

# MOGALE CITY LOCAL MUNICIPALITY LAND USE SCHEME 2019



**Prepared for:**



**rural development  
& land reform**

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# MOGALE CITY LOCAL MUNICIPALITY LAND USE SCHEME, 2019

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## PART I: PREAMBLE

### 1. AREA OF THE LAND USE SCHEME

The Mogale City Land Use Scheme (*'MCLM-LUS' / 'the Scheme' / 'this Scheme'*) applies to all properties within the municipal boundaries of the Mogale City Local Municipality (*'MCLM'*), as determined by the Municipal Demarcation Board.

### 2. LAND USE SCHEME STATUS

- 2.1 The MCLM-LUS was prepared in terms of Section 24(1) of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013), and is subject to the provisions of Clause 3.4 of this Scheme, in substitution of the following Town Planning Schemes previously in operation in the above-mentioned area in so far as it relates to the area of jurisdiction of the MCLM:
- Krugersdorp Town Planning Scheme, 1980
  - Peri Urban Areas Town Planning Scheme, 1975 (as amended), as applicable to the area of GTDMA41
  - Krugersdorp Amendment Scheme 1472 of 2012, as applicable to areas formerly covered by the Peri Urban Areas Town Planning Scheme, 1975 (except for GTDMA41); and
  - Annexure F as per the Black Communities Development Act, Act 4 of 1984.
- 2.2 A Register of Land Use Rights shall be the definitive source of the land use and development rights of a property. Such register shall be maintained by the Municipality.
- 2.3 The Register of any use rights is linked to a use zone map that depicts the various use zones of the Municipality.
- 2.4 Whether or not land is registered in terms of the Deeds Registries Act, 1937 (Act No. 47 of 1937), the land shall be used only in accordance with the land use rights held in terms of the Scheme. All conditions included in a title deed of a land parcel within the Municipal area supersede the land use rights granted by the Scheme.
- 2.5 Land uses that are currently in contravention of the schemes as per clause (2.1) above will not automatically be redefined in this scheme and a land development application-process still has to be taken in order to obtain the necessary land use rights.

### 3. COMMENCEMENT AND VALIDITY

- 3.1 The MCLM-LUS shall come into effect from the date that notice of adoption is published in the Gauteng Provincial Gazette.
- 3.2 The MCLM shall be the authority responsible for enforcing and carrying into effect the provisions of this MCLM-LUS.
- 3.3 Any consent granted or approved in terms of a Town Planning Scheme in force or other applicable land use legislation for the erection/use of buildings or for the use of land or any rights legally exercised in terms of such scheme or legislation prior to the commencement of the MCLM-LUS, shall be deemed to be a consent or approval of the MCLM-LUS: provided that any such consent or approval shall lapse unless exercised within 24 months from the date that such consent was granted or approved.

- 3.4 Any Annexure or Schedule promulgated in terms of any of the former Town Planning Schemes referred to in Clause 2 or other Land Use Legislation shall remain in force and the general provisions of that Town Planning Scheme shall also remain in force for the lifetime of that Annexure, amendment scheme or Schedule, as far as such general provisions of that Scheme is not in conflict with the MCLM-LUS.
- 3.5 Any land use application submitted to and pending before the Municipality immediately prior to the commencement of the MCLM-LUS, shall be dealt with in terms of the relevant Scheme that governs such application at the time of submission, as far as it is not in conflict with the MCLM-LUS.
- 3.6 Where the provisions of the MCLM-LUS are in conflict with any Municipal Bylaw in operation in the Mogale City, the provisions of the MCLM-LUS shall prevail.

#### **4. POWERS OF THE MUNICIPALITY**

- 4.1 Nothing in the MCLM-LUS shall prevent the Municipality from maintaining or using any building, or construction work or using any land in its area of jurisdiction for any purpose permitted under any other law, unless the consent procedure as outlined in the MCLM Bylaw, 2018, is followed and such uses are of a temporary nature not exceeding 36 months.
- 4.2 Nothing in the MCLM-LUS shall be deemed to prevent the Municipality:
- 4.2.1 From erecting, maintaining, or using any building or work, or land, in any part of the area of this Scheme for the purpose of any undertaking which it may be empowered to carry out under any legislation; or
  - 4.2.2 From allowing the occasional letting of a site in the area of the MCLM-LUS for the purpose of amusement parks, circuses, church gatherings, etc. subject to such conditions as the local authority may think fit; or
  - 4.2.3 From allowing the owner of any land or building to temporarily use such land or building for purposes not contemplated for that use zone or by any other provision of the MCLM-LUS, subject to compliance with the provisions of the MCLM-LUS relating to the granting of the special consent of the Municipality and subject further to such conditions as the Municipality may impose: provided that such consent shall, in addition to any condition imposed by the local authority, be subject to the following further conditions, namely:
    - 4.2.3.1 No building or structure of a permanent nature which may hinder the use of the land for the purpose contemplated in the zoning thereof in the MCLM-LUS shall be erected on the land.
    - 4.2.3.2 The Municipality shall be entitled to withdraw the approval issued in terms of this sub-clause by a written notice of not less than 30 days to the owner if the use of such property is inconsistent with the purposes for which approval was granted or where the exercising of the approved use adversely affects the amenity of the neighbourhood.
    - 4.2.3.3 Any permission granted in terms of this clause shall be valid for such period not exceeding 12 months as the Municipality may determine: provided that the Municipality may from time to time on the written request of the owner extend such period for periods not exceeding 12 calendar months.

#### **5. GENERAL PURPOSES OF THE LAND USE SCHEME**

The MCLM-LUS adopted and approved in terms of the MCLM Bylaw, 2018, shall give effect to the Mogale City Municipal Spatial Development Framework and determine the use and development of land within the Municipality's area of jurisdiction in order to promote:

- a. Economic growth
- b. Social inclusion and cohesion
- c. Efficient land development
- d. Good public health, a healthy environment and natural resources
- e. Guarantee the right to sustainable cities, understood as the right to urban land, housing, environmental management, urban infrastructure and service delivery, transportation and public services, to work and leisure for current and future generations
- f. Democratic administration by means of participation of both the individual property owner; representative associations and community members of the various segments of the community in the formulation, execution and monitoring of urban development projects, plans and programs
- g. Cooperation between governments, private initiative and other sectors of society in the urbanization process, in service of social and economic interests
- h. Planning and sustainable development of the Municipality, through the management and coordinated promotion of growth across the Municipality along with desirable development, in order to correct the distortions of historical planning systems and their negative effects on the environment, without negating the complexities of the Municipality and in compliance with all relevant legislation
- i. Supply of urban and community equipment, transportation, infrastructure and public services adequate for the interests and needs of the population and the local characteristics
- j. Management of land use, in order to enable and facilitate:
  - i. Efficient, effective and compatible urban development that is desirable and also accommodates the identified socioeconomic needs of the Municipality
  - ii. Coordination of urban growth, which includes land use change, new development and subdivisions, with the availability of infrastructure and social amenities
  - iii. An accessible, responsive environment that is integrated with the transportation network and promotes public transportation
  - iv. Upgrading and rejuvenation of specific areas in the Municipality through innovative developmental interventions
  - v. Effective environmental management in support of the strategic direction of the Municipality
- k. Fair distribution of the benefits and burdens resulting from the urbanization process in order to minimize segregation
- l. Adaptation of tools of economic, tax and financial policy and of public spending to the objectives of urban development, in order to give priority to investments that improve wellbeing and the fruit of the goods by different social segments, and
- m. Equality of conditions for public and private agents in the promotion of developments and activities related to the urbanization process, serving the social and economic interests.

## 6. ARRANGEMENT AND LEGALITY OF LAND USE SCHEME COMPONENTS

6.1 The MCLM-LUS is arranged into three main sections, in order to ensure ease of navigation and reference as well as making it accessible to and promoting it to the general public, namely:

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

## 6.2 Arrangement and legality of the Clauses, Tables, Schedules and Annexures of the MCLM-LUS:

The clauses and tables of the MCLM-LUS have been arranged so that those clauses and tables of general applicability are contained in Parts I – VIII.

## 7. COMPONENTS OF THE LAND USE SCHEME

The MCLM-LUS comprises three sections and nine parts as detailed below:

- ❖ Part I : Preamble
- SECTION 1 : LAND DEVELOPMENT RIGHTS**
- ❖ Part II : Definitions
- ❖ Part III : Land Use Zones
- SECTION 2 : MANAGEMENT OF LAND DEVELOPMENT RIGHTS**
- ❖ Part IV : Land Development Requirements
- ❖ Part V : Building Restriction Areas
- ❖ Part VI : Parking and Loading
- ❖ Part VII : Land Development Administration
- SECTION 3 : PROMOTION OF LAND DEVELOPMENT**
- ❖ Part VIII : Special Mechanisms for Land Development
- ❖ Part IX : General Land Development Mechanisms

## SECTION 1: LAND DEVELOPMENT RIGHTS

Section 1 of the MCLM-LUS deals with the allocation of land use rights to all properties across the Municipality's area of jurisdiction. This Section, which includes the definitions and the land use zonings, has been streamlined in order to accommodate urban complexities, facilitate development and promote equality and integration.

### PART II: DEFINITIONS

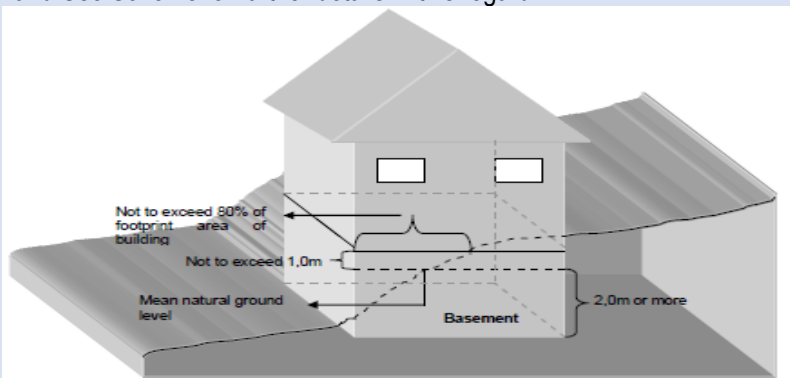
#### 8. DEFINITIONS<sup>1</sup>

TERM	DEFINITION
1. <b>Abattoir</b>	means land and buildings or mobile unit used to slaughter animals and poultry and may include the processing of animal and poultry products and in respect of which a registration certificate has been issued in terms of Section 8(1) of the Meat Safety Act, Act 40 of 2000 and in respect of which a grading has been determined in terms of Section 8(2) of the said Act.
2. <b>Ablution</b>	means a building, room or dressing rooms containing washing facilities and toilets.
3. <b>Access Control</b>	means land and buildings used for a security gate, boom gate, guard house and ancillary and subservient uses such as an office for the body corporate, home-owner's association to control access from a private road or public street for authorized persons only.
4. <b>Accommodation Establishment</b>	means any place in which accommodation is provided for gain to four or more people, with or without meals or any premises in which the business of providing lodging with or without one or more meals per day is conducted or intended to be conducted for gain, but this does not include hotels, flats, old age homes, employee accommodation or hostel.
5. <b>Act</b>	means the Spatial Planning and Land Use Management Act, Act 16 of 2013 – hereafter referred to in this document as ' <i>the Act / SPLUMA</i> '.
6. <b>Additional information</b>	As defined in the MCLM Bylaw, 2018, as amended from time-to-time.
7. <b>Adjoining Owner / Occupant</b>	As defined in the MCLM Bylaw, 2018, as amended from time-to-time.
8. <b>Adjoining Property</b>	means land which has a common boundary with a land area for which an application is made and includes an erf or portion separated by a street, public open space, private open space or natural feature from such land area, or any other area and/or distance as determined by the Municipality.
9. <b>Adopt and Approved</b>	As defined in the MCLM Bylaw, 2018, as amended from time-to-time.
10. <b>Adult Entertainment Business</b>	means land and buildings where, for any form of consideration, films, photographs, books, magazines, compact discs (CDs), digital versatile discs (DVDs), toys, or live performances are hired, sold or occur, which are considered as for adult entertainment or for mature audiences. It may include a <i>restaurant</i> , a <i>bar</i> and/or an escort agency and a massage parlour, where massage or manipulation of the human body is administered with the purpose of obtaining an erotic response.
11. <b>Giving of Notice</b>	in relation to making known a matter means any one or more of the following methods of making known which, according to Municipal policy, or in the absence thereof, in the opinion of the Municipal Manager or his/her delegates, is the most suitable method to reach as many people as possible, who may have an interest or are possibly affected in the matter: <ul style="list-style-type: none"> <li>• Serving a notice that complies with the provisions as set out in this Scheme</li> <li>• Holding public meetings, whether before or after the submission of an application</li> <li>• Displaying a notice on a land unit</li> <li>• Publishing of a notice in the press</li> </ul>

<sup>1</sup> The definitions that follow were largely derived from the table – summary of definitions – contained in the Krugersdorp TPS, Annexure F of the Black Communities Development Act and the Peri-Urban Areas TPS. .

	<ul style="list-style-type: none"> <li>• Consultative forums or entering into social compacts before a decision is taken by the Municipality, and</li> <li>• Advertisement has a corresponding meaning.</li> </ul>
<b>12. Advertisement / Signage</b>	in relation to promoting and/or publishing a product, service, or event means any advertisement or any advertising device of any kind which is visible from any street, but does not include an advertisement erected inside a building or any advertisement relating to the holding of an ecclesiastical, amateur, sporting, educational, political or charitable meeting, event or function, or to the candidature of any person duly nominated for election as a member of Parliament, the Provincial Administration, the Municipality or any similar body, and advertising sign shall have the same meaning or as outlined in the Municipality's outdoor advertising bylaw and road ordinance.
<b>13. Agent / Consultant</b>	As defined in the MCLM Bylaw, 2018, as amended from time-to-time.
<b>14. Agricultural Building</b>	means a building or agricultural workshop designed for or used in connection with, and which is ordinarily subservient to, or reasonably necessary in connection with the use of the land on which the building is situated as agricultural use and may include a dwelling house. Not more than 10% of the land shall be used for non-agricultural purposes – this includes the dwelling unit and second dwelling unit referred to above, as may be granted by the Municipality.
<b>15. Agricultural Employee Accommodation</b>	means the use of land for dwellings for employees associated with the bona-fide farming activities of a commercial farm on the same land.
<b>16. Agricultural Holding</b>	As defined in the MCLM Bylaw, 2018, as amended from time-to-time.
<b>17. Agricultural Industry</b>	means an enterprise or concern for the processing of agricultural products and includes, inter alia, wineries, distilleries, breweries, dairy processing industry, flour mill, <i>abattoir</i> , a feedlot, chicken hatchery and farm pack stores, but does not include a service trade.
<b>18. Agricultural Purposes / Uses</b>	means purposes normally associated with the use of a building/s and/or land for farming / agricultural purposes and it includes only dwelling units necessary for and related to the bona fide agricultural use of the property. It also means / includes arable, meadow and/or pasture land 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, aquaculture, nursery gardens, plantations, orchards, market gardens and such other ancillary uses and buildings, normally regarded as incidental thereto as well as feed pen farms, game farms, abattoirs and agricultural industries. This also includes the use of the property for urban agricultural purposes; plant nursery; the sale of produce solely cultivated or bred from the site; animal care centre; horse riding facilities and related schooling uses but shall not include sporting and recreation purposes or a race course. A second dwelling house / unit may be permitted, subject to title deed conditions, but shall not be sectionalized.
<b>19. Agri-Park</b>	means a networked innovation system of agro-production, processing, logistics, marketing, training and extended services, located in a Municipality. As a network, it enables a market-driven combination and integration of various agricultural activities and rural transformation services.
<b>20. Agri-village</b>	means a settlement of restricted size as determined by the Municipality, established and managed as a legal entity that is situated within an agricultural area and where residence is restricted to bona fide rural workers and their dependents, of the farms forestry or conservation enterprises situated in the area. The development of agri-villages may represent a partnership between the farmer, the farm worker and the state. It includes farm worker accommodation. It also means a sustainable rural settlement with services, secure tenure and collective governance, whose residents enjoy agriculturally-based livelihoods through a multiplicity of individual and communal incomes derived from the agricultural environment.
<b>21. Air Rights</b>	means the use of a building, which spans across an existing street at a specific height above the street level and does not restrict the use of the street, for any use which has been approved by the Municipality.
<b>22. Airfield / Aerodrome / Airport</b>	means land and buildings used for the landing and take-off of aircraft and helicopters and may include hangars, parking area for aircrafts and a fuel depot, airways control, aircraft hangars, fuel depot, fuel bays, workshops for manufacturing, repair and spray-painting of aircraft, engine

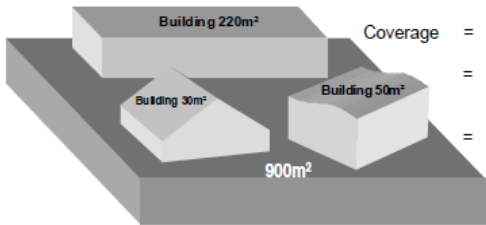
	run test area, training facilities for flight schools, passenger terminals, luggage and freight storage and handling, customs and migration control, associated shops, sale of aircraft and parts, offices, places of refreshment, banks, ATMs, leasing of vehicles, vehicle valet service area, telecommunication masts, hotel and conference centre, aircraft and related clubs and other ancillary and subservient uses – provided that the establishment and operation of an airport / airfield shall be subject to the provisions of the Aviation Act, Act 74 of 1962 as amended.
<b>23. Amendment Scheme</b>	As defined in the MCLM Bylaw, 2018, as amended from time-to-time
<b>24. Ancillary or Subservient</b>	means uses or activities which support and compliment the main use on the property and/or building and which shall not exist on their own when the main use on the property is discontinued, and shall be limited in size to the main use.
<b>25. Animal Breeding Facility</b>	means land and buildings other than an agricultural building or a second dwelling unit, used or designed for the keeping, and/or nursing, and/or training of more than four animals, and for purposes incidental thereto, and includes a building used for the keeping of wild animals.
<b>26. Annexures to the Scheme</b>	means documents comprising of provisions, inter alia, special rights and conditions applicable to those properties shown on the Scheme Maps through municipal approved annotations.
<b>27. Antenna</b>	means any system of wires, poles, rods, reflective surfaces, roof tops or similar devices, used to transmit or receive electronic communication signals or electro-magnetic waves. This also includes a cellular mast, being land or buildings used for cellular reception masts, base stations and all other related mobile telecommunication infrastructure (including other antennae), excluding public telephones operated from temporary structures.
<b>28. Appeal Authority</b>	As defined in the MCLM Bylaw, 2018, as amended from time-to-time.
<b>29. Applicant</b>	As defined in the MCLM Bylaw, 2018, as amended from time-to-time.
<b>30. Application</b>	As defined in the MCLM Bylaw, 2018, as amended from time-to-time.
<b>31. Application Register</b>	means a record of all applications submitted and considered in terms of the provisions of the MCLM Bylaw, 2018, and/or this Land Use Scheme or any amendments thereof.
<b>32. Approval</b>	means the written approval of the Municipality on application lodged as per the MCLM Bylaw, 2018 and the provisions of this Land Use Scheme, with or without conditions.
<b>33. Area of the Scheme</b>	means the area described in Clause 1 of this Land Use Scheme as amended from time to time.
<b>34. ATM</b>	means land and buildings or a part thereof used for an automatic teller machine of a bank or other financial institution and which is mainly used for dispensing of cash.
<b>35. Atrium</b>	means a covered courtyard, which forms part of coverage on the property, that— <ul style="list-style-type: none"> <li>• Comprises a void within a building that extends for one or more floors in height which contains a floor and roof or ceiling, and</li> <li>• Does not contain floors that penetrate into the void.</li> </ul>
<b>36. Auction facility</b>	Means the offering for sale of new and used goods by means of a request or invitation for bids, including the storage of goods to be auctioned occasionally, but does not include retail sales nor the sale of poultry or livestock.
<b>37. Authorised Official</b>	As defined in the MCLM Bylaw, 2018, as amended from time-to-time.
<b>38. Backpackers Accommodation</b>	means land and buildings consisting of habitable rooms including dormitories, a communal kitchen, and dining-room, lounge and ablution facilities for the accommodation of guests and tourists for short periods away from the permanent place of residence and shall be managed by the owner or manager who shall reside on the same property.
<b>39. Bakery</b>	means land and buildings where bread, rusks, tarts, rolls, pies and other flour-baked products are manufactured in bulk for distribution to wholesale trade, shops, supermarkets and warehouses.
<b>40. Balcony</b>	means a floor projecting outside a building at a level higher than that of the ground floor, enclosed only by low walls or railings or by containing walls of rooms abutting the projecting floor, and may include a roof over the projecting floor and pillars supporting the roof.
<b>41. Bank</b>	means a public company provisionally or finally registered as a Deposit-taking Institution in terms of the Banks Act, Act 94 of 1990 and includes an instant bank and automatic teller machines (ATM).

<b>42. Bar / Pub</b>	means any open bar or any part of licensed premises exclusively or mainly used for the sale and consumption of liquor and shall include any counter or barrier across which liquor is or can be served to the public, and sometimes also food, to be consumed on the premises and may also include provision of a sports bar and live musical performance subject to consent of the Municipality and shall comply with the provisions of the Gauteng Liquor Act, Act 2 of 2003. This also include a pub, tavern and sports bar.
<b>43. Basement</b>	means the space in a building between the floor and ceiling which is partly or completely below the natural ground level; Provided that a basement shall be counted as a storey for the purpose of a height measurement where any portion extends more than 1,5m above the lowest level of the natural ground level immediately contiguous to the building. Refer to Clause 28 of this Land Use Scheme for further details in this regard. 
<b>44. Beauty Parlour</b>	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 and does not include a shop and adult entertainment business.
<b>45. Bed and Breakfast</b>	means a dwelling house or a second dwelling unit which the occupant of the dwelling supplies lodging and breakfast for compensation to transient guests who have permanent residence elsewhere, provided that: <ul style="list-style-type: none"> <li>• The dominant use of the dwelling house concerned shall remain for the living accommodation of one family and does not include self-catering.</li> <li>• The establishment does not include a guest house, a lodge and conference facilities, and</li> <li>• In addition to a Bed and Breakfast, a home enterprise may be permitted subject to the consent of the Municipality.</li> </ul>
<b>46. Beer / Wine / Spirits Tasting Venue</b>	means land and buildings ancillary and subservient to the micro-brewery/distillery used for the preparation, sale and consumption of refreshments on the property such as a restaurant, coffee shop or tea garden but excluding sports bar, pub, bar, off-sales and place of amusement
<b>47. Biodiversity</b>	means a measure of the number and relative abundance of biological species. The variability among living organisms from all sources including, inter alia, terrestrial, marine, and other aquatic ecosystems and the ecological complexes of which they are part; this includes diversity within species, between species, and of ecosystems.
<b>48. Bio-regional Planning</b>	means land use planning and management that promotes sustainable development by recognizing the relationship between, and giving practical effect to, environmental integrity, human wellbeing and economic efficiency within a defined geographical space, the boundaries of which were determined in accordance with environmental, social and economic criteria whilst having due consideration for national, provincial and municipal boundaries and its legal implications as prescribed by law.
<b>49. Bird and Animal Cages</b>	means any structures intended for the confinement/ enclosure of animals/birds, normally associated with breeding, protection and display.
<b>50. Boarding House</b>	means a dwelling house where the habitable rooms are rented out for an extended period by the resident owner / occupant to unrelated persons and communal facilities such as the kitchen, lounge, dining room and bathrooms are shared by the boarders, such a dwelling house shall only be allowed in the CBD/Nodes/Corridors.

<b>51. Body Corporate</b>	means the body corporate as defined in the Sectional Titles Schemes Management Act, Act 8 of 2011.
<b>52. Borrow Pit</b>	means an area excavated or to be excavated from which soil and unconsolidated materials are removed or extracted, below the ground level of the property which existed before any overbuilding of the site occurred, for any purpose including but not limited to: for sale, exchange, or for use, as fill for any activities, including but not limited to landscaping, building construction, levees, dams, highway construction or maintenance, or low-lying areas, whether on-site or off-site, as defined / determined by the Mineral and Petroleum Resources Development Act, Act 49 of 2008.
<b>53. Botanical Garden</b>	means an establishment where plants are grown for scientific study and display to the public and may include offices and storerooms for the management of the establishment, parking, cafeteria, places of refreshment, and ancillary facilities which the Municipality deems necessary.
<b>54. Bottle / Liquor Store</b>	means a shop in which mainly alcoholic beverages are sold in the retail trade in terms of the Liquor Act, Act 59 of 2003 and includes an off-sales facility which is under the same management as a licensed hotel.
<b>55. Boundary</b>	in relation to a property means one or more of the cadastral lines separating the property from another property or from a road or street.
<b>56. Boundary Wall</b>	means any wall, fence or enclosing structure erected on or directly next to a cadastral property boundary, and any other structure, including security devices, such as spikes, barbed wire, razor wire or electric fences, affixed to or on top of a boundary wall.
<b>57. Brewery and Distillery</b>	means land and buildings used for the brewing, refining, blending or processing of beer / wine / spirits and may include an ancillary and subservient beer / wine / spirits tasting venue.
<b>58. Brick Yard</b>	means land or buildings where bricks are made and stored.
<b>59. Builder's Yard</b>	means land or buildings used for the storage and selling of materials which are– <ul style="list-style-type: none"> <li>• Required for or normally used in building operations, or</li> <li>• Derived from demolition or excavation operations, or</li> <li>• Required or normally used for improvements to land, such as material for the construction of streets, the installation of essential services, or for any other building works, whether used for public or private purposes, or land or buildings used for the preparation for use of materials thus stored, but does not include a builder's yard established for the purpose of temporarily storing such materials in connection with and for the duration of construction or building works, in the vicinity of such builder's yard and does not include the storage at a shop or a warehouse or a construction site.</li> </ul>
<b>60. Building</b>	As defined in the MCLM Bylaw, 2018, as amended from time-to-time.
<b>61. Building Line</b>	means a line indicating the furthestmost boundary of a building restriction area from a street, proposed street, street widening, or any other boundary of a property other than a street boundary and which is at a stipulated distance from the boundary of a property.
<b>62. Building Material Storage</b>	means the use of a building/s and/or land for the storage/sale of building material/equipment that relate to a hardware shop.
<b>63. Building Restriction Area</b>	means an area of an erf or portion of land on which no buildings may be erected, save as allowed in this Land Use Scheme, and which is bounded on one side by a building line and / or street boundary or any other boundary of an erf or property, or which is subject to flooding as indicated by a flood water mark or designated by a flood line boundary.
<b>64. Bulk Service</b>	As defined in the MCLM Bylaw, 2018, as amended from time-to-time.
<b>65. Business Purposes / Uses</b>	means the use of a building/s and/or land from which business is conducted and the related use of buildings including an office, restaurant, motor showroom, medical consulting rooms, domestic service industry, funeral parlour, call centres, financial institution, dry cleaners, launderettes and building for similar uses not elsewhere defined as well as uses which are ancillary, directly related to and subservient to the main use such as a caretakers accommodation, and other uses as approved by Municipality from time to time, but does not include a place of assembly, institution, public garage, industry, noxious trade or place of amusement.

<b>66. Bylaw</b>	means the Mogale City Local Municipality Spatial Planning and Land Use Management Bylaw 2018, or as amended from time-to-time. Herein referred to as <i>'the MCLM Bylaw, 2018, as amended from time-to-time'</i> .
<b>67. Cadastral Line</b>	means a line representing the official boundary of a property as recorded on a diagram or general plan approved by the Surveyor-General and registered by the Register of Deeds.
<b>68. Cafeteria</b>	means a building or part of a building used for the preparation and sale of food and refreshments, tobacco products, reading matter and similar ancillary convenience items for the exclusive use of the employees and their guests or patrons of the establishment; provided that it is ancillary and subservient to the main use of the property. This building or part of a building shall not be restaurant.
<b>69. Camping Site</b>	means land and buildings used for transient guests for the overnight accommodation of caravans, motor homes and tents <del>and may include ablution facilities</del> , caretaker's flat, communal kitchen and ancillary and subservient shops and other related buildings.
<b>70. Canal</b>	means permanent man-made constructed waterways, for example, irrigation canals normally governed by an Irrigation Board, storm water trenches associated therewith, as well as pump stations and other relevant infrastructure.
<b>71. Canopy</b>	means a cantilevered or suspended roof, slab or covering (not being the floor or a balcony) projecting from the wall of a building and not being enclosed.
<b>72. Canteen</b>	means a building or part of a building with an area including storage space and is provided only on an industrial site and which is a small-scale trade incidental to the needs of the employees working on the site and shall not interfere with the surrounding trades.
<b>73. Car Sales Lot</b>	means land, which is used mainly for the open-air display and sale of motor vehicles, motor vehicle trailers, caravans and heavy-duty vehicles and may include ancillary offices and subservient workshop but excludes a scrap yard and a public garage.
<b>74. Caretaker's Unit</b>	means a dwelling unit on a non-residential property used by a person and his/her family who is responsible for the care and supervision of the land and buildings on the same property. It will be according to Municipality's approval.
<b>75. Carport</b>	means a structure for the storage of one or more vehicles that is covered by a roof, provided that not more than two sides may be permanently enclosed.
<b>76. Carwash</b>	means land and buildings used for the washing, polishing and cleaning of motor vehicles by means of mechanical apparatus or by hand.
<b>77. Casino</b>	means land or 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.
<b>78. Cemetery</b>	means land and buildings designed or used for the burial of deceased persons and human ashes, and may include a crematorium, a wall of remembrance, a chapel, and offices and storerooms for the management of the cemetery, parking and ancillary and subservient uses which the Municipality deems necessary.
<b>79. Chemist</b>	means an enterprise supplying only medicine as defined in the Medicines and Related Substances Control Act, Act 101 of 1965, as amended, as prescribed by a registered medical practitioner only and subject to the provisions of Section 22(c), (d) and (e) as well as such other conditions imposed in terms of the Medicines and Related Substances Control Act, Act 101 of 1965 and in any amendments thereof.
<b>80. Childcare Facility</b>	means any facility – including, but not limited to – crèche, play group, after care, day care, children's home – as discussed in more detail in Clause 19 of this Scheme.
<b>81. Children's Home</b>	means land and buildings used for the accommodation, education, and care of children with special needs or circumstances and may include ancillary facilities such as, education and recreation facilities, accommodation facilities for the staff and caretaker's flat.
<b>82. Clinic</b>	means a place for the diagnosis and treatment of human illness or the improvement of human health, which has limited facilities and an emphasis on outpatients – provided that a clinic may contain live-in facilities for no more than twenty persons, including patients and staff, and a clinic may include medical consulting rooms, a dispensing chemist, operating theatre, an outpatients centre and a wellness centre with ancillary uses.

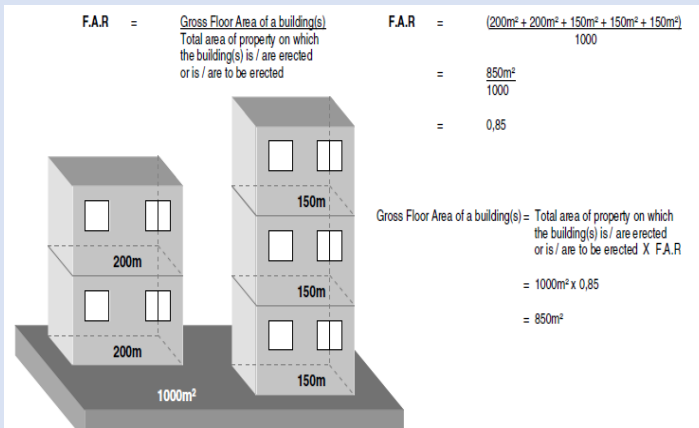
<b>83. Club House</b>	means land and buildings used for private meetings by a group of people with a collective aim and may include a Place of refreshment and children play area ancillary and subservient to the main use
<b>84. Commencement Date</b>	means the date on which this Land Use Scheme comes into operation.
<b>85. Commercial Purposes / Use</b>	means the use of buildings and/or land designated for distribution centres, wholesale trade, warehouses, storage, computer centres, removal and transport services, laboratories, cash management centres, builders' yards, building material storage, shops, service industries and all uses which are ancillary, directly related to or subservient to the main use.
<b>86. Common Boundary</b>	in relation to a property means a boundary common with the adjoining property other than a street boundary.
<b>87. Communal Area</b>	means land intended to be under the communal right of ownership and for the communal use of the owners of group erven in a group site (or sites) and may include private streets that provide access to all group erven or certain group erven.
<b>88. Commune</b>	means a dwelling house where the habitable rooms are rented out for an extended period and the communal facilities such as the kitchen, lounge, dining room and bathrooms but does not include a household enterprise. The use is further subject to the policy of the Municipality, subject to an application procedure as amended from time to time.
<b>89. Community Body</b>	means a body, organization or institution of whatever nature that represents the interests of a community or segment of a community.
<b>90. Community Facility</b>	means premises used for cultural activities, social meetings, gatherings, non-residential clubs, gymnasiums, sport clubs, social hall or recreational or other activities where the primary aim is not profit seeking and excludes a place of entertainment.
<b>91. Competent Person</b>	means a person who is registered in terms of his or her applicable professional act, for example, an appropriate category of registration in terms of the Planning Profession Act, Act 36 of 2002, the Architectural Professions Act, Act 44 of 2000, the Engineering Profession Act, Act 46 of 2000, the Natural Scientific Professions Act, Act 27 of 2003, the Landscape Architectural Profession Act, Act 45 of 2000, or any other relevant and applicable Act.
<b>92. Complete Application</b>	means a complete application as described in Section 4 of the MCLM Bylaw, 2018.
<b>93. Compost Manufacturing</b>	means land or buildings being used for the controlled biological process in which organic materials are broken down by micro-organisms whereby a stabilised, homogenous, fully decomposed substance of animal or plant origin to which no plant nutrients have been added and that is free of substances or elements that could be harmful to man, animal, plant or the environment which is not a nuisance and present unwanted odours and excludes the use of sludge from waste-water work.
<b>94. Conditions of Approval</b>	As defined in the MCLM Bylaw, 2018, as amended from time-to-time
<b>95. Conditions of Establishment</b>	means any conditions imposed as contained in either the title deed of land or in the deed of sale or approval by the Competent Authority pertaining to a specific portion of land at the time of township establishment and contains the duties of the developer.
<b>96. Confectionary</b>	means land and buildings or a part thereof where bread, rusks, tarts, rolls, pies and other flour-baked products are baked or prepared for the sale and/or consumption on the premises but does not include wholesale or distribution.
<b>97. Conference Centre / Facility</b>	means land and buildings designed or used as a temporary lecture hall, training facility, overnight accommodation, conducting of workshops, meetings, conferences, symposiums and related uses, but does not include a place of instruction, wedding venue or place of entertainment.
<b>98. Consent</b>	means permission granted by the Municipality, after due consideration of all relevant facts, policies and after following the provisions of the MCLM Bylaw, 2018.
<b>99. Consent Use</b>	means an additional use right permitted in terms of this Scheme in a particular zone with the consent of the Municipality.
<b>100. Consent Use Register</b>	means a register containing particulars regarding all consent uses and consents granted by the Municipality as well as conditions pertaining to such consent.

<b>101. Consolidation</b>	As defined in MCLM Bylaw, 2018, as amended from time-to-time.
<b>102. Constitution</b>	As defined in MCLM Bylaw, 2018, as amended from time-to-time.
<b>103. Construction of a Building or Structure</b>	means in relation to a building or structure includes: <ul style="list-style-type: none"> <li>• Building of a new building or structure</li> <li>• Alteration, conversion or addition to, a building or structure</li> <li>• Re-erection of a building or structure which has completely or partially been demolished.</li> </ul>
<b>104. Contact details</b>	As defined in MCLM Bylaw, 2018, as amended from time-to-time.
<b>105. Contiguous</b>	means in relation to properties, any areas of land which have a common boundary or boundaries.
<b>106. Controlling Authority</b>	as indicated in the: <ul style="list-style-type: none"> <li>• Advertising on Roads and Ribbon Development Act, Act 21 of 1940 (referring to road-related matters – Municipality / Gautrans / other relevant road authority)</li> <li>• National Environmental Management, Act 107 of 1998 (referring to environmental-related matters), and</li> <li>• Matters relating to the discretion / decision-making powers of the Municipality.</li> </ul>
<b>107. Convenience Shop/Store</b>	means the use of a building/s, or portion of a building, and/or land restricted to the sale of convenience goods such as bread and confectionery, dairy products, fresh produce, beverages, canned foods, magazines and newspapers, at the discretion of the Municipality.
<b>108. Conveyancer</b>	As defined in the MCLM Bylaw, 2018, as amended from time-to-time.
<b>109. Correctional Facility</b>	means a place for the confinement of people accused or convicted of a crime with subservient uses such as a workshop, library, kitchen, mass hall, bathrooms, and recreational room, which are used only by the inmates and managing staff and guards of the facility.
<b>110. Council</b>	As defined in the MCLM Bylaw, 2018, as amended from time-to-time.
<b>111. Coverage / Coverage Area</b>	means the area of a property, which may be covered by buildings, as seen vertically from above and is expressed as a percentage of the area of the property but excluding a structure without a roof or covered by hail net. <div style="text-align: center;">  <math display="block">  \begin{aligned}  \text{Coverage} &amp;= \frac{\text{Area of buildings seen vertically from above}}{\text{Total area of property}} \times \frac{100}{1} \\  &amp;= \frac{220\text{m}^2 + 50\text{m}^2 + 30\text{m}^2}{900} \times \frac{100}{1} \\  &amp;= 33,3\%  \end{aligned}  </math> </div>
<b>112. Crematorium</b>	means land and buildings used for the cremation of human or animal tissue, subject to the provision of the Crematorium Ordinance, Ordinance 18 of 1965.
<b>113. Cultivation Shed</b>	means a building used for agricultural uses.
<b>114. Dam</b>	means a barrier constructed to hold back water and raise its level, forming a reservoir used for purposes such as water supply, flood control, irrigation, navigation, sedimentation control, hydropower and the general development and management of water resources development of a river basin.
<b>115. Date of Notice or Date of Notification</b>	As defined in the MCLM Bylaw, 2018, as amended from time-to-time.
<b>116. Date of Promulgation</b>	means the date on which the Municipality gives notice of the approval of the Scheme in the Provincial Gazette.
<b>117. Day</b>	As defined in the MCLM Bylaw, 2018, as amended from time-to-time.
<b>118. Day Clinic</b>	means a hospital for day patients with no overnight accommodation.
<b>119. Deeds Registries Act</b>	As defined in the MCLM Bylaw, 2018, as amended from time-to-time.
<b>120. Deeds Registry</b>	As defined in the MCLM Bylaw, 2018, as amended from time-to-time.
<b>121. Density</b>	means the number of dwelling units per hectare as prescribed in relation to a specific property and is a measure aimed at limiting the number of dwelling units that may be erected on such property and is calculated as follows:

	Density (expressed as units per hectare)	Total number of dwelling units in a specified area Extent of the specified area in hectares
<b>122. Develop / Development</b>	means in relation to land or the physical improvement of land, the use of the land or a part thereof or the physical improvement of the land by preparing it for development, including the infill of land, draining or levelling of land, the installation of engineering services, the subdivision of land and the erection, alteration or extension of buildings on land and the construction of any structures under the surface of land.	
<b>123. Development Contribution</b>	As defined in the MCLM Bylaw, 2018, as amended from time-to-time.	
<b>124. Development Parameters</b>	means provisions or restrictions in terms of zoning, which set out the permissible extent of the use or improvement of land.	
<b>125. Development Principles</b>	As defined in the MCLM Bylaw, 2018, as amended from time-to-time.	
<b>126. Diagram</b>	As defined in the MCLM Bylaw, 2018, as amended from time-to-time.	
<b>127. Distribution Centre</b>	means a warehouse or other building from where goods are distributed and includes loading bays.	
<b>128. Division of Land</b>	means a subdivision of a property as contemplated in sections 58 and 60 of the MCLM Bylaw, 2018, as well as the Subdivision of Agricultural Land Act, Act 70 of 1970, where relevant, the provisions whereof shall apply <i>mutatis mutandis</i> to a subdivision of a property registered as a farm portion, or a portion of a farm portion, or an agricultural holding, or a portion of an agricultural holding.	
<b>129. Dominant Use</b>	means the use which, in the opinion of the Municipality, is the main function or which is the more dominant use on the land or building.	
<b>130. Drive-Through-Restaurant</b>	means land or buildings designed or used as a place of refreshment from where food and refreshments are sold and served to clients in vehicles for consumption away from the concerned property. Provided that the establishment and operation of a drive-through-restaurant for the sale or supply to customers of any foodstuff in the form of meals for consumption away from the property shall be subject to a licence in terms of the Business Act, Act 71 of 1991.	
<b>131. Dry Cleaner</b>	means land and buildings designed and used for the cleaning of clothes and garments utilising a chemical process and processes associated therewith and may include alterations to clothes and garments by an in-house tailoring service.	
<b>132. Dwelling House</b>	Means a single, free-standing 'dwelling unit'.	
<b>133. Dwelling Unit</b>	means an interconnected suite of rooms, designed for human habitation that shall contain a kitchen with or without an ancillary scullery and with the appropriate ablutions, irrespective of whether the dwelling unit is a single building or forms part of a building containing 2 or more dwelling units – provided that a second kitchen, which is to be used for religious and/or lifestyle purposes and which is physically connected with the first kitchen, may be provided to the satisfaction of the Municipality.	
<b>134. Earth Bank</b>	means land that is shaped to hold back earth or loose rock and includes retaining walls, related man-made structures or natural features.	
<b>135. Eave</b>	means a portion of a roof projecting beyond the face of a building, including any gutters.	
<b>136. Ecosystem</b>	means a self-sustaining and self-regulating community of organisms and the interaction between the organisms with one another and with their environment.	
<b>137. Educational Centre / Place of Instruction</b>	means land or buildings used for educational purposes and may include an early childhood development centre, child care facility, school, college, technical institute, university, academy, academic research institute, lecture hall, monastery, convent or other academic establishment, subservient and ancillary uses to the main use such as library, hostel and mass hall.	
<b>138. Educational Use</b>	means land and or building where tuition and or supplementary instruction takes place within a dwelling unit/house for up to 6 children. 6 or more children would require a consent to be obtained from the Municipality.	
<b>139. Electrical Purposes</b>	means land and buildings designed or used for the purposes of electricity distribution services including substations with related infrastructure and more specifically for the purpose of the	

	Municipality or Eskom – provided that any other institution that supplies a similar or complimentary service can be accommodated on the erf or building with the consent of the Municipality.
<b>140. Engineering Services</b>	As defined in the MCLM Bylaw, 2018, as amended from time-to-time.
<b>141. Engineering Services Agreement</b>	As defined in the MCLM Bylaw, 2018, as amended from time-to-time.
<b>142. Entrance Steps and Landings</b>	means steps and landings to a building, including any low walls and railings, if the steps and landings are not within the main containing walls of the building.
<b>143. Environment</b>	means the surroundings within which humans exist and that are made up of: (i) Land, water and atmosphere of the earth (ii) Micro-organisms, plant and animal life (iii) Any part or combination of (i) and (ii) and the inter-relationships among and between them; and (iv) Physical, chemical, aesthetic and cultural properties and conditions of the foregoing that influence human health and well-being
<b>144. Environmental Control Area</b>	means an area defined by the Municipality within which any development shall be subject to a Site Development Plan or any other requirement as determined by the Municipality.
<b>145. Erection of a Building</b>	in relation to a building or structure includes: <ul style="list-style-type: none"> <li>• Construction of a new building or structure</li> <li>• Alteration or conversion of, or addition to, a building or structure, and</li> <li>• Re-construction of a building or structure which has completely or partially been demolished.</li> </ul>
<b>146. Erf</b>	As defined in the MCLM Bylaw, 2018, as amended from time-to-time.
<b>147. Executive Authority</b>	As defined in the MCLM Bylaw, 2018, as amended from time-to-time.
<b>148. Existing Building</b>	means buildings erected or partially erected, prior to the date of promulgation, in accordance with plans approved by the Municipality and includes buildings to be erected after the date of promulgation for which building plans have been approved by the Municipality.
<b>149. Existing Erf / Property</b>	means any erf, agricultural holding or farm portion depicted on an approved Surveyor General Diagram or General Plan.
<b>150. Existing Use</b>	means a use carried out or in operation on an erf or site that was permitted in terms of the previous planning legislation and lawful in terms of the Building Regulations, but which is contrary to this Land Use Scheme. It shall remain an existing use right unless the said use is altered in any way or ceases to be carried out for a period of 24 months.
<b>151. External Engineering Service</b>	As defined in the MCLM Bylaw, 2018, as amended from time-to-time
<b>152. Extractive Industry</b>	means an industry which practices the extraction of raw materials from the earth or natural resources, whether by means of surface or underground methods and may include, but not be limited to the refinery of such extracted materials in order to facilitate the transportation thereof, as well as any other relevant land uses that are normally associated with an extractive industry, for example, water bottling, offices, recreational facilities for staff, caretakers quarter's, etc. but does not include the subdivision of individual portions of any unit thereof.
<b>153. Extramural Activities</b>	means the utilization of a building or premise for any extramural activities (sport, art, cultural, recreational or other) which are not normally associated with the primary use or occupants of the site, without disturbances such as noise, traffic congestion, air pollution, the congregation of people, excessive traffic generation or lowering of aesthetics being caused and may include art classes, dance classes, evening classes, motivation classes, the writing of exams by students, yoga, pilates, aerobics classes or any other fitness related activity. It must be for up to 6 persons, and for more than that a consent use must be obtained from the Municipality.
<b>154. Family</b>	means: <ul style="list-style-type: none"> <li>• One or more individuals occupying a dwelling who are related through marriage or common law, blood relationship, legal adoption, or legal guardianship and unrelated domestic workers and boarders, or</li> <li>• A group of not more than 5 unrelated persons including domestic workers or boarders.</li> </ul>

<b>155. Farm Portion</b>	means any portion of land which is not an erf, agricultural holding, road or street and which is registered as a separate unit in the Deeds Office. Such portion is land that has not been the subject of township establishment.
<b>156. Farm Stall</b>	means a building or structure not exceeding 100m <sup>2</sup> in floor space and located on a farm where the farmer sells produce grown on the farm to the general public.
<b>157. Farm Worker Accommodation</b>	means a room or rooms, designed for the occupation of bona fide farm workers with adequate sanitation facilities which may be shared, including a kitchen which may be shared.
<b>158. Feed-Pen Farming</b>	means the keeping and breeding of animals on an intensive basis and where the animals are fed with little or no opportunity to graze off the natural veld in relation to agro-industry production.
<b>159. File or Filing</b>	means a filing of any document as prescribed in SPLUMA or the Regulations.
<b>160. Filling Station</b>	means land and buildings used for the storage of fuels and the retail selling of vehicle fuel and lubricants and liquid petroleum gas, and may include: <ul style="list-style-type: none"> <li>• One working bay for emergency repairs to vehicles but excluding panel beating, spray-painting and major repairs</li> <li>• A quick service restaurant</li> <li>• A convenience shop, which is a building, or portion of a building and include a confectionary and a place of refreshment. The gross area of the convenience shop shall not be more than 250 m<sup>2</sup> including storage. The size of the shop may be increased by means of a consent use application.</li> <li>• An automatic teller machine (ATM)</li> <li>• Ablution facilities for the employees and customers, and</li> <li>• A car wash subject to the consent with the Municipality,</li> <li>• Provided that if any other area is stipulated by any approving authority, the most prohibitive condition shall prevail.</li> </ul>
<b>161. Financial Institution</b>	means any enterprise that renders mainly financial services to clients and includes banks and home-loan enterprises.
<b>162. Fitment Centre</b>	means buildings used for the fitting of exhausts, tow bars, radios, shock absorbers, tyres and other vehicle parts, but excludes Motor Workshops and Panel Beaters.
<b>163. Fitness Centre or Gymnasium</b>	means a building or a part thereof where people exercise with or without exercise apparatus, which may include subservient and related uses.
<b>164. Fixed Date</b>	means the date that this Land Use Scheme comes into operation via a promulgation notice.
<b>165. Flat</b>	means a building containing a group of dwelling units contained within a building consisting of one or more floors with a communal entrance.
<b>166. Flea Market</b>	means land and buildings or structures or open-air areas used for the display and sale of products, food and beverages including farmers' market/fresh produce to the public.
<b>167. Flood Lines</b>	Means the flood lines as defined in Section 144 of the National Water Act, Act 36 of 1998, including any other flood lines and / or buffer zones that the Municipality may require.
<b>168. Flood-prone Area</b>	means any land area susceptible to being inundated by water from any source.
<b>169. Floor</b>	means the inner, lower surface of a room, garage or basement, and includes a terrace or atrium to which the occupants of a building have access.
<b>170. Floor Area</b>	in relation to any building or structure, means the sum of the gross area occupied in a building at the floor level of each storey – provided that in the calculation of the floor area, the following areas shall not be included: <ul style="list-style-type: none"> <li>• Unroofed buildings, open roofs and areas occupied by external fire escapes.</li> <li>• Parking spaces for the occupants of the building.</li> <li>• Entrance passages and corridors (excluding entrance halls, porches and corridors in a dwelling unit or a residential building where such entrance halls, porches and corridors are not enclosed by outer walls or windows).</li> <li>• Accommodation for the lift motors and other mechanical or electrical equipment necessary for the proper use of the building.</li> <li>• A veranda or balcony in a building – provided that such veranda or balcony shall not be enclosed except by means of a parapet at most one (1) metre high or a wire gauze screen.</li> </ul>

	<ul style="list-style-type: none"> <li>Areas reasonably used for the cleaning, maintenance and care of the building or buildings, except dwelling units for supervisors, cleaners and caretakers.</li> </ul>
<b>171. Floor Area Ratio (FAR)</b>	<p>means the ratio which is prescribed for the calculation of the maximum floor area of a building or buildings permissible on a land unit – it is the maximum floor area as a proportion of the gross erf area and calculated as follows:</p> $\text{FAR} = \frac{\text{Total Floor area of a building}}{\text{Total surface area of the land unit}}$  <p>F.A.R. = <math>\frac{\text{Gross Floor Area of a building(s)}}{\text{Total area of property on which the building(s) is / are erected or is / are to be erected}}</math></p> <p>F.A.R. = <math>\frac{(200\text{m}^2 + 200\text{m}^2 + 150\text{m}^2 + 150\text{m}^2 + 150\text{m}^2)}{1000}</math></p> <p>= <math>\frac{850\text{m}^2}{1000}</math></p> <p>= 0,85</p> <p>Gross Floor Area of a building(s) = Total area of property on which the building(s) is / are erected or is / are to be erected X F.A.R.</p> <p>= <math>1000\text{m}^2 \times 0,85</math></p> <p>= <math>850\text{m}^2</math></p>
<b>172. Forest Wilderness Areas / Forest Nature Reserves</b>	means declared forest wilderness areas e.g. natural forests, woodlands and natural habitats or ecosystem components.
<b>173. Freshwater Ecosystem Priority Areas</b>	means areas identified river and wetland FEPAs and fish support areas, including a generic buffer of 100m, measured from the top of bank of the river or the delineated riparian areas, whichever is larger, and measured from the outside edge of the wetland.
<b>174. Fuel Depot</b>	means land or buildings used only for the storage of various kinds of flammable liquids in containers or tanks and shall be considered as a risk activity and may include a caretaker flat with ancillary and subservient offices to the main use.
<b>175. Function Venue</b>	means a facility for the hosting of functions – weddings / conferences etc. – and can also include live entertainment as well as overnight accommodation. This might also include the following uses, namely party venue, lodge, petting farm and other related terms but should not impact on the amenity of the area and will also include noise reduction in terms of the National Environment Management: Air Quality Act, Act 39 of 2004. Application should, where needed, also include live entertainment.
<b>176. Funeral Undertaker</b>	means land and 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. This relates to the relevant provisions of the Health Act, Act 63 of 1997.
<b>177. Game Farm</b>	means land used for the rearing and/or breeding of wild animals and at most one single residential house and other buildings that is reasonably relevant to the main agricultural activity on the farm, including accommodation and tourist facilities, game routes and bona-fide staff housing.
<b>178. Game Reserve</b>	means a land unit(s) providing a wide, but not necessarily complete spectrum of game for viewing by the general public with or without uses normally and reasonably ancillary thereto.
<b>179. Gaming Machines</b>	means electronic equipment used for entertainment purposes, including Limited Pay-out Machines (LPMs) as defined in the Gauteng Gambling Act, Act 4 of 1995.
<b>180. Garden Centre</b>	means land and buildings used for the storage, cultivation and sale of plants, bulbs, seed, pet fish, pet birds, pots, compost, fertiliser, pesticides, and herbicides and may include the sale of

	complimentary gardening products and a place of refreshment as may be approved by the Municipality.
<b>181. Gated Community</b>	means a form of residential community or housing estate containing strictly controlled entrances for pedestrians, bicycles, and automobiles, and often characterized by a closed perimeter of walls and fences.
<b>182. General Plan</b>	As defined in MCLM Bylaw, 2018, as amended from time-to-time.
<b>183. Government Purpose</b>	means land and buildings or a part thereof designed or used for Government offices, parastatals, depots, workshops, stores, communication centres, police stations, post offices and includes incidental uses such as a cafeteria solely for Government Departments but excludes industries and noxious industries.
<b>184. Greenhouse</b>	means a structure with the sides primarily made of a transparent material for the purpose of growing of plants or hastening growth of plants under controlled environmental conditions.
<b>185. Ground Floor</b>	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.
<b>186. Guard House</b>	means a building containing access control equipment and relevant documents and may include ablutions and a kitchenette for the exclusive use of the guards in the building as well as an ancillary and subservient office for the Home Owner's Association / Body Corporate.
<b>187. Guest House</b>	means an enterprise for the temporary accommodation of transient guests and which is conducted from a dwelling house or a building with not more than 16 rooms that have specifically been designed for such purposes and may include a conference facility catering for business meetings or training sessions on the property. Only one (1) kitchen per establishment shall be allowed and meals and all facilities shall be provided to and are for the exclusive use of guests.
<b>188. Habitable Room</b>	means a room designed or used for human habitation according to the minimum standards prescribed in Part C of the Building Regulations, but shall not include a storeroom, kitchen, scullery, toilet, bathroom or a passage.
<b>189. Hazardous Activity</b>	means an undertaking where the material or the process carried out is liable, in the event of fire, to cause combustion with extreme rapidity, give rise to poisonous fumes or cause explosions and includes activities involving dangerous or hazardous substances that are controlled in terms of national legislation.
<b>190. Hazardous Substance</b>	has the same meaning as "grouped hazardous substance" as defined in Section 1 of the Hazardous Substances Act, Act 15 of 1973.
<b>191. Height</b>	the vertical dimension of a building expressed in the number of storeys or metres of which it consists.
<b>192. Height of Natural Ground Level</b>	means in relation to a land unit, the highest point of the natural level of the ground immediately contiguous to the building as certified by a professional land surveyor.
<b>193. Hanger</b>	means a workshop or building used for the storing and maintaining aircraft.
<b>194. Helipad</b>	means land and/or buildings used and designed for landing and taking-off of helicopters and may include a terminal for passengers, as provided for in the Civil Aviation Act, Act. 63 of 1988.
<b>195. Heritage Resource</b>	means any place, building, land or object of cultural significance as determined in the National Heritage Resource Act, Act 25 of 1999.
<b>196. Heritage Resource Authority</b>	means South African Heritage Resources Agency, established in terms of Section 11, or, insofar as the National Heritage Resources Act, Act 25 of 1999 is applicable in or in respect of a province, a Provincial Heritage Resources Authority.
<b>197. Heritage Resource Building</b>	means all buildings older than sixty (60) years and places protected in terms of the Heritage Resource Act, Act 25 of 1999 and listed in a register, including the following: <ul style="list-style-type: none"> <li>• National monuments, including provisionally declared monuments.</li> <li>• Any historical places (e.g. a building or part of a building, market, block house, grave stone, landmark or site of a human settlement).</li> <li>• A comment of consent from the South African Heritage Resources Agency (SAHRA) shall be required to classify any building under this category.</li> </ul>
<b>198. Heritage Site</b>	means a place declared to be a national heritage site by SAHRA or a place declared to be a provincial heritage site by a provincial heritage resources authority.

<b>199. Home Enterprise</b>	<p>means the use by a small-scale enterprise of a portion of a dwelling house, second dwelling and/or outbuildings for artistic, social, religious, professional services or occupational purposes with the aim of deriving income therefrom by the occupant – provided that:</p> <ul style="list-style-type: none"> <li>• The enterprise is undertaken by a maximum of three (3) persons, of which at least one is a full-time resident of the property</li> <li>• The dominant use of the property shall remain residential</li> <li>• The written supportive comments from surrounding owners shall be obtained</li> <li>• The business shall not be noxious</li> <li>• The business shall not interfere with the amenity of the neighbourhood</li> <li>• Sufficient parking shall be available as stipulated in terms of Clause 36 of this Land Use Scheme, where parking provision can be relaxed by the Municipality</li> <li>• Requirements imposed by the Municipality and dictates of other Municipality policies as amended from time to time are met</li> <li>• No title condition applicable to the property may be transgressed, and</li> <li>• Only the following land uses shall be considered for home enterprise: <ul style="list-style-type: none"> <li>○ Professional office usage</li> <li>○ Service enterprise</li> <li>○ Service industry, and</li> <li>○ Limited retail including sale of goods which are manufactured on site.</li> </ul> </li> </ul>
<b>200. Home Owner's Association</b>	<p>means a property owners' association which represents a body of multiple owners in full title or freehold housing schemes as opposed to sectional title schemes. The Sectional Title Act as well as the prescribed management rules and conduct rules do not apply.</p>
<b>201. Homecare Facility</b>	<p>means a dwelling house used as a care centre, such as a nursing home, hospice, orphanage, or similar residential facility to the satisfaction of the Municipality and relevant provincial departments and may include an ancillary office and other uses which are incidental thereto, but excludes medical consulting rooms, clinics and hospitals. This also includes facilities for rehabilitation (step-down) as well as frail care-facilities.</p>
<b>202. Homeless shelter</b>	<p>means a facility provided where the homeless can get overnight accommodation, proper sanitation and meals</p>
<b>203. Hospital</b>	<p>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, medical incinerator room and ancillary and subservient uses such as a cafeteria, dispensing chemist, shop, offices and consulting rooms directly related to the hospital.</p>
<b>204. Hostel</b>	<p>means a residence or building providing accommodation and meals to persons attending a place of instruction or institution and which is owned or managed by or on behalf of the said place of instruction or institution.</p>
<b>205. Hotel</b>	<p>means a building complying with the provisions of the Hotels Act, Act 70 of 1965, and is used as a temporary residence for transient guests, which use exceeds the restrictions of a guest house/ lodge where personal services, lodging and meals are provided and may include activities reasonably and ordinarily related to a hotel, including conference facilities, place of refreshment, place of entertainment, place of amusement, tourist facilities, sport and recreation facilities, banquet hall, spa / hydro and wellness centre, and in respect of which a hotel liquor license has been, or is intended to be, issued under the National Liquor Act, Act 59 of 2003, but excludes any off-sales facilities.</p>
<b>206. House Shop /Spaza / Tuck Shop</b>	<p>means part of the dwelling house / unit or outbuilding, which provides a necessary local retail function to the community, supplying essential pre-packed and / or pre-wrapped items and / or foodstuff, excluding liquor and meat. A house shop is not a general business or retail function on a residential erf and the residential component remains the main use of the erf.</p>
<b>207. Household</b>	<p>means all persons living under one roof or occupying a separate housing unit, where a housing unit is a house, an apartment, a mobile home, a group of rooms, or a single room that is occupied (or if vacant, is intended for occupancy) as separate living quarters. Where the members of a household are related by blood or law, they constitute a family.</p>

<b>208. Housing Development Schemes for Retired Persons Act, Act 65 of 1988</b>	As defined in the MCLM Bylaw, 2018, as amended from time-to-time.
<b>209. Incomplete Land Development Application</b>	As defined in the MCLM Bylaw, 2018, as amended from time-to-time.
<b>210. Industrial Purposes / Use</b>	means the use of a building/s and/or land or part thereof as a factory and in which an article or part of such article is made, manufactured, produced, built, assembled, compiled, printed, ornamented, processed, treated, adapted, repaired, renovated, rebuilt, altered, painted (including spray painting), polished, finished, cleaned, dyed, washed, broken up, disassembled, sorted, packed, chilled, frozen or stored in cold storage; including offices, caretaker's quarters or other uses which are subservient and ancillary to the use of the property as a factory; and includes a warehouse, the generation of electricity; the developing or processing of photographs, films or tapes; refuse disposal sites; recycling and abattoir but does not include a noxious trade or risk activity.
<b>211. Industry</b>	means the use of a building/s and/or land or part thereof as a factory and in which an article or part of such article is made, manufactured, produced, built, assembled, compiled, printed, ornamented, processed, treated, adapted, repaired, renovated, rebuilt, altered, painted (including spray painting), polished, finished, cleaned, dyed, washed, broken up, disassembled, sorted, packed, chilled, frozen or stored in cold storage; including offices, caretaker's quarters or other uses which are subservient and ancillary to the use of the property as a factory; and includes a warehouse, the generation of electricity; the developing or processing of photographs, films or tapes; refuse disposal sites; recycling and abattoir but does not include a noxious trade or risk activity.
<b>212. Informal Business (mobile business)</b>	means the conducting of a business (in terms of the Business Act, Act 71 of 1991) which, with the consent of the Municipality and after consultation with the surrounding owners, is conveyed from place to place, whether by vehicle or otherwise, in a street or at any other place accessible to the public, at any open property or in, on or from any vehicle or moveable structure, subject to such requirements laid down by the Municipality.
<b>213. Informal Housing</b>	means a residential unit that does not comply with the standards of durability as envisaged by the Building Regulations, as are applicable in the Competent Authority's jurisdiction
<b>214. Informal Settlement</b>	As defined in the MCLM Bylaw, 2018, as amended from time-to-time.
<b>215. Informal Structure</b>	means a shelter or structure of a temporary nature that does not comply with the provisions of the Building Regulations.
<b>216. Informal Trading Place</b>	means land and or buildings or part thereof earmarked for conducting an informal business with the consent of the Municipality and the surrounding owners.
<b>217. Injurious Conditions</b>	meaning each owner shall maintain his land and/or building in such a manner that it would not present an injurious condition, and pertain to general maintenance, storing of disused motor vehicles and parts, occupation of non-residential buildings for residential purposes, etc. Any owner making himself/herself guilty of this is committing an offense and is liable for possible prosecution.
<b>218. Inspector and Development Compliance Officer</b>	As defined in the MCLM Bylaw, 2018, as amended from time-to-time
<b>219. Institution or Institutional Use</b>	means a building or portion of a building used or intended to be used as a social or welfare institution or for the administration thereof, and includes a hospital, nursing home, frail care, sanatorium, clinic, whether private or public, and includes ancillary shops, dispensing chemist, and offices or any other buildings or use reasonably connected with such use.
<b>220. Integrated Development Plan</b>	means a plan adopted in terms of Chapter 5 of the Local Government: Municipal Systems Act, Act 32 of 2000.
<b>221. Interested person</b>	As defined in the MCLM Bylaw, 2018, as amended from time-to-time

<b>222. Internal Engineering Service</b>	As defined in the MCLM Bylaw, 2018, as amended from time-to-time
<b>223. Internet Café</b>	means land and buildings or part thereof used for hiring of computers and internet access to customers for use on the premises and may include ancillary and subservient uses to the main use such as serving hot and cold beverages and light snacks to its customers only.
<b>224. Keeping of Animals</b>	means the accommodation of animals not for commercial or farming purposes as addressed in the relevant title deed and / or the relevant MCLM Bylaw.
<b>225. Kennels</b>	means land and buildings used for the purpose of keeping, breeding and accommodating of any domestic animals restricted to an agricultural use zone.
<b>226. Kitchen</b>	means a room or part of a room equipped for preparing and cooking meals which includes a basin and stove and excludes a braai room, food and drink preparation area or bar facilities in an entertainment area.
<b>227. Laboratory</b>	means land and buildings used for scientific and medical research and experimenting but shall not include any activities which create a danger or nuisance of noise, smoke, fumes or smell and any noxious uses or activities.
<b>228. Land</b>	As defined in the MCLM Bylaw, 2018, as amended from time-to-time.
<b>229. Land Development Application</b>	As defined in the MCLM Bylaw, 2018, as amended from time-to-time.
<b>230. Land Development Area</b>	As defined in the MCLM Bylaw, 2018, as amended from time-to-time.
<b>231. Land Survey Act</b>	As defined in the MCLM Bylaw, 2018, as amended from time-to-time.
<b>232. Land Use</b>	means the use of land as determined by the approved land use scheme.
<b>233. Land Use Category</b>	means 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 permitted use of the land.
<b>234. Land Use Control</b>	means the permissible land uses in terms of this Scheme.
<b>235. Land Use Restriction</b>	means a restriction, in terms of zoning, on the extent of the improvement of land.
<b>236. Land Use Right</b>	means the right to utilise or improve land in accordance with the zoning thereof or any approved departure, consent use or condition of approval and where applicable, in accordance with a site development plan.
<b>237. Land Use Scheme</b>	As defined in the MCLM Bylaw, 2018, as amended from time-to-time.
<b>238. Land Use Zone</b>	means that part of this Scheme which has been shown on the zoning map by means of a specific notation or bordering or any other distinguishing manner, in order to identify the permitted use of the land.
<b>239. Landing Area</b>	means demarcated areas for the landing of private helicopters (pads) and/or aeroplanes (strips) which is not part of an airport or airfield in consultation with Civil Aviation.
<b>240. Landscape development plan</b>	means a plan containing information on existing natural features and vegetation and proposed soft and hard landscape design information specifying species, quantities and qualities and compiled by a professional Landscape Designer.
<b>241. Landscaping</b>	means the placement of plants, contoured features, water features, paving, street furniture and other soft and hard elements, for the purposes of enhancing aesthetic appeal, environmental management, amenity and value of a property.
<b>242. Laundromat or Launderette</b>	means a building or portion of a building designed and used for the provision of washing machines and clothes dryers to be utilised by the general public on payment for the washing of clothes and garments and the subsequent drying and ironing thereof.
<b>243. Layout Plan</b>	As defined in the MCLM Bylaw, 2018, as amended from time-to-time.
<b>244. Light Industry</b>	means a land use with emphasis on non-noxious production activities, maintenance and repair, as well as retail trade in connection therewith, which shall not cause the deterioration of the amenity of the neighbourhood or cause disturbance in consequence of noise, appearance, odour or activities or any reason whatsoever and may include offices which are related directly to and are complementary to the main use.
<b>245. Line of No Access</b>	means a line along any street, erf or site boundary or portion thereof prohibiting any vehicular access.

<b>246. Link engineering service</b>	As defined in the MCLM Bylaw, 2018, as amended from time-to-time
<b>247. Liquor Enterprise</b>	means land used or a building designed or used for the purpose of carrying on retail trade in liquor products as defined in terms of the National Liquor Act, Act 59 of 2003 and the Gauteng Liquor Act, Act 2 of 2003.
<b>248. Listed Activities</b>	means activities as identified under the provisions of the Sections 24, 24(d) and 24(o) of the National Environmental Management Act, Act 107 of 1998.
<b>249. Live Entertainment</b>	means any activity provided for pleasure, enjoyment, recreation, relaxation, diversion or other similar purpose by a person or persons who are physically present when providing an activity to a patron or group of patrons who are physically present.
<b>250. Living Accommodation for Domestic Workers</b>	means a room or rooms, designed for the occupation of bona fide domestic workers which shall have a minimum habitable room size of 10m <sup>2</sup> , with adequate sanitation facilities and kitchen, which may be shared, and this shall not be regarded as a dwelling unit.
<b>251. Loading Bay</b>	means an area which is clearly demarcated for the loading and off-loading of goods from commercial vehicles, and which has vehicular access to a public street to the satisfaction of the Municipality.
<b>252. Lodge</b>	means land and buildings used for accommodating guests or tourists for short periods and may include recreational use and self-catering facilities, conference facilities, wedding chapel, staff quarters and ancillary and subservient uses.
<b>253. Loft</b>	means the space contained within a pitched roof volume of a building which is used for habitable purposes.
<b>254. Map</b>	means a plan forming part of the zoning documentation of the Scheme depicting the property to which a specific zoning applies.
<b>255. Medical Consulting Rooms</b>	means a building or portion of a building designed or adapted as professional rooms for medical practitioners including general practitioners, medical specialists, pathologists, radiologists, dentists, ophthalmologists and similar uses such as veterinary surgeons, and may include a dispensing chemist, subservient to the main use as approved by the Municipality, not exceeding 12m <sup>2</sup> operated by a medical practitioner and may include a pharmacy but not uses included in the definition of institution.
<b>256. Medical Facility</b>	means buildings providing medical consulting rooms, overnight facilities, as well as medical theatres.
<b>257. Member of the Executive Council</b>	As defined in the MCLM Bylaw, 2018, as amended from time-to-time.
<b>258. Mezzanine</b>	means an intermediate storey not exceeding 25% of the floor below it and is included in the total floor area in the calculation of floor area.
<b>259. Micro Brewery and distillery</b>	means land and buildings used for the brewing, refining, blending or processing of beer / wine / spirits and may include an ancillary and subservient beer / wine / spirits tasting venue.
<b>260. Mineral</b>	means a substance, whether in solid, liquid or gaseous form, occurring naturally in or on the earth or under water and which was formed by or subjected to a geological process, and includes sand, stone, rock, gravel, clay, soil and any material occurring in residue stockpiles or in residue deposits, but excludes: <ul style="list-style-type: none"> <li>• Water, other than water taken for the extraction of any mineral from such water</li> <li>• Petroleum, and</li> <li>• Peat.</li> </ul>
<b>261. Mini / public storage</b>	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 and subservient offices a guard house and a caretaker's flat, excluding livestock, perishables, inflammables and / or explosives and any item which is temporarily stored as part of a trading process.
<b>262. Mining / Mining Purpose</b>	means the actual land area (above and below ground) which is used for operations and activities for the purposes of searching for and extracting any material on, in or under the earth, water or any residual deposit, whether by underground, open working, quarrying, or otherwise and includes any operation, or activity incidental thereto, as defined and granted, in

	terms of the Mineral and Petroleum Resources Development Act, Act 28 of 2002, or related and succeeding legislation and associated ancillary mining uses.
<b>263. Mobile Home</b>	means a transportable factory-constructed structure, including shipping and other containers, used for human accommodation, spaza and other shops or temporary office use approved by the SABS and the Municipality with the necessary service connections used as a permanent structure. The use hereof should be supported by an approved Site Development Plan.
<b>264. Mortuary / Morgue</b>	means a room or building in which dead bodies are kept, for hygienic storage or for examination, until burial, cremation or disposal, as provided for in the Health Act, Act 63 of 1977.
<b>265. Motor Dealer</b>	means land or buildings used for the display and sale of motor vehicles and may include an ancillary motor workshop and offices.
<b>266. Motor Scrap Yard</b>	means land used or a building designed or used for the purposes of dumping and abandoning disused motor vehicles and parts thereof excluding tyres, other than for purposes of re-sale or further use.
<b>267. Motor Showroom</b>	means the use of a building/s for the display and sale of new and/or used motor vehicles and accessories, ancillary offices and workshops, all of which shall be within an enclosed building.
<b>268. Motor Vehicle</b>	means a wheeled vehicle designed or used for propulsion by means of an internal combustion or electrical engine, and includes a motor cycle, trailer or caravan, but excludes a vehicle moving exclusively on rails.
<b>269. Motor Workshop &amp; Service</b>	means the use of a building/s and/or land for the repair, maintenance and servicing of trucks, motor vehicles, motorcycles and any other engine driven vehicles, including the installation of parts and accessories, all of which shall be contained within an enclosed building, including any subservient uses, but excludes panel beaters, spray painting and manufacturing activities.
<b>270. Municipal Appeals Tribunal</b>	As defined in the MCLM Bylaw, 2018, as amended from time-to-time.
<b>271. Municipal area</b>	means an area under jurisdiction of the Municipality as determined by the Municipal Demarcation Board in terms of the Local Government: Municipal Demarcation Act, Act 27 of 1998.
<b>272. Municipal Finance Management Act</b>	As defined in the MCLM Bylaw, 2018, as amended from time-to-time.
<b>273. Municipal Manager</b>	As defined in the Local Government: Municipal Systems Act, Act 32 of 2000.
<b>274. Municipal Office</b>	means the Municipality's administrative offices.
<b>275. Municipal Planning Tribunal</b>	As defined in the MCLM Bylaw, 2018, as amended from time-to-time.
<b>276. Municipal Spatial Development Framework</b>	As defined in the MCLM Bylaw, 2018, as amended from time-to-time.
<b>277. Municipal Structures Act</b>	As defined in the MCLM Bylaw, 2018, as amended from time-to-time.
<b>278. Municipal Systems Act</b>	As defined in the MCLM Bylaw, 2018, as amended from time-to-time.
<b>279. Municipal Use</b>	means land and buildings used by authorities to include uses for administrative purposes, such as municipal offices, municipal clinics, fire stations, related infrastructure and any such related purposes and include a commonage.
<b>280. Municipality</b>	As defined in the MCLM Bylaw, 2018, as amended from time-to-time.
<b>281. National Building Regulation and Building Standard Act</b>	As defined in the MCLM Bylaw, 2018, as amended from time-to-time.
<b>282. National Environmental Management Act (NEMA)</b>	means the National Environmental Management Act, Act 107 of 1998.
<b>283. Natural Ground Level</b>	means the level of the land in its unmodified state, or in a state which has been graded, with the Municipality's approval, for the purposes of development.

<b>284. Nature Reserve / Natural Area</b>	means a national park (whether publicly or privately owned or controlled) or that has been declared as a nature park or reserve in terms of legislation (e.g. national parks, protected natural environments, forests) and includes: <ul style="list-style-type: none"> <li>• An area that is used as a game park or reserve for fauna or flora in their natural habitat</li> <li>• Buildings that are reasonably connected with the management of a nature reserve, inclusive of facilities for day visitors, and</li> <li>• May include accommodation and tourist facilities with the consent of the Municipality.</li> </ul>
<b>285. Neighbour</b>	means the adjoining and/or adjacent owner and / or occupant as defined above.
<b>286. Noise Level</b>	means a reading on an integrated impulse sound level meter taken in accordance with accepted scientific principles as described in National Environmental Management: Air Quality Act, Act 39 of 2004 to be adopted or adapted as a Bylaw by Municipality in terms of the Local Government: Municipal Systems Act, Act 32 of 2000.
<b>287. Non-Conforming Use</b>	means a use carried out or in operation on an erf or site that was permitted in terms of the previous planning legislation and lawful in terms of the Building Regulations, but which is contrary to this Land Use Scheme as outlined in Clause 42.
<b>288. Notarial Ties</b>	means a situation where two properties are joined by means of an endorsement on their respective title deeds, providing that the one property may not be sold without the other – as provided for in Section 65 of the Deeds Registries Act, Act 47 of 1937.
<b>289. Notice</b>	As defined in the MCLM Bylaw, 2018, as amended from time-to-time.
<b>290. Noxious Trade or Use or Noxious Industry</b>	means an industry or trade, as defined / described in, inter alia the National Environmental Management Act, Act 107 of 1998, and includes all legislation as part thereof, of which involves a risk activity, or which is hazardous, dangerous or troublesome to the broad public in the Municipality's opinion, or which has a disturbing effect on the environment, whether it is due to smell, smoke, noise, flow-off, dust or solid waste – provided that: <ul style="list-style-type: none"> <li>• When a certificate, issued by the health compliance officer of the Municipality in consultation with the Inspector of Factories, is produced, declaring that the process intended to be used in connection with industrial activities or factories will eliminate all nuisances or threats to the health in the neighbourhood due to: <ul style="list-style-type: none"> <li>○ Vapour or effluvia</li> <li>○ Fluids or liquid wastes originating from the property if it is the intention to purify the wastes according to the soil treatment method, the piece of land and its position in relation to streams or water courses must be mentioned; and</li> <li>○ Solid waste material,</li> </ul> </li> <li>• The Municipality may consent to the erection of such a building in Industrial Zones 1 and 2 only.</li> </ul>
<b>291. Objector</b>	As defined in MCLM Bylaw, 2018, as amended from time-to-time
<b>292. Occasional Use</b>	means a right to utilise land or building for a purpose granted on a temporary basis for a specific occasion or event. Occasional use is a temporary use that is only valid for 6 months, thereafter consent from the Municipality is required for extension of timeframes. Such extension might not be for a consecutive time.
<b>293. Occupant</b>	means any person legally occupying any building, structure or land on a continuous or regular basis, or anybody having the charge or management thereof.
<b>294. Offensive Use</b>	means any act, emission, dust, smoke, smell, visual impact or condition which, in the Municipality's opinion, as well as the provisions of the National Environmental Management Act, Act 107 of 1998, is offensive, injurious or dangerous to health, materially interferes with the ordinary comfort, convenience, peace or quiet of the public, or which adversely affects the safety and health of the public, having regard to: <ol style="list-style-type: none"> <li>(i) The reasonableness of the activities in question in the area concerned, and the impacts which result from these activities; and</li> <li>(ii) The ambient noise level of the area concerned.</li> </ol>
<b>295. Office</b>	means a building or part of a building used for administration or management of a company, business, industry, and organ of state, profession or other similar undertaking, including banks, subservient and ancillary uses but excludes medical consulting rooms.
<b>296. Open(s)</b>	As defined in the MCLM Bylaw, 2018, as amended from time-to-time.

<b>297. Ordinance</b>	means any other provincial legislation addressing town planning related matters not yet repealed.
<b>298. Organ of State</b>	As defined in the MCLM Bylaw, 2018, as amended from time-to-time.
<b>299. Outbuilding</b>	means a structure, whether attached or separate from the main building, which is ancillary and subservient to the main building on a land unit and includes a building which is designed to be normally used for the garaging of motor vehicles, and any other normal activities in so far as these are usually and reasonably required in connection with the main building. In respect of a dwelling house / unit, notwithstanding the above, outbuildings may also include small store areas, garden sheds, external toilets.
<b>300. Outdoor Advertising</b>	means the act or process of notifying, warning, informing, making known or any other act of transferring information in a visible manner and which takes place out of doors, as provided for in the MCLM Bylaw for the Control of Signs and Advertising Hoardings, 2002.
<b>301. Overlay Zone</b>	means a category of zoning that applies to land or a land unit or parcel in addition to the base zoning and that: <ul style="list-style-type: none"> <li>• Stipulates additional development parameters or use rights, and</li> <li>• May include provisions and development parameters relating to: <ul style="list-style-type: none"> <li>○ Primary and/or consent uses</li> <li>○ Base zoning</li> <li>○ Subdivision or sub-divisional areas</li> <li>○ Development incentives</li> <li>○ Density limitations</li> <li>○ Urban form or urban renewal or other related planning parameters</li> <li>○ Heritage and/or environmental protection</li> <li>○ Management of the urban development boundary, and</li> <li>○ Any other purpose as set out in this Land Use Scheme.</li> </ul> </li> </ul>
<b>302. Owner</b>	As defined in the MCLM Bylaw, 2018, as amended from time-to-time.
<b>303. Owners' Association</b>	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, 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.
<b>304. Panel-beater or Panel-beating</b>	means the replacement, reparation and/or panel beating of the body and spare parts of vehicles and / or the spray-painting thereof and includes an auto body specialist and shall be deemed as an industrial use.
<b>305. Panhandle</b>	As defined in the MCLM Bylaw, 2018, as amended from time-to-time.
<b>306. Parking</b>	means land intended to be used for the parking of motor vehicles.
<b>307. Parking Bay</b>	means an area measuring not less than 5.0m x 2.5m for perpendicular or angled parking and 6.0 m x 2.5 m for parallel parking, which is clearly outlined and demarcated for the parking of one motor vehicle and which is accessible to the satisfaction of the Municipality.
<b>308. Parking Garage</b>	means land used or a building designed or used exclusively for the parking of motor vehicles not being for trade or sale.
<b>309. Pedestrian Mall</b>	means the use of a building/s and/or land as a thoroughfare for pedestrians, for restricted vehicular activities as the Municipality may determine and for structures erected on, above or below it.
<b>310. Person</b>	As defined in the MCLM Bylaw, 2018, as amended from time-to-time
<b>311. Pet Parlour</b>	means land or buildings used for pet grooming, including the ancillary sale of related products.
<b>312. Place of Amusement</b>	means a commercial enterprise for the use of a multi-purpose facility for the purpose of sport, recreation, the licensed provision of gambling activities and may include uses such as a place of refreshment, bar, dance hall, discotheque, amusement park, sports centre, billiard-room, skating rink, race track, private club, machine-games or similar uses, as well as an ancillary children's play area, but excludes an adult entertainment business.
<b>313. Place of Assembly</b>	includes a public hall, hall for social functions, music hall, concert hall, recreational hall, public art gallery, a town or civic centre or exhibition hall which is not directly related to a commercial

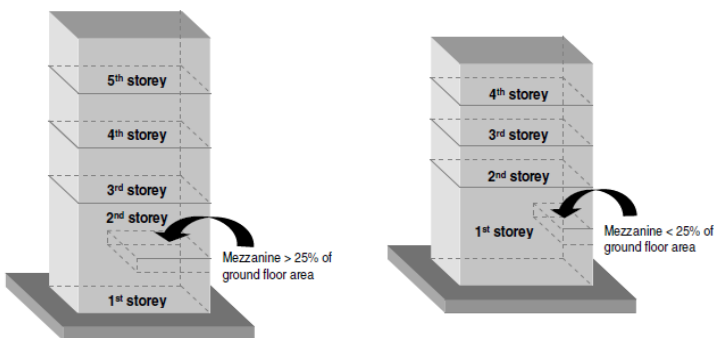
	undertaking, or a town hall or civic centre, but excludes a school hall and a place of entertainment.
<b>314. Place of Entertainment</b>	means land or a building used for entertainment purposes and includes a theatre, cinema, concert hall, live music performances, and may include uses such as a place of refreshment and a bar.
<b>315. Place of Instruction / Educational Use</b>	Means land or buildings designed for use or used as a school, college, technical college, lecture hall, institute, or other educational centre, and may include a cafeteria, crèche, convent or monastery, public library, art gallery, museum, conference facilities and gymnasium and any other uses that are subservient to the main use. It also includes land or buildings used for educational purposes and may include a child care facility, school, college, technical institute, university, academy, academic research institute, lecture hall, monastery, convent or other academic establishment.
<b>316. Place of Public Worship</b>	means land or building designed for use, or used as a church, chapel, oratory, house of worship, synagogue, temple, mosque, or other place of public devotion, and includes a building designed and used as a place of religious instruction or an institution on the same property as and associated with any of the foregoing buildings which is intended to be used for social intercourse and recreation and may include a parsonage, funeral chapel and a wall of remembrance subject to the approval of the Municipality but shall not include a funeral parlour.
<b>317. Place of Refreshment</b>	includes a confectionary, restaurant, fish fryer, drive-thru-restaurant, tearoom or coffee-shop and means a building which is not a hotel, residential club, drive-in restaurant, or boarding house, but which is designed and used for the preparation or the retail sale of meals, refreshments, as well as the retail sale of fresh produce, mineral waters, tobacco, reading material and sweets.
<b>318. Plant Nursery</b>	means land or buildings where plants or seeds are cultivated, grown and sold, and includes the selling of products or items that are related to horticulture, as well as a Restaurant, which is subservient to the main use and other ancillary uses.
<b>319. Premises</b>	means any shop or restaurant within a building that is not linked in any manner or way with another shop or restaurant in the same building.
<b>320. Prescribe</b>	As defined in the MCLM Bylaw, 2018, as amended from time-to-time
<b>321. Previous Scheme</b>	means a town planning scheme or similar provision that governed and controlled the use of land prior to the promulgation of this Land Use Scheme.
<b>322. Primary Use</b>	in relation to property means any land use specified in this Land Use Scheme as a primary use, being a use that is permitted within a use zone without the need to obtain the Municipality's approval except where the Municipality may require a site development plan.
<b>323. Private Club</b>	means land used or a building designed to be used as a private meeting place for a group of people with a collective aim. Should liquor be sold or consumed at such premises it must be legalised by means of a liquor license issued, in terms of Section 23 of the National Liquor Act, Act 59 of 2003. It excludes any noxious practices or uses which will interfere with the amenity of the surrounding properties or is of nuisance value by virtue of noise, appearance, smell or activities or for any other reason whatsoever.
<b>324. Private Open Space</b>	means land zoned for use as private grounds for sport, play, rest, and recreation area or as an ornamental garden to which the general public will have no admission, except with consent.
<b>325. Private Parking</b>	means land and/or buildings or a part thereof, which is used for parking of motor vehicles under the control of a private individual or agency.
<b>326. Private Resort</b>	means a harmoniously designed and built holiday development which can include the provision of a camping site, mobile homes or dwelling units, where the housing can be separately alienated by means of time sharing, sectional title division, the selling of block shares or the subdivision of the property on condition that a home owner's association be established, but does not include a hotel, guest house, bed and breakfast and lodge.
<b>327. Private Road / Street</b>	means land used for access purposes of which ownership is vested in a legal entity other than the Municipality and shall be regarded as a street for the purposes of building lines and servitudes.
<b>328. Professional Use</b>	means such types of uses as are normally and reasonably associated with the concept professional, e.g. doctors, dentists, architects, lawyers, chartered accountants, engineers and

	town planners – the rendering of a service, as against carrying on a business, is one of the distinguishing factors.
<b>329. Property(ies)</b>	As defined in the MCLM Bylaw, 2018, as amended from time-to-time
<b>330. Protected Areas</b>	means a protected area as defined in Section 1 of the National Environmental Management: Protected Areas Act, Act 57 of 2003.
<b>331. Provincial Road</b>	means a road that is under the jurisdiction of the Gauteng Provincial Roads Authority.
<b>332. Public Garage</b>	means land and buildings which, for the purpose of profit, is used for the maintenance, repair or fuelling of motor vehicles and associated purposes, excluding panel-beating and spray-painting, and may include any one or more of the following uses: - parking, or storage of motor vehicles, the sale of spare parts, accessories, fuels and lubricants for motor vehicles as well as the sale of new or used motor vehicles. A public garage may include a shop and/or place of refreshment not exceeding 250m <sup>2</sup> floor area including storage, a vehicle rental after obtaining consent from the Municipality. If any other condition is stipulated by any other approving authority, the most prohibitive condition shall prevail.
<b>333. Public Nuisance</b>	means any act, omission or condition in the Municipality's opinion, which could possibly be offensive, injurious or dangerous to health, which may materially interfere with the ordinary comfort, convenience, peace or quiet of the general public or which adversely affects the safety of the public.
<b>334. Public Open Space</b>	means any land zoned for use by the public as an open space, and includes a park, garden, playground, recreation park or square to which the general public has right of access.
<b>335. Public Parking</b>	means land or a building or part thereof that is accessible to the general public for parking purposes.
<b>336. Public Place</b>	As defined in the MCLM Bylaw, 2018, as amended from time-to-time.
<b>337. Public Resort</b>	means a place of rest, holiday place, tenting or camping ground, caravan park, game park, pleasure resort or picnic spot intended for public recreation with the view to profit or gain, and includes a place of refreshment and other buildings normally related and appurtenant to such a resort, as approved by the Municipality – provided that no facility within the resort shall be occupied by any person for a period exceeding three (3) months within a period of twelve (12) months, except with the consent of the Municipality. Public Resorts will not be permitted on sectional title residential properties.
<b>338. Public Road or Public Street</b>	means any road or street for public use or any land or servitude intended for such purposes.
<b>339. Public Walkway</b>	means a path designed and sometimes landscaped for pedestrian usage
<b>340. Railway</b>	means a permanent rail track for the transport of passengers and goods in trains and includes stations as boarding and alighting points for passengers and the loading and unloading of goods.
<b>341. Railway Purposes</b>	means land used or a building designed or used for the purposes of railway or road transport services and more specifically for the purpose of Spoornet, with the reservation that other institutions that supply a similar or complimentary service can be accommodated on the land or building with the consent of the Municipality.
<b>342. Recreation</b>	means any land earmarked for use as private or public sports fields, playground and recreation site, including any building, structure or facility appurtenant thereto.
<b>343. Recreation Resort</b>	means the use of a building/s and/or land, due to their natural or human made attractions, for nature, natural beauty, water, socio-historical, cultural and/or sports and recreation activities. It may include swimming pools, water slides, braai facilities, and camping, caravanning and wedding chapel. Such facilities can include temporary accommodation as well as uses ancillary to and subservient of such facilities, including restaurant, place of refreshment, conference and business-related activities and function facilities.
<b>344. Refuse Collection Point</b>	means land or buildings used for the collection of refuse but excluding a waste sorting and recycling facility.
<b>345. Register</b>	has the meaning assigned thereto in the MCLM Bylaw, 2018 and is applicable to a land unit as prescribed or required under this Land Use Scheme, and means a record of all: <ul style="list-style-type: none"> <li>• Written consents</li> <li>• Conditions of rezoning that affect the land use right of any land unit, and</li> </ul>

	<ul style="list-style-type: none"> <li>• Consent uses and non-conforming uses.</li> </ul>
<b>346. Registrar of Deeds</b>	As defined in the MCLM Bylaw, 2018, as amended from time-to-time.
<b>347. Regulations</b>	As defined in the MCLM Bylaw, 2018, as amended from time-to-time.
<b>348. Rehabilitation Centre</b>	means a private or public treatment centre with subservient and ancillary uses, registered or established under the Prevention of and Treatment for Substance Abuse Act, Act 70 of 2008 for the treatment and rehabilitation of persons who abuse or are dependent on substances
<b>349. Religious Purposes</b>	means the use of a building/s and/or land for a church, synagogue, mosque, temple, oratory meeting house, chapel, cathedral or other place for practicing a faith or religion, and includes associated uses such as the official residence registered in the name of the said religious community, which is occupied by an office bearer of that community and who officiates at services held by the community, an ancillary office and place for religious instruction, but does not include a funeral parlour, cemetery or crematorium.
<b>350. Renewable Energy Structures</b>	A plant that utilises renewable energy (wind turbines, trough system, power tower system and photovoltaic system) and where agricultural activities can be practised on areas which are not utilised for the renewable energy plant. It includes all plant and equipment, and other miscellaneous infrastructure associated with the generation, transmission and distribution of renewable energy whether it feeds into the national grid or not. Such infrastructure includes but is not limited to workshops and stores, offices, site canteen, medical station, fire station, a tourist facilitation centre, ambulance garage, compressor house buildings, water supply infrastructure, guard houses, accommodation facilities, as well as recreational facilities for personnel, excluding temporary housing. No subdivision of any section thereof will be allowed.
<b>351. Reservoir</b>	means any infrastructure development which comprises of structures that serve more than the land unit on which it is built.
<b>352. Residential Building</b>	means a building on an erf or site, excluding a dwelling house and/or dwelling unit, that contains habitable rooms, with common ablution, kitchen, dining and/or lounge facilities. Such definition includes but is not restricted to hostels, hotels, dormitories, communes, boarding houses, guest houses (excluding converted dwelling houses and/or dwelling units), bed and breakfast and old age homes that may or may not include ancillary frail care facilities. This land use is linked to an overlay zone where it is regarded as a primary right.
<b>353. Residential Use</b>	means the use of land or a building designed or used for the purposes of a boarding house, residential club or hostel but does not include any building mentioned whether by way of inclusion or exclusion in the definitions of 'place of instruction', 'institution', dwelling unit' and 'hotel'.
<b>354. Restaurant</b>	means land and/or buildings or a part thereof used for the preparation and sale of food or drink, whether or not consumed on the site, and may include inter alia a drive-through restaurant, confectionary, a bar as well as an ancillary children's play area subject to the consent of the Municipality, but excludes a place of entertainment and any activity which, in the Municipality's opinion, may cause public nuisance, and shall be subject to a licence in terms of the Business Act, Act 71 of 1991.
<b>355. Restriction</b>	means a servitude or condition registered against the title deed of immovable property restricting its utilisation, and any other statutory restriction on the planning, development or utilisation of immovable property.
<b>356. Retail</b>	means any other trade other than wholesale.
<b>357. Retirement Centre</b>	means land and buildings designed or used to provide residential accommodation for persons of 50 years and older. The centre may include dwelling units and a service centre for the use of the residents only and includes an assembly hall with recreational facilities, sick bay, medical consulting rooms, exercise and treatment rooms, dining facilities, a library, a tuck shop, a laundrette, hairdressing facilities, banking facilities, an automatic teller machine and other ancillary uses, such as frail care facilities, for the use of the residents only, subject to the provisions of the Older Persons Act, Act 13 of 2006.
<b>358. Rezoning</b>	means the amendments of a land use scheme in terms of Section 45 of the MCLM Bylaw, 2018 in order to effect a change of zoning in relation to particular land.

<b>359. Right of Way / Servitude</b>	means a servitude registered over the property of one person in favour of the other in order to provide access to and from any other public road over the property of another person and is registered as such in the relevant title deeds and indicated on the relevant diagrams.
<b>360. Rights</b>	means land use rights obtained in terms of this Land Use Scheme.
<b>361. Risk Activity</b>	means an undertaking where the material or the process carried out is liable, in the event of fire, to cause combustion with extreme rapidity, give rise to poisonous fumes or cause explosions and includes activities involving dangerous or hazardous substances that are controlled in terms of national legislation.
<b>362. Road</b>	includes a public street or a private road or right of way and provincial road.
<b>363. Road Reserve</b>	means the designated area of land that contains a public street or private road (including the road and associated verge), which land may or may not be defined by cadastral boundaries.
<b>364. Rural</b>	means land located outside the urban development boundary.
<b>365. Rural Residential</b>	means a building on agricultural land or land located outside the urban development boundary or urban edge and where the primary use of land is not for agricultural uses but for residential purposes and may include agricultural uses.
<b>366. Sanatorium</b>	means an establishment for the medical treatment of people who are convalescing or have a chronic illness
<b>367. Schedules</b>	means a supplement(s) to this Land Use Scheme containing special procedures and/or some areas or properties to which specific rights or provisions are applicable and such schedules may from time to time be amended by the Municipality. Where any discrepancy exists between the schedules and the provisions of the Clauses and Tables, the most prohibitive conditions shall prevail.
<b>368. Scheme Map</b>	means a map indicating all zonings within the area of jurisdiction of this Scheme.
<b>369. Scheme Regulations</b>	has the meaning assigned thereto in the MCLM Bylaw, 2018 as amended from time to time.
<b>370. Screen / Boundary Wall</b>	means any wall, fence or enclosing structure erected on or next to a cadastral property boundary, and any other structure, including security devices, such as spikes, barbed wire, razor wire or electric fences, affixed to or on top of a boundary wall.
<b>371. Scrapyard</b>	means land and buildings used for the dismantling, stacking, storing or preparation for resale of any used material, scrap metals, scrap motor vehicles, scrap machinery, or any other scrap materials, whether or not such dismantling or storage is with a view to the disposal or re-use of such materials and parts.
<b>372. Second Dwelling Unit</b>	means an additional dwelling unit, as contemplated in Clause 18 of this Land Use Scheme, which may be erected on the same cadastral land unit on which a dwelling unit exists or is in the process of being erected, provided that: <ul style="list-style-type: none"> <li>• The cumulative area of the dwelling unit and the second dwelling unit is within the permissible coverage limit and FAR applicable to the zone with a maximum floor area of 100m<sup>2</sup>;</li> <li>• An application for written consent be lodged, and</li> <li>• Comments from Infrastructure be obtained.</li> </ul>
<b>373. Second Storey</b>	means the storey above the ground floor.
<b>374. Sectional title</b>	refers to a “development scheme” in terms of the Sectional Titles Act, Act 95 of 1986 and means a scheme in terms of which a building or buildings situated or to be erected on land within the area of jurisdiction of a local authority is or are, for the purposes of selling, letting or otherwise dealing therewith, to be divided into two or more sections.
<b>375. Service Enterprise</b>	means land and/or buildings or a part thereof used for the supply of personal services and goods incidental thereto for compensation and which is excluded in the definition of bakery, office, institution, filling station, public garage, professional usage, bank, funeral parlour, noxious use, risk activity, light industry, industry and medical consulting room and include such activities as for example hairdressers, beauty parlours, spa / hydro and wellness centre; - Provided that the provision of personal services as listed in Schedule 1 (Item 2) of the Business Act, Act 71 of 1991 shall be subject to a licence in terms of the said Act.
<b>376. Service Industry</b>	means a use which in the opinion of the Municipality is a small-scale industry incidental to the need of the local community and the retail trade and which, in the opinion of the Municipality, will not interfere with the amenity of the surrounding properties or be of nuisance value by

	virtue of noise, appearance, smell or activities or for any other reason whatsoever, but excludes a public garage.
<b>377. Service Standards</b>	means the minimum municipal service standards as prescribed in the Guidelines for Human Settlement Planning and Design, CSIR (as amended from time to time) and might include multi-party agreement.
<b>378. Services Agreement</b>	means a written multi-party agreement, which is concluded between a developer or owner of land and the Municipality, and in terms of which the respective responsibilities of the two parties for the planning, design, provision, installation, financing and maintenance of internal and external engineering services and the standard of such services as per the provisions of Section 71(2) of the MCLM Bylaw, 2018 are determined.
<b>379. Sewerage Works</b>	means land, line and buildings designed or used for the treatment and purification of sewage, and may include ancillary offices and storerooms, package plant and ancillary and subservient uses deemed necessary by the Municipality. It may also include plants associated with the use of sewage to generate renewable energy. Provision also to be made for buffer zones around such works, as provided for in the relevant legislation.
<b>380. Shelter</b>	means a unit of accommodation intended for human occupation, constructed of any material whatsoever, even though such material does not comply with the standards of durability intended by the Building Regulations, as applicable to the area of jurisdiction.
<b>381. Shooting Range</b>	means a public or private facility, designed for the purpose of providing a place for the discharge of various types of firearms, target practice, shooting stations, firing lines and subservient and ancillary uses; provided, however, that a shooting range facility shall not include incidental target practice areas on private property
<b>382. Shop</b>	means a land used or a building designed or used for the purposes of carrying on retail trade and the necessary accompanying storage and packaging and includes any accompanying use on the same site which is incidental and subordinate to the conduct of the retail business; Provided that such accompanying storage and packaging and accompanying use shall not give rise to any disturbance or nuisance. The following uses shall not be considered as incidental to a shop – a supermarket, noxious activity, risk activity, drive-in restaurant, place of refreshment, bar, scrap-yard, wholesale trade, builder's yard, warehouse, public garage, filling station, parking garage, place of amusement, motor sales market, and a garden centre but includes a general dealer with a floor area less than 350m <sup>2</sup> . May also include a workshop that is subservient to the main use limited to 35m <sup>2</sup>
<b>383. Showroom</b>	means land and buildings designed or used only for display of products and ancillary offices and materials and excludes the sale or delivery of such products or materials on the same property.
<b>384. Side Boundary</b>	means any boundary of a land unit, which does not constitute the common boundary with a street or road and includes rear space, as provided for in the National Building Regulations and Building Standards Act, Act 103 of 1977.
<b>385. Sign</b>	means any sign, sign-writing, mural, graphic design, signboard, screen, blind, boarding or other device by means of which an advertisement or notice is physically displayed, and includes any advertisement or object, structure or device which is in itself an advertisement, or which is used to display an advertisement as provided for in the Mogale City Bylaws for the Control of Signs and Advertising Hoardings, 2002.
<b>386. Site</b>	in relation to zoning, FAR, coverage and parking calculations, means the whole of the area registered as an erf, farm portion or agricultural holding or other part of a property, including the area of any servitude registered over such erf or other part of a property.
<b>387. Site Development Plan</b>	means a scaled and dimensioned plan that shows the proposed development of a property and any salient natural features thereof.
<b>388. Slope</b>	means the degree of deviation of a surface from the horizontal, expressed as a ratio and calculated for the purpose of this Land Use Scheme, as follows: <ul style="list-style-type: none"> <li>• Slope = vertical height as a ratio to horizontal distance.</li> </ul>
<b>389. Social Hall</b>	means a building designed for use as or used for social assemblies, gatherings, meetings and recreational purposes and includes a masonic temple and a non-residential club but does not include a place of amusement.

<b>390. Spa / Hydro and Wellness Centre</b>	means land and building or a part thereof used for human relaxation and body regeneration by making use of facilities such as pools, baths, sauna's, where treatment is provided by professional practitioners with subservient uses to the main use, such as retail, accommodation and gymnasium; Provided that the total floor area of subservient uses shall not be more than 100m <sup>2</sup> .
<b>391. Spaza / Tuck Shop</b>	means a shop of a maximum gross floor area of 50m <sup>2</sup> on a residential property only selling daily convenience goods and prepared and pre-wrapped food, excluding the sale of alcoholic beverages and excluding the cooking of food and which shall not provide table games or electronic games.
<b>392. Special Building</b>	means the use of a building/s and/or land for any use other than one of the uses for which the buildings herein defined are designed or used. A special building should be seen as the exception rather than the rule, an example of which could be a greenhouse.
<b>393. Special Development Zone</b>	means a clearly defined geographical area that the Mogale City Local Municipal Council has delineated for focused planning and development intervention and investment. A Special Development Zone will have a specific urban management focus that can include environment, transportation, urban renewal, housing and economic development related foci. Such Special Development Zones can be added to, amended or removed in terms of Mogale City Local Council resolution and official publication. An SDZ will be indicated by an Annexure, Schedule or Overlay Zone.
<b>394. Special Use</b>	means land or 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.
<b>395. Split Zone</b>	means a property with two or more zoning designations or zones. All applicable development parameters such as, inter-alia, primary, written and consent uses, density, coverage, FAR, height, stand size, and boundary regulations for each particular zone (each portion of the land unit which is split-zoned) shall be applied for separately – provided that: <ul style="list-style-type: none"> <li>• An area of the area of the land unit shall remain a part of the base zone</li> <li>• Can only be considered on land zoned for agriculture</li> <li>• A zoning application is lodged in terms of the MCLM Bylaw, 2018</li> <li>• The Municipality may impose additional regulations, restrictions and conditions to a split-zoned land unit, and</li> <li>• A maximum of two (2) zonings per property is maintained.</li> </ul>
<b>396. Sports / Recreation Facility</b>	means land and buildings planned, designed and used for sport activities and recreation, whether indoors or outdoors.
<b>397. Storage</b>	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 and subservient offices, a guard house and a caretaker's flat, but excludes storage of hazardous or control substance.
<b>398. Storey</b>	In relation to the height of buildings as prescribed in this Scheme means a maximum height of 6m on the ground floor and not more than 4,5m on any floor above the ground floor. A permissible height of three storeys would mean the ground floor and two additional floors. <div style="text-align: center;">  </div>
<b>399. Storm Water</b>	means water resulting from natural processes, precipitation and/or the accumulation thereof, and includes groundwater and springwater ordinarily conveyed by the stormwater system, as

	well as sea water within estuaries, but excludes water in a drinking-water or waste-water reticulation system.
<b>400. Storm Water System</b>	means constructed and natural facilities, including pipes, culverts and water courses, used or required for the management, collection, conveyance, temporary storage, control, monitoring, treatment, use and disposal of stormwater.
<b>401. Street Boundary</b>	means the boundary between a land unit and a street – provided that the boundary of a pedestrian way or service lane that cannot or will never be used by motor vehicles, may be regarded as a common boundary for the purpose of determining building lines, a street centreline setback and site access requirements.
<b>402. Street or Road</b>	means the area or portion of any street, road, bridge, highway, tunnel, avenue, lane, driveway, sanitary lane, thoroughfare, or the right of way, shown on the general plan of a township, agricultural holdings or other division of land, or in respect of which the public has acquired a right of way by prescription or any other means.
<b>403. Structure</b>	without in any way limiting its ordinary meaning, includes any building, shelter, wall, fence, pillar, tower, pergola, steps, landing, terrace, sign, ornamental architectural feature, swimming pool, fuel pump or underground tank, any building ancillary to service infrastructure provision, and any portion of a structure.
<b>404. Substation</b>	means a structure erected with the primary function of distributing electricity.
<b>405. Supermarket</b>	means a retail concern of a net retail floor space with ancillary facilities such as a confectionary and storage area, which is used for sales on a basis of self-service.
<b>406. Tavern or Shebeen</b>	means a residential building or dwelling unit or part thereof constructed, designed or adapted for use for social gatherings and for the consumption of liquor on the premises and may include the consumption of non-alcoholic beverages and the preparation and consumption of food, but shall not include any off-sale activity – provided that the dominant use shall remain residential for the occupant of the said dwelling unit and subject to the consent of the Municipality and compliance of applicable health and safety laws, regulations and the Gauteng Liquor Act, Act 2 of 2003.
<b>407. Taxi Holding Area</b>	means an area, usually off-street, where minibus taxis are held and washed before proceeding to loading points and where generally there is no passenger activity. A holding area can either be included within or separate from a taxi rank and may include subservient service industries with the consent of the Municipality.
<b>408. Taxi Rank</b>	means a place at which minibuses (taxis) and busses are allowed to wait and / or stop for passengers boarding or alighting and may include subservient business and informal trade as permitted by the Municipality.
<b>409. Teagarden / Coffee Shop</b>	means a land and a building designed and used for the preparation or retail sale of meals and refreshments usually in a garden setting. Operational hours as determined by Municipality. The area used for a teagarden may be restricted by the Municipality and is further subject to the policies of the Municipality as amended from time to time – provided that the establishment and operation of a teagarden for the sale or supply of any foodstuff in the form of meals for consumption on or away from the property shall be subject to a licence in terms of the Business Act, Act 71 of 1991.
<b>410. Telecommunication Infrastructure</b>	means any part of the infrastructure of a telecommunication network for radio/wireless communication, including voice, data and video telecommunications, which may include antennas; and any support structure, equipment room, radio equipment or optical communications equipment (laser or infra-red) provided by cellular network operators and any other telecommunication provider; as well as all ancillary structures needed for the operation of telecommunication infrastructure. Fibre optic installations and point-to-point copper (cable) installations are excluded from this definition
<b>411. Temporary Building</b>	means any building that is so declared by the Municipality and that is being used or is to be used for a specified purpose for a specified limited period of time. This may include building plans, builder's huts and corrugated roof systems but excludes a building shed and may be approved through consent by the Municipality.
<b>412. Temporary Consent</b>	means the temporary consent provided by the Municipality that envisaged for the temporary use of a property for up to (12) months – provided that:

	<ul style="list-style-type: none"> <li>• The erection and use of temporary buildings, or the use of existing buildings for site offices, storage rooms, workshops or such other uses as may be necessary during the erection of any permanent building or structure on the land – provided that such consent shall <i>ipso facto</i> lapse upon completion of the permanent structure or on the expiry date thereof as determined by the Municipality</li> <li>• The occasional use of land or buildings for public religious exercises, place of instruction, institution, place of amusement or social hall</li> <li>• The use of land or buildings thereon for State or Municipal purposes</li> <li>• The use of land or the erection of buildings necessary for the purpose of informal retail trade</li> <li>• Emergency relocation of residence in line with the executing of the municipal disaster management plan, and</li> <li>• Extension for further 12 months.</li> </ul>
<b>413. Top of the Roof</b>	For the purpose of height control, means the top of the roof ridge in the case of a pitched roof, or the top of the parapet where a parapet extends above the roof.
<b>414. Township</b>	As defined in the MCLM Bylaw, 2018, as amended from time-to-time.
<b>415. Transitional Residential Settlement Area/Site and Service</b>	means defined land upon which informal settlements are located / established by the occupation of land and provision of residential accommodation in the form of self-help structures and some ancillary non-residential uses and regulated by the applicable Annexure/ policy.
<b>416. Transport Enterprise</b>	means the use of land for transport purposes, infrastructure and for the rendering of a transport service, including public or private undertakings in order to transport goods or passengers by rail, air, sea, road or pipe line and for associated purposes, including communication, transport facilities, sheds, container parks, bus depots, workshops, offices and includes any buildings normally associated and incidental to such uses; airport, road, railway, road reserve and station with subservient uses and coffee shop with limitations, but excludes public and private streets.
<b>417. Transport Facilities / Transport Terminus</b>	means a transport undertaking based on the provision of a transport service and includes a depot and public private undertaking such as an airport or aerodrome, helistop and heliport; railway purposes, stations and related facilities; bus depot, termini and related facilities; metered and minibus taxi rank and related facilities; intermodal transfer site; and associated ancillary purposes including convenience shops, ancillary offices, customs, restaurants, security and police functions, medical facilities, ablution facilities.
<b>418. Truck Stop</b>	means land or buildings used primarily as a stopover facility for commercial vehicles and may include facilities for the minor maintenance or repair of commercial vehicles, overnight accommodation, ablution facilities, subservient shop and restaurant used exclusively by truck drivers and crews.
<b>419. Urban Agriculture</b>	means land within the defined urban development boundary used for small scale farming activities and the cultivation of crops for own consumption or sale in neighbouring markets.
<b>420. Urban Development Boundary / Urban Edge</b>	means a demarcated line which is designated as an urban edge in terms of an approved policy and/or a spatial development framework, which may or may not follow cadastral boundaries.
<b>421. Use Zone</b>	means a part of this Land Use Scheme, which has been shown on the zoning map by means of a specific notation or bordering or any other distinguishing manner, in order to identify the permitted use of the land.
<b>422. Utility Service</b>	means land and buildings used by the Municipality, government agencies, parastatals or their authorised agencies for providing infrastructure services such as waste water treatment plants, dumping grounds, reservoirs, substation, conservancy tanks, composting installations and water purification works.
<b>423. Veterinary Clinic / Hospital</b>	means a place where animals are given medical care and the boarding of animals is limited to short-term care incidental to the hospital use and may include a grooming parlour and a retail outlet restricted to the sale of veterinary and animal maintenance products.
<b>424. Wall of Remembrance</b>	means a structure where containers with the ashes of the deceased are inserted in openings or niches in the structure and thereafter sealed and/or on which appropriate commemorative

	plaques can be attached and for which building plans have been approved. Such uses are part of a cemetery and/or religious sites.
<b>425. Warehouse</b>	means a building or use of land for the exclusive purpose of storage of goods, which in the opinion of the Municipality are not dangerous, noxious or unsightly, and includes wholesale trade, and may also include ancillary office accommodation which is subsidiary to the main use, but excludes any retail trade on the property of such building, unless the consent of the Municipality has been obtained, and may include the use of containers as storage.
<b>426. Warehouse Retail</b>	means buildings used for the purposes of wholesale or retail trade, specializing 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.
<b>427. Waste Disposal Site</b>	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.
<b>428. Waste Reclamation Storage and Recycle</b>	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.
<b>429. Waste Transfer Facility</b>	means a facility that is used to accumulate and temporarily store waste before it is transported to a recycling, treatment or waste disposal facility as controlled by Schedule 1 of the National Environmental Management: Waste Act, 2008 (Act 59 of 2008)
<b>430. Waste Treatment Facility</b>	means any site that is used to accumulate waste for the purpose of storage, recovery, treatment, reprocessing, recycling or sorting of that waste as controlled by Schedule 1 of the National Environmental Management: Waste Act, 2008 (Act 59 of 2008)
<b>431. Waste Water Treatment Plant</b>	means any infrastructure development which comprises of structures that serve more than the land unit on which it is built.
<b>432. Wholesale Trade</b>	means trade which is restricted to the sale of goods or products to licenced retailers.
<b>433. Wood Yard</b>	means a secondary processing of raw logs into firewood or the storing of raw logs for future delivery for processing into firewood and/or the storing and sale of firewood to the public.
<b>434. Workshop</b>	means the use of a building/s and/or land for services regarding goods that are wholly or partially manufactured, processed, mounted or repaired on the property including ancillary retail and in each case a building that is not described as a factory under the Factories, Machinery and Building Works Act, Act 22 of 1941 or any amendments thereof.
<b>435. Written Consent</b>	means a consent applied for in writing and does not involve an advertising process.
<b>436. Youth Hostel</b>	means a place providing cheap accommodation, aimed mainly at young tourists.
<b>437. Zoning</b>	means a category of directions regulating the development of land and setting out the purposes for which the land may be used and the land use or development rules applicable in respect of the said category of directions, as determined by this Land Use Scheme.
<b>438. Zoological Garden</b>	means a park where wild or farm animals, reptiles, fish or birds are kept and exhibited for public education and amusement or ancillary rehabilitation and may include other associated ancillary facilities.

## PART III: LAND USE ZONES

### 9. THE USE OF LAND AND ERECTION AND USE OF BUILDINGS

The purpose for which:

- 9.1 Buildings may be erected and used and for which land may be used;
- 9.2 Buildings may be erected and used and for which land may be used, only with the consent of the Municipality
- 9.3 Buildings may be erected and used and for which land may not be used;
- 9.4 In each of the Use Zones specified in the following tables the above-mentioned categories are shown in the relevant columns thereof; and
- 9.5 No property, located outside of areas zoned 'Residential 5' may be rezoned to 'Residential 5'.

Code: R1		RESIDENTIAL 1			Colour code: R= 255; G=235; B=0	
<b>Objectives:</b>						
• Provide a development zone for low density residential development while providing appropriate economic opportunities and necessary social amenities within the zone without creating any inconvenience to the residents and disturbing the residential fabric of the zone.						
USE OF LAND AND BUILDINGS						
Primary Uses:	Written Consent	Consent Uses			Land uses prohibited	
Dwelling House with / without outbuildings	<ul style="list-style-type: none"><li>• Second Dwelling Unit</li><li>• Living accommodation for domestic workers</li><li>• Educational playgroup</li></ul>	<ul style="list-style-type: none"><li>• Boarding house • Bed and Breakfast • Children's home • Commune • Crèche / Day-care facility • Educational centre</li><li>• Guest house • Gymnasium • Institutional Use • Internet café</li><li>• Municipal use • Place of assembly • Place of Instruction</li><li>• Place of public worship • Home Enterprise • Social hall</li><li>• Spa/ Hydro and Wellness centre • Sports facility</li><li>• Telecommunication mast and such special uses as the Municipality may approve</li></ul>			<ul style="list-style-type: none"><li>• Noxious Use and Risk Activity</li><li>• Any use not mentioned under primary, written consent or consent use</li></ul>	
CONTROLS ON THE EXTENT OF THE DEVELOPMENT						
Density			Coverage	FAR	Height	Other
One dwelling unit per erf			60% can be increased to 65% with written consent from the Municipality	n/a	2 Storeys	As may be approved by the Municipality from time to time in line with policy.
Refer to Clause 25 for additional density requirements						
Notation (as per Scheme)	Units / ha	ONE per erf area (m²)				
	100	100				
	50	200				
	33,3	300				
	25	400				
	20	500				
	14,3	700				
	10	1,000				
	8	1,250				
	6,7	1,500				
	5	2,000				
	4	2,500				
	3,3	3,000				
	2,5	4,000				
CONTROLS REGARDING BUILDING LINES				PARKING AND LOADING REQUIREMENTS		
Street boundary	Rear	Side		As per Clause 39		
2m		As per Title Deed				
OTHER CONTROL REGULATIONS						

Code: R2	RESIDENTIAL 2				Colour code: R= 255; G=170; B=0
<b>Objectives:</b>					
<ul style="list-style-type: none"><li>Provide a development zone for medium density residential development while providing appropriate economic opportunities and necessary social amenities within the zone without creating any inconvenience to the residents and disturbing the residential fabric of the zone.</li></ul>					
USE OF LAND AND BUILDINGS					
<b>Primary Uses:</b>	<b>Written Consent</b>	<b>Consent Uses</b>		<b>Land uses prohibited</b>	
<ul style="list-style-type: none"><li>Dwelling Units</li><li>Dwelling Houses</li></ul>	<ul style="list-style-type: none"><li></li></ul>	<ul style="list-style-type: none"><li>Place of Public Worship</li><li>Place of Instruction</li><li>Social Hall</li><li>Institution</li><li>Special Use</li></ul>		<ul style="list-style-type: none"><li>Noxious Use and Risk Activity</li><li>Any use not mentioned under primary, written consent or consent use</li></ul>	
CONTROLS ON THE EXTENT OF THE DEVELOPMENT					
<b>Density</b>	<b>Coverage</b>	<b>FAR</b>	<b>Height</b>	<b>Other</b>	
20 up to 40 dwelling units per ha	50% which may be increased – consideration of a Site Development Plan	Residential – 0.8 All other – 0.5	2 Storeys	As may be approved by the Municipality from time to time	
CONTROLS REGARDING BUILDING LINES				PARKING AND LOADING REQUIREMENTS	
<b>Street</b>	<b>Rear</b>	<b>Side</b>		As per Clause 39	
5 m	As per Building Regulations <sup>2</sup>	As per Title Deed			
OTHER CONTROL REGULATIONS					
<ol style="list-style-type: none"><li>Instances where developments are managed and controlled by means of sectional title and homeowners association, the conduct house rules and general rules shall apply in terms of any economic activity but will be subservient to the land use controls.</li><li>A site development plan shall be submitted for all developments in this zone.</li><li>The Municipality may relax the provisions of building lines during the evaluation of the site development plan to the extent that it deems it fit in its opinion that such relaxation shall not harm the amenity of the neighbourhood and is deemed to result in a more desirable development of the property.</li><li>Subdivision of the property shall only be permitted in Residential 2 under special circumstances to the satisfaction and the discretion of the Municipality in order to grant full-title rights.</li></ol>					

<sup>2</sup> National Building Regulations and Building Standards Act, Act 103 of 1977

Code: R3	RESIDENTIAL 3				Colour code: R= 255; G=217; B=102
<b>Objectives:</b> <ul style="list-style-type: none"><li>• Provide a development zone for high density residential development while providing appropriate economic opportunities and necessary social amenities within the zone without creating any inconvenience to the residents and disturbing the residential fabric of the zone</li><li>• Promote sustainable development and create spatial resilience.</li></ul>					
USE OF LAND AND BUILDINGS					
Primary Uses:	Written Consent	Consent Uses		Land uses prohibited	
<ul style="list-style-type: none"><li>• Dwelling houses</li><li>• Dwelling Units</li></ul>				<ul style="list-style-type: none"><li>• Noxious Use and Risk Activity</li><li>• Any use not mentioned under primary, written consent or consent use</li></ul>	
CONTROLS ON THE EXTENT OF THE DEVELOPMENT					
Density	Coverage	FAR	Height	Other	
41 to 60 dwelling units per ha	50% increase, as per Site Development Plan	1.0	3 Storeys	As may be approved by the Municipality from time to time	
CONTROLS REGARDING BUILDING LINES				PARKING AND LOADING REQUIREMENTS	
Street	Rear	Side		As per Clause 39	
3.5m, or as per Conditions of Establishment	As per Building Regulations	As per Title Deed			
OTHER CONTROL REGULATIONS					
<ul style="list-style-type: none"><li>1. A site development plan shall be submitted.</li><li>2. The Municipality may relax the provisions of building lines during the evaluation of the site development plan to the extent that it deems it fit in its opinion that such relaxation shall not harm the amenity of the neighbourhood and is deemed to result in a more desirable development of the property.</li><li>3. Subdivision of the property shall only be permitted in Residential 3 under special circumstances to the satisfaction and the discretion of the Municipality.</li></ul>					

Code: R4	RESIDENTIAL 4			Colour code: R= 255; G=217; B=102
<b>Objectives:</b> <ul style="list-style-type: none"><li>• Provide a development zone for high density residential development that can accommodate densities in support of inclusionary and social housing concepts and typologies.</li><li>• Provide appropriate economic opportunities and necessary social amenities within the zone without creating any inconvenience to the residents and disturbing the residential fabric of the zone, and</li><li>• Promote sustainable development and foster spatial resilience.</li></ul>				
USE OF LAND AND BUILDINGS				
Primary Uses	Written Consent	Consent Uses		Land uses prohibited
<ul style="list-style-type: none"><li>• Dwelling Units</li><li>•</li></ul>				<ul style="list-style-type: none"><li>• Noxious Use and Risk Activity</li><li>• Any use not mentioned under primary, written consent or consent use</li></ul>
CONTROLS ON THE EXTENT OF THE DEVELOPMENT				
Density	Coverage	FAR	Height	Other
61 dwellings per ha and higher	60% - increase SDP	1.5	4 Storeys	As may be approved by the Municipality from time to time
CONTROLS REGARDING BUILDING LINES				PARKING AND LOADING REQUIREMENTS
Street	Rear	Side		As per Clause 39
5m	As per Building Regulations	As per Title Deed		
<ol style="list-style-type: none"><li>1. A site development plan shall be submitted.</li><li>2. The Municipality may relax the provisions of building lines during the evaluation of the site development plan to the extent that it deems it fit in its opinion that such relaxation shall not harm the amenity of the neighbourhood and is deemed to result in a more desirable development of the property.</li><li>3. Density requirements may be increased through the approval of a site development plan to a maximum increase of 5%</li><li>4. The provisions of this zone are subject to the development of an inclusionary / affordable housing policy.</li><li>5. This use zone can be incorporated with Residential 2 and 3 zones to incorporate the development of affordable and inclusionary housing.</li></ol>				

Code: R3		RESIDENTIAL 5		Colour code: R= 255; G=217; B=102
<b>Objectives:</b> <ul style="list-style-type: none"><li>• Provide a development zone for residential zoned properties which was established in terms of Annexure F.</li><li>• Provide appropriate economic opportunities and necessary social amenities within the zone without creating any inconvenience to the residents and disturbing the residential fabric of the zone, and</li><li>• Promote and foster spatial resilience.</li></ul>				
USE OF LAND AND BUILDINGS				
Primary Uses	Written Consent	Consent Uses		Land uses prohibited
<ul style="list-style-type: none"><li>• Residential Buildings</li></ul>	<ul style="list-style-type: none"><li>• Home Enterprise</li></ul>	<ul style="list-style-type: none"><li>• Place of Public Worship</li><li>• Places of Instruction</li><li>• Social Hall</li><li>• Sport and Recreational Purposes</li><li>• Institution</li><li>• Medical Suites</li><li>• Special Purposes</li></ul>		Any use not mentioned under primary, written consent or consent use
CONTROLS ON THE EXTENT OF THE DEVELOPMENT				
Density	Coverage	FAR	Height	Other
	60%		2 storeys	
CONTROLS REGARDING BUILDING LINES				PARKING AND LOADING REQUIREMENTS
Street	Rear	Side		As per Clause 39
DEFINITIONS – AS PER ANNEXURE ‘F’ OF THE BLACK COMMUNITIES DEVELOPMENT ACT				
<ul style="list-style-type: none"><li>• <b>"Institution"</b> means a building designed or primarily used as a charitable institution, hospital, nursing home, sanatorium, clinic or any other institution, whether public or private.</li><li>• <b>"Place of public worship"</b> means a building designed for use or primarily used as a church, chapel, oratory, house of worship, synagogue, mosque or other place of public devotion, and includes a building designed for use and used as a place of religious instruction and an institution on the same property as and associated with any of the afore-mentioned buildings that is intended to be used for social intercourse and recreation, but does not include a funeral chapel, which shall be deemed to be a "special purpose".</li><li>• <b>"Place of instruction"</b> means land used or a building designed or primarily used as a school, technical college, lecture hall, institute or other educational centre, and includes a crèche, a convent or monastery, a public library, an art gallery, a museum and a gymnasium.</li><li>• <b>"Residential building"</b> means a building designed or used primarily for human habitation, which may include one or more dwelling units and further subject to the following additional land uses on residential properties:<ul style="list-style-type: none"><li>○ The number of dwelling units and the size of a residential building that may be erected on a property shall be limited only by the height and coverage provisions of these conditions and by any applicable health and building regulations.</li><li>○ The occupants of a residential building may practise, inter alia, their social and religious activities and their occupations, professions, or trades, including retail trade, or the property on which such residential building is erected: Provided that -<ul style="list-style-type: none"><li>▪ the dominant use of the property shall remain residential;</li><li>▪ the occupation, trade or profession or other activity shall not be noxious; and</li><li>▪ the occupation, trade or profession shall not interfere with the amenity of the neighbourhood.</li></ul></li></ul></li><li>• <b>"Social hall"</b> means a building designed for use or used primarily for social assemblies, gatherings, meetings or recreational purposes</li><li>• <b>"Institution"</b> means a building designed or primarily used as a charitable institution, hospital, nursing home, sanatorium, clinic or any other institution, whether public or private.</li><li>• <b>"Special purposes"</b> means purposes for which land or buildings may be used that are not specified in these conditions.</li></ul>				
ADDITIONAL USES PERMITTED IN RESPECT OF RESIDENTIAL PROPERTIES IN THIS USE ZONE:				

Code: TR	TRANSITIONAL RESIDENTIAL			Colour code: R=255; G=242; B=204
<b>Objectives</b> <ul style="list-style-type: none"><li>• Provide for a development zone to accommodate residential development of the informal human settlements, while providing appropriate economic opportunities and necessary social amenities within the zone without creating any inconvenience to the residents and disturbing the residential fabric of the zone. The intent of the zone is to allow for the gradual formalisation of the settlement with relevant land use management controls.</li></ul>				
USE OF LAND AND BUILDINGS				
Primary Uses:	Written Consent	Consent Uses	Land uses prohibited	
<ul style="list-style-type: none"><li>• Dwelling House</li><li>• Residential building</li><li>• Home Enterprise</li><li>• Shelter</li><li>• Spaza Shop</li><li>• Urban Agriculture</li></ul>	<ul style="list-style-type: none"><li>• Clinic</li><li>• Government purpose</li><li>• Gymnasium</li><li>• Institution</li><li>• Municipal use</li><li>• Office</li><li>• Place of assembly</li><li>• Place of entertainment</li><li>• Private club</li><li>• Restaurant</li><li>• Retirement village</li><li>• Spa / hydro and wellness centre</li><li>• Car wash</li><li>• Child Care Facility</li><li>• Garden centre</li><li>• Informal trading place</li><li>• Internet café</li><li>• Place of instruction</li><li>• Place of public worship</li><li>• Private open space</li><li>• Public open space</li><li>• Recreation</li><li>• Sports facility</li><li>• Tavern – temporary written consent for a period of 12 months, which may be extended with consent from Municipality</li></ul>		<ul style="list-style-type: none"><li>• Noxious Use and Risk Activity</li><li>• Any use not mentioned under primary, written consent or consent use</li></ul>	
CONTROLS ON THE EXTENT OF THE DEVELOPMENT				
Density	Coverage	FAR	Height	Other
Not applicable	To be determined by Municipality	To be determined by the Municipality		As may be approved by the Municipality from time to time
CONTROLS REGARDING BUILDING LINES			PARKING AND LOADING REQUIREMENTS	
Street	Rear	Side	As per Clause 39	
Informal – 3m 2.5m between shelters & buildings				
OTHER CONTROL REGULATIONS				
<p>1. The Municipality may relax the provisions of building lines during the evaluation of the site development plan to the extent that it deems it fit in its opinion that such relaxation shall not harm the amenity of the neighbourhood and is deemed to result in a more desirable development of the property.</p> <p>2. The use zone will only be permitted on Municipal-owned land, State-owned land managed by the Municipality with the agreement from the relevant sphere of Government</p> <p>3. In the event of allocating this use zone to privately-owned land it shall be based on a service agreement between the Municipality and the land owner at the sole discretion of the Municipality.</p> <p>4. Provisional site layout plan to be provided.</p>				

Code: RR	AGRICULTURAL RESIDENTIAL		Colour code: R=198; G=173; B= 15	
<b>Objectives:</b> <ul style="list-style-type: none"><li>• To provide for a development zone for rural residential development on agricultural land or land located outside the urban development boundary or urban edge and where the primary use of land is not for agriculture but for residential purposes, with limited farming operations such as general crop farming and keeping of animals.</li></ul> <p>This zone <b>will not</b> allow intensive farming operations, feed lots or other uses that could create offensive odours or large amounts of dust or insects.</p>				
USE OF LAND AND BUILDINGS				
Primary Uses:	Written Consent	Consent Uses	Land uses prohibited	
<ul style="list-style-type: none"><li>• Dwelling House</li><li>• Farm Stall</li><li>•</li></ul>	<ul style="list-style-type: none"><li>• Second Dwelling Unit</li><li>• Agricultural Use</li><li>• Keeping of Animals</li></ul>	<ul style="list-style-type: none"><li>• Crèche</li><li>• Day care facility</li><li>• Home enterprise</li><li>• Agricultural Employee Accommodation</li><li>• Backpacker accommodation</li><li>• Bed and Breakfast</li><li>• Guest house</li><li>• Place of public worship</li></ul>	<ul style="list-style-type: none"><li>• Noxious Use and Risk Activity</li><li>• Any use not mentioned under primary, written consent or consent use</li></ul>	
CONTROLS ON THE EXTENT OF THE DEVELOPMENT				
Density	Coverage	FAR	Height	Other
One dwelling unit per agricultural holding	10%	As approved by the Municipality by means of SDP	2 Storeys	As may be approved by the Municipality from time to time
CONTROLS REGARDING BUILDING LINES			PARKING AND LOADING REQUIREMENTS	
Street boundary	Rear	Side	As per Clause 39	
10m	5m	5m		
OTHER CONTROL REGULATIONS				
<p>1. This zone is only applicable to specific agricultural holdings.</p> <p>2. The Municipality may relax the provisions of building lines during the evaluation of the site development plan to the extent that it deems it fit in its opinion that such relaxation shall not harm the amenity of the neighbourhood and is deemed to result in a more desirable development of the property.</p>				

Code: B1	BUSINESS 1			Colour code: R= 255; G=48; B=0
<b>Objectives:</b> <ul style="list-style-type: none"><li>• Provide for intensive businesses and mixed-use development with relatively few restrictions in order to promote urban vitality and economic growth linked to the development policy/ies of the Municipality within the CBD and surrounding areas associated with the policy/ies.</li></ul>				
USE OF LAND AND BUILDINGS				
<b>Primary Uses:</b> <ul style="list-style-type: none"><li>• Shop</li><li>• Office Use</li><li>• Dwelling Unit with or without outbuilding</li><li>• Residential Use</li><li>• Hotel</li><li>• Restaurant</li></ul>	<b>Written Consent</b>	<b>Consent Uses</b> <ul style="list-style-type: none"><li>• Place of instruction</li><li>• Place of amusement</li><li>• Service industry</li><li>• Commercial use</li><li>• Public garage</li><li>• Filling station</li><li>• Place of public Worship</li><li>• Social Hall</li><li>• Parking garage</li><li>• Special use</li></ul>	<b>Land uses that are prohibited</b> <ul style="list-style-type: none"><li>• Noxious Use and Risk Activity</li><li>• Any use not mentioned under primary, written consent or consent use</li></ul>	
CONTROLS ON THE EXTENT OF THE DEVELOPMENT				
<b>Density</b>	<b>Coverage</b>	<b>FAR</b>	<b>Height</b>	<b>Other</b>
Dwelling unit-40 units / ha	<ul style="list-style-type: none"><li>• 95% Non-residential</li><li>• 75% Residential or as per approved building plans</li></ul>	<ul style="list-style-type: none"><li>• Shop 5,0</li><li>• Office Use 5,0</li><li>• Residential Use 2,0</li><li>• Hotel 2,0</li><li>• Service Industry 2,0</li><li>• Commercial Use 2,0</li></ul>	Unlimited	As may be approved by the Municipality from time to time
CONTROLS REGARDING BUILDING LINES			PARKING AND LOADING REQUIREMENTS	
<b>Street</b>	<b>Rear</b>	<b>Side</b>	As per Clause 39	
0m	As per Building Regulations	As per Building Regulations		
OTHER CONTROL REGULATIONS				
<ol style="list-style-type: none"><li>1. The control mechanisms of the Gauteng Liquor Act, 2003, (Act No. 2 of 2003) shall apply to all land uses where liquor is sold.</li><li>2. Business Act, 1991 (Act No. 71 of 1991) requires business licences for the following types of businesses:<ol style="list-style-type: none"><li>a. Food provision</li><li>b. Turkish baths, saunas, and health baths, massage and infra-red treatments, male and female escorts, three or more slot machines, and electronic games, three or more snooker or billiard tables, nightclubs and discotheques, where live or loud music is played, cinema theatres and adult premises.</li></ol></li><li>3. The National Gambling Act, 2004 (Act No. 7 of 2004) may also require a gambling licence depending on the nature of the gambling activities.</li><li>4. No noxious uses and activities shall be permitted.</li><li>5. Funeral parlours as per applicable legislation.</li></ol>				

Code: B2		BUSINESS 2			Colour code: R= 192; G=0; B=0				
<b>Objectives:</b> <ul style="list-style-type: none"><li>• Provide for business, commercial and mixed-use development, associated with neighbourhood nodes that cater for community needs in terms of convenience goods and personal services.</li><li>• Such development should be limited in scale and nature and capable of integration into the adjacent residential neighbourhood, without adversely affecting the amenity of the residential neighbourhood.</li><li>• While mixed use development is encouraged, care must be taken not to compromise business operations</li></ul>									
<b>USE OF LAND AND BUILDINGS</b>									
<b>Primary Uses:</b> <ul style="list-style-type: none"><li>• Shop</li><li>• Office Use</li><li>• Residential Use</li><li>• Hotel</li><li>• Dwelling Unit with or without Outbuildings</li><li>• Restaurant</li></ul>		<b>Written Consent</b>		<b>Consent Uses</b> <ul style="list-style-type: none"><li>• Place of Public Worship</li><li>• Place of Instruction</li><li>• Place of Amusement</li><li>• Social Hall</li><li>• Institution</li><li>• Drive-through Restaurant</li><li>• Public Garage</li><li>• Filling Station</li><li>• Parking Garage</li><li>• Service Industry</li><li>• Commercial Use</li><li>• Motor Vehicle Sales Lot</li><li>• Special Use</li></ul>		<b>Land uses that are prohibited</b> <ul style="list-style-type: none"><li>• Noxious Use and Risk Activity</li><li>• Any use not mentioned under primary, written consent or consent use</li></ul>			
<b>CONTROLS ON THE EXTENT OF THE DEVELOPMENT</b>									
<b>Density</b>		<b>Coverage</b>		<b>FAR</b>		<b>Height</b>		<b>Other</b>	
Dwelling units – 40 units / ha		80%		<ul style="list-style-type: none"><li>• Shop 1,5</li><li>• Office Use 1,5</li><li>• Residential Use 1,5</li><li>• Hotel 1,5</li><li>• Place of Instruction 1,0</li><li>• Place of Amusement 1,0</li><li>• Social Hall 1,0</li><li>• Institution 1,0</li><li>• Parking Garage 1,5</li><li>• Service Industry 1,5</li><li>• Commercial Use 1,5</li></ul>		3 Storeys		Open Space 52m <sup>2</sup> per dwelling unit landscaped applicable to all townhouse developments in this zone	
<b>CONTROLS REGARDING BUILDING LINES</b>						<b>PARKING AND LOADING REQUIREMENTS</b>			
<b>Stand Size</b>		<b>Street</b>		<b>Rear</b>		<b>Side</b>		As per Clause 39	
		2m		2m		2m			
<b>OTHER CONTROL REGULATIONS</b>									
<p>1. The control mechanisms of the Gauteng Liquor Act, 2003, (Act No. 2 of 2003) shall apply to all land uses where liquor is sold</p> <p>2. Business Act, 1991 (Act No. 71 of 1991) requires business licences for the following types of businesses:</p> <p>(a) Food provision</p> <p>(b) Turkish baths, saunas, and health baths, massage and infra-red treatments, male and female escorts, three or more slot machines, and electronic games, three or more snooker or billiard tables, nightclubs and discotheques, where live or loud music is played, cinema theatres, and adult premises.</p> <p>3. The National Gambling Act, 2004 (Act No. 7 of 2004) may also require a gambling licence depending on the nature of the gambling activities.</p> <p>4. No noxious uses and activities shall be permitted.</p> <p>5. The Municipality may relax the provisions of building lines during the evaluation of the site development plan to the extent that it deems it fit in its opinion that such relaxation shall not harm the amenity of the neighbourhood and is deemed to result in a more desirable development of the property.</p>									

Code: B2	BUSINESS 3			Colour code: R= 192; G=0; B=0
<b>Objectives:</b>				
<ul style="list-style-type: none"><li>• Provide for business and mixed-use development, associated with neighbourhood nodes, areas linked with development policies along specific corridors / activity areas.</li><li>• Such development should be limited in scale and nature and capable of integration into the adjacent residential neighbourhood, without adversely affecting the amenity of the residential neighbourhood. While mixed use development is encouraged, care must be taken not to compromise business operations</li></ul>				
USE OF LAND AND BUILDINGS				
Primary Uses:	Written Consent	Consent Uses		Land uses that are prohibited
<ul style="list-style-type: none"><li>• Shop</li><li>• Retail</li><li>• Offices, which may include professional uses</li><li>• Fitment centre</li><li>• Restaurant</li></ul>		<ul style="list-style-type: none"><li>• Place of Public Worship</li><li>• Place of Instruction</li><li>• Place of Amusement</li><li>• Social Hall</li><li>• Public Garage</li><li>• Filling Station, Parking Garage</li><li>• Service Industry</li><li>• Special Use</li></ul>		<ul style="list-style-type: none"><li>• Noxious Use and Risk Activity</li><li>• Any use not mentioned under primary, written consent or consent use</li></ul>
CONTROLS ON THE EXTENT OF THE DEVELOPMENT				
Density	Coverage	FAR	Height	Other
	60%	<ul style="list-style-type: none"><li>• Shop 0,8</li><li>• Office Use 0,8</li><li>• Place of Instruction 0,8</li><li>• Place of Amusement 0,8</li><li>• Social Hall 0,8</li><li>• Parking Garage 0,8</li><li>• Service Industry 0,8</li></ul>	3 Storeys	
CONTROLS REGARDING BUILDING LINES			PARKING AND LOADING REQUIREMENTS	
Street	Rear	Side	As per Clause 39	
3m	2m	2m		
OTHER CONTROL REGULATIONS				
<p>1. The control mechanisms of the Gauteng Liquor Act, 2003, (Act No. 2 of 2003) shall apply to all land uses where liquor is sold</p> <p>2. Business Act, 1991 (Act No. 71 of 1991) requires business licences for the following types of businesses:</p> <p>(a) Food provision</p> <p>(b) Turkish baths, saunas, and health baths, massage and infra-red treatments, male and female escorts, three or more slot machines, and electronic games, three or more snooker or billiard tables, nightclubs and discotheques, where live or loud music is played, cinema theatres, and adult premises.</p> <p>3. The National Gambling Act, 2004 (Act No. 7 of 2004) may also require a gambling licence depending on the nature of the gambling activities.</p> <p>4. Workshop shall be permitted with a minimum of 10% of the business or commercial activity associated with the main use.</p> <p>5. No noxious uses and activities shall be permitted.</p> <p>6. The Municipality may relax the provisions of building lines during the evaluation of the site development plan to the extent that it deems it fit in its opinion that such relaxation shall not harm the amenity of the neighbourhood and is deemed to result in a more desirable development of the property.</p>				

Code: B2		BUSINESS 4		Colour code: R= 192; G=0; B=0	
<b>Objectives:</b> <ul style="list-style-type: none"><li>• Provide for business and mixed-use development, associated with neighbourhood nodes, areas linked with development policies along specific corridors / activity areas.</li><li>• Such development should be limited in scale and nature and capable of integration into the adjacent residential neighbourhood, without adversely affecting the amenity of the residential neighbourhood. While mixed use development is encouraged, care must be taken not to compromise business operations</li></ul>					
USE OF LAND AND BUILDINGS					
Primary Uses:		Written Consent		Consent Uses	
• Offices • Home Enterprise • Professional Rooms with limited sales • Showrooms				• Place of Public Worship • Place of Instruction • Place of Amusement • Social Hall • Public Garage • Filling Station • Parking Garage • Service Industry • Special Use	
				Land uses that are prohibited <ul style="list-style-type: none"><li>• Noxious Use and Risk Activity</li><li>• Any use not mentioned under primary, written consent or consent use</li></ul>	
CONTROLS ON THE EXTENT OF THE DEVELOPMENT					
Density		Coverage		FAR	
		60%		• Shop 0,8 • Office Use 0,8 • Place of Instruction 0,8 • Place of Amusement 0,8 • Social Hall 0,8 • Parking Garage 0,8 • Service Industry 0,8	
				3 Storeys	
CONTROLS REGARDING BUILDING LINES					
Street		Rear		Side	
3m		2m		2m	
PARKING AND LOADING REQUIREMENTS					
As per Clause 39					
OTHER CONTROL REGULATIONS					
1. The control mechanisms of the Gauteng Liquor Act, 2003, (Act No. 2 of 2003) shall apply to all land uses where liquor is sold					
2. Business Act, 1991 (Act No. 71 of 1991) requires business licences for the following types of businesses: <ul style="list-style-type: none"><li>(a) Food provision</li><li>(b) Turkish baths, saunas, and health baths, massage and infra-red treatments, male and female escorts, three or more slot machines, and electronic games, three or more snooker or billiard tables, nightclubs and discotheques, where live or loud music is played, cinema theatres, and adult premises.</li></ul>					
3. The National Gambling Act, 2004 (Act No. 7 of 2004) may also require a gambling licence depending on the nature of the gambling activities.					
4. Workshop shall be permitted with a minimum of 10% of the business or commercial activity associated with the main use.					
5. No noxious uses and activities shall be permitted.					
6. The Municipality may relax the provisions of building lines during the evaluation of the site development plan to the extent that it deems it fit in its opinion that such relaxation shall not harm the amenity of the neighbourhood and is deemed to result in a more desirable development of the property.					

Code: B2		BUSINESS 5		Colour code: R= 192; G=0; B=0
<b>Objectives:</b> <ul style="list-style-type: none"><li>• Provide a development zone for business zoned properties which was established in terms of Annexure F.</li><li>• Provide appropriate economic opportunities and necessary social amenities within the zone without creating any inconvenience to the residents and disturbing the residential fabric of the zone, and</li><li>• Promote and foster spatial resilience.</li></ul>				
USE OF LAND AND BUILDINGS				
Primary Uses:	Written Consent	Consent Uses	Land uses that are prohibited	
<ul style="list-style-type: none"><li>• Shops</li><li>• Business purposes</li><li>• Residential Buildings</li><li>• Place of Public Worship</li><li>• Places of Instruction</li><li>• Social Hall</li><li>• Sport and Recreational Purposes</li><li>• Institution</li></ul>		Uses not under primary rights	<ul style="list-style-type: none"><li>• Noxious Use and Risk Activity</li><li>• Any use not mentioned under primary, written consent or consent use</li></ul>	
CONTROLS ON THE EXTENT OF THE DEVELOPMENT				
Density	Coverage	FAR	Height	Other
	70%		3 Storeys	
CONTROLS REGARDING BUILDING LINES			PARKING AND LOADING REQUIREMENTS	
Street	Rear	Side	As per Clause 39	
3m	2m	2m		
DEFINITIONS AS PER ANNEXURE 'F' OF THE BLACK COMMUNITIES DEVELOPMENT ACT				
<ul style="list-style-type: none"><li>• <b>“Shop”</b> means land used or a building designed or used primarily for the purposes of carrying on retail trade and the necessary accompanying storage and packaging, and includes any accompanying use on the same site that is incidental and subordinate to the conduct of the retail trade.</li><li>• <b>“Business purposes”</b> means a use of a building and/or land for offices, showrooms, restaurants or any other business or commercial purposes other than for a place of instruction, a shop, a public garage, an industry, a noxious industry, a builder's yard or a scrapyard.</li><li>• <b>“Residential building”</b> means a building designed or used primarily for human habitation and the uses permitted in terms of paragraph 8, which may include one or more dwelling units.</li><li>• <b>“Place of public worship”</b> means a building designed for use or primarily used as a church, chapel, oratory, house of worship, synagogue, mosque or other place of public devotion, and includes a building designed for use and used as a place of religious instruction and an institution on the same property as and associated with any of the afore-mentioned buildings that is intended to be used for social intercourse and recreation, but does not include a funeral chapel, which shall be deemed to be a “special purpose”.</li><li>• <b>“Place of instruction”</b> means land used or a building designed or primarily used as a school, technical college, lecture hall, institute or other educational centre, and includes a crèche, a convent or monastery, a public library, an art gallery, a museum and a gymnasium.</li><li>• <b>“Social hall”</b> means a building designed for use or used primarily for social assemblies, gatherings, meetings or recreational purposes, and</li><li>• <b>“Institution”</b> means a building designed or primarily used as a charitable institution, hospital, nursing home, sanatorium, clinic or any other institution, whether public or private.</li></ul>				

Code: I	EDUCATIONAL			Colour code: R=0; G=160; B=239
<b>Objectives:</b> <ul style="list-style-type: none"><li>• Provide an adequate and accessible health, education and cultural facilities to meet the needs of all communities</li><li>• Ensure that such facilities are designed to address the special needs of the persons with disabilities, the elderly, women and children.</li></ul>				
USE OF LAND AND BUILDINGS				
<b>Primary Uses:</b>	<b>Written Consent</b>	<b>Consent Uses</b>	<b>Land uses are prohibited</b>	
<ul style="list-style-type: none"><li>• Educational Centre</li><li>• Place of Instruction</li><li>• Place of Public Worship</li><li>• Social Hall</li></ul>		<ul style="list-style-type: none"><li>• Dwelling Unit with or without outbuildings Institution</li><li>• Special Use</li></ul>	<ul style="list-style-type: none"><li>• Noxious Use and Risk Activity</li><li>• Any use not mentioned under primary, written consent or consent use</li></ul>	
CONTROLS ON THE EXTENT OF THE DEVELOPMENT				
<b>Density</b>	<b>Coverage</b>	<b>FAR</b>	<b>Height</b>	<b>Other</b>
As approved by the Municipality		As approved by the Municipality	3 storeys	As approved by the Municipality
CONTROLS REGARDING BUILDING LINES			PARKING AND LOADING REQUIREMENTS	
<b>Street</b>	<b>Rear</b>	<b>Side</b>	As per Clause 39	
5m				
OTHER CONTROL REGULATIONS				
1.The Municipality may relax the provisions of building lines during the evaluation of the site development plan to the extent that it deems it fit in its opinion that such relaxation shall not harm the amenity of the neighbourhood and is deemed to result in a more desirable development of the property.				

Code: I	GOVERNMENT / RSA			Colour code: R=0; G=160; B=239
USE OF LAND AND BUILDINGS				
Primary Uses:	Written Consent	Consent Uses	Land uses are prohibited	
State Purposes				
CONTROLS ON THE EXTENT OF THE DEVELOPMENT				
Density	Coverage	FAR	Height	Other
CONTROLS REGARDING BUILDING LINES			PARKING AND LOADING REQUIREMENTS	
Street	Rear	Side	As per Clause 39	
5m				
OTHER CONTROL REGULATIONS				

Code: I	COMMERCIAL			Colour code: R=0; G=160; B=239
USE OF LAND AND BUILDINGS				
Primary Uses:	Written Consent	Consent Uses		Land uses are prohibited
<ul style="list-style-type: none"><li>Commercial Use</li></ul>		<ul style="list-style-type: none"><li>Industrial uses ancillary but subordinated to the commercial use</li><li>Special Use</li></ul>		<ul style="list-style-type: none"><li>Noxious Use and Risk Activity</li><li>Any use not mentioned under primary, written consent or consent use</li></ul>
CONTROLS ON THE EXTENT OF THE DEVELOPMENT				
Density	Coverage	FAR	Height	Other
	85%		3 storeys	As approved by the Municipality
CONTROLS REGARDING BUILDING LINES			PARKING AND LOADING REQUIREMENTS	
Street	Rear	Side	As per Clause 39	
OTHER CONTROL REGULATIONS				

Code: I	COMMUNITY FACILITY			Colour code: R=0; G=160; B=239
USE OF LAND AND BUILDINGS				
Primary Uses:	Written Consent	Consent Uses	Land uses are prohibited	
<ul style="list-style-type: none"><li>• Places of Public Worship</li><li>• Places of Instruction</li><li>• Social Hall</li><li>• Sports and Recreational Purposes</li><li>• Institution</li></ul>		<ul style="list-style-type: none"><li>• Residential Buildings</li><li>• Special Use</li></ul>	<ul style="list-style-type: none"><li>• Noxious Use and Risk Activity</li><li>• Any use not mentioned under primary, written consent or consent use</li></ul>	
CONTROLS ON THE EXTENT OF THE DEVELOPMENT				
Density	Coverage	FAR	Height	Other
CONTROLS REGARDING BUILDING LINES			PARKING AND LOADING REQUIREMENTS	
Street	Rear	Side	As per Clause 39	
OTHER CONTROL REGULATIONS				

Code: I	INSTITUTIONAL			Colour code: R=0; G=160; B=239
<b>Objectives:</b> <ul style="list-style-type: none"><li>• Provide adequate and accessible health, education and cultural facilities to meet the needs of communities.</li><li>• Ensure that such facilities are designed to address the special needs of persons with disabilities, the elderly, women, and children.</li></ul>				
USE OF LAND AND BUILDINGS				
Primary Uses:	Written Consent	Consent Uses	Land uses are prohibited	
<ul style="list-style-type: none"><li>• Children's Home</li><li>• Clinic</li><li>• Community Facility</li><li>• Crèche</li><li>• Educational Use</li><li>• Educational Centre</li><li>• Hospital</li><li>• Hostel</li><li>• Institution</li><li>• Place of Assembly</li><li>• Place of Instruction</li><li>• Place of Public Worship</li><li>• Public Open Space</li><li>• Recreation</li><li>• Rehabilitation Centre</li><li>• Sports Facility</li><li>• Social Hall</li><li>• Frail Care and Step-down Facility</li><li>• Sanatorium</li></ul>	<ul style="list-style-type: none"><li>• Municipal Use</li><li>• Dwelling House</li><li>• Government Purpose</li><li>• Place of Refreshment</li></ul>	<ul style="list-style-type: none"><li>• Boarding House</li><li>• Commune</li><li>• Helicopter Landing Pad</li><li>• Laboratory</li><li>• Electrical Purposes</li><li>• Public Parking</li><li>• Retail Trade</li><li>• Shop</li><li>• Substation</li></ul>	<ul style="list-style-type: none"><li>• Noxious Use and Risk Activity</li><li>• Any use not mentioned under primary, written consent or consent use</li></ul>	
CONTROLS ON THE EXTENT OF THE DEVELOPMENT				
Density	Coverage	FAR	Height	Other
As approved by the Municipality	60%	As approved by the Municipality	4 Storeys	As approved by the Municipality
CONTROLS REGARDING BUILDING LINES			PARKING AND LOADING REQUIREMENTS	
Street	Rear	Side	As per Clause 39	
5m				
OTHER CONTROL REGULATIONS				
1. The Municipality may relax the provisions of building lines during the evaluation of the site development plan to the extent that it deems it fit in its opinion that such relaxation shall not harm the amenity of the neighbourhood and is deemed to result in a more desirable development of the property.				

Code: AU	MUNICIPAL USE / UTILITIES			Colour code: R=225; G=204; B=163
<b>Objectives:</b>				
<ul style="list-style-type: none"><li>• The Municipal Use zone makes provision for government or municipal uses, such as municipal offices, police stations, pension, government department offices, magistrate offices, prisons and military bases, that are not covered by another use or zoning category.</li><li>• The zone provides for all types of utility services such as substations, sewage treatment plants, dumping grounds, composite installations, water purification works, and water reservoirs, which may be managed by the Municipality, Government, Parastatal Agencies or individuals with a Service Level Agreement with the Municipality.</li></ul>				
USE OF LAND AND BUILDINGS				
What land may be used for:			Land uses that are prohibited	
Primary Uses:	Written Consent	Consent Uses		
<ul style="list-style-type: none"><li>• Municipal use</li><li>• Commonage</li></ul>		<ul style="list-style-type: none"><li>• As approved by Municipality</li></ul>	<ul style="list-style-type: none"><li>• Noxious Use and Risk Activity</li><li>• Any use not mentioned under primary, written consent or consent use</li></ul>	
CONTROLS ON THE EXTENT OF THE DEVELOPMENT				
Density	Coverage	FAR	Height	Other
As approved by the Municipality	As approved by the Municipality	As approved by the Municipality	As approved by the Municipality	As approved by the Municipality
CONTROLS REGARDING BUILDING LINES			PARKING AND LOADING REQUIREMENTS	
Street	Rear	Side	As per Clause 39	
As determined by Municipality	National Building Regulations	Nbregs		
OTHER CONTROL REGULATIONS				
1. The Municipality may relax the provisions of building lines during the evaluation of the site development plan to the extent that it deems it fit in its opinion that such relaxation shall not harm the amenity of the neighbourhood and is deemed to result in a more desirable development of the property.				

Code: I1	<b>INDUSTRIAL 1</b>	Colour code: R=223; G=115; B=255
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**Objectives:**

- Provide appropriate locations for light and service industries and commercial uses that has limited impact.
- Provide appropriate locations for a range of industrial, warehousing and related activities in specific areas.
- Ensure that the location of industrial development is such that it minimises their impacts on surrounding areas.
- Provide a proper balance for employment and sectorial growth and sustainable development
- Ensure that there is enough on-site space to accommodate the proposed uses, traffic and any potential impact resulting from these developments.
- Provide an interface between industrial areas and adjacent residential or other land uses.
- Ensure that the location and development of these sites do not negatively impact on the natural environment or watercourses located in proximity.

**USE OF LAND AND BUILDINGS**

Primary Uses:	Written Consent	Consent Uses	Land uses prohibited
<ul style="list-style-type: none"> <li>• Agricultural Industry • ATM • Bakery • Bank</li> <li>• Builders Yard • Canteen • Car wash</li> <li>• Commercial Purposes • Confectionary</li> <li>• Cultivation Shed • Distribution Centre • Filling Station</li> <li>• Fitment centre • Garden Centre • Industry</li> <li>• Laboratory • Laundromat • Light industry</li> <li>• Motor Sales Market • Municipal Use • Office</li> <li>• Place of Amusement • Place of Entertainment</li> <li>• Public Garage • Storage • Retail Trade • Scrapyard</li> <li>• Service Industry • Shop • Taxi Holding Area</li> <li>• Taxi Rank • Truck Stop • Vehicle Workshop</li> <li>• Warehouse • Wholesale Trade</li> <li>• Educational Uses (training) • Industrial incubators</li> <li>• Fuel depot</li> </ul>	<ul style="list-style-type: none"> <li>• Crèche</li> <li>• Dwelling Unit</li> <li>• Gymnasium</li> <li>• Private Club</li> <li>• Private Open Space</li> <li>• Public Open Space</li> <li>• Service Enterprise</li> </ul>	<ul style="list-style-type: none"> <li>• Abattoir</li> <li>• Adult Entertainment Business</li> <li>• Brick Yard</li> <li>• Drive-through Restaurant</li> <li>• Informal Trading Place Kennels</li> <li>• Landing Area</li> <li>• Utility Service</li> <li>• Funeral parlour</li> </ul>	<ul style="list-style-type: none"> <li>• Noxious Use and Risk Activity</li> <li>• Any use not mentioned under primary, written consent or consent use</li> </ul>

**CONTROLS ON THE EXTENT OF THE DEVELOPMENT**

Density	Coverage	FAR	Height	Other
Not Applicable	85%	n/a	n/a	As approved by the Municipality

**CONTROLS REGARDING BUILDING LINES**

Stand Size	Street	Rear	Side	PARKING AND LOADING REQUIREMENTS
Not Applicable	5m	2m	2m	As per Clause 39

**OTHER CONTROL REGULATIONS**

1. Compliance with National and Provincial Environmental Legislation
2. Notwithstanding the fact that an activity constitutes a primary use right in terms of this zone, no activity or use which includes the on-site storage of hazardous substances shall be permitted unless a risk management and prevention plan has been submitted and the Municipality has given approval thereto.
3. The Municipality may relax the provisions of building lines during the evaluation of the site development plan to the extent that it deems it fit in its opinion that such relaxation shall not harm or be detrimental to the adjoining properties.

Code: I2	INDUSTRIAL 2			Colour code: R=169; G=0; B=230
<b>Objectives:</b> <ul style="list-style-type: none"><li>• Provide appropriate locations for heavy and noxious industries.</li><li>• Provide opportunities for local economic development and employment opportunities.</li><li>• Ensure that the location and development of these sites do not negatively impact on the natural environment or watercourses located in proximity</li></ul>				
USE OF LAND AND BUILDINGS				
Primary Uses:		Written Consent	Consent Uses	Land uses prohibited
<ul style="list-style-type: none"><li>• Agricultural Industry</li><li>• Brick Yard</li><li>• Builders Yard</li><li>• Canteen</li><li>• Car-Wash</li><li>• Coal Yard</li><li>• Distribution Centre</li><li>• Filling Station</li><li>• Fuel Depot</li><li>• Government Purposes</li><li>• Industry</li><li>• Light Industry</li><li>• Motor Grave Yard</li><li>• Motor Sales Market</li><li>• Municipal Use</li><li>• Offices</li><li>• Panel Beater</li><li>• Public Garage</li><li>• Storage</li><li>• Scrapyard</li><li>• Transportation Enterprise</li><li>• Truck Stop</li><li>• Utility Service</li><li>• Vehicle Workshop</li><li>• Warehouse</li><li>• Educational Facility</li><li>• Industrial Incubator</li><li>• Shop</li><li>• Veterinary Use</li><li>• Place of Refreshment</li></ul>		<ul style="list-style-type: none"><li>• Institutional Use</li><li>• Private Club</li><li>• Private Open Space</li><li>• Public Open Space</li></ul>	<ul style="list-style-type: none"><li>• Risk Activity</li><li>• Funeral Parlour</li><li>• Noxious Use</li></ul>	Any use not mentioned under primary uses, Written Consent and Consent Uses
CONTROLS ON THE EXTENT OF THE DEVELOPMENT				
Density	Coverage	FAR	Height	Other
Not Applicable	85%	As determined by Local Authority	As determined by Local Authority	As approved by the Municipality
CONTROLS REGARDING BUILDING LINES			PARKING AND LOADING REQUIREMENTS	
Stand Size	Street	Rear	Side	As per Clause 39
Not Applicable	5m	3m	3m	
OTHER CONTROL REGULATIONS				
<div>1. Compliance with National and Provincial Environmental Legislation</div> <div>2. A water use licence / authorisation may be required in terms of the National Water Act, 1998 (Act No. 36 of 1998) for certain land uses.</div> <div>3. The Municipality may relax the provisions of building lines during the evaluation of the site development plan to the extent that it deems it fit in its opinion that such relaxation shall not harm or be detrimental in to the adjoining properties.</div>				

Code: AG	AGRICULTURE				Colour code: R=233; G=255; B=227
<b>Objectives:</b> <ul style="list-style-type: none"><li>Utilize agricultural land on a sustainable basis.</li><li>Ensure that land deemed to have agricultural potential is optimally used.</li><li>Provide mechanisms for the identification and protection of productive agricultural land.</li><li>Ensure that agricultural practices are consistent with environmental considerations and pollution controls.</li></ul>					
USE OF LAND AND BUILDINGS					
<b>Primary Uses:</b>	<b>Consent</b>	<b>Rezoning</b>		<b>Township Establishment</b>	
<ul style="list-style-type: none"><li>Agricultural Building</li><li>Agricultural Uses</li><li>Commercial Farm</li><li>Conservation Areas</li><li>Cultivation Shed</li><li>Dwelling House</li><li>Dwelling Unit</li><li>Farm Stall</li><li>Greenhouse</li></ul>	<ul style="list-style-type: none"><li>Business uses (maximum 500m<sup>2</sup>)</li><li>Industrial uses (up to 500m<sup>2</sup>)</li><li>Service industry (up to 500m<sup>2</sup>)</li><li>Institution (500m<sup>2</sup>)</li><li>Place of Public Worship (up to 500m<sup>2</sup>)</li><li>Place of Amusement (up to 500m<sup>2</sup>)</li><li>Function venue (up to 3 000m<sup>2</sup>)</li><li>Commercial uses (up to 500m<sup>2</sup>)</li><li>Mini-storage facilities (up to 3 000m<sup>2</sup>)</li><li>Residential uses (up to 2 dwelling units in total)</li><li>Educational (up to 500m<sup>2</sup>)</li><li>Other uses ancillary to main use (up to 2 000m<sup>2</sup>)</li><li>Special uses (not defined under the above) (up to 500m<sup>2</sup>)</li><li>Noxious uses and noxious industries: not allowed.</li></ul> <p>The above floor areas may be exceeded with up to 10% in extraordinary circumstances with the necessary merit.</p> <p>Consent use applications will remain the preferred method of obtaining land use rights in the rural areas, especially in areas not situated in close proximity to urban areas, nodes or activity corridors.</p>	<ul style="list-style-type: none"><li>Business uses (floor area: 501m<sup>2</sup> to 3 000m<sup>2</sup>)</li><li>Industrial uses (floor area: 501m<sup>2</sup> up to 3 000m<sup>2</sup>)</li><li>Service industry (floor area: 501m<sup>2</sup> up to 3 000m<sup>2</sup>)</li><li>Institution (floor area: 501m<sup>2</sup> up to 6 000m<sup>2</sup>)</li><li>Place of Public Worship (floor area: 501m<sup>2</sup> up to 6 000m<sup>2</sup>)</li><li>Place of Amusement (floor area: 501m<sup>2</sup> up to 3 000m<sup>2</sup>)</li><li>Function venue (floor area: 3 001m<sup>2</sup> up to 6 000m<sup>2</sup>)</li><li>Commercial uses (floor area: 501m<sup>2</sup> to 6 000m<sup>2</sup>)</li><li>Mini-storage facilities (floor area: 3 001m<sup>2</sup> to 6 000m<sup>2</sup>)</li><li>Residential uses (up to 4 dwelling units)</li><li>Educational (floor area: 501m<sup>2</sup> up to 6 000m<sup>2</sup>)</li><li>Other uses ancillary to main use (floor area: 2 001m<sup>2</sup> to 6 000m<sup>2</sup>)</li><li>Special uses (not defined under the above) (up to 501 to 3 000m<sup>2</sup>)</li><li>Noxious uses and noxious industries: not allowed.</li></ul> <p>A rezoning application will only be accepted by the Municipality in instances with the necessary merit, i.e. where the land in question is situated in close proximity to existing urban areas, nodes or activity corridors.</p>		<ul style="list-style-type: none"><li>Business uses (floor area: exceeding 3 001m<sup>2</sup>)</li><li>Industrial uses (floor area: exceeding 3 001m<sup>2</sup>)</li><li>Service industry (floor area: exceeding 3 000m<sup>2</sup>)</li><li>Institution (floor area: exceeding 6 001m<sup>2</sup>)</li><li>Place of Public Worship (floor area: exceeding 6 001m<sup>2</sup>)</li><li>Place of Amusement (floor area: exceeding 3 001m<sup>2</sup>)</li><li>Function venue (floor area: exceeding 6 001m<sup>2</sup>)</li><li>Commercial uses (floor area: exceeding 6 001m<sup>2</sup>)</li><li>Mini-storage facilities (floor area: exceeding 6 001m<sup>2</sup>)</li><li>Residential uses (5 or more dwelling units)</li><li>Educational (floor area: exceeding 6 001m<sup>2</sup>)</li><li>Other uses ancillary to main use: (floor area exceeding 6 001m<sup>2</sup>)</li><li>Special uses (not defined under the above) (3 001m<sup>2</sup>)</li><li>Noxious uses and industries: not allowed.</li></ul>	
CONTROLS ON THE EXTENT OF THE DEVELOPMENT					
<b>Density</b>	<b>Coverage</b>	<b>FAR</b>	<b>Height</b>	<b>Other</b>	
Refer to Clause 25 for density controls	10%	Refer to Clause 29 for floor areas	3 storeys, additional one with written consent	As approved by the Municipality	
CONTROLS REGARDING BUILDING LINES				PARKING AND LOADING REQUIREMENTS	
<b>Stand Size</b>	<b>Street</b>		<b>Rear</b>	<b>Side</b>	As per Clause 39
Not Applicable	10m or as per title deed, or as determined by applicable roads authority.		5m	5m	
OTHER CONTROL REGULATIONS					
<p>1. The Municipality shall take into consideration the nature, extent, character and effect of the intended zoning that is proposed for split zoning.</p> <p>2. The most restrictive conditions imposed by other authority and in the title deed shall prevail.</p> <p>3. Owner of the tourism incentive accommodation shall submit a formal application for such unit/s and provide a detailed motivation including services provision for consideration. Ownership or partial ownership in the land and/or units may not be transferred to any other person, organisation or group of people. This provision does not apply to existing agricultural holdings. Units may be occupied on a temporary basis by bona-fide guests only, to the satisfaction of the Municipality.</p> <p>4. All environmental management legislation shall apply.</p> <p>5. A maximum coverage of <b>10%</b> which may be increased up to 20% through a rezoning application in respect of properties measuring 30 000m<sup>2</sup> (three) hectares or less, excluding properties situated within the Cradle of Humankind World Heritage Site:</p> <p>(i) A maximum floor area ratio of <b>0,2</b>; which may be increased up to 0,3 through a rezoning application in respect of properties measuring 30 000m<sup>2</sup> (three) hectares or less, excluding properties situated within the Cradle of Humankind World Heritage Site</p> <p>(ii) A building line of 10 metres along roads or stipulations in relevant title deed, whichever is the <u>most</u> restrictive. Building lines imposed by the Gauteng Department of Public Transport and Roads shall take preference over that of the local Municipality</p>					

(iii) A maximum height of **2 Storeys**

(iv) All required parking to be dust free and provided on site to the satisfaction of the Municipality.

Code: OS	PUBLIC OPEN SPACE			Colour code: R=112; G=168; B=0
<b>Objectives:</b> <ul style="list-style-type: none"><li>• Provide adequate numbers of appropriately situated sites that are easily accessible for recreational purposes and activities for local and other communities.</li><li>• Ensure that such facilities are located and maintained to attract visitors and tourists.</li><li>• Establishment of an urban open space system to set aside areas of land for the provision of parks, botanical gardens and other open spaces as well as corridor linkages between open areas for passive recreational purposes.</li></ul>				
USE OF LAND AND BUILDINGS				
<b>Primary Uses:</b> <ul style="list-style-type: none"><li>• Ablutions</li><li>• Botanical Garden</li><li>• Public Open Space</li></ul>	<b>Written Consent</b>	<b>Consent Uses</b>	<b>Land uses that are prohibited</b>	
CONTROLS ON THE EXTENT OF THE DEVELOPMENT				
<b>Density</b>	<b>Coverage</b>	<b>FAR</b>	<b>Height</b>	<b>Other</b>
As approved by the Municipality	As approved by the Municipality	As approved by the Municipality	As approved by the Municipality	As approved by the Municipality
CONTROLS REGARDING BUILDING LINES			PARKING AND LOADING REQUIREMENTS	
<b>Street</b>	<b>Rear</b>	<b>Side</b>	As per Clause 39	
As approved by the Municipality	As approved by the Municipality	As approved by the Municipality		
OTHER CONTROL REGULATIONS				
<ol style="list-style-type: none"><li>1. A community facility shall be with written consent of the Municipality.</li><li>2. The Municipality may consider utilizing over-provided public open spaces for residential infill or other uses. Such development will require the amendment of the Scheme to a suitable zone</li><li>3. Urban agricultural uses may be considered on larger open space systems, subject to environmental legislation. Such developments will require the amendment of the Scheme to a suitable zone.</li><li>4. The Municipality may relax the provisions of building lines during the evaluation of the site development plan to the extent that it deems it fit in its opinion that such relaxation shall not harm the amenity of the neighbourhood and is deemed to result in a more desirable development of the property.</li><li>5. Flood lines to be indicated on SDP, no development, also referring to wetland areas.</li></ol>				

Code: OS	PRIVATE OPEN SPACE			Colour code: R=112; G=168; B=0
<b>Objectives:</b> <ul style="list-style-type: none"><li>• Provide adequate numbers of appropriately situated sites that are easily accessible for recreational purposes and activities for local and wider communities.</li><li>• Ensure that such facilities are located and maintained to attract visitors and tourists.</li><li>• Establishment of an urban open space system to set aside areas of land for the provision of parks, botanical gardens and other open spaces as well as corridor linkages between open areas for passive recreational purposes.</li></ul>				
USE OF LAND AND BUILDINGS				
<b>Primary Uses:</b> <ul style="list-style-type: none"><li>• Ablutions</li><li>• Botanical Garden</li><li>• Private Open Space</li></ul>	<b>Written Consent</b> <ul style="list-style-type: none"><li>• Private Club</li><li>• Recreation</li><li>• Sports Facility</li><li>• Gymnasium</li></ul>	<b>Consent Uses</b> <ul style="list-style-type: none"><li>• Antenna</li><li>• Bird and Animal Cages</li><li>• Cafeteria</li><li>• Camping Site</li><li>• Caravan Park</li><li>• Convenience Shop</li><li>• Garden Centre</li><li>• Spa / Hydro and Wellness Centre</li><li>• Teagarden</li></ul>	<b>Land uses that are prohibited</b> <ul style="list-style-type: none"><li>• Noxious Use and Risk Activity</li><li>• Any use not mentioned under primary, written consent or consent use</li></ul>	
CONTROLS ON THE EXTENT OF THE DEVELOPMENT				
<b>Density</b>	<b>Coverage</b>	<b>FAR</b>	<b>Height</b>	<b>Other</b>
As approved by the Municipality	As approved by the Municipality	As approved by the Municipality	As approved by the Municipality	As approved by the Municipality
CONTROLS REGARDING BUILDING LINES			PARKING AND LOADING REQUIREMENTS	
<b>Street</b>	<b>Rear</b>	<b>Side</b>	As per Clause 39	
As approved by the Municipality	As approved by the Municipality	As approved by the Municipality		
OTHER CONTROL REGULATIONS				
1.A community facility shall be with written consent of the Municipality. 2.The Municipality may consider utilizing over-provided public open spaces for residential infill or other uses. Such development will require the amendment of the Scheme to a suitable zone 3.Urban agricultural uses may be considered on larger open space systems, subject to environmental legislation. Such developments will require the amendment of the Scheme to a suitable zone. 4.The Municipality may relax the provisions of building lines during the evaluation of the site development plan to the extent that it deems it fit in its opinion that such relaxation shall not harm the amenity of the neighbourhood and is deemed to result in a more desirable development of the property. 5.Flood lines to be indicated on SDP, no development, also referring to wetland areas.				

Code: TP

## ROADS, RAILWAYS AND AIR

Colour code:  
R=0; G=0; B=0

### Objectives:

- Accommodate road rail transport services.
- Provide railway stations.
- Accommodate road service functions.
- Provide land for railway and transport purposes.
- Provide adequate parking facilities.

### USE OF LAND AND BUILDINGS

Primary Uses:	Written Consent	Consent Uses	Land uses prohibited
<ul style="list-style-type: none"> <li>• <b>Roads:</b> <ul style="list-style-type: none"> <li>○ Public and Private Streets</li> </ul> </li> <li>• <b>Railways:</b> <ul style="list-style-type: none"> <li>○ Railway Station</li> <li>○ Siding</li> <li>○ Place of Refreshment</li> <li>○ Restaurant</li> <li>○ Related retail</li> <li>○ Residential</li> <li>○ Sales lot</li> </ul> </li> <li>• <b>Air:</b> <ul style="list-style-type: none"> <li>○ Hangers</li> <li>○ Retail</li> <li>○ Place of Refreshment</li> <li>○ Restaurant</li> <li>○ Residential</li> <li>○ Sales lot</li> <li>○ Place of Instruction</li> </ul> </li> </ul>		<ul style="list-style-type: none"> <li>• Air Rights</li> </ul>	<ul style="list-style-type: none"> <li>• Noxious Use and Risk Activity</li> <li>• Any use not mentioned under primary, written consent or consent use</li> </ul>

### CONTROLS ON THE EXTENT OF THE DEVELOPMENT

Density	Coverage	FAR	Height	Other
As approved by the Municipality	As approved by the Municipality	As approved by the Municipality	As approved by the Municipality	As approved by the Municipality

### CONTROLS REGARDING BUILDING LINES

### PARKING AND LOADING REQUIREMENTS

Stand Size	Street	Rear	Side	
Not Applicable	As approved by the Municipality	As approved by the Municipality	As approved by the Municipality	As per Clause 39

### OTHER CONTROL REGULATIONS

1. The Municipality may relax the provisions of building lines during the evaluation of the site development plan to the extent that it deems it fit in its opinion that such relaxation shall not harm the amenity of the neighbourhood and is deemed to result in a more desirable development of the property.

Code: MN	MINING			Colour code: R=141; G=73; B=241
<b>Objectives:</b> <ul style="list-style-type: none"><li>• Manage mining areas effectively with the minimum impact on the environment.</li><li>• Create a regulatory framework to manage and control all mining activities</li></ul>				
USE OF LAND AND BUILDINGS				
What land may be used for:			Land uses that are prohibited	
Primary Uses:	Written Consent	Consent Uses		
<ul style="list-style-type: none"><li>• Agricultural Uses</li><li>• Mining</li><li>• Quarrying and all uses permitted with surface rights permits</li><li>• Mine Dumps</li><li>• Slime Dams</li><li>• Training Facilities</li><li>• Housing</li><li>• Offices</li></ul>	<ul style="list-style-type: none"><li>• Loading Bay</li><li>• Taxi Holding Area</li><li>• Taxi Rank</li><li>• Transportation Enterprise</li></ul>	<ul style="list-style-type: none"><li>• Aerodrome</li><li>• Government Purpose</li><li>• Municipal Use</li><li>• Utility Service, as approved from time-to-time by local authority.</li></ul>	Any use not mentioned under primary, written consent or consent use	
CONTROLS ON THE EXTENT OF THE DEVELOPMENT				
Density	Coverage	FAR	Height	Other
Not Applicable	As approved by the Municipality	As approved by the Municipality	As approved by the Municipality	As approved by the Municipality
CONTROLS REGARDING BUILDING LINES			PARKING AND LOADING REQUIREMENTS	
Street	Rear	Side	As per Clause 39	
As approved by the Municipality	As approved by the Municipality	As approved by the Municipality		
OTHER CONTROL REGULATIONS				
<ol style="list-style-type: none"><li>1. Any requirements as per the applicable Acts and other regulations to that regulates the mining / extraction use shall be adhered.</li><li>2. The Municipality may relax the provisions of building lines during the evaluation of the site development plan to the extent that it deems it fit in its opinion that such relaxation shall not harm the amenity of the neighbourhood and is deemed to result in a more desirable development of the property.</li><li>3. Before land is developed – a report of radiation to be submitted</li><li>4. Before land is developed – acid mine drainage / acid and metalliferous drainage / acid rock drainage, which is the outflow of acidic water from metal mines or coal mines, must be addressed</li><li>5. All buffer and safe areas, as per applicable legislation, must be adhered to.</li></ol>				

Code: CM		CEMETERY		Colour code: R=104; G=104; B=104
<b>Objectives:</b> <ul style="list-style-type: none"><li>• Provide land use management objectives for the development of private and public cemeteries.</li><li>• Set suitable land for cemeteries.</li><li>• Locate cemeteries within reasonable distance for the public.</li></ul>				
USE OF LAND AND BUILDINGS				
Primary Uses:	Written Consent	Consent Uses	Land uses that are prohibited	
<ul style="list-style-type: none"><li>• Cemetery</li><li>• Crematorium</li><li>• Caretaker Dwelling</li><li>• Remembrance Wall</li><li>• Ancillary Uses</li><li>• Place of Public Worship</li></ul>		<ul style="list-style-type: none"><li>• Funeral Parlour</li><li>• Shop</li></ul>	<ul style="list-style-type: none"><li>• Noxious Use and Risk Activity</li><li>• Any use not mentioned under primary, written consent or consent use</li></ul>	
CONTROLS ON THE EXTENT OF THE DEVELOPMENT				
Density	Coverage	FAR	Height	Other
Not Applicable	As approved by the Municipality	As approved by the Municipality	As approved by the Municipality	As approved by the Municipality
CONTROLS REGARDING BUILDING LINES			PARKING AND LOADING REQUIREMENTS	
Street	Rear	Side	As per Clause 39	
As approved by the Municipality	As approved by the Municipality	As approved by the Municipality		
OTHER CONTROL REGULATIONS				
<p>1. All relevant legislation relating to the establishment of cemeteries shall be adhered to as contemplated in the National Environmental Management Act, 1998 (Act No. 107 of 1998).</p> <p>2. The Municipality may relax the provisions of building lines during the evaluation of the site development plan to the extent that it deems it fit in its opinion that such relaxation shall not harm the amenity of the neighbourhood and is deemed to result in a more desirable development of the property.</p>				

Code: CON	CONSERVATION			Colour code: R=56; G=168; B=0
<b>Objectives:</b> <ul style="list-style-type: none"><li>• Provide adequate measures for the protection of areas deemed for conservation purposes.</li><li>• Ensure that such facilities are located and maintained to attract visitors and tourists.</li><li>• Set aside areas of land for the provision of parks, botanical gardens and other open spaces as well as corridor linkages between open areas for passive recreational purposes.</li></ul>				
USE OF LAND AND BUILDINGS				
<b>Primary Uses:</b> <ul style="list-style-type: none"><li>• All declared national, provincial, and private nature reserves</li><li>• All other protected areas</li><li>• Game Reserves</li><li>• Conservation Purposes</li><li>• Sensitive environments and</li><li>• Flood line areas</li></ul>	<b>Written Consent</b> <ul style="list-style-type: none"><li>• As approved by the Municipality in line with environmental legislative controls.</li></ul>	<b>Consent Uses</b> <ul style="list-style-type: none"><li>• As approved by Local Municipality</li></ul>		<b>Land uses prohibited</b> <ul style="list-style-type: none"><li>• Noxious Use and Risk Activity</li><li>• Any use not mentioned under primary, written consent or consent use</li></ul>
CONTROLS ON THE EXTENT OF THE DEVELOPMENT				
<b>Density</b>	<b>Coverage</b>	<b>FAR</b>	<b>Height</b>	<b>Other</b>
As approved by the Municipality	As approved by the Municipality	As approved by the Municipality	As approved by the Municipality	As approved by the Municipality
CONTROLS REGARDING BUILDING LINES			PARKING AND LOADING REQUIREMENTS	
<b>Street</b>	<b>Rear</b>	<b>Side</b>	As per Clause 39	
As approved by the Municipality	As approved by the Municipality	As approved by the Municipality		
OTHER CONTROL REGULATIONS				
<ol style="list-style-type: none"><li>1. There shall be compliance with the National and Provincial Environmental Legislation in the development of nature reserves, land for conservation purposes, cultural heritage sites, protected areas and listed activities.</li><li>2. The Municipality may relax the provisions of building lines during the evaluation of the site development plan to the extent that it deems it fit in its opinion that such relaxation shall not harm the amenity of the neighbourhood and is deemed to result in a more desirable development of the property</li></ol>				

Code: S	SPECIAL			Colour code: R=50; G=150; B=130
<b>Objectives:</b> <ul style="list-style-type: none"><li>• This zone is intended for purposes and land uses that cannot be dealt with in the current Use zones and may cater for unique and extraordinary circumstances.</li><li>• The zone may only be considered with the support and approval by the Municipality through the pre-consultation mechanisms provided in Section 40 of the Mogale City Spatial Planning and Land Use Management Bylaw, 2018 prior to the submission of a land development application.</li></ul>				
USE OF LAND AND BUILDINGS				
Primary Uses:	Written Consent	Consent Uses		Land uses that are prohibited
As determined by the Municipality	n/a	n/a		n/a
CONTROLS ON THE EXTENT OF THE DEVELOPMENT				
Density	Coverage	FAR	Height	Other
n/a	As approved by the Municipality	n/a	As approved by the Municipality	As approved by the Municipality
CONTROLS REGARDING BUILDING LINES			PARKING AND LOADING REQUIREMENTS	
Street	Rear	Side	As per Clause 39	
As approved by the Municipality	As approved by the Municipality	As approved by the Municipality		
OTHER CONTROL REGULATIONS				

Code: S	UNDETERMINED			Colour code: R=74; G=142; B=58
<b>Objectives:</b> <ul style="list-style-type: none"><li>• No development is permitted on land within this use zone.</li><li>• Instances occur where properties cannot accommodate any development due to the impact of roads, building lines and lines of no access.</li></ul>				
USE OF LAND AND BUILDINGS				
Primary Uses:	Written Consent	Consent Uses	Land uses that are prohibited	
The land may not be used for any purpose prior to the rezoning thereof to an appropriate zoning.	n/a	n/a	n/a	
CONTROLS ON THE EXTENT OF THE DEVELOPMENT				
Density	Coverage	FAR	Height	Other
n/a	n/a	n/a	n/a	n/a
CONTROLS REGARDING BUILDING LINES			PARKING AND LOADING REQUIREMENTS	
Street	Rear	Side	As per Clause 39	
n/a	n/a	n/a		
OTHER CONTROL REGULATIONS				

## **PART IV: DEVELOPMENT RULES AND OVERLAY ZONES**

### **10. PROTECTION OF EXISTING BUILDINGS**

Save that alterations or additions to existing buildings shall be carried out in compliance with the provisions of the MCLM-LUS, legally existing buildings shall not be affected by the provisions of the MCLM-LUS which would otherwise have rendered such buildings illegal, unless such buildings and/or structures were constructed illegally or without building plans or without approved site development plans.

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

Where a building, erf or site is used for different purposes the provisions of the MCLM-LUS relating to parking requirements, loading and off-loading, height, floor area and coverage, are applicable separately to the respective areas used for such purposes.

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

- 12.1 Save with the written approval of the Municipality and subject to such conditions it may impose:
  - 12.1.1 Neither the owner nor any other person shall have the right, save and except to prepare the erf for building purposes, to excavate therefrom any materials
  - 12.1.2 Neither the owner nor any other person shall sink any wells or boreholes thereon or abstract any subterranean water therefrom
  - 12.1.3 No land shall be used for the purpose of refuse tipping, sewerage disposal or the removal of soil, sand or gravel for the purposes of selling without the approval from the Municipality, Department of Water Affairs, Department of Minerals and Energy, Gauteng Department of Agriculture and Rural Development or any other relevant Department / Institution.
- 12.2 Where, in the opinion of the Municipality, it is impracticable for stormwater to be drained from higher lying erven direct to a road, the owner of the lower lying erf shall be obliged to accept and/or permit the passage over the erf of such storm water: Provided that the owners of any higher lying erven, the storm water from which is discharged over any lower lying erf, shall be liable to pay a proportionate share of the cost of any pipe line or drain which the owner of such lower lying erf may find necessary to lay or construct for the purpose of conducting the water so discharged over the erf.
- 12.3 The positioning of all buildings, including outbuildings erected on the erf, and ingress to and egress from the erf shall be to the satisfaction of the Municipality and where applicable the relevant provincial and/or national department.
- 12.4 The following land uses shall be regarded ancillary uses:
  - 12.4.1 Guardhouse: All Land Use Zones
  - 12.4.2 Caretakers unit: "Residential 1", 'Residential 5' and 'Transitional Residential' with the approval of the Municipality.
- 12.5 If an erf or site abuts a provincial road or a national road, once land use rights are approved, a fence shall be erected along the boundary between the erf or site and such road in accordance with the standards laid down by the relevant Provincial / National Department.
- 12.6 All erven shall be fenced and maintained if and when required, to the satisfaction of the Municipality. Boundary walls must be in accordance with the provisions of the National Building Regulations. All fencing and/or walling

shall be completed and finished off on both sides, with acceptable building materials, to the satisfaction of the Municipality.

- 12.7 The owner is responsible for the maintenance of the entire property in compliance with all relevant Municipal Bylaws and the conditions contained in the Conditions of Approval.
- 12.8 The extraction of minerals by underground working or by surface working, or the erection of any buildings or the carrying out of any work which is incidental thereto on land which is not included in a proclaimed township or an agricultural holding shall be prohibited, unless approved by the Municipality, Department of Water Affairs, Department of Minerals and Energy, Gauteng Department of Agriculture and Rural Development or any other relevant Department / Institution.
- 12.9 The main building which shall be a completed building and not one partly erected and to be completed at a later date, shall be erected simultaneously with or before the outbuildings.
- 12.10 Where buildings are to be erected within 2 meters from any boundary of an erf or site in any Use Zone, the support from the relevant service departments of the Municipality shall be obtained in writing.
- 12.11 Where buildings are to be erected on a 'Residential 1' zoned erf or site at a height of more than 1 storey, a distance of 2 meters from any boundary other than a street boundary shall be maintained unless the consent is obtained as per provisions of the MCLM Bylaw, 2018 and shall be in line with the provisions of the National Building Regulations.
- 12.12 The following guidelines shall apply for approval of House / Spaza Shops by the occupant of a dwelling house / unit:
  - 12.12.1 The floor area of the shop may not exceed 50m<sup>2</sup>, or as per discretion of the Municipality
  - 12.12.2 The number of employees employed in the shops may not exceed two
  - 12.12.3 The sale or consumption of liquor shall not be permitted in the shop
  - 12.12.4 The residential character of the site shall be maintained to the satisfaction of the Municipality and the predominant land use shall remain residential
  - 12.12.5 The shop shall not cause an interference with the amenities of the neighbourhood
  - 12.12.6 The exhibition of any notice or sign other than a notice or sign ordinarily exhibited on a dwelling unit to indicate the name of the occupier shall be prohibited
  - 12.12.7 The storing or keeping on the site of such dwelling unit of anything whatsoever which, in the opinion of MCLM, is unsightly or undesirable shall be prohibited. No amusement machines of any kind shall be permitted on the premises
  - 12.12.8 Application for the Municipality's approval for a House / Spaza Shop or Tavern / Shebeen, shall be considered in terms of the Municipality's prevailing policies in respect of these land uses and parking shall be provided to the satisfaction of the Municipality; and
  - 12.12.9 All relevant legislation and Municipality's Bylaws shall be complied with to the satisfaction of the Municipality.
- 12.13 Land subject to flooding:

- 12.13.1 Notwithstanding anything contained elsewhere in this LUS, where any Land or portion thereof is or is likely to be subject to a flood line, flooding by floodwaters from any stream, river or other source, the Municipality may, subject to the determination of a flood line, as provided for in the relevant legislation, prohibit the erection of any building or buildings thereon or on any part thereof, or may prohibit the subdivision of the land for building purposes, or may permit such erection or subdivision subject to such conditions as it may consider necessary in the interests of health, safety and general welfare.
- 12.13.2 The Municipality shall for the aforesaid purposes, and having regard to the proposals before it, take into consideration such information as is available concerning the flooding on the land concerned, the situation, shape, slope and other characteristics of the land and its accessibility from the public street in time of flood.
- 12.13.3 Any person aggrieved by any decision of the Municipality in terms hereof may Appeal.
- 12.13.4 Whenever any building is permitted to be erected on land which is subject to flooding by floodwaters from any stream, river or other source, the following provisions shall apply –
- 13.13.4.1 The ground floor of the building shall be so constructed that it is raised to a height of at least 300mm above the maximum known flood level / flood line on such land, and such floor shall be a concrete floor. No basements or cellars for any use whatsoever will be allowed.
- 13.13.4.2 For the purpose of this paragraph, the maximum known flood level means the maximum known level reached by floodwaters on the land on which the building is to be erected, as ascertained by the determined flood line
- 13.13.4.3 If any opening is provided in the external walls whereby flood waters may enter beneath such floor, there shall be provided at ground level in the external walls and in internal floor supporting walls, access openings free of all obstruction, capable of effectively allowing any water so entering to escape and drain from beneath such building
- 13.13.4.4 The ground surrounding such building shall not be filled or built upon in any manner to impede or obstruct the flow of water escaping or draining from such building, as aforesaid; and
- 13.13.4.5 No approval or permission granted by the Municipality in terms hereof shall render the Municipality liable in respect of any flooding of the land or buildings concerned.

### 13. CONVERSION OF USE OF A BUILDING

If the use of a building which has been approved, erected and used for a specific purpose is to be changed, the use for such different purpose shall not be commenced until the provisions of the MCLM-LUS relating to such different purpose have been complied with, including the submission of a relevant land use application and an amended building plan or Site Development Plan.

### 14. CONDITIONS APPLICABLE TO PUBLIC GARAGES / FILLING STATIONS

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

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

- 14.4 Screen walls shall be erected by the registered owner to the satisfaction of the Municipality. The extent, material, design, height, position and maintenance thereof shall be to the satisfaction of the Municipality.
- 14.5 No material or equipment of any nature whatsoever shall be stored or stacked outside the garage building, except in an area screened off for the purpose to the satisfaction of the Municipality.
- 14.6 At every filling station / public garage where vehicles are refuelled, sanitary facilities shall be provided for use by the general public to the satisfaction of the Municipality.
- 14.7 A site development plan shall be submitted.
- 14.8 The Municipality may relax the conditions in Clause 14.5 to 14.7 by written consent.

## **15. APPLICATION FOR CONSENT**

- 15.1 Any owner intending to:
  - 15.1.1 Apply to the Municipality for consent for the erection of buildings and / or use of land for a purpose as set out in the Use Zone Tables, shall submit such application to the Local Authority for consideration.
  - 15.1.2 Use land in any land use zone for a purpose for which such land may only be used with the consent of the Municipality must apply to the Municipality for the necessary consent as stipulated in terms of the provisions of the MCLM Bylaw, 2018.
- 16.2 Clause (40) shall apply mutatis mutandis to applications in terms of sub-clause 15.1.

## **16. APPLICATION FOR WRITTEN CONSENT**

- 16.1 If a provision in the MCLM-LUS requires the written consent of the Municipality, the applicant shall, submit a written motivation detailing the nature of such application and shall be accompanied by such supporting documents as may be required and any applicable fees.
- 16.2 Any condition imposed in terms of a written consent shall have the same force and effect as if it were a clause of the MCLM-LUS.
- 16.3 A written consent granted by the Municipality in terms of the MCLM-LUS may be subject to termination by the Municipality if any breach of a condition upon which such written consent was granted is not remedied in compliance with a notice served by the Municipality upon the owner or occupier of the erf or site concerned after affording the applicant an opportunity for a hearing.
- 16.4 A written consent application shall comply with the following procedures:
  - 16.4.1 A letter, accompanied by an outline of the proposed land use as permitted in the specific use zone, shall be dispatched in writing and by registered post, by hand or by any other means available to any adjoining owners and any other party as deemed necessary by the Municipality whom, at the discretion of the Municipality, may possibly be adversely affected by the granting of the written/ temporary consent, setting out the following:
    - 16.4.1.1 Full details of the application including, but not limited to, the street address, the name of the township, a clear erf description of the erf concerned and the nature and general purpose of the application
    - 16.4.1.2 The date on which such application was submitted to the Municipality, and it shall reflect the name, postal address, telephone number, fax number (where applicable) and e-mail address of the person submitting the application

- 16.4.1.3 That any objection, comment or representation in regard thereto shall be submitted timeously to both the Municipality and the person mentioned in Sub-clause (16.4.1.2) above in writing by registered post, by hand, by facsimile or by e-mail within a period of twenty-eight (28) days from date of receipt of the letter.
- 16.4.2 Proof of compliance with Sub-clause (16.4) above shall be accompanied by a written affidavit must be submitted to the Municipality prior to consideration of the application.
- 16.4.3 The Municipality shall forward all comments, objections and representations to the applicant within seven (7) days after the time period to submit any comments, objections or representations has expired.
- 16.4.4 Where objections, comments and/or representations have been received as a result the notification outlined above, the applicant may respond in writing thereto to the Municipality within fourteen (14) days of date of receipt of such objection, comment and/or representation, where after the Municipality shall refer the application without delay to the Municipal Planning Tribunal for determination.
- 16.4.5 No decision shall be taken on the application unless due regard has been given to each objection, comment and representation lodged timeously.
- 16.4.6 Subject to Section 39 of the MCLM Bylaw, in the instance of an unopposed application, a decision on the application shall be taken by the authorised official or his/her duly authorised sub-delegate within sixty (60) days after the date of expiry of the time period mentioned in Sub-clause (16.4.4) above.

## **17. HOME ENTERPRISES, PROFESSION AND/OR OCCUPATION**

Without prejudice to any of the powers of the Municipality under the provisions of the MCLM-LUS or any other law, nothing in the provisions of this part of the MCLM-LUS shall be construed as prohibiting or restricting or enabling the Municipality to prohibit or restrict the practice by any permanent occupant of a Dwelling House / Unit of a profession or occupation or use of a Dwelling House / Unit for the purpose of a Home Enterprise, provided that:

- 17.1 The main use shall remain residential.
- 17.2 The dwelling house / unit shall not be used for a public garage, motor sales, motor workshop, heavy mechanical repairs (e.g. grinding, welding, sanding, etc.), car wash, industrial / commercial purposes, noxious industries, scrap yard, spray painting, panel beating, shop (retail outlet), house / spaza shop, tavern / shebeen, restaurant, coffee shop, tea garden, place of amusement, place of instruction, institution, guest house, boarding house, commune, hotel, funeral parlour, undertaker, pet salon or any such other uses as the Municipality may determine, except for properties located in Use Zone: Residential 5, where specific non-residential uses are listed..
- 17.3 The principal of the non-residential activity shall be the permanent occupant on the site.
- 17.4 The enterprise should not negatively impact on any infrastructure services greater than normally required for domestic use.
- 17.5 Parking, as well as loading and off-loading activities directly related to the non-residential activity, shall be to the satisfaction of the Municipality.
- 17.6 The display of a non-luminous notice or sign on the boundary fence or building, to indicate only the name, profession / occupation, business logo and telephone number(s) of such a permanent resident, shall be permitted in compliance with the prevailing outdoor advertising Bylaws.
- 17.7 An occupation, profession or home undertaking of such a nature that would cause an undue increase in traffic in the neighbourhood or the passing of heavy vehicles through the neighbourhood, neither the congregating of

workers in relation to the profession/s or occupation/s exercised from the dwelling house / unit shall not be permitted.

- 17.8 Interference, in the opinion of the Municipality, with the amenities of the neighbourhood by means of noise, smell, dust, aesthetic appearance or any other manner, shall not be permitted.
- 17.9 The storing or keeping on the site of anything whatsoever which, in the opinion of the Municipality, is unsightly or undesirable or a risk to the safety and security of residents, such as ammunition, weapons, fire arms, explosives, fireworks, chemicals and waste or something which cannot be accommodated by the ordinary design of a dwelling house or dwelling unit shall not be permitted.
- 17.10 Should the permanent occupant wish to practice a profession, occupation or home enterprise from a container or non-permanent structure on the site, such practice shall be subject to permission being granted by the written consent of the Municipality accompanied by a plan indicating the nature, size and position of the container or non-permanent structure on the site. This written consent will be subject to the submission of a building plan and will also be subject to the relevant fire and health regulations.
- 17.11 In developments governed by sectional title or resident's associations, such home enterprise, profession and/or occupation shall be accommodated subject to a letter of support from the relevant Body Corporate / Home Owners Association.
- 17.12 All relevant legislation and Municipal Bylaws shall be complied with to the satisfaction of the Municipality.

## 18. SECOND DWELLING UNIT

Notwithstanding the provisions of the land development requirements of the erf, as contained in the MCLM-LUS:

- 18.1 An owner may erect and use a maximum of two second dwelling units on an erf zoned Residential 1, subject to the following conditions:
  - 18.1.1 The two second dwelling units shall be inclusive of staff accommodation;
  - 18.1.2 Staff accommodation, in excess of a second dwelling shall be applied for by means of a written consent application, inclusive of comments regarding infrastructure;
  - 18.1.3 The total floor area of the second dwelling units shall not exceed 100m<sup>2</sup> or 90% of the main dwelling house whichever is the lesser;
  - 18.1.4 A second dwelling unit may only be erected in relation to an existing dwelling house;
  - 18.1.5 A second dwelling unit may be attached to or detached from the main dwelling house but in the former instance may not be interconnected;
  - 18.1.6 A second dwelling unit may consist of interconnected rooms or unconnected rooms.
    - 18.1.6.1 The unconnected rooms may be self-contained or may share communal ablution and/or kitchen facilities.
    - 18.1.6.2 In an interconnected second dwelling unit, the unit may be rented out to a household or three (3) bedrooms may be rented to individual persons.
    - 18.1.6.3 In an unconnected second dwelling unit, rentable rooms, the minimum size of a habitable space shall not be less than 9m<sup>2</sup>, excluding ablutions and kitchens, or 6m<sup>2</sup> per person for more than one person.

- 18.1.6.4 Rentable rooms may be self-contained provided that the room may not exceed 25m<sup>2</sup>
- 18.1.6.5 A second dwelling unit is equivalent to three (3) rentable rooms which may share a kitchen and/or ablution facilities or three (3) self-contained rentable rooms.
- 18.1.7 Parking shall be provided to the satisfaction of the Municipality
- 18.1.8 No outbuildings may be erected in relation to the second dwelling units other than a garage/s;
- 18.1.9 The access, positioning and design of the second dwelling units shall be to the satisfaction of the Municipality;
- 18.1.10 The screening of the second dwelling units shall be to the satisfaction of the Municipality;
- 18.1.11 The amenity of the area shall not be disturbed;
- 18.1.12 Where an owner of a Residential 1 property exercised the right of a second dwelling unit, neither the second dwelling unit nor the dwelling house may be sectionalized, unless an application for such rights has been lodged and approved;
- 18.1.13 In the event of subdivision in accordance with the prevailing density guidelines a newly erected portion may contain the detached second dwelling unit, which may now be re-defined as an existing dwelling house; and
- 18.1.14 When an owner exercises the right for the second dwelling units, engineering services contributions in terms of the prevailing policies for engineering services, will be payable on submission of the building plan as determined by the Municipality.

## 19. CONDITIONS FOR CHILD CARE FACILITIES

- 19.1 Subject to the provisions of sub-clause 15, the Municipality may grant its consent to the erection upon an erf or site upon which a dwelling house or dwelling unit has been erected or to a building for use as a place of instruction for a child care centre.
- 19.2 The Municipality shall not grant its consent in terms of sub-clause 15 unless there is sufficient area on site for the activities connected with the proposed child care centre including the necessary on-site parking requirements to the satisfaction of the Municipality as well as the provision of areas for the dropping and collecting of children.
- 19.3 No consent shall be granted for a child care facility on a property where the required areas stipulated in the relevant Bylaw or other controlling legislation can be provided.
- 19.4 No consent is required if six (6) or less children are accommodated on the erf.
- 19.5 In the consideration of an application for a child care facility the necessary attention shall be given to Municipal policy(ies) related to the operation of such facility(ies).
- 19.6 The following facilities are provided for - which is addressed in land-use-specific policies for these purposes, namely:
  - 19.6.1 Crèche / nursery school / day care: means land and buildings or portion of a building used for the custody and care during the whole or part of the day on all or only some days of the week, for more than six children of pre-school going age and which has been registered as a place of care under the Children's Act, Act 38 of 2005. This also includes a nursery school.

19.6.2 Educational playgroup: means a building or portion of a building used by the owner or occupant to provide day care to six or less young children in the absence of their parents and may include a play group or after school services.

19.7 A site development plan shall clearly indicate:

19.7.1 access to the site that must be to the satisfaction of the Municipality

19.7.2 off and on loading areas which may not be located on any sidewalk, depending on the size of the erf

19.7.3 play and activity areas for the children, and

19.7.4 building / structure to be used as the facility.

19.8 The erf shall comply with the conditions and regulations as contained in the standard health Bylaws as promulgated in the Provincial Gazette.

19.9 The maximum number of children to be accommodated on the erf shall be determined upon registration with the relevant provincial department and as per health regulations.

19.10 All poisonous plants and hazardous objects shall be removed from the erf.

## 20. CONDITIONS RELATING TO RELIGIOUS PLACES

20.1 The Municipality shall not grant its consent to any religious purposes where there is any interference with the amenities of the neighbourhood with regard to noise, parking, traffic, etc.

20.2 All applications shall be accompanied by a Traffic Management Plan to address peak hour operations.

20.3 No applications shall be permitted within residential complexes.

20.4 Noise attenuation must be addressed in the application, as well as a Site Development and Building Plans.

## 21. SERVITUDES

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

## 22. CONSOLIDATION AND SUBDIVISION OF ERVEN

22.1 Subject to the provisions of Section 58 and 60 of the MCLM Bylaw, 2018, the Municipality may grant its approval to the subdivision of any erf or consolidation of erven, subject to such conditions as it may deem fit and in accordance with the density guidelines as per Clause 25 and the applicable Municipal policy.

22.2 In considering an application for its approval for consolidation and/or subdivision as contemplated in sub-clause (1), the Municipality shall, in addition to any other relevant factors, have regard to:

22.2.1 Whether the said consolidation and/or subdivision is necessary and desirable in relation to the location of buildings on the erf to be subdivided and/or consolidated.

22.2.2 Whether there is adequate and unhindered access to and from the erven or sites; where a panhandle erf or site is created through subdivision the width of the panhandle shall be to the satisfaction of the Municipality which shall not be less than four (4) metres, with due consideration to municipal infrastructure.

22.2.3 Where the major vegetation and/or prominent natural features are positioned on the erf or site that the owner retains such as far as possible.

- 22.3 In urban areas no consolidation of two or more erven with different Use Zones or Schedules or Annexures shall be permitted unless appropriately rezoned.
- 22.4 Split Zones will only be allowed in the Agricultural Use Zone as may be approved by the Municipality.
- 22.5 Erven that have been developed with semi-detached units (two dwelling units under one roof), in accordance with the provisions of previous town planning schemes, may be subdivided in accordance with the provisions of the MCLM-LUS, as well as the requirements of the National Building Regulations pertaining fire-walls.
- 22.6 The Municipality may grant approval to:
  - 22.6.1 The subdivision of an erf zoned “Residential 1”, one dwelling house per erf;
  - 22.6.2 The subdivision of an erf zoned Residential 1, which would have the effect of creating an erf or erven smaller in size than the minimum area specified in Table for Residential 1 (Code: R1);
  - 22.6.3 If an erf is subdivided in terms of sub-clauses 22.2.1 to 22.2.3 to 20 units per hectare or less, each subdivided portion shall have direct access to a road.
- 22.7 The Municipality may grant its approval to the subdivision of an erf zoned ‘Residential 2, 3 or 4’, whether or not a density is indicated in terms of Table for Residential 1 (Code: R1), in accordance with an approved Site Development Plan as contemplated in Clause 40.
- 22.8 Upon the approval of a subdivision the following conditions shall be included as conditions of title of each and every subdivided portion:
  - 22.8.1 The erf is subject to a servitude, 2 metres wide, in favour of the local authority, for sewerage and other municipal purposes, along any two boundaries other than a street boundary and in the case of a panhandle erf, an additional servitude for municipal purposes 2 metres wide across the access portion of the erf, if and when required by the local authority: Provided that the local authority may dispense with any such servitude.
  - 22.8.2 No building or other structure shall be erected within the aforesaid servitude area and no large-rooted trees shall be planted within the area of such servitude or within 2 metres thereof.
  - 22.8.3 The local authority shall be entitled to deposit temporarily on the land adjoining the aforesaid servitude such material as may be excavated by it during the course of the construction, maintenance or removal of such sewerage mains and other works as it, in its discretion may deem necessary and shall further be entitled to reasonable access to the said land for the aforesaid purpose subject to any damage done during the process of the construction, maintenance or removal of such sewerage mains and other works being made good by the local authority.
- 22.9 The Municipality shall attach the conditions of the approved subdivision to the zoning of all the newly created erven concerned. In the event of the cancellation or lapsing of such subdivision the Municipality may remove such conditions and do the appropriate adjustments.
- 22.10 Upon the approval of a subdivision application all the conditions of approval shall:
  - 22.10.1 Be in addition to the general conditions, restrictions and other provisions of the MCLM-LUS.
  - 22.10.2 Should there be conflict with any such other conditions, restrictions or provisions in the MCLM-LUS including the provisions and conditions contained in an Annexure or Schedule applicable to the erf, such conditions shall prevail.
- 22.11 Notarial ties shall only be allowed when consolidation is not possible and/or where municipal boundaries, farm boundaries or township boundaries does not permit it.

## **23. DOLOMITIC OVERLAY ZONE**

The conditions as contained in SANS 1936, as well as conditions / requirements as per site-specific studies, will apply to erven / properties affected by dolomitic conditions.

## **24. ENVIRONMENTAL MANAGEMENT INSTRUMENTS**

The following documents are acknowledged:

- Gauteng Environmental Management Framework
- Bio-Regional Plan for the West Rand District Municipality
- Magaliesberg Bio-Sphere
- Cradle of Humankind World Heritage Site Management Zones
- Any other relevant environmental policy to be developed from time-to-time.

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

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

### **PART V: LAND DEVELOPMENT REQUIREMENTS**

#### **25. DENSITY DEVELOPMENT REQUIREMENTS**

- 25.1 The number of dwelling houses or dwelling units that may be erected on an erf or site shall be in accordance with the provisions for each Use Zone.
- 25.2 In all Use Zones other than Residential 1, 2, 3, 4 and 5 (or where specified in an Annexure / Schedule) where residential use is permitted, dwelling houses, dwelling units, mobile dwelling units and residential buildings shall only be erected in accordance with the provisions relating to height, coverage and floor area ratio applicable to the erf or site concerned.
- 25.3 If an erf or site is situated in more than one Use Zone, buildings may be erected without subdivision of the erf or site, in accordance with purposes permitted in each use zone on the various parts of such erf or site.

#### **26. HEIGHT DEVELOPMENT REQUIREMENTS**

- 26.1 The number of storeys, excluding basement storeys that may be contained in a building shall be determined by a designated Height Zone detailed for each Use Zone.
- 26.2 Subject to the provisions of this Part of the MCLM-LUS, no building shall be erected so as to contain a number of storeys in excess of the number specified in sub-clause 26.1: Provided that an additional storey may be permitted with the consent of the Municipality.
- 26.3 In considering applications for the Municipality's consent in terms of sub-clause 26.2, the Municipality shall, in addition to any other relevant factors have regard to:
  - 26.3.1 The location and topography of the erf or site
  - 26.3.2 Whether, for example, the additional open space resulting from a building containing more than four storeys is more desirable than that which would result from a four-storey building
  - 26.3.3 The effect on the surrounding area with particular emphasis on the possible obstruction of view, overshadowing or breaking of the natural skyline; and
  - 26.3.4 The desirability of creating a focal point on the site.

#### **27. GROUND STOREY AND BASEMENT STOREYS**

- 27.1 A building shall have only one ground storey and, save for a building consisting of only one storey, the building plans of a building shall indicate which the ground storey is.
- 27.2 All storeys below the ground storey shall be indicated as basement storeys on building plans and shall comply with the provisions as set out in the definition of basement.

- 27.3 Basement storeys shall not be taken into account in the determination of the permissible number of storeys in a building as per definition of basement, however, if basements are used for any other purpose other than parking, such areas shall be included as floor area.

## **28. COVERAGE REQUIREMENTS**

- 28.1 No building shall be erected so as to cover a greater proportion of its erf than is permitted in terms each Use Zone.
- 28.2 The provisions of sub-clause 28.1 shall apply to every storey in a building, including any basement storey.
- 28.3 The Municipality may grant its written consent:
- 28.3.1 To any basement storey which is below natural ground level being constructed so as to exceed the coverage permissible in terms of sub-clause 28.1.
  - 28.3.2 To the area covered by private parking garages so as to exceed the coverage permissible in terms of 28.1.
  - 28.3.3 In considering an application for its approval in terms of sub-clause 28.3 the Municipality shall in addition to any other relevant factors have regard to the likely effect upon plant life, possible future road improvements and the location of essential services.
- 28.4 The Municipality may grant its written consent to the coverage being increased:
- 28.4.1 On any use zone to an additional maximum of 1%
  - 28.4.2 In considering an application for its consent in terms of sub-clause 28.3 the Municipality shall in addition to any other relevant factors have regard to the likely effect upon plant life, possible future road improvements and the location of essential services.
- 28.5 Coverage of buildings within the CBD, erected prior 1980, should be respected, also in instance of the rezoning of such a property

## **29. FLOOR AREA RESTRICTIONS**

- 29.1 No building shall be erected so as to exceed the floor area ratio as prescribed for each Use Zone. The floor area ratios as given are applicable to buildings erected in the Height Zones.
- 29.2 If an erf has no street frontage and access to a road is gained over another erf which fronts onto such street, the floor area ratio of the latter erf shall apply to such erf.
- 29.3 The floor area ratio as reflected in Table for Residential 1 shall not be applicable to residential cluster / group housing (freehold) development, in which instance the floor area ratio shall be determined in terms of the conditions of approval and an approved Site Development Plan.

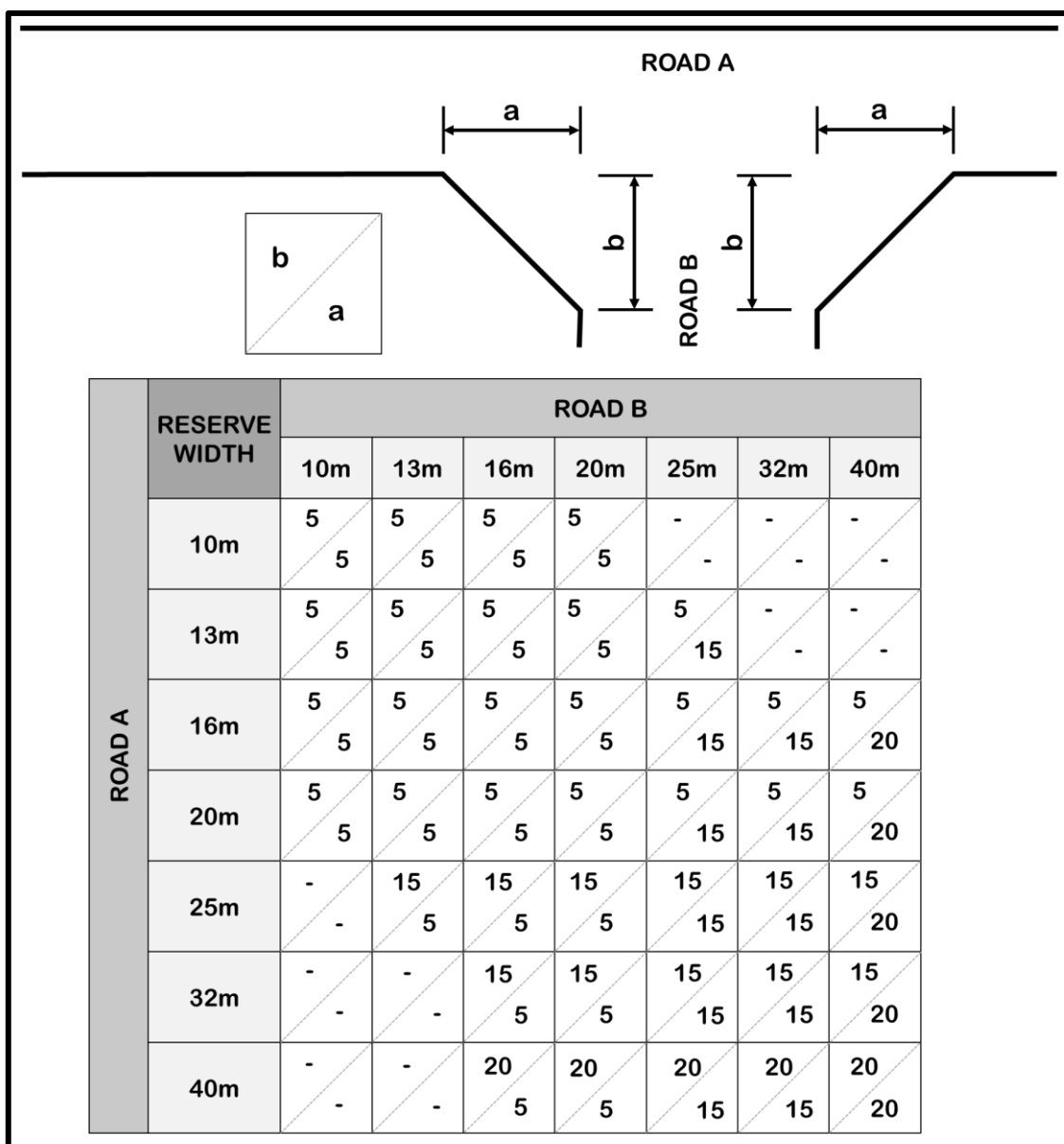
## **30. ADDITIONAL FLOOR AREA**

The Municipality may grant its written consent to the floor area ratio being increased by not more than 5%. In considering an application for its consent the Municipality shall in addition to any other relevant factors have regard to the likely effect upon plant life, possible future road improvements and the location of essential services.

### 31. SPLAYING OF CORNERS, LINES OF NO-ACCESS, NEW STREET AND STREET WIDENING

#### 31.1 Splaying of corners

In any township, the corners of all road junctions shall be splayed as indicated in the figure below, or to the requirements of the relevant road authority.



#### 31.2 Allowance for splayed corners

In calculating the area of a corner property, the portion thereof cut-off by the splay in accordance with sub-clause 31.1 hereof, shall be deemed to be a part of the property for the purposes of the respective Land Use and other relevant tables.

#### 31.3 Prohibition of access to certain roads / streets

32.3.1 Where access from any property to any road or street or portion thereof in the area of the LUS is prohibited such prohibition shall be indicated by means of a distinctive no-access line on the Map. No

access or egress shall be allowed over this line unless the Municipality has approved a rezoning application for this purpose.

- 32.3.2 The Municipality may, when granting any consent contemplated herein impose such conditions as it may deem fit. A consent granted in terms of this clause shall not be construed as a relaxation of any restriction on access imposed by any other law or contained in the title deed of the property or imposed by the controlling authority.

## **32. GENERAL APPEARANCE AND CONVENIENCE**

- 32.1 The Municipality may, if in its opinion any proposed building in any use zone in respect of which building plans have been submitted to it for approval will disfigure the environment or may for any reason whatsoever be detrimental to the amenity of the area, require the person who submitted such building plans, to furnish such further information, plans, models or other sufficient indication of the proposed building as it may, in its discretion, deem necessary, before considering such building plans in terms of the provisions of its building Bylaws.
- 32.2 The Municipality shall within a reasonable time (not exceeding 90 days) from the date of submission to it of the particulars, approve or disapprove the building plans, and it shall forthwith in writing notify the person who submitted them of its decision and if it rejects such plans, it shall at the same time furnish reasons for such refusal.
- 32.3 Where in the opinion of the Municipality the general amenity of the neighbourhood in any use zone is harmed by:
- 32.3.1 Any works of any nature undertaken or proceeded with; or
  - 32.3.2 The use of any nature to which any building, structure, curtilage of land has been put; or
  - 32.3.3 The condition of any building, structure, work, activity, curtilage of land

The Municipality may serve a notice on the owner or occupant of the property on which the harmful work, use or conditions exist or are being carried out, requiring the owner or occupant to take action to abate and/or make good the work, use or conditions which cause that harm and to ensure that the abatement be completed within a specified period.

## **PART VI: BUILDING RESTRICTION AREAS**

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

- 33.1 Building lines applicable to street boundaries are given for each Use Zone.
- 33.2 Subject to the provision of sub-clause 33.3 and clause 34, no building shall be erected in a building restriction area, without the approval of the Municipality or any other relevant authority.
- 33.3 Sub-clause 33.2 is not applicable to boundary fences; garden walls; garden fences; garden ornaments; garages and carports with indirect access and associated single storey domestic outbuildings related to dwelling houses; dwelling units and residential buildings; electrical high and low tension chambers; pergolas; guard houses; antenna; satellite dishes; or swimming pools: Provided that such exemption does not apply along any provincial or national road in so far as it would be contrary to the requirements of the controlling authority.
- 33.4 Due to the existence of omnibus servitudes and municipal services situated on properties, any / all such services shall be indicated on the building plan and where a building/s, whether such structure/s is on or above surface or below surface, or any building works (retaining walls, etc.), is closer than two (2) metres from any boundary, the specific clearance from all the services departments shall be obtained.

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

- 34.1 The Municipality may consent to the erection of buildings:
  - 34.1.1 In the building restriction area between the building line and street boundary;
  - 34.1.2 In the case of structures below ground level or mainly below ground level, in the building restriction area between the building line and the street boundary;
  - 34.1.3 Buildings may be erected between the building line and the boundary of a sanitary lane if it is not in conflict with the Municipality's Bylaws and does not traverse any infrastructure;
  - 34.1.4 Such consent may not be granted along any provincial or national road where such consent would be contrary to the requirements of the controlling authority.
- 34.2 A consent granted in terms of sub-clause 34.1 shall be valid for the life of the building in respect of which such consent was granted, or for any shorter period that may be specified by the Municipality as a condition of its consent.
- 34.3 In considering an application for its consent in terms of sub-clause 34.1 the Municipality shall, in addition to any other relevant factors, have regard to:
  - 34.3.1 The possibility of future road improvements;
  - 34.3.2 The location of the building in relation to surrounding sites and buildings;
  - 34.3.3 The slope of the land comprising the erf or site in relation to the slope of surrounding land;
  - 34.3.4 The arrangement of the buildings on the erf;
  - 34.3.5 All existing and/or future servitudes for engineering services;
  - 34.3.6 Any factor indicating the compliance with the building line would unreasonably interfere with the development of the erf.

- 34.4 If an erf or site abuts a provincial road or a national road, a building restriction shall be applicable in accordance with the standards laid down by the relevant Provincial Department or controlling body.

## **PART VII: PARKING AND LOADING**

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

- 35.1 The provisions for parking in this Part of the MCLM-LUS, as well as relevant policies, as amended from time-to-time, shall not apply to land or land and buildings where such land or buildings, or both, are used exclusively for public or private parking areas: Provided that in a building to be used or erected and used, partly for a public parking area and partly for other uses, this Part shall apply to that part of said land or building used or erected and used for such other uses; parking shall not be used for the exclusive use of tenants. If parking is demarcated / reserved, it shall be over and above the standard requirement.
- 35.2 For the purposes of calculating the number of parking spaces that can be provided, it shall be deemed that one parking space is equal to an area of 30m<sup>2</sup>; should taxi bays be provided on-site, one (1) taxi bay shall be the equivalent of eight (8) parking bays; should non-motorised facilities be provided, five (5) non-motorised facilities shall be the equivalent of one (1) parking bay; drop-off zones for busses at any educational facility will be the equivalent of three (3) parking bays; provided that a maximum of 10% of the total number of parking bays required may be replaced by the afore-mentioned parking modes.
- 35.3 Subject to the provisions of sub-clause 35.1 and 35.2 parking accommodation shall be provided in a manner satisfactory to the Municipality in respect to buildings and use of land on erven or sites, which shall be the number of bays specified for each Use Zone.
- 35.4 Retail shopping centres in excess of 5,000m<sup>2</sup> floor area shall provide public transport facilities and associated informal trading facilities and ablutions to the satisfaction of the Municipality.
- 35.5 Open air land uses are to be included as floor area for the purpose of calculating parking requirements for all land uses.

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

Where the parking accommodation with regard to an erf or site has been determined in terms of Clause 35, the Municipality may, if satisfied of the necessity and desirability thereof, on account of the size of the site, the nature of the buildings thereon and the likely parking demand, grant written consent for the provision of the required number of parking bays elsewhere than on the site of the building / development concerned.

With regard to the obligation to provide parking accommodation on a site, the Municipality has, in terms of the MCLM-LUS or in terms of similar provisions in any town planning scheme previously administered by the Municipality, granted such consent, then the arrangement thus consented to as an alternative to the provision of parking on site shall be taken into account in the form of a credit against any parking accommodation, which has to be provided where erecting any building on the site following such consent.

### **37. LOADING AND OFF-LOADING**

Loading and off-loading facilities for goods and passengers shall be provided on an erf or site to the satisfaction of the Municipality, provided that the Municipality may relax this requirement on submission of a written application for consent, accompanied by a Site Development Plan.

### **38. GENERAL PARKING REQUIREMENTS**

- 38.1 Parking will be to the satisfaction of the Municipality.
- 38.2 Effective and paved on-site parking and loading spaces together with the necessary manoeuvring area shall be provided for a land use in terms of the parking allocation policy of the Municipality.

### 39. ON-SITE PARKING AND LOADING REQUIREMENTS

Land Use	Number of Parking spaces to be provided	Requirements for loading spaces and areas
Abattoir	5 spaces for the first 1000m <sup>2</sup> floor area or part thereof and 2 spaces for every 1000m <sup>2</sup> thereafter, or part thereof.	2 spaces per first 1000m <sup>2</sup> floor area, or part thereof and 1 space per every 1000m <sup>2</sup> floor area thereafter.
Additional Dwelling Unit	1 space per additional dwelling unit.	Not applicable.
Adult entertainment business	6 spaces per 100m <sup>2</sup> public floor area.	1 space per first 2000 m <sup>2</sup> floor area, or part thereof and 1 space per every 2000 m <sup>2</sup> floor area thereafter.
Agricultural Industry	1 space per 100m <sup>2</sup> floor area and 3 spaces per 100m <sup>2</sup> office floor area.	2 spaces per first 1000m <sup>2</sup> floor area, or part thereof and 1 space per every 1000m <sup>2</sup> floor area thereafter.
Aerodrome or Airport	2 spaces for the first 100m <sup>2</sup> floor area or part thereof and 1 space for every 100m <sup>2</sup> thereafter, or part thereof.	2 spaces per first 1000m <sup>2</sup> floor area, or part thereof and 1 space per every 1000m <sup>2</sup> floor area thereafter.
Animal Institution	1.5 bays per 100 m <sup>2</sup> floor area.	0.75 bays per 100 m <sup>2</sup> floor area.
ATM	3 spaces per ATM.	Not applicable.
Bakery	3 spaces per 100m <sup>2</sup> floor area.	2 spaces per first 1000m <sup>2</sup> floor area, or part thereof and 1 space per every 1000m <sup>2</sup> floor area thereafter.
Bank	4 spaces per 100m <sup>2</sup> per floor area.	Sufficient dedicated on-site loading and delivery space to the satisfaction of the municipality.
Bed and Breakfast	1 space per bedroom + 1 space per dwelling house 1 space for owner/manager/occupier	0.5 bays
Boarding House	1 space per room and 1 space for every 3 rooms.	1 space per first 2000 m <sup>2</sup> floor area, or part thereof and 1 space per every 2000 m <sup>2</sup> floor area thereafter.
Botanical Garden	3 spaces per hectare or part thereof.	Not applicable.
Brick Yard	40% of property reserved for parking and loading requirements.	
Builders Yard	40% of property reserved for parking and loading requirements.	
Camping Site	1 space per tent or caravan or mobile dwelling unit site and 4.5 spaces per 100 m <sup>2</sup> office floor area and 1 space per 4 seats and 6 spaces per 100m <sup>2</sup> place of refreshment public floor area and 6 spaces per 100 m <sup>2</sup> retail floor area.	1 space per first 2000m <sup>2</sup> place of refreshment or retail floor area, or part thereof and 1 space per every 2000m <sup>2</sup> place of refreshment or retail floor area thereafter.
Canteen	2 spaces per 100 m <sup>2</sup> floor area.	1 space per first 2000m <sup>2</sup> floor area, or part thereof and 1 space per every 2000m <sup>2</sup> floor area thereafter.
Carwash	4 spaces per wash bays.	
Cemetery	Parking to be to the satisfaction of the municipality	
Clinic	2 spaces per bed and 4 spaces per 100m <sup>2</sup> floor area	Sufficient dedicated on site loading and delivery space to the satisfaction of the municipality
Crèche or Day Care Facility	1 space for every 4 children.	1 space per first 2000m <sup>2</sup> floor area, or part thereof and 1 space per every 2000 m <sup>2</sup> floor area thereafter.
Commercial Purposes	10% of the erf for parking and loading purposes.	
Commune	1 space for every two tenants.	No loading bays required.

Land Use	Number of Parking spaces to be provided	Requirements for loading spaces and areas
Community Facility	1 space for every 4 seats.	Sufficient dedicated on-site loading and delivery space to the satisfaction of the municipality.
Coal Yard	40% of property reserved for parking and loading requirements.	
Conference Centre	6 spaces per 100m <sup>2</sup> floor area and 1 space per 4 seats	2 spaces per first 1000m <sup>2</sup> floor area, or part thereof and 1 space per every 1000m <sup>2</sup> floor area thereafter.
Conservation	As per the site development plan.	Not applicable.
Crematorium	3 spaces per 100m <sup>2</sup> floor area.	1 space per first 2000m <sup>2</sup> floor area, or part thereof and 1 space per every 2000 m <sup>2</sup> floor area thereafter.
Educational Use	2 parking spaces per classroom; and 2 parking spaces per office.	Sufficient dedicated on-site loading and delivery space to the satisfaction of the municipality.
Primary and Secondary Schools	Drop-off and manoeuvring space to the satisfaction of the municipality.	
Universities, Colleges and Training Facilities	1 parking space per 3 students or portion thereof; and sufficient on-site staff parking to be provided to the satisfaction of the municipality.	
Drive-Thru Restaurant	6 spaces per 100m <sup>2</sup> floor area.	2 spaces per first 1000m <sup>2</sup> floor area, or part thereof and 1 space per every 1000m <sup>2</sup> floor area thereafter.
Dry Cleaner	3 spaces per 100m <sup>2</sup> floor area.	2 spaces per first 1000m <sup>2</sup> floor area, or part thereof and 1 space per every 1000m <sup>2</sup> floor area thereafter.
Dwelling House	One space on-site per unit.	Not applicable.
Dwelling Unit(s)	1 covered space per dwelling unit and 1 uncovered space per 5 dwelling units.	1 space per 10 dwelling units.
Farm Stall	3 spaces per 100m <sup>2</sup> floor area.	2 spaces per first 1000m <sup>2</sup> floor area, or part thereof and 1 space per every 1000m <sup>2</sup> floor area thereafter.
Funeral Parlour	3 spaces per 100m <sup>2</sup> floor area.	1 space per first 2000m <sup>2</sup> floor area, or part thereof and 1 space per every 2000m <sup>2</sup> floor area thereafter.
Garden Centre	4 parking spaces per 100m <sup>2</sup> total display and retail areas.	1 bay per 1000m <sup>2</sup> or part thereof for the first 1000m <sup>2</sup> and 0.5 bays per 1000m <sup>2</sup> floor area thereafter.
Related Place of Refreshment	10 parking spaces per 100m <sup>2</sup> floor area.	
Government Use / Purposes	4.5 spaces per 100m <sup>2</sup> office floor area and 6 spaces per 100m <sup>2</sup> public floor area and 1 space per 4 seats.	1 space per first 2000 m <sup>2</sup> floor area, or part thereof and 1 space per every 2000 m <sup>2</sup> floor area thereafter.
Guest House	1 space per guest room.	1 space per first 2000 m <sup>2</sup> floor area, or part thereof and 1 space per every 2000 m <sup>2</sup> floor area thereafter.
Gymnasium / Fitness Centre	6 spaces per 100m <sup>2</sup> floor area.	1 space per first 2000 m <sup>2</sup> floor area, or part thereof and 1 space per every 2000 m <sup>2</sup> floor area thereafter.
Helicopter Landing Pad	4.5 spaces per 100m <sup>2</sup> office floor area, 1 space per 100m <sup>2</sup> repair facility and 1 space per rotary wing aircraft storage unit.	1 space per first 2000 m <sup>2</sup> floor area, or part thereof and 1 space per every 2000 m <sup>2</sup> floor area thereafter.

Land Use	Number of Parking spaces to be provided	Requirements for loading spaces and areas
Home Enterprises	Refer to Clause 17	No loading bays required.
Hospital	1 space per bed and 4 spaces per 100m <sup>2</sup> floor area.	2 spaces per first 1000m <sup>2</sup> floor area, or part thereof and 1 space per every 1000m <sup>2</sup> floor area thereafter.
Hostel	1 space per 4 residents and 2 spaces per 100m <sup>2</sup> for the office floor area.	
Hotel	1 spaces per room and 6 spaces per 100m <sup>2</sup> public floor area.	2 spaces per first 1000m <sup>2</sup> floor area, or part thereof and 1 space per every 1000m <sup>2</sup> floor area thereafter.
Related Conference Facilities	10 parking spaces per 100m <sup>2</sup> public room floor area.	
Related Restaurants	10 parking spaces per 100m <sup>2</sup> .	
Industry	1 space per 100m <sup>2</sup> floor area and 3 spaces per 100m <sup>2</sup> office floor area.	2 spaces per first 1000m <sup>2</sup> floor area, or part thereof and 1 space per every 1000m <sup>2</sup> floor area thereafter.
Informal Trading	3 spaces per 100m <sup>2</sup> floor area.	1 space per first 2000m <sup>2</sup> floor area, or part thereof and 1 space per every 2000m <sup>2</sup> floor area thereafter.
Institution	6 spaces per 100m <sup>2</sup> floor area and 1 spaces per 4 seats.	1 space per first 2000 m <sup>2</sup> floor area, or part thereof and 1 space per every 2000m <sup>2</sup> floor area thereafter.
Laundromat	1 space per 100m <sup>2</sup> floor area.	Sufficient dedicated on-site loading and delivery space to the satisfaction of the municipality.
Laboratory	3 spaces per 100m <sup>2</sup> floor area.	2 spaces per first 1000m <sup>2</sup> floor area, or part thereof and 1 space per every 1000m <sup>2</sup> floor area thereafter.
Light Industry	2 parking spaces per 100m <sup>2</sup> floor area.	1 bay per 1 000m <sup>2</sup> floor area.
Lodge	1 spaces per guest room or suite and 6 spaces per 100m <sup>2</sup> public floor area.	1 space per first 2000m <sup>2</sup> floor area, or part thereof and 1 space per every 2000 m <sup>2</sup> floor area thereafter.
Medical Consulting Rooms	6 spaces per 100m <sup>2</sup> floor area.	No loading bays required.
Motor Sales Market	2 parking spaces per 100m <sup>2</sup> floor area.	2 bays per 1000m <sup>2</sup> floor area or part thereof for the first 1000m <sup>2</sup> and 3 bays per 1000m <sup>2</sup> floor area thereafter.
Municipal Use	4.5 spaces per 100m <sup>2</sup> office floor area and 6 spaces per 100m <sup>2</sup> public floor area and 1 space per 4 seats.	1 space per first 2000m <sup>2</sup> floor area, or part thereof and 1 space per every 2000 m <sup>2</sup> floor area thereafter.
Mining	40% of property or site reserved for parking and loading requirements.	
Noxious Trade	1 space per 100m <sup>2</sup> floor area and 3 spaces per 100m <sup>2</sup> office floor area.	2 spaces per first 1000m <sup>2</sup> floor area, or part thereof and 1 space per every 1000m <sup>2</sup> floor area thereafter.
Office	4.5 spaces per 100m <sup>2</sup> floor area.	2 spaces per first 1000m <sup>2</sup> floor area, or part thereof and 1 space per every 1000m <sup>2</sup> floor area thereafter.
Panel Beater	4 parking spaces per service bay; and	To the satisfaction of the municipality.

Land Use	Number of Parking spaces to be provided	Requirements for loading spaces and areas
	2 parking spaces per 100m <sup>2</sup> for offices and spares.	
Place of Amusement	1 space per 4 seats and 6 spaces per 100m <sup>2</sup> public floor area.	2 spaces per first 1000m <sup>2</sup> floor area, or part thereof and 1 space per every 1000m <sup>2</sup> floor area thereafter.
Place of Entertainment	12 parking spaces per 100m <sup>2</sup> floor area.	1 bays per 1000m <sup>2</sup> or part thereof for the first 1000m <sup>2</sup> and 0.5 bays per 1000m <sup>2</sup> floor area thereafter.
Place of Instruction	2 spaces per 100m <sup>2</sup> office floor area and 1 space per classroom and 5 drop-off spaces for passenger vehicles per 100 students.	1 drop-off space for buses per 100 students.
Place Of (Public) Worship	1 space per 6 seats.	2 spaces per first 1000m <sup>2</sup> floor area, or part thereof and 1 space per every 1000m <sup>2</sup> floor area thereafter.
Place of Refreshment	10 spaces per 100m <sup>2</sup> public floor area.	2 spaces per first 1000m <sup>2</sup> floor area, or part thereof and 1 space per every 1000m <sup>2</sup> floor area thereafter.
Prison	4.5 spaces per 100m <sup>2</sup> office floor area and 1 space per 10 holding cells.	2 spaces per first 1000m <sup>2</sup> floor area, or part thereof and 1 space per every 1000m <sup>2</sup> floor area thereafter.
Private Open Space	1 space per 100m <sup>2</sup> sport, recreation or play area.	Not applicable
Public Garage	4 spaces per 100m <sup>2</sup> floor area	Sufficient dedicated on-site loading and delivery space to the satisfaction of the municipality
Public Open Space	1 space per 100m <sup>2</sup> sport, recreation or play area.	Sufficient dedicated on-site loading and delivery space to the satisfaction of the municipality.
Railway Station	4.5 spaces per 100m <sup>2</sup> office floor area and 6 spaces per 100m <sup>2</sup> public floor area and 1 space per 4 seats.	2 spaces per first 1000m <sup>2</sup> floor area, or part thereof and 1 space per every 1000m <sup>2</sup> floor area thereafter.
Rehabilitation Centre	1 space per bed. 2 spaces per 100m <sup>2</sup> of office floor area.	Sufficient dedicated on-site loading and delivery space to the satisfaction of the municipality.
Residential Building	1 space per room. 1 space for every 3 rooms for visitors.	1 space per first 2000m <sup>2</sup> floor area, or part thereof and 1 space per every 2000 m <sup>2</sup> floor area thereafter.
Restaurant	6 spaces per 100m <sup>2</sup> floor area.	Sufficient dedicated on-site loading and delivery space to the satisfaction of the municipality.
Retirement Village	1.5 parking spaces per dwelling unit.	Sufficient dedicated on-site loading and delivery space to the satisfaction of the municipality.
(Private) Resort (Public) Resort	1 space per room and 6 spaces per 100m <sup>2</sup> public floor area.	1 space per first 2000m <sup>2</sup> floor area, or part thereof and 1 space per every 2000 m <sup>2</sup> floor area thereafter.
Scrapyard	3 spaces per 100m <sup>2</sup> floor area.	2 spaces per first 1000m <sup>2</sup> floor area, or part thereof and 1 space per every 1000m <sup>2</sup> floor area thereafter.
Service Industry	4 parking spaces per 100m <sup>2</sup> .	Sufficient dedicated on-site loading and delivery space to the satisfaction of the municipality.
Service Station	40% of property reserved for parking and loading requirements and 6 spaces per 100m <sup>2</sup> retail floor area. Allow for sufficient parking space to have access to filers.	
Shop	6 spaces per 100m <sup>2</sup> floor area.	2 bays per 1000m <sup>2</sup> or part thereof for the first 1000m <sup>2</sup> and 3 bays per 1000m <sup>2</sup> floor area thereafter.
Showroom	3 spaces per 100m <sup>2</sup> floor area	1 space per first 2000 m <sup>2</sup> floor area, or part thereof and 1 space per every 2000 m <sup>2</sup> floor area thereafter.

Land Use	Number of Parking spaces to be provided	Requirements for loading spaces and areas
Social Hall	4.5 spaces per 100m <sup>2</sup> office floor area and 6 spaces per 100m <sup>2</sup> public floor area and 1 space per 4 seats.	1 space per first 2000 m <sup>2</sup> floor area, or part thereof and 1 space per every 2000 m <sup>2</sup> floor area thereafter.
Sports Facility	10 spaces per 100m <sup>2</sup> or 0.25 spaces per seat.	Sufficient dedicated on-site loading and delivery space to the satisfaction of the municipality.
Supermarket	4 spaces per 100m <sup>2</sup> trade floor area and 3 spaces per 100m <sup>2</sup> office floor area.	2 spaces per first 1000m <sup>2</sup> floor area, or part thereof and 1 space per every 1000m <sup>2</sup> floor area thereafter.
Storage	2 spaces per 100m <sup>2</sup> floor area.	Sufficient dedicated on-site loading and delivery space to the satisfaction of the municipality.
Tavern or Shebeen	6 spaces per 100m <sup>2</sup> floor area.	Sufficient dedicated on-site loading and delivery space to the satisfaction of the municipality.
Taxi Rank	To the satisfaction of the municipality.	To the satisfaction of the municipality.
Tourist Facilities	6 spaces per 100m <sup>2</sup> floor area.	1 space per first 2000m <sup>2</sup> floor area, or part thereof and 1 space per every 2000 m <sup>2</sup> floor area thereafter.
Townhouses	1.5 parking spaces per dwelling unit with 1 or 2 bedrooms. 2.5 parking spaces per dwelling unit with 3 or more bedrooms. 1 space per 5 dwelling units for visitors.	To the satisfaction of the municipality.
Utility Services	To the satisfaction of the municipality.	
Veterinary Clinic	6 spaces per 100m <sup>2</sup> floor area.	1 space per first 2000m <sup>2</sup> floor area, or part thereof and 1 space per every 2000 m <sup>2</sup> floor area thereafter.
Vehicle Workshop	4 spaces per service bay. 2 spaces per 100m <sup>2</sup> for offices and spares.	To the satisfaction of the municipality.
Warehousing and Packaging	1 space per 100m <sup>2</sup> floor area and 3 spaces per 100m <sup>2</sup> office floor area.	2 spaces per first 1000m <sup>2</sup> floor area, or part thereof and 1 space per every 1000m <sup>2</sup> floor area thereafter.
Waste Disposal Site	To the satisfaction of the municipality.	
Wholesale Trade	4 spaces per 100m <sup>2</sup> trade floor area and 3 spaces per 100m <sup>2</sup> office floor area.	2 spaces per first 1000m <sup>2</sup> floor area, or part thereof and 3 spaces per every 1000m <sup>2</sup> floor area thereafter.
Workshop	6 spaces per 100m <sup>2</sup> floor area.	1 space per first 2000m <sup>2</sup> floor area, or part thereof and 1 space per every 2000 m <sup>2</sup> floor area thereafter.

## **PART VIII: LAND DEVELOPMENT ADMINISTRATION**

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

### **40. SITE DEVELOPMENT PLANS**

Site Development Plans are required by the Municipality as a result of:

- 40.1 A condition of an application, including consent use applications, as and when required by the Municipality; or
- 40.2 On all Use Zones other than erven zoned “Residential 1” or land that is developed with a dwelling house only; or
- 40.3 For the development of any structures by any party on erven or sites with a “public open space” use in terms of the MCLM-LUS; or
- 40.4 All erven within a registered Special Development Zone; or
- 40.5 On erven in an Environmental Control Area; or
- 40.6 Where required in any other part of the MCLM-LUS.
- 40.7 Such Site Development Plan shall be drawn at a scale of 1:500 or such other scale as may be required by the Municipality and shall be approved by the Municipality before any building plan in connection with the proposed development may be considered by the Municipality.
- 40.8 Unless the Municipality requires less information, a Site Development Plan shall show at least the following:
  - 40.8.1 The siting, height, floor area and coverage of all buildings; specific detailed floor plans for residential developments
  - 40.8.2 Children’s play areas
  - 40.8.3 Pedestrian and vehicular entrances and exits to the erf or site
  - 40.8.4 If the erf or site is to be subdivided, the proposed subdivision lines
  - 40.8.5 Pedestrian access to buildings and parking areas and to and from the erf or site
  - 40.8.6 Building restriction areas (if any), boundary walls, fences, screening
  - 40.8.7 All servitudes and/or existing municipal services and/or any proposed engineering services affecting the erf shall be accurately indicated
  - 40.8.8 Parking areas, and where required by the Municipality, circulation of vehicular and pedestrian traffic
  - 40.8.9 Elevational treatment of all buildings
  - 40.8.10 If it is not proposed to develop the whole erf or site simultaneously, the grouping of the dwelling units and the programming of the development thereof, must be clearly indicated on the plan

- 40.8.11 Steps to be taken to control storm water runoff in compliance with the storm water bylaws
- 40.8.12 Landscaping including existing, mature vegetation on the site or erf
- 40.8.13 Contours
- 40.8.14 Surrounding developments and their relation with the proposed development.
- 40.8.15 Open spaces and landscaping of the site shall include but not be limited to:
  - 40.8.15.1 All landscaping and existing mature vegetation.
  - 40.8.15.2 A minimum of 10% of the site shall be landscaped.
  - 40.8.15.3 A minimum of 1 tree per 3 parking bays shall be provided.
  - 40.8.15.4 All hydrological features including such as, but not limited to, pans, ponds, dams, drainage features and wetlands.
  - 40.8.15.5 Natural environmental features such as, but not limited to, special geological formations and grassland.
- 40.8.16 Energy efficiency measures.
- 40.8.17 Any other additional information if so required by the Municipality.
- 40.9 Public transport, metered taxis and pedestrians (including drop-off facilities) should be given priority over private vehicles on layouts of developments on Site Development Plans. Walking distances to drop-off areas should be kept to a minimum from the entrances to the developments. Thus, development layouts / SDP's could also encompass a drop-off area for public transport and metered taxis, as well as where there is a need for private vehicles to drop off people without parking.
- 40.10 The erection, structural changes, alterations or conversion of a building or a structure to an alternative use shall not commence until the Municipality has approved of the building plans as required in terms of the National Building Regulations and Building Standards Act, Act 103 of 1977, or any amendment or review thereof, in respect of the erection, structural changes, alterations or conversion of such building: Provided that floor area and coverage calculations, parking requirements and a parking layout, where applicable, shall be indicated on such building plans.

#### **41. TEMPORARY CONSENT**

Notwithstanding anything to the contrary contained in the MCLM-LUS, it shall be competent for the Municipality to consent to the temporary use of any land or building within any use zone, for the following:

- 41.1 Where the land use zoning permits the proposed use, the written consent of the Municipality is required.
- 41.2 The occasional use of buildings or land for concerts, fairs, circuses, exhibitions, bazaars, public gatherings, celebrations, religious purposes, institutions, place of instruction, social halls, place of amusement with the written consent of the Municipality not exceeding one (1) day; if more than one (1) day the full procedure as per MCLM Planning Bylaw, 2018, for consent of the Municipality shall be applied for.
- 41.3 The Municipality is entitled to withdraw the approval given in terms of sub-clause 41.1 and 41.2, should the land use in respect of which approval / consent was given be misused or if the use of the buildings or land for the approved purpose is detrimental to the amenities of the area at the sole discretion of the Municipality.

## 42. NON-CONFORMING LAND USES

- 42.1 Where any approval in terms of the Town Planning and Townships Ordinance, 1986 (Ordinance No. 15 of 1986) or a former Zoning Scheme has been acted on and constitutes a contravention of any provision in a zone / condition in this Scheme, for the purposes of this Scheme it shall not be considered to be an offence but a lawful non-conforming use.
- 42.2 The following shall further apply:
- 42.2.1 The right to continue using any land or building shall lapse at the expiry of a period of 12 months calculated from the date on which the Scheme shall come into operation, in which case no compensation shall be payable.
  - 42.2.2 Where a period of 12 months has lapsed the provisions of the approved scheme shall come into operation after that period.
  - 42.2.3 The period referred to in 42.2.1 may be extended with another 12 months with a written application and approved with conditions by the Municipality.

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

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

#### **43. SPECIAL DEVELOPMENT ZONES**

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

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

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

- 43.6 After the passing of a resolution by the Municipality, the Special Development Zone shall be advertised in the Provincial Gazette and the Local Newspaper and shall simultaneously be open for inspection at the Municipal office during normal working hours for not less than twenty-eight (28) days
- 43.7 Further, the Municipality shall notify all land owners within the Special Development Zone on or before the date of advertisement
- 43.8 Representations, comments or objections on the said Special Development Zone or any proposal contained therein may be lodged, in writing, with the Municipality on or before a certain date. Such date shall not be less than twenty-eight (28) days after the date of the closure of the advertisement period in (6) above
- 43.9 The Municipality shall consider each representation, comment or objection received within the stipulated period and approve or amend the Special Development Zone, stipulating the date of commencement via a notice in the Provincial Gazette
- 43.10 The Municipality may at any time amend a Special Development Zone, subject to compliance with the procedures set out in sub-clauses (6), (7), (8) and (9) of this clause
- 43.11 After a Special Development Zone has been approved by the Municipality it shall be deemed to be the overriding process for the erven falling within its boundaries
- 43.12 The Municipality may revoke a Special Development Zone by passing a Municipal resolution.

#### 44. AFFORDABLE HOUSING

Relates to a housing programme that requires private developers to dedicate a certain percentage of new housing developments to low income and low middle income households at affordable housing cost. The provision of Inclusionary housing will be guided by the MCLM Policy.

The policy may include:

- The definition of inclusionary housing units
- Percentage of development to be allocated to inclusionary housing
- Development control incentives / contributions, and
- Locality of inclusionary housing.

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

### **45. HERITAGE**

All properties are subject to the National Heritage Resources Act (NHRA of 1999). In checking for heritage controls which may be applicable, the following are factors which should be considered:

- 45.1 In terms of the National Heritage Resources Act: No person may destroy, damage, deface, excavate, alter, remove from its original position, subdivide or change the planning status of any heritage site without a permit issued by the heritage resources authority responsible for the protection of such site.
- 45.2 The National Heritage Resources Act provides for the designation of heritage areas by a planning authority together with the provincial heritage resources authority. Such properties are either gazette or part of a heritage area or an individual heritage site.
- 45.3 In terms of the National Heritage Resources Act: No person may alter or demolish any structure or part of a structure which is older than 60 years without a permit issued by the relevant provincial heritage resources authority.
- 45.4 Development shall meet the following criteria set out in the National Heritage Resources Act:
  - 45.4.1 The construction of a road, wall, powerline, pipeline, canal or other similar form of linear development or barrier exceeding 300m in length
  - 45.4.2 The construction of a bridge or similar structure exceeding 50 m in length
  - 45.4.3 Any development or other activity which will change the character of a site:
    - 45.4.3.1 Exceeding 5,000m<sup>2</sup> in extent, or
    - 45.4.3.2 Involving three or more existing erven or subdivisions thereof, or
    - 45.4.3.3 Involving three or more erven or divisions thereof which have been consolidated within the past five years, or
    - 45.4.3.4 The costs of which will exceed a sum set in terms of regulations by SAHRA or a provincial heritage resources authority, or
    - 45.4.3.5 The re-zoning of a site exceeding 10,000m<sup>2</sup> in extent, or
    - 45.4.3.6 Any other category of development provided for in regulations by SAHRA or a provincial heritage resources authority.
  - 45.4.4 In terms of the Act, 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. The heritage resources authority will then advise whether an impact assessment report is required.

## **PART XI: ENFORCEMENT**

### **46. LAND USE MANAGEMENT ENFORCEMENT**

- 46.1 The Municipality shall comply and enforce compliance with:
- 46.1.1 Provisions of the MCLM Bylaw, 2018
  - 46.1.2 Provisions of the Scheme, and
  - 46.1.3 Title deed conditions.
- 46.2 The Municipality may adopt fines and contravention penalties to be imposed in the enforcement of this Scheme.

### **47. CONTRAVENTIONS / ILLEGAL LAND USES**

- 48.1 Any person who:
- 47.1.1 Contravenes or fails to comply with any provision of the MCLM-LUS, or
  - 47.1.2 Contravenes or fails to comply with any requirements set out in a notice issued and served in terms of the MCLM-LUS, or
  - 47.1.3 Contravenes or fails to comply with any condition set out in terms of any provision of the MCLM-LUS, or
  - 47.1.4 Knowingly makes a false statement in connection with any provision of the MCLM-LUS.
- 47.2 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 Sections 79 of the MCLM Bylaw, 2018.
- 47.3 The MCLM-LUS does not absolve any compliance with any other relevant legislation.
- 47.4 The Municipality must adopt a Bylaw for enforcing the provisions of the MCLM-LUS through a municipal court or any court of law that the municipality may deem fit.

## **PART XII: MISCELLANEOUS**

### **48. PROPERTY DESCRIPTION**

The property descriptions referred to in the Scheme Map(s) or in any Annexure(s), Schedule(s) or Figure(s) to the Scheme are allocated either by the Surveyor-General or by the Municipality irrespective of whether such property has been registered as such in a deeds registry or not.

### **49. ENGINEERING SERVICES**

For any development, resulting from the approval of land use rights, including township establishment and the subdivision of land, a Services Agreement being a written multi-party agreement, as per the applicable Municipal Policy on this matter, which is concluded between a developer or owner of land and the Municipality, and in terms of which the respective responsibilities of the two parties for the planning, design, provision, installation, financing and maintenance of internal and external engineering services and the standard of such services as per the provisions of Section 71(2) of the MCLM Bylaw, 2018 are determined, will be entered into.

### **50. USE OF ANNEXURES AND SCHEDULES**

Special rights, conditions and restrictions which may apply to any property within a use zone, may be indicated in an Annexure and / or a Schedule and / or Figure to the Scheme.

### **51. ADVERTISING SIGNS**

No advertising sign or display board that is visible from the outside of the property, shall be displayed or erected without the consent of the Municipality. The Municipality shall disallow such application if it is convinced that the proposed sign or board will be injurious to the amenity of the neighbourhood and / or if the application is in conflict with the municipal Bylaws relating to the Control of Advertisements; Provided further that this clause shall not prohibit the display of a name-plate not exceeding 300mm x 450mm on a fence, entrance, entrance hall or front door of a property or building in use zone "Residential 1"; Provided that such name-plate shall be utilised exclusively to indicate the name and vocation of the occupant.

### **52. CONFLICT BETWEEN PROVISIONS OF THE SCHEME AND CONDITIONS OF TITLE**

A consent granted by the Municipality by the virtue of the provisions of this Scheme shall not entitle any person the right to use any land, or to erect or use buildings thereon in any manner or for any purpose which is prohibited by the provisions of any condition registered against the title deed under which such land is held, or imposed by legislation in respect of such land or in terms of the conditions of township establishment by virtue of any act.

### **53. BINDING FORCE OF CONDITIONS**

Where permission to erect any building or execute any works or to use any property for any particular purpose or to do any other act, is granted under this Scheme, and conditions have been imposed, the conditions shall have the same force and effect as if they were part of the Scheme and shall be regarded as though they were part of this Scheme.

### **54. ENTRY UPON AND INSPECTION OF PROPERTIES**

- 54.1 The Municipality shall have the power, through its duly authorised officials, to enter into and upon any premises at any reasonable time for the purpose of any inspection which the Municipality may deem necessary or desirable for the purpose of the Scheme.

- 54.2 Subject to the provisions of any Act, no person shall in any way hinder, distract, or interfere with any authorised official of the Municipality or permit such official to be hindered, distracted or interfered with in the exercise of the powers hereby conferred upon him.

## **55. AVAILABILITY OF THE LAND USE SCHEME FOR PURPOSES OF INSPECTION**

The Municipality shall permit any interested person to inspect at any reasonable time the Scheme available in the offices of the Municipality.

## **56. APPEALS**

Any appeals against any decisions of the Municipality in terms of this Land Use Scheme must be dealt with in accordance with the provisions of the MCLM Bylaw.

## **57. SHORT TITLE**

This Scheme shall be known as the Mogale City Land Use Scheme, 2019.

## REGISTER OF AMENDMENTS TO THE MOGALE CITY LAND USE SCHEME

REFERENCE NUMBER	PROPERTY DESCRIPTION	AMENDMENT SCHEME NUMBER	ANNEXURE NUMBER	ORIGINAL ZONING	ZONING APPLIED FOR	DECISION-MAKER			DATE OF DECISION	COMMENTS
						AUTHORISED OFFICIAL	MUNICIPAL PLANNING TRIBUNAL	Appeal Authority		