



**POLOKWANE INTEGRATED
LAND USE SCHEME, 2022**

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POLOKWANE INTEGRATED LAND USE SCHEME, 2022

1. INTRODUCTORY INFORMATION

The Polokwane Integrated Land Use Scheme, 2022 is an approved Scheme as contemplated in Section 16 and 25(2) of the Polokwane Municipal Planning By-law, 2017 read together with Section 24 of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)) and constitutes a merger and reviewed version of the prior Polokwane/Perskebult Town Planning Scheme, 2017 and the Polokwane Land Use Management Scheme 2017 for Mankweng/Sebayeng/Aganang and Rural areas in terms of the provisions of Section 31 of the by-law (*supra*) and Section 27 of the Act (*supra*).

- (i) The purpose of this Land Use Scheme is set out in Section 25 of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) read together with Section 17 of the Polokwane Municipal Planning By-law, 2017, and can be set out as follows:

The land use scheme must give effect and be consistent with the municipal spatial development framework and determine the use and development of land within the Municipal area in order to promote the economic growth, social inclusion, efficient land development and minimal impact on public health, the environment and natural resources. In addition to the purpose of the land use scheme, the Municipality must determine the use and development of land within the Municipal area to which it relates in order to promote harmonious and compatible land use patterns, aesthetic considerations, sustainable development and densification, the accommodation of cultural customs and practices of traditional communities in land use management and a healthy environment that is not harmful to a person's health.

- (ii) Title

This Scheme shall be known as the Polokwane Integrated Land Use Scheme, 2022 (as reviewed) and was brought into effect by virtue of

Local Government Notice dated 20.....

and is applicable to all land and buildings within the area of the Scheme, denoted on the Map as confirmed in Part 1 of the Scheme.

.....
MUNICIPAL MANAGER: POLOKWANE LOCAL MUNICIPALITY

.....
DATE:

PART 1: GENERAL


2. TITLE

This Scheme shall be known as the Polokwane Integrated Land Use Scheme, 2022

3. RESPONSIBLE AUTHORITY

The Polokwane Municipality or its successor in title is the authority responsible for enforcing and executing the provisions of this Land Use Scheme in its capacity as Local Municipality, contemplated in the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) read together with provisions of the Spatial Planning and Land Use Management Act, 2913 (Act 16 of 2013).

4. AREA OF THE SCHEME

The area of application of this Scheme is shown on the Map and is bordered by means of the following notation: — 

The area abutting the bordered notation and situated within the enclosed demarcation, indicating one or more of the Use Zones as described and portrayed by the notations provided in Part 4 of this Scheme, falls within the ambit of the Scheme.

5. CONFLICT BETWEEN PROVISIONS OF SCHEME, CONDITIONS OF TITLE AND LEGISLATION

- (1) Any consent or authorization or approval granted by the Municipality by virtue of provisions of this Scheme does not entitle any person 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 any other law which prohibits such use in respect of such land or any rights which attach to land situated within the area of the Scheme.
- (2) If the use of land for any purpose is permitted in terms of this Scheme, but is otherwise restricted in the Title Deed of such land, the onus lies with the owner of such property to:
 - (a) remove or amend the title restriction by following the required procedure provided in the applicable legislation; and
 - (b) submit proof to the satisfaction of the Municipality that such restrictive title condition has been removed.
- (3) If the use of land for any purpose is permitted in terms of this Scheme, but is otherwise restricted in terms of any other law, the onus lies with the owner of such property to:
 - (a) procure the authorization required in terms of such law to use the land for such purpose or to remove or cancel such restriction in the manner prescribed or by other appropriate relief; and
 - (b) submit proof to the satisfaction of the Municipality that such authorization has been procured, alternatively that such restriction has been removed.

6. ARRANGEMENT OF THE SCHEME

This Scheme consists of the following documents:

- (1) The Scheme Map/s which consists of:
 - (a) The Index Sheet.
 - (b) The Reference to the System of Notation.
 - (c) Primary Sheets for Use Zones
 - (d) Secondary Sheets for Overlay Zones
 - (e) Annexure Sheets as hereinafter further defined.
- (2) Annexure "P" as hereinafter defined.
- (3) The Clauses which are divided into Parts relating to the following matters:

Part 1: General.

Part 2: Definitions.

Part 3: Conditions applicable to all properties.

Part 4: Use of Buildings and Land in Use Zones.

Part 5: Specific Conditions and Limitations Applicable to Use Zones.

Part 6: Special, Written and Temporary Consent.

Part 7: Use of buildings and land in Overlay Zones

Part 8: Application of the Scheme and Powers of the Municipality.

Part 9: Schedules.

7. TRANSITIONAL MATTERS

- (1) Any consent, permission or approval granted in terms of the provisions of the prior Polokwane/Perskebult Town Planning Scheme, 2017 and the Polokwane Land Use Management Scheme 2017 for Mankweng/Sebayeng/Aganang and Rural areas for the erection or use of buildings or for the use of land, or any rights legally exercised in terms of such Scheme, before the Determined Date of this Scheme in respect of any property situated within the area of this Scheme, shall be deemed to be a consent, permission or approval in terms of the provisions of this Scheme: Provided that any such consent, permission or approval shall continue to be of force subject to the provisions of Section 167 of the Polokwane Municipal Planning By-law, 2017 to the extent that the same may be in conflict with this Scheme.
- (2) Where any application is, on the Determined Date of commencement of this Scheme, pending before the Municipality in terms of the prior Polokwane/Perskebult Town Planning Scheme, 2017 and the Polokwane Land Use Management Scheme 2017 for Mankweng/Sebayeng/Aganang and Rural areas, such application shall be dealt with as if this Scheme has not been brought into effect and be finalised accordingly.
- (3) Where any land use or development application is, on the Determined Date of commencement of this Scheme, pending in terms of any provision of national or provincial legislation dealing with land development applications, shall be dealt with as provided for in Section 166 of the Polokwane Municipal Planning By-law, 2017.

8. GUIDING PRINCIPLES

Any competent authority taking a decision in respect of any matter contemplated in this Scheme, shall be guided by the Development Principles enshrined in Section 7 of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013).

PART 2: DEFINITIONS

9. DEFINITIONS

In this Scheme, unless the context otherwise indicates, the following expressions shall bear the meanings assigned to them herein, namely:

ACCESS CONTROL or ACCESS CONTROL FACILITY

Means land or buildings/structures used for managing the movement of vehicles and pedestrians to and from an enclosed area served by a restricted access.

ACT

Means the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) or any succession thereof.

AGRICULTURAL LAND

Means land as defined in the Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970).

AGRICULTURAL USE

Means land used for Agricultural Purposes and may include an Agricultural Building and a Dwelling-house, a Farm Stall and equestrian facilities. The use of the property for artisanal (craft) beer brewery and distillery as well as winemaking or vinification, is regarded as a subservient and ancillary use.

AGRICULTURAL BUILDING

Means a building designed or used for Agricultural Purposes and may include a Dwelling- house.

AIR-BNB

Means a dwelling-unit used with the consent of the Municipality for overnight accommodation, where the entire dwelling unit or rooms within the dwelling unit is leased out by the owner to guests or tourists on a short-term basis not exceeding 30 days per annum. The consent and operation of an Airbnb is subject thereto that no advertisement signs or boards may be displayed on the property in respect of the facility

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.

ANNEXURE "P"

Means the set of documents showing details of land use rights permitted and conditions imposed in respect of a property marked with a black number within a black circle on the Map 3 which rights and conditions shall prevail over any other clause or provision of the Scheme, except that if no rights or conditions are so stipulated, the provisions of the Scheme Clauses shall apply (as per the example in Schedule 8).

ANNEXURE TO THE SCHEME

Means an Annexure "P" as contemplated in Clause 31 of the Scheme.

AERODROME

Means an area of land that is used for landing and departure of aircraft with the necessary runways, taxiways and sufficient clear areas around the runways, and includes offices, a Public Transportation Terminal and terminal buildings for receiving and discharging passengers and cargo and which house administrative, traffic control, communication and telecommunication structures, and weather observation personnel as well as other facilities such as hangers (buildings for housing and maintenance of planes), and also includes a windsock. The following uses shall not be deemed incidental to an Aerodrome or terminal buildings, namely: "Shop", "Restaurant", "Warehouse", "Parking Garage", "Dwelling unit/s", "Hotel", "Residential Building".

APPLICATION

Means any application contemplated in the Act or By-law or in this Scheme, which the Municipality, as authority of first instance, and in its capacity as Local Municipality, contemplated in the Act must receive, consider, and determine.

APPROVED TOWNSHIP

Means a township declared an approved township in terms of Section 59 of the By-law;

ATTACHED DWELLING UNIT or ATTACHED BUILDING

Means a dwelling unit or building that abuts on or shares a wall with another building on the same erf.

BACKYARD DWELLING UNIT or BACKYARD ROOM

Means an additional, but small dwelling unit less than or equal to 24m² floor area or outbuilding/s with a habitable room/s covering an area not exceeding 10% of the size of the property with a maximum area not exceeding 100m², whichever is the smallest. The definition includes a unit or room/s located on a part of a single residential erf in the back yard or part of a property where such dwelling unit or rooms is leased out to tenants or being used to accommodate extended family members. The definition excludes a Residential Building, Hostel, Overnight Accommodation, Flats, Tenements or outbuildings normally associated with the main dwelling.

The provision of backyard dwelling unit or backyard rooms is subject to provisions of Schedule 5.

BAKERY

Means land used or 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 retail of goods produced.

BAR

Means an establishment for the sale and serving of predominantly alcoholic beverages, and sometimes also food, to be consumed on the premises and is also known as a pub and does not include a Place of Amusement or night club.

BASEMENT

Means any part of a building the floor of which is two meters or more below the mean natural ground level of the ground covered by the building and of which no part of the ceiling is more than one meter above such mean level: Provided that, except with the Written Consent of the

municipality, as contemplated in Clause 37, no basement shall be permitted between the building line and the street boundary.

BEAUTY PARLOUR or BEAUTY SALON

Means a building designed and used for providing services that include hair treatment, manicures, pedicures, waxing, facial treatments and make-up treatment, including the subordinate retail in products connected with the service, but it excludes any uses connected with medical consulting room.

BEDROOM SUITE

Means a habitable room used for sleeping and accommodation of guests or patrons in a Hotel, Overnight Accommodation, Guest House or Lodge and may include an *en-suite* bathroom as well as a private lounge area and kitchenette.

BLOCK OF FLATS (see FLATS)

BLOCKS OF TENEMENTS (see TENEMENTS)

BRAAI ROOM

Means a room which is part of a dwelling unit or outbuildings and is used primarily for private entertainment purposes and where food and drinks may be prepared in the traditional South African way and may include kitchenette, but excludes a kitchen or *Shishanyama*.

BUILDING

Means a building as defined in the National Building Regulations and Building Standards Act, 1977.

BUILDING LINE

Means an imaginary line on a property that demarcates a building restriction area and is at a fixed distance from any boundary of such property.

BUILDING REGULATIONS

Means the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977).

BUILDING RESTRICTION AREA

Means an area within which no building or structure may be erected save as set out in Clause 13 of this Scheme.

BUILDER'S YARD

Means land and buildings that are used for the storage and sale of building materials and equipment mainly for building contractors that:

- (1) are required for building works; or
- (2) have been obtained from demolitions or excavations; or
- (3) are required or are usually required for improvements on land, such as material that is used for any building work, whether for public or private purposes.

BY-LAW

Means the Polokwane Municipal Planning By-law, 2017, or any succession thereof.

CAFETERIA

Means a building or part of a building used for the preparation and sale of food and refreshments for the exclusive use of the employees and their guests or patrons of the building provided it is ancillary and subservient to the main use on the same property.

CARAVAN PARK

Means an area laid out in lots which provides a stopping point, rest place or overnight place or for weekly stays for people travelling and using a caravan, motor home, camper and/or tent for accommodation, and includes the necessary ablution facilities on the property.

CAR WASH

Means land and buildings used for the washing, polishing and cleaning of vehicles by means of mechanical apparatus or by hand.

CEMETERY

Means land and buildings designed or used for the burial of deceased persons and human ashes and may include a crematorium, a wall of remembrance, a chapel and offices and storerooms for the management of the cemetery, parking and ancillary and subservient uses which the Municipality deems necessary.

CENTRAL BUSINESS DISTRICT (CBD)

Means the area so denoted under Schedule 20 of the scheme for the purposes of interpreting Clause 14(5) – Building Lines.

CLINIC

Means a medical facility or building for outpatients where people receive medical advice or treatment.

CLUB

Means land used or a building designed or used for the gathering of a group of persons being members of a club, sport club or association with a common objective, subject thereto that it is exclusively used by the members of the club or association and their invited guests.

CONFERENCE FACILITY

Means land and buildings used for congresses, seminars, training, meetings, cultural events and social activities and may include a restaurant that is subservient to the main conference facility.

COVERAGE

Means the percentage area of a property including any servitude area covered by the roofed area of all buildings as seen vertically from above but does not include a structure or building that has no roof. (See illustration in Diagram 3, Clause 31)

CRÈCHE

Means land and buildings used for the admission, protection and temporary or partial care of children/learners up to an age of seven (7) years and may be conducted as a pre-school, day-care centre or play group: Provided that the crèche shall not be brought into operation without the Written Consent of the Municipality as contemplated in Clause 37. A crèche is further subject to provisions of Schedules 9 and 23 of the Scheme.

CREMATORIUM

Means land and buildings used for the cremation of human or animal tissue.

DECISION MAKING AUTHORITY

Means the Decision Making Authority as defined in Section 1 of the Advertising on Roads and Ribbon Development Act, 1940 (Act 21 of 1940), or the Commission as defined in the South African National Roads Agency Limited and National Roads Act (act 70 of 1998), or other superseding legislation.

DETACHED DWELLING UNIT

A dwelling unit which is not attached to any other dwelling unit on the same property and does not share any common wall or roofed structure with any other dwelling unit on the same property, save where shared parking structures form part of any such dwelling unit.

DETERMINED DATE

Means the date of publication in the Provincial Gazette, by the municipality of a notice bringing into effect any amendment to the Scheme.

DIGITAL HUB

Means land or a building or part of a building which is used by business enterprises, public sector and community organisations as shared workspace for a range of complementary activities. A Digital Hub and its activities are ancillary and subservient to the main use where it offers high-speed and cutting-edge technical facilities, digital media and services, as well as meeting rooms, event and training spaces, with a focus on bringing people together and enhancing economic activity and to educate and capacitate communities.

DISTRIBUTION CENTRE

Means a warehouse or other building from where goods are distributed and includes a transport depot.

DRIVING SCHOOL

Means land or a building used by driving instructors to teach and train persons to drive motor vehicle in preparation of their vehicle license test and may include the necessary administration buildings, class rooms, testing equipment as well as driving surfaces, road signage etc. to simulate driving conditions, but excluding testing stations for testing of the road worthiness of motor vehicles.

DROP-OFF ZONE

Means land where provision is made for one or more parking spaces or bays for quick on and off-loading of passengers from a motor vehicle and for such manoeuvring and movement space as may be required by the municipality to secure orderly traffic flow within such area as well as

efficient connection with the flow of traffic in the adjoining street system. The drop-off zone may form integral part of a parking lot, parking garage or may also be provided separately.

DWELLING-HOUSE

Means a single dwelling-unit on property zoned “Residential 1,” Residential 5”; “Agricultural” and “Protected Areas”. The use of and activities in a dwelling house is further subject to provisions of Schedule 8.

DWELLING OFFICE

Means an existing dwelling unit under Use Zone 1 (“Residential 1”) that is converted and used as an office, provided that the elevation treatment of the buildings maintains a residential character, the appearance is complementary to the environment and that it has no negative impact on the surrounding area and land uses and which is subject to provisions of Clause 40.

DWELLING UNIT

Means a self-contained suite of rooms mutually connected and consisting of habitable room(s), a bathroom(s), toilet(s) and not more than one kitchen (without the Permission of the Municipality) as well as a kitchenette/s, for the purpose of occupation by a single household, or a single person or two unmarried persons and may include outbuildings and a braai room which are ancillary and subservient to the dwelling-unit. The use of and activities in a dwelling unit is further subject to provisions of Schedule 8.

ELECTRONIC COMMUNICATIONS FACILITY and/or TELECOMMUNICATION STRUCTURE

Means a facility for telecommunication or electronic communication for the emission, transmission or reception of information, including without limitation, voice, sound, data, text, video, animation, visual images, moving images and pictures, signals or a combination thereof by means of magnetism, radio or other electromagnetic waves, optical, electromagnetic systems or any agency of a like nature, whether with or without the aid of tangible conduct, but does not include content service and includes but is not limited to any:-

- (a) wire, including wiring in multi-tenant buildings;
- (b) cable (including undersea and land-based fibre optic cables);
- (c) antenna;
- (d) tower, mast or pole;
- (e) structure or building designed or constructed to accommodate telecommunication or electronic communication devices or facilities
- (f) satellite transponder;
- (g) circuit;
- (h) cable landing station;
- (i) international gateway;
- (j) earth station;
- (k) radio apparatus;
- (l) exchange buildings;
- (m) data centres; and
- (n) carrier neutral hotels, or other thing, which can be used for, or in connection with, electronic communications, including, where applicable—
 - (i) collocation space;
 - (ii) monitoring equipment;
 - (iii) space on or within poles, ducts, cable trays, manholes, hand holds and conduits; and
 - (iv) associated support systems, sub-systems and services, ancillary to such electronic communications facilities or otherwise necessary for controlling connectivity of the various electronic communications facilities for proper functionality, control, integration and utilisation of such electronic communications facilities.

The facilities and infrastructure are further classified in Schedule 11 to the scheme

ELECTRICITY POWER STATION

Means land and buildings used for the generation of electricity and may include ancillary and subservient uses.

ERECTION OF A BUILDING

Means the construction of or any structural change or addition to, a building or ground works in connection therewith.

ERF

Means a single property in an approved township registered in a deeds registry as an erf, lot, plot or stand or as a portion or the remainder of any erf, lot, plot or stand or land indicated as such on the general plan of an approved township or any related Surveyor General Diagram.

EXISTING BUILDING

Means a building lawfully erected in accordance with a building plan approved by the local municipality, the construction of which:

- (1) was completed on or before the determined date;
- (2) was commenced with before the determined date and completed within a reasonable time but not later than 12 months thereafter.

EXISTING USE

Means, subject to Section 167 of the By-law, the continuous lawful use of a building or land for the purpose for which it was erected or was lawfully being used.

FARMSTALL

Means a building on a property zoned "Agricultural" and "Municipal" used for the sale of agricultural produce and subject to Schedule 7.

FILLING STATION

Means land and buildings used for:

- (1) the storage of fuels and the retail selling of vehicle fuel and lubricants;
- (2) one working bay for emergency repairs to vehicles;
- (3) a shop including a confectionery and take-away facility with a maximum gross floor area, accessible to the general public, of 250 m²;
- (4) an automatic teller machine.

FITNESS CENTRE

Means a building where people exercise with or without exercise apparatus.

FLATS (BLOCK OF)

Means two (2) or more dwelling-units on two or more storeys contained in a building with a common entrance or foyer to the dwelling-units.

FLOOD LINES

Means the flood lines as defined in Section 144 of the National Water Act, 1998 (Act 36 of 1998), including any other flood lines of shorter occurrence that the Municipality may require.

FLOOR AREA

Means the total of the gross area occupied by a building (or proposed to be occupied) at the floor level of each storey. The permissible floor area is determined by multiplying the area of the property by the F.A.R: Provided that in the calculation of the permissible floor area the following areas shall not be included:

- (1) unroofed buildings, open roofs and areas occupied by external fire-escapes;
- (2) parking spaces for the occupants of the building;
- (3) 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;
- (4) accommodation for the lift motors and other mechanical or electrical equipment necessary for the proper utilisation of the building;
- (5) a veranda or balcony in a building: Provided that such veranda or balcony shall not be enclosed except by means of a parapet at most one meter (1m) high or a wire gauze screen;
- (6) areas reasonably used for the cleaning, maintenance and care of the building or buildings, except dwelling units for supervisors, caretakers and maintenance personnel;
- (7) passageways for pedestrians; and
- (8) basements used primarily for parking.

FLOOR AREA RATIO (F.A.R.)

Means the ratio obtained by dividing the floor area of a building or proposed building, by the total area of the property on which the building is erected or is proposed, including any servitude area thus –F.A.R. = Total permissible floor area divided by the area of the property.

FUNERAL PARLOUR

Means land and buildings used for the administration of funeral arrangements including showrooms, offices, a parlour for the viewing of the dead, waiting room and the sale of flowers, coffins, gravestones and other related products, as well as a display area for gravestones, but excludes a crematorium, a chapel or church and mortuary.

GAME RESERVE

Means land used for stocking and breeding of wildlife and includes the subordinate use of the game as resource for tourism and sport: Provided that buildings generally associated with the management of the reserve will be permitted to be erected and used subservient to the main use and with the written consent of the municipality, may also include limited temporary residential accommodation such as a lodge or a resort.

GARDEN CENTRE

Means land and buildings used for the storage, cultivation and sale of plants, bulbs, seed, fish, birds, pots, compost, fertiliser, pesticides, herbicides and may include the sale of ancillary and subservient gardening products and a tea garden.

GROUND FLOOR

Means the floor of a building which is the entry point into the building, and which is at or closest to the natural ground level of the property on which such building stands and excludes a basement.

GUEST HOUSE

Means a dwelling-unit, excluding a Home Enterprise used for overnight accommodation, consisting of a minimum of 3 rooms providing for not fewer than 3 guests and not more than 6 bedrooms for a maximum of 12 guests, a dining-room, lounge, bar and may include ancillary and subservient facilities for the exclusive use of such guests and which shall be managed by the owner or manager who shall reside on the same property. The permissible bedrooms may be increased with the special consent of the Municipality.

GUIDING PRINCIPLES

Means those principles and norms that shall guide and inform land development and decision making as set out in Clause 8

HABITABLE ROOM

Means a room designed or used for human habitation according to the minimum standards prescribed in Part C of the National Building Regulations and Part C of SANS 10400-C:2016 of the South African Bureau of Standards (SABS), and shall mean a room used or designed, erected, adapted or intended to be used by persons for sleeping in, living in, the preparation or consumption of food or drink, the transaction of business, the rendering of professional services, the manufacture, processing or sale of goods, the performance of work, the gathering together of persons or for recreational purposes; but shall not include a storeroom, scullery, toilet, bathroom or a passage.

HAIR SALON

Means a building designed and used to provide personal services where people have their hair cut, styled or coloured, including the subordinate sale of hair products connected with the service, but excluding a beauty parlour or beauty salon.

HEIGHT

Means the height of any part of a building as measured vertically from the natural ground level of the footprint of the building to the highest point of the building as indicated on Diagram 2 in Clause 26.

HOSTEL

Means a boarding house for persons attending a place of instruction or institution and which is owned or managed by or on behalf of the said place of instruction or institution, and is an ancillary or subservient use to the place of instruction or institution, but it excludes Student Accommodation.

HOSPITAL

Means land and buildings used for the accommodation of both inpatients and outpatients for the care of sick or injured persons or persons needing specialised medical treatment or operations and may include operating theatres, x-ray rooms, cafeteria, a shop, pharmacy and offices and consulting rooms directly related to the hospital and may include a caretaker's flat and ancillary and subservient uses, subject to the licensing and regulatory requirements of the legislation

controlling medical treatment facilities.

HOTEL

Means a building used for overnight accommodation that has been registered as a hotel in terms of Section 1 of the Hotels Act, 1965 (Act 70 of 1965), or any amendment thereof and may include a conference centre and a restaurant and ancillary and subservient uses required in terms of the afore-mentioned Act.

HOUSEHOLD

Means the following people that live together:

- (1) a married couple with or without their parents and/or their children; or
- (2) a single person with his/her parents and/or his/her children; or
- (3) brothers and sisters; or
- (4) a single person with his/her grandparents and/or his/her grandchildren; or
- (5) grandparents with their grandchildren.

HOUSEHOLD ENTERPRISE

Means the practice of an activity, business, hobby or occupation in a dwelling-unit excluding a commune, a guest-house, a place of instruction, a place of childcare, a block of tenements, a boarding house, hostel and hotel, with the aim of deriving an income there from, subject to Clause 39.

INDUSTRY

Means land used or buildings designed and used for the purpose of manufacturing, processing, alteration, reclamation, repair, storage, distribution and cartage services, brewery or distillery (including artisanal or craft beer breweries), winemaking or vinification, taxidermy, as well as offices, wholesale trade and retail in goods and products directly connected and subservient to the main use and being manufactured, assembled or processed on the same property.

INSTITUTION

Means a building designed and used as a welfare or charitable facility such as home for the aged, indigent or handicapped; a hospital, clinic, nursing home, a sanatorium, step-down facility or any other institution whether public or private and includes all uses ancillary, directly related to and subservient to the main use, including medical consulting rooms, but excludes primary office and administrative functions and Student Accommodation.

KENNELS

Means land and buildings used for the purpose of keeping, breeding, accommodating and lodging of any domestic animal.

KIOSK

Means a part of a building designed and used for the preparation or retail sale of meals and refreshments as well as the retail sale of cold drinks, tobacco, reading material and sweets and/or any other products which may be specified by the Municipality from time to time. The area used for a kiosk shall not exceed a total floor area of 12m².

KITCHEN

Means a room or an area within a dwelling unit or dwelling house or any other building or place

designed or used and equipped for preparing and cooking food or meals.

KITCHENETTE

Means a small kitchen or an area part of a larger room within a dwelling unit or braai room which is used and equipped for preparing and cooking light meals. A kitchenette is ancillary and subservient to the dwelling-unit, and shall in the opinion of the Municipality, not be intended for the use as a kitchen as part of a second dwelling unit or for purposes of serving another household other than the household associated with the dwelling unit.

LAND

Means —

- (a) any erf, agricultural holding or farm portion, and includes any improvements or building on the land and any real right in land; and
- (b) the area of communal land to which a household or person holds an informal right in land recognized in terms of the customary law applicable in the area where the land to which such right is held is situated and which right is held with the consent of, and adversely to, the registered owner of the land.

"Property" shall have the same meaning.

LAND USE TABLES

Means the tables contemplated in Clauses, 20, 29, 30, 31, 32 and 34.

LOADING SPACE

Means a rectangular area of not less than 3m by 6 m in size, used to park a vehicle temporarily for loading or off-loading purposes, to be shown on a site development plan. (See Clause 29).

LODGE

Means overnight accommodation which is normally secondary to the use of the property for a game reserve or nature reserve or wherever approved by the Municipality, together with the necessary and subservient facilities such as places of entertainment, restaurants, conference facilities, tavern, and other secondary recreational facilities such as billiards rooms, swimming pools and tennis courts for the exclusive use of visitors to the lodge and reserve.

LOFT

Means a storey in the roof of a building which can be used for the same purposes as the other storeys in the same building and which shall be calculated as gross floor area and height in terms of the relevant clause or Annexure P.

MAP

Means the Scheme map marked "Map 3" as defined in the Regulations to the Ordinance and as amended from time to time by any approved amendment Scheme.

MEDICAL CONSULTING ROOMS

Means land and buildings used for medical and dental practitioners including general practitioners, medical specialists, pathologists, radiologists, dentists, ophthalmologists and similar uses such as special therapists, psychiatrists and may include a dispensing chemist which does not exceed 36m² but does not include the uses of a hospital, step-down facility, nursing home, clinic or a sanatorium

MINING and/or QUARRYING

Means the reconnaissance, exploration, production, excavation or extraction of minerals and soil deposits from the earth as provided for in the Mineral and Petroleum Resources Development Act, 2002 (Act 28 of 2002) and includes typical ancillary uses such as industry uses related to the main use, administrative offices, warehouses and maintenance areas but excludes any dwelling units, tenements or flats for residential purposes.

MINOR STRUCTURAL ALTERATIONS

Means small structural changes as defined in the National Building Regulations and Buildings Standards Act, 1977 (Act 103 of 1977) to an existing building for which a building plan is not a requirement.

MOTOR DEALERSHIP

Means land and buildings used for an integrated service which provides a full range of related activities in respect of a specific vehicle range and includes a motor workshop, offices, the sale of new spare parts and the sale of new and used vehicles of that specific range only within a motor showroom: Provided that a motor showroom shall be in an approved building enclosed on all sides with brick and/or glass walls.

MOTOR WORKSHOP

Means land and buildings used for the following:

- (1) repair and servicing of vehicles, excluding panel-beating or spray-painting; and
- (2) installation of motor spare parts and accessories.

MORTUARY

Means land and buildings used for storage space and refrigeration facilities to keep corpses and to prepare corpses for burial or cremation.

MULTI-PURPOSE CENTRE

Means a one stop service centre also known as a *Thusong Centre*, providing government information and services to communities and their local needs and is mostly located in rural areas and may include, but not limited to, uses and services such as government offices, labour offices, home affairs offices, magistrates courts, social security agency offices, social development offices, health services, clinics, a post office or postal services, a library, municipal offices or municipal satellite office, Traditional Authority offices, South African Police Services, tourism centre or offices, non-governmental organisations and community-based organisations.

MUNICIPAL PLANNING TRIBUNAL

Means the Polokwane Municipal Planning Tribunal established in terms of Section 35(1) of the Act.

MUNICIPAL PURPOSES

Means such purposes as the Municipality may be authorised to carry out in terms of any law governing municipalities, including but not limited to the Local Government Municipal Structures, 1998 (Act 117 of 1998) and the Local Government Municipal Systems Act, 2000 (Act 32 of 2000) which may include, but is not limited to Parks, Recreation, Playgrounds, Squares, Reservoirs, Cemetery, Landfill Site, Sewerage Disposal Facility.

MUNICIPALITY

Means the Polokwane Municipality or its successor in title as envisaged in Section 155(1) of the Constitution established by Notice under Section 11 and 12 in 2000 and amended by Notice No 1866 of 2010 in terms of the Local Government Municipal Structures Act, 1998 (Act No.117 of 1998), and for the purposes of this Scheme shall include a committee or official or group of officials duly delegated in terms of Section 59 of the Municipal Systems Act, 2000 (Act No. 32 of 2000), to perform any duties assigned to in terms of them in terms of Section 56 of the Act or Section 170 of the By-law, the Municipal Planning Tribunal or the Authorised Official, where the context so requires.

MUSHATE (see TRADITIONAL AUTHORITY)

NATURAL GROUND LEVEL

Means the natural level of a property before any excavations or filling takes place and is the level which is used for measuring the height of a building

NATURE CONSERVATION AREA and/or HISTORICAL CONSERVATION AREA

Means land and buildings designated by ruling legislation other than this Scheme to be used for purposes normally or otherwise reasonably associated with 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 or buildings against undesirable use, exploitation, neglect or human activity and with the written consent of the municipality, may also include limited temporary residential accommodation such as a lodge.

NATURE RESERVE

Means land accommodating unique ecosystems, geological, natural or physiological features and/or where species of wildlife and plants are left generally undisturbed by man: Provided that buildings generally associated with the management of the reserve will be permitted to be erected and used subservient to the main use and with the written consent of the municipality, may also include limited temporary residential accommodation such as a lodge or a resort.

NOXIOUS INDUSTRY

Means an industry which involves potentially harmful or poisonous activities, and which is listed in Schedule 7 to the Scheme: Provided that upon production of a certificate issued by the Medical Officer of Health of the Municipality, certifying that the process proposed to be used in connection with an industry or factory, will effectively eliminate any nuisance or health hazard in the vicinity of the property due to:

- (1) vapours, smoke or odours;
- (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;
- (3) solid waste matter;
- (4) any residue or dust particles originating from the property which may be transported by wind or stormwater onto another property;

the Municipality shall consent to such use on land zoned “Industrial 1”.

NURSERY

Means land used or buildings designed or used for the purposes of growing plants or seed for

horticulture, growing of vegetables, flowers or any other shrub or tree or the purchasing of plants and/or retail trading therein, including subservient retail trading in related gardening equipment, garden furniture or decorations as well as irrigation equipment, excluding however agricultural equipment.

OCCUPANT

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

OFFICE

Means land and buildings or part of a building used for professional, clerical, administrative, management, marketing and consulting services, but excludes a call centre, security and emergency response vehicles, courier services in post, parcels and money.

OPEN SPACE

Means land which is predominantly free of buildings or structures and which provides ecological, socio-economic and place-making functions such as natural areas, nature conservation areas, protected areas, nature reserve and includes ridges, watercourses, wetlands, ecological sensitive areas, parks, and squares and may include ablution facilities, pergolas, benches, and related facilities.

OUTBUILDING

Means a building other than the main building, which, in the opinion of the local municipality, is usually functionally necessary in connection with the use of the main building, but ancillary and subordinate to such main building on the same property and normally includes a building or part of a building used for the garaging of motor vehicles and any other normal activities in so far as these are usually and reasonably required in the connection with the main building, but does, in the opinion of the Municipality, include a second Dwelling Unit, or include buildings which size is not in relation to the dwelling unit, normally justifiable.

OVERLAY ZONE or OVERLAY ZONING

Means a mapped overlay superimposed on one or more established Use Zones or zoning areas which may be used to impose supplemental restrictions on uses in these areas or permit uses otherwise disallowed. It is also part of this Scheme, as shown on the Map, by means of a distinctive notation or edging or other distinctive manner of a particular area or land unit which:

- (1) Stipulates development rules and/or use rights in addition to the Use Zone requirements, which may be more or less restrictive;
- (2) May include provisions and development rules relating to primary uses, additional uses or consent uses, provisions in the base zone, subdivision and sub divisional areas, special planning areas, development incentives, density limitations, urban form, urban renewal, heritage and environmental protection, management of the urban edge or local areas, or any other purpose as set out in this land use scheme; and
- (3) May use a Schedule or Annexure to describe the overlay zone and development conditions thereof.

OVERNIGHT ACCOMMODATION

Means land and buildings or a part thereof used for provision of temporary accommodation of persons and may include ancillary and subservient facilities such as a dining-room, lounge and bar for the exclusive use of its patrons, but excluding Student Accommodation, Hostel, Hotel or a Backyard Dwelling Unit or Rooms.

OWNER

Means in relation to land or a registered right in land:

- (1) the person in whose name such land or right is registered, in a Deeds Registry in terms of the Deeds Registry Act, 1937 (Act 47 of 1937) and includes-
 - (a) if the owner is deceased, the executor of the deceased estate;
 - (b) if the estate of the owner has been sequestrated, the trustee of the insolvent estate;
 - (c) if the owner is a company or other juristic person the authorized representative (director, member or other);
 - (d) if the owner is a company or other juristic person that is being wound up, the liquidator thereof;
 - (e) if the owner is under legal disability, the owners legal representative;
 - (f) the authorised representative of the owner;
- (2) the person who is the holder of any right in land or informal right in land:
 - (a) which previously formed part of the former Lebowa which was declared by Proclamation No. R.224 in Government Gazette No. 3666 of 29 September 1972 a self -governing territory in accordance with the provisions of the Self-governing Territories Constitution Act, 1971 (Act 21 of 1971);
 - (b) who holds a Permission-to-Occupy (PTO) land in terms of Proclamation R188 of 1969 (Government Gazette No.2486 of 11 July 1969) issued in terms of Section 25 of the Black Administration Act 25 of 1938, read with the South African Development Trust Act 18 of 1936; or
 - (c) on communal land where it is assumed that such communal land is subject either to traditional leadership structures or a Community Property Associations (CPA)/Community Property Institution established since 1994; or
- (3) in the case of a road or public space under the control of the Municipality, that Municipality.

PANEL BEATING

Means land and buildings used for the replacement, repair and spray-painting of the bodywork of motor vehicles.

PANHANDLE

Means the access portion of a panhandle erf, which is part of a property at least three (3) meters wide or as wide as the Municipality may determine, subject to conditions provided elsewhere in legislation it may deem expedient.

PANHANDLE ERF OR PANHANDLE PORTION

Means that part of a property to which access is gained by means of a panhandle.

PANHANDLE SUBDIVISION

Means a subdivision, which results in one or more of the portions created by such subdivision, gaining access by means of a panhandle or panhandles, the thin end of which abuts on a public street and where the panhandle area of the property shall not form part of the area when the calculations in respect of the density of the number of dwelling units are made.

PARKING AREA

Means a property or part of a property, which is used solely for the parking of motor vehicles not being for sale or trade, and excluding areas for parking of busses and trucks.

PARKING GARAGE

Means land used or a building designed or used exclusively for the parking of motor vehicles not destined for trade or sale, but does not include a building, any part of which is designed or used as a workshop for the repair of motor vehicles.

PARKING SPACE

Means an area, used exclusively for the parking of a motor vehicle not being for trade or sale, the extent of which area shall be a minimum of 2,5 meters wide and a minimum of 5,5 meters long, excluding access or manoeuvring space, ramps, columns, or other associated structures, as illustrated in Diagrams 4, 5 and 6 in Clause 30: Provided that any such parking space shall be demarcated on the property to the satisfaction of the Municipality.

PERMISSION OF THE MUNICIPALITY

Means the permission contemplated in Clause 38.

PERMISSION TO OCCUPY (PTO)

Means a Permission-to-Occupy (PTO) land in terms of Proclamation R188 of 1969 (Government Gazette No.2486 of 11 July 1969) issued in terms of Section 25 of the Black Administration Act 25 of 1938, read with the South African Development Trust Act 18 of 1936.

PHYSICAL BARRIER

Means a permanently-fixed barrier erected on the street boundary of an erf, consisting of an approved brick or concrete wall or fencing or chains and/or bollard-type or crossed-over wooden, iron or steel poles or concrete plant boxes or other type of barrier acceptable to the Municipality.

POST AND TELECOMMUNICATION SERVICES

Means those postal services rendered by the South African Post Office contemplated in the Postal Services Act, 1998 (Act 24 of 1998) and those telecommunication services rendered by government institutions or other institutions in terms of the Telecommunications Act, 1996 (Act 103 of 1996).

PLACE OF AMUSEMENT

Means land used or a building designed or used, with a view to profit, as a public hall, theatre, cinema, music hall, concert hall, billiards room, sports stadium, skating rink, dancehall, night club, strip club, sport bar, for trade or industrial exhibitions or for other recreational purposes.

PLACE OF CHILD CARE

Means land and buildings used for the admission, protection and temporary or partial care of more than ten (10) children up to the age of 18 years away from their parents, but does not include a boarding school, school hostel, institution or place of instruction. Depending on its registration, a place of child care can admit babies, toddlers, pre-school aged children and school-going children on a full day or other basis and may include pre-primary school education.

PLACE OF INSTRUCTION

Means a building designed for use or used as a school, college, technical college, lecture hall, institute, or other educational centre and includes a place of child care, a convent or monastery, a public library, art school, museum or gymnasium, including a hostel for persons attending any one of the afore-mentioned, but excluding Student Accommodation.

PLACE OF WORSHIP

Means land used or building designed or used for religious purposes including a building designed for use or used for religious instruction on the same site as and connected with any one of the aforementioned buildings, but excluding a funeral parlour, wall of remembrance or cemetery.

PREMIER

Means the Premier of the Province of Limpopo.

PRIVATE OPEN SPACE

Means private land zoned for open space or for a sport field, play field or rest and recreation field or as an ornamental garden to which the general public does not have a right of access, except by consent.

PRIVATE STREET or PRIVATE ROAD

Means an area or portion of land or property which is privately owned land occupied by a street, road, bridge, subway, avenue, lane, thoroughfare or right of way for exclusive use by the owners of such property or parties permitted to use the land by means of a servitude, and where the general public doesn't have a right of access, except by consent. Such property or erf, street, road, bridge, subway, avenue, lane, thoroughfare or right of way shall not be denoted on a General Plan of a township or agricultural holding as a street or road open to public use.

PROPERTY

Means —

- (a) any erf, agricultural holding or farm portion, and includes any improvements or building on the land and any real right in land; and
- (b) the area of communal land to which a household holds an informal right in land recognized in terms of the customary law applicable in the area where the land to which such right is held is situated and which right is held with the consent of, and adversely to, the registered owner of the land;

"Land" shall have the same meaning.

PROTECTED AGRICULTURAL AREA

Means land which has been promulgated or delineated by the competent authority as Protected Agricultural Area in terms of provisions of the Conservation of Agricultural Resources Act, 1983 (Act 43 of 1983) and its Regulations, and it may also include high value agricultural land and medium value agricultural land.

PROTECTED AREAS

Means an area of land:

- (1) 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; or
- (2) Agricultural land, area or zone, protected for purposes of –
 - a. food production; and
 - b. ensuring that high value agricultural land is protected against non-agricultural land uses in order to promote long-term agricultural production and food security, and includes all areas demarcated as such by the Minister of Agriculture, Land Reform and Rural Development in accordance with relevant legislation and may also include high value agricultural land and medium value agricultural land.

PUBLIC GARAGE

Means land and buildings used for the storage and retail sale of vehicle, fuel and lubricants and one or more of the following uses:

- (1) repair and servicing of vehicles, excluding panel-beating or spray-painting;
- (2) sale of new and used vehicles;
- (3) a shop including a confectionery and take-away facility including a kitchen with a maximum gross floor area of 250 m²; and
- (4) an automatic teller machine.

PUBLIC OPEN SPACE

Means land intended for use by members of the public as undeveloped land, a park, garden, conservation area, a playground, a square or recreation ground or uses as permitted under provisions of the Local Government Ordinance, 1939 (Ordinance 17 of 1939).

PUBLIC ROAD

See “Street or Road”.

PUBLIC TRANSPORT FACILITY

Means the use of land or a building for assembly, transport or dispersal of passengers travelling with public transport and may include a Taxi Holding Area, Taxi Rank or Taxi Parking Area and is further subject to provisions of Clause 34(1)(c) and Schedule 24.

PUBLIC TRANSPORTATION TERMINAL

Means any facility associated with scheduled passengers including but not limited to a railroad station, airport or bus terminal, excluding a bus stop, which is served by licensed service providers of those modes of [passenger transportation.

RAILWAY PURPOSES

Means land and buildings used for transport purposes as defined in the Legal Succession to the

South African Transport Services Act, 1989 (Act 9 of 1989 as amended) and includes a Public Transportation Terminal.

RECREATION

Means any land and buildings used for private or public sports fields, playgrounds and recreation site including any building, structure or facility associated therewith.

RESIDENTIAL BUILDING

Means a building or part thereof, other than a Dwelling Unit, Guest House, Lodge, Hotel or Overnight Accommodation, that is designed for and used as a boarding house, hostel, commune or rooms to let where the rooms forming part of a residential building does not include any kitchen of their own. The residential building may however include a communal kitchen and dining facilities as well as other communal facilities such as a laundry or scullery for the exclusive use of its patrons.

RESTAURANT

Means a building or part of a building where the public pay to sit and enjoy meals prepared and served on the property and includes the subservient serving and consumption of liquor on the property and may include a drive-through restaurant and shisanyama, but excludes a “Place of Amusement” as primary right.

RETAIL TRADE

Means the sale or rental of goods direct to the public for use or consumption rather than for resale.

RETIREMENT CENTRE

Means land and buildings designed or used to provide residential accommodation for persons of 50 years and older. The centre may include dwelling-units and a service centre for the use of the residents only and includes an assembly hall with recreational facilities, sick bay, medical consulting rooms, exercise and treatment rooms, dining facilities, a library, a tuck shop, a laundrette, hairdressing facilities, banking facilities, an automatic teller machine and other ancillary uses for the use of the residents only.

RIGHTS

Means land use rights which attach to a property in the area of this Scheme, as defined and provided for in this Scheme.

RURAL AREA

Means any land or settlement that is located outside a development or urban edge of the first and second order settlements or growth points as delineated in the Municipality's Spatial Development Framework contemplated in Chapter 2 of the By-law, and which is not classified as urban, and includes but not limited to farms, land where people hold an informal right to land as contemplated in the Interim Protection of Informal Land Rights Act (IPILRA), 1996 (Act 31 of 1996) and which is under traditional authority custodianship, or communal land. This land was previously part of the Self-Governing Territories and may include surveyed and un-surveyed settlements which are not Approved Townships. Settlements in these areas have a less-formal settlement status and is subject to provisions of Clause 26.

RURAL RESIDENTIAL

Means a single property in a settlement where such settlement is not registered as an approved township but where it is located on communal land to which the household on the property holds an informal right in land recognized in terms of the customary law applicable in the area. Such property is not registered in a deeds registry as an erf, lot, plot or stand or as a portion or the remainder of any erf, lot, plot or stand, and may not necessarily be indicated as such on the general plan or any related Surveyor General Diagram.

SCHEDULE

Means a Schedule to the Clauses of this Scheme.

SCHEME or LAND USE SCHEME

Means the Polokwane Integrated Land Use Scheme, 2022.

SCRAP YARD

Means land or buildings used as a junk-yard or scrap yard for the dismantling, stacking, storing or preparation for resale of any used material, waste materials, scrap vehicles, scrap machinery or any other scrap material, regardless of whether or not such dismantling or storage takes place with a view to disposal or re-use of such scrap.

SEMI-DETACHED DWELLING UNIT or BUILDING

Means a dwelling unit or building on an erf that abuts or shares one side wall with another building on adjoining erf, where the remaining sides of the building are surrounded by open areas or a street/s.

SERVICES

Means engineering services and may include water, sewerage, electricity, stormwater, roads and telecommunication services and infrastructure.

SERVICE INDUSTRY

Means an industrial activity and related retail business, conducted on a small scale, incidental to the needs of the local community, which will not impair the amenity of surrounding properties or create a disturbance, and which uses are listed in Schedule 7 to the Scheme, or similar uses approved by the local municipality. Schedule 7 may be amended by the Municipality from time to time.

SERVICE ENTERPRISE

Means a small scale enterprise regarded as Service Industry and permitted in Use Zones 1, 2, 4 and 5 in a dwelling unit, and also includes a hair salon, a beauty parlour, a beauty salon, a tailor shop or shoe repair shop which is used by the occupant for the conduct of a practice or occupation subject to provisions of Clause 18, with the aim of deriving income there from and which is practiced by a maximum of three (3) persons, of which the principal of such enterprise 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, and the enterprise shall, in the opinion of the local municipality, be conducted from a core part of the dwelling unit and/or main building and may not without the consent of the local municipality, be conducted from any outbuilding remotely removed from such main building. No retail trade, except retail trade that is subservient to the main enterprise and which will, in the opinion of the Municipality, not prejudice the general character of the area, is

permitted from the property. The activities not permitted in a dwelling unit are listed in Schedule 8 to this Scheme.

SEWERAGE WORKS

Means land and buildings designed or used for the treatment and purification of sewage and may include ancillary offices and storerooms and ancillary and subservient uses deemed necessary by the Municipality.

SHEBEEN (see TAVERN)

SHELTER

Means a makeshift structure, shack, unit or room for accommodation constructed of any material whatsoever and not erected according to approved building plans, intended for human occupation.

SHISANYAMA

Means land used or a building designed or used for preparing meat and food in the traditional South African way on an open fire or coal for the sale, on site consumption or take-away of such food. Mostly Shishanyama is conducted in an informal manner outside a building. The use or description: “*Shisanyama*” is derived from a Zulu word meaning burnt meat and “*Braaivleis*” is an Afrikaans word with the same meaning.

SHOP

Means land used or a building designed or used for the purposes of carrying out retail trade, and the necessary accompanying storage and packaging and includes a bakery, butchery, dry cleaner, hair salon, beauty parlour or beauty salon as well as any accompanying use on the same site connected with and subservient to the retail trade being conducted; provided that such accompanying storage and packaging and ancillary uses shall not give rise to any disturbance or nuisance. The following uses shall not be deemed incidental to a “shop”: a “Restaurant”, “Noxious Industry”, “Scrap yard”, “Wholesale”, “Public Garage”, “Filling Station”, “Warehouse”, “Parking Garage”, “Place of Amusement”, “Builders Yard” and “Rail Transportation Services”.

SHOWROOM

Means land and buildings designed or used only for display of products and materials and excludes the sale or delivery of such products or materials on the same property.

SITE

Means a property which includes the area of any building, yard, courtyard or garden forming part of such property, including the area of any servitude registered over such property.

SITE DEVELOPMENT PLAN

Means a plan as described in Clause 33 to the Scheme.

SOCIAL HALL

Means a building designed for use, or used for cultural activities, social meetings, gatherings and recreational purposes, that is not profit seeking in its primary purpose and includes a “Bar” as subservient use and subject thereto that it is exclusively used by the visitors attending the activities and gatherings intended for the social hall, but excludes a place of amusement.

SPATIAL DEVELOPMENT FRAMEWORK

Means the Polokwane Spatial Development Framework prepared and adopted in terms of Sections 20 and 21 of the Act and Chapter 2 of the By-law.

SPAZA

Means a shop on a residential property only for the selling of daily convenience goods and prepared and pre-wrapped food, excluding alcoholic beverages, table games or electronic games, which shop shall not exceed 20m² in extent, alternatively not more than 20% of the area of the dwelling unit on the same property: Provided that, with special consent of the Municipality, this floor area component may be increased, subject to such conditions as the Municipality may deem appropriate.

SPECIAL CONSENT

Means the special consent of the Municipality contemplated in Clause 36 of the Scheme.

SPECIAL USE

Means land used or a building designed or used for any purposes not defined in this Scheme, or contained in Table "A" hereof. A special use is a consent use/right provided under provisions of Clause 36 (Special consent) of this Scheme, for any purposes not defined in the definitions, or contained in Table "A" thereof.

SPECIAL ZONING or SPECIAL

Means a "Use Zone" in its own right which does not contain standard purposes for which land may be used (uses) as well as conditions which the use is subject to. The purpose (use) for which the property may be used is separately stipulated by means of an Annexure P to this Scheme. A Special Zoning must specify the purpose (uses permitted) for which the property may be used, and if necessary provide a definition for such use, and the specific conditions under which it may be used and buildings erected, including reference to parking ratio's, Floor Area Ratio's and coverage. A Special Zoning shall not be in conflict with the purpose of a land use scheme, as provided in Section 25(1) of the Act and Section 17 of the by-law.

SPORTS GROUND

Means land and buildings used for sporting activities such as soccer, rugby, cricket, hockey, tennis, golf etc. and may include spectator stands, change rooms, ablution facilities, public transport facilities and other uses ancillary and subservient to the main use on the same property.

STATE PURPOSES

Means land and buildings owned by the State and used for purposes of the State, including offices, warehouses, parking garages, industry, telecommunications centre, hospital, institution, place of instruction and associated purposes.

STOREY

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

STREET OR ROAD

Means the area or portion occupied by any street, road, bridge, subway, avenue, lane, thoroughfare or right of way shown on the General Plan of a township or agricultural holding or in respect whereof the public has acquired a right of way by prescription or otherwise [also refer Section 63 of the Local Government Ordinance, 1939 (Ordinance 17 of 1939)].

STUDENT ACCOMMODATION or STUDENT TENEMENTS

Means a set of habitable rooms, flats or tenements forming part of a dwelling place or residence for students or a building/s specifically designed for and endorsed by an accredited tertiary education institution, to accommodate students registered to study with such institution, where communal kitchens and ablution facilities serve multiple bedrooms, each capable of accommodating a maximum of two (2) persons/students per student accommodation room and may, for the exclusive use of such students, also include dining facilities, recreational facilities, open spaces, study rooms or learning facilities, libraries, a gymnasium, canteen and subservient management and administration offices as well as a dwelling unit for the caretaker or guardian.

STUDENT ACCOMMODATION ROOM

Means a habitable bedroom forming part and designed to accommodate students as part of Student Accommodation or Student Tenements.

SURROUNDING OWNERS

Means the owners of any property abutting or sharing a common boundary with the relevant property including any property which is only separated by a road and any such other owners of property in the near vicinity as the Municipality may specifically identify.

TAVERN

Means land or a building on a residential property designed and used for the purposes of selling and serving liquor, including home-brewed and artisanal (craft) beer, home distilled liquor and wine, other beverages and prepared food/snacks, to be consumed on the premises, which tavern floor area shall not exceed 50m² in extent, alternatively not more than 25% of the floor area of the dwelling unit on the same property: Provided that, with the special consent of the Municipality, this area may be increased, subject to such conditions as the Municipality may deem expedient.

"*Shebeen*" shall have the same meaning.

TAXI HOLDING AREA

Means an area where minibuses (taxis) hold before proceeding to loading points and where generally there is no passenger activity. A holding area can either be included within or separate from a terminal facility.

TAXI PARKING AREA or TAXI BAY

Means a demarcated part of a parking area or a parking space or any other site which may be used by minibuses (taxis) to provide a public transport service and is further subject to provisions of Clause 34(1)(c).

TAXI RANK

Means a place at which minibuses (taxis) are allowed to wait and/or stop for passengers boarding or alighting.

TAXIDERMY

Means the process of preparing, stuffing and mounting skins and horns of animals and taxidermist will have the same meaning.

TEA GARDEN

Means land and a building designed and used for the preparation or retail sale of meals and light refreshments, and includes a café, tea room or coffee shop, but does not include a “Restaurant” and/or the subservient serving and consumption of liquor on the property. The area used for a tea garden may be restricted by the Municipality and is further subject to the policy of the Municipality as amended from time to time.

TELECOMMUNICATION STRUCTURE/S

Means any tower, mast, pole, structure or building designed or constructed to accommodate telecommunication equipment and/or antennas.

TEMPORARY BUILDING

Means a building identified as such by the owner, after consultation with the Municipality and which building is used, or will be used, for a specified limited period for a specified purpose.

TEMPORARY USE

Means land and buildings used temporarily for purposes contemplated in Clause 21 which may be in conflict with other provisions of this Scheme, but for which the Municipality has granted Permission for a specific period of time. A Temporary Use is further subject to provisions of Schedule 14.

TENEMENTS (BLOCK OF)

Means a set of habitable rooms forming part of a block of flats, where communal kitchens and ablution facilities serve multiple bedrooms, each capable of accommodating a maximum of two (2) persons.

TOWNSHIP

Means any property(ies), sites and/or land that —

- (a) is laid out or divided or subdivided into or developed or to be developed, as a single property or multiple properties for residential, business, industrial, institutional, educational, community services and/or similar or other purposes or land uses, as may be contained in a Land Use Scheme;
- (b) are arranged in such a manner as to have the character of what constitutes a township, in the opinion of the Municipality, including:
 - (i) intended or actual single or multiple ownership of erven, land or units, and or multiple land use rights; and/or
 - (ii) which may or may not be intersected or connected by or abut on any public or private street or roadway, in the case of a proposed sectional title scheme; and
 - (iii) public or private streets or roadways shall for the purposes of this definition include a right of way or any land used for purposes of a street, road, or roadway whether surveyed and/or registered, which is only notional in character

TOWNSHIP REGISTER

Means an approved subdivision register of a township in terms of the Deeds Registries Act, 1937

(Act 47 of 1937).

TRADITIONAL COMMUNITIES

Means communities recognised in terms of the Limpopo Traditional Leadership and Institutions Act, 2005 (Act of 2005).

TRADITIONAL COUNCIL or TRADITIONAL AUTHORITY

Means a traditional council that has been established and recognised for a traditional community in accordance with the provisions of Section 3 of the Traditional Leadership and Governance Framework Act, 2003 (Act No. 41 of 2003) or any corresponding provision in provincial legislation.

“*Mushate*” shall have the same meaning.

TRANSPORT DEPOT/SERVICE

Means land and buildings where vehicles used for cartage, transport services such as busses and trucks, security and emergency response vehicles, courier services in post, parcels and money or taxi services are parked, serviced, repaired and refuelled, but excludes a Public Transportation Terminal or terminus.

TRUCK STOP or TRAVEL CENTRE

Means a commercial facility which provides refuelling, rest (parking) and other services to motorists and truck drivers, including coaching inn, overnight accommodation facilities, a convenience shop, fast food take-away restaurants, entertainment and recreation areas, laundry facilities for truck drivers and vehicle wash bays, but excludes a Public Transportation Terminal.

UNDETERMINED

Means an unspecified use and a Use Zone which will enable the Municipality to defer a decision regarding a specific land use and development management provisions until the circumstances affecting the land unit have been properly investigated; or until the owner of the land makes an application for rezoning; or a zoning determination is made by the Municipality.

URBAN AGRICULTURE or URBAN FARMING

Means land used as a household or community food garden for the cultivation of crops, fruit trees and vinyards, horticulture within a settlement or urban area in order to increase the supply of healthy food to themselves, communities, fresh produce markets or shops, but it excludes the keeping and breeding of livestock or animals. It may include structures such as green houses.

USE ZONE or BASE ZONE

Means a part of this Scheme, as shown on the Map, by means of a distinctive notation or edging or other distinctive manner and indicating the primary category of zoning applicable to a particular land unit.

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.

VEHICLE SALES SHOWROOM

Means the display and sale of vehicles in a building only but does not include a scrap yard, public

garage or vehicle sales lot or motor dealership.

VETERINARY CLINIC

Means land and buildings used for the treatment, care of and operations on animals and may include the sale of veterinary medicines and specialised animal food and ancillary animal products and overnight facilities for animals.

WALL OF REMEMBRANCE

Means a structure where containers with the ashes of the deceased are interred in openings or niches in the structure and thereafter sealed and/or on which appropriate commemorative plaque can be attached.

WAREHOUSE

Means land used or a building designed and used for purposes such as distribution centres, wholesale trade, storage, cartage and transport services and offices directly related and subservient to the main use conducted on the land.

WHOLESALE TRADE

Means land used or a building designed and used for purposes of the selling of goods, in large quantities to retailers but excludes retail trade and trading as a “shop”, except if the Special Consent of the Municipality is procured as contemplated in Clause 36 of the Scheme.

WRITTEN CONSENT

Means the written consent of the Municipality, contemplated in Clause 37 of the Scheme.

ZONE (see USE ZONE)

PART 3: CONDITIONS APPLICABLE TO ALL PROPERTIES

10. EXCAVATIONS, BOREHOLES AND EARTH MOVING

Except where the land use zone otherwise permits or where the Written Consent of the Municipality has been granted or where an appropriate Water Use License has been procured as contemplated in the National Water Act, 1998, and subject to such conditions as the relevant authority may impose, neither the owner nor occupant (excluding where the local municipality, is the owner) shall, or allow any other person to—

- (1) Excavate any material from property within the area of the Scheme, save as may be necessary to prepare such property for building purposes in terms of an approved site development or building plan;
- (2) Sink wells or boreholes on such property within the area of the Scheme or extract any underground water there from; and
- (3) Manufacture or permit the manufacturing of tiles or earthenware, pipes or other articles of similar nature for any purpose whatsoever on a property within the area of the Scheme.

11. PROTECTION OF LAND

(1) No person may spoil or damage land so as to impair its use or the purpose for which it is zoned or otherwise earmarked.

(2) Where a nature conservation or historical conservation area or nature reserve occurs it shall be indicated by the following notation:



(3) Any application for a change in land use or the granting of a Special, Written or Temporary Consent for the use of land in terms of this Scheme shall be considered by the competent authority with the appropriate observation of:

- (a) any required authorisation contemplated in the National Environmental Management Act, 1998 (Act No. 107 of 1998) or succeeding legislation
- (b) stipulations contemplated in the National Water Act, 1998 (or succeeding legislation); and
- (c) the definition of a township as stipulated in the ruling legislation.

12. DRAINAGE OF STORMWATER

Where, in the opinion of the local municipality, it is impracticable for storm water to be drained from a higher lying property directly to a public street, the owner of the lower lying property shall be obliged to accept and permit the passage of such storm water over the lower lying property: Provided that the owner of a higher lying property from where the storm water is discharged over a lower lying property, shall be liable to contribute a proportionate share of the cost of a surface drain, or other device, which the owner of such lower lying property may find reasonably necessary to lay or construct for the purpose of draining the storm water so discharged over the property, subject to the prior approval of the surface drain, or other device by the Municipality.

13. PLACING AND DEVELOPMENT OF BUILDINGS

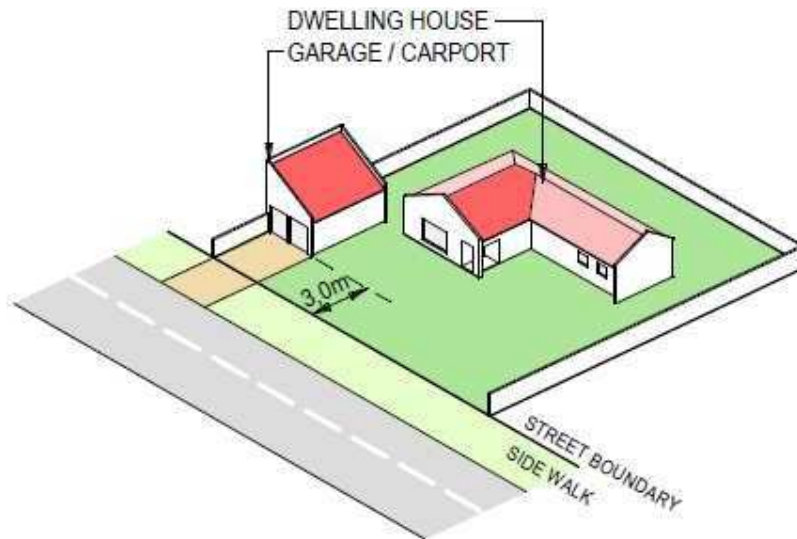
- (1) The position of buildings, including outbuildings on a property as well as exits from and entrances to a public street system shall be to the satisfaction of the Municipality.
- (2) Unless prior approval is procured from the Municipality and any other required authority, no building of any nature shall be erected on that portion of the property which is likely to be inundated by the flood water of a public stream on an average of 100 years, as may be determined by the relevant legislation from time to time.
- (3) Any site development or building plan of a property which may be affected by a floodline, shall reflect the accurate position of the floodline and contain a certificate signed by a Registered Professional Engineer, confirming such facts.

14. BUILDING LINES, SIDE SPACES, BUILDING RESTRICTION AREAS, LINES OF NO ACCESS AND ACCESS TO CERTAIN USE ZONES


- (1) Save as may otherwise be consented to in writing by the Municipality in terms of Clause 37 of this scheme no building or structure or any alteration, extension or addition to an existing building or structure, shall be erected in such a manner that such building or structure or any part thereof projects over or encroaches on a building restriction area stipulated in Table D: Provided that the consent of the Municipality shall not be unreasonably withheld.
- (2) Notwithstanding the provisions of Table D or any by-law -
 - (a) any step, gate, fence or wall, not exceeding 2,00 meters in height, measured from natural ground level, or any open porch, may encroach on the building restriction area;
 - (b) in the case of a building consisting of flats, balconies may project to a maximum distance of 0,70 meters over the building restriction area: Provided that:
 - (i) such balconies are associated with single dwelling units and are not enclosed; and
 - (ii) the aggregate length of all such balconies shall not exceed 50 % of the length of the building facing the building restriction area;
 - (c) a single storey garage, car-port or shelter for the parking of motor vehicles, laundry, private swimming-pool, change room for a private swimming-pool, tennis court, squash court; or storeroom may be erected on any portion of a building restriction area other than where such structures are adjacent to a street boundary: Provided that:
 - (i) the position thereof is not considered by the Municipality to be detrimental to the amenities of the adjoining property or properties;
 - (ii) the height above natural ground level thereof shall not exceed 3,00 meters;
 - (iii) the external face of the boundary wall shall be of face brick, unless an alternative durable finish is agreed to in writing by the owner or owners of the adjoining property or properties;

- (iv) except with the permission of the Municipality, the distance between the main building and such other building is a minimum of 2,0 meters;
 - (v) any car-port, shelter, which is attached to the main building and which is built on any boundary other than a street boundary, shall be completely open on two sides, and the length thereof shall not exceed 7,50 meters.
 - (vi) it be erected on or directly against the erf boundary or at least 1 meter from the boundary.
- (d) the Municipality may, subject to such conditions as it may deem fit, grant permission, in terms of Clause 38, that:
- (i) any building may encroach on any of the building restriction areas specified in Table D, provided that where such building is adjacent to a property zoned for residential uses, including “Special” for residential uses, it shall be subject to the approval of a Site Development Plan as contemplated in Clause 33;
 - (ii) any other wooden and/or metal structure designed and used exclusively as a doll’s house, poultry-house, aviary, pigeon loft, potting-shed, tool-shed, coal-shed, cycle shed, summer-house, pump-house, reservoir or dog kennel may be erected within a building restriction area, provided it is screened off behind a wall of at least 2,0 m high and not visible from a street and adjacent properties and it shall not be used for residential purposes or a Household Enterprise;
 - (iii) the maximum height of buildings and structures and distances alluded to in this clause be exceeded;
- (3) Reference to a southern boundary in Table D shall mean the boundary of a property, which approximates the southernmost side(s) of such property as may be determined at the sole discretion of the Municipality.
- (4) The building restriction area on any southern boundary shall be maintained to prevent overshadowing onto the adjacent properties during winter, except where special circumstances will allow an encroachment with permission of the Municipality in terms of Clause 38, but shall not apply where such boundary is shared with a street or road.
- (5) Save as may be otherwise consented to in writing by the Municipality in terms of Clause 37 of this scheme, a building line of 3 meters shall apply along the boundary of any property in the area of the Scheme fronting on an existing road or street in all Use Zones other than the demarcated Central Business District (CBD) as denoted on the Scheme Map: Provided that, on a property which is zoned “Residential 1”, a minimum street building line of 3,0 m shall be applicable to a garage or car-port which provides access perpendicular to the street. See **Diagram 1** hereunder. No building lines will apply to properties situated within the confines of the demarcated CBD.

DIAGRAM 1



- (6) Where a property fronts on a national or provincial road, or if otherwise provided for in the conditions of title of such property, the applicable building line shall be the building line prescribed by the Decision Making Authority, or 3 meters whichever is the wider, and such building line shall not be relaxed, modified or amended without the written consent of the Decision Making Authority and Municipality. The provisions of Clause 37 will be applicable.
- (7) All erven in approved townships are subject to the following conditions:
- (a) A discretionary servitude 2,0 meters wide in favour of the Municipality shall, if required, be provided for municipal services along any boundary, other than a street boundary, where such services are required to be installed or are indeed planned to be installed: Provided that, at least one side boundary shall be subject to a 2.0 meter wide building restriction area: Provided further that the Municipality shall waive this requirement by granting its Written Consent as contemplated in Clause 37 of the Scheme where there is no intention to install a municipal service in such servitude area.
 - (b) No building or other structure or any part of its foundations may be erected in the servitude area referred to in the afore-mentioned Sub-clause (a) and no tree with a potentially large root system may be planted within the afore- mentioned servitude area or within 2,0 meters thereof except with the permission of the Municipality.
 - (c) The Municipality shall be entitled to reasonable access to the land adjoining the servitude area referred to in the afore-mentioned Sub-clause (a) for the construction, maintenance or removal of such services as it may in its discretion deem necessary and shall be entitled to deposit temporarily on the afore-mentioned land material that may be excavated during the course of such activities subject to any damage thereby caused being made good by the Municipality at its cost.

- (8) The Municipality may grant Written Consent to relax a building restriction area applicable to any property upon receipt of a written application by the owner as part of an application to have a Site Development Plan approved in terms of Clause 33, where:
- (a) the Municipality is of the opinion that such relaxation will result in the improvement of the development potential and the aesthetical quality of the property;
 - (b) compliance with the building line requirements will unreasonably restrict development of the property due to the slope of the property or adjoining land, or the proximity of buildings already erected;
 - (c) the general character of the area permits such relaxation without prejudice to convenience of the area, privacy and traffic flow: Provided that if no building line is indicated on the Map, Annexure P or in these Clauses, the Municipality may, in its sole discretion, fix a building line and inform the owner in writing.
- (9) Where access to and exit from a property to any public street or road, is prohibited across a boundary line, such prohibition shall be indicated on the Scheme map by the following symbol:
- 
- Provided that the Municipality may, upon receipt of a written application from the owner grant Written Consent, in terms of Clause 37, to permit access to or exit from such property upon such conditions as it may deem fit, if, due to extraordinary circumstances, compliance with such restriction of access, will unreasonably restrict development of the property: 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 Decision Making Authority.
- (10) Where buildings and/or proposed buildings and/or extensions of buildings in Use Zones 5,6, 7, 8, 9, 10 and 11 are situated and/or proposed to be situated in close proximity to any building in Use Zones 1, 2, 3, and 4, the Municipality may permit access to such afore-mentioned building or land with proper consideration of the character of the residential area as well as the impact such access may have on existing buildings and such considerations shall inform the consideration of a site development and/or building plan by the local municipality.
- (11) The provisions of Table “D” pertaining to Use Zones Business 1, Business 2; Business 4 and Business 5 will not apply to erven situated within the area denoted on the Map inserted as Schedule 20 hereto.

15. SCREEN WALLS AND FENCES

- (1) A screen wall or fence shall be erected along the perimeter boundary of a property and maintained by the owner to the satisfaction of the Municipality, if and when required by it: Provided that any such screen wall will incorporate appropriate weep holes, alternatively stormwater outlets to the satisfaction of the Municipality.

- (2) The Municipality may, in approving an application for a change in land use, require the owner to erect a wall or fence along the perimeter of the property to a height it deems appropriate in order to improve the privacy of any adjacent property and the overall aesthetical quality of any development.

16. MAINTENANCE OF BUILDINGS, GARDENS AND SITES

- (1) The owner of a property within the area of the Scheme is responsible for the maintenance of the entire property to the satisfaction of the Municipality.
- (2) Where the amenity of any part of the area of the Scheme is detrimentally affected by the condition of any garden, site, building or any development on a property, the Municipality may, by notice served upon the owner and/or occupant of the premises on which such condition exists, require of such owner and/or occupant to take such steps as may be necessary, to remedy such condition. Such notice shall stipulate that the required steps are to be taken within a period of 28 days from date of notice (or such further period as the Municipality may deem appropriate) and such notice shall furthermore describe the remedial measures to be fulfilled by the owner/occupant at his/her expense.

17. PROTECTION OF EXISTING BUILDINGS

Save for the exceptions provided for in Section 167 of the By-law and save for minor structural alterations, all rebuilding of, alterations and additions to existing buildings shall comply with the provisions of this Scheme in as far as it may be required.

18. BUILDINGS USED FOR MORE THAN ONE PURPOSE

- (1) Where a building is used, or a proposed building is designed for more than one purpose, it shall, for the purposes of determining the permissible density, height, coverage, floor area ratio or applicable parking ratio, 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 Municipality shall, in its discretion when considering a site development or 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, determine which the predominant use is.
- (2) The Municipality shall notify the applicant of its determination in terms of (1) above, within twenty-eight (28) days or such other period the Municipality, in its discretion, may deem reasonable, after receipt of a site development plan or building plan or application.

LAND USE TABLES

(Insert land use tables here)

PART 4: USE OF BUILDINGS AND LAND IN USE

19. STRUCTURES WHICH MAY BE ERECTED IN ANY USE ZONE

Save for the owner of a property having to comply with the provisions of, *inter alia*, the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977) or any other applicable law, nothing in this Scheme prohibits the erection of entrance structures (other than entrance halls and entrance passages), pergolas, garden ornaments, garden walls and fences on any property within the Scheme area

20. APPLICATION OF USE ZONES

- (1) The purposes for which buildings and land in each of the Use Zones or Base Zones:
 - (a) may be erected and used (see Column 3 in Table A);
 - (b) may be erected and used only with the Special Consent of the Municipality, permanently or for a specified period (see Column 4 in Table A); or
 - (c) may be erected and used only with the Written Consent of the Municipality, permanently or for a specified period (see Column 5 in Table A); or
 - (d) may not be erected or used (see Column 6 in Table A); are listed in Table "A" of the Land Use Tables.
- (2) 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.
- (3) No person shall use or cause or allow to be used, any land or building or part thereof for a purpose other than that for which is provided for in this Scheme.
- (4) Proposed streets and widening of existing streets shall not be deemed to be streets until such streets or any portions thereof fall within a township which may be established or they are proclaimed as streets or become vested in the Municipality for that purpose under any other law: Provided that, if a township is established or subdivision of land is permitted, the position of the aforementioned streets may be amended to conform to the layout of the township or subdivision.
- (5) Where the Municipality has acquired, either by agreement or expropriation, any land together with buildings, structures or other erections thereon. The Municipality may execute thereon such works as may be required for or incidental to the purpose for which the land may be used in terms of this Scheme, or for Municipal Purposes.

21. TEMPORARY USE OF BUILDINGS AND LAND

- (1) Notwithstanding any contrary stipulation contained in this Scheme, the Municipality may grant its consent for the temporary use of any building or land within any use zone for any of the following:
 - (a) The erection and use of temporary buildings or the use of existing buildings or sites for site offices, storage rooms, workshops or such other uses that are in the opinion of the Municipality necessary for the erection of any permanent building or structure on the land or the installation of engineering services shall be to the satisfaction of the Municipality: Provided that such permission shall lapse, ipso facto, on completion of the permanent building or structure or the completion of the engineering contract.
 - (b) The temporary use of land or buildings for another purpose such as inter alia concerts,

fairs, circuses, bazaars, street vendors (informal trade), parking, place of amusement, public gatherings, religious purposes or meetings, social halls, exhibitions, state or municipal purposes and subject to such conditions as the Municipality may impose and further subject to the provisos:

- (i) the temporary uses described in (2), unless extended by the Municipality, shall be limited to a period not exceeding 6 consecutive hours per day, between the hours of 08:00 and 22:00;
 - (ii) any temporary uses contemplated in this clause shall not be granted for a period exceeding 12 months, which period may be extended by the Municipality in further increments of 3 months: Provided that the maximum period of temporary consent shall not exceed 24 months;
 - (iii) permission may be withdrawn after 30 days written notice to the owner if any conditions of the Permission are not met, malpractice occurs or the amenity of the area is prejudiced;
 - (iv) uses and activities on Public Open Space, Public Roads and the Municipal Use Zone is subject Council resolution and to provisions of Ordinance 17 of 1939 or any other applicable legislation dealing with public land and public roads;
 - (v) All outdoor advertisement shall comply with the municipality's by-laws in respect of Outdoor Advertisement.
- (2) Any owner of a property situated within the area of the Scheme (hereinafter referred to as "the applicant") intending to apply to the Municipality for Temporary Consent in terms of Clause (1)(b) above and for the uses provided for in Schedule 14, shall submit such application in writing in the prescribed form supplied by the Municipality as set out in sub-clauses (4) to (8) hereof.
- (3) Where land is regarded as public land as in the case of Public Open Space, Public Roads or the Municipal Use Zone, the applicant shall first obtain the approval of the Council of the Municipality and comply with all requirements Council may lay down in this regard.
- (4) The applicant shall, in the prescribed manner and format of the Municipality:
- (a) post and display a placard notice in the official language/s as prescribed by the Municipality and maintain same, for a period of not less than 14 consecutive days, in a conspicuous position, visible from a public street, on each separate property in the case of erven and at the place where the use is intended on a Public Road, to which such application shall apply; and
 - (b) serve notices on owners of properties situated adjacent to the applicant's property and such other persons or bodies which may be identified by the Municipality for such purpose.
 - (c) The notices referred to in sub-clause (a) shall:
 - (i) contain the name and address of the applicant and the local municipality;
 - (ii) provide the description and situational context of the property of the applicant;
 - (iii) particulars of the purpose for which the land and buildings are proposed to be used and the relevant relief sought, as contemplated in (1)
 - (iv) state that such notice, together with the application documents shall lie for

inspection at the office of the Municipality and the address of the applicant; and that any objection to or representation in connection with such application shall be lodged simultaneously with the Municipality and the applicant within a period of 28 days calculated from the day when the notice was first displayed on the site and served on the parties as contemplated in (4)(b)

- (v) The placard notice contemplated in (4)(a) shall not be less than 594mm by 420mm in size and no letter thereon shall be less than 6mm in height.
- (5) The applicant shall submit an affidavit to the Municipality confirming that the notice contemplated to in (4)(a) was properly displayed and maintained and that the notices contemplated in (4)(b) were duly served.
- (6) Upon the applicant having complied with provisions of (5) above, the Municipality shall:
 - (a) in the case where no objection or any representation is received from any interested or affected party consider the application and either refuse or approve such application and inform the applicant within a period of 56 (fifty-six) days from date of receipt of the affidavit contemplated in (5) above;
 - (b) in the case where an objection or representation is received from an interested or affected party in opposition to the application or any part thereof, conduct a hearing as contemplated in 36(8) and for such purpose, the provisions of 32(9) up to and including 36(13) shall apply, mutatis mutandis.
- (7) Any Temporary Consent granted by the Municipality shall be recorded separately from any other Consent Use Register and be maintained by the Municipality.
- (8) The Municipality may prescribe an application form/s for a Temporary Consent and/or for the different types thereof.
- (9) Any use contemplated in sub-clause (1)(a) is exempted from the application procedures set out in sub-clauses (4) to (6) above.

22. USE OF BUILDINGS AND LAND FOR ELECTRONIC COMMUNICATION FACILITIES AND STRUCTURES

- (1) The use of buildings and land for Electronic Communication Facilities and Telecommunication Structures in all Use Zones and land shall be consistent with provisions of Schedule 11.
- (2) Electronic Communication Facilities and Telecommunication structures with an extensive impact or which is regarded as predominant by the Municipality as provided for in Schedule 11, requires the Special Consent or Written Consent from the Municipality as provided for under Table “A” and Schedule 11.
- (3) Schedule 11 provides in the categories of Electronic Communication Facilities and Telecommunication structures in Use Zones which are exempted from obtaining approval from the Municipality or which is accommodated under Column 1 of Table “A” (Uses permitted) in specific Use Zones, subject thereto that such use complies with provisions of Clause 22(4) below.
- (4) All Electronic Communication Facilities and Telecommunication structures shall comply with legislative provisions of:
 - a. the Civil Aviation Act (Act 13 Of 2009)

- b. the National Environmental Management Act (Act No.107 of 1998)
- c. the National Building Standards and Building Regulations Act (Act No.103 of 1977)
- d. the Electronic Communications Act (Act No. 36 of 2005)
- e. the National Heritage Resources Act (Act 25 of 1999)

PART 5: SPECIFIC CONDITIONS AND LIMITATIONS APPLICABLE TO USE

23. OBJECTIVE OF USE ZONE 1: RESIDENTIAL 1

- (1) The objective of this use zone is to provide for residential development in urban areas or approved townships where the predominant type of accommodation is a dwelling house for a single family, known as single residential erven.
- (2) Limited opportunities are also provided as secondary rights (consent uses), subject thereto that the dominant use of the property remains residential and impacts of such uses do not adversely affect the quality, convenience and character of the surrounding residential environment.

24. CONDITIONS APPLICABLE TO ERVEN ZONED RESIDENTIAL 1

- (1) Where application is made for the subdivision of an erf zoned "*Residential 1*" into two or more portions (hereafter referred to as "resultant erf or erven") in terms of Section 67 of the By-law, or any superseding legislative provision such application shall not be granted if, as a result of such subdivision, any resultant erf will –
 - (a) have a size, which is smaller than the minimum erf size specified in an adopted policy of the Municipality or Overlay Zone, as may be applicable from time to time;
 - (b) not have vehicular access to a public street to the satisfaction of the Municipality.
- (2) Where the subdivision of an erf is approved, such subdivision shall, subject to the following conditions in addition to any conditions imposed by the decision making authority:
 - (a) The resultant erf shall have an acceptable shape and street frontage for vehicular access; or if such resultant erf is an erf with a panhandle then:
 - (i) the panhandle shall provide access from a street to the panhandle portion;
 - (ii) the panhandle shall be not less than 3 m wide along its entire length and not wider than 8 m, except with the Written Permission of the Municipality;
 - (iii) the area of the panhandle portion, excluding the panhandle, shall be in accordance with the minimum erf size requirements of this Scheme;
 - (iv) the slope of the panhandle shall not exceed 1:8: Provided that the Municipality may grant Permission to deviate from this requirement in special circumstances;
 - (v) a panhandle shall provide access only to the erf of which it forms a part, as well as a property in favour of which a servitude of right of way has been registered over the panhandle, except where the Municipality determines otherwise;
 - (vi) the registered owner of the panhandle portion shall, at own expense, pave the panhandle to the satisfaction of the Municipality prior to or simultaneously with the erection of any building on the erf and such paved panhandle access shall thereafter be maintained dust free to the satisfaction of the Municipality;
 - (vii) the registered owner of the panhandle portion shall when required by the Municipality, erect screen walls or appropriate fencing or barriers along the boundaries of the panhandle to the satisfaction of the Municipality;
 - (viii) no buildings or structures shall be erected in the panhandle access; and
 - (ix) the minimum street frontage of the panhandle access shall not be less than 3,0 m.

- (b) The requisite minimum street frontage or width of a panhandle access to a resultant erf may be varied to the satisfaction of the Municipality on condition that:
- (i) a servitude of right of way to a public street, to the satisfaction of the Municipality, is registered in favour of such resultant erf;
 - (ii) such servitude shall have a width of not less than 3,0 m and not more than 8,0 m; and
 - (iii) the boundaries of such servitude shall be deemed to be a side or rear boundary of the erf over which it is registered.
- (3) Where any portion of a "Residential 1" erf is physically severed from such erf owing to the execution of municipal or similar works or where a portion of the erf stands to be severed by the proposed execution of such works, the portion so severed shall be deemed to be an existing erf and a dwelling-house may be erected thereon or an existing dwelling-house may be retained thereon: Provided that the size and shape of such erf, in relation to the surrounding erven, is to the satisfaction of the Municipality.
- (4) Where a "Residential 1" erf has a density of "One dwelling-house per erf", as indicated in this Scheme, then such erf shall not be subdivided into portions smaller than the maximum density provided for in Overlay Zone 2: Urban Density Overlay Zone, or the density restriction of the Scheme is appropriately amended.
- (5) Where the density of a "Residential 1" erf is increased in terms of provisions of Clause 36 read together with Table "C" of the Land Use Tables, the erf shall not accommodate more than 6 dwelling units in total at any time on such erf, despite provisions of the increase permitted or unless such erf is properly subdivided to create new single residential erven subject to provisions of Clauses (1) to (4) above.

25. CONDITIONS APPLICABLE TO ERVEN ZONED RESIDENTIAL 2, 3 AND 4.

- (1) The internal driveways or paths on the property shall be constructed and maintained by the owner as required by the Municipality.
- (2) The erf or any group of erven shall not be subdivided by creating portions with detached or semi-detached dwelling units thereon, before full implementation of the proposals embodied in the approved site development plan relating to the particular erf or group of erven have been fully implemented or the Municipality granting 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.
- (3) The Municipality may, when considering an application for a change in land use or when considering a Site Development Plan in respect of such erven, require the owner to erect a wall of 1,8 meter or any other height the Municipality may deem appropriate in order to improve privacy of an adjacent property and the overall aesthetical quality of any development.
- (4) No construction may commence without the prior approval of a site development plan by the Municipality and subject to whatever conditions may be imposed in terms of such approval.
- (5) Residential 2 erven are further subject to the conditions listed in Schedule 2
- (6) Residential 3 erven are further subject to the conditions listed in Schedule 3

26. CONDITIONS APPLICABLE TO PROPERTY ZONED RESIDENTIAL 5 (USE ZONE 5) AND AGRICULTURAL (USE ZONE 16) OR SIMILAR LAND OR SITES NOT LOCATED WITHIN AN APPROVED TOWNSHIP

- (1) The objective of this use zone is to provide for residential development in rural areas or settlements where such settlements fall outside approved townships but within the Traditional Authority areas and/or communal land. The predominant type of accommodation is a dwelling house for a single family.
- (2) Limited opportunities are also provided as secondary rights (consent uses), subject thereto that the dominant use of the site remains residential and impacts of such uses do not adversely affect the quality, convenience and character of the surrounding residential environment
- (3) Any building or uses permitted in Table “A” of property zoned Residential 5 or Agricultural and/or any Use Zone or land or property or sites not located within an Approved Township, is subject to the following conditions and expressed presumption:
 - (a) The owner of any property or building within these mentioned Use Zones is responsible to ensure, and acknowledge by occupation of any building or land in these Use Zones, that no building shall be erected on a portion of the property which:
 - (i) Is or is likely to be inundated by flood water of a stream on an average of 100 years, as may be determined by the relevant legislation from time to time
 - (ii) Is or is likely to be affected by adverse soil conditions or underlying dolomite
 - (iii) Is or is likely to be affected by underground mining
 - (b) The municipality may, during consideration of a Site Development Plan and/or buildings plans and/or at any time, require from the owner to submit the following and further lay down appropriate conditions pertaining to the suitability of the land and location of buildings, namely:
 - (i) A 1:100 year floodline certificate signed by a Registered Professional Engineer and a plan reflecting the accurate position of any floodline affecting the property
 - (ii) A suitable geotechnical investigation by a competent person or Professional Engineer and a plan reflecting geotechnical conditions and where applicable, recommendations for implementation of specific design and/or precautionary measures contemplated in the National Building Regulations and Buildings Standards Act, 1977 (Act 103 of 1977) to reduce the risk of structural damage of buildings to be erected on the land in order to address possible adverse geotechnical characteristics present.
- (4) The municipality may, during consideration of a Site Development Plan and/or buildings plans and/or at any time, if the buildings and land uses on the land within the mentioned Use Zones, or land not located within an approved township, but which constitutes a township in its opinion, give a directive to the owner of such land that the township must be formalized as contemplated in Section 54 of the By-law.
- (5) Failure or refusal of such owner to comply with the directive of the municipality to establish an approved township contemplated in sub-clause (2) above, may result in the Municipality proceeding with provisions of Clause 48(2) herein.

27. CONDITIONS APPLICABLE TO PUBLIC GARAGES AND FILLING STATIONS

- (1) No material or equipment of any nature whatsoever shall be stored or stacked to a height exceeding the height of the screen wall: Provided that the Municipality may relax this condition if, in the opinion of the Municipality it shall not be detrimental to the general amenity of the neighbourhood.
- (2) No repairs of any nature to vehicles or equipment shall be affected outside the garage building, except in an area which is screened to the satisfaction of the Municipality for that

purpose: Provided that the Municipality may grants its Written Consent to relax this condition where the erf is situated within, adjacent to or surrounded by industrial uses.

- (3) No material or equipment of any nature shall be stored or stacked outside the garage building except in an area which is screened to the satisfaction of the Municipality for that purpose: Provided that fuel pumps or oil and fuel installations may be sited outside the building to the satisfaction of the Municipality: Provided further that the Municipality may grants its Written Consent to relax this condition where the erf is situated within, adjacent to or surrounded by industrial uses.
- (4) Canopies over fuel pump installations are not regarded as coverage but shall be considered as Floor Area in terms of this Scheme.

28. CONDITIONS APPLICABLE TO AN ACCESS CONTROL FACILITY AND PRIVATE STREETS/ROADS

- (1) A property used for access control purposes and/or as a private street shall be subject to Written Consent by the Municipality first had and obtained and shall be owned by a Property Owner's Association or company not for gain or any similar legal entity of which all owners of properties within the area served by the access control facility and/or private street are members/shareholders of such entity: Provided that the conditions imposed by the Municipality may be amended by Written Consent, as contemplated in Clause 37 of the Scheme.
- (2) The Articles of Association or Constitution of the Property Owner's Association or Company not for gain or any similar legal entity referred as aforesaid must be accepted by the Municipality before any access control is applied and must, in the opinion of the Municipality, be consistent with any relevant municipal by-laws, municipal policies and the Constitution of the Republic of South Africa.
- (3) A property used for access control purposes Under Use Zone 19: Public Street, shall be subject to Written Consent by the Municipality first had and obtained and shall be leased from the Municipality by a Property Owner's Association or company not for gain or any similar legal entity of which all owners of properties within the area served by the access control facility are members/shareholders of such entity: Provided that the conditions imposed by the Municipality may be amended by Written Consent, as contemplated in Clause 37 of the Scheme.
- (4) The means by which access control is carried out and/or the property may be used, shall at all times, in the opinion of the Municipality:
 - (a) be lawful,
 - (b) not infringe on the rights of members of the public as reflected in the Bill of Rights in the Constitution of South Africa;
 - (c) not cause any danger and/or interference with normal traffic and pedestrian movement on any adjacent public road; and
 - (d) not create any danger to human lives.
- (5) Access and free movement through any access control facility and/or across any private street, by persons rendering emergency services, the Municipality or the post and telecommunication services or government services, shall at all times be permitted and shall not be hindered in any way.
- (6) The Municipality may maintain a private street at the cost of the owner, should the owner not maintain the said private street to the satisfaction of the Municipality.

- (7) The application of access control by the owner of a private street shall at all times, be to the satisfaction of Municipality. Should the owner, fail to comply with any condition imposed by the Municipality, the Municipality may amend the Scheme with regard to the use of such private street or access control facility in any way it deems appropriate: Provided that no compensation shall be payable to the owner under such circumstances.
- (8) Buildings, screen walls, security gates and booms, shall be erected to the satisfaction of the Municipality in accordance with an approved Site Development Plan.
- (9) Access gates or booms and access control facilities must be manned 24 hours a day, 7 days a week
- (10) Access gates or booms in operation after normal business hours shall be adequately illuminated to the satisfaction of the Municipality.
- (11) Employees on duty at any access control facility shall be registered with the Security Officer's Board, and shall produce registration cards to prove such status on request to any person passing through the control point.
- (12) The contact details of the company responsible for the control point staff and/or security guards at the access control facility as well as the contact detail of the resident's association (Home Owners' Association), must be posted at the facility and be put on public display at such point.
- (13) No fee may be charged at any access control facility.
- (14) All signage erected within the reserve of a private street or at an access control facility shall comply with the policies and by-laws of the municipality and the conditions described in the South African Road Traffic Signs Manual to the satisfaction of the local municipality.
- (15) In the case where an existing road or street is temporary closed, signage must be provided and maintained by the resident's association (Home Owners' Association) in the vicinity of the access control facility and any closed off road or street, to warn traffic of the closure and direct it to an alternative route. All signage must be in accordance with the South African Road Traffic Signs Manual to the satisfaction of the local municipality.

29. DENSITIES AND OCCUPATION

- (1) Column 7 in Table "C" stipulates the maximum permitted density of dwelling units that may be erected per hectare of land or per erf or per land portion (whichever may be relevant). The extent to which the density may be increased by Special Consent or Written Consent of the Municipality, as the case may be, is stipulated in Columns 8 and 9 of Table "C".
- (2) The subdivision of a property (where relevant) shall comply with the density stipulations as set out in Table "C" and Table "E".
- (3) In addition to any other conditions that may be applicable to the subdivision of a property, the following further conditions will be applicable to panhandle subdivisions:-
 - (a) the panhandle shall provide access from a street to the subdivided property;
 - (b) the panhandle shall be 3m or wider along its entire length, unless the Municipality grants Written Consent for a lesser width, subject to such conditions it may deem appropriate;
 - (c) the area of the subdivided property, excluding the area of the panhandle, shall be in accordance with the density provisions of this Scheme;
 - (d) except with the Written Consent of the Municipality, the slope of the panhandle shall not

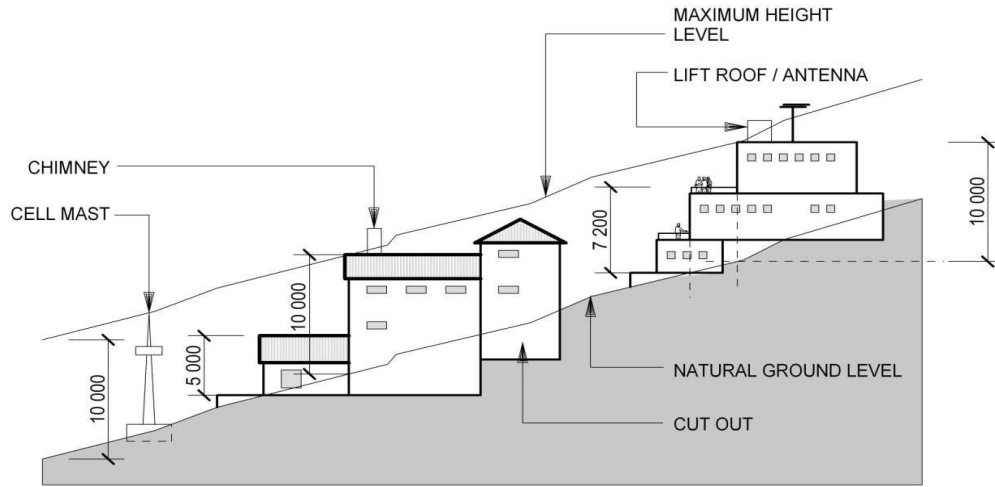
exceed 1:8;

- (e) a panhandle shall provide access only to the property of which it forms 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 Municipality determines otherwise;
 - (f) the registered owner of the panhandle property shall, when required by the Municipality, at his expense, pave the panhandle to the satisfaction of the Municipality prior to or simultaneously with the erection of any building on the property and such roadway shall thereafter be maintained dust free to the satisfaction of the Municipality;
 - (g) the registered owner of the panhandle property shall, when required by the Municipality, erect screen walls, fencing or barriers along the boundaries of the panhandle to the satisfaction of the Municipality.
 - (h) No buildings or structures except screen walls and barriers shall be erected in the panhandle portion of a property.
- (4) Not more than one household, together with two other persons, which may not exceed a maximum of eight (8) persons may live on a permanent basis in a single dwelling unit: Provided that additional occupants may be permitted with the Written Consent of the Municipality first had and obtained.
- (5) Nothing in this Scheme shall prohibit the erection and/or use of outbuildings to accommodate *bona fide* employees on a productive farm, game or nature reserve or nature conservation area on a property zoned "Agricultural" or "Protected Area" in terms of this Scheme.

30. HEIGHT OF BUILDINGS AND BALCONIES

- (1) Column 10 in Table "C" stipulates the permissible height of a building on a property. The extent to which the height may be increased by Written Consent of the Municipality, prior to the erection of any new building, is stipulated in Column 11 of Table "C".
- (2) The Municipality shall consider a proposed increase in the height of any building exceeding five (5) storeys with due consideration to any height restriction and/or restrictions laid down by the South African Civil Aviation Authority and/or any other competent authority and/or restrictions in the Title Deed: Provided that, an application for an increase in height of buildings on properties in the demarcated CBD (as per Schedule 18) shall not be unreasonably withheld by the Municipality.
- (3) If a proposed dwelling unit or proposed residential building on a property in use zones "Residential 1, 2, 3, 4", 5, "Agricultural" or "Protected Area" exceeds 1 storey and contains any balcony to be situated within 5 meters from any boundary thereof and, in the opinion of the Municipality, such building may impact on the amenity, privacy, aesthetic value of, or view from an adjacent property, an application for Written Consent shall be submitted to the Municipality for approval prior to the erection of such building. **Diagrams 2** illustrates the manner in which height will be calculated when site development and building plans are evaluated by the Municipality.

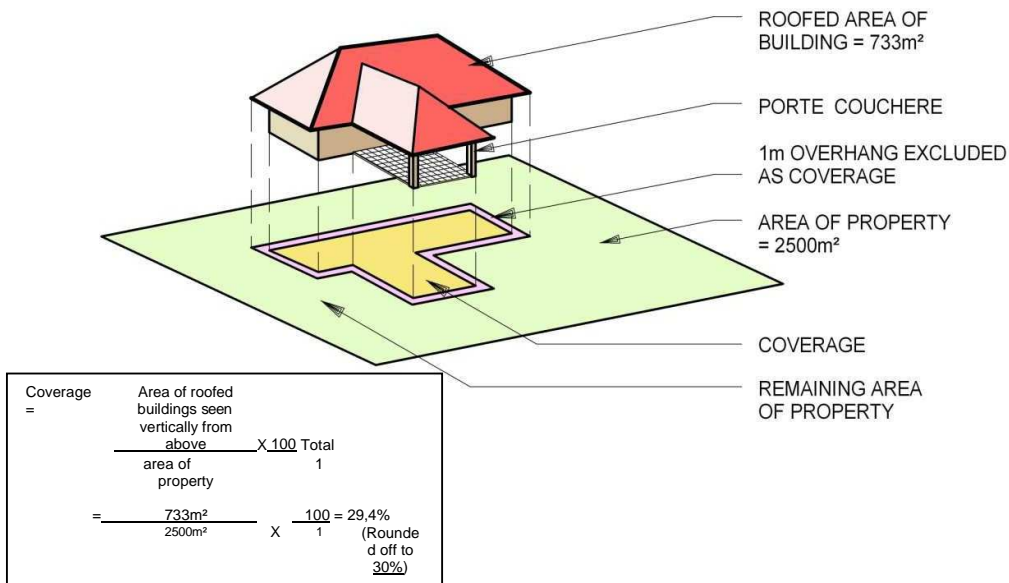
DIAGRAM 2



31. COVERAGE OF BUILDINGS

- (1) Column 12 in Table “C”, stipulates the permissible coverage of buildings and structures which may be constructed on a property. The extent to which the coverage may be increased (relaxed) by Written Consent of the local municipality, is stipulated in Column 13 of Table “C”.
- (2) Coverage of buildings shall not exceed the coverage stipulated in Table “C” except in cases where the Written Consent of the Municipality is first had and obtained, and then only on condition that the total number of parking spaces required in terms of the Scheme and in accordance with Table “B”, Column 5 can be provided to the satisfaction of the Municipality. **Diagram 3** illustrates the manner in which coverage will be calculated when site development and building plans are evaluated by the Municipality.

DIAGRAM 3



32. FLOOR AREA RATIO (F.A.R.)

Column 14 in Table "C", stipulates the permissible Floor Area Ratio which may be applied to determine the extent of permissible floor area that may be executed on a property. The extent to which the Floor Area Ratio may be increased with the Special Consent of the Municipality is stipulated in Column 15 of Table "C". The calculation of floor area is as per Schedule 4.

33. SITE DEVELOPMENT PLANS AND LANDSCAPE DEVELOPMENT PLANS

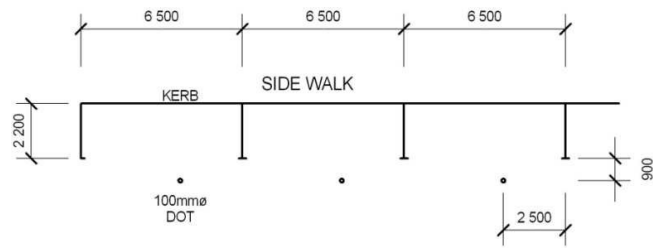
- (1) The Municipality may require of the owner of any property intending to erect a building or structure thereon, to provide one or all of the following plans in addition to buildings plans required in terms of the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977) to be considered for approval before any building plans are submitted, namely:
 - (a) A Site Development Plan; and
 - (b) A Landscape Development Plan, if required,
- (2) The Site Development Plan shall be fully detailed, to a minimum scale of 1:200 (or such other scale as may be acceptable to the Municipality), which shall be amplified by means of sketch plans, sections and elevations of all buildings to an appropriate scale of 1:100: Provided that the Municipality may accept scales other than the afore-mentioned and which fully illustrates the following aspects:
 - (i) the siting, height, FAR and coverage of all buildings and structures (proposed extensions included) and the number of dwelling-units per hectare;
 - (ii) landscaping, communal open spaces, children's play areas, private living areas, backyards, laundry rooms, drying areas for washing, refuse-bin area, and swimming pool, as well as the location, height, construction and finish of screen walls or other acceptable forms of screening;
 - (iii) entrances to and exits from the erf to any public street;
 - (iv) the proposed lines of subdivision if the erf is to be subdivided;
 - (v) entrances to buildings, parking spaces, loading spaces and vehicular and pedestrian traffic systems;
 - (vi) building restriction areas and the building set-backs on any boundary;
 - (vii) the location of existing buildings on adjoining erven;
 - (viii) contour lines with 0,5 m intervals or other intervals or height indications to the satisfaction of the Municipality;
 - (ix) the grouping of dwelling-units and the phasing of the development if it is envisaged not to develop the whole erf simultaneously;
 - (x) the design, height and finish of all buildings and physical barriers on the street boundaries if these are required by the Municipality;
- (c) An approved Site Development Plan shall only be amended with the Written Consent of the Municipality and no building plan which does not comply with the details, provision and conditions as set out in the approved Site Development Plan, shall be approved by the Municipality.
- (d) No individual dwelling-unit which is linked to another dwelling-unit and/or ancillary outbuilding, shall be occupied before the relevant building of which the dwelling-unit forms part, is completely developed: Provided that the Municipality may, in exceptional cases, grant Permission thereto.
- (3) The landscaping in terms of the Landscape Development Plan shall be completed within three months of the completion of the development or any phase thereof. The continued maintenance of the landscape development shall be to the satisfaction of the Municipality.

- (4) A Professional Landscape Architect shall prepare the landscape development plan, which shall comply with the following requirements:
 - (a) The plan shall be fully detailed to a scale of 1:200 (or such other scale as may be acceptable to the Municipality).
 - (b) The existing natural features and vegetation on the property shall be indicated.
 - (c) The proposed soft and hard landscape design information shall specify the species, quantities and qualities of the plants.
- (5) The Municipality shall, on receipt of a Site Development Plan and/or Landscape Development Plan (hereafter referred to as "the plans"):
 - (a) consider same and, if found to comply with the aforesaid requirements, approve the plans; or
 - (b) having regard to the character and quality of the area to which such plans apply, or of the existing and/or future buildings or structures therein, the proposed building or structure would, in the opinion of the Municipality, detract from the character and quality thereof, refuse to approve plans and shall give notice of its decision to the owner, if refused the reasons for such refusal.
- (6) Save as far as Section 7(6) of the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977) no owner of any property shall commence the erection of any building or structure before the afore-mentioned Site Development, Landscape and Building Plans have been approved of by the Municipality.

34. PARKING ZONES, LOADING ZONES AND DROP-OFF ZONES

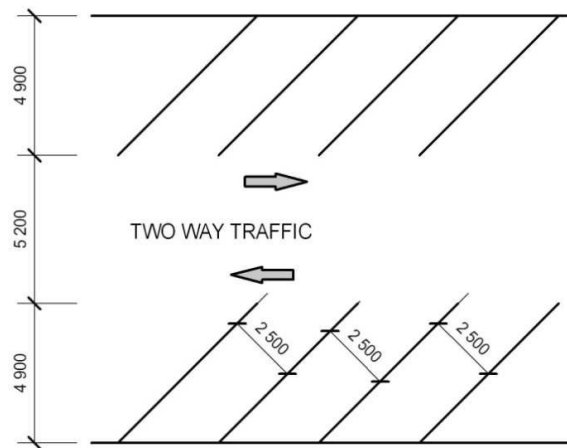
- (1) Parking spaces together with sufficient manoeuvring space shall be provided on a property in accordance with the provisions in Column 5, Table "B":
 - (a) Effective parking and manoeuvring space shall be provided, laid out, constructed and maintained on a property to the satisfaction of the Municipality, and the layout and construction thereof, shall be subject to the approval of the Municipality, to generally accord with Diagrams 4, 5 and 6.
 - (b) The number of parking spaces to be provided in all Use Zones shall be in accordance with the provisions in Table "B".
 - (c) If the parking area on an erf does not provide for public transport facilities, the owner may on its own accord or if required by the Municipality, provide in such facilities subject to provisions of Schedule 24.
 - (d) The extent to which the required parking space may be relaxed with the Written Consent of the Municipality is stipulated in Column 6 of Table "B" and is further subject to provisions of Schedule 22.

DIAGRAM 4



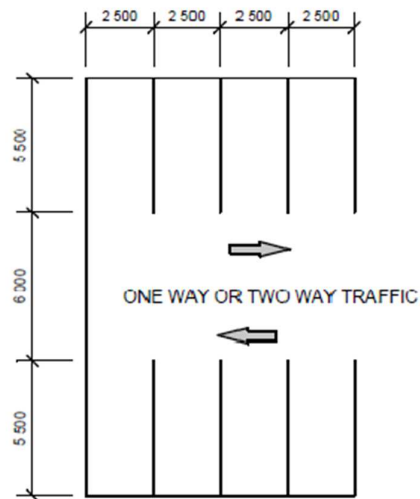
PARALLEL ON STREET PARKING

DIAGRAM 5



45° PARKING LAYOUT

DIAGRAM 6



90° PARKING LAYOUT

- (e) In the case where an owner constructs a new building, or where additional building floor area is added to an existing building, the Municipality may during consideration of a site development plan, grant Permission for the relaxation of required parking, as stipulated in Table "B", subject to the following further conditions:
 - i. The owner shall be liable for payment of a cash contribution to the municipality in lieu of the provision of parking spaces for all parking spaces required, but not provided on the property, subject to further provisions set out in Schedule 22 hereof
 - ii. Such contribution for parking shall be used solely by the municipality for the provision of parking spaces in close proximity of the owner's property or elsewhere in the municipal area
 - iii. The owner shall submit a valuation certificate by a registered professional Property Valuer indicating the value of the land (expressed in Rand value per m²) of the intended use of the property for the purpose of the municipality calculating the cash contribution contemplated above and set out in Schedule 22.
 - (f) Notwithstanding the provisions of the abovementioned Clauses, the municipality may upon receipt of a written request, in the case of existing buildings located in the area contemplated in Schedule 20 hereof, and which was legally developed prior to the commencement of this scheme, where a re-development or alternative use of the building is envisaged subject thereto that no building floor area is added, exempt the owners from providing any parking on the erf.
 - (g) The owner of a building may, if applicable, subject to the provisions of a site development plan, allocate parking spaces as he wishes. He may also, in his discretion, impose market related rentals for the parking spaces as well as an access control, subject thereto that such access control is not detrimental to the traffic flow of the adjoining road system, and subject to the municipality's policy as may be amended from time to time.
 - (h) The owner of a building in respect of which parking spaces are required in terms of the Scheme, shall maintain such parking spaces in a proper condition for such purposes to the satisfaction of the Municipality.
- (2) In addition to normal parking requirements, the Municipality may require a drop-off zone in respect of a "Place of Instruction" or "Crèche" as provided under Use Zone 1, 2, 3 and 4.
- (3) Loading spaces and areas shall be provided as follows:
- (a) The Municipality may, upon application being made for approval of a Site Development or Building Plan and any amendment thereof, require of the owner of the property to 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 fueling of service vehicles.
 - (b) 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 fueling of vehicles otherwise than in accordance with the Written Permission from the Municipality and in accordance with any conditions imposed.
 - (c) In any Business or Industrial land use zone, the owner of a property shall, if required

by the Municipality, provide loading space to the satisfaction of the Municipality, regardless of the size of the building erected thereon.

35. USE OF ANNEXURES AND SPECIAL CONDITIONS

- (1) Land use rights, conditions and limitations, other than those stipulated in this Scheme, applicable to any property within any use zone within the Scheme area must be stipulated on an approved:
 - (a) Annexure "P" to this Scheme, as per the format in Schedule 16 in the case of Base or Use Zones
 - (b) Annexure "Z" to this Scheme, in the case of an Overlay Zone adopted after commencement date of the of the scheme.
- (2) The land use rights, conditions and limitations referred to in an Annexure P to the Scheme shall:
 - (a) apply in addition to the general provisions of this Scheme; and
 - (b) prevail, in case of conflict between such rights, conditions and limitation stipulated in an Annexure P and any provision of this Scheme;
- (3) An Annexure "P" contemplated in this Clause shall consist of a sheet or sheets upon which is shown:
 - (a) the number of such Annexure, prefixed by the letter "P";
 - (b) a description of the property to which it applies, to accord with the registered status of such property in the records of the Registrar of Deeds;
 - (c) the land use rights, conditions and limitations applicable to the property which will apply in addition to or in substitution of the standard provisions of this Scheme;
 - (d) the description and number of the Amendment Scheme to which the Annexure "P" pertains; and
 - (e) the signature of the relevant official of the Municipality duly authorized thereto by resolution, together with the date, to reflect the approved status of the document, which date shall accord with the date of promulgation of the amendment Scheme by notice in the Provincial Gazette.

(The format of a standard Annexure "P" sheet is illustrated in Schedule 16 hereto).
- (4) Where relevant, an Amendment Scheme and Annexure "P" shall be accompanied by a map denoting the property by means of a diagram of the property concerned, which diagram shall correspond with the layout shown on the Map.
- (5) The number of the Annexure "P" concerned shall be inscribed inside a double circle within or adjacent to the figure of the relevant property on the Map and, if adjacent to such figure, shall be joined thereto by means of a line.
- (6) The land use rights, conditions and limitations referred to in an Annexure "Z" to the Scheme shall:
 - (a) apply in addition to the general provisions or a Use Zone of this Scheme; and
 - (b) in case of conflict between the Overlay Zone and any provision of this Scheme, the Overlay Zone shall prevail over any provision of the Scheme

- (7) An Annexure “Z” contemplated in this Clause shall consist of a sheet or sheets upon which is shown:
- (a) the number of such Annexure, prefixed by the letter “Z”;
 - (b) a Map delineating the area or boundaries of the Overlay Zone of the properties or area to which it applies.
 - (c) the land use rights, conditions and limitations applicable to the property which will apply in addition to or in substitution of the standard provisions of this Scheme;
 - (d) the description and number of the Amendment Scheme to which the Annexure Z pertains; and
 - (e) the signature of the relevant official of the Municipality duly authorized thereto by resolution, together with the date, to reflect the approved status of the document, which date shall accord with the date of promulgation of the amendment Scheme by notice in the Provincial Gazette.

PART 6: SPECIAL AND WRITTEN CONSENT AND PERMISSION OF MUNICIPALITY

36. APPLICATION FOR SPECIAL CONSENT OF THE LOCAL MUNICIPALITY

- (1) Any owner of a property situated in the area of the Scheme (hereinafter referred to as "the applicant"), intending to apply to the Municipality for Special Consent for:
 - (a) the erection and use of a building or for the use of land in any use zone, for any purpose which requires the Special Consent of the Municipality in terms of Column 4, Table "A"; and/or
 - (b) an increase in the density of an erf (as per Column 10, Table "C"); and/or
 - (c) an increase of the floor area ratio (as per Column 16, Table "C");

shall submit such application to the Municipality in writing, in the prescribed form supplied by the Municipality.
- (2) The applicant shall, in the prescribed manner and format of the Municipality:
 - (a) publish a notice twice (for two consecutive weeks) in a local newspaper, circulating in the area of the application, which notice shall be in the official language/s as prescribed by the Municipality;
 - (b) display a placard notice, and maintain same, for a period of not less than 14 consecutive days which first date of notice shall accord with the first date of notice contemplated in (a), in a conspicuous position, visible from a public street on each separate property to which such notice shall apply; and
 - (c) serve notices on owners of properties situated adjacent to the applicant's property and such other persons or bodies which may be identified by the Municipality for such purpose by prepaid registered mail or by delivering such notice to such owner or a representative of such owner at the address on record with the Municipality.
- (3) The notices referred to in (2) shall contain:
 - (a) the name and address of the applicant and the Municipality;
 - (b) the description and situational context of the property of the applicant;
 - (c) particulars of the purpose for which the land and buildings are proposed to be used;
 - (d) written confirmation that such notice, together with the application documents, shall lie for inspection at the office of the Municipality and the address of the applicant;
 - (e) written confirmation that any objection to or representation in connection with such application shall be lodged simultaneously with the Municipality and the applicant within a period of 28 days calculated from the day when the notice was first published, displayed on the site and served on the parties contemplated in (2).

- (4) The placard notice contemplated in (2)(b) shall be not less than 594mm by 420mm in size and no letter thereon shall be less than 6mm in height.
- (5) The applicant shall, within 28 days from the date of expiry of the notice period contemplated in (3)(e) or such further period as the Municipality may allow, lodge any objection or comment received by the applicant during such notice period, together with his/her reply thereto, with the Municipality. If no comments and/or objections are received by the applicant during such notice period, the applicant shall inform the Municipality accordingly within 28 days from expiry of such notice period.
- (6) The applicant shall submit an affidavit to the Municipality confirming that the notice referred to in (2)(b), was properly displayed and maintained and the applicant shall submit proof to the Municipality that the notices contemplated in (2)(a), were published and that the notice to be served on the parties contemplated in (2)(c) were properly served.
- (7) Upon the applicant having complied with the provisions of (6) above, the Municipality shall:
 - (a) in the case where no objection or representation or any comment is received from any interested or affected party, consider the application and either refuse or approve such application and notify the applicant within a period of 56 (fifty six) days of receipt of the affidavit contemplated in Clause 36(6);
 - (b) in the case where an objection, representation or comment in opposition to the application or any part thereof is received from an interested or affected party before the expiry of the 28 day period contemplated in (3)(e), conduct a hearing as contemplated in (8).
- (8) Should any objection, representation or comment in opposition to the application be received by the Municipality as contemplated in (7)(b), a time and place for the hearing of such matter in a manner complying with the requirements of ruling legislation, and shall give written notice thereof, by registered post or by electronic communication or facsimile, at least 14 days prior to the hearing, which notice shall be directed to the applicant and/or his duly authorised agent and all objectors and parties having submitted representations or comments in respect of the application with the 28 day period contemplated in (3)(e) and only such parties or their authorized representatives shall be permitted to attend such hearing and present their arguments to the Municipality.
- (9) Where an objection, representation and/or comment contemplated in (8) is submitted by more than one person or body and is contained in a single document, it shall be deemed sufficient compliance with the provisions of (8) if only the person or body who lodged the document, is notified of the arrangements of the hearing.
- (10) The Municipality shall, after considering any objection, representation and/or comment, notify the applicant and all other parties on record of its decision, together with the reasons for such decision with a period of 28 (twenty eight) days from concluding the hearing.
- (11) The decision of the Municipality shall (where any objection to an application was received) not come into operation before expiry of 56 days, calculated from the date of notification of the parties contemplated in (10) above.

- (12) Any party on record who is aggrieved by the decision of the Municipality may, subject to provisions of the Ordinance, lodge an appeal against such decision.
- (13) The Municipality may, upon the granting of any Special Consent contemplated in this Scheme, impose any conditions it may deem appropriate, including the payment of contributions for the provision of services, open spaces and parks, as envisaged in Sections 120 to 124 of Part 2 of Chapter 7 of the By-law, for which purposes the provisions of Section 184 in respect of provision of open spaces and parks and Sections 115 to 119 of Part 1 of Chapter 7 of the By-law, shall apply *mutatis mutandis*.
- (14) Any Special Consent granted by the Municipality shall be recorded on a Special Consent Schedule, the format of which is illustrated in Schedule 17 hereto.
- (15) Any application for Special Consent shall be submitted to the Municipality in accordance with the required application form/s.

37. APPLICATION FOR WRITTEN CONSENT OF THE LOCAL MUNICIPALITY

- (1) Any owner of a property situated within the area of the Scheme (hereinafter referred to as "the applicant") intending to apply to the Municipality for Written Consent to:
 - (a) erect and use a building or to use land in any Use Zone, for any purpose which requires the Written Consent of the Municipality (contemplated in Column 3, Table "A");
 - (b) erect an additional (second) dwelling unit or increase the density in respect of, or number of dwelling units on an erf (Column 9 Table "C");
 - (c) increase (relax) the height of a building (Column 11 Table "C");
 - (d) increase the coverage on a property (Column 13 Table "C");
 - (e) an increase of the floor area ratio (as per Column 16, Table "C");
 - (f) decrease a building line (Clause 14 and Column 17 of Table "D");
 - (g) amend a Site Development Plan (Clause 33(1)(c));
 - (h) amend a Line-of-No-Access (Clause 14);
 - (i) display signs for the sale or lease of properties (Clause 42);
 - (j) subdivide erven zoned "Residential 2, 3 or 4" (Clause 25);
 - (k) amend conditions associated with Public Garages and Filling stations (Clause 27);
 - (l) amend conditions applicable to subdivided erven and panhandle erven (Clause 29);
 - (m) permit a larger number of persons to occupy a dwelling unit (Clause 29); and
 - (n) permit rental of parking spaces and access control systems (Clause 28);

shall submit such application in writing in the prescribed form supplied by the Municipality.

- (2) The applicant shall, in the prescribed manner and format of the Municipality:
 - (a) post and display a placard notice in the official language/s as prescribed by the Municipality and maintain same, for a period of not less than 14 consecutive days, in a conspicuous position, visible from a public street, on each separate property to which such application shall apply; and
 - (b) serve notices on owners of properties situated adjacent to the applicant's property and such other persons or bodies which may be identified by the Municipality for such purpose.

- (3) The notices referred to in (2) shall:
 - (a) contain the name and address of the applicant and the local municipality;
 - (b) provide the description and situational context of the property of the applicant;
 - (c) particulars of the purpose for which the land and buildings are proposed to be used and the relevant relief sought, as contemplated in (1)
 - (d) state that such notice, together with the application documents shall lie for inspection at the office of the Municipality and the address of the applicant; and that any objection to or representation in connection with such application shall be lodged simultaneously with the Municipality and the applicant within a period of 28 days calculated from the day when the notice was first displayed on the site and served on the parties as contemplated in (2)
- (4) The placard notice contemplated in (2)(a) shall not be less than 594mm by 420mm in size and no letter thereon shall be less than 6mm in height.
- (5) The applicant shall, within 28 days from the date of expiry of the notice period mentioned in (3)(d) or such further period as the Municipality may allow, lodge any objection or comment received by the applicant during the notice period together with his/her reply thereto, with the Municipality. If no comments and/or objections are received by the applicant during the notice period, the applicant shall inform the Municipality accordingly within 28 days from expiry of the notice period as aforesaid.
- (6) The applicant shall submit an affidavit to the Municipality confirming that the notice contemplated to in (2)(a) was properly displayed and maintained and that the notices contemplated in (2)(b) were duly served.
- (7) Upon the applicant having complied with provisions of (6) above, the Municipality shall:
 - (a) in the case where no objection or any representation is received from any interested or affected party consider the application and either refuse or approve such application and inform the applicant within a period of 56 (fifty six) days from date of receipt of the affidavit contemplated in Clause 37(6);
 - (b) in the case where an objection or representation is received from an interested or affected party in opposition to the application or any part thereof, conduct a hearing as contemplated in 36(8) and for such purpose, the provisions of 36(9) up to and including 36(13) shall apply, *mutatis mutandis*.
- (8) Any Written Consent granted by the Municipality shall be recorded on a Written Consent Schedule, the format of which is illustrated in Schedule 18 hereto.
- (9) Any application for Written Consent shall be submitted to the Municipality in accordance with the prescribed application form/s.

38. PERMISSION OF THE MUNICIPALITY

- (1) The permission of the Municipality to use land and buildings or to relax or amend certain conditions stipulated in this Scheme, its Schedules and Annexures, where such Permission is explicitly required, shall be subject to an application procedure as determined by the Municipality and such application shall be subject to the following:
 - (a) documents as prescribed by the Municipality shall be submitted with the prescribed fee;
 - (b) the prescribed notification procedure shall be complied with: Provided that the Municipality may waive this requisite wholly or partly if its satisfied that such non-compliance is not of

such a material nature that it is likely to effect anyone detrimentally: Provided that, where notification is required by the Municipality, the provisions of Clause 37(2) to 37(7) shall apply *mutatis mutandis*.

- (c) the Municipality may approve or refuse such application subject to such conditions the Municipality deems necessary to regulate such permission; and
 - (d) The Municipality may, upon the granting of any Special Consent contemplated in this Scheme, impose any conditions it may deem appropriate, including the payment of contributions for the provision of services, open spaces and parks, as envisaged in Sections 120 to 124 of Part 2 of Chapter 7 of the By-law, for which purposes the provisions of Section 184 in respect of provision of open spaces and parks and Sections 115 to 119 of Part 1 of Chapter 7 of the By-law, shall apply *mutatis mutandis*.
- (2) Any Permission, granted by the Municipality shall be recorded on a Consent Schedule, the format of which is illustrated in Schedule 19 hereto.

39. SPECIAL CONDITIONS APPLICABLE TO THE PRACTICE OF A HOUSEHOLD ENTERPRISE OR SERVICE ENTERPRISE WITHIN USE ZONES 1, 2, 3, 4, 5 and 17.

- (1) In addition to any conditions imposed by the Municipality in the granting of Special or Written Consent, the conducting of a Household Enterprise or Service Enterprise, from a dwelling unit, shall be subject to the following:
 - (a) No title condition applicable to the property may be transgressed.
 - (b) No activity and/or use listed in Schedule 8 to this Scheme shall be permitted to be conducted on the property;
 - (c) Where the Special or Written Consent of the Municipality has been granted, the owner may practice his/her occupation from the dwelling unit or may permit such practice of the occupation by an occupant under the control of the owner, subject thereto that the occupant, if a natural person or if a juristic person, then the authorized representative thereof is:
 - (i) personally in charge of the enterprise;
 - (ii) is a full time resident on the property; and
 - (iii) holds the majority interest in the enterprise.
- (2) A maximum of three (3) persons, which shall include the applicant, may be employed on the property. For the purposes of this clause the following will be regarded as an employee of such applicant, notwithstanding the number of enterprises conducted from the property, namely:
 - (a) an agent or representative;
 - (b) an apprentice or trainee;
 - (c) a partner, director, member or trustee of each partnership, company, close corporation or trust under which the applicant is conducting the enterprise.
- (3) A Household Enterprise or Service Enterprise is restricted to only one bona fide occupant who shall reside permanently in the dwelling-unit together with his/her family members as a single household.
- (4) 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 75m² (whichever is the larger) may be used for such practice.
- (5) No goods may be displayed in public, in a window or in any other manner
- (6) A Household Enterprise or Service Enterprise is restricted to the storage of goods of

whatever nature, reasonably essential for such household enterprise, within the area contemplated in sub-clause (4) hereof

- (7) 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.
- (8) The amenity or character of the area may not be detrimentally affected by the conducting of the occupation of the applicant.
- (9) No retail trade, except retail trade that is subservient to the main enterprise and which will not, in the opinion of the Municipality, prejudice the general character of the area may be conducted from the property.
- (10) No disturbance or pollution through noise, smell, dust, radio-activity, gases or vibrations or other offensive condition, which results in inconvenience to the public, is permitted. Any waste, especially medical waste, shall comply with the Municipality's requirements for the temporary storage and removal from the property.
- (11) The Household or Service Enterprise shall be conducted from within the dwelling unit, but if conducted from any outbuilding, it shall, in the opinion of the Municipality, not reflect the appearance or character of an office or non-residential building normally associated or recognisable under Use Zones 6, 7, 8 and 9, and shall also reflect the same architectural style which complements the existing dwelling unit on the property and without prejudice to the residential character of the area/neighbourhood.
- (12) A Site Development Plan and building plans, to indicate the change in use, shall be submitted to the Municipality within a period of 30 days after approval of the application or such further period as the Municipality may permit. Failure to submit the required plans and/or change the building in accordance with approved plans shall result in a withdrawal of the consent without any further notice.
- (13) Parking shall be provided to the satisfaction of the Municipality in accordance with the Scheme and subject to any other conditions and/or additional parking spaces required by the Municipality. In the case of a Household Enterprise or Service Enterprise on a property zoned "Residential 2, 3 or 4" and/or where a dwelling unit forms part of a sectional title complex, the applicant shall satisfy the Municipality that additional parking has been provided and that none of the parking required in respect of the normal operation of the main use, is/will be utilised for the purpose of conducting the occupation of the applicant in any manner.
- (14) The Municipality may require one (1) loading zone in respect of a Service Enterprise.
- (15) A Household Enterprise or Service Enterprise is restricted to the loading and off-loading of goods by means of a private motor vehicle or commercial vehicle with a mass not exceeding 3 500 kg (loading capacity included) and a maximum length, width and height of 5,500 m, 1,800 m and 2,100 m respectively, and of which only one such vehicle may be parked regularly at the dwelling-unit out of sight from the street.
- (16) A Place of Childcare is not permitted as a Household Enterprise, and can only be conducted with the Special Consent of the Municipality as contemplated in Clause 36.
- (17) Noxious Industries and Industries are not permitted.

- (18) No disturbance or pollution through noise, smell, dust, radio-activity, gases or vibrations or other offensive condition, which results in inconvenience to the public, is permitted. Any waste, especially medical waste, shall comply with the Municipality's requirements for the temporary storage and removal from the property.

40. SPECIAL CONDITIONS APPLICABLE TO A DWELLING OFFICE WITHIN USE ZONE 1.

- (1) In addition to any conditions imposed by the Municipality in the granting of Special Consent, the use of a Dwelling Office from a dwelling unit in Use Zone 1, shall be subject to the following:
- (a) No title condition applicable to the property may be transgressed.
 - (b) Only a Dwelling Office is permitted under provisions of this clause;
 - (c) Where the Special Consent of the Municipality has been granted, the owner may use the dwelling unit for a Dwelling Office or may permit such use by an occupant under the control of the owner, subject thereto that the occupant, if a natural person or if a juristic person, then the authorized representative thereof is:
 - (i) personally in charge of the enterprise; and
 - (ii) holds the majority interest in the enterprise.
 - (d) The use of a Dwelling Office shall be consistent with provisions of, and the areas earmarked in an Overlay Zone, which may amended or extended by the Municipality from time-to-time.
- (2) A maximum of eight (8) persons, which shall include the applicant, may be employed on the property for purposes of the Dwelling Office use. For the purposes of this clause the following will be regarded as an employee of such applicant, notwithstanding the number of enterprises conducted from the property, namely:
- (a) an agent or representative;
 - (b) an apprentice or trainee;
 - (c) a partner, director, member or trustee of each partnership, company, close corporation or trust under which the applicant is conducting the enterprise.
- (3) The dwelling unit may still be utilised for residential purposes contemplated in the definition of a "Dwelling Unit", but it is not required that the owner thereof occupies the dwelling unit as in the case of a Household Enterprise
- (4) The residential character and function of the dwelling unit must be maintained.
- (5) No goods may be displayed in public, in a window or in any other manner.
- (6) 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 Dwelling Office, may be displayed, provided that the size of such notice shall not exceed 600mm by 450mm.
- (7) Despite the provisions of the Dwelling Office Overlay Zone, the amenity or character of the area may not be detrimentally affected by the use of the Dwelling Office.
- (8) No Dwelling Office shall be permitted in any other Use Zone, except Use Zone 1 ("Residential 1").
- (9) No property shall be de-zoned from any other Use Zone, except from Use Zones 17 and 25 when township establishment is undertaken, back to Residential 1 (Use Zone 1) in order to conduct or apply for a Dwelling Office as contemplated in this clause.

- (10) No Dwelling Office shall be permitted on erven smaller than 400m² and/or with street fronts less than 10m in width.
- (11) No retail trade, except retail trade that is subservient to the main enterprise and which will not, in the opinion of the Municipality, prejudice the general character of the area may be conducted from the property.
- (12) The Dwelling Office shall be conducted from within the dwelling unit, but if conducted from any outbuilding, it shall, in the opinion of the Municipality, not reflect the appearance or character of an office or non-residential building normally associated or recognisable under Use Zones 6, 7, 8 and 9, and shall also reflect the same architectural style which complements the existing dwelling unit on the property and without prejudice to the residential character of the area/neighbourhood.
- (13) A Site Development Plan and building plans, to indicate the change in use, shall be submitted to the Municipality within a period of 30 days after approval of the application or such further period as the Municipality may permit. Failure to submit the required plans and/or change the building in accordance with approved plans shall result a withdrawal of the consent without any further notice.
- (14) Access and egress to the property and Dwelling Office shall not, in the opinion of the Municipality, prejudice the normal traffic flow to any public street.
- (15) Parking shall be provided in accordance with Table "B" and subject to any other conditions and/or additional parking spaces required by the Municipality and provided that none of the parking required in respect of the normal operation of the dwelling unit, such as the motor vehicle garage, is/will be utilised for the purpose of conducting the occupation of the applicant in any manner.
- (16) The Municipality may require one (1) loading zone.

41. LAND USE NOT SUBJECT TO THE LAND USE TABLES

- (1) Without prejudice to any powers of the Municipality derived from any law, or the provisions of this Scheme, nothing in the foregoing provisions of this Scheme shall be construed as prohibiting or restricting the following:
 - (a) the letting by the owner of a dwelling unit for occupancy of a single family;
 - (b) the letting by the owner of not more than two rooms in a dwelling unit also occupied by the owner;
 - (c) the continued lawful use of land or a building which use was lawfully approved prior to the commencement of this Scheme in terms of any prior Scheme; and/or by any Decision Making Authority in terms of any other law pertaining to the use of land, including restrictions in the Title Deed: Provided that:
 - (i) the conditions, if any, imposed as part of the original approval, remain applicable and must be adhered to;
 - (ii) on request of the Municipality, the owner of such property is able to disclose proof of such prior approval or consent so granted.

- (2) The use of land for mining and related purposes, as contemplated in the Mineral and Petroleum Resources Development Act, 2002 (Act 28 of 2002), shall not qualify for the exemption contemplated in 36(1)(c).

42. SIGNS FOR THE SALE OR LETTING OF PROPERTY OR BUILDING

- (1) No person may, without the prior Written Consent of the Municipality, display or permit to be displayed, on a single property, more than four (4) temporary signs for the sale or letting of a property or building.
- (2) For the purposes of this clause a “temporary sign” shall:
 - (a) not exceed 600 mm by 450 mm in size, and may not extend beyond 2,5 m above ground level at its highest point;
 - (b) if larger than the size prescribed in sub-clause (a) hereof, be limited to one sign only on the property;
 - (c) be removed within seven (7) days from the date of sale or conclusion of the agreement of lease, failing which such sign shall be removed by the Municipality at the cost of the owner.
- (3) The Municipality may, on merit, in its sole discretion, subject to such conditions it may deem expedient, relax certain limitations pertaining to the aforesaid signs upon good cause shown by the applicant.

PART 7: USE OF BUILDINGS AND LAND IN OVERLAY ZONES

43. OVERLAY ZONE

- (1) The purposes or any special conditions for which buildings and land in the Scheme area may be used or erected in addition to those in the underlying Use Zone, may further be described in an Overlay Zone which is placed over a Use Zone.
- (2) The Overlay Zone can share common boundaries with the Base Zone or cut across Use Zone boundaries and aligns itself with other features or boundaries
- (3) Overlay Zone shall apply in addition to the Use or Base Zone applicable in an area and contemplated in Clause 20 of the Scheme.
- (4) The Overlay Zone does not change the underlying zoning (Use Zone) of the properties to which it relates to and as contained in Section 20 of the Scheme, but may vary the development conditions relating to these properties as specified in Tables “A”, “B”, “C”, “D”, “E” and “F”.
- (5) The Overlay Zone and conditions thereto is described in a Schedule or Annexure “Z” to Scheme in case of amendments, which may also record any additional detailed provisions of such Overlay Zone in a separate document with a cross reference to that document in the Schedule or Annexure.
- (6) An Overlay Zone can only be prepared or reviewed by the Municipality subject to provisions of Clause 44 of the Scheme
- (7) The Overlay Zones on the Determined Date of this Scheme are listed in Schedule 12 to the scheme and may be expanded and/or amended by the Municipality subject to Clause 44 of the Scheme

44. GENERAL PROVISIONS FOR OVERLAY ZONES

- (1) The Municipality may prepare, review and amend Overlay Zones and the Schedules in this scheme for specific areas in the municipality with the objective of:
 - (a) giving expression to the context of the Municipal Spatial Development Framework or any other Precinct Plan or land use policy
 - (b) giving expression, in a planning context, to the local needs and values of the communities concerned;
 - (c) promoting particular types of development, urban form, landscape character, environmental features or heritage values
 - (d) protecting a specific resource such as environmentally sensitive areas or agricultural land or to guide development within a specific area
- (2) If the Municipality intends to adopt or amend an Overlay Zone, the municipal manager must:
 - (a) cause the proposed adoption or amendment to be advertised in accordance with the public consultation policy of the Council, affording interested parties the opportunity to submit written comments or objections to the municipal manager within a period of not less than thirty days from the date of such advertisement;
 - (b) obtain the relevant comment of any public institution which, in his or her opinion, has an interest in the Overlay Zone concerned;
 - (c) submit the proposed Overlay Zone or amendment, and all relevant documentation to the

- Council for consideration and a decision;
- (d) Council shall approve a distinctive name for each overlay zone.
 - (e) notify all persons who submitted comments relating to the adoption or amendment of the Overlay Zone within the prescribed period, of the Council's decision, and
 - (f) make known the adoption or amendment of an Overlay Zone by publication of a notice in the press, confirming at which municipal office the Overlay Zone may be inspected by interested parties.
- (3) The Municipality may develop rules in the form of specific conditions, incentives or development guidelines that apply to the Overlay Zone or to be achieved over time.
 - (4) The development rules of an Overlay Zone may be more restrictive or more permissive than the development rules applicable to the Use Zone of the land concerned
 - (5) The Municipality may consider the preparation or review of Overlay Zones within six (6) months immediately after review of its Spatial Development Framework in order to ensure consistency with its Land Use Management system.
 - (6) The Municipality may, on request by any National or Provincial Government department, consider the preparation or review of Overlay Zones if such amendment is in the interest of government or any community.
 - (7) The provisions of an Overlay Zone do not in any way detract from any obligations in terms of national and provincial legislation.

PART 8: APPLICATION OF THE SCHEME AND POWERS OF THE MUNICIPALITY

45. BINDING FORCE OF CONDITIONS

Where authorization to erect a building, or to execute any works, or to use any buildings or land for a particular purpose is granted in terms of this Scheme subject to conditions, such conditions shall have the same legal force as if incorporated herein and shall be deemed to be so incorporated.

46. OVERRIDING RIGHTS OF THE MUNICIPALITY

Nothing in this Scheme shall prevent the erection, use or maintenance of any building or works by the Municipality on its own property: Provided that such erection, use or maintained shall be directly related to the purpose and/or function of a Municipality and the services it must render.

47. ENTRY UPON AND INSPECTION OF PROPERTY

- (1) The Municipality may, through its authorized officials, enter upon any property at all reasonable times to conduct any inspection which the Municipality or its representative may consider necessary for the application of the provisions of this Scheme.
- (2) No person shall in any manner hinder, obstruct or interfere with the execution of any duties by any authorized official of the Municipality, or in so far as it may fall within his power, permit such official to be hindered, obstructed or interfered with.
- (3) The Municipality shall, in investigating any matter contemplated in Clause 48 –
 - (a) designate a municipal official or appoint any other person as an inspector to investigate any non-compliance with its land use scheme; and
 - (b) issue each inspector with a written designation or appointment in the prescribed form, stating that the person has been appointed for such purpose.
- (4) When an inspector contemplated in (3) performs any such function, the inspector–
 - (a) shall on request produce his or her written designation or appointment; and
 - (b) shall not be a person having a direct or indirect personal or private interest in the matter to be investigated.
- (5) An inspector contemplated in (3) may, subject to the other sub-clauses below–
 - (a) enter upon any property at any reasonable time without previous notice for the purpose of ascertaining an issue required to ensure compliance with this Scheme;
 - (b) question any person who is or was on or in such property, either alone or in the presence of any other person, on any matter to which this Scheme relates;
 - (c) require from any person who has control over or custody of a book, record or other document on or in such property, to produce to the inspector forthwith, or at such time and place as may be determined by the inspector, such book, record or other document;
 - (d) examine any such book, record or other document or make a copy thereof or an extract there from;

- (e) require from such a person an explanation of any entry in such book, record or other document;
 - (f) inspect any article, substance, plant or machinery which is or was on the property, or any work performed on the property or any condition prevalent on the property, or remove for examination or analysis any article, substance, plant or machinery or a part or sample thereof;
 - (g) seize any book, record or other document or any article, substance, plant or machinery or a part or sample thereof, which in his or her opinion may serve as evidence at any hearing or trial of any person charged with an offence in terms of this Scheme or the common law: Provided that the user of the article, substance, plant or machinery concerned, as the case may be, may make copies of such book, record or document before such seizure; and
 - (h) direct any person to appear before him or her at such time and place as may be determined by the inspector and question such person either alone or in the presence of any other person on any matter to which this Scheme relates.
- (6) When an investigator enters any property in terms of (5), a person who controls or manages the property must at all times provide such facilities as are reasonably required by the inspector to enable him or her to perform his or her functions effectively and safely in terms of this Scheme.
- (7) When an inspector removes or seizes any article, substance, plant, machinery, book, record or other document, he or she must issue a receipt to the owner or person in control thereof and return it as soon as practicable after achieving the purpose for which it was removed or seized.
- (8) An inspector may, where necessary, be accompanied by a police official or any other person reasonably required to assist him or her in conducting the inspection.
- (9) An inspector may issue a compliance notice in the prescribed form to the person who controls or manages the property or the owner or person in control of a private dwelling if a provision of this Scheme has not been complied with.
- (10) A compliance notice remains in force until the relevant provision of the Scheme has been complied with and the inspector has issued a compliance certificate in respect of that notice.
- (11) An inspector who enters and searches any land or private dwelling under this clause, must conduct such search or seizure with strict regard for decency and order, and with regard for each person's right to dignity, freedom, security and privacy.

48. CONTRAVENTION AND ENFORCEMENT OF THE SCHEME

- (1) Any person who commits or knowingly permits a contravention of any of the provisions of this Scheme or of the requirements of any order or notice issued or conditions imposed in terms of this Scheme, shall be deemed to be guilty of an offence.
- (2) 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 21 must be used.
- (3) The municipality -
 - (a) may on its own accord; or
 - (b) must on request of any person of the public,

investigate any alleged contravention of the scheme, land use on land and/or an erf and/or within a building and for this purpose may inspect the land, erf and/or building implicated in the matter as set out in Clause 40 herein.

49. SERVING OF NOTICES

- (1) Any order, notice or other document to be served by the Municipality on any owner or occupier of a building or land situated within the area of the Scheme, shall be signed by the authorised official of the Municipality and shall be served in one of the following ways:
 - (a) to the owner or occupier personally or to his/her authorized agent;
 - (b) by registered post to the owner or occupier or his/her duly authorized agent at his/her last known address of abode, place of business or employment, or post office box number;
 - (c) at the *domicilium citandi* of the person to be served; or
 - (d) by fixing such order, notice or other document on a conspicuous part of the property if there is no such person on the premises at which service is to be effected.
- (2) Where any service is effected in accordance with the aforesaid provisions of this clause, such service shall be deemed to have been effected at the time when such order, notice or other document would normally have been delivered and in providing such service, it shall be sufficient to prove that the order, notice or other document was properly addressed.
- (3) Any order, notice or other document required to be served on the owner or occupier of any property may be addressed to the "Owner" or "Occupant" without any further name or description.

50. POWERS OF THE MUNICIPALITY IN CASE OF CONTRAVENTION OF SCHEME

- (1) Where any person, in conflict with any provision of this Scheme –
 - (a) undertakes or proceeds with erection or alteration of or addition to a building or causes it to be undertaken or proceeded with;

- (b) performs, undertakes or proceeds with any other works or causes it to be performed, undertaken or proceeded with; or
 - (c) uses any land or building or causes it to be used; the Municipality shall direct such person in writing:
 - (i) to discontinue such erection, alteration, addition or other works or to discontinue such use or cause it to be discontinued and, if applicable;
 - (ii) at such person's expense to:
 - (aa) remove such building or other works or cause it to be removed; or
 - (ab) cause such building or other works or such use to comply with the provisions of the scheme .
- (2) If a person fails to comply with a directive issued in terms of the aforesaid sub- clauses, the Municipality may, irrespective of the fact that such a person has been criminally 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 works or cause the building or other works to comply with the provisions of this Scheme and to recover all expenditure incurred in connection therewith, from such person.

51. COMPLIANCE WITH TITLE DEEDS, DEEDS OF GRANT AND CONDITIONS OF ESTABLISHMENT

- (1) No consent or permission of the Municipality granted in terms of this Scheme may be construed as conferring upon any person the right to erect or use any building or to use any land for any purpose which is prohibited in any condition registered against the Title Deed of such land or imposed in respect of such land under any law relating to the establishment of townships.
- (2) Any land or building used in such a way that it will or is intended to generate income from the sale of goods or provision of services other than the letting of a building for residential purposes, shall be regarded as a business for the purposes of the meaning of a business where it is stated in a condition in any Title Deed and such condition in the Title Deed shall be deemed to be restrictive.

**End of Scheme Clauses (Refer to attached Schedules)*

SCHEDULES

SCHEDULE 1: FORMULA FOR CALCULATING DENSITIES FOR RESIDENTIAL BUILDINGS, OVERNIGHT ACCOMMODATION AND HOSTELS

The maximum permitted number of habitable rooms in a Residential Building, Overnight Accommodation or Hotel shall be determined by the following formula:

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

where

NOR = maximum permitted number of habitable rooms, and

AOP = Area of property in square meters.

SCHEDULE 2: CONDITIONS GOVERNING THE ERECTION OF DWELLING-UNITS IN USE ZONE 2: RESIDENTIAL 2

1	USE ZONE 2: RESIDENTIAL 2	
2	Uses permitted	Dwelling-units.(Column 1)
3	Use with Special or Written Consent	Table A, Columns (2) and (3)
4	Uses not permitted	Table A, Column (4)
5	Definitions	Clause 9
6	Density	31 dwelling-units per hectare of gross erf area (i.e. prior to any part of the erf being cut off for a public street or communal open space). Table C, Column (7)
7	Coverage	70%, Table C, Column 12
8	Height	2 storeys: Provided that a second storey shall only be allowed if the Municipality is satisfied that such storey will not detrimentally affect the privacy of the adjoining property owners. Table C, Column (11)
9	Floor area ratio	1.2, Table C, Column 14
10	Site development plan and landscape development plan	(1) A site development plan and a landscape development plan, unless otherwise determined by the Municipality, compiled by a person suitably qualified to the satisfaction of the Municipality, shall be submitted to the Municipality for approval prior to the submission of building plans. (2) The landscaping, in terms of the landscape development plan, shall be completed by completion of the development or any phase thereof. The continued maintenance of the landscape development shall be to the satisfaction of the Municipality. (3) When the Site Development Plan is evaluated, special attention must be given to elements such as residential character, communal and private open space, exterior finishes and style in order to establish an appropriate character compatible and in harmony with the surrounding residential area. (4) An approved site development plan shall only be amended with the permission of the Municipality and building plans which do not comply with the proposals and conditions as set out in the approved site development plan, will not be approved by the Municipality.
11	Building lines	Table "D"

POLOKWANE INTEGRATED LAND USE SCHEME, 2022

12	Parking requirements	Demarcated parking spaces, together with the necessary paved manoeuvring space, shall be provided on the erf in the following ratios to the satisfaction of the Municipality: (1) One covered and paved parking space for each dwelling unit with two habitable rooms or less. (2) One covered and paved and one paved parking spaces for each dwelling-unit with three habitable rooms or more. (3) One paved parking space per three dwelling-units for visitors.
13	Paving areas	All parts of the erf upon which motor vehicles may move or park, shall be provided with a permanent dust-free surface, which surface shall be paved, drained and maintained to the satisfaction of the Municipality.
14	Access to the erf	(1) Entrances to and exits from the erf shall be sited, constructed and maintained to the satisfaction of the Municipality. (2) Any panhandle must be at least 3 meters wide or as wide as the Municipality may determine.
15	Loading and off-loading facilities	The loading and off-loading of goods shall only take place within the boundaries of the erf.
16	Turning facilities	Not required.
17	Physical barriers	In accordance with the site development plan.
18	Health measures	(1) Any requirements for air pollution-, noise abatement- or health measures set by Municipality shall be complied with to the satisfaction of the Municipality without any costs to the Municipality. (2) Air-conditioning units or compressors shall not be mounted to the exterior walls of buildings without the prior permission of the Municipality.
19	Outdoor advertising	Advertisements and/or sign boards shall not be erected or displayed on the erf without the approval of the Municipality first being obtained in terms of municipal by-laws for outdoor advertising.
20	General:	
		(1) Each dwelling-unit shall have direct access to its own private adjoining outdoor living area to the satisfaction of the Municipality. (2) That portion of the erf between the building(s) and the street boundary which is not used for traffic purposes, shall, within six months from the date on which the erf is first used for the permitted purposes, be laid out and maintained as a garden at the owner's cost and to the satisfaction of the Municipality. Should the owner fail to comply herewith, the Municipality is entitled to execute the work at the owner's cost. (3) The Municipality shall not approve any building plan which does not comply with the proposals in the approved site development plan with particular reference to the elevation and architectural treatment of the proposed building or structure. (4) Subject to the provision of the relevant legislation but notwithstanding any other provision contained herein, the Municipality may grant permission to the subdivision of the erf, where such subdivision corresponds with the subdivision proposals shown on the approved site development plan applicable to the erf. (5) No individual dwelling-unit which is linked to another dwelling-unit and/or ancillary outbuilding shall be occupied before the relevant building of which the dwelling-unit forms part, is completely developed. Provided that the Municipality may, in exceptional cases, grant permission thereto. (6) No dwelling-unit may be sold before the whole development or the phase on the property is completed. (7) In addition to the above conditions the erf and buildings thereon are further subject to the general provisions of the scheme in operation.

**SCHEDULE 3: CONDITIONS GOVERNING THE ERECTION OF DWELLING-UNITS
IN USE ZONE 3: RESIDENTIAL 3**

1	USE ZONE 3: RESIDENTIAL 3	
2	Uses permitted	Table A, Column (1)
3	Use with Special and Written consent	Table A, Columns (2) and (3)
4	Uses not permitted	Table A, Column (4)
5	Definitions	Clause 9
6	Density	Table C, Column (7)
7	Coverage	70%, Table C, (Column 12)
8	Height	3 storeys: Provided that a third storey shall only be allowed if the Municipality is satisfied that such storey will not detrimentally affect the privacy of the adjoining property owners.
9	Floor area ratio	1.8, Table C, Column 14
10	Site development plan and landscape development plan	<p>(1) A site development plan and a landscape development plan, unless otherwise determined by the Municipality, compiled by a person suitably qualified to the satisfaction of the Municipality, shall be submitted to the Municipality for approval prior to the submission of building plans.</p> <p>(2) The landscaping, in terms of the landscape development plan, shall be completed by completion of the development or any phase thereof. The continued maintenance of the landscape development shall be to the satisfaction of the Municipality.</p> <p>(3) When the Site Development Plan is evaluated, special attention shall be given to elements such as residential character, communal and private open space, exterior finishes and style, in order to establish an appropriate character compatible and in harmony with the surrounding residential area.</p> <p>(4) An approved site development plan shall only be amended with the Permission of the Municipality and building plans which do not comply with the proposals and conditions as set out in the approved site development plan, will not be approved by the Municipality.</p>
11	Building lines	To the satisfaction of the Municipality, Clause 13.
12	Parking requirements	<p>Demarcated parking spaces, together with the necessary paved manoeuvring space, shall be provided on the erf in the following ratios to the satisfaction of the Municipality:</p> <p>(1) One covered and paved parking space for each dwelling-unit with two habitable rooms or less</p> <p>(2) One covered and paved and one paved parking spaces for each dwelling-unit with three habitable rooms or more.</p> <p>(3) One paved parking space per three dwelling-units for visitors.</p>
13	Paving areas	All parts of the erf upon which motor vehicles may move or park, shall be provided with a permanent dust-free surface, which surface shall be paved, drained and maintained to the satisfaction of the Municipality.
14	Access to the erf	<p>(1) Entrances to and exits from the erf shall be sited, constructed and maintained to the satisfaction of the Municipality.</p> <p>(2) Any panhandle must be at least 3 meters wide or as wide as the Municipality may determine.</p>
15	Loading and off-loading facilities	The loading and off-loading of goods shall only take place within the boundaries of the erf.
16	Turning facilities	Not required.
17	Physical barriers	In accordance with the site development plan.
18	Health measures	(1) Any requirements for air pollution-, noise abatement- or

		<p>health measures set by Municipality shall be complied with to the satisfaction of the Municipality without any costs to the Municipality.</p> <p>(2) Air-conditioning units or compressors shall not be mounted to the exterior walls of buildings without the prior permission of the Municipality.</p>
19	Outdoor advertising	Advertisements and/or sign boards shall not be erected or displayed on the erf without the approval of the Municipality first being obtained in terms of municipal by-laws for outdoor advertising.
20	General:	
		<p>(1) Each dwelling-unit shall have direct access to its own private adjoining outdoor living area to the satisfaction of the Municipality.</p> <p>(2) That portion of the erf between the building(s) and the street boundary which is not used for traffic purposes, shall, within six months from the date on which the erf is first used for the permitted purposes, be laid out and maintained as a garden at the owner's cost and to the satisfaction of the Municipality. Should the owner fail to comply herewith, the Municipality is entitled to execute the work at the owner's cost.</p> <p>(3) No individual dwelling-unit which is linked to another dwelling-unit and/or ancillary outbuilding, shall be occupied before the relevant building of which the dwelling-unit forms part, is completely developed: Provided that the Municipality may, in exceptional cases, grant permission thereto.</p> <p>(4) No dwelling-unit may be sold before the whole development or the phase on the property is completed.</p> <p>(5) The Municipality shall not approve any building plan which does not comply with the proposals in the approved site development plan with particular reference to the elevation and architectural treatment of the proposed building or structure.</p> <p>(6) Subject to the provision of the relevant legislation but notwithstanding any other provision contained herein, the Municipality may grant permission to the subdivision of the erf, where such subdivision corresponds with the subdivision proposals shown on the approved site development plan applicable to the erf.</p> <p>(7) In addition to the above conditions the erf and buildings thereon are further subject to the general provisions of the scheme in operation.</p>

SCHEDULE 4: DENSITIES AND CONDITIONS RELATING TO STUDENT ACCOMMODATION

1. In addition to provisions of Table “C” in the land use tables, the maximum permitted number of student accommodation rooms (SAR) in a Student Accommodation facility shall be determined as follows:

Area of application	Permitted maximum density	
	Single Student Accommodation Room (SAR)	Double rooms or twin Student Accommodation Rooms (SAR)
Within urban area and 0-5km from Tertiary Education institution	500 SAR/ha	750 SAR/ha
Within urban area and 6-10km from Tertiary Education institution	300 SAR/ha	450 SAR/ha
Within semi-urban area (District Node/Regional Nodes) and 0-5km from Tertiary Education institution	400 SAR/ha	600 SAR/ha
Within semi-urban area (District Node/Regional Nodes) and 6-10km from Tertiary Education institution	300 SAR/ha	300 SAR/ha
Within rural area and 10-20km from Tertiary Education institution	150 SAR/ha	150 SAR/ha

2. Student Accommodation Rooms shall meet the following minimum sizes:
 - (1) A single Student Accommodation Room shall not be less than 8m² in size
 - (2) A double Student Accommodation Room shall not be less than 14m² in size
3. The provision of Student Accommodation and the facility is further subject to the following provisions:
 - (1) The owner must submit together with the submission of a Site Development Plan or application for the Consent of the Municipality, the endorsement of the proposed development and the Site Development Plan by an accredited Tertiary Educational Institution.
 - (2) The approval of the Municipality during consideration of a Site Development Plan provided that:
 - a. A site development plan and a landscape development plan, unless otherwise determined by the Municipality, compiled by a person suitably qualified to the satisfaction of the Municipality, shall be submitted to the Municipality for approval prior to the submission of building plans.
 - b. The landscaping, in terms of the landscape development plan, shall be completed by completion of the development or any phase thereof. The continued maintenance of the landscape development shall be to the satisfaction of the Municipality.
 - c. When the Site Development Plan is evaluated, special attention shall be given to elements such as residential character, communal and private open space, exterior finishes and style, in order to establish an appropriate character compatible and in harmony with the surrounding residential area.
 - d. An approved Site Development Plan shall only be amended with the Permission of the Municipality and building plans which do not comply with the proposals and conditions as set out in the approved site development plan, will not be approved by the Municipality.
 - (3) Minimum norms and standards for Student Accommodation prescribed by authorities.
 - (4) A drop-off zone/s for on and off-loading of student and for public transport facilities shall be provided on the property, subject to any further conditions which the Municipality may require in addition to parking requirement set out in Table “B” of the land use tables.

SCHEDULE 5: CONDITIONS AND GUIDELINES FOR PROVISION OF A BACKYARD DWELLING UNIT OR BACKYARD ROOMS

The maximum permitted number of habitable backyard rooms in Use Zones 1 and 5 shall cover an area not exceeding 10% of the size of the property with a maximum area not exceeding 100m², whichever is the smallest and is subject to the following further conditions and guidelines:

1. A backyard room shall not be less than 7.5m² (2.5m x 3.0m) in size.
2. A backyard dwelling unit shall not be less than 7.5m² (2.5m x 3.0m) in size plus an area not less than 3m² (1.5m x 2.0m) additional space for a bathroom or bathing and toilet facilities, and when additional rooms are added in the dwelling unit, the rooms sizes shall be as follows:
 - (a) Not less than 6m² (2.0m x 3.0m) for a bedroom accommodating two children or an additional adult person;
 - (b) Not less than 9m² (3.0m x 3.0m) for a bedroom accommodating four children;
 - (c) Not less than 3m² (1.5m x 2.0m) additional space is required for the preparation of food;
3. The provision of backyard rooms for the different categories of erf sizes (Column 1) shall not exceed the maximum coverage indicated in Columns 2 and 3 and the maximum number of backyard rooms provided in Column 4 of the table herein.

Erf area	Maximum floor area of outbuildings used for a backyard dwelling unit and/or rooms		Maximum number of habitable rooms
<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
250m ² - 280m ²	25m ² - 28m ²		
290m ² - 360m ²	29m ² - 36m ²	-----	2
370m ² - 440m ²	37m ² - 44m ²	Never exceed	
450m ² - 530m ²	45m ² - 53m ²	the size	3
540m ² - 600m ²	54m ² - 60m ²	of the	
610m ² - 680m ²	61m ² - 68m ²	main dwelling unit	4
690m ² - 760m ²	69m ² - 76m ²	-----	5
770m ² - 830m ²	77m ² - 83m ²	-----	
840m ² - 920m ²	84m ² - 92m ²	-----	6
930m ² - 980m ²	93m ² - 98m ²	-----	
990m ² - 1,000m ² and larger	99m ² - 100m ²	-----	7
1,000m ² and larger	100m ²	-----	

4. Notwithstanding Column 2 of the table herein, a backyard dwelling unit or the size of outbuildings which accommodates a backyard rooms shall never exceed the size of the main dwelling unit on the property at any time.
5. The backyard dwelling unit or backyard rooms shall comply with the Building Regulations.
6. The following minimum requirements in respect of the building structure/s shall apply:
 - (a) All structures/buildings must be on a concrete foundation, and preferably be raised above the ground level in order to eliminate possible storm water flooding of buildings
 - (b) Buildings should be 2.0 meter apart from the main dwelling unit as well as any building on adjacent properties in order to ensure safety in respect of fire and to promote healthy living conditions and to eliminate possible noise to neighbours
 - (c) No relaxation of buildings lines may be permitted to accommodate a Backyard Dwelling Unit or Backyard Rooms.
 - (d) No structure may block access to municipal services or access to any municipal servitude area
7. Alternative building methods, other than described in Clause 5 above, may be used to erect structures to be used as Backyard Dwelling Unit/s or Backyard Rooms, provided that such method has been certified by the South African Bureau of Standards (SABS) or can submit a Design and Compliance certificate from an approved accredited institution.
8. The provision of Backyard Dwelling Unit/s or Backyard Rooms may, in the opinion of the Municipality, not prejudice the residential character of an area or neighbourhood

SCHEDULE 6: METHOD OF CALCULATING GROSS FLOOR AREA

CONDITIONS GOVERNING THE CALCULATION OF GROSS FLOOR AREA OF A BUILDING:

1. Gross Floor Area = (TFA - D) (1 - X) where –
 - (1) "TFA" means the total floor area of a building, including, but not limited to, the floor area of mezzanine floors, and the floor area of basements, internal passages, the area covered by a roof over fuel pumps at a filling station or public garage, external passages and balconies as illustrated by the accompanying Diagrams 7, 8 and 9.
 - (2) "D" means the sum of -
 - (a) the total area of a building used solely as a Parking Garage;
 - (b) the total area of any floor in any other building used for the parking and circulation of motor vehicles;
 - (c) 75% of the total area of any arcade, mall or atrium in a building: Provided that such area complies with all the requirements relating to health and safety, to the satisfaction of the Municipality; or 100% of the total area of any arcade, mall or atrium in a shopping centre building: Provided that such area is used exclusively as a pedestrian way; and
 - (d) The total floor area of a building used exclusively as a children's recreation area).
 - (3) "X" represents 5% or such other percentage which shall be certified by a Quantity Surveyor or an Architect: Provided that such percentage -
 - (a) is truly and accurately calculated as contemplated by paragraph (2) of this Schedule; and
 - (b) is acceptable to the Municipality.
2. Only the following areas of a building may be measured and expressed as a percentage for the purposes as contemplated in paragraph 1(3) hereof:
 - (1) Ducts.
 - (2) Stairs, stairwells, stair-landings and external passages.
 - (3) Lift shafts and lift motor-rooms.
 - (4) External and internal walls and their finishing.
 - (5) Fire escapes.
 - (6) Areas used for mechanical, electrical, cleaning and maintenance equipment.
 - (7) Projections and architectural features only if they form part of the calculations as per paragraph 1(1) hereof.
 - (8) Refuse rooms.
 - (9) Municipal electricity substations.
 - (10) Such other areas as may be approved by the Municipality.

DIAGRAM 7

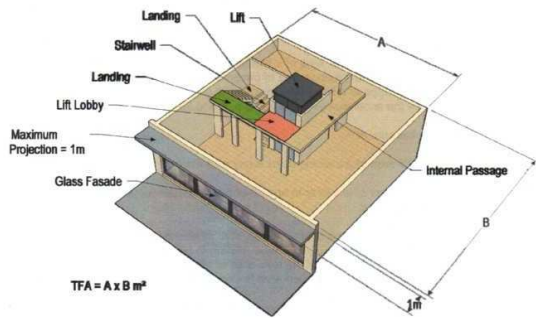


DIAGRAM 8



DIAGRAM 9



DIAGRAM 10

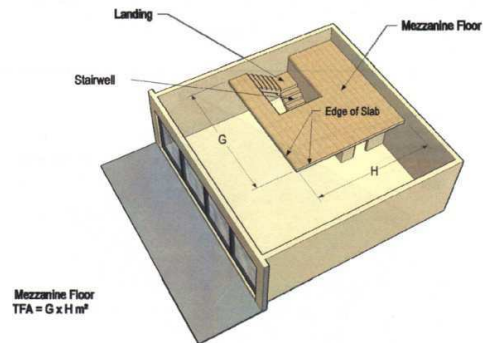
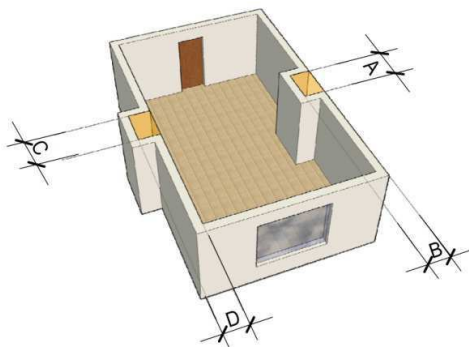
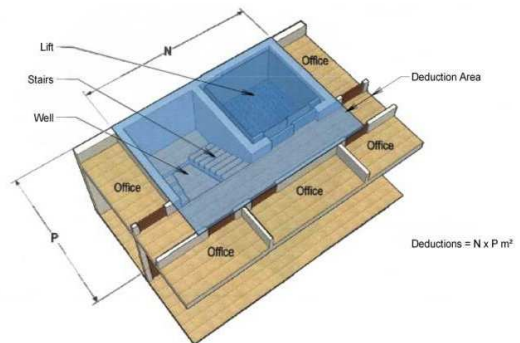


DIAGRAM 11



DEDUCTIONS :
 $(A \times B) + (C \times D)$

DIAGRAM 12



SCHEDULE 7: LIST OF NOXIOUS INDUSTRIES

1. 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) carbonisation of coal in coke ovens;
 - (6) charcoal-burning and/or storing, stockpiling or hoarding or burnt charcoal, charcoal products and/or charcoal residue;
 - (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) galvanising;
 - (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; and
 - (17) sintering of sulphur-bearing materials and viscose works.

2. The use of buildings or land for the production of or the employment in any process of:
 - (1) carbon bisulphide, cellulose lacquers, hot pitch or bitumen, pyridine, or pulverised fuel (except when used for a spray-painting trade);
 - (2) cyanogen or its compounds;
 - (3) liquid or gaseous sulphur dioxide; and
 - (4) sulphur chlorides or calcium carbide.

3. The use of buildings or land for the production of:
 - (1) amyl acetate, aromatic esters, butyric acid, caramel, enamelled wire, hexamine, iodoform, 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; and
 - (4) ultra marine, zinc chloride and oxide.

4. For the purpose of:
 - (1) an abattoir, animal bristle sterilizing and storing, and animal charcoal manufacture;
 - (2) a bacon factory, blood-albumen making, blood-boiling, bone-boiling, -steaming, -burning, -storing or -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-melting 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 knacker's 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, spenthops, 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; and
 - (14) yeast-making;
-
-

SCHEDULE 8: ACTIVITIES OR USES NOT PERMITTED IN A DWELLING UNIT

The following activities or uses are not permitted in any dwelling unit regardless of whether it is used for a Household Enterprise or not, namely:

1. Noxious Industries as specified in Schedule 7, Industries and (other) light industries
 2. Animal boarding place; pet salon; kennels; a veterinary hospital (excluding Veterinary Medical Consulting Rooms)
 3. Bank agency; call centre; building society agency; micro- lender; radio control/telephone exchange; travel agency; visitors' information bureau; a car loan business.
 4. Blasting contractor; builder's yard/storage of building equipment, building contractor's business,; manufacturing of concrete products;
 5. A car wash enterprise (except in the case of Use Zone 5 where it can be provided with the Written Consent); hiring and selling of vehicles; motor workshop; a tow-in service; panel-beater; spray-painter;
 6. Escort agency; funeral parlour; medical rescue and/or paramedic emergency rescue service;
 7. Fish-fryer; butcher shop (excluding traditional slaughtering of livestock and game associated with household activities);
 8. Packaging contractor; a plumber enterprise; parcel delivery service and/or courier service; transport depot; a transport undertaking enterprise or taxi business; tow-in service;
 9. A gymnasium (except a gymnasium for private use by the household occupying the dwelling unit); place of amusement; slimming clinic; shooting range;
 10. Security company and/or vehicle tracking agent/enterprise; firefighting enterprise/service;
 11. A Place of Instruction or Place of Childcare for more than ten (10) children.
-
-

SCHEDULE 9: CONDITIONS GOVERNING A PLACE OF CHILDCARE OR A CRECHE

- (1) A Place of Child Care or Creche is limited to a maximum of ten (10) children: Provided that –
 - (a) the health and safety requirements of the Municipality shall be complied with;
 - (b) no activities shall be held on weekdays after 17:30, or on Saturdays, Sundays or public holidays;
 - (c) In the case of a creche or where any activities of children may take place outside the dwelling unit, an acoustically-acceptable screen wall of at least 1,8 m high, shall be erected on the property boundary, where any outside or the play area abuts the living-room(s) of an adjoining dwelling unit, to the satisfaction of the Municipality; and
 - (d) the dwelling-unit shall be on property zoned "Residential 1" to "Residential 5" and "Agricultural".
-

SCHEDULE 10: SPECIFIC CONDITIONS REGULATING CERTAIN PRIMARY USES

1. Dry cleaners and carpet cleaners, launderettes, lawnmower workshops, printing works, farm stalls, parking garages, parking sites, places of refreshment and vehicle sales marts are regarded as primary uses on specific use zones, but subject to specific conditions:
2. The following light industries are permitted on "Business 2" and "Business 1" zones, subject to the following conditions:
 - (1) Dry-cleaner and carpet-cleaner:
 - (a) Steam and hot water shall be provided by means of electric boilers only or, with the Municipality's permission, by means of gas or automatic oil operated boilers.
 - (b) Provision shall be made for the discharge of industrial effluent into the municipal sewer to the satisfaction of the Municipality.
 - (c) Only chemicals of a non-flammable or non-explosive character as approved by the Municipality shall be used in the cleaning process.
 - (d) The public shall not be allowed in the work section which shall be partitioned off from public view.
 - (e) Provision for the disposal of fumes shall be made to the satisfaction of the Municipality.
 - (2) Launderette:
 - (a) The minimum open floor area per machine, be it washing machine or dryer, shall not less than 2,25 m².
 - (b) Provision shall be made for the discharge of industrial effluent into the municipal sewer to the satisfaction of the Municipality.
 - (3) Lawnmower workshop:
 - (a) The servicing, repairing and storing of all lawnmowers shall take place in a building, out of public view.
 - (b) All loading activities shall take place on the premises.
 - (c) The screening-off of noise shall be to the satisfaction of the Municipality.
 - (d) Provision shall be made for the discharge of industrial effluent into the municipal sewer to the satisfaction of the Municipality.
3. Farm stalls are permitted on "Agricultural" and "Municipal" Use Zones, subject to the following conditions:
 - (1) The area of the building shall not exceed 35 m², excluding parking and manoeuvring space: Provided that the Municipality may grant Permission to enlarge the area of such building in terms of Clause 38.
 - (2) The farm stall shall be situated at least 10 m from any property boundary, subject also to the building line as defined in the Scheme and/or title deed: Provided that the Municipality may grant Permission to reduce the building line in terms of Clause 37.
4. Parking Garages are permitted on "Business 1", "Business 2", "Industrial 1", and "Industrial 2" Use Zones, subject to the following conditions: A site development plan and a landscape development plan shall be submitted in terms of Clause 33 of the Scheme.
5. Parking Sites are permitted on "Residential 4", "Business 2", "Business 1", "Industrial 1" and "Industrial 2" Use Zones, subject to the following conditions:
 - (1) A site development plan and a landscape development plan shall be submitted in terms of Clause 33 of the Scheme.
 - (2) The following aspects shall be indicated on the site development plan to the satisfaction of the Municipality:
 - (a) Demarcation of the parking spaces and the layout of the site
 - (b) Position of the access control point
 - (c) Position of the screen walls and other physical barriers
 - (d) Positions, construction and maintenance of all vehicular entrances to and exits from the

- site
- (e) The surfacing of the entrances and exits from the tar edge or kerbing to the site boundary as well as the internal roads and parking areas.
6. Vehicle Sales Lots are permitted on "Business 2" and "Business 1" Use Zones, subject to the following conditions:
- (1) Where the area between the property boundary and the building line is used for the display or storage of vehicles being offered for sale, a physical barrier shall be erected.
 - (2) Vehicles may only be displayed on the natural ground level of the site, and no podium or platform shall be erected or used for display purposes, without the written permission of the Municipality.
 - (3) The surface of the display area shall be graded, drained, paved and maintained to the satisfaction of the Municipality.
 - (4) Where the vehicle sales mart adjoins residential property, an approved wall or fence shall be erected along the affected boundary of the property to the satisfaction of the Municipality.

SCHEDULE 11: CONDITIONS REGULATING THE USE OF ELECTRONIC COMMUNICATIONAN FACILITIES AND TELECOMMUNICATION STRUCTURES ON LAND IN ALL USE ZONES

1. Electronic Communication Facilities (ECF) and Telecommunication structure infrastructure types are classified as follows:

Main type ECF infrastructure and description	Sub-type ECF infrastructure sub-classification and description
Type A: Freestanding masts	Type A1: Mono pole or sectional pole (It may include the "ROCLA-mast" concrete pole); Type A2: Lattice masts
Type B: Concrete towers	Type B1: Concrete tower (excluding mono pole); Type B2: Concrete tower with lattice masts on top (excluding mono pole).
Type C: Camouflaged masts	Type C1: Masts camouflaged as trees; Type C2: Masts designed to fit in with architecture of building. Type C3: Mast camouflage as street lights (lamp posts)
Type D: Rooftop antennas & antennas attached to buildings or structures:	Type D1: Rooftop antenna; Type D2: Antenna attached to building or existing structure; Type D3: Antennas disguised to fit in with architecture, shape or appearance of other structures such as bridges
Type E: Dish antennas	-
Type F: Multi functional use antennas and structures	Type F1: Masts specifically designed to serve as land mark; Type F2: Masts which incorporates and/or accommodate advertising; Type F3: Advertising boards which incorporates and/or accommodate antennas; Type F4: Masts which accommodates street lighting and street light poles which accommodates antennas (traffic lights, road signs, and camera poles and flag poles).
Type G: Mast farms	-
Type H: Masts and antennas incidental to the enjoyment of a dwelling unit	Type H1: Television (TV) masts & antennas; Type H2: Satellite dish antennas; Type H3: Radio Amateur masts, poles, antennas & dish antennas; Type H4: Short wave & FM radio antennas; Type H5: Masts & antennas for purposes of safety & security systems and communication radios/systems of the dwelling unit
Type J: Antennas added on existing electronic communications mast for sharing and co-location	Antennas added to existing electronic communication mast or tower classified under Types A, B, C1, D1, F1, G and H above

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2. The ECF and Telecommunication structures described in (1) above with different specification levels is further classified as Land Use type based on its impact as follows:

Use type classification (Table "A")	Impact Classification	ECF Type	Specification level
Class 1 Electronic Communication Facility	Very high impact ECF	Type A	Freestanding masts more than 55m in height Freestanding mast with footprint area/coverage of structure larger than 20m ² (excluding containers and buildings)
		Type B	Concrete towers higher than 28m
		Type E	Dish antennas larger than 5m in diameter
		Type D1	Rooftop antennas adding more than 15m to the height of the building
			Containers and electronic communication facility larger than 24m ² and/or higher than 3m in height
Class 2 Electronic Communication Facility	High impact ECF	Type A	Freestanding masts between 28m to 55m in height
		Type B	Concrete towers not higher than 28m
		Type D1	Rooftop antennas adding more than 3m to the height of the building, but not exceeding 15m and which does not exceed any height restriction stipulated in Columns 10 and 11 of Table "C" of the Use Zones
		Type E	Dish antennas between 2m to 5m in diameter
		Type G	Any mast farm
			Containers and electronic communication facility between 12m ² and 24m ² and less than 3m in height
Class 3 Electronic Communication Facility	Medium impact ECF	Type A	Freestanding masts between 18m to 28m in height
		Type C1	Masts camouflaged as trees
		Type C2	Masts camouflaged or designed to fit in with the architecture of a building
		Type D1	Rooftop antennas adding not more than 3m to the height of the building and which does not exceed any height restriction stipulated in Columns 10 and 11 of Table "C" of the Use Zones
		Type E	Dish antennas between 1m to 2m in diameter
		Type F1	Masts specifically designed to serve as land mark exceeding a height of 15m and footprint/coverage of 24m ² .
		Type F2	Masts which incorporate and/or accommodates advertising
		Type F3	Advertising boards which incorporate and/or accommodates antennas

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Use type classification (Table "A")	Impact Classification	ECF Type	Specification level
			Containers and electronic communication facility smaller than 12m ² and less than 3m in height
Class 4 Electronic Communication Facility	Low impact ECF	Type A	Freestanding masts less than 15m in height
		Type C3	Masts camouflaged as street lights (lamp posts) and flag poles
		Type D1	Rooftop antennas which do not add to the height of any building.
		Types D2 and D3	Antennas attached to buildings and/or other existing structures
		Type E	Dish antennas less than 1m in diameter
		Type F1	Masts specifically designed to serve as land mark less than 15m in height and not exceeding footprint/coverage of 24m ² .
		Type H	Masts, poles, antennas and dish antennas not exceeding 3m in height and dish antennas not exceeding 2m in diameter
			Containers and electronic communication facility housed within buildings (new or existing);
			Containers and electronic communication facilities located underground
		Type J	Antennas added to any existing electronic communication facility where the footprint/coverage area of the structure does not exceed the specified maximum for that specific type
Class 5 Electronic Communication Facility	Very low impact ECF	Type F4	Masts which accommodate street lighting and street light poles which accommodates antennas (traffic lights, road signs, and camera poles).
		Type H	Masts, poles, antennas and dish antennas not exceeding 3m in height (without navigation lights, red & white band colouring and camouflage) and dish antennas not exceeding 2m in diameter;
		Type J	Antennas added to any existing electronic communication facility where the footprint/coverage area of the structure does not exceed the specified maximum for that specific type

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3. The following table provides for Control Zones and the management controls/procedure in terms of permitted uses and used where the consent of the Municipality in terms of provisions of the scheme for the different ECF use types:

Control Zone	Use Zones and/or areas	Permitted Use types (Column 1)	Uses permitted with Special Consent of the Municipality	Uses permitted with Written Consent of the Municipality
Low (minimum) Control Zone	<p>The following Use Zones: "Business 1"; "Business 2"; "Business 3"; "Business 4"; "Industrial 1"; "Industrial 2"; "Public Garage"; "Railway Transportation Services"; "Mining 1"; "Mining 2"; "Government"</p> <p>The following Use Zones within specific areas: "Municipal" zoned land except cemeteries.</p>	Classes 3, 4 and 5 ECF	-	Classes 1 and 2 ECF
Partial (medium) Control Zone	<p>The following Use Zones: "Residential 1"; "Residential 2"; "Residential 3" ; "Residential 4"; ; "Educational"; "Institution".</p>	Classes 4 and 5 ECF	Classes 1 and 2 ECF	Class 3 ECF
High control Zone	<p>The following Use Zones: "Residential 5"; "Agricultural"; "Public Open Space"; "Private Open Space"; "Public Road"; "Private Road";</p> <p>The following Use Zones within specific areas: "Municipal" zoned land used as a cemetery; Any ridge, koppie or mountain notwithstanding the Use Zone</p>	Classes 4 and 5 ECF	Classes 1, 2 and 3 ECF	-
Maximum Control Zone	<p>The following Use Zones "Protected Areas"</p> <p>All Use Zones or land within the following areas or within a 200m buffer zone thereof: Areas of cultural importance; historical sites and buildings proclaimed in terms of the National Monuments Act and or National Heritage Resources Act; Nature Conservation Areas, botanical gardens, conservancies, bird sanctuaries; wetlands, dams and pans; areas where Red Data species are known to occur.</p>	Class 5 ECF	Classes 1 to 4 ECF	-

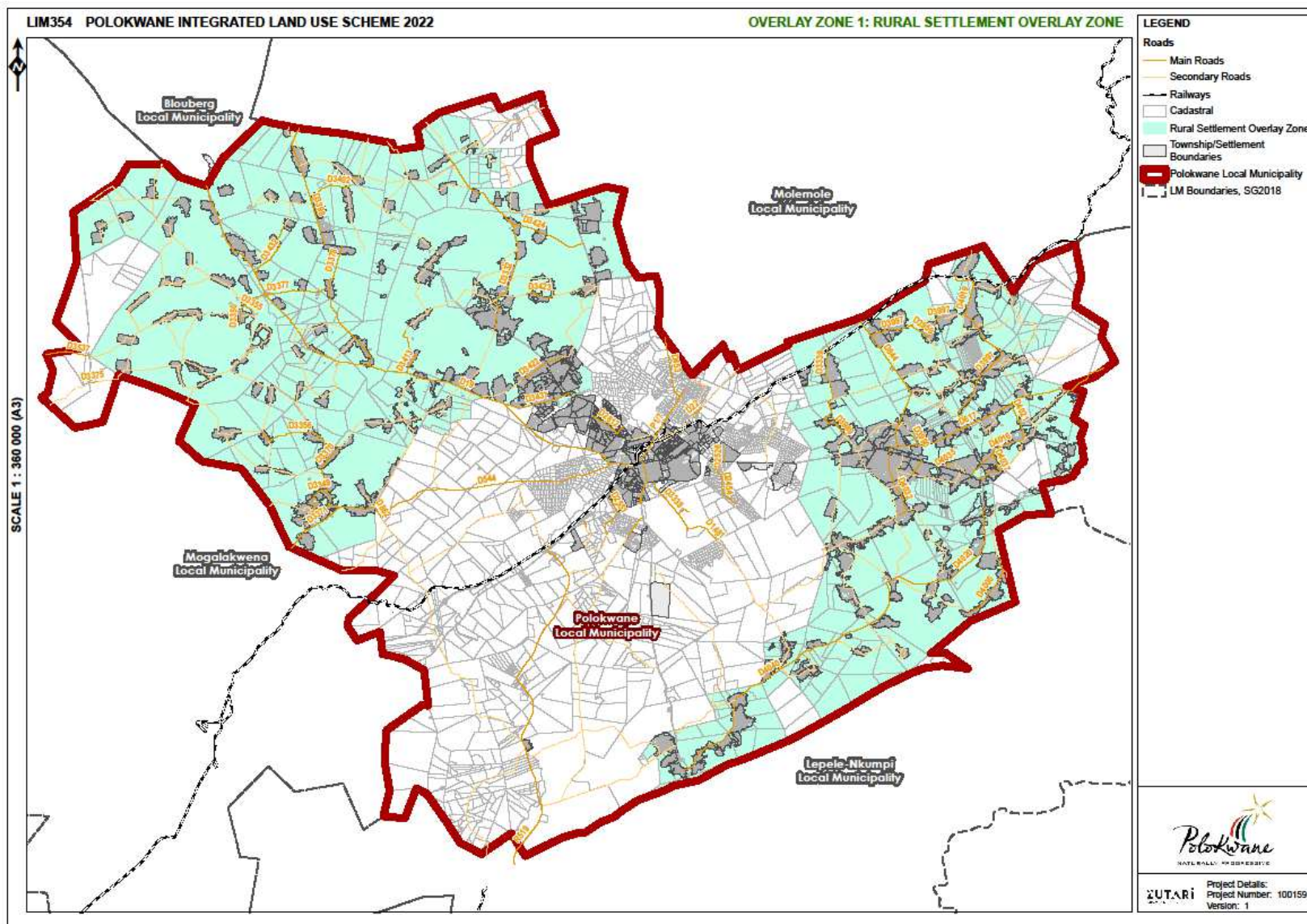
SCHEDULE 12: OVERLAY ZONES

OVERLAY ZONE:	1	Rural Settlement Overlay Zone
Purpose of Overlay Zone:	Identifying and managing the areas under custodianship of Traditional Authorities or Traditional Councils	

Specific conditions relating to the Overlay Zone

- (1) Overlay Zone 1: Rural Settlement Overlay Zone is depicted on the relevant Map.
- (2) Use Zone 5: Residential 5 (Rural Residential) is only permitted in the Rural Settlement Overlay Zone and not permitted in areas outside the delineated overlay zone.
- (3) Other Use Zones contemplated in Clause 20 of the scheme is or may also be present in the Overlay Zone and applied in the same manner throughout area of the scheme.
- (4) The Overlay Zone only applies to land under custodianship of Traditional Authorities and/or State owned and/or communal owned land within the area.
- (5) Any application for the consent (Special Consent, Written Consent or Permission) of the Municipality contemplated in Tables "A", "B", "C" and "D" of the scheme, shall be accompanied by:
 - (1) a letter of support from the relevant Traditional Authority responsible for communal affairs in the area
 - (2) proof of ownership of land or a site such as a Permission-to-Occupy (PTO).
- (6) The use of land for a consent granted by the Municipality contemplated in (5) above, shall be executed by the owner and developed for such purpose within a period of 24 months, or such further period the Municipality may allow after the recommendation from the relevant Traditional Authority has been submitted by the developer/applicant/owner. Failure to comply with this condition shall result in the automatic withdrawal or lapse of the consent.
- (7) Any application for the rezoning of land contemplated in Section 61 of the by-law and/or application for a major impact development contemplated in Section 74 thereof, shall be accompanied by a letter of support from the relevant Traditional Authority responsible for communal affairs in the area and such further information and/or documentation the Municipality may require.
- (8) In order to facilitate sustainable development and land use control, nobody may demarcate new sites or land in this overlay zone, without consulting the Municipality first, whereas the Municipality may prescribe relevant procedure and requirements in this regard after collaboration with other relevant national and/or provincial government departments.
- (9) The Municipality may also, in collaboration with national and/or provincial government departments and subject to provisions of any applicable law, introduce further application procedures for any of the above-mentioned applications for land development of the land falling in this overlay zone. This include provisions for the further involvement of the relevant Traditional Authority in whose jurisdiction the proposed development is to be located.
- (10) The Municipality may amend this Overlay Zone at any time in terms of provisions of Clause 44 of the scheme

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OVERLAY ZONE:	2	Urban Density Overlay Zone
Purpose of Overlay Zone:	Managing permitted maximum densities and minimum permitted erf sizes of single residential erven permitted for approved townships within different Urban areas within the area of the scheme	

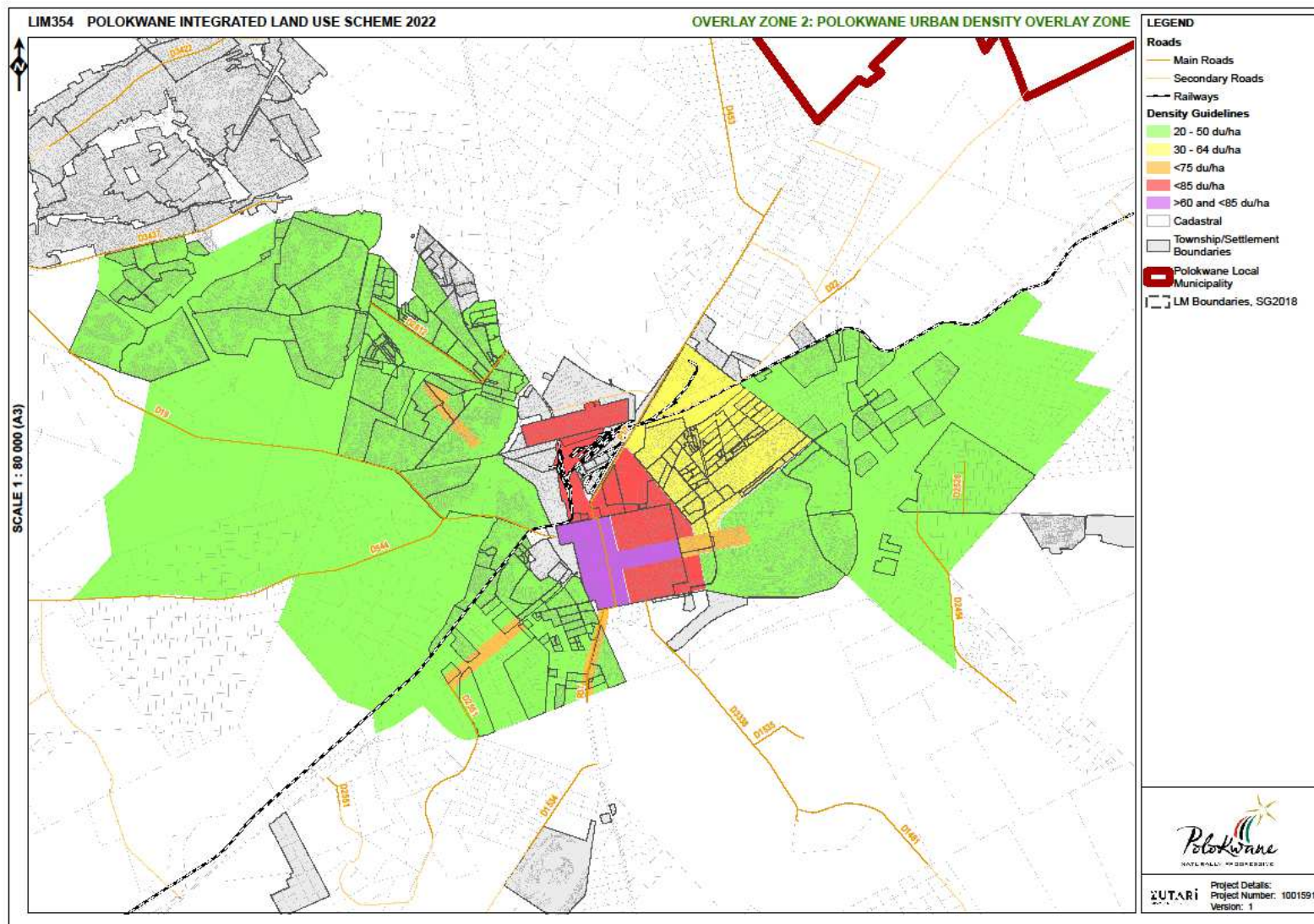
Specific conditions relating to the Overlay Zone

- (1) This Overlay Zone applies to the following Use or Base Zones:
- a. Use Zone 1: Residential 1
 - b. Use Zone 2: Residential 2
 - c. Use Zone 3: Residential 3
 - d. Use Zone 4: Residential 4
 - e. Use Zone 6: Business 1
 - f. Use Zone 7: Business 2
 - g. Use Zone 8: Business 3
 - h. Use Zone 9: Business 4
 - i. Use Zone 13: Institution
 - j. Use Zone 14: Educational
 - k. Use Zone 15: Municipal
 - l. Use Zone 16: Agricultural
- (2) In addition to provisions of the Use Zones referred to in (1) above, this Overlay Zone restricts the maximum permitted densities or relaxations contemplated in Columns 7, 8 and 9 of Table “C”
- (3) The restrictions of maximum permitted densities or relaxations of erven in the Urban Density Overlay Zone is depicted in a series of maps depicted on the relevant Map
- (4) The restrictions of minimum erf sizes or relaxations for single residential erven (detached and semi-detached dwelling units) in the Urban Density Overlay Zone is depicted in a series of maps depicted on the relevant Map
- (5) The restrictions of minimum erf sizes or relaxations of single residential erven, may in the case of semi-detached dwelling units, be relaxed further as follows:

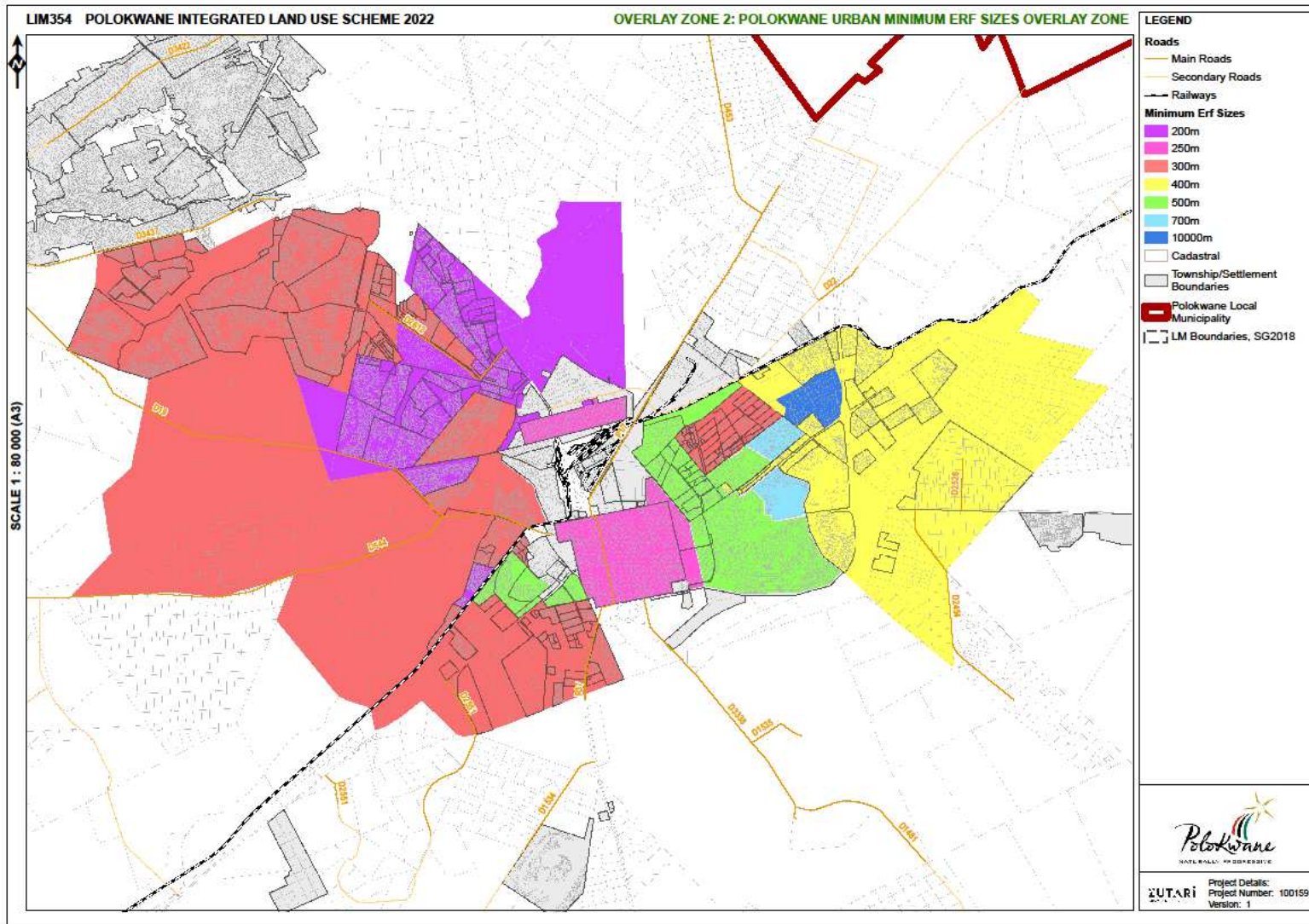
Original minimum erf size for <u>Detached dwelling unit/s</u> (as provided on map)	Further relaxation and minimum erf size for <u>Semi-detached dwelling unit/s</u>
<i>Column 1</i>	<i>Column 2</i>
200m ²	140m ²
250m ²	175m ²
300m ²	210m ²
400m ²	280m ²
500m ²	350m ²
700m ²	490m ²
1 000m ²	700m ²

- (6) The municipality shall apply provisions of Clauses (2) to (5) above in respect of any application for rezoning to a different Use Zone or any application where the consent of the Municipality is required
- (7) The municipality shall apply provisions of Clauses (2) to (5) above in respect of any application for township establishment or subdivision.
- (8) Erven included in the Restructuring Overlay Zone are exempted from provisions of the maximum densities provided in this Overlay Zone
- (9) Any subdivision of farm land (portions) or an agricultural holding within the Urban Edge which is regarded as high potential agricultural land or land with high environmentally sensitivity, shall only be permitted by the Municipality with special merits subject to the municipality’s relevant policy in this regard.
- (10) The Municipality may amend this Overlay Zone at any time in terms of provisions of Clause 44 of the scheme

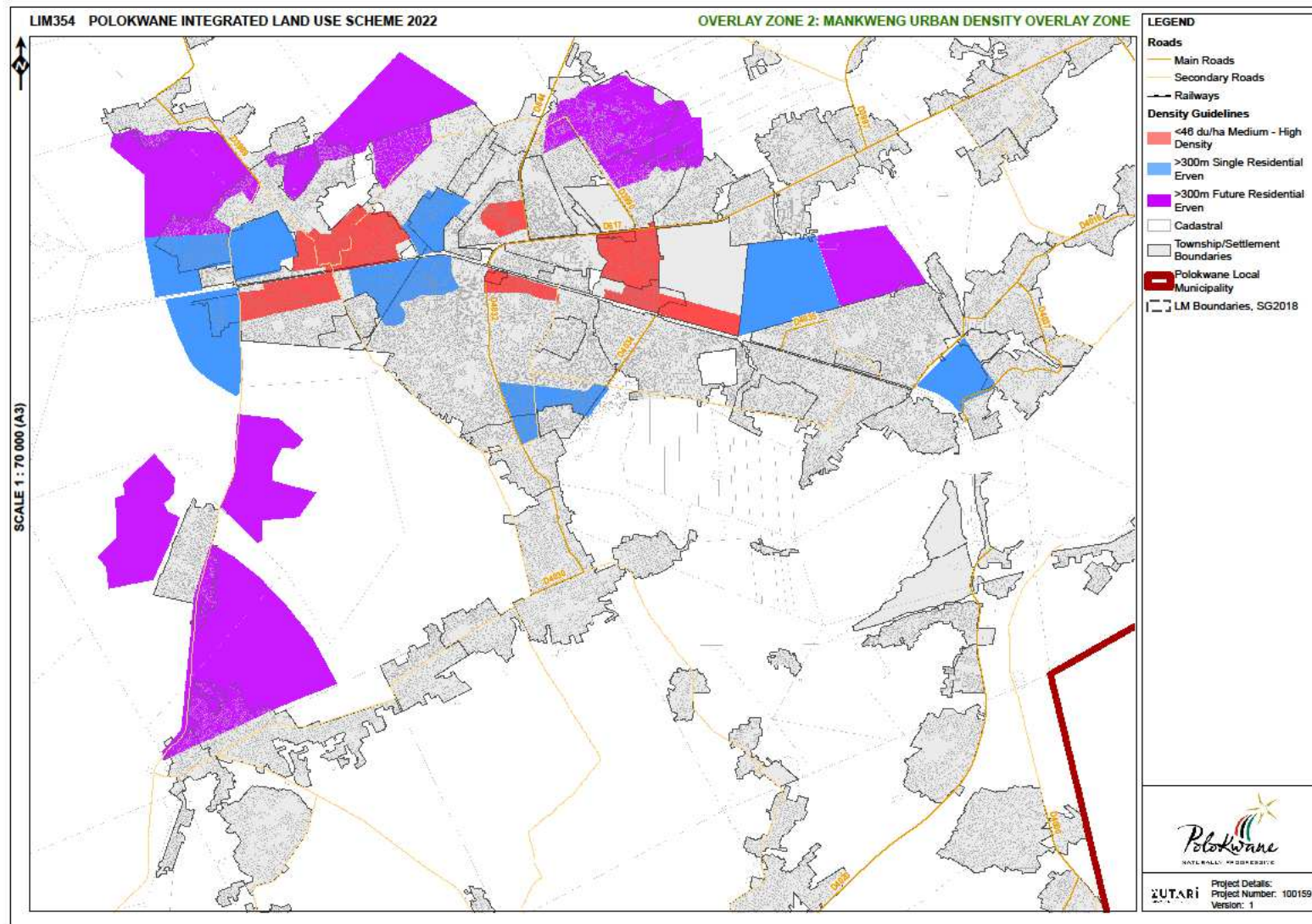
POLOKWANE INTEGRATED LAND USE SCHEME, 2022



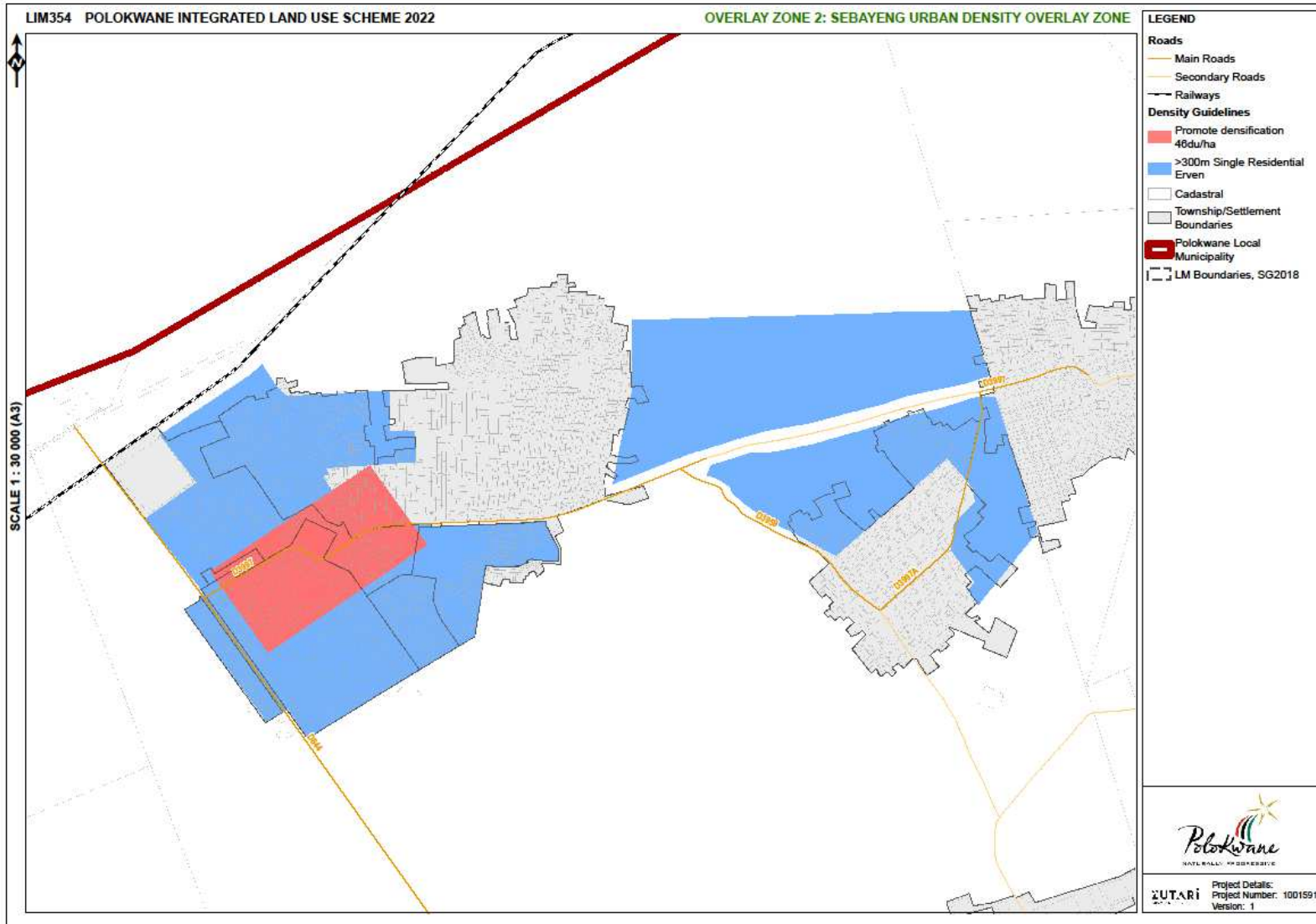
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POLOKWANE INTEGRATED LAND USE SCHEME, 2022



POLOKWANE INTEGRATED LAND USE SCHEME, 2022



OVERLAY ZONE:	3	Rural Density Overlay Zone
Purpose of Overlay Zone:	Managing permitted minimum sizes of farm land/portions, agricultural holdings and erven or sites within the Rural Area of the scheme	
<u>Specific conditions relating to the Overlay Zone</u>		
<p>(1) This Overlay Zone applies to the following Use or Base Zones:</p> <ul style="list-style-type: none"> a. Use Zone 1: Residential 1 b. Use Zone 2: Residential 2 c. Use Zone 5: Residential 5 (Rural Residential) d. Use Zone 16: Agricultural <p>(2) In addition to provisions of Use Zones 1, 2 and 5, this Overlay Zone restricts the maximum permitted densities or relaxations contemplated in Columns 7, 8 and 9 of Table "C" to 31 Dwelling Units/ha in respect of Dwelling Units and to the permitted density (primary right) in the case of a Residential Buildings, with no relaxations permitted.</p> <p>(3) The municipality shall apply provisions of Clause (2) above in respect of any application for rezoning to a different Use Zone or any application where the consent of the Municipality is required.</p> <p>(4) In addition to provisions of Use Zones 1 and 5, this Overlay Zone restricts the minimum erf or site sizes and relaxations of single residential erven/sites contemplated in Column 18 of Table "E", to a minimum of 250m².</p> <p>(5) The municipality shall apply provisions of Clauses (4) above in respect of any application for township establishment, demarcation of sites or subdivision of erven/sites.</p> <p>(6) The following farms are regarded as land situated within with high environmentally sensitive or high agricultural potential areas and for this purpose, the subdivision of land outside the Urban Edge shall not be permitted unless such subdivision will result in the proclamation of a Game Reserve, Nature Reserve or Nature Conservation Area, namely:</p> <ul style="list-style-type: none"> a. Portions of the farm Tweefontein 915 L.S. b. Portions of the farm Palm 681 L.S. c. Portions of the farm Palmietfontein 684 L.S. d. Portions of the farm Palmiet 910 L.S. e. Portions of the farm Enkelbosch 683 L.S. f. Portions of the farm Krugersburg 685 L.S. g. Portions of the farm Doornbult 624 L.S. h. Portions of the farm Locatie of Malietziel 606 LS i. Portions of the farm Boschfontein 736 LS j. Portions of the farm Paddasdors 729 LS k. Portions of the farm Hollandsdrift 15 KS l. Portions of the farm Turffontein 14 KS m. Portions of the farm Rietvley 13 KS n. Portions of the farm Portugal 55 KS o. Portions of the farm Grootvalley 57 KS p. Portions of the farm Eersteling 17 KS q. Portions of the farm Zamenloop 186 KS r. Portions of the farm Majebaskraal 1005 KS s. Portions of the farm Spits 994 LS t. Portions of the farm Melkboomfontein 919 LS u. Portions of the farm Matjeskraal 1047 LS v. Portions of the farm Kopermyn 252 KS w. Portions of the farm Mphalelespoort 266 KS x. Portions of the farm Schoonheid 263 KS y. Portions of the farm Asvogelskrans 265 KS <p>(7) The Municipality may amend this Overlay Zone at any time in terms of provisions of Clause 44 of the scheme</p>		

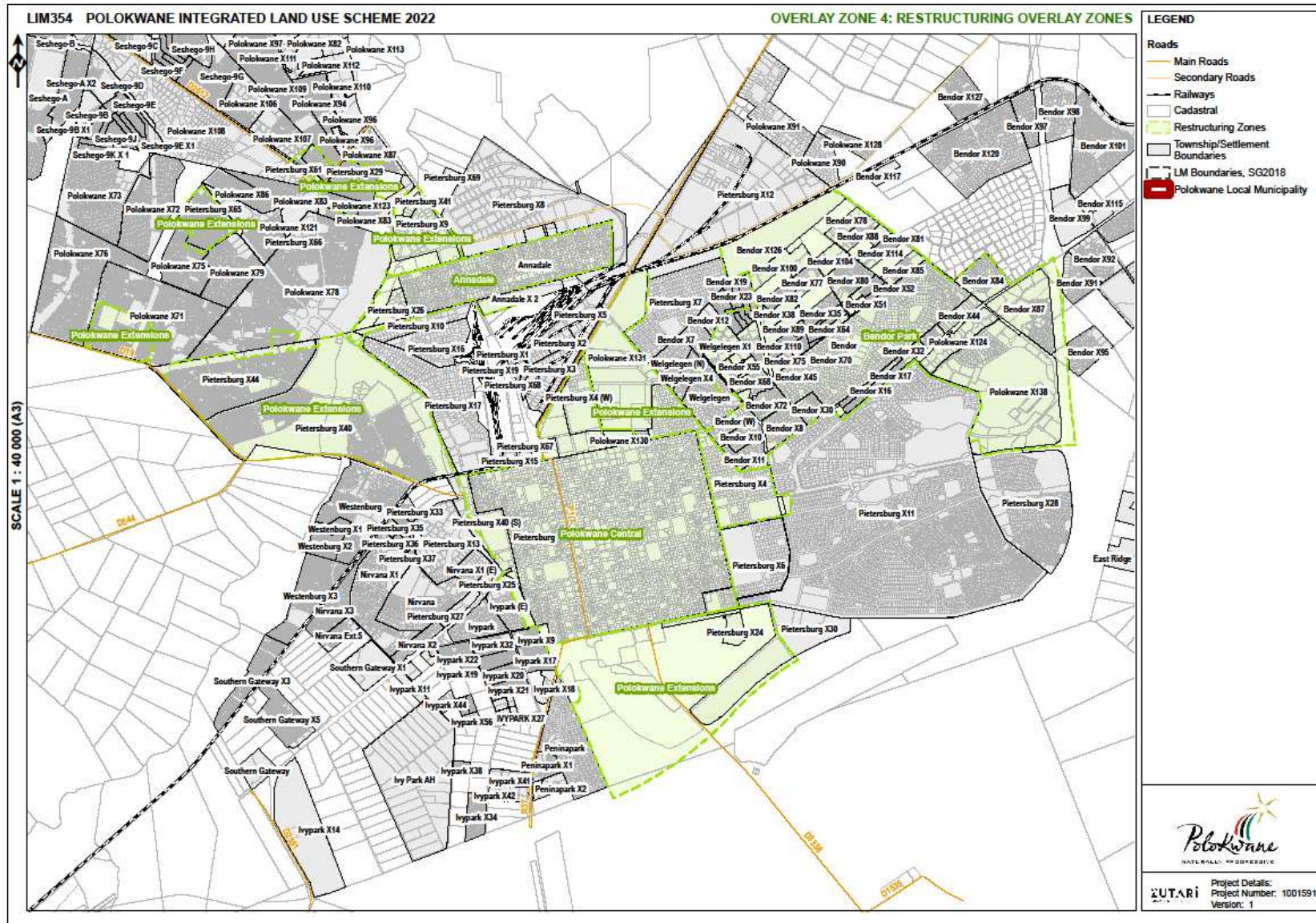
OVERLAY ZONE:	4	Restructuring Overlay Zone
Purpose of Overlay Zone:	Managing and relaxing the permitted maximum densities and other development controls associated with and to promote government subsidized housing in proclaimed Restructuring Zones within the Polokwane Urban area within the area of the scheme	
<u>Specific conditions relating to the Overlay Zone</u>		
<p>(1) Overlay Zone 4: Restructuring Overlay Zone is depicted on the relevant Map, and includes the Restructuring Zones for Polokwane as promulgated by National Government on 28 April 2017 (Government Gazette No. 40815)</p> <p>(2) This Overlay Zone applies to the following Use or Base Zones:</p> <ol style="list-style-type: none"> a. Use Zone 2: Residential 2 b. Use Zone 3: Residential 3 c. Use Zone 4: Residential 4 d. Use Zone 6: Business 1 e. Use Zone 7: Business 2 f. Use Zone 8: Business 3 g. Use Zone 9: Business 4 <p>(3) Notwithstanding any of the provisions of Use Zones 2, 3, 4, 6, 7, 8 and 9 or any other Overlay Zone or any other policy of the Municipality, subject to provisions of Clause (4) below, Overlay Zone 4: Restructuring Overlay Zone, herewith grants the Municipality the general authority to depart from such provisions and relax the development controls and conditions pertaining to these Use Zones without the owner motivating the special merits thereof, as follows:</p> <ol style="list-style-type: none"> a. The maximum permitted density in Table "C" of the scheme in respect of Dwelling Units is relaxed to a maximum of 200 dwelling units/ha, where permitted, or the maximum under the specific Use Zone, whichever is the highest b. The maximum permitted density in respect of a Residential Building may be relaxed with 50% as determined as per Schedule 1 c. The required parking provision contemplated in Column 6 of Table "B" may further be relaxed and deviated from provisions of the scheme table as follows: <ol style="list-style-type: none"> i. Dwelling Units: 1 parking space for every 5 dwelling units must be provided plus a Drop-off Zone to the satisfaction of the Municipality. ii. Residential Building: 1 parking space for every 5 habitable rooms must be provided plus a Drop-off Zone to the satisfaction of the Municipality. iii. No parking spaces for visitors are required d. The maximum height contemplated in Column 11 of Table "C" may be permitted e. The maximum coverage contemplated in Column 13 of Table "C" may be permitted f. The maximum floor area ratio contemplated in Column 15 of Table "C" may be permitted (where applicable) <p>(4) Provisions of this Overlay Zone may be applied to any land or application located in this Overlay Zone, subject thereto that:</p> <ol style="list-style-type: none"> a. The development is linked and limited to a government housing subsidy programme, excluding the Finance Linked Individual Subsidy Programme (FLISP) b. The owner must submit proof to the Municipality that the project/development is approved or endorsed by the relevant National or Provincial Government departments under one of its government's housing subsidy programmes, excluding FLISP c. The owner must submit a Site Development Plan which has been endorsed by the relevant National or Provincial Government department d. Bulk engineering services are available <p>(5) An application for a land development area is, despite provisions in this Overlay Zone, subject to the evaluation of the need and desirability, including availability of bulk engineering services</p> <p>(6) The standard provisions of Table "D" regarding Buildings lines shall still apply to this Overlay Zone</p> <p>(7) The standard provisions of Column 2 and 3 of Table "A" regarding uses permitted with consent shall still apply to this Overlay Zone</p> <p>(8) Notwithstanding provisions of Clauses (3) and (4) above, it may be required, during consideration of the Site Development Plan, that additional studies such as but not limited to a Traffic Impact Assessment/Traffic Statement report, be submitted for consideration by the Municipality</p> <p>(9) The Municipality may upon an application made by a land owner's who's property is located in this Overlay Zone, exempt any owner in terms of Section 114 of the By-law, to comply with any of the provisions of Chapter 6 or any other provision of the By-law in order to expedite proceedings</p>		

(10) Notwithstanding provisions of this Overlay Zone or any exemption above, provisions of Chapter 7 of the By-law regarding engineering services and development charges shall remain in force and the Municipality may:

- a. Lay down any condition pertaining to provision and installation of engineering services it deems fit
- b. Require the payment of development charges
- c. Create incentives and/or rebates in respect of development charges

(11) The Municipality may amend this Overlay Zone at any time in terms of provisions of Clause 44 of the scheme

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OVERLAY ZONE: 5 Medical Facilities Overlay Zone

Purpose of Overlay Zone: To identify and manage the areas where medical and related uses are permitted

Specific conditions relating to the Overlay Zone

- (1) This Overlay Zone applies to Use Zones 10, 14, 16 and 23, and regulates the preferred locality of medical and related uses in a hierarchic manner as contemplated in the Municipality’s policy titled: “Short study and policy pertaining to the provision of medical and related land uses within the jurisdiction area of Polokwane Municipality, October 2001”. [Cross reference where the detail provisions and criteria are stipulated is: Council Resolution CR/86/02/02 of 12 February 2002, file reference 15/2/2(174)].
- (2) Proposed zonings in the policy [refer to sub-clause (2)] may differ from provision and Use Zones in this scheme and should therefore be interpreted to align with provisions of this Overlay Zone.
- (3) Restrictions and conditions of this Overlay Zone does not apply to the Polokwane CBD or its permitted Use Zones.
- (4) The table below provides a summary of the preferred locality for those medical facilities preferred to locate within nodal areas and those which can locate throughout the municipal area as set out in the Municipality’s policy referred to in sub-clause (2) above.

Area	Medical facility and main purpose	Hierarchic order / Preferred locality of medical facility			
		Regional Node	Community Node	Neighbourhood Facility	Local Facility
<i>Col. 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>	<i>Column 5</i>	<i>Column 6</i>
Delineated Nodes	Tertiary or Academic Hospital	Yes	No	No	No
	Regional Referral Hospital	Yes	No	No	No
	Specialised Hospital, Clinic or rehabilitation Centre	Yes	No	No	No
	District Referral Hospital with medical centre or medical consulting rooms	Yes	No	No	No
	District Referral Hospital	Yes	Yes	No	No
	Medical Centre or large medical practices – medical consulting rooms for medical specialists, GPs, special clinic	Yes	Yes	No	No
Other areas throughout the municipal area	Health Centre	Yes	Yes	Yes	No
	Clinic	Yes	Yes	Yes	No
	Nursing Home or Step-down facility	Yes	Yes	Yes	No
	Social refuge centre or institution	Yes	Yes	Yes	No
	Medical consulting rooms for small medical practices for GPs medical specialists, dentists etc., but excluding a Medical Centre	Yes	Yes	Yes	No
	Medical consulting rooms for a single or small medical practice for GPs', dentist, clinical psychologists, physio therapist, psychiatrists etc.	Yes	Yes	Yes	Yes
	Clinic Visiting Point	Yes	Yes	Yes	Yes

- (5) The detail of the area earmarked as the Polokwane Regional Medical Node referred in in Column 2 of the table in sub-clause (5) above, is further contained in in the Municipality’s policy titled: “Policy review pertaining to the provision of medical and related uses within Polokwane’s Regional Medical Node, 2008.” (as reviewed in 2006).
- (6) The identified Community Nodes referred in Column 3 of the table in sub-clause (5) above, includes:
 - a. Node 1: Seshego Hospital (Erven 7946, 1920, 1922 and 8230 Seshego Zone A)
 - b. Node 2: Polokwane Provincial Hospital together with the Rethabile Health Centre
 - c. Node 3: Mankweng Hospital
- (7) The number and areas of Community Nodes may be expanded by the Municipality.
- (8) The Municipality may amend this Overlay Zone at any time in terms of provisions of Clause 44 of the scheme.

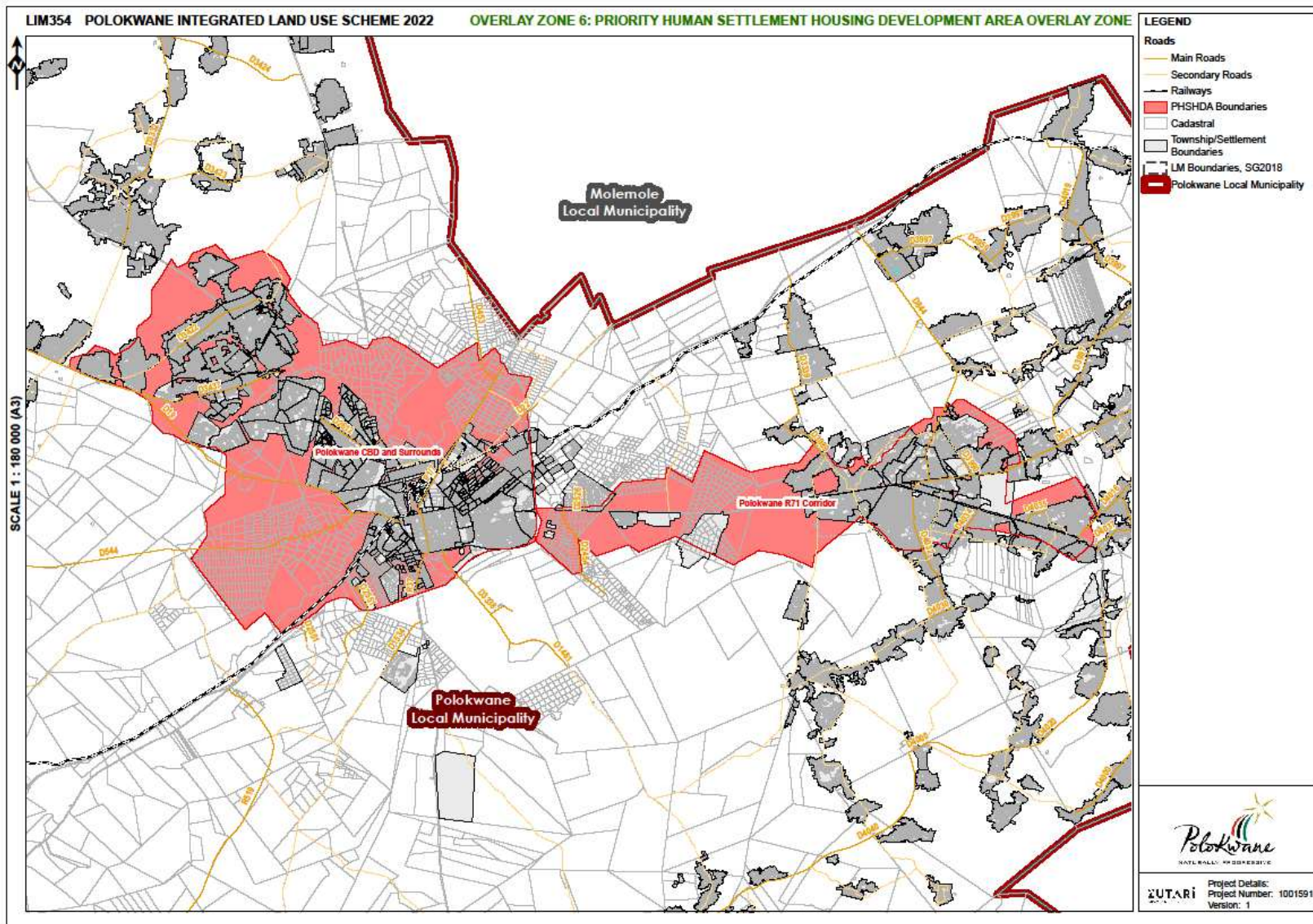
OVERLAY ZONE: 6 Priority Human Settlement and Housing Development Area Overlay Zone

Purpose of Overlay Zone: To expedite processes in the by-law in respect of housing development applications in order to support government's intention to advance Human Settlement Spatial Transformation and Consolidation by ensuring that the delivery of housing is used to restructure and revitalize the city, strengthen the livelihood prospects of households and overcome apartheid spatial patterns by fostering integrated urban forms.

Specific conditions relating to the Overlay Zone

- (1) Overlay Zone 6: Priority Human Settlement and Housing Development (PHSHDA) Overlay Zone is depicted on the relevant Map
- (2) The area within the Overlay Zone is regarded as spatial targeting area whereby land development for integrated human settlement development should be prioritized
- (3) An application for a land development area is, despite provisions in this Overlay Zone, subject to the evaluation of the need and desirability, including availability of bulk engineering services
- (4) Provisions of the Scheme and this Overlay Zone has preference over any provision of the Municipal Spatial Development Framework, 2010, with specific reference to the Urban Edge and Urban Fringe Areas. However, the development of any land development outside the Urban Edge, is subject to the availability of bulk engineering services and/or conditions the municipality may further impose
- (5) Investment in urban infrastructure, including human settlements, should be prioritised within the area of the Overlay Zone and may be further complemented by the Municipality with the introduction of specific Development or Precinct Plans in these areas, wherein the development potential and infrastructure requirements was/can be pre-determined, including the demand for bulk requirements of the surrounding economic infrastructure
- (6) Any strategy or guideline adopted by the Municipality in any Municipal Spatial Development Framework, Development or Precinct Plan after the Determined Date shall have preference over provisions of this Overlay Zone and this schedule may subsequently be amended in accordance with Clause 44(2) of the scheme
- (7) In order to expedite procedures, any application for land development where housing development is involved in the area of the Overlay Zone is automatically exempted in terms of provisions of Section 114 by the Municipality from the following provisions of the By-law:
 - a) Section 53(1) where pre-application consultation is required. A land development applicant is herewith authorized in terms of Section 53(4) to proceed with any application
 - b) Section 61(2) where a land development applicant is herewith authorized that two or more erven may be rezoned using a single amendment scheme number
 - c) Section 77 read together with Schedule 27 where the following applications are herewith permitted to be lodge simultaneously, namely:
 - a. Applications for rezoning and consolidation
 - b. Applications for rezoning and subdivision
 - c. Applications for rezoning and removal of restrictive title conditions
 - d) Section 70(1) where a land development applicant is herewith exempted from applying to the Municipality for consolidation of erven, subject thereto that the erven is zoned the same, has the same approved density, and is owned by the same registered property owner.
- (8) Despite provisions of this schedule, the following provision of the by-law shall still apply, namely:
 - a) Section 69(1) whereby a consolidation must be registered by the Registrar of Deeds within three years
 - b) Section 67(7)(a) to (d) where certain standard conditions shall apply
 - c) Sections 70(3) and (4) wherein the Municipality must certify that the land development applicant has been excepted from provisions referred to in Condition (6)(d) above
- (9) The Municipality may amend this Overlay Zone at any time in terms of provisions of Clause 44 of the scheme.

POLOKWANE INTEGRATED LAND USE SCHEME, 2022



SCHEDULE 13: ADDITIONAL CONDITIONS REGULATING PROTECTED AREAS AND AGRICULTURAL LAND

1. Land in the Agricultural Use Zone (Use Zone 17) and Protected Areas Use Zone (Use Zone 25) is subject to provisions of:
 - a. The Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970), unless excluded from such provisions by the relevant Minister; and
 - b. The Conservation of Agricultural Resources Act, 1983 (Act 43 of 1983), its Regulations or any promulgation or delineation of Protected Agricultural Areas; or
 - c. Any requirement or condition of the Department of Agriculture, Land Reform and Rural Development in respect of the utilization of agricultural land.
2. The purpose of this Schedule is to ensure that high value agricultural land is protected against non-agricultural land uses in order to promote long-term agricultural production and food security
3. Land included as **Protected Agricultural Area** and provisions of this Schedule includes:
 - a. Remaining Extent of Portion 103, Remaining Extent of Portion 126, Remaining Extent of Portion 93, Portions 1,9 to 11, 38, 41,94, 94, 97, 99 100 – 130, 132, 140, 142, 143 – 146, 149, 150, 151, 157, 158, 176, 177, 188 and 198 of the farm Doornbult 624 LS.
 - b. Remaining Extent of the farm Doringbos 1187 LS.
 - c. Remaining Extent of Portion 1 of the farm Duvenhageskraal 689 LS.
 - d. Remaining Extent and Portions 1, 4 and 5 of the farm Eerstegoud 1184 LS.
 - e. Remaining Extents of Portions 4, 7, 18, 23, 28, 29 and Portions 3, 6, 14, 17, 19 – 22, 25, 30, 32, 38, 39, 41, 44 – 51, and 54 of the farm Hollanddrift 15 KS.
 - f. Portions 31 and 32 of the farm Kaalspruit 1135 LS.
 - g. Remaining Extent of Portion 11 and Portion 1 of the farm Kalkbank 552 LS.
 - h. Portions 1 and 2 of the farm Nantes 25 KS.
 - i. Remaining Extent, Remaining Extents of Portions 6, 11, and 19 and Portions 1 – 12, 15, 17, 18, 24 of the farm Palmietfontein 620 LS.
 - j. Remaining Extent of the farm Putfontein 634 LS
 - k. Remaining Extent of the farm Rechtgenoeg 19 KS.
 - l. Remaining Extent, Remaining Extent of Portion 17 and Portions 4 – 7, 10, 17 and 30 of the farm Rietfontein 743 LS.
 - m. Remaining Extent of Portion 29 of the farm Rietvley 13 KS.
 - n. Remaining Extent of the farm Roodevlakte 969 KS.
 - o. Remaining Extent and Portion1 of the farm Schuilkraal 623 LS.
 - p. Remaining Extents of Portions 19, 23 and 24 and Portions 4,5,11,15, 25 – 29, 31, 35, 36 – 38 and 40 of the farm Snymansdrift 738 LS.
 - q. Remaining Extent and Portions 12, 14, 15, 17 – 30, 33 – 35 of the farm Waterval 18 KS.
 - r. Remaining Extent and Portions 2, 3 and 44 of the farm Wildebeestfontein 20 KS.
 - s. Remaining Extent of Portion 44 and Portions 1, 2, 4, 5, 13, 15 – 17, 19 -27, 33, 36, 38, 39, 54, 55, 60 and 61 of the farm Zandrivier 742 LS.
 - t. All portions of Elmadal Agricultural Holdings.
4. The Municipality may, subject to consultation with the Department of Agriculture, Land Reform and Rural Development:
 - a. Amend this Schedule at any time and/or the list of property included under Clause 3 above
 - b. Amend Overlay Zones at any time in terms of provisions of Clause 44 of the scheme in order to regulate the use of Protected Agricultural Areas
 - c. Exempt any owner of land from provisions of this Schedule or any Overlay Zone in this regard subject to provisions of Clause 38.

SCHEDULE 14: CONDITIONS AND LIST OF TEMPORARY USES WHICH MAY BE CONDUCTED ON ANY USE ZONE WITH THE PERMISSION OF THE MUNICIPALITY

1. The Municipality may grant Permission as provided for in Clauses 21 and 38, for the Temporary Use of land and buildings under any Use Zone, including Use Zone 21: Public Open Space and Use Zone 16: Municipal and Use Zone 19: Public Road, for any temporary use for the following land uses and/or activities, namely:
 - a. Agricultural Use
 - b. Concerts, fairs, circuses, bazaars
 - c. Street vendors or informal trade
 - d. Restaurant including Shisanyama
 - e. Tea Garden
 - f. Caravan Park
 - g. Kiosk
 - h. Car Wash
 - i. Service Industry
 - j. Place of Instruction
 - k. Place of Childcare
 - l. Multi-purpose Centre
 - m. Refuge Centre or Disaster Management Centre
 - n. Offices
 - o. Shop
 - p. Place of Amusement
 - q. Vehicle Sales Lot
 - r. Parking
 - s. Taxi holding area
 - t. Public gatherings and religious purposes or meetings
 - u. Conference Facility
 - v. Recreation
 - w. Social halls
 - x. Exhibitions
 - y. State or municipal purposes
 - z. Outdoor Advertisement
2. The uses or activities conducted on the land in terms of this provision shall not prejudice the health, safety and convenience of any community or person in the opinion of the Municipality.
3. The uses or activities conducted on any Public Road shall not prejudice safety and convenience of orderly traffic flow and be consistent with any legislation in respect of public roads.
4. The Municipality shall ensure that the land or building is rehabilitated after expiry of the use thereof for any temporary purpose.
5. The use of land for any outdoor advertisement shall also comply with the Municipality's by-laws in respect of Outdoor Advertisement.

SCHEDULE 15: LIST OF GENERALLY ACCEPTED ANCILLARY AND SUBSERVIENT USES

Where the definitions under Clause 9 does not specifically include ancillary and subservient uses, the table herein provides a list of generally accepted ancillary and subservient uses in most Use Zones or for specific uses, but may not be limited hereto.

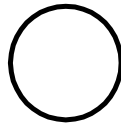
Use Zone or uses	Ancillary and subservient uses
All Use Zones	Guard House; refuse room; store room; outbuilding; scullery; laundry; dining rooms; lounge or sitting room; parking garage;
All Use Zones except Agricultural, Protected Areas and Residential 1 to 5 Use Zones	Caretaker's Dwelling Unit; cafeteria; auto teller machine; taxi parking area; digital hub
Residential 1 to 5 Use Zones and in any Dwelling Unit	Kitchenette; braai room; bar and gymnasium (only for exclusive use of household and visitors); urban agriculture
Agricultural or Protected Area Use Zones	Outbuildings to accommodate bona fide employees on a productive farm, game or nature reserve or nature conservation area
Aerodrome or Airport	Air traffic control tower; telecommunication structure; terminal facilities; hangers; restaurant; car rental facility; shop; offices and custom offices; police satellite station; motor workshop and workshop where airplanes can be serviced and repaired; fuel pumps and fueling facility for airplanes; airport fire station;
Cemetery	Office; chapel; garden or wall of remembrance.
Crematorium	Office; chapel; garden or wall of remembrance
Institution Use Zone, Hospital or Clinic	Medical Consulting Rooms; operating theatres; x-ray rooms; outpatient centre; wellness centre; pharmacy; kiosk; administrative offices; urban agriculture
Industrial 1 and 2 Use Zones	Urban agriculture
Hotel and Lodge	Administrative offices; Restaurant; Conference Facility; entertainment facilities; bar or pub; billiard room; kitchenette in room suite or unit; recreation; urban agriculture
Outbuilding	Garaging of motor vehicles; building/s for any other normal activities in so far as these are usually and reasonably required in the connection with the main building
Educational Use Zone and Place of Instruction	Research institute; hostel; social hall; sport fields and/or recreation; public or private library; public or private art gallery; public or private museum; place of instruction in sport where the main objective is instruction rather than participation as competitors or spectators; urban agriculture
Place of Worship	Religious leader's Dwelling Unit; Office; social hall; place of religious instruction; urban agriculture
Private Road	Access control facilities; guard house; gate house; refuse room; utility room; urban agriculture
Sport and Recreation	Club; clubhouse; gymnasium; ablution facilities; stores; utility rooms; office and administrative buildings; urban agriculture
Public Road (sidewalk of the road reserve)	Urban agriculture (excluding the erection of green houses)
Municipal	Urban agriculture
Nursery	Urban agriculture

SCHEDULE 16: PRO FORMA: ANNEXURE P

POLOKWANE INTEGRATED

LAND USE SCHEME **2022**

ANNEXURE **P**



AMENDMENT SCHEME SHEET OF SHEETS

PROPERTY DESCRIPTION:

1	Use Zone	
2	Uses with "Special Consent"	
3	Uses with "Written Consent"	
4	Uses not permitted	
5	Paving of traffic areas	
6	Access to the erf	
7	Loading and off-loading facilities	
8	Turning facilities	
10	Physical barriers	
11	Health measures	
12	Definitions	
13	Density	
14	Coverage	
15	Height	
16	Floor Area Ratio (F.A.R.)	
17	Site development plan and landscape development plan	
18	Building lines	
19	Parking requirements	
20	Outdoor advertising	
21	General:	

APPROVED

PROMULGATED ON:

.....
CITY OF POLOKWANE LOCAL MUNICIPALITY

COMES INTO OPERATION ON

SCHEDULE 17: PRO FORMA: SPECIAL CONSENT SCHEDULE

POLOKWANE INTEGRATED LAND USE SCHEME 2022	
SCHEDULE OF SPECIAL CONSENT	REF:
PROPERTY DESCRIPTION:	
CONDITIONS APPLICABLE TO THE CONSENT OR PERMISSION GRANTED BY THE MUNICIPALITY	
1	Use Zone
2	Special Consent
3	Definitions
4	Density
5	Coverage
6	Height
7	Floor Area Ratio
8	Site Development Plan and Landscape Development Plan
9	Building Lines
10	Parking Requirements
11	Paving of traffic areas
12	Access to the erf
13	Loading and off-loading facilities
14	Turning facilities
15	<p>General:</p> <p>(1) Approval hereof does not in any way imply approval of any Site Development Plan as may be required.</p> <p>(2) The Special Consent shall be null and void if the requirements imposed by the Municipality are not complied with.</p> <p>(3) (a) The owner of the property is not absolved from complying with the requirement(s)/restriction(s) of any title deed, law, bylaw or act. (b) The Municipality is not bound in any way whatsoever to issue any further Consent related hereto.</p> <p>(4) Should the manner in which the Special Consent is exercised, interfere in any way or constitute a nuisance, the Municipality reserves the right to take appropriate steps for the removal of the cause of such interference or nuisance or to withdraw this Special Consent.</p> <p>(5) In addition to the above conditions the property and buildings thereon are subject to the general provisions of the Town Planning Scheme in operation.</p>
APPROVED	DATE

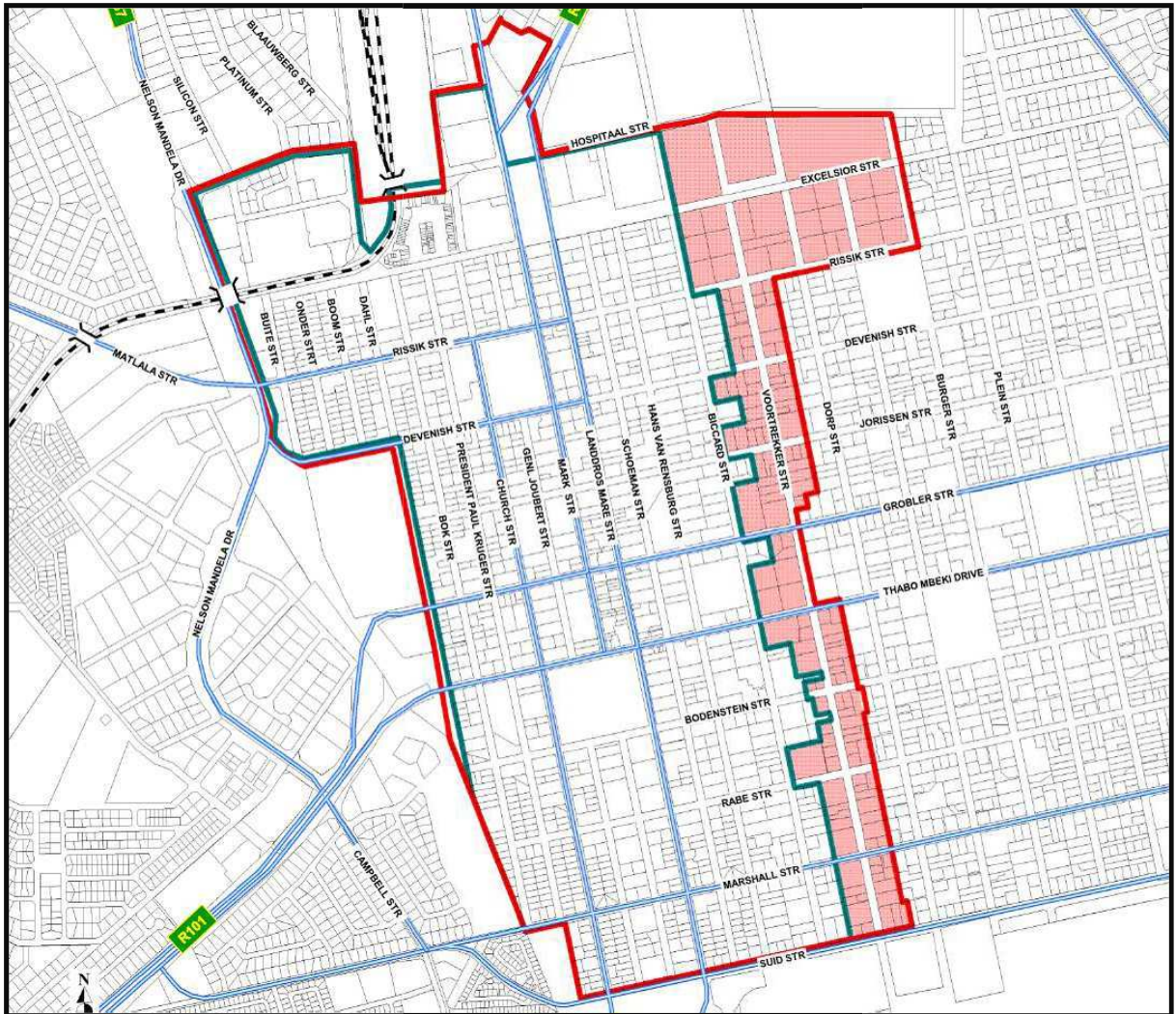
SCHEDULE 18: PRO FORMA: WRITTEN CONSENT SCHEDULE

<h1 style="margin: 0;">POLOKWANE INTEGRATED LAND USE SCHEME 2022</h1>					
SCHEDULE OF WRITTEN CONSENT	REF:				
PROPERTY DESCRIPTION:					
CONDITIONS APPLICABLE TO THE WRITTEN CONSENT GRANTED BY THE MUNICIPALITY					
1	Use Zone				
2	Written Consent				
3	Definitions				
4	Density				
5	Coverage				
6	Height				
7	Floor Area Ratio				
8	Site Development Plan and Landscape Development Plan				
9	Building Lines				
10	Parking Requirements				
11	Paving of traffic areas				
12	Access to the erf				
13	Loading and off-loading facilities				
14	Turning facilities				
15	<p>General:</p> <p>(1) Approval hereof does not in any way imply approval of any Site Development Plan as may be required.</p> <p>(2) The Written Consent shall be null and void if the requirements imposed by the Municipality are not complied with.</p> <p>(3) (a) The owner of the property is not absolved from complying with the requirement(s)/restriction(s) of any title deed, law, bylaw or act. (b) The Municipality is not bound in any way whatsoever to issue any further Consent related hereto.</p> <p>(4) Should the manner in which the Written Consent is exercised, interfere in any way or constitute a nuisance, the Municipality reserves the right to take appropriate steps for the removal of the cause of such interference or nuisance or to withdraw this Written Consent.</p> <p>(5) In addition to the above conditions the property and buildings thereon are subject to the general provisions of the Town Planning Scheme in operation.</p>				
<table style="width: 100%; border: none;"> <tr> <td style="width: 60%; border: none;">APPROVED</td> <td style="width: 40%; border: none; text-align: right;">DATE</td> </tr> <tr> <td style="border: none;">.....</td> <td style="border: none; text-align: right;">.....</td> </tr> </table>		APPROVED	DATE
APPROVED	DATE				
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SCHEDULE 19: PRO FORMA: PERMISSION SCHEDULE

<h1 style="margin: 0;">POLOKWANE INTEGRATED</h1>		<h1 style="margin: 0;">LAND USE SCHEME 2022</h1>
SCHEDULE OF PERMISSION		REF:
PROPERTY DESCRIPTION:		
CONDITIONS APPLICABLE TO THE PERMISSION SCHEDULE GRANTED BY THE MUNICIPALITY		
1	Use Zone	
2	Permission	
3	Definitions	
4	Density	
5	Coverage	
6	Height	
7	Floor Area Ratio	
8	Site Development Plan and Landscape Development Plan	
9	Building Lines	
10	Parking Requirements	
11	Paving of traffic areas	
12	Access to the erf	
13	Loading and off-loading facilities	
14	Turning facilities	
15	<p>General:</p> <p>(1) Approval hereof does not in any way imply approval of any Site Development Plan as may be required.</p> <p>(2) The Permission shall be null and void if the requirements imposed by the Municipality are not complied with.</p> <p>(3) (a) The owner of the property is not absolved from complying with the requirement(s)/restriction(s) of any title deed, law, bylaw or act. (b) The Municipality is not bound in any way whatsoever to issue any further Permission related hereto.</p> <p>(4) Should the manner in which the Permission is exercised, interfere in any way or constitute a nuisance, the Municipality reserves the right to take appropriate steps for the removal of the cause of such interference or nuisance or to withdraw this Permission.</p> <p>(5) In addition to the above conditions the property and buildings thereon are subject to the general provisions of the Town Planning Scheme in operation.</p>	
APPROVED		DATE

**SCHEDULE 20: POLOKWANE CENTRAL BUSINESS DISTRICT (CBD)
MAP OF AREA EXCLUDED FROM CERTAIN OF PROVISIONS OF THE SCHEME
TABLES**



**SCHEDULE 21: POLOKWANE INTEGRATED LAND USE SCHEME, 2022
FILING OF COMPLAINT BY MEMBER OF PUBLIC (ALLEGED CONTRAVENTION
OF THE SCHEME)**

CLAUSE 48(2)

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

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:

Polokwane Local Municipality (Attention: Assistant Manager: Land Use)
2nd Floor
Civic Centre
Landros Mare Street
Polokwane, 0699

Date: _____ Signatory _____

SCHEDULE 22: CONDITIONS RELATING TO THE RELAXATION OF PARKING SPACE AND THE METHOD OF CALCULATING CONTRIBUTION IN LIEU OF PROVIDING REQUIRED PARKING SPACES ON SITE

Conditions governing the calculation of payment of a cash contribution to the Municipality in lieu of the provision of parking spaces

1. The contribution for parking not being provided on site as provided for in Clause 34(1)(c) shall be calculated by the Municipality using following formula:

$$\begin{aligned} \text{CCP} &= \text{PV (NS x AS)} \\ \text{CCP} &= \text{PV (NS x 13.75m}^2\text{)} \end{aligned}$$

where

- CCP = Cash contribution payable by land owner in lieu of parking provided on site, expressed in Rand
 PV = Property valuation of land of the intended/proposed land use, expressed in Rand value per m²
 NS = Number of parking spaces which cannot be provided on site (number of parking spaces relaxed)
 AS = Area of a parking space which is equal to 13.75m².

Example:

$$\begin{aligned} \text{CCP} &= \text{PV (NS x AS)} \\ &= \text{R1,000.00/m}^2 \text{ (15 parking spaces x 13.75m}^2\text{/parking space)} \\ &= \text{R1,000.00 x 206.25m}^2 \\ &= \text{R206,250.00} \end{aligned}$$

2. The relaxation of parking spaces provided for in Column 6 of Table "B" shall only be permitted in the following areas and for the following Use Zones or uses, namely for:
 - (a) all Use Zones and for all uses located in the Polokwane CBD as Primary Activity Node (See Schedule 20);
 - (b) all Use Zones and uses located in the high order business nodes in Mankweng and Sebayeng;
 - (c) all uses in the Polokwane Regional Medical Node;
 - (d) all uses under Use Zone 4 in the area included under Overlay Zone 4: Restructuring Overlay Zone;
 - (e) all uses in Use Zone 12: Industrial 1 and Use Zone 13: Industrial 2 in the areas included in Overlay Zone 6: Priority Human Settlement and Housing Development Area Overlay Zone
 - (f) Place of Instruction in the areas included in Overlay Zone 6: Priority Human Settlement and Housing Development Area Overlay Zone
 - (g) In any Overlay Zone wherein the Municipality specifically provide for relaxation of parking spaces.
3. The relaxation of parking contemplated in this Schedule shall not be relaxed in any other secondary activity node not mentioned in condition 2 above, or in sub-urban areas or the Rural Areas.
4. The relaxation of parking shall not be permitted for Use Zone 8: Business 3.
5. This schedule does not apply to provisions of Clause 34(1)(c) and Schedule 24.

SCHEDULE 23: STANDARD REQUIREMENTS FOR A CRÉCHE

1. STAFF FACILITIES:

An adequately lighted and ventilated office must be provided on the property. Such office may double as a staffroom and/or sickbay and/or in front changing room.

2. CHILDREN'S SECTION (2 – 6 YEARS):

- (1) An indoor floor area of at least 1.5m² per child must be provided. Not more than one third of the indoor area may be an enclosed veranda.
- (2) An outdoor play area of at least 1m² per child must be provided. Children may be divided into groups and be taken outside one group at a time. If no outdoor space is available a further 1m² of floor area must be provided indoors.
- (3) Water closets and wash hand basins must be provided in the ratio of 1 for every 20 children or part thereof, irrespective of sex. Plastic buckets/basins may be used in place of porcelain wash hand basins.
- (4) Toilet facilities must be of the low-level type, or alternatively platforms of suitable height must be provided at the water closet pans and wash hand basins to be used by the children. Such platforms must be of an impervious material.
- (5) The hot water supply to the hand wash hand basins used by the children must be thermostatically controlled at a suitable temperature, alternatively, only cold water need be provided

3. INFANTS SECTION (0 – 2 YEARS):

- (1) An indoor floor area of at least 2m² per child must be provided.
- (2) A wash hand basin must be provided in the nursery (unless one is close-at-hand).
- (3) The following items must be provided in sufficient number:
 - (i) Potties – one for every 5 infants
 - (ii) Racks for the storage of potties.
 - (iii) Baby baths – one baby bath for every infant
 - (iv) Storage/refuse facilities for soiled nappies.

4. AFTERCARE:

- (1) An indoor floor area of at least 1,8m² per child must be provided. Such area must be separate from the pre-school age groups.
- (2) An indoor floor area of at least 2m² per child must be provided. Such area must be separate from the pre-school age groups.
- (3) Water closets and wash hand basins, separate for sexes, must be provided in the ratio of one for every 20 children or part thereof.

5. KITCHEN:

- (1) A kitchen of adequate size must be provided and kept in a clean and hygienic condition at all times.
- (2) Whilst the usual health requirements shall apply, the following may be required in addition for larger crèches:
 - (a) The kitchen must be provided with:
 - (i) A wash hand basin.
 - (ii) A double bowl, double drainage board, stainless steel sink. At least one of the bowls must be of

the deep pot-washing type.

- (iii) Adequate cooking and refrigeration facilities.
- (b) A hood and flue with an extraction fan and removable grease filters must be provided over all cooking apparatus. The flue must extend to at least 1 metre above roof height and the average catchment velocity measured over the face of the canopy must not be less than 0.5 m/s.
- (c) The entrance of the kitchen must be adequately protected to prevent children from gaining free access thereto.
- (d) A separate space (not necessarily a separate room) for the preparation of food for infants must be provided.

6. INDOOR PLAY AREA:

The indoor play areas must be:

- (1) Provided with an insulating floor covering.
- (2) Kept free of private furniture and suitably equipped for crèche purposes.

7. OUTDOOR PLAY AREA:

- (1) The outdoor play area:
 - (a) Must be provided with a fence with a height of at least 1,8m (if deemed necessary).
 - (b) Must be free of dangerous articles, poisonous plants, obstacles, steps or excavations.
 - (c) Should be provided with shady areas.
- (2) Any swimming pool on the same property must be covered with a safety net.
- (3) All access gates to the outdoor covered area and/or swimming pool area must be fitted with self-closing devices and childproof latches affixed at an appropriately high level (out of reach of children).
- (4) All sandpits must be covered with a suitable device, when not in use, to prevent the fouling of the sand, or alternatively the sand must be sanitized regularly and replaced with fresh sand at suitable intervals.

8. REFUSE YARD:

- (1) All refuse must be stored in a satisfactory manner pending removal, and for the larger crèches, a refuse yard of at least 9m² must be provided to serve the kitchen. Such yard must be:
 - (a) Suitably enclosed, cement-paved, and graded and drained to the storm water system.
 - (b) Provided with a curbed area of 1m², graded to a gully which is connected to the main drain line for the washing of refuse receptacles.
 - (c) Provided with a piped water supply to facilitate cleansing.
- (2) An adequate supply of washable refuse receptacles with close-fitting lids must be provided.

9. GENERAL:

- (1) All windows higher than 0,76m above outside ground level must be adequately protected to prevent children from falling out.
- (2) All low level glazed areas must be of safety glass.
- (3) The wall areas behind all sinks and wash hand basins must be tiled or suitably clad to a height of at least 300mm.
- (4) All internal walls must be painted with a light coloured, washable, lead-free paint.
- (5) All power points must be suitably protected.

- (6) The premises must be rodent proofed in accordance with the Government rodent proofing Regulations.
 - (7) A first aid kit with the basic essentials must be provided.
-
-

SCHEDULE 24: CONDITIONS AND GUIDELINES FOR PROVISION OF PUBLIC TRANSPORT FACILITIES FOR THE USE BY MINIBUSES (TAXIS).

The provision of public transport facilities on a property for minibuses (taxis) which provide in public transport services shall form part of the parking area and is subject to the following conditions:

1. The public transport facilities for use by minibuses (taxis) may include a Taxi Holding Area, Taxi Rank, Taxi Parking Area or any area for loading and alighting passengers and may include a part of the parking area on an erf
2. The public transport facility may include a part of the parking area on the property and must be clearly marked (reserved) for the exclusive use of public transport.
3. In the instance where public transport facilities are required by the municipality or provided by the land owner, the number of parking spaces required in Table "B" of the Land Use Tables may be reduced/relaxed at the discretion of the municipality, following the recommendations of a qualified Transport or Traffic Engineer, and is subject to the following further conditions:
 - (a) The maximum relations of required parking spaces may not exceed seven (7) parking spaces for every area accommodating one (1) taxi
 - (b) 80% of the required number of parking spaces contemplated in Table "B" must still be provided for private motor vehicles.:
4. The reduction or relaxation contemplated in this Schedule is not subject to provisions of Clause 34(1)(d) and Schedule 22 of the scheme
5. Public transport facilities on erven are subject to further conditions the municipality may impose, which *inter alia* include:
 - (a) Rational parking and public transport facility design to establish the required number of parking spaces, taxi holding bays and taxi loading bays;
 - (b) Developments along major public transport corridors with on-street public transport facilities may require fewer on-site facilities
 - (c) Short duration of visit requires less holding and more loading, while long duration requires more holding for the same number of loading spaces;
 - (d) Convenient access and efficient traffic operations;
 - (e) Proper and safe access and egress of taxis to and from public streets and the internal circulation of traffic on site;
 - (f) Provision for pedestrian access for the boarding and off-loading of passengers;
 - (g) Proper integration with other public transport facilities, including Taxi Holding Areas.
 - (h) The provision of public transport facilities is subject to the Municipality's Written Consent as provided in Clauses 36 and 37 of the scheme and provided in the Land Use Tables
6. This schedule and its provisions do not apply to Public Transportation Terminals and Transport Depots and/or to busses, trains or aeroplanes
7. The following Use Zones are excluded from provisions of this Schedule, namely: Use zones 1 to 5; 17, 18 to 22, 24 and 25.

INSERT COUNCIL RESOLUTION HERE

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RESOLVED