



PROVINCE OF THE EASTERN CAPE
IPHONDO LEMPUMA KOLONI
PROVINSIE OOS-KAAP

Provincial Gazette Igazethi Yephondo Provinsiale Koerant

Vol: 30

BISHO/KING WILLIAM'S TOWN

11 September 2023
11 September 2023

No: 4981

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GENERAL NOTICES • ALGEMENE KENNISGEWINGS**GENERAL NOTICE 105 OF 2023**

Under Section 47 of the Spatial Planning and Land use management Act 2013 (act 16 of 2013) and upon instructions by the Local Authority, a notice is hereby given that condition/s B(4), (b), (c) and (d) in Deed of transfer Number T37102/2017 applicable to erf 216 cotswold, are hereby removed.

PROCLAMATIONS • PROKLAMASIES

PROCLAMATION NOTICE 14 OF 2023



NELSON MANDELA BAY
METROPOLITAN MUNICIPALITY
LAND USE SCHEME

2023

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CHAPTER 1: INTRODUCTORY PROVISIONS

1. Title

- (1) This Land Use Scheme is called the Nelson Mandela Bay Metropolitan Municipality Land Use Scheme, 2023.

2. Commencement & Validity of the Scheme

- (1) The Scheme is approved in terms of Section 24 (1) of the Spatial Planning and Land Use Management Act, 2013 and comes into effect on the date on which a notice of its adoption is published in the Provincial Gazette in terms of Section 20 of the By-law.
- (2) The Municipality is the authority responsible for enforcing and implementing the provisions of the Scheme.

3. Definitions

Unless the context indicates otherwise, a word or expression defined in the Act, Eastern Cape Provincial legislation promulgated pursuant to Section 10 of the Act or the By-law has the same meaning in the Scheme (and cognate terms or expressions used in relation to defined words in the Scheme will have an equivalent meaning and a reference to one gender is a reference to any other gender) and any reference to a statute includes any amendments thereto:

abattoir means land and buildings where animals are slaughtered and prepared for distribution.

Act means the Spatial Planning and Land Use Management Act 2013 (16 of 2013) and any subsidiary legislation, including the Regulations as hereinafter defined, or other legal instruments issued in terms thereof.

additional dwelling unit means a dwelling unit erected on a land unit on which a dwelling unit and a second dwelling unit already exists.

agricultural industry means an enterprise for the processing of agricultural products located on a land unit with agricultural zone use rights where the perishable nature, fragility or other characteristics of such agricultural products require that they be processed in close proximity to the area where they are produced and includes a convenience shop.

agriculture means the cultivation or utilisation of land for crops and plants, the keeping and breeding of animals or birds, the operation of game farms, plantations or for purposes of aquaculture and includes only such activities and buildings as are ancillary to the main agricultural activities but does not include an abattoir or agriculture employee accommodation.

agriculture employee accommodation means accommodation provided on land used for agriculture for those employees of the person/s or entity conducting such agricultural activities, who in the sole discretion of the Municipality are bona fide employed in the conduct of such activities.

agri-village means a private settlement of restricted size established in a rural or agricultural area consisting of separate and/or linked dwelling units (each of which may be located on a cadastrally separate land unit), planned and built harmoniously with agricultural activities as an entity and includes support facilities.

ancillary means a land use, purpose, building, structure, or activity which, in the sole discretion of the Municipality, is directly related to, subservient to and necessary for, the lawful dominant use of the property.

animal care centre means a place for the care of animals, operated on either a commercial or a welfare basis, and includes boarding kennels, pet training centres and veterinary services.

animal park means a land unit where animals are kept in a controlled environment primarily for display to the general public for education and tourism purposes but does not include other uses defined under recreation facility.

antenna (antennae) means any system of wires, poles, rods, satellite, reflective surfaces and/or similar devices, used to transmit or receive electronic communication signals or electro-magnetic waves, whether fixed to a building or to any type of tower and associated equipment room.

aquaculture means the cultivation and breeding of water flora and fauna, and the harvesting thereof under controlled circumstances:

(a) in artificially built dams or holding tanks;

(b) suspended from floating supports.

authorised official means an employee who has been given the power by the municipality in terms of the Act to consider and decide those categories of applications assigned to her in Schedule 1 of the Bylaw.

authority use means a use which is practised by an organ of State including, but not limited to military training centres or installations, police stations, jails, road stations, road camps, municipal uses such as fire services, community facilities, municipal clubs, municipal storage facilities and museums.

basement means any storey or floor of a building, a major part of the volume of which is below the highest point of natural ground level.

boarding house means a building where lodging is provided, and incorporates communal cooking, dining and facilities for the use of lodgers, together with such outbuildings as are normally used therewith and includes a building in which rooms are used for a hostel, student accommodation or backpackers' lodge, for a maximum of 12 persons on properties zoned Single Residential Zone 1.

builders' yard means land used for the storage of material and equipment generally associated with the building trade, civil engineering or construction sectors, including administrative uses ancillary thereto.

Building Act means the National Building Regulations and Building Standards Act, 103 of 1977.

building line means an imaginary line on a land unit, which defines a distance from a specified boundary, within which the erection of buildings or structures is prohibited.

business premises means a land unit used for the conduct thereon of a business enterprise or enterprises and uses ancillary to the business, other than a business enterprise or enterprises as specifically defined in the Scheme.

By-law means the Nelson Mandela Bay Metropolitan Municipality Spatial Planning and Land Use Management By-law, 2023.

carport means carport as defined in the Building Act.

cemetery means land used for the interment of human remains and includes an office, chapel, garden of remembrance, memorial wall for keeping of human ashes and other uses directly related thereto, whether for public or private benefit, but excludes a crematorium.

child care facility means any building or premises used for the instruction, custody and care of more than 6 children, which has been registered as a place of care under the Children's Amendment Act, 2007 (Act 41 of 2007) and may include a childhood development centre, pre-school, play group or aftercare facility.

clinic means land used for the purposes of medical consultation, examination or treatment of humans by members of the medical or allied professions but does not include the provision of overnight or live-in facilities for patients.

conservation area means land used for conservation purposes, the protection or enhancement of biodiversity and/or the protection of natural areas, whether publicly or privately owned, or which has been declared a conservation area, nature park or reserve and includes a game park, reserve for fauna and flora and includes buildings and facilities directly related to the management of the conservation area or nature reserve, inclusive of facilities for day visitors, and may include overnight accommodation and tourist facilities in the discretion of the Municipality.

convenience shop means a small retail concern which typically stocks a range of basic items including groceries.

coverage means the total percentage of the area of a land unit which may be covered by buildings, measured at the outside of the exterior walls, and covered by a roof or projection, and

- (a) including external staircases, fire escapes, electrical substations for the exclusive use of the development, motor car ramps, canopies and permanent awnings projecting more than 1m beyond the exterior wall of the building, canopies over fuel pumps at filling stations / motor service centres / public garages, covered parking and driveways; and
- (b) not including the area covered by a roof projection of 1m or less, unroofed stoeps, terraces and patios, arcade passageways, any covered walkway providing public access, greenhouse, uncovered pergola, basement, shelter, unroofed entrance steps and landings, minor decorative projection extending not more than 0.3m from the wall of such building, canopy for pedestrian protection at the ground floor of shopping centres, covered refuse bin storage area and unroofed open parking.

crematorium means land used for the cremation of human or animal tissue and may include a funeral parlour.

cultural practice means the use of land for the purposes of traditional and/or cultural ceremonies including uses ancillary thereto.

depot means land used for the storage of vehicles or aircraft other than a public garage and includes uses ancillary thereto.

development parameters means the requirements in terms of which a land unit is to be developed as imposed in terms of the Scheme or any condition of approval of a land use application.

dwelling house means a building containing one dwelling unit.

dwelling unit means a self-contained inter-leading group of rooms with not more than one kitchen used for human habitation by a single-family and includes such outbuildings as are ordinarily used therewith.

erf has the same meaning as land unit.

external engineering services means all engineering services, including external engineering services as defined in the Act and bulk services as defined in the Bylaw.

flat means a building containing dwelling units together with such outbuildings and support facilities ancillary thereto.

filling station means a land used or designed for the sale of petroleum, oil and other fuels and lubricants and accessories used in connection with motor vehicles and includes an office, convenience shop, facilities for the washing of motor vehicles, restaurant and fast-food outlet ancillary thereto, but does not include a vehicle repair facility.

floor space in relation to a building, means the total area of the floor measured on the interior walls, but not including vertical ventilation shafts, ducts, lift shafts, staircases, lift motor rooms and air-conditioning plant rooms, electricity sub-station/transformer rooms, any floor areas used solely for parking or loading/unloading, refuse bin storage areas, unroofed balconies, unroofed terraces, public transport systems, corridors or foyers, toilets, staff change rooms, cleaners' and maintenance staff rooms, sick bays.

freestanding base telecommunication station means a freestanding support structure on land or anchored to land and is used for telecommunication infrastructure to transmit or receive electronic communication signals.

function venue means a building or structure used for functions, weddings, receptions, exhibitions, conferences and similar purposes and for the sale of food, alcohol and beverages incidental to such events.

funeral parlour means a facility where deceased persons are prepared for burial or cremation including a shop and facilities for associated administrative and religious functions but excluding a crematorium.

group housing means a group of separate and/or linked dwelling units (each of which may be located on a cadastrally separate land unit), planned and built as an entity and including support facilities relating to the operation and sustainability of the group housing scheme.

guest house means a dwelling unit/s or residential building, having no more than 16 guest bedrooms and which is occupied by the owner or a manager, in which persons are accommodated on a temporary basis, including associated ancillary facilities directly related to the operation of the guest house, such as a restaurant and/or a function venue for guests and excludes boarding houses, student accommodation, self-catering apartments, back packers' accommodation, hotels and all other forms of temporary accommodation.

habitable room means any room greater than 6m² in area used and/or intended to be used for cooking, living, sleeping or dining purposes and includes a hallway or passage having a width greater than 2,0 m, balcony with an area greater than 6 m², whether enclosed or not.

hazardous substance means a substance which has been declared to be a Group I, Group II or Group III hazardous substance in terms of section 2(1) of the Hazardous Substances Act, 15 of 1973 or which falls within the definition of Group IV hazardous substance in that Act.

height means the maximum permissible vertical dimension of any building or structure on a land unit, as measured from the lowest point of the natural ground level to the highest external point of the building/structure.

home enterprise means an enterprise or profession conducted from a portion of a dwelling unit or residential building or within a Single Residential or Agriculture Zone, which primarily serves the local community and involves the repair of household appliances or the supply of household goods and services, and which is not a source of disturbance to surrounding properties and excludes a house tavern, liquor outlet, restaurant, scrap yard and place of instruction.

hospital means the whole or part of a public or private institution, facility, building or place, whether for profit or not, which is designed and operated for the provision of inpatient or outpatient treatment, diagnostic or therapeutic interventions, nursing, rehabilitative, palliative, convalescent, preventative or other health services.

hotel means a land unit where accommodation is provided for lodging on temporary basis where meals are served and may include facilities ancillary to that purpose, such as a function venue, restaurant, place of assembly and recreational facilities.

house tavern means a facility occupying a portion of a dwelling unit or structure used for the sale of liquor for on-site consumption.

industry means an activity which is not a noxious use but in which:

- (a) a movable article or part of such an article is made, manufactured, produced, built, assembled, compiled, printed, processed, treated, adapted, repaired, renovated, rebuilt, altered, ornamented, painted (including spray painting), polished, finished, cleaned, dyed, washed, broken up, disassembled, sorted, packed or put into a container, chilled, frozen or stored in cold storage;
- (b) livestock (including poultry) are slaughtered;
- (c) electricity is generated;
- (d) any activity is carried out which is connected with or incidental to any one or more of the activities mentioned in sub-paragraphs (a) to (c) and may include offices and caretaker's accommodation associated with and subordinate to the main activity.

informal trading means the selling of goods and services in the informal sector but does not include manufacturing.

institution means land used for a charitable service, social or welfare purposes, hospital, clinic, nursing home, old age home, sanatorium, correctional institution, library, place of assembly, community hall and facilities and similar uses, whether private or public, and includes ancillary uses, but does not include a facility for the treatment of infectious or contagious diseases.

internal engineering services means all internal engineering services as defined in the Act.

kitchen means a room or part of a room equipped for preparing and cooking meals and excludes an area exclusively used as a braai room, as a drinks preparation area or as a bar.

land unit means land unit as defined in the By-law.

light industry means an activity, which is not a hazardous or offensive industry or does not involve the use or storage of hazardous or offensive materials, or the processing of raw materials, and in which the processes, machinery or materials used do not interfere with the amenity of the area in which it is located or the rights of other landowners through noise, vibration, emissions, emission of wastewater or waste products, or otherwise, and includes the operation of a warehouse, distribution depot, wholesale storage facility, office and the conduct of ancillary activities, such as the sale of goods wholly or partially manufactured, processed or packed on the property.

liquor outlet means a business or enterprise engaged in the sale of liquor for offsite consumption subject to the provisions of the Liquor Act, 2003 (Act 59 of 2003).

loading bay means an area which is clearly demarcated for the loading and off-loading of goods from commercial vehicles, and which is designed in accordance with the requirements of the Municipality.

medical use means land used for the purposes of medical consultation, examination or treatment of humans or animals by members of the medical or allied professions and may include the provision of overnight or live-in facilities for not more than 5 humans or animals.

mine whether used as a noun or as a verb has the meanings provided in Section 1 of the Mineral and Petroleum Resources Development Act, 2002 (Act 28 of 2002) save that when used as a verb, prospecting or prospecting related activities are included.

mining industry means the conduct on a land unit of a mine or mining activity, or of an industry which is directly related to that mining activity.

motor service centre means land used for the maintenance, repair or the trade in motor vehicles, and ancillary uses, such as a car wash, rest facilities and offices, but does not include spray painting, panel beating or body work facilities.

natural ground level or ground level means the level of the ground before any excavation or filling has been carried out without any additional earthworks, and as it existed prior to any construction.

noxious use means an activity which is offensive or potentially harmful to humans or an activity which, by reason of emissions, vibration, noise, waste products, the nature of material used, processes employed, or other cause, or which is deemed to be noxious or hazardous in terms of any legislation, or which is, in the sole discretion of the Municipality, a potential source of danger, nuisance or offence to the general public or persons in the surrounding area and includes an abattoir and a crematorium.

occasional uses means uses granted for a specific occasion or event by the Municipality on a temporary basis, such as craft markets, festivals or similar events, circuses, religious gatherings, builder's yards (on construction sites), seasonal camping sites, cultural practices, outdoor events and other occasional uses as determined by the Municipality;

office means a building used primarily for professional, clerical, administrative and financial uses and includes activities ancillary to the office use.

old age home means residential accommodation for the elderly and may include a full spectrum of care, recreation and support facilities for the extensive use of the residents and includes a nursing home.

outbuilding means a structure, whether attached to or separate from the main building and which is ancillary to the main building such as a building for the garaging of motor vehicles, for storage purposes, a pool room, braai room, lapa and any other use which is reasonably required in connection with the main use but does not include a residential building, dwelling unit or flat.

overlay zone means a category of zoning applicable to a land unit/s, which stipulates development parameters for a land unit or units, in addition to the underlying zoning requirement, which may be more or less restrictive than the zoning requirements covered by this land use scheme.

place of assembly means land used for gatherings and meetings, and includes a hall for social functions, community hall, exhibition hall, a public art gallery, library or a place of worship.

place of entertainment means land used for live music performances, gambling facilities, a dance hall, theatre, night club, place of assembly, amusement park, cinema, and facilities for the preparation and sale of food or drinks ancillary thereto.

place of instruction means land used for the provision of education, and includes a child care facility, pre-school, primary school, secondary school, college, university or research institute, and ancillary facilities such as hostels, sport facilities and libraries.

place of worship means land used as a church, mosque, temple, chapel, synagogue or any facility for the practise of religion or devotion and includes facilities ancillary thereto, but does not include a funeral parlour, cemetery or crematorium.

private open space means land, which is intended for the private use of a defined and limited group of persons and which is used as an open area, park, playground, natural and/or protected area, recreation ground or square and may form part of a residential development.

private roads & parking means a land unit or a portion thereof, which is restricted to the private use thereof by a defined group of persons for the purpose of pedestrian, vehicular and other access to the land unit and for the parking of motorised or non-motorised vehicles thereon.

profession means a vocation:

- (a) the practitioners of which render a service to the community and offer their specialist skills and not the sale of a tangible commodity or property;
- (b) which is governed by a professional institute and an Act of Parliament; and
- (c) which does not include the conduct of manufacturing or a workshop.

public garage means a building/s other than a private garage ancillary to a residential dwelling for the parking of motor vehicles and includes a carport.

public open space means land which is owned by the Municipality or any other public body, and which is accessible to the public and is used as an open area, park, garden, picnic area, playground, public sports facility, beach, recreation ground, square or conservation.

public roads & parking means land owned by the Municipality or any other public entity and which has been set aside for the purposes of a public thoroughfare for motorised and non-motorised vehicles and/or pedestrians and is or which may be assigned for such purpose by any law and includes land used for the provision of parking to the general public and ancillary uses as determined by the Municipality.

recreation facility means land used for recreational purposes such as game driving, picnicking, quad biking, hiking, conduct of an animal park, skating rink and any other adventure sport.

renewable energy facility means land, including structures or apparatus thereon, designed and erected to accommodate wind turbines, hydro turbines, solar energy generating panels (including solar-voltaic and concentrated solar thermal) or bio mass equipment, or a combination thereof for the purposes of capturing and converting wind, hydro, solar radiation, bio mass or other such sustainable energy source into electrical energy for local consumption or commercial gain, irrespective of whether it feeds into an electricity grid, and which may include:

- (a) associated structures, infrastructure or buildings directly related to the operation of the generation, transmission and distribution of electricity generated by the structure or grouping of structures;
- (b) pylons, poles, masts, transformers, sub-stations and ancillary uses thereof.

residential building means a building for human habitation, together with such outbuildings and support facilities ancillary thereto, other than a dwelling unit or flat.

resort means a development, used for holiday or recreational purposes, whether in private or public ownership, which may include overnight accommodation, camping sites, a caravan park, chalets, lodges, mobile homes, convenience shop and support facilities for short term accommodation only and which does not permit alienation of land or rights therein.

restaurant means a business where meals and beverages are sold for onsite consumption.

rooftop base telecommunication station means a support structure attached to the roof, side or any part of a building and used to accommodate telecommunication infrastructure for the transmitting or receiving of electronic communication signals.

scheme means the Nelson Mandela Bay Municipality Land Use Scheme.

scrap yard means land used for the storage, collection, demolition, dismantling of scrap, waste material, motor vehicles or machinery for the purpose of recovering spare parts or the recycling or resale thereof.

second dwelling unit means a dwelling unit erected on a land unit on which a dwelling unit already exists, whether the second dwelling unit is attached to or separated from the main dwelling unit.

shelter means a structure or building used for human habitation, which does not necessarily comply with the standards of the Building Act.

shooting range means a land used for the purposes of the controlled discharge of firearms, bows or similar weapons.

single family means one or more persons, each related to the other by blood, marriage or adoption together with a domestic worker, maintaining a common household in a dwelling.

social housing means a rental or co-operative housing option for low to medium income households at a level of scale and built form which requires institutionalised management and which is provided by accredited social housing institutions or in an accredited social housing project and includes community residential units and support facilities relating to the operation and sustainability thereof.

special use means any use other than one of the uses herein defined.

sport facility means land planned, designed, and used for sporting activities, whether indoors or outdoors, and includes a gymnasium and ancillary uses.

storey means a storey as defined in the Building Act.

transport facility means land where taxis, buses, and/or other such vehicles stand or park to enable passengers to alight or board and includes uses ancillary thereto, as determined by the Municipality.

transport use means land used for the operation of a service for the benefit of the public providing for transportation of goods or passengers by rail, air, sea, road or pipeline and any uses ancillary thereto which are directly related or incidental to the service of the interest of the commuting public, including communication networks, stations, harbours, transportation amenities and facilities, warehouses, container parks, workshops, offices, shops, recreational, business and residential uses.

tribunal means the tribunal established by the municipality in terms of Section 35 of the Act.

urban agriculture means the cultivation of crops, within the urban areas and may include animal keeping on relatively small areas.

warehouse means land used primarily for storage and distribution of goods and including use by a business of a predominantly wholesale nature.

wellness centre mean land used as a business enterprise where health and beauty treatments are offered, but does not include medical treatment, surgery or post-operative recuperation or care.

workshop means a building or part of a building of which the net floor area does not exceed 200m² where articles are produced, repaired, restored and assembled but does not include a noxious use, or the use for the purposes of an abattoir, builders' yard, motor service centre, industry or agri-industry.

4. Area of Jurisdiction & Application of this Land Use Scheme

- (1) The Scheme applies to all land, including state land, within the area of jurisdiction of the Municipality.
- (2) The Scheme binds every owner and every user of land within the area of jurisdiction the Municipality, including the State.
- (3) The Scheme replaces all land use/zoning/town planning schemes applicable in any portion of the area of the Municipality as at the date on which the Scheme comes into effect.

5. Purpose & Content of the Scheme

- (1) The Scheme adheres to the requirements of Chapter 5 of the Act which prescribes the matters to be addressed in the Scheme, its purpose and content.
- (2) The Scheme accordingly gives effect to and is consistent with the Municipal Spatial Development Framework and provides for the determination of the use and development of land in order to promote:
 - (a) economic growth;
 - (b) social inclusion;

- (c) efficient land development; and
 - (d) minimal impact on public health, the environment, and natural resources.
- (3) In its formulation and implementation, the Scheme adheres to and promotes the development principles set out in Chapter 2 of the Act.

6. Regulations, Zoning Map & Register

- (1) At the commencement of the Scheme it will consist of the Regulations, Zoning Map and Register as prescribed by Section 25(2) of the Act.

7. Other Legislation & By-Laws

- (1) Nothing in the Scheme shall be construed as permitting any person to do anything in conflict with the conditions registered against the Title Deed or Deed of Grant of a Land Unit.
- (2) The provisions of a Title Deed or Deed of Grant take precedence over the Scheme.

8. Transitional Arrangements & Existing Schemes

- (1) Any application made and accepted in terms of a former zoning scheme, land use scheme or town planning scheme which is still in process at the commencement date shall be assessed and finalised in terms of such former zoning scheme, land use scheme or town planning scheme, except where it has been withdrawn by the applicant in writing.
- (2) Where a land use application was approved prior to the commencement of the Scheme but has not yet been acted upon, or where a land use application is approved in terms of the provisions of a former zoning, land use or town planning scheme after the commencement of the Scheme, the affected Land Unit/s which is the subject of such approval shall be deemed to be allocated to a corresponding zone in accordance with the Scheme, when such approval is acted upon.
- (3) Where the zoning applicable to any Land Unit in terms of a former zoning scheme, land use scheme or town planning scheme includes a primary land use which is an additional or consent use in the corresponding zone in the Scheme, the Municipality's approval of, or consent to such use, as the case may be, shall be deemed to have been granted in terms of the Scheme with effect from the commencement thereof, subject to Section 43 (2) (a) of the Act.

9. Rectification of Errors on Zoning Map

- (1) If an owner contends that the zoning of a Land Unit is incorrectly reflected on the Zoning Map, she may submit a request to the Municipality for the correction of the alleged error.
- (2) An owner submitting such a request must at least:
- (a) submit any written evidence of the lawful land use rights; and
 - (b) state the zoning contended for.
- (3) If the Municipality upholds the request, it must direct that the Zoning Map be amended accordingly.
- (4) If the Municipality refuses the request the owner shall be entitled to apply for the rezoning of the Land Unit in question in terms of the By-law.
- (5) In the event that the Municipality becomes aware of a possible error on the Zoning Map (either on its own or after it has been drawn to its attention in any manner), it must:
- (a) investigate the matter and establish provisionally the zoning which should apply;
 - (b) inform the owner of the Land Unit in question of the possible error;
 - (c) submit a report and a draft amended Zoning Map to the Council for consideration; and

- (d) amend the Zoning Register and Map if necessary, as may be directed by the Council.

10. Primary Uses

- (1) The Primary Uses of land permitted in each use zone, without the need for the Municipality's consent, are listed in the corresponding part of Column 2 of the use zone table set out in paragraph 16.
- (2) One or more of the Primary Uses listed in Column 2 of the use zone table, set out in paragraph 16, is permitted on a Land Unit at the same time.

11. Additional Use Rights

- (1) Additional Use rights applicable in each use zone are listed in the corresponding part of Column 3 of the use zone table, set out in paragraph 16.
- (2) The use of land for an Additional Use shall be subject to approval by the Municipality.
- (3) Applications for Additional Use rights shall include a land use application form as provided for in the By-law and shall follow the procedure as determined in the Municipality's Standard Operating Procedures for applications for Additional Use rights.
- (4) Applications for Additional Uses rights do not need to be published in terms of Section 71(1) of the By-law.
- (5) An Additional Use may not be implemented, where the Primary Use right has not been exercised, except additional uses for freestanding telecommunication mast and rooftop base telecommunication mast.
- (6) Simultaneous approval of primary and Additional Use rights may be permitted.
- (7) Additional Use rights granted in terms of this Scheme shall be subject to termination if any breach of a condition upon which such a use right was granted is not remedied in compliance with a notice served in terms of the By-law upon the owner or occupier of the site concerned, which notice shall require that the breach be remedied within a specific period.
- (8) An owner may request the Municipality to terminate an Additional Use right.

12. Consent Uses

- (1) Any Consent Uses of land permitted in a use zone, with the Municipality's prior approval in terms of the provisions of the By-law, is listed in the corresponding part of Column 4 of the applicable use zone table set out in paragraph 16.
- (2) In the event that a Consent Use is applied for and the Development Parameters differ from those applicable to the primary zone or uses provided for in the scheme, such parameters shall be determined by the Municipality.
- (3) A Consent Use may not be implemented, where the Primary Use right has not been exercised, except consent uses granted in terms of sub-paragraph 67 (2), freestanding telecommunication mast and rooftop base telecommunication mast.
- (4) Simultaneous approvals of Primary and Consent Use rights may be permitted.
- (5) Specific Consent Use rights granted in terms of this Scheme shall be subject to termination if any breach of a condition upon which such consent was granted is not remedied in compliance with a notice served in terms of the By-law upon the owner or occupier of the site concerned, which notice shall require that the breach be remedied within a specific period.
- (6) An owner may request the Municipality to terminate a Consent Use right.

13. Non-Conforming Buildings

- (1) Buildings approved and erected prior to the commencement of the Scheme ("approved buildings"), which do not comply with the Development Parameters applicable to the Land Unit, are considered to be non-conforming buildings and such non-conformance shall not constitute an offence in terms of the Scheme.

- (2) An approved building which is renovated, altered, converted, or repaired for a use which is permitted by the zoning applicable to the Land Unit, but which does not comply with the Development Parameters for the proposed use, is considered to be a non-conforming building.
- (3) The following shall apply to all non-conforming buildings referred to in sub-paragraphs (1) & (2) above:
 - (a) any structural alterations which increase the Floor Space of a building, structure, or part thereof shall comply with the Development Parameters applicable to that zone;
 - (b) on-site parking shall be improved as far as is practically possible to the satisfaction of the Municipality; and
 - (c) such a building is exempted from the Development Parameters applicable to the Land Unit.
- (4) When an approved building is renovated, altered, converted, or repaired for a use not permitted by the zoning applicable to the Land Unit, and which does not comply with the Development Parameters for the proposed use, a deviation from Development Parameters will be required and shall be assessed on merit save where an Overlay Zone applies.

14. Deemed Zoning of Closed Public Places

- (1) When a public road or Public Open Space which is vested in or owned by the Municipality is closed, the zoning of the land in question is determined as follows:
 - (a) if the land is transferred, the land so transferred shall be allocated the same zoning as that of the abutting Land Unit; and
 - (b) if the land so transferred falls into more than one use zone or Conservation Area, the Municipality must determine which zoning will apply to the land being transferred, when it makes the closure and transfer order.

15. Undetermined Zone

- (1) Where land is zoned undetermined in the Scheme and the property owner intends to develop or make additions to existing buildings, an application for rezoning may be submitted to the Municipality.
- (2) Where use rights are specified in the Title Deed or Deed of Grant, the Municipality may allocate the most specific zoning which would permit that use and such determination shall not be subject to a rezoning application or public participation.
- (3) When the municipality determines a zoning contemplated in sub-paragraph (2), it must have regard to at least:
 - (a) the lawful use of the land, or the purposes for which it could lawfully be used immediately before the commencement of the Scheme;
 - (b) the zoning, which is most compatible with that use;
 - (c) any permanent departure or consent use which may be applicable in conjunction with that zoning;
 - (d) where land was vacant immediately before the commencement of the Scheme, the use permitted in terms of the title deed conditions or, where more than one land use is so permitted, one of such land uses; and
 - (e) objects of any relevant legislation.
- (4) The Zoning Map must be amended to reflect the zoning determined in terms of sub-paragraph (2).

CHAPTER 2: USE ZONES & DEVELOPMENT PARAMETERS

16. Use Zone Table

The table contains a summary of the base zonings and Development Parameters as set out in this Land Use Scheme.

Land Use Category	Zoning & Primary Use	Additional Uses	Consent Use	Building Lines		Height	Coverage
				Street	Lateral & Rear		
AGRICULTURE	Agricultural Zone 1 <ul style="list-style-type: none"> • Agriculture • Dwelling House • Second Dwelling Unit 	<ul style="list-style-type: none"> • Additional Dwelling Unit • Home Enterprise 	<ul style="list-style-type: none"> • Abattoir • Agriculture Employee Accommodation • Agri-village • Animal Care Centre • Convenience Shop • Freestanding Base Telecommunication Station • Function Venue • Guest House • House Tavern • Place of Assembly • Place of Entertainment • Place of Instruction • Place of Worship • Recreation Facility • Renewable Energy Facility • Resort • Rooftop Base Telecommunication Station • Shooting Range 	10 m	10 m	Dwelling Units 8.5 m 15m Agricultural Buildings	20 %
	Agricultural Zone 2 <ul style="list-style-type: none"> • Agricultural Industry • Agriculture • Animal Care Centre 	<ul style="list-style-type: none"> • Freestanding Base Telecommunication Station • Rooftop Base Telecommunication Station 	<ul style="list-style-type: none"> • Agriculture Employee Accommodation • Agri-village • Convenience Shop • Function Venue • Guest House • House Tavern • Place of Assembly • Place of Entertainment • Place of Instruction • Place of Worship • Recreation Facility • Renewable Energy Facility • Resort • Shooting Range 	5 m	3 m	No restriction, unless specified by SDF or LSDF	75 %

Land Use Category	Zoning & Primary Use	Additional Uses	Consent Use	Building Lines		Height	Coverage
				Street	Lateral & Rear		
SINGLE RESIDENTIAL	Single Residential Zone 1 <ul style="list-style-type: none">• Dwelling House• Second Dwelling Unit	<ul style="list-style-type: none"> • Additional Dwelling Unit • Home Enterprise 	<ul style="list-style-type: none"> • Boarding House • Child Care Facility • Guest House • House Tavern • Old Age Home • Residential Building 	Even < 200 m ²	1 m on 1 boundary	8.5 m	80 %
				3 m	1 m	8.5 m	70 %
				3 m	1.5 m	8.5 m	60 %
	Single Residential Zone 2: <ul style="list-style-type: none">• Agriculture• Dwelling House• Second Dwelling Unit	<ul style="list-style-type: none"> • Additional Dwelling Unit • Home Enterprise 	<ul style="list-style-type: none"> • Agriculture Employee Accommodation • Agri-village • Animal Care Centre • Freestanding Base • Telecommunication Station • Function Venue • Guest House • House Tavern • Old Age Home • Place of Instruction • Recreation Facility • Renewable Energy Facility • Restaurant • Rooftop Base • Telecommunication Station 	5 m	3 m	8.5 m	20 %

Land Use Category	Zoning & Primary Use	Additional Uses	Consent Use	Building Lines			Height	Coverage
				Street	Group Housing/ Old Age Site	Lateral & Rear		
GENERAL RESIDENTIAL	General Residential Zone 1 • Group Housing • Old Age Home	• None	• Freestanding Base Telecommunication Station • Rooftop Base Telecommunication Station		4 m	2 m	8.5 m	70 %
					Group Housing/ Old Home Age Erf	2 m	8.5 m	As per Single Residential Zone 1 per Erf
					External Cadastral Boundaries - Parent Erf (Site)			
					Internal Cadastral Boundaries	0 m		
	General Residential Zone 2 • Boarding House • Guest House • Hotel • Residential Building • Old Age Home • Wellness Centre	• None	• Freestanding Base Telecommunication Station • Place of Entertainment • Rooftop Base Telecommunication Station		5 m	3 m or half the height of the building, whichever is the greater (max 10 m)	No restriction, unless specified by SDF or LSDF	75 %
					Sub Zone 1 < 1000 m ²			
					Sub Zone 2 > 1000 m ²			
	General Residential Zone 3: • Flat	• None	• Freestanding Base Telecommunication Station • Rooftop Base Telecommunication Station		5 m	3 m or half the height of the building, whichever is the greater (max 10 m)	No restriction, unless specified by SDF or LSDF	75 %
					Sub Zone 1 < 1000 m ²			
					Sub Zone 2 > 1000 m ²			
	General Residential Zone 4: • Social Housing	• None	• Freestanding Base Telecommunication Station • Rooftop Base Telecommunication Station		5 m	3 m or half the height of the building, whichever is the greater (max 10 m)	No restriction, unless specified by SDF or LSDF	75 %

Land Use Category	Zoning & Primary Use	Additional Uses	Consent Use	Building Lines		Height	Coverage
				Street	Lateral & Rear		
BUSINESS	Business Zone 1 <ul style="list-style-type: none"> • Animal Care Centre • Boarding House • Business Premises • Filling Station • Flat • Function Venue • Funeral Parlour • Guest House • Hotel • Institution • Liquor Outlet • Medical Use • Motor Service Centre • Office • Old Age Home • Place of Instruction • Public Garage • Residential Building • Restaurant • Social Housing • Sport Facility • Transport Facility • Wellness Centre • Workshop 	<ul style="list-style-type: none"> • None 	<ul style="list-style-type: none"> • Builders Yard • Depot • Freestanding Base Telecommunication Station • Place of Worship • Place of Entertainment • Recreation Facility • Renewable Energy Facility • Rooftop Base Telecommunication Station • Scrap Yard • Shooting Range • Warehouse 	0 m	0 m	No restriction, unless specified by SDF or LSDF	100 %

Land Use Category	Zoning & Primary Use	Additional Uses	Consent Use	Building Lines		Height	Coverage
				Street	Lateral & Rear		
BUSINESS	Business Zone 2 <ul style="list-style-type: none"> • Business Premises • Filling Station • Liquor Outlet • Motor Service Centre • Office • Residential Building 	<ul style="list-style-type: none"> • None 	<ul style="list-style-type: none"> • Animal Care Centre • Boarding House • Flat • Freestanding Base Telecommunication Station • Function Venue • Funeral Parlour • Guest House • Hotel • Institution • Medical Use • Old Age Home • Place of Entertainment • Place of Instruction • Place of Worship • Public Garage • Recreation Facility • Renewable Energy Facility • Restaurant • Rooftop Base Telecommunication Station • Shooting Range • Social Housing • Sport Facility • Transport Facility • Wellness Centre • Workshop • Warehouse 	5 m	5 m or half the height of the building, whichever is the greater (max 10 m)	No restriction, unless specified by SDF or LSDF	70 %
	Business Zone 3 <ul style="list-style-type: none"> • Office • Medical Use • Wellness Centre 	<ul style="list-style-type: none"> • None 	<ul style="list-style-type: none"> • Animal Care Centre • Convenience Shop • Freestanding Base Telecommunication Station • Place of Instruction • Public Garage • Renewable Energy Facility • Restaurant • Rooftop Base Telecommunication Station • Residential Building 	5 m	3 m or half the height of the building, whichever is the greater (max 10 m)	No restriction, unless specified by SDF or LSDF	70 %

Land Use Category	Zoning & Primary Use	Additional Uses	Consent Use	Building Lines		Height	Coverage
				Street	Lateral & Rear		
INDUSTRIAL	Industrial Zone 1 • Depot • Filling Station • Industry • Public Garage	• Freestanding Base Telecommunication Station • Rooftop Base Telecommunication Station • None	• Abattoir • Crematorium • Transport Facility	0 m	0 m	No restriction, unless specified by SDF or LSDF	100 %
	Industrial Zone 2 • Business Premises • Depot • Filling Station • Light Industry • Place of Assembly • Place of Entertainment • Place of Worship • Public Garage • Transport Facility	• None	• Freestanding Base Telecommunication Station • Rooftop Base Telecommunication Station • Scrap Yard	5 m	3 m	No restriction, unless specified by SDF or LSDF	75 %
	Industrial Zone 3 • Industry • Noxious Use	• Freestanding Base Telecommunication Station • Rooftop Base Telecommunication Station	• None	0 m	0 m	No restriction, unless specified by SDF or LSDF	100 %
	Industrial Zone 4 • Mine • Mining Industry	• Freestanding Base Telecommunication Station • Rooftop Base Telecommunication Station	• None	Site and Development Specific as determined by the Municipality			

Land Use Category	Zoning & Primary Use	Additional Uses	Consent Use	Building Lines		Height	Coverage
				Street	Lateral & Rear		
COMMUNITY	Community Zone 1 • Child Care Facility • Clinic • Place of Assembly • Place of Worship • Place of Instruction	• None	• Freestanding Base Telecommunication Station • Rooftop Base Telecommunication Station • Sport Facility	5 m	1.5 m	16 m	60 %
	Community Zone 2 • Institution • Place of Assembly • Place of Instruction • Sport Facility	• None	• Freestanding Base Telecommunication Station • Rooftop Base Telecommunication Station	5 m	1.5 m	16 m	60 %

Land Use Category	Zoning & Primary Use	Additional Uses	Consent Use	Building Lines		Height	Coverage
				Street	Lateral & Rear		
RESORT	Resort Zone • Conservation Area • Resort	<ul style="list-style-type: none"> Freestanding Base Telecommunication Station Roof-top Base Telecommunication Station 	<ul style="list-style-type: none"> Function Venue Place of Entertainment Place of Instruction Wellness Centre 	5 m	5 m	8,5 m	20 %

Land Use Category	Zoning & Primary Use	Additional Uses	Consent Use	Building Lines		Height	Coverage
				Street	Lateral & Rear		
OPEN SPACE	Open Space Zone 1 • Public Open Space	<ul style="list-style-type: none"> None 	<ul style="list-style-type: none"> Convenience Shop Freestanding Base Telecommunication Station Restaurant Roof-top Base Telecommunication Station 	5 m	5 m	5 m	40 %
	Open Space Zone 2 • Private Open Space	<ul style="list-style-type: none"> None 	<ul style="list-style-type: none"> Freestanding Base Telecommunication Station Roof-top Base telecommunication Station Sport Facility 	5 m	5 m	5 m	40 %
	Open Space Zone 3 • Conservation Area	<ul style="list-style-type: none"> Freestanding Base Telecommunication Station Roof-top Base telecommunication Station 	<ul style="list-style-type: none"> Function Venue Recreation Facility Resort 	5 m	5 m	5 m	40 %

Land Use Category	Zoning & Primary Use	Additional Uses	Consent Use	Building Lines		Height	Coverage
				Street	Lateral & Rear		
TRANSPORT	Transport Zone 1 • External Engineering Services • Public Roads & Parking	<ul style="list-style-type: none"> None 	<ul style="list-style-type: none"> None 	Site and Development Specific as determined by the Municipality			

Land Use Category	Zoning & Primary Use	Additional Uses	Consent Use	Building Lines		Height	Coverage
				Street	Lateral & Rear		
	Transport Zone 2 : <ul style="list-style-type: none">External Engineering ServicesPrivate Roads & Parking	<ul style="list-style-type: none">None	<ul style="list-style-type: none">Freestanding Base Telecommunication StationRooftop Base Telecommunication Station	Site and Development Specific as determined by the Municipality			
	Transport Zone 3 : <ul style="list-style-type: none">Transport Use	<ul style="list-style-type: none">None	<ul style="list-style-type: none">Freestanding Base Telecommunication StationRooftop Base Telecommunication Station	Site and Development Specific as determined by the Municipality			
Land Use Category	Zoning & Primary Use	Additional Uses	Consent Use	Street	Lateral & Rear	Height	Coverage
AUTHORITY	Authority Zone <ul style="list-style-type: none">Authority UseExternal Engineering Services	<ul style="list-style-type: none">None	<ul style="list-style-type: none">Subject To Municipal DecisionFreestanding Base Telecommunication StationRooftop Base Telecommunication Station	Site and Development Specific as determined by the Municipality			
Land Use Category	Zoning & Primary Use	Additional Uses	Consent Use	Street	Lateral & Rear		
UNDETERMINED	Undetermined Use Zone <ul style="list-style-type: none">None	<ul style="list-style-type: none">None	<ul style="list-style-type: none">None	<ul style="list-style-type: none">None			
Land Use Category	Zoning & Primary Use	Additional Uses	Consent Use	Street	Lateral & Rear		
SPECIAL PURPOSES	Special Purpose Zone <ul style="list-style-type: none">Uses as specified in terms of this Scheme	<ul style="list-style-type: none">Additional Uses as specified in terms of this Scheme	<ul style="list-style-type: none">None	Site and Development Specific as determined by the Municipality			

17. Agricultural Zone 1

Land Use Category	Agriculture		
Zoning	Agricultural Zone 1		
Purpose of Zone			
<ul style="list-style-type: none">• The protection and preservation of agricultural land, rural landscapes and biodiversity.• Use of land for purposes of bona fide agricultural production or conservation.• A limited range of other uses which may take place on agricultural Land Units, either as additional rights or with the consent of the Municipality and which provide for tourism which has the objective of creating variety, ensuring sustainability, and providing diversified income to landowners, without impacting adversely on the primary use of the Land Unit for agricultural purposes.			
Primary Use		Additional Uses	
<ul style="list-style-type: none">• Agriculture• Dwelling House• Second Dwelling Unit		<ul style="list-style-type: none">• Additional Dwelling Unit• Home Enterprise	
Consent Uses			
<ul style="list-style-type: none">• Abattoir• Agriculture Employee Accommodation• Agri-village• Animal Care Centre• Convenience Shop• Freestanding Base Telecommunication Station• Function Venue• Guest House• House Tavern		<ul style="list-style-type: none">• Place of Assembly• Place of Entertainment• Place of Instruction• Place of Worship• Recreation Facility• Renewable Energy Facility• Resort• Rooftop Base Telecommunication Station• Shooting Range	
Development Parameters			
Building Lines		Height	Coverage
Street	Lateral & Rear		
10 m	10 m	Dwelling Units 8.5 m 15m Agricultural Buildings	20 %

18. Agricultural Zone 2

Land Use Category	Agriculture		
Zoning	Agricultural Zone 2		
Purpose of Zone			
<ul style="list-style-type: none">• To enable the establishment of an Agricultural Industry for the processing of agricultural products mainly in the immediate vicinity of the area in which such agricultural products are produced.• To enable the processing of agricultural products where the perishable nature, fragility or other characteristics thereof require that they be processed in close proximity.• Limited retail of mainly agricultural products and Convenience Shop are permitted.			
Primary Use		Additional Uses	
<ul style="list-style-type: none">• Agricultural Industry• Agriculture• Animal Care Centre		<ul style="list-style-type: none">• Freestanding Base Telecommunication Station• Rooftop Base Telecommunication Station	
Consent Uses			
<ul style="list-style-type: none">• Agriculture Employee Accommodation• Agri-village• Convenience Shop• Function Venue• Guest House• House Tavern• Place of Assembly• Place of Entertainment		<ul style="list-style-type: none">• Place of Instruction• Place of Worship• Recreation Facility• Renewable Energy Facility• Resort• Shooting Range	
Development Parameters			
Building Lines		Height	Coverage
Street	Lateral & Rear		
5 m	3 m	No Restriction Unless Specified by the SDF or LSDF	75 %

19. Single Residential Zone 1

Land Use Category	Single Residential			
Zoning	Single Residential Zone 1			
Purpose of Zone				
<ul style="list-style-type: none">• Use of land for residential development where the predominant type of accommodation is a Dwelling House for use by a Single Family.• Protect the welfare and safety of the occupants of a Dwelling Unit within a neighbourhood by limiting uses which are likely to give rise to a public nuisance.• Controlled opportunities for home employment and income generation activities which are compatible with and ancillary to residential uses, provided that the dominant use of the property remains residential.• Moderate densification through additional dwellings as primary or consent uses.				
Primary Use			Additional Uses	
<ul style="list-style-type: none">• Dwelling House• Second Dwelling Unit			<ul style="list-style-type: none">• Additional Dwelling Unit• Home Enterprise	
Consent Uses				
<ul style="list-style-type: none">• Boarding House• Child Care Facility• Guest House			<ul style="list-style-type: none">• House Tavern• Old Age Home• Residential Building	
Development Parameters				
	Building Lines		Height	Coverage
	Street	Lateral & Rear		
Erven < 200 m²	1 m	1 m on 1 boundary	8.5 m	80 %
Erven 201-599 m²	3 m	1 m	8.5 m	70 %
Erven > 600 m²	3 m	1.5 m	8.5 m	60 %
General Provisions				
(1) A Residential Building and Additional Dwelling Unit may only be permitted after the erection of a Dwelling House and a Second Dwelling Unit.				
(2) A Residential Building erected under this zone shall not exceed 50 m².				

20. Single Residential Zone 2

Land Use Category	Single Residential		
Zoning	Single Residential Zone 2		
Purpose of Zone			
<ul style="list-style-type: none">• The use of land or buildings for low density residential development and ancillary use with a rural character.• To accommodate larger residential properties, which may be used for limited agricultural purposes, generally agricultural smallholdings, but primarily serve as places of residence for people who seek a rural lifestyle.• Development may occur inside or outside a recognised urban edge.• Permitting uses in line with rural activity i.e., keeping of animals and small-scale cultivation on a limited basis.• Provide for activities in keeping with the rural character of the area and distinct from agriculture or commercial farming.			
Primary Use		Additional Uses	
<ul style="list-style-type: none">• Agriculture• Dwelling House• Second Dwelling Unit		<ul style="list-style-type: none">• Additional Dwelling Unit• Home Enterprise	
Consent Uses			
<ul style="list-style-type: none">• Agriculture Employee Accommodation• Agri-village• Animal Care Centre• Freestanding Base Telecommunication Station• Function Venue• Guest House• House Tavern		<ul style="list-style-type: none">• Old Age Home• Place of Instruction• Recreation Facility• Renewable Energy Facility• Restaurant• Rooftop Base Telecommunication Station	
Development Parameters			
Building Lines		Height	Coverage
Street	Lateral & Rear		
5 m	3 m	8.5 m	20 %

21. General Residential Zone 1

Land Use Category		General Residential			
Zoning		General Residential Zone 1			
Purpose of Zone					
<ul style="list-style-type: none">• Encourage residential development of a medium density up to 50 units / ha, with a coordinated design, and to accommodate Group Housing where special attention is given to aesthetics, architectural form, and the inter-relationship between components of the Group Housing scheme.• Shared private services and access, which may either be subdivided or on one cadastral Land Unit.• Opportunities are included for low-rise Flats within a Group Housing scheme.• Development of medium density Dwelling Houses, semi-detached or row houses.• Opportunities for retirement village and nursing home.					
Primary Use			Additional Uses		
<ul style="list-style-type: none">• Group Housing• Old Age Home			<ul style="list-style-type: none">• None		
Consent Uses					
<ul style="list-style-type: none">• Freestanding Base Telecommunication Station			<ul style="list-style-type: none">• Rooftop Base Telecommunication Station		
Development Parameters					
		Building Lines		Height	Coverage
		Street	Lateral & Rear		
Group Housing / Old age home Site		4 m	2 m	8.5 m	70 %
Group Housing / Old Age home Erf	External Cadastral Boundaries - Parent Erf (Site)	4m	2m	8.5 m	As per Single Residential Zone 1 per Erf
	Internal Cadastral Boundaries	1 m	0 m		
General Provisions					
<p>(1) All buildings and structures must be planned, designed and built as an entity and special attention must be given to aesthetics, architectural coordination, urban design, and landscaping.</p> <p>(2) Residents of the development must have access to an open space on the Land Unit.</p> <p>(3) A site development plan of the proposed Group Housing scheme must be submitted to the Municipality for its approval and, if approved, the development of the Group Housing site must be in accordance with the approved site development plan.</p> <p>(4) A refuse room and/or service yard must be provided on the Group Housing site.</p> <p>(5) Old Age Home may not be developed on individual units within a Group Housing scheme.</p>					

22. General Residential Zone 2

Land Use Category	General Residential			
Zoning	General Residential Zone 2			
Purpose of Zone				
<ul style="list-style-type: none">• High-density residential development comprising of higher density Residential Buildings, and residential rooms.• Other residential accommodation such as student and tourism.				
Primary Use			Additional Uses	
<ul style="list-style-type: none">• Boarding House• Guest House• Hotel• Residential Building• Old Age Home• Wellness Centre			<ul style="list-style-type: none">• None	
Consent Uses				
<ul style="list-style-type: none">• Freestanding Base Telecommunication Station• Place of Entertainment			<ul style="list-style-type: none">• Rooftop Base Telecommunication Station	
Development Parameters				
	Building Lines		Height	Coverage
	Street	Lateral & Rear		
Sub Zone 1 < 1000 m²	5 m	3 m or half the height of the building, whichever is the greater (max 10 m)	No restriction, unless specified by SDF or LSDF	75 %
Sub Zone 2 > 1000 m²	5 m	5m or half the height of the building, whichever is the greater (max 10 m)	No restriction, unless specified by SDF or LSDF	75 %
General Provisions				
<div><div>(1)</div><div>All buildings and structures must be planned, designed, and built as a harmonious architectural entity and special attention must be given to aesthetics, architectural coordination, urban design, and landscaping.</div></div> <div><div>(2)</div><div>Residents of the Residential Building must have access to an open space on the Land Unit.</div></div> <div><div>(3)</div><div>A site development plan of the proposed development must be submitted to the Municipality for its approval and, if approved, the development must be in accordance with the approved site development plan.</div></div>				

23. General Residential Zone 3

Land Use Category	General Residential			
Zoning	General Residential Zone 3			
Purpose of Zone				
• High-density multiple Dwelling Units including high rise buildings ideally for Single Family accommodation in each unit.				
Primary Use			Additional Uses	
• Flats			• None	
Consent Uses				
• Freestanding Base Telecommunication Station			• Rooftop Base Telecommunication Station	
Development Parameters				
	Building Lines		Height	Coverage
	Street	Lateral & Rear		
Sub Zone 1 < 1000 m ²	5 m	3 m or half the height of the building, whichever is the greater (max 10 m)	No restriction, unless specified by SDF or LSDF	75 %
Sub Zone 2 > 1000 m ²	5 m	5 m or half the height of the building, whichever is the greater (max 10 m)	No restriction, unless specified by SDF or LSDF	75 %
General Provisions				
(1) Consent Uses for student accommodation and Guest Houses are not permitted for individual units under this use zone due to shared facilities, such as parking.				

24. General Residential Zone 4

Land Use Category	General Residential		
Zoning	General Residential Zone 4		
Purpose of Zone			
<ul style="list-style-type: none">• To make provision for Social Housing managed by an accredited Social Housing Institution and other government programmes such as community residential units for specific income brackets.• A self-sustainable concept which includes ancillary uses for the exclusive use by the residents of the development is encouraged.			
Primary Use		Additional Uses	
<ul style="list-style-type: none">• Social Housing		<ul style="list-style-type: none">• None	
Consent Uses			
<ul style="list-style-type: none">• Freestanding Base Telecommunication Station		<ul style="list-style-type: none">• Rooftop Base Telecommunication Station	
Development Parameters			
Building Lines		Height	Coverage
Street	Lateral & Rear		
5 m	3 m or half the height of the building, whichever is the greater (max 10 m)	No restriction, unless specified by SDF or LSDF	75 %

25. Business Zone 1

Land Use Category	Business		
Zoning	Business Zone 1		
Purpose of Zone			
• Includes a wide range of land uses such as business, residential and community uses but excludes industrial development with relatively few restrictions in order to promote urban vitality and economic growth.			
Primary Use			
<ul style="list-style-type: none">• Animal Care Centre• Boarding House• Business Premises• Filling Station• Flat• Function Venue• Funeral Parlour• Guest House• Hotel• Institution• Liquor Outlet• Medical Use		<ul style="list-style-type: none">• Motor Service Centre• Office• Old Age Home• Place of Instruction• Public Garage• Residential Building• Restaurant• Social Housing• Sport Facility• Transport Facility• Wellness Centre• Workshop	
Additional Uses		Consent Uses	
<ul style="list-style-type: none">• None		<ul style="list-style-type: none">• Builders Yard• Depot• Freestanding Base Telecommunication Station• Place of Worship• Place of Entertainment• Recreation Facility• Renewable Energy Facility• Rooftop Base Telecommunication Station• Scrap Yard• Shooting Range• Warehouse	
Development Parameters			
Building Lines		Height	Coverage
Street	Lateral & Rear		
0 m	0 m	No restriction, unless specified by SDF or LSDF	100 %
General Provisions			
<p>(1) Where a Land Unit zoned for Business Zone 1 purposes has a common boundary with another Land Unit which is not so zoned, the Municipality may require a 2.1-metre-high wall to be erected to the satisfaction of the Municipality, along the common boundary.</p> <p>(2) If a Land Unit zoned for Business Zone 1 purposes abuts a residential zone, the lateral and rear building lines on the common boundary applicable to the abutting residential zoned Erf shall apply.</p> <p>(3) The Municipality's Spatial Development Framework must recognise that the intensive nature of the business activities or the scale of the operation could generate some negative impact on adjacent residential properties.</p>			

26. Business Zone 2

Land Use Category	Business		
Zoning	Business Zone 2		
Purpose of Zone			
<ul style="list-style-type: none">• Low intensity commercial and mixed-use development which serves neighbourhood needs for convenience goods and personal services.• The development should be limited in scale and nature and capable of integration into the adjacent residential neighbourhood, without adversely affecting the amenity of the residential neighbourhood.			
Primary Use		Additional Uses	
<ul style="list-style-type: none">• Business Premises• Filling Station• Liquor Outlet• Motor Service Centre• Office• Residential Building		<ul style="list-style-type: none">• None	
Consent Uses			
<ul style="list-style-type: none">• Animal Care Centre• Boarding House• Flat• Freestanding Base Telecommunication Station• Function Venue• Funeral Parlour• Guest House• Hotel• Institution• Medical Use• Old Age Home• Place of Entertainment• Place of Instruction		<ul style="list-style-type: none">• Place of Worship• Public Garage• Recreation Facility• Renewable Energy Facility• Restaurant• Rooftop Base Telecommunication Station• Shooting Range• Social Housing• Sport Facility• Transport Facility• Wellness Centre• Workshop• Warehouse	
Development Parameters			
Building Lines		Height	Coverage
Street	Lateral & Rear		
5 m	5 m or half the height of the building, whichever is the greater (max 10 m)	No restriction, unless specified by SDF or LSDF	70 %
General Provisions			
<p>(1) Where a Land Unit zoned for Business Zone 2 purposes has a common boundary with another Land Unit which is not so zoned, the Municipality may require a 2.1-metre-high wall to be erected to the satisfaction of the Municipality, along the common boundary.</p> <p>(2) If a Land Unit zoned for Business Zone 2 purposes abuts a residential zone, the lateral and rear Building Lines on the common boundary applicable to the abutting residential zoned Erf shall apply.</p>			

27. Business Zone 3

Land Use Category	Business		
Zoning	Business Zone 3		
Purpose of Zone			
<ul style="list-style-type: none">• An intermediate zone that may, if required, act as a buffer or interface between low-to medium – intensity business zones or other high-intensity non-residential uses, and residential areas.• The dominant uses should be for Office and limited retail activities; uses ancillary to the permitted uses are possible with the Municipality's approval.			
Primary Use		Additional Uses	
<ul style="list-style-type: none">• Office• Medical Use• Wellness Centre		<ul style="list-style-type: none">• None	
Consent Uses			
<ul style="list-style-type: none">• Animal Care Centre• Convenience Shop• Freestanding Base Telecommunication Station• Place of Instruction		<ul style="list-style-type: none">• Public Garage• Renewable Energy Facility• Restaurant• Rooftop Base Telecommunication Station• Residential Building	
Development Parameters			
Building Lines		Height	Coverage
Street	Lateral & Rear		
5 m	3 m or half the height of the building, whichever is the greater (max 10 m)	No restriction, unless specified by SDF or LSDF	70 %

28. Industrial Zone 1

Land Use Category	Industrial		
Zoning	Industrial Zone 1		
Purpose of Zone			
<ul style="list-style-type: none">• Make provision for general manufacturing and large-scale warehousing purposes and for any industrial activity exercised in connection therewith or additional thereto, except noxious trade and risk activity, in order to promote the manufacturing sector of the economy.• Limited non-industrial activities, but these should not compromise the general use of the area zoned for Industry.			
Primary Use		Additional Uses	
<ul style="list-style-type: none">• Depot• Filling Station• Industry• Public Garage		<ul style="list-style-type: none">• Freestanding Base Telecommunication Station• Rooftop Base Telecommunication Station	
Consent Uses			
<ul style="list-style-type: none">• Abattoir• Crematorium		<ul style="list-style-type: none">• Transport Facility	
Development Parameters			
Building Lines		Height	Coverage
Street	Lateral & Rear		
0 m	0 m	No restriction, unless specified by SDF or LSDF	100 %
General Provisions			
<p>(1) Where a Land Unit zoned for industrial purposes has a common boundary with another Land Unit which is not so zoned, the Municipality shall require a 2.1-metre-high wall to be erected to the satisfaction of the Municipality, along the common boundary.</p> <p>(2) If a Land Unit zoned for industrial purposes abuts a residential zone, the lateral and rear Building Lines on the common boundary applicable to the abutting residential zoned Erf shall apply.</p> <p>(3) The Municipality's Spatial Development Framework must recognise the intensive nature of the industrial activity or the scale of the operation could generate some negative impact on adjacent properties.</p>			

29. Industrial Zone 2

Land Use Category	Industrial		
Zoning	Industrial Zone 2		
Purpose of Zone			
<ul style="list-style-type: none">• To accommodate Industry uses that may be carried out without nuisance to other properties or the general public.• Includes High-tech Industrial, Light Industrial Manufacturing and Office Parks.• These uses may be located next to business uses and in close proximity to residential areas, and do not present a potential negative impact on the character or amenity of such areas.			
Primary Use			
<ul style="list-style-type: none">• Business Premises• Depot• Filling Station• Light Industry• Place of Assembly		<ul style="list-style-type: none">• Place of Entertainment• Place of Worship• Public Garage• Transport Facility	
Additional Uses		Consent Uses	
<ul style="list-style-type: none">• None		<ul style="list-style-type: none">• Freestanding Base Telecommunication Station• Rooftop Base Telecommunication Station• Scrap Yard	
Development Parameters			
Building Lines		Height	Coverage
Street	Lateral & Rear		
5 m	3 m	No restriction, unless specified by SDF or LSDF	75 %
General Provisions			
(1) Where a Land Unit zoned Industrial Zone 2 has a common boundary with another Land Unit which is not so zoned, the Municipality shall require a 2.1-metre-high wall to be erected, to the satisfaction of the Municipality, along the common boundary.			

30. Industrial Zone 3

Land Use Category	Industrial		
Zoning	Industrial Zone 3		
Purpose of Zone			
<ul style="list-style-type: none">• For uses, trades or industries which are considered noxious in terms of associated risks to health in neighbouring premises arising from vapours, fluids, waste matter, noise, disturbance and dust or other objectionable consequence of their operation, or which carry a high risk in the event of fire or accident.• A noxious trade or hazardous uses should not be located close to residential areas.• Careful consideration on approving noxious trade and hazardous uses must be taken by the Municipality not to compromise other uses in the zone.			
Primary Use			
<ul style="list-style-type: none">• Industry• Noxious Use			
Additional Uses		Consent Uses	
<ul style="list-style-type: none">• Freestanding Base Telecommunication Station• Rooftop Base Telecommunication Station		<ul style="list-style-type: none">• None	
Development Parameters			
Building Lines		Height	Coverage
Street	Lateral & Rear		
0 m	0 m	No restriction, unless specified by SDF or LSDF	100 %
General Provisions			
<p>(1) Where a Land Unit zoned for Industrial Zone 3 purposes has a common boundary with another Land Unit which is not zoned Industrial Zone 1 or Industrial Zone 2, the Municipality shall require a 2.1-metre-high wall, of the quality and with finishings to the satisfaction of the Municipality, to be erected along the common boundary.</p> <p>(2) Notwithstanding the fact that an activity constitutes a primary use right in terms of this zone, no activity or use which includes the on-site storage of Hazardous Substances is permitted unless a risk management and prevention plan has been submitted to the Municipality for its approval.</p> <p>(3) The risk management and prevention plan must include guidelines approved by the Municipality to prevent or minimise danger to the environment or humans from a particular activity or series of activities, and to deal with the consequences of any dangerous event involving the Hazardous Substances.</p> <p>(4) The Municipality's Spatial Development Framework must recognise that the intensive nature of the industrial activity or the scale of the operation could generate some negative impact on adjacent properties.</p>			

31. Industrial Zone 4

Land Use Category	Industrial		
Zoning	Industrial Zone 4		
Purpose of Zone			
<ul style="list-style-type: none">• The use of land for the extraction of minerals and raw materials and, to a limited extent, associated business operations.• Operations of a more permanent nature as opposed to temporary, short-term mining or prospecting activities.• This zone shall be subject to all relevant statutory restrictions which apply to the exploitation of raw materials.			
Primary Use			
<ul style="list-style-type: none">• Mine• Mining Industry			
Additional Uses		Consent Uses	
<ul style="list-style-type: none">• Freestanding Base Telecommunication Station• Rooftop Base Telecommunication Station		<ul style="list-style-type: none">• None	
Development Parameters			
Building Lines		Height	Coverage
Street	Lateral & Rear		
Site and Development Specific as determined by the Municipality			
General Provisions			
<p>(1) The owner must comply with national and provincial statutory requirements applicable to mining.</p> <p>(2) Any application for the use of a Land Unit for a mine must contain an explanation of the measures which will be implemented to address safety and environmental concerns which may be imposed as conditions of approval by the Municipality, including but not limited to:</p> <ul style="list-style-type: none">(a) control of drainage, sedimentation and erosion;(b) preservation of surface and substance water;(c) preservation of topsoil;(d) provision for restoration and the re-use of the site;(e) provision for noise and visual buffering;(f) accommodation of heavy traffic and vehicles on roadways; and(g) a phased programme for rehabilitation.			

32. Community Zone 1

Land Use Category	Community		
Zoning	Community Zone 1		
Purpose of Zone			
<ul style="list-style-type: none">A range of social uses directed at neighbourhood community needs, such as educational, religious, welfare or health services.			
Primary Use			
<ul style="list-style-type: none">Child Care FacilityClinicPlace of Instruction		<ul style="list-style-type: none">Place of AssemblyPlace of Worship	
Additional Uses		Consent Uses	
<ul style="list-style-type: none">None		<ul style="list-style-type: none">Freestanding Base Telecommunication StationRooftop Base Telecommunication StationSport Facility	
Development Parameters			
Building Lines		Height	Coverage
Street	Lateral & Rear		
5 m	1.5 m	16 m	60 %

33. Community Zone 2

Land Use Category	Community		
Zoning	Community Zone 2		
Purpose of Zone			
<ul style="list-style-type: none">To make provision for Institutions as defined, including ancillary uses			
Primary Use			
<ul style="list-style-type: none">InstitutionPlace of Assembly		<ul style="list-style-type: none">Place of InstructionSport Facility	
Additional Uses		Consent Uses	
<ul style="list-style-type: none">None		<ul style="list-style-type: none">Freestanding Base Telecommunication StationRooftop Base Telecommunication Station	
Development Parameters			
Building Lines		Height	Coverage
Street	Lateral & Rear		
5 m	1.5 m	16 m	60 %

34. Resort Zone

Land Use Category	Resort		
Zoning	Resort Zone		
Purpose of Zone			
<ul style="list-style-type: none">• To promote tourist and holiday facilities in areas with special environmental or recreational attributes, and to encourage public access to these facilities.• Care should be exercised to minimise potential negative impacts of development on Conservation Areas.• The guiding principle should be that a Resort must not detract from the amenity which attracted the holiday facilities, nor should it cause a nuisance on Land Units with other uses in the vicinity.			
Primary Use			
<ul style="list-style-type: none">• Conservation Area• Resort			
Additional Uses		Consent Uses	
<ul style="list-style-type: none">• Freestanding Base Telecommunication Station• Rooftop Base Telecommunication Station		<ul style="list-style-type: none">• Function Venue• Place of Entertainment• Place of Instruction• Wellness Centre	
Development Parameters			
Building Lines		Height	Coverage
Street	Lateral & Rear		
5 m	5 m	8.5 m	20 %
General Provisions			
<p>(1) When land is rezoned to Resort Zone the Municipality must impose conditions regulating the density, layout, landscaping, and building design.</p> <p>(2) A site development plan must be submitted to the Municipality for its approval, clearly indicating the position of all structures, stands, services and internal roads.</p>			

35. Open Space Zone 1

Land Use Category	Open Space		
Zoning	Open Space Zone 1		
Purpose of Zone			
<ul style="list-style-type: none">• To make provision for land which vests in the Municipality as a public place and which is intended to be used for:<ul style="list-style-type: none">- active or passive public recreational and public amenity purposes;- the creation of a desired urban form, or visual open space for residents; and- an open space which also accommodates riverine corridors and other similar natural features.• To serve as an open space which accommodates municipal services in a landscaped or natural setting, such as stormwater detention ponds.			
Primary Use		Additional Uses	
<ul style="list-style-type: none">• Public Open Space		<ul style="list-style-type: none">• None	
Consent Uses			
<ul style="list-style-type: none">• Convenience shop• Freestanding Base Telecommunication Station		<ul style="list-style-type: none">• Restaurant• Rooftop Base Telecommunication Station	
Development Parameters			
Building Lines		Height	Coverage
Street	Lateral & Rear		
5 m	5 m	5 m	40 %

36. Open Space Zone 2

Land Use Category	Open Space		
Zoning	Open Space Zone 2		
Purpose of Zone			
<ul style="list-style-type: none">• To make provision for land which is in private ownership and which is intended to be used for:<ul style="list-style-type: none">- active or passive private recreational and private amenity purposes;- the creation a desired urban form, or visual open space for residents;- an open space which also accommodates riverine corridors and other similar natural features;- an open space which accommodates municipal services in a landscaped or natural setting, such as stormwater detention ponds; and- the promotion of private recreation, the enhancement of aesthetic appearance and the maintenance of a functional open space system.			
Primary Use		Additional Uses	
<ul style="list-style-type: none">• Private Open Space		<ul style="list-style-type: none">• None	
Consent Uses			
<ul style="list-style-type: none">• Freestanding Base Telecommunication Station• Rooftop Base telecommunication Station• Sport Facility			
Development Parameters			
Building Lines		Height	Coverage
Street	Lateral & Rear		
5 m	5 m	5 m	40 %

37. Open Space Zone 3

Land Use Category	Open Space		
Zoning	Open Space Zone 3		
Purpose of Zone			
<ul style="list-style-type: none">• The use of land or an area for preservation of the natural environment or for conservation purposes.• Protection of the natural environment whether or not the land has been proclaimed for conservation purposes in terms of the relevant legislation.• The sustainable utilisation of these areas by the controlled provision of holiday accommodation and tourist facilities.			
Primary Use			
<ul style="list-style-type: none">• Conservation Area			
Additional Uses		Consent Uses	
<ul style="list-style-type: none">• Freestanding Base Telecommunication Station• Rooftop Base telecommunication Station		<ul style="list-style-type: none">• Function Venue• Recreation Facility• Resort	
Development Parameters			
Building Lines		Height	Coverage
Street	Lateral & Rear		
5 m	5 m	5 m	40 %

38. Transport Zone 1

Land Use Category	Transport		
Zoning	Transport Zone 1		
Purpose of Zone			
<ul style="list-style-type: none">Public roads as indicated on the General Plan or Zoning Map, whether constructed or not.Premises for the public parking of motor vehicles which are in use.			
Primary Use			
<ul style="list-style-type: none">External Engineering ServicesPublic Roads & Parking			
Additional Uses		Consent Uses	
<ul style="list-style-type: none">None		<ul style="list-style-type: none">None	
Development Parameters			
Building Lines		Height	Coverage
Street	Lateral & Rear		
Site and Development Specific as determined by the Municipality			
General Provisions			
<p>(1) The Municipality may indicate proposed new roads and/or the proposed widening and closing of roads for information purposes on the Zoning Map by means of a specific annotation on the Zoning Map.</p> <p>(2) The original zoning of the properties affected by road widening or a new road will remain in place until the new road or widening has been proclaimed in terms of the relevant legislation and the required rezoning has become effective.</p> <p>(3) No person shall:</p> <p>(a) construct a private crossing, bridge or culvert onto, under or across a public road;</p> <p>(b) construct or lay a sidewalk on a public road;</p> <p>(c) construct any building, structure or other projection in or over a public road; and</p> <p>(d) deposit or leave any goods, articles, building materials or waste in a public road or road reserve other than for a reasonable period during the course of loading, offloading or removal thereof, except in accordance with and after the Municipality has given its approval.</p> <p>(4) The Municipality may permit Informal Trading on this zone in line with its policies.</p>			

39. Transport Zone 2

Land Use Category	Transport		
Zoning	Transport Zone 2		
Purpose of Zone			
<ul style="list-style-type: none">The purpose of this zone is to provide roads on land which is privately owned, and which do not vest in the Municipality or any other organ of state, for the passage or parking of motor vehicles.			
Primary Use			
<ul style="list-style-type: none">External Engineering ServicesPrivate Roads & Parking			
Additional Uses		Consent Uses	
<ul style="list-style-type: none">None		<ul style="list-style-type: none">Freestanding Base Telecommunication StationRooftop Base Telecommunication Station	
Development Parameters			
Building Lines		Height	Coverage
Street	Lateral & Rear		
Site and Development Specific as determined by the Municipality			

40. Transport Zone 3

Land Use Category	Transport		
Zoning	Transport Zone 3		
Purpose of Zone			
<ul style="list-style-type: none">• Transportation systems, including all other transport undertakings which serve the public such as Airports, Harbours and Railway Lines.• Enterprises which facilitate the transportation of goods.• Related or associated uses which may support transport enterprises.			
Primary Use			
<ul style="list-style-type: none">• Transport Use			
Additional Uses		Consent Uses	
<ul style="list-style-type: none">• None		<ul style="list-style-type: none">• Freestanding Base Telecommunication Station• Rooftop Base Telecommunication Station	
Development Parameters			
Building Lines		Height	Coverage
Street	Lateral & Rear		
Site and Development Specific as determined by the Municipality			

41. Authority Zone

Land Use Category	Authority		
Zoning	Authority Zone		
Purpose of Zone			
<ul style="list-style-type: none">• The use of land for the provision and protection of any infrastructure serving the public, whether in public or private ownership.• land used by government, parastatal or private bodies appointed to perform a public function for any of the uses in the definition of "authority use".• The provision of engineering services such as electrical substations and water reservoirs, which may be supplied by a municipal, government or private agency.			
Primary Use			
<ul style="list-style-type: none">• Authority Use• External Engineering Services			
Additional Uses		Consent Uses	
<ul style="list-style-type: none">• None		<ul style="list-style-type: none">• Subject to Municipal decision• Freestanding Base Telecommunication Station• Rooftop Base Telecommunication Station	
Development Parameters			
Building Lines		Height	Coverage
Street	Lateral & Rear		
Site and Development Specific as determined by the Municipality			

42. Undetermined Use Zone

Land Use Category	Undetermined		
Zoning	Undetermined Use Zone		
Purpose of Zone			
<ul style="list-style-type: none">A zone catering for a Land Unit where the development rights are unknown, which requires the owner of the Land Unit to lodge an application to rezone in order to develop or make additions to existing buildings.			
Primary Use			
<ul style="list-style-type: none">None			
Additional Uses		Consent Uses	
<ul style="list-style-type: none">None		<ul style="list-style-type: none">None	
Development Parameters			
Building Lines		Height	Coverage
Street	Lateral & Rear		
None			

43. Special Purpose Zone

Land Use Category		Special Purposes	
Zoning		Special Purpose Zone	
Purpose of Zone			
<ul style="list-style-type: none">• To cater for mixed use developments or a development with uses defined or specified in the Scheme which may not be catered for under a particular zone.• Enables a development with uses customised for a particular Land Unit.			
Primary Use			
<ul style="list-style-type: none">• Uses as specified in terms of this scheme			
Additional Uses		Consent Uses	
<ul style="list-style-type: none">• Additional Uses as specified in terms of this Scheme		<ul style="list-style-type: none">• None	
Development Parameters			
Building Lines		Height	Coverage
Street	Lateral & Rear		
Site and Development Specific as determined by the Municipality			
General Provisions			
<div><div>(1)</div><div>All conditions imposed in the Special Purpose Zone, shall have the same force and effect, and shall be regarded as part of the Scheme.</div></div>			
<div><div>(2)</div><div>Development Parameters are to be aligned with those specified in the Scheme.</div></div>			

CHAPTER 3: GENERAL PROVISIONS

This part contains general provisions and parameters which apply to all zones or to specific zones as may be provided for.

44. Additional Dwelling Units

- (1) The following shall apply in relation to Additional Dwelling Units:
- (a) only one Additional Dwelling Unit may be permitted on land zoned for Single Residential Zone 1 purposes;
 - (b) in any zone in which a Second Dwelling Unit or Additional Dwelling Unit is permitted, no sectional title scheme may be registered on a Land Unit smaller than 1000 m²;
 - (c) not more than two Dwelling Units or a Residential Building may be registered as a sectional title scheme on land zoned for Single Residential Zone 1 purposes;
 - (d) no departure will be considered for purposes of the erection of an Additional Dwelling Unit on land zoned for Single Residential Zone 1 purposes;
 - (e) in the case of land zoned for Agriculture Zone and Single Residential Zone 2 purposes, Additional Dwelling Units may be permitted to a density of one unit per 10 ha, subject to a maximum of 5 Additional Dwelling Units;
 - (f) in the case of land zoned for Agriculture Zone and Single Residential Zone 2 purposes, at least one Additional Dwelling Unit may be permitted notwithstanding the size of the Land Unit; and
 - (g) an Additional Dwelling Unit may be attached or separated from the Main Dwelling Unit and the Second Dwelling Unit.

45. Agriculture Employee Accommodation

- (1) The following shall apply in relation to Agriculture Employee Accommodation:
- (a) one employee Dwelling Unit or Residential Building not exceeding 50m² in size shall be permitted on a Land Unit as a primary right on land zoned Agriculture Zone 1, Agriculture Zone 2, and Single Residential Zone 2;
 - (b) the Municipality may on application approve additional Agriculture Employee Accommodation if it is satisfied that such additional employee Dwelling Units (which must comply with the requirements in subparagraph (1)(a) above) are for the accommodation of *bona fide* agriculture employees engaged in agricultural activities on that Land Unit; and
 - (c) The Municipality may require the owner to provide a list of the employees occupying the employee Dwelling Units, as and when required.

46. Agri-village

- (1) In the case of land zoned for Agriculture Zone and Single Residential Zone 2 purposes, an Agri-village may be permitted at a density as defined by the applicable local spatial development framework ("LSDF") or at a density of 1 unit per 5 ha, if an LSDF is not approved for the area.
- (2) The primary Dwelling Unit and any Second Dwelling unit and Additional Dwelling Units will be taken into account in determining the total density.
- (3) Agri-village is exempted from the provisions of open space requirements.

47. Animals kept for Commercial Purposes

- (1) Animals may be kept for commercial purposes, only on a Land Unit zoned Agricultural Zone and Single Residential 2.
- (2) The Municipality's consent shall be required if animals are kept on a Land Unit within an urban area and not zoned Agricultural Zone and Single Residential 2.

48. Building Lines

- (1) The following additional parameters apply in respect of Building Lines:
 - (a) Carports are permitted up to the street boundary and garages are permitted up to 1 metre from the street boundary;
 - (b) garages and Carports are permitted up to the side and rear boundary provided that the wall on the side and rear boundary is no higher than one storey; the height of the entire garage does not exceed one storey and no stormwater may be discharged directly from the building roof onto the neighbouring property;
 - (c) projecting eaves may extend beyond the common Building Line or street Building Line by at most 1 metre but may not extend beyond the Land Unit boundary unless authorised by a servitude registered over the Land Unit encroached upon;
 - (d) where a Land Unit measures 200 m² or less, the Building Line on one of the common boundaries shall be on that boundary, provided that no stormwater run-off shall be permitted directly from a building on that Land Unit onto the neighbouring land;
 - (e) a balcony projecting from the face of the building, or positioned on the roof of a building below, shall comply with all Building Lines applicable to the Land Unit, but may in any event not be nearer than 1 metre to the side and rear boundary, whichever is the most restrictive;
 - (f) notwithstanding the Building Lines prescribed in the Scheme, the Municipality may require Building Lines along the common boundary between any Land Units sufficient to protect any municipal services infrastructure installed along such boundary; or alternatively the registration of servitudes in its favour providing for such installation;
 - (g) where a Land Unit abuts any road other than a municipal road, an application for the relaxation must be circulated for comments by the relevant roads authority;
 - (h) where a Land Unit abuts a road proclaimed under the South African National Roads Agency Limited and National Roads Act 7 of 1998, Building Line setbacks imposed by the said Act must be observed; and
 - (i) notwithstanding the Building Lines prescribed in the Scheme, other legislation that may require greater setbacks from street, side and rear boundaries, in which case such legislative requirements will prevail over the Scheme.
- (2) If the applicant for relaxation of Building Lines on a Land Unit is unable to obtain the neighbour's written permission for any reason whatsoever for a proposed building or structure an application may be considered by the Municipality upon confirmation of compliance with Section 71 (7) (b) of the Bylaw.
- (3) The Municipality may consent to the erection of a building or structure nearer to the boundary than the Building Lines prescribed in the Scheme :
 - (a) on account of the levels of the Land Unit in question or of adjoining land;
 - (b) subject to the proximity of approved buildings or structures located over the Building Line; or
 - (c) where due to site specific circumstances, compliance therewith would materially hamper the development of the site.
- (4) Notwithstanding the Building Line requirements prescribed in the Scheme, the following buildings or structures may be erected within such lines, provided that they do not extend beyond the boundaries of a Land Unit:

- (a) boundary walls, screen walls, fences and gates which do not exceed 2.1 metres in height above the natural ground level, save where any such wall will result in infilling higher than 0.5 metres above natural ground level;
- (b) open and uncovered stoeps which are less than 0.5 metres in height from the natural ground level;
- (c) entrance steps, landings and entrance porches;
- (d) a covered entrance or gatehouse which has a roofed area not exceeding 5 m² and a roof height not exceeding 3 metres from the floor to the highest point;
- (e) eaves and awnings projecting no more than 1 metre from the wall of a building;
- (f) cornices, chimney breasts, flower boxes, water pipes, drainpipes and minor decorative features not projecting more than 0.5 metres from the wall of a building;
- (g) swimming pools not nearer than 1 metre from any boundary;
- (h) a Basement, provided that no part of such a Basement projects above natural ground level;
- (i) a refuse room required by the Municipality in terms of the Scheme; and
- (j) movable water storage tanks, a greenhouse, a pergola, a tennis court, a garden structure or an electricity substations.

49. Child Care Facility

- (1) The following conditions shall apply where a Land Unit under a Residential Zone is used for a Child Care Facility:
 - (a) 6 children are permitted as a primary right but not more than 30 children shall be enrolled at a Child Care Facility at any time;
 - (b) No Child Care Facility shall be permitted within a radius of 400m from an existing Child Care Facility on a Single Residential Zone;
 - (c) The operating hours shall be as prescribed by the Municipality;
 - (d) Indoor and outdoor play space shall be provided in accordance with any health requirements or a policy plan as may be approved by the Municipality from time to time, and outdoor play space shall be fenced off from any public road;
 - (e) A drop-off zone must be provided on site with separate ingress and egress enabling free flow of traffic; and
 - (f) A Child Care Facility within a Group Housing scheme may be permitted as an ancillary use.

50. Chimneys

- (1) Chimneys may not extend higher than 1 metre above the highest point of the roof of a Dwelling Unit.

51. Consolidation of Land

- (1) When two or more individual Land Units are consolidated, the zoning, Building Lines, Coverage and other provisions applicable to each such Land Unit, shall remain in force within the area of the consolidated Land Unit previously occupied by it.
- (2) The Municipality may refuse an application for consolidation, or impose additional conditions of development where such consolidation will:
 - (a) materially alter the character of the area adversely, as a consequence of the increase in the size of the consolidated Land Unit; or
 - (b) lead to an increased floor area, larger massing of the building structure, increased height, or a reduction of space between built elements.
- (3) The additional conditions of development referred to in sub-paragraph (2) above may :

- (a) relate to the massing, spacing and position of buildings on the consolidated Land Unit;
 - (b) be more restrictive than the conditions of development which would normally apply to the consolidated Land Unit in terms of the Scheme;
- (4) The provisions of sub-paragraphs (2) and (3) above do not apply to consolidations which are exempt from a formal application as contemplated in the By-law.

52. Determination of Natural Ground Level

- (1) The Municipality may require the submission of a registered land surveyor's certificate by an applicant before any construction activities may commence, to enable the determination of the natural ground level.
- (2) Where the level of the land has been altered with the approval of the Municipality, the Municipality may in any approval, determine the altered ground level to be the natural ground level.
- (3) Where it is not possible to determine the natural ground level due to irregularities or disturbances in the land, the Municipality may:
 - (a) determine the natural ground level from measurements supplied on a building plan;
 - (b) deem a level to be the natural ground level based on measurements interpolated from a contour plan, local height benchmark or other information held by the Municipality; or
 - (c) require the owner or applicant to commission a registered land surveyor at the cost of the owner or applicant to measure levels of the ground or interpolate levels, in order to provide the Municipality with sufficient information to determine the natural ground level for the purpose of administering the Scheme.

53. Earth Banks & Retaining Structures

- (1) Unless the prior approval of the Municipality has been obtained:
 - (a) no earth bank, retaining structure, column, suspended floor, other device or series of such devices which enables the ground floor of a building to be raised more than 0.5 metres above natural ground level may be constructed, provided that where the raising takes place, the height must still be measured from the natural ground level, excluding infill for a driveway; and
 - (b) no earth banks and/or retaining structures may be constructed other than in accordance with engineering specifications and building plans approved by the Municipality.

54. Equipment on Top of Building

- (1) No elevator motor rooms, satellite dishes, ventilation shafts, water tanks, air conditioning plants or other equipment on top of a flat roofed building may exceed a height of 2 metres above the wall plate, provided that it does not exceed the maximum allowable height of the building.
- (2) Any external geysers and associated equipment or solar panels or similar infrastructure affixed to the roof of a building may not at any point be more than 2 metres above the roof surface.

55. Exemption from Zoning Rights

- (1) When an exemption is granted in terms of Section 48 of the By-law, the intended use rights shall be deemed to have been granted in terms of the Scheme.
- (2) Use rights to give effect to a court order do not require the approval of the Municipality in terms of the Scheme.
- (3) The provision or installation of engineering services on or to a Land Unit to enable the use thereof in terms of its zoning does not require the approval of the Municipality of a use right for that purpose in terms of the Scheme.

56. Flood Lines & Coastal Setback Lines

- (1) The Municipality may prohibit the erection of buildings or structures or may impose such conditions as it deems appropriate with regard to the use of land and the erection of buildings or structures within the 50 - 100 year flood line.
 - (a) For purposes of this paragraph, the 50 -100-year flood line is the line as determined by the Municipality, along each bank of a watercourse or around a low-lying landlocked area which indicates the maximum floodwater level which is likely to be reached on an average of once in every 50 - 100 years based on the existing and foreseeable future development of the catchment area.
- (2) The Municipality may prohibit the erection of buildings or structures or may impose such conditions as it deems appropriate to any such erection, within coastal setback lines proclaimed in terms of the Integrated Coastal Management Act 24 of 2008.

57. Freestanding Base Telecommunication Stations

- (1) A Freestanding Base Telecommunication Station is a consent or additional use and may only be conducted and constructed if granted by the Municipality, in terms of the Scheme.
- (2) Any base station attached to the Antennae shall be accommodated within the envelope of the building itself or inside its roof structure.
- (3) The mast of a Freestanding Base Telecommunication Station may not exceed the height permitted by the Civil Aviation Authority above existing natural ground level.
- (4) The height of any structures and buildings associated with a Freestanding Base Telecommunication Station, excluding the masts, may not exceed 1 storey unless otherwise approved by the Municipality when granting its consent.

58. Guest Houses

- (1) When granting its consent to the use of a Land Unit for Guest House purposes, the Municipality may impose a condition which restricts the number of bedrooms which may be used for accommodation, provided that the number of bedrooms shall not exceed 16 and parking shall be provided in accordance with the requirements of the Scheme.
- (2) If sufficient parking cannot be provided for the number of proposed rooms, the Municipality must limit the number of bedrooms which may be used for accommodation, commensurate with the parking which is able to be provided on the Land Unit.
- (3) The site development plan submitted with the application for the Consent Use, as approved by the Municipality shall form part of the Development Parameters for the consent use and any expansion to or alteration in the land use will require a further consent use application.
- (4) A Guest House on Single Residential Zone may include a Function Venue and Wellness Centre for *bona fide* guests who reside at the Guest House.
- (5) Meals and beverages may only be served to *bona fide* guests who reside at the Guest House.
- (6) The Municipality may impose any conditions it considers necessary to mitigate the potential impact of a Guest House on adjoining properties and the area.

59. Hazardous Substances & Noxious Uses

- (1) Any use or ancillary activity which involves the storage or keeping of Hazardous Substances and which may result in an installation being declared a hazardous installation in terms of occupational health and safety law or which constitutes a Noxious Use is prohibited, unless the owner has submitted a risk management and prevention plan and the Municipality has approved the plan.

- (2) The Municipality's approval in terms of sub-paragraph (1) above does not exempt the owner from applying for permission in terms of other applicable legislation.

60. Home Enterprise

- (1) The following conditions shall apply where a portion of a Land Unit is used for purposes of a Home Enterprise:
- (a) the Home Enterprise must be secondary to the use of the building or structure used for dwelling purposes and must not change the residential character of the Dwelling Unit or Residential Building or Land Unit in any manner when seen from the outside of Land Unit;
 - (b) no activities shall be carried out which constitute or are likely to constitute a source of public nuisance, or which generate waste material which may be harmful to the area or which requires special waste removal processes;
 - (c) the Home Enterprise does not include the employment of more than three persons on the Land Unit;
 - (d) the Home Enterprise does not involve the public display of goods, whether in a window or otherwise;
 - (e) the total area used for a Home Enterprise activity on a Land Unit, including storage, shall not be more than 30% of the total Floor Space of the Dwelling Unit/s and Residential Buildings on the Land Unit and shall not be more than 36m²;
 - (f) the storage of all goods and equipment connected with the Home Enterprise shall be inside a building or screened from neighbours and the public road;
 - (g) not more than two vehicles may be used in connection with Home Enterprise, and no one vehicle shall exceed 3 500 kg gross weight;
 - (h) does not involve the regular parking or storing on the premises of any vehicle used for the transportation of goods and/or materials or of passengers for hire or reward, other than a vehicle required for the personal use of the resident in connection with the conduct of a Home Enterprise;
 - (i) all parking associated with the Home Enterprise and its employees shall be provided on the Land Unit in accordance with the requirements of the Municipality;
 - (j) does not absolve the owner from complying with any other statutory or regulatory requirements;
 - (k) the hours of operation of the Home Enterprise shall not extend beyond 08:00 to 17:30 on Mondays to Fridays, from 08:00 to 13:00 on Saturdays, Sundays and public holidays unless otherwise specified by the Municipality; and
 - (l) The Municipality may, at any stage, at its discretion, suspend or terminate the conduct of the Home Enterprise or impose conditions in addition to those imposed in terms of the Scheme or contained therein in order to curtail any actual or potential nuisance to surrounding neighbours or the general public.

61. House Tavern

- (1) At least the following requirements will apply with regard to an application for the Municipality's consent to the conduct of a House Tavern:
- (a) the dominant use of the Land Unit must remain residential and the residence must be occupied by the owner or tenant of the Land Unit concerned;
 - (b) uses such as serving of meals, gaming machines, pool tables may be approved as ancillary to the consent use;
 - (c) the extent and position of the House Tavern must be clearly identified on a plan to be submitted with the application and must be approved by the Municipality, and the Municipality may restrict the Floor Space or specific location of the House Tavern on the Land Unit;
 - (d) No House Tavern may be located within a radius of 800m of another House Tavern establishment; and

- (e) The total Floor Space used for tavern purposes on residential premises shall not exceed the percentage of the total Floor Space of the Dwelling Unit or structure stipulated as follows:
 - (i) erven 500m² and less: 50%
 - (ii) erven between 501 m² to 1000m²: 35%
 - (iii) erven 1001m² or greater: 20%

62. Linear Infrastructure

- (1) The use right applicable to any Land Unit, irrespective of its zoning, includes as a primary right, the traversal thereof by telecommunication and electrical transmission lines and/or pipelines or canals for the transportation of liquids and gases, as may be reasonably required by the Municipality or an organ of state in accordance with and subject to expropriation laws, other applicable laws and the registration of the necessary servitudes.

63. Mobile Homes & Caravans

- (1) A recreation vehicle, including a mobile home or caravan, may not be used for permanent habitation without the approval of the Municipality, unless the applicable zoning allows for such occupation.
- (2) The following additional Development Parameters shall apply to an application for the placement of a mobile home to be placed on a Land Unit zoned for residential purposes:
 - (a) the mobile home or caravan must be sited on a foundation slab and properly anchored;
 - (b) solid perimeter skirting, of material and colour complementary to the mobile home or caravan, must be provided from the bottom of the mobile home to the ground surface; and
 - (c) any structural additions must be of materials which, in the opinion of the Municipality, are compatible with the mobile home or caravan.

64. Overlay Zones

64.1 Procedures for Establishing Overlay Zones

- (1) The Municipality may adopt, amend or withdraw an Overlay Zone for a particular area, Land Unit or the municipal area as a whole.
- (2) Where a new type of Overlay Zone is envisaged, the provisions for such Overlay Zone shall be adopted by the Municipality in accordance with the procedures for establishing such Overlay Zones.
- (3) Where the type of Overlay Zone is provided for in the Scheme, one of the following two processes may be followed to incorporate new areas or properties into the Overlay Zone, depending on the provisions of the specific Overlay Zone:
 - (a) the Municipality may demarcate new Overlay Zone areas or amend the map of existing areas by amending the Scheme in accordance with the provisions of the Act or the By-law; or
 - (b) a Land Unit may be rezoned to include it into a specific Overlay Zone, following the procedures for rezoning as set out in the By-law.

64.2 Requirements for Overlay Zones

- (1) When adopting, amending or withdrawing an Overlay Zone for an area, Land Unit, or the municipal area as a whole, the following shall be considered, where applicable:
 - (a) the development principles contained in the Act;
 - (b) the vision, principles, policies and provisions set out in the Municipality's Spatial Development Framework; and

- (c) any policy plan which has been approved by the Municipality after following due process of public consultation.

64.3 Identification, Numbering & Mapping of Overlay Zones

- (1) The Municipality shall allocate a distinctive name and number for each Overlay Zone when adopting such Overlay Zone.
- (2) The Municipality shall indicate the Land Unit(s) or area to which the provisions of an Overlay Zone apply on the Zoning Map and the name and number of the applicable zone shall be clearly indicated on the Zoning Map.

64.4 Status of Overlay Zones

- (1) An Overlay Zone does not change the underlying zoning of the Land Units to which it relates but may vary the Development Parameters relating to these Land Units.
- (2) The Development Parameters stipulated in an Overlay Zone may be more restrictive or more permissive than the Development Parameters applicable to the Use Zone of the Land Units concerned in terms of the Scheme.
- (3) The Development Parameters of a Use Zone in terms of the Scheme remain applicable to Land Units to which an Overlay Zone relates unless replaced by an alternative development parameter in the Overlay Zone in question.
- (4) The provisions of an Overlay Zone do not in any way override any legislative or regulatory provision, including the By-law.
- (5) The procedure for change of use, form or function of land, as contemplated in Section 41 of SPLUMA and Chapter 5 of the By-law, shall apply with regard to the adoption, amendment, revision or replacement of an Overlay Zone.

65. Parking & Loading

The following parking requirements shall apply, unless otherwise stated in the Scheme or determined by the Municipality.

65.1 General Provision

- (1) The required parking, in all cases, must be fully functional prior to implementation of the specific use or uses.
- (2) Parking provided in terms of the Scheme shall only be used for vehicles in working order on a short-term basis and as approved by the Municipality as part of the site development plan.

65.2 Off-street Parking Requirements

- (1) The parking requirements as stipulated in sub-paragraph 65.6, Table: Minimum Off-street Parking Requirements shall apply to the specified land uses or related uses.
- (2) For developments that provide for more than one use or ancillary uses, parking shall be provided per use requirement as stipulated in sub-paragraph 65.6, Table: Minimum Off-street Parking.
- (3) For uses not listed in sub-paragraph 65.6, the Municipality may determine off-street parking requirements.
- (4) Parking shall be provided on the Land Unit to which the land use applies; or on such alternative land as may be approved by the Municipality.

65.3 Loading Bays

- (1) Where a building is developed on a Land Unit for use as a Convenience Shop, Workshop, Builders' Yard, Night Club, Hospital, Hotel, University, College, Research Institute, Liquor Outlet, Filling Station, Motor Service Centre, Nursery, Restaurant, Scrap Yard, Industry, Noxious Use, Warehouse or Business Premises, at least one Loading Bay for purposes of loading, unloading and fuelling of vehicles used in the transport of goods to and from the building shall be provided on the same Land Unit to the satisfaction of the Municipality.
- (2) No Loading Bay shall be less than 24m² in area nor shall its length be less than 6m nor its width be less than 3m.
- (3) The siting, design, access to and egress from the Loading Bay/s shall be to the satisfaction of the Municipality and all such bays shall be demarcated as such.
- (4) Neither the owner nor any occupant of a building shall permit any vehicle transporting goods to and from the building to be loaded, unloaded or fuelled in the street except in designated Loading Bays.
- (5) The provisions of this regulation may be relaxed or waived by the Municipality where its application is not considered to be practicable by reason of the nature or situation of the Land Unit.

65.4 Alternative Parking Requirements

- (1) As an alternative to compliance with the off-street parking requirements or part thereof, an owner may in special cases, with the approval of the Municipality:
 - (a) acquire another Land Unit in the vicinity of the Land Unit to be developed for the provision of the parking requirements of the development, but subject to the requirements that the Land Units are notatorially tied to prevent the one being alienated independently of the other and that the Land Unit acquired for parking purposes is appropriately zoned, at the owner's cost.
- (2) In the event of the owner being unable to provide the off-street parking required in terms of the Scheme on account of topographic or other physical constraints, the owner shall pay to the Municipality a financial contribution in lieu thereof, the amount of which is to be calculated on the following basis:

$$30 P (V + C)$$

Where:

"P" represents the number of parking bays which the owner is required to provide but which he is unable to provide;

"V" represents the estimated market value at the time the contribution is to be paid of the land on which the parking should have been provided expressed in Rands per square metre;

"C" represents the cost per m² of constructing a single parking bay as determined by the Municipality at its sole discretion from time to time.

65.5 Exclusions

- (1) The Municipality may, at its own discretion and where special merit exists, exclude or partially exclude certain areas from the on-site parking requirements as stipulated in the Scheme, by means of an application for a Departure as contemplated in Section 57 of the By-law or the adoption of an Overlay Zone.
- (2) Such exclusions must be supported by the necessary planning policy and transport assessment and the implementation of alternative arrangements.
- (3) Ancillary uses developed pursuant of consent uses granted under Single Residential Zone 1 are exempted from sub-paragraph 65.6.

65.6 Minimum Off-street Parking Requirements

Minimum Off-street Parking Requirements	
Additional Dwelling Unit	1 bay / Additional Dwelling Unit
Agriculture Industry	1 bay/ 200m ² of the total Floor Space
Amusement Park, Recreation Facilities, Animal Park, Shooting Range	0.25 bay/100m ² seating/activity/aisle area
Art Gallery	0.25 bay/100m ² exhibition area
Authority Uses	Subject to the Municipality's discretion
Backpackers	0.5 bay / bedroom
Boarding House	0.5 bay / bedroom
Builders Yard	1 bay / 100m ² of the total space of Builders' Yard
Business Premises	6bays / 100m ² of the Floor Space
Car Wash	2 bays/100m ² of the car wash space
Cemetery	Subject to the Municipality's discretion
Charity Service, Social/ Welfare, Children's Homes	0.5 bay / bedroom
Child Care Facility, Pre School, Primary School, Secondary School	1 bay / classroom area, Office
Cinemas, Theatre	40 bays/100m ² seating/activity/aisle space
Lecture Rooms (University/College/Research Institute)	2 bays lecture room
Convenience Shop	4 bays / 100m ² of the Floor Space
Crematorium	4 bays / 100m ² of the Floor Space
Dwelling Unit (Single Residential Category)	1 bay / Dwelling Unit
Filling Station	4 bays / Fuel Bay
Flat/Group Housing/Agri-Village (1 bedroom/Bachelor/Studio Dwelling Unit)	1 bay / Dwelling Unit + 0.25 bays / Dwelling Unit for visitors
Flat/Group Housing/Agri-Village (2 – 3 Bedroom Dwelling Unit)	1.25 bays / Dwelling Unit + 0.25 bays / Dwelling Unit for visitors
Flat/Group Housing/Agri-Village (more than 3 bedrooms Dwelling Unit)	1.5 bays / Dwelling Unit + 0.5 bays / Dwelling Unit for visitors
Freestanding Base Telecommunication Station, Renewable Energy Facility	1 bay/Telecommunication Station/Facility (for a maintenance vehicle)
Function Venue	40 bays/100m ² seating/activity/aisle area
Funeral Parlours	4 bays / 100m ² of the Floor Space
Gambling Facility	6 bays / 100m ² of the Floor Space
Guest House	1 bay / guest room + 1 bay for the manager
Gymnasium	6 bays / 100m ² of the Floor Space
Halls, Night Club, Dance Hall, Place of Assembly	40 bays/100m ² seating/activity/aisle area
Harbours	Subject to the Municipality's decision
Wellness Centre	4 bays / 100m ² of the Floor Space
Home Enterprise	1 bay / Land Unit
Hospital, Clinics, Animal Care Centre	6 bays/ 100m ² consulting room + 1 bay / bed
Hostel	0.5 bay /bedroom
Hotel	1.25 bay / guest room
House Tavern	6 bays / 100m ² of the Floor Space
Industry, Mining Industry, Noxious Uses	1 bay / 100m ² of the Floor Space
Libraries, Museums	1 bay / 100m ² of the Floor Space
Liquor Outlet	6 bays / 100m ² of the Floor Space
Motor Service Centre	4 bays / 100m ² of the Floor Space
Nursery	1 bay / 100m ² of the nurse space

Minimum Off-street Parking Requirements	
Office/ Medical Use	4 bays / 100m ² of the Floor Space
Old Age Home	0.5 bay / Dwelling Unit
Place of Worship	20 bays/100m ² Floor Space
Residential Building	0.5 bay / bedroom
Resort	1 bay / Dwelling Unit or 1 bay/ bedroom
Restaurant	6 bays / 100m ² of the Floor Space
Scrap Yard	4 bays / 100m ² of the Floor Space
Sport Facility	40 bays/100m ² seating/activity/aisle area
Social Housing	0.5 bay / Dwelling Unit + 0.25 bay / Dwelling Unit for visitors
Storage	1 bay / 100m ² of the Floor Space
Theatres, Dance Hall, Night Club	0.25 bay / seating/activity/aisle area
Train Stations	Subject to the Municipality's decision
Transport Facility, Transport Use	Subject to the Municipality's decision
Warehouse	1 bay / 100m ² of the Floor Space
Workshop	4 bays / 100m ² of the Floor Space
Uses Excluded from parking Requirements	
Public Garage, Agriculture, Depot, Aqua Culture, Cultural Practice, Urban Agriculture, Informal Trading,	

66. Provision of Open Space

- (1) The following provisions apply to all zones, except for the Agriculture and Single Residential Zones:
- When a Land Unit is developed for residential purposes where more than one Dwelling Unit is permitted, the owner shall provide 24 m² of Private Open Space per Dwelling Unit;
 - When a Land Unit is developed for residential purposes where a Residential Building is permitted, the owner shall provide 6 m² of Private Open Space in respect of every Habitable Room;
 - The Private Open Space must be functional and easily accessible to all the residents residing in the housing development;
 - Areas enclosed for exclusive use by the occupiers of a subdivided unit, private roads, pedestrian lanes and parking areas do not form part of the open space provision;
 - Only in exceptional circumstances will open space on the roof top of a Residential Building be approved by the Municipality as forming part of the open space required;
 - Where a development consists of individual cadastral Land Units the space along the verges of internal roads will not be approved by the Municipality as forming part of the open space required;
 - Fragmented portions of open space, around and in between buildings, may be considered by the Municipality as forming part of the open space required, at its sole discretion but only if a detailed landscaping plan has been submitted by the applicant; and
 - Private Open Spaces required for conservation purposes in terms of environmental legislation may be considered as forming part of the open space required, at the discretion of the Municipality, and only if a detailed landscaping plan has been submitted by the applicant.

66.1 Provision of More Open Space

- (1) Should the Municipality require the provision of Private or Public Open Space in relation to the development of a Land Unit, in excess of the amount required to be provided in terms of the Scheme, it shall compensate the owner for such excess in an amount calculated mutatis mutandis in terms of the open space formula in paragraph 66.2.

66.2 Provision of Less Open Space

- (1) When, in the opinion of the Municipality, a lesser amount of open space is to be provided than that required in terms of the Scheme, the owner shall pay a levy to the Municipality for the difference between the amount of open space actually provided and that required to be provided.
- (2) The amount to be paid by the Municipality in terms of paragraph 66. 1 or the levy to be paid by the owner in terms of sub-paragraph (1) above, shall be in the amount and payable in the manner calculated as set out below:
- (a) in the case of a Single Residential Land Unit, the amount calculated in accordance with the following formula shall be payable on transfer of each subdivided portion:

$$\frac{Y(X-2)-Z}{(X-2)} \times \frac{R}{A}$$

where X = total number of subdivided portions.

Y = Area of open space per Single Residential portion of the subdivided Erf in m² required in terms of paragraph 71.8.

Z = Total area of open space actually provided in m².

A = Area of the subdivided portion in m².

R = Sale price of the subdivided portion.

Provided that if there is no sale price or if, in the opinion of the Municipality, the sale price is less than the market value, R shall be the market value of the subdivided portion;

or

- (b) In the case of a Land Unit being developed for residential purposes where more than one Dwelling Unit is permitted, the levy shall be calculated in accordance with the following formula:

$$\frac{R}{[24(x-1)-Y] \times A}$$

where X = Number of Dwelling Units which may be erected on the Land Unit.

Y = Amount of open space actually provided in m².

A = Area of the Land Unit in m².

R = Municipal value of the Land Unit.

or

- (c) In the case of Land Unit being developed for residential purposes where a Residential Building is permitted the levy shall be calculated in accordance with the following formula:

$$\frac{R}{[6X-Y] \times A}$$

where X = Number of Habitable Rooms of the Land Unit.

Y = Amount of open space actually provided in m².

A = Area of the Land Unit in m².

R = Municipal value of the Land Unit.

67. Provisions Applicable to all Land Development

- (1) The following provisions shall apply to the development of land in the Municipality area:
- (a) the positioning of buildings, including Outbuildings erected on land, as well as the means of access to and egress from the land, shall be to the satisfaction of the Municipality;
 - (b) the loading or off-loading of goods shall take place within the boundaries of the land to the satisfaction of the Municipality unless the Municipality has stipulated for loading facilities in the street reserve;
 - (c) a screen or boundary wall shall be erected if required by the Municipality, to the specifications and in accordance with the requirements as determined by it;
 - (d) if the land is fenced or enclosed in some other way, the extent, material, design, height, position and maintenance of such enclosure may be determined by the Municipality;
 - (e) the owner shall be responsible for the maintenance of the land, provided that, if the Municipality is of the opinion that the property is not maintained in a satisfactory manner, the Municipality shall be entitled to undertake such maintenance at the expense of the registered owner which expense shall be paid to the Municipality on demand;
 - (f) the owner of a Land Unit under Agricultural 1 Zone and Single Residential Zones may let it for the occupation of not more than 4 persons without the consent of the Municipality, including each Dwelling Unit in a Flat;
 - (g) the Municipality may grant its consent to the owner of a Land Unit for the letting thereof for the occupation of not more than twelve (12) persons; and
 - (h) the fact that land may be used, in terms of the Scheme, for a specific purpose or that an approval has been granted under the Scheme, does not exempt anyone from obtaining such other authorisations, permits, licences or approvals as may be required in terms of other legislation or from compliance with any of the Municipality's regulations or by-laws.
- (2) Notwithstanding the provisions of the Scheme, the Municipality may grant its consent to any of the following uses in any Use Zone and no such use may be commenced without such consent having been granted:
- (a) Aquaculture;
 - (b) Cemetery;
 - (c) Animal Park;
 - (d) Special Use;
 - (e) Authority Use;
 - (f) Urban Agriculture; and
 - (g) Informal trading.

68. Rooftop Base Telecommunication Stations & Antenna Systems

- (1) A Rooftop Base Telecommunication Station and antenna system is a consent or additional use and may only be conducted and constructed if granted by the Municipality, in terms of the Scheme.
- (2) A Rooftop Base Telecommunication Station may not extend more than 3 metres in height above the building.
- (3) No Rooftop Base Telecommunication Station granted in terms of this Scheme may be modified without prior written approval from the Municipality.
- (4) The following provisions apply regarding all decommissioned telecommunication stations:
 - (a) the owner or operator must remove all decommissioned infrastructure;
 - (b) if the site has been disturbed, the owner or operator must rehabilitate the site to its original state or to a state acceptable to the Municipality; and
 - (c) if the owner or operator fails to comply with sub-paragraphs (a) or (b), the Municipality may remove that infrastructure, and rehabilitate the site at the expense of the owner or operator.

69. Screening

- (1) The Municipality may require a Land Unit, or portion thereof, to be screened from view in accordance with the following provisions:
 - (a) any part of a Land Unit which is used for the storage or loading of goods must be enclosed within a suitable wall or landscape screening or both; and
 - (b) any Engineering Services or equipment which is required for a building must be appropriately screened from view from a public road, and the screening must be integrated with the building in respect of materials, colour, shape and size.

70. Site Development Plans

- (1) A person intending to use a Land Unit in any use zone (except a Land Unit in a Single Residential Zone unless the Municipality in its sole discretion so requires) for a proposed development shall submit, for approval by the Municipality, a site development plan as contemplated in Section 58 of the By-law, and which shall:
 - (a) reflect the area of the Land Unit;
 - (b) depict the existing and proposed cadastral boundaries;
 - (c) be at a scale of not less than 1 in 200 or, if the development proposed is so extensive as to require a smaller scale, to a scale of 1 in 5000;
 - (d) depict the siting of all buildings, use and parking areas;
 - (e) reflect the height, Coverage and the total Floor Space of all buildings;
 - (f) depict the contours of the site at a vertical interval of 1,0 m; or where the gradient is flatter than 1 in 50, a vertical interval of 0,5 m;
 - (g) reflect the alignment and general specification of vehicle access, roads, parking areas, loading areas, pedestrian flow and footpaths;
 - (h) indicate the position of all engineering services and refuse, if applicable, any servitudes to be registered;
 - (i) indicate the phasing of the development;
 - (j) if the site is to be subdivided, depict the proposed subdivision lines;
 - (k) reflect the extent and position of any Open Space to be provided;
 - (l) describe existing bio-physical characteristics of the property, in compliance with environmental legislation where required;
 - (m) depict the layout of the property, indicating the use of different portions of the property;

- (n) include sketch plans and elevations of proposed structures, including information about their external appearance;
 - (o) include cross-sections of the site and buildings on site, where required;
 - (p) reflect typical details of fencing or walls around the perimeter of the Land Unit and within the property;
 - (q) describe the general landscaping proposals, including vegetation to be preserved, removed or to be planted, external paving, and measures for stabilising outdoor areas where applicable;
 - (r) depict the proposed development in relation to existing and finished ground levels, including excavation, cut and fill;
 - (s) demonstrate the relationship of the proposed development to adjacent sites, especially with respect to access, overshadowing and scale; and
 - (t) include any other details as may reasonably be required by the Municipality.
- (2) The Municipality may require that the area covered by a site development plan must extend beyond the Land Unit proposed for development if, in its opinion, the proposed development will have a wider impact.
- (3) An applicant must submit a site development plan to the Municipality if it is required in terms of the Scheme and obtain its approval thereof before any development on the relevant Land Unit may commence.
- (4) The Municipality may require amendments of detail to the site development plan to address reasonable concerns relating to access, parking, architectural form, urban form, landscaping, environmental management, engineering services or similar concerns.
- (5) The following provisions apply regarding site development plans:
- (a) the Land Unit must be developed in accordance with an approved site development plan;
 - (b) if the Municipality considers it necessary, a transport or traffic impact statement or assessment may be required in conjunction with a site development plan, the extent of which must be determined by the Municipality, depending on the size of the development;
 - (c) if the Municipality considers it necessary, a storm water impact assessment or stormwater management plan or both may be required in conjunction with a site development plan, the extent of which must be determined by the Municipality, depending on the size of the development;
 - (d) if the Municipality considers it necessary, a visual impact assessment, which may include a landscape character analysis, may be required in conjunction with a site development plan, the extent of which must be determined by the Municipality, depending on the size of the development; and
 - (e) an approved site development plan must be considered as imposing Development Parameters in addition to those applicable to the use zone in question, and any application for amendment must comply with the Municipality's requirements for the amendments.
- (6) A submission of a site development plan is not required for the following:
- (a) An existing structure where a change of use has been approved, is a primary use or internal alterations do not involve additions in Floor Space; or
 - (b) An existing structure where additions in Floor Space do not require more than one parking bay.

71. Sub-division of Land

- (1) The Municipality shall not approve a sub-division unless it is satisfied that, for each Land Unit created, there is adequate and lawful means:
- (a) of access to and from a public road, which may include access via an appropriately registered servitude of right of way;
 - (b) of obtaining a water supply, if necessary;
 - (c) for the provision of sewerage disposal, if required for the land use; and
 - (d) for the provision of any engineering services which are deemed necessary for the intended use, to the Municipality's satisfaction.

- (2) When the Municipality approves the sub-division of a Land Unit containing one or more existing approved buildings or structures, approval is deemed to have been granted for any consequential departure, provided that all structures are shown adequately on a plan and any new structures or buildings constructed after the approval of the sub-division, shall be compliant with the requirements of the Scheme.
- (3) When applying for a sub-division, the applicant may be required to submit to the Municipality a site development plan for the buildings to be developed for the intended development on the subdivided portions.
- (4) When applying for the sub-division of any land zoned as an Agricultural Zone the applicant may be required to submit a site development plan to indicate in what manner farm buildings and uses are to be provided for in the development.
- (5) If a Land Unit with regard to which a temporary departure or consent use right has been granted, is sub-divided, the Municipality may:
 - (a) revoke the consent use right or temporary departure approval if the original conditions of approval cannot be satisfied after sub-division; or
 - (b) apply the approval and the conditions relating thereto to only one of the sub-divided portions; or
 - (c) may amend any conditions, as determined by the Municipality when approving the sub-division.
- (6) An Erf created by sub-division for the purpose of erecting a Dwelling Unit, shall not be smaller than 600m² except where specified in the Municipality's Spatial Development Framework.
- (7) Where the Municipality's Spatial Development Framework does not specify minimum Erf sizes for residential erven, the Municipality may permit the creation by sub-division of an Erf or erven of less than 600m², provided that no such Erf will be smaller than the average of all the residential erven within a radius of 200m from any such Erf.
- (8) The owner of a Land Unit, shall, on sub-division thereof into 2 or more portions for Residential Purposes, provide, free of charge, open space in respect of every portion of the sub-divided Erf, as follows:
 - (a) 18 m² in respect of portions larger than 500m²;
 - (b) 21 m² in respect of portions of between 500m² and 250 m²; and
 - (c) 24 m² in respect of portions of less than 250 m².
- (9) For the purposes of an exemption referred to in Section 48(1)(c) of the By-law, an amendment of the common boundary between two (2) or more Land Units is minor, if the resulting increase or decrease in the area of the Land Units involved is not greater than 10% of the area of any such Land Unit.

SCHEDULES

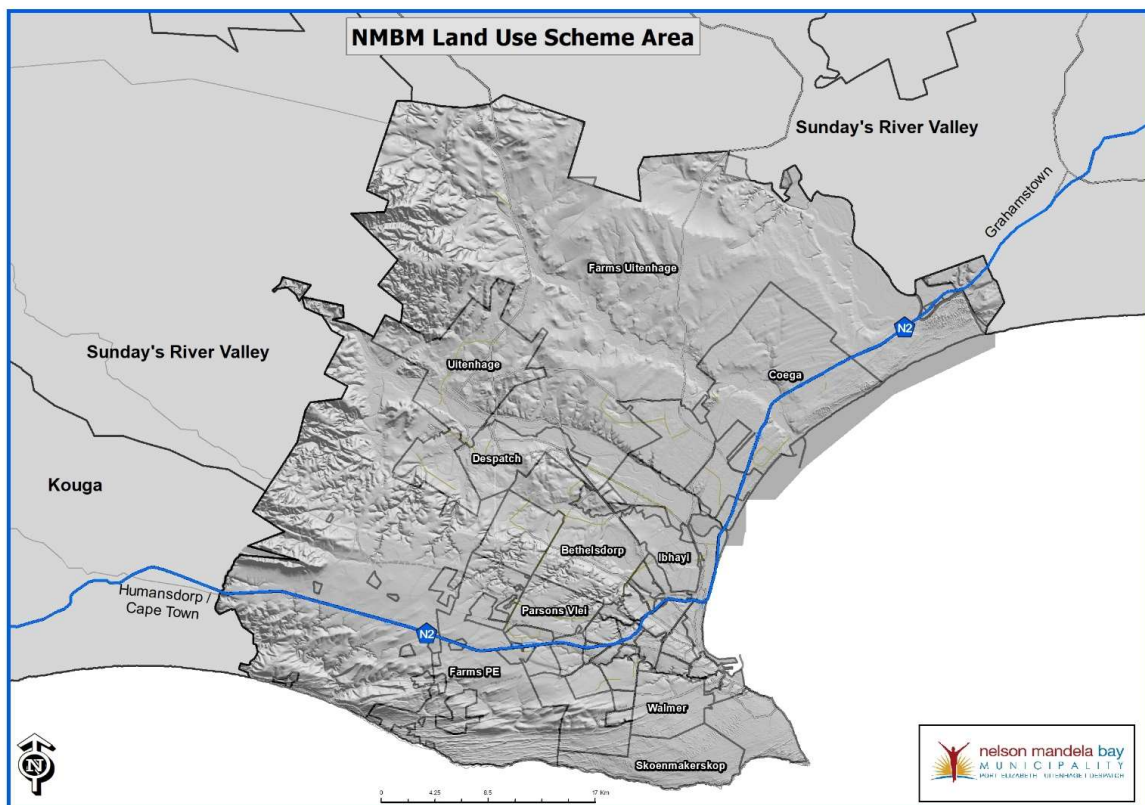
Schedule 1 : Land Use Scheme Area

Schedule 2 : Zoning Scheme Notation



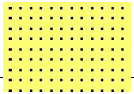


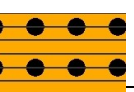
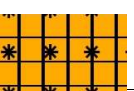







Schedule 3 : Zoning Transition Table


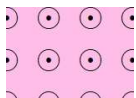







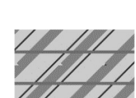



Schedule 4 : Overlay Zones

Schedule 1: Land Use Scheme Area



Schedule 2: Zoning Scheme Notation

Zoning Name		Red Value	Green Value	Blue Value	Colour Notation & Hatch
AGRICULTURE	Agricultural Zone 1	215	194	158	
	Agricultural Zone 2	215	194	158	
RESIDENTIAL	Single Residential Zone 1	255	255	115	
	Single Residential Zone 2	255	255	115	
	General Residential Zone 1	255	170	0	
	General Residential Zone 2	255	170	0	
	General Residential Zone 3	255	170	0	
	General Residential Zone 4	255	170	0	
BUSINESS	Business Zone 1	115	178	255	
	Business Zone 2	115	178	255	
	Business Zone 3	115	178	255	
INDUSTRIAL	Industrial Zone 1	223	115	255	
	Industrial Zone 2	223	115	255	
	Industrial Zone 3	223	115	255	

Zoning Name		Red Value	Green Value	Blue Value	Colour Notation & Hatch
COMMUNITY	Industrial Zone 4	223	115	255	
	Community Zone 1	255	190	232	
	Community Zone 2	255	190	232	
RESORT	Resort Zone	255	115	223	
OPEN SPACE	Open Space Zone 1	85	255	0	
	Open Space Zone 2	85	255	0	
	Open Space Zone 3	85	255	0	
TRANSPORT	Transport Zone 1	204	204	204	
	Transport Zone 2	204	204	204	
	Transport Zone 3	204	204	204	
AUTHORITY	Authority Zone	255	0	0	
UNDETERMINED	Undetermined Use Zone	255	127	127	
SPECIAL PURPOSES	Special Purposes Zone	115	255	223	

Schedule 3: Zoning Transition Table

NMBM LAND USE SCHEME		EXISTING ZONING SCHEMES COMPARABLE ZONING								
ZONING	PRIMARY USE	PORT ELIZABETH	IBHAYI, KWADWESI, KWAMAGXAKI, MOTHERWELL	UITENHAGE	KWANOBUHLE	DESPATCH	KHAYAMNANDI	LOVEMORE PARK	AREA A	SECTION 8 (LUPO)
AGRICULTURE	Agricultural Zone 1	Agriculture Dwelling House Second Dwelling Unit	Undetermined			Agricultural Zone	Agricultural Zone		Agricultural Zone	Agricultural Zone I
	Agricultural Zone 2	Agriculture Agricultural Industry Animal Care Centre								Agricultural Zone II
RESIDENTIAL	Single Residential Zone 1	Dwelling House Second Dwelling Unit	Residential 1 Residential 3 Residential 4	Single Residential Informal Single Residential	Residential I Residential III	Residential Zone I Residential Zone VI	Residential Zone I Residential Zone III		Single Residential Zone I Residential Zone I	Informal Residential Zone Residential Zone I
	Single Residential Zone 2	Agriculture Dwelling House Second Dwelling Unit						Rural Residential Undetermined	Rural Residential Zone	
	General Residential Zone 1	Group Housing Old Age Home	Residential 2	Group Housing	Residential II	Residential Zone II Residential Zone III	Residential Zone I Residential Zone II		Cluster Housing Zone Group Housing Residential Zone II	Residential Zone II Residential Zone III
	General Residential Zone 2	Boarding House Guest House Hotel Residential Building Old Age Home Wellness Centre				Residential Zone IV	Residential Zone II		Residential Zone V	Residential Zone V
	General Residential Zone 3	Flat	Residential 3	General Residential (Sub-Zone 1) General Residential (Sub-Zone 2)		Residential Zone V				Residential Zone IV
	General Residential Zone 4	Social Housing								

NMBM LAND USE SCHEME		EXISTING ZONING SCHEMES COMPARABLE ZONING								
ZONING	PRIMARY USE	PORT ELIZABETH	IBHAYI, KWADWESI, KWAMAGXAKI, MOTHERWELL	UITENHAGE	KWANOBUHLE	DESPATCH	KHAYAMNANDI	LOVEMORE PARK	AREA A	SECTION 8 (LUPO)
BUSINESS	Business Zone 1	Animal Care Centre Boarding House Business Premises Filling Station Flat Function Venue Funeral Parlour Guest House Hotel Institution Liquor Outlet Medical Use Motor Service Centre Office Old Age Home Place of Instruction Public Garage Residential Building Restaurant Social Housing Sport Facility Transport Facility Wellness Centre Workshop	Business 1	Business	Business	Business Zone I	Business Zone			Business Zone I Business Zone IV
	Business Zone 2	Business Premises Filling Station Liquor Outlet Motor Service Centre Office Residential Building	Business 2	Suburban Business		Business Zone II Business Zone III		Business	Business Zone Business Zone II	Business Zone II Business Zone V
	Business Zone 3	Office Medical use Wellness Centre	Business 3							Business Zone III

EXISTING ZONING SCHEMES COMPARABLE ZONING										
NWBM LAND USE SCHEME										
ZONING	PRIMARY USE	PORT ELIZABETH	IBHAYI, KWADWESI, KWAMAGXAKI, MOTHERWELL	UITENHAGE	KWANOBUHLE	DESPATCH	KHAYAMNANDI	LOVEMORE PARK	AREA A	SECTION 8 (LUPO)
INDUSTRIAL	Industrial Zone 1	Industrial 2	Industrial	Industrial	Industrial	Industrial Zone I	Industrial Zone			Industrial Zone I
	Industrial Zone 2									
	Industrial Zone 3	Industrial 3				Industrial Zone II				Industrial Zone II
	Industrial Zone 4					Industrial Zone III				Industrial Zone III
COMMUNITY	Community Zone 1	Community 2	Institutional II	Business Schools	Institutional II	Institutional Zone II	Institutional Zone II		Public Assembly Zone	Institutional Zone II
	Community Zone 2	Community 1	Institutional I Institutional III Open Space II		Institutional I Institutional III Open Space II	Institutional Zone I Institutional Zone III	Institutional Zone I Institutional Zone III			Institutional Zone I Institutional Zone III
RESORT	Resort Zone					Resort Zone I Resort Zone II				Resort Zone I Resort Zone II
OPEN SPACE	Open Space Zone 1	Public Open Space	Open Space I	Public Open Space	Open Space I	Open Space Zone I	Open Space Zone I			Open Space Zone I
	Open Space Zone 2	Private Open Space		Private Open Space		Open Space Zone II	Open Space Zone II		Open Space Zone II	Open Space Zone II
	Open Space Zone 3	Conservation Area		Declared Conservation Areas		Open Space Zone III			Special Environment Zone	Open Space Zone III

NMBM LAND USE SCHEME				EXISTING ZONING SCHEMES COMPARABLE ZONING						
ZONING	PRIMARY USE	PORT ELIZABETH	IBHAYI, KWADWESI, KWAMAGXAKI, MOTHERWELL	UITENHAGE	KWANOBUHLE	DESPATCH	KHAYAMNANDI	LOVEMORE PARK	AREA A	SECTION 8 (LUPO)
TRANSPORT	Transport Zone 1	Transportation 1 Parking	Streets Parking	Main Roads Other Roads Parking Areas New roads & road widening Private Parking	Street Parking	Transportation Zone II Transportation Zone III	Transportation Zone 1 Transportation Zone 2			Transportation Zone II Transportation Zone III
	Transport Zone 2	External Engineering Services Private Roads & Parking								
	Transport Zone 3	Transport Use	Transport Uses	Railways		Transportation Zone I				Transportation Zone I
AUTHORITY	Authority Use External Engineering Services	Community 3	Services	Government Local Authority Cemeteries and Sewerage Disposal Works	Services	Authority Zone	Authority Zone			Authority Zone
UNDETERMINED	None	[Zoning Unknown]	Undetermined Zoning Unknown	Undetermined Zoning Unknown	Undetermined Zoning Unknown	Undetermined Zone Zoning Unknown	Undetermined Zoning Unknown	[Zoning Unknown]	Undetermined Zoning Unknown	Undetermined Zone Zoning unknown
SPECIAL PURPOSES	Uses as specified in terms of this Scheme	Special Purposes	Special	Special Industrial	Special Zone	Special Zone	Special Purposes	[Special Zone]	[Special Zone]	Special Zone

Schedule 4: Overlay Zones

The following Overlay Zones have been approved in terms of the Nelson Mandela Bay Municipality Land Use Scheme.

Overlay Zone Name & Description	Resolution & Reference Number	Commencement Date

PROCLAMATION NOTICE 15 OF 2023**ADOPTION AND APPROVAL OF NELSON MANDELA BAY LAND USE SCHEME**

Notice is hereby given in terms of Section 24 (1) of the Spatial Planning and Land Use Management Act, 2013 (SPLUMA), read with Section 18 (1) of the Nelson Mandela Bay Metropolitan Municipality Spatial Planning and Land Use Management By-law, 2023, that the Council of Nelson Mandela Bay Municipality at its meeting held on 22 August 2023 approved its Land Use Scheme. The Land Use Scheme replaces all other land use/town planning/zoning schemes applicable to the area of jurisdiction of the Nelson Mandela Bay Municipality.

The Land Use Scheme comprises of the Regulations, Zoning Map, and Register as contemplated in Section 25 (2) of SPLUMA. The Regulations and Zoning Maps (read with Transition Tables in Schedule 3 of the Regulations) are uploaded and accessible on the Municipal Website. The register may be viewed at the Land Planning and Management Sub-Directorate, 3rd Floor, Lillian Dedericks Building.

Property owners are encouraged to take note of Regulations 8 (3) & 9 of the Land Use Scheme in respect of land use rights that are deemed to have been granted at the commencement of the Scheme and rectification of errors on the Zoning Map.

The Nelson Mandela Bay Metropolitan Municipality Land Use Scheme, 2023 will come into effect on the date of publication thereof in the Provincial Gazette.

CITY MANAGER

MS N NQWAZI

PROKLAMASIE KENNISGEWING 15 VAN 2023**AANVAARDING EN GOEDKEURING VAN NELSON MANDELABAAI
GRONDGEBRUIKSKEMA**

Kennis geskied hiermee, kragtens Artikel 24 (1) van die Wet op Ruimtelike Beplanning en Grondgebruikbestuur, 2013 ('SPLUMA'), gelees met Artikel 18 (1) van die Nelson Mandelabaai Metropolitaanse Munisipaliteit Ordonnansie op Ruimtelike Beplanning en Grondgebruikbestuur, 2023, dat die Raad van die Nelson Mandelabaai Munisipaliteit sy Grondgebruikskema tydens sy vergadering op 22 Augustus 2023 goedgekeur het. Die Grondgebruikskema vervang alle ander grondgebruik/stadsbeplanning/soneringskemas van toepassing op die jurisdiksiegebied van die Nelson Mandelabaai Munisipaliteit.

Die Grondgebruikskema bestaan uit die Regulasies, Soneringskaart en Register soos voorsien in Artikel 25 (2) van 'SPLUMA'. Die Regulasies en Soneringskaarte (gelees met Oorgangstabelle in Skedule 3 van die Regulasies) is beskikbaar op die munisipale webtuiste. Die register kan besigtig word by die Subdirektoraat: Grondbeplanning en -bestuur, 3de verdieping, Lillian Diedericks-gebou.

Grondeienaars moet kennis neem van Regulasies 8 (3) & 9 van die Grondgebruikskema ten opsigte van grondgebruikregte wat as goedgekeur beskou word met die aanvang van die Skema en regstelling van foute op die Soneringskaart.

Die Nelson Mandelabaai Metropolitaanse Munisipaliteit Grondgebruikskema, 2023 sal van krag word op die datum van publikasie daarvan in die Provinsiale Koerant.

STADSBESTUURDER

ME N. NQWAZI

UKWAMKELWA NOKUVUNYWA KOLUNGISELELO LOMHLABA ENELSON MANDELA BAY

Kufakwa isaziso ngokweCandelo 24 (1) loYilo loLawulo lokuSetyenziswa koMhlaba ngokweZithuba, uMthetho, 2013 (SPLUMA), nofundwa kunye neCandelo 18 (1) uMthetho weDolophu woLawulo lokuSetyenziswa koMhlaba kuMasipala oMbaxa iNelson Mandela Bay ka-2023, nelithe iBhunga likaMasipala oMbaxa iNelson Mandela Bay kwintlanganisano yalo ebibanjwe ngomhla we/wama 22 kweyeThupha 2023 lamkela uLungiselelo lokuSetyenziswa koMhlaba. Olu Lungiselelo loMhlaba luthatha indawo yawo onke amanye amalungiselelo omhlaba/edolophu ngoYilo/lokwahlulwa-hlulwa ngemimandla oLungiselelo olusebenzayo kule ndawo iphantsi kolawulo lukaMasipala iNelson Mandela Bay.

ULungiselelo lokuSetyenziswa koMhlaba lwenziwa ngokuMiswa kakuhle kolawulo, iMaphu yokwahlulwa-hlulwa, kwakunye neNcwadi ekuBhalwa kuyo izinto njengokuba kucingelwa njalo kwiCandelo 25 (2) lwe-SPLUMA. Ukumiswa kakuhle kolawulo kunye neMaphu yokwahlulwa-hlulwa (ifundwa kunye ne-Transition Tables kwicandelo 3 lokuMiswa kakuhle kolawulo) lu-aplowudiwe yaye luyafumaneka kwiWebhusayithi kaMasipala. Incwadi ekubhalwa kuyo izinto ingaphononongwa kubOngameli be-*Land Planning and Management*, kuMgangatho weSithathu, Lillian Dedericks Building.

Abanini-propati bayakhuthazwa ukuba bathathe ingqwalasela kuMmiselo 8 (3) & 9 woLungiselelo lokuSetyenziswa koMhlaba ngokumayelana namalungelo okusetyenziswa komhlaba nabonakala ngathi anikeziwe apha ekuqaleni kolu Lungiselelo nokulungiswa kweempazamo zeMaphu yokwahlulwa-hlulwa.

ULungiselelo lokuSetyenziswa koMhlaba kuMasipala iNelson Mandela Bay, 2023 luyakuqala ukusebenza ngomhla wokushicilelwa kwawo kwi-Gazette yePhondo.

NGUMLAWULI WESIXEKO

MS N NQWAZI

PROVINCIAL NOTICES • PROVINSIALE KENNISGEWINGS**PROVINCIAL NOTICE 678 OF 2023****Nelson Mandela Bay Municipality (EASTERN CAPE)**

Removal of Restrictions in terms of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)

ERF 471, MOUNT ROAD, PORT ELIZABETH, EASTERN CAPE

Under Section 47 of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) and upon instructions by the Local Authority, a notice is hereby given that condition/s Clause C.(a), (b), (c), (d) and (e) and D.(b), (c) and (d) in Deed of Transfer No. T 7744/1975 applicable to Erf 471, is/are hereby removed.

PROVINCIAL NOTICE 679 OF 2023**APPLICATION IN TERMS OF SECTION 33 OF THE SPATIAL PLANNING AND LAND USE MANAGEMENT ACT, 2013 (ACT 16 OF 2013)**

Notice is hereby given that the undermentioned applications have in terms of the SPLUMA been made to the Nelson Mandela Bay Municipality for:

Erf: 337 Mount Pleasant

Physical Address: 28 Athlone Street, Mount Pleasant Port Elizabeth

Applicant: BPlan Consultants on behalf of MP Jukel

An application for a Departure from the Port Elizabeth Zoning Scheme Regulations to permit a relaxation of building lines applicable to the property.

The detailed proposal may be requested from the Applicant or viewed at the 2nd Floor, Lillian Diedericks Building, No 191 Govan Mbeki Avenue, Port Elizabeth.

Members of the public are invited to submit comments, objections or intervener status in writing with clear reasons in respect of the proposal to the following:

- (1) The Applicant, BPlan Consultants, PO Box 28355 Sunridge Park, Telephone number 0794900523 or email address bplan21@outlook.com and a copy sent to;
- (2) The Executive Director: Human Settlements, PO Box 9 Port Elizabeth 6000; email awilliams@mandelametro.gov.za on or before 25 September 2023

(comments/objections submitted after the said date will be considered invalid)

PROVINCIAL NOTICE 680 OF 2023**ESTABLISHMENT OF THE DR BEYERS NAUDE MUNICIPAL PLANNING TRIBUNAL**

Notice is hereby given in terms of Section 37 (4) of the Spatial Planning and Land Use Management Act 16 of 2013 (SPLUMA), read with Regulation 3(1)a) and in terms of Section 44 (1) (b) of the Dr Beyers Naude Local Municipality Spatial Planning and Land Use Management By-Law, 2018, that the Council of the Dr Beyers Naude Local Municipality has appointed below members to serve on its Municipal Planning Tribunal.

Person(s) appointed in terms of Section 39 who are not officials:

- Mr Lukhangela Mguba – Land Survey Technician (COGTA- Bhisho)
- Mr Leon van der Walt - Professional Land Surveyor (Graaff-Reinet)
- Mr Surprise Mkhathshwa – GIS Specialist (SBDM, Gqeberha)
- Ms Zenande Ngedle – Town and Regional Planner (COGTA - Bhisho)
- Ms Juliet Asare – Civil Engineering Technician (Department of Roads and Transport)
- Ms Sylvia Magwentshu – Attorney (Head of office - Legal Aid South Africa, Graaff-Reinet)
- Ms Siyavuya Gumbi – Environmental Management Specialist (Sarah Baartman, Graaff-Reinet)
- Mr Babalo Mabhoza – Environmental Management Specialist (SBDM, Graaff-Reinet)
- Mr Luvuyo Dibi (Admitted Attorney, Graaff-Reinet)

Person(s) appointed in terms of Section 39 who are official:

- Mr Benjamin Arends – Civil Engineering Technologist (Director: Infrastructure Services)

The above members are appointed for a period of five-years as from the date of publish of this notice.

DR E.M. RANKWANA
MUNICIPAL MANAGER

LOCAL AUTHORITY NOTICES • PLAASLIKE OWERHEIDS KENNISGEWINGS**LOCAL AUTHORITY NOTICE 856 OF 2023****EASTERN CAPE PROVINCE****KOUGA MUNICIPALITY (EC 108)****SPATIAL PLANNING & LAND USE MANAGEMENT BY-LAW, 2016: KOUGA MUNICIPALITY**

Erf 474 Cape St Francis, EASTERN CAPE

In terms of Section 69 of the Spatial Planning and Land Use Management By-Law and upon instructions by the Local Authority, a notice is hereby given that the conditions in D.6(a),(b)(i) and (b)(ii) in Deed of Transfer Number T30578/2003 applicable to Erf 474 Cape St Francis are hereby removed.

LOCAL AUTHORITY NOTICE 857 OF 2023**Buffalo City Metropolitan Municipality (EASTERN CAPE)****Removal of Restrictions in terms of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)****ERF 305, BEACON BAY (5A DOLPHIN ROAD, BEACON BAY)**

In terms of Section 47(1) of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013), read with Section 59 of the Buffalo City Metropolitan Municipal Spatial Planning and Land Use Management By-law of 2016 and upon instructions of by the Local Authority, a notice is hereby given that condition/s C. 3. (a) – (d) found in Deed of Transfer No. T648/2000, applicable to Erf 305, Beacon Bay are hereby removed.

LOCAL AUTHORITY NOTICE 858 OF 2023**Buffalo City Metropolitan Municipality (EASTERN CAPE)****Removal of Restrictions in terms of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)****ERF 5043, EAST LONDON (10 HARRISON STREET, CAMBRIDGE)**

In terms of Section 47(1) of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013), read with Section 59 of the Buffalo City Metropolitan Municipal Spatial Planning and Land Use Management By-law of 2016 and upon instructions of by the Local Authority, a notice is hereby given that condition/s B.(a)–(e) in Title Deed T926/2023, applicable to Erf 5043, East London are hereby removed.

LOCAL AUTHORITY NOTICE 859 OF 2023**Buffalo City Metropolitan Municipality (EASTERN CAPE)****Removal of Restrictions in terms of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)****ERF 6588, EAST LONDON (30 ALLENBY ROAD, SELBORNE, EAST LONDON)**

In terms of Section 47(1) of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013), read with Section 59 of the Buffalo City Metropolitan Municipal Spatial Planning and Land Use Management By-law of 2016 and upon instructions of by the Local Authority, a notice is hereby given that condition/s C.1. (a-d) and C.2. (e) in Title Deed T007305/2001, applicable to Erf 6588, East London are hereby removed.

LOCAL AUTHORITY NOTICE 860 OF 2023**Nelson Mandela Bay Municipality (EASTERN CAPE)****Removal of Restrictions in terms of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)****ERF 283, SUNRIDGE PARK, PORT ELIZABETH, EASTERN CAPE**

Under Section 47 of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) and upon instructions by the Local Authority, a notice is hereby given that conditions C. 4. and C. 5. (a-d). contained in Deed of Transfer No. T3762/2021 and any subsequent deed applicable to Erf 283, Sunridge Park is hereby removed.

LOCAL AUTHORITY NOTICE 861 OF 2023**Nelson Mandela Bay Municipality (EASTERN CAPE)****Removal of Restrictions in terms of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)****ERF 1969, NEWTON PARK, PORT ELIZABETH, EASTERN CAPE**

Under Section 47 of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) and upon instructions by the Local Authority, a notice is hereby given that conditions C. 6. – 10. contained in Deed of Transfer No. T18103/2013 and any subsequent deed applicable to Erf 1969, Newton Park is hereby removed.

LOCAL AUTHORITY NOTICE 862 OF 2023**Nelson Mandela Bay Municipality (EASTERN CAPE)****Removal of Restrictions in terms of the Spatial Planning and Land Use Management Act, 2013
(Act 16 of 2013)****ERF 25, THEESCOMBE, PORT ELIZABETH, EASTERN CAPE**

Under Section 47 of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) and upon instructions by the Local Authority, a notice is hereby given that conditions B.3. (a-d). contained in Deed of Transfer No. T15089/2017 and any subsequent deed applicable to Erf 25, Theescombe is hereby removed.

LOCAL AUTHORITY NOTICE 863 OF 2023**NOTICE OF DRAFT A LAND USE SCHEME**

Notice is hereby given in terms of Section 21(2) of the of the Municipality's SPLUMA By-law that the municipality has prepared a SPLUMA compliant Draft Land Use Scheme. The Draft Land Use Scheme and associated Scheme Maps are available for public inspection at the Municipal offices in Cala and Elliot and on the Municipality's website: www.sakhisizwe.gov.za

Interested and affected parties are hereby invited to view the draft Land Use Scheme and Scheme Maps and to lodge written comments within 60 days of the date of this notice for consideration. Comments should be emailed to mm@sakhisizwe.gov.za and mpamla@sakhisizwe.gov.za or submitted in writing to the Municipal Offices.

Mr S.G. Sotshongaye
Municipal Manager
P.O. Box 26
CALA
5455

Closing times for **ORDINARY WEEKLY** **EASTERN CAPE PROVINCIAL GAZETTE**

2023

*The closing time is **15:00** sharp on the following days:*

- **23 December**, Friday for the issue of Monday **02 January 2023**
- **30 December**, Friday for the issue of Monday **09 January 2023**
- **09 January**, Monday for the issue of Monday **16 January 2023**
- **16 January**, Monday for the issue of Monday **23 January 2023**
- **23 January**, Monday for the issue of Monday **30 January 2023**
- **30 January**, Monday for the issue of Monday **06 February 2023**
- **06 February**, Monday for the issue of Monday **13 February 2023**
- **13 February**, Monday for the issue of Monday **20 February 2023**
- **20 February**, Monday for the issue of Monday **27 February 2023**
- **27 February**, Monday for the issue of Monday **06 March 2023**
- **06 March**, Monday for the issue of Monday **13 March 2023**
- **13 March**, Monday for the issue of Monday **20 March 2023**
- **17 March**, Friday for the issue of Monday **27 March 2023**
- **27 March**, Monday for the issue of Monday **03 April 2023**
- **31 March**, Friday for the issue of Monday **10 April 2023**
- **06 April**, Thursday for the issue of Monday **17 April 2023**
- **17 April**, Monday for the issue of Monday **24 April 2023**
- **21 April**, Friday for the issue of Monday **01 May 2023**
- **28 April**, Friday for the issue of Monday **08 May 2023**
- **08 May**, Monday for the issue of Monday **15 May 2023**
- **15 May**, Monday for the issue of Monday **22 May 2023**
- **22 May**, Monday for the issue of Monday **29 May 2023**
- **29 May**, Monday for the issue of Monday **05 June 2023**
- **05 June**, Monday for the issue of Monday **12 June 2023**
- **09 June**, Friday for the issue of Monday **19 June 2023**
- **19 June**, Monday for the issue of Monday **26 June 2023**
- **26 June**, Monday for the issue of Monday **03 July 2023**
- **03 July**, Monday for the issue of Monday **10 July 2023**
- **10 July**, Monday for the issue of Monday **17 July 2023**
- **17 July**, Monday, for the issue of Monday **24 July 2023**
- **24 July**, Monday for the issue of Monday **31 July 2023**
- **31 July**, Monday for the issue of Monday **07 August 2023**
- **04 August**, Friday for the issue of Monday **14 August 2023**
- **14 August**, Monday for the issue of Monday **21 August 2023**
- **21 August**, Monday for the issue of Monday **28 August 2023**
- **28 August**, Monday for the issue of Monday **04 September 2023**
- **04 September**, Monday for the issue of Monday **11 September 2023**
- **11 September**, Monday for the issue of Monday **18 September 2023**
- **18 September**, Monday for the issue of Monday **25 September 2023**
- **22 September**, Friday for the issue of Monday **02 October 2023**
- **02 October**, Monday for the issue of Monday **09 October 2023**
- **09 October**, Monday for the issue of Monday **16 October 2023**
- **16 October**, Monday for the issue of Monday **23 October 2023**
- **23 October**, Monday for the issue of Monday **30 October 2023**
- **30 October**, Monday for the issue of Monday **06 November 2023**
- **06 November**, Monday for the issue of Monday **13 November 2023**
- **13 November**, Monday for the issue of Monday **20 November 2023**
- **20 November**, Monday for the issue of Monday **27 November 2023**
- **27 November**, Monday for the issue of Monday **04 December 2022**
- **04 December**, Monday for the issue of Monday **11 December 2023**
- **11 December**, Monday for the issue of Monday **18 December 2023**
- **18 December**, Monday for the issue of Monday **25 December 2023**

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Tel. (040) 635-0052.