

MUSINA LAND USE MANAGEMENT SCHEME 2010



PREPARED BY:

Spatial Dynamics
TOWN AND REGIONAL PLANNERS

TABLE OF CONTENT

PART I: GENERAL	5
1. RESPONSIBLE AUTHORITY	5
2. AUTHORITY OF LAND USE.....	5
3. CONTEXT OF THE LAND USE SCHEME	5
3.1 SCHEME CLAUSES	5
3.2 SCHEME MAPS.....	5
4. TITLE OF THE LAND USE SCHEME.....	5
5. AREA OF THE LAND USE SCHEME.....	6
5.1 THE AREA.....	6
5.2 ADMINISTRATION OF LAND USE SCHEME IN AREA.....	6
6. SUBSTITUTION OF EXISTING LAND USE SCHEME.....	6
7. CONFLICTS BETWEEN PROVISIONS OF THE LAND USE SCHEME, CONDITIONS OF TITLE AND LEGISLATION.....	6
PART II: DEFINITIONS	7
8. DEFINITIONS.....	7
8.1 STATUTORY RELATED DEFINATIONS.....	7
8.1 GENERAL DEFINATIONS	8
PART III: GENERAL CONDITIONS APPLICABLE TO ALL PROPERTIES	30
9. CONDITIONS APPLICABLE TO ALL PROPERTIES	30
9.1 USE OF ALL LAND.....	30
9.2 EXCAVATIONS (EXCLUDING USE ZONES 20) AND BOREHOLES.....	30
9.3 PROTECTION OF LAND AND THE ENVIRONMENT	30
9.4 HANDLING AND DRAINAGE OF STORMWATER	31
9.5 PLACING AND DEVELOPMENT OF BUILDING.....	31
9.6 BUILDING LINES, BUILDING RESTRICTION AREAS AND LINES OF NO ACCESS	32
9.7 SCREEN WALLS AND FENCES	35
9.8 MAINTANANCE OF BUILDINGS, GARDENS AND SITES.....	35

9.9	EXEMPTION OF EXISTING BUILDINGS.....	35
9.10	BUILDING USED FOR MORE THAN ONE PURPOSE.....	36
PART IV: INTERPRETATION OF USE ZONES AND USE OF LAND AND BUILDINGS.....		37
10.	INTERPRETATION OF USE ZONES AND USE OF LAND AND BUILDINGS.....	37
10.1	STRUCTURES WHICH MAY BE ERECTED IN ANY USE ZONE.....	37
10.2	ERECTION AND USE OF BUILDING OR USE OF LAND.....	37
PART V: SPECIFIC CONDITIONS AND DEVELOPMENT CRITERIA APPLICABLE TO USE ZONES.....		49
11.	CONDITIONS APPLICABLE TO ERVEN ZONED RESIDENTIAL 2.....	49
12.	CONDITIONS APPLICABLE TO PUBLIC GARAGES AND FILLING STATITION ERVEN..	50
13.	DENSITIES, SUBDIVISION AND COSOLIDATION.....	51
13.1	SUBDIVISION AND COSOLIDATION.....	51
13.2	DENSITIES.....	51
14.	HEIGHT OF BUILDINGS.....	52
15.	COVERAGE OF BUILDING.....	53
16.	SITE DEVELOPMENT PLANS.....	56
16.1	PURPOSE OF A SITE DEVELOPMENT PLAN.....	56
16.2	DOCUMENTS AND PLANS TO BE SUBMITTED.....	56
16.3	PROCEDURE FOR PLAN APPROVAL.....	57
17.	PARKING AND LOADING ZONES.....	57
17.1	PARKING ZONES.....	58
17.2	LOADING ZONE.....	61
17.3	LOADING.....	64
18.	USE OF ANNEXURES.....	65
PART VI: SPECIAL, WRITTEN AND TEMPORARY CONSENT OF THE LOCAL MUNICIPALITY .		66
19	CRITERIA FOR THE CONSIDERATION OF APPLICATIONS.....	66
20	SPECIAL CONSENT OF THE LOCAL MUNICIPALITY.....	67
21.	WRITTEN CONSENT OF THE LOCAL MUNICIPALITY.....	71
22.	TEMPORARY CONSENT OF THE LOCAL MUNICIPALITY.....	72
23.	CONSENT FOR THE PRACTICE OF A HOUSEHOLD ENTERPRISE.....	73

24.	CONSENT FOR SPECIFIC PURPOSE	74
25.	CONSENT FOR SPECIFIC PURPOSE	75
25.1.	“MINING 1 AND QUARRYING” OR MINING 2”	75
25.2	“PROTECTED AREAS”	76
26.	REGISTER OF SPECIAL AND WRITTEN CONSENT APPROVALS AND RELEVANT CONDITIONS	76
PART VII: APPLICATION OF THE SCHEME AND POWERS OF THE LOCAL MUNICIPALITY		76
27.	BINDING FORCE OF CONDITIONS.....	76
28.	ENTRY UPON AND INSPECTION OF PROPERTIES.....	77
29.	SERVING OF NOTICES.....	77
30.	POWERS OF LOCAL MUNICIPALITY IN CASE OF CONTRAVENTION OF LAND- USE SCHEME	78

PART I: GENERAL

1. RESPONSIBLE AUTHORITY

The Musina Municipality or its successor in the title shall be the authority responsible for enforcing the provisions of this Land Use Management Scheme (Musina Land Use management Scheme, 2010).

2. AUTHORITY OF LAND USE

The Musina Land Use Management Scheme 2010, has been prepared under the provisions of section 18 of the Town Planning and Townships Ordinance, 1986 (15 of 1986) and will be the only Land Use Scheme for the municipal area as paragraph 5.1 of this scheme, and includes the area of the existing Messina Town Planning Scheme 1983, as amended.

3. CONTEXT OF THE LAND USE SCHEME

This Land Use Scheme is divided into two separate parts relating to the following matters:

3.1 SCHEME CLAUSES

- Part I: General
- Part II: Definitions
- Part III: General conditions applicable to all properties
- Part IV: Interpretation of use zones and use of land and buildings
- Part V: Specific conditions and development criteria applicable to use zones
- Part VI: Special, written and temporary consent and powers of the Local Municipality

3.2 SCHEME MAPS

4. TITLE OF THE LAND USE SCHEME

This Scheme shall be known as the **MUSINA LAND USE MANAGEMENT SCHEME, 2010** as adopted and proclaimed in the Limpopo Provincial Gazette.

5. AREA OF THE LAND USE SCHEME

5.1 THE AREA

The area to which the Land Use Scheme concerns is the area of the municipality as defined in par.2 above.

5.2 ADMINISTRATION OF LAND USE SCHEME IN AREA

- i. The land-uses permitted are the use/s as depicted by the notations applicable to use zones on the map and in part IV of the scheme clauses.
- ii. All land not represented by a notation including a use zone as referred to in paragraph 5.2. (i) above shall be deemed to be zoned and used for agricultural use; provided that should any owner of land provide proof of alternative rights obtained in terms of any previous lawful authority, such rights/uses shall be believed to be legally obtained in terms of this scheme.
- iii. Clause 5.2 (ii) above shall be subjected to the right of the local municipality to decide the use of land-uses, which is considered to be agricultural in terms of the above, and shall be rural settlement, (where relevant) for which land-uses to be permitted has been portrayed by notations for the use zones on the map as referred to in paragraph 5.2(i) above, but not yet demarcated as such on the map itself.

6. SUBSTITUTION OF EXISTING LAND USE SCHEME

This Scheme substitutes any existing scheme in operation, including the Messina Town Planning Scheme 1983 regarding the area of the scheme and regulations.

7. CONFLICTS BETWEEN PROVISIONS OF THE LAND USE SCHEME, CONDITIONS OF TITLE AND LEGISLATION

Any consent granted by the Local Authority by virtue of provisions of this Scheme does 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 law of the Republic of South Africa.

PART II: DEFINITIONS

In this Scheme, except where the context otherwise requires, or it is otherwise expressly provided, the following words and expressions have the respective meanings assigned to them herein and the plural and alternative gender forms shall denote the same meanings, as follows:

8. DEFINITIONS

8.1 STATUTORY RELATED DEFINITIONS

- 8.1.1 **“COMMUNAL PROPERTY ASSOCIATION”** - Means an association which is registered or qualifies for registration in terms of Section 8 of the Communal Property Registration Act, No. 28 of 1996.
- 8.1.2 **“CONTROLLING AUTHORITY”** - Means the controlling authority as defined in Section 1 of the Advertising on Roads and Ribbon Development Act, 1940 (Act 21 of 1940), or the Commission as defined in the South African National Roads Agency Limited and National Roads Act (Act 70 of 1998), and other legislation applicable, as far as the Land Use Management Scheme is concerned, within the jurisdictional area of the local municipality as the case may be.
- 8.1.3 **“DEEDS OF GRANT”** – Means a deed in reverence of an ownership unit issued or considered to have been issued in terms of the Regulations for the Administration and control of Townships in Black Areas, 1962 (Proc. No. R 293 of 1962).
- 8.1.4 **“ENVIRONMENTAL IMPACT ASSESSMENT” (EIA)** – Means a process of examining the environmental effects of development in terms of the requirements of The Environment Conservation Act, (Act No. 73 of 1989).
- 8.1.5 **“GENERAL PLAN”** – Means a plan which, representing the relative positions and dimensions of two or more pieces of land, which has been approved or certified as a general plan by a Surveyor-General’s office in the Republic of South Africa or any area which became part of the Republic of South Africa at the commencement of the Constitution of the Republic of South Africa, 1996.
- 8.1.6 **“FACTORY”** – Means a factory as defined in the Act on Machinery and Professional Safety, 1983 (Act No. 6 of 1983) or any amendment thereof.

- 8.1.7 **“INTEGRATED DEVELOPMENT PLAN” (IDP)** – Means a participatory planning process aimed at developing a strategic development plan to guide and inform all planning, budgeting, management and decision-making in a municipality, in terms of the requirements of Chapter 5 of the Municipal Systems Act (Act 32 of 2000).
- 8.1.8 **“LAND-USE MANAGEMENT” (LUM)** - Means establishing or implementing any statutory or non-statutory mechanism in terms of which the use of land is or may be restricted or in any other way regulated.
- 8.1.9 **“LAND-USE SCHEME”** - Means a scheme which determines and regulates the use and development of land in an area in accordance with the Town Planning and Townships Ordinance, 1986 (Ordinance No. 15 of 1986) and is a component of land-use management.
- 8.1.10 **“LISTED ACTIVITIES”** – Means a development action that is likely to result in significant environmental impact as identified by the Minister of Environmental Affairs and Tourism in terms of Section 21 of The Environment Conservation Act, 1989 (Act No. 73 of 1989).
- 8.1.11 **“MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORK” (SDF)** - Means the spatial development framework that must be included in a municipality's integrated development plan in terms of Section 26(e) of the Municipal Systems Act, (Act 32 of 2000).
- 8.1.12 **“ORDINANCE”**– Means the Town-planning and Townships Ordinance 1986 (Ord. No. 15 of 1986), as well as any amendment thereto
- 8.1.13 **“PERMISSION TO OCCUPY CERTIFICATE”** – Means permission granted to dwell in an allotment in terms of the Black Areas Land Regulations, 1969 (Proclamation No. R 188 of 1969).
- 8.1.14 **“URBAN EDGE”** – Means a demarcation line which may follow cadastral boundaries or not, and the local municipality's related policy which serves to manage, direct and control the outer limit of urban expansion. The urban edge is indicated on a map/s forming part of the municipal Spatial Development Framework (SDF).

8.1 GENERAL DEFINITIONS

- 8.1.15 **“ADDITIONAL DWELLING UNIT”** - Means a second dwelling unit on the same erf provided that the total coverage does not exceed the prescribed coverage defined in Table “C” of the scheme.
- 8.1.16 **“AGRICULTURAL USE”** – Means land used or a building designed or used for the purposes such as, but not limited to ploughing, depasturing, horticulture, poultry farming, dairy farming,

breeding and keeping of livestock, apiaries, forestry, mushroom and vegetable production, flower production, orchards and any other activity commonly connected with farming or associated therewith, and include the sale of own produced goods. It includes only one main dwelling unit and associated farm settlement.

8.1.17 **“ANNEXURES”** – Means documents comprising of provisions, inter alia, special rights and conditions applicable to those properties shown on the A series of the map by encircled figures.

8.1.18 **“AREA OF THE SCHEME”** – Means the total Municipal area as depicted on the Scheme map.

8.1.19 **“BASEMENT”** – Means any floor of a building situated under the ground floor, beneath the natural horizontal ground level of the area.

8.1.20 **“BED & BREAKFAST ACCOMODATION”**-Means any enterprise consisting of not more than four four(4) guest rooms for the temporary accommodation of maximum of eight(8) transient guests and which is conducted from dwelling houses where the main use of the unit concerned shall remain for the accommodation of a single family. Only one(1) kitchen per establishment is allowed and meals shall be provided, but a bathroom may also be shared with the host family.

8.1.21 **“BIOSPHERE”** – Means land or an area/s of terrestrial ecosystems, or a combination thereof within which land-use and resource management are undertaken to enhance conservation and development objectives.

8.1.22 **“BUILDING”** - Means and includes structures or constructions of any nature whatsoever.

8.1.23 **“BUILDING LINE”** – Means a line indicating the limits of a building restriction area as measured from a street boundary or other boundary of a property which does not border on a street and which, at a fixed distance from such boundary, runs parallel to such boundary.

8.1.24 **“BUILDING RESTRICTION AREA”** – Means an area wherein no building, except those permitted in the scheme, may be erected.

8.1.25 **“BUILDERS YARD”** – Means land or buildings which are used for the storage of materials:

Materials which: -

- (i) are commonly used for building work; or
- (ii) resulted from demolition or excavation works; or
- (iii) are commonly used for other civil engineering works such as installation of services;
- (iv) Vehicles and implements necessary or ancillary to the works and services
- (v) May include administrative offices incidental to the above-mentioned uses.

- 8.1.26 **"CARAVAN PARK"** – Means land provided with adequate ablution facilities for the temporary accommodation of mobile caravans and/or tents.
- 8.1.27 **"COMMERCIAL USE"** – Means uses such as distribution centres, wholesale trade, storage, warehouses, cartage and transport services, laboratories and computer centres and may include offices that are subordinate and complementary to the commercial use of the land.
- 8.1.28 **"CONFERENCE FACILITY"** – Means a building designed for use or used as lecture hall, training facility, conducting of workshops, meetings, conferences, symposiums and related uses, but does not include "Institution" and "Place of Instruction". The area used for a conference facility may be restricted by the local municipality, and is further subject to the policy of the local municipality as amended from time to time.
- 8.1.29 **"CONSENT USE"** – Means the consent of the local municipality in terms of Column 6 of Table "3" to be read in conjunction with Clauses 20.2, 20.3 and 20.4.
- 8.1.30 **"CONSERVATION PURPOSES"** - Means purposes normally or otherwise reasonably associated with the use of land for the preservation or protection of the natural or built environment, including the preservation or protection of the physical, ecological, cultural or historical characteristics of land against undesirable change or human activity.
- 8.1.31 **"COVERAGE"** – Means the area of a property covered by buildings as seen vertically from above and expressed as a percentage of the area of the erf, but excluding a structure without a roof or covered by hailnet.
- 8.1.32 **"DRIVE-IN RESTAURANT"**- Means land and buildings used for the preparation and consumption of food and refreshments by clients in parked vehicles and may include take-aways.
- 8.1.33 **"DUPLEX DWELLING"**- Means a building consisting of two or more dwelling-units each of two storeys with an internal staircase.
- 8.1.34 **"DWELLING-HOUSE"**- Means a single dwelling-unit on property zoned "Residential 1", "Agricultural" and "Undetermined".
- 8.1.35 **"DWELLING OFFICE"** – Means an existing dwelling unit that is converted and used as an office, provided that the elevation treatment of the buildings maintains a residential character and appearance complementary to the environment, and is also in accordance with the policy of the local municipality.
- 8.1.36 **"DWELLING UNIT"** – Means an interconnected suite of rooms which does not include more than one kitchen, designed for occupation and use by a single family or extended family and which may include such outbuildings and servants quarters as are ordinarily incidental

- 8.1.37 **ELECTRICITY POWER STATION** -Means land and buildings used for the generation of electricity and may include ancillary and subservient uses.
- 8.1.38 **EQUESTRIAN SCHOOL**-Means a place where horses are stabled and horse riders and horses are trained and may include horse competitions with the permission of the Municipality.
- 8.1.39 **ERECTION OF A BUILDING**- Means, inter alia, the construction of, any addition to, or structural alteration of a building.
- 8.1.40 **ERF** - Means land in an approved township registered in a deeds registry as an erf, lot, plot or stand or as a portion of the remainder of any erf, lot, plot or stand or land indicated as such on the general plan of an approved township, and includes any particular portion of land laid out as a township which is not intended for a public open place, whether or not such township has been recognized, approved or established as such in terms of relevant legislation; as well as any portion of land identifiable by means of boundaries or beacons within rural settlements.
- 8.1.41 **EXISTING BUILDING** - Means respectively a building or work erected or carried out before the relative date set out in the definition of "Existing Use" and includes a building or work,
- (i) erected or carried out in pursuance of a contract made before the relevant date given in the definition of "Existing Use",
 - (ii) begun before, but completed after, the said date,
 - (iii) erected or carried out in accordance with the terms of any permission granted by the Municipality before the said date:

Provided that, notwithstanding the afore-mentioned definition the Municipality may refuse to regard any building or work which was the subject of a prohibition or instruction as contemplated in Section 43 of the Ordinance 15 of 1986 as an existing building or an existing work.

- 8.1.42 **EXISTING ERF** - Means any erf as defined in the Ordinance and the Gauteng Planning and Development Act, 2003 and includes any portion of an erf in the areas mentioned in the definition of "Existing Use".
- 8.1.43 **EXISTING USE** - Means, subject to Section 43 of the Ordinance, the continuous lawful use of a building or land for the purpose for which it was erected or was lawfully being used.
- 8.1.44 **FAMILY** - Means a married couple who live together with or without their parents and/or their children.

Means the following people that live together:

- (i) a married couple with or without their parents and/or their children; or

- (ii) a single person with his/her parents and/or his/her children; or
- (iii) brothers and sisters; or
- (iv) a single person with his/her grandparents and/or his/her grandchildren; or
- (v) grandparents with their grandchildren.

8.1.45 **"FARMSTALL"** - Means a building on a property zoned "Agricultural" and "Undetermined" used for the sale of agricultural produce .

8.1.46 **"FILLING STATION"** – Means land used or a building designed or used for fuelling, washing, polishing and lubricating of motor vehicles, as well as for emergency repairs to vehicles, but excluding a "Public Garage", panel beating, spray painting or any major repair work and can include the retail trade of emergency spare parts, as a complimentary subservient service. A Convenience Store not exceeding 250m² is permitted as a primary right.

8.1.47 **"FITNESS CENTRE"** - Means a building where people exercise with or without exercise apparatus.

8.1.48 **"FIXED DATE"** - Means the date on which the Municipality gave notice in the Provincial Gazette that this scheme has been approved.

8.1.49 **"FLAT"** – Means a group of dwelling units contained in a building(s) with a communal entrance.

8.1.50 **"FLOOD LINES"** - Means the flood lines as defined in Section 144 of the National Water Act, 1998 (Act 36 of 1998), including any other flood lines that the Municipality may require.

8.1.51 **"FLOOR AREA RATIO"** - Means the ratio of the Gross Floor Area of a building to the total area of the property, including any servitudes, on which such building is erected or is to be erected, i.e. FAR = Gross Floor Area divided by Area of property.

8.1.52 **"FLOOR AREA RATIO (FAR) ZONE"** - Means a specific zone in Table 3 and indicated on the electronic database of the Municipality.

8.1.53 **"FUNERAL UNDERTAKER"** - Means land and buildings used for the administration of funeral arrangements including showrooms, offices, storage space, refrigeration rooms, funeral parlour for the preparation and viewing of the dead, waiting room and the sale of flowers, coffins, gravestones and other related products as well as a display area for gravestones, but excludes a crematorium, a chapel or church.

8.1.54 **"GAME RESERVE"** – Means land or a place reserved for wild life; exclusive occupation and use.

- 8.1.55 **“GARDEN CENTRE”** - Means land and buildings used for the storage, cultivation and sale of plants, bulbs, seed, fish, birds, pots, compost, fertilizer, pesticides, herbicides and may include the sale of ancillary and subservient gardening products and a place of refreshment not exceeding 40 seats.
- 8.1.56 **“GOVERNMENT PURPOSES”** - Means land and buildings designed or used for Government offices, depots, workshops, stores, communication centres, police stations, post offices etc. and includes incidental uses such as a cafeteria solely for Government Departments but excludes industries and noxious industries.
- 8.1.57 **“GROSS FLOOR AREA”** – Means the sum of the total area, (measured from external walls of the building), covered by a building at the floor level of each storey: Provided that in calculating the floor area, the floor area for parking and vehicle maneuvering area be excluded. The gross floor area of a building is determined by multiplying the area of the property by the FAR, for eg. 1 000 m² x 0,4 = 400 m.
- 8.1.58 **“GROSS LEASIBLE FLOOR AREA”** – Means floor area that is designed for the occupation and control by a tenant, or that is suitable therefore, measured from the centre line of joint partitions and the internal surface of external walls.
- 8.1.59 **“GROUND FLOOR”** - Means the floor of a building which is the entry point into the building and which is at or closest to the natural ground level of the property on which such building stands and **[which is the entry level into the building]** excludes a basement.
- 8.1.60 **“GROUND STOREY”** - Means that storey on the ground floor.
- 8.1.61 **“GROUP HOUSING”** – Means a group of detached and / or attached dwelling units on a stand or stands that form an integrated, harmonious and architectural unit and include concepts like group housing, townhouses, simplexes, duplexes and all such development, but excludes uses included in the definition of “Dwelling Unit”, “Residential Building” or “Flat”.
- 8.1.62 **“GUEST”** - Means a person who stays overnight for a short period away from his/her normal place of residence.
- 8.1.63 **“GUEST-HOUSE”** - Means a dwelling-unit, excluding a Home Enterprise, consisting of not more than 16 bedrooms for a maximum of 32 guests, a dining-room, lounge, bar and may include **[a conference room with the permission of the Municipality]** ancillary and subservient facilities for the exclusive use of such guests **[who need accommodation for a short period]** and which shall be managed by the owner or manager who shall reside on the premises.
- 8.1.64 **“HABITABLE ROOM”** - Means a room designed or used for human habitation according to the minimum standards prescribed in Part C of the National Building Regulations, but shall not

- 8.1.65 **“HEIGHT”** – Means the height of the building expressed in the number of storeys.
- 8.1.66 **“HEIGHT ZONE”** - Means a specific zone in Table 4 and indicated on the electronic database of the Municipality.
- 8.1.67 **“HELIPAD”** - Means land and buildings designed or used for the landing and take-off of helicopters and may include a terminal for passengers.
- 8.1.68 **“HOSPITAL”** - Means land and buildings used for the accommodation and care of sick or injured persons or persons needing specialized medical treatment or operations and may include operating theatres, x-ray rooms, a place of refreshment, a shop, pharmacy and offices and consulting rooms directly related to the hospital and may include a caretaker’s flat and ancillary and subservient uses.
- 8.1.69 **“HOSTEL”** - Means a boarding house for 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.
- 8.1.70 **“HOTEL”** - Means an accommodation enterprise which includes places of entertainment and restaurants and is also licensed in terms of the Liquor Act, 2003 (Act No. 59 of 2003) and may also include conference facilities.
- 8.1.71 **“HOUSEHOLD”** - Means a group of persons regarded as a domestic unit in terms of legislation, common law or customary law.
- 8.1.72 **“HOUSEHOLD ENTERPRISE”** - Means a small scale enterprise which is used by the occupant for the conduct of a practice or occupation with the aim of deriving income there from and which is practiced by a maximum of three (3) persons, of which at least one is a full time resident of the property, from a dwelling unit in such a way that the residential character and primary use of the dwelling unit and environment shall not, in the opinion of the local municipality, be in any way harmed or changed. No retail trade is permitted from the property.
- 8.1.73 **“HOME ENTERPRISE”** - Means the practice of an activity, business, hobby or occupation in a dwelling-unit excluding a commune, a guest-house, a block of tenements, a boarding house, hostel and hotel, with the aim of deriving an income there-from subject to clause 23.
- 8.1.74 **“INFORMAL BUSINESS”** – Means the conducting of a business which, with the consent of the local municipality after consultation with the adjacent 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 local municipality.

- 8.1.75 **“INFORMAL STRUCTURE”** – Means a residential shelter of a temporary nature that does not comply with the provisions of the Act on National Building Regulations and Building Standards, 1977 (Act No. 103 of 1977) and any amendments thereof.
- 8.1.76 **“INDUSTRY”** – Means the use of land or a building for a factory, distributing depot, wholesale, storage, warehouse for the storage of wholesale merchandise, carting and transport services, laboratories, workshop and motor workshop and may also include offices which are normally associated with or which are reasonably essential for the main use.
- 8.1.77 **“INSTITUTION”** – Means a building designed to be used as a charitable institution, hospital, nursing home, old age home, clinic, sanatorium, either public or private but excludes institutions used mainly as offices or for administrative work, and may, with the permission of the local municipality include activities which is directly related to and subservient to the main use.
- 8.1.78 **“INTERNET CAFÉ”** - Means land and buildings or part of a building used for hiring of computers to customers for use on the premises.
- 8.1.79 **“KITCHEN”** - Means a room or part of a room designed or used for the storage of food, utensils, crockery, cutlery, etc. and for the preparation of food by means of electrical, wood, coal or gas appliances and shall include washing facilities or have interleading washing facilities.
- 8.1.80 **“KIOSK”** – Means a building designed and use for the preparation or retail sale of meals and refreshments as well as the retail sale of cold drinks, tobacco, reading material and sweets. Cafeteria has a similar meaning.
- 8.1.81 **“LABORATORIES”** - Means land and buildings used for scientific and medical research and experimenting but does not include any activities which create a danger or nuisance of noise, smoke, fumes or smell.
- 8.1.82 **“LAND”** - Also includes any improvements on land, any interest in land as well as land covered by water, and property shall have a corresponding meaning.
- 8.1.83 **“LANDSCAPE DEVELOPMENT PLAN”** - Means a plan drawn to a scale of 1:200 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 Architect.
- 8.1.84 **“LIGHT INDUSTRY”** - Means land and buildings used for, inter alia, a bakery, a builder’s yard, a contractor’s yard, dry-cleaners, carpet cleaners, joinery workshop, launderette, laundry, lawnmower workshop, painter’s workshop, plumber’s workshop, printing workshop, transport depot, panel-beater, motor workshops, a ready-mix plant and any other such industries, workshops or yards which in the opinion of the Municipality do not cause a

nuisance to the environment, may be used for similar purposes and may include the retail sale of products ancillary and subservient to the main use on the same property.

- 8.1.85 **“LOADING SPACE”** – Means a rectangular area of not less than 3m by 16m in size.
- 8.1.86 **“LOCAL AUTHORITY”** - Means the Mookgophong Municipality
- 8.1.87 **“LOCAL MUNICIPALITY”** – Means the Mookgophong Local Municipality and/or any employee in his service to whom the authority is delegated.
- 8.1.88 **“LODGE”** - Means land and buildings used for accommodating guests or tourists for short periods and may include recreation facilities, a conference centre or social hall, wedding chapel, staff quarters and ancillary and subservient uses.
- 8.1.89 **“LOFT”** - Means a storey in the roof of a building which can be used for the same purposes as the other storeys in the same building and which shall be calculated as gross floor area and height in terms of Table 4 T.
- 8.1.90 **“MAP”** - Means a map as defined in the Regulations of the Ordinance and which forms part of the Scheme including any amendment thereto.
- 8.1.91 **“MARKET GARDEN”** - Means land and buildings used for growing vegetables, flowers and fruit and may include the retail sale of such products on the same property.
- 8.1.92 **“MEDICAL CONSULTING ROOMS”** – Means 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 not exceeding 20m² but not uses included in the definition of "Institution".
- 8.1.93 **“MEZZANINE FLOOR”** - Means a floor area as defined in the National Building Regulations, 1985. Means any mezzanine floor the area of which does not exceed 25% of the floor area below it.
- 8.1.94 **“MINING AND QUARRYING PURPOSES”** – Means land where the extracting of minerals occurring naturally, for example solids such as coal and ores; liquids such as crude petroleum and gasses such as natural gas. Mining includes underground and surface mines, quarries and the operation of oil and gas wells and all supplemental activities for dressing and beneficiating ores and other crude materials such as crushing, screening, washing, cleaning, grading, milling, flotation, melting, refining, pelleting, topping and other preparation needed to render the material marketable. It also includes all associated works such as rock dumping, tailing dams, workshops and buildings for mining purposes. Reclamation of minerals from mine dumps and worked out mines is included.

- 8.1.95 **“MINING 2”** – Means land with ore bodies and/or mineral potential/occurrences with or without mining rights in terms of existing mining and mineral legislation. The minerals are therefore likely to be extracted in future.
- 8.1.96 **“MINOR STRUCTURAL CHANGE/MINOR BUILDING WORKS”** – Means small structural changes to an existing building for which a building plan is not a requirement.
- 8.1.97 **“MOBILE DWELLING UNITS”** – Means a prefabricated mobile unit of an interconnected set of rooms that does not include more than one kitchen and is designed for use by a household and which is moveable.
- 8.1.98 **“MOBILE DWELLING-UNIT STAND”** - Means land meant for the placing of one mobile dwelling-unit and the permissible additional structures for the exclusive use of the occupants of such mobile dwelling-unit.
- 8.1.99 **“MOTOR DEALERSHIP”** - Means land and buildings used for an integrated service which provides a full range of related activities in respect of a specific vehicle range and includes a motor workshop, offices, the sale of new spare parts and the sale of new and used vehicles of that specific range only within a motor showroom: Provided that a motor showroom shall be in an approved building enclosed on all sides with brick and /or glass walls.
- 8.1.100 **“MOTOR WORKSHOP”** - Means land and buildings used for the following:
- (1) repair and servicing of vehicles, excluding panel-beating or spray-painting; and
 - (2) installation of motor spare parts and accessories.
- 8.1.101 **“MUNICIPALITY”**- Means the Mookgophong Municipality established and instituted in terms of Notice 6770 of 2000 promulgated in terms of Section 12(1) of the Local Government Structures Act, 1998 (Act 117 of 1998) as amended.
- 8.1.102 **“MUNICIPAL PURPOSES”** - Means such purposes as the Municipality may be authorized to carry out in terms of any law governing municipalities including but not limited to the Local Government Municipal Structures, 1998 (Act 117 of 1998) and the Local Government Municipal Systems Act, 2000 (Act 32 of 2000).
- 8.1.103 **“MUNICIPAL SERVICES”** - Means infrastructure services such as electricity cables, water pipes, sewage pipes, street furniture, electricity poles, light poles, traffic signs etc.
- 8.1.104 **“NATIONAL PARK”** – Means a natural area of land designated to:
- (i) protect the ecological integrity of one or more ecosystems for present and future generations;

- (ii) exclude exploitation or occupation inimical to the purposes of designation of the area; and
- (iii) provide a foundation for spiritual, scientific, educational, recreational and visitor opportunities, all of which must be environmentally and culturally compatible.

8.1.105 **"NATURAL AREAS"** - Means land ecologically sensitive, naturally rich in biodiversity and non-renewable resources for conservation purposes.

8.1.106 **"NATURAL GROUND LEVEL"** - Means the natural level of a property before any excavations or filling takes place and is the level which is used for measuring the height of a building.

8.1.107 **"NATURAL HERITAGE SITE"** – Means land or an area declared in terms of the relevant Act to protect, preserve, and / or manage localized provincially significant natural features due to their special interest or unique characteristics; areas focused on the protection of specific features, species, natural landscapes and biotic communities occurring on any private, communal or state land.

8.1.108 **"NATURE RESERVE"** – Means an area of land possessing some outstanding or representative ecosystems, geological or physiological features and/or species where wild life is left undisturbed by man.

8.1.109 **"NOTICE"** - Unless otherwise specifically provided in terms of this Scheme or any other law means a written notice and notify means to give a notice in writing and the provisions of the

8.1.110 **"NOXIOUS INDUSTRY"** - Means land and buildings used for any use included in the list in column 1 of table 2 together with any living accommodation required for a caretaker and includes any other use on the same site, which is necessary in connection with the primary use.

8.1.111 **"NOXIOUS INDUSTRIAL BUILDING"** - Means a building designed or used for a "Noxious Industry".

8.1.112 **"NURSING HOME"** - Means land and buildings used for the medical and psychiatric, **[alcoholics, drug addicts]** care and treatment of ill, injured, frail, mentally or physically disabled, alcoholics, drug addicts or sick persons or persons who need post operative care but excludes operating theatres, and may include a caretaker's flat, place of refreshment, shops and consulting rooms directly ancillary and subservient to the main use.

8.1.113 **"OFFICE"** – Means a building or part thereof, designed or used for administrative, professional and related purposes, including a bank, insurance company, building society, medical consulting rooms and related offices or rooms.

8.1.114 **“OPEN SPACE”** - Means land which is predominantly free of buildings or structures and which provides ecological , socio-economic and place-making functions such as natural areas, nature conservation areas, protected areas, nature reserve and includes ridges, watercourses, wetlands, ecological sensitive areas, parks, and squares as defined in the Tshwane Open Space Framework and may include ablution facilities, pergolas, benches, and braai facilities.

8.1.115 **“OCCASIONAL USE”** - The use of land and buildings once a month for a maximum continuous period of 72 hours within a calendar month.

8.1.116 **“OCCUPANT”** - Shall include any person in actual occupation of any land, or building or structure or premises without regard to the title under which he occupies, and in the case of premises subdivided and let to lodgers, various tenants, shall include the person receiving the rent payable by the lodgers or tenants whether on his own account or as agent for any person entitled thereto or interested therein and includes the agent of any person absent from the area or whose whereabouts is unknown.

8.1.117 **“ORDINANCE”** - Means the Town-planning and Townships Ordinance, 1986 (Ordinance 15 of 1986), as amended.

8.1.118 **“OUTBUILDING”** - Means a building(s) which has its own entrance or door and no inter leading door to the main building, which is attached or free standing from the main building on the same property and which may contain:

- (i) garages, storerooms, studios, exercise rooms, hobby rooms, music room, washrooms and a Home Enterprise, etc.;
- (ii) a squash court only with the permission of the Municipality; and
- (iii) residential accommodation, which shall not exceed 20% of the floor area of the main building up to a maximum of 50 m² without the permission of the Municipality and which may consist of habitable rooms, bathroom(s) and only one kitchen:

Provided that such outbuilding has a common vehicular access with the main building and it is for the purposes of only the occupants of the main building and their staff and the total gross floor area of such outbuilding(s) shall not exceed 40% of the gross floor area of the main building without the permission of the Municipality and such outbuildings shall not be leased to tenants or sold under sectional title.

8.1.119 **“OWNER”** - In relation to the property:

- (i) the registered owner; or
- (ii) where such a person is deceased, insolvent, mentally disordered or defective, a minor, or under any legal disability, the person in whom the administration of that person's or holder's estate is vested, whether as executor, guardian or in any other whatsoever; or
- (iii) the occupant, or the lessee by virtue of a lease which is registered by law; but not for purposes of lodging an application in terms of the provisions of this scheme; or

- (iv) when an owner, as defined above is absent from the area or his address unknown, "owner" shall mean an agent of such an owner or any person that receives rent or that is entitled to rent in respect of the premises;
- (v) de facto occupant but not for purposes of lodging an application in terms of the provisions of this scheme; or
- (vi) also the holder of any right in land whether registered or unregistered, and may include the interest of a labour tenant and sharecropper, a customary law interest, the interest of a beneficiary under a trust arrangement and beneficial occupation for a continuous period of not less than 10 years prior to the dispossession in question.

- 8.1.120 **"PANEL BEATER"** – Means the replacement, reparation and/or panel beating of the body and spare parts of vehicles and the spray painting thereof.
- 8.1.121 **"PANHANDLE"** – Means the access section of a panhandle erf, which section must be at least 3m wide provided that this section is not considered as a part of the erf for the purpose of this scheme.
- 8.1.122 **"PANHANDLE PROPERTY"** - Means an L-shaped property, consisting of a narrow portion, which is known as the panhandle and which abuts on a street, and a broader buildable portion.
- 8.1.123 **"PARKING GARAGE"** - Means a building designed or used for the parking of motor vehicles not being for trade or sale, and does not include a building any part of which is designed or used as a workshop for the repair of motor vehicles.
- 8.1.124 **"PARKING AREA"** – Means parking and maneuvering space necessary to provide traffic with access and parking space as well as efficient connection with the adjoining street.
- 8.1.125 **"PARKING SPACE"** - Means an area, used exclusively for the parking of a motor vehicle not being for trade or sale, the extent of which area shall be a minimum of 2,5 metres wide and a minimum of 5,0 metres long, excluding access or maneuvering space, ramps, columns, etc.
- 8.1.126 **"PEDESTRIAN BRIDGE"** - Means a bridge across a road or street linking two buildings or two properties on either side of the road or street and providing access for pedestrians only and subject to the Municipality's requirements.
- 8.1.127 **"PERMISSION OF THE MUNICIPALITY"** - Means the permission or approval granted by the Municipality in terms of Clause 20 to use land and buildings for a specific use or to relax certain conditions applicable to the use of land and buildings.
- 8.1.128 **"PETTING ZOO"** - Means land and buildings used for the keeping and breeding of animals for display and interaction with persons visiting the property and may include a place of refreshment.
- 8.1.129 **"PHYSICAL BARRIER"** - Means a permanently-fixed barrier erected on the street boundary of an erf, consisting of either an approved brick or concrete wall or fencing or chains and/or bollard-type or crossed-over wooden, iron or steel poles or concrete plant boxes or other type of barrier acceptable to the Municipality.

- 8.1.130 **"PICNIC PLACE"** - Means land used for outdoor recreation and associated uses such as picnics and braais.
- 8.1.131 **"PLACE OF AMUSEMENT"** – Means land used or a building designed for or used as a public hall, theatre, cinema, music hall, concert hall, billiards saloon, sports arena, skating rink, dance hall, or for other recreational purposes, or for trade- or industrial exhibitions or for pinball games with more than three (3) machines.
- 8.1.132 **"PLACE OF CHILD CARE"** - Means land and buildings used for the admission, protection and temporary or partial care of more than six children up to the age of 18 years away from their parents, but does not include a boarding school, school hostel, institution or place of instruction. Depending on its registration, a place of child care can admit babies, toddlers, pre-school aged children and school-going children on a full day or other basis and may include pre-primary school education.
- 8.1.133 **"PLACE OF INSTRUCTION"** – Means a building designed for use as a school, college, technical or academic institution, crèche, lecture hall, nursery school, after school care centre, or other educational centre and a hostel in connection therewith and includes a convent or monastery, a library, art gallery and a museum.
- 8.1.134 **"PLACE OF REFRESHMENT"** - Means a drive-in restaurant, café, tea-room or coffee shop, being a building other than a hotel or residential club designed and used for the preparation or retail sale of meals and refreshments as well as the retail sale of fresh produce, cold drinks, tobacco, reading material and sweets.
- 8.1.135 **"PLANT NURSERY"** - Means land and buildings used for the storage and cultivation of plants, bulbs and seed for distribution and sale to shops or garden centres and may include the retail sale to the public on the property.
- 8.1.136 **"PRIMARY RIGHT"**: Means the uses permitted in terms of column 2 of Table "2".
- 8.1.137 **"PRIVATE CLUB"** – Means land used or a building designed or used for the private gathering of a group of persons being members of that club with a common objective.
- 8.1.138 **"PRIVATE OPEN SPACE"** – Means land zoned or used as a sport-, play-, rest- and recreational ground or as an ornamental or pleasure garden, to which, without permission, the general public has no right of admission.
- 8.1.139 **"PROTECTED AREA"** – Means land or an area described in terms of the relevant Act that will substantially promote the preservation of specific ecological processes, natural systems, natural beauty or species of indigenous wildlife or the preservation of biotic diversity in general with the nature primarily orientated to support sustained economic activities. Such area may comprise private, communal, or state land or any combination thereof which is

contractually developed and managed with joint resources for conservation, education, recreation and sustainable resource utilisation purposes.

- 8.1.140 **“PUBLIC OPEN SPACE”** – Means any land zoned for use by the general public as an open space, park, garden, recreation site, sport field or square.
- 8.1.141 **“PUBLIC GARAGE”** – Means a building used for the maintenance, repair or fuelling of vehicles and associated purposes, and may include a vehicle workshop, the display and sale of new and used motor vehicles, the cleaning and washing thereof, the sale of spare parts, accessories, fuel and lubricants and may also include a place of refreshment and convenient store as subservient use but excludes spray-painting, panel beating or a scrapyards, provided that the convenience store or place of refreshment, including store rooms, shall not exceed 250m².
- 8.1.142 **“PLACE OF PUBLIC WORSHIP”** - Means land and buildings used for a church, chapel, mosque, temple, synagogue, or other religious purposes and may include ancillary social and recreational purposes and one dwelling-unit on the same property, but shall not include a funeral parlour, wall of remembrance or cemetery.
- 8.1.143 **“PREMIER”** - Means the head of the Executive Council of the Limpopo Provincial Government.
- 8.1.144 **“PROPERTY”** - Means any portion of land that has been registered as a separate unit in the Deeds Office.
- 8.1.145 **“PROPOSED STREETS AND WIDENING”** - Means land reserved for proposed streets or the widening of existing streets.
- 8.1.146 **“QUARRYING”** – Means land used for the purposes as described in terms of the definition “Mining and Quarrying Purposes”.
- 8.1.147 **“RAILWAY PURPOSES”** -Means land and buildings used for the movement of trains and busses and includes inter alia shops, workshops, industries related to railways, stations and inter modal transport facilities and may include ancillary and subservient uses for staff and passengers but excludes a place of amusement and noxious industries. Means land and buildings used for transport purposes as defined in the Legal Succession to the South African Transport Services Act,1989 (Act 9 of 1989 as amended).
- 8.1.148 **“REAR BOUNDARY”** - In relation means any boundary opposite to a street boundary: Provided that, where a property has two or more street boundaries, the boundaries opposite to such street boundaries shall be deemed to be side boundaries.
- 8.1.149 **“REGULATIONS”** - Means the Town-planning and Township Regulations issued by the **[Administrator]** Premier in terms of the Ordinance.

- 8.1.150 **“RESERVOIR”** - Means land and buildings designed for the storage of water and pumping equipment and may include toilets, storerooms, lapa with braai facilities and ancillary and subservient municipal uses.
- 8.1.151 **“RESIDENTIAL BUILDING”** – Means a building, other than a “dwelling unit”, group housing, hotel, flat and institution, that is designed for and used as a boarding house, residential club, hostel, residential hotel or rooms to let.
- 8.1.152 **“RESIDENTIAL TAVERN”** - means a building designed for or a portion of a dwelling unit used for the purposes of selling and serving liquor, other beverages and prepared food / snacks, to be consumed on the property, subservient to the residential use of the property remains the primary use of the property. The area used for a tavern shall not exceed a total floor area of 50m² and is further subject to the policy of the local municipality as amended from time to time.
- 8.1.153 **“RESORT”** – Means a place frequented by people for relaxation or recreation - for a specified purpose or quality (i.e. health, holiday, mountain resort). Specialized resorts (i.e. youth camps, church, cultural). Picnic resorts, holiday towns and hotels/motels, rest camps, camping. It can also include land and buildings used for recreational purposes mainly by day visitors and may include swimming pools, water slides, braai facilities, chalets, a camping site [camping, caravanning], cultural and music events, a place of refreshment, a conference centre or social hall, wedding chapel, staff accommodation, natural areas and ancillary and subservient uses.
- 8.1.154 **“RESTAURANT”** – Means a building or part of a building used for the preparation and sale of meals and refreshments, confectionery for consumption on the erf of the property and includes entertainment subsidiary to the main use and can include a place of refreshment, as well as a drive-through restaurant.
- 8.1.155 **“RETAIL INDUSTRY”** - Means, inter alia, catering, a confectionary, dress-making, and tailoring, engraving, instant printing and copying, jewellery manufacturing, photographic processing, picture framing, and screen printing; as well as the servicing and repair of air conditioners, audio equipment, basket ware and cane furniture, canvass goods and tents, bicycles, electronic equipment, **[household]** domestic equipment, leather-works and shoes, office equipment, television and video equipment, upholstery, watches, weighing machines and window blinds, but does not include a Light Industry and the wholesale selling of goods.
- 8.1.156 **“RETAIL TRADE”** – Means any trade other than "Wholesale trade" as defined in this scheme.
- 8.1.157 **“RETIREMENT VILLAGE”** – Means and includes dwelling units and community facilities such as a dining hall, sick-bay, sport and recreation facilities or such other facilities, approved by the local municipality, for occupancy and use by elderly people. It also includes a small

convenience centre that can house consulting rooms, chemists, café or other uses subsidiary to the main use.

8.1.158 **“ROAD”** - Means a street or road as defined.

8.1.159 **“ROOFTOP ANTENNA”** - Means telecommunications, television or other electronic and/or radio antennas which are fixed to a building and may include a base station on the roof of the building or inside the building.

8.1.160 **“RURAL GENERAL DEALER”** – means a building or part of a dwelling unit used for the purposes of selling and providing basic groceries (daily convenience goods) and fresh produce, excluding alcoholic refreshments. The area used for the rural general dealer shall not exceed a total floor area of 30m².

8.1.161 **“RIGHTS”** – Means land use rights obtained in terms of this scheme.

8.1.162 **RURAL SETTLEMENT TYPES:**

(i) **“FARM SETTLEMENT”** – Means the use of land for homesteads for people living on a commercial farm and is directly associated with the farming activities related to the particular farm, subject to the policy of the local municipality as amended from time to time.

(ii) **“FORMAL RURAL SETTLEMENT”** – Means a settlement which is planned and surveyed (General Plan). A formal rural settlement can be handled in the same manner as a proclaimed township.

(iii) **“INFORMAL RURAL SETTLEMENT”** – Means a settlement situated either on private, tribal or state land. Settlement is not planned or surveyed. Management is done by a communal property association or tribal authority or local municipality.

(iv) **“SEMI FORMAL RURAL SETTLEMENT”** – Means a settlement situated either on private, tribal or state land. Settlement is planned and surveyed (mostly not a general plan). Management is done by a communal property association or tribal authority or local municipality.

8.1.163 **“SCHEDULES”** – Means a supplement(s) to the 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 local municipality. Where any discrepancy exists between the Schedules and the provisions of the Clauses and tables, the most prohibitive conditions shall prevail.

8.1.164 **“SCHEME”** – Means this land-use scheme in operation and includes the clauses, map 3A and the annexures.

8.1.165 **“SCHEME AREA”** - Means the area to which the scheme is applicable as indicated on the map.

8.1.166 **“SCRAPYARD”** – Means land or buildings used for the dismantling, stacking, storing or preparing for resale of any used material, waste metal, scrap vehicles, scrap machinery or any other scrap material whether or not such dismantling or stacking is done with a view to

disposal or re-use of such waste. The erf must be fenced with a solid brick wall or pre-fab cement panels. Activities exercised on the stand including stacked materials should not be visible from the street.

- 8.1.167 **“SERVICE INDUSTRY”** – Means a use, which, in the opinion of the local municipality is a small-scale industry, with emphasis on maintenance and repair, as well as retail trade in connection therewith, that shall not cause the deterioration of the amenity of the neighborhood or cause disturbance in consequence of noise, appearance, odour or activities or any reason whatsoever.
- 8.1.168 **“SEWERAGE WORKS”** - Means land and buildings designed or used for the treatment and purification of sewage and may include ancillary offices and storerooms and ancillary and subservient uses deemed necessary by the Municipality.
- 8.1.169 **“SHOP”** – Means land used or a building designed or used for the purpose of carrying on retail trade and the necessary accompanying storage and packing and includes any accompanying uses on the same property appurtenant but ancillary to the retail trade being carried on. The following uses are not regarded as appurtenant to a shop: A noxious trade, drive-in-restaurant, place of refreshment, scrapyards, parking garage, public garage, vehicle workshop, filling station and warehouse.
- 8.1.170 **“SHOWGROUNDS”** -Means land and buildings designed and used for exhibitions of inter alia agricultural, residential and industrial products, tourist destinations and accommodation, livestock, vehicles, lifestyle products, etc. and may include places of entertainment and refreshment ancillary to the exhibition.
- 8.1.171 **“SHOWROOM”** - Means land and buildings designed or used only for display of products and materials and excludes the sale or delivery of such products or materials on the same property.
- 8.1.172 **“SIDE BOUNDARY”** - In relation to an erf or other portion of land means a boundary other than the street boundary or the rear boundary.
- 8.1.173 **“SIGN”**- Means an advertising sign as defined in the Mookgophong Municipality: By-laws for the Control of Outdoor Advertising, , as amended from time to time.
- 8.1.174 **“SITE”** – Shall have the same meaning as “Erf”.
- 8.1.175 **“SITE DEVELOPMENT PLAN”** – Means a plan as described in clause 16 of the scheme.
- 8.1.176 **“SOCIAL HALL”** – Means a building designed for use, or used for cultural activities, social meetings, gatherings and recreational purposes, that is not profit seeking in its primary purpose, and includes a non-residential club but excludes a place of amusement.

8.1.177 **"SPAZA"** – Means a building designed for or a portion of a residential unit used for the purposes of selling and providing basic groceries (daily convenience goods) and fresh produce, excluding alcoholic refreshments, where the residential use of the property remains the primary use of the property. The area used for a spaza shall not exceed a total floor area of 30m², and is further subject to the policy of the local municipality as amended from time to time.

8.1.178 **"SPECIAL CONSENT"** – Means the consent of the local municipality granted in terms of the provisions of Clause 20.

8.1.179 **"SPORT, PLAYGROUNDS AND RECREATION"** – Means any land zoned for use as private or public sport fields, playground and recreation site including any building, structure or facility appurtenant thereto.

8.1.180 **STOREY"** – Means "storey" as defined in section 2.1 of the National Building Regulations.

"Storey – means that part of a building that is situated between the top of any floor and the top of the next floor above it, or of there is no floor above it that portion between such floor and the ceiling above it (any mezzanine floor, open work floor, catwalk or gallery being taken to be part of the storey in which it is situated)

(i) The ground storey shall be taken as the storey in which there is situated an entrance to the building from the level of the adjoining ground or; if there is more than one such storey the lower or lowest of these.

(ii) A basement shall be taken to be any part of the building which is below the level of the ground storey.

(iii) An upper storey shall be taken to be any storey of the building which is above the level of the ground storey; and

(iv) The height expressed in storeys shall be taken to be that number of storeys which includes all storeys other than a basement."

8.1.181 **"STREET"** – Means the area or part of any street, road, bridge, subway, avenue, lane, sanitary lane, thoroughfare or right-of-way, as shown on the general plan of a township or in respect of which the public has acquired a right-of-way by prescription or otherwise and **"ROAD"** shall have a corresponding meaning.

8.1.182 **"STREET FRONTAGE"** - Means the common boundary between a property and a public street.

8.1.183 **"STRUCTURE"** - Means a construction, permanent or temporary by nature, of any material or combination of materials, with or without a roof

8.1.184 **"SUBTERRANEAN RIGHTS"** - Means the use of land below a street for uses as approved by the Municipality.

8.1.185 **"SURROUNDING OWNERS"** - Means the registered owners of the properties directly adjacent to the subject property as well as properties abutting any streets to which the subject

property has direct access within such a radius, with the subject property as centre point, as determined by the local municipality and also such other owners or interested parties as the local municipality may specify.

8.1.186 **“TAVERN”** - Means land and buildings used for a combination of a Place of Refreshment and a Place of Amusement.

8.1.187 **“TAXI PARKING AREA”** – Means a demarcated part of a parking lot which may be used by minibuses (taxis) aiming to provide a public transport service; the provision of parking places for taxis shall form part of the parking spaces for the purposes of determining parking provision on any property.

8.1.188 **“TAXI RANK”** – Means a place usually within the road reserve at which mini buses (taxis) are allowed to wait and / or stop for passengers boarding or alighting.

8.1.189 **“TEA GARDEN”** - Means a place of refreshment.

8.1.190 **“TELECOMMUNICATION CENTRE”** - Means land and buildings used for telecommunications and includes satellite dishes, antennas and electronic equipment.

8.1.191 **“TELECOMMUNICATION MAST”** - Means a mast and a base station which is designed for communication over a distance by means of telephone, radio, television etc.

8.1.192 **“TELECOMMUNICATION SERVICES”** - Means telecommunication cables and poles, electronic equipment, excluding telecommunication masts.

8.1.193 **“TEMPORARY USES”** -Means land and buildings used temporarily for uses in terms of Clause 14(8), which may be in conflict with the applicable zoning and general clauses of the Scheme, but which the Municipality has approved for a specific period not exceeding three months

8.1.194 **“TEMPORARY BUILDING”** – Means a building designated as such by the owner after consulting with the local municipality and which is used, or will be used, for a specified period for a specified purpose, but does not include a building shed.

8.1.195 **“TEMPORARY CONSENT”** – Means the temporary consent of the local municipality envisaged in accordance with the provisions of Clause 22 of the scheme.

8.1.196 **“TOURISM”** – Means the business of providing services to tourists; the practice of travelling for pleasure; organized touring; accommodation and entertainment of tourists as an industry.

8.1.197 **“TRANSPORT USES”** – Means the use of land and/or buildings for the operation of a business consisting of the transportation of goods and/or passengers by rail, air, road and pipelines and includes uses such as stations, transportation amenities and facilities, parking, administrative offices and ancillary uses such as warehouses, container parks, workshops as well as residential uses and amenities for personnel, and may further include any uses such as business, shops or offices which are of service and convenience to passengers, as approved by the local municipality.

- 8.1.198 **“TRANSPORT DEPOT”** - Means land and buildings where vehicles used for cartage, transport services such as busses and trucks, security and emergency response vehicles, courier services in post, parcels and money or taxi services are parked, serviced, repaired and refueled but excludes a transport terminus.
- 8.1.199 **“TRANSPORT TERMINUS”** - Means land and buildings designed and used as a terminus or gathering place for various forms of transport arriving and departing from different directions or routes and may include wash bays for the vehicles, ablution facilities and a place of refreshment
- 8.1.200 **“THEATRE”** - Means land and buildings designed or used for stage performances or movie shows.
- 8.1.201 **“TOWNSHIPS BOARD”** - Means the Townships Board as established in terms of the provisions of the Town-planning and Townships Ordinance, 1986.
- 8.1.202 **“USE ZONE”** - Means that part of the Scheme Area that has been indicated by means of a distinguishing notation on the Map to indicate the zoning of the land.
- 8.1.203 **“VEHICLE SALES LOT”** – Means land used or a building designed or used for the display and sale of motor vehicles, which are roadworthy and of good outward appearance.
- 8.1.204 **“VEHICLE SALES MART”** - Means land, with or without ancillary buildings, used for the display and/or sale of cars, trucks, motor cycles, agricultural implements, caravans, boats, tractors and trailers which are roadworthy and of good outward appearance, and may also include the hiring of vehicles as an ancillary use but excludes a motor dealership and a panel-beater.
- 8.1.205 **“VEHICLE SALES SHOWROOM”** - Means the display and sale of vehicles in a building only but does not include a scrap yard, public garage or vehicle sales mart or motor dealership.
- 8.1.206 **“VETERINARY CLINIC”** - Means land and buildings used for the treatment, care and operations on animals and may include the sale of veterinary medicines and specialized animal food and ancillary animal products but does not include overnight facilities.
- 8.1.207 **“VETERINARY HOSPITAL”** - Means a veterinary clinic with overnight facilities for animals.
- 8.1.208 **“WALL OF REMEMBRANCE”** - Means a structure where containers with the ashes of the deceased are interred in openings or niches in the structure and thereafter sealed and/or on which appropriate commemorative plaque can be attached.
- 8.1.209 **“WAREHOUSE”** - Means land and buildings designed or used as a storage depot in conjunction with a wholesale trading establishment or any other storage depot.

- 8.1.210 **“WHOLESALE TRADE”** – Means the sale of goods or produce in large quantities to other retailers and excludes sales to the general public.
- 8.1.211 **“WRITTEN CONSENT”** – Means consent granted by the local municipality in terms of Claus 21 of the scheme.
- 8.1.212 **“ZONE”** – Means a part of this scheme, as shown on the map, by means of a distinctive notation or edging or other distinctive manner as depicted in Column 1 of table 2 of this scheme, and use zone has the same meaning.
- 8.1.213 **“ZOO”** - Means land and buildings designed and used for the collection, care, breeding and display of animals in cages or enclosures and may include a place of refreshment and a place of instruction, which are ancillary and subservient to the main use on the same property.

PART III: GENERAL CONDITIONS APPLICABLE TO ALL PROPERTIES

9. CONDITIONS APPLICABLE TO ALL PROPERTIES

9.1 USE OF ALL LAND

Land may only be used in accordance with its approved land-use zone as determined in this land-use scheme.

9.2 EXCAVATIONS (EXCLUDING USE ZONES 20) AND BOREHOLES

With the written consent of the local municipality and subject to such conditions as may be imposed neither the owner nor occupant (excluding where the local municipality, government or wholly owned government companies is the owner) shall, or allow any other person to:

- 9.2.1 Excavate any material from an erf or other land within the jurisdictional area of the local municipality save as may be necessary to prepare such erf or land for building purposes.
- 9.2.2 sink any wells or boreholes on such erf or other land within the jurisdictional area of the local municipality or extract any underground water there from, save as may be necessary on land where the local municipality is not the service provider; and
- 9.2.3 Manufacture of tiles or earthenware, pipes or other articles of similar nature for any purpose whatsoever on the erf or other land within the jurisdictional area of the local municipality unless the erf or land falls within Use Zones 5 and 6.

9.3 PROTECTION OF LAND AND THE ENVIRONMENT

- 9.3.1 No person may develop or damage land in any Use Zone so as to impair its use or the purpose for which it was zoned.

9.3.2 No person may develop land without complying with the requirements of the Environment Conservation Act, (Act No. 73 of 1989) as amended from time to time and without observing the requirements relating to listed activities.

9.4 HANDLING AND DRAINAGE OF STORMWATER

Where, in the opinion of the local municipality, it is impracticable for stormwater to be drained from higher lying even direct to a public street, the owner of the lower lying erf shall be obliged to accept and permit the passage of such stormwater over the lower lying erf; provided that the owners of the higher lying erven from where the stormwater is discharged over a lower lying erf, shall be liable to contribute a proportionate share of the cost of any pipeline or drain which the owner of such lower lying erf may find reasonably necessary to lay or construct for the purpose of leading away the water so discharged over the erf, subject to the approval of the pipeline or drain by the local municipality.

9.5 PLACING AND DEVELOPMENT OF BUILDING

9.5.1. The sitting of buildings, including outbuildings erected on the erf, as well as exits and entrances to a public street system shall be to the satisfaction of the local municipality.

9.5.2 No building of any nature shall be erected on that portion of the property, which is likely to be inundated by the floodwater of a public stream on an average of 100 years, as determined by the relevant legislation from time to time and the local municipality.

9.6 BUILDING LINES, BUILDING RESTRICTION AREAS AND LINES OF NO ACCESS

9.6.1 In addition to conditions set out in **Table 1**, building lines shall be subject to **Schedule 5**;

TABLE 1: BUILDING LINE DELIMITATION AREAS

Use Zone	Building Lines in metres applicable to all buildings per Use Zones		
	Rear and one side Boundary	Street boundaries	
		1 st storey	More than one Storey
Residential 1: Erf size of 250m ² or smaller	2,0	2,0	2,0
Residential 1: Erf size of 251m ² to 500m ²	2,0	2,0	2,0
Residential 1: Erf size of 501m ² to 1000m ²	2,0	2,0	3,0
Residential 1: Erf size of larger to 1000m ²	2,0	2,0	3,0
Residential 2	2,0	2,0	4,0
Residential 3	2,0	2,0	4,0
Residential 4	2,0	2,0	4,0
Business 1	3,0	5,0	5,0
Business 2	3,0	5,0	5,0
Resort	5,0	10,0	10,0

Use Zone	Building Lines in metres applicable to all buildings per Use Zones		
	Rear and one side Boundary	Street boundaries	
		1 st storey	More than one Storey
Commercial	3,0	5,0	5,0
Public open space	5,0	5,0	5,0
Private open space	5,0	5,0	5,0
Industrial 1	3,0	5,0	5,0
Industrial 2	3,0	5,0	5,0
Public garage	5,0	5,0	5,0
Parking	-	-	-
Educational	3,0	5,0	5,0
Institutional	3,0	5,0	5,0
Agricultural	5,0	10,0	10,0
Public roads	-	-	-
Private road	-	-	-
Transport facilities	5,0	5,0	5,0
Municipal	3,0	5,0	5,0
Government	3,0	5,0	5,0
Cemeteries	5,0	5,0	5,0

Use Zone	Building Lines in metres applicable to all buildings per Use Zones		
	Rear and one side Boundary	Street boundaries	
		1 st storey	More than one Storey
Special			
Rural Settlement	As may be determined by Local Authority	As may be determined by Local Authority	As may be determined by Local Authority

9.6.2 Where the building or any other structure is to be erected on an erf or any other property along the 0m building line, consideration shall be given to the following:

9.6.2.1 the roof structure along 0m building line shall not overlap to the adjacent property;

9.6.2.2 stormwater on 0m building line shall not be directly discharged into the adjacent property;

9.6.2.3 all walls along the 0m building line must be maintenance free;

9.6.2.4 the roof structure along the 0m building line shall be designed in such a way that its parapet wall does not exceed 4.5m in height measuring from the Natural Ground Level; special consent from the Council is required.

9.6.3 No building or structure other than boundary walls, fences, garden decorations, pergolas or temporary building or structures required in connection with building operations on the property shall be erected within any building restriction area.

9.6.4 The building lines as defined in Table "1" are applicable to all properties according to the use zones as set out therein. Provided that, in addition to the building lines stipulated in Table "1".

9.6.4.1 The local municipality has the right to use a 2m strip next to any two boundaries of a property (street boundary excluded) and in case of a panhandle, an additional servitude, 2m wide across the access portion of the erf for the installation of engineering services, and such strips are to be considered as building restriction areas (no building or other structure shall be erected within the foresaid servitude area and no large rooted trees shall be planted within the area)

9.6.4.2 The erection of buildings on distances from boundaries other than street boundaries must comply with the Act on National Building Regulations and Building Standards (Act No. 103 of 1977) and any amendments thereof.

9.6.4.3

9.6.5 Where an erf or other land borders on a national or provincial road, or if provided otherwise in the conditions of title, the applicable building line shall not be relaxed, modified or amended without the written consent of the Controlling Authority.

9.6.6 Access to and exist from a property to any public street or road, shall, where prohibited across a boundary line, be indicated by the following symbol on the scheme map.

9.7 SCREEN WALLS AND FENCES

9.7.1 A screen wall or walls shall be erected and maintained to the satisfaction of the local municipality if and when required by it.

9.7.2 Where a property has been fenced, such fence shall be maintained to the satisfaction of the local municipality.

9.8 MAINTANANCE OF BUILDINGS, GARDENS AND SITES

9.8.1 The owner is responsible for the maintenance of the entire development on the property.

9.8.2 Where the amenity of any use zone is detrimentally affected by the condition of any garden, yard, building or any development on a property, the local municipality may, by notice served upon the owner or occupant of the premises on which such other period the local municipality in his discretion may deem reasonable from the date of service of the notice, such steps as may be necessary to abate such condition and the measures required to be taken at his expense to abate the condition complained of, shall be set out in such notice.

9.9 EXEMPTION OF EXISTING BUILDINGS

The stipulations of the land-use scheme are not applicable to existing buildings other than existing buildings in accordance with Section 43 of the Ordinance. Where such buildings are altered or added

to and where such altered use, alteration, rebuilding or construction is in the opinion of the local municipality substantial, the stipulations of this land –use scheme are considered to be binding and valid in respect of those parts that are changed, altered or rebuilt: provided that additions and constructions that do not exceed 30 m² in total (or is of a limited extent such as the removal of non-load bearing internal walls, the erection of moveable partitions, safes and toilets inside an existing building, or repair work inside or outside a building), are not considered to be substantial.

9.10 BUILDING USED FOR MORE THAN ONE PURPOSE

- 9.10.1 Where a building is used, or a proposed building is designed for more than one use, it must be treated as being used or partly designed for each of those uses but for the purpose of other Clauses it shall be treated as though it were being used or designed for its predominant use as determined by the Local Authority;
- 9.10.2 The Local Authority shall, in its discretion when considering a building plan, or upon application for this purpose being made by the owner of the land, decide which use is predominant;

PART IV: INTERPRETATION OF USE ZONES AND USE OF LAND AND BUILDINGS

10. INTERPRETATION OF USE ZONES AND USE OF LAND AND BUILDINGS

10.1 STRUCTURES WHICH MAY BE ERECTED IN ANY USE ZONE

10.1.1 For the purpose of this clause, the expression “erection and use of a conversion of a building for that use whether or not it entails the structural alteration thereof.

10.2 ERECTION AND USE OF BUILDING OR USE OF LAND




Table 2 below indicates the purpose –



10.2.1. For which buildings may be erected and used and for which land may be used;


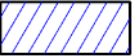


10.2.2 For which buildings may be erected and used, and for which land may be used, only with the special consent of the Local Authority; and



10.2.3 For which buildings may not be erected and used and for which land may not be used;


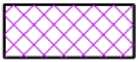


10.2.4 For which buildings may be erected and used, and for which land may be used, only with the written consent of the Local Authority

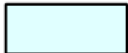


(1) Use Zone	(2) Notation	(3) Primary Land Use Rights	(4) Secondary Land Use Rights	(5) Prohibited Land Uses	(6) Uses that may be obtained by written consent Subject Schedule 7
1. RESIDENTIAL 1		Dwelling houses	Religious purposes, places of instruction, public or private parking areas adjacent to Use Zone 4 and 5, Telecommunication Mast, Place of child care	Uses not in columns (3) and (4)	Guest house, tuck-shop and taverns, limited to 30% of the total dwelling unit, hair salon limited to 30% of the dwelling unit.
2. RESIDENTIAL 2		Dwelling units subject to Schedule 1	Religious purposes, places of instruction, public or private parking areas, Telecommunication Mast.	Uses not in columns (3) and (4)	Guest Houses.
3. RESIDENTIAL 3		Dwelling units, residential buildings subject to Schedule 2	Institution, place of instruction, guest house, boarding house, retirement villages, social hall, places of instruction , religious purposes, public or private parking areas, Telecommunication Mast,	Noxious industries, industrial purposes, spray painting, panel beating, scrap yards	
		Dwelling units, residential buildings	Institution, place of instruction, boarding house, social hall, places of instruction ,	Noxious industries, industrial purposes, spray painting,	





(1) Use Zone	(2) Notation	(3) Primary Land Use Rights	(4) Secondary Land Use Rights	(5) Prohibited Land Uses	(6) Uses that may be obtained by written consent Subject Schedule 7
4. RESIDENTIAL 4		subject to Schedule 3	religious purposes, public or private parking areas, Telecommunication Mast	panel beating, scrap yards	
5. BUSINESS 1		Business buildings, shops, residential buildings, place of instruction, religious purpose, sports and recreation club, social halls, guest house, dry cleaners, restaurant, Banks, ATM, launderettes, car sales, place of refreshment, vehicle sales [subject to schedule 3], public or private parking area, caretakers flat, hotel	Telecommunication Mast	Industry, Noxious industries, scrap yards, panel beaters, spray painting	Public phone container of limited to 25m ² .
6. BUSINESS 2		Offices, medical consulting rooms, place of refreshment,	Place of instruction, place of amusement, religious purposes, shops, car sales lot, special building, hostel, boarding house,	Uses not in columns (3) and (4)	


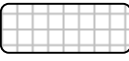

(1) Use Zone	(2) Notation	(3) Primary Land Use Rights	(4) Secondary Land Use Rights	(5) Prohibited Land Uses	(6) Uses that may be obtained by written consent Subject Schedule 7
		residential building, dwelling units, public or private parking area, parking garage, rural general dealers.	Telecommunication Mast.		
7. RESORT		Public resort, restaurant, caravan park, guest houses, conference centre or facility, agriculture, conservation	Place of instruction, religious purposes, convenient shop	Uses not in columns (3) and (4)	
8. PUBLIC OPEN SPACE		Public open space, sports ground	Municipal purposes.	Uses not in columns (3) and (4)	Mobile cafeteria, market garden, picnic place, special uses all on a temporary basis.
9. PRIVATE OPEN SPACE		Private open spaces, private clubs, conservation, game	Picnic place, sports and recreation club, wall of remembrance, telecommunication mast	Uses not in columns (3) and (4)	



(1) Use Zone	(2) Notation	(3) Primary Land Use Rights	(4) Secondary Land Use Rights	(5) Prohibited Land Uses	(6) Uses that may be obtained by written consent Subject Schedule 7
		farm			
10. INDUSTRIAL 1		Industrial purposes, light industry, car wash, public or private parking areas, parking garage, business purposes, commercial purposes, workshop, panel beating, spray painting, storages		Noxious industries, dwelling houses, dwelling units	Tuck-shop and cafeteria, limited to 20% of the total area of the building, Public phone container of limited to 25m ²
11. INDUSTRIAL 2		Industrial purposes, noxious industries, light industry, public or private parking areas, business purposes, parking garage, commercial purposes, workshop storages		Residential buildings, dwelling houses, dwelling units	Cafeteria, limited to 20% of the total area of the building


(1) Use Zone	(2) Notation	(3) Primary Land Use Rights	(4) Secondary Land Use Rights	(5) Prohibited Land Uses	(6) Uses that may be obtained by written consent Subject Schedule 7
12. PUBLIC GARAGE		Public garages, filling station, parking garage, public or private parking areas, convenience shop, car wash, ATM.	Caretaker's flat, special building	Uses not in columns (3) and (4)	
13. MINING 1		Mining, quarrying purposes, offices related to but subordinate to the main use, Kiosks, Social hall.	Dwelling units only for key staff, Telecommunications mast.	Uses not in columns (3) and (4)	
14. MINING 2		Agriculture, Game reserve	Dwelling units only for key staff,		
15. PARKING		Public or private parking areas, restrooms, public toilet facilities		Uses not in columns (3) and (4)	On a temporary basis: Flea market, recycling facility, place of amusement

(1) Use Zone	(2) Notation	(3) Primary Land Use Rights	(4) Secondary Land Use Rights	(5) Prohibited Land Uses	(6) Uses that may be obtained by written consent Subject Schedule 7
16. EDUCATIONAL		Place of instruction, Institution, social halls, Place of public worship, sports and recreation clubs, sports grounds	Place of refreshment, residential buildings, special use, public or private parking areas, wall of remembrance, telecommunication mast	Uses not in columns (3) and (4)	One dwelling house not exceeding 120m ² , crèche, mobile catering (subject to licence health inspector)and public phone containers
17. INSTITUTIONAL		Institution, cafeteria, place of instruction, Place of public worship, social halls, sports and recreation clubs.	Religious purposes, public or private parking areas, wall of remembrance, telecommunication mast	Uses not in columns (3) and (4)	One dwelling house not exceeding 120m ² , crèche, mobile catering (subject to licence health inspector)and public phone containers.
18. AGRICULTURAL		Agriculture, one dwelling house, nursery farm stall subject to schedule 3	Place of instruction, religious purposes, animal care centre, agricultural industry, airfield, animal boarding place, equestrian school, picnic place, place of child care, resort, telecommunication mast. [institution, guest house or lodge, conference center or facility: provided that	Uses not in columns (3) and (4)	Second dwelling unit, outbuilding (s), home enterprise

(1) Use Zone	(2) Notation	(3) Primary Land Use Rights	(4) Secondary Land Use Rights	(5) Prohibited Land Uses	(6) Uses that may be obtained by written consent Subject Schedule 7
			the Local Authority may request that another procedure be followed in applying for these rights].		
19. PUBLIC ROADS		Existing or proposed public roads, public parking areas		All other uses	
20. PRIVATE ROAD		Private road, gate house, private parking, engineering services.		Uses not in columns (3) and (4)	
21. TRANSPORT FACILITIES		Transport facilities, public or private parking areas, workshop. Railway purposes.	Other uses which may be ancillary to the main transportation use, Telecommunication mast	Uses not in columns (3) and (4)	Mobile catering (subject to license by health inspector) and public phone containers
		Municipal purposes,	Uses not in column (3) and (5)	Noxious industries	Public phone with the

(1) Use Zone	(2) Notation	(3) Primary Land Use Rights	(4) Secondary Land Use Rights	(5) Prohibited Land Uses	(6) Uses that may be obtained by written consent Subject Schedule 7
22. MUNICIPAL		Agriculture, Sports and recreation club, sports ground, farm stall subject to schedule 3			consent of the Local Authority, Mobile catering
23. GOVERNMENT		Government purposes, conservation	Telecommunication mast	Noxious industries	
24. CEMETERIES		Cemeteries, crematorium, municipal purposes, conservation	As may be determined by the Local Authority	Uses not in columns (3) and (4)	
25. SPECIAL		Land uses otherwise not defined in the Scheme	As may be determined by the Local Authority	Uses not in Columns (3) and (4)	

(1) Use Zone	(2) Notation	(3) Primary Land Use Rights	(4) Secondary Land Use Rights	(5) Prohibited Land Uses	(6) Uses that may be obtained by written consent Subject Schedule 7
26.RURAL SETTLEMENT		Agriculture, dwelling houses, farm stall subject to schedule 3	As may be determined by Local Authority	NA	Guest houses, conference center, Tuck-shop and taverns, limited to 30% of the total dwelling unit, hair salon limited to 30% of the dwelling unit, Public phone container of limited to 25m ²
Nature Reserve (Protected Area)		Dwelling units used for permanent staff, Accommodation and related facilities for visitors, Offices subservient to the main use, Restaurant, Business /trade related to conservation/ tourism for convenient of staff & visitors Other uses as permitted in terms of relevant declaration	None		None

(1) Use Zone	(2) Notation	(3) Primary Land Use Rights	(4) Secondary Land Use Rights	(5) Prohibited Land Uses	(6) Uses that may be obtained by written consent Subject Schedule 7
		legislation			
Game Reserve					

PART V: SPECIFIC CONDITIONS AND DEVELOPMENT CRITERIA APPLICABLE TO USE ZONES

11. CONDITIONS APPLICABLE TO ERVEN ZONED RESIDENTIAL 2

Table 3: Conditions applicable to Erven Zoned Residential 2

1	Use Zone	Residential 2
2	Uses permitted	Dwelling units
3	Uses with consent	As per Table 2 Column 4
4	Uses not permitted	As per Table 2 Column 5
5	Definitions	Part 1
6	Density	20-35 units per hectare
7	Coverage	50%
8	Height	2 Storeys: Provided that another storey may be allowed if the Local Authority is satisfied that such storey will not detrimentally affect the privacy of the adjoining owners.
9	Floor Area Ratio	1.0
10	Site Development Plan and landscape development plan	<p>(1). A site development plan and a landscape development plan, unless otherwise determined by Local Authority, compiled by a person suitably qualified to the satisfaction of the Local Authority, shall be submitted to the Local Authority for approval prior to the submission of the building plans.</p> <p>(2). An approved site development plan shall be amended with the permission of the Local Authority and the building plans which do not comply with the proposals and conditions as set in the approved site development plan, will not be approved by the Local Authority.</p>
11	Building Lines	In terms of clause 9.6
12	Parking requirements	Demarcated parking spaces, together with the necessary paved maneuvering space, shall be provided on the erf in the following ratios to the satisfaction of the Local Authority:

		<p>(1). One covered and paved parking space for each dwelling unit with two habitable rooms or less.</p> <p>(2). One covered and paved and one paved parking spaces for each dwelling unit with three habitable rooms or more.</p> <p>(3). One paved parking space per three dwelling units for visitors.</p>
13	Access to the erf	(1). Entrances to and exists from the erf shall be sited, constructed and maintained to the satisfaction of the Local Authority.
14	Loading and off-loading facilities	The loading and off-loading of goods shall only take place within the boundaries of the erf.
15	Outdoor advertising	Advertisements and/or sign boards shall not be erected or displayed on the erf without the permission of the Local Authority first being obtained in terms of the municipal by-laws for outdoor advertising.

12. CONDITIONS APPLICABLE TO PUBLIC GARAGES AND FILLING STATITION ERVEN

- 12.1 Notwithstanding any provision of this Scheme, the following additional conditions will apply to properties zoned "Public Garages":
- 12.2 the establishment, upgrading and extension of a public garage constitute a listed activity and may only be commenced with upon submission of documentary proof to the Local Authority that such establishment, upgrading or extension has been authorized in terms of Environmental Conservation Act, (73 of 1989) read with National Environmental Management Act, (107 of 1998);
- 12.3 no material of any kind whatsoever shall be stored or stacked to a height greater than a screen wall ;
- 12.4 no repairs to vehicles or equipment of any kind may be carried on outside the garage buildings or screen wall;
- 12.5 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 Local Authority; and
- 12.6 canopies over fuel pump installations may not regarded and included in the calculation of coverage but shall be considered in the calculation of Gross Floor Area;

13. DENSITIES, SUBDIVISION AND COSOLIDATION

13.1 SUBDIVISION AND COSOLIDATION

13.1.1 Where application is made in terms section 92(1) of the Town Planning and Townships Ordinance, (15 of 1986) for subdivision of erven into two or more erven, the application shall not be granted if the subdivision of any erf (including the resultant erf or erven and remainder) will;

13.1.2 have a size, including the area of the panhandle or the area of a servitude of right of way, if applicable, which is smaller than the erf size specified by the Local Authority and as indicated on the density policy;

13.1.2.1 not have vehicular access to the street to the satisfaction of the Local Authority;

13.1.3 Notwithstanding the provisions of Sub-clause (13.1), the following further conditions are applicable to the subdivision approval:

13.1.3.1 such erf shall have an acceptable shape and street frontage for vehicular access;

13.1.3.2 the panhandle shall be not less than 3m wide along its whole length;

13.1.3.3 a panhandle shall provide access only to the erf of which it forms part as well as the property in favour of which a servitude of right of way has been registered over such panhandle;

13.1.4 no buildings or structures, walls may be erected on the panhandle or servitude;

13.1.5 In considering an application for its consent for consolidation and/or subdivision as contemplated in Sub-clause (13.1), the Local Authority shall determine 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 as contemplated in Clause (19).

13.2 DENSITIES

13.2.1 For the purpose of this Scheme, the density shall refer to the number of dwellings/dwelling units that may be erected on the property;

13.2.2 The following densities are applicable to various Use Zones:

Residential 1: One (1) dwelling per erf unless stipulated in the relevant Annexure and Schedule of the Scheme;

Residential 2: Twenty (20-35) units per hectare unless stipulated in the relevant Annexure and Schedule;

Residential 3: Subject to Schedule 2.

Residential 4: Subject to Schedule 3.

13.2.3 In Residential 1, where specific density is applicable in terms of the density policy of a particular area, the Local Authority may, subject to the provisions of Clause (19):

13.2.4 consent to the subdivision of the erf/property/portion into one or more erven/portions: provided that the size of the subdivided portion and the remainder thereof shall not be less than the minimum size in terms of the policy of a particular area and shall be included in the relevant Annexure and Schedule of the Scheme;

13.2.5 Where no specific area policy has been drawn, the density shall be restricted to that stipulated on the Spatial Development Framework (SDF) of the Local Authority;

13.2.6 Where a specific land has been subdivided with the resultant smaller erf/erven size than that specified in the policy, such precedent may not be used as the basis for the Local Authority to consent to the subdivision of erf/erven with smaller sizes than that specified in the policy from the date in which this Scheme comes into operation;

14. HEIGHT OF BUILDINGS

No height of a building may be higher than the number of storeys set out in Table 2 or applicable Annexure and Schedule, Provided that: the Local Authority may, after the receipt of the written application, consent to the relaxation of the height restriction if in its opinion such consent is desirable taking into account topography and location of the property subject to the provisions of Clause (19);

For the purpose of this Scheme, a basement shall not be included in calculating height of the building; A chimney, ornamental tower or similar architectural feature, room where mechanical equipment is installed or lift, and telecommunication mast shall not be included as part of the height of a building; Where 75% of the floor is used for the parking of the vehicles, it shall not be counted as a storey in all Use Zones except Use Zone 1 and 2, 16 and 24;

For the purpose of this Scheme, a maximum height of a storey shall not exceed 3m in respect of all storeys;

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

All storeys/floors below the ground storey and the natural ground level shall be indicated as basement storeys on building plans;

15. COVERAGE OF BUILDING

15.1 No building shall be erected so as to cover a greater proportion of its erf or site than is permitted in terms of Table 2 of the Scheme;

15.2 The provisions of Sub-clause (15.1) shall apply to every storey in a building, but excluding basement(s);

15.3 Outbuildings and second dwellings shall be included in the calculation of coverage;

15.4 For the purposes of the foregoing provisions of this Clause, no account shall be taken:

15.4.1 of the area covered by an open verandah and chimneys;

15.4.2 of the area covered by swimming pools and tennis court;

15.5 The Local Authority may grant its consent to a coverage being increased subject to the provisions of Clause (20);

15.5.1 in considering an application for its consent as contemplated in Sub-clause (15.3) the Local Authority shall, in addition to any other relevant factors, have regard to the likely effect on the location of essential services and the provisions of Clause (19);

15.5.2 provided that the resultant coverage shall not exceed by 20% of the permitted coverage;

Table 4: COVERAGE, HEIGHT AND FLOOR AREA RATIO (FAR) DEVELOPMENT REQUIREMENTS

Use Zones	Coverage	Floor Area Ratio (FAR)	Height
-----------	----------	------------------------	--------

Use Zones	Coverage	Floor Area Ratio (FAR)	Height
Residential 1	60% in case of One(1) Storey 50% in case of Two (2) Storeys	-	2 storeys
Residential 2	50%	1.0	2 storeys
Residential 3	60%	1.6	3 storeys
Residential 4	90%	2.0	3 storeys
Business 1	60%	1.6	6 storeys
Business 2	50%	1.5	6 storeys
Resort	5%	-	2 storeys
Commercial	70%	-	19.5m from Natural Ground Level
Industrial 1	70%	-	6 storeys
Industrial 2	70%	-	6 storeys
Public Garage	50% in respect of erven in established townships and; 5% in respect of farm properties	-	3 storeys
Parking	-	-	-
Educational	70%		3 storeys
Institutional	70%	-	5 storeys
Agricultural	5%	-	2 storeys
Transport Facilities	10%	-	3 storeys

Use Zones	Coverage	Floor Area Ratio (FAR)	Height
Municipal	70%	-	6 storeys
Government	60%	-	3 storeys
Cemeteries	As may be determined by the Local Authority	-	As may be determined by the Local Authority
Special	As per Annexure A	-	As per Annexure A
Rural Settlement	As may be determined by the Local Authority	-	2 storeys
Mining Settlement	-	-	-

16. SITE DEVELOPMENT PLANS

Site development plans are required for the erection of all buildings on Erven zones Residential 2, Residential 3 and where the submission of a site development plan is required as a condition of a zoning of a property. The Council may, however, at its discretion, require a Site Development Plan for development of any kind in any use zone. Where Residential 2 or Residential 3 Erven are subdivided into Erven smaller than the minimum laid down for Residential 1 Erven in the vicinity of the site, a Site Development Plan shall be submitted *simultaneously with or prior to the application for subdivision*.

16.1 PURPOSE OF A SITE DEVELOPMENT PLAN.

- 16.1.1 SDP's are submitted to obtain approval of the form and layout of development in order to avoid unnecessary delays and stumbling block when building plans are submitted;
- 16.1.2 SDP's, where required, should therefore be submitted and approved before architects and designers finalize detailed drawings;
- 16.1.3 Where SDP's are required, no building plan or subdivision plan, shall be approved unless in terms of an approved SDP. The erection of a building or commencement of construction work before the approval of a SDP or otherwise than in accordance with the approved SDP shall be a contravention of the Town Planning Scheme.
- 16.1.4 The municipality may consent to the amendment of a Site Development Plan.

16.2 DOCUMENTS AND PLANS TO BE SUBMITTED.

16.2.1 The following documents and plans shall be submitted, and no SDP submission will be processed unless accompanied by all the required documentation and plans. The submission should comprise an A4 or A3 bound or stapled set of documents, including:

- 16.2.1.1 A signed covering letter addressed to the Manager Technical Services containing a declaration by the applicant that:
 - o The applicant has the required authority to submit the application on behalf of the registered owner of the property;
 - o The applicant has checked the Title Deeds of the property and that there are no restrictive conditions prohibiting the proposal as submitted.
- 16.2.1.2 A locality plan indicating the application site in relation to the surrounding neighborhood and road system.
- 16.2.1.3 A plan, or copy of an orthophoto, on which shall be indicated the site, the land uses of adjacent erven as well as the approximate location of buildings, entrances and egresses to and from the adjacent erven.
- 16.2.1.4 A copy of the survey diagram if available,
- 16.2.1.5 A Site Development Plan to a scale of not less than 1:200 unless the development is extensive enough to warrant a smaller scale plan. The plan(s) must indicate at least the following:
 - o The sitting and use of all buildings, structure and parking areas.
 - o The parking areas and external finishes of all buildings – including the positioning and visual appearance of all air conditioning units and their operation to the satisfaction of the Manager Technical Services.

- Vehicle and pedestrian circulation and particularly all pedestrian walkways in shopping centre developments.
- The positioning of all services and any servitude registered.
- Proposed storm water disposal.
- The phasing of construction.
- If the site is to be subdivided, the proposed subdivision lines.
- The extent and nature of any open space to be provided.
- Where landscaping is envisaged, the nature and extent of such landscaping, including documents outlining the type of landscaping, the budget available and phasing of landscaping.
- refuse areas in residential complexes where no more than 6 units are to be erected.
- 16.2.5.6.11 The floor plans and elevations of all existing and proposed buildings.
- details of the proposed and existing treatment of the boundaries of the site e.g. walling, fencing, hedges.
- steps to be taken to minimize any negative impact of the proposed development on adjacent properties.
- 16.2.5.6.14 schedule of town planning controls in the form of a table indicating the permitted and actual development in terms of the controls applicable to the site, such as coverage, F.A.R., parking, density of dwelling (i.e. number of units per hectare), height and the required and actual open space provision, etc.

16.3 PROCEDURE FOR PLAN APPROVAL.

16.3.1 SDP submissions are made to the Town Planning /Technical Services.

16.3.1.1 Four (4) copies of the SDP drawings are to be submitted along with the relevant documentation. In instances where new or re-development of the property occur, one (1) set of drawings would be submitted to Technical Services, the remaining three (3) copies for Town Planning purposes.

16.3.1.2 Thereafter the plans will be registered and issued to a Town Planner to assess the submission from a Town Planning point of view.

16.3.1.3 Where subdivisions into smaller erven occur, the Town Planning Division will circulate the plans with the subdivision application to the various divisions for their comments.

16.3.1.4 Where no subdivision is to occur, a plan will be returned to the applicant, with the Town Planners' comment attached.

16.3.15 It must be noted that no other Division will accept a plan for comment unless it has been registered and assessed by the Town Planning Division or unless prior arrangement by Planning Division have been made with the applicable Division.

17. PARKING AND LOADING ZONES

17.1 PARKING ZONES

17.1.1 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 not less than 25m²;

17.1.2 Notwithstanding any provision in this Scheme, parking accommodation shall be provided in a manner satisfactory to the Local Authority in respect to buildings and use of land on erven or sites which shall not be less than the number of parking spaces specified in Table 5;

TABLE 5: ON-SITE PARKING REQUIREMENTS

Use	Parking spaces to be provided on the property
Business buildings:	
(1) Fitness centres	(1) Six parking spaces per 100m ² of the gross floor area
(2) Medical and dental consulting rooms	(2) Six parking spaces per 100m ² of the gross floor area
(3) Banks, buildings societies and other financial institutions	(3) Six parking spaces per 100m ² of the gross floor area
(4) Offices (and), hairdressers and other businesses	(4) Six parking spaces per 100m ² of the gross floor area
(5) Estate Agents	(5) Six parking spaces per 100m ² gross floor area
(6) Retail Industry	(6) Six parking spaces per 100m ² of gross floor area.
(7) Car wash	(7) Six parking spaces per 100m ² of gross floor area.
(8) Shop	(8) Six parking spaces per 100m ² of the gross floor area.
Dwellings and Dwelling-units subject to Schedule 1 and 2	
(1) Residential 1	(1) Not applicable

(2) Dwelling-units	(2) (A). One covered and paved parking spaces for each dwelling-unit with two habitable rooms or less. (B). One covered and paved and one paved parking spaces for each dwelling-unit with three habitable rooms or more. (c) One paved parking space per three dwelling-units for visitors.
(3) Home Enterprise	(3) To the satisfaction of the Local Authority.
(4) Industry	(4) One parking space per 100m ² of gross floor area.

Institutions:	
(1) Charitable institution	1. To the satisfaction of the Local Authority.
2. Clinic	(2) One parking space per bed.
3. Hospital	(3) One parking space per bed.
Motor workshops not included in a public garage:	
(1) Installation of air-conditioning, alarm systems, auto-electrical components, exhaust systems, motor glass, radios, shock absorbers, sunroofs, towbars, upholstery and tyres etc.	(1) Three parking spaces per work bay, work bay included.
(2) Other	(2) Six parking spaces per work bay, work bay included.
Place of Instruction:	
(1) Primary schools	(1) One parking space per classroom and/or office.
(2) Secondary schools	(2) One parking space per classroom and/or office.
(3) Other	(3) To the satisfaction of the Local Authority.
(4) Place of Child Care	(4) One parking space per activity room plus one stopping place for every 10 children more than 20.
(5) Place of Public Worship	(5) One parking space per five seats.

(6) Place of Refreshments	(6) One parking space per two seats.
Public garages and filling station:	
(1) Workshop	(1) Four parking spaces per 100m ² of the gross floor area.
(2) Shop	(2) Six parking spaces per 100m ² of the gross floor area
(3) ATM	(3) Three parking spaces per ATM
(4) Other	(4) To the satisfaction of Local Authority
Residential building(s):	
(1) Block of flats	(1) One paved parking space for each flat with three habitable rooms or less. Two paved parking spaces for each flat with four habitable rooms or more; and One paved parking space per three flats for visitors
(2) Boarding house, hostel and block of tenements	(2) One parking space per 37m ² of bedroom and bathroom accommodation. One paved parking space per three rooms for visitors.
Other Uses:	
(1) Printing works	(1) Two parking spaces per 100m ² of the gross floor area.
(2) Retail Industry	(2) Six parking spaces per 100m ² of gross floor area.
(3) Other light industries	(3) One parking space per 100m ² of the gross floor area.
(4) Social hall	(4) One parking space per four seats or twenty parking spaces per 100m ² of the gross floor area.
(5) Vehicle Sales Showroom	(5) One parking space per 100m ² gross floor area.
(6) Warehouse	(6) One parking space per 100m ² of the gross floor area.
(7) Hotel	(7) One parking space per leasable room, plus Six parking Spaces per 100m ² public floor area.
(8) All other land uses	(8) To the satisfaction of the Local Authority

17.2 LOADING ZONE

17.2.1 Loading spaces, in accordance with the sizes in the following Table 6 and with enough maneuvering space, entrance to and exists from the erf, internal driveways, and where required, waiting bays, receiving points and turning facilities, shall be provided on the erf. If required, fueling spaces, with enough maneuvering space shall also be provided on the erf. The number, layout and construction of the loading and fuelling spaces are subject to the approval by the Local Authority;

TABLE 6: LOADING SPACES

Use	Size of loading spaces
Business Buildings	7,5m X 4,5m
Hotels	
Institution	
Motor workshop	
Places of Amusement	
Places of Instruction	
Places of Refreshment	
Public garages	
Light industries	
Retail industries	
Shops	
Social Halls	
Industries	
Warehouses	

17.2.2 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 not less than 25m²;

17.2.3 Notwithstanding any provision in this Scheme, parking accommodation shall be provided in a manner satisfactory to the Local Authority in respect to buildings and use of land on erven or sites which shall not be less than the number of parking spaces specified in Table 5;

TABLE 7: ON-SITE PARKING REQUIREMENTS

Use	Parking spaces to be provided on the property
Business buildings:	
(6) Fitness centres	(6) Six parking spaces per 100m ² of the gross floor area
(7) Medical and dental consulting rooms	(7) Six parking spaces per 100m ² of the gross floor area
(8) Banks, buildings societies and other financial institutions	(8) Six parking spaces per 100m ² of the gross floor area
(9) Offices (and), hairdressers and other businesses	(9) Six parking spaces per 100m ² of the gross floor area
(10) Estate Agents	(10) Six parking spaces per 100m ² gross floor area
(6) Retail Industry	(6) Six parking spaces per 100m ² of gross floor area.
(7) Car wash	(7) Six parking spaces per 100m ² of gross floor area.
(8) Shop	(8) Six parking spaces per 100m ² of the gross floor area.
Dwellings and Dwelling-units subject to Schedule 1 and 2	
(1) Residential 1	(1) Not applicable
(2) Dwelling-units	(2) (A). One covered and paved parking spaces for each dwelling-unit with two habitable rooms or less. (B). One covered and paved and one paved parking spaces for each dwelling-unit with three habitable rooms or more. (c) One paved parking space per three dwelling-units for visitors.
(3) Home Enterprise	(3) To the satisfaction of the Local Authority.
(4) Industry	(4) One parking space per 100m ² of gross floor area.

Institutions:	
(2) Charitable institution	4. To the satisfaction of the Local Authority.
5. Clinic	(4) One parking space per bed.
6. Hospital	(5) One parking space per bed.
Motor workshops not included in a public garage:	
(3) Installation of air-conditioning, alarm systems, auto-electrical components, exhaust systems, motor glass, radios, shock absorbers, sunroofs, towbars, upholstery and tyres etc.	(3) Three parking spaces per work bay, work bay included.
(4) Other	(4) Six parking spaces per work bay, work bay included.
Place of Instruction:	
(4) Primary schools	(4) One parking space per classroom and/or office.
(5) Secondary schools	(5) One parking space per classroom and/or office.
(6) Other	(6) To the satisfaction of the Local Authority.
(4) Place of Child Care	(4) One parking space per activity room plus one stopping place for every 10 children more than 20.
(5) Place of Public Worship	(5) One parking space per five seats.
(6) Place of Refreshments	(6) One parking space per two seats.
Public garages and filling station:	
(4) Workshop	(4) Four parking spaces per 100m ² of the gross floor area.
(5) Shop	(5) Six parking spaces per 100m ² of the gross floor area
(6) ATM	(6) Three parking spaces per ATM
(4) Other	(4) To the satisfaction of Local Authority
Residential building(s):	

(3) Block of flats	(3) One paved parking space for each flat with three habitable rooms or less. Two paved parking spaces for each flat with four habitable rooms or more; and One paved parking space per three flats for visitors
(4) Boarding house, hostel and block of tenements	(4) One parking space per 37m ² of bedroom and bathroom accommodation. One paved parking space per three rooms for visitors.
Other Uses:	
(1) Printing works	(2) Two parking spaces per 100m ² of the gross floor area.
(2) Retail Industry	(2) Six parking spaces per 100m ² of gross floor area.
(3) Other light industries	(3) One parking space per 100m ² of the gross floor area.
(4) Social hall	(4) One parking space per four seats or twenty parking spaces per 100m ² of the gross floor area.
(5) Vehicle Sales Showroom	(5) One parking space per 100m ² gross floor area.
(6) Warehouse	(6) One parking space per 100m ² of the gross floor area.
(7) Hotel	(7) One parking space per leasable room, plus Six parking Spaces per 100m ² public floor area.
(8) All other land uses	(8) To the satisfaction of the Local Authority

17.3 LOADING

17.3.1 Loading spaces, in accordance with the sizes in the following Table 8 and with enough maneuvering space, entrance to and exists from the erf, internal driveways, and where required, waiting bays, receiving points and turning facilities, shall be provided on the erf. If required, fueling spaces, with enough maneuvering space shall also be provided on the erf. 17.3.2 The number, layout and construction of the loading and fuelling spaces are subject to the approval by the Local Authority;

TABLE 8: LOADING SPACES

Use	Size of loading spaces
Business Buildings Hotels Institution Motor workshop Places of Amusement Places of Instruction Places of Refreshment Public garages Light industries Retail industries Shops Social Halls	7,5m X 4,5m
Industries Warehouses	11m X 7,5m

17.3.2 Any person who undertakes or knowingly permits the loading, off-loading or fuelling of vehicles other than as approved by the Local Authority, may be guilty of an offence;

18. USE OF ANNEXURES

18.1. Special rights, conditions and restrictions applicable to any property within any use zone, may be stipulated in an Annexure to this land-use scheme

18.1 The special conditions and restrictions referred to in Clause 18.1 shall:

- a) Apply in addition to the general conditions, restrictions and other provisions of this land-use scheme; and

- b) Prevail, in case of conflict between such special condition and any other condition, restriction or provision of this land-use scheme.

18.2 An annexure contemplated in Clause 19.1 shall consist of:

- a) A sheet upon which is inscribed the number of such Annexure, a description of the property to which it applies, the special rights, conditions and restrictions applicable to the property, as well as the name and number of the scheme in terms whereof the Annexure was prepared, and
- b) A diagram of the property concerned which diagram shall correspond with the layout shown on the map.

18.4 The number of the Annexure concerned shall be inscribed inside a double circle within or adjacent to the figure of the relevant property on map 3A and, if adjacent to such figure, shall be joined thereto by means of a line.

PART VI: SPECIAL, WRITTEN AND TEMPORARY CONSENT OF THE LOCAL MUNICIPALITY

19 CRITERIA FOR THE CONSIDERATION OF APPLICATIONS

19.1 Subject to the provisions of Clause (10), (20), (21), (22), and (23), the Local Authority may, when application is made for its special, written or temporary consent in terms of this Scheme refuse or grant such consent subject to such conditions as it may deem fit, with due consideration of:

- 19.2 the amenity of the area;
- 19.2.1 health and safety of the area;
- 19.2.2 the character of other uses in the area;
- 19.2.3 the need and desirability of the use concerned;
- 19.2.4 the Directive Principles as contained in the Land Use Management Bill;
- 19.2.5 integrated Development Plan;
- 19.2.6 compliance with the proposals set forth in the Spatial Development
- 19.2.7 Spatial Development Framework (SDF);
- 19.2.8 any policy document of the Local Authority;
- 19.2.9 principles of the Development Facilitation Act, (Act 67 of 1995);

19.2.10 any by-law of the Local Authority;

19.3 Where the use of land or a building can only be conducted with the special, written or temporary consent of the Local Authority, the use may not be conducted prior to the consent being given;

19.4 The Local Authority may temporarily put aside or suspend the application contemplated in Clause (10), (20), (21) and (22) if it is satisfied that the applicant has not complied with the minimum requirements set therein as well as an application made in terms of section 56(1), 92(1) of the Town Planning and Townships Ordinance, 1986 (Ord. 15 of 1986) and section 6(1) of the Division of Land Ordinance, 1986 (Ord. 20 of 1986);

19.5 When granting its consent to erect building(s) or use of land or building(s), the Local Authority may impose the condition that the consent be renewed from time-to-time by reapplying or any other form as it may deem fit;

19.6 In considering the renewal contemplated in Sub-clause (19..4), the Local Authority may grant or refuse the renewal and state the reasons thereof;

19.7 Where the applicant or owner of land or buildings to which the consent applies fails to renew the consent as contemplated in (9.1.4) and continue to exercise the rights or cause such rights to be exercised after the period has expired, such conduct shall be deemed illegal.

20 SPECIAL CONSENT OF THE LOCAL MUNICIPALITY

20.1 The owner of the land or building or his authorized agent intending to apply to the Local Authority for Special Consent for the erection of buildings or use of land or building for a purpose as set out in Table 1 shall submit an application to the Local Authority as prescribed hereafter:

20.2 after submission of an application, the applicant shall:

20.2.1 publish in two (2) consecutive weeks at his own expense a notice of such application in the Local Newspaper or as may be prescribed by Local Authority;

20.2.2 display in conspicuous positions, where it may be easily seen from public land or other such public place, a placard on each separate part of such land or building to which such consent is applicable;

- 20.2.3 the placards are to be maintained in good order for at least 14 days from the day of the first publication of as contemplated in Sub-clause (20.2.1);
- 20.2.4 the placard specified in Sub-clause (20.2.3) shall not be smaller than 594 mm x 420 mm and any letter there on shall be at least 6mm high and be written in legible upright printed letters.
- 20.2.5 if such land or building is situated at such a distance from public road or other public place that the notice cannot be read from there, the placards shall also be displayed at every public entrance of the public place to the concerned property or building;
- 20.2.6 if the property concerned has more than one street frontage ,at least one placard shall be displayed and maintained on each street frontage;
- 20.2.7 in a case of an application within an existing business centre or other similar place to which the public has access, a placard shall be displayed and maintained in a conspicuous place at the entrance of such business to which the application refers, and at each public entrance of the business centre; and
- 20.3 The notice referred to in Sub-clause (20.2) shall;
- 20.3.1 contain the full name, the residential or business address and telephone number of the applicant or authorized agent;
- 20.3.2 mention the relevant clause of the town-planning Scheme, erf number and street address, township concerned, farm portion or agricultural holding, the existing zoning of the application erf as well as the intended use, and locality of the proposed land-use for which application has been made;
- 20.3.3 state that the full details of the application are available at the Local Authority during normal office hours for the period of twenty-eight (28) days from the first day of publication of the notice in the Local Newspaper and the erf notice;
- 20.3.4 be written in English and any other of the official languages predominant in the municipal area;
- 20.3.5 state that any objection or representation against such application shall be submitted in writing to the Local Authority within twenty-eight (28) days, calculated from the first full day

after appearance of the notice in the Local Newspaper and displaying on the erf; the date of appearance of the notice in the Local Newspaper as well as the closing date for acceptance of objection shall be indicated on the placard;

20.4 The Local Authority may authorize the partial or total non-compliance with the provisions of Clauses (20.2), (20.3) and (20.5) if it is of the opinion that another way of giving the notice as prescribed by the Local Authority, will inform the public in a better way, or that such non-compliance is not of such a material nature that it is likely to affect anyone detrimentally;

20.5 The applicant shall draw up a sworn affidavit to the effect that the provisions in Sub-clause (20.2) and (20.3) hereof have been compiled with not earlier than 14 days after the day of publication of the erf notice, and submit the affidavit thereafter at the Local Authority;

20.6 The application contemplated in Sub-clause (20.2) shall simultaneously comprise of the following documents as well as any such additional documents or information as the Local Authority may require:

20.6.1 plans, maps drawn up to a suitable scale, indicating the locality of the property in relation to the surrounding properties;

20.6.2 memorandum addressing the need and desirability of the proposed use as well as any other matter deemed desirable to the application concerned;

20.6.3 copy of the relevant Title Deed or Deed of Transfer of the subject property;

20.6.4 pro-forma notice contemplated in Sub-clause (20.2);

20.6.5 special power of attorney if the application is lodged by any person other than the owner of the land;

20.6.6 proof of payment of relevant fees as may be determined by the Local Authority;

20.7 Any person with objections to or who wishes to make representation against the application, shall lodge his written objections or representation to the Local Authority with the reasons thereof within the period mentioned in Sub-clause (20.3.5) hereof;

- 20.8 In the event of the objections and or representations received with written reasons within a specified period, the Local Authority shall consider and hear objections or representations at the hearing arranged by Local Authority;
- 20.9 Subject to the provisions of Sub-clause (20.8), the Local Authority shall set a time and place for the hearing of such objections or representations by giving notice by means of facsimile, registered post to the last known address of the objector and applicant or by any means it deems suitable, at least 14 days prior to the date of the hearing;
- 20.10 here objections and or representations contemplated in Sub-clause (20.7) contain more than one person in one document, it shall be deemed sufficient compliance with the provisions of Sub-clause (20.9) if the Local Authority delivers its notice in any of the manner contemplated in Sub-clause (20.9) to any single person who has lodged the document or its signatory;
- 20.11 after consideration of the application and any objections, the Local Authority may grant the application or refuse it and all parties (including the objector) will be informed of the decision; and further informs all the parties of their rights contemplated in the Scheme;
- 20.12 The Local Authority reserves the right, without any liability for compensation, to revoke its consent if the requirements imposed in considering the application have not been complied with;
- 20.13 If the consent of the Local Authority in terms of Clause (20.1) for the use of land or the erection or use of buildings is not exercised within 12 months from the date of the notification of the Local Authority to grant such consent, the consent shall be deemed to have lapsed: such 12 months period shall be counted from the date in which the appeal has been disposed of;
- 20.14 If the use permitted is not exercised for uninterrupted period of twelve (12) consecutive months after commencement, the consent shall lapse, after which the owner shall reapply;
- 20.15 The Local Authority may on written application grant an extension of the time in which the consent must be exercised or the special consent use may be interrupted;
- 20.16 The Local Authority may, on written request from the owner of land cancel or retract any consent granted in terms of Clause (20.11) provided that such cancellation or retraction will not take effect until approved by the Local Authority;
- 20.17 Apart from the uses set out in Table 1, the Local Authority may, where application is made for its consent in terms of any other Clause, require that the same procedure be followed as set out

in this Clause. If such requirements are not laid down, any other such application will be submitted in the manner as may be determined by the Local Authority.

21. WRITTEN CONSENT OF THE LOCAL MUNICIPALITY

21.1 The owner of the land or building or his authorized agent intending to apply to the Local Authority for Written Consent for the uses set out hereafter may submit an application to the Local Authority for the following:

- 21.1.1 relaxation of the line(s) of no access;
- 21.1.2 application in terms of section 92(1) of Ordinance 15 of 1986;
- 21.1.3 provision of parking on adjacent property;
- 21.1.4 erection of screen wall(s) exceeding 2,0m in height
- 21.1.5 uses set out in Column 6 of Table 1
- 21.1.6 home enterprises (Subject to Schedule 23)

21.2 Except for consent contemplated in Sub-clause 21.1.1 to 21.1.6, no consent shall be granted in terms of this Clause until the applicant has obtained the written comments of the surrounding owners or controlling authority concerned as prescribed:

21.3 plans, drawn up to a suitable scale, indicating the locality of the property in relation to the surrounding properties;

21.4 description of the nature and extent of the intended use or relaxation required;

21.5 name and address of the applicant;

21.6 disclose the name, address and number of the signatories;

21.7 record therein that none of the surrounding owners has any objections against the application;

21.8 In the event of objections received, the provisions of Sub-clause (20.9), (20.10), (20.11), (20.12) and (20.13) shall apply *mutatis mutandis*;

- 21.9 After consideration of the application and any objections, the Local Authority may grant the application or refuse it and parties (including the objector) will be informed of the decision; and further informs all the parties of their rights contemplated in the Scheme;
- 21.10 If the consent of the Local Authority in terms of Clause (21) for purposes mentioned in under Sub-clause (21.1.) is not exercised within 12 months from the date of the notification of the Local Authority to grant such consent, the consent shall be deemed to have lapsed: such 12 months period shall be counted from the date in which the appeal has been disposed of;
- 21.11 The Local Authority reserves the right, without any liability for compensation, to revoke its consent if the requirements imposed in considering the application have not been complied with;
- 21.12 The Local Authority may on written application grant an extension of the time in which the consent may be exercised;
- 21.13 The Local Authority may, on written request from the owner of land cancel or retract any consent granted in terms of Clause (21) provided that such cancellation or retraction will not take effect until approved by the Local Authority;

22. TEMPORARY CONSENT OF THE LOCAL MUNICIPALITY

- 22.1 Notwithstanding any other provision of this Scheme, or whatever requirement is deemed fit by the Local Authority, the Local Authority may on receipt of a written application from the owner of land or his authorized agent, consent to the temporary use of a property for:
- 22.1.1 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 lapse upon completion of the permanent structure or on the expiry date thereof as determined by the Local Authority;
- 22.1.2 the occasional use of land or buildings for public religious exercises, place of instruction, institution, place of amusement;
- 22.1.3 the use of land or buildings thereon for State or Local Authority purposes;
- 22.1.4 the use of land or the erection of buildings necessary for the purpose
- MUSINA LAND-USE MANAGEMENT SCHEME, 2010**

of informal retail trade;

22.2 The Local Authority may further require that the applicant obtain written comments of the surrounding land owners or any other person or body that, in its opinion, may have an interest in the application contemplated in Clause (22.1);

22.3 In the event of objections received, the provisions of Sub-clause (20.9), (20.10), (20.11), (20.12) and (20.13) shall apply *mutatis mutandis*;

22.4 After consideration of the application and any objections, the Local Authority may grant the application or refuse it and parties (including the objector) will be informed of the decision; and further informs all the parties of their rights contemplated in the Scheme;

22.5 Such consent granted under Clause (22.1) shall be for a period determined by the Local Authority which shall in any case not exceed 12 calendar months;

22.6 The Local Authority may impose any condition deemed fit in granting consent in terms of Clause (22.1);

22.7 If the consent of the Local Authority in terms of Clause (22.1) for purposes mentioned in under Sub-clause (22.1) is not exercised within 12 months from the date of the notification of the Local Authority to grant such consent, the consent shall be deemed to have lapsed; such 12 months period shall be counted from the date in which the appeal has been disposed of;

22.8 Notwithstanding the above, the Local Authority reserves the right to reconsider the decision in terms of Clause (21.1), without liability for compensation, if any of the conditions imposed in terms of the authorization are not complied with or if complaints from surrounding property owner(s) are forthcoming;

22.9 The Local Authority may on written request from the owner of land cancel or retract any consent contemplated in Clause (22.1): provided that such cancellation or retraction will not take effect until approved by the Local Authority;

23. CONSENT FOR THE PRACTICE OF A HOUSEHOLD ENTERPRISE

23.1 Notwithstanding any provisions of this Scheme, a Home enterprise is restricted to use zone 1, 16, and 24 properties with the following conditions, subject to the provisions of Clause (21):

23.1.1 Shall have a maximum of 30% of gross floor area of the dwelling-unit;

23.1.2 The display of the board showing only the name of the occupant intended in zones contemplated in Sub-clause (21.1) hereof, the address and the telephone number and the nature of home enterprise shall be subject to the Local Authority's permission in terms of the Musina Local Municipality's by-laws for Outdoor Advertising, which board shall not exceed 600mm x 480mm and is not illuminated in any way;

23.1.3 The storage of goods of whatever nature, reasonably of essential for such home enterprise, within the area contemplated in Sub-clause (21.1.1) hereof;

23.1.4 The display of goods contemplated in Sub-clause (21.1.3) hereof in such a way inside the dwelling-unit that it is not visible from the outside;

23.1.5 The loading and offloading of goods contemplated in Sub-clause (21.1.1) hereof by means of a private motor vehicle or commercial vehicle with mass not exceeding 3 500 kg (loading capacity included) and a maximum length, width and height of 5,500m, 1, 800m and 2,100m respectively, and which only one such vehicle may be parked regularly at the dwelling-unit out of sight from the street;

23.1.6 The health and safety requirements of the Local Authority shall be complied with;

23.2 Noxious industries and Industries are not permitted;

23.3 No disturbance or pollution through noise, smell, dust, radio-activity, gases or vibrations or other offensive condition, which result in inconvenience to the public, is permitted. Any waste, shall comply with the Local Authority's requirements for the temporary storage and removal from the property;

23.4 The following uses shall be permitted as Home Enterprises:

23.4.1 Service enterprise

23.4.2 Medical consulting rooms

24. CONSENT FOR SPECIFIC PURPOSE

Without prejudice to any powers of the local municipality derived from any law, or the remainder of this scheme, nothing in the foregoing provisions of this scheme shall be construed as prohibiting or restricting the following:

24.1 The exploitation of minerals on any land not included in a proclaimed township;

24.2 The letting of a dwelling unit for occupancy of only one family; and

24.3 The letting of not more than two rooms of a dwelling unit.

25. CONSENT FOR SPECIFIC PURPOSE

25.1. "MINING 1 AND QUARRYING" OR MINING 2"

25.1.1. Where land is already zoned as "Mining 2", the Mining Rights holder shall consequent upon complying with any relevant requirements prescribed in terms of Mining and Environmental legislature such as The Environmental Conservation Act, 1989 (Act no. 73 of 1989) with its amendments, and The Mineral and Petroleum Resources Development Act 2002 (Act No. 28 of 2002); such rights holder shall have the right to convert the zoning to "Mining 1 and Quarrying".

25.1.2. The mining company must provide the local municipality with:

[a] Written notification; and

[b] Maps indicating the area of which the status has changed as indicated above

25.1.3 Upon delivery of the documentation in paragraph 25.2.2, "Mining and Quarrying Purposes" rights shall commence forthwith.

25.2 “PROTECTED AREAS”

25.2.1. Where an owner of land declared the land or a portion of land as a “Protected Area” in terms of any relevant national or provincial environment legislation, such owner shall have the right to convert the zoning to “Protected Area”

25.2.2. The owner must provide the local municipality with:

- a) A copy of notice of declaration of land as a protected area; and
- b) Maps indicating the area of which the status has changed as indicated above.

25.2.3. Upon delivery of the documentation in Clause 25.2 “Protected Areas” rights shall commence forthwith.

26. REGISTER OF SPECIAL AND WRITTEN CONSENT APPROVALS AND RELEVANT CONDITIONS

The local municipality shall keep a complete register of amendments, special and written consents approved by it in terms of this land-use scheme, or granted through the verdict of appeals, as well as conditions imposed in such approvals. Such register together with the land-use scheme will be available for inspection at any reasonable time to any interested persons or body.

PART VII: APPLICATION OF THE SCHEME AND POWERS OF THE LOCAL MUNICIPALITY

27. BINDING FORCE OF CONDITIONS

Where consent to erect a building, or to execute any works, or to use any building or land for a particular purpose, in terms of this land-use scheme is granted, subject to conditions, such conditions shall have the same legal force as if incorporated in this land-use scheme and shall be regarded as though they were part of this scheme.

28. ENTRY UPON AND INSPECTION OF PROPERTIES

28.1. The local municipality may, through its authorized officials, enter upon any property at all reasonable times to conduct any inspection which the local municipality or its representatives may consider necessary or desirable for the application of this scheme.

28.2. No person shall in any manner hinder, obstruct or interfere with the execution of any duties by any authorized officer of the local municipality, or in so far as it may fall within his power, permit such official to be hindered, obstructed or interfere with.

29. SERVING OF NOTICES

29.1. Any directive, notice or other document in terms of this scheme, requires or is authorized to be served, shall be signed by the Municipal Manager or another official authorized thereto by the local municipality, and shall be served in any of the following ways:

29.1.1. On the person concerned, in person, or his authorized representative;

29.1.2. If the service cannot be effected in the manner contemplated in sub-clause 30.1(a), at his residence or place of business or place of employment, on a person apparently not less than 16 years of age and apparently residing or employed there;

29.1.3. If no such person can be found on the property mentioned in sub-clause 30.1(b), by affixing such directive, notice or other document at conspicuous place on the premises and by the dispatching a copy of such directive, notice or other document by pre-paid registered post to the known place of residence, business, employment or post box of the person concerned.

29.1.4. If such person upon whom a notice is to be served has chosen a domicilium et executandi, on such domicilium.

29.2. Where any service is affected in accordance with the provision of sub-clause 29.1(c), such service shall be deemed to have been effected at the time when a letter containing such directive, notice or other document would have been delivered in the ordinary course of postal deliveries and proof that such directive, notice or other document was properly addressed and register, shall be deemed sufficient proof of service thereof.

29.3. Any directive, notice or other document which in terms of the provisions of this land-use scheme is required to be given to the owner or occupant of any particular premises, may be addressed to the 'owner' or 'occupant' of such premises in respect whereof the directive, notice or other document is given, without any further name or description, and shall be deemed to be in compliance with the provisions of this clause.

30. POWERS OF LOCAL MUNICIPALITY IN CASE OF CONTRAVENTION OF LAND- USE SCHEME

30.1. Where any person, in conflict with any provision of the land-use scheme in operation-

30.1.1. Undertakes or proceeds with erection or alteration of or addition to a building or cause it to be undertaken or proceed with;

30.1.2. Performs, undertakes or proceeds with any other work or cause it to be to performed, undertaken or proceeded with;

30.1.3. Uses any land or building or cause it to be used;

The local municipality shall direct such person in writing:

a) To discontinue such erection, alteration, addition or other work or to discontinue such use o cause it to be discontinued; and

b) At his own expense to:

(i) Remove such building or other work or cause it to be removed;

(ii) To cause such building or other work or such use to comply with provision of the scheme

30.2. Any person who contravenes the provision of this scheme or fails to comply with an instruction issued in terms of Clause 30.1 commits an offence.

30.3. If any person to comply with a directive issued in terms of Clause 30.1, the local municipality may irrespective of the fact that such a person has criminally been charged or prosecuted, remove the building or other works at the expense of such person, obtain a court order to remove the building or other work or cause, the building or other work to comply with the provisions of its land-use scheme and to recover all expenditure incurred in connection therewith, from such person.

30.4. Whenever any person is required to perform any act to the satisfaction of the local municipality:

30.4.1. The local municipality shall have the right to inspect the property or works under question to satisfy itself of compliance;

30.1.2. If the local municipality is not satisfied that compliance is taking place it shall:

- a) Send a notice to such a person informing the person of non-compliance, giving such a person 14 days or such an extended period as may be required to ensure compliance; and
- b) Failing which the stipulations of Clause 30.2 and 30.3 shall apply mutandis to this clause.

30.5. Any act or omission, being an offence in terms of clause 30.2 above, is trialled in a Magistrate's court created in terms of the MAGISTRATES COURTS ACT 1944 (Act 32 of 1944) and upon conviction, is punishable with a fine not exceeding R 5 000.00.