

23 Aug 2024

PART 3- FREQUENTLY ASKED QUESTIONS WITH REGARDS TO BUILDING PLANS

In the next 3 MC2Agents the most frequent questions pertaining to building plans will be discussed, this is part 3 in the 3 part series.

- Zoning regulations: What is it?

Cities are divided into zones; each zone is intended for certain types of properties.

The various zone types are industrial, commercial, residential, agricultural and open space.

Each zone type is further divided into classifications that determine the types of developments allowed. Each zone is governed by specific regulations as set out by the local authority. The zoning certificate of the property will stipulate what uses are allowed on the property.

- What happens if there are illegal structures on the property?

Homeowners who build without obtaining the necessary local authority consent may be subject to paying a fine, imprisonment, having the illegal structure demolished, and/or having their municipal rates increased.

- Second dwelling: Can I build a second dwelling (Granny flat) on my property?

If you want to build a second dwelling on your property, a consent use application in terms of Spatial Planning and Land Use Management Act 16 of 2013 will have to be brought, which is a costly and timeous process. You must find out from your local government or municipality to determine their regulations and guidelines for second dwellings. Factors such as erf size, zoning restrictions, setback requirements, and building codes may influence the eligibility of your property for a second dwelling.

- Is there an obligation on a seller to provide approved building plans in a property transaction?

Although the National Building Regulations and Building Standards Act 103 of 1977 stipulates that all property owners should be in possession of approved building plans, it does not place a responsibility on a seller to provide building plans to a purchaser in a property transaction. If a purchaser wants approved building plans of the property he/she is purchasing, it must be an explicit term in the sale agreement that the seller must provide approved building plans to the purchaser before registration.