7. **USE OF RESIDENTIAL ACCOMMODATION OR LAND FOR OTHER PURPOSES.**

01/07/1985 (1) No profession, occupation or business may be carried on by any person in a dwelling house, ancillary unit, maisonette, extended residential building,

14/11/1996 a dwelling unit in a multiple unit development or a room or flat in a residential

28/05/2009 building save in the circumstances and upon the conditions contained in this clause and subject, further, to the provisions of any other law.

27/03/2000 (2) (a) The occupant of a dwelling house may let any room, for residential purposes only, in a dwelling house, including any outbuilding; provided that not more than four rooms may be so used in such dwelling house, including any outbuilding.

30/03/2000 (b) The provisions of paragraph (a) hereof shall not be deemed to authorise the conversion of any dwelling house into two or more separate self-contained units.

07/02/1983 (c) Deleted.

27/03/2000 (d) The occupant of a dwelling house may conduct the occupation of a day time child-minder provided that the occupation is restricted to the care of not more than six children and provided further that the carrying on of the occupation does not, in the opinion of the City Engineer, detrimentally affect the amenities of the neighbourhood.

21/06/1982 (3) The occupant of a dwelling house, maisonette, extended residential building or of a room or flat in a residential building who, immediately prior to the date of the introduction of this Scheme, was lawfully carrying on a profession or occupation in such premises shall be permitted to continue to do so, subject however, to the provisions of sub-clause (7) hereof.

21/06/1982 (4) **Home Business**

05/11/1984 The Intention of the Scheme is to encourage the owner/occupier of a dwelling

08/12/1989 house/dwelling unit to contribute to the local economy of the city. Land uses that

18/07/1994 may be considered shall not in the opinion of Council negatively impact on the

26/02/1996 neighbourhood. Industrial uses such as panel beating/spray painting/motor

14/11/1996 related uses as well as all engineering land uses such as burglar guard 28/05/2009

10/12/1996 manufacture will not be allowed. For the purposes of a home business, a shop is a prohibited land use.

20/07/2004 (B) **Definition of Home Business**

Means the operation of a single non-impacting occupational activity, in or in conjunction with a dwelling house, dwelling unit, ancillary unit, by a bona fide residential occupant of that property. Providing that the dominant use of the property concerned shall remain for the living accommodation of the occupants, and the property complies with the requirements contained in the scheme clauses for a home business; home business does not include a shop.

(C) Provided that the operation of a home business shall comply with the following conditions, to the extent that they may be applicable:

3/82; 1/83; 4/84; 3/85; 1/87; 5/89; 4/94; 1/96; 9/96; 2/00; 1/04; 01/09 continued
Planning Environment & Management may waive compliance with the Formal Special Consent procedure if the written consent of the registered owner of each adjoining property and such other properties as the Head: Development Planning and Management may direct, has first been obtained and furnished to the Municipality;

26/05/2009  (b) the area to be utilized for the Home Business shall not exceed 30% or maximum of 40m² (whichever is the lesser) of the existing area of the dwelling house/unit existing on the site, and the predominant use shall remain residential;

26/05/2009 carried  (c) the dwelling house or dwelling unit in which the home business is on must remain residential in appearance and character, and must at all times comply with the definition of “dwelling house or “dwelling unit” as the case may be;

26/05/2009 satisfaction  (d) on-site parking and loading facilities shall be provided to the satisfaction of the Head: Development Planning, Environment and Management;

26/05/2009  (e) the hours of operation shall be to the satisfaction of the Head: Development Planning, Environment & Management and shall be specified in the consent granted;

26/05/2009  (f) the home business must only be operated by a person who is the bona fide resident in the dwelling house or dwelling unit, and such person may not be assisted in the business by more than two people stationed on site.

26/05/2009  (g) no external advertising shall be permitted on the site except for one non-illuminated sign on each road frontage, and each sign shall not exceed 0,2m² in area.

26/05/2009  (h) storage of goods and equipment shall be within the area designated for that purpose on the plan which is to accompany the application for special consent, detailing the area to be used for the business as well as any portion of that area in which goods or equipment will be stored;

26/05/2009  (i) only light delivery vehicles may be used for delivery, or to dispatch goods or supplies;

26/05/2009  (j) after affording the applicant the opportunity of being heard, the municipality may at any time impose any further condition it deems reasonably necessary in order to preserve the residential amenity of the area, or it may withdraw the consent if, in its opinion, the amenities of the neighbourhood are being adversely affected by the activities of the business;

26/05/2009  (k) any consent granted shall not be transferable to successors in title.

26/05/2009  (l) if the use is discontinued for the period prescribed in the relevant legislation, the dwelling house or dwelling unit, insofar as it may have been altered for that purpose, be restored to its original state to the satisfaction of the Head: Development Planning, Environment and Management.

27/09/1976 (a)  The Council may by special consent on any site situated contiguous to a site zoned Special or General Shopping or where the major portion of the site is opposite such a site and continued
separated there from by only a street and where the Council is satisfied that the development would enhance the amenity of the neighbourhood, authorise the erection of offices or the conversion to offices of the whole or any portion of a dwelling house, ancillary unit, maisonette or flat in any Special Residential, Maisonette, Duplex, Extended Residential or General Residential I, 2, 3 or 4 zone provided that the Council shall be satisfied that such office use will:-

(i) not prejudice the development of the Special or General Shopping zone to which the site is contiguous or opposite;

(ii) cater specifically for the needs of the neighbourhood;

(iii) not unduly generate pedestrian traffic across any street to or from the Special or General Shopping zone;

provided, further, that the Council may relax the requirements of provisos (i) to (iii) above where it is satisfied that the proposed development will:-

(i) raise the environmental quality of a blighted area and thereby lead to the possible regeneration of such area;

(ii) conserve a building which in the opinion of the City Engineer is worthy of conservation.

(b) The granting of approval in terms of this sub-clause shall be subject to the following conditions:-

(i) the building shall be designed so as to harmonise with and in its external appearance, conform to residential development existing or as contemplated in the zone in which it is situated;

(ii) the property shall be laid out and maintained to the satisfaction of the City Engineer;

(iii) provision shall be made for the parking of vehicles in terms of Clause 12 to the satisfaction of the City Engineer;

(iv) goods shall not be displayed in the public view either in a window or otherwise.

27/09/1976 (6) The Council may by special consent authorise on a site within any General Residential 1, 2, 3 or 4 zone either the erection of offices for religious purposes or the conversion of the whole or part of any residential building into such offices; provided such offices are integrated with or contiguous to a place of worship and the Council is satisfied that no interference with the amenities of the neighbourhood will result.

26/05/1998 (6)bis The Council may by special consent authorise the erection of medical offices or the conversion of the whole or any portion of a dwelling house, ancillary unit, maisonette, extended residential building, multiple unit development or residential building in any Special Residential, Maisonette,
Extended Residential, Duplex or General Residential 1, 2, 3 or 4 use zone for conducting the professions or occupations of a medical practitioner, dentist, veterinarian, traditional healer and such other professions or occupations of a like or allied nature subject to the following conditions:-

(a) the building shall be designed so as to harmonise with and in its external appearance, conform to the residential development existing or as contemplated in the zone in which it is situated;

(b) provision shall be made for the parking, loading and off-loading of vehicles in terms of clause 12; provided that the surface material used to cover the parking area shall not be of a permanent nature, in particular, tarmacadam and concrete shall not be used;

(c) the property including the parking area shall be landscaped and maintained to the satisfaction of the Executive Director (Physical Environment);

(d) not more than six persons including practitioners and staff shall practice or be employed in that portion of the premises to which the Council’s special consent relates provided that the Executive Director (Physical Environment) may, at his discretion, vary this number;

(e) no external advertising other than the name of the building and the practitioners name plates shall be permitted.

27/03/2000
30/03/2000
23/03/2005
28/05/2009
28/03/2019

(6)ter Bed and Breakfast Establishment.

(A) Intention of the scheme

The Intention of the Scheme is to allow the owner or occupier of a Dwelling House to let a maximum of ten bedrooms for accommodation purposes. The primary use of the Erf shall remain residential in nature and the Bed and Breakfast Establishment activity shall, in the opinion of the Municipality, not negatively impact on the Neighborhood.

(ii) Nothing in the Scheme shall prohibit or restrict the running of a Bed and Breakfast Establishment from a Dwelling House provided that:

(a) The Bed and Breakfast Establishment shall only be operated with the Special Consent of the Municipality; provided that the Head: Development Planning Management and Environment may waive compliance with the formal Special Consent procedure if the written consent of the registered owner of each adjoining property and such other properties as the Head: Development Planning Management and Environment may direct, is first obtained and furnished to the Municipality;

(b) Uses ancillary to the Bed and Breakfast establishment shall only be considered with the Special Consent of the Municipality.

2/00; 01/05; 01/09; 01/19 continued
(c) There shall at all times be either the owner or manager onsite who shall be responsible for the management of the establishment.

(d) The building shall, in the opinion of the Municipality, conform to the appearance and definition of a Dwelling House; so that upon cessation of the use, the building shall be capable of reverting to the use as a Dwelling House.

(e) Parking for all guests shall be at one bay per room, and parking for the vehicles of the manager or owner shall be provided on-site to the satisfaction of the Head: Development Planning Management and Environment;

(f) No external advertising shall be permitted on the Erf other than a maximum of one non-illuminated sign on each road frontage and each sign shall not exceed 0.20 m² in area. Any signage larger than the 0.20 m² will require an application to be made to the Signage Department.

(g) If the use is discontinued for the period of greater than 18 months the Dwelling House, insofar as it may have been altered for that purpose, must be restored to its original state to the satisfaction of the Head: Development Planning Management and Environment."

(h) After affording the applicant the opportunity of being heard, the Municipality may at any time impose any further conditions it deems reasonably necessary in order to preserve the residential amenity of the area, or it may withdraw the Special Consent if, in its opinion, the amenities of the neighborhood are being adversely affected by the activities;

(iii) In considering such an application for a Bed and Breakfast Establishment, the Municipality shall take into consideration the following: -

(a) the scale of the operation in relation to the character of the area;
(b) the suitability of the premises concerned for the proposed use;
(c) the availability of on-site parking for motor vehicles; and
(d) any, other matters which would, in its opinion, interfere with the amenities of the neighbourhood.

23/03/2005 (6)quatGuest House Deleted
28/05/2009
28/03/2019
(6)quin TUCK-SHOP / SPAZA SHOP

i) Intention of the Scheme

The intention of the Scheme is to allow the owner/occupier of a dwelling house to sell goods required for essential day to day needs of the neighborhood, in residential areas that are not adequately serviced by such a facility. The sale of goods is to take place through a window, doorway or hatchway only and shall not include a walk in shop. Such use shall not detract from the residential character of the neighborhood, aesthetically or impact wise.

(ii) Nothing in this scheme shall prohibit or restrict the running of a Tuck-shop/Spaza shop from a dwelling house provided that

(a) A Tuck-shop activity shall only be operated with the Consent of the Municipality; provided that the Head: Development Planning Management and Environment may waive compliance with the Special Consent procedure if the written consent of the affected property owners, and such other properties as the Head: Development Planning Management and Environment may direct, is first obtained and furnished to the Municipality;

(b) The area to be utilized for the Tuck-shop/Spaza Shop, inclusive of storage areas shall not exceed 20 m² of the area of the dwelling house and the dwelling house must remain residential in appearance and character, and must at all-time comply with the definition of dwelling house;

(c) No external advertising shall be permitted on the site other than a maximum of one non-illuminated sign on each road frontage and each sign shall not exceed 0,2 m² in area. Any signage larger than 0,2 m² will require an application to be made to the signage department;

(d) Entertainment facilities shall not be permitted within a Tuck-shop;

(e) A Tuck-shop shall not involve the sale of alcohol or any other goods which in the opinion of the Head: Development Planning and Environmental Management are unnecessary for the day to day needs;

(f) A Tuck-shop must be operated in accordance with all relevant By-laws and other legislation of the Municipality, particularly the Fire Regulations.

(g) The hours of operation shall be to the satisfaction of the Head: Development Planning and Environmental Management;

(h) The storage of goods and equipment shall be within the area designated for that purpose on the plan which is to accompany the application for Consent, detailing the area to be used for the Tuck-shop as well as any portion of that area in which goods or equipment will be stored;

(i) Only one light delivery vehicles may be used for the delivery to dispatch goods or supplies;
(j) After affording the applicant the opportunity of being heard, the Municipality may at any time impose any further condition it deems reasonable necessary in order to preserve the residential amenity of the area, or it may withdraw the consent if, in its opinion, the amenities of the neighborhood are being adversely affected by the activities of the business;

(k) The owner/occupier operating the Tuck-shop may be assisted by not more than one other person;

(l) In assessing any application, consideration shall be given to ensure that the location of the Tuck-shop does not compromise the principle of sound planning practice. In interpreting the above the Head: Development Planning and Environmental Management should take into account, but not restricted to, the proximity and access of other Tuck-shops or developed retail zones in the neighborhood.

(m) If the use is discontinued for the period of greater than 18 months the Dwelling House, insofar as it may have been altered for that purpose, must be restored to its original state to the satisfaction of the Head: Development Planning Management and Environment."

The Council may, where it is of the opinion that the carrying on of any use within any Special Residential, Maisonette, Extended Residential, Duplex or General Residential use zone is causing an interference with the amenities of the neighbourhood, by not less than 30 days notice in writing to the person carrying on such use, call upon him to remove the cause of such interference or to discontinue such use, notwithstanding that the Council has granted its authority for such use in terms of this clause or any similar provision in any other Town Planning Scheme in operation prior to the date of introduction of this Scheme.

Where such person fails to remove the cause of such interference or fails to discontinue such use within the period provided in such notice, then such use shall be deemed to constitute a use to which the premises in question are being put without the authority of the Council.

Nothing in this sub-clause shall entitle the Council to prohibit any such use which constitutes a use to which the dwelling house, ancillary unit, room or dwelling unit in a residential building, dwelling unit in a maisonette, dwelling unit in a multiple unit development, or dwelling unit in an extended residential building in question was put before the material date.