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## **PART I – GENERAL**

### **1. RESPONSIBLE AUTHORITY**

The Polokwane Local Municipality or its successor in title shall be the authority responsible for the enforcing and execution of the provisions of this land-use scheme.

### **2. AUTHORITY OF LAND-USES SCHEME**

This land-use scheme has been prepared in terms of the provisions of Section 23 of the Spatial Planning and Land Use management Act, Act 16 of 2013 and adopted in terms of section 26 of the Spatial Planning and Land Use management Act, Act 16 of 2013 for the municipal area.

### **3. CONTENTS OF THE LAND-USE SCHEME**

This land-use scheme is divided into two parts relating to the following matter, viz:

#### **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 of the local municipality.

Part VII: Application of the scheme and powers of the local municipality.

#### **3.2 THE MAP**

### **4. TITLE OF LAND-USE SCHEME**

This scheme shall be known as the Polokwane Land-Use Scheme, 2017 for Mankweng, Sebayeng and rural areas.

### **5. AREA OF THE LAND-USE SCHEME**

#### **5.1 AREA**

The area to which the land-use scheme applies is the area of the municipality as defined in par. 2 above denoted by area B.

#### **5.2 ADMINISTRATION OF LAND-USE SCHEME IN AREA**

- 5.2.1 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.

- 5.2.2 All land not depicted by a notation indicating a use zone as referred to in paragraph 5.2.1 above shall be deemed to be zoned and used for Agricultural use; provided that should any owner of land furnish proof of alternative rights obtained in terms of any previous lawful authority, such rights/uses shall be deemed to be legally obtained in terms of this scheme.

**6. SUBSTITUTION**

The Scheme substitutes any existing scheme in operation not specifically listed only regarding the relevant area of this Scheme and Regulations.

**7. CONFLICT BETWEEN PROVISIONS OF THIS LAND-USE SCHEME, CONDITIONS OF TITLE AND LEGISLATION**

A consent granted by the local municipality 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.

## PART II - DEFINITIONS

### 8. 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:

#### **8.1 STATUTORY RELATED DEFINITIONS**

- 8.1.1 "ACT" - Means the Spatial Planning and Land Use management Act, Act 16 of 2013 as well as any amendment thereto.
- 8.1.2 "APPEAL AUTHORITY" means the appeal authority referred to in regulation 20 to the Act.
- 8.1.3 "AUTHORISED OFFICIAL" means an official who may consider and determine applications as contemplated in section 35(2) of the Act.
- 8.1.4 "BY-LAW" - Means Polokwane Municipal Planning By-Law, 2017.
- 8.1.5 "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.
- 8.1.6 "DEPARTMENT" means the national department responsible for spatial planning and land use management.
- 8.1.7 "CONTROLLING AUTHORITY" - Means the controlling authority as defined in Section 1 of the Advertising on Roads and Ribbon Development Act, 1940 (Act No. 21 of 1940), or the Commission as defined in the South African National Roads Agency Limited and National Roads Act, 1998 (Act No. 70 of 1998), and other legislation applicable, as far as Town Planning is concerned, within the jurisdictional area of the local municipality as the case maybe.
- 8.1.8 "DEED OF GRANT" - Means a deed in respect of an ownership unit issued or deemed to have be issued in terms of the Regulations of the Administration and Control of Townships, 1962 (Regulation R.293 of 1962).
- 8.1.9 "ENVIRONMENTAL IMPACT ASSESSMENT" - Means a report concerning the assessment of potential environmental, socio-economic and cultural heritage impacts of activities in terms of the requirements of the National Environmental Management Act, 1998 (Act No. 107 of 1998).
- 8.1.10 "FACTORY" - Means a factory as defined in the Act on Machinery and Professional Safety, 1983 (Act No. 6 of 1983) or any amendment thereof.

- 8.1.11 "GENERAL PLAN" - Means a plan representing the relative options 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.
- 8.1.12 "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).
- 8.1.13 "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.
- 8.1.14 "LAND-USE SCHEME" - Means a scheme which determines and regulates the use and development of land in an area in accordance with the Spatial Planning and Land Use management Act, Act 16 of 2013 and is a component of land-use management.
- 8.1.15 "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 sections 24 and 24D of the National Environmental Management Act, 1998 (Act No. 107 of 1998).
- 8.1.16 "MINE" – When used as a noun or a verb as defined in section 1 of the Mineral and Petroleum Resources Development Act, 2002 (Act 28 of 2002), as amended.
- 8.1.17 "MUNICIPAL PLANNING BY-LAW"- Means Polokwane Municipal Planning By-Law, 2017 or its successor in title.
- 8.1.18 "MUNICIPAL PLANNING TRIBUNAL"- Means established structure by the Municipality in terms of Section 35 of the Spatial Planning and Land Use Management Act, Act 16 of 2013 read together with regulation 3 of the Spatial Planning and Land Use Management Regulation : Land Use Management and General matters, 2015;
- 8.1.19 "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).
- 8.1.20 "PERMISSION TO OCCUPY CERTIFICATE" or "PTO" – Means a permission granted to occupy an allotment in terms of the Regulations of the Black Administration Act, Act 38 of 1927 (Regulation R.188 of 1969);
- 8.1.21 "REGULATION"-Means Spatial Planning and Land Use Management

## **8.2 GENERAL DEFINITIONS**

- 8.2.1 "ADDITIONAL DWELLING UNIT"–Means a second dwelling unit, or such number of additional dwelling units as determined by the policy of the local authority, on the same property provided that the total coverage does not exceed the prescribed coverage defined in Table "C" of the scheme.
- 8.2.2 "AERODROME"– Means any demarcated area on land or water or any building which is used or intended to be used either wholly or in part, for the arrival or departure of aircraft, and includes any building, installation or equipment within such area which is used or intended to be used in connection with the arrival, departure or movement of aircraft.
- 8.2.3 "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 residential buildings that are connected with the main farming activities such as accommodation for the farmer, farm manager and associated farm settlement.
- 8.2.4 "ANCILLARY AND SUBSERVIENT USES" Means uses or activities which support and compliment the main use on the property and which shall not exist on their own when the main use on the property is discontinued.
- 8.2.5 "ANIMAL CARE CENTRE" Means a place for the care of domestic pets and animals, operated on either a commercial or welfare basis and includes boarding kennels and pet training centres.
- 8.2.6 "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.
- 8.2.7 "APPROVED TOWNSHIP" – Means an approved township as defined in the Polokwane Municipal Planning By-law 2017 or its successor in title.
- 8.2.8 "AREA OF THE SCHEME"– Means the area described in Clause 5 of the scheme and as shown on the map.
- 8.2.9 "BAKERY" – Means a building in which bread, rusks, biscuits, pies, pastries, confectionery and other baked products are produced in bulk for distribution to wholesalers and/or retailers, as well as such retail as may be approved by the local municipality.

- 8.2.10 "BASEMENT" – Means any floor of a building situated under the ground floor, beneath the natural horizontal ground level of the area.
- 8.2.11 "BED-AND-BREAKFAST ACCOMMODATION" – A commercial accommodation establishment of up to and including four (4) guest rooms. The main function is to provide temporary accommodation under personal supervision of the owner and his/her family from his/her dwelling house. Meals (usually breakfast) are provided to paying guests only. Only one (1) kitchen per establishment is allowed. A bathroom for each guest room may be provided, but a bathroom may also be shared with the host family.
- 8.2.12 "BOARDING HOUSE" - Means land and buildings consisting of habitable rooms without a kitchen, which are let or rented to persons and where one or more meals are provided in a communal dining-room and a communal kitchen and includes a caretaker's flat on the property.
- 8.2.13 "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.
- 8.2.14 "BUILDING" - Means and includes structures or constructions of any nature whatsoever.
- 8.2.15 "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.
- 8.2.16 "BUILDING RESTRICTION AREA" – Means an area wherein no building, except those permitted in the scheme, may be erected.
- 8.2.17 "BUILDERS YARD" – Means land or buildings which are used for the storage of materials:
- 8.2.17.1 *Materials which:-*
- (a) are commonly used for building work; or
  - (b) resulted from demolition or excavation works; or
  - (c) are commonly used for other civil engineering works such as installation of services;
- 8.2.17.2 Vehicles and implements necessary or ancillary to the works and services referred to in Clause 8.2.17.1;and
- 8.2.17.3 May include administrative offices incidental to the above-mentioned uses.
- 8.2.18 "CAMPING SITE" - Means land and buildings used for temporary overnight accommodation of caravans, motor homes and tents and may



include ablution facilities, caretaker's flat, communal kitchen/s and ancillary and subservient shops and other related buildings for the use of such visitors.

- 8.2.19 "CAR WASH" - Means land and/or buildings used for the washing, polishing and cleaning of vehicles by means of mechanical apparatus or by hand.
- 8.2.20 "CEMETERY" Means a place for the burial of human remains, and may include associated buildings such as an office, chapel and wall of remembrance, but does not include a crematorium;
- 8.2.21 "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 ancillary and subservient to the commercial use of the land.
- 8.2.22 "COMMUNE" - Means a dwelling unit where not more than six unrelated persons live together and share communal facilities, such as a kitchen, lounge, bathroom, etc., but does not include a household enterprise. The use is further subject to the policy of the local municipality as amended from time to time.
- 8.2.23 "CONFERENCE FACILITY"–Means a building designed for use or used as a temporary 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.
- 8.2.24 "CONSENT USE" – Means the consent of the local municipality in terms of Table "A" to be read in conjunction with Clauses 21, 22 and 23.
- 8.2.25 "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.
- 8.2.26 "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 hail net.
- 8.2.27 "CREMATORIUM" - Means a building with the necessary specialised equipment used for the cremation of human and animal tissue subject to the provisions of the Crematoriums Act, 1965 (Act 18 of 1965).
- 8.2.28 "DISPENSING CHEMIST" – Means an enterprise supplying only medicine as defined in the Act on the Control of Medicine and Related Material, 1965 (Act No. 101 of 1965), as amended, as prescribed by a registered

medical practitioner only.

- 8.2.29 "DOMESTIC STAFF QUARTERS" Means an outbuilding of not more than 25m<sup>2</sup>, including sanitary and cooking facilities, and used for the accommodation of domestic staff employed at a dwelling unit only;
- 8.2.30 "DOMINANT USE" - Means the predominant or major use of a property, and may consist of primary or consent uses permitted on the property;
- 8.2.31 "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.
- 8.2.32 "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 domestic staff quarters as are ordinarily incidental thereto.
- 8.2.33 "ERF" - Means "land" as defined in the Spatial Planning and Land use management Act, act 16 of 2013 or other relevant legislation or municipal by-law;
- 8.2.34 "EXISTING LAND USE" – Means the otherwise legal use of land and/or buildings exercised on or before the fixed date as contemplated in section 43 of the Ordinance or relevant legislations and which is not contradictory to the stipulations of the scheme.
- 8.2.35 "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 250m<sup>2</sup> is permitted as a primary right.
- 8.2.36 "FIXED DATE" – Means the date on which the local municipality gives notice in the Provincial Gazette that this scheme is in operation.
- 8.2.37 "FLAT" – Means a group of dwelling units contained in a building(s) with a communal entrance.
- 8.2.38 "FLOOR AREA" - Means the sum of the total area occupied in a building at the floor level of each storey: Provided that in the calculation of the floor area the following areas shall not be included:
- (a) Unroofed buildings, open roofs and areas occupied by external fire-escapes;
  - (b) Parking spaces for the occupants of the building;
  - (c) Entrance passages and corridors (excluding entrance halls, porches and

- corridors in a dwelling unit or a residential building where such entrance halls, porches and corridors are not enclosed by outer walls or windows);
- (d) Accommodation for the lift motors and other mechanical or electrical equipment necessary for the proper use of the building;
  - (e) Housing for domestic workers on the roof of a building: Provided that the floor area thus excluded shall not exceed 3% of the permissible floor area of such building;
  - (f) A veranda or balcony in a building: Provided that such veranda or balcony shall not be enclosed except to conform to safety precautions listed in the National Building Regulations; and
  - (g) Areas reasonably used for the cleaning, maintenance and care of the building or buildings, except dwelling units for supervisors, cleaners and caretakers.

8.2.39 "FLOOR AREA RATIO" or "F.A.R." – Means the ratio obtained by dividing the floor area of a building or buildings by the total area of the property, thus –

$$\text{F.A.R.} = \frac{\text{Floor area of a building or buildings}}{\text{Total area of the property on which the buildings(s) is erected}}$$

8.2.40 "FUNERAL PARLOUR" – Means a building used or designed for use as a mourning or funeral chapel and includes such other buildings designed for use in connection therewith and which is normally ancillary to or reasonably necessary for the business of a funeral undertaker, but shall exclude a crematorium.

8.2.41 "GRANNY FLAT" – An additional dwelling unit which may be erected on a "Residential 1" erf in addition to the main dwelling, with the proviso that if a second dwelling unit has already been erected, no granny flat shall be permitted, and vice versa.

8.2.42 "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.

8.2.43 "GROUND FLOOR" – Means the storey of which the floor is on the lowest natural ground level.

8.2.44 "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".

8.2.45 "GUEST HOUSE" – A commercial accommodation establishment of five (5) up to and including sixteen (16) guest rooms. No permanent residents (except for the manager) are allowed. The main function is to

provide temporary accommodation under personal supervision. If meals are provided, it should be served to paying guest only. Only one (1) kitchen per establishment is allowed. Each guest room must have its own en-suite bathroom. All other facilities such as a bar and swimming pool are for paying guests only.

- 8.2.46 "GYMNASIUM" – Means a business where people do physical and aerobic exercises with or without apparatus.
- 8.2.47 "HEIGHT" – Means the height of the building expressed in the number of storeys.
- 8.2.48 "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.
- 8.2.49 "HOUSEHOLD" - Means a group of persons regarded as a domestic unit in terms of legislation, common law or customary law.
- 8.2.50 "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 four (4) 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.
- 8.2.51 "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.
- 8.2.52 "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.
- 8.2.53 "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.
- 8.2.54 "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.

- 8.2.55 "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.
- 8.2.56 "LAND" means any erf, agricultural holding or farm portion, and includes any improvement or building on the land and any real right in land;
- 8.2.57 "LAND DEVELOPMENT" means the erection of buildings or structures on land, or the change of use of land, including township establishment, the subdivision or consolidation of land or any deviation from the land use or uses permitted in terms of an applicable land use scheme;
- 8.2.58 "LAND USE" means the purpose for which land is or may be used lawfully in terms of a land use scheme, existing scheme or in terms of any other authorisation, permit or consent issued by a competent authority, and includes any conditions related to such land use purposes;
- 8.2.17 "LIFESTYLE ESTATE" – Means a low density rural residential development, usually located outside the urban node and includes a golf estate, equestrian centre, eco-estate / village, aero estates and water or nature related residential development. The residential density allowed in a lifestyle estate will be determined by means of municipal policy as amended from time to time. The notation for the individual rural residential properties within the estate will have a meaning as defined in Table A of this Scheme and indicated as such on the scheme maps.
- 8.2.18 "LOADING SPACE" – Means a rectangular area of not less than 3m by 16m in size.
- 8.2.19 "LOCAL MUNICIPALITY" – Means the Polokwane Local Municipality and/or any employee in his service to whom the authority is delegated.
- 8.2.20 "MAP" – Means the scheme map (also marked Map 3) as amended from time to time.
- 8.2.21 "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 20m<sup>2</sup> but not uses included in the definition of "Institution".
- 8.2.22 "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.

- 8.2.23 "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.
- 8.2.24 "MINOR STRUCTURAL CHANGES" – Means small structural changes to an existing building for which a building plan is not a requirement.
- 8.2.25 "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.
- 8.2.26 "MUNICIPAL PURPOSES" – Means such use of land for which the local municipality is authorised in terms of any empowering legislation.
- 8.2.27 "NATIONAL PARK" – Means a natural area of land designated to:
- (a) protect the ecological integrity of one or more ecosystems for present and future generations;
  - (b) exclude exploitation or occupation inimical to the purposes of designation of the area; and
  - (c) provide a foundation for spiritual, scientific, educational, recreational and visitor opportunities, all of which must be environmentally and culturally compatible.
- 8.2.28 "NATURAL HERITAGE SITE" – Means land or an area declared in terms of the relevant Act to protect, preserve, and / or manage localised provincially significant natural features due to their special interest or unique characteristics; these are relatively small areas focused on the protection of specific features, species, natural landscapes and biotic communities occurring on any private, communal or state land.
- 8.2.29 "NATURE RESERVE" – Means a Provincial Nature Reserve or a Private Nature Reserve., and further means-
- (a) an area declared, or regarded as having been declared, in terms of section 23 of the National Environmental Management: Protected Areas Act, 2003, as a nature reserve; or
  - (b) an area which before or after the commencement of the National Environmental Management: Protected Areas Act, 2003, was or is declared or designated in terms of provincial legislation for a purpose for which that area could in terms of section 23(2) of the said Act be declared as a nature reserve, and includes an area declared in terms of section 23(1) of said Act as part of an area referred to in paragraph (a) or (b) above.

- 8.2.30 "NOXIOUS INDUSTRY" – Means an industry which is listed in Schedule 1 to the scheme.
- 8.2.31 "NURSERY" – Means a business where plants or seeds are cultivated, grown and sold, and includes the selling of products or items that are related to horticulture.
- 8.2.32 "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.
- 8.2.33 "OCCUPANT" – Means in relation to any building, structure or land includes the following: Any person actually occupying such building, structure or land or is legally entitled to occupy it, or anybody having the authority to manage such property, and includes the agent of such a person who is absent from the area or whose whereabouts are unknown.
- 8.2.34 "OUTBUILDING" – Means a building which, in the opinion of the local municipality, is usually functionally necessary but subordinate to the use of another building, permitted as a use in terms of Table "A" on the same property.
- 8.2.35 "OVERNIGHT ACCOMMODATION" – Means a residential unit or rooms with or without kitchen, used for provision of temporary accommodation to persons for example: hotel, lodge, guesthouse bed and breakfast.
- 8.2.36 "OWNER"- In relation to the property:
- (a) the registered owner; or
  - (b) 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
  - (c) 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
  - (d) 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;
  - (e) de facto occupant but not for purposes of lodging an application in terms of the provisions of this scheme;
  - (f) 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; or
  - (g) the holder of any right in land as determined by the provisions of the Interim Protection of Informal Land Rights Act, 1996.

- 8.2.37 "PANEL BEATER" – Means the replacement, reparation and/or panel beating of the body and spare parts of vehicles and the spray painting thereof.
- 8.2.38 "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.
- 8.2.39 "PARKING AREA" – Means parking and manoeuvring space necessary to provide traffic with access and parking space as well as efficient connection with the adjoining street.
- 8.2.40 "PARKING SPACE" - Means a rectangular area measuring not less than 5,5m x 2,7m for perpendicular or angled parking and 6,0m x 2,7m for parallel parking. For calculation purposes of parking requirements listed within Table A, Column 7, a parking place should be calculated at 30m<sup>2</sup> which include the area of the parking place and such manoeuvring space which is necessary for free access to each parking place within a parking area.
- 8.2.41 "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.
- 8.2.42 "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.
- 8.2.43 "PLACE OF PUBLIC WORSHIP" – Means a building designed for use or used for religious purposes such as a church, chapel, oratory, prayer house, mosque, synagogue or other place of public devotion, and includes a building designed to be used as a place of religious instruction.
- 8.2.44 "PLACE OF REFRESHMENT" – Means a drive-in restaurant, café, tea-room or coffee shop, being a building other than a hotel, residential club, or boarding house, 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.
- 8.2.45 "PRIMARY RIGHT" – In relation to land or buildings means any use specified in terms of Table "A" as a primary use, being a use that is permitted without the need first to obtain the Council's consent;
- 8.2.46 "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.



- 8.2.47 "PRIVATE NATURE RESERVE" – Means an area of land declared as a Private Nature Reserve in terms of Section 21(3)(a) of the Limpopo Environmental Management Act, 2003 to protect the area for the promotion or preservation of specific ecological processes, natural systems, natural beauty or species of indigenous wildlife; preservation of biotic diversity; to allow and support sustainable economic activities in the area; and develop and manage the area in the interest of conservation, education and sustained resource utilisation.
- 8.2.48 "PRIVATE OPEN SPACE" – Means land zoned or used as a sport-, play-, rest- and recreational ground or as an ornamental or pleasure garden and a tearoom / restaurant, to which, without permission, the general public has no right of admission.
- 8.2.49 "PROTECTED AREA" – Means an area of land declared as a Protected Environment in terms of Section 21(1)(a) of the Limpopo Environmental Management Act, 2003 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 utilization purposes.
- 8.2.50 "PROVINCIAL NATURE RESERVE" – Means an area of land declared as a Provincial Nature Reserve in terms of Section 15(1)(a) of the Limpopo Environmental Management Act, 2003 to protect the area because of its natural landscapes, indigenous fauna and flora and biotic communities; to propagate scarce and endangered species of Fauna and Flora; and to sustainably utilise the area for scientific, educational and eco-tourism purposes.
- 8.2.51 "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.
- 8.2.52 "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 scrap yard, provided that the convenience store or place of refreshment, including store rooms, shall not exceed 250m<sup>2</sup>.
- 8.2.53 "QUARRYING" – Means land used for the purposes as described in terms of the definition "Mining and Quarrying Purposes".
- 8.2.54 "RAILWAY PURPOSES" – Means the use of land or a building designed or

used for rail and/or incidental or related railway uses.

- 8.2.55 "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, Commune or rooms to let. The rooms within or forming part of a residential building does not include any kitchen of their own.
- 8.2.56 "RESORT" – Means a place frequented by people for relaxation or recreation - for a specified purpose or quality (i.e. health, holiday, mountain resort). Specialised resorts (i.e. youth camps, church, cultural). Picnic resorts, holiday towns and hotels/motels, rest camps, camping. [Nature, water, historically (i.e. mining towns, trading posts, trek routes, old bridges) orientated].
- 8.2.57 "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.
- 8.2.58 "RETAIL TRADE" – Means any trade other than "Wholesale trade" as defined in this scheme.
- 8.2.59 "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.
- 8.2.60 "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 30m<sup>2</sup>.
- 8.2.61 "RIGHTS" – Means land use rights obtained in terms of this scheme.
- 8.2.62 RURAL SETTLEMENT TYPES:
- 8.2.62.1 "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.
- 8.2.62.2 "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 an approved township.
- 8.2.62.3 "SEMI FORMAL RURAL SETTLEMENT" – Means a settlement situated either on private, tribal or state land. Settlement is planned and surveyed (not a general plan). Management is done by a communal

property association or tribal authority or local municipality

8.2.63

- 8.2.63.1 "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.
- 8.2.64 "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.
- 8.2.65 "SCHEME" – Means this land-use scheme in operation and includes the clauses, Map 3A and the annexure.
- 8.2.66 "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.
- 8.2.67 "SERVICE INDUSTRY"– Means a use, which, in the opinion of the local municipality is a small-scale industry, incidental to the needs of the local community, 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 neighbourhood or cause disturbance in consequence of noise, appearance, odour or activities or any reason whatsoever, but excludes a filling station and public garage.
- 8.2.68 "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, scrap yard, parking garage, public garage, vehicle workshop, filling station and warehouse.
- 8.2.69 "SITE"– Means any portion of land identifiable by means of boundaries or beacons and includes any building on such site.
- 8.2.70 "SITE DEVELOPMENT PLAN"– Means a plan as described in Schedule 2 to the scheme.
- 8.2.71 "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 it's primary purpose, and includes a non-residential club but excludes a place of amusement.

- 8.2.72 "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 produces, 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 20% of the total floor area of the main building on the site/erf with a maximum of 30m<sup>2</sup>, and is further subject to the policy of the local municipality as amended from time to time.
- 8.2.73 "SPECIAL CONSENT" – Means the consent of the local municipality granted in terms of the provisions of Clause 21.
- 8.2.74 "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.
- 8.2.75 "STOREY"– Means the space in the building between one floor level and the next floor level or ceiling or roof above.
- 8.2.76 "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.
- 8.2.77 "STUDENT ACCOMMODATION"– Means accommodation of student as defined in the minimum norms and standards for student housing at public universities (provision of the Higher Education Act, Act 101 of 1997). This is associated with the following definitions:
- 8.2.77.1 "ON-CAMPUS ACCOMMODATION" means units for accommodation on the premises of the university, which can vary from large blocks of rooms similar to residence halls, to multiple bedroom houses that house students;
- 8.2.77.2 "OFF-CAMPUS PRIVATELY OWNED HOUSING" means privately owned housing units. This can vary from large blocks of rooms similar to residence halls, to multiple bedroom houses that house only students, through to individual rooms in houses occupied by the home owner. This includes a housing facility leased by the university directly with a landlord or indirectly through an accredited leasing agent;
- 8.2.77.3 "RESIDENCE HALL" means a block with large numbers of individual or twin rooms, with shared bathrooms on each floor, and where in self-catering residences there are usually shared kitchen, facilities;
- 8.2.77.4 "STUDENT VILLAGE" means a number or a cluster of buildings on- or off-campus exclusively used to house the students of the university;

*NB: the above should comply with the minimum norms and standards for student housing at public universities section 4.1-4.2, 5 and 6 read with Room Specification Manual attached to the said policy.*

- 8.2.78 "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.
- 8.2.79 "TAVERN" – Means land or a building designed for or a portion of a building used for the purposes of selling and serving liquor, other beverages and prepared food / snacks, to be consumed on the property.
- 8.2.80 "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.
- 8.2.81 "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 a lighting.
- 8.2.82 "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.
- 8.2.83 "TAXIDERMY" – Means the process of preparing, stuffing and mounting skins and horns of animals and taxidermist will have the same meaning.
- 8.2.84 "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.
- 8.2.85 "TEMPORARY CONSENT" – Means the temporary consent of the local municipality envisaged in accordance with the provisions of Clause 23 of the scheme.
- 8.2.86 "TOURISM" – Means the business of providing services to tourists; the practice of travelling for pleasure; organised touring; accommodation and entertainment of tourists as an industry.
- 8.2.87 "TOWNSHIP" – Means a settlement area which was planned and established in terms of the Development Facilitation Act, 1995(repealed), the Town-planning and Townships Ordinance, 1986 or the provision of Proclamation R293 of 1962 or the provision of Spatial Planning and Land Use management Act, act 16 of 2013 or the provision of Polokwane Municipal By-Law, 2017 (or its successor in title) or any other relevant

legislation utilized for township establishment purposes and for which the township general plan was approved and a township register opened in a deeds registry office. A township may be classified as a rural settlement by the local authority for the purposes of land-use control in terms of this Scheme.

- 8.2.88 "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.
- 8.2.89 "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.
- 8.2.90 "WHOLESALE TRADE" – Means the sale of goods or produces in large quantities to other retailers and excludes sales to the general public.
- 8.2.91 "WILDERNESS AREA" means a "Protected Area" and includes areas designated for the purpose of retaining and intrinsically wild appearance and character or capable of being restored to such and which is undeveloped and without roads, without permanent improvements or human habitation.
- 8.2.92 "WILDLIFE ESTATE" means a self sustainable nature based low density rural residential development which may form part or include a country estate, private nature reserve or game farm. The residential component of a wildlife estate is usually clustered to ensure minimum impact on the natural environment. The residential density allowed in a wildlife estate will be determined by means of municipal policy and policy of relevant provincial and national departments, as amended from time to time. The notation for the individual rural residential properties will have a meaning as defined in Table 1 of this Scheme and also be indicated as such on the scheme maps.
- 8.2.93 "WRITTEN CONSENT" – Means consent granted by the local municipality in terms of Clause 22 of the scheme.
- 8.2.94 "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 2 of the Land Use Table of this scheme, and use zone has the same meaning.

## **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 ZONE 21&22) AND BOREHOLES**

Except with the written consent of the local municipality and subject to such conditions as it may impose, 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 or permit the manufacturing 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 spoil 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 National Environmental Management Act, 1998 (Act 107 of 1998) as amended from time to time and without observing the requirements relating to listed activities.

#### **9.4 HANDLING AND DRAINAGE OF STORMWATER**

- 9.4.1 Where, in the opinion of the local municipality, it is impracticable for storm water to be drained from higher lying erven direct to a public street, the owner of the lower lying erf shall be obliged to accept and permit the passage of such storm water over the lower lying erf; Provided that the owners of the higher lying erven from where the storm water 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 BUILDINGS**

- 9.5.1 The siting 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 No building or structure other than boundary walls, fences, garden decorations, pergolas or temporary buildings or structures required in connection with building operations on the property, shall be erected within any building restriction area.
- 9.6.2 The building lines as defined in Table "E" 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 "E":
- (a) 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).
  - (b) 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 103 of 1977) and any amendments thereof.
  - (c) The local municipality may, after receipt of an application for written consent in terms of Clause 22 from the owner, and subject to such conditions as the local municipality may find expedient—
    - (i) permit the erection of a building in the building restriction area in the case of corner properties or where, due to the slope of the property or adjoining land, or the proximity of buildings already erected, compliance with the building line requirements will hamper development of the property to an unreasonable extent or where the building line is not needed for the installation of services;
    - (ii) during consideration of a site development plan, relax the building restriction area for all erven, if it is of the opinion that such relaxation would result in an improvement of the development potential of the erf and the esthetical quality of the building; and
    - (iii) permit the construction of a swimming pool or tennis court in the building restriction area.
  - (d) 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 be the building line prescribed by the Controlling Authority, or the building line indicated in Table "E", Column 15, whichever is the wider, and such building line shall not be relaxed, modified or amended without the written consent of the Controlling Authority.



- (e) For the purpose of this clause a sanitary and pedestrian alley is not considered to be a street or road.

9.6.3 Access to and exit 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:



Provided that the local municipality may, upon receipt of a written application, permit its relaxation upon such conditions as it may deem fit, if, due to extraordinary circumstances, compliance with such restriction of access, will hamper development of the property to an unreasonable extent; Provided further that no relaxation of a restriction on access to or exit from a property, to a provincial or national road, shall be permitted without the consent of the Controlling Authority.

## **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 MAINTENANCE 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 condition exists, require him to take, within a period of 28 days or 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 30m<sup>2</sup> 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 BUILDINGS USED FOR MORE THAN ONE PURPOSE**

- 9.10.1* Where a building is used, or a proposed building is designed for more than one purpose, it shall, for the purposes of Clauses 13, 14, 15,16 and 18, (density; height; coverage and parking), be deemed to be partially used or to have been partially designed, for each such purpose or use: Provided that for the purposes of this clause if more than 75 % of a building is otherwise designed or used for a single use or a single use is predominant in such building, it shall be dealt with as if used or designed for such predominant use. The local municipality shall, in its discretion when considering a building plan, or upon application for this purpose being made by the person in charge of the erection of a building, or proposing to erect a building, decide which use is predominant.
- 9.10.2* The local municipality shall notify the applicant, within twenty-eight (28) days or such other period the local municipality in his discretion may deem reasonable, after official receipt of the building plan or application in terms of any decision in terms of sub-clause9.10.1.

**PART IV –INTERPRETATION OF USE ZONES AND USE OF LAND AND BUILDINGS**

**10. STRUCTURES WHICH MAY BE ERECTED IN ANY USEZONE**





This land-use scheme does not prohibit the erection of entrance structures (other than entrance halls and entrance passages), pergolas, garden ornaments, boundary walls and fences.

**10.1 ERECTION AND USE OF BUILDINGS OR USE OF LAND**

- 10.1.1* For the purposes of this clause, the expression "erection and use of a building" includes the use of land and a building, as well as the conversion of a building for that use whether or not it entails the structural alteration thereof.
- 10.1.2* The purposes for which buildings and land in each of the use zones:
- (a)* may be erected and/or used;
  - (b)* may be erected and/or used only with the special consent of the local municipality, permanently or for a specified period;
  - (c)* may be erected and/or used only with the written consent of the local municipality ;or
  - (d)* may not be erected and/or used.
- are shown in the Land Use Table
- 10.1.3* No person shall without consent being granted in terms of Clauses 21, 22 or 23 hereof use, or cause or permit to be used, any building or property or part thereof for a purpose other than the purpose for which it was zoned.
- 10.1.4* If the use of building changes because of the rights those have been granted to a property or have already vested in the property, such building and the property shall comply with all the conditions laid down and which are applicable to the use.
- 10.1.5* If the use of an existing building changes and it is not in accordance with the rights attached to the property, it shall comply with all the stipulations of the scheme.
- 10.1.6* Where the use of land or a building can only be conducted with the permission of the local municipality, the use may not be conducted prior to the consent being given.
- 10.1.7* Nothing herein contained shall be deemed to grant exemption from any of the local municipality's neither by-laws nor any other Act.





**LAND-USE TABLE: POLOKWANE / MANKWENG LAND USE MANAGEMENT SCHEME (2017) - USE ZONES - USE OF LAND OR USE OF BUILDINGS**

Use Zone	Notation on Map (ASeries)	TABLE "A"				TABLE "B"		TABLE "C"			TABLE "D"		TABLE "E"						
		Uses Permitted	Uses / rights permitted only with the Special Consent of the local municipality (Clause 21)	Uses/rights permitted only with the Written Consent of the local municipality (Clause 22)	Uses / rights not permitted	Parking spaces G.L.F.A. = Gross Leasable Floor Area	Number of dwelling units per erf or per netto hectare		Maximum coverage permitted as % of erf		Maximum F.A.R.		Building Lines						
							Existing rights	Relaxation in terms of Clause 22	Relaxation in terms of Clause 21	Existing right	Relaxation in terms of Clause 22	Existing right	Relaxation in terms of Clause 21	Street (m)	Side (m)	Rear (m)			
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17			
1. Residential 1	[Yellow Box] (255,255,130)	Dwelling Unit		Additional Dwelling Unit	Other uses not permitted in Columns 3, 4 & 5 (Also refer to Schedule 3)	n/a	1 per erf	2 per erf	20 units/ha or as per the allowable density policy	50%	70%	1.0	1.2	3m	2m 2m	2m 2m			
			Bed & Breakfast			1 dust free per bedroom													
			Commune				1 per bedroom												
				Duette Dwelling			1 per dwelling unit												
				Dwelling Office			4 per 100m <sup>2</sup> G.L.F.A.												
					Granny Flat		1 per Granny Flat												
					Household Enterprise		4 per household enterprise												
					Institution		8 per 100m <sup>2</sup> G.L.F.A.												
					Mobile Dwelling Unit		1 dust free per mobile dwelling unit, and if required by the local municipality additional parking for visitors												
					Place of Instruction		8 per 100m <sup>2</sup> G.L.F.A.												
			Place of Public Worship		8 per 100m <sup>2</sup> G.L.F.A.														
			Social Hall		8 per 100m <sup>2</sup> G.L.F.A.														
				Spaza		1 per spaza/kiosk													
			Tea Garden		6 per 100m <sup>2</sup> G.L.F.A.														
2. Residential 1 (Rural Settlement)	[Green Box] (200,200,52)	Dwelling Unit		Additional Dwelling Unit	Other uses not permitted in Columns 3, 4 & 5 (Also refer to Schedule 3)		1 per erf	2 per erf	20 units/ha or as per the allowable density policy	50%	70%	1.0	1.2	5m	2m 2m	2m 2m			
				Bed & Breakfast			1 dust free per bedroom												
				Commune			1 per bedroom												
					Duette Dwelling		1 per dwelling unit												
					Dwelling Office		2 per 100m <sup>2</sup> G.L.F.A.												
					Household Enterprise		2 per household enterprise												
					Institution		6 per 100m <sup>2</sup> G.L.F.A.												
					Mobile Dwelling Unit		1 dust free per mobile dwelling unit, and if required by the local municipality additional parking for visitors												
					Place of Instruction		6 per 100m <sup>2</sup> G.L.F.A.												
					Place of Public Worship		6 per 100m <sup>2</sup> G.L.F.A.												
					Public Phone Shop		-												
					Social Hall		6 per 100m <sup>2</sup> G.L.F.A.												
					Spaza		1 per spaza/kiosk												
					Tea Garden		3 per 100m <sup>2</sup> G.L.F.A.												
					Service Industry		1 per 100m <sup>2</sup> G.L.F.A. as well as an additional 1 per 100m <sup>2</sup> office floor area												
3. Residential 2	[Yellow Box] (255,210,0)	Dwelling Unit/s			Other uses not permitted in Columns 3, 4 & 5 (Also refer to Schedule 3)	1 covered and one dust free per dwelling unit and if required by the local municipality, additional parking for visitors	20 units/ha or as per the allowable density policy	None	45 units/ha or as per the allowable density policy	60%	70%	1,2	1,4	3m	2m	2m			
		Group Housing	Overnight Accommodation			1 dust free per bedroom and 6 per 100m <sup>2</sup> public room area													
			Residential Building			1 dust free per bedroom													
					Retirement Village		1 covered and one dust free per dwelling unit and if required by the local municipality, additional parking for visitors												
					Bed & Breakfast		1 dust free per bedroom												
					Commune		1 per bedroom												
					Conference Facility		8 per 100m <sup>2</sup> G.L.F.A.												
					Guesthouse		1 dust free per bedroom and 6 per 100m <sup>2</sup> public facility area												
					Institution		8 per 100m <sup>2</sup> G.L.F.A.												
					Mobile Dwelling Unit		1 dust free per mobile dwelling unit, and if required by the local municipality additional parking for visitors												
					Place of Instruction		8 per 100m <sup>2</sup> G.L.F.A.												
					Place of Public Worship		8 per 100m <sup>2</sup> G.L.F.A.												
					Social Hall		8 per 100m <sup>2</sup> G.L.F.A.												
				Kiosk		1 per kiosk													
			Tea Garden		3 per 100m <sup>2</sup> G.L.F.A.														


Use Zone	Notation on Map (ASeries)	Uses Permitted	TABLE			TABLE "B"	TABLE			TABLE "D"		TABLE "E"				
			Uses / rights permitted only with the Special Consent of the local municipality (Clause 21)	Uses/rights permitted only with the Written Consent of the local municipality (Clause 22)	Uses / rights not permitted	Parking spaces G.L.F.A. = Gross Leasable Floor Area	Number of dwelling units per erf or per netto hectare	Maximum coverage permitted as % of	Maximum F.A.R.		Building Lines					
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
4. Residential 3	 (255,165,0)	Dwelling Unit/s			Other uses not permitted in Columns 3, 4 & 5 (Also refer to Schedule 3)	1 covered and one dust free per dwelling unit and if required by the local municipality, additional parking for visitors	45 units/ha	65 units/ha	More than 65 units/ha	6 0 %	85%	1.5	2	3m	2m	2m
		Flats														
		Group Housing														
		Retirement Village														
		Student Accommodation				1 dust free parking per 6 student room and 3 per 100m <sup>2</sup> public room										
		Residential Building				8 per 100m <sup>2</sup> G.L.F.A.										
		Conference Facility														
		Hotel				1 dust free per bedroom plus 6 per 100m <sup>2</sup> public room area										
		Institution				8 per 100m <sup>2</sup> G.L.F.A.										
		Place of Instruction				8 per 100m <sup>2</sup> G.L.F.A.										
Place of Public Worship			8 per 100m <sup>2</sup> G.L.F.A.													
Social Hall			8 per 100m <sup>2</sup> G.L.F.A.													
			Kiosk	1 per kiosk												
5. Rural Residential	 (222,255,52)	Dwelling unit in Lifestyle Estate as per definition in par. 8.2.57			Other uses not permitted in Columns 3, 4 & 5	-	1 per erf / farm portion	-	-	-	-	-	-	3m	2m	2m
		Dwelling unit in Wildlife Estate as per definition in par. 8.2.128				-	1 per erf / farm portion	-	-	-	-	-	-	-	-	-
6. Business 1	 (255,0,0)	Dwelling Unit/s			Other uses not permitted in Columns 3, 4 & 5	1 covered and one dust free per dwelling unit and if required by the local municipality, additional parking for visitors	45 units/ha	-	65 units/ha	9 0 %	100%	3.0	>3.0	2m	2m	2m
		Flats														
		Residential Building														
		Hotel				1 dust free per bedroom plus 6 per 100m <sup>2</sup> public room area										
		Institution				8 per 100m <sup>2</sup> G.L.F.A.										
		Multi-Purpose Centre														
		Offices/Medical Consulting Rooms				4 per 100m <sup>2</sup> G.L.F.A.										
		Parking Garage				-										
		Place of Instruction				8 per 100m <sup>2</sup> G.L.F.A.										
		Place of Public Worship														
		Restaurant				4 per 100m <sup>2</sup> G.L.F.A.										
		Shops														
		Social Hall				8 per 100m <sup>2</sup> G.L.F.A.										
		Tavern				4 per 100m <sup>2</sup> G.L.F.A.										
		Vehicles Sales Lot														
		Filling Station				70% of uncovered site must be paved										
		Public Garage				40% of uncovered site area must be paved. Workshop floor area: 6 spaces per 100m <sup>2</sup> . Lubrication bay, wash-bay or tune-up bay: 4 spaces per bay. Floor area for storage and sale of spares, car showrooms: 2 spaces per 100m <sup>2</sup> of floor area.										
				Commercial Use		4 per 100m <sup>2</sup> G.L.F.A.										
				Conference Facility		8 per 100m <sup>2</sup> G.L.F.A.										
				Dry Cleaner		4 per 100m <sup>2</sup> G.L.F.A.										
		Informal Business														
		Place of Amusement	4 per 100m <sup>2</sup> G.L.F.A.													
		Public Phone Shop	-													
		Service Industry	2 per 100m <sup>2</sup> G.L.F.A.													
		Telecommunication Mast	-													
		Wholesale Trade	4 per 100m <sup>2</sup> G.L.F.A.													
7. Business 2		Dwelling Unit/s			Other uses not permitted in Columns 3, 4 & 5	1 covered and one dust free per dwelling unit and if required by the local municipality, additional parking for visitors	45 units/ha	-	65 units/ha	6 0 %	80%	1.8	>1.8	2m	2m	2m
		Flats														









Use Zone	Notation on Map (ASeries)	Uses Permitted	TABLE "A"		Uses / rights not permitted	TABLE "B"	TABLE "C"			Maximum coverage permitted as % of erf		TABLE "D"		TABLE "E"			
			Uses / rights permitted only with the Special Consent of the local municipality (Clause 21)	Uses/rights permitted only with the Written Consent of the local municipality (Clause 22)		Parking spaces G.L.F.A. = Gross Leasable Floor Area	Existing rights	Relaxation in terms of Clause 22	Relaxation in terms of Clause 21	Existing right	Relaxation in terms of Clause 22	Existing right	Relaxation in terms of Clause 21	Street (m)	Side (m)	Rear (m)	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	
7. Business 2 (Cont.)	(255,140,140)	Residential Building				1 dust free per bedroom											
		Multi-Purpose Centre				8 per 100m <sup>2</sup> G.L.F.A.											
		Offices/Medical Consulting Rooms				4 per 100m <sup>2</sup> G.L.F.A.											
		Restaurant				6 per 100m <sup>2</sup> G.L.F.A.											
		Shops				6 per 100m <sup>2</sup> G.L.F.A.											
		Tavern				6 per 100m <sup>2</sup> G.L.F.A.											
					Bakery		6 per 100m <sup>2</sup> G.L.F.A.										
					Dry Cleaner		6 per 100m <sup>2</sup> G.L.F.A.										
					Informal Business		-										
					Place of Amusement		8 per 100m <sup>2</sup> G.L.F.A.										
					Place of Instruction		8 per 100m <sup>2</sup> G.L.F.A.										
					Place of Public Worship		8 per 100m <sup>2</sup> G.L.F.A.										
					Public Phone Shop		-										
					Service Industry		2 per 100m <sup>2</sup> G.L.F.A.										
			Social Hall		8 per 100m <sup>2</sup> G.L.F.A.												
			Telecommunication Mast		-												
8. Business 3	(255,180,180)	Dwelling Unit/s			Other uses not permitted in Columns 3, 4 & 5	1 covered and one dust free per dwelling unit and if required by the local municipality, additional parking for visitors	30 units/ha	45 units/ha	65 units/ha	60%	70%	0,8	1,4	3m	2m	2m	
		Flats				4 per 100m <sup>2</sup> G.L.F.A.											
		Offices/Medical Consulting Rooms				8 per 100m <sup>2</sup> G.L.F.A.											
					Conference Facility		3 per 100m <sup>2</sup> G.L.F.A.										
					Kiosk		8 per 100m <sup>2</sup> G.L.F.A.										
			Fitness Centre		-												
			Telecommunication Mast		-												
9. Industrial 1	(144,52,200)	Bakery			Other uses not permitted in Columns 3, 4 & 5	2 per 100m <sup>2</sup> G.L.F.A.	-	-	-	80%	100%	1.2	2.0	5m	2m	2m	
		Commercial use				1 per 100m <sup>2</sup> G.L.F.A. as well as an additional 1 per 100m <sup>2</sup> office floor area											
		Dry Cleaner				2 per 100m <sup>2</sup> G.L.F.A.											
		Funeral Parlour including a Crematorium				2 per 100m <sup>2</sup> G.L.F.A.											
		Industries				1 per 100m <sup>2</sup> G.L.F.A. as well as an additional 1 per 100m <sup>2</sup> office floor area											
		Kiosk (only own employees)				-											
		Public Garage				40% of uncovered site area must be paved. Workshop floor area: 6 spaces per 100m <sup>2</sup> . Lubrication bay, wash-bay or tune-up bay: 4 spaces per bay. Floor area for storage and sale of spares, car showrooms: 2 spaces per 100m <sup>2</sup> of floor area.											
		Service Industries				1 per 100m <sup>2</sup> G.L.F.A. as well as an additional 1 per 100m <sup>2</sup> office floor area											
		Warehouse				2 per 100m <sup>2</sup> G.L.F.A. as well as an additional 1 per 100m <sup>2</sup> office floor area											
					Builders Yard		1 per 100m <sup>2</sup> G.L.F.A.										
				Dwelling unit related to but subordinate to the main use	-												
			Panel Beater		1 per 100m <sup>2</sup> G.L.F.A. as well as an additional 1 per 100m <sup>2</sup> office floor area												
			Public Phone Shop		-												

Use Zone	Notation on Map (ASeries)	Uses Permitted	TABLE "A"		Uses / rights not permitted	TABLE "B"	TABLE "C"			Maximum coverage permitted as % of erf		TABLE "D"		TABLE "E"		
			Uses / rights permitted only with the Special Consent of the local municipality (Clause 21)	Uses/rights permitted only with the Written Consent of the local municipality (Clause 22)		Parking spaces G.L.F.A. = Gross Leasable Floor Area	Existing rights	Relaxation in terms of Clause 22	Relaxation in terms of Clause 21	Existing right	Relaxation in terms of Clause 22	Existing right	Relaxation in terms of Clause 21	Street (m)	Side (m)	Rear (m)
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
			Scrap Yard			1 per 100m <sup>2</sup> G.L.F.A. as well as an additional 1 per 100m <sup>2</sup> office floor area										
			Telecommunication Mast			-										
10. Industrial 2	(220,180,240)	Bakery			Other uses not permitted in Columns 3, 4 & 5	2 per 100m <sup>2</sup> G.L.F.A.	-	-	-	80%	100%	1.2	2.0	5m	2m	2m
		Builders Yard				1 per 100m <sup>2</sup> G.L.F.A.										
		Commercial Use				1 per 100m <sup>2</sup> G.L.F.A. as well as an additional 1 per 100m <sup>2</sup> office floor area										
		Dry Cleaner				2 per 100m <sup>2</sup> G.L.F.A.										
		Funeral Parlour including a Crematorium				2 per 100m <sup>2</sup> G.L.F.A.										
		Industries				1 per 100m <sup>2</sup> G.L.F.A. as well as an additional 1 per 100m <sup>2</sup> office floor area										
		Kiosk (only own employees)				-										
		Panel Beaters				1 per 100m <sup>2</sup> G.L.F.A. as well as an additional 1 per 100m <sup>2</sup> office floor area										
		Public Garage				40% of uncovered site area must be paved. Workshop floor area: 6 spaces per 100m <sup>2</sup> . Lubrication bay, wash-bay or tune-up bay: 4 spaces per bay. Floor area for storage and sale of spares, car showrooms: 2 spaces per 100m <sup>2</sup> of floor area										
		Service Industries				1 per 100m <sup>2</sup> G.L.F.A. as well as an additional 1 per 100m <sup>2</sup> office floor area										
		Scrap Yard				1 per 100m <sup>2</sup> G.L.F.A. as well as an additional 1 per 100m <sup>2</sup> office floor area										
		Warehouses				2 per 100m <sup>2</sup> G.L.F.A. as well as an additional 1 per 100m <sup>2</sup> office floor area										
					Dwelling unit related to but subordinate to main use	-										
			Noxious Industries [also refer to Schedule 11]			1 per 100m <sup>2</sup> G.L.F.A. as well as an additional 1 per 100m <sup>2</sup> office floor area										
			Public Phone Shop			-										
			Telecommunication Mast			-										
11. Institutional	(75,220,255)	Dwelling Unit/s related to the main use			Other uses not permitted in Columns 3, 4 & 5	1 covered and one dust free per dwelling unit	-	-	-	60%	100%	1.0	1.2	5m	2m	2m
		Institutions				8 per 100m <sup>2</sup> G.L.F.A.										
		Place of Instruction				8 per 100m <sup>2</sup> G.L.F.A.										
		Place of Public Worship				8 per 100m <sup>2</sup> G.L.F.A.										
			Place of Amusement			8 per 100m <sup>2</sup> G.L.F.A.										
				Place of Refreshment		2 per 100m <sup>2</sup> G.L.F.A.										
			Social Hall			8 per 100m <sup>2</sup> G.L.F.A.										
			Telecommunication Mast			-										
12. Educational	(150,240,255)	Dwelling Unit/s related to the main use			Other uses not permitted in Columns 3, 4 & 5	1 covered and one dust free per dwelling unit	-	-	-	60%	100%	1.0	1.2	5m	2m	2m
		Place of Instruction				8 per 100m <sup>2</sup> G.L.F.A.										
		Place of Public Worship				8 per 100m <sup>2</sup> G.L.F.A.										
			Institutions			8 per 100m <sup>2</sup> G.L.F.A.										
				Place of Refreshment		2 per 100m <sup>2</sup> G.L.F.A.										
			Telecommunication Mast			-										

Use Zone	Notation on Map (ASeries)	TABLE "A"				TABLE "B"	TABLE "C"			Maximum coverage permitted as % of erf		TABLE "D"		TABLE "E"			
		Uses Permitted	Uses / rights permitted only with the Special Consent of the local municipality (Clause 21)	Uses/rights permitted only with the Written Consent of the local municipality (Clause 22)	Uses / rights not permitted	Parking spaces G.L.F.A. = Gross Leasable Floor Area	Existing rights	Relaxation in terms of Clause 22	Relaxation in terms of Clause 21	Existing right	Relaxation in terms of Clause 22	Existing right	Relaxation in terms of Clause 21	Street (m)	Side (m)	Rear (m)	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	
13. Municipal	 (200,200,200)	Dwelling Unit			Other uses not permitted in Columns 3, 4 & 5	1 covered and one dust free per dwelling unit	-	-	-	-	-	-	-	5m	2m	2m	
13. Municipal (Cont.)		Aerodrome				-											
		Agricultural Use															
		Camping Site															
		Cemetery															
		Community Hall															
		Dumping Site															
		Multi-Purpose Centre															
		Municipal Purposes															
		Nature Conservation Purposes															
		Parking															
		Recreation															
		Reservoir															
		Sewerage Farm															
				Informal Business													
			Telecommunication Mast														
			Taxi Rank														
14. Agricultural	 (255,235,205)	Dwelling Unit		Additional dwelling unit	Uses not permitted in Columns 3, 4 & 5	-	1 per erf/portion	2 per erf/portion	-	30%	50%	0.3	0.5	5m	2m	2m	
		Agricultural Use															
		Farm Settlement															
			Animal care centre				2 per 100m <sup>2</sup> G.L.F.A.										
			Art Dealer & Gallery				6 per 100m <sup>2</sup> G.L.F.A.										
			Bed & Breakfast				1 dust free per bedroom										
			Guest House				1 dust free per bedroom										
			Farm Stall				6 per 100m <sup>2</sup> G.L.F.A.										
				Household enterprise			2 per household enterprise										
			Institution				8 per 100m <sup>2</sup> G.L.F.A.										
			Nursery				In accordance with the local municipality's policy										
			Place of Instruction				8 per 100m <sup>2</sup> G.L.F.A.										
			Place of Public Worship				8 per 100m <sup>2</sup> G.L.F.A.										
			Place of Refreshment				8 per 100m <sup>2</sup> G.L.F.A.										
		Recreation				In accordance with the local municipality's policy											
			Rural General Dealer			2 per dealer											
		Social Hall				8 per 100m <sup>2</sup> G.L.F.A.											
		Tea Garden				6 per 100m <sup>2</sup> G.L.F.A.											
		Telecommunication Mast				-											
15. Public Garage	 (220,180,0)	Parking Garage			Other uses not permitted in Columns 3, 4 & 5	-	-	-	-	90%	100%	1.0	2.0	5m	2m	2m	
		Filling Station				70% of the uncovered area must be paved	-	-	-	60%	80%	0.6	0.8	5m	2m	2m	
		Public Garage				40% of uncovered site area must be paved. Workshop floor area: 6 spaces per 100m <sup>2</sup> . Lubrication bay, wash-bay or tune-up bay: 4 spaces per bay. Floor area for storage and sale of spares, car showrooms: 2 spaces per 100m <sup>2</sup> of floor area											
			Dwelling unit for caretaker				-										
		Place of Refreshment				2 per 100m <sup>2</sup> G.L.F.A.											
16. Public Open Space	 (180,255,180)	Camping Site			Other uses not permitted in Columns 3, 4 & 5	In accordance with the local municipality's policy	-	-	-	-	-	-	-	5m	2m	2m	
		Gardens															
		Parks															
		Place of Refreshment															
		Playgrounds															
		Public Open Space															
		Public Sport Grounds															
		Recreation															
		Squares															
					Informal Business												



Use Zone	Notation on Map (ASeries)	Uses Permitted	TABLE "A"		Uses / rights not permitted	TABLE "B"	TABLE "C"			Maximum coverage permitted as % of erf		TABLE "D"		TABLE "E"		
			Uses / rights permitted only with the Special Consent of the local municipality (Clause 21)	Uses/rights permitted only with the Written Consent of the local municipality (Clause 22)		Parking spaces G.L.F.A. = Gross Leasable Floor Area	Existing rights	Relaxation in terms of Clause 22	Relaxation in terms of Clause 21	Existing right	Relaxation in terms of Clause 22	Existing right	Relaxation in terms of Clause 21	Street (m)	Side (m)	Rear (m)
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
			Place of Amusement Municipal Purposes Telecommunication Mast			- - -										
17. Private Open Space 17. Private Open Space (Cont.)	(220.255.220)	Camping Site One dwelling unit for caretaker Private Open Space Recreation			Other uses not permitted in Columns 3, 4 & 5	In accordance with the local municipality's policy - -	-	-	-	-	-	-	-	5m	2m	2m
			Informal Business Private Club Nursery Place of Refreshment			In accordance with the local municipality's policy In accordance with the local municipality's policy In accordance with the local municipality's policy 2 per 100m <sup>2</sup> G.L.F.A.										
18. Government	<b>R.S.A</b>	Government uses			Other uses not permitted in Columns 3, 4 & 5											
19. Protected Areas	 (-45°:45°) (0,178,0)	All declared Provincial Nature Reserves:- ▪ 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 convenience of staff & visitors ▪ Other uses as permitted in terms of relevant declaration legislation All declared Private Nature Reserves: ▪ 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 convenience of staff & visitors ▪ Other uses as permitted in terms of relevant declaration legislation All other Protected Areas as defined in par. 8.2.89: ▪ Uses as permitted in terms of relevant declaration legislation			Other uses not permitted in Columns 3, 4 & 5	In accordance with the policy of the Department of Environmental Affairs and Tourism or relevant Environmental Management Authority or local municipality  In accordance with the policy of the Department of Environmental Affairs and Tourism or relevant Environmental Management Authority or local municipality  In accordance with the policy of the Department of Environmental Affairs and Tourism or relevant Environmental Management Authority or local municipality										
20. Resort		Camping Site Curio shop			Other uses not permitted in Columns 3, 4 & 5	- 2 per 100m <sup>2</sup> G.L.F.A.										

Use Zone	Notation on Map (ASeries)	Uses Permitted	TABLE "A"		Uses / rights not permitted	TABLE "B"	TABLE "C"			Maximum coverage permitted as % of erf		TABLE "D"		TABLE "E"				
			Uses / rights permitted only with the Special Consent of the local municipality (Clause 21)	Uses/rights permitted only with the Written Consent of the local municipality (Clause 22)		Parking spaces G.L.F.A. = Gross Leasable Floor Area	Existing rights	Relaxation in terms of Clause 22	Relaxation in terms of Clause 21	Existing right	Relaxation in terms of Clause 22	Existing right	Relaxation in terms of Clause 21	Street (m)	Side (m)	Rear (m)		
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17		
20. Resort (Cont.)	 (60°) (0,82,255)	Dwelling units used for permanent staff				1 dust free per dwelling unit												
		Dwelling units used for temporary accommodation of resort visitors				1 dust free per dwelling unit												
		Offices related to, but subservient to the main use				In accordance with the local municipality's policy												
		Recreation				In accordance with the local municipality's policy												
		Resort				-												
		Restaurant				6 per 100m² G.L.F.A.												
			Conference facility			6 per 100m² G.L.F.A.												
				Place of amusement		6 per 100m² G.L.F.A.												
			Shops for convenience of staff & visitors			4 per 100m² G.L.F.A.												
			Public Phone Shop			-												
	Telecommunication mast			-														
21. Mining 1 & Quarrying	 (-60°:60°) (178,0,222)	Kiosk			Other uses not permitted in Columns 3, 4 & 5													
		Mining Purposes																
		Offices related to, but sub-ordinate to the main use																
		Quarrying Purposes																
		Social hall																
				Dwelling units only for key staff														
				Residential Building														
				Telecommunication Mast														
22. Mining 2	 (-60°) (178,0,222)	Agriculture			Other uses not permitted in Columns 3, 4 & 5													
		Nature Conservation Purposes																
				Dwelling units only for key staff														
				Telecommunication Mast														
23. Existing Public Roads		Street or Road		Informal business		In accordance with the local municipality's policy												
24. Rail Transportation Services		Railway and Rail Transport purposes (Transnet)			Other uses not permitted in Columns 3, 4 & 5													
25. Special		Uses not defined or provided for under any other use zone as per relevant annexure			Uses permitted under Use Zones 1 to 24 and 26	As per approved Site Development Plan and in accordance with relevant Annexure												
		Private Streets																
		Security and Access Control Infrastructure																
		Municipal Infrastructure																
26. Aerodrome		Aerodrome and buildings necessary for the use of aerodrome			Dwelling units and buildings for key personnel, places of refreshment, shops, commercial, special uses which are subsidiary and related to the uses mentioned in Column 3.	Buildings not permitted in Columns 3, 4 & 5												
27. Informal Access & Open Space		Informal Access & Open Space			Buildings not permitted in Columns 3, 4 & 5													

**PART V – SPECIFIC CONDITIONS AND DEVELOPMENT CRITERIA  
APPLICABLE TO USE ZONES**

**11. CONDITIONS APPLICABLE TO ERVEN ZONED RESIDENTIAL 2 AND RESIDENTIAL3**

Subject to the general conditions in Clause 9, the following additional conditions will apply to the erven in Use Zone 3 (Residential 2) and Use zone 4 ( Residential 3 ) :

- 11.1* The requirements as set out in Table "A" to "E".
- 11.2* A site development plan shall be submitted, as set out in Clause17.
- 11.3* The erf or any group of erven shall not be subdivided into plots with single dwelling units thereon, before full implementation of the proposals embodied in the site development plan relating to the particular erf or group of erven have been fully implemented or the local municipality has granted written consent thereto. If it is not the intention to develop the whole of the erf or any group of erven simultaneously the grouping of the dwelling units and programming of the development must be shown clearly on the site development plan.
- 11.4* The internal roads on the property shall be constructed and maintained by the owner as required by the local municipality.

**12. CONDITIONS APPLICABLE TO PUBLIC GARAGE AND FILLING STATIONERVEN**

Subject to the general conditions in Clause 9, the following additional conditions will apply to erven used for public garages or filling stations:

- 12.1* The requirements as set out in Table "A" to "E".
- 12.2* A site development plan shall be submitted, as set out in Clause17.
- 12.3* No material or equipment of any nature whatsoever may be stored or stacked to a height greater than the height of the screen wall.
- 12.4* No repair work to vehicles or equipment of any nature, shall be performed outside the garage building, except in an area screened off for the purpose to the satisfaction of the local municipality.
- 12.5* No material or equipment of any nature whatsoever shall be stored or stacked outside the garage building, except in an area screened off for the purpose.

- 12.6 The local municipality may relax conditions in Clauses 12.3, 12.4 and 12.5 by written consent in terms of Clause 22.

### **13. DENSITIES, SUBDIVISION AND OCCUPATION**

- 13.1 Table "C" Columns 8, 9 and 10 stipulates density in terms of the maximum number of dwelling units per net to hectare or per erf, attached to the erf as a primary right, as well as the extent to which it may be relaxed by special consent in terms of Clause 21, or written consent in terms of Clause 22 by the local municipality, as the case may be.

- 13.2 The local municipality will compile a policy on residential densities permissible in different townships and rural settlements and/or residential neighborhoods to guide decisions with applications for the relaxation of densities by special consent in terms of Clause 21, or written consent in terms of Clause 22 by the local municipality, as the case may be.

- 13.3 The local municipality may, upon application being made for its special consent in terms of Clause 21, or its written consent in terms of Clause 22 as the case may be, amend the density of an erf in accordance with the local municipality's policy on density and as amended from time to time.

- 13.4 Where a dwelling unit has been erected on a "Residential 1" and "Agricultural" zoned property, the owner may apply in terms of Clause 22 to erect an additional dwelling unit on such property.

- 13.5 The local municipality will not consent to the subdivision of land or an erf if such subdivision does not comply with the density stipulations as set out in Table "C" or any other reasonable conditions the local municipality may require.

Notwithstanding any conditions that are applicable regarding the subdivision of erven in terms of the Ordinance or this scheme, the following further conditions are applicable to panhandle subdivisions:-

- 13.5.1 the panhandle shall provide access from a street to the panhandle portion;
- 13.5.2 the panhandle shall not be less than 3m wide along its whole length, unless the local municipality otherwise grants written consent;
- 13.5.3 the area of the panhandle portion, excluding the panhandle, shall be in accordance with the density requirements of this scheme;
- 13.5.4 except with the written consent of the local municipality the slope of the pan handle shall not exceed 1:8;
- 13.5.5 a panhandle shall provide access only to the erf of which it forms a part as well as the property in favour of which a servitude of right of way has been registered over the panhandle, except where the local municipality otherwise determines;

- 13.5.6* the registered owner of the panhandle portion shall, when required by the local municipality, at his own expense pave the panhandle to the satisfaction of the local municipality prior to or simultaneously with the erection of any building on the erf and such roadway shall thereafter be maintained dust free to the satisfaction of the local municipality;
- 13.5.7* the registered owner of the panhandle portion shall, when required by the local municipality, erect screen walls or dense barriers along the boundaries of the panhandle to the satisfaction of the local municipality. The extent, material, design, height, position and maintenance of such screen walls or barriers shall be to the satisfaction of the local municipality.
- 13.5.8* No buildings or structures except such walls and barriers envisaged in sub-clause 13.5.7 shall be erected in the panhandle.
- 13.6* Not more than one household, together with two other persons, or a maximum of eight (8) persons may live on a permanent basis in one dwelling unit. If the number of persons exceeds above-mentioned, written consent in terms of Clause 22 must be obtained.

#### **14. HEIGHT OF BUILDINGS**

- 14.1* Dwelling unit/s or residential buildings in the "Residential 1 and 2" use zone shall not exceed two storeys in height, except in accordance with the written consent of the local municipality, obtained in terms of Clause 22, prior to the erection of any new building.
- 14.2* If a dwelling unit or residential building in the "Residential 1 and 2" use zones exceeds 1 storey and due to the topography of the area may impair on the privacy, aesthetics, or view of adjacent properties a site development plan may be required for approval, by the local municipality.
- 14.3* Buildings in other use zones excluding those mentioned in Clause 14.1 shall not exceed five (5) storeys in height.
- 14.4* No building, other than those mentioned in Clause 14.1, may exceed five (5) storeys in height, except in accordance with written consent of the local municipality obtained in terms of Clause 22, prior to the erection of new buildings or additions to existing buildings.

#### **15. COVERAGE OF BUILDINGS**

- 15.1* Table "C", Columns 11 and 12 contains respectively, the coverage which may be implemented on a property and the extent to which the coverage may be relaxed.
- 15.2* Coverage of buildings shall not exceed the coverage stipulated in Table "C" except in cases where the written consent of the local municipality in terms of Clause 22 had been obtained, and then only on condition that the total number of parking spaces required in terms of Clause 18, read together with Table "B", Column 7 can be made available.

## **16. FLOOR AREA RATIOS**

- 16.1* Table "D", Columns 13 and 14 contain the floor area ratio of the area of an erf and the extent to which the floor area ratio may be relaxed.
- 16.2* The floor area ratio shall apply to all new buildings and / or additions or alterations to the existing buildings as set out in table "D", Columns 13 and 14.
- 16.3* The floor area ratio may not be exceeded except with special consent of the local municipality obtained in terms of Clause 21 read together with table "D", prior to the erection of new buildings or additions to existing buildings.

## **17. SITE DEVELOPMENT PLANS**

- 17.1* A site development plan shall be prepared for all erven on which buildings are erected or extended in Use Zones 3, 4, 6 to 12, 15, 17 and 20.
- 17.2* A site development plan shall be submitted to the local municipality prior to submission of any building plans. No building may be erected on the erf before approval of such site development plan by the local municipality and the entire development on the erf shall be in accordance with the approved site development plan; Provided that the plan may from time to time be amended with the written consent of the local municipality; Provided further that alterations or additions to buildings, which in the opinion of the local municipality, will have no influence on the overall development of the erf, may be exempted from written consent procedures as referred to supra.
- 17.3* The local municipality shall use its best endeavours to consider a site development plan, submitted in terms of Clause 17.2 hereof, within 60 (sixty) days after submission thereof.

## **18. PARKING AND LOADING ZONES**

- 18.1* The parking requirements are indicated in Column 7, Table "B":
- 18.1.1* Effective parking and maneuvering space for the various use zones and uses shall be provided, laid out, constructed and maintained on all properties in accordance with the requirements stipulated in Table "B", to the satisfaction of the local municipality by and at the cost of the person who intends to erect a building.
- 18.1.2* The number of parking spaces to be provided according to Table "B", shall be determined by the local municipality and shall be applicable to all existing and/or new buildings (excluding a single dwelling unit) and to extensions to existing buildings (excluding a single dwelling unit).

- 18.1.3* The local municipality may consent to a maximum of thirty (30) percent of the required parking and maneuvering space, as stipulated in Table "B", not being provided on the property: Provided that the owner shall in this event be liable for payment of a cash contribution to the local municipality in lieu of the provision of parking spaces for all parking spaces required to be supplied on the property in terms of sub-clause 18.1.1. Such contribution for parking shall be used solely for the provision of parking areas
- 18.1.4* The owner of a building in respect of which parking spaces are required in terms of sub-clause 18.1.1 shall keep such parking spaces in a proper condition for such purposes to the satisfaction of the local municipality.

*18.2* Loading areas shall be provided as follows:

- 18.2.1* The local municipality may, upon application being made for approval of building plans submitted in terms of the National Building Regulations and Building Standards Act (Act 103 of 1977) and any amendments thereof, require the owner to in terms of Clause 17 submit proposals for the provision on the property of appropriate and sufficient facilities for loading and off-loading of goods, which proposals shall, indicate positions for parking, stopping or fuelling of service vehicles.
- 18.2.2* No owner or occupant of a building in respect whereof proposals in terms of this clause are required, may undertake or permit the loading, off-loading, parking or fuelling of vehicles otherwise than in accordance with a written approval from the local municipality and in accordance with the conditions imposed in this regard.
- 18.2.3* In every "Business 1 and 2" and "Industrial 1 and 2" use zone there shall be provided, if required by the local municipality, over and above parking, one loading area per erf, regardless of the size of the building erected thereon.

## **19. USE OF ANNEXURES / SCHEDULE 6 NOTATIONS**

- 19.1* Special rights, conditions and restrictions applicable to any property within any use zone, may be stipulated in an Annexure to this land-use scheme.
- 19.2* The special conditions and restrictions referred to in Clause 19.1 shall:
- 19.2.1* apply in addition to the general conditions, restrictions and other provisions of this land-use scheme; and
- 19.2.2* prevail, in case of conflict between such special condition and any other condition, restriction or provision of this land-use scheme.
- 19.3* An Annexure contemplated in Clause 19.1 shall consists of:
- 19.3.1* 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
- 19.3.2* a diagram of the property concerned which diagram shall correspond with the layout shown on the map.

19.4 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.

19.5 The local municipality shall not, except as provided for in any of the conditions contained in an Annexure, grant any consent in terms of this land-use scheme.

**19.6 USE OF SCHEDULE 6 NOTATIONS:**

19.6.1 Special rights, conditions and restrictions which may apply to any property within Land use Categories 1-27 of these scheme clauses, may be indicated as a schedule to the Scheme.

19.6.2 The special conditions and restrictions referred to in sub-clause (19.6.1) shall –

(a) be in addition to the general conditions, restrictions and other provisions of the Scheme; and

(b) prevail, should they conflict with any such other conditions, restrictions or provision in the Scheme and / or scheme clauses.

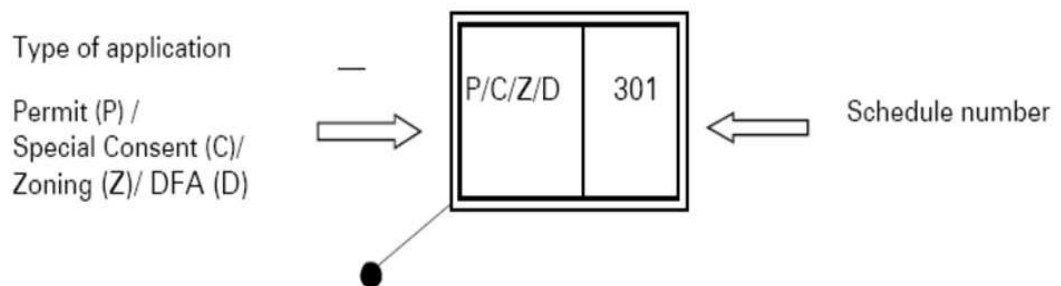
19.6.3 A schedule contemplated in sub-clause (19.6.1) shall consist of

(a) A permit as issued by an appropriate authority in terms of applicable legislation, or

(b) a sheet upon which is inscribed the number of such schedule, a description of the property to which it applies, the special rights, conditions and restrictions applicable to the property in terms of which the schedule was prepared; and

(c) a diagram of the property concerned, which diagram shall accord with the layout shown on the Map.

19.6.4 The schedule shall be inscribed in an indicator within or next to the relevant property on the Map 3 (A Series) and if it be inscribed next to such figure, it shall be joined to the figure by means of a line. The indicator shall be as follows and consisting of the following information:





*19.6.5* A summary of the status quo rights / and or uses shall be inscribed in Schedule 5 , Table "2" of the Scheme Clauses.

## **PART VI – SPECIAL, WRITTEN AND TEMPORARY CONSENT OF THE LOCAL MUNICIPALITY**

### **20. CRITERIA FOR THE CONSIDERATION OF APPLICATIONS**

*20.1* Subject to the provisions of Clauses 21, 22 and 23 hereof, the local municipality 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 think fit, with due consideration of:

*20.1.1* the amenities of the area;

*20.1.2* health and safety of the area;

*20.1.3* the character of other uses in the area;

*20.1.4* the need and desirability of the use concerned; and

*20.1.5* the Integrated Development Plan (IDP) and the Municipal Spatial Development Framework and any review thereof.

*20.2* The local municipality may upon the granting of any consent contemplated in Clauses 21 and 22 of this scheme, impose conditions regarding the payment of contributions for the provision of services, open spaces and parks, as envisaged in Section 49(4) of the Spatial Planning and Land Use management Act, Act 16 of 2013, read with the provision of the Polokwane Municipal Planning By-Law (PMPB), 2017 or its successor in title for which purposes the provisions of Section 120 of the of the PMPB shall mutatis mutandis apply.

### **21. SPECIAL CONSENT OF THE LOCAL MUNICIPALITY**

*21.1* Any owner (hereinafter referred to as "the applicant") intending to apply to the local municipality for special consent for:

*21.1.1* The erection and use of a building or for the use of land in any use zone, whether wholly or partially for any purposes which requires the special consent of the local municipality in terms of Column 4, Table "A"; and

*21.1.2* an increase in the density of an erf (see Column 10, Table "C"), shall submit such application to the local municipality in writing, in the prescribed manner.

*21.2* An application shall include a report to the local municipality, containing full particulars on the criteria referred to in Clause 20.1, as well as particulars appearing in notices as set out in Clause 21.4 or any other relevant particulars which may be required by the local municipality.

*21.3* The applicant shall:

*21.3.1* At his own expense publish a notice twice (for two consecutive weeks) in a local newspaper/s, circulating in the area of the application;

*21.3.2* such notice shall be in any two of the official languages of which one should be in English;

*21.3.3* display a notice, referred to in sub-clauses 21.3.1 and 21.3.2 and maintain

same, for a period of not less than 14 consecutive days from date of first publication, in a conspicuous position, visible from the street on each separate portion of the land to which such consent will apply.

*21.3.4* In the case of an application lodged in the "Agriculture" use zone, obtain the written comments of the adjacent land owners in the prescribed manner.

*21.3.5* Refer the application to any other person or body that may be required by the local municipality.

*21.4* The notice referred to:

*21.4.1* in sub-clause 21.3.1 and 21.3.3 shall contain the name and address of the applicant; the description, address and locality of the property as well as particulars of the existing zoning and the purpose for which the land and buildings will be used and shall state that it lies for inspection at the local municipality offices and that any objection to or representation in connection with such application shall be lodged simultaneously with the local municipality and the applicant within a period of 28 days calculated from the day when the notice was first published and displayed on the site; and

*21.4.2* the notice in sub-clause 21.3.3 shall not be less than 594mm by 420mm in size and no letter thereon shall be less than 6mm in height.

*21.5* The applicant shall within twenty-eight (28) days from the date of the first publishing and posting up of the notice on site as mentioned in sub-clauses 21.3.1 and 21.3.3, lodge the application with the local municipality, failing which shall be deemed as non-compliance with the application procedures, save that the local municipality shall have the right to condone filing outside the 28 day time period, on good cause shown.

*21.6* The applicant shall lodge, simultaneously with the application, an affidavit confirming that the notice referred to in sub-clause 21.3.3, was properly displayed and maintained.

*21.7* The applicant shall submit proof that the application referred to in sub-clause 21.3.1, was published twice as prescribed.

*21.8* The local municipality shall consider and hear any objection or representation received within the aforementioned period of twenty-eight (28) days, at a hearing arranged by the local municipality within a reasonable time period.

*21.9* A reasonable time period referred to above shall be deemed to be 90 days calculated as from lapsing of 28 days referred to in paragraph 21.8above.

*21.10* Should any objection to, or representation against, the application be received by the local municipality, it shall set a time and place for the hearing of such objection or representation in a manner complying with the requirements of the administrative justice, and shall give written notice thereof, by registered post or by electronic communication or facsimile, at least 14

days prior to the hearing, to the applicant and/or his duly authorised agent and all objectors.

- 21.11* Where the objections or representations contemplated in Clause 21.8 of more than one person are contained in one document, it shall be deemed sufficient compliance with the provisions of Clause 21.10 if the person who has lodged the document or is a signatory thereto is notified as contemplated in the latter clause.
- 21.12* The local municipality shall after due consideration of any objections and the criteria stipulated in Clause 20 hereof, in writing notify the applicant and every person who has lodged an objection or had made representations, of such decision.
- 21.13* The decision of the local municipality shall (where any objection to this application was received) not come into operation before expiry of stipulated period on the Municipal Planning By-Law, 2017 calculated from the date of notification of the parties in writing envisaged in Clause 21.12 hereof.
- 21.14* The applicant may note an appeal in terms of the provisions of the Ordinance if the application is refused by the local municipality.
- 21.15* Every applicant shall, after approval by the local municipality, of an application envisaged in this clause, be obliged to, on an annual basis, in the month, during which the applicant was notified of such an approval as envisaged in Clause 21.12, to the satisfaction of the local municipality, submit an affidavit in confirmation of inter alia the fact that the conditions pertaining to such approval and use, are fully complied with.
- 21.16* Any consent that the local municipality granted in terms of Clause 21.12 lapses under the following conditions:
- 21.16.1* if any right to which the consent applies are not exercised within a period of 12 months from the date of such consent;
- 21.16.2* if such rights have been exercised and such rights are discontinued for a period of 15 consecutive months; with the proviso that the local municipality may extend the periods in Clause 21.16.1 and 21.16.2. at its discretion.
- 21.16.3* if a building for which such consent has been granted, is demolished, falls into disuse or becomes unsuitable for the purpose for which such consent was given; and
- 21.16.4* if a condition that applies to any consent is not met, or if any act is contrary to such consent, provided that the local municipality has given 28 days written notice to the owner and the owner after elapse of such period, still does not comply with the notice.

21.17 Granting of special consent for a noxious industry shall be considered: Provided that there is proof of compliance with the National Environmental Management Act, 1998 (Act 107 of 1998) and a certificate be issued by the Medical Officer of Health of a local municipality certifying that the process proposed to be used in connection with any of the industries or factories listed in Schedule 1 of this scheme, will effectively eliminate any nuisance or health hazard in the vicinity of the property due to:

21.17.1 vapours, smoke or odours;

21.17.2 fluids or effluent originating on the property; and in the event of it being proposed to dispose of such materials by land treatment, the nature, slope and surface of the land concerned, as well as its location in relation to streams or water courses shall be disclosed; and

21.17.3 solid waste matter.

## **22. WRITTEN CONSENT OF THE LOCAL MUNICIPALITY**

22.1 Any owner (hereinafter referred to as "the applicant") intending to apply to the local municipality for consent to:

22.1.1 erect and use of a building or for the use of land in any use zone, whether wholly or partially for any purposes which requires the written consent of the local municipality (see Column 5, Table "A").

22.1.2 the carrying on of a household enterprise from a dwelling unit in a "Residential 1" or "Agricultural" use zone in terms of Clause 24;

22.1.3 the use of a dwelling unit for a spaza or kiosk (see Column 5, Table "A");

22.1.4 relaxation of height (see Clause 14);

22.1.5 relaxation of coverage (see Clause 15);

22.1.6 relaxation of building lines (see Clause 9.6.2(c));

22.1.7 amendment of a site development plan (see Clause 17);

22.1.8 relaxation of lines of no access (see Clause 9.6.3); and

22.1.9 consent in terms of Clauses 9.2., 11.4, 12.6, 13(3), 13(4), 13(5), 13(6) and 18.2.2. shall do so in writing in the prescribed manner (where applicable) to the local municipality.

22.2 An application shall include a report to the Local Municipality, containing full particulars on the criteria referred to in Clause 20.1 of the proposed uses, as well as:

22.2.1 the name and address of the applicant;

22.2.2 the description, address and the locality of the subject property;

22.2.3 existing zoning of the property; and

22.2.4 a complete description of the proposed use of the land and/or building.

22.3 No written consent shall be granted in terms of this clause until the applicant has, to the satisfaction of the local municipality, obtained the written comments of the surrounding owners, as envisaged in Clause 22.4.

22.4 The applicant shall:

22.4.1 procure a form, as prescribed by the local municipality for the consent referred to in Clause 22.3, to be completed by every occupant or owner of land or his duly authorized agent, who owns property situated:-

- (a) in a township or rural settlement, within a radius of 50m or such other distance as determined by the local municipality from the closest point of the property in respect of which an application is made; and
- (b) in the "Agriculture" use zone, that shares a common boundary or boundary point with the application property or such other owners of land in the surrounding area as determined by the local municipality.

22.4.2 supply full particulars and a description of the nature and extent of the intended use; relaxation required; the property description; the owner; and record therein that none of the persons referred to in sub-clause 22.4.1, notwithstanding their being aware of their right in terms of Clause 22.5 to object or to make representations against the application, has any objection thereto and such form shall be signed by, and disclose the name, street address and telephone number of, every person mentioned in sub-clause 22.4.1 ;and

22.4.3 In the case of an application lodged in the "Residential 1" (Rural Settlement)" use zone, the surrounding owners as referred to in Sub-clause 22.4.1 may submit the relevant form directly to the local authority and not to the applicant.

22.5 The local municipality shall consider any objection received and hear any representation made at a hearing arranged by the local municipality within a reasonable time period for which purpose the provisions of Clauses 21.3, 21.4 and 21.5 and 21.6 shall apply mutatis mutandis.

22.6 The local municipality shall notify in writing, the applicant, and if applicable to the objectors within a reasonable time of its decision.

22.7 Every applicant shall, after approval by the local municipality, of an application envisaged in this clause, be obliged to, on an annual basis, in the month, during which the applicant was notified of such an approval as envisaged in Clause 22.6, to the satisfaction of the local municipality, submit an affidavit in confirmation of inter alia the fact that the conditions pertaining to such approval and use, are fully complied with.

### **23. TEMPORARY CONSENT OF THE LOCAL MUNICIPALITY**

Notwithstanding any other provision of this scheme, the local municipality may, upon receipt of a written request, give its consent to the temporary use of any land or building within any use zone, for any of the following purposes:

- 23.1 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 ipso facto lapse upon completion of the permanent structure or on the expiry date thereof as determined by the local municipality.
- 23.2 The occasional use of land or buildings for public religious exercises, place of instruction, institution, place of amusement or social hall.
- 23.3 The use of land or buildings thereon for state or municipal purposes.
- 23.4 The use of land or the erection of buildings necessary for the purpose of informal retail trade.
- 23.5 The use of land or buildings, on a rural settlement in Use Zone 2 only, for the small-scale manufacturing of cement bricks for use by the owner of such rural settlement site or the selling of such bricks to owners of sites within the same rural settlement. The provisions of clauses 22.2 - 22.5 shall apply mutatis mutandis.
- 23.6 Any temporary consent granted in terms of this clause shall not be granted for any period in excess of 12 months, which period may however be extended by the local municipality for further periods of 12 months each, subject to a maximum period of 3 years in aggregate in cases falling within the ambit of Clauses 22.1, 22.2 and 22.3.

## **24. CONSENT FOR THE PRACTICE OF A HOUSEHOLD ENTERPRISE**

In addition to any conditions imposed by the local municipality in the granting of a special or written consent, the exercise of a household enterprise, from a dwelling unit, shall be subject to the following:

- 24.1 No title condition applicable to the property may be transgressed.
- 24.2 The applicant may practice his occupation in any trade form subject thereto that he is personally on a day-to-day basis in charge of the enterprise and holds the majority interest in the business.
- 24.3 The residential character and function of the dwelling unit must be maintained, and not more than 20% of the floor area of the dwelling unit, outbuildings excluded, or a maximum floor area of 75m<sup>2</sup> may be used for such practice.
- 24.4 Should more than the prescribed number of persons be accommodated on the premises where the household enterprise is conducted or, if more than 20% of the dwelling unit, outbuildings excluded or more than the maximum

floor area of 75m<sup>2</sup>, is to be used for the household enterprise, the special consent of the local municipality must be obtained in terms of Clause 21.

- 24.5 For the purposes of this clause, an agent or representative of the applicant will be considered an employee of such applicant.
- 24.6 The necessary building plans to indicate the change in use must be submitted if required by the local municipality. Parking is to be provided to the satisfaction of the local municipality in accordance with Table "B".
- 24.7 No goods may be displayed in public, in a window or in any other manner.
- 24.8 No notice or sign except such notice or sign as is normally displayed at the dwelling unit, to reflect the name of the applicant and the nature of the household enterprise may be displayed provided that the size of such notice shall not exceed 600mm by 450mm.
- 24.9 The amenity of the area may not be prejudiced.

## **25. CONSENT FOR SPECIFIC PURPOSES**

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:

- 25.1 the exploitation of minerals on any land not included in a proclaimed township;
- 25.2 the letting of a dwelling unit for occupancy of only one family; and
- 25.3 the letting of not more than two rooms of a dwelling unit.

## **26. CONVERSION RIGHTS**

### **26.1 "Mining 1 and Quarrying" or "Mining 2"**

26.1.1 Where land is already zoned as "Mining 1 and Quarrying" or "Mining 2", the Mining Rights holder shall consequent upon complying with any relevant requirements prescribed in terms of Mining and Environmental legislation such as The National Environmental Management Act, 1998 (Act No. 107 of 1998) 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".

26.1.2 The mining company must provide the local municipality with:

- a) Written notification;
- b) Maps indicating the area of which the status has changed as indicated above.



26.1.3 Upon delivery of the documentation in paragraph 26.1.2 "Mining and Quarrying Purposes" rights shall commence forthwith.

26.2 *"Protected Areas"*

26.2.1 Where an owner of land declared the land or a portion of the land as a "Protected Area" in terms of any relevant national or provincial environmental legislation, such owner shall have the right to convert the zoning to "Protected Areas".

26.2.2 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.

26.2.3 Upon delivery of the documentation in paragraph 26.2.2 "Protected Areas" rights shall commence forthwith.

**27. REGISTER OF SPECIAL AND WRITTEN CONSENT APPROVALS AND RELEVANT CONDITIONS.**

27.1 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 person or body.

## **PART VII – APPLICATION OF THE SCHEME AND POWERS OF THE LOCAL MUNICIPALITY**

### **28. 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.

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

29.1 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 representative may consider necessary or desirable for the application of this scheme.

29.2 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 interfered with.

### **30. SERVING OF NOTICES**

30.1 Any directive, notice or other document which 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:

30.1.1 On the person concerned, in person, or on his authorized representative.

30.1.2 If service cannot be effected in the manner contemplated in sub-clause 30.1.3, 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.

30.1.3 If no such person can be found on the property mentioned in sub-clause 30.1.2, by affixing such directive, notice or other document at a conspicuous place on the premises and by dispatching a copy of such directive, notice or other document by pre-paid registered post to the last known place of residence, business, employment or post box of the person concerned.

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

30.2 Where any service is effected in accordance with the provision of sub-clause 29.1.3, 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 registered, shall be deemed sufficient proof of service thereof.

30.3 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.

### **31. POWERS OF LOCAL MUNICIPALITY IN CASE OF CONTRAVENTION OF LAND-USE SCHEME**

31.1 Where any person, in conflict with any provision of the land-use scheme in operation—

31.1.1 Undertakes or proceeds with erection or alteration of or addition to a building or causes it to be undertaken or proceeded with;

31.1.2 Performs, undertakes or proceeds with any other work or causes it to be performed, undertaken or proceeded with;

31.1.3 Uses any land or building or causes 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 or 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 the provisions of the scheme.

31.2 Any person who contravenes the provisions of this scheme or fails to comply with an instruction issued in terms of Clause 31.1 commits an offence.

31.3 If a person fails to comply with a directive issued in terms of Clause 31.1, 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 a 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.

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

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

31.4.2 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 and
- (b) failing which the stipulations of Clause 31.2 and 31.3 shall apply mutatis mutandis to this clause.

*31.5* any act or omission, being an offence in terms of clause 31.2 above, is subject to the provision the Polokwane Municipal Planning By-Law 2017.

*31.6* Where a member of the public is aware of a possible contravention of the scheme with regard to the use of a property in the scheme area, such a member of the public may file a complaint of alleged contravention with the Municipality. For such purpose the pro forma complaint sheet under **Schedule 5** must be used.

## SCHEDULES

### SCHEDULE 1

#### NOXIOUS INDUSTRIES

##### **The use of buildings or land for any of the following purposes:**

- (1) Asbestos-processing
- (2) The burning of building bricks
- (3) Chromium-plating
- (4) Cement production
- (5) Carbonization of coal in coke ovens
- (6) Charcoal-burning
- (7) Converting, reheating, annealing, hardening or carburizing, forging or casting of iron or other metals
- (8) Crushing or screening of stone or slag or plants for the preparation of road-surfacing material
- (9) Distilling, refining or blending of oils
- (10) Galvanizing
- (11) Lime and dolomite-burning
- (12) Lead-smelting
- (13) Pickling and treatment of metal in acid
- (14) Recovery of metal from scrap
- (15) Smelting, calcining, sintering or other reduction of ores or minerals
- (16) Salt glazing
- (17) Sintering of sulphur-bearing materials and viscose works

##### **The use of buildings or land for the production of or the employment in any process of:**

- (1) Carbon bisulphide, cellulose lacquers, hot pitch bitumen, pyridine, or pulverised fuel (except when used for a spray-painting trade)
- (2) Cyanogen or its compounds
- (3) Liquid or gaseous sulphurdioxide
- (4) Sulphur chlorides or calciumcarbide

##### **The use of buildings or land for the production of:**

- (1) Amyl acetate, aromatic esters, butyric acid, caramel, enamelled wire, hexamine, iodoform, B-naphthol, salicylic acid, lamp-black, sulphurated organic compounds, sulphur dyes, glass and resin products (except synthetic resins, plastic-moulding or extrusion compositions and plastic sheets, rods, tubes, filaments or optical components produced by casting, calendaring, moulding, shaping or extrusion)
- (2) Paint or varnish manufacture (excluding mixing, milling and grinding)
- (3) Rubber from scrap
- (4) Ultra marine, zinc chloride and oxide

##### **For the purpose of:**

- (1) An abattoir, animal bristle sterilizing and storing, and animal charcoal manufacture
- (2) A bacon factory, a brewery or distillery, blood-albumen making, blood-boiling, bone-boiling, -steaming, -burning, -storing, or bone-grinding, breeding of maggots from putrescible matter

- (3) Candle-making, catgut manufacture, boiling of chitterlings of pigs or other animals  
Which are not subsidiary to a retail business or trade
- (4) Dealing in rags or bones (including receiving, storing or manipulating of rags in, or likely to become in, an offensive condition, or any bones, rabbit skins, fat or putrescible animal products of a like nature)
- (5) Fellmongery, fat-smelting or -extracting, fish-curing (other than a subsidiary to the business or trade as a fishmonger), fish-skin dressing or scraping, fish-canning
- (6) Glue-making, gut-cleaning or -scraping
- (7) A knackers' yard
- (8) Leather-dressing
- (9) The making of meal for feeding poultry, dogs, cattle or other animals from any fish, blood, bone, fat or animal offal, either in an offensive condition or subjected to any process causing noxious or injurious effluvia, manufacturing or storing of manure from bones, fish, fish offal, blood, spent hops, beans or other putrescible animal or vegetable matter, manufacturing of malt
- (10) Parchment-making, a paper mill
- (11) Size-making, skin-drying, -storing and -curing, soap-boiling, a slaughter house, a sugar-mill or -refinery
- (12) Tallow-melting or -refining, tanning, tripe-boiling or -cleaning
- (13) Wool-scouring, wattle-bark grinding or extracting, or
- (14) Yeast-making.

**SCHEDULE 2**

**SITE DEVELOPMENT PLAN**

Site Development Plan means a plan on a scale of 1:500 or such other scale as the local municipality may approve, showing the proposed development and any salient features of a property. Such site development plan shall at least indicate the following where applicable:

- (a) entrances to the property and entrances for emergency vehicles (emergency exists shall be shown);
- (b) building lines, servitudes and other limitations (e.g. flood lines), side spaces, back spaces, road widenings and corner splays. Topographical features, outcrops of rock, trees, bushes and the like. Earthworks, berm walls and their proposed treatment;
- (c) internal roads (also for pedestrians with a maximum fall of 1 in 8) and kerb lines;
- (d) parking areas (visitors, open and covered), type of paving material (show slope gradient) and kerb lines shall be shown;
- (e) open areas (walking trails, recreation area, private gardens, children’s playgrounds and the like);
- (f) siting of all buildings (distinctively marked and recognizable respectively). Also existing buildings or buildings to be demolished. Distances between buildings and from property boundaries shall be shown;
- (g) municipal sewers, connections, internal layout, storm water, catchment pits and storm water layout or method of disposal. (For group housing the services shall be shown on separate drawings);
- (h) phasing of development (especially group housing);
- (i) the following town planning control factors shall be shown on the plan in tabular form (for group housing only the areas of the units and the number of units per hectare shall be shown):

<b>CONTROLFACTOR</b>	<b>REQUIRED/ PERMISSIBLE</b>	<b>SUPPLIED</b>
Coverage		
Floor area		
Floor area ratio		
Parking		

- (j) erf boundaries and other cadastral information (proposed sub divisional lines in case of group housing) and proposed road closures and/or park closures;
- (k) contours and ground level heights (1,0 metre contour intervals);
- (l) street names, adjoining properties (buildings in outline) and true north position;
- (m) position, height, material and trim of fences, boundary walls, screen walls, retaining walls and gates;
- (n) loading and offloading areas;
- (o) surfaces (tar) of existing roads and new roads (show kerbstone lines accurately);
- (p) the positions of fire hose valves and fire hose reels; and
- (q) landscaping.

### SCHEDULE 3

#### ACTIVITIES NOT PERMITTED IN A DWELLING-PLACE

The following activities are not permitted in terms of a written consent in any dwelling-place:

- (1) A funeral undertaking; a visitors' information bureau; a building society agency; a bank agency; kennels; an escort agency; a tow-in service; an institution; a motor workshop; a car wash; a place of instruction for more than 10 persons; a panel-beater; a parcel delivery service; a radio control/telephone exchange; a travel agency; a shooting range; a blasting contractor; a butcher; a spray-painter; a taxi business; a pet salon; a fish-fryer; hiring and selling of vehicles and/or trailers; a place of amusement; manufacturing of concrete products; a packaging contractor; a place of refreshment; a transport undertaking; hairdressers with more than one hairdresser; beauticians with more than one beautician; slimming clinics; fire fighting business; security company and vehicle tracing agents; brokers with more than 3 personnel; a builder's yard and/or storage of building equipment.

### SCHEDULE 4

#### FORMULA FOR CALCULATING BLOCKS OF FLATS, TENEMENTS AND HOSTELS

- A. The maximum permitted number of habitable rooms in a tenement, block of flats and hostel shall be determined by the following formula:

$$NOR = \frac{AOP}{50}$$

where

NOR = maximum permitted number of habitable rooms, and

AOP = Area of property in square metres.

- B. The maximum permitted number of habitable rooms in a Residential building for student accommodation shall be determined by the following formula in line with annexure A:

$$NOR = \frac{AOP}{8 \text{ or } 14}$$

where

NOR = Maximum permitted number of habitable rooms, and

AOP = Area of property in square metres.

#### Room's specifications

Single room : not less than 8 m<sup>2</sup>  
Double room : not less than 14 m<sup>2</sup>

NB: This must be read with gazette no: 39238: Policy on the minimum norms and standards for student Housing at public universities



**SCHEDULE 5**

**FILING OF COMPLAINT BY MEMBER OF PUBLIC (ALLEGED CONTRAVENTION OF THE SCHEME)**

**CLAUSE 31**

I the undersigned

\_\_\_\_\_  
(Full Names/Surname)

Of address

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
(address of complainant)

Contact telephone number

Hereby file the following complaint with regard to an alleged contravention of the provisions of the prevailing town planning scheme:

1. Property on which the alleged contravention occurs:

- Erf/Portion Number

- \_\_\_\_\_  
Township/Farm

- \_\_\_\_\_  
Street address

\_\_\_\_\_  
(if possible, enclose a map indicating the situational context of the relevant property)

2. Description of alleged contravention:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
(Describe in simplified terms. If space is inadequate, please attach details on a separate sheet(s))

3. When did the complainant become aware of the alleged contravention?

Date \_\_\_\_\_

4. Can the complainant provide any photographic evidence of the alleged contravention?

YES	NO
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This is not a requirement but may assist the Municipality in assessing the facts of the complaint.

The complaint sheet must be signed and delivered to the following address:

Hand delivery: Polokwane Local Municipality  
C/O Landros Mare and Bodenstein street  
Second floor west wing, City Planning and property Management SBU  
Planning Control and Outdoor advertisement Division  
Or faxed to: \_\_\_\_\_  
Or posted to: P.O.Box 111, Polokwane , 0700  
Or emailed to: [LDA@polokwane.gov.za](mailto:LDA@polokwane.gov.za)

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Date: \_\_\_\_\_

Signatory \_\_\_\_\_

