



LAND USE SCHEME

*Final Draft for Public Participation
Purposes*

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CHAPTER 1 : PURPOSE & STATUS OF THE LAND USE SCHEME

1. Title and Commencement

- (1) This Land Use Scheme shall be known as the Sundays River Valley Municipality Land Use Scheme, as approved in terms of Section 24(1) of the Spatial Planning & Land Use Management Act, 2013 (Act 16 of 2013), herein after referred to as SPLUMA, and Section 24(2) of the Sundays River Valley Spatial Planning & Land Use Management By-laws, herein after referred to as Sundays River Valley SPLUM By-laws No. 3635, dated 24 March 2016.
- (2) The Land Use Scheme commenced on the date as published in the Provincial Gazette (Schedule 2).

2. Scheme Area

The Land Use Scheme applies to the entire municipal area, as indicated in Schedule 1.

3. Purpose and Legal Effect of the Land Use Scheme

- (1) The purpose of the Land Use Scheme is to :
 - (a) give effect to Section 25(1) and Section 26 of SPLUMA;
 - (b) function as a component of the Sundays River Valley SPLUM By-laws;
 - (c) promote harmonious and compatible land use patterns;
 - (d) promote aesthetic considerations;
 - (e) promote sustainable development and densification; and
 - (f) promote a healthy environment that is not harmful to a person's health.

4. Components of the Land Use Scheme

The Land Use Scheme consists on the following components :

- (a) this integrated Land Use Scheme document;
- (b) the Zoning Map; and
- (c) the Register.



CHAPTER 2 : UTILISATION OF LAND & USE ZONES

5. Use Zones

- (1) The municipal area is divided into the land use categories and zonings as referred to in Columns 1 and 2 of the use zone table as set out in Chapter 6.
- (2) All properties within the municipal area shall be allocated a use zone and be zoned as listed in the use zone table of this Land Use Scheme (Chapter 6).
- (3) The purpose of the zones is to manage land use, the use of buildings and the extent of development.
- (4) The description of the primary and consent uses applicable to each use zone is referred to in Columns 4 and 5, respectively, as set out in Chapter 6.
- (5) The location, boundaries and extent of each use zone is depicted on the Zoning Map.
- (6) The primary and consent uses applicable to each use zone is subject to the development parameters specified for that zone, as set out in Chapter 7.
- (7) In addition to the provisions of the use zone table, the general provisions and development parameters of the Land Use Scheme shall apply in all zones, where applicable, as set out in Chapter 8.
- (8) A land unit may be zoned :
 - (a) with a single use zone that applies to the entire land unit;
 - (b) with a split-zoning, where one use zone applies to a portion of the land unit and one or more other use zones apply to other portions of the land unit; and
 - (c) with one or more overlay zones over and above the use zone(s).

6. Zoning Map

- (1) The Zoning Map depicts :
 - (a) the zoning of land in accordance with the use zone in which the land is located; and
 - (b) overlay zones, if applicable to the land.
- (2) The Municipality must update the Zoning Map after use rights have been amended, granted or have lapsed.

7. Land Use Scheme Register

- (1) The Municipality must keep and maintain a Land Use Scheme Register to give effect to Section 29 of the Sundays River Valley SPLUM By-laws.
- (2) The Land Use Scheme Register must record all rezonings, departures, consent uses, permissions granted, non-conforming and all other applications granted in terms of the Sundays River Valley SPLUM By-laws.
- (3) The Municipality must keep the Register from the date of commencement of the Land Use Scheme.

8. Primary Uses

Primary use in relation to a land unit, means the permitted use of property for the purpose specified as a primary use in Column 4 of the use zone table as set out in Chapter 6, without the need to obtain municipal approval.



9. Consent Uses

- (1) Applications for consent use relates to applications as contemplated in Section 74 of the Sundays River Valley SPLUM By-laws.
- (2) Consent use in relation to a land unit, means the permitted use of a property for the purpose specified as a consent use in Column 5 of the use zone table as set out in Chapter 6, with the need to obtain approval from the Municipality prior to development.
- (3) Any consent use in a relevant zone, which is a primary use in any other zone, shall be subject to the same conditions applicable to the primary use in the other zone, unless the conditions in the relevant zone are more restrictive.
- (4) Any consent use in a relevant zone which is not a primary use in another zone shall be subject to the same conditions as the primary use in the relevant zone.
- (5) When a consent use is granted in a particular zone, the applicable land use must be supplementary to the primary use right allowed under the particular zone.
- (6) The Municipality, in granting a consent use, may impose additional conditions and parameters that can be more or less restrictive than the development parameters applicable to the primary use.
- (7) A consent use may be granted permanently or for a specified period of time, as contemplated in Section 74(3) of the Sundays River Valley SPLUM By-laws.

10. Uses not Permitted

Any use not reflected as a primary or consent use and as defined in the Land Use Scheme for a particular zone shall, unless otherwise stipulated in the Land Use Scheme, not be permitted in the zone concerned.

11. Special Uses

- (1) Special use means a use or combination of uses which is such, or in respect of which the land use restrictions are such, that provision is not made therefore in this Land Use Scheme, and which is defined in detail by means of conditions of approval or by means of provisions applicable to the special zone.
- (2) All special uses approved shall be listed in Schedule 5.

12. Temporary Uses

Temporary uses are departures approved by the Municipality and relate to applications as contemplated in Section 76 of the Sundays River Valley SPLUM By-laws and shall be listed in Schedule 6.

13. Non-conforming Uses

- (1) Non-conforming use means the use of land that was lawful before the commencement date of this Land Use Scheme, but which does not conform to the use, land use or development parameters stipulated in this Land Use Scheme.
- (2) The lawful non-conforming use of land or buildings does not constitute an offence. Any approval, consent or authorisation issued or granted in terms of the provision of any regulations repealed by this Scheme, shall be deemed to have been issued or granted in terms of this Scheme and shall remain in force.
- (3) Nothing in this Scheme shall prevent the erection of a building or the carrying out of works in accordance with the terms of any permission granted by the Municipality prior to the promulgation of these regulations, subject to the requirements of Sections 180 and 181 of the Sundays River Valley SPLUM By-laws.



- (4) The Municipality may require that when a building is extended or altered, that the affected building on the site be brought into line with the land use restrictions contained in this Land Use Scheme, the By-laws of the Municipality and with any other laws which are applicable.

14. Combined Use of Buildings, Split Zoning and Multiple Use of Land

- (1) Application for and approval for combined use of buildings, split zoning, or multiple zoning on one land unit or building are permitted in terms of this Land Use Scheme.
- (2) Where more than one zoning or consent use is approved for the same land unit or building, the requirements with regard to height, coverage and building lines, as prescribed for the primary use of the relevant zone or zones, shall be applicable.
- (3) The Municipality may, in writing, require a land owner to submit a survey diagram or such other plans as the Municipality may regard as appropriate, indicating the different approved or deemed zonings and/or approved uses of the various portions of the land and/or buildings on a specified land unit.
- (4) Parking shall be provided in accordance with the parking requirements as contained in this Land Use Scheme for each of the uses and set out in Chapter 8.

CHAPTER 3 : IMPLEMENTATION & ENFORCEMENT

15. Transition to New Use Zones

- (1) Transitional arrangements for implementation of the Land Use Scheme are subject to Section 180 of the Sundays River Valley SPLUM By-laws.
- (2) Upon the date of commencement of this Land Use Scheme, land that is zoned in terms of the previous Zoning Schemes is translated or reclassified to one of the use zones referred to in Schedule 3 and depicted on the new Zoning Maps.
- (3) The zoning transition table, in Schedule 3, summarises the translation or reclassification of the use zones used in the previous zoning regulations to the use zones used in this Land Use Scheme.

16. Determination of Zoning and Rectification of Errors

- (1) Determination of zoning is subject to Section 181 of the Sundays River Valley SPLUM By-laws.
- (2) If the zoning of a land unit is incorrectly indicated on the Zoning Map or wrongly converted from a Zoning Map of a former Zoning Scheme, the owner of an affected land unit may submit an application to the Municipality to correct the error.
- (3) An owner must apply to the Municipality in the form determined by the Municipality and must :
 - (a) submit written proof of the lawful land use rights;
 - (b) indicate the suitable zoning which should be allocated; and
 - (c) adhere to the requirements as contemplated in Section 181(2) of the Sundays River Valley SPLUM By-laws.
- (4) The onus of proving that the zoning is incorrectly indicated on the Zoning Map is on the owner.
- (5) If the Municipality approves the application, the Municipality must amend the Zoning Map.
- (6) The Municipality may refuse an application to correct the Zoning Map if the owner fails to submit written proof of the lawful use rights.
- (7) The Municipality may correct a Zoning Map if it finds an error on the map.
- (8) If the Municipality corrects the Zoning Map, it may only amend the map to show the correct zoning of the property.

17. Compliance and Enforcement

Compliance and enforcement of the Land Use Scheme is subject to Section 32 of SPLUMA and Chapter 9 of the Sundays River Valley SPLUM By-laws.

18. Interpretation

- (1) In this Land Use Scheme, including the Register and the Zoning Map, the words and expressions shall have the meanings assigned to them in accordance with the definitions contained in Chapter 5, except where a contrary interpretation is clear from the context and case law.



- (2) Interpretation of words not defined in Chapter 5 will have the meanings assigned to them in the "New Shorter Oxford English Dictionary" published by Oxford University Press, except where a contrary interpretation is clear from the context.
- (3) The masculine gender includes the feminine and neuter, and vice versa, and the singular include the plural, unless the context indicated otherwise.
- (4) Whenever reference is made to a law, ordinance or by-law, the reference applies to all substitutions, amendments and additions of that law, ordinance or by-law.
- (5) Whenever reference is made to the use of a building, the reference applies also to the erection of a building, to the use of part of a building and to the use of land unit, whether a building is erected on the land unit or not.
- (6) It is understood that the terms "must" and "shall" are mandatory, and the term "may" is not mandatory, unless the context clearly indicates otherwise.
- (7) The Municipality's interpretation of the text shall prevail unless the contrary is proven.

19. Conflict of Laws

The Land Use Scheme does not grant exemption from the requirements of any Act, Ordinance, Regulation, By-law and/or any other law or legal requirement.



CHAPTER 4 : APPLICATIONS & PROCEDURES

20. Types of Applications

Types of applications are stipulated in Section 57 of the Sundays River Valley SPLUM By-laws.

21. Development Parameters Applicable to Use Rights

- (1) Land use and development rights are subject to Section 58 of the Sundays River Valley SPLUM By-laws.
- (2) Development parameters are applicable to the use zone of the property, provided that the Municipality may impose specific conditions on approval of an application in terms of Section 54 of the Sundays River Valley SPLUM By-laws.

22. Application Requirements, Advertising, Decision Making and Conditions of Approval

Application requirements, advertising, decision making and conditions of approval are subject to Sections 42 and 43 of the SPLUMA and Chapter 6 of the Sundays River Valley SPLUM By-laws.

CHAPTER 5 : DEFINITIONS

In this Land Use Scheme, unless the context indicates otherwise :

Abattoir means land and buildings or mobile unit used to slaughter animals and poultry and may include the processing of animal and poultry products and in respect of which a registration certificate is required in terms of the Meat Safety Act, 2000 (Act No. 40 of 2000) and the abattoir must comply with relevant legislation

Additional Dwelling Unit means a dwelling unit which may be erected on the same cadastral land unit on which a dwelling unit exists or are in the process of being erected, provided that :

- (a) in the case of land zoned for Residential Zone 1 purposes, only one additional Dwelling Unit can be permitted;
- (b) in the case of land zoned for Agriculture Zone purposes, additional Dwelling Units can be permitted at a density of one unit per 10 ha to a maximum of 5 additional Dwelling Units;
- (c) in the case of land zoned for Agriculture Zone purposes, one additional Dwelling Unit can be permitted in all cases notwithstanding the size of the land unit; and
- (d) the dwelling unit may be attached to or separate from the main dwelling unit and may not be bigger than the main dwelling house

Agricultural Industry means an enterprise or concern for the processing of agricultural products on a farming unit owing to the nature, perishableness and fragility of such agricultural products and includes farm pack stores and processing facilities, but excludes an abattoir

Agriculture means the cultivation and/or utilisation of land for crops and plants, the keeping and breeding of animals, operation of a game farm, the utilisation of the natural veld and includes only such activities and buildings directly related to the main farming activities, but excludes abattoirs, intensive animal farming, agricultural industries and consent uses as defined under the Agricultural Zoning

Airfield means any portion of land, building or structure or part thereof which has been demarcated and needs approval from the Civil Aviation Authority for the purposes of landing or taking off of helicopters and fixed wing aircraft and ancillary uses

Agriculture Worker Accommodation means accommodation provided for bona fide agricultural workers, including accommodation for labourers and farm managers, as determined by the Municipality, based on the extent of the bona fide agricultural activities on the land unit

Ancillary / Ancillary Use means a land use, purpose, building, structure or activity which is directly related to, and subservient to, the lawful dominant use of the property, provided that in the case of a dispute, the classification or not, by the Municipality, of an ancillary use shall be decisive and final notwithstanding any other provision of this Land Use Scheme

Applicant means a person who makes application in terms of the Sundays River Valley SPLUM By-law

Authority Use means a use which is practised by the organs of State or a public body, including military training centres, installations, police, jails, road stations, road camps, Municipality uses such as fire services, treatment facility, dumping grounds, reservoirs, composting installations, water purification works, electrical substations, community facilities, municipal clubs, municipal storage facilities, cemeteries, museums, institutions and ancillary uses

Basement means any storey with a floor level at least 2 m lower than the natural ground level associated with the building

Boundary Wall means any wall, fence or enclosing structure erected on or directly next to a cadastral property boundary, including entrance gates and doors

Building without in any way limiting its ordinary meaning, includes :

- (a) any structure, whether of a temporary or permanent nature irrespective of the materials used in the erection thereof;
- (b) any roofed structure;
- (c) any external stairs providing access between different floors, balcony, stoep, veranda, porch or similar feature of a building;
- (d) any walls or railings enclosing any feature referred to in paragraph (c); and
- (e) any wall, swimming bath, swimming pool, fireplace, reservoir or bridge or any other structure connected therewith

Building Line means the distance from a cadastral line within which no building or structure, excluding a boundary wall, pergola or fence, may be erected

Cadastral Line means a line representing the official boundary of a land unit as recorded on a diagram or general plan approved by the Surveyor General and registered in the Deeds Office

Camping Site means to use the land for the erection of tents, cabins or other temporary structures for temporary lodging by travellers or holidaymakers, which :

- (a) excludes the alienation of land on the basis of time sharing, sectional title ownership, the sale of block shares and the subdivision of the land concerned;
- (b) includes a caravan park, whether public or privately owned;
- (c) excludes a hotel or mobile homes; and
- (d) may include ancillary facilities to resident guests only that are reasonable and ordinary related to camping (e.g. ablution facilities, sports facilities and tourist facilities)

Carport means a structure for the storage of one or more vehicles that are covered by a roof, provided that not more than two sides may be permanently enclosed

Car Wash means land and buildings used for the washing, polishing and cleaning of vehicles by means of mechanical apparatus or by hand

Cemetery means land or a building used for the burial of the dead and includes a crematorium, chapel, memorial wall for keeping of human ashes and other uses directly related thereto, whether for public or private benefit

Child Care Facility means any building or premises maintained or used for the instruction, custody and care during the whole or part of the day on all or only some days of the week, for more than 6 children of pre-school going age and which has been registered as a place of care under the Children's Amendment Act, 2007, (Act No. 41 of 2007)

Club House means a place of assembly usually associated with sports facilities used by a sports club or group for social, recreational or sporting facilities for members of the club or association, and includes changing rooms, pro-shop, restaurant or licensed provision of alcoholic beverages for consumption on the property

Conference Facility means a business where information is presented to or ideas and information exchanged among groups of people and includes the supply of meals to attendees

Consent Use means a land use that may be permitted with the consent of the Municipality as contemplated in this Land Use Scheme and the Sundays River Valley SPLUM By-laws

Conservation Area means land used or declared for the conservation, biodiversity, archaeological preservation and protection of natural areas, whether publicly or privately owned, or which has been declared a nature park or reserve and includes a game park, reserve for fauna and flora and includes buildings and facilities directly related to management of the conservation area or nature reserve, inclusive of facilities for day visitors, but does not include overnight accommodation and tourist facilities

Council means the Sundays River Valley Local Council or its delegates

Coverage means the percentage area of a land unit that may be covered by buildings, roofs or projections, expressed as a percentage of the area of the land unit and as contemplated in the General Provisions of this Land Use Scheme

Crematorium means land and buildings used for the cremation of human or animal tissue, subject to the provision of the Crematoriums Act, 1965 (Act 18 of 1965) and/or any other applicable legislation

Dwelling Unit means a self-contained group of rooms with not more than one kitchen used for human habitation and includes such outbuildings as are ordinarily used therewith and includes the letting on a permanent basis by the owner, of not more than 2 rooms of the dwelling unit and/or outbuildings and permit a home occupation as contemplated in the General Provisions of this Land Use Scheme

Erf has the same meaning as land unit

Flat means a dwelling unit in a block of flats

Function Venue means a building or structure used for functions, weddings, receptions, exhibitions and similar uses

Funeral Parlour means a building or portion of land used for the purpose of funeral management and is inclusive of services ordinarily ancillary to funeral management, retail facilities for sale or display of commodities required for cemetery purposes, a public reception venue or a mortuary, but excludes a monumental mason, coffin assembly or crematorium

Garage means a building for the storage of one or more motor vehicles, but does not include a motor repair garage or service station

Gate House means a roofed structure located at the entrance to a property used for the controlling of access to the property

General Business & Mixed Use means the use of a property for mixed use purposes of retail, commercial or professional operation, which may, inter alia, include restaurants, shops, offices, micro manufacturing, financial institutions, gymnasiums or any other use which the Municipality regards as General Business, including a shopping mall, but excluding residential uses, warehousing and builders yard

General Residential Building means a building for human habitation, together with such outbuildings, support and ancillary facilities relating to administrative support facilities and clubhouse, relating to the operation and sustainability of the scheme or building, and includes a boarding house, residential rooms, children's home, guest house facilities, retirement village, hostel, town housing, dwelling units, flats and hotels

Group Housing means a group of separate and/or linked dwelling units, designed, planned and built as a harmonious architectural entity and includes support and ancillary facilities relating to administrative support facilities and clubhouse, relating to the operation and sustainability of the scheme or building, functional communal open space, gate house, public and/or private roadway and such dwelling units may be cadastrally subdivided

Guest House (as contemplated in the General Provisions of this Land Use Scheme)

Gymnasium means a building used for physical training and exercise with or without apparatus and may include swimming pools, squash courts and other sporting activities, administrative offices, steam baths, sauna's, and a single place of refreshment for patrons only not exceeding 100m², as well as a child care/play facility restricted for use by gymnasium members whilst exercising in the gymnasium

Height means the maximum permissible vertical dimension of any building on a land unit, which vertical dimension shall be measured from the determined natural ground level to the highest externally visible point of the building as illustrated in Schedule 8 : Height Illustration, provided that :

- (a) Chimneys, flues, satellite dishes, masts and antennae having a total accumulated diameter of less than 1.5 metres shall be excluded from the calculation of the height of the structure
- (b) Elevator motor rooms, ventilation shafts, water tanks, air conditioning plants vehicles and equipment attached to or parked on top of a structure are included when determining the height of the structure

Holiday Housing means a harmoniously designed and built holiday development with an informal clustered layout which may include mobile homes or dwelling units, and where the housing may be rented out or may be separately alienated by means of time sharing, sectional title, the selling of block shares or the subdivision of the property on condition that a home owners' association be established, but does not include a hotel

Home Occupation *(as contemplated in the General Provisions of this Land Use Scheme)*

Hospital means a purpose built and equipped building which is used exclusively for the medical treatment and care of sick people, but excludes a sanatorium

Hostel means residential establishment in a custom built or converted building other than a dwelling house or dwelling unit, where lodging accommodation is provided in rooms against payment, and where communal facilities are shared, with or without the provision of meals, such as student accommodation, school hostels, staff hostels and commercial boarding houses

Hotel means a building which is used as a temporary residence for guests and tourists, where lodging and meals are provided and includes activities directly related to the Hotel, including a conference facility, lecture room, restaurant, place of assemble and recreational facilities. Alcoholic beverages can only be sold and consumed subject to the requirements of the Liquor Act

House Shop *(as contemplated in the General Provisions of this Land Use Scheme)*

Informal Trading means the legal selling of products in outdoor areas which may be from temporary structures, in accordance with the Municipality's policy

Industry means the use of land or building as a factory within the meaning of relevant other legislation controlling the use of land for a manufacturing and may include other activities incidental and subordinate to the main use such as offices, caretaker's accommodation and employee restaurants, but does not include a noxious industry or activity

Institution means land or a building used as a charity institution, social or welfare building, hospital, nursing home, clinic, frail care, sanatorium, correctional institution or any other institution, whether private or public, and includes uses directly related thereto, but does not include a facility for the treatment for infectious or contagious diseases, a facility as defined in the relevant act for the detention of mentally handicapped persons, a psychiatric hospital, jail or prisoner reformatory

Intensive Animal Farming means a concentrated, intensive and confined animal keeping or growing operation, for production of meat, milk, eggs, or other animal products, wherein the animals are provided with externally sourced feed and where the concentration of animals in a confined area has the potential to cause a public nuisance or health hazard, and includes enterprises such as aqua-culture, battery chicken farming and piggeries

Kitchen means a room or part of a room equipped for preparing and cooking meals and excludes a braai room, drinks preparation area and domestic bar facilities in a bona fide home entertainment area

Land Use Scheme of the Sundays River Valley Municipality means a Land Use Scheme as defined in SPLUMA and includes the components referred to in Section 28 of the Sundays River Valley SPLUM By-law

Lateral Boundary means every common boundary of an erf, excluding a rear boundary

Liquor Act means the Eastern Cape Liquor Board, established in terms of Section 4 of the Eastern Cape Liquor Act of 2003, as amended from time to time

Liquor Outlet means any place, land, building or conveyance or any part thereof that is used for the retail sale of alcoholic beverages, for consumption off the property, registered to permit trade in liquor, subject to the requirements of the Liquor Act

Mining means an enterprise which practices the extraction of raw materials from the earth, whether by means of surface or underground methods, including stone, sand, clay, kaolin, ores, minerals or precious stones and includes mining industry and buildings connected with such operations

Mining Industry means land or a building used as an industry that is directly related to the mining activity on the same land

Mortuary means a building designed and equipped specifically for the cold storage of the dead and may include facilities required for the conducting of a post-mortem

Municipality means the Sundays River Valley Local Municipality, and any employee of the Municipality acting in terms of delegated or sub-delegated authority thereof

Museum means a place used for displaying and/or conserving art, and artefacts of a social, engineering, scientific or historic nature, which are not offered for sale, and may include an ancillary restaurant and shop to serve patrons of the museum

Natural Ground Level means :

- (a) the level of the land in its unmodified state; or
- (b) when altered with the municipality's approval for the purpose of development, the municipality may approve such altered ground level as the natural ground level, subject to Section 74.

Noxious Use means a facility or land use which, because of fumes, ignitions, smells, vibration, noise, waste products, nature of the material used, processes employed or any other cause, as deemed by Municipality, to be a potential source of danger, public nuisance, or offensive to the general public or environment of the surrounding area and includes uses as defined in the relevant legislation as noxious or a nuisance, hazard or health risk and includes a crematorium

Nursery means a property or part thereof which is utilised for the propagation and sale of plants and gardening products and includes a shop utilised exclusively for the sale of gardening products

Office means a building used only for professional, clerical, administrative work, financial institution and includes storage areas ancillary to the office use, not exceeding 30% of the total floor area of the office use

Outbuilding means a structure used for the garaging of motor vehicles, storage, laundry, servant's quarter and any other activity usually and reasonably required in connection with the main dwelling, which :

- (a) Floor space does not exceed 50% of the main dwelling
- (b) If dwelling exceeds total floor area of 200m², the outbuilding may not exceed 100m² in total floor area
- (c) May not comprise of more than two(2) bedrooms
- (d) May not be used as an additional dwelling unit
- (e) May not be used for business purposes without the consent of the municipality
- (f) Is architecturally in keeping with the main dwelling and character of the surrounding built environment
- (g) Includes a tool shed, not exceeding 10 m²

Parking Bay means the space provided for the parking of a motor vehicle which is accessible and designed to the satisfaction of the Municipality

Petrol Filling Station means a building or part of a building used or designed for the sale of petroleum, oil and other fuels and lubricants and accessories used in connection with motor vehicles, and includes an office and storeroom for use in connection therewith, including a convenience shop together with facilities for the washing and servicing of motor vehicles and a car wash, but does not include spray painting, panel beating, scrap yard or body work facilities

Place of Assembly means land or a building used for gatherings, meetings and social events and includes a public hall, a hall for social functions, a music hall, a concert hall, an exhibition hall, a public art gallery, a town or civic centre, private and public parks

Place of Entertainment means land or a building used as a multi-purpose facility for the purpose of sport, recreation, entertainment and includes a hall, theatre, sports stadium, private club, place of assembly, amusement park, cinema, public hall or similar use

Place of Instruction means land or a building used as a crèche, nursery school, school, college, technical institution, university, academy, lecture hall, convent, public library, art gallery, museum or other such facility which is utilised for education purposes and includes ancillary facilities related thereto

Place of Worship means land or a building used as a church, mosque, temple, chapel, synagogue or facility for practising religion or devotion and includes ancillary uses related thereto, but does not include a funeral parlour

Primary Use in relation to property means any land use specified in this By-law as a primary use, being a use that is permitted within a zoning without the need to obtain the Municipality's approval

Private Open Space means land which is for private use, and is used as an open area, park, garden, playground, recreation ground or square and can form part of a residential development

Private Roads and Parking means a private land which is reserved exclusively for the parking and movement of vehicles and pedestrians and which is under the control of a private individual or agency and can form part of a residential development

Public Open Space means a park, public garden, square, sports field, sports facility, memorial site, children's' playground, amusement park, place of recreation, beach area or any similar amenity, in respect of which the ownership as such vests in the local authority, and can include ablution facilities and support infrastructure

Public Roads and Parking means a gravel, paved or surfaced road which may be a separate cadastral entity, a registered right of way servitude, or exist by means of other legislation, and which is set aside to provide for vehicular access and movement, and which vest in or is owned by the Municipality or another public road or transport authority and may also include on-street parking

Rear Boundary means every common boundary of an erf which is parallel to, or is within less than 45° of being parallel to, every street boundary of such erf and which does not link up with a street boundary thereof

Renewable Energy Structure as contemplated in the General Provisions of this Land Use Scheme

Resort Shop means a shop that functions within a resort for the purpose of providing a service to the resort

Restaurant means a shop, cafeteria, tea garden, coffee shop or other similar facility in which mainly prepared food and refreshments are sold and served. Alcoholic beverages can only be sold and consumed subject to the requirements of the Liquor Act

Retirement Village means a group housing scheme which conforms to the following additional conditions :

- (a) each dwelling unit shall only be occupied by a retired person or by a family of whom at least one member is a retired person;
- (b) care, recreational and social facilities shall be provided to the satisfaction of the Municipality;
- (c) development rules other than those applicable in a town housing zone may in respect of a retirement village be determined by the Municipality; and
- (d) as defined in Section 1 of the Housing Development Schemes for Retired Persons Act, 1988 (Act 65 of 1988)

Scrap Yard means land or a building used for the storage, collecting, demolition, dismantling of scrap, waste and second-hand material, motor vehicles or machinery for the purpose of recovering spare parts or for the resale thereof and excludes a builders yard

Shop means land or a building used for retail, trade, a restaurant, including a workshop and/or store which is directly related to but subordinate to the retail or trade use and does not exceed more than 30% of the total floor area of the retail or trade use

Spatial Development Framework means the Municipality's Spatial Development Framework approved in terms of SPLUMA

Special Use means a use or combination of uses which is such, or in respect of which the land use restrictions are such, that provision is not made therefore in this land use scheme, and which is defined in detail by means of conditions of approval or by means of provisions applicable to the special zone

SPLUMA means the Spatial Planning & Land Use Management Act, 2013 (Act 16 of 2013)

Sport Facility means land or a building planned, designed and used for sport activities, whether indoors or outdoors, and includes a gymnasium, club house, high-mast lights and uses directly related or incidental thereto

Street Boundary means the boundary, as surveyed or proclaimed, between an erf and the adjoining street

Tavern (as contemplated in the General Provisions of this Land Use Scheme)

Tourist Facility means land or a building used for tourists or day visitors such as a tea garden, farm stall, farm shop, touch farm, game viewing facilities, gift shop, place of assembly, outdoor activity, restaurant, function venue, wellness centre or a rest room on a scale and combination of uses as determined by Municipality for the tourist or day visitor industry, fitting with the character of the surrounding area, but does not include overnight accommodation

Transport Facility means a facility for vehicles used for transportation of goods and the associated administrative facilities and includes a truck depot, and truck stop, but does not include a container depot or service station

Transport Use means land or buildings used for the operation of a service for the benefit of the public providing for transportation of goods or passengers by rail, air, sea, road or pipeline and any uses ancillary thereto which are directly related or incidental to the service of the interest of the commuting public, including communication networks, stations, harbours, transportation amenities and facilities, warehouses, container parks, workshops, offices, shops, recreational, business and residential uses

Transmission Facility (as contemplated in the General Provisions of this Land Use Scheme)

Warehouse means a building used for the storage of goods, or as a depot for a wholesale business, or as a place for the storage of commercial material, in so far as such a building does not fall within the scope of a shop

Wholesale Trade means the sale of goods or produce in large quantities to other retailers and excludes sales to the general public

Workshop means the use of a building/s and/or land for services/servicing, goods that are wholly or partially manufactured, processed, mounted or repaired on the property including ancillary retail and in each case a building that is not described as a factory under the Factories, Machinery and Building Works Act of 1941 or any amendments thereof



CHAPTER 6 : USE ZONE DEVELOPMENT PARAMETERS

23. Zoning, Primary Uses and Consent Use

Land Use Category	Zoning & Primary Use	Consent Use		Building Lines			Height	Coverage	Floor Factor	
				Street		Lateral				Rear
Agriculture	Agriculture Zone <i>Agriculture</i>	• Abattoir • Additional Dwelling Unit • Agricultural Industry • Agriculture Worker Accommodation • Airfield • Child Care Facility	• Function Venue • Guest House • House Shop • Intensive Animal Farming • Nursery • Tourist Facility	10m		10m		11m	20%	N/A
Residential	Residential Zone 1 <i>Dwelling Unit</i>	• Additional Dwelling Unit • Child Care Facility • Guest House	• House Shop • Tavern	< 600m²	4m	1.5m	2m	8.5m	70%	1.0
				> 600m²	5m	1.5m	3m	8.5m	50%	
	Residential Zone 2 <i>Group Housing</i>	• Child Care Facility • Guest House	• House Shop • Retirement Village	1m		1m		8.5m	70%	1.0
	Residential Zone 3 <i>General Residential Building</i>	• Child Care Facility • House Shop	• Restaurant	8m		4m		11m	40%	1.0
Business & Commercial	Business Zone 1 • General Business & Mixed Use • General Residential Building	• Funeral Parlour • Institution • Liquor Outlet • Place of Assembly • Place of Entertainment • Place of Instruction	• Place of Worship • Service Station • Tourist Facility • Transport Facility • Warehouse	0m		0m		11m	100%	3.0
	Business Zone 2 • Office • Shop	• Funeral Parlour • General Residential Building • Place of Assembly • Place of Entertainment	• Place of Instruction • Place of Worship • Restaurant • Tourist Facility	0m		0m		8.5m	100%	1.5



Land Use Category	Zoning & Primary Use	Consent Use	Building Lines			Height	Coverage	Floor Factor
			Street	Lateral	Rear			
Industrial & Mining	Industrial Zone 1 Industry	- Abattoir - Crematorium - General Business & Mixed Use - Scrap Yard	3m	3m		11m	75%	1.5
	Industrial Zone 2 - Industry - Noxious Use	None	3m	3m		11m	75%	1.5
Community	Community Zone 1 Place of Instruction	- Institution - Place of Assembly	8m	8m		11m	50%	N/A
	Community Zone 2 - Place of Assembly - Place of Worship	- Care Facility - Cemetery - Child Care Facility - Institution - Place of Instruction	8m	8m		11m	50%	N/A
	Community Zone 3 Institution	None	8m	8m		11m	50%	N/A
Authority	Authority Zone Authority Use	None	Site and Development Specific as imposed by the Municipality					
Open Space & Conservation	Open Space Zone 1 Public Open Space	- Cemetery - Place of Assembly - Place of Entertainment - Restaurant - Sport Facility - Tourist Facility	Site and Development Specific as imposed by the Municipality					
	Open Space Zone 2 Private Open Space	- Cemetery - Place of Assembly - Place of Entertainment - Restaurant - Sport Facility - Tourist Facility	Site and Development Specific as imposed by the Municipality					
	Open Space Zone 3 Conservation Area	- Airfield - Holiday House - Place of Assembly - Place of Entertainment - Tourist Facility	Site and Development Specific as imposed by the Municipality					
Transport	Transport Zone 1 - Public Roads & Parking - Transport Use	None	Site and Development Specific as imposed by the Municipality					
	Transport Zone 2 Private Roads & Parking	None	Site and Development Specific as imposed by the Municipality					



Land Use Category	Zoning & Primary Use	Consent Use	Building Lines			Height	Coverage	Floor Factor
			Street	Lateral	Rear			
Resort	Resort Zone <i>Holiday Housing</i>	- Hotel - Place of Assembly - Place of Entertainment - Sport Facility - Tourist Facility	5m	5m		11m	20%	N/A
Special	Special Zone <i>Special Use</i>	None	Site and Development Specific as imposed by the Municipality					
Undetermined	Undetermined Zone <i>Existing Buildings & Use</i>	None	Site and Development Specific as imposed by the Municipality					

24. Agriculture Zone

Land Use Category		Agriculture			
Zoning	Agriculture Zone		Purpose	Agriculture	
Objectives					
• To provide for the use of land for the purposes of bona fide agricultural production and for sustainable agricultural units. • Preserving suitable agricultural land by imposing stricter control of subdivision of land. • Provide for land to be developed and buildings erected for the reasonable and ordinary use of buildings that is generally associated with bona fide agricultural purposes.					
Primary Use	Definition			Consent Use	
Agriculture	means the cultivation and/or utilisation of land for crops and plants, the keeping and breeding of animals, operation of a game farm, the utilisation of the natural veld or land on a limited or extensive basis and includes only such activities and buildings directly related to the main farming activities, but excludes abattoirs, intensive animal farming and agricultural industries.			• Abattoir • Additional Dwelling Unit • Agricultural Industry • Agriculture Worker Accommodation • Airfield • Child Care Facility • Function Venue • Guest House • House Shop • Intensive Animal Farming • Nursery • Tourist Facility	
Development Parameters					
Building Lines			Height	Coverage	Floor Factor
Street	Lateral	Rear			
10 m	10 m		11 m	20 %	N/A

25. Residential Zone 1

Land Use Category		Residential				
Zoning	Residential Zone 1			Purpose	Single Residential	
Objectives						
• Use of land for single residential purposes. • Protection of the quality and character of residential neighbourhoods and the well-being of its citizens. • Limit multiple use of buildings to minimize adverse impact on the residential environment. • Densities that are compatible with existing surrounding land uses and are generally situated inside the urban edge. • Site sizes to be guided by relevant subdivision / densification policy.						
Primary Use	Definition				Consent Use	
Dwelling Unit	means a self-contained group of rooms with not more than one kitchen used for human habitation and includes such outbuildings as are ordinarily used therewith and includes the letting on a permanent basis by the owner, of not more than 2 rooms of the dwelling unit and/or outbuildings and permit a home occupation as contemplated in the General Provisions of this Land Use Scheme				• Additional Dwelling Unit • Child Care Facility • Guest House • House Shop • Tavern	
Development Parameters						
Building Lines				Height	Coverage	Floor Factor
	Street	Lateral	Rear			
< 600 m ²	4 m	1.5 m	2 m	8.5 m	70 %	1.0
> 600 m ²	5 m	1.5 m	3 m	8.5 m	50 %	1.0

**26. Residential Zone 2**

Land Use Category		Residential			
Zoning	Residential Zone 2	Purpose	Medium Density Residential		
Objectives					
• Medium density residential development up to a maximum gross density of 50 units per hectare. • Use of land for the purposes of harmonious architectural designed development, sharing common areas such as roads and open space. • Residential developments of a medium scale and limited height and it could be single, semi-detached, row or linked residential units, including retirement villages. • Limited non-residential uses to protect the residential character.					
Primary Use	Definition		Consent Use		
Group Housing	means a group of separate and/or linked dwelling units, designed, planned and built as a harmonious architectural entity and includes support and ancillary facilities relating to administrative support facilities and clubhouse, relating to the operation and sustainability of the scheme or building, functional communal open space, gate house, public and/or private roadway and such dwelling units may be cadastrally subdivided		• Child Care Facility • Guest House • House Shop • Retirement Village		
Development Parameters					
Building Lines			Height	Coverage	Floor Factor
Street	Lateral	Rear			
1 m	1 m		8.5 m	70 %	1.0

**27. Residential Zone 3**

Land Use Category		Residential			
Zoning	Residential Zone 3		Purpose	High Density Residential	
Objectives					
• High density residential developments with a gross density of more than 50 units per hectare. • Residential developments of medium to large scale that can consist of multiple stories or levels. • Areas identified for densification and high intensity mixed use, including areas along major corridors and business nodes. • Residential development in this category can include flats, boarding house, hotels and backpackers. • High density residential development can be combined with commercial activity in areas identified by the SDF as mixed use. • Increased height and coverage parameters should be based on the SDF proposals and possible overlay zones.					
Primary Use	Definition			Consent Use	
General Residential Building	means a building for human habitation, together with such outbuildings, support and ancillary facilities relating to administrative support facilities and clubhouse, relating to the operation and sustainability of the scheme or building, and includes a boarding house, residential rooms, children's home, guest house facilities, retirement village, hostel, town housing, dwelling units, flats and hotels			• Child Care Facility • House Shop • Restaurant	
Development Parameters					
Building Lines			Height	Coverage	Floor Factor
Street	Lateral	Rear			
8 m	4 m		11 m	40 %	1.0

28. Business Zone 1

Land Use Category		Business & Commercial			
Zoning	Business Zone 1		Purpose	High Intensity Business	
Objectives					
• The variety of business and related land use types representing the needs within a sub-regional and regional context. • Key objective if this zone is to promote economic development, employment and mixed use through the inclusion of a wide range of uses. • Generally located within the existing strong commercial nodes, central business district and areas identified for a wide range of commercial uses and mixed use activity in the SDF. • For inclusion of storage, goods handling and general residential purposes. • Industrial and manufacturing uses are restricted.					
Primary Use	Definition		Consent Use		
General Business & Mixed Use	means the use of a property for mixed use purposes of retail, commercial or professional operation, which may, inter alia, include restaurants, shops, offices, micro manufacturing, financial institutions, gymnasiums or any other use which the Municipality regards as General Business, including a shopping mall, but excluding residential uses, warehousing and builders yard		• Funeral Parlour • Institution • Liquor Outlet • Place of Assembly • Place of Entertainment • Place of Instruction • Place of Worship • Service Station • Tourist Facility • Transport Facility • Warehouse		
General Residential Building	means a building for human habitation, together with such outbuildings, support and ancillary facilities relating to administrative support facilities and clubhouse, relating to the operation and sustainability of the scheme or building, and includes a boarding house, residential rooms, children's home, guest house facilities, retirement village, hostel, town housing, dwelling units, flats and hotels				
Development Parameters					
Building Lines			Height	Coverage	Floor Factor
Street	Lateral	Rear			
0 m	0 m		11 m	100 %	3.0

**29. Business Zone 2**

Land Use Category		Business & Commercial			
Zoning	Business Zone 2		Purpose	Low Intensity Business	
Objectives					
• Business uses, including shops and offices to be accommodated on neighbourhood level and in areas identified by the SDF. • Provision for a variety of land uses for convenient shopping and associated requirements, restricting high impact uses. • Development can be restricted with respect to height and scale, limiting overall impact on surrounding softer land uses, i.e. Residential and community facilities.					
Primary Use	Definition		Consent Use		
Office	means a building used only for professional, clerical, administrative work, financial institution and includes storage areas ancillary to the office use, not exceeding 30% of the total floor area of the office use		• Funeral Parlour • General Residential Building • Place of Assembly • Place of Entertainment • Place of Instruction • Place of Worship • Restaurant • Tourist Facility		
Shop	means land or a building used for retail, trade, a restaurant, including a workshop and/or store which is directly related to but subordinate to the retail or trade use and does not exceed more than 30% of the total floor area of the retail or trade use				
Development Parameters					
Building Lines			Height	Coverage	Floor Factor
Street	Lateral	Rear			
0 m	0 m		8.5 m	100 %	1.5

30. Industrial Zone 1

Land Use Category		Industrial & Mining			
Zoning	Industrial Zone 1	Purpose	General Industrial		
Objectives					
• The use of land for manufacturing purposes and general industrial and light industrial activity. • Provision in this zone can be made for non-industrial activity but these should not compromise the general use of the land for industrial purpose. • It is accepted, given the intensive nature of industrial activity, that this land use could generate negative impact on adjacent properties and the immediate environment. • Noxious uses and risk industries are not allowed within this land use zone. • Industrial ancillary should generally be permitted in areas demarcated by the SDF and support the principles of job creation and accessibility.					
Primary Use	Definition		Consent Use		
Industry	means the use of land or building as a factory within the meaning of relevant other legislation controlling the use of land for a manufacturing and may include other activities incidental and subordinate to the main use such as offices, caretaker's accommodation and employee restaurants, but does not include a noxious industry or activity		• Abattoir • Crematorium • General Business & Mixed Use • Scrap Yard • Service Station • Transport Facility • Warehouse		
Development Parameters					
Building Lines			Height	Coverage	Floor Factor
Street	Lateral	Rear			
3 m	3 m		11 m	75 %	1.5

**31. Industrial Zone 2**

Land Use Category		Industrial & Mining			
Zoning	Industrial Zone 2	Purpose	Noxious Use		
Objectives					
• To make specific provisions for noxious and offensive land uses. • Areas for implementation to be carefully considered. • All relevant legislative compliance to be adhered to prior to implementation.					
Primary Use	Definition		Consent Use		
Industry	means the use of land or building as a factory within the meaning of relevant other legislation controlling the use of land for a manufacturing and may include other activities incidental and subordinate to the main use such as offices, caretaker's accommodation and employee restaurants, but does not include a noxious industry or activity		• None		
Noxious Use	means a facility or land use which, because of fumes, ignitions, smells, vibration, noise, waste products, nature of the material used, processes employed or any other cause, as deemed by Municipality, to be a potential source of danger, public nuisance, or offensive to the general public or environment of the surrounding area and includes uses as defined in the relevant legislation as noxious or a nuisance, hazard or health risk and includes a crematorium				
Development Parameters					
Building Lines			Height	Coverage	Floor Factor
Street	Lateral	Rear			
3 m	3 m		11 m	75 %	1.5

**32. Community Zone 1**

Land Use Category		Community			
Zoning	Community Zone 1		Purpose	Education	
Objectives					
• Provision of education and related uses. • Includes schools, crèches, tertiary facilities and support activities.					
Primary Use	Definition			Consent Use	
Place of Instruction	means land or a building used as a crèche, nursery school, school, college, technical institution, university, academy, lecture hall, convent, public library, art gallery, museum or other such facility which is utilised for education purposes and includes ancillary facilities related thereto			• Institution • Place of Assembly	
Development Parameters					
Building Lines			Height	Coverage	Floor Factor
Street	Lateral	Rear			
8 m	8 m		11 m	50 %	N/A

**33. Community Zone 2**

Land Use Category		Community			
Zoning	Community Zone 2		Purpose	Worship / Assembly	
Objectives					
• Provision for worship facilities and related uses. • Includes places of assembly.					
Primary Use	Definition			Consent Use	
Place of Assembly	means land or a building used for gatherings, meetings and social events and includes a public hall, a hall for social functions, a music hall, a concert hall, an exhibition hall, a public art gallery, a town or civic centre, private and public parks			• Care Facility • Cemetery • Child Care Facility • Institution • Place of Instruction	
Place of Worship	means land or a building used as a church, mosque, temple, chapel, synagogue or facility for practising religion or devotion and includes ancillary uses related thereto, but does not include a funeral parlour				
Development Parameters					
Building Lines			Height	Coverage	Floor Factor
Street	Lateral	Rear			
8 m	8 m		11 m	50 %	N/A

**34. Community Zone 3**

Land Use Category		Community			
Zoning	Community Zone 3		Purpose	Institution	
Objectives					
• Provision of a wide range of community facilities, including institutions. • Institutions include health care facilities, facilities for social welfare and physical health, clinics, community halls, multi-purpose centres.					
Primary Use	Definition		Consent Use		
Institution	means land or a building used as a charity institution, social or welfare building, hospital, nursing home, clinic, frail care, sanatorium, correctional institution or any other institution, whether private or public, and includes uses directly related thereto, but does not include a facility for the treatment for infectious or contagious diseases, a facility as defined in the relevant act for the detention of mentally handicapped persons, a psychiatric hospital, jail or prisoner reformatory		• None		
Development Parameters					
Building Lines			Height	Coverage	Floor Factor
Street	Lateral	Rear			
8 m	8 m		11 m	50 %	N/A

35. Authority Zone

Land Use Category		Authority			
Zoning	Authority Zone	Purpose	Authority Use		
Objectives					
• Land reserved for uses normally undertaken by National, Provincial and Municipal Government, providing a service to the general public (museum and places of cultural significance and heritage). • Land owned by organs of state including infrastructure, utilities and public amenities which do not qualify for inclusion into any other zone, i.e. electrical sub-stations, waste water treatment works, landfill sites, cemeteries & crematorium. • Including land uses relating to public services, i.e. police services, correctional facilities, fire protection, special uses that is not compatible within a single residential environment.					
Primary Use	Definition		Consent Use		
Authority Use	means a use which is practised by the organs of State or a public body, including military training centres, installations, police, jails, road stations, road camps, Municipality uses such as fire services, treatment facility, dumping grounds, reservoirs, composting installations, water purification works, electrical substations, community facilities, municipal clubs, municipal storage facilities, cemeteries, museums, institutions and ancillary uses		• None		
Development Parameters					
Building Lines			Height	Coverage	Floor Factor
Street	Lateral	Rear			
Site and Development specific as imposed by the Municipality					

36. Open Space Zone 1

Land Use Category		Open Space & Conservation			
Zoning	Open Space Zone 1		Purpose	Public Open Space	
Objectives					
• Land for the provision of active and passive recreational areas on public owned land. • Generally to promote public recreation, enhance aesthetical appearance and promote the maintenance of a functional open space system. • Land for protection of heritage resources and cultural activities.					
Primary Use	Definition			Consent Use	
Public Open Space	means a park, public garden, square, sports field, sports facility, memorial site, children's' playground, amusement park, place of recreation, beach area or any similar amenity, in respect of which the ownership as such vests in the local authority, and can include ablution facilities and support infrastructure			• Cemetery • Place of Assembly • Place of Entertainment • Restaurant • Sport Facility • Tourist Facility	
Development Parameters					
Building Lines			Height	Coverage	Floor Factor
Street	Lateral	Rear			
Site and Development specific as imposed by the Municipality					

37. Open Space Zone 2

Land Use Category		Open Space & Conservation			
Zoning	Open Space Zone 2		Purpose	Private Open Space	
Objectives					
• Land for the provision of active and passive recreational areas on private owned land. • Generally to promote private recreation, enhance aesthetical appearance and promote the maintenance of a functional open space system.					
Primary Use	Definition		Consent Use		
Private Open Space	means land which is for private use, and is used as an open area, park, garden, playground, recreation ground or square and can form part of a residential development		• Cemetery • Place of Assembly • Place of Entertainment • Restaurant • Sport Facility • Tourist Facility		
Development Parameters					
Building Lines			Height	Coverage	Floor Factor
Street	Lateral	Rear			
Site and Development specific as imposed by the Municipality					

**38. Open Space Zone 3**

Land Use Category		Open Space & Conservation			
Zoning	Open Space Zone 3	Purpose	Conservation Area		
Objectives					
• The use of land for conservation and natural areas. • Include statutory and non-statutory conservation areas and provision for these land uses. • Protection of the natural environment and for conservation and biodiversity purposes for areas which is regarded as conservation worthy.					
Primary Use	Definition		Consent Use		
Conservation Area	means land used or declared for the conservation, biodiversity, archaeological preservation and protection of natural areas, whether publicly or privately owned, or which has been declared a nature park or reserve and includes a game park, reserve for fauna and flora and includes buildings and facilities directly related to management of the conservation area or nature reserve, inclusive of facilities for day visitors, but does not include overnight accommodation and tourist facilities		• Airfield • Holiday House • Place of Assembly • Place of Entertainment • Tourist Facility		
Development Parameters					
Building Lines			Height	Coverage	Floor Factor
Street	Lateral	Rear			
Site and Development specific as imposed by the Municipality					

**39. Transport Zone 1**

Land Use Category		Transport			
Zoning	Transport Zone 1		Purpose	Public Roads & Parking	
Objectives					
- Land use for the purpose of providing infrastructure for public use, including motorised/non-motorised transport (road ways). - Including uses generally associated with the primary uses in this zone. - To accommodate railway, harbour and airport facilities and associated uses for the benefit of the public, including uses normally associated with these activities.					
Primary Use	Definition			Consent Use	
Public Roads & Parking	means a gravel, paved or surfaced road which may be a separate cadastral entity, a registered right of way servitude, or exist by means of other legislation, and which is set aside to provide for vehicular access and movement, and which vest in or is owned by the Municipality or another public road or transport authority and may also include on-street parking			None	
Transport Use	means land or buildings used for the operation of a service for the benefit of the public providing for transportation of goods or passengers by rail, air, sea, road or pipeline and any uses ancillary thereto which are directly related or incidental to the service of the interest of the commuting public, including communication networks, stations, harbours, transportation amenities and facilities, warehouses, container parks, workshops, offices, shops, recreational, business and residential uses				
Development Parameters					
Building Lines			Height	Coverage	Floor Factor
Street	Lateral	Rear			
Site and Development specific as imposed by the Municipality					

**40. Transport Zone 2**

Land Use Category		Transport			
Zoning	Transport Zone 2		Purpose	Private Roads & Parking	
Objectives					
• Use of land for private access and private roads, including private parking facilities. • Generally associated with private residential estates and group housing facilities.					
Primary Use	Definition		Consent Use		
Private Roads & Parking	means a private land which is reserved exclusively for the parking and movement of vehicles and pedestrians and which is under the control of a private individual or agency and can form part of a residential development		• None		
Development Parameters					
Building Lines			Height	Coverage	Floor Factor
Street	Lateral	Rear			
Site and Development specific as imposed by the Municipality					

**41. Resort Zone**

Land Use Category		Resort			
Zoning	Resort Zone		Purpose	Resort	
Objectives					
• The use of land for the purpose of short term tourism accommodation, including caravan parks, chalets, mobile dwellings etc. • The use of land for purposes and purposes aligned towards utilising the aesthetic and bio-physical qualities of the area.					
Primary Use	Definition		Consent Use		
Holiday Housing	means a harmoniously designed and built holiday development with an informal clustered layout which may include mobile homes or dwelling units, and where the housing may be rented out or may be separately alienated by means of time sharing, sectional title, the selling of block shares or the subdivision of the property on condition that a home owners' association be established, but does not include a hotel		• Hotel • Place of Assembly • Place of Entertainment • Sport Facility • Tourist Facility		
Development Parameters					
Building Lines			Height	Coverage	Floor Factor
Street	Lateral	Rear			
5 m	5 m		11 m	20 %	N/A

**42. Special Zone**

Land Use Category		Special			
Zoning	Special Zone	Purpose	Specialised Land Uses		
Objectives					
• To accommodate specialised land uses which are not included or defined in the Land Use Scheme. • To afford the opportunity to impose specific conditions that are unique to the relevant land use.					
Primary Use	Definition	Consent Use			
Special Use	means a use or combination of uses which is such, or in respect of which the land use restrictions are such, that provision is not made therefore in this land use scheme, and which is defined in detail by means of conditions of approval or by means of provisions applicable to the special zone	• None			
Development Parameters					
Building Lines			Height	Coverage	Floor Factor
Street	Lateral	Rear			
Site and Development specific as imposed by the Municipality					

**43. Undetermined Zone**

Land Use Category		Undetermined			
Zoning	Undetermined Zone		Purpose	Undetermined Zoning	
Objectives					
• To make provision for land that has not obtained zoning in terms of the previous Zoning Schemes. • Generally land in Municipal ownership and part of the commonage.					
Primary Use	Definition			Consent Use	
Existing Buildings & Use	Existing improvements and use on date of Land Use Scheme implementation			• None	
Development Parameters					
Building Lines			Height	Coverage	Floor Factor
Street	Lateral	Rear			
Site and Development specific as imposed by the Municipality					

CHAPTER 7 : GENERAL PROVISIONS

44. Conditions Applicable to all Properties

The following conditions shall apply to all erven or properties in the Land Use Scheme area :

- (a) the positioning of buildings, including outbuildings erected on the property, as well as access to and exits from the property, shall be to the satisfaction of the Municipality;
- (b) the main building, which shall be a completed building and not partially erected and to be completed at a later date, shall be erected simultaneously with or before the outbuildings, provided that the Municipality may relax this requirement in writing subject to any condition it may deem fit;
- (c) the loading or off-loading of goods shall take place within the boundaries of the erven to the satisfaction of the Municipality unless the Municipality has made provision for loading facilities in the street reserve, provided that this condition shall not apply to properties accommodating dwelling units only;
- (d) a screen wall shall be erected if required by the Municipality, the extent, material, design, height, position and maintenance of which shall also be to the satisfaction of the Municipality;
- (e) if the property is fenced or enclosed in some other way, the extent, material, design, height, position and maintenance of such enclosure shall be to the satisfaction of the Municipality;
- (f) the registered owner shall be responsible for the maintenance of the entire development of the property, provided that, if the Municipality is of the opinion that the property or any part of the development is not maintained in a satisfactory manner, the Municipality shall be entitled to undertake such maintenance at the expense of the registered owner which expense shall be paid to the Municipality on demand;
- (g) evaluation of all buildings shall conform to a good standard of architecture and shall be to the satisfaction of the Municipality;
- (h) the internal roads and/or driveways on the erf shall be constructed and maintained by the owner to the satisfaction of the Municipality; and
- (i) any part of a site not utilised for building or parking purposes shall within six months from the date on which the buildings are completed or on which the site is first used for the approved use, be landscaped at the owners cost to the satisfaction of the Municipality, and shall thereafter be maintained to the satisfaction of the Municipality at the cost of the owner.

45. Maintenance of Property

- (1) Property shall be properly maintained by the owner or occupier and shall not :
 - (a) be left in a neglected or offensive state, as may be determined by the Municipality;
 - (b) contain an unsightly accumulation of papers, cartons, garden refuse, rubble and/or other waste material, as may be determined by the Municipality;
 - (c) contain an accumulation of motor wrecks or un-roadworthy vehicles or used motor parts, unless these are part of a primary or consent use in terms of this Land Use Scheme; and
 - (d) contain outdoor storage of building material, appliances or similar items unless these are :
 - (i) forming part of a primary or consent use in terms of this Land Use Scheme;

- (ii) being temporarily stored for the purpose of construction in accordance with a valid building plan approval for the property; or
- (iii) stored in conjunction with the holding of a yard or garage sale with a duration of not more than two consecutive days.

46. Guidelines for Protection of the Built Environment

- (1) Conservation of the built environment should adhere to the stipulations and requirements of the National Heritage Resources Act.
- (2) The Municipality may request detailed information in respect of a place, building, structure or feature of the built environment which, in the opinion of the Municipality, is regarded as a heritage resource or conservation worthy.
- (3) All non-conventionally designed buildings, as determined by the Municipality, may only be constructed with the approval of the Municipality.
- (4) The Municipality may make land use provisions, impose conditions, policies or guidelines with regard to :
 - (a) any addition or alteration to the structure which changes the floor area or otherwise alters its size, height or outline, particularly the street façade;
 - (b) internal alterations by the removal of walls or the construction of new walls which substantially change the plan and structure;
 - (c) any alterations to the external doors, windows or other external openings;
 - (d) any other alterations which change the appearance of the building, whether or not a municipal permit is required;
 - (e) major re-landscaping which will alter the appearance of the structure;
 - (f) changes to boundary walls, fences and gates;
 - (g) change of use or rezoning of a property on which a national monument is situated;
 - (h) subdivision of a property on which a national monument is situated;
 - (i) application or erection of signage;
 - (j) any major site work involving excavation or a change in site level; and
 - (k) the demolition of all or part of the structure.

47. Guidelines for the Protection of the Sensitive Biophysical Environment

- (1) The Municipality must consult all available and applicable Conservation Plans, Legislation, Strategies and Policies prior to a decision on land use change, in terms of this Land Use Scheme.
- (2) The Municipality may designate an area to be a conservation area and :
 - (a) shall depict such area on the zoning map or prepare an overlay zone;
 - (b) shall record the designation on the zoning map; and
 - (c) shall record the development management provisions for each area in a schedule to this Scheme.
- (3) The Municipality may, prior to a decision on land use change, request detailed information in respect of a sensitive biophysical environment and impose policies, guidelines or conditions, if deemed necessary, for inclusion in the conditions of approval.

- (4) The Municipality, as part of the conditions imposed on a development, may require an Environmental Management Plan to be submitted for municipal approval to ensure the following :
 - (a) protection of the natural environment and conservation worthy elements of the biophysical environment;
 - (b) alignment with National, Provincial and Local legislation requirements for the protection of the biophysical environment;
 - (c) minimum disturbance of the site as a result of earth moving, installation of services and construction of structures and roads;
 - (d) rehabilitation program after development;
 - (e) management program for public open spaces;
 - (f) mitigating aesthetic impact;

48. Spatial Development Framework and Policy Alignment

- (1) The Municipality must prepare, amend and review the Spatial Development Framework for the municipal area in terms of Section 8 of the SPLUM By-laws and Section 20 of SPLUMA.
- (2) Land development decisions in terms of the SPLUM By-laws must be considered in terms of Sections 22 and 42 of SPLUMA and Sections 13 and 53 of the SPLUM By-laws.
- (3) Decisions should be aligned with National, Provincial policy and legislation applicable to the specific application.

49. Development Density and Consulting with the Spatial Development Framework

Decisions on development densities, minimum subdivision sizes, land use opportunities and future development within the municipal area should be guided by the Municipal SDF and Local SDF applicable to the specific area or land portion.

50. National Building Regulations

The provisions of the National Building Regulations and Building Standards Act, 1977 (Act 107 of 1977) as amended from time to time is applicable to all matters regulated by the Sundays River Valley Land Use Scheme and will take preference in cases of conflicted or more restrictive provisions.

51. Development Changes

Development changes to be implemented in terms of Sections 121 – 125 of the Sundays River Valley SPLUM By-laws.

52. Provision of Engineering Services

Provision of Engineering Services to be implemented in terms of Sections 116 – 120 of the Sundays River Valley SPLUM By-laws.

53. Title Conditions

- (1) Nothing in the provisions of this Scheme shall be construed as permitting or enabling the Municipality to permit, in any area, the erection or use of any building or the use of any land, for the purpose which is prohibited under any approved conditions of title applying to such area or the conditions of title under which any land may be held.
- (2) Conditions of title restricting development can be amended, suspended or removed, on application, as contemplated in Sections 69 and 70 of the SPLUM By-laws.

54. Occasional Uses

- (1) Occasional use means a temporary departure granted for a specific occasion or event by the Municipality, such as craft markets, festivals, events, circuses, religious gatherings, builder's yards (on construction sites), seasonal camping sites, outdoor events and other occasional uses as determined by the Municipality.
- (2) Occasional uses to be permitted as temporary departure in terms of Section 76 of the Sundays River Valley SPLUM By-laws.

55. Relaxation of Building Lines

- (1) The Municipality may approve the erection of a building or structure which exceeds a building line provided that no doors or windows are permitted in any wall of such building fronting onto the lateral boundary when such building is closer than 1 m to the lateral boundary.
- (2) The Municipality may refuse, approve, or partially approve the application subject to such conditions as it may deem fit and shall notify the applicant of its decision in writing.
- (3) Municipality must consult the relevant Controlling Authority prior to building line relaxation along proclaimed roads.

56. Departure from Maximum Height

The Municipality may approve an increase in the permissible building height on a portion of a land unit, provided that :

- (a) due to the physical constraints and gradient of the land unit.
- (b) the height departure is consistent with the Spatial Development Framework.
- (c) a detailed Site Development Plan must be submitted, indicating all vertical and horizontal dimensions and proposed height departure.
- (d) the Municipality must obtain comment from all neighbours and assess the application on its merit.

57. Coverage

- (1) No building shall be erected in such a way that the coverage is greater than that prescribed in this Land Use Scheme, provided that :
 - (a) a verandah, balcony or carport which are not enclosed shall not be included in coverage;
 - (b) all structures not covered by a roof shall not be included in coverage; and
 - (c) the Municipality may consent to a basement exceeding the coverage limit where all of the basement is situated below natural ground level.

- (2) The Municipality may grant an increase in coverage if the Municipality is satisfied that the applicant has furnished sufficient proof that an increase in coverage is necessary and/or desirable as a result of the topography or locality of the site and the proposed increase in coverage will not detract from the amenity or development vision for the area.

58. Subdivisions

- (1) The Municipality may grant or refuse an application for the subdivision of land in terms of Part B of the SPLUM By-laws as well as an application for the subdivision of land involving no change in zoning.
- (2) In the process of the creation of new streets in any subdivision in terms of these regulations, the general principles in regard to layout, street intersections and gradients, as set out in the document "*Guidelines for the Provision of Engineering Services in Residential Townships*", published by the former Department of Community Development and as amended from time to time, shall be complied with.
- (3) The Municipality shall not grant a new subdivision unless it is satisfied that, for each land unit created, there is adequate and lawful means of :
 - (a) access to and from a public street;
 - (b) services availability; and
 - (c) storm water from higher lying across lower lying erven.
- (4) Where a minimum subdivision size is specified for a land unit :
 - (a) the nett erf area of a new subdivision and any remainder, shall not be less than the minimum size specified; and
 - (b) the narrowed access portion of a panhandle subdivision shall not be taken into account in the calculation of minimum subdivision size.
- (5) Panhandle subdivisions :
 - (a) the minimum width of a panhandle, not exceeding 50m in length shall be 4m wide along its entire length, or 6m if longer than 50m; and
 - (b) servitude access ways in the place of panhandles are not be permitted.
- (6) Subsequent to the granting of a subdivision, the person who at any time is the owner of any land unit directly involved in the subdivision, shall be required, without compensation :
 - (a) to allow gas mains, electricity, telephone and television cables and/or wires, main and/or other water pipes and foul sewers and storm water pipes, ditches or channels of any other land unit or units to be conveyed across the land unit concerned, and surface installations such as mini-substations, meter kiosks and service pillars to be installed thereon, if considered necessary by the Municipality and in such manner and position as may from time to time be reasonably required; this shall include the right of access to the land unit at any reasonable time for the purpose of constructing, altering, removing or inspecting any works connected with the above; and
 - (b) to receive such material or permit such excavation on the land unit as may be required to allow use of the full width of an abutting street and provide a safe and proper slope to its bank necessitated by differences between the level of the street as finally constructed and the level of the land unit, unless he/she elects to build retaining walls to the satisfaction of and within a period to be determined by the Municipality.

59. Site Development Plans

- (1) A site development plan, compiled to a scale of 1:500 or any other scale as may be approved by the Municipality, shall be submitted for approval, as contemplated in Section 53(2) of the SPLUM By-laws, to the Municipality and no building shall be erected on the site until such site development plan and building plans in accordance with the site development plan, have been approved by the Municipality.
- (2) The entire development of the erf shall be in accordance with the approved site development plan, provided that :
 - (a) the plan may be amended from time to time with the approval of the Municipality;
 - (b) the Municipality may exempt the owner from submission of all or certain provisions contained within this regulation; and
 - (c) the site development plan shall indicate at least the following :
 - (i) the location and height of all buildings and structures;
 - (ii) a landscape plan that indicates the type and position of existing trees, trees to be retained, landscaped areas and recreational areas;
 - (iii) vehicular and pedestrian entrances to and exits from the site and all buildings;
 - (iv) proposed subdivision lines, if the erf is to be subdivided;
 - (v) building lines and all existing and proposed servitudes;
 - (vi) treatment of all storm water in relation to the site as well as flood lines where applicable;
 - (vii) provision and location of all infrastructure;
 - (viii) parking, loading and unloading areas;
 - (ix) vehicular and pedestrian circulation;
 - (x) elevation of all buildings and structures as well as materials and finishes to be used;
 - (xi) the phasing of the development, if it is envisaged that the total development will not take place simultaneously;
 - (xii) the position of all structures on adjacent sites;
 - (xiii) proposals for site boundaries including fences, walls or other edge proposals;
 - (xiv) a land use schedule which specifies the zoning of the property, applicable controls and controls used for the development;
 - (xv) a contour map indicating 0.5 meter contour intervals; and
 - (xvi) any other requirement deemed necessary by the Municipality.

60. Parking

The following parking requirements shall apply, unless otherwise stated in the Land Use Scheme or by a Municipal decision.

60.1 Provision of Parking Space

- (1) The owner of an erf shall provide on his erf at his own cost sufficient parking spaces, the minimum number of which shall be in accordance with the standards in this Section.

- (2) In the event of the owner being unable to provide the on-site parking required, the owner must submit a detailed and well-motivated application for a departure of parking requirements. The application must indicate :
 - (a) number of parking bays provided;
 - (b) alternative parking arrangements and calculation of financial contribution;
 - (c) detailed Site Development Plan; and
 - (d) a Traffic Impact Assessment, motivating the departure, if required by the Municipality.
- (3) The Municipality may require such owner to :
 - (a) Pay to the Municipality a financial contribution in lieu thereof, which shall be deposited in a capital parking fund out of which running costs shall not be recovered, the amount of which is to be calculated on the following basis :

25P(V+C)

Where :

"P" represents the number of parking bays that the owner is required to provide, but which he is unable to provide;

"V" represents the estimated market value at the time the contribution is to be paid, of the land on which the parking should have been provided, expressed in Rands per square metre; and

"C" represents the costs per m² of constructing a single parking bay, as determined by the Municipality at its sole discretion from time to time.
 - (b) Provide the number of parking bays required in Paragraph 46 on another erf in the vicinity of the erf to be developed at his own cost, subject to :
 - (i) the two erven being notarially tied to prevent either being alienated independently of the other; and
 - (ii) the other erf being appropriately zoned.
- (4) The parking spaces, provided in terms of this regulation, shall not be used for any purpose other than for parking of motor vehicles in working order.

60.2 Designing of Parking Areas

- (1) Any parking space provided need not necessarily be under cover, but if forming part of an area not built upon, shall be constructed with such material as may be allowed by the Municipality in its sole discretion and provided with an entrance from or exit to a street upon which the building abuts.
- (2) The whole of such area shall be satisfactorily maintained and, if required by the Municipality, marked out for the parking of motor vehicles and designed in such a manner that any individual vehicle can conveniently be parked or removed without disturbing other parked vehicles, unless provision is made and maintained for mechanical or manual parking by the building proprietors.
- (3) Such provision of on-site parking facilities shall be to the satisfaction of the Municipality which may at its discretion require the provision of more than one vehicle entrance and exit to such parking garage or parking area.
- (4) The design standards provided by the Department of Transport shall be applied.

60.3 Minimum Off-street Parking Requirements

- (1) Parking must be provided in accordance with the minimum off-street parking requirements, as indicated in the table.
- (2) Parking requirements must be calculated on utilisation of buildings for each use as specified in the table.

Minimum Off-street Parking Requirements	
Additional Dwelling Unit	1 space / additional dwelling unit
Agricultural Industry	1 space / 200m ² floor space
Agriculture	0 space
Authority Uses	as determined by the Municipality
Cemetery	0.15 space / 100m ² public assembly area
Child Care Facility	1 space / classroom area + 1 space / office
Conference Facility	0.25 space / seat
Dwelling Unit	1 space / dwelling unit
Funeral Parlours	2 spaces / 100m ² floor space
General Business	4 spaces / 100m ² floor space
General Residential Buildings	1 space / dwelling unit + 0.25 space / dwelling unit (visitors)
General Residential Buildings (Rooms)	0.5 spaces / room
Group Housing	1 space / dwelling unit
Guest House	0.7 spaces / guest room
Halls	1 space / 6 seats
Holiday Accommodation	as determined by the Municipality
Hospital	2 spaces / 100m ² consulting room + 1 space / bed
Hotel	0.7 space / room
House Shop	2 spaces / dwelling unit
Industry	1 space / 200m ² floor space
Institution	as determined by the Municipality
Libraries	1 space / 100m ² floor space
Liquor Outlet	4 spaces / 100m ² floor space
Medical Use	2 spaces / 100m ² consulting room + 1 space / bed
Mining & Mining industry	as determined by the Municipality
Museums	1 space / 200m ² floor space
Noxious Use	1 space / 200m ² floor space
Nursery	1 space / 400m ² nursery
Office	4 spaces / 100m ² floor space
Place of Assembly	1 space / 4 seats
Place of Entertainment	1 space / 4 seats + 1 space / 100m ² public assembly area
Place of Instruction	1 space / classroom area + 1 space / office
Place of Worship	1 space / 4 seats
Public Open Space	as determined by the Municipality
Restaurant	4 spaces / 100m ² floor space

Minimum Off-street Parking Requirements	
Retirement Villages	1 space / dwelling unit
Shop	4 spaces / 100m ² floor space
Service Station	1 space / 50m ² floor space
Sport Stadiums / Centres	0.25 space / seat or per spectator capacity
Tavern	2 spaces / 100m ² floor space
Tourist Facility (excluding restaurant)	4 spaces / 100m ² floor space
Town Housing	1 space / dwelling unit + 0.25 space / dwelling unit (visitors)
Transport	as determined by the Municipality
Warehouse	1 space / 100m ² floor space

61. Overlay Zones

- (1) An Overlay Zone as defined in the SPLUM By-laws : “means a mapped overlay superimposed on one or more established zoning areas which may be used to impose supplemental restrictions on uses in these areas or permit uses otherwise disallowed”.
- (2) The Municipality may prepare, review and amend overlay zones, in terms of the requirements of the SPLUM By-laws, for specific areas in the Municipality with the objective of :
 - (a) Giving expression, in a planning context, to the local needs and values of the communities concerned;
 - (b) Promoting particular types of development, urban form, landscape character, environmental features, heritage values, development incentives or strategic intervention; and
 - (c) Giving effect to specific guidelines contained in an approved Spatial Development Framework or Policy Plan.
- (3) An overlay zone does not change the underlying zoning of the properties to which it relates, but may vary the development rules relating to these properties.
- (4) The development rules of an overlay zone may be more restrictive or more permissive than the development rules applicable to the underlying zoning of the land concerned as recorded in this Land Use Scheme.
- (5) The provisions of an overlay zone do not in any way detract from any obligations in terms of national, provincial and planning legislation.
- (6) The provisions of an overlay zone may apply to a land unit or land units or an area as a whole, as stipulated in the adoption of the overlay zone.
- (7) The Municipality shall approve a distinctive name and number for each overlay zone when adopting such overlay zone.
- (8) The Municipality shall indicate the area of an overlay zone on the Zoning Map.
- (9) The Municipality shall record the detailed provisions of the overlay zone in a separate document with a cross reference to that document in the schedule to the Land Use Scheme.
- (10) Overlay zones shall be inserted in Schedule 7 of this Land Use Scheme.
- (11) The procedure for change of use, form or function of land, as contemplated in Section 41 of SPLUMA and Section 57(c) of the SPLUM By-laws, shall apply for the adoption, amendment, revision or replacement of an overlay zone.

62. Mining Activity

- (1) Mining Activity means any activity that requires a permit or licence approval from the Department of Mineral Resources & Energy, and as defined in the relevant legislation.
- (2) Permission for mining activities in all zonings, in terms of this Land Use Scheme, shall be obtained by way of a departure application, in terms of Section 76 of the SPLUM By-laws.
- (3) The validity period for the departure shall be in accordance with stipulations of the permit and/or license granted by the Department of Mineral Resources & Energy.
- (4) Conditions of departures granted shall be to the discretion of the Municipality and shall include conditions imposed by the relevant regulating authority.

63. Renewable Energy Facilities

- (1) Renewable Energy Structure means any wind turbine, solar energy generating apparatus (including solar photo-voltaic and concentrated solar thermal), small scale hydro turbines or bio mass facility and/or any grouping thereof, that captures and converts wind, solar radiation or bio mass energy for commercial gain irrespective of whether it feeds onto an electricity grid or not and may include administration facilities and any associated infrastructure that may lead to the generation, transmission and distribution of electricity on a commercial basis. Such infrastructure may also include but is not limited to workshops and stores, offices, site canteen, medical station, fire station, a tourist facilitation centre, ambulance garage, compressor house buildings, water supply infrastructure, research facilities, guard houses and recreational facilities for personnel.
- (2) Permission for erecting Renewable Energy Facilities in all zonings in terms of this Land Use Scheme shall be obtained by way of a departure application in terms of Section 70 of the SPLUM By-laws.
- (3) Such departures will be treated as permanent, unless the Renewable Energy Structure forms part of a commercial electricity generation enterprise that requires a license from the National Electricity Regulator of South Africa (NERSA) or similar body.
- (4) In such event, the period of validity of the Departure will be for the duration of the validity of the license from the Regulator.
- (5) Conditions of departures granted shall be to the discretion of the Municipality and shall include conditions imposed by the relevant regulating authority.

64. Transmission Facility

- (1) Transmission Facility means a structure or facility, incorporating a high mast, antennae or dish for the transmission and/or receiving of radio, television, radar, cellular or micro waves, and includes a base station and equipment room.
- (2) Permission for erecting a transmission facility or infrastructure in all zonings in terms of this Land Use Scheme shall be obtained by way of a departure.
- (3) Conditions of the departure granted, shall include conditions imposed by relevant regulating authority.

65. Home Occupation

- (1) Home occupation means the practising of an occupation (a person's usual or principal work or business, especially as a means of earning a living) by one or more occupants who reside on the property, provided that the dominant use of the property concerned must remain for the living accommodation of the occupants and home occupation does not include a house shop.
- (2) The practice of a home occupation is permitted on all residential zoned properties, subject to the development parameters below :
 - (a) The dominant use of the property must be for accommodation of a single family;
 - (b) The proprietor of the home occupation concerned must live on the property;
 - (c) Any new structure or alteration to the property to accommodate a home occupation must be compatible with the residential character of the area, particularly with regard to the streetscape, and must be capable of reverting to use as part of the dwelling house, second dwelling or outbuilding concerned;
 - (d) Not more than three employees may be engaged by the occupant in the home occupation concerned;
 - (e) No home occupation may include a noxious trade, risk activity, adult entertainment business, adult services, adult shop, sale of alcoholic beverages, motor repair garage, funeral parlour or activities that are likely to generate a public nuisance, including but not limited to panel beating and spray painting, auto electrician, builder's yard, welding works or joinery;
 - (f) No advertising sign may be displayed other than a single, un-illuminated sign or notice not projecting over a public street in accordance with the Municipality's outdoor advertising and signage by-law, and the sign may not exceed 0.2 m² in area;
 - (g) Off-street parking must be provided for home occupation; and
 - (h) The total area used for all home occupation activity on a land unit, including storage, may not consist of more than 25% of the total floor area of the dwelling unit.
 - (i) The Municipality has the right to impose additional conditions.

66. House Shops

- (1) House shop, including spaza shops means a building, operated by the registered owner and not a third party, that is operated from a dwelling house, provided that :
 - (a) such activities are restricted to one room of the principal dwelling or a garage or outbuilding with such an area not exceeding 25 % of the dwelling;
 - (b) the residential use shall be the dominant use;
 - (c) not more than 3 persons should be involved in the operating of the house shop;
 - (d) the house shop should not impact negatively on the surrounding neighbours;
 - (e) all signs of trade, including advertising, should be granted in terms of the Municipal By-laws prior to advertising;
 - (f) the use must not interfere with the amenity of the area in any way by virtue of noise, vibration, smoke, odour or unsightly conditions;
 - (g) the small business shall not involve the regular parking / storing of any vehicle used for transport other than the vehicle the applicant has for personal use; and
 - (h) the use shall not create a volume of traffic inconsistent with the normal level of street traffic without the small business.

- (2) The consent by the Municipality for a house shop shall apply to the applicant only while he/she resides on the property and will not be transferable in any form or manner.
- (3) Customers must have direct access to the house shop from the street and not through the dwelling house.
- (4) Should any foodstuffs be prepared for sale from the house shop, the premises need to be inspected on a regular basis to ensure compliance with health regulations.
- (5) Any contravention of the guidelines mentioned above can result in the closure of the house shop and the withdrawal of the consent granted.
- (6) The ward Committee must endorse the application for operation of a house shop, prior to consideration by the municipality.

67. Taverns

- (1) Tavern means a building operated by the registered owner / beneficiary and not a third party, where liquor is primarily sold for on-site consumption and the following activities may be incidental to the tavern use :
 - (a) serving of meals;
 - (b) watching television; and
 - (c) background music.
- (2) In addition, the establishment of a tavern should be secondary to the residential use and the residential use should remain the dominant use, should not create a disturbance, unruly behaviour, affect the character of the surrounding area or encroach on neighbouring properties.
- (3) The Tavern may not exceed 40 % of the total floor area of the dwelling unit and the tavern area in the dwelling must be structurally separated.
- (4) The tavern may not include employment of more than 5 people.
- (5) No one may use land and existing structures for the purposes of a tavern or may sell liquor or permit liquor to be sold on such land if he or she is not the holder of a current liquor license.
- (6) Taverns are allowed to sell alcohol on the premises, only for the purposes of retail trade.
- (7) Taverns shall also comply with the following :
 - (a) all relevant safety, fire and health regulations;
 - (b) complete site development plans must be submitted to the Municipality for approval in respect of any proposed new buildings or any proposed extensions alternations to existing buildings;
 - (c) parking must conform to the requirements of this Scheme;
 - (d) All building and drainage work must be satisfactorily completed in accordance with the stipulations of the Municipality's by-laws and regulations;
 - (e) no one may cause, and the owner of the property concerned may not permit anyone to cause any noise which creates a public nuisance;
 - (f) buildings must be furnished in a manner which mitigates against any possible noise generating from the activities within the buildings; and
 - (g) the approval for the use of a building for the purposes of a tavern or similar operation will only be regarded as having been granted once all the stipulations and relevant legal requirements have been complied with.
 - (h) No person under the age of 18 years shall be served at any counter in a restricted part of the licensed premises over which liquor is served or be allowed to sit or stand therein.

- (i) Adequate toilet facilities for males and females shall be provided for the use of patrons on or near the licensed premises.
- (j) That no liquor be allowed to be consumed outside the structure designated for the use as a tavern.
- (k) The licensed premises only be allowed to operate between 10:00 and 24:00, from Monday to Sunday selling liquor.
- (8) That a tavern not be allowed within a radius of 200m from schools, churches, crèches, places of worship, place of instruction etc.
- (9) That approval also be obtained from the South African Police Services.
- (10) The Municipality may impose conditions of use to mitigate against the potential nuisance impact, such as sound proofing, hours of operation, boundary / screening walls, signage or any other conditions as the Municipality may deem necessary.
- (11) The comments of the abutting neighbours must be obtained prior to the Municipality's consideration of an application.
- (12) In the event that the tavern use is proven to be a nuisance, this permission be withdrawn.
- (13) The new use rights do not absolve the resident from complying with the Councils by-laws and other regulations.

68. Guest Houses

- (1) means a dwelling unit, managed by a resident owner or a resident agent, which may supply tourist accommodation and meals for resident guests. Provided that :
 - (a) not more than 10 individual bedrooms or suites may be utilised or marketed by means of short term renting (being a period of not more than 3 months within one calendar year);
 - (b) the building may, in terms of the Liquor Act, 1989 (Act 27 of 1989), be licensed only for the purposes of on-site consumption and subject to any conditions or restrictions which the Municipality may impose;
 - (c) a licensed hotel, hostel or commune establishment are not included in the definition;
 - (d) this to include guesthouses, Air-B & B's, Bed and Breakfast's, backpackers, etc.;
 - (e) on-site parking must be provided in accordance with Paragraph 64;
 - (f) guest-rooms may not include kitchen facilities (should not be operating as self-catering units);
 - (g) a maximum of 2 persons (with 2 children) shall be allowed per guest-room;
 - (h) all facilities, including provision of meals, shall be for the exclusive use of guests; and
 - (i) health regulations must be complied with where applicable.

69. Advertisements and Hoardings

- (1) No advertising hoarding may be erected and no advertisement may be displayed without the permission of the Municipality, provided that the Municipality's permission, given in terms of this regulation, shall in no way be deemed to constitute an exemption from any other legislation relating to the erection and display of advertising hoardings and advertisements.
- (2) The Municipality may impose such conditions as it may deem fit in regard to the erection and use of such hoarding or advertisement, provided that consideration shall be given, inter alia, to whether the proposed advertising hoarding or the display of the proposed advertisement is likely to cause injury or offense to the amenities of the neighbourhood.



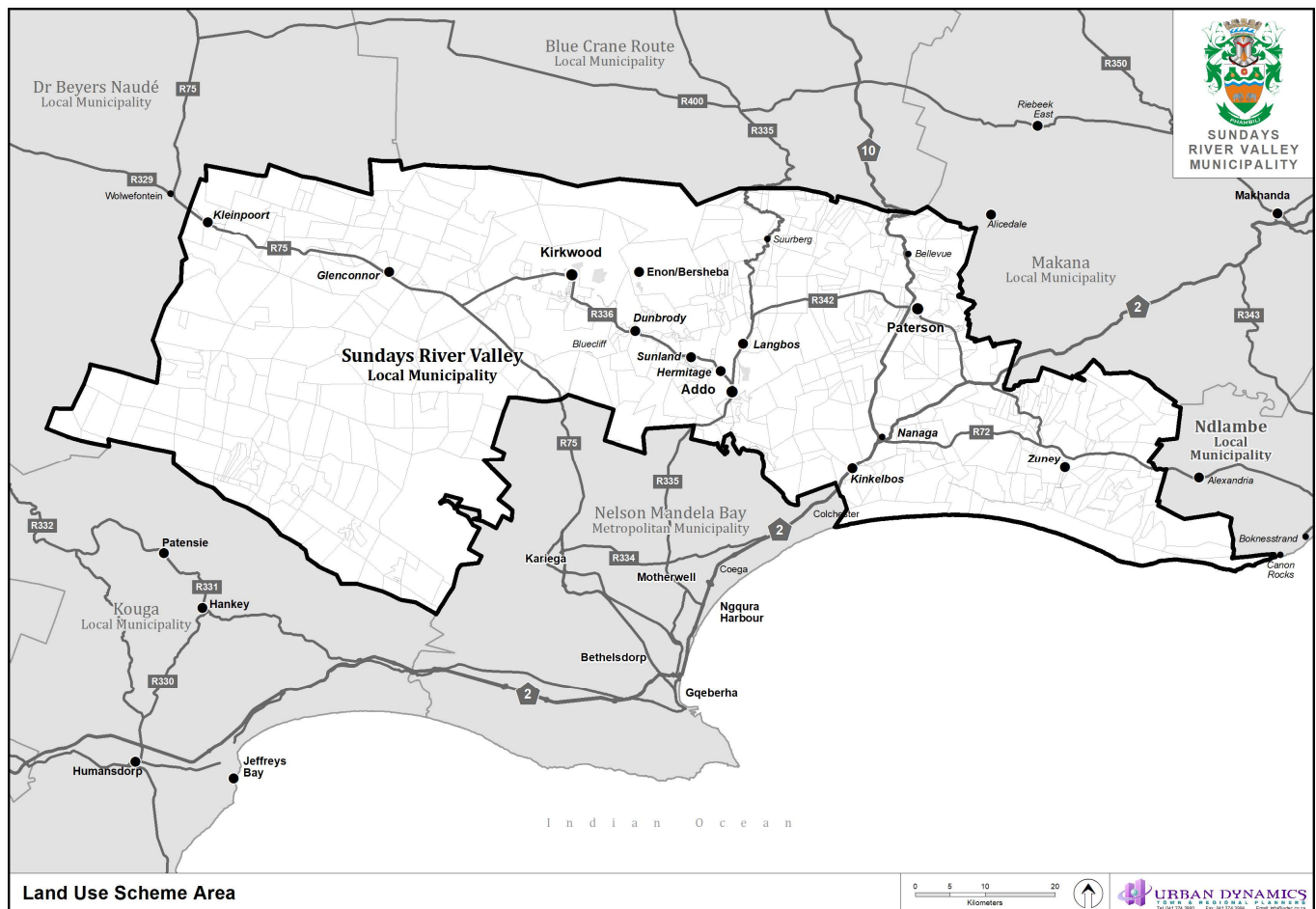
- (3) Subject to the provisions of this regulation the Municipality may authorise the display of any particular type of advertisement, subject to any conditions pertaining to the place, manner, or period of the display of the advertisement.

70. Determination of Natural Ground Level

- (1) The Municipality may request the submission of a registered land surveyor's certificate to determine the natural ground level before any construction activities may commence.
- (2) Where the level of the land has been altered with the approval of the municipality—
 - (a) any grading for the purpose of development must connect evenly with the existing levels of abutting land units; and
 - (b) the municipality may approve the altered ground level to be the natural ground level.
- (3) Where it is not possible to determine the natural ground level due to irregularities or disturbances of the land, the Municipality may
 - (a) determine the natural ground level from measurements supplied on a building plan; or
 - (b) deem a level to be the natural ground level based on measurements interpolated from a contour plan, local height benchmark or other information held by the Municipality; or
 - (c) require the owner or applicant to commission a registered surveyor to measure levels of the ground or interpolate levels, in order to provide the Municipality with sufficient information so that it can determine the natural ground level for the purpose of administering this zoning scheme bylaw;
- (4) Where it is not possible to determine the natural ground level due to irregularities or disturbances of the land, the Municipality may.

CHAPTER 8 : SCHEDULES

Schedule 1 : Land Use Scheme Area





Schedule 2 : Notice of Adoption & Commencement

Schedule 3 : Zoning Transition Table

The comparable zoning table indicates zonings as per the Zoning Schemes applicable before the introduction of the Sundays River Valley Land Use Scheme and the associated zoning in this Land Use Scheme. This table should be used as a guide only and the determination of zoning should be done in terms of the Sundays River Valley Land Use Scheme.

SUNDAYS RIVER VALLEY LAND USE SCHEME			PREVIOUS ZONING SCHEME
Zoning		Primary Use	Section 8
AGRICULTURE	Agriculture Zone	Agriculture	- Agriculture Zone I - Agriculture Zone II
RESIDENTIAL	Residential Zone 1	Dwelling Unit	- Residential Zone I - Informal Residential
	Residential Zone 2	Group Housing	- Residential Zone II - Residential Zone III
	Residential Zone 3	General Residential Building	- Residential Zone IV - Residential Zone V
BUSINESS & COMMERCIAL	Business Zone 1	- General Business - General Residential Building	- Business Zone I - Business Zone IV - Business Zone V
	Business Zone 2	- Office - Shop	- Business Zone II - Business Zone III
INDUSTRIAL & MINING	Industrial Zone 1	Industry	Industrial Zone I
	Industrial Zone 2	- Industry - Noxious Use	Industrial Zone II
COMMUNITY	Community Zone 1	Place of Instruction	Institutional Zone I
	Community Zone 2	- Place of Assembly - Place of Worship	Institutional Zone II
	Community Zone 3	Institution	Institutional Zone III
AUTHORITY	Authority Zone	Authority Use	Authority Zone
OPEN SPACE & CONSERVATION	Open Space Zone 1	Public Open Space	Open Space Zone I
	Open Space Zone 2	Private Open Space	Open Space Zone II
	Open Space Zone 3	Nature Reserve	Open Space Zone III
TRANSPORT	Transport Zone 1	- Public Roads & Parking - Transport Use	- Transport Zone I - Transport Zone II - Transport Zone III
	Transport Zone 2	Private Roads & Parking	
RESORT	Resort Zone	Holiday Accommodation	- Resort Zone I - Resort Zone II



SUNDAYS RIVER VALLEY LAND USE SCHEME			PREVIOUS ZONING SCHEME
Zoning		Primary Use	Section 8
SPECIAL	Special Zone	• Special Use	• Special Zone
UNDETERMINED	Undetermined Zone	• Existing Buildings and Uses	• Undetermined



Schedule 4 : Register of Amendments to the Land Use Scheme

The following change in land uses have been approved in terms of the Sundays River Valley Land Use Scheme.

Property Description	Resolution and Reference Number	Use and Zoning	Commencement Date

A detailed electronic register must be kept with the following fields :

- SG Code
- Allotment
- Property Type (Erf / Farm)
- Erf Number
- Farm Number
- Farm Portion
- Existing Zoning
- Application Type & By-law Reference
- SDF Reference
- Application Date
- Application File Reference
- Applicant Name
- Applicant Contact Details
- Decision Making Authority"
- Decision Date
- Decision
- Land Uses Approved
- Info Captured From

**Schedule 5 : Special Uses**

The following special use zones have been approved in terms of the Sundays River Valley Land Use Scheme.

Reference	Erf Number / Description	Resolution and Reference Number
1		
2		
3		
4		
5		
6		



Schedule 6 : Temporary Uses

The following temporary uses have been approved in terms of the Sundays River Valley Land Use Scheme.

Property Description	Resolution and Reference Number	Temporary Use	Commencement Date	End Date



Schedule 7 : Overlay Zones

The following overlay zones have been approved in terms of the Sundays River Valley Land Use Scheme.

Overlay Zone Name and Description	Resolution and Reference Number	Commencement Date

Schedule 8 : Height Determination

