

***TSHWANE  
TOWN-PLANNING SCHEME, 2008***

*(PROMULGATION DATE: 17 September 2014*

*Came into Operation: 13 November 2014)*

*(REVISED 2014)*



**CITY OF  
TSHWANE**  
IGNITING EXCELLENCE

*COMPILED BY THE CITY PLANNING AND DEVELOPMENT DEPARTMENT  
ORIGINAL APPROVED BY VIRTUE OF  
PREMIER'S NOTICE NO 497/2008, DATED 23 APRIL 2008*

## GENERAL INFORMATION

1. The Tshwane Town-planning Scheme, 2008 (Revised 2014) is established in terms of Section 18 of the Town-planning and Townships Ordinance, 1986.

In terms of Section 19 of said Ordinance the general purpose of a Town-planning Scheme is:

"Shall be the co-ordinated and harmonious development of the area to which it relates in such a way as will most effectively tend to promote the health, safety, good order, amenity, convenience and general welfare of such area as well as efficiency and economy in the process of such development."

2. The Tshwane Town-planning Scheme, 2008 (Revised 2014), was drafted from a consolidation of the following former Town-planning Schemes and substituted them in their entirety:

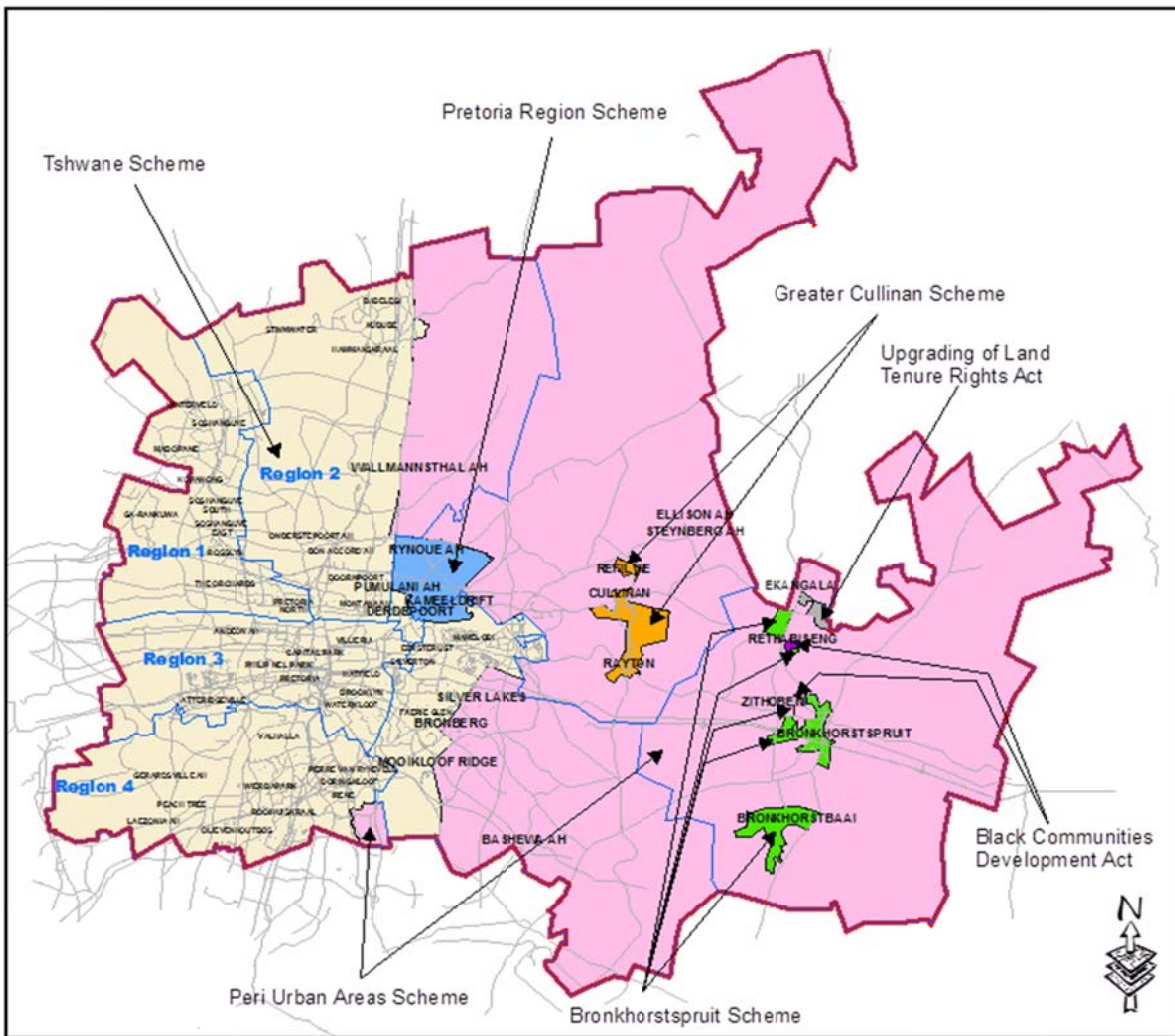
- (1) The Akasia-Soshanguve Town-planning Scheme, 1996;
- (2) The Centurion Town-planning Scheme, 1992;
- (3) The Pretoria Town-planning Scheme, 1974;
- (4) The Peri-Urban Town-planning Scheme, 1975;
- (5) The Pretoria Region Town-planning Scheme, 1960;
- (6) The Malelane Town-planning Scheme, 1972;
- (7) The Bronkhorstspuit Town-planning Scheme, 1980;
- (8) The Greater Cullinan Town-planning Scheme, 1999; and


the land use rights granted to properties in terms of the following Land Use Legislation have been taken up into the Tshwane Town-planning Scheme, 2008 (Revised 2014):

- (9) The Black Communities Development Act, 1984 (Act 4 of 1984);
- (10) The Development Facilitation Act, 1995 (Act 67 of 1995);
- (11) The Less Formal Township Establishment Act, 1991 (Act 113 of 1991);
- (12) The Upgrading of Land Tenure Rights Act, 1991 (Act 112 of 1991); and
- (13) Conditions of Establishment (Other legislation);

The areas covered by these former schemes and other legislation are indicated on the map overleaf.

## Town Planning Schemes in the City of Tshwane





**CITY OF TSHWANE**  
IGNITING THE FUTURE

### Town Planning Schemes

- Tshwane Municipal Boundary
- Tshwane Regions
- Tshwane Scheme - 2008
- Bronkhorstspuit Scheme - 1980
- Greater Cullinan Scheme - 1999
- Pretoria Region Scheme - 1960
- Peri Urban Areas Scheme - 1975
- Black Communities Development Act
- Upgrading of Land Tenure Rights Act



Scale: 1:650,000

Compiled by: MJ Lala schagne  
Date: 15 November 2012  
File: D:\ArcInfo\Map s\New areas\All Schemes & Regions - A4 - 2012-11-15.mxd

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**PART 1****INTRODUCTION****CLAUSE 1: TITLE OF SCHEME**

1. This Scheme shall be known as the Tshwane Town-planning Scheme, 2008 (Revised 2014), as approved by virtue of Notice No 497/2008, dated 23 April 2008 and Premier's Notice 590/2014 dated 17 September 2014 and is applicable to all land and buildings within the area of jurisdiction of the City of Tshwane Metropolitan Municipality.

**CLAUSE 2: RESPONSIBLE AUTHORITY**

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

**CLAUSE 3: ARRANGEMENT OF THE SCHEME**

3. This Scheme consists of the following documents:
  - (1) The Map which consists of:
    - (a) The Index Sheet.
    - (b) The Reference to the System of Notation.
    - (c) Primary Sheets.
    - (d) Annexure A as hereinafter defined.
  - (2) Annexures T as hereinafter defined.
  - (3) The Clauses which are divided into Parts relating to the following matters:

Part 1: Introduction.

Part 2: Streets, Building Lines and Building Restriction Areas.

Part 3: Use of Buildings and Land.

Part 4: Development Conditions.

Part 5: Parking and Loading Facilities.

Part 6: Amenity in and of the Environment and Appearance of Buildings.

Part 7: General Conditions.

Part 8: Schedules.

**CLAUSE 4: TRANSITION CLAUSE**

4. (1) Any consent, permission or approval granted in terms of the provisions of a Town-planning Scheme in force for the erection or use of buildings or for the use of land, or any rights legally exercised in terms of such scheme, before the date contemplated in Clause 1 and before the proclamation date of this Scheme, shall be deemed to be a consent, permission or approval in terms of the provisions of this scheme: Provided that any such consent, permission or approval shall continue to be of force subject to the provisions of Section 43 of the Town-planning and Townships Ordinance, 1986 (Ordinance 15 of 1986) to the extent that the same may be in conflict with this Scheme.
- (2) Any Annexures B, Annexures or Schedules promulgated in terms of the former Akasia-Soshanguve Town-planning Scheme, 1996, the Centurion Town-planning Scheme, 1992, the Pretoria Town-planning Scheme, 1974, the Peri-Urban Areas Town-planning Scheme, 1975, the Pretoria Region Town-planning Scheme, 1960, the Bronkhorstspuit Town-planning Scheme, 1980 and the Greater Cullinan Town-planning Scheme, 1999 or other rights granted or promulgated in terms of other applicable land use legislation shall be deemed to be granted or approved in terms of this Scheme.

Conversion Tables, Schedules 16, 17, 18, 19, 20, 21, 22, 23 and 24 of this Scheme shall be used to convert the terminology of the former land use rights to the terminology of this Scheme.

- (3) Where any application is on the date of commencement of this Scheme pending before the Municipality in terms of a scheme substituted by this Scheme, it shall be dealt with as if this Scheme has not been promulgated and be finalised accordingly.

## **CLAUSE 5: DEFINITIONS**

5. In this Scheme, except where the context otherwise indicates or it is otherwise expressly stipulated, the following words and expressions have the respective meanings hereinafter assigned to them and any other word or expression to which a meaning has been assigned in the Ordinance shall bear that meaning:

### **ABATTOIR**

Means land and buildings used to slaughter animals and poultry and may include the processing of animal and poultry products.

### **ACCESS CONTROL**

Means land and buildings used for a security gate, Guard House and ancillary and subservient uses such as an Office for the body corporate to control access to a private road or public street for authorised persons only.

### **ADDITIONAL DWELLING-HOUSE**

Means one Additional Dwelling-house that may exist on its own and it may be leased or rented to tenants / occupants or sold under sectional title.

### **ADULT PREMISES**

Means land and buildings used for trade with sexually explicit material, including the distribution or exhibition of films or videos which are classified as "X18" or "R18" in terms of the provisions of the Films and Publications Act, 1996 or any amendment thereto. It also includes any shows, be it live or via films, videos or magazines, the distribution/exhibition of sex aids and/or the operation of an escort agency.

### **AGRICULTURE**

Means land and buildings used for any bona fide farming activities which may include Market Gardens, game farming, cattle, goats and sheep farming, bee farming, bird breeding, plant nursery, plantations, aquaculture, mushroom production, forestry and orchards and activities normally regarded as incidental thereto, but excludes Abattoirs, cattle feeding lots, poultry farming, pig farming and Animal Boarding Place.

### **AGRICULTURAL BUILDING**

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

### **AGRICULTURAL HOLDING**

Means land as laid out in terms of the Agricultural Holdings (Transvaal) Registration Act, 1919 (Act 22 of 1919).

### **AGRICULTURAL INDUSTRY**

Means any farming activity such as pig and poultry farming and cattle feeding lots, that is performed on such a scale and with such intensity that it could in the opinion of the Municipality possibly cause a health nuisance in respect of noise, smells, waste and effluent.

### **AIRFIELD**

Means land and buildings used for the landing and take-off of aircraft and helicopters and may include the storage of aircraft and a Fuel Depot, subject to the Civil Aviation Act, 2009 (Act 13 of 2009).

**AIRPORT**

Means land and buildings designed or used for the landing and take-off of fixed wing and rotary wing aircraft, airways control, aircraft hangers, fuel depot, fuel bays, workshops for manufacturing, repair and spray-painting of aircraft, engine run test area, training facilities for flight schools, passenger terminals, luggage and freight storage and handling, customs and migration control, associated shops, sale of aircraft and parts, Offices, Places of Refreshment, Places of Amusement, Banks, ATMs, leasing of vehicles, vehicle valet service area, Guest-house, clinic, Residential Buildings, Dwelling-units, telecommunication masts, Hotel and Conference Centre, aircraft and related clubs and other ancillary and subservient uses.

**AIR RIGHTS**

Means the use of buildings which spans across an existing street at a specific height above the street level and does not restrict the use of the street, for any use which has been approved by the Municipality.

**ANCILLARY AND SUBSERVIENT USES**

Means uses or activities which support and compliment the main use on the property and which shall not exist on their own when the main use on the property is discontinued.

**ANIMAL BOARDING PLACE**

Means land and buildings used for the boarding (kennels and cattery), breeding and care of dogs, cats and domestic animals, which are boarded on the property and may include the sale of products related to the main use and ancillary and subservient Offices and treatment rooms subject to the Municipality's relevant By-laws and Regulations.

**ANNEXURE A**

Means the plan on which those exceptions to the parking requirements in terms of Clause 28 are indicated.

**ANNEXURE T**

Means the set of documents showing details of rights permitted and conditions imposed on certain erven and land marked with a black number within a black circle on the Map 3 which rights and conditions shall prevail over any other Clause or provision of the Scheme except that if rights and conditions are not stipulated the provisions of the Scheme Clauses shall apply as read with Clause 4(2) and includes any approved Annexure B, Annexure or Schedule of a former Town-planning Scheme applicable in the Tshwane municipal area.

**APPEAL AUTHORITY**

Means an appeal authority established in terms of National or Provincial legislation dealing with Municipal planning enacted from time to time but excludes an appeal in terms of Section 62 of the Municipal Systems Act, 2000 (Act 32 of 2000).

**ATM**

Means land and buildings used for an automatic teller machine of a bank or other financial institution.

**AUCTIONEER**

Means land and buildings used for the storage of new and second hand goods for sale to the public by means of an auction or over the counter.

**AUTO BODY REPAIR CENTER**

Means land and buildings used for the repair of body parts of light motor vehicles which have sustained minor damage. Such repair work shall include dent removal and specialized spray painting: Provided that all repair work shall be conducted within the confines of an enclosed building, all specialized spray-painting shall be conducted within a dedicated enclosed spray-painting booth with specialized air extraction and filtering apparatus to the satisfaction of the Municipality, and the placing, installation and use of machinery on the property that radiate noise shall be subject to acoustical requirements and screening measures to the satisfaction of the Municipality.

**BACKPACKERS**

Means land and buildings consisting of habitable rooms including dormitories, a communal kitchen, dining-room, lounge and ablution facilities for the accommodation of guests and tourists for short periods away from the permanent place of residence and shall be managed by the owner or manager who shall reside on the same property.

**BAKERY**

Means land and buildings where bread, rusks, tarts, rolls, pies and other flour-baked products are manufactured in bulk for distribution to Wholesale Trade, Shops and Warehouses.

**BANK**

Means a public company provisionally or finally registered as a Deposit-taking Institution in terms of the Deposit-taking Institutions Act 1990 (Act 94 of 1990) and also includes an instant bank and automatic teller machines.

**BASEMENT**

Means any portion of a building complying with the provisions of Clauses 9(5) and 12, the floor of which is 2 m or more below the mean natural ground level of the ground covered by the building, and of which no part of the ceiling is more than 1 m above such mean level.

**BEAUTY/ HEALTH SPA**

Means land and buildings used for providing facial and body treatments, massages, hot and cold water facilities for relaxation or invigoration, nail manicure and tip replacement or repair, pedicure, hair dressing or other body treatment for humans and may include the sale of only products which are ancillary and subservient to the main use in the building but does not include a Shop.

**BLOCK OF FLATS**

Means two (2) or more Dwelling-units of one or more storeys contained in a building with a common entrance or foyer to the Dwelling-units and may include other communal ancillary and subservient facilities such as a laundry and vending machines for the residents only.

**BLOCK OF TENEMENTS**

Means a building containing two (2) or more habitable rooms and may include communal kitchens and communal ablution facilities and other communal ancillary and subservient facilities such as a laundry and vending machines for the residents only subject to Schedule 2.

**BOARDING HOUSE**

Means land and buildings consisting of habitable rooms with or without a kitchenette and/or ablutions, which are let or rented to persons and where one or more meals may be provided in a communal dining-room and a communal kitchen and may include a Caretaker's Flat on the property and other communal ancillary and subservient facilities for the residents only.

**BOAT HOUSE**

Means a structure used for the storage and safekeeping of water vessels and water sport equipment.

**BUILDER'S YARD**

Means land and buildings that are used for the storage and/or sale and rental of building materials such as sand, bricks, scaffolding, cement, doors, windows, et cetera and equipment that:

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

**BUILDING**

Means a building as defined in the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977).

**BUILDING LINE**

Means an imaginary line on a property that demarcates the Building Restriction Area and is at a fixed distance from any boundary of such property.

**BUILDING RESTRICTION AREA**

Means the area on a property where no building, except as permitted by the scheme, may be erected and which is bounded on one side by a Building Line and on the other side by a boundary of the property and also includes open spaces or as indicated in an Annexure T to the Scheme.

**BUILDING SOCIETY**

A Mutual Building Society as defined in Section 1 of the Mutual Building Societies Act, 1965 (Act 24 of 1965) and also includes automatic teller machines.

**BUSINESS BUILDING**

Means land and buildings used as an Office, financial institution, Bank, Building Society, ATM, car test centre, Fitness Centre, hairdresser, nail bar, receiving depot for dry-cleaning and shoe repairs, Medical Consulting Rooms, medical workshops such as, dental technician, prosthetist, orthotist, pathologists, optometrist technician, or for other businesses such as inter alia beauty salon, pet salon, Internet Café, Totalisator Agency Board (T.A.B.) and a Beauty/Health Spa and may include a Cafeteria ancillary and subservient to the main use but does not include any building mentioned whether by way of inclusion or exclusion in the definition of Institution, a Funeral Undertaker, Place of Instruction, Place of Amusement, Shop, Public Garage, Parking Garage, Industry, Noxious Industry, Warehouse, Vehicle Sales Mart or a factory or workshop.

**BY-LAWS**

Means the Municipality by-laws in force in the area of the Scheme.

**CAFETERIA**

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

**CALL CENTRE**

Means land and buildings used for a telephonic or other communication centre for rerouting telephonic or other calls by means of call operators.

**CAMPING SITE**

Means land and buildings used for transient guests for the overnight accommodation of caravans, motor homes and tents and may include ablution facilities, Caretaker's Flat, communal kitchen and ancillary and subservient Shops and other related buildings.

**CANOPY**

Means a permanent roof-like projection or overhanging shelter attached to a building.

**CASINO**

Means land and buildings used for various forms of gambling and may include a Place of Refreshment, Place of Amusement, a Hotel, Conference Centre and ancillary and subservient uses. These buildings shall comply with the noise zone criteria and acoustical screening requirements of the Municipality's Health Services.

**CARETAKER'S FLAT**

Means a Dwelling-unit for a person and his/her family who is responsible for the care and supervision of the land and main buildings on the same property.

**CAR WASH**

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

**CEMETERY**

Means land and buildings designed or used for the burial of deceased persons and human ashes, a Crematorium, a Wall of Remembrance, a chapel and Offices and storerooms for the management of the cemetery, parking and includes ancillary and subservient uses which the Municipality deems necessary.

**CHANCELLERY**

Means land and buildings used for the Offices of a foreign mission for diplomatic or related purposes, including a visa office, ancillary Offices and support facilities and may include a Guard House or security checkpoint.

**CHILDREN'S HOME**

Means land and buildings used for the accommodation, care and education of children with special needs or circumstances, such as deaf, blind, sick and abused children, orphans and includes staff accommodation, recreation facilities and ancillary and subservient facilities for the children and staff.

**CLINIC**

Means a Hospital for day patients with no overnight accommodation.

**CLUB HOUSE**

Means land and buildings used for private meetings by a group of people with a collective aim and belonging to a club or association and may include a Place of Refreshment and children's play area ancillary and subservient to the main use.

**COMMERCIAL USE**

Means land and buildings used for Distribution Centres, Wholesale Trade, storage, Warehouses, Telecommunication Centre, Transport Depot, Laboratories and Computer Centres and may include Offices, Light Industries, a Cafeteria and a Caretaker's Flat, which are directly related and subservient to the main commercial use which is carried out on the land or in the building.

**COMMUNE**

Means a building designed as a Dwelling-house which is used by not more than six persons other than a family for residential purposes and who share communal facilities, such as a kitchen, lounge: Provided that the owner or manager may reside on the same property in a separate Caretaker's Flat provided that a Home Enterprise shall not be exercised by any such occupant.

**COMPUTER CENTRE**

Means land and buildings used for the storage and processing of electronic data and may include computer training, the sale and repair of computers, printers and computer consumables, which are ancillary and subservient to the main use.

**CONFECTIONERY**

Means land and buildings where bread, biscuits, tarts, rolls, pies or other flour (baked) products are baked or (made) prepared for the sale and/or consumption on the premises, but does not include wholesale or distribution.

**CONFERENCE CENTRE**

Means land and buildings used for congresses, seminars, training, meetings, cultural events and social activities and may include a kitchen.

**CONSENT USE**

Consent Use means the use of land and buildings granted by the Municipality and subject to Clause 16 and conditions of approval.

**CONTROLLING AUTHORITY**

Means the controlling authority as defined in Section 1 of the Advertising on Roads and Ribbon Development Act, 1940 (Act 21 of 1940) or the Commission as defined in Section 1 of the National Roads Act, 1971 (Act 54 of 1971) or the Gauteng Transport Infrastructure Act, 2001 (Act 8 of 2001).

**CONVENIENCE STORE**

Means land and buildings used for the retail sale of daily convenience goods and refreshments such as cigarettes, bread, buns, milk, sweets, chips, cold drinks, magazines, newspapers, groceries, meat, vegetables, fruit, nuts.

**COVERAGE**

Means the percentage area of a property including any servitude area covered by the roofed area of all buildings as seen vertically from above but does not include a structure or building that has no roof.

**COVERAGE ZONE**

Means a specific zone in Table E and indicated on the electronic database of the Municipality.

**CREMATORIUM**

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

**DAY CARE FOR THE AGED**

Means land and buildings used for care of persons older than 55 years who are not able to care for themselves during the day but excludes overnight accommodation for such persons.

**DISTRIBUTION CENTRE**

Means a Warehouse or other building from where goods are distributed and includes a Transport Depot.

**DOMESTIC SERVICE CENTRE**

Means land and buildings used for the repair of domestic equipment and appliances, the repair of lawnmowers, irrigation systems and swimming pool equipment and the sale of spare parts of the aforementioned, property maintenance services, rental of domestic equipment and hand power tools and any other service that is, in the opinion of the Municipality, ancillary to such a centre.

**DRIVE-IN RESTAURANT**

Means land and buildings used for the preparation and consumption of food and refreshments by clients in parked vehicles and may include take-aways.

**DUPLEX DWELLING**

Means a building consisting of two or more Dwelling-units each of two storeys with an internal staircase.

**DWELLING-HOUSE**

Means a single Dwelling-unit on property zoned "Residential 1", "Agricultural" and "Undetermined".

**DWELLING-UNIT**

Means a self-contained suite of rooms internally and mutually connected and consisting of habitable room(s), bathroom(s), toilet(s) and not more than one kitchen without the Permission of the Municipality for the purpose of residence by a single family, or a single person or two unmarried persons and may include outbuildings which are ancillary and subservient to the Dwelling-unit and may include a Home Enterprise subject to Schedule 9.

**ELECTRICITY POWER STATION**

Means land and buildings used for the generation of electricity, inter alia Wind Turbines and solar panels and may include ancillary and subservient uses.

**EMBASSY/CONSULATE**

Means the official residence of a Consul or Ambassador or other chief of a diplomatic mission and may include ancillary and subservient Offices, not exceeding 200 m<sup>2</sup> excluding visa offices, a Guard House or security checkpoint.

**EQUESTRIAN CENTRE**

Means land and buildings used for equestrian shows and competitions, stud breeding, horse and horse rider schooling and may include a Cafeteria for patrons to such centre.

**EQUESTRIAN SCHOOL**

Means a place where horses are stabled and horse riders and horses are trained including a Cafeteria for patrons to such school and may include horse competitions with the Permission of the Municipality.

**ERECTION OF A BUILDING**

Means, inter alia, the construction of, any addition to, or structural alteration of a building.

**ERF**

Means an erf as defined in the Ordinance and includes any resultant portion of an erf obtained through subdivision of such an erf.

**EXISTING BUILDING**

Means respectively a building or work erected or carried out before the relative date set out in the definition of "Existing Use" and includes a building or work,

- (1) erected or carried out in pursuance of a contract made before the relevant date given in the definition of "Existing Use",
- (2) begun before, but completed after, the said date,
- (3) erected or carried out in accordance with the terms of any Permission granted by the Municipality before the said date:

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

**EXISTING ERF**

Means any erf as defined in the Ordinance and includes any portion of an erf in the areas mentioned in the definition of "Existing Use".

**EXISTING MINING RIGHTS**

Means land and buildings used for the mining of land as contemplated in the Mineral and Petroleum Resources Development Act, 2002 (Act 28 of 2002) prior to 1 May 2004 and may include ancillary and subservient Offices, ablutions, training facilities, Caretaker's Flat and a Cafeteria subject to Schedule 28.

**EXISTING USE**

Means, subject to Section 43 of the Ordinance, the continuous lawful use of a building or land for the purpose for which it was erected or was lawfully being used.

**FAMILY**

Means the following people that live together:

- (1) a married couple with or without their parents and/or their children; or
- (2) a single person with his/her parents and/or his/her children; or
- (3) brothers and sisters; or
- (4) a single person with his/her grandparents and/or his/her grandchildren; or
- (5) grandparents with their grandchildren; or
- (6) two persons living together as if in a married state.

**FARM STALL**

Means a building on a property zoned "Agricultural", "Municipal" and "Undetermined" used for the sale of agricultural produce and subject to Schedule 10.

**FILLING STATION**

Means land and buildings used for:

- (1) the storage of fuels and the retail selling of vehicle fuel and lubricants;
- (2) one working bay for emergency repairs to vehicles;
- (3) a Convenience Store including a Confectionery and take-away facility including a kitchen, with a maximum Gross Floor Area, accessible to the general public, of 250 m<sup>2</sup>, which floor area shall include the floor area accessible to the public as well as any store room, Office, fridge area, safe which is used for the operation of the Convenience Store;
- (4) an automatic teller machine; and
- (5) the sale of LP Gas.

**FITNESS CENTRE**

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

**FIXED DATE**

Means the date on which the Municipality gave notice in the Provincial Gazette that this scheme has been approved.

**FLEA MARKET**

Means land and buildings or structures or open air areas used for the display and sale of products, food and beverages including farmers market/fresh produce to the public.

**FLOOD LINES**

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

**FLOOR AREA RATIO**

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

**FLOOR AREA RATIO (FAR) ZONE**

Means a specific zone in Table C and indicated on the electronic database of the Municipality.

**FUEL DEPOT**

Means land and buildings used only for the storage of various kinds of flammable liquids in containers or tanks etc. and shall be classified as a Noxious Industry in Schedule 8 and may include a Caretakers Flat and ancillary and subservient Offices for the main use.

**FUNERAL UNDERTAKER**

Means land and buildings used for the administration of funeral arrangements including Showrooms, Offices, storage space, refrigeration rooms, funeral parlour for the preparation and viewing of the dead, waiting room and the sale of flowers, coffins, gravestones and other related products as well as a display area for gravestones, but excludes a Crematorium, a chapel or church.

**GARDEN CENTRE**

Means land and buildings used for the storage, cultivation and sale of plants, bulbs, seed, fish, birds, pots, compost, fertiliser, pesticides, herbicides and may include the sale of ancillary and subservient gardening products and a Place of Refreshment not exceeding 40 seats.

**GOVERNMENT PURPOSES**

Means land and buildings designed or used for Government offices, depots, workshops, stores, communication centres, police stations, post offices and includes incidental uses such as a Cafeteria solely for Government Departments but excludes Industries and Noxious Industries.

**GROSS FLOOR AREA**

The Gross Floor Area of a building is determined by multiplying the area of the property by the FAR, e.g.  $1\ 000\ \text{m}^2 \times 0,4 = 400\ \text{m}^2$ : Provided that certain floor areas can be deducted from the calculation of Gross Floor Area as provided in Schedule 7.

**GROUND FLOOR**

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

**GROUND STOREY**

Means that storey where the floor is deemed to be at ground level and shall be the first storey in the calculation of height.

**GUARD HOUSE**

Means a building containing Access Control equipment and relevant documents and may include ablutions and a kitchenette for the exclusive use of the guards in the building as well as an ancillary and subservient Office for the Home Owners Association/Body Corporate.

**GUEST**

Means a person who stays overnight for a short period away from his/her normal place of permanent residence.

**GUEST-HOUSE**

Means land and buildings, consisting of a minimum of three and not more than 16 bedrooms, which may include a kitchenette in each bedroom/habitable room, for a maximum of 32 guests, a dining-room, lounge, bar and may include ancillary and subservient facilities for the exclusive use of such guests but does not include any building mentioned whether by way of inclusion or exclusion in the definitions of a "Place of Refreshment", "Place of Amusement", "Social Hall", "Adult Premises" and "Residential Building" and which shall be managed by the owner or manager who shall reside on the same property and may include ancillary and subservient staff accommodation.

**HABITABLE ROOM**

Means a room designed or used for human habitation according to the minimum standards prescribed in Part C of the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977), but shall not include a storeroom, kitchen, scullery, toilet, bathroom or a passage.

**HEIGHT**

Means the height of any part of a building as measured vertically from the natural ground level of the footprint of the building to the highest point of the building as indicated in the diagrams in Clause 26 provided that a maximum of 500 mm of fill above natural ground level for storm-water management shall be excluded from the height calculation.

**HEIGHT ZONE**

Means a specific zone in Table D for height values for each Use Zone and indicated on the ArcGIS electronic database of the Municipality for each property in the Tshwane municipal area.

**HELIPAD**

Means land and buildings designed or used for the landing and take-off of helicopters and may include a terminal for passengers.

**HOME ENTERPRISE**

Means the practice of an activity, business, hobby or occupation in a Dwelling-unit, excluding in a Commune, a Guest-house, a Block of Tenements, a Boarding House, Backpackers, Nursing Home, Recreation Resort, Hostel and Hotel, with the aim of deriving an income there-from subject to Schedule 9.

**HOSTEL**

Means a Boarding House for persons attending a Place of Instruction or Institution and which is owned or managed by or on behalf of the said Place of Instruction or Institution.

**HOSPITAL**

Means land and buildings used for the accommodation and care of sick or injured persons or persons needing specialised medical treatment or operations and may include operating theatres, x-ray rooms, a Place of Refreshment, a Shop, pharmacy and Offices and consulting rooms directly related to the hospital and may include a Caretaker's Flat and ancillary and subservient uses.

**HOTEL**

Means land and buildings used as an accommodation establishment as defined in the Tourism Act, (Act 72 of 1993), as amended and may include staff accommodation and a Place of Refreshment for the use of guests only and a Conference Centre but excludes a Block of Flats, a Block of Tenements, Boarding House, Hostel, Guest-house, Backpackers and Retirement Centre: Provided that parking shall be provided according to Table G for the Place of Refreshment and Conference Centre if these are used by persons other than guests of the hotel.

**INDUSTRY**

Means land and buildings where a product or part of a product is manufactured, mounted, processed, repaired, rebuilt or packed, including a power station and incinerator plant and may include a Cafeteria and a Caretaker's Flat and any other activities connected to or incidental to the activities mentioned herein, excluding Noxious Industries, Light Industries and Retail Industries.

**INSTITUTION**

Means land and buildings, whether public or private, designed or used as a charitable institution, national government institution, provincial institution, municipal institution, Hospital, Nursing Home and Clinic for the care or treatment of humans and may include overnight accommodation and staff accommodation.

**INTERNET CAFÉ**

Means land and buildings or part of a building used for hiring of computers and internet access to customers for use on the premises and may include ancillary and subservient uses.

**KITCHEN**

Means a room or part of a room designed or used for the storage of food, utensils, crockery, cutlery and for the preparation of food by means of electrical, wood, coal or gas appliances and shall include washing facilities or have inter-leading washing facilities.

**KITCHENETTE**

Means a kitchenette in a habitable room not exceeding 20% of the floor area of such room, which area shall be calculated as 1,0 m working top width x (length of working top/sink + length of any floor standing kitchen unit or kitchen appliance). See Diagram 14 of Schedule 7.

**LABORATORIES**

Means land and buildings used for scientific and medical research and experimenting but does not include any activities which create a danger or nuisance of noise, smoke, fumes or smell.

**LANDSCAPE DEVELOPMENT PLAN**

Means a plan containing information on existing natural features and vegetation and proposed soft and hard landscape design information specifying species, quantities and qualities and compiled by a Professional Landscape Designer subject to Clause 31.

**LIGHT INDUSTRY**

Means land and buildings used for, inter alia, a bakery, a Builder's Yard, a Car Wash, a contractor's yard, dry-cleaners, carpet cleaners, joinery workshop, launderette, laundry, lawnmower workshop, painter's workshop, plumber's workshop, printing workshop, Transport Depot, Panel-beater, Motor Workshops, a ready-mix plant and any other such industries, workshops or yards which in the opinion of the Municipality do not cause a nuisance to the environment, may be used for similar purposes and may include the retail sale of products ancillary and subservient to the main use on the same property, but does not include a Scrap Yard.

**LOCAL AUTHORITY**

Means the City of Tshwane Metropolitan Municipality.

**LODGE**

Means land and buildings used for accommodating guests or tourists for short periods away from their permanent residence and may include recreation facilities, a Conference Centre or Social Hall, wedding chapel, staff quarters, self-catering units, Place of Refreshment and ancillary and subservient uses.

**LOFT**

Means a storey in the roof of a building which can be used for the same purposes as the other storeys in the same building and which shall be calculated as Gross Floor Area and height in terms of the relevant Clause or Annexure T.

**MAP**

Means a map as defined in the Regulations of the Ordinance and which forms part of the Scheme including any amendment thereto.

**MARKET GARDEN**

Means land and buildings used for growing vegetables, flowers and fruit and may include the retail sale of such products on the same property.

**MEDICAL CONSULTING ROOMS**

Means land and buildings used for medical and dental consulting practitioners including general practitioners, medical specialists, pathologists, radiologists, dentists, ophthalmologists, optometrist, traditional healers and similar uses such as special therapists, psychiatrists and may include a dispensing chemist which does not exceed 36 m<sup>2</sup> but does not include the uses which are included under the definition of Institution.

**MEZZANINE FLOOR**

Means any mezzanine floor the area of which does not exceed 25% of the floor area below it.

**MINING**

Means the permit or right granted after 1 May 2004 for reconnaissance, exploration, production, excavation or extraction of minerals and soil deposits from the earth as provided for in the Mineral and Petroleum Resources Development Act, 2002 (Act 28 of 2002) and may include ancillary and subservient Offices, ablutions, training facilities, a Caretaker's Flat and a Cafeteria subject to Schedule 28.

**MINI/PUBLIC STORAGE**

Means land and buildings used for the storage of mainly household furniture, vehicles, documents and equipment in individual lockable store rooms and may include ancillary and subservient Offices, a Guard House and a Caretaker's Flat, excluding livestock, perishables, inflammables and/or explosives and any item which is temporarily stored as part of a trading process.

**MOBILE DWELLING-UNIT**

Means a Dwelling-unit that can be moved.

**MOBILE DWELLING-UNIT STAND**

Means land meant for the placing of one Mobile Dwelling-unit and the permissible additional structures for the exclusive use of the occupants of such Mobile Dwelling-unit.

**MOTOR DEALERSHIP**

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

**MOTOR WORKSHOP**

Means land and buildings used for the following:

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

**MUNICIPALITY**

Means the City of Tshwane Metropolitan Municipality established and instituted in terms of Notice 1866 of 2010 promulgated in terms of Section 12(1) of the Local Government Structures Act, 1998 (Act 117 of 1998) as amended.

**MUNICIPAL PURPOSES**

Means such purposes as the Municipality may be authorised to carry out in terms of any law governing municipalities including but not limited to the Local Government Municipal Structures, 1998 (Act 117 of 1998) and the Local Government Municipal Systems Act, 2000 (Act 32 of 2000).

**MUNICIPAL SERVICES**

Means infrastructure services such as electricity cables, water pipes, sewage pipes, street furniture, electricity poles, light poles, traffic signs.

**MUNICIPAL TRANSITIONAL SETTLEMENT**

Means land and buildings used for the settlement of persons in temporary Dwelling-units and the provision of ancillary structures and services while permanent Dwelling-units are being formalised in terms of the relevant legislation subject to Schedule 27.

**NATURAL GROUND LEVEL**

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

**NATURAL AREAS**

Means land ecologically sensitive, naturally rich in biodiversity and non-renewable resources for conservation purposes.

**NOTARIAL TIE**

Means the linking of two or more properties by means of a notarial agreement registered as such in an appropriate notarial deed in the offices of the Registrar of Deeds and recorded against their title deeds which also joins the Municipality as a party to the tie with the aim of creating a single land parcel, which for judicial purposes may be utilised in accordance with the notarial agreement and which common boundary shall be disregarded for development purposes but shall not create a single or uniform zoning over the properties unless specified as such in an Annexure T.

**NOTICE**

Unless otherwise specifically provided in terms of this Town-planning Scheme or any other law means a written notice and notify means to give a notice in writing and the provisions of the Interpretation Act, 1957 (Act 33 of 1957) shall apply.

**NOXIOUS INDUSTRY**

Means land and buildings used for any use included in the list in Schedule 8 together with any living accommodation required for a caretaker and includes any other use on the same site, which is necessary in connection with the primary use.

**NOXIOUS INDUSTRIAL BUILDING**

Means a building designed or used for a “Noxious Industry” as listed in Schedule 8.

**NURSING HOME**

Means land and buildings used for the medical and psychiatric, care and treatment of ill, injured, frail, mentally or physically disabled, alcoholics, drug addicts or sick persons or persons who need post-operative care but excludes operating theatres, and may include a Caretaker’s Flat, Place of Refreshment, Shops and consulting rooms directly ancillary and subservient to the main use.

**OCCASIONAL USE**

The use of land and buildings once a month for a maximum continuous period of 72 hours within a calendar month for uses as prescribed in Clause 17(3).

**OCCUPANT**

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

**OFFICE**

Means land and buildings or part of a building used for professional, clerical, administrative, management, marketing and consulting services and a Chancellery and may include a Cafeteria ancillary and subservient to the main use, but excludes a Call Centre, security and emergency response vehicles, courier services in post, parcels and money and excludes medical and dental consulting rooms.

**OPEN SPACE**

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

**ORDINANCE**

Means the Town-planning and Townships Ordinance, 1986 (Ordinance 15 of 1986), as amended.

**OUTBUILDING**

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

- (1) inter alia garages, storerooms, studios, exercise rooms, hobby rooms, music room, washrooms and a Home Enterprise;
- (2) one squash court only with the Permission of the Municipality; and
- (3) residential accommodation, which shall not exceed 20% of the floor area of the main building up to a maximum of 50 m<sup>2</sup> and which may consist of habitable rooms, bathroom(s) and only one kitchen:

Provided that:

- (i) the maximum of 50 m<sup>2</sup> of residential accommodation may be increased with the Permission of the Municipality up to the maximum of 20% of the Gross Floor Area of the main building and provided that such outbuilding has a common vehicular access with the main building and it is for the purposes of only the occupants of the main building and their staff; and
- (ii) a garage may be 36 m<sup>2</sup> Gross Floor Area or a maximum of 45% of the Gross Floor Area of the main building, whichever is the greater; and

- (iii) the total Gross Floor Area of all such outbuilding(s) shall not exceed 50% of the Gross Floor Area of the main building and such outbuildings shall not be leased or rented to tenants/occupants or sold under sectional title.

#### **OWNER**

Means in relation to land or a registered right in land, the person in whose name such land or right is registered, in a Deeds Registry in terms of the Deeds Registry Act, 1937 (Act 47 of 1937) and includes-

- (1) if the owner is deceased, the executor of the deceased estate;
- (2) if the estate of the owner has been sequestrated, the trustee of the insolvent estate;
- (3) if the owner is a company or other juristic person;
- (4) if the owner is a company or other juristic person that is being wound up, the liquidator thereof;
- (5) if the owner is under legal disability, the owners legal representative;
- (6) the authorised representative of the owner; or
- (7) in the case of a road or public space under the control of the Municipality, that Municipality.

#### **PANEL-BEATER**

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

#### **PANHANDLE**

Means that portion of a property, which is -

- (1) at least 3 m wide and not more than 8 m wide; and
- (2) used exclusively as an access to a public street.

#### **PANHANDLE PROPERTY**

Means a property, consisting of a narrow portion, which is known as the panhandle and which abuts on a street, and a broader buildable portion.

#### **PARKING GARAGE**

Means a building or automated, semi-automated or mechanical structure designed or used for the parking of motor vehicles not being for trade or sale, which is not required or utilised for the parking requirements for the main use on the same property but for a use on another property and does not include a building any part of which is designed or used as a workshop for the repair of motor vehicles.

#### **PARKING SITE**

Means a property or part of a property, which is used solely for the parking of motor vehicles, excluding busses and trucks, not being for sale or trade and subject to Schedule 10.

#### **PARKING SPACE**

Means an area, used exclusively for the parking of a motor vehicle not being for trade or sale, the extent of which area shall be a minimum of 2,5 metres wide and a minimum of 5,0 metres long, excluding access or manoeuvring space, ramps, columns.

#### **PEDESTRIAN BRIDGE**

Means a bridge across a road or street linking two buildings or two properties on either side of the road or street and providing access for pedestrians only and subject to the Municipality's requirements.

**PERMISSION OF THE MUNICIPALITY**

Means the permission or approval granted by the Municipality in terms of Clause 15 to use land and buildings for a specific use or to relax certain conditions applicable to the use of land and buildings.

**PETTING ZOO**

Means land and buildings used for the keeping and breeding of animals for display and interaction with persons visiting the property and may include a Place of Refreshment and outdoor recreation area for children's parties.

**PHYSICAL BARRIER**

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

**PICNIC PLACE**

Means land used for outdoor recreation and associated uses such as picnics and braais.

**PLACE OF AMUSEMENT**

Means land and buildings or a part of a building used for entertainment purposes such as a Theatre, cinema, music hall, concert hall, table games, skating rink, dancing, amusement park, gambling (not being a T.A.B.), electronic games or slot machines or limited pay-out gambling machines, night club, an exhibition hall or sports arena/stadium used for live concerts or performances. These buildings shall comply with the noise zone criteria and acoustical screening requirements of the Municipality's Health Services.

**PLACE OF CHILD CARE**

Means land and buildings used for the admission, protection and temporary or partial care of more than six children up to the age of 18 years away from their parents, but does not include a boarding school, school hostel, Institution, overnight accommodation for such children or Place of Instruction. Depending on its registration, a Place of Child Care can admit babies, toddlers, pre-school aged children and school-going children on a full day or other basis and may include pre-primary school education.

**PLACE OF INSTRUCTION**

Means land and buildings used as a school, college, technical institute, Tertiary Institution, academy, lecture hall, monastery, convent, public library, art museum, museum, other educational centre including ancillary and subservient Hostel for persons attending any one of the afore-mentioned and may include a Place of Child Care and a Cafeteria ancillary and subservient to the main use on the property.

**PLACE OF PUBLIC WORSHIP**

Means land and buildings used for a church, chapel, mosque, temple, synagogue, or other religious purposes and may include ancillary social and recreational purposes and one Dwelling-unit on the same property, but shall not include a funeral parlour, Wall of Remembrance or Cemetery. Any noise generated on the property shall not be audible outside the boundaries of the property.

**PLACE OF REFRESHMENT**

Means land and buildings used for the preparation, sale and consumption of refreshments on the property such as a restaurant, café, coffee shop, tea room, Tea Garden, sports bar, pub, bar and may include take-aways and a maximum of two table games, two dartboards, two electronic games or two limited pay-out gambling machines, television screens and soft background music for the customers, which shall not be audible outside the boundaries of the property and excludes live music and a Place of Amusement. The kitchen layout shall comply with the Municipality's health requirements.

**PLANT NURSERY**

Means land and buildings used for the storage and cultivation of plants, bulbs and seed for distribution and sale to shops or Garden Centres and may include the retail sale to the public on the property.

**PREMIER**

Means the head of the Executive Council of the Gauteng Provincial Government.

**PRIVATE CLUB**

Means land buildings used for a private meeting by a group of people with a collective aim.

**PRIVATE OPEN SPACE**

Means Open Space as defined to which the general public has no right of access.

**PRIVATE ROAD**

Means land which has been zoned for pedestrian and vehicle use by authorised residents, their guests, emergency vehicles, municipal vehicles, Municipal Services, telecommunication services and parking and which is registered in the name of a home owners association or residents Non-profit Company and may include Access Control.

**PROPERTY**

Means any portion of land that has been registered as a separate unit in the Deeds Office.

**PROPOSED STREETS AND WIDENING**

Means land reserved for proposed streets or the widening of existing streets.

**PUBLIC GARAGE**

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

- (1) repair and servicing of vehicles, excluding panel-beating or spray-painting;
- (2) sale of new and used vehicles;
- (3) a Convenience Store including a Confectionery and take-away facility with a kitchen inside the Convenience Store with a maximum Gross Floor Area of 250 m<sup>2</sup>, which floor area shall include the floor area accessible to the public as well as any store room, Office, fridge area and safe which is used for the operation of the Convenience Store;
- (4) an automatic teller machine; and
- (5) the sale of LP gas.

**PUBLIC OPEN SPACE**

Means any Open Space as defined and vested in the Municipality under Section 63 of the Local Government Ordinance, 1939 (Ordinance 17 of 1939) to which the general public has right of access.

**RAILWAY PURPOSES**

Means land and buildings used for transport purposes as defined in the Legal Succession to the South African Transport Services Act, 1989 (Act 9 of 1989) as amended and may include a police station or security centre specifically for security at the station and on the trains.

**REAR BOUNDARY**

Means any boundary opposite to a street boundary: Provided that, where a property has two or more street boundaries, the boundaries opposite to such street boundaries shall be deemed to be side boundaries.

**RECREATION RESORT**

Means land and buildings used for recreational purposes mainly by day visitors and may include swimming pools, water slides, braai facilities, Self-catering Units, a Camping Site, cultural and music events, a Place of Refreshment, a Conference Centre or Social Hall, wedding chapel, staff accommodation, Natural Areas and ancillary and subservient uses.

**REGULATIONS**

Means the Town-planning and Township Regulations issued by the Premier in terms of the Ordinance.

**RESERVOIR**

Means land and buildings designed for the storage of water and pumping equipment and may include toilets, storerooms, lapa with braai facilities and ancillary and subservient municipal uses.

**RESIDENTIAL BUILDINGS**

Means a Hotel, Block of Flats, Block of Tenements, Boarding House, other residential types not elsewhere defined and Hostel together with such outbuildings as are ordinarily used therewith.

**RETAILER/RETAIL TRADE**

Means a business which sells goods directly to the public who may take the goods with them or have them delivered to an address of their choice.

**RETAIL INDUSTRY**

Means, inter alia, catering, a confectionary, dress-making, and tailoring, engraving, instant printing and copying, jewellery manufacturing, photographic processing, picture framing, key cutting and screen printing; as well as the servicing and repair of air conditioners, audio equipment, basket ware and cane furniture, canvass goods and tents, bicycles, electronic equipment, domestic equipment, leather-works and shoes, office equipment, television and video equipment, upholstery, watches, weighing machines and window blinds, but does not include a Light Industry and the wholesale selling of goods and may include the retail sale of products related to the aforementioned services.

**RETIREMENT CENTRE**

Means land and buildings designed or used to provide residential accommodation for persons of 50 years and older. The centre may include Dwelling-units and a service centre for the use of the residents only and includes an assembly hall with recreational facilities, sick bay, Medical Consulting Rooms, exercise and treatment rooms, dining facilities, a library, a tuck shop, a laundrette, hairdressing facilities, banking facilities, an automatic teller machine and other ancillary uses, such as frail care facilities, for the use of the residents only, subject to the provisions of The Older Persons Act, (Act 13 of 2006).

**ROAD**

Means a street or road as defined.

**ROOFTOP ANTENNA**

Means telecommunications, television or other electronic and radio antennas which are fixed to a building and may include a base station on the roof of the building or inside the building subject to Clause 18(5).

**SCHEDULE**

Means the Schedules to the clauses of this Scheme.

**SCHEME AREA**

Means the area to which the scheme is applicable as indicated on the map.

**SCRAP YARD**

Means land and buildings used as a junk yard or Scrap Yard for the dismantling, stacking, storing or preparation for resale of any used material, scrap metals, scrap vehicles, accident damaged vehicles, scrap machinery or other scrap material, whether or not such dismantling took place with the aim of disposal or re-use of such scrap.

**SELF-CATERING UNITS**

Means land and buildings or part of a building consisting of habitable rooms, bathroom(s), toilet(s) and a kitchen used for holiday accommodation for guests or tourists for short periods away from their permanent residence.

**SEWERAGE WORKS**

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

**SHOP**

Means land and buildings used for the purpose of Retail Trade or renting of household equipment/tools directly to the public, including inter alia retail sale and display of products, "off-sales" facilities on properties

licensed in terms of any liquor law, pet shops, a pharmacy, a confectionary, a take-away, swop shop, pawn shop, auctioneers business, hire/rental shop, drive-thru restaurant and may include a Retail Industry ancillary and subservient to the main use and with the Permission of the Municipality a Builder's Yard ancillary and subservient to a hardware shop.

#### **SHOWGROUNDS**

Means land and buildings designed and used for exhibitions and sale of inter alia agricultural, residential and industrial products, tourist destinations and accommodation, livestock, vehicles, lifestyle products and may include places of entertainment and refreshment ancillary to the exhibition.

#### **SHOWROOM**

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

#### **SIDE BOUNDARY**

Means a boundary other than the street boundary or the rear boundary in relation to an erf or other portion of land.

#### **SIGN**

Means an advertising sign as defined in the City of Tshwane Metropolitan Municipality: By-laws for the Control of Outdoor Advertising, 2006, as amended from time to time.

#### **SITE**

In relation to zoning, FAR, coverage and parking calculations, means the whole of the area registered as an erf or other part of a property, including the area of any servitude registered over such erf or other part of a property.

#### **SITE DEVELOPMENT PLAN**

Means a plan which shows the siting, elevations and exterior finish of the proposed buildings, parking areas and open spaces of the proposed development of a property and any salient natural features thereof, as prescribed by the Municipality in Clause 31.

#### **SOCIAL HALL**

Means land and buildings used for, inter alia, social and cultural gatherings, recreation activities, wedding receptions, fairs, bazaars and a non-residential club but does not include a Place of Amusement and Place of Refreshment but may include a kitchen ancillary and subservient to the hall.

#### **SOLAR POWER PLANT**

Means land, buildings and structures that utilise solar energy to generate electricity and includes infrastructure associated with the generation, transmission and distribution of electricity such as ancillary Offices, workshops, stores, Cafeteria, medical station, fire station, Guard House, staff accommodation and recreation facilities for staff.

#### **SPAZA SHOP**

Means a shop of a maximum Gross Floor Area of 36m<sup>2</sup> on a residential property only, selling daily convenience goods and prepared and pre-wrapped food, excluding the sale of alcoholic beverages and excluding the cooking of food and which shall not provide table games or electronic games.

#### **SPECIAL USE**

Means land or buildings used for any purpose other than that herein defined.

#### **SPORT AND RECREATION CLUB**

Means land and buildings used for indoor and/or outdoor sport such as soccer, rugby, cricket, hockey, tennis, swimming, golf by members of the club and their guests only and may include Dwelling-units for staff only, a Place of Refreshment and Social Hall ancillary and subservient to the main use on the property, but excludes specifically Sport and Recreation Ground as contemplated in Clause 17(4) and a Place of Amusement.

**SPORT AND RECREATION GROUND**

Means land and buildings used for sporting activities such as soccer, rugby, cricket, hockey, tennis, golf and may include grandstands, change rooms, ablution facilities and any other recreation activities and other uses ancillary and subservient to the main use on the same property, but specifically exclude Sport and Recreation Ground as contemplated in Clause 17(4), Place of Refreshment and Place of Amusement.

**STOREY**

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

**STREET FRONTAGE**

Means the common boundary between a property and a public street or private road.

**STREET OR PUBLIC STREET**

Includes any street, road, or thoroughfare shown on the General Plan of a township, agricultural holding or other division of land or in respect of which the public have acquired a prescriptive or other right of way or zoned as Existing Street and may include on-street parking and loading zones as designated by the Municipality.

**STRUCTURE**

Means a construction, permanent or temporary by nature, of any material or combination of materials, with or without a roof.

**SUBTERRANEAN RIGHTS**

Means the use of land below a street for uses as approved by the Municipality.

**SURROUNDING OWNERS**

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

**TAVERN**

Means land and buildings used for a combination of a Place of Refreshment and a Place of Amusement.

**TEA GARDEN**

Means a Place of Refreshment usually found in a garden setting.

**TELECOMMUNICATION CENTRE**

Means land and buildings used for telecommunications and includes cell phone masts and base station, satellite dishes, antennas and electronic equipment.

**TELECOMMUNICATION MAST**

Means a structure in the form of a tower and a base station, which is designed for telecommunication purposes, which includes inter alia radio and or microwave technology or other technology as may be permitted in terms of the relevant legislation. Telecommunication Masts are regarded as infrastructure and not as a land use.

**TELECOMMUNICATION SERVICES**

Means telecommunication cables and poles, electronic equipment, excluding Telecommunication Masts.

**TEMPORARY USES**

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

**TERTIARY INSTITUTION**

Means land and buildings used for tertiary education, related research, related sports management and sport coaching, including a high performance centre, agricultural education and related research and farming activities, medical and psychological care of students and employees, Hostels, sport fields, swimming-pools and pavilions, Fitness Centres, multi-purpose halls, administration offices, staff accommodation and may include ancillary and subservient Shops, ATMs, Places of Refreshment, overnight accommodation for guests and visiting sport teams and with the Permission of the Municipality a biogas plant or alternative energy production.

**THEATRE**

Means land and buildings designed or used for stage performances or movie shows.

**TRANSPORT DEPOT**

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

**TRANSPORT TERMINUS**

Means land and buildings designed and used as a terminus or gathering place for various forms of transport arriving and departing from different directions or routes and may include wash bays for the vehicles, ablution facilities and a Place of Refreshment.

**USE ZONE**

Means that part of the Scheme Area that has been indicated by means of a distinguishing notation on the Map to indicate the zoning of the land.

**VEHICLE SALES MART**

Means land, with or without ancillary buildings, used for the display and/or sale of cars, trucks, motor cycles, agricultural implements, caravans, boats, tractors and trailers which are roadworthy and of good outward appearance, and may also include the hiring of vehicles as an ancillary use but excludes a Motor Dealership and a Panel-beater.

**VEHICLE SALES SHOWROOM**

Means the display and sale of vehicles in a building only but does not include a Scrap Yard, Public Garage, Vehicle Sales Mart or Motor Dealership.

**VETERINARY CLINIC**

Means land and buildings used for the treatment, care and operations on animals and may include the sale of veterinary medicines and specialised animal food and ancillary animal products and a Caretaker's Flat but does not include overnight facilities.

**VETERINARY HOSPITAL**

Means a Veterinary Clinic with overnight facilities for animals.

**WALL OF REMEMBRANCE**

Means a wall or structure where containers with the ashes of the deceased are interred in openings or niches in the structure and thereafter sealed and on which appropriate commemorative plaque can be attached and includes the land/garden immediately adjacent to or surrounded by the wall.

**WAREHOUSE**

Means land and buildings designed or used as a storage depot which may be in conjunction with a wholesale trading establishment or any other storage depot.

**WHOLESALE TRADE**

Means the sale and provision of goods to retailers or Shops only.

**WIND TURBINE**

Means a structure designed to generate electricity by means of a wind driven turbine and blades.

**ZONE**

Means that part of the Map which by distinctive colouring or in some other manner indicates the restrictions imposed by this Scheme on the erection and use of buildings or the use of land.

**ZOO**

Means land and buildings designed and used for the collection, care, breeding and display of animals in cages or enclosures and may include a Place of Refreshment and a Place of Instruction, which are ancillary and subservient to the main use on the same property.

**PART 2****STREETS, BUILDING LINES AND BUILDING RESTRICTION AREAS****CLAUSE 6: CLOSED STREETS**

6. As from the date of the closure of a street or portion thereof in pursuance of the provisions of the Local Government Ordinance, 1939 (Ordinance 17 of 1939), as amended, the land which formerly comprised such streets or portion thereof that has been closed shall be used only for such purposes as the Municipality may determine, on condition that where such land has been zoned on the Map it may be used only for the purpose for which it has been zoned.

**CLAUSE 7: PROHIBITION OF ACCESS**

7. Entry to or exit from any property, to or from a public street, shall be subject to the following conditions:
- (1) Entrances to and exits from such property, excluding properties zoned "Residential 1" and "Residential 5", shall be located, constructed, drained and maintained to the satisfaction of the Municipality, and if required by the Municipality, constructed with a dust-free surface, internal driveways included: Provided that entrance gates to such property shall be located at least 6,0 m from the edge of the tar or untarred driving lane of a street or road.
  - (2) The Municipality may prohibit the entrance to or exit from a property to a public street from any boundary of such property, this boundary is indicated by the following symbol on the map:



With the proviso that the Municipality may revoke such access prohibition on receipt of a written application for its Permission, subject to any conditions that the Municipality may impose, except in the case of access restrictions in respect of National or Provincial Roads.

**CLAUSE 8: BUILDING LINES IN NEW TOWNSHIPS AND ON SUBDIVISIONS**

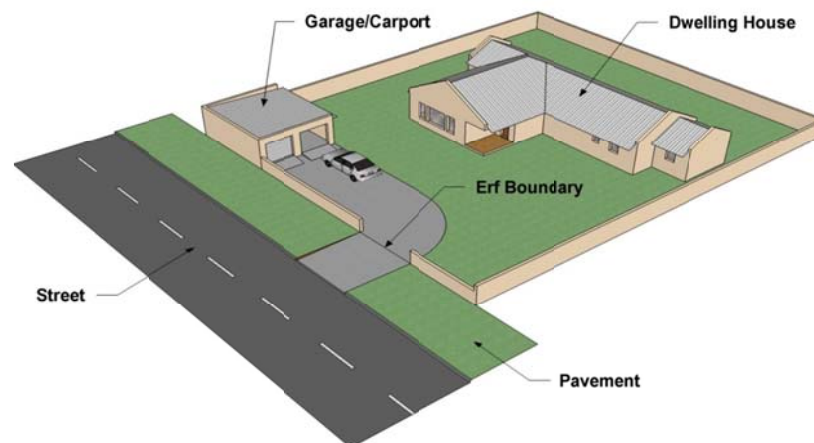
8. In any township established or in respect of any subdivision of land effected after the coming into operation of this Scheme and not indicated in the electronic data base of the scheme (Schedule 1) or on the Map of the Scheme or in Annexures A and T, there shall be Building Lines along all streets as stipulated in Clause 9.

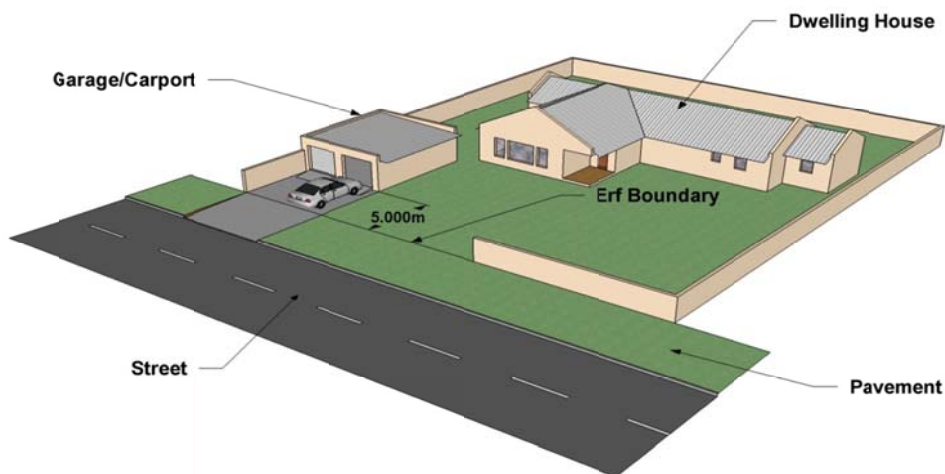
**CLAUSE 9: BUILDING LINES RELATIVE TO STREETS**

9. (1) Building Lines relative to any existing street, widening of an existing street or proposed new street shall be as indicated in Schedule 1 and/or on the Map or Annexure T on condition that such Building Lines, if indicated on either of the afore-mentioned Map or Annexures, shall override the Building Lines as indicated in the afore-mentioned Schedule. The Building Lines as laid down in Schedule 1 shall, in the case of Dwelling-houses, Residential Buildings and Hotels, be additional to the widths of any servitude of right-of way:  
Provided that:
- (a) where street Building Lines are not specified in Schedule 1 or on the afore-mentioned Map or Annexure T or Site Development Plan, the following shall be applicable to all buildings excluding a garage or car port on Residential 1, subject to Sub-clauses (b),(c),(d) and (e),(2),(3),(4) and (5) below:
    - (i) "Residential 1" erven 700 m<sup>2</sup> and smaller: 2,0 m.
    - (ii) "Residential 1" erven 701 m<sup>2</sup> and larger: 5,0 m.
    - (iii) "Residential 2", "Residential 3", "Residential 4" and "Residential 5" erven: 2,0 m.
    - (iv) "Agricultural" and "Undetermined" zoned properties: 10,0 m.
    - (v) All other Use Zones: 5,0 m.

- (b) if no Building Line is indicated on the Map, Annexure T or in these Clauses, the Municipality may fix a Building Line;
- (c) where blocks of flats are erected with habitable rooms on the ground floor in “Business 1” or “Business 2” Use Zones an additional minimum distance of 3,5 metres between the Building Line and the street boundary shall be imposed;
- (d) on corner erven in “Residential 1” Use Zone where the Building Line is more than 3,5 metres the Municipality may on any one frontage reduce such Building Line to 3,5 metres, and
- (e) on a property of 701 m<sup>2</sup> or larger which is zoned “Residential 1”, a minimum street Building Line of 5,0 m shall be applicable to a garage or car-port which provides access perpendicular to the street. Where such access is parallel to the street then the garage or car-port may be erected within the street Building Line and the street boundary of the property other than as indicated in Diagrams 1 and 2 hereunder.

**Diagram 1**



**Diagram 2**

- (2) Where a Building Line or a set-back on any street boundary or proposed street boundary or other boundary is indicated in Schedules 1, 3, 4 and/or on the Map or Annexure T or is determined in terms of Clause 9 hereof, no building or structure, other than those not prohibited in Clause 12(2) below, shall be erected on the land between the Building Line and the street boundary or proposed street boundary and between a Building Line and any other boundary:

Provided that,

- (a) the Municipality may grant its Permission to relax any such Building Line or set-back; and
  - (b) if two or more erven are consolidated, the Building Line or set-back required in terms of this scheme in respect of the former common boundary shall fall away: Provided further that the provisions of this paragraph shall mutatis mutandis also apply if two or more erven are notorially tied.
- (3) *(deleted)*;
- (4) In “Business 1”, “Business 2”, “Business 3” and “Business 4” Use Zones the parking of motor vehicles shall be permitted in the area between the Building Line and the street boundary and the Municipality may give its Permission to the afore-mentioned area or part thereof being used for other purposes:

Provided that,

- (a) the area may be used for serving and consuming meals and refreshments only if used in conjunction with a Place of Refreshment and subject to an approved Site Development Plan;
- (b) the area shall not be used for the storage of goods, wares, merchandise or for advertisement;
- (c) the area shall, if used as permitted in the afore-mentioned paragraph (a), be included in the Floor Area Ratio and in the Coverage;
- (d) should the Municipality require additional ground for street widening, any structure shall be removed at no cost to the Municipality and the Municipality shall not be liable for any compensation other than for the ground so acquired.

- (5) Except with the Permission of the Municipality no basement shall be permitted in the area between the street boundary and the street building line.

**CLAUSE 10: CANOPIES IN FRONT OF BUILDING LINES**

10. Subject to Permission being granted by the Municipality in terms of the by-laws, canopies shall be permitted to project in front of the street Building Line: Provided that canopies of Public Garages, excluding the columns, may encroach over the Building Line by a maximum of 3,0 m.

**CLAUSE 11: LAND FOR STREET WIDENING**

11. The Municipality may require land along street boundaries for street widening.

**CLAUSE 12: BUILDING RESTRICTION AREAS**

12. (1) Subject to any other provision of this Scheme, no person shall -
- (a) erect a building or make any alteration, extension or addition to an Existing Building, in such a manner that such building or any part thereof projects over or encroaches on a Building Restriction Area stipulated in Table A: Provided that if additional height is approved by the Municipality, the width of the building restriction area may be increased by the Municipality
  - (2) Notwithstanding the provisions of Sub-clause (1) and Table A or any by-law
    - (a) any step, gate, fence or wall not exceeding 2,1 metres in height measured from natural ground level, or any open porch, may encroach on the Building Restriction Area;
    - (b) in the case of a building consisting of flats, balconies may, project to a maximum distance of 0,70 metres over the Building Restriction Area:
 

Provided that:

      - (i) such balconies are single units and not enclosed;
      - (ii) the aggregate length of all such balconies shall not exceed 50 % of the length of the building;
    - (c) *(deleted)*;
    - (d) a single storey garage; car-port, shelter; laundry; private swimming-pool; change room for a private swimming-pool, tennis court, squash court, or storeroom may be erected on any portion of a Building Restriction Area other than where such structures are adjacent to a street boundary:
 

Provided that:

      - (i) the position thereof is not detrimental to the amenities of the adjoining property or properties;
      - (ii) the height of such building above natural ground level on the erf boundary shall not exceed 3,00 metres, excluding a fire wall of 500 mm if required, and the roof thereof may increase in height to a maximum slope of 45 degrees or shall be a flat roof as shown in Diagrams 2A and 2B below;

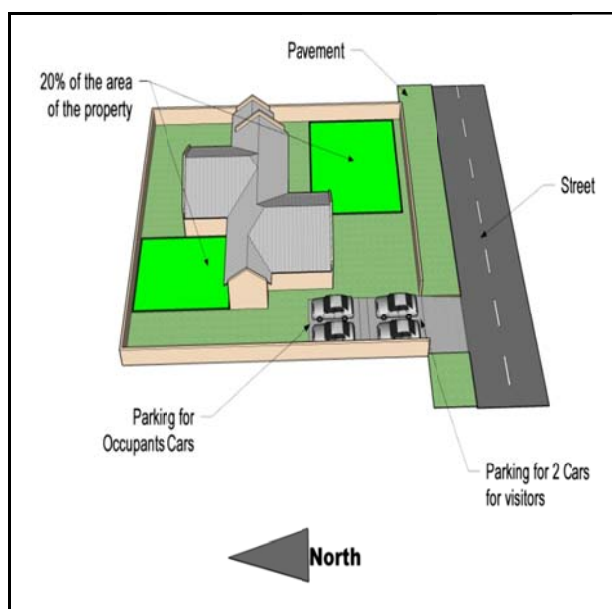
**Diagram 2A****Diagram 2B**

- (iii) the external face of the boundary wall shall be of face brick, unless an alternative durable finish is agreed to in writing by the owner or owners of the adjoining property or properties and such boundary wall may have a firewall of maximum 500 mm above the maximum height specified in (ii) above;
- (iv) *(deleted)*;
- (v) any car-port, shelter, which is built on any boundary other than a street boundary, shall be completely open on two sides, and the length thereof shall not exceed 7,50 metres without the Permission of the Municipality;
- (vi) it be erected on or directly against the erf boundary or at least 1 metre from the boundary;
- (e) the Municipality may, subject to such conditions as it may deem fit, give Permission that:
  - (i) any building including a basement to encroach on any of the Building Restriction Areas specified in Table A;

- (ii) any other wooden and/or metal structure designed and used exclusively as a doll's house, poultry-house, aviary, pigeon loft, potting-shed, tool-shed, coal-shed, cycle-shed, summer-house, pump-house, water tank, Guard House, Reservoir or dog kennel to be erected within a Building Restriction Area, provided it is screened off behind a wall of at least 2,0 meters high and not visible from a street and adjacent properties and it shall not be used for residential purposes or a Home Enterprise; and
  - (iii) the maximum height of 3 meters, as required by Proviso (ii) of Sub-clause (2)(d), and the maximum height of 2,1 meters of a wall, as required by Sub-clause (2)(a), to be exceeded.
  - (iv) *(deleted)*;
  - (v) *(deleted)*.
- (3) The reference to southern boundaries in Table A shall mean the boundaries of a property, which approximate the southern-most side(s) of such property.
  - (4) The Building Restriction Areas on southern boundaries shall be maintained to prevent winter over shadowing onto the adjacent properties, except where special circumstances will allow an encroachment with Permission of the Municipality but shall not apply where such boundaries are common with a street or road.
  - (5) The percentage of the area of the property to be kept open as specified in Table A shall be maintained as a unified open space which may form not more than two separate open spaces for outdoor living areas: Provided that this may be relaxed with the Permission of the Municipality; and
  - (6) Where properties are notorially tied the Building Restriction Areas as specified in Table A shall not apply along their common boundaries.

See Diagram 3 below.

**Diagram 3**



**TABLE A: BUILDING RESTRICTION AREAS IN RESPECT OF ALL BUILDINGS**

Use Zone	Building Lines in metres applicable to all buildings in Use Zone			
	Rear and Side Boundary excluding where municipal services are installed	Southern boundaries		Percentage of property to be kept open
		Ground Floor storey	Double volume single storey or Storeys above Ground Floor storey	
Residential 1: Erf size of 200 m <sup>2</sup> or smaller	1,0	2,0	3,0	10%
Residential 1: Erf size of 201 m <sup>2</sup> to 500 m <sup>2</sup>	1,0	2,0	3,0	15%
Residential 1: Erf size of 501 m <sup>2</sup> to 700 m <sup>2</sup>	2,0	2,0	4,0	20%
Residential 1: Erf size of larger than 700 m <sup>2</sup>	2,0	3,0	4,0	20%
Residential 2	2,0	2,0	3,0	15%
Residential 3	2,0	2,0	3,0	15%
Residential 4	4,5	4,5	4,5	15%
Residential 5	1,0	1,0	1,0	n.a.
Business 1 *1	4,5	4,5	4,5	n.a.
Business 2 *1	4,5	4,5	4,5	n.a.
Business 3 *1	4,5	4,5	4,5	n.a.
Business 4 *1	4,5	4,5	4,5	n.a.
Industrial 1 *1	4,5	4,5	4,5	n.a.
Industrial 2 *1	4,5	4,5	4,5	n.a.
Commercial *1	4,5	4,5	4,5	n.a.
Educational *1	4,5	4,5	4,5	n.a.
Institutional *1	4,5	4,5	4,5	n.a.
Municipal *1	4,5	4,5	4,5	n.a.
Government *1	4,5	4,5	4,5	n.a.
Agricultural	5,0	5,0	10,0	n.a.
Public Garage	5,0	5,0	5,0	n.a.
Undetermined	5,0	5,0	5,0	n.a.
Public Open Space	5,0	5,0	5,0	n.a.
Private Open Space	5,0	5,0	5,0	n.a.
Aerodrome	5,0	5,0	5,0	n.a.
SAR	5,0	5,0	5,0	n.a.
Cemetery	5,0	5,0	5,0	n.a.
Infrastructure Works	5,0	5,0	5,0	n.a.
Special	4,5 or as specified in the Annexure T	4,5 or as specified in the Annexure T	4,5 or as specified in the Annexure T	As specified in the Annexure T

**Note:**

- \*1. Buildings, excluding Residential Buildings, Institutions, Place of Instruction and Place of Public Worship, in these Use Zones in the above Table A may have a zero side and rear Building Line on properties that fall within an area bordered blue and red as shown on Annexure A.

**PART 3****USE OF BUILDINGS AND LAND****CLAUSE 13: MIXED USE OF BUILDINGS**

13. (1) Where a building is used or a proposed building is designed for more than one use, it shall be deemed for the purpose of Clauses 14, 25, 26 and 27 hereof, to be used or designed partly for each of these uses, except that for the purposes of the other provisions of this part of the Scheme, it shall be deemed to be used or designed for its predominant use and the Municipality shall, on application made by the person having control of or proposing to erect the building, decide which is the predominant use.
- (2) The Municipality shall notify the applicant of any decision in terms of this Clause and the applicant, if aggrieved by the decision, may appeal.




**CLAUSE 14: USE OF BUILDINGS AND LAND**




14. (1) Proposed streets and Widening of existing streets as specified in Table B shall not be deemed to be streets until such streets or any portions thereof fall within a township which may be established or they are proclaimed as streets or become vested in the Municipality for that purpose under any other law:



Provided that, if a township is established or subdivision is approved the position of the aforementioned streets may be amended to conform to the layout of the township or subdivision.





- (2) Where the Municipality has acquired, either by agreement or expropriation, any land together with buildings, structures or other erections there on Zoned in terms of Table B hereof, the Municipality may execute there on such works as may be required for or be incidental to the purpose for which the land is zoned or for Municipal Purposes.
- (3) The following Table B indicates for each of the Use Zones the purposes
- in Column (3), for which buildings may be erected and used or land used,
- in Column (4), for which buildings may be erected and used or land used only with the consent of the Municipality, and
- in Column (5), for which buildings may not be erected and used, nor land used:






**TABLE B: USE OF BUILDINGS AND LAND**







(1)	(2)	(3)	(4)	(5)
Use Zone Numbers and Notation on Map	Use Zones [and Notation on Map]	Purposes for which buildings may be erected or used or land used	Purposes for which buildings may be erected or used or land used only with the consent of the Municipality	Purposes for which buildings may not be erected or used or land used
1 	<b>RESIDENTIAL 1</b>	One Dwelling-house One Additional Dwelling-house in areas described in Schedule 11, Schedule 12, Schedule 13 and Schedule 14 Embassy/Consulate	Backpackers Boarding House Commune Day care for the aged Guest-house Institution Parking Site adjacent to Use Zones 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 18 and 28 Place of Child Care Place of Instruction Place of Public Worship Retirement Centre Social Hall Sport and Recreation Club Sports and Recreation Ground Veterinary Clinic which does not comply with Schedule 9 Veterinary Hospital Wall of Remembrance in conjunction with a Place of Public Worship	Uses not in Columns 3 and 4
2 	<b>RESIDENTIAL 2</b>	Dwelling-units subject to Schedule 4 or Annexure T	Institution Parking Site Place of Instruction Place of Public Worship Retirement Centre Social Hall Sport and Recreation Club Sports and Recreation Ground Wall of Remembrance in conjunction with a Place of Public Worship	Uses not in Columns 3 and 4
3 	<b>RESIDENTIAL 3</b>	Duplex Dwellings and Dwelling-units subject to Schedule 3 or Annexure T	Institution Parking Site Place of Instruction Place of Public Worship Residential Building Retirement Centre Social Hall Sport and Recreation Club Sports and Recreation Ground Wall of Remembrance in conjunction with a Place of Public Worship	Uses not in Columns 3 and 4






(1)	(2)	(3)	(4)	(5)
Use Zone Numbers and Notation on Map	Use Zones [and Notation on Map]	Purposes for which buildings may be erected or used or land used	Purposes for which buildings may be erected or used or land used only with the consent of the Municipality	Purposes for which buildings may not be erected or used or land used
<p>4</p> 	<b>RESIDENTIAL 4</b>	<p>Dwelling-units Guest-house Parking Site subject to Schedule 10 Residential Building excluding Boarding House, Hostel and Block of Tenements</p>	<p>Block of Tenements Boarding House Fitness Centre Hostel Institution Place of Child Care Place of Instruction Place of Public Worship Retirement Centre Social Hall Sport and Recreation Club Sports and Recreation Ground Veterinary Clinic which does not comply with Schedule 9 Veterinary Hospital Wall of Remembrance in conjunction with a Place of Public Worship</p>	<p>Uses not in Columns 3 and 4</p>
<p>5</p> 	<b>RESIDENTIAL 5</b>	<p>Dwelling-units and Residential Buildings subject to Schedule 15</p>	<p>Backpackers Guest-house Institution Medical Consulting Rooms Parking Site adjacent to Use Zones 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 18 and 28 Place of Child Care Place of Instruction Place of Public Worship Sports and Recreation Ground Social Hall Sport and Recreation Club Wall of Remembrance in conjunction with a Place of Public Worship</p>	<p>Uses not in Columns 3 and 4</p>
<p>6</p> 	<b>BUSINESS 1</b>	<p>Business Building Dwelling-units Government Purpose Guest-house Institution Light Industry subject to Schedule 10 Motor Dealership Parking Garage subject to Schedule 10 Parking Site subject to Schedule 10 Place of Child Care Place of Instruction Place of Public Worship Place of Refreshment Residential Building excluding Boarding House, Hostel and</p>	<p>Blocks of Tenements Boarding House Hostel Uses not in Columns 3 and 5</p>	<p>Industry Municipal Transitional Settlement Noxious Industry Panel-beater Scrap Yard Wind Turbine</p>

(1)	(2)	(3)	(4)	(5)
Use Zone Numbers and Notation on Map	Use Zones [and Notation on Map]	Purposes for which buildings may be erected or used or land used	Purposes for which buildings may be erected or used or land used only with the consent of the Municipality	Purposes for which buildings may not be erected or used or land used
		Blocks of Tenements Retail Industry Shop Showroom Social Hall Sport and Recreation Club Vehicle Sales Mart subject to Schedule 10 Vehicle Sales Showroom Veterinary Clinic		
7 	<b>BUSINESS 2</b>	Business Building Dwelling-units Guest-house Institution Light Industries subject to Schedule 10 Motor Dealership Parking Garage subject to Schedule 10 Parking Site subject to Schedule 10 Shop Place of Refreshment Residential Building excluding Boarding House, Hostel and Blocks of Tenements Retail Industry Vehicle Sales Mart subject to Schedule 10 Vehicle Sales Showroom Veterinary Clinic	Blocks of Tenements Boarding House Hostel Uses not in Columns 3 and 5	Industry Municipal Transitional Settlement Noxious Industry Panel-beater Scrap Yard Wind Turbine
8 	<b>BUSINESS 3</b>	Bank Building Societies Dwelling-units Office Medical Consulting Room Place of Refreshment Retail Industry Shop Veterinary Clinic	Business Building Fitness Centre Flea Market Institution Parking Site Parking Garage Place of Amusement Place of Child Care Place of Instruction Place of Public Worship Residential Building Social Hall Sport and Recreation Club Sports and Recreation Ground Transport Terminus Veterinary Hospital Wall of Remembrance in conjunction with a Place of Public Worship	Uses not in Columns 3 and 4

(1)	(2)	(3)	(4)	(5)
Use Zone Numbers and Notation on Map	Use Zones [and Notation on Map]	Purposes for which buildings may be erected or used or land used	Purposes for which buildings may be erected or used or land used only with the consent of the Municipality	Purposes for which buildings may not be erected or used or land used
<p>9</p> 	<b>BUSINESS 4</b>	<p>Dwelling-units Medical Consulting Room Office Veterinary Clinic</p>	<p>Banks Building Societies Fitness Centre Institution Parking Garage Parking Site Place of Child Care Place of Instruction Place of Public Worship Place of Refreshment Retail Industry Social Hall Sport and Recreation Club Sports and Recreation Ground Veterinary Hospital Wall of Remembrance in conjunction with a Place of Public Worship</p>	<p>Uses not in Columns 3 and 4</p>
<p>10</p> 	<b>INDUSTRIAL 1</b>	<p>Business Building subject to Schedule 10 Cafeteria Car Wash Commercial Use Industry Light Industry Parking Garage subject to Schedule 10 Parking Site subject to Schedule 10 Place of Refreshment Retail Industry Shop subject to Schedule 10</p>	<p>Municipal Transitional Settlement subject to Schedule 27 Noxious Industry subject to Clause 14(6)(d)(ii) Uses not in Columns 3 and 5</p>	<p>Wind Turbine</p>
<p>11</p> 	<b>INDUSTRIAL 2</b>	<p>Business Building subject to Schedule 10 Cafeteria Car Wash Commercial Use Light Industry Parking Garage subject to Schedule 10 Parking Site subject to Schedule 10 Place of Refreshment Retail Industry Shop subject to Schedule 10</p>	<p>Uses not in Columns 3 and 5</p>	<p>Noxious Industry Municipal Transitional Settlement Wind Turbine</p>
<p>12</p> 	<b>COMMERCIAL</b>	<p>Cafeteria Commercial Use Funeral Undertaker Parking Garage subject to Schedule 10 Parking Site subject to Schedule 10 Retail Industry Showroom</p>	<p>Uses not in Columns 3 and 5</p>	<p>Industry Municipal Transitional Settlement Noxious Industry Wind Turbine</p>

(1)	(2)	(3)	(4)	(5)
Use Zone Numbers and Notation on Map	Use Zones [and Notation on Map]	Purposes for which buildings may be erected or used or land used	Purposes for which buildings may be erected or used or land used only with the consent of the Municipality	Purposes for which buildings may not be erected or used or land used
13 	<b>EDUCATIONAL</b>	Place of Child Care Place of Instruction Place of Public Worship Social Hall Sport and Recreation Club	Dwelling-units Flea Market Institution Parking Site Place of Refreshment Residential Building Special Use Wall of Remembrance	Uses not in Columns 3 and 4
14 	<b>INSTITUTIONAL</b>	Cafeteria Institution Place of Instruction Place of Public Worship	Dwelling-units Medical Consulting Rooms Parking Site Place of Child Care Place of Refreshment Residential Buildings Social Hall Special Use Wall of Remembrance	Uses not in Columns 3 and 4
15 	<b>MUNICIPAL</b>	Agriculture Farm Stall subject to Schedule 10 Municipal Purposes Public Open Space Sport and Recreation Club Sports Ground	Municipal Transitional Settlement subject to Schedule 27 Uses not in Columns 3 and 5	Noxious Industry
16 	<b>GOVERNMENT</b>	Government Purposes	Municipal Transitional Settlement subject to Schedule 27 Uses not in Columns 3 and 5	Industry Noxious Industry
17 	<b>AGRICULTURAL</b>	Agriculture Farm Stall subject to Schedule 10 One Dwelling-house	Agricultural Industry Airfield Animal Boarding Place Camping Site Commune Equestrian School Flea Market Garden Centre Guest-house Institution Lodge Municipal Transitional Settlement subject to Schedule 27 Parking Site Petting Zoo Picnic Place Place of Child Care Place of Instruction Place of Public Worship	Uses not in Columns 3 and 4

(1)	(2)	(3)	(4)	(5)
Use Zone Numbers and Notation on Map	Use Zones [and Notation on Map]	Purposes for which buildings may be erected or used or land used	Purposes for which buildings may be erected or used or land used only with the consent of the Municipality	Purposes for which buildings may not be erected or used or land used
			Place of Refreshment Recreation Resort Social Hall Sports and Recreation Ground Sport and Recreation Club Wall of Remembrance in conjunction with a Place of Public Worship	
18 	<b>PUBLIC GARAGE</b>	Filling Station Parking Garage Parking Site Public Garage	Car Wash Caretaker's Flat Panel-beater Parking Site Place of Amusement Place of Refreshment Shop Special Uses	Uses not in Columns 3 and 4
19 	<b>UN - DETERMINED</b>	Agriculture Farm Stall subject to Schedule 10 One Dwelling-house	Municipal Transitional Settlement subject to Schedule 27 Uses not in Columns 3 and 5	Industry Noxious Industry Scrap Yard Mini Storage
20 	<b>PUBLIC OPEN SPACE</b>	Public Open Space Sports and Recreation Ground	Agriculture Flea Market Market Garden Picnic Place Place of Public Worship Place of Refreshment Recreation Resort Sport and Recreation Club	Uses not in Columns 3 and 4
21 	<b>PRIVATE OPEN SPACE</b>	Private Open Space	Caretaker's Flat Fitness Centre Flea Market Picnic Place Place of Refreshment Recreation Resort Sport and Recreation Club Sports and Recreation Ground	Uses not in Columns 3 and 4
22 	<b>EXISTING STREETS</b>	Municipal Services Telecommunication Services Pedestrian Bridge Streets Provincial and National Roads	Air Rights Flea Market Parking Site Special Use Subterranean Rights Transport Terminus	Noxious Industry Uses not in Columns 3 and 4
23 	<b>PROPOSED STREETS AND WIDENING</b>	Streets and Widening	None	Noxious Industry Municipal Transitional Settlement

(1)	(2)	(3)	(4)	(5)
Use Zone Numbers and Notation on Map	Use Zones [and Notation on Map]	Purposes for which buildings may be erected or used or land used	Purposes for which buildings may be erected or used or land used only with the consent of the Municipality	Purposes for which buildings may not be erected or used or land used
24 	<b>AERODROME</b>	Airport	Uses not in Columns 3 and 5	Noxious Industry Municipal Transitional Settlement
25 	<b>S.A.R.</b>	Railway Purposes	Dwelling-units Office Parking Site Public Garage Special Use	Uses not in Columns 3 and 4
26 	<b>CEMETERY</b>	Cemetery	None	Uses not in Columns 3 and 4
27 	<b>INFRA-STRUCTURE WORKS</b>	Agriculture Electricity Power Station Reservoir Sewage Works	Municipal Transitional Settlement subject to Schedule 27 Parking Site Special Uses	Uses not in Columns 3 and 4
28 	<b>SPECIAL</b>	Uses only as in Annexure T	Uses only as in Annexure T	All other Uses as specified in Annexure T or All other Uses if not stated in Annexure T

Provided that:

- (a) The owner of any property in any use zone, excluding "Residential 1" and "Residential 5", that is used for sectional title Dwelling-units or blocks of flats shall develop and maintain at least 4 square meters per Dwelling-unit with a minimum of 50 square meters on the property as a children's playground: Provided that the Municipality may grant Permission to reduce this requirement; and
- (b) the Premier may, notwithstanding anything to the contrary contained in the provisions of this Scheme after reference to the Municipality, give Permission to any use in terms of the Title of any agricultural holding laid out in terms of the Agricultural Holdings (Transvaal) Registration Act, 1919 (Act 22 of 1919).
- (4) No person shall use or cause or allow to be used, any land or building or part thereof for a purpose other than that for which it was approved or has the rights in terms of Clause 14, unless such building has been altered for any new use and any necessary Consent or Permission of the Municipality therefore has been obtained.
- (5) In this Clause the expression "the erection and use" of a building for a particular use includes the conversion of the building for that use, whether or not involving the structural alteration thereof.

- (6) **CERTAIN USES ALWAYS SUBJECT TO THE MUNICIPALITY'S CONSENT IN TERMS OF CLAUSE 16**
- (a) No land in any use zone shall be used for the purpose of refuse or rubbish tipping, sewage disposal or a cemetery without the consent of the Municipality and subject to Clause 16;
  - (b) Subject to Clause 16, the Municipality may consent to the removal of soil, sand, clay, gravel or stone from any piece of land for sale, distribution or further processing for financial gain;
  - (c) With the exception of vehicles as described in Schedule 9, Condition 1(6), no land in Use Zones 1, 2, 3, 4 and 5 shall be used for the parking of commercial vehicles without the consent of the Municipality and subject to Clause 16; and
  - (d) subject to Clause 16, the Municipality may consent to the following:
    - (i) the manufacture of products of commercial value from soil, sand, clay, gravel and/or stone on the place where these materials are extracted, on condition that a guarantee is submitted to the effect that the ground will be restored in accordance with the conditions imposed; and
    - (ii) the erection and use of buildings for Noxious Industries in Use Zone 10, "Industrial 1", Table B, upon the production of a certificate issued by the Municipality's Health Officer in consultation with the Inspector of Factories, declaring that the process it is proposed to employ in the conduct of any of the industries listed in Schedule 8 will eliminate nuisance or danger to health on neighbouring properties arising from waste matter, effluvia, vapour, smoke or smell, on condition that if land treatment of such matters is proposed, the nature, slope and area of the land relative to dwellings, streams or water courses shall be satisfactory.
- (7) When application is made to the Municipality for any Consent or Permission in terms of this scheme the Municipality may, in giving Consent or Permission, impose any condition it may deem fit or grant exemption from the provisions of the scheme or relax the requirements of the provisions: Provided that such exemption or relaxation is stipulated in the scheme and that any application in terms of such exemption or relaxation may be submitted simultaneously with the application for the Municipality's Consent.
- (8) Notwithstanding any contrary stipulation contained in this Scheme the Municipality may grant Permission for the Temporary Use of any building or land within any use zone for any of the following:
- (a) The erection and use of temporary buildings or the use of Existing Buildings or sites for site offices, storage rooms, workshops or such other uses that are in the opinion of the Municipality necessary for the erection of any permanent building or structure on the land or the installation of engineering services shall be to the satisfaction of the Municipality: Provided that such Permission shall lapse, ipso facto, on completion of the permanent building or structure or the completion of the engineering contract; and
  - (b) The Temporary Use of land or buildings for another purpose such as inter alia concerts, fairs, circuses, bazaars, street vendors, parking, Place of Amusement, Place of Public Worship, public gatherings or meetings, Social Halls and any other use which the Municipality deems fit in the interest of the community but excluding a Guest-house and subject to such conditions which the Municipality may impose and further subject to the condition that such Permission:
    - (i) may be withdrawn after 30 days written notice to the owner if any conditions of the Permission are not met, malpractice occurs or the amenity of the area is prejudiced; and

- (ii) expires 3 months from the date on which Permission was granted unless the Municipality extends it in writing for a further period not exceeding 3 months after receiving a written request from the applicant.
- (9) (a) Any land or building used in such a way that it will or is intended to generate income from the sale of goods or provision of services other than the renting of buildings for residential purposes, shall be regarded as a business for the purposes of the meaning of a business where it is stated in a condition in any Title Deed and such condition in the Title Deed shall be deemed to be restrictive.
- (b) Where it is referred to in documents such as an Annexure T, Consent Use, Title Deed, Deed of Grant as a business purpose then it means land and buildings used for Business Buildings, Shops, Place of Refreshment, Vehicle Sales Mart, Retail Industries and Place of Amusement of other business enterprises for financial gain.
- (10) Notwithstanding any stipulation in this Scheme, the Municipality may grant Permission for the erection of one Additional Dwelling-house on property zoned "Residential 1", "Agricultural" or "Undetermined": Provided that:
  - (a) A contribution in respect of engineering services and open spaces or parks is payable in terms of Section 20 of the Town-planning and Townships Ordinance, 1986 (Ordinance 15 of 1986) as and when required by the Municipality;
  - (b) Clause 15, Clause 18(12), Clause 18(13) and Clause 19 shall be applicable; and
  - (c) the properties in the areas stipulated in Schedules 11, 12, 13 and 14 shall be excluded from the provision of Sub-clause (10);
- (11) The Municipality may grant Permission to erect a Telecommunication Mast on any property subject to Clause 15 and Schedule 25.

#### **CLAUSE 15: PERMISSION OF THE MUNICIPALITY**

15. The Permission of the Municipality to use land and buildings or to relax certain conditions stipulated in this Scheme, its Schedules and Annexures, where such Permission is explicitly stated, shall be subject to an application procedure as prescribed in Schedules 25 and 26 and such application shall be subject to the following:
- (1) documents as prescribed in Schedules 25 and 26 shall be submitted with the prescribed fee;
  - (2) the prescribed advertisement procedure that is required in terms of any Permission as indicated in the Schedules to the Scheme read with Schedule 25, and read with Paragraph 4(2), shall be complied with and the Municipality may grant its Permission to waive this requisite wholly or partly if it's satisfied that such non-compliance is not of such a material nature that it is likely to affect anyone detrimentally;
  - (3) the Municipality may approve or refuse such application subject to such conditions the Municipality deems necessary to regulate such Permission;
  - (4) the Municipality may require that a contribution in respect of engineering services is payable in terms of Section 20 of the Town-planning and Townships Ordinance, 1986 (Ordinance 15 of 1986) as and when required by the Municipality;
  - (5) the applicant may apply in writing to the Municipality to withdraw the application within sixty days of the date of approval on condition that any bulk services contributions or other municipal fees that were paid shall not be refunded and that such withdrawal shall be recorded on the Municipality's data base or Register and the owner shall not have any claim in the future to any re-instatement of such Permission; and

- (6) the Municipality may grant its Permission to amend the conditions of approval provided this amendment does not substantially change the rights and conditions approved and provided that there were no objections to the initial application subject to the prescribed fee.

**CLAUSE 16: CONSENT USE PROCEDURE**

16. (1) The owner of land or a building or his authorised agent intending to apply to the Municipality for consent for:
- (a) the erection and use of a building or the use of land in Use Zones 1 up to and including 28, as set out in Column (4) of Table B;
  - (b) the erection of a building to a height greater than that permitted in Table D or Annexure T;
  - (c) an extension of the period contemplated in Section 43(5) of the Ordinance;
  - (d) land uses as mentioned in Clause 14(6) and Schedule 9;
  - (e) any other provision in this Scheme or in an Annexure T not stipulated in Clauses 15 or 16 (1), which requires the consent or approval of the local authority or Municipality or City Council; and
  - (f) the Mining of land in any Use Zone in terms of the Mineral and Petroleum Resources Development Act, 2002 (Act 28 of 2002) as provided for in Schedule 28;

shall comply with provisions of Clauses 16(2), (3) and (5) hereof and pay the prescribed fee.

- (2) The applicant shall -
- (a) publish once at his own expense a notice of such application in the Provincial Gazette provided that this notice shall comply with the requirements as prescribed in Sub-clause (3)(a) hereof;
  - (b) display in conspicuous positions, where it may be easily seen from public land or other such public place, a placard on each separate part of such land or building to which such consent is applicable;
  - (c) in the case of a Place of Child Care, a Place of Instruction, a Place of Public Worship, Fitness Centers and a Place of Amusement an additional copy of the notice shall be posted by not later than the first day of publication of the notice mentioned in Sub-clause 16(2)(a) to each owner of land abutting or sharing a common boundary with the application site including such properties separated by a road directly opposite the application site and to any other owner of land which the Municipality may direct in writing within seven days of receipt of the application, by registered post to his or her last known address and the applicant shall provide proof that said notice was posted to the aforementioned owners; and
  - (d) in the case of an application for an Airfield or Airport an additional copy of the notice shall be posted by not later than the first day of publication of the notice mentioned in Sub-clause 16(2)(a) to the Civil Aviation Authority, Wonderboom Airport, Lanseria Airport, Waterkloof Air Force Base and Zwartkop Air Force Base, by registered post to their last known address and the applicant shall provide proof that said notice was posted to the aforementioned owners;

Provided that -

- (i) the placards are to be maintained in good order for at least 14 days from the day of the first publication of the notice in the Provincial Gazette;

- (ii) if such land or building is situated at such a distance from a public road or other public place that the notice cannot be read from there, the placard shall also be displayed at every public entrance of the public place to the concerned property or building;
  - (iii) if the property concerned has more than one street frontage, at least one placard shall be displayed and maintained on each street frontage;
  - (iv) in the case of an application within an existing business centre or other similar place to which the public has access, a placard shall be displayed and maintained in a conspicuous place at the entrance of the Shop to which the application refers, and at each public entrance of the business centre; and
  - (v) the information on every placard shall be written or printed in a clearly legible script as prescribed in Sub-clause 16(3) hereof, in such a way that it is legible from a distance of two metres for any person with normal eyesight, during the full 14 days of display.
- (3) The notice referred to -
- (a) in Sub-clauses (2)(a), (b),(c) and (d) shall –
    - (i) contain the full name, the residential or business address and telephone number of the applicant;
    - (ii) mention the relevant Town-planning scheme, erf number and street address, township concerned, farm portion or agricultural holding, the existing zoning of the application site, the proposed land-use for which the application for Consent Use has been made;
    - (iii) state that the full details of the relevant application are available at the Municipality during normal office hours for the period of twenty-eight days from the first day of publication of the notice in the Provincial Gazette;
    - (iv) be written in English and one other of the official languages predominant in the municipal area;
    - (v) state that any objection or representation against such an application shall be submitted in writing to the Municipality within twenty-eight days, calculated from the first full day after appearance of the notice in the Provincial Gazette; the date of appearance of the notice in the Provincial Gazette as well as the closing date for acceptance of objections shall be indicated on the placard;
  - (b) the placard specified in Sub-clause (2)(b) shall not be smaller than 594 mm x 420 mm and any letter there on shall be at least 6 mm high and be written in legible upright printed letters.
- (4) Any person with objections to or who makes representations against the application, shall lodge his written objections or representations to the Municipality with the reasons therefore within the period mentioned in Sub-clause (3)(a)(v) hereof. In the case of objections or representations being received The Municipality shall hear the objections or representations and inform the applicant and objectors in writing of its decision.
- (5) The applicant shall:
- (a) lodge at the Municipality, prior to or simultaneous with the date of publication of the notice as required in Sub-clauses (2)(a) and (b) hereof, full details and plans as required by the Municipality; and
  - (b) draw up a sworn affidavit to the effect that the provisions in Sub-clause (2)(b) hereof have been complied with no earlier than 14 days after the day of publication of the notice, and submit the affidavit as soon as possible thereafter at the Municipality.

- (6) The consent shall not, if any objection has been received, be exercised within a period of twenty-eight days after the applicant and any objector have been notified of such decision or, if an appeal has been lodged, until such appeal has been disposed of.
- (7) After consideration of the application, the Municipality may grant the application, refuse it, or qualify it and the parties shall be informed of the decision.
- (8) The consent shall be null and void if the requirements imposed in considering the application have not been complied with.
- (9) The Municipality may, at the written request of the applicant, grant Permission for the partial or total non-compliance with the provisions of Clauses 16(2), 16(3) and 16(5) if it is of the opinion that another way of giving the notice as prescribed by the Municipality, will inform the public in a better way, or that such non-compliance is not of such a material nature that it is likely to affect anyone detrimentally.
- (10) The applicant may apply in writing to the Municipality to withdraw the application within sixty days of the date of approval on condition that any bulk services contributions or other municipal fees that were paid shall not be refunded and that such withdrawal shall be recorded on the Municipality's data base or Register and the owner shall not have any claim in the future to any re-instatement of such Consent Use.
- (11) The Municipality may grant its Permission to amend the conditions of approval provided this amendment does not substantially change the rights and conditions approved and provided that there were no objections to the initial application subject to the prescribed fee.

**CLAUSE 17: USES NOT SUBJECT TO TABLE B**

17. Without prejudice to any powers of the Municipality derived from any other law or any provision of this Scheme, nothing in Clauses 14(3) or 16 of this Scheme shall be construed as granting powers to the Municipality to prohibit or restrict:
  - (1) *(deleted)*
  - (2) the letting, subject to the by-laws relating to lodging- and boarding houses, by any owner or occupant of a Dwelling-house on a "Residential 1", "Agriculture" or "Undetermined" zoned property of any part of the Dwelling-house excluding its outbuildings, on condition that not more than two bedrooms for a maximum of two persons in any Dwelling-house are so let;
  - (3) the Occasional Use of a Place of Public Worship, Place of Instruction or Institution as a Place of Amusement or Social Hall;
  - (4) the use of land or the erection of buildings for a Sport or Recreation Ground not used for use, benefit and access by the general public whether payment of fees or membership fees are charged or not and shall specifically exclude Sport and Recreation Clubs; and
  - (5) the placement of Informal Structure on any Council owned land or street reserves and on any other property subject to the Municipalities' approved "Policy In Respect of Informal Structures (including containers) on the properties of The City Of Tshwane".

**PART 4****DEVELOPMENT CONDITIONS****CLAUSE 18: GENERAL CONDITIONS APPLICABLE TO ALL PROPERTIES**

18. (1) All erven are subject to the following conditions:

- (a) A servitude 2,0 metres wide in favour of the Municipality shall be provided for municipal services along any boundary, other than a street boundary, where such services are installed or planned to be installed.
- (b) No building or other structure or any part of its foundations may be erected in the servitude area referred to in the afore-mentioned Sub-clause (a) and no tree with a potentially large root system may be planted within the afore-mentioned servitude area or within 2,0 metres thereof except with the Permission of the Municipality.
- (c) The Municipality shall be entitled to reasonable access to the land adjoining the servitude area referred to in the afore-mentioned Sub-clause (a) for the construction, maintenance or removal of such services as it may in its discretion deem necessary and shall be entitled to deposit temporarily on the afore-mentioned land material that may be excavated during the course of such activities subject to any damage thereby caused being made good by the Municipality at its cost.

(2) In any township for which an amendment scheme has been promulgated in accordance with the provisions of the Ordinance the following conditions shall apply to all erven:

- (a) No bricks, tiles or earthenware pipes or other similar articles may be manufactured on the erf.
- (b) No material may be excavated from any erf except to prepare the erf for building purposes, nor may any Existing Use be continued without the Permission of the Municipality.
- (c) No animal as defined in the Municipal By-laws: Keeping of Animals, Birds and Poultry and to Businesses involving the Keeping of Animals, Birds and Poultry and Pets as published in terms of Notice No 432/2004 on 26 May 2004 may be kept on any erf except with the Permission of the Municipality.
- (d) No wells or boreholes may be sunk on any erf except with the Permission of the Municipality and subject to such conditions as the Municipality may impose.
- (e) If in the opinion of the Municipality it is impracticable for storm-water to be drained from any high-lying erf direct to a public street, the owner of any lower lying erf shall be obliged to accept and/or permit the passage of such storm-water and the owner of such high-lying erf, the storm-water from which is discharged over the lower lying erf, shall be liable for a proportionate share of the cost of any pipe-line or drain which the owner of such lower lying erf may find necessary to construct for the purpose of conducting the water so discharged.
- (f) Main buildings shall be erected and completed simultaneously with or before the erection of the outbuildings.

(3) Townships subject to further conditions are listed, together with such conditions, in Schedule 5.

(4) Certain erven are subject to special conditions as set out in Schedule 5 hereof.

(5) Rooftop Antennas or dishes for telecommunication purposes may be fixed to any building except Dwelling-units on property zoned "Residential 1", "Residential 5", and "Special" for one of the afore-mentioned Use Zones: Provided the top of the antenna or dish is not higher than 5,0 meters above the maximum height of the building as stipulated in Clause 26(2) and (3) and it does not have a

- diameter of more than 2,0 meters and a building plan for such has been approved. This will not apply to household television antenna or dishes. Rooftop Antenna or dishes not complying with these conditions shall be subject to the Municipality's Permission before being fixed to a building.
- (6) Goods shall only be loaded or off-loaded within the boundaries of the property unless the Municipality has provided loading facilities within the street reserve. This condition is not applicable to properties in Use Zones 1 to 5.
  - (7) Except in the case of erven in the use zone "Residential 1" and "Residential 5", the Municipality may require that a screen wall of at least 2,0 meters high be erected on one or more boundaries or elsewhere on such property.
  - (8) If a property is fenced or walled in by any means whatsoever, such fence or wall shall be to the satisfaction of the Municipality.
  - (9) Every owner and occupant of property is responsible for the maintenance of such property, including the improvements on it as well as the garden.
  - (10) The area where rubbish or waste is temporarily stored before it is removed, shall be properly screened from the street and adjacent properties and regularly removed to the satisfaction of the Municipality's Health Officer.
  - (11) Informal trade shall not be conducted in any street or road without the Permission of the Municipality and subject to its By-laws and other legislation regulating such trade.
  - (12) Septic tanks and French drains shall be located at least 50 meters from any borehole being used for drinking water.
  - (13) The design and construction of septic tanks and French drains shall comply with the Municipality's requirements.
  - (14) The Municipality's By-laws and other relevant legislation relating to health and safety standards shall be applicable to all land and buildings and owners and occupants shall comply with the relevant standards as well as any other applicable legislation: Provided that in the event of conflict between the provisions of the Scheme and a By-law the provisions of the Scheme will prevail.
  - (15) All relevant requirements specified in environmental legislation shall be complied with prior to final approval of an application in terms of this Scheme and the Ordinance or before any land use, which is a listed activity in terms of Sections 24 and 24D of the National Environmental Management Act, 1998 (Act 107 of 1998) (NEMA), is exercised in terms of the provisions of this Scheme.
  - (16) Applicants intending to apply for any application in terms of this Scheme or the Ordinance must take cognisance of the restrictions on development in the vicinity of the landing and take-off areas of an Airport as laid down in the South African Civil Aviation Act, 2009 (Act 13 of 2009) and its Regulations.
  - (17) Micro light aircraft or helicopters or other forms of air transport shall not be parked, stored, driven or flown to or from any property in Use Zones 1, 2, 3, 4, 5, 6, 7, 8, 9, 13, 14, 18, 19, 20, 21, 22, 23, and 26: Provided that subject to Clause 16 the Municipality may grant its consent for the aforementioned uses on property in Use Zones 10, 11, 12, 15, 16, 17, 25, and 27.
  - (18) Engineering Services
    - (a) Every property developed in terms of any application submitted in terms the Tshwane Town-planning Scheme, 2008 (Revised 2014), and legislation shall be provided with such engineering services, as the Municipality may deem necessary for the proper development of the property.

- (b) The owner of any property, which is the subject of a planning application in terms of any applicable law, shall at his (or her or its) costs and to the satisfaction of the Municipality, design, provide and construct all internal engineering services (engineering services related to the particular application), to the satisfaction of the Municipality.
  - (c) The owner shall, within such period as the Municipality may determine, fulfil his (or her or its) obligations in respect of the provision of water and sanitary services as well as the construction of roads and storm-water drainage and the installation of systems therefore, as determined by the Municipality, which requirements shall be provided to the applicant/owner and as agreed upon between the owner and the Municipality.
  - (d) For the purpose of the scheme, any engineering services or open space requirements shall be reflected as part of the application and shall be taken up in the scheme, amendment scheme or decision, as conditions whichever is applicable.
  - (e) Where engineering services construction and upgrades are required on external engineering services as defined in terms of the guidelines that the Administrator has determined from time to time, the Municipality may require that:
    - (i) at the expense of the applicant/owner a service scheme report be prepared by a registered professional engineer, addressing the provision of roads and storm-water for an application, including storm-water management on site attenuation, to the satisfaction of the Municipality and may be required to be submitted for consideration and approval;
    - (ii) the requirements for engineering services be incorporated into an application in terms of any legislation for consideration;
  - (f) Without derogating from any specific engineering services requirements on any application, all engineering services constructed as a result of a development/town-planning application either by the property owner or the Municipality, shall be protected by means of servitudes in favour of the Municipality, which servitudes shall be provided free of cost and compensation, prior to the exercising of any development rights.
  - (g) If and when required, engineering services agreements may be entered into by the Municipality and the applicant with regard to the provision of engineering services, engineering contributions, guarantees or any applicable engineering terms and conditions.
  - (h) The 1:100 year flood line certification, by a Professional Engineer, in respect of any application on any property within the jurisdiction of the Municipality, shall be obtained and indicated on the diagrams or layout plans or any relevant documentation. (Water Services Act, 1997 (Act 108 of 1997) requirements).
  - (i) Where the Municipality is not the bulk supplier of electricity to a property, the property owner shall make the necessary arrangements with ESKOM, the licensed supplier of electricity to the property.
  - (j) Any building generating noise, other than construction noise, shall comply with the noise zone criteria and acoustical screening requirements of the Municipality's Health Services regulations.
- (19) (a) Access Control by means of a gate and/or boom and Guard House may be erected on the portion indicated as a street or servitude of right-of-way on the approved Site Development Plan.
- (b) Only in the case of a non-full title development may ancillary and subservient uses such as a swimming pool, lapa, braai area and recreation room be erected on the property for the use of the residents and their guests.

- (c) Security and Access Control development schemes applicable to more than 7 portions (excluding the road/street portion) shall comply with the following conditions:
- (i) A company incorporated in terms of the Companies Act, 2008 (Act 71 of 2008) (hereinafter referred to as 'the Non-profit Company'), shall be established, which company shall be administered by a Home Owners/Land Owners/Residents Association, and be incorporated to the satisfaction of and in accordance with the requirements of the Municipality.
  - (ii) The owner shall submit the draft Articles of Association and Memorandum of Association to the Municipality for approval, prior to the registration thereof with the Registrar of Companies and shall ensure that the following conditions shall be included in the Articles or Memorandum of Association:
    - (aa) Each and every owner of a portion or erf in the development shall have free access over the access erf or portion to afford him or her access to a public road.
    - (bb) Each and every owner of an erf or portion in the development shall have free entrance to and usage of the access portion or erf.
    - (cc) The Municipality's engineering services departments and its emergency services are guaranteed 24 hour access over or to the access portion or erf in order for the Municipality to deal with its installations and provide services to the residents in the development, where such services are to be provided by the Municipality in terms of the approval of the development.
    - (dd) The Non-profit Company shall have full responsibility for the functioning and proper maintenance of the access portion or erf and the engineering services within the said erf as well as any Private Open Space portion or erf and the attenuation system(s) on the erf, all to the satisfaction of the Municipality.
    - (ee) The Non-profit Company shall not apply for de-registration at the Registrar of Companies without the written approval of the Municipality first having been obtained. The Non-profit Company shall at all times comply with the provision and or requirements for the existence and continuation of the company as a corporate entity.
    - (ff) The Non-profit Company shall properly and clearly display the street name and street numbers allocated to the individual erven in development and shall maintain such to the satisfaction of the Municipality.
    - (gg) The Non-profit Company shall undertake not to submit an application to rezone either the access portion or Erf nor any Private Open Space portion or Erf.
    - (hh) The Articles of Association shall not be implemented and/or amended as far as such implementation and/or amendment relates to Sub-clauses (aa) and (bb) above and including this clause, without the written approval of the Municipality first being had and obtained.
    - (jj) The transfer of any erven required by the Municipality to be transferred to the Non-profit Company for access or Private Open Space purposes shall be regarded as common property of the Non-profit Company in the case of a sectional title development and, shall not be sold or transferred to any other entity.

- (kk) The transfer of any erven required by the Municipality to be transferred to the Non-profit Company for access or Private Open Space purposes shall not be sold or transferred to any other entity.
- (ll) Upon the access portion or erf being transferred to the Non-profit Company the zoning of the property shall be in terms of its use being "Special for Private Road", and the Municipality's rates department shall be informed accordingly.
- (mm) A servitude over the whole of the access portion shall be registered in favour of the Municipality for Municipal Purposes to the satisfaction of the Municipality free of cost and compensation.

(iii) Conditions to be incorporated in the individual deeds:

Each and every owner of an erf in the development shall on transfer automatically become a member of the Non-profit Company established in respect of the development (hereinafter referred to as the "Association") and the applicant/owner shall procure that each erf be made subject to the following conditions in favour of the Association:

- (aa) Every owner of the erf or owner of any portion of an erf or owner of any unit thereon, shall on transfer automatically become and shall remain a member of the Association and shall be subject to its Constitution until he/she ceases to be an owner as aforesaid.
- (bb) The owner of the erf or owner of any portion thereof or any unit thereon, shall not be entitled to transfer the erf or any portion thereof or any interest therein or any unit thereon, without a clearance certificate from the Association certifying that the provisions of the Constitution of the Association have been complied with.

(iv) In the case where less than 7 portions or erven created the following shall apply:

- (aa) Reciprocal servitudes shall be registered over the various portions in favour of the other portions. Prior to the servitude being surveyed the applicant/owner shall engage with the Municipality with regard to the means by which such a servitude can and shall be registered.
- (bb) To ensure the maintenance of the reciprocal servitude the Municipality may require the creation of Residents Association and require that the owners of every portion or erf be a party to the Residents Association, which will then also be taken up in the various title deeds/CRT's of the portions.
- (cc) Each and every owner of the erven/portions shall become members of the Residents Association which membership shall be registered against each and every title deed.
- (dd) A servitude shall be registered in favour of the Municipality free of cost and compensation for Municipal Purposes over the access servitude, to the satisfaction of the Municipality.
- (ee) The Municipality shall not be liable for cost of the construction, maintenance or defects of the access servitude in any way.

(v) Access via a Private Road portion where there is less than 7 portions:

- (aa) If a road portion is created in the above circumstances, whether the road portion remains in the ownership of the developer/owner or even if it is transferred to the Resident's Association in any form or manner, the portions/erven in the development shall be entitled to a servitude over the access portion or erf (road) to the satisfaction of the Municipality.
  - (bb) To ensure the maintenance of the servitude the Municipality may require the creation of Residents Association and require that the owners of every portion or erf be a party to the Residents Association, which will then also be taken up in the various title deeds/CRT's of the portions.
  - (cc) The Residents Association shall be established to the satisfaction of the Municipality to construct and maintain the access portion as indicated on the layout plan prior to the transfer of any portion/erven.
  - (dd) Each and every owner of the erven/portions shall become members of the Residents Association which membership shall be registered against each and every title deed.
  - (ee) A servitude shall be registered in favour of the Municipality free of cost and compensation for Municipal Purposes over the access portion, to the satisfaction of the Municipality.
  - (ff) The Municipality shall not be liable for cost of the construction, maintenance or defects of the access servitude in any way.
  - (gg) The Municipality may require that the access portion be notarially tied to each and every portion or erf in the development.
- (vi) Public Street portions/servitudes:
- (aa) In any of the above scenarios where it is the intention of the owner to provide access via a portion which is to be a public street, the road portions shall be indicated as a public street on the layout/subdivision plan or any other relevant diagram or document.
  - (bb) The street shall be constructed free of cost and compensation and to the standard and satisfaction of the Municipality.
  - (cc) The said portion shall further be transferred to the Municipality, to its satisfaction free of cost and compensation.
  - (dd) A public right of way may be registered, if and when required by the Municipality, and to the satisfaction of the Municipality for access purposes.
  - (ee) The minimum width of any private access road, portion or servitude within a security development shall be 10,5 meters wide, which may in special circumstances and at the sole discretion of the Municipality be reduced.
- (vii) Restriction on the Transfer of Portions/Units or Erven:
- (aa) The owner/developer of a sectional title development shall, at his own costs and to the satisfaction of the Municipality, design, provide and construct all engineering services including the internal roads, or road surfaces and the storm-water reticulation, within the boundaries of the development.

Portions/Units or Erven in the development, shall not be provided with an occupation certificate nor may they be alienated or transferred into the name of a purchaser, nor a Certificate of Registered Title taken out in the name of the owner/developer, prior to the Municipality certifying to the Registrar of Deeds or

is satisfied before occupation, that these engineering services had been provided and installed; and

- (bb) The owner/applicant/sectional title body corporate shall, at his (or her or its) costs and to the satisfaction of the Municipality, survey and register all servitudes required to protect the engineering services provided, constructed and/or installed as may be required by and to the Municipality. Erven and/or units in the sectional title development, shall not receive occupancy and may not be alienated or transferred into the name of a purchaser, nor a Certificate of Registered Title taken out in the name of the Township owner, prior to the Municipality certifying that they are satisfied and to the Registrar of Deeds that these engineering services had been or will be protected to the satisfaction of the Municipality.

#### **CLAUSE 19: DETRIMENTAL SOIL CONDITIONS**

19. (1) For development of all properties situated on dolomite ground, the Municipality may require one or more of the following:
- (a) A dolomite stability and foundation investigation shall be conducted by a qualified person acceptable to the Municipality, and a report shall be compiled from the results, indicating areas suitable for development and specifying conditions under which development can take place, to the satisfaction of the Municipality, before any building operations may commence on the property.
  - (b) Precautionary measures as identified in the report mentioned in Sub-clause (1)(a) shall be incorporated in the Site Development Plans and building plans.
  - (c) A registered engineer shall be appointed to establish relevant measures with regard to structural work, drainage of the structures and site, as well as the installation of services, in accordance with the findings and recommendations made in report mentioned in Sub-clause (1)(a). A certificate completed by said engineer shall be submitted with building plans. On the completion of the development, the said engineer shall certify that all specifications have been complied with.
  - (d) A Construction Report, which is a further refinement of the dolomite stability report mentioned in Sub-clause (1)(a) and entails mapping of trenches, shall be compiled by a qualified person acceptable to the Municipality and submitted to the Municipality before transfer or occupation of the property shall be permitted.
  - (e) A Dolomite Risk Management Plan, specific to the said development shall be compiled by a qualified person acceptable to the Municipality and submitted to the Municipality before transfer or occupation of the property shall be permitted.
- (2) For development of all properties situated on non-dolomite ground, the Municipality may require one or more of the following:
- (a) A geotechnical investigation shall be conducted by a qualified person acceptable to the Municipality and a soils report shall be compiled from the results indicating the various classes of soils in accordance with the NHBRC soils classification, as contained in the NHBRC Home Building Manual, to the satisfaction of the Municipality, before any building operations are commenced on the property.

- (b) Precautionary measures and/or measures to overcome detrimental soil conditions, as identified in the report mentioned in Sub-clause (2)(a) shall be incorporated in the Site Development Plans and building plans.
- (c) A registered engineer shall be appointed to design, specify and supervise structural measures for the structures in accordance with the soil classification as identified in the report mentioned in Sub-clause (2)(a). The engineer may also be held responsible for other measures to overcome the detrimental soil conditions, as contained in the soils report, to the discretion of the Municipality. A certificate completed by the said engineer shall be submitted with building plans. On the completion of the development, the said engineer shall certify that all specifications have been complied with.

**CLAUSE 20: CONDITIONS APPLICABLE TO RESIDENTIAL 1 ERVEN**

20. (1) Where application is made in terms of Section 92 of the Town-planning and Townships Ordinance, 1986, for the subdivision of a "Residential 1" zoned erf into two or more erven (hereafter referred to as "resultant erf or erven"), the application shall, subject to the provisions of Sub-clause (2), not be granted if by that subdivision any resultant erf will -
- (a) have a size, excluding the area of a panhandle or the area of a servitude of right of way, if applicable, which is smaller than the minimum erf size specified in the electronic data base of the scheme (Schedule 6) or in an Annexure T;
  - (b) not have vehicular access to a public street to the satisfaction of the Municipality.
- (2) Notwithstanding the provisions of Sub-clause (1), the following further conditions are applicable to the subdivision approval:
- (a) such erf shall have an acceptable shape and street frontage for vehicular access; or if such resultant erf is an erf with a panhandle or a servitude of right of way and the size of such resultant erf, exclusive of the panhandle or a servitude of right of way, complies with the applicable minimum erf size: Provided that:
    - (i) the panhandle shall provide access from a street to the panhandle portion;
    - (ii) the panhandle shall be not less than 3 meters wide along its whole length and not wider than 8 meters, except with the written Permission of the Municipality;
    - (iii) the area of the panhandle portion, excluding the panhandle, shall be in accordance with the minimum erf size requirements of this Scheme;
    - (iv) the slope of the panhandle shall not exceed 1:8: Provided that it may be relaxed with the Permission of the Municipality in special circumstances;
    - (v) a panhandle shall provide access only to the erf of which it forms a part as well as the property in favour of which a servitude of right of way has been registered over the panhandle, except where the Municipality otherwise determines;
    - (vi) the registered owner of the panhandle portion shall at his own expense pave the panhandle to the satisfaction of the Municipality prior to or simultaneously with the erection of any building on the erf and such roadway shall thereafter be maintained dust free to the satisfaction of the Municipality;
    - (vii) the registered owner of the panhandle portion shall when required by the Municipality erect screen walls or dense barriers along the boundaries of the panhandle to the satisfaction of the Municipality. The extent, material, design, height, position and maintenance of such screen walls or barriers shall be to the satisfaction of the Municipality;

- (viii) no buildings or structures shall be erected in the panhandle; and
  - (ix) the minimum street frontage shall not be less than 3,0 meters.
- (b) Waive the requisite of a street frontage or a panhandle to such erf, on condition that:
- (i) a servitude of right of way to a public street, to the satisfaction of the Municipality, be registered in favour of such erf;
  - (ii) such servitude shall have a width of not less than 3,0 meters and not more than 8,0 meters, except with the written Permission of the Municipality; and
  - (iii) the boundaries of such servitude shall be deemed to be a side or rear boundary of the erf over which it is registered.
- (3) Where any portion of a "Residential 1" zoned erf is physically severed from such erf owing to the execution of public works or stands to be severed by the proposed execution of such works, the portion so severed shall be deemed to be an existing erf and a Dwelling-house may be erected there-on or an existing Dwelling-house may be retained there on: Provided that the size and shape of such erf in relation to the surrounding erven is to the satisfaction of the Municipality.
- (4) Where a "Residential 1" zoned erf has a density of "One dwelling-house per erf" as indicated in Schedule 6 or an Annexure T then such erf shall not be subdivided.
- (5) Where any portion of a "Residential 1" zoned erf, is physically severed from such erf, owing to the execution of public works or is to be severed by the proposed execution of such works, the portion so severed shall be deemed to be an existing erf, and a Dwelling-house may be erected thereon or an existing Dwelling-house may be retained thereon, as the case may be, on condition that such portion has an area not less than 300m<sup>2</sup> or the minimum erf size specified in the Scheme, Clauses, Annexure T, consent use condition and has access, the width of which is not less than 3 m, to a public street.

**CLAUSE 21: CONDITIONS APPLICABLE TO RESIDENTIAL 2 ERVEN**

21. The erf is subject to the conditions contained in Schedule 4 or in an Annexure T.

**CLAUSE 22: CONDITIONS APPLICABLE TO RESIDENTIAL 3 ERVEN**

22. The erf is subject to the conditions contained in Schedule 3 or in an Annexure T.

**CLAUSE 23: CONDITIONS APPLICABLE TO RESIDENTIAL 4 ERVEN**

23. (1) The number of tenements which may be erected on an erf, is determined in terms of Condition 1 of Schedule 2 to the Scheme.
- (2) The stipulations of Clause 14(3)(a) are applicable.

**CLAUSE 24: CONDITIONS APPLICABLE TO A PUBLIC GARAGE**

24. (1) No material or equipment of any nature whatsoever shall be stored or stacked to a height exceeding the height of the screen wall: Provided that the Municipality may relax this condition if, in the opinion of the Municipality it shall not be detrimental to the general amenity of the neighbourhood.
- (2) No repairs of any nature to vehicles or equipment shall be affected outside the garage building, except in an area which is screened to the satisfaction of the Municipality for that purpose: Provided that the Municipality may relax this condition where the erf is situated within, adjacent to or surrounded by industrial uses.
- (3) No material or equipment of any nature shall be stored or stacked outside the garage building except in an area which is screened to the satisfaction of the Municipality for that purpose: Provided that fuel pumps or oil and fuel installations may be sited outside the building to the satisfaction of the Municipality: Provided further that the Municipality may relax this condition where the erf is situated within, adjacent to or surrounded by industrial uses.
- (4) Canopies over fuel pump installations are not regarded as coverage but shall be considered Gross Floor Area for FAR and subject to Clause 9.

**CLAUSE 25: FLOOR AREA RATIO**

25. No building shall be erected so as to exceed the Floor Area Ratio specified in the following Table C or Annexure T:

**TABLE C: FLOOR AREA RATIO**

(1)	(2)	(3)	(4)
FAR Zone as recorded in electronic data base of Scheme	FAR for all uses in other Use Zones except uses in Columns (3) and (4)	FAR for Boarding House, Guest-house, Hotel and Institutions	FAR for Agricultural Buildings, Blocks of Flats, Blocks of Tenements, Hostels, Duplex Dwellings, Dwelling-houses in Use Zones 1, 17 and 19, and Dwelling-units in Use Zones 2, 3 and 4
1	6,0	6,0	6,0
2	5,5	5,5	5,5
3	4,0	4,0	2,5
4	2,5	2,5	2,0
5 *1	2,0	2,0	1,5
6 *2	3,0	Not applicable	Not applicable
7	1,8	1,2	1,2
8	Not Applicable	1,5	1,5
9	0,75	0,8	0,75
10	0,6	0,6	0,6 Use Zone 2: Not applicable
11	1,8	0,9	0,9
12	3,0	2,4	2,4
13	2,25	1,8	1,8
14	2,0	1,8	1,8
15	2,1	2,1	2,1
16	0,4	0,4	0,4
17	0,5	0,5	0,5 Use Zone 2: Not applicable
18	0,8	0,8	0,8 Use Zone 2: Not applicable
19	1,2	1,2	1,2 Use Zone 2: Not applicable
20	1,5	1,5	1,5
21 *3	0,3	1,5	Not applicable
22	0,9	0,9	0,9
23	2,1	1,2	1,2
24	1,0	1,0	1,0
25	2,0	2,0	2,0
26	Not applicable	Not applicable	Not applicable
27	0,4	0,4	0,4 Use Zone 2: Not applicable
28	0,6	0,6	0,6 Use Zone 2: Not applicable
29	0,35	0,35	0,35 Use Zone 2: Not applicable
30	1,4	1,4	1,4 Use Zone 2: Not applicable

**Note: Exceptions to the above Table:**

- \*1. If no FAR is indicated in an Annexure T or in the electronic data base of this Scheme then this FAR Zone will apply to all Use Zones excluding Use Zones "Industrial 1", "Industrial 2", "Residential 1", "Residential 2", "Agricultural", "Undetermined" and "Special".
- \*2. If no FAR is indicated in an Annexure T or in the electronic data base of the Scheme then this FAR Zone will apply to Use Zones "Industrial 1" and "Industrial 2" only.
- \*3. If no FAR is indicated in an Annexure T or in the electronic data base of this Scheme then the FAR Zone 21 shall apply to Use Zones "Residential 1", "Residential 2", "Agricultural", "Undetermined" and "Special" for any Residential use.
- \*4. If no FAR is indicated in an Annexure T or in the electronic data base of this Scheme then the FAR for Special for all non-residential uses shall be in accordance with the approved Site Development Plan.

Provided that -

- (1) where a building is designed for more than one use a proportional Floor Area Ratio, based on the proportional usage as described in Paragraph 2 of Schedule 2, shall be permitted.

**CLAUSE 26: HEIGHT OF BUILDINGS**

- 26. (1) No building shall be erected so as to exceed the maximum height and the maximum number of storeys specified in the following Table D or Annexure T or approved Consent Use:

**TABLE D: HEIGHT**

(1)	(2)	(3)
Height Zone per property as recorded in the electronic data base of the Scheme	Use Zones	Maximum Height in metres and maximum number of storeys
1	All Use Zones	32 (eleven storeys)
2	All Use Zones	28 (ten storeys)
3	All Use Zones	25 (nine storeys)
4	All Use Zones	22 (eight storeys)
5 *1	All Use Zones	19 (seven storeys)
6 *2	All Use Zones	18 (six storeys)
7	All Use Zones	15 (four storeys)
8	All Use Zones	23 (eight storeys)
9	All Use Zones	13 (three storeys)
10 *3	All Use Zones	10 (two storeys)

**Note: Exceptions to the above Table:**

- \*1. If no height is indicated in an Annexure T or in the electronic data base then this Height Zone will apply to all Use Zones excluding Use Zones "Industrial 1", "Industrial 2", "Residential 1", "Residential 2", "Agricultural", "Undetermined" and "Special".

- \*2. If no height is indicated in an Annexure T or in the electronic data base then this Height Zone will apply to Use Zones "Industrial 1" and "Industrial 2" only.
- \*3. If no height is indicated in an Annexure T or in the electronic data base of this Scheme then this height zone will apply to Use Zones "Residential 1", "Residential 2", "Agricultural", "Undetermined" and "Special" for any Residential use.
- \*4. If no height is indicated in an Annexure T or in the electronic data base of the Scheme then the height for Special for all non-residential uses shall be in accordance with the approved Site Development Plan.

Provided that:

- (a) In "Industrial 1" zone the height of industrial buildings shall not be subject to the height as set out in the foregoing Table D.
- (b) In an "Industrial 2" and "Commercial" Use Zones the Municipality may grant Permission to an increase in height in respect of any building, which requires additional height for a manufacturing process or storage purposes.
- (c) No Dwelling-unit in Use Zones "Residential 1", "Residential 2", "Agricultural" and "Undetermined" shall exceed 10,0 meters in height above natural ground level and such Dwelling-unit shall not contain more than 2 storeys one above the other as indicated in Diagram 4 below and such height shall include the basement or part of the basement protruding above natural ground level:

Provided that the Municipality may in special circumstances, excluding where it is laid down in an Annexure T or approved Consent Use, grant its Permission to relax the afore-mentioned restrictions if it is satisfied that the privacy of the adjacent residents shall not be negatively affected and that it would result in a better development and to grant its Permission that the height of each storey may vary from the minimum specified in the National Building Regulations to a maximum of 6,0 meters measured from floor to ceiling depending on the design of the Dwelling-unit.

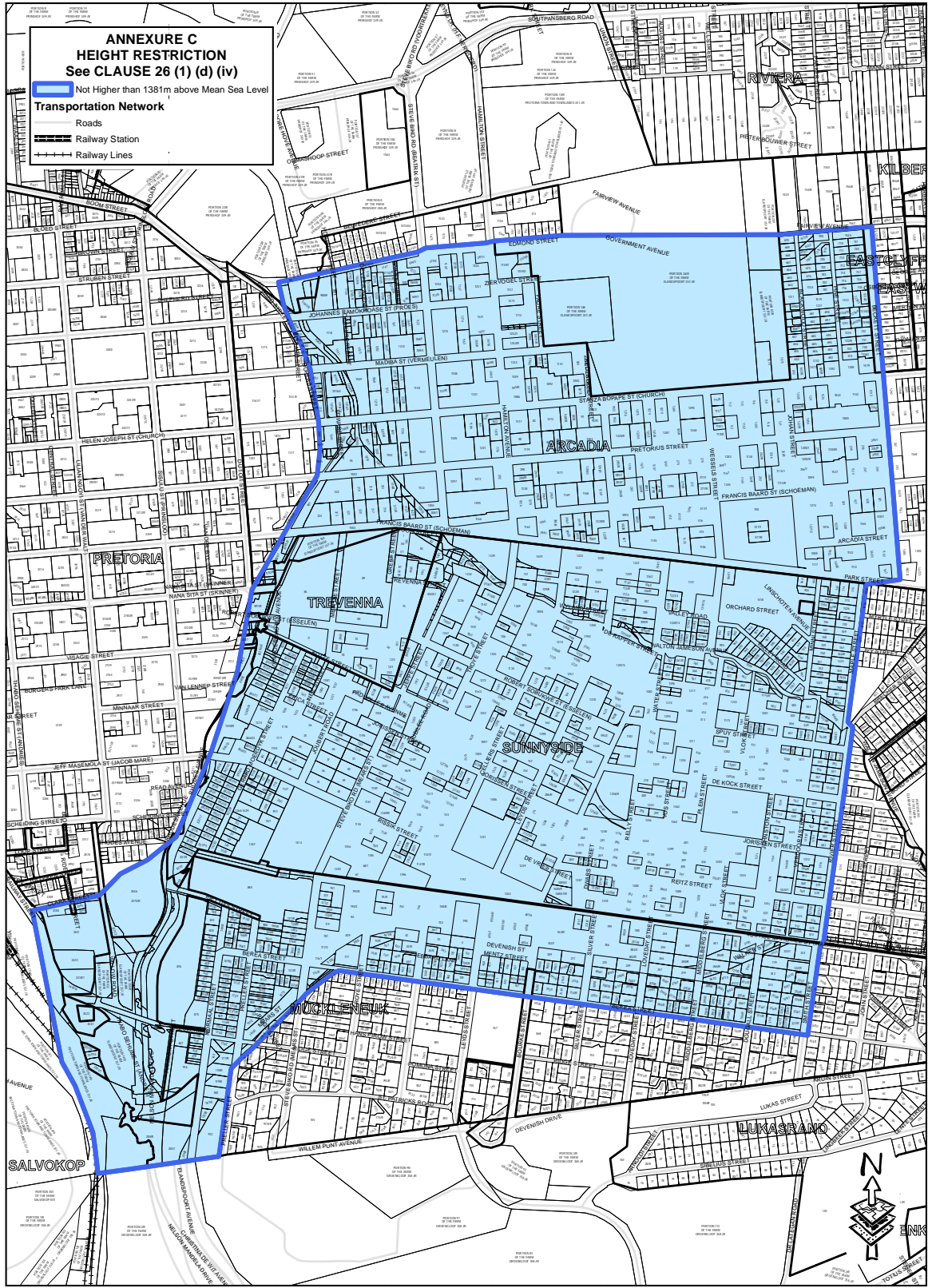
- (d) The Municipality may in its discretion grant Permission or approval for an increase in height in any Use Zone in the case of:
  - (i) a building erected by the Municipality itself or any tertiary education institute established by law;
  - (ii) a building where, owing to the imposition of a Building Line or Coverage restriction, the applicable Floor Area Ratio and/or maximum coverage cannot otherwise be attained;
  - (iii) a building which requires additional height in order to improve the architectural treatment thereof or to provide amenities solely for the occupants of the building, on condition that not more than 10% of the roof area is covered by that portion of the building for which additional height is required;
  - (iv) a building to be erected after compliance with the provisions of Clause 16, to a height greater than that permitted in Table D, Annexure T or a condition imposed in terms of a Consent Use approval can:
    - (aa) on condition that such building in the opinion of the Municipality embodies in its design special features; and
    - (bb) which in the opinion of the Municipality add to the general amenity of the area; and

- (cc) provided that provision shall be made for parking in accordance with Clause 28, or as required by the Municipality.
  - (v) a building after compliance with Clause 16 where such height is laid down in an Annexure T or approved Consent Use.
  - (e) *(deleted)*
  - (f) No building on a property which falls within the area bordered blue as shown on Annexure C shall be permitted to be more than 1381 metres above mean sea level.
- (2) For the purposes of this Clause the following shall not be calculated as height:
- (a) *(deleted)*
  - (b) with the Permission of the Municipality one or part of one storey of a building excluding a Dwelling-house or Dwelling-unit, which is used for the parking of vehicles:
 

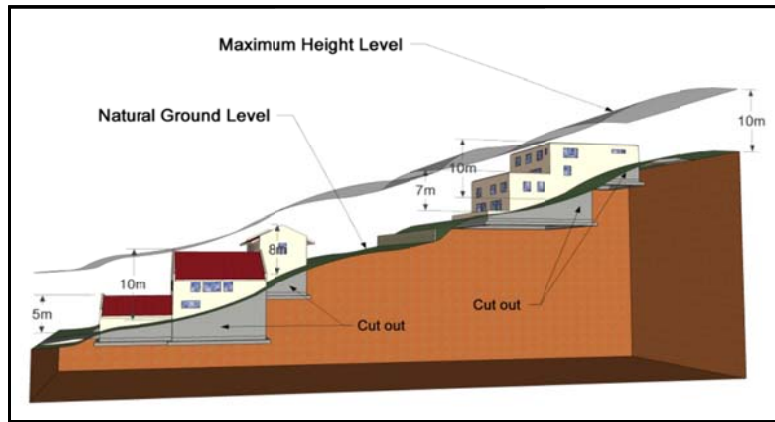
Provided that,

    - (i) the Municipality may grant Permission for a maximum of three storeys to be used for the parking of motor vehicles except in the area bounded by Justice Mahomed (Walker Street), the railway line and Steve Biko (Mears) Street, in Muckleneuk, where only one storey for the parking of motor vehicles shall be permitted;
    - (ii) if the parking storey is above the ground floor, an area of not less than 85% of such storey shall be used for parking purposes and access ramps; and
    - (iii) if the parking storey is on the ground floor, accommodation may also be provided on this floor for an entrance hall, lifts, stairs, accommodation for the employees necessary for the servicing of the building, facilities for the servicing and maintenance of the building and amenities for the occupants of the building, but excluding a Caretaker's Flat, on condition that the combined area of the afore-mentioned uses may not exceed 20% of the area of the erf which may be covered by the building.
  - (c) Any part of the building above the maximum permitted height, which is necessary for maintenance and mechanical equipment such as a lift room and air conditioner units, necessary for the servicing of the building, on condition that it is not used for any other purpose; and
  - (d) Any chimney, ornamental tower, turret, or other similar architectural feature, lightning conductor mast and telecommunication base station, but excluding the parapet wall of a flat roof.
- (3) The height of any part of a building shall be measured vertically from the natural ground level to the highest point of the building as indicated in Diagrams 4, 5 and 6 below: provided that the ground storey shall be the first storey when calculating the maximum number of storeys permitted.
- (4) Where the height of a building is specified in storeys only, then a storey shall be equivalent to a maximum height of 4,5 meters measured from the floor to the ceiling above; except where a single storey building or the first storey of a multiple storey building is designed as a double volume, in which case the height of such storey shall not be more than 6,0 meters floor to ceiling for Dwelling-units and Residential Buildings and 9,0 meters for non-residential buildings; except with the Permission of the Municipality.
- (5) In the case of industrial buildings, light industrial buildings, Warehouses, wholesalers and Distribution Centres where the height is expressed in storeys then the height of the building may be

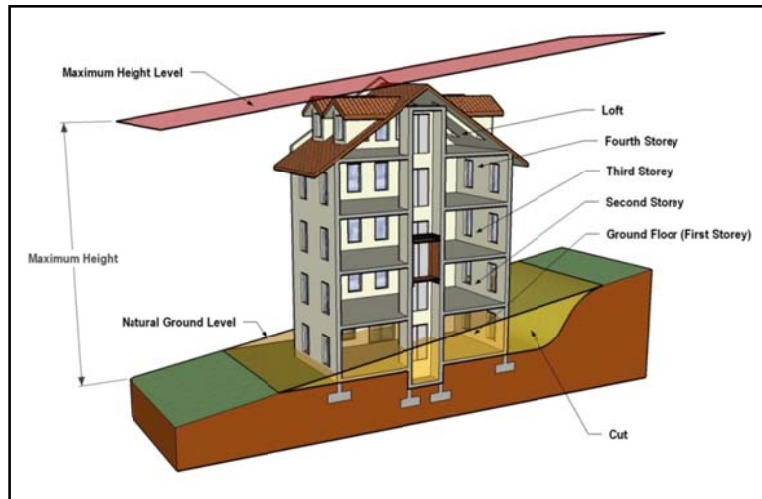
equivalent to the total height of all the storeys converted to metres, subject to Sub-clause (4) above, and the maximum height of such building shall exclude the height of the roof.



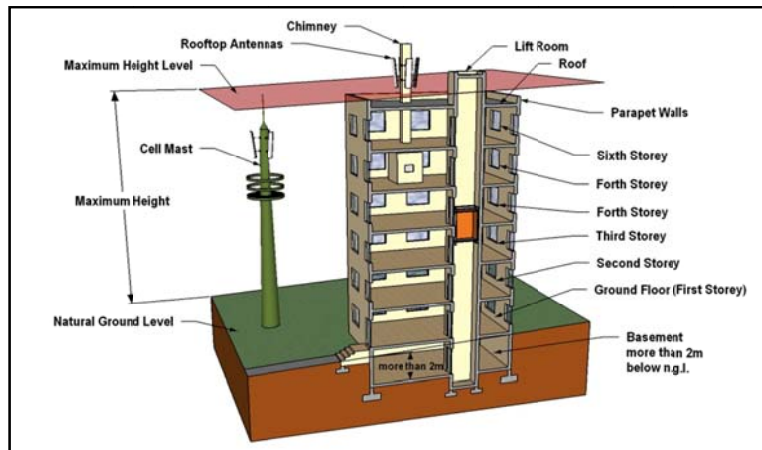
**Diagram 4**



**Diagram 5**



**Diagram 6**



**CLAUSE 27: COVERAGE**

27. (1) No building shall be erected so that a greater portion of the property is covered by the building than is indicated in the following Table E or Annexure T:

**TABLE E: COVERAGE**

(1)	(2)	(3)	(4)	(5)	(6)
Coverage Zone per property as recorded in the electronic data base of the Scheme	Parking Garages and Public Garages, Warehouses, buildings used solely for the display of goods	Coverage for other uses not in Columns (2), (4) (5) and (6)	Coverage for Industries, Places of Instruction, Hotel, Boarding House and Guest-house	Coverage for Duplex Dwellings, Blocks of Flats, Blocks of Tenements and Dwelling-units in Residential 4 Use Zone	Coverage for Agricultural Buildings, Dwelling-houses in Use Zones 1, 17 and 19, and Dwelling-units in Use Zones 2, 3 and 5, Hospitals and Institutions
1	95%	80%	75%	75%	50%
2	95%	80%	75%	75%	50%
3	95%	80%	75%	40%	50%
4	80%	60%	60%	40%	50%
5 *1	80%	60%	60%	40%	50%
6 *2	95%	80%	75%	40%	50%
7	80%	60%	60%	40%	50%
8	80%	60%	60%	30%	50%
9	Not applicable	Not applicable	25%	25%	Not applicable
10	Not applicable	Not applicable	30%	30%	Not applicable
11	60%	60%	60% (Industry) 30% (other)	30%	30%
12 *3	75%	75%	60%	40%	50%
13	75%	75%	60%	40%	50%
14	Not applicable	Not applicable	Not applicable	60%	Not applicable
15	30%	30%	30%	30%	30%
16	40%	40%	40%	40%	40%
17	60%	60%	60%	60%	60% Use Zone 2: not applicable
18	80%	80%	80%	80%	80%
19	70%	70%	70%	70%	70% Use Zone 2: not applicable
20	Not applicable	15%	Not applicable	Not applicable	Not applicable
21	90%	90%	90%	90%	90%
22	85%	85%	85%	85%	85%
23	75%	75%	60%	60%	Not applicable
24	50%	50%	40%	40%	Not applicable
25	60%	60%	75%	40%	Not applicable
26 *4	50%	50%	50%	50%	70%
27	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable
28	30%	30%	30%	30%	30% Use Zone 2: 40%

**Note: Exceptions to the above Table:**

- \*1. If no coverage is indicated in an Annexure T or in the electronic data base, then this Coverage Zone will apply to all Use Zones excluding Use Zones "Industrial 1", "Industrial 2", "Commercial" and Special for Dwelling-units or Special.
- \*2. If no coverage is indicated in an Annexure T or in the electronic data base, then this Coverage Zone will apply to Use Zones "Industrial 1", "Industrial 2" and "Commercial" only.
- \*3. If no coverage is indicated in an Annexure T or in the electronic data base of the Scheme then Coverage Zone 12 shall apply for Special for all Residential uses,
- \*4. If no coverage is indicated in an Annexure T or in the electronic data base of the Scheme then the coverage for Special for non-residential uses shall be in accordance with Coverage Zone 26.

Provided that,

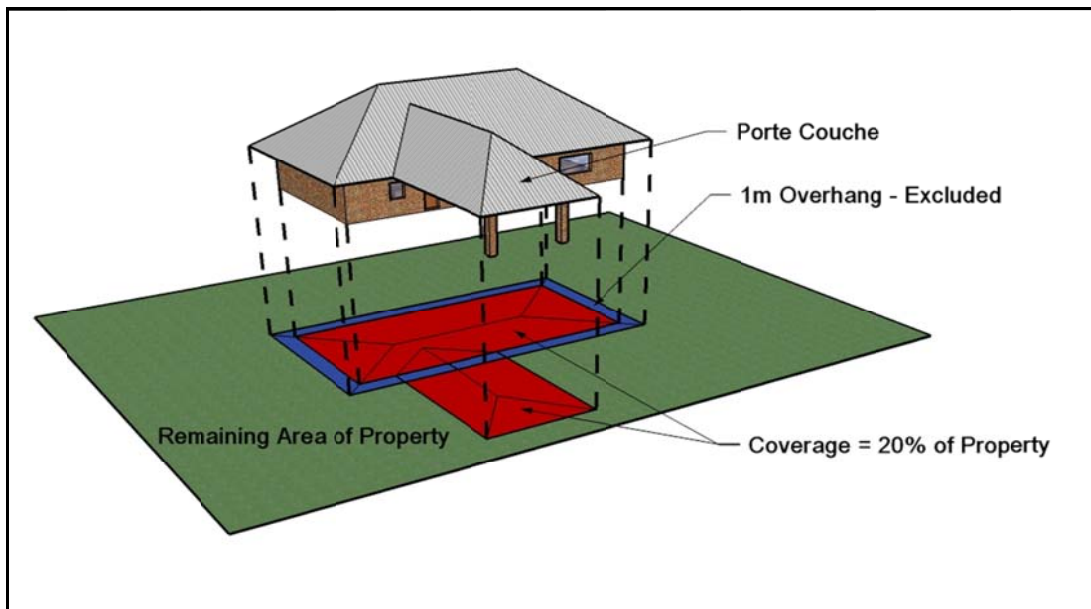
- (a) in Coverage Zones 1 and 2 a maximum coverage of 95% may be permitted for any shop on condition that such shop shall have acceptable mechanical ventilation, which condition may be waived by the Municipality, and the Municipality's Health Officer are satisfied that the shops have adequate natural ventilation;
- (b) in Coverage Zones 1 and 2 the permitted coverage for a Place of Amusement may not exceed 90% and in other Coverage Zones may not exceed 75% if artificial lighting and air-conditioning are installed;
- (c) if a building is designed for more than one use, the maximum percentage of the property occupied by buildings at each storey shall comply with the provisions of Table E in respect of the use or uses of such storey;
- (d) in the case of Blocks of Flats or Tenements in Height Zones 3, 4, 5 and 6 a maximum additional coverage of 15% shall be allowed for single-storey garages erected for the use of the tenants of the Blocks of Flats or Tenements and accommodation for the employees necessary for the servicing of the building, may be allowed on the top of such garages, subject to the condition that such garages and accommodation shall be erected in accordance with the National Building Regulations;
- (e) in a "Business 1" Zone, if Business Buildings or Shops are erected in Coverage Zones 4, 5, 6 and 8 additional coverage not exceeding 10% shall be allowed for single-storey garages erected on the same site for the use of the tenants of the buildings;
- (f) *(deleted)*
- (g) the Municipality may allow additional coverage in the case of a building used solely as a Parking Garage;
- (h) the basement floor area shall not be considered in calculating the coverage;
- (i) the applicant, if aggrieved by the Municipality's decision, may appeal; and
- (j) in Coverage Zones 1, 2, 3 and 4 on erven zoned "Business 1", where existing Business Buildings are converted to Residential Buildings, the coverage for Residential Buildings may be increased with the Permission of the Municipality to the maximum coverage for Business Buildings.
- (k) The Municipality may grant Permission for an additional 10% coverage, which shall be calculated as a percentage (%) of the entire area of the property, for any building in any Use Zone; and

- (l) The Municipality may grant Permission for an increase in coverage as provided for in an Annexure T or Consent Use.
- (2) For the purpose of this Clause coverage shall be calculated as defined in Clause 5 (see Diagram 7) and the following shall be excluded:
- (a) Minor building works as defined in the National Building Regulations and Standards Act, 1977 (Act 103 of 1977), up to a maximum of 40 m<sup>2</sup> for all such minor building works on a property.
  - (b) Canopies or eaves projections or roof overhangs up to a maximum of 1 metre measured horizontally from the exterior wall, fire escapes, laundry areas and patios (more than 50% open with louvers), municipal and other substations, projections used exclusively for the maintenance of a building or sun-protection purposes of pedestrians on ground level, rubbish-bin rooms and a roof over fuel-pumps at filling-stations or Public Garages.
  - (c) Any single-storey car shelter, such as shade netting, with at least three open sides which is not defined in Sub-clause 27(2)(a) and which is required in terms of Tables F or G, a Consent Use or Annexure T:

Provided that:

- (i) the number and extent, the siting and the appearance thereof shall be subject to a Site Development Plan and a Landscape Development Plan, approved by the Municipality; and
- (ii) the Municipality may impose any further conditions it may deem fit.

**Diagram 7**



**PART 5****PARKING AND LOADING FACILITIES****CLAUSE 28: PARKING REQUIREMENTS**

28. Parking spaces together with enough manoeuvring space shall be provided on the property in accordance with the following Tables F and G and the layout and construction thereof, shall be subject to the approval of the Municipality.

**TABLE F: PARKING APPLICABLE TO AREAS  
IN ZONES A AND B ON ANNEXURE A**

<b>Use</b>	<b>Parking spaces to be provided</b>
Duplex Dwellings	As per Schedule 3.
Flats	One parking space per 93 square metres of the Gross Floor Area of the flats.
Residential Buildings	One parking space per 37 square metres of bedroom and bathroom accommodation (other than Dwelling-houses and Blocks of Flats).
Offices	One parking space per 116 square metres of the Gross Floor Area of the Offices and their appurtenances such as storerooms, cloak-rooms, corridors.
Shops	One parking space per 116 square metres of the Gross Floor Area of the shops and their appurtenances such as Offices used in conjunction therewith, storerooms, cloak-rooms, corridors.
Industries Restricted Industries Warehouses	One parking space per five employees including management.

**TABLE G: PARKING APPLICABLE TO AREAS  
OUTSIDE ZONE A AND ZONE B ON ANNEXURE A**

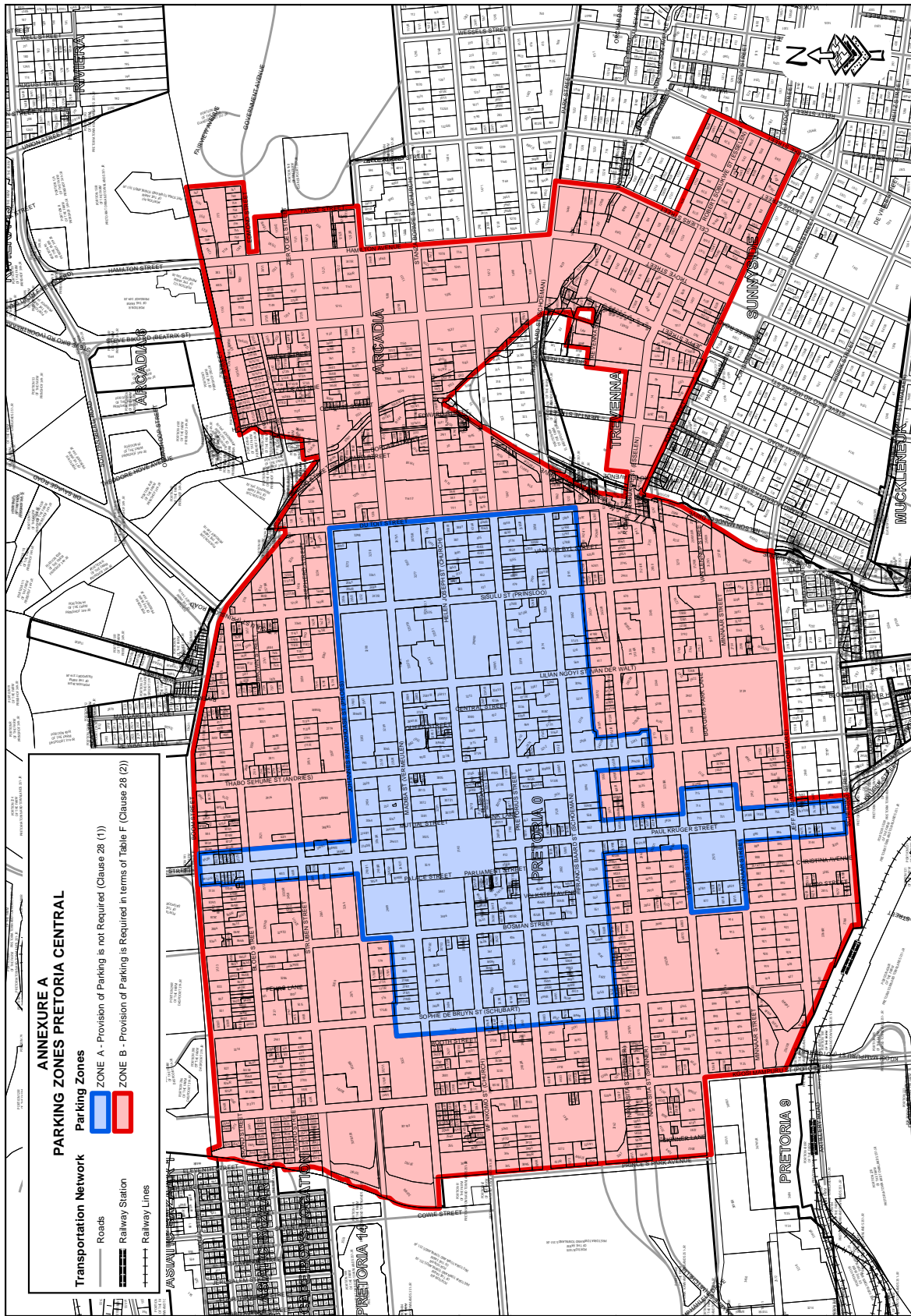
<b>(1) Use</b>	<b>(2) Parking spaces to be provided on the property</b>
Backpackers	One parking space per two beds
Business Buildings:	
(1) Fitness centres	(1) Ten parking spaces per 100 m <sup>2</sup> of the Gross Floor Area
(2) Medical and dental consulting rooms	(2) Six parking spaces per 100 m <sup>2</sup> of the Gross Floor Area
(3) Banks, building societies and other financial institutions	(3) Four parking spaces per 100 m <sup>2</sup> of the Gross Floor Area
(4) Offices, hairdressers and other businesses	(4) Four parking spaces per 100 m <sup>2</sup> of the Gross Floor Area
(5) Estate Agents	(5) Five parking spaces per 100 m <sup>2</sup> Gross Floor Area
Car Wash	7 parking spaces per car wash booth
Conference Centre	One parking space per two seats

Duplex Dwellings and Dwelling-units	<p>(1) One covered and paved parking space for each Dwelling-unit with two habitable rooms or less.</p> <p>(2) One covered and paved and one paved parking spaces for each Dwelling-unit with three habitable rooms or more.</p> <p>(3) One paved parking space per three Dwelling-units for visitors.</p>
Guest-House	Two parking spaces for the manager plus one parking space per bedroom for guests.
Home Enterprise	According to Schedule 9.
Industry	One parking space per 100 m <sup>2</sup> of Gross Floor Area.
<p>Institution:</p> <p>(1) Charitable institution</p> <p>(2) Clinic</p> <p>(3) Hospital</p>	<p>(1) To the satisfaction of the Municipality.</p> <p>(2) One parking space per bed.</p> <p>(3) (a) One parking space per bed, (b) plus 4 parking spaces per 100m<sup>2</sup> Gross Floor Area for Offices, (c) plus 6 parking spaces per 100m<sup>2</sup> Gross Floor Area for Medical Consulting Rooms.</p>
<p>Motor Workshops not included in a Public Garage:</p> <p>(1) Installation of air-conditioning, alarm systems, auto-electrical components, exhaust systems, motor glass, radios, shock absorbers, sunroofs, towbars, upholstery and tyres.</p> <p>(2) Other</p>	<p>(1) Three parking spaces per work bay, work bay included</p> <p>(2) Six parking spaces per work bay, work bay included.</p>
<p>Place of Instruction:</p> <p>(1) Primary schools</p> <p>(2) Secondary schools</p> <p>(3) Tertiary education</p> <p>(4) Other</p>	<p>(1) One parking space per classroom and/or Office.</p> <p>(2) One parking space per classroom and/or Office.</p> <p>(3) To the satisfaction of the Municipality</p> <p>(4) To the satisfaction of the Municipality.</p>
Place of Child Care	One parking space per activity room plus one stopping place for every 10 children more than 20.
Place of Public Worship	One parking space per five seats.
Place of Refreshment	One parking space per two seats.
<p>Public Garages and Filling Station:</p> <p>(1) Workshop</p>	<p>(1) 4 parking spaces per 100 m<sup>2</sup> of the Gross Floor Area.</p>

(2) Convenience Store	(2) 6 parking spaces per 100 m <sup>2</sup> of the Gross Floor Area.
(3) ATM	(3) 3 parking spaces per ATM
Residential Building:	
(1) Blocks of Flats	(1) (a) One paved parking space for each flat with three habitable rooms or less. (b) Two paved parking spaces for each flat with four habitable rooms or more; and (c) One paved parking space per three flats for visitors.
(2) Hotel	(2) (a) One parking space per leasable room, (b) Plus Six parking spaces per 100 m <sup>2</sup> public floor area.
(3) Boarding House , Hostel and Block of Tenements	(3) One parking space per 37m <sup>2</sup> of bedroom and bathroom accommodation.
(4) Commune	(4) (a) One parking space per tenant (b) plus one parking space per two tenants for visitors
Retail Industry	Six parking spaces per 100 m <sup>2</sup> of Gross Floor Area.
Light Industry:	
(1) Printing works	(1) Two parking spaces per 100 m <sup>2</sup> of the Gross Floor Area.
(2) Other Light industries	(2) One parking space per 100 m <sup>2</sup> of the Gross Floor Area.
Shop	Six parking spaces per 100 m <sup>2</sup> of the Gross Floor Area.
Residential 1:	
(1) Erven larger than 500 m <sup>2</sup>	(1) Two paved parking spaces per dwelling-house.
(2) Erven smaller than 500 m <sup>2</sup>	(2) One paved parking space per dwelling-house.
Social Hall	One parking space per four seats or twenty parking spaces per 100 m <sup>2</sup> of the Gross Floor Area.
Vehicle Sales Showroom	One parking space per 100 m <sup>2</sup> Gross Floor Area.
Veterinary Clinic	Six parking spaces per 100m <sup>2</sup> Gross Floor Area
Warehouse	One parking space per 100 m <sup>2</sup> of the Gross Floor Area.
All other land uses	To the satisfaction of the Municipality.

Provided that:

- (1) within the area (Zone A) bordered blue on Annexure A parking is not required;
- (2) within the area (Zone B) bordered red on Annexure A parking shall be provided as per Table F;
- (3) the Municipality may in its opinion in special circumstances grant its Permission for the provision of parking spaces elsewhere than on the property, provided that:
  - (a) the Use Zone of such property allows a Parking Site as a primary right or as a Consent Use subject to Clause 16; or
  - (b) The Municipality may accept a monetary contribution in lieu thereof, which contribution shall be used solely for the provision of public parking facilities in the vicinity of the property; and
  - (c) the Municipality may require that a servitude over the property with reference to (a) above, consolidation or notarial tie between the properties be registered to the satisfaction to the Municipality.
- (4) the requirements with regard to the number of parking spaces, prescribed in the above Table G or an Annexure T or a Consent Use, that shall be provided on the site, may be relaxed with the Permission of the Municipality;
- (5) the owner of a building or land in respect of which parking spaces are required in terms of this Clause shall maintain such parking spaces to the satisfaction of the Municipality; and
- (6) all parts of the property upon which motor vehicles are allowed to move or park shall be provided with a permanent dust free surface, which shall be drained and maintained, to the satisfaction of the Municipality.



**CLAUSE 29: LOADING REQUIREMENTS**

29. (1) Loading spaces, in accordance with the sizes in the following Table H and with enough manoeuvring space, entrances to and exits from the site, internal driveways, and, where required, waiting bays, receiving points and turning facilities, shall be provided on the site. If required, fuelling spaces, with enough manoeuvring space, shall also be provided on the site. The number, layout and construction of the loading and fuelling spaces are subject to the approval of the Municipality.

**TABLE H: LOADING SPACES**

(1) Use	(2) Size of loading spaces
Business Buildings Hotels (Residential Buildings) without off-sales Institution Motor Workshop Places of Amusement Places of Instruction Places of Refreshment Public Garages Light Industries Retail Industries Shops Social Halls	7,5 m x 4,5 m
Hotels (Residential Buildings) with off-sales Industries Warehouses	11 m x 7,5 m

- (2) An owner who undertakes or knowingly permits the loading, off-loading or fuelling of vehicles other than as approved by the Municipality, is guilty of an offence.

**PART 6****AMENITY IN AND OF THE ENVIRONMENT AND APPEARANCE OF BUILDINGS****CLAUSE 30: AESTHETIC CONSIDERATIONS**

## 30. (1) GENERAL AMENITY

Where in the opinion of the Municipality the general amenity of property in any use zone is injured by:

- (a) any works of any nature undertaken or proceeded with;
- (b) any use made of any building, structure, property or land of any nature; or
- (c) the condition of any building, structure, property or land of any nature, or
- (d) any noise, smell, dust or effluent above the norm as determined by the Municipality's Health Officer, the Municipality may serve a notice on the owner or occupier of the property on which the injurious work, use or conditions exist or are being carried out, requiring the owner or occupier, within a period of twenty-eight days from the date of service of the notice, to take action to abate and/or make good the afore-mentioned injurious works, use or conditions and if he does not comply the Municipality will be entitled to do it itself or have it done and recover the cost thereof from the owner:

## (2) SIGNS

- (a) No signs and advertising structures as defined in the City of Tshwane Metropolitan Municipality: By-laws for the Control of Outdoor Advertising, 2006 as amended from time to time, shall be erected on a building or land without the approval of the Municipality in terms of said By-laws.
- (b) Where conditions regulating signs as defined in the City of Tshwane Metropolitan Municipality: By-laws for the Control of Outdoor Advertising, 2006 as amended from time to time have been prescribed in an Annexure T or Consent Use conditions, the Municipality may relax such conditions after application is made in terms of the said By-laws.

## (3) OUTBUILDINGS

No outbuilding may be erected in any use zone so that its entrance faces an adjacent residential property or street in such a way that, in the opinion of the Municipality, it would be likely to cause injury to the amenities of the neighbourhood.

**CLAUSE 31: SITE DEVELOPMENT PLAN AND LANDSCAPE DEVELOPMENT PLAN**

31. (1) The Municipality may require the owner of any property intending to erect a building or structure there on or with the submission of an application to submit the following plans in addition to buildings plans required in terms of the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977):

- (a) A Site Development Plan and, if required, a Landscape Development Plan to the satisfaction of the Municipality shall be submitted to the Municipality for approval before any building plans are submitted and such Site Development Plan shall comply with the following:
  - (i) a fully detailed plan to a minimum scale of 1:200, which shall be amplified by means of sketch plans, sections and elevations of all buildings to a minimum scale of 1:100:

Provided that the Municipality may accept scales other than the afore-mentioned and which fully illustrates the following aspects:

- (aa) The siting, height, FAR and coverage of all buildings and structures (proposed extensions included) and the number of Dwelling-units per hectare.
  - (bb) Landscaping, communal open spaces, children's play areas, private living areas, backyards, laundry rooms, drying areas for washing, refuse-bin area, and swimming pool, as well as the location, height, construction and finish of screen-walls or other acceptable forms of screening.
  - (cc) Entrances to and exits from the erf to any public street.
  - (dd) The proposed lines of subdivision if the erf is to be subdivided.
  - (ee) Entrances to buildings, parking spaces and vehicular and pedestrian traffic systems.
  - (ff) Building Restriction Areas and the building set-backs on any boundary.
  - (gg) The location of Existing Buildings on adjoining erven.
  - (hh) Contour lines with 0,5 m intervals or other intervals or height indications to the satisfaction of the Municipality.
  - (jj) The grouping of Dwelling-units and the phasing of the development if it is envisaged not to develop the whole erf simultaneously.
  - (kk) The design, height and finish of all buildings and physical barriers on the street boundaries if these are required by the Municipality.
- (ii) An approved Site Development Plan shall only be amended with the Permission of the Municipality and no building plan which does not comply with the proposals and conditions as set out in the approved Site Development Plan, will be approved by the Municipality.
  - (iii) No individual Dwelling-unit which is linked to another Dwelling-unit and/or ancillary outbuilding, shall be occupied before the relevant building of which the Dwelling-unit forms part, is completely developed: Provided that the Municipality may, in exceptional cases, grant Permission thereto.
- (b) The landscaping in terms of the Landscape Development Plan shall be completed within three months of the completion of the development or any phase thereof. The continued maintenance of the landscape development shall be to the satisfaction of the Municipality.
  - (c) A Professional Landscape Designer as required by the South African Council for Landscape Architectural Profession (SACLAP) shall compile the Landscape Development Plan, which shall comply with the following:
    - (i) A fully detailed plan to a scale of 1:200.
    - (ii) The existing natural features and vegetation on the property shall be indicated.
    - (iii) The proposed soft and hard landscape design information shall specify the species, quantities and qualities of the plants.
- (2) The Municipality shall, on submission of the Site Development Plan and/or Landscape Development Plan (hereafter referred to as "the plans"):

- (a) approve the plans; or
  - (b) having regard to the character and quality of the locality or of the existing and/or future buildings or structure therein, the proposed building or structure would, in the opinion of the Municipality, detract from the character and quality of the locality, disapprove of the plans and shall give notice of its decision to the owner with, if it disapproved of the particulars, the reasons therefore.
- (3) No owner of any property shall commence the erection of any building or structure before the aforementioned site development and building plans have been approved of by the Municipality.

**PART 7****GENERAL CONDITIONS****CLAUSE 32: OVERRIDING RIGHTS OF THE MUNICIPALITY**

32. Nothing in this Scheme shall prevent the erection, use or maintenance of any building, works or land by the Municipality on its own property.

**CLAUSE 33: ACCESS AND INSPECTION**

33. (1) Authorised officials of the Municipality shall have the right to enter into and upon any property at any reasonable time for the purpose of any inspection which the Municipality may deem necessary or desirable for the purposes of this Scheme.
- (2) No person shall in any way obstruct such official in the execution of his/her duties.

**CLAUSE 34: PERUSAL OF SCHEME DOCUMENTS**

34. (1) The Municipality shall allow any person to inspect, at any reasonable time, the Scheme (Clauses, Maps, Annexures and Consents) in the Offices of the Municipality.
- (2) Any person desiring to obtain a copy of such records of the Scheme shall pay to the Municipality, fees as determined by the Municipality.

**CLAUSE 35: APPEALS**

35. Where provision is made in this Scheme for an appeal, such appeal shall be submitted in terms of National or Provincial legislation enacted from time to time, but excludes an appeal in terms of Section 62 of the Municipal Systems Act, 2000 (Act 32 of 2000).

**CLAUSE 36: CONTRAVENTION OF THE SCHEME**

36. Any person who commits or knowingly permits a contravention of any of the provisions of this Scheme or of the requirements of any order or notice issued or conditions imposed in terms of this Scheme shall be deemed to be guilty of an offence.

**CLAUSE 37: SERVING OF NOTICES**

37. (1) Any order, notice or other document to be served on any owner or occupier of a building or land shall be signed by the authorised official of the Municipality and shall be served in one of the following ways:
- (a) to the said person personally or to his authorized agent;
  - (b) by registered post to the person or his duly authorized agent at his last known address of abode, place of business or employment, or post office box number;
  - (c) at the domicilium citandi of the person to be served; or
  - (d) by fixing such order, notice or other document on a conspicuous part of the property if there is no such person on the premises at which service is to be effected.
- (2) Where any service is affected in accordance with the provisions of the preceding Sub-clause (1)(c), such service shall be deemed to have been effected at the time when such order, notice or other document would normally have been delivered and in providing such service it shall be sufficient to prove that the order, notice or other document was properly addressed and registered.

- (3) Any order, notice or other document required to be served on the owner or occupier of any property may be addressed to the "Owner" or "Occupant" without further name or description.

**CLAUSE 38: COMPLIANCE WITH TITLE DEEDS, DEEDS OF GRANT AND CONDITIONS OF ESTABLISHMENT**

38. (1) No Consent or Permission of the Municipality given in terms of this Scheme may be construed as conferring upon any person the right to erect or use any building or to use any land for any purpose which is prohibited in any condition registered against the Title Deed or Deed of Grant of the land or imposed in respect of the land under any law relating to the establishment of townships.
- (2) The stipulations of Clause 14(9) are also applicable.

**CLAUSE 39: SHORT TITLE**

39. For the purpose of short title this Scheme shall be known as the "Tshwane Town-planning Scheme, 2008 (Revised 2014)".

**SCHEDULE 1**

**STREET BUILDING LINES, ACCESS AND PHYSICAL BARRIERS**

A separate file is available at the information offices in Pretoria, Akasia and Centurion of the Municipality.

**SCHEDULE 2****FORMULAS**

## 1. FORMULA FOR CALCULATING BLOCK OF TENEMENTS

The maximum permitted number of rooms in a Block of Tenement shall be determined by the following formula:

$$R = \frac{A}{116}$$

where

R = maximum permitted number of rooms, and  
A = Area of erf in square metres.

## 2. THE PROPORTIONAL FLOOR AREA RATIO (FAR) OF A BUILDING SHALL BE DETERMINED BY THE FOLLOWING FORMULA:

$$Q = \frac{nA + \sqrt{(nA)^2 - 4(n-m)AS}}{2A}$$

Where q = proportional FAR  
m = FAR of first use  
n = FAR of second use  
A = area of property  
S = envisaged floor area of first use

Provided that this formula shall be applied to different uses on the same property and shall not mean a spreading of rights from one part of a property to another part of the same property in the case of different zonings or different rights on the same property.

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

1	Use Zone	<b>3: RESIDENTIAL 3</b>
2	Uses permitted	Duplex Dwellings and Dwelling-units.
3	Use with consent	Table B, Column 4.
4	Uses not permitted	Table B, Column 5.
5	Definitions	Clause 5
6	Density	N.A.
7	Coverage	40%
8	Height	3 storeys: Provided that a third storey shall only be allowed if the Municipality is satisfied that such storey will not detrimentally affect the privacy of the adjoining property owners.
9	Floor area ratio	0,4
10	Site Development Plan and Landscape Development Plan	<p>(1) A Site Development Plan and a Landscape Development Plan, unless otherwise determined by the Municipality, compiled by a person suitably qualified to the satisfaction of the Municipality, shall be submitted to the Municipality for approval prior to the submission of building plans.</p> <p>(2) The landscaping, in terms of the Landscape Development Plan, shall be completed by completion of the development or any phase thereof. The continued maintenance of the landscape development shall be to the satisfaction of the Municipality.</p> <p>(3) When the Site Development Plan is evaluated, special attention must be given to elements such as residential character, communal and Private Open Space, exterior finishes, style in order to create a special character which is harmonious with the surrounding residential area.</p> <p>(4) An approved Site Development Plan shall only be amended with the Permission of the Municipality and building plans which do not comply with the proposals and conditions as set out in the approved Site Development Plan, will not be approved by the Municipality.</p>
11	Building Lines	In terms of Clause 9 and Clause 12.
12	Parking requirements	<p>Demarcated parking spaces, together with the necessary paved manoeuvring space, shall be provided on the erf in the following ratios to the satisfaction of the Municipality:</p> <p>(1) One covered and paved parking space for each Dwelling-unit with two habitable rooms or less.</p> <p>(2) One covered and paved and one paved parking spaces for each Dwelling-unit with three habitable rooms or more.</p> <p>(3) One paved parking space per three Dwelling-units for visitors.</p>
13	Paving of traffic areas	All parts of the erf upon which motor vehicles may move or park, shall be provided with a permanent dust-free surface, which surface shall be paved, drained and maintained to the satisfaction of the Municipality.
14	Access to the erf	(1) Entrances to and exits from the erf shall be sited, constructed and maintained to the satisfaction of the Municipality.

		(2) Any panhandle must be at least 3 metres wide.
15	Loading and off-loading facilities	The loading and off-loading of goods shall only take place within the boundaries of the erf.
16	Turning facilities	Not required.
17	Physical barriers	In accordance with the approved Site Development Plan.
18	Health measures	(1) Any requirements for air pollution-, noise abatement- or health measures set by Municipality shall be complied with to the satisfaction of the Municipality without any costs to the Municipality.  (2) Air-conditioning units or compressors shall not be mounted to the exterior walls of buildings without the prior approval of the Municipality.
19	Outdoor advertising	Advertisements and/or sign boards shall not be erected or displayed on the erf without the approval of the Municipality first being obtained in terms of Municipal By-laws for Outdoor Advertising.
20	General:	<p>(1) Each Dwelling-unit shall have direct access to its own private adjoining outdoor living area, which area may be a patio on ground floor or the upper floors in accordance with the approved Site Development Plan.</p> <p>(2) That portion of the erf between the building(s) and the street boundary which is not used for traffic purposes, shall, within six months from the date on which the erf is first used for the permitted purposes, be laid out and maintained as a garden at the owner's cost and to the satisfaction of the Municipality. Should the owner fail to comply herewith, the Municipality is entitled to execute the work at the owner's cost.</p> <p>(3) No individual Dwelling-unit which is linked to another Dwelling-unit and/or ancillary outbuilding shall be occupied before the relevant building of which the Dwelling-unit forms part, is completely developed: Provided that the Municipality may, in exceptional cases, grant Permission thereto.</p> <p>(4) No Dwelling-unit may be transferred before the whole development or the phase on the property is completed.</p> <p>(5) The Municipality shall not approve any building plan which does not comply with the proposals in the approved Site Development Plan with particular reference to the elevation and architectural treatment of the proposed building or structure.</p> <p>(6) Subject to the provision of the relevant legislation but notwithstanding any other provision contained herein, the Municipality may approve the subdivision of the erf, where such subdivision corresponds with the subdivision proposals shown on the approved Site Development Plan applicable to the erf.</p> <p>(7) The stipulations of Clause 14(3)(a) are applicable.</p> <p>(8) In addition to the above conditions the erf and buildings thereon are further subject to the general provisions of the Tshwane Town-planning Scheme, 2008 (Revised 2014).</p>

**SCHEDULE 4****CONDITIONS GOVERNING THE ERECTION OF DWELLING-UNITS IN USE ZONE 2: RESIDENTIAL 2**

1	Use Zone	<b>2: RESIDENTIAL 2</b>
2	Uses permitted	Dwelling-units.
3	Use with consent	Table B, Column 4.
4	Uses not permitted	Table B, Column 5.
5	Definitions	Clause 5.
6	Density	25 Dwelling-units per hectare of gross erf area (i.e. prior to any part of the erf being cut off for a public street or communal open space).
7	Coverage	40%
8	Height	2 storeys: Provided that a second storey shall only be allowed if the Municipality is satisfied that such storey will not detrimentally affect the privacy of the adjoining property owners.
9	Floor area ratio	Not applicable.
10	Site Development Plan and Landscape Development Plan	<p>(1) A Site Development Plan and a Landscape Development Plan, unless otherwise determined by the Municipality, compiled by a person suitably qualified to the satisfaction of the Municipality, shall be submitted to the Municipality for approval prior to the submission of building plans.</p> <p>(2) The landscaping, in terms of the Landscape Development Plan, shall be completed by completion of the development or any phase thereof. The continued maintenance of the landscape development shall be to the satisfaction of the Municipality.</p> <p>(3) When the Site Development Plan is evaluated, special attention must be given to elements such as residential character, communal and Private Open Space, exterior finishes, style in order to create a special character which is harmonious with the surrounding residential area.</p> <p>4) An approved Site Development Plan shall only be amended with the Permission of the Municipality and building plans which do not comply with the proposals and conditions as set out in the approved Site Development Plan, will not be approved by the Municipality.</p>
11	Building Lines	In terms of Clause 9 and Clause 12
12	Parking requirements	<p>Demarcated parking spaces, together with the necessary paved manoeuvring space, shall be provided on the erf in the following ratios to the satisfaction of the Municipality:</p> <p>(1) One covered and paved parking space for each Dwelling-unit with two habitable rooms or less.</p> <p>(2) One covered and paved and one paved parking spaces for each Dwelling-unit with three habitable rooms or more.</p> <p>(3) One paved parking space per three Dwelling-units for visitors.</p>
13	Paving of traffic_areas	All parts of the erf upon which motor vehicles may move or park, shall be provided with a permanent dust-free surface, which surface shall be paved, drained and maintained to the satisfaction of the Municipality.
14	Access to the erf	(1) Entrances to and exits from the erf shall be sited,

		constructed and maintained to the satisfaction of the Municipality. (2) Any panhandle must be at least 3 metres wide.
15	Loading and off-loading facilities	The loading and off-loading of goods shall only take place within the boundaries of the erf.
16	Turning facilities	Not required.
17	Physical barriers	In accordance with the approved Site Development Plan.
18	Health measures	(1) Any requirements for air pollution-, noise abatement- or health measures set by Municipality shall be complied with to the satisfaction of the Municipality without any costs to the Municipality.  (2) Air-conditioning units or compressors shall not be mounted to the exterior walls of buildings without the prior approval of the Municipality.
19	Outdoor advertising	Advertisements and/or sign boards shall not be erected or displayed on the erf without the approval of the Municipality first being obtained in terms of Municipal By-laws for Outdoor Advertising.
20	General:	<p>(1) Each Dwelling-unit shall have direct access to its own private adjoining outdoor living area to the satisfaction of the Municipality.</p> <p>(2) That portion of the erf between the building(s) and the street boundary which is not used for traffic purposes, shall, within six months from the date on which the erf is first used for the permitted purposes, be laid out and maintained as a garden at the owner's cost and to the satisfaction of the Municipality. Should the owner fail to comply herewith, the Municipality is entitled to execute the work at the owner's cost.</p> <p>(3) The Municipality shall not approve any building plan which does not comply with the proposals in the approved Site Development Plan with particular reference to the elevation and architectural treatment of the proposed building or structure.</p> <p>(4) Subject to the provision of the relevant legislation but notwithstanding any other provision contained herein, the Municipality may approve to the subdivision of the erf, where such subdivision corresponds with the subdivision proposals shown on the approved Site Development Plan applicable to the erf.</p> <p>(5) The stipulations of Clause 14(3)(a) are only applicable to sectional title or non-full title development.</p> <p>(6) No individual Dwelling-unit which is linked to another Dwelling-unit and/or ancillary outbuilding shall be occupied before the relevant building of which the Dwelling-unit forms part is completely developed. Provided that the Municipality may, in exceptional cases, grant Permission thereto.</p> <p>(7) No Dwelling-unit may be transferred before the whole development or the phase on the property is completed.</p> <p>(8) In addition to the above conditions the erf and buildings thereon are further subject to the general provisions of the Tshwane Town-planning Scheme, 2008 (Revised 2014).</p>

**SCHEDULE 5**

**ADDITIONAL CONDITIONS APPLICABLE TO CERTAIN TOWNSHIPS**

A separate file is available at the information offices  
in Pretoria, Akasia and Centurion of the Municipality.

**SCHEDULE 6**

**MINIMUM ERF SIZES AND DENSITY OF ERVEN ZONED "RESIDENTIAL 1"**

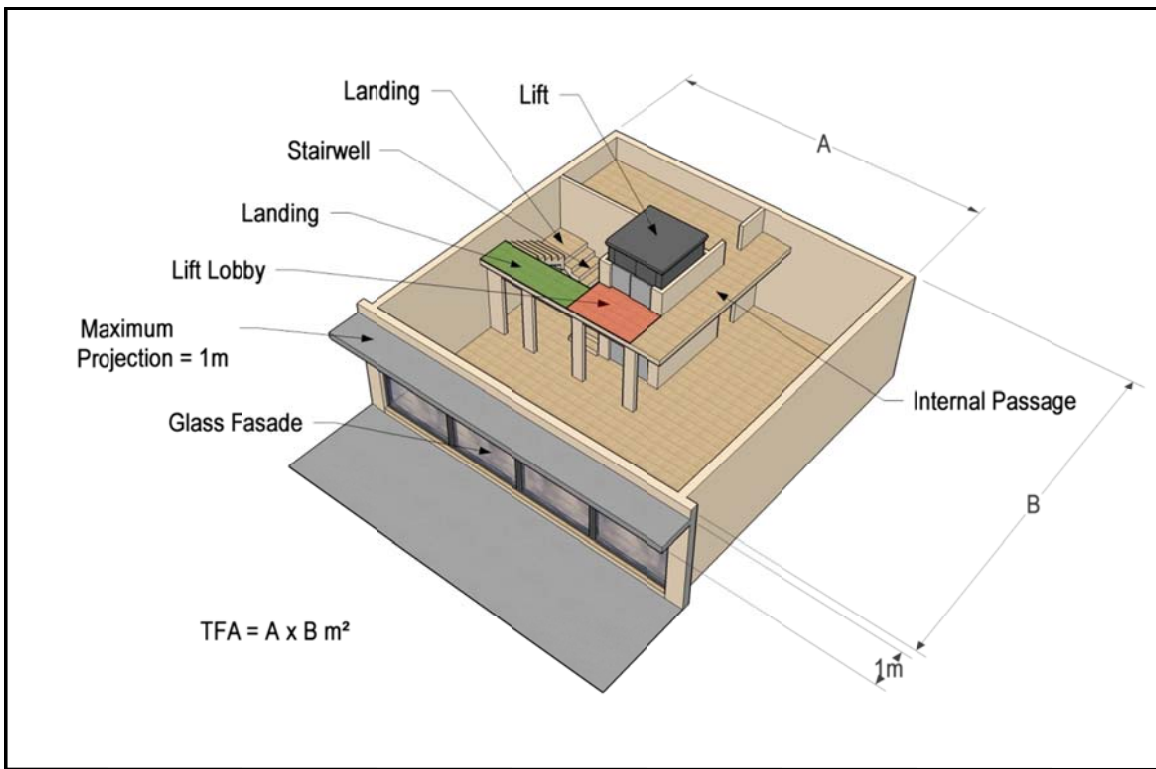
This information is kept up to date on the Municipality's  
electronic data base and can be produced on request.

**SCHEDULE 7****METHOD OF CALCULATING GROSS FLOOR AREA****CONDITIONS GOVERNING THE CALCULATION OF GROSS FLOOR AREA OF A BUILDING:**

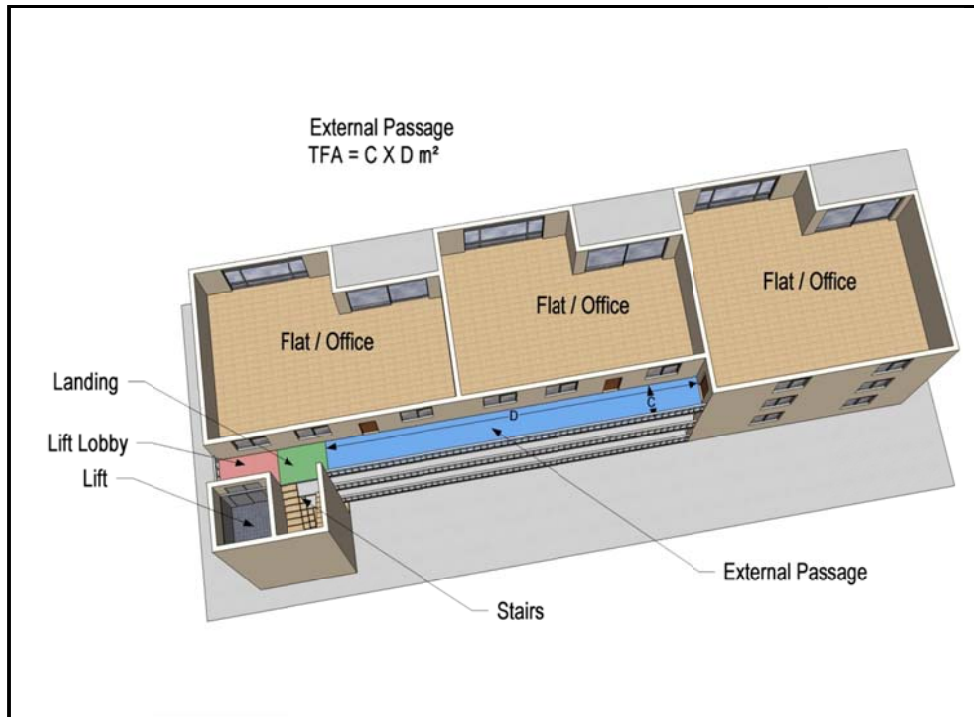
1. Gross Floor Area = (TFA - D) (100% - X) where -
  - (1) "TFA" means the total floor area of a building, including, but not limited to, the floor area of mezzanine floors, and the floor area of basements, internal passages, the area covered by a roof over fuel pumps at a Filling Station or Public Garage, external passages and balconies as illustrated by the accompanying Diagrams 8, 9 and 10.
  - (2) "D" means the sum of -
    - (a) the total area of a building used solely as a Parking Garage;
    - (b) the total area of any floor in any building used for the parking and circulation of motor vehicles;
    - (c) 75% of the total area of any arcade, mall or atrium in a building: Provided that such area complies with all the requirements relating to health and safety, to the satisfaction of the Municipality; or 100% of the total area of any arcade, mall or atrium in a shopping centre building: Provided that such area is used exclusively as a pedestrian way; and
    - (d) The total floor area of a building used exclusively as a children's recreation area as contemplated by Clause 14(3)(a).
  - (3) "X" represents 5% or such other percentage which shall be certified by a Quantity Surveyor or an Architect: Provided that such percentage -
    - (a) is truly and accurately calculated as contemplated by Condition 2 of this Schedule; and
    - (b) is acceptable to the Municipality.
2. Only the following areas of a building may be measured and expressed as a percentage for the purposes as contemplated in Condition 1(3) hereof:
  - (1) Ducts.
  - (2) Stairs, stairwells, stair-landings, toilets and external passages.
  - (3) Lift shafts and lift motor-rooms.
  - (4) External and internal walls and their finishing.
  - (5) Fire escapes.
  - (6) Areas used for mechanical, electrical, electronic equipment, cleaning and maintenance equipment.
  - (7) Projections and architectural features only if they form part of the calculations as per Condition 1(1) hereof.
  - (8) Refuse rooms.
  - (9) Municipal electricity substations.
  - (10) Such other areas as may be granted with the Permission of the Municipality; and
  - (11) Balconies with the Permission of the Municipality.

For examples of the above areas, refer to the accompanying Diagrams 8, 9, 10, 11, 12 and 13.

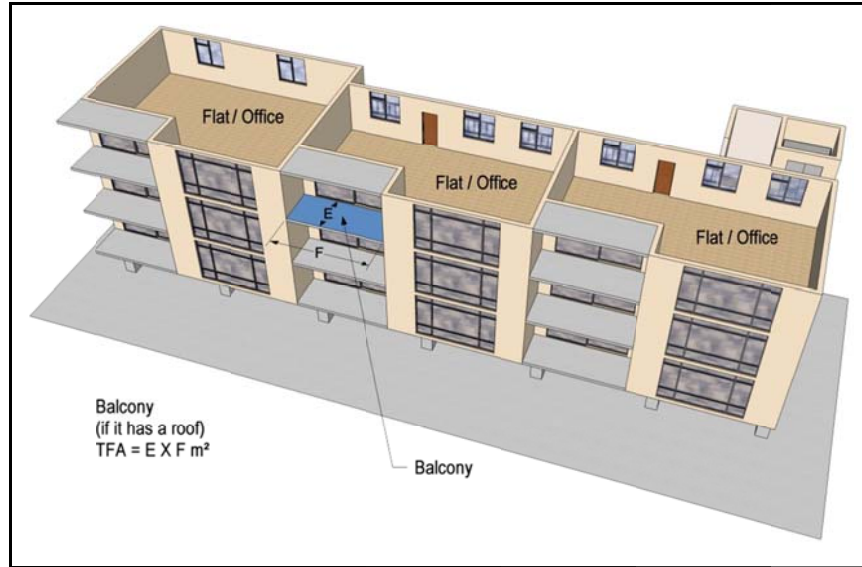
**Diagram 8**



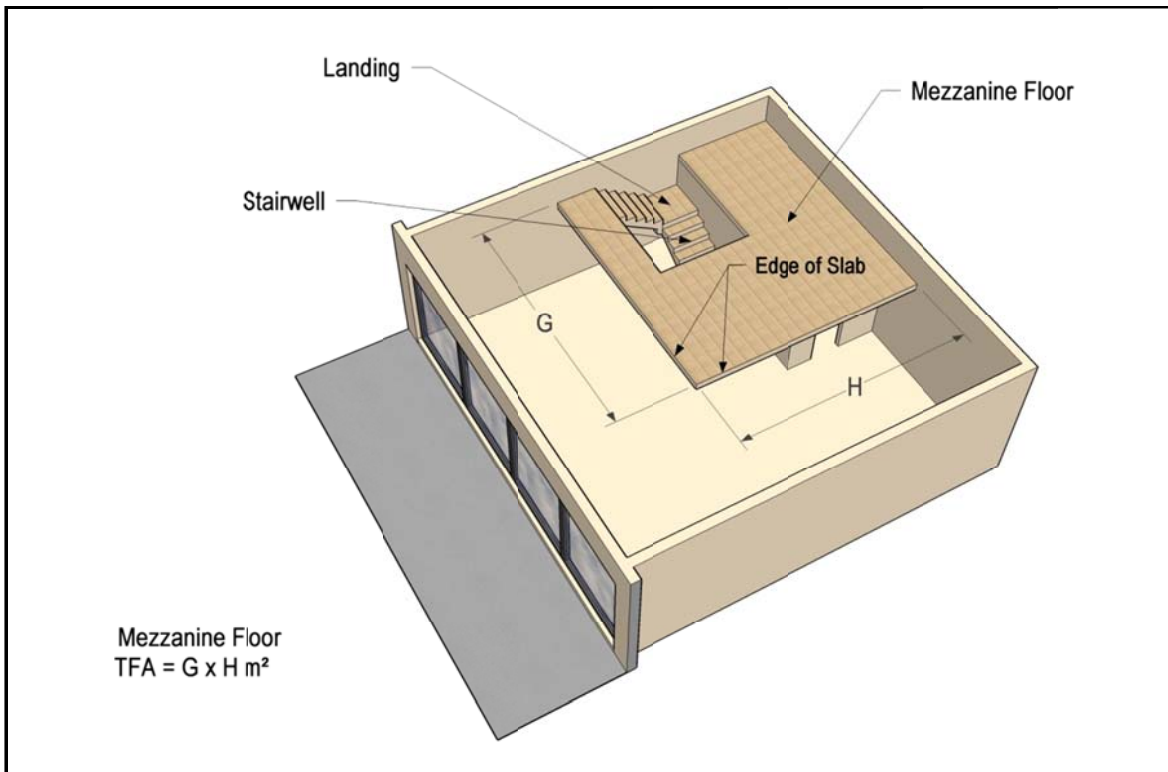
**Diagram 9**



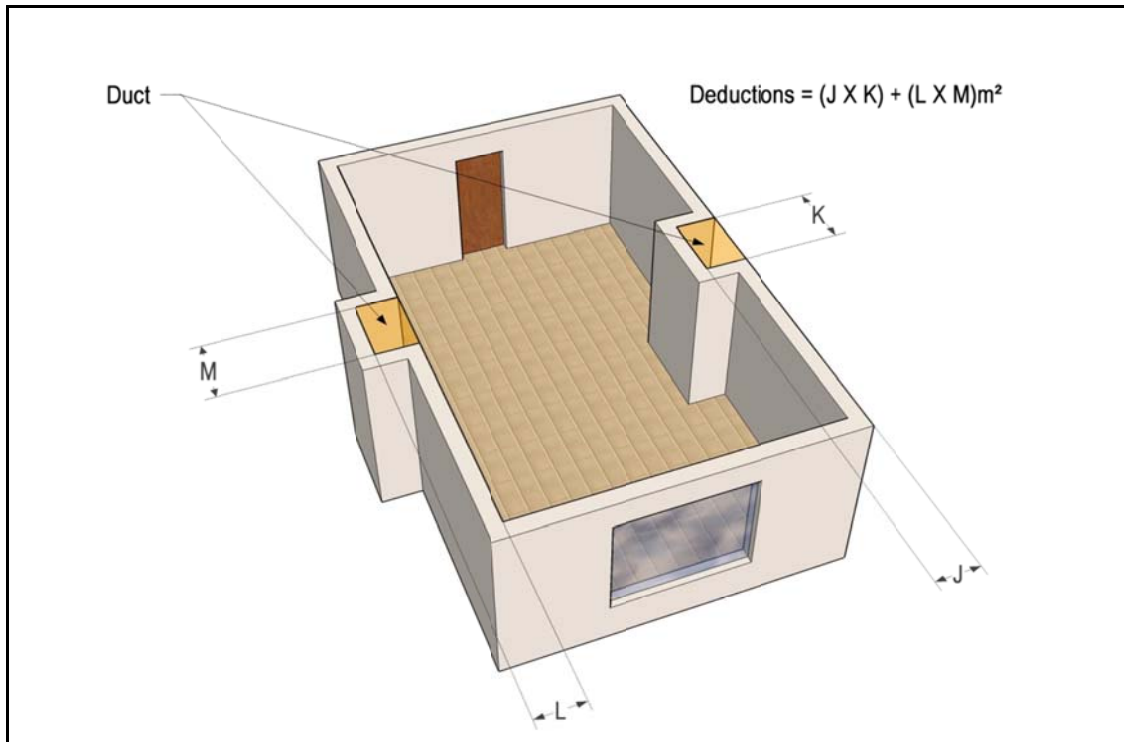
**Diagram 10**



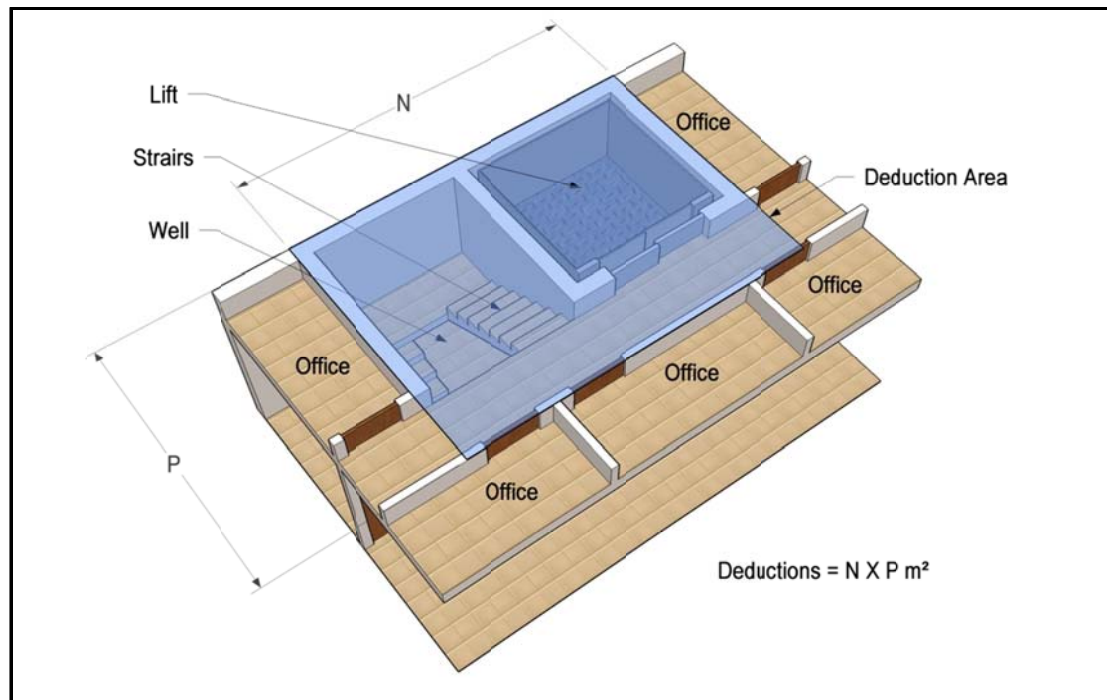
**Diagram 11**



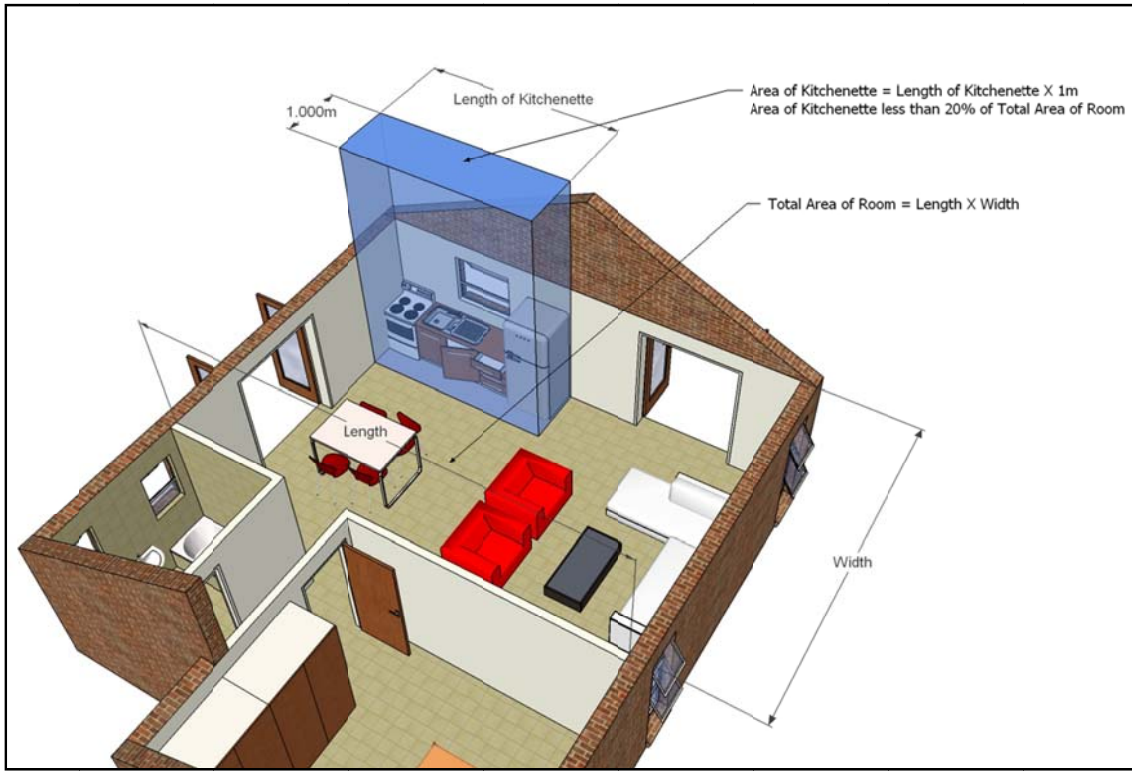
**Diagram 12**



**Diagram 13**



**Diagram 14**



**SCHEDULE 8****LIST OF NOXIOUS INDUSTRIES**

1. The use of buildings or land for any of the following purposes:
  - (1) asbestos-processing;
  - (2) the burning of building bricks;
  - (3) chromium-plating;
  - (4) cement production;
  - (5) carbonisation of coal in coke ovens;
  - (6) charcoal-burning;
  - (7) converting, reheating, annealing, hardening or carburizing, forging or casting of iron or other metals;
  - (8) crushing or screening of stone or slag or plants for the preparation of road-surfacing material;
  - (9) distilling, refining or blending or processing of oils, fossil fuels or fossil oils;
  - (10) galvanising;
  - (11) lime- and dolomite-burning;
  - (12) lead-smelting;
  - (13) pickling and treatment of metal in acid;
  - (14) recovery of metal from scrap;
  - (15) smelting, calcination, sintering or other reduction of ores or minerals;
  - (16) salt glazing;
  - (17) sintering of sulphur-bearing materials and viscose works; and
  - (18) the extraction of oils or similar liquids/compounds from rubber, synthetic plastics etc.
  
2. The use of buildings or land for the production of or the employment in any process of:
  - (1) carbon bisulphites, cellulose lacquers, hot pitch or bitumen, pyridine, or pulverised fuel (except when used for a spray-painting trade);
  - (2) cyanogen or its compounds;
  - (3) liquid or gaseous sulphur dioxide; and
  - (4) sulphur chlorides or calcium carbide.
  
3. The use of buildings or land for the production of:
  - (1) amyl acetate, aromatic esters, butyric acid, caramel, enamelled wire, hexamine, iodoform, B-naphthol, salicylic acid, lamp-black, sulphurated organic compounds, sulphur dyes, glass, and resin products (except synthetic resins, plastic-moulding or extrusion compositions and plastic sheets, rods, tubes, filaments or optical components produced by casting, calendaring, moulding, shaping or extrusion);
  - (2) paint or varnish manufacture (excluding mixing, milling and grinding);
  - (3) rubber from scrap; and
  - (4) ultra marine, zinc chloride and oxide.
  
4. For the purpose of:
  - (1) an Abattoir, animal bristle sterilizing and storing, and animal charcoal manufacture;
  - (2) a bacon factory, a brewery or distillery, blood-albumen making, blood-boiling, bone-boiling, -steaming, -burning, -storing or -grinding, breeding of maggots from putrescible matter;

- (3) candle-making, catgut manufacture, boiling of chitterlings of pigs or other animals which are not subsidiary to a retail business or trade;
- (4) dealing in rags or bones (including receiving, storing or manipulating of rags in, or likely to become in, an offensive condition, or any bones, rabbit skins, fat or putrescible animal products of a like nature):
- (5) fellmongery, fat-melting or -extracting, fish-curing (other than a subsidiary to the business or trade as a fishmonger), fish-skin dressing or scraping, fish-canning;
- (6) glue-making, gut-cleaning or -scraping;
- (7) a knacker's yard;
- (8) leather-dressing;
- (9) the making of meal for feeding poultry, dogs, cattle or other animals from any fish, blood, bone, fat or animal offal, either in an offensive condition or subjected to any process causing noxious or injurious effluvia, manufacturing or storing of manure from bones, fish, fish offal, blood, spent hops, beans or other putrescible animal or vegetable matter, manufacturing of malt;
- (10) parchment-making, a paper mill;
- (11) size-making, skin-drying, -storing and -curing, soap-boiling, a slaughter-house, a sugar-mill or -refinery;
- (12) tallow-melting or -refining, tanning, tripe-boiling or -cleaning;
- (13) wool-scouring, wattle-bark grinding or extracting;
- (14) yeast-making;
- (15) taxi dermatist; and
- (16) Fuel Depot.

**SCHEDULE 9****HOME ENTERPRISE****CONDITIONS GOVERNING A HOME ENTERPRISE**

1. With respect to a Dwelling-unit and its outbuildings, but apart from the exceptions mentioned in Conditions 3 and 4, a Home Enterprise is restricted to -
  - (1) Only one bona fide occupant, who is a natural person and who shall reside permanently in the Dwelling-unit.
  - (2) A maximum of 30% of the Gross Floor Area of the Dwelling-unit and its outbuildings: Provided that without the written Permission of the Municipality such area shall not exceed 60 m<sup>2</sup> and further that such area shall not include an open air or a roofed over swimming pool used as a Place of Instruction.
  - (3) The display of one sign showing only the name of the occupant intended in condition 1(1) hereof, the address and the telephone number and the nature of the Home Enterprise shall be subject to the Municipality's approval in terms of the City of Tshwane Metropolitan Municipality: By-laws for Outdoor Advertising, 2006, as amended from time to time.
  - (4) The storage of goods of whatever nature, reasonably essential for such Home Enterprise, within the area contemplated in Condition 1(2) hereof.
  - (5) The display of goods contemplated in Condition 1(4) hereof in such a way inside the Dwelling-unit that it is not visible from the outside.
  - (6) The loading and off-loading of goods contemplated in Condition 1(4) hereof by means of a private motor vehicle or commercial vehicle with a mass not exceeding 3 500 kg (loading capacity included) and a maximum length, width and height of 5,500 m, 1,800 m and 2,100 m respectively, and of which only one such vehicle may be parked regularly at the Dwelling-unit out of sight from the street.
  - (7) Place of Child Care, where a maximum of six (6) pre-school children are cared for:
 

Provided that –

    - (a) the health and safety requirements of the Municipality shall be complied with;
    - (b) no activities shall be held on weekdays after 17:30, or on Saturdays, Sundays or public holidays;
    - (c) an acoustically-acceptable screen wall of at least 1,8 m high, shall be erected on the property boundary, where the play area abuts the living-room(s) of an adjoining Dwelling-unit, to the satisfaction of the Municipality; and
    - (d) the Dwelling-unit shall be on property zoned "Residential 1", "Agricultural" and "Undetermined" only.
2. Parking shall be provided according to Table G but where Table G does not specify parking for a specific use then at least one parking space per 25 m<sup>2</sup> or portion thereof of the area referred to in Condition 1(2), hereof shall be provided on the property; Provided that the Municipality may enforce additional parking spaces to be provided on the property should parking in the street reserve adjacent to said property become a nuisance.

3. Only in the case of a Dwelling-house on property zoned "Residential 1"; "Agricultural"; or "Undetermined" may a maximum of two persons be employed with or without remuneration on the same property or off the property by the person exercising the Home Enterprise to assist in the operation of the Home Enterprise: Provided that a further two persons may be employed with the Permission of the Municipality subject to Clause 15 and Schedule 25.
4. Noxious Industries, Light Industries, Commercial Uses and Industries are not permitted as a Home Enterprise in any Dwelling-Unit.
5. No disturbance or pollution through noise, smell, dust, radio-activity, gases or vibrations or other offensive condition, which results in inconvenience to the public, is permitted. Any waste, especially medical waste, shall comply with the Municipality's requirements for the temporary storage and removal from the property.
6. The following uses shall not be permitted as a Home Enterprise in any Dwelling-unit:
  - (1) Animal Boarding Place; a liquor store or sale of liquor; bank agency; blasting contractor; butcher; building society agency; Call Centre; Car Wash; escort agency; fish-fryer; Funeral Undertaker; Guest-house; hiring and selling of vehicles; Institution; parcel delivery service; pet salon; Place of Amusement; Place of Child Care for more than six children; Place of Instruction for more than six persons; Place of Refreshment; radio control/telephone exchange; shooting range; spray-painting; taxi business; tow-in service; Veterinary Hospital; and visitors' information bureau;
  - (2) Shops and Retail Industries, excluding jewellery manufacturing, catering, baking of cakes and pastries for retail off-site, dressmaking and tailoring; except with the consent of the Municipality, subject to Clause 16 and provided that condition 1(2) above shall be applicable; and
  - (3) Spaza Shops except with the Permission of the Municipality, subject to Clause 15 provided that the definition of a Spaza Shop shall be applicable.

**SCHEDULE 10**

**SPECIFIC CONDITIONS REGULATING CERTAIN PRIMARY USES**

1. Dry cleaners and carpet cleaners, launderettes, lawnmower workshops, Farm Stalls, Parking Garages, Parking Sites, and Vehicle Sales Marts are regarded as primary uses on specific use zones, but subject to specific conditions:
2. The following LIGHT INDUSTRIES are permitted on "Business 2" and "Business 1" zones, subject to the following conditions:
  - (1) Dry-cleaner and carpet-cleaner:
    - (a) Steam and hot water shall be provided by means of electric boilers only or, with the Municipality's Permission, by means of gas or automatic oil operated boilers.
    - (b) Provision shall be made for the discharge of industrial effluent into the municipal sewer to the satisfaction of the Municipality.
    - (c) Only chemicals of a non-flammable or non-explosive character as approved by the Municipality shall be used in the cleaning process.
    - (d) The public shall not be allowed in the work section which shall be partitioned off from public view.
    - (e) Provision for the disposal of fumes shall be made to the satisfaction of the Municipality.
  - (2) Launderette:
    - (a) The minimum open floor area per machine, be it washing machine or dryer, shall not be less than 2,25 m<sup>2</sup>.
    - (b) Provision shall be made for the discharge of industrial effluent into the municipal sewer to the satisfaction of the Municipality.
  - (3) Lawnmower workshop:
    - (a) The servicing, repairing and storing of all lawnmowers shall take place in a building, out of public view.
    - (b) All loading activities shall take place on the premises.
    - (c) The screening-off of noise shall be to the satisfaction of the Municipality.
    - (d) Provision shall be made for the discharge of industrial effluent into the municipal sewer to the satisfaction of the Municipality.
3. FARM STALLS are permitted on "Agricultural", "Municipal" and "Undetermined" Use Zones, subject to the following conditions:
  - (1) The area of the building shall not exceed 35 m<sup>2</sup>, excluding parking and manoeuvring space.
  - (2) The Farm Stall shall be situated at least 10 m from any property boundary, subject to the Building Line as defined in the Scheme and/or title deed.

4. PARKING GARAGES are allowed on "Business 1", "Business 2", "Industrial 1", and "Industrial 2" Use Zones, subject to the following conditions:

A Site Development Plan and a Landscape Development Plan shall be submitted in terms of Clause 31 of the Scheme.

5. PARKING SITES are allowed on "Residential 4", "Business 2", "Business 1", "Commercial", "Industrial 1" and "Industrial 2" Use Zones, subject to the following conditions:

- (1) A Site Development Plan and a Landscape Development Plan shall be submitted in terms of Clause 31 of the Scheme.
- (2) The following aspects shall be indicated on the Site Development Plan to the satisfaction of the Municipality:
  - (a) Demarcation of the parking spaces and the layout of the site
  - (b) Position of the Access Control point
  - (c) Position of the screen walls and other physical barriers
  - (d) Positions, construction and maintenance of all vehicular entrances to and exits from the site
  - (e) The surfacing of the entrances and exits from the tar edge or kerbing to the site boundary as well as the internal roads and parking areas.

6. VEHICLE SALES MARTS are permitted on "Business 2" and "Business 1" Use Zones, subject to the following conditions:

- (1) Where the area between the property boundary and the Building Line is used for the display or storage of vehicles being offered for sale, a physical barrier shall be erected.
- (2) Vehicles may only be displayed on the natural ground level of the site, and no podium or platform shall be erected or used for display purposes, without the written Permission of the Municipality.
- (3) The surface of the display area shall be graded, drained, paved and maintained to the satisfaction of the Municipality.
- (4) Where the Vehicle Sales Mart adjoins residential property, an approved wall or fence shall be erected along the affected boundary of the property to the satisfaction of the Municipality.

7. BUSINESS BUILDINGS and SHOPS shall only be permitted on properties zoned "Industrial 1" and "Industrial 2" in the following townships and farm land:

- (1) BELLEVUE
- (2) BOOYSENS
- (3) CHRYSLER PARK 422-JR
- (4) CLAUDIUS, CLAUDIUS EXTENSION 1
- (5) DASPOORT
- (6) DASPOORT 319-JR
- (7) DESPATCH
- (8) DE ONDERSTEPSPOORT 300-JR
- (9) DESPATCH
- (10) EAST LYNNE
- (11) EERSTERUST
- (12) GEZINA
- (13) GROENKLOOF 358-JR

- (14) HARTEBEESTPOORT 328-JR
- (15) HERMANSTAD
- (16) JAN NIEMANDPARK
- (17) KIRKNEY EXTENSION 6
- (18) KIRKNEY EXTENSION 9
- (19) KIRKNEY EXTENSION 10
- (20) KIRKNEY EXTENSION 13
- (21) KIRKNEY EXTENSION 24
- (22) KOEDOESPOORT
- (23) KOEDOESPOORT 325-JR
- (24) KOEDOESPOORT INDUSTRIAL
- (25) LAUDIUM
- (26) MAMELODI
- (27) ONDERSTEPSPOORT EXTENSION 1
- (28) PRETORIA
- (29) PRETORIA INDUSTRIAL
- (30) PRETORIA NORTH
- (31) PRETORIA TOWN AND TOWNLANDS 351-JR
- (32) QUEENSWOOD
- (33) SAMCOR PARK
- (34) SILVERTON
- (35) SILVERTON EXTENSION 56
- (36) SILVERTON EXTENSION 58
- (37) SILVERTONDALE
- (38) VILLIERIA
- (39) WALTLOO
- (40) ZANDFONTEIN 317-JR

**SCHEDULE 11****MAXIMUM "RESIDENTIAL 1"-DENSITIES FOR PARTS OF  
BROOKLYN, GROENKLOOF, WATERKLOOF AND WATERKLOOF RIDGE AND  
THE CONSERVATION AREAS OF MUCKLENEUK (BAILEY'S) AND WATERKLOOF**

One Additional Dwelling-house in the following areas shall only be allowed subject to the maximum required density: Provided that, if there is a panhandle portion or servitude area which provides access to the subdivided portion, it not be taken into account, and also subject to a Site Development Plan that has to be submitted for approval before building plans can be approved.

**DESCRIPTION OF BOUNDARIES:**

**GROENKLOOF** (12 dwelling-houses per hectare in other words a minimum erf size of 833 m<sup>2</sup> for one dwelling-house if the erf should be subdivided).

All erven except Erven 31, 37, 72, 83, 84, 85, 104, 126, 131, 132/R, 132/1, 132/2, 133, 148, 152, 193, 207, 224, 234, 259/R, 293, 305, 343, 370, 414, 427, 430, 443, 446, 479/1, 480, 481, 482, 493, 515, 529, 534, 535, 536, 561/R, 561/3/R, 580, 581, Part (ABCEDF) of George Storrar Drive and Part (EMNPQHG) of Baines Street. (See map)

**WATERKLOOF/BROOKLYN AREA** (10 dwelling-houses per hectare):

Bounded by Rupert Street, Justice Mahomed (Charles) Street, Brooklyn Road, Dely Road, the southern side of Erven 518, 522, 523, 526, 527, 1067, 530, 531, 534, the eastern side of Erven 536, and 662, the southern side of Erven 662, 665, 666, 1068, 669, 670, 673/R, 674, 677, 678, Edward Street, Rose Avenue, Auriga Street, the southern side of Erven 737, 738, 1261/1, 1276, 741/R, 742/R, 743 to 745, 1182, 1184, 1185, Kloof Avenue, the southern side of Erven 633, 634, 1178/1, 1180/R, Koningin Wilhelmina Avenue and Main Street; which erven are in Waterkloof. (See map)

**WATERKLOOF RIDGE AREA** (seven dwelling-houses per hectare):

Bounded by Auriga Street, Silver Oak Avenue, the eastern side of Erven 72, the northern side of Erf 83, Antares Street, Canopus Street, the western side of Erven 16/R, 15/6, 14/R, 13/R, 12, 7, 6/R, 5/R, 4/R, 1784/1, 2/R, 1/R, the northern side of Erven 1/R and 1, 734/1 and R and Kloof Avenue, the eastern side of Erf 735/R, the northern side of Erven 36/2 and 3, 37/1, en R, 1775, 42, Crescent Road, and the northern side of Erven 1764/3 and 2; which erven are in Waterkloof Ridge. (See map)

**WATERKLOOF CONSERVATION AREA** (five dwelling-houses per hectare):

Bounded by Auriga Street, Rose Avenue, Edward Street, Sidney Avenue, the northern side of Erf 1192, the eastern side of Erven 1192, 1191/R - 1187, the southern side of erf 1187; which erven are in Waterkloof, Sidney Avenue, Aries Street, Canopus Street, Rigel Avenue, Antares Street, the southern- and western side of Erf 84, which erf is in Waterkloof Ridge, and Silver Oak Avenue. (See map)

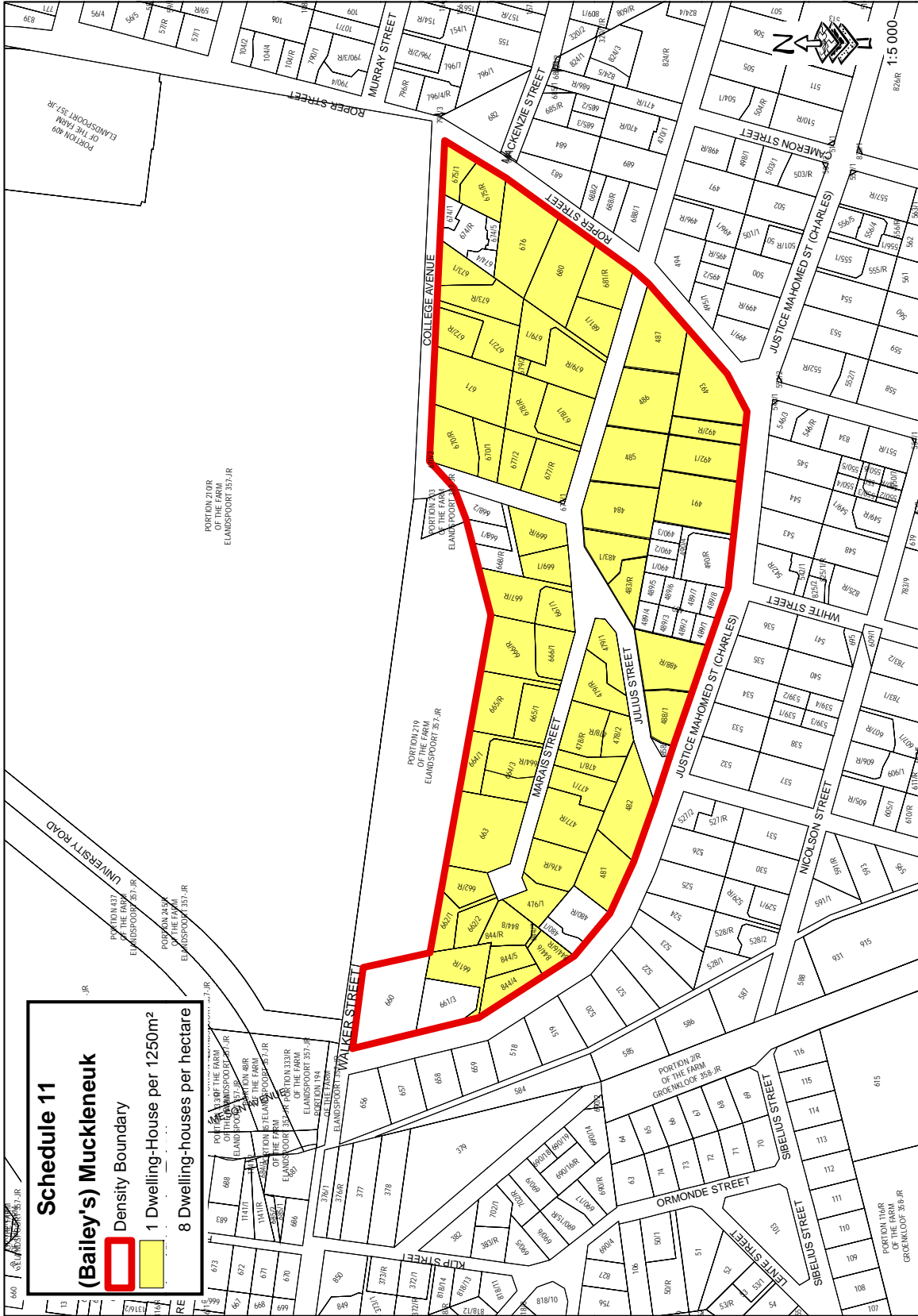
**MUCKLENEUK (BAILEY'S) CONSERVATION AREA** (eight dwelling-houses per hectare):

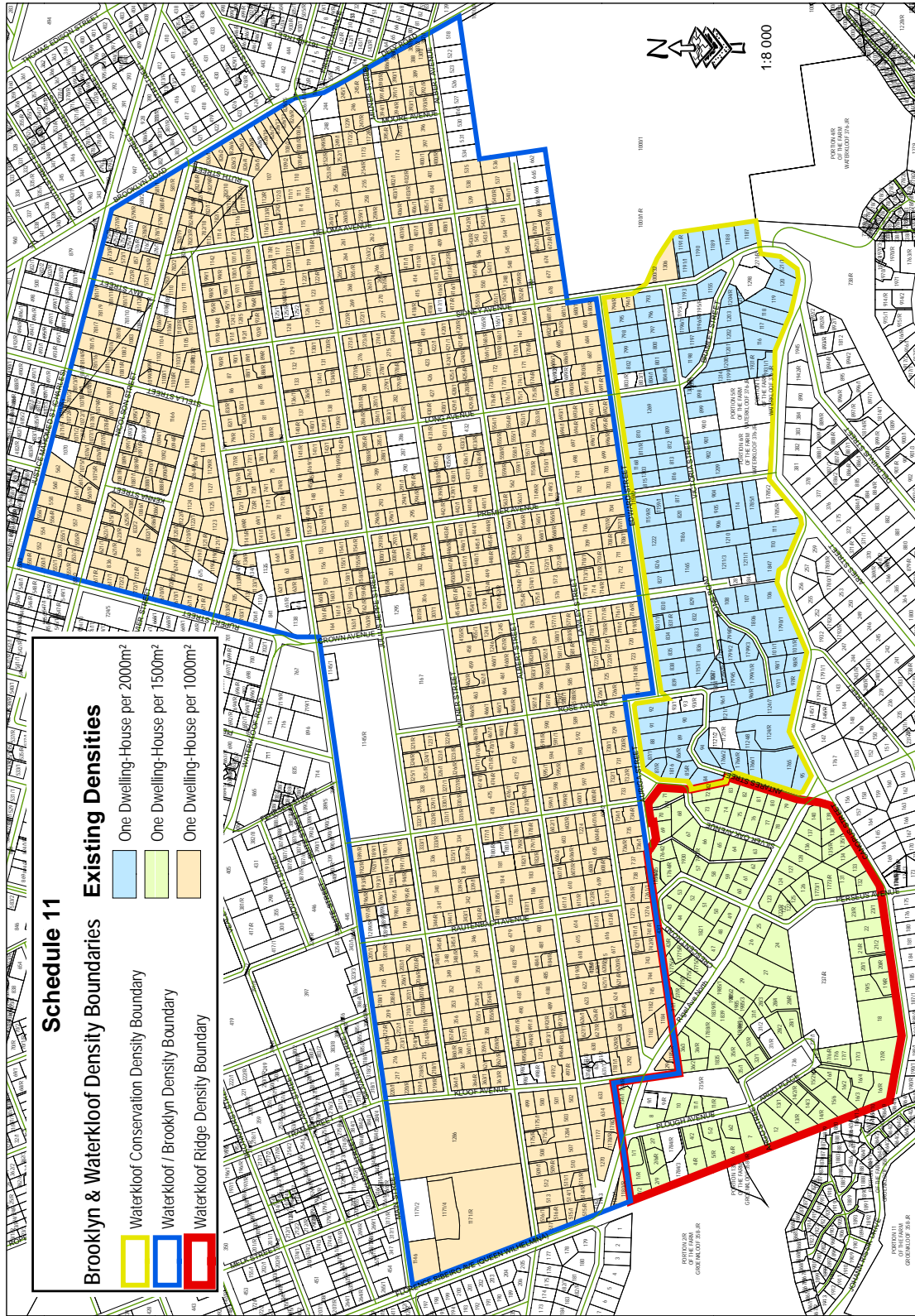
Bounded by Justice Mahomed Walker Street, the eastern side of Erf 660, the northern side of Erven 662/1 and R, 663, 664, 665/R, 666/R, 667/R, 668, College Avenue, Roper Street, and Justice Mahomed (Charles) Street, which erven are in Muckleneuk (Bailey's). (See map)

**NOTE:**

Any rezoning of the above-mentioned properties will override this Schedule.







**TSHWANE TOWN-PLANNING SCHEME, 2008 (REVISED 2014)**  
 (PROMULGATED 17 SEPTEMBER 2014)



**SCHEDULE 12****MAXIMUM "RESIDENTIAL 1"-DENSITIES FOR PARTS OF  
WATERKLOOF RIDGE AND WATERKLOOF HEIGHTS EXTENSION 3**

One Additional Dwelling-house in the following Zones shall only be allowed subject to the maximum prescribed density: Provided that, if there is a panhandle portion or servitude area which provides access to the subdivided portion, that such area not be taken into account in the calculating of the maximum density, and also subject to a Site Development Plan that has to be submitted for approval before building plans can be approved:

**ZONE A: 8 dwelling-units per hectare: Map 1**

Erven 156 up to and including 171; 172; 173; 174/1; 174/2; 175 up to and including 186; 187/R; 187/1; 188/R; 188/1; 189/1; 189/3; 190/R; 190/1; 190/2; 192/R; 192/2; 192/3; 193/R; 193/1; 194/R; 195/R; 196 up to and including 207; 209 up to and including 224; 225/R; 225/1; 226 up to and including 230; 260 up to and including 278; 281/R; 282/R; 282/1; 283 up to and including 290; 292; 294 up to and including 301; 303/R; 303/2; 304; 305; 308 up to and including 311; 1125/R; 1772 and 1807.

**ZONE B: 8 dwelling-units per hectare: Map 2**

Erven 143; 144; 145/1; 145/R; 146 up to and including 153; 231 up to and including 236; 237/R; 238/R; 239; 240/1; 240/R; 241; 242; 243/1; 242/R; 245; 246; 247; 249; 250; 252; 253; 255; 256; 257; 259; 332 up to and including 336; 338; 339; 341 up to and including 346; 349 up to and including 359; 360/R; 360/1; 361; 362; 364; 365; 366; 369; 370; 372; 375; 376; 377; 378; 381 up to and including 384; 412; 413; 414; 415/R; 415/1; 416/R; 416/1; 417/R; 417/1; 421; 422/R; 422/1; 423/R; 423/1; 424/R; 424/1; 427/R; 427/1; 428; 429/R; 429/1; 430/R; 430/1; 431; 436; 874/R; 874/1; 875; 876/R; 876/1; 877; 880; 882 up to and including 885; 888/R; 888/1; 889/R; 889/1; 890; 893/R; 894/R; 894/2; 895; 896/R; 896/1; 897/R; 897/1; 899/R; 900/R; 900/1; 901; 902; 903/R; 903/1; 904/R; 904/1; 907/R; 908; 909; 910/R; 910/1; 1767; 1779/R; 1779/6; 1779/R/5; 1779/8; 1780/R; 1780/1; 1791/R; 1791/1; 1792/R; 1792/4; 1798/R; 1798/1; 1800; 1801/R; 1801/1; 1805/R; 1805/1; 1809; 1812; 1814/R; 1814/1; 1819/R; 1819/1; 1831; 1862; 1942/R and 1945.

**ZONE C: 10 dwelling-units per hectare: Map 3**

Erven 313/R; 313/1; 312/2; 314/R; 314/1; 323/R; 323/2; 323/3; 324/R; 324/1; 324/2; 325/R; 325/1; 325/2; 326; 327/R; 327/1; 327/2; 328; 329/R; 329/1; 329/2; 330/R; 330/1; 437/R; 437/1; 438; 439/R; 439/1; 442/R; 442/1; 445; 446/R; 446/1; 447; 448/R; 448/1; 449; 450/R; 450/1; 451; 452/R; 452/1; 453/R; 453/1; 454/R; 454/1; 455; 456; 471; 472/R; 472/1; 473/R; 473/1; 475; 476; 477/R; 477/1; 539; 540/R; 540/1; 541/R; 541/1; 543/R; 543/1; 544/R; 544/1; 546/R; 546/1; 548/R; 550; 551; 553/R; 553/1; 612/R; 612/1; 613/R; 614/R; 614/1; 615/R; 615/1; 617/R; 617/2; 617/3; 618/R; 618/1; 619; 620/R; 620/1; 625; 626/R; 626/1; 626/2; 626/3; 627; 628/R; 628/1; 634/R; 634/1; 634/2; 636/R; 636/1; 637/R; 637/1; 638; 639/R; 639/1; 640/R; 640/1; 642/5; 644/R; 644/1; 645/R; 646; 647; 748/R; 748/1; 749; 753; 754/R; 755; 756/R; 757; 759/R; 759/1; 760/R; 760/1; 761; 762/R; 762/1; 764/R; 764/1; 766; 767/R; 767/1; 767/2; 768/R; 768/1; 769; 770; 771/R; 771/1; 773/R; 773/1; 774/R; 774/1; 775/R; 775/1; 776/R; 776/1; 777/R; 777/1; 778/R; 778/1; 778/2; 778/R/1; 779/R; 780; 782/R; 782/3; 782/4; 783; 784/R; 786/R; 787/R; 787/1; 788/R; 788/3; 788/5; 789/R; 789/1; 791; 792/R; 792/1; 793/R; 793/1; 794/R; 794/1; 795/R; 795/1; 796/R; 796/1; 797; 798/R; 798/1; 799/R; 799/1; 799/2; 846/R; 846/2; 846/3; 847; 848/R; 848/1; 848/2; 849; 850/R; 850/1; 851/R; 853/R; 853/1; 854/R; 854/1; 855/R; 855/1; 856/R; 856/1; 857/R; 857/1; 858; 859; 860; 861/R; 861/1; 862; 863; 864/R/3; 864/4; 866/R; 866/2; 867/R; 867/1; 868/R; 868/1; 870; 871/R; 871/1; 872/R; 872/1; 873; 1769/R/1; 1769/2; 1770/R; 1770/2; 1770/3; 1811/1; 1813; 1817; 1820/R; 1820/1; 1820/2; 1837/R; 1846 and 1938.

**ZONE D: 10 dwelling-units per hectare: Map 4**

Erven 486/R; 486/1; 487 up to and including 490; 492; 493; 494/R; 494/1; 495/3; 495/5; 495/6; 503/R; 503/1; 504/R; 504/1; 505/R; 505/1; 506; 507/R; 507/1; 508/R; 508/1; 510/R; 510/1; 510/2; 511/R; 511/2; 513; 514/R; 514/1; 515; 516; 517; 519/R; 519/1; 520; 521/R; 521/1; 522/R; 522/1; 523/R; 523/1; 524/R; 524/1; 525; 526; 527; 528/R; 528/1; 529; 530/R; 530/1; 531/R; 531/1; 532/R; 532/1; 533; 534/R; 534/2; 534/3; 714/R; 714/1; 715/R; 715/3; 716; 717; 914/R; 914/2; 915/R; 915/1; 916/R; 916/1; 918; 919; 920/R; 920/1; 921/R; 921/1; 922; 923; 924/R; 924/2; 926; 927/R; 928/R; 929/R; 930/R; 933/R; 933/1; 934/R; 934/1; 935/R; 935/R/1; 935/2; 936; 937/R; 937/1; 938/1; 938/2; 938/3; 948/R; 948/1; 950/R; 950/1; 951/R; 951/1; 952; 953; 954/R; 954/1; 955/R; 955/1; 956/R; 956/1; 956/2; 957/R; 957/1; 958/R; 958/1; 959/R; 959/1; 960/R; 960/1; 961; 962/R; 962/1; 963; 964/R; 964/1; 965; 966/R; 966/1; 966/2; 967/R; 968; 969/R; 969/1; 970/R; 970/1; 971/R; 971/1; 971/2; 972/R; 972/1; 973/R; 973/1; 974/R; 974/1; 975; 976/2; 976/3; 976/5; 976/6; 976/13; 976/15; 976/20; 1083; 1084; 1087; 1088/R; 1088/1; 1091; 1094; 1098/R; 1098/R/1; 1098/2; 1100/R; 1100/1; 1100/2; 1103/R; 1103/R/1; 1103/2; 1104; 1105; 1106; 1108; 1109; 1110; 1111/1; 1112/4; 1112/5; 1112/6; 1112/7; 1119/R; 1763/R; 1763/2; 1783/R; 1783/1; 1793/1; 1793/2; 1793/3; 1793/7; 1793/8; 1793/9; 1793/10; 1793/11; 1826/R; 1826/1; 1826/2; 1830 and 1841/1; 1841/2; 1841/3; 1841/4; 1970/R; 1970/1; 1970/3; 1970/4; 1971 and 1977.

**ZONE E: 10 dwelling-units per hectare: Map 5**

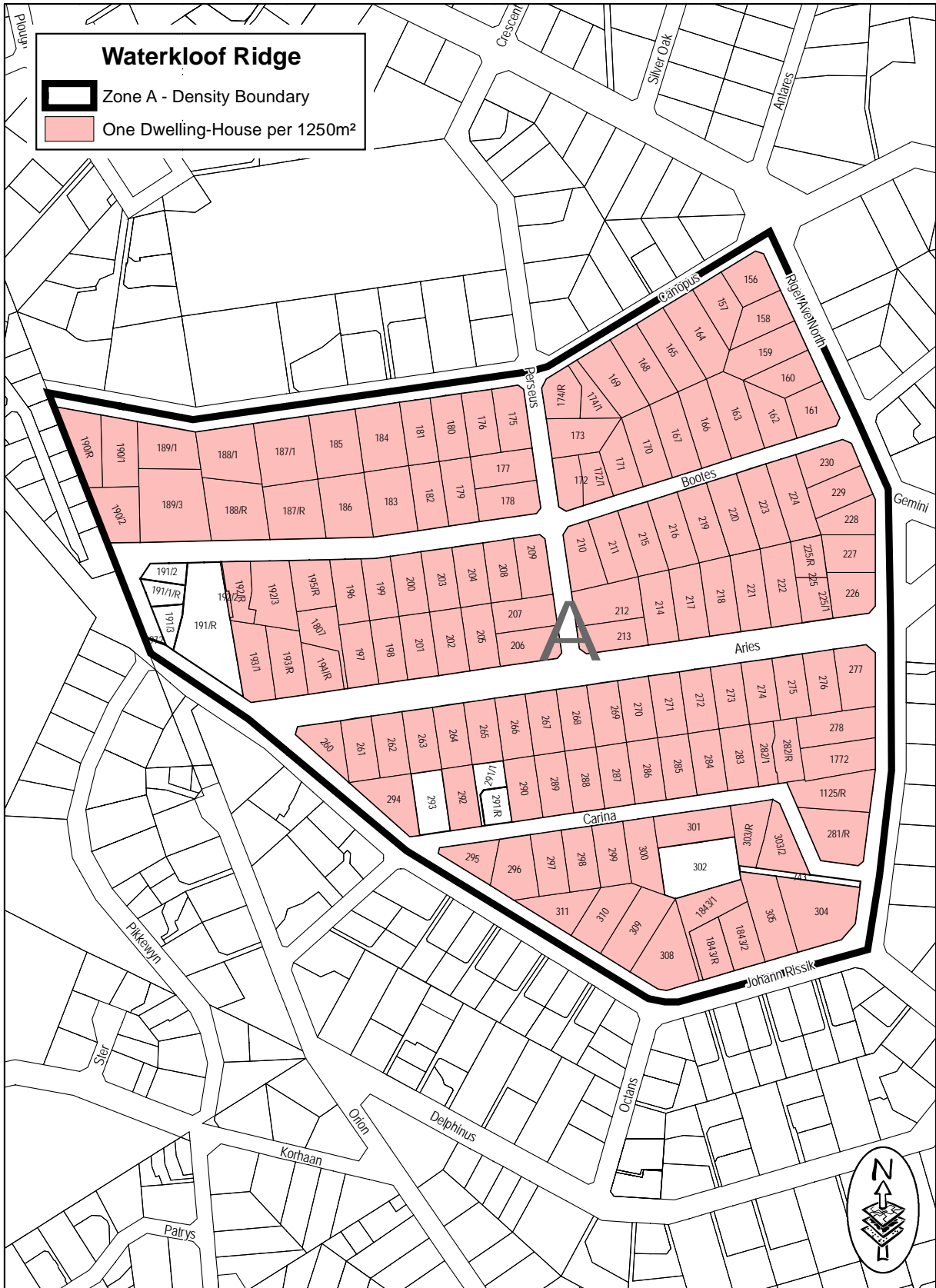
Erven 592/R; 592/1; 593/R; 593/1; 593/2; 595/R; 595/1; 596/R; 596/1; 597/R; 597/1; 598/R; 598/1; 599/R; 599/1; 600/R; 600/1; 601/R; 601/1; 603/R; 603/1; 604; 605/R; 605/1; 606/R; 606/1; 823/R; 823/1; 823/2; 827; 831/R; 831/1; 832; 835; 839/R; 839/1; 840/R; 840/3; 842/R; 842/1; 843/4; 843/6; 843/7; 844; 845; 982/R; 982/1; 985; 986/1; 990/R; 994; 995/1; 995/3; 995/4; 995/R/2; 996/R; 996/1; 997/R; 1000/R; 1000/1; 1000/2; Part of Erf 1002; 1004/R; 1004/2; 1005/R; 1005/3; 1006; 1007/R; 1007/1; 1008; 1009/R; 1009/2; 1010; 1013/R; 1014; 1017; 1794/1; 1794/3; 1794/5; 1794/8; 1794/9; 1794/10; 1794/11; 1794/12; 1794/25; 1794/27; 1794/30; 1794/31; 1794/32; 1794/33; 1794/35; 1794/36; 1794/37; 1794/R/38; 1794/R/39; 1794/40; 1794/R/42; 1794/43; 1794/44; 1794/R/45; 1794/46; 1794/R/47; 1794/48; 1794/49; 1794/50; 1794/56; 1794/60; 1795/1; 1795/2; 1795/3; 1795/4; 1795/5; 1795/R/6; 1795/7; 1795/8; 1795/9; 1795/10; 1795/11; 1795/14; 1795/15; 1795/18; 1795/25; 1795/R/26; 1795/27; 1795/28; 1795/29; 1802; 1808/R; 1808/1; 1828/2; 1828/3; 1828/4; 1828/6; 1828/7; 1828/9; 1828/10; 1828/11; and 1840.

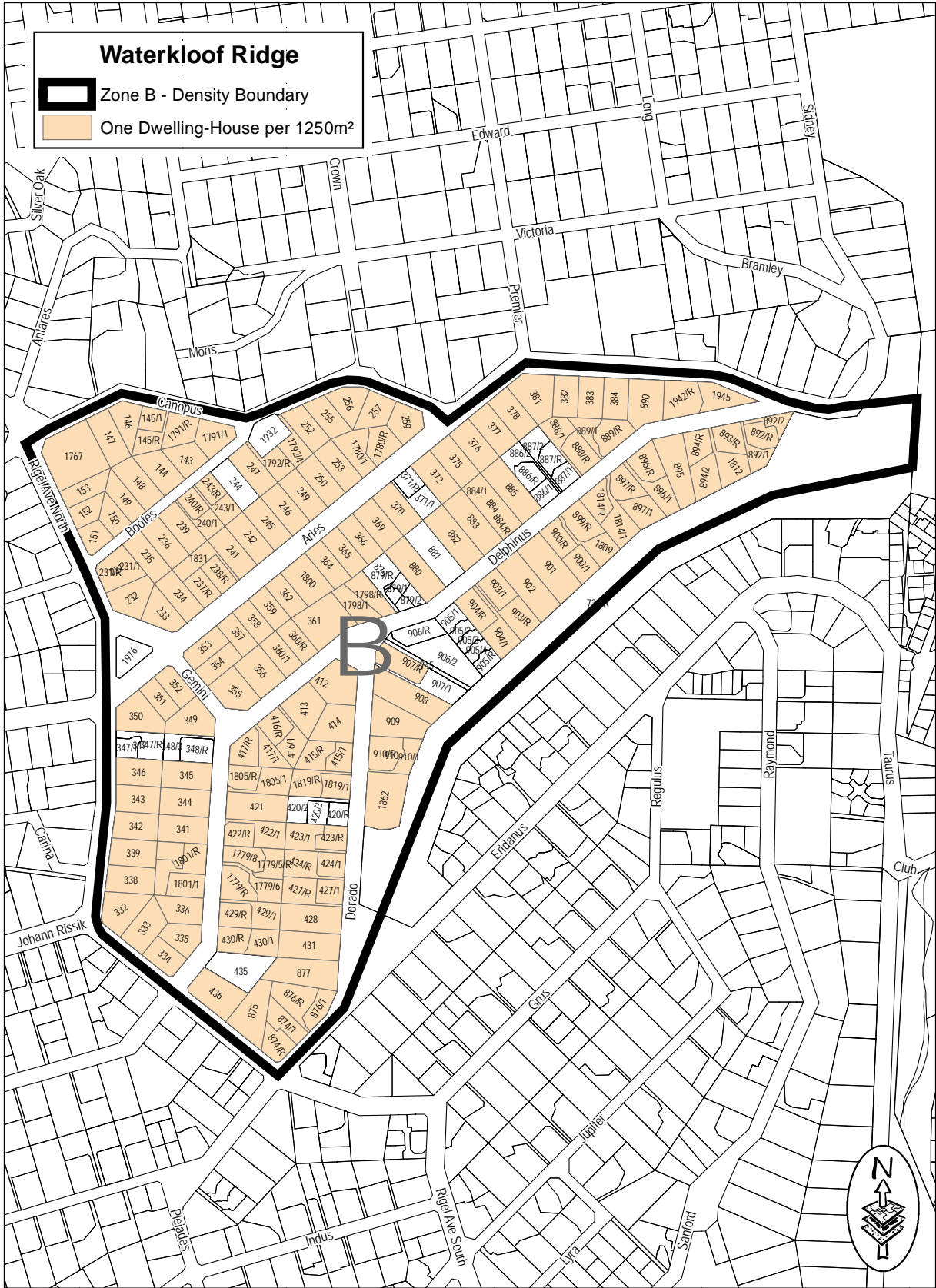
**ZONE G: 10 dwelling-units per hectare: Map 7**

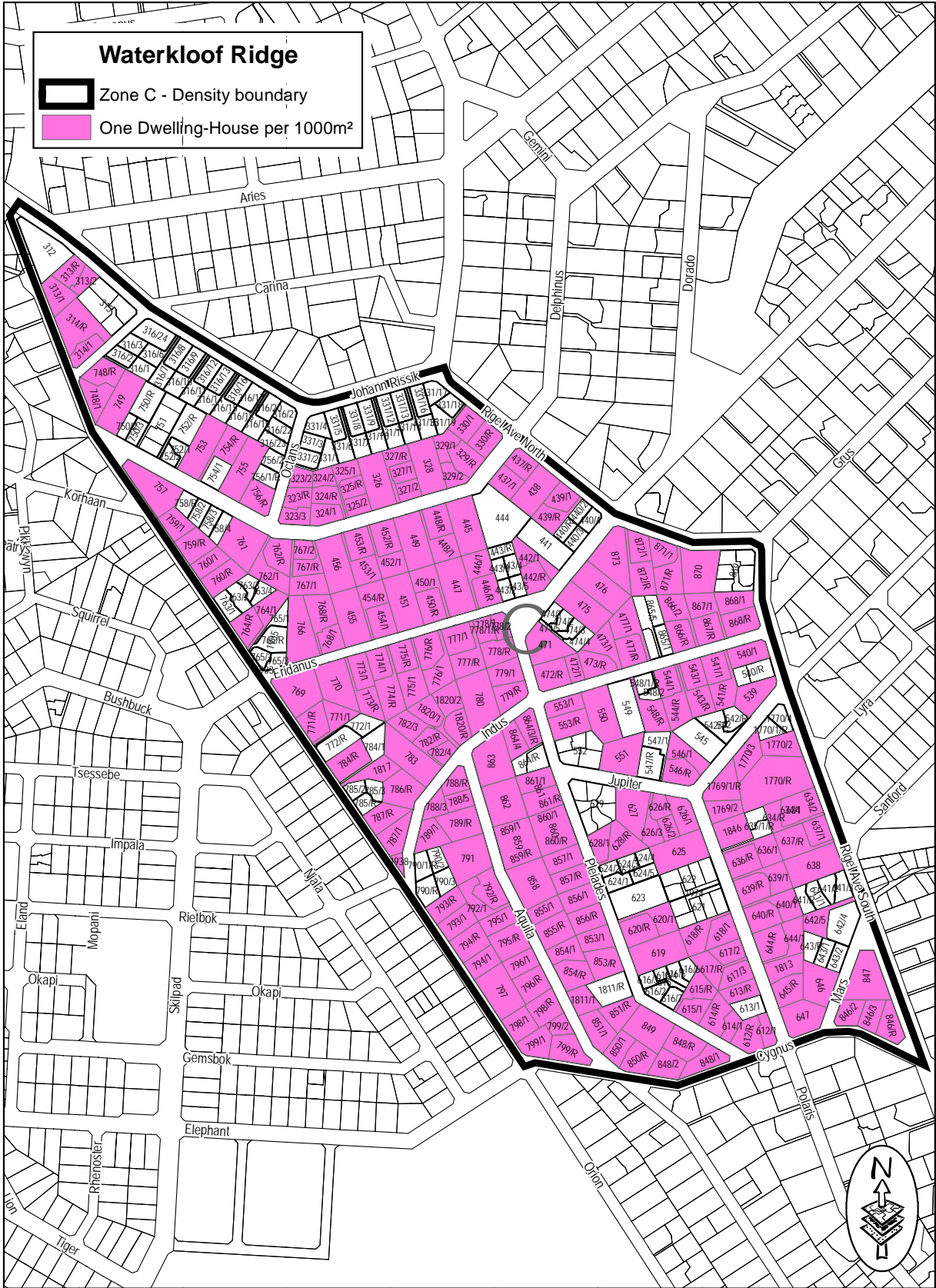
Erven 108; 109; 110; 113 up to and including 131; 136; 137; 138; 139; 140/R; 140/1; 141 up to and including 166; 167/R; 167/1; 168 up to and including 177; 180; 181; 201/1 and 201/2.

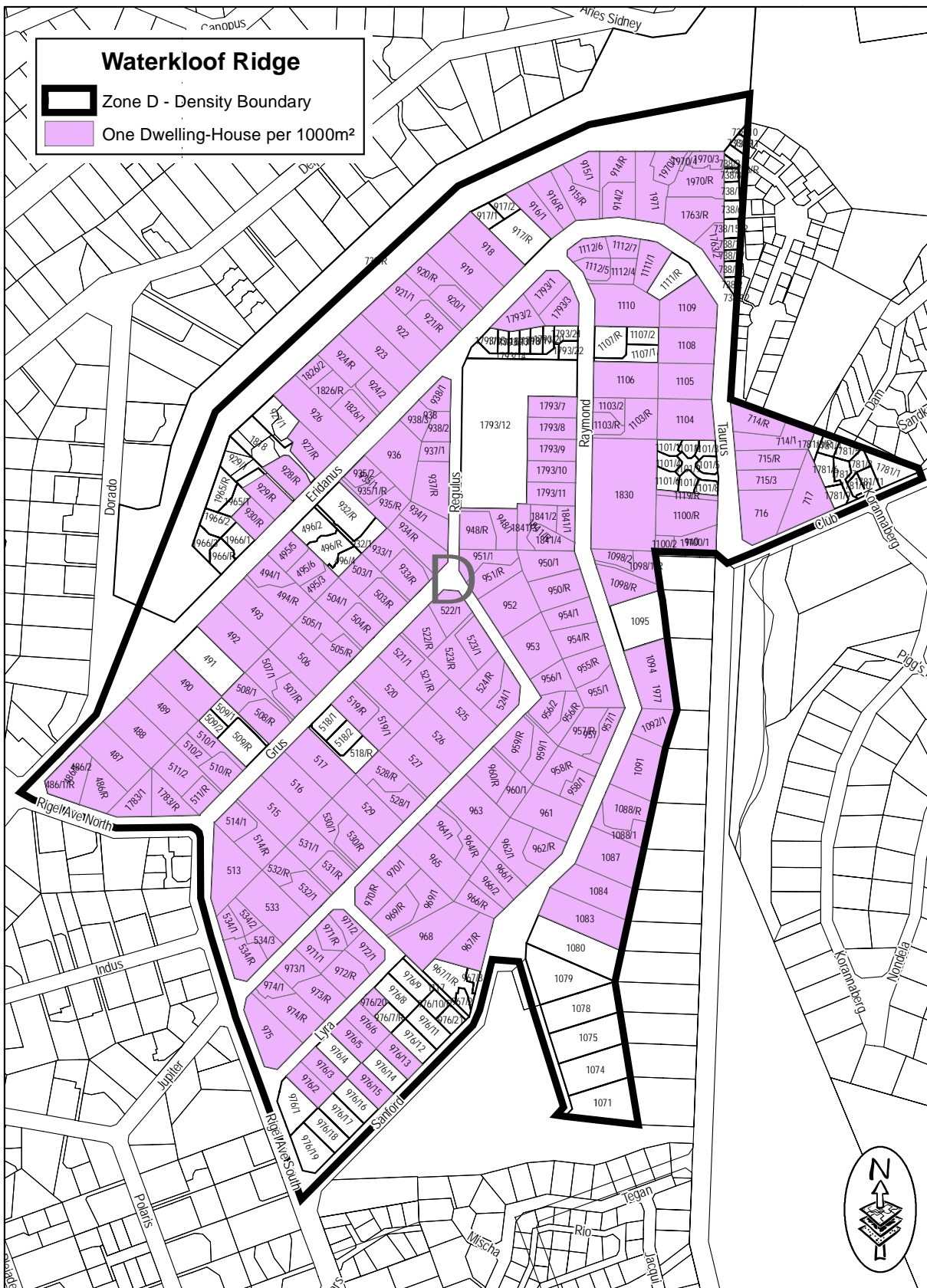
**NOTE:**

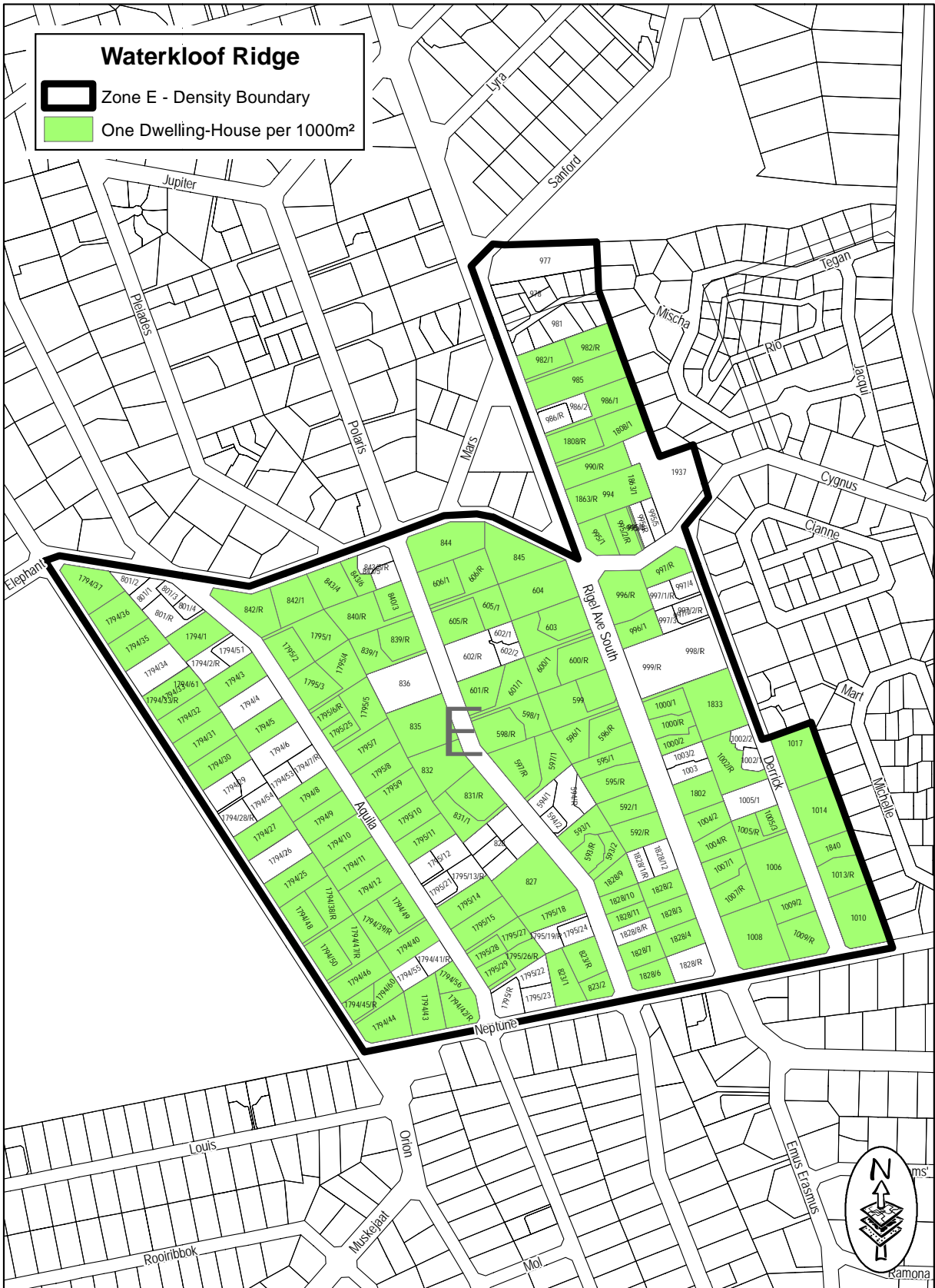
Any rezoning of the above-mentioned properties will override this Schedule.

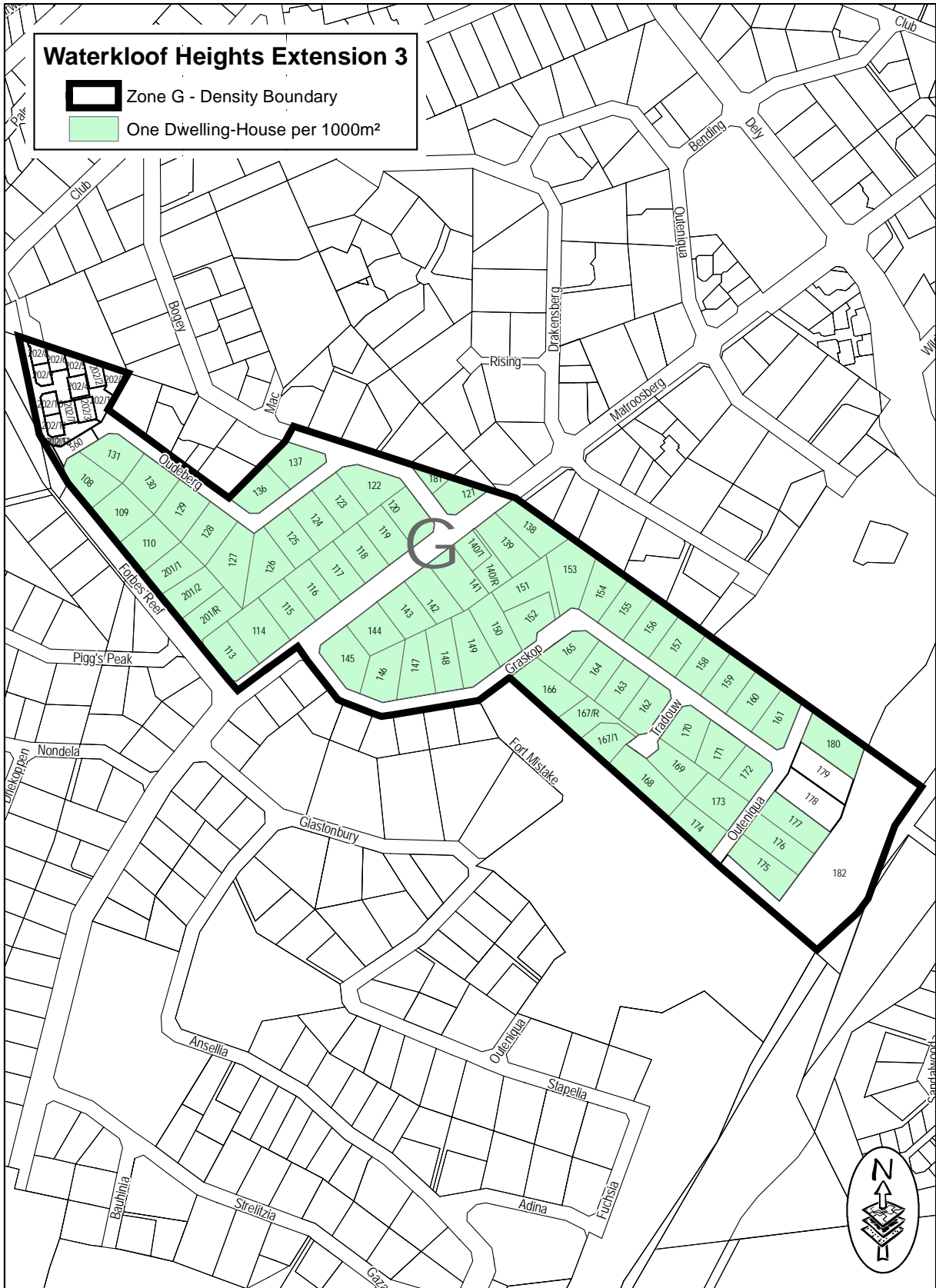










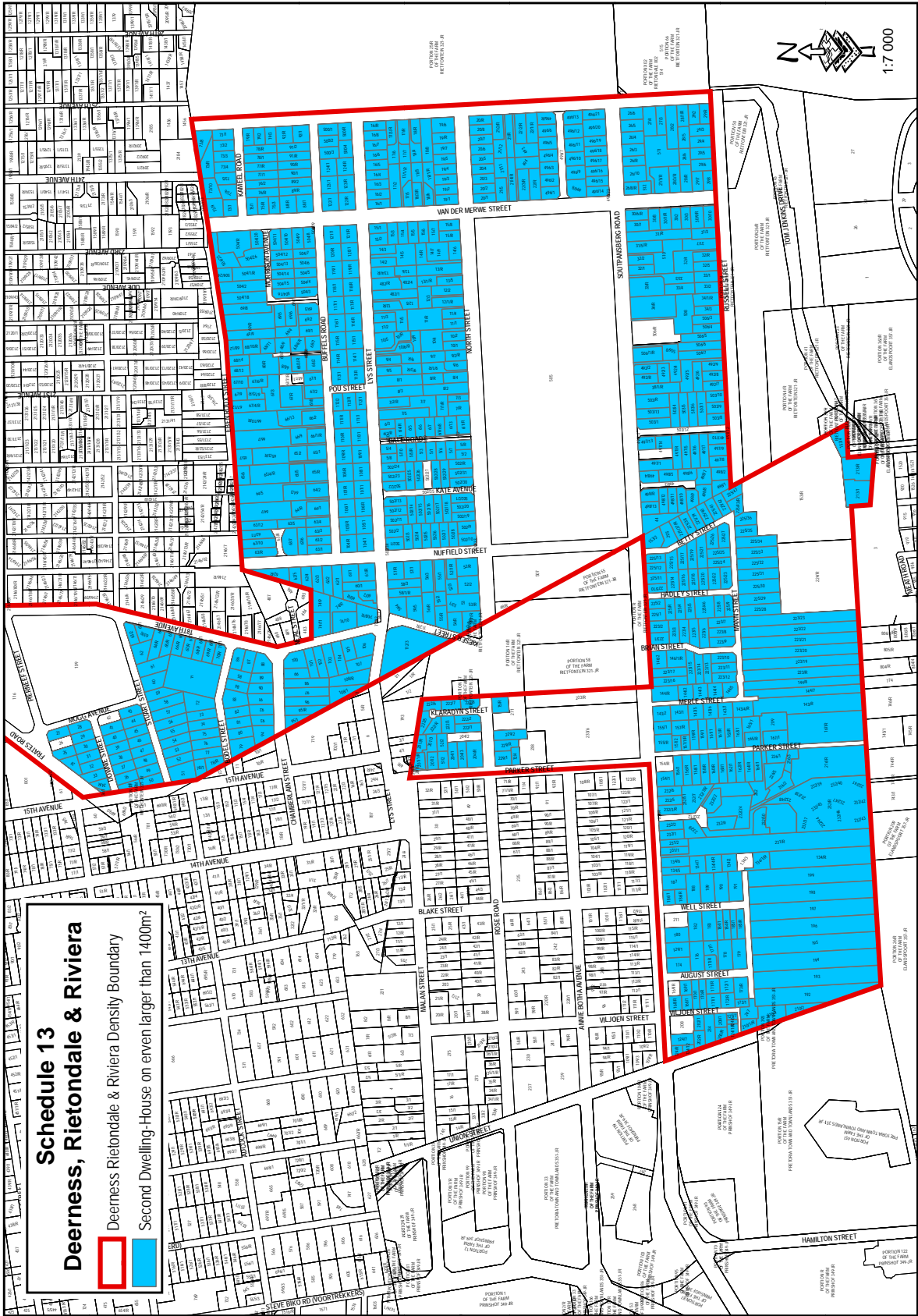


**SCHEDULE 13****MAXIMUM "RESIDENTIAL 1"-DENSITIES FOR ERVEN IN  
DEERNESS, RIETONDALE AND RIVIERA**

1. One Additional Dwelling-house in the areas as described in Paragraph 2 shall only be allowed on erven with a minimum erf size of 1 400 m<sup>2</sup>, subject to the following conditions:
  - (1) A Site Development Plan shall be submitted for approval before building plans can be approved.
  - (2) The height of the Additional Dwelling-house shall not be more than two storeys: Provided that a second storey will only be allowed if the Municipality is satisfied that such additional storey will not detrimentally affect the privacy of the adjoining property owners.
2. Description of areas:
  - (1) DEERNESS  
All Residential 1 erven.
  - (2) RIETONDALE  
All Residential 1 erven, except Erf 502/27.
  - (3) RIVIERA  
All Residential 1 erven, except Erven 3/1 and 204/2 and the Residential 1 erven in the area bounded by Soutpansberg Road on the south, Parker Street on the east and the northern and western township boundaries.

**NOTE:**

Any rezoning of the above-mentioned properties will override this Schedule.



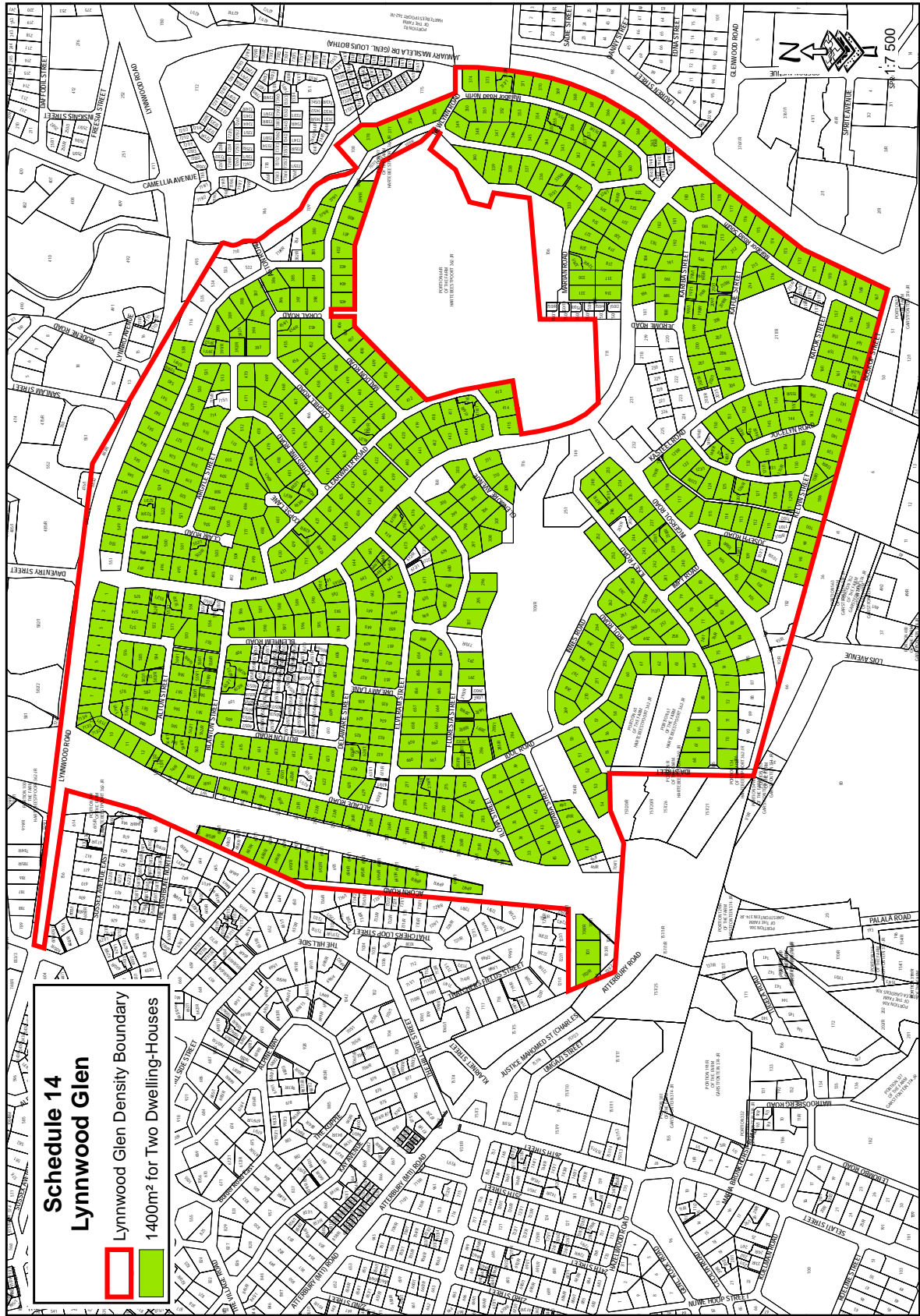
**SCHEDULE 14****MAXIMUM "RESIDENTIAL 1"-DENSITIES FOR ERVEN IN  
LYNNWOOD GLEN, LYNNWOOD MANOR, LYNNWOOD PARK AND LYNNWOOD RIDGE**

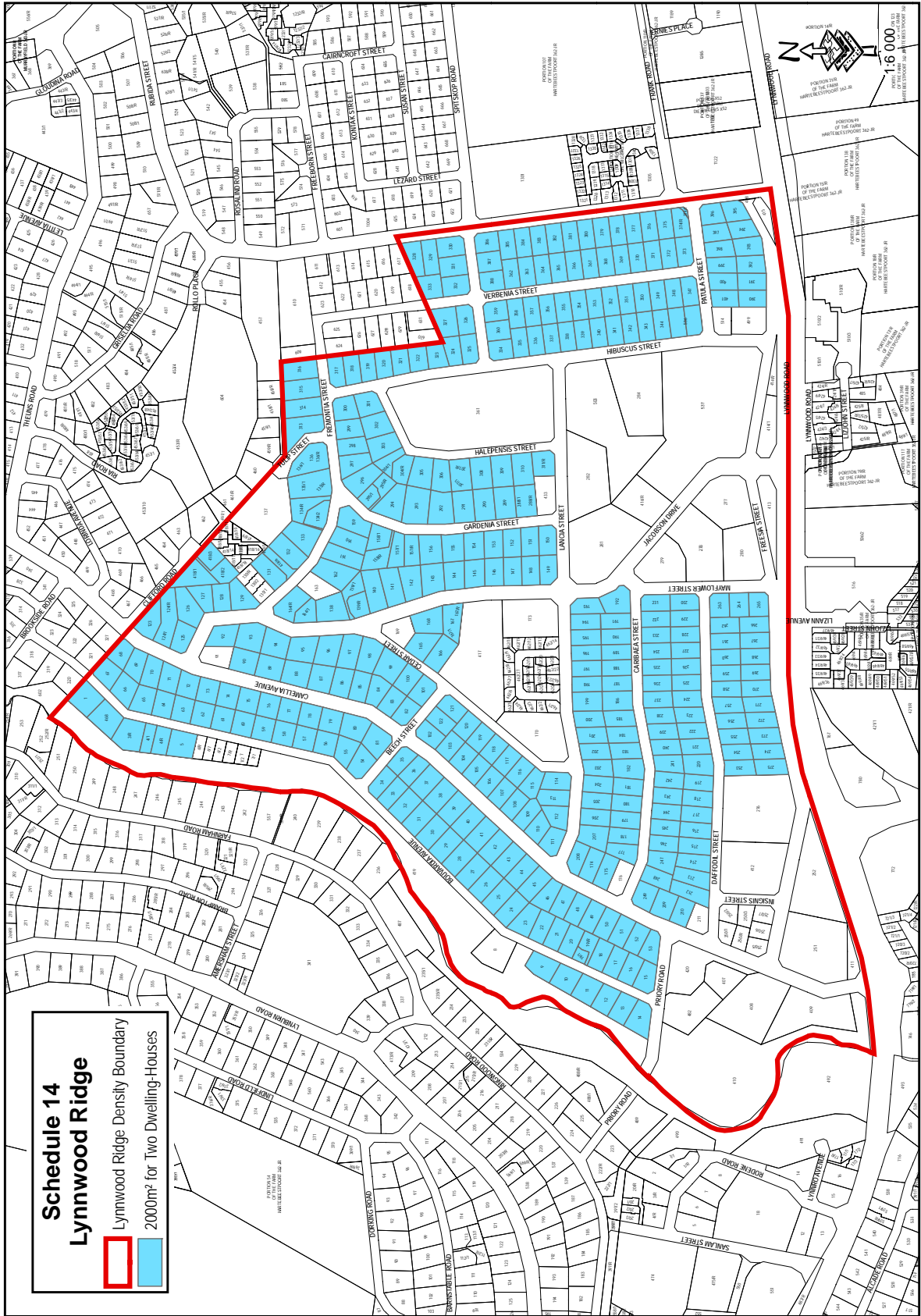
1. One Additional Dwelling-house in the following townships shall only be allowed subject to the maximum prescribed density:
  - (1) Lynnwood Glen : A minimum erf size of 1 400 m<sup>2</sup> for two dwelling-houses.
  - (2) Lynnwood Manor : A minimum erf size of 2 000 m<sup>2</sup> for two dwelling-houses.
  - (3) Lynnwood Ridge : A minimum erf size of 2 000 m<sup>2</sup> for two dwelling-houses.
  - (4) Lynnwood Park : A minimum erf size of 2 500 m<sup>2</sup> for two dwelling-houses.

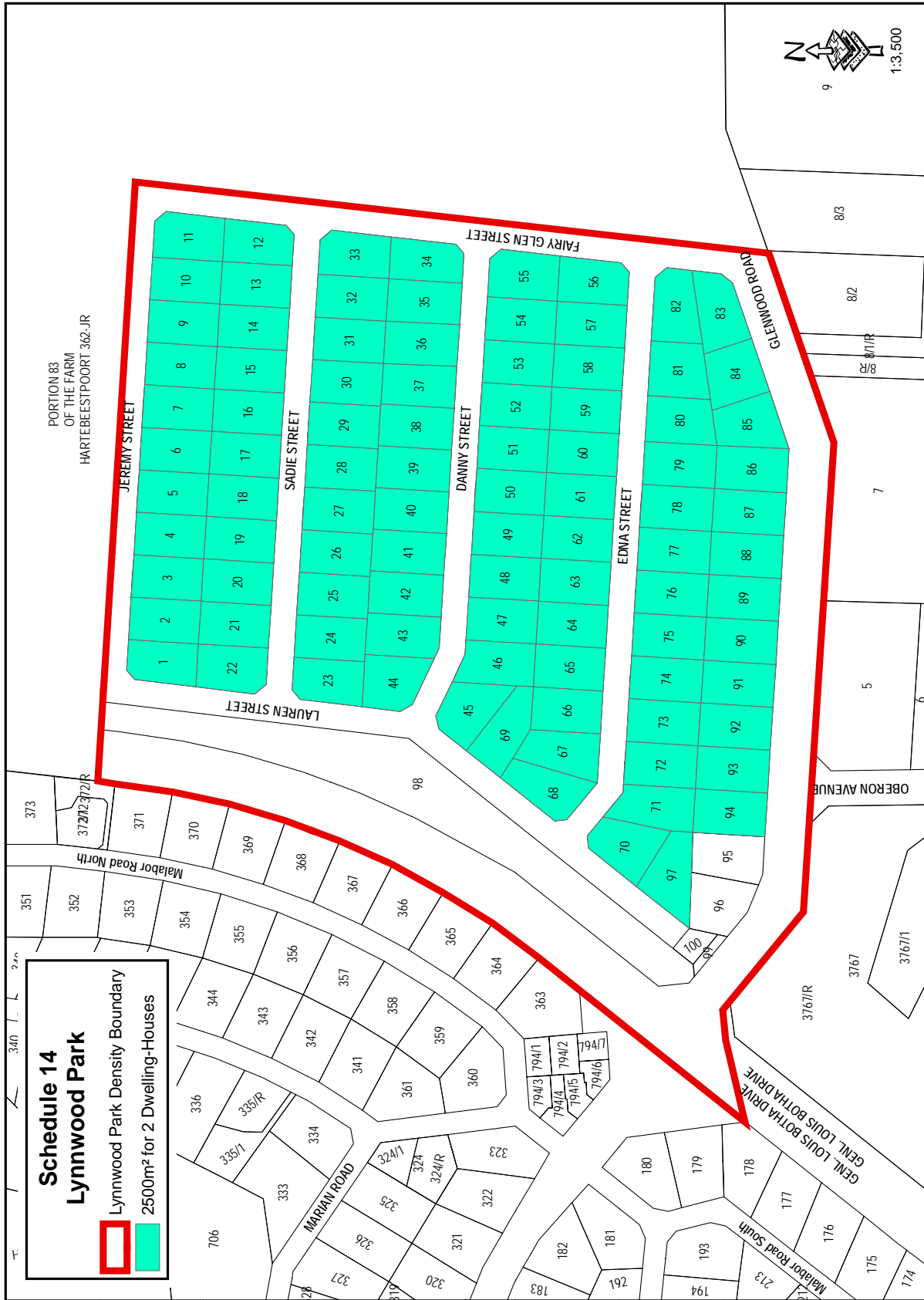
Provided that, if there is a panhandle portion or a servitude area which provides access to the subdivided portion it shall not be taken into account, and further provided that the height of the second Dwelling-house shall not exceed two storeys: Provided that a second storey shall only be allowed if the Municipality is satisfied that such additional storey will not detrimentally affect the privacy of the adjoining owners.

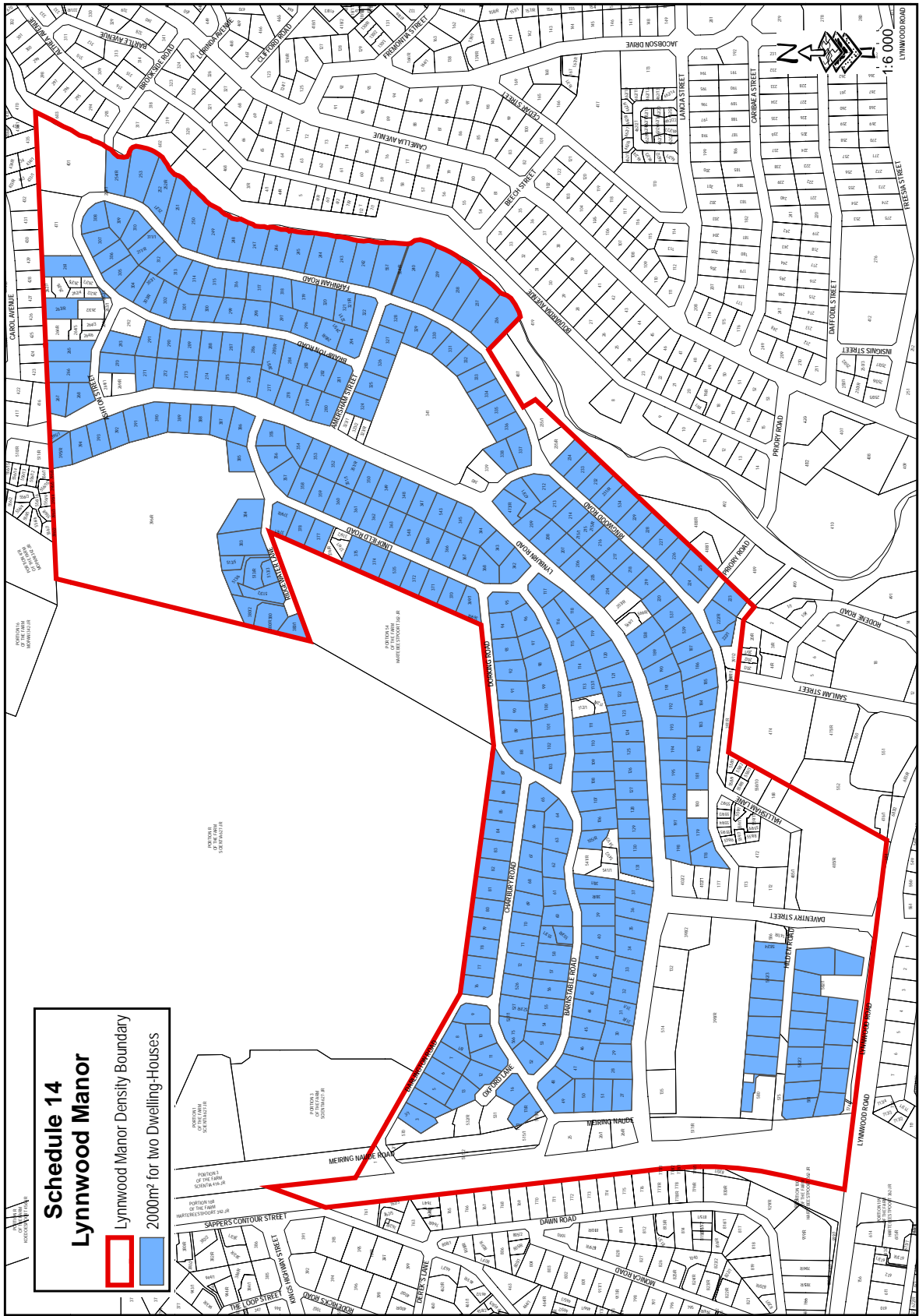
**NOTE:**

Any rezoning of the above-mentioned properties will override this Schedule.









**SCHEDULE 15****CONDITIONS GOVERNING THE ERECTION OF RESIDENTIAL BUILDINGS AND DWELLING-UNITS IN USE ZONE 5: RESIDENTIAL 5**

1	Use Zone	<b>5: RESIDENTIAL 5</b>
2	Uses permitted	Table B, Column 3
3	Use with consent	Table B, Column 4
4	Uses not permitted	Table B, Column 5
5	Definitions	Residential Building means land and buildings designed or used primarily for human habitation and the uses permitted in terms of condition 20 (1), which may include one or more Dwelling-units.  Dwelling-unit means an interconnected suite of rooms, designed for human habitation that may contain a kitchen or scullery.  Other definitions: Clause 5.
6	Density	The number of Dwelling-units and the size of a residential building that may be erected on a property shall be limited only by the height and coverage provisions of these conditions and by any applicable health and building regulations.
7	Coverage	Table E: Zone 17
8	Height	Table D: Zone 10
9	Floor space ratio	Table C: Zone 19
10	Site Development Plan and Landscape Development Plan	Not required.
11	Building Lines	Clause 12, Table A
12	Parking requirements	Demarcated parking spaces, together with the necessary paved manoeuvring space, shall be provided on the erf in the following ratios to the satisfaction of the Municipality:  Dwelling-units and Residential Buildings on erven less than 2 000 m <sup>2</sup> : Nil. Dwelling-units and Residential Buildings on erven 2 000 m <sup>2</sup> and over: 1 Space per Dwelling-unit.
13	Paving areas	Not required.
14	Access to the erf	Entrances to and exits from the erf shall be sited, constructed and maintained to the satisfaction of the Municipality.
15	Loading and off-loading facilities	Not required.
16	Turning facilities	Not required.
17	Physical barriers	Not required.
18	Health measures	(1) Any requirements for air pollution-, noise abatement- or health measures set by Municipality shall be complied with to the satisfaction of the Municipality without any costs to the Municipality.  (2) Air-conditioning units or compressors shall not be mounted to the exterior walls of buildings without the prior approval of the Municipality.
19	Outdoor advertising	Advertisements and/or sign boards shall not be erected or displayed on the erf without the approval of the Municipality first being obtained in terms of municipal By-laws for outdoor advertising.

20	<p>General:</p> <p>(1) The occupants of a Dwelling-unit or residential building may practise, <i>inter alia</i>, their social and religious activities and their occupations, professions, or trades, including Retail Trade, on the property on which such Dwelling-unit or residential building is erected: Provided that:</p> <ul style="list-style-type: none"> <li>(a) at least 70% of the Gross Floor Area of the buildings shall remain residential;</li> <li>(b) the occupation, trade or profession or other business shall not be noxious and it shall not occupy more than 60m<sup>2</sup> Gross Floor Area of the buildings without the Permission of the Municipality;</li> <li>(c) the occupation, trade or profession shall not interfere with the amenity of the neighbourhood due to disturbance or pollution through noise, dust, radio-activity, gases, fumes or vibrations;</li> <li>(d) a Place of Amusement, sale of liquor, Scrap Yard, Place of Refreshment or a Tavern shall not be permitted; and</li> <li>(e) any waste generated by the occupation, trade or profession or other business, especially medical waste, shall comply with the Municipal requirements for the temporary storage and removal thereof from the property.</li> </ul> <p>(2) In addition to the above conditions the erf and buildings thereon are further subject to the general provisions of the Tshwane Town-planning Scheme, 2008 (Revised 2014).</p>
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**SCHEDULE 16****CONVERSION TABLE: AKASIA-SOSHANGUVE TOWN-PLANNING SCHEME, 1996  
TO TSHWANE TOWN-PLANNING SCHEME, 2008 (REVISED 2014)**

<b>SCHEDULE 16: PART A</b>	
<b>AKASIA-SOSHANGUVE TOWN-PLANNING SCHEME, 1996: DEFINITIONS</b>	<b>TSHWANE TOWN-PLANNING SCHEME, 2008 (REVISED 2014): DEFINITIONS</b>
<p><b>ADDITIONAL DWELLING-UNIT</b></p> <p>Means a Dwelling-unit in addition to a dwelling-house.</p>	Not included.
<p><b>ADMINISTRATOR</b></p> <p>Means the official as defined in the Ordinance.</p>	<p><b>PREMIER</b></p> <p>Means the head of the Executive Council of the Gauteng Provincial Government.</p>
<p><b>AGRICULTURAL BUILDING</b></p> <p>Means a building designed for use in connection with, and which is ordinarily incidental to, or reasonably necessary in connection with the use of the land on which the building is situated as agricultural land, and may include a dwelling-house.</p>	<p><b>AGRICULTURE</b></p> <p>Means land and buildings used for any bona fide farming activities which may include Market Gardens, game farming, cattle, goats and sheep farming, bee farming, bird breeding, plant nursery, plantations, aquaculture, mushroom production, forestry and orchards and activities normally regarded as incidental thereto, but excludes Abattoirs, cattle feeding lots, poultry farming pig farming, and Animal Boarding Place.</p>
<p><b>AGRICULTURAL LAND</b></p> <p>Means arable land, meadow or pasture land, market gardens, poultry farms and pig farms, land used for bee-farming, nursery gardens, plantations and orchards.</p>	Not included.
<p><b>ANNEXURES TO THE SCHEME</b></p> <p>An annexure as contemplated in Clause 5.</p>	<p><b>ANNEXURE A</b></p> <p>Means the plan on which those exceptions to the parking requirements in terms of Clause 28 are indicated.</p> <p>and</p> <p><b>ANNEXURE T</b></p> <p>Means the set of documents showing details of rights permitted and conditions imposed on certain erven and land marked with a black number within a black circle on the Map 3 which rights and conditions shall prevail over any other clause or provision of the Scheme except that if rights and conditions are not stipulated the provisions of the Scheme Clauses shall apply as read with Clause 4(2) and includes any approved Annexure B, Annexure or Schedule of a former Town Planning Scheme applicable in the Tshwane municipal area.</p>

<b>SCHEDULE 16: PART A</b>	
<b>AKASIA-SOSHANGUVE TOWN-PLANNING SCHEME, 1996: DEFINITIONS</b>	<b>TSHWANE TOWN-PLANNING SCHEME, 2008 (REVISED 2014): DEFINITIONS</b>
<p><b>AREA</b></p> <p>The area described in Clause 3.</p>	<p>See Clause 1.</p>
<p><b>BASEMENT</b></p> <p>Any part of a building which is below the level of the ground storey of the building.</p>	<p><b>BASEMENT</b></p> <p>Means any portion of a building complying with the provisions of Clause 9(5) and 12, the floor of which is 2 m or more below the mean natural ground level of the ground covered by the building, and of which no part of the ceiling is more than 1 m above such mean level.</p>
<p><b>BUILDERS YARD</b></p> <p>Land and/or buildings which are used for the storage of materials -</p> <p>(a) required for a normally used in building operations; or</p> <p>(b) derived from demolition or excavation operations; or</p> <p>(c) required or normally used for improvements to land, such as material for the construction of streets, the installation of essential services, or for any other building works, whether used for public or private purposes, or land or buildings used for the preparation for use of materials thus stored but does not include a builder's yard established for the purpose of temporarily storing such materials in connection with and for the duration of construction or building works, in the vicinity of such builder's yard and does not include the storage at a "Shop" or a "Warehouse".</p>	<p><b>BUILDER'S YARD</b></p> <p>Means land and buildings that are used for the storage and/or sale and rental of building materials such as sand, bricks, scaffolding, cement, doors, windows etc and equipment that:</p> <p>(1) are required for building works; or</p> <p>(2) have been obtained from demolitions or excavations; or</p> <p>(3) are required or are usually required for improvements on land, such as material that is used for any building work, whether for public or private purposes; or</p> <p>(4) are ancillary and subservient to a hardware shop.</p>
<p><b>BUILDING</b></p> <p>Includes a construction or structure of any nature as well as:</p> <p>(a) any other structure, whether of a temporary or permanent nature and irrespective of the materials used in the erection thereof, erected or used for or in connection with-</p> <p>(i) the accommodation or convenience of human beings or animals;</p> <p>(ii) the manufacture, processing, storage, display or sale of any goods;</p> <p>(iii) the rendering of any services;</p>	<p><b>BUILDING</b></p> <p>Means a building as defined in the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977).</p>

<b>SCHEDULE 16: PART A</b>	
<b>AKASIA-SOSHANGUVE TOWN-PLANNING SCHEME, 1996: DEFINITIONS</b>	<b>TSHWANE TOWN-PLANNING SCHEME, 2008 (REVISED 2014): DEFINITIONS</b>
<p>(iv) the destruction or treatment of refuse or other waste materials;</p> <p>(v) the cultivation or growing of any plant or crop;</p> <p>(b) any wall, swimming pool, Reservoir or bridge or any other structure connected therewith;</p> <p>(c) any fuel pump or any tank used in connection therewith;</p> <p>(d) any part of a building, including a building as defined in Paragraph (a), (b) or (c);</p> <p>(e) any facilities or system, or part or portion thereof, within or outside incidental to a building, for the provision of a water supply, drainage, sewerage, storm-water disposal, electricity supply or other similar service in respect of the building.</p>	
<p><b>BUILDING LINE</b></p> <p>A line indicating a building restriction area measured from a street, proposed street, street widening, or any other boundary of a property other than a street boundary and which is at a stipulated distance from the boundary of a property.</p>	<p><b>BUILDING LINE</b></p> <p>Means an imaginary line on a property that demarcates the Building Restriction Area and is at a fixed distance from any boundary of such property.</p>
<p><b>BUILDING RESTRICTION AREA</b></p> <p>An area wherein no building, except permitted in the Scheme, may be erected.</p>	<p><b>BUILDING RESTRICTION AREA</b></p> <p>Means the area on a property where no building, except as permitted by the scheme, may be erected and which is bounded on one side by a Building Line and on the other side by a boundary of the property and also includes open spaces or as indicated in an Annexure T to the scheme.</p>
<p><b>BY-LAWS</b></p> <p>The municipal by-laws applicable in the area of the scheme.</p>	<p><b>BY-LAWS</b></p> <p>Means the Municipality by-laws in force in the area of the Scheme.</p>
<p><b>CAR WASH</b></p> <p>Land that is used for the washing, polishing and vacuum cleaning of motor vehicles.</p>	<p><b>CAR WASH</b></p> <p>Means land and buildings used for the washing, polishing and cleaning of vehicles by means of mechanical apparatus or by hand.</p>
<p><b>COMMERCIAL USE</b></p> <p>Land used or a building designed or used for such</p>	<p><b>COMMERCIAL USE</b></p> <p>Means land and buildings used for Distribution</p>

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purposes as distribution centres, wholesale trade, storage, warehouses, cartage and transport services, laboratories and computer centres and may include offices and industries which are directly related and subservient to the main commercial use which is carried out on the land or in the building.	Centres, Wholesale Trade, storage, Warehouses, Telecommunications Centre, Transport Depot, Laboratories and Computer Centres and may include Offices, Light Industries, a Cafeteria and a Caretaker's Flat, which are directly related and subservient to the main commercial use which is carried out on the land or in the building.
<b>CONTROLLING AUTHORITY</b>  The controlling authority as defined in section 1 of the Advertising on Roads and Ribbon Development Act, 1940 (Act 21 of 1940) or the Commission as defined in section 1 of the National Roads Act, 1971 (Act 54 of 1971), as the case may be.	<b>CONTROLLING AUTHORITY</b>  Means the controlling authority as defined in Section 1 of the Advertising on Roads and Ribbon Development Act, 1940 (Act 21 of 1940) or the Commission as defined in Section 1 of the National Roads Act, 1971 (Act 54 of 1971) or the Gauteng Transport Infrastructure Act, 2001 (Act 8 of 2001).
<b>COVERAGE</b>  The area of a property covered by buildings measured over the external wall as seen vertically from above and expressed as a percentage of the area of the property excluding covered walkways.	<b>COVERAGE</b>  Means the percentage area of a property including any servitude area covered by the roofed area of all buildings as seen vertically from above but does not include a structure or building that has no roof.
<b>DENSITY ZONE</b>  A part of the area of this Scheme, shown on the map by means of a distinctive notation or edging or other distinctive manner for the purpose of indicating the restriction imposed on the erection and use of buildings or the use of land with regard to density.	Not included
<b>DRIVE-IN RESTAURANT</b>  Land used or a building designed or used as a place of refreshment from where food and refreshments are served to clients who mainly remain seated in parked vehicles.	<b>DRIVE-IN RESTAURANT</b>  Means land and buildings used for the preparation and consumption of food and refreshments by clients in parked vehicles and may include take-aways.
<b>DWELLING-HOUSE</b>  A single detached dwelling-unit.	<b>DWELLING-HOUSE</b>  Means a single Dwelling-unit on property zoned "Residential 1", "Agriculture" and "Undetermined".
<b>DWELLING-UNIT</b>  Means an interconnected suite of rooms which may not include more than one kitchen, designed for occupation and use by a single family and also includes such outbuildings and servant's quarters as are ordinarily incidental thereto.	<b>DWELLING-UNIT</b>  Means a self-contained suite of rooms mutually and internally connected and consisting of habitable room(s), bathroom(s), toilet(s) and not more than one kitchen without the Permission of the Municipality for the purpose of residence by a single family, or a single person or two unmarried persons and may include outbuildings which are ancillary and subservient to the Dwelling-unit and may include a Home Enterprise subject to Schedule 9.

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<p><b>ERECTION OF A BUILDING</b></p> <p>includes the structural alteration of or the making of any addition to a building other than a structural alteration which, in the opinion of the local authority, is of a limited extent such as, inter alia the removal of non-weight bearing internal walls, the erection of removable partitions, safes and toilets inside an existing building, or repair work inside or outside a building.</p>	<p><b>ERECTION OF A BUILDING</b></p> <p>Means, inter alia, the construction of, any addition to or structural alteration of a building.</p>
<p><b>ERF</b></p> <p>As defined in the Ordinance.</p>	<p><b>ERF</b></p> <p>Means an erf as defined in the Ordinance and includes any resultant portion of an erf obtained through subdivision of such an erf.</p>
<p><b>EXISTING BUILDING</b></p> <p>A building erected in accordance with building plans approved by the local authority and which is otherwise lawful, the construction of which –</p> <p>(a) was completed on or before the “Fixed date”; or</p> <p>(b) in the opinion of the local authority, commenced within a reasonable time before the “Fixed date”, but was completed thereafter.</p>	<p><b>EXISTING BUILDING</b></p> <p>Means respectively a building or work erected or carried out before the relative date set out in the definition of “Existing Use” and includes a building or work,</p> <p>(1) erected or carried out in pursuance of a contract made before the relevant date given in the definition of 'Existing Use',</p> <p>(2) begun before, but completed after, the said date,</p> <p>(3) erected or carried out in accordance with the terms of any Permission granted by the Municipality before the said date:</p> <p>Provided that, notwithstanding the aforementioned definition, the Municipality may refuse to regard any building or work which was the subject of a prohibition or instruction as contemplated in Section 43 of the Ordinance as an Existing Building or an existing work.</p>
<p><b>EXISTING ERF</b></p> <p>Any erf as defined in the Ordinance and includes any portion of an erf the subdivision of which was approved prior to the “Fixed date” and is registered in a Deeds Registry.</p>	<p><b>EXISTING ERF</b></p> <p>Means any erf as defined in the Ordinance and includes any portion of an erf in the areas mentioned in the definition of “Existing Use”.</p>
<p><b>EXISTING USE</b></p> <p>As defined in Section 43 of the Ordinance.</p>	<p><b>EXISTING USE</b></p> <p>Means, subject to Section 43 of the Ordinance, the continuous lawful use of a building or land for the purpose for which it was erected or was lawfully being used.</p>

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<p><b>FAMILY</b></p> <p>A man or woman, or both, with or without their parents, and with or without the children of one or the other or both, who all live together.</p>	<p><b>FAMILY</b></p> <p>Means the following people that live together:</p> <ol style="list-style-type: none"> <li>(1) a married couple with or without their parents and/or their children; or</li> <li>(2) a single person with his/her parents and/or his/her children; or</li> <li>(3) brothers and sisters; or</li> <li>(4) a single person with his/her grandparents and/or his/her grandchildren; or</li> <li>(5) grandparents with their grandchildren.</li> </ol>
<p><b>FILLING STATION</b></p> <p>land used or a building designed or used for the purposes of fuelling, washing, polishing and lubricating of motor vehicles, including incidental and routine maintenance but excluding a "Public Garage", panel beating, spray-painting and any major repairs.</p>	<p><b>FILLING STATION</b></p> <p>Means land and buildings used for:</p> <ol style="list-style-type: none"> <li>(1) the storage of fuels and the retail selling of vehicle fuel and lubricants;</li> <li>(2) one working bay for emergency repairs to vehicles;</li> <li>(3) a Convenience Store including a Confectionery and take-away facility including a kitchen, with a maximum Gross Floor Area, accessible to the general public, of 250 m<sup>2</sup>, which floor area shall include the floor area accessible to the public as well as any store room, Office, fridge area, safe which is used for the operation of the Convenience Store;</li> <li>(4) an automatic teller machine; and</li> <li>(5) the sale of LP gas.</li> </ol>
<p><b>FIXED DATE</b></p> <p>The date on which the Northern Pretoria Metropolitan Substructure gave notice in the Provincial Gazette that this Scheme had been approved.</p>	<p><b>FIXED DATE</b></p> <p>Means the date on which the Municipality gave notice in the Provincial Gazette that this scheme has been approved.</p>
<p><b>FLOOR AREA</b></p> <p>The total of the gross area occupied by a building at the floor level of each storey: Provided that in the calculation of the floor area the following areas shall not be included:-</p> <ol style="list-style-type: none"> <li>(a) Unroofed buildings, open roofs and areas occupied by external fire-escapes.</li> <li>(b) Parking spaces for the occupants of the</li> </ol>	<p><b>GROSS FLOOR AREA</b></p> <p>The Gross Floor Area of a building is determined by multiplying the area of the property by the FAR, eg. 1 000 m<sup>2</sup> x 0,4 = 400 m<sup>2</sup>: Provided that certain floor areas can be deducted from the calculation of Gross Floor Area as provided in Schedule 7.</p>

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<p>building.</p> <p>(c) Entrance passages and corridors (excluding entrance halls, porches and corridors in a dwelling unit or a residential building where such entrance halls, porches and corridors are not enclosed by outer walls or windows).</p> <p>(d) Accommodation for the lift motors and other mechanical or electrical equipment necessary for the proper utilisation of the building.</p> <p>(e) Housing for servants on the roof of a building: Provided that the floor area thus excluded shall not exceed three percent of the permissible floor area of such building.</p> <p>(f) A veranda or balcony in a building: Provided that such veranda or balcony shall not be enclosed except by means of a parapet at most one metre (1 m) high or a wire gauze screen.</p> <p>(g) Areas reasonably used for the cleaning, maintenance and care of the building or buildings, except dwelling units for supervisors, cleaners and caretakers.</p> <p>(h) Passage ways for pedestrians.</p>	
<p><b>FLOOR AREA RATIO” OR “F.A.R”</b></p> <p>The ratio obtained by dividing the floor area of a building or buildings by the total area of the property on which the building is erected, thus –</p> $\text{F.A.R.} = \frac{\text{Floor area of a building or buildings.}}{\text{Total area of the property on which the building(s) is/are erected.}}$	<p><b>FLOOR AREA RATIO</b></p> <p>Means the ratio of the Gross Floor Area of a building to the total area of the property, including any servitudes, on which such building is erected or is to be erected, i.e.</p> <p>FAR = Gross Floor Area divided by Area of property.</p>
<p><b>GROUND FLOOR</b></p> <p>The storey on which there is an entrance or entrances to the building by means of an approach ramp, stairs or similar structure from the lowest natural ground level.</p>	<p><b>GROUND FLOOR</b></p> <p>Means the floor of a building which is the entry point into the building and which is at or closest to the natural ground level of the property on which such building stands and excludes a basement.</p>
<p><b>GROSS LEASABLE FLOOR AREA</b></p> <p>Means the floor area designed for occupation and control by a lessee, or which is suitable for such purpose, measured from the centre line of joint partitions and/or the outer surface of external walls, but excluding covered walkways.</p>	<p><b>GROSS FLOOR AREA</b></p> <p>The Gross Floor Area of a building is determined by multiplying the area of the property by the FAR, e.g. <math>1\,000\text{ m}^2 \times 0,4 = 400\text{ m}^2</math>: Provided that certain floor areas can be deducted from the calculation of Gross Floor Area as provided in Schedule 7.</p>

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<p><b>GUEST-HOUSE</b></p> <p>A residential enterprise which, with the consent of the local authority, may be conducted from a dwelling house that is still occupied on a full-time base, subject to such conditions as may be set by the local authority.</p>	<p><b>GUEST-HOUSE</b></p> <p>Means land and buildings, consisting of a minimum of three and not more than 16 bedrooms, which may include a kitchenette in each bedroom/habitable room, for a maximum of 32 guests, a dining-room, lounge, bar and may include ancillary and subservient facilities for the exclusive use of such guests but does not include any building mentioned whether by way of inclusion or exclusion in the definitions of a "Place of Refreshment", "Place of Amusement", "Social Hall", "Adult Premises" and "Residential Building" and which shall be managed by the owner or manager who shall reside on the same property and may include ancillary and subservient staff accommodation.</p>
<p><b>HEIGHT</b></p> <p>The height of a building expressed in the number of storeys.</p>	<p><b>HEIGHT</b></p> <p>Means the height of any part of a building as measured vertically from the natural ground level of the footprint of the building to the highest point of the building as indicated in the diagrams in Clause 26 provided that a maximum of 500 mm of fill above natural ground level for storm-water management shall be excluded from the height calculation.</p>
<p><b>HEIGHT ZONE</b></p> <p>A part of the area of this Scheme, shown on the map by means of a distinctive notation or edging or other distinctive manner for the purpose of indicating the restriction imposed on the erection and use of buildings or the use of land with regard to height, coverage and floor area.</p>	<p><b>HEIGHT ZONE</b></p> <p>Means a specific zone in Table D for height values for each Use Zone and indicated on the GIS electronic database of the Municipality for each property in the Tshwane municipal area.</p>
<p><b>HOME OFFICE</b></p> <p>A dwelling unit that is used by the occupant for the conduct of a practice, which in the opinion of the local authority is deemed to be a home practice; provided that such use shall be subservient to the residential use of the property in the opinion of the local authority.</p>	<p><b>HOME ENTERPRISE</b></p> <p>Means the practice of an activity, business, hobby or occupation in a Dwelling-unit, excluding in a Commune, a Guest-house, a Block of Tenements, a Boarding House, Backpackers, Nursing Home, Recreation Resort, Hostel and Hotel, with the aim of deriving an income there-from subject to Schedule 9.</p>
<p><b>HOTEL</b></p> <p>A building which is registered as a hotel in terms of Section 1 of the Hotel act, 1965 (Act 70 of 1965).</p>	<p><b>HOTEL</b></p> <p>Means land and buildings used as an accommodation establishment as defined in the Tourism Act, Act 72 of 1993, as amended and may include staff accommodation and a Place of Refreshment for the use of guests only and a Conference Centre but excludes a Block of Flats, a Block of Tenements, Boarding House, Hostel,</p>

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	Guest-house, Backpackers and Retirement Centre; provided that parking shall be provided according to Table G for the Place of Refreshment and Conference Centre if these are used by persons other than guests of the hotel.
<b>HOUSEHOLD ENTERPRISE</b>  A small scale enterprise which is practised by a maximum of two (2) persons, of which at least one is a full time resident of the property, from a dwelling unit or house in such a way that the residential character and use, dwelling-unit and environment shall not, in the opinion of the local authority, be in any way harmed or changed.	<b>HOME ENTERPRISE</b>  Means the practice of an activity, business, hobby or occupation in a Dwelling-unit, excluding in a Commune, a Guest-house, a Block of Tenements, a Boarding House, Backpackers, Nursing Home, Recreation Resort, Hostel and Hotel, with the aim of deriving an income there-from subject to Schedule 9.
<b>INDUSTRY</b>  A factory and industries as defined in the Machinery and Occupational Safety Act, 1983 (Act 6 of 1983 and including offices which are directly related to and subservient to the main use conducted on the property.	<b>INDUSTRY</b>  Means land and buildings where a product or part of a product is manufactured, mounted, processed, repaired, rebuilt or packed, including a power station and incinerator plant and may include a Cafeteria and a Caretaker's Flat and any other activities connected to or incidental to the activities mentioned herein, excluding noxious industries, light industries and Retail Industries.
<b>INSTITUTION</b>  A building designed and used as a public institution or charitable institution, hospital, nursing home, sanatorium, clinic whether public or private, place of public worship or place of instruction but does not include "Institutions" which are primarily used as offices or which primarily perform administrative work.	<b>INSTITUTION</b>  Means land and buildings, whether public or private, designed or used as a charitable institution, national government institution, provincial institution, municipal institution, Hospital, Nursing Home and Clinic for the care or treatment of humans and may include overnight accommodation and staff accommodation.
<b>KENNELS</b>  Land used for the purpose of keeping, breeding, accommodating, and lodging of any animal.	<b>ANIMAL BOARDING PLACE</b>  Means land and buildings used for the boarding (kennels and cattery), breeding and care of dogs, cats and domestic animals, which are boarded on the property and may include the sale of products related to the main use and ancillary and subservient Office and treatment rooms subject to the Municipality's relevant By-laws and Regulations.
<b>LAND</b>  Also includes land covered by water.	Not included.
<b>LIGHT INDUSTRY</b>  An industry in which the power source is such that no single motor is rated at more than 3 kW with a	<b>LIGHT INDUSTRY</b>  Means land and buildings used for, inter alia, a bakery, a Builder's Yard, a Car Wash, a contractor's

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total maximum of 24 kW for all motors: Provided that a total demand of 49 kVa on the site shall not be exceeded and the maximum number of workers actively engaged on the site shall be restricted to twenty (20).	yard, dry-cleaners, carpet cleaners, joinery workshop, launderette, laundry, lawnmower workshop, painter's workshop, plumber's workshop, printing workshop, Transport Depot, Panel-beater, Motor Workshops, a ready-mix plant and any other such industries, workshops or yards which in the opinion of the Municipality do not cause a nuisance to the environment, may be used for similar purposes and may include the retail sale of products ancillary and subservient to the main use on the same property, but does not include a Scrap Yard.
<b>LIVING ROOM</b>  A room designed or used for human occupation, but does not include a storeroom, a kitchen, a scullery, a toilet, a bathroom or a passage.	<b>HABITABLE ROOM</b>  Means a room designed or used for human habitation according to the minimum standards prescribed in Part C of the National Building Regulations and Building Standards Act, 1977 but shall not include a storeroom, kitchen, scullery, toilet, bathroom or a passage.
<b>LOCAL AUTHORITY</b>  The Northern Pretoria Metropolitan Local Council.	<b>MUNICIPALITY</b>  Means the City of Tshwane Metropolitan Municipality established and instituted in terms of Notice 1866 of 2010 promulgated in terms of Section 12(1) of the Local Government Structures Act, 1998 (Act 117 of 1998) as amended.
<b>MAP</b>  The scheme map indicated as "Map 3" as defined in the Regulations and as amended from time to time by any approved amendment scheme.	<b>MAP</b>  Means a map as defined in the Regulations of the Ordinance and which forms part of the Scheme including any amendment thereto.
<b>MEDICAL CONSULTING ROOMS</b>  A building that is designed or arranged and is used as professional rooms for medical doctors and includes general practitioners, medical specialists, pathologists, radiologists, dentists, ophthalmologists and similar uses such as veterinarians amongst others, and may include a dispensing chemist which does not exceed 36m <sup>2</sup> - but not the uses which are included under the definition of "Institution".	<b>MEDICAL CONSULTING ROOMS</b>  Means land and buildings used for medical and dental consulting practitioners including general practitioners, medical specialists, pathologists, radiologists, dentists, ophthalmologists, optometrist, traditional healers and similar uses such as special therapists, psychiatrists and may include a dispensing chemist which does not exceed 36 m <sup>2</sup> but does not include the uses which are included under the definition of Institution.
<b>MOTOR CAR SALES MARKET</b>  Land used, with or without buildings, for the sale or display of vehicles, excluding any form of workshop.	<b>VEHICLE SALES MART</b>  Means land, with or without ancillary buildings, used for the display and/or sale of cars, trucks, motor cycles, agricultural implements, caravans, boats, tractors and trailers which are roadworthy and of good outward appearance, and may also include

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	the hiring of vehicles as an ancillary use but excludes a Motor Dealership and a Panel-beater.
<p><b>MUNICIPAL PURPOSES</b></p> <p>Such purposes as the local authority may be authorised to carry out in terms of the Local Government Ordinance, 1939 (Ordinance 17 of 1939), as amended, or any other law.</p>	<p><b>MUNICIPAL PURPOSES</b></p> <p>Means such purposes as the Municipality may be authorised to carry out in terms of any law governing municipalities including but not limited to the Local Government Municipal Structures Act, 1988 (Act117 of 1998) and the Local Government: Municipal Systems Act, 32 of 2000.</p>
<p><b>NOXIOUS INDUSTRY</b></p> <p>Meaning an industry, which as a result of noise or waste products, is dangerous or harmful to the health and well-being of the general public and includes: panel-beating, spray-painting, blood boiling, bone boiling, tallow melting, fat melting or extracting, soap boiling, tripe boiling or cleaning, skin storing, bone storing, fell-mongering, skin curing, blood drying, gut scrapping, 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 of iron and other metals, conversion of pig iron into wrought iron, reheating, annealing, hardening, forging, converting and carburising iron and other metals, works for the production of, or which employ, carbon bisulphites, cellulose lacquers, cyanogens or its compounds, hot pitch or bitumen, pulverised fuel, pyridine, liquid or gaseous sulphur dioxide and sulphur chlorides, works for the production of amyl-acetate, aromatic ethers, butyric acid, caramel, enamelled wire, glass hexamine, iodoform, lampblack, B-naphthol, resin products, salicylic acid, sulfonated organic compounds, sulphur dyes, ultramarine, zinc chloride and zinc oxide and oil refining and the refining or processing of petrol, oil or their products or any other industry or process which, in the opinion of the local authority, is deemed to be noxious; Provided that when a certificate, issued by the Medical Officer of Health of a local authority in consultation with the Inspector of Factories or any responsible Health Authority, is produced, declaring that the process intended to be used in connection with any of the afore going activities or factories will eliminate all nuisances or any threat to the health in the neighbourhood of the</p>	<p><b>NOXIOUS INDUSTRY</b></p> <p>Means land and buildings used for any use included in the list in Schedule 8 together with any living accommodation required for a caretaker and includes any other use on the same site, which is necessary in connection with the primary use.</p>

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<p>property due to:</p> <p>(a) vapours or effluvia;</p> <p>(b) fluids or liquid wastes originating from the property (if it is the intention to purify the wastes according to the soil treatment method, the nature, slope and area of the piece of land and its position in relation to streams or water courses must be mentioned) and</p> <p>(c) solid waste material, the local authority may consent to the erection of such a building in Use Zone 6 (Industrial).</p>	
<p><b>NURSERY</b></p> <p>A business where agricultural crops, grass or plants are planted, cultivated or grown and may include the sale of these and other related products.</p>	<p><b>PLANT NURSERY</b></p> <p>Means land and buildings used for the storage and cultivation of plants, bulbs and seed for distribution and sale to Shops or Garden Centres and may include the retail sale to the public on the property.</p>
<p><b>OCCUPANT</b></p> <p>In relation to any building, structure or land means and includes the following: Any person occupying such building, structure or land or legally entitled to occupy it, or anybody in charge or management thereof; or whom is entrusted with the care thereof and if such person is absent from the area or his whereabouts are unknown, his agent.</p>	<p><b>OCCUPANT</b></p> <p>Shall include any person in actual occupation of any land, or building or structure or premises without regard to the title under which he occupies, and in the case of premises sub-divided and let to lodgers, various tenants, shall include the person receiving the rent payable by the lodgers or tenants whether on his own account or as agent for any person entitled thereto or interested therein and includes the agent of any person absent from the area or whose whereabouts is unknown.</p>
<p><b>OFFICE</b></p> <p>A building or part of a building which is used for or designed to be used for administrative, clerical or professional purposes and includes a bank, insurance company and building society.</p>	<p><b>OFFICE</b></p> <p>Means land and buildings or part of a building used for professional, clerical, administrative, management, marketing and consulting services and a Chancellery and may include a Cafeteria ancillary and subservient to the main use, but excludes a Call Centre, security and emergency response vehicles, courier services in post, parcels and money and excludes medical and dental consulting rooms.</p>
<p><b>ORDINANCE</b></p> <p>The Town-planning and Townships Ordinance, 1986 (Ordinance 15 of 1986), as amended.</p>	<p><b>ORDINANCE</b></p> <p>Means the Town-planning and Townships Ordinance, 1986 (Ordinance 15 of 1986), as amended.</p>

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<p><b>OUTBUILDING</b></p> <p>A building other than the main building which, in the opinion of the local authority, is usually functionally necessary with the use of the main building.</p>	<p><b>OUTBUILDING</b></p> <p>Means a building(s) which has its own entrance or door and no inter leading door to the main building, but which is attached to or free standing from the main building on the same property and which may contain:</p> <ol style="list-style-type: none"> <li>(1) inter alia garages, storerooms, studios, exercise rooms, hobby rooms, music room, washrooms and a Home Enterprise;</li> <li>(2) one squash court only with the Permission of the Municipality; and</li> <li>(3) residential accommodation, which shall not exceed 20% of the floor area of the main building up to a maximum of 50 m<sup>2</sup> and which may consist of habitable rooms, bathroom(s) and only one kitchen:</li> </ol> <p>Provided that:</p> <ol style="list-style-type: none"> <li>(i) the maximum of 50 m<sup>2</sup> of residential accommodation may be increased with the Permission of the Municipality up to the maximum of 20% of the Gross Floor Area of the main building and provided that such outbuilding has a common vehicular access with the main building and it is for the purposes of only the occupants of the main building and their staff;</li> <li>(ii) a garage may be 36 m<sup>2</sup> Gross Floor Area or a maximum of 45% of the Gross Floor Area of the main building, whichever is the greater; and</li> <li>(iii) the total Gross Floor Area of all such outbuilding(s) shall not exceed 50% of the Gross Floor Area of the main building and such outbuildings shall not be leased or rented to tenants/ occupants or sold under sectional title.</li> </ol>
<p><b>OWNER</b></p> <p>In relation to a building, land or property -</p> <ol style="list-style-type: none"> <li>(a) the registered owner;</li> <li>(b) the holder of a stand licence;</li> <li>(c) a lessee by virtue of a lease which is registered by law and such other leasehold certificates,</li> </ol>	<p><b>OWNER</b></p> <p>Means in relation to land or a registered right in land, the person in whose name such land or right is registered, in a Deeds Registry in terms of the Deeds Registry Act, 1937 (Act 47 of 1937) and includes-</p> <ol style="list-style-type: none"> <li>(1) if the owner is deceased, the executor of the deceased estate;</li> </ol>

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<b>AKASIA-SOSHANGUVE TOWN-PLANNING SCHEME, 1996: DEFINITIONS</b>	<b>TSHWANE TOWN-PLANNING SCHEME, 2008 (REVISED 2014): DEFINITIONS</b>
<p>occupation certificates or such legal agreement which the local authority may determine.</p> <p>(d) the person who administers the estate of any person mentioned in (a), (b) or (c) above, whether as executor, administrator, guardian or in any other capacity;</p> <p>(e) any person who receives payment from any occupant or other person who would receive payment should such building or land be leased, whether for his own account or as agent for any person who is entitled thereto or who has an interest therein; and</p> <p>(f) a properly authorised agent of such owner as determined in (a) to (e) above.</p>	<p>(2) if the estate of the owner has been sequestrated, the trustee of the insolvent estate;</p> <p>(3) if the owner is a company or other juristic person;</p> <p>(4) if the owner is a company or other juristic person that is being wound up, the liquidator thereof;</p> <p>(5) if the owner is under legal disability, the owners legal representative;</p> <p>(6) the authorised representative of the owner; or</p> <p>(7) in the case of a road or public space under the control of the Municipality, that Municipality.</p>
<p><b>PANEL BEATER</b></p> <p>The replacement, repair and/or panel beating of the bodywork and parts of vehicles and the spray painting thereof.</p>	<p><b>PANEL BEATER</b></p> <p>Means land and buildings used for the replacement, repair and spray painting of the bodywork of motor vehicles.</p>
<p><b>PANHANDLE</b></p> <p>The access portion giving access to the build able part of the panhandle portion.</p>	<p><b>PANHANDLE</b></p> <p>Means that portion of a property which is -</p> <p>(1) at least 3 m wide and not more than 8 m wide; and</p> <p>(2) used exclusively as an access to a public street.</p>
<p><b>PANHANDLE PORTION</b></p> <p>The portion of a property that obtains access by means of a panhandle.</p>	<p><b>PANHANDLE PROPERTY</b></p> <p>Means a property, consisting of a narrow portion, which is known as the panhandle and which abuts on a street, and a broader buildable portion.</p>
<p><b>PANHANDLE SUBDIVISION</b></p> <p>A subdivision that results in one or more of the portions being created by such subdivision, obtaining access by means of a panhandle.</p>	<p><b>PANHANDLE PROPERTY</b></p> <p>Means a property, consisting of a narrow portion, which is known as the panhandle and which abuts on a street, and a broader buildable portion.</p>
<p><b>PARKING AREA</b></p> <p>Land used or a building designed or used exclusively for the parking of motor vehicles not being for trade or sale.</p>	<p><b>PARKING SITE</b></p> <p>Means a property or part of a property, which is used solely for the parking of motor vehicles, excluding busses and trucks, not being for sale or trade and subject to Schedule 10.</p>

<b>SCHEDULE 16: PART A</b>	
<b>AKASIA-SOSHANGUVE TOWN-PLANNING SCHEME, 1996: DEFINITIONS</b>	<b>TSHWANE TOWN-PLANNING SCHEME, 2008 (REVISED 2014): DEFINITIONS</b>
<p><b>PLACE OF AMUSEMENT</b></p> <p>Land used or a building designed or used as a public hall, theatre, cinema, music-hall, concert hall, billiard saloon, sports stadium, skating rink, dance hall or for other recreational purposes, or for trade or industrial exhibitions.</p>	<p><b>PLACE OF AMUSEMENT</b></p> <p>Means land and buildings or a part of a building used for entertainment purposes such as a Theatre, cinema, music hall, concert hall, table games, skating rink, dancing, amusement park, gambling (not being a T.A.B.), electronic games or slot machines/limited pay-out gambling machines, night club, an exhibition hall or sports arena/stadium used for live concerts or performances. These buildings shall comply with the noise zone criteria and acoustical screening requirements of the Municipality's Health Services.</p>
<p><b>PLACE OF INSTRUCTION</b></p> <p>A building designed for use or used as a school, college, technical college, lecture hall, institute, or other educational centre and includes a crèche, a convent or monastery, a public library, art gallery, museum or gymnasium.</p>	<p><b>PLACE OF INSTRUCTION</b></p> <p>Means land and buildings used as a school, college, technical institute, Tertiary Institution, academy, lecture hall, monastery, convent, public library, art museum, museum, other educational centre including ancillary and subservient Hostel for persons attending any one of the afore-mentioned and may include a Place of Child Care and a Cafeteria ancillary and subservient to the main use on the property.</p>
<p><b>PLACES OF PUBLIC WORSHIP</b></p> <p>A building designed for use, or used as a church, chapel, oratory, house of worship, synagogue or other place of public devotion, and includes a building designed and used as a place of religious instruction or an institution on the same property as and associated with any of the afore going buildings which is intended to be used for social intercourse and recreation but shall not include a funeral chapel which shall be deemed to be a "Special Use".</p>	<p><b>PLACE OF PUBLIC WORSHIP</b></p> <p>Means land and buildings used for a church, chapel, mosque, temple, synagogue, or other religious purposes and may include ancillary social and recreational purposes and one Dwelling-unit on the same property, but shall not include a funeral parlour, Wall of Remembrance or Cemetery. Any noise generated on the property shall not be audible outside the boundaries of the property.</p>
<p><b>PLACE OF REFRESHMENT</b></p> <p>Includes a restaurant, tea-room or coffee-shop and means a building which is not a hotel, residential club, drive-in restaurant or boarding house, but which is designed and used for the preparation or the sale of meals, refreshments, as well as the sale of fresh produce, mineral water, tobacco, reading material and sweets.</p>	<p><b>PLACE OF REFRESHMENT</b></p> <p>Means land and buildings used for the preparation, sale and consumption of refreshments on the property such as a restaurant, café, coffee shop, tea room, Tea Garden, sports bar, pub, bar and may include take-aways and a maximum of two table games, two dartboards, two electronic games or two limited pay-out gambling machines, television screens and soft background music for the customers, which shall not be audible outside the boundaries of the property and excludes live music and a Place of Amusement. The kitchen layout shall comply with the Municipality's health requirements.</p>

<b>SCHEDULE 16: PART A</b>	
<b>AKASIA-SOSHANGUVE TOWN-PLANNING SCHEME, 1996: DEFINITIONS</b>	<b>TSHWANE TOWN-PLANNING SCHEME, 2008 (REVISED 2014): DEFINITIONS</b>
<p><b>PREMIER</b></p> <p>The Administrator as defined in the Ordinance.</p>	<p><b>PREMIER</b></p> <p>Means the head of the Executive Council of the Gauteng Provincial Government.</p>
<p><b>PRIVATE CLUB</b></p> <p>Land used or a building designed to be used for a private meeting by a group of people with a collective aim.</p>	<p><b>PRIVATE CLUB</b></p> <p>Means land used or a building designed to be used for a private meeting by a group of people with a collective aim.</p>
<p><b>PRIVATE OPEN SPACE</b></p> <p>Land zoned for use as private grounds for a sport, play rest, and recreation area or as an ornamental garden to which the general public will have no right of admission, except with consent.</p>	<p><b>PRIVATE OPEN SPACE</b></p> <p>Means Open Space as defined to which the general public has no right of access.</p>
<p><b>PROPERTY</b></p> <p>Any portion of land which is registered in a Deeds Registry.</p>	<p><b>PROPERTY</b></p> <p>Means any portion of land that has been registered as a separate unit in the Deeds Office.</p>
<p><b>PUBLIC GARAGE</b></p> <p>A building and land which is used for the maintenance, repair or fuelling of vehicles and ancillary uses excluding panel-beating and spray-painting, and may include any one or more of the following uses: parking, or storage of vehicles, the sale of spare parts, accessories, fuel, lubricants for vehicles and retailing of new or used vehicles.</p>	<p><b>PUBLIC GARAGE</b></p> <p>Means land and buildings used for the storage and retail sale of vehicle fuel, lubricants and one or more of the following uses:</p> <ol style="list-style-type: none"> <li>(1) repair and servicing of vehicles, excluding panel-beating or spray-painting;</li> <li>(2) sale of new and used vehicles;</li> <li>(3) a convenience store including a Confectionery and take-away facility with a kitchen inside the convenience store with a maximum Gross Floor Area of 250 m<sup>2</sup>, which floor area shall include the floor area accessible to the public as well as any store room, Office, fridge area and safe which is used for the operation of the convenience store;</li> <li>(4) an automatic teller machine; and</li> <li>(5) the sale of LP gas.</li> </ol>
<p><b>PUBLIC OPEN SPACE</b></p> <p>Land zoned for use by the public as an open space, including a park, garden, playground, recreation park or urban square.</p>	<p><b>PUBLIC OPEN SPACE</b></p> <p>Means any Open Space as defined and vested in the Municipality under Section 63 of the Local Government Ordinance, 1939 (Ordinance 17 of 1939) to which the general public has right of access.</p>
<p><b>PUBLIC RESORT</b></p> <p>Land and the use of buildings which, due to their</p>	<p><b>RECREATION RESORT</b></p> <p>Means land and buildings used for recreational</p>

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<b>AKASIA-SOSHANGUVE TOWN-PLANNING SCHEME, 1996: DEFINITIONS</b>	<b>TSHWANE TOWN-PLANNING SCHEME, 2008 (REVISED 2014): DEFINITIONS</b>
natural or human made attraction is aimed at nature orientated, natural beauty orientated, water orientated-, and socio-historical recreation or recreation and overnight facilities aimed at the through traffic at transport routes and connection routes and may include uses incidental to the resort such as overnight facilities, motel, restaurant, eating house, retail for the convenience of the inhabitants of the resort, conference facilities and offices only for the administration and management of the resort.	purposes mainly by day visitors and may include swimming pools, water slides, braai facilities, Self-catering Units, a Camping Site, cultural and music events, a Place of Refreshment, a Conference Centre or Social Hall, wedding chapel, staff accommodation, Natural Areas and ancillary and subservient uses.
<b>REGULATIONS</b>  The Town-planning and Townships Regulations published in terms of the Ordinance.	<b>REGULATIONS</b>  Means the Town-planning and Township Regulations issued by the Premier in terms of the Ordinance.
<b>RESIDENTIAL BUILDING</b>  A building, other than a “dwelling-house” or “hotel”, designed for use, or used for human habitation, and includes a boarding house, a residential club, a hostel or tenements but does not include any use mentioned, whether by way of inclusion or exclusion, in the definitions of “Place of instruction”, “Institution” and “Dwelling-unit”.	<b>RESIDENTIAL BUILDINGS</b>  Means a Hotel, Block of Flats, Block of Tenements, Boarding House, other residential types not elsewhere defined and Hostel together with such outbuildings as are ordinarily used therewith.
<b>RESTAURANT</b>  A building or part of a building used for the preparation and sale of meals and refreshments, confectionery for consumption on the erf or property and includes entertainment subsidiary to the main use and can include a place of refreshment.	<b>PLACE OF REFRESHMENT</b>  Means land and buildings used for the preparation, sale and consumption of refreshments on the property such as a restaurant, café, coffee shop, tea room, Tea Garden, sports bar, pub, bar and may include take-aways and a maximum of two table games, two dartboards, two electronic games or two limited pay-out gambling machines, television screens and soft background music for the customers, which shall not be audible outside the boundaries of the property and excludes live music and a Place of Amusement. The kitchen layout shall comply with the Municipality’s health requirements.
<b>RETAIL TRADE</b>  Any trade other than “Wholesale trade” as defined in this Scheme.	<b>SHOP</b>  Means land and buildings used for the purpose of Retail Trade or renting of household equipment/tools directly to the public, including inter alia retail sale and display of products, "off-sales" facilities on properties licensed in terms of any liquor law, pet shops, a pharmacy, a confectionary, a take-away, swop shop, pawn shop, auctioneers business, hire/rental shop, drive thru restaurant and may include[s] a Retail Industry ancillary and subservient

<b>SCHEDULE 16: PART A</b>	
<b>AKASIA-SOSHANGUVE TOWN-PLANNING SCHEME, 1996: DEFINITIONS</b>	<b>TSHWANE TOWN-PLANNING SCHEME, 2008 (REVISED 2014): DEFINITIONS</b>
	to the main use and with the Permission of the Municipality a Builders Yard ancillary and subservient to a hardware shop.
<p><b>RETIREMENT VILLAGE</b></p> <p>Includes dwelling-units and community facilities including a dining hall, sick-bay, sport and recreational facilities or such other facilities as approved by the local authority for occupation and use by elderly persons.</p>	<p><b>RETIREMENT CENTRE</b></p> <p>Means land and buildings designed or used to provide residential accommodation for persons of 50 years and older. The centre may include Dwelling-units and a service centre for the use of the residents only and includes an assembly hall with recreational facilities, sick bay, Medical Consulting Rooms, exercise and treatment rooms, dining facilities, a library, a tuck shop, a laundrette, hairdressing facilities, banking facilities, an automatic teller machine and other ancillary uses, such as frail care facilities, for the use of the residents only, subject to the provisions of The Older Persons Act, Act 13 of 2006.</p>
<p><b>SCRAP-YARD</b></p> <p>Land or building used as a junk-yard or scrap-yard for the dismantling, stacking, storing or preparation for resale of any used material, scrap metals, scrap vehicles, scrap machinery, or any other scrap material, whether or not such dismantling or storage take place with the aim of the disposal or re-use of such scrap.</p>	<p><b>SCRAP-YARD</b></p> <p>Means land and buildings used as a junk yard or Scrap Yard for the dismantling, stacking, storing or preparation for resale of any used material, scrap metals, scrap vehicles, accident damaged vehicles, scrap machinery or other scrap material, whether or not such dismantling took place with the aim of disposal or re-use of such scrap.</p>
<p><b>SERVICE INDUSTRY</b></p> <p>A use which, in the opinion of the local authority, is a small scale or light industrial activity incidental to the needs of the local community and the retail trade and which, in the opinion of the local authority, will not interfere with the amenity of surrounding properties or be of nuisance by virtue of noise, appearance, smell or activities or for any other reason what so-ever but excludes a "Public garage" and "Filling station".</p>	<p><b>RETAIL INDUSTRY</b></p> <p>Means, inter alia, catering, a confectionary, dress-making, and tailoring, engraving, instant printing and copying, jewellery manufacturing, photographic processing, picture framing, key cutting and screen printing; as well as the servicing and repair of air conditioners, audio equipment, basket ware and cane furniture, canvass goods and tents, bicycles, electronic equipment, domestic equipment, leather-works and shoes, office equipment, television and video equipment, upholstery, watches, weighing machines and window blinds, but does not include a Light Industry and the wholesale selling of goods and may include the retail sale of products related to the aforementioned services.</p>
<p><b>SHOP</b></p> <p>Land used or a building designed or used for the purposes of carrying out retail trade and the necessary accompanying storage and packaging, and includes service industries as well as any accompanying use on the same site which is</p>	<p><b>SHOP</b></p> <p>Means land and buildings used for the purpose of Retail Trade or renting of household equipment/tools directly to the public, including inter alia retail sale and display of products, "off-sales" facilities on properties licensed in terms of any liquor law, pet</p>

<b>SCHEDULE 16: PART A</b>	
<b>AKASIA-SOSHANGUVE TOWN-PLANNING SCHEME, 1996: DEFINITIONS</b>	<b>TSHWANE TOWN-PLANNING SCHEME, 2008 (REVISED 2014): DEFINITIONS</b>
incidental and subordinate to the conduct of the retail business: Provided that such accompanying storage and packaging an accompanying use shall not give rise to any disturbance or nuisance. The following uses shall not be considered as incidental to "Shop": - A "Noxious activity", "Drive-in restaurant", "Place of refreshment", "Scrap-yard", "Commercial use", "Warehouse", "Public garage", "Filling station", "Parking garage", "Place of amusement", "Motor sales market" and a "Fish fryer".	shops, a pharmacy, a confectionary, a take-away, swop shop, pawn shop, auctioneers business, hire/rental shop, drive thru restaurant and may include[s] a Retail Industry ancillary and subservient to the main use and with the Permission of the Municipality a Builders Yard ancillary and subservient to a hardware shop.
<b>SITE</b>  Includes the area of any building, yard, courtyard or garden.	<b>SITE</b>  In relation to FAR, coverage and parking calculations, means the whole of the area registered as an erf or other property, including the area of any servitude registered over such erf or other property.
<b>SITE DEVELOPMENT PLAN</b>  A plan which shows the proposed development of a property and any salient natural features thereof.	<b>SITE DEVELOPMENT PLAN</b>  Means a plan which shows the siting, elevations and exterior finish of the proposed buildings, parking areas and open spaces of the proposed development of a property and any salient natural features thereof, as prescribed by the Municipality in Clause 31.
<b>SOCIAL PLACE</b>  A building designed for use as or used for social assemblies, gatherings, meetings and recreational purposes and includes a Masonic temple and a non-residential club but does not include a "place of amusement".	<b>SOCIAL HALL</b>  Means land and buildings used for, inter alia, social and cultural gatherings, recreation activities, wedding receptions, fairs, bazaars and a non-residential club but does not include a Place of Amusement and Place of Refreshment but may include a kitchen ancillary and subservient to the hall.
<b>SPAZA SHOP</b>  A business for the selling of daily convenience goods, excluding alcoholic refreshments.	<b>SPAZA SHOP</b>  Means a shop of a maximum Gross Floor Area of 36m <sup>2</sup> on a residential property only, selling daily convenience goods and prepared and pre-wrapped food, excluding the sale of alcoholic beverages and excluding the cooking of food and which shall not provide table games or electronic games.
<b>SPECIAL CONSENT</b>  The written consent of the local authority granted in terms of the provisions and procedure of Clause 19 of the Scheme.	<b>CONSENT USE</b>  Consent Use means the use of land and buildings granted by the Municipality and subject to Clause 16 and conditions of approval.  <b>PERMISSION OF THE MUNICIPALITY</b>  Means the permission or approval granted by the

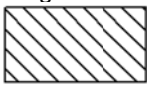
<b>SCHEDULE 16: PART A</b>	
<b>AKASIA-SOSHANGUVE TOWN-PLANNING SCHEME, 1996: DEFINITIONS</b>	<b>TSHWANE TOWN-PLANNING SCHEME, 2008 (REVISED 2014): DEFINITIONS</b>
	Municipality in terms of Clause 15 to use land and buildings for a specific use or to relax certain conditions applicable to the use of land and buildings.
<b>SPECIAL USE</b>  Land used or a building designed or used for any use other than one of the uses defined in this Scheme or mentioned in any definition.	<b>SPECIAL USE</b>  Means land or buildings used for any purpose other than that herein defined.
<b>STOREY</b>  The space in a building between one floor level and the following floor level or ceiling or roof above.	<b>STOREY</b>  Means that part of a building which is situated between the top of any floor and the top of the floor above it or if there be no floor above it that portion between such floor and the ceiling above it (any mezzanine floor, open work floor, catwalk or gallery being taken to be part of the storey in which it is situated).
<b>STREET OR ROAD</b>  The area or portion of any street, road, bridge, subway, tunnel, avenue, lane, driveway, sanitary lane, thoroughfare or right of way, shown on the general plan of a township, agricultural holdings or other division of land, or in respect of which the public has acquired a right of way by prescription or any other means.	<b>STREET OR PUBLIC STREET</b>  Includes any street, road, or thoroughfare shown on the General Plan of a township, agricultural holding or other division of land or in respect of which the public have acquired a prescriptive or other right of way or zoned as Existing Street and may include on-street parking and loading zones as designated by the Municipality.
<b>SURROUNDING OWNERS</b>  The owners of any land abutting or sharing a common boundary with the relevant property (specifically including any land which is only separated by a road) and any such other person as the local authority may specifically identify.	<b>SURROUNDING OWNERS</b>  Means the owners of any property abutting or sharing a common boundary with the relevant property including any property which is only separated by a road and any such other owners of property in the near vicinity as the Municipality may specifically identify.
<b>TAVERN</b>  Land used or a building designed or used for on-site sale and consumption of liquor, including "Place of amusement" and "Place of refreshment".	<b>TAVERN</b>  Means land and buildings used for a combination of a Place of Refreshment and a Place of Amusement.
<b>USE ZONE</b>  A part of the area of this Scheme, shown on the Map by means of a distinctive notation or edging or other distinctive manner for the purpose of indicating the restriction imposed on the erection and use of buildings or the use of land with regard to land use.	<b>USE ZONE</b>  Means that part of the Scheme Area that has been indicated by means of a distinguishing notation or bordering or any other distinguishing way on the Map to indicate the use of the land.


<b>SCHEDULE 16: PART A</b>	
<b>AKASIA-SOSHANGUVE TOWN-PLANNING SCHEME, 1996: DEFINITIONS</b>	<b>TSHWANE TOWN-PLANNING SCHEME, 2008 (REVISED 2014): DEFINITIONS</b>
<p><b>WAREHOUSE</b></p> <p>A building or use of land for the exclusive purpose of storage of goods, which in the opinion of the local authority are not dangerous, noxious or unsightly, and includes wholesale trade, and may also include ancillary office accommodation which is subsidiary to the main use, but excludes any retail trade on the property of such building, unless the special consent of the local authority has been obtained.</p>	<p><b>WAREHOUSE</b></p> <p>Means land and buildings designed or used as a storage depot which may be in conjunction with a wholesale trading establishment or any other storage depot.</p>
<p><b>WHOLESALE TRADE</b></p> <p>Trade which is restricted to the sale of goods or products to licensed retailers.</p>	<p><b>WHOLESALE TRADE</b></p> <p>Means the sale and provision of goods to retailers or Shops only.</p>
<p><b>WORKSHOP</b></p> <p>Land used or a building designed or used for the purpose of trade of goods that are wholly or partially manufactured, processed, mounted or repaired on the property and in each case a building that is not described as a factory under the Factories, Machinery and Building Works Act, Act 22 of 1941 or any amendment thereof.</p>	<p><b>LIGHT INDUSTRY</b></p> <p>Means land and buildings used for, inter alia, a bakery, a Builder's Yard, a Car Wash, a contractor's yard, dry-cleaners, carpet cleaners, joinery workshop, launderette, laundry, lawnmower workshop, painter's workshop, plumber's workshop, printing workshop, Transport Depot, Panel-beater, Motor Workshops, a ready-mix plant and any other such industries, workshops or yards which in the opinion of the Municipality do not cause a nuisance to the environment, may be used for similar purposes and may include the retail sale of products ancillary and subservient to the main use on the same property but does not include a Scrap Yard.</p>

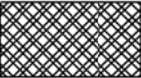
<b>SCHEDULE 16: PART B</b>	
<b>AKASIA-SOSHANGUVE TOWN-PLANNING SCHEME, 1996: CLAUSES</b>	<b>TSHWANE TOWN-PLANNING SCHEME, 2008(REVISED 2014): CLAUSES</b>
Clause 1: Contents	Clause 3: Arrangement of Scheme
Clause 2: Definitions	Clause 5: Definitions
Clause 3: Area of Scheme	Clause 1: Title of Scheme
Clause 4: Responsible Authority	Clause 2: Responsible Authority
Clause 5: Use of Annexures	Clause 3: Arrangement of Scheme
Clause 6: Protection of existing buildings	Not included
Clause 7: Lines of no access	Clause 7: Prohibition of Access
Clause 8: Building Lines	Clauses 8 & 9: Building Lines
Clause 9: Relaxation and observance of Building Line requirements	Clauses 9 & 12: Building Lines and Township Restriction areas
Clause 10: Physical barriers	See Schedule 1
Clause 11: Buildings used for more than one purpose	Clause 13: Mixed Use of Buildings
Clause 12: Erection and use of buildings or use of land	Clause 14: Use of Buildings and Land (Table B)
Clause 13: Conditions applicable to all properties	Clause 18: General Conditions applicable to all property
Clause 14: Conditions applicable to Residential 2 erven	Clause 2: Responsible Authority
Clause 15: Conditions applicable to Residential 3 erven	Clause 22: Conditions applicable to Residential 3 erven
Clause 16: Conditions applicable to Public Garages	Clause 24: Conditions applicable to a Public Garage
Clause 17: Conditions applicable to Townships or erven on land with detrimental soil conditions	Clause 19: Detrimental Soil Conditions
Clause 18: Parking	Clause 28: Parking Requirements (Table F and Table G)
Clause 19: Special Consent (Grade I and II), advertisements and objections	Clause 15: Permission of the Municipality Clause 16: Consent Use Procedure
Clause 20: Reservation for Special purposes	Clause 17: Uses not subject to Table B
Clause 21: Additional dwelling-unit	Clause 14(10): Use of buildings and land
Clause 22: Number of dwelling-houses, which may be erected, sub-divisions and consolidations	Clause 20: Conditions applicable to Residential 1 erven
Clause 23: Height, coverage, floor area ratio and number of dwelling-units per hectare	Clause 25: Floor Area Ratio (F.A.R.) Table C Clause 26: Height of Buildings (Table D) Clause 27: Coverage (Table E)
Clause 24: Restriction on height of buildings	Clause 26: Height of Buildings (Table D)
Clause 25: Restriction on coverage of buildings	Clause 27: Coverage (Table E)
Clause 26: Floor area ratio or number of dwelling-units per hectare	Clause 25: Floor Area Ratio (F.A.R.) Table C
Clause 27: Removal of detrimental conditions in private gardens	Clause 30(1): General Amenity
Clause 28: Fees payable	Not included
Clause 29: Binding force of conditions	Not included
Clause 30: Entry and inspection of properties	Clause 33: Access and Inspection
Clause 31: Service of Notice	Clause 37: Serving of Notice
Clause 32: Conflict between Scheme, Title Conditions and Township Establishment Conditions	Clause 38: Compliance with Title Deeds and Conditions of Establishment
Clause 33: Title	Clause 39: Short Title
Clause 34: Substitution	Not included

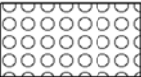
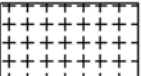
<b>SCHEDULE 16: PART C</b>	
<b>AKASIA-SOSHANGUVE TOWN-PLANNING SCHEME, 1996: TABLE E: USE ZONE TABLE</b>	<b>TSHWANE TOWN-PLANNING SCHEME, 2008 (REVISED 2014): TABLE B: USE ZONE TABLE</b>
Use Zone 1: Residential 1	Use Zone 1: Residential 1
Use Zone 2: Residential 2	Use Zone 2: Residential 2
Use Zone 3: Residential 3	Use Zone 3: Residential 3
Use Zone 4: Business	Use Zone 7: Business 2
Use Zone 5: Special	Use Zone 28: Special
Use Zone 6: Industrial 1	Use Zone 11: Industrial 2
Use Zone 7: Industrial 2	Use Zone 10: Industrial 1
Use Zone 8: Institution	Use Zone 14: Institution
Use Zone 9: Municipal	Use Zone 15: Municipal
Use Zone 10: Agricultural	Use Zone 17: Agricultural
Use Zone 11: Public Garage	Use Zone 18: Public Garage
Use Zone 12: Government	Use Zone 16: Government
Use Zone 13: S.A.R.	Use Zone 25: S.A.R.
Use Zone 14: Existing public roads	Use Zone 22: Existing public roads
Use Zone 15: Proposed new roads and widening	Use Zone 23: Proposed new roads and Widening
Use Zone 16: Public open spaces	Use Zone 20: Public Open Space

<b>SCHEDULE 16: PART D</b>		
<b>AKASIA-SOSHANGUVE TOWN-PLANNING SCHEME, 1996: TABLE I, HEIGHT, COVERAGE, FAR AND DENSITY</b>		<b>TSHWANE TOWN-PLANNING SCHEME, 2008 (REVISED 2014): HEIGHT ZONES OF TABLE D, COVERAGE ZONES OF TABLE E AND FLOOR AREA RATIO ZONES OF TABLE C</b>
Height Zone 0 Area not bordered	Residential 1	Table D: Height Zone 10 Table E: Coverage Zone 5 Table C: FAR Zone 21
	Residential 2	Height: Schedule 4 Coverage: Schedule 4 FAR: Schedule 4
	Residential 3	Height: Schedule 3 Coverage: Schedule 3 FAR: Schedule 3
	Business	Table D: Height Zone 9 Table E: Coverage Zone 12 Table C: FAR Zone 23
	Industrial 1	Table D: Height Zone 7 Table E: Coverage Zone 18 Table C: FAR Zone 14
	Industrial 2	Table D: Height Zone 7 Table E: Coverage Zone 18 Table C: FAR Zone 14
	Institution	Table D: Height Zone 7 Table E: Coverage Zone 19 Table C: FAR Zone 15
	Municipal	Table D: Height Zone 7 Table E: Coverage Zone 19 Table C: FAR Zone 15
	Agricultural	Table D: Height Zone 10 Table E: Coverage Zone 5 Table C: FAR Zone 21

<b>SCHEDULE 16: PART D</b>		
<b>AKASIA-SOSHANGUVE TOWN-PLANNING SCHEME, 1996: TABLE I, HEIGHT, COVERAGE, FAR AND DENSITY</b>	<b>TSHWANE TOWN-PLANNING SCHEME, 2008 (REVISED 2014): HEIGHT ZONES OF TABLE D, COVERAGE ZONES OF TABLE E AND FLOOR AREA RATIO ZONES OF TABLE C</b>	
	Public Garage	Table D: Height Zone 9 Table E: Coverage Zone 17 Table C: FAR Zone 16
	Government	Table D: Height Zone 7 Table E: Coverage Zone 19 Table C: FAR Zone 15
	S.A.R.	Height: Site Development Plan Coverage: Site Development Plan FAR: Site Development Plan
	Existing public roads	Table D: Height Zone 5 Coverage: Not applicable FAR: Not applicable
	Proposed new roads and widening	Height: Not applicable Coverage: Not applicable FAR: Not applicable
	Public Open Space	Height: Site Development Plan Coverage: Site Development Plan FAR: Site Development Plan
Height Zone 1 	Residential 1	Table D: Height Zone 10 Table E: Coverage Zone 5 Table C: FAR Zone 21
	Residential 2	Height: Schedule 4 Coverage: Schedule 4 FAR: Schedule 4
	Residential 3	Height: Schedule 3 Coverage: Schedule 3 FAR: Schedule 3
	Business	Table D: Height Zone 10 Table E: Coverage Zone 15 Table C: FAR Zone 16
	Industrial 1	Table D: Height Zone 10 Table E: Coverage Zone 15 Table C: FAR Zone 16
	Industrial 2	Table D: Height Zone 10 Table E: Coverage Zone 15 Table C: FAR Zone 16
	Institution	Table D: Height Zone 10 Table E: Coverage Zone 15 Table C: FAR Zone 16
	Municipal	Table D: Height Zone 10 Table E: Coverage Zone 15 Table C: FAR Zone 16
	Agricultural	Table D: Height Zone 10 Table E: Coverage Zone 15 Table C: FAR Zone 21
	Public Garage	Table D: Height Zone 10 Table E: Coverage Zone 15 Table C: FAR Zone 16
	Government	Table D: Height Zone 10 Table E: Coverage Zone 15 Table C: FAR Zone 16

<b>SCHEDULE 16: PART D</b>			
<b>AKASIA-SOSHANGUVE TOWN-PLANNING SCHEME, 1996: TABLE I, HEIGHT, COVERAGE, FAR AND DENSITY</b>	<b>TSHWANE TOWN-PLANNING SCHEME, 2008 (REVISED 2014): HEIGHT ZONES OF TABLE D, COVERAGE ZONES OF TABLE E AND FLOOR AREA RATIO ZONES OF TABLE C</b>		
	S.A.R.	Height: Site Development Plan Coverage: Site Development Plan FAR: Site Development Plan	
	Existing public roads	Table D: Height Zone 5 Coverage: Not applicable FAR: Not applicable	
	Proposed new roads and widening	Height: Not applicable Coverage: Not applicable FAR: Not applicable	
	Public Open Space	Height: Site Development Plan Coverage: Site Development Plan FAR: Site Development Plan	
Height Zone 2 	Residential 1	Table D: Height Zone 10 Table E: Coverage Zone 5 Table C: FAR Zone 21	
	Residential 2	Height: Schedule 4 Coverage: Schedule 4 FAR: Schedule 4	
	Residential 3	Height: Schedule 3 Coverage: Schedule 3 FAR: Schedule 3	
	Business	Table D: Height Zone 10 Table E: Coverage Zone 15 Table C: FAR Zone 17	
	Industrial 1	Table D: Height Zone 10 Table E: Coverage Zone 15 Table C: FAR Zone 17	
	Industrial 2	Table D: Height Zone 10 Table E: Coverage Zone 15 Table C: FAR Zone 17	
	Institution	Table D: Height Zone 10 Table E: Coverage Zone 15 Table C: FAR Zone 17	
	Municipal	Table D: Height Zone 10 Table E: Coverage Zone 15 Table C: FAR Zone 17	
	Agricultural	Table D: Height Zone 10 Table E: Coverage Zone 15 Table C: FAR Zone 21	
	Public Garage	Table D: Height Zone 10 Table E: Coverage Zone 15 Table C: FAR Zone 17	
	Government	Table D: Height Zone 10 Table E: Coverage Zone 15 Table C: FAR Zone 17	
		S.A.R.	Height: Site Development Plan Coverage: Site Development Plan FAR: Site Development Plan
		Existing public roads	Table D: Height Zone 5 Coverage: Not applicable FAR: Not applicable

<b>SCHEDULE 16: PART D</b>		
<b>AKASIA-SOSHANGUVE TOWN-PLANNING SCHEME, 1996: TABLE I, HEIGHT, COVERAGE, FAR AND DENSITY</b>	<b>TSHWANE TOWN-PLANNING SCHEME, 2008 (REVISED 2014): HEIGHT ZONES OF TABLE D, COVERAGE ZONES OF TABLE E AND FLOOR AREA RATIO ZONES OF TABLE C</b>	
	Proposed new roads and widening	Height: Not applicable Coverage: Not applicable FAR: Not applicable
	Public Open Space	Height: Site Development Plan Coverage: Site Development Plan FAR: Site Development Plan
Height Zone 3 	Residential 1	Table D: Height Zone 10 Table E: Coverage Zone 5 Table C: FAR Zone 21
	Residential 2	Height: Schedule 4 Coverage: Schedule 4 FAR: Schedule 4
	Residential 3	Height: Schedule 3 Coverage: Schedule 3 FAR: Schedule 3
	Business	Table D: Height Zone 10 Table E: Coverage Zone 16 Table C: FAR Zone 18
	Industrial 1	Table D: Height Zone 10 Table E: Coverage Zone 16 Table C: FAR Zone 18
	Industrial 2	Table D: Height Zone 10 Table E: Coverage Zone 16 Table C: FAR Zone 18
	Institution	Table D: Height Zone 10 Table E: Coverage Zone 16 Table C: FAR Zone 18
	Municipal	Table D: Height Zone 10 Table E: Coverage Zone 16 Table C: FAR Zone 18
	Agricultural	Table D: Height Zone 10 Table E: Coverage Zone 16 Table C: FAR Zone 21
	Public Garage	Table D: Height Zone 10 Table E: Coverage Zone 16 Table C: FAR Zone 18
	Government	Table D: Height Zone 10 Table E: Coverage Zone 16 Table C: FAR Zone 18
	S.A.R.	Height: Site Development Plan Coverage: Site Development Plan FAR: Site Development Plan
	Existing public roads	Table D: Height Zone 5 Coverage: Not applicable FAR: Not applicable
	Proposed new roads and widening	Height: Not applicable Coverage: Not applicable FAR: Not applicable
	Public Open Space	Height: Site Development Plan Coverage: Site Development Plan FAR: Site Development Plan

SCHEDULE 16: PART D		
AKASIA-SOSHANGUVE TOWN-PLANNING SCHEME, 1996: TABLE I, HEIGHT, COVERAGE, FAR AND DENSITY		TSHWANE TOWN-PLANNING SCHEME, 2008 (REVISED 2014): HEIGHT ZONES OF TABLE D, COVERAGE ZONES OF TABLE E AND FLOOR AREA RATIO ZONES OF TABLE C
Height Zone 4 	Residential 1	Table D: Height Zone 10 Table E: Coverage Zone 5 Table C: FAR Zone 21
	Residential 2	Height: Schedule 4 Coverage: Schedule 4 FAR: Schedule 4
	Residential 3	Height: Schedule 3 Coverage: Schedule 3 FAR: Schedule 3
	Business	Table D: Height Zone 10 Table E: Coverage Zone 17 Table C: FAR Zone 19
	Industrial 1	Table D: Height Zone 10 Table E: Coverage Zone 17 Table C: FAR Zone 19
	Industrial 2	Table D: Height Zone 10 Table E: Coverage Zone 17 Table C: FAR Zone 19
	Institution	Table D: Height Zone 10 Table E: Coverage Zone 17 Table C: FAR Zone 19
	Municipal	Table D: Height Zone 10 Table E: Coverage Zone 17 Table C: FAR Zone 19
	Agricultural	Table D: Height Zone 10 Table E: Coverage Zone 17 Table C: FAR Zone 21
	Public Garage	Table D: Height Zone 10 Table E: Coverage Zone 17 Table C: FAR Zone 19
	Government	Table D: Height Zone 10 Table E: Coverage Zone 17 Table C: FAR Zone 19
	S.A.R.	Height: Site Development Plan Coverage: Site Development Plan FAR: Site Development Plan
	Existing public roads	Table D: Height Zone 5 Coverage: Not applicable FAR: Not applicable
	Proposed new roads and widening	Height: Not applicable Coverage: Not applicable FAR: Not applicable
Public Open Space	Height: Site Development Plan Coverage: Site Development Plan FAR: Site Development Plan	
Height Zone 5 	Residential 1	Table D: Height Zone 10 Table E: Coverage Zone 5 Table C: FAR Zone 21
	Residential 2	Height: Schedule 4 Coverage: Schedule 4 FAR: Schedule 4

<b>SCHEDULE 16: PART D</b>	
<b>AKASIA-SOSHANGUVE TOWN-PLANNING SCHEME, 1996: TABLE I, HEIGHT, COVERAGE, FAR AND DENSITY</b>	<b>TSHWANE TOWN-PLANNING SCHEME, 2008 (REVISED 2014): HEIGHT ZONES OF TABLE D, COVERAGE ZONES OF TABLE E AND FLOOR AREA RATIO ZONES OF TABLE C</b>
Residential 3	Height: Schedule 3 Coverage: Schedule 3 FAR: Schedule 3
Business	Table D: Height Zone 10 Table E: Coverage Zone 18 Table C: FAR Zone 20
Industrial 1	Table D: Height Zone 7 Table E: Coverage Zone 18 Table C: FAR Zone 14
Industrial 2	Table D: Height Zone 10 Table E: Coverage Zone 18 Table C: FAR Zone 20
Institution	Table D: Height Zone 10 Table E: Coverage Zone 18 Table C: FAR Zone 20
Municipal	Table D: Height Zone 10 Table E: Coverage Zone 18 Table C: FAR Zone 20
Agricultural	Table D: Height Zone 10 Table E: Coverage Zone 18 Table C: FAR Zone 21
Public Garage	Table D: Height Zone 10 Table E: Coverage Zone 18 Table C: FAR Zone 20
Government	Table D: Height Zone 10 Table E: Coverage Zone 18 Table C: FAR Zone 20
S.A.R.	Height: Site Development Plan Coverage: Site Development Plan FAR: Site Development Plan
Existing public roads	Table D: Height Zone 5 Coverage: Not applicable FAR: Not applicable
Proposed new roads and widening	Height: Not applicable Coverage: Not applicable FAR: Not applicable
Public Open Space	Height: Site Development Plan Coverage: Site Development Plan FAR: Site Development Plan

<b>SCHEDULE 16: PART E</b>	
<b>AKASIA-SOSHANGUVE TOWN-PLANNING SCHEME, 1996: TABLES</b>	<b>TSHWANE TOWN-PLANNING SCHEME, 2008 (REVISED 2014): TABLES</b>
Table A	Table A : Building Restriction Areas
Table B	Not included
Table C	Schedule 1 : Building Lines
Table D	Schedule 1 : Building Lines
Table E	Table B : Use of Building and Lands
Table F	Clause 19 : Detrimental Soil Conditions
Table G	Table G : Parking Requirements
Table H	Schedule 6 : Minimum erf sizes
Table I	Table C : Floor Area Ratio (F.A.R.)
Table I	Table D : Height of buildings
Table I	Table E : Coverage

**SCHEDULE 17****CONVERSION TABLE: CENTURION TOWN-PLANNING SCHEME, 1992  
TO TSHWANE TOWN-PLANNING SCHEME, 2008 (REVISED 2014)**

<b>SCHEDULE 17: PART A</b>	
<b>CENTURION TOWN-PLANNING SCHEME, 1992: DEFINITIONS</b>	<b>TSHWANE TOWN-PLANNING SCHEME, 2008 (REVISED 2014): DEFINITIONS</b>
<b>ADMINISTRATOR</b>  Means the official as defined in the Ordinance.	<b>PREMIER</b>  Means the head of the Executive Council of the Gauteng Provincial Government.
<b>ADVERTISEMENT</b>  Also means any advertising sign or name plate of a permanent nature at any place to which the public has access but does not include a brass name plate.	<b>SIGN</b>  Means an advertising sign as defined in the City of Tshwane Metropolitan Municipality: By-laws for the Control of Outdoor Advertising, 2006, as amended from time to time.
<b>AFTER-SCHOOL CENTRE</b>  Means a centre for the care of more than 6 (six) school children after school or during school holidays.	<b>PLACE OF CHILD CARE</b>  Means land and buildings used for the admission, protection and temporary or partial care of more than six children up to the age of 18 years away from their parents, but does not include a boarding school, school hostel, Institution, overnight accommodation for such children or Place of Instruction. Depending on its registration, a Place of Child Care can admit babies, toddlers, pre-school aged children and school-going children on a full day or other basis and may include pre-primary school education.
<b>AGRICULTURAL HOLDING</b>  Means land that has been registered in terms of the Agricultural Holdings (Transvaal) Registration Act, (Act 22 of 1919).	<b>AGRICULTURAL HOLDING</b>  Means land as laid out in terms of the Agricultural Holdings (Transvaal) Registration Act, 1919 (Act 22 of 1919).
<b>AGRICULTURAL INDUSTRY</b>  Means any farming activity that is performed on such a scale and with such intensity that it could in the opinion of the Local Authority possibly cause a nuisance.	<b>AGRICULTURAL INDUSTRY</b>  Means any farming activity such as pig and poultry farming and cattle feeding lots, that is performed on such a scale and with such intensity that it could in the opinion of the Municipality possibly cause a nuisance in respect of noise, smells, waste and effluent.
<b>AGRICULTURAL PURPOSE</b>  Means land used for farming but does not include an agricultural industry.	<b>AGRICULTURE</b>  Means land and buildings used for any bona fide farming activities which may include Market Gardens, game farming, cattle, goats and sheep farming, bee farming, bird breeding, plant nursery, plantations, aquaculture, mushroom production, forestry and orchards and activities normally

<b>SCHEDULE 17: PART A</b>	
<b>CENTURION TOWN-PLANNING SCHEME, 1992: DEFINITIONS</b>	<b>TSHWANE TOWN-PLANNING SCHEME, 2008 (REVISED 2014): DEFINITIONS</b>
	regarded as incidental thereto, but excludes Abattoirs, cattle feeding lots, poultry farming pig farming, and Animal Boarding Place.
<p><b>ANIMAL BOARDING PLACE</b></p> <p>Means a property that is used for the temporary boarding and grooming of dogs and other pets.</p>	<p><b>ANIMAL BOARDING PLACE</b></p> <p>Means land and buildings used for the boarding (kennels and cattery), breeding and care of dogs, cats and domestic animals, which are boarded on the property and may include the sale of products related to the main use and may include ancillary and subservient Offices and treatment rooms subject to the Municipality's relevant By-laws and Regulations.</p>
<p><b>ANNEXURE</b></p> <p>Means those documents that contain terms relating to special rights and conditions that are applicable to those properties indicated on the map by circled numbers (0), which annexure(s) from an integral part of the scheme and have the same force of law – with the proviso that in the case of a dispute between the conditions of Part I to Part VIII and any conditions that are contained in the annexure(s) the conditions of the annexure(s) will be decisive; and provided further that the conditions contained in Part I to VIII in respect of the possible relaxation of the Building Lines, building restriction areas, height, coverage and FAR apply to all erven and sites that are referred to in the annexure unless they are specifically excluded.</p>	<p><b>ANNEXURE T</b></p> <p>Means the set of documents showing details of rights permitted and conditions imposed on certain erven and land marked with a black number within a black circle on the Map 3 which rights and conditions shall prevail over any other clause or provision of the Scheme except that if rights and conditions are not stipulated the provisions of the Scheme Clauses shall apply as read with Clause 4(2) and includes any approved Annexure B, Annexure or Schedule of a former Town Planning Scheme applicable in the Tshwane municipal area.</p>
<p><b>BAKERY</b></p> <p>Means a building where bread, rusks, tarts, rolls, pies and other flour-baked products are manufactured in bulk for distribution to wholesalers or retailers.</p>	<p><b>BAKERY</b></p> <p>Means land and buildings where bread, rusks, tarts, rolls, pies and other flour-baked products are manufactured in bulk for distribution to Wholesale Trade, Shops and Warehouses.</p>
<p><b>BANK</b></p> <p>Means a public company provisionally or finally registered as a Deposit-taking Institution in terms of the Deposit-taking Institutions Act No. 94 of 1990, and also includes an instant bank and automatic teller machines.</p>	<p><b>BANK</b></p> <p>Means a public company provisionally or finally registered as a Deposit-taking Institution in terms of the Deposit-taking Institutions Act, 1990 (Act 94 of 1990) and also includes an instant bank and automatic teller machines.</p>
<p><b>BASEMENT</b></p> <p>Means any storey below the ground survey.</p>	<p><b>BASEMENT</b></p> <p>Means any portion of a building complying with the provisions of Clause 9(5) and 12 the floor of which is</p>

<b>SCHEDULE 17: PART A</b>	
<b>CENTURION TOWN-PLANNING SCHEME, 1992: DEFINITIONS</b>	<b>TSHWANE TOWN-PLANNING SCHEME, 2008 (REVISED 2014): DEFINITIONS</b>
	2 m or more below the mean natural ground level of the ground covered by the building, and of which no part of the ceiling is more than 1 m above such mean level.
<p><b>BUILDERS YARD</b></p> <p>Means land or buildings that are being used on a permanent basis for the storage or sale of materials that:</p> <p>(a) is required for building work or is usually required for building work; or</p> <p>(b) has been obtained from demolitions or excavations; or</p> <p>(c) is required or is usually required for improvements on land, such as material that is used for any building work, whether for public or private purposes;</p> <p>Provided that the sale of material outside a building may only take place with the consent of the Local Authority.</p>	<p><b>BUILDER'S YARD</b></p> <p>Means land and buildings that are used for the storage and/or sale and rental of building materials such as sand, bricks, scaffolding, cement, doors, windows etc and equipment that:</p> <p>(1) are required for building works; or</p> <p>(2) have been obtained from demolitions or excavations; or</p> <p>(3) are required or are usually required for improvements on land, such as material that is used for any building work, whether for public or private purposes; or</p> <p>(4) are ancillary and subservient to a hardware shop.</p>
<p><b>BUILDING</b></p> <p>Means a structure with a roof.</p>	<p><b>BUILDING</b></p> <p>Means a building as defined in the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977).</p>
<p><b>BUILDING LINE</b></p> <p>Means a line that demarcates the building restriction area and is a fixed distance from the boundary of a stand or property.</p>	<p><b>BUILDING LINE</b></p> <p>Means an imaginary line on a property that demarcates the Building Restriction Area and is at a fixed distance from any boundary of such property.</p>
<p><b>BUILDING RESTRICTION AREA</b></p> <p>Means an area on a stand or property where no building, except as permitted by the scheme, may be erected and which is bounded on one side by a Building Line and on the other side by a boundary of an erf or property and also includes open spaces.</p>	<p><b>BUILDING RESTRICTION AREA</b></p> <p>Means the area on a property where no building, except as permitted by the scheme, may be erected and which is bounded on one side by a Building Line and on the other side by a boundary of the property and also includes open spaces or as indicated in an Annexure T to the Scheme.</p>
<p><b>BUILDING SOCIETY</b></p> <p>A Mutual Building Society as defined in Section 1 of the Mutual Building Societies Act, No. 24 of 1965 and also includes automatic teller machines.</p>	<p><b>BUILDING SOCIETY</b></p> <p>A Mutual Building Society as defined in Section 1 of the Mutual Building Societies Act, 1965 (Act 24 of 1965) and also includes automatic teller machines.</p>

<b>SCHEDULE 17: PART A</b>	
<b>CENTURION TOWN-PLANNING SCHEME, 1992: DEFINITIONS</b>	<b>TSHWANE TOWN-PLANNING SCHEME, 2008 (REVISED 2014): DEFINITIONS</b>
<p><b>BY-LAWS</b></p> <p>Means the by-laws of the Local Authority.</p>	<p><b>BY-LAWS</b></p> <p>Means the Municipality by-laws in force in the area of the Scheme.</p>
<p><b>CAFETERIA</b></p> <p>Means a building or part of a building used for the preparation of food and non-alcoholic beverages for the exclusive use of the employees of a concern.</p>	<p><b>CAFETERIA</b></p> <p>Means a building or part of a building used for the preparation and sale of food and refreshments for the exclusive use of the employees (or in a building) and their guests or patrons of the building, provided it is ancillary and subservient to the main use on the same property.</p>
<p><b>CAMPING SITE</b></p> <p>Means land which has ablution and washing-up facilities that is used for the temporary housing of people and which may include any other suitable use as approved by the Local Authority.</p>	<p><b>CAMPING SITE</b></p> <p>Means land and buildings used for transient guests for the overnight accommodation of caravans, motor homes and tents and may include ablution facilities, Caretaker's Flat, communal kitchen and ancillary and subservient Shops and other related buildings.</p>
<p><b>CARAVAN PARK</b></p> <p>Means a property where temporary accommodation is provided for persons with caravans and where drinking water, fire places and ablution blocks as well as any other applicable facilities as approved by the Local Authority are available.</p>	<p><b>CAMPING SITE</b></p> <p>Means land and buildings used for transient guests for the overnight accommodation of caravans, motor homes and tents and may include ablution facilities, Caretaker's Flat, communal kitchen and ancillary and subservient Shops and other related buildings.</p>
<p><b>CAR WASH</b></p> <p>Means the use of an area on a site for the washing, polishing and cleaning of cars.</p>	<p><b>CAR WASH</b></p> <p>Means land and buildings used for the washing, polishing and cleaning of vehicles by means of mechanical apparatus or by hand.</p>
<p><b>COMMUNITY HALL</b></p> <p>Means a building that is used for cultural activities, social gatherings, meetings and recreational purposes which are not primarily operated for profit and includes among others a non-residential club but does not include a place of amusement.</p>	<p><b>SOCIAL HALL</b></p> <p>Means land and buildings used for, inter alia, social and cultural gatherings, recreation activities, wedding receptions, fairs, bazaars and a non-residential club but does not include a Place of Amusement and Place of Refreshment but may include a kitchen ancillary and subservient to the hall.</p>
<p><b>CONFECTIONERY</b></p> <p>The activity where bread, biscuits, tarts, rolls, pies or other flour baked products are baked or made for sale and consumption on or use away from the business premises, or on a retail basis.</p>	<p><b>CONFECTIONERY</b></p> <p>Means land and buildings where bread, biscuits, tarts, rolls, pies or other flour (baked) products are baked or (made) prepared for the sale and/or consumption on the premises, but does not include wholesale or distribution.</p>

<b>SCHEDULE 17: PART A</b>	
<b>CENTURION TOWN-PLANNING SCHEME, 1992: DEFINITIONS</b>	<b>TSHWANE TOWN-PLANNING SCHEME, 2008 (REVISED 2014): DEFINITIONS</b>
<p><b>COVERAGE</b></p> <p>Means the percentage area of an erf or property that is covered by buildings seen vertically from the air, measured across the outside walls but does not include the following:</p> <p>(a) a veranda, stoep or balcony that:</p> <p style="padding-left: 40px;">[i] is not screened off;</p> <p style="padding-left: 40px;">[ii] is screened off by a parapet not exceeding 1,2 m, by a wire mesh screen or trellis-work;</p> <p>(b) a lean-to or carport or canopy (lapa), with open sides of which the surface area does not exceed 50 square metres;</p> <p>(c) a structure that does not have a roof;</p> <p>(d) normal roof overhangs not exceeding 1 m.</p>	<p><b>COVERAGE</b></p> <p>Means the percentage area of a property including any servitude area covered by the roofed area of all buildings as seen vertically from above but does not include a structure or building that has no roof.</p>
<p><b>CRÈCHE/ (PLACE OF CARE)</b></p> <p>Means a property that is used for the care of more than 6 (six) children under the age of 3 (three) years during the day or part of the day, all days or only certain days of the week.</p>	<p><b>PLACE OF CHILD CARE</b></p> <p>Means land and buildings used for the admission, protection and temporary or partial care of more than six children up to the age of 18 years away from their parents, but does not include a boarding school, school hostel, Institution, overnight accommodation for such children or Place of Instruction. Depending on its registration, a Place of Child Care can admit babies, toddlers, pre-school aged children and school-going children on a full day or other basis and may include pre-primary school education.</p>
<p><b>DISTRIBUTION CENTRE</b></p> <p>Means a warehouse or other building from where goods are distributed and includes a transport depot.</p>	<p><b>DISTRIBUTION CENTRE</b></p> <p>Means a Warehouse or other building from where goods are distributed and includes a Transport Depot.</p>
<p><b>DWELLING-HOUSE</b></p> <p>Means a dwelling-unit on an erf.</p>	<p><b>DWELLING-HOUSE</b></p> <p>Means a single Dwelling-unit on property zoned "Residential 1", "Agricultural" and "Undetermined."</p>
<p><b>DWELLING-UNIT</b></p> <p>Means an interconnected suite of rooms designed for habitation of which at least one is habitable and includes an single kitchen and separate toilet facilities.</p>	<p><b>DWELLING-UNIT</b></p> <p>Means a self-contained suite of rooms mutually and internally connected and consisting of habitable room(s), bathroom(s), toilet(s) and not more than one kitchen without the Permission of the Municipality for the purpose of residence by a single</p>

<b>SCHEDULE 17: PART A</b>	
<b>CENTURION TOWN-PLANNING SCHEME, 1992: DEFINITIONS</b>	<b>TSHWANE TOWN-PLANNING SCHEME, 2008 (REVISED 2014): DEFINITIONS</b>
	family, or a single person or two unmarried persons and may include outbuildings which are ancillary and subservient to the Dwelling-unit and may include a Home Enterprise subject to Schedule 9.
<b>ERF</b>  Means a registered property as described in the Ordinance.	<b>ERF</b>  Means an erf as defined in the Ordinance and includes any resultant portion of an erf obtained through subdivision of such an erf.
<b>EXISTING BUILDING</b>  Means a building that was erected in accordance with plans approved by the Local Authority and which is otherwise legal and of which the building work was:  (a) completed on or before the fixed date; or  (b) started before the fixed date, but was only completed after that date; or  (c) completed in accordance with the conditions set by the Local Authority before the fixed date, while the Scheme was being prepared and before it had been proclaimed.	<b>EXISTING BUILDING</b>  Means respectively a building or work erected or carried out before the relative date set out in the definition of "Existing Use" and includes a building or work,  (1) erected or carried out in pursuance of a contract made before the relevant date given in the definition of "Existing Use",  (2) begun before, but completed after, the said date,  (3) erected or carried out in accordance with the terms of any Permission granted by the Municipality before the said date:  Provided that, notwithstanding the afore-mentioned definition the Municipality may refuse to regard any building or work which was the subject of a prohibition or instruction as contemplated in Section 43 of the Ordinance as an Existing Building or an existing work.
<b>EXISTING STAND</b>  Means a stand or any subdivision thereof that was registered before the fixed date.	<b>EXISTING ERF</b>  Means any erf as defined in the Ordinance and includes any portion of an erf in the areas mentioned in the definition of "Existing Use".
<b>FACTORY</b>  Means premises or a building where an article or part of an article is manufactured, mounted, processed, repaired, rebuilt or packed, including places where livestock are slaughtered and electricity is generated and includes any other activities connected to or incidental to the activities mentioned herein.	<b>INDUSTRY</b>  Means land and buildings where a product or part of a product is manufactured, mounted, processed, repaired, rebuilt or packed, including a power station and incinerator plant and may include a Cafeteria and a Caretaker's Flat and any other activities connected to or incidental to the activities mentioned herein, excluding Noxious Industries, Light Industries and Retail Industries.

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<p><b>FAMILY</b></p> <p>Means a man and/or a woman with his or her or their children and/or their parents who live together.</p>	<p><b>FAMILY</b></p> <p>Means the following people that live together:</p> <ol style="list-style-type: none"> <li>(1) a married couple with or without their parents and/or their children; or</li> <li>(2) a single person with his/her parents and/or his/her children; or</li> <li>(3) brothers and sisters; or</li> <li>(4) a single person with his/her grandparents and/or his/her grandchildren; or</li> <li>(5) grandparents with their grandchildren.</li> </ol>
<p><b>FIXED DATE</b></p> <p>Means the date on which the Local Authority gave notice in the Provincial Gazette that this scheme has been approved.</p>	<p><b>FIXED DATE</b></p> <p>Means the date on which the Municipality gave notice in the Provincial Gazette that this scheme has been approved.</p>
<p><b>FLOOD LINES</b></p> <p>Means the flood lines referred to in Article 169 A(1)(a) of the Water Act No. 54 of 1956 and any amendments thereto.</p>	<p><b>FLOOD LINES</b></p> <p>Means the flood lines as defined in Section 144 of the National Water Act, 1998 (Act 36 of 1998), including any other flood lines that the Municipality may require.</p>
<p><b>FLOOR AREA</b></p> <p>Means the sum total of the areas of each storey of a building with the exclusion of the following:</p> <ol style="list-style-type: none"> <li>(a) stairs and passages for common use;</li> <li>(b) parking places;</li> <li>(c) accommodation for the lift motor and other mechanical or electronic equipment and storage space for cleaning apparatus and cleaning material for a building;</li> <li>(d) a veranda, stoep or balcony that: <ol style="list-style-type: none"> <li>(i) is not screened off;</li> <li>(ii) is screened off by a parapet not exceeding 1,2 m or by a wire mesh screen or trelliswork.</li> </ol> </li> </ol>	<p><b>GROSS FLOOR AREA</b></p> <p>The Gross Floor Area of a building is determined by multiplying the area of the property by the FAR, e.g. 1 000 m<sup>2</sup> x 0,4 = 400 m<sup>2</sup>: Provided that certain floor areas can be deducted from the calculation of Gross Floor Area as provided in Schedule 7.</p>

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<p><b>FLOOR AREA RATIO</b></p> <p>Means the ratio that is obtained by dividing the floor area of a building by the total area of the property on which the building or buildings are or will be erected, that is,</p> <p>FAR = <math>\frac{\text{floor area of a building}}{\text{Total area of the property}}</math>.</p>	<p><b>FLOOR AREA RATIO</b></p> <p>Means the ratio of the Gross Floor Area of a building to the total area of the property, including any servitudes, on which such building is erected or is to be erected, i.e. FAR = Gross Floor Area divided by Area of property.</p>
<p><b>FUNERAL UNDERTAKER</b></p> <p>Means property that is used for the making of funeral arrangements and includes a shop, showrooms, offices, storage space, refrigeration rooms and funeral parlour that is exclusively used for the sale, exhibition, storage, care and administrative control of those articles and supplies that are usually associated with a funeral but does not include a monumental masonry or a crematorium.</p>	<p><b>FUNERAL UNDERTAKER</b></p> <p>Means land and buildings used for the administration of funeral arrangements including Showrooms, Offices, storage space, refrigeration rooms, funeral parlour for the preparation and viewing of the dead, waiting room and the sale of flowers, coffins, gravestones and other related products as well as a display area for gravestones, but excludes a Crematorium, a chapel or church.</p>
<p><b>GROSS LEASABLE FLOOR AREA (GLA)</b></p> <p>Means the floor area that has been designed or is suitable for occupation by a renter, measured from the centre line of the communal partitions and the outside surface of the external walls, expressed in square metres, but does not include communal areas, such as lifts, fire escapes, toilets and passages.</p>	<p><b>GROSS FLOOR AREA</b></p> <p>The Gross Floor Area of a building is determined by multiplying the area of the property by the FAR, e.g. 1 000 m<sup>2</sup> x 0,4 = 400 m<sup>2</sup>: Provided that certain floor areas can be deducted from the calculation of Gross Floor Area as provided in Schedule 7.</p>
<p><b>GROUND LEVEL</b></p> <p>Means the average level between the highest and lowest point of any property.</p>	<p><b>NATURAL GROUND LEVEL</b></p> <p>Means the natural level of a property before any excavations or filling takes place and is the level which is used for measuring the height of a building.</p>
<p><b>GROUND STOREY</b></p> <p>Means that storey of which the floor is at ground level.</p>	<p><b>GROUND STOREY</b></p> <p>Means that storey where the floor is deemed to be at ground level and shall be the first storey in the calculation of height.</p>
<p><b>GROUP HOUSING</b></p> <p>Means a group of residential units on stands that have been designed to form a harmonious whole and that can be held by separate title.</p>	<p>Not included.</p>
<p><b>GUEST-HOUSE</b></p> <p>A commercial accommodation establishment of not more than 16 bedrooms and which can include a dining and conference facility for the exclusive use of the resident guests.</p>	<p><b>GUEST-HOUSE</b></p> <p>Means land and buildings, consisting of a minimum of three and not more than 16 bedrooms, which may include a kitchenette in each bedroom/habitable room, for a maximum of 32 guests, a dining-room,</p>

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	lounge, bar and may include ancillary and subservient facilities for the exclusive use of such guests but does not include any building mentioned whether by way of inclusion or exclusion in the definitions of a "Place of Refreshment", "Place of Amusement", "Social Hall", "Adult Premises" and "Residential Building" and which shall be managed by the owner or manager who shall reside on the same property and may include ancillary and subservient staff accommodation.
<b>GYMNASIUM</b>  Means a building where people exercise with or without exercise apparatus.	<b>FITNESS CENTRE</b>  Means a building where people exercise with or without exercise apparatus.
<b>HEIGHT</b>  Means the height of a building expressed in terms of the number of stories.	<b>HEIGHT</b>  Means the height of any part of a building as measured vertically from the natural ground level of the footprint of the building to the highest point of the building as indicated in the diagrams in Clause 26 provided that a maximum of 500 mm of fill above natural ground level for storm-water management shall be excluded from the height calculation.
<b>HOME INDUSTRY</b>  Means any manufacturing done on a small scale with the permission of the Local Authority in a residential zone.	<b>HOME ENTERPRISE</b>  Means the practice of an activity, business, hobby or occupation in a Dwelling-unit, excluding in a Commune, a Guest-house, a Block of Tenements, a Boarding House, Backpackers, Nursing Home, Recreation Resort, Hostel and Hotel, with the aim of deriving an income there-from subject to Schedule 9.
<b>HOTEL</b>  Means a building that has been registered as a hotel in terms of Section 1 of the Hotels Act (Act 70 of 1965), or any amendment thereof.	<b>HOTEL</b>  Means land and buildings used as an accommodation establishment as defined in the Tourism Act, Act 72 of 1993, as amended and may include staff accommodation and a Place of Refreshment for the use of guests only and a Conference Centre but excludes a Block of Flats, a Block of Tenements, Boarding House, Hostel, Guest-house, Backpackers and Retirement Centre; provided that parking shall be provided according to Table G for the Place of Refreshment and Conference Centre if these are used by persons other than guests of the hotel.
<b>INDUSTRY</b>  Means a factory as defined by the Physical Planning Act (Act 88 of 1967), including offices	<b>INDUSTRY</b>  Means land and buildings where a product or part of a product is manufactured, mounted, processed,

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and a cafeteria that is used in conjunction with it.	repaired, rebuilt or packed, including a power station and incinerator plant and may include a Cafeteria and a Caretaker's Flat and any other activities connected to or incidental to the activities mentioned herein, excluding Noxious Industries, Light Industries and Retail Industries.
<b>INSTITUTION</b>  Means a charitable organisation, hospital, nursing home, sanitarium or any other institution, whether private or public, but does not include institutions where Dwelling-units or any share in it are sold.	<b>INSTITUTION</b>  Means land and buildings, whether public or private, designed or used as a charitable institution, national government institution, provincial institution, municipal institution, Hospital, Nursing Home and Clinic for the care or treatment of humans and may include overnight accommodation and staff accommodation.
<b>LIGHT INDUSTRY</b>  Means an industry that is conducted in such a way that it does not, in the opinion of the Local Authority, cause a nuisance to the environment.	<b>LIGHT INDUSTRY</b>  Means land and buildings used for, inter alia, a bakery, a Builder's Yard, a Car Wash, a contractor's yard, dry-cleaners, carpet cleaners, joinery workshop, launderette, laundry, lawnmower workshop, painter's workshop, plumber's workshop, printing workshop, Transport Depot, Panel-beater, Motor Workshops, a ready-mix plant and any other such industries, workshops or yards which in the opinion of the Municipality do not cause a nuisance to the environment, may be used for similar purposes and may include the retail sale of products ancillary and subservient to the main use on the same property but does not include a Scrap Yard.
<b>LOCAL AUTHORITY</b>  Means the Town Council of Centurion, the Town Council's Management Committee, acting under the powers dele-gated to it in terms of Section 58 of the Local Government [Administration and Election] Ordinance 1960 and any official to whom the Committee has been empowered in terms of Sub-section 3 of said section to delegate and has in fact delegated the powers, functions and duties vesting in the Council.	<b>MUNICIPALITY</b>  Means the City of Tshwane Metropolitan Municipality established and instituted in terms of Notice 1866 of 2010 promulgated in terms of Section 12(1) of the Local Government Structures Act, 1998 (Act 117 of 1998) as amended.
<b>MAP</b>  Means a map as defined in the regulations and which forms an integral part of the scheme, including any amendments to it.	<b>MAP</b>  Means a map as defined in the Regulations of the Ordinance and which forms part of the Scheme including any amendment thereto.
<b>MEDICAL SUITE</b>  Means a set of rooms where a practitioner	<b>MEDICAL CONSULTING ROOMS</b>  Means land and buildings used for medical and

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delivers medical services to people irrespective if such a practitioner has been registered with the South African Medical and Dental Board.	dental consulting practitioners including general practitioners, medical specialists, pathologists, radiologists, dentists, ophthalmologists, optometrist, traditional healers and similar uses such as special therapists, psychiatrists and may include a dispensing chemist which does not exceed 36 m <sup>2</sup> but does not include the uses which are included under the definition of Institution.
<b>MOBILE DWELLING-UNIT</b>  Means a dwelling-unit that can be moved.	<b>MOBILE DWELLING-UNIT</b>  Means a Dwelling-unit that can be moved.
<b>MOBILE DWELLING-UNIT STAND</b>  Means land meant for the placing of one mobile dwelling-unit and the permissible additional structures for the exclusive use of the occupants of such mobile dwelling-unit.	<b>MOBILE DWELLING-UNIT STAND</b>  Means land meant for the placing of one Mobile Dwelling-unit and the permissible additional structures for the exclusive use of the occupants of such Mobile Dwelling-unit.
<b>MOTOR CAR SHOWROOM</b>  Means a building or land that is used for the display and sale of motor vehicles but does not include a motor-car scrap yard or a public garage.	<b>VEHICLE SALES SHOWROOM</b>  Means the display and sale of vehicles in a building only but does not include a Scrap Yard, Public Garage, Vehicle Sales Mart or Motor Dealership.
<b>NOXIOUS INDUSTRY</b>  Means an industry that by virtue of noise, smells or effluent:  (a) presents a danger to the health of the public; or (b) causes a nuisance; or (c) can cause pollution of the air, water or soil.	<b>NOXIOUS INDUSTRY</b>  Means land and buildings used for any use included in the list in Schedule 8 together with any living accommodation required for a caretaker and includes any other use on the same site, which is necessary in connection with the primary use.
<b>NURSERY</b>  Means a business where plants or seeds are grown or cultivated and includes the sale of associated products or items related to horticulture. The sale of building material such as sand, bricks, poles and thatching material is excluded from the definition.	<b>PLANT NURSERY</b>  Means land and buildings used for the storage and cultivation of plants, bulbs and seed for distribution and sale to shops or Garden Centres and may include the retail sale to the public on the property.
<b>NURSERY SCHOOL</b>  Means a building that is used for the care and education of more than 6 (six) children of 3 (three) years and older who have not yet reached compulsory school going age, during the day or part of a day or all or only certain days of the week and which has been registered as a nursery school at the appropriate authority.	<b>PLACE OF CHILD CARE</b>  Means land and buildings used for the admission, protection and temporary or partial care of more than six children up to the age of 18 years away from their parents, but does not include a boarding school, school hostel, Institution, overnight accommodation for such children or Place of Instruction. Depending on its registration, a Place of

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	Child Care can admit babies, toddlers, pre-school aged children and school-going children on a full day or other basis and may include pre-primary school education.
<p><b>OCCUPANT</b></p> <p>Means any person actually occupying a building or ground irrespective of whether such occupation is legal or not.</p>	<p><b>OCCUPANT</b></p> <p>Shall include any person in actual occupation of any land, or building or structure or premises without regard to the title under which he occupies, and in the case of premises subdivided and let to lodgers, various tenants, shall include the person receiving the rent payable by the lodgers or tenants whether on his own account or as agent for any person entitled thereto or interested therein and includes the agent of any person absent from the area or whose whereabouts is unknown.</p>
<p><b>OFFICE</b></p> <p>Means any building or part of a building where mainly professional, clerical or administrative work is performed.</p>	<p><b>OFFICE</b></p> <p>Means land and buildings or part of a building used for professional, clerical, administrative, management, marketing and consulting services and a Chancellery and may include a Cafeteria ancillary and subservient to the main use, but excludes a Call Centre, security and emergency response vehicles, courier services in post, parcels and money and excludes medical and dental consulting rooms.</p>
<p><b>ORDINANCE</b></p> <p>Means the Town-planning and Townships Ordinance 1986 (No. 15 of 1986) as well as any amendment thereto.</p>	<p><b>ORDINANCE</b></p> <p>Means the Town-planning and Townships Ordinance, 1986 (Ordinance 15 of 1986), as amended.</p>
<p><b>OUTBUILDING</b></p> <p>Means a building that in the opinion of the Local Authority is reasonably required for the use of a dwelling-unit but does not include any building or structure or any facility used by someone other than the occupier or his family or his employees.</p>	<p><b>OUTBUILDING</b></p> <p>Means a building(s) which has its own entrance or door and no inter leading door to the main building, but which is attached to or free standing from the main building on the same property and which may contain:</p> <ol style="list-style-type: none"> <li>(1) inter alia garages, storerooms, studios, exercise rooms, hobby rooms, music room, washrooms and a Home Enterprise;</li> <li>(2) one squash court only with the Permission of the Municipality; and</li> <li>(3) residential accommodation, which shall not exceed 20% of the Gross Floor Area of the main building up to a maximum of 50 m<sup>2</sup> and</li> </ol>

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	<p>which may consist of habitable rooms, bathroom(s) and only one kitchen:</p> <p>Provided that:</p> <p>(i) the maximum of 50 m<sup>2</sup> of residential accommodation may be increased with the Permission of the Municipality up to the maximum of 20% of the Gross Floor Area of the main building and provided that such outbuilding has a common vehicular access with the main building and it is for the purposes of only the occupants of the main building and their staff;</p> <p>(ii) garage may be 36 m<sup>2</sup> or a maximum of 45% of the Gross Floor Area of the main building, whichever is the greater; and</p> <p>(iii) the total Gross Floor Area of all such outbuilding(s) shall not exceed 50% of the Gross Floor Area of the main building and such outbuildings shall not be leased or rented to tenants/ occupants or sold under sectional title.</p>
<p><b>OWNER</b></p> <p>With regards to property; means the registered owner as well as the lessee in terms of a long-term lease contract registered with the Deeds Office as well as the duly authorized agent of such owner or lessee and includes such owner's Executor, Curator, Liquidator or Judicial Manager.</p>	<p><b>OWNER</b></p> <p>Means in relation to land or a registered right in land, the person in whose name such land or right is registered, in a Deeds Registry in terms of the Deeds Registry Act, 1937 (Act 47 of 1937) and includes-</p> <p>(1) if the owner is deceased, the executor of the deceased estate;</p> <p>(2) if the estate of the owner has been sequestrated, the trustee of the insolvent estate;</p> <p>(3) if the owner is a company or other juristic person;</p> <p>(4) if the owner is a company or other juristic person that is being wound up, the liquidator thereof;</p> <p>(5) if the owner is under legal disability, the owners legal representative;</p> <p>(6) the authorised representative of the owner; or</p> <p>(7) in the case of a road or public space under the control of the Municipality, that Municipality.</p>

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<p><b>PANEL-BEATING</b></p> <p>Means the replacement, repair and spray-painting of the bodywork of motor vehicles.</p>	<p><b>PANEL-BEATER</b></p> <p>Means land and buildings used for the replacement, repair and spray-painting of the bodywork of motor vehicles.</p>
<p><b>PANHANDLE</b></p> <p>Means the access part of a panhandle erf.</p>	<p><b>PANHANDLE</b></p> <p>Means that portion of a property which is -</p> <p>(1) at least 3 m wide and not more than 8 m wide; and</p> <p>(2) used exclusively as an access to a public street.</p>
<p><b>PANHANDLE ERF</b></p> <p>Means the improvable part of a stand that has access by means of a panhandle to a public road.</p>	<p><b>PANHANDLE PROPERTY</b></p> <p>Means a property, consisting of a narrow portion, which is known as the panhandle and which abuts on a street, and a broader buildable portion.</p>
<p><b>PARKING AREA</b></p> <p>Means property that is used for the parking of motor vehicles.</p>	<p><b>PARKING SITE</b></p> <p>Means a property or part of a property, which is used solely for the parking of motor vehicles, excluding busses and trucks, not being for sale or trade and subject to Schedule 10.</p>
<p><b>PARKING GARAGE</b></p> <p>Means a building that is used for the parking of motor vehicles.</p>	<p><b>PARKING GARAGE</b></p> <p>Means a building or automated, semi-automated or mechanical structure designed or used for the parking of motor vehicles not being for trade or sale, which is not required or utilised for the parking requirements for the main use on the same property but for a use on another property and does not include a building any part of which is designed or used as a workshop for the repair of motor vehicles.</p>
<p><b>PICNIC AREA</b></p> <p>Means land used for the outdoor recreation and associated uses approved by the Local Authority.</p>	<p><b>PICNIC PLACE</b></p> <p>Means land used for outdoor recreation and associated uses such as picnics and braais.</p>
<p><b>PLACE OF AMUSEMENT</b></p> <p>Means a place that is used for entertainment and/or recreation with a view on making a profit and related uses.</p>	<p><b>PLACE OF AMUSEMENT</b></p> <p>Means land and buildings or a part of a building used for entertainment purposes such as a Theatre, cinema, music hall, concert hall, table games, skating rink, dancing, amusement park, gambling (not being a T.A.B.), electronic games or slot machines/limited pay-out gambling machines, night club, an exhibition hall or sports arena/stadium used for live concerts or performances. These buildings shall comply with the noise zone criteria and</p>

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	acoustical screening requirements of the Municipality's Health Services.
<p><b>PLACE OF INSTRUCTION</b></p> <p>Means a place where pre-school, primary, secondary and tertiary education and/or training is offered as well as any form of education and/or training whether such instruction is offered on a full-time or part time basis, including accommodation with a view to such instruction;</p>	<p><b>PLACE OF INSTRUCTION</b></p> <p>Means land and buildings used as a school, college, technical institute, Tertiary Institution, academy, lecture hall, monastery, convent, public library, art museum, museum, other educational centre including ancillary and subservient Hostel for persons attending any one of the afore-mentioned and may include a Place of Child Care and a Cafeteria ancillary and subservient to the main use on the property.</p>
<p><b>PLACE OF PUBLIC WORSHIP</b></p> <p>Means buildings used for Public Worship and associated activities.</p>	<p><b>PLACE OF PUBLIC WORSHIP</b></p> <p>Means land and buildings used for a church, chapel, mosque, temple, synagogue, or other religious purposes and may include ancillary social and recreational purposes and one Dwelling-unit on the same property, but shall not include a funeral parlour, Wall of Remembrance or Cemetery. Any noise generated on the property shall not be audible outside the boundaries of the property.</p>
<p><b>PRIVATE OPEN SPACE</b></p> <p>Means land that is used for a private sport, play, rest and recreation ground to which the general public does not have right of access, except with permission.</p>	<p><b>PRIVATE OPEN SPACE</b></p> <p>Means Open Space to which the general public has no right of access.</p>
<p><b>PROPERTY</b></p> <p>Means any portion of land that has been registered as a separate unit in the Deeds Office.</p>	<p><b>PROPERTY</b></p> <p>Means any portion of land that has been registered as a separate unit in the Deeds Office.</p>
<p><b>PUBLIC GARAGE</b></p> <p>Means a place where vehicles, spares for vehicles, fuel, lubricants and any accessories and other items are sold, repaired and vehicles are services but excludes panel beating and spray-painting.</p>	<p><b>PUBLIC GARAGE</b></p> <p>Means land and buildings used for the storage and retail sale of vehicle fuel, lubricants and one or more of the following uses:</p> <ol style="list-style-type: none"> <li>(1) repair and servicing of vehicles, excluding panel-beating or spray-painting;</li> <li>(2) sale of new and used vehicles;</li> <li>(3) a convenience store including a Confectionery and take-away facility with a kitchen inside the convenience store with a maximum Gross Floor Area of 250 m<sup>2</sup>, which floor area shall include the floor area accessible to the public as well as any store room, Office, fridge area and safe which is used for the operation of the convenience store;</li> </ol>

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	(4) an automatic teller machine; and (5) the sale of LP gas.
<b>PUBLIC OPEN SPACE</b>  Means land to which the general public has right of access and is indicated as park on the general plan.	<b>PUBLIC OPEN SPACE</b>  Means any Open Space as defined vested in the Municipality under Section 63 of the Local Government Ordinance, 1939 (Ordinance 17 of 1939) to which the general public has right of access.
<b>REGULATIONS</b>  Means the Town-planning and Township Regulations issued by the Premier in terms of the Ordinance.	<b>REGULATIONS</b>  Means the Town-planning and Township Regulations issued by the Premier in terms of the Ordinance.
<b>RESIDENTIAL BUILDINGS</b>  Means a boarding house, a club, a hotel and a hostel that is suitable for habitation.	<b>RESIDENTIAL BUILDINGS</b>  Means a Hotel, Block of Flats, Block of Tenements, Boarding House, other residential types not elsewhere defined and Hostel together with such outbuildings as are ordinarily used therewith.
<b>RESTAURANT</b>  Means a building where refreshments are prepared and sold to the public.	<b>PLACE OF REFRESHMENT</b>  Means land and buildings used for the preparation, sale and consumption of refreshments on the property such as a restaurant, café, coffee shop, tea room, Tea Garden, sports bar, pub, bar and may include take-aways and a maximum of two table games, two dartboards, two electronic games or two limited pay-out gambling machines, television screens and soft background music for the customers, which shall not be audible outside the boundaries of the property and excludes live music and a Place of Amusement. The kitchen layout shall comply with the Municipality's health requirements.
<b>RIDING SCHOOL</b>  Means a place where horse riders and horses are trained and includes related activities.	<b>EQUESTRIAN SCHOOL</b>  Means a place where horses are stabled and horse riders and horses are trained including a Cafeteria for patrons of such school and may include horse competitions with the Permission of the Municipality.
<b>SCHEDULE(S)</b>  Means the same as annexure as defined and is applicable to those properties indicated with an S on the map.	<b>ANNEXURE T</b>  Means the set of documents showing details of rights permitted and conditions imposed on certain erven and land marked with a black number within a black circle on the Map 3 which rights and conditions shall prevail over any other Clause or provision of the Scheme except that if rights and conditions are not stipulated the provisions of the Scheme Clauses

<b>SCHEDULE 17: PART A</b>	
<b>CENTURION TOWN-PLANNING SCHEME, 1992: DEFINITIONS</b>	<b>TSHWANE TOWN-PLANNING SCHEME, 2008 (REVISED 2014): DEFINITIONS</b>
	shall apply as read with Clause 4(2) and includes any approved Annexure B, Annexure or Schedule of a former Town Planning Scheme applicable in the Tshwane municipal area.
<b>SCHEME AREA</b>  Means the area to which the scheme is applicable as indicated on the map.	<b>SCHEME AREA</b>  Means the area to which the scheme is applicable as indicated on the map.
<b>SCRAP YARD</b>  Means property used for the dismantling and/or storage and the trade in any form of scrap material that does not constitute an noxious industry.	<b>SCRAP YARD</b>  Means land and buildings used as a junk yard or Scrap Yard for the dismantling, stacking, storing or preparation for resale of any used material, scrap metals, scrap vehicles, accident damaged vehicles, scrap machinery or other scrap material, whether or not such dismantling took place with the aim of disposal or re-use of such scrap.
<b>SERVICE INDUSTRY</b>  Means a use that in the opinion of the Local Authority is a small scale activity related to the needs of the local community and/or the retail trade which will not adversely affect the amenity of the environment by noise, appearance, smells or any other activity.	<b>RETAIL INDUSTRY</b>  Means, inter alia, catering, a confectionary, dress-making, and tailoring, engraving, instant printing and copying, jewellery manufacturing, photographic processing, picture framing, key cutting and screen printing; as well as the servicing and repair of air conditioners, audio equipment, basket ware and cane furniture, canvass goods and tents, bicycles, electronic equipment, domestic equipment, leather-works and shoes, office equipment, television and video equipment, upholstery, watches, weighing machines and window blinds, but does not include a Light Industry and the wholesale selling of goods and may include the retail sale of products related to the aforementioned services.
<b>SHOP</b>  Means a building or structure or part thereof used for the sale, delivery, packing or storage of goods and includes a café and a workshop associated with a subordinate to the main use but does not include a public garage.	<b>SHOP</b>  Means land and buildings used for the purpose of Retail Trade or renting of household equipment/tools directly to the public, including inter alia retail sale and display of products, "off-sales" facilities on properties licensed in terms of any liquor law, pet shops, a pharmacy, a confectionary, a take-away, swop shop, pawn shop, auctioneers business, hire/rental shop, drive thru restaurant and may include[s] a Retail Industry ancillary and subservient to the main use and with the Permission of the Municipality a Builders Yard ancillary and subservient to a hardware shop.
<b>SHOWROOMS</b>  Means buildings, which are used for the display of	<b>SHOWROOM</b>  Means land and buildings designed or used only for

<b>SCHEDULE 17: PART A</b>	
<b>CENTURION TOWN-PLANNING SCHEME, 1992: DEFINITIONS</b>	<b>TSHWANE TOWN-PLANNING SCHEME, 2008 (REVISED 2014): DEFINITIONS</b>
goods.	display of products and materials and excludes the sale or delivery of such products or materials on the same property.
<b>SPECIAL USE</b>  Means any use for which no provision has been made in the scheme.	<b>SPECIAL USE</b>  Means land or buildings used for any purpose other than that herein defined.
<b>STOREY</b>  Means each of the horizontal sections of a building, one above the other, with a floor in between, with the proviso that if any storey or part of a building exceeds 6 m on the ground floor and 4,5 m on all other stories, each 6 m on the ground floor and 4,5 m on all the other stories will be regarded as a storey, but does not include the following:  (a) a basement;  (b) rooms, spaces or structures that form part of a roof and are not deemed to be floor space.	<b>STOREY</b>  Means that part of a building which is situated between the top of any floor and the top of the floor above it or if there be no floor above it that portion between such floor and the ceiling above it (any mezzanine floor, open work floor, catwalk or gallery being taken to be part of the storey in which it is situated).
<b>STREET OR ROAD</b>  Means any street, road, bridge, subway, lane, thorough-fare, alleyway or right of way indicated on the general plan of a ton or agricultural holdings to which the public or Local Authority has obtained the right of way by prescription or otherwise and includes any road or right of way within the area of jurisdiction of the Local Authority that is not indicated on the general plan.	<b>STREET OR PUBLIC STREET</b>  Includes any street, road, or thoroughfare shown on the General Plan of a township, agricultural holding or other division of land or in respect of which the public have acquired a prescriptive or other right of way or zoned as Existing Street and may include on-street parking and loading zones as designated by the Municipality.
<b>STRUCTURE</b>  Means a construction, permanent or temporary by nature, of any material or combination of materials, with or without a roof.	<b>STRUCTURE</b>  Means a construction, permanent or temporary by nature, of any material or combination of materials, with or without a roof.
<b>TELECOMMUNICATION MAST</b>  Means a mast which is designed for communication over a distance by means of telephone, radio, television etc.	<b>TELECOMMUNICATION MAST</b>  Means a structure in the form of a tower and a base station, which is designed for telecommunication purposes, which includes inter alia radio and or microwave technology or other technology as may be permitted in terms of the relevant legislation. Telecommunication Masts are regarded as infrastructure and not as a land use.

<b>SCHEDULE 17: PART A</b>	
<b>CENTURION TOWN-PLANNING SCHEME, 1992: DEFINITIONS</b>	<b>TSHWANE TOWN-PLANNING SCHEME, 2008 (REVISED 2014): DEFINITIONS</b>
<p><b>TRANSPORT DEPOT</b></p> <p>Means a place where vehicles used for cartage or transport services are parked, serviced, repaired and refueled.</p>	<p><b>TRANSPORT DEPOT</b></p> <p>Means land and buildings where vehicles, used for cartage and transport services such as busses and trucks, security and emergency response vehicles, tow trucks, courier services in post, parcels and money or taxi services, are parked, serviced, repaired and refuelled but excludes a Transport Terminus.</p>
<p><b>USE ZONE</b></p> <p>Means that part of the Scheme Area that has been indicated by means of a distinguishing notation or bordering or any other distinguishing way on the Map to indicate the use of the land.</p>	<p><b>USE ZONE</b></p> <p>Means that part of the Scheme Area that has been indicated by means of a distinguishing notation or bordering or any other distinguishing way on the Map to indicate the use of the land.</p>
<p><b>WAREHOUSE</b></p> <p>Means a building or ground that is used for the temporary storage of goods.</p>	<p><b>WAREHOUSE</b></p> <p>Means land and buildings designed or used as a storage depot which may be in conjunction with a wholesale trading establishment or any other storage depot.</p>
<p><b>WHOLESALE TRADE</b></p> <p>Means the sale and provision of goods to retailers or the public.</p>	<p><b>WHOLESALE TRADE</b></p> <p>Means the sale and provision of goods to retailers or Shops only.</p>
<p><b>ZONE</b></p> <p>Means a part of the scheme area indicated by means of a distinctive notation, bordering or other distinctive way on the map to show the particular rights, responsibilities and restrictions on the erection and use of a building and/or ground.</p>	<p><b>ZONE</b></p> <p>Means that part of the Map which by distinctive colouring, hatching or edging or in some other manner indicates the restrictions imposed by this Scheme on the erection and use of buildings or the use of land.</p>

<b>SCHEDULE 17: PART B</b>	
<b>CENTURION TOWN-PLANNING SCHEME, 1992: CLAUSES</b>	<b>TSHWANE TOWN-PLANNING SCHEME, 2008 (REVISED 2014): CLAUSES</b>
Clause 1: Division of Scheme	Clause 3: Arrangement of the Scheme
Clause 2: Definitions	Clause 5: Definitions, and Schedule 17, Part A
Clause 3: Applicability of the Scheme: Clause 3(a)  Clause 3(b)  Clause 3(c)	Clause 38: Compliance with the Title Deeds and Conditions of Establishment. Clause 4: Transition arrangements between former Town-planning Schemes and this Scheme. Clause 1: Title of Scheme
Clause 4: Building plan, Site development plan and Aesthetic plan  Clause 4(a): Aesthetic Plan	Clause 31: Site Development Plan and Landscape Development Plan  Not included
Clause 5: Multipurpose use of buildings	Clause 13: Mixed Use of Buildings
Clause 6: Use of land for a temporary purpose	Clause 14(8)
Clause 7: Public open space	Not included
Clause 8: General conditions applicable to all property  Clause 8(b) Clause 8(i) Clause 8(k) Clause 8(n)	Clause 18: General Conditions applicable to all property  Clause 7(a) Clause not included. Clause 7(b) Clause 19(2)
Clause 9: Dolomitic Areas	Clause 19: Detrimental Soil Conditions
Clause 10: National and provincial roads	Schedule 1: Building Lines, access and physical barriers
Clause 11: The practice of an occupation from a dwelling-unit	Schedule 9: Home Enterprise
Clause 12: Building restriction areas and Building Lines (Table A)	Clause 12: Building Restriction Areas and Building Lines (Table A) Clause 8: Building Lines in new Townships and on subdivisions Clause 9: Building Lines relative to streets Clause 10: Canopies in front of Building Lines
Clause 13: Erection of buildings within the building restriction area with consent from the Local Authority	Clause 12(2)(e)
Clause 14: Use of land (Table B)	Clause 14: Use of Buildings and land (Table B) and Schedule 17, Part C
Clause 15: Application for consent in respect of use of land	Clause 16: Consent Use Procedure
Clause 16: Consideration of application  Clause 16(b)	Clause 16: Consent Use Procedure  Not included
Clause 17: Lapsing of consent on use of land	Not included
Clause 18: Certain uses always subject to consent	Clause 14(6)
Clause 19: Open space	Table B: Use of Buildings and Land
Clause 20: General site development conditions	Not included

<b>SCHEDULE 17: PART B</b>	
<b>CENTURION TOWN-PLANNING SCHEME, 1992: CLAUSES</b>	<b>TSHWANE TOWN-PLANNING SCHEME, 2008 (REVISED 2014): CLAUSES</b>
Clause 21: Conditions applicable to Residential 5 erven	Not included
Clause 22: Conditions applicable to Residential 1 erven of 750 m <sup>2</sup> and smaller.	Clause 12: Building Restriction Areas Clause 20: Conditions Applicable To Residential 1 Erven
Clause 23: Children's Playground	Clause 14(3)(a)
Clause 24: Public Garages	Clause 24: Conditions Applicable to a Public Garage
Clause 25: Telecommunication Masts	Table B: Use of Buildings and Land
Clause 26: Home Industry	Schedule 9: Home Enterprise
Clause 27: Riding School or Animal Boarding Place	Table B: Use of Buildings and Land
Clause 28: Restriction of Number of Kitchens	Included in Definition of Dwelling-unit
Clause 29: Density Clause 29(a)	Clause 20: Conditions Applicable to Residential 1 Erven Clause 25: Floor Area Ratio Clause 26: Height of Buildings Clause 27: Coverage, and Schedule 17, Part D
Clause 29(b)	Not included
Clause 29(c)	Clause 20(4)
Clause 29(d)	Not included
Clause 29(e) Additional Dwelling-unit	Clause 14(10)
Clause 30: Height and Coverage (Table C: Height, coverage and FAR)	Clause 26: Height of Buildings (Table D) Clause 27: Coverage (Table E) Clause 25: Floor Area Ratio (Table C)
Clause 31: Floor Area	Clause 25: Floor Area Ratio
Clause 32: Subdivision and Consolidation Clause 32(a) Clause 32(b) Clause 32(c) Clause 32(d) Clause 32(e) Clause 32(f)	Clause 20(2) Clause 21 Not included Not included Not included Clause 20(3)(b)
Clause 33: Parking (Table D)	Clause 28: Parking Requirements (Table G)
Clause 34: Aesthetic Requirements	Clause 30: Aesthetic Considerations
Clause 35: Access and Inspection	Clause 33: Access and Inspection
Clause 36: Serving of Notices	Clause 37: Serving of Notice
Clause 37: Contravention of the conditions of the Scheme	Clause 36: Contravention of the Scheme
Clause 38: Saving for Powers of The Local Authority	Clause 32: Overriding Rights of the Municipality
Clause 39: Short Title	Clause 39: Short Title

<b>SCHEDULE 17: PART C</b>			
<b>CENTURION TOWN-PLANNING SCHEME, 1992: TABLE B, USE ZONES TABLE</b>		<b>TSHWANE TOWN-PLANNING SCHEME, 2008 (REVISED 2014): TABLE B, USE ZONES TABLE</b>	
Use Zone I:	Residential 1	Use Zone 1:	Residential 1
Use Zone II:	Residential 2	Use Zone 2:	Residential 2
Use Zone III:	Residential 3	Use Zone 3:	Residential 3
Use Zone IV:	Residential 4	Use Zone 4:	Residential 4
Use Zone V:	Residential 5	Use Zone 28:	Special
Use Zone VI:	Business 1	Use Zone 6:	Business 1
Use Zone VII:	Business 2	Use Zone 7:	Business 2
Use Zone VIII:	Business 3	Use Zone 8:	Business 3
Use Zone IX:	Business 4	Use Zone 9:	Business 4
Use Zone X:	Special	Use Zone 28:	Special
Use Zone XI:	Industrial 1	Use Zone 10:	Industrial 1
Use Zone XII:	Industrial 2	Use Zone 11:	Industrial 2
Use Zone XIII:	Commercial	Use Zone 12:	Commercial
Use Zone XIV:	Institution	Use Zone 14:	Institution
Use Zone XV:	Educational	Use Zone 13:	Educational
Use Zone XVI:	Amusement	Use Zone 28:	Special
Use Zone XVII:	Municipal	Use Zone 15:	Municipal
Use Zone XVIII:	Undetermined	Use Zone 19:	Undetermined
Use Zone XIX:	Agriculture	Use Zone 17:	Agricultural
Use Zone XX:	Public garage	Use Zone 18:	Public Garage
Use Zone XXI:	Parking	Use Zone 28:	Special
Use Zone XXII:	Public Open Space	Use Zone 20:	Public Open Space
Use Zone XXIII:	Private Open Space	Use Zone 21:	Private Open Space
Use Zone XXIV:	Cemetery	Use Zone 26:	Cemetery
Use Zone XXV:	Sewage Farm	Use Zone 27:	Infrastructure Works
Use Zone XXVI:	Aerodrome	Use Zone 24:	Aerodrome
Use Zone XXVII:	Government	Use Zone 16:	Government
Use Zone XXVIII:	S.A.R.	Use Zone 25:	S.A.R
Use Zone XXIX:	Reservoir	Use Zone 27:	Infrastructure Works
Use Zone XXX:	Existing Roads	Use Zone 22:	Existing Streets
Use Zone XXXI:	Proposed Roads	Use Zone 23:	Proposed Streets and Widening
Use Zone XXXII:	General	Use Zone deleted	

<b>SCHEDULE 17: PART D</b>	
<b>CENTURION TOWN-PLANNING SCHEME, 1992: TABLE C: HEIGHT, COVERAGE AND FAR</b>	<b>TSHWANE TOWN-PLANNING SCHEME, 2008 (REVISED 2014): HEIGHT ZONES OF TABLE D, COVERAGE ZONES OF TABLE E AND FLOOR AREA RATIO ZONES OF TABLE C</b>
Residential 1	Table D, Height Zone 10 Table E, Coverage Zone 5 Table C, FAR Zone 21
Residential 2	Table D, Height Zone 10 Table E, Coverage Zone 16 Table C, FAR Zone 21
Residential 3	Table D, Height Zone 9 Table E, Coverage Zone 16 Table C, FAR Zone 10
Residential 4	Table D, Height Zone 9 Table E, Coverage Zone 16 Table C, FAR Zone 10
Institution	Table D, Height Zone 9 Table E, Coverage Zone 15 Table C, FAR Zone 10
Churches	Table D, Height Zone 9 Table E, Coverage Zone 15 Table C, FAR Zone 10
Public Garage	Table D, Height Zone 9 Table E, Coverage Zone 16 Table C, FAR Zone 16
Business 1	Table D, Height Zone 5 Table E, Coverage Zone 17 Table C, FAR Zone 19
Business 2	Table D, Height Zone 7 Table E, Coverage Zone 17 Table C, FAR Zone 19
Business 3	Table D, Height Zone 9 Table E, Coverage Zone 17 Table C, FAR Zone 19
Business 4	Table D, Height Zone 10 Table E, Coverage Zone 17 Table C, FAR Zone 19
Commercial	Table D, Height Zone 7 Table E, Coverage Zone 16 Table C, FAR Zone 18
Industrial 1	Table D, Height Zone 7 Table E, Coverage Zone 17 Table C, FAR Zone 19
Industrial 2	Table D, Height Zone 7 Table E, Coverage Zone 15 Table C, FAR Zone 22

<b>SCHEDULE 17: PART E</b>	
<b>CENTURION TOWN-PLANNING SCHEME, 1992: SCHEDULE: HEIGHT, COVERAGE AND FAR INDICATED BY MEANS OF AN ASTERISK IN THE RELEVANT SCHEDULE</b>	<b>TSHWANE TOWN-PLANNING SCHEME, 2008 (REVISED 2014): HEIGHT ZONES OF TABLE D, COVERAGE ZONES OF TABLE E AND FLOOR AREA RATIO ZONES OF TABLE C</b>
Residential 1	Table D, Height Zone 10 Table E, Coverage Zone 5 Table C, FAR Zone 21
Residential 2	Schedule 4 or Annexure T Schedule 4 or Annexure T Schedule 4 or Annexure T
Residential 3	Schedule 3 or Annexure T Schedule 3 or Annexure T Schedule 3 or Annexure T
Residential 4	Table D, Height Zone 9 Table E, Coverage Zone 16 Table C, FAR Zone 10
Business 1	Table D, Height Zone 5 Table E, Coverage Zone 17 Table C, FAR Zone 19
Business 2	Table D, Height Zone 7 Table E, Coverage Zone 17 Table C, FAR Zone 19
Business 3	Table D, Height Zone 9 Table E, Coverage Zone 17 Table C, FAR Zone 19
Business 4	Table D, Height Zone 10 Table E, Coverage Zone 17 Table C, FAR Zone 19
Industrial 1	Table D, Height Zone 7 Table E, Coverage Zone 17 Table C, FAR Zone 19
Industrial 2	Table D, Height Zone 7 Table E, Coverage Zone 15 Table C, FAR Zone 22
Special	As referred to in Annexure T
Commercial	Table D, Height Zone 7 Table E, Coverage Zone 16 Table C, FAR Zone 18
Institution	Table D, Height Zone 9 Table E, Coverage Zone 15 Table C, FAR Zone 10
Educational	Table D, Height Zone 9 Table E, Coverage Zone 15 Table C, FAR Zone 10
Municipal	Table D, Height Zone 7 Table E, Coverage Zone 5 Table C, FAR Zone 5
Undetermined	Table D, Height Zone 10 Table E, Coverage Zone 15 Table C, FAR Zone 21
Agricultural	Table D, Height Zone 10 Table E, Coverage Zone 5 Table C, FAR Zone 21

<b>SCHEDULE 17: PART E</b>	
<b>CENTURION TOWN-PLANNING SCHEME, 1992: SCHEDULE: HEIGHT, COVERAGE AND FAR INDICATED BY MEANS OF AN ASTERISK IN THE RELEVANT SCHEDULE</b>	<b>TSHWANE TOWN-PLANNING SCHEME, 2008 (REVISED 2014): HEIGHT ZONES OF TABLE D, COVERAGE ZONES OF TABLE E AND FLOOR AREA RATIO ZONES OF TABLE C</b>
Public Garage	Table D, Height Zone 9 Table E, Coverage Zone 16 Table C, FAR Zone 16
Public Open Space	Height : Site Development Plan Coverage : Site Development Plan FAR : Site Development Plan
Private Open Space	Table D, Height Zone 9 Table E, Coverage Zone 20 Table C, FAR Zone 21
Cemetery	Height : Site Development Plan Coverage : Site Development Plan FAR : Site Development Plan
Sewage Farm	Height : Site Development Plan Coverage : Site Development Plan FAR : Site Development Plan
Aerodrome	Table D, Height Zone 5 Table E, Coverage Zone 16 FAR: Site Development Plan
Government	Table D, Height Zone 5 Table E, Coverage Zone 5 Table C, FAR Zone 5
S.A.R.	Height : Site Development Plan Coverage : Site Development Plan FAR : Site Development Plan
Reservoir	Height : Site Development Plan Coverage : Site Development Plan FAR : Site Development Plan
Existing Roads	Table D, Height Zone 5 Coverage : Not applicable FAR : Not applicable
Proposed Roads	Height : Not applicable Coverage : Not applicable FAR : Not applicable

<b>SCHEDULE 17: PART F</b>	
<b>CENTURION TOWN-PLANNING SCHEME, 1992: TABLES</b>	<b>TSHWANE TOWN-PLANNING SCHEME, 2008 (REVISED 2014): TABLES</b>
Table A: Building Restriction Areas and Building Lines	Table A: Building Restriction Areas and Building Lines
Table B: Use of Land	Table B: Use of Buildings and Land
Table C: Height, Coverage and FAR	Table C: Floor Area Ratio Table D: Height Table E: Coverage
Table D: Parking Requirements	Table G: Parking Requirements

**SCHEDULE 18****CONVERSION TABLE: PRETORIA TOWN-PLANNING SCHEME, 1974  
TO TSHWANE TOWN-PLANNING SCHEME, 2008 (REVISED 2014)**

<b>SCHEDULE 18: PART A</b>	
<b>PRETORIA TOWN-PLANNING SCHEME, 1974 DEFINITIONS</b>	<b>TSHWANE TOWN-PLANNING SCHEME, 2008 (REVISED 2014): DEFINITIONS</b>
<p><b>AGRICULTURE</b></p> <p>Means 'bona fide' farming activities and activities normally regarded as incidental thereto.</p>	<p><b>AGRICULTURE</b></p> <p>Means land and buildings used for any bona fide farming activities which may include Market Gardens, game farming, cattle, goats and sheep farming, bee farming, bird breeding, plant nursery, plantations, aquaculture, mushroom production, forestry and orchards and activities normally regarded as incidental thereto, but excludes Abattoirs, cattle feeding lots, poultry farming pig farming, and Animal Boarding Place.</p>
<p><b>AGRICULTURAL BUILDING</b></p> <p>Means a building designed or used for 'Agriculture'.</p>	<p><b>AGRICULTURAL BUILDING</b></p> <p>Means a building designed or used for Agricultural Purposes and may include a Dwelling-house.</p>
<p><b>AGRICULTURAL HOLDING</b></p> <p>Means land as laid out in terms of the Agricultural Holdings (Transvaal) Registration Act, No 22 of 1919.</p>	<p><b>AGRICULTURAL HOLDING</b></p> <p>Means land as laid out in terms of the Agricultural Holdings (Transvaal) Registration Act, 1919 (Act 22 of 1919).</p>
<p><b>ANNEXURE A</b></p> <p>Means the plan on which those building lines that are not indicated on the Primary Sheets or detailed in these Clauses are indicated and exceptions to the parking requirements in terms of Clause 25 are indicated.</p>	<p><b>ANNEXURE A</b></p> <p>Means the plan on which those exceptions to the parking requirements in terms of Clause 28 are indicated.</p>
<p><b>ANNEXURE B</b></p> <p>Means the set of plans showing details of rights permitted and conditions imposed on certain erven and land marked with a green number within a green circle on the Map which rights and conditions shall prevail over any other clause or provision of the Scheme except that if rights and conditions are not stipulated the provisions of the Scheme Clauses shall apply.</p>	<p><b>ANNEXURE T</b></p> <p>Means the set of documents showing details of rights permitted and conditions imposed on certain erven and land marked with a black number within a black circle on the Map 3 which rights and conditions shall prevail over any other Clause or provision of the Scheme except that if rights and conditions are not stipulated the provisions of the Scheme Clauses shall apply as read with Clause 4(2) and includes any approved Annexure B, Annexure or Schedule of a former Town Planning Scheme applicable in the Tshwane municipal area.</p>
<p><b>ANNEXURE C</b></p> <p>Means the plan showing certain areas referred to in Clause 4, 'Existing Use'; Clause 13(4); Clause 24, Proviso (g) to Table G.</p>	<p>Not included.</p>

<b>SCHEDULE 18: PART A</b>	
<b>PRETORIA TOWN-PLANNING SCHEME, 1974 DEFINITIONS</b>	<b>TSHWANE TOWN-PLANNING SCHEME, 2008 (REVISED 2014): DEFINITIONS</b>
<p><b>BASEMENT</b></p> <p>Means any portion of a building complying with the provisions of Clause 13(5), the floor of which is 2 m or more below the mean natural ground level of the ground covered by the building, and of which no part of the ceiling is more than 1 m above such mean level.</p>	<p><b>BASEMENT</b></p> <p>Means any portion of a building complying with the provisions of Clause 9(5) and 12 the floor of which is 2 m or more below the mean natural ground level of the ground covered by the building, and of which no part of the ceiling is more than 1 m above such mean level.</p>
<p><b>BUILDING LINE</b></p> <p>Means an imaginary line on an erf or piece of land parallel to and at a fixed distance from any boundary of such erf or other portion of land.</p>	<p><b>BUILDING LINE</b></p> <p>Means an imaginary line on a property that demarcates the Building Restriction Area and is at a fixed distance from any boundary of such property.</p>
<p><b>BUILDING RESTRICTION AREA</b></p> <p>Means the area of land situated between the side and rear boundary of an erf or other portion of land and the building line fixed in relation to such boundary or rear boundary, as set out respectively in columns 2 and 3 of Table B1 hereto.</p>	<p><b>BUILDING RESTRICTION AREA</b></p> <p>Means the area on a property where no building, except as permitted by the scheme, may be erected and which is bounded on one side by a Building Line and on the other side by a boundary of the property and also includes open spaces or as indicated in an Annexure T to the Scheme.</p>
<p><b>BUSINESS BUILDING</b></p> <p>Means a building used as an office, a financial institution, inter alia, a bank or building society, fitness centre, hairdresser, receiving depot for, inter alia, dry cleaning and shoe repairs, dental workshop or for other business purposes but does not include any building stated, whether by way of inclusion or exclusion in the definition of 'Institution' nor a building designed or used as a 'Place of Instruction', 'Place of Amusement', 'Shop', 'Public Garage', 'Parking Garage', 'Industry', 'Noxious Industry', 'Warehouse', 'Vehicle Sales Mart' or a factory or workshop.</p>	<p><b>BUSINESS BUILDING</b></p> <p>Means land and buildings used as an Office, financial institution, Bank, Building Society, ATM, car test centre, Fitness Centre, hairdresser, nail bar, receiving depot for dry-cleaning and shoe repairs, Medical Consulting Rooms, medical workshops such as, dental technician, prosthetist, orthotist, pathologists, optometrist technician, or for other businesses such as inter alia beauty salon, pet salon, Internet Café, Totalisator Agency Board (T.A.B.) and a Beauty/Health Spa and may include a Cafeteria ancillary and subservient to the main use but does not include any building mentioned whether by way of inclusion or exclusion in the definition of Institution, a Funeral Undertaker, Place of Instruction, Place of Amusement, Shop, Public Garage, Parking Garage, Industry, Noxious Industry, Warehouse, Vehicle Sales Mart or a factory or workshop.</p>
<p><b>BY-LAWS</b></p> <p>Means the Municipality by-laws in force in the area of the Scheme.</p>	<p><b>BY-LAWS</b></p> <p>Means the Municipality by-laws in force in the area of the Scheme.</p>
<p><b>CITY COUNCIL</b></p> <p>Means the City Council of Pretoria.</p>	<p><b>MUNICIPALITY</b></p> <p>Means the City of Tshwane Metropolitan Municipality established and instituted in terms of Notice 1866 of</p>

<b>SCHEDULE 18: PART A</b>	
<b>PRETORIA TOWN-PLANNING SCHEME, 1974 DEFINITIONS</b>	<b>TSHWANE TOWN-PLANNING SCHEME, 2008 (REVISED 2014): DEFINITIONS</b>
	2010 promulgated in terms of Section 12(1) of the Local Government Structures Act, 1998 (Act 117 of 1998) as amended.
<b>CANOPY</b>  Means a permanent roof-like projection or overhanging shelter.	<b>CANOPY</b>  Means a permanent roof-like projection or overhanging shelter attached to a building.
<b>COMMUNE</b>  Means a dwelling-house, where persons, other than in a family context, live together, but does not comprise a dwelling-house as described in the definition of 'dwelling-house'.	<b>COMMUNE</b>  Means a building designed as a Dwelling-house which is used by not more than six persons other than a family for residential purposes and who share communal facilities, such as a kitchen, lounge,; Provided that the owner or manager mayl reside on the same property in a separate Caretaker's Flat provided that a Home Enterprise shall not be exercised by any such occupant.
<b>CRECHE</b>  Means a building and land used for the care, without compulsory educational standards, of a maximum of 19 preschool children.	<b>PLACE OF CHILD CARE</b>  Means land and buildings used for the admission, protection and temporary or partial care of more than six children up to the age of 18 years away from their parents, but does not include a boarding school, school hostel, Institution, overnight accommodation for such children or Place of Instruction. Depending on its registration, a Place of Child Care can admit babies, toddlers, pre-school aged children and school-going children on a full day or other basis and may include pre-primary school education.
<b>DUPLEX DWELLING</b>  Means a suite of rooms forming a complete living-unit situate on two floors, having an internal staircase giving access to the upper floor, designed or used as a residence by a single householder with his and/or her household, contained in a building consisting of two or more such living-units, each having direct access to its own adjoining garden to the satisfaction of the City Council.	<b>DUPLEX DWELLING</b>  Means a building consisting of two or more Dwelling-units each of two storeys with an internal staircase.
<b>DWELLING-HOUSE</b>  Means a suite of rooms forming a unit which is designed, intended or used for residential purposes by single family.	<b>DWELLING-HOUSE</b>  Means a single Dwelling-unit on property zoned "Residential 1", "Agricultural" or "Undetermined".
<b>DWELLING-PLACE</b>  Means a "Dwelling-house", "Flat", "Duplex	<b>DWELLING-UNIT</b>  Means a self- contained suite of rooms internally and

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dwelling", "Dwelling-unit" and "Tenement", including the ancillary outbuildings, as well as a habitable room in a hotel, boarding house or retirement centre.	mutually connected and consisting of habitable room(s), bathroom(s), toilet(s) and not more than one kitchen without the Permission of the Municipality for the purpose of residence by a single family, or a single person or two unmarried persons and may include outbuildings which are ancillary and subservient to the Dwelling-unit and may include a Home Enterprise subject to Schedule 9.
<b>DWELLING-UNIT</b>  Means a suite or rooms, including a bathroom and a kitchen, forming a living-unit for a single household.	<b>DWELLING-UNIT</b>  Means a self- contained suite of rooms internally and mutually connected and consisting of habitable room(s), a bathroom(s), toilet(s) and not more than one kitchen without the Permission of the Municipality for the purpose of residence by a single family, or a single person or two unmarried persons and may include outbuildings which are ancillary and subservient to the Dwelling-unit and may include a Home Enterprise subject to Schedule 9.
<b>ERECTION OF A BUILDING</b>  Means, inter alia, the construction of, any addition to or structural alteration of, a building.	<b>ERECTION OF A BUILDING</b>  Means, inter alia, the construction of, any addition to, or structural alteration of a building.
<b>ERF</b>  Means an erf as defined in Ordinance 15 of 1986 and includes any resultant portion of an erf obtained through subdivision of such erf.	<b>ERF</b>  Means an erf as defined in the Ordinance and includes any resultant portion of an erf obtained through subdivision of such an erf.
<b>EXISTING BUILDING AND EXISTING WORK</b>  Means respectively a building or work erected or carried out before the relative date set out in the definition of 'Existing Use' and includes a building or work,  (1) erected or carried out in pursuance of a contract made before the relevant date given in the definition of 'Existing Use',  (2) begun before, but completed after, the said date,  (3) erected or carried out in accordance with the terms of any permission granted by the City Council before the said date:  Provided that, notwithstanding the afore-mentioned definition and notwithstanding Proviso (a)(ii) to Clause 17(1), the City Council may refuse to regard any building or work which was the	<b>EXISTING BUILDING</b>  Means respectively a building or work erected or carried out before the relative date set out in the definition of "Existing Use" and includes a building or work,  (1) erected or carried out in pursuance of a contract made before the relevant date given in the definition of "Existing Use",  (2) begun before, but completed after, the said date,  (3) erected or carried out in accordance with the terms of any Permission granted by the Municipality before the said date:  Provided that, notwithstanding the afore-mentioned definition the Municipality may refuse to regard any building or work which was the subject of a prohibition or instruction as contemplated in Section 43 of the Ordinance as an Existing Building or an existing work.

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subject of a prohibition or instruction as contemplated in Section 43 of the Ordinance 15 of 1986 as an existing building or an existing work, in which event Proviso (a)(ii) to Clause 17(1) shall not apply to such building.	
<b>EXISTING ERF</b>  Means any erf as defined in the Ordinance and includes any portion of an erf in the areas mentioned in the definition of 'Existing Use'.	<b>EXISTING ERF</b>  Means any erf as defined in the Ordinance and includes any portion of an erf in the areas mentioned in the definition of "Existing Use".
<b>EXISTING USE</b>  Means, subject to Section 41 of the Ordinance, the continuous lawful use of a building or land for the purpose for which it was erected or was lawfully being used before the date specified hereafter for each of the relevant areas:  (1) 29 November, 1944 bordered green on Annexure C but excluding (6) and (7) hereafter,  (2) 20 August, 1947 bordered purple on Annexure C (Innesdale),  (3) 19 April, 1950 bordered red on Annexure C (Pretoria North),  (4) 22 October, 1952 bordered brown on Annexure C (Hercules),  (5) 21 May, 1955 bordered yellow on Annexure C (Silverton),  (6) 21 November 1956 that part of Muckleneuk township known as Bailey's Muckleneuk and that portion known as Muckleneuk of the farm Elandspoort 357 - JR (Map No 3, Pretoria Town-planning Scheme No 1/19),  (7) 9 November, 1960 Colbyn township, Colbyn Extension No 1 township, Colbyn Extension No 2 township and certain portions of the farm Koedoespoort 325 - JR (Map No 3, Pretoria Town-planning Scheme No 1/30),  (8) 21 December, 1960 that part of Pretoria Region Town-planning Scheme, 1960, in so far as it affects the area described in the Schedule to Proclamation No	<b>EXISTING USE</b>  Means, subject to Section 43 of the Ordinance, the continuous lawful use of a building or land for the purpose for which it was erected or was lawfully being used.

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<p>133, dated 29 June 1964, bordered light blue on Annexure C,</p> <p>(9) 6 January, 1971 those portions of the farms Franspoort 332 - JR and Pienaarspoort 339 - JR (Map No 3, Pretoria Region Amendment Scheme No 181), bordered black on Annexure C,</p> <p>(10) 7 November, 1973 part of Waterkloof Township (Map 3, Pretoria Amendment Scheme 1/298),</p> <p>(11) 20 November, 1974 Koedoespoort Industrial Township.</p> <p>and further, also the continuous lawful use of any building or land for any purpose which was lawful in terms of the Town-planning Scheme in operation at the date of the approval of the plans of such building by the City Council or at the date of the use of such land:</p> <p>Provided that:</p> <p>(1) The interruption of the existing use of a building or land at any time after the appropriate date for a period which exceeds fifteen months, shall be deemed to be an interruption of the continuous use,</p> <p>(2) where a person who was using any land situate in the afore-mentioned areas before the said date for the purpose of mining, quarrying, the digging of clay, gravel or sand or the deposit of waste materials or refuse or any other purpose of a similar nature, was entitled also to use neighbouring land for any such purpose, such use of the neighbouring land shall, if otherwise lawful, be deemed an 'Existing Use'.</p>	
<p><b>FARM STALL</b></p> <p>Means a building used for the sale of agricultural produce.</p>	<p><b>FARM STALL</b></p> <p>Means a building on a property zoned "Agricultural", "Municipal" or "Undetermined" used for the sale of agricultural produce and subject to Schedule 10.</p>
<p><b>FILLING STATION</b></p> <p>Means a building(s) and land used for the storage</p>	<p><b>FILLING STATION</b></p> <p>Means land and buildings used for:</p>

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and retail sale of motor fuel and lubricants and one or more of the following uses:  (i) one work bay for emergency repairs to vehicles, and  (ii) a 'shop' excluding the preparation of take-away meals with a maximum gross floor area of 100 m <sup>2</sup> .	(1) the storage of fuels and the retail selling of vehicle fuel and lubricants; (2) one working bay for emergency repairs to vehicles; (3) a Convenience Store including a Confectionery and take-away facility including a kitchen, with a maximum Gross Floor Area, accessible to the general public, of 250 m <sup>2</sup> , which floor area shall include the floor area accessible to the public as well as any store room, Office, fridge area, safe which is used for the operation of the Convenience Store; (4) an automatic teller machine; and (5) the sale of LP gas.
<b>FLAT</b>  Means a suite of rooms forming a complete living unit designed or used as a residence by a single householder with his household, if any, and contained in a building consisting of two or more such living units.	<b>BLOCK OF FLATS</b>  Means two (2) or more Dwelling-units of one or more storeys contained in a building with a common entrance or foyer to the Dwelling-units and may include other communal ancillary and subservient facilities such as a laundry and vending machines for the residents only.
<b>FLOOR SPACE RATIO (F.S.R.)</b>  Means the ratio of the Gross Floor Area of a building to the total area of the site on which such building is erected or is to be erected, i.e. FSR = Gross Floor Area divided by Area of Site.	<b>FLOOR AREA RATIO</b>  Means the ratio of the Gross Floor Area of a building to the total area of the property, including any servitudes, on which such building is erected or is to be erected, i.e. FAR = Gross Floor Area divided by Area of property.
<b>GOVERNMENT BUILDING</b>  Means a building owned by the Government.	<b>GOVERNMENT PURPOSES</b>  Means land and buildings designed or used for Government offices, depots, workshops, stores, communication centres, police stations, post offices and includes incidental uses such as a Cafeteria solely for Government Departments, but excludes Industries and Noxious Industries.
<b>GROSS FLOOR AREA</b>  Means the total area of all floors of a building and shall be calculated according to the method as set out in Schedule VI.	<b>GROSS FLOOR AREA</b>  The Gross Floor Area of a building is determined by multiplying the area of the property by the FAR, e.g. 1 000 m <sup>2</sup> x 0,4 = 400 m <sup>2</sup> : Provided that certain floor areas can be deducted from the calculation of Gross Floor Area as provided in Schedule 7.
<b>HABITABLE ROOM</b>  Means a room designed or used for human habitation according to the minimum standards	<b>HABITABLE ROOM</b>  Means a room designed or used for human habitation according to the minimum standards prescribed in

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prescribed in Part C of the National Building Regulations, but shall not include a storeroom, kitchen, scullery, toilet, bathroom or a passage.	Part C of the National Building Regulations and Building Standards Act, 1977, but shall not include a storeroom, kitchen, scullery, toilet, bathroom or a passage.
<b>HEIGHT</b>  In relation to a building, means the height thereof determined as contemplated in Clause 23(3).	<b>HEIGHT</b>  Means the height of any part of a building as measured vertically from the natural ground level of the footprint of the building to the highest point of the building as indicated on the diagrams in Clause 26 provided that a maximum of 500 mm of fill above natural ground level for storm-water management shall be excluded from the height calculation.
<b>HOME UNDERTAKING</b>  Means the practice of an activity at a Dwelling-place with the aim of deriving an income there from.	<b>HOME ENTERPRISE</b>  Means the practice of an activity, business, hobby or occupation in a Dwelling-unit, excluding in a Commune, a Guest-house, a Block of Tenements, a Boarding House, Backpackers, Nursing Home, Recreation Resort, Hostel and Hotel, with the aim of deriving an income there-from subject to Schedule 9.
<b>INDUSTRIAL BUILDING</b>  Means a building designed or used for an "Industry".	<b>INDUSTRY</b>  Means land and buildings where a product or part of a product is manufactured, mounted, processed, repaired, rebuilt or packed, including a power station and incinerator plant and may include a Cafeteria and a Caretaker's Flat and any other activities connected to or incidental to the activities mentioned herein, excluding Noxious Industries, Light Industries and Retail Industries.
<b>INDUSTRY</b>  Means, other than a "Noxious Industry" or "Restricted Industry", a factory within the meaning of the Factories, Machinery and Building Work Act No 22 of 1941 *, as amended and includes any office or other accommodation on the same erf, the use of which is incidental to the use of such factory.	<b>INDUSTRY</b>  Means land and buildings where a product or part of a product is manufactured, mounted, processed, repaired, rebuilt or packed, including a power station and incinerator plant and may include a Cafeteria and a Caretaker's Flat and any other activities connected to or incidental to the activities mentioned herein, excluding Noxious Industries, Light Industries and Retail Industries.
<b>INSTITUTION</b>  Means a building, whether public or private, designed or used as a charitable institution, hospital, nursing home, clinic or dispensary but does not include buildings designed wholly or principally for any of the following uses namely:	<b>INSTITUTION</b>  Means land and buildings, whether public or private, designed or used as a charitable institution, national government institution, provincial institution, municipal institution, Hospital, Nursing Home and Clinic for the care or treatment of humans and may include overnight accommodation and staff accommodation.

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<p>(1) a hospital, dispensary or clinic for the treatment of infectious or contagious diseases,</p> <p>(2) a certified institution or approved home for mental defectives,</p> <p>(3) a mental hospital,</p> <p>(4) a public assistance institution.</p>	
<p><b>MAP</b></p> <p>Means Map No 3 as amended by any approved Amendment Scheme as defined in the Regulations promulgated under Administrator's Notice No 977 of 31 December, 1965.</p>	<p><b>MAP</b></p> <p>Means a map as defined in the Regulations of the Ordinance and which forms part of the Scheme including any amendment thereto.</p>
<p><b>MOTOR WORKSHOP</b></p> <p>Means a building/buildings and land used for the following:</p> <p>(i) repair and servicing of vehicles, excluding panel beating and spray-painting</p> <p>(ii) installation of motor spare parts and accessories.</p>	<p><b>MOTOR WORKSHOP</b></p> <p>Means land and buildings used for the following:</p> <p>(1) repair and servicing of vehicles, excluding panel- beating or spray-painting; and</p> <p>(2) installation of motor spare parts and accessories.</p>
<p><b>NOXIOUS INDUSTRY</b></p> <p>Means any use included in the list in Schedule VIII together with any living accommodation required for a caretaker and includes any other use on the same site, which is necessary in connection with the primary use.</p>	<p><b>NOXIOUS INDUSTRY</b></p> <p>Means land and buildings used for any use included in the list in Schedule 8 together with any living accommodation required for a caretaker and includes any other use on the same site, which is necessary in connection with the primary use.</p>
<p><b>NOXIOUS INDUSTRIAL BUILDING</b></p> <p>Means a building designed or used for a 'Noxious Industry'.</p>	<p><b>NOXIOUS INDUSTRIAL BUILDING</b></p> <p>Means a building designed or used for a "Noxious Industry" as listed in Schedule 8.</p>
<p><b>OCCUPIER</b></p> <p>Means the person in occupation of or legally entitled to occupy any building, structure or land or the person having the charge or management thereof and includes the agent of any person absent from the area or whose whereabouts is unknown.</p>	<p><b>OCCUPANT</b></p> <p>Shall include any person in actual occupation of any land, or building or structure or premises without regard to the title under which he occupies, and in the case of premises subdivided and let to lodgers, various tenants, shall include the person receiving the rent payable by the lodgers or tenants whether on his own account or as agent for any person entitled thereto or interested therein and includes the agent of any person absent from the area or whose whereabouts is unknown.</p>

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<p><b>ORDINANCE</b></p> <p>Means the Town-planning and Townships Ordinance, 1986, as amended.</p>	<p><b>ORDINANCE</b></p> <p>Means the Town-planning and Townships Ordinance, 1986 (Ordinance 15 of 1986), as amended.</p>
<p><b>OUTBUILDING</b></p> <p>Means a building which is ancillary and subordinate to the main building on the same property.</p>	<p><b>OUTBUILDING</b></p> <p>Means a building(s) which has its own entrance or door and no inter leading door to the main building, but which is attached to or free standing from the main building on the same property and which may contain:</p> <ol style="list-style-type: none"> <li>(1) inter alia garages, storerooms, studios, exercise rooms, hobby rooms, music room, washrooms and a Home Enterprise;</li> <li>(2) one squash court only with the Permission of the Municipality; and</li> <li>(3) residential accommodation, which shall not exceed 20% of the floor area of the main building up to a maximum of 50 m<sup>2</sup> and which may consist of habitable rooms, bathroom(s) and only one kitchen:</li> </ol> <p>Provided that:</p> <ol style="list-style-type: none"> <li>(i) the maximum of 50m<sup>2</sup> of residential accommodation may be increased with the Permission of the Municipality up to the maximum of 20% of the Gross Floor Area of the main building and provided that such outbuilding has a common vehicular access with the main building and it is for the purposes of only the occupants of the main building and their staff;</li> <li>(ii) a garage may be 36m<sup>2</sup> or a maximum of 45% of the Gross Floor Area of the main building, whichever is the greater; and</li> <li>(iii) the total Gross Floor Area of all such outbuilding(s) shall not exceed 50% of the Gross Floor Area of the main building and such outbuildings shall not be leased or rented to tenants/occupants or sold under sectional title.</li> </ol>
<p><b>OWNER</b></p> <p>Means the person in whose name the title to any building, structure or land is registered or, if the title-holder is dead, insolvent, mentally disordered</p>	<p><b>OWNER</b></p> <p>Means in relation to land or a registered right in land, the person in whose name such land or right is registered, in a Deeds Registry in terms of the Deeds</p>

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<p>or defective, a minor or under any legal disability, the person in whom the administration of such holder's estate is vested, whether as executor, guardian or any other capacity whatever:</p> <p>Provided that, if the address of an owner as heretofore defined is unknown, the expression 'owner' shall include an agent of such owner or any person receiving or entitled to receive rent in respect of the property.</p>	<p>Registry Act, 1937 (Act 47 of 1937) and includes-</p> <ol style="list-style-type: none"> <li>(1) if the owner is deceased, the executor of the deceased estate;</li> <li>(2) if the estate of the owner has been sequestrated, the trustee of the insolvent estate;</li> <li>(3) if the owner is a company or other juristic person;</li> <li>(4) if the owner is a company or other juristic person that is being wound up, the liquidator thereof;</li> <li>(5) if the owner is under legal disability, the owners legal representative;</li> <li>(6) the authorised representative of the owner; or</li> <li>(7) in the case of a road or public space under the control of the Municipality, that Municipality.</li> </ol>
<p><b>PANHANDLE</b></p> <p>Means a portion of land which is –</p> <ol style="list-style-type: none"> <li>(a) part of a subdivided portion;</li> <li>(b) at least 3 m wide and not more than 8 m wide; and</li> <li>(c) used exclusively as an access to a public street.</li> </ol>	<p><b>PANHANDLE</b></p> <p>Means that portion of a property which is -</p> <ol style="list-style-type: none"> <li>(1) at least 3 m wide and not more than 8 m wide; and</li> <li>(2) used exclusively as an access to a public street.</li> </ol>
<p><b>PANHANDLE SUBDIVISION</b></p> <p>Means an L-shaped subdivision, the narrowest portion of which is known as the 'panhandle' and the thin end of which abuts on a public street.</p>	<p><b>PANHANDLE PROPERTY</b></p> <p>Means <b>[an L-shaped]</b> a property, consisting of a narrow portion, which is known as the panhandle and which abuts on a street, and a broader buildable portion.</p>
<p><b>PARKING SITE</b></p> <p>Means land which is used solely for the parking of motor vehicles not being for sale or trade.</p>	<p><b>PARKING SITE</b></p> <p>Means a property or part of a property, which is used solely for the parking of motor vehicles, excluding busses and trucks, not being for sale or trade and subject to Schedule 10.</p>
<p><b>PARKING SPACE</b></p> <p>Means an area, used exclusively for the parking of a motor vehicle not being for trade or sale, the extent of which area shall be a minimum of 2,5</p>	<p><b>PARKING SPACE</b></p> <p>Means an area, used exclusively for the parking of a motor vehicle not being for trade or sale, the extent of which area shall be a minimum of 2,5 metres wide</p>

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metres wide and a minimum of 5,0 metres long, excluding access or manoeuvring space, ramps and columns.	and a minimum of 5,0 metres long, excluding access or maneuvering space, ramps, columns.
<b>PHYSICAL BARRIER</b>  Means a permanently-fixed barrier erected on the street boundary of an erf, consisting of either an approved brick or concrete wall or fencing or chains and/or bollard-type or crossed-over wooden, iron or steel poles or concrete plant boxes or other type of barrier acceptable to the City Council.	<b>PHYSICAL BARRIER</b>  Means a permanently-fixed barrier erected on the street boundary of an erf, consisting of either an approved brick or concrete wall or fencing or chains and/or bollard-type or crossed-over wooden, iron or steel poles or concrete plant boxes or other type of barrier acceptable to the Municipality.
<b>PLACE OF AMUSEMENT</b>  Means a building designed or used or land used as, inter alia, a theatre, cinema, music hall, concert hall, billiard saloon, sports arena, skating rink, dance hall or for the purpose of exhibitions of trade or industry.	<b>PLACE OF AMUSEMENT</b>  Means land and buildings or a part of a building used for entertainment purposes such as a Theatre, cinema, music hall, concert hall, table games, skating rink, dancing, amusement park, gambling (not being a T.A.B.), electronic games or slot machines/limited pay-out gambling machines, night club, an exhibition hall or sports arena/stadium used for live concerts or performances. These buildings shall comply with the noise zone criteria and acoustical screening requirements of the Municipality's Health Services.
<b>PLACE OF INSTRUCTION</b>  Means a building and land, used as a school, a college, a technical institute, an academy, a lecture hall, a monastery, a convent, a public library, an art gallery, a museum, a nursery school, a crèche-cum-nursery school, a crèche-cum-nursery school-cum-after school centre, or other educational centre, including a hostel for persons attending any one of the above-mentioned, but does not include a building designed for use wholly or principally as a certified reformatory or industrial school.	<b>PLACE OF INSTRUCTION</b>  Means land and buildings used as a school, college, technical institute, Tertiary Institution, academy, lecture hall, monastery, convent, public library, art museum, museum, other educational centre including ancillary and subservient Hostel for persons attending any one of the afore-mentioned and may include a Place of Child Care and a Cafeteria ancillary and subservient to the main use on the property
<b>PLACE OF PUBLIC WORSHIP</b>  Means a building designed or used as a church, chapel, synagogue, Sunday school or other place of public devotion including an institute or other building for the purpose of social intercourse and recreation within the same site as and associated with any of the afore-mentioned buildings but shall not include a funeral chapel or funeral parlour.	<b>PLACE OF PUBLIC WORSHIP</b>  Means land and buildings used for a church, chapel, mosque, temple, synagogue, or other religious purposes and may include ancillary social and recreational purposes and one Dwelling-unit on the same property, but shall not include a funeral parlour, Wall of Remembrance or Cemetery. Any noise generated on the property shall not be audible outside the boundaries of the property.

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<p><b>PLACE OF REFRESHMENT</b></p> <p>Means a building designed or used or land used for the sale and consumptions of refreshments on the property and includes, inter alia a restaurant, cafe or tea-room.</p>	<p><b>PLACE OF REFRESHMENT</b></p> <p>Means land and buildings used for the preparation, sale and consumption of refreshments on the property such as a restaurant, café, coffee shop, tea room, Tea Garden, sports bar, pub, bar and may include take-aways and a maximum of two table games, two dartboards, two electronic games or two limited pay-out gambling machines, television screens and soft background music for the customers, which shall not be audible outside the boundaries of the property and excludes live music and a Place of Amusement. The kitchen layout shall comply with the Municipality's health requirements.</p>
<p><b>PRIVATE OPEN SPACE</b></p> <p>Means open space to which the general public has no right of access.</p>	<p><b>PRIVATE OPEN SPACE</b></p> <p>Means open space to which the general public has no right of access.</p>
<p><b>PUBLIC GARAGE</b></p> <p>Means a building/buildings and land used for the storage and retail sale of motor fuel and lubricants and one or more of the following uses:</p> <ul style="list-style-type: none"> <li>(i) repair and servicing of vehicles, excluding panel beating or spray-painting;</li> <li>(ii) sale of new and used vehicles;</li> <li>(iii) a 'shop' with a maximum gross floor area of 100 m<sup>2</sup>, excluding the preparation of take-away meals;</li> <li>(iv) washing of motor vehicles.</li> </ul>	<p><b>PUBLIC GARAGE</b></p> <p>Means land and buildings used for the storage and retail sale of vehicle fuel, lubricants and one or more of the following uses:</p> <ul style="list-style-type: none"> <li>(1) repair and servicing of vehicles, excluding panel-beating or spray-painting;</li> <li>(2) sale of new and used vehicles;</li> <li>(3) a convenience store including a Confectionery and take-away facility with a kitchen inside the convenience store with a maximum Gross Floor Area of 250 m<sup>2</sup>, which floor area shall include the floor area accessible to the public as well as any store room, Office, fridge area and safe which is used for the operation of the convenience store;</li> <li>(4) an automatic teller machine; and</li> <li>(5) the sale of LP gas.</li> </ul>
<p><b>PUBLIC OPEN SPACE</b></p> <p>Means open space to which the general public has right of access and includes, inter alia, a park, garden, playground, recreation ground and square.</p>	<p><b>PUBLIC OPEN SPACE</b></p> <p>Means any Open Space as defined vested in the Municipality under Section 63 of the Local Government Ordinance, 1939 (Ordinance 17 of 1939) to which the general public has right of access.</p>
<p><b>REAR BOUNDARY</b></p> <p>In relation to an erf or other portion of land, means any boundary opposite to a street boundary: Provided that, where an erf or other portion of land has two or more street boundaries, the boundaries opposite to such street boundaries shall be deemed to be side boundaries.</p>	<p><b>REAR BOUNDARY</b></p> <p>Means any boundary opposite to a street boundary: Provided that, where a property has two or more street boundaries, the boundaries opposite to such street boundaries shall be deemed to be side boundaries.</p>

<b>SCHEDULE 18: PART A</b>	
<b>PRETORIA TOWN-PLANNING SCHEME, 1974 DEFINITIONS</b>	<b>TSHWANE TOWN-PLANNING SCHEME, 2008 (REVISED 2014): DEFINITIONS</b>
<p><b>RESIDENTIAL BUILDING</b></p> <p>Means a building or part of a building designed or used for human habitation together with such outbuildings as are ordinarily used therewith, but does not include a "Dwelling-house" or any building mentioned whether by way of inclusion or exclusion, in the definitions of a "Place of Instruction" and "Institution", except an hostel.</p>	<p><b>RESIDENTIAL BUILDINGS</b></p> <p>Means a Hotel, Block of Flats, Block of Tenements, Boarding House, other residential types not elsewhere defined and Hostel together with such outbuildings as are ordinarily used therewith.</p>
<p><b>RESTRICTED INDUSTRY</b></p> <p>Means a building/buildings and land used for, inter alia, a bakery, a builder's yard, a contractor's yard, dry cleaners, and carpet cleaners, joinery workshop, launderette, laundry, lawnmower workshop, painter's workshop, plumber's workshop, printing workshop, and a transport undertaking, and any other such industries, workshops or yards, which in the opinion of the City Council, may be used for similar purposes.</p>	<p><b>LIGHT INDUSTRY</b></p> <p>Means land and buildings used for, inter alia, a bakery, a Builder's Yard, a Car Wash, a contractor's yard, dry-cleaners, carpet cleaners, joinery workshop, launderette, laundry, lawnmower workshop, painter's workshop, plumber's workshop, printing workshop, Transport Depot, Panel-beater, Motor Workshops, a ready-mix plant and any other such industries, workshops or yards which in the opinion of the Municipality do not cause a nuisance to the environment, may be used for similar purposes and may include the retail sale of products ancillary and subservient to the main use on the same property, but does not include a Scrap Yard.</p>
<p><b>RESTRICTED INDUSTRIAL BUILDING</b></p> <p>Means a building designed or used for a "Restricted Industry".</p>	<p><b>LIGHT INDUSTRY</b></p> <p>Means land and buildings used for, inter alia, a bakery, a Builder's Yard, a Car Wash, a contractor's yard, dry-cleaners, carpet cleaners, joinery workshop, launderette, laundry, lawnmower workshop, painter's workshop, plumber's workshop, printing workshop, Transport Depot, Panel-beater, Motor Workshops, a ready-mix plant and any other such industries, workshops or yards which in the opinion of the Municipality do not cause a nuisance to the environment, may be used for similar purposes and may include the retail sale of products ancillary and subservient to the main use on the same property but does not include a Scrap Yard.</p>
<p><b>RETAIL INDUSTRY</b></p> <p>Means, inter alia, catering, a confectionary, dressmaking, and tailoring, engraving, instant printing and copying, jewellery manufacturing, photographic processing, picture framing, and screen printing; as well as the servicing and repair of air conditioners, audio equipment, basket-ware and cane furniture, canvass goods and tents, bicycles, electronic equipment, household equipment, leatherworks and shoes, office equipment, television and video equipment,</p>	<p><b>RETAIL INDUSTRY</b></p> <p>Means, inter alia, catering, a confectionary, dress-making, and tailoring, engraving, instant printing and copying, jewellery manufacturing, photographic processing, picture framing, key cutting and screen printing; as well as the servicing and repair of air conditioners, audio equipment, basket ware and cane furniture, canvass goods and tents, bicycles, electronic equipment, domestic equipment, leather-works and shoes, office equipment, television and video equipment, upholstery, watches, weighing</p>

<b>SCHEDULE 18: PART A</b>	
<b>PRETORIA TOWN-PLANNING SCHEME, 1974 DEFINITIONS</b>	<b>TSHWANE TOWN-PLANNING SCHEME, 2008 (REVISED 2014): DEFINITIONS</b>
upholstery, watches, weighing machines and window blinds; but does not include a 'Restricted Industry' and the wholesale selling of goods.	machines and window blinds, but does not include a Light Industry and the wholesale selling of goods and may include the retail sale of products related to the aforementioned services.
<b>SHOP</b>  Means a building and/or land used for the purpose of the display and retail sale of goods, including "off-sales" facilities on properties licensed in terms of any liquor law, and further includes a 'Retail Industry' on the same property.	<b>SHOP</b>  Means land and buildings used for the purpose of Retail Trade or renting of household equipment/tools directly to the public, including inter alia retail sale and display of products, "off-sales" facilities on properties licensed in terms of any liquor law, pet shops, a pharmacy, a confectionary, a take-away, swop shop, pawn shop, auctioneers business, hire/rental shop, drive- thru restaurant and may include[s] a Retail Industry ancillary and subservient to the main use and with the Permission of the Municipality a Builders Yard ancillary and subservient to a hardware shop.
<b>SIDE BOUNDARY</b>  In relation to an erf or other portion of land means a boundary other than the street boundary or the rear boundary.	<b>SIDE BOUNDARY</b>  Means a boundary other than the street boundary or the rear boundary in relation to an erf or other portion of land.
<b>SITE</b>  In relation to FSR, coverage and parking calculations, means the whole of the area registered as an erf or other piece of land, including the area of any servitude registered over such erf or other piece of land.	<b>SITE</b>  In relation to FAR, coverage and parking calculations, means the whole of the area registered as an erf or other property including the area of any servitude registered over such erf or other property.
<b>SOCIAL HALL</b>  Means a building designed or used for, inter alia, social gatherings and recreation and a non-residential club but does not include those uses defined under 'Place of Amusement'.	<b>SOCIAL HALL</b>  Means land and buildings used for, inter alia, social and cultural gatherings, recreation activities, wedding receptions, fairs, bazaars and a non-residential club but does not include a Place of Amusement and Place of Refreshment but may include a kitchen ancillary and subservient to the hall.
<b>SPECIAL BUILDING</b>  Means a building designed or used for any purpose other than that herein defined and includes, inter alia a 'Government Building', funeral chapel or funeral parlour.	<b>SPECIAL USE</b>  Means land or buildings used for any purpose other than that herein defined.
<b>SPORTSGROUND</b>  Means land and buildings in conjunction therewith designed or used for sporting activities and	<b>SPORTS AND RECREATION GROUND</b>  Means land and buildings used for sporting activities such as soccer, rugby, cricket, hockey, tennis, golf

<b>SCHEDULE 18: PART A</b>	
<b>PRETORIA TOWN-PLANNING SCHEME, 1974 DEFINITIONS</b>	<b>TSHWANE TOWN-PLANNING SCHEME, 2008 (REVISED 2014): DEFINITIONS</b>
includes, inter alia, a stadium, arena, public swimming bath, club pavilion, grandstand and change-rooms.	and may include grandstands, change rooms, ablution facilities and any other recreation activities and other uses ancillary and subservient to the main use on the same property, which do not comply with Clause 17(4).
<b>STREET FRONTAGE</b>  Means the common boundary of an erf and a public street.	<b>STREET FRONTAGE</b>  Means the common boundary between a property and a public street or private road.
<b>STREET OR PUBLIC STREET</b>  Means street as defined in the Local Government Ordinance, 1939.	<b>STREET OR PUBLIC STREET</b>  Includes any street, road, or thoroughfare shown on the General Plan of a township, agricultural holding or other division of land or in respect of which the public have acquired a prescriptive or other right of way or zoned as Existing Street and may include on-street parking and loading zones as designated by the Municipality.
<b>TENEMENT</b>  Means a living unit without a kitchen. (For restrictions or development see Schedule II.)	<b>BLOCK OF TENEMENTS</b>  Means a building containing two (2) or more habitable rooms and may include communal kitchens and communal ablution facilities and other communal ancillary and subservient facilities such as a laundry and vending machines for the residents only subject to Schedule 2.
<b>TODDLERS' WORKSHOP</b>  Means a building and land used for the care, without compulsory educational standards, of a maximum of 19 children up to three years, accompanied by one or both parents and in the form of training sessions.	<b>PLACE OF CHILD CARE</b>  Means land and buildings used for the admission, protection and temporary or partial care of more than six children up to the age of 18 years away from their parents, but does not include a boarding school, school hostel, Institution, overnight accommodation for such children or Place of Instruction. Depending on its registration, a Place of Child Care can admit babies, toddlers, pre-school aged children and school-going children on a full day or other basis and may include pre-primary school education.
<b>VEHICLE SALES MART</b>  Means land, with or without ancillary buildings, used for the display and/or sale of cars, trucks, agricultural implements, caravans, tractors and trailers which are roadworthy and of good outward appearance, and may also include the hiring of vehicles as an ancillary use	<b>VEHICLE SALES MART</b>  Means land, with or without ancillary buildings, used for the display and/or sale of cars, trucks, motor cycles, agricultural implements, caravans, boats, tractors and trailers which are roadworthy and of good outward appearance, and may also include the hiring of vehicles as an ancillary use but excludes a Motor Dealership and a Panel-beater.

<b>SCHEDULE 18: PART A</b>	
<b>PRETORIA TOWN-PLANNING SCHEME, 1974 DEFINITIONS</b>	<b>TSHWANE TOWN-PLANNING SCHEME, 2008 (REVISED 2014): DEFINITIONS</b>
<p><b>WAREHOUSE</b></p> <p>Means a building designed or used as a storage depot in conjunction with a wholesale trading establishment or any other storage depot.</p>	<p><b>WAREHOUSE</b></p> <p>Means land and buildings designed or used as a storage depot which may be in conjunction with a wholesale trading establishment or any other storage depot.</p>
<p><b>ZONE</b></p> <p>Means that part of the Map which by distinctive colouring, hatching or edging or in some other manner indicates the restrictions imposed by this Scheme on the erection and use of buildings or the use of land.</p>	<p><b>ZONE</b></p> <p>Means that part of the Map which by distinctive colouring or in some other manner indicates the restrictions imposed by this Scheme on the erection and use of buildings or the use of land.</p>

<b>SCHEDULE 18: PART B</b>	
<b>PRETORIA TOWN-PLANNING SCHEME, 1974: CLAUSES</b>	<b>TSHWANE TOWN-PLANNING SCHEME, 2008 (REVISED 2014): CLAUSES</b>
Clause 1: Title of Scheme	Clause 1: Title of Scheme
Clause 2: Responsible Authority	Clause 2: Responsible Authority
Clause 3: Arrangement of Scheme	Clause 3: Arrangement of Scheme
	Clause 4: Transition arrangements between former Town-planning Schemes and this Scheme.
Clause 4: Definitions	Clause 5: Definitions
Clause 5: Use of Reserved Land (Table A)	Included into Table B Clause 14:
Clause 6: Restriction on Use of Reserved Land	Clause 14: Use of Buildings and Land
Clause 6(5): Public Open Space in New Townships (Table B)	Not included.
Clause 7: Acquisition of Land	Clause 14(2)
Clause 8: Splaying of Corners	Not included.
Clause 9: Use of Closed Streets	Clause 6: Closed Streets.
Clause 10: Prohibition of Access	Clause 7: Prohibition of Access
Clause 11: Building Lines in New Townships and on Subdivisions	Clause 8: Building Lines in New Townships and on Subdivisions
Clause 12: Building Lines relative to Existing and Proposed Streets	Clause 9: Building Lines relative to Streets
Clause 13: Use of Land between Building Lines and Street Boundaries	Clause 9: Building Lines relative to Streets
Clause 14: Canopies in front of Building Lines	Clause 10: Canopies in front of Building Lines
Clause 15: Land for Street Widening and Servitudes	Clause 11: Land for Street Widening and Servitudes
Clause 15A: Building Restriction Areas	Clause 12: Building Restriction Areas
Clause 15A: Side and Rear Space Building Lines	Clause 12: Building Restriction Areas
Clause 16: Mixed Use of Buildings	Clause 13: Mixed Use of Buildings

<b>SCHEDULE 18: PART B</b>	
<b>PRETORIA TOWN-PLANNING SCHEME, 1974: CLAUSES</b>	<b>TSHWANE TOWN-PLANNING SCHEME, 2008 (REVISED 2014): CLAUSES</b>
Clause 17: Use of Buildings and Land (Table C)	Clause 14: Use of Buildings and Land (Table B)
Clause 18: Consents of City Council and Procedure	Clause 16: Consent Use Procedure
Clause 19: Uses not subject to Table C	Clause 17: Uses not subject to Table B
Clause 20: Township Conditions	Clause 18: General Conditions applicable to all property
Clause 21: Size and Dimensions of Dwelling-house Erven (Schedule V)	Clause 20: Conditions applicable to Residential 1 erven
Clause 22: Floor Space Ration (F.S.R.) (Table E)	Clause 25: Floor Area Ratio (FAR) Table C
Clause 23: Height of Buildings (Table F)	Clause 26: Height of Buildings (Table D)
Clause 24: Coverage (Table G)	Clause 27: Coverage (Table E)
Clause 25: Parking Requirements (Table H and Table H1)	Clause 28: Parking Requirements (Table F and Table G)
Clause 26: Loading Facility Requirements (Table J)	Clause 29: Loading Facility Requirements (Table H)
Clause 27: Abatement and/or Removal of Injurious Conditions	Clause 30: Aesthetic Considerations
Clause 28: Aesthetic Considerations	Clause 31: Site Development Plan and Landscape Development Plan
Clause 29: Further Considerations	Clause 30(3): Outbuildings
Clause 31: Overriding Rights of City Council	Clause 32: Overriding Rights of Municipality.
Clause 32: Entry onto and Inspection of Properties	Clause 33: Access and inspection
Clause 33: Perusal of Scheme Documents	Clause 34: Perusal of Scheme Documents
Clause 34: Search Fees	Not included.
Clause 35: Appeals	Clause 35: Appeals
Clause 36: Contravention of the Scheme	Clause 36: Contravention of the Scheme
Clause 37: Serving of Notices	Clause 37: Serving of Notices
Clause 38: Compliance with the Title Deeds and Conditions of Establishment	Clause 38: Compliance with the Title Deeds and Conditions of Establishment
Clause 39: Consents before coming into operation of this Scheme	Clause 4: Transition arrangements
Clause 40: Short Title	Clause 39: Short Title

<b>SCHEDULE 18: PART C</b>	
<b>PRETORIA TOWN-PLANNING SCHEME, 1974: SCHEDULES</b>	<b>TSHWANE TOWN-PLANNING SCHEME, 2008 (REVISED 2014): SCHEDULES</b>
Schedule I A: Building Lines	Schedule 1: Building Lines
Schedule I B: Street Widening	Not included.
Schedule I C: Servitudes of Right-of-way	Not included.
Schedule II: Formulas	Schedule 2: Formulas
Schedule IIIA: Duplex Dwellings	Schedule 3: Residential 3
Schedule IIIC: Erection of Dwelling-units in Use Zone II	Schedule 4: Residential 2
Schedule IV: Additional Conditions applicable to Certain Townships	Schedule 5: Additional Conditions applicable to Certain Townships

<b>SCHEDULE 18: PART C</b>	
<b>PRETORIA TOWN-PLANNING SCHEME, 1974: SCHEDULES</b>	<b>TSHWANE TOWN-PLANNING SCHEME, 2008 (REVISED 2014): SCHEDULES</b>
Schedule V: Minimum Erf Sizes and Street Frontages	Schedule 6 in electronic data base
Schedule VI: Method of Calculating Gross Floor Area	Schedule 7: Method of Calculating Gross Floor Area
Schedule VIII: List of Noxious industries	Schedule 8: List of Noxious industries
Schedule IX: Home Undertakings	Schedule 9: Home Enterprise
Schedule X: Specific conditions regulating certain primary uses	Schedule 10: Specific conditions regulating certain primary uses
Schedule XI: Maximum "Special Residential"-densities for parts of Brooklyn, Groenkloof, Waterkloof and Waterkloof Ridge and the conservations areas of Muckleneuk (Bailey's) and Waterkloof	Schedule 11: Maximum "Residential 1"-densities for parts of Brooklyn, Groenkloof, Waterkloof and Waterkloof Ridge and the conservations areas of Muckleneuk (Bailey's) and Waterkloof
Schedule XII: Maximum "Special Residential" densities for parts of Waterkloof Ridge and Waterkloof Heights Ext 3	Schedule 12: Maximum "Residential 1" densities for parts of Waterkloof Ridge and Waterkloof Heights Ext 3
Schedule XIII: Maximum "Special Residential" densities for erven in Deerness, Rietondale and Riviera	Schedule 13: Maximum "Residential 1" densities for erven in Deerness, Rietondale and Riviera
Schedule XIV: Maximum "Special Residential " densities for erven in Lynnwood Glen, Lynnwood Manor, Lynnwood Park and Lynnwood Ridge	Schedule 14: Maximum "Residential 1" densities for erven in Lynnwood Glen, Lynnwood Manor, Lynnwood Park and Lynnwood Ridge

<b>SCHEDULE 18: PART D</b>	
<b>PRETORIA TOWN-PLANNING SCHEME, 1974: TABLE C, USE ZONES TABLE</b>	<b>TSHWANE TOWN-PLANNING SCHEME, 2008 (REVISED 2014): TABLE B, USE ZONES TABLE</b>
Use Zone I: Special Residential	Use Zone 1 : Residential 1
Use Zone II: Group Housing	Use Zone 2: Residential 2
Use Zone III: Duplex Residential	Use Zone 3: Residential 3
Use Zone IV: General Residential	Use Zone 4: Residential 4
Use Zone V: Educational	Use Zone 13: Educational
Use Zone VI: Institutional	Use Zone 14: Institutional
Use Zone VII: Special Business	Use Zone 7: Business 2
Use Zone VIII: General Business	Use Zone 6: Business 1
Use Zone IX: Municipal	Use Zone 15: Municipal
Use Zone X: Government	Use Zone 16: Government
Use Zone XI: Restricted Industrial	Use Zone 11: Industrial 2
Use Zone XII: General Industrial	Use Zone 10: Industrial 1
Use Zone XIII: Agricultural	Use Zone 17: Agricultural
Use Zone XIV: Special	Use Zone 28: Special
Use Zone XV: Undetermined	Use Zone 19: Undetermined
Reservation: Existing Streets	Use Zone 22: Existing Streets
Reservation: Proposed streets and widening	Use Zone 23: Proposed Streets and Widening
Reservation: Existing Public Open space	Use Zone 20: Public Open Space
Reservation: Proposed Public Open space	Use Zone 20: Public Open Space
Reservation: Existing Private Open Space	Use Zone 21: Private Open Space
Reservation: Proposed Private Open Space	Use Zone 21: Private Open Space
Reservation: Township Establishment Area	Use Zone 19: Undetermined
Reservation: Sewage Works	Use Zone 27: Infrastructure Works
Reservation: Cemetery	Use Zone 26: Cemetery
Reservation: Aerodrome	Use Zone 24: Aerodrome
Reservation: South African Railways	Use Zone 25: S.A.R.

<b>SCHEDULE 18: PART E</b>	
<b>PRETORIA TOWN-PLANNING SCHEME, 1974: FSR, HEIGHT AND COVERAGE ZONES</b>	<b>TSHWANE TOWN-PLANNING SCHEME, 2008 (REVISED 2014): F.A.R., HEIGHT AND COVERAGE ZONES</b>
Table E: FSR Zone 1 Table F: Height Zone 1 Table G: Coverage Zone 1	Table C: FAR Zone 1 Table D: Height Zone 1 Table E: Coverage Zone 1
Table E: FSR Zone 2 Table F: Height Zone 2 Table G: Coverage Zone 2	Table C: FAR Zone 2 Table D: Height Zone 2 Table E: Coverage Zone 2
Table E: FSR Zone 3 Table F: Height Zone 3 Table G: Coverage Zone 3	Table C: FAR Zone 3 Table D: Height Zone 3 Table E: Coverage Zone 3
Table E: FSR Zone 4 Table F: Height Zone 4 Table G: Coverage Zone 4	Table C: FAR Zone 4 Table D: Height Zone 4 Table E: Coverage Zone 4
Table E: FSR Zone 5	Table C: FAR Zone 5

<b>SCHEDULE 18: PART E</b>	
<b>PRETORIA TOWN-PLANNING SCHEME, 1974: FSR, HEIGHT AND COVERAGE ZONES</b>	<b>TSHWANE TOWN-PLANNING SCHEME, 2008 (REVISED 2014): F.A.R., HEIGHT AND COVERAGE ZONES</b>
Table F: Height Zone 5 Table G: Coverage Zone 5	Table D: Height Zone 5 Table E: Coverage Zone 5
Table E: FSR Zone 6 Table F: Height Zone 6 Table G: Coverage Zone 6	Table C: FAR Zone 6 Table D: Height Zone 6 Table E: Coverage Zone 6
Table E: FSR Zone 7 Table F: Height Zone 7 Table G: Coverage Zone 7	Table C: FAR Zone 7 Table D: Height Zone 7 Table E: Coverage Zone 7
Table E: FSR Zone 8 Table F: Height Zone 8 Table G: Coverage Zone 8	Table C: FAR Zone 8 Table D: Height Zone 8 Table E: Coverage Zone 8
Table E: FSR Zone 9 Table F: Height Zone 9 Table G: Coverage Zone 9	Table C: FAR Zone 9 Table D: Height Zone 10 Table E: Coverage Zone 9
Table E: FSR Zone 10 Table F: Height Zone 10 Table G: Coverage Zone 10	Table C: FAR Zone 10 Table D: Height Zone 7 Table E: Coverage Zone 10
Table E: FSR Zone 11 Table G: Coverage Zone 11	Table C: FAR Zone 11 Table E: Coverage Zone 11
Table E: FSR Zone 12 Table G: Coverage Zone 12	Table C: FAR Zone 12 Table E: Coverage Zone 12
Table E: FSR Zone 13 Table G: Coverage Zone 13	Table C: FAR Zone 13 Table E: Coverage Zone 13
Annexures B 5454, 6154, 6158, 6161, 6162 and 6163	FAR: Schedule 15 Height: Schedule 15 Coverage: Schedule 15
Annexures B 5455, 6155 and 6166	Table C: FAR Zone 15 Table D: Height Zone 9 Table E: Coverage Zone 19
Annexures B 5456 and 6156	Table C: FAR Zone 15 Table D: Height Zone 19 Table E: Coverage Zone 9
Annexures B 5457 and 6157	Table C: FAR Zone 15 Table D: Height Zone 19 Table E: Coverage Zone 9

<b>SCHEDULE 18: PART F</b>	
<b>PRETORIA TOWN-PLANNING SCHEME, 1974: TABLES</b>	<b>TSHWANE TOWN-PLANNING SCHEME, 2008 (REVISED 2014): TABLES</b>
Table A	Taken up in Table B
Table B	Not included
Table B 1	Table A
Table C	Table B
Table E	Table C
Table F	Table D
Table G	Table E
Table H	Table F
Table H1	Table G
Table J	Table H

**SCHEDULE 19****CONVERSION TABLE: TOWNSHIPS APPROVED IN TERMS OF THE DEVELOPMENT FACILITATION ACT, 1995 (ANNEXURE L) OR BLACK COMMUNITIES DEVELOPMENT ACT, 1984 (ANNEXURE F) OR OTHER APPLICABLE LAND USE LEGISLATION SUCH AS THE LESS FORMAL TOWNSHIP ESTABLISHMENT ACT, 1991 TO TSHWANE TOWN-PLANNING SCHEME, 2008 (REVISED 2014)**

<b>SCHEDULE 19: PART A</b>			
<b>DESCRIPTION</b>	<b>ANNEXURE L</b>	<b>ANNEXURE F</b>	<b>TSHWANE TOWN-PLANNING SCHEME, 2008 (REVISED 2014)</b>
Definitions	Condition 1	Condition 1	Clause 5 (see Part B)
Application of Document	Condition 2	Condition 2	Clause 1
Responsible Authority	Condition 3	Condition 3	Clause 2
Side and rear space	Condition 4	Condition 4	Clauses 8 and 9, Table A and Schedule 15 for Residential 5
Relaxation of side and rear space	Condition 5	Condition 5	Clauses 8 and 9
Erection and use of building or use of land	Condition 6 and Table A	Condition 6 and Table A	Clauses 13 and 14 and Table B (see Part C)
Conditions applicable to all properties	Condition 7	Condition 7	Clauses 7 and 18
Additional uses permitted in respect of residential properties	Condition 8	Condition 8	Schedule 15 for Residential 5
Special conditions applying to public garages	Condition 9	Condition 9	Clause 24
Consent Use or approval by the responsible authority	Condition 10	Condition 10	Clauses 16 and 17
Application for Consent Use and objections	Condition 11	Condition 11	Clause 16
Lapsing of consent	Condition 12	Condition 12	--
Subdivision and consolidation of properties	Condition 13	Condition 13	--
Provision of parking	Condition 14 and Table B	Condition 14 and Table B	Clause 28, Table G and Schedule 15 for Residential 5
Restrictions of height of buildings	Condition 15	Condition 15	Clause 26, Table D and Schedule 15 for Residential 5 (see Part C)
Restrictions of coverage of buildings	Condition 16 and Table C	Condition 16 and Table C	Clause 27, Table E and Schedule 15 for Residential 5 (see Part C)
General amenity and convenience	Condition 19	Condition 19	Clause 30
Serving of notice	Condition 20	Condition 20	Clause 37
Offences	--	Condition 21	Clause 36
Title	--	Condition 22	Clauses 1 and 39

<b>SCHEDULE 19: PART B</b>	
<b>ANNEXURE F, ANNEXURE L AND OTHER LAND USE CONDITIONS OF RELEVANT ACTS: DEFINITIONS</b>	<b>TSHWANE TOWN-PLANNING SCHEME, 2008 (REVISED 2014): DEFINITIONS</b>
In these conditions, unless the context otherwise indicates to:	
" <b>building</b> " includes a construction or structure of any nature;	<b>BUILDING</b>  Means a building as defined in the National Building Regulations and Building Standards Act, 1977.
" <b>business purposes</b> " means a use of a building and or land for offices, show-rooms, restaurants or any other business or commercial purposes other than for a place of instruction, a shop, a public garage, an industry, a noxious industry, a builder's yard or a scrapyard;	<b>In Clause 14(9)(b) added to read as follows</b>  Where it is referred to in documents such as an Annexure T, Consent Use, Title Deed, Deed of Grant as a business purpose then it means land and buildings used for Business Buildings, Shops, Place and Refreshment, Vehicle Sales Mart, Retail Industries and Place of Amusement of other business enterprises for financial gain.
" <b>coverage</b> " means the area of a property covered by buildings measured over the external walls as seen vertically from above and expressed as a percentage of the area of the property;	<b>COVERAGE</b>  Means the percentage area of a property including any servitude area covered by the roofed area of all buildings as seen vertically from above but does not include a structure or building that has no roof.
" <b>dwelling-unit</b> " means an interconnected suite of rooms, designed for human habitation that may contain a kitchen or scullery;	<b>DWELLING-UNIT</b>  Means a self- contained suite of rooms internally and mutually connected and consisting of habitable room(s), bathroom(s), toilet(s) and not more than one kitchen without the Permission of the Municipality for the purpose of residence by a single family, or a single person or two unmarried persons and may include outbuildings which are ancillary and subservient to the Dwelling-unit and may include a Home Enterprise subject to Schedule 9.  (For Dwelling-unit on Residential 5 refer to Schedule 15.)
" <b>floor area</b> " means the sum of the areas covered by the building at the floor level of each storey;	<b>GROSS FLOOR AREA</b>  The Gross Floor Area of a building is determined by multiplying the area of the property by the FAR, e.g. 1 000 m <sup>2</sup> x 0,4 = 400 m <sup>2</sup> : Provided that certain floor areas can be deducted from the calculation of Gross Floor Area as provided in Schedule 7.
" <b>institution</b> " means a building designed or primarily used as a charitable institution, hospital, nursing home, sanatorium, clinic or any other institution, whether public or private;	<b>INSTITUTION</b>  Means land and buildings, whether public or private, designed or used as a charitable institution, national government institution, provincial institution, municipal institution, Hospital, Nursing Home and Clinic for the

<b>SCHEDULE 19: PART B</b>	
<b>ANNEXURE F, ANNEXURE L AND OTHER LAND USE CONDITIONS OF RELEVANT ACTS: DEFINITIONS</b>	<b>TSHWANE TOWN-PLANNING SCHEME, 2008 (REVISED 2014): DEFINITIONS</b>
	care or treatment of humans and may include overnight accommodation and staff accommodation.
" <b>noxious industry</b> " includes any industry or trade by virtue of noise or effluents is dangerous or harmful to the health and welfare of the general public, such as but not limited to smelting ores and minerals, works for the production of sulphur dyes, or the sintering of sulphur-bearing materials;	<b>NOXIOUS INDUSTRY</b>  Means land and buildings used for any use included in the list in Schedule 8 together with any living accommodation required for a caretaker and includes any other use on the same site, which is necessary in connection with the primary use.
" <b>occupant</b> " in relation to any building, structure or land, includes any person occupying such building, structure or land legally entitled to occupy it, or anybody having the charge or management thereof, and includes the agent of such a person who is absent from the area or whose whereabouts are unknown;	<b>OCCUPANT</b>  Shall include any person in actual occupation of any land, or building or structure or premises without regard to the title under which he occupies, and in the case of premises sub-divided and let to lodgers, various tenants, shall include the person receiving the rent payable by the lodgers or tenants whether on his own account or as agent for any person entitled thereto or interested therein and includes the agent of any person absent from the area or whose whereabouts is unknown.
" <b>owner</b> " in relation to a building or land, means –  (a) the registered owner;  (b) a person who administers the estate of any person mentioned in (a) above, whether as executor, administrator or guardian or in any other capacity;  (c) a person who receives payment from any occupant, or person who would receive payment should such a building or land be let, whether for his own account or as agent for any person who is entitled thereto or who has an interest therein; and  (d) the duly authorised agent of a person contemplated in (a) to (d) above;	<b>OWNER</b>  Means in relation to land or a registered right in land, the person in whose name such land or right is registered, in a Deeds Registry in terms of the Deeds Registry Act, 1937 (Act 47 of 1937) and includes-  (1) if the owner is deceased, the executor of the deceased estate;  (2) if the estate of the owner has been sequestrated, the trustee of the insolvent estate;  (3) if the owner is a company or other juristic person;  (4) if the owner is a company or other juristic person that is being wound up, the liquidator thereof;  (5) if the owner is under legal disability, the owners legal representative;  (6) the authorised representative of the owner; or  (7) in the case of a road or public space under the control of the Municipality, that Municipality.

<b>SCHEDULE 19: PART B</b>	
<b>ANNEXURE F, ANNEXURE L AND OTHER LAND USE CONDITIONS OF RELEVANT ACTS: DEFINITIONS</b>	<b>TSHWANE TOWN-PLANNING SCHEME, 2008 (REVISED 2014): DEFINITIONS</b>
" <b>place of instruction</b> " means land used or a building designed or primarily used as a school, technical college, lecture hall, institute or other educational centre, and includes a crèche, a convent or monastery, a public library, an art gallery, a museum and a gymnasium;	<b>PLACE OF INSTRUCTION</b>  Means land and buildings used as a school, college, technical institute, Tertiary Institution, academy, lecture hall, monastery, convent, public library, art museum, museum, other educational centre including ancillary and subservient Hostel for persons attending any one of the afore-mentioned and may include a Place of Child Care and a Cafeteria ancillary and subservient to the main use on the property.
" <b>place of public worship</b> " means a building designed for use or primarily used as a church, chapel, oratory, house of worship, synagogue, mosque or other place of public devotion, and includes a building designed for use and used as a place of religious instruction and an institution on the same property as and associated with any of the afore-going buildings that is intended to be used for social intercourse and reaction, but does not include a funeral chapel, which shall be deemed to be a "special purpose";	<b>PLACE OF PUBLIC WORSHIP</b>  Means land and buildings used for a church, chapel, mosque, temple, synagogue, or other religious purposes and may include ancillary social and recreational purposes and one Dwelling-unit on the same property, but shall not include a funeral parlour, Wall of Remembrance or Cemetery. Any noise generated on the property shall not be audible outside the boundaries of the property.
" <b>property</b> " means any portion of land that has been registered as a separate unit in the deeds registry;	<b>PROPERTY</b>  Means any portion of land that has been registered as a separate unit in the Deeds Office.
" <b>public garage</b> " means a building designed for or land used primarily for the maintenance, repair or fuelling of vehicles and purposes ancillary thereto;	<b>PUBLIC GARAGE</b>  Means land and buildings used for the storage and retail sale of vehicle fuel, lubricants and one or more of the following uses:  (1) repair and servicing of vehicles, excluding panel-beating or spray-painting; (2) sale of new and used vehicles; (3) a convenience store including a Confectionery and take-away facility with a kitchen inside the convenience store with a maximum Gross Floor Area of 250 m <sup>2</sup> , which floor area shall include the floor area accessible to the public as well as any store room, Office, fridge area and safe which is used for the operation of the convenience store; (4) an automatic teller machine; and (5) the sale of LP gas.
" <b>residential building</b> " means a building designed or used primarily for human habitation and the uses permitted in terms of paragraph 6, which may include one or more dwelling-units;	<b>RESIDENTIAL BUILDINGS</b>  Means a Hotel, Block of Flats, Block of Tenements, Boarding House, other residential types not elsewhere defined and Hostel together with such outbuildings as are ordinarily used therewith.  (For Dwelling-unit on Residential 5 refer to Schedule15.)

<b>SCHEDULE 19: PART B</b>	
<b>ANNEXURE F, ANNEXURE L AND OTHER LAND USE CONDITIONS OF RELEVANT ACTS: DEFINITIONS</b>	<b>TSHWANE TOWN-PLANNING SCHEME, 2008 (REVISED 2014): DEFINITIONS</b>
<p>"<b>responsible authority</b>" means the authority referred to in paragraph (<i>read as condition</i>) 3.</p>	<p><b>MUNICIPALITY</b></p> <p>Means the City of Tshwane Metropolitan Municipality established and instituted in terms of Notice 1866 of 2010 promulgated in terms of Section 12(1) of the Local Government Structures Act, 1998 (Act 117 of 1998) as amended.</p>
<p>"<b>shop</b>" means land used or a building designed or used primarily for the purposes of carrying on retail trade and the necessary accompanying storage and packaging, and includes any accompanying use on the same site that is incidental and subordinate to the conduct of the retail trade;</p>	<p><b>SHOP</b></p> <p>Means land and buildings used for the purpose of Retail Trade or renting of household equipment/tools directly to the public, including inter alia retail sale and display of products, "off-sales" facilities on properties licensed in terms of any liquor law, pet shops, a pharmacy, a confectionary, a take-away, swop shop, pawn shop, auctioneers business, hire/rental shop, drive thru restaurant and may include[s] a Retail Industry ancillary and subservient to the main use and with the Permission of the Municipality a Builders Yard ancillary and subservient to a hardware shop.</p>
<p>"<b>social hall</b>" means a building designed for use or used primarily for social assemblies, gatherings, meetings or recreational purposes;</p>	<p><b>SOCIAL HALL</b></p> <p>Means land and buildings used for, inter alia, social and cultural gatherings, recreation activities, wedding receptions, fairs, bazaars and a non-residential club but does not include a Place of Amusement and Place of Refreshment but may include a kitchen ancillary and subservient to the hall.</p>
<p>"<b>special purposes</b>" means purposes for which land or buildings may be used that are not specified in these conditions;</p>	<p><b>SPECIAL USE</b></p> <p>Means land or buildings used for any purpose other than that herein defined.</p>
<p>"<b>storey</b>" means the space in a building between one floor level and the following floor level or between one floor level and the ceiling or roof above;</p>	<p><b>STOREY</b></p> <p>Means that part of a building which is situated between the top of any floor and the top of the floor above it or if there be no floor above it that portion between such floor and the ceiling above it (any mezzanine floor, open work floor, catwalk or gallery being taken to be part of the storey in which it is situated).</p>
<p>"<b>use zone</b>" means a zone that is subject to the restrictions imposed on the erection and use of buildings or the use of land contained in Table A.</p>	<p><b>USE ZONE</b></p> <p>Means that part of the Scheme Area that has been indicated by means of a distinguishing notation or bordering or any other distinguishing way on the Map to indicate the use of the land.</p>

<b>SCHEDULE 19: PART C</b>	
<b>ANNEXURE F, ANNEXURE L AND OTHER LAND USE CONDITIONS OF RELEVANT ACTS: USE ZONES</b>	<b>TSHWANE TOWN-PLANNING SCHEME, 2008 (REVISED 2014): TABLE B, USE ZONES TABLE</b>
Residential	Use Zone 5: Residential 5 subject to Schedule 15
Business	Use Zone 7: Business 2
Industrial	Use Zone 10: Industrial 1
Community Facility	Use Zone 13: Educational
Municipal	Use Zone 15: Municipal
Undetermined	Use Zone 19: Undetermined
Public open space	Use Zone 20: Public Open Space
Additional use zones in certain township approvals:	
Educational	Use Zone 13: Educational
Government	Use Zone 16: Government
Multiple Residential	Use Zone 5: Residential 5 subject to Schedule 15
Railway Reserve	Use Zone 25: SAR

<b>SCHEDULE 19: PART D</b>	
<b>ANNEXURE F, ANNEXURE L AND OTHER LAND USE CONDITIONS OF RELEVANT ACTS: HEIGHT, COVERAGE AND FAR</b>	<b>TSHWANE TOWN-PLANNING SCHEME, 2008 (REVISED 2014): HEIGHT ZONES OF TABLE D, COVERAGE ZONES OF TABLE E AND FLOOR AREA RATIO ZONES OF TABLE C</b>
Residential	FAR: Schedule 15 Height: Schedule 15 Coverage: Schedule 15
Business	Table D, Height Zone 9 Table E, Coverage Zone 19 Table C, FAR Zone 15
Industrial	Table D, Height Zone 9 Table E, Coverage Zone 19 Table C, FAR Zone 15
Community Facility	Table D, Height Zone 9 Table E, Coverage Zone 19 Table C, FAR Zone 15
Municipal	Table D, Height Zone 7 Table E, Coverage Zone 5 Table C, FAR Zone 5
Undetermined	Table D, Height Zone 9 Table E, Coverage Zone 5 Table C, FAR Zone 21
Public Open Space	Height: Site Development Plan Coverage: Site Development Plan FAR: Site Development Plan
<b><u>Additional use zones in certain DFA approvals:</u></b>	
Educational	Table D, Height Zone 9 Table E, Coverage Zone 19 Table C, FAR Zone 15
Government	Table D, Height Zone 5 Table E, Coverage Zone 5 Table C, FAR Zone 5
Multiple Residential	Table D, Height Zone 10 Table E, Coverage Zone 17 Table C, FAR Zone 19
Railway Reserve	Height: Site Development Plan Coverage: Site Development Plan FAR: Site Development Plan

<b>SCHEDULE 19: PART E</b>	
<b>ANNEXURE F, ANNEXURE L AND OTHER LAND USE CONDITIONS OF RELEVANT ACTS: TABLES</b>	<b>TSHWANE TOWN-PLANNING SCHEME, 2008 (REVISED 2014): TABLES</b>
TABLE A	TABLE B
TABLE B	TABLE G
TABLE C	TABLE E

**SCHEDULE 20****CONVERSION TABLE: MALELANE TOWN-PLANNING SCHEME, 1972  
TO TSHWANE TOWN-PLANNING SCHEME, 2008 (REVISED 2014)**

<b>SCHEDULE 20: PART A</b>	
<b>MALELANE TOWN-PLANNING SCHEME, 1972: DEFINITIONS</b>	<b>TSHWANE TOWN-PLANNING SCHEME, 2008 (REVISED 2014): DEFINITIONS</b>
<p><b>ADMINISTRATOR</b></p> <p>Means the officer appointed under the provisions of Section 66(1) of the Republic of South Africa Constitution Act, 1961 (Act 32 of 1961) acting on the advice and with the consent of the Executive Committee of the Province.</p>	<p><b>PREMIER</b></p> <p>Means the head of the Executive Council of the Gauteng Provincial Government.</p>
<p><b>AGRICULTURAL BUILDING</b></p> <p>Means a building designed for use in connection with, and which may in the opinion of the Local Authority ordinarily be incidental to, or reasonably necessary for the use of the land on which such building is situated as agricultural land and includes one dwelling-house.</p>	<p><b>AGRICULTURAL BUILDING</b></p> <p>Means a building designed or used for Agricultural Purposes and may include a Dwelling-house.</p>
<p><b>AGRICULTURAL LAND</b></p> <p>Means Land as defined in Section 1 of the Subdivision of Agricultural Land Act, 1970 (No 70 of 1970).</p>	<p><b>AGRICULTURE</b></p> <p>Means land and buildings used for any bona fide farming activities which may include Market Gardens, game farming, cattle, goats and sheep farming, bee farming, bird breeding, plant nursery, plantations, aquaculture, mushroom production, forestry and orchards and activities normally regarded as incidental thereto, but excludes Abattoirs, cattle feeding lots, poultry farming pig farming, and Animal Boarding Place.</p> <p><b>AGRICULTURAL INDUSTRY</b></p> <p>Means any farming activity such as pig and poultry farming and cattle feeding lots, that is performed on such a scale and with such intensity that it could in the opinion of the Municipality possibly cause a health nuisance in respect of noise, smells, waste and effluent.</p>
<p><b>AREA</b></p> <p>Means the area to which this scheme applies as described in Clause 2.</p> <p><b>AREA OF THE SCHEME</b></p> <p>The area to which this scheme applies shall consist of the whole of the area lying within the inner edge of the boundary line coloured dark blue on the map.</p>	<p><b>SCHEME AREA</b></p> <p>Means the area to which the scheme is applicable as indicated on the map.</p>

<b>SCHEDULE 20: PART A</b>	
<b>MALELANE TOWN-PLANNING SCHEME, 1972: DEFINITIONS</b>	<b>TSHWANE TOWN-PLANNING SCHEME, 2008 (REVISED 2014): DEFINITIONS</b>
<p><b>BUILDING</b></p> <p>Means a structure of any nature or description whatsoever.</p>	<p><b>BUILDING</b></p> <p>Means a building as defined in the National Building Regulations, 1985 and Building Standards Act, 1977(Act 103 of 1977).</p>
<p><b>BUSINESS BUILDING</b></p> <p>Means a building designed for use as an office, consulting room, warehouse, or for other business purposes, but does not include a Place of Instruction or Place of Amusement or any other building mentioned, whether by way of inclusion or exclusion, in the definition of "institution", or a building designed for use as a Shop, Public Garage, Parking Garage, noxious industrial building.</p>	<p><b>BUSINESS BUILDING</b></p> <p>Means land and buildings used as an Office, financial institution, Bank, Building Society, ATM, car test centre, Fitness Centre, hairdresser, nail bar, receiving depot for dry-cleaning and shoe repairs, Medical Consulting Rooms, medical workshops such as, dental technician, prosthetist, orthotist, pathologists, optometrist technician, or for other businesses such as inter alia beauty salon, pet salon, Internet Café, Totalisator Agency Board (T.A.B.) and a Beauty/Health Spa and may include a Cafeteria ancillary and subservient to the main use but does not include any building mentioned whether by way of inclusion or exclusion in the definition of Institution, a Funeral Undertaker, Place of Instruction, Place of Amusement, Shop, Public Garage, Parking Garage, Industry, Noxious Industry, Warehouse, Vehicle Sales Mart or a factory or workshop.</p>
<p><b>BY-LAWS</b></p> <p>Means the by-laws of the Local Authority for the time being in force in the "Area".</p>	<p><b>BY-LAWS</b></p> <p>Means the Municipality by-laws in force in the area of the Scheme.</p>
<p><b>CARAVAN PARK</b></p> <p>Means a public place with accommodation for two or more caravans and which is designed for such accommodation irrespective of whether or not such accommodation is paid for.</p>	<p><b>CAMPING SITE</b></p> <p>Means land and buildings used for transient guests for the overnight accommodation of caravans, motor homes and tents and may include ablution facilities, Caretaker's Flat, communal kitchen and ancillary and subservient Shops and other related buildings.</p>
<p><b>COVERAGE</b></p> <p>Means that area of an erf covered by buildings and is expressed as a percentage.</p>	<p><b>COVERAGE</b></p> <p>Means the percentage area of a property including any servitude area covered by the roofed area of all buildings as seen vertically from above but does not include a structure or building that has no roof.</p>
<p><b>DWELLING-HOUSE</b></p> <p>Means a house designed as a dwelling for a single family together with such outbuildings as are ordinarily used therewith.</p>	<p><b>DWELLING-HOUSE</b></p> <p>Means a single Dwelling-unit on property zoned "Residential 1", "Agricultural" and "Undetermined".</p> <p><b>DWELLING-UNIT</b></p> <p>Means a self- contained suite of rooms internally and</p>

<b>SCHEDULE 20: PART A</b>	
<b>MALELANE TOWN-PLANNING SCHEME, 1972: DEFINITIONS</b>	<b>TSHWANE TOWN-PLANNING SCHEME, 2008 (REVISED 2014): DEFINITIONS</b>
	mutually connected and consisting of habitable room(s), bathroom(s), toilet(s) and not more than one kitchen without the Permission of the Municipality for the purpose of residence by a single family, or a single person or two unmarried persons and may include outbuildings which are ancillary and subservient to the Dwelling-unit and may include a Home Enterprise subject to Schedule 9.
<b>ERF</b>  Means every piece of land in an approved township registered in a deeds registry as an erf, plot or stand or shown as such on a general plan of an approved township, and includes every defined portion (not intended to be a public place) of a piece of land laid out as a township, whether or not it has been recognised or approved as such in terms of the Town Planning and Townships Ordinance (No 25 of 1965) or any other law.	<b>ERF</b>  Means an erf as defined in the Ordinance and includes any resultant portion of an erf obtained through subdivision of such an erf.
<b>EXISTING USE</b>  Means in relation to any building or land, the continuous lawful use of that building or land for any purpose for which it was being lawfully used on the date of proclamation of this scheme or in the case of newly-erected building erected before such date and which has not been used before that date, a use for any purpose for which it was designed, including in any case, any use of a building or land permitted by the Local Authority pending the preparation and approval of this scheme.  Provided that:  (1) The discontinuance for a period exceeding fifteen (15) months of the existing use of a building, at any time after the approval of this scheme, shall be deemed to be an interruption of the continuous use.  (2) Where, on the date of proclamation of this scheme, a person who was using any land for the purpose of mining, quarrying, the digging of clay, gravel or sand or the deposit of waste material or refuse, or for any other purpose or a similar nature, was entitled also to use neighbouring land for any such purpose, such use, by virtue of that right on that neighbouring land, whether before or after the date of the approval of this scheme, shall be deemed to be an existing use.	<b>EXISTING USE</b>  Means, subject to Section 43 of the Ordinance, the continuous lawful use of a building or land for the purpose for which it was erected or was lawfully being used.

<b>SCHEDULE 20: PART A</b>	
<b>MALELANE TOWN-PLANNING SCHEME, 1972: DEFINITIONS</b>	<b>TSHWANE TOWN-PLANNING SCHEME, 2008 (REVISED 2014): DEFINITIONS</b>
<p><b>FLOOR SPACE RATIO (F.S.R.)</b></p> <p>Means the ratio obtained by dividing the total area of all the storeys (excluding a basement, open roofs and floor spaces used exclusively for the parking of motor vehicles for the residents of the building or buildings) of the proposed building or buildings, which area to be measured over the external walls and includes any form of space, except decorations (such as pinnacles, turrets and bell-towers) and space which is reasonable or necessary for the cleaning, maintenance, care or the mechanical equipment of the building or buildings, by the total area of the erf; that is:</p> <p style="text-align: center;"> <math display="block">\text{F.S.R.} = \frac{\text{Total floor area of all the floors of the building or buildings as set out above}}{\text{Total area of the erf.}}</math> </p>	<p><b>FLOOR AREA RATIO</b></p> <p>Means the ratio of the Gross Floor Area of a building to the total area of the property, including any servitudes, on which such building is erected or is to be erected, i.e. FAR = Gross Floor Area divided by area of property.</p>
<p><b>FUNERAL PARLOUR</b></p> <p>Means a building used or designed to be used as a mourning or funeral chapel and includes any building designed for use in connection with and which is normally ancillary to or is reasonably necessary in connection with the use of such mourning or funeral chapel.</p>	<p><b>FUNERAL UNDERTAKER</b></p> <p>Means land and buildings used for the administration of funeral arrangements including Showrooms, Offices, storage space, refrigeration rooms, funeral parlour for the preparation and viewing of the dead, waiting room and the sale of flowers, coffins, gravestones and other related products as well as a display area for gravestones, but excludes a Crematorium, a chapel or church.</p>
<p><b>GENERAL DEALER</b></p> <p>Means a dealer in groceries, clothing and hardware, but does not include the sale of second hand goods of any nature whatsoever.</p>	<p><b>SHOP</b></p> <p>Means land and buildings used for the purpose of Retail Trade or renting of household equipment/tools directly to the public, including inter alia retail sale and display of products, "off-sales" facilities on properties licensed in terms of any liquor law, pet shops, a pharmacy, a confectionary, a take-away, swop shop, pawn shop, auctioneers business, hire/rental shop, drive thru restaurant and may include[s] a Retail Industry ancillary and subservient to the main use and with the Permission of the Municipality a Builders Yard ancillary and subservient to a hardware shop.</p>
<p><b>HEIGHT</b></p> <p>Means the height of a building expressed in the number of storeys;</p> <p>Provided that:</p> <p>(a) The height of one storey shall not exceed five (5) metres; and</p>	<p><b>HEIGHT</b></p> <p>Means the height of any part of a building as measured vertically from the natural ground level of the footprint of the building to the highest point of the building as indicated in the diagrams in Clause 26 provided that a maximum of 500 mm of fill above natural ground level for storm-water management shall be excluded from the height calculation.</p>

<b>SCHEDULE 20: PART A</b>	
<b>MALELANE TOWN-PLANNING SCHEME, 1972: DEFINITIONS</b>	<b>TSHWANE TOWN-PLANNING SCHEME, 2008 (REVISED 2014): DEFINITIONS</b>
(b) Towers, architectural features and basements which are not designed for use for living, working, sleeping or storing purposes, shall not be regarded as storeys for the purpose of this scheme.	
<b>INDUSTRIAL BUILDING</b>  Means a building, other than a building for noxious industries, designed for use as a factory within the meaning of the Factories, Machinery and Building Work Act, 1941 (No 22 of 1941), and any amendment thereof and includes an "office" or any other building on the same site, the use of which is incidental to or reasonably necessary in connection with the use of such factory.	<b>INDUSTRY</b>  Means land and buildings where a product or part of a product is manufactured, mounted, processed, repaired, rebuilt or packed, including a power station and incinerator plant and may include a Cafeteria and a Caretaker's Flat and any other activities connected to or incidental to the activities mentioned herein, excluding Noxious Industries, Light Industries and Retail Industries.
<b>INSTITUTION</b>  Means a building designed to be used as a public or charitable institution and includes a hospital, nursing-home, sanatorium or clinic, hostel, or crèche, whether public or private.	<b>INSTITUTION</b>  Means land and buildings, whether public or private, designed or used as a charitable institution, national government institution, provincial institution, municipal institution, Hospital, Nursing Home and Clinic for the care or treatment of humans and may include overnight accommodation and staff accommodation.
<b>LAND</b>  Also means any improvement on land and any interest in or to land including land covered by water.	<b>PROPERTY</b>  Means any portion of land that has been registered as a separate unit in the Deeds Office.
<b>LOCAL AUTHORITY</b>  Means the Transvaal Board for the Development of Peri-Urban Areas, established by Section 2 of the Transvaal Board for the Development of Peri-Urban Areas Ordinance, 1943 (No 20 of 1943), as amended, or any other local authority, which may be entrusted with the administration of the area.	<b>MUNICIPALITY</b>  Means the City of Tshwane Metropolitan Municipality established and instituted in terms of Notice 1866 of 2010 promulgated in terms of Section 12(1) of the Local Government Structures Act, 1998 (Act 117 of 1998) as amended.  <b>LOCAL AUTHORITY</b>  Means the City of Tshwane Metropolitan Municipality.
<b>MAP</b>  Means the map marked "Map No 3" as defined in the Town Planning and Townships regulations promulgated under Administrator's Notice No 977 of 31 <sup>st</sup> December 1965, as may be amended from time to time.	<b>MAP</b>  Means a map as defined in the Regulations of the Ordinance and which forms part of the Scheme including any amendment thereto.

<b>SCHEDULE 20: PART A</b>	
<b>MALELANE TOWN-PLANNING SCHEME, 1972: DEFINITIONS</b>	<b>TSHWANE TOWN-PLANNING SCHEME, 2008 (REVISED 2014): DEFINITIONS</b>
<p><b>OFFICE</b></p> <p>Means a building being used or designed for use for administrative work including a bank but not a post office.</p>	<p><b>OFFICE</b></p> <p>Means land and buildings or part of a building used for professional, clerical, administrative, management, marketing and consulting services and a Chancellery and may include a Cafeteria ancillary and subservient to the main use, but excludes a Call Centre, security and emergency response vehicles, courier services in post, parcels and money and excludes medical and dental consulting rooms.</p>
<p><b>ORDINANCE</b></p> <p>Means the Townships and Town Planning Ordinance, 1931, (No 11 of 1931) as amended.</p>	<p><b>ORDINANCE</b></p> <p>Means the Town-planning and Townships Ordinance, 1986 (Ordinance 15 of 1986), as amended.</p>
<p><b>PANHANDLE SUBDIVISION</b></p> <p>Means an L-shaped subdivision, the narrowest portion of which is known as the 'panhandle' and the thin end of which abuts on a public street.</p>	<p><b>PANHANDLE PROPERTY</b></p> <p>Means a property, consisting of a narrow portion, which is known as the panhandle and which abuts on a street, and a broader buildable portion.</p> <p><b>PANHANDLE</b></p> <p>Means that portion of a property, which is -</p> <ol style="list-style-type: none"> <li>(1) at least 3 m wide and not more than 8 m wide; and</li> <li>(2) used exclusively as an access to a public street.</li> </ol>
<p><b>PLACE OF AMUSEMENT</b></p> <p>Means a building designed for use as a public hall, theatre, cinema, music-hall, concert-hall, sports stadium, skating rink, dance-hall or any other building which may in the opinion of the Local Authority, readily be included hereunder.</p>	<p><b>PLACE OF AMUSEMENT</b></p> <p>Means land and buildings or a part of a building used for entertainment purposes such as a Theatre, cinema, music hall, concert hall, table games, skating rink, dancing, amusement park, gambling (not being a T.A.B.), electronic games or slot machines/limited pay-out gambling machines, night club, an exhibition hall or sports arena/stadium used for live concerts or performances. These buildings shall comply with the noise zone criteria and acoustical screening requirements of the Municipality's Health Services.</p>
<p><b>PLACE OF INSTRUCTION</b></p> <p>Means a building designed for use as a school, college, university, research institute, academy, lecture-hall, or other educational centre, and includes a boarding house appertaining thereto, public library, art gallery, museum or gymnasium.</p>	<p><b>PLACE OF INSTRUCTION</b></p> <p>Means land and buildings used as a school, college, technical institute, Tertiary Institution, academy, lecture hall, monastery, convent, public library, art museum, museum, other educational centre including ancillary and subservient Hostel for persons attending any one of the afore-mentioned and may include a Place of Child Care and a Cafeteria ancillary and subservient to the main use on the property.</p>

<b>SCHEDULE 20: PART A</b>	
<b>MALELANE TOWN-PLANNING SCHEME, 1972: DEFINITIONS</b>	<b>TSHWANE TOWN-PLANNING SCHEME, 2008 (REVISED 2014): DEFINITIONS</b>
<p><b>PLACE OF PUBLIC WORSHIP</b></p> <p>Means a building used or designed for use as a church, temple, chapel, oratory, synagogue or any other place of public devotion and religious instruction and may, with the special permission of the Local Authority, include a rectory. A building designed for the purpose of religious instruction, social intercourse and recreation and associated with any of the foregoing buildings may be erected on the same site: Provided that a funeral parlour shall not be included hereunder.</p>	<p><b>PLACE OF PUBLIC WORSHIP</b></p> <p>Means land and buildings used for a church, chapel, mosque, temple, synagogue, or other religious purposes and may include ancillary social and recreational purposes and one Dwelling-unit on the same property, but shall not include a funeral parlour, Wall of Remembrance or Cemetery. Any noise generated on the property shall not be audible outside the boundaries of the property.</p>
<p><b>PRIVATE OPEN SPACE</b></p> <p>Means any land reserved in this scheme for use as a private ground for sports, play and recreation or as an ornamental garden or public resort.</p>	<p><b>PRIVATE OPEN SPACE</b></p> <p>Means open space to which the general public has no right of access.</p> <p><b>OPEN SPACE</b></p> <p>Means land which is predominantly free of buildings or structures and which provides ecological, socio-economic and place-making functions such as Natural Areas, nature conservation areas, protected areas, nature reserve and includes ridges, watercourses, wetlands, ecological sensitive areas, parks, and squares as defined in the Tshwane Open Space Framework and may include ablution facilities, pergolas, benches, and braai facilities.</p>
<p><b>PUBLIC GARAGE</b></p> <p>Means a building, designed for the purpose of the parking, sale and/or repair and fuelling of motor vehicles for purposes of gain. A store for the sale of new motor spare parts and motor accessories may be included hereunder.</p>	<p><b>PUBLIC GARAGE</b></p> <p>Means land and buildings used for the storage and retail sale of vehicle fuel, lubricants and one or more of the following uses:</p> <ol style="list-style-type: none"> <li>(1) repair and servicing of vehicles, excluding panel-beating or spray-painting;</li> <li>(2) sale of new and used vehicles;</li> <li>(3) a convenience store including a Confectionery and take-away facility with a kitchen inside the convenience store with a maximum Gross Floor Area of 250 m<sup>2</sup>, which floor area shall include the floor area accessible to the public as well as any store room, Office, fridge area and safe which is used for the operation of the convenience store;</li> <li>(4) an automatic teller machine; and</li> <li>(5) the sale of LP gas.</li> </ol>

<b>SCHEDULE 20: PART A</b>	
<b>MALELANE TOWN-PLANNING SCHEME, 1972: DEFINITIONS</b>	<b>TSHWANE TOWN-PLANNING SCHEME, 2008 (REVISED 2014): DEFINITIONS</b>
<p><b>PUBLIC OFFICE</b></p> <p>Means a building used or designed to be used as a government or Local Authority office and includes a room, town hall, administrative office, police station and post office.</p>	<p><b>GOVERNMENT PURPOSES</b></p> <p>Means land and buildings designed or used for Government offices, depots, workshops, stores, communication centres, police stations, post offices and includes incidental uses such as a Cafeteria solely for Government Departments but excludes Industries and Noxious Industries.</p> <p><b>MUNICIPAL PURPOSES</b></p> <p>Means such purposes as the Municipality may be authorised to carry out in terms of any law governing municipalities including but not limited to the Local Government Municipal Structures, 1998 (Act 117 of 1998) and the Local Government Municipal Systems Act, 2000 (Act 32 of 2000).</p>
<p><b>PUBLIC OPEN SPACE</b></p> <p>Means any land, used or reserved in this scheme for use by the public as an open space, park, garden, play or recreation area or square.</p>	<p><b>PUBLIC OPEN SPACE</b></p> <p>Means any Open Space as defined vested in the Municipality under Section 63 of the Local Government Ordinance, 1939 (Ordinance 17 of 1939) to which the general public has right of access.</p> <p><b>OPEN SPACE</b></p> <p>Means land which is predominantly free of buildings or structures and which provides ecological, socio-economic and place-making functions such as Natural Areas, nature conservation areas, protected areas, nature reserve and includes ridges, watercourses, wetlands, ecological sensitive areas, parks, and squares as defined in the Tshwane Open Space Framework and may include ablution facilities, pergolas, benches, and braai facilities.</p>
<p><b>PUBLIC RESORT</b></p> <p>Means a place of rest, holiday place, caravan park, tent camp and picnic spot.</p>	<p><b>RECREATION RESORT</b></p> <p>Means land and buildings used for recreational purposes mainly by day visitors and may include swimming pools, water slides, braai facilities, Self-catering Units, a Camping Site, cultural and music events, a Place of Refreshment, a Conference Centre or Social Hall, wedding chapel, staff accommodation, Natural Areas and ancillary and subservient uses.</p> <p><b>CAMPING SITE</b></p> <p>Means land and buildings used for transient guests for the overnight accommodation of caravans, motor homes and tents and may include ablution facilities, Caretaker's Flat, communal kitchen and ancillary and subservient Shops and other related buildings.</p>

<b>SCHEDULE 20: PART A</b>	
<b>MALELANE TOWN-PLANNING SCHEME, 1972: DEFINITIONS</b>	<b>TSHWANE TOWN-PLANNING SCHEME, 2008 (REVISED 2014): DEFINITIONS</b>
<p><b>RESIDENTIAL BUILDING</b></p> <p>Means a building, other than a dwelling-house, designed for use for human habitation together with such outbuildings as are ordinarily used therewith and includes blocks of flats, tenements, boarding houses and hostels, but does not include any building mentioned in the definitions of "Place of Instruction" or "Institution".</p>	<p><b>RESIDENTIAL BUILDINGS</b></p> <p>Means a Hotel, Block of Flats, Block of Tenements, Boarding House, other residential types not elsewhere defined and Hostel together with such outbuildings as are ordinarily used therewith.</p>
<p><b>RESERVATION OF LAND</b></p> <p>The several pieces of land specified in Column 1 of Table A are reserved for use for the respective purposes indicated in Column 2 of the table and, except as hereinafter provided, shall not be used for any other purposes except for municipal purposes.</p>	<p>Reservation of land is included in Table B as Use Zones.</p>
<p><b>RESPONSIBLE AUTHORITY</b></p> <p>The Local Authority shall be the authority responsible for enforcing and carrying into effect the provisions of this scheme.</p>	<p><b>MUNICIPALITY</b></p> <p>Means the City of Tshwane Metropolitan Municipality established and instituted in terms of Notice 1866 of 2010 promulgated in terms of Section 12(1) of the Local Government Structures Act, 1998 (Act 117 of 1998) as amended.</p> <p><b>LOCAL AUTHORITY</b></p> <p>Means the City of Tshwane Metropolitan Municipality.</p>
<p><b>SHOP</b></p> <p>Means a building designed for the purpose of carrying on a retail trade and does not include a "Public Garage", but includes a building for use as a hairdressing salon auctioneer, dry-cleaning depot and in addition, also a building designed for use as a warehouse or workshop, which is used in connection with such retail trade.</p>	<p><b>SHOP</b></p> <p>Means land and buildings used for the purpose of Retail Trade or renting of household equipment/tools directly to the public, including inter alia retail sale and display of products, "off-sales" facilities on properties licensed in terms of any liquor law, pet shops, a pharmacy, a confectionary, a take-away, swop shop, pawn shop, auctioneers business, hire/rental shop, drive thru restaurant and may include[s] a Retail Industry ancillary and subservient to the main use and with the Permission of the Municipality a Builders Yard ancillary and subservient to a hardware shop.</p>
<p><b>SITE</b></p> <p>In relation to a building includes the area of land upon which offices, outbuildings, yard, court or garden are situated and which is occupied or intended to be occupied in connection therewith.</p>	<p><b>SITE</b></p> <p>In relation to FAR, coverage and parking calculations, means the whole of the area registered as an erf or other property, including the area of any servitude registered over such erf or other property.</p>

<b>SCHEDULE 20: PART A</b>	
<b>MALELANE TOWN-PLANNING SCHEME, 1972: DEFINITIONS</b>	<b>TSHWANE TOWN-PLANNING SCHEME, 2008 (REVISED 2014): DEFINITIONS</b>
<p><b>SOCIAL HALL</b></p> <p>Means a building designed to be used for social meetings and recreation and includes a club (non-residential) "Place of Instruction" and "Place of Public Worship" but does not include a "Place of Amusement".</p>	<p><b>SOCIAL HALL</b></p> <p>Means land and buildings used for, inter alia, social and cultural gatherings, recreation activities, wedding receptions, fairs, bazaars and a non-residential club but does not include a Place of Amusement and Place of Refreshment but may include a kitchen ancillary and subservient to the hall.</p>
<p><b>SPECIAL BUILDING</b></p> <p>Means a building designed for any use other than one of the uses for which buildings herein defined are designed and which, in the opinion of the Local Authority, appertains to the use zone in which the land is or is to be situated.</p>	<p><b>SPECIAL USE</b></p> <p>Means land or buildings used for any purpose other than that herein defined.</p>
<p><b>STREET OR ROAD</b></p> <p>Includes the whole or part of any street, road, bridge, subway, lane or thoroughfare, shown on the general plan of a township, or in respect of which the public or the Local Authority has acquired a right-of-way by prescription or any other means.</p>	<p><b>STREET OR PUBLIC STREET</b></p> <p>Includes any street, road, or thoroughfare shown on the General Plan of a township, agricultural holding or other division of land or in respect of which the public have acquired a prescriptive or other right of way or zoned as Existing Street and may include on-street parking and loading zones as designated by the Municipality.</p>
<p><b>TENEMENT</b></p> <p>Means a building consisting mainly of living rooms, each of which could separately be occupied as a dwelling and which is let as such.</p>	<p><b>BLOCK OF TENEMENTS</b></p> <p>Means a building containing two (2) or more habitable rooms and may include communal kitchens and communal ablution facilities and other communal ancillary and subservient facilities such as a laundry, vending machines for the residents only.</p>
<p><b>TOWNSHIPS BOARD</b></p> <p>Means the Townships Board as constituted by Section 3 of the Ordinance.</p>	<p><b>TOWNSHIPS BOARD</b></p> <p>Means the appeal authority established in terms of the relevant Provincial or National legislation.</p>
<p><b>WAREHOUSE</b></p> <p>Means a building designed to be used for the storage of goods, excluding goods of a noxious or dangerous nature.</p>	<p><b>WAREHOUSE</b></p> <p>Means land and buildings designed or used as a storage depot which may be in conjunction with a wholesale trading establishment or any other storage depot.</p>
<p><b>WORKSHOP</b></p> <p>Means a building, designed to be used for the purpose of retail trade in goods that are wholly or partially manufactured, processed, assembled or repaired on the premises: Provided that the process and machinery used in connection with</p>	<p><b>LIGHT INDUSTRY</b></p> <p>Means land and buildings used for, inter alia, a bakery, a Builder's Yard, a Car Wash, a contractor's yard, dry-cleaners, carpet cleaners, joinery workshop, launderette, laundry, lawnmower workshop, painter's workshop, plumber's workshop,</p>

<b>SCHEDULE 20: PART A</b>	
<b>MALELANE TOWN-PLANNING SCHEME, 1972: DEFINITIONS</b>	<b>TSHWANE TOWN-PLANNING SCHEME, 2008 (REVISED 2014): DEFINITIONS</b>
such manufacturing, processing, assembling or repairing of goods, are not such that, in the opinion of the Local Authority they are noxious, or detract from the amenity of the area as a result of noise, vibration, smell, gasses, smoke, soot, ash, dust or filings.	printing workshop, Transport Depot, Panel-beater, Motor Workshops, a ready-mix plant and any other such industries, workshops or yards which in the opinion of the Municipality do not cause a nuisance to the environment, may be used for similar purposes and may include the retail sale of products ancillary and subservient to the main use on the same property, but does not include a Scrap Yard.
<b>ZONE</b>  Means a portion of the area shown on the map by distinctive colouring, hatching or edging, or in some other distinctive manner for the purpose of indicating the restrictions imposed by this scheme on the erection and use of buildings or the use of land, and the terms "Density Zone", "Use Zone" and "Height Zone" mean zones indicating the restrictions as to density, use and height of buildings respectively.	<b>ZONE</b>  Means that part of the Map which by distinctive colouring or in some other manner indicates the restrictions imposed by this Scheme on the erection and use of buildings or the use of land.  <b>COVERAGE ZONE</b>  Means a specific zone in Table E and indicated on the electronic database of the Municipality.  <b>FLOOR AREA RATIO (FAR) ZONE</b>  Means a specific zone in Table C and indicated on the electronic database of the Municipality.  <b>HEIGHT ZONE</b>  Means a specific zone in Table D for height values for each Use Zone and indicated on the GIS electronic database of the Municipality for each property in the Tshwane municipal area.

<b>SCHEDULE 20: PART B</b>	
<b>MALELANE TOWN-PLANNING SCHEME, 1972: CLAUSES</b>	<b>TSHWANE TOWN-PLANNING SCHEME, 2008 (REVISED 2014): CLAUSES</b>
Clause 1 : Definition	Clause 5 : Definitions.
Clause 2 : Area of the Scheme	Clause 1 : Title of Scheme.
Clause 3 : Responsible Authority	Clause 2 : Responsible Authority.
Clause 4 : Reservation of Land	Included into Table B, Clause 14 : Use of Buildings and Land; Clause 17 : Uses not subject to Table B.
Clause 5 : Streets and Building lines	Clause 8 : Building Lines; Clause 9 : Building Lines relative to streets; Clause 12 : Building Restriction Areas, Table A.
Clause 6 : Erection and Use of Buildings	Clause 14 : Use of Buildings and Land.
Clause 7 : Use of Annexure	Included as a definition "Annexure T"; Clause 4 : Transition Clause.
Clause 8 : Density and Subdivisions	Clause 20 : Conditions applicable to Residential 1 erven; Schedule 6.

<b>SCHEDULE 20: PART B</b>	
<b>MALELANE TOWN-PLANNING SCHEME, 1972: CLAUSES</b>	<b>TSHWANE TOWN-PLANNING SCHEME, 2008 (REVISED 2014): CLAUSES</b>
Clause 9 : Approval of Local Authority	Clause 14 : Use of Buildings and Land; Clause 15 : Permission of Municipality;
Clause 10: Advertisement and Appeal	Clause 16 : Consent Use Procedure; Clause 35 : Appeals.
Clause 11: Advertisement and Hoardings	Clause 30(2): Signs.
Clause 12: Buildings used for more than one purpose	Clause 13 : Mixed use of buildings.
Clause 13: Contravention of the Scheme	Clause 36 : Contravention of Scheme.
Clause 14: Entry and Inspection of Premises	Clause 33 : Access and inspection.
Clause 15: External appearance of Buildings	Clause 30(1): General Amenity.
Clause 16: Conditions are Binding	Clause 4 : Transition Clause. Clause 15 : Permission of Municipality; Clause 16 : Consent Use Procedure; Clause 38 : Compliance with Title Deeds and Conditions of Establishment.
Clause 17: (Title of Scheme)	Clause 1 : Title of Scheme

<b>SCHEDULE 20: PART C</b>	
<b>MALELANE TOWN-PLANNING SCHEME, 1972: TABLES A AND C, LAND USE TABLE AND RESERVATION TABLE</b>	<b>TSHWANE TOWN-PLANNING SCHEME, 2008 (REVISED 2014): TABLE B, LAND USE TABLE</b>
Use Zone (i) : Special Residential purposes	Use Zone 1 : Residential 1
Use Zone (iii) : Special	Use Zone 28 : Special
Use Zone (vii) : Educational purposes	Use Zone 13 : Educational
Use Zone (ix) : Municipal Purposes	Use Zone 15 : Municipal
Reservation : Existing Public Open Space	Use Zone 20 : Public Open Space
Reservation : Government purposes	Use Zone 16 : Government

<b>SCHEDULE 20: PART D</b>	
<b>MALELANE TOWN-PLANNING SCHEME, 1972: TABLES</b>	<b>TSHWANE TOWN-PLANNING SCHEME, 2008 (REVISED 2014): TABLES</b>
Table A : (Reservation of Land)	Table B
Table B : (Building Lines)	Table A
Table C : (Use Zone Table)	Table B

<b>SCHEDULE 20: PART E</b>	
<b>MALELANE TOWN-PLANNING SCHEME, 1972: USE ZONES (NO TABLE IS INCLUDED IN SCHEME FOR HEIGHT, COVERAGE AND FAR)</b>	<b>TSHWANE TOWN-PLANNING SCHEME, 2008 (REVISED 2014): HEIGHT ZONES OF TABLE D, COVERAGE ZONES OF TABLE E AND FLOOR AREA RATIO ZONES OF TABLE C</b>
Use Zone (i) : Special Residential purposes	Table D, Height Zone 10 Table E, Coverage Zone 5 Table C, FAR Zone 21
Use Zone (iii) : Special	As referred to in Annexure T or per Site Development Plan.
Use Zone (vii) : Educational purposes	Table D, Height Zone 9 Table E, Coverage Zone 15

<b>SCHEDULE 20: PART E</b>	
<b>MALELANE TOWN-PLANNING SCHEME, 1972: USE ZONES (NO TABLE IS INCLUDED IN SCHEME FOR HEIGHT, COVERAGE AND FAR)</b>	<b>TSHWANE TOWN-PLANNING SCHEME, 2008 (REVISED 2014): HEIGHT ZONES OF TABLE D, COVERAGE ZONES OF TABLE E AND FLOOR AREA RATIO ZONES OF TABLE C</b>
	Table C, FAR Zone 10
Use Zone (ix) : Municipal Purposes	Table D, Height Zone 7 Table E, Coverage Zone 5 Table C, FAR Zone 5
Reservation : Existing Public Open Space	Height: Site Development Plan Coverage: Site Development Plan FAR: Site Development Plan
Reservation : Government purposes	Table D, Height Zone 5 Table E, Coverage Zone 5 Table C, FAR Zone 5

**SCHEDULE 21****CONVERSION TABLE: PERI-URBAN AREAS TOWN-PLANNING SCHEME, 1975  
TO TSHWANE TOWN-PLANNING SCHEME, 2008 (REVISED 2014)**

<b>SCHEDULE 21: PART A</b>	
<b>PERI-URBAN AREAS TOWN PLANNING SCHEME, 1975: DEFINITIONS</b>	<b>TSHWANE TOWN-PLANNING SCHEME, 2008 (REVISED 2014): DEFINITIONS</b>
<p><b>ACCOMMODATION ESTABLISHMENT</b></p> <p>Means a building used or designed for the purpose of providing board, lodging and meals to human beings at a fee as defined in the Hotels Act, 1965 (Act No. 70 of 1965).</p>	<p><b>BOARDING HOUSE</b></p> <p>Means land and buildings consisting of habitable rooms with or without a kitchenette and/or ablutions, which are let or rented to persons and where one or more meals may be provided in a communal dining-room and a communal kitchen and may include a Caretaker's Flat on the property and other communal ancillary and subservient facilities for the residents only.</p> <p><b>HOTEL</b></p> <p>Means land and buildings used as an accommodation establishment as defined in the Tourism Act, Act 72 of 1993, as amended and may include staff accommodation and a Place of Refreshment for the use of guests only and a Conference Centre but excludes a Block of Flats, a Block of Tenements, Boarding House, Hostel, Guest-house, Backpackers and Retirement Centre; provided that parking shall be provided according to Table G for the Place of Refreshment and Conference Centre if these are used by persons other than guests of the hotel."</p>
<p><b>AGRICULTURAL BUILDING</b></p> <p>Means a building designed for use in connection with and which may ordinarily be incidental to or reasonably necessary for the use of the property concerned as agricultural land, but does not include a "cultivation shed".</p>	<p><b>AGRICULTURAL BUILDING</b></p> <p>Means a building designed or used for Agricultural Purposes and may include a Dwelling-house.</p>
<p><b>AGRICULTURAL HOLDING</b></p> <p>Means a holding established in accordance with the Agricultural Holdings (Transvaal) Registration Act, 1919 (Act No. 22 of 1919) or any amendment thereof.</p>	<p><b>AGRICULTURAL HOLDING</b></p> <p>Means land as laid out in terms of the Agricultural Holdings (Transvaal) Registration Act, 1919 (Act 22 of 1919).</p>
<p><b>ANNEXURE</b></p> <p>Means the plan on which the particulars of a specific portion of the area of this scheme are recorded and which is numbered and added at the end of these clauses.</p>	<p><b>ANNEXURE T</b></p> <p>Means the set of documents showing details of rights permitted and conditions imposed on certain erven and land marked with a black number within a black circle on the Map 3 which rights and conditions shall prevail over any other Clause or provision of the Scheme except that if rights and conditions are not</p>

<b>SCHEDULE 21: PART A</b>	
<b>PERI-URBAN AREAS TOWN PLANNING SCHEME, 1975: DEFINITIONS</b>	<b>TSHWANE TOWN-PLANNING SCHEME, 2008 (REVISED 2014): DEFINITIONS</b>
	stipulated the provisions of the Scheme Clauses shall apply as read with Clause 4(2) and includes any approved Annexure B, Annexure or Schedule of a former Town Planning Scheme applicable in the Tshwane municipal area.
<b>AREA</b> Means the area defined in Clause 2 hereof.	<b>SCHEME AREA</b> Means the area to which the scheme is applicable as indicated on the map.
<b>BUILDING SITE</b> In relation to a building, means that portion of an area of a property covered or intended to be covered by a building, structure or any particular part thereof.	Not included.
<b>BUSINESS BUILDING</b> Means a building used or designed for use as a consulting room, show room, travel bureau, house agency, duplicating business and/or the businesses of a hair dresser, photographer and similar purposes but does not include a building defined in any other way in this scheme.	<b>BUSINESS BUILDING</b> Means land and buildings used as an Office, financial institution, Bank, Building Society, ATM, car test centre, Fitness Centre, hairdresser, nail bar, receiving depot for dry-cleaning and shoe repairs, Medical Consulting Rooms, medical workshops such as, dental technician, prosthetist, orthotist, pathologists, optometrist technician, or for other businesses such as inter alia beauty salon, pet salon, Internet Café, Totalisator Agency Board (T.A.B.) and a Beauty/Health Spa and may include a Cafeteria ancillary and subservient to the main use but does not include any building mentioned whether by way of inclusion or exclusion in the definition of Institution, a Funeral Undertaker, Place of Instruction, Place of Amusement, Shop, Public Garage, Parking Garage, Industry, Noxious Industry, Warehouse, Vehicle Sales Mart or a factory or workshop.
<b>BY-LAWS</b> Means the by-laws of the local authority controlling the area at the given time.	<b>BY-LAWS</b> Means the Municipality by-laws in force in the area of the Scheme.
<b>COMMERCIAL PURPOSES</b> Means the utilisation of land or buildings for the use of any commercial – or business activity except dwelling houses, flats, retail trade or manufacturing, and may with the consent of the Minister of Planning and the Environment include any activity or building which falls within the scope of a “factory” as defined in the Factories, Machinery and Building Work Act, 1941 (Act No. 22 of 1941) and any amendment thereof, where	<b>COMMERCIAL USE</b> Means land and buildings used for Distribution Centres, Wholesale Trade, storage, Warehouses, Telecommunications Centre, Transport Depot, Laboratories and Computer Centres and may include Offices, light industries, a Cafeteria and a Caretaker’s Flat, which are directly related and subservient to the main commercial use which is carried out on the land or in the building.

<b>SCHEDULE 21: PART A</b>	
<b>PERI-URBAN AREAS TOWN PLANNING SCHEME, 1975: DEFINITIONS</b>	<b>TSHWANE TOWN-PLANNING SCHEME, 2008 (REVISED 2014): DEFINITIONS</b>
such building or activity is complementary or related to the commercial – or trade activity and also includes such uses as offices in relation to the main commercial use exercised on the premises, distribution centres, wholesale, storage, warehouses, cartage, transport and laboratories.	
<b>CONTROLLING AUTHORITY</b>  In relation to a national road means the National Transport Commission and in relation to any other road, not under the control of a local authority, the Administrator.	<b>CONTROLLING AUTHORITY</b>  Means the controlling authority as defined in Section 1 of the Advertising on Roads and Ribbon Development Act, 1940 (Act 21 of 1940) or the Commission as defined in Section 1 of the National Roads Act, 1971 (Act 54 of 1971) or the Gauteng Transport Infrastructure Act, 2001 (Act 8 of 2001).
<b>COVERAGE</b>  Means the portion of a property which is covered by buildings and is expressed as a percentage of the area of the property.	<b>COVERAGE</b>  Means the percentage area of a property including any servitude area covered by the roofed area of all buildings as seen vertically from above but does not include a structure or building that has no roof.
<b>CULTIVATION SHED</b>  Means a building or structure used or designed for the purposes of raising plants or animals and/or animal products, independently from the land outside the building, as for instance a building or structure used for the raising of mushrooms or chickens, laying or incubating of eggs (battery systems); for the purposes of this scheme such a building is not considered an “agricultural building”.	<b>AGRICULTURE</b>  Means land and buildings used for any bona fide farming activities which may include Market Gardens, game farming, cattle, goats and sheep farming, bee farming, bird breeding, plant nursery, plantations, aquaculture, mushroom production, forestry and orchards and activities normally regarded as incidental thereto, but excludes Abattoirs, cattle feeding lots, poultry farming pig farming, and Animal Boarding Place.  <b>AGRICULTURAL BUILDING</b>  Means a building designed or used for Agricultural Purposes and may include a Dwelling-house.  <b>AGRICULTURAL INDUSTRY</b> Means any farming activity such as pig and poultry farming and cattle feeding lots, that is performed on such a scale and with such intensity that it could in the opinion of the Municipality possibly cause a health nuisance in respect of noise, smells, waste and effluent.
<b>DESIGNATION</b>  In relation to land is a reference to the purposes for which the land may be used and the manner in which, buildings may be erected and used on land	<b>COVERAGE ZONE</b>  Means a specific zone in Table E and indicated on the electronic database of the Municipality.

<b>SCHEDULE 21: PART A</b>	
<b>PERI-URBAN AREAS TOWN PLANNING SCHEME, 1975: DEFINITIONS</b>	<b>TSHWANE TOWN-PLANNING SCHEME, 2008 (REVISED 2014): DEFINITIONS</b>
and the expressions “use designation”, “density designation” and “height designation” indicate the uses, maximum density and maximum height permissible on the land.	<p><b>FLOOR AREA RATIO (FAR) ZONE</b></p> <p>Means a specific zone in Table C and indicated on the electronic database of the Municipality.</p> <p><b>HEIGHT ZONE</b></p> <p>Means a specific zone in Table D for height values for each Use Zone and indicated on the GIS electronic database of the Municipality for each property in the Tshwane municipal area.</p> <p><b>ZONE</b></p> <p>Means that part of the Map which by distinctive colouring or in some other manner indicates the restrictions imposed by this Scheme on the erection and use of buildings or the use of land.</p>
<p><b>DWELLING-HOUSE</b></p> <p>Means a building designed for and/or used as a residence by one family together with such buildings as are reasonably accessory and/or necessary to and used in connection therewith.</p>	<p><b>DWELLING-HOUSE</b></p> <p>Means a single Dwelling-unit on property zoned “Residential 1”, “Agricultural” and “Undetermined”.</p> <p><b>DWELLING-UNIT</b></p> <p>Means a self- contained suite of rooms internally and mutually connected and consisting of habitable room(s), bathroom(s), toilet(s) and not more than one kitchen without the Permission of the Municipality for the purpose of residence by a single family, or a single person or two unmarried persons and may include outbuildings which are ancillary and subservient to the Dwelling-unit and may include a Home Enterprise subject to Schedule 9.</p>
<p><b>ERECTION OF A BUILDING</b></p> <p>Also includes the alteration or extension of a building.</p>	<p><b>ERECTION OF A BUILDING</b></p> <p>Means, inter alia, the construction of, any addition to, or structural alteration of a building.</p>
<p><b>EXISTING USE</b></p> <p>Means an existing use of land or buildings which is not in accordance with the provisions of this scheme as defined in section 41 of the Town Planning and Townships Ordinance, 1965 (Ordinance No. 25 of 1965) or any amendment thereof.</p>	<p><b>EXISTING USE</b></p> <p>Means, subject to Section 43 of the Ordinance, the continuous lawful use of a building or land for the purpose for which it was erected or was lawfully being used.</p>
<p><b>FAMILY</b></p> <p>Means a household composed in such a manner that all the members of the household are</p>	<p><b>FAMILY</b></p> <p>Means the following people that live together:</p>

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controlled and provided for solely by a single family head: Provided that, with the exception of unmarried children, every member of the household shall be a dependent, as defined in relation to a taxpayer in the Income Tax Act, No. 58 of 1962, of the said family head.	<p>(1) a married couple with or without their parents and/or their children; or</p> <p>(2) a single person with his/her parents and/or his/her children; or</p> <p>(3) brothers and sisters; or</p> <p>(4) a single person with his/her grandparents and/or his/her grandchildren; or</p> <p>(5) grandparents with their grandchildren.</p> <p>(6) two persons living together as if in a married state</p>
<b>FARM PORTION</b>  Means any portion of land which is not an erf, agricultural holding, road or street and which is registered as a separate unit in the Deeds Office.	<b>PROPERTY</b>  Means any portion of land that has been registered as a separate unit in the Deeds Office.
<b>FLAT</b>  Means any suite of rooms not forming a single dwelling house but constitutes a complete dwelling-unit, designed for use by one family, and which forms part of a building consisting of two more dwelling-units.	<b>BLOCK OF FLATS</b>  Means two (2) or more Dwelling-units of one or more storeys contained in a building with a common entrance or foyer to the Dwelling-units and may include other communal ancillary and subservient facilities such as a laundry and vending machines for the residents only.
<b>FLOOR SPACE RATIO (F.S.R.)</b>  Is the ratio obtained by dividing the total area of all storeys (except a basement, open roofs and floor spaces solely utilised for the parking of motor vehicles or storage purposes for the residents of the building or buildings) of the proposed building or buildings, which area is measured across the outer walls and includes every form of space except decorations (such as steeples, spires and bell towers) and space reasonable or necessary for the cleaning, maintenance, care or mechanical equipment of the building, by the area of the erf, i.e.  $\text{F.S.R.} = \frac{\text{Total area of all floors of the building or buildings as set out above}}{\text{Total area of the erf.}}$	<b>FLOOR AREA RATIO</b>  Means the ratio of the Gross Floor Area of a building to the total area of the property, including any servitudes, on which such building is erected or is to be erected, i.e. FAR = Gross Floor Area divided by Area of property.
<b>FUNERAL PARLOUR</b>  Means a building used or designed for use as a mourning or funeral chapel and includes such other buildings designed for use in connection	<b>FUNERAL UNDERTAKER</b>  Means land and buildings used for the administration of funeral arrangements including Showrooms, Offices, storage space, refrigeration rooms, funeral

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therewith and which is normally ancillary to or reasonably necessary for the business of a funeral undertaker.	parlour for the preparation and viewing of the dead, waiting room and the sale of flowers, coffins, gravestones and other related products as well as a display area for gravestones, but excludes a Crematorium, a chapel or church.
<p><b>HEIGHT</b></p> <p>Means the height of a building expressed in the number of storeys of which it consists; provided that –</p> <p>(a) the height of one storey shall not exceed five (5) metres; and</p> <p>(b) towers, architectural features and basements, which are not designed for living, working, sleeping or storage purposes, shall not be regarded as storeys for the purposes of this scheme.</p>	<p><b>HEIGHT</b></p> <p>Means the height of any part of a building as measured vertically from the natural ground level of the footprint of the building to the highest point of the building as indicated in the diagrams in Clause 26 provided that a maximum of 500 mm of fill above natural ground level for storm-water management shall be excluded from the height calculation.</p>
<p><b>HOTEL</b></p> <p>Means and accommodation establishment registered as an hotel in terms of the Hotels Act, 1965 (Act No. 70 of 1965).</p>	<p><b>HOTEL</b></p> <p>Means land and buildings used as an accommodation establishment as defined in the Tourism Act, Act 72 of 1993, as amended and may include staff accommodation and a Place of Refreshment for the use of guests only and a Conference Centre but excludes a Block of Flats, a Block of Tenements, Boarding House, Hostel, Guest-house, Backpackers and Retirement Centre; provided that parking shall be provided according to Table G for the Place of Refreshment and Conference Centre if these are used by persons other than guests of the hotel.</p>
<p><b>INDUSTRIAL BUILDING</b></p> <p>Means a building, other than a noxious industrial building, used or designed for uses as a factory within the meaning of the Factories, Machinery and Building Work Act, 1941 (Act No. 22 of 1941) and any amendment thereof and includes an office or other building on the same property the use of which, in the opinion of the local authority, is incidental to or reasonably necessary in connection with the use of such factory.</p>	<p><b>INDUSTRY</b></p> <p>Means land and buildings where a product or part of a product is manufactured, mounted, processed, repaired, rebuilt or packed, including a power station and incinerator plant and may include a Cafeteria and a Caretaker's Flat and any other activities connected to or incidental to the activities mentioned herein, excluding Noxious Industries, Light Industries and Retail Industries.</p>
<p><b>INDUSTRIAL USE</b></p> <p>Means such industrial and/or trade purposes (for example factories, warehouses, workshops and similar purposes) as approved by the local authority in writing and for purposes incidental</p>	<p><b>INDUSTRY</b></p> <p>Means land and buildings where a product or part of a product is manufactured, mounted, processed, repaired, rebuilt or packed, including a power station and incinerator plant and may include a Cafeteria</p>

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<p>therewith. No retail trade whatsoever may be conducted thereon or therefrom except as specified herein. The prohibition on retail trade as specified above, does not prohibit the owner of the property with the written consent of the local authority to sell on property goods which have been wholly or partially manufactured, processed or assembled on the property or on other goods which, although not manufactured, processed or assembled on the property, form part of or are connected to the sale of and/or used in or together with goods wholly or partially manufactured, processed or assembled on the property. For the purpose of this clause the expression “purposes incidental thereto” shall mean –</p> <p>(i) the erection and use on the property of buildings for residential purposes for managers and caretakers of works, warehouses or factories and, with the written consent of the Administrator after consultation with the local authority and subject to such conditions as imposed by the Administrator, provision can be made for the accommodation of an unqualified person as defined in the Group Areas Act, 1966 (Act No. 36 of 1966), such person being <i>bona fide</i> and essentially and full-time employed by the industry conducted on the property; and</p> <p>(ii) the erection of buildings to be used as offices or storerooms by the owner or occupier of the property.</p> <p>No restaurant, tearoom or Bantu eating-house shall be erected on the property except for the use of persons <i>bona fide</i> employed by the industry conducted on the property.</p>	<p>and a Caretaker’s Flat and any other activities connected to or incidental to the activities mentioned herein, excluding Noxious Industries, Light Industries and Retail Industries.</p>
<p><b>INSTITUTION</b></p> <p>Means a building used or designed to be used as a nursery school or crèche, public or charitable institution, hospital, nursing home, sanatorium or clinic, whether public or private, and may include a dispensary and consulting rooms coupled thereto, but does not include a reformatory and a school for the mentally handicapped.</p>	<p><b>INSTITUTION</b></p> <p>Means land and buildings, whether public or private, designed or used as a charitable institution, National Government institution, Provincial institution, Municipal institution, Hospital, Nursing Home, Clinic for the care or treatment of humans and may include overnight accommodation and staff accommodation.</p>
<p><b>LOCAL AUTHORITY</b></p> <p>Means the Transvaal Board for the Development of Peri-Urban Areas.</p>	<p><b>MUNICIPALITY</b></p> <p>Means the City of Tshwane Metropolitan Municipality established and instituted in terms of Notice of 1866 of 2010 promulgated in terms of Section 12(1) of the</p>

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	<p>Local Government Structures Act, 1998 (Act 117 of 1998) as amended.</p> <p><b>LOCAL AUTHORITY</b></p> <p>Means the City of Tshwane Metropolitan Municipality.</p>
<p><b>MAP</b></p> <p>Means the map marked "Map No. 3" and which can include the whole area or portions thereof as defined in the Regulations promulgated by Administrator's Notice No. 977, dated 21<sup>st</sup> December, 1965, and as amended from time to time.</p>	<p><b>MAP</b></p> <p>Means a map as defined in the Regulations of the Ordinance and which forms part of the Scheme including any amendment thereto.</p>
<p><b>NOXIOUS INDUSTRIAL BUILDING</b></p> <p>Means a building used or designed for the purposes of conducting a noxious industry as in section 95(1) of the Local Government Ordinance, 1939 (Ordinance No. 17 of 1939) or any amendment thereof.</p>	<p><b>NOXIOUS INDUSTRIAL BUILDING</b></p> <p>Means a building designed or used for a "Noxious Industry" as listed in Schedule 8.</p> <p><b>NOXIOUS INDUSTRY</b></p> <p>Means land and buildings used for any use included in the list in Schedule 8 together with any living accommodation required for a caretaker and includes any other use on the same site, which is necessary in connection with the primary use.</p>
<p><b>OCCUPIER</b></p> <p>In relation to any building, structure or land, means and includes anyone actually occupying such building, structure or land, or who is entitled thereto, or anyone in control thereof, and includes the agent or any person absent from the area or unknown address.</p>	<p><b>OCCUPANT</b></p> <p>Shall include any person in actual occupation of any land, or building or structure or premises without regard to the title under which he occupies, and in the case of premises subdivided and let to lodgers, various tenants, shall include the person receiving the rent payable by the lodgers or tenants whether on his own account or as agent for any person entitled thereto or interested therein and includes the agent of any person absent from the area or whose whereabouts is unknown.</p>
<p><b>OFFICE</b></p> <p>Means a building used or designed to be used for administrative purposes and includes a bank, building society office or similar commercial establishment and professional consulting room but does not include any type of building referred to under the definition of a "public office".</p>	<p><b>OFFICE</b></p> <p>Means land and buildings or part of a building used for professional, clerical, administrative, management, marketing and consulting services and a Chancellery and may include a Cafeteria ancillary and subservient to the main use, but excludes a Call Centre, security and emergency response vehicles, courier services in post, parcels and money and excludes medical and dental consulting rooms.</p>

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<p><b>ORDINANCE</b></p> <p>Means the Town Planning and Townships Ordinance, 1965 (Ordinance No. 25 of 1965), or any amendment thereof.</p>	<p><b>ORDINANCE</b></p> <p>Means the Town-planning and Townships Ordinance, 1986 (Ordinance 15 of 1986), as amended.</p>
<p><b>PLACE OF AMUSEMENT</b></p> <p>Means a building used or designed for use as a public hall, theatre, cinema, music hall, consent hall, billiard room, sports stadium, skating rink or dance hall or any other purpose which may, in the opinion of the local authority, readily be included hereunder.</p>	<p><b>PLACE OF AMUSEMENT</b></p> <p>Means land and buildings or a part of a building used for entertainment purposes such as a Theatre, cinema, music hall, concert hall, table games, skating rink, dancing, amusement park, gambling (not being a T.A.B.), electronic games or slot machines/limited pay-out gambling machines, night club, an exhibition hall or sports arena/stadium used for live concerts or performances. These buildings shall comply with the noise zone criteria and acoustical screening requirements of the Municipality's Health Services.</p>
<p><b>PLACE OF INSTRUCTION</b></p> <p>Means a building used or designed for use as a school, college, university, academy, research institute, technical institute, lecture room, or other educational centre and includes a hostel in connection therewith, a convent, public library, art gallery, museum or gymnasium but does not include a building defined as an "institution".</p>	<p><b>PLACE OF INSTRUCTION</b></p> <p>Means land and buildings used as a school, college, technical institute, Tertiary Institution, academy, lecture hall, monastery, convent, public library, art museum, museum, other educational centre including ancillary and subservient Hostel for persons attending any one of the afore-mentioned and may include a Place of Child Care and a Cafeteria ancillary and subservient to the main use on the property.</p>
<p><b>PLACE OF PUBLIC WORSHIP</b></p> <p>Means a building used or designed for use as a church, temple, chapel, oratory, cathedral, mosque, synagogue or other place of public devotion and includes a parsonage and a building used or designed to be used for the purposes of a Sunday School. It may also include any other building used or designed to be used for social gatherings and recreation on the same property and appurtenant to any of the foregoing buildings such as a church hall but does not include a "funeral parlour".</p>	<p><b>PLACE OF PUBLIC WORSHIP</b></p> <p>Means land and buildings used for a church, chapel, mosque, temple, synagogue, or other religious purposes and may include ancillary social and recreational purposes and one Dwelling-unit on the same property, but shall not include a funeral parlour, Wall of Remembrance or Cemetery. Any noise generated on the property shall not be audible outside the boundaries of the property.</p>
<p><b>PRIVATE OPEN SPACE</b></p> <p>Means any land used or reserved in terms of this scheme for use as a private sports, play and recreation ground or as an ornamental garden, but does not include a "Public Resort".</p>	<p><b>PRIVATE OPEN SPACE</b></p> <p>Means open space to which the general public has no right of access.</p> <p><b>OPEN SPACE</b></p> <p>Means land which is predominantly free of buildings or structures and which provides ecological-, socio-economic and place-making functions such as</p>

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	Natural Areas, nature conservation areas, protected areas, nature reserve and includes ridges, watercourses, wetlands, ecological sensitive areas, parks, and squares as defined in the Tshwane Open Space Framework and may include ablution facilities, pergolas, benches, and braai facilities.
<b>PROPERTY</b>  Means a farm portion, erf or agricultural holding registered as a separate unit in the Deeds Office.	<b>PROPERTY</b>  Means any portion of land that has been registered as a separate unit in the Deeds Office.
<b>PUBLIC GARAGE</b>  Means a building used or designed for the purposes of storing, selling, repairing and refuelling motor vehicles or for any one or more of these uses by trading or for gain and may include a stores section for the sale of motor accessories and spare parts but does not include a motor scrap yard or panel-beating business: Provided that motor accessories and spare parts may not be displayed in such a manner as to be visible from any street.	<b>PUBLIC GARAGE</b>  Means land and buildings used for the storage and retail sale of vehicle fuel, lubricants and one or more of the following uses:  (1) repair and servicing of vehicles, excluding panel-beating or spray-painting; (2) sale of new and used vehicles; (3) a convenience store including a Confectionery and take-away facility with a kitchen inside the convenience store with a maximum Gross Floor Area of 250 m <sup>2</sup> , which floor area shall include the floor area accessible to the public as well as any store room, Office, fridge area and safe which is used for the operation of the convenience store; (4) an automatic teller machine; and (5) the sale of LP gas
<b>PUBLIC OFFICE</b>  Means a building used or designed for use as a government or municipal office and includes a court room, town hall, police station and post office.	<b>GOVERNMENT PURPOSES</b>  Means land and buildings designed or used for Government offices, depots, workshops, stores, communication centres, police stations, post offices and includes incidental uses such as a Cafeteria solely for Government Departments but excludes Industries and Noxious Industries.  <b>MUNICIPAL PURPOSES</b>  Means such purposes as the Municipality may be authorised to carry out in terms of any law governing municipalities including but not limited to the Local Government Municipal Structures, 1998 (Act 117 of 1998) and the Local Government Municipal Systems Act, 2000 (Act 32 of 2000).
<b>PUBLIC OPEN SPACE</b>  Means any portion of land used or reserved in this scheme for use by the public as an open space,	<b>PUBLIC OPEN SPACE</b>  Means any Open Space as defined vested in the Municipality under Section 63 of the Local

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park, garden, play or recreation area or square, but does not include a "Public Resort".	Government Ordinance, 1939 (Ordinance 17 of 1939) to which the general public has right of access.  <b>OPEN SPACE</b>  Means land which is predominantly free of buildings or structures and which provides ecological-, socio-economic and place-making functions such as Natural Areas, nature conservation areas, protected areas, nature reserve and includes ridges, watercourses, wetlands, ecological sensitive areas, parks, and squares as defined.
<b>PUBLIC RESORT</b>  Also means a place of rest, holiday place, caravan park, camping place and picnic place, but does not include a "Private Open Space".	<b>RECREATION RESORT</b>  Means land and buildings used for recreational purposes mainly by day visitors and may include swimming pools, water slides, braai facilities, Self-catering Units, a Camping Site, cultural and music events, a Place of Refreshment, a Conference Centre or Social Hall, wedding chapel, staff accommodation, Natural Areas and ancillary and subservient uses.  <b>And/or</b>  <b>CAMPING SITE</b>  Means land and buildings used for transient guests for the overnight accommodation of caravans, motor homes and tents and may include ablution facilities, Caretaker's Flat, communal kitchen and ancillary and subservient Shops and other related buildings.
<b>RESIDENTIAL BUILDING</b>  Means a building used or designed for human habitation together with such outbuildings as are ordinarily used in connection therewith and includes blocks of flats, semi-detached residences, tenements, boarding houses, accommodation establishments, residential clubs and hostels. It does not include a "dwelling house", "institution" or "place of instruction".	<b>RESIDENTIAL BUILDINGS</b>  Means a Hotel, Block of Flats, Block of Tenements, Boarding House, other residential types not elsewhere defined and Hostel together with such outbuildings as are ordinarily used therewith.
<b>SHOP</b>  Means a building used or designed for the purpose of conducting a retail business and includes an accompanying storeroom and a small workshop which is reasonably necessary and incidental to the specific retail business.	<b>SHOP</b>  Means land and buildings used for the purpose of Retail Trade or renting of household equipment/tools directly to the public, including inter alia retail sale and display of products, "off-sales" facilities on properties licensed in terms of any liquor law, pet shops, a pharmacy, a confectionary, a take-away, swop shop, pawn shop, auctioneers business, hire/rental shop,

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	drive thru restaurant and may include[s] a Retail Industry ancillary and subservient to the main use and with the Permission of the Municipality a Builders Yard ancillary and subservient to a hardware shop.
<p><b>SOCIAL HALL</b></p> <p>Means a building used or designed for use for social gatherings, meetings and recreation and includes a freemason's club building (without board and lodging) but does not include a "place of amusement".</p>	<p><b>SOCIAL HALL</b></p> <p>Means land and buildings used for, inter alia, social and cultural gatherings, recreation activities, wedding receptions, fairs, bazaars and a non-residential club but does not include a Place of Amusement and Place of Refreshment but may include a kitchen ancillary and subservient to the hall.</p>
<p><b>SPECIAL BUILDING</b></p> <p>Means a building used or designed for any use other than a use for which buildings defined herein are designed and which, in the opinion of the local authority, belongs in the use zone in which the building is to be situated.</p>	<p><b>SPECIAL USE</b></p> <p>Means land or buildings used for any purpose other than that herein defined.</p>
<p><b>STREET OR ROAD</b></p> <p>Includes the whole or part of any street, road, bridge, sub-way, lane, alley, arcade, sanitary alley, servitude of right-of-way or passage indicated on an approved surveyor general diagram or general plan of a township or agricultural holdings or in respect of which the public or the local authority gained a right of thoroughfare, by way of superannuation or otherwise, and includes all land which is reserved, intended, designated or defined for the purposes of vehicular traffic in terms of any legal provision as well as the area taken up by a specific road reserve.</p>	<p><b>STREET OR PUBLIC STREET</b></p> <p>Includes any street, road, or thoroughfare shown on the General Plan of a township, agricultural holding or other division of land or in respect of which the public have acquired a prescriptive or other right of way or zoned as Existing Street and may include on-street parking and loading zones as designated by the Municipality.</p>
<p><b>WAREHOUSE</b></p> <p>Means a building used or designed for the purposes of storing goods and includes buildings for a trade which usually requires great areas such as the business of a wholesaler, cartage contractor, building contractor, building materials dealer, agricultural requisites dealer and/or a dealer in other heavy equipment.</p>	<p><b>WAREHOUSE</b></p> <p>Means land and buildings designed or used as a storage depot which may be in conjunction with a wholesale trading establishment or any other storage depot.</p>
<p><b>WORKSHOP</b></p> <p>Means a building used or designed for the purpose of conducting a retail business in goods manufactured, processed, assembled or repaired wholly or partially on the property and in any case a building not classified as a factory in terms of the</p>	<p><b>LIGHT INDUSTRY</b></p> <p>Means land and buildings used for, inter alia, a bakery, a Builder's Yard, a Car Wash, a contractor's yard, dry-cleaners, carpet cleaners, joinery workshop, launderette, laundry, lawnmower workshop, painter's workshop, plumber's workshop,</p>

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Factories, Machinery and Building Work Act, 1941 (Act No. 22 of 1941) or any amendment thereof.	printing workshop, Transport Depot, Panel-beater, Motor Workshops, a ready-mix plant and any other such industries, workshops or yards which in the opinion of the Municipality do not cause a nuisance to the environment, may be used for similar purposes and may include the retail sale of products ancillary and subservient to the main use on the same property but does not include a Scrap Yard.
<p><b>ZONE</b></p> <p>Means a portion of the area, shown on the annexures to this scheme by means of distinctive colouring, hatching or edging or in some other distinctive manner for the purposes of indicating the restrictions imposed by this scheme on the erection and use of buildings or the use of land and the expressions “density zone”, “use zone”, and “height zone” mean the zones indicating the restrictions as to density, use and height of buildings, respectively.</p>	<p><b>ZONE</b></p> <p>Means that part of the Map which by distinctive colouring or in some other manner indicates the restrictions imposed by this Scheme on the erection and use of buildings or the use of land.</p> <p><b>COVERAGE ZONE</b></p> <p>Means a specific zone in Table E and indicated on the electronic database of the Municipality.</p> <p><b>FLOOR AREA RATIO (FAR) ZONE</b></p> <p>Means a specific zone in Table C and indicated on the electronic database of the Municipality.</p> <p><b>HEIGHT ZONE</b></p> <p>Means a specific zone in Table D for height values for each Use Zone and indicated on the GIS electronic database of the Municipality for each property in the Tshwane municipal area.</p>

<b>SCHEDULE 21: PART B</b>	
<b>PERI-URBAN TOWN-PLANNING SCHEME, 1975: CLAUSES</b>	<b>TSHWANE TOWN-PLANNING SCHEME, 2008 (REVISED 2014): CLAUSES</b>
Clause 1: Definitions	Clause 5: Definitions
Clause 2: Area of scheme	Clause 1: Title of Scheme
Clause 3: Responsible authority	Clause 2: Responsible Authority
Clause 4: Reservation of land	Included into Table B; Clause 14: Use of Buildings and Land.
Clause 5: Roads, streets and Building Lines	Clause 8: Building Lines in New Townships and or Subdivisions; Clause 9: Building Lines relative to streets; Clause 12: Building Restriction Areas.
Clause 6: Erection and use of buildings and the use of land	Clause 14: Use of Buildings and Land; Clause 17: Uses not subject to Table B.
Clause 7: Consent of local authority, advertisements and appeal	Clause 14: Use of Buildings and Land; Clause 15: Permission of the Municipality; Clause 16: Consent Use Procedure; Clause 35: Appeals.
Clause 8: Plans, drawings, details and appearance of buildings	Clause 30(1): General Amenity
Clause 8(3)	Not included.
Clause 9: Advertisements and hoardings	Clause 30(2): Signs
Clause 10: Buildings used for more than one purpose	Clause 13: Mixed use of buildings
Clause 11: Number of dwellings, consolidation and subdivision	Clause 14(10) Clause 20: Conditions applicable to Residential I erven
Clause 12: Parking, turning, loading and other areas	Clause 28: Parking Requirement; Clause 29: Loading Requirements.
Clause 13: Entry and inspection of properties	Clause 33: Access and inspection
Clause 14: Appeals	Clause 35: Appeals
Clause 15: Binding force of conditions	Clause 4: Transition Clause; Clause 15: Permission of the Municipality; Clause 16: Consent Use procedure.
Clause 16: Contravention of scheme and title conditions	Clause 36: Contravention of the Scheme; Clause 38: Compliance with the Title Deeds, Deeds of Grant and Conditions of Establishment
Clause 17: Title	Clause 1: Title of Scheme; Clause 39: Short Title.

<b>SCHEDULE 21: PART C</b>	
<b>PERI-URBAN TOWN-PLANNING SCHEME, 1975: TABLE D, LAND USE TABLE TABLE B, RESERVATION OF LAND</b>	<b>TSHWANE TOWN-PLANNING SCHEME, 2008 (REVISED 2014): TABLE B, USE ZONES TABLE</b>
Use Zone I: Residential 1	Use Zone 1: Residential 1
Use Zone II: Residential 2	Use Zone 4: Residential 4
Use Zone III: Residential 3	Use Zone 3: Residential 3
Use Zone IV: Business 1	Use Zone 8: Business 3
Use Zone V: Business 2	Use Zone 7: Business 2
Use Zone VI: Industrial 1	Use Zone 10: Industrial 1
Use Zone VII: Industrial 2	Use Zone 11: Industrial 2
Use Zone VIII: Industrial 3	Use Zone 11: Industrial 2
Use Zone IX: Commercial	Use Zone 12: Commercial

<b>SCHEDULE 21: PART C</b>		
<b>PERI-URBAN TOWN-PLANNING SCHEME, 1975: TABLE D, LAND USE TABLE TABLE B, RESERVATION OF LAND</b>		<b>TSHWANE TOWN-PLANNING SCHEME, 2008 (REVISED 2014): TABLE B, USE ZONES TABLE</b>
Use Zone X:	Special	Use Zone 28: Special
Use Zone XI:	Institutional	Use Zone 14: Institutional
Use Zone XII:	Educational	Use Zone 13: Educational
Use Zone XIII:	Municipal	Use Zone 15: Municipal
Use Zone XIV:	Agricultural	Use Zone 17: Agricultural
Use Zone XV:	Undetermined	Use Zone 19: Undetermined
Reservation:	Existing Public Open Spaces	Use Zone 20: Public Open Space
Reservation:	Proposed Public Open Spaces	Use Zone 20: Public Open Space
Reservation:	Existing Private Open Spaces	Use Zone 21: Private Open Space
Reservation:	Proposed Private Open Space	Use Zone 21: Private Open Space
Reservation:	Existing Cemeteries	Use Zone 26: Cemetery
Reservation:	Proposed Cemeteries	Use Zone 26: Cemetery
Reservation:	Bantu areas	Not included
Reservation:	Sewage Disposal Works	Use Zone 27: Infrastructure Works
Reservation:	Aerodrome	Use Zone 24: Aerodrome
Reservation:	Government Purposes	Use Zone 16: Government
Reservation:	South African Railways	Use Zone 25: S.A.R.
Reservation:	Proposed new streets and widening	Use Zone 23: Proposed Streets and Widening

<b>SCHEDULE 21: PART D</b>	
<b>PERI-URBAN TOWN-PLANNING SCHEME, 1975: TABLES</b>	<b>TSHWANE TOWN-PLANNING SCHEME, 2008: TABLES</b>
Table A	Not included
Table B	Table B
Table C	Tables C, D and E
Table D	Table B

<b>SCHEDULE 21: PART E</b>		
<b>PERI-URBAN TOWN-PLANNING SCHEME, 1975: TABLE C, HEIGHT, COVERAGE AND FSR</b>		<b>TSHWANE TOWN-PLANNING SCHEME, 2008 (REVISED 2014): HEIGHT ZONES OF TABLE D, COVERAGE ZONES OF TABLE E AND FLOOR AREA RATIO ZONES OF TABLE C</b>
Use Zone I: Residential 1	Height 2 storeys Coverage 30% F.S.R. 0,3	Table D, Height Zone 10 Table E, Coverage Zone 5 Table C, FAR Zone 21
Use Zone II: Residential 2:	Height 3 storeys Coverage 40% F.S.R. 0,6	Table D, Height Zone 9 Table E, Coverage Zone 16 Table C, FAR Zone 28
Use Zone III: Residential 3:	Height 2 storeys Coverage 30% F.S.R. 0,4	Schedule 3 Schedule 3 Schedule 3
Use Zone IV: Business 1:	Height 2 storeys Coverage 40% F.S.R. 0,4	Table D, Height Zone 9 Table E, Coverage Zone 16 Table C, FAR Zone 16
Use Zone V: Business 2:	Height 2 storeys Coverage 60% F.S.R. 1,8	Table D, Height Zone 9 Table E, Coverage Zone 17 Table C, FAR Zone 7

<b>SCHEDULE 21: PART E</b>		
<b>PERI-URBAN TOWN-PLANNING SCHEME, 1975: TABLE C, HEIGHT, COVERAGE AND FSR</b>		<b>TSHWANE TOWN-PLANNING SCHEME, 2008 (REVISED 2014): HEIGHT ZONES OF TABLE D, COVERAGE ZONES OF TABLE E AND FLOOR AREA RATIO ZONES OF TABLE C</b>
Use Zone VI: Industrial 1:	Height not specified Coverage 60% F.S.R.1,2	Table D, Height Zone 7 Table E, Coverage Zone 17 Table C, FAR Zone 19
Use Zone VII: Industrial 2:	Height 2 storeys Coverage 60% F.S.R. 1,2	Table D, Height Zone 7 Table E, Coverage Zone 17 Table C, FAR Zone 19
Use Zone VIII: Industrial 3:	Height 2 storeys Coverage 60% F.S.R. 1,2	Table D, Height Zone 7 Table E, Coverage Zone 17 Table C, FAR Zone 19
Use Zone IX: Commercial:	Height not specified Coverage 80% F.S.R. 1,0	Table D, Height Zone 7 Table E, Coverage Zone 18 Table C, FAR Zone 24
Use Zone X: Special:	Height: Annexure Coverage: Annexure F.S.R.: Annexure	Height: Annexure T Coverage: Annexure T F.A.R.: Annexure T
Use Zone XI: Institutional:	Height not specified Coverage 40% F.S.R. 0,3	Table D, Height Zone 9 Table E, Coverage Zone 16 Table C, FAR Zone 29
Use Zone XII: Educational:	Height not specified Coverage not specified F.S.R. not specified	Table D, Height Zone 9 Table E, Coverage Zone 19 Table C, FAR Zone 15
Use Zone XIII: Municipal:	Height not specified Coverage not specified F.S.R. not specified	Table D, Height Zone 7 Table E, Coverage Zone 5 Table C, FAR Zone 5
Use Zone XIV: Agricultural:	Height 2 storeys Coverage 5% F.S.R. not specified	Table D, Height Zone 10 Table E, Coverage Zone 5 Table C, FAR Zone 21
Use Zone XV: Undetermined:	Height 1 storey Coverage 10% F.S.R. not specified	Table D, Height Zone 10 Table E, Coverage Zone 5 Table C, FAR Zone 21
Reservation: Existing Public Open Spaces:	Height not specified Coverage not specified F.S.R. not specified	Height: Site Development Plan Coverage: Site Development Plan FAR: Site Development Plan
Reservation: Proposed Public Open Spaces:		Height: Site Development Plan Coverage: Site Development Plan FAR: Site Development Plan
Reservation: Existing Private Open Spaces:		Height: Site Development Plan Coverage: Site Development Plan FAR: Site Development Plan
Reservation: Proposed Private Open Spaces:		Height: Site Development Plan Coverage: Site Development Plan FAR: Site Development Plan
Reservation: Existing Cemeteries:		Height: Site Development Plan Coverage: Site Development Plan FAR: Site Development Plan

<b>SCHEDULE 21: PART E</b>	
<b>PERI-URBAN TOWN-PLANNING SCHEME, 1975: TABLE C, HEIGHT, COVERAGE AND FSR</b>	<b>TSHWANE TOWN-PLANNING SCHEME, 2008 (REVISED 2014): HEIGHT ZONES OF TABLE D, COVERAGE ZONES OF TABLE E AND FLOOR AREA RATIO ZONES OF TABLE C</b>
Reservation: Proposed Cemeteries: Height not specified Coverage not specified F.S.R. not specified	Height: Site Development Plan Coverage: Site Development Plan FAR: Site Development Plan
Reservation: Sewage Disposal Works:	Height: Site Development Plan Coverage: Site Development Plan FAR: Site Development Plan
Reservation: Aerodrome:	Table D, Height Zone 5 Table E, Coverage Zone 16 FAR: Site Development Plan
Reservation: Government Purposes:	Table D, Height Zone 5 Table E, Coverage Zone 5 Table C, FAR Zone 5
Reservation: South African Railways:	Height: Site Development Plan Coverage: Site Development Plan FAR: Site Development Plan
Reservation: Proposed new streets and widenings: Height not specified Coverage not specified F.S.R. not specified	Height: Height Zone 5 Coverage: Not applicable FAR: Not applicable

**SCHEDULE 22****CONVERSION TABLE: PRETORIA REGION TOWN-PLANNING SCHEME, 1960  
TO TSHWANE TOWN-PLANNING SCHEME, 2008 (REVISED 2014)**

<b>SCHEDULE 22: PART A</b>	
<b>PRETORIA REGION TOWN-PLANNING SCHEME, 1960: DEFINITIONS (INTERPRETATIONS ACCORDING TO CLAUSES 2 AND 13)</b>	<b>TSHWANE TOWN-PLANNING SCHEME, 2008 (REVISED 2014): DEFINITIONS</b>
<p><b>ADMINISTRATOR</b></p> <p>Means the officer appointed under Sub-section (1) of Section 68 of the South Africa Act 1909, and any amendment thereof acting on the authority of the Executive Committee of the Province.</p>	<p><b>PREMIER</b></p> <p>Means the head of the Executive Council of the Gauteng Provincial Government.</p>
<p><b>AGRICULTURAL BUILDING</b></p> <p>Shall mean a building designed for use in connection with, and which would ordinarily be incidental to, or reasonable necessary in connection with the use of the site of that building as agricultural land and includes a dwelling-house.</p>	<p><b>AGRICULTURE</b></p> <p>Means land and buildings used for any bona fide farming activities which may include Market Gardens, game farming, cattle, goats and sheep farming, bee farming, bird breeding, plant nursery, plantations, aquaculture, mushroom production, forestry and orchards and activities normally regarded as incidental thereto, but excludes Abattoirs, cattle feeding lots, poultry farming, pig farming and Animal Boarding Place.</p> <p><b>AGRICULTURAL BUILDING</b></p> <p>Means a building designed or used for Agricultural Purposes and may include a Dwelling-house.</p> <p><b>AGRICULTURAL INDUSTRY</b></p> <p>Means any farming activity such as pig and poultry farming and cattle feeding lots, that is performed on such a scale and with such intensity that it could in the opinion of the Municipality possibly cause a health nuisance in respect of noise, smells, waste and effluent.</p>
<p><b>AGRICULTURAL HOLDINGS</b></p> <p>Means holdings as laid out under the Agricultural Holdings (Transvaal) Registration Act, No 22 of 1919 or any amendment thereto.</p>	<p><b>AGRICULTURAL HOLDINGS</b></p> <p>Means land as laid out in terms of the Agricultural Holdings (Transvaal) Registration Act, 1919 (Act 22 of 1919).</p>
<p><b>AGRICULTURAL LAND</b></p> <p>Means land as defined in Section 4 of the Local Authorities Rating Ordinance, 1933 or any amendments thereof.</p>	<p>Not included.</p>
<p><b>AREA</b></p> <p>Means the area described in Clause 3 hereof.</p>	<p><b>SCHEME AREA</b></p> <p>Means the area to which the scheme is applicable as indicated on the map.</p>

<b>SCHEDULE 22: PART A</b>	
<b>PRETORIA REGION TOWN-PLANNING SCHEME, 1960: DEFINITIONS (INTERPRETATIONS ACCORDING TO CLAUSES 2 AND 13)</b>	<b>TSHWANE TOWN-PLANNING SCHEME, 2008 (REVISED 2014): DEFINITIONS</b>
<p><b>BUILDING</b></p> <p>Shall include a structure or erection in Clauses 14 to 18 inclusive, but not elsewhere in this part of this Scheme.</p>	<p><b>BUILDING</b></p> <p>Means a building as defined in the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977).</p>
<p><b>BUSINESS PREMISES</b></p> <p>Means a building designed for use as an office, warehouse, or for other business purposes, but does not include a place of instruction or place of amusement, or any building mentioned, whether by way of inclusion or exclusion, in the definition of "institution" or a building designed for use as a shop, public garage, parking garage, industrial building, or noxious industrial building.</p>	<p><b>BUSINESS BUILDING</b></p> <p>Means land and buildings used as an Office, financial institution, Bank, Building Society, ATM, car test centre, Fitness Centre, hairdresser, nail bar, receiving depot for dry-cleaning and shoe repairs, Medical Consulting Rooms, medical workshops such as, dental technician, prosthetist, orthotist, pathologists, optometrist technician, or for other businesses such as inter alia beauty salon, pet salon, Internet Café, Totalisator Agency Board (T.A.B.) and a Beauty/Health Spa and may include a Cafeteria ancillary and subservient to the main use but does not include any building mentioned whether by way of inclusion or exclusion in the definition of Institution, a Funeral Undertaker, Place of Instruction, Place of Amusement, Shop, Public Garage, Parking Garage, Industry, Noxious Industry, Warehouse, Vehicle Sales Mart or a factory or workshop.</p>
<p><b>BOARD</b></p> <p>Means the Townships Board as constituted by Section 2 of the Ordinance.</p>	<p><b>TOWNSHIP BOARD</b></p> <p>Means the appeal authority established in terms of the relevant Provincial or National legislation.</p>
<p><b>BY-LAWS</b></p> <p>Means the by-laws of the Local Authority for the time being in force in the area.</p>	<p><b>BY-LAWS</b></p> <p>Means the Municipality by-laws in force in the area of the Scheme.</p>
<p><b>DWELLING-HOUSE</b></p> <p>Means a house designed for and used as a dwelling for a single family together with such outbuildings as are ordinarily used therewith, erected simultaneously with or after the main building and shall include domestic servants quarters which shall be used specifically for that purpose.</p>	<p><b>DWELLING-HOUSE</b></p> <p>Means a single Dwelling-unit on property zoned "Residential 1", "Agricultural" and "Undetermined".</p> <p><b>DWELLING-UNIT</b></p> <p>Means a self-contained suite of rooms internally and mutually connected and consisting of habitable room(s), bathroom(s), toilet(s) and not more than one kitchen without the Permission of the Municipality for the purpose of residence by a single family, or a single person or two unmarried persons and may include outbuildings which are ancillary and subservient to the Dwelling-unit and may include a Home Enterprise subject to Schedule 9.</p>

<b>SCHEDULE 22: PART A</b>	
<b>PRETORIA REGION TOWN-PLANNING SCHEME, 1960: DEFINITIONS (INTERPRETATIONS ACCORDING TO CLAUSES 2 AND 13)</b>	<b>TSHWANE TOWN-PLANNING SCHEME, 2008 (REVISED 2014): DEFINITIONS</b>
<p><b>EXISTING BUILDING AND EXISTING WORK</b></p> <p>Mean respectively a building or work lawfully erected, constructed or carried out before the date of the approval of this Scheme and include also a building or work:</p> <p>(1) erected, constructed or carried out in pursuance of a contract made before the said date; or</p> <p>(2) begun before, but completed after, the said date; or</p> <p>(3) erected, constructed or carried out in accordance with the terms of any permission granted by the Local Authority pending the preparation and approval of this Scheme.</p>	<p><b>EXISTING BUILDING</b></p> <p>Means respectively a building or work erected or carried out before the relative date set out in the definition of "Existing Use" and includes a building or work,</p> <p>(1) erected or carried out in pursuance of a contract made before the relevant date given in the definition of "Existing Use",</p> <p>(2) begun before, but completed after, the said date,</p> <p>(3) erected or carried out in accordance with the terms of any Permission granted by the Municipality before the said date:</p> <p>Provided that, notwithstanding the afore-mentioned definition the Municipality may refuse to regard any building or work which was the subject of a prohibition or instruction as contemplated in Section 43 of the Ordinance as an Existing Building or an existing work.</p>
<p><b>EXISTING ERF</b></p> <p>Means any erf as defined in the Townships and Town Planning Ordinance No 11 of 1931, and includes any portion of an erf the subdivision of which was approved by the Local Authority or Administrator before the 10<sup>th</sup> December 1954.</p>	<p><b>EXISTING ERF</b></p> <p>Means any erf as defined in the Ordinance and includes any portion of an erf in the areas mentioned in the definition of "Existing Use".</p>
<p><b>EXISTING USE</b></p> <p>Means in relation to any building or land, the continuous use of that building or land for any purpose for which it was being lawfully used on the date of proclamation of the Scheme or in the case of a newly-erected building erected before such date and which has not been used before that date, a continuous use for any purpose for which it was designed including, in any case, any use of a building or land permitted by the Local Authority pending the preparation and approval of this Scheme: Provided that:</p> <p>(1) the discontinuance of the existing use of a building at any time after the approval of this Scheme for a period exceeding fifteen (15) months, shall be deemed to interrupt the continuous use;</p> <p>(2) where, on the date of approval of this</p>	<p><b>EXISTING USE</b></p> <p>Means, subject to Section 43 of the Ordinance, the continuous lawful use of a building or land for the purpose for which it was erected or was lawfully being used.</p>

<b>SCHEDULE 22: PART A</b>	
<b>PRETORIA REGION TOWN-PLANNING SCHEME, 1960: DEFINITIONS (INTERPRETATIONS ACCORDING TO CLAUSES 2 AND 13)</b>	<b>TSHWANE TOWN-PLANNING SCHEME, 2008 (REVISED 2014): DEFINITIONS</b>
<p>Scheme, a person who was lawfully using any land for the purpose of mining, quarrying, the digging of clay, gravel, or sand, or the deposit of waste material or refuse, or any other purpose of a similar nature, was entitled also to use neighbouring land for any such purpose, such use of that neighbouring land, whether before or after the date of the approval of this Scheme, shall be deemed to be an existing use.</p>	
<p><b>FEET</b></p> <p>Means Cape Feet.</p>	<p>Not included.</p>
<p><b>FLAT</b></p> <p>Means any suite of rooms not being a single dwelling-house designed for use by a single family and contained in one building and having a common entrance.</p>	<p><b>BLOCK OF FLATS</b></p> <p>Means two (2) or more Dwelling-units of one or more storeys contained in a building with a common entrance or foyer to the Dwelling-units and may include other communal ancillary and subservient facilities such as a laundry and vending machines for the residents only.</p>
<p><b>INDUSTRIAL BUILDING</b></p> <p>Means a building, other than a noxious industrial building, designed for use as a factory within the meaning of the factories, Machinery and Building Work Act No 22 of 1941, and any amendment thereof and includes any office or other building within the same site the use of which is incidental to, or reasonably necessary in connection with the use of such factory.</p>	<p><b>INDUSTRY</b></p> <p>Means land and buildings where a product or part of a product is manufactured, mounted, processed, repaired, rebuilt or packed, including a power station and incinerator plant and may include a Cafeteria and a Caretaker's Flat and any other activities connected to or incidental to the activities mentioned herein, excluding Noxious Industries, Light Industries and Retail Industries.</p>
<p><b>INSTITUTION</b></p> <p>Means a building designed for use as a public or charitable institution, hospital, nursing-home, sanatorium or clinic whether public or private.</p>	<p><b>INSTITUTION</b></p> <p>Means land and buildings, whether public or private, designed or used as a charitable institution, national government institution, provincial institution, municipal institution, Hospital, Nursing Home and Clinic for the care or treatment of humans and may include overnight accommodation and staff accommodation.</p>
<p><b>LAND</b></p> <p>Includes land covered with water and any right in or over land. Any reference to land is limited to land in the area.</p>	<p><b>PROPERTY</b></p> <p>Means any portion of land that has been registered as a separate unit in the Deeds Office.</p>
<p><b>LOCAL AUTHORITY</b></p>	<p><b>MUNICIPALITY</b></p>

<b>SCHEDULE 22: PART A</b>	
<b>PRETORIA REGION TOWN-PLANNING SCHEME, 1960: DEFINITIONS (INTERPRETATIONS ACCORDING TO CLAUSES 2 AND 13)</b>	<b>TSHWANE TOWN-PLANNING SCHEME, 2008 (REVISED 2014): DEFINITIONS</b>
<p>Means the Peri-Urban Areas Health Board established by Section 2 of Ordinance No 20 of 1943, or in the case of Lyttelton Township and Lyttelton Extension No 1 Township the Lyttelton Town Council established by Administrator's Proclamation No 20 of 1955.</p>	<p>Means the City of Tshwane Metropolitan Municipality established and instituted in terms of Notice 1866 of 2010 promulgated in terms of Section 12(1) of the Local Government Structures Act, 1998 (Act 117 of 1998) as amended.</p> <p><b>LOCAL AUTHORITY</b></p> <p>Means the City of Tshwane Metropolitan Municipality.</p>
<p><b>MAP</b></p> <p>Means the map marked "Map No 3" as defined in the Regulation promulgated under Administrator's Notice No 383 of the 10th October, 1945 and as amended from time to time by any approved amending scheme.</p>	<p><b>MAP</b></p> <p>Means a map as defined in the Regulations of the Ordinance and which forms part of the Scheme including any amendment thereto.</p>
<p><b>NOXIOUS INDUSTRIAL BUILDING</b></p> <p>Means an industrial building designed or used for the purpose of carrying on an offensive trade as set out in Section 95(1) of the Local Government Ordinance 1939 with any additions made thereto in terms of such Ordinance; Provided that:</p> <p>(i) where the Local Authority with the sanction of the Administrator in terms of Section 95(1) of the Local Government Ordinance, 1939, adds to the list of noxious trades in terms of that Ordinance such additions should also be deemed to be included in the above definition;</p> <p>(ii) upon the production of a certificate by the Medical Officer of Health, in consultation with the Inspector of Factories, that the process it is proposed to employ in the conduct of any of the foregoing industries or factories will eliminate nuisance or danger to health in neighbouring premises arising from:</p> <p>(a) vapour or effluvia;</p> <p>(b) fluids or liquid waste matters to be discharged from the premises, and if land treatment of such matters is proposed, the nature, slope and area of the land and its position in relation to dwellings, streams or water courses;</p> <p>(c) solid waste matter;</p>	<p><b>NOXIOUS INDUSTRIAL BUILDING</b></p> <p>Means a building designed or used for a "Noxious Industry" as listed in Schedule 8.</p>

<b>SCHEDULE 22: PART A</b>	
<b>PRETORIA REGION TOWN-PLANNING SCHEME, 1960: DEFINITIONS (INTERPRETATIONS ACCORDING TO CLAUSES 2 AND 13)</b>	<b>TSHWANE TOWN-PLANNING SCHEME, 2008 (REVISED 2014): DEFINITIONS</b>
<p>the Local Authority may consent to the erection and use of buildings for such industries in the Use Zone VII, Table "D".</p>	
<p><b>OCCUPIER</b></p> <p>In relation to any building, structure or land means and includes:</p> <p>Any person in actual occupation of, or legally entitled to occupy such building, structure or land; or any person having the charge or management thereof and includes the agent of any person absent from the area or whose whereabouts is unknown.</p>	<p><b>OCCUPANT</b></p> <p>Shall include any person in actual occupation of any land, or building or structure or premises without regard to the title under which he occupies, and in the case of premises subdivided and let to lodgers, various tenants, shall include the person receiving the rent payable by the lodgers or tenants whether on his own account or as agent for any person entitled thereto or interested therein and includes the agent of any person absent from the area or whose whereabouts is unknown.</p>
<p><b>ORDINANCE</b></p> <p>Means the Townships and Town Planning Ordinance No 11 of 1931 with any amendments thereof.</p>	<p><b>ORDINANCE</b></p> <p>Means the Town-planning and Townships Ordinance, 1986 (Ordinance 15 of 1986), as amended.</p>
<p><b>OWNER</b></p> <p>In relation to any building, structure or land means and includes:</p> <p>(a) the person in whose name the title to such building, structure or land is registered and includes the holder of the stand licence;</p> <p>or</p> <p>(b) if such person or holder is dead, insolvent, mentally disordered or defective, a minor, or under any legal disability, the person in whom the administration of that person's or holder's estate is vested, whether as executor, guardian or in any other capacity whatever;</p> <p>or</p> <p>(c) If the premises are under lease the registration whereof is in law necessary for the validity of such lease, the lessee.</p> <p>When an owner as herein defined is absent from the area or his whereabouts is unknown the expression "owner" includes an agent of such owner or any person receiving, or entitle to</p>	<p><b>OWNER</b></p> <p>Means in relation to land or a registered right in land, the person in whose name such land or right is registered, in a Deeds Registry in terms of the Deeds Registry Act, 1937 (Act 47 of 1937) and includes-</p> <ol style="list-style-type: none"> <li>(1) if the owner is deceased, the executor of the deceased estate;</li> <li>(2) if the estate of the owner has been sequestrated, the trustee of the insolvent estate;</li> <li>(3) if the owner is a company or other juristic person;</li> <li>(4) if the owner is a company or other juristic person that is being wound up, the liquidator thereof;</li> <li>(5) if the owner is under legal disability, the owners legal representative;</li> <li>(6) the authorised representative of the owner; or</li> <li>(7) in the case of a road or public space under the control of the Municipality, that Municipality.</li> </ol>

<b>SCHEDULE 22: PART A</b>	
<b>PRETORIA REGION TOWN-PLANNING SCHEME, 1960: DEFINITIONS (INTERPRETATIONS ACCORDING TO CLAUSES 2 AND 13)</b>	<b>TSHWANE TOWN-PLANNING SCHEME, 2008 (REVISED 2014): DEFINITIONS</b>
receive, rent in respect of the premises.	
<p><b>PLACE OF AMUSEMENT</b></p> <p>Includes, inter alia, a building designed for use as a public hall, theatre, cinema, music-hall, concert-hall, billiard saloon, sports arena, skating rink, or dance-hall, or for the purpose of exhibitions of trade or industry.</p>	<p><b>PLACE OF AMUSEMENT</b></p> <p>Means land and buildings or a part of a building used for entertainment purposes such as a Theatre, cinema, music hall, concert hall, table games, skating rink, dancing, amusement park, gambling (not being a T.A.B.), electronic games or slot machines/limited pay-out gambling machines, night club, an exhibition hall or sports arena/stadium used for live concerts or performances. These buildings shall comply with the noise zone criteria and acoustical screening requirements of the Municipality's Health Services.</p>
<p><b>PLACE OF INSTRUCTION</b></p> <p>Means a building designed for use as a school, college, technical institute, academy lecture-hall, or other educational centre and includes a hostel appertaining thereto, a monastery, convent, public library, art gallery, museum or gymnasium but does not includes a building designed for use wholly or principally as a reformatory or industrial school, or as a school for mentally defective children.</p>	<p><b>PLACE OF INSTRUCTION</b></p> <p>Means land and buildings used as a school, college, technical institute, Tertiary Institution, academy, lecture hall, monastery, convent, public library, art museum, museum, other educational centre including ancillary and subservient Hostel for persons attending any one of the afore-mentioned and may include a Place of Child Care and a Cafeteria ancillary and subservient to the main use on the property.</p>
<p><b>PLACE OF PUBLIC WORSHIP</b></p> <p>Means a building designed for use as a church, chapel, oratory, meeting-house, synagogue or other place of public devotion and includes a building designed for use as a Sunday School and an institute or other building designed for purposes of social intercourse and recreation within the same site as, and associated with, any of the foregoing buildings but shall not include a funeral chapel, which shall be deemed to be a "special building.</p>	<p><b>PLACE OF PUBLIC WORSHIP</b></p> <p>Means land and buildings used for a church, chapel, mosque, temple, synagogue, or other religious purposes and may include ancillary social and recreational purposes and one Dwelling-unit on the same property, but shall not include a funeral parlour, Wall of Remembrance or Cemetery. Any noise generated on the property shall not be audible outside the boundaries of the property.</p>
<p><b>PRIVATE OPEN SPACE</b></p> <p>Means any land used or reserved in this Scheme for use as a private ground for sports, play, rest and recreation, or as an ornamental garden or pleasure ground.</p>	<p><b>PRIVATE OPEN SPACE</b></p> <p>Means open space to which the general public has no right of access.</p> <p><b>OPEN SPACE</b></p> <p>Means land which is predominantly free of buildings or structures and which provides ecological , socio-economic and place-making functions such as Natural Areas, nature conservation areas, protected</p>

<b>SCHEDULE 22: PART A</b>	
<b>PRETORIA REGION TOWN-PLANNING SCHEME, 1960: DEFINITIONS (INTERPRETATIONS ACCORDING TO CLAUSES 2 AND 13)</b>	<b>TSHWANE TOWN-PLANNING SCHEME, 2008 (REVISED 2014): DEFINITIONS</b>
	areas, nature reserve and includes ridges, watercourses, wetlands, ecological sensitive areas, parks, and squares as defined in the Tshwane Open Space Framework and may include ablution facilities, pergolas, benches, and braai facilities.
<p><b>PUBLIC GARAGE</b></p> <p>Means a building designed for the purpose of the storage, sale, repair and fuelling of motor vehicles, or for any one or more of these uses, by way of trade or for purposes of gain.</p>	<p><b>PUBLIC GARAGE</b></p> <p>Means land and buildings used for the storage and retail sale of vehicle fuel, lubricants and one or more of the following uses:</p> <ol style="list-style-type: none"> <li>(1) repair and servicing of vehicles, excluding panel-beating or spray-painting;</li> <li>(2) sale of new and used vehicles;</li> <li>(3) a convenience store including a Confectionery and take-away facility with a kitchen inside the convenience store with a maximum Gross Floor Area of 250 m<sup>2</sup>, which floor area shall include the floor area accessible to the public as well as any store room, Office, fridge area and safe which is used for the operation of the convenience store;</li> <li>(4) an automatic teller machine; and</li> <li>(5) the sale of LP gas.</li> </ol>
<p><b>PUBLIC OPEN SPACE</b></p> <p>Means any land used or reserved in this Scheme for use by the public as an open space, park, garden, playground, recreation ground or square.</p>	<p><b>PUBLIC OPEN SPACE</b></p> <p>Means any Open Space as defined and vested in the Municipality under Section 63 of the Local Government Ordinance, 1939 (Ordinance 17 of 1939) to which the general public has right of access.</p> <p><b>OPEN SPACE</b></p> <p>Means land which is predominantly free of buildings or structures and which provides ecological , socio-economic and place-making functions such as Natural Areas, nature conservation areas, protected areas, nature reserve and includes ridges, watercourses, wetlands, ecological sensitive areas, parks, and squares as defined in the Tshwane Open Space Framework and may include ablution facilities, pergolas, benches, and braai facilities.</p>
<p><b>RESIDENTIAL BUILDING</b></p> <p>Means a building, other than a dwelling-house, designed for use for human habitation together with such outbuildings as are ordinarily used therewith and includes blocks of flats, tenements, boarding houses, hotels, residential clubs and</p>	<p><b>RESIDENTIAL BUILDINGS</b></p> <p>Means a Hotel, Block of Flats, Block of tenements, Boarding House, other residential types not elsewhere defined and Hostel together with such outbuildings as are ordinarily used therewith.</p>

<b>SCHEDULE 22: PART A</b>	
<b>PRETORIA REGION TOWN-PLANNING SCHEME, 1960: DEFINITIONS (INTERPRETATIONS ACCORDING TO CLAUSES 2 AND 13)</b>	<b>TSHWANE TOWN-PLANNING SCHEME, 2008 (REVISED 2014): DEFINITIONS</b>
hostels but does not include any building mentioned whether by way of inclusion or exclusion in the definitions of "place of instruction" and "institution".	
<b>SHOP</b>  Means a building designed for the purpose of carrying on retail trade not being a noxious industrial building or public garage and includes and industrial building on the same premises and ordinarily incidental to the conduct of the retail business thereon.	<b>SHOP</b>  Means land and buildings used for the purpose of Retail Trade or renting of household equipment/tools directly to the public, including inter alia retail sale and display of products, "off-sales" facilities on properties licensed in terms of any liquor law, pet shops, a pharmacy, a confectionary, a take-away, swop shop, pawn shop, auctioneers business, hire/rental shop, drive thru restaurant and may include[s] a Retail Industry ancillary and subservient to the main use and with the Permission of the Municipality a Builders Yard ancillary and subservient to a hardware shop.
<b>SITE</b>  In relation to a building includes the area of any offices, outbuilding, yard, court or garden occupied or intended to be occupied therewith.	<b>SITE</b>  In relation to FAR, coverage and parking calculations, means the whole of the area registered as an erf or other property, including the area of any servitude registered over such erf or other property.
<b>SOCIAL HALL</b>  Means a building designed to be used for social meetings, gatherings and recreation and includes a masonic temple and a non-residential club but does not include "a place of amusement".	<b>SOCIAL HALL</b>  Means land and buildings used for, inter alia, social and cultural gatherings, recreation activities, wedding receptions, fairs, bazaars and a non-residential club but does not include a Place of Amusement and Place of Refreshment but may include a kitchen ancillary and subservient to the hall.
<b>SPECIAL BUILDING</b>  Means a building designed for any use other than one of the uses for which buildings herein defined are designed.	<b>SPECIAL USE</b>  Means land or buildings used for any purpose other than that herein defined.
<b>STREET OR ROAD</b>  Includes the whole or part of any street, road, bridge, subway, avenue, lane, sanitary-lane or thoroughfare, shown on the general plan of a township or agricultural holdings or in respect of which the public or the Local Authority has acquired a prescriptive or other right-of-way.	<b>STREET OR PUBLIC STREET</b>  Includes any street, road, or thoroughfare shown on the General Plan of a township, agricultural holding or other division of land or in respect of which the public have acquired a prescriptive or other right of way or zoned as Existing Street and may include on-street parking and loading zones as designated by the Municipality.
<b>TENEMENT</b>	<b>BLOCK OF TENEMENTS</b>

<b>SCHEDULE 22: PART A</b>	
<b>PRETORIA REGION TOWN-PLANNING SCHEME, 1960: DEFINITIONS (INTERPRETATIONS ACCORDING TO CLAUSES 2 AND 13)</b>	<b>TSHWANE TOWN-PLANNING SCHEME, 2008 (REVISED 2014): DEFINITIONS</b>
Means a building having more than two entrances and containing rooms one or more of which are designed to be separately occupied as a dwelling.	Means a building containing two (2) or more habitable rooms and may include communal kitchens and communal ablution facilities and other communal ancillary and subservient facilities such as a laundry and vending machines for the residents only.
<b>THE ERECTION OF A BUILDING</b>  Includes the structural alteration of, or the making of any addition to a building.	<b>ERECTION OF A BUILDING</b>  Means, inter alia, the construction of, any addition to, or structural alteration of a building.
<b>ZONE</b>  Means a portion of the area shown on the Map by distinctive colouring, hatching or edging, or in some other distinctive manner for the purpose of indicating the restrictions imposed by this part of this Scheme on the erection and use of buildings or the use of land; and the terms "density zone" and "use zone" and "height zone" mean zones indicating restrictions as to density, use and height of buildings respectively.	<b>ZONE</b>  Means that part of the Map which by distinctive colouring or in some other manner indicates the restrictions imposed by this Scheme on the erection and use of buildings or the use of land.  <b>COVERAGE ZONE</b>  Means a specific zone in Table E and indicated on the electronic database of the Municipality.  <b>FLOOR AREA RATIO (FAR) ZONE</b>  Means a specific zone in Table C and indicated on the electronic database of the Municipality.  <b>HEIGHT ZONE</b>  Means a specific zone in Table D for height values for each Use Zone and indicated on the GIS electronic database of the Municipality for each property in the Tshwane municipal area.

<b>SCHEDULE 22: PART B</b>	
<b>PRETORIA REGION TOWN-PLANNING SCHEME, 1960: CLAUSES</b>	<b>TSHWANE TOWN-PLANNING SCHEME, 2008 (REVISED 2014): CLAUSES</b>
Clause 1 : Arrangement of Scheme	Clause 3 : Arrangement of Scheme
Clause 2 : Interpretation	Clause 5 : Definitions
Clause 3 : Area of the Scheme	Clause 1 : Title of Scheme
Clause 4 : Responsible Authority	Clause 2 : Responsible Authority
Clause 5 : Reservation of Land	Included into Table B; Clause 14 : Use of Buildings and Land
Clause 6 : Buildings, etc., not to be erected on reserved land	
Clause 7 : Acquisition of land	Clause 14(2)
Clause 8 : Splaying of corners	Not included
Clause 9 : Closing or diversion of streets	Clause 6 : Closed Streets

<b>SCHEDULE 22: PART B</b>	
<b>PRETORIA REGION TOWN-PLANNING SCHEME, 1960: CLAUSES</b>	<b>TSHWANE TOWN-PLANNING SCHEME, 2008 (REVISED 2014): CLAUSES</b>
Clause 10: Building Lines in new townships and agricultural holdings	Clause 8 : Building Lines; Clause 9 : Building Lines relative to Streets; Clause 12 : Building Restriction Areas.
Clause 11: Building Lines in existing townships, agricultural holdings and farm land	
Clause 12: Observance of Building Lines	
Clause 13: Interpretation	Clause 5 : Definitions
Clause 14: Buildings used for more than one purpose	Clause 13 : Mixed Use of Buildings
Clause 15: Erection and use of Buildings	Clause 14 : Use of Buildings and Land; Clause 17 : Uses not subject to Table B.
Clause 16: Use of Land	
Clause 17: Advertisement and appeal in certain cases	Clause 15 : Permission of the Municipality; Clause 16 : Consent Use Procedure; Clause 35 : Appeals.
Clause 18: Saving for special purposes	Clause 17: Uses not subject to Table B
Clause 19: Number of dwelling-houses, which may be erected and subdivisions	Clause 14(10); Clause 20 : Conditions applicable to Residential 1 erven.
Clause 20: Allowance for spayed corners and servitudes of right-of-way	Not included
Clause 21: Portion of land physically separated	Clause 20 (3)
Clause 22: Side Space	Clause 12 : Building Restriction Areas
Clause 23: Non-European servants quarters for residential buildings	Clause 30(3): Outbuildings
Clause 24: Limitation of height of buildings	Clause 26 : Height of Buildings
Clause 25: Portion of site which may be occupied by buildings	Clause 27 : Coverage
Clause 26: Submission of drawings and particulars	Clause 30(1): General Amenity; Clause 31: Site Development Plan and Landscape Development Plan.
Clause 27: Removal of injurious conditions in private gardens, etc.	Clause 30(1): General Amenity
Clause 28: Advertisements and hoardings	Clause 30(2): Signs
Clause 29: Provision of loading accommodation	Clause 29 : Loading Requirements
Clause 30: Permission granted before approval of this Scheme	Clause 4 : Transition Clause
Clause 31: Binding force of conditions imposed	Clause 4 : Transition Clause; Clause 15 : Permission of the Municipality; Clause 16 : Consent Use Procedure.
Clause 32: Entry and inspection of premises	Clause 33 : Access and inspection
Clause 33: Contravention of Scheme	Clause 36 : Contravention of Scheme
Clause 34: Appeals	Clause 35 : Appeals
Clause 35: Record of permissions and conditions	Clause 34 : Perusal of Scheme Documents
Clause 36: Inspection of Scheme	Clause 33 : Access and inspection
Clause 37: Service of Notices	Clause 37 : Serving of Notices
Clause 38: Saving for powers of Local Authority	Clause 32 : Overriding rights of the Municipality
Clause 39: Conflict of Scheme and Township conditions	Clause 38 : Compliance with Title Deeds and Conditions of Establishment
Clause 40: Short Title	Clause 39 : Short Title

<b>SCHEDULE 22: PART C</b>	
<b>PRETORIA REGION TOWN-PLANNING SCHEME, 1960: TABLE D, LAND USE TABLE</b>	<b>TSHWANE TOWN-PLANNING SCHEME, 2008 (REVISED 2014): TABLE B, LAND USE TABLE</b>
Use Zone I : Special Residential	Use Zone 1: Residential 1
Use Zone III: General Business	Use Zone 8: Business 3
Use Zone V: Special	Use Zone 28 : Special
Use Zone XI: Agricultural	Use Zone 17: Agricultural
Use Zone XIII: Municipal Purposes	Use Zone 15: Municipal

<b>SCHEDULE 22: PART D</b>	
<b>PRETORIA REGION TOWN-PLANNING SCHEME, 1960: TABLES</b>	<b>TSHWANE TOWN-PLANNING SCHEME, 2008 (REVISED 2014): TABLES AND SCHEDULES</b>
Table A: (Reservation of Land)	Table B
Table B: (Building Lines)	Table A; Schedule 1; Schedule 5
Table C: (Building Lines)	Table A; Schedule 1; Schedule 5
Table D: (Use of Land)	Table B
Table E	Table A; Schedule 1; Schedule 5
Table F	Schedule 6
Table G: (Height)	Table D
Table H: (Coverage)	Table E

<b>SCHEDULE 22: PART E</b>	
<b>PRETORIA REGION TOWN-PLANNING SCHEME, 1960: USE ZONES</b>	<b>TSHWANE TOWN-PLANNING SCHEME, 2008 (REVISED 2014): HEIGHT ZONES OF TABLE D, COVERAGE ZONES OF TABLE E AND FLOOR AREA RATIO ZONES OF TABLE C</b>
Use Zone I: Special Residential	Table D, Height Zone 10 Table E, Coverage Zone 5 Table C, FAR Zone 21
Use Zone III: General Business	Annexure T
Use Zone V: Special	As referred to in Annexure T or per Site Development Plan
Use Zone XI: Agricultural	Table D, Height Zone 10 Table E, Coverage Zone 5 Table C, FAR Zone 21
Use Zone XIII: Municipal Purposes	Site Development Plan

**SCHEDULE 23****CONVERSION TABLE: THE BRONKHORSTSPRUIT TOWN-PLANNING SCHEME, 1980  
TO TSHWANE TOWN-PLANNING SCHEME, 2008 (REVISED 2014)**

<b>SCHEDULE 23 : PART A</b>	
<b>THE BRONKHORSTSPRUIT TOWN-PLANNING SCHEME, 1980: DEFINITIONS</b>	<b>TSHWANE TOWN-PLANNING SCHEME, 2008 (REVISED 2014) : DEFINITIONS</b>
<p><b>ADMINISTRATOR</b></p> <p>Means the officer as defined in section 1 of the Ordinance.</p>	<p><b>PREMIER</b></p> <p>Means the head of the Executive Council of the Gauteng Provincial Government.</p>
<p><b>AGRICULTURAL USE</b></p> <p>means land used or a building designed or used for the purposes of arable land, grazing ground, pig farming, horticulture, poultry farming, dairy farming, breeding and keeping of livestock, bee-keeping, forestry, mushroom and vegetable farming, floriculture, orchard and any other activities normally regarded as incidental to farming activities or associated therewith, but does not include a nursery.</p>	<p><b>AGRICULTURE</b></p> <p>Means land and buildings used for any bona fide farming activities which may include Market Gardens, game farming, cattle, goats and sheep farming, bee farming, bird breeding, plant nursery, plantations, aquaculture, mushroom production, forestry and orchards and activities normally regarded as incidental thereto, but excludes Abattoirs, cattle feeding lots, poultry farming pig farming, and Animal Boarding Place.</p> <p><b>AGRICULTURAL BUILDING</b></p> <p>Means a building designed or used for Agricultural Purposes and may include a Dwelling-house.</p> <p><b>AGRICULTURAL INDUSTRY</b></p> <p>Means any farming activity such as pig and poultry farming and cattle feeding lots, that is performed on such a scale and with such intensity that it could in the opinion of the Municipality possibly cause a health nuisance in respect of noise, smells, waste and effluent.</p>
<p><b>ANNEXURE</b></p> <p>means the documents containing, inter alia, stipulations, restrictions and special rights and conditions applicable to that property, as shown on the "A"-series of the Map and forming part of this Scheme.</p>	<p><b>ANNEXURE A</b></p> <p>Means the plan on which those exceptions to the parking requirements in terms of Clause 28 are indicated.</p> <p>and</p> <p><b>ANNEXURE T</b></p> <p>Means the set of documents showing details of rights permitted and conditions imposed on certain erven and land marked with a black number within a black circle on the Map 3 which rights and conditions shall prevail over any other Clause or provision of the Scheme except that if rights and conditions are not stipulated the provisions of the Scheme Clauses shall apply as read with Clause</p>

<b>SCHEDULE 23 : PART A</b>	
<b>THE BRONKHORSTSPRUIT TOWN-PLANNING SCHEME, 1980: DEFINITIONS</b>	<b>TSHWANE TOWN-PLANNING SCHEME, 2008 (REVISED 2014) : DEFINITIONS</b>
	4(2) and includes any approved Annexure B, Annexure or Schedule of a former Town Planning Scheme applicable in the Tshwane municipal area.
<p><b>BASEMENT</b></p> <p>of a building means any cellar of which no part of the ceiling is more than one (1) metre above the natural ground level.</p>	<p><b>BASEMENT</b></p> <p>Means any portion of a building complying with the provisions of Clause 9(5) and 12, the floor of which is 2 m or more below the mean natural ground level of the ground covered by the building, and of which no part of the ceiling is more than 1 m above such mean level.</p>
<p><b>BOAT HOUSE</b></p> <p>Means covered areas for the storage and safekeeping of water vessels and water sport equipment.</p>	<p><b>BOAT HOUSE</b></p> <p>Means a structure used for the storage and safekeeping of water vessels and water sport equipment.</p>
<p><b>BUILDING</b></p> <p>Shall also include a structure of any nature or description whatsoever.</p>	<p><b>BUILDING</b></p> <p>Means a building as defined in the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977).</p>
<p><b>BUILDING LINE</b></p> <p>Means an imaginary line on a property usually parallel to and at a specified distance from a boundary and between which line and boundary no buildings may be erected.</p>	<p><b>BUILDING LINE</b></p> <p>Means an imaginary line on a property that demarcates the Building Restriction Area and is at a fixed distance from any boundary of such property.</p>
<p><b>BUILDING RESTRICTION AREA</b></p> <p>Means an area on which no building may be erected except those allowed elsewhere in this Scheme.</p>	<p><b>BUILDING RESTRICTION AREA</b></p> <p>Means the area on a property where no building, except as permitted by the scheme, may be erected and which is bounded on one side by a Building Line and on the other side by a boundary of the property and also includes open spaces or as indicated in an Annexure T to the scheme.</p>
<p><b>BY-LAWS</b></p> <p>Means the by-laws, orders or municipal regulations for the time being in force in the area of the Scheme.</p>	<p><b>BY-LAWS</b></p> <p>Means the Municipality by-laws in force in the area of the Scheme.</p>
<p><b>CLUB HOUSE</b></p> <p>Means land used or a building designed to be used as a private meeting place for a group of people with a collective aim.</p>	<p><b>CLUB HOUSE</b></p> <p>Means land and buildings used for private meetings by a group of people with a collective aim and belonging to a club or association and may include a Place of Refreshment and children's play area ancillary and subservient to the main use.</p>

<b>SCHEDULE 23 : PART A</b>	
<b>THE BRONKHORSTSPRUIT TOWN-PLANNING SCHEME, 1980: DEFINITIONS</b>	<b>TSHWANE TOWN-PLANNING SCHEME, 2008 (REVISED 2014) : DEFINITIONS</b>
<p><b>COMMERCIAL USE</b></p> <p>Means land used or a building designed or used for such purposes as distribution centres, wholesale trade, storage, Computer Centres, warehouses, cartage-and transport services and laboratories and may also include offices such as are ancillary to or reasonably necessary in connection with the main use.</p>	<p><b>COMMERCIAL USE</b></p> <p>Means land and buildings used for Distribution Centres, Wholesale Trade, storage, Warehouses, Telecommunication Centre, Transport Depot, Laboratories and Computer Centres and may include Offices, Light Industries, a Cafeteria and a Caretaker's Flat, which are directly related and subservient to the main commercial use which is carried out on the land or in the building.</p>
<p><b>CONTROLLING AUTHORITY</b></p> <p>Means the controlling authority as defined in Section 1 or the Advertising on Roads and Ribbon Development Act, 1940 (Act 21 of 1940) or the Commission as defined in Section 1 of the National Roads Act, 1971 (Act 54 of 1971) as the case may be.</p>	<p><b>CONTROLLING AUTHORITY</b></p> <p>Means the controlling authority as defined in Section 1 of the Advertising on Roads and Ribbon Development Act, 1940 (Act 21 of 1940) or the Commission as defined in Section 1 of the National Roads Act, 1971 (Act 54 of 1971) or the Gauteng Transport Infrastructure Act, 2001 (Act 8 of 2001).</p>
<p><b>COVERAGE</b></p> <p>Means the extent of a property which may be covered by buildings, as seen vertically from the air, expressed as a percentage of the area of the property.</p>	<p><b>COVERAGE</b></p> <p>Means the percentage area of a property including any servitude area covered by the roofed area of all buildings as seen vertically from above but does not include a structure or building that has no roof.</p>
<p><b>DATE OF PROMULGATION</b></p> <p>Means the date on which the Administrator gave notice of the approval of this Scheme in the Provincial Gazette.</p>	<p><b>Not included</b></p>
<p><b>DRIVE-IN RESTAURANT</b></p> <p>Means land used or a building designed or used as a restaurant or café from which food and refreshments are served to patrons who mainly remain seated in motorcars.</p>	<p><b>DRIVE-IN RESTAURANT</b></p> <p>Means land and buildings used for the preparation and consumption of food and refreshments by clients in parked vehicles and may include take-aways.</p>
<p><b>DWELLING-UNIT</b></p> <p>Means a self-contained suite of rooms mutually connected and containing not more than one kitchen designed or used as a residence for a single family, but excludes any form of temporary structure: Provided that where reference is made to a single dwelling-unit in this Scheme it shall mean an ordinary dwelling-house.</p>	<p><b>DWELLING-UNIT</b></p> <p>Means a self- contained suite of rooms internally and mutually connected and consisting of habitable room(s), bathroom(s), toilet(s) and not more than one kitchen without the Permission of the Municipality for the purpose of residence by a single family, or a single person or two unmarried persons and may include outbuildings which are ancillary and subservient to the Dwelling-unit and may include a Home Enterprise subject to Schedule 9.</p>

<b>SCHEDULE 23 : PART A</b>	
<b>THE BRONKHORSTSPRUIT TOWN-PLANNING SCHEME, 1980: DEFINITIONS</b>	<b>TSHWANE TOWN-PLANNING SCHEME, 2008 (REVISED 2014) : DEFINITIONS</b>
<p><b>ERECTION OF A BUILDING</b></p> <p>Also includes the structural alteration of, or the making of any addition to a building.</p>	<p><b>ERECTION OF A BUILDING</b></p> <p>Means, inter alia, the construction of, any addition to or structural alteration of a building.</p>
<p><b>ERF</b></p> <p>Means any erf as defined in the Ordinance.</p>	<p><b>ERF</b></p> <p>Means an erf as defined in the Ordinance and includes any resultant portion of an erf obtained through subdivision of such an erf.</p>
<p><b>EXISTING BUILDING</b></p> <p>Means a building erected in accordance with building plans approved by the local authority or a building considered by the local authority to be lawful and the building operations of which:</p> <p>(a) were completed on or before the date of promulgation; or</p> <p>(b) in the opinion of the local authority, were commenced within a reasonable time before date of promulgation, but were only completed thereafter; or</p> <p>(c) were completed in accordance with the conditions imposed by the local authority when granting its permission.</p>	<p><b>EXISTING BUILDING</b></p> <p>Means respectively a building or work erected or carried out before the relative date set out in the definition of 'Existing Use' and includes a building or work,</p> <p>(1) erected or carried out in pursuance of a contract made before the relevant date given in the definition of 'Existing Use',</p> <p>(2) begun before, but completed after, the said date,</p> <p>(3) erected or carried out in accordance with the terms of any Permission granted by the Municipality before the said date:</p> <p>Provided that, notwithstanding the aforementioned definition, the Municipality may refuse to regard any building or work which was the subject of a prohibition or instruction as contemplated in Section 43 of the Ordinance as an Existing Building or an existing work.</p>
<p><b>EXISTING USE</b></p> <p>Means an existing use as contemplated in Section 41 of the Ordinance.</p>	<p><b>EXISTING USE</b></p> <p>Means, subject to Section 43 of the Ordinance, the continuous lawful use of a building or land for the purpose for which it was erected or was lawfully being used.</p>
<p><b>FAMILY</b></p> <p>means a household all the members of which are controlled by a single family head: Provided that, with the exception of unmarried children, every member of the household shall be a dependant as defined in relation to a tax payer in the Income Tax Act, 1962 (Act 58 of 1962) of the said family head.</p>	<p><b>FAMILY</b></p> <p>Means the following people that live together:</p> <p>(1) a married couple with or without their parents and/or their children; or</p> <p>(2) a single person with his/her parents and/or his/her children; or</p> <p>(3) brothers and sisters; or</p>

<b>SCHEDULE 23 : PART A</b>	
<b>THE BRONKHORSTSPRUIT TOWN-PLANNING SCHEME, 1980: DEFINITIONS</b>	<b>TSHWANE TOWN-PLANNING SCHEME, 2008 (REVISED 2014) : DEFINITIONS</b>
	<p>(4) single person with his/her grandparents and/or his/her grandchildren;</p> <p>(5) grandparents with their grandchildren; or</p> <p>(6) two persons living together as if in a married state.</p>
<p><b>FILLING STATION</b></p> <p>Means land used or a building designed or used for the purposes of fuelling, washing, polishing and lubrication of motor vehicles, including incidental and routine maintenance but excluding a public garage, panel-beating, spray-painting and any major repairs.</p>	<p><b>FILLING STATION</b></p> <p>Means land and buildings used for:</p> <p>(1) the storage of fuels and the retail selling of vehicle fuel and lubricants;</p> <p>(2) one working bay for emergency repairs to vehicles;</p> <p>(3) a Convenience Store including a Confectionery and take-away facility including a kitchen, with a maximum Gross Floor Area, accessible to the general public, of 250 m<sup>2</sup>, which floor area shall include the floor area accessible to the public as well as any store room, Office, fridge area, safe which is used for the operation of the Convenience Store;</p> <p>(4) an automatic teller machine; and</p> <p>(5) the sale of LP gas.</p>
<p><b>FLOOR AREA</b></p> <p>Means the total of the gross area occupied by a building at the floor level of each storey: provided that when determining floor area the following areas shall not be included:</p> <p>(a) unroofed buildings and areas occupied by external fire-escapes;</p> <p>(b) parking areas for occupants of the building;</p> <p>(c) passages in a dwelling-unit, entrance passages, excluding entrance halls and front porches, where such entrance passages and passages are enclosed by an outer wall or window;</p> <p>(d) accommodation for the lift motor and other mechanical or electrical equipment necessary for the proper use of the building;</p> <p>(e) accommodation for a servant on the roof of a building: provided that the floor area excluded in this manner shall not exceed three percent of the permissible floor area for such building;</p> <p>(f) a veranda or balcony in a building: provided that such veranda or balcony shall not be</p>	<p><b>GROSS FLOOR AREA</b></p> <p>The Gross Floor Area of a building is determined by multiplying the area of the property by the FAR, e.g. 1 000 m<sup>2</sup> x 0,4 = 400 m<sup>2</sup>: Provided that certain floor areas can be deducted from the calculation of Gross Floor Area as provided in Schedule 7.</p>

<b>SCHEDULE 23 : PART A</b>	
<b>THE BRONKHORSTSPRUIT TOWN-PLANNING SCHEME, 1980: DEFINITIONS</b>	<b>TSHWANE TOWN-PLANNING SCHEME, 2008 (REVISED 2014) : DEFINITIONS</b>
<p>enclosed other than with a parapet of gauze screen; or</p> <p>(g) areas justifiably used for cleaning, maintenance and care of the buildings, excluding dwelling-units for caretakers, supervisors, cleaners and maintenance staff.</p>	
<p><b>FLOOR AREA RATIO or FAR</b></p> <p>Means the ratio obtained by dividing the floor area of a building by the total area of the property on which the building has been erected, thus:</p> <p>FAR = <math>\frac{\text{Floor area of a building}}{\text{Total area of the property on which the building has been erected}}</math></p>	<p><b>FLOOR AREA RATIO</b></p> <p>Means the ratio of the Gross Floor Area of a building to the total area of the property, including any servitudes, on which such building is erected or is to be erected, i.e.</p> <p>FAR = Gross Floor Area divided by Area of property.</p>
<p><b>GROSS LEASABLE FLOOR AREA</b></p> <p>Means the floor area designed for occupation and control by a lessee, or which is suitable therefor, measured from the centre line of communal partitions and the external surface of outer walls.</p>	<p><b>GROSS FLOOR AREA</b></p> <p>The Gross Floor Area of a building is determined by multiplying the area of the property by the FAR, e.g. 1 000 m<sup>2</sup> x 0,4 = 400 m<sup>2</sup>: Provided that certain floor areas can be deducted from the calculation of Gross Floor Area as provided in Schedule 7.</p>
<p><b>HOTEL</b></p> <p>Means land used or a building designed to be used for the purpose of accommodation from which the business of providing accommodation with or without meals is conducted for gain</p>	<p><b>HOTEL</b></p> <p>Means land and buildings used as an accommodation establishment as defined in the Tourism Act, Act 72 of 1993, as amended and may include staff accommodation and a Place of Refreshment for the use of guests only and a Conference Centre but excludes a Block of Flats, a Block of Tenements, Boarding House, Hostel, Guest-house, Backpackers and Retirement Centre; provided that parking shall be provided according to Table G for the Place of Refreshment and Conference Centre if these are used by persons other than guests of the hotel.</p>
<p><b>INDUSTRIAL USE</b></p> <p>Means the use of land or a building designed or used as a factory within the meaning of the Factories, Machinery and Building Works Act, 1941 (Act 22 of 1941) and any amendments thereof and includes any office or other building on the same site, the use of which is incidental to, or reasonably necessary in connection with the use of such factory but shall not include noxious industrial uses and public garages.</p>	<p><b>INDUSTRY</b></p> <p>Means land and buildings where a product or part of a product is manufactured, mounted, processed, repaired, rebuilt or packed, including a power station and incinerator plant and may include a Cafeteria and a Caretaker's Flat and any other activities connected to or incidental to the activities mentioned herein, excluding Noxious Industries, Light Industries and Retail Industries.</p>

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<b>THE BRONKHORSTSPRUIT TOWN-PLANNING SCHEME, 1980: DEFINITIONS</b>	<b>TSHWANE TOWN-PLANNING SCHEME, 2008 (REVISED 2014) : DEFINITIONS</b>
<p><b>INSTITUTION</b></p> <p>Means use of land or a building designed or used as a public or charitable institution, hospital, nursing home, sanatorium, clinic or dispensary, diagnostic clinic and associated offices and consulting rooms, whether public or private, but does not include buildings designed exclusively or principally for any of the following purposes, namely:</p> <ol style="list-style-type: none"> <li>a. A hospital, sanatorium, dispensary or clinic for the treatment of infectious or contagious diseases.</li> <li>b. An institution or home for mentally defective.</li> <li>c. A mental hospital.</li> <li>d. Any building or premises associated with the treatment and boarding of animals.</li> <li>e. Any institution consisting mainly of offices.</li> </ol>	<p><b>INSTITUTION</b></p> <p>Means land and buildings, whether public or private, designed or used as a charitable institution, national government institution, provincial institution, municipal institution, Hospital, Nursing Home and Clinic for the care or treatment of humans and may include overnight accommodation and staff accommodation.</p>
<p><b>LIGHT INDUSTRIAL USE</b></p> <p>Means the use of land or a building designed or used as an industry in which the power machinery installed is driven by electricity, no single motor being rated at more than 3kW with a total maximum of 24kW for all motors: Provided that a total demand of 40kVA on the site shall not be exceeded and the maximum number of persons actively engaged on the site being restricted to twenty: Any office or other activity, ancillary thereto, but excluding a "noxious industrial use" and "public garage", is included.</p>	<p><b>LIGHT INDUSTRY</b></p> <p>Means land and buildings used for, inter alia, a bakery, a Builder's Yard, a Car Wash, a contractor's yard, dry-cleaners, carpet cleaners, joinery workshop, launderette, laundry, lawnmower workshop, painter's workshop, plumber's workshop, printing workshop, Transport Depot, Panel-beater, Motor Workshops, a ready-mix plant and any other such industries, workshops or yards which in the opinion of the Municipality do not cause a nuisance to the environment, may be used for similar purposes and may include the retail sale of products ancillary and subservient to the main use on the same property but does not include a Scrap Yard.</p>
<p><b>LIVING ROOM</b></p> <p>Means a room designed or used for human habitation in accordance with standards prescribed in the by-laws but does not include such rooms as a store room, kitchen, scullery, toilet, bath room or passageway or any room in a public building.</p>	<p><b>HABITABLE ROOM</b></p> <p>Means a room designed or used for human habitation according to the minimum standards prescribed in Part C of the National Building Regulations and Building Standards Act, 1977, but shall not include a storeroom, kitchen, scullery, toilet, bathroom or a passage.</p>
<p><b>LOCAL AUTHORITY</b></p> <p>Means the Town Council of Bronkhorstspuit</p>	<p><b>LOCAL AUTHORITY</b></p> <p>Means the City of Tshwane Metropolitan Municipality.</p>

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<p><b>MAP</b></p> <p>Means the local authority's map as defined in Regulations 2 and 4 of Part 1 of the Regulations promulgated under Administrator's Notice 977 dated 31 December 1965, and as amended from time to time.</p>	<p><b>MAP</b></p> <p>Means a map as defined in the Regulations of the Ordinance and which forms part of the Scheme including any amendment thereto.</p>
<p><b>MOBILE DWELLING-UNIT</b></p> <p>Means a prefabricated room or combined suite of rooms, which may not include more than one (1) kitchen, designed for occupation by a single family as a temporary residence, which can be provided with the necessary service connecting points and so manufactured that it could be moved as a unit or units on wheels.</p>	<p><b>MOBILE DWELLING-UNIT</b></p> <p>Means a Dwelling-unit that can be moved.</p>
<p><b>MOTOR GRAVE YARD</b></p> <p>Means land used or a building designed or used for the purposes of dumping and abandoning disused motor vehicles and parts thereof, other than for purposes of re-sale of further use.</p>	<p><b>SCRAP YARD</b></p> <p>Means land and buildings used as a junk yard or Scrap Yard for the dismantling, stacking, storing or preparation for resale of any used material, scrap metals, scrap vehicles, accident damaged vehicles, scrap machinery or other scrap material, whether or not such dismantling took place with the aim of disposal or re-use of such scrap.</p>
<p><b>MUNICIPAL PURPOSES</b></p> <p>Means such purposes as the local authority may be authorised to carry out in terms of the Local Government Ordinance, 1939 (Ordinance 17 of 1939), as amended, or any other legislation.</p>	<p><b>MUNICIPAL PURPOSES</b></p> <p>Means such purposes as the Municipality may be authorised to carry out in terms of any law governing municipalities including but not limited to the Local Government Municipal Structures Act, 117 of 1998 and the Local Government: Municipal Systems Act, 32 of 2000.</p>
<p><b>NOXIOUS INDUSTRIAL USE</b></p> <p>Means the use of land or a building designed or used for the purpose of carrying on an offensive trade as set out in Item 1 of Schedule 1 to the Licences Ordinance, 1974 (Ordinance 19 of 1974).</p>	<p><b>NOXIOUS INDUSTRY</b></p> <p>Means land and buildings used for any use included in the list in Schedule 8 together with any living accommodation required for a caretaker and includes any other use on the same site, which is necessary in connection with the primary use.</p>
<p><b>OCCUPANT</b></p> <p>in relation to any building, structure or land means and includes:</p> <p>Any person occupying such building, structure or land or legally entitled to occupy it, or any person having the charge or management thereof, and includes the agent of any person who is absent from the area or whose whereabouts are unknown.</p>	<p><b>OCCUPANT</b></p> <p>Shall include any person in actual occupation of any land, or building or structure or premises without regard to the title under which he occupies, and in the case of premises sub-divided and let to lodgers, various tenants, shall include the person receiving the rent payable by the lodgers or tenants whether on his own account or as agent for any person entitled thereto or interested therein and includes the</p>

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	agent of any person absent from the area or whose whereabouts is unknown.
<p><b>OFFICE</b></p> <p>Means a building or part of a building used or designed to be used for administrative and/or clerical purposes.</p> <p><b>OFFICE USE</b></p> <p>means the use of land or a building designed or used as professional suites, offices or for similar business purposes but does not include a shop, service industry, a place of instruction or place of amusement or any use mentioned, whether by way of inclusion or exclusion, in the definition of "institution", "public garage", "filling station", "drive-in restaurant", "industrial use", "light industrial use", "Commercial Use" or "noxious industrial use".</p>	<p><b>OFFICE</b></p> <p>Means land and buildings or part of a building used for professional, clerical, administrative, management, marketing and consulting services and a Chancellery and may include a Cafeteria ancillary and subservient to the main use, but excludes a Call Centre, security and emergency response vehicles, courier services in post, parcels and money and excludes medical and dental consulting rooms.</p>
<p><b>ORDINANCE</b></p> <p>Means the Town Planning and Townships Ordinance, 1965 (Ordinance 25 of 1965) with any amendments thereof and including the regulations framed there-under.</p>	<p><b>ORDINANCE</b></p> <p>Means the Town-planning and Townships Ordinance, 1986 (Ordinance 15 of 1986), as amended.</p>
<p><b>OUTBUILDINGS</b></p> <p>Means buildings other than the main building which in the opinion of the local authority are ordinarily utilised in connection with the particular use.</p>	<p><b>OUTBUILDING</b></p> <p>Means a building(s) which has its own entrance or door and no inter leading door to the main building, but which is attached to or free standing from the main building on the same property and which may contain:</p> <ol style="list-style-type: none"> <li>(1) inter alia garages, storerooms, studios, exercise rooms, hobby rooms, music room, washrooms and a Home Enterprise;</li> <li>(2) one squash court only with the Permission of the Municipality; and</li> <li>(3) residential accommodation, which shall not exceed 20% of the floor area of the main building up to a maximum of 50 m<sup>2</sup> and which may consist of habitable rooms, bathroom(s) and only one kitchen:</li> </ol> <p>Provided that:</p> <ol style="list-style-type: none"> <li>(i) the maximum of 50 m<sup>2</sup> of residential accommodation may be increased with the Permission of the Municipality up to the maximum of 20% of the</li> </ol>

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	<p>Gross Floor Area of the main building and provided that such outbuilding has a common vehicular access with the main building and it is for the purposes of only the occupants of the main building and their staff;</p> <p>(ii) a garage may be 36 m<sup>2</sup> or a maximum of 45% of the Gross Floor Area of the main building, whichever is the greater; and</p> <p>(iii) the total Gross Floor Area of all such outbuilding(s) shall not exceed 50% of the Gross Floor Area of the main building and such outbuildings shall not be leased or rented to tenants/ occupants or sold under sectional title.</p>
<p><b>OWNER</b></p> <p>in relation to any building, structure or land means and includes:</p> <p>(a) the person in whose name the title to such building, section, structure or land is registered and includes the holder of the stand licence; or</p> <p>(b) if such person or holder is deceased, insolvent, mentally disordered or defective, a minor, or under any legal disability, the person in whom the administration of that persons or holder's estate is vested, whether as executor, guardian or in any other capacity whatsoever; or</p> <p>(c) if the premises are subject to a lease which is required to be registered in terms of the Formalities in Respect of Leases Act, 1969 (Act 18 of 1969), the lessee.</p> <p>(d) a duly authorised representative of such person as in (a), (b) and (c) above.</p>	<p><b>OWNER</b></p> <p>Means in relation to land or a registered right in land, the person in whose name such land or right is registered, in a Deeds Registry in terms of the Deeds Registry Act, 1937 (Act 47 of 1937) and includes-</p> <p>(1) if the owner is deceased, the executor of the deceased estate;</p> <p>(2) if the estate of the owner has been sequestrated, the trustee of the insolvent estate;</p> <p>(3) if the owner is a company or other juristic person;</p> <p>(4) if the owner is a company or other juristic person that is being wound up, the liquidator thereof;</p> <p>(5) if the owner is under legal disability, the owners legal representative;</p> <p>(6) the authorised representative of the owner; or</p> <p>(7) in the case of a road or public space under the control of the Municipality, that Municipality.</p>
<p><b>PAN HANDLE</b></p> <p>Means the access section whereby the area of the pan handle portion, which is fit to be built upon,</p>	<p><b>PANHANDLE</b></p> <p>Means that portion of a property which is -</p>

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obtains access.	(1) at least 3 m wide and not more than 8 m wide; and  (2) used exclusively as an access to a public street.
<b>PAN HANDLE PORTION</b>  Means that portion of a property which obtains access by means of a pan handle.	<b>PANHANDLE PROPERTY</b>  Means a property, consisting of a narrow portion, which is known as the panhandle and which abuts on a street, and a broader buildable portion.
<b>PAN HANDLE SUBDIVISION</b>  Means a subdivision resulting in one or more of the portions created by such subdivision to obtain access by means of a pan- handle.	<b>PANHANDLE PROPERTY</b>  Means a property, consisting of a narrow portion, which is known as the panhandle and which abuts on a street, and a broader buildable portion.
<b>PARKING GARAGE</b>  Means land used or a building designed or used exclusively for the parking of motor vehicles not being for trade or sale.	<b>PARKING GARAGE</b>  Means a building or automated, semi-automated or mechanical structure designed or used for the parking of motor vehicles not being for trade or sale, which is not required or utilised for the parking requirements for the main use on the same property but for a use on another property and does not include a building any part of which is designed or used as a workshop for the repair of motor vehicles.
<b>PLACE OF AMUSEMENT</b>  Means land used or a building designed or used as a public hall, theatre, cinema, music hall, billiard saloon, sports arena, skating rink, dance hall or the like with a view to financial gain.	<b>PLACE OF AMUSEMENT</b>  Means land and buildings or a part of a building used for entertainment purposes such as a Theatre, cinema, music hall, concert hall, table games, skating rink, dancing, amusement park, gambling (not being a T.A.B.), electronic games or slot machines/limited pay-out gambling machines, night club, an exhibition hall or sports arena/stadium used for live concerts or performances. These buildings shall comply with the noise zone criteria and acoustical screening requirements of the Municipality's Health Services.  and/or  <b>SPORTS AND RECREATION GROUND</b>  Means land and buildings used for sporting activities such as soccer, rugby, cricket, hockey, tennis, golf and may include grandstands, change rooms, ablution facilities and any other recreation activities and other uses ancillary and subservient to the main use on the same property, which do not comply with Clause 17(4).

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<p><b>PLACE OF INSTRUCTION</b></p> <p>means land used or a building designed or used as a school, college, technical institute, academic lecture hall, or other centre of education or instruction and includes a hostel appertaining thereto, a monastery, convent, public library, art gallery, museum and gymnasium, but does not include a building designed for use wholly or principally as a reformatory or industrial school.</p>	<p><b>PLACE OF INSTRUCTION</b></p> <p>Means land and buildings used as a school, college, technical institute, Tertiary Institution, academy, lecture hall, monastery, convent, public library, art museum, museum, other educational centre including ancillary and subservient Hostel for persons attending any one of the afore-mentioned and may include a Place of Child Care and a Cafeteria ancillary and subservient to the main use on the property.</p>
<p><b>PLACE OF PUBLIC WORSHIP</b></p> <p>Means land used or a building designed or used as a church, chapel, oratory, meetinghouse, synagogue, mosque or another place of public devotion, and includes a building such as a Sunday school, rectory and an institute or social hall on the same site as, and associated with, any of the foregoing buildings but shall not include a funeral chapel.</p>	<p><b>PLACE OF PUBLIC WORSHIP</b></p> <p>Means land and buildings used for a church, chapel, mosque, temple, synagogue, or other religious purposes and may include ancillary social and recreational purposes and one Dwelling-unit on the same property, but shall not include a funeral parlour, Wall of Remembrance or Cemetery. Any noise generated on the property shall not be audible outside the boundaries of the property.</p>
<p><b>PRIVATE OPEN SPACE</b></p> <p>Means an open space to which the general public has no right of access and which is used as a private sport- and play ground or as an ornamental garden.</p>	<p><b>PRIVATE OPEN SPACE</b></p> <p>Means Open Space as defined to which the general public has no right of access.</p>
<p><b>PROPERTY</b></p> <p>Means any land which is registered as a separate unit in the Deeds Office.</p>	<p><b>PROPERTY</b></p> <p>Means any portion of land that has been registered as a separate unit in the Deeds Office.</p>
<p><b>PUBLIC GARAGE</b></p> <p>Means land used or a building designed or used for the purposes of storage, repair, parking, fuelling and sale of motor vehicles and motor accessories and includes on the same site the conduct of a retail trade ordinarily incidental to or reasonably necessary in connection with a public garage but excluding panel-beating, spray-painting and a parking garage.</p>	<p><b>PUBLIC GARAGE</b></p> <p>Means land and buildings used for the storage and retail sale of vehicle fuel, lubricants and one or more of the following uses:</p> <ol style="list-style-type: none"> <li>(1) repair and servicing of vehicles, excluding panel-beating or spray-painting;</li> <li>(2) sale of new and used vehicles;</li> <li>(3) a convenience store including a Confectionery and take-away facility with a kitchen inside the convenience store with a maximum Gross Floor Area of 250 m<sup>2</sup>, which floor area shall include the floor area accessible to the public as well as any store room, Office, fridge area and safe which is used for the operation of the convenience store;</li> <li>(4) an automatic teller machine; and</li> <li>(5) the sale of LP gas.</li> </ol>

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<p><b>PUBLIC OPEN SPACE</b></p> <p>Means an open space to which the general public has access and includes a park, garden, play park, recreational park or square.</p>	<p><b>PUBLIC OPEN SPACE</b></p> <p>Means any open space as defined vested in the Municipality under Section 63 of the Local Government Ordinance 17 of 1939 to which the general public has right of access provided that it is declared safe for human use by the Municipality.</p>
<p><b>REFRESHMENT ROOM</b></p> <p>Means and includes a restaurant, tea room or café designed and used for the preparation and retail trade of meals and refreshments and may in addition also include the retail sale of fresh produce, cold drink, smoking requisites, literature and confectionery but excluding a hotel, residential club, boarding house and drive-in restaurant.</p>	<p><b>PLACE OF REFRESHMENT</b></p> <p>Means land and buildings used for the preparation, sale and consumption of refreshments on the property such as a restaurant, café, coffee shop, tea room, Tea Garden, sports bar, pub, bar and may include take-aways and a maximum of two table games, two dartboards, two electronic games or two limited pay-out gambling machines, television screens and soft background music for the customers, which shall not be audible outside the boundaries of the property and excludes live music and a Place of Amusement. The kitchen layout shall comply with the Municipality's health requirements.</p>
<p><b>REGULATIONS</b></p> <p>Means the regulations promulgated by the Administrator in terms of Section 95 of the Ordinance.</p>	<p><b>REGULATIONS</b></p> <p>Means the Town-planning and Township Regulations issued by the Premier in terms of the Ordinance.</p>
<p><b>RESIDENTIAL USE</b></p> <p>Means the use of land or a building designed or used for the purposes of a boarding house, residential club or hostel but does not include any building mentioned whether by way of inclusion or exclusion in the definitions of "place of instruction", "institution", "dwelling-unit" and "hotel".</p>	<p><b>RESIDENTIAL BUILDINGS</b></p> <p>Means a Hotel, Block of Flats, Block of Tenements, Boarding House, other residential types not elsewhere defined and Hostel together with such outbuildings as are ordinarily used therewith.</p>
<p><b>RETAIL TRADE</b></p> <p>Means any trade other than "wholesale trade" as defined in this Scheme.</p>	<p><b>SHOP</b></p> <p>Means land and buildings used for the purpose of Retail Trade or renting of household equipment/tools directly to the public, including inter alia retail sale and display of products, "off-sales" facilities on properties licensed in terms of any liquor law, pet shops, a pharmacy, a confectionary, a take-away, swop shop, pawn shop, auctioneers business, hire/rental shop, drive thru restaurant and may include[s] a Retail Industry ancillary and subservient to the main use and with the Permission of the Municipality a Builders Yard ancillary and subservient to a hardware shop.</p>

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<p><b>SCRAP YARD</b></p> <p>Means any piece of land or building used for the stacking, storing or preparation for resale of used material of whatever description.</p>	<p><b>SCRAP-YARD</b></p> <p>Means land and buildings used as a junk yard or Scrap Yard for the dismantling, stacking, storing or preparation for resale of any used material, scrap metals, scrap vehicles, accident damaged vehicles, scrap machinery or other scrap material, whether or not such dismantling took place with the aim of disposal or re-use of such scrap.</p>
<p><b>SERVICE INDUSTRY</b></p> <p>Means a use which in the opinion of the local authority is a small scale industry incidental to the needs of the local community and the retail trade and which, in the opinion of the local authority, will not interfere with the amenity of surrounding properties or be of nuisance value by virtue of noise appearance, small or activities or for any other reason whatsoever, but excludes a public garage.</p>	<p><b>RETAIL INDUSTRY</b></p> <p>Means, inter alia, catering, a confectionary, dress-making, and tailoring, engraving, instant printing and copying, jewellery manufacturing, photographic processing, picture framing, key cutting and screen printing; as well as the servicing and repair of air conditioners, audio equipment, basket ware and cane furniture, canvass goods and tents, bicycles, electronic equipment, domestic equipment, leather-works and shoes, office equipment, television and video equipment, upholstery, watches, weighing machines and window blinds, but does not include a Light Industry and the wholesale selling of goods and may include the retail sale of products related to the aforementioned services.</p>
<p><b>SHOP</b></p> <p>Means land used or a building designed or used for the purposes of carrying on retail trade and the necessary accompanying storage and packaging and also includes a use on the same site which is ordinarily incidental to the conduct of the retail business thereon: Provided that the floor space of such ancillary activities shall not exceed 10% of the gross floor space and provided further that such activities shall not give rise to any disturbance or nuisance. A noxious industrial use, drive-in restaurant, scrap-yard, Commercial Use, filling station, parking garage, place of amusement or public garage, inter alia, shall not be considered ancillary activities to a "shop" for the purposes of this Scheme.</p>	<p><b>SHOP</b></p> <p>Means land and buildings used for the purpose of Retail Trade or renting of household equipment/tools directly to the public, including inter alia retail sale and display of products, "off-sales" facilities on properties licensed in terms of any liquor law, pet shops, a pharmacy, a confectionary, a take-away, swop shop, pawn shop, auctioneers business, hire/rental shop, drive thru restaurant and may include[s] a Retail Industry ancillary and subservient to the main use and with the Permission of the Municipality a Builders Yard ancillary and subservient to a hardware shop.</p>
<p><b>SITE</b></p> <p>Means in relation to a building also the area occupied by any building, yard, court yard or garden used in connection therewith.</p>	<p><b>SITE</b></p> <p>In relation to FAR, coverage and parking calculations, means the whole of the area registered as an erf or other property, including the area of any servitude registered over such erf or other property.</p>

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<p><b>SITE DEVELOPMENT PLAN</b> Means a plan drawn to a scale of 1:500 or such other scale as may be approved by the local authority and which reflects at least the following:</p> <p>(a) the siting, height and coverage of all buildings;</p> <p>(b) open spaces, children play grounds (if included in the proposed development), as well as site embellishment;</p> <p>(c) entrances and exits from the property and any proposed subdivision thereof;</p> <p>(d) subdivisional lines if the property is to be subdivided;</p> <p>(e) accesses to buildings and parking areas;</p> <p>(f) Building Restriction Areas (if any);</p> <p>(g) parking areas and, where required by the local authority, motor- and pedestrian traffic system; and</p> <p>(h) elevation treatment of all buildings.</p> <p>i. Contours with a minimum interval of 1 metre.</p> <p>j. The 1:50 year flood line certified by a registered engineer if applicable.</p> <p>k. Programme of development of the site.</p> <p>l. If required by the local authority the following reports:</p> <ul style="list-style-type: none"> <li>• A report compiled by an acknowledged landscape architect that will address the landscaping of the site, including the rehabilitation of the site where excavations take place.</li> <li>• A report compiled by a registered engineer that will address the servicing of the site with specific reference to the supply of essential services, access roads, screen walls, storm-water drainage, disposal of, or treatment of, soiled water and sewage, the removal of refuse and the prevention of pollution.</li> </ul>	<p><b>SITE DEVELOPMENT PLAN</b> Means a plan which shows the siting, elevations and exterior finish of the proposed buildings, parking areas and open spaces of the proposed development of a property and any salient natural features thereof, as prescribed by the Municipality in Clause 31.</p>

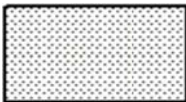
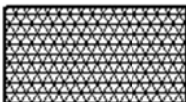


<b>SCHEDULE 23 : PART A</b>	
<b>THE BRONKHORSTSPRUIT TOWN-PLANNING SCHEME, 1980: DEFINITIONS</b>	<b>TSHWANE TOWN-PLANNING SCHEME, 2008 (REVISED 2014) : DEFINITIONS</b>
<p><b>SOCIAL HALL</b></p> <p>Means land used and buildings designed for social meetings and gatherings and includes a Masonic temple and a non-residential club but excluding a “place of amusement”</p>	<p><b>SOCIAL HALL</b></p> <p>Means land and buildings used for, inter alia, social and cultural gatherings, recreation activities, wedding receptions, fairs, bazaars and a non-residential club but does not include a Place of Amusement and Place of Refreshment but may include a kitchen ancillary and subservient to the hall.</p>
<p><b>SPECIAL CONSENT</b></p> <p>Means the local authority’s written consent in relation to an application contemplated in Clause 14.</p>	<p><b>CONSENT USE</b></p> <p>Consent Use means the use of land and buildings granted by the Municipality and subject to the scheme’s applicable advertising procedure and conditions of approval.</p> <p><b>PERMISSION OF THE MUNICIPALITY</b></p> <p>Means the permission or approval granted by the Municipality in terms of Clause 15 to use land and buildings for a specific use or to relax certain conditions applicable to the use of land and buildings.</p>
<p><b>SPECIAL USE</b></p> <p>Means land used or a building designed or used for any use other than one of the uses specifically defined in this Scheme and/or mentioned in the definitions.</p>	<p><b>SPECIAL USE</b></p> <p>Means land or buildings used for any purpose other than that herein defined.</p>
<p><b>STOREY</b></p> <p>In relation to the height of buildings as prescribed in this Scheme means a maximum height of 6 m on the ground floor and not more than 4,5 m on any floor above the ground floor. (A permissible height of three storeys would mean the ground floor and two additional floors.)</p>	<p><b>STOREY</b></p> <p>Means that part of a building which is situated between the top of any floor and the top of the floor above it or if there be no floor above it that portion between such floor and the ceiling above it (any mezzanine floor, open work floor, catwalk or gallery being taken to be part of the storey in which it is situated).</p>
<p><b>STREET or ROAD</b></p> <p>Includes the whole or part of any street, road, island, footway, bridge, subway, avenue, lane, sanitary lane or thoroughfare shown on the general plan of a township, or in respect of which the public has acquired a prescriptive or other permanent right-of-way and shall also include a road reserve.</p>	<p><b>STREET OR PUBLIC STREET</b></p> <p>Includes any street, road, or thoroughfare shown on the General Plan of a township, agricultural holding or other division of land or in respect of which the public have acquired a prescriptive or other right of way or zoned as Existing Street and may include on-street parking and loading zones as designated by the Municipality.</p>


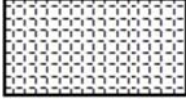
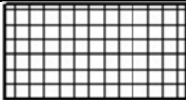
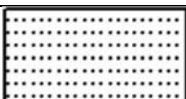





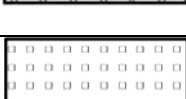
<b>SCHEDULE 23 : PART A</b>	
<b>THE BRONKHORSTSPRUIT TOWN-PLANNING SCHEME, 1980: DEFINITIONS</b>	<b>TSHWANE TOWN-PLANNING SCHEME, 2008 (REVISED 2014) : DEFINITIONS</b>
<p><b>WHOLESALE TRADE</b></p> <p>Means trade which is restricted to the sale of goods or produce to licensed retailers.</p>	<p><b>WHOLESALE TRADE</b></p> <p>Means the sale and provision of goods to retailers or Shops only.</p>
<p><b>ZONE</b></p> <p>Means a portion of the area of this scheme shown on the Map by distinctive notations or edging, or in some other distinctive manner for the purpose of indicating the restrictions imposed on the erection and use of buildings or the use of land.</p>	<p><b>ZONE</b></p> <p>Means that part of the Map which by distinctive colouring or in some other manner indicates the restrictions imposed by this Scheme on the erection and use of buildings or the use of land.</p>

<b>SCHEDULE 23: PART B</b>	
<b>BRONKHORSTSPRUIT TOWN-PLANNING SCHEME, 1980: CLAUSES</b>	<b>TSHWANE TOWN-PLANNING SCHEME, 2008 (REVISED 2014): CLAUSES</b>
Clause 1: Authority	General Information
Clause 2: Area of Scheme	Clause 1: Title of Scheme
Clause 3: Responsible Authority	Clause 2: Responsible Authority
Clause 4: Definitions	Clause 5: Definitions
Clause 5: Provisos and Tables "A" to "H"	Clauses 5, 9,12,14, 16,18, 20, 21, 22, 23, 25, 26, 27, 28, and Schedules 3 and 4
Clause 6: Buildings used for more than one purpose	Clause 13: Mixed Use of Buildings
Clause 7: Special exceptions	Clause 17: Uses Not subject to Table B
Clause 8: Permission granted before approval of this Scheme	Clause 4: Transition Clause
Clause 9: Splaying of Corners, Lines of No-access, New Streets and Street Widening	Clauses 7: Prohibition of Access
Clause 10: Binding Force of Conditions	Not included: Stipulated in the Ordinance
Clause 11: Special Powers of Local Authority	Clause 17: Uses Not subject To Table B
Clause 12: Conditions in Townships	Clauses 18, 21, 22, 23 and 24
Clause 13: General Appearance and Convenience	Clause 30: Aesthetic Considerations
Clause 14: Procedure for Obtaining the Special Consent of the Local Authority	Clause 16: Consent Use Procedure
Clause 15: Appeal Against a Decision of the Local Authority	Clause 35: Appeals
Clause 16: Serving of Notices	Clause 37: Serving of Notices
Clause 17: Entry and Inspection of Premises	Clause 33: Entry and Inspection
Clause 18: Contravention of Scheme	Clause 36: Contravention of the Scheme
Clause 19: Record of Consents and Conditions	Not Included
Clause 20: Availability of Scheme for Purposes of Inspection	Clause 34: Perusal of Scheme
Clause 21: Short Title	Clause 39: Short Title

<b>SCHEDULE 23: PART C</b>	
<b>BRONKHORSTSPRUIT TOWN-PLANNING SCHEME, 1980: TABLE A: USE ZONE TABLE</b>	<b>TSHWANE TOWN-PLANNING SCHEME, 2008 (REVISED 2014): TABLE B: USE ZONE TABLE</b>
Use Zone I: Residential 1	Use Zone 1: Residential 1
Use Zone II: Residential 2	Use Zone 2: Residential 2
Use Zone III: Residential 3	Use Zone 3: Residential 3
Use Zone IV: Residential 4	Use Zone 4: Residential 4
Use Zone V: Business 1	Use Zone 6: Business 1
Use Zone VI: Business 2	Use Zone 8: Business 3
Use Zone VII: Business 3	Use Zone 9: Business 4
Use Zone VIII: Business 4	Use Zone 9: Business 4
Use Zone IX: Industrial 1	Use Zone 10: Industrial 1
Use Zone X : Industrial 2	Use Zone 10: Industrial 1
Use Zone XI : Industrial 3	Use Zone 11: Industrial 2
Use Zone XII : Commercial	Use Zone 12: Commercial
Use Zone XIII : Educational	Use Zone 13: Educational
Use Zone XIV : Municipal : XIV(a) : General XIV(b) : Cemetery	Use Zone 15: Municipal Use Zone 26: Cemetery

<b>SCHEDULE 23: PART C</b>	
<b>BRONKHORSTSPRUIT TOWN-PLANNING SCHEME, 1980: TABLE A: USE ZONE TABLE</b>	<b>TSHWANE TOWN-PLANNING SCHEME, 2008 (REVISED 2014): TABLE B: USE ZONE TABLE</b>
XIV(c) : Sewerage farm	Use Zone 27: Infrastructure Works
XIV(d) : Aerodrome	Use Zone 24: Aerodrome
XIV(e) : Reservoir	Use Zone 27: Infrastructure Works
Use Zone XV: Agricultural	Use Zone 17: Agricultural
Use Zone XVI: Public Open Space	Use Zone 20: Public Open Space
Use Zone XVII: Private Open Space	Use Zone 21: Private Open Space
Use Zone XVIII: Government:	
XVIII(a): General	Use Zone 16: Government
XVIII(b): S.A.R.	Use Zone 25: S.A.R.
Use Zone XIX: Special	Use Zone 28: Special
Use Zone XX: Institutional	Use Zone 14: Institutional
Use Zone XXI: Amusement	Use Zone 28: Special
Use Zone XXII: Parking	Use Zone 28: Special
Use Zone XXIII: Public Garage	Use Zone 18: Public Garage
Use Zone XXIV: General	Use Zone 28: Special
Use Zone XXV: Undetermined	Use Zone 19: Undetermined
Use Zone XXVI: Recreation Resort	Use Zone 28: Special
Use Zone XXVII: Existing Public Roads	Use Zone 22: Existing Streets
Use Zone XXVIII: Proposed New Roads and widenings	Use Zone 23: Proposed Streets and Widening

<b>SCHEDULE 23: PART D</b>	
<b>BRONKHORSTSPRUIT TOWN-PLANNING SCHEME, 1980: TABLE B,C and D (HEIGHT ZONE "O") DENSITY, FAR, HEIGHT AND COVERAGE</b>	<b>TSHWANE TOWN-PLANNING SCHEME, 2008 (REVISED 2014): DENSITY : MINIMUM ERF SIZES FLOOR AREA RATIO ZONES OF TABLE C HEIGHT ZONES OF TABLE D, AND COVERAGE ZONES OF TABLE E</b>
Residential 1: Density	
Notation	One dwelling–unit per Erf area
	One per erf
	100m <sup>2</sup>
	200m <sup>2</sup>
	300m <sup>2</sup>
Schedule 6 and the electronic data base: Minimum erf sizes according to these densities	

<b>SCHEDULE 23: PART D</b>		<b>TSHWANE TOWN-PLANNING SCHEME, 2008 (REVISED 2014): DENSITY : MINIMUM ERF SIZES FLOOR AREA RATIO ZONES OF TABLE C HEIGHT ZONES OF TABLE D, AND COVERAGE ZONES OF TABLE E</b>
<b>BRONKHORSTSPRUIT TOWN-PLANNING SCHEME, 1980: TABLE B, C and D (HEIGHT ZONE "O") DENSITY, FAR, HEIGHT AND COVERAGE</b>		
	400m <sup>2</sup>	
	500m <sup>2</sup>	
	700m <sup>2</sup>	
	1000m <sup>2</sup>	
	1250m <sup>2</sup>	
	1500m <sup>2</sup>	
	2000m <sup>2</sup>	
	2500m <sup>2</sup>	
	3000m <sup>2</sup>	
	4000m <sup>2</sup>	
Residential 1	Height: 2 storeys Coverage: 50% F.A.R.: not specified	Height: Height Zone 10 Coverage: Coverage Zone 5 FAR: FAR Zone: 21

<b>SCHEDULE 23: PART D</b>		
<b>BRONKHORSTSPRUIT TOWN-PLANNING SCHEME, 1980: TABLE B,C and D (HEIGHT ZONE "O") DENSITY, FAR, HEIGHT AND COVERAGE</b>		<b>TSHWANE TOWN-PLANNING SCHEME, 2008 (REVISED 2014): DENSITY : MINIMUM ERF SIZES FLOOR AREA RATIO ZONES OF TABLE C HEIGHT ZONES OF TABLE D, AND COVERAGE ZONES OF TABLE E</b>
Residential 2:	Density: 20 U/ha Height: 2 storeys Coverage: 40% F.A.R.: not specified	Density: Schedule 4 Height: Schedule 4 Coverage: Schedule 4 FAR: Schedule 4
Residential 3:	Density: 44 U/ha Height: 2 storeys Coverage: 30% F.A.R.: 0,8	Density: Annexure T Height: Annexure T Coverage: Annexure T FAR: Annexure T
Residential 4:	Density: not specified Height: 3 storeys Coverage: 60% F.A.R.: 1,8	Density: Not applicable Table D, Height Zone 9 Table E, Coverage Zone 17 Table C, FAR Zone 20
Business 1:	Height: 6 storeys Coverage: 75%-85% F.A.R.: 2,0	Table D, Height Zone 6 Table E, Coverage Zone 22 Table C, FAR Zone 25
Business 2:	Height: 3 storeys Coverage: 60%-75% F.A.R.: 1,5	Table D, Height Zone 9 Table E, Coverage Zone 23 Table C, FAR Zone 20
Business 3:	Height: 2 storeys Coverage: 50% F.A.R.: 0,8	Table D, Height Zone 10 Table E, Coverage Zone 24 Table C, FAR Zone 18
Business 4:	Height: not specified Coverage: not specified F.A.R.: not specified	Table D, Height Zone 10 Table E, Coverage Zone 17 Table C, FAR Zone 19
Industrial 1:	Height: Unlimited Coverage: 75% F.A.R.: not specified	Table D, Height Zone 1 Table E, Coverage Zone 25 Table C, FAR Zone 6
Industrial 2:	Height: Unlimited Coverage: 80% F.A.R.: not specified	Table D, Height Zone 1 Table E, Coverage Zone 18 Table C, FAR Zone 6
Industrial 3:	Height: 2 Storeys Coverage: 70% F.A.R.: not specified	Table D, Height Zone 7 Table E, Coverage Zone 19 Table C, FAR Zone 6
Commercial:	Height: 2 Storeys Coverage: 70% F.A.R.: not specified	Table D, Height Zone 7 Table E, Coverage Zone 19 Table C, FAR Zone 5
Educational:	Height: 2 storeys Coverage: 70% F.A.R.: not specified	Table D, Height Zone 9 Table E, Coverage Zone 19 Table C, FAR Zone 10
Municipal (General):	Height: not specified Coverage: not specified F.A.R.: not specified	Table D, Height Zone 7 Table E, Coverage Zone 5 Table C, FAR Zone 5
Municipal (Cemetery):	Height: not specified	Height: Site Development Plan

<b>SCHEDULE 23: PART D</b>		
<b>BRONKHORSTSPRUIT TOWN-PLANNING SCHEME, 1980: TABLE B,C and D (HEIGHT ZONE "O") DENSITY, FAR, HEIGHT AND COVERAGE</b>		<b>TSHWANE TOWN-PLANNING SCHEME, 2008 (REVISED 2014): DENSITY : MINIMUM ERF SIZES FLOOR AREA RATIO ZONES OF TABLE C HEIGHT ZONES OF TABLE D, AND COVERAGE ZONES OF TABLE E</b>
	Coverage: not specified F.A.R.: not specified	Coverage: Site Development Plan FAR: Site Development Plan
Municipal (Sewerage):	Height: not specified Coverage: not specified F.A.R.: not specified	Height: Site Development Plan Coverage: Site Development Plan FA.: Site Development Plan
Municipal (Aerodrome):	Height: not specified Coverage: not specified F.A.R.: not specified	Table D, Height Zone 5 Table E, Coverage Zone 16 FAR: Site Development Plan
Municipal (Reservoir):	Height: not specified Coverage: not specified F.A.R.: not specified	Height: Site Development Plan Coverage: Site Development Plan FAR: Site Development Plan
Agricultural :	Height: 2 storeys Coverage: not specified F.A.R.: not specified	Table D, Height Zone 10 Table E, Coverage Zone 5 Table C, FAR Zone 21
Public Open Space	Height: not specified Coverage: not specified F.A.R.: not specified	Height: Site Development Plan Coverage: Site Development Plan FAR: Site Development Plan
Private Open Space	Height: not specified Coverage: not specified F.A.R.: not specified	Height: Site Development Plan Coverage: Site Development Plan FAR: Site Development Plan
Government General:	Height: not specified Coverage: not specified F.A.R.: not specified	Table D, Height Zone 5 Table E, Coverage Zone 5 Table C, FAR Zone 5
Government S.A.R.:	Height: not specified Coverage: not specified F.A.R.: not specified	Height: Site Development Plan Coverage: Site Development Plan FAR: Site Development Plan
Special:	Height: Annexure Coverage: Annexure F.A.R.: Annexure	Height: Annexure T Coverage: Annexure T F.A.R.: Annexure T
Institutional:	Height: 3 Storeys Coverage: 50%-70% F.A.R.: 1,0	Table D, Height Zone 9 Table E, Coverage Zone 19 Table C, FAR Zone 24
Amusement:	Height: not specified Coverage: 70% F.A.R.: not specified	Height: Annexure T Coverage: Annexure T FAR: Annexure T
Parking :	Height: not specified Coverage: 85% F.A.R.: not specified	Height: Annexure T Coverage: Annexure T FAR: Annexure T
Public Garage:	Height: 2 storeys Coverage: 40% F.A.R.: not specified	Table D, Height Zone 9 Table E, Coverage Zone 16 Table C, FAR Zone 16
General:	Height: not specified	Height: Annexure T

<b>SCHEDULE 23: PART D</b>		
<b>BRONKHORSTSPRUIT TOWN-PLANNING SCHEME, 1980: TABLE B,C and D (HEIGHT ZONE "O") DENSITY, FAR, HEIGHT AND COVERAGE</b>	<b>TSHWANE TOWN-PLANNING SCHEME, 2008 (REVISED 2014): DENSITY : MINIMUM ERF SIZES FLOOR AREA RATIO ZONES OF TABLE C HEIGHT ZONES OF TABLE D, AND COVERAGE ZONES OF TABLE E</b>	
	Coverage: not specified F.A.R.: not specified	Coverage: Annexure T FAR: Annexure T
Undetermined:	Height: not specified Coverage: not specified F.A.R.: not specified	Table D, Height Zone 10 Table E, Coverage Zone 5 Table C, FAR Zone 21
Recreation Resort:	Height: Annexure Coverage: Annexure F.A.R.: Annexure	Height: Annexure T Coverage: Annexure T FAR: Annexure T
Existing Public Roads:	Height: not specified Coverage: not specified F.A.R.: not specified	Table D, Height Zone 5 Coverage: Not applicable FAR: Not applicable
Proposed New Roads and widening:	Height: not specified Coverage: not specified F.A.R.: not specified	Height: Not applicable Coverage: Not applicable FAR: Not applicable

<b>SCHEDULE 23: PART E</b>	
<b>BRONKHORSTSPRUIT TOWN PLANNING SCHEME, 1980: TABLES E,F AND G</b>	<b>TSHWANE TOWN-PLANNING SCHEME, 2008 (REVISED 2014): TABLES</b>
Table E: Building Lines and Building Restriction Areas	Table A: Building Restriction Areas, Clause 9 and Clause 12
Table F: Parking and Loading Spaces	Table G: Parking Requirements Table H: Loading Requirements
Table G: Open Spaces	Table A: Building Restriction Areas

<b>SCHEDULE 23 : PART F</b>	
<b>BRONKHORSTSPRUIT TOWN PLANNING SCHEME, 1980: TABLE H: ENCOMPASSING HEIGHT ZONES 1 TO 9</b>	<b>TSHWANE TOWN PLANNING SCHEME, 2008 (REVISED 2014): TABLES</b>
<b>HEIGHT ZONE 0:</b>  See Tables B, C and D in Part D above	See Part D above.
<b>Height Zone 1: H1</b> Maximum dwelling-units per net ha for Res 2 only: 10 F.A.R. for all uses except Res 2: Not applicable F.A.R. for Res 2: Not applicable Maximum height for all uses: 2 storeys Maximum coverage for all uses except Residential 2: Not applicable Maximum coverage for Res 2: Not specified	Res 2 Density: Annexure T FAR ZONE 26 Schedule 4 Height Zone 10 Coverage Zone 27 Schedule 4
<b>Height Zone 2: H2</b> Maximum dwelling-units per net ha for Res 2 only: 15 F.A.R. for all uses except Res 2: 0,4 F.A.R. for Res 2: Not applicable Maximum height for all uses: 2 storeys Maximum coverage for all uses except Residential 2: 30% Maximum coverage for Res 2: Not specified	Res 2 Density: Annexure T FAR Zone 27 Schedule 4 Height Zone 10 Coverage Zone 28 Schedule 4

<p><b>Height Zone 3: H3</b>  Maximum dwelling-units per net ha for Res 2 only: 20  F.A.R. for all uses except Res 2: 0,5  F.A.R. for Res 2: Not applicable  Maximum height for all uses: 2 storeys  Maximum coverage for all uses except Residential 2: 30%  Maximum coverage for Res 2: Not specified</p>	<p>Res 2 Density: Annexure T  FAR Zone 17  Schedule 4  Height Zone 10  Coverage Zone 28  Schedule 4</p>
<p><b>Height Zone 4: H4</b>  Maximum dwelling-units per net ha for Res 2 only: 25  F.A.R. for all uses except Res 2: 0,6  F.A.R. for Res 2: Not applicable  Maximum height for all uses: 2 storeys  Maximum coverage for all uses except Residential 2: 40%  Maximum coverage for Res 2: Not specified</p>	<p>Res 2 Density: Schedule 4  FAR Zone 10  Schedule 4  Height Zone 10  Coverage Zone 16  Schedule 4</p>
<p><b>Height Zone 5: H5</b>  Maximum dwelling-units per net ha for Res 2 only: 30  F.A.R. for all uses except Res 2: 0,35  F.A.R. for Res 2: Not applicable  Maximum height for all uses: 2 storeys  Maximum coverage for all uses except Residential 2: 30%  Maximum coverage for Res 2: Not specified</p>	<p>Res 2 Density: Annexure T  FAR Zone 29  Schedule 4  Height Zone 10  Coverage Zone 28  Schedule 4</p>
<p><b>Height Zone 6: H6</b>  Maximum dwelling-units per net ha for Res 2 only: N.A.  F.A.R. for all uses except Res 2: 0,8  F.A.R. for Res 2: Not applicable  Maximum height for all uses: 2 storeys  Maximum coverage for all uses except Residential 2: 40%  Maximum coverage for Res 2: Not specified</p>	<p>Not Applicable  FAR Zone 18  Schedule 4  Height Zone 10  Coverage Zone 16  Schedule 4</p>
<p><b>Height Zone 7: H7</b>  Maximum dwelling-units per net ha for Res 2 only: N.A.  F.A.R. for all uses except Res 2: 1,0  F.A.R. for Res 2: Not applicable  Maximum height for all uses: 2 storeys  Maximum coverage for all uses except Residential 2: 60%  Maximum coverage for Res 2: Not specified</p>	<p>Not Applicable  FAR Zone 24  Schedule 4  Height Zone 10  Coverage Zone 17  Schedule 4</p>
<p><b>Height Zone 8: H8</b>  Maximum dwelling-units per net ha for Res 2 only: N.A.  F.A.R. for all uses except Res 2: 1,2  F.A.R. for Res 2: Not applicable  Maximum height for all uses: 2 storeys  Maximum coverage for all uses except Residential 2: 60%  Maximum coverage for Res 2: Not specified</p>	<p>Not Applicable  FAR Zone 19  Schedule 4  Height Zone 10  Coverage Zone 17  Schedule 4</p>
<p><b>Height Zone 9: H9</b>  Maximum dwelling-units per net ha for Res 2 only: N.A.  F.A.R. for all uses except Res 2: 1,4  F.A.R. for Res 2: Not applicable  Maximum height for all uses: 2 storeys  Maximum coverage for all uses except Residential 2: 70%  Maximum coverage for Res 2: Not specified</p>	<p>Not Applicable  FAR Zone 30  Schedule 4  Height Zone 10  Coverage Zone 19  Schedule 4</p>

**SCHEDULE 24****CONVERSION TABLE: GREATER CULLINAN TOWN-PLANNING SCHEME, 1999  
TO TSHWANE TOWN-PLANNING SCHEME, 2008 (REVISED 2014)**

<b>SCHEDULE 24: PART A</b>	
<b>GREATER CULLINAN TOWN-PLANNING SCHEME, 1999: DEFINITIONS</b>	<b>TSHWANE TOWN-PLANNING SCHEME, 2008 (REVISED 2014): DEFINITIONS</b>
<p><b>ADDITIONAL DWELLING UNIT:</b></p> <p>Means a second dwelling unit on the same property provided that the total coverage does not exceed the prescribed defined in Table "E".</p>	<p><b>Not included – see one additional dwelling house – Clause 14(10)</b></p>
<p><b>AGRICULTURAL BUILDING:</b></p> <p>Means a building designed for use in connection with, and which is ordinarily incidental to, or reasonably necessary in connection with the use of the land on which the building is situated as agricultural land, and may include a dwelling unit.</p>	<p><b>AGRICULTURE</b></p> <p>Means land and buildings used for any bona fide farming activities which may include Market Gardens, game farming, cattle, goats and sheep farming, bee farming, bird breeding, plant nursery, plantations, aquaculture, mushroom production, forestry and orchards and activities normally regarded as incidental thereto, but excludes Abattoirs, cattle feeding lots, poultry farming, [and] pig farming and Animal Boarding Place.</p>
<p><b>AGRICULTURAL USE:</b></p> <p>Means land used or a building designed or used for the purposes of ploughing, depasturing, horticulture, poultry farming, dairy farming, breeding and keeping of livestock, apiaries, forestry, mushroom and vegetable production, flower production, orchards and any other activity commonly connected with farming or associated therewith, and include the sale of own produced goods.</p>	<p><b>AGRICULTURE</b></p> <p>Means land and buildings used for any bona fide farming activities which may include Market Gardens, game farming, cattle, goats and sheep farming, bee farming, bird breeding, plant nursery, plantations, aquaculture, mushroom production, forestry and orchards and activities normally regarded as incidental thereto, but excludes Abattoirs, cattle feeding lots, poultry farming pig farming, and Animal Boarding Place.</p> <p><b>AGRICULTURAL INDUSTRY</b></p> <p>Means any farming activity such as pig and poultry farming and cattle feeding lots, that is performed on such a scale and with such intensity that it could in the opinion of the Municipality possibly cause a health nuisance in respect of noise, smells, waste and effluent.</p>
<p><b>ANNEXURES TO THE SCHEME:</b></p> <p>Means an annexure as contemplated in Clause 19 of the Scheme.</p>	<p><b>ANNEXURE T</b></p> <p>Means the set of documents showing details of rights permitted and conditions imposed on certain erven and land marked with a black number within a black circle on the Map 3 which rights and conditions shall prevail over any other Clause or provision of the Scheme except that if rights and conditions are not stipulated the provisions of the Scheme Clauses shall apply as read with Clause 4(2) and includes</p>

<b>SCHEDULE 24: PART A</b>	
<b>GREATER CULLINAN TOWN-PLANNING SCHEME, 1999: DEFINITIONS</b>	<b>TSHWANE TOWN-PLANNING SCHEME, 2008 (REVISED 2014): DEFINITIONS</b>
	any approved Annexure B, Annexure or Schedule of a former Town Planning Scheme applicable in the Tshwane municipal area.
<p><b>BAKERY:</b></p> <p>Means land used or a building in which bread, rusks, biscuits, pies, pastries, confectionery and other baked products are produced in bulk for distribution to wholesalers and/or retailers, as well as such retail as may be approved by the local municipality.</p>	<p><b>BAKERY</b></p> <p>Means land and buildings where bread, rusks, tarts, rolls, pies and other flour-baked products are manufactured in bulk for distribution to Wholesale Trade, Shops and Warehouses.</p>
<p><b>BASEMENT:</b></p> <p>Means any floor of a building situated under the ground floor, beneath the natural horizontal ground level of the area.</p>	<p><b>BASEMENT</b></p> <p>Means any portion of a building complying with the provisions of Clause 9(5) and 12, the floor of which is 2 m or more below the mean natural ground level of the ground covered by the building, and of which no part of the ceiling is more than 1 m above such mean level.</p>
<p><b>BOARD:</b></p> <p>Means the Townships Board as constituted under the provisions of the Ordinance, or its successors in title from time to time in terms of subsequent legislation.</p>	<p><b>TOWNSHIPS BOARD</b></p> <p>Means the appeal authority established in terms of the relevant Provincial or National legislation</p>
<p><b>BUILDING:</b></p> <p>Means a construction or structure of any nature, as well as:</p> <p>(a) any other structure, whether of a temporary or permanent nature and irrespective of the materials used in the erection thereof, erected or in connection with:-</p> <p>(i) the accommodation or convenience of human beings or animals;</p> <p>(ii) the manufacture, processing, storage, display or sale of any goods;</p> <p>(iii) the rendering of any services;</p> <p>(iv) the destruction or treatment of refuse or other waste materials;</p> <p>(v) the cultivation or growing of any plant or crop.</p> <p>(b) any wall, swimming pool, reservoir or bridge or any other structure connected</p>	<p><b>BUILDING</b></p> <p>Means a building as defined in the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977).</p>

<b>SCHEDULE 24: PART A</b>	
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<p>therewith;</p> <p>(c) any fuel pump or any tank used in connection therewith;</p> <p>(d) any structure under the natural ground level and any excavations for ground works pertaining to such structure;</p> <p>(e) any part of a building, including a building as defined in paragraph (a), (b), (c) or (d);</p> <p>(f) any facilities or system, or part or portion thereof, within or outside incidental to a building, for the provision of water supply, drainage, sewerage, storm-water disposal, electricity supply or other similar service in respect of the building.</p>	
<p><b>BUILDING LINE:</b></p> <p>Means a line indicating the limits of a building restriction area as measured from a street boundary or other boundary of a property which does not border on a street and which at a fixed distance from such boundary, runs parallel to such boundary.</p>	<p><b>BUILDING LINE</b></p> <p>Means an imaginary line on a property that demarcates the Building Restriction Area and is at a fixed distance from any boundary of such property.</p>
<p><b>BUILDING RESTRICTION AREA:</b></p> <p>Means an area within which no building may be erected save as set out in Clause 8.5 of this Scheme.</p>	<p><b>BUILDING RESTRICTION AREA</b></p> <p>Means the area on a property where no building, except as permitted by the scheme, may be erected and which is bounded on one side by a Building Line and on the other side by a boundary of the property and also includes open spaces or as indicated in an Annexure T to the Scheme.</p>
<p><b>BUILDER'S YARD:</b></p> <p>Means land and/or buildings used for the storage of:-</p> <p>1. Materials which:</p> <p>(a) are commonly used for building work; and/or</p> <p>(b) resulted from demolition or excavation works; and/or</p> <p>(c) are commonly used for other civil engineering works such as installation of services.</p> <p>2. Vehicles and implements necessary or ancillary to the works and services referred to in Clause</p>	<p><b>BUILDER'S YARD</b></p> <p>Means land and buildings that are used for the storage and/or sale and rental of building materials such as sand, bricks, scaffolding, cement, doors, windows etc and equipment that:</p> <p>(1) are required for building works; or</p> <p>(2) have been obtained from demolitions or excavations; or</p> <p>(3) are required or are usually required for improvements on land, such as material that is used for any building work, whether for public or private purposes; or</p>

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7.11.1.	(4) are ancillary and subservient to a hardware shop.
<b>COMMERCIAL USE:</b>  Means land used or a building designed and used for purposes other than residential and agricultural uses, but without limiting the generality thereof, used for purposes such as distribution centres, wholesale trade, storage, warehouses, cartage and transport services, laboratories and Computer Centres, offices directly related and subservient to the main use conducted on the land, and includes such industries as are ancillary and subservient to the main use conducted on the land or in the buildings.	<b>COMMERCIAL USE</b>  Means land and buildings used for Distribution Centres, Wholesale Trade, storage, warehouses, Telecommunication Centre, Transport Depot, Laboratories and Computer Centres and may include Offices, Light Industries, a Cafeteria and a Caretaker's Flat, which are directly related and subservient to the main commercial use which is carried out on the land or in the building.
<b>CONTROLLING AUTHORITY:</b>  Means the controlling authority as defined in Section 1 of the advertising on Roads and Ribbon Development Act, 1940 (Act 21 of 1940), or the Commission as defined in the South African National Roads Agency Limited and National Roads Act (Act 70 of 1998), and other legislation applicable, as far as Town Planning is concerned, within the jurisdictional area of the local municipality, as the case may be.	<b>CONTROLLING AUTHORITY</b>  Means the controlling authority as defined in Section 1 of the Advertising on Roads and Ribbon Development Act, 1940 (Act 21 of 1940) or the Commission as defined in Section 1 of the National Roads Act, 1971 (Act 54 of 1971) or the Gauteng Transport Infrastructure Act, 2001 (Act 8 of 2001).
<b>CORNER SHOP:</b>  Means a building designed and used for retail trade and includes any other similar use such as a kiosk, spaza, or convenience store on a property which, in the opinion of the local municipality is reconcilable with the surrounding land uses. The maximum floor area of all the buildings on the property and used for retail or similar uses shall be in accordance with the policy of the local municipality, as amended from time to time.	<b>SPAZA SHOP</b>  Means a shop of a maximum Gross Floor Area of 36m <sup>2</sup> on a residential property only, selling daily convenience goods and prepared and pre-wrapped food, excluding the sale of alcoholic beverages and excluding the cooking of food and which shall not provide table games or electronic games.
<b>COVERAGE:</b>  Means that part of the area of an erf covered by buildings as seen vertically from above, measured from the outer surface of external walls and expressed as a percentage of the area of the erf, but excludes the following:  (a) a structure without a roof or covered by a hailnet; and (b) roof overhang.	<b>COVERAGE</b>  Means the percentage area of a property including any servitude area covered by the roofed area of all buildings as seen vertically from above but does not include a structure or building that has no roof.

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<p><b>DETERMINED DATE:</b></p> <p>Means the date of publication, in the Provincial Gazette, by the local municipality, of a notice of approval of the Scheme.</p>	<b>Not included</b>
<p><b>DWELLING OFFICE:</b></p> <p>Means an existing dwelling unit that is converted and used as an office, provided that the elevational treatment of the buildings maintains a residential character and appearance complementary to the environment, and is also in accordance with the policy of the local municipality.</p>	<b>Not included</b>
<p><b>DWELLING UNIT:</b></p> <p>Means an interconnected suite of rooms which may not include more than one kitchen, designed for occupation and use by a single household, including the usual ancillary outbuildings and servants' quarters and which, when connected with another dwelling unit or dwelling units, constitute flats.</p>	<p><b>DWELLING-UNIT</b></p> <p>Means a self- contained suite of rooms internally and mutually connected and consisting of habitable room(s), bathroom(s), toilet(s) and not more than one kitchen without the Permission of the Municipality for the purpose of residence by a single family, or a single person or two unmarried persons and may include outbuildings which are ancillary and subservient to the Dwelling-unit and may include a Home Enterprise subject to Schedule 9.</p>
<p><b>ERECTION OF A BUILDING:</b></p> <p>Means and includes any structural change or addition to a building, or ground works in connection therewith excluding, however, minor structural changes based on the discretion of the local municipality such as removal of non-load bearing internal walls, erection of removable partitioning, installation of strong-rooms or toilets or repair work, whether internal or external.</p>	<p><b>ERECTION OF A BUILDING</b></p> <p>Means, inter alia, the construction of, any addition to, or structural alteration of a building.</p>
<p><b>ERF:</b></p> <p>Means a piece of land which can be registered under separate full title, defined as such in the Ordinance, or similar legislation and also includes any other piece of land indicated on an approved general plan in terms of similar legislation, or any resulting portion obtained through subdivision.</p>	<p><b>ERF</b></p> <p>Means an erf as defined in the Ordinance and includes any resultant portion of an erf obtained through subdivision of such an erf.</p>
<p><b>EXISTING BUILDING:</b></p> <p>Means a building lawfully erected in accordance with a building plan approved by the local municipality, the construction of which:</p>	<p><b>EXISTING BUILDING</b></p> <p>Means respectively a building or work erected or carried out before the relative date set out in the definition of "Existing Use" and includes a building or work,</p>

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<p>(a) was completed on or before the determined date; and</p> <p>(b) was commenced with before the determined date and completed within a reasonable time but not later than 12 months thereafter.</p>	<p>(1) erected or carried out in pursuance of a contract made before the relevant date given in the definition of "Existing Use",</p> <p>(2) begun before, but completed after, the said date,</p> <p>(3) erected or carried out in accordance with the terms of any Permission granted by the Municipality before the said date:</p> <p>Provided that, notwithstanding the afore-mentioned definition the Municipality may refuse to regard any building or work which was the subject of a prohibition or instruction as contemplated in Section 43 of the Ordinance as an Existing Building or an existing work.</p>
<p><b>EXISTING ERF:</b></p> <p>Means a portion of land defined as such in the Ordinance or similar legislation, registered in the Deeds Office, before the determined date.</p>	<p><b>EXISTING ERF</b></p> <p>Means any erf as defined in the Ordinance and includes any portion of an erf in the areas mentioned in the definition of "Existing Use".</p>
<p><b>EXISTING USE:</b></p> <p>Means the use of land and/or buildings exercised on or before the determined date as contemplated in Section 43 of the Ordinance, and which use is after the determined date contradictory to the provisions of the Scheme.</p>	<p><b>EXISTING USE</b></p> <p>Means, subject to Section 43 of the Ordinance, the continuous lawful use of a building or land for the purpose for which it was erected or was lawfully being used.</p>
<p><b>FILLING STATION:</b></p> <p>Means land used or a building designed or used for fuelling, washing, polishing and lubricating of motor vehicles, as well as for emergency repairs to vehicles, but excluding a "Public Garage", panel-beating, spray-painting or any major repair work. A Convenience Store not exceeding 250 m<sup>2</sup> is permitted as a primary right.</p>	<p><b>FILLING STATION</b></p> <p>Means land and buildings used for:</p> <p>(1) the storage of fuels and the retail selling of vehicle fuel and lubricants;</p> <p>(2) one working bay for emergency repairs to vehicles;</p> <p>(3) a convenience store including a Confectionery and take-away facility including a kitchen, with a maximum Gross Floor Area, accessible to the general public, of 250 m<sup>2</sup>, which floor area shall include the floor area accessible to the public as well as any store room, Office, fridge area, safe which is used for the operation of the [convenience store];</p> <p>(4) an automatic teller machine; and</p>

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	(5) the sale of LP gas.
<p><b>FLOOR AREA:</b></p> <p>Means the total of the gross area occupied by a building at the floor level of each storey: Provided that in the calculation of the floor area the following areas shall not be included:</p> <p>(a) unroofed buildings, open roofs and areas occupied by external fire-escapes;</p> <p>(b) parking spaces for the occupants of the building;</p> <p>(c) entrance passages and corridors (excluding entrance halls, porches and corridors in a dwelling unit or a residential building where such entrance halls, porches and corridors are not enclosed by outer walls or windows);</p> <p>(d) accommodation for the lift motors and other mechanical or electrical equipment necessary for the proper utilisation of the building;</p> <p>(e) housing for servants on the roof of a building: Provided that the floor area, thus excluded, shall not exceed three percent of the permissible floor area of such building;</p> <p>(f) a veranda or balcony in a building: Provided that such veranda or balcony shall not be enclosed except by means of a parapet at most one metre (1 m) high or a wire gauze screen;</p> <p>(g) areas reasonably used for the cleaning, maintenance and care of the building, or buildings, except dwelling units for supervisors, cleaners and caretakers;</p> <p>(h) passage ways for pedestrians.</p>	<p><b>GROSS FLOOR AREA</b></p> <p>The Gross Floor Area of a building is determined by multiplying the area of the property by the FAR, e.g. <math>1\ 000\ m^2 \times 0,4 = 400\ m^2</math>: Provided that certain floor areas can be deducted from the calculation of Gross Floor Area as provided in Schedule 7.</p>
<p><b>FLOOR AREA RATIO (F.A.R.):</b></p> <p>Means the ratio obtained by dividing the gross floor area of a building or buildings, by the total area of the property on which the building is erected, thus: -</p> <p style="text-align: center;"><math display="block">\text{F.A.R.} = \frac{\text{Gross floor area of building or buildings}}{\text{Total floor area of property on which building/s is/are erected}}</math></p>	<p><b>FLOOR AREA RATIO</b></p> <p>Means the ratio of the Gross Floor Area of a building to the total area of the property, including any servitudes, on which such building is erected or is to be erected, i.e. FAR = Gross Floor Area divided by Area of property.</p>

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<p><b>FUNERAL PARLOUR:</b></p> <p>Means a building used or designed for use as a mourning or funeral chapel and includes such other buildings designed for use in connection therewith and which is normally ancillary to or reasonably necessary for the business of a funeral undertaker but shall exclude a crematorium or place of public worship or institution.</p>	<p><b>FUNERAL UNDERTAKER</b></p> <p>Means land and buildings used for the administration of funeral arrangements including Showrooms, Offices, storage space, refrigeration rooms, funeral parlour for the preparation and viewing of the dead, waiting room and the sale of flowers, coffins, gravestones and other related products as well as a display area for gravestones, but excludes a Crematorium, a chapel or church.</p>
<p><b>GROSS LEASABLE FLOOR AREA:</b></p> <p>Means the floor area of a building designed or suitable for occupation and control by the occupant, measured from the centre line of the common internal walls and, where applicable, the inner surface of the external walls, respectively.</p>	<p><b>GROSS FLOOR AREA</b></p> <p>The Gross Floor Area of a building is determined by multiplying the area of the property by the FAR, e.g. 1 000 m<sup>2</sup> x 0,4 = 400 m<sup>2</sup>: Provided that certain floor areas can be deducted from the calculation of Gross Floor Area as provided in Schedule 7.</p>
<p><b>GROUND FLOOR:</b></p> <p>Means the storey on which there is an entrance or entrances to the building by means of an approach ramp, stairs or similar structure from the lowest natural ground level.</p>	<p><b>GROUND FLOOR</b></p> <p>Means the floor of a building which is the entry point into the building and which is at or closest to the natural ground level of the property on which such building stands and excludes a basement.</p>
<p><b>GUEST HOUSE:</b></p> <p>Means a household enterprise which, with the special consent of the local municipality, can be conducted from rooms or a dwelling unit without a kitchen of its own and which forms part of a permanently occupied dwelling unit, used for the accommodation of not more than six visitors on a temporary basis.</p>	<p><b>GUEST-HOUSE</b></p> <p>Means land and buildings, consisting of a minimum of three and not more than 16 bedrooms, which may include a kitchenette in each bedroom/habitable room, for a maximum of 32 guests, a dining-room, lounge, bar and may include ancillary and subservient facilities for the exclusive use of such guests but does not include any building mentioned whether by way of inclusion or exclusion in the definitions of a "Place of Refreshment", "Place of Amusement", "Social Hall", "Adult Premises" and "Residential Building" and which shall be managed by the owner or manager who shall reside on the same property and may include ancillary and subservient staff accommodation.</p>
<p><b>HEIGHT:</b></p> <p>Means the height of the building expressed in the number of storeys measured from the mean level of the natural ground covered by the building to the top of the parapet or balustrade onto a point halfway between the eaves and the apex of the roof, whichever is higher.</p>	<p><b>HEIGHT</b></p> <p>Means the height of any part of a building as measured vertically from the natural ground level of the footprint of the building to the highest point of the building as indicated in the diagrams in Clause 26 provided that a maximum of 500 mm of fill above natural ground level for storm-water management shall be excluded from the height calculation.</p>

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<p><b>HOUSEHOLD:</b></p> <p>Means a group of persons regarded as a domestic unit in terms of legislation or common law.</p>	<p>Not included</p>
<p><b>HOUSEHOLD ENTERPRISE:</b></p> <p>Means a small scale enterprise which is used by the occupant for the conduct of a practice or occupation with the aim of deriving an income therefrom and which is practised by a maximum of three (3) persons, of which at least one is a full time resident of the property, from a dwelling unit in such a way that the residential character and primary use of the dwelling unit and environment shall not, in the opinion of the local municipality, be in any way harmed or changed. No retail trade is permitted from the property. The activities not permitted in a dwelling place are listed in Schedule 4 to this Scheme. Additional activities may be added by the local municipality from time to time.</p>	<p><b>HOME ENTERPRISE</b></p> <p>Means the practice of an activity, business, hobby or occupation in a Dwelling-unit, excluding in a Commune, a Guest-house, a Block of Tenements, a Boarding House, Backpackers, Nursing Home, Recreation Resort, Hostel and Hotel, with the aim of deriving an income there-from subject to Schedule 9.</p>
<p><b>INDUSTRY:</b></p> <p>Means land used or buildings designed and used for the purpose of manufacturing, processing, alteration, reclamation, repair, storage, distribution and cartage services, as well as offices and wholesale trade directly connected with on the same property but subservient to the main use, as well as the sale of goods wholly or partially manufactured, processed or packed on the property.</p>	<p><b>INDUSTRY</b></p> <p>Means land and buildings where a product or part of a product is manufactured, mounted, processed, repaired, rebuilt or packed, including a power station and incinerator plant and may include a Cafeteria and a Caretaker's Flat and any other activities connected to or incidental to the activities mentioned herein, excluding Noxious Industries, Light Industries and Retail Industries.</p>
<p><b>INFORMAL STRUCTURE:</b></p> <p>Means a residential shelter of a temporary nature that does not comply with the provisions of the Act on National Building Regulations and Building Standards (Act 103 of 1977) and any amendments thereof.</p>	<p><b>Not included</b></p>
<p><b>INSTITUTION:</b></p> <p>Means a building designed and used as a public institution or charitable institution, hospital, nursing home, sanatorium, clinic whether public or private including ancillary but subservient medical consulting rooms and offices, place of public worship or place of instruction but does not include "Institutions" which are primarily used as offices or which primarily perform administrative</p>	<p><b>INSTITUTION</b></p> <p>Means land and buildings, whether public or private, designed or used as a charitable institution, national government institution, provincial institution, municipal institution, Hospital, Nursing Home and Clinic for the care or treatment of humans and may include overnight accommodation and staff accommodation.</p>

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work.	
<p><b>LAND DEVELOPMENT OBJECTIVE (LDO) PRINCIPLES:</b></p> <p>Means principles as contained in Chapter 1 of the Development Facilitation Act, 1995 and applied in the setting of the Greater Cullinan TLC Land Development Objectives, as amended from time to time.</p>	Not included
<p><b>LOADING SPACE:</b></p> <p>Means a rectangular area of not less than 3 m by 16 m in size.</p>	See Table H
<p><b>LOCAL MUNICIPALITY:</b></p> <p>Means the Greater Cullinan Transitional Local Council or its successor in title.</p>	<p><b>LOCAL AUTHORITY</b></p> <p>Means the City of Tshwane Metropolitan Municipality.</p>
<p><b>MAP:</b></p> <p>Means the scheme map marked "Map 3" as defined in the Regulations and as amended from time to time by any approved amendment scheme.</p>	<p><b>MAP</b></p> <p>Means a map as defined in the Regulations of the Ordinance and which forms part of the Scheme including any amendment thereto.</p>
<p><b>MEDICAL CONSULTING ROOMS:</b></p> <p>Means a building that is designed or arranged and is used as professional rooms for medical doctors and includes general practitioners, medical specialists, pathologists, radiologists, dentists, ophthalmologists and similar uses such as veterinarians amongst others, and may include a dispensing chemist which does not exceed 30 m<sup>2</sup> - but not the uses which are included under the definition of "Institution".</p>	<p><b>MEDICAL CONSULTING ROOMS</b></p> <p>Means land and buildings used for medical and dental consulting practitioners including general practitioners, medical specialists, pathologists, radiologists, dentists, ophthalmologists, optometrist, traditional healers and similar uses such as special therapists, psychiatrists and may include a dispensing chemist which does not exceed 36 m<sup>2</sup> but does not include the uses which are included under the definition of Institution.</p>
<p><b>MINOR STRUCTURAL ALTERATIONS:</b></p> <p>Means small structural changes to an existing building for which a building plan is not a requirement.</p>	Not included – see National Building Regulations.
<p><b>MOBILE RESIDENTIAL UNIT:</b></p> <p>Means a prefabricated, movable room or inter-connected suite of rooms, not including more than one kitchen designed for permanent occupation by a person or household.</p>	<p><b>MOBILE DWELLING-UNIT</b></p> <p>Means a Dwelling-unit that can be moved.</p>

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<p><b>MUNICIPAL PURPOSES:</b></p> <p>Means uses which the local municipality is legally empowered to exercise in terms of empowering legislation.</p>	<p><b>MUNICIPAL PURPOSES</b></p> <p>Means such purposes as the Municipality may be authorised to carry out in terms of any law governing municipalities including but not limited to the Local Government Municipal Structures, 1998 (Act 117 of 1998) and the Local Government Municipal Systems Act, 2000 (Act 32 of 2000).</p>
<p><b>NOXIOUS INDUSTRY:</b></p> <p>Means an industry listed in Schedule 1 to the Scheme.</p> <p>Provided that upon production of a certificate issued by the Medical Officer of Health of a local municipality certifying that the process proposed to be used in connection with any of the aforementioned industries or factories, will effectively eliminate any nuisance or health hazard in the vicinity of the property due to:</p> <p>(a) vapours, smoke or odours;</p> <p>(b) fluids or effluent originating on the property, and in the event of it being proposed to dispose of such materials by land treatment, the nature, slope and surface of the land concerned, as well as its location in relation to streams or water courses shall be disclosed; and</p> <p>(c) solid waste matter;</p> <p>The local municipality may consent to such industry in land zoned "Industrial 1".</p>	<p><b>NOXIOUS INDUSTRY</b></p> <p>Means land and buildings used for any use included in the list in Schedule 8 together with any living accommodation required for a caretaker and includes any other use on the same site, which is necessary in connection with the primary use.</p>
<p><b>NURSERY:</b></p> <p>Means land used or buildings designed or used for the purposes of growing plants or seed for horticulture, growing of vegetables, flowers or any other shrub or tree or the purchasing of plants and/or retail trading therein, including subservient retail trading in related and non-motorised gardening equipment, garden furniture or decorations, as well as irrigation equipment, excluding however agricultural equipment.</p>	<p><b>PLANT NURSERY</b></p> <p>Means land and buildings used for the storage and cultivation of plants, bulbs and seed for distribution and sale to shops or Garden Centres and may include the retail sale to the public on the property.</p>
<p><b>OCCUPANT:</b></p> <p>Means any person occupying a building, structure or land or who is legally so entitled to occupy and any person charged with the control and</p>	<p><b>OCCUPANT</b></p> <p>Shall include any person in actual occupation of any land, or building or structure or premises without regard to the title under which he occupies, and in</p>

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management thereof; or to whose care it was committed, in the absence of such person from the area or when his whereabouts is unknown, his agent.	the case of premises subdivided and let to lodgers, various tenants, shall include the person receiving the rent payable by the lodgers or tenants whether on his own account or as agent for any person entitled thereto or interested therein and includes the agent of any person absent from the area or whose whereabouts is unknown.
<b>OFFICE:</b>  Means a building or part thereof, designed or used for administrative, professional and related purposes, including a bank, insurance company, building society, medical consulting rooms and related offices or rooms.	<b>OFFICE</b>  Means land and buildings or part of a building used for professional, clerical, administrative, management, marketing and consulting services and a Chancellery and may include a Cafeteria ancillary and subservient to the main use, but excludes a Call Centre, security and emergency response vehicles, courier services in post, parcels and money and excludes medical and dental consulting rooms.
<b>ORDINANCE:</b>  Means Town and Town-planning Ordinance, 1986 (Ordinance 15 of 1986) as amended.	<b>ORDINANCE</b>  Means the Town-planning and Townships Ordinance, 1986 (Ordinance 15 of 1986), as amended.
<b>OUTBUILDING:</b>  Means a building other than the main building, which, in the opinion of the local municipality, is usually functionally necessary in connection with the use of the main building, but ancillary and subordinate to such main building on the same property.	<b>OUTBUILDING</b>  Means a building(s) which has its own entrance or door and no inter leading door to the main building, but which is attached to or free standing from the main building on the same property and which may contain:  (1) inter alia garages, storerooms, studios, exercise rooms, hobby rooms, music room, washrooms and a Home Enterprise;  (2) one squash court only with the Permission of the Municipality; and  (3) residential accommodation, which shall not exceed 20% of the floor area of the main building up to a maximum of 50 m <sup>2</sup> and which may consist of habitable rooms, bathroom(s) and only one kitchen:  Provided that:  (i) the maximum of 50 m <sup>2</sup> of residential accommodation may be increased with the Permission of the Municipality up to the maximum of 20% of the Gross Floor Area of the main building and provided that such

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	<p>outbuilding has a common vehicular access with the main building and it is for the purposes of only the occupants of the main building and their staff;</p> <p>(ii) garage may be 36 m<sup>2</sup> or a maximum of 45% of the Gross Floor Area of the main building, whichever is the greater; and</p> <p>(iii) the total Gross Floor Area of all such outbuilding(s) shall not exceed 50% of the Gross Floor Area of the main building] and such outbuildings shall not be leased or rented to tenants/ occupants or sold under sectional title.</p>
<p><b>OVERNIGHT ACCOMMODATION:</b></p> <p>Means a residential unit or rooms with or without a kitchen, used for provision of temporary accommodation to persons.</p>	Not included
<p><b>OWNER:</b></p> <p>Means in relation to a building or land:</p> <p>(a) a registered owner;</p> <p>(b) a lessee in terms of a long term lease registered in the Deeds Office;</p> <p>(c) a person charged with the administration of the estate of any person mentioned in (a) and (b) above, whether in the capacity of executor, administrator, trustee, guardian or any other capacity whatsoever;</p> <p>(d) the duly authorised person of such owner as contemplated in (a) and (c) above.</p>	<p><b>OWNER</b></p> <p>Means in relation to land or a registered right in land, the person in whose name such land or right is registered, in a Deeds Registry in terms of the Deeds Registry Act, 1937 (Act 47 of 1937) and includes-</p> <p>(1) if the owner is deceased, the executor of the deceased estate;</p> <p>(2) if the estate of the owner has been sequestrated, the trustee of the insolvent estate;</p> <p>(3) if the owner is a company or other juristic person;</p> <p>(4) if the owner is a company or other juristic person that is being wound up, the liquidator thereof;</p> <p>(5) if the owner is under legal disability, the owners legal representative;</p> <p>(6) the authorised representative of the owner; or</p> <p>(7) in the case of a road or public space under the control of the Municipality, that Municipality.</p>

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<p><b>PANEL BEATING</b></p> <p>Means the replacement, reparation and/or panel-beating of the body and spare parts of vehicles and the spray-painting thereof.</p>	<p><b>PANEL-BEATER</b></p> <p>Means land and buildings used for the replacement, repair and spray-painting of the bodywork of motor vehicles.</p>
<p><b>PANHANDLE:</b></p> <p>Means the access portion of a panhandle erf, which is part of a property at least three (3) metres, but not more than eight (8) metres wide.</p>	<p><b>PANHANDLE</b></p> <p>Means that portion of a property which is -</p> <ol style="list-style-type: none"> <li>(1) at least 3 m wide and not more than 8 m wide; and</li> <li>(2) used exclusively as an access to a public street.</li> </ol>
<p><b>PANHANDLE ERF OR PANHANDLE PORTION:</b></p> <p>Means that part of a property to which access is gained by means of a panhandle.</p>	<p><b>PANHANDLE PROPERTY</b></p> <p>Means a property, consisting of a narrow portion, which is known as the panhandle and which abuts on a street, and a broader buildable portion.</p>
<p><b>PANHANDLE SUBDIVISION:</b></p> <p>Means a subdivision, which results in one or more of the portions created by such subdivision, gaining access by means of a panhandle or panhandles, the thin end of which abuts on a public street.</p>	<p><b>PANHANDLE PROPERTY</b></p> <p>Means a property, consisting of a narrow portion, which is known as the panhandle and which abuts on a street, and a broader buildable portion.</p>
<p><b>PARKING AREA:</b></p> <p>Means parking and manoeuvring space necessary to provide traffic with access and parking space, as well as efficient connection with the adjoining street.</p> <p><b>PARKING LOT:</b></p> <p>Means land where provision is made for more than one parking space and for such manoeuvring and movement space as may be required to secure orderly traffic flow within such area as well as efficient connection with the flow of traffic in the adjoining street system.</p>	<p><b>PARKING SITE</b></p> <p>Means a property or part of a property, which is used solely for the parking of motor vehicles, excluding busses and trucks, not being for sale or trade and subject to Schedule 10.</p>
<p><b>PARKING GARAGE:</b></p> <p>Means land used or a building designed or used exclusively for the parking of motor vehicles not destined for trade or sale, but does not include a building, any part of which is designed or used as a workshop for the repair of motor vehicles.</p>	<p><b>PARKING GARAGE</b></p> <p>Means a building or automated, semi-automated or mechanical structure designed or used for the parking of motor vehicles not being for trade or sale, which is not required or utilised for the parking requirements for the main use on the same property but for a use on another property and does not include a building any part of which is designed or</p>

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	used as a workshop for the repair of motor vehicles.
<p><b>PARKING SPACE:</b></p> <p>Means a rectangular area with dimensions of not less than 2,5m by 5,5m excluding excess or manoeuvring space, ramps and columns.</p>	<p><b>PARKING SPACE</b></p> <p>Means an area, used exclusively for the parking of a motor vehicle not being for trade or sale, the extent of which area shall be a minimum of 2,5 metres wide and a minimum of 5,0 metres long, excluding access or manoeuvring space, ramps, columns.</p>
<p><b>PLACE OF AMUSEMENT:</b></p> <p>Means land used or a building designed or used, with a view to profit, as a public hall, theatre, cinema, music hall, concert hall, billiards room, sport stadium, skating rink, dance hall or for other recreational purposes or for trade or industrial exhibitions.</p>	<p><b>PLACE OF AMUSEMENT</b></p> <p>Means land and buildings or a part of a building used for entertainment purposes such as a Theatre, cinema, music hall, concert hall, table games, skating rink, dancing, amusement park, gambling (not being a T.A.B.), electronic games or slot machines/limited pay-out gambling machines, night club, an exhibition hall or sports arena/stadium used for live concerts or performances. These buildings shall comply with the noise zone criteria and acoustical screening requirements of the Municipality's Health Services.</p>
<p><b>PLACE OF INSTRUCTION:</b></p> <p>Means a building designed for use or used as a school, college, technical college, lecture hall, institute, or other educational centre and includes a crèche, a convent or monastery, a public library, art school, museum or gymnasium, including a hostel for persons attending anyone of the aforementioned but excluding reformatory or industrial schools.</p>	<p><b>PLACE OF INSTRUCTION</b></p> <p>Means land and buildings used as a school, college, technical institute, Tertiary Institution, academy, lecture hall, monastery, convent, public library, art museum, museum, other educational centre including ancillary and subservient Hostel for persons attending any one of the afore-mentioned and may include a Place of Child Care and a Cafeteria ancillary and subservient to the main use on the property.</p>
<p><b>PLACE OF PUBLIC WORSHIP:</b></p> <p>Means land used or building designed or used for religious purposes including a building designed for use or used for religious instruction on the same site as and connected with any one of the afore-mentioned buildings, but excluding a funeral chapel.</p>	<p><b>PLACE OF PUBLIC WORSHIP</b></p> <p>Means land and buildings used for a church, chapel, mosque, temple, synagogue, or other religious purposes and may include ancillary social and recreational purposes and one Dwelling-unit on the same property, but shall not include a funeral parlour, Wall of Remembrance or Cemetery. Any noise generated on the property shall not be audible outside the boundaries of the property.</p>
<p><b>PLACE OF REFRESHMENT:</b></p> <p>Means a drive-in restaurant, café, tea-room or coffee shop, being a building other than a hotel, residential club, or boarding house, designed and</p>	<p><b>PLACE OF REFRESHMENT</b></p> <p>Means land and buildings used for the preparation, sale and consumption of refreshments on the property such as a restaurant, café, coffee shop,</p>

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used for the preparation or retail sale of meals and refreshments, as well as the retail sale of fresh produce, cold drinks, tobacco, reading material and sweets.	tea room, Tea Garden, sports bar, pub, bar and may include take-aways and a maximum of two table games, two dartboards, two electronic games or two limited pay-out gambling machines, television screens and soft background music for the customers, which shall not be audible outside the boundaries of the property and excludes live music and a Place of Amusement. The kitchen layout shall comply with the Municipality's health requirements.
<b>PREMIER:</b>  Means the Administrator as defined in the Ordinance.	<b>PREMIER</b>  Means the head of the Executive Council of the Gauteng Provincial Government.
<b>PRIVATE CLUB</b>  Means land used or a building designed or used for the private gathering of a group of persons being members of that club with a common objective.	<b>PRIVATE CLUB</b>  Means land buildings used for a private meeting by a group of people with a collective aim.
<b>PRIVATE OPEN SPACE:</b>  Means private land zoned for open space or for a sport field, play field or rest and recreation field or as an ornamental garden to which the general public does not have a right of access, except by consent.	<b>PRIVATE OPEN SPACE</b>  Means Open Space to which the general public has no right of access.
<b>PROPERTY:</b>  Means a portion of land which is registered in a Deeds Registry.	<b>PROPERTY</b>  Means any portion of land that has been registered as a separate unit in the Deeds Office.
<b>PUBLIC GARAGE:</b>  Means land used or a building designed or used for the carrying on of the business servicing, repairing or refuelling of motor vehicles, carwash, polishing and related purposes, excluding panel beating and spray painting but which may include one or more of the following: parking or storage of motor vehicles, sales of spare parts, accessories, fuel and lubricants for vehicles, as well as sales of new or used vehicles. A Convenience Store not exceeding 250 m <sup>2</sup> is permitted as a primary right.	<b>PUBLIC GARAGE</b>  Means land and buildings used for the storage and retail sale of vehicle fuel, lubricants and one or more of the following uses:  (1) repair and servicing of vehicles, excluding panel-beating or spray-painting;  (2) sale of new and used vehicles;  (3) a convenience store including a Confectionery and take-away facility with a kitchen inside the convenience store with a maximum Gross Floor Area of 250 m <sup>2</sup> , which floor area shall include the floor area accessible to the public as well as any store room, Office, fridge area and safe which is used for the operation of the convenience store;

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	<p>(4) an automatic teller machine; and</p> <p>(5) the sale of LP gas.</p>
<p><b>PUBLIC OPEN SPACE:</b></p> <p>Means land intended for use by members of the public as undeveloped land, a park, garden, conservation area or recreation ground.</p>	<p><b>PUBLIC OPEN SPACE</b></p> <p>Means any Open Space as defined vested in the Municipality under Section 63 of the Local Government Ordinance, 1939 (Ordinance 17 of 1939) to which the general public has right of access.</p>
<p><b>RECREATION:</b></p> <p>Means any land earmarked for use as a private or public sports fields, playground and recreation site including any building, structure or facility appurtenant thereto.</p>	<p><b>SPORTS AND RECREATION GROUND</b></p> <p>Means land and buildings used for sporting activities such as soccer, rugby, cricket, hockey, tennis, golf and may include grandstands, change rooms, ablution facilities and any other recreation activities and other uses ancillary and subservient to the main use on the same property, which do not comply with Clause 17(4).</p> <p>And/or</p> <p><b>PICNIC PLACE</b></p> <p>Means land used for outdoor recreation and associated uses such as picnics and braais.</p>
<p><b>REGULATIONS:</b></p> <p>Means the Town Planning and Townships Regulations promulgated by the Premier in terms of the provisions of the Ordinance.</p>	<p><b>REGULATIONS</b></p> <p>Means the Town-planning and Township Regulations issued by the Premier in terms of the Ordinance.</p>
<p><b>RESIDENTIAL BUILDING:</b></p> <p>Means a building, or part of a building other than a "dwelling unit" designed for use, or used for human habitation, including a boarding house, a residential club, hostel, or tenements, but excluding any use mentioned, whether by way of inclusion or exclusion, in the definitions of "Place of Instruction" or "Institution".</p>	<p><b>RESIDENTIAL BUILDINGS</b></p> <p>Means a Hotel, Block of Flats, Block of Tenements, Boarding House other residential types not elsewhere defined, and together with such outbuildings as are ordinarily used therewith.</p>
<p><b>RESTAURANT:</b></p> <p>Means a building or part of a building used for the preparation and sale of meals and refreshments, confectionery for consumption on the erf or property and includes entertainment subsidiary to the main use and can include a place of refreshment, as well as a drive-thru restaurant.</p>	<p><b>PLACE OF REFRESHMENT</b></p> <p>Means land and buildings used for the preparation, sale and consumption of refreshments on the property such as a restaurant, café, coffee shop, tea room, Tea Garden, sports bar, pub, bar and may include take-aways and a maximum of two table games, two dartboards, two electronic games or two limited pay-out gambling machines, television</p>

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	screens and soft background music for the customers, which shall not be audible outside the boundaries of the property and excludes live music and a Place of Amusement. The kitchen layout shall comply with the Municipality's health requirements.
<b>RETAIL TRADE:</b>  Means land or buildings used for the purpose of retail sale of goods or any other commercial trading, excluding however "Wholesale Trade" as defined in this Scheme.	<b>SHOP</b>  Means land and buildings used for the purpose of Retail Trade or renting of household equipment/tools directly to the public, including inter alia retail sale and display of products, "off-sales" facilities on properties licensed in terms of any liquor law, pet shops, a pharmacy, a confectionary, a take-away, swop shop, pawn shop, auctioneers business, hire/rental shop, drive thru restaurant and may include[s] a Retail Industry ancillary and subservient to the main use and with the Permission of the Municipality a Builder's Yard ancillary and subservient to a hardware shop.
<b>RETIREMENT VILLAGE:</b>  Means and includes dwelling units and community facilities including a dining hall, sickbay, sport and recreational facilities or such other facilities as approved by the local municipality for occupation and use by elderly persons.	<b>RETIREMENT CENTRE</b>  Means land and buildings designed or used to provide residential accommodation for persons of 50 years and older. The centre may include Dwelling-units and a service centre for the use of the residents only and includes an assembly hall with recreational facilities, sick bay, Medical Consulting Rooms, exercise and treatment rooms, dining facilities, a library, a tuck shop, a laundrette, hairdressing facilities, banking facilities, an automatic teller machine and other ancillary uses, such as frail care facilities, for the use of the residents only, subject the provisions of The Older Persons Act, Act 13 of 2006.
<b>RIGHTS:</b>  Means land use rights obtained in terms of this Scheme.	Not included
<b>SCHEME:</b>  Means the Greater Cullinan Town-planning Scheme, 1999.	Not included – see Tshwane Town-planning Scheme, 2008
<b>SCRAP YARD:</b>  Means land or buildings used as a junk-yard or scrap yard for the dismantling, stacking, storing or preparation for resale of any used material, waste materials, scrap vehicles, scrap machinery or any other scrap material, regardless of whether or not	<b>SCRAP YARD</b>  Means land and buildings used as a junk yard or Scrap Yard for the dismantling, stacking, storing or preparation for resale of any used material, scrap metals, scrap vehicles, accident damaged vehicles, scrap machinery or other scrap material, whether or

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such dismantling or storage takes place with a view to disposal or re-use of such scrap.	not such dismantling took place with the aim of disposal or re-use of such scrap.
<p><b>SERVICE INDUSTRY:</b></p> <p>Means an industrial activity and related retail business, conducted on a small scale, incidental to the needs of the local community, which will not impair the amenities of surrounding properties or create a disturbance and which uses are listed in Schedule 2 to this Scheme, or similar uses approved by the local municipality.</p>	<p><b>RETAIL INDUSTRY</b></p> <p>Means, inter alia, catering, a confectionary, dress-making, and tailoring, engraving, instant printing and copying, jewellery manufacturing, photographic processing, picture framing, key cutting and screen printing; as well as the servicing and repair of air conditioners, audio equipment, basket ware and cane furniture, canvass goods and tents, bicycles, electronic equipment, domestic equipment, leather-works and shoes, office equipment, television and video equipment, upholstery, watches, weighing machines and window blinds, but does not include a Light Industry and the wholesale selling of goods and may include the retail sale of products related to the aforementioned services.</p>
<p><b>SERVICES:</b></p> <p>Means engineering services and includes water, sewerage, electricity, storm-water, roads and telecommunication.</p>	<p><b>MUNICIPAL SERVICES</b></p> <p>Means infrastructure services such as electricity cables, water pipes, sewage pipes, street furniture, electricity poles, light poles, traffic signs.</p>
<p><b>SHOP:</b></p> <p>Means land used or a building designed or used for the purposes of carrying out of retail trade, and the necessary accompanying storage and packaging and includes service industries as well as any accompanying use on the same site connected with and subservient to the retail trade being conducted; provided that such accompanying storage and packaging and ancillary uses shall not give rise to any disturbance or nuisance. The following uses shall not be deemed incidental to a "shop": a "Restaurant", "Place of Refreshment", "Noxious Industry", "Scrap yard", "Commercial Use", "Public Garage", "Warehouse", "Filling Station", "Parking Garage", "Place of Amusement", "Spoornet", "Rural Use", "Occupation" or "Profession".</p>	<p><b>SHOP</b></p> <p>Means land and buildings used for the purpose of Retail Trade or renting of household equipment/tools directly to the public, including inter alia retail sale and display of products, "off-sales" facilities on properties licensed in terms of any liquor law, pet shops, a pharmacy, a confectionary, a take-away, swop shop, pawn shop, auctioneers business, hire/rental shop, drive- thru restaurant and may include[s] a Retail Industry ancillary and subservient to the main use and with the Permission of the Municipality a Builders Yard ancillary and subservient to a hardware shop.</p>
<p><b>SITE:</b></p> <p>Means a property which includes the area of any building, yard, courtyard or garden on an erf and in relation to FAR, coverage and parking calculations, the whole of the area registered as an erf or other piece of land including the area of any servitude registered over such an erf or other piece of land.</p>	<p><b>SITE</b></p> <p>In relation to zoning, FAR, coverage and parking calculations, means the whole of the area registered as an erf or other part of a property, including the area of any servitude registered over such erf or other part of a property.</p>

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<p><b>SITE DEVELOPMENT PLAN:</b></p> <p>Means a plan as described in <b>Schedule 3</b> to this Scheme.</p>	<p><b>SITE DEVELOPMENT PLAN</b></p> <p>Means a plan which shows the siting, elevations and exterior finish of the proposed buildings, parking areas and open spaces of the proposed development of a property and any salient natural features thereof, as prescribed by the Municipality in Clause 31.</p>
<p><b>SOCIAL HALL:</b></p> <p>Means a building designed for use, or used for cultural activities, social meetings, gatherings and recreational purposes, that is not profit seeking in its primary purpose and includes a non-residential club but excludes a place of amusement.</p>	<p><b>SOCIAL HALL</b></p> <p>Means land and buildings used for, inter alia, social and cultural gatherings, recreation activities, wedding receptions, fairs, bazaars and a non-residential club but does not include a Place of Amusement and Place of Refreshment but may include a kitchen ancillary and subservient to the hall.</p>
<p><b>SPAZA:</b></p> <p>Means land or a building designed for or a portion of a building used for the purposes of selling and providing basic groceries (daily convenience goods) and fresh produce, excluding alcoholic refreshments, where the residential use of the property remains the primary use of the property. The area used for a spaza shall not exceed a total floor area of 30 m<sup>2</sup>, and is further subject to the policy of the local municipality as amended from time to time.</p>	<p><b>SPAZA SHOP</b></p> <p>Means a shop of a maximum Gross Floor Area of 36m<sup>2</sup> on a residential property only, selling daily convenience goods and prepared and pre-wrapped food, excluding the sale of alcoholic beverages and excluding the cooking of food and which shall not provide table games or electronic games.</p>
<p><b>SPECIAL CONSENT:</b></p> <p>Means the special consent of the local municipality contemplated in terms of the provisions of Clause 21 of the Scheme.</p>	<p><b>CONSENT USE</b></p> <p>Consent Use means the use of land and buildings granted by the Municipality and subject to Clause 16 and conditions of approval.</p>
<p><b>SPECIAL USE:</b></p> <p>Means land used or a building designed or used for any purposes not defined in this Scheme, or contained in Table "C" hereof.</p>	<p><b>SPECIAL USE</b></p> <p>Means land or buildings used for any purpose other than that herein defined.</p>
<p><b>SPOORNET:</b></p> <p>Means the use of land or building designed or used for the purposes of loading, off-loading, packaging, receipt and dispatch of any type of goods, livestock, passengers or animals by means of any mode of transport, including dwelling houses, hostels, offices, a service industry or place of refreshment related thereto, but excluding an industry or retail trade. (Also refer to Act 13 of 1989).</p>	<p><b>RAILWAY PURPOSES</b></p> <p>Means land and buildings used for transport purposes as defined in the Legal Succession to the South African Transport Services Act, 1989 (Act 9 of 1989 as amended) and may include a police station or security centre specifically for security at the station and on the trains.</p>

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<p><b>STOREY:</b></p> <p>Means the space within a building between one floor level and the next, or ceiling or roof above, including the ground floor.</p>	<p><b>STOREY</b></p> <p>Means that part of a building which is situated between the top of any floor and the top of the floor above it or if there be no floor above it that portion between such floor and the ceiling above it (any mezzanine floor, open work floor, catwalk or gallery being taken to be part of the storey in which it is situated).</p>
<p><b>STREET OR ROAD:</b></p> <p>Means the area or portion occupied by any street, road, bridge, subway, avenue, lane, thoroughfare or right of way shown on the General Plan of a township or agricultural plot or in respect whereof the public has acquired a right of way by prescription or otherwise (also refer Section 63 of the Local Government Ordinance, 1939).</p>	<p><b>STREET OR PUBLIC STREET</b></p> <p>Includes any street, road, or thoroughfare shown on the General Plan of a township, agricultural holding or other division of land or in respect of which the public have acquired a prescriptive or other right of way or zoned as Existing Street and may include on-street parking and loading zones as designated by the Municipality.</p>
<p><b>SURROUNDING OWNERS:</b></p> <p>Means the registered owners of the properties directly adjacent to the subject property as well as properties abutting any streets to which the subject property has direct access within such a radius, with the subject property as centre point, as determined by the local municipality and also such other owners or interested parties as the local municipality may specify.</p>	<p><b>SURROUNDING OWNERS</b></p> <p>Means the owners of any property abutting or sharing a common boundary with the relevant property including any property, which is only separated by a road and any such other owners of property in the near vicinity as the Municipality may specifically identify.</p>
<p><b>TAVERN:</b></p> <p>Means land or a building designed for or a portion of a building used for the purposes of selling and serving liquor, other beverages and prepared food/snacks, to be consumed on the premises, subservient to the residential use of the property remains the primary use of the property. Also known as a shebeen. The area used for a tavern shall not exceed a total floor area of 50 m<sup>2</sup>, and is further subject to the policy of the local municipality as amended from time to time.</p>	<p><b>TAVERN</b></p> <p>Means land and buildings used for a combination of a Place of Refreshment and a Place of Amusement.</p>
<p><b>TAXI HOLDING AREA:</b></p> <p>Means an area, usually off-street, where mini buses (taxis) hold before proceeding to loading points and where generally there is no passenger activity. A holding area can either be included within or separate from a terminal facility.</p>	<p><b>TRANSPORT TERMINUS</b></p> <p>Means land and buildings designed and used as a terminus or gathering place for various forms of transport arriving and departing from different directions or routes and may include wash bays for the vehicles, ablution facilities and a Place of Refreshment.</p>

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<p><b>TAXI PARKING AREA:</b></p> <p>Means a demarcated part of a parking lot which may be used by minibuses (taxis) aiming to provide a public transport service; the provision of parking places for taxis shall form part of the parking spaces for the purposes of determining parking provision on any property.</p>	<p><b>TRANSPORT TERMINUS</b></p> <p>Means land and buildings designed and used as a terminus or gathering place for various forms of transport arriving and departing from different directions or routes and may include wash bays for the vehicles, ablution facilities and a Place of Refreshment.</p>
<p><b>TAXI RANK:</b></p> <p>Means a place usually within the road reserve at which mini buses (taxis) are allowed to wait and/or stop for passengers boarding or alighting.</p>	<p>Not included.</p>
<p><b>TEMPORARY BUILDING:</b></p> <p>Means a building designated as such by the owner after consultation with the local municipality and which is used, or will be used, for a specified limited period for a specified purpose, but does not include a building shed.</p>	<p><b>TEMPORARY USES</b></p> <p>Means land and buildings used temporarily for uses in terms of Clause 14(8), which may be in conflict with the applicable zoning and general clauses of the Scheme, but which the Municipality has approved for a specific period not exceeding three months.</p>
<p><b>TEMPORARY CONSENT:</b></p> <p>Means the temporary consent of the local municipality envisaged in accordance with the provisions of Clause 23 of the Scheme.</p>	<p>See Clause 14(8)</p>
<p><b>VEHICLES SALES LOT:</b></p> <p>Means land used or a building designed or used for the display of motor vehicles, which are roadworthy and of good outward appearance.</p>	<p><b>VEHICLE SALES MART</b></p> <p>Means land, with or without ancillary buildings, used for the display and/or sale of cars, trucks, motor cycles, agricultural implements, caravans, boats, tractors and trailers which are roadworthy and of good outward appearance, and may also include the hiring of vehicles as an ancillary use but excludes a Motor Dealership and a Panel-beater.</p>
<p><b>WHOLESALE TRADE:</b></p> <p>Means trade involving sales in bulk excluding retail trade and trading as a "shop", except if the special consent of the local municipality is obtained in terms of Clause 21 of the Scheme.</p>	<p><b>WHOLESALE TRADE</b></p> <p>Means the sale and provision of goods to retailers or Shops only.</p>
<p><b>WRITTEN CONSENT:</b></p> <p>Means the written consent of the local municipality, envisaged in terms of the provisions of Clause 22 of the Scheme.</p>	<p><b>CONSENT USE</b></p> <p>Consent Use means the use of land and buildings granted by the Municipality and subject to Clause 16 and conditions of approval.</p>

<b>SCHEDULE 24: PART A</b>	
<b>GREATER CULLINAN TOWN-PLANNING SCHEME, 1999: DEFINITIONS</b>	<b>TSHWANE TOWN-PLANNING SCHEME, 2008 (REVISED 2014): DEFINITIONS</b>
<p><b>ZONE:</b></p> <p>Means a part of the area of this Scheme, shown on the Map, by means of distinctive notation or edging or other distinctive manner. It primarily includes a use zone.</p>	<p><b>ZONE</b></p> <p>Means that part of the Map which by distinctive colouring, hatching or edging or in some other manner indicates the restrictions imposed by this Scheme on the erection and use of buildings or the use of land.</p>

<b>SCHEDULE 24: PART B</b>	
<b>GREATER CULLINAN TOWN PLANNING SCHEME, 1999 : CLAUSES, ANNEXURES AND SCHEDULES</b>	<b>TSHWANE TOWN-PLANNING SCHEME, 2008 (REVISED 2014): CLAUSES AND SCHEDULES</b>
Clause 1: Contents of Scheme	Clause 3: Arrangement of the Scheme
Clause 2: Responsible Authority	Clause 2: Responsible authority
Clause 3: Area of the Scheme	Clause 1: Title of Scheme
Clause 4: Title	Clause 1: Title of Scheme Clause 39: Short title
Clause 5: Substitution	General Information : Paragraph 2
Clause 6: Conflict between provisions of Scheme, Conditions of Title and Legislation	Clause 38: Compliance with Title deeds and Conditions of establishment
Clause 7: Definitions	Clause 5: Definitions
Clause 8: General conditions applicable to all properties  Clause 8.1: Excavation(s) Boreholes and earth moving Clause 8.2: Protection of land Clause 8.3: Handling and drainage of storm-water Clause 8.4: Placing and development of buildings Clause 8.5: Building lines, building restriction areas and lines of no access Clause 8.6: Screen walls, fences and physical barriers Clause 8.7: Maintenance of buildings, gardens and sites Clause 8.8: Protection of existing buildings Clause 8.9: Buildings used for more than one purpose	Clause 18: General Conditions applicable to all property  Clause 18(1) and (2)  Clause 30 Clause 18(2)(e)  Not included in the Scheme  Clauses 7 to 12  Clause 18(7) and (8)  Clause 18(9) and 30(1)  Not included in the Scheme Clause 13
Clause 9: Structures which may be erected in any Use Zone	Clause 12: Building Restriction Areas
Clause 10: Definition of Use Zones	Clause 5: Definitions
Clause 11: Conditions applicable to erven zoned Residential 2 and 3	Clauses 21 and 22
Clause 12: Conditions applicable to public garages and filling stations	Clause 24: Conditions applicable to a Public Garage
Clause 13: Densities and Occupation	Clause 20: Conditions applicable to Residential 1 erven; and Schedule 6: Minimum erf sizes and density of erven zoned Residential 1
Clause 14: Height of Buildings	Clause 26: Height of Buildings
Clause 15: Coverage of Buildings	Clause 27: Coverage
Clause 16: Floor Area Ratios	Clause 25: Floor Area Ratio
Clause 17: Site Development Plans	Clause 31: Site Development Plan and Landscape Development Plan
Clause 18: Parking and Loading Zones	Clause 28 and 29: Parking Requirements and Loading Requirements

<b>SCHEDULE 24: PART B</b>	
<b>GREATER CULLINAN TOWN PLANNING SCHEME, 1999 : CLAUSES, ANNEXURES AND SCHEDULES</b>	<b>TSHWANE TOWN-PLANNING SCHEME, 2008 (REVISED 2014): CLAUSES AND SCHEDULES</b>
Clause 19: Application of Annexures	Clause 5: Definitions
Clause 20: Criteria for the consideration of Applications	Not included
Clause 21: Special Consent of the Local Municipality	Clause 16: Consent Use Procedure
Clause 22: Written Consent of the Local Municipality	Clause 15: Permission of the Municipality
Clause 23: Temporary consent of the Local Municipality	Clause 14(8)
Clause 24: Consent for the practice of a Household Enterprise	Schedule 9: Home Enterprise
Clause 25: Consent for Specific Purposes	Clause 17: Uses not subject to Table B
Clause 26: Temporary Signs for the sale or renting of properties or buildings	Not included
Clause 27: Binding force of conditions	Not included
Clause 28: Entry upon and inspection of properties	Clause 33: Access and Inspection
Clause 29: Service of Notices	Clause 37: Serving of Notices
Clause 30: Powers of Local Municipality in case of contravention of Town Planning Scheme	Clause 36: Contravention of The Scheme
Annexure A: Special Consent of the Local Municipality	Clause 16: Consent Use Procedure
Annexure B: Notice	Not included
Annexure C: Written Consent of Local Municipality	Clause 15 and Schedules 25 and 26
Annexure D: Application for written consent of the Local Municipality to carry on a Household Enterprise or Spaza	Clause 15 and Schedule 25
Annexure E: Application form for a Household Enterprise (i.e. profession or occupation) or spaza (for specific use zones)	Not included
Schedule A: Erven/streets with no access to provincial or national roads	Schedule 1: Street Building Lines, Access and Physical Barriers
Schedule 1: Noxious Industries	Schedule 8: List of Noxious Industries
Schedule 2: Service Industries	Clause 5: Definition of Retail Industry
Schedule 3: Site Development Plan	Clause 31: Site Development Plan
Schedule 4: Activities not permitted in a Dwelling-place	Schedule 9: Home Enterprise

<b>SCHEDULE 24: PART C</b>	
<b>GREATER CULLINAN TOWN PLANNING SCHEME, 1999: TABLE C, USE ZONES TABLE</b>	<b>TSHWANE TOWN-PLANNING SCHEME, 2008 (REVISED 2014): TABLE B, USE ZONES TABLE</b>
Use Zone 1: Residential 1	Use Zone 1: Residential 1
Use Zone 2: Residential 2	Use Zone 3: Residential 3

<b>SCHEDULE 24: PART C</b>	
<b>GREATER CULLINAN TOWN PLANNING SCHEME, 1999: TABLE C, USE ZONES TABLE</b>	<b>TSHWANE TOWN-PLANNING SCHEME, 2008 (REVISED 2014): TABLE B, USE ZONES TABLE</b>
Use Zone 3: Residential 3	Use Zone 4: Residential 4
Use Zone 4: Business 1	Use Zone 7: Business 2
Use Zone 5: Business 2	Use Zone 8: Business 3
Use Zone 6: Business 3	Use Zone 9: Business 4
Use Zone 7: Special	Use Zone 28: Special
Use Zone 8: Industrial 1	Use Zone 10: Industrial 1
Use Zone 9: Industrial 2	Use Zone 11: Industrial 2
Use Zone 10: Institutional	Use Zone 14: Institutional
Use Zone 11: Educational	Use Zone 13: Educational
Use Zone 12: Amusement	Use Zone 28: Special
Use Zone 13: Municipal	Use Zone 15: Municipal
Use Zone 14: Agricultural	Use Zone 17: Agricultural
Use Zone 15: Public Garage	Use Zone 18: Public Garage
Use Zone 16: Existing Public Roads	Use Zone 22: Existing Streets
Use Zone 17: Public Open Space	Use Zone 20: Public Open Space
Use Zone 18: Private Open Space	Use Zone 21: Private Open Space
Use Zone 19: Government	Use Zone 16: Government
Use Zone 20: S.A.R	Use Zone 25: S.A.R

<b>SCHEDULE 24: PART D</b>	
<b>GREATER CULLINAN TOWN PLANNING SCHEME, 1999: TABLE E: HEIGHT, COVERAGE AND F.A.R.</b>	<b>TSHWANE TOWN-PLANNING SCHEME, 2008 (REVISED 2014): HEIGHT ZONES OF TABLE D, COVERAGE ZONES OF TABLE E AND FLOOR AREA RATIO ZONES OF TABLE C</b>
Residential 1: Density: 1 Dwelling-unit per erf Maximum Coverage: 50% Maximum F.A.R.: 1,0 Maximum Height: 2 storeys	Residential 1: Density: Schedule 6 Table E, Coverage Zone 5 Table C, FAR Zone 21 Table D, Height Zone 10
Residential 2: Density: 30 Dwelling-units per ha Maximum Coverage: 60% Maximum F.A.R.: 1,2 Maximum Height: 2 storeys	Residential 3: Density: Annexure T Annexure T Annexure T Annexure T
Residential 3: Density: 44 Dwelling-units per ha Maximum Coverage: 60% Maximum F.A.R.: 1,8 Maximum Height: 3 storeys	Residential 4: Density: Annexure T Annexure T Annexure T Annexure T
Business 1: Density: 64 Dwelling-units per ha Maximum Coverage: 90% Maximum F.A.R.: 1,5 Maximum Height: 3 storeys	Business 2 Density: Annexure T Annexure T Annexure T Annexure T

<b>SCHEDULE 24: PART D</b>	
<b>GREATER CULLINAN TOWN PLANNING SCHEME, 1999: TABLE E: HEIGHT, COVERAGE AND F.A.R.</b>	<b>TSHWANE TOWN-PLANNING SCHEME, 2008 (REVISED 2014): HEIGHT ZONES OF TABLE D, COVERAGE ZONES OF TABLE E AND FLOOR AREA RATIO ZONES OF TABLE C</b>
Business 2: Density: Not applicable Maximum Coverage: 60% Maximum F.A.R.: 1,0 Maximum Height: 3 storeys	Business 3 Density: Not applicable Table E, Coverage Zone 17 Table C, FAR Zone 24 Table D, Height Zone 9
Business 3: Density: 44 Dwelling-units per ha Maximum Coverage: 60% Maximum F.A.R.: 0,8 Maximum Height: 3 storeys	Business 4 Density: Annexure T Annexure T Annexure T Annexure T
Special	According to Annexure T
Industrial 1: Density: Not applicable Maximum Coverage: 85% Maximum F.A.R.: 1,0 Maximum Height: 3 storeys	Industrial 1 Density: Not applicable Table E, Coverage Zone 22 Table C, FAR Zone 24 Table D, Height Zone 9
Industrial 2: Density: Not applicable Maximum Coverage: 85% Maximum F.A.R.: 1,0 Maximum Height: 3 storeys	Industrial 2 Density: Not applicable Table E, Coverage Zone 22 Table C, FAR Zone 24 Table D, Height Zone 9
Institutional: Density: Not applicable Maximum Coverage: 60% Maximum F.A.R.: 1,0 Maximum Height: 3 storeys	Institutional Density: Not applicable Table E, Coverage Zone 17 Table C, FAR Zone 24 Table D, Height Zone 9
Educational: Density: Not applicable Maximum Coverage: 60% Maximum F.A.R.: 1,0 Maximum Height: 3 storeys	Educational Density: Not applicable Table E, Coverage Zone 17 Table C, FAR Zone 24 Table D, Height Zone 9
Amusement: Density: Not applicable Maximum Coverage: 60% Maximum F.A.R.: 1,0 Maximum Height: 3 storeys	Special Density: Not applicable Annexure T Annexure T Annexure T
Municipal: Density: Not applicable Maximum Coverage: Not applicable Maximum F.A.R.: Not applicable Maximum Height: 3 storeys	Municipal Density: Not applicable Table E, Coverage Zone 5 Table C, FAR Zone 7 Table D, Height Zone 9
Agricultural: Density: One dwelling-unit per erf/portion Maximum Coverage: 30% Maximum F.A.R.: 0,3 Maximum Height: 3 storeys	Agricultural Density: Table B, Column 3 Table E, Coverage Zone 5 Table C, FAR Zone 21 Table D, Height Zone 10

<b>SCHEDULE 24: PART D</b>	
<b>GREATER CULLINAN TOWN PLANNING SCHEME, 1999: TABLE E: HEIGHT, COVERAGE AND F.A.R.</b>	<b>TSHWANE TOWN-PLANNING SCHEME, 2008 (REVISED 2014): HEIGHT ZONES OF TABLE D, COVERAGE ZONES OF TABLE E AND FLOOR AREA RATIO ZONES OF TABLE C</b>
Public Garage: Density: Not applicable Maximum Coverage: 60% Maximum F.A.R.: 0,6 Maximum Height: 3 storeys	Public Garage Density: Not applicable Table E, Coverage Zone 17 Table C, FAR Zone 28 Table D, Height Zone 9
Existing Public Roads: Density: Not applicable Maximum Coverage: Not applicable Maximum F.A.R.: Not applicable Maximum Height: 3 storeys	Existing Streets Density: Not applicable Coverage : Not applicable FAR : Not applicable Table D, Height Zone 5
Public Open Space: Density: Not applicable Maximum Coverage: Not applicable Maximum F.A.R.: Not applicable Maximum Height: 3 storeys	Public Open Space: Density: Not applicable Coverage: Site Development Plan FAR: Site Development Plan Height: Site Development Plan
Private Open Space: Density: one dwelling per erf for caretaker Maximum Coverage: 30% Maximum F.A.R.: Not applicable Maximum Height: 3 storeys	Private Open Space Density: Not applicable Coverage: Site Development Plan FAR: Site Development Plan Height: Site Development Plan
Government: Density: Not applicable Maximum Coverage: Not applicable Maximum F.A.R.: Not applicable Maximum Height: 3 storeys	Government Density: Not applicable Table E, Coverage Zone 5 Table C, FAR Zone 7 Table D, Height Zone 9
S.A.R: Density: Not applicable Maximum Coverage: Not applicable Maximum F.A.R.: Not applicable Maximum Height: 3 storeys	S.A.R Density: Not applicable Coverage: Site Development Plan FAR: Site Development Plan Height: Site Development Plan

<b>SCHEDULE 24: PART E</b>	
<b>GREATER CULLINAN TOWN PLANNING SCHEME, 1999: TABLES</b>	<b>TSHWANE TOWN-PLANNING SCHEME, 2008 (REVISED 2014): TABLES</b>
Table A: Building Restriction Areas and Building Lines for Rayton Ext 1	See Schedule 1
Table B: Building Restriction Areas and Building Lines for Rayton, Refilwe Ext 5 certain erven, and Cullinan certain erven,	See Schedule 1
Table C: Use of Land	Table B: Use of Land
Table D: Parking Spaces	Table G: Parking Requirements
Table E: Number of Dwelling Units Maximum Coverage Maximum FAR	See Clauses 14(10) and 20 Table E: Coverage Table C: FAR

**SCHEDULE 25****REQUIREMENTS FOR AN APPLICATION FOR PERMISSION IN TERMS OF CLAUSE 15, EXCLUDING CLAUSE 14(10) OF THE TSHWANE TOWN-PLANNING SCHEME, 2008 (REVISED 2014)**

## 1. Procedure:

Before submitting any application to the Municipality it is in your own interest to consult the town planner for the area in question to make certain of the most recent Municipal or departmental policies and requirements that may influence your application.

## 2. Who may apply?

The owner of land or the owner's authorised agent may apply to the Municipality for Permission in terms of the Tshwane Town-planning Scheme, 2008 (Revised 2014).

## 3. How to apply

The applicant shall submit to the Municipality his or her application, together with the full particulars and plans required by the Municipality.

## 4. What documents are required?

The application documents (with the number of copies indicated below) of which one should be the original, all stapled together in the upper left corner, shall be submitted during office hours 08:00 to 15:00 to the Municipality.

## (1) Application Documents

TYPE OF PERMISSION	DOCUMENTS AND PROCESS
<p><b>Clause 5: Definitions</b></p> <p><b>DWELLING-UNIT</b> Means a self- contained suite of rooms internally and mutually connected and consisting of habitable room(s), bathroom(s), toilet(s) and not more than one kitchen without the Permission of the Municipality for the purpose of residence by a single family, or a single person or two unmarried persons and may include outbuildings which are ancillary and subservient to the dwelling-unit and may include a Home Enterprise subject to Schedule 9.</p>	<p>a) A motivating memorandum. b) A Power of Attorney. c) Copy of the Title Deed. d) Floor plans of the Dwelling-unit indicating the two kitchens. e) Application fee.</p> <p>Advertisement subject to Clause 15(2) read with paragraph 4(2) below.</p>
<p><b>Clause 5: Definitions</b></p> <p><b>EQUESTRIAN SCHOOL</b> Means a place where horses are stabled and horse riders and horses are trained including a Cafeteria for patrons to such school and may include horse competitions with the Permission of the Municipality.</p>	<p>a) Application form b) Covering Letter c) A motivating memorandum. d) A site plan showing parking for horse boxes and spectators cars as well as entrance and exit points. e) Application fee. f) Power of Attorney. g) Copy of the Title Deed.</p>

TYPE OF PERMISSION	DOCUMENTS AND PROCESS
	<p>h) Zoning certificate and/or Annexure T or Consent Use.</p> <p>Advertisement subject to Clause 15(2) read with paragraph 4(2) below.</p>
<p><b>Clause 5: Definitions</b></p> <p><b>OUTBUILDING</b> Means a building(s) which has its own entrance or door and no inter leading door to the main building, but which is attached to or free standing from the main building on the same property and which may contain:</p> <p>(1) inter alia garages, storerooms, studios, exercise rooms, hobby rooms, music room, washrooms and a Home Enterprise;</p> <p>(2) one squash court only with the Permission of the Municipality; and</p> <p>(3) residential accommodation, which shall not exceed 20% of the Gross Floor Area of the main building up to a maximum of 50 m<sup>2</sup> and which may consist of habitable rooms, bathroom(s) and only one kitchen:</p> <p>Provided that:</p> <p>the maximum of 50 m<sup>2</sup> of residential accommodation may be increased with the Permission of the Municipality up to the maximum of 20% of the floor area of the main building and provided that such outbuilding has a common vehicular access with the main building and it is for the purposes of only the occupants of the main building and their staff.</p>	<p>a) A motivating memorandum.</p> <p>b) A Power of Attorney.</p> <p>c) Copy of the Title Deed.</p> <p>d) Floor plans of the Dwelling-unit indicating the squash court.</p> <p>e) Letter of consent from adjacent neighbours.</p> <p>f) Application fee.</p> <p>Advertisement subject to Clause 15(2) read with paragraph 4(2) below.</p> <p>a) A motivating memorandum.</p> <p>b) A Power of Attorney.</p> <p>c) Copy of the Title Deed.</p> <p>d) Floor plans of the Dwelling-unit indicating the residential accommodation in the outbuilding.</p> <p>e) Application fee.</p> <p>Advertisement subject to Clause 15(2) paragraph 4(2) below.</p>
<p><b>SHOP</b></p> <p>Means land and buildings used for the purpose of Retail Trade or renting of household equipment/tools directly to the public, including inter alia retail sale and display of products, "off-sales" facilities on properties licensed in terms of any liquor law, pet shops, a pharmacy, a confectionary, a take-away, swop shop, pawn shop, auctioneers business, hire/rental shop, drive thru restaurant and may include[s] a Retail Industry ancillary and subservient to the main use and with the Permission of the Municipality a Builders Yard ancillary and subservient to a hardware shop.</p>	<p>a) Application form.</p> <p>b) Covering Letter.</p> <p>c) A motivating memorandum.</p> <p>d) A site plan showing entrance/exit and position of Builders Yard.</p> <p>e) Application fee.</p> <p>f) Power of attorney if the applicant is not the owner.</p> <p>g) Zoning certificate and/or Annexure T or Consent Use.</p> <p>h) Copy of the Title Deed.</p> <p>Advertisement subject to Clause 15(2) read with paragraph 4(2) below.</p>



TYPE OF PERMISSION	DOCUMENTS AND PROCESS
<p><b>Clause 9 (4):</b></p> <p>In “Business 1”, “Business 2”, “Business 3” and “Business 4” Use Zones the parking of motor vehicles shall be permitted in the area between the Building Line and the street boundary and the Municipality may give its Permission to the afore-mentioned area or part thereof being used for other purposes:</p> <p>Provided that:</p> <p>(a) the area may be used for serving and consuming meals and refreshments only if used in conjunction with a Place of Refreshment and subject to an approved Site Development Plan;</p> <p>(b) the area shall not be used for the storage of goods, wares, merchandise or for advertisement;</p> <p>(c) the area shall, if used as permitted in the aforementioned paragraph (a), be included in the Floor Area Ratio and in the Coverage,</p> <p>(d) should the Municipality require additional ground for street widening, any structure shall be removed at no cost to the Municipality and the Municipality shall not be liable for any compensation other than for the ground so acquired.</p>	<p>a) Application form.</p> <p>b) Covering Letter.</p> <p>b) A motivating memorandum.</p> <p>c) Power of attorney if the applicant is not the owner.</p> <p>d) Copy of the Title Deed.</p> <p>e) Zoning certificate and/or Annexure T or Consent Use.</p> <p>g) Application fee.</p> <p>Advertisement subject to Clause 15(2) read with paragraph 4(2) below.</p>
<p><b>Clause 9 (5):</b></p> <p>Except with the Permission of the Municipality no basement shall be permitted in the area between the street boundary and the street building line.</p>	<p>a) Covering Letter.</p> <p>b) A motivating memorandum.</p> <p>c) Power of attorney if the applicant is not the owner.</p> <p>d) Copy of the Title Deed.</p> <p>e) Application fee.</p> <p>Advertisement subject to Clause 15(2) read with paragraph 4(2) below.</p>
<p><b>Clause 10: Canopies in front of Building Lines</b></p> <p>Subject to Permission being granted by the Municipality in terms of the by-laws, canopies shall be permitted to project in front of the street Building Line: Provided that canopies of public garages, excluding the columns, may encroach over the Building Line by a maximum of 3,0 m.</p>	<p>a) Covering Letter.</p> <p>b) A motivating memorandum.</p> <p>c) Power of attorney if the applicant is not the owner.</p> <p>d) Copy of the Title Deed.</p> <p>e) Application fee.</p> <p>Advertisement subject to Clause 15(2) read with paragraph 4(2) below.</p>

TYPE OF PERMISSION	DOCUMENTS AND PROCESS
<p><b>Clause 12: Building Restriction Areas</b></p> <p>(2)(d)(v) any car-port, shelter, which is built on any boundary other than a street boundary, shall be completely open on two sides, and the length thereof shall not exceed 7,50 metres without the Permission of the Municipality.</p>	<p>a) Covering Letter.  b) A motivating memorandum.  c) Power of attorney if the applicant is not the owner.  d) Copy of the title deed.  e) Application fee.</p> <p>Advertisement subject to Clause 15(2) read with paragraph 4(2) below.</p>
<p><b>Clause 12: Building Restriction Areas</b></p> <p>2(e) the Municipality may, subject to such conditions as it may deem fit, give Permission that:</p> <p>(i) any building including a basement to encroach on any of the Building Restriction Areas specified in Table A.</p> <p>(ii) any other wooden and/or metal structure designed and used exclusively as a doll's house, poultry-house, aviary, pigeon loft, potting-shed, tool-shed, coal-shed, cycle-shed, summer-house, pump-house, water tank, Guard House, Reservoir or dog kennel to be erected within a Building Restriction Area, provided it is screened off behind a wall of at least 2,0 m high and not visible from a street and adjacent properties and it shall not be used for residential purposes or a Home Enterprise; and</p> <p>(iii) the maximum height of 3 m, as required by Proviso (ii) of Sub-clause (2)(d), and the maximum height of 2,1 meters of a wall, as required by Sub-clause (2)(a), to be exceeded;</p>	<p>a) Covering Letter.  b) A motivating memorandum.  c) Power of attorney if the applicant is not the owner.  d) Copy of the Title Deed.  e) Application fee.</p> <p>Advertisement subject to Clause 15(2) read with paragraph 4(2) below.</p>
<p><b>Clause 12: Building Restriction Areas</b></p> <p>(4)The building restriction areas on southern boundaries shall be maintained to prevent winter over shadowing onto the adjacent properties, except where special circumstances will allow an encroachment with Permission of the Municipality but shall not apply where such boundaries are common with a street or road.</p>	<p>a) Covering Letter.  b) A motivating memorandum.  c) Power of attorney if the applicant is not the owner.  d) Copy of the Title Deed.  e) Application fee.</p> <p>Advertisement subject to Clause 15(2) read with paragraph 4(2) below.</p>

TYPE OF PERMISSION	DOCUMENTS AND PROCESS
<p><b>Clause 12: Building Restriction Areas</b></p> <p>(5) The percentage of the area of the property to be kept open as specified in Table A shall be maintained as a unified open space which may form not more than two separate open spaces for outdoor living areas: Provided that this may be relaxed with the Permission of the Municipality.</p>	<p>a) Covering Letter.  b) A motivating memorandum.  c) Power of attorney if the applicant is not the owner.  d) Copy of the Title Deed.  e) Application fee.</p> <p>Advertisement subject to Clause 15(2) read with paragraph 4(2) below.</p>
<p><b>Clause 14 (3): Use of Buildings and Land</b></p> <p>Provided that:</p> <p>(a) The owner of any property in any use zone, excluding “Residential 1” and “Residential 5”, that is used for sectional title Dwelling-units or blocks of flats shall develop and maintain at least 4 square meters per Dwelling-unit with a minimum of 50 square meters on the property as a children’s playground: Provided that the Municipality may grant Permission to reduce this requirement; and</p> <p>(b) the Premier may, notwithstanding anything to the contrary contained in the provisions of this Scheme after reference to the Municipality, give Permission to any use in terms of the Title of any agricultural holding laid out in terms of the Agricultural Holdings (Transvaal) Registration Act, 1919 (Act 22 of 1919).</p>	<p>a) Application form.  b) Covering Letter.  c) A motivating memorandum.  d) Power of attorney if the applicant is not the owner.  e) Copy of the Title Deed.  f) Site plan indicating the children’s playground required.  g) Zoning certificate and/or Annexure T or Consent Use.  h) Application fee.</p> <p>Advertisement subject to Clause 15(2) read with paragraph 4(2) below.</p>
<p><b>CLAUSE 14(8)</b></p> <p>Notwithstanding any contrary stipulation contained in this Scheme the Municipality may grant Permission for the Temporary Use of any building or land within any use zone for any of the following:</p> <p>(a) The erection and the use of temporary buildings or the use of Existing Buildings or sites for site offices, storage rooms, workshops or such other uses that are in the opinion of the Municipality necessary for the erection of any permanent building or structure on the land or the installation of engineering services shall be to the satisfaction of the Municipality: Provided that such Permission shall lapse, ipso facto, on completion of the permanent building or structure or the completion of the engineering contract.</p>	<p>a) Covering Letter.  b) A motivating memorandum.  c) Power of attorney if the applicant is not the owner.  d) Copy of the Title Deed.  e) Application fee.</p> <p>Advertisement subject to Clause 15(2) read with paragraph 4(2) below.</p>
<p><b>Clause 14 (8):</b></p> <p>(b) The Temporary Use of land or buildings for</p>	<p>a) Application form.</p>

TYPE OF PERMISSION	DOCUMENTS AND PROCESS
<p>another purpose such as inter alia concerts, fairs, circuses, bazaars, street vendors, parking, Place of Amusement, Place of Public Worship, public gatherings or meetings, Social Halls and any other use which the Municipality deems fit in the interest of the community but excluding a guest-house and subject to such conditions which the Municipality may impose and further subject to the condition that such Permission:</p> <p>(i) may be withdrawn after 30 days written notice to the owner if any conditions of the Permission are not met, malpractice occurs or the amenity of the area is prejudiced; and</p> <p>(ii) expires 3 months from the date on which Permission was granted unless the Municipality extends it in writing for a further period not exceeding 3 months after receiving a written request from the applicant.</p>	<p>b) Covering Letter.  c) A motivating memorandum.  d) Power of attorney if the applicant is not the owner.  e) Copy of the Title Deed.  f) Site plan.  g) Zoning certificate and/or Annexure T or Consent Use.  h) Application fee.</p> <p>Advertisement subject to Clause 15(2) read with paragraph 4(2) below.</p>
<p><b>Clause 14(11)</b></p> <p>The Municipality may grant Permission to erect a Telecommunication Mast on any property subject to Clause 15 and Schedule 25.</p>	<p>a) Application form.  b) Covering Letters.  c) A motivating memorandum.  d) Power of attorney if the applicant is not the owner.  e) Copy of the Title Deed.  f) Site plan indicating the position of the Telecommunication Mast on the site and a side elevation indicating the height of the mast.  g) Zoning certificate and/or Annexure T or Consent Use.  h) Application fee.</p> <p>Advertisement subject to Clause 15(2) read with paragraph 4(2) below.</p>
<p><b>Clause 15: PERMISSION OF THE MUNICIPALITY</b></p> <p>(2) the prescribed advertisement procedure that is required in terms of any Permission as indicated in the Schedules to the Scheme read with Schedule 25, and read with Paragraph 4(2), shall be complied with and the Municipality may grant its Permission to waive this requisite wholly or partly if it's satisfied that such non-compliance is not of such a material nature that it is likely to affect anyone detrimentally;</p>	<p>a) Application form.  b) Covering Letter.  c) A motivating memorandum.  d) Power of attorney if the applicant is not the owner.  e) Copy of the Title Deed.  f) Zoning certificate and/or Annexure T or Consent Use.  g) Application fee.</p> <p>Advertisement subject to Clause 15(2) read with paragraph 4(2) below.</p>

TYPE OF PERMISSION	DOCUMENTS AND PROCESS
<p><b>Clause 15:</b></p> <p>(6) the Municipality may grant its Permission to amend the conditions of approval provided this amendment does not substantially change the rights and conditions approved and provided that there were no objections to the initial application subject to the prescribed fee.</p>	<p>a) Application form.  b) Covering Letter.  c) A motivating memorandum.  d) Power of attorney if the applicant is not the owner.  e) Copy of the Title Deed  f) Zoning certificate and/or Annexure T or Consent Use.  g) Application fee.</p> <p>Advertisement subject to Clause 15(2) read with paragraph 4(2) below.</p>
<p><b>Clause 16 (9):</b></p> <p>(9) The Municipality may, at the written request of the applicant, grant Permission for the partial or total non-compliance with the provisions of Clauses 16(2), 16(3) and 16(5) if it is of the opinion that another way of giving the notice as prescribed by the Municipality, will inform the public in a better way, or that such non-compliance is not of such a material nature that it is likely to affect anyone detrimentally.</p>	<p>a) Application form.  b) Covering Letter.  c) A motivating memorandum.  d) Power of attorney if the applicant is not the owner.  e) Copy of the Title Deed.  f) Zoning certificate and/or Annexure T or Consent Use.  g) Application fee.</p> <p>Advertisement subject to Clause 15(2) read with paragraph 4(2) below.</p>
<p><b>Clause 16(11):</b></p> <p>(11) The Municipality may grant its Permission to amend the conditions of approval provided that this amendment does not substantially change the rights and conditions approved and provided that there were no objections to the initial application subject to the prescribed fee.</p>	<p>a) Application form.  b) Covering Letter.  c) A motivating memorandum.  d) Power of attorney if the applicant is not the owner.  e) Copy of the Title Deed.  f) Site plan.  g) Zoning certificate and/or Annexure B/ Annexure T/ Annexure or Schedule or Consent Use.  h) Application fee.</p> <p>Advertisement subject to Clause 15(2) read with paragraph 4(2) below.</p>
<p><b>Clause 18: General Conditions Applicable to all Properties</b></p> <p>(1) All erven are subject to the following conditions:</p> <p>(b) No building or other structure or any part of its foundations may be erected in the servitude area referred to in the aforementioned Sub-clause (a) and no tree with a</p>	<p>a) Application form.  b) Covering Letter.  c) A motivating memorandum.  d) Power of attorney if the applicant is not the owner.  e) Copy of the Title Deed.</p>

TYPE OF PERMISSION	DOCUMENTS AND PROCESS
<p>potentially large root system may be planted within the afore-mentioned servitude area or within 2,0 metres thereof except with the Permission of the Municipality.</p>	<p>f) Site plan indicating the servitude area where the tree is to be planted. g) Zoning certificate and/or Annexure T or Consent Use. h) Application fee.</p> <p>Advertisement subject to Clause 15(2) read with paragraph 4(2) below.</p>
<p><b>Clause 18(2):</b></p> <p>(b) No material may be excavated from any erf except to prepare the erf for building purposes, nor may any Existing Use be continued without the Permission of the Municipality.</p>	<p>a) Application form. b) Covering Letter. c) A motivating memorandum. d) Power of attorney if the applicant is not the owner. e) Copy of the Title Deed. f) Zoning certificate and/or Annexure T or Consent Use. g) Application fee.</p> <p>Advertisement subject to Clause 15(2) read with paragraph 4(2) below.</p>
<p><b>Clause 18 (2):</b></p> <p>(c) No animal as defined in the Municipal By-laws: Keeping of Animals, Birds and Poultry and to Businesses involving the Keeping of Animals, Birds and Poultry and Pets as published in terms of Notice No 432/2004 on 26 May 2004 may be kept on any erf except with the Permission of the Municipality.</p>	<p>Application shall be made to the Municipality (Environmental Management Services Department).</p>
<p><b>Clause 18 (2):</b></p> <p>(d) No wells or boreholes may be sunk on any erf except with the Permission of the Municipality and subject to such conditions as the Municipality may impose.</p>	<p>Application must be made to the Municipality (Service Infrastructure Department: Water and Sanitation).</p>
<p><b>Clause 18 (5):</b></p> <p>Rooftop Antennas or dishes for telecommunication purposes may be fixed to any building except Dwelling-units on property zoned "Residential 1", "Residential 5", and "Special" for one of the aforementioned Use Zones: Provided the top of the antenna or dish is not higher than 5,0 meters above the maximum height of the building as stipulated in Clause 26(2) and (3) and it does not have a diameter of more than 2,0 meters and a building plan for such has been approved. This will not apply to household television antenna or dishes. Rooftop Antenna or dishes not complying with these conditions shall be subject to the Municipality's Permission before being fixed to a building.</p>	<p>a) Application form. b) Covering Letter. c) A motivating memorandum. d) Power of attorney if the applicant is not the owner. e) Copy of the Title Deed. f) Site plan. g) Zoning certificate and/or Annexure T or Consent Use. h) Application fee.</p> <p>Advertisement subject to Clause 15(2) read with paragraph 4(2) below.</p>

TYPE OF PERMISSION	DOCUMENTS AND PROCESS
<p><b>Clause 18 (11):</b></p> <p>Informal trade shall not be conducted in any street or road without the Permission of the Municipality and subject to its By-laws and other legislation regulating such trade.</p>	<p>Application must be made to the Municipality (Tshwane Metropolitan Police Department).</p>
<p><b>Clause 20: Conditions Applicable to Residential 1 Erven</b></p> <p>(2) Notwithstanding the provisions of Sub-clause (1), the following further conditions are applicable to the subdivision approval:</p> <p>(a) such erf shall have an acceptable shape and street frontage for vehicular access; or if such resultant erf is an erf with a panhandle or a servitude of right of way and the size of such resultant erf, exclusive of the panhandle or a servitude of right of way, complies with the applicable minimum erf size: Provided that:</p> <p>(ii) the panhandle shall be not less than 3 m wide along its whole length and not wider than 8 m, except with the written Permission of the Municipality;</p> <p>(iv) the slope of the panhandle shall not exceed 1:8: Provided that it may be relaxed with the Permission of the Municipality in special circumstances;</p> <p>(b) Waive the requisite of a street frontage or a panhandle to such erf, on condition that:</p> <p>(ii) such servitude shall have a width of not less than 3,0 meters and not more than 8,0 meters, except with the written Permission of the Municipality;</p>	<p>a) Application form. b) Covering Letter. c) A motivating memorandum. d) Power of attorney if the applicant is not the owner. e) Copy of the Title Deed. f) Site plan indicating the panhandle and footprint of the buildings. g) Zoning certificate and/or Annexure T or Consent Use. h) Application fee.</p> <p>Advertisement subject to Clause 15(2) read with paragraph 4(2) below.</p>
<p><b>Clause 26(1): Height of Buildings</b></p> <p>(b) In an "Industrial 2" and "Commercial" Use Zones the Municipality may grant Permission to an increase in height in respect of any building, which requires additional height for a manufacturing process or storage purposes.</p>	<p>a) Covering Letter. b) A motivating memorandum. c) Power of attorney if the applicant is not the owner. d) Copy of the Title Deed. e) Application fee.</p> <p>Advertisement subject to Clause 15(2) read with paragraph 4(2) below.</p>
<p><b>Clause 26(1): Height of Buildings</b></p> <p>(c) No Dwelling-unit in Use Zones "Residential 1",</p>	<p>a) Covering Letter.</p>

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<p>"Residential 2", "Agricultural" and "Undetermined" shall exceed 10,0 m in height above natural ground level and such Dwelling-unit shall not contain more than 2 storeys one above the other as indicated in Diagram 4 below and such height shall include the basement or part of the basement protruding above natural ground level:</p> <p>Provided that the Municipality may in special circumstances, excluding where it is laid down in an Annexure T or approved Consent Use, grant its Permission to relax the aforementioned restrictions if it is satisfied that the privacy of the adjacent residents shall not be negatively affected and that it would result in a better development and to grant its Permission that the height of each storey may vary from the minimum specified in the National Building Regulations to a maximum of 6,0 m measured from floor to ceiling depending on the design of the Dwelling-unit.</p>	<p>b) A motivating memorandum.  c) Power of attorney if the applicant is not the owner.  d) Copy of the Title Deed.  e) Application fee.</p> <p>Advertisement subject to Clause 15(2) read with paragraph 4(2) below.</p>
<p><b>Clause 26(1)(d):</b></p> <p>The Municipality may in its discretion grant Permission or approval for an increased height in any Use Zone in the case of:</p> <p>(i) a building erected by the Municipality itself or any Tertiary Institution established by law;</p> <p>(ii) a building where, owing to the imposition of a Building Line or Coverage restriction, the applicable Floor Area Ratio and/or maximum coverage cannot otherwise be attained;</p> <p>(iii) a building which requires additional height in order to improve the architectural treatment thereof or to provide amenities solely for the occupants of the building, on condition that not more than 10% of the roof area is covered by that portion of the building for which additional height is required;</p> <p>(iv) a building to be erected after compliance with the provisions of Clause 16, to a height greater than that permitted in Table D, Annexure T or a condition imposed in terms of a Consent Use approval can:</p> <p>(aa) on condition that such building in the opinion of the Municipality embodies in its design special features; and</p> <p>(bb) which in the opinion of the Municipality</p>	<p>a) Covering Letter.  b) A motivating memorandum.  c) Power of attorney if the applicant is not the owner.  d) Copy of the Title Deed.  e) Application fee.</p> <p>Advertisement subject to Clause 15(2) read with paragraph 4(2) below.</p>

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<p>add to the general amenity of the area; and</p> <p>(cc) provided that provision shall be made for parking in accordance with Clause 28, or as required by the Municipality.</p> <p>(v) a building after compliance with Clause 16 where such height is laid down in an Annexure T or approved Consent Use.</p>	
<p><b>Clause 26(2):</b></p> <p>For the purposes of this Clause the following, shall not be calculated as height:</p> <p>(b) with the Permission of the Municipality one or part of one storey of a building excluding a Dwelling-house or Dwelling-unit, which is used for the parking of vehicles:</p> <p>Provided that,</p> <p>(i) the Municipality may grant Permission for a maximum of three storeys to be used for the parking of motor vehicles except in the area bounded by Justice Mahomed (Walker) Street, the railway line and Steve Biko (Mears) Street, in Muckleneuk, where only one storey for the parking of motor vehicles shall be permitted;</p> <p>(ii) if the parking storey is above the ground floor, an area of not less than 85% of such storey shall be used for parking purposes and access ramps; and</p> <p>(iii) if the parking storey is on the ground floor, accommodation may also be provided on this floor for an entrance hall, lifts, stairs, accommodation for the employees necessary for the servicing of the building, facilities for the servicing and maintenance of the building and amenities for the occupants of the building, but excluding a Caretaker's Flat, on condition that the combined area of the aforementioned uses may not exceed 20% of the area of the erf which may be covered by the building.</p>	<p>a) Application form.</p> <p>b) Covering Letter.</p> <p>c) A motivating memorandum.</p> <p>d) Power of attorney if the applicant is not the owner.</p> <p>e) Copy of the Title Deed.</p> <p>f) Building plans indicating the additional height required.</p> <p>g) Zoning certificate and/or Annexure T or Consent Use.</p> <p>h) Application fee.</p> <p>Advertisement subject to Clause 15(2) read with paragraph 4(2) below.</p>
<p><b>Clause 26(4):</b></p> <p>Where the height of a building is specified in storeys only, then a storey shall be equivalent to a maximum height of 4,5 meters measured from the floor to the ceiling above; except where a single storey building or</p>	<p>a) Covering Letter.</p> <p>b) A motivating memorandum.</p> <p>c) Power of attorney if the applicant is not the owner.</p> <p>d) Copy of the Title Deed.</p>

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the first storey of a multiple storey building is designed as a double volume, in which case the height of such storey shall not be more than 6,0 meters floor to ceiling for Dwelling-units and Residential Buildings and 9,0 meters for non-residential buildings; except with the Permission of the Municipality.	e) Application fee.  Advertisement subject to Clause 15(2) read with paragraph 4(2) below.
<p><b>Clause 27(1): COVERAGE</b></p> <p>(j) in Coverage Zones 1, 2, 3 and 4 on erven zoned "Business 1", where existing Business Buildings are converted to Residential Buildings, the coverage for Residential Buildings may be increased with the Permission of the Municipality to the maximum coverage for Business Buildings.</p>	<p>a) Covering Letter. b) A motivating memorandum. c) Power of attorney if the applicant is not the owner. d) Copy of the Title Deed. e) Application fee.</p> <p>Advertisement subject to Clause 15(2) read with paragraph 4(2) below.</p>
<p><b>Clause 27(1):</b></p> <p>(k) The Municipality may grant Permission for an additional 10% coverage, which shall be calculated as a percentage (%) of the entire area of the property, for any building in all Use Zones; and</p>	<p>a) Covering Letter. b) A motivating memorandum. c) Power of attorney if the applicant is not the owner. d) Copy of the Title Deed. e) Application fee.</p> <p>Advertisement subject to Clause 15(2) read with paragraph 4(2) below.</p>
<p><b>Clause 27(1):</b></p> <p>(l) The Municipality may grant Permission for an increase in coverage as provided for in an Annexure T or Consent Use.</p>	<p>a) Application form. b) Covering Letter. c) A motivating memorandum. d) Power of attorney if the applicant is not the owner. e) Copy of the Title Deed. f) Building plans indicating the additional coverage required. g) Zoning certificate and/or Annexure T or Consent Use. h) Application fee.</p> <p>Advertisement subject to Clause 15(2) read with paragraph 4(2) below.</p>
<p><b>Clause 28: Parking Requirements</b></p> <p>Parking spaces together with enough manoeuvring space shall be provided on the property in accordance with the following Tables F and G and the layout and construction thereof, shall be subject to the approval of</p>	

TYPE OF PERMISSION	DOCUMENTS AND PROCESS
<p>the Municipality.</p> <p>Provided that:</p> <p>(3) the Municipality may in its opinion in special circumstances grant its Permission for the provision of parking spaces elsewhere than on the property, provided that:</p> <p>(a) the Use Zone of such property allows a Parking Site as a primary right or as a Consent Use subject to Clause 16; or</p> <p>(b) The Municipality may accept a monetary contribution in lieu thereof, which contribution shall be used solely for the provision of public parking facilities in the vicinity of the property; and</p> <p>(c) the Municipality may require that a servitude over the property with reference to (a) above, consolidation or notarial tie between the properties be registered to the satisfaction to the Municipality.</p> <p>(4) the requirements with regard to the number of parking spaces, prescribed in the above Table G or an Annexure T or a Consent Use, that shall be provided on the site, may be relaxed with the Permission of the Municipality;</p>	<p>a) Application form.</p> <p>b) Covering Letter.</p> <p>c) A motivating memorandum.</p> <p>d) Power of attorney if the applicant is not the owner.</p> <p>e) Copy of the Title Deed.</p> <p>f) Locality plan indicating the alternative parking site required.</p> <p>g) Site plan of the parking to be provided elsewhere on the site.</p> <p>h) Zoning certificate and/or Annexure T or Consent Use.</p> <p>i) Application fee.</p> <p>Advertisement subject to Clause 15(2) read with paragraph 4(2) below.</p>
<p><b>Clause 31(1)(a): Site Development Plan and Landscape Plan</b></p> <p>(ii) An approved Site Development Plan shall only be amended with the Permission of the Municipality and no building plan which does not comply with the proposals and conditions as set out in the approved Site Development Plan, will be approved by the Municipality.</p> <p>(iii) No individual Dwelling-unit which is linked to another Dwelling-unit and/or ancillary outbuilding, shall be occupied before the relevant building of which the Dwelling-unit forms part, is completely developed: Provided that the Municipality may, in exceptional cases, grant Permission thereto.</p>	<p>a) Covering Letter.</p> <p>b) A motivating memorandum.</p> <p>c) Power of attorney if the applicant is not the owner.</p> <p>d) Copy of the Title Deed.</p> <p>e) Application fee.</p> <p>Advertisement subject to Clause 15(2) read with paragraph 4(2) below.</p>

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<p><b>Schedule 3: Residential 3</b></p> <p>10(4) An approved Site Development Plan shall only be amended with the Permission of the Municipality and building plans which do not comply with the proposals and conditions as set out in the approved Site Development Plan, will not be approved by the Municipality.</p> <p>20(3) No individual Dwelling-unit which is linked to another Dwelling-unit and/or ancillary outbuilding, shall be occupied before the relevant building of which the Dwelling-unit forms part, is completely developed: Provided that the Municipality may, in exceptional cases, grant Permission thereto.</p>	<p>a) Covering Letter. b) A motivating memorandum. c) Power of attorney if the applicant is not the owner. d) Copy of the Title Deed. e) Application fee.</p> <p>Advertisement subject to Clause 15(2) read with paragraph 4(2) below.</p>
<p><b>Schedule 4: Residential 2</b></p> <p>10(4) An approved Site Development Plan shall only be amended with the Permission of the Municipality and building plans which do not comply with the proposals and conditions as set out in the approved Site Development Plan, will not be approved by the Municipality.</p> <p>20(6) No individual Dwelling-unit which is linked to another Dwelling-unit and/or ancillary outbuilding, shall be occupied before the relevant building of which the Dwelling-unit forms part, is completely developed: Provided that the Municipality may, in exceptional cases, grant Permission thereto.</p>	<p>a) Covering Letter. b) A motivating memorandum. c) Power of attorney if the applicant is not the owner. d) Copy of the Title Deed. e) Application fee.</p> <p>Advertisement subject to Clause 15(2) read with paragraph 4(2) below.</p>
<p><b>Schedule 7: Method of Calculating Gross Floor Area:</b></p> <p>2. Only the following areas of a building may be measured and expressed as a percentage for the purposes as contemplated in Condition 1(3) hereof:</p> <p>(10) Such other areas as may be granted with the Permission of the Municipality; and (11) Balconies with the Permission of the Municipality.</p>	<p>a) Covering Letter. b) A motivating memorandum. c) Power of attorney if the applicant is not the owner. d) Copy of the Title Deed. e) Application fee.</p> <p>Advertisement subject to Clause 15(2) read with paragraph 4(2) below.</p>
<p><b>Schedule 9: Home Enterprise:</b></p> <p>CONDITIONS GOVERNING A HOME ENTERPRISE</p> <p>1. With respect to a Dwelling-unit and its outbuildings, but apart from the exceptions mentioned in Conditions 3 and 4, a Home Enterprise is restricted to -</p> <p>(2) A maximum of 30% of the Gross Floor Area</p>	<p>a) Application form. b) Covering Letter. c) A motivating memorandum. d) Power of attorney if the applicant is not the owner. e) Copy of the Title Deed f) Site plan indicating the parking layout and use of buildings.</p>

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<p>of the Dwelling-unit and its outbuildings: Provided that without the written Permission of the Municipality such area shall not exceed 60 m<sup>2</sup> and further that such area shall not include an open air or a roofed over swimming pool used as a Place of Instruction</p> <p>3. Only in the case of a Dwelling-house on property zoned "Residential 1"; "Agricultural"; or "Undetermined" may a maximum of two persons be employed with or without remuneration on the same property or off the property by the person exercising the Home Enterprise to assist in the operation of the Home Enterprise; provided that a further two persons may be employed with the Permission of the Municipality subject to Clause 15 and Schedule 25</p>	<p>g) Zoning certificate and/or Annexure T or Consent Use. h) Application fee.</p> <p>Advertisement subject to Clause 15(2) read with paragraph 4(2) below.</p> <p>a) Application form. b) Covering Letters. c) A motivating memorandum). d) Power of attorney if the applicant is not the owner. e) Copy of the Title Deed. f) Zoning certificate and/or Annexure T or Consent Use. g) Application fee.</p> <p>Advertisement subject to Clause 15(2) read with paragraph 4(2) below.</p>
<p><b>Schedule 9: Home Enterprise:</b></p> <p>6. The following uses shall not be permitted as a Home Enterprise in any Dwelling-unit:</p> <p>(3) Spaza Shops except with the Permission of the Municipality, subject to Clause 15 provided that the definition of a Spaza Shop shall be applicable.</p>	<p>a) Application form. b) Covering Letters. c) A motivating memorandum. d) Power of attorney if the applicant is not the owner. e) Copy of the Title Deed. f) A site plan indicating the position of the Spaza Shop, parking layout and use of the buildings. g) Zoning certificate and/or Annexure T or Consent Use. h) Application fee.</p> <p>Advertisement subject to Clause 15(2) read with paragraph 4(2) below.</p>
<p><b>Schedule 10:</b></p> <p>2. The following LIGHT INDUSTRIES are permitted on "Business 2" and "Business 1" zones, subject to the following conditions:</p> <p>(1) Dry-cleaner and carpet-cleaner:</p> <p>(a) Steam and hot water shall be provided by means of electric boilers only or, with the Municipality's Permission, by means of gas or automatic oil operated boilers.</p>	<p>a) Application form. b) Covering Letters. c) A motivating memorandum. d) Power of attorney if the applicant is not the owner. e) Copy of the Title Deed. f) Zoning certificate and/or Annexure T or Consent Use. g) Application fee.</p> <p>Advertisement subject to Clause 15(2) read with paragraph 4(2) below.</p>

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<p><b>Schedule 10(6)(2): Specific Conditions Regulating certain Primary Uses</b></p> <p>VEHICLE SALES MARTS are permitted on "Business 2", and "Business 1" Use Zones, subject to the following conditions:</p> <p>(2) Vehicles may only be displayed on the natural ground level of the site, and no podium or platform shall be erected or used for display purposes, without the written Permission of the Municipality.</p>	<p>a) Application form.  b) Covering Letter.  c) A motivating memorandum.  d) Power of attorney if the applicant is not the owner.  e) Copy of the Title Deed.  f) Site plan indicating the position of the podium and an elevation of the podium.  g) Zoning certificate and/or Annexure T or Consent Use.  h) Application fee.</p> <p>Advertisement subject to Clause 15(2) read with paragraph 4(2) below.</p>
<p><b>Schedule 15:</b></p> <p>20(1) The occupants of a Dwelling-unit or residential building may practise, <i>inter alia</i>, their social and religious activities and their occupations, professions, or trades, including Retail Trade, on the property on which such Dwelling-unit or residential building is erected: Provided that:</p> <p>(b) the occupation, trade or profession or other [activity] business shall not be noxious and it shall not occupy more than 60m<sup>2</sup> Gross Floor Area of the buildings without the Permission of the Municipality;</p>	<p>a) Application form.  b) Covering Letter.  c) A motivating memorandum.  d) Power of attorney if the applicant is not the owner.  e) Copy of the Title Deed.  f) Site plan.  g) Zoning certificate and/or Annexure T or Consent Use.  h) Application fee.</p> <p>Advertisement subject to Clause 15(2) read with paragraph 4(2) below.</p>
<p><b>Schedule 28</b></p> <p>(4) The Holder of a Permit for Existing Mining Rights granted in terms of the Petroleum Resources and Development Act, 2002 (Act 28 of 2002) before the fixed date must apply for Permission of the Municipality, subject to Schedule 25.</p>	<p>a) Application form.  b) Covering Letter.  c) A motivating memorandum.  d) Power of attorney if the applicant is not the Permit Holder.  e) Copy of the Title Deed.  f) Site plan.  g) Zoning certificate and/or Annexure T or Consent Use.  h) Application fee.</p> <p>Advertisement subject to Clause 15(2) read with paragraph 4(2) below.</p>

(2) Advertisement Procedure (where required)

- (a) A copy of the notice shall be posted by not later than the first day of placard notice being displayed to each owner of land abutting or sharing a common boundary with the application site including such properties separated by a road directly opposite the application site and to any other owner of land which the Municipality may direct in writing within seven days of receipt of the application, by registered post or by hand to his or her last known address and the applicant shall provide proof

that said notice was posted to the afore-mentioned owners, alternatively that the afore-mentioned owners received the notices by hand;

- (b) The applicant shall display in conspicuous positions, where it may be easily seen from public land or other such public place, a placard on each separate part of such land or building to which such Permission is applicable;

Provided that:

- (i) the placards shall be displayed and maintained in good order for at least 14 days from the first day of display;
  - (ii) if such land or building is situated at such a distance from a public road or other public place that the notice cannot be read from there, the placard shall also be displayed at every public entrance of the public place to the concerned property or building;
  - (iii) if the property concerned has more than one street frontage, at least one placard shall be displayed and maintained on each street frontage;
  - (vi) in the case of an application within an existing business centre or other similar place to which the public has access, a placard shall be displayed and maintained in a conspicuous place at the entrance of the Shop to which the application refers, and at each public entrance of the business centre; and
  - (v) the information on every placard shall be written or printed in a clearly legible script as prescribed in Paragraph 4(2)(d) hereof, in such a way that it is legible from a distance of two metres for any person with normal eyesight, during the full 14 days of display.
- (c) The notice referred to in Paragraphs 4(2)(a) and 4(2)(b) shall -
- (i) contain the full name, the residential or business address and telephone number of the applicant;
  - (ii) the relevant Town-planning scheme, erf number and street address, township concerned, farm portion or agricultural holding, the existing zoning of the application site, the proposed Permission for which the application has been made;
  - (iii) state that the full details of the relevant application are available at the Municipality during normal office hours for the period of twenty-eight days from the first day of the placard being displayed;
  - (iv) be written in English and one other of the official languages predominant in the municipal area;
  - (v) state that any objection or representation against such an application shall be submitted in writing to the Municipality within twenty-eight days, calculated from the first full day after the first day the placard was displayed; the date of the first day of the placard as well as the closing date for acceptance of objections shall be indicated on the placard;
- (d) The placard specified in Paragraph 4(2)(b) shall not be smaller than 594 mm x 420 mm and any letter there on shall be at least 6 mm high and be written in legible upright printed letters.
- (e) Any person with objections to or who makes representations against the application, shall lodge his written objections or representations to the Municipality with the reasons therefore within the period mentioned in Paragraph 4(2)(c)(v) hereof. In the case of objections or representations being received the Municipality shall in accordance with Section 131 of the Ordinance hear the objections or representations and inform the applicant and objectors in writing of its decision.

- (f) The applicant shall:
- (i) lodge at the Municipality, prior to or simultaneous with the first day of the placard being displayed all the documents as required in Paragraph 4(1) above;
  - (ii) draw up a sworn affidavit to the effect that the provisions in Paragraphs 4(2)(b), 4(2)(c) and 4(2)(d) hereof have been complied with no earlier than 14 days after the first day of the placard being displayed and submit the affidavit as soon as possible thereafter at the Municipality;
  - (iii) submit two legible photos of the placard notice(s), not smaller than half-postcard size:
    - (aa) One close-up of the notice to clearly show the wording.
    - (bb) One from a distance across the road to show the visibility of the notice; and
  - (iv) submit proof that a notice as required in paragraph 4(2)(a) was posted to the surrounding owners within 14 days of the closing date for objections.

If the wording on the notice is not clear on the photo, the applicant shall be required to submit the original placard notice to the Municipality for inspection.

(3) General Conditions

- (a) The Permission shall not, if any objection has been received, be exercised within a period of twenty-eight days after the applicant and any objector have been notified of such decision or, if an appeal has been lodged, until such appeal has been disposed of.
- (b) After consideration of the application, the Municipality may grant the application, refuse it, or qualify it and the parties shall be informed of the decision.
- (c) The Permission shall be null and void if the requirements imposed in considering the application have not been complied with.
- (d) The applicant may apply in writing to withdraw the application within sixty days of the date of approval on condition that any bulk services contributions or other municipal fees that were paid shall not be refunded and that such withdrawal shall be recorded on the Municipality's data base or Register and the owner shall not have any claim in the future to any re-instatement of such Permission.
- (e) The Municipality may, on written request from the applicant, grant its Permission to amend the conditions of approval provided this amendment does not substantially change the rights and conditions approved and provided that there were no objections to the initial application.
- (f) Applications will not be accepted for consideration if they are not prepared in accordance with above paragraphs of this document. Incomplete applications are legally not acceptable and will be returned to the applicant.

**SCHEDULE 26****REQUIREMENTS FOR AN APPLICATION FOR PERMISSION FOR A DWELLING-HOUSE IN TERMS OF CLAUSE 14(10) OF THE TSHWANE TOWN-PLANNING SCHEME, 2008 (REVISED 2014)**

## 1. Who may apply?

The owner of land or the owner's authorised agent may apply to the Municipality for Permission in terms of Clause 14(10) of the Tshwane Town-planning Scheme, 2008 (Revised 2014), read with Section 20 of the Town-planning and Townships Ordinance, 1986 (Ordinance 15 of 1986).

## 2. How to apply (Legal Requirements)

The applicant shall submit to the Municipality his or her application, together with the full particulars and plans required by the Municipality (see Paragraph 3).

## 3. What documents are required?

The application documents (with the number of copies indicated below) of which one should be the original, all stapled together in the upper left corner, must be submitted during office hours 08:00 to 15:00 to the Municipality.

## (1) Application fees

The prescribed application fees shall be paid by Electronic Funds Transfer or by cheque. If a cheque is used as the method of payment, the cheque shall be bank guaranteed and shall be made out to the City of Tshwane. No post-dated cheques will be accepted.

## (2) Covering letter

The applicant must submit a covering letter indicating the application type as well as a list of documents submitted and any additional information.

## (3) Motivating Memorandum

A memorandum motivating the need and desirability of the second Dwelling-house just be submitted with the application form.

## (4) Application form

The application form shall be completed in full and signed by the applicant or agent.

## (5) Proof of Advertisement

## (a) Notice to neighbours

The applicant shall notify all the owners of surrounding properties of the application according to Paragraph 4(1).

Written proof of this, together with the owners written comments or letters of no objection, shall be submitted within 10 working days of the closing date for objections.

## (b) The applicant shall submit an affidavit after the period stated in Paragraph 4 has lapsed, stating that the provisions of Paragraph 4 have been complied with and shall then submit this affidavit to the Municipality as soon as possible thereafter.

(c) The applicant shall submit two legible photos of the placard notice(s), not smaller than half-postcard size:

- (i) One close-up of the notice to clearly show the wording.
- (ii) One from a distance across the road to show the visibility of the notice.

If the wording on the notice is not clear on the photo, the applicant shall be required to submit the original placard notice to the Municipality for inspection.

(6) Power of attorney

If any person other than the registered owner of the property submits the application, an original signed power of attorney from the registered owner of the property shall be attached. The power of attorney must correspond with the registered title deed.

(7) Company/close corporation/trust resolution

If the registered owner is a company, close corporation or trust, the applicant shall submit a resolution of the company, close corporation or trust stating the grounds on which the applicant is authorised to act on behalf of the company, close corporation or trust. Please note that this resolution is not the same as the power of attorney.

(8) Proof of members of company/close Corporation/trust

A copy of the following shall be attached as proof:

- CM 29 form in the case of a company (Companies Act 61 of 1973).
- CK 1 or 2 form in the case of a close corporation (Close Corporations Act 69 of 1984).
- Letter of appointment of trustees in the case of a trust.

(9) Proof of marital status of the owner

Proof of the owner's marital status shall be provided. If the owner is married in community of property, his or her spouse must co-sign the power of attorney and application form.

(10) Land-use plans

The applicant shall submit a land-use plan (A4-size on a scale of 1:2 500) with the application site in the centre that shows the land uses of surrounding properties.

The applicant shall conduct the land-use survey.

(11) Site plan shall indicate the following:

- the north arrow and the scale 1:200 on which the plan was drawn;
- erf number, street name/names;
- all measurements, in meters;

(a) the placement of all existing and proposed buildings and the distances between the buildings and the erf boundaries;

- (b) floodwater lines as well as areas which are influenced by unfavourable geological conditions, for example rock outcrops, dolomite etc, (if applicable);
- (c) all existing physical features, for example trees, swimming pools, etc, which have a direct influence on the placement of the unit/units;
- (d) the placement, design, height and area of the dwelling/dwellings;
- (e) open spaces, retaining walls and landscaping;
- (f) vehicle entrances and exits, parking spaces for the second Dwelling-house and the Building Restriction Areas.
- (g) The internal layout of the two dwellings-houses; and
- (h) If Building Line relaxation is also required, the adjacent owners must also indicate that they have no objection to the Building Line relaxation.

The applicant is requested to draw this plan of the property, as far as it is possible, to a scale that will fit on an A4 size sheet and still be clearly legible.

Remark: All dimensions shall be metric and be drawn to 1:200 or nearest scale.

(12) Registered Title Deed

The applicant shall submit copies of the Title Deed which is registered in the Deeds Office at the time when the application is submitted. A draft Title Deed is not acceptable. Copies of Title Deeds can be obtained from the Deeds Office, Pretoria.

(13) Zoning certificate

The applicant shall submit the zoning certificate with the application.

(14) Locality Plan

The applicant shall submit 5 copies of the locality plan with the application.

(15) Zoning Plan

The applicant shall submit 5 copies of the zoning plan with the application.

(16) Other documents

Any additional information/documents that the Municipality may deem necessary in order to process the application may be requested.

4. Advertisement Procedure

- (1) A copy of the notice shall be posted by registered post or the site plan shall be signed by the adjacent owners and the Home Owners Association or Body Corporate by not later than the first day of placard notice being displayed, to each owner of land abutting or sharing a common boundary with the application site including such properties separated by a road directly opposite the application site and to any other owner of land which the Municipality may direct in writing within seven days of receipt of the application to his or her last known address and the applicant shall provide proof that said notice was posted to the aforementioned owners.

- (2) The applicant shall display in conspicuous positions, where it may be easily seen from public land or other such public place, a placard on each separate part of such land or building to which such Permission is applicable:

Provided that –

- (a) the placards shall be maintained in good order for at least 14 days from the first day of display;
  - (b) if such land or building is situated at such a distance from a public road or other public place that the notice cannot be read from there, the placard shall also be displayed at every public entrance of the public place to the concerned property or building;
  - (c) if the property concerned has more than one street frontage, at least one placard shall be displayed and maintained on each street frontage;
  - (d) in the case of an application within an existing business centre or other similar place to which the public has access, a placard shall be displayed and maintained in a conspicuous place at the entrance of the Shop to which the application refers, and at each public entrance of the business centre; and
  - (e) the information on every placard shall be written or printed in a clearly legible script as in such a way that it is legible from a distance of two metres for any person with normal eyesight, during the full 14 days of display.
- (3) The notice referred to in Paragraphs 4(1) and 4(2) shall -
- (a) contain the full name, the residential or business address and telephone number of the applicant;
  - (b) mention the relevant Town-planning scheme, erf number and street address, township concerned, farm portion or agricultural holding, the existing zoning of the application site, the proposed land-use for which the application for Consent Use has been made;
  - (c) state that the full details of the relevant application are available at the Municipality during normal office hours for the period of twenty-eight days from the first day of the placard being displayed;
  - (d) be written in English and one other of the official languages predominant in the municipal area;
  - (e) state that any objection or representation against such an application shall be submitted in writing to the Municipality within twenty-eight days, calculated from the first full day after the first day the placard was displayed; the date of the first day of the placard as well as the closing date for acceptance of objections shall be indicated on the placard;
- (4) The placard specified shall not be smaller than 594 mm x 420 mm and any letter there on shall be at least 6 mm high and be written in legible upright printed letters.
- (5) Any person with objections to or who makes representations against the application, shall lodge his written objections or representations to the Municipality with the reasons therefore within the period mentioned in Paragraph 4 hereof. In the case of objections or representations being received the Municipality shall in accordance with Section 131 of the Ordinance hear the objections or representations and inform the applicant and objectors in writing of its decision.
- (6) The applicant shall:
- (a) lodge at the Municipality, prior to or simultaneous with the first day of the placard being displayed all the documents as required in Paragraph 4 above; and

- (b) draw up a sworn affidavit to the effect that the provisions in Paragraphs 4. hereof have been complied with no earlier than 14 days after the first day of the placard being displayed and submit the affidavit as soon as possible thereafter at the Municipality;
- (c) submit proof that a notice as required in paragraph 4. was posted to the surrounding owners within 14 days of the closing date for objections.
- (d) submit two legible photos of the placard notice(s), not smaller than half-postcard size:
  - (i) One close-up of the notice to clearly show the wording.
  - (ii) One from a distance across the road to show the visibility of the notice.

If the wording on the notice is not clear on the photo, the applicant shall be required to submit the original placard notice to the Municipality for inspection.

- (7) The Permission shall not, if any objection has been received, be exercised within a period of twenty-eight days after the applicant and any objector have been notified of such decision or, if an appeal has been lodged, until such appeal has been disposed of.
  - (8) After consideration of the application, the Municipality may grant the application, refuse it, or qualify it and the parties shall be informed of the decision.
  - (9) The Permission shall be null and void if the requirements imposed in considering the application have not been complied with.
  - (10) The applicant may apply in writing to withdraw the application within sixty days of the date of approval on condition that any bulk services contributions or other municipal fees that were paid shall not be refunded and that such withdrawal shall be recorded on the Municipality's data base or Register and the owner shall not have any claim in the future to any re-instatement of such Permission.
  - (11) The Municipality may, on written request from the applicant, grant its Permission to amend the conditions of approval provided this amendment does not substantially change the rights and conditions approved and provided that there were no objections to the initial application.
  - (12) Applications will not be accepted for consideration if they are not prepared in accordance with above paragraphs of this document. Incomplete applications are legally not acceptable and will be returned to the applicant.
5. Location, appearance, height and layout of the proposed second dwelling-house
- (1) The location and appearance, height and layout must be such that -
    - (a) All neighbouring dwelling-houses are taken into consideration; and
    - (b) there is minimal disturbance for and a minimal negative impact on those houses.
  - (2) The term "Dwelling-house" or "Additional Dwelling-house" is used alternatively, depending on the circumstances; in other words whether the development comprises two new Dwelling-houses or the building of a second Dwelling-house on an erf where one Dwelling-house already exists.
  - (3) Erf sizes are not a qualifying factor for the approval or the right to construct a second Dwelling-house: However, it should be kept in mind that the standard conditions applicable to an additional "Residential 1" erven smaller than 500 m<sup>2</sup> differ in certain respects from that of larger erven.

The size of the Additional Dwelling-house is not restricted, if the permissible requirements in respect of area, height and coverage are complied with.

**Services:**

- (1) Second electrical- and water connections are provided on a cost basis.
- (2) No additional sewerage connection point will be provided and both Dwelling-houses must therefore make use of the same point, unless a second point can be provided on an existing sewer line and the applicant will be liable for all costs with regard to the incision of the second point.
- (3) Additional basic levies for water and sewerage services will be imposed on the Additional Dwelling-house from the date of the final inspection.

**SCHEDULE 27****CONDITIONS GOVERNING A MUNICIPAL TRANSITIONAL SETTLEMENT:**

1. A Municipal Transitional Settlement shall only be established by the Municipality and by means of a Consent Use in terms of this Scheme.
2. A Municipal Transition Settlement shall be an area of land acquired to provide temporary housing for persons identified by the Municipality in need of temporary or emergency housing and which area of land shall be formalised in terms of the relevant legislation by the Municipality.
3. A Municipal Transitional Settlement shall consist mainly of housing and streets but may also contain ancillary structures and services which in the opinion of the Municipality is necessary for the provision of a safe, orderly and healthy living environment.
4. The Municipality shall formalise the area of land designated as a Municipal Transitional Settlement at its earliest convenience within a reasonable time in pursuance of its responsibilities and legal obligations.

**SCHEDULE 28****CONDITIONS GOVERNING THE EXERCISING OF MINING RIGHTS AND MINING OPERATIONS:**

1. The stipulations of the Mineral and Petroleum Resources Development Act, 2002 (Act 28 of 2002) and other relevant legislation are applicable.
2. In terms of Section 7 of the Minerals Act, 1991 (Act 50 of 1991) prospecting is prohibited in townships, urban areas, public roads, railways, cemeteries, land used for government or public purposes and land determined by the Municipality in the Government Gazette except with the written consent of the Minister and in accordance with such conditions as may be determined by him.
3. In the event of any conflict between the provisions of this Scheme and any title, right or permit contemplated in Section 44(4) of the Mining Rights Act, 20 of 1986, the latter shall prevail.
4. The Holder of a Permit for Existing Mining Rights granted in terms of the Petroleum Resources and Development Act, 2002 (Act 28 of 2002) before the fixed date must apply for Permission of the Municipality, subject to Schedule 25.
5. The Holder of a Permit for Mining Rights granted in terms of the Petroleum Resources and Development Act, 2002 (Act 28 of 2002) after the fixed date, shall submit an application for the consent of the Municipality read with Clause 16 of this Scheme.
6. The Mining Plan submitted shall be one which has been surveyed and shall contain the necessary co-ordinates and cadastral information to be identified and recorded on the Arc Gis data base of the Municipality.
7. The Consent or Permission with reference to Schedule 28(4) to (5) above so recorded shall lapse when the Existing Mining Rights Permit lapses.
8. Ancillary and subservient land uses such as housing, recreation club et cetera which are required for the employees of the mine and which are not required directly in the mining operation, shall be subject to a township establishment application in the opinion of the Municipality, in terms of the Town-Planning and Townships Ordinance, 1986 or its successor.
9. Any further processing of the extracted material or minerals on the same site of the extraction shall be permitted if in the opinion of the Municipality it is an integral part of the mining operations and is not intended for direct distribution and sale to an end user.
10. Any further processing/crushing of the extracted material or minerals not deemed to be an integral part of the mining operations in the opinion of the Municipality shall comply with the stipulated procedures of the Scheme or the ruling legislation to legalise these processes on the site.