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CITY
of
JOHANNESBURG

LAND USE SCHEME,

2017

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CITY OF JOHANNESBURG
LAND USE SCHEME, 2017

PART I: PREAMBLE

1. AREA OF THE LAND USE SCHEME

The Land Use Scheme applies to all properties within the municipal boundaries of the City of Johannesburg, as determined by the Municipal Demarcation Board.

2. LAND USE SCHEME STATUS

This Land Use Scheme is prepared in terms of Section 24(1) of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013), and is subject to the provisions of Clause 3(4) of this Scheme, in substitution of the following Town Planning Schemes previously in operation in the above-mentioned area in so far as it relates to the area of jurisdiction of the City of Johannesburg Metropolitan Municipality :

- Johannesburg Town Planning Scheme, 1979 (The clauses only)
- Halfway House and Clayville Town Planning Scheme, 1976 (The clauses only)
- Sandton Town Planning Scheme, 1980 (The clauses only)
- Roodepoort Town Planning Scheme, 1987 (The clauses only)
- Randburg Town Planning Scheme, 1976 (The clauses only)
- Lenasia South East Town Planning Scheme, 1998 (The clauses only)
- Modderfontein Town Planning Scheme, 1994 (The clause only)
- Peri-urban Areas Town Planning Scheme, 1975 (The clauses only)
- Southern Johannesburg Region Town Planning Scheme, 1979 (The clauses only)
- Walkerville Town Planning Scheme, 1994 (The causes only)
- Annexure F as per the Black Communities Development Act, Act 4 of 1984
- Lethabong Town Planning Scheme, 1998 (The clauses only)
- Westonaria Town Planning Scheme, 1981 (The clauses only)
- Alberton Town Planning Scheme, 1979 (The clause only)
- Edenvale Town Planning Scheme, 1980 (The clauses only)
- Krugersdorp Town Planning Scheme, 1980 (The clauses only)
- And any other parts of Town Planning Schemes of neighbouring municipalities that may have been included as a result of demarcation changes.

3. COMMENCEMENT AND VALIDITY

1. The Land Use Scheme shall come into effect from the date that notice of adoption is published in the Provincial Gazette.

2. The City of Johannesburg Metropolitan Municipality shall be the authority responsible for enforcing and carrying into effect the provisions of this Land Use Scheme.

3. Any consent granted or approved in terms of a Town Planning Scheme in force or other applicable land use legislation for the erection/use of buildings or for the use of land or any rights legally exercised in terms of such scheme or legislation prior to the commencement of this Land Use Scheme, shall be deemed to be a consent or approval of this Land Use Scheme: provided that any such consent or approval shall lapse unless exercised within 24 months from the date that such consent was granted or approved.

4. Any Annexure or Schedule promulgated in terms of any of the former Town Planning Schemes mentioned in Clause 2 or other Land Use Legislation shall remain in force and the general provisions of that town planning scheme shall also remain in force for the lifetime of that Annexure or Schedule, as far as such general provisions of that Scheme is not in conflict with this Land Use Scheme. The Scheme Maps A and B series or any other cadastral Map indicating land use of all listed schemes and legislation under Part 1, point 2 remain in force.

5. Any land use application submitted to and pending before Council immediately prior to the commencement of this Land Use Scheme, shall be dealt with in terms of the relevant Scheme that governs such application at the time of submission, as far as it is not in conflict with this Land Use Scheme.

6. Where the provisions of this Land Use Scheme are in conflict with any municipal by-law in operation in the City of Johannesburg, the provisions of the Land Use Scheme shall prevail. In respect of outdoor advertising signs, the prevailing outdoor advertising by-laws shall apply and such advertising signs, cellular masts and telecommunication masts will not be regarded as a land use matter.

4. POWERS OF THE COUNCIL

Nothing in this Land Use Scheme shall prevent the Council from maintaining or using any building, or construction work or using any land in its area of jurisdiction for any purpose permitted under any other law, unless the consent procedure as outlined in the City of Johannesburg Municipal Planning By-law, 2016, is followed and such uses are of a temporary nature not exceeding 36 months.

5. GENERAL PURPOSE OF THE LAND USE SCHEME

The Land Use Scheme adopted and approved in terms of the City of Johannesburg Municipal Planning By-law, 2016, shall give effect to the City's municipal spatial development framework and determine the use and development of land within the City's area of jurisdiction in order to promote-

- **a.** Economic growth;
- **b.** Social inclusion;
- **c.** Efficient land development;
- **d.** Minimal impact on public health, the environment and natural resources;
- **e.** Guarantee the right to sustainable cities, understood as the right to urban land, housing, environmental management, urban infrastructure and service delivery, transportation and public services, to work and leisure for current and future generations;
- **f.** Democratic administration by means of participation of both the individual property owner and representative associations of the various segments of the community in the formulation, execution and monitoring of urban development projects, plans and programmes;
- **g.** Cooperation between governments, private initiative and other sectors of society in the urbanization process, in service of the social and economic interest;
- **h.** Planning and sustainable development of the Municipality, through the management and coordinated promotion of growth across the City along with desirable development, in order to correct the distortions of historical planning systems and their negative effects on the environment, without negating the complexities of the City;
- **i.** Supply of urban and community equipment, transportation and public services adequate for the interests and needs of the population and the local characteristics;
- **j.** Management of land use, in order to enable and facilitate:
  - **(i)** Efficient, effective and compatible urban development that is desirable and also accommodates the identified socio-economic needs of the City;
  - **(ii)** The coordination of urban growth, which includes land use change, new development and subdivisions, with the availability of infrastructure and social amenities;
  - **(iii)** An accessible, responsive environment that is integrated with the transportation network and promotes public transportation;
  - **(iv)** The upgrading and rejuvenation of certain areas in the City through innovative developmental scenarios;
  - **(v)** Effective environmental management in support of the strategic direction of the City.
- **k.** Fair distribution of the benefits and burdens resulting from the urbanization process;
- **l.** Adaptation of tools of economic, tax and financial policy and of public spending to the objectives of urban development, in order to give priority to investments that generate well-being and the fruition of the goods by different social segments;
- **m.** Simplification of the legislation concerning subdivisions, land use, occupation and building regulations, in order to permit a reduction in costs and increase in the supply of lots and housing units;

n. Equality of conditions for public and private agents in the promotion of developments and activities related to the urbanization process, serving the social and economic interest.

6. ARRANGEMENTS AND LEGALITY OF LAND USE SCHEME COMPONENTS

1. The City of Johannesburg Land Use Scheme has been arranged into three main sections, in order to ensure ease of reference and to incorporate the promotion philosophy of this System, namely:

SECTION 1: LAND DEVELOPMENT RIGHTS

SECTION 2: MANAGEMENT OF LAND DEVELOPMENT RIGHTS

SECTION 3: PROMOTION OF LAND DEVELOPMENT

2. Arrangements and legality of the Clauses, Tables, Schedules and Annexures of the Land Use Scheme

a. The clauses and tables of the Land Use Scheme have been arranged so that those clauses and tables of general applicability are contained in Parts I – VIII and those which are applicable solely to a specific erf or site are contained in the Schedule or Annexure in Part IX.

b. The Schedule and Annexure in Part IX form an integral part of the Land Use Scheme and have the same legality as the rest of the Land Use Scheme: Provided that in the event of there being a conflict between the provisions of a clause contained in Parts I to VIII and any provision contained in an Annexure or Schedule in Part IX the Annexure or Schedule shall prevail: Provided further that the requirements contained in Parts I to VI relating to the possible relaxation of requirements in respect of building lines, building restriction areas, height, coverage, floor area, parking and loading are applicable to those erven or sites referred to in a Schedule or Annexure unless they are expressly excluded in such Schedule or Annexure.

7. BUILDING PLANS AND OTHER PARTICULARS

The erection, structural changes, alterations or conversion of a building to an alternative use shall not commence until the Council has approved of the building plans as required in terms of the National Building Regulations and Building Standards Act, Act 103 of 1977, or any amendment or review thereof, in respect of the erection, structural changes, alterations or conversion of such building: Provided that floor area and coverage calculations, parking requirements and a parking layout, where applicable, shall be indicated on such building plans.

8. COMPONENTS OF THE LAND USE SCHEME

The City of Johannesburg Land Use Scheme comprises three sections and nine parts as detailed below:

- **Part I** : Preamble

SECTION 1 : LAND DEVELOPMENT RIGHTS

- **Part II** : Definitions
- **Part III** : Use of Land and Buildings

SECTION 2 : MANAGEMENT OF LAND DEVELOPMENT RIGHTS

- **Part IV** : Land Development Requirements
- **Part V** : Building Restriction Areas
- **Part VI** : Parking and Loading
- **Part VII** : Land Development Administration

SECTION 3 : PROMOTION OF LAND DEVELOPMENT

- **Part VIII** : Special Mechanisms for Land Development
- **Part IX** : General Land Development Mechanisms

9. SHORT TITLE

This Land Use Scheme shall be known as the City of Johannesburg Land Use Scheme, 2017.

SECTION 1:
LAND DEVELOPMENT RIGHTS

Section 1 of the City of Johannesburg Land Use Scheme deals with the allocation of land use rights to all erven or sites across the Municipality's area of jurisdiction. This Section, which includes the definitions and the land use zonings, has been streamlined in order to accommodate the urban complexities, facilitate development and promote equality and integration.

PART II : DEFINITIONS

"abattoir"	Means the use of a building/s and/or land where livestock or poultry is slaughtered and prepared for distribution.
"agricultural purposes"	Means purposes normally associated with the use of a building/s and/or land for farming / agricultural purposes and it includes only dwelling units necessary for and related to the bona fide agricultural use of the property. This also includes the use of the property for urban agricultural purposes; plant nursery; the sale of produce solely cultivated or bread from the site; animal care centre; horse riding facilities and related schooling uses, but shall not include sporting and recreation purposes or a race course. A second dwelling house / unit may be permitted but shall not be sectionalized.
"airport"	Means the use of a building/s and/or land designed and used for the landing and taking off of aircraft, airways control, aircraft hangers and all uses normally associated with the proper functioning of an airport to the satisfaction of the Council.
"ancillary use"	When used in the context of an associated use or purpose, means a use, purpose, building or activity, which is ancillary and subservient (less than 30%) to the lawful dominant use of the property.
"animal care center"	Means the use of a building/s and/or land for the care of domestic pets and animals, operated on either a commercial or welfare basis and includes boarding kennels, catteries and pet training centers.
"applicant"	Means any registered owner of land, whether a natural person or a juristic body, or anybody duly authorised by such owner, who makes an application as provided for in the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) and/or the City of Johannesburg Municipal Planning By-law, 2016, and/or this Land Use Scheme or any amendments thereof and/or the Town Planning and Townships Ordinance, 1986 (Ord 15 of '86).
"application"	Means a complete application made in terms of the provisions of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) and/or the City of Johannesburg Municipal Planning By-law, 2016, and/or this Land Use Scheme or any amendments thereof.
"application register"	Means a record of all applications submitted and considered in terms of the provisions of the City of Johannesburg Municipal Planning By-law, 2016, and/or this Land Use Scheme or any amendments thereof.

"approval"	Means any approval granted by the Council in writing with or without conditions.
"area"	Means the defined municipal boundaries of the City of Johannesburg and the area across which this Land Use Scheme is applicable.
"basement"	Means the space in a building between the floor and ceiling which is partly or completely below the natural ground level; Provided that a basement shall be counted as a storey for the purpose of a height measurement where any portion extends more than 1,5 m above the lowest level of the natural ground level immediately contiguous to the building. Refer to Clause 28 for further details in this regrad.
"bed and breakfast"	Means a building/s in which the resident manager provides lodging and meals for compensation to transient guests who have permanent residence elsewhere provided that: (i) The number of rooms/suites may not exceed 10 without the written consent of the Council in addition to the accommodation of the resident manager (ii) The buildings may include self-catered suites (iii) No buildings may be converted into dwelling units or be sectionalized.
"boarding house"	Means a dwelling house where the habitable rooms are rented out for an extended period by the resident owner / occupant to unrelated persons and communal facilities such as the kitchen, lounge, dining room and bathrooms are shared by the boarders
"boundary"	In relation to a land unit means the cadastral line separating such land unit from another land unit or from a public street.
"builders yard"	Means the use of a building/s and/or land for the storage of material and equipment which: (i) Is normally required for or used for construction work and/or building operations; (ii) Resulting from demolition or excavation operations; or (iii) Is normally used for land improvements, such as materials used for building roads, installing essential services, or for any other construction work, whether for public or private purposes; and (iv) Land or buildings used for the preparation for use of any of the aforementioned materials; provided that it does not include any builder's yard established for the purpose or temporary storing any of the aforementioned materials in connection with and for the duration of construction or building works in the vicinity of such builder's yard, or the storage of building material supplies for a hardware shop contained within a building.
"building"	Means a structure erected on land, irrespective of the materials used in the erection or construction thereof.

"building line"	Means a line that is a fixed distance from the boundary of an erf or property abutting a public and/or private street or any other boundary of an erf or property and may include a floodwater mark where indicated on the Zoning Maps, Schedule or Annexure.
"building material storage"	Means the use of a building/s and/or land for the storage/sale of building material/equipment that relate to a hardware shop.
"building restriction area"	Means an area of an erf or portion of land on which no buildings may be erected, save as allowed in this Land Use Scheme, and which is bounded on one side by a building line and / or street boundary or any other boundary of an erf or property, or which is subject to flooding as indicated by a flood water mark or designated by a flood line boundary.
"business purposes"	Means the use of a building/s and/or land from which business is conducted and the related use of buildings including an office, restaurant, motor showroom, medical consulting rooms, domestic service industry, funeral parlour, call centers, financial institution, dry cleaners, launderettes and building for similar uses not elsewhere defined as well as uses which are ancillary, directly related to and subservient to the main use such as a caretakers accommodation, but does not include a place of assembly, institution, public garage, industry, noxious trade or place of amusement.
"by-laws"	Means the by-laws or regulations of the Municipality in force in the area other than the City of Johannesburg Municipal Planning By-law, 2016.
"cadastral line"	Means a line representing the official boundary of a land unit or portion as registered in the Deeds Office.
"canopy"	Means a cantilevered or suspended roof, slab or covering (not being the floor or a balcony) projecting from the wall of a building and not being enclosed.
"canteen"	Means a building or part of a building used for providing food and liquid refreshments for the exclusive benefit of persons employed by an undertaking which owns and operates or controls such undertaking and includes the area for preparation of such foods and liquid refreshments. This use is an ancillary right on all non-residential Land Use Zones contained in this Land Use Scheme but excludes a restaurant.
"caravan"	Means a vehicle which has been equipped or converted for living or sleeping purposes and which is towed.
"caravan park"	Land used for the parking of caravans for transient camping purposes
"car sales lot"	Means land, which is used mainly for the open air display and sale of motor vehicles, motor vehicle trailers, caravans and heavy-duty vehicles and may include ancillary offices, but excludes a scrap yard and a public garage.
"cemetery"	Means a place, including land and/or buildings, used for burials, and such activities and which can include all uses ancillary such as a crematorium, chapel, prayer area, funeral parlour, wall of remembrance and a convenience shop.

"child care centre"	Means the use of a building/s and/or land as a child care centre, including a day care centre, crèche, preschool, playgroup, after school care centre or early childhood development centre for taking care of children according to compulsory educational and health requirements / standards.
"clinic"	Means a place for the diagnosis and treatment of human illness or the improvement of human health, which has limited facilities and an emphasis on outpatients, with no overnight facilities. A clinic includes medical consulting rooms, outpatients' center and a wellness center with associated uses.
"commencement date"	Means the date on which this Land Use Scheme came into operation.
"commercial purposes"	Means the use of a building/s and/or land designed for distribution centers, wholesale trade, warehouses, storage, computer centers, removal and transport services, people / commuter transport, laboratories, cash management centers, builders yards, coal yards, building material storage and all uses which are ancillary, directly related to or subservient to the main use such as a caretaker's accommodation.
"common boundary"	In relation to land means a boundary common with the adjoining land other than a street boundary.
"commune"	Means a dwelling house where the habitable rooms are rented out for an extended period to unrelated persons and who share the communal facilities such as the kitchen, lounge, dining room and bathrooms and may not exceed eight (8) occupants.
"community body"	Means a body, organization or institution of whatever nature that represents the interests of a community or segment of a community.
"complete application"	Means an application as described in Section 57(1) of the City of Johannesburg Municipal Planning By-law, 2016.
"consent"	Means permission granted by the Council, after due consideration of all relevant facts and after following the provisions of the City of Johannesburg Municipal Planning By-law, 2016, in terms of which a specific aspect of land management is permitted, in addition to the primary use rights applicable to the property concerned, i.e. Clause 40.
"consent use"	Means the additional land use right that may be permitted in terms of the provision in a particular zone, only with the consent of the Council as contemplated in Clause 40.
"conservation"	Means the use or maintenance of land and/or buildings in terms of its natural, cultural, historical or built environmental significance, with the object of preserving the identified special characteristics. Such areas, which are to be identified by the Council from time-to-time or as determined through the National Heritage Act or National Environmental Management Act, can include but are not limited to water courses, wetlands and sensitive eco-systems, heritage sites, historical buildings or sites of cultural significance. These areas, erven or buildings need special management and maintenance in order to

	preserve the identified natural, historical or cultural characteristics.
"construction of a building or structure"	In relation to a building or structures includes: (i) The building of a new building or structure; (ii) The alteration, conversion or addition to, a building or structure; (iii) The re-erection of a building or structure which has completely or partially been demolished.
"convenience shop"	Means the use of a building/s, or portion of a building, and/or land restricted to the sale of convenience goods such as bread and confectionery, dairy products, fresh produce, beverages, canned foods, magazines and newspapers, at the discretion of the Council.
"council"	Means the City of Johannesburg Metropolitan Municipality as established under the provisions of the Local Government: Municipal Structures Act, 117 of 1998, or its successors in title, or a structure or person exercising a delegated power or carrying out an instruction, where any power in this Land Use Scheme has been delegated or sub-delegated, or an instruction given, as contemplated in section 59 of the Local Government: Municipal Systems Act, 32 of 2000.
"coverage"	Means the total area of land that may be covered by buildings, as seen vertically from the air measured from outer face of exterior walls, expressed as a percentage of the land area, and shall include all roofed areas; provided that the following portions of buildings shall be disregarded in the calculation of coverage: (i) Unroofed areas such as a stoep, entrance steps and landing; (ii) Projecting balconies, open on all vertical sides. (iii) Retractable awnings or pergolas, with or without louvres and areas covered by permeable material; (iv) Cornices, chimneys, water pipes, drain pipes and minor decorative features not projecting more than 500mm from the building wall; (v) Eaves and canopies not projecting more than 1,0m from the wall of the building; (vi) A canopy erected on the street frontage of a shop; (vii) Electrical high and low tension chambers; (viii) The area covered by open air swimming pools; Basements are dealt with and are subject to the provisions of Clause 29 of this Land Use Scheme.
"days"	As defined in the City of Johannesburg Municipal Planning By-law, 2016.
"development"	Means the development of land, changes in the use of land or intensification of that use and includes any matter in relation to land for which a development application is required.
"domestic service industry"	Means the repair and sale of spare parts for domestic equipment and appliances, garden services, including the repair and sale of spare parts for lawn-mowers, irrigation systems and swimming-pool equipment, property maintenance services and any other service that is ancillary to such a industry. Such uses shall fall under the auspices of

	business purposes.
"dwelling house"	Means a detached self-contained inter-leading suite of rooms containing a kitchen with or without an ancillary scullery and the appropriate ablutions, used for the living accommodation and housing of one family, together with such outbuildings and subsidiary dwelling unit as is ordinarily permitted therewith, as long as the subsidiary dwelling unit complies with the process stipulated in this Land Use Scheme in Use Zone "Residential 1" (refer to Clause 22); provided that a second kitchen, which is to be used for religious purposes and which is physically connected with the first kitchen, may be provided to the satisfaction of the Council. An entertainment, reception and/or living area within a dwelling house or part of a reasonably required and ancillary outbuilding (See "outbuilding" definition), may include a wash-up area used exclusively for that purpose.
"dwelling unit"	An interconnected suite of rooms, designed for human habitation that shall contain a kitchen with or without an ancillary scullery and with the appropriate ablutions; irrespective of whether the dwelling unit is a single building or forms part of a building containing 2 or more dwelling units; provided that a second kitchen, which is to be used for religious purposes and which is physically connected with the first kitchen, may be provided to the satisfaction of the Council.
"environmental control area"	An area defined by the Council within which any development shall be subject to a Site Development Plan or any other requirement as determined by the Council.
"erf"	Means land as defined in the City of Johannesburg Municipal Planning By-law, 2016.
"existing building"	Means a building erected in conformity with building plans approved by the Council and which is otherwise lawful and the construction of which was: (i) Completed on or before the fixed date; (ii) Begun before but completed after the fixed date; or (iii) Completed in accordance with the terms of any permission granted by the Council during the preparation and until the coming into operation of this Land Use Scheme.
"existing use"	Means a use carried out or in operation on an erf or site that was permitted in terms of the previous planning legislation and lawful in terms of the National Building Regulations but which is contrary to this Land Use Scheme. It shall remain an existing use right unless the said use is altered in any way or ceases to be carried out for a period of 12 months.
"family"	A family is defined as a group of people that are biologically or legally related to one another and live together as a household.
"farm portion"	Means a portion of land which is not an erf, agricultural holding or road and which is registered as a separate unit in the Deeds Office. Such portion is land that has not been the subject of township establishment.

"fixed date"	This is the date that this Land Use Scheme came into operation via a promulgation notice.
"flood water mark"	Means the flood lines as contemplated in Section 169(1)(a) of the Water Act, No 54 of 1956 as amended from time-to-time.
"floor area"	Means the sum of the gross area covered by the building at the floor level of each storey, provided that the area reasonably required for the purposes detailed below may be excluded from the calculations of the floor area, which calculations shall be clearly indicated on the building plans. Floor area shall be measured from the outer face of the exterior walls or similar supports of such building, and where the building consists of more than one storey, the total floor space shall be the sum of the floor area of all the storeys, including that of basements. Areas that may be excluded from the calculation of floor area are: (i) Any area, including a basement, which is reserved solely for parking of vehicles and loading and off-loading areas; (ii) 10% of the total floor area shall be regarded as areas required for the cleaning, maintenance, care and proper mechanical and electrical functioning of the building.
"floor area ratio" or "FAR"	Means the ratio obtained by dividing the floor area of a building or buildings by the total area of the erf or site upon which the building(s) are erected, thus: FAR = Floor Area of a building or buildings / Total Area of the Erf or Site upon which the building(s) are erected
"funeral parlour"	Means the use of a building/s and/or land where the deceased are prepared for burial or cremation and includes facilities for associated administrative and religious functions but does not include a crematorium.
"garage"	Means a building/s for the parking of motor vehicles, and includes a carport but does not include a public garage or filling station.
"general plan"	Means a cadastral plan of a township, which has been approved in terms of the Land Survey Act No 8 of 1997, or any amendment or review thereof.
"ground floor" or "ground storey"	Means a floor at ground level or a floor having its entrance directly accessible from natural ground level by means of a ramp, stairway or similar structure, provided that: (i) The floor level of the ground floor shall at no point, extend more than 1,5 above the lowest natural level of the ground immediately contiguous to the building Refer to Clause 28 for further details.
"guest house"	Means a converted dwelling house or dwelling unit whereby the resident family / person lets out individual rooms for temporary residential accommodation, with or without meals, with the proviso that all amenities and the provision of meals and beverages shall be for the

	sole benefit of bona fide guests and the resident family/person. The premises shall not be used for functions such as conferences, promotions and/or receptions.
"habitable room"	Means a room designed or used for human habitation in accordance with standards prescribed by the by-laws but excludes a storeroom, bathroom / toilet, kitchen or other spaces defined for a particular purpose on the building plan.
"height"	Means the vertical dimensions of the building from the natural ground level to the highest point of the building measured in meters or in number of storeys; provided that: (i) The height restriction which refers to storeys does not apply to roofs, domes, chimneys, flues, masts and antennae; and (ii) Elevator motor rooms, satellite dishes, ventilation shafts, water tanks, air conditioning plant and equipment on top of a building, shall be regarded as a storey, unless enclosed within the roof or hidden behind parapet walls, not exceeding 2,0 m in height, in which case it shall be counted as part of the top storey
"helipad"	Means land and/or buildings used and designed for landing and taking off of helicopters and may include a terminal for passengers. This use is permitted in all Use Zones other than "Residential 1, 2, 3, 4 and 5" with the consent of the Council.
"heritage resource"	Any place or object of cultural significance.
"heritage resource authority"	The South African Heritage Resources Agency, established in terms of section 11, or, insofar as the National Heritage Resources Act (NHRA of 1999) is applicable in or in respect of a province, a provincial heritage resources authority.
"heritage site"	A place declared to be a national heritage site by SAHRA or a place declared to be a provincial heritage site by a provincial heritage resources authority.
"home enterprise"	Means, subject to the provisions of Clause 21, the practicing of a profession or occupation from a dwelling house / unit by one or more occupants of the dwelling house / unit.
"hospital"	Means a place for the diagnosis and treatment of human illness; with integrated facilities such as operating theatres and live-in accommodation for patients and staff; and includes a clinic and medical consulting rooms.
"hotel"	Means a building/s used as a temporary residence for transient guests, where lodging and meals are provided, and may include: (i) A restaurant or restaurants; (ii) Associated meeting rooms, conference and entertainment facilities, recreational and service facilities that are subservient and ancillary to the dominant use of the property as a hotel; and (iii) Premises which are licensed to sell alcoholic beverages for consumption on the property; but does not include an off-sales facility

"house shop"	Is defined as part of the dwelling house / unit or outbuilding, which provides a necessary local retail function to the community, supplying essential pre-packed and / or pre-wrapped items and / or foodstuff, excluding liquor and meat. A house shop is not a general business or retail function on a residential erf and the residential component remains the main use of the erf.
"industrial purposes"	Means the use of a building/s and/or land or part thereof as a factory and in which an article or part of such article is made, manufactured, produced, built, assembled, compiled, printed, ornamented, processed, treated, adapted, repaired, renovated, rebuilt, altered, painted (including spray painting), polished, finished, cleaned, dyed, washed, broken up, disassembled, sorted, packed, chilled, frozen or stored in cold storage; including offices, caretaker's quarters or other uses which are subservient and ancillary to the use of the property as a factory; and includes a warehouse, the generation of electricity; the developing or processing of photographs, films or tapes; refuse disposal sites; recycling and abattoir but does not include a noxious trade or risk activity.
"informal trading"	Means the legal selling of products in areas demarcated by the Council specifically for these purposes, such as markets and / or other demarcated areas, with the written consent of the Council.
"institution"	Means a welfare or charitable facility such as home for the aged, indigent or handicapped; a hospital, clinic or nursing home, a sanatorium; or any other institution whether public or private and includes all uses ancillary, directly related to and subservient to the main use, but excludes primary office and administrative functions.
"interested party / person"	As defined in the City of Johannesburg Municipal Planning By-law, 2016. Means any person or group of persons, legal entity or body that can demonstrate their interest in any land development application as contemplated in section 52(1) of the City of Johannesburg Municipal Planning By-law, 2016.
"kitchen"	Means a room or part of a room equipped for preparing and/or cooking meals and / or wash-up area.
"land"	As defined in the City of Johannesburg Municipal Planning By-law, 2016. Means any erf, agricultural holding, sectional title scheme-land or farm portion and includes any improvement or building on land and any real right in land.
"landscaping"	Means the placement of plants, contoured features, water features, paving, street furniture and other soft and hard elements, for the purposes of enhancing aesthetic appeal, environmental management, amenity and value of a property.

"line of no access"	Means a line along any street, erf or site boundary or portion thereof prohibiting any vehicular access.
"loading bay"	Means an area which is clearly demarcated for loading and off-loading. Refer to Clause 38 for more details.
"local authority"	Refer to the definition of "council"
"medical consulting rooms"	Means a building/s designed for use or a building/s and/or land which is used for the following consulting practices associated with restoring or preserving health but excluding overnight or operating facilities. This use falls under the ambit of business purposes unless separately defined.
"mezzanine"	Means an intermediate storey not exceeding 25% of the floor below it and is included in the total floor area in the calculation of floor area.
"mining purposes"	Means all land and associated buildings that were previously outside the bounds of a Town Planning Scheme and that have now been incorporated for management by the Council. Means land on which an enterprise is carried out which extracts raw materials from the earth, whether by means of surface or underground methods, and includes, but is not limited to, the removal of stone, sand, clay, kaolin, ores, minerals, gas and precious stones; and also includes the processing of such raw materials by means of crushing, cutting or polishing and ancillary uses. This use is found under the Use Zone "Mining".
"mobile dwelling unit"	A factory assembled transportable structure, constructed in accordance with the requirements of the S.A.B.S. specification for Mobile Homes, with the necessary service connections, and designed as a permanent dwelling unit.
"motor showrooms"	Means the use of a building/s for the display and sale of new and/or used motor vehicles and accessories, ancillary offices and workshops, all of which shall be within an enclosed building.
"motor workshop and services"	Means the use of a building/s and/or land for the repair, maintenance and servicing of motor vehicles including the installation of parts and accessories, all of which shall be contained within an enclosed building.
"municipality"	Refer to the definition of "council"
"municipal purposes"	Such purposes as the municipality may be authorized to carry out in terms of its powers and functions and shall include all municipal land uses as well as such uses as sewerage works and reservoirs and their related buildings.
"municipal systems act"	As per definition in the City of Johannesburg Municipal Planning By-law, 2016.

"national building regulations"	The National Building Regulations made in terms of section 17 of the National Building Regulations and Building Standards Act No.103 of 1977, or any amendment or review thereof.
"natural ground level"	Means the level of the land surface in its unmodified state as established from a contour plan
"nature reserve"	Means a national park or environmental conservation area that has been declared as a nature reserve in terms of legislation, whether in public or private ownership, for the purpose of conserving and managing wild life, flora and fauna in their natural habitat; it includes conservation use but does not include tourist facilities or tourist accommodation. Refer to "conservation" and "Public Open Space".
"neighbour"	Means the owner of the erf or site which is contiguous to the application erf or site, even though it may be separated by a road or panhandle, except if indicated differently by the Municipality.
"noxious industry"	Means an activity where any one or more of the following activities are carried out: Blood boiling; tallow melting; fat melting or extracting; soap boiling; bone boiling; tripe boiling or cleaning; skin storing; bone storing; fellmongering; skin curing; blood drying; gut scraping; leather dressing; tanning; glue making; size making; charcoal burning; brick burning; lime burning; manure making; manure storing; parchment making; malt making; yeast making; cement works; coke ovens; salt glazing; sintering of sulphur-bearing materials; viscose works; smelting of ores and minerals; calcining; puddling and rolling or iron and other metals; conversion of pig-iron into wrought iron; re-heating; annealing; hardening; forging; converting and carburizing iron and other metals; works for the production of or which employ carbon disulphide, cellulose lacquers, cyanogens or its compounds, hot pitch or bitumen, pulverized fuel, pyridine, liquid or gaseous sulphur dioxide, sulphur chlorides; works for the production of amyl acetate, aromatic esters, butyric acid, caramel enameled wire, glass, hexamine, iodoform, lamp-black, B-naphthol, resin products, salicylic acid, sulphonated organic compounds, sulphur dyes, ultramarine, zinc chloride, zinc oxide; and all refining and works dealing with the processing or refining of petrol or oil or their products; Provided that where the Council adds to the list of noxious trades, such additions shall also be deemed to be included in the above definition and that all Health requirements are complied with.
"occupant" or "occupier"	Means any person who permanently and physically inhabits or occupies a property
"offices"	Means the use of a building/s and/or land for the conducting of an enterprise primarily concerned with administrative, clerical, financial or professional services, and includes medical consulting rooms and financial institutions.

"outbuilding"	Means a structure, whether attached or separate from the main building, which is ancillary and subservient to the main building on a land unit, and includes a building which is designed to be normally used for the garaging of motor vehicles, and any other normal activities in so far as these are usually and reasonably required in connection with the main building. In respect of a dwelling house / unit, notwithstanding the above, outbuildings may also include small store areas, garden sheds, external toilets and a domestic outbuilding which is defined as follows: Accommodation for staff residing on the erf and exists in association with the dwelling house / unit. The extent of the domestic outbuilding shall be restricted to 20% of the built floor area of the dwelling house / unit or 50m², whichever is the lesser, provided that this restrictive requirement may be relaxed with the written consent of the Council. The domestic outbuilding on a "Residential 1" Use Zone shall not be alienated, subdivided and/or sectionalized.
"owner"	As per definition in the City of Johannesburg Municipal Planning By-law, 2016. Means the person registered in a deeds registry as the owner of land or beneficial owner in law and includes any organ of state and the City of Johannesburg itself, a person acting as the duly authorised agent of the owner of the land concerned, a person to whom the land concerned has been made available for development in writing by any owner of land or such person's duly authorised agent or a service provider responsible for the provision of infrastructure, utilities or other related services.
"panhandle erf"	As per definition in the City of Johannesburg Municipal Planning By-law, 2016. For purposes of this Land Use Scheme shall mean an area of land which is either part of the subdivided portion or is notarially tied thereto, is at least 4 metres and at most 8 metres wide and is used as access to a public street.
"parking bay"	Means an area measuring not less than 5,0m x 2,5m for perpendicular or angled parking and 6,0 m x 2,5 m for parallel parking, which is clearly outlined and demarcated for the parking of one motor vehicle and which is accessible to the satisfaction of the Council.
"parking lot or parking garage"	Means the use of a building/s and/or land, excluding a road, street and on-site parking associated with a primary or consent use that is used for parking of motor vehicles by the public, with or without a fee, and may include parking within a building and any ancillary use.
"pedestrian mall"	Means the use of a building/s and/or land as a thoroughfare for pedestrians, for restricted vehicular activities as the Council may determine and for structures erected on, above or below it.

"place of amusement"	Means the use of a building/s and/or land as a theatre, cinema, music hall, concert hall, billiards saloon, sports arena, skating rink, dance hall, casino, bingo halls, race courses, buildings for the purposes of exhibitions of trade or industry or other recreational purposes, amusement park, and also includes such uses as are ancillary, directly related to and subservient to the main use. It also includes discos, night clubs, sports bar and places of live music entertainment or establishments where adult entertainment is provided.
"place of assembly"	Means the use of a building/s and/or land which has a civic function to serve the social and community needs of an area, which may attract people in relatively large numbers and which is not predominantly a commercial enterprise, but does not include a place of entertainment or conference facility.
"place of instruction"	Means the use of a building/s and/or land for education at pre-school, school or post school levels, including a crèche, nursery school, child care centre, early childhood development centre, primary school, secondary school, college, technical institute, university, research institute, lecture hall; or a civic facility for the promotion of knowledge to the community such as a public library, public art gallery, museum; and associated uses such as boarding hostels, monastery, convent and all uses which are ancillary, directly related to and subservient to the main use.
"previous scheme"	Means a town planning scheme or similar provision that governed and controlled the use of land prior the promulgation of this Land Use Scheme.
"primary use"	In relation to land and/or buildings means any use specified in this Land Use Scheme as a primary use, being a use that is permitted without the need first to obtain the Council's consent.
"private open space"	Means the use of a building/s and/or land, with or without access control and which can be used as a private ground for sports, play, rest and recreation, or as an ornamental garden; pleasure ground; golf course; or for buildings reasonably required in connection with such uses.
"private parking area"	Means the use of a building/s and/or land for the provision of parking which is required or allowed in terms of the provisions of this Land Use Scheme for another building or site or part thereof. Provided that on land zoned "Residential 1, 2, 3, 4 or 5", "private parking area" shall mean the use of the land and not a building.
"private access / street"	Means the use of land reserved for the passage or parking of motor vehicles and right-of-way, which is privately owned and does not vest in the Council which is exclusive and ancillary to the adjoining use for obtaining access and can include access control facilities, including a guardhouse, boom or gate.
"property"	Means land and all buildings and structures on a cadastral-demarcated and determined erf or site.

"public garage"	Means the use of a building/s and/or land for gain or reward for any one of the following purposes: (i) Storage and retail selling of motor fuel and lubricants (filling station); (ii) All ancillary uses, including the parking and storing of motor vehicles; the sale of spare parts and accessories, car wash facilities; and automatic bank teller machines; (iii) A convenience shop, a take-away or sitting down facility or drive-through facility which does not exceed 30% of the total built floor area or 150m^2, whichever is the lesser; (iv) Maintenance and repair of vehicles excluding panel beating and spray painting activities.
"public nuisance"	Means any act, emission or condition which, in the Council's opinion is offensive, injurious or dangerous to health, materially interferes with the ordinary comfort, convenience, peace or quiet of the public, or which adversely affects the safety of the public, having regard to: (i) The reasonableness of the activities in question in the area concerned, and the impacts which result from these activities; and (ii) The ambient noise level of the area concerned.
"public open space"	Means the use of a building/s and/or land which is under the ownership of the Council or other public authority, with or without access control, and which is set aside for the public as an open space for recreation, place of assembly, games, sport or cultural activity; including a park, playground, public square, picnic area, public garden, nature reserve, outdoor or indoor sports stadium, and includes associated buildings and uses as permitted by the Council, including restaurants, cafés, golf course, and any apparatus, facility, structure or building which in the opinion of the Council is necessary or expedient for the purposes of such open space.
"public parking area"	Means the use of a building/s and/or land, whether or not for gain or reward, for the provision of parking not related to the parking requirements or provisions of the scheme for another building or site or part thereof.
"public place"	As defined in the City of Johannesburg Municipal Planning By-law, 2016. Means any open or enclosed place, park, street, road or thoroughfare or other similar area of land shown on a general plan or diagram which is for the use and benefit of the general public and is owned by or vests with the City, and includes a public open space and a servitude for any similar purposes in favour of the general public as contemplated in the SPLUMA and section 63 of the Local Government Ordinance, 1939 (Ordinance 17 of 1939).
"public road"	Means any road, street or thoroughfare shown on the General Plan of a township, Agricultural Holding or other division of land of which the public has acquired a right of way.

"recreation resort"	Means the use of a building/s and/or land, due to their natural or human made attractions, for nature, natural beauty, water, socio-historical, cultural and/or sports and recreation activities. It may include swimming pools, water slides, braai facilities, camping, caravanning and wedding chapel. Such facilities can include temporary accommodation as well as uses ancillary to and subservient of such facilities, including restaurant, place of refreshment, conference and business-related activities and function facilities.
"religious purposes"	Means the use of a building/s and/or land for a church, synagogue, mosque, temple, oratory meeting house, chapel, cathedral or other place for practicing a faith or religion, and includes associated uses such as the official residence registered in the name of the said religious community, which is occupied by an office bearer of that community and who officiates at services held by the community, an ancillary office and place for religious instruction, but does not include a funeral parlour, cemetery or crematorium.
"residential building"	Means the use of a building/s, excluding a dwelling house and/or dwelling unit, that contains habitable rooms, with or without common ablution facilities and with common kitchen-, dining- and/or lounge facilities such as hostels and dormitories. Such definition includes but is not restricted to hostels, hotels, dormitories, communes, boarding houses, guest houses (excluding converted dwelling houses and/or dwelling units), bed and breakfast and old age homes that may or may not include ancillary frail care facilities.
"restaurant"	Means the use of a building/s and/or land for the service and consumption on the site of food and liquid refreshments for the general public excluding a canteen and a place of amusement.
"scrap yard"	Means the use of a building/s and/or land for one or more of the following purposes: (i) Storing, depositing, collecting or sale of junk or scrap material or articles the value of which depends mainly or entirely on the material used in the manufacture thereof; (ii) The dismantling or storage of scrap metals, second hand vehicles or machines to recover components or material; and (iii) The storing or sale of second hand parts, poles, steel, wire, lumber yards, tyres, bricks, containers or other articles which are suitable to be left in the open without any serious damage being incurred
"second storey"	Means the storey above the ground floor
"shebeen"	Means a residential building or dwelling unit or part thereof constructed, designed or adapted for the sale of liquor, but shall not include the use for social gatherings and/or the consumption of liquor on the site and/or the preparation and consumption of food; provided that the dominant use shall remain residential for the occupant of the said dwelling and subject to the compliance of health and safety by-laws.

"shop"	Means the use of a building/s and/or land for the retail sale and accompanying storage of goods and services to the public, including a retail concern where goods which are sold in such a concern are manufactured or repaired; provided that the floor space relating to such manufacture or repair shall not comprise more than 30% of the floor space of the shop; "shop" does not include an industry, service trade, public garage or restaurant.
"site"	As defined in the City of Johannesburg Municipal Planning By-law, 2016. In relation to land, may include more than one erf or portion of land, if such erven or portions of land are contiguous and have been notarially tied to the satisfaction of the City or have been consolidated.
"social hall"	Means the use of a building/s and/or land for social meetings, gatherings and recreation, and includes a Masonic temple but does not include a place of amusement.
"spaza shop"	See "house shop"
"special building"	Means the use of a building/s and/or land for any use other than one of the uses for which the buildings herein defined are designed or used. A special building should be seen as the exception rather than the rule, an example of which could be a greenhouse.
"special development zone"	Means a clearly defined geographical area that the Council has delineated for focused planning and development intervention and investment. A Special Development Zone (SDZ) will have a specific urban management focus that can include environment, transportation, urban renewal, housing and economic development related focuses. Such Special Development Zones can be added to, amended or removed in terms of Council resolution and official publication. A Special Development Zone will be indicated in terms of an Annexure / Schedule.
"sport and recreation club"	Means a privately owned facility that is utilized for both passive and/or active recreation by the owners and patrons of such facility. This can include a private golf course, health and fitness centre, social hall or private gardens. This however excludes any retail functions or business related activities.

"storey"	Means that portion of a building included between the surface of any floor and the surface of the next floor above, or if there is no floor above the ceiling, provided that: (i) A basement does not constitute a storey; (ii) A roof, or dome which forms part of a roof, shall not constitute a separate storey unless the space within the roof or dome is designed for, or used for, human occupation, in which case it is counted as a storey; and (iii) The maximum height of the ground storey shall not exceed 6,0 meters and every additional 4,5 meters in height or portion thereof, shall be counted as an additional storey. (iv) The maximum height of any other storey shall not exceed 4,5 meters and every additional 4,5 meters in height or part thereof shall be counted as an additional storey. (v) The height limitations are indicated in Table 4
"subdivision"	As outlined in Sections 33 and 35 of the City of Johannesburg Municipal Planning By-law, 2016.
"surveyor general"	Means the Surveyor General as defined in Section 8 of the Land Survey Act, No 8 of 1997 or any amendments thereof.
"systems act"	Means the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) or any amendments thereof.
"tavern"	Means a residential building or dwelling unit or part thereof constructed, designed or adapted for use for social gatherings and for the consumption of liquor on the site and may include the consumption of non-alcoholic beverages and the preparation and consumption of food, but shall not include the sale of any of the aforesaid items for consumption off the site, provided that the dominant use shall remain residential for the occupant of the said dwelling and subject to the compliance of health and safety by-laws.
"township"	As defined in the City of Johannesburg Municipal Planning By-law, 2016. Means an area of land divided into erven which may be combined with public places and roads as indicated on a general plan, which is used and developed mainly for residential, business, commercial, industrial, institutional, educational or other similar purposes as contained in a land use scheme, or is intended to be so used and developed.
"transitional residential settlement area"	Means defined land upon which informal settlements are established by the occupation of land and provision of residential accommodation in the form of self-help structures and some ancillary non-residential uses and regulated by the applicable Annexure.

"transport facilities"	Means a transport undertaking based on the provision of a transport service and includes a public private undertaking such as an airport or aerodrome, helistop and heliport; railway purposes, stations and related facilities; bus depot, termini and related facilities; metered and minibus taxi rank and related facilities; intermodal transfer site; and associated ancillary purposes including convenience shops, ancillary offices, customs, restaurants, security and police functions, medical facilities.
"urban agriculture"	Means the cultivation of crops and rearing of small numbers of livestock, on relatively small areas within the city, for own consumption or sale in neighbouring markets.
"use zone"	Means that part of this Land Use Scheme, which has been shown on the zoning map by means of a specific notation or bordering or any other distinguishing manner, in order to identify the permitted use of the land.
"warehouse"	Means a building/s used primarily for the storage of goods, except those that are offensive or dangerous, and includes property used for business of a predominantly wholesale nature.
"wall of remembrance"	Means a structure where containers with the ashes of the deceased are inserted in openings or niches in the structure and thereafter sealed and/or on which appropriate commemorative plaques can be attached. Such uses are part of a cemetery and/or religious sites.
"wholesale"	Means the use of a building/s and/or land primarily for the bulk distribution of goods to retailers.
"workshop"	Means the use of a building/s and/or land for services regarding goods that are wholly or partially manufactured, processed, mounted or repaired on the property including ancillary retail and in each case a building that is not described as a factory under the Factories, Machinery and Building Works Act of 1941 or any amendments thereof.
"written consent"	A consent applied for in writing and does not involve an advertising process as set out in clause 41.
"zoning"	When used as a noun, means a category of directions regulating the development of land and setting out the purposes for which the land may be used and the land use or development rules applicable in respect of the said category of directions, as determined by this Land Use Scheme.
"zoning map"	Means an approved map or maps (A and B series) showing the erven / sites within the Council's area of jurisdiction and applicable use / height and density zoning.

PART III: USE OF LAND AND BUILDINGS

10. ERECTION AND USE OF LAND AND BUILDINGS

The purpose –

1. for which buildings may be erected and used and for which land may be used;

2. for which buildings may be erected and used, and for which land may be used, only with the consent of the Council; and

3. for which buildings may not be erected and used and for which land may not be used;

In each of the Use Zones specified in Table 2 the above-mentioned categories are shown in the third, fourth and fifth columns of Table 2 and in the Schedules.

11. PROTECTION OF EXISTING BUILDINGS

Save that alterations or additions to existing buildings shall be carried out in compliance with the provisions of this Land Use Scheme; legally existing buildings shall not be affected by the provisions of this Land Use Scheme which would otherwise have rendered such buildings illegal.

12. COUNCIL'S CONSENT DEEMED TO HAVE BEEN GRANTED

1. If, in terms of any town planning scheme or other planning legislation substituted by this Land Use Scheme, the purpose for which a building has been lawfully erected and used without the consent of the Council is a purpose which, in terms of this Land Use Scheme, requires the consent of the Council, the Council's consent to the erection and use of such building for such purpose shall be deemed to have been granted on the fixed date.

2. The provisions of this Land Use Scheme are applicable to any consent contemplated in sub-clause (1).

3. With regard to areas previously covered by ANNEXURE F, with regard to spaza / house shops, this use may be exercised within twenty four (24) months of the fixed date by the submission and approval of a building plan. Thereafter the provisions for spaza / house shops as contained in this Land Use Scheme shall prevail.

13. USE OF BUILDINGS OR LAND FOR DIFFERENT PURPOSES

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

14. GENERAL CONDITIONS APPLICABLE TO ALL ERVEN

1. Save with the written consent of the Council and subject to such conditions it may impose:

a. neither the owner nor any other person shall have the right, save and except to prepare the erf for building purposes, to excavate therefrom any materials;

b. neither the owner nor any other person shall sink any wells or boreholes thereon or abstract any subterranean water therefrom: Provided that this condition is not applicable to dolomitic areas as detailed in sub-clause (14).

c. neither the owner nor any other person shall have the right to make or permit to be made upon the erf for any purposes whatsoever any tiles or earthenware pipes or other articles of a like nature: Provided that this condition is not applicable to erven zoned Industrial 1 or 2.

d. No land shall be used for the purpose of refuse tipping, sewerage disposal or the removal of soil, sand or gravel for the purposes of sale.

2. Where, in the opinion of the Council, it is impracticable for stormwater to be drained from higher lying erven direct to a road, the owner of the lower lying erf shall be obliged to accept and/or permit the passage over the erf of such stormwater: Provided that the owners of any higher lying erven, the stormwater from which is discharged over any lower lying erf, shall be liable to pay a proportionate share of the cost of any pipe line or drain which the owner of such lower lying erf may find necessary to lay or construct for the purpose of conducting the water so discharged over the erf.

3. The positioning of all buildings, including outbuildings erected on the erf, and ingress to and egress from the erf shall be to the satisfaction of the Council.

4. The following land uses shall be regarded ancillary uses:

a.	Guardhouse	:	All Land Use Zones
b.	Caretakers unit	:	All Land Use Zones except "Residential 1, 2, 3, 4 & 5"

c. Canteen and Auto Teller Machines : All Land Use Zones except "Residential 1 and 2"

5. If an erf or site abuts a provincial road or a national road, a fence shall be erected along the boundary between the erf or site and such road in accordance with the standards laid down by the relevant Provincial / National Department.

6. All erven shall be fenced and maintained if and when required, to the satisfaction of the Council. Boundary walls in excess of 1,8m in height require the written consent of the Council. All fencing and/or walling shall be completed and finished off on both sides to the satisfaction of the Council.

7. The owner is responsible for the maintenance of the entire property in compliance with all relevant Council By-laws.

8. The extraction of minerals by underground working or by surface working, or the erection of any buildings or the carrying out of any work which is incidental thereto on land which is not included in a proclaimed township or an agricultural holding shall be prohibited.

9. The use of land, or buildings on land, 9ha or more in extent and which is in one ownership or in joint ownership, for agricultural purposes or in connection with a plant nursery shall be permitted: provided that where land is less than 9ha in extent, such buildings may only be erected and such land used with the consent of the Council, provided further that in the case of agricultural holdings laid out under the Agricultural Holdings (Transvaal) Registration Act, 1919, zoned "agricultural" or "undetermined" such consent need not be obtained.

10. The main building which shall be a completed building and not one partly erected and to be completed at a later date, shall be erected simultaneously with or before the outbuildings.

11. Where buildings are to be erected within 2 meters from any boundary of an erf or site in any Use Zone, the clearance from the relevant service departments of the Council shall be obtained.

12. Where buildings are to be erected on a "Residential 1" zoned erf or site at a height of more than 1 storey, a distance of 2 meters from any boundary other than a street boundary shall be maintained unless the consent is obtained as per provisions of the City of Johannesburg Municipal Planning By-law, 2016.

13. The following guidelines shall apply for consent of House / Spaza Shops by the occupant of a dwelling house / unit:

a. The floor area of the shop may not exceed 36m².

b. The number of employees employed in the shops may not exceed two.

c. The sale or consumption of liquor shall not be permitted in the shop.

d. The sale of airtime, telephone kiosks may be permitted.

e. The residential character of the site shall be maintained to the satisfaction of the council and the predominant land use shall remain residential.

f. The shop shall not cause an interference with the amenities of the neighborhood.

g. The exhibition of any notice or sign other than a notice or sign ordinarily exhibited on a dwelling unit to indicate the name of the occupier shall be prohibited.

h. The storing or keeping on the site of such dwelling unit of anything whatsoever which, in the opinion of the City Council, is unsightly or undesirable shall be prohibited. No amusement machines of any kind shall be permitted on the premises.

i. Application for the Councils consent for a House / Spaza Shop or Tavern / Shebeen, shall be considered in terms of the Councils prevailing policies in respect of these land uses and parking shall be provided to the satisfaction of the Council.

14. The following conditions are applicable to erven or sites and/or townships as indicated in Table 1, as well as all other erven or sites that contain restrictive conditions in their Deeds of Title relating to the underlying presence of dolomite limestone rocks. The Council reserves the right to add to the list of Townships and related erven from time-to-time as more information becomes available :

a. Only wells or boreholes, which may be required by the Department of Water Affairs and/or the Council for Geoscience, may be sunk on the erf.

b. No French Drains, nor any other type of soak-away, nor any type on unlined pond, are allowed on the erf;

c. Sewers and storm water pipes must be of durable material and provided with flexible sealing joints to the satisfaction of the Council.

d. The owner of the erf must make the necessary arrangements to the satisfaction of the Council to ensure that drain pipes convey water away from the foundations of buildings;

e. Water shall not be permitted to collect on the erf and the erf shall be drained to the satisfaction of the Council.

f. Proposals to overcome detrimental soil conditions to the satisfaction of the Council shall be contained in all building plans submitted for approval and all buildings shall be erected in accordance with the precautionary measures accepted by the Council.

g. A soils/dolomite stability report drawn up by a qualified person, acceptable to the Council, indicating the soil conditions of the property and recommendations as to suitable founding methods and depths or any relevant aspect, shall be submitted to the Council simultaneously with the submission of building plans prior to the commencement of any building operations on the property.

h. Trenches and excavations for foundations, pipes, cables or for any other purpose shall be property refilled with damp soil in layers not ticker than 150mm, and shall be compacted, to the satisfaction of the Council, until the same grade of compaction as that of the surrounding materials is obtained.

i. All pipes, which carry water, shall be watertight and shall be provided with watertight flexible couplings, to the satisfaction of the Council.

TABLE 1: DOLOMITIC AREAS SUBJECTED TO CLAUSE 14

DESCRIPTION OF PROPERTY
Abmarie Agricultural Holdings
Alewynspoort Agricultural Holdings
Allen's Nek Extension 2
Allen's Nek Extension 3
Anchorville and **all** Extensions
Bambayi
Bram Fischerville and Extensions 1, 2, 3, 4, 5 & 6
Chiawelo and Extensions 1, 2, 3, 4 & 5
Constantia Kloof Extension 13
Devland
Dlamini
Dobsonville, Dobsonville Gardens
Doornkop and Extensions 1 & 2 and Doornkop Agricultural Holdings
Dube
Eikenhof
Eikenhof Agricultural Holdings
Eldorado Park and Extension 8, 9 & 10, Eldorado Estate
Emdeni
Fleurhof
Florida Park Extension 9
Groblerpark Extensions 6, 20, 21, 26,, 28, 29, 31, 32, 33, 34
Helderkruin Extensions 13, 16,18
Ivory Park and Extensions 9, 12 &13
Jabulani
Jabavu
Klipriviersoog and Extension 1; Klipriviersoog Estate
Klipspruit, Klipspruit Extensions 1 & 2, Klipspruit West Extension 1

DESCRIPTION OF PROPERTY
Lenasia and **all** Extensions
Lenasia South Extensions 6 & 7
Lindhaven Extension 4
Maokeng
Mapetla
Meadowlands Zones 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, Meadowlands Extensions 11, 12 & 13; Meadowlands West Zones 9 & 10
Misgund Agricultural Holdings
Mmesi Park
Mofolo South, North, Central
Molapo
Moletsane
Moroka
Naledi and Extensions 1, 2,
Nancefield and Extension 1
Orlando West
Phiri
Pimville and Zones 1, 2, 3, 4, 5, 6, 7
Protea, Protea South and **all** Extensions, Protea North, Protea Glen and **all** Extensions
Protea Gardens
Slovo Park
Stesa Agricultural Holdings
Stormill Extensions 2 and 3
Thembalihle
Thulani
Tladi
Weltevreden Park Extension 28
Weltevreden Park Extensions 29, 30 and 31
Weltevreden Park Extensions 34
Weltevreden Park Extensions 36
Weltevreden Park Extensions 38, 41 and 45
Wibsey Dip
Wilgeheuwel
Wilgeheuwel Extension 3
Winford Agricultural Holdings
Winnie Mandela and Extension 4
Witpoortjie Extension 18
Witpoortjie Extension 19
Witpoortjie Extensions 23, 24, 27 and 28
Witpoortjie Extension 37
Zola
Zondi

TABLE 2: USE ZONES

ZONE NUMBER	(1) USE ZONE	(2) NOTATION	(3) PRIMARY LAND USE RIGHTS	(4) SECONDARY LAND USE RIGHTS	(5) PROHIBITED LAND USES
1	**RESIDENTIAL 1**		Dwelling house	Religious purposes, place of instruction, child care centre, social halls, institutions, residential buildings (excluding hotels), special buildings, sport and recreation clubs, public or private parking areas, medical consulting rooms, tavern/shebeen, house/spaza shop, guesthouse.	Uses not in columns (3) and (4)
2	**RESIDENTIAL 2**		Dwelling units	Residential buildings, religious purposes, places of instruction, child care centre, social halls, institutions, special buildings, sport and recreation clubs, public or private parking areas, medical consulting rooms, guesthouse, tavern/shebeen, house/spaza shop	Uses not in columns (3) and (4)
3	**RESIDENTIAL 3**		Dwelling units, residential buildings	Religious purposes, places of instruction, child care centre, social halls, institutions, special buildings, sport and recreation clubs, public or private parking areas, medical consulting rooms, guesthouse, tavern/shebeen, house/spaza shop	Uses not in columns (3) and (4)
4	**RESIDENTIAL 4**		Dwelling units, residential buildings	Religious purposes, places of instruction, child care centre, social halls, institutions, special buildings, sport and recreation clubs, public or private parking areas, medical consulting rooms, guesthouse, tavern/shebeen, house/spaza shop	Uses not in columns (3) and (4)
5	**RESIDENTIAL 5**		Dwelling units, mobile dwelling units, residential buildings	Uses not in columns (3) and (5)	Noxious industries
6	**BUSINESS 1**		Business purposes, shops, residential buildings, place of instruction, social halls, restaurant, car sales lot, motor showrooms, offices, public or private parking area, institutions, religious purposes, dwelling units	Uses not in columns (3) and (5)	Noxious industries, scrap yards, panel beaters, spray painting

TABLE 2: USE ZONES

ZONE NUMBER	(1) USE ZONE	(2) NOTATION	(3) PRIMARY LAND USE RIGHTS	(4) SECONDARY LAND USE RIGHTS	(5) PROHIBITED LAND USES
7	**BUSINESS 2**		Shops, dwelling units, residential buildings, places of instruction, business purposes, car sales lots, institutions	Uses not in columns (3) and (5)	Noxious industries, scrap yards, panel beaters, spray painting
8	**BUSINESS 3**		Shops, offices, restaurants	Uses not in columns (3) and (5)	Noxious industries, scrap yards, panel beaters, spray painting
9	**BUSINESS 4**		Offices	Place of instruction, place of amusement, dwelling units, religious purposes, shops, restaurants, car sales lot, motor showrooms, special building, public or private parking area, residential buildings, child care centre.	Uses not in columns (3) and (4)
10	**SPECIAL**		Only uses as stipulated in the applicable Schedule / Annexure	Only uses as stipulated in the applicable Schedule / Annexure	Uses not in Columns (3) and (4)
11	**INDUSTRIAL 1**		Industrial purposes, public garages, public or private parking areas, shops, business purposes, commercial purposes, builders yard, building material storage.	Uses not in columns (3) and (5)	Noxious industries
12	**INDUSTRIAL 2**		Industrial purposes, noxious industries, public garages, public or private parking areas, shops, business purposes, commercial purposes, builders yard, building material storage.	Uses not in columns (3) and (5)	Residential buildings, dwelling houses, dwelling units
13	**INDUSTRIAL 3**		Industrial purposes, commercial purposes, business purposes, builders yard, building material storage.	Uses not in columns (3) and (5)	Noxious industries

TABLE 2: USE ZONES

ZONE NUMBER	(1) USE ZONE	(2) NOTATION	(3) PRIMARY LAND USE RIGHTS	(4) SECONDARY LAND USE RIGHTS	(5) PROHIBITED LAND USES
14	**COMMERCIAL 1**		Commercial purposes, builders yard, building material storage.	Uses not in columns (3) and (5)	Noxious industries
15	**COMMERCIAL 2**		Commercial purposes, builders yard, business purposes, building material storage.	Uses not in columns (3) and (5)	Noxious industries
16	**INSTITUTIONAL**		Institutions, place of instruction, social halls, religious purposes	Medical consulting rooms, dwelling units, residential buildings, sports and recreation clubs, public or private parking areas	Uses not in columns (3) and (4)
17	**EDUCATIONAL**		Institutions, place of instruction, social halls, religious purposes	Medical consulting rooms, dwelling units, residential buildings, sports and recreation clubs, public or private parking areas	Uses not in columns (3) and (4)
18	**AMUSEMENT**		Place of amusement, recreation resort, social halls	Uses not in columns (3) and (5)	Noxious industries
19	**MUNICIPAL**		Municipal purposes, transport facilities	Uses not in column (3)	None
20	**UNDETERMINED**		Agricultural purposes, dwelling house	Uses not in columns (3) and (5)	Noxious industries,
21	**AGRICULTURAL**		Agricultural purposes, dwelling house, urban agriculture	Animal care centre, second dwelling house	Uses not in columns (3) and (4)

TABLE 2: USE ZONES

ZONE NUMBER	(1) USE ZONE	(2) NOTATION	(3) PRIMARY LAND USE RIGHTS	(4) SECONDARY LAND USE RIGHTS	(5) PROHIBITED LAND USES
22	**PUBLIC GARAGE**		Public garages, public or private parking areas, car sales lot, motor showrooms, motor workshops and services	Shops, restaurants, special building, workshops for panel beating and spray painting	Uses not in columns (3) and (4)
23	**PARKING**		Public or private parking areas, restrooms, public toilet facilities, parking lot, parking garages	Flea market, recycling container facility, place of amusement	Uses not in columns (3) and (4)
24	**GENERAL**		Any use other than noxious industry	None	Noxious industries
25	**PUBLIC OPEN SPACE**		Public open space	None	Uses not in column 3
26	**PRIVATE OPEN SPACE**		Private open spaces	Sport and recreation clubs, agricultural purposes, dwelling units, residential buildings, urban agriculture, recreation resort	Uses not in columns (3) and (4)
27	**CEMETERY**		Cemeteries and ancillary uses	None	Uses not in columns (3) and (4)
28	**SEWAGE FARM**		Sewage works / farm	Agricultural purposes	Uses not in columns (3) and (4)
29	**AERODROME**		Airport	All uses not in column (3) and (5)	None

TABLE 2: USE ZONES

ZONE NUMBER	(1) USE ZONE	(2) NOTATION	(3) PRIMARY LAND USE RIGHTS	(4) SECONDARY LAND USE RIGHTS	(5) PROHIBITED LAND USES
30	**GOVERNMENT**	R.S.A	Government purposes	Uses not in column (3)	None
31	**SAR**		Railway purposes	All uses not in column (3) and (5)	None
32	**RESERVOIR**	Reservoir	Reservoir and related buildings	All uses not in column (3) and (5)	None
33	**PUBLIC WALKWAYS**		Public walkways	All uses not in column (3) and (5)	None
34	**EXISTING PUBLIC ROADS**		Existing public roads	All uses not in column (3) and (5)	None
35	**PROPOSED NEW ROADS AND WIDENINGS**		Proposed new roads and widenings	All uses not in column (3) and (5)	None
36	**PEDESTRIAN MALL**		Pedestrian mall, shops, restaurants, informal trading	All uses not in column (3) and (5)	None
37	**MINING**		Mining purposes	None	Uses not in columns (3) and (4)

PROVISOS:			
In respect of **ANNEXURE F** for the purposes of this Land Use Scheme USE ZONE :			Where land was excluded from the previous Town Planning Schemes and/or had No Zoning, it shall be deemed to be classified under the Use Zone **"Mining"** in this Land Use Scheme.
"Residential"	shall be	**"Residential 3"**	
"Business"	shall be	**"Business 1"**	
"Industrial"	shall be	**"Industrial 1"**	
"Community Facility"	shall be	**"Institutional"**	
"Municipal"	shall be	**"Municipal"**	
"Undetermined"	shall be	**"Undetermined"**	

15. CONVERSION OF USE OF A BUILDING

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

16. CONDITIONS APPLICABLE TO PUBLIC GARAGES

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

1. No material of any kind whatsoever shall be stored or stacked to a height greater than a screen wall as indicated on an approved Site Development Plan;

2. No repairs to vehicles or equipment of any kind may be carried on outside the garage buildings or screen wall; and

3. No vehicle may be parked or material or equipment of any kind stored or stacked outside the garage building or the screen wall: Provided that petrol pumps and/or oil and fuel installations may be placed outside the building and/or screen wall to the satisfaction of the Council.

17. APPLICATION FOR CONSENT USE

1. Any owner intending:

a. to erect and use a building in any land use zone for a purpose for which such building may only be erected, and used in such use zone with the consent of the Council; or

b. to use land in any land use zone for a purpose for which such land may only be used with the consent of the Council,

must apply to the Council for the necessary consent as stipulated in terms of the provisions of the City of Johannesburg Municipal Planning By-laws, 2016.

2. Clause (40) shall apply mutatis mutandis to applications in terms of sub-clause (1).

18. APPLICATION FOR WRITTEN CONSENT

Where the written consent of the Council is required (*that includes words such as permission or written consent*) the application procedure as stipulated on the appropriate application form or indicated as part of this Land Use Scheme shall apply to the satisfaction of the Council.

19. OUTBUILDINGS

No outbuilding shall be used for any purpose other than the purpose for which it was designed and erected as indicated on an approved building plan.

20. OCCUPANTS PER DWELLING UNIT

A dwelling house or dwelling unit shall not be occupied by more than one family.

21. HOME ENTERPRISES, PROFESSION AND/OR OCCUPATION

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

1. The dwelling house / unit shall not be used for a public garage, motor sales, motor workshop, heavy mechanical repairs (e.g. grinding, welding, sanding, etc.), car wash, industrial / commercial purposes, noxious industries, scrap yard, spray painting, panel beating, shop (retail outlet), house / spaza shop, tavern / shebeen, restaurant, coffee shop, tea garden, place of amusement, place of instruction, institution, guest house, boarding house, commune, hotel, funeral parlour, undertaker or pet salon;

2. Not more than 25% of the built floor area of the dwelling house / unit may be used for non-residential purposes in total;

3. The principal of the non-residential activity shall be the permanent occupant on the site;

4. A maximum two other persons additional to the members of the household who permanently reside on the site and who own and operate the business from the home may be taken into partnership on the site in relation to the profession/s or occupation/s exercised from the site.

5. The enterprise should not impose a load on any infrastructure services greater than normally required for domestic use.

6. Parking, as well as loading and off-loading activities directly related to the non-residential activity, shall take place on the site;

7. The display of a non-luminous notice or sign on the boundary fence or building, to indicate only the name, profession / occupation, business logo and telephone number(s) of such a permanent resident, shall be permitted in compliance with the prevailing outdoor advertising by-laws;

8. An occupation, profession or home undertaking of such a nature that would cause an undue increase in traffic in the neighbourhood or the passing of heavy vehicles through the neighbourhood, neither the congregating of workers in relation to the profession/s or occupation/s exercised from the dwelling house / unit shall not be permitted;

9. An interference, in the opinion of the Council, with the amenities of the neighbourhood by means of noise, smell, dust, aesthetic appearance or any other manner, shall not be permitted;

10. The storing or keeping on the site of anything whatsoever which, in the opinion of the Council, is unsightly or undesirable or a risk to the safety and security of residents, such as ammunition, weapons, fire arms, explosives, fire works, chemicals and waste or something which can not be accommodated by the ordinary design of a dwelling house or dwelling unit shall not be permitted;

11. Should the permanent occupant wish to practice a profession, occupation or home enterprise from a container or non-permanent structure on the site, such practice shall be subject to permission being granted by the written consent of the Council accompanied by a plan indicating the nature, size and position of the container or non-permanent structure on the site. This written consent may be subject to the submission of a building plan.

12. In developments governed by sectional title or resident's associations, such home enterprise, profession and/or occupation shall be accommodated subject to approval of the relevant Body Corporate / Home Owners Association.

22. SUBSIDIARY DWELLING UNIT

Notwithstanding the provisions of the land development requirements of the erf, as contained in the Land Use Scheme:

1. An owner may erect and use a maximum of one subsidiary dwelling unit on an erf zoned Residential 1, subject to the following conditions:

a. The floor area of a subsidiary dwelling unit shall not exceed 110m² or 50% of the main dwelling house whichever is the lesser;

b. A subsidiary dwelling unit may only be erected in relation to an existing dwelling house;

c. A subsidiary dwelling unit may be attached to or detached from the main dwelling house but in the former instance may not be interconnected;

d. A subsidiary dwelling unit may be rented out to a family or to four (4) individual persons and may be occupied at a ratio of not less than 7m² of habitable space per person.

e. The written consent of all adjoining owners shall be obtained which shall include the endorsement of signatures, full names and addresses on the relevant building plans, save that in the event of one or more adjoining owners refusing endorsement followed by receipt by the Council of written particulars of the dissenting owner(s) reasons for such refusal within 28 days from date of dispatch by the Council of a letter calling for such particulars, the written consent of the Council shall be required;

f. Parking shall be provided to the satisfaction of the Council;

g. No outbuildings may be erected in relation to a subsidiary dwelling unit other than a garage/s.

h. The access, positioning and design of the subsidiary dwelling unit shall be to the satisfaction of the Council;

i. The screening of the subsidiary dwelling unit shall be to the satisfaction of the Council; and

j. The amenity of the area shall not be disturbed.

k. Where an owner of a Residential 1 property exercised the right of a subsidiary dwelling unit, neither the subsidiary dwelling unit nor the dwelling house may be sectionalized.

l. In the event of subdivision in accordance with the prevailing density guidelines a newly erected portion may contain the detached subsidiary dwelling unit, which may now be re-defined as an existing dwelling house.

m. When an owner exercises the right for a subsidiary dwelling unit, engineering services contributions shall be payable on submission of the building plan as determined by the Council in terms of the prevailing policies for engineering services.

23. CONDITIONS FOR CHILD CARE CENTRES ON RESIDENTIAL ERVEN

1. Subject to the provisions of sub-clause (2), the Council may grant its consent to the erection upon an erf or site upon which a dwelling house or dwelling unit has been erected or to a building for use as a place of instruction for a child care centre.

2. The Council shall not grant its consent in terms of sub-clause (1) unless there is sufficient area on site for the activities connected with the proposed child care centre including the necessary parking requirements to the satisfaction of the Council as well as the provision of areas for the dropping and collecting of children.

3. No consent is required if six (6) or less children are accommodated on the erf.

24. CONDITIONS RELATING TO RELIGIOUS PURPOSES

1. The Council shall not grant it's consent to any religious purposes where there is any interference with the amenities of the neighbourhood with regard to noise, parking, traffic, etc.

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

3. No applications shall be permitted within residential complexes.

25. ERVEN AFFECTED BY SERVITUDES

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

26. CONSOLIDATION AND SUBDIVISION OF ERVEN

1. Subject to the provisions of Section 33 of the City of Johannesburg Municipal Planning By-law, 2016, the Council may grant its approval to the subdivision of any erf or consolidation of erven, subject to such conditions as it may deem fit and in accordance with the density guidelines as per Clause 27 and the applicable Council policy.

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

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

b. Whether there is adequate and unhindered access to and from the erven or sites; where a panhandle erf or site is created through subdivision the width of the panhandle shall be to the satisfaction of the Council which shall not be less than four (4) metres.

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

3. No consolidation of two or more erven with different Use Zones or Schedules / Annexures shall be permitted unless appropriately rezoned.

4. Erven that have been developed with semi's (two dwelling units under one roof), in accordance with the provisions of previous town planning schemes, may be subdivided in accordance with the provisions of this Land Use Scheme.

5. The Council may grant approval to:

a. the subdivision of an erf zoned "Residential 1", one dwelling house per erf;

b. the subdivision of an erf zoned Residential 1, which would have the effect of creating an erf or erven smaller in size than the minimum area specified in Table 3:

c. If an erf is subdivided in terms of the general Council Policy of 20 units per hectare and/or other specific density policy and/or guideline in place, not more than four (4) portions may be created in terms of the provisions of sub-clause (a) and (b)

d. If an erf is subdivided in terms of sub-clause 5 (a), (b) or (c) to 20 units per hectare or less, each subdivided portion shall have direct access to a public road.

6. The Council may grant its approval to the subdivision of an erf zoned Residential 2, 3 or 4, whether or not a density is indicated in terms of Table 3, in accordance with an approved Development Plan as contemplated in clause 39.

7. Such approval for subdivision is subject to time limitations as contained in Sec 33 (10) and (11) of the City of Johannesburg Municipal Planning By-laws, 2016.

8. Upon the approval of a subdivision the following conditions shall be included as conditions of title of each and every subdivided portion :

a. The erf is subject to a servitude, 2 metres wide, in favour of the local authority, for sewerage and other municipal purposes, along any two boundaries other than a street boundary and in the case of a

panhandle erf, an additional servitude for municipal purposes 2 metres wide across the access portion of the erf, if and when required by the local authority: Provided that the local authority may dispense with any such servitude.

b. No building or other structure shall be erected within the aforesaid servitude area and no large-rooted trees shall be planted within the area of such servitude or within 2 metres thereof.

c. The local authority shall be entitled to deposit temporarily on the land adjoining the aforesaid servitude such material as may be excavated by it during the course of the construction, maintenance or removal of such sewerage mains and other works as it, in its discretion may deem necessary and shall further be entitled to reasonable access to the said land for the aforesaid purpose subject to any damage done during the process of the construction, maintenance or removal of such sewerage mains and other works being made good by the local authority.

9. The Council shall attach the conditions of the approved subdivision to the zoning of all the newly created erven concerned. In the event of the cancellation or lapsing of such subdivision the Council may remove such conditions and do the appropriate adjustments.

10. Upon the approval of a subdivision application all the conditions of approval shall :

a. Be in addition to the general conditions, restrictions and other provisions of this Land Use Scheme

b. Should there be conflict with any such other conditions, restrictions or provisions in this Land Use Scheme including the provisions and conditions contained in an Annexure or Schedule applicable to the erf, such conditions shall prevail.

SECTION 2:
MANAGEMENT OF LAND DEVELOPMENT RIGHTS

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

PART IV: LAND DEVELOPMENT REQUIREMENTS

27. DENSITY DEVELOPMENT REQUIREMENTS

1. The number of dwelling houses or dwelling units that may be erected on an erf or site shall be in accordance with Table 3.

2. In all Use Zones other than 1, 2, 3, 4 and 5 (or where specified in an Annexure / Schedule) where residential use is permitted, dwelling houses, dwelling units, mobile dwelling units and residential buildings shall only be erected in accordance with the provisions relating to height, coverage and floor area ratio applicable to the erf or site concerned.

3. If an erf or site is situated in more than one Use Zone, buildings may be erected without subdivision of the erf or site, in accordance with purposes permitted in each use zone on the various parts of such erf or site.

4. In the event of a cluster development (Free Hold Title) on Residential 2, 3 and 4 the density shall be restricted to a maximum of 20 dwelling units per hectare.

TABLE 3: DENSITY DEVELOPMENT REQUIREMENTS

Reference to Map (Notation)	Number of dwelling houses per erf	Minimum area of erf in square meters (m^2)
	1	-
	1	100
	1	200

Reference to Map (Notation)	Number of dwelling houses per erf	Minimum area of erf in square meters (m^2)
	1	300
	1	400
	1	500
	1	700
	1	800
	1	1 000
	1	1 250
	1	1 500
	1	2 000
	1	2 500
	1	3 000
	1	4 000
	1	6 000
	1	8 000

28. HEIGHT DEVELOPMENT REQUIREMENTS

1. The number of storeys, excluding basement storeys that may be contained in a building shall be determined by a designated Height Zone detailed in Table 4.

2. Save with the consent of the Council and/or the relevant controlling authority, no building shall exceed a height of 1950m above mean sea level. For the purpose of this clause the height exclusions in terms of the height definitions shall not apply.

3. Subject to the provisions of this Part of the Land Use Scheme, no building shall be erected so as to contain a number of storeys in excess of the number specified in sub-clause (1): Provided that an additional storey may be permitted with the consent of the Council.

4. In considering applications for the Council's consent in terms of sub-clause (3), the Council shall, in addition to any other relevant factors have regard to:

a. The location and topography of the erf or site;

b. Whether, for example, the additional open space resulting from a building containing more than four storeys is more desirable than that which would result from a four storey building;

c. The effect on the surrounding area with particular emphasis on the possible obstruction of view, overshadowing or breaking of the natural skyline; and

d. The desirability of creating a focal point on the site.

TABLE 4: HEIGHT DEVELOPMENT REQUIREMENTS

(1) Height Zone	(2) Number of storeys	(3)								
		Johannesburg	Sandton	Roodepoort	Randburg	Lenasia	Modderfontein	Walkerville	Edenvale	Peri-Urban Halfway House Annexure F Lethabong Westonaria Southern Jhb Region
A	3	0	0	0	0	0	0	0	3	0
		6	2	4	3	1	1	1	4	
		7	3	5		2	2	2	5	
		8	4	6		3	3	3	6	
			5	7		4	4	4	7	
			6	8		5	5	5	8	
			7	9		6	6	6	9	
			8	10		7	7	7	10	
			9	11		8	8	8	11	
			10	12		9	9	9		
			11			10				
B	5	5	1	3	2					
C	As per Clause 30	1		1	1				0	
		2		2					1	
		3							2	
		4								

29. GROUND STOREY AND BASEMENT STOREYS

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

2. All storeys below the ground storey shall be indicated as basement storeys on building plans and shall comply with the provisions as set out in the definition of basement

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

30. THE 59º HEIGHT LINE LIMITATION

1. Any building erected in Height Zone C shall not project above a line drawn at an angle of 59˚ to the horizontal from a point at street level on the street boundary opposite to the street boundary onto which the site fronts.

2. The Council may grant its consent in terms of a Site Development Plan as detailed in Clause 39 to the erection of a building governed by Height Zone C, which will project above the 59˚ height line referred to in sub-clause(1), subject to such conditions as it may deem fit.

31. COVERAGE DEVELOPMENT REQUIREMENTS

1. No building shall be erected so as to cover a greater proportion of its erf than is permitted in terms of Table 5.

2. The provisions of sub-clause (1) shall apply to every storey in a building, including any basement storey.

3. The Council may grant its written consent:

a. To any basement storey which is below natural ground level being constructed so as to exceed the coverage permissible in terms of sub-clause (1).

b. To the area covered by private parking garages so as to exceed the coverage permissible in terms of sub-clause (1).

c. In considering an application for its consent in terms of sub-clause 3(b) the Council shall in addition to any other relevant factors have regard to the likely effect upon plant life, possible future road improvements and the location of essential services.

4. The Council may grant its written consent to the coverage being increased:

a. In respect of an erf or site fronting onto a pedestrian mall;

b. On any use zone to an additional maximum of 10%.

c. In considering an application for its consent in terms of sub-clause 4(b) the Council shall in addition to any other relevant factors have regard to the likely effect upon plant life, possible future road improvements and the location of essential services

d. On Residential 1 zoned erven, smaller than 500m² the coverage for a single storey building may be 60%.

TABLE 5: COVERAGE DEVELOPMENT REQUIREMENTS

(1) Height Zone	(2) Dwelling Houses, Dwelling Units, Residential Buildings	(3) Shops, Business Purposes, Institutional-, Educational Facilities	(4) Industrial Purposes	(5) Other Uses
A	50% for one storey 50% for two storeys 40% for three storeys	50%	70%	70%
B	Residential 1: 60% Residential 2: 70% Residential 3: 80%	70%	85%	60%
C	100%	100%	100%	100%

32. FLOOR AREA RESTRICTIONS

1. No building shall be erected so as to exceed the floor area ratio as prescribed in Table 6 of the Land Use Scheme. The floor area ratios as given in columns 2, 3, 4 and 5 of Table 6 are applicable to buildings erected in the Height Zones given in Table 4.

2. In the case of an erf situated at the junction of two roads the applicable floor area ratios of which are not equal, the higher floor area ratio shall apply for a distance of 15,75m, measured along the street with the lower applicable floor area ratio. This is applicable in the Inner City Annexure 17 (A/S 4458) only.

3. If an erf has no street frontage and access to a road is gained over another erf which fronts onto such street, the floor area ratio of the latter erf shall apply to such erf. This is applicable in the Inner City Annexure 17 (A/S 4458) only.

TABLE 6: FLOOR AREA DEVELOPMENT REQUIREMENTS

(1) Height Zone	(2) Dwelling Houses, Dwelling Units, Residential Buildings, Institutional-, Educational Facilities	(3) Shops, Business Purposes	(4) Industrial Purposes	(5) Other Uses not found in Columns (2), (3) & (4)
A	1.2	2.1	2.1	2.1
B	2.4	3.0	3.0	3.0
C	4.0	4.0	4.0	4.0
NOTE	With regard to the Inner City see **Annexure 17** (A/S 4458)			

33. ADDITIONAL FLOOR AREA

1. The Council may with the written consent increase the floor area in respect of erven in the Inner City as per Annexure 17 (A/S 4458) in Height Zone C.

2. The Council may consent to an increase in floor area in respect of an erf or site fronting onto a pedestrian mall.

PART V: BUILDING RESTRICTION AREAS

34. BUILDING LINES AND BUILDING RESTRICTION AREAS

1. Building lines applicable to street boundaries are given in Table 7.

2. Subject to the provision of sub-clause (3) and clause 35, no building shall be erected in a building restriction area.

3. Sub-clause (2) is not applicable to boundary fences; garden walls; garden fences; garden ornaments; garages and carports with indirect access and associated single storey domestic outbuildings related to dwelling houses; dwelling units and residential buildings; electrical high and low tension chambers; pergolas; guard houses; antenna; satellite dishes; or swimming pools: Provided that such exemption does not apply

along any provincial or national road in so far as it would be contrary to the requirements of the controlling authority.

4. Where a building plan is required for any of the above-mentioned, clearance shall be obtained from the relevant service departments prior to the submission of the building plan.

35. CONSENT TO BUILD IN THE BUILDING RESTRICTION AREA

1. The Council may consent to the erection of buildings :

a. In the building restriction area between the building line and street boundary;

b. In the case of structures below ground level or mainly below ground level, in the building restriction area between the building line and any boundary;

c. Buildings may be erected between the building line and the boundary of a sanitary lane if it is not in conflict with the Council's by-laws.

d. Such consent may not be granted along any provincial or national road where such consent would be contrary to the requirements of the controlling authority.

2. A consent granted in terms of sub-clause (1) shall be valid for the life of the building in respect of which such consent was granted, or for any shorter period that may be specified by the Council as a condition of its consent.

3. In considering an application for its consent in terms of sub-clause (1) the Council shall, in addition to any other relevant factors, have regard to:

a. The possibility of future road improvements;

b. The location of the building in relation to surrounding sites and buildings;

c. The slope of the land comprising the erf or site in relation to the slope of surrounding land;

d. The arrangement of the buildings on the erf;

e. Any factor indicating the compliance with the building line would unreasonably interfere with the development of the erf.

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

TABLE 7: BUILDING LINE RESTRICTION AREAS

(1) Use Zone and/or Land	(2) Size of Erf or Site or Height Zone	(3) Minimum Distance in meters between building line and street boundary
Residential 1, 2, 3, 4 & 5	Erven of 500m² or less Erven larger than 500m²	1.0m 3.0m
Agricultural Holding, farm portions	Less than 9ha 9ha and greater	9.0m 30.0m
All other Use Zones	Height Zones A and B Height Zone C	3m 1.5m

PART VI: PARKING AND LOADING

36. PARKING DEVELOPMENT REQUIREMENTS

1. The provisions for parking in this Part of the Land Use Scheme shall not apply to land or land and buildings where such land or buildings, or both, are used exclusively for public or private parking areas: Provided that in a building to be used or erected and used, partly for a public parking area and partly for other uses, this Part shall apply to that part of said land or building used or erected and used for such other uses; parking shall not be used for the exclusive use of tenants. If parking is demarcated / reserved, it shall be over and above the standard requirement.

2. For the purposes of calculating the number of parking spaces that can be provided, it shall be deemed that one parking space is equal to an area of 30m²; should taxi bays be provided on-site, one (1) taxi bay shall be the equivalent of eight (8) parking bays; should non-motorised facilities be provided, five (5) non-motorised facilities shall be the equivalent of one (1) parking bay; drop-off zones for busses at any educational facility will be the equivalent of three (3) parking bays.

3. Subject to the provisions of sub-clause (5) parking accommodation shall be provided in a manner satisfactory to the Council in respect to buildings and use of land on erven or sites, which shall be the number of bays specified in Table 8 or Table 9, applied according to the locality of the erven or sites, which will fall in one of the following three (3) parking zones :

a. **Parking Zone A** : being the Inner City
If parking is to be provided it can only be provided as per ratios in Table 9 (Annexure 17)

b. **Parking Zone B** : for areas as defined in the Spatial Development Framework (SDF) and Table 8 and described in sub-clause (4) below where parking other than the requirements in Table 8 with the written consent of the Council.

c. **Parking - Remainder of City** : the area of jurisdiction, not defined under Zones A & B above, where less parking than the requirement in Table 8 may not be provided without the written consent of the Council.

4. Areas covered by Zone B include the following :

a. Public Transport priority areas : areas located 500 meters from public transport nodes, such as Gautrain stations, BRT stations and rail stations. These stations should be existent or under construction at the time of evaluating the application to consider a parking reduction.

b. Areas within the Corridors of Freedom.

c. Marginalized areas

d. Metropolitan and Regional nodes.

5. The Council, when considering an application for deviation of the requirements in Zone B and Zone C shall, in addition to any other relevant factors, take the following into account :

a. The areas listed under sub-clause (4).

b. The total parking provision (private / public) in the area where the proposed development is located.

c. If public transport facilities are provided and maintained on site by the applicant / owner, at the owner's own cost.

d. Availability of off-street parking in the vicinity of the site.

e. The possible impact of shared-parking utilization in mixed land use developments located within reasonable walking distances on the same site.

f. The number of staff members and customers related to the use of the land or building on site.

g. the socio-economic structure and density of the population that is served by the development.

h. the size and nature of the proposed development on the site and the size or type of vehicles likely to be used in connection with the land use conducted on the site.

i. the likelihood of a reduction in parking provision causing injury to the amenity of the area in which it is or will be situated including, without prejudice to the generality of the foregoing, increased traffic and parking difficulties.

6. Retail shopping centres in excess of 5 000m² floor area shall provide public transport facilities to the satisfaction of the Council in terms of its Integrated Development Plan.

7. Open air land uses are to be included as floor area for the purpose of calculating parking requirements for all land uses.

TABLE 8: ON-SITE PARKING REQUIREMENTS

LAND USE CATEGORY	REMAINDER OF CITY	PARKING ZONE B – CORRIDORS/NODES/ STATIONS/ MARGINALISED AREA
RESIDENTIAL		
Up to three habitable rooms	1 bay per unit + 1 bay per three units for visitors	0.5 bay per unit + 1 bay per three units for visitors
Four or more habitable rooms	2 bays per unit + 1 bay per three units for visitors	1 bay per unit + 1 bay per three units for visitors
Boarding houses, hostels, communes	0,5 per room	0,3 per room
Residential hotels, bed & breakfast, guesthouses	1 bay per room	0.5 bay per room
Social/Inclusionary housing	0.75 bay per unit	0,5 bays per unit
Licensed hotels, motels	1,0 bay per bedroom plus 25,0 bays per 100 m^2 public rooms	0.5 bay per bedroom plus 10,0 bays per 100 m^2 public rooms
RELIGIOUS PURPOSES		
With seating provision	0,4 bays per seat	0.2 bays per seat
Without seating provision	25,0 bays per 100 m^2 of net prayer/meditation area	10,0 bays per 100 m^2 of net prayer/meditation area

LAND USE CATEGORY	REMAINDER OF CITY	PARKING ZONE B – CORRIDORS/NODES/ STATIONS/ MARGINALISED AREA
EDUCATIONAL / INSTRUCTIONAL		
Primary, secondary and high schools	1,0 bay per classroom plus 0,1 per learner and 1 bay per teacher/trained administrator or staff *	1,0 bay per classroom plus 0,1 per learner and 1 bay per teacher/trained administrator or staff
Nursery schools, crèches, day care centres, ECD's	0,2 bays per child plus 1,0 bay per classroom	0,1 bays per child plus 1,0 bay per classroom
Universities, colleges, adult education, advanced technical education and other full-time education	0,4 bays per student plus 1.0 bay per classroom and 1.0 bay per other trained / administration staff	0,2 bays per student plus 1.0 bay per classroom and 1.0 bay per other trained administration staff
Under 18 part-time instruction	0,5 bays per learner plus 1,0 per trained staff	0,2 bays per learner plus 1,0 per trained staff
Medical schools	0,8 bays per student plus 1.0 bay per classroom and 1.0 bay per other trained administration staff	0,4 bays per student plus 1.0 bay per classroom and 1.0 bay per other trained administration staff
Gym/Health training/Instruction	1,0 bay per trainer and trainee	0.5 bays per trainer and trainee
SOCIAL / RECREATIONAL/ INSTITUTIONAL		
Convalescent homes, Old age homes, geriatric, homes with medical care, sanatoriums, charitable institutions	1,0 per bed plus 1.0 bay per trained administration staff	1,0 per bed plus 1.0 bay per trained administration staff
Bowling alleys, indoor pistol club, billiard saloons	6,0 bays per 100 m^2	3,0 bays per 100 m^2
Sports clubs	0,7 per player and staff plus 0,5 per spectator	0,4 per player and staff plus 0,2 per spectator
Sports stadium	0,7 per player and staff plus 0,5 per spectator	0,4 per player and staff plus 0,2 per spectator
Swimming pools	20,0 per 100 m^2 for whole enclosed area or 0,7 per seat, whichever is the greater	10,0 per 100 m^2 for whole enclosed area or 0,2 per seat, whichever is the greater
Squash courts	4,0 bays per court	2,0 bays per court
Social clubs, youth clubs, community centres	4,0 bays per 100 m^2	2,0 bays per 100 m^2
Show grounds, amusement parks, fairs, snake parks, etc.	15,0 bays per 100 m^2 of total site area excluding parking area	10,0 bays per 100 m^2 of total site area excluding parking area

LAND USE CATEGORY	REMAINDER OF CITY	PARKING ZONE B – CORRIDORS/NODES/ STATIONS/ MARGINALISED AREA
Zoos, parks, nature/flower parks	10.0 bays per 100 m2 of total site area excluding parking area	5.0 bays per 100 m2 of total site area excluding parking area
Sports and recreation facilities	10.0 bays per 100 m2 or 0,25 per seat	5.0 bays per 100 m2 or 0,25 per seat
Gymnasium/Health Clubs	10.0 bays per 100 m2 GLA	5.0 bays per 100 m2 GLA
Institution	1,5 bays per 100 m²	0.75 bays per 100 m²
PUBLIC GARAGES AND MOTOR RELATED USES		
Workshops, convenience shop, take-aways, Drive-throughs	6,0 bays per 100 m2	3,0 bays per 100 m2
Lubrication, tune-up bays, car wash	4,0 bays per wash/tune-up bay	2,0 bays per wash/tune-up bay
Related spares and sales	2,0 bays per 100 m2	1,0 bay per 100 m2
Related motor showroom	3 bays per 100 m2	1,5 bay per 100 m2
Stand-alone Filling Station	2 stacking bays per pump	2 stacking bays per pump
Used car sales lots	3.0 bays per 100 m2	1.0 bay per 100 m2
MEDICAL USES		
Hospital, Clinics, Step-down facilities	2,0 bays per bed plus 6,0 per 100 m2 for the medical consulting rooms	1,0 bay per bed plus 3,0 per 100 m2 for the medical consulting rooms
Veterinary hospitals and consulting rooms	6,0 bays per 100 m2	3,0 bays per 100 m2
Medical consulting rooms	6,0 bays per 100 m2	3,0 bays per 100 m2
BUSINESS USES		
Offices	4 bays per 100 m2	2 bays per 100 m2
Restaurants	6,0 bays per 100 m2	3,0 bays per 100 m2
Showrooms (Motor, furniture)	6,0 bays per 100 m2	3,0 bays per 100 m2

LAND USE CATEGORY	REMAINDER OF CITY	PARKING ZONE B – CORRIDORS/NODES/ STATIONS/ MARGINALISED AREA
Shops	6,0 bays per 100 m^2	3,0 bays per 100 m^2
Shops (Shopping centres < 5000 m^2)	6,0 bays per 100 m^2	3,0 bays per 100 m^2
Shops (Shopping centres < 10 000 m^2)	5,0 bays per 100 m^2	3,0 bays per 100 m^2
Shops (Shopping centres > 10000 m^2)	4,0 bays per 100 m^2	3,0 bays per 100 m^2
Cinemas/theatre (in shopping centres)	0,2 bays per seat	0,2 bays per seat
Cinemas/theatres	0.5 bays per seat	0,2 bays per seat
Exhibition halls	30,0 bays per 100 m^2	15,0 bays per 100 m^2
Halls for entertainment, conferences (with seats)	0,4 bays per seat	0,2 bays per seat
Halls for entertainment, conferences (without seats)	40,0 bays per 100 m^2	20,0 bays per 100 m^2
Libraries, museums, galleries and other cultural buildings	5,0 bays per 100 m^2	2.5 bays per 100 m^2
Funeral Parlors	2,0 bays per 100 m^2	1.0 bay per 100 m^2
Place of amusement	10 bays per 100 m^2 or 0,25 per seat	5.0 bays per 100 m^2 or 0,15 per seat
Industrial, commercial, warehousing purposes	2.0 bays per 100 m^2	1.0 bays per 100 m^2
Warehouses (storage)	1.0 bays per 100 m^2	0.5 bays per 100 m^2
All other Land Uses	**To the satisfaction of Council**	

TABLE 9: ON-SITE PARKING IN PARKING ZONE A (INNER CITY)

(1) Offices	(2) Residential Buildings	(3) Buildings containing two or more dwelling units	(4) Uses not mentioned under Columns 1, 2, 3 and 5	(5) Public garages
2 bays/100m²	**Guest rooms :** 0,75/bedroom **Restaurants:** 6 bays/100m² **Conference room:** 0,3 bays/seat	1,5 bays/dwelling unit	O,5 bays/100m²	**Workshop:** 6 bays/100m² **Lubrication-, wash- or tune-up bay:** 4 bays/ **Storage and sale of spares and showrooms:** 2 bays/ 100m²

37. ALTERNATIVES TO THE PROVISION OF ON-SITE PARKING

Where the parking accommodation with regard to an erf or site has been determined in terms of Clause 36, the Council may, if satisfied of the necessity and desirability thereof, on account of the size of the site, the nature of the buildings thereon and the likely parking demand, grant written consent for the provision of the required number of parking bays elsewhere than on the site of the building / development concerned.

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

38. LOADING AND OFF-LOADING

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

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

39. SITE DEVELOPMENT PLANS

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

1. A condition of an application, including consent use applications, as and when required by the Council; or

2. On all Use Zones other than erven zoned "Residential 1" or land that is developed with a dwelling house only; or

3. For the development of any structures by any party on erven or sites with a "public open space" use in terms of the Land Use Scheme; or

4. All erven within a registered Special Development Zone; or

5. On erven in an Environmental Control Area; or

6. Where required in any other part of the Land Use Scheme.

7. Such Site Development Plan shall be drawn at a scale of 1:500 or such other scale as may be required by the Council, and shall be approved by the Council before any building plan in connection with the proposed development may be considered by the Council.

8. Unless the Council requires less information, a Site Development Plan shall show at least the following:

a. The siting, height, floor area and coverage of all buildings; specific detailed floor plans for residential developments;

b. Children's play areas;

c. Entrances and exits to the erf or site;

d. If the erf or site is to be subdivided, the proposed subdivision lines;

e. Access to buildings and parking areas and to and from the erf or site;

f. Building restriction areas (if any), boundary walls, fences, screening;

g. Parking areas, and where required by the Council, circulation of vehicular and pedestrian traffic;

h. Elevational treatment of all buildings;

i. If it is not proposed to develop the whole erf or site simultaneously, the grouping of the dwelling units and the programming of the development thereof, must be clearly indicated on the plan;

j. Steps to be taken to control storm water runoff in compliance with the storm water by-laws;

k. Landscaping including existing, mature vegetation on the site or erf;

l. Contours;

m. Surrounding developments and their relation with the proposed development.

n. Open spaces and landscaping of the site shall include but not be limited to :

(i) All landscaping and existing mature vegetation.
(ii) A minimum of 10% of the site shall be landscaped.
(iii) A minimum of 1 tree per 3 parking bays shall be provided.
(iv) All hydrological features including such as, but not limited to, pans, ponds, dams, drainage features and wetlands.
(v) Natural environmental features such as, but not limited to, special geological formations and grassland.

o. Energy efficiency measures.

p. And any other additional information if so required by the Council.

9. Public transport, metered taxis and pedestrians (including 'kiss-and-ride') should be given priority over private vehicles on layouts of developments on Site Development Plans. Walking distances to drop-off areas should be kept to a minimum from the entrances to the developments. Thus, development layouts / SDP's could also encompass a drop-off area for public transport and metered taxis, as well as 'kiss-and-ride' facilities (where there is a need for private vehicles to drop off people without parking).

40. CONSENT OF THE COUNCIL

1. Application to the Council for any consent which, in terms of this Land Use Scheme it is empowered to grant or refuse, shall be made by the

owner as defined to which the application relates in terms of the City of Johannesburg Municipal Planning By-law, 2016.

2. Any condition imposed in terms of a consent shall have the same force and effect as if it were a clause of this Land Use Scheme.

a. A consent granted by the Council in terms of this Land Use Scheme may be subject to termination by the Council if any breach of a condition upon which such consent was granted is not remedied in compliance with a notice served by the Council upon the owner or occupier of the erf or site concerned after affording the applicant an opportunity for a hearing.

b. The notice referred to in paragraph (a) shall require that the breach be remedied within a specified period.

41. WRITTEN CONSENT APPLICATION PROCESS

1. If a provision in this Land Use Scheme requires the written consent of the Council, the applicant shall, submit a written motivation detailing the nature of such application and shall be accompanied by such supporting documents as may be required and any applicable fees.

2. Any condition imposed in terms of a written consent shall have the same force and effect as if it were a clause of this Land Use Scheme.

a. A written consent granted by the Council in terms of this Land Use Scheme may be subject to termination by the Council if any breach of a condition upon which such written consent was granted is not remedied in compliance with a notice served by the Council upon the owner or occupier of the erf or site concerned after affording the applicant an opportunity for a hearing.

b. The notice referred to in sub-clause (a) shall require that the breach be remedied within a specified period.

42. TEMPORARY CONSENT

Notwithstanding anything to the contrary contained in this Land Use Scheme, it shall be competent for the Council to consent to the temporary use of any land or building within any use zone, for the following :

1. Where the land use zoning permits the proposed use, the written consent of the Council is required.

2. The occasional use of buildings or land for concerts, fairs, circuses, exhibitions, bazaars, public gatherings, celebrations, religious purposes, institutions, place of instruction, social halls, place of amusement with the written consent of the Council not exceeding one (1) day; if more than

one (1) day the full procedure as per City of Johannesburg Municipal Planning By-law, 2016, for consent of the Council shall be applied for.

3. The Council is entitled to withdraw the approval given in terms of sub-clause (1) and (2), should the land use in respect of which approval / consent was given be misused or if the use of the buildings or land for the approved purpose is detrimental to the amenities of the area at the sole discretion of the Council.

43. CONTRAVENTIONS / ILLEGAL LAND USES

Any person who:

1. Contravenes or fails to comply with any provision of this Land Use Scheme; or

2. Contravenes or fails to comply with any requirements set out in a notice issued and served in terms of this Land Use Scheme; or

3. Contravenes or fails to comply with any condition set out in terms of any provision of this Land Use Scheme; or

4. Knowingly makes a false statement in connection with any provision of this Land Use Scheme;

Shall be guilty of an offence and shall be prosecuted accordingly and may be liable on conviction to a fine or imprisonment as outlined in Sections 62 and 63 of the City of Johannesburg Municipal Planning By-law, 2016.

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

44. SCHEDULE

1. The portions of land described in a Schedule, which is identified as an **"S"** on the Zoning Map, are subject to the restrictions, conditions and obligations and are entitled to the rights as set out in columns 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13.

2. Columns 1 to 14 of the Schedule respectively contain the following:

Column 1	:	The use zone, corresponding with a use zone as indicated in Column 1 of Table 2, within which the portion of land falls;
Column 2	:	Description of the portion of land.
Column 3	:	The purposes for which buildings may be erected and used or for which land may be used.

Column 4	:	The purposes for which buildings may be erected and used or for which land may be used only with the consent of the Council.
Column 5	:	The purpose for which buildings may not be erected and used and for which land may not be used.
Column 6	:	The width of the servitude areas of those servitudes which have to be registered by the owner of the land in favour of the Council free of any cost to the Council indicated in metres.
Column 7	:	The permissible height of buildings in storeys or metres.
Column 8	:	The permissible coverage.
Column 9	:	The floor area ratio or "FAR".
Column 10	:	Parking provisions.
Column 11	:	Density provisions.
Column 12	:	Building line provisions.
Column 13	:	General provisions.
Column 14	:	The Amendment Scheme Number.

3. Whenever an L appears thus: L, it indicates that landscaping of the open areas of the site must be undertaken and maintained by or on behalf of the owner to the satisfaction of the Council.

4. Wherever an asterisk appears thus: *****, it indicates that the general provisions of this Land Use Scheme, relating to the subject matter in the respective column, apply unless specifically excluded.

45. ANNEXURE

1. Special rights, conditions and restrictions, which may apply to any property / township / area within any use zone, may be indicated in an Annexure to this Land Use Scheme.

2. The special conditions and restrictions referred to in sub-clause 1 shall :

a. Be in addition to the general conditions, restrictions and other provisions of this Land Use Scheme

b. Prevail should they conflict with any such other condition, restriction or provision in this Land Use Scheme.

3. An Annexure contemplated in sub-clause 1 consists of:

a. A sheet upon which is inscribed the number of such Annexure, a description of the property / township / area to which it applies, the special rights, conditions and restrictions applying to the property, and the number and name of the relevant Amendment Scheme in terms of which the Annexure was prepared.

b. A diagram of the property concerned, which diagram shall accord with the layout shown on the Map.

c. The number of the relevant Annexure is inscribed inside a double circle within or next to the figure of the relevant property on the A-Series of the Map and if it be inscribed next to such figure. It shall be joined to the figure by means of a line.

SECTION 3:
PROMOTION OF LAND DEVELOPMENT

The purpose of Section 3 of the Land Use Scheme is to elaborate on innovative mechanisms that can be utilised in the land development process to further a specific vision as identified by the City of Johannesburg. These tools, which can be either incentives or disincentives, promote the new perspective of good urban management and strategic planning with the aim of achieving a sustainable and responsive urban form.

PART VIII: SPECIAL MECHANISMS FOR LAND DEVELOPMENT

46. SPECIAL DEVELOPMENT ZONES

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

1. A geographical delineation of the Special Development Zone, ensuring that the boundaries are cadastrally based or geographically identifiable;

2. Statement of policy and intention that elaborates on the given developmental perspective and which will be used by the Council in the assessment of land development applications within the Special Development Zone;

3. A consultation result, which elaborates on the consultation process with interested and affected parties within the proposed Special Development Zone, as well as their response and uptake;

4. Background information, development standards and proposed land management tools that will be in force in the Special Development Zone;

5. A monitoring and assessment mechanism along with the Council's investment commitment for the public areas and facilities within and supporting the Special Development Zones, including proposed achievement timeframes.

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

6. After the passing of a resolution by the Council, the Special Development Zone shall be advertised in the Provincial Gazette and the Local Newspaper and shall simultaneously be open for inspection at the Council office during normal working hours for not less than twenty eight (28) days;

7. Further, the Council shall notify all land owners within the Special Development Zone on or before the date of advertisement;

8. Representations, comments or objections on the said Special Development Zone or any proposal contained therein may be lodged, in writing, with the Council on or before a certain date. Such date shall not be less than twenty eight (28) days after the date of the closure of the advertisement period in (6) above;

9. The Council shall consider each representation, comment or objection received within the stipulated period and approve or amend the Special Development Zone, stipulating the date of commencement via a notice in the Provincial Gazette;

10. The Council may at any time amend a Special Development Zone, subject to compliance with the procedures set out in sub-clauses (6), (7), (8) and (9) of this clause;

11. After a Special Development Zone has been approved by Council it shall be deemed to be the overriding process for the erven falling within its boundaries;

12. The Council may revoke a Special Development Zone by passing a Council resolution.

47. INCLUSIONARY HOUSING

Inclusionary Housing shall be provided in terms of the provisions of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) and the City of Johannesburg Municipal Planning By-law, 2016, as set out further in the Spatial Development Framework (SDF) / detailed policy to be fully determined by the Council, which shall be addressing the methodology for levying Inclusionary Housing contributions and the calculation thereof.

PART IX: GENERAL LAND DEVELOPMENT MECHANISMS

48. HERITAGE

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

1. In terms of the National Heritage Resources Act: No person may destroy, damage, deface, excavate, alter, remove from its original position, subdivide or change the planning status of any heritage site without a permit issued by the heritage resources authority responsible for the protection of such site.

2. The National Heritage Resources Act provides for the designation of heritage areas by a planning authority together with the provincial heritage resources authority. Such properties are either gazette or part of a heritage area or an individual heritage site.

3. In terms of the National Heritage Resources Act: No person may alter or demolish any structure or part of a structure which is older than 60 years without a permit issued by the relevant provincial heritage resources authority.

4. Development shall meet the following criteria set out in the National Heritage Resources Act :

a. The construction of a road, wall, powerline, pipeline, canal or other similar form of linear development or barrier exceeding 300m in length;

b. The construction of a bridge or similar structure exceeding 50 m in length;

c. Any development or other activity which will change the character of a site -

(i) exceeding 5 000 m² in extent; or
(ii) involving three or more existing erven or subdivisions thereof; or
(iii) involving three or more erven or divisions thereof which have been consolidated within the past five years; or
(iv) the costs of which will exceed a sum set in terms of regulations by SAHRA or a provincial heritage resources authority; or
(v) the re-zoning of a site exceeding 10 000 m2 in extent; or
(vi) any other category of development provided for in regulations by SAHRA or a provincial heritage resources authority.

d. In terms of the Act 'must at the very earliest stages of initiating such a development, notify the responsible heritage resources authority and furnish it with details regarding the location, nature and extent of the proposed development. The heritage resources authority will then advise whether an impact assessment report is required.

49. ENVIRONMENTAL CONSIDERATIONS

1. Open space Use Zones and Definitions

It is recognized that land for passive and active recreational activities is not the same as land which is reserved / preserved as open space for the protection of ecologically sensitive systems or for the intrinsic ecosystem services which it provides.

For the above reason the following land uses within the Public Open Space and Private Open Space zonings shall be defined.

The following environmental / open spaces have been defined :

a.	Social Open Space	:	Open space for parks / landscaped / horticulturally transformed areas, and for active and passive recreation activities.
b.	Ecological Open Space	:	Open space for the conservation and/or protection of natural areas.
c.	Protected Area	:	Formally proclaimed areas in terms of the National Environmental Management Act.

When a site is rezoned or a township is established the appropriate open space category as defined above must be allocated to the applicable open space zoning.

Recycling facilities are not permitted within an "Open Space" zoning.

If any structure is permitted in an "Open Space" zoning, these can only be erected in terms of an approved Site Development Plan as per clause 39.

2. Environmental Control Areas

An Environmental Control Area is an area defined by the Council within which any development shall be subject to a Site Development Plan or any other requirement as determined by the Council.

3. Catchment Management and Wetland Protection

a. Flood line information :

Any information in relation to flood lines, wetlands and riparian zones shall be taken into consideration during the development of a site. Such information shall be clearly indicated on the Site Development Plan.

b. Restrictions on development within floodplains, riparian zones and wetlands

No development shall be permitted within the area which is subject to flooding by a 1:100 year flood or within the riparian zone and a buffer area of 30 metres from the edge of the riparian zone or river bank where this is clearly identifiable, whichever is the greater.

50. PROMOTION OF ENERGY EFFICIENCY GUIDELINES

The assessment of applications shall be done in accordance with the policy guidelines and criteria as adopted by the Council. Developers should be encouraged to consider alternative forms of energy, renewable sources of energy and building design paradigm that embraces energy efficiency.

The visual impact of the energy efficiency measures shall be indicated on the Site Development Plan and the design materials / screening shall be specified.

51. AESTHETICS MANAGEMENT WITHIN PRECINCT PLANS WHERE URBAN DESIGN GUIDELINES HAVE BEEN DETERMINED

1. The owner of any land upon which a building is to be erected shall, prior to the commencement of the erection of the building, submit to the Council for its approval of the external appearance of the building:

a. drawings or any similar indication sufficient to enable the Council to consider the proposed external appearance;

b. a description of the materials to be used in relation to the external appearance;

c. a plan to a scale of 1:500 showing the position of buildings on the site, and the relationship between such buildings and buildings on adjoining sites.

2. In considering particulars submitted to it for approval in terms of sub-clause (1) the Council shall have regard to whether, on account of the character of the locality or of the buildings erected, or to be erected, thereon, the external appearance of the building would adversely affect the visual aspect of the environment.

3. The Council shall either approve or disapprove of the proposed external appearance of the building, in accordance with the stipulated standards detailed where Urban Design guidelines have been determined.