ul style="list-style-type: none"> <li>i. no indigenous flora, fauna or any naturally occurring material shall be disturbed or removed;</li> <li>ii. no person shall cause or permit the following to occur on such area of land : dumping, littering, building, earthworks cultivation, fires, or other action which may endanger the amenity of the zone, provided that the Municipality may at its discretion, condone or undertake any reasonable action necessary for the protection and/or enhancement of the amenity of the area; and</li> <li>iii. any development shall be based on a Development Plan and/or Site Development Plan provided further that an Environmental Impact Assessment shall form an integral part of such plan/s.</li> </ul>

### 6.6.3. PASSIVE OPEN SPACE


Table 30: Passive Open Space

<p><b>Notation:</b></p> 		<p><b>STATEMENT OF INTENT:</b> Provides for the development and management of a system of publicly- or privately-owned areas as part of a sustainable open space system and the Municipality’s environmental services. It includes independent or linked open space areas and green lung areas for sporting and recreational activities and may include ancillary facilities and buildings.</p>				
LAND USE CONTROLS						
Permitted Uses		Consent Uses			Prohibited Uses	
<ul style="list-style-type: none"> <li>• Conservation Purposes</li> <li>• Dwelling House<sup>1</sup></li> <li>• Nature and Resource Conservation</li> <li>• Private Open Space</li> <li>• Utilities and Services</li> </ul>		<ul style="list-style-type: none"> <li>• Agricultural land</li> <li>• Place of Public Assembly</li> <li>• Restaurant</li> <li>• Telecommunication infrastructure</li> <li>• Recreational Building<sup>2</sup></li> </ul>			Buildings and land uses not listed in the other two columns.	
DEVELOPMENT CONTROLS						
Height (Storey)	Intensity (Min. Erf)	Coverage (%)	FAR	Building Line (m)	Side space (m)	Rear Space (m)

2	To the satisfaction of the Local Authority	To the satisfaction of the Local Authority	To the satisfaction of the Local Authority	7,5	5	5
<b>ADDITIONAL CONTROLS</b>						
<b>Riders</b>						
1. <sup>1</sup> For the purpose of this clause, only one dwelling unit of not more than 60m <sup>2</sup> shall be permitted to accommodate a manager, foreman or caretaker. 2. <sup>2</sup> Ancillary to main use						

#### 6.6.4. ACTIVE OPEN SPACE

Table 31: Active Open Space

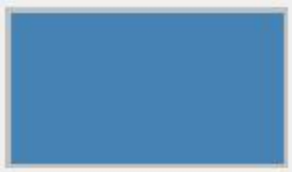
<b>Notation:</b>		<b>STATEMENT OF INTENT:</b> This zone provides for the development and management of a system of publicly- or privately-owned areas as part of the sustainable open space system and the Municipality's environmental services. It includes independent or linked open space areas and green lung areas for sporting and recreational activities and may include ancillary facilities and buildings.				
						
<b>LAND USE CONTROLS</b>						
<b>Permitted Uses</b>		<b>Consent Uses</b>			<b>Prohibited Uses</b>	
<ul style="list-style-type: none"> <li>• Camping</li> <li>• Conservation Purposes</li> <li>• Dwelling House<sup>1</sup></li> <li>• Nature and Resource Conservation</li> <li>• Recreational Area</li> <li>• Recreational Building</li> <li>• Utilities and Services</li> </ul>		<ul style="list-style-type: none"> <li>• Place of Public Assembly</li> <li>• Restaurant</li> <li>• Telecommunication infrastructure</li> </ul>			Buildings and land uses not listed in the other two columns.	
<b>DEVELOPMENT CONTROLS</b>						
<b>Height (Storey)</b>	<b>Intensity (Min. Erf)</b>	<b>Coverage (%)</b>	<b>FAR</b>	<b>Building Line (m)</b>	<b>Side space (m)</b>	<b>Rear Space (m)</b>
1	N/A	N/A	N/A	3m	2m	2m
<b>RIDERS</b>						
1. <sup>1</sup> Ancillary to permitted use.						
<b>ADDITIONAL CONTROLS</b>						
1. No indigenous trees may be cut down without the permission of the Department. 2. In order to protect the amenity of water courses and to minimize pollution and erosion, no indigenous vegetation or may be cut down or removed along the banks of rivers as follows: <ol style="list-style-type: none"> <li>within 5m on each side of a minor tributary;</li> <li>within 10m of each side of a major tributary, or</li> </ol>						

<p>iii. within 15m of a major water body.</p>
<p>3. No soil, sand or stones shall be removed from or along rivers without the authority of the Municipality.</p>
<p>4. The Municipality shall be permitted to install services where necessary, across or along river courses.</p>
<p>5. Applications for development near rivers must comply with the requirements of the Water Act 1998 (Act No.36 of 1998 as amended) which requires that consideration be given to the maximum level likely to be reached by flood water every 100 years.</p>
<p>6. Within this zone:</p> <ul style="list-style-type: none"> <li>i. no indigenous flora, fauna or any naturally occurring material shall be disturbed or removed;</li> <li>ii. no person shall cause or permit the following to occur on such area of land : dumping, littering, building, earthworks cultivation, fires, or other action which may endanger the amenity of the zone, provided that the Municipality may at its discretion, condone or undertake any reasonable action necessary for the protection and/or enhancement of the amenity of the area; and</li> <li>iii. any development shall be based on a Development Plan and/or Site Development Plan as contemplated in the scheme; provided further that an Environmental Impact Assessment shall form an integral part of such plan/s.</li> </ul>
<p>7. Land within the Active Open Space Use Zone shall not be used for any purpose which, in the opinion of the Council, would spoil, impair or waste such land for the purpose for which it is zoned.</p>
<p>8. Building lines of roads under the responsibility of the KZN Department of Transport must have a building line of 15m, or to the satisfaction of the KZN Department of Transport.</p>

6.7. TRANSPORT

6.7.1. INTERMODAL FACILITIES


Table 32: Transport Termini Zone

<p><b>Notation:</b></p> 	<p><b>STATEMENT OF INTENT:</b> A zone that makes provision for the parking, drop off and collection of freight and passengers by all public and private transport.</p>	
<b>LAND USE CONTROLS</b>		
<b>Permitted Uses</b>	<b>Consent Uses</b>	<b>Prohibited Uses</b>
<ul style="list-style-type: none"> <li>• Bus and Taxi Rank Facilities</li> <li>• Shop</li> <li>• Car Wash Facility</li> <li>• Office (General)</li> </ul>	<ul style="list-style-type: none"> <li>• Telecommunications infrastructure</li> </ul>	<p>Buildings and land uses not listed in the other two columns.</p>

<ul style="list-style-type: none"> <li>• Parking Garage</li> <li>• Restaurant</li> <li>• Informal Trading Area</li> <li>• Utilities and Services</li> </ul>						
DEVELOPMENT CONTROLS						
Height (Storey)	Intensity (Min. Erf)	Coverage (%)	FAR	Building Line (m)	Side space (m)	Rear Space (m)
2	N/A	20%	0.2	N/A	N/A	N/A
ADDITIONAL CONTROLS						
i. Building lines of roads under the responsibility of the KZN Department of Transport must have a building line of 15m, or to the satisfaction of the KZN Department of Transport.						

### 6.7.2. AIRPORT


Table 33: Airport

<b>Notation:</b> 	<b>STATEMENT OF INTENT:</b> This is a zone that makes provision for aircraft landing and takeoff, usually equipped with hangars, facilities for refueling and repair, and various accommodation for passengers and freight.					
LAND USE CONTROLS						
Permitted Uses		Consent Uses			Prohibited Uses	
<ul style="list-style-type: none"> <li>• Airport</li> <li>• Commercial Workshop</li> <li>• Office (General)</li> <li>• Parking Garage</li> <li>• Restaurant</li> <li>• Shop</li> <li>• Warehouse</li> <li>• Utilities and Services</li> </ul>		<ul style="list-style-type: none"> <li>• Telecommunication infrastructure</li> </ul>			Buildings and land uses not listed in the other two columns.	
DEVELOPMENT CONTROLS						
Height (Storey)	Intensity (Min. Erf)	Coverage (%)	FAR	Building Line (m)	Side space (m)	Rear Space (m)
N/A	N/A	N/A	N/A	N/A	N/A	N/A
Additional Provisions						
i. Building lines of roads under the responsibility of the KZN Department of Transport must have a building line of 15m, or to the satisfaction of the KZN Department of Transport.						

### 6.8. ROAD AND RAIL ZONES


#### 6.8.1. RAILWAY

Table 34: Railway

<b>Notation:</b> 		<b>STATEMENT OF INTENT:</b> This is a zone that makes provision for railway routes, open areas for the storage and repairs of trains, stations and passenger facilities and warehouses for freight operations, in terms of the South African Transport Services Act, 1989 (Act 9 of 1989). Notwithstanding such Act, lands uses permitted must not be incompatible with flanking land uses and access roads				
LAND USE CONTROLS						
Permitted Uses		Consent Uses			Prohibited Uses	
<ul style="list-style-type: none"> <li>Railway Infrastructure</li> <li>Utilities and Services Facility</li> <li>Storage Facility</li> <li>Service Industrial Building</li> <li>Utilities and Services</li> </ul>		<ul style="list-style-type: none"> <li>Container Depot</li> <li>Transport Depot</li> <li>Offices (General)</li> <li>Offices (Public)</li> <li>Shop</li> <li>Telecommunications Infrastructure</li> </ul>			Buildings and land uses not listed in the other two columns.	
DEVELOPMENT CONTROLS						
Height (Storey)	Intensity (Min. Erf)	Coverage (%)	FAR	Building Line (m)	Side space (m)	Rear Space (m)
N/A	N/A	N/A	N/A	N/A	N/A	N/A
ADDITIONAL CONTROLS						
No additional development controls						

6.8.2. ROADS (EXISTING AND PROPOSED)


Table 35: Roads (Existing and Proposed)

<b>Notation:</b> 		<b>STATEMENT OF INTENT:</b> This is a zone that makes provision for the reservation of land for designated roads and areas for road widening.				
LAND USE CONTROLS						
Permitted Uses		Consent Uses			Prohibited Uses	
<ul style="list-style-type: none"> <li>Road Infrastructure</li> <li>Utilities and Services</li> </ul>		<ul style="list-style-type: none"> <li>Parking Area</li> <li>Telecommunications Infrastructure</li> </ul>			Buildings and land uses not listed in the other two columns.	
DEVELOPMENT CONTROLS						
Height (Storey)	Intensity (Min. Erf)	Coverage (%)	FAR	Building Line	Side space (m)	Rear Space (m)

				(m)		
N/A	N/A	N/A	N/A	N/A	N/A	N/A
<b>ADDITIONAL CONTROLS</b>						
Subject to temporary uses related to the construction or refurbishment of roads specified by the Municipality						

### 6.8.3. REFUSE SITE

Table 36: Refuse Site

<b>Notation:</b>						
		This is a zone that makes provision for refuse disposal works and infrastructure necessary for the municipality to dispose of or recycle solid waste.				
<b>LAND USE CONTROLS</b>						
<b>Permitted</b>		<b>Consent Uses</b>			<b>Prohibited Uses</b>	
<ul style="list-style-type: none"> <li>Landfill</li> <li>Municipal Purposes</li> <li>Recycling Depot</li> <li>Waste Transfer Site</li> <li>Utilities and Services</li> </ul>		<ul style="list-style-type: none"> <li>Telecommunications Infrastructure</li> </ul>			Buildings and land uses not listed in the other two columns.	
<b>DEVELOPMENT CONTROLS</b>						
<b>Height (Storey)</b>	<b>Intensity (Min. Erf)</b>	<b>Coverage (%)</b>	<b>FAR</b>	<b>Building Line (m)</b>	<b>Side space (m)</b>	<b>Rear Space (m)</b>
N/A	N/A	N/A	N/A	N/A	N/A	N/A
<b>ADDITIONAL CONTROLS</b>						
i. Building lines of roads under the responsibility of the KZN Department of Transport must have a building line of 15m, or to the satisfaction of the KZN Department of Transport.						

## 7. GENERAL CONTROLS FOR HEIGHT, FAR, AND COVERAGE

- 7.1. Notwithstanding the requirements in respect of floor area and coverage, the Municipality may in special circumstances authorize by special consent the erection of a building of a greater floor area and/or coverage, if it is satisfied that such greater bulk will not result in any significant detriment to the amenities of the area and furthermore that the general intent of the floor area and coverage restrictions imposed within the particular zone is not being deliberately circumvented by such application.
- 7.2. Notwithstanding the requirements in respect of height, the Municipality may authorize by special consent the erection of a building of a greater height, if it is satisfied that such greater height will not result in any significant detriment to the amenities of the area, that such greater height is reasonable having regard to the topography and/or the uniqueness of the site and furthermore that the general intent of the height restriction imposed within the particular zone is not being deliberately circumvented by such application.
- 7.3. The floor area, coverage and height controls shall apply to the overall parent erf and not to the individual curtilages within a multi-unit development unless specifically stated to the contrary. Unless otherwise agreed.