

GERMISTON TOWN PLANNING SCHEME 1985



SCHEME CLAUSES

15 December 1998

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PART 1 GENERAL

1. Contents of the Scheme

This Scheme is divided into parts relating to the following matters respectively:

PART 1: GENERAL

PART 2: STREETS, BUILDING LINES, BUILDING RESTRICTION AREAS AND LINES OF NO ACCESS

PART 3: BUILDING RESTRICTIONS AND USE OF LAND

PART 4: GENERAL AMENITY AND CONVENIENCE

PART 5: MISCELLANEOUS

2. Definitions

In this Scheme the following words and expressions have the respective meanings hereby assigned to them, except where the context otherwise requires or it is otherwise expressly provided:

- 2.1 **"Additional structures to a mobile dwelling unit"** - any structure attached or detached to a mobile dwelling unit but which is incidental thereto. (AFR 2.12)
- 2.2 **"Administrator"** - the Administrator as defined in the Ordinance. (AFR 2.1)
- 2.3 **"Agricultural building"** - 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. (AFR 2.37)
- 2.4 **"Agricultural holding"** - land laid out in terms of the Agricultural Holdings (Transvaal) Registration Act, 1919 (Act 22 of 1919). (AFR 2.39)
- 2.5 **"Agricultural land"** - arable land, meadow or pasture land, market gardens, poultry farms and pig farms, land used for bee-farming, nursery gardens, plantations and orchards. (AFR 2.38)
- 2.6 **"Amusement Apparatus"** - is a machine, device or instrument which is designed or may be used for the playing of any game and which apparatus -
 - (i) may directly or indirectly be put into operation by the insertion of a coin, token coin, disc or other object therein or in an appliance attached thereto or being accessory thereto; or
 - (ii) is made available to be used for reward. (AFR 2.75)
- 2.7 **"Annexures to the Scheme"** - an annexure as contemplated in clause 5. (AFR 2.13)
- 2.8 **"Area"** - the area described in Clause 3 hereof. (AFR 2.19)
- 2.9 **"Basement"** - any storey of a building which is below the level of the ground storey of the building. (AFR 2.36)

- 2.10 **"Board"** - the Townships Board as established in terms of the provisions of the Ordinance. (AFR 2.61)
- 2.11 **"Boarding room"** - means a room or rooms with a minimum size and height, sanitation facilities and maximum number of inhabitants as contemplated in the National Building Regulations and Building Standards Act, 103 of 1977, with an entrance separate from the main dwelling on a property, which is designed for habitation, and which is not a "Dwelling house" or "Dwelling unit". Provided that such boarding room be rented out only and that it be erected simultaneously with or after the main dwelling. (A/S 700)
- 2.12 **"Building"** - includes a construction or structure of any nature. (AFR 2.20)
- 2.13 **"Building line"** - a line indicating the furthestmost boundary of a building restriction area 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. (AFR 2.9)
- 2.14 **"Building pit (shaft)"** - a part of a building containing lift shafts, conveniences or enclosed stairs. (AFR 2.21)
- 2.15 **"Building restriction area"** - an area wherein no building except that permitted in the Scheme, may be erected. (AFR 2.7)
- 2.16 **"Builders yard"** - land which is or buildings which are used for the storage of materials-
 (a) required for or normally used in building operations; or
 (b) derived from demolition or excavation operations; or
 (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". (AFR 2.8)
- 2.17 **"By-laws"** - the municipal instructions or regulations which are in force within the Scheme area by virtue of section 2 of the Local Government Ordinance, 1939 (Ordinance 17 of 1939). (AFR 2.77)
- 2.18 **"Central Business area"** - is the area as indicated on Annexure 36. (AFR 2.64)
- 2.19 **"City Council"** - is the City Council of Germiston or his Delegated. (AFR 2.69)
- 2.20 **"Commercial use"** - land used or a building designed or used for such purposes as distribution centres, wholesale trade, storage, warehouse, cartage and transport services, laboratories and computer centres and may include offices which are directly related and subservient to the main use which is carried out on the land or in the building and, such industries as are supplementary and subservient to the main commercial use carried out on the property and which have been approved by the relevant Minister in terms of the Physical Planning Act, 1967 (Act 88 of 1967). (AFR 2.36)
- 2.21 **"Controlling Authority"** - 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 South African Transport Services as the case may be. (AFR 2.2)

- 2.22 **"Coverage"** - 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. (AFR 2.14)
- 2.23 **"Domestic industry"** - a use as defined under "Industry" where not more than seven (7) persons are employed on the premises, whether as directors, partners or employees but which is not a "Noxious activity". (AFR 2.29)
- 2.24 **"Drive-in restaurant"** - 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. (AFR 2.3)
- 2.25 **"Dwelling house"** - a single detached dwelling unit. (AFR 2.85)
- 2.26 **"Dwelling unit"** - 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. (AFR 2.83)
- 2.27 **"Erection of a building"** - 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 City Council, is of a limited extent such as, inter alia the removal of non-weight bearing internal walls, the erection of removable partitioning, safes and toilets inside an existing building, or repair work inside or outside a building. (AFR 2.51)
- 2.28 **"Erf"** - as defined in the Ordinance. (AFR 2.18)
- 2.29 **"Existing building"** - a building erected in accordance with building plans approved by the City Council and which is otherwise lawful, the construction of which -
 (a) completed on or before the "Fixed date; or
 (b) was, in the opinion of the City Council, commenced within a reasonable time before the "Fixed date, but was completed thereafter; or
 (c) was completed in accordance with the conditions of any permission granted by the City Council pending the preparation and coming into force of the Scheme.
 (AFR 2.5)
- 2.30 **"Existing erf"** - 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. (AFR 2.4)
- 2.31 **"Existing use"** - as defined in section 41 of the Ordinance. (AFR 2.6)
- 2.32 **"Family"** - 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. (AFR 2.23)
- 2.33 **"Filling station"** - 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. (AFR 2.81)
- 2.34 **"Fixed date"** - the date on which the Administrator gave notice in provincial Gazette that this Scheme had been approved. (AFR 2.3)
- 2.35 **"Floor area"** - the sum of the gross area occupied in a building at the floor level of each storey: Provided that in the calculation of the floor area the following areas shall not be included:-
 (a) Unroofed buildings, open roofs and areas occupied by external fire-escapes.
 (b) Parking spaces for the occupants of the building.

- (c) Entrance passages and corridors (excluding entrance halls, porches and corridors in a dwelling unit or a residential building where such entrance halls, porches and corridors are not enclosed by outer walls or windows).
 - (d) Accommodation for the lift motors and other mechanical or electrical equipment necessary for the proper use of the building.
 - (e) Housing for 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.
 - (f) A verandah or balcony in a building: Provided that such verandah or balcony shall not be enclosed except by means of a parapet at most one metre (1 m) high or a wire gauze screen.
 - (g) Areas reasonably used for the cleaning, maintenance care of the building or buildings, except dwelling units for supervisors, cleaners and caretakers. (AFR 2.79)
- 2.36 **"Floor area ratio" or "F.A.R."** - 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 -

$$\text{F.A.R.} = \frac{\text{Floor area of a building or buildings}}{\text{Total area of the property on which the building(s) is erected.}} \quad (\text{AFR 2.80})$$
- 2.37 **"Ground floor"** - the storey on which there is an entrance or entrances to the building from the lowest natural ground level. (AFR 2.25)
- 2.38 **"Gross leasable floor area"** - 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. (AFR 2.10)
- 2.39 **"Hotel"** - a building which is registered as an hotel in terms of section 1 of the Hostels Act, 1965 (Act 70 of 1965). (AFR 2.28)
- 2.40 **"Industry"** - a factory as defined in the Factories, Machinery and Building Work Act, 1941 (Act 22 of 1941) and a works as defined in the Mines and Works Act, 1956, (Act 27 of 1956) and including offices which are directly related to and subservient to the main use conducted on the property, and also including the repair and maintenance of motor vehicles (AFR 2.46). (A/S 213)
- 2.41 **"Institution"** - a building designed and used as a public institution or charitable institution, hospital, nursing home, sanatorium, clinic whether public or private, but does not include institutions which primarily use offices or which primarily perform administrative work. (AFR 2.30)
- 2.42 **"Land"** - also includes land covered by water. (AFR 2.24)
- 2.43 **"Light industry"** - an "industry" in which the power source is such that no single motor is rated at more than 3 kW with a 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). (AFR 2.40)
- 2.44 **"Living room"** - a room designed or used for human occupation in accordance with the standards prescribed in the By-laws, but does not include a storeroom, a kitchen, a scullery, a toilet, a bathroom or a passage. (AFR 2.86)
- 2.45 **"Map"** - the Scheme map marked "Map 3" as defined in the Regulations and as amended from time to time by any approved amendment scheme. (AFR 2.32)
- 2.46 **"Mobile dwelling unit"** - a prefabricated combined suite of rooms, which may not include more than one (1) kitchen, designed for occupation and use by a single family

as a permanent residence, which is provided with the necessary service connecting points and so manufactured that it can be moved as a unit or units on wheels. (AFR 2.41)

- 2.47. **"Mobile dwelling unit parking surface"** - an area reserved on each mobile dwelling unit site for the siting of a mobile dwelling unit, with at least the dimensions to fit the mobile dwelling unit thereon and hardened with a suitable material to carry the expected maximum load at all times. (AFR 2.43)
- 2.48. **"Mobile dwelling unit stand"** - a part of an erf which is demarcated and intended for the siting of one mobile dwelling unit and the allowable additional structures for the exclusive use of the occupants of the mobile dwelling unit. (AFR 2.43)
- 2.49. **"Motor sales market"** - land used, with or without buildings, for the sale or display of vehicles, but does not include any form of workshop. (AFR 2.44)
- 2.50. **"Municipal purposes"** - such purposes as the City Council may be authorised to carry out in terms of the Local Government Ordinance, 1939 (Ordinance 17 of 1939), as amended, or any other law. (AFR 2.45)
- 2.51. **"Noxious industry"** - blood boiling, bone boiling, tallow melting, fat melting or extracting, soap boiling, tripe boiling or cleaning, skin storing, bone storing, fellmongering, skin curing, blood drying, gut scraping, leather dressing, tanning, glue making, size making, charcoal burning, brick burning, lime burning, manure making, manure storing, parchment making, malt making, yeast making, cement works, coke ovens, salt glazing, sintering of sulphur bearing materials, viscose works, smelting of ores and minerals, calcining, puddling and rolling of iron and other metals, conversion of pigiron into wroughtiron, reheating, annealing, hardening, forging, converting and carburising iron and other metals, works for the production of, or which employ, carbon bisulphites, cellulose lacquers, cyanogen or its compounds, hot pitch of 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, sulfonate organic compounds, sulphur dyes, ultramarine, zinc chloride and zinc oxide and oil refining and works dealing with the processing or refining of petrol or oil or their products :

Provided that :

- (1) when a certificate, issued by the Medical Officer of Health of a City Council in consultation with the Inspector of Factories, 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 threats to the health in the neighbourhood due to :
- (a) vapour or effluvia;
 - (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 piece of land and its position in relation to streams or water courses must be mentioned;
 - (c) solid waste material.

The City Council may consent in writing to the erection of such a building in Industrial Zones 1 and 3. (AFR 2.27)

- 2.52. **"Occupant"** - 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 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.


(AFR 2.47)

- 2.53 **"Office"** - 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, building society and an insurance society. (AFR 2.33)
- 2.54 **"Ordinance"** - the Town Planning and Townships Ordinance, 1965 (Ordinance 25 of 1965), as amended. (AFR 2.52)
- 2.55 **"Outbuilding"** - a building other than the main building which, in the opinion of the City Council, is ordinarily necessary in connection with the use of the main building. (AFR 2.11)
- 2.56 **"Owner"** - in relation to a building or land -
(a) the registered owner;
(b) the holder of a stand licence;
(c) a lessee by virtue of a lease which is registered by law;
(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;
(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
(f) a properly authorized agent of such owner as determined in (a) to (e) above.
(AFR 2.16)
- 2.57 **"Parking garage"** - land used or a building designed or used exclusively for the parking of motor vehicles not being for trade or sale. (AFR 2.54)
- 2.58 **"Place of amusement"** - 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 with a view to profit. (AFR 2.75)
- 2.59 **"Place of instruction"** - a building designed for use or used as a school, college, technical college, lecture hall, institute, or other educational centre and includes a creche, a convent or monastery, a public library, art gallery, museum or gymnasium. (AFR 2.48)
- 2.60 **"Place of public worship"** - 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." (AFR 2.56)
- 2.61 **"Place of refreshment"** - includes a restaurant, tearoom or coffee-shop and means a building which is not an hotel, residential club, drive-in restaurant or boarding house, but which is designed and used for the preparation or the retail sale of meals, refreshments, as well as the retail sale of fresh produce, mineral waters, tobacco, reading material and sweets. (AFR 2.78)
- 2.62 **"Podium"** - the lower section of a building immediately above ground level but not exceeding three (3) storeys, which serves as a platform for a superstructure and which is wider than such superstructure. (AFR 2.57)
- 2.63 **"Primrose Business Centre"** - is the area as indicated on Annexure 36. (AFR 2.58)

- 2.64 **"Private club"** - land used or a building designed to be used as a private meeting-place for a group of people with a collective aim. (AFR 2.60)
- 2.65 **"Private open space"** - land zoned for use as private grounds for sport, play, rest, and recreation area or as an ornamental garden to which the general public will have no admission, except with consent. (AFR 2.59)
- 2.66 **"Property"** - any portion of land which is registered as a separate unit in a Deeds Registry. (AFR 2.17)
- 2.67 **"Public garage"** - a building which, for the purpose of reward, is used for the maintenance, repair or fuelling of vehicles and associated purposes, 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, fuels, lubricants for vehicles and new or used vehicles. (AFR 2.49)
- 2.68 **"Public open space"** - land zone for use by the public as an open space, and includes a park, garden, playground, recreation park or square. (AFR 2.50)
- 2.69 **"Regulations"** - the Town-planning and Townships Regulations published by the Administrator in terms of the Ordinance. (AFR 2.6)
- 2.70 **"Residential building"** - 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 building mentioned whether by way of inclusion or exclusion in the definitions of "Place of instruction, "Institution and "Dwelling unit. (AFR 2.84)
- 2.71 **"Retail trade"** - any trade other than "Wholesale trade" as defined in this Scheme. (AFR 2.35)
- 2.72 **"Scrap-yard"** - 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 materials, whether or not such dismantling or storage with a view to the disposal or re-use of such scrap. (AFR 2.63)
- 2.73 **"Service industry"** - a use which, in the opinion of the City Council, is a small scale industrial activity incidental to the needs of the local community and the retail trade and which, in the opinion of the City Council, will not interfere with the amenity of surrounding properties or be of nuisance value by virtue of noise, appearance, smell or activities or for any other reason whatsoever, but excludes a "Public garage" and "Filling Station. (AFR 2.15)
- 2.74 **"Shop"** - land used or a building designed or used for the purpose of carrying on retail trade and the necessary accompanying storage and packaging, and includes a "Place of Refreshment" and any accompanying use on the same site which is incidental and subordinate to the conduct of the retail business: Provided that such accompanying storage and packaging and accompanying use shall not give rise to any disturbance or nuisance. The following uses shall not be considered as incidental to a "Shop": - A "Noxious Activity, Drive-in Restaurant, "Scrap Yard", "Commercial use", "Warehouse", "Public Garage", "Filling Station", "Parking Garage", "Place of Amusement", and a "Motor Sales Market" (AFR 2.82) (A/S 292)
- 2.75 **"Site"** - includes the area of any building yard, courtyard or garden. (AFR 2.71)
- 2.76 **"Site Development Plan"** - a plan which shows the proposed development of a property and any salient natural features thereof. (AFR 2.72)

- 2.77 **"Slab block"** - a building or that part of a building erected upon a podium, which has its one axis longer than the other and may include a projecting service core sited approximately at the middle of the longer side, or, with the consent of the City Council, in any other position. (AFR 2.55)
- 2.78 **"Social hall"** - 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". (AFR 2.22)
- 2.79 **"Spaza shop or tuck shop"** - the use of a separate, dedicated room in a dwelling house or dwelling unit, for the purpose of selling goods on a retail basis: Provided that the retail activity shall remain subordinate to the main use, and does not necessarily include the sale of liquor. (A/S 700)
- 2.80 **"Special consent"** - the written consent of the City Council granted in terms of the provisions of clause 19 (Advertisements and Objections) of the Scheme. (AFR 2.68)
- 2.81 **"Special use"** - 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. (AFR 2.67)
- 2.82 **"Storey"** - the space in a building between one floor level and the following floor level or ceiling or roof above. (AFR 2.74)
- 2.83 **"Street or road"** - 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. (AFR 2.70)
- 2.84 **"Tavern"** - means the licensed sale of liquor as contemplated in the Liquor Act, 27 of 1989 (as amended), from a residential or other property, for the purpose of on-site consumption. (A/S 700)
- 2.84 **"Towerblock"** - a building, or that part of a building erected upon a podium, which has its axes approximately the same length. (AFR 2.73)
- 2.85 **"Warehouse"** - a building or use of land for the exclusive purpose of storage of goods, which in the opinion of the City Council 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 City Council has been obtained. (AFR 2.53)
- 2.84 **"Wholesale Trade"** - trade which is restricted to the sale of goods or products to licenced retailers, and under special circumstances, other persons with the written approval of the City Council but shall exclude all direct sales to the general public. (AFR 2.26). (A/S 213)
- 2.85 **"Written approval"** - is approval granted in writing by the body delegated by the City Council after receipt of a written application. (AFR 2.65)
- 2.86 **"Zone"** - 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 restrictions imposed on the erection and use of buildings or the use of land, and the expressions "Density Zone", "Use Zone", and "Height Zone" mean zones indicating restrictions as to density, use and height of buildings respectively. (AFR 2.66)

3. Area of Scheme

The area to which this Scheme applies, shall be shown on the Map by the following notation : 
The area which abuts the straight edge of the notation is the area within the Scheme whilst the area which abuts the semi-circular edge of the notation is not within the Scheme.

4. Responsible authority

The City Council shall be the authority responsible for enforcing and carrying into effect the provisions of this Scheme.

5. Use of annexures

5.1 Special rights, conditions and restrictions which may apply to any property within any use zone, may be indicated in an annexure to the Scheme.

5.2 The special conditions and restrictions referred to in sub-clause 5.1 shall -
(a) be in addition to the general conditions, restrictions and other provisions of the Scheme; and
(b) prevail should they conflict with any such other condition, restriction or provision in the Scheme.

5.3 An annexure contemplated in sub-clause 5.1 shall consist of -
(a) a sheet upon which is inscribed the number of such annexure, a description of the property to which it applies, the special rights, conditions and restrictions applying to the property, and the number and name of the relevant Scheme in terms of which the annexure was prepared; and
(b) a diagram of the property concerned, which diagram shall accord with the layout shown on the Map.

5.4 The number of the relevant annexure shall be inscribed in a double circle within or next to the figure of the relevant property on Map 3 and if it be inscribed next to such figure, it shall be joined to the figure by means of a line.


6. Protection of existing buildings

Except that the rebuilding of or addition to existing buildings, with the exception of any structural alteration which, in the opinion of the City Council, is of a limited extent such as, the removal of non-weight bearing internal walls, the erection of removable partitioning, safes and toilets inside and existing building, or repair work inside or outside a building shall conform to the provisions of the Scheme, existing buildings, other than existing buildings in terms of section 41 of the Ordinance, shall not be affected by the provisions of the Scheme which would otherwise make such buildings illegal: Provided that in cases where alterations or additions to existing buildings are, in the opinion of the City Council, not of a limited extent, the provisions of the Scheme shall apply only to the parts of the building which are being altered or extended.

PART 2

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

7. Line of no access

Entrance to and exit from a property from or to a public street or road where it is prohibited across any boundary line, shall be shown on the Map by the following symbol:  Provided that the City Council may, on receipt of a written application, relax the access restriction subject to such conditions as it may deem desirable, if as a result of exceptional circumstances, observance of the access restriction would interfere with the development of the property to an unreasonable degree: Provided further that no such relaxation shall be granted in respect of entrance to or exit from a property from or to a provincial or national road without approval of the "Controlling authority".

8. Building lines

- 8.1 No building or structure other than boundary walls, fences or temporary buildings or structures which are required in connection with building operations being executed on the property shall be erected within any building restriction area.
- 8.2 Any building line along a proposed new road or widening shall be measured from that boundary of such proposed road or widening which is the common boundary of the road or widening and the remaining part of the property to which the building lines applies.
- 8.3 For the purpose of this clause a sanitary lane shall not be regarded as a street.
- 8.4 Building lines applicable to any erf or property shall be as shown on the map or annexure or in Tables "A", "B" or "C" hereunder as the case may be:

TABLE "A"

Use zone (1)	Building line in metres		
	On street boundaries (2)	On rear boundaries (3)	On other boundaries (4)
Residential 1 and 2	5		
Residential 3 and 4	8		
Residential 5 (A/S 700)	2	1	1
Business 1, 2, 3 and 4	5		
Industrial 1, 2 and 3	6		
Commercial	6		
Public Garage	8	5	5

Use zone (1)	Building line in metres		
	On street boundaries (2)	On rear boundaries (3)	On other boundaries (4)
Agricultural	10	5	5
All other Use Zones	5	5	5

TABLE "B"

Township or Agricultural Holding (1)	Street, Portion of Street or Erf Number (2)	Building line in metres (3)
Airport Park Ext 2	i) Erf 59: Joubert Street End Street	16 8
	ii) Erf 60: Joubert Street Southern boundary End Street	16 5 8
	iii) Erf 61: Joubert Street Northern boundary Southern boundary End Street	16 15 5 8
	iv) Erf 62: Joubert Street Northern boundary End Street	16 15 8
Barvallen	i) Erven 3, 4, 5, 6, 7, 8 and 9	10
	ii) Erven 6, 7, 8 and 9 all boundaries except street boundaries	5
Buurendal	Erven 1, 2, 32, 33, 45, 46, 47, 51 and 52: South Eastern Boundary	7,8

Township or Agricultural Holding (1)	Street, Portion of Street or Erf Number (2)	Building line in metres (3)
Delville Extension 3	i) Erf 901: Southern Boundary	10
	ii) Erf 902: Elsburg Road	16
	iii) Erf 903: Elsburg Road Festina Road	16 10
	iv) Erven 905, 906 and 907 Festina Road Elsburg Road	10 16
	v) Erf 908: Street Boundaries	10
Delville Extension 4	i) Erven 864 to 873 Eastern Boundary	8
	ii) Erven 874 to 877 South-Western boundary	7
	iii) Erf 878: Street boundaries	6
	iv) All other street boundaries	3
Delville Extension 5	All street boundaries	
Denlee Extension 1	i) Erf 11: Chapman Road Lake Road	33 10
	ii) Erf 12: Lake Road	10
Denlee Extension 2	i) Erf 31: Longer street boundary Shorter street boundary	6 9,1 9,1
	ii) All other street boundaries	

Township or Agricultural Holding (1)	Street, Portion of Street or Erf Number (2)	Building line in metres (3)
Denlee Extension 3	i) Erven 38 and 40: Longer street boundary Shorter street boundary ii) All other street boundaries	6 9,1 9,1
Denlee Extension 4	Erf 55: Longer street boundary Shorter street boundary	6 9,1
Denlee Extension 5	Street boundaries	10
Denlee Extension 6	Street boundaries	9,1
Denlee Extension 7	i) Erf 26: Longer street boundary Shorter street boundary ii) All other street boundaries	6 9,1 9,1
Denlee Extension 8	All street boundaries	9,1
Denlee Extension 9	i) Erf 45: Street boundary ii) All other street boundaries	10 6
Denlee Extension 10	i) Erf 48: Lake Road All other street boundaries ii) All other street boundaries	9,1 4 6
Dinwiddie Extension 3	Erf 1073 Southern boundaries	10
East Germiston	All street boundaries	2
East Germiston Extension 3	All street boundaries	2
Elandshaven Extension 3	Erven 241, 242, 244, 245, 246, 247, 254, 255, 257 & 259	8
Elma Park Extension 11	All boundaries	10

Township or Agricultural Holding (1)	Street, Portion of Street or Erf Number (2)	Building line in metres (3)
Elsburg	i) Remainder of portion 2 and portion 3 of erf 429 Street boundary Eastern boundary All other boundaries	6 10 3
	ii) Erf Re/884: Northern boundary	16
	iii) Erf 262: Northern boundary	16
	iv) Erf 257: Northern boundary	16
	v) Erven 254, 255 and 263 Northern boundary	16
	vi) Erf 261 Northern boundary	16
Elsburg Extension 2	Erf 873 Street boundary All other boundaries	7 7
Elspark	i) Erven 759 and 760: Street boundary All other boundaries	7 7
Georgetown	All street boundaries	2
Germiston	All street boundaries	2
Germiston Extension 3	All street boundaries	3
Germiston Extension 4	All street boundaries	3
Germiston Extension 6	All street boundaries	3
Germiston Extension 7	All street boundaries	Nil
Germiston Extension 9	All street boundaries	Nil
Germiston Extension 11	i) Main Reef Road	12,5
	ii) Shaft Road	3,04
	iii) All other street boundaries	Nil
Germiston Extension 15	All street boundaries	3

Township or Agricultural Holding (1)	Street, Portion of Street or Erf Number (2)	Building line in metres (3)
Germiston Extension 17	i) Erven 1209 to 1214 : Southern boundary	3
	ii) All other street boundaries	3
Germiston Extension 20	Erf 1374	8
Germiston Extension 27	Erven 1587 and 1588	5 See Annexure 483
Henville Extension 1	North Reef Road	21.3
Heriotdale Extension 3	Boundaries adjoining Road M-2	15.74
Jupiter Extension 3	Erf 96 Eastern boundary	8
Klippoortje Agricultural Lots	i) Lot 161: Street boundary	16
	ii) Lot 178: Beacon Road Webber Road All other street boundaries	47,23 30,48 9,1
	iii) Portion 1 of Lot 21: Parkhill Road	12
Lambton Extension 1	Erven 455, 456, 457, 459, 460, 461, 462 and 463: Eighth Avenue Sinclair Road Ninth Avenue	8,9 6,1 9,1
Marlands Extension 6	Erven 446 to 448, 445, 554, 558, 559 and 561: Acacia Road Barbara Road	16 16
Meadowbrook	Erven 38, 39, 42, 43, 46, 47, 50, 51, 54, 55, 58, 59, 62, 63 and 65: Edenvale Road	13

Township or Agricultural Holding (1)	Street, Portion of Street or Erf Number (2)	Building line in metres (3)
Meadowdale Extension 1	Erven 21 to 24, 25 to 49 and 58 to 82 i) Street boundaries ii) All other boundaries Erven 25 to 31 and 57 i) Eastern boundary and all other boundaries Erven 20, 50 to 56 i) All boundaries excluding Street boundaries	6 4 Refer to Annexure 336 4
Meadowdale Extension 3	Erven 132 to 188 i) Street boundaries ii) All other boundaries iii) Next to P119/1	6 4 16
North Germiston	All street boundaries	2
North Germiston Extension 1	Victoria Street All other street boundaries	6,09 Nil
North Germiston Extension 2	All street boundaries	12,19
Primrose	i) Rietfontein Road ii) Fir Avenue: Northern boundary	2 3
Roodekop	i) Erf 539 Street boundary	5
South Germiston	All street boundaries	3
Sunnyrock Extension 3	Erf 109 Brickfield Road	10
Wadeville Extension 3	i) Erven 328 and 329: Street boundary ii) Erf 327: Northern common boundary with Erf 326 only	39 39
Wadeville Extension 4	Erven 381, 382 and 385 Western Boundary	20
Wadeville Extension 6	Erven 414, 423 to 426 Western Boundary	8
West Germiston	Erf 232	2

TABLE "C"

Description of Property (1)	Applicable Position (2)	Building line in metres (3)
Airport Park Ext 2 Erf 62	Railway reserve boundary	8
Albemarle Extension 2		
i) Erf 745	South-Eastern Boundary	16
ii) Erf 714	North-Eastern Boundary	10
iii) Erven 715 to 718, 729 to 744 and 751	Eastern Boundary	16
Barvallen		
i) Erf 3	North-Eastern Boundary	32
ii) Erven 4 and 5	North-Eastern Boundary	16
Buurendal Extension 1 Erven 205 to 219	Minuach Street	8
Dania Park Erven 34 and 35	i) Erf 34 - Northern boundary and from Road N3-12 ii) Erf 35 - Road N3-12	16 16
Deville Extension 3 Erven 905, 906 and 907	S.A.R. Reserve Boundary	10
Dinwiddie Extension 3		
i) Erven 1049 to 1051 and 1053 to 1073	Western Boundary	16
East Germiston Erf 490	S.A.R. Reserve Boundary	8
Elandsfontein 108 I.R. Parts of Portions 14, 16, 17, 18, 19, 21, 23, 39, 40, 42, 43, 44, 45, 46, 50, 56, 100 and 162	South Rand Road	5
Elandshaven Extension 3		
i) Erven 242, 243 and 244	Road N3-12	40
ii) Erven 259, 260, 261 Single Storey Multi Storey	Road N3-12 Eastern Boundary Railway Line	20 30 7
iii) Erf 261		

Description of Property (1)	Applicable Position (2)	Building line in metres (3)
Elma Park Extension 11	Road P119/1	20
Germiston Erven 102, 109, 158, 165, 339 to 342, 481 and 482	S.A.R. Reserve Boundary	8
Germiston Extension 4 Erf 1340	Road P.W.V. 14	20
Germiston Extension Erven 1284 to 1289 and Erf 1290	Road P.W.V. 14	16
Germiston Extension 13 Erven 1219 and 1220	Road P59-1	16
Germiston Extension 27	Road PWV 14	Except for a swimming bath or any essential stormwater drainage structure, no building, structure or other thing which is attached to the land, even though it does not form part of that land, shall be erected nor shall anything be constructed or laid under or below the surface of an erf within a distance less than 20 m from the reserve boundary of Road PWV 14 nor shall any alteration or addition to any existing structure or building situated within such distance of the said boundary be made except with the consent in writing of the Director, Transvaal Roads Department

Description of Property (1)	Applicable Position (2)	Building line in metres (3)
Junction Hill Extension 7		
i) Erf 709	Road K-125 including splay corner lettered L-M on Annexure 439	16
ii) Erven 710 to 716	Road K-125	16
iii) Erf 717	i) Road K-125	16
	ii) Road K-133	16
iv) Erf 719	i) Road K-125	16
	ii) Road PWV-16	
	a) Single Storey	20
	b) Multi-Storey	30
	iii) Railway Reserve	8
Marlands Extension 3 Erf 315	S.A.R. Reserve Boundary	8
Marlands Extension 5 Erven 342 to 352	Road R22	9,44
Marlands Extension 7 Erven 601, 602, 627 to 629, 632, 634 and 635	S.A.R.	8
Meadowbrook Extension 6 Erven 142 and 143	Road R22 (5 - 12)	13
Meadowbrook Extension 7 Erven 152 and 153	Road R22 (5 - 12)	16
Meadowbrook Extension 8 Erven 158, 159 and 160	Road K113 (Edenvale Road)	16
Meadowbrook Extension 9 Erven 161 and 162	Road P205-1 Greenvale Road (Erf 162)	16 16
Meadowdale		
i) Erven 1 to 3,5,6 and 12 to 19	Herman Street	20
ii) Erven 1 and 4	K113	16
Meadowdale Extension 1 Erven 20, 21, 49 to 57	Herman Street (Road P119-1)	16

Description of Property (1)	Applicable Position (2)	Building line in metres (3)
Meadowdale Extension 3 Erven 169 to 172 and 184 to 188	Herman Street (Road P119-1)	16
Rietfontein 63 IR Remainder of Portion 92	Road P119-1	16
Rietfontein 63 IR Portion 177	Road P205-1	16
Roodebult Erven 213 to 224, 228 to 241, 244 to 254 and 503	South Western Boundary	16
Roodebult Erven 324 to 331 and 371 to 388	Eastern Boundary (Drakensberg Street)	13
Roodekop 139 I.R. Re of Portion 25	S.A.R. Reserve Boundary	8
Roodekop 139 IR Ptn 44	i) Northwestern boundary ii) Road P4/1	8 95 (from centre line)
Spruitview: Erven 1843 to 1859, 2731 and 2732.	Along Road N3.	1. 16 metres for single storey structures. 2. 30 metres for multi-storey structures.
Spruitview Extension 1: Erven 56 to 78, 81 to 96, 102 to 106, 1817, 115, 1819, 148 to 169 and 178 to 181.	Along Road N3.	1. 20 metres for single storey structures. 2. 30 metres for multi-storey structures.
Sunnyrock Extension 4 i) Erf 101 ii) Erf 102	a) Special Building Line b) Road P63-1 (North Reef Road) Road P63-1 (North Reef Road)	See Annexure 204 32 32
Tunney Extension 1 Erven 14 & 15 Erven 14 & 16	Road K117 (Barbara Road) SATS	16 3
Tunney Extension 3 Erven 1 and 2	Road K117 (Barbara Road)	16
Union Extension 10 Erven 58 to 63	Western Boundary	8

Description of Property (1)	Applicable Position (2)	Building line in metres (3)
Union Extension 12 Erven 65 to 68	Western Boundary	8
Wadeville Extension 3 Erven 327 and 331	Eastern Boundary (S.A.R. Reserve Boundary)	10
Wadeville Extension Erven 448 to 452 and 455 to 466	S.A.R. Reserve Boundary	8
Wadeville Extension 6 Erven 426 to 428 and 443 to 445	Road K - 126	16
Wadeville Extension 10 Erf 503	Southern Boundary	16
Wadeville Extension 14 Erven 577, 578 and 579	Road PWV 16	20
Wadeville Extension 18 Erven 586, 587 and	Road P119-1	20

Provided that :-

- (a) Except with the written consent of the City Council, no building exceeding one storey in height shall be erected on a "Residential 1" erf, or on an erf used for "Residential 1" purposes, within a distance of 3 metres from any side or rear boundary of the erf.
- (b) Any erf within the scheme used or which is to be used for Residential 2, 3 and 4 purposes, except where detailed in any annexure to the scheme, having an area of 500 square metres or less, shall be subject to a side space of not less than 3 metres from any one boundary other than the street or rear boundary of the site, and the external wall of the building: Provided that the building may be erected on the remaining boundary. (A/S 213)
- (c) In respect of the streets and portions of streets or erven designated in column (2) of Table "B", the applicable building line shall be as shown in column (3) of the said table.
- (e) the building lines indicated in Table "C" shall apply to the erven and properties designated therein and such building lines shall not be relaxed, modified or amended in any way whatsoever without the written consent of the relevant "Controlling authority".

9. Relaxation and observance of building line requirements

9.1 The City Council may on written application by the owner and subject to the provisions of proviso (e) to clause 8.4

- a) permit the erection of a building in the building restriction area in the case of corner erven or if, due to the gradient of the property or of the adjoining land, or the proximity of buildings on the same site which have already been erected in front of the building line or, where in the opinion of the City Council it would be expedient, as well as in respect of Business 1, 2, 3 and 4 where an appropriate set-back has been provided on the General Plan, compliance with the building line requirements will hamper the development of the property to and unreasonable extent. (A/S 247).

- b) relax the building restriction area for properties in any use zone on consideration of the site development plan, if such relaxation would, in its opinion, be an improvement in the development of the property. (A/S 453).
- c) relax the building line on any boundary other than a street boundary of any erf upon consolidation of such erf with an adjoining erf.
- d) The relaxation of a building line shall only be valid for the existence of the building or structure in respect of which such approval is granted. (A/S 700).

PART 3

BUILDING RESTRICTIONS AND USE OF LAND

10. Buildings used for more than one purpose

10.1 Where a building is used, or a proposed building is designed, for more than one use it shall for the purpose of clauses 11, 19, 20 and 25 (erection and use of buildings or use of land, parking, advertisement and objections, height, coverage, floor area ratio and number of dwelling units per hectare) hereof, be treated as being used or partly designed for each of those uses but for the purposes of the other provisions of this part of the Scheme, it shall be treated as though it were being used or designed for its predominant use and the City Council shall, when considering a building plan, or if the person having control of the erection of a building, or proposing to erect a building makes an application for that purpose, decide which is the predominant use.

10.2 The City Council shall give notice of any decision under this clause to the applicant.

11. Erection and use of buildings or use of land


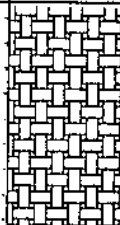

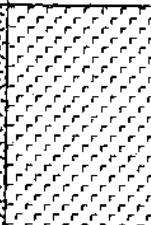
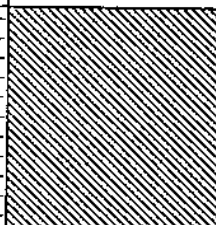

11.1 This clause does not prohibit the erection of entrance structures (other than entrance halls and entrance passages), pergolas, garden ornaments, garden walls and fences.

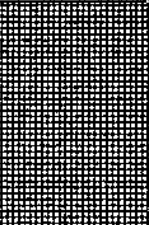



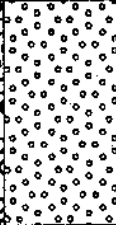
11.2 The purposes for which buildings may in each of the use zones specified in Tables "D" and "D1":

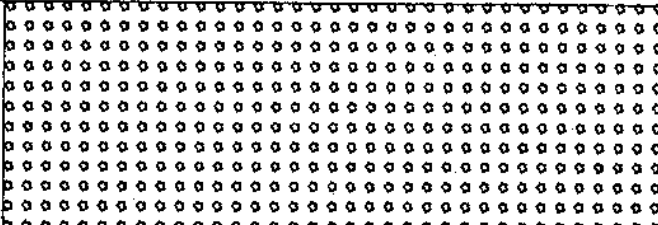

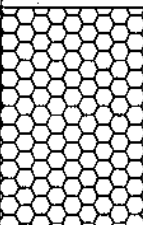
- a) be erected and used;
 - b) be erected and used only with the special consent of the City Council; or
 - c) not be erected and used;
- are shown in the third, fourth and fifth columns of the said Table.

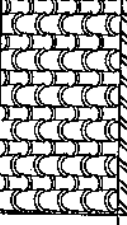

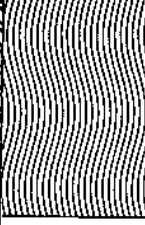


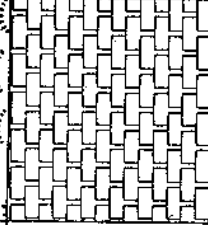

11.3 For the purpose of this clause the expression "the erection and use of a building" includes the use of land.



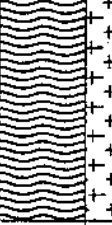


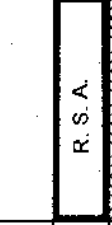


TABLE "D" (A/S 700)

Use Zone (1)	Notation as shown on the Map (2)	Buildings which may be erected and purposes for which they may be used (3)	Buildings which may be erected and purposes for which they may be used only with the Special Consent of the Council (4)	Buildings which may not be used or erected (5)
1. Residential 1		Dwelling houses	Places of Public Worship, Places of Instruction, Social Halls, Institutions, Special Uses	Buildings not in columns (3) and (4)
2. Residential 2		Dwelling units	Places of Public Worship, Places of Instruction, Social Halls, Institutions, Special Uses	Buildings not in columns (3) and (4)
3. Residential 3		Dwelling units	Special uses, Hotels, Social Halls, Places of Public Worship	Buildings not in columns (3) and (4)
4. Residential 4		Dwelling units, Residential buildings	Hotels excluding off-sales, Places of Public Worship, Places of Instruction, Social Halls, Institutions and Special Uses	Buildings not in columns (3) and (4)
6. Business 1		Places of Refreshment, Shops, Hotels, Dwelling Units, Residential Buildings, Places of Public Worship, Places of Instruction, Social Halls, Public Garages, Dry-cleaners and Offices	Buildings not in columns (3) and (5)	Noxious Industries
7. Business 2		Places of Refreshment, Shops, Dwelling Units, Dry-cleaners and Offices	Buildings not in columns (3) and (5)	Noxious Industries, Industries (excluding dry-cleaners), Warehouses and Public Garages

Use Zone (1)	Notation as shown on the A Series of the Map (2)	Buildings which may be erected and purposes for which they may be used (3)	Buildings which may be erected and purposes for which they may be used only with the Special Consent of the Council (4)	Buildings which may not be used or erected (5)
8. Business 3		Places of Refreshment, Shops, Offices and Dry-cleaners	Laundrettes, Places of Instruction, Social Halls, Places of Amusement, Places of Public Worship, Special Uses and Confectioners (A/S 213)	Buildings not in columns (3) and (4)
9. Business 4		Offices	Special Uses	Buildings not in columns (3) and (4)
10. Special		As shown on relevant Annexure	As shown on relevant Annexure	Buildings not in columns (3) and (4)
11. Industrial 1		Industries (excluding noxious industries), Public Garages, Places of Refreshment for own employees only and Warehouses	Buildings not in columns (3) and (5)	Noxious Industries, Dwelling Units, Residential Buildings and Hotels
12. Industrial 2		Industries, Noxious Industries, Places of Refreshment for own employees only and Warehouses	Special Uses	Buildings not in columns (3) and (4)

Use Zone (1)	Notation as shown on the A Series of the Map (2)	Buildings which may be erected and purposes for which they may be used (3)	Buildings which may be erected and purposes for which they may be used only with the Special Consent of the Council (4)	Buildings which may not be used or erected (5)
13. Industrial 3		Such Industrial or Commercial purposes (excluding noxious industries) as the City Council may approve in writing. Places of Refreshment for own employees only, offices and other uses supplementary to and directly related to and subservient to the main use, retail trade in goods which are entirely or partially manufactured, processed or assembled on the property or any other goods which although not manufactured, processed or assembled on the property, form part of or are connected to the sale of or are used in or together with goods which are entirely or partially manufactured, processed or assembled on the property.	Special Uses	Buildings not in columns (3) and (4)
14. Commercial		Commercial Uses, Places of Refreshment for own employees only	Retail trade which is directly related to and subordinate to the main commercial use; Special Uses	Buildings not in columns (3) and (4)
15. Institutional		Institutions, Places of Public Worship and Places of Instruction	Social Halls, Special Uses, Dwelling Units, Residential Buildings related to the main use set out in Column (3)	Buildings not in columns (3) and (4)

Use Zone	Notation as shown on the A Series of the Map (2)	Buildings which may be erected and purposes for which they may be used (3)	Buildings which may be erected and purposes for which they may be used only with the Special Consent of the Council (4)	Buildings which may not be used or erected (5)
(1)				
16. Educational		Places of Instruction, Social Halls and Places of Public Worship	Dwelling Units, Institutions, Special Uses, Residential Buildings and Sports and Recreational Clubs	Buildings not in columns (3) and (4)
17. Amusement		Places of Amusement and Social Halls	Places of Instruction, Special Uses and Places of Refreshment	Buildings not in columns (3) and (4)
18. Undetermined			Any building or use of land. (Excluding any Mining Land in terms of Clause 11.26 of this Scheme). (A/S 398).	Buildings not in columns (3) and (4)
19. Municipal		Municipal purposes, Agricultural Buildings and Agricultural Land		Buildings not in column (3)
20. Agricultural		Agricultural Buildings and Agricultural Land	Institutions, Places of Instruction, Places of Public Worship and Special Uses (A/S 102)	Buildings not in column (3)
21. Public Garage		Public Garage	Places of Refreshment, Dwelling Unit for Caretaker, Special Uses, Panel beating and Spray painting workshops (except in an area which, in the opinion of the City Council is a residential area)	Buildings not in columns (3) and (4)
22. Parking		Parking Garage	Rest rooms and public convenience	Buildings not in columns (3) and (4)

Use Zone (1)	Notation as shown on the A Series of the Map (2)	Buildings which may be erected and purposes for which they may be used (3)	Buildings which may be erected and purposes for which they may be used only with the Special Consent of the Council (4)	Buildings which may not be used or erected (5)
23. Public Open Space		Parks, Public Sport and Recreation grounds, Public Open Space, Gardens, Play Parks and squares		Buildings not in column (3)
24. Private Open Space		Private Open Space and only one dwelling unit for a caretaker	Private Clubs, agricultural buildings, Agricultural land, nurseries and special uses	Buildings not in columns (3) and (4)
25. General		Any buildings except noxious industries		Noxious industries
26. Cemetery		Cemetery	Special uses	Buildings not in columns (3) and (4)
27. Sewerage Farm		Sewerage farm	Agricultural buildings and agricultural land	Buildings not in columns (3) and (4)
28. Aerodrome		Aerodrome and buildings necessary for the use of the aerodrome	Dwelling units for key personnel, places of refreshment, shops, commercial and special uses which are subservient and related to the uses mentioned in column (3)	Buildings not in columns (3) and (4)
29. Government	R. S. A.	State purposes		
30. S.A.R.		Railway purposes		Buildings not in column (3)
31. Reservoir	Reservoir	Reservoir and buildings in connection therewith		Buildings not in column (3)
32. Existing Public Roads		Street or road		

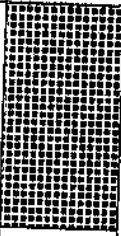
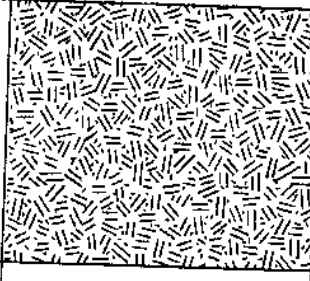
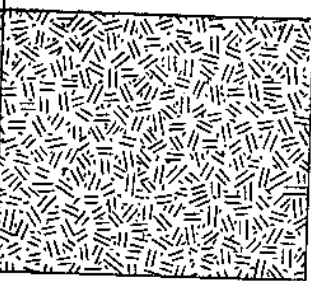
Use Zone (1)	Notation as shown on the A Series of the Map (2)	Buildings which may be erected and purposes for which they may be used (3)	Buildings which may be erected and purposes for which they may be used only with the Special Consent of the Council (4)	Buildings which may not be used or erected (5)
33. Proposed new Roads and Widenings		Proposed new Roads and Widenings		

TABLE "D1" (A/S 700)

Use Zone (1)	Notation as shown on the A Series of the Map (2)	Township or erf/ervien to which conditions relate (3)	Buildings which may be erected and purposes for which they may be used (4)	Buildings which may be erected and purposes for which they may be used only with the Special Consent of the Council (5)	Buildings which may be erected and purposes for which they may be used only with the written consent of the Council (6)	Buildings which may not be used or erected (7)
5. Residential 5		Spruitview	Single dwelling	Places of public worship, places of instruction, social halls, sports and recreational purposes, institutions, medical suites, taverns, special uses	Spaza shops, boarding rooms (residential building), one second dwelling unit	Buildings not in Columns (4), (5) and (6)
5. Residential 5		Spruitview Extension 1	Single dwelling	Places of public worship, places of instruction, social halls, sports and recreational purposes, institutions, medical suites, taverns, special uses	Spaza shops, boarding rooms (residential building), one second dwelling unit	Buildings not in Columns (4), (5) and (6)

- 11.4 Where the City Council gives its consent to any consent use under column (4), whether conditionally or otherwise, such use shall be regarded as temporary and shall not be granted for any period of time longer than the lifespan of the building erected for such use. If no building is erected, the consent use of the land may not be for a period of more than 10 years.
- 11.5 Agricultural buildings or buildings ordinarily used in connection with a market garden or nursery may be erected on any land in the same ownership: Provided that if such land is less than ten (10) hectares in extent, such buildings may only be erected and used by special consent of the City Council.
- 11.6 A dry-cleaner practising his trade in Use Zones 6, 7 or 8 shall be subject to the following conditions :
- Only chemicals of a non-flammable or non-explosive character as approved by the City Council shall be used in the cleaning process.
 - Steam and hot water shall be provided by means of electric boilers only or, with the City Council's consent, by means of gas or automatic oil operated boilers.
 - The public shall not be allowed in the work section which shall be partitioned off from public view.
 - Provision for the disposal of fumes shall be made to the satisfaction of the City Council.
- 11.7 A fish monger or a fish fryer shall provide equipment and storage facilities to the satisfaction of the City Council and shall take measures to the satisfaction of the City Council to prevent or limit any smoke, fumes, smells or nuisance.
- 11.8 No person shall use or cause or permit any building or portion thereof to be used for a purpose other than that for which it has been erected unless the necessary consent of the City Council has been obtained therefor.
- 11.9 Subject to the provisions of clause 19 (Advertisement and objections) hereof, the City Council may, where any application is made to it for its special consent to the erection and use of a building in a use zone in which a building of the type proposed may be erected and used only with the City Council's special consent, give or withhold its consent and shall in giving its special consent be entitled to impose such conditions governing the erection or use of such buildings as it may deem fit:
- Provided further that consideration shall be given to whether the use for which the building is intended or designed :-
- shall be chiefly in the interests of the residents of the immediate vicinity wherein it is situated, in so far as use zones Residential 1 to 4 are concerned;
 - might possibly cause injury to the amenity of the neighbourhood including, without prejudice to the generality of the foregoing, (In the case of an industry, injury due to the emission of smoke or fumes, or of dust or smells).
- 11.10 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.
- 11.11 Nothing herein contained shall be deemed to grant exception from any of the City Council's by-laws not inconsistent herewith.
- 11.12 No person shall spoil or waste land in Use Zone 23, 24, 25, 26, 30 and 32 so as to destroy or impair its use for the purpose for which it is zoned.
- 11.13 No "Proposed new road and widening" shall be deemed to be a public street until it or any portion thereof falls within any township which may be established on the land traversed by such proposed road or widening, or it is proclaimed as a public road, or until it vests in the City Council for that purpose under any law.
- 11.14 Notwithstanding anything to the contrary contained in this scheme, it shall be competent for the City Council to consent to the temporary use of any land or building within any use zone, for any of the following:
- The erection and use of temporary buildings or the use of existing buildings for purposes of site offices, storerooms, workshops or such other uses as are, in the

opinion of the City Council necessary during the construction of any permanent building or structure on the land: Provided that such consent shall ipso facto lapse upon completion of the permanent building or structure.

- (b) The ad hoc use of land or buildings for concerts, fairs, circuses, bazaars, or public gatherings.
- (c) The use of the land or buildings thereon for State of municipal purposes:

Provided that any such consent shall be for a period not exceeding 12 months which period may be extended by the City Council for further periods not exceeding 12 months subject thereto that the total of such periods shall not exceed 5 years.

- 11.15 Except with the consent of the City Council no person shall erect any building or conduct any works, or make any excavations on land in any use zone, except buildings, works and excavations which are necessary or incidental to the purposes for which the land is zoned;
- (a) provided that such land may still be used for the purposes for which it was legally used on the fixed date;
 - (b) provided further that nothing herein contained shall be deemed to exempt or excuse compliance with any of the City Council's by-laws not inconsistent herewith.
- 11.16 No land comprised in any use zone shall be used for the purpose of refuse tipping, storage yard, motor grave yard, scrap yard and sewage disposal without the special consent of the City Council, nor shall the removal of soil, sand or gravel for the purpose of sale from any erf in a township or any agricultural holding be permitted, without the special consent of the City Council.
- 11.17 No land situated in any use zone shall be used for the purpose of establishing thereon any Off-Course Totalizator Agencies without the special consent of the City Council, provided that the City Council cannot consent to the establishment of any Off-Course Totalizator Agencies in Use Zones, Residential 1, 2, 3, 4 and 5. (A/S 99)
- 11.18 No land or buildings in any use zone shall be used for the purpose of establishing thereon any Drive-In restaurant. Provided that in Use Zones Business 1 and Industrial 1 and 2 the land or buildings may be used for this purpose with the special consent of the City Council.
- 11.19 Deleted (A/S 98)
- 11.20 No land or building in any use zone shall be used for the installation of three (3) or more amusement apparatus, games of skill and other machines for the amusement of the public, without the special consent of the City Council.
- 11.21 The total number of private garages and/or carports, each intended to house a single vehicle, erected on a property zoned for Residential 1 purposes or used for Residential 1 purposes shall not exceed four (4) without the prior special consent of the City Council, after advertisement as laid down by Clause 11.23.
- 11.22 No building exceeding 14 cubic metres shall be erected and used in any use zone for the keeping of any animals, reptiles, insects, or birds without the written consent of the City Council, after advertisement as laid down by Clause 11.23.
- 11.23 Any person intending to make application to the City Council for its special consent in terms of Clauses 11.21 and 11.22, shall before making such application, post and maintain a notice of his intention to make such application in a conspicuous place, on a bill-board of a size not less than 594 mm x 420 mm, with any letter thereon at least 6 mm in height, for a period of 14 days on some part of the building or land, and shall with such application lodge with the City Council proof of such posting.
- The notice shall state that any persons having any objections to the erection and use of the proposed building, shall lodge such objections together with the grounds thereof, with the City Council and with the applicant in writing within the pre-period stated on the notice, and shall further state where the plans, if any, may be inspected.
- 11.24 No land or buildings situated in any use zone shall be used for the purpose of establishing thereon, or therein, any escort agencies, provided that, with the special consent of the City Council this use may be permitted in the "Central Business Area" and "Primrose Business

Area" as indicated on Annexure 36 to the Scheme. (A/S 212)

11.25 Provided the properties enjoy the same use zoning, properties in any use zone, on which proposed buildings are to be erected that will straddle the common boundaries between two or more of the properties, must be consolidated or only where consolidation is legally impossible, notorially tied to form one property, to the satisfaction of the City Council, prior to the approval of any building plans by the City Council, and the erection of any buildings. (A/S 291).

11.26 No land or building situated in use zone 18 ("Undetermined"), which is used for *bona fide* mining operations, or used for purposes incidental to, or directly related to any mining operations being carried out on the land, as defined in the provisions of the Minerals Act 50 of 1991 (as amended), shall be subject to the provisions of this scheme; provided further that, in the event of any land or buildings no longer being used for any bona fide mining operations, or no longer being used for purposes incidental to, or directly related to any mining operations being carried out on the land, the provisions of this scheme shall apply, from the date of the cessation of such uses, to such land or buildings. (A/S 398).

12. Conditions applicable to all erven

12.1 Except with the written consent of the City Council and subject to such conditions as it may impose, neither the owner nor any other person shall -

- (a) have the right, save and except to prepare the erf for building purposes, to excavate any material therefrom;
- (b) sink any wells or boreholes thereon or abstract any subterranean water therefrom; or
- (c) make, or permit to be made, on the property for any purpose whatsoever, any tiles or earthenware pipes or other articles of a like nature. (This condition shall not apply to erven in Use Zones 11, 12 and 13 (Industrial 1, 2 and 3).

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

12.3 The siting of buildings, including outbuildings, on the erf and entrances to and exits from the erf to a public street system shall be to the satisfaction of the City Council.

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

12.5 The loading and off-loading of goods shall take place only within the boundaries of the erf to the satisfaction of the City Council, unless the City Council has provided loading facilities in the street reserve. (This condition shall not apply to erven in Use Zones Residential 1, and Residential 2 (if subdivision into separate dwelling units has taken place).

12.6 No material of goods of any nature whatsoever shall be dumped or placed within the building restriction area along any street, and such area shall be used for no other purpose than the laying out of lawns, gardens, parking or access roads: Provided that if it is necessary for a screen wall to be erected on such a boundary this condition may be relaxed by the City Council and subject to such conditions as may be determined by it.

12.7 A screen wall or walls shall be erected and maintained to the satisfaction of the City Council as and when required by it.

12.8 If the property is fenced such fence, and the maintenance thereof shall be to the satisfaction of the City Council.

12.9 The registered owner is responsible for the maintenance of the whole development on the property. If the City Council is of the opinion that the property, or any portion of the development, is not being satisfactorily maintained the City Council shall be entitled to undertake such maintenance at the cost of the registered owner.

12.10 When, in the opinion of the City Council it is considered necessary, the owner of any development shall submit a site development plan, drawn to a scale of 1:500, or such other scale as may be approved by the City Council, to the City Council for approval, such approval being within fourteen days of the submission thereof, prior to the submission of any building plans. No building shall be erected on the property before such site development plan has been approved by the City Council, and the whole development on the property shall be in accordance with the approved site development plan: Provided further that the plan may, from time to time be amended with the written consent of the City Council: Provided further that amendments or additions to buildings which, in the opinion of the City Council, will have no influence on the total development of the property, shall be deemed to be in accordance with such approved site development plan. Such site development plan shall show at least the following:

12.10.1 The siting, height, and coverage of all buildings on the property, and where applicable, the Floor Area Ratio of all buildings and structures;

12.10.2 open spaces, screen walls or other acceptable methods of screening and landscaping;

12.10.3 vehicular entrances and exits to and from the property (as well as any proposed subdivision of the property), to any existing or proposed public street;

12.10.4 the proposed subdivisional lines if the property is to be subdivided;

12.10.5 entrances to buildings and parking areas;

12.10.6 building restriction areas (if any);

12.10.7 parking area layout and, where required by the City Council, vehicular and pedestrian traffic systems;

12.10.8 the elevational and architectural treatment of all buildings and structures; and

12.10.9 the programming of the development of the property if it is not proposed to develop the whole property simultaneously.

12.11 The City Council may not approve any building plan which is contrary with the proposal as contained in the approved site development plan."

13. Conditions applicable to Residential 2 erven

13.1 The internal roads on the erf shall be constructed and maintained by the registered owner to the satisfaction of the City Council.

13.2 A site development plan, drawn to a scale of 1:500, or such other scale as may be approved by the City Council shall be submitted to the City Council for approval prior to the submission of any building plans. No building shall be erected on the erf before such site development plan has been approved by the City Council and the whole development on the erf shall be in accordance with the approved site development plan: Provided that the plan may, from time to time be amended with the written consent of the City Council: Provided further that amendments or additions to buildings which in the opinion of the City Council will have no influence on the total development of the erf, shall be deemed to be in accordance with the approved site development plan. Such site development plan shall show at least the following:

(a) The siting, height, coverage, number of dwelling units per hectare, and where applicable the floor area ratio of all buildings and structures;

(b) open spaces, children's playgrounds, screen walls or other acceptable methods of screening, and landscaping;

(c) vehicular entrances and exits to and from the erf (as well as any proposed

- (d) subdivision of the erf) to any existing or proposed public street;
- (e) the proposed subdivisional lines, if the erf is to be subdivided;
- (f) entrances to buildings and parking areas;
- (g) building restriction areas (if any);
- (g) parking areas and, where required by the City Council, vehicular and pedestrian traffic systems;
- (h) the elevational and architectural treatment of all buildings and structures; and
- (i) the grouping of the dwelling units and the programming of the development of the property if it is not proposed to develop the whole property simultaneously.

13.3 The City Council shall not approve any building plan which does not comply with the proposal in the approved site development plan with particular reference to the elevational and architectural treatment of the proposed building or structure.

13.4 Buildings may be sited contrary to any provision of the City Council's building by-laws, if such siting is in accordance with an approved site development plan.

13.5 Subject to the provisions of Section 92 of the Town Planning and Townships Ordinance 1986, Ordinance 15 of 1986 (as amended), but notwithstanding any other provision contained herein, the City Council may consent to the subdivision of the erf, where such subdivision corresponds with the subdivisional proposals indicated on the approved site development plan applicable to the erf. (A/S 700).

14. Conditions applicable to residential 3 and 4 erven

14.1 In Use Zones 3 and 4 where development takes place at a density not greater than 20 dwelling units per hectare the provisions of clause 13 shall apply.

14.2 Where the development takes place at a density greater than 20 dwelling units per hectare the following conditions shall apply:

(a) The registered owner of the erf shall make available and accessible, to the satisfaction of the City Council, at least 250 m² of the erf as children's play area which area may include paved areas and lawns. Play apparatus, according to the requirements of the residents, shall be provided on the erf by the registered owner to the satisfaction of the City Council.

(b) A site development plan, drawn to a scale of 1:500, or such other scale as may be approved by the City Council, shall be submitted to the City Council for approval prior to the submission of any building plans. No building shall be erected on the erf before such site development plan has been approved by the City Council and the whole development on the erf shall be in accordance with the approved site development plan. Provided that the plan may from time to time be amended with the written consent of the City Council. Provide further that amendments or additions to buildings which in the opinion of the City Council will have no influence on the total development of the erf, shall be deemed to be in accordance with the approved site development plan. Such site development plan shall show at least the following:

- (i) The siting, height, floor areas, floor area ratio and coverage of buildings and structures and the number of dwelling units per hectare;
- (ii) open spaces, children's playground and landscaping;
- (iii) entrances to and exits from the erf, internal roads and parking areas;
- (iv) entrances to buildings and parking areas;
- (v) building restriction areas;
- (vi) parking areas and, where required by the City Council, the vehicular and pedestrian traffic systems;
- (vii) the elevational treatment of all buildings and structures; and
- (viii) the proposed subdivisional lines, if the erf is to be subdivided.

15. Conditions applicable to Residential 5 erven (A/S 700)

15.1 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 this Scheme as contemplated in Table "H1" and by any applicable health and building regulations and by-laws: Provided that any condition in Table "D1" be complied with at all times.

15.2 The occupants of a residential building may, with the written consent of the local

authority and subject to such conditions as the local authority may deem fit, practise, *inter alia*, their social and religious activities and their occupations and professions, or trades, including retail trade (*inter alia* spaza shops), on the property on which such residential building is erected, provided that:

- 15.2.1 the dominant use of the property shall remain residential;
- 15.2.2 the occupation, trade or profession shall not interfere with the amenity of the neighbourhood;
- 15.2.3 the building shall not be used as an industry or noxious activity;
- 15.2.4 no animals shall be kept or treated on the property;
- 15.2.5 a Site Development Plan, drawn to the satisfaction of the local authority, shall be submitted prior to the approval of any building plans, if the local authority so deem fit; and
- 15.2.6 the contents of Table "D1", shall be overriding and take precedence over the above conditions 15.2.1 to 15.2.5.

16. Conditions applicable to Public Garage erven

- 16.1 No material or equipment of any nature whatsoever shall be stored or stacked to a height greater than the height of the screen wall: Provided that the City Council may relax this condition where the erf is situated within, adjacent to or surrounded by industrial uses.
- 16.2 No repairs of any nature to vehicles or equipment shall be effected outside the garage building, except in an area which is screened to the satisfaction of the City Council for that purpose: Provided that the City Council may relax this condition where the erf is situated within, adjacent to or surrounded by industrial uses.
- 16.3 No material or equipment of any nature shall be stored or stacked outside the garage building except in an area which is to the satisfaction of the City Council for that purpose: Provided that fuel pumps or oil and fuel installations shall be sited outside the building to the satisfaction of the City Council: Provided further that the City Council may relax this condition where the erf is situated within, adjacent to or surrounded by industrial uses.

17. Conditions applicable to townships or erven in dolomite areas or on land with detrimental soil conditions

- 17.1 In addition to any conditions contained elsewhere in this Scheme, any erf, township or portion specified in Table "E" shall also be subject to those conditions specified in Column (3) of Table "E"
 - a) No french drain shall be permitted on the erf.
 - (b) Trenches and excavations for foundations, pipes, cables or for any other purpose, shall be properly refilled with damp soil in layers not thicker than 150 mm, and shall be compacted until the same grade of compaction as that of the surrounding material is obtained to the satisfaction of the City Council.
 - (c) All pipes which carry water shall be watertight and shall be provided with watertight flexible couplings.
 - (d) The entire surface of the erf shall be drained to the satisfaction of the City Council in order to prevent surface water from damming up, and water from roof-gutters shall be discharged away from the foundations.
 - (e) Proposals to overcome detrimental soil conditions to the satisfaction of the City Council shall be contained in all building plans submitted for approval and all buildings shall be erected in accordance with the precautionary measure accepted by the City Council.

- (f) If required, a soil report drawn up by a qualified person acceptable to the City Council indicating the soil conditions of the erf and recommendations as to suitable founding methods and depths shall be submitted to the City Council simultaneously with the submission of building plans prior to the commencement of any building operations on the erf. (A/S 215)
- (g) The use of explosives in digging trenches or for any excavations for the laying of pipes, cables, etc. shall be avoided as far as possible.
- (h) On no account should asbestos cement pipes be used.
- (i) If the erf forms part of an area that is underlain by detrimental soil conditions that may affect buildings and structures on the erf and results in damage to it, the owner thereof shall accept all liability for any damage thereto and to any building or structure thereupon which may result from such conditions. (A/S 700).

TABLE "E"

TOWNSHIP (1)	ERF DESCRIPTION (2)	CONDITIONS (detailed here-under) (3)
Airport Park Extension 2	Erven 61 and 62	Conditions (e) and (f) only
Elandsfontein 108 I R	Parts of Portions 14, 16, 17, 18, 19, 21, 23, 24, 25, 26, 27, 29, 39, 40, 42, 43, 44, 45, 46, 50, 56, 100, 162 and 257	Conditions a, b, d and e only
Elandshaven Extension 3	All Erven	Condition g only
Elsark Extension 3	All Erven	Conditions b, d, g and h
Germiston Extension 4	i) Re/980 and 981	Conditions a, b, c and d only
	ii) Erf 1340	Condition e only
Germiston Extension 15	All erven	Condition e only
Junction Hill Extension 7	All erven	Conditions a, b, c and d only
Meadowdale	All erven	Condition e only
Roodebult	All erven	Conditions a, b, d and e only
Spruitview	All erven	Conditions a, c, d, e, h and i
Spruitview Extension 1	All erven	Conditions a, c, d, e, h and i
Union Extension 14	All erven	Condition e only
Wadeville Extension 5	All Erven	Condition e only
Wadeville Extension 9	All Erven	Condition e only
Wadeville Extension 14	All Erven	Condition e only
Wadeville Extension 18	All Erven	Conditions a, b, c, d and e.

18. Parking

- 18.1 Effective paved parking accessible to the general public, as set out in Table "F" together with the necessary manoeuvring area, shall be provided on the property the satisfaction of the City Council. (A/S 290)

TABLE "F"

USE ZONE/USE (1)	MINIMUM PARKING REQUIREMENT (2)
Residential 2 and in other use zones except in Residential 1 where dwelling units at a density of 20 dwelling units per hectare, or less are erected	(i) 1 Covered parking space per dwelling unit; and (ii) 1 Uncovered parking space per dwelling unit or so required by the City Council
Residential 3 and 4 and in other use zones except in Residential 1 where dwelling units at a density greater than 20 dwelling units per hectare, are erected	(i) 1 Covered parking space per dwelling unit of 3 living rooms or less; (ii) 1 Covered and 1 uncovered parking space per dwelling unit with 4 or more living rooms; (iii) 1 Uncovered parking space per 3 dwelling units for visitors
Residential 5	Nil (for buildings less than 400 m ²). 1 parking space per dwelling unit (for buildings of 400 m ² and over). (A/S 700).
Shops, excluding shops in Use Zone 6 and the Central Business Area	6 Parking spaces per 100 m ² gross leasable shop floor area
Shops in Use Zone 6 and the Central Business Area	4 Parking Spaces per 100 m ² gross leasable shop floor area (A/S 103)
Use Zones Industrial 1, 2 and 3	(i) 1 Parking space per 100 m ² gross leasable industrial floor area; and (ii) 2 Parking spaces per 100 m ² gross leasable office and commercial floor area
Industries in any other use zone than Industrial 1, 2 and 3	2 Parking spaces per 100 m ² gross leasable industrial floor area
Use Zone commercial and Offices in Use Zones Business 1, 2, 3 and 4	2 Parking spaces per 100 m ² gross leasable floor area
Places of Public Worship	1 Parking space per 6 seats
Places of Amusement	1 Parking space per 4 seats
Hotels	1 Parking space per bedroom or suite plus 6 parking spaces per 100 m ² public room floor area
Hospitals and Homes	0,7 Parking spaces per bed
Public Garages	40 Percent of the area of the site including the area around fuel pump islands, but excluding workshops, show rooms, work areas, lubricating and washing areas
Any other uses or use zones	As required by the City Council

18.2

Provided that the City Council may, upon receipt of a written application and if the Council is of the opinion that it is impracticable or impossible to provide on site parking consent to a cash contribution being paid in lieu of the provision of parking in the "Central Business Area" and the "Primrose Business Centre" as demarcated on Annexure 36. The amount per parking bay will be determined by the City Council. This amount per parking bay shall be revised from time to time by the City Council. (A/S 103)

18.2.1 The City Council shall utilize the cash contribution received in lieu of parking, for the purchase and development of parking areas at a stage in time and at a location to the satisfaction of the City Council. (A/S 103)

18.2.2 Provided further that in the case of erven within the Central Business Area as defined in Clause 2 of this scheme, where at least 10 % of the total floor area of any building (including parking floors) erected on the erf is used for the provision of residential units, the provision of parking as laid down in Table "F", for that part of the building which is used for residential units, shall be relaxed without the payment of a cash endowment in lieu of parking.

Provided further that adequate parking as laid down in Table "F" shall be provided for the other uses within the building, and this parking must be made available to the residents of the building outside normal working hours.

Provided further that in the event of any change of the use of the residential units take place, additional parking as laid down in Table "F", must be provided, or a cash endowment in lieu of parking must be paid. (A/S 103)

18.3 Provided that any owner may provide the parking area required in terms of this clause on any alternative site approved by the City Council. Provided that the properties either be consolidated or notarially tied.

18.4 The owner of a building in respect of which parking space are required in terms of this clause shall keep such parking spaces in a proper condition for such purpose to the satisfaction of the City Council.

18.5 The levying of a parking fee for the hire of parking spaces provided in terms of this clause, shall not be regarded as a business.

18.6 No parking space for a vehicle shall be less than 5.5 metres by 2.5 metres in extent, and in addition reasonable provision shall be made on the site for the free movement of vehicles into, out of, and within the site. In no case shall any parking space together with the necessary manoeuvring area be less than 30 square metres in extent.

18.7 In the Central Business Area as defined in Clause 2 of this Scheme, on-site parking shall not be permitted on a site with an area of 1 500 square metres or less without the prior written approval of the City Council. (A/S 103)

18.8 With the written approval of the City council, a cinema or theatre may be exempted from the parking requirements as laid down by Table "F" of this scheme, where such cinema or theatre forms part of a larger complex, so that parking which is utilized during the day time for other purposes, shall be available for the cinema or theatregoers in the evenings. (A/S 103)

18.9 The City Council reserves the right to impose such further parking requirements as it may deem fit, when it is of the opinion that the requirements set out in Table "F" may be exceeded. (A/S 700).

19. Advertisements and objections

19.1 This clause shall not apply to garden ornaments, entrances structures (other than entrance passages, and entrance halls), boundary fences, garden walls, fences, pergolas and any other structure which is not covered by a roof.

19.2 (a) Any person (hereinafter called "the applicant") intending to apply to the City Council for special consent to the erection and use of a building or to the use of land in any use zone whether wholly or partially for any purpose requiring the City Council's special consent shall submit such application to the City Council in writing.

- (b) The applicant shall -
 - (i) publish at his own expense, a notice containing full particulars of the consent for which he is applying, and the land to which it relates once per week for two consecutive weeks in a newspaper which circulates in the area (A/S 700); and
 - (ii) post and maintain a similar notice in a conspicuous place on each separate portion of the land or building to which such consent applies for a period of not less than 14 consecutive days calculated from the date of the first notice in the newspaper mentioned in subclause (i) above.
- (c) The notices mentioned:
 - (i) in sub-clauses (b)(i) and (ii) shall contain the name and address of the applicant and shall state that any objection or representation in connection with such application shall be submitted in writing simultaneously to the City Council and the applicant within 28 days calculated from the date of the first notice in the newspaper; and
 - (ii) in sub-clause (b)(ii) shall not be smaller than 594 mm by 420 mm and any letter thereon shall be at least 6 mm in height.
- (d) the applicant shall, simultaneously with the submission of the application, submit a certificate that the notice referred to in sub-clause (b)(ii) was properly posted and maintained.

- 19.3 The City Council shall take into consideration any objection or representation received within the said period of twenty-eight (28) days and shall notify the applicant and any person from whom any objection or representation was received of its decision.
- 19.4 The decision of the City Council shall not take effect until the expiration of fifty-six (56) days from the date on which the applicant is notified thereof, or if an appeal has been noted in terms of the provisions of the Ordinance, until such appeal has been disposed of.
- 19.5 The provisions of sub-clause 19.4 will not be applicable should no objection against the application as outlined in Clause 19.3 be received.

20. Saving for special purposes

- 20.1 Without prejudice to any power of the City Council derived from any law, or to the remainder of this scheme, nothing in the foregoing provisions of this part of the Scheme shall be construed as prohibiting or restricting or enabling the City Council to prohibit or restrict the following:
 - (a) The exploitation of minerals on any land not included in an approved township by underground or surface working.
 - (b) The use of land or the erection of buildings required for the purposes of a recreation or sportsground not being a recreation or sportsground ordinarily open to the public on payment of a fee.
 - (c) The letting of a dwelling house or dwelling unit in such a manner that a maximum of one family with four other persons are accommodated therein. This condition shall not be applicable to "Residential 5" properties. (A/S 700).
 - (d) The occasional use of a place of public worship, place of instruction, or institution, as a place of amusement or social hall.
 - (e) The practice, subject to the provisions of any applicable By-law, in or from any dwelling unit, dwelling house or residential building of a profession or occupation by a person who, with his family permanently occupies such dwelling unit, dwelling house or residential building for residential purposes: Provided that such practise shall not involve the following:
 - (i) The use of the building as an "Industry" or "Noxious activity".
 - (ii) The public display of goods whether in a window or otherwise.
 - (iii) The exhibition of any notice or sign board, other than a notice or sign board ordinarily exhibited on a dwelling house or dwelling unit to indicate the name and profession or occupation of the occupant.

- (iv) Interference with the amenities of the neighbourhood.
- (v) The employment of any employee: Provided that the City Council may consent to the employment or taking into partnership of a maximum of two persons.
- (vi) The keeping or treatment of animals.
- (vii) The obtaining of a licence as required for the practising of a profession or occupation.
- (f) the erection or use of structures for the purpose of advertising subject to the provisions of Clause 19.


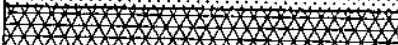
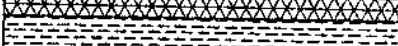
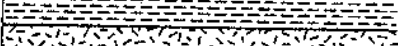
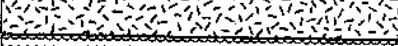
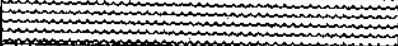



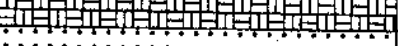
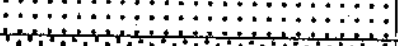

21. Temporary signs for the sale or lease of sites or buildings

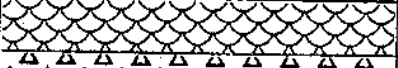
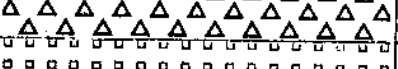
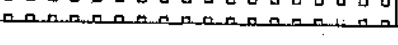
- 21.1 No person shall without the written consent of the City Council simultaneously display on one site more than two temporary signs for the sale or lease of sites or buildings or permit such display: For the purposes of this clause a "temporary sign" shall -
- (a) not be larger than 600 mm by 460 mm and at its highest point shall not be higher than 2,5 m above ground level;
 - (b) not have letters, figures or symbols larger than 150 mm; and;
 - (c) be removed within seven days after the end of the sale or the conclusion of the contract of lease.

22. Number of dwelling houses which may be erected and subdivisions

- 22.1 No dwelling house shall be erected in such a manner that the number of dwelling houses on an existing erf exceeds the number specified in Table "G" for the density zone in which the existing erf is situated, except properties in Use Zone 5, "Residential 5", in which case the number of dwelling units that may be erected on a property is controlled in terms of Table "D1". (A/S 700).

TABLE "G"
DENSITY ZONES

NOTATION AS SHOWN ON THE "B"-SERIES OF THE MAP (1)	NUMBER OF DWELLING HOUSES PER EXISTING ERF (2)	MINIMUM AREA OF SITE REQUIRED PER DWELLING HOUSE IN SQUARE METRE (3)
	1	
	1	100
	1	200
	1	300
	1	400
	1	500
	1	700
	1	800
	1	1000
	1	1250
	1	1500
	1	2000

NOTATION AS SHOWN ON THE "B"-SERIES OF THE MAP (1)	NUMBER OF DWELLING HOUSES PER EXISTING ERF (2)	MINIMUM AREA OF SITE REQUIRED PER DWELLING HOUSE IN SQUARE METRE (3)
	1	2500
	1	3000
	1	4000

Provided that:

- 22.2 Nothing in this clause shall prevent the erection of a dwelling-house on an existing erf having an area of not less than 250 square metres, provided it has a street frontage.
- 22.3 In those areas in which in terms of Table "G" only one dwelling house per existing erf is permitted, the City Council may consent to the subdivision of only the following existing erven, if such subdivision will not cause the coverage permitted under Tables "H" and "H1" to be exceeded:
- An existing erf, subject thereto that any portion so created (including the remainder) which is smaller in extent than 90 percent of the area of the existing erf shall not be used as the site of a dwelling house.
 - If an erf created by the consolidation of two or more erven is subdivided, the number of new erven created shall not exceed the number of erven which were so consolidated and the extent of any new erf created shall not be less than 90 percent of the area obtained by dividing the area of the consolidated erf by the number of erven created by the subdivision.
- 22.4 The City Council shall not, in those areas in which in terms of Table "G" a minimum area of a site is required for a dwelling house, approve of any subdivision of land whereby any portion (including the remainder) of such land shall have an area of less than such minimum. The City Council may, however, consent to the subdivision of land into portions smaller than such minima, provided that no such smaller portion shall be used as a site for a dwelling house.
- 22.5 All erven shown on a general plan approved before 1 September 1970, shall be entitled to a relaxation of the density provisions in terms of Table "G" of a maximum of 1 (one) percent of the area determined by these provisions.
- 22.6 In Use Zones where dwelling houses may be erected and where no density zone is applicable, only one dwelling house may be erected per existing erf.
- 22.7 Provided that with the Special Consent of the City Council, after advertisement as laid down by Clause 22.8 a further dwelling unit, either attached to or detached from the main dwelling house on the property may be erected on properties zoned for "Residential 1" purposes, subject to the following, and any other further conditions that the City Council may deem necessary.
- The total coverage of 40 % of the area of the site zoned for "Residential 1" as well as all other provisions of the Town Planning Scheme in respect of "Residential 1" properties shall be complied with at all times. (A/S 211)
 - The area of the second dwelling unit shall not be larger than 100 square metres, except in exceptional circumstances approved by the City Council. (A/S 211)
 - The second dwelling unit shall be aesthetically pleasing, be of good architecture, be built of sound materials approved by the National Building Regulations, and harmoniously blend with the design of the main building. (A/S 211)
 - A site development plan showing the entire property, all the buildings, the building lines and other restrictions applicable to the property in terms of the Town Planning Scheme,

the Title Deeds and any other legislation, as well as the position of the proposed second dwelling unit, must be submitted to the City Council for approval. This site development plan must be approved by the City Council before any building plans for the second dwelling unit will be considered. (A/S 211)

22.7.5 Only one additional dwelling unit may be permitted by the City Council. (A/S 211)

23. Allowance for splaying of corners

23.1 In calculating the area of a corner erf the portion thereof cut off by the splay shall be included in the area of the erf for the purpose of Table "G".

23.2 Upon the subdivision of any land, where any portion of such land is physically separated by the execution or proposed execution of public works, and provided that such portion does not fall below 75 percent of the minimum area as laid down in column (3) of Table "G" for the said land, the portion so separated may be regarded as an existing erf.

24. Height, coverage, floor area ration and number of dwelling units per hectare

24.1 Tables "H" and "H1" sets out the height in storeys, the coverage, the floor ration (F.A.R.) and the number of dwelling units per hectare permitted, in the corresponding height zones.

24.2 The appropriate height zone is indicated by means of the notation as set out in column (2) of Tables "H" and "H1" on the B-series of the Map.

TABLE "H"

HEIGHT ZONE	NOTATION AS SHOWN ON THE B-SERIES OF THE MAP	HEIGHT (STOREYS) Height in different height zones and where the uses and/or use zones are not specifically mentioned the height is applicable to all uses	COVERAGE % Coverage in different height zones and where uses and/or use zones are not specifically mentioned, the coverage is applicable to all uses, except in Residential 2	F.A.R. Floor area ratio in different height zones and where the uses and/or use zones are not specifically mentioned the floor area ratio is applicable to all uses except in Residential 2	Number of dwelling units per net hectare for Residential 2 only
(1)	(2)	(3)	(4)	(5)	(6)
0	Area not bordered	3	<p>A. Shops, Offices, Parking garages Public garages, Places of Amusement Places of Public Worship Places of Instruction, Social Halls Commercial Uses, Industries Noxious Industries</p> <p>B. Residential Buildings, Institutions</p> <p>C. Dwelling Houses</p>	<p>70% 70% 70% 70% 70% 70%</p> <p>50%</p> <p>40%</p>	
1	H1 *****	Width of street	<p>A. Shops, Parking, Public Garages</p> <p>B. Places of Amusement, Industries Places of Public Worship, Offices Places of Instruction, Social Halls Commercial Uses, Noxious Industries</p> <p>C. Residential buildings, Institutions</p> <p>D. Dwelling Houses</p>	<p>85% 85% 85% 85%</p> <p>75%</p> <p>60%</p>	

HEIGHT ZONE (1)	NOTATION AS SHOWN ON THE B-SERIES OF THE MAP (2)	HEIGHT (STOREYS) Height in different height zones and where the uses and/or use zones are not specifically mentioned the height is applicable to all uses (3)	COVERAGE % Coverage in different height zones and where uses and/or use zones are not specifically mentioned, the coverage is applicable to all uses, except in Residential 2 (4)	F.A.R. Floor area ratio in different height zones and where the uses and/or use zones are not specifically mentioned the floor area ratio is applicable to all uses except in Residential 2 (5)	Number of dwelling units per net hectare for Residential 2 only (6)
2	H2 *****	Width of street	A. Shops, Offices, Parking garages Public garages, Places of Amusement Places of Public Worship Places of Instruction, Social Halls Commercial Uses, Industries Noxious Industries 85% 85% 85% 85% 85% 85% B. Residential Buildings, Institutions 50% C. Dwelling Houses 40%		
3	H3 *****	6	A. Shops, Offices, Parking garages Public garages, Places of Amusement Places of Public Worship Places of Instruction, Social Halls Commercial Uses, Industries Noxious Industries 70% 70% 70% 70% 70% 70% B. Residential Buildings, Institutions 40% C. Dwelling Houses 60%		
4	H4 *****	2			10

HEIGHT ZONE	NOTATION AS SHOWN ON THE B-SERIES OF THE MAP	HEIGHT (STOREYS) Height in different height zones and where the uses and/or use zones are not specifically mentioned the height is applicable to all uses	COVERAGE % Coverage in different height zones and where uses and/or use zones are not specifically mentioned, the coverage is applicable to all uses, except in Residential 2	F.A.R. Floor area ratio in different height zones and where the uses and/or use zones are not specifically mentioned the floor area ratio is applicable to all uses except in Residential 2	Number of dwelling units per net hectare for Residential 2 only
(1)	(2)	(3)	(4)	(5)	(6)
5	H5 *****	2	30	0.4	15
6	H6 *****	2	30	0.5	20
7	H7 *****	3	40	0.6	
8	H8 *****	2	30	0.35	25
9	H9 *****	2	40	0.8	30
10	H10 *****	2	60	1.0	
11	H11 *****	2	60	1.2	
12	H12 *****	3	70	1.4	
13	H13 *****	2	60	0.8	

25. Restriction on height of buildings

No building shall be higher than the number of storeys set out in columns (3) of Tables "H" and "H1" or on the applicable Annexure:

Provided that -

- 25.1 In Use Zones 11 and 12 the height of industrial buildings is not restricted;
- 25.2 The City Council may permit the number of storeys prescribed in any height zone to be increased by 1 (one storey if it is satisfied that a greater height is necessary or desirable as a result of the topography and location of the site);
- 25.3 Any chimney, ornamental tower, tower-like projection or similar architectural feature or lift servicing room or room wherein mechanical or electrical equipment is installed, shall not be taken into account;
- 25.4 DELETED. (A/S 306).
- 25.5 In Use Zones 23 (Public open space) and 24 (Private open space) buildings may not exceed one (1) storey in height unless otherwise permitted in the Scheme;
- 25.6 For the purposes of this clause basements shall not be included in height, provided further that the floor area ratio as determined in the Scheme is not exceeded; and
- 25.7 For the purposes of this clause the maximum height of a storey except industrial buildings in use zones 11, 12 and 13 shall not exceed 6 m in respect of the ground storey and 4,5 m in respect of any other storey.
- 25.8 In Height Zones 1 and 3 a building may with the Special Consent of the City Council have a greater number of storeys than that specified in Tables "H" and "H1" provided that the remainder of the provisions of Tables "H" and "H1" and Clause 25.9 shall not be exceeded, and provided further that steps to the satisfaction of the City Council are taken by the building owner to screen unsightly elevations of adjoining buildings that may be exposed. Whenever plans for buildings covered by this proviso are submitted to the City Council for approval, they shall be accompanied by a statement of details of the steps which will be taken to screen any unsightly elevations and by an accurate schedule showing the details under Tables "H" and "H1" in respect of each building use at each floor level of the building;
- 25.9 Without prejudice to the provisions of Tables "H" and "H1", Column 3 (Height Zone 1) shall no part of a building project above a line drawn from a point at the street level on the opposite boundary of the street, at an angle of sixty (60) degrees to the horizontal, except with the special consent of the City Council and subject to the provisions of Clause 19 thereof;
- 25.10 If 75 % or more of any floor of a building is constructed and used for the purpose of the parking of vehicles, such floor shall not be considered in the height as set out in Tables "H" and "H1", provided such floor does not exceed three (3) metres in height from floor to ceiling;
- 25.11 If a building occupies a site at the corner of two intersecting streets of unequal width, the allowable height of that part of the building for a distance of fifteen (15) metres from the closest boundary of the widest street, measured along the narrower street, shall be determined by reference to the width of the wider street, as set out in Clause 25.8.
- 25.12 For the purpose of this clause, the width of streets shall be taken as the width delineated on the general plan of the township and no widening of any street effected by the City Council after the date of 20 June 1945, or after the date of proclamation of the township, whichever is the later, shall be taken into account in calculating the

TABLE "H1"

Height Zone (1)	Notation as shown on the B Series of the Map (2)	Township or effervien to which conditions relate (3)	Height (Storeys) (4)	Coverage (5)	Floor Area Ratio (F.A.R.) (6)	Minimum size of single dwelling (7)
0	Area not bordered	Spruitview	2 3 with the written consent of the Council	50 % 60 % with the written consent of the Council	None specified	70 m ²
0	Area not bordered	Spruitview Extension 1	2 3 with the written consent of the Council	50 % 60 % with the written consent of the Council	None specified	70 m ²
0	Area not bordered	Erven 1966, 1834, 1874, 1879, 1910, 1925, 2291, 2572, 2582, 2583, 2584, 2586, 2587, 2591, 2592, 2593, 2594, 2595, 1832, 1833, 1838, 1842, 1843, 1917, 1969, 1970, 2000, 2008, 2021, 2026, 2028, 2029, 2041, 2061, 2107, 2136, 2171, 2176, 2178, 2193, 2439, 2451, 2471, 2473, 2475, 2476, 2478, 2498, 2565, 2183 and 2172 Spruitview Township	2 3 with the written consent of the Council	50 % 60 % with the written consent of the Council	None specified	40 m ²

permissible height of buildings fronting on such street, provided further that in the area adjoining the Public Library, the width of the surrounding streets shall be taken as 20,8 metres;

- 25.13 No building other than the main dwelling house erected on a Residential 1 erf, or on an erf used for Residential 1 purposes, shall exceed two storeys in height;
- 25.14 On a sloping site, sloping down from the street boundary, the first floor of a building shall be deemed to commence from the highest point on the street boundaries of the site.
- 25.15 A sanitary lane shall not be regarded as a street.

26. Relaxation of the 60° height restriction line

- 26.1 The City Council may in its discretion, if satisfied that amenity of adjacent buildings is not adversely affected and that adequate steps have been taken by a building owner to screen unsightly elevations of adjoining buildings that may be exposed, permit a building situated in the "Central Business Area" and the "Primrose Business Area" as defined in Clause 2, to project above sixty (60) degree height restriction line referred to in Clause 25.9 and the six storey height restriction referred to in Clause 24, Tables "H" and "H1", in cases where a uniform set back is provided for the storeys of a building commencing no higher than the fourth floor level.
- 26.2 The procedure laid down in Clause 11.23 of the Scheme for an application for the special consent of the City Council, the hearing of objectors, and the submission of appeals, which is applicable to all applications, shall also be applicable to these provisos.
- 26.3 The facades above the third storey of buildings erected in terms of this Clause shall be in continuous vertical planes, provided that the City Council may, in its discretion, consent to balconies projecting in residential buildings and to the two top floors of any building being stepped back.
- 26.4 All building plans for buildings covered by this Clause shall have attached, for the City Council's approval a statement of details of the steps which will be taken by the building owner to screen unsightly elevations of adjoining buildings that may be exposed as well as an accurate schedule showing the total floor area devoted to each building use at each floor level of the building.

27. Restriction on coverage of buildings

- 27.1 No building shall be erected with a greater coverage than that set out in column (4) of Tables "H" and "H1" or on the applicable Annexure:

Provided that

- (a) Where a proposed building is designed for more than one use, the maximum portion of the site which may be covered by buildings at the floor level of each storey shall be in accordance with the coverage shown in Tables "H" and "H1" for the predominant use of the particular storey.
- (b) A verandah or balcony which forms part of a dwelling unit or a institution shall not be taken into account when the coverage is determined when the outside of the verandah and/or balcony has not been enclosed except by means of a parapet wall not exceeding one metre (1 m) in height or a wire gauze screen.
- (c) Should any application be made to erect a single storey building upon a site in Height Zone 0 having an area not exceeding five hundred (500) square metres, the City Council may authorise a reasonable increase in the proportion of the site which may be occupied by buildings subject to a maximum proportion of sixty percent (60%).
- (d) In Height Zone 0 the area occupied by private garages erected on the site of a

- residential building may to an extent not exceeding twenty percent (20 %) of the area of the site, not be taken into account as coverage.
- (e) In calculating the maximum coverages permitted in terms of Tables "H" and "H1" of this scheme, for buildings erected in any use zone the following shall apply:
- (i) Fire escapes shall not be taken into account.
 - (ii) Open balconies shall not be taken into account for that portion of the balcony that is cantilevered, if the balcony is enclosed by a one metre high parapet wall and cantilevered in such a way that it projects from the face of the building. Should the balcony be enclosed in any manner, except by a wire gauze screen, it shall be reckoned as part of the coverage of the building.
 - (iii) Access corridors up to two metres wide shall not be taken into account. If the access corridor is over two metres wide or it is enclosed in any manner it shall be reckoned as part of the coverage of the building.
 - (iv) Shopping arcades if linking one public street to another or joining one arcade to another with free access to the public street system, and totally enclosed except at either end, with shopping and/or display of goods provided on either side of the arcade, shall not be taken into account.
 - (v) Lift shafts and space devoted solely to lift and air conditioning machinery shall not be taken into account.

28. Floor area ratio or number of dwelling units per Hectare

- 28.1 No building may be erected in such a manner that a greater floor area ratio is obtained than that indicated in Tables "H" and "H1" or on the Annexure.
- 28.2 Extra floor space will be permitted under the following conditions :-
- (a) When a building in the "Central Business Area" as defined in Clause 2 is set-back in terms of a building line fixed under Clause 10 of the Scheme, or is set back any greater distance and the area of the set back is not less than 5 metres measured from the building line in an opposite direction to the street boundary and is registered free of cost in favour of the City Council, as a servitude for roadway purposes, the permissible floor space of the building may be increased completely free of any encroachments, except that where the servitude is 3 metres wide or wider, the City Council may permit the erection of columns within the servitude area.
 - (b) Where a building has, in addition to the set back area over which a servitude is registered in favour of the City Council, an area free of any buildings on the street frontage, the permissible floor space may be increased by an area equivalent to that of the area lost, if the City Council is of the opinion that, because of the contemplated development and the value of the site as a civic amenity, the area free of any buildings constitutes an area of civic interest.
 - (c) Where a building is set back a greater distance than the building line fixed under Clause 8 but a servitude over the set-back area in excess of the building line area is not registered in favour of the City Council, and the set-back area is in the opinion of the City Council completely free of any structure which may adversely affect the usefulness of the set-back area with regard to the development of the erf, the permissible floor space may be increased by an area equivalent to that of the additional set-back.
- 28.3 Where extra floor space is permitted in terms of sub-clause 28.2 hereof, the City Council may permit a further 10 % of the calculated extra floor space if it considers that this is necessary to obtain full harmonious development.
- 28.4 All building plans submitted to the City Council for approval of buildings covered by sub-clause 28.2 hereof shall have attached for the City Council's approval an accurate schedule showing the total floor area devoted to each building use at each floor level of the building.
- 28.5 The number of dwelling units as indicated in column 6 of Tables "H" and "H1" may not be exceeded.

PART 4

GENERAL AMENITY AND CONVENIENCE

29. Removal of injurious conditions in private gardens

Where the amenity of any use zone is in the opinion of the City Council injured by the conditions of any garden, curtilage, building or any development on any erf in the area the City Council may serve a notice on the owner or occupant of the premises on which the injurious condition exists, requiring him within such period not being less than twenty-eight (28) days from the date of the service upon him of the notice, to take such action as may be necessary to abate the injurious condition and the said notice may specify the measures to be taken to abate the injurious condition.

PART 5 MISCELLANEOUS

30. Binding force of conditions

Where permission to erect any building or execute any works or to use any building or land for a particular purpose granted in terms of the Scheme, and conditions have been imposed, the conditions shall have the same force and effect as if they were part of the Scheme and shall be regarded as though they were part of this Scheme.

31. Entry and inspection of properties

31.1 The City Council shall have the power, through its duly authorized officers, to enter into and upon any property within the municipal area at any reasonable time for the purposes of any inspection which the City Council may deem necessary or desirable for the purpose of enforcing the Scheme. (A/S 700).

31.2 No person shall in any way hinder, obstruct, or interfere with any authorised officer of the City Council, or in so far as he has any authority, permit such officer to be hindered, obstructed or interfered with in the exercise of the powers hereby conferred upon him.

32. Service of notices

Any order, notice or other document, required or authorised to be served under the Scheme shall be signed by the Chief Executive Officer or other official duly authorised thereto by the City Council and shall be served by delivering it in one or other of the following manners:

- (a) To the said person personally, or to his duly authorised agent;
- (b) if service cannot be effected in terms of sub-clause (a), at his residence or place of business or employment to some person apparently not less than sixteen (16) years of age and apparently residing at or employed there;
- (c) if there is no such person as is mentioned in sub-clause (b) on the premises, by fixing such order, notice or other document to some conspicuous part of the premises and by despatching a copy of such order, notice, or other document by prepaid registered post in an envelope on which is written his last known address which may be his last known abode, place of business or employment, or post office box number; and
- (d) if such person to be served has chosen a *domicilium citandi*, at the domicile so chosen.

32.2 Where any service is effected 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 the letter containing such order, notice, or other document would have been delivered in the ordinary course of post and, in providing such service, it shall be sufficient to prove that the order, notice or other document, was properly addressed and registered.

32.3 Any order, notice or other document, which in terms of the provisions of this Scheme, is required to be given to the owner or occupant of any particular premises, may be addressed to the "owner" or "Occupant" of such premises, in respect of which the order, notice or other document, is given, without any further name or description.

33. Conflict between Scheme, Title Conditions and Township Conditions

No consent of the City Council given under the provisions of this Scheme shall be construed as conferring upon any person the right to use any land or to erect or use any building thereon in any manner or for any purpose which is prohibited in any condition registered against the title deed of the land or imposed in respect of the land under any law relating to the establishment of townships.

34. Title

This Scheme shall be known as the **Germiston Town Planning Scheme 1985**.