

PART I
GENERAL

1. Definitions

In this Scheme, unless the context otherwise indicates -

- (i) "Administrator" means the officer as defined in the Ordinance; (i)
- (ii) "agricultural building" means a building designed for use in connection with and ordinarily related to or reasonably necessary in connection with the use of the agricultural land; (xxix)
- (iii) "agricultural holding" means land laid out in terms of the Agricultural Holdings (Transvaal) Registration Act, 1919 (Act 22 of 1919);(xxx)
- (iv) "agricultural land" includes pastures or grass land, vegetable gardens, poultry farms and pig farms, land used for the keeping of bees, a nursery, plantation and fruit orchard, but shall not include:
 - (a) land used as a park; or
 - (b) land used or zoned for the purpose of sport, athletics or recreation purposes, or used as a race course; (xxx)
- (v) "annexure to the scheme" means the documents containing provisions, inter alia, special rights and conditions, applicable to those properties indicated with encircled numbers on the "A" series of the map; (x)
- (vi) "area" means the area defined in clause 2 hereof; (xiv)
- (vii) "basements" means all storeys below the ground storey; (xxviii)
- (viii) "builder's yard" means land or buildings used for the storage of materials, vehicles and equipment
 - (a) required or normally used for building operations; or
 - (b) resulting from demolition or excavation operations; or
 - (c) required or normally used for improvements to land, such as materials for the making of streets, the installation of essential services, or used for any other construction work whether for public or private purposes

or land or buildings used for the preparation of the material thus stored, but it does not include a builder's yard established for the temporary storage of such material in the vicinity of construction or building works, or storage at a shop; (viii)

- (ix) "building" includes a structure of any nature or description whatsoever; (xv)
- (x) "building line" means a line indicating the furthest boundary of a building restriction area from a street, a proposed street, street widening, or any other boundary of a property and which is a fixed distance from the boundary of an erf, as indicated in Table B, C and D of the scheme and/or as shown on map 3; (vi)
- (xi) "building restriction area" means an area of uniform width, unless otherwise stated in the scheme, upon which no building, save that which is allowed elsewhere in the scheme, may be erected; (vii)
- (xii) "business" means the use of a building and/or land as an office or for other business purpose but excludes a building designed for or used as a shop, public garage, place of refreshment, industry or noxious industry, a place of instruction or amusement or any building or land stated either by inclusion or exclusion, in the definition of "institution"; (iii)
- Al. (xiii) "by-laws" mean the by-laws or regulations in force in the area; (xiv)1
- (xiv) "coverage" means the area of a property which may be covered by building, as seen vertically from the air, excluding roof overhangs and is expressed as a percentage of the area of the property; (xi)
- (xv) "domestic industry" means a use as defined under "industry" but where not more than seven persons are employed on the premises or in the building, either as directors, partners or employees, but excludes a noxious industry; (xxii)
- (xvi) "drive-in restaurant" means land used for, or a building designed or used for a restaurant or place of refreshment where food and refreshments are served mainly to people sitting in parked vehicles; (xxiv)
- Al. Deletion of word "warehouse": Administrator's correction notice 944/23.7.1980.

- Al. (xvii) "dwelling house" means a free standing dwelling unit; (lv)
- (xviii) "dwelling unit" means a suite of connected rooms, including not more than one kitchen, designed for occupation by a single family, which is a building or which is part of one building containing two or more dwelling units and which may also include such outbuildings and servants' quarters normally connected therewith; (liii)
- Al. (xix) "existing building" means a building erected in conformity with plans approved by the local authority and which is otherwise lawful and the erection of which was -
- (a) completed on or before the fixed date; or
 - (b) in the opinion of the local authority, begun a reasonable time before the fixed date, but was completed thereafter; or
 - (c) completed in accordance with the terms of any permission granted by the local authority during the preparation and until the coming into operation of this scheme; (v)
- (xx) "existing erf" means an erf or any subdivision thereof registered before the fixed date; (iv)
- (xxi) "family" means a man or woman or both, with or without their parents, and with or without children of one or the other or both of them, living as one household; (xvii)
- (xxii) "fixed date" means 11 November 1959; (ii)
- (xxiii) "floor area" means the sum of the area covered by the building at the floor level of each storey: Provided that in calculating the floor area the areas used for the following purposes shall be excluded:
- (a) buildings without roofs, open roofs and areas used for external fire escapes;
 - (b) parking space for the occupants of the building;
 - (c) access passages and corridors, excluding the entrance hall and foyer and passages in a dwelling unit where such entrance hall and foyer and passages are enclosed by an external wall or window;

- (d) accommodation for the lift motor room and other mechanical and electronic equipment required for the proper functioning of the building;
- (e) servants' accommodation on the roof of a building: Provided that the floor area thus excluded shall not exceed three per cent of the permissible floor area for such building;
- (f) a verandah or balcony in a building: Provided that such verandah or balcony shall not be enclosed in any other way than by a parapet not more than one and a half metres high or a wire mesh screen; or
- (g) areas reasonably used for the cleaning, maintenance and care of the building or buildings, excluding dwelling units for caretakers, supervisors, cleaners or maintenance staff; (l)

Al.

(xxiv) "floor area ratio" or FAR means the ratio obtained by dividing the floor area of a building or buildings by the total area of the property, both expressed by the same unit measure, thus -

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FAR =
$$\frac{\text{Floor area of building or buildings}}{\text{Total area of property}}$$
 (li)

(xxv) "gross leasable area" means the floor area designed for or capable of occupancy and control by a tenant, including basements, mezzanines and upper floors, if any, expressed in square metres measured from centre lines of joint partitions and exteriors of outside walls; (ix)

(xxvi) "ground floor" means a floor at ground level or a floor having its entrance directly accessible from ground level by means of a ramp, stairway or similar structure; (xix)

(xxvii) "habitable room" means a room designed or used for human habitation in accordance with the standards prescribed in the by-laws but excludes a storeroom, a kitchen, a scullery, a toilet, a bathroom or a passage; (lvi)

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Al. Numbering substituted by Administrator's correction notice 944/23/7/1980.

- (xxviii) "industry" means a use, excluding a use for a noxious industry, for a factory as defined in the Factories, Machinery and Building Works Act, 1941 (Act 22 of 1941) and it may include offices and other activities incidental and subordinate to the main activity conducted on the property; (xxxii)
- (xxix) "institution" means a public institution, or welfare institution, hospital, nursing home, sanatorium or clinic, whether public or private, and includes offices incidental thereto. (xxiii)
- (xxx) "land" includes any improvement on land and any interest in land; (xviii)
- (xxxi) "local authority" means the Town Council of Sandton; (xi)
- (xxxii) "map" means map 3 as amended from time to time by any approved scheme as defined in the Ordinance; (xxv)
- (xxxiii) "noxious industry" means a building designed and used, or land used for the purpose of an offensive trade referred to in Item 1 of Schedule 1 to the Licences Ordinance, 1974 (Ordinance 19 of 1974): Provided that, if the Medical Officer of health, after consultation with the Inspector of Factories, issues a certificate that the proposed process to be used in any of the proposed industries or factories will not cause any nuisance or health hazard to the adjacent properties arising from any vapours or smells, waste liquid or solids emanating from the building, the local authority may consent to the erection of such a building in industrial zones 1 and 3; (xxi)
- (xxxiv) "occupier" or "occupant" means in relation to any building, building works or land, any person in actual occupation of such building, building works or land without regard to the title under which he occupies and includes the agent of the occupant absent from the area or whose address is unknown; (xxxiii)
- (xxxv) "office" means a building designed and used for administrative purposes and includes professional suites and financial institutions; (xxvi)
- (xxxvi) "Ordinance" means the Town-planning and Townships Ordinance, 1965 (Ordinance 25 of 1965); (xxxvii)
- (xxxvii) "owner" means in relation to a building or land -
 (a) the registered owner;

- (xxxvii) **"owner"** means in relation to a building or land -
- (a) the registered owner;
 - (b) the holder of a stand licence;
 - (c) any lessee under a registered lease;
 - (d) the person administering the estate of any person mentioned in (a), (b) or (c) above, either as executor, administrator, guardian or in any other capacity;
 - (e) any person receiving the rent or profits of any land or premises from any tenant or occupier thereof, or who would receive such rents or profits if such land or premises were let, whether on his own account or as agent for any person entitled thereto or interested therein;
 - (f) the duly authorised agent of an owner referred to in (a) to (e); (xii)
- (xxxviii) **"parking garage"** means a building or site or a portion of such building or site which, whether for profit or reward or not, is used exclusively for the parking of vehicles; (xxxix)
- A2 (xxxix) **"place of amusement"** means land used, or a building designed and used for recreational purposes in order to make a profit, e.g. a public hall, theatre, bioscope, music hall, concert hall, billiard-room, sports stadium, skating rink and/or dance hall, or for the purpose of exhibitions of trade or industry; (xlvi)
- A1 (xl) **"place of instruction"** means a building designed for use, or used as a school, college, technical institution, lecture hall or other educational centre, creche, monastery, convent, public library, art gallery, museum and gymnasium; (xxxiv)
- A1 (xli) **"place of public worship"** means a building designed for use, or used as a church, chapel, oratory, meeting-place, synagogue or other place of public devotion and also a building designed for use, or used as a place for religious instruction or an institute on the same site as, and associated with, any of the foregoing buildings earmarked for purposes of social intercourse and recreation, but shall not include a funeral chapel which shall be deemed to be a special use; (xli)

A1. Numbering substituted by Administrator's correction notice 944/23.7.1980

A2. Inserted by Administrator's correction notice 944/23.7.1980

- A3 (xlii) "place of refreshment" includes a restaurant, tea room and coffee house, the retail sale of meals and refreshments, fresh produce, cold drinks, foodstuffs and reading matter, but excludes an hotel, residential club, drive-in restaurant and boarding house, and also excludes the sale or supply of liquor other than at tables at which an ordinary meal (as defined in the Liquor Act No 87 of 1977) is being actually supplied to customers; (xlix)
- A1 (xliii) "private open space" means land zoned for use as a private sports, play, rest and recreational site or as an ornamental garden or as pleasure ground and to which the general public has no right of entry, except with the consent of the owner; (xlii)
- A1 (xliv) "property" means any piece of land registered in the Deeds Office as a separate unit; (xlii)
- A1 (xlv) "public garage" means a building used for gain or reward for any one or more of the following purposes, namely, cleaning, maintenance, repair or fuelling of motor vehicles and for purposes incidental thereto, which may include the parking, leasing or storing of motor vehicles, sale of spare parts, accessories, fuel and lubricants as well as the sale of new and second-hand motor vehicles, but does not include panel beating or spray painting; (xxxv)
- A1 (xlvi) "public open space" means land zoned for use by the public as an open space and it includes a park, garden, playground, recreation park or plain and buildings incidental thereto; (xxxvi)
- A1 (xlvii) "residential building" means a building designed for use or used for human habitation and includes a boarding house, an hotel, a residential club and a hostel; (liv)
- A1 (xlviii) "retail" means the sale of goods other than wholesale; (xxvii)

A1. Numbering substituted by Administrator's correction notice 944/23.7.1980

A3. Amended by Notice No.139/89 dated 6.9.1989

- A1 (xlix) **"shop"** means a building designed for use or used
 A2 for the purpose of carrying on retail trade and includes any other use on the same property incidental and subordinate to the conduct of the retail trade thereon but excludes a liquor store, a public garage and a noxious industry; (lii)
- A1 (l) **"site"** means in relation to a building, the area of any building, yard, court or garden and in relation to either land or a building can include more than one erf if such erven are notarially tied to the satisfaction of the local authority, or have been consolidated; (xlvi)
- A1 (li) **"social hall"** means a building designed for use, or used for social gatherings, assemblage, meetings and recreation but excludes a place of amusement; (xvi)
- A1 (lii) **"special use"** means the use of a building and/or land for any other use than that for which the buildings and/or uses herein defined are or will be used or designed; (xliii)
- A1 (liii) **"street or road"** includes any street, road, bridge, subway, lane, thorough-fare 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 otherwise; (xlv)
- A1 (liv) **"warehouse"** means as building used for storage purposes and may include ancillary office accommodation; (xxxviii)
- A1 (lv) **"wholesale"** means the sale of goods or products to licensed retailers or manufacturers; (xx)
- A1 (lvi) **"zone"** means the part of the area of this scheme depicted by a characteristic notation or border or other distinctive manner on the map to indicate the restrictions on the use of land and the erection and use of buildings; (xliv)

and any other word or expression shall have the meaning assigned thereto in the Ordinance.

- A1. Numbering substituted by Administrator's correction notice 944/23.7.1980
 A2. Amended by Notice No.139/89 dated 6.9.1989

2. Area of the scheme

The scheme applies to the area within the scheme boundary indicated on the map.

3. Responsible authority

The local authority is responsible for the enforcement and implementation of the provisions of this scheme.

4. Use of the annexure

Any property situated within any use zone shall, where applicable, in addition to the provisions of the scheme be entitled to the uses as set out in the annexure and shall further be subject to the special conditions and restrictions and shall be in accordance with the lay-out as shown in the annexure to the scheme.

The said conditions and restrictions are applicable in cases where they conflict with any other clause or provision of the scheme.

The number of the relevant annexure sheet shall be written in next to or in the figure of the property in a circle, as indicated on map 3.

5. Protection for existing buildings

A lawfully existing building or a lawfully existing work which is not in conformity with the provisions of this scheme relating to the erection and use of buildings and use of land may be maintained and may be used for its existing purpose and subject to the provisions of this scheme, other than those relating to the erection and use of buildings and use of land, may be altered or rebuilt upon the same area occupied by the existing buildings.

6. Use of land for a temporary purpose

Any owner of land may, with the written consent of the local authority and subject to such conditions as it may deem fit, use any land in any use zone for a temporary purpose: Provided that an approval in terms of this clause shall at all times be subject to the following:

- (1) No building or structure of a permanent nature which in the opinion of the local authority would hamper the use of the land in terms of the zoning in the scheme may be erected on the land.
- (2) The local authority is entitled to withdraw the approval given in terms of this clause by giving at least one calendar month's written notice to the owner of the land, should the land in respect of which approval for the purpose was given, be misused or if

the use of the land for the approved purpose is detrimental to the amenities of the area.

- (3) Any consent in terms of this clause shall apply for a maximum period of 24 uninterrupted calendar months only.

7. Provision of public open space

Subject to the provisions of sections 62 and 63 of the Ordinance, the owner of a township shall provide the following open space as public open space in the township:

TABLE A

Use	Public Open Space
Residential 1 and 2	52m ² per dwelling unit
Residential 3 and 4	39m ² per 100m ² of the total potential floor area calculated in terms of the floor area ratio

Provided that, unless otherwise required by the Administrator, no public open space provided in terms of Table A shall be smaller than 1 000m².

PART II

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

8. Splaying of corners

Except where otherwise indicated on the map, the corners of all intersections of roads or streets shall be splayed from the intersection at the street boundary over a distance of 5 cotangent $a/2$ metres (calculated to the nearest metre), where "a" is the angle of intersection of the street boundaries: Provided that this provision shall not apply in townships established prior to the fixed date.

9. Lines of no access

Access to and exit from a property or land from or to a public street or boundary may be prohibited across any boundary line. Any boundary line so designated shall be indicated on the map with the following symbol: