

MASIPALA WASE THEEWATERSKLOOF MUNICIPALITY
MUNISIPALITEIT

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HOOFKANTOOR/HEAD OFFICE

APPLICATION TO OPERATE A HOUSE SHOP

**APPLICATION IN TERMS OF THE APPROVED
THEEWATERSKLOOF HOUSE SHOP POLICY
24 APRIL 2012**

Submission of Application

- The application together with all the required documents must be submitted to the local authority in whose area of jurisdiction the land unit is situated.

The application will be considered complete if the following documents are submitted together with the application form

- Motivation report (including a thorough indication and description of products that will be sold and trading hours for weekdays and weekend.)
- Title deed (proof of ownership)
- Locality map
- Site Plan
- Layout plan

Important

- Application fees: **R250.00, smaller than 10m²**
: R500.00, bigger than 25m²
- If the application is not complete a notice will be sent to the applicant stating that the application will not be processed until all outstanding documentation is revived within a period of **30 days**. If the outstanding documents do not reach this office before the 30 day grace period, a final notice will be sent to the applicant to inform him/her that the application is consider closed.

GENERAL REMARKS

- (a) Unless the applicant requests otherwise, all correspondence regarding this application shall be in the language in which the application form has been completed.
- (b) If an application requires approval in terms of various types of legislation and two or more of the applications have to be advertised, the applicant must inform the town clerk, secretary or executive officer accordingly so that all applications may be advertised and submitted for approval simultaneously.
- (c) Applicants must note that until such time that an approval has been approved in writing, any correspondence or discussions pertaining to this application must not be regarded as an indication that it will in fact be approved and do not bind the Administrator or local authority in any way.
- (d) Council reserves the right to have an approval declared nil and void if it was based on wrong information supplied by an applicant. Applicants must therefore ensure that all information about restricting factors that could influence the application be provided.

1. MOTIVATION REPORT

A comprehensive exposition substantiating the desirability of the proposed change in land use must be attached. The following guidelines must be followed when compiling such a report:

1.1 Desirability

The concept of “desirability” in the land use planning context may be defined as the degree of acceptability of the land use(s) on the land units concerned. Discuss the desirability of the proposed change in land use with reference to the following aspects:

1.1.1 The location and accessibility of the property

Discuss the accessibility of the property regarding the existing urban development, the main road network, the other infrastructure, as well as the effect of additional traffic, if any, on the environment.

1.1.2 Provision of services

Discuss the possibility of the provision of services (do you anticipate any problems?)

1.1.3 The construction phase of the proposal

Discuss the duration of the construction envisaged and what the extent of this will be, where construction materials will be stored,

1.3 Form of the detail layout plan

The amount of detail shown on the layout plan must correspond with that required for a delegation structure plan, and may differ from local authority to local authority, depending on the category under which the local authority falls. Irrespective of the amount of detail, the form of the detail layout plan must be substantiated on the basis of the following aspects:

1.4 Trading hours

Discuss proposed trading hours for week days and those of weekends

1.5 Photos

If possible, photos of the area under application should be submitted to elucidate certain aspects of the application.

1 NEIGHBOURS CONSENT

A standard neighbours consent form should be completed by all the adjoining property owners and the property owner on the opposite side of the street. (**See attached Annexure A**)

The applicant should provide a valid reason if he/she was not able to obtain a neighbouring property owner's consent and only then will a notice be sent via registered mail to that neighbouring property owner.

2 LOCALITY MAP

Map indicating the location of the property and surrounding properties, land use and road networks, (must be to scale).

3 SITE PLAN

Plan indicating the location of the house and all other buildings in relation to the entire plot, (must be to scale).

4 LAYOUT PLAN

A detailed Layout on the property indicating all the room and location were the house shop will be operated, (must be to scale).

SECTION A

1. Name and address to which correspondence is to be addressed:

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.....
.....

Postal code:

Reference number (if any) :

Telephone number : Dialing code :

Inspections in loco (if necessary) :

Name : Telephone number :

2. Name of registered owner of the property

.....
.....
.....

Postal code :

Telephone number : Dialing code :

3. Registered description of land:

Erf-/Farm number : Portion :

Address/Farm name:

District/Division :

Location : The land is situated km(direction)

of(closest town).

Title Deed (number and date) :

4. Existing extent of property

.....

5. Zoning of property, if already determined :

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(Attach proof)

6. Documents attached (marked with a cross),

	YES	NO
Motivation report		
Neighbours Consent		
Locality Map		
Site Plan		
Layout Plan		
Title deed		
Copy of Municipal Account		

I, the undersigned certify that all information accompanying this application is correct and that the application is fully understood.

.....

SIGNATURE

.....

DATE

SECTION B

COPY OF THE HOUSE SHOP POLICY

THEEWATERSKLOOF MUNICIPALITY

POLICY FOR HOUSE SHOPS

A. INTRODUCTION

This policy replaces the ad-hoc method of allowing the establishment of house shops through the approval of temporary departures from the conditions applicable to the 'Single Residential Zone' where the house shop will be located as well as the existing Policy guidelines, which comprises only a one-pager.

The policy lays down guidelines for good governance in respect of house shops in all towns within the jurisdiction of the Theewaterskloof Municipality and has as aim legal and orderly development, job creation, development and encouragement of entrepreneurship and particularly the empowerment and upliftment of the poor.

B. GENERAL CONDITIONS

1. Locality and Number of House Shops per area

- a) As explained in paragraph 4 (a), "Single Residential Zone 1" and Paragraph 4 (b), "Single Residential Zone 3" – 'Incremental Housing', of the policy a "house shop" is considered a primary and/or secondary use on that specific zoning.
- b) In order to conduct a 'house shop' it is imperative to obtain the written consent from the adjacent owners (directly next to and directly behind).

2. Operating hours

Operating hours should be restricted to those prescribed by Section 5.1.10(g) of the Integrated Zoning Scheme Regulations.

3. Compatibility with other surrounding land uses

The location of house shops must also take into account its compatibility with other land uses generally found in a residential area. Thus it is advised that no house shop is authorised or established where its proximity to community uses such as schools, crèches, and places of worship, old age homes, hospitals, clinics, libraries or public open spaces is likely to have a negative impact on the facility. House shops should ideally not be located in close proximity of a tavern given the potential adverse social implications thereof.

4. Applications:

No house shop will be allowed to operate or start operating before the following procedure has been followed:

4.1 Single Residential Zone 1: Dwellings:

- a) Apply for Consent Use in terms of Section 5.1.1(b) of the Integrated Zoning Scheme Regulations.
- b) Apply for a business licence, payable annually, or monthly, as agreed between the applicant and the Theewaterskloof municipality, at the local Municipal Offices in the town where the house shop will be situated.

4.2 Single Residential Zone 3: Incremental Housing

- a) Apply for a business license; payable annually, or monthly, as agreed between the applicant and the Theewaterskloof Municipality, at the local Municipal offices in the town where the business will be situated; and simultaneously hand in the written permission of adjoining stand owners.
- b) The Town Manager sends the application to the Manager: Town Planning at the Theewaterskloof Municipal Offices.
- c) The Town Planning Section informs the Ward Committee of the application for information, inspection and commentary.
- d) The Town Planning Section reports the application to the Traffic Services/Law Enforcement Section of the TWK Municipality for their comments so as to ascertain whether:
 - (i) any criminal activities such as illegal gambling, sale or distribution of narcotics, etc. have occurred or alleged to have occurred on the property;
 - (ii) incidents such as murders, stabbings, fights, etc. have been reported in the immediate vicinity of the property;
 - (iii) vehicle and/or pedestrian accidents occurred in the vicinity of the property; and
 - (iv) any illegal sale of liquor has been reported.
- e) The Town Planning Section informs the local Health Department about the application for comments and conditions.

5. Approval of Applications:

Together with the approval of an application and granting of a license a copy of the conditions under which the licence is granted has to be signed in two fold by the applicant. One of the copies will be kept by the Municipality and the other one attached to the license.

6. Conditions under which licences are granted:

The following conditions of approval shall be applicable to all applications for doing business as a house shop:

- i) The extent and position of the retail component shall be clearly defined on a plan, and shall not exceed 25 m² or 50% of total floor area (excluding any toilet and storeroom), whichever is the most restrictive.

- ii) In addition to the house shop, the land concerned must contain a dwelling house which must be occupied by the proprietor of the house shop.
- iii) Any new structure, or alteration to the existing dwelling or outbuilding, must conform to the residential character of the area concerned.
- iv) No more than three persons, including the occupant of the dwelling house, are permitted to be engaged in retail activities on the land.
- v) Only one non-illuminated sign shall be permitted, and it shall not exceed 0, 5 m² in area. Such sign shall indicate only the name of the owner, name of the business and nature of the retail trade.
- vi) The following are not permitted in a house shop: sale of liquor or alcoholic beverages, storage or sale of gas and gas containers, video games or pool tables.
- vii) The hours of operation shall not extend beyond 6h30 to 21h00.
- viii) Operation of a house shop must not cause a public nuisance.
- ix) Permission to operate a house shop is granted to a particular operator operating from the particular land concerned, and is not transferable.

8. Rates and Taxes:

Because of the fact that in all cases no change in zoning will take place, a re-valuation of the property will not be necessary, but as the value of the property will be enhanced due to the business licence being obtained, the payment for the Business licence should be of such a nature that the Theewaterskloof Municipality will receive adequate additional income from the granting of the licence to cover at least some of the expected income should the property have been rezoned to Business Zone.

9. Health:

The following must be complied with:

- a) All conditions set by the Health Department.
- b) The premises must comply with the general hygiene requirements for food premises and the transport of food Regulation 918 of 1999 as promulgated under the Health Act, 1977, (Act 63 of 1977) should any food be prepared or handled on the premises.
- c) The premises must comply with government notice R975 of 2000 relating to the smoking of tobacco products in public places as promulgated in terms of Section 2 of the Tobacco Products Control Act, 1999 (Act 12 of 1999) as amended.

10. Noise nuisance:

The house shop may not constitute a noise nuisance (people shouting, loud music being played, extraction fans, etc.), create a nuisance for any neighbouring property owner (as a result of vehicles parking in the street, damaging neighbour's property, smoke from fires, cars hooting/stopping in front of neighbours property, etc.). All music played in a house shop must be limited to listening music set at a low volume and speakers may not be placed outside the house shop. Juke boxes will not be allowed within a house shop.

11. General rules:

The following general rules will also be applicable:

- (a) Trading must be restricted to the property and the dwelling unit and not on the sidewalks.

- (b) Trading can only be from structures which have approved building plans;
- (c) Disposal of refuse must be addressed to the satisfaction of Council.
- (d) If stock is to be delivered the deliveries must be restricted to normal business hours (08h00 to 17h00 weekdays only).
- (e) Council may require on-site parking to its satisfaction.

12. Non-compliance with approval conditions

- (a) If approval conditions are not complied with, the Town Planning Section will issue a written notice to the owner to rectify any irregularities within seven (7) days.
- (b) If objections are received with regard to the legally approved house shop the Town Planning Section will evaluate the legality of the objections and if necessary inform the owner about these objections and will request the owner to comply with the approval conditions.
- (c) By failure to comply with points (a) and (b) above further legal action will be taken by Council. A court interdict will be obtained against the owner of the property forcing him to suspend trade from the property.
- (d) In case of serious crime, the matter is to be referred to the state prosecutor's office for further action.

13. Withdrawal and lapsing of an approval:

Approval which is granted to the proprietor of the house shop and who must be living in the dwelling unit will be withdrawn under the following circumstances:

- (a) Should the property be alienated.
- (b) Should valid objections have been received and an interdict against the owner is obtained.
- (c) Should the owner of the property be arrested in connection with drug abuse, selling of drugs, and the sale of liquor, the operation of a shebeen from the house shop, prostitution, gun incidents, knife stab incidents or any other crime incidents.
- (d) Where the proprietor ends the approved activity.

14. Validity period of approval

The validity of the approval will in all cases be the period of the validity of the licence which has to be renewed every year.

15. Illegal house shops

Notices must be served on all illegal house shop owners to immediately stop their activities and to close the house shop within 30 days of the notice. The owners must furthermore also be informed that failure to comply with the notice will result in legal action been taken by Council. A court interdict will be obtained against the owner of the house shop forcing him to suspend trade from the property.

July 2012