

**INFO 3: RESIDENT
OCCUPATIONS**

**Promotion of Economic
Development**

The City Council is very aware of the difficult economic conditions under which many of the City's residents live. It is keen to promote initiatives that will lead to increased job opportunities. As a result it is policy that in the City people are allowed to work from home subject to certain conditions. Applications must be made in writing to Council for consent for a "resident occupation". Should it be supported, the approval is supplied in writing to the applicant. The approval is always granted to a natural person for a particular activity and may be fixed to a certain period of time. Approvals are not granted on a permanent basis to an erf or to a company.

**Maintenance of Quality
Neighbourhoods**

Council is equally aware of how easily the living conditions in residential neighbourhoods can be degraded and privacy destroyed by commercial development. The Council has therefore to set a limit to what may and should be permitted in residential areas. Persons working from home must comply with the conditions Council determines as being suitable for the residential area, or find other suitable premises outside the residential environment.

The conditions Council imposes are intended to protect immediate neighbours and, secondly, the local community in a general sense. Any small-scale activity, which does not injuriously and adversely affect the neighbours, may be allowed. Since the term "small-scale" has to be defined, the City has defined it as an activity which uses no more than 25% of the

built floor area up to a maximum of 70m², and that in addition to the person(s) actually living in the house, no more than two additional persons may be employed.

Consultation with Neighbours

There are a large number of people employed at home who have had their businesses approved and registered by the City. When applications are received for approval, the City assesses the effect of the activity on the neighbours and may propose protective measures within which the activity may operate. As part of the application the applicant is required to obtain the comments of the neighbours for the proposed activity. These are all neighbours who share a boundary with the particular erf applied for and across the street. In some cases the City may require the comments of more neighbours, depending on the proposed activity. Occasionally an advertisement in the press or a notice on the street boundary may be requested. In this way the most likely affected members of the public are given the opportunity to express themselves. City approval may always be withdrawn or refused if problems arise.

Conditions of Approval

Application for approval must be made in writing. The standard conditions for resident occupations are attached below and should be studied carefully.

The applicant must state the present usage of the erf.

Permission for a "resident occupation" is not transferable when you sell your property or change the nature of your "resident occupation". If the new owner desires to continue with the existing resident occupation, a new application must be submitted for re-evaluation. This means that the neighbours' comments should be obtained again.

This is also applicable to accommodation establishments.

Before buying or renting residential erven, you are strongly advised to familiarise yourself regarding the existing or potential rights or consent use applicable on that particular erf. The fact that non-residential activities occur on other premises in the vicinity does not automatically imply that the property in question also has approval for “business” or “office” activities. No residential erf can be sold with so called “business rights”.

Application fees

In applying for consent for a home application there is no handling or application fees payable. The applicant should however take note that Value Added Tax (VAT) of 15% on his monthly water and electricity account will be charged. In addition, the rates for water applicable to business consents are equivalent to business rates.

The reason being is that the property is no longer purely “residential” in nature, but contains a “commercial” or “office” component. The charging of VAT is a requirement of the Commissioner of Inland Revenue.

Enquiries

The Division: Urban Policy, invites all interested residents to contact the Town Planning Enquiry Desk, Customer Care Centre, telephone 290 2374 with questions or complaints.

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STANDARD CONDITIONS FOR RESIDENT OCCUPATIONS.

The following are the standard conditions for "resident occupations" (Resolution 128/04/2000).

1. The following land uses will be considered for consent as resident occupations on residential erven:
 - 1.1 offices;

- 1.2 professional practices;
- 1.3 **small scale industries and occupations**
- 1.4 agencies who carry no stock other than samples;
- 1.5 localised grocery distribution point (home shop) selling basic household supplies to near neighbours on a small scale by a resident of that home;
- 1.6 other - as determined by Council from time to time.
2. Applications must be advertised; the comments of neighbours (owners and tenants) will be required together with comments from other parties likely to be adversely affected; the application may also be required to be advertised in local newspapers as set out in the Town Planning Scheme.
3. Applications for resident occupations, which do not adversely affect their surroundings, may be released from the requirement of advertising in terms of the Town Planning Scheme.
4. The consent can be withdrawn at any time should valid complaints be received or the imposed conditions not complied with.
5. The applicant must reside (live) on the premises and the approval will cease to be valid should the applicant cease to reside on the premises.
6. A maximum of 25 % of available floor area may be used provided that the area used should not exceed 70 m² except with Council consent.
7. In the case of home shops no additional employees are permitted; in other cases a maximum of 2 employees (excluding the resident owner) may be employed on the premises;
8. Only advertisement boards not exceeding 1 m² indicating the name and profession or occupation of the resident may be displayed, unless otherwise permitted in terms of Councils policy on advertising.
9. No goods may ordinarily be sold from any residential erven (excluding goods made on order and, in the case of an approved localised grocery distribution point, basic

- household supplies excluding liquor to near neighbours). A “showroom” is thus not permitted.
10. No goods may be openly displayed outdoors.
 11. The use of a building or portion of a building for resident occupational purposes must be correctly indicated on building plans and approved by the Strategic Executive: Planning, Urbanisation and Environment or nominee before the activity commences.
 12. The location of the resident occupation within the building and the area of floor space used shall not be such as to alter the essential residential nature of the property.
 13. The preparation of food for public sale and consumption may only be allowed if the Chief: Health and Scientific Services is satisfied that Health Regulations have been complied with.
 14. The resident occupation is also subject to all applicable laws and regulations of the Government.
 15. Small scale manufacturing of household or associated articles on an infrequent basis and without employment of any person shall be viewed as a hobby.
 16. No trading goods may ordinarily be stored on residential property.
 17. In cases where a house or dwelling unit is only used as a contact point with no other activity of a resident occupation, no approval is needed.
 18. No gymnasium will be permitted as a resident occupation, that is, as a commercial operation, on an erf zoned "residential".
 19. Subject to the discretion of the Strategic Executive: Transportation, the following shall be accepted as parking guidelines for "resident occupations".
 - 19.1 Existing parking (usually two for a dwelling house) is not to be included in the requirements;
 - 19.2 If the existing garage accommodates the resident occupation, the parking requirements will be adjusted upwards accordingly;
 - 19.3 In all cases, one parking bay will be required per employee;
 - 19.4 In the case of medical practitioners and related activities an additional four parking bays are required per doctor or specialist, in the case of a beauty salon and hair dresser etc., an additional two parking bays are required per salon;
 - 19.5 In the case of a car hire agency, a maximum of 6 parking bays may be permitted on-site for rental vehicles and employees,
 - 19.6 All applications for which additional parking bays are required must be accompanied by a site plan which shows existing as well as the required parking and access point to the street;
 - 19.7 The right is retained to increase the parking requirement especially in cases under point 19.4 above, should it be deemed necessary (or the consent may be withdrawn);
 - 19.8 This guideline is of general application, but may be relaxed in areas predominately occupied by low income families.
 20. That temporary consent be granted for use of temporary structures only:
 - when the erf has or is to be rezoned to a commercial zone, or
 - where the dominate housing units are temporary structures (informal settlement areas).

Butchery and bakery activities are not supported as home shops on residential premises due to the specific requirements required as stipulated in the General Health Regulations 121 of 1969. This includes storage rooms for wholesale distribution, offal industries and selling of prepacked meat. All these facilities must adhere to the minimum requirements of approved butcheries and bakeries

as stipulated in the General Health Regulations
121 of 1969.

Definitions.

A 'shop' means a building designed or used for retail trade,

A 'home shop' means a shop operated by a resident from his or her own home in which he or she usually resides, **and where general everyday household products and groceries such as bread, milk, sweets, coffee, soap, sugar etc. maybe sold but does not include liquor and raw or prepared food such as fries or hamburgers.** (Resolution 249/07/2001)

A 'shebeen' means a place where liquor is sold and served to people for on-site consumption only. (Resolution 150/05/2000)