

THABAZIMBI LAND USE SCHEME, 2022



DRAFT VS 1.4 (18/10/21)

Insert proclamation notice – which may possibly read :

LOCAL AUTHORITY NOTICE XX OF 2022

THABAZIMBI LAND USE SCHEME, 2022

THABAZIMBI LOCAL MUNICIPALITY

The Municipal Manager of the Thabazimbi Local Municipality hereby publishes in terms of section 156(2) of The Constitution of the Republic of South Africa, 1996 (Act 108 of 1996), read with Section 24(1) of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013), read with Sections 10, 11 and 12 of the Thabazimbi Local Municipality Land Use Management By-Law, 2015, the Thabazimbi Local Municipality : Thabazimbi Land Use Scheme, 2022, as reflected hereunder and as approved by Municipality on xxx, 2022

The said Thabazimbi Land Use Scheme, 2022, will come into operation on xxx, 2022.

MUNICIPAL MANAGER

THABAZIMBI LOCAL MUNICIPALITY

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PART 1 – INTRODUCTION TO THE SCHEME

1. INTRODUCTION TO THE SCHEME

1.1. TITLE OF SCHEME

This Land Use Scheme is known as the Thabazimbi Land Use Scheme, 2022, hereinafter referred to as “the Land Use Scheme”.

1.2. AREA OF SCHEME

The Land Use Scheme applies to all properties, land areas including agricultural, environmental, urban and rural/communal settlement areas, buildings, and structures within the municipal boundaries of the Thabazimbi Local Municipality, hereinafter referred to as the Municipality, as determined by the Municipal Demarcation Board and as shown on the associated Land Use Scheme Map.

1.3. COMMENCEMENT AND VALIDITY

- (1) The Land Use Scheme shall come into effect from the date that notice of adoption is published in the Provincial Gazette.
- (2) Any consent granted, approved or any land use right permitted in terms of a Town Planning Scheme in force or other applicable land use legislation for the erection/use of buildings or for the use of land or any rights legally exercised in terms of such scheme or legislation prior to the commencement of this Land Use Scheme, shall be deemed to be a consent, approval or land use right of this Land Use Scheme: provided that any such consent, approval or land use right shall lapse unless exercised within twenty four (24) months from the date of coming into operation of this land use scheme, as envisaged in Sub-clause (1) above.
- (3) Any Annexure or Schedule promulgated in terms of any of the former Town Planning Schemes mentioned in Sub-clause (2) above or other Land Use Legislation shall remain in force and the provisions of that Annexure or Schedule shall remain in force for the lifetime of that Annexure or Schedule.

- (4) Any land use application submitted to and pending before Municipality immediately prior to the commencement of this Land Use Scheme, shall be dealt with in terms of the relevant Scheme that governs such application at the time of submission, as far as it is not in conflict with this Land Use Scheme.
- (5) Where the provisions of this Land Use Scheme are in conflict with any municipal By-law in operation in the Thabazimbi Local Municipality, the provisions of the Land Use Scheme shall prevail.

1.4. RESPONSIBLE AUTHORITY

The Thabazimbi Local Municipality shall be the authority responsible for the enforcing and execution of the provisions of the Land Use Scheme.

- (1) The Municipality shall be the authority, responsible for enforcing and carrying into effect the provisions of the Land Use Scheme.
- (2) The Land Use Scheme and the registers of all applications and decisions on the Land Use Scheme are public documents and are open for inspection by the general public during working hours at the office of the department responsible for land use management.

1.5. INTENT OF SCHEME

The intention of the Land Use Scheme is to supersede and replace all previous land use schemes.

1.6. PURPOSE AND STATUS OF SCHEME

1.6.1. PURPOSE OF SCHEME

- (1) To enable the comprehensive management of all properties (both private and public sector) within the Municipality;
- (2) To promote and implement the applicable planning and development legislation and principles as adopted by the relevant National, Provincial and Municipal spheres of government from time to time;
- (3) To promote and implement the Vision and Strategies of the Integrated Development Plan in the realization of quality environments.

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

- (5) Give effect to the Municipality's Spatial Development Framework.

1.6.2. STATUS OF SCHEME

- (1) This Land Use Scheme is prepared in terms of Section 24(1) of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)(SPLUMA) as well as Sections 10, 11 and 12 of the Thabazimbi Local Municipality Land Use Management By-Law, 2015.

- (2) The land use scheme provides for land use and development rights and has the force of law and is binding on the Municipality, all other persons and organs of state.

- (3) The right to use land for a purpose without the need to first obtain the consent of the Municipality in terms of the land use scheme vests in the land and not in a person.

- (4) Consent in terms of the land use scheme vests in land and not in a person, unless the Municipal Planning Tribunal has determined that it constitutes a personal right in favour of a defined person and may only be exercised by that person.

- (5) The right to use land for a purpose may not be alienated separately from the land to which it relates, unless the Municipality has provided in a by-law for the transfer of land use rights to other land.

- (6) Land that was being used lawfully before the effective date for the adoption of this land use scheme for a purpose that does not conform to the land use scheme may continue to be used for that purpose.
- (7) Where the lawful utilization of land at the commencement of this land use scheme does not comply with the zones of this land use scheme, the utilization shall be deemed not to constitute an offence.
- (8) A consent granted by the Municipality by virtue of provisions of this scheme as well as a zoning in the terms of the scheme does not entitle any person the right to use any land, or to erect or use buildings thereon in any manner or for any purpose which is prohibited by the provisions of any condition registered against the title deed under which such land is held, or imposed by legislation in respect of such land.
- (9) The implementation of this Land Use Scheme shall be read in conjunction with other pieces of legislation applicable to physical development.

1.7. PRINCIPALS

- (1) Any land development application in terms of this Land Use Scheme must give effect to the development principles as set out in section 7(1) of Chapter 2 of SPLUMA,
- (2) Any land development application in terms of this Land Use Scheme shall be guided and informed by the Municipality's Integrated Development Plan (IDP) and Spatial Development Framework (SDF) as adopted and approved in terms of Section 20 of SPLUMA and the Thabazimbi Local Municipality Land Use Management By-Law, 2015.
- (3) Any development application in terms of this Land Use Scheme must address the need, reasonableness, desirability and public interest.
- (4) Any land development application in terms of this Land Use Scheme shall have its main purpose the co-ordinated and harmonious development of the area to which the application relates in such a way as will most effectively tend to promote the health, safety, good order, amenity, convenience and general welfare of such specific area as well as efficient and economy in the process of development.

1.8. MAIN COMPONENTS OF SCHEME

- (1) The legal provisions of the Land Use Scheme comprise three (3) main components which operate in tandem, namely:
 - (a) A Land Use Scheme Map depicting the zone;
 - (b) The Land Use Scheme clauses and text containing regulations; and
 - (c) A register of all amendments to such land use scheme.
- (2) The Land Use Scheme Map is prepared on a cadastral base which indicates all registered subdivisions of land and existing roads. The nature of each zone and the reservation of all land for all public purposes are overlaid on this Map.
- (3) The Land Use Scheme Map forms a dual purpose. Firstly, it enables identification of any land in terms of its physical relationship with its surroundings, including matters that might have direct effect on the land such as street widening or allocation of adjoining land for other purposes.
- (4) The second role of the Land Use Scheme Map is a land zoning key for the application of the regulations.
- (5) In order to cater for future development potential within a zone, the Scheme clauses permit a degree of flexibility via three (3) categories :
 - (a) Primary rights – expressly permissible;
 - (b) Secondary rights – permitted with the consent of the Municipality only; and
 - (c) Expressly prohibited rights.

1.9. AMENDMENTS TO THE SCHEME AND KEEPING A REGISTER

- (1) This Land Use Scheme shall be known as the original scheme of the Municipality or the Land Use Scheme in operation.
- (2) Any land use scheme which -
 - (a) Is an amendment or extension of the original scheme;
 - (b) Is a new scheme substituting the original scheme;

- (c) Is an amendment or extension of a new scheme contemplated in subparagraph 7(b);

shall be known as an Amendment Scheme.

(3) The Municipality must keep a register of –

- (a) The amendments to this Land Use Scheme effected after the commencement date;
- (b) Applications brought in terms of the Thabazimbi Local Municipality Land Use Management By-Law, 2015; and
- (c) Applications brought in terms of this Land Use Scheme.

1.10. INSPECTION OF THE LAND USE SCHEME

- (1) The Municipality must allow any person or people to inspect the Land Use Scheme at any reasonable time.
- (2) A register of all applications and decisions on the Land Use Scheme must be kept in accordance with the requirements of Chapter 5, Section 25(2)(c) of SPLUMA and must be available for inspection by any person or people during normal office hours.

1.11. INTERPRETATION

In this Land Use Scheme, unless a contrary intention clearly appears :

- (1) Words importing –
 - (a) any gender includes all other genders;
 - (b) the singular includes the plural and vice versa; and
 - (c) natural persons include created entities (corporate or non-corporate) and vice versa.

1.12. BUILDING PLANS

The erection, structural changes, alterations or conversion of a building to an alternative use shall not commence until the Municipality has approved of the building plans as required in terms of the National Building Regulations and Building Standards Act, Act 103 of 1977, or any amendment or review thereof, in respect of the erection, structural changes, alterations or conversion of such building.

1.13. CONFLICT BETWEEN PROVISIONS OF THIS LAND USE SCHEME,
CONDITIONS OF TITLE AND LEGISLATION

A consent granted by the Municipality by virtue of provisions of this Land Use Scheme as well as a zoning in the terms of the scheme does not entitle any person the right to use any land, or to erect or use buildings thereon in any manner or for any purpose which is prohibited by the provisions of any condition registered against the title deed under which such land is held, or imposed by legislation in respect of such land.

PART 2 - DEFINITIONS

2. DEFINITIONS

The words used in this Land Use Scheme shall have the meaning set out in Table 1.

TABLE 1 – DEFINITIONS

TERM	DEFINITION
4X4 TRAIL	Means a series of roads, tracks, and routes, designed for use by off-road vehicles as a recreation or adventure facility, and includes buildings normally required for the administration and maintenance thereof as well as ablution facilities, but does not include tourist accommodation or tourist facilities.
ABATTOIR	Means land and/or buildings used to slaughter animals and poultry and may include the processing of animal products.
ADVERTISEMENT	Means any audible or visible representation of a word name, letter, figure or object or of an abbreviation of a word or name, or of any sign or symbol, or any light which is not intended solely for illumination or as a warning against any danger, which has as its object the furthering of any industry, trade, business undertaking, event, or activity of whatever nature.
AERODROME	Means land and/or buildings used for landing, transit, assembly, maintenance and storage of aircraft for commercial, military and recreational purposes and includes a landing strip, airline terminal, aircraft storage and maintenance hangars and all uses which are ancillary, directly related to and subservient to the main use.
AGRICULTURAL BUSINESS	Means an activity or occupation based on or reasonably associated with agriculture activities on the land zoned agriculture, but does not permit any industrial or noxious industrial use.
AGRICULTURAL PURPOSES	Means land and/or buildings used for forestry, livestock breeding, food production (excluding abattoir), bee keeping, game farming, hunting and crop cultivation for human and animal consumption, and includes dwelling houses for the owner and bona-fida employees, and any other building which is necessary in order to carry out such activities.
ANCILLARY AND SUBSERVIENT USES	Means uses or activities which support and compliment the main use on the land and which shall not exist on their own when the main use on the land is discontinued.

TERM	DEFINITION
ANIMAL CARE CENTRE	Means land and/or buildings used for the care of domestic animals, operated on either a commercial or welfare basis and includes boarding kennels, catteries and pet training centres and includes a horse riding school, petting zoo and veterinary clinic.
BASEMENT	Means the space in a building between the floor and ceiling which is partly or completely below the natural ground level; Provided that a basement shall be counted as a storey for the purpose of a height measurement where any portion extends more than 1,5 metres above the lowest level of the natural ground level immediately contiguous to the building.
BOARDING HOUSE	Means land and/or buildings consisting of habitable rooms without a kitchen/kitchenette, which are let or rented to persons and where one or more meals are provided in a communal dining-room and a communal kitchen and includes a caretakers flat on the land.
BOUNDARY	In relation to a land means the cadastral line separated such land from another land or from a public street.
BUILDER'S YARD	Means land and/or buildings used for the storage and sale of building materials and equipment that: (a) are required for building works; or (b) have been obtained from demolitions or excavations; or (c) is required or are usually required for improvements on land, such as material that is used for any building work, whether for public or private use.
BUILDING	As defined in the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977) and includes any structure attached to the soil, any building or such structure, or part thereof, which is in the process of being erected or any prefabricated building or structure not attached to the soil.
BUILDING LINE	Means a line on a land that demarcated that building restriction area and is at a fixed distance from any boundary of such land. See Clause 5.4 of this Land Use Scheme.
BUILDING RESTRICTION AREA	Means an area wherein no building, except those permitted in the scheme, may be erected.

TERM	DEFINITION
BUSINESS PURPOSES	Means land and/or buildings from which a business is conducted and the related uses including offices, restaurants, motor vehicle showrooms, showrooms, workshop, health and fitness centre, medical consulting rooms, parking garage, self-storage, funeral parlours, garden centre, call centres, financial institutions, dry cleaners, laundrettes and buildings for similar uses not elsewhere defined as well as uses which are ancillary, directly related to and subservient to the main uses such as caretakers accommodation, but does not include uses such as institutions, public garages, industries, noxious trades or places of amusement.
CADASTRAL LINE	Means a line representing the official boundary of a land or portion as it appears on an approved Surveyor General Diagram.
CAMPING SITE	Means land and/or buildings used by transient guests for the overnight accommodation of caravans, motor homes and tents and may include ablution facilities, caretaker's dwelling unit, communal kitchens and associated office.
CANTEEN	Means land and/or buildings used for providing food and liquid refreshments for the exclusive benefit of persons employed by an undertaking which owns and operates or controls such undertaking and includes the area for preparation of such foods and liquid refreshments. This use is an ancillary right on all non-residential Use Zones contained in this land Use Scheme but excludes a restaurant.
CARE TAKERS DWELLING UNIT	Means a dwelling unit for a person and his/her family who is responsible for the care and supervision of the land and buildings on the same land.
CEMETERY	Means land and/or buildings used for burials and such activities and which can include all uses ancillary such as a chapel, prayer area, funeral parlour and a wall of remembrance which includes an office, as a subservient use.
CHILD CARE CENTRE	Means land and/or buildings used as a child care centre, including a day care centre, crèche. Preschool, playgroup. after school care centre or early childhood development centre for taking care of children according to compulsory educational and health requirements /standards.

TERM	DEFINITION
CHILDREN'S HOME	Means land and/or buildings used for the accommodation, care and education of children which special needs or circumstances and includes staff accommodation, recreation facilities and ancillary and subservient facilities for the children and staff.
CLINIC	Means a hospital for day patients with no overnight accommodation.
COMMENCEMENT DATE	Means the date on which this Land Use Scheme came into operation.
COMMERCIAL PURPOSES	Means land and/or buildings used for distribution centres, wholesale trade, warehouses, storage, computer centres, removal and transport services, people/commuter transport, laboratories, cash management centres, builders yards, coal yards and all uses which are ancillary, directly related to or subservient to the main use such as a caretaker's accommodation,
COMMON BOUNDARY	In relation to land means a boundary common with the adjoining land other than a street boundary.
COMMUNE	Means a dwelling house where the habitable rooms are rented out for an extended period to unrelated persons and who share the communal facilities such as the kitchen, lounge, dining room and bathrooms and may not exceed eight (8) occupants.
CONFERENCE FACILITY	Means land and/or buildings used for congress, seminars, training and meetings and all uses which are ancillary, directly related to or subservient to the main use.
CONSENT USE	Means a land use right that may be obtained by way of consent from the Municipality and is specified as such in the adopted Land Use Scheme of the Municipality. Refer to Clause 6.2 of this Land Use Scheme.

TERM	DEFINITION
CONTROLLING AUTHORITY	In relation to a national road means the South African Roads Agency, and in relation to any other road not under the control of the Municipality, the Limpopo Roads Agency.
COVERAGE	<p>Means the total area of land that may be covered by buildings, as seen vertically from the air measured from outer face of exterior walls, expressed as a percentage of the land area, and shall include all roofed areas; provided that the following portions of buildings shall be disregarded in the calculation of coverage:</p> <ul style="list-style-type: none"> (a) Unroofed areas such as a stoep, entrance steps and landing; (b) Projecting balconies, open on all vertical sides. (c) Retractable awnings or pergolas, with or without louvres and areas covered by permeable material; (d) Cornices, chimneys, water pipes, drain pipes and minor decorative features not projecting more than 500mm from the building wall; (e) Eaves and canopies not projecting more. than 1,0m from the wall of the building; (f) A canopy erected on the street frontage of a shop; (g) Electrical high and low tension chambers; and (h) The area covered by open air swimming pools.
CREMATORIUM	Means land and/or buildings used for the cremation of human or animal tissue.
DWELLING HOUSE	Means a single detached dwelling unit.
DWELLING UNIT	Means an inter-connected suite of rooms, designed for human habitation that shall contain a kitchen and with the appropriate ablutions and outbuildings; irrespective of whether the dwelling unit is a single building or forms part of a building containing two (2) or more dwelling units.
ERF	Means every piece of land registered as an erf, lot, plot or stand in a deeds registry and includes every defined portion, not intended to be public place, of a piece of land laid out as a township, whether or not it has been formally recognised, approved or proclaimed as such.

TERM	DEFINITION
EXISTING BUILDING	<p>Means a building erected in accordance with building plans approved by the Municipality and which is otherwise lawful and the construction of which was:</p> <ul style="list-style-type: none"> (i) Completed on or before the fixed date; (j) Begun before but completed after the fixed date; or (k) Completed in accordance with the terms of any permission granted by the Municipality during the preparation and until the coming into operation of this Land Use Scheme.
EXISTING USE	<p>Means a use carried out or in operation on land that was permitted in terms of the previous planning legislation and lawful in terms of the National Building Regulations but which is contrary to this Land Use Scheme. It shall remain an existing use right unless the said use is altered in any way or ceases to be carried out for a period of twelve (12) months.</p> <p>Refer to the provision of Clause 3.2 of this Land Use Scheme.</p>
FAMILY	<p>Means the following people that live together :</p> <ul style="list-style-type: none"> (a) A married couple with or without their parents and/or their children; or (b) A single person with his/her parents and/or his/her children; or (c) Brothers and sisters; or (d) A single person with his/her grandparents and/or his/her grandchildren. Or (e) Grandparents with their grandchildren.
FARM PORTION	<p>Means land which is not an erf, agricultural holding or road and which is registered as a separate unit in the Deeds Office. Such portion is land that has not been the subject of township establishment.</p>
FARM STALL	<p>Means land and/or buildings, not exceeding 50m² in floor area, where only primary products produced on the land on which the building or place is situated are exposed or offered for sale or sold by retail. The locality and access will be subject to approval from the relevant Roads Authority. All parking shall be on the land on which the building or place is situated. No parking shall be allowed within the road reserve.</p>

TERM	DEFINITION
FIXED DATE	This is the date that this Land Use Scheme came into operation via a promulgation notice.
FLOOR AREA	<p>Means the sum of the gross area covered by the building at the floor level of each storey, provided that the area reasonably required for the purposes detailed below may be excluded from the calculations of the floor area, which calculations shall be clearly indicated on the building plans. Floor area shall be measured from the outer face of the exterior walls or similar supports of such building, and where the building consists of more than one storey, the total floor space shall be the sum of the floor area of all the storeys, including that of basements.</p> <p>Areas that shall be excluded from the calculation of floor area are:</p> <ul style="list-style-type: none"> (a) Any area, including a basement, which is reserved solely for parking of vehicles and loading and off-loading areas; (b) 10% of the total floor area shall be regarded as areas required for the cleaning, maintenance, care and proper mechanical and electrical functioning of the building; and (c) Electrical high and low tension chambers.
FLOOR AREA RATIO (FAR)	<p>Means the ratio obtained by dividing the floor area of a building or buildings by the total area of the land upon which the building/s are erected, thus:</p> $\text{FAR} = \frac{\text{Floor Area of a building or buildings}}{\text{Total Area of the land upon which the building/s are erected}}$
FUNERAL PARLOUR	Means land and/or buildings where the deceased are prepared for burial or cremation and includes facilities for associated administrative and religious functions but does not include a crematorium.

TERM	DEFINITION
GOVERNMENT PURPOSES	Means land and/or buildings used for government depots, workshops, stores, communication centres, police stations, post offices, prisons, military facility etc. and includes incidental uses such as a canteen but excludes industries and noxious industries.
GROUND FLOOR	Means the floor of a building which is the entry point into the building and which is at or closest to the natural ground level of the land on which such building stands and excludes a basement.
GUEST HOUSE	<p>Means land and/or buildings where the resident manager provides lodging and meals for compensation to transient guests who have permanent residence elsewhere provided that:</p> <ul style="list-style-type: none"> (a) The number of rooms/suites may not exceed sixteen (16) without the written consent of the Municipality in addition to the accommodation of the resident manager; (b) The buildings may include self-catered suites (c) No buildings may be converted into dwelling units or be sectionalized.
HEALTH AND FITNESS CENTRE	Means land and/or buildings used for active recreation facility and may include ancillary and subservient uses such as shop, place of refreshment and children’s play area.
HEIGHT	Means the vertical dimensions of the building from the natural ground level for the highest point of the building measured in meters or in number of storeys.
HOME ENTERPRISE	<p>Means the practicing of a profession or occupation from a dwelling house / unit.</p> <p>Refer to the provision of Clause 4.4.3 for the qualifying criteria.</p>
HOSPITAL	Means land and/or buildings used for the diagnosis and treatment of human illness; with integrated facilities such as operating theatres and live-in accommodation for patients and staff; and includes a clinic, medical consulting rooms, a place of refreshment and a dispensing pharmacy.

TERM	DEFINITION
HOTEL	<p>Means land and/or buildings used as a temporary residence for transient guests, where lodging and meals are provided, and may include:</p> <ul style="list-style-type: none"> (a) Places of refreshment; (b) Self-catering units; (c) Associated social halls and conference facilities, recreational and service facilities that are subservient and ancillary to the dominant use of the land as a hotel. (d) However, it excludes self-catering suites/units for permanent residents and no suites/units may be sectionalized.
HOUSEHOLD	<p>Is defined as a singular person or group of people that are biologically or legally related to one another and live together.</p>
INDUSTRIAL PURPOSES	<p>Means land and/or buildings used as a factory and in which an article or part of such article is made, manufactured, produced, built, assembled, compiled, printed, ornamented, processed, treated, adapted, repaired, renovated, rebuilt, altered, painted (including spray painting), polished, finished, cleaned, dyed, washed, broken up, disassembled, sorted, packed, chilled, frozen or stored in cold storage; including offices, caretaker's quarters and a shop, which are subservient and ancillary to the use of the land as a factory; and includes a warehouse, the generation of electricity; refuse disposal sites; recycling and abattoir but does not include a noxious trade and/or noxious industry.</p>
INFORMAL TRADING	<p>Means the legal selling of products in area demarcated by the Municipality specifically for those purposes, such as markets and/or other demarcated area, with the written consent of the Municipality.</p>
INSTITUTION	<p>Means land and/or buildings used for a welfare or charitable facility such as home for the aged, indigent or handicapped; a children's home, a hospital, clinic or nursing home, a sanatorium, mortuary; or any other institution whether public or private and includes all uses ancillary, directly related to and subservient to the main use, but excludes primary office and administrative functions.</p>

TERM	DEFINITION
LAND	Means any erf, agricultural holding, sectional title scheme - land or farm portion and includes any improvement or building on land and any real right in land.
LAUNDRETTE	Means a building where clothing or material are washed and ironed.
LIGHT INDUSTRY	Means land and/or buildings used for industrial purposes but where the processes carried on or the machinery installed, do not cause undue nuisance or be detrimental to the amenities of others by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust, grit or other causes.
LINE OF NO ACCESS	Means a line along any street or land or portion thereof prohibiting any vehicular access.
LOADING BAY	Means an area which is clearly demarcated for loading and off-loading.
MEDICAL CONSULTING ROOMS	Means land and/or buildings used as professional rooms for medical practitioners including general practitioners, medical specialists, pathologists, radiologists, dentists and similar uses such as veterinary surgeons, and may include a dispensing pharmacy not exceeding 20m ² but not uses included in the definition of Institution.
MINING PURPOSES	<p>Means land and/or buildings, that in terms of the provisions of the Mineral and Petroleum Resources Development Act. 28 of 2002:</p> <ul style="list-style-type: none"> (a) is used for mining operations; (b) in respect of which a mining right or prospecting right has been granted; or (c) on which operations are carried out to extract raw materials from the earth, whether by means of surface or underground methods and includes, but is not limited to, the removal of stone, sand, clay, kaolin, ores, minerals, gas and precious stones and also includes the processing of such materials and re-processing of mine dumps; and (d) operations to rehabilitate, restore, maintain, reinstate, re-establish and preserve such land.

TERM	DEFINITION
MOBILE DWELLING UNITS	A transportable structure constructed in accordance with the requirements of the S.A.B.S. specification for Mobile Homes with the necessary service connections, and used as a permanent dwelling unit.
MOTOR VEHICLE DEALERSHIP	Means land and/or buildings used for an integrated service which provides a full range of related activities in respect of vehicles and includes a workshop, offices, the sale of new and used parts and the sale of new and used vehicles.
MOTOR VEHICLE SHOWROOM	Means land and/or buildings used for the sale and display of used and/or new vehicles, and includes offices but does not include a workshop and the sale of new and used parts.
MUNICIPAL PURPOSES	Means such purposes as the Municipality may be authorised to carry out in terms of any law governing municipalities including but not limited to the Local Government Municipal Structures Act, 1998 (Act 117 of 1998) and the Local Government Municipal Systems Act, 2000 (Act 32 of 2000).
MUNICIPALITY	Means the Thabazimbi Local Municipality or its successor in title as envisaged in section 155(1) of the Constitution established by Notice No 1866 of 2010 in terms of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998).
NATIONAL BUILDING REGULATIONS	The National Building Regulations made in terms of section 17 of the National Building Regulations and Building Standards Act, 1977 (Act 3 of 1977) or any amendment or review thereof.
NATURAL GROUND LEVEL	Means the level of the land surface in its unmodified state as established from a contour plan.
NOXIOUS INDUSTRY	<p>Means land and/or buildings used for hazardous or noxious activities due to vapour, effluvia or any waste matters. The following are considered as noxious industries :</p> <p>Asbestos-processing, the burning of building bricks, chromium-plating, cement production, carbonalisation of coal in coke ovens, charcoal-burning, converting, reheating, annealing, hardening or carburizing, forging or casting of iron or other metals, crushing or screening of stone or slag or</p>

TERM	DEFINITION
	plants for the preparation of road-surfacing material, distilling, refining ore blending of oils, galvanising, lime- and dolomite-burning, lead-smelting, pickling and treatment of metal in acid, recovery of metal from scrap, smelting, calcining, sintering or other reduction of ores or minerals, salt glazing, sintering of sulphur-bearing materials and viscose works, spray painting or any other industrial activities deemed to be hazardous or noxious in terms of any other legislation.
OFFICES	Means land and/or buildings used for the conducting of an enterprise primarily concerned with administrative clerical, financial or professional services and includes medical consulting rooms and financial institutions.
OUTBUILDING	Means a structure, whether attached or separate from the main building, which is ancillary and subservient to the main building on land, and includes a building which is designed to be normally used for the garaging of motor vehicles, and any other normal activities in so far as these are usually and reasonably required in connection with the main building.
OWNER	Means the person registered in a deeds registry as the owner of land or beneficial owner in law.
PANEL BEATER	Means land and/or buildings used for the replacement, repair and spray painting of the body work of vehicles and includes a workshop.
PARKING BAY	Means an area with an internal rectangular measurement being 6.0 metres x 2,5 metres, which is clearly outlined and demarcated for the parking of one motor vehicle and which is accessible to the satisfaction of the municipality.
PARKING GARAGE	Means land and/or buildings, excluding a road, street and on-site parking associated with a primary or consent use that is used for parking of motor vehicles by the public, with or without a fee, and may include parking within a building and any ancillary use.
PLACE OF AMUSEMENT	Means the use of a building/s and/or land as a theatre, cinema, music hall, concert hall, billiards saloon, sports arena, skating rink, dance hall, casino, bingo halls, race courses, buildings for the purposes of exhibitions of trade or

TERM	DEFINITION
	industry or other recreational purposes, amusement park, and also includes such uses as are ancillary, directly related to and subservient to the main use. It also includes discos, night clubs, sports bar and places of live music entertainment or establishments where adult entertainment is provided.
PLACE OF INSTRUCTION	Means land and/or buildings used for education at pre-school and/or school and/or post school levels, including a crèche, nursery school child care centre, early childhood development centre, primary school, secondary school college, technical institute, university, research institute, lecture hall; or a civic facility for the promotion of knowledge to the community such as a public library, art gallery, museum; and associated uses such as boarding hostels, monastery, convent and all uses which are ancillary, directly related to and subservient to the main use.
PLACE OF REFRESHMENT	Means land and/or buildings used for the preparation, sale and consumption of refreshments on the land such as a restaurant, café, coffee shop, tea room, tea garden, sports bar, pub, bar and may include take-aways, with or without drive through facility but excludes a canteen and place of amusement.
PREVIOUS SCHEME	Means a town planning scheme or similar provision that governed and controlled the use of land prior the fixed date of this Land Use Scheme.
PRIVATE OPEN SPACE	Means land zoned or used as a sport, play, rest and recreational ground or as ornamental or pleasure garden and a tearoom/restaurant, to which, without permission, the general public has no right of admission.
PUBLIC GARAGE	Means land and/or buildings used for gain or reward for anyone of the following purposes: (a) Storage and retail selling of motor fuel and lubricants (filling station); (b) All ancillary uses, including the parking and storing of motor vehicles; the sale of spare parts and accessories, car wash facilities; and automatic bank teller machines;

TERM	DEFINITION
	<p>(c) A convenience shop, a take-away or sitting down facility or drive-through facility which does not exceed 30% of the total built floor area or 150m² whichever is the lesser; and</p> <p>(d) Maintenance and repair of vehicles excluding panel beating and spray painting activities.</p>
PUBLIC OPEN SPACE	Means any land zoned for use by the general public as an open space, park, garden, recreation site, sport field or square.
PUBLIC ROAD	Means any road, street or thoroughfare shown on the General Plan of a township, Agricultural Holding or other division of land of which the public has acquired a right of way.
RAILWAY PURPOSES	Means land and/or buildings used for the transport, loading and off-loading of passengers and goods by rail, including storage of goods, stations, container depots, marshalling yards, terminal facilities, equipment servicing facilities, as well as other associated buildings.
RELIGIOUS PURPOSES	Means land and/or buildings used for religious purposes such as a church, chapel, oratory, prayer house, mosque, synagogue or other place of public devotion, and includes a building designed to be used as a place of religious instruction, excluding a funeral parlour, cemetery or crematorium.
RESIDENTIAL BUILDING	Means land and/or buildings, excluding a dwelling house and/or dwelling unit, that contains habitable rooms, with or without common ablution facilities and with common kitchen-, dining- and/or lounge facilities such as hostels and dormitories. Such definition includes but is not restricted to hostels, dormitories, boarding houses, guest house, and retirement home.
RESORT	Means land and/or buildings used for the accommodation of transient guests associated with conservation, sport and recreation and may include a camping site, place of refreshment, shop, hotel, place of instruction and social hall.

TERM	DEFINITION
RETAIL TRADE	Means any trade other than wholesale trade as defined in this Land Use Scheme.
RETIREMENT HOME	Means land and/or buildings used for housing aged and retired persons and includes uses such as a place for religious purposes, sport and recreational facilities, social hall, medical care facilities, frail care facilities, dining hall, library, lounge, tuck shop, beauty and hair salon, which are subservient and related to the main use.
SCHEDULES	Means a supplement(s) to the scheme containing special procedures and/or some areas or properties to which specific rights or provisions are applicable and such schedules may from time to time be amended by the Municipality. Where any discrepancy exists between the Schedules and the provisions of the Clauses and tables, the Schedule shall prevail.
SCHEME	Means this Land Use Scheme in operation and includes the clauses, maps and the schedules.
SCRAPYARD	<p>Means land and/or buildings used for one or more of the following purposes:</p> <ul style="list-style-type: none"> (a) Storing, depositing, collecting or sale of junk or scrap material or articles the value of which depends mainly or entirely on the material used in the manufacture thereof; (b) The dismantling or storage of scrap metals, second hand vehicles or machines to recover components or material; and (c) The storing or sale of second hand parts, poles, steel, wire, lumber yards, tyres, bricks, containers or other articles which are suitable to be left in the open without any serious damage being incurred.
SECOND DWELLING UNIT	Means an additional dwelling unit which may be erected on the same cadastral land on which a dwelling unit exists. See Clause 4.4.4 of this Land Use Scheme.

TERM	DEFINITION
SELF STORAGE	Means land and/or buildings used for the purposes of small scale, non-business related storing of domestic goods.
SHEBEEN	<p>Means a part of a dwelling house constructed, designed or adapted for use for the sale of liquor, but shall not include the use for social gatherings and/or the consumption of liquor on the site and/or the preparation and consumption of food; provided that the dominant use shall remain residential for the occupant of the said dwelling and subject to the compliance of health and safety by-laws.</p> <p>See Clause 4.4.6 of this Land Use Scheme.</p>
SHOP	Means land and/or buildings used for the retail sale and accompanying storage of goods and services to the public, including a retail concern where goods which are sold in such a concern are manufactured or repaired; provided that the floor space relating to such manufacture or repair shall not comprise more than 30% of the floor space of the shop.
SHOWROOMS	Means land and/or buildings used for the display of large goods, such as but not limited to tiles, bathroom and kitchen displays and furniture but excludes the keeping of stock, over the counter sales and a motor vehicle showroom.
SITE	Shall have the same meaning as “Land”.
SITE DEVELOPMENT PLAN	<p>Means a plan which reflects full details of the intended development, including the relative location of existing buildings and structures, the location of engineering services, access to the land, parking, existing developments and features that will/must be retained, areas for landscaping, and any other required information or details as may be determined by the Municipality.</p> <p>See Clause 5.9 of this Land Use Scheme.</p>
SOCIAL HALL	Means the use of a building/s and/or land for social meetings, gatherings and recreation, and includes a Masonic temple and conference facility and all uses which are ancillary, directly related to or subservient to the main use, but does not include a place of amusement.

TERM	DEFINITION
SPAZA SHOP (House shop)	<p>Means a part of a dwelling house constructed, designed or adapted for use for a shop, with a maximum floor area of 30m² or 30% of the building, whatever is the smaller, on a residential land where the residential use remains the primary use, selling daily convenience goods and fresh produce and prepared and pre-wrapped food, excluding the sale of alcohol beverages and the cooking of food and which shall not provide table games or electronic games.</p> <p>See Clause 4.4.6 of this Land Use Scheme.</p>
SPECIAL USE	<p>Means land and/or buildings used for any use other than one of the uses for which the buildings defined or mentioned in this Land Use Scheme.</p>
STOREY	<p>Means that portion of a building included between the surface of any floor and the surface of the next floor above, or if there is no floor above the ceiling, provided that:</p> <ul style="list-style-type: none"> (a) A basement does not constitute a storey; (b) A roof, or dome which forms part of a roof, shall not constitute a separate storey unless the space within the roof or dome is designed for, or used for, human occupation, in which case it is counted as a storey; and (c) The maximum height of the ground storey shall not exceed 6,0 meters and every additional 4,0, meters in height or portion thereof, shall be counted as an additional storey. (d) The maximum height of any other storey shall not exceed 4,5 meters and every additional 4,5 meters in height or part thereof shall be counted as an additional storey. (e) The height limitations are indicated in Table 3.
STREET	<p>Means the area or part of any street, road, bridge, subway, avenue, lane, sanitary lane, thoroughfare or right-of-way, as shown on the general plan of a township or in respect of which the public has acquired a right-of-way by prescription or otherwise and “road” shall have a corresponding meaning.</p>

TERM	DEFINITION
TAVERN	Means a part of a dwelling house constructed, designed or adapted for use for social gatherings and for the consumption of liquor on the site and may include the preparation and consumption of food, but shall not include the sale of any of the aforesaid items for consumption off the site, provided that the dominant use shall remain residential for the occupant of the said dwelling and subject to the compliance of health and safety by-laws. See Clause 4.4.6 of this Land Use Scheme.
TELECOMMUNICATION MAST	Means a structure in the form of a tower and a base station, which is designed for telecommunication purposes, which includes inter alia radio and or microwave technology as may be permitted in terms of the relevant legislation. Telecommunication Masts are regarded as infrastructure and not as a land use. See Clause xx of this Land Use Scheme.
TEMPORARY BUILDING	Means a building designated as such by the owner after consulting with the Municipality and which is used, or will be used, for a specified period for a specified purpose. See Clause 6.4 of this Land Use Scheme.
TEMPORARY CONSENT	Means the temporary consent of the Municipality envisaged in accordance with the provisions of Clause 6.4 of this Land Use Scheme.
TOWNSHIP	Means an urban area for which there is an approved General Plan and which has been proclaimed as a Township in terms of the relevant legislation.
TRANSPORT FACILITY	Means land and/or buildings used for the provision of a transport service being a bus depot, termini, metered and minibus taxi rank, intermodal transfer site and associated ancillary and subservient uses.
WAREHOUSE	Means land and/or buildings primarily used for the storage of goods, merchandise or materials pending their sale and distribution.
WHOLESALE	Means land and/or buildings primarily used for the bulk distribution of goods to retailers and excludes sales to the general public.

TERM	DEFINITION
WRITTEN CONSENT	Consent applied for in writing as set out in Clause 6.3 of this Land Use Scheme.
ZONE	Means a part of this scheme, as shown on the map, by means of a distinctive notation or edging or other distinctive manner in order to identify the permitted use of land as depicted in Column 2 of Table 2 of this Land Use Scheme, and use zone has the same meaning.
ZONING MAP	Means an approved map showing the land within the municipal area of jurisdiction and applicable use.

PART 3 - USE OF LAND AND BUILDINGS

3. USE OF LAND AND BUILDINGS

3.1. ERECTION AND USE OF LAND AND BUILDINGS

The purpose –

- (1) for which buildings may be erected and used and for which land may be used;
- (2) for which buildings may be erected and used, and for which land may be used, only with the consent of the Municipality; and
- (3) for which buildings may not be erected and used and for which land may not be used.

In each of the Use Zones specified in Table 1 the above-mentioned categories are shown in the third, fourth and fifth columns of Table 1 and in the Schedules.

3.2. PROTECTION AND CONTINUED USE OF LAND AND BUILDINGS

- (1) Where on the date of the coming into operation of this Land Use Scheme, any land or building is being used or, within one month immediately prior to that date, was used for a purpose which is not a purpose for which the land concerned has been reserved or zoned in terms of the provisions of this Land Use Scheme, but which is otherwise lawful and not subject to any prohibition in terms of this Land Use Scheme, the use for that purpose may, subject to the provisions of subsection (2) be continued after that date.
- (2) The right to continue using any land or building by virtue of the provisions of subsection (1) shall, subject to the provisions of subsections (4), (5), (6) and (7)(a) -
 - (a) where the right is not exercised for a continuous period of 15 months, lapse at the expiry of that period;
 - (b) lapse at the expiry of a period of 15 years calculated from the date contemplated in subsection (1); in which case no compensation shall be payable.

- (3) Where on the date of the coming into operation of an approved scheme -
- (a) a building, erected in accordance with an approved building plan, exists on land to which the scheme relates;
 - (b) the erection of a building in accordance with an approved building plan has commenced on land contemplated in paragraph (a), and
- the building does not comply with a provision of the scheme, the building shall, subject to the provisions of subsection (4), (5), (6) and (7), for a period of 15 years from that date be deemed to comply with that provision.
- (4) Where a period of 15 years has, in terms of subsection (2)(b) or (3) commenced to run from a particular date in respect of any land or building, no regard shall, for the purposes of those subsections, be had to an approved scheme which comes into operation after that date.
- (5) The Municipality may, on the application by the owner of any land or a building contemplated in subsection (1) or (3) extend the period contemplated in subsection (2)(b) or (3) for a further period or periods, not exceeding 15 years in the aggregate, on such conditions as the Municipality may determine: Provided that the application shall be lodged with the Municipality prior to or within 3 months from the date of expiry of the first mentioned period or the extended period, as the case may be.
- (6) Pending the outcome of an application in terms of subsection (5) or an appeal in terms of Chapter 8 of the Thabazimbi Local Municipality Land Use Management By-Law, 2015 :
- (a) a right contemplated in subsection (2) shall not lapse;
 - (b) a building contemplated in subsection (3) shall be deemed to comply with the provisions of the approved scheme contemplated in that subsection;
- (7) Within one year from the date of the coming into operation of an approved scheme :
- (a) the holder of a right contemplated in subsection (2) may notify the Municipality in writing that he is prepared to forfeit that right subject to the payment of compensation.
 - (b) the owner of a building contemplated in subsection (3) may notify the Municipality in writing that he is prepared to forfeit any right acquired by virtue of the provisions of that subsection subject to the payment of compensation.

- (8) The Municipality shall, on receipt of a notice contemplated in subsection (7) pay to the holder of the right or the owner, on the application by any other person who suffered actual financial loss as a result of a notice in terms of subsection (7)(b), pay to such person, such compensation as may be mutually agreed upon or, failing an agreement, such compensation as may be awarded by a compensation court and thereupon –
- (a) the holder of the right contemplated in. subsection (a), shall forfeit that right;
 - (b) the provisions of subsection (3) shall no longer apply to the building contemplated therein.
- (9) Where at any proceedings in terms of this Land Use Scheme it is alleged that a right has lapsed in terms of subsection (2)(a) such allegation shall be deemed to be correct until the contrary is proved.

3.3. USE OF BUILDINGS OR LAND FOR DIFFERENT PURPOSES

- (1) Where a building is used, or a proposed building is designed for more than one purpose, it shall, for the purposes of Section 5 of this Land Use Scheme, be deemed to be partially used or to have been partially designed, for each such purpose or use: Provided that for the purposes of this clause if more than 75% of a building is otherwise designed or used for a single use is predominant in such building, it shall be dealt with as if used or designed for such predominant use. The Municipality shall, in its discretion when considering a building plan, or upon application for the purpose being made by the person in charge of the erection of a building, or proposing to erect a building, decide which use is predominant.
- (2) The Municipality shall notify the applicant, within twenty-eight (28) days or such other period the Municipality in his discretion may deem reasonable, after official receipt of the building plan or application in terms of any decision in terms of sub-clause (1) above.

3.4. GENERAL CONDITIONS APPLICABLE TO LAND SITUATED WITHIN PROCLAIMED TOWNSHIPS

3.4.1. EXCAVATIONS AND BOREHOLES ON LAND IN PROCLAIMED TOWNSHIPS

Except with the written consent of the Municipality and subject to such conditions as it may impose, neither the owner nor occupant shall, or allow any other person to –

- (1) Excavate any material from land or other land within the jurisdictional area of the Municipality save as may be necessary to prepare such land for building purposes, unless the land falls within Use Zone 24 (Mining).
- (2) Sink any wells or boreholes or extract any underground water there from land, save as may be necessary on land where the Municipality is not the service provider, unless the land is zoned “Agricultural”; and
- (3) Manufacture or permit the manufacturing of tiles, bricks or earthenware, pipes or other articles of similar nature for any purpose whatsoever on land unless the land falls within Use Zones 10, 11 and 12 (Industrial 1, 2 and 3).

3.4.2. HANDLING AND DRAINAGE OF STORMWATER

Where, in the opinion of the Municipality, it is impracticable for stormwater to be drained from higher lying land direct to a public street, the owner of the lower lying land shall be obliged to accept and permit the passage of such stormwater over the lower lying land; Provided that the owners of the higher lying land from where the stormwater is discharged over a lower lying land, shall be liable to contribute a proportionate share of the cost of any pipeline or drain which the owner of such lower lying land may find reasonably necessary to lay or construct for the purpose of leading away the water so discharged over the land, subject to the approval of the pipeline or drain by the Municipality.

3.5. GENERAL CONDITIONS APPLICABLE TO ALL LAND

3.5.1. PROTECTION OF LAND AND THE ENVIRONMENT

- (1) No person may soil or damage land in any Use Zone so as to impair its use or the purpose for which it was zoned.
- (2) No person may develop land without complying with the requirements of the National Environmental Management Act, 1998 (Act 107 of 1998) and the Environmental Conservation Act, 1989 (Act 73 of 1989) as amended from time to time and without observing the requirements relating to listed activities.

3.5.2. PLACING AND DEVELOPMENT OF BUILDINGS

- (1) The siting of buildings, including outbuildings erected on the land, as well as exits and entrances to a public street system shall be to the satisfaction of the Municipality.
- (2) Any floodline determined to demarcate a flood area shall be deemed to be a building restriction area where no building shall be erected without the prior approval of special precautionary measures, by the Municipality.

3.5.3. PREVENTION OF VISUAL OBSTRUCTION AT STREET CORNERS

- (1) Where the Municipality is satisfied that in the interest of safety any obstruction to the visibility at a corner or bend in a street ought to be regulated, it may impose restrictions in regard to the height or the position of the obstruction by serving by registered mail upon the owner stating the requirements of the Municipality and the notice shall be accompanied by a plan showing the land to which it relates.
- (2) The restrictions imposed by a notice served under this clause shall take effect upon the service of the notice and shall remain in force until the notice is withdrawn by the Municipality. Consensual agreement can be reached between the land owner and Municipality.

- (3) A breach of any restrictions imposed under this clause shall be a contravention of the scheme.

3.5.4. LINES OF NO ACCESS

Entrance to and exit from a land from or to a public street or road where it is prohibited across any boundary line, shall be shown on the Scheme Map by the following symbol :



3.5.5. SCREEN WALLS AND FENCES

Screen wall/s or fence/s shall be erected and maintained to the satisfaction of the Municipality if and when required by it. The extent, material, height and design shall be to the satisfaction of the Municipality.

3.5.6. MAINTENANCE OF BUILDINGS, GARDENS AND SITES

- (1) The owner is responsible for the maintenance of the entire development on the land.
- (2) Where the amenity of any use zone is detrimentally affected by the condition of any garden, yard, building or any development on land, the Municipality may, by serving a notice upon the owner of the land on which such condition exists, requiring the owner to take, within a period of 28 days or such other period the Municipality may deem reasonable from the date of service of the notice, such steps as may be necessary to abate such condition and the measures required to be taken, at the expense of the owner, to abate the condition complained of, shall be set out in such notice. In the event that the notice is not adhered to, the Municipality shall be entitled to undertake such work at the cost of the owner.

3.5.7. ADVERTISEMENT AND HOARDINGS

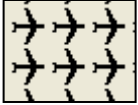


- (1) No advertisement sign shall be erected, nor shall advertisements be displayed, without the consent of the Municipality granted providing, that the consent of the Municipality granted under this Clause shall not in any way be taken to excuse compliance with any regulations of the Municipality relating to the erection and the display of advertisement boarding and advertisements including the National Building Regulations and Building Standards Act, 1977.
- (2) The Municipality may impose any condition it deems necessary on any applications approved under this Clause in order to govern the erection or use of any hoarding or advertisement if the proposed advertisement will detrimentally affect the neighbouring area.
- (3) Subject to the provisions of home businesses no consent shall be given for the erection of any such sign or advertisement. Provided that the provisions of this sub-cause shall not apply to a brass plate or board, not exceeding 600mm by 450mm in size, affixed to the fence or entrance door, or gate of a dwelling – house, and in the case of residential building, to the wall of the entrance hall, or the entrance door of a flat, or to display of an advertisement relating solely to entertainment, meeting, auction or sale to be held upon or in relation to the premises upon which such advertisement is displayed.


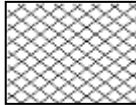
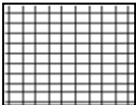

PART 4 - LAND DEVELOPMENT RIGHTS



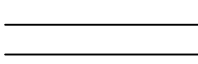
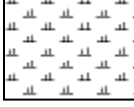

4. LAND DEVELOPMENT RIGHTS

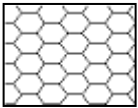

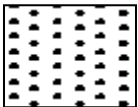
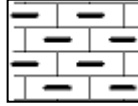

4.1. USE OF LAND AND BUILDINGS

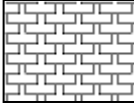



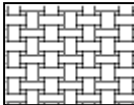


TABLE 2 – LAND USE ZONING

ZONE	(1) USE ZONE	(2) NOTATION	(3) USES PERMITTED	(4) USES PERMITTED WITH CONSENT OF THE MUNICIPALITY	(5) USES NOT PERMITTED
1	AERODROME		Aerodrome and buildings necessary for the use of an aerodrome.	Other uses not permitted in columns (3) and (5)	None
2	AGRICULTURE		Agricultural purposes, agricultural building, agricultural land, game reserve and nature reserve.	Social halls, institutions, places of instruction, motor vehicle dealership, religious purposes, special use, 4x4 trail, farm stall, place of refreshment, abattoir, resort and camping site, animal care centre and guest house.	Uses not permitted in columns (3) and (4)
3	AMUSEMENT		Place of amusement	Place of instruction, social hall, place of refreshment and special use.	Noxious industries

ZONE	(1) USE ZONE	(2) NOTATION	(3) USES PERMITTED	(4) USES PERMITTED WITH CONSENT OF THE MUNICIPALITY	(5) USES NOT PERMITTED
4	BUSINESS 1		Business purposes, dwelling unit/s, offices, institution, places of instruction, religious purposes, residential building, shops, social halls, public garage, place of amusement, motor vehicle showroom, motor vehicle dealership, place of refreshment and hotel.	Other uses not permitted in columns (3) and (5)	Noxious industries, scrap yards, panel beaters and spray painting.
5	BUSINESS 2		Business purposes, dwelling units, offices, shops, residential buildings, places of refreshment, places of instruction, social halls and public garage.	Other uses not permitted in columns (3) and (5)	Noxious industries, scrap yards, panel beaters and spray painting.
6	BUSINESS 3		Places of refreshment, shops, showrooms and offices.	Dry cleaner, laundrettes, place of instruction, social halls, place of amusement, institution, religious purposes, and funeral parlour, parking garage and special uses.	Noxious industries, scrap yards, panel beaters and spray painting.
7	BUSINESS 4	Still to be included	Offices	Special uses	Uses not permitted in columns (3) and (4)
8	CEMETARY		Cemetery	None	Uses not permitted in columns (3) and (4)

ZONE	(1) USE ZONE	(2) NOTATION	(3) USES PERMITTED	(4) USES PERMITTED WITH CONSENT OF THE MUNICIPALITY	(5) USES NOT PERMITTED
9	COMMERCIAL		Commercial purposes and public garage.	Other uses not permitted in columns (3) and (5)	Noxious industries
10	EDUCATION		Places of instruction, social halls and religious purposes.	Dwelling units, residential building (related and subservient to the main use), institutions and special use.	Uses not permitted in columns (3) and (4)
11	EXISTING PUBLIC ROADS		Street or road	None	None
12	GOVERNMENT		Government purposes	Other uses not permitted in columns (3) and (5)	None
13	INDUSTRIAL 1		Industrial purposes, public garage, canteen, business purposes, commercial purposes, scrap yard and motor vehicle dealership.	Dwelling units, residential buildings, social hall, place of refreshment, abattoir and hotels	Noxious industries
14	INDUSTRIAL 2	Still to be included	Industrial purposes, noxious industries, crematorium, public garage, business purposes, commercial purposes, scrap yard, motor vehicle dealership and abattoir.	Other uses not permitted in columns (3) and (5)	Dwelling units, dwelling houses, hotels and residential buildings

ZONE	(1) USE ZONE	(2) NOTATION	(3) USES PERMITTED	(4) USES PERMITTED WITH CONSENT OF THE MUNICIPALITY	(5) USES NOT PERMITTED
15	INDUSTRIAL 3	Still to be included	Light industry, commercial purposes, business purposes, motor vehicle dealership and public garage.	Other uses not permitted in columns (3) and (5)	Noxious industries
16	INSTITUTIONAL		Institutions, religious purposes and places of instruction.	Social halls, special uses, dwelling units and residential buildings.	Uses not permitted in columns (3) and (4)
17	MINING		Mining purposes, game reserve, agricultural purposes, agricultural buildings and agricultural land.	None	None
18	MUNICIPAL		Municipal purposes, transport facility, agricultural purposes, agricultural buildings, agricultural land and camping site.	Other uses not permitted in columns (3) and (5)	None
19	PARKING		Parking garage	None	Uses not permitted in columns (3) and (4)
20	PRIVATE OPEN SPACE		Private open space and resort	Place of amusement, social hall and special uses	Uses not permitted in columns (3) and (4)

ZONE	(1) USE ZONE	(2) NOTATION	(3) USES PERMITTED	(4) USES PERMITTED WITH CONSENT OF THE MUNICIPALITY	(5) USES NOT PERMITTED
21	PUBLIC GARAGE		Public garage, places of refreshment, filling station, motor showroom	Special use and parking garage.	Uses not permitted in columns (3) and (4)
22	PUBLIC OPEN SPACE		Public Open Space	None	Uses not permitted in columns (3) and (4)
23	RAILWAY		Railway purposes	Other uses not permitted in columns (3) and (5)	None
24	RESIDENTIAL 1		Dwelling house	Social hall, institution, place of instruction, religious purposes, guest house, commune, special use, tavern and boarding house.	Uses not permitted in columns (3) and (4)
25	RESIDENTIAL 2		Dwelling unit, retirement home.	Social hall, institution, place of instruction, religious purposes, guest house, commune, mobile dwelling units, special use and boarding house.	Uses not permitted in columns (3) and (4)
26	RESIDENTIAL 3		Dwelling units, hotel and residential building	Social hall, institution, place of instruction, religious purposes, mobile dwelling units and special use.	Uses not permitted in columns (3) and (4)
27	SPECIAL		As indicated in schedule x	As indicated in schedule x	Uses not permitted in columns (3) and (4)

4.2. STRUCTURES WHICH MAY BE ERECTED IN ANY USE ZONE

This Land Use Scheme does not prohibit the erection of entrance structures (other than entrance halls and entrance passages), pergolas, garden ornaments, boundary walls and fences.

4.3. ERECTION AND USE OF BUILDINGS OR USE OF LAND

- (1) For the purposes of this clause, the expression “erection and use of a building” includes the use of land and a building, as well as the conversion of a building that use whether or not it entails the structural alteration thereof.
- (2) The purposes for which buildings and land in each of the use zones:
 - (a) may be erected and/or used;
 - (b) may be erected and/or used only with the special consent of the Municipality, permanently or for a specified period; or
 - (c) may not be erected and/or usedare shown in Columns 3, 4 and 5, Table 2.
- (3) No person shall without consent being granted in terms of Part 6 of this Land Use Scheme use, or cause or permit to be used, any building or land or part thereof for a purpose other than the purpose for which it was zoned.
- (4) If the use of building changes because of the rights that has been granted to a land or has already vested in the land, such building and the land shall comply with all the conditions laid down and which are applicable to the use.
- (5) If the use of an existing building changes and it is not in accordance with the rights attached to the land, the necessary steps shall be taken by the owner to see to it that it shall comply with all the stipulations of the scheme.
- (6) Where the use of land or a building can only be conducted with the written consent of the Municipality, the use may not be conducted prior to the consent being given.
- (7) Nothing herein contained shall be deemed to grant exemption from any of the Municipality’s by-laws or any other Act.

4.4.CONDITIONS APPLICABLE TO SPECIFIC USE ZONES AND USES

4.4.1. CONDITIONS APPLICABLE TO ERVEN ZONED RESIDENTIAL 2 AND 3

Subject to the general conditions of this Land Use Scheme, the following additional conditions will apply to any land in Use Zone 25 and 26 (Residential 2 and 3):

- (1) A site development plan shall be submitted for approval, as set out in Clause 5.6.1 of this Land Use Scheme, prior to the approval of any building plans.
- (2) The land shall not be subdivided into portions with single dwelling units thereon, before full implementation of the proposals embodied in the site development plan relating to the land has been fully implemented or the Municipality has granted written consent thereto. If it is not the intention to develop the total extent of the land simultaneously, the grouping of the dwelling units and programming of the development must be shown clearly on the site development plan.
- (3) The Municipality shall not approve any building plan which does not comply with proposals in the approved site development plan with particular reference to the elevation and architectural treatment of the proposed building or structure.

4.4.2. CONDITIONS APPLICABLE TO PUBLIC GARAGE AND FILLING STATION

Subject to the general conditions of this Land Use Scheme, the following additional conditions shall apply to erven used for public garages or filling stations:

- (1) A site development plan shall be submitted for approval, as set out in Clause 5.6.1 of this Land Use Scheme, prior to the approval of any building plans.
- (2) A screen wall or walls, of which the extent, material, design, height and position shall be to the satisfaction of the Municipality, shall be erected and maintained to the satisfaction of the Municipality by the registered owner.
- (3) No material or equipment of any nature whatsoever may be stored or stacked to a height greater than the height of the screen wall.
- (4) No repair work to vehicles or equipment of any nature shall be performed outside the building, except in an area screened off for the purpose to the satisfaction of the Municipality.
- (5) No material or equipment of any nature whatsoever shall be stored or stacked outside the building, except in an area screened off for the purpose.

- (6) The Municipality may grant relaxation of the above conditions with written consent in terms of Clause 6.3 of this Land Use Scheme.

4.4.3. CONDITIONS FOR THE OPERATION OF A HOME ENTERPRISE

Without prejudice to any of the powers of the Municipality under the provisions of this Land Use Scheme or any other law, nothing in the provisions of this part of the Land Use Scheme shall be construed as prohibiting or restricting or enabling the Municipality to prohibit or restrict the practice by any permanent occupant of a dwelling house / unit of a profession or occupation or operating an enterprise from a dwelling house / unit provided that:

- (1) The use shall not include a public garage, motor sales, motor workshop, heavy mechanical repairs (e.g. grinding, welding, sanding, etc.), car wash, industrial/commercial purposes, noxious industries, scrap yard, spray painting, panel beating, shop (retail outlet), spaza shop, shebeen, restaurant, coffee shop, tea garden, place of amusement, place of instruction, institution, guest house, boarding house, commune, hotel, funeral parlour, undertaker, pet salon or any such other uses as the Municipality may determine.
- (2) Not more than 20% of the built floor area of the dwelling house / unit or 50m² may be used for non-residential purposes in total, whichever is the lesser.
- (3) The principal of the non-residential activity shall be the permanent occupant on the site.
- (4) A maximum of four (4) other persons, in addition to the members of the household who permanently reside on the site, may be employed. This number may be increased with the written consent of the Municipality.
- (5) The use shall not negatively impact on any infrastructure services greater than normally required for domestic use.
- (6) Parking, as well as loading and off-loading activities directly related to the use shall be to the satisfaction of the Municipality.
- (7) A non-luminous notice or sign may be displayed on the boundary fence or building, not exceeding 600mm by 450mm in size, to indicate only the name, business logo and telephone number.
- (8) A use of such a nature that would cause an undue increase in traffic in the neighbourhood or the passing of heavy vehicles through the neighbourhood, neither the congregating of workers in relation to the use from the dwelling house / unit shall not be permitted.

- (9) Interference, in the opinion of the Municipality, with the amenities of the neighbourhood by means of noise, smell, dust, aesthetic appearance or any other manner, shall not be permitted.
- (10) The storing or keeping on the site of anything whatsoever which, in the opinion of the Municipality, is unsightly or undesirable or a risk to the safety and security of residents, such as ammunition, weapons, fire arms, explosives, fireworks, chemicals and waste or something which cannot be accommodated by the ordinary design of a dwelling house or dwelling unit shall not be permitted.
- (11) Should the permanent occupant wish to practice a home enterprise / profession/s or occupation/s from a non-permanent (for example tents, gazebo and caravans) structure on the site, such practice shall be subject to permission being granted by the written consent of the Municipality accompanied by a plan indicating the nature, size and position of the container or non-permanent structure on the site. This written consent may be subject to the submission of a building plan.

4.4.4. CONDITIONS FOR A SECOND DWELLING UNIT

Notwithstanding the provisions of the land development requirements contained in this Land Use Scheme, an owner may erect and use a maximum of one subsidiary dwelling units on an land zoned "Residential 1" and "Agriculture", subject to the following conditions:

- (1) In the event of a subsidiary dwelling unit being in excess of one storey, the written consent of the Municipality shall be required. The written consent application shall include the notification of the neighbours, informing the neighbours of the intent of the owner: indicating that any objections or representations shall be made to the Municipality and the owner in writing within twenty-eight (28) days from the date of notification. All objections or representations in this regard shall be heard by the Municipal Planning Tribunal.
- (2) The floor area of the subsidiary dwelling unit shall not exceed 80% of the floor area of the main dwelling house.
- (3) A subsidiary dwelling unit may be attached to or detached from the main dwelling house but in the former instance may not be interconnected.
- (4) Parking shall be provided to the satisfaction of the Municipality.
- (5) No outbuildings may be erected in relation to the subsidiary dwelling units other than a garage/s.
- (6) The access, positioning and design of the subsidiary dwelling units shall be to the satisfaction of the Municipality.

- (7) The screening of the subsidiary dwelling units shall be to the satisfaction of the Municipality.
- (8) The amenity of the area shall not be disturbed at the sole discretion of the Municipality.
- (9) Where an owner of a "Residential 1" land exercised the right of a subsidiary dwelling unit, neither the subsidiary dwelling unit nor the dwelling house may be sectionalized.
- (10) In the event of subdivision in accordance with the prevailing density guidelines a newly created portion may contain the detached subsidiary dwelling unit, which may now be re-defined as an existing dwelling house.
- (11) When an owner exercises the right for the subsidiary dwelling units, engineering services contributions in terms of the prevailing policies for engineering services, may be payable on submission of the building plan as determined by the Municipality.

4.4.5. CONDITIONS FOR A TAVERN

Notwithstanding the provisions of the land development requirements contained in this Land Use Scheme, the Municipality may consent to taverns on land zoned "Residential 1", subject to the following conditions:

- (1) The residential character of the site shall be maintained to the satisfaction of the Municipality and the predominant land use shall remain residential.
- (2) The tavern shall not cause an interference with the amenities of the neighbourhood.
- (3) The tavern shall be conducted from a fixed structure for which building plans have been approved. (This may include a container/s).
- (4) A non-luminous notice or sign may be displayed on the boundary fence or building, not exceeding 600mm by 450mm in size, to indicate only the name, business logo and telephone number.
- (5) The storing or keeping on the site of such dwelling unit of anything whatsoever which, in the opinion of the Municipality, is unsightly or undesirable shall be prohibited.
- (6) No amusement or gambling machines of any kind shall be permitted on the premises.
- (7) Parking shall be provided to the satisfaction of the Municipality.

- (8) The operation of the tavern shall conform to any other legislation governing the sale and consumption of liquor and preparation of food for sale.

4.4.6. CONDITIONS FOR A SPAZA SHOP AND SHEBEEN

Notwithstanding the provisions of the land development requirements contained in this Land Use Scheme, the Municipality may provide written consent to a spaza shop and shebeen on land zoned "Residential 1", subject to the following conditions :

- (1) The written consent application shall include the notification of the neighbours, informing the neighbours of the intent of the owner: indicating that any objections or representations shall be made to the Municipality and the owner in writing within twenty-eight (28) days from the date of notification. All objections or representations in this regard shall be heard by the Municipal Planning Tribunal.
- (2) The sale and supply of essential pre-packed and / or pre-wrapped items and / or foodstuff as well as the sale of airtime and telephone kiosks may be permitted.
- (3) The consumption of liquor on site shall not be permitted.
- (4) The operation of the shebeen shall conform to any other legislation governing the sale of liquor.
- (5) The sale of meat shall not be permitted.
- (6) No amusement or gambling machines of any kind shall be permitted whatsoever.
- (7) The exercising of the spaza shop or shebeen shall exclusively be for the owner or occupant permanently residing in the dwelling house.
- (8) The number of staff employed in the spaza shop or shebeen shall not, without the written consent of the Municipality, exceed two employees.
- (1) The maximum extent of the spaza shop or shebeen that the Municipality may grant is restricted to 15m².
- (2) The spaza shop or shebeen shall be conducted from a fixed structure for which building plans have been approved. (This may include a container/s).
- (3) The Municipality may impose such conditions and requirements as it may deem fit upon approval of the written consent for a spaza shop or shebeen.
- (4) The spaza shop or shebeen shall not disturb or cause an interference with the amenities of the neighborhood at the sole discretion of the Municipality.

- (5) The residential character of the site shall be maintained to the satisfaction of the Municipality and the predominant land use shall remain residential.
- (6) The storing or keeping on the site of such dwelling unit of anything whatsoever which, in the opinion of the Municipality, is unsightly or undesirable shall be prohibited.
- (7) Any condition of this written consent may be altered or any new condition added thereto by the Municipality if it is of the opinion that owing to a change in the circumstances or for any other reason such alteration or addition is necessary or desirable from a town planning point of view.
- (8) This written consent shall be subject to termination by the Municipality if, after affording the owner of the land to which this consent relates a hearing, it is of the opinion that owing to a change of circumstances or for any other reason it is undesirable for the consent to remain in force.

PART 5 - LAND DEVELOPMENT CONTROLS

5. LAND DEVELOPMENT CONTROLS

5.1. COVERAGE, HEIGHT AND FLOOR AREA

Table 3 stipulates the allowable coverage, height and floor area ratio.

TABLE 3 – COVERGE, HEIGHT AND FLOOR AREA

ZONE	USE ZONE	COVERAGE	HEIGHT	FLOOR AREA RATIO
1	Aerodrome	30%	2	-
2	Agriculture			
	Agricultural purposes	20%	Unlimited	Unlimited
	All other uses	As per the conditions of the approved consent	As per the conditions of the approved consent	As per the conditions of the approved consent
3	Amusement	60%	2	1.2
4	Business 1	80%	4	3.2
5	Business 2	60%	3	1.8
6	Business 3	60%	2	1.2
7	Business 4	60%	2	1.2
8	Cemetery	-	-	-
9	Commercial	80%	3	-
10	Education	60%	3	-
11	Government	60%	2	1.2
12	Industrial 1	80%	3	-
13	Industrial 2	80%	3	-
14	Industrial 3	80%	3	-
15	Institutional	80%	3	-
16	Mining	-	-	-
17	Municipal	-	-	-
18	Parking	80%	3	-
19	Private Open Space	30%	2	0.6
20	Public Garage	50%	1	0.5
21	Public Open Space	-	-	-
22	Railway	30%	2	-
23	Residential 1	50%	2	-

ZONE	USE ZONE	COVERAGE	HEIGHT	FLOOR AREA RATIO
24	Residential 2	60%	2	-
25	Residential 3	60%	4	1.8
26	Special	As depicted in the Schedule		

5.2. COVERAGE

- (1) No building shall be erected with a greater coverage than that set out in Table 3 or on the applicable Schedule.
- (2) The Municipality may consent, through the approval of a site development plan, to that a basement situated under the natural ground level, may be erected in such a way that the permissible coverage in Table 3 may be exceeded.
- (3) The Municipality may grant its written consent to increase the coverage by a maximum of 10%.

5.3. FLOOR AREA

- (1) No building shall be erected in such a way that it has a greater floor area than indicated in Table 3 or on the applicable Schedule.

5.4. HEIGHT OF BUILDINGS

No building shall be higher than the number of storeys set out in Table 3 or on the applicable schedule provided that:-

- (1) Any chimney, ornamental tower, tower-like projection or similar architectural feature or lift servicing room or room wherein mechanical or electrical equipment is installed, shall not be taken into account.
- (2) Where 75% or more of a floor is used for the parking of vehicles, it shall not be considered as a storey.

- (3) Basements shall not be included in height, provided that the floor area ratio is not exceeded.
- (4) The maximum height of a storey shall not exceed 6m in respect of the ground storey and 4.5m in respect of any other storey.
- (5) The Municipality may grant its written consent to the height being increased by one (1) storey.

5.5. DENSITY

Table 4 stipulates density in terms of the maximum number of dwelling units per hectare or per erf. The erection of a second dwelling unit shall not constitute an increase in density.

TABLE 4 – DENSITY

ZONE	USE ZONE	DENSITY
23	Residential 1	1 dwelling unit per erf
24	Residential 2	30 dwelling units per hectare
25	Residential 3	60 dwelling units per hectare

5.6. SUBDIVISION AND CONSOLIDATION OF LAND IN A PROCLAIMED TOWNSHIP

- (1) Subject to the provisions of Section 16(12) of the Thabazimbi Local Municipality Land Use Management By-Law, 2015, the Municipality may grant its approval to the subdivision of any land or consolidation of land, subject to such conditions as it may deem fit and in accordance with the density guidelines as per Clause 5.5 and the applicable Municipal policy.
- (2) In considering an application for its approval for consolidation and/or subdivision as contemplated in Sub-clause (1) the Municipality shall, in addition to any other relevant factors, have regard to:
 - (a) Whether the said consolidation and/or subdivision is necessary and desirable in relation to the location of buildings on the land to be subdivided and/or consolidated;

- (b) Whether there is adequate and unhindered access to and from the land;
- (3) No consolidation of land with different Use Zones or Schedules shall be permitted unless appropriately rezoned.
- (4) Erven that have been developed with semi's (two (2) dwelling units under one (1) roof), in accordance with the provisions of previous town planning schemes, may be subdivided in accordance with the provisions of this Land Use Scheme.
- (5) The Municipality may grant approval to the subdivision of land zoned "Residential 1 ", one dwelling house per erf;
- (6) Such approval for subdivision is subject to time limitations as contained in Section 16(12) of the Thabazimbi Local Municipality Land Use Management By-Law, 2015.
- (7) Upon the approval of a subdivision the following conditions shall be included as conditions of title of each and every subdivided portion:
 - (a) The erf is subject to a servitude, two (2) metres wide, in favour of the local authority, for sewerage and other municipal purposes, along any two boundaries other than a street boundary and in the case of a panhandle erf, an additional servitude for municipal purposes two (2) metres wide across the access portion of the erf, if and when required by the local authority: Provided that the local authority may dispense with any such servitude.
 - (b) No building or other structure shall be erected within the aforesaid servitude area and no large-rooted trees shall be planted within the area of such servitude or within two (2) metres thereof.
 - (c) The local authority shall be entitled to deposit temporarily on the land adjoining the aforesaid servitude such material as may be excavated by it during the course of the construction, maintenance or removal of such sewerage mains and other works as it, in its discretion may deem necessary and shall further be entitled to reasonable access to the said land for the aforesaid purpose subject to any damage done during the process of the construction, maintenance or removal of such sewerage mains and other works being made good by the local authority. The Municipality shall attach the conditions of the approved subdivision to the zoning information of all the newly created erven concerned. In the event of the

cancellation or lapsing of such subdivision the Municipality may remove such conditions and do the appropriate adjustments.

- (8) Upon the approval of a subdivision application all the conditions of approval shall be in addition to the general conditions, restrictions and other provisions of this Land Use Scheme.
- (9) Should there be conflict with any such other conditions, restrictions or provisions in this Land Use Scheme including the provisions and conditions contained in an Annexure or Schedule applicable to the land, the most restrictive conditions shall prevail.
- (10) In respect of subdivisions with panhandles :
 - (a) The panhandle shall provide access from a street to the panhandle portion;
 - (b) The panhandle shall not be less than 3m wide along its whole length, unless the Municipality otherwise grants written consent; and
 - (c) A panhandle shall provide access only to the land of which it forms part as well as the land in favour of which a servitude of right of way has been registered over the panhandle, except where the Municipality otherwise determines.

5.7. BUILDING RESTRICTION AREAS

The building lines as defined in Table 5 are applicable to all land according to the use zones as set out therein.

TABLE 5 – BUILDING RESTRICTION AREAS

ZONE	USE ZONE	BUILDING LINE (METERS)		
		Street	Side	Rear
1	Agriculture	-	-	-
3	Amusement	5m	As per approved SDP	
4	Business 1	6m	As per approved SDP	
5	Business 2	6m	As per approved SDP	
6	Business 3	6m	As per approved SDP	
7	Business 4	6m	As per approved SDP	
9	Commercial	6m	As per approved SDP	
10	Education	5m	As per approved SDP	
12	Industrial 1	6m	As per approved SDP	
13	Industrial 2	6m	As per approved SDP	
14	Industrial 3	6m	As per approved SDP	
15	Institutional	5m	As per approved SDP	
17	Municipal	5m	As per approved SDP	
18	Parking	5m	As per approved SDP	
20	Public garage	8m	As per approved SDP	
23	Residential 1	Erf > 500m ² = 5m Erf < 500m ² = 2m	1m	1m
24	Residential 2	5m	As per approved SDP	
25	Residential 3	5m	As per approved SDP	
26	Special	As per approved Schedule		
	All other Use Zones	As per approved SDP		

- (1) No building or structure other than boundary walls, fences, garden decorations, pergolas or temporary buildings or structures required in connection with building operations on the land shall be erected within any building restriction area.
- (2) Provided that, in addition to the building lines stipulated in Table 5 –
 - (a) The Municipality has the right to use a 2m strip next to any two boundaries of land (street boundary excluded) and in case of a panhandle, an additional servitude, 2m wide across the access portion of the land for the installation of engineering services, and such strips are to be considered as building restriction areas (no building or other structure shall be erected within the foresaid servitude area and no large rooted trees shall be planted within the area).

- (b) The erection of buildings on distances from boundaries other than street boundaries must comply with the Act on National Building Regulations and Building Standards Act (Act 103 of 1977) and any amendments thereof.
- (2) The Municipality may, after receipt of an application for written consent in terms of Clause 5.6.3 from the owner, and subject to such conditions as the Municipality may find expedient:
 - (a) permit the erection of a building in the building restriction area in the case of corner land or where, due to the slope of the land or adjoining land, or the proximity of buildings already erected in the building restriction area, compliance with the building line requirements will hamper development of the land to an unreasonable extent or where the building line is not needed for the installation of services.
 - (b) during consideration of a site development plan, relax the building restriction area for all land, if it is of the opinion that such relaxation would result in an improvement of the development potential of the land and the esthetical quality of the building; and
 - (c) permit the construction of a swimming pool or tennis court in the building restriction area.
- (3) Where land borders on a national or provincial road, or if provided otherwise in the conditions of title, the applicable building line shall be the building line prescribed by the Controlling Authority, or the building line indicated in Table 5, whichever is the wider, and such building line shall not be relaxed, modified or amended without the written consent of the Controlling Authority.
- (4) For the purpose of this clause a sanitary and pedestrian alley is not considered to be a street or road.

5.8. PARKING AND LOADING

TABLE 6 – PARKING REQUIREMENTS

The parking requirements are indicated in Table 6.

USE	PARKING REQUIREMENT
RESIDENTIAL USES	
Main dwelling house	2 bays on land greater than 350m ² 1 bay on land smaller than 350m ² Nil bays on land smaller than 100m ²
Second dwelling unit	1 bays per second dwelling unit
Dwelling units	1 bay per unit plus 1.0 bay per three units for visitors
Boarding houses, hostels, communes	0.5 bays per bed
Hotel	1 bay per bedroom plus 10 bays per 100m ² public rooms
Guest House	1.25 bays per bedroom
RELIGIOUS PURPOSES	
With seating provision	1 bay per 4 seats
Without seating provision	25 bays per 100m ² of net prayer/meditation area
EDUCATION	
Primary and secondary schools (including FET colleges)	1 bay per classroom or office plus stop and drop facility
Nursery schools, crèches, day care centre	1 bay per 10 children plus stop and drop facility
Tertiary education facility	0.4 bay per student plus 1 bay per classroom or office
SOCIAL / RECREATION / INSTUTIONAL	
Institution (excluding medical uses listed below)	1.5 bays per 100m ² floor area
Health and recreation club	10 bays per 100m ² floor area
Social hall	2 bay per 4 seats or persons, calculated at 1.4m ² = 1 person
Place of Amusement	1 bays per 4 seats or persons, calculated at 1.4m ² = 1 person
PUBLIC GARAGE & MOTOR RELATED USES	
Convenience shop, take-ways, drive through	6 bays per 100m ² floor area
Workshops, lubrication, tune up bay, car wash	4 bays per wash/tune-up bay
Related spares and sales	2 bays per 100m ² floor area
Related or stand-alone motor showroom	3 bays per 100m ² area

USE	PARKING REQUIREMENT
MEDICAL	
Hospitals and clinics	2 bays per bed plus 6.0 bays per 100m ² for medical consulting rooms
Medical and veterinary consulting rooms	6 bays per 100m ² gross leasable floor area
BUSINESS	
Offices	4 bays per 100m ² floor area
Place of refreshment	6 bays per 100m ² floor area
Showrooms	3 bays per 100m ² floor area
Shops / retail	4 bays per 100m ² floor area
Funeral parlour	3 bays per 100m ² floor area
Industrial and commercial purposes	2 bays per 100m ² floor area
Warehousing (storage)	1 bays per 100m ² floor area
ALL OTHER LAND USES	
All other Land Uses	To the satisfaction of the Municipality

5.8.1. PARKING DEVELOPMENT REQUIREMENTS

- (1) Effective paved parking and manoeuvring space for the various use zones and uses shall be provided, laid out, constructed and maintained on all properties in accordance with the requirements stipulated in Table 6, to the satisfaction of the Municipality by and at the cost of the person who intends to erect a building.
- (2) The number of parking spaces to be provided according to Table 6, shall be determined by the Municipality and shall be applicable to all existing and/or new buildings (excluding a single dwelling unit) and to extensions to existing buildings (excluding a single dwelling unit).
- (3) The owner of a building in respect of which parking spaces are required in terms of sub-clause (1) shall keep such parking spaces in a proper condition for such purposes to the satisfaction of the Municipality

5.8.2. ALTERNATIVES TO THE PROVISION OF ON-SITE PARKING

- (1) The Municipality may consent to a maximum of thirty (30) percent of the required parking and manoeuvring space, as stipulated in Table 6, not being provided on the land: Provided that the owner shall in this event be liable for payment of a cash contribution to the Municipality in lieu of the provision of parking spaces for all parking spaces required to be supplied on the land in terms of Table 6. Such contribution for parking shall be used solely for the provision of parking areas.

- (2) Provided further than any owner may provide the parking required on an alternative site approved by the Municipality.

5.8.3. LOADING AND OFF-LOADING

- (1) The Municipality may, upon application being made for approval of building plans submitted in terms of the National Building Regulations and Building Standards Act (Act 103 of 1977) and any amendments thereof, require the owner to submit proposals for the provision on the land of appropriate and sufficient facilities for loading and off-loading of goods, which proposals shall, indicate positions for parking, stopping or fuelling of service vehicles.
- (2) No owner or occupant of a building in respect whereof proposals in terms of this clause are required, may undertake or permit the loading, off-loading, parking or fuelling of vehicles otherwise than in accordance with a written approval from the Municipality and in accordance with the conditions imposed in this regard.

5.9. SITE DEVELOPMENT PLANS

Site Development Plans are required by the Municipality :

- (1) As a condition of an application, including consent use applications, as and when required by the Municipality; or
- (2) On all Use Zones other than erven zoned "Residential 1" or land that is developed with a dwelling house only, or land that is zoned "Agricultural"; or
- (3) For the development of any structures by any party on land with a "Public Open Space" use in terms of the Land Use Scheme; or
- (4) Where required in any other part of the Land Use Scheme, such Site Development Plan shall be drawn at a scale of 1 :500 or such other scale as may be required by the Municipality, and shall be approved by the Municipality before any building plan in connection with the proposed development may be considered by the Municipality.
- (5) Unless the Municipality requires less information, a Site Development Plan shall show at least the following:
 - (a) The siting, height, floor area and coverage of all buildings; specific detailed floor plans for residential developments;
 - (b) Pedestrian and vehicular entrances and exits to the land;

- (c) If the land is to be subdivided, the proposed subdivision lines;
- (d) Pedestrian access to buildings and parking areas and to and from the land;
- (e) Building restriction areas (if any), boundary walls, fences, screening;
- (f) All servitudes and/or existing municipal services and/or any proposed engineering services affecting the land shall be accurately indicated, including boreholes;
- (g) Parking and manoeuvring areas, and where required by the Municipality, circulation of vehicular and pedestrian traffic;
- (h) Elevational treatment of all buildings;
- (i) If it is not proposed to develop all of the land simultaneously, the grouping of the dwelling units and the programming of the development thereof, must be clearly indicated on the plan;
- (j) Steps to be taken to control storm water runoff;
- (k) Landscaping including existing, mature vegetation on the land;
- (l) Contours;
- (m) Open spaces and landscaping;
- (n) Energy efficiency measures and
- (o) And any other additional information if so required by the Municipality.

PART 6 – CONSENT FROM THE MUNICIPALITY

6. CONSENT FROM THE MUNICIPALITY

6.1. CRITERIA FOR THE CONSIDERATION OF APPLICATIONS

- (1) Subject to the provisions of Clauses 6.2, 6.3 and 6.4 of this Land Use Scheme, the Municipality may, when application is made for its special, written or temporary consent in terms of this scheme refuse or grant such consent subject to such conditions as it may think fit, with due consideration:
 - (a) the amenities of the area;
 - (b) health and safety of the area;
 - (c) the character of other uses in the area;
 - (d) the need and desirability of the use concerned; and
 - (e) the Integrated Development Plan (IDP) and the Municipal Spatial Development Framework and any review thereof.
- (2) The Municipality may upon the granting of any consent contemplated in of Part 6 of this scheme, impose conditions regarding payment of contributions for the provision of services, open spaces and parks.

6.2. CONSENT OF THE MUNICIPALITY

- (1) Any owner (hereinafter referred to as “the applicant”) intending to apply to the Municipality for consent for the erection and use of a building or for the use of land in any use zone, whether wholly or partially for any purposes which requires the special consent of the Municipality in terms of Table 2, Column 4 shall submit such application to the Municipality in writing, in the prescribed manner.
- (2) An application shall include a report to the Municipality, containing full particulars on the criteria referred to in Clause 6.1, as well as particulars appearing in notices as set out in sub-clause (4) below or any other relevant particulars which may be required by the Municipality.

- (3) The applicant shall:
 - (a) At the applicants own expense publish a notice twice (for two consecutive weeks) in a local newspaper/s, circulating in the area of the application;
 - (b) Such notice shall be in any two of the official languages of which one should be in English;
 - (c) Display notice, referred to in sub-clauses (4)(a) and (b) and maintain same, for a period of not less than 14 consecutive days from date of first publication, in a conspicuous position, visible from the street on each separate portion of the land to which such consent will apply.
 - (d) Refer the application to any other person or body that may be required by the Municipality.
- (4) The notice referred to :
 - (a) In sub-clause (3)(a) to (c) shall contain the name and address of the applicant; the description, address and locality of the land as well as particulars of the existing zoning and the purpose for which the land and buildings will be used and shall state that it lies for inspection at the Municipality offices and that any objection to or representation in connection with such application shall be lodged simultaneously with the Municipality and the applicant within a period of 28 days calculated from the day when the notice was first published and displayed on the site; and
 - (b) The notice in sub-clause (3)(c) shall not be less than 594mm by 420mm in size and no letter thereon shall be less than 6mm in height.
- (5) The applicant shall prior to the date of the first publishing and posting up of the notice on site as mentioned in sub-clauses (3)(a) to (c), lodged the application with the Municipality, failing which shall be deemed as non-compliance with the application procedures, save that the Municipality shall have the right to condone filing such application outside the 28 day time period, on good cause shown.
- (6) The applicant shall lodged, simultaneously with the application, an affidavit confirming that the notice referred to in sub-clause (3)(c) , was properly displayed and maintained.
- (7) The applicant shall submit proof that the application referred to in sub-clause (3)(a) was published twice.
- (8) The Municipality shall consider and hear any objection or representation received within the aforementioned period of twenty-eight (28) days, at a hearing arranged by the Municipality within a reasonable time period.

- (9) A reasonable time period referred to above shall be deemed to be 90 days calculated as from lapsing of 28 days referred to in sub-clause (8) above.
- (10) Should any objection to, or representation against, the application be received by the Municipality, it shall set a time and place for the hearing of such objection or representation in a manner complying with the requirements of the administrative post by electronic communication or facsimile, at least 14 days prior to the hearing, to the applicant and/or his duly authorised agent and all objectors.
- (11) Where the objections or representations contemplated in sub-clause (8) of more than one person are contained in one document, it shall be deemed sufficient compliance with the provisions of Clause 25.4 if the person who has lodged the document or is a signatory thereto is notified as contemplated in the latter clause.
- (12) The Municipality shall after due consideration of any objections and the criteria stipulated in Clause 6.1 hereof, in writing notify the applicant and every person who lodged an objection or had made representations, of such decision.
- (13) The decision of the Municipality shall (where any objection to this application was received) not come into operation before expiry of fifty-six (56) days calculated from the date of notification of the parties in writing envisaged in sub-clause (10) hereof.
- (14) The applicant may note an appeal in terms of the provisions of Thabazimbi Local Municipality Land Use Management By-Law, 2015, should the application be refused by the Municipality.
- (15) Every applicant shall, after approval by the Municipality, of an application envisaged in this clause, be obliged to, on an annual basis, in this month, during which the applicant was notified of such an approval as envisaged in sub-clause (14), to the satisfaction of the Municipality, submit an affidavit in confirmation of inter alia the fact that the conditions pertaining to such approval and use, are fully complied with.
- (16) Granting of special consent for a noxious industry shall be considered: Provided that there is proof of compliance with the Environment Conservation Act (Act 73 of 1989)(repealed – which Act has replaced it??) and a certificate be issued by the Medical Officer of Health of a Municipality certifying that the process proposed to be used in connection with any of the industries or factories listed in the Definition of Noxious Industry of this scheme, will effectively eliminate any nuisance or health hazard in the vicinity of the land due to :

- (a) Vapours, smoke or odours;
- (b) Fluids or effluent originating on the land; and in the event of it being proposed to dispose of such materials by land treatment, the nature, slope and surface of the land concerned, as well as its location in relation to streams or water courses shall be disclosed; and
- (c) Solid waste matter.

6.3. WRITTEN CONSENT OF THE MUNICIPALITY

- (1) Any owner (hereinafter referred to as “the applicant”) intending to apply to the Municipality for consent to:
 - (a) Relaxation of building lines (see Clause 5.7));
 - (b) Amendment of a site development plan (see Clause 5.9);Shall do so in writing in the prescribed manner (where applicable) to the Municipality.
- (2) An application shall include a report to the Municipality, containing full particulars on the criteria referred to in Clause 6.1 of the proposed uses, as well as:
 - (a) The name and address of the applicant;
 - (b) The description, address and the locality of the subject land;
 - (c) Existing zoning of the land; and
 - (d) A complete description of the proposed use of the land and/or building.
- (3) No written consent shall be granted in terms of this clause until the applicant has, to the satisfaction of the Municipality, obtained the written comments of the surrounding owners, as envisaged in Clause 6.3.
- (4) The applicant shall:
 - (a) Procure a form, as prescribed by the Municipality for the consent referred to in Clause 6.3, to be completed by every owner of land or his duly authorized agent, who resides or conducts or owns a business undertaking on any land situated within a radius of 50m or such other distance as determined by the Municipality from the closest point of the land in respect of which an application is made; and

- (b) Supply full particulars and a description of the relaxation required; the land description; the owner; and record therein that none of the persons referred to in sub-clause 6.3, notwithstanding their being aware of their right in terms of Clause 6.3 to object thereto and such form shall be signed by, and disclose the name, street address and telephone number of, every person mentioned in sub-clause 6.3.
- (5) The Municipality shall consider any objection received and hear any representation made at a hearing arranged by the Municipality within a reasonable time period for which purpose the provisions of Clause 6.3 shall apply mutatis mutandis.
- (6) The Municipality shall notify in writing, the applicant, and if applicable to the objectors within a reasonable time of its decisions.
- (7) Every applicant shall, after approval by the Municipality, of an application envisaged in this clause, be obliged to, on an annual basis, in the month, during which the applicant was notified of such an approval as envisaged in Clause 6.3, to the satisfaction of the Municipality, submit an affidavit in confirmation of inter alia the fact that the conditions pertaining to such approval and use, are fully complied with.

6.4. TEMPORARY CONSENT OF THE MUNICIPALITY

- (1) Notwithstanding any other provision of this scheme, the Municipality may, upon receipt of a written request, give its consent to the temporary use of any land or building within any use zone, for any of the following purposes:
- (2) The erection and use of temporary buildings, or the use of existing buildings for site offices, storage rooms, workshops or such other uses as may be necessary during the erection of any permanent building or structure on the land; Provided that such consent shall ipso facto lapse upon completion of the permanent structure or on the expiry date thereof as determined by the Municipality.
- (3) The occasional use of land or buildings for public religious exercises, place of instruction, institution, place of amusement or social hall.
- (4) The use of land or the erection of buildings necessary for the purpose of informal retail trade.
- (5) Any temporary consent granted in terms of this clause shall not be granted for any period in excess of 12 months, which period may however be extended by the Municipality for further periods of 12 months each, subject to a maximum period of 3 years in aggregate in cases falling within the ambit of Clause 6.4.

6.5. CONSENT FOR SPECIFIC PURPOSES

- (1) Without prejudice to any powers of the Municipality derived from any law, or the remainder of this scheme, nothing in the foregoing provisions of this scheme shall be construed as prohibiting or restricting the following:
 - (a) the exploitation of minerals on any land not included in a proclaimed township or in line with the Spatial Development Framework will not be considered;
 - (b) the letting of a dwelling unit for occupancy of only one family; and
 - (c) the letting of not more than two rooms of a dwelling unit.

6.6. REGISTER OF SPECIAL AND WRITTEN CONSENT APPROVALS AND RELEVANT CONDITIONS

The Municipality shall keep a complete register of amendments, special and written consents approved by it in terms of this Land Use Scheme, or granted through the verdict of appeals, as well as conditions imposed in such approvals. Such register together with the Land Use Scheme will be available shall be guilty of an offence.

6.7. BINDING FORCE OF CONDITIONS

Where consent to erect a building, or to execute any works, or to use any building or land for a particular purpose, in terms of this land-use scheme is granted, subject to conditions, such conditions shall have the same legal force as if incorporated in this land-use scheme and shall be regarded as though they were part of this scheme.

6.8. ENTRY UPON AND INSPECTION OF PROPERTIES

- (1) The Local Municipality may, through its authorized officials, enter upon any property at all reasonable times to conduct any inspection which Local Municipality or its representatives may consider necessary or desirable for the application of this scheme.
- (2) No person shall in any manner hinder, obstruct or interfere with the execution of any duties by any authorized officer of the Municipality, or in so far as it may fall within his power, permit such official to be hindered, obstructed or interfered with.

6.9.SERVING OF NOTICES

- (1) Any directive, notice or other document which in terms of this scheme, requires or is authorised to be served, shall be signed by the Municipal Manager or another official authorized thereto by the Local Municipality, and shall be served in any of the following ways:
 - (a) On the person concerned, in person, or on his authorised representative.
 - (b) If service cannot be effected in the manner contemplated in sub-clause (1)(a), at his residence or place of business or place of employment, on a person apparently not less than 16 years of age and apparently residing or employed there.
 - (c) If no such person can be found on the property mentioned in sub-clause (1)(b), by affixing such directive, notice or other document at a conspicuous place on the premises and by dispatching a copy of such directive, notice or other document by pre-paid registered post to the last known place of residence, business, employment or post box of the person concerned.
 - (d) If such person upon whom a notice is to be served has chosen a domicilium et exectandi, on such domicilium.
- (2) Where any service is effected in accordance with the provision of sub-clause (1)(c), such service shall be deemed to have been effected at the time when a letter containing such directive, notice or other document would have been delivered in the ordinary course of postal deliveries and proof that such directive, notice or other document was properly addressed and registered, shall be deemed sufficient proof of service thereof.
- (3) Any directive, notice or other document which in terms of the provisions of this Land Use Scheme is required to be given to the owner or occupant of any particular premises, may be addressed to the “owner” or “occupant” of such premises in respect where whereof the directive, notice or other document is given, without any further name or description, and shall be deemed to be in compliance with the provisions of this clause.

6.10. POWERS OF THE MUNICIPALITY IN CASE OF CONTRAVENTION OF THE LAND USE SCHEME

- (1) Where any person, in conflict with any provision of the land uses scheme operation:
 - (a) Undertakes or proceeds with erection or alteration of or addition to a building or causes it to be taken or proceeded with;
 - (b) Performs, undertakes or proceeds with any other work or causes it to be performed, undertaken or proceeded with;
 - (c) Uses any land or building or causes it to be uses;

the Municipality shall direct such person in writing to discontinue such erection, alteration, addition or other work or to discontinue such use or cause it to be discontinued; and at his own expense to remove such building or other work or causes it to be removed and to cause such building or other work or such use to comply with the provisions of the scheme.

- (2) Any person who contravenes the provisions of this scheme or fails to comply with an instruction issued in terms of Clause 6.7(1) commits an offence.
- (3) If a person fails to comply with directive issued in terms of Clause 6.7(1), the Municipality may irrespective of the fact that such a person has criminally been charged or prosecuted, remove the building or other works at the expense of such a person, obtain a court order to remove the building or other work or cause, the building or other work to comply with the provisions of its land-use scheme and to recover all expenditure incurred in connection therewith, from such person.
- (4) Whenever any person is required to perform any act to the satisfaction of the Municipality:
- (5) the Municipality shall have the right to inspect the land or works under question to satisfy itself of compliance;
- (6) if the Municipality is not satisfied that compliance is taking place it shall:
- (7) send a notice to such a person informing the person of non-compliance, giving such a person 14 days or such an extended period as may be required to ensure compliance; and
- (8) failing which the stipulations of sub-clause 6.7(2) and (3) shall apply mutatis mutandis to this clause.

- (9) Any act or omission, being an offence in terms of clause 6.7(2) above, is terrible in a Magistrates Court created in terms of the Magistrates Courts Act, 1944 (Act 32 of 1944) and upon conviction, is punishable with a fine not exceeding R5000.000.

PART 7 – SCHEDULES

7. SCHEDULES

The portions of land described in a Schedule, which is identified as an “S” on the Zoning Map, are subject to the restrictions, conditions and obligations and are entitled to the rights as set out in Columns 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13.

Columns 1 to 14 of the Schedule respectively contain the following :

- Column 1 : The Use Zone, corresponding with a Use Zone as indicated in Column 2 of Table 1, within which the portion of land falls
- Column 2 : Description of the portion of land
- Column 3 : The purposes for which buildings may be erected and used or for which land may be used.
- Column 4 : The purposes for which buildings may be erected and used or for which land may be used only with the consent of the Municipality.
- Column 5 : The purpose for which buildings may not be erected and used and for which land may not be used.
- Column 6 : The width of the servitude areas of those servitudes which have to be registered by the owner of the land in favour of the Municipality free of any cost to the Municipality indicated in metres.
- Column 7 : The permissible height of buildings in storeys or metres.
- Column 8 : The permissible coverage.
- Column 9 : The floor area ratio or "FAR".
- Column 10 : Parking provisions.
- Column 11 : Density provisions.
- Column 12 : Building line provisions.
- Column 13 : General provisions.
- Column 14 : The Amendment Scheme Number.

Whenever an L appears thus: L, it indicates that vegetation of the open areas of the site must be undertaken and maintained by or on behalf of the owner to the satisfaction of the Municipality. Wherever an asterisk appears thus: *, it indicates that the general provisions of this Land Use Scheme, relating to the subject matter in the respective column, apply unless specifically excluded.

INSERT ALL SCHEDULES APPLICABLE