

City of Joburg's new Land Use Scheme

What is a Land Use Scheme?

It is a legislative tool used by the City of Joburg to guide and manage development in accordance with its vision, strategies and policies and is intended to promote sustainable development and quality of life for all its residents.

What does it do?

It outlines the development rights enshrined to different properties, and provides the property owner with a variety of possibilities for developing their properties through various applications.

How will it affect me?

As a property owner, changes in the land uses across the city can often create uncertainty but can also be beneficial to add possibilities and can contribute towards increasing the value of the property.

Evolution of the Town Planning Scheme in Joburg

1940s

Initially - Zoning regulations & development controls were only contained in Title Deeds.

1960s

Zoning regulations & development controls contained in the Town planning schemes, which originated from the Town Planning Ordinances 1931, revised in 1965 & then 1986.

1980s

16 different town planning schemes for various municipal areas within the then 'Greater Johannesburg Metropolitan Council' with differing regulations, controls & processes.



The Land Use Scheme at a Glance

The land Use Scheme, prepared in terms of Section 24(1) of the Spatial Planning Land Use Management Act became formerly operational on 01 February 2019.

Part I: Preamble, including references to Maps, Annexures and Schedules

Section 1 : Land Development Rights

Part II : Definitions

Part III : Use of Land and Buildings

Section 2 : Management of Land Development

Part IV : Land Development Requirements

Part V : Building Restriction Areas

Part VI : Parking and Loading

Part VII : Land Development Administration

Section 3 : Promotion of Land Development

(this section elaborates the innovative mechanisms that can be utilised in the land development process)

Part VIII : Special Mechanisms for Land Development

Part IX : General Land Development Mechanisms

What's new in the Scheme

SDZ

The Council may designate a Special Development Zone (SDZ), provided adequate infrastructure is available which may include a number of erven. The SDZ must be APPROVED and ADVERTISED. Once approved it shall be deemed to be the overriding process for the erven falling within its boundaries.

Parking

Parking Zone B (Corridors/ TOD Nodes/ PRASA Stations/ Marginalised areas): Reduced parking requirements for all uses.

Procedural Changes

In response to promoting further efficiency rezonings no longer required for the subdivision of residential 1 erven not exceeding four portions, Zoning categories are more land use inclusive

Enviro Considerations

Recognition of Open Space zones, Environmental Control Areas and Catchment Management and Wetland Protection areas.

House Shops

Applicable to even zoned "Residential 1, 2, 3 or 4":

Written consent required

Inform direct neighbours; Maximum floor area of 36m²; number of employees may not exceed 2.

Subsidiary dwellings

An owner may erect and use a maximum of **TWO SUBSIDIARY DWELLING UNITS** on an erf zoned "Residential 1":

Floor area shall not exceed a total of 160m² or 90% of main dwelling house whichever is the lesser.

Subsidiary dwelling units may be rented out. Engineering service contributions may be payable.

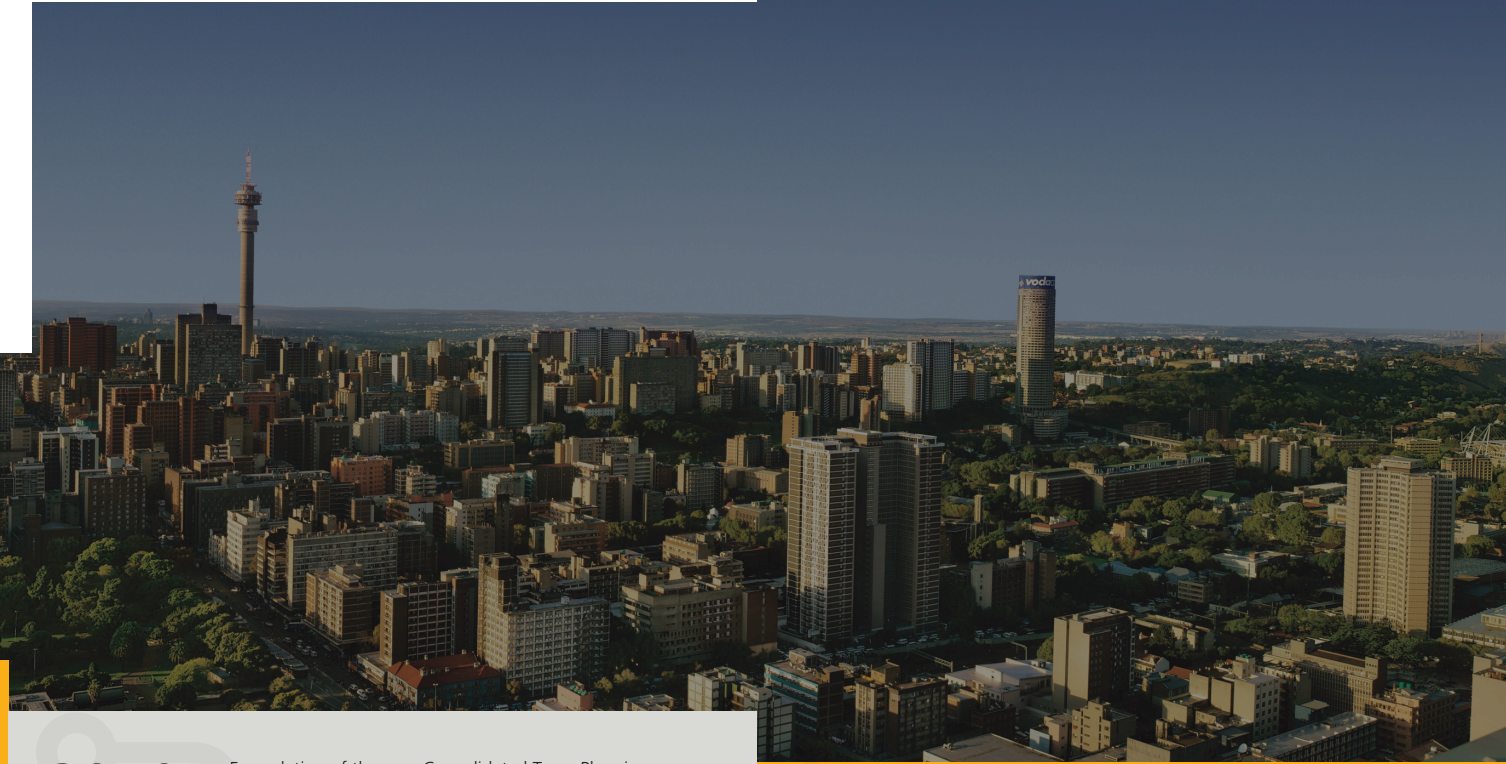
Home Enterprises

An owner or permanent occupant may use their dwelling house/unit for the purpose of a home enterprise provided that:

Not more than 25% of the built floor area of the dwelling house/unit or 36m² may be used. A maximum of two other persons may operate the home enterprise. The home enterprise must not lead to a nuisance, risk to the area or strain on infrastructure.

Inclusionary Housing

Inclusionary housing shall be provided in terms of the provisions of SPLUMA and the City's By-Law, as set out further in the SDF. A detailed policy approved by Council in February 2019 addresses the Methodology for inclusionary housing.



2000

The City of Johannesburg Metropolitan Municipality replaced the four metropolitan local councils; however, the 16 different town planning schemes were still applicable.

2010

Formulation of the new Consolidated Town Planning Scheme. Never implemented because the relevant legislation only came about in 2015.

The 16 different Schemes were still applicable.

2018

A single land use management tool for the entire City of Johannesburg, known as the COJ Land Use Scheme was implemented as required by SPLUMA.