

# Development of a Model Land Use Scheme

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rural development  
& land reform

Department:  
Rural Development and Land Reform  
REPUBLIC OF SOUTH AFRICA

## KWAZULU-NATAL SPLUM FORUM

16 November 2018

**DATAWORLD**  
think • innovate • create

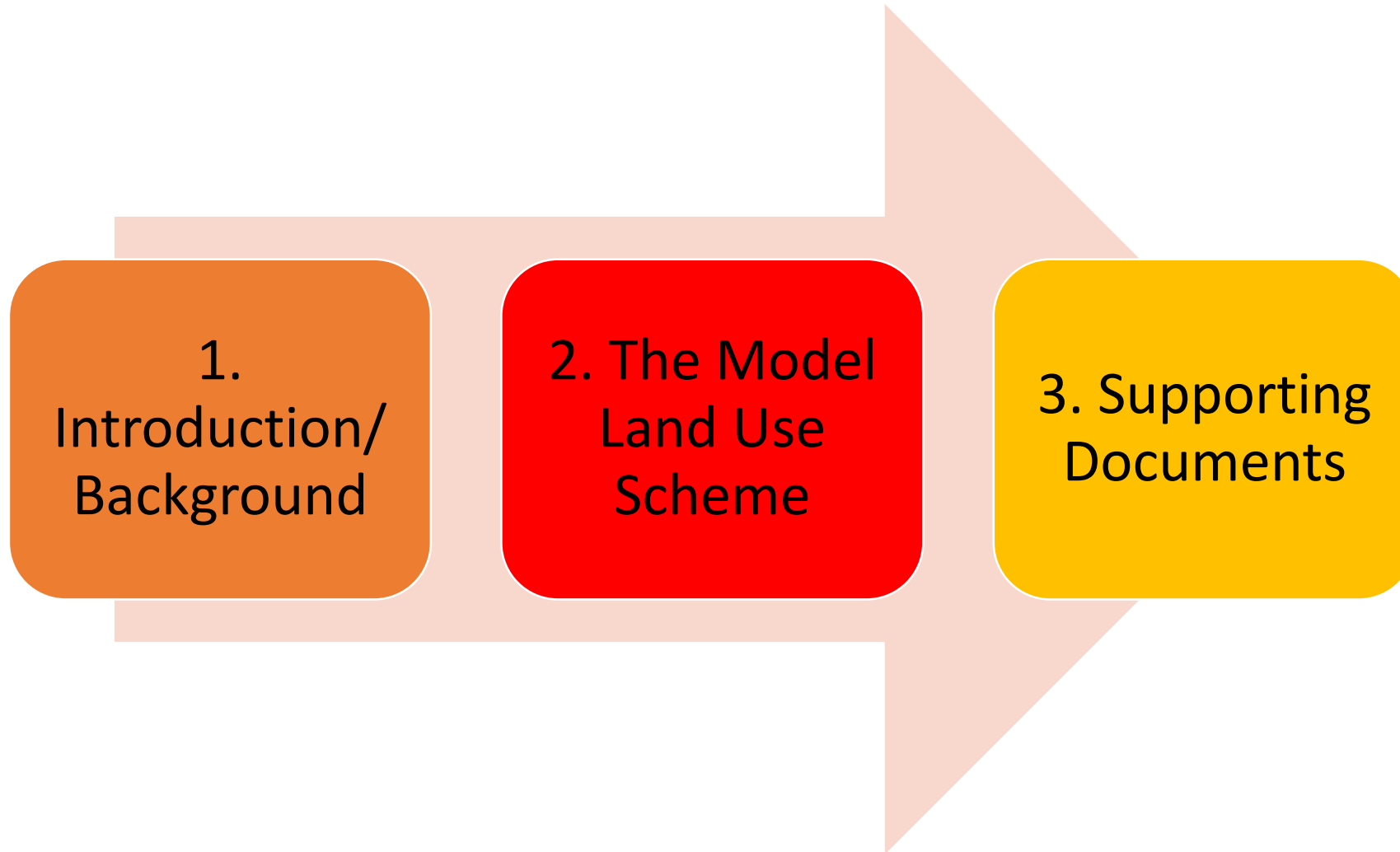
# PRESENTATION OUTLINE

- **DOCUMENT STRUCTURE OVERVIEW**
- **SECTION 1: INTRODUCTION AND BACKGROUND**
  - INTRODUCTION
  - PURPOSE OF MLUS
  - SOME CORE ELEMENTS COVERED
  - BASIC TRANSECT TO THE MODEL LUS CONCEPT
- **SECTION 2: MODEL LAND USE SCHEME**
  - HOW TO PART
  - ELEMENTS OF THE LUS
  - MLUS IN PERSPECTIVE
  - UNPACKING SOME ELEMENTS OF THE MLUS
- **SECTION 3: SUPPORTING DOCUMENTS**

# OVERVIEW OF THE DOCUMENT STRUCTURE

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- Structured around 3 (three) sections as follows:



# SECTION 1: INTRODUCTION & BACKGROUND

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- The Introduction Section guides the user on how to:
  - set up the legislative and institutional support structure - thus understanding the SPLUMA mandate of a LUS
  - purpose and background of the MLUS

## ***INTENDED USER***

- Municipal officials responsible for the formulation of SPLUMA complaint land use schemes in low-capacitated municipalities.
- Various stakeholders who have a key role in the different phases of the preparation, approval and implementation of municipal land use schemes.

- A Land Use Scheme is a core component of a municipality's land use management system and manages the economic, sectoral, spatial, social, institutional and environmental development.
- While the purpose of these guidelines is to assist planners in the preparation of Land Use Schemes:

*It must be noted that the MLUS is a **guiding document**,*

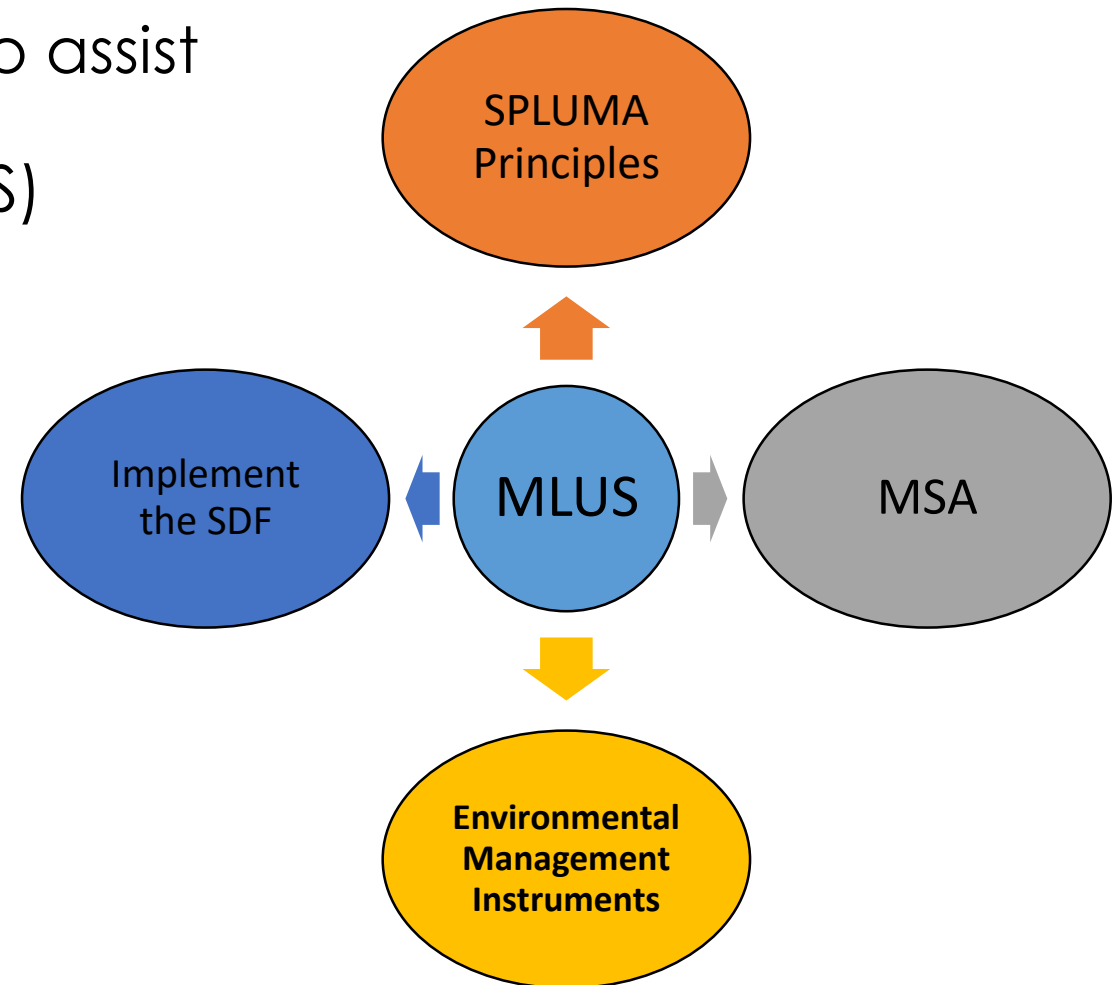
*A Municipality is free to **adapt or modify** as deemed fit to suit **local circumstances**.*

*In fact, **creativity in the use of these guidelines is encouraged**.*

# PURPOSE OF THIS MODEL LAND USE SCHEME GUIDELINE

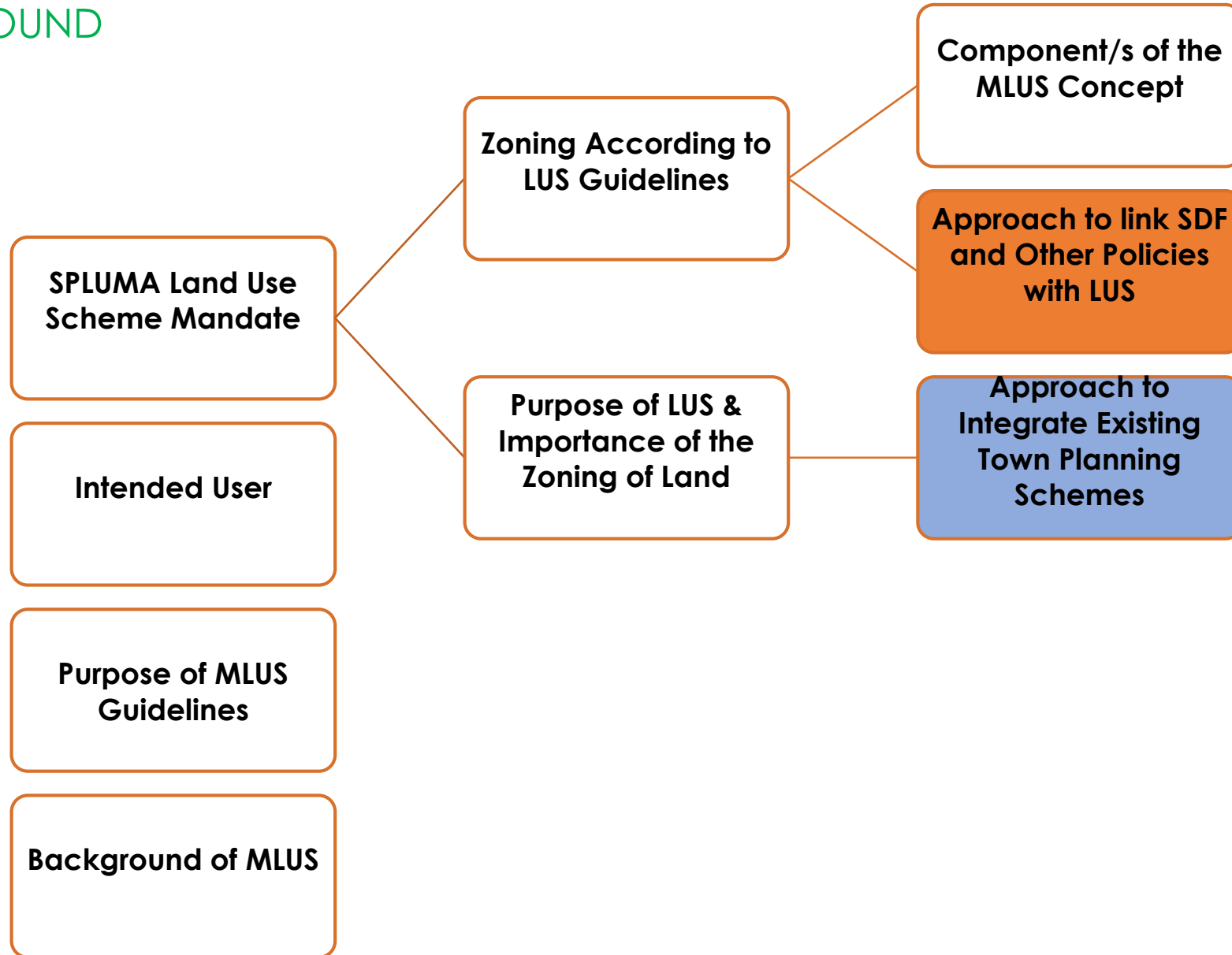
- The MLUS presents a set of guidelines to assist low capacity municipalities with the formulation of a Land Use Scheme (LUS) that:

A LUS is a core component of a municipality's **land use management** system.



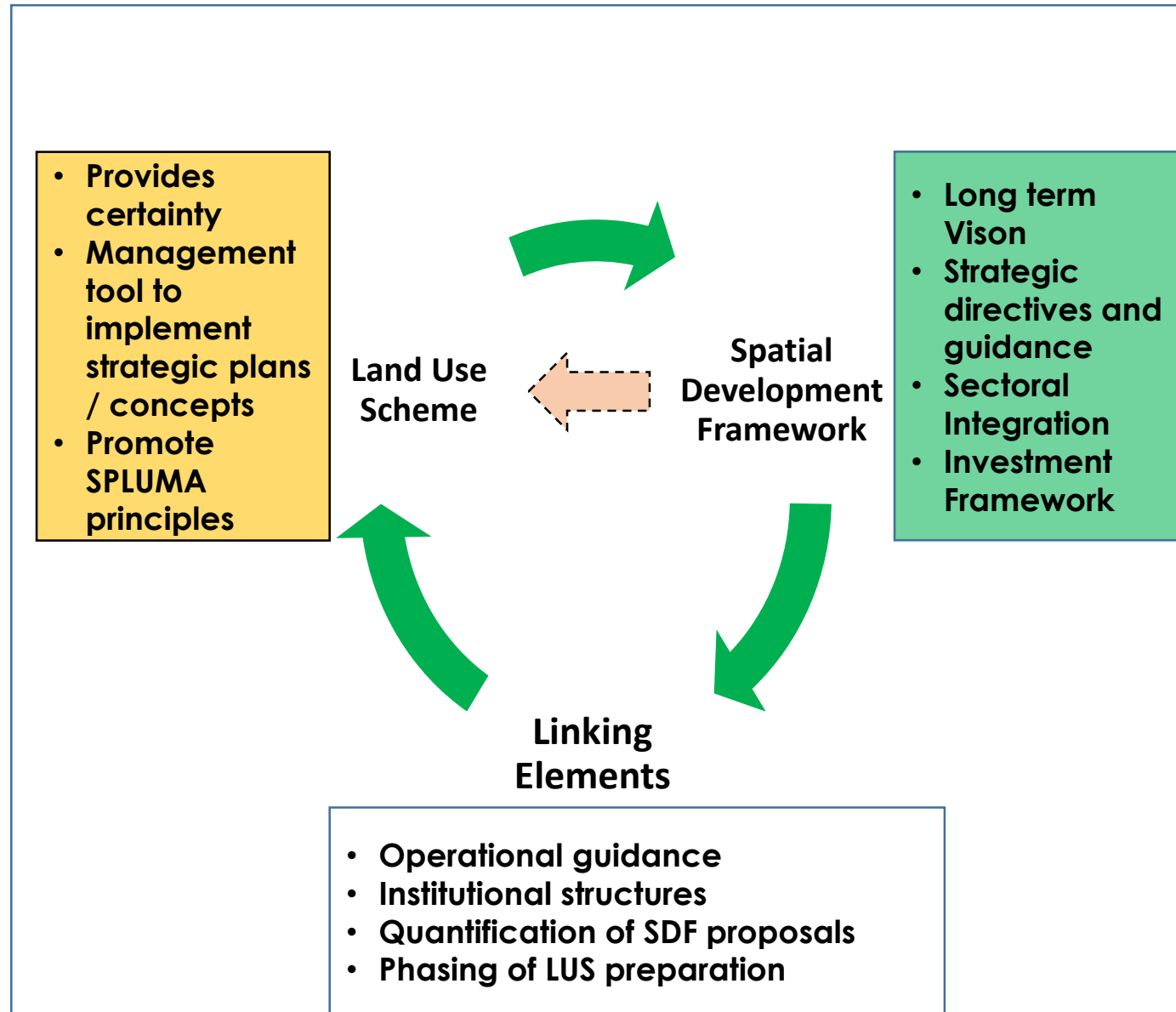


# SOME CORE ELEMENTS COVERED AS PART OF THE INTRODUCTION & BACKGROUND



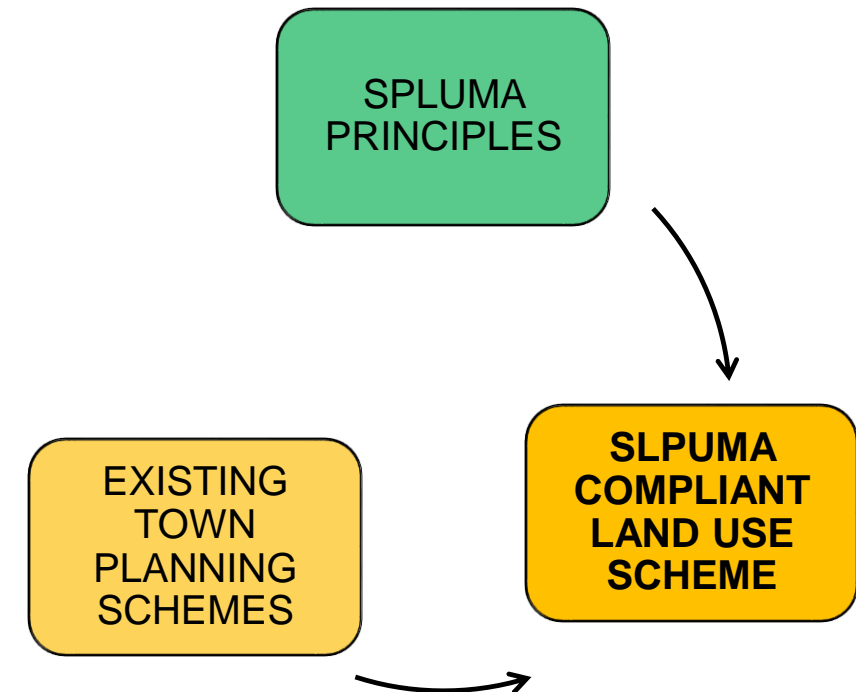
# AN APPROACH TO LINK SDF AND OTHER POLICIES WITH LUS

- The relationship between broader **Strategic Planning** and the preparation of **Land Use Schemes** is central to ensuring consistent and thorough decision-making around land use management and change. Therefore the linkage should :-
  - Ensure that land use decisions do not contradict larger policy goals.
  - Giving effect to the broader policies contained in the municipality's Spatial Development Framework (SDF) at a property level.
  - The IDP and SDF guides development, and thus inform the preparation and management of land use in terms of the Scheme.
- When developing a LUS, **policy should not be mixed with control mechanisms**



# APPROACH TO INTEGRATE EXISTING TOWN PLANNING SCHEMES

- In a municipality where a wall to wall land use scheme is not adopted, land uses and development are generally governed by the provisions of the **existing town planning scheme(s)**.
- Existing town planning schemes may not be relevant today as most of them do not comply with the core SPLUMA principles.
- The incorporation of these schemes is one of the biggest challenges since the core elements and control mechanisms of the schemes may vary.
- With the adoption of a new SPLUMA compliant land use scheme the aim must be to **achieve consistency** and address conflict of land uses through regulations and provisions of the LUS.
- When the LUS is developed care should be taken that the development of use zones, associated land uses and development control parameters that **all legal land use rights are acknowledged and incorporated**.
- The land use scheme must maintain the development rights as provided by the existing town planning schemes.



# BASIC TRANSECT TO THE MODEL LUS CONCEPT

General Transact	Broad Characteristic s	Example	Collective Primary Use	Potential Supportive Land Uses
Urban Core	CBD / main activity area Human Settlements (formal and informal) Economic activities	Urban Nodes / Corridors High intensity urban areas – mixed uses Business / Commercial areas Industrial areas	Residential – varied type and densities Business Commercial Industrial	Public/Recreation Education Institutional Utilities / Infrastructure Transportation Government / Municipal
Urban/Rural Fringe/ Periphery	Outside urban area Periphery	Agricultural holdings Smaller land parcels (farm portions) Commonage Human settlements (informal)	Agriculture Residential – specific (small holding) type and density Business Commercial	Educational Utilities / Infrastructure Transportation
Rural Areas	Rural settlements Agricultural activities	Combination of economic activity Subsistence agriculture Cultural heritage sites Commercial agriculture	Residential (acknowledge existing) Agriculture Business Commercial Industrial (inked to activity)	Public/Recreation Education Institutional Utilities / Infrastructure Transportation Government / Municipal

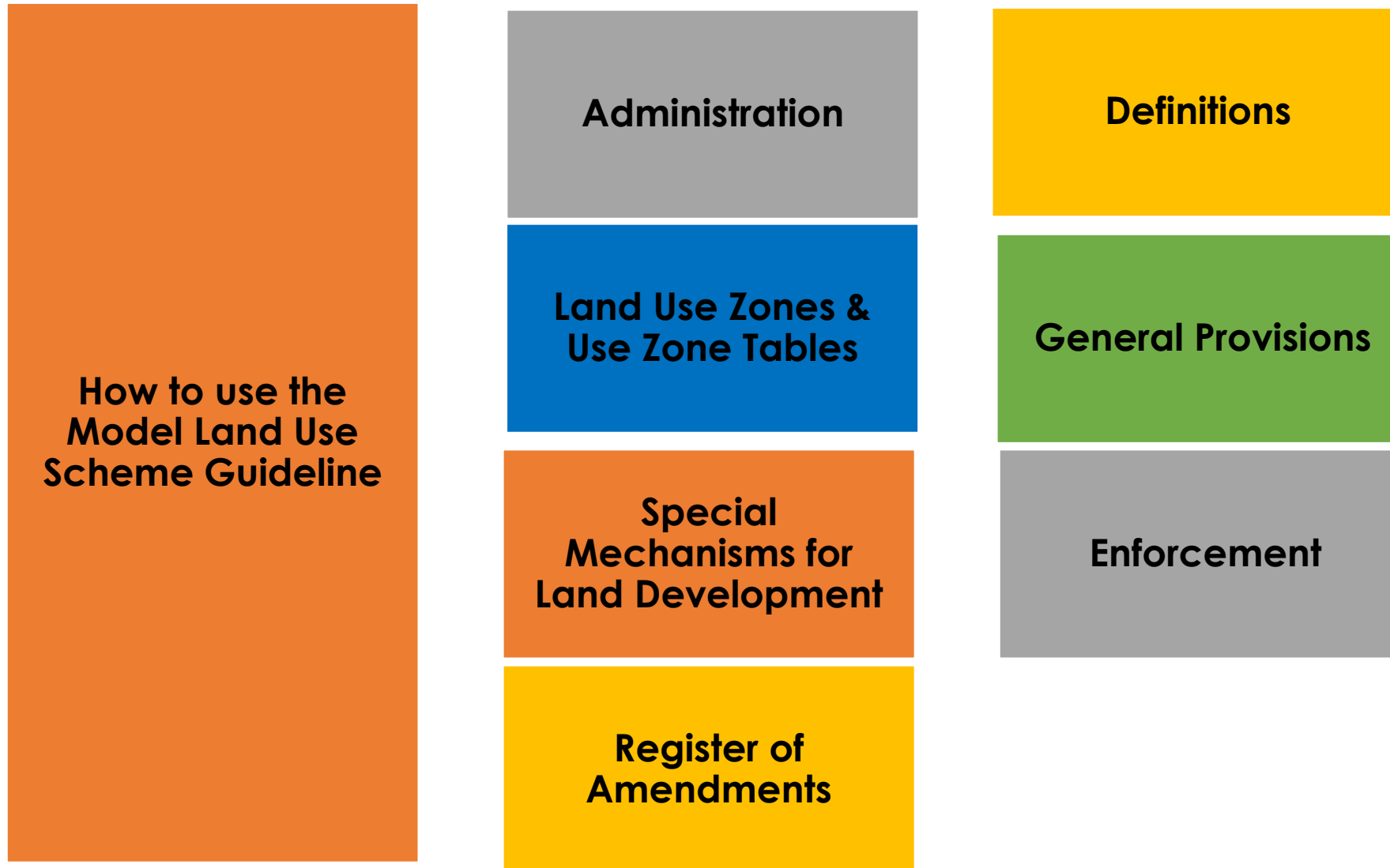
***Relies heavily on the transect guide approach***

***Illustrates different typologies***

***Acknowledges transitional requirements with regards to land development applications***

## SECTION 2: THE MODEL LAND USE SCHEME

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# THE MODEL LAND USE SCHEME IN PERSPECTIVE

Comprehensive list of land use definitions that may be used / customised

Broad outline of possible use zones

Land Use Tables

low

med

high

Development parameters

## Model LUS of ABC Local Municipality

1. Administration
2. Interpretation and Definitions (land use)
3. Land use zones
4. Land use tables
5. Provisions / development rules
6. Overlay zones
7. General provisions
8. Enforcement
9. Miscellaneous
10. Schedules
11. Annexures

Scheme Map



LUS  
Amendment  
Register

Conditions / Development  
rules applicable to certain  
land uses

Overlay zones

## Developing / Writing a Definition

- The LUS provide definitions of all technical terms used in a typical land use scheme.
- The definitions may thus cover the following categories / themes, but not limited to:-

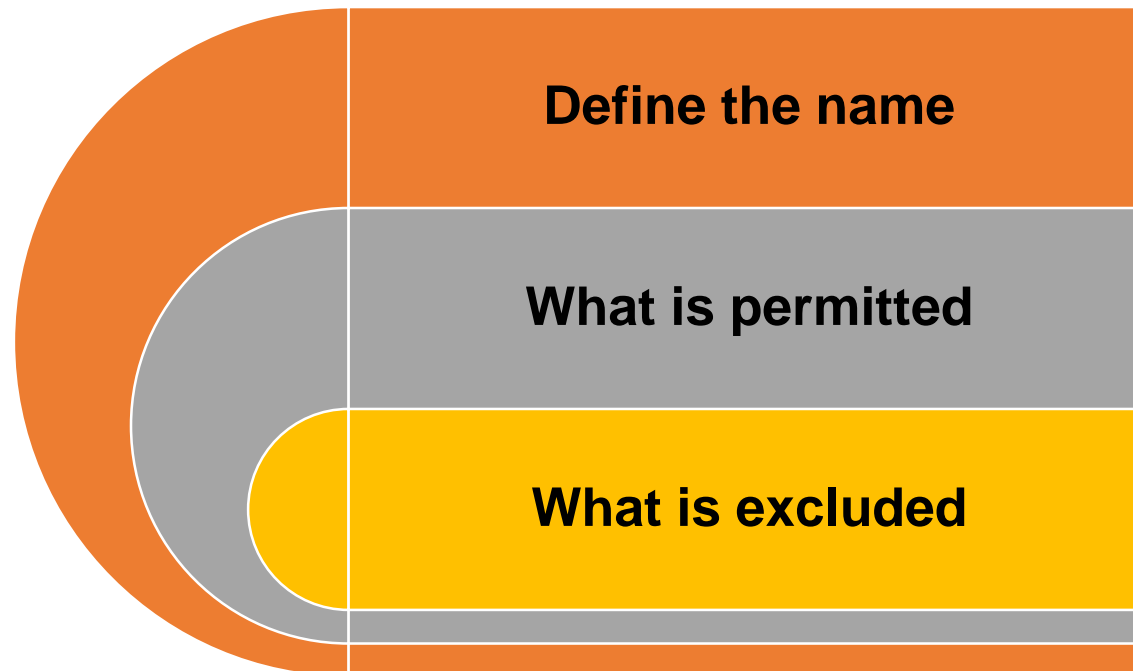
Institutional and Legal Aspects	Technical Aspects	Land Use	Other Critical Aspects
<ul style="list-style-type: none"><li>• Municipality</li><li>• Council</li><li>• Appeal Authority</li><li>• Tribunals</li><li>• By-Laws</li></ul>	<ul style="list-style-type: none"><li>• FAR</li><li>• Height</li><li>• Density</li><li>• Building Lines</li><li>• Coverage</li></ul>	<ul style="list-style-type: none"><li>• Office</li><li>• Shop</li><li>• Residential Building</li><li>• Place of Worship</li></ul>	<ul style="list-style-type: none"><li>• Biodiversity</li><li>• Advertisement / Hoarding</li><li>• Telecommunication Masts / Infrastructure</li></ul>

While preparing the definitions, special attention needs to be paid to the local context, relevant regulatory and legislative factors of the municipality.



- **Developing / Writing a Definition**

- The MLUS provide definitions of all technical terms used in a typical land use scheme.
- In writing a definition the following may be included



**“Light Industry”** means land and buildings used for industrial purposes, but of a limited nature that do not involve significant vibration, noise, odour, or high volume of automobile and truck traffic but excludes noxious trades.

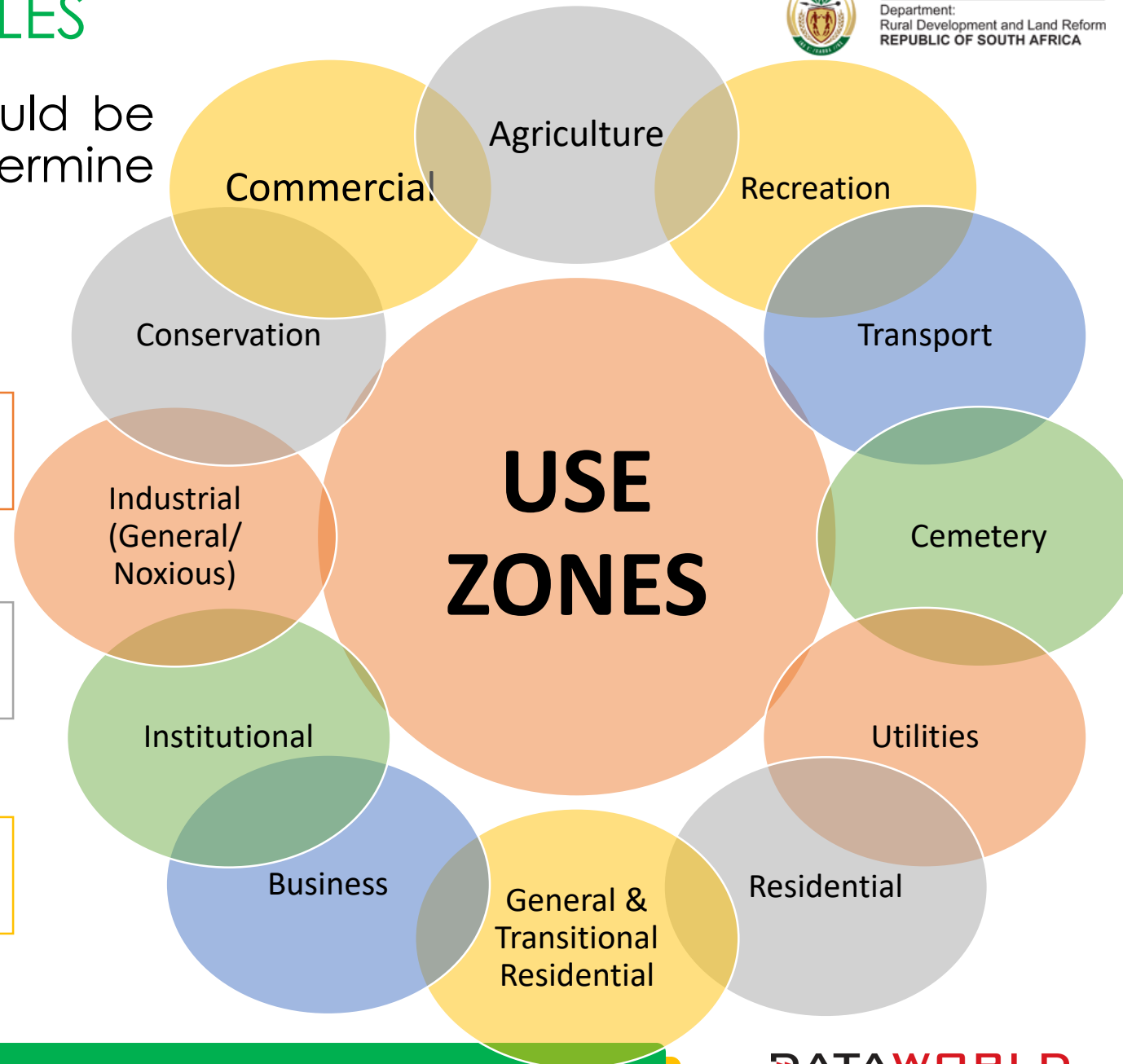
# MLUS - USE ZONES & TABLES

- The identified broad use zones should be able to guide municipalities to determine land uses for their land use schemes.

**Essential to have uniform Use Zone Classes**

**Use Zone Classes vary from municipality to municipality within a province**

**Use Zone list to assist where no previous LUS was in operation**



# USE ZONES – NOTATION TABLE

Use Zones	Scheme Map Colour	RGB Colour Codes
Residential		Low Density - R= 255; G=235; B=0
		Medium Density- R=255; G=204; B=000
		High Density- R= 255; G=217; B=102
General Residential		R=198; G=173; B= 15
Transitional Residential		R=255; G=242; B=204
Business		Low Impact - R= 255; G=48; B=0
		Medium Impact – R=230; G=0; B=0
		High Impact - R= 148; G=0; B=0
Commercial		R=255; G=051; B=000
Institutional		R=0; G=160; B=239
Industrial		Noxious - R=223; G=115; B=255
		Other - R=169; G=0; B=230
Conservation		R=56; G=168; B=0
Agriculture		Low Density - R=233; G=255; B=227
		High Density - R=173; G=255; B=151
Recreation		R=230; G=0; B=169
Transport		R=0; G=0; B=0
Utilities		R=145; G=112; B=47
Cemetery		R=178; G=178; B=178

# MLUS - USE ZONE TABLE



Code: 1. Code of the Use Zone		2. Name of Use Zone		
Purpose: 3. Purpose and/or intent of the Use Zone				
LEVEL OF CONTROL				
4. The level of Control the LM to Regulate				
USE OF LAND AND BUILDINGS				7. LAND USES THAT ARE PROHIBITED
5. PRIMARY USES:		6. CONSENT USES		
This category includes land uses that are considered to be compatible with the surrounding land uses, and which may be permitted by the municipality.  Currently an application in writing for a permitted use is still required although a building plan is often sufficient.		Permitted Land Use subjected to a Consent Application		This category includes land uses which are considered to be incompatible with the surrounding land uses, and which a municipality is precluded from considering in a particular zone.
CONTROLS ON THE EXTENT OF THE DEVELOPMENT				
DENSITY	COVERAGE	FAR	HEIGHT	OTHER
The density zoning of a <a href="#">property</a> refers to the maximum number of <a href="#">dwelling units</a> that may be erected there upon.	The coverage of a property refer to the percentage of the lot area that is covered by the building area, which includes the total horizontal area when viewed in a plan.	The FAR of a property refers to a ratio, which is prescribed for the calculation of the maximum floor area of a building or buildings permissible on a land unit.	The height of a property refers to a vertical dimension of the structure from the natural ground level, to the wall plate or in the case of a pitched roof, the ridge of the roof or the highest point of a building.	
CONTROLS REGARDING BUILDING LINES				PARKING AND LOADING REQUIREMENTS
STAND SIZE	STREET	REAR	SIDE	

# MLUS - EXAMPLE OF USE ZONE TABLE

Code: TR	Transitional Residential				R=255; G=242; B=204
<b>Purpose:</b> To provide adequate land for residential development in the formerly “non-white” townships, segregated urban areas and informal human settlements, which might include low-cost housing (RDP) while providing ample economic opportunities and necessary social amenities within the zone without creating any inconvenience to the residents and disturbing the residential fabric of the zone.					
LEVEL OF CONTROL					
Low					
USE OF LAND AND BUILDINGS				LAND USES THAT ARE PROHIBITED	
PRIMARY USES:		CONSENT USES			
Dwelling House, Shelter, Home Enterprise, Spaza Shop, Open Space, Street <b>Permitted by SDP:</b> Guest House, Bed and Breakfast, Car Wash, Municipal Purpose, Town Houses, Flats, Hostel, Informal Trade Area, Crèche, Day Care Centre, Children’s Home, Retirement Village, Tea Garden, Tavern, Place of Worship, Social Hall,		Service Enterprise, Service Industry, Sports Facility, Place of Instruction, Private Club, Utilities		Noxious Use and Risk Activity  Any use not mentioned under primary, or consent use	
CONTROLS ON THE EXTENT OF THE DEVELOPMENT					
DENSITY	COVERAGE	FAR		HEIGHT	OTHER
N/A	60%	As approved by the municipality		2 Storeys	As approved by the municipality
CONTROLS REGARGING BUILDING LINES					PARKING & LOADING REQUIREMENTS
STAND SIZE		STREET	REAR	SIDE	
					As approved by the municipality

# CONTROL MECHANISM – USE ZONE TABLES

- Development Control Mechanism will allow municipalities to choose the appropriate approach and build scenarios based on a range of development control approaches.
- In an attempt to achieve the objectives of public health and safety, harmony and aesthetics in a specific geographical context, various planning tools are applied through the 'level of control' mechanism.

## Level of Control :

- seek to **avert the nuisances that conflicting land uses** may cause;
- enable the municipality to **direct** the urban development process in an efficient manner; and
- achieve **sustainability** by identifying specific developments/land use types that can be sustained in a particular area without critical damage to the overall character of the area in question.

Low	Medium	High
<p>Acknowledge the existing Town Planning Scheme Land Use rights.</p> <p>Any additional land use introduced need to go through procedure (i.e SDP/Written Consent) to exercise the right – that is to control and not add additional rights to a property without the owner's consent</p>	<p>Acknowledge the medium control Land Use and add associated LU which will be a great enabling use zone</p>	<p>Limiting the number of land uses and link to existing Town Planning Scheme controls.</p> <p>Acknowledge the high control Land Use but potentially add additional Land Uses that can be associated with the Use Zone and move towards economic enabling.</p>

# EXAMPLE – LEVEL OF CONTROL MECHANISM

Level of Control	Permitted	Consent	Prohibited	Applicable Developments & Building Controls
<b>Low Control</b>	Offices, Nursery, Restaurant, Laundrette, Dry-Cleaner, Arcade Games Centre, Flats, Retail, Place of Amusement, Laundrette, Dry Cleaner, Arcade Game Centre, Restaurant, Bar, Factory, Flea Market, Informal Trade Area, Home Enterprise, Taxi Rank, Airfield, Restaurant, Hotel, Light Industry, Motor Workshop, Builders Yard	Accommodation Facilities, Public Garages, Flats, Caretaker's Quarters, Service Stations, Tavern, Supermarkets,	Noxious Use and Risk Activity  Any use not mentioned under primary, or consent use	
<b>Medium Control</b>	General Shop, Distribution Storage and Warehouse, Laundrette, Dry Cleaner, Arcade Game Centre, Restaurant, Factory, Flea Market, Informal Trade Area, Home Enterprise, Taxi Rank, Airfield, Restaurant, Funeral Parlour, Hotel, Light Industry, Motor Workshop, Builders Yard	Cash and Management Centres, Accommodation Facilities, Nightclub, Tavern, Bar, Light Industry, Agricultural Buildings, Laboratories,	Noxious Use and Risk Activity  Any use not mentioned under primary, or consent use	
<b>High Control</b>	Distribution Centre, Storage Warehouse, Factory, Wholesale, General Shop, Retail Industry, Showroom,	Laundrette, Dry Cleaner, Arcade Game Centre, Restaurant, Bar, Nightclub, Tavern, Factory, Flea Market, Informal Trade Area, Home Enterprise, Taxi Rank, Airfield, Restaurant,	Noxious Use and Risk Activity  Any use not mentioned under primary, or consent use	

- General Provisions of a LUS relates to the **restrictions, special conditions or requirements** that may apply to the property, as imposed by the municipality.
- Development rules provide **guidelines** on how municipalities can **impose restrictions/ conditions and requirements on land uses and activities**
- Typically the type of policies and by-laws found in the Land Use Scheme relate to (but not limited to:-
  - General Conditions to all erven;
  - Residential 2 and 3 Erven;
  - Township or Properties in Dolomitic Areas;
  - Business and Industrial Properties;
  - Specific uses that requires additional control
  - Public garage / filling stations uses etc.
  - Subdivision of Agricultural Land

## “Tavern Development Rules”

- No Tavern shall be permitted in close proximity of Place of Worship or Place of Instruction
- No Street or Pavement Parking shall be allowed
- Only one un-illuminated sign



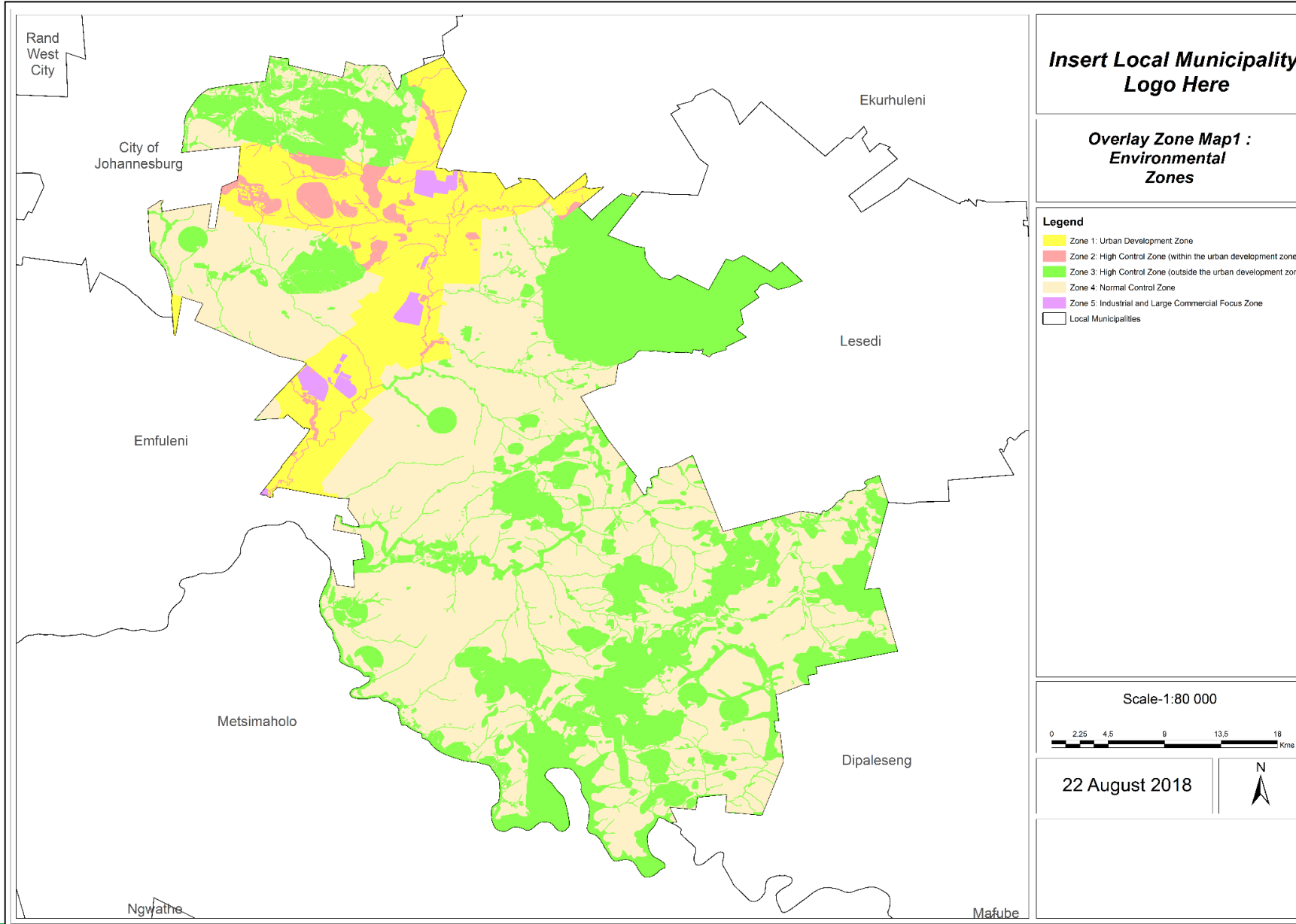
## Overlay Zones

Overlay zones **provide a mechanism for land use management** whereby the Municipality may give effect to **specific guidelines** contained in a spatial development framework or policy plan.

- To promote development
- Set limitations – environment, dolomitic, coastal management etc.
- Promote additional land use types
- Additional development rules
- Identify specific development rules.

It provides a **mechanism** for elevating specific **policy guidelines**, as approved by the Municipality, to land use regulations.

# EXAMPLE OF OVERLAY ZONE MAP



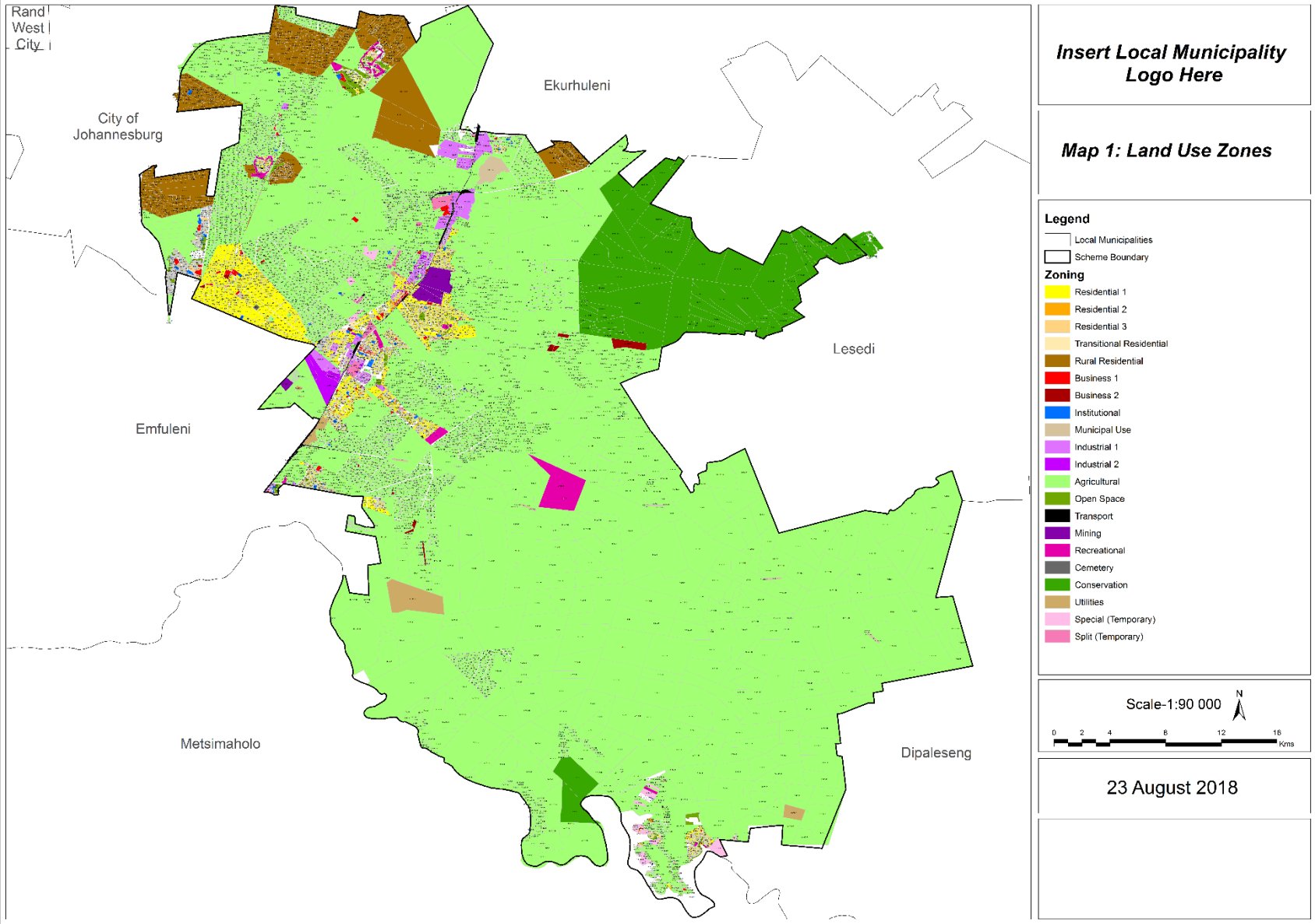
# EXAMPLE OF OVERLAY ZONE MAP - ZOOMED



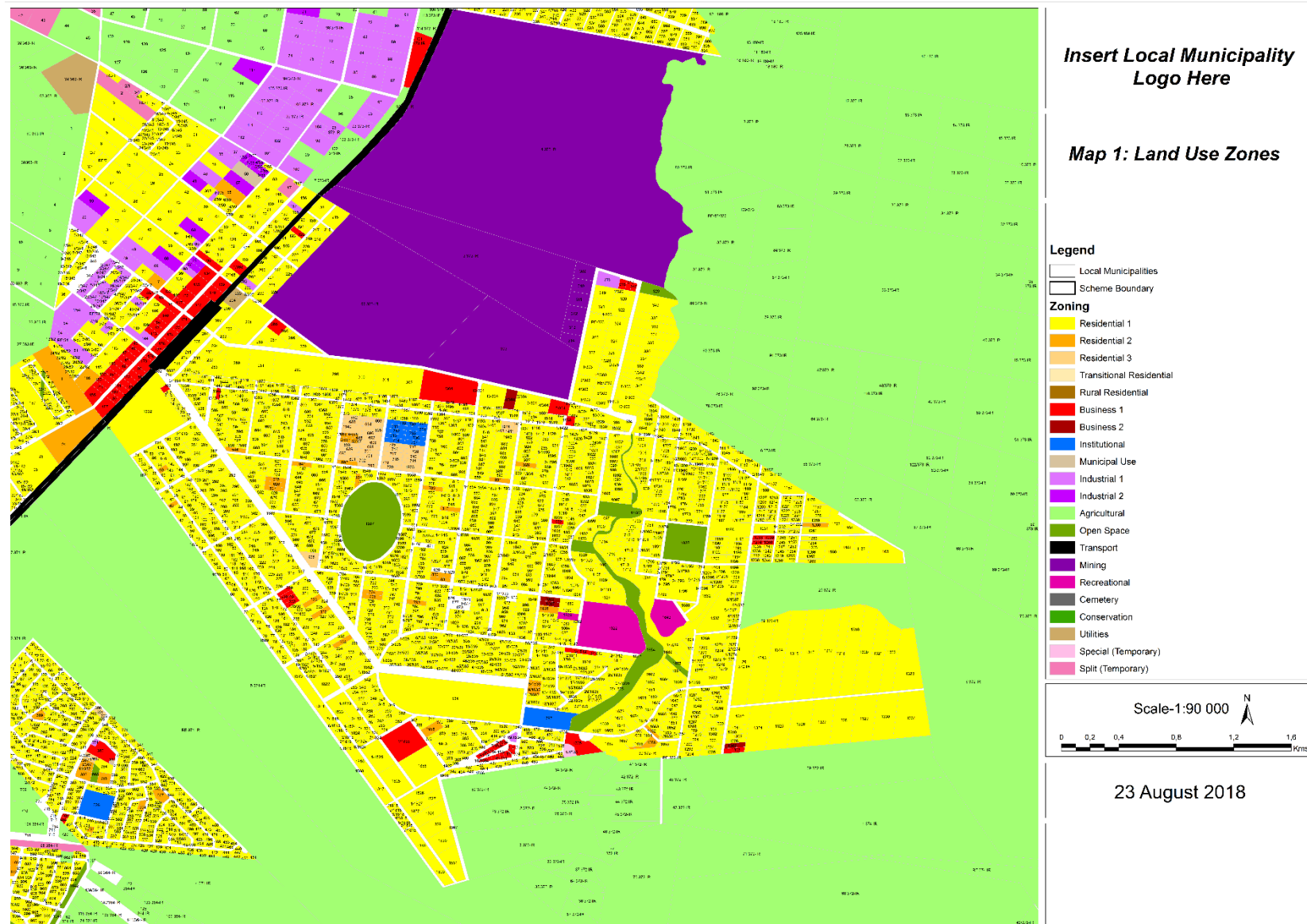
# SCHEME MAP

- Scheme Maps forms part of the scheme.
- When compiling a scheme map it may display the following (not limited to):-
  - Area of Scheme – municipal boundary
  - Land parcel/erf boundaries with erf / portion numbers
  - Designated land use zones
  - Suitable colour notation
  - Any reference or note in support of the LUS
  - The scale of the map and north sign
  - Date of map preparation and date of adoption

# EXAMPLE OF SCHEME MAP



# EXAMPLE OF SCHEME MAP - ZOOMED





- Miscellaneous part includes elements to address policy, by-laws and guidelines the municipality may take into consideration to compliment the LUS.
- Miscellaneous may include, not limited to:-
  - Authority – of municipality
  - Property Description
  - Use of Annexure & Schedules
  - Advertising Signs (if not covered by existing by-law or guideline)
  - Conflict between Provisions of the Scheme & Condition of Title
  - Permission Granted Before The Date of Promulgation
  - Binding Force of Conditions
  - Entry Upon & Inspection of Properties
  - Availability of the Land Use Scheme for Purpose of Inspection
  - Short Title

# REGISTER OF AMENDMENTS

- A Register of Amendments is essential to LUM in a municipality.
- Register must be kept up to date (legal requirement)
- Register can be in a:
  - hard copy format; or
  - an electronic format such as database software (preferably)
  - Benefit: - can be linked to a geographical information system (GIS).
  - Allow monitor of growth in relation to policy tools such as SDF, urban edge etc.
- The Amendment register may contain the following items:

• Date of application	• Density
• Name and contact details of the applicant	• FAR
• Type of application	• Height
• Township/farm name	• Coverage
• Erf/ farm number	• Parking Requirements
• Portion/remainder number	• Amendment scheme number / Annexure number
• Existing zoning	• Item number
• Proposed zoning	• Item date;
• Current extent of development	• Decision (approved/not approved)
• Proposed Development Controls	• Decision date



## SECTION 3: SUPPORTING DOCUMENTS

# SECTION 3: SUPPORTING DOCUMENTS

**SDF, Precinct  
Plans Broad  
Land Use Zones  
linkage to LUS**

**Inclusionary  
Housing**

**Land Use  
Definitions**

**Use Zone Tables  
Low / Medium /  
High Control**

**Building Lines**

**Conditions  
Applicable to All  
Properties**

**Overlay Zones**

**Miscellaneous  
List**

**Scheme Map**

**Overlay Map**

# AFFORDABLE HOUSING

- Policy approach developed by the Municipality
- Covers elements that may relate to:
  - Dedication / incorporation of affordable housing into new residential developments.
  - May be implemented as a condition for development (in land use/development approvals).
  - May be linked to incentives in terms of development bulk parameters.
  - Integrate housing typologies in the municipal housing development approach.
  - The LUS can guide implementation through appropriate land use zones, density controls, possible reduced administrative processes etc.

# MISCELLANEOUS LIST

- Additional policies, by-laws and guidelines the municipality may develop and take into consideration regarding the regulation of land development:
  - Additional dwelling units
  - Adult Entertainment Facilities
  - Aesthetics Guidelines
  - Approving and developing fuel service stations
  - Cell Masts and Communication Infrastructure
  - Appeals Procedure (if not covered in the By-law)
  - Etc.

# WAY FORWARD

- Draft MLUS available.
- Welcome comments and inputs.
- Present at Provincial SPLUM Forums.
- Proceed with the development of a glossy document and electronic version of support documents.



# Thank You