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## CHAPTER 1: INTRODUCTION

### 1. TITLE

This document shall be known as the Merafong Land Use Management Document, 2020 (**the scheme**).

### 2. STATUS

This land use scheme is prepared in terms of:

- (1) Section 24(1) of the Spatial Planning and Land Use Management Act 16 of 2013 (**SPLUMA**); and
- (2) Chapter 3 of the Merafong City Local Municipality Spatial Planning and Land Use Management By-law, 2020 (**the By-law**).
- (3) The scheme substitutes the following town planning schemes previously in operation in the area of jurisdiction of the Merafong City Local Municipality (**the municipality**):
  - (a) Carletonville Town Planning Scheme, 1993;
  - (b) Fochville Land Use Management Scheme, 2000;
  - (c) Peri-urban Areas Town Planning Scheme, 1975;
  - (d) Annexure F of the regulations published under the Black Communities Development Act 4 of 1984.

### 3. AREA OF THE SCHEME

The scheme applies to all properties within the area of jurisdiction of the municipality, as determined by the Municipal Demarcation Board.

### 4. DEFINITIONS

- (1) The land uses and associated development controls in the scheme shall be set out below:

Aerodrome	Land used for the landing, departure, storage and maintenance of aircraft. This may include landing fields, runways, taxiways, heliports, hangars, control towers, fuel storage and supply areas, public enclosures, place of refreshment and a place of instruction and other uses considered as ancillary to the main use. Manufacturing of aviation related products will be permitted with the consent of the municipality. The establishment and operation of the aerodrome shall be in accordance with the provisions of the Civil Aviation Act 13 of 2009.
Agricultural Holding	Land for which a certificate has been issued in terms of section 1 of the Agricultural Holdings (Transvaal) Registration Act 22 of 1919 and farm portions smaller than 10 hectares. Authorised uses include a nursery, the sale of produce solely cultivated from the site, animal care centre, horse riding facilities and related school uses, but shall not include sport and recreation purposes or a race course.  The residential component is limited to a maximum of two dwelling houses, as well as dwelling units for the employees employed on the property, but the dwelling units may not be sectionalised. Permitted use shall comply with the provision of the spatial development framework.

Agricultural Purposes	<p>Purposes normally or otherwise reasonably associated with the use of land for agricultural activities such as arable land, meadow or pasture, plantations or orchards or buildings designed therefore or land used in connection therewith. This includes the use of the property for a nursery; a farm stall for the sale of produce solely cultivated from the site, animal care centre, horse riding facilities and related school uses, initiation schools, but shall not include a race course or recreation purposes as defined in terms of the scheme.</p> <p>The residential component is limited to a maximum of two dwelling houses, as well as dwelling units for the employees involved in the farm activities, but the dwelling units may not be sectionalised.</p>
Ancillary use or Subsidiary Use	<p>When used in the context of an associated use or purpose; a use, purpose, building or activity, which is supportive (ancillary) or subservient (subsidiary, less important) to the lawful dominant use of the property, at the discretion of the municipality.</p>
Animal Institution	<p>Land used for a veterinary practice, kennels and boarding for domestic pets, pet training centre, animal welfare institution and the keeping and care of wild animals. This includes a retail component ancillary to the main use.</p>
Annexures to the Scheme	<p>Documents comprising of provisions, inter alia, special rights and conditions applicable to those properties shown on the scheme map by encircled figures.</p>
Applicant	<p>Any registered owner of land, whether a natural person or a juristic body, or anybody duly authorised by such owner, who makes an application as provided for in SPLUMA, the By-law or the scheme or any amendments thereof.</p>
Application	<p>A complete application made in terms of the provisions of SPLUMA, the By-law or the scheme or any amendments thereof.</p>
Application Register	<p>A record of all applications submitted and considered in terms of the provisions of the By-law, the scheme or any amendments thereof.</p>
Approval	<p>Any approval granted by the municipality in writing with or without conditions.</p>
Bakery	<p>A building in which foods are baked, confectionary and related products are produced, including the sale or on site consumption thereof.</p>
Basement	<p>Any storey of a building which is below the level of the ground floor of the building.</p>
Boarding House	<p>A communal residential building where the habitable rooms are rented out for an extended period by the owner / occupant to unrelated persons who share the communal facilities such as the kitchen, lounge, dining room and bathrooms.</p> <p>(a) The owner or occupant of the dwelling unit shall reside on the property and shall also conduct the boarding house;</p> <p>(b) All amenities and the provision of meals and beverages shall be for the sole benefit of bona fide tenants and the resident household/person.</p> <p>(c) All development on the site shall be in accordance with an approved site development plan.</p>
Boundary	<p>The cadastral line separating a land unit from another land unit or public street, as depicted on the approved surveyor general diagram.</p>

Builder's Yard	Land used for the storage and sale of materials - (a) required for or normally used in building operations; or (b) derived from demolition or excavation operations; or (c) required or normally used for improvements to land, such as material for the construction of streets, the installation of essential services, or for any other building works, whether used for public or private purposes, or land or buildings used for the preparation for use of materials thus stored. (d) Ancillary offices are also permitted. (e) Provided that this does not include a builder's yard established for the purpose of temporarily storing such materials in connection with and for the duration of construction or building works, in the vicinity of such builder's yard and does not include storage at a shop or a warehouse as defined in terms of the scheme.
Building	A structure erected on land, irrespective of the materials used in the erection or construction thereof that conforms to the National Building Regulations and Building Standards Act 103 of 1977 (the Building Act).
Building Line	A line demarcating a building restriction area. This line may be parallel to a street boundary or any other property boundary and may include any other building restriction area indicated in the scheme, the scheme maps or annexures.
Building Restriction Area	An area of an erf or portion of land on which no buildings may be erected, except as allowed in the scheme or with the consent of the municipality.
Business Purposes	Land used for business activities and related uses such as: (a) shops, (b) offices, postal services, (c) motor showrooms, filling station (d) restaurants, drive-through restaurants, bakeries, fast food outlets, places of refreshment, taverns, (e) dry-cleaners, hair dressers, beauty salons, tailors, (f) dispensing chemists, medical consulting rooms, (g) hotels, guest houses, communal residential buildings, boarding houses and flats, (h) dwelling units, (i) places of amusement (j) places of public worship, (k) places of instruction, institution, social halls, (l) transport uses (bus and taxi rank) (m) or similar business activities and any other uses permitted with the consent of the municipality, other than industrial uses, in terms of an approved site development plan.
Cadastral Line	A line representing the official boundary of a land unit or portion as registered in the Deeds Office in accordance with a plan approved by the Surveyor General.
Car Wash	The use of land to clean cars automatically or by hand. There shall be a hard surface (cement or paving) in the wash and dry areas and provision should be made for proper drainage and treatment of dirty water and oil to prevent pollution.
Car wash/Chesanyama	Car wash with a barbecue or braai where people (friends or families) come together to grill meat in an open fire, in terms of an approved site development plan.
Caretaker Unit	A dwelling unit for a person employed to take care of a building or property and who deals with the cleaning, maintenance and security.

Cemetery	<p>Land used for burials. This includes ancillary buildings and uses such as a building for religious purposes and serving of refreshments, prayer area, funeral parlour and a wall of remembrance.</p> <p>A crematorium is permitted with the consent of the municipality.</p>
Clinic	<p>Land and buildings used for the diagnosis and treatment of human illness or the improvement of human health, which has limited facilities and an emphasis on outpatients. A clinic includes medical consulting rooms, outpatients' centre, a wellness centre with associated uses and a primary healthcare centre open to the public.</p>
Commencement Date	<p>The date that the municipality gave notice of the approval of the scheme in the <i>Provincial Gazette</i> and the date it came into operation.</p>
Commercial Purposes	<p>Land used for distribution centres, wholesale trade, storage warehouses, carriage and transport services, laboratories or computer centres and builders yards. This includes offices, industries and retail trade that in the opinion of the municipality are subservient to the main commercial activity and are necessary for the commercial use.</p>
Communal Residential Building	<p>The use of a building, excluding a dwelling house and/or dwelling unit, that contains habitable rooms, with or without common ablution facilities and with common kitchen-, dining- and lounge facilities such as hostels and dormitories. Such definition includes, but is not restricted to: Hostels and tenements, boarding houses, dormitories, communal old age homes that may or may not include ancillary frail care facilities.</p>
Commune	<p>A dwelling house, with or without external rooms, where the habitable rooms are rented out for an extended period by the resident owner / occupant to unrelated persons who share the communal facilities such as the kitchen, lounge, dining room and bathrooms.</p> <p>This use is permitted only with the consent of the municipality in accordance with an approved site development plan.</p> <p>No more than 16 occupants are allowed.</p>
Conference Facility	<p>Land used for a lecture hall, training facility, conducting of workshops, meetings, conferences, symposiums and related uses, but does not include an institution or place of instruction.</p> <p>(a) The area used for the conference facility may be restricted by the municipality.</p> <p>(b) The use may only be permitted with the consent of the municipality in accordance with an approved site development plan.</p>
Conservation Areas	<p>Land normally or otherwise reasonably associated with the purposes of preservation or protection of the natural or built environment, including the preservation or protection of the physical, ecological, cultural or historical characteristics of land against undesirable change or human activity. This may include but is not limited to water courses, wetlands and sensitive eco-systems, heritage sites, historical buildings or sites of cultural significance. These areas, erven or buildings need special management and maintenance in order to preserve the identified natural, historical or cultural characteristics.</p>
Construction of a building or structure	<p>In relation to a building or structures includes:</p> <p>(a) The building of a new building or structure;</p> <p>(b) The alteration, conversion or addition to a building or structure;</p> <p>(c) The re-erection of a building or structure which has completely or partially been demolished.</p>

Convenience Shop	Land used for an enterprise restricted to the sale of convenience goods such as bread and confectionery, dairy products, fresh produce, take-aways, beverages, canned foods, magazines and newspapers, at the discretion of the municipality.
Coverage	The total two dimensional space occupied by a building, as seen vertically from the air and is expressed as a percentage of the property area. It is calculated as follows: Coverage = $\left[ \frac{\text{Two dimensional space occupied by a building}}{\text{Total area of the property upon which the building(s) are erected}} \times 100 \right]$
Day	As defined in the By-law.
Development	The development of land, changes in the use of land, or intensification of that use and includes any matter in relation to land for which a development application is required.
Dispensing Chemist	An enterprise supplying only medicine as defined in the Medicines and Related Substances Act 101 of 1965, as prescribed by a registered medical practitioner only.
Drive-through restaurant	Land used for the preparation and consumption of food and liquid refreshments for the general public. Consumption may take place on the site or away from the site. This excludes the sale of any form of alcoholic beverages, a shop and a place of amusement.
Dwelling House	A single, detached building designed and used for habitation by one household containing one kitchen, together with such outbuildings as are reasonably necessary for use therewith.
Dwelling House Office	The use of a dwelling house partially or in total for offices (as defined in the scheme) with the consent of the municipality. (a) All development on site shall be in accordance with an approved site development plan; (b) The development on the erf shall maintain a residential character. (c) The dwelling house shall be used for residential purposes by the owner or occupant thereof.
Dwelling Unit	A unit designed and used for habitation by one household containing one kitchen and includes such outbuildings as are ordinarily incidental thereto. The dwelling units may be attached or detached. The word "Dwelling unit" may also be used for a flat, semi-detached house, group housing, social and institutional housing.
Environmental Control Area	An area defined by the municipality within which any development shall be subject to a site development plan or any other requirement as determined by the municipality.
Erf	A portion of land in a proclaimed township identified in terms of a description and extent on a general plan or surveyor general diagram and deed of transfer.

Existing Building	A building constructed in accordance with building plans approved by the municipality and which is otherwise lawful, the construction of which – (a) Was completed on or before the commencement date of the scheme; (b) Was begun, in the opinion of the municipality, within a reasonable time before the commencement date, but only completed thereafter; (c) Was completed in accordance with the terms of any permission granted by the municipality during the preparation and until the commencement date of the scheme.
Existing Erf	Any erf shown on an approved general plan of a township and registered in the Deeds Office. This includes the subdivided portions of the erf registered with the Deeds Office prior to the commencement date of the scheme.
Existing Use	The use of land for a specific purpose, permitted in terms of the previous planning legislation and lawful in terms of the National Building Regulations, but which is contrary to the scheme. It shall remain an existing primary right unless the said use is altered in any way or ceases to be carried out for a period of 24 months or any other period as prescribed in terms of the By-law.
Farm Portion	A portion of land which is not an erf, agricultural holding or road and which is registered as a separate unit in the Deeds Office.
Filling Station	Land used for gain or reward for the following purposes: (a) Storage and retail selling of motor fuel and lubricants (filling station); (b) All ancillary uses, including the sale of spare parts and accessories, car wash facilities; and automatic bank teller machines; and (c) A shop and a drive- through restaurant and convenience store. (d) No material or equipment of any nature whatsoever shall be stored or stacked to a height greater than the height of the screen wall: Provided that the municipality may relax this condition where the erf is situated within, adjacent to or surrounded by industrial uses. (e) No repairs of any nature to vehicles or equipment shall be undertaken outside the garage building, except in an area which is screened to the satisfaction of the municipality for that purpose: Provided that the municipality may relax this condition where the erf is situated within, adjacent to or surrounded by industrial uses. (f) No material or equipment of any nature shall be stored or stacked outside the garage building except in an area which is screened to the satisfaction of the municipality for that purpose: Provided that fuel pumps or oil and fuel installations shall be sited outside the building to the satisfaction of the municipality: Provided further that the municipality may relax this condition where the erf is situated within, adjacent to or surrounded by industrial uses. (g) All development on the site shall be in accordance with an approved site development plan.
Flats	Dwelling units that form part of a building that may consists of two or more storeys.
Flood Line	The floodlines as contemplated in section 144 of the National Water Act 36 of 1998.
Floor Area	The sum of the gross area occupied in a building at the floor level of each storey.



Floor Area Ratio or FAR	This is the ratio of the floor area to the property area. It is obtained by dividing the floor area (as defined above) of a building or buildings by the total area of the property (erf or site upon which the building/s are erected), thus: $\text{FAR} = \frac{\text{Floor Area of a building or buildings}}{\text{Total area of the property upon which the building(s) are erected}}$
Funeral Services	Land used for an undertaker, including a building used for religious purposes and serving of refreshments, and ancillary retail trade. An undertaker includes keeping and preparing the deceased for burial and cremation, but excludes a crematorium.
General Plan	A cadastral plan of a township, which has been approved in terms of the Land Survey Act 8 of 1997, or any amendment or review thereof.
GIS – Geographic Information System	An electronic system designed to capture, store, manipulate, analyze, manage, and present spatial or geographic data.
Government Purposes	Land used for purposes normally or otherwise reasonably associated with national, provincial and/or local government to give effect to its government role.  All development on the site shall be in accordance with an approved site development plan, subject to the provisions of the Building Act.
Gross Leasable Floor Area	The floor area designed for occupation and control by a lessee, or which is suitable for such purpose, to be calculated for the provision of parking facilities.
Ground Floor	The storey of a building with direct access or entrance from the street or the lowest natural ground level.
Guest House	Temporary residence for transient guests which, with the consent of the municipality can be conducted from a dwelling house in use zones Residential 1, Residential 2 and Agriculture. This may include concepts such as bed and breakfast establishments, self-catering establishments. Other ancillary uses may with the written consent of the municipality be permitted.  (a) The owner of the dwelling unit may reside on the property; (b) The guest house may include self-catering suites, but may not be converted into dwelling units or be sectionalised; (c) All amenities and the provision of meals and beverages shall be for the sole benefit of bona fide guests and the resident household/person, unless otherwise permitted. (d) All development on the site shall be in accordance with an approved site development plan.
Gymnasium	Land used for physical and aerobic exercise with or without apparatus, which include ancillary retail trade and a place of refreshment.
Habitable room	A room designed or used for human habitation in accordance with the Building Act, but excludes a kitchen, scullery, bathroom, toilet, storeroom, garage or other spaces defined for a particular purpose on the building plan.
Height	The height of a building expressed in the total number of storeys. Also refer to Section 13 of this document.

Home Enterprise	<p>The use of a dwelling house by the owner or the occupant for the conduct of a practice or occupation with the aim of deriving income. Retail trade in goods directly related to or produced by the home enterprise is permitted as a subsidiary use, which may include a coffee shop/tea garden</p> <p>(a) A maximum of three people may be employed by the enterprise, of which one is the owner or full time occupant of the property;</p> <p>(b) The home enterprise shall not exceed 40m<sup>2</sup>;</p> <p>(c) The residential character of the building shall be retained and the immediate residential environment shall not be detrimentally affected;</p> <p>(d) The activities shall not cause a public nuisance;</p> <p>(e) All development on the site shall be in accordance with an approved site development plan.</p> <p>(f) Retail trade in goods directly related to or produced by the home enterprise is permitted as a subsidiary use.</p>
Hospital	<p>Land used for medical and/or psychiatric purposes 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, dispensary and medical consulting rooms.</p>
Hospitality Establishment	<p>A farm portion or agricultural holding used for entertainment, recreation and gathering purposes, such as a children's party venue, conference facility or wedding venue. This may include a place of refreshment, place of amusement, conference facility, chapel, guest house - providing temporary residence for transient guests, social hall, ancillary offices, a place of instruction and other uses which the municipality may consider as ancillary uses.</p> <p>(a) A dwelling house and dwelling units for the owner and permanent occupants (workers) on the property are permitted, but these may not be sectionalised.</p> <p>(b) This use may only be permitted with the consent of the municipality in accordance with an approved site development plan.</p>
Hotel	<p>Land used as a temporary residence for transient guests, where lodging and meals are provided, and may include:</p> <p>(a) A restaurant or restaurants;</p> <p>(b) Associated meeting rooms, conference and entertainment facilities, a chapel, recreational and service facilities that are subservient and ancillary to the dominant use of the property as a hotel; and</p> <p>(c) Premises which are licensed to sell alcoholic beverages for consumption on the property; but does not include an off-sales facility.</p>
Household	<p>A household is limited to a nuclear family (two parents and their children) plus a maximum of four additional persons (extended family members or unrelated persons). Occupation is limited to one household per dwelling house or dwelling unit. This should not be construed to be discriminatory in any way, as it serves to curb possible abuse of scheme provisions.</p>

Industrial Purposes	<p>Land used for purposes normally or otherwise reasonably associated with activities where an article is manufactured, produced, built, assembled, disassembled, compiled, printed, ornamented, processed, treated, adapted, repaired, renovated, rebuilt, altered, painted (including spray painting), polished, finished, cleaned, dyed, washed, sorted, packed, chilled, frozen or stored in cold storage. This includes offices, caretaker's dwelling unit or other uses which are subservient to the use of the property as a factory; and includes a warehouse, the generation of electricity; refuse disposal sites; recycling and abattoir.</p> <p>A noxious industry, as defined in terms of the scheme, may be allowed with the consent of the municipality, subject to the following conditions:</p> <ul style="list-style-type: none"> <li>(i) A certificate is issued by the relevant health authority;</li> <li>(ii) All development on the site shall be in accordance with an approved site development plan.</li> </ul>
Informal Structure	<p>Any structure that is covered under Section 13 of the National Building Regulations and Buildings Standards Act, 1977 (Act 103 of 1977), suitable for the intended use.</p> <p>A structure designed or used for any use other than described in the scheme. An informal structure should be seen as the exception rather than the rule, e.g. a greenhouse, tool shed, site camp/temporary structure during construction phase. Unless building plans are approved for formalization.</p>
Informal Trade	<p>The legal selling of products in areas demarcated by the municipality specifically for these purposes, such as markets and / or other demarcated areas, with the consent of the municipality.</p>
Institution	<p>Land used for a public institution or charitable institution, hospital, nursing home, sanatorium, clinic whether public or private, but does not include institutions which are primarily used as offices or which primarily perform administrative work or any building or premises associated with the boarding of animals.</p>
Interested Party	<p>Any person or group of persons, legal entity or body that can demonstrate their interest in any land development application, as defined in the By-law.</p>
Kitchen	<p>A room or part of a room equipped for preparing and/or cooking meals and wash-up area.</p>
Land	<p>Any immovable property, being an agricultural holding, farm portion, erf or sectional title portion in a township and land covered by water, and includes any improvement or building on land and any real right in land.</p>
Scheme	<p>The Merafong Land Use Management Document and includes the definitions, clauses, scheme maps and annexures.</p>
Landscaping	<p>The placement of plants, contoured features, water features, paving, street furniture and other soft and hard elements, for the purposes of enhancing aesthetic appeal, environmental management, storm water management, amenity and value of property, subject to geotechnical conditions where applicable.</p>

Light Industry	<p>Land used for purposes within the opinion of the municipality, as a small-scale industry with emphasis on maintenance and repair, as well as a subsidiary retail component, that shall not have a detrimental effect on the surrounding area or cause any disturbance such as noise, odour, appearance or any undesirable activities, subject to approval by the Municipality</p> <p>Panel beating and spray painting may only be allowed with the consent of the municipality, subject to the following conditions:</p> <ul style="list-style-type: none"> <li>(i) A certificate is issued by the relevant Health authority;</li> <li>(ii) All development on the site shall be in accordance with an approved site development plan.</li> </ul>
Line of no access	A line along any street, erf or site boundary or portion thereof prohibiting any vehicular access.
Map	The map indicating the zoning of the municipal area in terms of land use zones prescribed by the scheme.
Medical Consulting Rooms	<p>Land used for professional rooms for medical practitioners associated with restoring or preserving health, excluding overnight facilities.</p> <p>The following uses may be permitted with the consent of the municipality:</p> <ul style="list-style-type: none"> <li>(a) A place of instruction;</li> <li>(b) A dispensing chemist; and</li> <li>(c) A clinic</li> </ul>
Mining	<ol style="list-style-type: none"> <li>1. Land used for: <ul style="list-style-type: none"> <li>(a) Any excavation in the earth or any tailings, whether being worked or not, made for the purpose of searching for or winning a mineral; or</li> <li>(b) The exploitation of a mineral deposit, including the mining area and all buildings, structures, machinery, mine dumps, access roads or objects situated on such area and which are used or intended to be used in connection with such searching, winning or exploitation or for the processing of such mineral.</li> </ul> <p>These uses must be authorized in terms of section 5 of the Mineral and Petroleum Resources Act 28 of 2002 (<b>MPRDA</b>).</p> <p>This includes agriculture as a primary right, as well as ancillary uses such as residential areas, community facilities, local business and uses required for the operation of the mine.</p> </li> <li>2. Mining includes prospecting rights, mining rights, mining permits, retention permits, exploration rights, production rights, reconnaissance permits or technical co-operation permits in terms of the MPRDA.</li> <li>3. The mining land use is a temporary right applied by means of an overlay zoning.</li> <li>4. The mining land use shall lapse upon the issuing of a closure certificate in terms of section 44 of the MPRDA and the zoning shall revert to Agriculture.</li> <li>5. Land uses considered to be viable beyond the life of mine should be formalised.</li> </ol>
Mobile Dwelling Unit	A factory assembled transportable structure, constructed in accordance with the requirements of the S.A.B.S. specification for mobile homes, with the necessary service connections, and designed as a permanent dwelling unit.
Mobile Dwelling Unit Stand	An erf or part of an erf reserved for the siting of a mobile dwelling unit, with at least the dimensions to fit the mobile dwelling unit thereon and hardened with a suitable material to carry the expected maximum load at all times.

Motor Showrooms	<p>Land used for the display and sale of new and/or used motor vehicles and accessories, ancillary offices, all of which shall be within an enclosed building.</p> <p>Workshops may only be permitted with the consent of the municipality in accordance with an approved site development plan.</p>
Motor Sales Lot	<p>Land used mainly for the open air display and sale of motor vehicles, motor vehicle trailers, caravans and heavy-duty vehicles and may include ancillary offices, but excludes a scrap yard, panel beater, spray painter, motor workshop and filling station.</p>
Motor Workshop	<p>Land used for the repair, maintenance and servicing of all types of motor vehicles and heavy-duty vehicles, including the installation and fitting of parts, security systems and accessories and ancillary offices. This excludes a scrap yard, panel beater and spray painter.</p>
Multi-Purpose Community Centre	<p>Land used for a one stop community service centre for purposes normally or otherwise reasonably associated with public services and activities serving the local community, concentrated at a public transport connectivity point.</p> <p>(a) This may include, but is not limited to, the following uses:</p> <ul style="list-style-type: none"> <li>(i) Station, bus and taxi rank;</li> <li>(ii) Informal trade area;</li> <li>(iii) Place of instruction;</li> <li>(iv) Social hall,</li> <li>(v) Place of public worship,</li> <li>(vi) Institution,</li> <li>(vii) Municipal clinic or provincial hospital;</li> <li>(viii) Government purposes such as a home affairs office, police office, municipal satellite office, library, magistrates court, post office;</li> <li>(ix) Any other reasonably related used permitted with the consent of the municipality, but excluding a place of amusement.</li> </ul> <p>(b) Provided that all development on site shall be in accordance with an approved site development plan.</p>
Municipal Purposes	<p>Land used for purposes normally or otherwise reasonably associated with a municipality to give effect to its powers and duties.</p> <p>All development on the site shall be in accordance with an approved site development plan.</p>
Natural Ground Level	<p>The level of the land surface in its unmodified state as established from a contour plan.</p>
Neighbour	<p>The owner or occupant of the erf or property which is contiguous to the application erf or site, even though it may be separated by a road, servitude or panhandle, except if indicated differently by the municipality.</p>

Noxious Industry	Land used for an industry considered to be harmful and/or negative to the amenity of the area by the municipality for reasons of danger, noise, smells, pollution or general amenity. This includes, but is not limited to panel-beating, spray-painting, scrap yard, blood boiling, bone boiling, tallow melting, fat melting or extracting, soap boiling, tripe boiling or cleaning, skin storing, bone storing, fellmongering, skin curing, blood drying, gut scraping, leather dressing, tanning, glue making, size making, charcoal burning, brick burning, lime burning, manure making, manure storing, parchment making, malt making, yeast making, cement works, coke ovens, salt glazing, sintering of sulphur bearing materials, viscose works, smelting of ores and minerals, calcimining, puddling and rolling of iron and other metals, conversion of pig iron into wrought iron, reheating, annealing, hardening, forging, converting and carburising iron and other metals, works for the production of, or which employ carbon bisulphate, cellulose lacquers, cyanogen or its compounds, hot pitch of bitumen, pulverised fuel, pyridine, liquid or gaseous sulphur dioxide and sulphur chlorides, works for the production of amyl-acetate, aromatic ethers, butyric acid, caramel, enamelled wire, glass, hexamine, iodoform, lampblack, B-naphthol, resin products, salicylic acid, sulphated organic compounds, sulphur dyes, ultramarine, zinc chloride and zinc oxide and oil refining and works dealing with the processing or refining of petrol or oil or their products. Provided that where the municipality adds to the list of noxious purposes, such additions shall also be deemed to be included in the above definition and that all health requirements are complied with.
Nursery	Land used for a business where plants or seeds are cultivated, grown and sold, and includes the selling of products or items that are related to horticulture. A place of refreshment may be included with the consent of the municipality as an ancillary use.
Occupant	In relation to any building, property or land means a person: (a) who permanently and physically inhabits or occupies a property; (b) is legally entitled to occupy it; (c) is in charge thereof or manages the property, including the agent of such a person who is absent from the property or whose whereabouts are unknown.
Office	Land used or designed for administrative, clerical or professional purposes and includes banks, insurance companies, travel agents, property agents and medical consulting rooms.
Outbuilding	A building, whether attached or separate from the main building, which is ancillary and subservient to the main building, and in the opinion of the municipality, is ordinarily necessary in relation to the use of the main building. This includes the storage of motor vehicles, storage areas, sheds and external toilets. This excludes a dwelling unit, but includes a bona fide domestic worker's accommodation room, which may include a bathroom.
Owner	In relation to any building or land: (a) the person registered in the Deeds Office as the owner of land and also any successor in title; (b) the registered holder of a right of leasehold as contemplated in the Black Communities Development Act, 1984; (c) the person administering the estate of any persons mentioned in (a) or (b) above, whether as executor, administrator, guardian or any other capacity whatsoever; (d) a duly authorised agent of such person as mentioned in (a), (b) and (c).
Panel Beater	Land used for the replacement, reparation, panel beating and spray painting of vehicles. This includes the storage and sale of spare parts and ancillary offices.

Panhandle	The access section of a panhandle erf to a public street, which section must be at least 4m wide; except where site specific conditions warrant a deviation, as may be determined by the Municipality.
Parking Bay	<p>An area measuring not less than 5,0m x 2,5m for perpendicular or angled parking and 6,0m x 2,5m for parallel parking, that is demarcated and maintained on a permanent basis to the satisfaction of the municipality and is used exclusively for occasional parking of vehicles that are not meant for trade or selling.</p> <p>(a) The parking bay, together with the necessary manoeuvring space, must, in the opinion of the municipality, be functional and accessible and must be maintained to the satisfaction of the municipality.</p> <p>(b) The said parking together with the necessary manoeuvring area are to comply with table C.</p>
Parking Garage	Land (excluding a road, street and on-site parking associated with a primary right or consent use), that is used exclusively for the parking of motor vehicles not intended for sale or trade. This may include ancillary uses with the consent of the municipality.
Place of Amusement	Land used for limited pay-out machines, theatre, cinema, music hall, concert hall, sports stadium, skating rink, dance hall, billiards saloon, casino, bingo halls, race courses, buildings for the purposes of exhibitions of trade or industry, other recreational purposes, amusement park, discos, night clubs, sports bars and places of live music entertainment, establishments where adult entertainment is provided, escort agencies and such uses as are ancillary, directly related to and subservient to the main use. It includes any other purpose which may, in the opinion of the municipality, be included hereunder.
Place of Instruction	<p>The use of land and buildings for teaching purposes, including a crèche, day mother and day care centre, early childhood development centre; school and after care centre, tertiary education centre, college, academy, vocational training, university, research institutes, technical institutes, lecture rooms, convent and monastery, public library, art gallery and museum, gymnasium.</p> <p>a) The following uses may be included with the consent of the municipality:</p> <ul style="list-style-type: none"> <li>(i) A place of refreshment;</li> <li>(ii) Residential buildings, staff accommodation units; and</li> <li>(iii) All uses which in the opinion of the municipality are directly related to and subservient to the main use.</li> </ul> <p>b) All development on the site shall be in accordance with an approved site development plan.</p>
Place of Public Worship	<p>Land used for religious purposes such as a church, chapel, oratory, house of worship, synagogue, mosque or other place of public devotion. This includes:</p> <ul style="list-style-type: none"> <li>(a) A building designed and used for a place of instruction,</li> <li>(b) An institution related to the religious purposes,</li> <li>(c) A wall of remembrance, and</li> <li>(d) Other buildings used for social gatherings and recreation on the property.</li> </ul>
Place of Refreshment	Land used for a restaurant, tea garden or coffee shop, which is designed and used for the preparation, retail sale and/or on-site consumption of meals, refreshments, fresh produce, tobacco products, reading material and sweets. The place of refreshment is permitted as an ancillary use to a primary use such as a nursery, hospital, institution or similar use.
Previous Scheme	A town planning scheme or similar provision that governed and controlled the use of land prior the promulgation of this scheme.

Primary Right	In relation to buildings or land means any use specified in the scheme as a primary use, being a use that is permitted without the need to obtain consent or permission from the municipality.
Private Club	Land used for the private gathering of a group of persons being members of a club or private institution with a collective aim. A place of refreshment may be included with the consent of the municipality.
Private Open Space	Land used for purposes normally or otherwise reasonably associated with private sport, play, rest, recreation, ornamental gardens, golf course and buildings reasonably required in connection with such uses to which the general public will have no admission, except with consent.  All development on the site shall be in accordance with an approved site development plan.
Private Road	A private right of way and includes the whole or part of any street, road, bridge, subway, tunnel, avenue, lane, alley, arcade, servitude of right-of-way or passage, shown on a general plan of a township, agricultural holdings or other division of land.
Property	A farm portion, agricultural holding, erf, leasehold site or portion of land which is demarcated by the approved Surveyor General diagram and registered as a separate unit in the Deeds Office. This includes all buildings, structures or natural elements on the property.
Protected Area	This includes, but is not limited to: (a) Nature reserves, including wilderness areas and protected environments, as declared in terms of the National Environmental Management: Protected Areas Act 57 of 2003; (b) Specially protected forest areas, forest nature reserves and forest wilderness areas declared in terms of the National Forests Act 84 of 1998; (c) Mountain catchment areas declared in terms of the Mountain Catchment Areas Act 63 of 1970; (d) Heritage sites declared in terms of the National Heritage Resources Act, 25 of 1999 ( <b>NHRA</b> ); (e) World heritage sites declared in terms of the World Heritage Convention Act 49 of 1999; and (f) Provincial nature reserves, sites of ecological importance, protected environments, private nature reserves or resource use areas as indicated in the Gauteng Conservation Plan, as amended.
Public Garage	Land used for gain or reward for 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; motor workshop, the sale of spare parts and accessories, car wash facilities; and automatic bank teller machines; (c) A shop and a drive- through restaurant (d) This excludes a truck stop. (a) A workshop (enclosed building) for the maintenance and repair of vehicles (excluding panel beating and spray painting) may only be permitted with the consent of the municipality in accordance with an approved site development plan.



Public Nuisance	Any act, emission or condition which, in the opinion of the municipality, the West Rand District Municipality or South African Police Service is offensive, injurious or dangerous to health, materially interferes with the ordinary comfort, convenience, peace or quiet of the public, or which adversely affects the safety of the public, having regard to: (a) The reasonableness of the activities in question in the area concerned, and the impacts which result from these activities; and (b) The ambient noise level of the area concerned.
Public Open Space	Land used for purposes normally or otherwise reasonably associated with a park, garden, play area, recreation site, square and sport fields.  The following uses may be permitted with the consent of the municipality in accordance with an approved site development plan: a) A place of instruction; b) Restaurant or place of refreshment; c) A place of amusement. d) Municipal uses. e) Car wash/ Chesanyama
Public Storage	Means land and buildings/structure used for the storage of mainly household furniture, vehicles, documents and equipment in individual lockable store rooms and may include ancillary and subservient Offices, a Guard House and Caretaker's Unit, excluding livestock, perishables, inflammables and/or explosives and any item which is temporarily stored as part of a trading process.
Public Transport Facility	Land used for Taxi Rank/Station where public has access to any kind of public transport. Business uses and informal trade including overnight facilities focused on commuters is permissible.
Recreation Purposes	Land that, due to its natural or human made attractions, is used for purposes normally or otherwise reasonably associated with recreation, entertainment, leisure, sport and amusement activities.  The following uses may be included: swimming pools, water slides, braai facilities, picnic sites, camp grounds, caravan parks, a wedding chapel, conference facilities, a restaurant, arts and crafts, a place of refreshment, place of amusement, place of instruction and dwelling units.  All development on the site shall be in accordance with an approved site development plan.
Renewable Energy Infrastructure	A structure, building and land used for the purpose of generating and distributing renewable energy from non-biomass renewable sources such as hydropower, geothermal, wind, and solar. Bio-mass plants may be permitted with written consent of the Municipality.
Restaurant	Land used for the preparation and consumption of food and liquid refreshments for the general public on the site and may include a children's play area. The on-site consumption of liquor must be legalised by means of a liquor licence issued in terms of the Gauteng Liquor Act, 2003.
Retirement Village	Dwelling units intended for the accommodation or settlement of persons upon their retirement and may include an administrative building and community facilities such as a dining hall, sick-bay, sport and recreation facilities or such other facilities, approved by the local municipality.
Riparian Zone	A riparian zone or riparian area is the interface between land and a river or stream

Rural General Dealer	<p>A building or part of a dwelling unit situated on an agricultural holding or farm portion used for the purposes of selling basic groceries (daily convenience goods) and fresh produce.</p> <p>(a) The use may only be permitted with the consent of the municipality and a site development plan may be required at the discretion of the municipality;</p> <p>(b) The sale of liquor is prohibited;</p> <p>(c) The area used for the rural general dealer shall not exceed a total floor area of 250m<sup>2</sup>.</p>
Scrap Yard	<p>Land used for the dismantling, stacking, storing or preparation for re-sale of any used material, waste, scrap metals, scrap vehicles, scrap machinery, or any other scrap materials, or parts, whether or not such dismantling or storage are done to dispose, re-use or recycle such material. Ancillary offices are also permitted.</p>
Second Dwelling Unit	<p>A dwelling unit on the same erf as a dwelling house.</p> <p>The owner of an erf may apply for consent for a second dwelling unit on a Residential 1 erf, subject to the following:</p> <p>(a) The permissible height and coverage shall not be exceeded;</p> <p>(b) A minimum of one parking bay shall be provided on the erf to serve the exclusive needs of the dwelling unit;</p> <p>(c) The design of the dwelling unit including any garage or carport associated therewith, as well as the location thereof, access to and egress from the site and parking arrangements shall be architecturally integrated with and harmoniously related to the dwelling house, to the satisfaction of the municipality;</p> <p>(d) The provisions of engineering services shall be to the satisfaction of the municipality and the municipality may, where necessary, require a financial contribution.</p>
Service Industry	<p>Land used for purposes which in the opinion of the municipality, is a small-scale industry with emphasis on maintenance and repair, as well as a subsidiary retail component.</p> <p>(a) The use shall not have a detrimental effect on the surrounding area or cause any public nuisance or disturbance such as noise, odour, appearance or any undesirable activities whatsoever.</p> <p>(b) The use is only permitted with the consent of the municipality in accordance with an approved site development plan.</p>
Shebeen (off-consumption)	<p>A part of a dwelling house or dwelling unit constructed, designed or adapted for the sale of liquor for off-site consumption.</p> <p>(a) The sale of liquor must be legalised by means of a liquor licence issued in terms of the Liquor Act, 1997 (Act 87 of 1997);</p> <p>(b) On site consumption of liquor is prohibited;</p> <p>(c) Social gatherings are prohibited;</p> <p>(d) Preparation and consumption of food for the shebeen are prohibited;</p> <p>(e) The dominant use shall remain residential for the owner or occupant;</p> <p>(f) All Health and Safety By-laws are complied with;</p> <p>(g) Signage shall be to the satisfaction of the municipality;</p> <p>(h) The use shall not interfere with the amenity of the surrounding properties by virtue of noise, appearance, smell or any other activities whatsoever or cause a public nuisance; and</p> <p>(i) The use may only be permitted with the consent of the municipality and a Site development plan may be required at the discretion of the municipality.</p>

Shop/Retail Trade	Land used or designed for the purpose of conducting a retail business and includes the accompanying storage, packaging and a small workshop which are reasonably necessary and incidental to the specific retail business. A shop does not include any residential uses, industrial uses, warehouses, wholesale trade or public garages.
Site	A property or part thereof, registered in the Deeds Office with cadastral boundaries and includes all natural and man-made features. This generally refers to a property subject to development proposals. A site can be publicly or privately owned, but excludes any public road or street.
Site development plan	A plan used by the municipality to ensure adherence to development controls, prior to the submission of building plans.  (Refer to Section 33 of this scheme)
Social Hall	Land used for social gatherings, meetings and recreation (without board and lodging). A place of refreshment may be included with the consent of the municipality.
Spaza Shop	Residential 1 property used by the owner or occupant for small-scale retail trade, not exceeding 20m <sup>2</sup> , incidental to the needs of the community. This includes trade commonly known as spaza shops and tuck shops, supplying essential pre-packed and/or pre-wrapped items and/or foodstuff.  (a) The use may only be permitted with the consent of the municipality and a site development plan may be required at the discretion of the municipality; (b) The sale of liquor is prohibited; (c) Taverns and shebeens are prohibited; (d) Informal trade and street hawking are prohibited; (e) The shop shall not exceed 20m <sup>2</sup> in extent; (f) Signage shall be to the satisfaction of the municipality; (g) The use shall not interfere with the amenity of the surrounding properties by virtue of noise, appearance, smell or any other activities whatsoever or cause a public nuisance. (h) The residential character of the building shall be retained and the immediate residential environment shall not be detrimentally affected.
Special Development Zone	A clearly defined geographical area that the municipality has delineated for focused planning and development intervention and investment.
Special Use	Land used for any other use than the uses specifically defined and mentioned in the scheme, as may be approved by the municipality.
Sports Fields	The use of land for public or private games, competitions or other physical activities and can include inter alia a golf course, athletic stadium, health and fitness centre and a social hall.  (a) A place of refreshment may be included with the consent of the municipality; and (b) All development on site shall be in accordance with an approved site development plan.
Storey	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.

Street or Road	A public right of way and includes the whole or part of any street, road, bridge, subway, tunnel, avenue, lane, alley, arcade, servitude of right-of-way or passage, shown on a general plan of a township, agricultural holding or other division of land.
Tavern (on-consumption)	<p>Land where the on-site consumption of liquor has been legalised by means of a liquor licence issued in terms of the Gauteng Liquor Act, 2003 and includes a restaurant, café or pub designed and used for the preparation and on-site consumption of meals, refreshments and liquor and retail sale of cold drink and smoking requisites.</p> <p>(a) A hotel, residential use and drive through restaurant are excluded.  (b) The use may not interfere with the amenity of surrounding properties or be of nuisance value by virtue of noise, appearance, smell or activities or any other public nuisance.  (c) This use may only be permitted with the consent of the municipality in terms of an approved site development plan.</p>
Telecommunication Infrastructure	A structure, building and land designed for telecommunication purposes, which includes inter alia radio and/or microwave technology, cellphone technology or other technology as may be permitted in terms of the relevant legislation.
Township	<p>Any land laid out or divided into or developed or to be developed, as:</p> <p>(a) a single property or sites for;  (b) one or more land uses including but not limited to residential, business or industrial purposes or similar purposes as may be contained in a town planning scheme;  (c) where such properties or sites are arranged in such a manner as to have the character of what constitutes a township, in the opinion of the municipality, including intended or actual multiple ownership of erven, land or units;  (d) that may be intersected or connected by or to abut on any public or private street; and  (e) a property, site or street shall for the purposes of this definition include a right of way or any site or as a road, roadway or street which has not been surveyed or which is only notional in the character.</p>
Transport Uses	<p>Land used for a business involved in the transportation of goods and/or passengers by rail, air, road and pipelines and includes uses such as stations, transportation amenities and facilities, parking, loading bays, administrative offices, a place of refreshment, place of instruction, warehouses, container parks, workshops as well as residential uses and amenities for personnel.</p> <p>Ancillary uses such as shops and offices which are of service and convenience to passengers may approved in with the consent of the municipality in accordance with an approved site development plan.</p>
Truck Stop	A overnight facility for truck drivers that includes ablution, canteen , fuel pumps, and a public garage and small workshop

<p>Upgrading Support Area (Residential 4)</p>	<p>Land in a demarcated area where settlement took place in an informal basis, and may include mobile dwelling units. The area must be earmarked for upgrading in terms of the National Upgrading Support Programme (NUSP), specifically the Upgrading of Informal Settlement Programme (UISP).</p> <p>(a) The area must be earmarked for upgrading in terms of the National Upgrading Support Programme (NUSP), specifically the Upgrading of Informal Settlement Programme (UISP).</p> <p>(b) The external boundaries of the settlement are clearly demarcated and geographically referenced.</p> <p>(c) The structures are recorded on an aerial photograph and numbered.</p> <p>(d) The households and individuals in the settlement are registered in a GIS database with the municipality according to the official structure number.</p> <p>(e) The municipality has a settlement plan, indicating:</p> <ul style="list-style-type: none"> <li>(i) the official structure numbers, corresponding with the GIS database;</li> <li>(ii) a basic road network that allows for storm water drainage, the access of emergency vehicles and public transport connectivity points;</li> <li>(iii) the location of proposed communal services (water and sanitation) and standpipes as an interim measure;</li> <li>(iv) electricity reticulation, if applicable;</li> <li>(v) existing community facilities, if applicable.</li> </ul>
<p>Urban Agriculture</p>	<p>The cultivation of crops and rearing of small numbers of livestock (refer to Chapter 13 of the WRDM Health By-laws), on relatively small areas within towns, for own consumption or sale in neighbouring markets.</p>
<p>Use Zone</p>	<p>A zone indicated with a specific notation in the scheme that is subject to the restrictions imposed on the erection and use of buildings or the use of land contained as detailed in the scheme.</p>
<p>Wall of Remembrance</p>	<p>A structure where containers with the ashes of the deceased are inserted in openings or niches in the structure and thereafter sealed and/or on which appropriate commemorative plaques can be attached. Such uses are part of a cemetery and/or religious sites and should enjoy public access during the day.</p>
<p>Warehouse</p>	<p>Land used for storing goods. This includes enterprises that usually require extensive areas such as the business of a wholesaler, cartage contractor, building contractor, building materials dealer, self-storage facility, agricultural requisites dealer and/or a dealer in other heavy equipment. This excludes storage and trade in goods that are, in the opinion of the municipality, dangerous, noxious or unsightly.</p>
<p>Wholesale Trade</p>	<p>Land used primarily for the bulk sale and distribution of goods and includes retail sales to the general public as a subsidiary use.</p>
<p>Workshop</p>	<p>Land used for conducting a retail business in goods manufactured, processed, assembled or repaired wholly or partially on the property and in any case a building not classified as a factory.</p>
<p>Zoning</p>	<p>When used as a noun, means a statutory category of directions regulating the development of land and setting out the purposes for which the land may be used and the land use or development rules applicable in respect of the said category of directions, as determined by the scheme.</p>

## **5. INTERPRETATION**

In this scheme, unless a contrary intention clearly appears:

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

## CHAPTER 2: LAND USE SCHEME ARRANGEMENT

### 6. THIS SCHEME HAS BEEN ARRANGED INTO FOUR MAIN SECTIONS:

#### (1) Land use zones and development controls

- (a) **Chapter 3** and **table 1** set out the land use zones, primary and secondary rights, density, floor area, coverage, height and parking requirements applicable to all erven.
- (b) Table 1 forms an integral part of the scheme and has the same legality as the rest of the scheme, provided that in the event of a conflict between the provisions of chapter 3 and any provision in an annexure, the provisions of the annexure shall prevail.
- (c) Chapter 3 contains further conditions and variation provisions pertaining to each of the aspects mentioned in subparagraph 6(1)(a).

#### (2) Scheme provisions and conditions

- (a) **Chapter 4:** Provisions to promote certain principles in land development;
- (b) **Chapter 5:** Provisions to promote conservation and sustainable use of resources;
- (c) **Chapter 6:** Conditions applicable to all erven or categories of erven.
- (d) **Chapter 7:** Conditions applicable to use zones and specific uses.

#### (3) Provisions for land development applications

- (a) **Chapter 7:**
  - (i) Site development plans;
  - (ii) Consent use applications for secondary rights;
  - (iii) Written consent for temporary uses;
  - (iv) Provisions for exemption in consent use applications; and
  - (v) Building line relaxations.

#### (4) Scheme map

- (a) The scheme map indicating the use zones in accordance with table 1 is available in hard copy and electronic format as part of a GIS database, separate to this document.
- (b) The GIS database is available at the municipality, and includes:
  - (i) Annexures approved previously and now incorporated into the scheme;
  - (ii) An overlay indicating protected areas where specific precautionary measures apply in accordance with the scheme.
  - (iii) An overlay indicating areas affected by dolomite where specific precautionary measures apply in accordance with the scheme;
- (c) In the event of a conflict between the provisions of the scheme and the scheme maps/GIS database, the scheme shall prevail.

### 7. REGISTER OF AMENDMENTS

#### (1) The municipality must keep a register of-

- (a) The amendments to this scheme effected after the commencement date;
  - (b) Applications brought in terms of the By-law; and
  - (c) Applications brought in terms of the scheme;
- in accordance with the provisions of schedule 1 of the By-law.

## CHAPTER 3: LAND USE RIGHTS AND DEVELOPMENT CONTROLS

### 8. INTERPRETATION OF USE ZONES

- (1) The purposes –
  - (a) for which land may be used;
  - (b) for which land may be used only with the consent of the municipality; and
  - (c) for which land may not be used;are indicated in each of the use zones specified in table 1.
- (2) The use of land includes the erection and use of a building thereon.
- (3) These provisions do not prohibit the erection of entrance structures (other than entrance halls and entrance passages), pergolas, garden ornaments, garden walls and fences.
- (4) Table 1 contains the following information relating to use zones and development controls:
  - (a) Column 1: The use zone
  - (b) Column 2: Notation on the map
  - (c) Column 3: Primary rights: the purposes for which land may be used
  - (d) Column 4: Secondary rights: the purposes for which land may be used only with the consent of the municipality in terms of chapter 6 subparagraph (35).
  - (e) Column 5: The purposes for which land may not be used
  - (f) Column 6: Building restriction areas
  - (g) Column 7: Height provisions
  - (h) Column 8: Coverage
  - (i) Column 9: Floor area ratio provisions
  - (j) Column 10: Density provisions
- (5) Special rights, conditions and restrictions, which may apply to any property, township or area within any use zone, may be indicated in an annexure to the scheme.
- (6) The special conditions and restrictions referred to in subparagraph (5) shall:
  - (a) Be in addition to the general conditions, restrictions and other provisions of the scheme.
  - (b) Prevail should they conflict with any such other condition, restriction or provision in the scheme.
- (7) An annexure contemplated in subparagraph (5) shall consist of:
  - (a) A sheet upon which is inscribed the number of such annexure, a description of the property, township or area to which it applies, the special rights, conditions and restrictions applying to the property, and the number and name of the relevant amendment scheme in terms of which the annexure was prepared.
  - (b) A diagram of the property concerned, which diagram shall accord with the layout shown on the map.
  - (c) An annexure number. This number is inscribed inside a double circle within or next to the figure of the relevant property on the map. It shall be joined to the figure by means of a line.



- (d) Annexures previously approved have, as far as possible, been incorporated into the scheme. Such annexures have either been renumbered, or have been replaced with general or specific conditions in terms of the scheme.

## **9. LAND USE ZONES**

- (1) Zoning means a statutory category of directions regulating the development of land and setting out the purposes for which the land may be used as determined by the scheme.
- (2) The use zones in terms of the scheme are categorized in column 1 of table 1 and indicated on the map according to the notation in column 2.
- (3) The definitions of permissible uses listed in columns 3 and 4 are set out in chapter 1(4).
- (4) Chapter 6 contains conditions that apply to all erven or specific categories of erven that should be taken into consideration in the application of the land use zones.
- (5) Change of land use rights or rezoning shall be undertaken in accordance with the By-law. Where a property is rezoned, such zoning will be applicable to the whole erf and will no split zoning be approved on only a part of an erf.

## **10. DENSITY**

- (1) Density refers to a limitation on the number of dwelling houses or dwelling units on a property or site.
- (2) No building shall be erected to exceed the permissible density set out in column 11 of table 1.
- (3) In use zone Residential 1 the number of dwelling houses permitted shall be in accordance with the density zones indicated on the growth management overlay.
- (4) In use zone Residential 2 the number of dwelling houses or dwelling units permitted shall not exceed 40 units per hectare, provided that the municipality may grant consent in accordance with the growth management overlay.
- (5) In all use zones, other than Residential 1 and 2 where residential use is permitted, dwelling houses, dwelling units and residential buildings shall only be erected in accordance with the provisions relating to height, coverage and floor area ratio applicable to the erf and the growth management overlay.
- (6) Application for subdivision may be undertaken in accordance with the By-law.

## **11. FLOOR AREA**

- (1) No building shall be erected so as to exceed the floor area ratio as prescribed in column 10 of table 1.
- (2) For the purposes of calculating floor area no account shall be taken of:
  - (a) Un-roofed buildings and areas occupied by external fire escapes and staircases;
  - (b) A building used solely as parking garage and the floor area used for parking and circulation of motor vehicles;
  - (c) Access passages and corridors, excluding the entrance halls and foyers in a building containing two or more dwelling units, residential uses and hotels if such passages and corridors are enclosed by an external wall with a maximum height of 1,1m or a window;
  - (d) Accommodation for the lift motor and other mechanical or electrical equipment necessary for the proper use of the building;

- (e) Accommodation for cleaners on the roof of a building: Provided that the floor area excluded in this manner shall not be exceed 10% of the permissible floor area for such building;
  - (f) A veranda or balcony in a building: Provided that such veranda or balcony shall not be enclosed other than with a parapet 1,1m high or screen; or
  - (g) Areas justifiable used for cleaning, maintenance and care of the buildings, excluding dwelling units for caretakers, supervisors, cleaners and maintenance staff.
- (3) The municipality may grant consent for a 10% increase in the floor area ratio of a building in accordance with a site development plan.

## **12. COVERAGE**

- (1) No building shall be erected so as to exceed the coverage as prescribed in table 1 column 9 of the scheme.
- (2) These provisions shall apply to every storey in a building, including a basement protruding above natural ground level, provided that the municipality may consent to exceed the coverage for any basement which is entirely below natural ground level in terms of a site development plan.
- (3) Where a proposed building is designed for more than one use, the maximum proportion of the site to be occupied by buildings at the floor level of each storey, shall comply with the provisions of table 1 in respect of the predominant use or uses of such storey.
- (4) A veranda and/or balcony shall not be taken into account as coverage in the following cases:
- (a) If the veranda and/or balcony is not screened;
  - (b) If the veranda and/or balcony is screened by a parapet not more than 1m in height.
- (5) The following shall not be included in coverage calculations:
- (a) All structures not covered by a roof;
  - (b) Solar panels used for carports on non-residential properties;
  - (c) Swimming pools, tennis courts, garden ornaments, access structures - other than access passages and entrance halls, boundary fences, garden walls, garden fences and pergolas.
  - (d) The space occupied by sky-lights, parapets, pitched-roofing or similar projections and chimneys.
- (6) The municipality may grant consent for a 10% increase in the coverage of a building accordance with a site development plan.

## **13. HEIGHT**

- (1) No building shall be erected so as to exceed the height as prescribed in table 1 column 8.
- (2) A building shall have only one ground storey and, except for a building consisting of only one storey, the site development plan and building plans shall indicate the ground storey.
- (3) 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.
- (4) The following shall not be counted as a storey:
- (a) Any chimney, ornamental tower, tower-like projection or similar architectural feature or lift servicing room or room wherein mechanical or electrical equipment is installed.
  - (b) A storey where 75% or more floor area is used for the parking of vehicles.
  - (c) Basements situated below natural ground level, provided further that the floor area ratio as determined in the scheme is not exceeded.

- (5) The municipality may permit the number of storeys to be increased by one storey if it is satisfied that a greater height is necessary or desirable as a result of the topography and location of the site, in accordance with a site development plan.

#### **14. PARKING AND LOADING**

- (1) Effective and paved parking spaces as set out in Table B together with the necessary manoeuvring area shall be provided on the property to the satisfaction of the municipality at the cost of the person who intends to erect a building.
- (2) Instead of the provision of parking as required in Table B, the owner may, with the consent of the municipality in accordance with a site development plan, pay a cash contribution to the municipality in lieu of parking, and such contribution per parking bay is to be determined by the municipality from time to time. The said contribution shall be used solely for the provision and maintenance of parking areas.
- (3) If the municipality is convinced that special circumstances exist, where there is adequate parking readily available in the vicinity of the application site, it may, consent to the relaxation of the provisions in Table B in accordance with a site development plan and the payment of a cash contribution to the municipality in lieu of parking.
- (4) The owner of a building erected after the commencement date of the scheme or an existing building which is added to or changed to the extent which, in the opinion of the municipality, necessitates the application of paragraph 14, must provide safe sufficient loading zones for loading and offloading of goods on the same site on which the building is situated to the satisfaction of the municipality. Where such on-site zones are provided no loading of goods shall be undertaken outside such area.
- (5) Where the municipality has granted permission for the provision of parking within the street reserve, a minimum of 2m pedestrian walk way must be provided.

## **CHAPTER 4: PROMOTION OF LAND DEVELOPMENT**

### **15. SPECIAL DEVELOPMENT ZONES/OVERLAY ZONES**

- (1) The municipality may, from time-to-time, designate special development/overlay zones. The purpose of these zones is to implement the priorities of the municipality outlined in its integrated development plan and spatial development framework.
- (2) A special development zone, which has to be approved and advertised through the municipal spatial development framework process, shall have a specific function and include a number of developmental tools, to achieve desired priorities and objectives.
- (3) The special development zone shall comprise inter alia the following, in order to be advertised:
  - (a) A geographical delineation, which does not have to relate to any cadastral feature or boundary;
  - (b) Statement of policy and intention that elaborates on the developmental perspective and which will be used by the municipality in the assessment of land development applications within the special development zone;
  - (c) Development standards and proposed land management tools that will be in force in the special development zone;
- (4) After a special development zone has been approved by the municipality, it shall be deemed to be the overriding guidelines in terms of the spatial development framework for the erven falling within its boundaries;
- (5) The municipality may revoke a special development zone by passing a resolution and should give notice thereof.

### **16. INCLUSIONARY HOUSING**

- (1) Inclusionary housing may be provided in terms of the provisions of:
  - (a) SPLUMA;
  - (b) the By-law;
  - (c) the municipality's spatial development framework;
  - (d) the municipality's human settlement plan;
  - (e) detailed guidelines to be fully determined by the municipality, which shall address the methodology for levying inclusionary housing contributions and the calculation thereof.

## **CHAPTER 5: PROMOTION OF CONSERVATION AND SUSTAINABLE USE OF RESOURCES**

### **17. HERITAGE**

- (1) All development shall meet all the criteria set out in the NHRA.
- (2) The municipality may insist on proof of compliance with the NHRA prior to issuing a demolition permit in terms of the Building Act.

### **18. ENVIRONMENT AND AESTHETICS**

- (1) The following categories of land use rights for open spaces and environmental areas are provided for in table1:
  - (a) Public open space;
  - (b) Private open space; and
  - (c) Protected areas;
- (2) The following conditions apply to land included in paragraph 18(1):
  - (a) All development shall be in accordance with an approved site development plan. Any information in relation to flood lines, wetlands and riparian zones shall be taken into consideration during the development of a site. Such information shall be clearly indicated on the site development plan.
  - (b) No development shall be permitted within the area which is subject to flooding by a 1:100 year flood or within the riparian zone and a buffer area of 30 metres from the edge of the riparian zone or river bank where this is clearly identifiable, whichever is the greater.
- (3) The Critical Biodiversity Areas and Ecological Support Areas in the municipal area are indicated as an overlay on the scheme map.

### **19. ENERGY AND WATER EFFICIENCY**

- (1) The assessment of applications in terms of the By-law and the scheme shall be done in accordance with the guidelines and criteria as adopted by the municipality to promote energy and water efficiency.
- (2) Owners will be encouraged to consider alternative forms of energy, renewable sources of energy and building design parameters that embrace energy efficiency, provided that:
  - (a) For the purpose of this paragraph no account shall be taken of solar panels used for car ports in coverage calculations on non-residential properties.
  - (b) The municipality may consent to a 10% increase in the coverage and floor area ratio in accordance with a site development plan in any development that takes significant and bona fide measures to conserve energy and water.
- (3) The visual impact of the energy efficiency measures shall be indicated on the site development plan and the design materials / screening shall be specified.

## **CHAPTER 6: CONDITIONS APPLICABLE TO ALL ERVEN OR CATEGORIES OF ERVEN**

### **20. PROTECTION OF EXISTING BUILDINGS AND USES**

- (1) Existing lawful buildings shall not be affected by the provisions of the scheme which render such buildings illegal.
- (2) Where existing lawful buildings are altered or added to and where such altered use, alteration, rebuilding or construction is in the opinion of the municipality substantial, the scheme will be binding in respect of those parts that are changed, altered, transformed or rebuilt: Provided that additions, transformations and constructions less than 10m<sup>2</sup> in total are not considered to be substantial.
- (3) The provisions of Section 32 of the By-law apply to any land that is being used lawfully in terms of an existing zoning for a purpose that does not comply with a zoning in terms of the scheme.

### **21. USE OF BUILDING OR LAND FOR MORE THAN ONE PURPOSE**

- (1) Where a building, erf or site is used for more than one purpose – thus a mixed land use - the provisions of the scheme relating to parking requirements, loading and off-loading, height, floor area and coverage apply separately to the respective areas used for each of the purposes.
- (2) The municipality shall notify the applicant in writing of any decision under this section.

### **22. CONSOLIDATION AND NOTARIAL TIE OF ERVEN**

- (1) The owner of erven which are being consolidated must notify the municipality of such consolidation as soon as the consolidation has been approved by the Surveyor-General.
- (2) The owner of erven which are being notarially tied must notify the municipality as soon as such notarial tie has been approved by the Registrar of Deeds.
- (3) Spreading of rights in respect of a consolidation and notarial tie.
  - (a) Where two or more erven with different zonings are notarially tied, the land use rights and development controls, including zoning, density, floor area, coverage, height and parking provisions, shall apply as if the notarial tie has not taken place.
  - (b) Where consolidation of erven with different zonings takes place, the newly created land parcel shall have a single zoning.
  - (c) Where erven were notarially tied prior to the commencement of the scheme and rights were spread, should the erven or any specific erf in the site be untied from the rest of the erven comprising the site, in so far as any of the development controls applicable to every erf proposed to be untied are exceeded, the owner shall simultaneously apply to rezone every erf necessary to regularize and legalize the development thereon.

### **23. ADVERTISEMENTS AND HOARDING**

- (1) No person shall without the written consent of the municipality simultaneously display on one site more than two temporary signs for the sale or lease of sites or buildings or permit such display: For the purposes of this section a "temporary sign" shall –
  - (a) not be larger than 600mm by 460mm and at its highest point shall not be higher than 2,5m above ground level;
  - (b) not have letters, figures or symbols larger than 150mm; and
  - (c) be removed within seven days after the end of the sale or the conclusion of the contract of lease.

- (2) With exception of the signs contemplated in subparagraph (1), no advertisement hoarding shall be erected or advertisements be displayed without the written consent of the municipality: Provided that the consent of the municipality, granted under this section, shall not in any way excuse compliance with the by-laws of the municipality, if any, relating to the erection and display of advertisement hoardings and advertisements.
- (3) Provided that the aforementioned shall not apply to development nodes and corridors as outlined in the Municipal Spatial Development Framework.
- (4) If an application is made to the municipality for its written consent under this section, the municipality shall be entitled to impose such conditions as it may deem fit governing the erection and use of any such hoarding or advertisement. Provided that consideration shall be given to the question whether the proposed hoarding or the display of the proposed advertisement is likely to cause injury to the amenities of the neighbourhood or danger to traffic.
- (5) No consent shall be given for the erection of such hoarding or advertisement and no such hoarding or advertisement shall be erected on residential properties, except where additional land use rights were granted; provided that the provisions of this sub-paragraph shall not apply to a sign or notice board ordinarily exhibited on a dwelling house or dwelling unit used for a profession or occupation in terms of paragraph 25 of the scheme.

#### **24. MAINTENANCE OF PRIVATE PROPERTIES AND INJURIOUS CONDITIONS**

- (1) The owner is responsible for the maintenance of the property.
- (2) Where the amenity of any area is adversely affected by the general condition of any garden, courtyard, building or development of any erf, or an injurious condition on the aforesaid, the municipality may serve a notice on the owner or occupant of the premises on which the conditions exist, requiring him to take action to abate the conditions.
- (3) The said notice can prescribe remedial actions to be taken and can also specify a time, limit within which the actions must be affected.
- (4) The municipality may also undertake any measures to abate such conditions at the cost of the owner.

#### **25. PROFESSIONS AND OCCUPATIONS CONDUCTED FROM A RESIDENTIAL PROPERTY**

- (1) Where the municipality has granted the additional land use right for a home enterprise, it shall not involve any of the following:
  - (a) The use of the building as an industry or noxious activity;
  - (b) The public display of goods whether in a window or otherwise;
  - (c) The display of any notice or sign board, other than to indicate the name and profession or occupation of the occupant and provided that such notice or sign board shall not exceed 1000mm by 500mm;
  - (d) Interference with the amenities of the neighbourhood or causing of a public nuisance;
  - (e) The employment of more than 2 employees.

#### **26. ERVEN AFFECTED BY PUBLIC WORKS**

Upon the subdivision of any land, where any portion of such land is physically separated by the execution or proposed execution of public works, the portion so separated may be regarded as an existing erf.

## **27. CONFLICT BETWEEN SCHEME, TITLE CONDITIONS AND TOWNSHIP CONDITIONS**

No consent of the municipality given under the provisions of this scheme shall be construed as conferring upon any person the right to use any land or to erect or use any building thereon in any manner or for any purpose which is prohibited in any condition registered against the title deed of the land or imposed in respect of the land under any law relating to the establishment of townships or agricultural holdings.

## **28. GENERAL CONDITIONS APPLICABLE TO ALL ERVEN**

- (1) Except with the consent of the municipality and subject to such conditions as it may impose, neither the owner nor any other person shall –
  - (a) have the right, save and except to prepare the erf for building purposes, to excavate any material therefrom;
  - (b) sink any wells or boreholes thereon or abstract any subterranean water therefrom;
  - (c) erect a non-residential informal structure within an urban area.
- (2) Where, in the opinion of the municipality, it is impracticable for stormwater to be drained from higher-lying erven directly to a public street, the owner of a lower-lying erf shall be obliged to accept and permit the passage over the erf of such storm water: Provided that the owners of any higher-lying erven, the storm water from which is discharged over any lower-lying erf, shall be liable to pay a proportionate share of the cost of any pipeline or drain which the owner of such lower-lying erf may find necessary to lay or construct for the purpose of conducting the water so discharged over the erf.
- (3) The siting of buildings, including outbuildings, on the erf and entrances to and exits from the erf to a public street system shall be to the satisfaction of the municipality.
- (4) The municipality may consent to relax the building lines in the consideration of the site development plan to the extent that it deems fit, should this not harm the amenity of the neighbourhood and it is deemed to result in a more desirable development of the property.
- (5) The main building, which shall be a completed building and not one which has been partly erected and is to be completed at a later date, shall be erected simultaneously with or before the outbuildings.
- (6) The erection and use of a building shall also mean the transformation of the building for a specific use, whether such transformation will cause structural changes to the existing building or not.
- (7) The loading and off-loading of goods shall take place only within the boundaries of the erf to the satisfaction of the municipality, unless the municipality has provided loading facilities in the street reserve, provided that this condition shall not apply to erven zoned Residential 1, and Residential 2 (if subdivision into separate dwelling units has taken place).
- (8) No material or goods of any nature whatsoever shall be dumped, placed or displayed within the building restriction area along any street, and such area shall be used for no other purpose than the laying out of lawns, gardens, parking or access roads: Provided that if it is necessary for a fence to be erected on such a boundary this condition may be relaxed by the municipality and subject to such conditions as may be determined by it.
- (9) A fence, which may consist of a wall, palisade fence or other suitable fence shall be erected and maintained to the satisfaction of the municipality as and when required by it.
- (10) The registered owner or occupant is responsible for the maintenance of the all the development on the property. If the municipality is of the opinion that the property, or any



portion of the development, is not being satisfactorily maintained the municipality shall be entitled to undertake such maintenance at the cost of the registered owner.

- (11) No informal structures may be erected on any property within the area of the scheme, subject to the stipulations of an overlay zone.
- (12) If an erf or site abuts a provincial road or a national road, a fence shall be erected along the boundary between the erf or site and such road in accordance with the standards laid down by the relevant national or provincial department. No direct access shall be permitted to the erf or site, unless permission has been obtained from the relevant department.

## **29. CONDITIONS APPLICABLE TO TOWNSHIPS OR ERVEN IN DOLOMITE AREAS**

- (1) The South African National Standards for Dolomite Risk Management, SANS 1936 of 2012 apply to all erven affected by dolomite.
- (2) These erven are indicated on the scheme map overlay.
- (3) SANS 1936 uses the following classification that determines the precautionary measures required:
  - (a) D1: No precautionary measures are required.
  - (b) D2: General precautionary measures, in accordance with the requirements of SANS 1936-3, that are intended to prevent the concentrated ingress of water into the ground, are required.
  - (c) D3: Precautionary measures in addition to those pertaining to the prevention of concentrated ingress of water into the ground, in accordance with the relevant requirements of SANS 1936-3, are required.
  - (d) D4: Additional site-specific precautionary measures are required.

## **CHAPTER 7: CONDITIONS APPLICABLE TO USE ZONES AND SPECIFIC USES**

### **30. RESIDENTIAL 2 ERVEN**

- (1) The internal roads on the erf shall be constructed and maintained by the registered owner to the satisfaction of the municipality.
- (2) A site development plan shall be submitted to the municipality for approval prior to the submission of building plans.
- (3) No building shall be erected on the erf before such site development plan has been approved by the municipality and the whole development on the erf shall be in accordance with the approved site development plan, provided that:
  - (a) The plan may, from time to time be amended with the consent of the municipality.
  - (b) Amendments or additions to buildings which in the opinion of the municipality will have no influence on the total development of the erf, shall be deemed to be in accordance with the approved site development plan.
- (4) Where the development takes place at a density greater than 20 dwelling units per hectare the following conditions shall apply:
  - (a) The registered owner of the erf shall make available and accessible, to the satisfaction of the municipality, at least 250m<sup>2</sup> of the erf as children's play area which area may include paved areas and lawns.
  - (b) Play apparatus, according to the requirements of the residents, shall be provided on the erf by the registered owner to the satisfaction of the municipality.
- (5) The municipality may consent to relax the building lines in the consideration of the site development plan to the extent that it deems fit, should this not harm the amenity of the neighbourhood and it is deemed to result in a more desirable development of the property.

### **31. RESIDENTIAL 3 ERVEN**

- (1) The internal roads on the erf shall be constructed and maintained by the registered owner to the satisfaction of the municipality.
- (2) A site development plan shall be submitted to the municipality for approval prior to the submission of building plans.
- (3) No building shall be erected on the erf before such site development plan has been approved by the municipality and the whole development on the erf shall be in accordance with the approved site development plan, provided that:
  - (a) The plan may, from time to time be amended with the consent of the municipality.
  - (b) Amendments or additions to buildings which in the opinion of the municipality will have no influence on the total development of the erf, shall be deemed to be in accordance with the approved site development plan.
- (4) Where the development takes place at a density greater than 20 dwelling units per hectare the following conditions shall apply:
  - (a) The registered owner of the erf shall make available and accessible, to the satisfaction of the municipality, at least 250m<sup>2</sup> of the erf as children's play area which area may include paved areas and lawns.
  - (b) Play apparatus, according to the requirements of the residents, shall be provided on the erf by the registered owner to the satisfaction of the municipality.

- (5) The municipality may consent to relax the building lines in the consideration of the site development plan to the extent that it deems fit, should this not harm the amenity of the neighbourhood and it is deemed to result in a more desirable development of the property.

### **32. MOBILE DWELLING UNITS ON RESIDENTIAL 4 ERVEN**

- (1) No mobile dwelling unit shall be located elsewhere than on the parking slab provided for such purpose within the mobile dwelling unit's site.
- (2) The maximum density of mobile dwelling units shall not exceed 40 mobile dwelling units per hectare.
- (3) The height of buildings shall not exceed two storeys.
- (4) The internal roads on the erf shall be constructed and maintained by the registered owner to the satisfaction of the municipality.
- (5) The siting of buildings, including outbuildings, hereafter erected on the erf, and mobile dwelling units sites as well as entrances to and exits from the erf shall be to the satisfaction of the municipality.
- (6) A site development plan shall be submitted to the municipality for approval prior to the submission of building plans or the siting of any mobile dwelling unit. No building or mobile dwelling unit shall be erected or sited on the erf before such site development plan has been approved by the municipality, and the whole development on the erf shall be in accordance with the approved site development plan, provided that:
  - (a) amendments or additions to buildings or mobile dwelling units which in the opinion of the municipality will have no influence on the total development of the erf, shall be deemed to be in accordance with the approved site development plan.
  - (b) that the plan may, from time to time, be amended with the consent of the municipality.
- (7) The municipality may consent to relax the building lines in the consideration of the site development plan to the extent that it deems fit, should this not harm the amenity of the neighbourhood and it is deemed to result in a more desirable development of the property.
- (8) Where storage space is provided such space shall be at least 3m<sup>2</sup> and at the most 6m<sup>2</sup> in extent per mobile dwelling unit site and shall be located to the satisfaction of the municipality within 30m of the site which is served.
- (9) Before any mobile dwelling unit will be permitted on the erf the following conditions shall be complied with:
  - (a) A private outdoor living space having a minimum area of 30m<sup>2</sup> and a minimum dimension of 3m shall be provided and screened on each mobile dwelling unit site to the satisfaction of the municipality.
  - (b) Communal laundry facilities shall be provided to the satisfaction of the municipality. These facilities shall include at least the following:
    - (i) A building designed and equipped for the washing and ironing of clothes.
    - (ii) A communal yard having an area which, in the opinion of the municipality, shall be sufficient to cater for the needs of the occupants of the mobile dwelling units which may be sited on the erf but which shall not be less than 1,5m<sup>2</sup> for each mobile dwelling unit site, shall be provided on the erf for the drying of washing. Such communal yard shall be screened to the satisfaction of the municipality.
  - (c) Toilet facilities for the use of the occupants of the erf shall be provided for each gender in the ratio of one toilet to 25 or less mobile dwelling unit sites on the erf at each service building. For each toilet one washbasin shall be provided.
  - (d) Fire-fighting equipment shall be provided to the satisfaction of the municipality.

- (e) The following facilities for cleaners shall be provided to the satisfaction of the municipality:
  - (i) A cloakroom with toilets for females in the ratio of one toilet to 25 or less mobile dwelling unit sites and a cloakroom with toilets for males in the ratio of two toilets to 50 or less mobile dwelling unit sites: Provided that in the case of the cloakroom for males a urinal unit instead of one of the two toilets may be provided. One washbasin shall be provided for each toilet.
  - (ii) Shower and bath facilities for each gender.
  - (iii) A dining hall.
- (10) A mobile dwelling parking slab and permanent service connecting points for electricity, water and sewage shall be provided on each mobile dwelling unit site to the satisfaction of the municipality.
- (11) The erf shall be landscaped to the satisfaction of the municipality.
- (12) The space underneath any mobile dwelling unit shall be screened and maintained to the satisfaction of the municipality and under no circumstances shall any material or goods of whatsoever nature be stored or placed in such space.
- (13) No fencing shall be erected around a mobile dwelling unit site without the consent of the municipality.
- (14) Except with the consent of the municipality and subject to such conditions as it may determine, no outdoor-apparatus for the drying of washing shall be installed on the mobile dwelling unit site.
- (15) The provision, siting and screening of rubbish removal containers shall be to the satisfaction of the municipality
- (16) The total coverage of all structures and buildings including the mobile dwelling unit on a mobile dwelling unit site shall not exceed 30 % of the area of such site.
- (17) Service points, which are not connected shall be sealed and screened to the satisfaction of the municipality.

## CHAPTER 8: LAND DEVELOPMENT APPLICATIONS

### 33. SITE DEVELOPMENT PLANS

- (1) Site development plans are required by the municipality as a result of:
  - (a) A condition of an application, including consent use applications, as and when required by the municipality; or
  - (b) On all use zones other than erven zoned Residential 1, Agriculture and Mining; or
  - (c) For the development of any structures by any party on erven or sites with a public open space zoning in terms of the scheme; or
  - (d) All erven within a registered special development zone; or
  - (e) On erven in an environmental control area; or
  - (f) Where required in any other part of the scheme or at the discretion of the municipality.
- (2) Such site development plans shall be drawn at a scale of 1:200 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.
- (3) Unless the municipality requires less information, a site development plan shall show at least the following:
  - (a) Contours;
  - (b) The development controls applicable to the site, including the zoning as well as siting, height, floor area and coverage of all buildings and structures and compliance with these controls;
  - (c) Open spaces and landscaping of the site shall include but not be limited to:
    - (i) All landscaping and existing mature vegetation.
    - (ii) A minimum of 10% of the site shall be landscaped.
    - (iii) A minimum of 1 tree per 3 parking bays shall be provided.
    - (iv) All hydrological features including such as, but not limited to, pans, ponds, dams, drainage features and wetlands.
    - (v) Natural environmental features such as, but not limited to, special geological formations and grassland.
  - (d) Energy efficiency and water saving measures.
  - (e) Entrances and exit from the site for vehicles and pedestrians, and also internal traffic systems and parking bays;
  - (f) Building restriction areas; including floodlines or areas subject to undermining or poor geotechnical conditions;
  - (g) All elevations and typical elevation treatment of all the buildings;
  - (h) A description of the land use on neighbouring properties;
  - (i) Subdivision lines if the property is to be subdivided;
  - (j) Development phases where development will occur in phases;
  - (k) The layout of engineering services, not limited to but specifically stormwater mitigation measures as well as refuse storage and collection areas;
  - (l) Any other such information as considered necessary by the municipality.
- (4) The following applications may be submitted to the municipality and considered simultaneously with a site development plan:
  - (a) Consent for a secondary right in terms of paragraph 36;
  - (b) Written consent for an temporary use in terms of paragraph 37;
  - (c) Consent to build in a building restriction area in terms of paragraph 39; and
  - (d) Any other use requiring the consent of the municipality, as stipulated in terms of the scheme or the By-law.

### 34. WRITTEN CONSENT USE APPLICATION FOR A SECONDARY RIGHT

- (1) An applicant may submit a written consent use application in terms of the scheme to use the land for a secondary right as set out in column 4 of table 1.

- (2) The consent use application shall comply with the requirements as outlined in Section 35 of the By-law 2020.

### **35. WRITTEN CONSENT FOR A TEMPORARY USE**

- (1) An occasional or temporary use is defined in terms of the By-law as a right to use land for a purpose granted on a temporary basis for a specific occasion or event that lasts no longer than 3 months.
- (2) Notwithstanding anything to the contrary contained in the scheme, it shall be competent for the municipality to consent to the temporary use of any land or building within any use zone, for any of the erection and use of temporary buildings or the use of existing buildings for purposes of site offices, storerooms, workshops or such other uses as are, in the opinion of the municipality necessary during the construction of any permanent building or structure on the land: Provided that such consent shall ipso facto lapse upon completion of the permanent building or structure.
- (3) An applicant may submit a written consent for temporary use in terms of the scheme. The applicant shall at his own expense give notice once of the intended application to:
- (a) The adjoining and directly opposite land owners and obtain the comments from the surrounding land owners;
- (4) The application should address the following in terms of a report and a site plan (at the discretion of the municipality) drawn at a scale of 1:500 or such scale as required by the municipality:
- (a) The nature of the use;
- (b) Existing property boundaries and structures;
- (c) The extent of the use and demarcation of the area to be used;
- (d) The number of persons to be involved;
- (e) The operating hours;
- (f) Layout of the proposed use, including but not limited to the temporary structures to be erected (e.g. stage, stalls, tents);
- (g) Provisions for ingress, egress, vehicular flow and parking for visitors and emergency vehicles;
- (h) Indication of the level of municipal engineering services required;
- (i) Temporary ablution facilities and refuse collection facilities;
- (j) The responsible person to be contacted in the event of any transgressions or complaints including a cellphone number and email address; and
- (k) The person responsible for restoring the application site after the use has ceased or the consent has lapsed
- (5) The comments together with the application shall be submitted to the municipality.
- (6) No decision will be taken by the municipality unless due regard is given to each comment or representation that was made.
- (7) The municipality may impose any condition deemed necessary to ensure that:
- (a) The amenity of the surrounding area is protected;
- (b) No public nuisance arises from the temporary use;
- (c) The property is cleaned and maintained during the operation of the temporary use and is restored to its original state once the use has ceased;
- (d) Any other condition it may seem fit.
- (8) The written consent shall lapse automatically within a period of 12 months unless a written application with good reason was submitted for an extension of time.

### **36. PROVISION FOR EXEMPTION IN A CONSENT USE APPLICATION**

- (1) The municipality may at its discretion permit exemption in a consent use application brought in terms of subparagraph (36), and an application brought in terms of subparagraph (35) for temporary uses. The exemption may apply to the following aspects:
  - (a) Advertisement procedures. The municipality may exempt the applicant from advertising in newspapers.
  - (b) A report detailing the salient features of the application. The municipality may permit a letter setting out the salient features of the application.
  - (c) A site development plan. The municipality may permit a site plan or a conceptual plan depicting the proposed use.
  
- (2) The municipality must provide the applicant in writing with the specifics of the aspects in terms of which exemption is permitted, subject to:
  - (a) A pre-application consultation in terms of section 34 of the By-law;
  - (b) Compliance with section 4(4) of the By-law. (*All land development applications in terms of this scheme shall have as 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 efficiency and economy in the process of such development*).

### **37. BUILDING LINE RELAXATION**

- (1) The municipality may grant its consent to build a building or structure in a building restriction area in terms of an application submitted by an applicant in terms of Section 36 of the By-laws 2020.

## **CHAPTER 9: TRANSITIONAL ARRANGEMENTS AND COMMENCEMENT**

### **38. TRANSITIONAL ARRANGEMENTS**

- (1) The provisions of section 32 of the By-law relating to non-confirming uses shall apply.
- (2) In the event of a conflict between the provisions of the scheme and an annexure approved in terms of a previous scheme, the annexure shall apply.

### **39. COMMENCEMENT**

The scheme shall come into effect on the date that notice of its adoption by the municipal council is published in the *Provincial Gazette*.