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# EKURHULENI



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## City of Ekurhuleni Land Use Scheme, 2021

Item A-CP (02-2021) CPOC

Approved by Council on the 30<sup>th</sup> September 2021.

VERSION DATE: 25/03/2022

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## GENERAL OVERVIEW

### A APPLICABLE LEGISLATION

This **Land Use Scheme** was approved by the Council of the City of Ekurhuleni Metropolitan Municipality in terms of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) and the City of Ekurhuleni Metropolitan Municipality Spatial Planning and Land Use Management By-law, 2019, and was implemented on the date of publication in the Provincial Gazette.

There are a number of other legislation that have a direct or indirect impact on the functioning of this **Scheme**, including (but not limited to) the following:

- (1) Constitution of the Republic of South Africa, 1996
- (2) The Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)
- (3) The City of Ekurhuleni Metropolitan Municipality Spatial Planning and Land Use Management By-law, 2019
- (4) Advertising on Roads and Ribbon Development Act, 1940 (Act 21 of 1940)
- (5) Business Act, 1991 (Act 71 of 1991)
- (6) Gauteng Liquor Act, 2003 (Act 2 of 2003)
- (7) Hazardous Substances Act, 1973 (Act 15 of 1973)
- (8) Local Government: Municipal Systems Act, 2000 (Act 32 of 2000)
- (9) National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977)
- (10) National Environmental Management Act, 1998 (Act 107 of 1998)
- (11) National Environmental Management: Protected Areas Act, 2003 (Act 57 of 2003)
- (12) National Environmental Management: Biodiversity Act, 10 of 2004
- (13) National Heritage Resources Act, 1999 (Act 25 of 1999)
- (14) Deeds Registry Act, 1937
- (15) Mineral and Petroleum Resources Development Act, 2002 (Act 28 of 2002)
- (16) Conservation of Agricultural Resources Act, 43 of 1993
- (17) National Environmental Management: Waste Act, 50 of 2008
- (18) National Environmental Management: Air Quality Act, 39 Of 2004
- (19) National Water Act 36 of 1998
- (20) All relevant Municipal by-laws
- (21) The Subdivision of Agricultural Land Act (Act 70 of 1970)

- (22) Local Government Ordinance, 1939 (Ordinance 17 of 1939)
- (23) Rationalization of Local Government Affairs Act, 1998 (Act 10 of 1998)
- (24) Agricultural Holdings (Transvaal) Registration Act, 1919 (Act 22 of 1919)
- (25) Gauteng Gambling Act, 1995 (Act 85 of 1995)

## **B OTHER RELEVANT AUTHORISATIONS**

When applicable, land development applications may need to be submitted to the relevant Authority for approval;

- (1) Authorisation in terms of the National Environment Management Act, 1998 (Act 107 of 1998) and related Specific Environmental Management Acts (SEMAs), is required to obtain an environmental authorisation for activities governed by the provisions of that Act;
- (2) Approval is required for specified activities in terms of the National Heritage Resources Act, 1999 (Act 25 of 1999) including demolition and changes to buildings over 60 years old;
- (3) Approval for advertising along certain roads in terms of the Advertising on Roads and Ribbon Development Act, 1940 (Act 21 of 1940);
- (4) Approval for a business license for certain types of business in terms of Business Act, 1991 (Act 71 of 1991);
- (5) Application for a liquor license in terms of the Gauteng Liquor Act, 2003 (Act 2 of 2003);
- (6) Water Use License (WUL) OR General Authorisation (GA) in terms of Section 21 of the National Water Act, 1998 (Act No. 36 of 1998);
- (7) Permits in terms of Minerals and Petroleum Resources Development Act, 28 of 2002;
- (8) Waste Management License in terms of National Environmental Management Waste Act, 2008; and
- (9) Atmospheric Emission License in terms of National Environmental Management: Air Quality Act, 39 of 2004.

## PART 1: INTRODUCTION

### 1 STATUS AND COMMENCEMENT OF THE SCHEME

- 1.1 This **Scheme** shall be known as the City of Ekurhuleni Land Use Scheme, 2021, and substitutes the former Ekurhuleni Town Planning Scheme, 2014 in its entirety and is applicable to all **Land** and **Buildings** within the area of jurisdiction of the City of Ekurhuleni Metropolitan Municipality.
- 1.2 The City of Ekurhuleni Metropolitan Municipality shall be the authority responsible for enforcing and carrying into effect the provisions of this **Scheme**.
- 1.3 Status and commencement of this **Land Use Scheme**
- (a) Status
- (i) This **Land Use Scheme** is prepared in terms of Sections 23, 24 and 25 the Spatial Planning and Land Use Management Act, 2013, and Sections 16, 22 and 23 of the City of Ekurhuleni Metropolitan Municipality Spatial Planning and Land Use Management By-law, 2019 and substitutes the Ekurhuleni Town Planning Scheme, 2014.
- (ii) In terms of Section 26(1) of the Spatial Planning and Land Use Management Act, 2013, an approved and adopted **Land Use Scheme** has the force of law, and all land owners, occupants and users of **Land**, including the **Municipality**, a state owned enterprise, and organs of state within the municipality area, are bound by the provisions of this **Land Use Scheme**.
- (iii) In terms of Section 26(2) of the Act, land may be used only for purposes permitted by this **Land Use Scheme**.

(b) Commencement of this **Scheme**

The City of Ekurhuleni Land Use Scheme, 2021 shall come into effect from the date stipulated in the notice of adoption as stipulated in 1.1 above.

### 2 PURPOSE OF THE SCHEME

According to Section 25(1) of the Spatial Planning and Land Use Management Act, 2013 the purpose of the City of Ekurhuleni Land Use Scheme, 2021 is to give effect to and be consistent with the approved Municipal Spatial Development Framework (SDF) and to determine the use of **Land** and development of **Land** within the municipal area of City of Ekurhuleni Metropolitan Municipality in order to promote:

- (a) Economic growth;
- (b) Social inclusion;
- (c) Efficient land development; and
- (d) Minimal impact on health, the environment and natural resources;
- 2.1 The City of Ekurhuleni Metropolitan Municipality thereby declares that the aim of this **Land Use Scheme** is to:
- (a) Determine appropriate categories of **Land Use Zones** for each piece of **Land** within the municipal area;
- (b) Determine appropriate development controls for such **Use Zones**;
- (c) Determine appropriate procedures for development **Applications** in terms of this **Scheme**;

- (d) Determine appropriate provisions and procedures to facilitate the incremental formalisation of **Informal Settlement Areas** with appropriate **Zoning** and **Municipal Infrastructure Services** within the municipal area; and
- (e) Outline a process to be followed by the **Municipality** to determining **Priority Development Areas** consistent with the Spatial Development Framework to facilitate the incremental transformation of this area into the desired future development.

### 3 COMPONENTS OF THE SCHEME

The **Scheme** consists of the following:

- 3.1 The Zoning **Map**, which may be a hard copy or electronic copy, which consists of:
  - (a) The Index Sheet
  - (b) The Reference to the System of Notation
  - (c) Zoning Sheets
- 3.2 The Clauses which are divided into Parts relating to the following matters:
  - Part 1: Introduction
  - Part 2: Use of **Land** or **Buildings**
  - Part 3: **Building Lines** and **Line of No Access**
  - Part 4: Development Conditions
  - Part 5: Parking and Loading Provisions
  - Part 6: Amenity and Appearance of **Buildings**
  - Part 7: Administration of Land Development Rights
  - Part 8: Promotion of **Land** development
  - Part 9: Law Enforcement
  - Schedules to this **Scheme**
- 3.3 A Register of all amendments to this **Scheme**, including all **Consents** and **Approvals**, which are recorded either manually or electronically and indicating **Applications** received, the decision on the **Application**, any amendment to the **Application** during processing and any appeal decision on the **Application**.

### 4 TRANSITIONAL PROVISIONS

- 4.1 Any **Consent**, permission or **Approval** granted in terms of the provisions of a Town Planning Scheme substituted by this **Scheme** for the erection or use of **Buildings** or for the use of **Land**, or any rights legally exercised in terms of such prior Scheme, shall be deemed to be a **Consent**, permission or **Approval** in terms of the provisions of this **Scheme**: Provided that any such **Consent**, permission or **Approval** shall continue to be of force subject to the provisions of the **By-law** to the extent that the same may be in conflict with this **Scheme**.
- 4.2 Where any **Application** is, on the date of commencement of this **Scheme**, pending before the **Municipality** in terms of a Scheme substituted by this **Scheme**, it shall be dealt with in terms of that Scheme as if this **Scheme** has not been promulgated and be finalised accordingly.
- 4.3 Save that alterations or additions to existing **Buildings** shall be carried out in compliance with the provisions of this **Scheme**, existing **Buildings** shall not be affected by the provisions of this **Scheme**. For the purposes of this clause, should a **Building** in the opinion of the **Municipality** be substantially altered, such **Buildings** shall be subject to the provisions of this **Scheme**.
- 4.4 In the event of an existing **Building** be built across **Property** boundaries, any changes to that building shall require that a consolidation first be approved and registered prior to the approval of any alterations or additions to the **Building(s)**, or if a consolidation is not possible the erven will have to be **Notarially Tied**.



## 5 GENERAL PROVISIONS

- 5.1 If any provision of this **Scheme** is struck down as invalid by a court of law in South Africa, such provision shall be severed from the **Scheme**, and shall not affect the validity of the remaining provisions.
- 5.2 Where the provisions of the **Scheme** are in conflict with any municipal by-law in operation in the **Municipality**, the provisions of this **Scheme** shall prevail.
- 5.3 Where reference is made in the **Scheme** to a policy of the City of Ekurhuleni Metropolitan **Municipality**, such reference shall be construed as a reference to an approved policy, and which is applicable at that particular time: Provided that nothing in the **Scheme** shall prevent the City of Ekurhuleni Metropolitan Municipality from amending a policy, whenever it deems appropriate.
- 5.4 Any **Approval** granted in terms of this **Scheme**, former Scheme or the **By-law** shall in no way exempt any **Property Owner** nor **Applicant** from compliance with any other law, by-law, regulation, title deed or other restriction applicable to any **property** and an owner of **land** shall accordingly not be entitled to utilise any rights granted in terms of this **Scheme** until such time as such owner or **Applicant** has complied with said law, by-law, regulation or restrictive condition.
- 5.5 The English version of this **Scheme**, including notices published in terms of this **Scheme**, shall always be the official text.
- 5.6 All the provisions and conditions of this **Scheme** (all clauses and Schedules) and any applicable **Annexures** to the **Scheme**, must be read together as a whole in order to determine the **Land Use Rights** and conditions of development of each **Property** in the City of Ekurhuleni Metropolitan **Municipality** municipal area, provided that, if any condition, provision or right in this **Scheme** or **Annexure** to this **Scheme**, are in conflict then the less onerous condition or provision shall apply.
- 5.7 All **Approvals** of **Applications** in terms of this **Scheme** or the **By-law** shall be recorded in the Register to this **Scheme**.
- 5.8 A reference to a clause or Table or Schedule in the former Ekurhuleni Town Planning Scheme, 2014, shall be a reference to the clause, Table or Schedule to this **Scheme**, and vice versa, as indicated below in Table A.
- 5.9 Where an **Amendment Scheme** (rezoning) is submitted in terms of the **By-law** for a land use that is not adequately defined in this **Scheme**, the **Applicant** may provide a customised definition to the satisfaction of the **Municipality**.

TABLE A: CONVERSION	
Ekurhuleni Town Planning Scheme, 2014	City of Ekurhuleni Land Use Scheme, 2020
Clause 1	Clause 1.1
Clause 2	Clause 1.2
Clause 3	Clause 3
Clause 4	Clause 4
Clause 5	Clause 5
Clause 6: <ul style="list-style-type: none"> <li>• Caravan Park</li> <li>• Child Care Facility</li> <li>• Cellular Mast</li> <li>• Rest Rooms and Public Conveniences</li> <li>• Restaurant</li> <li>• Tuck Shop</li> </ul>	Clause 6: <ul style="list-style-type: none"> <li>• Camping Site</li> <li>• Child Care Centre</li> <li>• Telecommunications mast</li> <li>• Public Ablutions</li>   <li>• Place of Refreshment</li> <li>• Spaza Shop</li> </ul>
Clause 7	Clause 8
Clause 8	Clause 9
Clause 9	Clause 10
Clause 10	Clause 11
Clause 11	Clause 12
Clause 12	Clause 13
Clause 13	Clause 7.1 - 7.2
Clause 14	Clause 15
Clause 15	Clause 14
Clause 16	Clause 16
Clause 17	Clause 17
Clause 18	Clause 18
Clause 19	Clause 19
Clause 20	Clause 20
Clause 21	Clause 21
Clause 22	Clause 22
Clause 23	Clause 23
Clause 23.2	Clause 23.3
Clause 23.7	Clause 7.9
Clause 24	Clause 24
Clause 25	Clause 25
Clause 26	Clause 26
Clause 27	Clause 27
Clause 28	Clause 28
Clause 29	Clause 29
Clause 30	Clause 30.1
Clause 31	Clause 30.2: Council owned land
Clause 32	Refer to the <b>By-law</b>
Clause 33	Refer to the <b>By-law</b>
Clause 34	Clause 30.3
Clause 35	Clause 31
Clause 36	Refer to the <b>By-law</b>
Clause 37	Refer to the <b>By-law</b>
Clause 38	Clause 36
Clause 39	Clause 37
Clause 40	Clause 38
Clause 41	Clause 39
Clause 42	Clause 40

Table A	Table C
Table B <ul style="list-style-type: none"> <li>• Social services and Public Services</li> <li>• Roads</li> </ul>	Table D <ul style="list-style-type: none"> <li>• Social Services and Public Services</li> <li>• Roads</li> </ul>
Table C	Table B
Table D	Table G
N/A	Table E
Table E	Table H
Table F	Table I
Written Consent A	Written Consent A
Written Consent B	Written Consent A
N/A	Written Consent B: Council owned land

## 6. DEFINITIONS

In this **Scheme**, except where the context otherwise indicates or if it is otherwise expressly stipulated, the following words and expressions have the respective meanings hereinafter assigned to them and any other word or expression to which a meaning has been assigned in the City of Ekurhuleni Metropolitan Municipality Spatial Planning and Land Use Management By-law, 2019, shall bear that meaning:

**ABATTOIR:** means **Land** or **Buildings** used for the slaughter of animals and may include the processing of animal products.

**ACCESS CONTROL:** means **Land** and **Buildings** approved in terms of the Rationalization of Local Government Affairs Act, 1998 and / or the City of Ekurhuleni Restriction of Access By-law, for a security gate, **guardhouse** and associated facilities to control access to a public street.

**ADULT ENTERTAINMENT:** means any exhibition or sale of any adult-oriented motion pictures, live performance, computer or CD Rom generated images, displays of adult-oriented images or performances derived or taken from the internet, displays or dance of any type, which has a substantial portion of such performance, any actual or simulated performance of specified sexual activities or exhibition and viewing of specified anatomical areas, removal or partial removal of articles of clothing or appearing unclothed, pantomime, modelling, or whilst offering other personal service to customers.

**ADJOINING PROPERTY:** means any **Property** sharing a common boundary with a **Property** which forms the subject of a land development **Application** or touches any corner of the aforesaid **Property** and will include a **Property** that may be separated from the aforesaid **Property** by a **Road** or a roadway or a right of way **Servitude** or any **Land** or **Property** as may be determined by the **Municipality**.

**AGRICULTURAL USES:** means arable, meadow and/or pasture **Land** and **Buildings** used for *bona fide* farming activities, such as crop or grain farming, grazing, **Land** used for bee-keeping, bird and animal breeding and keeping, livestock farming, dairy farming, game farming, aquaculture, mushroom production, **Plant Nursery** gardens, plantations, orchards, market gardens and such other uses and **buildings** normally regarded as incidental thereto, such as cultivation sheds and store rooms/sheds, **Farm Worker Accommodation** of a maximum of 50 m<sup>2</sup>, which may be increased with **Written Consent**

**AGRICULTURAL HOLDING:** means **Land** laid out in terms of the Agricultural Holdings (Transvaal) Registration Act, 1919 (Act 22 of 1919).

**AIRFIELD:** means **Land** and **Buildings** used for the landing and take-off of aircraft and helicopters and may include the storage of aircraft and a **Fuel Depot** subject to the Civil Aviation Act, 2009 (Act 13 of 2009), a **Place of Refreshment**, luggage and freight storage handling, and aircraft and related clubs but does not contain customs and migration control, **Places of Entertainment**, **Guest House**, and a **Clinic**.

**AIRPORT:** means **Land** and **Buildings** used for aviation purposes for which a license is required, in terms of the Civil Aviation Act, 2009 (Act 13 of 2009), and may include airways control, aircraft hangers, **Fuel Depot**, fuel bays, workshops for manufacturing, repair and spray-painting of aircraft, engine run test area, training facilities for flight schools, passenger terminals, luggage and freight storage and handling, customs and migration control, associated **Shops**, sale of aircraft and parts, **Offices**, **Place of Refreshment**, **Places of Entertainment**, Banks, leasing of vehicles, vehicle valet

service area, **Clinic, Residential Buildings, Dwelling-units, Telecommunication Masts, Hotel and Conference Centre**, together with any **Ancillary Buildings** and facilities.

**AIR RIGHTS:** means the use of a **Building** which spans across a **Road** at a height approved by the **Municipality** subject to such conditions it deems appropriate, for any use the **Municipality** may approve in terms of a **Special Consent application**.

**ANCILLARY:** means a use, purpose, **Building** or activity which in the opinion of the **Municipality** is related and subservient to the lawful, **Dominant Use** of the **Property**, which shall not exist on its own without the **dominant use** of the property and shall be limited to 20% of the floor area of the **Dominant Use**.

**ANCILLARY OFFICES:** means **Ancillary** and subservient **Offices** to the **Dominant Use** on the **property**, and limited to 20% of the floor area of the **Dominant Use**.

**ANIMAL CARE CENTRE:** means **Land** or **Buildings** used or designed for the keeping, nursing, grooming, breeding, boarding and training of dogs, cats or other house pets as deemed fit by the municipality, and may include the sale of **Ancillary** products.

**ANNEXURES TO THE SCHEMES:** means the document containing site specific stipulations, *inter alia* special rights, conditions and restrictions applicable to those properties indicated on the **Map** with an **Annexure** number.

**APPLICATION:** means a land development **Application** as contemplated in the **By-law** and any other **application** in terms of this **Scheme**.

**APPLICANT:** means an owner or person duly authorised to make a land development **Application** as contemplated in the **By-law**.

**APPROVAL:** means the **Approval**, in writing, by the **Municipality** of an **Application**, in terms of the **Scheme** or the **By-law**, or any succeeding legislation, including any conditions of that **Approval**.

**AREA OF THE SCHEME:** means the area of the **Municipality** to which the **Scheme** applies.

**ART GALLERY:** means **Land** and **Buildings** used for the display and sale of art works and may include **Ancillary Offices** and storerooms.

**AUTOMATIC TELLER MACHINE (ATM):** means **Land** and **Buildings** used for an automatic teller machine of a bank or other financial institution.

**AUCTIONEERS:** means **Land** and **Buildings** used for the storage of new and second hand goods for sale to the public by means of an auction.

**BAKERY:** means **Land** and **Buildings** used for the preparation and baking of breads and wheat or flour-based products that are manufactured in bulk for distribution to **Warehouse Retail, Shops** and **Spaza Shops** and may include an **Ancillary Shop** which shall not exceed an area of 30m<sup>2</sup>.

**BALCONY:** means a platform projecting from a **Building**, usually having access from an upper **Storey**.

**BASEMENT:** means the *Storey* of a *Building* which is below the ground *Storey*, provided that a basement shall be counted as a *Storey*, where any portion extends more than 1 metre above the lowest level of the *Natural Ground Level*, immediately adjacent to the *Building*.

**BASE STATION:** means *Land* and *Buildings* used for any structure designed and used for the accommodation of equipment used in the transmitting or receiving of electronic communication signals and includes the associated mast on the same site.

**BEAUTY/HEALTH SPA:** means *Land* and *Buildings* used for providing facial and body treatments, massages, hot and cold water facilities for relaxation or invigoration, nail manicure and tip replacement or repair, pedicure, hair dressing or other body treatment for humans and may include the sale of only products which are ancillary and subservient to the main use but does not include a *Shop*.

**BED AND BREAKFAST:** means a *Dwelling House* used for accommodating guests in a minimum of 2 bedrooms and a maximum of 3 bedrooms or suites and includes at least breakfast but no *Ancillary* facilities such as a communal bar or lounge or boardroom etc., and which shall be managed by the host who resides in the *Dwelling House*.

**BLOCK OF FLATS:** Means two (2) or more *Dwelling Units* of one or more storeys contained in a *building* and may include other communal ancillary and subservient facilities such as a laundry and vending machines for the residents only.

**BOARDING HOUSE:** means *Land* and a *Building* or *Buildings*, other than a *Dwelling House*, *Dwelling Unit* or *Hotel*, designed for use, or used for human habitation, comprising of a number of *Habitable Rooms* and associated communal facilities such as a *Kitchen* and ablutions and/or any other communal facilities that the *Municipality* may require for use by the *Occupants*, and which are rented out to occupants and where meals may be provided to such *Occupants*, provided that the number and extent of *Habitable Rooms* and the nature and extent of associated communal facilities shall be to the satisfaction of the *Municipality*.

**BOARDING ROOM:** means a *Habitable Room* with a minimum floor area size of 6 m<sup>2</sup>, with adequate sanitation facilities which may be shared by unrelated persons and which is designed for human habitation, but which is not a *Dwelling Unit*, provided that such *Boarding Room* may only be rented out and it may be erected simultaneously with or after the main *Dwelling House* on the same *Property*. The maximum number of inhabitants per room shall not exceed those contemplated in the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977).

**BOTANICAL GARDEN:** means *Land* designed for and cultivated with exotic and indigenous plants with restricted access to the public and may include a *Place of Refreshment*.

**BOUNDARY:** means the cadastral line shown on a *Diagram* or *General Plan* depicting the boundary of the *Land*.

**BRICK MAKING:** means *Land* used for the manufacturing of bricks, tiles, pottery and ceramic products.

**BUFFER ZONE:** a strip of *Land* surrounding a *Wetland* or riparian area in which activities are controlled or restricted, in order to reduce the impact of adjacent *Land Uses* on the *Wetland* or riparian area.

**BUILDER'S YARD:** means *Land* and *Buildings* that are used for the storage and/or sale or rental of building materials such as sand, bricks, scaffolding, cement, doors, windows et cetera.

**BUILDING:** means any *Structure* of any nature whatsoever, read together with the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977).

**BUILDING LINE:** means a line at a stipulated distance or position, in relation to a *Property Boundary*.

**BUILDING REGULATIONS:** refers to the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977), as amended, and its regulations.

**BUILDING RESTRICTION AREA:** means the area between a *Building Line* and a *Property Boundary* or a natural water course or *Wetland* area on which no *Building* may be erected, except as may be provided for in the *Scheme*.

**BUS LANE:** means a dedicated and clearly marked lane or section in a *Road* for busses to take priority in traffic and may include a bus stop, but excludes a transport centre.

**BUS STOP:** means a dedicated and clearly marked section in a *Road* or *Road* reserve for buses to stop for the on- and offloading of passengers and includes a shelter, but excludes a transport centre.

**BUSINESS PURPOSES:** means *Land* or *Buildings* used for *Offices*, banks, financial institution, hair and beauty salons, pet parlour, *Internet Café*, Totalisator Agency Board (T.A.B.), dental technician, prosthetist, orthodontist, pathologists, optometrist technician, and any other business activity not elsewhere defined or listed in the *Scheme*, but excludes a *Shop*, *Warehouse*, *Light Industry*, *Service Industry*, *Industry*, a *Filling Station*.

**BY-LAW:** means the City of Ekurhuleni Metropolitan Municipality Spatial Planning and Land Use Management By-law, 2019, unless specifically stated otherwise.

**CAMPING SITE:** means *Land* and *Buildings* used for transient guests for the overnight accommodation of caravans, *Mobile Homes* and tents and may include ablution facilities, a *Caretaker's Unit*, communal *Kitchen* and *Ancillary* and subservient *Shops* and other related *Buildings*.

**CANOPY:** means a horizontal projection from the external wall of a *Building*, at a *Height* below the roof of the *Building*, for the purpose of creating shade, or shelter over an area outside the *Building*, but excludes a *Balcony*.

**CANTEEN:** means a communal facility for providing meals and refreshments to the *occupants* or employees and their guests in a *Building*, provided it is ancillary to the main use on the same *Property*, but which is not open to the general public.

**CAR WASH:** means *Land* and *Buildings* used for the washing, polishing and cleaning of motor vehicles.

**CARETAKER'S UNIT:** means a *Dwelling Unit* for a person and his/her *Family* who is responsible for the care and supervision of the *Land* and main *Buildings* on the same *Property*.

**CASINO:** means *Land* and *Buildings* used for gambling activities, contemplated by the Gauteng

Gambling Act, 1995 (Act 85 of 1995) which are permitted, in accordance with a license granted in terms thereof and includes **Ancillary** activities.

**CELLULAR MAST:** see **Telecommunications Mast**

**CEMETERY:** means **Land** and **Buildings** used for the burial of deceased persons and human ashes and which can include **Ancillary** uses such as a crematorium, chapel, **Funeral Parlour**, **Wall of Remembrance**, **Social Halls** storerooms and **Offices** for the management of the cemetery, and an **Ancillary Shop**.

**CHILD CARE CENTRE:** means **Land** and **Buildings** used for as a child care centre for more than 6 (six) children such as a crèche, nursery school, pre-school, playgroup, after school care centre, pre-primary school or similar facilities. A Child Care Facility shall have the same meaning.

**CHILDREN'S PARTY VENUE:** means **Land** and **Buildings** used for entertaining children, who may be escorted by their parents or guardians, and may include **Ancillary** facilities such as a **Coffee Shop** and ablutions, which are for the exclusive use of patrons attending a party at the venue.

**CLINIC:** means **Land** and **Buildings** used for the medical treatment of day patients, but excludes overnight facilities.

**COFFEE SHOP:** means part of a **Dwelling House** or **Shipping Container** not exceeding 50m<sup>2</sup> **Total Building Floor Area**, used for the preparation, sale and on-site consumption of beverages, such as tea, coffee and cold drinks, and may include light meals, but excludes the sale and consumption of liquor.

**COMMENCEMENT DATE:** means the date on which this **Scheme** comes into operation.

**COMMERCIAL PURPOSES:** means **Land** and **Buildings** used for purposes such as assembling and packaging, distribution centres, wholesale trade, storage, **Mini Storage** units, **Warehouses**, cartage and transport services, laboratories and computer centres, and may include a **Canteen**, and **Ancillary Offices**, **Service Industries** and the retailing of their products.

**COMMERCIAL VEHICLE MART:** means **Land** and **Buildings** used for the sale, storage and maintenance of earthmoving equipment, agricultural equipment and heavy vehicles.

**COMMUNE:** means a **Dwelling House** where the habitable rooms are rented out for an extended period to unrelated persons and who share the communal facilities such as the **Kitchen**, lounge, dining room and bathrooms and may not exceed eight (8) occupants.

**COMPOST PRODUCER:** means **Land** and **Buildings** used for the production, packaging and distribution of compost to retailers or for collection/ delivery to the general public and may include an **Ancillary Shop** of maximum 100m<sup>2</sup> floor area for sale to the public.

**CONFERENCE CENTRE:** means **Land** and **Buildings** used for congresses, conferences, meetings, seminars, training purposes, weddings, as well as for cultural or social gatherings.

**CONFERENCE ROOMS:** means rooms used for meetings, conferences, seminars or training purposes.

**CONSENT:** means the **Consent**, in writing, by the **Municipality** for any activity on, or use of **Land** or



**Buildings** for which an **Application**, in terms of this **Scheme** or the **By-law** is required.

**CONSERVATION AREA:** means **Land** and **Buildings** used for the protection of biological diversity, natural or built environments, such as but not limited to conservancies, protected environments, nature reserves, national parks, museums, monuments, **Heritage Sites** and historical **Buildings**, as defined in the National Heritage Resources Act, 1999, and the National Environmental Management Act, 1998 (Act 107 of 1998) and related national, or provincial legislation.

**CONSTRUCTION:** means the erection of any **Building** or alterations to **Buildings**, including the excavation, filling or preparation of **Land** or the laying of **Building** foundations.

**CONTROLLING AUTHORITY:** means the authorised body appointed by legislation to administer a particular procedure, or requirements specified in such legislation.

**CORRECTIONAL SERVICES:** means **Land** and **Buildings** used by the Department of Correctional Services for the internment of prisoners and includes **Ancillary** uses such as sport grounds and workshops for the inmates use.

**COVERAGE:** means the area of **Land**, which may be covered by **Buildings**, as seen vertically from above and is expressed as a percentage of the area of the **Property**.

**CULTIVATION SHED:** means a **Building** used for the cultivation of agricultural products.

**DAYS:** reference to time periods in days shall be construed as calendar days.

**DAY CARE FACILITY:** means **Land** and **Buildings** used for the care of 6 (six) or less children, or the care of 6 (six) or less persons older than 55 who are not able to care for themselves during the day, but excludes overnight facilities, in compliance with Public Health By-laws and relevant legislation

**DISPENSING PHARMACY:** means part of a **Building** used for the sale of medicines, as defined in the Control of Medicine and Related Materials Act, 1965 (Act 101 of 1965), as prescribed by a registered medical practitioner.

**DIAGRAM:** means a **Diagram**, as defined in the **By-law**.

**DOMESTIC WORKER:** means a person, as defined in the Basic Conditions of Employment Amendment Act, 2002, who is employed to work for the bona fide occupant of a **Dwelling House**, **Dwelling Unit**, **Residential Building**, **Guest House** or **Retirement Village**.

**DOMINANT USE:** means the use which, in the opinion of the **Municipality** is the main use or activity on the **Land** or **Building**, and which is at least 51% of the area of the **Land** or floor area of the **Building**.

**DRY CLEANER:** means a **Building** used or designed for the purpose of cleaning textiles or fabrics with chemical solvents, which dissolve dirt and grease therefrom.

**DWELLING HOUSE:** means a **Dwelling Unit** which has no other **Dwelling Unit** above or below it, but which may abut or be physically connected with one or more **Dwelling Houses** and may include related **Outbuildings** and a **Home Enterprise** subject to clause 15.

**DWELLING UNIT:** means an interconnected suite of rooms including one *Kitchen*, within a single *Storey* or multiple *Storeys*, subject to Table G, designed for occupation by a single *Family*, and may include such *Outbuildings* and a *Home Enterprise* subject to clause 15 as are ordinarily incidental thereto. A flat, cluster unit and duplex dwelling may also constitute a *Dwelling Unit* and shall have a minimum size of 30m<sup>2</sup>.

**ELECTRICITY POWER STATION:** means *Land* and *Buildings* used for the generation of electricity, inter alia coal burning turbines, other fuel burning turbines, wind turbines and solar panels and may include ancillary and subservient uses.

**ELECTRICITY SUB-STATION:** means *Land* and *Buildings* containing equipment, cables and pylons for the conversion of electricity from one voltage to another voltage and the distribution thereof.

**EMERGENCY SERVICES:** means services such as fire brigade and ambulance services provided by the *Municipality* or provincial government.

**ENGINEERING SERVICES:** means *Engineering Services* as defined in the *By-law*.

**EQUESTRIAN CENTRE:** means *Land* and *Buildings* used for equestrian shows and competitions, stud breeding, horse and horse rider schooling and may include a *Canteen* for patrons to such centre.

**ERF:** means *Land* in an approved township registered in a deeds registry as an *Erf*, lot, plot or stand or as a portion or the remainder of any *Erf*, lot, plot or stand or *Land* indicated as such on the *General Plan* of an approved township

**EXISTING BUILDING:** means *buildings* erected or partially erected, prior to the *Commencement Date*, in accordance with plans approved by the *Municipality* and includes *Buildings* to be erected after the *Commencement Date* for which building plans have been approved by the *Municipality* before the *Commencement Date*.

**EXISTING MINING RIGHTS:** means *Land* and *Buildings* used for the mining of *Land* as contemplated in the Mineral and Petroleum Resources Development Act, 2002 (Act 28 of 2002) prior to 1 May 2004 and may include *Ancillary* and subservient *Offices*, ablutions, training facilities, *Caretaker's Unit* and a *Canteen* subject to Schedule 3.

**FARM PORTION:** means any portion of *Land* which is not an *Erf*, *Agricultural Holding*, *Road* or street and which is registered as a separate entity in the Deeds Registry.

**FARM WORKER ACCOMMODATION:** means a room or rooms, designed for the occupation of *bona fide* farm workers and their family members, which shall have a minimum habitable room size of 6m<sup>2</sup> and a maximum floor area of 50m<sup>2</sup>, with adequate sanitation facilities which may be shared, and which may be increased with the *Written Consent A* of the *Municipality*.

**FILLING STATION:** means *Land* and *Buildings* used for the purpose of fuelling of motor vehicles and may include a *Car Wash*, as well as an *Ancillary Shop* and/or *Place of Refreshment* and/or Confectionary which combined maximum *Total Building Floor Area* of 250m<sup>2</sup> (including associated storage and *Kitchen* areas), shall be restricted by the *Coverage*, *Height* and parking requirements but excludes *Motor Workshops*, *Motor Dealers* and *Panel Beaters*.

**FITMENT CENTRE:** means *Land* and *Buildings* used for the fitting of exhausts, tow bars, radios,

shock absorbers, tyres and other vehicle parts within an enclosed **Building**, but excludes **Motor Workshops** and **Panel Beaters**.

**FLOOD LINE:** means the line indicating the 1:50 or 1:100-year flood, as defined in the National Water Act, 1998 (Act 36 of 1998).

**FLOOR AREA RATIO (FAR):** means a ratio of the **Total Floor Area** of a **Building** to the total area of the **Property**, including any **Servitudes**, on which such **Building** is erected or is to be erected, therefore FAR = **Total Building Floor Area** divided by the area of the **Property**.

**FUEL DEPOT:** means **Land** and **Buildings** used for the bulk storage of fuel for distribution to retail outlets, and excludes the sale of fuel to the general public, subject to section 24(2)(a) and (c) of the National Environmental Management Act, 1998.

**FUEL TANKS:** means a tank used for the storage of fuel for the refuelling of vehicles used for the main purpose on the same **Property**, subject to section 24(2)(a) and (c) of the National Environmental Management Act, 1998.

**FUNERAL PARLOUR:** means **Land** or **Buildings** used for the administration of funeral arrangements, according to compulsory environmental health requirements and may include **Ancillary Showrooms**, **Offices**, storage space, refrigeration rooms, a preparation area, viewing area, waiting room, the sale of flowers, coffins, gravestones and other related products, as well as, a chapel, but excludes a **Mortuary** and crematorium.

**GAMING MACHINES:** means electronic equipment used for entertainment purposes, including Limited Pay-out Machines (LPMs) as defined in the Gauteng Gambling Act, 1995 (Act 4 of 1995).

**GAS WORKS:** means **Land** and **Buildings** used for extraction or processing or storage and distribution of gas.

**GENERAL PLAN:** means the general plan as defined in the **By-law**.

**GOVERNMENT PURPOSES:** Means **Land** and **Buildings** designed or used by National or Provincial Government **Offices**, depots, workshops, stores, communication centres, police stations, social welfare and labour **Offices**, law courts and includes incidental uses such as a **Canteen** solely for use by employees Government Departments but excludes **Industries** and **Noxious Industries**, **Military Facilities** and **Correctional Services**.

**GROUND FLOOR:** means the floor of a **Building** which is the entry point into the **Building** and which is at or closest to the **Natural Ground Level** of the **property**, but excludes a **Basement**.

**GUARD HOUSE:** means a **Building** or structure used to accommodate security guards at an entrance to a site, **Property**, **Road**, **Public Open Space** or **Private Open Space**.

**GUEST-HOUSE:** means paid temporary accommodation, consisting of a minimum of 4 (four) and a maximum of 8 (eight) bedrooms or suites or a maximum of 16 guests, with **Kitchen** facilities and a communal dining-room, lounge, bar and may include **Ancillary** and subservient facilities for the exclusive use of such guests including back-packers, but does not include any **building** mentioned whether by way of inclusion or exclusion in the definitions of a **Place of Refreshment**, **Place of Entertainment**, **Social Hall**, **Adult Entertainment**, **Conference Centre**, **Self-catering Units**,

**Boarding House, Bed and Breakfast** and **Residential Building**, and which shall be managed by the owner or manager who shall reside on the same **Property** and may include **Ancillary** and subservient staff accommodation.

**GYMNASIUM:** means a **Building** for physical exercise, training and physical fitness purposes and may include the sale of related merchandise.

**HABITABLE ROOM:** means a room designed or used for human habitation according to the minimum standards prescribed in Part C of the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977), but shall not include a storeroom, **Kitchen**, scullery, toilet, bathroom or a passage.

**HEIGHT:** means the vertical dimension of a **Building**, expressed in the number of **Storeys** or metres of which it consists as stipulated in clause 19.

**HELISTOP:** means **Land** or **Buildings** used for landing and take-off of helicopters as defined in the Civil Aviation Act, 2009 (Act 13 of 2009).

**HELIPORT:** means **Land** and **Buildings** used for landing and take-off of helicopters and may include a terminal for passengers, storage for helicopters, repairs and maintenance, refuelling facilities and an **Ancillary Place of Refreshment**, subject to the Civil Aviation Act, 2009 (Act 13 of 2009).

**HERITAGE SITE:** means **Land** or **Buildings** declared as such, in terms of the National Heritage Resources Act, 1999 (Act 25 of 1999) or Provincial Heritage Authority.

**HOME CARE FACILITY:** means a **Dwelling House** used as a care centre, such as a nursing home, hospice, orphanage, victims of domestic violence, or similar care facility to the satisfaction of the **Municipality** and may include an **Ancillary Office** and other uses which are ancillary and incidental thereto, but excludes **Medical Consulting Rooms**, **Clinics** and **Hospitals**.

**HOME ENTERPRISE:** means a small scale enterprise, practice or occupation for economic gain, by the occupant of a **Dwelling House** or **Dwelling Unit**, subject to clause 15.

**HOME OWNERS ASSOCIATIONS:** means an association of **Property Owners** (usually within a security township) where membership is compulsory for all **Owners**. The association shall be registered as a Non Profit Company (NPC) in terms of the Companies Act, 2008 (Act 71 of 2008) and may also regulate aesthetics and design guidelines for all member **Owners** which shall apply in addition to the provisions of the **Scheme**.

**HOSPITAL:** means **Land** and **Buildings** used for the accommodation and care of sick or injured persons or persons needing specialised medical treatment or operations and may include operating theatres, x-ray rooms, a **Place of Refreshment**, a **Shop**, pharmacy and **Offices** and consulting rooms directly related to the **Hospital** and may include a **Caretaker's Unit** and **Ancillary** and subservient uses.

**HOSTEL:** means **Land** and **Buildings** used for residential accommodation of persons attending a **Place of Education** or **Institution** which is owned and managed by the **Place of Education** or **Institution**.

**HOUSEHOLD:** means an individual or a couple with or without their **Family** and may also include a

group of not more than 4 (four) unrelated persons living together as a **Family** and does not include the subletting of a **Dwelling House** or **Dwelling Unit** or rooms therein. For the purpose of this **Scheme**, **Family** shall have the same meaning.

**HOTEL:** means **Land** and **Buildings** used for the temporary accommodation of guests, including an ancillary **Place of Refreshment**, meeting rooms, **Conference Centre**, entertainment areas and other related **Ancillary** facilities.

**INCREMENTAL UPGRADING OF INFORMAL AREAS:** means the process of upgrading informal areas or settlements as contemplated in the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013), the **By-law** and in clause 33 of this **Scheme**.

**INDUSTRY:** means **Land** and **Buildings** used for the manufacturing, processing, assembly and blending of products/chemicals/materials but excludes any **Noxious Industry** as defined in this **Scheme**.

**INFORMAL SETTLEMENT:** means a settlement established outside existing planning legislation consisting of **Informal Dwellings**, and may include any settlement or area under traditional tenure.

**INFORMAL DWELLING:** means a **Building** of any material, not approved in terms of the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977), erected and used for human habitation on **Land** within an **Informal Settlement**.

**INFORMAL STRUCTURE:** means a metal or wooden structure or collapsible structure used for **Informal Trade** and **Business Purposes** and not erected in terms of the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977), as amended.

**INFORMAL TRADING:** means the selling of products or provision of services from **Land** not necessarily zoned for this purpose, but in accordance with the relevant Municipal policy and/or **By-laws**.

**INFRASTRUCTURE:** means **Municipal Infrastructure Services** or networks or other **Engineering Services** and includes **Telecommunications Services** and **Masts**, power and light poles, but does not include a **Reservoir**, **Electricity Power Station** and **Waste Water Works**.

**INSTITUTION:** means **Land** and a **Building** designed and used as a public or private charitable **Institution**, nursing home, orphanage or similar residential facility, sanatorium, and includes **Offices**, a **Canteen**, **Medical Consulting Rooms** and other uses which are incidental and **Ancillary** thereto.

**INTERESTED AND AFFECTED PARTY:** means, unless specifically delineated, any person or group of persons that can demonstrate that a specific action or decision, or intended action or decision, negatively affects their rights with specific reference to town planning principles or development principles.

**INTERNET CAFÉ:** means a café in which customers pay to use computer terminals to access the internet.

**KITCHEN:** means a room or part of a **Building** which is used for the preparation and cooking of food and provided with waste water drainage.

**LAND:** means any **Erf**, **Agricultural Holding** or **Farm Portion** and includes any improvement or

**Buildings** on the **Land**, and any real right.

**LAND USE:** means the purpose for which land and **Buildings** is or may be used lawfully in terms of this **Land Use Scheme**, existing scheme or in terms of any other authorisation, permit or **Consent** issued by a competent authority, and includes any conditions related to such **Land Use** purposes.

**LAND USE RIGHTS:** means the purpose for which **Land** is or may be used lawfully in terms of this **Scheme**, or **By-law**, including any conditions related to such **Land Use** purposes.

**LAND USE CATEGORY:** means that part of the **Scheme**, which has been shown on the **Map** by a specific notation or bordering or any other distinguishing manner, in order to identify the zoning or **Use Zone** of the **Land**, as also indicated in Table B of this **Scheme**.

**LANDSCAPING PLAN:** means a plan indicating the topography of a site, together with the proposed open space layout and may include the placement of plants, contoured features, water features, paving, street furniture and other soft and hard elements, for the purposes of enhancing aesthetic appeal, functional environmental management and amenity of a **Property**.

**LAUNDERETTE:** means **Land** and **buildings** used for the washing of clothing by means of coin operated machines.

**LIBRARY:** means **Land** and **Buildings** used for the storage and lending out of mainly books and other educational media for the use of the public.

**LINE OF NO ACCESS:** means a line along a **Boundary** or part of a **Boundary** of a site as shown on the **Map** or described in the **Scheme** across which vehicular movement or access is not permitted and may include a restriction of access to pedestrians, where deemed necessary by the **Municipality**.

**LIGHT INDUSTRY:** means **Land** or **Buildings** used for, *inter alia*, bakeries, dry-cleaners, carpet cleaners, joinery workshops, laundries, lawnmower workshops, plumber's workshops, publication works and any other such industries, workshops or yards which, in the opinion of the **Municipality**, do not cause a nuisance to the environment, and may include the **Ancillary** retail sale of goods produced on the same **property**, but does not include a **Scrap Yard**.

**LIVING ACCOMMODATION FOR DOMESTIC WORKERS:** means a room or rooms, designed for the residential occupation of *bona fide* domestic workers which room shall have a minimum habitable floor area of 6m<sup>2</sup> and a maximum habitable floor area (including a **Kitchen** and bathroom) of 29m<sup>2</sup>, provided that it is developed as a single functional unit and that it is not rented out or sectionalized.

**LOFT:** means the space contained within a pitched roof volume of a **Building** which is used for habitable purposes.

**MAP:** Means the **Zoning Map** of the **Scheme** indicating cadastral boundaries and other physical features such as **Roads** and watercourses, the **Zoning** of a **Property** by means of a notation, and including any amendment thereof.

**MEDICAL CONSULTING ROOMS:** means **Land** and a **Building**, other than a **Hospital**, **Clinic** or **Institution**, used for the provision of any medical or health services by a registered health or medical practitioner and includes a **Veterinary Clinic** or **Dispensing Pharmacy**.

**MEZZANINE:** means a floor within the **Storey** of a **Building**, but which has an area of not more than 25% of the area of the floor of the **Storey** in which it is situated.

**MILITARY FACILITIES:** means **Land** and **Buildings** used by the South African National Defence Force for military purposes.

**MINING AREA:** means the actual **Land** area which is used for operations and activities for the purposes of searching for and extracting any mineral on, in or under the earth, water or any residual deposit, whether by underground, or open working, or otherwise and includes any operation, or activity incidental thereto, as defined and granted, in terms of the Mineral and Petroleum Resources Development Act, 2002 (Act 28 of 2002), or related and succeeding legislation, subject to Schedule 1.

**MINI STORAGE:** means **Land** and **Buildings** used for the storage of mainly household furniture, vehicles, documents and equipment in individual lockable store rooms and may include **Ancillary Offices**, a **Guard House**, and a **Caretaker's Unit**, but excludes the storage of livestock, perishable, inflammables and explosives and any item temporarily used for trading purposes.

**MOBILE CLINIC:** means a health **Clinic** provided to the community in a vehicle or movable **Shipping Container** or similar container.

**MOBILE HOME:** means a transportable structure designed for human habitation with the necessary service connections, which is usually parked in a **Camping Site** or similar approved **Property**.

**MOBILE POLICE STATION:** means a police station provided to the community in a vehicle or movable **Shipping Container** or similar container.

**MOTOR DEALER:** means **Land** and **Buildings** used for the display and sale of motor vehicles and may include an **Ancillary Motor Workshop** and **Offices**.

**MOTOR WORKSHOP:** means **Land** and **Buildings** used for the servicing, maintenance and repair of motor vehicles within an enclosed **Building** and may include the sale of motor vehicle parts but excludes a **Panel Beater**.

**MORTUARY:** means **Land** and **Buildings** used by the national or provincial government or their agency for the storage, examination and autopsy of dead bodies/deceased persons.

**MUNICIPALITY:** means the City of Ekurhuleni Metropolitan Municipality as envisaged in section 155(1) of the Constitution, and as contemplated in the **By-law**.

**MUNICIPAL AND GOVERNMENT OFFICES:** means **Land** and **Buildings** used for **Offices** for municipal, government departments and government agencies, and may include a **Canteen** and other **Ancillary** and incidental uses but does not include **Industries**, **Noxious Industries** and workshops.

**MUNICIPAL PURPOSES:** means such purposes and **Land Uses** as the **Municipality** may be authorised to carry out in terms of its powers and functions and shall include all **Municipal Infrastructure Services** and **Roads**, **Offices**, libraries, licensing centres, **Clinics**, workshops, **Transport Depots**, **Electricity Sub-Station**s, dog unit and kennels, **Sports Ground**, **Sport and Recreation Clubs**, **Social Halls**, storm water retention and attenuation ponds, etc.

**MUNICIPAL INFRASTRUCTURE SERVICES:** Means *Municipal Infrastructure Services* such as storm-water management, electricity cables, electricity transformer boxes, gas pipelines, water pipes, sewage pipes, street furniture, electricity poles, light poles, traffic signs and as further defined in the *By-law*.

**MUSEUM:** means *Land* and *Buildings* used for the storage and exhibition of artefacts, documents etc. of historical or cultural value, which is accessible to the public

**NATIONAL BUILDING REGULATIONS:** see *Building Regulations*.

**NATURAL GROUND LEVEL:** means the existing ground level at any point, unless there has been excavation or filling in which case the original ground level shall be determined by a land surveyor or geotechnical specialist.

**NEIGHBOUR:** means any person residing on an *Adjoining Property*.

**NOTARIAL TIE:** Means the linking of two or more properties by means of a registered notarial agreement.

**NOTICE:** Unless otherwise specifically provided in terms of this *Scheme* or any other law means a written *Notice* as contemplated in the *By-law* and notify means to give a *Notice* in writing and the provisions of the Interpretation Act, 1957 (Act 33 of 1957) shall apply.

**NOXIOUS INDUSTRY:** 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, cyanogen's 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 enamelled 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, a *Fuel Depot*, taxidermist and an abattoir; Provided that where the *Municipality* adds or excludes 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.

**NURSING HOME:** means *Land* and *Buildings* used for the medical and /or psychiatric, care and treatment of the ill, injured, frail, mentally or physically disabled, alcoholics, drug addicts and persons who need post-operative care but excludes operating theatres, and may include a *Caretaker's Unit*, *Place of Refreshment*, *Shops* and *Medical Consulting Rooms* directly *Ancillary* and subservient to the main use.

**OCCUPANT:** means any *Person* occupying any *Building*, *Structure* or *Land* on a continuous or regular basis, or anybody having the charge or management thereof.



**OFFICE:** means a **Building** or part of a **Building** used for administration or management of a company, business, **Industry**, organ of state, profession or other similar undertaking, excluding banks.

**OLD AGE HOME:** means **Land** and **Buildings**, not being a **Dwelling Unit**, used for the permanent accommodation and care of the elderly in rooms with communal ablutions, communal dining and recreation areas, which may include a frail care centre, **Clinic** and associated uses.

**OPEN SPACE:** in relation to a land area, means land set aside or to be set aside for the use by a community as a recreation area, irrespective of the ownership of such land, and includes a park.

**OUTBUILDING:** means a **Building(s)** which has its own entrance or door and no inter leading door to the main **Building**, but which is attached to or free standing from the main **Building** on the same **Property** and which may contain inter alia garages, storerooms, studios, exercise rooms, hobby rooms, music room, washrooms, and a **Home Enterprise**, provided that the **Total Building Floor Area** of all such outbuilding(s) shall not exceed 50% of the **Total Building Floor Area** of the main **Building** and such **Outbuildings** shall not be leased or rented out or sold under sectional title.

**OWNER:** means a natural or juristic person registered in a deeds registry as contemplated in sections 1, 2 and 102 of the Deeds Registries Act as the **Owner** of **Land** or beneficial **Owner** in law where properties have been vested in and are under the control and management of the **Municipality** in terms of section 63 of the Local Government Ordinance, 1939 (Ordinance 17 of 1939).

**PANEL BEATER:** means **Land** or **Buildings** used for the replacement of parts, repairs and/or restoration of vehicles, including spray painting.

**PANHANDLE:** means a portion of **Land** which provides the **Land** with access to a **Road** or street, which is not less than 3 metres wide for a property with a single **Dwelling Unit** and more than 6 metres for other uses as may be determined by the **Municipality** as contemplated in the **By-law**.

**PARKING GARAGE:** means **Land** or **Buildings** used exclusively for the parking of a motor vehicle not being for trade or sale.

**PARKING SPACE:** means an area, used exclusively for the parking of a motor vehicle not being for trade or sale, the extent of which area shall be determined according to the engineering standards of the **Municipality**.

**PEDESTRIAN BRIDGE:** means a **Structure** erected over a **Road**, railway line, river or other barrier or from one **Building** to another **Building** to provide pedestrian access from one side to the other side and which is not regarded as a **Land Use**.

**PEDESTRIAN MALL:** means any part of **Land** and a **Building** used as a thoroughfare for pedestrians, with no or limited vehicular access, which may include a **Place of Refreshment**, **Shops**, **Informal Trading**, **Business Purposes**, and such other uses, as the **Municipality** may permit.

**PERSON:** means any natural or juristic **Person**, including an organ of state.

**PET PARLOUR:** **Land** and **Buildings** used for pet grooming, including the **Ancillary** sale of related products.

**PLACE OF EDUCATION:** means **Land** and **Buildings** used for educational purposes such as a

school, college, technical institute, university, academy, academic research institute, lecture hall, monastery, convent or other academic establishment, and may include a **Child Care Centre**.

**PLACE OF ENTERTAINMENT:** means **Land** and **Buildings** used for entertainment purposes and includes amongst others a theatre, cinema, concert hall, live music performances, indoor sports, dance hall, **Casino**, night club, pub, sports bar, discotheque, more than 5 **Gaming Machines**, **Children's Party Venue** and other entertainment purposes, including the **Ancillary** preparation and sale of food or drinks.

**PLACE OF INSTRUCTION:** means **Land** and **Buildings** used for lessons in dancing, swimming, arts and crafts, music, extra classes for educational subjects, reading and any other similar lessons.

**PLACE OF PUBLIC WORSHIP:** means **Land** and **Buildings** used for religious purposes, such as a church, temple, synagogue, mosque, or other religious activities, and may include a **Wall of Remembrance**, as well as one **Ancillary Dwelling Unit**, but excludes a **Funeral Parlour** and a **Cemetery**.

**PLACE OF REFRESHMENT:** means **Land** and **Buildings** used for the preparation and sale and consumption of food or drink, whether or not consumed on the site, such as a restaurant, **Coffee Shop**, tea room, tea garden, etc., but excludes a **Canteen**, **Tavern** and **Place of Entertainment**. For the purposes of this **Scheme** "**Restaurant**" shall have the same meaning.

**PLANT NURSERY:** means **Land** and **Buildings** used for the storage, cultivation and sale of plants, bulbs, seed, fish, birds, pots, compost, fertiliser, pesticides, herbicides and may include the sale of **Ancillary** and subservient gardening products and a **Place of Refreshment** not exceeding 40 seats.

**POLICE STATION:** means **Land** and **buildings** used by the South African Police Service for their purposes and may include cells and a **Canteen**.

**POST BOXES:** means a **Building** used for the provision of lockable boxes for post which is accessible to the public.

**POST OFFICE:** means **Land** and **Buildings** used by the South African Post Office for their purposes and may include Post Boxes and a **Canteen**.

**POSTAL DEPOT:** means **Land** and **buildings** used by the South African Post Office for the bulk storage, sorting and distribution of post and may include Post Boxes and a **Canteen**.

**PREVIOUS SCHEME:** means a Town Planning Scheme or similar regulation which governed and controlled the use of **Land**, prior to the promulgation of this **Scheme**.

**PRIMARY USE:** means any use specified in the **Scheme** as a primary use, being a use that is permitted without the need to first obtain the **Consent** of the **Municipality**.

**PRIORITY DEVELOPMENT AREA:** means **Land** or a clearly defined geographic area identified and earmarked for specific planning, development intervention and investment specific accelerated development, with a focus on economic growth.

**PRIVATE OPEN SPACE:** means any **Land** not owned by or vested in the **Municipality** or any other organ of state used for recreation purposes.

**PRIVATE ROAD:** means *Land* used for vehicular and pedestrian right of way access purposes including *Engineering Services*, of which ownership is vested in a legal entity other than the *Municipality* or *Controlling Authority* and may include *Access Control* and *Municipal Infrastructure Services* and shall be regarded as a street for the purposes of *Building Lines* and *Servitudes*.

**PRODUCE MARKET:** means *Land* and *buildings* used for growing vegetables, flowers and fruit and may include the retail sale of such products on the same *Property*, as well as the sale of products grown on another *Property*

**PROPERTY:** means any *Erf*, erven, lot, plot or stand, portion or part of *Farm Portions* or *Agricultural Holdings*, registered in the deeds registry as such.

**PUBLIC ABLUTIONS:** means *Land* and *Buildings* providing sanitation facilities for the general public.

**PUBLIC OPEN SPACE:** means any *Land* defined in section 63 of the Local Government Ordinance, 1939 (Ordinance 17 of 1939), which is owned by or vests in the *Municipality* and to which the public has access, or any *Land* for similar purposes owned by an organ of state.

**PUBLIC ROAD:** means *Land*, of which ownership is vested in the *Municipality* or a *Controlling Authority*, used for vehicular and pedestrian access purposes, including bus lanes, cycle lanes, pedestrian paths, and may include *Municipal Infrastructure Services*, parking and bus stations and shall be regarded as a street for the purposes of *Building Lines* and *Servitudes*. A lane, way, avenue, cul-de-sac, close, boulevard, drive, crescent, thoroughfare and freeway shall also be regarded as a *Road*.

**PUBLIC WALKWAY:** means a path designed and sometimes landscaped for pedestrian usage only and accessible to the general public.

**RAILWAY PURPOSES:** Means *Land* and *Buildings* used for transport purposes as defined in the Legal Succession to the South African Transport Services Act, 1989 (Act 9 of 1989 as amended) and may include a police station or security centre specifically for security at the station and on the trains, inter alia *Shops*, workshops, *Industries* related to railways, stations and inter modal transport facilities and may include *Ancillary* and subservient uses for staff and passengers, but excludes a *Place of Entertainment* and *Noxious Industries*.

**RECYCLING DEPOT:** means *Land* and *Buildings* used for the storage, processing and sale of used materials manually or by machines for further use.

**REFUSE COLLECTION POINT:** means *Land* or *Buildings* used for the collection of refuse, but excluding a waste sorting and recycling facility.

**RESERVOIR:** means *Land* and *Buildings* designed for the storage of water and pumping equipment and may include toilets, storerooms and *Ancillary* and subservient municipal uses.

**RESIDENTIAL BUILDING:** means a *Building*, other than a *Dwelling House*, *Dwelling Unit*, *Hotel*, *Resort*, *Old Age Home*, *Self-Catering Units*, *Backpackers* or *Retirement Village*, designed for use, or used for human habitation consisting of habitable rooms, with or without *Kitchen* and ablution

facilities, such as a **Hostel, Block of Flats, Boarding House, and Tenements**, and may include ancillary facilities such as a laundry and vending machines, but does not include any **Building** mentioned in the definitions of **Place of Education, Institution, Bed and Breakfast** or **Guest House** whether by way of inclusion or exclusion.

**RESORT:** means **Land** and **Buildings** such as a **Hotel**, chalets, **Self-catering Units** used for accommodating tourists or guests for short periods away from their permanent residence and may include a **Conference Centre, Place of Refreshment**, wedding chapel, **Social Hall**, a **Camping Site**, staff accommodation and recreation facilities for day visitors, but excludes a **Place of Entertainment**.

**RETIREMENT VILLAGE:** means **Land** and **Buildings** designed or used to provide residential accommodation and **Ancillary** facilities for persons of 50 years and older. The village may include **Dwelling Units, Old Age Home**, frail care centre, and a service centre which includes an assembly hall with recreational facilities, sick bay, **Medical Consulting Rooms**, exercise and treatment rooms, dining facilities, a library, a tuck shop, a **Launderette**, hairdressing facilities, banking facilities, an **Automatic Teller Machine** and other **Ancillary** uses, for the use of the residents only.

**ROAD CONSTRUCTION DEPOT:** means **Land** and **Buildings** used for the storage and maintenance of **road** construction equipment and vehicles.

**ROOFTOP ANTENNA:** means telecommunications, television or other electronic and/or radio antennas which are fixed to a **Building** and may include a base station on the roof of the **Building** or inside the **Building**.

**SCHEDULE:** means a supplement(s) to the **Scheme**, containing special procedures, conditions and/or some areas or **Land** to which specific rights or provisions are applicable. **Schedules** may from time to time be amended by the **Municipality** and where any discrepancies exist between the **Schedules** and provisions of the clauses and tables, the more restrictive condition shall prevail, except where the schedule applies to a **Priority Development Area**.

**SCHEME:** refers to the City of Ekurhuleni Metropolitan Municipality Land Use Scheme, 2021 unless specifically stated otherwise.

**SCRAP YARD:** means **Land** used for the dismantling, or storage of scrap materials, machinery, vehicles and used **Building** materials.

**SECOND DWELLING UNIT:** means an additional **Dwelling Unit**, with a minimum floor area of 30m<sup>2</sup>, which may be attached to or detached from the original **Dwelling House**, as contemplated in the **Scheme**.

**SELF-CATERING UNITS:** means **Land** and **Buildings** or part of a **Buildings** consisting of habitable rooms, bathroom(s), toilet(s) and a **Kitchen** used for holiday accommodation for guests, who want to cater for themselves, for short periods away from their permanent residence, and may include **Ancillary** recreational facilities and a **Place of Refreshment** for the guests only.

**SERVICE INDUSTRY:** means **Buildings** used for the repair and maintenance of home or office goods and equipment or appliances on a small scale inter alia, catering, a confectionary, dress-making, and tailoring, engraving, instant printing and copying, jewellery manufacturing, photographic processing, picture framing, key cutting and screen printing; as well as the servicing and repair of air conditioners, audio equipment, basket ware and cane furniture, canvass goods and tents, bicycles, electronic

equipment, domestic equipment, leather-works and shoes, office equipment, television and video equipment, upholstery, watches, weighing machines and window blinds, but excludes a **Motor Workshop**, **Fitment Centre** and **Light Industry**.

**SERVITUDE:** means a registered servitude.

**SHIPPING CONTAINER:** means a lockable steel prefabricated, movable unit structure originally designed for purposes of containing bulk goods in transit (on ships, trains and trucks), and which are no longer required for the original purposes, and are being customized for reuse as inter alia **Shops**, workshops, **Coffee Shop**, food kiosk, storage, etc.

**SHOP:** means **Land** and **Buildings** used for retail trade to the public such as general dealers, grocery stores, confectionaries, postal services, small scale printing services, video rental, a pharmacy, swop shop/pawn shop and dry cleaning depots, excluding a **Motor Dealer** and **Commercial Vehicle Mart**, sale of industrial and construction equipment.

**SHOWROOM:** means **Land** and **Buildings** used for the display of products or materials, including **Ancillary Offices**, but excluding a **Shop**.

**SIDE BOUNDARY:** means any **Boundary** of **Land** which is not a **Street Boundary**.

**SITE DEVELOPMENT PLAN (SDP):** means a plan showing the layout, extent, position and elevations of **buildings** in the proposed development of a site, including such other information, as prescribed in this **Scheme**.

**SOCIAL HALL:** means a **Building** used for social or cultural purposes, including a community centre, but excludes a **Place of Entertainment**.

**SPAZA SHOP:** means part of a **Dwelling House**, a **Dwelling Unit**, an **Informal Structure**, not more than 20m<sup>2</sup> in extent, used mainly for the sale of consumable products including groceries, stationary, reading material and tobacco products, as well as other similar goods, but excluding the sale of liquor and shall remain **Ancillary** to the main residential use on the **Property**.

**SPECIAL USE:** means **Land** and **Buildings** used for any **Land Use** not defined in the **Scheme** and which in the opinion of the **Municipality** is compatible to the particular **Land Use Category**.

**SPORT AND RECREATION CLUB:** means **Land** or **Buildings** used as a **Sports Ground** and may include **Place of Refreshment** and **Social Halls** for use solely by members of the club and their guests.

**SPORTS GROUND:** means **Land** and **Buildings** used for sporting activities such as soccer, rugby, cricket, netball, hockey, tennis, golf, or swimming and may include grandstands, stadiums, change rooms and ablution facilities **Ancillary** thereto.

**STOREY:** means the vertical dimension of a **Building** between a floor level and the next floor level above or, if there is no floor level above, the ceiling above.

**STREET BOUNDARY:** means the **Boundary** of **Land** which is common to the **Boundary** of a street.

**STRUCTURE:** see **Building**.

**SUBTERRANEAN RIGHTS:** means the use of below a *Road* for *Land Use* rights as approved by the *Municipality*.

**TAVERN:** means part of a *Dwelling House* or a *Shipping Container* used for the sale of liquor for the purpose of on-site consumption, as contemplated in the Gauteng Liquor Act, (Act 2 of 2003) and may include the preparation and sale of food and the provision of entertainment to patrons, subject to the health and safety regulations of the *Municipality* and that the *Tavern* shall remain *Ancillary* to the main residential use.

**TAXI RANK:** means *Land* and *Buildings* used for arrival, temporary parking and departure of vehicles registered as taxis and may include wash bays for the vehicles, ablution facilities and a *Place of Refreshment/Coffee Shop*.

**TELECOMMUNICATIONS MAST:** means a *Structure* in the form of a tower and a base station, which is designed for telecommunication purposes, which includes inter alia radio and or microwave technology or other technology as may be permitted in terms of the relevant legislation and is regarded as infrastructure and not as a *Land Use*.

**TELECOMMUNICATIONS SERVICES:** means telecommunication infrastructure such as cables, poles, electronic equipment, including *Telecommunication Masts* and a *Base Station*.

**TENEMENTS:** means *Land* and a *Building*, other than a *Boarding House*, containing two (2) or more habitable rooms and may include communal *Kitchens* and communal ablution facilities and other communal *Ancillary* and subservient facilities such as a laundry and vending machines for the residents only.

**TOTAL BUILDING FLOOR AREA:** means the total floor area of a *Building*, expressed as the sum of all the *Storeys*, including the *Mezzanine* level and *Basement*, but excluding any area solely used for parking.

**TRANSITIONAL INFORMAL SETTLEMENT AREA:** means a *Transitional Informal Settlement Area* as contemplated in terms of the *By-law*.

**TRANSPORT CENTRE:** means *Land* or *Buildings* used in relation to transport as a depot, station, terminal, *Taxi Rank* or collection and distribution area for passengers and/or goods and may include wash bays for the vehicles, ablution facilities and a *Place of Refreshment*.

**URBAN DEVELOPMENT BOUNDARY** means a *Boundary* determined in the Municipal Spatial Development Framework that is a mechanism to manage the outward sprawl of urban areas and to protect potentially vulnerable natural and ecological areas through the introduction of a spatial limit to urban development. ("*Urban Edge*" shall have the same meaning.)

**USE ZONE:** means a category of *Land Uses* as stipulated in Table B, and *Zoning* shall have the same meaning.

**VETERINARY CLINIC:** means *Buildings* used for the treatment and care of animals, excluding any overnight facilities.

**VETERINARY HOSPITAL:** means *Buildings* used as a *Veterinary Clinic*, together with such

overnight facilities.

**WETLAND:** means **Land** which is transitional between terrestrial and aquatic systems where the water table is usually at or near surface, or the **Land** is periodically covered with shallow water, and which **Land** in normal circumstances supports or would support vegetation typically adapted to life in saturated soil.

**WALL OF REMEMBRANCE:** means a wall or **Structure** where containers with the ashes of the deceased are interred in openings or niches in the **Structure** and thereafter sealed and/or on which appropriate commemorative plaque can be attached or any other wall designed for the display of names of persons or events commemorating them and includes the **Land**/garden immediately adjacent to or surrounded by the wall.

**WAREHOUSE:** means **Buildings** used for the storage of products or materials for distribution or collection, in relation to any wholesale trade, or in relation to any **Industry**.

**WAREHOUSE RETAIL:** means **Buildings** used for the purposes of wholesale or retail trade, specialising in single themed goods, from a custom-built, stand-alone **Warehouse**-type **Building** or **Warehouse** -scaled environment. Single themes exclude groceries and other goods or consumables purchased on a regular basis, as well as departmental **Shops**. Examples of single themed **Buildings** may include a tiling, lighting, camping, and bathroom or furniture **Warehouse**.

**WASTE DISPOSAL SITE:** means **Land** used for the dumping of refuse and rubble, subject to such conditions as may be required by the relevant **Controlling Authority** and may include a waste sorting and recycling facility.

**WASTE WATER WORKS:** means **Land** and **Buildings** designed or used for the treatment and purification of sewage and may include **Ancillary Offices** and storerooms and **Ancillary** and subservient uses deemed necessary by the **Municipality**.

**WATERCOURSE:** means-

- (a) a river or spring;
- (b) a natural channel in which water flows regularly or intermittently; or
- (c) a **Wetland**, lake or dam into which, or from which, water flows.

**ZONING:** means a defined category of **Land Uses** as stipulated in Table B of this **Scheme** and shown on the **Zoning Maps** by means of a specific notation, and **Use Zone** shall have the same meaning.

**ZOOLOGICAL GARDENS:** means **Land** and **Buildings** used for the housing, care and exhibition of animals, birds, reptiles and insects for educational and research purposes which allows restricted access to the public and may include a **Place of Refreshment**.

## PART 2: USE OF LAND OR BUILDINGS

### 7.1 USE OF LAND OR BUILDINGS

**Land** or **Buildings** shall only be used as stipulated in each column of Table B, subject to the provisions of this **Scheme**:

Column 1: The **Use Zone** number (as referred to in this document)

Column 2: The **Use Zone** name

Column 3: The purposes for which **Buildings** or **Land** may be used (primary rights)

Column 4: The purposes for which **Buildings** or **Land** may be used only with the **Special Consent** of the **Municipality** (secondary rights)

Column 5: The purposes for which **Buildings** or **Land** may be used only with the **Written Consent A** or **B** of the **Municipality** (secondary rights)

Column 6: **Ancillary Uses**.

The ancillary uses shown in Column 6 of Table B indicate **Land Uses**, machines and **Buildings** that are permitted, provided that they are **Ancillary** to the uses being exercised in Columns 3 and 4 only, and provided that:

- (a) **Living Accommodation for Domestic Workers** shall be a minimum of 6m<sup>2</sup> floor area per unit, excluding sanitation facilities, with respect to any **Use Zone** permitting **Residential Buildings**, **Old Age Homes** and a **Retirement Village**, except where the **Municipality** approves otherwise by means of **Written Consent A**, and such accommodation shall not be rented out or sectionalized; and
- (b) **Living accommodation for Domestic Workers** in a **Dwelling House** or **Dwelling Unit** on Residential 1 and 2 and Agriculture shall be limited to a minimum of 6m<sup>2</sup> (excluding sanitation and facilities and **Kitchen**) and a maximum floor area of 29m<sup>2</sup> (including a **Kitchen** and bathroom), provided that it is developed as a single functional unit and that it is not rented out or sectionalized.

### 7.2 TEMPORARY USES

Notwithstanding the **Land Use Category (Use Zone)** of the **Property** in question, the **Municipality** may approve by **Written Consent A** as contemplated in the **By-law**.

- (a) the erection and use of temporary **Buildings** or the use of existing **Buildings** or sites for site **Offices**, storage rooms, workshops or such other uses that are in the opinion of the **Municipality** necessary for the erection of any permanent **Building** or **Structure** on the **Land** or the installation of **Engineering Services**, shall be to the satisfaction of the **Municipality**. Provided that such written **Consent** shall lapse, ipso facto, on completion of the permanent building or structure or the completion of the engineering contract, and;
- (b) the temporary use of **Land** or **Buildings** for another purpose such as inter alia concerts, fairs, circuses, bazaars, street vendors, **Informal Trading**, parking, **Place Of Entertainment**, public worship, public gatherings or meetings, **Social Halls**, **Emergency Services** and any other use which the **Municipality** deems fit in the interest of the



community for a period not exceeding 30 days, and subject to such conditions which the **Municipality** may impose and further subject to the condition that such **Written Consent**:

- (i) may be withdrawn with a written notice to the owner if any conditions of the **Written Consent** are not met, malpractice occurs or the amenity of the area is prejudiced, and;
- (ii) expires 30 days from the date on which **Written Consent** was granted unless the **Municipality** extends it in writing for a further period not exceeding 30 days after receiving a written request from the **Applicant**.

### 7.3 USES NOT CONSIDERED LAND USES

The following uses, **Structures** and services are not considered as a **Land Use**, but shall need to comply with other relevant legislation and Council's relevant approved policies:

- (a) The erection or use of **Structures** or signs for the purpose of advertising, are subject to clause 27.3 or Provincial policies, where applicable;
- (b) Post-boxes and public phones;
- (c) Access control in terms of temporary road closures or for security areas;
- (d) The placing of public recycling collection bins is permitted on all erven, except on Residential 1, 2 and 3 zoned erven;
- (e) The erection of alternative energy generation equipment, which may include solar panels on buildings, single wind turbines and generators for buildings, but excludes a windfarm or solar farm development, subject to clause 7.6(c);
- (f) Refuse removal points;
- (g) Entrance structures (other than entrance halls and entrance passages), pergolas, garden ornaments, garden walls and fences;
- (h) **Automatic Teller Machines (ATM)**;
- (i) **Municipal Infrastructure Services** as defined;
- (j) **Telecommunications Mast** and **Base Station** which shall only be erected after approval of a building plan by the **Municipality**, provided that:
  - (i) An existing mast or **Base Station** is being replaced by a new mast; or
  - (ii) additional antennae are being added to an existing mast or site; or
  - (iii) A public participation process in terms of the Environmental Impact Assessment Regulations, 2014 promulgated under National Environmental Management Act 1998 (Act 107 of 1998) has already been undertaken and approved;
  - (iv) No **Telecommunication Mast** or **Base Station** may be erected on erven zoned Residential 1 or 2, except where the **Dominant Land Use** is not residential in nature and in exceptional cases and where there is no other suitable **Property** within a 200m radius, and only **Rooftop Antenna** shall be considered on Residential 1 and 2 zoned **Properties**; and
  - (v) a **Base Station** erected to serve a mast shall comply with all the requirements of Clause 8 and 9 (**Building Lines**);
- (k) placement of **Informal Structures** or **Shipping Containers** on any property subject to:
  - (i) the provisions of Table B;
  - (ii) the Council's Informal and Street Trading Policy and Management Framework; and
  - (iii) the Placement and Use of Shipping Containers on Properties within the City of Ekurhuleni Metropolitan Area Policy.

### 7.4 PROTECTION OF EXISTING BUILDINGS

Subject to the provisions of Section 34 of the National Heritage Resources Act, 1999 (Act 25 of 1999) no person may alter or demolish any **Structure** or **Building** or part of a **Structure** or **Building** which is older than 60 years without a permit issued by the relevant provincial heritage resources authority.

## 7.5 BUILDINGS FOR MULTIPLE USE

- (a) Where a **Building** is used, or a proposed **Building** is designed for more than one use, it must be treated as being used or partly designed for each of those uses but for the purpose of other Clauses it shall be treated as though it were being used or designed for its predominant use as determined by the **Municipality**.
- (b) The **Municipality** shall, in its discretion when considering a building plan, or upon **Application** for a multipurpose use being made by the owner of the **Land**, decide which use is predominant.

## 7.6 USES NOT PROHIBITED

- (a) Without prejudice to any powers of the **Municipality** derived from any law, or to the remainder of this **Scheme**, nothing in the foregoing provisions of this **Scheme** shall be construed as prohibiting or restricting the following:
  - (i) the occasional use of a **Place of Public Worship, Place of Education** or **Institution** as a **Place of Entertainment or Social Hall**; and
  - (ii) the letting of a **Dwelling House** or **Dwelling Unit** in such a manner, that not more than one **Household**, may reside therein: Provided that if any additional persons and guests are to be accommodated, the use will be construed as a **Guest House** or **Bed and Breakfast** subject to Clause 6 and Table B.
- (b) A **Guard House** shall be regarded as an **Ancillary** use in all **Use Zones**.
- (c) Wind turbines and solar panels on **Buildings** may be erected on any property in any **Use Zone**, excluding Residential 1, 2, 3 and 4, subject to the **Written Consent** of the **Municipality**.

## 7.7 TRANSITIONAL INFORMAL SETTLEMENT AREAS

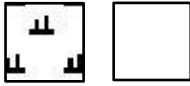

- (a) Notwithstanding the **Land Use Category (Use Zone)** of the **Land** in question, the **Land Uses** approved in terms of the declared **Transitional Informal Settlement Area** as contemplated in section 28(6) of the **By-law**, shall be permitted subject to a **Written Consent A** application for:
  - (i) **Child Care Centre**;
  - (ii) **Tavern**;
  - (iii) **Spaza Shop**;
  - (iv) **Place of Public Worship**;
  - (v) **Mobile Clinic**;
  - (iv) **Mobile Police Station**; andany other **Ancillary Land Use** as contemplated in the **By-law**.
- (b) An **Application** for **Written Consent A** shall comply with the requirements as contemplated in the **By-law**.



If a **Property** or site has more than one **Use Zone, Buildings** may be erected without subdivision of the **Property** or site, in accordance with the uses permitted in each **Use Zone**, on the various parts of such **Property** or site. This clause is only applicable to existing properties which had a split **Zoning** prior to this **Scheme** coming into operation.



If an **Owner** of a **Property** wishes to exercise land use rights which are not stipulated in Columns 3 or 4 or 5 or 6 of Table B, or wishes to amend the development conditions applicable to his/her **Property** then he/she shall have to apply to amend this **Scheme** (to rezone his/her property) or apply for township establishment in accordance with sections 38 and 48 of the **By-law**, to obtain the new required rights or development controls applicable to such **Property**.

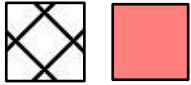
Any land not zoned "**Mining**" which is being used as **Mining Area** or Exploration Area shall be subject to clause 14.22 and Schedule 1.

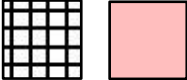
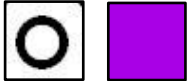
**TABLE B**

COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4	COLUMN 5	COLUMN 6
	<b>Land Use Category</b>	<b>Primary Rights: Purposes for which land and/or buildings may be used</b>	<b>Special Consent of Municipality Land Use Application</b> Land and/or Buildings which may be erected and purposes for which they may be used only with the Special Consent of the Municipality	<b>Written Consent A and B of the Municipality</b> Land and/or Buildings which may be erected and purposes for which they may be used only with the Written Consent of the Municipality	<b>Provisos: Ancillary Uses applicable to Columns 3 &amp; 4 (see Clause 13.2)</b>
1	<b>Residential 1</b> 	Dwelling House Private road	Beauty/Health Spa Child Care Centre Commune Guest House Home Care Facilities Places of Instruction for more than 10 pupils Places of Public Worship Social Halls Spaza Shop Special Use	<b>Written Consent A</b> Home Enterprises listed in Clause 15.2 Second Dwelling Unit	Guard house Living Accommodation for Domestic Workers subject to clause 7.1(b)
2	<b>Residential 2</b> 	Dwelling House Private road	Beauty/Health Spa Commune Child Care Centre Guest House Home Care Facilities Places of Instruction for more than 10 pupils Places of Public Worship Social Halls Special Uses Tavern	<b>Written Consent A</b> Home Enterprises listed in Clause 15.2 Maximum of three (3) Boarding Rooms. Second Dwelling Unit Spaza Shop	Guard house Living Accommodation for Domestic Workers subject to clause 7.1(b)

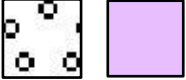
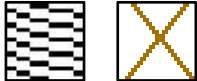

COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4	COLUMN 5	COLUMN 6
	Land Use Category	Primary Rights: Purposes for which land and/or buildings may be used	Special Consent of Municipality Land Use Application Land and/or Buildings which may be erected and purposes for which they may be used only with the Special Consent of the Municipality	Written Consent A and B of the Municipality Land and/or Buildings which may be erected and purposes for which they may be used only with the Written Consent of the Municipality	Provisos: Ancillary Uses applicable to Columns 3 & 4 (see Clause 13.2)
3	<b>Residential 3</b> 	Dwelling House Dwelling Units Residential Buildings (excluding Boarding Houses) Retirement Villages Private Roads	Beauty/Health Spa Boarding Houses Child Care Centre Coffee Shop Commune Guest House Hotels (excluding Off- Sales) Internet Café Institutions Old Age Homes Places of Instruction for more than 10 pupils Places of Public Worship Self-catering Units Social Halls Spaza Shop subject to Schedule 11	<b>Written Consent A</b> Bed and Breakfast	Ancillary Offices Guard house Launderette Living Accommodation for Domestic Workers subject to clauses 7.1(a) and (b)
4	<b>Residential 4</b> 	Dwelling House Dwelling Units Residential Buildings (excluding Boarding Houses) Retirement Village Private Roads	Boarding Houses Child Care Centre Coffee Shop Commune Hotels (excluding Off-Sales) Guest House Internet Café Institutions Old Age Homes Places of Instruction for more than 10 pupils Places of Public Worship Self-catering Units	<b>Written Consent A</b> Bed and Breakfast	Ancillary Offices Guard house Launderette Living Accommodation for Domestic Workers subject to clauses 7.1(a) and (b)


COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4	COLUMN 5	COLUMN 6
	Land Use Category	Primary Rights: Purposes for which land and/or buildings may be used	Special Consent of Municipality Land Use Application Land and/or Buildings which may be erected and purposes for which they may be used only with the Special Consent of the Municipality	Written Consent A and B of the Municipality Land and/or Buildings which may be erected and purposes for which they may be used only with the Written Consent of the Municipality	Provisos: Ancillary Uses applicable to Columns 3 & 4 (see Clause 13.2)
4 (cont.)	Residential 4 (cont.)		Social Halls Shop Spaza Shop subject to Schedule 11		
5	<b>Business 1</b>  	Adult Entertainment Auctioneers Beauty/Health Spa Business Purposes Clinics Conference Centres Dwelling Units Guest House Gymnasium Hotels Institutions Medical Consulting Rooms Motor Dealers Municipal and Government offices Parking Garages Places of Education Places of Entertainment Places of Instruction Places of Public Worship Plant Nurseries Police Stations Post Offices Residential Buildings (excluding Boarding Houses) Place of Refreshment	Any other Uses not in Columns 3 or 5	<b>Written Consent A</b> Car Wash not part of a filling station Fitment Centres Funeral Parlour Transport Centres Builder's Yards Taxi Ranks Veterinary Hospitals	Automatic Teller Machines (ATM's) Canteens Guard house Living Accommodation for Domestic Workers subject to clauses 7.1(a) and (b) Veterinary Clinic



COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4	COLUMN 5	COLUMN 6
	Land Use Category	Primary Rights: Purposes for which land and/or buildings may be used	Special Consent of Municipality Land Use Application Land and/or Buildings which may be erected and purposes for which they may be used only with the Special Consent of the Municipality	Written Consent A and B of the Municipality Land and/or Buildings which may be erected and purposes for which they may be used only with the Written Consent of the Municipality	Provisos: Ancillary Uses applicable to Columns 3 & 4 (see Clause 13.2)
5 (cont.)	<b>Business 1 (cont.)</b>	Service Industries Shops Social Halls Sport and Recreation Clubs			
6	<b>Business 2</b> 	Beauty/Health Spa Business Purposes Dwelling Units Guest Houses Gymnasium Medical Consulting Rooms Municipal and Government offices Parking Garages Places of Education Places of Instruction Places of Public Worship Plant Nurseries Residential Buildings (excluding Boarding Houses) Place of Refreshment Service Industries Shops	Adult Entertainment Animal Care Centre Boarding Houses Clinic Filling Stations Fitment Centres Funeral Parlours Conference Centres Helistop Hotels Institutions Motor Dealers Motor Workshop Places of Entertainment Social Halls Special Uses	<b>Written Consent A</b> Builder's Yards Car Wash not part of a Filling Station Taxi Ranks Veterinary Hospitals	Automatic Teller Machines (ATM's) Canteens 1 to 5 Gaming Machines Guard house Living Accommodation for Domestic Workers subject to clauses 7.1(a) and (b)

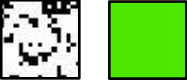

COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4	COLUMN 5	COLUMN 6
	Land Use Category	Primary Rights: Purposes for which land and/or buildings may be used	Special Consent of Municipality Land Use Application Land and/or Buildings which may be erected and purposes for which they may be used only with the Special Consent of the Municipality	Written Consent A and B of the Municipality Land and/or Buildings which may be erected and purposes for which they may be used only with the Written Consent of the Municipality	Provisos: Ancillary Uses applicable to Columns 3 & 4 (see Clause 13.2)
7	<b>Business 3</b> 	Dwelling House Medical Consulting Rooms Offices	Beauty/Health Spa Business Purposes Clinic Conference Centres Guest Houses Gymnasium Hotels Institutions Municipal and Government offices Place of Refreshment Service Industries Veterinary Hospitals	<b>Written Consent A</b> Bed and Breakfast Caretaker's Unit Child Care Centre Places of Instruction Places of Public Worship  <b>Written Consent B</b> Municipal Purposes	Automatic Teller Machines (ATM's) Canteens Guard house Living Accommodation for Domestic Workers subject to clause 7.1(a) and (b)
8	<b>Industrial 1</b> 	Auctioneers Builder's Yards Commercial Purposes Funeral Parlour Fitment Centres Industries Light Industries Motor Dealers Motor Workshops Offices Panel Beaters Service Industries Showrooms Parking Garage	Adult Entertainment Brick Making Filling Stations Fuel Depot Helistop Mortuary Noxious Industries Places of Entertainment Place of Refreshment Special Uses Waste Disposal Sites	<b>Written Consent A</b> Animal Care Centre Car Wash not part of a Filling Station Caretaker's Unit Commercial Vehicle mart Places of Education Recycling Depot Scrap Yards Taxi Ranks Warehouse Retail  <b>Written Consent B</b> Municipal Purposes	Automatic Teller Machines (ATM's) Canteens Only one ancillary shop 1 to 5 Gaming Machines Fuel Tanks Guard house

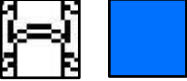



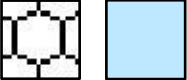

COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4	COLUMN 5	COLUMN 6
	Land Use Category	Primary Rights: Purposes for which land and/or buildings may be used	Special Consent of Municipality Land Use Application Land and/or Buildings which may be erected and purposes for which they may be used only with the Special Consent of the Municipality	Written Consent A and B of the Municipality Land and/or Buildings which may be erected and purposes for which they may be used only with the Written Consent of the Municipality	Provisos: Ancillary Uses applicable to Columns 3 & 4 (see Clause 13.2)
9	<b>Industrial 2</b> 	Auctioneers Builder's Yards Commercial Purposes Light Industries Motor Dealers Offices Service Industries Showrooms	Adult Entertainment Filling Stations Fitment Centres Fuel depot Funeral Parlour Helistop Motor Workshops Mortuary Panel Beaters Places of Entertainment Place of Refreshment Scrap Yards Special Uses	<b>Written Consent A</b> Animal Care Centre Car Wash not part of a Filling Station or caretaker's Unit Commercial Vehicle mart Places of Education Recycling Depot Sport and Recreation Clubs Taxi Ranks Warehouse Retail  <b>Written Consent B</b> Municipal Purposes	Automatic Teller Machines (ATM's) Canteen. Only one ancillary Shop 1 to 5 Gaming Machines Fuel Tanks Guard house
10	<b>Mining</b> 	Agricultural Uses Brick Making Conservation Areas Mining Area Open Spaces Sport and Recreation Clubs	Uses not in Column 3 or 5 as determined by the Municipality	<b>Written Consent A</b> Ancillary Dwelling Units Caretaker's Unit  <b>Written Consent B</b> Municipal Purposes	Automatic Teller Machines (ATM's) Canteens Fuel Tanks Guard house
11	<b>Public Garage</b> 	Filling Stations Motor Dealers Motor Workshops	Business Purposes	<b>Written Consent A</b> Ancillary Shops and Place of Refreshment & Confectionary greater than 250m <sup>2</sup> Caretaker's Unit Conference Rooms  <b>Written Consent B</b> Municipal Purposes	Ancillary Offices Automatic Teller Machines (ATM's) Canteens Guard house

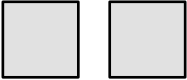
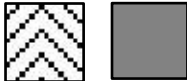
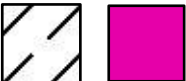
COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4	COLUMN 5	COLUMN 6
	Land Use Category	Primary Rights: Purposes for which land and/or buildings may be used	Special Consent of Municipality Land Use Application Land and/or Buildings which may be erected and purposes for which they may be used only with the Special Consent of the Municipality	Written Consent A and B of the Municipality Land and/or Buildings which may be erected and purposes for which they may be used only with the Written Consent of the Municipality	Provisos: Ancillary Uses applicable to Columns 3 & 4 (see Clause 13.2)
12	<p><b>Agriculture</b></p> 	<p>Agricultural Uses Conservation Areas Dwelling House Plant Nurseries</p>	<p><b>WITHIN THE URBAN DEVELOPMENT BOUNDARY</b></p> <p>Abattoirs Airfield Auctioneers Camping Site Children's Party Venue Compost Producer Conference Centres Guest Houses Institutions Places of Education ancillary to Agricultural Uses Places of Instruction ancillary to Agricultural Uses Places of Public Worship Self-catering Units Special Uses Sport and Recreation Clubs</p>	<p><b>WITHIN THE URBAN DEVELOPMENT BOUNDARY Written Consent A</b></p> <p>Ancillary Shops (greater than 150m<sup>2</sup>), Animal Care Centres Equestrian Centre Farm Worker Accommodation for more than 50m<sup>2</sup> Home Enterprises listed in Clause 15.2 Second Dwelling Unit Veterinary Hospitals</p> <hr/> <p><b>Written Consent B</b> Municipal Purposes</p>	<p><b>WITHIN THE URBAN DEVELOPMENT BOUNDARY</b></p> <p>Automatic Teller Machines (ATM's) Ancillary Offices Ancillary Shops (limited to 150m<sup>2</sup>) Canteens Fuel Tanks Guard house Living Accommodation for Domestic Workers subject to clauses 7.1(b)</p>

COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4	COLUMN 5	COLUMN 6
	Land Use Category	Primary Rights: Purposes for which land and/or buildings may be used	Special Consent of Municipality Land Use Application Land and/or Buildings which may be erected and purposes for which they may be used only with the Special Consent of the Municipality	Written Consent A and B of the Municipality Land and/or Buildings which may be erected and purposes for which they may be used only with the Written Consent of the Municipality	Provisos: Ancillary Uses applicable to Columns 3 & 4 (see Clause 13.2)
12 (cont.)	Agriculture (cont.)		<b>OUTSIDE THE URBAN DEVELOPMENT BOUNDARY</b> Camping Site Children's Party Venue Compost Producer Sport and Recreation Clubs Other uses may be considered on merit, subject to applicable provisions in the MSDF/RSDF, read with any relevant policy dealing with the urban development boundary.	<b>OUTSIDE THE URBAN DEVELOPMENT BOUNDARY</b> Animal Care Centres Equestrian Centre Farm Worker Accommodation for more than 50m <sup>2</sup> Home Enterprises listed in Clause 15.2 Second Dwelling Unit Veterinary Hospitals	<b>OUTSIDE THE URBAN DEVELOPMENT BOUNDARY</b> Ancillary Shops (not greater than 50m <sup>2</sup> ) Fuel Tanks Guard house Living Accommodation for Domestic Workers subject to clauses 7.1(b)
13	Recreation  	Botanical Gardens Children's Party Venue Conference Centres Conservation Areas Guest Houses Hotel Open Space Resorts Sport and Recreation Clubs	Adult Entertainment Airfield Art Galleries Place of Entertainment Place of Refreshment Special Uses	<b>Written Consent A</b> Ancillary Shops limited to 150m <sup>2</sup>  <b>Written Consent B</b> Municipal Purposes	Ancillary Offices Automatic Teller Machines (ATM's) Canteens Caretaker's Unit 1 to 5 Gaming Machines Guard house

COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4	COLUMN 5	COLUMN 6
	Land Use Category	Primary Rights: Purposes for which land and/or buildings may be used	Special Consent of Municipality Land Use Application Land and/or Buildings which may be erected and purposes for which they may be used only with the Special Consent of the Municipality	Written Consent A and B of the Municipality Land and/or Buildings which may be erected and purposes for which they may be used only with the Written Consent of the Municipality	Provisos: Ancillary Uses applicable to Columns 3 & 4 (see Clause 13.2)
14	<b>Private Open Space</b> 	Botanical Gardens Conservation Areas Gardens, Parks, Play Parks, Open Spaces Sports Grounds Squares and Buildings used in connection therewith Stormwater Retention and Attenuation Ponds Swimming Pools	Airfield Agricultural Uses Camping Site Children's Party Venue Plant Nurseries Place of Refreshment Special Uses Zoological Garden	<b>Written Consent A</b> Caretaker's Unit Museums, Social Halls Sport and Recreation Clubs	Ancillary Offices Automatic Teller Machines (ATM's) Canteens Ancillary Shop limited to 150m <sup>2</sup> Guard house Security Patrol Area
15	<b>Public Open Space</b> 	Art Galleries Botanical Gardens Conservation Areas Gardens Open Spaces Museum Social Halls Sports Grounds Squares and Buildings used in connection therewith Sport and Recreation Clubs Stormwater Retention and Attenuation Ponds Swimming Pools Zoological Gardens	Plant Nurseries Resorts Place of Refreshment Special Uses	<b>Written Consent A</b> Informal Trading  <b>Written Consent B</b> Municipal Purposes	Ancillary Offices Ancillary Shops limited to 150m <sup>2</sup> Automatic Teller Machines (ATM's) Canteens Caretaker's Unit Guard house

COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4	COLUMN 5	COLUMN 6
	Land Use Category	Primary Rights: Purposes for which land and/or buildings may be used	Special Consent of Municipality Land Use Application Land and/or Buildings which may be erected and purposes for which they may be used only with the Special Consent of the Municipality	Written Consent A and B of the Municipality Land and/or Buildings which may be erected and purposes for which they may be used only with the Written Consent of the Municipality	Provisos: Ancillary Uses applicable to Columns 3 & 4 (see Clause 13.2)
16	<b>Community Facility</b> 	Child Care Centre Libraries Places of Education Places of Instruction Places of Public Worship Social Halls Sport and Recreation Clubs Sports Grounds	Helistop Special Uses	<b>Written Consent A</b> Ancillary Dwelling Units Ancillary Residential Buildings Museum Ancillary Place of Refreshment Caretaker's Unit Taxi Ranks Institutions  <b>Written Consent B</b> Municipal Purposes	Ancillary Offices Ancillary Shops Automatic Teller Machines (ATM's) Canteens Guard house
17	<b>Public Services</b> 	Abattoirs Cemeteries Electricity Power Station Gas Works Government Purposes Municipal purposes Parking Postal Depot Produce Markets Reservoir Stormwater and attenuation ponds Swimming Pools Telecommunication Waste Disposal Sites Waste Water Works	Special use Any other Use not in Columns 3 and 5, excluding Noxious Industries	<b>Written Consent A</b> Animal Care Centres Informal Trading	Automatic Teller Machines (ATM's) Canteens Ancillary Offices Produce Markets: Ancillary Shops Cemeteries: Only one ancillary Shop Guard house Caretaker's Unit

COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4	COLUMN 5	COLUMN 6
	<b>Land Use Category</b>	<b>Primary Rights: Purposes for which land and/or buildings may be used</b>	<b>Special Consent of Municipality Land Use Application</b> Land and/or Buildings which may be erected and purposes for which they may be used only with the Special Consent of the Municipality	<b>Written Consent A and B of the Municipality</b> Land and/or Buildings which may be erected and purposes for which they may be used only with the Written Consent of the Municipality	<b>Provisos: Ancillary Uses applicable to Columns 3 &amp; 4 (see Clause 13.2)</b>
18	<b>Social Services</b> 	Child Care Centre Clinics Fire Stations Government Purposes Hospitals Institutions Old Age Home Place of Instruction Place of Public Worship Retirement Village Social Halls Sport and Recreation Clubs	Correctional Facilities Post Offices, Military Facilities, Municipal Purposes, Museums Place of Education Special Uses	<b>Written Consent A</b>  Any other Use ancillary to the Uses in Columns 3 and 4 Animal Care Centres Medical Consulting Rooms Informal Trading Caretaker's Unit	
				<b>Written Consent B</b> Municipal Purposes	
19	<b>Parking</b> 	Parking Garages	Business Purposes Helistop Shops Special Uses	<b>Written Consent A</b> Informal Trading Car Wash Caretaker's Unit Taxi Ranks	Ancillary Offices Automatic Teller Machines (ATM's) Canteens Guard House Public Ablutions
				<b>Written Consent B</b> Municipal Purposes	

COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4	COLUMN 5	COLUMN 6
	<b>Land Use Category</b>	<b>Primary Rights: Purposes for which land and/or buildings may be used</b>	<b>Secondary Rights: Land and/or Buildings which may be erected and purposes for which they may be used only with the Consent of the Municipality</b>	<b>Tertiary Rights: Land and/or Buildings which may be erected and purposes for which they may be used only with the Written Consent of the Municipality</b>	<b>Provisos: Ancillary Uses applicable to Uses in Columns 3, 4 and 5 Subject to Clauses 7.2 and 7.4</b>
20	<b>Roads</b> 	Bus Lanes Bus Stops Bridge Cycle Lane Parking Spaces Public Roads Private Road	Air Rights Helistop Special Uses Subterranean Rights Transport Centre	<b>Written Consent A</b> Informal Trading Pedestrian Malls Public Walkways and Bridges Road Depots Taxi Ranks  <b>Written Consent B</b> Municipal Purposes	Access Control and Ancillary Uses as approved by the Municipality Automatic Teller Machines (ATM's) Canteens Post boxes Public Ablutions Refuse Collection Points, Ancillary Offices and Boardrooms for the purposes of the Home Owners association on private roads only. Guard house
21	<b>Transportation</b> 	Airports Airfield Heliport Parking Garages Railway Purposes Transport Centres	Commercial Purposes Filling Station Motor Workshop	<b>Written Consent A</b> Ancillary Dwelling Units Caretaker's Unit Car Wash not part of a Filling Station Informal Trading Place of Refreshment Shops (greater than 150m²)  <b>Written Consent B</b> Municipal Purposes	Ancillary Offices Automatic Teller Machines (ATM's) Canteens Fuel tanks Guard House Public 1 to 5 Gaming Machines Shops (less than 150m²)
22	<b>Special</b> 	As shown on relevant Annexure	As shown on relevant Annexure	As shown on relevant Annexure (Written Consent A for all uses)	As shown on relevant Annexure

## PART 3: BUILDING LINES, LINES OF NO ACCESS AND STREETS

### 8 BUILDING RESTRICTION AREAS

- 8.1 The area between the **Property Boundary** and the **Building Line** described in Clause 9 shall be deemed a **Building Restriction Area**.
- 8.2 Any 1:100 **Flood Line** determined to demarcate a flood area shall be deemed to be a **Building Restriction Area** where no **Building** shall be erected without prior **Approval** by the **Municipality** and the **Controlling Authority** subject to special precautionary measures and to clause 14.19.
- 8.3 Any geological constraints, such as certain dolomitic areas, shall be deemed to be a **Building Restriction Area** where no **Building** shall be erected without prior **Approval** by the **Municipality** of special precautionary measures, subject to clause 18.

### 9 BUILDING LINES

- 9.1 **Building Lines** applicable to street boundaries, boundaries not abutting streets, flood lines, or geological constraint areas shall be as indicated in Tables C and D below, unless otherwise specified in an **Annexure** or **Schedule** to the **Scheme**.
- 9.2 Where **Building Lines** are specified in a Title Deed the more restrictive **Building Line** condition between the **Scheme** and the Title Deed shall apply, provided that should the applicable condition be removed from the Title Deed, by **Application** (in terms of applicable legislation), the **Building Lines** depicted in Table C or an **Annexure** shall remain in force.

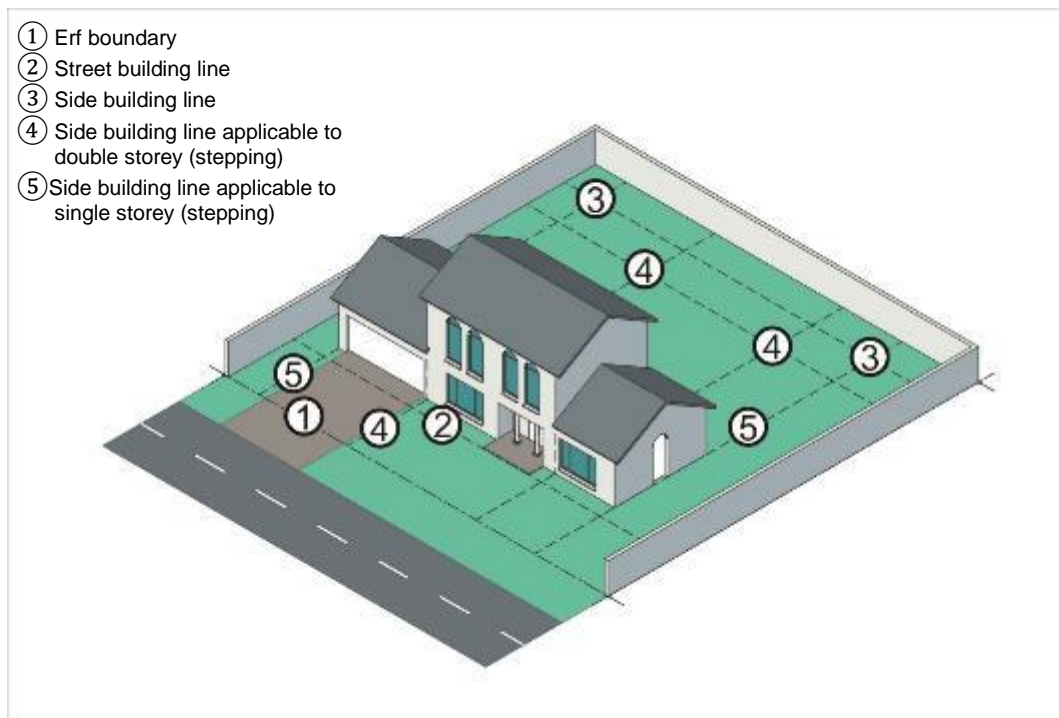


Figure 2: Building Lines (must be read with Table C)



TABLE C: STANDARD BUILDING LINES		
STANDARD BUILDING LINES (IN METRES) PER LAND USE CATEGORY		
Column 1	Column 2	Column 3
LAND USE CATEGORY	STREET BOUNDARY	OTHER BOUNDARIES
Residential 1: Single Storey (Erf less than 500m <sup>2</sup> )	3m	2m on side affected by municipal services and 1m on one other side;
Single Storey (Erf 501m <sup>2</sup> and bigger)	5m	2m on 2 sides;
Double Storeys	5m	4m on affected sides
Triple Storeys	5m	6m on affected sides
Residential 2: Single Storey	2m	2m on side affected by municipal services and 1m on one other side; 1m on 2 sides where no municipal services are affected
Double Storey	2m	2m on sides affected by municipal services
Triple Storey	2m	2m on affected sides
Residential 3 & 4	5m	2m per storey (to a maximum of 10m)
Business 1 In CBD	0m	0m
Outside the CBD	3m	0
Business 2	3m	0
Business 3	5m	2m
Industrial 1 & 2	6m	0
Mining	10m	5m
Agriculture	5m	5m
Public & Private Open Space	5m	5m
Recreation	10m	5m
Community Facility	5m	3m
Public Services	5m	3m
Social Services	5m	3m
Parking	0	0
Roads	0	0
Transportation	0	0
Special	5m or As per Annexure	3m or As per Annexure

- 9.3 Except for the physical barrier and structures referred to in Clauses 10 and 12, no swimming pool, tennis court, **Building** or **Structure** which is attached to the **Land** shall be erected nor shall anything be constructed or laid under or below the surface of the **Property** at a distance less than those stipulated in Table C and D; nor shall any alteration or addition be made to any existing **Structure** or **Building** so situated, without the written **Approval** of the **Municipality** in terms of section 58 of the **By-law** after consultation with the relevant **Controlling Authority**.

TABLE D: SPECIAL BUILDING LINES		
SPECIAL BUILDING LINES (IN METRES)		
	Single Storey	Multiple Storey
An erf adjacent to a Provincial Road ( <i>measured from the road reserve</i> )	16m	16m
A farm portion or agricultural holding adjacent to a Provincial Road ( <i>measured from the centreline of the road</i> )	95m	95m
A farm portion or agricultural holding adjacent to a Provincial Road ( <i>measured from a point of intersection of a provincial and any other road, or of a provincial road and a railway line</i> )	500m	500m
An erf at an interchange between two provincial freeways or national freeway ( <i>measured from the ramp of the roads</i> )	20m	30m
A farm portion or agricultural holding at an interchange between two provincial freeways or national freeway ( <i>measured from the ramp of the roads</i> )	95m	95m
An erf, farm portion or agricultural holding adjacent to a National Road	20m	30m
An erf, farm portion or agricultural holding abutting a railway line	6m	6m
An erf, farm portion or agricultural holding abutting the Gautrain railway line	6m	8m

- 9.4 **Land** reserved for future **Road** widening shall be indicated on the **Map**. No new **Structures** shall be permitted within the **Road** widening area, provided that the **Building Lines** shall apply from the existing **Road** and not the **Road** widening area, except in the case of future provincial or national roads where the **Building Line** shall apply from the future **Road** reserve area as approved by the **Controlling Authority**.
- 9.5 The **Municipality** may indicate or cancel future **Road** widening areas on the **Map**, as and when it is necessary, provided that all affected **Property Owners** shall be directly notified of this intention. This clause shall not apply to provincial or national roads.
- 9.6 **Buildings** may be stepped, in order to meet the requirements of Table C or D at each **Storey**.

## 10 EXCLUSIONS FROM BUILDING LINES

- 10.1 Clauses 9.1 and 9.2 above shall not be applicable to the following **Structures**:

garden ornaments, entrance **Structures**, **Guard Houses**, **Boundary** fences, garden walls, fences, pergolas, external stairs, an advertising sign (as approved, in terms of the Outdoor Advertising Policy and the By-laws of the **Municipality**), koi ponds, fountains and any other **Structure** which is not covered by a roof, provided that overhanging eaves, shade netting, or a porte-cochere do not require a **Building Line Relaxation Application**.

- 10.2 For the purpose of this clause, a sanitary lane shall not be regarded as a street.
- 10.3 Existing **Buildings** within the **Building Restriction Area** are not subject to compliance, or are deemed compliant if affected by a newly established **Building Restriction Area**, resulting from an approved subdivision: Provided that any additions to such existing **Buildings** shall be subject to the limitations of the **Building Restriction Area**.

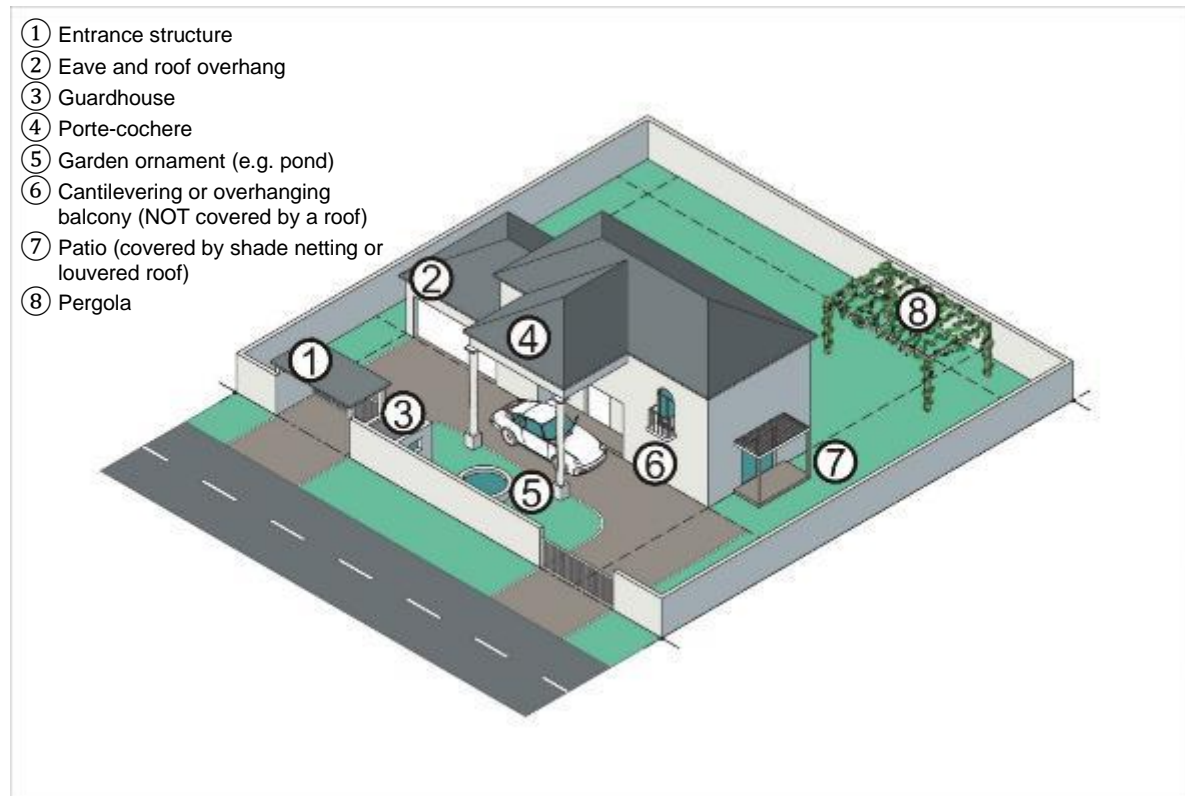
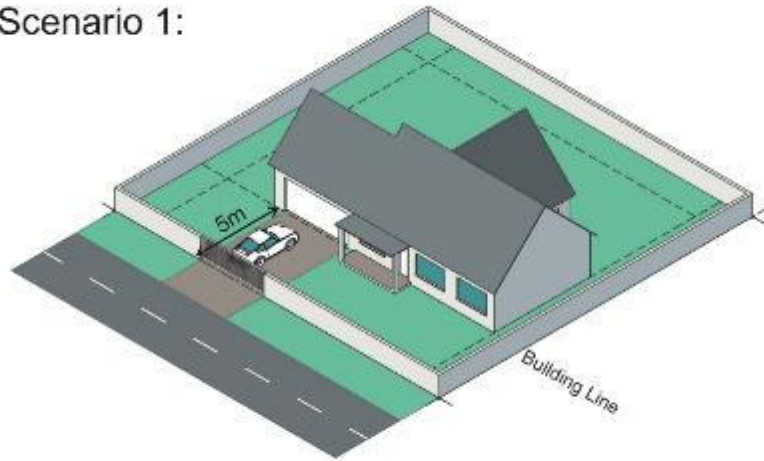


Figure 3: Exclusions from Building Lines

## 11 RELAXATION OF BUILDING LINES

- 11.1 **Approval** granted by the **Municipality**, for the relaxation of a **Building Line** or encroachment on a **Building Restriction Area**, shall be valid for the life of the **Building**, in respect of which the **Consent** was granted and does not result in a permanent relaxation of the **Building Line**.
- 11.2 The **Building Lines**, as stated in Table C may be relaxed by means of a **Building Line Relaxation Application**, in accordance with Section 62 of the **By-law**, read with Clause 30.3 of the **Scheme**. Garages on Residential 1 and 2 zoned erven shall be in accordance with Figures 4a, 4b and 4c.
- 11.3 The **Municipality** may not approve relaxations or encroachments on any **Building Line** or **Building Restriction Area**, listed in Table D, without the agreement of the relevant **Controlling Authority**.
- 11.4 **Approval** of such relaxations are in the sole discretion of the **Municipality** and **Applications** to relax existing as-built **Buildings** that encroach on a **Building Restriction Area** will not automatically be approved if the **Municipality** does not deem it acceptable in terms of its policies and norms.

### Scenario 1:



No relaxation permitted for garages as car can fit between gate and garage door (minimum 5 metres)

**Figure 4a**

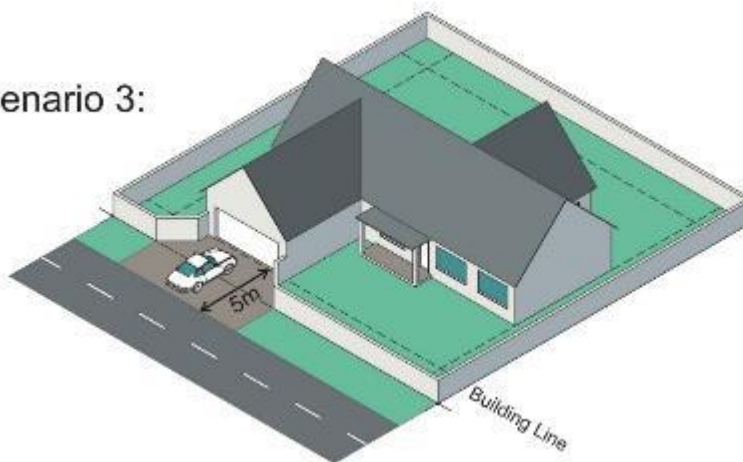
### Scenario 2:



Relaxation for garage to 0 metres with garage access from the side.

**Figure 4b**

### Scenario 3:



Relaxation for garage to less than 5 metres permitted provided there is a minimum of 5 metres between kerb and garage door and provided there is no road widening planned along this road. No gate permitted in front of garage door.

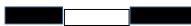
Example: Relaxed to 2 metres with 3 metres pavement width.

**Figure 4c: Relaxation of Building Lines for Garages (Scenarios 1, 2 and 3)**

## 12 PHYSICAL BARRIERS AND FENCING ALONG NATIONAL AND PROVINCIAL ROADS

The registered **Owner** of an **Erf** or **Property**, abutting a Provincial and/or a National Road shall erect a physical barrier or a barrier of such other material, as may be approved by the relevant **Controlling Authority** and/or **Municipality**, in accordance with the standards laid down by the relevant **Controlling Authority** and/or **Municipality**, before or during the development of the **Property** along the **Boundary** of the **Property** abutting the National and/or Provincial Road and shall maintain such physical barrier to the satisfaction of the relevant **Controlling Authority** and/or **Municipality**.

## 13 LINES OF NO ACCESS AND SPLAYS

- 13.1 Vehicular entrances to and exits from a **Property**, from or to a public street or **Road** may be prohibited across any **Boundary** or part thereof. Any **Boundary** so designated shall be shown on the **Map** with 
- 13.2 The **Municipality** may, on receipt of a **Written Consent A Application**, relax the access restriction contemplated in Clause 13.1 subject to such conditions as it may deem necessary, if as a result of exceptional circumstances, observance of the access restriction would interfere with the development of the **Property** to an unreasonable degree.
- 13.3 The **Municipality** may not approve relaxations of the **Line of No Access** affecting Provincial or National Roads without the agreement of the relevant **Controlling Authority**.
- 13.4 In any township established or land subdivided after the coming into operation this **Scheme**, the corners at all **Road** junctions shall be splayed for a minimum distance from the intersection of the **Street Boundaries** for a distance of 5 (cotangent  $a/2$ ) metres (calculated to the nearest equal metre where “a” is the angle of the intersection of the **Street Boundaries**) or for a distance to the satisfaction of the **Municipality**.

### 13.5 ACCESS TO LAND USES ALONG CERTAIN CLASSES OF ROAD

- 13.5.1 Vehicular and pedestrian access to land uses outlined in **Table E** shall not be permitted along the specific class of **Road**, except with the approval of the Roads and Stormwater Department.
- 13.5.3 Approved accesses to existing, approved developments will remain as per the current approval conditions. Any change in **Land Use**, through any town planning process, may render the site subject to more stringent access requirements. The above-mentioned restrictions will apply where relevant. Access arrangements to all Municipal **Roads** are subject to the support and approval of the Roads and Stormwater Department.
- 13.5.4 All exceptions listed in **Table E** will be considered at the discretion of the Roads and Stormwater Department.

<b>TABLE E: LAND USES NOT PERMITTED PER CLASS OF ROAD</b>		
<b>CLASS OF ROAD</b>	<b>LAND USES TO BE AVOIDED</b>	<b>EXCEPTIONS</b>
Class 1	All land uses	Filling stations, subject to stringent access requirements
Class 2	All land uses	<p>Filling stations, subject to stringent access requirements,</p> <p>Access to properties sufficiently large to warrant a private intersection / interchange in the sole discretion of the relevant road authority as long as access spacing requirements are met as defined in the TRH 26 COTO manual and there is no future need for a public road.</p> <p>Partial and marginal access at reduced spacing allowed to relieve congestion, reduce excessive travel distances or remove the need for a full intersection</p>
Class 3	<p>All land uses</p> <p><b>NOTE:</b> The protection of vulnerable road users, such as children, people with disabilities, the elderly, etc. are of key importance along these mobility routes. Types of uses involving this category of people (e.g. crèches, schools, retirement villages, etc.) must be restricted to lower order roads.</p>	<p>Filling stations, subject to stringent access requirements</p> <p>Access to properties sufficiently large to warrant a private intersection / interchange in the sole discretion of the relevant road authority as long as access spacing requirements are met as defined in the TRH 26 COTO manual and there is no future need for a public road.</p> <p>Partial and marginal access at reduced spacing allowed to relieve congestion, reduce excessive travel distances or remove the need for a full intersection</p> <p>Roads with a mixture of mobility and access function will also be handled in line with the guiding principles in the TRH 26 COTO Manual.</p>
Class 4	None	Where safety is compromised in the opinion of the Roads and Stormwater Department
Class 5	None	Where safety is compromised in the opinion of the Roads and Stormwater Department

## PART 4: DEVELOPMENT CONDITIONS

### 14 GENERAL CONDITIONS

- 14.1 Subject to the **Written Consent A** of the **Municipality** and such conditions as it may impose:
- (a) Neither the **Owner** nor any other **Person** shall have the right, except to prepare a **Property** for **Building** purposes, to excavate therefrom any materials.
  - (b) no quarrying for sand, stone, rock, gravel, clay and soil for any purpose whatsoever shall be conducted on any **Property** unless authorised in terms of the Mineral and Petroleum Resources Development Act, 2002 (Act 28 of 2002) and in any amendments thereof.
  - (c) Neither the **Owner** nor any other **Person** shall sink any wells or boreholes on a **Property** or abstract any subterranean water therefrom, without the **Consent** of the relevant **Controlling Authority** in terms of the National Water Act, 1998, provided that in dolomite areas, Clause 18 (Conditions Applicable to Dolomite Areas) shall be applicable.
  - (d) Neither the **Owner** nor any other **Person** shall have the right to make or permit to be made upon the **Property**, for any purposes whatsoever, any tiles, bricks or earthenware, pipes or other articles of a like nature, provided that this condition is not applicable to Industrial 1 or **Mining** zoned properties.
- 14.2 The siting of all **Buildings**, including **Outbuildings**, fences and walls erected on the **Property** and the entrance(s) to a **Public Road** shall:
- (a) be approved by the **Municipality**, in terms of the **National Building Regulations** and any other appropriate legislation;
  - (b) be to the satisfaction of the **Municipality**; and
  - (c) Subject a **Building Line Relaxation Application**, no building of any nature shall be erected on that portion of the **Property** which is likely to be inundated by the floodwater of a public stream on an average of 100 years as set out in section 144 (Part 3) of the National Water Act, 1998 (Act 36 of 1998) and in any amendments thereof.
- 14.3 A **Boundary** wall or fence shall be erected and maintained to the satisfaction of the **Municipality**, as and when required.
- 14.4 Where the amenity of any **Property** is adversely or detrimentally affected by the condition of any **Building**, work, structure, courtyard, garden or **Land**, the **Municipality** can instruct the owner of such **Property** to erect a screen wall or walls as set out in Clause 14.3 above.
- 14.5 If a **Property** is fenced or otherwise enclosed, such fence or other enclosure shall be completed and maintained to the satisfaction of the **Municipality**.
- 14.6 The main **Building**, which shall be a completed **Building** and not one partly erected and intended for completion at a later date, shall be erected simultaneously with or before the erection of any **Outbuildings**, except with the **Written Consent A** of the **Municipality**.
- 14.7 Where, in the opinion of the **Municipality** (Roads and Stormwater Department), it is impracticable for stormwater to be drained from a higher-lying **Property** directly to a public street, the **Owner(s)** of the lower-lying **Property** shall be obliged to accept and permit the passage over the **Property** of such stormwater, provided that the **Owner(s)** of any higher-lying

**Property**, the stormwater from which is discharged over any lower-lying **Property**, shall be liable to pay a proportionate share of the cost of any pipeline or drain, which the **Owner(s)** of such lower-lying **Property** may find necessary to lay or construct, for the purpose of conducting the water so discharged over the **Property**.

- 14.8 The area where rubbish or waste is temporarily stored before it is removed, shall be properly screened from the street and adjacent properties and regularly removed to the satisfaction of the **Municipality's** Health Officer.
- 14.9 **Informal Trade** shall not be conducted in any street or **Road** without the approval of the **Municipality** and subject to its Policy and other legislation regulating such trade.
- 14.10 Septic tanks and French drains shall be located at least 50 metres from any borehole being used for drinking water and shall be indicated on a building plan.
- 14.11 The design and construction of septic tanks and French drains shall comply with the **Municipality's** requirements and shall be indicated and approved on a building plan.
- 14.12 The **Municipality's** By-laws and other relevant legislation relating to health and safety standards shall be applicable to all **Land** and **Buildings** and **Owners** and **Occupants** shall comply with the relevant standards as well as any other applicable legislation: Provided that in the event of conflict between the provisions of the **Scheme** and a By-law the provisions of the **Scheme** will prevail.
- 14.13 All relevant requirements specified in environmental legislation shall be complied with prior to final **Approval** of an **Application** in terms of this **Scheme** and the **By-law** or before any **Land Use**, which is a listed activity in terms of sections 24 and 24D of the National Environmental Management Act, 1998 (Act 107 of 1998) (NEMA), is exercised in terms of the provisions of this **Scheme**.
- 14.14 **Applicants** intending to apply for any **Application** in terms of this **Scheme** or the **By-law** must take cognizance of the restrictions on development in the vicinity of the landing and take-off areas of an **Airport** as laid down in the South African Civil Aviation Act, 2009 (Act 13 of 2009) and its Regulations.

#### 14.15 ENGINEERING SERVICES

No land development **Application** in terms of this **Scheme** and the **By-law** may be approved by the municipal planning tribunal or authorised official unless and until the **Municipality** is satisfied that **Engineering Services**, social infrastructure and **Open Spaces** can be provided and installed or that the required arrangements have been made for the provision and installation of **Engineering Services**, social infrastructure and **Open Spaces**, in accordance with Section 77 of the **By-law**.

#### 14.16 CONTRIBUTIONS AND DEVELOPMENT CHARGES

- 14.16.1 Subject to the provisions of Section 37(15) (b) and Section 82(1) of the **By-law**, where a land development **Application** was approved, the **Municipality** may levy development charges for **Engineering Services** and contributions payable for the provision of **Open Space**.
- 14.16.2 Subject to the provisions of Section 82(2) of the **By-law**, the **Municipality** may approve a policy to prescribe the calculation of development charges and contributions, which may also include differentiated calculations based on, *inter alia*, the spatial location of the land, the socio-economic circumstances of the area or the socio-economic benefits for a particular area.



14.16.3 The policy outlined in Clause 14.16.2 must take into account the availability, condition and capacity of **Engineering Services** when determining differentiated development charges.

#### 14.17 ACCESS TO ALL ERVEN

Access to all erven must be provided in a manner that will enhance road safety for the **Land Use** as well as the wider road user and must be provided to the satisfaction of the Roads and Stormwater Department. Such access arrangements will be guided by the latest City of Ekurhuleni (CoE) road hierarchy plan, CoE roads master plan, access management plans and the provisions of COTO Manual: TRH 26, South African Road Classification and Access Management Manual. Where the road master planning and road hierarchy plan of the CoE is in conflict with the guiding principles in the COTO Manual (TRH 26), the principles and intentions contained in the COTO Manual (TRH 26) will receive preference.

#### 14.18 HILLS AND RIDGES

- (a) No development shall be allowed on any **Property** with a slope greater than 5° without the **Written Consent A** of the **Municipality**.
- (b) Subject to the provisions of Sub-clause (a), if a **Property** is to be developed on a hill or ridge as indicated on the Spatial Development Framework (SDF) of the **Municipality**, and such development is a listed activity in terms of the National Environmental Management Act, 1998, such development shall be subject to a full / comprehensive Environmental Impact Assessment (EIA) in terms of said Act.

#### 14.19 WETLAND AREAS

- (a) No physical development of any **Property** shall occur within a **Wetland** habitat, the 1:100 year **Flood Line** of a river or stream, or a distance of 30 metres from the edge of a stream inside the urban area and 50 metres outside the urban area, in terms of the GDARD Requirements for Biodiversity Assessment, Version 3.
- (b) **Wetlands** shall not be modified or transformed through landscaping.
- (c) No development shall take place within hydromorphic grassland.
- (d) A **Buffer Zone**, determined by the guidelines of the Municipality in respect of **Wetlands**, shall be created between the wetland and any proposed development.
- (e) The control and eradication of exotic and invasive species shall be implemented within **Wetland** systems by the **Owner** of such property as contemplated in the National Environmental Management Biodiversity Act (102004): Alien and Invasive Species Regulations, 2014.

#### 14.20 ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

- (a) Notwithstanding any provision of this **Scheme**, nothing shall be construed as to allow the use of **Land** or the erection or use of any **Building** for the purpose of a listed activity unless such activity has been approved by the **Controlling Authority** as determined in terms of section 1 of the Environment Conservation Act, 1989 (Act 73 of 1989) and sections 24(2), 24 (5), 24D and 44, read with section 47A(1)(b) of the National Environmental Management Act, 1998 (Act No. 107 of 1998) (as amended).

- (b) The **Owner** of **Land** shall be responsible to furnish the **Municipality** with proof of the authorisation contemplated in terms of Sub-clause (a) as well as any conditions imposed as part of the authorization; and
- (c) The **Municipality** shall during the consideration of any building plan or **Site Development Plan** in respect of a development contemplated in terms of Sub-clause (a) take into consideration any conditions imposed in terms of the authorisation.

#### 14.21 HERITAGE RESOURCES MANAGEMENT

- (a) Notwithstanding any provision of this **Scheme**, any **Person** who intends to undertake a development as defined in terms of section 38(1)(a) to 38(1)(e) of the National Heritage Resources Act, 1999 (Act 25 of 1999) as amended from time to time, must at the very earliest stages of initiating such a development, notify the responsible heritage resources authority and furnish it with details regarding the location, nature and extent of the proposed development.
- (b) The provisions of Sub-clause (a) shall be subject to section 38(2) to 38(10) of the National Heritage Resources Act, 1999 (Act 25 of 1999) as amended from time to time.

#### 14.22 CONDITIONS APPLICABLE TO PROPERTIES USED FOR MINING AND QUARRYING.

Subject to the provisions of the remainder of this **Scheme**, the following additional conditions will apply to properties used for Mining and Quarrying:

- (a) no reconnaissance, prospecting, mining, retention, exploration or production activities may be exercised on any **Property** unless authorised in terms of a reconnaissance permission, prospecting- or mining right, mining permit, exploration right or production right issued in terms of sections 14, 17, 23, 27, 31, 80 and 84 of the Mineral and Petroleum Resources Development Act, 2002 (Act 28 of 2002) and in any amendments thereof;
- (b) any mining- or production right issued in terms of sections 23 or 84 of the Mineral and Petroleum Resources Development Act, 2002 (Act 28 of 2002) shall be subject to an Environmental Impact Assessment (EIA) as contemplated in terms of section 22(4)(a) read with section 39(1) as well as section 83(4)(b) of the said Act;
- (c) any reconnaissance permission, prospecting right, mining permit, mining right, retention permit, exploration right or production right contemplated in Sub-clause (a) shall be subject to an Environmental Management Programme / Environmental Management Plan as set out in sections 32(3), 39(2), 79(4)(b) and 83(4)(b) of the Mineral and Petroleum Resources Development Act, 2002 (Act 28 of 2002) and in any amendments thereof;
- (d) the holder of a reconnaissance permission, prospecting right, retention permit, mining right or mining permit must:
  - i. at all times give effect to the general objectives of integrated environmental management plan;
  - ii. consider, investigate, assess and communicate the impact of his or her prospecting or mining on the environment; and
  - iii. manage all environmental impacts:

- (e) notwithstanding the provisions of Table B, nothing shall be construed as to allow the utilisation of the surface of any **Land** used for “Mining and Quarrying” for purposes which may be contrary to any object of the Mineral and Petroleum Resources Development Act, 2002 (Act 28 of 2002) or which is likely to impede any such object unless authorised by the Minister of Minerals and Energy in terms of section 53 of the said Act; and
- (f) no quarrying for the taking of sand, stone, rock, gravel, clay and soil for any purpose whatsoever shall be conducted on any **Property** unless authorised in terms of the Mineral and Petroleum Resources Development Act, 2002 (Act 28 of 2002) and in any amendments thereof.

#### 14.23 ERVEN AFFECTED BY SERVITUDES

- (a) All **Servitudes** shall be registered against the land, in accordance with Section 45(1) of the **By-law**.
- (b) All **Servitudes** have preference over any Clause in this **Scheme**, or any land development **Application** made in terms of this Scheme or the **By-law**, and no **Site Development Plan** or Building Plan may be approved in conflict with the provisions of such **Servitude**.
- (c) The provisions of **Coverage, Height** and **Density**, as indicated in Table G, shall not be affected by the indications of **Servitudes** over an **Erf** or site.
- (d) No **Building** or any other **Structure**, shall be erected within any registered **Servitude** area, except with the written permission of the **Servitude** holder, provided that the **Structure**:
  - i. is temporary in nature, and does not require building plans as contemplated in the National Building Regulations. This includes the use of the **Servitude** area for parking purposes;
  - ii. is not expressly prohibited in the **Servitude** agreement or deed;
  - iii. will not constitute a danger to the users of such a **Structure**, in respect of underground or overhead services.
  - iv. does not have foundations or require excavations that may rupture protected underground services.
  - v. can be moved, at the cost of the user, should access to the relevant services be required by the **Servitude** holder.
- (e) No **Structures** may, under any circumstances, be permitted within right-of-way **Servitude** areas.
- (f) No **Structures** may, under any circumstances, be permitted within **Servitudes** that protect pipelines for the transportation of flammable gas and/or liquid fuels.
- (g) The **Servitude** holder shall have the right to maintain the services at any time.

#### 14.24 PRIME AGRICULTURAL LAND

- (a) The Municipal Spatial Development Framework must identify the spatial location of high potential agricultural land, in accordance with Section 12(n) and Section 21 (j) of the Act.

- (b) High Potential Agricultural Land may also be identified by the National and Provincial Government Departments responsible for environmental or agricultural matters, and no change in **Land Use** or **Special Consent Application** shall be approved without the relevant approval from such department.
- (c) In considering any **Land Use** change on agricultural land (including a **Special Consent**), the provisions of Section 42(2)(b) of the Act shall be applicable.

## 15. HOME ENTERPRISE

15.1 Notwithstanding the provisions of Table B, a **Home Enterprise** is a small scale enterprise, practice or occupation for economic gain, by an **Owner** or **Occupant** of a **Dwelling House** or **Dwelling Unit**, subject to the following requirements and conditions:

- (a) The following activities are regarded as a primary right (no **Consent Use** procedure is required) on a Residential 1, 2, 3, 4 or Agriculture zoned **Property**:
  - (i) Administrative and Professional Services e.g.: insurance agent, financial advisory services, clerical work, editor, translator, secretarial work, debt collector, counsellor, architect, engineer, draughtsman, photographer, broker, bookkeeper, attorney, town planner, or similar service as the municipality deems fit;
  - (ii) Home Industries e.g.: confectionery, embroidery, knitting, needlework, sewing, dressmaking, tailoring, baking, catering, biltong making, pottery, artist, framing, jewellery making, or similar industry as the municipality deems fit;
  - (iii) **Place of Instruction** for not more than 10 (ten) pupils; and
  - (iv) **Day Care Facility**.
- (b) The **Owner** or **Occupant(s)** of the **Dwelling House/Unit** shall be the proprietor of the **Home Enterprise**; provided that the employment of a maximum of two additional persons on the **Property** (excluding domestic workers) for activities contemplated in Clauses 15.1 (a) and 15.2, shall only be permitted by means of **Written Consent A** of the **Municipality**;

Provided that:

- (i) Any **Written Consent A** granted in terms of Clauses 15.1(b) shall lapse if the proprietor of the **Home Enterprise** vacates the erf and such **Consent** shall not be transferred to a new **Owner** or **Occupant**.
- (ii) Any **Written Consent A** granted in terms of Clauses 15.1(b) shall automatically lapse if the **Home Enterprise** has not commenced within 12 (twelve) months or operated for a continuous period of 12 (twelve) months.
- (c) The proprietor of the **Home Enterprise** shall permanently reside on the **Property**.
- (d) The **Dominant Use** of the **Property** shall remain residential.
- (e) Any interference with the amenities of the neighbourhood by means of noise, smell, dust, aesthetic appearance or any other manner, shall not be permitted.
- (f) The size of the **Home Enterprise**, including **Ancillary** storage, shall not exceed 50m<sup>2</sup> floor area or 25% of the floor area of the **Dwelling House/Unit** and **Outbuildings** on the

**Property**, whichever is the smallest.

- (g) No retail trade shall take place on the **Property**, however, the occasional and incidental selling of related goods is permitted, provided that it is **Ancillary** to the **Home Enterprise** and does not exceed 10% of the area allowed under condition (f).
- (h) No goods shall be stored or displayed in such a manner that it will be visible from outside the **Property** and such storage area shall be limited to a maximum of 20m<sup>2</sup> floor area.
- (i) Parking, as well as loading and off-loading activities (including employees parking) directly related to the **Home Enterprise**, shall only take place on the **Property**, except when the **Municipality** relaxes this requirement subject to a **Written Consent A Application**.
- (j) Loading and off-loading of goods shall only be done with a vehicle, not exceeding a gross mass of 3 500kg.
- (k) A maximum of 2 (two) vehicles (excluding client vehicles) relating to the **Home Enterprise** shall be permitted on the **Property**.
- (l) The exhibition of only one sign at the main entrance to the **Property** is permitted. Signs or plaques must be placed on the **Boundary** fence, **Building** or a free standing sign on the **Property**, to indicate only the name, profession/ occupation, business logo and telephone number of such a permanent resident shall be permitted: Provided that the aforementioned notice/sign or plaque shall not exceed 420mm x 594mm (A2) in size. This may not be erected on the **Road** reserve or encroach any **Road** reserves bordering on the **Property**.
- (m) The **Municipality** may lay down the hours of operation of the **Home Enterprise** as it deems necessary to protect the residential environment.

15.2 The following activities/uses are only permitted with the **Written Consent A** of the **Municipality** only on a Residential 1 and 2, Agriculture zoned **Property**:

- (a) Support Services e.g. hairdresser, beauty and massage therapist, laundry and ironing services, garden and pool services, off-site contracting services, renting out of catering and party equipment, clothes and costume hire, etc.
- (b) Home Industries e.g. Jewellery manufacturing, dressmaking and tailoring etc.;
- (c) Allied Health Services e.g. physiotherapist, psychologist, psychiatrist, chiropractor, podiatrist, dietician, homeopath, aromatherapy, ayurveda, Chinese medicine and acupuncture, naturopathy, osteopathy, phytotherapy, reflexology, therapeutic aromatherapy, therapeutic massage therapy, therapeutic reflexology and unani-tibb, etc.

Provided that:

- (i) Any **Written Consent A** granted in terms of Clauses 15.2 shall lapse if the proprietor of the **Home Enterprise** vacates the erf and such **Consent** shall not be transferred to a new **Owner** or **Occupant**;
- (ii) Any **Written Consent A** granted in terms of Clauses 15.2 shall automatically lapse if the **Home Enterprise** has not commenced within 12 (twelve) months or operated for a continuous period of 12 (twelve) months;
- (iii) The development conditions laid down with the **Approval** of the **Written Consent**

A shall not exceed the conditions listed in 15.1 above.

15.3 The following activities/uses are not permitted as a **Home Enterprise**:

**Medical Consulting Rooms** (except Allied Health Services), estate agency, employment agency, travel agency, security services, bank, financial institution, **Shop, Place of Refreshment, Coffee Shop, Spaza Shop, Tavern**, butchery, **Place of Entertainment, Service Industry, Funeral Parlour, Animal Care Centre**, escort agency, **Place of Instruction for more than 10 (ten) pupils, Child Care Centre, Bed and Breakfast, Place of Education, Home Care Facility, Panel Beater**, spray painter, vehicle rental, **Motor Workshop**, tow-in-service, cartage and transport services, manufacturing of concrete products, noxious activity and/ or any such use or **Industries** which, in the opinion of the **Municipality**, do not conform to the definition of a **Home Enterprise** and the above conditions.

15.4 All relevant legislation in respect of Trading Licenses, Liquor licenses, Health and **Building Regulations** are applicable to the **Home Enterprise** (if an **Application** for a **Home Enterprise** is approved, an **Application** for a trading license where applicable must be lodged).

15.5 On receipt of a complaint of whatever nature, the **Municipality** reserves the right to impose further conditions and/ or requirements, or to withdraw the **Consent** completely without any liability for compensation for damages, or losses thus incurred, but only after the matter has been investigated and the 'offender' has been afforded a reasonable time to rectify the situation.

15.6 The necessary amendments must be affected to the building plans, in accordance with provisions of the **National Building Regulations**; be it for new additions or for the amended use of existing rooms.

## 16 CONDITIONS APPLICABLE TO RESIDENTIAL 3 AND 4 ERVEN

16.1 The internal **Roads**, internal street lights and storm water management system on the **Erf** shall be constructed and maintained by the registered **Owner(s)**, to the satisfaction of the **Municipality**.

16.2 The registered **Owner** of the **Erf** shall make available and accessible, to the satisfaction of the **Municipality**, at least 24m<sup>2</sup> **Open Space**, as set out in Schedule 63 and 86 of the **By-Law**

Provided that:

- (a) of the 24m<sup>2</sup> per unit **Open Space** provided, 4m<sup>2</sup> per unit functional children's play area must be provided;
- (b) Playground equipment shall be provided on the **Erf** by the **Owner** or body corporate.
- (c) The developer shall not offset the children's play area provided, in lieu of parks and open space contributions, in accordance with the policy of the Municipality.
- (d) The requirement for the children's play area is not applicable to old age homes and retirement villages;

A minimum of 10% of the area of the **Erf** shall be landscaped, provided that landscaping may include any permeable surface to ensure storm water drainage.

16.3 Should residential developments occur in any other **Zoning Category**, sub-clause 16.2 above shall apply.

16.4 Should the **Erf** be subdivided into individual portions or developed with a single **Dwelling Unit**, sub-clause 16.2 shall not be applicable.

## 17 CONDITIONS APPLICABLE TO FILLING STATIONS, MOTOR DEALERS AND MOTOR WORKSHOPS

- 17.1 Screen walls shall be erected by the **Owner(s)** of the **Property**, where required by the **Municipality** and shall be maintained by the registered **Owner (s)**, to the satisfaction of the **Municipality**.
- 17.2 No material of any **Property**, whatsoever shall be stored or stacked to a **Height** greater than any screen wall on the **Property**.
- 17.3 No repairs to vehicles or equipment of any kind may be conducted outside the **Building**, unless approved by the **Municipality** by means of **Written Consent A**.

## 18 CONDITIONS APPLICABLE TO AREAS WITH DOLOMITE AND DETRIMENTAL SOIL

- 18.1 A development **Application** on **Land** that is situated in a dolomitic area or area with detrimental soil shall comply with the requirements of the **By-law**.
- 18.2 The **Applicant** shall submit the required documents and **Application** fee as required in terms of the Schedule to the **By-law**.
- 18.3 The **Approval** of the **Application** in 18.1 shall also comply with SANS 1936 requirements with respect to wet services.

## 19 HEIGHT

- 19.1 The number of **Storeys**, excluding **Basements**, **Mezzanine** floors and **Lofts** which may be contained in a **Building** shall not exceed those determined by the **Height** stipulated in Table G, Provided that:
- (a) In a **Dwelling House/Unit**, **Boarding House** or a **Residential Building**, no **Storey** shall have a vertical dimension greater than 4 metres from floor to ceiling, excluding double volume rooms, which may be a maximum of 6,0 metres from floor to ceiling,
- (b) In any non-residential **Building**, excluding **Buildings** on Industrial 1 and 2 zoned properties, a **Storey** shall not exceed a vertical dimension of 6,0 metres from floor to ceiling, except a double volume **Storey** which may be 9,0 metres from floor to ceiling; and
- (c) any **Buildings** on Industrial 1 or 2 zoned **Properties** shall not exceed 10,5 metres from floor to ceiling for the **Ground Storey** and 6 metres from floor to ceiling, or to roof plate if there is no ceiling, for subsequent **Storeys**, with a maximum height of 22,5 metres subject to Table G;
- provided that the **Municipality** may approve the increase of any of the aforementioned restrictions by means of a **Written Consent A Application**.
- (d) In any **Use Zone** where “silos” are permitted, the maximum height of the silo may be increased to any **Height** by means of a **Written Consent A Application**.
- 19.2 Notwithstanding any other requirements for **Height**, the **Height** in areas of influence relating to **Airports**, as determined by the relevant **Controlling Authority**, shall be limited to the following requirements:

19.2.1 No **Buildings** or other objects which will constitute an obstruction or potential hazard to aircraft moving in the navigable air space in the vicinity of an aerodrome, or navigation aid, or which will adversely affect the performance of the radio navigation or instrument lading systems, may be erected or allowed to come into existence without the prior approval of the Director of the **Controlling Authority**.

19.2.2 No **Buildings** or objects higher than 45 meters above the mean level of the landing area, shall be erected without the approval of the Director of the **Controlling Authority** within a distance of 8 kilometres measured from the nearest point on the **Boundary** of an aerodrome or heliport.

19.3 In determining the **Height** of **Buildings**, account shall be taken of parapets, but not of chimneys, ornamental towers, tower like projections or similar architectural features, lift service rooms or lift shafts, turrets and church spires: Provided that for the purpose of **Height** requirements in terms of sub-clause 19.2 such chimneys, towers, turrets and spires shall be taken into account.

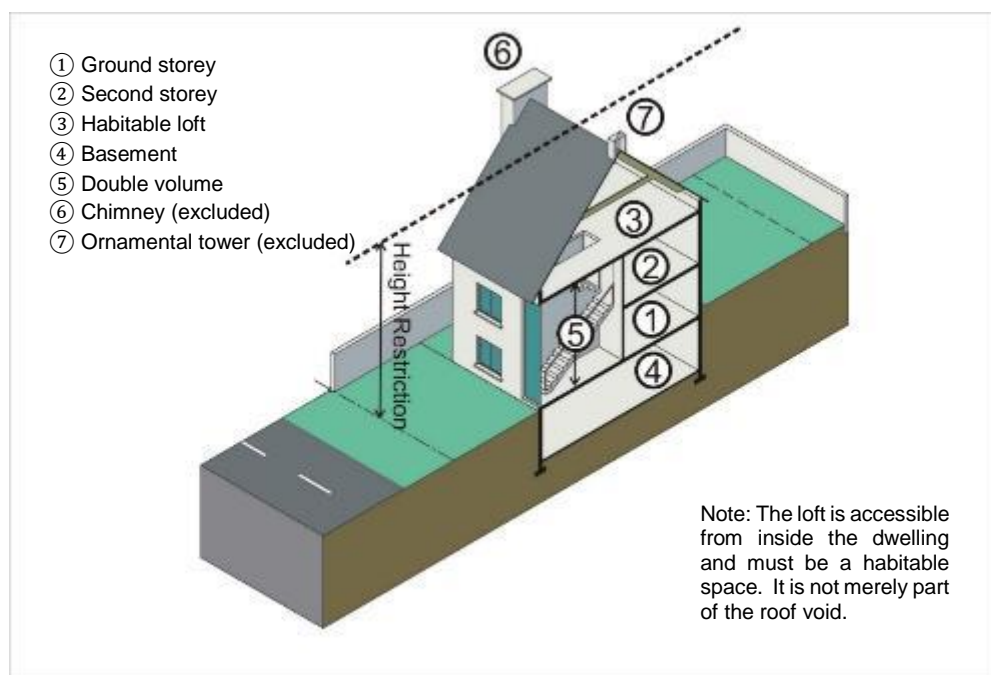


Figure 5: Height restrictions and certain exclusions (Residential scenario)

19.4 Subject to the provisions of this Part of the **Scheme**, no **Buildings** shall be erected so as to contain a number of **Storeys**, in excess of the number specified in Table G.

19.5 The provision of a **Loft(s)** in a **Building** shall only be permitted by means of **Written Consent A** of the **Municipality**.

19.6 Subject to the maximum **Height** restrictions, a **Mezzanine** level may be permitted.

19.7 Subject to clause 19.2, towers, advertising **Structures**, architectural features and **Basements**, which are not designed for living, working, sleeping or storage purposes, shall not be regarded as **Storeys** for the purpose of this **Scheme**.



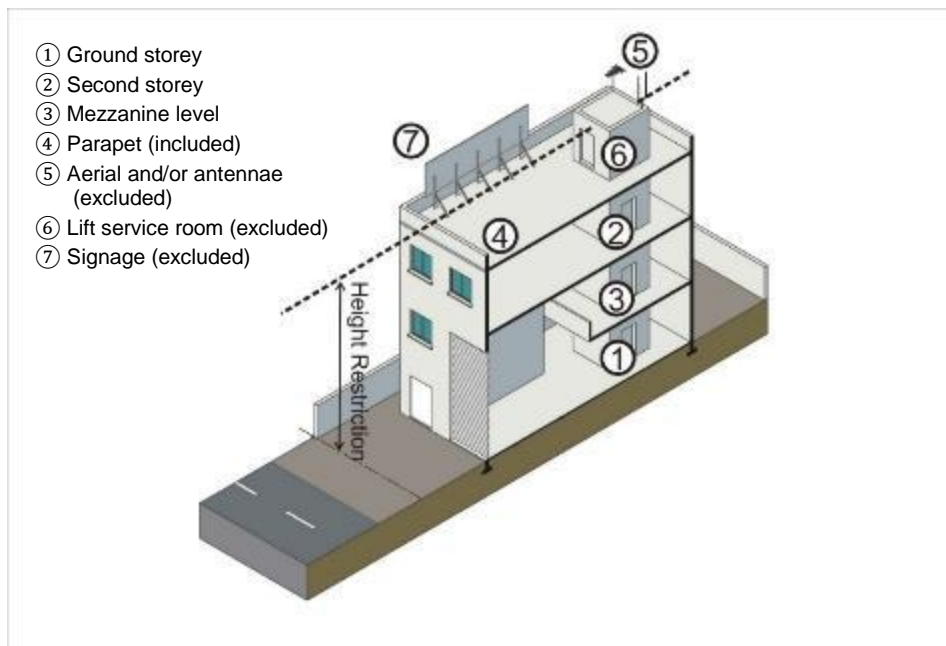


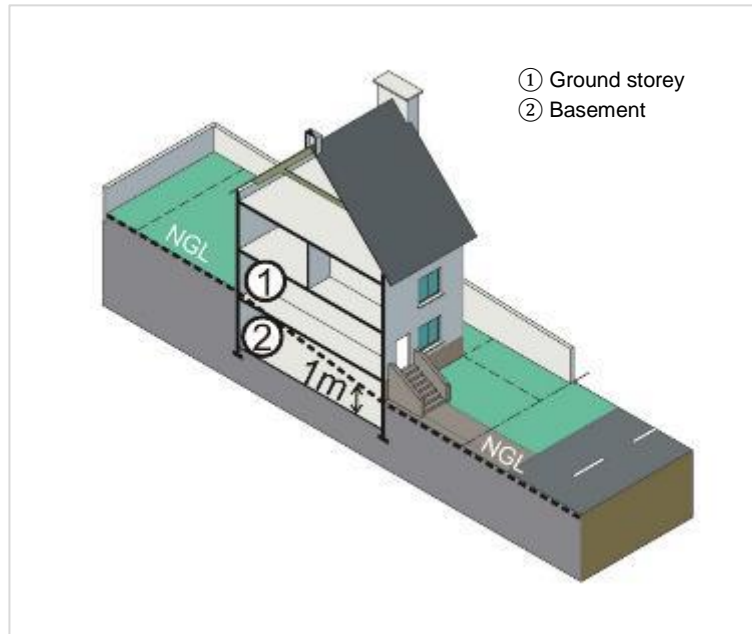
Figure 6: Height restrictions and certain exclusions (Industrial scenario)

## 20 FLOOR AREA RATIO (FAR)

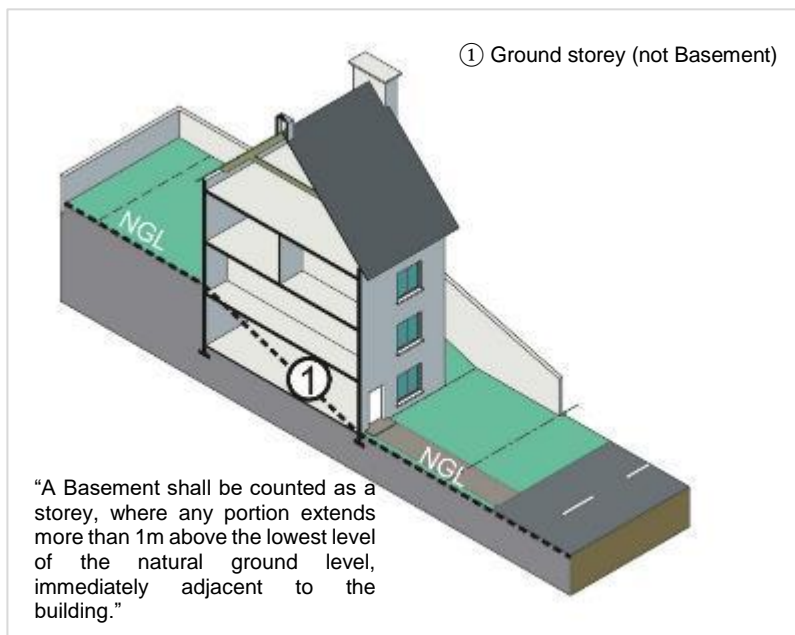
- 20.1 **Floor Area Ratio (FAR)** shall be calculated as defined, however, the following shall be excluded from **FAR** in respect of parking calculations. (Lifts, service ducts, passages, stairwells, staff **Kitchen**, bathrooms, etc.)
- 20.2 **FAR** shall only be specified in an **Annexure, Special Consent, Written Consent A** or **Written Consent B** to the **Scheme** and shall be calculated according to sub-clause 20.1
- 20.3 For all other purposes, **FAR** shall be regarded as a product of the **Height** and **Coverage** shown in Table G and is therefore not prescribed by this **Scheme**, unless it is contained in an **Annexure, Special Consent, Written Consent A** or **Written Consent B** to the **Scheme**.

## 21 BASEMENTS

- 21.1 All **Storeys** below the ground **Storey** shall be indicated as a **Basement** on building plans, provided that such **Storeys** comply with the definition of a **Basement**.
- 21.2 **Basements** shall not be taken into account in the determination of the permissible number of **Storeys** in a **Building**.
- 21.3 **Basements** shall be taken into account in the determination of the floor area of a **building**, if prescribed in an **Annexure to the Scheme**, or if used for purposes other than parking, storage or **Infrastructure**.



**Figure 7: Storeys relative to Natural Ground Level (NGL) – 2 Storeys with Basement**



**Figure 8: Storeys relative to Natural Ground Level (NGL) – 3 Storey building**

## 22 COVERAGE

- 22.1 No **Building** shall be erected so as to cover a greater percentage of **Land** than is permitted in terms of Table G.
- 22.2 Where more than one **Use Zone** applies to **Land**, the **Coverage** shall be determined for each separately zoned portion of that **Land**.
- 22.3 The provisions of Table G shall apply to every **Storey** in a **Building**, including any **Basement Storey**.
- 22.4 Shade netting, pergola (with crossbeam or latticed covering) or other similar synthetic material

and a louver or opening roof shall not be considered as **Coverage**.

22.5 A **Canopy** or cantilever shall not be considered as **Coverage**.

22.6 Overhanging eaves, porte-cochere, balconies, porches, lap, gazebo including thatch or any other structure with an impermeable roof are considered as **Coverage**.

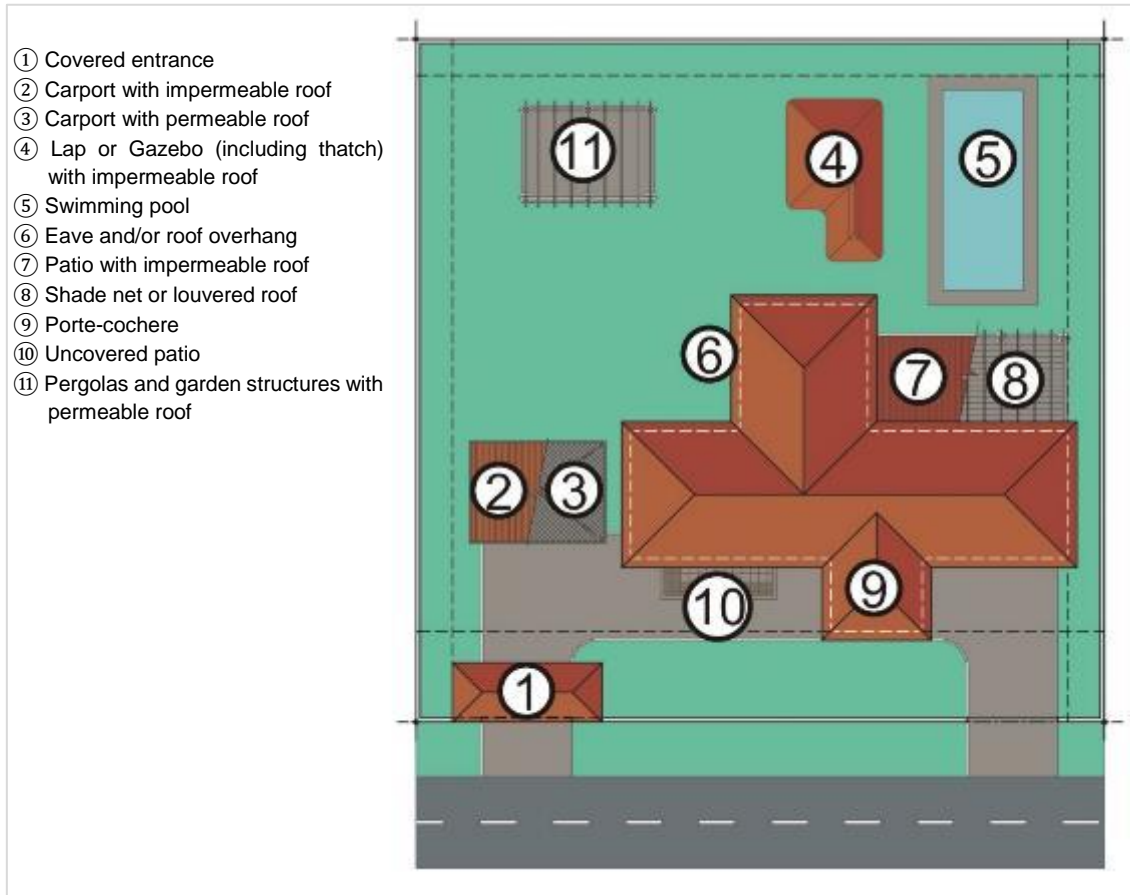


Figure 9: **Coverage** (Features in red are included in **coverage**, those in grey are excluded from **coverage**)

## 23 RESIDENTIAL DENSITY

### 23.1 DENSITY

- (a) The number of **Dwelling Houses/Units** which may be erected on a **Property** shall be in accordance with Table F and G, except when the **Property** is rezoned to a higher density subject to an **Annexure**; a **Second Dwelling Unit** is permitted in terms of Clause 23.2; or where a subdivision is permitted in terms of Clause 23.3.
- (b) In all other **Use Zones** other than Residential 1 and 2 where **Dwelling Units** are permitted, **Dwelling Units** shall only be erected in accordance with the provisions relating to **Height**, **Coverage** and **FAR**, applicable to the **Property** or site concerned.
- (c) All erven shown on a **General Plan**, shall be entitled to a relaxation of the density provision, not exceeding 1% of the area, as determined in Table G

## 23.2 SECOND DWELLING UNITS

A **Second Dwelling Unit** shall only be permitted on Residential 1 and 2 and Agriculture zoned properties with the **Written Consent A** of the **Municipality**, subject to the provisions of Table F and G:

TABLE F	
USE ZONE	MAXIMUM SIZE OF SECOND DWELLING UNIT
Residential 1 and 2 Less than 250 m <sup>2</sup>	Second Dwelling Unit is not permitted
Residential 1 and 2 250m <sup>2</sup> to 2000m <sup>2</sup>	Second Dwelling Unit limited to 150m <sup>2</sup> floor area provided that the coverage and height in Table G is not exceeded on the erf.
Residential 1 and 2 larger than 2000m <sup>2</sup> and Agriculture	Second Dwelling Unit is unlimited in floor area provided that the coverage and height in Table G is not exceeded on the property.

Provided that:

- (a) The **Property** on which a **Second Dwelling Unit** is erected shall not be subdivided unless the resultant density complies with Table G; and
- (b) The **Property** shall comply with the applicable **Coverage** and **Height** restrictions as stipulated in Clauses 19 and 22, as well as Table G.

## 23.3 SUBDIVISION OF RESIDENTIAL 1 AND 2 ERVEN

- (a) The number of **Dwelling Units** which may be erected on an **Erf** shall be in accordance with Table G.
- (b) For Residential 1 and 2 zoned erven, the number of **Dwelling Units** permitted shall not exceed one dwelling per erf, provided that the **Erf** may be subdivided, by **Application** in terms of Section 53 (1) of the **By-law**, to a density that does not exceed:
  - (i) The density prescribed by an approved LSDF, Precinct Plan, or area specific density policy, which specifies densities for the particular geographic area of the **Municipality**; or
  - (ii) If there is no policy applicable to the subject **Erf**, no portion created by the subdivision shall be less than 40% of the prevailing size of the surrounding erven, as determined by the **Municipality**.
- (c) Clause 23.3(b) is subject to the provisions of Section 53 (4) & (5) of the **By-law** and for the purposes of notification to an **Adjoining Owner**, a subdivision in terms of Clause 23.3(b) shall be regarded as a 'prescribed **Consent Use Application**' in terms of Section 12(2)(e) of the **By-law**.
- (d) In accordance with Clause 23.3(b), the resultant portions shall retain a density of one dwelling per erf. Additional **Dwelling Units** (excluding those contemplated in Clause 23.2) on Residential 1 and 2 zoned erven shall not be permissible without a subdivision application having first being approved. No Sectional Title Schemes shall be permissible on Residential 1 and 2 zoned erven.

- (e) Notwithstanding Clause 23.3(b), no resultant portion shall be smaller than 250m<sup>2</sup> in extent.
- (f) Should an application for subdivision be approved by the Municipality for Residential 1 and 2 zoned erven, in accordance with Clause 23.3(b), contributions in respect of **Engineering Services**, as determined by the **Municipality** are payable, in terms of Sections 77 & 82 of the **By-law**, prior to the approval of any building plans for the new portions (in accordance with Section 85 (b) of the **By-law**). Provided that the certificate contemplated in terms of Section 125 of the **By-law** shall not be issued by the Municipality before all contributions have been paid.

#### 23.4 RECTIFICATION OF BONAFIDE ENCROACHMENT OF COMMON BOUNDARY

- (a) The **Municipality** may approve an **Application** for simultaneous subdivision and consolidation of properties in the same **Use Zone**, in terms of the **By-law**, in order to correct a *bonfire* minor encroachment over a common boundary between two or more **Properties**, where:
  - (i) physical **Boundary** features purported to be the cadastral boundaries wrongly positioned in comparison to the boundaries as indicated and defined on an approved **Diagram**, sectional plan or **General Plan**; or
  - (ii) any other physical feature purports the cadastral boundaries differently from the boundaries as per a plan approved by the Surveyor-General.
- (b) Notwithstanding Clause 23.4(a), no **Application** may be approved that will result in any resultant **Erf** exceeding the permissible **Coverage** as shown in Table G.
- (c) Notwithstanding Clause 23.4(a), no portion to be subdivided shall exceed 10% of the registered size of that **Erf** and no additional **Dwelling Units** or increase in density shall be permissible.
- (d) Clause 23.4(a) may not be used to correct encroachments on to **Road** reserves, or land owned by the **Municipality**.

### 24 HEIGHT, COVERAGE AND DENSITY

Table G sets out the **Height**, **Coverage** and density per erf or per hectare, permitted in the corresponding **Use Zones** and no **Building** shall be erected in a manner that exceeds the limitations as stipulated therein, provided that **Buildings** approved in terms of the former Ekurhuleni Town Planning Scheme, 2014 shall remain valid in terms of clause 4 of this **Scheme**.

#### 24.1 MAXIMUM DENSITY PERMITTED ON RESIDENTIAL 1 AND 2 ERVEN

- (a) The number of **Dwelling Units** which may be erected on an **Erf** shall be in accordance with Table G.
- (b) For Residential 1 and 2 zoned erven, the number of **Dwelling Units** permitted shall not exceed one dwelling per erf, provided that the **Erf** may be subdivided, by application in terms of Section 53 (1) of the **By-law**, to a density that does not exceed:
  - (i) The density prescribed by an approved LSDF, Precinct Plan, or area specific density policy, which specifies densities for the particular geographic area of the **Municipality**; or
  - (ii) If there is no policy applicable to the subject **Erf**, no portion created by the

subdivision shall be less than 40% of the prevailing size of the surrounding erven, as determined by the **Municipality**.

- (c) Clause 24.1(a) is subject to the provisions of Section 53 (4) & (5) of the **By-law**.
- (d) In accordance with Clause 24.1(b), the resultant portions shall retain a density of one dwelling per erf. Additional **Dwelling Units** (excluding those contemplated in Clause 23.2) on Residential 1 and 2 zoned erven shall not be permissible without a subdivision application having first being approved. No Sectional Title Schemes shall be permissible on Residential 1 and 2 zoned erven.
- (e) Notwithstanding Clause 24.1(b), no resultant portion shall be smaller than 250m<sup>2</sup> in extent.
- (f) Should an application for subdivision be approved by the **Municipality** for Residential 1 and 2 zoned erven, in accordance with Clause 24.1(b), contributions in respect of **Engineering Services**, as determined by the **Municipality** are payable, in terms of Sections 77 & 82 of the **By-law**, prior to the approval of any building plans for the new portions (in accordance with Section 85 (b) of the **By-law**). Provided that the certificate contemplated in terms of Section 125 of the **By-law** shall not be issued by the **Municipality** before all contributions have been paid.
- (g) In all other **Use Zones** where residential dwellings are permitted, **Dwelling Units** shall only be erected in accordance with the provisions relating to **Height, Coverage** and **FAR**, applicable to the **Erf** or site concerned.

**TABLE G: PERMISSIBLE HEIGHT, COVERAGE AND DENSITY**

	USE ZONES	PRIMARY RIGHTS			MAY BE INCREASED BY MEANS OF WRITTEN CONSENT A TO:			MAXIMUM PERMISSIBLE DENSITY
		Height in Storeys	Coverage % according to erf size		Max Height in Storeys	Max Coverage % according to erf size		
1	<b>Residential 1</b>	2	0 – 300m <sup>2</sup>	60%	3	0 – 300m <sup>2</sup>	70%	One dwelling house per erf
		2	301 – 500m <sup>2</sup>	55%	3	251 – 500m <sup>2</sup>	60%	One dwelling house per erf Second dwelling unit per erf subject to Clause 23.2
		2	501 – 1000m <sup>2</sup>	50%	3	501 – 1000m <sup>2</sup>	55%	One dwelling house per erf Second dwelling unit per erf subject to Clause 23.2
		2	1001m <sup>2</sup> above	50%	3	1001m <sup>2</sup> above	50%	One dwelling house per erf Second dwelling unit per erf subject to Clause 23.2
2	<b>Residential 2</b>	2	0 – 300m <sup>2</sup>	60%	3	0 – 300m <sup>2</sup>	70%	One dwelling house per erf
		2	301 – 500m <sup>2</sup>	60%	3	301 – 500m <sup>2</sup>	70%	One dwelling house per erf Second dwelling unit per erf subject to Clause 23.2
		2	501 – 1000m <sup>2</sup>	60%	3	501 – 1000m <sup>2</sup>	70%	One dwelling house per erf Second dwelling unit per erf subject to Clause 23.2
		2	1001m <sup>2</sup> above	60%	3	1001m <sup>2</sup> above	70%	One dwelling house per erf Second dwelling unit per erf subject to Clause 23.2
3	<b>Residential 3</b>	2	50%		3	60%		Up to a maximum of 85 dwelling units/ha
4	<b>Residential 4</b>	3	60%		According to policy	90%		Greater than 60 dwelling units/ha
5	<b>Business 1 – CBD*</b>	Unrestricted	90%		Unrestricted	100%		Greater than 60 dwelling units/ha
	<b>Business 1 - Other Areas</b>	4	70%		As per Annexure	As per Annexure		As per Annexure
6	<b>Business 2 – CBD*</b>	Unrestricted	70%		Unrestricted	80%		Up to a maximum of 85 dwelling units/ha
	<b>BUSINESS 2 - Other Areas</b>	2			4			

	USE ZONES	PRIMARY RIGHTS		MAY BE INCREASED BY MEANS OF WRITTEN CONSENT A TO:		MAXIMUM PERMISSIBLE DENSITY
		Height in Storeys	Coverage % according to erf size	Max Height in Storeys	Max Coverage % according to erf size	Density
7	<b>Business 3 – CBD*</b>	3	60%	4	70%	Up to a maximum of 40 dwelling units/ha
	<b>Business 3 - Other Areas</b>	2	40%	4	70%	1 dwelling house/ha
8	<b>Industrial 1</b>	3	70%	4	85%	N/A
9	<b>Industrial 2</b>	3	60%	4	70%	N/A
10	<b>Mining</b>	As determined by the Municipality	As determined by the Municipality	As determined by the Municipality	As determined by the Municipality	As determined by the Municipality
11	<b>Public Garage</b>	2	60%	N/A	N/A	N/A
12	<b>Agriculture</b>	2	1) 5% for Farm Portions 2) 30% on Agricultural Holdings	3	1) 10% for Farm Portions 2) 40% on Agricultural Holdings	Two dwelling houses
13	<b>Recreation</b>	As determined by the Municipality	As determined by the Municipality	As determined by the Municipality	As determined by the Municipality	N/A
14	<b>Private Open Space</b>	As determined by the Municipality	As determined by the Municipality	As determined by the Municipality	As determined by the Municipality	N/A
15	<b>Public Open Space</b>	As determined by the Municipality	As determined by the Municipality	As determined by the Municipality	As determined by the Municipality	N/A



	USE ZONES	PRIMARY RIGHTS		MAY BE INCREASED BY MEANS OF WRITTEN CONSENT A TO:		MAXIMUM PERMISSIBLE DENSITY
		Height in Storeys	Coverage % according to erf size	Max Height in Storeys	Max Coverage % according to erf size	Density
16	<b>Community Facility</b>	3	50%	4	60%	As determined by the Municipality
17	<b>Public Services</b>	As determined by the Municipality	As determined by the Municipality	As determined by the Municipality	As determined by the Municipality	As determined by the Municipality
18	<b>Social Services</b>	As determined by the Municipality	As determined by the Municipality	N/A	N/A	As determined by the Municipality
19	<b>Parking</b>	As determined by the Municipality	As determined by the Municipality	As determined by the Municipality	As determined by the Municipality	N/A
20	<b>Roads</b>	As determined by the Municipality	As determined by the Municipality	As determined by the Municipality	As determined by the Municipality	N/A
21	<b>Transportation</b>	As per SDP	As per SDP	As determined by the Municipality	As determined by the Municipality	As determined by the Municipality
22	<b>Special</b>	Annexure	Annexure	Annexure	Annexure	As stipulated in Annexure

**CBD\* - see Schedules 2 - 10**

## PART 5: PARKING AND LOADING PROVISIONS

### 25 PARKING REQUIREMENTS

25.1 Parking, including parking spaces for disabled persons according to Part S of the National Building Regulations, together with suitable manoeuvring space, in accordance with standards, as determined by the **Municipality** and drop off areas and loading bays shall be provided on the land for vehicles including heavy vehicles, in respect of the uses listed in Table H: Provided that:

- (a) The layout, accessibility and maintenance of the parking shall be to the satisfaction of the **Municipality**.
- (b) Direct access to parking spaces or parking garages from any **Private Road** or right-of-way **Servitude**, within residential developments requiring a **Site Development Plan (SDP)**, shall be in accordance with an approved **SDP**. Direct access to parking spaces or parking garages from any **Private Road** or right-of-way **Servitude** within non-residential developments will not be supported. Parking bays and access to parking bays must be provided on the site itself.
- (c) Direct access to parking spaces from any **Public** or **Private Road** will not be allowed for larger developments not administered by means of an **SDP**. Parking bays and access to parking bays must be provided on the site itself.
- (d) The area (in m<sup>2</sup>) referred to in Table H applies to the **Total Building Floor Area**.

TABLE H: PARKING REQUIREMENTS PER LAND USE	
LAND USES	PARKING RATIOS
<b>RESIDENTIAL USES</b>	
Dwelling Houses (Residential 1)	Sufficient space for the parking of two vehicles (not exceeding 2,500 kgs)
Dwelling Houses (Residential 2)	Sufficient space for the parking of one vehicle (not exceeding 2,500 kgs); or No parking for erven less than 100m <sup>2</sup> in extent
Dwelling Units and Residential Buildings	1,5 parking spaces per dwelling unit with 1 or 2 bedrooms; or 2,5 parking spaces per dwelling unit with 3 or more bedrooms
Boarding Houses	0.5 parking spaces per bedroom
Commune	0.5 parking spaces per bedroom
Hostels (excl. school hostels)	0,5 parking spaces per bedroom
Day Care Facility: Residential 1	Drop-off and manoeuvring space on site to the satisfaction of the Municipality
Residential 2	No parking or drop-off required
Child Care Centre:  Residential 1: more than 6 children & Residential 2: more than 30 children	1 parking space per staff member and Drop-off and manoeuvring space on site to the satisfaction of the Municipality

Child Care Centre: Residential 2: less than 30 children	Drop-off space to the satisfaction of the Municipality
Home Enterprises	Refer to Clause 15.1 (i) and (k)
Retirement Villages	1,5 parking spaces per dwelling unit
Old Age Homes	0,5 parking spaces per bed
Frail Care	0,3 parking spaces per bed
<b>BUSINESS USES</b>	
Home Care Facilities	A minimum of 2 parking spaces; and Additional parking to the satisfaction of the Municipality
Guest Houses Bed and Breakfast Self-Catering units	1 parking spaces per guest room or suite
Business 1 - CBD's*	No parking is required, provided that sufficient on-street parking is provided, to the satisfaction of the Municipality
Business 1 – Other Areas	
Ancillary Offices (where permitted)	2 parking spaces per 100m <sup>2</sup> Total Building Floor Area
All other Offices	4 parking spaces per 100m <sup>2</sup> Total Building Floor Area
Ancillary Storage floor area	1 parking space per 100m <sup>2</sup> Total Building Floor Area
Shops: Retail floor area	6 parking spaces per 100m <sup>2</sup> Total Building Floor Area
Ancillary Storage floor area	1 parking space per 100m <sup>2</sup> Total Building Floor Area
Ancillary office floor area	2 parking spaces per 100m <sup>2</sup> Total Building Floor Area
Business Purposes (excl. offices)	6 parking spaces per 100m <sup>2</sup> Total Building Floor Area
Place of Refreshment	10 parking spaces per 100m <sup>2</sup> Total Building Floor Area
Ancillary Storage floor area	1 parking space per 100m <sup>2</sup> Total Building Floor Area
Coffee Shop: On Residential 2	No parking required
Other Use Zones	6 parking spaces per 100m <sup>2</sup> Total Building Floor Area
Places of Entertainment	12 parking spaces per 100m <sup>2</sup> Total Building Floor Area
Ancillary Storage floor area	1 parking space per 100m <sup>2</sup> Total Building Floor Area
Gymnasiums	10 parking spaces per 100m <sup>2</sup> Total Building Floor Area
Conference Centres	10 parking spaces per 100m <sup>2</sup> Total Building Floor Area public area
Ancillary Storage floor area	1 parking space per 100m <sup>2</sup> Total Building Floor Area
Ancillary office floor area	2 parking spaces per 100m <sup>2</sup> Total Building Floor Area
Hotels	1,5 parking spaces per bedroom or suite
Ancillary Conference centres	10 parking spaces per 100m <sup>2</sup> gross public floor area
Ancillary Place of refreshment	10 parking spaces per 100m <sup>2</sup> floor area
Resorts	1 parking space per bedroom or chalet; and 4 parking spaces per 100m <sup>2</sup> gross public floor area; and Sufficient staff parking to be provided to the satisfaction of the Municipality
Funeral Parlours	6 parking spaces per 100m <sup>2</sup> Total Building Floor Area
Ancillary Storage floor area	1 parking space per 100m <sup>2</sup> Total Building Floor Area
Ancillary office floor area	2 parking spaces per 100m <sup>2</sup> Total Building Floor Area
Plant Nurseries	4 parking spaces per 100m <sup>2</sup> total display and retail areas
Ancillary Place of Refreshment	10 parking spaces per 100m <sup>2</sup> Total Building Floor Area
Showrooms (Business 1 and 2)	4 parking spaces per 100m <sup>2</sup>

Filling Stations Ancillary Shop Ancillary Place of Refreshment Ancillary Car Wash	No parking required for the refuelling of motor vehicles 6 parking spaces per 100m <sup>2</sup> Total Building Floor Area 10 parking spaces per 100m <sup>2</sup> Total Building Floor Area 4 parking spaces per wash bay
Panel Beaters	4 parking spaces per service bay; and 2 parking spaces per 100m <sup>2</sup> Total Building Floor Area for offices and spares
Motor Dealers Auctioneers	2 parking spaces per 100m <sup>2</sup> Total Building Floor Area showroom floor area 4 parking spaces per 100m <sup>2</sup> auction floor area (whether indoors or outdoors)
Tavern on Residential 2 Other Use Zones	2 parking space per 50m <sup>2</sup> 6 parking spaces per 100m <sup>2</sup>
Beauty and Health Spa	1.5 parking spaces per therapy room and 2 parking spaces for staff
<b>MEDICAL USES</b>	
Medical Consulting Rooms	6 parking spaces per consulting room
Veterinary Clinics and Veterinary Hospitals	6 parking spaces per 100m <sup>2</sup> Total Building Floor Area
Hospitals, Clinics and Institutions	1 parking space per bed; and 6 parking spaces per 100m <sup>2</sup> Total Building Floor Area
<b>INDUSTRIAL USES</b>	
Industries and Noxious Industries	1 parking space per 100m <sup>2</sup> Total Building Floor Area and Parking and manoeuvring space for heavy vehicles be provided on the property to the satisfaction of the Municipality
Light Industries	2 parking spaces per 100m <sup>2</sup> Total Building Floor Area and Parking and manoeuvring space for heavy vehicles be provided on the property to the satisfaction of the Municipality
All Industrial Uses: Subservient Offices (where permitted)	2 parking spaces per 100m <sup>2</sup> Total Building Floor Area
All other Offices	4 parking spaces per 100m <sup>2</sup> Total Building Floor Area
Showrooms (Industrial 1 and 2)	2 parking spaces per 100m <sup>2</sup> Total Building Floor Area
Service Industries	4 parking spaces per 100m <sup>2</sup> Total Building Floor Area
Commercial Purposes, Builder's Yards and Scrap Yards	2 parking spaces per 100m <sup>2</sup> Total Building Floor Area
Warehouse Retail	3 parking spaces per 100m <sup>2</sup> Total Building Floor Area
Mini Storage	1 parking space per storage bay in front of the storage bay
Motor Workshops	4 parking spaces per service bay; and 2 parking spaces per 100m <sup>2</sup> for offices and spares
Fitment Centres	1,5 parking spaces per service bay; and 2 parking spaces per 100m <sup>2</sup> for offices and spares
<b>COMMUNITY FACILITIES</b>	
Places of Public Worship	10 parking spaces per 100m <sup>2</sup> Total Building Floor Area
Social Halls	10 parking spaces per 100m <sup>2</sup> Total Building Floor Area
Places of Instruction	<b>Classes/lessons for adults:</b> 1 parking space per 2 students or portion thereof; or  <b>Classes/lessons for children under 18 years:</b> 1 parking space per 4 students or portion thereof

Place of Education - Primary and Secondary Schools	2 parking spaces per classroom; and 2 parking spaces per office; and Drop-off and manoeuvring space to the satisfaction of the Municipality
Place of Education – Universities, Colleges and Training Facilities	1 parking space per 3 students Sufficient on-site staff parking to be provided to the satisfaction of the Municipality
<b>OTHER USE ZONES</b>	
Public Services Zoning	Parking to the satisfaction of the Municipality
Social Services Zoning	Parking to the satisfaction of the Municipality
Transportation Zoning	Parking to the satisfaction of the Municipality, at a ratio to be determined by the Municipality, in conjunction with the relevant agency (e.g. ACSA, PRASA, Gautrain, etc.)
Public Open Space Zoning	Parking to the satisfaction of the Municipality
Private Open Space Zoning	Parking to the satisfaction of the Municipality
All other uses not covered above.	Parking to the satisfaction of the Municipality, at a ratio to be determined by the Municipality

**CBD\* - see Schedules 2 -10**

25.2 Alternatives to the Provision of On-site Parking:

Where the **Parking Spaces**, in respect of a **Property** have been determined in terms of Table H, the **Municipality** may, if satisfied of the necessity and desirability thereof and on account of the size of the **Property**, the availability of public parking in the direct vicinity of the **Property**, the nature of the **Buildings** on the **Property** and the likely parking demand, grant the provision of the required number of **Parking Spaces** elsewhere than on the **Property** of the **building** concerned after considering a **Written Consent A** application. The **Written Consent A** application must be accompanied by a parking study compiled by a qualified and registered engineer in that field.

25.3 The **Municipality** may consider the provision of a lesser number of **Parking Spaces** required in terms of Table H, by means of **Written Consent A application**, (which is accompanied by parking study compiled by a qualified and registered engineer), and shall in addition to any other relevant factors, have regard to the following, which shall be included in a report compiled by a suitably qualified professional:

- (a) Accessibility of the **Property** for private or public transport;
- (b) The availability of existing parking and/or public transport facilities in the vicinity of the **Property**;
- (c) Availability of off-street parking in the vicinity of the **Property**;
- (d) The number of staff members and customers related to the use of the property;
- (e) The socio-economic structure and density of the population which the development serves;
- (f) The size and nature of the proposed development and the size of vehicles likely to be used in connection with the proposed development;
- (g) 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;
- (h) The likelihood of parking shared by different **Land Uses**;
- (i) The provision of a formal **Taxi Rank** provided for on Business 1 and 2 zoned properties only; or a taxi drop-off bay provided on a Residential 4 zoned properties; and
- (j) The provision of sufficient loading bays (refer to Clause 26) on Industrial 1 Industrial 2 zoned properties.

## 26. LOADING REQUIREMENTS

26.1 All loading and off-loading bays shall be provided on site with the ratios specified in Table I below.

26.2 The following minimum measurements shall apply to loading bays:

A loading bay shall measure not less than 4,5m x 10m for perpendicular loading and 2,5m x 12m for parallel loading, or as determined, to the satisfaction of the **Municipality**

26.3 On Industrial 1, Industrial 2 zoned erven the provision of loading bays may off-set the requirements for parking facilities, in terms of Table H and in accordance with Clause 25.3(j), to the satisfaction of the **Municipality**.

TABLE I: ON-SITE LOADING REQUIREMENTS	
LAND USES	NUMBER OF LOADING BAYS REQUIRED
<b>BUSINESS 1</b>	
<b>CBD</b>	To the satisfaction of the Municipality
<b>BUSINESS 1: OUTSIDE CBD*</b>	
Offices	2 bays per 1000m <sup>2</sup> floor area or part thereof for the first 2000m <sup>2</sup> floor area and 1 bay per 1000m <sup>2</sup> floor area thereafter
Business Purposes	1 bay per 1000m <sup>2</sup> floor area or part thereof for the first 2000m <sup>2</sup> floor area and 0,5 bay per 1000m <sup>2</sup> floor area thereafter
Shops	2 bays per 1000m <sup>2</sup> floor area or part thereof for the first 1000m <sup>2</sup> floor area and 3 bays per 1000m <sup>2</sup> floor area thereafter
Motor Dealers	2 bays per 1000m <sup>2</sup> floor area or part thereof for the first 1000m <sup>2</sup> floor area and 3 bays per 1000m <sup>2</sup> floor area thereafter
<b>BUSINESS 2</b>	
Offices	2 bays per 1000m <sup>2</sup> floor area or part thereof for the first 2000m <sup>2</sup> floor area and 1 bay per 1000m <sup>2</sup> floor area thereafter
Business Purposes	1 bay per 1000m <sup>2</sup> floor area or part thereof for the first 2000m <sup>2</sup> floor area and 0,5 bays per 1000m <sup>2</sup> floor area thereafter
Shops	2 bays per 1000m <sup>2</sup> floor area or part thereof for the first 1000m <sup>2</sup> floor area and 3 bays per 1000m <sup>2</sup> floor area thereafter
<b>BUSINESS 3</b>	
Dwelling House	No loading bays required
Offices and Medical Consulting Rooms	2 bays per 1000m <sup>2</sup> floor area or part thereof for the first 2000m <sup>2</sup> floor area and 1 bay per 1000m <sup>2</sup> floor area thereafter
<b>INDUSTRIAL 1</b>	

Industries, Commercial Purposes, Showrooms, Motor Dealers, Fitment Centres	1 bay per first 1 000m <sup>2</sup> floor area, or part thereof and 2 bays per every 1000m <sup>2</sup> floor area thereafter
Builder's Yards and Scrap Yards	1 bay per 1 000m <sup>2</sup> floor area
Light Industries	To the satisfaction of Council
All other Uses	
<b>INDUSTRIAL 2</b>	
Commercial Purposes	1 bay per first 1 000m <sup>2</sup> floor area, or part thereof and 2 bays per every 1000m <sup>2</sup> floor area thereafter
Builder's Yards and Scrap Yards	40% of the erf for parking and loading
Office Blocks, Parks and Complexes	2 bays per 1000m <sup>2</sup> or part thereof for the first 2000m <sup>2</sup> floor area and 1 bay per 1000m <sup>2</sup> floor area thereafter
Showrooms, Motor Dealers, Auctioneers	1 bay per first 1 000m <sup>2</sup> floor area, or part thereof and 2 bays per every 1000m <sup>2</sup> floor area thereafter

**CBD\* - see Schedules 2 -10**

## PART 6: AMENITY AND APPEARANCE OF BUILDINGS

### 27 AMENITY

27.1 The use on a **Property** shall not interfere with the amenity, character and aesthetics of the neighbourhood. The **Owner(s)** shall be responsible for the maintenance of the entire **Property**, including landscaping.

27.2 Where the amenity of the area is, in the opinion of the **Municipality**, negatively affected by:

1. any development or activity on any **Land** in the area;

the **Municipality** may serve a **Notice**, in terms of the **By-law**, to the **Owner(s)** of the **Property**, on which the injurious condition exists, in order to take such action as may be necessary to abate the injurious condition. The said **Notice** shall specify the measures to be taken to abate the injurious condition and shall specify a time period within which such measures have to be undertaken.

### 27.3 SIGNS

- (a) No signs and advertising structures as defined in the City of Ekurhuleni Metropolitan Municipality: Billboards and the Display of Advertisements By-laws, 2017 as amended from time to time, shall be erected on a **Building** or **Land** without the approval of the **Municipality** in terms of said By-laws.
- (b) Where conditions regulating signs as defined in the City of Ekurhuleni Metropolitan Municipality: Billboards and the Display of Advertisements By-laws, 2017 have been prescribed in an **Annexure** or **Consent** Use conditions, the **Municipality** may relax such conditions after **Application** is made in terms of the said By-laws.

### 27.4 OUTBUILDINGS

No **Outbuilding** shall be erected in any **Use Zone** so that its entrance faces an adjacent residential **Property** or **Road** in such a way that, in the opinion of the **Municipality**, it would be likely to cause injury to the amenities of the neighbourhood.

## 28 NEIGHBOURHOOD AESTHETICS

28.1 The **Municipality** may require additional information in evaluating a **Site Development Plan** and/or building plan. The aesthetics of the development shall be to the satisfaction of the **Municipality** and may refer to the following, in addition to the **Building Regulations**:

- (a) Neighbourhood Integration:
  - (i) Linkage and Connectivity
  - (ii) Distribution of Use and Activity (Parking, Non-residential Uses, Service Areas)
  - (iii) Urban Character (Legibility, Image Ability, Landscaping, Building Form, Massing)
- (b) Site Planning:
  - (i) Public and Private Interfaces
  - (ii) Communal/Site Facilities
  - (iii) Parking Layout



- (iv) Landscaping
  - (v) Private/Communal Open Space
  - (vi) Safety and Security
- (c) **Building** Guidelines:
- (i) Massing, **Height** and Human Scale
  - (ii) Frontages and Facades
  - (iii) Entrances
  - (iv) Walls and Fences
  - (v) Parking
  - (vi) Visual Privacy
  - (vii) Acoustic Privacy
  - (viii) Energy Efficiency

## 29 SITE DEVELOPMENT PLAN (SDP)

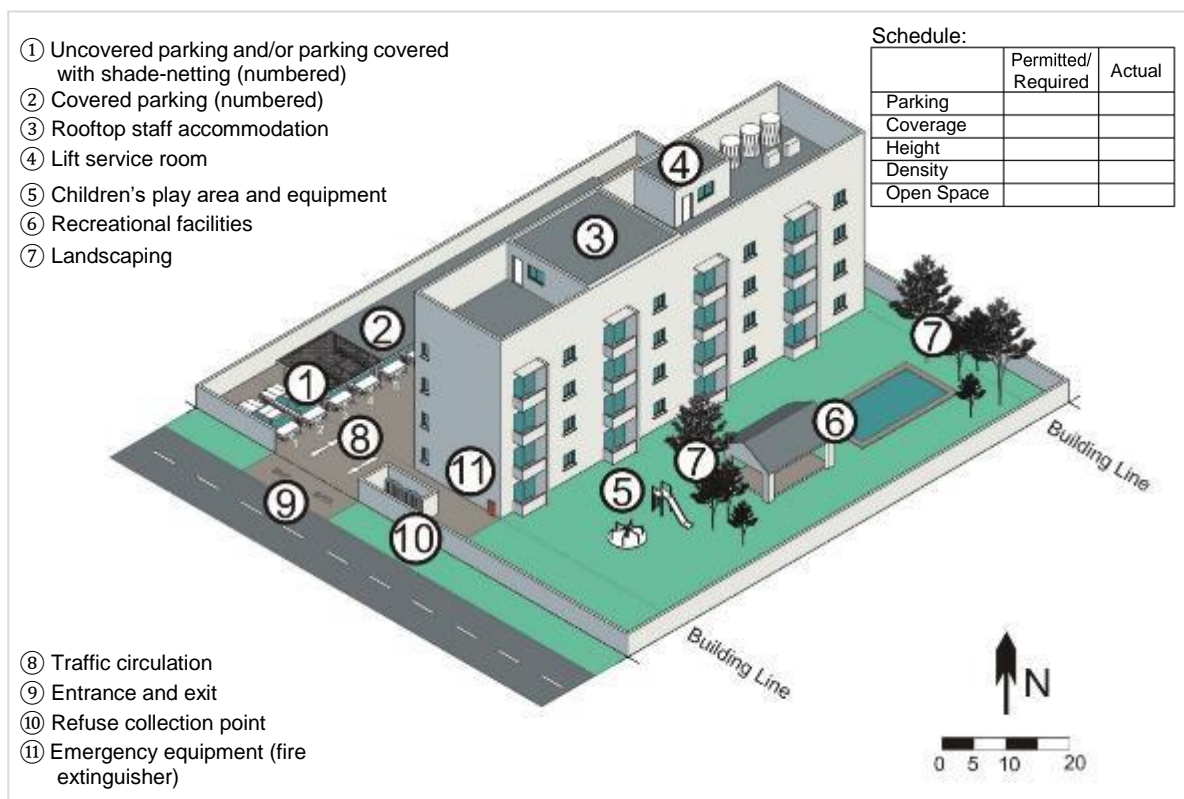
- 29.1 The **Municipality** may require a **Site Development Plan (SDP)** to be submitted for **Approval**, in respect of all **Use Zones**, excluding Residential 1 and 2 zoned erven.
- 29.2 Where an **SDP** is required, it may be approved simultaneously with any building plan by the **Municipality**, as a combined set of plans, in connection with the proposed development.
- 29.3 The **Municipality** may approve or refuse a **SDP**, or may request amendments thereof, and the **Approval** thereof does not entitle the **Applicant** or **Owner** to commence with development of the **Property** in question until the building plan is approved.
- 29.4 Unless the **Municipality** determines otherwise, a **SDP** shall show at least the following (where applicable):
- (a) A scale of 1:500 or such other scale as may be approved by the **Municipality**.
  - (b) A north point.
  - (c) The siting, **Height**, floor area and **Coverage** of all **Buildings** and **Structures** (proposed extensions included).
  - (d) A schedule containing both the permitted/required development parameters and actual development parameters, including parking provision.
  - (e) The elevation and architectural treatment of all **Buildings** and **Structures**.
  - (f) Loading and off-loading areas.
  - (g) A minimum of 10% landscaped or permeable areas on all **Land**, which may include functional recreational areas, but exclude parking.
  - (h) Entrances to and exits from the **Land** (including access layout) and surrounding **Land** and **Buildings**.
  - (i) If the **Property** is to be subdivided, the proposed subdivision lines.
  - (j) Access to **Buildings** and parking areas, as well as provision for the disabled.
  - (k) **Building Restriction Areas**.
  - (l) Parking areas (including surface treatment) and where required by the **Municipality**, circulation of vehicular and pedestrian traffic.
  - (m) Parking spaces shall be numbered and be cross referenced with the schedules in (l) above.
  - (n) Public Transport Facilities (including taxi bays), where applicable.
  - (o) The phasing and programming of future development, if it is not proposed to develop the whole **Property** simultaneously.
  - (p) Steps to be taken to control storm water run-off, to the satisfaction of the Municipality.
  - (q) Contours and flood-lines.
  - (r) Existing and proposed **Engineering Services**.
  - (s) Cadastral information, including **Servitudes** and **Adjoining Properties**, as well as

**Buildings.**

- (t) Topographical and natural features, if so required by the **Municipality**.
- (u) Refuse areas and/or Refuse Collection Points.
- (v) Where the storage of dangerous and or poisonous substances/materials is to occur on the **Property**, a descriptive table of all such substances/materials and the placing of all signs on the **Property** and **Buildings**, indicating the storage areas, including the floor area to be used, must be indicated.
- (w) The location of emergency equipment, including fire hydrants and extinguishers;
- (x) The functional open space required in terms of the Schedules to the **By-law** and referred to in Clause 16.2 in this **Scheme**.
- (y) A landscaping plan, if so required by the **Municipality**.

29.5 If a **SDP** has been approved, the **Owner(s)** of the **Application Property** shall, if he/she wishes to amend the **SDP**, submit the amended **SDP** to the **Municipality**.

29.6 The **Municipality** may approve or refuse the proposed amendment of the **SDP**.



**Figure 10: Site development principles (Residential scenario)**

## PART 7: ADMINISTRATION OF LAND DEVELOPMENT RIGHTS/APPLICATION

### 30 WRITTEN CONSENT OF THE MUNICIPALITY

This Part deals with the administration of **Land Use Rights**. The **Municipality** may, in terms of the **By-law**, approve or refuse **Applications** for the following and may impose any conditions it deems necessary, and such **Applications** shall be subject to any relevant approved Policy:

- (a) **Written Consent A** of the **Municipality**
- (b) **Written Consent B** of the **Municipality**
- (c) **Building Line Relaxation**

#### 30.1 WRITTEN CONSENT A OF THE MUNICIPALITY

- 30.1.1 Applications requiring only an **SDP**, in terms of Schedule 90 to the **By-law**, shall ensure that same complies with the requirements of Clause 29. Should the **Municipality** approve the **SDP**, it shall be regarded as a **Written Consent A** having been approved, provided that the **Municipality** may require the **Applicant** to comply with Section 12 of the **By-law** and/or provide any additional information.
- 30.1.2 Applications requiring only a building plan, in terms of Schedule 90 to the **By-law**, shall ensure that same complies with the **National Building Regulations**. Should the **Municipality Approve** the building plan, it shall be regarded as a **Written Consent A** having been approved, provided that the City Planning: Operations Division has recommended the building plan for **Approval**. The **Municipality** may require the **Applicant** to additionally comply with Section 12 of the **By-law** and/or provide any additional information.
- 30.1.3 No **Written Consent A** may be approved by the **Municipality**, contrary to a restrictive condition contained within a Title Deed / Deed of Transfer to an **Erf**.

#### 30.2 WRITTEN CONSENT B OF THE MUNICIPALITY: COUNCIL OWNED LAND

- 30.2.1 An **Application** for **Written Consent B** shall only be permitted on land owned by the City of Ekurhuleni Metropolitan Municipality;

##### 30.2.2 CONDITIONS REGULATING MUNICIPAL PURPOSES AS A WRITTEN CONSENT B APPLICATION

**A Written Consent B Application is subject to strict compliance with the following conditions, should any of these conditions not be met then an alternative Land Use Application process must be considered as provided for in the by-law:**

- (a) On **Farm Portions** and **Agricultural Holdings**, **Municipal Purposes** may be permitted to the extent that it does not constitute an illegal township as defined in the **By-law**;
- (b) The size of the subject property must be able to comply with the requirements of Table G and parking requirements of Table H.
- (c) The proposed use must be compatible with the adjacent **Land Uses**;
- (d) The proposed use/s must comply with the requirements of the approved relevant

Policy, Regional Spatial Development Framework or Precinct Plan or Local Spatial Development Framework;

- (e) The proposed use must comply with any requirements of the National Environmental Management Act, 1998 (Act No. 107 of 1998) (as amended) and the Local Government Ordinance, 1939 (Ordinance 17 of 1939) when necessary;
- (f) The **Municipality** must be satisfied that **Engineering Services**, social infrastructure and **Open Spaces** can be provided and installed.

### 30.3 BUILDING LINE RELAXATION

- 30.3.1 The **Municipality** may on application relax the **Building Line** stipulated in Table C for properties in any Use Zone, if such relaxation would, in its opinion, constitute an improvement in the development of the **Property**.
- 30.1.2 The Municipality may permit that an application for the relaxation of a **Building Line**, be considered as part of a building plan approval process, provided that the same complies with the **National Building Regulations**. Should the **Municipality Approve** the building plan, it shall be regarded as a **Building Line Relaxation Application** having been approved. For the purposes of notification to an affected owner, a **Building Line Relaxation** in terms of Clause 11 shall be regarded as a 'prescribed **Consent Use Application**' in terms of **Section 12(2)(e) of the By-law.**"

## PART 8: PROMOTION OF LAND DEVELOPMENT

### 31. INCENTIVES

- 31.1 In accordance with Section 24 (2)(e) of the Act, the Council may from time to time approve land use and development incentives to promote the effective implementation of the spatial development framework and other development policies.
- 31.2 In accordance with Section 21 (l) (i) of the Act, the approved municipal spatial development framework shall identify areas in which development incentives, such as shortened land use development procedures may be applicable.
- 31.3 The Council may identify other specific geographical areas to be known as **Priority Development Areas** in which development incentives, other than shortened land use development procedures, may be applicable. These may include financial incentives and development incentives.
- 31.4 The boundaries of the geographic areas referred to in Clause 31.3 shall be known as '**Priority Development Areas**'.
- 31.5 The Council shall approve a distinctive name and number for each **Priority Development Area** when adopting such **Priority Development Area** and such name and number shall be captured in **Schedule 13** of this **Scheme**.


### 32. PRIORITY DEVELOPMENT AREAS

- 32.1 If an area is considered appropriate for identifying as a **Priority Development Area**, a **Notice** shall be published in 2 newspapers circulating in the proposed **Priority Development Area**, one of which may be a community newspaper circulating in the area where the **Land** concerned is situated. Such **Notice** shall:
- refer to the geographical demarcation of the proposed **Priority Development Area** (i.e. cadastral based boundaries or boundaries geographically identifiable);
  - refer to the developmental perspective of the proposed **Priority Development Area**;
  - shall be circulated to interested parties in the proposed **Priority Development Area**;
  - make provision for a period of submission of comments and objections of at least 28 days.
- 32.2 A notice referred to in section 32.1 shall be published at least once a week for two consecutive weeks.
- 32.3 Any interested **Person** wishing to comment on/or object to the intentional **Priority Development Area**, shall submit such comment or objection to the **Municipality** as per Section 13 of the SPLUM **By-law**.
- 32.4 The **Municipality** shall acknowledge receipt of the comments/objections/petitions as per Section 15 of the SPLUM **By-law**.
- 32.5 A report shall be submitted to council requesting that the area referred to in Clause 32.1 be declared as a **Priority Development Area**. The report shall be accompanied by:
- The consultation result, which elaborates on the consultation process with interested and

affected parties within the proposed **Priority Development Area**, as well as the response and uptake.

- (b) Proposed incentives or concessions and land management tools that will be in force in the area, which may include but which is not limited to incentives/concessions relating to parking, **Height, Coverage**, density and **Floor Area Ratio**.
  - (c) The shorten processes and procedures of land development **Applications** and associated public participation processes that will apply in the **Priority Development Area**.
  - (d) a monitoring and assessment mechanism
- 32.6 The **Municipality** may, after considering the report referred to in Clause 32.5 by notice in the Provincial Gazette, declare an area as a **Priority Development Area**.
- 32.7 The **Municipality** may, at any time amend or revoke a **Priority Development Area**.
- 32.8 When the **Municipality** amends or revokes a **Priority Development Area**, **Notice** of such shall be publish in the Government Gazette.
- 32.9 A **PRIORITY DEVELOPMENT AREA** identified as part of the revision of the Spatial Development Framework shall contain the minimum elements outlined in Clause 32.5 above however the associated public participation process shall be in accordance with in section 20(3) of the Act.

### 33. TRANSITIONAL INFORMAL SETTLEMENT AREAS

- 33.1 The Municipal Spatial Development Framework may identify suitable **Informal Settlement Areas** in the **Municipality** where incremental upgrading approaches to development and regulation will be applicable, in accordance with Section 21 (k) and Section 24 (2)(c) of the Act.
- 33.2 The identification of the **Informal Settlements** in Clause 34.1 is in accordance with Section 28(2) of the **By-law**.
- 33.3 The process to declare an **Informal Settlement Area** as a **Transitional Informal Settlement**, shall be in accordance with Section 28(3) to Section 28(5) of the **By-law**.
- 33.4 An approved **Transitional Informal Settlement** shall be incorporated as a Schedule to this **Scheme**, in accordance with Section 28(1) of the **By-law**.
- 33.5 The **Map** in the Schedule contemplated in Clause 34.3 shall have a specific identifiable **Boundary** and shall be indicated on the **Zoning Maps** with the notation: 
- 33.6 The timeframe for the existence of a **Transitional Informal Settlement** shall be limited to the periods provided for in Section 28(8) & (9) of the **By-law**.
- 33.7 Only **Land Uses** listed in Clause 7.8 and Section 28(6) of the **By-law** shall be permitted in a declared **Transitional Informal Settlement**.
- 33.8 Improvements to any structure in a declared **Transitional Informal Settlement Area** shall be of a temporary nature. No building plans may be approved in a **Transitional Informal Settlement Area**.

#### **34. INCLUSIONARY AND AFFORDABLE HOUSING**

- 34.1 The Municipal Spatial Development Framework shall identify areas where a national or provincial inclusionary housing policy may be applicable, in accordance with Section 21 (i) and Section 24 (2)(d) of the Act.
- 34.2 The **Municipality** may develop and determine a detailed policy, which shall address the methodology for levying inclusionary housing contributions and / or the provision of inclusionary housing units.
- 34.3 Land development **Applications** in terms of the **By-law** and this **Scheme** shall give effect to any provision for inclusionary housing as contemplated in sub-clause 34.1, where applicable.

## PART 9: LAW ENFORCEMENT

### 35. CONTRAVENTIONS / ILLEGAL LAND USES

Any person who:

- 35.1 Contravenes or fails to comply with any provision of this **Land Use Scheme**; or
- 35.2 Contravenes or fails to comply with any requirements set out in a **Notice** issued and served in terms of this **Land Use Scheme**; or
- 35.3 Contravenes or fails to comply with any condition set out in terms of any provision of this **Land Use Scheme**;
- 35.4 Knowingly makes a false statement in connection with any provision of this **Land Use Scheme**;  
or
- 35.5 Contravenes or fails to comply with any provision of the **By-law**;

shall be guilty of an offence and shall be prosecuted accordingly and may be liable on conviction to a fine or imprisonment as outlined in Section 116(2) of the **By-law**.

This **Land Use Scheme** does not absolve any compliance with any other relevant legislation.

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## SCHEDULE 1

### CONDITIONS GOVERNING THE EXERCISING OF MINING RIGHTS AND MINING OPERATIONS:

1. The stipulations of the Mineral and Petroleum Resources Development Act, 2002 (Act 28 of 2002) and other relevant legislation are applicable.
2. In terms of Section 7 of the Minerals Act, 1991 (Act 50 of 1991) prospecting is prohibited in townships, urban areas, **Public Roads**, railways, cemeteries, **Land** used for government or public purposes and **Land** determined by the **Municipality** in the Government Gazette except with the **Written Consent** of the Minister and in accordance with such conditions as may be determined by him.
3. In the event of any conflict between the provisions of this **Scheme** and any title, right or permit contemplated in Section 44(4) of the Mining Rights Act, 20 of 1986, the latter shall prevail.
4. The Holder of a Permit for Existing Mining Rights granted in terms of the Petroleum Resources and Development Act, 2002 (Act 28 of 2002) before the fixed date must apply for **Special Consent** of the **Municipality** if the **Land** is not zoned "Mining".
5. The Holder of a Permit for Mining Rights granted in terms of the Petroleum Resources and Development Act, 2002 (Act 28 of 2002) after the fixed date, shall submit an **Application** for the **Special Consent** of the **Municipality** in terms of Section 58 of the **By-law** if the land is not zoned "Mining".
6. The Mining Plan submitted shall be one which has been surveyed and shall contain the necessary co-ordinates and cadastral information to be identified and recorded on the ArcGIS data base of the **Municipality**.
7. The **Special Consent** granted in terms of 4 and 5 above shall lapse when the Existing Mining Rights Permit lapses.
8. **Ancillary** and subservient **Land Uses** such as housing, recreation club et cetera which are required for the employees of the mine and which are not required directly in the mining operation, shall be subject to a township establishment **Application** in terms of the **By-law**.
9. Any further processing of the extracted material or minerals on the same site of the extraction shall be permitted if in the opinion of the **Municipality** it is an integral part of the mining operations and is not intended for direct distribution and sale to an end user.
10. Any further processing/crushing of the extracted material or minerals not deemed to be an integral part of the mining operations in the opinion of the **Municipality** shall comply with the stipulated procedures of the **Scheme** or the **By-law** to legalise these processes on the site.

## SCHEDULE 2



Not to  
Scale

**ALBERTON  
CBD**

2017/18  
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### SCHEDULE 3



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**BEDFORDVIEW  
CBD**

2012 ADDED  
The Bedfordview area is a CBD area.  
The map of the Bedfordview area is for information only.  
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# SCHEDULE 4



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**BENONI  
CBD**

2011/12/2011  
An Urban Report  
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# SCHEDULE 5



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**BOKSBURG  
CBD**

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**SCHEDULE 6**



Not to  
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**BRAKPAN  
CBD**

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Braakpan CBD. It is not intended to be used as a  
basis for any legal or financial decisions. The  
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# SCHEDULE 7



Not to Scale

## GERMISTON CBD

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# SCHEDULE 8



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## KEMPTON PARK CBD

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# SCHEDULE 9



Not to Scale

**NIGEL  
CBD**

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# SCHEDULE 10



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**SPRINGS  
CBD**

2017/18/2018  
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## SCHEDULE 11

### CONDITIONS APPLICABLE TO A SPAZA SHOP WITHIN A RESIDENTIAL BUILDING OR DWELLING UNIT ON RESIDENTIAL 3 AND 4:

1. The **Spaza Shop** may only be operated on ground floor within a **building** on Residential 3 and 4 zoned **properties**;
2. The **Spaza Shop** with its ancillary store rooms may not exceed 20 m<sup>2</sup> Total Building Floor Area;
3. The **Spaza Shop** may be accessible to the general public;
4. The operating hours of the **Spaza Shop** are restricted to 06:00 to 21:00 Mondays to Saturdays, and 06:00 to 19:00 Sundays and Public Holidays; and
5. The Residents or the Corporate Body if there is one, of the Residential Building or **Dwelling Units**, shall give written permission for the **Spaza Shop** before it may operate; and
6. The **Spaza Shop** is otherwise subject to any health and safety standards or regulations of the **Municipality**.

**SCHEDULE 12**

**LIST OF TRANSITIONAL INFORMAL SETTLEMENT AREAS IN TERMS OF SECTION 34**

<b>Priority Development Area Name</b>	<b>Priority Development Area Number</b>	<b>DECLARATION DATE</b>

**SCHEDULE 13**

**LIST OF PRIORITY DEVELOPMENT AREAS IN TERMS OF SECTION 33**

Priority Development Area Name	Priority Development Area Number	Reference Number (if applicable)

NOTE: ***Priority Development Areas*** may be indicated on the zoning map by the code PDA followed by the number of the PDA concerned.

**LOCAL AUTHORITY NOTICES • PLAASLIKE OWERHEIDS KENNISGEWINGS**

**LOCAL AUTHORITY NOTICE 200 OF 2022**

**CITY OF EKURHULENI METROPOLITAN MUNICIPALITY  
NOTICE OF THE CITY OF EKURHULENI TOWN LAND USE SCHEME, 2021**

It is hereby notified in terms of the provisions of Section 25 (read with Section 16) of the City of Ekurhuleni Spatial Planning and Land Use Management By-law, 2019 read with Sections 24, 25 and 26 of the Spatial Planning and Land Use Management Act, 2013 that on 30 September 2021 the City of Ekurhuleni Metropolitan Municipality has adopted a land use scheme, to be known as the "City of Ekurhuleni Land Use Scheme, 2021" vide item A-CP (02-2021) CPOC.

In terms of Section 24(1) of the City of Ekurhuleni Spatial Planning and Land Use Management By-law, 2019 read with Section 26(1)(b) of the Spatial Planning and Land Use Management Act, 2013 this land use scheme replaces all existing schemes in their entirety within the municipal area, specifically the Ekurhuleni Town Planning Scheme, 2014 (Promulgated under Local Authority Notice 10, dated 14 January 2015).

The Maps and Scheme Clauses of this Scheme will lie for inspection during normal office hours at the Offices of the Head of Department: City Planning, City of Ekurhuleni Metropolitan Municipality (Ground Floor, Sanlam Building, Cnr Kempton Road & Margaret Ave, Kempton Park). The documentation is also available on the City's website ([www.ekurhuleni.gov.za](http://www.ekurhuleni.gov.za)).

This land use scheme shall come into operation from date of publication of this notice.

**Dr Imogen Mashazi, City Manager, City of Ekurhuleni Metropolitan Municipality, 2nd Floor, Head Office Building, Corner Cross and Roses Streets, Private Bag X1069, Germiston, 1400**

**Notice 04-2022**

**16 February 2022**

## LOCAL AUTHORITY NOTICES • PLAASLIKE OWERHEIDS KENNISGEWINGS

## LOCAL AUTHORITY NOTICE 506 OF 2022

CITY OF EKURHULENI METROPOLITAN MUNICIPALITY  
CITY OF EKURHULENI LAND USE SCHEME, 2021  
CORRECTION OF ERRORS OR OMISSIONS NOTICE C0018C

It is hereby notified in terms of the provisions of Section 26(3) of the City of Ekurhuleni Spatial Planning and Land Use Management By-law, 2019, that the City of Ekurhuleni Metropolitan Municipality has corrected the following error or omission in the City of Ekurhuleni Land Use Scheme, 2021 (an approved Scheme as per Local Authority Notice 200 of 2022 dated 16 February 2022), vide item A-CP (02-2021) CPOC, resolution 7.

**1. The correction of Clause 6, the definition of "Household", to be replaced by the following wording:**

"HOUSEHOLD: means an individual or a couple with or without their family and may also include a group of not more than 4 (four) unrelated persons living together as a family and does not include the subletting of a *Dwelling House* or *Dwelling Unit* or rooms therein. For the purposes of this *Scheme*, *Family* shall have the same meaning."

**2. The correction of Clause 7.6(a)(ii), to be replaced by the following wording:**

"(ii) the letting of a *Dwelling House* or *Dwelling Unit* in such a manner, that not more than one *Household* may reside therein: Provided that if any additional persons and guests are to be accommodated, the use will be construed as a *Guest House* or *Bed and Breakfast* subject to Clause 6 and Table B."

**3. The correction of Clause 11.2, to be replaced by the following wording:**

"11.2 The *Building Lines*, as stated in Table C may be relaxed by means of a Building Line Relaxation application, in accordance with Section 62 of the *By-law*, read with Clause 30.3 of the *Scheme*. Garages on Residential 1 and 2 zoned erven shall be in accordance with Figures 4a, 4b and 4c."

**4. The correction of Clause 23.3(c) to be replaced by the following wording:**

"Clause 23.3(b) is subject to the provisions of Section 53 (4) & (5) of the *By-law* and for the purposes of notification to an adjoining owner, a subdivision in terms of Clause 23.3(b) shall be regarded as a 'prescribed consent use application' in terms of Section 12(2)(e) of the *By-law*."

**5. The correction of Table G, by the following insertion:**

"11 – Public Garage – 2 – 60% – N/A – N/A – N/A"

**6. The correction of Table H, by the following amendment:**

"Boarding Houses – 0.5 parking spaces per bedroom"

**7. The correction of Clause 30, to be replaced by the following wording:**

**30 WRITTEN CONSENT OF THE MUNICIPALITY**

This Part deals with the administration of *Land Use Rights*. The *Municipality* may, in terms of the *By-law*, approve or refuse *Applications* for the following and may impose any conditions it deems necessary, and such *Applications* shall be subject to any relevant approved Policy:

- (a) *Written Consent A* of the *Municipality*
- (b) *Written Consent B* of the *Municipality*
- (c) *Building Line Relaxation*

**30.1 WRITTEN CONSENT A OF THE MUNICIPALITY**

30.1.1 Applications requiring only an *SDP*, in terms of Schedule 90 to the *By-law*, shall ensure that same

complies with the requirements of Clause 29. Should the **Municipality** approve the **SDP**, it shall be regarded as a **Written Consent A** having been approved, provided that the **Municipality** may require the **Applicant** to comply with Section 12 of the **By-law** and/or provide any additional information.

30.1.2 Applications requiring only a building plan, in terms of Schedule 90 to the **By-law**, shall ensure that same complies with the **National Building Regulations**. Should the **Municipality Approve** the building plan, it shall be regarded as a **Written Consent A** having been approved, provided that the City Planning: Operations Division has recommended the building plan for **Approval**. The **Municipality** may require the **Applicant** to additionally comply with Section 12 of the **By-law** and/or provide any additional information.

30.1.3 No **Written Consent A** may be approved by the **Municipality**, contrary to a restrictive condition contained within a Title Deed / Deed of Transfer to an **Erf**.

### 30.2 WRITTEN CONSENT B OF THE MUNICIPALITY: COUNCIL OWNED LAND

30.2.1 An **Application** for **Written Consent B** shall only be permitted on land owned by the City of Ekurhuleni Metropolitan Municipality;

#### 30.2.2 CONDITIONS REGULATING MUNICIPAL PURPOSES AS A WRITTEN CONSENT B APPLICATION

**A Written Consent B Application** is subject to strict compliance with the following conditions, should any of these conditions not be met then an alternative Land Use Application process must be considered as provided for in the by-law:

- (a) On **Farm Portions** and **Agricultural Holdings**, **Municipal Purposes** may be permitted to the extent that it does not constitute an illegal township as defined in the **By-law**;
- (b) The size of the subject property must be able to comply with the requirements of Table G and parking requirements of Table H.
- (c) The proposed use must be compatible with the adjacent **Land Uses**;
- (d) The proposed use/s must comply with the requirements of the approved relevant Policy, Regional Spatial Development Framework or Precinct Plan or Local Spatial Development Framework;
- (e) The proposed use must comply with any requirements of the National Environmental Management Act, 1998 (Act No. 107 of 1998) (as amended) and the Local Government Ordinance, 1939 (Ordinance 17 of 1939) when necessary;
- (f) The **Municipality** must be satisfied that **Engineering Services**, social infrastructure and **Open Spaces** can be provided and installed.

### 30.3 BUILDING LINE RELAXATION

30.3.1 The **Municipality** may on application relax the **Building Line** stipulated in Table C for properties in any Use Zone, if such relaxation would, in its opinion, constitute an improvement in the development of the **Property**.

30.1.2 The Municipality may permit that an application for the relaxation of a **Building Line**, be considered as part of a building plan approval process, provided that the same complies with the **National Building Regulations**. Should the **Municipality Approve** the building plan, it shall be regarded as a **Building Line Relaxation Application** having been approved. For the purposes of notification to an affected owner, a **Building Line Relaxation** in terms of Clause 11 shall be regarded as a 'prescribed **Consent Use Application**' in terms of Section 12(2)(e) of the **By-law**."

This correction shall come into operation from date of publication of this notice.

Dr Imogen Mashazi, City Manager, City of Ekurhuleni Metropolitan Municipality, 2nd Floor, Head



**Office Building, Corner Cross and Roses Streets, Private Bag X1069, Germiston, 1400**  
**Notice X-2022**  
**2 March 2022**

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