

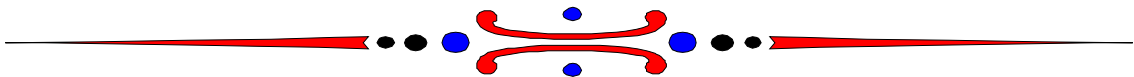
**DRAFT**

*CONSOLIDATED JOHANNESBURG*

*TOWN PLANNING SCHEME,*

*2010*

*City of Johannesburg*



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# CONSOLIDATED JOHANNESBURG TOWN PLANNING SCHEME, 2010

## **PART I: PREAMBLE**

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### **1. AREA OF THE TOWN PLANNING SCHEME**

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The Town Planning Scheme applies to all properties within the municipal boundaries of the City of Johannesburg, as determined by the Municipal Demarcation Board.

### **2. TOWN PLANNING SCHEME STATUS**

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This Town Planning Scheme is prepared in terms of the Town Planning and Townships Ordinance, Ordinance 15 of 1986, and is in substitution of the following Town Planning Schemes previously in operation in the above-mentioned area in so far as it relates to the area of jurisdiction of the City of Johannesburg:

- a. Johannesburg Town Planning Scheme, 1979 (In toto)
- b. Halfway House and Clayville Town Planning Scheme, 1976 (In toto)
- c. Sandton Town Planning Scheme, 1980 (In toto)
- d. Roodepoort Town Planning Scheme, 1987 (In toto)
- e. Randburg Town Planning Scheme, 1976 (In toto)
- f. Lenasia South East Town Planning Scheme, 1998 (In toto)
- g. Modderfontein Town Planning Scheme, 1994 (In part)
- h. Peri-urban Areas Town Planning Scheme, 1975 (In part)
- i. Southern Johannesburg Region Town Planning Scheme, 1979 (In toto)
- j. Walkerville Town Planning Scheme, 1994 (In part)
- k. Annexure F as per the Black Communities Development Act, Act 4 of 1984 (In part)
- l. Lethabong Town Planning Scheme, 1998 (In part)
- m. Westonaria Town Planning Scheme (In part)
- n. Alberton Town Planning Scheme (In part)

### **3. COMMENCEMENT AND VALIDITY**

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1. The Town Planning Scheme shall come into effect from the date that notice of adoption is published in the Provincial Gazette.
2. The City of Johannesburg Metropolitan Municipality shall be the authority responsible for enforcing and carrying into effect the provisions of this scheme.

3. Any consent/permission granted/approved in terms of a Town Planning Scheme in force or other applicable Land Use Legislation for the erection/use of buildings or for the use of land or any rights legally exercised in terms of such scheme or legislation, before the date contemplated in this clause, shall be deemed to be a consent, permission or approval of this scheme: provided that any such consent, permission or approval shall be null and void unless exercised within 24 months from the commencement date.
4. Any Annexure/Schedule promulgated in terms of the former Town Planning Schemes or other Land Use Legislation shall remain in force.
5. Where the provisions of the Town Planning Scheme are in conflict with any municipal by-law in operation in the City of Johannesburg, the provisions of the Town Planning Scheme shall prevail. In respect of the provision of outdoor advertising signs, the prevailing outdoor advertising by-laws shall apply and such advertising is not a land use matter.

#### **4. POWERS OF THE COUNCIL**

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Nothing in this Town Planning Scheme shall prevent the Council from erecting, maintaining or using any building, or construction work or using any land in its area of jurisdiction for any purpose permitted under any other law.

#### **5. GENERAL PURPOSE OF THE TOWN PLANNING SCHEME**

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The purpose of a town planning scheme is to enable the comprehensive management of all property and related public sector functions across the City, through the implementation of the following general guidelines:

- Guarantee the right to sustainable cities, understood as the right to urban land, housing, environmental management, urban infrastructure and service delivery, transportation and public services, to work and leisure for current and future generations;
- Democratic administration by means of participation of both the individual property owner and representative associations of the various segments of the community in the formulation, execution and monitoring of urban development projects, plans and programmes;
- Cooperation between governments, private initiative and other sectors of society in the urbanization process, in service of the social and economic interest;
- Planning and sustainable development of the Municipality, through the management and coordinated promotion of growth across the City along with desirable development, in order to correct the distortions of historical planning systems and their negative effects on the environment, without negating the complexities of the City;
- Supply of urban and community equipment, transportation and public services adequate for the interests and needs of the population and the local characteristics;

- Management of land use, in order to enable and facilitate:
  - Efficient, effective and compatible urban development that is desirable and also accommodates the identified socio-economic needs of the City;
  - The coordination of urban growth, which includes land use change, new development and subdivisions, with the availability of infrastructure and social amenities;
  - An accessible, responsive environment that is integrated with the transportation network and promotes public transportation;
  - The upgrading and rejuvenation of certain areas in the City through innovative developmental scenarios;
  - Effective environmental management in support of the strategic direction of the City.
- Fair distribution of the benefits and burdens resulting from the urbanization process;
- Adaptation of tools of economic, tax and financial policy and of public spending to the objectives of urban development, in order to give priority to investments that generate well-being and the fruition of the goods by different social segments;
- Simplification of the legislation concerning subdivisions, land use, occupation and building regulations, in order to permit a reduction in costs and increase in the supply of lots and housing units;
- Equality of conditions for public and private agents in the promotion of developments and activities related to the urbanization process, serving the social and economic interest.

## **6. ARRANGEMENTS AND LEGALITY OF TOWN PLANNING SCHEME COMPONENTS**

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1. The Consolidated Johannesburg Town Planning Scheme has been arranged into three main sections, in order to ensure ease of reference and to incorporate the promotion philosophy of this System, namely:

SECTION 1: LAND DEVELOPMENT RIGHTS  
 SECTION 2: MANAGEMENT OF LAND DEVELOPMENT RIGHTS  
 SECTION 3: PROMOTION OF LAND DEVELOPMENT

2. Arrangements and legality of the Clauses, Tables, Schedules and Annexures of the Scheme
  - a. The clauses and tables of the scheme have been arranged so that those clauses and tables of general applicability are contained in Parts I – VIII and those which are applicable solely to a specific erf or site are contained in the Schedule or Annexure in Part IX.
  - b. The Schedule and Annexure in Part IX form an integral part of the scheme and have the same legality as the rest of the scheme: Provided that in the event of there being a conflict between the provisions of a clause contained in Parts I to VIII and any provision contained in an Annexure or Schedule in Part IX the Annexure or

Schedule shall prevail: Provided further that the requirements contained in Parts I to VI relating to the possible relaxation of requirements in respect of building lines, building restriction areas, height, coverage, floor area, parking and loading are applicable to those erven or sites referred to in a Schedule or Annexure unless they are expressly excluded in such Schedule or Annexure.

## **7. BUILDING PLANS AND OTHER PARTICULARS**

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The erection, structural changes, alterations or conversion of a building to an alternative use shall not commence until the Council has approved of the building plans as required in terms of the National Building Regulations and Building Standards Act, Act 103 of 1977, in respect of the erection, structural changes, alterations or conversion of such building: Provided that floor area and coverage calculations, parking requirements and a parking layout, where applicable, shall be indicated on such building plans.

## **8. COMPONENTS OF THE TOWN PLANNING SCHEME**

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The City of Johannesburg Town Planning Scheme is comprised of three sections and related nine parts as detailed below:

□ **Part I** : Preamble

### **SECTION 1 : LAND DEVELOPMENT RIGHTS**

- **Part II** : Definitions
- **Part III** : Use of Land and Buildings

### **SECTION 2 : MANAGEMENT OF LAND DEVELOPMENT RIGHTS**

- **Part IV** : Land Development Requirements
- **Part V** : Building Delimitation Areas
- **Part VI** : Parking and Loading
- **Part VII** : Land Development Administration

### **SECTION 3 : PROMOTION OF LAND DEVELOPMENT**

- **Part VIII** : Special Mechanisms for Land Development
- **Part IX** : General Land Development Mechanisms

## **9. SHORT TITLE**

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This Town Planning Scheme shall be known as the Consolidated Johannesburg Town Planning Scheme, 2010.

## SECTION 1: LAND DEVELOPMENT RIGHTS

Section 1 of the Consolidated Johannesburg Town Planning Scheme deals with the allocation of land use rights to all erven or sites across the Municipality's area of jurisdiction. This Section, which includes the definitions and the land use zonings, has been streamlined in order to accommodate the urban complexities and facilitate development.

### PART II: DEFINITIONS

<b>“abattoir”</b>	Means land or buildings where livestock or poultry is slaughtered and prepared for distribution.
<b>“agricultural purposes”</b>	Means purposes normally associated with the use of land and buildings for farming / agricultural purposes and it includes only dwelling units necessary for and related to the bona fide agricultural use of the property. This also includes the use of the property for urban agricultural purposes; the sale of produce solely cultivated or bread from the site; horse riding facilities and related schooling uses, but shall not include sporting and recreation purposes or a race course.
<b>“airport”</b>	Means land and buildings designed and used for the landing and taking off of aircraft, airways control, aircraft hangers and all uses normally associated with the proper functioning of an airport to the satisfaction of the Council.
<b>“ancillary use”</b>	When used in the context of an associated use or purpose, means a use, purpose, building or activity, which is ancillary and subservient to the lawful dominant use of the property.
<b>“animal care center”</b>	Means a place for the care of domestic pets and animals, operated on either a commercial or welfare basis and includes boarding kennels, catteries and pet training centers.
<b>“applicant”</b>	Means any person or body who makes an application as provided for in the Town Planning and Townships Ordinance, Ordinance 15 of 1986, and/or this Town Planning Scheme or any amendments thereof.
<b>“application”</b>	Means an application made in terms of the provisions of the Town Planning and Townships Ordinance, Ordinance 15 of 1986, and/or this Town Planning Scheme or any amendments thereof.
<b>“application register”</b>	Means a record of all applications submitted in terms of the provisions of the Town Planning and Townships Ordinance, Ordinance 15 of 1986, and/or this Town Planning Scheme or any amendments thereof.
<b>“approval”</b>	Means any approval granted by the Council in writing with or without conditions.
<b>“area”</b>	Means the defined municipal boundaries of the City of Johannesburg and the area across which this Town Planning Scheme is applicable.

<b>“basement”</b>	Means the space in a building between the floor and ceiling which is partly or completely below the natural ground level; Provided that a basement shall be counted as a storey for the purpose of a height measurement where any portion extends more than 1,0 m above the lowest level of the natural ground level immediately contiguous to the building.
<b>“bed and breakfast”</b>	Means a building/s in which the resident manager provides lodging and meals for compensation to transient guests who have permanent residence elsewhere provided that: <ul style="list-style-type: none"> <li>i. The number of rooms/suites may not exceed 10 without the written consent of the Council in addition to the accommodation of the resident manager</li> <li>ii. The buildings may include self catered suites</li> <li>iii. No buildings may be converted into dwelling units or be sectionalized.</li> </ul>
<b>“boarding house”</b>	Means a dwelling house where the habitable rooms are rented out for an extended period by the resident owner / occupant to unrelated persons and communal facilities such as the kitchen, lounge, dining room and bathrooms are shared by the boarders
<b>“boundary”</b>	In relation to a land unit means the cadastral line separating such land unit from another land unit or from a public street.
<b>“builders yard”</b>	Means land and/or buildings which is used for the storage of material and equipment which: <ul style="list-style-type: none"> <li>i. Is normally required for or used for construction work and/or building operations;</li> <li>ii. Resulting from demolition or excavation operations; or</li> <li>iii. Is normally used for land improvements, such as materials used for building roads, installing essential services, or for any other construction work, whether for public or private purposes; and</li> <li>iv. Land or buildings used for the preparation for use of any of the aforementioned materials; provided that it does not include any builder’s yard established for the purpose or temporary storing any of the aforementioned materials in connection with and for the duration of construction or building works in the vicinity of such builder’s yard, or the storage of building material supplies for a hardware shop contained within a building.</li> </ul>
<b>“building”</b>	Means a structure erected on land, irrespective of the materials used in the erection or construction thereof.
<b>“building line”</b>	Means a line that is a fixed distance from the boundary of an erf or property abutting a public and/or private street or any other boundary of an erf or property or include a floodwater mark where indicated on the Zoning Maps, Schedule or Annexure.
<b>“building material storage”</b>	Means land and or buildings which is used for the storage/sale of material/equipment that relate to a hardware shop

<b>“building restriction area”</b>	Means an area of an erf or portion of land on which no buildings may be erected, save as allowed in the Town Planning Scheme, and which is bounded on one side by a building line and / or street boundary or any other boundary of an erf or property, or which is subject to flooding as indicated by a flood water mark or designated by a floodline boundary.
<b>“business purposes”</b>	Means a property from which business is conducted and the related use of buildings including an office, restaurant, motor showroom, medical consulting rooms, domestic service industry, funeral parlour, call centers, warehouse, financial institution, dry cleaners, launderettes and building for similar uses not elsewhere defined as well as uses which are ancillary, directly related to and subservient to the main use such as a caretakers accommodation, but does not include a place of assembly, institution, public garage, industry, noxious trade or place of amusement.
<b>“by-laws”</b>	Means the by-laws or regulations of the Municipality in force in the area.
<b>“cadastral line”</b>	Means a line representing the official boundary of a land unit or portion as registered in the Deeds Office.
<b>“canopy”</b>	Means a cantilevered or suspended roof, slab or covering (not being the floor or a balcony) projecting from the wall of a building and not being enclosed.
<b>“canteen”</b>	Means a building or part of a building used for providing food and liquid refreshments for the exclusive benefit of persons employed by an undertaking which owns and operates or controls such undertaking and includes the area for preparation of such foods and liquid refreshments. This use is an ancillary right on all non-residential Land Use Zones contained in this Town Planning Scheme but excludes a restaurant.
<b>“caravan”</b>	Means a vehicle which has been equipped or converted for living or sleeping purposes and which is towed.
<b>“caravan park”</b>	Land used for the parking of caravans for transient camping purposes
<b>“car sales lot”</b>	Means land, which is used mainly for the display and sale of motor vehicles, motor vehicle trailers, caravans and heavy-duty vehicles and may include ancillary offices, but excludes a scrap yard and a public garage.
<b>“cemetery”</b>	Means a place, including land and/or buildings, used for burials, and such activities and which can include all uses ancillary such as a crematorium, chapel, funeral parlour, wall of remembrance and a convenience shop.
<b>“child care centre”</b>	Means land or buildings thereon used as a child care centre, including a day care centre, crèche, preschool, playgroup or after school care centre, for taking care of children according to compulsory educational standards and health requirements.
<b>“clinic”</b>	Means a place for the diagnosis and treatment of human illness or the improvement of human health, which has limited facilities and an

	emphasis on outpatients, with no overnight facilities. A clinic includes medical consulting rooms, outpatients' center and a wellness center with associated uses.
<b>“commencement date”</b>	Means the date on which this Town Planning Scheme came into operation.
<b>“commercial purposes”</b>	Means a building and / or land designed for use or used for distribution centers, wholesale trade, warehouses, storage, computer centers, removal and transport services, laboratories, cash management centers, builders yards, coal yards, building material storage and all uses which are ancillary, directly related to or subservient to the main use such as a caretaker's accommodation.
<b>“common boundary”</b>	In relation to land unit means a boundary common with the adjoining land unit other than a street boundary.
<b>“commune”</b>	Means a dwelling house where the habitable rooms are rented out for an extended period to unrelated persons and who share the communal facilities such as the kitchen, lounge, dining room and bathrooms
<b>“community body”</b>	Means a body, organization or institution of whatever nature that represents the interests of a community or segment of a community.
<b>“consent”</b>	Means permission granted by the Council, after due consideration of all relevant facts and after following a reasonable and lawful process, in terms of which a specific aspect of land management is permitted, in addition to the primary use rights applicable to the property concerned, i.e. Clauses 39 to 41.
<b>“consent use”</b>	Means the additional land use right that may be permitted in terms of the provision in a particular zone, only with the consent of the Council as contemplated in Clause 40.
<b>“conservation”</b>	Means the use or maintenance of land and/or buildings in terms of its natural, cultural, historical or built environmental significance, with the object of preserving the identified special characteristics. Such areas, which are to be identified by the Council from time-to-time or as determined through the National Heritage Act or National Environmental Management Act, can include but are 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.
<b>“convenience shop”</b>	Means a building, or portion of a building, restricted to the sale of convenience goods such as bread and confectionery, dairy products, fresh produce, beverages, canned foods, magazines and newspapers, at the discretion of the Council.
<b>“council”</b>	Means the City of Johannesburg Metropolitan Municipality as established under the provisions of the Local Government: Municipal Structures Act, 117 of 1998, or its successors in title, or a structure or person exercising a delegated power or carrying out an instruction, where any power in this Scheme has been delegated or sub-delegated, or an instruction given, as contemplated in section 59 of the Local Government: Municipal Systems Act, 32 of 2000.
<b>“coverage”</b>	Means the total area of a land unit that may be covered by buildings,

	<p>as seen vertically from the air measured from outer face of exterior walls, expressed as a percentage of the erf area of such land unit, and shall include all roofed areas; provided that the following portions of buildings shall be disregarded in the calculation of coverage:</p> <ul style="list-style-type: none"> <li>i. Unroofed stoep, entrance steps and landing;</li> <li>ii. Open balconies, retractable awnings;</li> <li>iii. Cornices, chimneys, pergolas, water pipes, drain pipes and minor decorative features not projecting more than 500mm from the building wall;</li> <li>iv. Eaves not projecting more than 1,0m from the wall of the building;</li> <li>v. A canopy erected on the street frontage of a shop;</li> <li>vi. Electrical high and low tension chambers;</li> <li>vii. The area covered by open air swimming pools</li> </ul>
<b>“days”</b>	Means calendar days.
<b>“development”</b>	Means 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.
<b>“domestic service industry”</b>	Means the repair and sale of spare parts for domestic equipment and appliances, garden services, including the repair and sale of spare parts for lawn-mowers, irrigation systems and swimming-pool equipment, property maintenance services and any other service that is ancillary to such a industry. Such uses shall fall under the auspices of business purposes.
<b>“dwelling house”</b>	<p>Means a detached self-contained inter-leading suite of rooms containing a kitchen with or without an ancillary scullery and the appropriate ablutions, used for the living accommodation and housing of one family, together with such outbuildings and subsidiary dwelling unit as is ordinarily permitted therewith, as long as the subsidiary dwelling unit comply with the process stipulated in the Town Planning Scheme in Use Zone “Residential 1”; provided that a second kitchen, which is to be used for religious purposes and which is physically connected with the first kitchen, may be provided to the satisfaction of the Council.</p> <p>An entertainment, reception and/or living area within a dwelling house or part of a reasonably required and ancillary outbuilding (See “outbuilding” definition), may include a wash-up area used exclusively for that purpose.</p>
<b>“dwelling unit”</b>	An interconnected suite of rooms, designed for human habitation that shall contain a kitchen with or without an ancillary scullery and with the appropriate ablutions; irrespective of whether the dwelling unit is a single building or forms part of a building containing 2 or more dwelling units; provided that a second kitchen, which is to be used for religious purposes and which is physically connected with the first kitchen, may be provided to the satisfaction of the Council.
<b>“environment”</b>	Means the aggregate of surrounding objects, conditions and influences that affect the life and habits of humans or any other organism or collection of organisms.
<b>“environmental control area”</b>	An area defined by the Council within which any development shall be subject to a development plan or any other requirement as

	determined by the Council
<b>“erection in relation to a building”</b>	In relation to a building or structures includes: 1. The building of a new building or structure; 2. The alteration, conversion or addition to, a building or structure; 3. The re-erection of a building or structure which has completely or partially been demolished.
<b>“erf”</b>	Means a piece of land in an approved township, registered in the Deeds Registry as an erf, plot or stand or shown as such on a General Plan of a proclaimed township.
<b>“executive council”</b>	Means the Executive Council of the Gauteng Province, established under Section 132 of the Constitution.
<b>“existing building”</b>	Means a building erected in conformity with building plans approved by the Council and which is otherwise lawful and the erection of which was: i. Completed on or before the fixed date; ii. Begun before but completed after the fixed date; or iii. Completed in accordance with the terms of any permission granted by the Council during the preparation and until the coming into operation of this Town Planning Scheme.
<b>“existing use”</b>	Means a use carried out or in operation on an erf or site that was permitted in terms of the previous town planning scheme but which is contrary to this Town Planning Scheme. It shall remain an existing use right for a period of ten years from the date of commencement of this Town Planning Scheme, unless the said use is altered in any way or ceases to be carried out for a period of 12 months during the 10 years. Such existing use can be extended for a further 10 years, subject to the written consent of the Council.
<b>“family”</b>	Means a man and/or woman with or without their parents and with or without children of the said man or the woman or both, living together as one household. A family can also include orphaned children living together as a family under the custodianship of an adult.
<b>“farm portion”</b>	Means 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. Such portion is land that has not been the subject of township establishment.
<b>“fixed date”</b>	This is the date that this scheme came into operation via a promulgation notice
<b>“flood”</b>	Means a general and temporary condition of partial or complete inundation of land areas from the overflow of a body of water.
<b>“flood water mark”</b>	Means the floodlines as contemplated in Section 169(1)(a) of the Water Act, No 54 of 1956 as amended from time-to-time.
<b>“floor area”</b>	Means the sum of the gross area covered by the building at the floor level of each storey, provided that the area reasonably required for the purposes detailed below may be excluded from the calculations of the floor area, which calculations shall be clearly indicated on the building plans. Floor area shall be measured from the outer face of the exterior walls or similar supports of such building, and where the building consists of more than one storey, the total floor space shall be the sum

	<p>of the floor area of all the storeys, including that of basements. Areas that may be excluded from the calculation of floor area are:</p> <ol style="list-style-type: none"> <li>i. Any area, including a basement, which is reserved solely for parking of vehicles and loading and off-loading areas;</li> <li>ii. 10% of the total floor area shall be regarded as areas required for the cleaning, maintenance, care and proper mechanical and electrical functioning of the building.</li> </ol>
<b>“floor area ratio” or “FAR”</b>	<p>Means the ratio obtained by dividing the floor area of a building or buildings by the total area of the erf or site upon which the building(s) are erected, thus:</p> $\text{FAR} = \frac{\text{Floor Area of a building or buildings}}{\text{Total Area of the Erf or Site upon which The building(s) are erected}}$
<b>“funeral parlour”</b>	<p>Means property where the deceased are prepared for burial or cremation and includes facilities for associated administrative and religious functions but does not include a crematorium.</p>
<b>“garage”</b>	<p>Means a building for the parking of motor vehicles, and includes a carport but does not include a public garage or filling station.</p>
<b>“general plan”</b>	<p>Means a cadastral plan of a township, which has been approved in terms of the Land Survey Act No 8 of 1997.</p>
<b>“ground floor” or “ground storey”</b>	<p>Means a floor at ground level or a floor having its entrance directly accessible from natural ground level by means of a ramp, stairway or similar structure, provided that:</p> <ol style="list-style-type: none"> <li>i. Subject to (ii) below, the floor level of the ground floor shall at no point, extend more than 1,5 above the lowest natural level of the ground immediately contiguous to the building</li> <li>ii. Any ground floor which has a floor level higher than the distance specified in (i) above shall, for the purpose of determining height, be considered part of two storeys incorporating both the ground floor and the next storey above, being the second storey.</li> </ol> <p>Refer to Clause 28 for further details.</p>
<b>“guest house”</b>	<p>Means a dwelling house or dwelling unit whereby the resident family / person lets out individual rooms for temporary residential accommodation, with or without meals, with the proviso that all amenities and the provision of meals and beverages shall be for the sole benefit of bona fide guests and the resident family/person. The premises shall not be used for functions such as conferences, promotions and/or receptions.</p>
<b>“habitable room”</b>	<p>Means a room designed or used for human habitation in accordance with standards prescribed by the by-laws but excludes a storeroom. Any habitable room, either as itself along with ancillary uses or as part of a suite of habitable rooms shall be defined as a dwelling unit.</p>
<b>“height”</b>	<p>Means the vertical dimensions of the building from the natural ground level to the highest point of the building measured in meters or in number of storeys; provided that:</p> <ol style="list-style-type: none"> <li>i. The height restriction which refers to storeys does not apply to roofs, domes, chimneys, flues, masts and antennae; and</li> </ol>

	<p>ii. Elevator motor rooms, satellite dishes, ventilation shafts, water tanks, air conditioning plant and equipment on top of a building, shall be regarded as a storey, unless enclosed within the roof or hidden behind parapet walls, not exceeding 2,0 m in height, in which case it shall be counted as part of the top storey</p>
<b>“helipad”</b>	Means land and buildings used and designed for landing and taking off of helicopters and may include a terminal for passengers. This use is permitted in all Use Zones other than “Residential 1, 2 and 3” with the consent of the Council.
<b>“home enterprise”</b>	Means the practicing of a profession or occupation from a dwelling house / unit by one or more occupants of the dwelling house / unit; provided the dominant use of the dwelling house / unit concerned shall remain for the living accommodation of the permanent occupant/s of the dwelling house / unit, and the property complies with the requirements contained in this Town Planning Scheme.
<b>“hospital”</b>	Means a place for the diagnosis and treatment of human illness; with integrated facilities such as operating theatres and live-in accommodation for patients; and includes a clinic and medical consulting rooms.
<b>“hotel”</b>	<p>Means a building used as a temporary residence for transient guests, where lodging and meals are provided, and may include:</p> <p>i. A restaurant or restaurants;</p> <p>ii. Associated meeting rooms, conference and entertainment facilities, recreational and service facilities that are subservient and ancillary to the dominant use of the property as a hotel; and</p> <p>iii. Premises which are licensed to sell alcoholic beverages for consumption on the property; but does not include an off-sales facility</p>
<b>“house shop”</b>	Is defined as part of the dwelling house or attached outbuilding to the dwelling house, which provides a necessary local retail function to the community, supplying essential pre-packed and / or pre-wrapped items and / or foodstuff, excluding liquor and meat. A house shop is not a general business or retail function on a residential erf and the residential component remains the main use of the erf.
<b>“industrial purposes”</b>	Means the use of a building or land or part thereof as a factory and in which an article or part of such article is made, manufactured, produced, built, assembled, compiled, printed, ornamented, processed, treated, adapted, repaired, renovated, rebuilt, altered, painted (including spray painting), polished, finished, cleaned, dyed, washed, broken up, disassembled, sorted, packed, chilled, frozen or stored in cold storage; including offices, caretaker's quarters or other uses which are subservient and ancillary to the use of the property as a factory; and includes a warehouse, the generation of electricity; the developing or processing of photographs, films or tapes; refuse disposal sites; and abattoir but does not include a noxious trade or risk activity.
<b>“informal trading”</b>	Means the legal selling of products in areas demarcated by the

	Council specifically for these purposes, such as markets and other demarcated areas, ensuring that each informal trader has a valid and applicable trading permit as determined by the by-laws.
<b>“institution”</b>	Means a welfare or charitable facility such as home for the aged, indigent or handicapped; a hospital, clinic or nursing home, a sanatorium; or any other institution whether public or private and includes all uses ancillary, directly related to and subservient to the main use, but excludes primary office and administrative functions.
<b>“interested party”</b>	Means any person or body who, in accordance with the provisions of the Town Planning Scheme and within any time period prescribed, has submitted in writing any objection, comment or representation in respect of any matter in this Town Planning Scheme providing for objections, comments or representations.
<b>“kitchen”</b>	Means a room or part of a room equipped for preparing and/or cooking meals.
<b>“land”</b>	Means land with or without improvements, including land covered with water. It can also mean erf, place, property, plot, lot, holding and/or farm portion.
<b>“landscaping”</b>	Means 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, amenity and value of a property.
<b>“line of no access”</b>	Means a line along any street, erf or site boundary or portion thereof prohibiting any vehicular access.
<b>“loading bay”</b>	Means an area which is clearly demarcated for loading and off-loading of goods from commercial vehicles, and which has vehicular access to a public street to the satisfaction of the Council.
<b>“local authority”</b>	Refer to the definition of “council”
<b>“medical consulting rooms”</b>	Means a building designed for use or a building or land which is used for the following consulting practices associated with restoring or preserving health but excluding overnight or operating facilities: Medical practitioner; dentist or dental hygienist; psychologist, optometrist; podiatrist; occupational, speech and dental therapist; physiotherapist; radiographer; audiologist; dietician; orthotist; medical orthotist; and prosthetist; veterinarian; chiropractor; homeopath; naturopath; osteopath and herbalist; Provided that where the Council adds to such list such additions shall also be deemed to be included in the above definition. This use falls under the ambit of business purposes unless separately defined.
<b>“mezzanine”</b>	Means an intermediate floor in a building. For the purposes of measuring height, a mezzanine shall be counted as a storey.

<b>“mining purposes”</b>	<p>Means all land and associated buildings that were previously outside the bounds of a Town Planning Scheme and that have now been incorporated for management by the Council. Such land and/or buildings may include agricultural land and land owned by Mining Houses which have been deregulated.</p> <p>It also means an enterprise which extracts raw materials from the earth, whether by means of surface or underground methods, and includes, but is not limited to, the removal of stone, sand, clay, kaolin, ores, minerals, gas and precious stones; and also includes the processing of such raw materials by means of crushing, cutting or polishing.</p>
<b>“mobile dwelling unit”</b>	<p>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.</p>
<b>“motor showrooms”</b>	<p>Means the use of buildings or land for the display and sale of new and/or used motor vehicles and accessories, ancillary offices and workshops, all of which shall be within an enclosed building.</p>
<b>“motor workshop and services”</b>	<p>Means the use of buildings or land for the repair, maintenance and servicing of motor vehicles including the installation of parts and accessories.</p>
<b>“municipality”</b>	<p>Refer to the definition of “council”</p>
<b>“municipal purposes”</b>	<p>Such purposes as the municipality may be authorized to carry out in terms of its powers and functions and shall include all municipal land uses as well as such uses as sewerage works and reservoirs and their related buildings.</p>
<b>“national building regulations”</b>	<p>The National Building Regulations made in terms of section 17 of the National Building Regulations and Building Standards Act No.103 of 1977, as amended.</p>
<b>“natural ground level”</b>	<p>Means the level of the land surface in its unmodified state as established from a contour plan</p>
<b>“nature reserve”</b>	<p>Means a national park or environmental conservation area that has been declared as a nature reserve in terms of legislation, whether in public or private ownership, for the purpose of conserving and managing wild life, flora and fauna in their natural habitat; it includes conservation use but does not include tourist facilities or tourist accommodation. Refer to “conservation” and “Public Open Space”.</p>
<b>“neighbour”</b>	<p>Means the owner of the erf or site which is contiguous to the application erf or site, even though it may be separated by a road or panhandle, except if indicated differently by the Municipality.</p>

<p><b>“noxious industry”</b></p>	<p>Means an activity where any one or more of the following activities are carried out: Blood boiling; tallow melting; fat melting or extracting; soap boiling; bone 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; calcining; puddling and rolling of iron and other metals; conversion of pig-iron into wrought iron; re-heating; annealing; hardening; forging; converting and carburizing iron and other metals; works for the production of or which employ carbon disulphide, cellulose lacquers, cyanogens or its compounds, hot pitch or bitumen, pulverized fuel, pyridine, liquid or gaseous sulphur dioxide, sulphur chlorides; works for the production of amyl acetate, aromatic esters, butyric acid, caramel enameled wire, glass, hexamine, iodoform, lamp-black, B-naphthol, resin products, salicylic acid, sulphonated organic compounds, sulphur dyes, ultramarine, zinc chloride, zinc oxide; and all refining and works dealing with the processing or refining of petrol or oil or their products; Provided that where the Council adds to the list of noxious trades, such additions shall also be deemed to be included in the above definition and that all Health requirements are complied with.</p>
<p><b>“occupant” or “occupier”</b></p>	<p>Means any person who physically inhabits or occupies a property</p>
<p><b>“offices”</b></p>	<p>Means any property used for the conducting of an enterprise primarily concerned with administrative, clerical, financial or professional services, and includes medical consulting rooms and financial institutions.</p>
<p><b>“outbuilding”</b></p>	<p>Means a structure, whether attached or separate from the main building, which is ancillary and subservient to the main building on a land unit, and includes a building which is designed to be normally used for the garaging of motor vehicles, and any other normal activities in so far as these are usually and reasonably required in connection with the main building.</p> <p>In respect of a dwelling house / unit, notwithstanding the above, outbuildings may also include small store areas, garden sheds, external toilets and a domestic outbuilding which is defined as follows: Accommodation for staff residing on the erf and exists in association with the dwelling house / unit. The extent of the domestic outbuilding shall be restricted to 20% of the built floor area of the dwelling house / unit or 50m<sup>2</sup>, whichever is the lesser, provided that this restrictive requirement may be relaxed with the written consent of the Council.</p> <p>The domestic outbuilding on a “Residential 1” Use Zone shall not be alienated, subdivided and/or sectionalized</p>
<p><b>“owner”</b></p>	<p>The registered owner of the land which shall include the holder of a long term lease, or the holder of a land tenure right such as a permission to occupy certificate, deed of grant, leasehold or initial ownership, a designated executor, administrator, guardian or holding any other official capacity, any successor in title, a duly authorized agent.</p>

<b>“panhandle erf”</b>	Means any portion or erf created through subdivision or township establishment where access to such portion is gained by a part of the portion not narrower than 3m and not wider than 8m.
<b>“parking bay”</b>	Means an area measuring not less than 5,0m x 2,5m for perpendicular or angled parking and 6,0 m x 2,5 m for parallel parking, which is clearly outlined and demarcated for the parking of one motor vehicle and which is accessible to the satisfaction of the Council.
<b>“parking lot or parking garage”</b>	Means a place, excluding a road, street and on-site parking associated with a primary or consent use that is used for parking of motor vehicles by the public, with or without a fee, and may include parking within a building and any ancillary use, which could be in the form of a recycling facility and a caretaker’s accommodation. These uses fall under the ambit of the Parking Use Zone.
<b>“pedestrian mall”</b>	Means an area set aside such as a thoroughfare for pedestrians, for such vehicular activities as the Council may determine and for structures erected on, above or below it. This use falls under the ambit of Public or Private Street Land Use Zones.
<b>“pergola”</b>	Means any unroofed horizontal or approximately horizontal grille or framework, such that the area in the horizontal projection of the solid portions thereof does not exceed 10% of the total area of the erf.
<b>“petro-port”</b>	Means a facility with direct access from a freeway, inter city road or major transport route, which provides a range of rest, service and fueling facilities for motor vehicles, and includes emergency vehicle breakdown services.
<b>“place of amusement”</b>	Includes a building designed for use or a building or land which is used as a theatre, cinema, music hall, concert hall, billiards saloon, sports arena, skating rink, dance hall, casino, bingo halls, race courses, buildings for the purposes of exhibitions of trade or industry or other recreational purposes, amusement park, and also includes such uses as are ancillary, directly related to and subservient to the main use. It also includes discos, night clubs and places of live music entertainment or establishments where adult entertainment is provided.
<b>“place of assembly”</b>	Means a place which has a civic function to serve the social and community needs of an area, which may attract people in relatively large numbers and which is not predominantly a commercial enterprise; including a civic hall, concert hall, indoor sports center and club house, but does not include a place of entertainment or conference facility.
<b>“place of instruction”</b>	Means a place for education at pre-school, school or post school levels, including a crèche, nursery school, primary school, secondary school, college, technical institute, university, research institute, lecture hall; or a civic facility for the promotion of knowledge to the community such as a public library, public art gallery, museum; and associated uses such as boarding hostels, monastery, convent and all uses which are ancillary, directly related to and subservient to the main use.

<b>“previous scheme”</b>	Means a town planning scheme or similar provision that governed and controlled the use of land prior the promulgation of this Town Planning Scheme.
<b>“primary use”</b>	In relation to land or buildings means any use specified in this Town Planning Scheme as a primary use, being a use that is permitted without the need first to obtain the Council's consent.
<b>“private open space”</b>	Means land zoned private open space, with or without access control and which can be used as a private ground for sports, play, rest and recreation, or as an ornamental garden; pleasure ground; golf course; or for buildings reasonably required in connection with such uses.
<b>“private parking area”</b>	Means a building designed and used or land used for the provision of parking which is required or allowed in terms of the provisions of the Town Planning Scheme for another building or site or part thereof. Provided that on land zoned “Residential 1, 2, 3 or 4”, “private parking area” shall mean the use of the land and not a building.
<b>“private street”</b>	Means land reserved for the passage or parking of motor vehicles and right-of-way, which is privately owned and does not vest in the Council or other public authority which is exclusive and ancillary to the adjoining use for obtaining access and can include access control facilities, including a guardhouse, boom or gate.
<b>“property”</b>	Means land and all buildings and structures on a cadastrally demarcated and determined erf or site.
<b>“public garage”</b>	Means land and building(s) used for gain or reward for any one of the following purposes: <ul style="list-style-type: none"> <li>i. Storage and retail selling of motor fuel and lubricants;</li> <li>ii. All ancillary uses, including the parking and storing of motor vehicles; the sale of spare parts and accessories, car wash facilities; a convenience shop which does not exceed 30% of the total built floor area or 150m<sup>2</sup>, whichever is the lesser; a take-away or sitting down facility and automatic bank teller machines;</li> <li>iii. Maintenance and repair of vehicles excluding panel beating and spray painting activities.</li> </ul>
<b>“public nuisance”</b>	Means any act, omission or condition which, in the Council's opinion 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: <ul style="list-style-type: none"> <li>i. The reasonableness of the activities in question in the area concerned, and the impacts which result from these activities; and</li> <li>ii. The ambient noise level of the area concerned</li> </ul>

<b>“public open space”</b>	Means property which is under or will be under the ownership of the Council or other public authority, with or without access control, and which is set aside for the public as an open space for recreation, games, sport or cultural activity; including a park, playground, public square, picnic area, public garden, nature reserve, outdoor or indoor sports stadium, and includes associated buildings and uses as permitted by the Council, including restaurants, cafés, golf course, and any apparatus, facility, structure or building which in the opinion of the Council is necessary or expedient for the purposes of such open space.
<b>“public parking area”</b>	Means a building used or land used, whether or not for gain or reward, for the provision of parking not related to the parking requirements or provisions of the scheme for another building or site or part thereof.
<b>“public road”</b>	Means any road, street or thoroughfare shown on the General Plan of or township, Agricultural Holding or other division of land of which the public has acquired a right of way.
<b>“recreation resort”</b>	Means the use of land and/or buildings, due to their natural or human made attractions, for nature, natural beauty, water, socio-historical, cultural and/or sports and recreation activities. It may include swimming pools, water slides, braai facilities, camping, caravanning and wedding chapel. Such facilities can include temporary accommodation as well as uses ancillary to and subservient of such facilities, including restaurant, place of refreshment, conference and business-related activities and function facilities.
<b>“religious purposes”</b>	Means a church, synagogue, mosque, temple, oratory meeting house, chapel, cathedral or other place for practicing a faith or religion, and includes associated uses such as the official residence registered in the name of the said religious community, which is occupied by an office bearer of that community and who officiates at services held by the community, an ancillary office and place for religious instruction, but does not include a funeral parlour, cemetery or crematorium.
<b>“residential building”</b>	Means a building on an erf or site, excluding a dwelling house and/or dwelling unit that contains habitable rooms, with or without common ablution-, kitchen-, dining- and/or lounge facilities. Such definition includes but is not restricted to hostels, hotels, dormitories, boarding houses, guest houses, bed and breakfast and old age homes that may or may not include ancillary frail care facilities.
<b>“restaurant”</b>	Means a building designed for use or building or land that is used for the service and consumption on the site of food or liquid refreshments for the general public excluding a canteen and place of amusement.

<b>“scrap yard”</b>	Means a building or land which is utilized for one or more of the following purposes: i. Storing, depositing or collecting of junk or scrap material or articles the value of which depends mainly or entirely on the material used in the manufacture thereof; ii. The dismantling or storage of scrap metals, second hand vehicles or machines to recover components or material; and iii. The storing or sale of second hand parts, poles, steel, wire, lumber yards, tyres, bricks, containers or other articles which are suitable to be left in the open without any serious damage being incurred
<b>“second storey”</b>	Means the storey above the ground floor
<b>“shop”</b>	Means property used for the retail sale and accompanying storage of goods and services to the public, including a retail concern where goods which are sold in such a concern are manufactured or repaired; provided that the floor space relating to such manufacture or repair shall not comprise more than 20% of the floor space of the shop; “shop” does not include an industry, service trade, public garage or restaurant.
<b>“site”</b>	In relation to a building, includes the area of any building, yard, court or garden and in relation to either land or a building, may include more than one erf or portion of land, if such erven or portions of land are abutting and have been notarially tied to the satisfaction of the Council.
<b>“social hall”</b>	Means a building designed for use or buildings or land used for social meetings, gatherings and recreation, and includes a Masonic temple but does not include a place of amusement.
<b>“spaza shop”</b>	See House Shop
<b>“special building”</b>	Means a building designed or used for any use other than one of the uses for which the buildings herein defined are designed or used. A special building should be seen as the exception rather than the rule, an example of which could be a greenhouse.
<b>“special development zone”</b>	Means a clearly defined area according to the cadastre that the Council has delineated for focused planning and development intervention and investment. A Special Development Zone (SDZ) will have a specific urban management focus that can include environment, transportation, urban renewal, housing and economic development related focuses. Such Special Development Zones can be added to, amended or removed in terms of Council resolution and official publication. A Special Development Zone will be indicated in terms of an Annexure.
<b>“sport and recreation club”</b>	Means a privately owned facility that is utilized for both passive and/or active recreation by the owners and patrons of such facility. This can include a private golf course, health and fitness centre, social hall or private gardens. This however excludes any retail functions or business related activities.

<b>“storey”</b>	<p>Means that portion of a building included between the surface of any floor and the surface of the next floor above, or if there is no floor above the ceiling, provided that:</p> <ul style="list-style-type: none"> <li>i. A basement does not constitute a storey;</li> <li>ii. A roof, or dome which forms part of a roof, shall not constitute a separate storey unless the space within the roof or dome is designed for, or used for, human occupation, in which case it is counted as a storey; and</li> <li>iii. The maximum height of the ground storey shall not exceed 6,0 meters and every additional 4,5 meters in height or portion thereof, shall be counted as an additional storey.</li> <li>iv. The maximum height of any other storey shall not exceed 4,5 meters and every additional 4,5 meters in height or part thereof shall be counted as an additional storey.</li> <li>v. The height limitations are indicated in Table 4</li> </ul>
<b>“subdivision”</b>	As out lined in Clause (25) and in terms of Section 92 of the Town Planning and Townships Ordinance, 1986 (Ord 15 of '86)
<b>“surveyor general”</b>	Means the Surveyor General as defined in Section 8 of the Land Survey Act, No 8 of 1997 or any amendments thereof.
<b>“systems act”</b>	Means the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) or any amendments thereof.
<b>“tavern” or “shebeen”</b>	Means a residential building or dwelling unit or part thereof constructed, designed or adapted for use for social gatherings and for the consumption of liquor on the premises and may include the consumption of non-alcoholic beverages and the preparation and consumption of food, but shall not include the sale of any of the aforesaid items for consumption off the premises, provided that the dominant use shall remain residential for the occupant of the said dwelling and subject to the compliance of health and safety by-laws.
<b>“township”</b>	As defined in the Town Planning and Townships Ordinance, Ordinance 15 of 1986, or any subsequent legislation.
<b>“transitional residential settlement area”</b>	Means defined land upon which informal settlements are established by the occupation of land and provision of residential accommodation in the form of self help structures and some ancillary non-residential uses and regulated by the applicable Annexure.
<b>“transport facilities”</b>	Means a transport undertaking based on the provision of a transport service and includes a public private undertaking such as an airport or aerodrome, helistop and heliport; railway purposes, stations and related facilities; bus depot, termini and related facilities; metered and minibus taxi rank and related facilities; intermodal transfer site; and associated ancillary purposes including convenience shops, ancillary offices, customs, restaurants, security and police functions, medical facilities.
<b>“urban agriculture”</b>	Means the cultivation of crops and rearing of small numbers of livestock, on relatively small areas within the city, for own consumption or sale in neighbouring markets.

<b>“use zone”</b>	Means that part of the Town Planning Scheme, which has been shown on the zoning map by means of a specific notation or bordering or any other distinguishing manner, in order to identify the permitted use of the land.
<b>“warehouse”</b>	Means a building used primarily for the storage of goods, except those that are offensive or dangerous, and includes property used for business of a predominantly wholesale nature.
<b>“wall of remembrance”</b>	Means 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.
<b>“wholesale”</b>	Means land and/or a building used primarily for the distribution of goods to retailers.
<b>“workshop”</b>	Means land used or a building designed or used for the purposes of retail or services regarding goods that are wholly or partially manufactured, processed, mounted or repaired on the property and in each case a building that is not described as a factory under the Factories, Machinery and Building Works Act of 1941 or any amendments thereof.
<b>“written consent”</b>	A consent applied for in writing and does not involve the procedures as set out in clauses 39 and 40
<b>“zoning”</b>	When used as a noun, means a 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 this Town Planning Scheme.
<b>“zoning map”</b>	Means an approved map or maps (A and B series) showing the erven within the Council's area of jurisdiction and applicable use / density zoning.

## **PART III: USE OF LAND AND BUILDINGS**

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### **10. ERECTION AND USE OF LAND AND BUILDINGS**

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The purpose –

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

In each of the Use Zones specified in Table 2 the above-mentioned categories are shown in the third, fourth and fifth columns of Table 2 and in the Schedules.

### **11. PROTECTION OF EXISTING BUILDINGS**

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Save that alterations or additions to existing buildings shall be carried out in compliance with the provisions of this Town Planning Scheme; legally existing buildings shall not be affected by the provisions of this scheme which would otherwise have rendered such buildings illegal.

### **12. COUNCIL'S CONSENT DEEMED TO HAVE BEEN GRANTED**

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1. If, in terms of any town planning scheme substituted by this Town Planning Scheme, the purpose for which a building has been lawfully erected and used without the consent of the Council is a purpose which, in terms of this Town Planning Scheme, requires the consent of the Council, the Council's consent to the erection and use of such building for such purpose shall be deemed to have been granted on the fixed date.
2. The provisions of the Town Planning Scheme are applicable to any consent contemplated in clause (1).

### **13. USE OF BUILDINGS OR LAND FOR DIFFERENT PURPOSES**

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Where a building, erf or site is used for different purposes other than those stipulated in its use zoning the provisions of the Town Planning Scheme relating to parking requirements, loading and off loading, height, floor area and coverage, are applicable separately to the respective areas used for such purposes.

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

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1. Save with the consent of the Council and subject to such conditions it may impose:
  - a. neither the owner nor any other person shall have the right, save and except to prepare the erf for building purposes, to excavate there from any materials;
  - b. neither the owner nor any other person shall sink any wells or boreholes thereon or abstract any subterranean water there from: Provided that this condition is not applicable to dolomitic areas as detailed in sub-clause (14).
  - c. neither the owner nor any other person shall have the right to make or permit to be made upon the erf for any purposes whatsoever any tiles or earthenware pipes or other articles of a like nature: Provided that this condition is not applicable to erven zoned Industrial 1 or 2.
2. Where, in the opinion of the Council, it is impracticable for stormwater to be drained from higher lying erven direct to a road, the owner of the lower lying erf shall be obliged to accept and/or permit the passage over the erf of such stormwater: Provided that the owners of any higher lying erven, the stormwater from which is discharged over any lower lying erf, shall be liable to pay a proportionate share of the cost of any pipe line 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 positioning of all buildings, including outbuildings erected on the erf, and ingress to and egress from the erf shall be to the satisfaction of the Council.
4. The following land uses shall be regarded ancillary uses:
  - a. Guardhouse : All Land Use Zones
  - b. Caretakers unit : All Land Use Zones except "Residential 1"
  - c. Canteen and Auto Teller Machines : All Land Use Zones except "Residential 1 and 2"
5. 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 Provincial / National Department.

6. All erven shall be fenced and maintained if and when required, to the satisfaction of the Council. Boundary walls in excess of 1,8m in height required the written consent of the Council.
7. The owner is responsible for the maintenance of the entire property. If the Council is of the opinion that the property or any part thereof is not maintained in a satisfactory manner the Council is entitled to undertake such maintenance at the cost of the owner.
8. The extraction of minerals by underground working or by surface working, or the erection of any buildings or the carrying out of any work which is incidental thereto on land which is not included in a proclaimed township or an agricultural holding shall be prohibited.
9. The use of land, or buildings on land, 9ha or more in extent and which is in one ownership or in joint ownership, for agricultural purposes or in connection with a market garden or plant nursery shall be permitted: provided that where land is less than 9ha in extent, such buildings may only be erected and such land used with the consent of the Council, provided further that in the case of agricultural holdings laid out under the Agricultural Holdings (Transvaal) Registration Act, 1919, zoned "agricultural" or "undetermined" such consent need not be obtained.
10. The main building which shall be a completed building and not one partly erected and to be completed at a later date, shall be erected simultaneously with or before the outbuildings.
11. Where buildings are to be erected within 2 meter from any boundary of an erf or site in any Use Zone, the clearance from the relevant service departments of the Council shall be obtained prior to the submission of building plans.
12. Where buildings are to be erected on a "Residential 1" zoned erf or site at a height of more than 1 storey, a distance of 2 meters from any boundary shall be maintained unless the written consent of the Council is obtained.
13. The following guidelines shall apply for consent of House / Spaza Shops:
  - a. The floor area of the shop shall not exceed 35m<sup>2</sup>.
  - b. The number of employees employed in the shops shall not exceed two.
  - c. The sale or consumption of liquor shall not be permitted in the shop.
  - d. The residential character of the site shall be maintained to the satisfaction of the council and the predominant land use shall remain residential.

- e. The shop shall not cause an interference with the amenities of the neighborhood.
  - f. The exhibition of any notice or sign other than a notice or sign ordinarily exhibited on a dwelling unit to indicate the name of the occupier shall be prohibited.
  - g. The storing or keeping on the site of such dwelling unit of anything whatsoever which, in the opinion of the City Council, is unsightly or undesirable shall be prohibited. No amusement machines of any kind shall be permitted on the premises.
  - h. Application for the Councils consent for a House / Spaza Shop or Tavern / Shebeen, shall be considered in terms of the Councils prevailing policies in respect of these land uses.
14. The following conditions are applicable to erven or sites and/or townships as indicated in Table 1, as well as all other erven or sites that contain restrictive conditions in their Deeds of Title relating to the underlying presence of dolomite limestone rocks. The Council reserves the right to add to the list of Townships and related erven from time-to-time:
- a. Only wells or boreholes, which may be required by the Department of Water Affairs and/or the Council for Geoscience, may be sunk on the erf.
  - b. No French Drains, nor any other type of soak-away, nor any type on unlined pond, are allowed on the erf;
  - c. Sewers and storm water pipes must be of durable material and provided with flexible sealing joints to the satisfaction of the Council.
  - d. The owner of the erf must make the necessary arrangements to the satisfaction of the Council to ensure that drain pipes convey water away from the foundations of buildings;
  - e. Water shall not be permitted to collect on the erf and the erf shall be drained to the satisfaction of the Council.
  - f. Proposals to overcome detrimental soil conditions to the satisfaction of the Council shall be contained in all building plans submitted for approval and all buildings shall be erected in accordance with the precautionary measures accepted by the Council.
  - g. A soils/dolomite stability report drawn up by a qualified person, acceptable to the Council, indicating the soil conditions of the property and recommendations as to suitable founding methods and depths or any relevant aspect, shall be submitted to the Council simultaneously with the submission of building plans prior to the commencement of any building operations on the property.

- h. Trenches and excavations for foundations, pipes, cables or for any other purpose shall be properly refilled with damp soil in layers not thicker than 150mm, and shall be compacted, to the satisfaction of the Council, until the same grade of compaction as that of the surrounding materials is obtained.
- i. All pipes, which carry water, shall be watertight and shall be provided with watertight flexible couplings, to the satisfaction of the Council.

**TABLE 1: DOLOMITIC AREAS**

DESCRIPTION OF PROPERTY		CONDITIONS IN CLAUSE 14(14)
Abmarie Agricultural Holdings		
Alewynspoort Agricultural Holdings		
Allen's Nek Extension 2	All erven	All conditions
Allen's Nek Extension 3	All erven	All conditions
Anchorville and <b>all</b> Extensions		
Bambayi	All erven	All Conditions
Bram Fischerville and Extensions 1, 2, 3, 4, 5 & 6		
Chiawelo and Extensions 1, 2, 3, 4 & 5	All erven	All Conditions
Constantia Kloof Extension 13	All erven	Foundations of all buildings shall be to the satisfaction of the Council having regard to the heaving qualities of the soil
Devland	All erven	All Conditions
Dlamini	All erven	All Conditions
Dobsonville, Dobsonville Gardens	All erven	All Conditions
Doornkop and Extensions 1 & 2 and Doornkop Agricultural Holdings	All erven	All Conditions
Dube	All erven	All Conditions
Eikenhof	All erven	All Conditions
Eikenhof Agricultural Holdings		
Eldorado Park and Extension 8, 9 & 10, Eldorado Estate	All erven	14(a) (b) and (e)
Emdeni	All erven	All Conditions
Fleurhof	All erven	All Conditions
Florida Park Extension 9	All erven	All Conditions
Groblerspark Extensions 6, 20, 21, 26,, 28, 29, 31, 32, 33, 34	All erven	All Conditions
Helderkrui Extensions 13, 16,18	All erven	All Conditions
Ivory Park and Extensions 9, 12 &13	All erven	All Conditions
Jabulani	All erven	All Conditions
Jabavu	All erven	All Conditions
Klipriviersoog and Extension 1; Klipriviersoog Estate	All erven	All Conditions
Klipspruit, Klipspruit Extensions 1 & 2, Klipspruit West Extension 1	All erven	All Conditions
Lenasia and <b>all</b> Extensions	All erven	All Conditions
Lenasia South Extensions 6 & 7	All erven	All Conditions
Lindhaven Extension 4	All erven	All Conditions

DESCRIPTION OF PROPERTY		CONDITIONS IN CLAUSE 14(14)
Maokeng	All erven	All Conditions
Mapetla	All erven	All Conditions
Meadowlands Zones 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, Meadowlands Extensions 11, 12 & 13; Meadowlands West Zones 9 & 10	All erven	All Conditions
Misgund Agricultural Holdings		
Mmesi Park	All erven	All Conditions
Mofolo South, North, Central	All erven	All Conditions
Molapo	All erven	All Conditions
Moletsane	All erven	All Conditions
Moroka	All erven	All Conditions
Naledi and Extensions 1, 2,	All erven	All Conditions
Nancefield and Extension 1	All erven	All Conditions
Orlando West	All erven	All Conditions
Phiri	All erven	All Conditions
Pimville and Zones 1, 2, 3, 4, 5, 6, 7	All erven	All Conditions
Protea, Protea South and <b>all</b> Extensions, Protea North, Protea Glen and <b>all</b> Extensions	All erven	All Conditions
Protea Gardens	All erven	All Conditions
Slovo Park		
Stesa Agricultural Holdings		
Stormill Extensions 2 and 3	All erven	All Conditions
Thembalihle	All erven	All Conditions
Thulani	All erven	All Conditions
Tladi	All erven	All Conditions
Weltevreden Park Extension 28	All erven	Foundations of all buildings to be erected on the erf hereafter shall be to the satisfaction of the Council, having regard to the report on the soil conditions and the recommendation therein contained.
Weltevreden Park Extensions 29, 30 and 31	All erven	All Conditions
Weltevreden Park Extensions 34	All erven	Foundations of all buildings to be erected on the erf hereafter shall be to the satisfaction on the Council, having regard to the report on the soil conditions and the recommendations therein contained.
Weltevreden Park Extensions 36	All erven	Foundations of all buildings hereafter erected on the erf shall be taken below the overlying hillwash material to solid ground. Where cut and fill is to be applied on the erf the foundation shall not be placed on the fill material but shall be taken through to below the insitu hillwash material to solid ground.

DESCRIPTION OF PROPERTY		CONDITIONS IN CLAUSE 14(14)
		The foundation excavations shall be to the satisfaction of the Council.
Weltevreden Park Extensions 38, 41 and 45	All erven	All Conditions
Wibsey Dip	All erven	All Conditions
Wilgeheuwel	All erven	All Conditions
Wilgeheuwel Extension 3	All erven	All Conditions
Winford Agricultural Holdings		
Winnie Mandela and Extension 4	All erven	All Conditions
Witpoortjie Extension 18	All erven	All conditions plus foundations of all buildings to be erected on the erf hereafter shall be to the satisfaction of the Council, having regard to the report and recommendations of the soil conditions.
Witpoortjie Extension 19	All erven	Foundations of all buildings to be erected on the erf hereafter shall be to the satisfaction of the Council, having regard to the report on the soil conditions and the recommendations therein contained.
Witpoortjie Extensions 23, 24, 27 and 28	All erven	All Conditions
Witpoortjie Extension 37	3334 to 3336, 3342 to 3344, 3348, 3352	All Conditions
Zola	All erven	All Conditions
Zondi	All erven	All Conditions

**TABLE 2: USE ZONES**

<b>ZONE NUMBER</b>	<b>(1) USE ZONE</b>	<b>NOTATION (2)</b>	<b>(3) PRIMARY LAND USE RIGHTS</b>	<b>(4) SECONDARY LAND USE RIGHTS</b>	<b>(5) PROHIBITED LAND USES</b>
<b>1</b>	<b>RESIDENTIAL 1</b>		Dwelling house	Religious purposes, place of instruction, child care centre, social halls, institutions, residential buildings (excluding hotels), special buildings, sport and recreation clubs, public or private parking areas, medical consulting rooms, tavern/shebeen, house/spaza shop, guesthouse.	Uses not in columns (3) and (4)
<b>2</b>	<b>RESIDENTIAL 2</b>		Dwelling units	Residential buildings, religious purposes, places of instruction, child care centre, social halls, institutions, special buildings, sport and recreation clubs, public or private parking areas, medical consulting rooms, guesthouse, tavern/shebeen, house/spaza shop	Uses not in columns (3) and (4)
<b>3</b>	<b>RESIDENTIAL 3</b>		Dwelling units, residential buildings	Religious purposes, places of instruction, child care centre, social halls, institutions, special buildings, sport and recreation clubs, public or private parking areas, medical consulting rooms, guesthouse, tavern/shebeen, house/spaza shop	Uses not in columns (3) and (4)
<b>4</b>	<b>RESIDENTIAL 4</b>		Dwelling units, residential buildings	Religious purposes, places of instruction, child care centre, social halls, institutions, special buildings, sport and recreation clubs, public or private parking areas, medical consulting rooms, guesthouse, tavern/shebeen, house/spaza shop	Uses not in columns (3) and (4)
<b>5</b>	<b>RESIDENTIAL 5</b>		Dwelling units, mobile dwelling units, residential buildings	Uses not in columns (3) and (5)	Noxious industries

**TABLE 2: USE ZONES**

<b>ZONE NUMBER</b>	<b>(1) USE ZONE</b>	<b>NOTATION (2)</b>	<b>(3) PRIMARY LAND USE RIGHTS</b>	<b>(4) SECONDARY LAND USE RIGHTS</b>	<b>(5) PROHIBITED LAND USES</b>
<b>6</b>	<b>BUSINESS 1</b>		Business purposes, shops, residential buildings, place of instruction, social halls, restaurant, car sales lot, motor showrooms, offices, public or private parking area, institutions, religious purposes, dwelling units	Uses not in columns (3) and (5)	Noxious industries, scrap yards, panel beaters, spray painting
<b>7</b>	<b>BUSINESS 2</b>		Shops, dwelling units, residential buildings, places of instruction, business purposes, car sales lots, institutions	Uses not in columns (3) and (5)	Noxious industries, scrap yards, panel beaters, spray painting
<b>8</b>	<b>BUSINESS 3</b>		Shops, offices, restaurants	Uses not in columns (3) and (5)	Noxious industries, scrap yards, panel beaters, spray painting
<b>9</b>	<b>BUSINESS 4</b>		Offices	Place of instruction, place of amusement, dwelling units, religious purposes, shops, restaurants, car sales lot, motor showrooms, special building, public or private parking area, residential buildings.	Uses not in columns (3) and (4)
<b>10</b>	<b>COMMERCIAL 1</b>		Commercial purposes, builders yard	Uses not in columns (3) and (5)	Noxious industries
<b>11</b>	<b>COMMERCIAL 2</b>				

**TABLE 2: USE ZONES**

<b>ZONE NUMBER</b>	<b>(1) USE ZONE</b>	<b>NOTATION (2)</b>	<b>(3) PRIMARY LAND USE RIGHTS</b>	<b>(4) SECONDARY LAND USE RIGHTS</b>	<b>(5) PROHIBITED LAND USES</b>
			Commercial purposes, builders yard, business purposes	Uses not in columns (3) and (5)	Noxious industries
<b>12</b>	<b>PUBLIC OPEN SPACE</b>		Public open space	None	Uses not in column 3
<b>13</b>	<b>PRIVATE OPEN SPACE</b>		Private open spaces	Sport and recreation clubs, agricultural purposes, dwelling units, residential buildings, urban agriculture, recreation resort	Uses not in columns (3) and (4)
<b>14</b>	<b>INDUSTRIAL 1</b>		Industrial purposes, public garages, public or private parking areas, shops, business purposes, commercial purposes, builders yard	Uses not in columns (3) and (5)	Noxious industries
<b>15</b>	<b>INDUSTRIAL 2</b>		Industrial purposes, noxious industries, public garages, public or private parking areas, shops, business purposes, commercial purposes, builders yard	Uses not in columns (3) and (5)	Residential buildings, dwelling houses, dwelling units
<b>16</b>	<b>INDUSTRIAL 3</b>		Industrial purposes, commercial purposes, business purposes, builders yard	Uses not in columns (3) and (5)	Noxious industries
<b>17</b>	<b>PUBLIC GARAGE</b>				

**TABLE 2: USE ZONES**

<b>ZONE NUMBER</b>	<b>(1) USE ZONE</b>	<b>NOTATION (2)</b>	<b>(3) PRIMARY LAND USE RIGHTS</b>	<b>(4) SECONDARY LAND USE RIGHTS</b>	<b>(5) PROHIBITED LAND USES</b>
			Public garages, public or private parking areas, car sales lot, motor showrooms, motor workshops and services	Shops, restaurants, special building, workshops for panel beating and spray painting	Uses not in columns (3) and (4)
<b>18</b>	<b>PARKING</b>		Public or private parking areas, restrooms, public toilet facilities, parking lot, parking garages	Flea market, recycling container facility, place of amusement	Uses not in columns (3) and (4)
<b>19</b>	<b>INSTITUTIONAL</b>		Institutions, place of instruction, social halls, religious purposes	Medical consulting rooms, dwelling units, residential buildings, sports and recreation clubs, public or private parking areas	Uses not in columns (3) and (4)
<b>20</b>	<b>EDUCATIONAL</b>		Institutions, place of instruction, social halls, religious purposes	Medical consulting rooms, dwelling units, residential buildings, sports and recreation clubs, public or private parking areas	Uses not in columns (3) and (4)
<b>21</b>	<b>AMUSEMENT</b>		Place of amusement, recreation resort, social halls	Uses not in columns (3) and (5)	Noxious industries
<b>22</b>	<b>AGRICULTURAL</b>		Agricultural purposes, dwelling house, urban agriculture	Place of instruction, religious purposes, sports and recreation clubs, public or private parking areas, special building, social halls, institutions, animal care centre, guesthouse, second dwelling house, residential building, recreation resort	Uses not in columns (3) and (4)
<b>23</b>	<b>EXISTING PUBLIC ROADS</b>		Existing public roads	All uses not in column (3) and (5)	None

**TABLE 2: USE ZONES**

<b>ZONE NUMBER</b>	<b>(1) USE ZONE</b>	<b>NOTATION (2)</b>	<b>(3) PRIMARY LAND USE RIGHTS</b>	<b>(4) SECONDARY LAND USE RIGHTS</b>	<b>(5) PROHIBITED LAND USES</b>
24	<b>PROPOSED NEW ROADS AND WIDENINGS</b>		Proposed new roads and widenings	All uses not in column (3) and (5)	None
25	<b>PEDESTRIAN MALL</b>		Pedestrian mall, shops, restaurants	All uses not in column (3) and (5)	None
26	<b>SAR</b>		Railway purposes	All uses not in column (3) and (5)	None
27	<b>PUBLIC WALKWAYS</b>		Public walkways	All uses not in column (3) and (5)	None
28	<b>MUNICIPAL</b>		Municipal purposes, transport facilities	Uses not in column (3)	None
29	<b>GOVERNMENT</b>		Government purposes	Uses not in column (3)	None
30	<b>SEWAGE FARM</b>		Sewage works / farm	Agricultural purposes	Uses not in columns (3) and (4)
31	<b>AERODROME</b>		Airport	All uses not in column (3) and (5)	None
32					

**TABLE 2: USE ZONES**

<b>ZONE NUMBER</b>	<b>(1) USE ZONE</b>	<b>NOTATION (2)</b>	<b>(3) PRIMARY LAND USE RIGHTS</b>	<b>(4) SECONDARY LAND USE RIGHTS</b>	<b>(5) PROHIBITED LAND USES</b>
	<b>RESERVOIR</b>		Reservoir and related buildings	All uses not in column (3) and (5)	None
<b>33</b>	<b>GENERAL</b>		Any use other than noxious industry	None	Noxious industries
<b>34</b>	<b>CEMETERY</b>		Cemeteries and ancillary uses	None	Uses not in columns (3) and (4)
<b>35</b>	<b>UNDETERMINED</b>		Mining purposes, agricultural purposes, dwelling house	Uses not in columns (3) and (5)	Noxious industries,
<b>36</b>	<b>SPECIAL</b>		Only uses as stipulated in the applicable Schedule	Only uses as stipulated in the applicable Schedule	Uses not in Columns (3) and (4)

<b>PROVISOS:</b>		
In respect of <b>ANNEXURE F</b> for the purposes of this Scheme	Where land was excluded from the previous Town Planning Schemes and/or had No Zoning, it shall be deemed to be classified under the Use Zone "Undetermined" in this Scheme.	
USE ZONE :		
"Residential" shall be "Residential 1"		
"Business" shall be "Business 1"		
"Industrial" shall be "Industrial 1"		
"Community Facility" shall be "Institutional"		
"Municipal" shall be "Municipal"		
"Undetermined" shall be "Undetermined"		

## **15. CONVERSION OF USE OF A BUILDING**

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If the use of a building which has been approved, erected and used for a specific purpose is to be changed, the use for such different purpose shall not be commenced with until the provisions of this Town Planning Scheme relating to such different purpose have been complied with, including the submission of an amended building plan.

## **16. CONDITIONS APPLICABLE TO PUBLIC GARAGES**

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Where public garages are to be erected the following land use conditions shall be complied with in addition to any other applicable environmental legislation:

1. No material of any kind whatsoever shall be stored or stacked to a height greater than a screen wall as indicated on an approved Development Plan;
2. No repairs to vehicles or equipment of any kind may be carried on outside the garage buildings or screen wall; and
3. No vehicle may be parked or material or equipment of any kind stored or stacked outside the garage building or the screen wall: Provided that petrol pumps and/or oil and fuel installations may be placed outside the building and/or screen wall to the satisfaction of the Council.

## **17. APPLICATION FOR CONSENT USE**

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1. Any owner intending:
  - a. to erect and use a building in any land use zone for a purpose for which such building may only be erected, and used in such use zone with the consent of the Council; or
  - b. to use land in any land use zone for a purpose for which such land may only be used with the consent of the Council,

Must apply to the Council for the necessary consent

2. Clauses (39) and (40) shall apply mutatis mutandis to applications in terms of sub-clause (1).
3. Where the written consent of the Council is required (that includes words such as permission or relaxation) the application procedure as stipulated on the appropriate application form shall apply to the satisfaction of the Council.

## **18. USES ALWAYS SUBJECT TO CONSENT**

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Subject to clause 10, no land in any Use Zone shall be used for the purpose of refuse tipping, sewerage disposal or the removal of soil, sand or gravel for the purposes of sale without prior consent being granted by the Council.

## **19. OUTBUILDINGS**

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No outbuilding shall be used for any purpose other than the purpose for which it was designed and erected as indicated on an approved building plan.

## **20. OCCUPANTS PER DWELLING UNIT**

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A dwelling house or dwelling unit shall not be occupied by more than one family. The letting / leasing of habitable rooms is not permitted.

## **21. HOME ENTERPRISES**

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Without prejudice to any of the powers of the Council under the provisions of the Town Planning Scheme or any other law, nothing in the provisions of this part of the Town Planning Scheme shall be construed as prohibiting or restricting or enabling the Council to prohibit or restrict the practice by any Permanent Resident of a Dwelling House / Unit of a profession or occupation or use of a Dwelling House / Unit for the purpose of a Home Enterprise, provided that:

1. The dwelling house / unit shall not be used for a public garage, motor sales, workshop, mechanical repairs, car wash, industrial / commercial purposes, noxious industries, scrap yard, spray painting, panel beating, retail, house / spaza shop, tavern / shebeen, restaurant, coffee shop, tea garden, place of amusement, place of instruction, institution, guest house, boarding house, commune, hotel, funeral parlour, undertaker or pet salon;
2. Not more than 25% of the built floor area of the dwelling house / unit may be used for non-residential purposes;
3. The principal of the non-residential activity shall be the permanent resident on the site;
4. A maximum of 2 (two) people in total may be employed or taken into partnership on the site in relation to the profession/s or occupation/s exercised from the site;
5. Parking, as well as loading and off-loading activities directly related to the non-residential activity, shall take place on the site;

6. The display of a non-luminous notice or sign on the boundary fence or building, to indicate only the name, profession / occupation, business logo and telephone number(s) of such a permanent resident, shall be permitted in compliance with the prevailing outdoor advertising by-laws;
7. An occupation, profession or home undertaking of such a nature that would cause an undue increase in traffic in the neighbourhood or the passing of heavy vehicles through the neighbourhood, neither the congregating of workers in relation to the profession/s or occupation/s exercised from the dwelling house / unit shall not be permitted;
8. An interference, in the opinion of the Council, with the amenities of the neighbourhood by means of noise, smell, dust, aesthetic appearance or any other manner, shall not be permitted;
9. The storing or keeping on the site of anything whatsoever which, in the opinion of the Council, is unsightly or undesirable or a risk to the safety and security of residents, such as ammunition, weapons, fire arms, explosives, fire works, chemicals and waste or something which can not be accommodated by the ordinary design of a dwelling house or dwelling unit shall not be permitted;
10. Should the permanent resident wish to practice a profession, occupation or home enterprise from a container or non-permanent structure on the site, such practice shall be subject to permission being granted by the written consent of the Council accompanied by a plan indicating the nature, size and position of the container or non-permanent structure on the site. This written consent may be subject to the submission of a building plan.

## **22. SUBSIDIARY DWELLING UNIT**

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Notwithstanding the provisions of the land development requirements of the erf, as contained in the Town Planning Scheme:

1. An owner may erect and use a maximum of one subsidiary dwelling unit on an erf zoned Residential 1, subject to the following conditions:
  - a. The floor area of a subsidiary dwelling unit shall not exceed 110m<sup>2</sup> or 50% of the main dwelling house whichever is the lesser;
  - b. A subsidiary dwelling unit may only be erected in relation to an existing dwelling house;
  - c. A subsidiary dwelling unit may be attached to or detached from the main dwelling house but in the former instance may not be interconnected;
  - d. The written consent of all adjoining owners shall be obtained which shall include the endorsement of signatures, full names and

addresses on the relevant building plans, save that in the event of one or more adjoining owners refusing endorsement followed by receipt by the Council of written particulars of the dissenting owner(s) reasons for such refusal within 28 days from date of dispatch by the Council of a letter calling for such particulars, the written consent of the Council shall be required;

- e. Parking shall be provided to the satisfaction of the Council;
- f. No outbuildings may be erected in relation to a subsidiary dwelling unit other than a garage/s.
- g. The access, positioning and design of the subsidiary dwelling units shall be to the satisfaction of the Council;
- h. The screening of the subsidiary dwelling units shall be to the satisfaction of the Council; and
- i. The amenity of the area shall not be disturbed.
- j. Where an owner of a Residential 1 property exercised the right of a subsidiary dwelling unit, neither the subsidiary dwelling unit nor the dwelling house may be sectionalized.
- k. In the event of subdivision in accordance with the prevailing density guidelines a newly erected portion may contain the detached subsidiary dwelling unit, which may now be re-defined as an existing dwelling house.
- l. When an owner exercises the right for a subsidiary dwelling unit, engineering services contributions shall be payable on submission of the building plan as determined by the Council.

### **23. CONDITIONS FOR CHILD CARE CENTRES ON RESIDENTIAL ERVEN**

- 1. Subject to the provisions of sub-clause (2), the Council may grant its consent to the erection upon an erf or site upon which a dwelling house or dwelling unit has been erected, a building for use as a place of instruction for a child care centre.
- 2. The Council shall not grant its consent in terms of sub-clause (1) unless there is sufficient area on site for the activities connected with the proposed child care centre including the necessary parking requirements as well as the provision of areas for the dropping and collecting of children.

### **24. ERVEN AFFECTED BY SERVITUDES**

The provisions of floor area, coverage, height and building lines shall not be affected by the indications of servitudes over an erf or site.

## **25. CONSOLIDATION AND SUBDIVISION OF ERVEN**

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1. Subject to the provisions of Section 92 of the Town Planning and Townships Ordinance, Ordinance 15 of 1986, the Council may grant its approval to the subdivision of any erf or consolidation of erven, subject to such conditions as it may deem fit and in accordance with the density guidelines as per Clause 26 and the applicable Council policy.
2. In considering an application for its approval for consolidation and/or subdivision as contemplated in sub-clause (1), the Council shall, in addition to any other relevant factors, have regard to:
  - a. Whether the said consolidation and/or subdivision is necessary and desirable in relation to the location of buildings on the erf to be subdivided and/or consolidated;
  - b. Whether there is adequate and unhindered access to and from the erven or sites; where a panhandle erf or site is created through subdivision the width of the panhandle shall not be less than three (3) metres.
  - c. Where the major vegetation is positioned on the erf or site and that the applicant and landowner retain such vegetation as far as possible.
3. No consolidation of two or more erven with different Use Zones or Schedules shall be permitted unless appropriately rezoned.
4. Erven that have been developed with semi's (two dwelling units under one roof), in accordance with the provisions of previous town planning schemes, may be subdivided in accordance with the provisions of this scheme.
5. Notwithstanding the provisions of Clause 26, the Council may grant approval to:
  - (a) the subdivision of an erf zoned "Residential 1", one dwelling house per erf : Provided that Clauses 39 and 40 shall apply
  - (b) the subdivision of an erf zoned Residential 1, which would have the effect of creating an erf or erven smaller in size than the minimum area specified in Table 3:
  - (c) If an erf is subdivided in terms of Council Policy to more than 10 units per hectare, not more than 3 portions may be created in terms of the provisions of sub-clause (a) and (b)

- (d) If an erf is subdivided in terms of Council Policy to less than 10 units per hectare, each subdivided portion shall have direct access to a public road
- 6. The City Council may grant its approval to the subdivision of an erf zoned Residential 2, 3 or 4, whether or not a density is indicated in terms of Table 3, in accordance with an approved Development Plan as contemplated in clause 38.
- 7. Such approval for subdivision shall lapse if not registered within twelve (12) months from the date of approval unless a written consent for extension of time has been granted prior to the expiry date.
- 8. Upon the approval of a subdivision the following conditions shall be included as conditions of title of each and every subdivided portion :
  - (a) The erf is subject to a servitude, 2 metres wide, in favour of the local authority, for sewerage and other municipal purposes, along any two boundaries other than a street boundary and in the case of a panhandle erf, an additional servitude for municipal purposes 2 metres wide across the access portion of the erf, if and when required by the local authority: Provided that the local authority may dispense with any such servitude.
  - (b) No building or other structure shall be erected within the aforesaid servitude area and no large-rooted trees shall be planted within the area of such servitude or within 2 metres thereof.
  - (c) The local authority shall be entitled to deposit temporarily on the land adjoining the aforesaid servitude such material as may be excavated by it during the course of the construction, maintenance or removal of such sewerage mains and other works as it, in its discretion may deem necessary and shall further be entitled to reasonable access to the said land for the aforesaid purpose subject to any damage done during the process of the construction, maintenance or removal of such sewerage mains and other works being made good by the local authority.
- 9. The Council shall attach the conditions of the approved subdivision to the zoning of all the newly created erven concerned. In the event of the cancellation or lapsing of such subdivision the Council may remove such conditions and do the appropriate adjustments.
- 10. Upon the approval of a subdivision application all the conditions of approval shall :
  - (a) Be in addition to the general conditions, restrictions and other provisions of this Scheme
  - (b) Should there be conflict with any such other conditions, restrictions or provisions in this Scheme including the provisions and conditions contained in an Annexure or Schedule applicable to the erf, such conditions shall prevail.

## SECTION 2: MANAGEMENT OF LAND DEVELOPMENT RIGHTS

This Section of the Consolidated Johannesburg Town Planning Scheme contains all of the general land development rights associated and connected with the Use Zones as detailed in Section 1, including height, coverage, floor area and density requirements. It also elaborates on building delimitations and parking requirements. The overall purpose of this Section is to determine the land development and administration processes that the City has at its disposal to manage the urban form in a sustainable and innovative way.

### PART IV: LAND DEVELOPMENT REQUIREMENTS

#### 26. DENSITY DEVELOPMENT REQUIREMENTS

1. The number of dwelling houses or dwelling units that may be erected on an erf or site shall be in accordance with Table 3.
2. In all Use Zones other than 1, 2, 3, 4 and 5 where residential use is permitted, dwelling houses, dwelling units, mobile 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 or site concerned.
3. If an erf or site is situated in more than one Use Zone, buildings may be erected without subdivision of the erf or site, in accordance with purposes permitted in each use zone on the various parts of such erf or site.
4. In the event of a cluster development (Separate Title) on Residential 2, 3 and 4 the density shall be restricted to a maximum of 20 dwelling units per hectare.

**TABLE 3: DENSITY DEVELOPMENT REQUIREMENTS**

Reference to Map (Notation)	Number of dwelling houses per erf	Minimum area of erf in square meters (m <sup>2</sup> )
	1	-
	1	100
	1	200

	1	300
	1	400
	1	500
	1	700
	1	1 000
	1	1 250
	1	1 500
	1	2 000
	1	2 500
	1	3 000
	1	4 000
	1	6 000
	1	8 000

## **27. HEIGHT DEVELOPMENT REQUIREMENTS**

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1. The number of storeys, excluding basement storeys that may be contained in a building shall be determined by a designated Height Zone detailed in Table 4.
2. Save with the written consent of the Council and/or the relevant controlling authority, no building shall exceed a height of 1950m above mean sea level. For the purpose of this clause the height exclusions in terms of the height definitions shall not apply.
3. Subject to the provisions of this Part of the Town Planning Scheme, no building shall be erected so as to contain a number of storeys in excess of the number specified in sub-clause (1): Provided that an additional storey may be permitted with the written consent of the Council.
4. In considering applications for the Council's written consent in terms of sub-clause (3), the Council shall, in addition to any other relevant factors have regard to:
  - a. The location and topography of the erf or site;

- b. Whether, for example, the additional open space resulting from a building containing more than four storeys is more desirable than that which would result from a four storey building;
- c. The effect on the surrounding area with particular emphasis on the possible obstruction of view, overshadowing or breaking of the natural skyline; and
- d. The desirability of creating a focal point on the site.

**TABLE 4: HEIGHT DEVELOPMENT REQUIREMENTS**

Height Zone	Number of storeys	Johannesburg	Sandton	Roodepoort	Randburg	Lenasia	Modderfontein	Walkerville	Peri-Urban
									Halfway House
									Annex F
									Lethabong
									Westonaria
									South Johannesburg
A	3	0	0	0	0	0	0	0	0
		6	2	4	3	1	1	1	
		7	3	5		2	2	2	
		8	4	6		3	3	3	
			5	7		4	4	4	
			6	8		5	5	5	
			7	9		6	6	6	
			8	10		7	7	7	
			9	11		8	8	8	
			10	12		9	9	9	
		11			10				
B	5	5	1	3	2				
C	As per Clause 29	1		1	1				
		2		2					
		3							
		4							

## **28. GROUND STOREYS AND BASEMENT STOREYS**

1. A building shall have only one ground storey and, save for a building consisting of only one storey, the building plans of a building shall indicate which the ground storey is.

2. All storeys below the ground storey shall be indicated as basement storeys on building plans and shall comply with the provisions as set out in the definition of basement
3. Basement storeys shall not be taken into account in the determination of the permissible number of storeys in a building as per definition of basement, however, if basements are used for any other purpose other than parking, such areas shall be included as floor area.

## **29. THE 59° HEIGHT LINE LIMITATION**

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1. Any building erected in Height Zone C shall not project above a line drawn at an angle of 59° to the horizontal from a point at street level on the street boundary opposite to the street boundary onto which the site fronts.
2. The Council may grant its consent in terms of a development plan as detailed in Clause 38 to the erection of a building governed by Height Zone C, which will project above the 59° height line referred to in sub-clause(1), subject to such conditions as it may deem fit.
3. The provisions of Clauses (39) and (40) shall apply mutatis mutandis to applications in terms of sub-clause (2).

## **30. COVERAGE DEVELOPMENT REQUIREMENTS**

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1. No building shall be erected so as to cover a greater proportion of its erf than is permitted in terms of Table 5.
2. The provisions of sub-clause (1) shall apply to every storey in a building, including any basement storey.
3. The Council may grant its written consent:
  - a. To any basement storey which is below natural ground level being constructed so as to exceed the coverage permissible in terms of sub-clause (1).
  - b. To the area covered by private parking garages so as to exceed the coverage permissible in terms of sub-clause (1).
  - c. In considering an application for its consent in terms of sub-clause 3(b) the Council shall in addition to any other relevant factors have regard to the likely effect upon plant life possible future road improvements and the location of essential services.
4. The Council may grant its written consent to the coverage being increased:

- (a) In respect of an erf or site fronting onto a pedestrian mall;
- (b) On any use zone to a maximum of 5%

**TABLE 5: COVERAGE DEVELOPMENT REQUIREMENTS**

<b>Height Zone</b>	<b>Dwelling Houses, Dwelling Units, Residential Buildings (1)</b>	<b>Shops, Business Purposes, Social Facilities (2)</b>	<b>Industrial Purposes (3)</b>	<b>Other Buildings (4)</b>
<b>A</b>	50% for one storey 50% for two storeys 40% for three storeys	50%	70%	70%
<b>B</b>	Residential 1: 60% Residential 2: 70% Residential 3: 80%	70%	85%	60%
<b>C</b>	100%	100%	100%	100%

### **31. FLOOR AREA RESTRICTIONS**

1. No building shall be erected so as to exceed the floor area ratio as prescribed in Table 6 of the Town Planning Scheme. The floor area ratios as given in columns 2, 3, 4, 5 and 6 of Table 6 are applicable to buildings erected in the Height Zones given in Table 4.
2. In the instance of consolidation of erven, the floor area ratios shall be applied as if consolidation had not taken place.
3. In the case of an erf situated at the junction of two roads the applicable floor area ratios of which are not equal, the higher floor area ratio shall apply for a distance of 15,75m, measured along the street with the lower applicable floor area ratio. This is applicable in the Inner City Annexure only.
4. If an erf has no street frontage and access to a road is gained over another erf which fronts onto such street, the floor area ratio of the latter erf shall apply to such erf. This is applicable in the Inner City Annexure only.

**TABLE 6: FLOOR AREA DEVELOPMENT REQUIREMENTS**

<b>Height Zone</b>	<b>Dwelling Houses, Dwelling Units, Residential Buildings</b>	<b>Shops, Business Purposes</b>	<b>Industrial Purposes</b>	<b>Other Uses not found in Columns (2), (3) &amp; (4)</b>
<b>(1)</b>	<b>(2)</b>	<b>(3)</b>	<b>(4)</b>	<b>(5)</b>
<b>A</b>	1.2	2.1	2.1	2.1
<b>B</b>	2.4	3.0	3.0	3.0
<b>C</b>	4.0	4.0	4.0	4.0
<b>NOTE</b>	With regard to the Inner City see Annexure 17			

### **32. ADDITIONAL FLOOR AREA**

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The Council may with the written consent increase the floor area in respect of erven in the Inner City as per Annexure 17 in Height Zone C.

## **PART V: BUILDING DELIMITATION AREAS**

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### **33. BUILDING LINES AND BUILDING DELIMITATION AREAS**

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1. Building lines applicable to street boundaries are given in Table 7.
2. Subject to the provision of sub-clause (3) and clause 34, no building shall be erected in a building delimitation area.
3. Sub-clause (2) is not applicable to boundary fences, garden walls, garden fences, garden ornaments, garages and carports with indirect access and associated single storey domestic outbuildings related to dwelling houses, dwelling units and residential buildings, alterations and additions to existing dwelling houses, existing dwelling units and existing residential buildings, electrical high and low tension chambers, pergolas, guard houses, antenna, satellite dishes, or swimming pools: Provided that such exemption does not apply along any provincial or national road in so far as it would be contrary to the requirements of the controlling authority.
4. Where a building plan is required for any of the above-mentioned, clearance shall be obtained from the relevant service departments prior to the submission of the building plan.

### **34. CONSENT TO BUILD IN THE BUILDING DELIMITATION AREA**

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1. The Council may with the written consent permit the erection of buildings or the continued existence of buildings:
  - a. In the building delimitation area between the building line and street boundary;
  - b. In the case of structures below ground level or mainly below ground level, in the building delimitation area between the building line and any boundary;
  - c. In the building delimitation area between the flood water mark and any boundary, if it is satisfied that such area will no longer be subject to inundation: Provided that buildings may be erected between the building line and the boundary of a sanitary lane without such consent if it is not in conflict with the Council's by-laws: Provided further that such consent may not be granted along any provincial or national road where such consent would be contrary to the requirements of the controlling authority.
2. A consent granted in terms of sub-clause (1) shall be valid for the life of the building in respect of which such consent was granted, or for any

shorter period that may be specified by the Council as a condition of its consent.

3. In considering an application for its consent in terms of sub-clause (1) the Council shall, in addition to any other relevant factors, have regard to:
  - a. The possibility of future road improvements;
  - b. The location of the building in relation to surrounding sites and buildings;
  - c. The slope of the land comprising the erf or site in relation to the slope of surrounding land;
  - d. The arrangement of the buildings on the erf;
  - e. Any factor indicating the compliance with the building line would unreasonably interfere with the development of the erf.
4. If an erf or site abuts a provincial road or a national road, a building delimitation shall be applicable in accordance with the standards laid down by the relevant Provincial Department or controlling body.

**TABLE 7: BUILDING LINE DELIMITATION AREAS**

Use Zone and/or Land (1)	Size of Erf or Site Or Height Zone (2)	Minimum Distance in meters between building line and street boundary (3)
Residential 1, 2, 3, 4 & 5	Erven of 400m <sup>2</sup> or less	1.0m
	Erven larger than 400m <sup>2</sup>	3.0m
Agricultural Holding, farm portions	Less than 9ha	9.0m
	9ha and greater	30.0m
All other Use Zones	Height Zones A and B	3m
	Height Zone C	1.5m

## **PART VI: PARKING AND LOADING**

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### **35. PARKING DEVELOPMENT REQUIREMENTS**

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1. The provisions for parking in this Part of the Town Planning Scheme shall not apply to land or land and buildings where such land or buildings, or both, are used exclusively for public or private parking areas: Provided that in a building to be used or erected and used, partly for a public parking area and partly for other uses, this Part shall apply to that part of said building used or erected and used for such other uses.
2. For the purposes of calculating the number of parking spaces that can be provided, it shall be deemed that one parking space is equal to an area of 30m<sup>2</sup>.
3. Subject to the provisions of sub-clauses (4) and (5) parking accommodation shall be provided in manner satisfactory to the Council in respect to buildings and use of land on erven or sites, which shall not be less than the number of spaces specified in Table 8.
4. The Council may, subject to sub-clause (5), grant its written consent to the provision of fewer spaces than specified in Table 8.
5. The Council, when considering an application in terms of sub-clause (4) for the provision of a fewer number of parking spaces or where no parking ratios are specified, shall, in addition to any other relevant factors, have regard to the following:
  - a. accessibility of the erf or site by private or public transport;
  - b. availability of off-street parking in the vicinity of the site;
  - c. the number of staff members and customers related to the use of the land or building on site;
  - d. the socio-economic structure and density of the population which the development serves;
  - e. the size and nature of the proposed development on the site and the size of vehicles likely to be used in connection with the activity conducted on the site;
  - f. the likelihood of a reduction in parking provision causing injury to the amenity of the area in which it is or will be situated including, without prejudice to the generality of the foregoing, increased traffic and parking difficulties.

6. Parking relaxation may be granted in lieu of a financial contribution for public transportation intervention by the Council along its BRT, the existing and proposed rail network or along the proposed Gautrain Route. In some circumstances, the provision of on-site, parking is not practical or desirable, and it may be more appropriate for cash-in-lieu of parking to be given where, in the opinion of the municipality, it can be shown that:
  - a. It is physically impractical to provide on-site parking without disturbing the continuity of the shopping frontage; or
  - b. The lot or building thereon is of such proportions that parking accommodation cannot be reasonably provided; or
  - c. The nature of the use of the development would be such as to render the provision of parking accommodation on the site to be unnecessarily onerous; or
  - d. The provision of parking would have an adverse effect on the traffic dynamics of the area; or
  - e. The Council has alternative options for the provision of parking.
7. Retail shopping centres in excess of 5 000m<sup>2</sup> floor area shall provide Taxi ranking facilities in consultation with Transportation in terms of the Development Plan.
8. This scheme provides for two parking zones, namely:
  - a. Zone A as indicate in Annexure 16 (being the Inner City); and
  - b. The remainder of the area of jurisdiction
9. In parking Zone A parking may be provided as stipulated in Table 9.

**TABLE 8: ON-SITE PARKING REQUIREMENTS**

LAND USE CATEGORY	MINIMUM PARKING REQUIREMENTS
<b>Residential</b>	
Up to 3 habitable rooms	1 bay/unit + 1 bay/3 units for visitors
4 or more habitable rooms	2 bays/unit + 1 bay/3 units for visitors
Proviso : On Residential 2, 3 and 4 at least one (1) parking bay per dwelling unit shall be covered	
Residential buildings	0,5 bays/room or suite plus 6 bays/100m <sup>2</sup> for public spaces
Hostels for children under 18	0,3 bed or 2 per 100 m <sup>2</sup> whichever is it greater.

LAND USE CATEGORY	MINIMUM PARKING REQUIREMENTS
Residential Hotels, Boarding Houses, Other Hostels	0,8 per bed plus 2,0 per 100m <sup>2</sup> of public rooms (including areas where food/drink is served.)
Licensed Hotels, Motels	1,0 per bedroom plus 25,0 per 100m <sup>2</sup> of public rooms
<b>Social Facilities</b>	
Child care centre and pre-schools	1 bay/classroom
Place of instruction	1 bay/100m <sup>2</sup>
<b>Religious purposes</b>	
Churches, Synagogues etc.	0,4 per sea or 40,0 per 100m <sup>2</sup> of seating and aisle area
Mosques	25,0 per 100m <sup>2</sup> of gross floor area
Institution	1.5 bays/100m <sup>2</sup>
<b>General Non-Residential Purposes</b>	
Industrial and Commercial Purposes	1 bays/100m <sup>2</sup>
Motor showroom	3 bays/100m <sup>2</sup>
<b>EDUCATIONAL</b>	
Primary, Secondary and High Schools	1,5 per classroom plus 0,1 per pupil or 0,8 per trained staff plus 0,1 per pupil whichever is the greater
Schools for Handicapped	0,3 per pupil plus 1,0 per trained staff
Nursery Schools, Crèches, Day Care Centres	0,25 per child plus 1,0 per trained staff
Colleges, Adult Education (including Religious), Advanced Technical Education and Other full-time education	0,4 per day student plus 0,8 per staff
Under 18 Part-time Instruction	0,5 per pupil plus 1,0 per trained staff
Universities (excluding Medical Schools)	0,5 per day student plus 1,0 per trained staff
Medical Schools.	0,9 per day student and trained staff

<b>LAND USE CATEGORY</b>	<b>MINIMUM PARKING REQUIREMENTS</b>
Adult Part-time instruction	1,0 per student and trained staff
<b>INSTITUTIONAL</b>	
Old Age Homes, Orphanages	0,8 per bed
Convalescent Homes, Geriatric, Homes with Medical Care, Sanatoriums, Charitable Institutions	1,0 per bed
<b>RECREATIONAL</b>	
Bowling Alleys, Indoor Pistol Club, billiard saloons	6,0 per 100m <sup>2</sup>
Sports clubs	0,7 per player and staff plus 0,5 per spectator.
Sports stadium	0,7 per player and staff plus 0,5 per spectator
Swimming pools	20,0 per 100m <sup>2</sup> for whole enclosed area or 0,7 per seat, whichever is the greater.
Squash Courts	4,0 per court. Add as for restaurants if refreshment facilities exist.
Cinemas and Theatres	0,5 per seat
<b>PUBLIC GARAGES</b>	
Workshops and Convenience shop	6,0 per 100m <sup>2</sup>
Lubrication, Wash, Tune-up Bays	4,0 per bay
Spares and Sales	2,0 per 100m <sup>2</sup>
<b>MEDICAL USES</b>	
Clinics, Maternity Hospitals, Hospitals (<30 beds)	2,0 per bed plus 6,0 per 100m <sup>2</sup> for the medical consulting rooms
Veterinary Hospitals and consulting rooms.	6,0 per 100m <sup>2</sup>
Medical Consulting Rooms	6,0 per 100m <sup>2</sup>
<b>BUSINESS USES</b>	
Restaurants	6,0 per 100m <sup>2</sup>
Used car sales lots	4,0 to 15,0 per 100m <sup>2</sup>
Shops	6,0 per 100m <sup>2</sup>
Cinemas/Theatre (in shopping centres)	0,2 per seat
Exhibition Halls	30,0 per 100m <sup>2</sup>
Halls for Entertainment (with seats)	0,4 per seat
Halls (without seats)	40,0per 100m <sup>2</sup>
Libraries, Museums, Galleries and other Cultural Buildings	5,0 to 10,0 per 100m <sup>2</sup> depending on popular appeal of facilities.
Social Clubs, Youth clubs Community Centres	Reading Rooms: 4,0 per 100m <sup>2</sup>
Show grounds, Amusement Parks, Fairs, Snake Parks etc.	15,0 per 100m <sup>2</sup> of total site area excluding parking area.

LAND USE CATEGORY	MINIMUM PARKING REQUIREMENTS
Zoos, Parks, Nature/Flower Parks	0,4 per 100m <sup>2</sup> of total site area excluding parking area.
Offices	4 per 100m <sup>2</sup>
Place of Amusement	10 bays/100m <sup>2</sup> or 0.25 bays/seat
Sports and Recreation Facilities	10 bays/100m <sup>2</sup> or 0.25 bays/seat
Warehouses	0,5 – 3,0 bays per 100m <sup>2</sup> depending on specific activity.

**TABLE 9: ON-SITE PARKING IN PARKING ZONE A (INNER CITY)**

Offices	Residential Buildings	Buildings containing two or more dwelling units	Uses not mentioned under Columns 1, 2, 3 and 5	Public garages
(1)	(2)	(3)	(4)	(5)
2 bays/100m <sup>2</sup>	<b>Guest rooms :</b> 0,75/bedroom <b>Restaurants:</b> 6 bays/100m <sup>2</sup> <b>Conference room:</b> 0,3 bays/seat	1,5 bays/dwelling unit	0,5 bays/100m <sup>2</sup>	<b>Workshop:</b> 6 bays/100m <sup>2</sup> <b>Lubrication-, wash- or tune-up bay:</b> 4 bays/ <b>Storage and sale of spares and showrooms:</b> 2 bays/ 100m <sup>2</sup>

### **36. ALTERNATIVES TO THE PROVISION OF ON-SITE PARKING**

Where the parking accommodation in respect of an erf or site has been determined in terms of Clause 35, the Council may, if satisfied of the necessity and desirability thereof, on account of the size of the site, the nature of the buildings thereon and the likely parking demand, instead of the provision of the parking spaces on the site, grant written consent:

1. To the provision of the required number of parking spaces elsewhere than on the site of the building concerned; or
2. To the payment in lieu of the provision of the number of parking spaces, of a sum of money which shall be sufficient, for the provision of the required number of parking spaces as a public parking facility and which

shall be used for the provision of a public parking facility in any area within the Council as further detailed in Clause 52; or

3. To the relaxation of parking requirements of the erf in question.
4. In respect of an obligation to provide parking accommodation on a site, the Council has, in terms of this Town Planning Scheme or in terms of similar provisions in any town planning scheme previously administered by the Council, granted such consent, then the arrangement thus consented to as an alternative to the provision of parking on site shall be taken into account in the form of a credit against any parking accommodation which is required to be provided in the event of the erection of any building on the site subsequent to the grant of such consent.

### **37. LOADING**

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Loading and off-loading facilities shall be provided on an erf or site to the satisfaction of the Council, provided that no space for loading and off-loading need be provided in respect of a building on an erf or site of less than 900m<sup>2</sup>.

## **PART VII: LAND DEVELOPMENT ADMINISTRATION**

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The Council, when considering any application for its consent for the erection and use of a building, or for the use of land, shall, in addition to other factors which it must take into account, have regard to whether such use or building is likely to cause injury to the amenity of the area in which it is or will be situated including, without prejudice to the generality of the foregoing, increased traffic, parking difficulties, and in the case of an industrial building, injury caused by the emission of noise, air or water emissions and pollution.

### **38. DEVELOPMENT PLANS**

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Development plans are required by the Council as a result of:

1. A condition of an application, including consent use applications, as an when required by the Council; or
2. On all Use Zones other than erven zoned "Residential 1" and "Agricultural"; or
3. For the development of any structures by any party other than the Council on erven or sites with a "public open space" use in terms of the Town Planning Scheme; or
4. All erven within a registered Special Development Zone; or
5. On erven in an Environmental Control Area; or
6. Where required in any other part of the Scheme.

Such Development Plan shall be drawn at a scale of 1:500 or such other scale as may be required by the Council, and shall be approved by the Council before any building plan in connection with the proposed development may be considered by the Council.

7. Unless the Council requires less information, a Development Plan shall show at least the following:
  - a. The siting, height, floor area and coverage of all buildings;
  - b. Open spaces, children's play areas and landscaping of the site;
  - c. Entrances and exits to the erf or site;
  - d. If the erf or site is to be subdivided, the proposed subdivision lines;
  - e. Access to buildings and parking areas and to and from the erf or site;

- f. Building delimitation areas (if any), boundary walls, fences, screening;
- g. Parking areas, and where required by the Council, circulation of vehicular and pedestrian traffic;
- h. Elevational treatment of all buildings;
- i. If it is not proposed to develop the whole erf or site simultaneously, the grouping of the dwelling units and the programming of the development thereof, must be clearly indicated on the plan;
- j. Steps to be taken to control stormwater runoff;
- k. Landscaping including existing, mature vegetation on the site or erf;
- l. Contours;
- m. Surrounding developments and their relation with the proposed development.
- n. And any other additional information if so required by the Council.

### **39. CONSENT OR APPROVAL OF THE COUNCIL**

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1. Application to the Council for any consent or approval which, in terms of this Town Planning Scheme it is empowered to grant or refuse, shall be made by the owner as defined to which the application relates.
2. Any provision in this Town Planning Scheme empowering the Council to grant its consent or its approval shall include the power to refuse consent or approval and, if consent or approval be granted, the power to impose any condition which the Council may deem fit, including engineering services contributions.
3. Subject to sub-clauses (a) and (b) a condition as contemplated in sub-clause (2) shall have the same force and effect as if it were a clause of this Town Planning Scheme.
  - a. A consent or approval granted by the Council in terms of this Town Planning Scheme shall be subject to termination by the Council if any breach of a condition upon which such consent or approval was granted is not remedied in compliance with a notice served by the Council upon the owner or occupier of the erf or site concerned after affording the applicant an opportunity for a hearing.
  - b. The notice referred to in paragraph (a) shall require that the breach be remedied within a specified period.

#### **40. CONSENT APPLICATION PROCESS**

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1. If a provision in the Town Planning Scheme makes this clause applicable to an application for consent, the applicant shall, within a period of seven days of submitting the application to the Council, cause notice of the application to be displayed on the site in English and at the discretion of the Council any other official language(s), which notice:
  - a. Shall be in a format as specified by the Council;
  - b. Shall be posted in conspicuous place on the erf, where it is easily visible and can easily be read from each and every adjacent public street or other public place.
  - c. Shall be maintained in a clearly legible condition for a period of 21 days;
  - d. Shall reflect details of the application including the street address, the name of the township and the number of the erf concerned and the nature and general purpose of the application.
  - e. Shall reflect the date on which the application was submitted to the Council and the name, postal address and telephone number of the applicant;
  - f. Shall reflect that the application documents relating to the application will be open for inspection at specified times and at a specified place at the Council's offices and that any objection or representations in regard thereto must be submitted in writing both to the Council and the applicant under cover of registered or certified post or by hand within a period of 35 days from the date on which the application was submitted to the Council.
2. In instances where the subject erf adjoins erven in Use Zones "Residential 1, 2, 3, 4 and 5", also dispatch by registered or certified mail, notice to all owners of all contiguous erven, including those on the opposite side of the street or lane, within 7 days from submitting the application to the Council, informing them of the application as per Sub-clause (1).
3. The applicant shall submit proof to the satisfaction of the Council that the provisions of Sub-clause (1) and (2) have been complied with.
4. The Council may require the applicant to notify additional stakeholders and interested parties.

#### **41. HEARINGS FOR CONSENT APPLICATIONS**

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In considering an application for its consent, the Council shall take into account any objections, comments and/or representation timeously lodged

in writing by any interested party in respect of such application, and when it has taken a decision on such application it shall forthwith notify the applicant and any such interested party of such decision in writing.

#### **42. APPLICATION PROVISOS**

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1. An applicant may at any time before an application has been decided amend the application in writing in accordance with the procedures prescribed, as long as such amendment would not result in any greater or more extensive development or use of land than contained in the application for which notices was given; In which case a new application must be submitted.
2. Should there be a change in ownership of the erf or site either during or after the approval of the application, the new owner shall be deemed to take over the rights as granted or be deemed to be the applicant. In the latter, the new owner shall notify the Council in writing of the said change.

#### **43. TERMINATION OF INJURIOUS CONDITION**

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1. If the amenity of any land or building is injured by the condition of any garden, curtilage, boundary wall, fence, hedge or the like, or private open space, or the condition of any building or parking area in the vicinity, the Council may serve notice upon the owner or occupier of the erf or site on which the injurious conditions exists.
2. The notice referred to in sub-clause (1):
  - a. Shall require the owner or occupier to take such action as may be necessary to cause an abatement of the injury;
  - b. May specify the measures to be taken to cause an abatement of the injury; and
  - c. Shall state a period, not being less than 28 days from the date upon which the owner or occupier received the notice, within which compliance with the notice shall be effected.

#### **44. COMPLAINT MANAGEMENT**

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1. Any person with reasonable grounds that there has been a contravention of any of the provisions of the Town Planning Scheme may, in accordance with the prescribed procedures, submit their complaint in writing to the Council. The Council shall then, within a stipulated time period and in accordance with prescribed procedures, investigate such complaint.

2. Where the Council finds that no contravention has occurred it shall within the prescribed period and in terms of the stipulated procedures, inform the individual who made the complaint, of its findings.
3. The Council shall be entitled to investigate any erf or site on its own accord, if it has reasonable grounds for believing that the erf or site is contravening and provisions of the Town Planning Scheme.

#### **45. INVESTIGATION PROCESSES**

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1. The Council shall be entitled, through its duly authorized officers, to enter into and upon any premises within its area of jurisdiction, at any reasonable time for the purpose of carrying out inspection necessary for the proper administration and enforcement of the provisions of the Town Planning Scheme.
2. No person shall in any way hinder, obstruct or interfere with any duly authorized officer of the Council in the execution of his/her duties and functions in terms of sub-clause (1), nor shall any person cause or allow any hindrance or obstruction to, or interfere with, such officer.

#### **46. CONTRAVENTIONS**

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Any person who:

1. Contravenes or fails to comply with any provision of this Town Planning Scheme; or
2. Contravenes or fails to comply with any requirements set out in a notice issued and served in terms of this Town Planning Scheme; or
3. Contravenes or fails to comply with any condition set out in terms of any provision of this Town Planning Scheme; or
4. Knowingly makes a false statement in connection with any provision of this Town Planning Scheme;

Shall be guilty of an offence and shall be prosecuted accordingly and may be liable on conviction to a fine or imprisonment.

#### **47. NOTICE OF CONTRAVENTION**

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If the Council determines that there is a contravention in terms of clause (46) shall take the necessary action to address the matter. The first step shall be the issuing of a notice of contravention. Any notice required or authorized to be served in terms of the provisions of the Town Planning Scheme, may be served:

1. By giving the written notice to the person personally or to his duly authorized agent; or
2. By post, that is by properly addressing, preparing, and posting a registered letter containing the notice.

Such notice shall contain the requirements for compliance as well as the prosecution procedure should compliance not be achieved within a stipulated time period.

#### **48. SCHEDULE**

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1. The portions of land described in a Schedule, which is identified as an “S” on the Zoning Map, are subject to the restrictions, conditions and obligations and are entitled to the rights as set out in columns 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13.
2. Columns 1 to 14 of the Schedule respectively contain the following:
  - Column 1 : The use zone, corresponding with a use zone as indicated in Column 1 of Table 2, within which the portion of land falls;
  - Column 2 : Description of the portion of land.
  - Column 3 : The purposes for which buildings may be erected and used or for which land may be used.
  - Column 4 : The purposes for which buildings may be erected and used or for which land may be used only with the consent of the Council.
  - Column 5 : The purpose for which buildings may not be erected and used and for which land may not be used.
  - Column 6 : The width of the servitude areas of those servitudes which have to be registered by the owner of the land in favour of the Council free of any cost to the Council indicated in metres.
  - Column 7 : The permissible height of buildings in storeys or metres.
  - Column 8 : The permissible coverage.
  - Column 9 : The floor area ratio or “FAR”.
  - Column 10 : Parking provisions.
  - Column 11 : Density provisions.
  - Column 12 : Building line provisions.
  - Column 13 : General provisions.
  - Column 14 : The Amendment Scheme Number.
3. Whenever an L appears thus: L, it indicates that landscaping of the open areas of the site must be undertaken and maintained by or on behalf of the owner to the satisfaction of the Council.

4. Wherever an asterisk appears thus: \*, it indicates that the general provisions of the Town Planning Scheme, relating to the subject matter in the respective column, apply unless specifically excluded.

## **49. ANNEXURE**

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1. Special rights, conditions and restrictions, which may apply to any property within any use zone, may be indicated in an Annexure to this Scheme.
2. The special conditions and restrictions referred to in sub-clause 1 shall :
  - a. Be in addition to the general conditions, restrictions and other provisions of this Scheme
  - b. Prevail should they conflict with any such other condition, restriction or provision in this Scheme.
3. An Annexure contemplated in sub-clause 1 consists of:
  - a. A sheet upon which is inscribed the number of such Annexure, a description of the property to which it applies, the special rights, conditions and restrictions applying to the property, and the number and name of the relevant 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. The number of the relevant Annexure is inscribed inside a double circle within or next to the figure of the relevant property on the A-Series of the Map and if it be inscribed next to such figure. It shall be joined to the figure by means of a line.

## **SECTION 3: PROMOTION OF LAND DEVELOPMENT**

The purpose of Section 3 of the Town Planning Scheme is to elaborate on innovative mechanisms that can be utilised in the land development process to further a specific vision as identified by the City of Johannesburg. These tools, which can be either incentives or disincentives, promote the new perspective of good urban management and strategic planning with the aim of achieving a sustainable and responsive urban form.

### **PART VIII: SPECIAL MECHANISMS FOR LAND DEVELOPMENT**

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#### **50. SPECIAL DEVELOPMENT ZONES**

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For the purposes of strategic intervention in the land development and investment process, the Council may, from time-to-time designate a Special Development Zone, which includes a number of erven or sites with their individual land use zonings. The Special Development Zone, which will need to be approved and advertised, shall have a specific function and include a number of developmental tools so as to achieve desired objectives. The Special Development Zone shall comprise the following, in order to be advertised:

1. A geographical delineation of the Special Development Zone, ensuring that the boundaries are cadastrally based or geographically identifiable;
2. Statement of policy and intention that elaborates on the given developmental perspective and which will be used by the Council in the assessment of land development applications within the Special Development Zone;
3. A consultation result, which elaborates on the consultation process with interested and affected parties within the proposed Special Development Zone, as well as their response and uptake;
4. Background information, development standards and proposed land management tools that will be in force in the Special Development Zone;
5. A monitoring and assessment mechanism along with the Council's investment commitment for the public areas and facilities within and supporting the Special Development Zones, including proposed achievement timeframes.

A resolution adopting a Special Development Zone containing the minimum elements detailed in (1)-(5) above shall be passed at a meeting of the Council and follow the process detailed below:

6. After the passing of a resolution by the Council, the Special Development Zone shall be advertised in the Provincial Gazette and the Local Newspaper and shall simultaneously be open for inspection at the Council office during normal working hours for not less than thirty (30) days;
7. Further, the Council shall notify all land owners and tenants within the Special Development Zone on or before the date of advertisement;
8. Representations on the said Special Development Zone or any proposal contained therein may be lodged, in writing, with the Council on or before a certain date. Such date shall not be less than thirty (30) days after the date of the closure of the advertisement period in (6) above;
9. The Council shall consider each representation received within the stipulated period and approve or amend the Special Development Zone, stipulating the date of commencement via a notice in the Provincial Gazette;
10. The Council shall make available for public scrutiny the Special Development Zones and supporting documentation;
11. A land owner or interested party within the said Special Development Zone who made written representations and is aggrieved by any condition contained in the approved Special Development Zone, may appeal in terms of the provisions of the Town Planning and Township Ordinance, Ordinance 15 of 1986.
12. The Council may at any time amend a Special Development Zone, subject to compliance with the procedures set out in sub-clauses (6), (7), (8) and (9) of this clause;
13. After a Special Development Zone has been approved by Council it shall be deemed to be the overriding Town Planning Scheme process for the erven falling within its boundaries;
14. The Council may revoke a Special Development Zone by passing a Council resolution.

## **PART IX: GENERAL LAND DEVELOPMENT MECHANISMS**

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### **51. PROMOTION OF ENERGY EFFICIENCY GUIDELINES**

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The assessment of applications shall be done in accordance with the policy guidelines and criteria as adopted by the Council. Developers should be encouraged to consider alternative forms of energy, renewable sources of energy and building design paradigm that embraces energy efficiency.

### **52. AESTHETICS MANAGEMENT IN THE SPECIAL DEVELOPMENT ZONES OR WITHIN PRECINCT PLANS WHERE URBAN DESIGN GUIDELINES HAVE BEEN DETERMINED**

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1. The owner of any land upon which a building is to be erected shall, prior to the commencement of the erection of the building, submit to the Council for its approval of the external appearance of the building:
  - a. drawings or any similar indication sufficient to enable the Council to consider the proposed external appearance;
  - b. a description of the materials to be used in relation to the external appearance;
  - c. a plan to a scale of 1:500 showing the position of buildings on the site, and the relationship between such buildings and buildings on adjoining sites.
2. In considering particulars submitted to it for approval in terms of sub-clause (1) the Council shall have regard to whether, on account of the character of the locality or of the buildings erected, or to be erected, thereon, the external appearance of the building would adversely affect the visual aspect of the environment.
3. The Council shall either approve or disapprove of the proposed external appearance of the building, in accordance with the stipulated standards detailed in the registered Special Development Zone or other areas where Urban Design guidelines have been determined.

### **53. ENGINEERING SERVICES GENERAL PROVISOS**

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1. Every property developed in terms of any application submitted in terms of any applicable development/planning legislation shall be provided with such engineering services, as the Local Authority may deem necessary for the proper development of the property.

2. The owner of any property, which is the subject of a planning application in terms of any applicable law, shall at his (or her or its) costs and to the satisfaction of the local authority, design, provide and construct all internal engineering services (engineering services related to the particular application), to the satisfaction of the local authority.
3. The owner shall, within such period as the local authority may determine, fulfil his (or her or its) its obligations in respect of the provision of water and sanitary services as well as the construction of roads and stormwater drainage and the installation of systems therefore, as determined by the Local Authority or its Municipal Owned Entities from time to time, which requirements shall be provided to the applicant/owner and as agreed upon between the owner and the local authority.
4. For the purpose of the scheme, any engineering services or open space requirements shall be reflected as part of the application and shall be taken up in the scheme, amendment scheme or decision, as conditions whichever is applicable.
5. Upon certification of compliance with these requirements, with the submission of building plans, the requirements shall be regarded as deleted from the scheme or amendment scheme or decision, and attached to the scheme or decision as such.
6. Where engineering services construction and upgrades are required on external engineering services as defined in terms of the guidelines that the Administrator has determined from time to time, the local authority may require that:
  - (a) at the expense of the applicant/owner a service scheme report be prepared by a registered professional engineer, addressing the provision of roads and stormwater for an application, including stormwater management on site attenuation, to the satisfaction of Johannesburg Roads Agency (Pty) Ltd and the Department of Public Transport, Roads and Works (Gauteng Provincial Government), may be required to be submitted for consideration and approval;
  - (b) the requirements for engineering services be incorporated into an application in terms of any legislation for consideration;
  - (c) that the requirements with regards to construction and upgrades be taken up in the scheme, amendment scheme or decision, as conditions or decision to the approval of an application in terms of any legislation;
  - (d) that the local authority may require the payment of engineering services contributions towards the installation and upgrade of engineering services, in terms of any application pertaining to the amendment of any of the terms and conditions of the scheme, amendment schemes or decision; which contributions shall be payable before:

- (i) the approval of any building plans submitted with the local authority;
  - (ii) the transfer of any erf, lot, plot, stand or portion of or undivided share, unit or section of the property to which the scheme applies;
  - (iii) the exercising of any rights that have been amended or granted;
7. Without derogating from any specific engineering services requirements on any application, all engineering services shall be protected by means of servitudes in favour of the local authority, which servitudes shall be provided free of cost and compensation, prior to the exercising of any development rights.
8. If and when required, engineering services agreements may be entered into by the local authority and the applicant with regard to the provision of engineering services, engineering contributions, guarantees or any applicable engineering terms and conditions.
9. The 1:100 year floodline certification, by a Professional Engineer, in respect of any application on any property within the jurisdiction of the local authority, shall be obtained and indicated on the diagrams or layout plans or any relevant documentation.
10. Where the local authority is not the bulk supplier of electricity to a property. The property owner shall make the necessary arrangements with ESKOM, the licensed supplier of electricity to the property (check this City power administrators)

#### **54. SINGLE ACCESS HOUSING DEVELOPMENT**

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1. "Single Access Housing Development" shall mean a group of separate and or attached individual dwelling units that are planned, designed and built as one harmonious development, with a single access arrangement.
2. Density  
The density shall be as per the approved amendment scheme for the property.
3. Open Space provision  
A minimum of 80sqm per unit shall be provided on the site or contributions shall be payable in lieu of the provision of open space, which shall be calculated as per the Town Planning and Townships Ordinance at the discretion of the local authority.
4. Access arrangements
- A. More than 7 portions (excluding a road portion) - Access via private road (portion/erf)

1. A company incorporated in terms of Section 21 of the Companies Act, 1973 (hereinafter referred to as 'the Section 21 company'), shall be established, which company shall be administered by a Home Owners/Land Owners/Residents Association, and be incorporated to the satisfaction of and in accordance with the requirements of the local authority. The owner shall submit the draft Articles of Association and Memorandum of Association to the local authority for approval, prior to the registration thereof with the Registrar of Companies and shall ensure that the following conditions shall be included in the Articles or Memorandum of Association:
  - (aa) Each and every owner of a portion or erf in the development shall have free access over the access erf or portion to afford him or her access to a public road.
  - (bb) Each and every owner of an erf or portion in the development shall have free entrance to and usage of the access portion or erf
  - (cc) The local authority's engineering services departments and its emergency services are guaranteed 24 hour access over or to the access portion or Erf in order for the City of Johannesburg Metropolitan Municipality's to deal with its installations and provide services to the residents in the development, where such services are to be provided by the municipality in terms of the approval of the development.
  - (dd) The Section 21 company shall have full responsibility for the functioning and proper maintenance of the access portion or Erf and the engineering services within the said erf as well as any private open space portion or Erf and the attenuation system(s) on the erf, all to the satisfaction of the City of Johannesburg Metropolitan Municipality.
  - (ee) The Section 21 company shall not apply for de-registration at the Registrar of Companies without the written consent of the City of Johannesburg Metropolitan Municipality first having been obtained. The Section 21 company shall at all times comply with the provision and or requirements for the existence and continuation of the company as a corporate entity.
  - (ff) The Section 21 company shall properly and clearly display the street name and street numbers allocated to the individual erven in development and shall maintain such to the satisfaction of the local authority.

- (gg) The Section 21 company shall undertake not to submit an application to rezone either the access portion or Erf nor any private opens space portion or Erf.
- (hh) The Articles of Association shall not be implemented and/or amended as far as such implementation and/or amendment relates to clauses (aa) to (gg) above and including this clause, without the written consent of the City of Johannesburg Metropolitan Municipality first being had and obtained.
- (ii) The transfer of any erven required by the City of Johannesburg to be transferred to the section 21 company for access or private open space purposes shall be regarded as common property of the section 21 in the case of a sectional title development and, shall not be sold or transferred to any other entity.
- (ij) The transfer of any erven required by the City of Johannesburg to be transferred to the section 21 company for access or private open space purposes, shall not be sold or transferred to any other entity.
- (kk) Upon the access portion or Erf being transferred to the section 21 company the zoning of the property shall be in terms of its use being "private road", and the City's rates department shall be informed accordingly.
- (ll) A servitude over the whole of the access portion shall be registered in favour of the Local Authority for municipal purposes to the satisfaction of the Local Authority free of cost and compensation.

2. Conditions to be incorporated in the individual deeds

Each and every owner of an erf in the development shall on transfer automatically become a member of the Section 21 company established in respect of the development (hereinafter referred to as the "Association") and the applicant/owner shall procure that each erf be made subject to the following conditions in favour of the Association:

- (aa) Every owner of the erf or owner of any portion of an erf or owner of any unit thereon, shall on transfer automatically become and shall remain a member of the Association and shall be subject to its Constitution until he/she ceases to be an owner as aforesaid.
- (bb) The owner of the erf or owner of any portion thereof or any unit thereon, shall not be entitled to transfer the erf or any portion thereof or any interest therein or any unit thereon, without a clearance certificate from the

Association certifying that the provisions of the Constitution of the Association have been complied with.

- B. Less than 7 portions or erven created
1. In a case where less than 7 portions are created, reciprocal servitudes shall be registered over the various portions in favour of the other portions. Prior to the servitude being surveyed the applicant/owner shall engage with the City with regard to the means by which such a servitude can and shall be registered.
  2. To ensure the maintenance of the reciprocal servitude the Council may require the creation of Residents Association and require that the owners of every portion or erf be a party to the Residents Association, which will then also be taken up in the various title deeds/CRT's of the portions.
  3. Each and every owner of the erven/portions shall become members of the Residents Association which membership shall be registered against each and every title deed.
  4. A servitude shall be registered in favour of the Local Authority free of cost and compensation for municipal purposes over the access servitude, to the satisfaction of the local authority.
  5. The Local Authority shall not be liable for cost of the construction, maintenance or defects of the access servitude in any way.
- C. Access via a private road portion where there is less than 7 portions
1. If road portion is created in the above circumstances, whether the road portions remains in the ownership of the developer/owner of the or applicant or even if it is transferred to the Resident's Association in any form or manner, the portions/erven in the development shall be entitled to a servitude over the access portion or erf (road) to the satisfaction of the Local Authority.
  2. To ensure the maintenance of the servitude the Council may require the creation of Residents Association and require that the owners of every portion or erf be a party to the Residents Association, which will then also be taken up in the various title deeds/CRT's of the portions.
  3. The Residents Association shall be established to the satisfaction of the local authority to construct and maintain the access portion as indicated on the layout plan prior to the transfer of any portion/erven.

4. Each and every owner of the erven/portions shall become members of the Residents Association which membership shall be registered against each and every title deed.
5. A servitude shall be registered in favour of the Local Authority free of cost and compensation for municipal purposes over the access portion, to the satisfaction of the local authority.
6. The Local Authority shall not be liable for cost of the construction, maintenance or defects of the access servitude in any way.
7. The local authority may require that the access portion be notarially tied to each and every portion or erf in the development.

D. Public Road portions/servitudes

1. In any of the above scenarios where it is the intention of the applicants to provide access via a portion which is to be a public road, the road portions shall be indicated as a public road on the layout/subdivision plan or any other relevant diagram or document.
2. The road shall be constructed free of cost and compensation and to the standard and satisfaction of the Local Authority.
3. The said portion shall further be transferred to the Council, to its satisfaction free of cost and compensation.
4. A public right of way may be registered, if and when required by the local authority, and to the satisfaction of the local authority for access purposes.
5. The minimum width of any private access road, portion or servitude within a security development shall be 10,5m wide, in special circumstances and at the sole discretion of the City of Johannesburg the width may be reduced to ...m

## **55. RESTRICTION ON THE TRANSFER OF PORTIONS / UNITS OR ERVEN**

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1. The owner/developer of a sectional title development shall, at his own costs and to the satisfaction of the local authority, design, provide and construct all engineering services including the internal roads, or road surfaces and the stormwater reticulation, within the boundaries of the sectional title development. Portions/Units or Erven in the sectional title development township, shall not be provided with an occupation certificate nor may they be alienated or transferred into the name of a

purchaser, nor a Certificate of Registered Title taken out in the name of the owner/developer, prior to the local authority certifying to the Registrar of Deeds or is satisfied before occupation, that these engineering services had been provided and installed; and

2. The owner/applicant/sectional title body corporate shall, at his (or her or its) costs and to the satisfaction of the local authority, survey and register all servitudes required to protect the engineering services provided, constructed and/or installed as may be required by and to the local authority. Erven and/or units in the sectional title development, shall not receive occupanc`y and may not be alienated or transferred into the name of a purchaser, nor a Certificate of Registered Title taken out in the name of the Township owner, prior to the local authority certifying that they are satisfied and to the Registrar of Deeds that these engineering services had been or will be protected to the satisfaction of the local authority.